



JAFFRAY, TIE LAKE, ROSEN LAKE
LAND USE AND
FLOODPLAIN MANAGEMENT
BYLAW No. 1414, 1999

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

March 6, 2020

PREFACE

This Bylaw provides policies and regulations to guide development in the Jaffray, Tie Lake and Rosen Lake areas in Electoral Area "B."

Other Regional District bylaws that may affect land development include:

Bylaw No.	209	Mobile Home Park
	1400	Building Regulation
	1354	Development Approval Procedures and Fees
	777	Nuisances, Rubbish and Unsightly Premises
	1334	Subdivision Servicing

Provincial Acts and associated regulations that may affect land development include:

Agricultural Land Commission Act
Coal Act
Farm Practices Protection Act
Forest Act
Forest Practices Code of British Columbia Act
Health Act
Heritage Conservation Act
Highway Act
Land Act
Land Title Act
Mineral Tenure Act
Mines Act
Soil Conservation Act
Waste Management Act

Explanatory notes regarding the floodplain management provisions in this Bylaw are contained in Appendix "A."

TABLE OF CONTENTS

	PAGE
PART 1 – TITLE	1
PART 2 – ADMINISTRATION AND ENFORCEMENT	1
2.01 Administration	1
2.02 Violation And Penalty	1
2.03 Severability	1
PART 3 – INTERPRETATION	2
3.01 Application	2
3.02 Measurements and Calculations	2
3.03 Definitions	2
PART 4 – POLICIES AND OBJECTIVES	11
4.01 Objectives	11
4.02 Policies	11
PART 4(A) – TEMPORARY LAND USE.....	15
4.01(A) Background.....	15
4.02(A) Objectives	15
4.03(A) Policies	15
PART 5 – GENERAL REGULATIONS	16
5.01 Conformity of Uses, Buildings and Structures	16
5.02 Use of Existing Parcels	16
5.03 Permitted Uses in All Land Use Designations	16
5.04 Prohibited Uses in All Land Use Designations.....	16
5.05 Occupancy During Construction.....	16
5.06 Setback From Controlled Access Highway.....	17
5.07 Developments Crossing Parcel Lines.....	17
5.08 Home Based Businesses	17
5.09 Siting of Buildings and Structures.....	19
5.10 Heights of Buildings and Structures.....	20
5.11 Visibility at Intersections	20
5.12 Signs.....	21
5.13 Dwelling Unit for a Relative Requiring Care.....	21
5.14 Fences and Screening	22
5.15 Campgrounds	22
5.16 Storage of Derelict Vehicles	22
5.17 Floodplain Management Provisions.....	22
5.18 Placement of Recreational Vehicles.....	23
5.19 Farm Use	23
5.20 Secondary Dwelling Unit for Farm Hands.....	24
5.21 Cannabis Production Facility	24
5.22 Secondary Suites	25
5.23 Maximum Number of Kitchens per Dwelling Unit.....	25
5.24 Guest Ranch	25
5.25 Cabin	25
5.26 Wildland Use.....	25
5.27 Keeping of Farm Animals	25
5.27 Group Homes.....	26
5.28 Property Specific Regulations	26

	PAGE
PART 6 – PARCEL AREA REQUIREMENTS	27
6.01 Requirements.....	27
6.02 Subdivision Pursuant to Section 946 of the Municipal Act	28
6.03 Minimum Average Parcel Area for Bare Land Stratas	28
PART 7 – PARKING AND LOADING REQUIREMENTS	29
7.01 General Requirements	29
7.02 Required Off-Street Parking Spaces	29
7.03 Size and Location of Off-Street Parking Spaces.....	31
7.04 Required Off-Street Loading Spaces.....	31
7.05 Size and Location of Off-Street Spaces.....	31
PART 8 – LAND USE DESIGNATIONS	32
8.01 Establishment of Land Use Designations	32
8.02 Land Use Designation Boundaries and Maps.....	32
8.03 Single Family Residential: RS-1	33
8.04 Single Family Residential (A): RS-1(A).....	34
8.05 Manufactured Home Park Residential: R-MP	35
8.06 Rural Residential (Estate): RR-1	36
8.07 Rural Residential (Country): RR-8.....	37
8.08 Rural Resource: RR-60	39
8.09 Local Commercial: C-1.....	41
8.10 General Commercial: C-2.....	43
8.11 Recreation Commercial: C-3	45
8.12 Public Institutional: P-1.....	47
PART 9 – ADOPTION	48
9.01 Effective Date of Bylaw	48
APPENDIX “A” – EXPLANATORY NOTES FOR FLOODPLAIN MANAGEMENT PROVISIONS	49
1. Application of Floodplain Specifications.....	49
2. General Exemptions.....	49
3. Site Specific Exemptions	50

BYLAW AMENDMENTS

Bylaw #	Amend. # / Yr.	Adopted	Short Citing	Legal Description Zoning
1537	01/2001	17 Jan 01	Rosen Lake / Crabbe	Rem. A, Plan 16552, KD, DL 4590 RR-1 to RS-1
1644	02/2002	06 Sep 02	Jaffray / Anderson	Lot B, DL 3543, KD, Plan NEP21706 RS-1 to RR-1
1674	03/2003	01 Aug 03	Misc. Amendments / RDEK	Text amendment only
1737	04/2004	06 Aug 04	Misc. Amendments / RDEK	Text amendment only
1871	05/2006	03 Mar 06	Rosen Lake / Muglich & Pocha	Lot 1, DL 4590, Plan NEP23687 RR-1 to RS-1
1949	06/2007	Defeated	Rosen Lake / Manns	DEFEATED @ 3rd Feb 2/07 Lot 9, DL 4590, KD, Plan 14011 RR-1 to RS-1
1960	07/2007	08 Jun 07	Jaffray / Barr & Thoms	Part of DL 6206, KD, Except (1) Pcl A (Exp. Plan 20286I) and (2) Part Incl. in Plans 2272, 2345, 2465, 2756, 4905, 4981, 8789, 15618 & NEP69200 RR-60 to C-3
1961	08/2007	03 Aug 07	Misc. Amendments / RDEK	Text amendment only
1983	09/2007	03 Aug 07	Jaffray / McWhinnie	Part of Lot A, DL 9460, Plan 12928 Except Part Included in Plan 16413 RR-1 to RS-1
2059	10/2008	06 Jun 08	Jaffray / Lightburn	Part of Lot 1, DLs 4590 & 6206, Plan 18144 Except Part Incl. in Plan NEP23032 RR-60 to RR-1
2101	11/2008	07 Nov 08	Jaffray / Fahselt	Lot 14, DL 4590, Plan 1179, Except Plan R140 & Plan NEP67677 & NEP72925 C-2 to C-1
2110	12/2008	09 Jan 09	Jaffray / Futura Holdings Ltd.	Text Amendment - amends C-2 Zone by adding apartment unit as an accessory use and establishes associated development regulations
2133	13/2009	09 Jan 09	Floodplain Mgmt Amendments/RDEK	Text Amendment – amends Appendix A Site Specific Exemptions
2140	14/2009	07 Aug 09	Misc. Amendments/RDEK	Text Amendment – amends Sec. 4.02 & 5.18 / Recreational Vehicle regulations
2143	15/2009	01 May 09	Jaffray / Crabbe	Lot 1, DL 4590, KD, Plan 8258 Except Plan Incl. in Plan 15417 R-MP to RS-1

Bylaw #	Amend. # / Yr.	Adopted	Short Citing	Legal Description Zoning
2269	16/2010	04 Feb 2011	Jaffray / Triple K Holdings	Lot 1, DL 4590, KD, Plan 4622 & Parcel B (Reference Plan 933551) of Parcel A (Reference Plan 202861) Sublot 3, DL 4590, KD, Plan X28 C-1 to P-1
2316	17/2011	08 July 2011	Jaffray / IDEAL Institute	Part of Parcel B (Explanatory Plan 15003D), District Lot 5807, Kootenay District, except part included in Plan 14247 RR-60 to RR-1
2338	18/11	Dec 9/11	Jaffray / Van De Weyer	-Lot A, DL 6206, KD, Plan 4905 except part included in Plan 10861, is amended from C-2 to C-1 and RS-1. -Lot 1, DL 6206, KD, Plan 10861 is amended from C-2 to C-1 and RS-1. -Lot B, DL 6206, KD, Plan 4905 is amended from RR-1 to RS-1.
2399	19/2012	Feb 1/13	Jaffray / Anderson Holdings Ltd.	Lot 1, DL 6206, KD, Plan 4683 is amended from RR-1 to RS-1.
2407	20/2012	01 Feb 2013	Campgrounds / RDEK	Text amendment only
2464	21/2013	06 Dec 2013	HBB / RDEK	Text amendment
2538	22/2014	07 Nov 2014	Medical Marihuana / RDEK	Text amendment
2629	25/2015	12 Feb 2016	Highway 3/93 / Lightburn	Part of Lot 1, DLs 4590 & 6206, KD, Plan 18144 except part included in Plans NEP23032 & NEP90106 RR-60 to RR-8
2674	26/2015	01 Dec 2017	Highway 3/93 / Lillejord	Designation of Lot 1, DL 6206, Plan 16434 C-2 to C-1 Text Amendment
2710	27/2016	02 Sep 2016	Jaffray South / Crabbe	Part of DL 5807, Except (1) Parcel A (Explanatory Plan 24139-I), (2) Parcel B (Explanatory Plan 15003D) and (3) Parts Included in Plans 4365 and 14247 RR-60 to RR-1
2749	29/2017	10 Feb 2017	Rosen Lake / Hall	Part of Lot 1, DL 4590, KD, Plan 10775 RR-1 to RS-1(A)
2926	31/2019	2 Aug 2019	Miscellaneous Amendments / RDEK	Text Amendment only
2956	32/2019	10 Jan 2020	Tie Lake / Fenwick	Designation of Lot 27, DL 4590, KD, Plan 4883 RS-1 to RS-1(A)
2969	33/2019	6 Mar 2020	Jaffray / Barr	Designation of part of DL 6206, KD, Except (1) Parcel A (Explanatory Plan 20286i) and (2) part included in Plans 2272, 2345, 2465, 2756, 4905, 4981, 8789, 15618 and Plans NEP69200, NEP91497, and R140 RR-60 to C-3 and C-3 to RR-60

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1414

A bylaw to regulate development under Part 26 of the *Municipal Act* within portions of Electoral Area “B” of the Regional District of East Kootenay.

WHEREAS the Board of the Regional District of East Kootenay wishes to ensure that development in Jaffray, Tie Lake and Rosen Lake takes place in an orderly, safe and efficient way;

AND WHEREAS the Board of the RDEK, where it is considered that flooding may occur on land, may enact floodplain management provisions pursuant to Section 910 of the *Municipal Act*;

AND WHEREAS the Board of the RDEK and the Province of British Columbia consider 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;

AND WHEREAS it is recognized that land designated as *Agricultural Land Reserve* is subject to the *Agricultural Land Commission Act*, regulations made pursuant to that Act, and relevant orders of the Provincial Agricultural Land Commission made pursuant to that Act;

AND WHEREAS it is recognized that any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal, or quarries that is classified a “mineral” under the *Mines Act* will not be restricted by any terms or conditions of this Bylaw so long as the Ministry of Energy and Mines manages the land for that purpose;

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 – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999”.

