



# **SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009**

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

*July 3, 2020*

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**BYLAW AMENDMENTS**

<b>Bylaw #</b>	<b>Amend. # / Yr.</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal Description Zoning</b>
2226	1/10	May 4/12	Sweetwater/Marcer Ranching Ltd.	<b>Text &amp; Map Amendment</b>
2392	2/12	Dec 7/12	Miscellaneous Amendments / RDEK	<b>Text Amendment</b>
2411	3/12	Feb 1/13	Campgrounds / RDEK	<b>Text Amendment</b>
2619	4/15	Nov 6/15	Density Averaging / RDEK	<b>Text Amendment</b>
2654	5/15	Jul 3/20	Miscellaneous / RDEK	<b>Text Amendment</b>
2921	6/19	Jun 7/19	Sweetwater / KV Properties Inc.	Part of Lot 2, DL10348, KD, Plan EPP14443 <b>C-1 to R-1(B)</b>
2974	7/19	Jul 3/20	Sweetwater / KV Properties Inc.	Part of Lot 2, DL 10348, KD, Plan EPP14443 <b>C-1 to R-1(B)</b>

## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. 2127

A bylaw to regulate development under Part 26 of the *Local Government Act* within a portion of Electoral Area B of the Regional District of East Kootenay.

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**WHEREAS** the Board of the Regional District of East Kootenay wishes to ensure that land use and development in SweetWater takes place in an orderly, safe and efficient way;

**AND WHEREAS** the Board of the Regional District of East Kootenay consider that a floodplain management bylaw will help to reduce future exposure to risk and to reduce the amount of damage to structures and property due to flooding;

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

#### **PART 1 – TITLE**

**1.01** This Bylaw may be cited for all purposes as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009”.

#### **PART 2 – ADMINISTRATION AND ENFORCEMENT**

##### **2.01 ADMINISTRATION**

The Manager of Planning and Development Services, Manager of Building and Protective Services, and Bylaw Enforcement Officer, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and enter any premises at any time to determine whether the regulations of the Bylaw are being complied with.

##### **2.02 VIOLATION AND PENALTY**

Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding \$10,000 and the costs of prosecution.

##### **2.03 SEVERABILITY**

If a portion of this Bylaw is found invalid by a court, then it will be severed and the remainder of the bylaw will remain in effect.

#### **PART 3 – INTERPRETATION**

##### **3.01 SCHEDULES AND APPLICATION**

The following schedules are attached to and form part of this Bylaw:

A, A1, B, B1, B2, C and C1

##### **3.02 MEASUREMENTS AND CALCULATIONS**

- (1) Numerical quantities are written in the International System of Units (metric).
- (2) Where a *parcel* contains more than one zone:
  - (a) Each different zone will be treated as a separate *parcel* for the purpose of calculating minimum *parcel* size, maximum *parcel* coverage and *setbacks*.
  - (b) All *principal* and *accessory buildings, structures* and uses must be located within the zone for the *building, structure* or use.

- (3) Side *setback* requirements do not apply to the *parcel line* along which a *common wall* is located.
- (4) All requirements that involve measurements and calculations apply to a bare land strata *parcel* in the same way as to any other *parcel*.
- (5) Where access to a *parcel* is provided by a *common lot*, all measurements and calculations relating to *parcels* gaining access from the *common lot* apply in the same way as though access were provided from a *highway*.

### 3.03 DEFINITIONS

In this Bylaw:

**ACCESS ROUTE** means those portions of the common property in a bare land strata plan intended to provide vehicular access to the strata lots in the bare land strata plan.

**ACCESSORY** means customarily incidental and subordinate.

**ACCESSORY BUILDING** means:

- (a) a detached *building* the use or intended use of which is *accessory* to that of the *principal building* situated or intended to be situated on the same *parcel*; or
- (b) a *building* which is *accessory* to a *principal* use being, or intended to be made of the *parcel* upon which such *building* is to be located;

but without limiting the foregoing, does not include a *recreational vehicle*, *park model trailer* or a tent.

**ACCESSORY USE** means:

- (a) a use which is *accessory* to the *principal building* or the use of the *principal building* on the same *parcel*; or
- (b) a use which is *accessory* to the *principal use* made of the *parcel* upon which such accessory use is carried on.

**AGRICULTURAL LAND RESERVE** means a reserve of land established under the *Agricultural Land Commission Act*.

**ARTS, CRAFTS AND INSTRUCTIONAL SERVICE** means a photographer, arts and crafts service, artist, sculptor, wood craft, music instructor, teacher, tutor, furniture maker, clothing manufacturer, graphic designer, jeweller, composer, and sign maker.

**ASSEMBLY** means a use providing for the gathering of persons for religious, charitable, philanthropic, cultural, recreational, social, community, or educational purposes and includes churches, auditoriums, youth centres, seniors' centres, social halls, community halls, but excludes conference and convention facilities.

**BASEMENT** means a *storey* or storeys of a *building* located below the *first storey* and having a vertical distance of not less than 2.0 m between the floor and ceiling. *Basements* shall not be located below the *basement* suitability elevation of 753.5 m.

**BED AND BREAKFAST** means a *home based business* which provides not more than four rooms for the accommodation of sleeping purposes and the serving of breakfast only to transient paying guests carried on in a *single family dwelling*.

**BILLBOARD** means any exterior *structure* displaying material of a general advertising nature which exceeds 8.9 m<sup>2</sup>.

**BOAT STORAGE** means the storage of boats or watercraft within an enclosed *building* or *structure*.

**BUILDING** means a *structure* used or intended for supporting or sheltering any use or occupancy.

**BUSINESS SERVICE** means word processing, secretarial, courier/transport service, bookkeeping, and consulting.

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**CAMPGROUND** means an area of land designated and intended for the placement of tents, *recreational vehicles*, *park model trailers*, or *cottages*. A *campground* includes any *parcel* of land with any combination of 3 or more tents, *recreational vehicles*, *park model trailers* or *cottages* placed on it, occupied seasonally. A *campground* does not include a *manufactured home park*, a *motel*, or a *hotel*.

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**CAMPSITE** means an area in a *campground* used or intended to be used, leased or rented for seasonal occupancy of tents, *recreational vehicles*, *park model trailers* or *cottages*.

**CARE AND ASSISTANCE** means necessary health care and assistance required by a relative as certified in writing by a physician.

**CHILD CARE FACILITY** means a facility for the care of children licensed under the *Child Care Licensing Regulation* and is limited to the care of 8 or fewer children at any one time.

**COMMON LOT** means a *parcel* that is designated as such on a plan of subdivision under BC Reg. 339/79 and used to gain access to an adjoining *parcel*.

**COMMON WALL** means a vertical or horizontal *structure* separating two *dwelling units* and is common to and forms part of the *structure* of the *dwelling units*.

**COMMUNITY SEWER SYSTEM** means a system of sewage collection, treatment and disposal where the treatment method serves more than one parcel and is

- (a) Approved under the Sewerage System Regulation (B.C. Reg. 326/2004); or
- (b) Approved under the Municipal Sewage Regulation (B.C. Reg. 129/99);

AND which is established and operated under the *Health Act* and regulations or *Environmental Management Act* and regulation or other provincial legislation that may apply.

**COMMUNITY WATER SYSTEM** means a system of waterworks serving more than one parcel that is owned, operated and maintained by a local government or improvement district as defined by the *Local Government Act*, or a Strata corporation as defined by the *Strata Property Act*, or a water utility, as defined by the *Water Utility Act*;

AND for systems owned, operated and maintained by a Strata corporation or private water utility for which a Certificate of Public Convenience and Necessity (CPCN) has been issued by the Comptroller of Water Rights for the Ministry of Environment;

AND which is approved under the *Drinking Water Protection Act* and any other provincial regulations that may apply.

**COMPUTER AND ELECTRONIC SERVICE** means computer service, programming, consulting, software engineering, computer hardware repair, electronic service and repair.

**CONCESSION STAND** means a facility for the sale of souvenirs, takeout foods, and related sundries.

**CORNER PARCEL** means a *parcel* at the intersection of two or more *highways*.

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**COTTAGE** means a *building* that includes sleeping facilities and may include cooking and sanitary facilities for the occupants of the *cottage*. *Cottages* are located in *campsites* within a *campground* and must not be occupied on a year round basis. A *cottage* is not a *dwelling unit*.

**DERELICT VEHICLE** means any *vehicle* no longer in roadworthy condition, in a state of disrepair, wrecked or being dismantled but does not include *vehicles* stored in *buildings* or *vehicles* used for commercial purposes on land zoned for commercial use in this Bylaw.

**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. Where the flow of a large *watercourse* is controlled by a major dam, the *designated flood* shall be set on a site specific basis.



**DESIGNATED FLOOD LEVEL** means the observed or calculated elevation for the *designated flood*, which is used in the calculation of *flood construction level*.

