Regional District of East Kootenay

ELECTORAL AREA C SOUTH
ZONING & FLOODPLAIN
MANAGEMENT BYLAW
NO. 2913, 2019

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

July 10, 2026

BYLAW AMENDMENTS

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
2920	01/2019	Dec. 6/19	(Cranbrook West / 1009891 BC Ltd)	Designation of that Part of DL 5249 KD Except (1) Parcel A (Reference Plan83926i) and (2) Parts Included in Plans 11421, 14823 and EPP55835 **RR-8 & RR-1 to RR-2**
2982	04/2020	Jul. 3/20	(Cranbrook North / Hill)	Designation of the northwest quarter of the northwest quarter of the west half of DL 3570, KD **RR-8 to RR-2**
2999	05/2020	Feb. 5/21	(Cranbrook South / MacIntyre)	Designation of part of Lot A DL 4836 KD Plan NEP19359 **RR-4 to RR-2**
3012	06/2020	May 7/21	(Lumberton / Mazurek)	Designation of Parts of Lot 2 DL 2305 KD Plan 5093 **RR-60 to RR-16 and RR-8**
3013	07/2020	Dec. 4/20	(Miscellaneous / RDEK)	Text Amendment Designation of part of Lots 1 & 2, DL 4837 KD Plan NEP22882 and part of Lot 2 DL 4837 KD Plan 11702 Except Part in Plan 16372 **RR-2 to RR-1** Designation of parts of Lot 25 DL 3575 KD Plan 882 **RR-2 to RR-1 and RS-4**
3026	08/2020	Apr. 9/21	(Lumberton / Mazurek)	Designation of Lot 1 DL 2305 KD Plan 5093 **RR-60 to RR-2**
3156	14/2022	Aug. 12/22	(Gold Creek / Merchant & Oslund)	Designation of Lot 5 DL 3911 KD Plan 6277 RR-2 to RS-4
3177	15/22	Sept. 9/22	(Gold Creek / Haga)	Designation of that portion of DL12982 KD RR-2 to RR-60
3183	16/22	Oct. 17/22	(Moyie South / Ministry of Forests)	Text Amendment
3200	18/22	Mar. 17/23	(Mission / Owen's Drilling Ltd)	Designation of Lot B DL 2870 KD Plan 15571 **RR-60 to C-3**
3221	19/23	Dec. 8/23	(Lumberton / Lost Dog Forestry Ltd)	Designation of that part of DL5255 KD **RR-60 to I-1**
3227	20/23	May 12/23	(Cranbrook North / Rice)	Designation of Lot 2 DL 16309 KD Plan EPP93726 **RR-8 to RR-4**
3229	21/23	Aug 11/23	(Moyie / Bessant)	Designation of Lot 1, DL 3544 KD Plan NEP19726 **RR-2 to RR-1**
3265	23/23	June 14/24	(Gold Creek / Visentin)	Text Amendment
3294	24/24	Oct. 11/24	(Cranbrook West / Faiers & McNiven)	Designation of Lot 134 DL 29 KD Plan 887 **RR-2 to RS-4**
3310	25/24	June 14/24	(SSMUH / RDEK)	Text Amendments
3325	26/24	Apr. 11/25	(Gold Creek / Murphy)	Designation of Lot 2 DL 3911 KD Plan 7361 **RR-2 to RS-4**
3343	27/24	Jan 10/25	(Moyie / Teck Metals Ltd.)	Designation of that part of DL 4416 KD except that part outlined in red on Plan 18621A **RR-60 to P-1**
3349	28/24	Aug. 8/25	(Jim Smith / Leopold)	Text Amendment
3362	29/24	Mar. 14/25	(Green Bay / Fountain Capital)	Text Amendment

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
3371	30/24	Mar. 14/25	(Cranbrook-Northwest / Collins)	Designation of parts of Lot B DL 2869 and 2245 KD Plan EPP40255 except Plan EPP99189 **RR-8 to RR-2 and RR-4** **RR-2 to RR-4**
3441	33/25	NPW	(Moyie Lake – SW / Hembree)	NPW
3458	34/26	Jul. 10/26	(Moyie South / Konkle)	Designation of Lot 1 DL 5464 KD Plan NEP85224 **RR-2 to RS-4**

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REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2913

A bylaw to regulate development within a portion of Electoral Area C of the Regional District of East Kootenay.

WHEREAS the Board of the Regional District of East Kootenay wishes to update, consolidate and combine an existing zoning bylaw and land use bylaw cited as "Regional District of East Kootenay Cranbrook Rural Zoning Bylaw No. 1402, 2001" and "Regional District of East Kootenay – Moyie and Area Land Use Bylaw No. 2017".

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

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

1. TITLE

This Bylaw may be cited for all purposes as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019".

2. ADMINISTRATION AND ENFORCEMENT

2.1 The Manager of Planning and Development Services, Manager of Building and Protective Services, and Compliance Officer, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw.

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

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

2.4 Bylaw No. 1402 cited as "Regional District of East Kootenay - Cranbrook Rural Zoning Bylaw No. 1402, 2001", Bylaw No. 2070 cited as "Regional District of East Kootenay – Moyie and Area Land Use Bylaw No. 2070, 2008" and "Regional District of East Kootenay – Cranbrook Rural Floodplain Management Bylaw No. 1557, 2001" are repealed.

3. INTERPRETATION

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

A, A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13
B, B1, B2

3.2 Measurements and Calculations

(1) Numerical quantities are written in the International System of Units (metric).

(2) Where a parcel contains more than one zone:

(a) Each different zone will be treated as a separate parcel for the purpose of calculating minimum parcel area, maximum parcel coverage and setbacks.

(b) All principal and accessory buildings, structures and uses must be located within the zone for the building, structure or use.

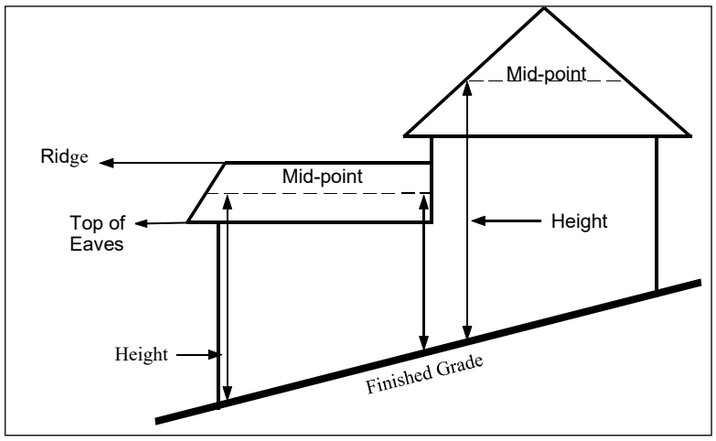
(3) Side setback requirements do not apply to the parcel line along which a *common wall* is located.