PART 2 ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

- 2.01 The Director of Planning, Chief Building Inspector and Bylaw Enforcement Officers, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and to enter any premises at any reasonable time to determine whether the regulations in this Bylaw are being complied with.

VIOLATION AND PENALTY

- 2.02 Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding \$2,000 and the costs of prosecution.

SEVERABILITY

- 2.03 If any section or lesser portion of this Bylaw is for any reason held to be invalid by a court, the invalid portion is severable and the validity of the remaining portions of this Bylaw will not be affected.

PART 3 INTERPRETATION

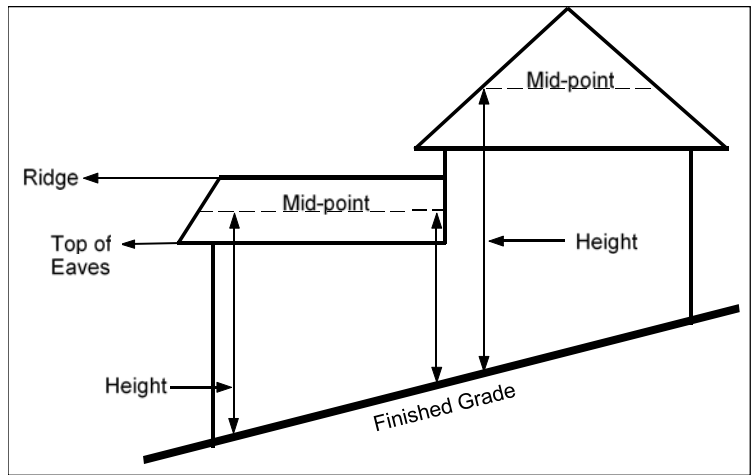
3.01 APPLICATION

The provisions of this Bylaw apply to the area shown on Schedule “A” attached to and forming part of this Bylaw.

MEASUREMENTS AND CALCULATIONS

- 3.02 (1) Numerical quantities are written in the International System of Units (metric).
- (2) Where a parcel contains more than one land use designation:
- (a) Each different land use designation will be treated as a separate parcel for the purpose of calculating maximum *parcel coverage* and *setbacks*.
 - (b) All *principal* and *accessory buildings, structures* and uses must be located within the land use designation for the *building, structure* or use.
- (3) *Side yard* 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) The maximum permitted height of buildings and structures is calculated by measuring 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 in the diagram below:

BL 2926
02 Aug 19



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the building or structure shall be calculated in accordance with section 5.10 (6) of this Bylaw.

DEFINITIONS

3.03 In this Bylaw:

BL 1961
03 Aug 07

ACCESS ROUTES 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 *building*, the use or intended use of which is accessory to that of the *principal building* situated on the same parcel, which may be detached or connected to other *buildings* by a *breezeway*; or
- (b) a *building* which is *accessory* to a *principal* use being made of the parcel upon which such *building* is (to be) located;

BL 2926
02 Aug 19

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*.

BL 2926
02 Aug 19

AGRICULTURE means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

AGROFORESTRY means the harvesting of naturally occurring botanical products.

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

BILLBOARD means an exterior *structure* exceeding 8.9 m² in area displaying advertising material.

BOATHOUSE means a one *storey accessory building* or *structure* used for storage of boats along with tools and equipment *accessory* to the residential or commercial use located on the same parcel of land. A *boathouse* does not contain sleeping facilities.

BL 2926
02 Aug 19

BREEZEWAY means a roofed open passage connecting two or more *buildings*.

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

BUSINESS AND PROFESSIONAL OFFICE means offices of doctors, lawyers, architects, engineers and similar professionals.

BL 2926
02 Aug 19

CABIN means a *building* used for seasonal recreation, temporary accommodation as part of a *guest ranch, motel*, registered guide outfitting operation, backcountry commercial recreation operation or *wildland use*, or for the use of a registered trapline licensee or holder of a *Mines Act* permit. A *cabin* does not contain a *kitchen*.

BL 2407
01 Feb 13

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*.

CAMPGROUND SPACE *is repealed by Bylaw 2407 adopted Feb. 01/13.*

BL 2407
01 Feb 13

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*.

BL 2926
02 Aug 19

CANNABIS means the substance set out in Schedule 1 of the *Cannabis Act (Canada)*.

BL 2926
02 Aug 19

CANNABIS PRODUCTION FACILITY means a facility for the cultivation, processing, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

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

BL 2464
06 Dec 13

CHILD CARE FACILITY means a facility for the temporary care of children licensed as Occasional Child Care or Family Child Care under the *Community Care and Assisted Living Act* and the Child Care Licensing Regulation.

BL 2926
02 Aug 19

COMMON STORAGE AREA means a portion of a *manufactured home park* or *campground* used or intended to be used by the occupants of the *manufactured home park* or *campground* for storage of automobiles, *recreational vehicles*, boats and other equipment and materials

BL 2926
02 Aug 19

COMMON WALL means a continuous, unbroken vertical or horizontal *structure* with *habitable area* adjoining either side, used to separate *dwelling units*, *cottages*, *cabins* or strata lots. A *common wall* is not a *breezeway*.

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

BL 2926
02 Aug 19

CONFINED LIVESTOCK AREA means a fenced area, including paddocks, corrals, exercise yards and holding pens, where *livestock*, *poultry*, or *farmed game* is confined solely for the purposes of growing or finishing and is sustained by means other than grazing.

BL 2407
01 Feb 13

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*.

DAIRYING means raising cows, goats and any other animal species for the production of milk or milk products.

BL 2926
02 Aug 19

DERELICT VEHICLE means any *vehicle* no longer in road worthy condition, in a state of disrepair, wrecked or in the process of being dismantled, or which is not licenced and insured in the current calendar year, but does not include *vehicles* stored in *buildings*.

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, *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 the *flood construction level*.

DRIVE-IN RESTAURANT means a *building* wherein meals, refreshments or both intended for immediate consumption are sold but which does not contain seats for the accommodation of customers.

DWELLING, MULTIPLE FAMILY means a *building* containing 3 or more *dwelling units*.

DWELLING, SINGLE FAMILY means a *building* containing one *dwelling unit*.

BL 2926
02 Aug 19

DWELLING, TWO FAMILY means one *building* containing 2 *dwelling units* that:

- (a) share a common roof and foundation;
- (b) are separated by a *common wall*; and
- (c) where neither *dwelling unit* is a *manufactured home*.

A *building* containing a *secondary suite* is not a *two family dwelling*.

BL 2926
02 Aug 19

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 cooking.

EQUESTRIAN CENTER means a facility or group of facilities intended for the accommodation, showing and competitive use of horses and may include a stable, gymkhana course, race track, and other related facilities.

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*.

FARMED GAME means any animal held under the authority of a licence under the *Game Farm Act* and includes fallow deer, bison and reindeer.

FEEDLOT means a fenced area, including paddocks, corrals, exercise yards and holding pens, where livestock, poultry or farmed game is confined solely for the purpose of growing or finishing and is sustained by means other than grazing.

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

BL 1737
06 Aug 04

FINISHED GRADE means the finished ground level at the perimeter of the *building* or *structure*, except localized depressions such as for vehicle or pedestrian entrances. 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.

BL 2926
02 Aug 19

FLAT ROOF means the roof of a *building* or *structure* for which the slope of the roof is equal to or less than 9 degrees.

BL 1961
03 Aug 07

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 an *ordinary high water mark*, 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 Section 5.17 of this Bylaw.

BL 1961
03 Aug 07

FLOODPLAIN SETBACK means the required minimum distance from the *ordinary high water mark* of a *watercourse*, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the *flood construction level*, so as to maintain a floodway and allow for potential land erosion.

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

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

FUR BEARING ANIMAL means an animal wild by nature, kept in captivity, and whose pelt is commonly used for commercial purposes.

FUR FARMING means an establishment where 2 or more *fur bearing animals* are kept in captivity.

GAME BIRD means guinea fowl, pheasant, partridge, pigeon, quail, silkies, squab, tinamou.

GOLF COURSE means a parcel or group of contiguous parcels used for playing golf, consisting of at least nine holes each with a tee, fairway and green, and may contain practice areas *accessory* to the *golf course*, but a *golf course* is not a driving range, pitch-and-putt or miniature golf establishment. It may include a pro-shop, clubhouse and lounge or dining facilities.

BL 1961
03 Aug 07

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

GROSS FLOOR AREA means the total horizontal area of all floors of a building, excluding basement floor areas used exclusively for storage, heating or laundry facilities, parking areas, swimming pools, open sun decks and balconies.

BL 2464
06 Dec 13

GROUP DAY CARE means a facility for the temporary care of children licensed as Group Child Care (various ages) or Multi-age Child Care under the *Community Care and Assisted Living Act* and the Child Care Licensing Regulation.

BL 2926
02 Aug 19

GROUP HOME means a facility for the accommodation of persons who by reason of their emotional, mental, social or physical condition or legal status require a supervised group living arrangement for their well-being.

BL 2926
02 Aug 19

GUEST RANCH means a working farm or ranch that includes a principal residence, agricultural *structures* and temporary guest accommodation.

BL 2926
02 Aug 19

GUEST RANCH LODGE means a *building* associated with a *guest ranch* that provides temporary accommodation for transient paying guests of the *guest ranch* and may include sleeping facilities, communal dining facilities, sanitary facilities, meeting and recreation facilities for the exclusive use of guests on the *guest ranch*.

HABITABLE AREA means any space or room, including a manufactured home, 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.

BL 1737
06 Aug 04

HEIGHT *deleted by Bylaw 2926 adopted Aug 2/19. See section 3.02 (5) for interpretation of height.*

BL 1961
03 Aug 07

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

BL 2464
06 Dec 13

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. A *home based business* may include a preschool, *child care facility*, *group daycare* and bed and breakfast use. A *home based business* does not include sawmill, *campground*, recreational vehicle park, *salvage yard*, *mini-storage facility*, or storage of *recreational vehicles* or boats.

HORTICULTURE means the growing of flowers, fruits, vegetables and, for the purpose of this Bylaw, forages and grains, nurseries and greenhouses but does not include commercial mushroom growing.

BL 2926
02 Aug 19

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

HOUSEKEEPING UNIT means a unit in a *motel* containing sleeping, sanitary and cooking facilities.

BL 2926
02 Aug 19

KEEPING OF FARM ANIMALS means the keeping or rearing of *poultry* and *livestock*, other than swine or mink.

BL 2926
02 Aug 19

KEEPING OF SMALL FARM ANIMALS means the keeping or rearing of *small farm animals* excluding geese and turkeys.

KENNEL means any *building*, *structure*, compound, group of pens or cages or property where four or more dogs or cats are or are intended to be trained, cared for, bred, boarded, or kept for any purpose. A dog or cat means a member of the canine or feline species which is two or more months in age.

BL 2926
02 Aug 19

KITCHEN means a room or a 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 and wall oven.

LANE means a *highway* not less than 3 metres nor more than 10 metres 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.

LIVESTOCK means cattle, horse, donkey, mule, hinny, sheep, goat, swine, llama, alpaca, and rabbit.

LIVESTOCK SHELTER means a *building* or *structure* used for the rearing or accommodation of *livestock*, or for mushroom growing, including *structures* for the storage or handling of manure.

BL 1961
03 Aug 07

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 a *dwelling unit*. A *manufactured home* is not a *recreational vehicle* or a *park model trailer*.