**DWELLING UNIT** means a *habitable room* or group of *habitable rooms* occupied or designed to be occupied by one or more persons, with facilities for living, sleeping, and not more than one *kitchen*.

**EATING ESTABLISHMENT** means a *building* or facility where food and beverages are prepared and served on the premises or on designated outdoor seating areas and includes restaurants, cafes, cafeterias, take-out restaurants and *neighbourhood pubs*.

**FAMILY** means an individual, or two or more persons related by blood, marriage, common law relationship, adoption, or foster parenthood; or not more than 5 unrelated persons sharing one *dwelling unit*.

**FARMERS MARKET** means an open-air market for the selling of fresh fruits, vegetables, prepared foods, and arts and crafts.

**FENCE** means an artificially constructed barrier of any material or combination of materials erected to enhance, enclose, separate or screen areas of land.

**FINISHED GRADE** means the finished ground level at the perimeter of the *building* or *structure*, except that localized depressions such as for vehicle or pedestrian entrances need not be considered. Artificial embankments shall not be considered *finished grade*.

**FIRST STOREY** means the uppermost *storey* having its floor level no more than 2.0 m above natural grade.

**FISH POND** means a commercial enterprise where people pay the operator a fee to fish in a body of water.

**FLOOD CONSTRUCTION LEVEL** or **FLOOD LEVEL** means a *designated flood level* plus an allowance for *freeboard*, or where a *designated flood level* cannot be determined, a specified height above the *ordinary high water mark*, *normal full pool elevation*, natural ground elevation, or any obstruction that could cause ponding.

**FLOODPLAIN** means an area, which is susceptible to flooding from a *watercourse*, lake or other body of water and that which is designated in Schedule B of this Bylaw.

**FLOODPLAIN SETBACK** means the required minimum distance from the *ordinary high water mark* of a *watercourse*, lake, or other body of water or the *normal full pool elevation*, 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.

**FREEBOARD** means a vertical distance added to a *designated flood level*, used to establish a *flood construction level*.

**FRONTAGE ROAD** means that length of *highway*, which runs parallel to and abuts a controlled access *highway* on one side and provides access to *parcels* on the other side.

**GOLF CART** means an electrically powered small *vehicle* designed to transport passengers short distances at speeds less than 25 km per hour.

**GOVERNMENT SERVICES** means local, provincial or other government services including office uses for the purpose of government administration.

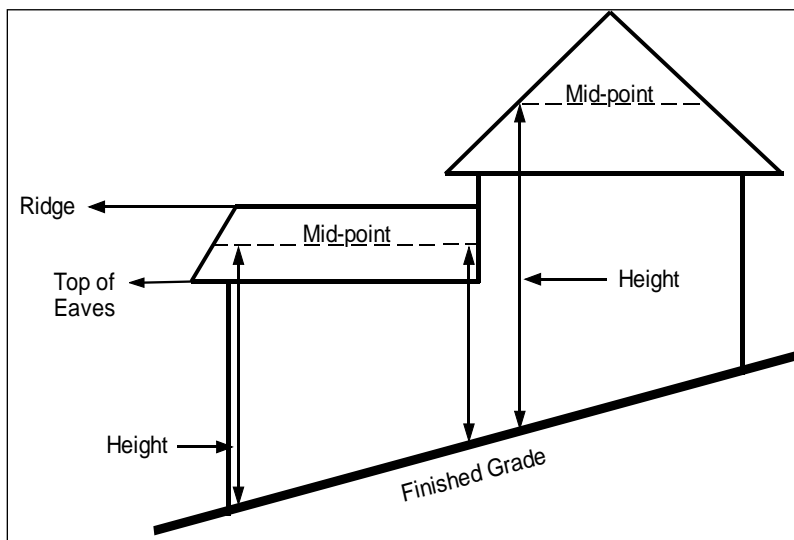
**GROSS FLOOR AREA** means the space on all *storeys* of a *building* between exterior walls and required firewalls, excluding *basement* floor areas used exclusively for storage, heating or laundry facilities, any portion used for parking, swimming pools, open *sundecks*, balconies, exits and vertical services space.

**GUEST HOUSE** means an *accessory building* having a *gross floor area* less than 50 m<sup>2</sup> containing a maximum of two sleeping units which is neither intended nor occupied year round.

**HABITABLE AREA** means any space or room that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater.

**HABITABLE ROOM** means a room designed for living or sleeping, but does not include a bathroom, *kitchen*, storage room, laundry room, utility room or closet.

**HEIGHT** means the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. *Height* is shown on the diagram below.



**HEALTH AND SOCIAL SERVICE** means a doctor, dentist, psychiatrist, physiotherapist, psychologist, chiropractor, massage therapist, naturopath, acupuncturist, *child care facility*, babysitting, and family counseling.

**HIGHWAY** means a *highway* as defined in the *Land Title Act*, but excludes a walkway or *common lot access route*.

**HOME BASED BUSINESS** means an occupation, service, or craft which is clearly *accessory* to the use of a *dwelling unit* used for residential purposes or residential use of a *parcel* on which a *dwelling unit* is located and includes:

- *Professional office;*
- *Health and social service;*
- *Personal care business;*
- *Business service;*
- *Arts, crafts, and instructional service;*
- *Trade business;*
- *Computer and electronic service;*
- *Bed and Breakfast.*

**HOTEL** means a *building* or part wherein accommodation is provided for transient lodgers. Entrance and exit ways are shared and the *building* may include public areas such as a lobby, restaurant, meeting, entertainment and recreation facilities.

**KITCHEN** means a room or portion of a room in a *dwelling unit* which contains one or more of the following cooking appliances: 220 volt stove, gas stove, countertop stove, wall oven, woodstove.

**LANE** means a *highway* not less than 3 m nor more than 10 m in width, providing secondary access to any abutting *parcel* so that the *parcel* may be serviced or reached by vehicles using that *highway*. A *lane* is not a half road.

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

**MARINA** means the use of land, buildings, structures and the surface of water for the provision of *moorage* facilities for boats, *boat storage*, boat launching, *launching ramps*, the sale of marine fuels, marine supplies and fishing equipment, minor repairs to boats and marine engines, and the rental of boats.

**MANUFACTURED HOME** means any *structure*, whether ordinarily equipped with wheels or not, that is designed, constructed, or manufactured to be moved from one place to another by being towed or carried on its own chassis, and which contains one *dwelling unit*. A *recreational vehicle* or *park model trailer* is not a *manufactured home*.

**MOORAGE** means the tying, fastening or securing of a boat to a buoy or dock.

**MULTIPLE FAMILY DWELLING** means a *building* containing three (3) or more *dwelling units*.

**NATURAL BOUNDARY** means:

- The top of bank of the shoreline sloping down into the Lake, where the shoreline slope is stable. A stable shoreline slope is defined as not being affected by any erosion occurring on the shoreline from rapid draw-down of the Lake; or
- Where the shoreline slope is not stable or is too steep, and therefore is likely to erode with rapid draw-down of the Lake levels in the future, then the *natural boundary* should be assessed as the predicted top of bank of the shoreline, assessed by superimposing a stable shoreline slope on the natural existing steep slope, to take into account erosion and shifting back of the top of slope; or
- If fill is placed adjacent to the Lake, with a stable shoreline slope down to the Lake, then the top of bank of the fill should be the *natural boundary*; or
- Where the shoreline is not sloping down into the Lake, but is at approximately the same elevation as the *normal full pool elevation* of 749.50 m, the Lake boundary should be set at 10 m back when the lake is at a level of 749.50 m;

as shown on Schedule B1 of this Bylaw.

**NEIGHBOURHOOD PUB** means an establishment licensed to serve liquor in conjunction with live entertainment, dancing and may offer full lunch and dinner service.

**NORMAL FULL POOL ELEVATION** means an elevation of 2459 feet National Geodetic Vertical Datum (NGVD) or 749.50 m as determined by the US Army Corps of Engineers.

**OFF PREMISE SIGN** means any *sign* which contains *third party advertising*.

**OFF-STREET LOADING SPACE** means an area of land other than a *highway* used to provide access to a loading door, platform or bay serving a *building* or *structure* for the purpose of loading and unloading *vehicles*.

**OFF-STREET PARKING SPACE** means an area of land other than a *highway* used for the temporary storage of *vehicles* or *golf carts*.

**ORDINARY HIGH WATER MARK** means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark upon the soil of the bed of the 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.

**OUTDOOR STORAGE** means an area outside an enclosed *building* where material and equipment used by or associated with the *principal use* of the same or adjoining *parcel* are kept.

**PAD** means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a *manufactured home*, or a concrete *pad* for supporting a *habitable area*.

**PANHANDLE PARCEL** means any *parcel*, the *building* area of which is serviced and gains frontage through the use of a strip of land not less than 6 m in width, which is part of the *parcel* and is referred to as an access strip.