(4) All requirements that involve measurements and calculations apply to a bare land strata parcel in the same way as to any other parcel.

(5) Where access to a parcel is provided by a an *access route* or fee simple common lot, all measurements and calculations relating to parcels gaining access from the

access route or common lot apply in the same way as though access were provided from a *highway*.

(6) 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 on the diagram below:



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 1.11 (6) of Schedule A to this Bylaw.

3.3 Definitions

In this Bylaw:

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

Accessory means customarily incidental and subordinate.

Accessory building means:

(a) a *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 located.

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 Reserve Act*.

Alluvial fan means an alluvial deposit of a *watercourse* where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary *watercourse* with the main *watercourse*.

Animal unit means any of the following groups:

1	beef or dairy cow plus calf or one bull
1	horse (stallion, gelding, or mare and foal) donkey, mule or hinny
7	sheep plus lambs
7	goats plus kids
40	rabbits
125	chickens, turkeys, geese, ducks, game birds or combination
25	ratites
3	swine plus progeny to weaning;

or 455 kg live weight, whichever is less. The calculation of animal units may include a combination of the above groups provided that the maximum number of animal units does not exceed the permitted number of animal units identified within this Bylaw.

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, but excludes conference and convention facilities.

Boathouse means an *accessory building* or *structure* which is used for storage of boats, personal watercraft, tools and equipment *accessory* to the residential use located on the same parcel of land and is accessible directly from the water.

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.

Cabin means a *building* used for seasonal recreation or temporary accommodation. A cabin does not contain a *kitchen*.

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*.

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

Cannabis means the substance set out in item 1 of Schedule II of the *Controlled Drugs and Substances Act.*

Cannabis production facility means a facility for the cultivation, 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 as certified in writing by a physician.

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.

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.

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

Community water system means a system of waterworks serving more than one parcel which is approved under the *Drinking Water Protection Act* and any other provincial regulations that apply provided that it is owned, operated and maintained by:

1) a local government or improvement district as defined by the *Local Government Act*, or

2) a Strata corporation as defined by the *Strata Property Act*, or a water utility, as defined by the *Water Utility Act* where a Certificate of Public Convenience and Necessity (CPCN) has been issued by the Comptroller of Water Rights for the Ministry of Environment.

Concession stand means a *building* or *structure* for the sale of souvenirs, takeout foods, and related sundries.

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.

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

Cottage means a *building* on a *campsite* within a *campground* used for seasonal temporary or temporary accommodation. *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.

Derelict vehicle means any *vehicle* no longer in roadworthy condition, in a state of disrepair, wrecked or being dismantled or which is not licensed and insured in the current calendar year, but does not include *vehicles* stored in enclosed *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, the *designated flood* shall be set on a site specific basis.

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

Drive-in restaurant means a *building* wherein meals, refreshments or both intended for immediate consumption are sold where all, or most of the consumption takes place outside the *building*.

Duplex means one *building* containing two *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 *duplex*.

Dwelling unit means a *habitable room* or group of *habitable rooms* occupied or designed to be occupied by one or more persons with a kitchen and facilities for living and sleeping.

Equestrian centre 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.

Farm operation 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.*

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

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

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 m above finished grades.

Fish pond means a body of water where people pay the operator a fee to fish.

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.

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 Schedule B of this Bylaw.

Floodplain setback means the required minimum distance from the *ordinary high water mark* of a *watercourse*, lake, or other body of water 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.

Forest management means raising, tending and harvesting of trees for firewood, pulp, lumber, and Christmas trees.

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 provides access to parcels on the other side of the frontage road.

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.

Garage means an *accessory building,* or part of a *principal* building designed and used primarily for the parking and storage of *vehicles.*

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.

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

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.

Group home means a facility for 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.

Guest ranch means a working farm or ranch that includes a principal residence, agricultural *buildings* or *structures* and temporary guest accommodation in the form of *guest ranch cabins* and *lodges.*

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 portion of a *building* designed for living or sleeping, but does not include a bathroom, *kitchen*, storage room, laundry room, utility room or closet.

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

Home based business means an occupation, service or craft which is clearly *accessory* to the 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, forages and grains, and includes nurseries and greenhouses but does not include commercial mushroom growing.

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

Interpretative forest site means an *interpretative forest site* designated under the *Forest Practices Code of British Columbia Act.*

Keeping of farm animals means the keeping or rearing of *poultry* and *livestock*, other than swine or mink.

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 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.

Kitchen means a room or portion of a room which contains one or more of the following: wiring for a stove, 220 volt stove, gas stove, countertop stove or 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*.

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 sheltering of *livestock*, or for mushroom growing, including *buildings* or *structures* for the storage or handling of manure.

Lodge means a *building* that provides temporary accommodations for the exclusive use of operators and transient paying guests of a *guest ranch*, *rural retreat*, or *wildland use*. A lodge may include facilities for sleeping, meeting, recreation and sanitation.

Manufactured home means any *structure* as defined by the *Manufactured Home Act.*

Manufactured home area means that part of a *manufactured home park* used primarily for installed *manufactured homes* 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 zone other than a zone 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*.

Mini storage facility means the commercial use of a *building* or *structure* 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* divided into five or more self-contained temporary accommodations for the use of transient paying guests.

Off premise sign means any *sign* which contains *third party advertising.*

Off-street loading space means an area of land other than a *highway* used to provide access to a loading door, platform or bay serving a *building* or *structure* for the purpose of loading and unloading materials and goods from *vehicles*.

Off-street parking space means an area of land other than a *highway* used for the temporary parking of *vehicles*.

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.

Outdoor storage means storage outside a *building* or *structure* where material and equipment used by or associated with the *principal use* of the same or an adjoining parcel are kept.

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

Panhandle parcel means any parcel, the *building* area of which is serviced and gains frontage through the use of a strip of land not less than 6 metres in width, which is part of the parcel.

Parcel area means the total amount of land registered under a legal land title.

Parcel coverage means the total horizontal area within the outermost walls of all *buildings* and *structures* on a parcel including attached porches, carports, *sundecks* or verandas expressed as a percentage of *parcel area.* Open and enclosed terraces at grade, swimming pools, steps, cornices, eaves and similar projections, and *solar energy collectors* are excluded from *parcel coverage* calculations.