MANUFACTURED HOME AREA means that part of a *manufactured home park* used primarily for installed *manufactured homes*, including permissible additions and which is not used for buffer area, roadways, *owner's* residential plot, the procuring and treatment of water, collective sewage treatment, effluent disposal from a collective sewage treatment plant, garbage disposal, or *accessory buildings* or *structures*.

MANUFACTURED HOME PARK means land used or occupied by any person for the purpose of providing space for the accommodation of 2 or more *manufactured homes* and for imposing a charge or rental for the use of such spaces, except where 2 or more *manufactured homes* are permitted on a parcel in a land use designation other than a land use designation which permits *manufactured home parks*.

MANUFACTURED HOME SPACE means an area of land for the installation of one *manufactured home* with permissible additions and situated within a *manufactured home area*.

~~**MEDICAL MARIHUANA**~~ *deleted by Bylaw 2926 adopted Aug 2/19.*

~~**MEDICAL MARIHUANA PRODUCTION FACILITY**~~ *deleted by Bylaw 2926 adopted Aug 2/19.*

BL 2464
06 Dec 13

MINI STORAGE FACILITY means the commercial use of a *building* or *buildings* for self contained storage units that provide space for personal goods, materials and equipment that is accessible from an independent entrance and the office space associated with the facility.

MOTEL means a building or group of buildings divided into four or more sleeping units, housekeeping units or cabins or combination of units for the purpose of accommodating transient paying guests. Each unit must have its own toilet, wash basin and bath or shower.

~~**NATURAL BOUNDARY**~~ *deleted by Bylaw 1961 adopted Aug 3/07.*

NATURAL GROUND ELEVATION means the undisturbed ground elevation prior to site preparation.

OFF PREMISE SIGN means a *sign* which is not located on the parcel to which the *sign* applies. An *off premise sign* is not a political or campaign *sign*.

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 of *vehicles*.

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

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 an adjoining parcel are kept.

BL 1961
03 Aug 07

ORDINARY HIGH WATER MARK means the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself.

OWNER means the registered *owner* of a parcel of land.

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*.

BL 1961
03 Aug 07

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, CORNER means a parcel at the intersection of 2 or more *highways*.

PARCEL COVERAGE means the total horizontal area within the outermost walls of *buildings* and *structures* on a parcel including all attached porches, carports, decks 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, FRONT means the line or cumulative lines common to a parcel and an abutting *highway* other than a *lane*. In the case of a *corner parcel*, the *parcel line* or lines having the shortest cumulative length abutting a *highway*, excluding a corner cut-off, is the *front parcel line*. Where the *front* and *rear parcel lines* both adjoin a *highway*, the *front parcel line* will be that to which the majority of adjacent *buildings* face. The *front parcel line* of a *panhandle* parcel is the *parcel line* closest to the *highway* from which access is obtained, but excludes the access strip.

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

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, 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*, conservation areas, ecological reserves, archaeological, historic sites and museums. A *park* may include land owned or leased by a club or society for recreational use by its members.

BL 2407
01 Feb 13

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 SERVICE means a business catering to the needs of the general public including barber shop and beauty salon, dry cleaning and laundry, minor electrical appliance repair, financial institution, photography studio, shoe repair, ticket and travel agency, insurance or real estate agency, pet shop, and pet grooming.

POULTRY means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, cornish, layers, poultry breeding stock, replacement pullets, roasters, ducks, geese, turkeys, *game birds* and *ratites*.

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

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

PUBLIC BUILDING means any *building* owned by the Government of Canada, the Provincial government, the Regional District of East Kootenay, a municipality or an

improvement district used in the service of the public and includes a fire hall and police station.

BL 1961
03 Aug 07

PUBLIC UTILITY means a use, including *buildings* and *structures*, providing water supply, sewage collection and disposal, electricity and natural gas distribution facilities, telephone and similar services. *Public utilities* do not include *wireless communication facilities*.

RATITES means birds that have small or rudimentary wings and no keel to the breastbone and includes ostriches, rheas and emus.

BL 2407
01 Feb 13

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*.

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*.

REST HOME means a *building* or *buildings* where care or assistance is provided for 3 or more persons who, on account of age, infirmity, or mental or physical disability require personal care or assistance; this includes nursing homes, convalescent homes and senior citizen homes.

BL 1961
03 Aug 07

RIDING STABLE means a facility for the boarding and rental of horses.

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

SCREENING means a *fence* or an evergreen hedge or combination thereof that obstructs certain views of the property which it encloses and is broken only by access drives, *lanes* and walkways. This term excludes open mesh or chain link style *fences* and vegetation used as a wind break.

BL 2926
02 Aug 19

SECONDARY DWELLING FOR FARM HANDS means an *accessory dwelling unit* on land classified as "farm" under the *Assessment Act* for the accommodation of an employee or employees working on the same parcel or farm operation.

BL 2926
02 Aug 19

SECONDARY SUITE means an *accessory dwelling unit* within a *single family dwelling*.

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

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.

SLEEPING UNIT means a unit in a *motel* containing sleeping facilities and sanitary facilities.

SMALL FARM ANIMALS means bees, rabbits, ducks and similar *poultry*, exclusive of geese, turkeys and *ratites*.

SOLID WASTE FACILITY means a facility 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 and disposal facilities; and which is approved by the Ministry of Environment, Lands and Parks.

STANDARD DYKE means a dyke built to a minimum crest elevation equal to the Flood Construction Level and meeting standards of design and construction approved by the Ministry of Environment, Lands and Parks and maintained by an ongoing authority such as a local government body.

STOREY means that portion of a *building* which is between the top of any floor and the top of the floor next 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, retaining walls less than 1.5 metres in *height*, and *recreational vehicles* and tents.

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.

VEHICLE, DERELICT *deleted by Bylaw 2926 adopted Aug 2/19. See Derelict Vehicle definition.*

VETERINARY CLINIC means a facility offering and designed for the care and treatment of animals under the supervision of a Doctor of Veterinary Medicine.

WATERCOURSE means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometers or more upstream of the point of consideration.

BL 2926
02 Aug 19

WILDLAND USE means activities such as non-commercial public outdoor recreational uses or commercial tenured outdoor activities such as trapping by holders of registered trap lines, guide outfitting, heli-skiing and cat skiing.

BL 1961
03 Aug 07

WIRELESS COMMUNICATION FACILITY means the components required for the operation of a wireless communication network, including, but not limited to, antennas, cell sites, radio towers, television broadcasting, transmitters, receivers and accessory unoccupied equipment shelters.

BL 2464
06 Dec 13

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 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 regulations 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*.

BL 1674
01 Aug 03

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*.

BL 1674
01 Aug 03

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

YARD, SIDE means a *yard* extending from the *front yard* to the *rear yard* and lying between the *side parcel line* and the exterior wall of a *building* or *structure* measured at right angles to the *side parcel line*.

PART 4 POLICIES AND OBJECTIVES

OBJECTIVES

- 4.01
- (1) To respect and protect those attributes that contribute to the rural quality of life that makes the area attractive as a place to live and recreate.
 - (2) To provide for a range of housing opportunities for both permanent and seasonal residents.
 - (3) To minimize the risks to persons, their property and possessions that could result from inappropriate development on hazard prone and environmentally sensitive lands.
 - (4) To maintain the high quality visual attributes of the area.
 - (5) To minimize conflicts between rural and non-rural land uses.
 - (6) To direct new commercial and industrial development to appropriate locations in order to minimize impacts on existing residential and agricultural uses.
 - (7) To protect surface and ground water quality.
 - (8) To recognize, support, and strengthen agriculture in the plan area.
 - (9) To ensure that the road system is designed and operates in an efficient manner.
 - (10) To protect fish and wildlife values.

POLICIES

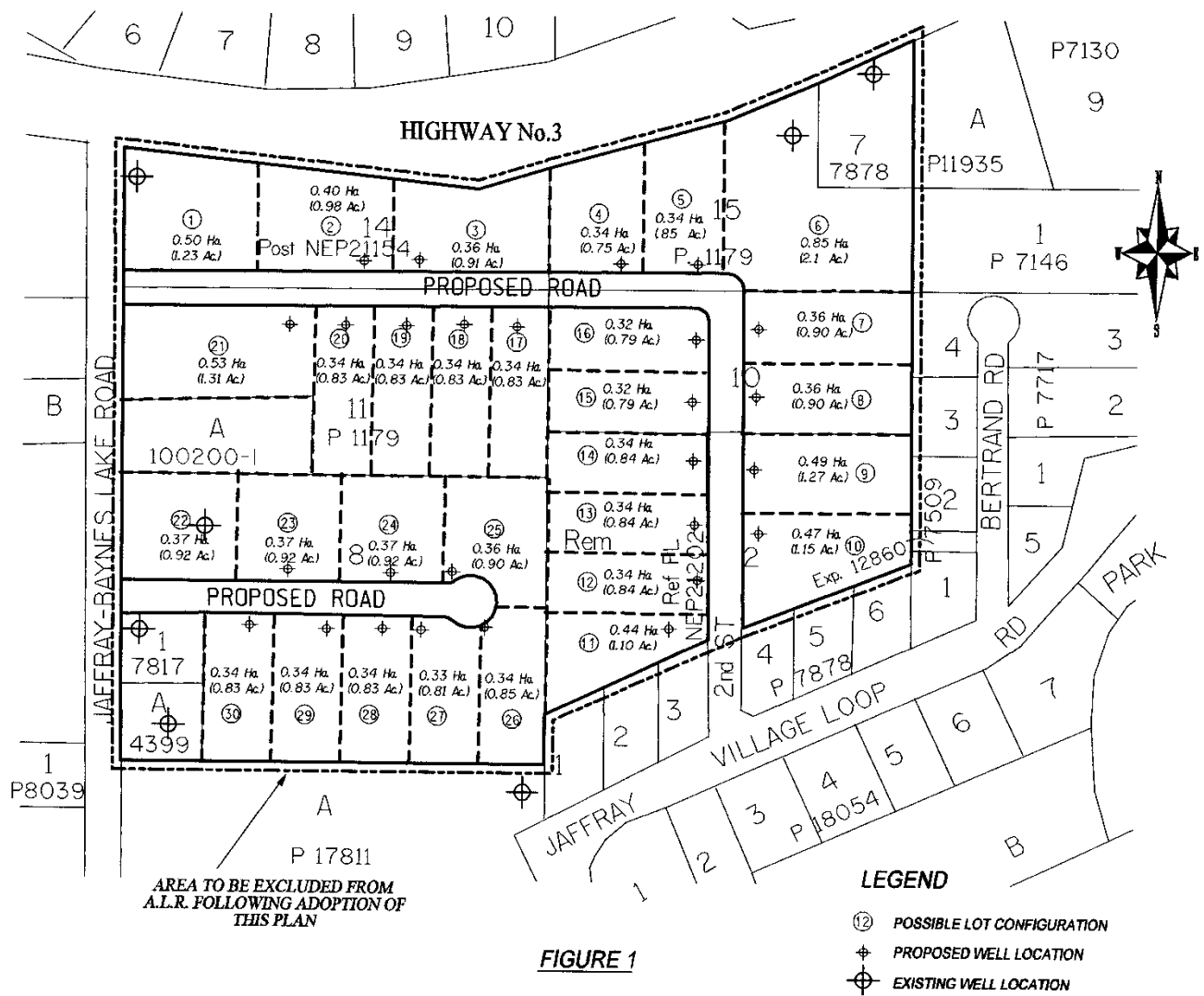
- 4.02
- (1) General
The general character of the plan area will remain residential and agricultural. However, temporary commercial and industrial use permits may be issued under Section 921 of the *Municipal Act* throughout the plan area where the Board is satisfied that the overall character of the area will not be adversely affected.
 - (2) Road Network
 - (a) The Regional District will assist in protection of the functionality of Highway 3 as the major transportation corridor through the plan area by supporting subdivision configurations that do not access Highway 3 directly.
 - (b) The Regional District supports continued development and use of the *frontage road* system along the south side of Highway 3 in order to protect the *highway* from unnecessary additional direct access points.
 - (c) The Regional District encourages developers to minimize the number of access points onto Rosen Lake Road and Tie Lake Road by designing subdivisions with internal road systems and only one access to the main roads.
 - (d) The Regional District requests that the Ministry of Transportation and Highways install additional *signs* on Rosen Lake Road and Tie Lake Road to improve safety conditions on those roads.