**PARCEL** means any lot, block or other area in which land is held or into which it is subdivided, but does not include a *highway*.

**PARCEL AREA** means the total amount of land registered under a legal land title.

**PARCEL COVERAGE** means the total horizontal area within the outermost walls of *buildings* and *structures* on a *parcel* including all attached porches, carports, *sundecks* or verandas but excluding open and enclosed terraces at grade, swimming pools, steps, cornices, eaves and similar projections, and solar energy collectors, expressed as a percentage of *parcel area*.

**PARCEL LINE** means a legal boundary of a *parcel* as shown or described on the records of the Land Title Office.

**PARCEL LINE, EXTERIOR SIDE** means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to a *highway*.

**PARCEL LINE, FRONT** means one of the following:

- (a) the line or cumulative lines common to a *parcel* and an abutting *highway*;
- (b) the *parcel line* or *parcel lines* having the shortest cumulative length abutting a *highway*;
- (c) the line or cumulative lines to which the majority of adjacent *buildings* face where the *front* and *rear parcel lines* both adjoin a *highway*;
- (d) in the case of a *panhandle parcel*, the *parcel line* closest to the *highway* from which access is obtained, excluding the access strip.

**PARCEL LINE, INTERIOR SIDE** means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another *parcel* or *parcels*.

**PARCEL LINE, REAR** means the *parcel line* or *parcel lines* opposite to and most distant from the *front parcel line*; or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, it is the point of such intersection.

**PARCEL LINE, SIDE** means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another *parcel* or *parcels* or to a *highway*.

**PARK** means open space set aside for recreational purposes or maintained for the use and enjoyment of the public and includes federal, provincial, regional and local *parks*, ecological, archaeological and historic sites. A *park* may include land owned or leased by a club, society, or organized group for recreational use by its members, but does not include a commercial amusement park. A *park* may also include land owned and managed by a community association or a registered non-profit association.

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**PARK MODEL TRAILER** means either a recreational unit designed to meet CSA Z-240 RV standards and which is not connected to wheels that can be used for conveyance on or off the *highway*, or a recreational unit designed to meet CSA Z-241 standards. *Park model trailers* are used for temporary or seasonal occupancy in a *campground*.

**PERSONAL CARE BUSINESS** means barber, beautician, cleaning service, pet grooming, caterer, wedding planner, travel consultant, disc jockey service, entertainment service, and home party business.

**PERSONAL SERVICE** means a business catering to the needs of the general public including but not limited to barber shop and beauty salons, minor electrical appliance repair, financial institution, photography studio, shoe repair, ticket and travel agency, insurance agency, pet shop, and pet grooming.

**PRINCIPAL BUILDING** means an existing or proposed *building* in which or in relation to which the permitted *principal uses* are concentrated.

**PRINCIPAL USE** means the main purpose for which land, *buildings* or *structures*, are ordinarily used.

**PROFESSIONAL OFFICE** means the office of, but is not limited to, an accountant, agrologist, architect, draftsman, engineer, financial service, forester, lawyer, land use planner, real estate agent, and marketing and advertising agents.

**PUBLIC UTILITY USE** means a use, including *buildings* and *structures*, providing water supply, sewage collection and disposal, electricity, natural gas distribution facilities, telephone, radio and television broadcasting, transmitting and receiving and similar services. *Public utility use* does not include *wireless communication facilities*.

**QUALIFIED PROFESSIONAL** means a professional engineer or professional geoscientist with experience or training in geotechnical study and geohazard assessments.

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**RECREATIONAL VEHICLE** means a *vehicle* which is or was originally designed to travel or to be transported on a *highway* and constructed or equipped to be used as temporary living or sleeping quarters for seasonal occupancy, or a *vehicle* which is designed as a recreational conveyance on or off the *highway* and, without limiting the generality of the foregoing, includes a trailer, travel trailer, tent trailer, coach, camper, motor home, but not a *manufactured home* or *park model trailer*. *Recreational vehicles* must be connected to wheels that can be used for conveyance on or off the *highway*.

**RECREATIONAL VEHICLE PARK** is repealed by Bylaw 2411 adopted Feb 01/13.

**RECREATIONAL VEHICLE SPACE** is repealed by Bylaw 2411 adopted Feb 01/13.

**RECREATIONAL WATER ACTIVITY** means activities that are conducted on or beneath the surface of a water body and includes, but are not limited to, activities such as boating, swimming, fishing and wind surfing.

**RECYCLING DEPOT** means an establishment involved in the recycling of post consumer refuse such as glass, paper, cardboard and containers, with most activities carried out in a *building* but also including outdoor processing and storage. A *salvage yard* is not considered a *recycling depot*.

**REGIONAL DISTRICT** means the Regional District of East Kootenay.

**RELATIVE REQUIRING CARE** means a father, mother, father-in-law, mother-in-law, son, daughter, sister, brother, grandchild, grandparent, and great grandparent *requiring care* and assistance. The relatives listed include those associations through a common-law or same-sex relationship.

**SALVAGE YARD** means an open area where waste or scrap material, primarily metals, are stored, processed, exchanged or sold.

**SCHOOL** means a place of instruction as defined by the *School Act*.

**SCREEN** means a fence, berm, hedge, vegetation, wall or combination thereof that obstructs certain views of the property which it encloses and is broken only by access drives, *lanes* and walkways.

**SECONDARY SUITE** means an additional *dwelling unit* having a total floor space of not more than 90 m<sup>2</sup> nor 70 m<sup>2</sup> when located within a detached garage, and which is less than 40% of the habitable floor space of the *building* when contained within a *single family dwelling*. It may not be located in a *single family dwelling* that is:

- a *manufactured home*;
- an addition to a *manufactured home*;
- an *accessory dwelling unit* in the P-2 zone.

**SETBACK** means the horizontal distance measured from an exterior wall of the *building* or *structure* to a *parcel line* or *common lot* access.

**SIGN** means any *structure* or device which is used or intended to be used to identify or advertise any object, product, place, activity, person, institution, organization or business and which is placed so as to be seen by the public.

**SINGLE FAMILY DWELLING** means a *building* containing one *dwelling unit* and may contain one *secondary suite* where permitted.

**SOLAR ENERGY COLLECTOR** means a device or *structure*, part of a device or *structure*, or a combination of the foregoing that converts direct or indirect solar energy into thermal, chemical or electrical energy.

**SOLID WASTE FACILITY** means a site designed, constructed and operated for the collection, processing, transferring or disposal of the solid waste stream or components thereof, including, but not limited to transfer stations, material recycling facilities, composting facilities, landfills and disposal facilities; and which is approved by the Ministry of Environment.

**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 and maintained by an ongoing authority such as a local government body.

**STOREY** means that portion of a *building* which is between the top of any floor and the bottom of the floor above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**STRUCTURE** means anything built, placed or constructed that is fixed to, sunk into or supported by the soil or another *structure*, excluding *fences*, concrete footings, paved surfaces and retaining walls less than 1.5 m in height.

**SUNDECK** means a *structure* without walls attached to a *building*, the floor of which is greater than 0.6 m above *finished grade*.

**THIRD PARTY ADVERTISING** means *sign* content which directs attention to products sold or services provided which are not the principal products or services provided on the premises at which the *sign* is located.

**TRADE BUSINESS** means plumber, electrician, cabinet maker, welder, machinist, gunsmith, property maintenance, upholsterer, small appliance repair, motor vehicle repair, building contractor and logging contractor.

**USABLE SITE AREA** means a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rock fall, flooding or high water table hazard.

**VEHICLE** means a mechanical device which is designed to transport people or things across the surface of land or upon a *highway*, but excludes a device designed to be moved by human power or used exclusively on stationary rails or tracks.

**WATERCOURSE** means any natural or man-made depression with well defined banks and a bed 0.6 m or more below the surrounding land, serving to give direction to a current of water at least six months of the year, or having a drainage area of more than 5 km<sup>2</sup> or more.

**WIRELESS COMMUNICATION FACILITY** means the components required for the operation of a wireless communication network, which includes cell sites, radio towers, television broadcasting, transmitters, receivers and accessory unoccupied equipment shelters.

**WRECKING AND REPAIR OF VEHICLES** means the disassembly of *vehicles*, derelict or otherwise, into component parts and the construction, care and maintenance of ordinary or otherwise special status *vehicles*, other than in an enclosed *building*. This definition does not include the repair and maintenance of *vehicles* regularly used by the *family* residing on the *parcel*, nor does it include a commercial activity which is in compliance with the definition of and regulation for a *home based business*.

**YARD** means the outdoor area of a *parcel* adjacent to a *building* or *structure* extending from an exterior wall of the *building* or *structure* to a *parcel line*.

**YARD, FRONT** means a *yard* extending across the full width of the *parcel* from the *front parcel line* to the exterior wall of a *building* or *structure*, measured at right angles to the *front parcel line*.