Parcel line means a legal boundary of a parcel as shown or described on the records of the Land Title Office.

Parcel line, exterior side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to a *highway*.

Parcel line, front means one of the following:

(a) the line or cumulative lines common to a *parcel* and an abutting *highway* other than a lane;

(b) for a corner lot, the *parcel line* or *parcel lines* having the shortest cumulative length abutting a *highway*;

(c) for a through lot, the line or cumulative lines to which the majority of adjacent *buildings* face when opposite *parcel lines* both adjoin a *highway*;

(d) for a *panhandle parcel*, the *parcel line* closest to the *highway* from which access is obtained, excluding the access strip.

Parcel line, interior side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another parcel or parcels.

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

Parcel line, side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another parcel or parcels or to a *highway*.

Park means open space set aside for recreational purposes or maintained for the use and enjoyment of the public. A *park* may include land owned or leased by a club, society, or organized group for recreational use by its members, but does not

include a commercial amusement park. A *park* may also include land owned and managed by a community association or other registered non-profit association.

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.

Portable sawmill means equipment for the processing of harvested timber into lumber, shakes or other wood construction material, where such equipment is readily transported by *vehicle* or aircraft, and is not permanently affixed to the parcel.

Poultry means domesticated birds kept for breeding, eggs, meat, feathers, hide, cosmetic or medicinal purposes.

Primary attack base means a facility or group of facilities used or intended to be used for the dispatch of emergency fire personnel and equipment for wildfire suppression purposes.

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

Principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used or intended to be used.

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 mean birds that have small or rudimentary wings and no keel to the breastbone and include ostriches, rheas and emus.

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 accommodations or 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.*

Recycling depot means a facility involved in the recycling of post consumer refuse such as glass, paper, cardboard and containers excluding vehicles and vehicle parts, with most activities carried out in a *building* but also including outdoor processing and outdoor storage. A *salvage yard* is not a *recycling depot*.

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

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

Rural retreat means a facility which is owned and operated by a non-profit society incorporated under the *Society Act* and is intended for recreational, educational, or religious purposes. A boarding school is not a *rural retreat.*

Salvage yard means an area where waste or scrap material, primarily metals, are stored, processed, exchanged or sold.

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

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.

Secondary dwelling unit for farm hand 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*.

Secondary spill containment means a double walled container (tank within a tank), with provision for tank overfills;

or

An impermeable containment dyke system constructed with a capacity of 1.5 times the capacity of the storage tank(s).

BL 3310
14 Jun 24

Secondary suite means an *accessory dwelling unit* located in a principal *dwelling unit* or detached *garage.*

Setback means the horizontal distance to a *parcel line, access route*, *watercourse*, body of water, or zone boundary.

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.

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14 Jun 24

Single family dwelling means a building containing one principal *dwelling unit* and may contain one *secondary suite*.

Small farm animals mean bees, rabbits, ducks and similar *poultry*, exclusive of geese, turkeys and *ratites*.

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

Solar energy facility means a facility which is designed, constructed, installed and operated for the collection and conversion of solar energy to generate, store, distribute and supply electricity. The facility may include solar collector panels, film, shingles or other collector devices as well as buildings and structures accessory to collection and conversion of solar energy into electricity including substations, electrical infrastructure and transmission lines.

Solid waste transfer facility means a facility designed, constructed and operated for the collection, processing, and transferring or disposal of municipal solid waste or components thereof and material recycling facilities. A *solid waste transfer facility* is not a *sanitary landfill site*.

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

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

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

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

Third party advertising means *sign* content which directs attention to products sold or services provided which are not the principal products or services provided on the premises at which the *sign* is located.

Total floor space means the total floor area of all floors of a *secondary suite* measured from the interior wall dimensions.

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.

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 m or more below the surrounding land, serving to give direction to a current of water at least six months of the year, or having a drainage area of 5 km^2 or more, or as designated by the Minister responsible for Environment, or his designated official.

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.

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.

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 permanent residents 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.*

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*.

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*.

4. ADOPTION

This Bylaw is in force from date of adoption.

READ a first time the 3rd day of May, 2019.

READ a second time the 3rd day of May, 2019.

READ a third time the 7th day of June, 2019.

APPROVED by the Ministry of Transportation and Infrastructure the 19th day of June, 2019.

Print Name: _____

Signature: *"Laura Branswell"*

ADOPTED the 5th day of July, 2019.

"Rob Gay"	*"Shannon Moskal"*
CHAIR	CORPORATE OFFICER

SCHEDULE A

LAND USE REGULATIONS

1. GENERAL REGULATIONS

1.01 Conformity of Uses, Buildings and Structures

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

1.02 Use of Existing Parcels

(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 zone in which they are located unless otherwise provided for in Part 4 of Schedule A to this Bylaw, provided all other regulations of this Bylaw are complied with.

(2) In the case of parcels less than 1670 m^2, 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 under the *Sewerage System Regulation* of the *Public Health Act*.

1.03 Permitted Uses in all Zones

The following uses are permitted in all zones:

(1) the use of a *building* or part thereof as a polling station for a government election, referendum or census;
(2) the use of a *building* or part thereof as campaign headquarters for political candidates;
(3) *highway* lighting fixture;
(4) *highway*, railroad;
(5) *park*;
(6) heritage site and heritage display sites;
(7) conservation areas, recreation reserves and ecological reserves;
(8) *public utility use.*

1.04 Prohibited Uses

(1) Intensive agriculture is prohibited on all parcels less than 4 ha in area on land not within the *Agricultural Land Reserve.*

(2) The use of a *recreational vehicle* or *park model trailer* as a residence is prohibited.

1.05 Occupancy During Construction

(1) Despite the requirements of section 1.18 of Schedule A to this Bylaw concerning the number of *dwelling units* permitted on a parcel, during construction of a new *dwelling unit* or reconstruction of an existing *dwelling unit* on a parcel in the RS-1, RS-1(A), RES-1(A), RS-4, RR-1, RR-2, RR-4, RR-8, RR-16, RR-60, WP-1, P-1 or P-2 zone, one additional *dwelling unit* or one *recreational vehicle* may be temporarily located on the parcel and occupied, provided:

(a) the owner holds a building permit for construction of a new *dwelling unit* or reconstruction of the existing *dwelling unit*;

(b) the additional *dwelling unit* conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of *dwelling units* permitted on a parcel;

(c) the *recreational vehicle* is sited in conformity with the regulations of the zone in which it is located;

(d) the owner submits proof of the ability to construct a sewage disposal system under the *Sewerage System Regulation* of the *Public Health Act* for the additional *dwelling unit* or *recreational vehicle*.