(3) Agriculture

- (a) The Board supports a full range of agricultural activity in the *Agricultural Land Reserve*. Farmers are encouraged to locate intensive agricultural operations on parcels or parts of parcels where negative impacts on surrounding residents, properties and *watercourses* will be minimized.
- (b) The Regional District will support subdivision of a parcel of land for a retiring farmer. The parcel for the retiring farmer should be as small as is feasible in order not to compromise the viability of the farm unit.
- (c) The Regional District will support development of commercial enterprises that serve or complement *agriculture*.
- (d) The Board may support development of commercial enterprises that are to be used to raise additional capital for expansion of or improvement to existing *agriculture*.
- (e) The Regional District supports the on-going development of the I.D.E.A.L. organic and naturopathic facilities.
- (f) When evaluating applications for development, the Regional District Board will consider the impact of the proposed development on the *agriculture* in the surrounding area, and, where appropriate, in the community at large. The Board will not support applications that will have a negative impact on nearby *agriculture*.
- (g) The sale of locally-grown farm produce from road side stands and from the Farmers' Market in Jaffray is supported.
- (h) The Board will not support applications for development on lands outside the plan area that would have a detrimental effect on *agriculture* inside the plan area.
- (i) The Board may support applications for subdivision of lands designated RURAL RESOURCE under the following circumstances:
 - where a major rock outcropping or other major topographic feature will form the boundary of the subdivision;
 - where the existing parcel is divided by an existing dedicated and constructed *highway*;
 - where a separate legal parcel of land is required to establish a separate agricultural operation.
- (j) *Repealed by Bylaw 2926 adopted Aug. 2/19.*

(4) Residential

- (a) The Board supports a pattern of low density residential development consisting of single family dwellings, two family dwellings and single family dwellings with a secondary suite on parcels not fronting on the lakes. Higher density residential developments will not be supported at this time. However, in recognition of the need to provide a range of housing options for an aging population and a range of income groups, this policy will be reviewed periodically. Should the need for a broader range of housing options be identified, an amendment to this plan will be required. The amendment may be initiated by the Regional District or by an *owner* requesting the change.
- (b) Development in the Jaffray Loop must be carried out generally in accordance with the recommendations of the Jaffray Hydrogeological Study, dated November, 1997, conducted by Armstrong Engineering and Land Surveying Inc., including the pattern of subdivision and location of wells, as shown on Figure 1.



(c) The Regional District encourages *owners* of property adjacent or close to Crown range at Tie Lake and Rosen Lake to fence their properties.

(5) Commercial

- (a) Establishment of commercial uses to serve both the travelling public and local and seasonal residents is directed to the Jaffray Loop, the south side of the *highway* in the plan area and the north side of the *highway* at Rosen Lake Road.
- (b) The existing auto body repair shop near Tie Lake and the general contracting equipment storage building near Tie Lake are recognized. The land use designation for these parcels allows for future conversion to a range of commercial uses. In the long term, however, the Board would prefer that these two parcels revert to residential use. Therefore, the Board will support an application to change the land use designation to SINGLE FAMILY RESIDENTIAL (RS-1).
- (c) The existing privately-owned *campground* and the *campground* under construction near Tie Lake, for which a sewage disposal permit has been issued, are recognized. No new *campgrounds* will be supported north of the *highway* in the plan area.
- (d) The Regional District will work with the Ministry of Forests to implement a management plan for the existing BC Forest Service campsite at Tie Lake.
- (e) The Regional District will not support an application for a private commercial marina on either lake. However, the Regional District will support an application by property *owners* presently having individual docks, to consolidate their moorage facilities in order to improve safety for recreational users of the lakes.

- (f) Should residents and property owners wish to initiate discussion on boating restrictions following adoption of this plan, the Regional District will work with the community to examine whether some form of boating restrictions should be requested on Rosen Lake and Tie Lake.

(6) Industrial

BL 2538
07 Nov 14

- (a) The existing light industrial lands are recognized in the plan within the C-2, General Commercial land use designation. Although the intent of the Board is to allow for small scale light industrial uses serving the local population in the plan area, the Board does not wish to preclude development of a future industrial use that will bring additional employment to the area, provided suitable land can be found. Therefore the Board may consider an industrial use such as a larger scale service industry supporting the agriculture, lumber or mining industry.

(b), (c), (d) and (e) *Repealed by Bylaw 2926 adopted Aug. 02/19.*

(7) Institutional

No new land is designated for institutional uses, such as churches, schools and seniors' facilities. The Board may support applications for institutional designation on a case by case basis. Evaluation of each application will include factors such as potential impacts on water quality and local traffic.

(8) Agricultural Land Reserve

Upon adoption of this plan the Board requests removal of land in the Jaffray Loop as agreed to by the Agricultural Land Commission and shown on Figure 1.

(9) Recreational Vehicles

- (a) Connection to an approved sewage disposal system under the *Sewerage System Regulation* of the *Health Act* is encouraged on any *parcel* on which a *recreational vehicle* is located for the purposes of long term or frequent seasonal occupancy.
- (b) The Regional District supports the responsible management of grey water and sewage effluent for *recreational vehicles* through the appropriate disposal at approved sani-dump stations, connection to approved sewage disposal systems under the *Sewerage System Regulation* or through vacuum tanker servicing.

PART 4(A) TEMPORARY LAND USE

BACKGROUND

4.01(A) Within the plan area there may be a need to accommodate a temporary land use on a parcel not zoned for that purpose.

4.02(A) **OBJECTIVES**

- (1) Provide an opportunity for temporary land use applications to be considered within the plan area.
- (2) Ensure that temporary land uses are compatible with adjacent land uses.

4.03(A) **POLICIES**

- (1) Temporary Land Use Permits will be considered throughout the bylaw area.
- (2) An application for a Temporary Land Use Permit will be considered in relation to:
 - (a) demonstration that the use is temporary or seasonal in nature;
 - (b) compatibility with the existing land use;
 - (c) compatibility with surrounding land use;
 - (d) potential conflict with agricultural or resource based activities;
 - (e) potential conflict with residential land uses;
 - (f) potential impact on fish or wildlife habitat;
 - (g) provision of adequate servicing for water and sewage disposal;
 - (h) duration of the proposed temporary land use;
 - (i) relevant policies within other sections of this bylaw; and
 - (j) for lands within the *Agricultural Land Reserve*, any conditions of approval for the proposed temporary land use where the use is not consistent with the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulations* and a *Non-Farm Use* approval has been granted.
- (3) The permit may be issued subject to conditions such as, but not limited to:
 - (a) the buildings, structures, or area of land that may be used for the temporary use;
 - (b) the period of applicability of the permit;
 - (c) required site rehabilitation upon cessation of the use;
 - (d) other business or operating conditions to mitigate the impacts of the temporary use.

BL 2140
07 Aug 09

PART 5 GENERAL REGULATIONS

CONFORMITY OF USES, BUILDINGS AND STRUCTURES

- 5.01 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 the *Municipal Act*.

USE OF EXISTING PARCELS

- 5.02 (1) Subject to Subsection (2) of this section, 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 land use designation in which they are located unless otherwise provided for in Part 8, provided all other regulations of this Bylaw are complied with.
- (2) In the case of parcels less than 0.3 ha, an applicant for a *building* permit for a *dwelling unit* on such a parcel must, prior to such permit being granted, submit a copy of a permit to construct a sewage disposal system pursuant to the *Sewage Disposal Regulations* of the *Health Act*.


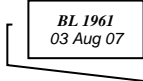
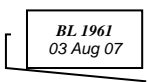
PERMITTED USES IN ALL LAND USE DESIGNATIONS

- 5.03 The following uses are allowed in all land use designations:
- (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 booths;
 - (4) *highway* and railroads;
 - (5) *public utility*;
 - (6) *parks*;
 - (7) conservation areas and ecological reserves.

PROHIBITED USES IN ALL LAND USE DESIGNATIONS

- 5.04 Intensive *agriculture* is prohibited in all land use designations other than those which contain land that is within the *Agricultural Land Reserve*, and subject to regulations of the *Agricultural Land Commission Act*, the *Municipal Act*, and regulations under those Acts.

OCCUPANCY DURING CONSTRUCTION

- 5.05 (1) Notwithstanding the regulations in Part 8 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*, one additional *dwelling unit* or one *recreational vehicle* may be 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 land use designation in which it is situated, other than requirements concerning the number of *dwelling units* permitted on a parcel;
-  (c) the *recreational vehicle* is sited 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.

- (2) Upon occupancy of the new *dwelling unit* or reconstructed *dwelling unit*, the additional *dwelling unit* must be removed and the site thereof 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.

BL 1961
03 Aug 07

- (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.

SETBACK FROM CONTROLLED ACCESS HIGHWAY

- 5.06 (1) Notwithstanding 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*.

DEVELOPMENTS CROSSING PARCEL LINES

5.07 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.

HOME BASED BUSINESSES

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

BL 2464
06 Dec 13

- (1) A *home based business* must be conducted by permanent residents residing in the *dwelling unit* to which the *home based business* is *accessory* and may be operated with the assistance of not more than two (2) on-site employees who do not reside in the *dwelling unit*.
- (2) On parcels less than 2.0 ha (4.9 ac) the *home based business* must also comply with the following:
 - (a) 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 maximum of two (2) *vehicles* necessary for operating the *home based business* and the permitted signage.
 - (b) In addition to (2)(a) a maximum of one (1) commercial *vehicle* exceeding Class 4 gross *vehicle* weight rating (GVWR) may be parked or stored on the parcel.
 - (c) The maximum *gross floor area* of all *buildings* and *structures* on the parcel to be utilized for the *home based business* is 150 m² (1614.6 ft²).
 - (d) The maximum number of on-site customers, clients or students for a *home based business* is five (5) at a time.