**PART 4 – ADOPTION**

**4.01 EFFECTIVE DATE OF BYLAW**

This Bylaw is in force from date of adoption.

READ a first time the 9<sup>th</sup> day of January 2009.

READ a second time the 9<sup>th</sup> day of January 2009.

READ a third time the 13<sup>th</sup> day of February 2009.

APPROVED by the Ministry of Transportation and Infrastructure

The 23<sup>rd</sup> day of February 2009.    *Signing Officer:*           *"L. Elder"*          

APPROVED by the Minister of Community Development the 1<sup>st</sup> day of April 2009.

ADOPTED the 3<sup>rd</sup> day of April 2009.

          *"Norman Walter"*            
CHAIR

          *"L. V. Crane"*            
MANAGER OF ADMINISTRATION

## SCHEDULE A LAND USE REGULATIONS

### PART 1 – GENERAL REGULATIONS

#### 1.01 DEVELOPMENT DENSITY

Despite the density provisions under section 1.18 and Part 4 of Schedule A of this Bylaw, the overall maximum density for principal *dwelling units* shall not exceed 7.4 *dwelling units* per hectare within the Bylaw area.

#### 1.02 CONFORMITY OF USES, BUILDINGS AND STRUCTURES

Within the area to which this Bylaw applies, no person may permit any *building, structure* or land to be used or occupied or any *building or structure* or part thereof to be erected, moved, altered or enlarged unless in conformity with all relevant provisions of this Bylaw and provisions of the *Local Government Act*.

#### 1.03 USE OF EXISTING PARCELS

*Parcels* existing at the time of the effective date of this Bylaw which do not conform with the *parcel area* requirements of this Bylaw may be used for any of the uses permitted in the zone in which they are located unless otherwise provided for in Part 4 of Schedule A, provided all other regulations of this Bylaw are complied with.

#### 1.04 PERMITTED USES IN ALL ZONES

The following uses are permitted in all zones:

- (1) The use of a *building* or part thereof as a polling station for a government election, referendum or census;
- (2) The use of a *building* or part thereof as campaign headquarters for political candidates;
- (3) Telephone booth;
- (4) *Highway* lighting fixture;
- (5) *Highway, access route, railroad*;
- (6) *Park*;
- (7) Heritage site and heritage and archaeological display sites;
- (8) Conservation area, recreation reserves and ecological reserves;
- (9) *Public utility use*.

#### 1.05 PROHIBITED USES

The following uses are prohibited in all zones:

- (1) Intensive agriculture is prohibited on all *parcels* not within the *Agricultural Land Reserve*;
- (2) The use of a *recreational vehicle* or *park model trailer* as a *dwelling unit* is prohibited;
- (3) *Salvage yards*;
- (4) *Third party advertising*.



## 1.06 OCCUPANCY DURING CONSTRUCTION

- (1) Despite the requirements of section 1.18 of Schedule A of this Bylaw concerning the number of *dwelling units* permitted on a *parcel*, during construction of a new *dwelling unit* or reconstruction of an existing *dwelling unit* on a *parcel* in the R-1(A), R-1(B), R-1(C), R-3, and C-1 zone, one additional *dwelling unit* or one *recreational vehicle* may be temporarily located on the *parcel* and occupied, provided:
  - (a) the owner holds a building permit for construction of a new *dwelling unit* or reconstruction of the existing *dwelling unit*;
  - (b) the additional *dwelling unit* conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of *dwelling units* permitted on a *parcel*;
  - (c) the *recreational vehicle* is situated in conformity with the regulations of the zone in which it is located;
  - (d) the sewage disposal system for the additional *dwelling unit* or *recreational vehicle* has been approved by the Ministry of Health or Ministry of Environment.
- (2) Upon occupancy of the new *dwelling unit* or reconstructed *dwelling unit*, the additional *dwelling unit* must be removed and the site therefore restored as nearly as possible to its condition prior to the construction or placement of the *dwelling unit*, or must be converted to an *accessory building or structure* subject to compliance with the applicable regulations of this Bylaw and disconnected from water and sewer systems;
- (3) A *recreational vehicle* permitted under subsection (1) must be disconnected from water and sewer systems and no longer occupied:
  - (a) upon occupancy of a new or reconstructed *dwelling unit*; or
  - (b) on expiry of the original *building permit* for the new *dwelling unit*, whichever occurs first.

## 1.07 SETBACK FROM CONTROLLED ACCESS HIGHWAY

- (1) Despite the *setback* requirements contained elsewhere in this Bylaw, the minimum *setback* from a *parcel line* abutting a controlled access *highway* is 22.0 m.
- (2) The *setback* from a controlled access *highway* does not apply to *parcels* served by a *frontage road*.

## 1.08 DEVELOPMENTS CROSSING PARCEL LINES

Where a person proposes to site a *building* or *structure*, and where more than one *parcel* of land is required to accommodate the *building* or *structure* or the services for that *building* or *structure*, a building permit for the *building* or *structure* will not be issued until:

- (1) the *parcels* are consolidated by plan of subdivision or by cancellation of interior *parcel lines*; or
- (2) a covenant under section 219 of the *Land Title Act* between the *Regional District* and the owner is registered in the Land Title Office against the titles of the *parcels* required for development, which would prevent the *parcels* from being sold or transferred separately.

### 1.09 HOME BASED BUSINESSES

A *home based business* must be in compliance with the following:

- (1) It must be conducted by members of the *family* residing in a *dwelling unit* on the same *parcel* and may be operated with the assistance of not more than two people who do not reside in a *dwelling unit* on the same *parcel*.
- (2) Except as permitted in clause (3), the *home based business* must be conducted wholly within a *dwelling unit* or *accessory building*, with no external storage of materials, containers or finished product, and no exterior evidence of the *home based business*, except for a *vehicle* or *vehicles* necessary for operating the *home based business*.
- (3) The provisions of subsection (2) do not apply where:
  - (a) the *parcel* on which the *home based business* is carried out is 2.0 ha or greater in area; and
  - (b) the *home based business* is carried out in other than the *front yard*.
- (4) Retail sales of products not produced on the premises are prohibited, except for sale of items *accessory* to the *home based businesses*, with the exception of those involving storage of goods only, in which case retail sales are prohibited.
- (5) The maximum number of clients or students for a *home based business* consisting of tutoring or teaching is 5 at a time.
- (6) Erection of *signs* is prohibited.
- (7) Part 3 of Schedule A of this Bylaw in respect to off-street parking requirements applies to every *parcel* used for a *home based business*.

### 1.10 ACCESSORY BUILDINGS AND STRUCTURES

- (1) No person may erect an *accessory building* or *structure* on any *parcel* in any residential zone unless the *principal building* to which the *accessory building* is an incidental use has been erected or will be erected simultaneously with the *accessory building*.
- (2) Where an *accessory building* or *structure* is attached to the *principal building*, it will be considered part of the *principal building*.

### 1.11 SITING OF BUILDINGS AND STRUCTURES

- (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for siting of *buildings* and *structures* specified in this Bylaw.
- (2) The following features may project into *setback* requirements as specified in the regulations of Part 4 of Schedule A of this Bylaw:
  - (a)

FEATURE	SITING REQUIREMENT
Steps	1.2 m (other than fire escapes)
Eaves, gutters, cornices, sills, bay windows, chimneys	50% of the required <i>setback</i> to a maximum of 1.0 m in the case of a <i>setback</i> from a <i>front parcel line</i> or <i>rear parcel line</i>
<i>Sundecks</i> , balconies, marquees, canopies	50% of the required <i>setback</i> to a maximum of 1.8 m in the case of a <i>setback</i> from a <i>front parcel line</i> or a <i>rear parcel line</i>
Marine gasoline service pumps	Minimum 4.5 m from all <i>parcel lines</i>
Swimming pool	Minimum 3.0 m from a <i>front parcel line</i> or <i>rear parcel line</i>