(2) Upon occupancy of the new *dwelling unit* or reconstructed *dwelling unit*, the additional *dwelling unit* must be:

(a) removed and the site thereof restored as nearly as possible to its condition prior to the construction or placement of the *dwelling unit*, or

(b) must be converted to an *accessory building* or *structure* subject to compliance with the applicable regulations of this Bylaw and disconnected from water and sewer systems.

(3) A *recreational vehicle* permitted under subsection (1) must be disconnected from water and sewer systems and no longer occupied:

(a) upon occupancy of a new or reconstructed *dwelling unit*; or

(b) upon expiry of the original *building* permit for the new *dwelling unit*, whichever occurs first.

1.06 Setback from Controlled Access Highway

(1) Despite the *setback* requirements contained elsewhere in this Bylaw, the minimum *setback* from a *parcel line* abutting a controlled access *highway* is 22.0 m.

(2) The *setback* from a controlled access *highway* does not apply to parcels served by a *frontage road* or parcels fronting the controlled access *highway* in Moyie townsite.

1.07 Developments Crossing Parcel Lines

Where a person proposes to site a *building* or *structure*, and where more than one parcel of land is required to accommodate the *building* or *structure* or the services for that *building* or *structure*, the *building* or *structure* is not permitted 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.

The Regional District may refuse to issue a *building* permit prior to such consolidation or covenant. The issuance of a *building* permit does not permit the use or relieve this requirement.

1.08 Home Based Businesses

(1) On all parcels where a *home based business* is a permitted use, the *home based business* must:

(a) be conducted by permanent residents residing in the *dwelling unit* to which the *home based business* is *accessory*.

(b) be operated with the assistance of not more than two on-site employees who do not reside in the *dwelling unit*.

(c) restrict retail sales of products to those produced, processed, grown, or assembled on the parcel or products customarily incidental and *accessory* to the service being provided on the parcel.

(d) not utilize an area more than $10m^2$ for retail display.

(2) On parcels less than 2.0 ha, where *home based business* is a permitted use, the *home based business* must:

(a) 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:

(i) the permitted signage;

(ii) a maximum of two personal *vehicles* necessary for operating the *home based business*; and

(iii) one commercial *vehicle* exceeding Class 4 gross *vehicle* weight rating (GVWR) which may be parked or stored on the parcel;

(b) not utilize more than 150.0 m^2 (1614.6 ft^2) of maximum *gross floor area* within all *buildings* and *structures* on the parcel for the *home based business;* and

(c) not exceed more than five on-site customers, clients or students for a *home based business* at a time.

(3) On parcels 2.0 ha or greater, where a *home based business* is a permitted use, the *home based business* must:

(a) not store materials, containers or finished product or park *vehicles* necessary for operating the *home based business* in the *front yard* or exterior *side yard;*

(b) not exceed a maximum of one commercial *vehicle* exceeding Class 4 gross vehicle weight rating (GVWR) parked or stored on the parcel; and

(c) site *accessory buildings* and *structures* and external storage areas utilized by the *home based business* a minimum of 10.0 m from a *parcel line*.

(4) On parcels 2.0 ha or greater, 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 400.0 m^2 whichever is less.

(5) On parcels 2.0 ha or greater, 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 150.0 m^2.

(6) Children's play *structures* associated with the *home based business* are permitted on the parcel.

(7) The operation of a preschool, *child care facility* or *group day care* may be operated for no more than seven children at a time.

(8) Bed and Breakfast use must:

(a) be carried out in a *single family dwelling;*

(b) not use more than four rooms for accommodation of transient paying guests for sleeping purposes; and

(c) serve breakfast only to those transient paying guests.

(9) Section 1.08 (2)(c) of Schedule A to this Bylaw does not apply to Bed and Breakfast operations.

(10) Erection of *signs* must be in accordance with section 1.13 of Schedule A to this Bylaw.

(11) Off-street parking requirements with respect to every parcel used for a *home based business* must be in accordance with Part 3 of Schedule A to this Bylaw.

1.09 Accessory Buildings and Structures

(1) No person may erect an *accessory building* or *structure* on any parcel in the RS-1, RS-1(A) and RES-1(A) zones unless the associated *principal building* has been erected or will be erected simultaneously with the *accessory building*.

(2) Subsection (1) does not apply to *livestock shelter*s or other *buildings* or *structures accessory* to a *farm operation.*

(3) Where an *accessory building* or *structure* is attached to the *principal building*, it will be considered part of the *principal building*.

(4) *Accessory buildings* or *structures* used or intended to be used as a *boathouse* must not:

(a) exceed one *storey* in *height;* or

(b) contain sleeping, cooking or sanitary facilities.

1.10 Siting of Buildings and Structures

(1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for siting of *buildings and structures* specified in this Bylaw.

(2) All enclosed runs and *buildings* used for *kennel* purposes must be sited not less than 60.0 m from a *parcel line*.

(3) The following features may project into *setback* requirements as specified in the regulations of Part 4 of Schedule A to this Bylaw:

(a)

FEATURE	SITING REQUIREMENT
Steps (other than fire escapes)	1.2 m
Eaves, gutters, cornices, sills, bay windows, chimneys	50% of the required *setback* to a maximum of 1.0 m in the case of a *setback* from a *front parcel line* or *rear parcel line*
Sundecks, balconies, marquees, canopies	50% of the required *setback* to a maximum of 1.8 m in the case of a *setback* from a *front parcel line* or a *rear parcel line*
Gasoline service pumps and pump islands	Minimum 4.5 m from all *parcel lines*
Swimming pool	Minimum 3.0 m from *a front parcel line* or *rear parcel line*
Boathouse	No minimum requirement from a *rear parcel line*

(b) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.

(c) 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* must at no point extend above the 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.

(4) Regulations concerning siting of *buildings* or *structures* in Part 4 of Schedule A to this Bylaw do not apply to *fences*, *screening*, paved surfaces, retaining walls and *signs*, except that the provisions of section 1.13 of Schedule A to this Bylaw apply.

(5) Despite the *setback* requirements in Part 4 of Schedule A to 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*;
(c) 30.0 m from an *exterior side parcel line*;
(d) 30.0 m from a *rear parcel line.*

1.11 Height of Buildings and Structures

(1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for height, size and dimensions of *buildings* and *structures* specified in Schedule A to this Bylaw.