BL 2464
06 Dec 13

- (3) On parcels 2.0 ha (4.9 ac) or greater the *home based business* must also comply with the following:
 - (a) External storage of materials, containers or finished product and parking of *vehicles* necessary for operating the *home based business* is not permitted in the *front yard* or *exterior side yard*.
 - (b) A maximum of one (1) commercial *vehicle* exceeding Class 4 gross vehicle weight rating (GVWR) may be parked or stored on the parcel.
 - (c) *Accessory buildings* and *structures* and external storage areas utilized by the *home based business* must be sited a minimum of 10 m (32.8 ft) from a *parcel line*.
 - (d) The maximum area utilized for the *home based business* for parcels outside the *Agricultural Land Reserve*, including the *gross floor area* of the portion of all *buildings* and *structures* used for the *home based business* and the area used for the external storage of materials, containers or finished product must not exceed 1% of the area of the parcel or 400 m² (4305.71 ft²), whichever is less.
 - (e) The maximum area utilized for *home based business* for parcels within the *Agricultural Land Reserve*, including the *gross floor area* of the portion of all *buildings* and *structures* used for the *home based business* and the area used for the external storage of materials, containers or finished product must not exceed 150 m² (1614.6 ft²).
- (4) Retail sales of products are restricted to those produced, processed, grown, or assembled on the parcel or products customarily incidental and *accessory* to the service being provided on the parcel.
- (5) The maximum area permitted to be utilized for retail display is 10 m² (107.6 ft²).
- (6) Despite Section 5.08 (2)(a) of this Bylaw, children's play *structures* associated with the *home based business* are permitted on the parcel.
- (7) Despite Section 5.08 (2)(d) of this Bylaw, the operation of a preschool, *child care facility* or *group day care* may be operated for no more than seven (7) children at a time.
- (8) Section 5.08 (2)(d) of this Bylaw does not apply to Bed and Breakfast operations. Bed and Breakfast use is restricted to:
 - (a) a maximum of four rooms used for accommodation of guests for sleeping purposes for transient paying guests;
 - (b) the serving of breakfast only to those transient paying guests; and
 - (c) must be carried on in a *single family dwelling*.
- (9) Erection of *signs* must be in accordance with Section 5.12 of this Bylaw.
- (10) Part 8 of this Bylaw with respect to *off-street parking* requirements applies to every parcel used for a *home based business*.

SITING OF BUILDINGS AND STRUCTURES

- 5.09 (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* shall be in conformity with the regulations for siting of *buildings* and *structures* specified in this Bylaw.
- (2) *Repealed by Bylaw 2926 adopted Aug. 02/19*
- (3) The following features may project into *setback* requirements in Part 8 of this Bylaw:

FEATURE	ALLOWABLE PROJECTION
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>
Decks, 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>
FEATURE	SITING REQUIREMENT
Gasoline service pumps and pump islands	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>
Boathouse	No <i>setback</i> from a <i>rear parcel line</i> required

- (4) Siting regulations in Part 8 of this Bylaw do not apply to:
- (a) *fences* and *screening*;
 - (b) a patio or terrace, which may be opened or fenced, and which is covered only by a temporary covering such as an awning;
 - (c) arbors, trellises, fish ponds, ornaments, flag poles, vegetation and similar landscape features;
 - (d) *manufactured home* hitches;
 - (e) free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, *public utilities*, flag poles, *signs* and *sign* structures;
 - (f) underground *structures* provided that the top surface of such *structure* shall at no point extend above the average finished ground elevation except for vent and fill pipes for underground storage tanks;
 - (g) 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.
- (5) Notwithstanding the *setback* requirements in Part 8 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.
- (6) *Buildings* and *structures* for a *cannabis production facility* must be sited not less than:

- (a) 15.0 m from a *front parcel line*;
- (b) 15.0 m from an *interior side parcel line*;

BL 2926
02 Aug 19

- (c) 30.0 m from an *exterior side parcel line*;
- (d) 30.0 m from a *rear parcel line*.

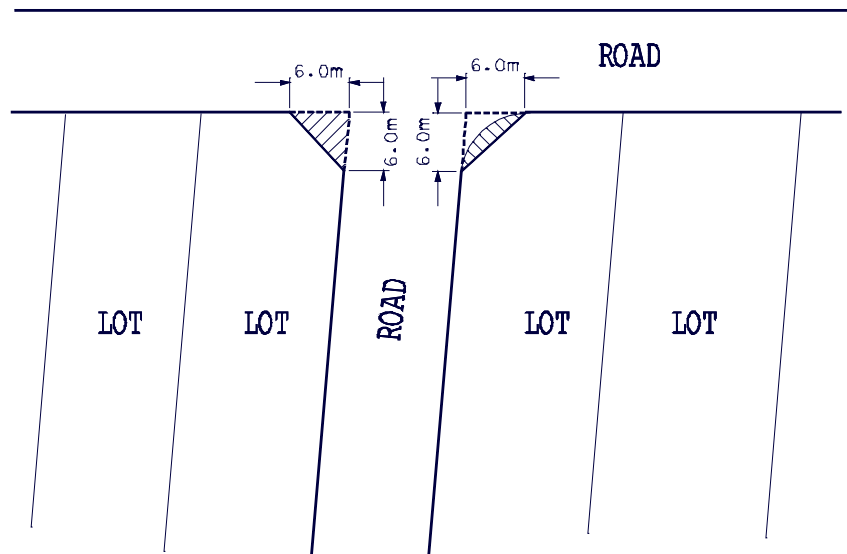
HEIGHTS OF BUILDINGS AND STRUCTURES

- 5.10
- (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, smoke stacks, ventilators, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, silos, apartment elevator shafts, industrial cranes, observation towers, solar energy collectors, and windmills.
 - (3) Notwithstanding the *height* regulations in Part 8 of this Bylaw, the maximum *height* of a *dwelling unit accessory* to a permitted use is:
 - (a) the same as the maximum *height* for the land use designation in which it is located, where the *dwelling unit* is part of the *structure* in which the *principal* use is located;
 - (b) 5.0 m where the *dwelling unit* is a *manufactured home*;
 - (c) 10.0 m where the *dwelling unit* is a detached *dwelling unit* other than a *manufactured home*.
 - (4) In land use designations where *agriculture* is permitted, *buildings* and *structures* used for *agriculture* are exempt from the *height* regulations in this Bylaw.
 - (5) *Buildings* and *structures* used for a *cannabis production facility* where a *cannabis production facility* is a permitted use are exempt from the height requirements of this Bylaw.
 - (6) The maximum permitted height of *buildings* and *structures* that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
 - (a) Single pitch roof *buildings* and *structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building* or *structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
 - (b) *Flat roof buildings* and *structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.
- For *buildings* and *structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.02 (5) of this Bylaw.

BL 2926
02 Aug 19

VISIBILITY AT INTERSECTIONS

- 5.11 No person may obstruct vision at an intersection on *corner parcels* by any means, including *buildings*, *structures* and *fences* 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 (19.7 ft) from their point of intersection, as shown by the following diagram:



SIGNS

- 5.12 (1) The following types of *signs* are not permitted on any parcel:
- (a) roof-mounted *signs* projecting above the highest point of the roof;
 - (b) freestanding *signs* of a *height* which exceeds that permitted for a *principal building* on a parcel;
 - (c) *billboards*;
 - (d) flashing and moving *signs*;
 - (e) *signs* which project beyond *parcel lines*;
 - (f) *off premise signs*.
- (2) In the R-MP land use designation, identification *signs* to a maximum *height* of 1.8 m above *finished grade* and to a maximum area of 3.0 m² located at the principal entrance to the *manufactured home park* only are permitted.
- (3) In the R-MP zones, identification *signs* for a *home based business* must be non-illuminated and not exceed an area of 0.5 m², and, in the RR, identification *signs* for a *home based business* must be non-illuminated and not exceed an area of 1.0 m².

BL 2464
06 Dec 13

DWELLING UNIT FOR A RELATIVE REQUIRING CARE

- 5.13 (1) A *dwelling unit* for a *relative requiring care* will be permitted:
- (a) in the RR-1, RR-8, and RR-60 land use designations;
 - (b) where the present number of *dwelling units* on the parcel is not greater than the maximum number permitted in this Bylaw;
 - (c) where the *owner* of the parcel enters into a housing agreement with the Regional District under section 905 of the *Local Government Act* agreeing to remove the *manufactured home* approved under this section once it is no longer required by the approved occupant, such agreement to be entered into prior to placement of the *dwelling unit* for a *relative requiring care*;
 - (d) where a letter from a physician stating that the relative requires care is deposited upon request by the Regional District;
 - (e) where a statutory declaration attesting to the conditions of consent is deposited annually upon request by the Regional District;
 - (f) where the amount of \$3,000 is deposited with the Regional District as security for the removal of the *dwelling unit* for a *relative requiring care*.

BL 1737
06 Aug 04

BL 1737
06 Aug 04

- (2) A *dwelling unit* for a *relative requiring care* is limited to one *manufactured home*, up to 9 m in width including additions, placed on a non-permanent foundation.

BL 2926
02 Aug 19

- (3) Within the *Agricultural Land Reserve* a *dwelling unit* for a *relative requiring care* is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

FENCES AND SCREENING

- 5.14 (1) The *setback* provisions of this Bylaw do not apply to *fences* and *screening*, except that the provisions of section 5.11 apply.
- (2) *Height* regulations for *fences* and *screening* must be accordance with the following:

LAND USE DESIGNATIONS	HEIGHT REGULATIONS
	Maximum Height
RS-1, RS-1(A)	1.5 m in <i>front yard</i> 2.0 m in all other <i>yards</i>
R-MP	2.0 m
RR-1	2.0 m
RR-8	2.0 m
RR-60	2.0 m
P-1	2.0 m
	Minimum Height
C-1 C-2 C-3	2.0 m where <i>parcel line</i> abuts a residential or institutional land use designation or a parcel on which a residential use is located

- (3) All *outdoor storage* in Commercial land use designations must be screened by a tight board *fence* or compact evergreen hedge or a combination thereof of a uniform *height* not less than 2.0 m in *height* on any side not facing directly onto *buildings* on the parcel.
- (4) Where a *rear parcel line* of a parcel abuts the *side parcel line* of an adjoining parcel, *screening* along the *rear parcel line* must be no higher than that permitted on the *side parcel line*.

CAMPGROUNDS

5.15

BL 2407
01 Feb 13

- (a) 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.
- (b) *Cottages* and *park model trailers* are not permitted in *campgrounds* located north of Highway 3/93.

STORAGE OF DERELICT VEHICLES

- 5.16 The *wrecking and repair of vehicles* and storage of *derelict vehicles* is prohibited, except for the storage of not more than one *derelict vehicle* in other than the *front yard*, in all Residential, Rural Residential, RR-60, and P-1 land use designations.

FLOODPLAIN MANAGEMENT PROVISIONS

- 5.17 (1) Floodplain Designation

The following land is designated as *floodplain*:

- (a) Land lower than the *flood construction levels* specified in Subsection 2a;
- (b) Land within the *floodplain* schedule specified in Subsection 2b.

(2) Floodplain Specifications

(a) *Flood Construction Levels:*

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

BL 1961
03 Aug 07

- (i) 3.0 metres above the *ordinary high water mark* of Sand Creek;
- (ii) 1.5 metres above the *ordinary high water mark* of any other watercourse;
- (iii) 1.5 metres above the *ordinary high water mark* of any lake, marsh, or pond;

(b) *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*:

BL 1961
03 Aug 07

- (i) 15 metres from the *ordinary high water mark* of Sand and Little Sand Creeks;
- (ii) 15 metres from the *ordinary high water mark* of any other watercourse;
- (iii) 7.5 metres from the *ordinary high water mark* of a lake, marsh, or pond;
- (iv) 7.5 metres from any *standard dyke* right-of-way, or *structure* for flood protection or seepage control.