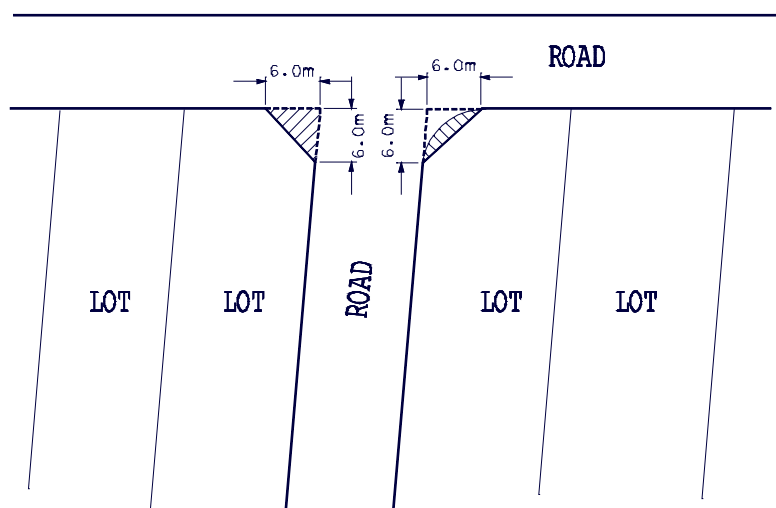
- (b) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.
  - (c) Arbours, trellises, *fish ponds*, ornaments, vegetation and similar landscape features.
  - (d) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, utilities, flag poles, *signs* and *sign structures*.
  - (e) Underground *structures* provided that the top surface of each *structure* must at no point extend above the finished ground elevation except for vent and fill pipes for underground storage tanks.
  - (f) Apparatus needed for the operation of active and passive solar energy systems including, but not limited to overhangs, movable insulating walls, shutters and roof detached *solar energy collectors*, reflectors and piping.
- (3) Regulations concerning siting of *buildings* or *structures* in Part 4 of Schedule A of this Bylaw do not apply to *fences*, *screens*, paved surfaces, retaining walls and *signs*, except that the provisions of section 1.13 of Schedule A apply.
  - (4) Despite the *setback* requirements in Part 4 of Schedule A of this Bylaw, the *setback* requirements for a *dwelling unit accessory* to a permitted use are the same as that for the *principal use* located on the *parcel*.
  - (5) Cantilevers are not permitted to project into *setback* requirements as specified in the regulations of Part 4 of Schedule A of this Bylaw.

#### 1.12 HEIGHTS OF BUILDINGS AND STRUCTURES

- (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for size and dimensions of *buildings* and *structures* specified in this Bylaw.
- (2) The height regulations of this Bylaw do not apply to church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, lighthouses, ventilators, flag poles, lighting poles, observation towers, *solar energy collectors*, and windmills.
- (3) Despite the height requirements required in Part 4 of Schedule A of this Bylaw, the maximum *height* of a *dwelling unit accessory* to a permitted use is:
  - (a) 9.0 m where the *dwelling unit* is a detached *dwelling unit*;
  - (b) The same as the maximum *height* for the *principal use*, where the *dwelling unit* is part of the *principal structure*.

#### 1.13 VISIBILITY AT INTERSECTIONS

No person may obstruct vision at an intersection on *corner parcels* by any means, including *buildings*, *structures*, *fences*, and *screens*, within a triangular area bounded by the two *parcel lines* adjacent to the *highway* right-of-way and a straight line joining each *parcel line* at a distance of 6.0 m from their point of intersection, as shown by the following diagram:



#### 1.14 SIGNS

The following types of *signs* are not permitted on any *parcel*:

1. Roof-mounted *signs* projecting above the highest point of the roof;
2. Freestanding *signs* of a height which exceeds 6.0 m;
3. *Billboards*;
4. Flashing and moving *signs*;
5. *Signs* which project beyond *parcel lines*;
6. *Off-premise signs*;
7. *Home based business signs*.

### 1.15 DWELLING FOR A RELATIVE REQUIRING CARE

Dwellings for a *relative requiring care* are not permitted within the Bylaw area.

### 1.16 FENCES AND SCREENING

- (1) The use of barbed wire or electric fencing is prohibited.
- (2) Height of *fences* and *screens* must be in accordance with the following:

ZONE	HEIGHT REGULATIONS
	<b>Maximum Height</b>
Residential zones	1.0 m
M-2	1.8 m in the <i>front yard</i> 2.4 m in the <i>rear yard</i>
P-2	1.6 m
P-3	1.6 m

- (3) All *outdoor storage* must be screened by a tight board *fence* or compact evergreen hedge or a combination thereof and must be of a uniform height. Items being stored must not exceed the height of such *screens*.
- (4) *Outdoor storage* is prohibited in all zones except the C-1 and M-2 zones.

### 1.17 STORAGE OF DERELICT VEHICLES

The *wrecking and repair of vehicles* and storage of *derelict vehicles* is prohibited.

### 1.18 MAXIMUM NUMBER OF DWELLING UNITS

On all parcels:

- (1) The maximum number of *principal dwelling units* permitted is:
  - (a) one *single family dwelling*; or
  - (b) *Section 1.18 (1)(b) is repealed by Bylaw 2654 adopted Jul. 3/20*
  - (c) one *single family dwelling* plus a *secondary suite*, subject to subsection (3) of this section; or
  - (d) as calculated using the permitted maximum densities as specified in Part 4 of Schedule A of this Bylaw for *multiple family dwellings*.
- (2) Where permitted as an *accessory use* in an Institutional zone, only once such *dwelling unit* is permitted.

- (3) In zones permitting a *guest house* the following is permitted:
- (a) one *single family dwelling* plus a *secondary suite*; or
  - (b) one *single family dwelling* plus one *guest house*.
- (4) A *building* must not be subdivided into strata lots if the number of strata lots created will exceed the maximum number of permitted *dwelling units*.

**1.19 RECREATIONAL VEHICLE PARKS** is repealed by Bylaw 2411 adopted Feb 01/13.

**1.19 CAMPGROUNDS**

- (1) Where *campgrounds* are permitted, the establishment, construction, extension, expansion, and operation of *campgrounds* shall comply with the requirements of the "Regional District of East Kootenay – Campground Bylaw No. 2403, 2012", as amended from time to time.

BL 2411  
01 Feb 13

**1.20 PLACEMENT OF RECREATIONAL VEHICLES**

- (1) *Recreational vehicles* may not be placed and occupied unless the *parcel* on which it is to be placed is located in a zone in which *campground* is a permitted use or the *recreational vehicle* is to be utilized for temporary occupancy as per subsection 1.06 of Schedule A of this Bylaw.

BL 2411  
01 Feb 13

**1.21 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS**

- (1) Temporary Commercial and Industrial Use Permits under section 921 of the *Local Government Act* will be considered throughout the Bylaw area.
- (2) An application for a Temporary Use Permit will be considered in relation to:
- existing land use;
  - surrounding land uses;
  - potential conflict with agricultural or resource based activities;
  - potential impacts on fish and wildlife;
  - provision of adequate servicing for water and sewage disposal;
  - protection of groundwater;
  - duration of the proposed temporary use;
  - access.

## PART 2 – PARCEL AREA REQUIREMENTS

### 2.01 PARCEL AREA

- (1) No *parcel* may be created unless it is of sufficient area to provide a site which may be used for one of the uses permitted in the zone in which it is located, having due regard for the provisions of this Bylaw concerning *parcel area* and *yard* requirements.
- (2) Subject to subsection (3) of this section and sections 2.02, 2.03 and 2.04 the *parcel area* requirements of Part 4 of Schedule A of this Bylaw will be the minimum area of *parcels* of land that may be created by subdivision under the *Land Title Act* or the *Strata Property Act*, except for strata lots sharing *common walls* in a *building*.
- (3) The *parcel area* requirements in Part 4 of Schedule A of this Bylaw, the *minimum usable site area* requirements of section 2.02 and subsection (4) of this section do not apply to:
  - (a) *Public utility use*;
  - (b) *Navigational aids*;
  - (c) *Solid waste facility*;
  - (d) *Parks*;
  - (e) *Surface parking lots*;
  - (f) *Access route*.
- (4) No *parcel* shall be created unless it is serviced by both a *community water system* and *community sewer system*.

#### 2.01(A) MINIMUM AVERAGE PARCEL AREA FOR BARE LAND STRATA SUBDIVISION

- BL 2619  
06 Nov 15
- (1) The minimum average *parcel area* is equal to the minimum *parcel area* found in Part 4 of Schedule A of this Bylaw.

### 2.02 MINIMUM USABLE SITE AREA

- (1) Subject to section 2.01 (3), all *parcels* must have a minimum *usable site area* of:
  - (a) 175 m<sup>2</sup> for *parcels* in the R-1(C) zone;
  - (b) 475 m<sup>2</sup> for all other *parcels*; and
  - (c) useable site area must have a minimum elevation of 750.11 m.
- (2) In cases where the minimum *parcel area* requirement is less than the minimum *usable site area* specified in subsection (1), the minimum *usable site area* shall be the same as the *parcel area* required.