(2) The *height* regulations of Schedule A to 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, stadium bleachers, lighting poles, silos, industrial cranes, observation towers, *solar energy collectors*, and windmills and wind machines.

(3) Despite the *height* requirements in Part 4 of Schedule A to this Bylaw, the maximum *height* of a *dwelling unit accessory* to a permitted use is:

(a) 5.0 m where the *dwelling unit* is a *manufactured home*;

(b) 9.0 m where the *dwelling unit* is a detached *dwelling unit* other than a *manufactured home*;

(c) the same as the maximum *height* for the *principal use*, where the *dwelling unit* is part of the *principal structure*.

(4) *Buildings* and *structures* used for a *farm operation* where a *farm operation* is a permitted use in the zone 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 Schedule A to 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 permitted maximum 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 3.3 of this Bylaw.

1.12 Visibility at Intersections

No person may obstruct vision at an intersection on *corner parcels* by any means, including *buildings*, *structures, fences* and *screening,* within a triangular area bounded by the two *parcel lines* adjacent to the *highway* right-of-way and a straight line joining each *parcel line* at a distance of 6.0 m from their point of intersection, as shown in **Figure 1.**

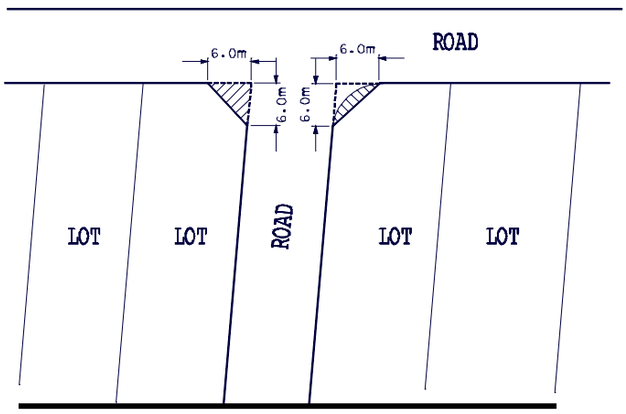

FIGURE 1: Visibility at Intersections

1.13 Signs

(1) On parcels that permit the use of *signs, signs* must not:

(a) project above the highest point of the roof, if roof-mounted;

(b) exceed the *height* permitted for the *principal building* on the parcel, if the *sign* is freestanding;

(c) display material of a general advertising nature which exceeds 8.9m^2 on any exterior *structure*;

(d) flash or move;

(e) project beyond *parcel lines*; and

(f) be an *off-premise sign*.

(2) In the R-MP zone, only identification *signs* to a maximum *height* of 1.8 m above *finished grade* and to a maximum area of 3.0 m^2 located at the principal entrance to the *manufactured home park* are permitted.

(3) In the RS-1, RS-4 and R-MP zones, identification *signs* for a *home based business* must not be illuminated and not exceed an area of 0.5 m^2.

(4) In RR zones, identification *signs* for a *home based business* must not be illuminated and not exceed an area of 1.0 m^2.

1.14 Dwelling for a Relative Requiring Care

(1) One *accessory dwelling unit* for a *relative requiring care* will be permitted:

(a) in the RS-4, RR-1, RR-2, RR-4, RR-8, RR-16 and RR-60 zones;

(b) where the present number of *dwelling units* on the parcel is not greater than the maximum number permitted in the Bylaw;

(c) where the *dwelling unit* for a *relative requiring care* is limited to one *manufactured home*, up to 9.0 m in width including additions, placed on a non-permanent foundation;

(d) where the owner of the parcel enters into a housing agreement with the Regional District under section 483 of the *Local Government Act* on terms acceptable to the Regional District including agreeing to remove the *dwelling unit* approved under this section once it is no longer required by the approved occupant;

(e) where a letter from a physician stating that the relative requires care is deposited upon request by the Regional District;

(f) where a statutory declaration attesting to the conditions of consent is deposited annually with the Regional District upon request by the Regional District; and

(g) where the sum of $3,000 in the form of cash or an irrevocable letter of credit is deposited with the Regional District as security for the removal of the *dwelling unit* for a *relative requiring care*.

(2) Where a *dwelling for a relative requiring care* is permitted, it may be occupied by either the person(s) requiring care or the owners(s) of the parcel on which the *dwelling for a relative requiring care* is to be located.

1.15 Fences and Screening

(1) The use of barbed wire or electric fencing is prohibited within the RS-1 and R-MP zones and along parcel lines abutting land in the RS-1 and R-MP zones.

(2) *Height* of *fences* and *screening* must be in accordance with the following:

ZONE	HEIGHT REGULATIONS
	Maximum Height
RS-1	1.0 m in required *front yard* 2.0 m in all other *yards*
RS-1(A)	1.0 m in required *front yard* 2.0 m in all other *yards*
RES-1(A)	2.0 m
R-MP	2.0 m
RS-4	2.0 m
RR-1	2.0 m
RR-2	2.0 m
RR-4	2.0 m
RR-8	2.0 m
RR-16	2.0 m
RR-60	2.0 m
WP-1	2.0 m
P-1	2.0 m
P-2	2.0 m
	Minimum Height
C-1 to C-5	2.0 m where *parcel line* abuts a residential or institutional zone or a parcel on which a residential use is located
RES-1	
	Maximum Height
I-1 I-2	2.0 m where *parcel line* abuts a residential or institutional zone or a parcel on which a residential use is located
	Minimum Height
P-3	2.0 m

(3) Maximum *height*s do not apply to fencing in the Rural Residential, Rural Resource and Watershed Protection zones where *fences* are erected to control *livestock* and wildlife capable of jumping over a *fence* 2.0 m in *height*.

(4) All *outdoor storage* in Commercial and Industrial zones 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.

(5) Where a *rear parcel line* abuts the *side parcel line* of another parcel, *screening* along the *rear parcel line* must be no higher than that permitted on the abutting *side parcel line*.

1.16 Campgrounds

On parcels where *campgrounds* are a permitted use, 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.

1.17 Storage of Derelict Vehicles

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, Rural Resource, Institutional, P-1 and P-2 zones.

1.18 Maximum Number of Dwelling Units

Subject to section 1.14 and Part 4 of Schedule A to this Bylaw, on all parcels:

(1) The maximum number of *principal dwelling units* permitted is:

(a) one *single family dwelling*; or

(b) *Section 1.18 (1)(b) is repealed by Bylaw 3310 adopted Jun. 14/24*

(c) one *duplex.*

(2) In zones permitting a residence for a *relative requiring care*, only one such *dwelling unit* is permitted.