PLACEMENT OF RECREATIONAL VEHICLES

5.18

- (1) On parcels located in a land use designation where a *campground* is not a permitted use no more than two *recreational vehicles* are permitted.
- (2) *Recreational vehicles* must be sited in accordance with the *setback* requirements for *accessory buildings* and *structures* for the land use designation in which they are located.

FARM USE

5.19

- (1) Where all or part of a *parcel* is located within the *Agricultural Land Reserve* activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted on the *parcel*. In addition to the farm use activities, those uses approved by the Provincial Agricultural Land Commission as *accessory to the farm use* for that *parcel* are also permitted.
- (2) Where a *parcel* is not in the *Agricultural Land Reserve*, is located in a zone that permits *agriculture* and the *parcel* is assessed as farm under the *Assessment Act*, activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted in conjunction with the *agriculture* use.
- (3) Uses permitted in sections 5.19 (1) and (2) are subject to all applicable *agriculture* regulations contained elsewhere in this Bylaw.
- (4) *Buildings* or *structures* that are used for *agriculture* use shall be sited in accordance with the following:
 - (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.
 - (b) The required minimum *setback* for *buildings* or *structures* used as principal farm *buildings* or *structures*, or animal containment for the following types of agricultural uses is identified in the table below:

BL 2140
07 Aug 09

BL 2926
02 Aug 19

- Dairying
- Livestock, including farmed game
- Fur farming
- Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all <i>parcel lines</i>	From domestic water intake (well or spring)
<i>Confined livestock area</i>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) *Buildings or structures* used for types of *agriculture* use not identified in sections 5.19 (4) (a) or (b) must be sited a minimum of 4.5 m from all *parcel lines*.
- (d) All *agriculture* use *buildings or structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.
- (e) The required minimum setback for farm *buildings and structures* from the *ordinary high water mark* of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From <i>ordinary high water mark</i> of lake or watercourse
<i>Confined livestock area - less than 10 animal units</i>	15.0 m
Mushroom barn	15.0 m
Livestock barn or <i>livestock shelter</i>	15.0 m
Milking facility	15.0 m
<i>Poultry</i> barn	15.0 m

- (f) *Buildings or structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
- (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
- (ii) a minimum of 15.0 m from the *ordinary high water mark* of lakes and *watercourses*.

SECONDARY DWELLING UNIT FOR FARM HANDS

- 5.20 (1) *Secondary dwelling unit for farm hands* is not permitted *accessory* to a *cannabis production facility*.
- (2) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hands* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

CANNABIS PRODUCTION FACILITY

- 5.21 Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and those parcels that are located within a zone where it is identified as a permitted use.

BL 2926
02 Aug 19

BL 2926
02 Aug 19

BL 2926
02 Aug 19

SECONDARY SUITES

- 5.22 On *parcels* where a *secondary suite* is a permitted use:
- (1) No more than one (1) *secondary suite* shall be permitted on a parcel.
 - (2) *Secondary suites* are not permitted within a *manufactured home*.
 - (3) *Secondary suites* must be constructed in accordance with the BC Building Code.
 - (4) *Secondary suites* must be connected to an approved sewage disposal system.
 - (5) No *secondary suite* shall be subdivided from the principal *dwelling unit* by a strata plan pursuant to the *Strata Property Act*.
 - (6) *Secondary suites* are only permitted within a *single family dwelling*.
 - (7) On *parcels* where *secondary suite* is a permitted use, the *gross floor area* of the *secondary suite* must not exceed 90 m² or 40% of the habitable floor space of the *single family dwelling*.
 - (8) Within the *Agricultural Land Reserve* *secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

BL 2926
02 Aug 19

MAXIMUM NUMBER OF KITCHENS PER DWELLING UNIT

- 5.23 A maximum of one (1) *kitchen* is permitted in a *dwelling unit*.

BL 2926
02 Aug 19

GUEST RANCH

- 5.24 (1) On *parcels* where a *guest ranch* is a permitted use, *guest ranches* must:
- (a) be conducted on a parcel not less than 16 ha;
 - (b) be conducted on a parcel assessed as farm under the *Assessment Act*; and
 - (c) not exceed 10.0 m² of *gross floor area* of *guest ranch* accommodation per hectare to a maximum of 720 m².

BL 2926
02 Aug 19

CABIN

- 5.25 (1) On *parcels* where a *cabin* is a permitted use, *cabins* must:
- (a) not exceed 5 m in height;
 - (b) not exceed a maximum *gross floor area* of 74 m².

BL 2926
02 Aug 19

WILDLAND USE

- 5.26 (1) On *parcels* where *wildland use* is a permitted use, *wildland use* must:
- (a) be conducted on a parcel not less than 60.0 ha in area.

BL 2926
02 Aug 19

KEEPING OF FARM ANIMALS

- 5.27 (1) On *parcels* where the *keeping of farm animals* is a permitted use:
- (a) the number of *animal units* of *livestock* must not exceed one (1) *animal unit* per hectare total; and
 - (b) the number of *animal units* of *poultry* must not exceed one-half (0.5) *animal unit* per hectare in total.

BL 2926
02 Aug 19

In all cases, the total number of *livestock* or *poultry* permitted will be rounded down to the nearest whole number.

- (2) On parcels where the *keeping of small farm animals* is a permitted use:
 - (a) The number of rabbits must not exceed one (1) *animal unit*; and
 - (b) The cumulative number of *poultry*, exclusive of geese, turkeys and *ratites*, must not exceed fifteen (15) animals.

GROUP HOMES

- 5.27
- (1) On parcels where *group homes* are a permitted use, *group homes* must:
 - (a) not exceed the maximum accommodation of ten people, exclusive of staff;
 - (b) be licenced or approved under Provincial statute; and
 - (c) not include any use otherwise classified or defined in this Bylaw.

PROPERTY SPECIFIC REGULATIONS

- 5.28
- (1) Despite the use and density regulations contained elsewhere in this Bylaw:
 - (a) On Lot 1, District Lot 6206, Kootenay District, Plan 16434, storage and warehousing, including mini-warehouse and storage of *recreational vehicles* is permitted.
 - (b) On Lot 27, District Lot 4590, Kootenay District, Plan 4883 the minimum parcel size requirement is 1500 m².

BL 2926
02 Aug 19

BL 2926
02 Aug 19

BL 2956
10 Jan 20

PART 6 PARCEL AREA REQUIREMENTS

6.01 REQUIREMENTS

(1) The parcel area requirements in Part 8 of this Bylaw do not apply to:

- (a) *public utility*;
- (b) navigational aids;
- (c) *solid waste facility*;
- (d) *parks*;
- (e) surface parking lots;
- (f) *building strata lots sharing a common wall*;
- (g) *access routes*.

BL 1961
03 Aug 07

(2) All parcels must have a minimum *usable site area* of not less than 1670 m².

(3) The parcel area required in Part 8 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 area requirements;
 - (ii) all parts of all new parcels are contiguous;
 - (iii) the proposed parcel has the minimum *usable site area* specified in Subsection 2.
- (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) the smallest parcel, where it contains an existing *dwelling unit* with a sewage disposal system which has been authorized for use in accord with the Sewage Disposal Regulation under the *Health Act*, may be no more than 15% smaller than the minimum *usable site area* specified in Subsection 2.
- (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 parcel or right-of-way that meets the parcel area requirements;
 - (ii) the proposed parcels have the minimum *usable site area* specified in Subsection 2.
- (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 Subsection 2.

- (e) divides a parcel along a boundary line of a land use designation, provided the proposed parcels have the minimum *usable site area* specified in Subsection 2.
- (f) divides a parcel along a boundary line of the *Agricultural Land Reserve* provided:
 - (i) the Provincial Agricultural Land Commission has allowed an application to subdivide the parcel;
 - (ii) the proposed parcels have the minimum *usable site area* specified in Subsection 2.
- (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* specified in Subsection 2.
- (h) involves the creation of a *parcel* to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

BL 2926
02 Aug 19

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

SUBDIVISION PURSUANT TO SECTION 946 OF THE MUNICIPAL ACT

- 6.02 Where land is proposed for subdivision pursuant to Section 946 of the *Municipal Act*, and where such land is not included within the *Agricultural Land Reserve*, the Approving Officer may permit the subdivision of one parcel into two parcels only, each having an area smaller than the minimum parcel size for the land use designation in which they are located, provided that a parcel that may be subdivided under section 946 of the *Municipal Act* is not less than 4.0 hectares (9.9 acres) in area.

MINIMUM AVERAGE PARCEL AREA FOR BARE LAND STRATAS

- 6.03 (1) The minimum average parcel area is equal to the minimum parcel area found in Part 8 of this Bylaw.

BL 2926
02 Aug 19

PART 7 PARKING AND LOADING REQUIREMENTS

GENERAL REQUIREMENTS

- 7.01 (1) Vehicular access to a *highway* is required for all *off-street parking spaces* and *off-street loading spaces*.
- (2) All parking areas, *off-street parking spaces*, and *off-street loading spaces*, for other than *single* and *two family dwellings* must not have a slope greater than 8%.
- (3) *Off-street parking spaces* and *off-street loading spaces* must not be used for driveways or display, sales or storage of goods.
- (4) 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.
- (5) 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.
- (6) *Off-street loading spaces* will not be credited as *off-street parking spaces*.
- (7) *Off-street parking spaces* will not be credited as *off-street loading spaces*.
- BL 2464
06 Dec 13 (8) 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 residential use in Section 7.02 (4) of this Bylaw. *Off-street parking spaces* must also be provided for all *vehicles* associated with *home based businesses*.
- (9) *Repealed by Bylaw 2926 adopted Aug. 02/19.*

DISABLED PARKING SPACES

- 7.01(A) (1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.
- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.
- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.
- BL 2926
02 Aug 19

REQUIRED OFF-STREET PARKING SPACES

- 7.02 (1) Commercial and Industrial Uses
- 1 per 30 m² of office use
1 per 15 m² of retail sales floor area
1 per 100 m² of *gross floor area* for all other uses enclosed within a *building*.

BL 2926
02 Aug 19

(1)(A) Cannabis Production Facility

1 per 30 m² of office use, plus
1 per 185 m² of *gross floor area* for all other uses enclosed within a *building*.