### 2.03 REDUCTION OF PARCEL AREA REQUIREMENTS

- (1) The *parcel area* required in Part 4 of Schedule A of this Bylaw may be reduced where the proposed subdivision:
  - (a) consolidates two or more *parcels* into a single *parcel*, provided:
    - (i) it is impossible to meet the *parcel* requirements;
    - (ii) all parts of the new *parcel* are contiguous;
    - (iii) the proposed *parcel* has the minimum usable site area specified in section 2.02.
  - (b) involves *parcel line* adjustments provided:
    - (i) it is impossible to meet the *parcel area* requirements;
    - (ii) the proposed subdivision creates no more *parcels* for the land being subdivided than exist at the time of application;
    - (iii) all *parcels* meet the minimum *usable site area* specified in section 2.02;

- (iv) all *parcels* that meet the *parcel* area requirements prior to the *parcel line* adjustment are not reduced in size below the minimum *parcel* area for the zone in which they are located.
- (c) involves a *parcel* of land that is divided by an existing *parcel* or an existing constructed and registered *highway* or railway right-of-way, where the boundaries of that *parcel* or right-of-way will be boundaries of the proposed *parcel* provided:
  - (i) it is impossible to create a *parcel* on each side of the existing *highway* or right-of-way that meets the *parcel* area requirements;
  - (ii) the proposed *parcels* have the minimum *usable site area* specified in section 2.02;
  - (iii) the *highway* is not less than 20 m in width;
  - (iv) the *highway* is not a BC Forest Service Road.
- (d) involves a *parcel* of land that is not large enough to accommodate the proposed *parcels* and *highway* right-of-way provided:
  - (i) it is impossible to meet the *parcel* area requirements;
  - (ii) only one of the proposed *parcels* is smaller than the *parcel* area requirement;
  - (iii) the proposed smaller *parcel* is no more than 10% smaller than the *parcel* area requirement;
  - (iv) the proposed smaller *parcel* is not smaller than the minimum *usable site area* specified in section 2.02.
- (e) divides a *parcel* along a boundary line of a zone, provided the proposed *parcels* have the minimum *useable site area* as specified in section 2.02.
- (f) divides a *parcel* along a boundary line of the *Agricultural Land Reserve*, provided the proposed *parcels* have the minimum *usable site area* as specified in section 2.02.
- (g) involves a *parcel* which is divided by a topographic feature so severe that the divided portions of the *parcel* are not contiguous, provided:
  - (i) it is impossible to create a *parcel* on each side of the topographic feature that meets the *parcel* area requirements;
  - (ii) the proposed *parcels* have the minimum *usable site area* requirement as specified in section 2.02.

#### 2.04 PANHANDLE PARCELS

The access strip of a panhandle *parcel* will not be calculated as part of the required *parcel area*.

## PART 3 – PARKING AND LOADING REQUIREMENTS

### 3.01 GENERAL REQUIREMENTS

- (1) *Off-street parking spaces and off-street loading spaces for buildings and structures* must be provided in accordance with the provisions of this Bylaw except where the *buildings and structures* are intended to be accessed exclusively by hiking, walking, boat or aircraft.
- (2) Vehicular access to a *highway* is required for all *off-street parking spaces and off-street loading spaces*.
- (3) All parking areas, *off-street parking spaces*, and *off-street loading spaces*, for other than *single family dwellings* must not have a slope of more than 8%.
- (4) *Off-street parking spaces and off-street loading spaces* must not be used for driveways or display, sales or storage of goods.
- (5) When the calculation of the required number of *off-street parking or off-street loading spaces* results in a fractional number, one *off-street parking or off-street loading space* must be provided to meet the fractional requirement.
- (6) In cases of mixed uses, the total requirements for *off-street parking and off-street loading* will be the sum of the requirements for the various uses calculated separately unless otherwise permitted. Required *off-street parking spaces* for one use will not be considered as required *off-street parking spaces* for any other use.
- (7) *Off-street loading spaces* will not be credited as *off-street parking spaces*.
- (8) *Off-street parking spaces* will not be credited as *off-street loading spaces*.
- (9) A maximum of two *off-street parking spaces* must be provided for customers and clients of *home based businesses*, in addition to *off-street parking spaces* required for *dwelling units*. *Off-street parking spaces* must also be provided for all *vehicles* associated with *home based businesses*.
- (10) In addition to the requirements of the BC Building Code, all *off-street parking areas* containing more than ten but fewer than fifty-one *off-street parking spaces* must include a *minimum* of one of the *off-street parking spaces* for persons with disabilities. *Off-street parking spaces* for persons with disabilities must be located as close to the main entrance(s) of the *principal building* as possible.
- (11) For every three off-street parking spaces, one off-street parking space shall be dedicated for *golf cart* use in accordance with Section 3.03(7) of Schedule A of this Bylaw.
- (12) In addition to the residential parking requirement in section 3.02(4), *multiple family dwellings* with more than six *dwelling units* shall provide clearly marked “visitor” *off-street parking spaces* at a minimum ratio of 0.15 parking spaces per *dwelling unit*.
- (13) For the purposes of calculating *off-street parking spaces* for *multiple family dwellings*, a bedroom will be any room not otherwise identified as a *kitchen*, living room, bathroom, laundry room, utility room or closet.

### 3.02 REQUIRED OFF-STREET PARKING SPACES

- (1) Commercial and Marine Uses
  - (a) Boat storage, rental and sales - 1 per 30 m<sup>2</sup> of *gross floor area*
  - (b) Commercial office - 1 per 30 m<sup>2</sup> of *gross floor area*
  - (c) Marinas and moorage facilities - 1 space per 5 berths
- (2) Personal and Household Services
  - (a) Personal care businesses and personal services - 1 per 30 m<sup>2</sup> of *gross floor area*
- (3) Recreational Services



- (a) Places of assembly - 1 per 10 m<sup>2</sup> of *gross floor area*
- (b) Miniature golf course - 1 per hole plus 1 per 10m<sup>2</sup> of *gross floor area* not open to the public
- (c) Swimming pool - 1 per 4 m<sup>2</sup> of pool surface
- (d) Other sport and recreation clubs not classified elsewhere - 1 per 10 m<sup>2</sup> of *gross floor area* plus 4 spaces per court plus 1 per 4 player/person capacity for other sports or amusements

(4) Residential Uses

- (a) *Single family dwelling* - 2 per *dwelling unit*
- (b) *Section 3.02 (4)(b) is repealed by Bylaw 2654 adopted Jul. 3/20*
- (c) *Secondary suite/guest house* - 1 space
- (d) *Multiple family dwellings*
  - 0.75 per bachelor *dwelling unit*
  - 1 per 1-bedroom *dwelling unit*
  - 1.50 per 2-bedroom *dwelling unit*
  - 2 per 3 or more bedroom *dwelling unit*
- (e) *Bed and Breakfast* - 1 per room used by guests for sleeping accommodation

(5) Retail

- (a) General retail - 1 per 15 m<sup>2</sup> of *gross floor area*
- (b) *Farmer's market* - 1 per 20 m<sup>2</sup> of *gross floor area* or 1 per kiosk

(6) Service Industries

- BL 2411  
01 Feb 13
- (a) Accommodation services - 1 per *dwelling unit* plus 1 per *hotel room*, plus 1 per *campsite*
  - (b) *Eating establishments* - 1 per 3 seat capacity
  - (c) Education service industries
    - (i) Child care, preschools elementary - 1 per 50 m<sup>2</sup> of *gross floor area*
    - (ii) Senior secondary - 1 per 30 m<sup>2</sup> of *gross floor area*
    - (iii) Museums and archives - 1 per 40 m<sup>2</sup> of *gross floor area*

(7) Other

- (a) *Government services* - 1 per 35 m<sup>2</sup> of *gross floor area*
- (b) Health and social service industries - 1 per 35 m<sup>2</sup> of *gross floor area*
- (c) Community services and utilities - 1 per 30 m<sup>2</sup> of gross office use, plus 1 per 185 m<sup>2</sup> of *gross floor area* for all other uses enclosed within a *building*, plus one for every commercially licensed *vehicle* for that address

### 3.03 SIZE AND LOCATION OF OFF-STREET PARKING SPACES

- (1) Each required *off-street parking space* must be a minimum of 2.0 m in height, 2.7 m in width and 6.0 m in length exclusive of aisle access. For *marina* parking, each required *off-street parking space* must be a minimum of 3.5 m in width and 12.0 m in length. For parallel parking, the required length of each *off-street parking space* is 7.2 m except for end spaces which may be a minimum of 6.0 m in length.
- (2) Length and width of *off-street parking spaces* may be reduced to 4.6 m and 2.2 m respectfully for not more than 5% of the number of required *off-street parking spaces*, provided these spaces are clearly marked "small car only".
- (3) Minimum aisle widths must conform to the provisions of the following table:

<u>Angle of Parking Space to Aisle in Degrees</u>	<u>Minimum Width of Aisle</u>
up to 55	3.7 m
56 to 75	5.7 m
76 to 90	7.5 m

- (4) An aisle 6.0 m or less in width must be designed for and clearly marked as suitable for one-way traffic flow only.
- (5) All required *off-street parking spaces* for residential uses must be located on the same *parcel* as the residential use being served.
- (6)
  - (a) All required *off-street parking* for other than residential uses must be located not more than 120.0 m from the *parcel, building or structure* being served. Required *off-street parking* must be located on a *parcel* in the same zone as the *parcel* being served.
  - (b) Where some or all of the *off-street parking* is provided on a *parcel* other than that on which the use, *building or structure* being served is located, a covenant under section 219 of the *Land Title Act* must be registered in the Land Title Office in favour of the *Regional District* against the *parcel* to be used for parking, reserving the *off-street parking spaces* that are not on the same *parcel* as the use, *building or structure* that they are intended to serve, for as long as that use, *building or structure* exists.
- (7) All required *golf cart off-street parking spaces* must be a minimum of 1.8 m in width and 3.75 m in length exclusive of aisle access, and clearly marked "golf cart use only".