(3) In zones permitting a *secondary dwelling unit for farm hand*, only two such *dwelling units* are permitted.

(4) Where permitted as an *accessory use* in Commercial, Industrial and Institutional Zones, only one such *dwelling unit* is permitted.

(5) A *building* must not be subdivided into strata lots if the number of strata lots created will exceed the maximum number of *dwelling units* permitted.

1.19 Placement and Storage of Recreational Vehicles

(1) On vacant parcels 1670 m^2 in area or larger and located in a zone where a *campground* is not a permitted use no more than two *recreational vehicles* may be stored, placed or seasonally occupied.

(2) Where *parcels* are 1670 m^2 or larger and contain one or more *dwelling units*, only one *recreational vehicle* is permitted to be stored, placed or seasonally occupied.

(3) On *parcels* less than 1670 m^2 in area and located in a zone where a *campground* is not a permitted use no more than one *recreational vehicle* can be stored, placed or seasonally occupied.

(4) *Recreational vehicles* occupied or intended to be occupied must be connected to a sewage disposal system approved under the *Sewerage System Regulation* of the *Public Health Act*.

(5) *Recreational vehicles* occupied or intended to be occupied must be sited in accordance with the applicable *setback* requirements of the zone in which they are located.

(6) Despite the requirements of section 1.19 (1) to (5), r*ecreational vehicles* may not be occupied or intended to be occupied within the boundaries of the Rockyview Official Community Plan.

1.20 Farm Use

(1) Where all or part of a parcel is in the *Agricultural Land Reserve*, uses approved by the Provincial Agricultural Land Commission as *accessory* to the farm use for that parcel are permitted in addition to activities designated farm use in the Agricultural Land Reserve Use Regulation.

(2) Where a parcel is not in the *Agricultural Land Reserve,* is located in a zone that permits *farm operation* 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 *farm operation*.

(3) *Buildings* or *structures* utilized for *farm operations* 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) B*uildings* or *structures* utilized as principal farm *buildings* or *structures*, or animal containment for the following types of *farm operations* must be sited as identified in the table below:

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

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

(c) Farm *buildings* and *structures* for the following agricultural uses must be sited as identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK From *ordinary high watermark* of lake or *watercourse*
Confined livestock area - less than 10 *animal units*	15.0 m
Confined livestock area - more than 10 *animal units*	30.0 m
Mushroom barn	15.0 m
Livestock barn or *livestock shelter*	15.0 m
Milking facility	15.0 m
Stable	15.0 m
Poultry barn	15.0 m

(d) All *farm operation buildings* or *structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.

(e) *Buildings* or *structures* for a *farm operation* for types of agricultural use not identified in section 1.20 (3) (a), (b) or (c) must be sited a minimum of 7.5 m from all *parcel lines*.

(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 watermark* of lakes and *watercourses*.

(4) Uses permitted in sections 1.20 (1) and (2) are subject to all applicable *farm operation* regulations contained elsewhere in this Bylaw.

1.21 Cannabis Production Facility

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 on those parcels that are located within a zone where it is identified as a permitted use.

1.22 Secondary Suites

(1) On parcels where a *secondary suite* is a permitted use:

(a) No more than one *secondary suite* shall be permitted.

(b) The s*econdary suite* must be constructed in accordance with the BC Building Code.

(c) The s*econdary suite* must be connected to an approved sewage disposal system.

(d) No *secondary suite* shall be subdivided from the principal *dwelling unit* by a strata plan pursuant to the *Strata Property Act*

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(e) The *total floor space* of the *secondary suite* must not exceed:

(i) 49% of the habitable floor space of the *building* when located within a *principal dwelling unit* .

(2) On parcels where a s*econdary suite* within a detached *garage* is a permitted use:

(a) The parcel must not contain a *duplex*, *secondary dwelling for farm hands*, *dwelling* for a *relative requiring care* or an *accessory dwelling unit.*

(b) The s*econdary suite* must be located above the *first storey* of the *garage* and have a separate external entrance from the *vehicle* entrance.

(c) Despite the maximum allowable height for *buildings* and *structures* in Part 4 of Schedule A to this Bylaw, the maximum allowable *height* for the detached *garage* with a *secondary suite* must not exceed 7.5 m.

(d) Despite the siting requirements for an *accessory building* or *structure* of Part 4 to this Bylaw, no person shall site a detached *garage* containing a *secondary suite* with:

(i) a *front yard* less than 7.5 m;
(ii) a *rear yard* less than 3.0 m, nor less than 4.5 m where adjacent to a *highway* right-of-way other than a *lane*.
(iii) a *side yard* less than 3.0 m, nor less than 4.5 m where adjacent to a *highway* right-of-way other than a *lane*.

(e) The *total floor space* of the *secondary suite* within a detached garage must not exceed:

(i) 70 m^2 when located within a detached *garage* on parcels less than 0.4 ha in size; or
(ii) 90 m^2 when located within a detached *garage* on parcels 0.4 ha in size or larger.

(3) Within the *Agricultural Land Reserve secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and Agricultural Land Reserve Use Regulation.

1.23 Maximum Number of Kitchens per Dwelling Unit

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

1.24 Guest Ranches

(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 in area;

(b) be conducted on a parcel assessed as farm under the *Assessment Act;* and

(c) not exceed 12.0 m^2 of *gross floor area* of *guest ranch* accommodation per ha to a maximum of 720.0 m^2.

1.25 Rural Retreats

(1) On parcels where a r*ural retreat* is a permitted use, *rural retreats* must:

(a) be conducted on a parcel not less than 16.0 ha in area.

1.26 Wildland Use

(1) On parcels where w*ildland use* is a permitted use, the *wildland use* must:

(a) be conducted on a parcel not less than 120.0 ha in area.

1.27 Lodges

(1) On parcels where *lodges* are a permitted use, *lodges* must:

(a) not exceed one *kitchen* per *lodge;*

(b) not exceed one communal dining facilities per *lodge;* and

(c) must not exceed one *lodge* per parcel.

1.28 Cabins

(1) On parcels where *cabins* are a permitted use, c*abins* must:

(a) not exceed 5.0 m in *height;* and

(b) not exceed a maximum *gross floor area* of 74.0 m^2.

1.29 Group Homes

(1) On parcels where *group home* is a permitted use, g*roup 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.

1.30 Keeping of Animals

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 *animal unit* per ha; and

(b) the number of *animal units* of *poultry* must not exceed one-half *animal unit* per ha.