(2) Personal and Household Services

- (a) Barber and beauty shops 1 per 15 m² of *gross floor area*
- (b) Laundries and cleaners 1 per 30 m² of *gross floor area*
not open to the public, plus 1 per 3 washing/
cleaning machines for self-serve facilities
- (c) Membership organizations, 1 per 4 seats capacity
funeral homes 1 per 35 m² of *gross floor area* not used for
seating
- (d) Rental and leasing of 1 per 70 m² of *gross floor area* used for
machinery, equipment equipment
and vehicles 1 per 30 m² for area used as office
- (e) Other personal and 1 per 15 m² of *gross floor area*
household services

(3) Recreational Services

- 1 per 4 seats
- 8 per ice sheet in a curling rink
- 2 per billiard table

- Golf - Nine hole 100 spaces
- Regulation 18 hole 150 spaces
- Par 3 and executive 120 spaces
- Driving range 1 per tee
- Miniature golf 2 per hole or, where *accessory* to another
use, 3 spaces in total

- Baseball diamonds 18 per baseball diamond

- Hockey rink 1 per 10 m² of ice surface

(4) Residential Uses

BL 2464
06 Dec 13

2 per *dwelling unit*
1 per *secondary suite*
1 per room used for accommodation for bed and breakfast use
1 per apartment unit

(5) Retail

1 per 15 m² of *gross floor area* open to the public
2 per automotive service bay

(6) Service Industries

BL 2407
01 Feb 13

- (a) Accommodation services
 - 1 per *campsite*
 - 1 per *hotel room*
 - 1 per *motel room*
 - 2 per *dwelling unit*
- (b) Food and beverage services
 - 1 per 3 seat capacity
 - 10 spaces for drive-in/take-out only

(7) Veterinary clinics

1 per 35 m² of *gross floor area*

- (8) Education facilities
 Child care facilities, elementary and junior secondary schools
 1 per classroom
 1 per 50 m² of *gross floor area* for non-classroom areas

SIZE AND LOCATION OF OFF-STREET PARKING SPACES

- 7.03 (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 parallel parking, the required length of each *off-street parking space* is 7.2 m except for end spaces which may be a minimum length of 6.0 m.
- (2) 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

- (3) An aisle less than 6.0 m (19.7 ft) in width must be designed for and clearly marked as suitable for one-way traffic flow only.
- (4) All required *off-street parking spaces* for residential uses must be located on the same parcel as the residential use being served.
- (5) (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 land use designation 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 of East Kootenay 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.

BL 2926
02 Aug 19

- (6) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

REQUIRED OFF-STREET LOADING SPACES

- 7.04 For all commercial, industrial and institutional uses 1 for the first 2000 m² of *gross floor area* plus
1 for remaining *gross floor area* over 2000 m².

SIZE AND LOCATION OF OFF-STREET LOADING SPACES

- 7.05 (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 8 LAND USE DESIGNATIONS

ESTABLISHMENT OF LAND USE DESIGNATIONS

8.01 That portion of the Regional District of East Kootenay lying within the boundary of the area defined on Schedule "A", is divided into the following land use designations:

CATEGORY	LAND USE DESIGNATION	SHORT TITLE
Residential	Single Family Residential	RS-1
	Single Family Residential (A)	RS-1(A)
	Manufactured Home Park Residential	R-MP
Rural Residential	Rural Residential (Estate)	RR-1
	Rural Residential (Country)	RR-8
Rural Resource	Rural Resource	RR-60
Commercial	Local Commercial	C-1
	General Commercial	C-2
	Recreation Commercial	C-3
Institutional	Public Institutional	P-1

LAND USE DESIGNATION BOUNDARIES AND MAPS

- 8.02
- (1) The location and spatial extent of land use designations established by this Bylaw are as shown on Schedule "A" which is incorporated into and forms part of this Bylaw.
 - (2) Where a land use designation boundary is shown as following a *highway* or creek, the centre line of such *highway* or creek will be the land use designation boundary.
 - (3) If a *highway* is closed, the land formerly comprising the *highway* will be included within the land use designation of the adjoining land on either side of the *highway*. If the *highway* was a land use designation boundary, the new land use designation boundary will be the centre line of the former *highway*.

SINGLE FAMILY RESIDENTIAL: RS-1

8.03 (1) Permitted uses

Within the RS-1 land use designation, the following uses only are permitted:

- (a) *Single family dwelling;*
- (b) *Two family dwelling;*
- (c) *Apiculture, horticulture;*
- (d) *Keeping of small farm animals.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary suite;*
- (c) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

In the RS-1 land use designation, 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) Number of <i>principal dwelling units</i>	one <i>single family dwelling</i> or one <i>two family dwelling</i>
(b) Minimum parcel size	0.3 ha
(c) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	2.0 m
▪ <i>interior side parcel line</i>	2.1 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	1.0 m
▪ <i>interior side parcel line</i>	1.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	6.0 m
(e) Maximum <i>parcel coverage</i> for parcels with a:	
<i>Single family dwelling</i>	25%
<i>Two family dwelling</i>	35%
(f) <i>Accessory buildings and structures</i> where the <i>principal building</i> has not been constructed	66m ² in total

SINGLE FAMILY RESIDENTIAL (A): RS-1(A)

8.04 (1) Permitted uses

Within the RS-1(A) land use designation, the following uses only are permitted:

Single family dwelling.

(2) Accessory uses

(a) *Home based business;*

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

(3) Regulations

In the RS-1(A) land use designation, 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) Number of <i>single family dwellings</i>	one
(b) Minimum parcel size	0.3 ha
(c) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	2.0 m
▪ <i>interior side parcel line</i>	2.1 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	1.0 m
▪ <i>interior side parcel line</i>	1.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	6.0 m
(e) Maximum <i>parcel coverage</i>	35%
(f) <i>Accessory buildings and structures where the principal building has not been constructed</i>	66m ² in total

(4) Other Regulations

No horizontal dimension of a *single family dwelling*, not including dimensions of an addition or a non-rectangular *building* may be less than 5.5 m.

MANUFACTURED HOME PARK RESIDENTIAL: R-MP

8.05 (1) Permitted uses

Within the R-MP land use designation, the following uses and no others are permitted:

- (a) *Manufactured home park;*
- (b) *Single family dwelling.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Common storage area;*
- (c) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

In the R-MP land use designation, 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	2.0 ha
(b) Size of <i>manufactured home space</i>	370 m ²
(c) Size of space for <i>single family dwelling</i> other than a <i>manufactured home</i>	700 m ²
(d) Density:	
▪ <i>gross</i>	18 <i>manufactured homes per gross hectare of usable site area</i> one
▪ <i>manufactured homes per manufactured home space</i>	
▪ <i>clusters</i>	subject to section 4.11 of the RDEK Mobile Home Park By-law No. 1, 1978
(e) Minimum <i>setbacks</i> :	
<i>Manufactured homes and single family dwelling</i> from:	
▪ <i>internal access road or common storage area</i>	1.8 m
▪ <i>rear and side lines of manufactured home space or dwelling unit space</i>	3.0 m
▪ <i>parcel line abutting a highway</i>	7.6 m
▪ <i>all other parcel lines</i>	4.6 m
<i>Accessory buildings and structures to the manufactured home park</i> from:	
▪ <i>manufactured home space</i>	4.6 m
▪ <i>rear parcel line</i>	7.6 m
▪ <i>all other parcel lines</i>	4.6 m
(f) Maximum <i>height</i> for:	
<i>Manufactured home</i>	5.0 m
<i>Dwelling unit</i>	9.0 m
<i>Accessory buildings and structures</i>	4.5 m

(4) Other Regulations

The establishment, extension, design, servicing, and facilities of *manufactured home parks* must comply with the requirements of the Regional District of East Kootenay Mobile Home Park By-law No. 1, 1978 and amendments.

RURAL RESIDENTIAL (ESTATE): RR-1

8.06 (1) Permitted uses

Within the RR-1 land use designation, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Two family dwelling;*
- (c) *Apiculture, horticulture;*
- (d) *Keeping of farm animals.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary suite;*
- (c) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

In the RR-1 land use designation, 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) Number of <i>principal dwelling units</i>	<i>one single family dwelling or one two family dwelling</i>
(b) Minimum parcel size	1.0 ha
(c) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 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>	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:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	6.0 m
(e) Maximum <i>parcel coverage</i>	10%
(f) <i>Accessory buildings and structures where the principal building has not been constructed</i>	66m ² in total

RURAL RESIDENTIAL (COUNTRY): RR-8

8.07 (1) Permitted uses

Within the RR-8 land use designation, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Two family dwelling;*
- (c) *Agriculture;*
- (d) *Veterinary clinic;*
- (e) *Kenel;*
- (f) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;
- (g) Harvesting, transport and storage of forest resources, silviculture practices;
- (h) Sawmill, shakemill and planermill;
- (i) *Riding stable;*
- (j) Archery, trap and skeet range.

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Secondary suite;*
- (d) *Uses, buildings and structures accessory to a permitted use*

(3) Regulations

In the RR-8 land use designation, 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.

BL 1737
06 Aug 04

COLUMN 1	COLUMN 2
(a) Number of <i>principal dwelling units</i>	one <i>single family dwelling</i> or one <i>two family dwelling</i>
(b) (i) Minimum parcel size	8.0 ha
(b) (ii) Minimum parcel size for sawmill, shakemill or planner mill	8.0 ha
(c) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	20.0 m
▪ <i>interior side parcel line</i>	15.0 m
▪ <i>exterior side parcel line</i>	15.0 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
Additional <i>setback</i> requirements from	
▪ all <i>parcel lines</i> for sawmills & shakemills	60.0 m
▪ all <i>parcel lines</i> for planermills	300.0 m
▪ sawmills and shakemills to an existing <i>dwelling unit</i> not on the same parcel	100.0 m
▪ extraction and processing operations to an existing <i>dwelling unit</i> not on the same parcel	60.0m
(d) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(e) <i>Accessory buildings and structures</i> where the <i>principal building</i> has not been constructed	66m ² in total

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in size.
- (b) All sawmills, shakemills and planermills must be located on a contiguous area of the parcel not larger than 1.6 ha in size, including log storage, mill and waste disposal.

RURAL RESOURCE: RR-60

8.08 (1) Permitted uses

Within the RR-60 land use designation, the following uses and no others are permitted:

- (a) *Single family dwelling;*
- (b) *Two family dwelling;*
- (c) *Agriculture;*
- (d) *Veterinary clinic;*
- (e) *Kennel;*
- (f) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;
- (g) Harvesting, transport and storage of forest resources, silviculture practices;
- (h) Sawmill, shakemill and planermill;
- (i) *Equestrian centre;*
- (j) Rifle, archery, trap and skeet range;
- (k) Airport;
- (l) *Wildland use;*
- (m) *Guest ranch;*
- (n) *Wireless communication facility.*

BL 1961
03 Aug 07

(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary dwelling unit for farm hand;*
- (c) *Secondary suite;*
- (d) *Cabin accessory to wildland use;*
- (e) Retail sales of goods related to *agriculture;*
- (f) Uses, *buildings* and *structures* accessory to a permitted use.

(3) Regulations

In the RR-60 land use designation, 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) Number of <i>principal dwelling units</i>	one <i>single family dwelling</i> or one <i>two family dwelling</i>
(b) Minimum parcel size	60.0 ha
(c) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	20.0 m
▪ <i>interior side parcel line</i>	15.0 m
▪ <i>exterior side parcel line</i>	15.0 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
<i>Additional setback requirements</i> from	
▪ all <i>parcel lines</i> for sawmills & shakemills	60.0 m
▪ all <i>parcel lines</i> for planermills	300.0 m
▪ sawmills and shakemills to an existing <i>dwelling unit</i> not on the same parcel	100.0 m
▪ all <i>parcels lines</i> for rifle, trap and skeet ranges	100.0 m
▪ extraction and processing operations to an existing <i>dwelling unit</i> not on the same parcel	60.0 m

(d)	Maximum <i>height</i> for:	
	<i>Dwelling unit</i>	10.0 m
	<i>Accessory buildings and structures</i>	12.0 m
(e)	<i>Accessory buildings and structures</i> where the <i>principal building</i> has not been constructed	66m ² in total

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in size.
- (b) All sawmills, shakemills and planermills must be located on a contiguous area of the parcel not larger than 1.6 ha in size, including log storage, mill and waste disposal.
- (c) Retail sales of goods related to *agriculture* where the goods are not produced on the farm are limited to 100m².