### 3.04 REQUIRED OFF-STREET LOADING SPACES

For all commercial, industrial and institutional uses	-	1 for the first 4000 m <sup>2</sup> of <i>gross floor area</i> plus 1 for remaining <i>gross floor area</i> over 4000 m <sup>2</sup> .
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### 3.05 SIZE AND LOCATION OF OFF-STREET LOADING SPACES

- (1) Each *off-street loading space* must be not less than 9.0 m in length, 3.5 m in width, and 4.0 m in height.
- (2) *Off-street loading spaces* must be located on the same *parcel* as the *building or structure* being served, but no part of an *off-street loading space* may be less than 7.5 m from the nearest point of intersection of any two *highways*.

## PART 4 – ZONES

### 4.01 ESTABLISHMENT OF ZONES

That portion of the Regional District of East Kootenay lying within the boundary of the area defined on Schedule A1 is divided into the following zones:

CATEGORY	ZONE TITLE	SHORT TITLE
Residential	Single Family Residential – Large Lot	R-1(A)
	Single Family Residential – Medium Lot	R-1(B)
	Single Family Residential – Small Lot	R-1(C)
	Multiple Family Residential – Medium Density	R-3
Commercial	Mixed Use Village Commercial	C-1
Marine	Marine - Restricted	M-1
	Marine - General	M-2
Recreational	Recreation Accommodation	RES-1
Institutional	Park and Open Space	P-2
	Public Works and Utility	P-3

### 4.02 ZONE BOUNDARIES AND SCHEDULES

The location and spatial extent of zones established by this Bylaw area as shown on the accompanying schedule, which is incorporated into and forms part of this Bylaw.

Where a zone boundary is shown as following a *highway* or creek, the centre line of such *highway* or creek will be the zone boundary.

If a *highway* is closed, the land formerly comprising the *highway* will be included within the zone of the adjoining land on either side of the *highway*. If the *highway* was a zone boundary, the new zone boundary will be the centre line of the former *highway*.

**4.03 SINGLE FAMILY RESIDENTIAL – LARGE LOT ZONE: R-1(A)****(1) Permitted Uses**

Within the R-1(A) zone, the following uses are permitted:

(a) *Single family dwelling.*

**(2) Accessory Uses**

(a) *Home based business;*

(b) *Secondary suite;*

(c) *Guest house;*

(d) *Uses, buildings and structures accessory to a permitted use.*

**(3) Regulations**

In the R-1(A) zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size:	1000 m <sup>2</sup>
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	6.0 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	3.0 m
▪ <i>interior side parcel line</i>	3.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings</i> and <i>Guest house</i>	7.0 m
	7.0 m
(d) Maximum <i>parcel coverage</i>	30%

**(4) Other Regulations**

(a) No horizontal dimension of a *principal building*, not including an addition or non rectangular *building* shall be less than 5.5 m.

**4.04 SINGLE FAMILY RESIDENTIAL – MEDIUM LOT ZONE: R-1(B)****(1) Permitted Uses**

Within the R-1(B) zone, the following uses are permitted:

(a) *Single family dwelling.*

**(2) Accessory Uses**

(a) *Home based business;*

(b) *Secondary suite;*

(c) *Uses, buildings and structures accessory to a permitted use.*

**(3) Regulations**

In the R-1(B) zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size:	570 m <sup>2</sup>
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i> adjacent to an <i>access route</i>	2.0 m
▪ <i>front parcel</i> adjacent to a <i>highway</i>	4.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	1.5 m
▪ <i>exterior side parcel line</i>	4.5 m
▪ <i>side parcel line</i> when abutting P-2 zone	5.0 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i> adjacent to an <i>access route</i>	2.0 m
▪ <i>front parcel line</i> adjacent to a <i>highway</i>	4.5 m
▪ <i>rear parcel line</i>	1.5 m
▪ <i>interior side parcel line</i>	1.5 m
▪ <i>exterior side parcel line</i>	4.5 m
▪ <i>side parcel line</i> when abutting P-2 zone	5.0 m
(c) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	7.0 m
(d) Maximum <i>parcel coverage</i> :	35%

**(4) Other Regulations**

(a) No horizontal dimension of a *principal building*, not including an addition or non rectangular *building* shall be less than 5.5 m

**4.05 SINGLE FAMILY RESIDENTIAL - SMALL LOT ZONE: R-1(C)****(1) Permitted Uses**

Within the R-1(C) zone, the following uses are permitted:

*Section 4.05 (1)(a) is repealed by Bylaw 2654 adopted Jul. 3/20 and substituted with the following:*

- (a) Single family dwelling

**(2) Accessory Uses**

- (a) Home based business;

- (b) Uses, buildings and structures accessory to a permitted use.

**(3) Regulations**

In the R-1(C) zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size:	225 m <sup>2</sup>
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i> adjacent to an <i>access route</i>	3.0 m
▪ <i>front parcel line</i> adjacent to a <i>highway</i>	4.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	1.5 m
▪ <i>exterior side parcel line</i>	4.5 m
▪ <i>side parcel line</i> when abutting P-2 zone	3.0 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i> adjacent to an <i>access route</i>	3.0 m
▪ <i>front parcel line</i> adjacent to a <i>highway</i>	4.5 m
▪ <i>rear parcel line</i>	1.5 m
▪ <i>interior side parcel line</i>	1.5 m
▪ <i>exterior side parcel line</i>	4.5 m
▪ <i>side parcel line</i> when abutting P-2 zone	3.0 m
(c) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	8.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum <i>parcel coverage</i> :	50%

BL 2654  
03 Jul 20

**(4) Other Regulations**

Within the R-1(C) zone:

- (a) A *single family dwelling* must have a *gross floor area* less than 93 m<sup>2</sup>;

- (b) *Basements* are prohibited.

**4.06 MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY ZONE: R-3**(1) Permitted Uses

Within the R-3 zone, the following uses are permitted:

- (a) *Multiple family dwelling.*

(2) Accessory Uses

- (a) *Home based business;*

- (b) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

In the R-3 zone, no *building or structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel size:	1000 m <sup>2</sup>
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line adjacent to an access route</i>	3.0 m
▪ <i>front parcel line adjacent to a highway</i>	4.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	3.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	3.0 m
▪ <i>interior side parcel line</i>	1.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	12.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum parcel coverage:	60%
(e) Maximum density:	62 dwelling units per

**4.07 MIXED USE VILLAGE COMMERCIAL ZONE: C-1****(1) Permitted Uses**

Within the C-1 zone, the following uses are permitted:

- (a) *Assembly;*
- (b) *Convenience food store, subject to subsection 4(d);*
- (c) *Eating establishment;*
- (d) *Farmers market;*
- (e) *Hotel;*
- (f) *Medical clinics;*
- (g) *Multiple family dwelling;*
- (h) *Museum;*
- (i) *Professional office;*
- (j) *Personal care business;*
- (k) *Personal service;*
- (l) *Retail store, subject to subsection 4(d);*

**(2) Accessory use**

- (a) *Uses, buildings and structures accessory to a permitted use.*

**(3) Regulations**

In the C-1 zone, no *building or structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel size</i>	300 m <sup>2</sup>
(b) Minimum <i>setbacks for all buildings and structures from:</i>	
▪ <i>Front parcel line adjacent to an access route</i>	0 m
▪ <i>front parcel line adjacent to a highway</i>	4.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	0 m
▪ <i>side parcel line adjacent to an access route</i>	3.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum <i>height for all buildings and structures</i>	12.0
(d) Maximum <i>parcel coverage</i>	75%
(e) Maximum <i>dwelling unit density</i>	50 <i>dwelling units per</i>



(4) Other Regulations

- (a) In *buildings* and *structures* containing commercial and residential uses, no more than 25% of the *gross floor area* of the *first storey* shall contain *dwelling units*.
- (b) In *buildings* and *structures* containing commercial and residential uses, all commercial uses must take place within the *first storey* or *basements* only.
- (c) Screening:
  - (i) All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.
  - (ii) All outdoor storage, marine-related equipment and refuse receptacle areas shall be screened in accordance with section 1.16 (3) of this Bylaw.
- (d) The maximum *gross floor area* for convenience food stores and retail stores shall not exceed 600 m<sup>2</sup>.