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 forty*;* and

(b) the cumulative number of *poultry,* exclusive of geese, turkeys, and *ratites*, must not exceed fifteen.

1.31 Secondary Dwelling for Farm Hand

(1) On parcels where *secondary dwelling for a farm hand* is a permitted use, the s*econdary dwelling for farm hand* must:

(a) be limited to a *manufactured home*, up to 9.0 m in width including additions;

(b) be placed on a non-permanent foundation or pier type foundation only;

(c) not exceed one *secondary dwelling for a farm hand* where the combined holdings of the *farm operation* are 8.0 ha in area or less; and

(d) not exceed two *secondary dwellings for a farm hand* where the combined holdings of the *farm operation* are greater than 8.0 ha in area.

(2) *Secondary dwelling for farm hand* is not permitted *accessory* to a *cannabis production facility.*

(3) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hand* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and Agricultural Land Reserve Use Regulation.

1.32 Property Specific Regulations

(1) Despite the use and density regulations contained elsewhere in this Bylaw:

(a) On Lot 30, District Lot 3558, Kootenay District, Plan 1261, Except Part Included in Plan 4771 only, 375.0 m^2 of indoor storage, 465.0 m^2 of covered storage and 235.0 m^2 of outdoor storage is permitted. All permitted storage is limited to *vehicles*, equipment and mineral samples accessory to mineral exploration.

(b) On Sublot I, District Lot 4591, Plan X29, Except Part Included in Plan NEP21252 only, a *Solar Energy Facility* is permitted.

BL 3013 Dec. 4/20

(c) A maximum of two dwelling units are permitted on Lot 16, District Lot 5590, Kootenay District, Plan 12334.

BL 3183 Nov. 10/22

(d) On that portion of District Lot 3003, Kootenay District, except (1) AFPB 12/266/2838A (Plan DD19911) (2) part included in Plan 2348, (3) Parcel A (see 154833i), (4) Parcel B (see 154834i), (5) Parcel C (see 154835i) and (6) Parcel D (see 96575i) (7) Plan NEP71973, a firehall is a permitted use.

BL 3265 Jun 14/24

(e) On Lot 27, District Lot 3558, Kootenay District, Plan 1261, a Wireless Communication Facility is permitted.

BL 3349 Aug 8/25

(f) On Lot 4, District Lot 5801, Kootenay District, Plan 11940, a kennel is permitted with 0.00 m setback. The kennel may keep up to a maximum of eight dogs.

BL 3362 Mar 14/25

(g) A maximum of three manufactured homes are permitted on District Lot 2798 Kootenay District, except (1) part included in RW Plan 524-U1, (2) Parcel B (Reference Plan 97257I), (3) Parcel A (Reference Plan 100176I) and (4) parts included in Plans 7656, 8124, 8590, 8661, R228 and EPP126384.

2. PARCEL AREA REQUIREMENTS

2.01 Parcel Area

(1) No parcel may be created unless it is of sufficient area to provide a site which may be used for one of the uses permitted in the zone in which it is located, having due regard for the regulations of this Bylaw concerning *parcel area* and *setback* requirements.

(2) Subject to subsection (3) of this section and sections 2.03, 2.04, 2.05, and 2.06, the *parcel area* requirements in Part 4 of Schedule A to this Bylaw will be the minimum area of parcels of land that may be created by subdivision under the *Land Title Act* or the *Strata Property Act*, except for strata lots sharing *common walls* in a *building*.

(3) The *parcel area* requirements in Part 4 of Schedule A to this Bylaw and the minimum *usable site area* requirements of section 2.03 of Schedule A to this Bylaw do not apply to:

(a) *public utility use*;
(b) navigational aids;
(c) *parks*;
(d) surface parking lots;
(e) *access routes;*
(f) *solid waste transfer facility.*

2.02 Minimum Average Parcel Area for Bare Land Strata Subdivision

(1) The minimum average *parcel area* is equal to the minimum *parcel area* found in Part 4 of Schedule A to this Bylaw.

2.03 Minimum Usable Site Area

(1) Subject to section 2.01 (3), all parcels must have a minimum *usable site area* of not less than:

(a) 1670 m^2 where the proposed parcel is not served by a *community water system*; and

(b) 695.0 m^2 where the proposed parcel is served by a *community water system*.

(2) In cases where the minimum *parcel area* requirement is less than the minimum *usable site area* specified in subsection (1), the minimum *usable site area* shall be the same as the *parcel area* required.

2.04 Reduction of Parcel Area Requirements

(1) The *parcel area* required in Part 4 of Schedule A to this Bylaw may be reduced where the proposed subdivision:

(a) consolidates two or more parcels into a single parcel, provided:

(i) it is impossible to meet the parcel requirements;
(ii) all parts of the new parcel are contiguous;
(iii) the proposed parcel has the minimum *usable site area* specified in section 2.03.

(b) involves *parcel line* adjustments provided:

(i) it is impossible to meet the *parcel area* requirements;
(ii) the proposed subdivision creates no more parcels for the *land* being subdivided than exist at the time of application;
(iii) all parcels meet the minimum *usable site area* specified in section 2.03;
(iv) all parcels that meet the *parcel area* requirements prior to the *parcel line* adjustment are not reduced in area below the minimum *parcel area* for the zone in which they are located.

(c) involves a parcel of *land* that is divided by an existing parcel or an existing constructed and registered *highway* or railway right-of-way, where the boundaries of that parcel or right-of-way will be boundaries of the proposed parcel provided:

(i) it is impossible to create a parcel on each side of the existing *highway* or right-of-way that meets the *parcel area* requirements;
(ii) the proposed parcels have the minimum *usable site area* specified in section 2.03;
(iii) the *highway* is not less than 20.0 m in width;
(iv) the *highway* is not a BC Forest Service Road.

(d) involves a parcel of *land* that is not large enough to accommodate the proposed parcels and *highway* right-of-way provided:

(i) it is impossible to meet the *parcel area* requirements;
(ii) only one of the proposed parcels is smaller than the parcel area requirement;
(iii) the proposed smaller parcel is no more than 10% smaller than the *parcel area* requirement;
(iv) the proposed smaller parcel is not smaller than the minimum *usable site area* specified in section 2.03.

(e) divides a parcel along a boundary line of a zone, provided the proposed parcels have the *minimum useable site area* as specified in section 2.03.

(f) divides a parcel along a boundary line of the *Agricultural Land Reserve*, provided the proposed parcels have the minimum *usable site area* as specified in section 2.03.