LOCAL COMMERCIAL: C-1

8.09 (1) Permitted uses

Within the C-1 land use designation, the following uses and no others are permitted:

- (a) General store;
- (b) Convenience store;
- (c) Sporting goods store;
- (d) *Personal service* establishments;
- (e) *Business and professional office*;
- (f) Gas bar, automotive repair and autobody shop;
- (g) Food and beverage services, including neighbourhood pub;
- (h) Gift, novelty and souvenir shop;
- (i) Bus depot;
- (j) Postal outlet;
- (k) Tourist and business information centre;
- (l) *Repealed by Bylaw 2926 adopted Aug. 02/19.*

BL 2926
02 Aug 19

(2) Accessory uses

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

(3) Regulations

In the C-1 land use designation, 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) Number of <i>accessory dwelling units</i>	one
(b) Minimum parcel size	0.3 ha
(c) Minimum <i>setbacks</i> :	
<i>All buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional land use designation	6.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional land use designation	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m
(e) Maximum <i>parcel coverage</i>	60%
(f) Maximum area used for retail	300 m ²

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:
 - (i) *Off-street parking and loading spaces* and driveways,
 - (ii) Storage yards,
 - (iii) Display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.

GENERAL COMMERCIAL: C-2

8.10 (1) Permitted uses

Within the C-2 land use designation, the following uses and no others are permitted:

- (a) Uses permitted under Section 8.09 (C-1) of this Bylaw;
- (b) *Veterinary clinic*;
- (c) Feed and tack store;
- (d) Gunsmithing;
- (e) *Motel, hotel*;
- (f) Greenhouse, nursery;
- (g) The following light industrial uses:
 - (i) *sign* and display manufacturing,
 - (ii) clothing manufacturing,
 - (iii) contracting industry,
 - (iv) machinery and equipment rental and repair,
 - (v) machine / welding shop,
 - (vi) secondary processing of wood products,
 - (vii) storage and warehousing, including mini-warehouse and storage of *recreational vehicles*,
 - (viii) vehicle fuel cardlock;
 - (ix) lawn mower, electric motor and small engine repair, sharpening service,
- (h) Grading, washing, *screening*, crushing and transporting of sand and gravel resources,
- (i) *Campground*, subject to section 5.15.

BL 2407
01 Feb 13

(2) Accessory uses

- (a) *Dwelling unit accessory* to a permitted use;
- (b) Apartment unit accessory to a permitted use, subject to subsection 4(b);
- (c) Cement, concrete and asphalt plant accessory to sand and gravel extraction;
- (d) Uses, buildings and structures accessory to a permitted use, subject to subsection 8.10(4)(c).

BL 2407
01 Feb 13

(3) Regulations

In the C-2 land use designation, 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.

BL 2110
09 Jan 09

COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
Number of <i>accessory apartment units</i>	two
(b) Minimum parcel size	0.6 ha
(c) Minimum <i>setbacks</i> :	
<i>All buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional land use designation or a parcel on which a <i>dwelling unit</i> is located	15.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional land use designation	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
Extraction and processing operation from an existing <i>dwelling unit</i> not on the same parcel	60.0 m
(d) Maximum <i>height</i> for all <i>buildings and structures</i>	

	15.0 m
(e) Maximum <i>parcel coverage</i>	50%

(4) Other Regulations

- (a) All display rental and sales areas must be finished with a durable dust free surface.
- (b) Where an *accessory* apartment unit is proposed, it shall:
 - (i) be designed and constructed as an integral part of the principal building;
 - (ii) be located above the first storey of the building or behind the commercial component of the building;
 - (iii) be self-contained;
 - (iv) have an entrance provided from outside the building, separate from that of the principal use;
 - (v) have a maximum gross floor area of 90 m²;
 - (vi) contain not more than one kitchen;
 - (vii) not be located in a building or structure that is a single family dwelling, manufactured home or motel cabin; and
 - (viii) not be located on a parcel where the total number of accessory dwelling units permitted have been exceeded.

BL 2110
09 Jan 09

RECREATION COMMERCIAL: C-3

8.11 (1) Permitted uses

Within the C-3 land use designation, the following uses and no others are permitted:

(a) The following amusement and recreation services:

- (i) go cart track, boat track, bumper boat facility,
- (ii) miniature golf,
- (iii) fairground,
- (iv) racetrack,
- (v) fitness centre,
- (vi) billiard hall, amusement arcade,
- (vii) curling rink,
- (viii) skating rink,
- (ix) skateboard park,
- (x) tennis court,
- (xi) community hall;

BL 2407
01 Feb 13

(b) *Golf course*;

(c) *Campground*, subject to section 5.15.

(2) Accessory uses

(a) *Concession stand* accessory to a permitted use;

(b) *Club house* accessory to a permitted use;

(c) *Dwelling unit* accessory to a permitted use;

BL 2407
01 Feb 13

(d) *Uses, buildings and structures* accessory to a permitted use, subject to subsection 8.11(4)(a).

(3) Regulations

In the C-3 land use designation, 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) Number of <i>accessory dwelling units</i>	one
(b) Minimum parcel size	0.4 ha
(c) Minimum <i>setbacks</i> :	
<i>All buildings and 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>	3.0 m
Go cart track, from an existing <i>dwelling unit</i> not on the same parcel	100.0 m
(d) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	12.0 m
(e) Maximum <i>parcel coverage</i>	70%

BL 2407
01 Feb 13

(4) Other Regulations

- (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.

PUBLIC INSTITUTIONAL: P-1

8.12 (1) Permitted Uses

Within the P-1 land use designation, the following uses and no others are permitted:

BL 1961
03 Aug 07

- (a) School, college;
- (b) Church;
- (c) *Group home*;
- (d) *Group day care*;
- (e) Community hall, club or lodge;

BL 2407
01 Feb 13

- (f) Fairground, exhibition ground;
- (g) *Campground*, subject to section 5.15;
- (h) Senior citizens centre;
- (i) *Rest home*;
- (j) Medical clinic;

BL 1961
03 Aug 07

- (k) Library;
- (l) *Government services*;
- (m) Cemetery;
- (n) *Solid waste facility*;

BL 1961
03 Aug 07

- (o) Road maintenance facility;
- (p) *Wireless communication facility*.

(2) Accessory uses

BL 2407
01 Feb 13

- (a) *Dwelling unit accessory* to a permitted use;
- (b) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 8.12(4)(a).

(3) Regulations

In the P-1 land use designation, 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) Number of <i>accessory dwelling units</i>	one
(b) Minimum <i>setbacks</i> :	
<i>All buildings and 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
<i>Solid waste facility</i> from a <i>dwelling unit</i> not on the same parcel	300 m
(c) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m
(d) Maximum <i>parcel coverage</i>	25%

BL 2407
01 Feb 13

(4) Other Regulations

- (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.

PART 9 ADOPTION

EFFECTIVE DATE OF BYLAW

9.01 This Bylaw is in force from date of adoption.

READ a first time the 8th day of January, 1999.

READ a second time the 8th day of January, 1999

READ a third time the 5th day of February, 1999.

APPROVED by the Ministry of Transportation and Highways
the 24th day of February, 1999.

APPROVED by the Ministry of Environment, Lands and Parks
the 21st day of April, 1999.

APPROVED by the Minister of Municipal Affairs
the 7th day of July, 1999.

ADOPTED the 9th day of July, 1999.

"J.E. Ogilvie"
CHAIRPERSON

"L.V. Crane"
SECRETARY

APPENDIX "A"

EXPLANATORY NOTES FOR FLOODPLAIN MANAGEMENT PROVISIONS

1. APPLICATION OF FLOODPLAIN SPECIFICATIONS

BL 2133
09 Jan 09

(a) Pursuant to specified *flood construction levels* and *floodplain setbacks*:

(i) the underside of any floor system, or the top of any *pad* supporting any space or room, including a *manufactured home*, that is used for dwelling purposes, *business*, or the storage of goods which are susceptible to damage by floodwater shall be above that specified level, and

BL 2133
09 Jan 09

(ii) any landfill required to support a floor system or *pad* shall not extend within any *setback* from a *watercourse* or body of water specified by this Bylaw.

(b) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the *pad* above *the flood construction levels* specified in Section 5.17. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.

(c) The Building Inspector, or such person appointed by the Board of the RDEK may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in Section 5.17. The cost of verification shall be assumed by the *owner*.

2. GENERAL EXEMPTIONS

BL 2133
09 Jan 09

Pursuant to Section 910 of the *Local Government Act*, the Regional District may allow general exemptions from the requirements of this Bylaw.

(a) The following types of development are exempt from the *flood construction levels* specified in Section 5.17 of this Bylaw:

(i) A renovation of an existing *building* or *structure* that does not involve an addition thereto;

(ii) An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the *building* or *structure* by less than 25 percent of the ground floor area (excluding carports or garages) existing at the date of adoption of this Bylaw, provided that the degree of nonconformity regarding *setback* is not increased;

(iii) That portion of a *building* or *structure* to be used as a carport, garage or entrance foyer;

(iv) Farm *buildings* other than *dwelling units* and closed sided *livestock* housing;

(v) Hot water tanks and furnaces behind *standard dykes*;

(vi) Closed sided *livestock* housing behind *standard dykes*;

(vii) Heavy Industry behind *standard dykes*;

(viii) On-loading and off-loading facilities associated with water oriented industry and portable sawmills.

BL 2133
09 Jan 09

(b) The following types of development are exempt from the *flood construction levels* specified in Section 5.17 of this Bylaw, subject to the following conditions.

(i) Farm Dwelling Units:

Farm *dwelling units* on parcel sizes 8.1 hectares, or greater, located within the *Agricultural Land Reserve*, shall be located with the underside of a wooden floor system or the top of the *pad* of any *habitable area* (or in the case of a *manufactured home* the top of *pad* or the ground surface on which it is located) no lower than 1.0 metre above *the natural ground elevation* taken at any point on the perimeter of the *building*, or no lower than the *flood construction levels* specified in Section 5.17 this Bylaw, whichever is the lesser.

(ii) Closed sided Livestock Housing:

Closed sided *livestock* housing not behind *standard dykes* shall be located with the underside of the wooden floor system or the top of the *pad* (or in the case of a *manufactured home* the top of *pad* or the ground surface on which it is located) no lower than 1.0 metre above *the natural ground elevation* taken at any point on the perimeter of the *building*, or no lower than the *flood construction levels* specified in Section 5.17 of this Bylaw, whichever is the lesser.

(iii) Industrial Uses:

Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the *pad* (or in the case of a *manufactured home* the top of *pad* or the ground surface on which it is located) no lower than the *flood construction levels* specified in Section 5.17 of this Bylaw, minus *freeboard*. Main electrical switchgear shall be no lower than the *flood construction level*.

3. SITE SPECIFIC EXEMPTIONS

BL 2133
09 Jan 09

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 the instructions on the application. Application may be made to vary either the required setback from or elevation above a *watercourse* or body of water.

REQUEST FOR SITE SPECIFIC EXEMPTION
APPLICATION FORM

Application form deleted by Bylaw 2133 adopted January 9, 2009.