**4.08 MARINE – RESTRICTED ZONE: M-1**(1) Permitted Uses

Within the M-1 zone, the following uses are permitted:

- (a) *Parks* and open space;
- (b) Lighthouse;
- (c) Observation tower.

(2) Accessory Use

- (a) Uses, *buildings* and *structures* accessory to a permitted use.

(3) Regulations

- (a) No walkways, boardwalks or other structures shall project below the *normal full pool elevation* line.
- (b) The placement of moorage buoys is prohibited.

**4.09 MARINE – GENERAL ZONE: M-2****(1) Permitted Uses**

Within the M-2 zone, the following uses are permitted:

- (a) *Recreational water activity*;
- (b) *Launching ramp*;
- (c) Temporary boat *moorage*;
- (d) Boat storage, subject to subsection 4(a);
- (e) Boat rental, sales and repairs, subject to subsection 4(a);
- (f) Floating dock;
- (g) *Marina*;
- (h) Marine fuelling stations, including floating gas bars, subject to subsection 4(a);
- (i) Marine sani-dump facility, subject to subsection 4(a);
- (j) Yacht club;
- (k) Houseboat *moorage*;
- (l) Lighthouse.

**(2) Accessory uses**

- (a) Uses, *buildings* and *structures* accessory to a permitted use.

**(3) Regulations**

In the M-2 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	3.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(b) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m

**(4) Other Regulations**

- (a) Uses permitted under subsection 1 (d), (e), (h) and (i) are permitted at the south marina only.
- (b) Screening:
  - (i) All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.
  - (ii) All *outdoor storage* on land, including boats, marine-related equipment, and refuse receptacle areas shall be screened in accordance with Section 1.16 of this Bylaw.

**4.10 RECREATION ACCOMMODATION ZONE: RES-1****(1) Permitted Uses**BL 2411  
01 Feb 13

Within the RES-1 zone, the following uses are permitted:

- (a) *Campground*, subject to section 1.19.

**(2) Accessory uses**BL 2411  
01 Feb 13

- (a) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.10(4)(a).

**(3) Regulations**

In the RES-1 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the tables below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel size	1.0 ha
(b) Minimum strata lot size:  A <i>campground</i> developed under Bare Land Strata Regulations of the <i>Strata Property Act</i> , in which case no strata lot shall be less than:	140 m <sup>2</sup>
(c) Minimum <i>setbacks</i> :  All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	3.0 m
▪ <i>interior side parcel line</i>	3.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	9.0 m
(e) Maximum <i>parcel coverage</i>	70%

BL 2411  
01 Feb 13**(4) Other Regulations**BL 2411  
01 Feb 13

- (a) On *parcels* with a *campground* as a permitted use, uses *accessory* to a *campground* are identified in the "Regional District of East Kootenay – Campground Bylaw No. 2403, 2012", as amended from time to time.

**4.11 PARKS AND OPEN SPACE ZONE: P-2****(1) Permitted uses**

Within the P-2 zone, the following uses are permitted:

- (a) *Park and park reserve;*
- (b) *Athletic facility, skating rink, swimming pool;*
- (c) *Conservation area, recreation reserve, ecological reserve, wildlife sanctuary;*
- (d) *Heritage and archaeological display site;*
- (e) *Community Centre.*

**(2) Accessory uses**

- (a) *Dwelling unit accessory to a permitted use;*
- (b) *Washroom facilities;*
- (c) *Uses, buildings and structures accessory to a permitted use.*

**(3) Regulations**

In the P-2 zone, no *building or structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) <i>Minimum setbacks:</i>	
<i>All buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	6.0 m
▪ <i>exterior side parcel line</i>	6.0 m
(b) <i>Maximum height for all buildings and structures</i>	10.0 m

**4.12 WORKS AND UTILITY ZONE: P-3****(1) Permitted Uses**

Within the P-3 zone, the following uses are permitted:

- (a) Works yard, *vehicle* storage and equipment storage yard;
- (b) *Solid waste facility* including *recycling depot*;
- (c) Heliport;
- (d) *Government services*;
- (e) *Public utility use*;
- (f) Fire and Emergency Medical Services facility.

**(2) Accessory Uses**

- (a) Uses, *buildings* and *structures* accessory to a permitted use.

**(3) Regulations**

In the P-3 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	6.0 m
▪ <i>exterior side parcel line</i>	6.0 m
Additional <i>setback</i> requirements from	
▪ <i>Solid waste facility</i> to any <i>dwelling unit</i> not on the same <i>parcel</i>	50.0 m
(b) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m

**SCHEDULE B**  
**FLOODPLAIN MANAGEMENT PROVISIONS**

**PART 1 – GENERAL REGULATIONS**

**1.01 FLOODPLAIN DESIGNATION**

The following land is designated as *floodplain*:

- (1) Land lower than the *flood construction level* specified in section 1.02 (1).
- (2) Land within the *floodplain setbacks* specified in section 1.02 (2).

**1.02 FLOODPLAIN SPECIFICATIONS**

(1) Flood Construction Level

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

- (a) 751.0 m (2463.9 feet NGVD) for land adjacent to Lake Kooconusa, as shown on Schedule B1;
- (b) 1.5 metres above the *ordinary high water mark* of any other *watercourse*;

(2) 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) 10.0 m from the *natural boundary* of Lake Kooconusa, as shown on Schedule B1;
- (b) 15.0 metres from the *ordinary high water mark* of any other *watercourse*.

BL 2392  
07 Dec 12

- (c) The siting of buildings or structures containing habitable floor space or used for the storage of goods damageable by flood waters must be setback from the reservoir such that they are located on the upland side of the 750.11 m. contour line.

(3) Other Regulations

BL 2392  
07 Dec 12

- (a) *Basements* are only permitted on the upland side of the “basement suitability line” shown on Schedule B1.
- (b) Where basements are permitted, the underside of a basement floor shall not be lower than an elevation of 751.0 m.

## PART 2 – APPLICATION OF FLOODPLAIN SPECIFICATIONS

- 2.01** (1) Pursuant to the specified *flood construction levels* and *floodplain setbacks* of this bylaw:
- (a) 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 the specified level;
  - (b) 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 this Bylaw.
- (2) 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 1.02 (1). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (3) The Building Inspector, or such person appointed by the Board of the Regional District may require that a British Columbia Land Surveyors certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in section 1.02 (1) and 1.02 (2). The cost of verification shall be assumed by the landowner.

## PART 3 – EXEMPTIONS

### 3.01 GENERAL EXEMPTIONS

The general exemptions from the *flood construction levels* and *floodplain setbacks* are outlined in Schedule B2 of this Bylaw.

### 3.02 SITE SPECIFIC EXEMPTIONS

An application by a property owner to the *Regional District* for a site-specific exemption or relaxation shall be completed upon a form provided by the *Regional District* and submitted in accordance with instructions on the application. Application may be made to vary either the required setback from or elevation above a *watercourse* or body of water.

## PART 4 – NO REPRESENTATION

- 4.01** By the enactment, administration or enforcement of this Bylaw the *Regional District* does not represent to any person that any *building* or *structure*, including a *manufactured home*, located, constructed or used in accordance with the provisions of this Bylaw or in accordance with any advice, information, direction or guidance provided by the *Regional District* in the course of the administration of this Bylaw will not be damaged by flooding.



**SCHEDULE B2**  
**FLOODPLAIN MANAGEMENT PROVISIONS**

**GENERAL EXEMPTIONS**

- (1) The following types of development are exempt from the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw.
- (a) A renovation of an existing *building* or *structure* that does not involve an addition thereto;
  - (b) 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 floor area existing at the date of adoption of this Bylaw, provided an exemption of up to 25 percent of the floor area has not been granted previously by the Minister of Environment, and provided that the degree of nonconformity regarding the setback is not increased;
  - (c) That portion of *building* or *structure* to be used as a carport, garage, or entrance foyer;
  - (d) Amenities on site such as gazebos, trail systems, landscaping and plazas associated with views and interpretive signage;
  - (e) Identification features, flagpoles and banners, and any navigation lighting;
  - (f) Gangways and other equipment associated with the operation of a *marina*;
  - (g) Hot water tanks and furnaces behind *standard dykes*.

**SCHEDULE C****GEOTECHNICAL MANAGEMENT PROVISIONS****PART 1 – GENERAL REGULATIONS**

- (1) Lands designated with a Zone B hazard rating on Schedule C1 may contain areas suitable for development subject to further geotechnical investigation and remedial works. Applications for subdivision or building permit on lands designated Zone B must be accompanied by a certified report from a *qualified professional* confirming that the land may be used safely for the use intended.
- (2) No habitable *buildings* or *structures* shall be built, placed or otherwise located on any lands designated with a Zone C hazard rating as shown on Schedule C1.