(g) involves a parcel which is divided by a topographic feature so severe that the divided portions of the parcel are not contiguous, provided:

(i) it is impossible to create a parcel on each side of the topographic feature that meets the *parcel area* requirements;
(ii) the proposed parcels have the minimum *usable site area* requirement as specified in section 2.03**.**

(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*.

2.05 Panhandle Parcels

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

2.06 Subdivision Pursuant to Section 514 of the *Local Government Act*

Where land is proposed for subdivision under Section 514 of the *Local Government 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 area for the zone in which they are located, provided that a parcel that may be subdivided under section 514 of the *Local Government Act* is not less than 4.0 ha in area.

3. PARKING AND LOADING REQUIREMENTS

3.01 General Requirements

(1) Owners and occupiers of *buildings* and *structures* must provide *off-street parking spaces* and *off-street loading spaces* in accordance with the provisions of this Bylaw except where the *buildings* and *structures* are intended to be accessed exclusively by hiking, skiing, snowmobiling, horseback, boat or aircraft.

(2) Vehicular access to a *highway* is required for all *off-street parking spaces* and *off-street loading spaces*.

(3) All parking areas, *off-street parking spaces*, and *off-street loading spaces*, for other than *single family dwellings* and *duplexes* must not have a slope of more than 8.0%.

(4) *Off-street parking spaces* and *off-street loading spaces* must not be used for driveways or display, sales or storage of goods.

(5) When the calculation of the required number of *off-street parking* or *off-street loading spaces* results in a fractional number, one *off-street parking* or *off-street loading space* must be provided to meet the fractional requirement.

(6) In cases of mixed uses, the total requirements for *off-street parking* and *off-street loading* will be the sum of the requirements for the various uses calculated separately unless otherwise permitted. Required *off-street parking space*s for one use will not be considered as required *off-street parking space*s for any other use.

(7) *Off-street loading spaces* will not be credited as *off-street parking spaces*.

(8) *Off-street parking spaces* will not be credited as *off-street loading spaces*.

(9) A maximum of two *off-street parking spaces* must be provided for customers and clients of *home based businesses*, in addition to *off-street parking spaces* required for residential use in section 3.03(4) of Schedule A to this Bylaw. *Off-street parking spaces* must also be provided for all *vehicles* associated with *home based businesses.*

(10) In addition to the requirements of the BC Building Code, all *off-street parking* areas containing more than ten but fewer than fifty-one *off-street parking space*s must include a minimum of one of the *off-street parking spaces* for persons with disabilities. *Off-street parking spaces* for persons with disabilities must be located as close to the main entrance(s) of the *principal building* as possible.

3.02 Disabled Parking Spaces

(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 of portions there-of 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 indicated exclusive use for disabled persons.

(4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

3.03 Required Off-Street Parking Spaces

(1) Commercial and Industrial Uses

(a)	Forest service industries, mining and milling, quarrying,	- 1 per 30 m^2 of office use plus 1 per 185 m^2 of *gross floor area*

	oil well industries		for all uses enclosed within a *building*, plus 1 for every commercially licenced *vehicle* for that address
(b)	Transportation and storage, and wholesale industries	-	1 per 30 m^2 of office use plus 1 per 100 m^2 of *gross floor area* open to the public plus 1 per 185 m^2 of *gross floor area* for all other uses enclosed within a *building*, plus 1 for every commercially licenced *vehicle* for that address
(c)	Manufacturing industries	-	1 per 30 m^2 of office use, plus 1 per 50 m^2 of retail sales floor area plus 1 per 185 m^2 of *gross floor area* for all other uses enclosed within a *building*
(d)	Communication and other utility industry	-	1 per 30 m^2 of office use, plus 1 per 185 m^2 of *gross floor area* for all other uses enclosed within a *building*, plus one for every commercially licenced *vehicle* for that address
(e)	Commercial office	-	1 per 30 m^2 of *gross floor area*
(f)	Marinas and moorage facilities	-	1 per 5 berths
(g)	*Cannabis production facility*	-	1 per 30 m^2 of office use, plus 1 per 185 m^2 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 m^2 of *gross floor area*
(b)	Funeral Services	-	1 per 4 seats in chapel
(c)	Laundries and cleaners	-	1 per 30 m^2 of *gross floor area* not open to the public, plus 1 per 3 washing / cleaning machines for self-serve facilities
(d)	Membership organizations	-	1 per 4 seat capacity plus 1 per 35 m^2 of *gross floor area* not used for seating
(e)	Repair services, services to *buildings* and *dwelling unit*s, travel services, photographers and other services	-	1 per 35 m^2 of *gross floor area*
(f)	Rental and leasing of machinery, equipment and *vehicles*	-	1 per 70 m^2 of *gross floor area* plus 1 per 30 m^2 of office use
(g)	Other personal and household services	-	1 per 10 m^2 of *gross floor area*

(3) Recreational Services

(a)	Golf		
	(i) Nine hole	-	100 spaces
	(ii) Regulation 18 hole	-	150 spaces
	(iii) Par 3 and executive	-	120 spaces
	(iv) Driving range	-	1 per tee plus 1 per 10 m^2 of *gross floor area* not open to the

	(v) Miniature *golf course*	-	public 2 per hole plus 1 per 10 m^2 *gross floor area* not open to the public; where *accessory* to another use, 3 spaces in total
(b)	Baseball diamonds	-	18 per baseball diamond
(c)	Other sport and recreation clubs not listed elsewhere	-	1 per 10 m^2 of *gross floor area* or ice area plus 4 spaces per court plus 1 per 4 player / person capacity for other sports or amusements

(4) Residential Uses

(a)	*Single family* and *duplex*	-	2 per *dwelling unit*
(b)	*Secondary suite*	-	1 space
(c)	Bed and breakfast	-	1 per room used by guests for sleeping accommodation
(d)	*Manufactured home park*	-	2 per *dwelling unit*

(5) Retail

(a)	Automotive related (auto and *recreational vehicle* dealers, service stations, repair shops and other MV services)	-	2 per service bay plus 1 per 60 m^2 of *gross floor area*
(b)	Parts and accessories	-	1 per 15 m^2 of *gross floor area*
(c)	General retail	-	1 per 15 m^2 of *gross floor area*
(d)	Direct farm marketing	-	1 per 20 m^2 of *gross floor area*

(6) Service Industries

(a)	Accommodation services per *campsite*, plus 1 per *hotel* or *motel* room	-	2 plus 1 per *dwelling unit* plus 1
(b)	Food and beverage services	-	1 per 3 seat capacity
	(i) Drive-in/takeout only	-	10 spaces
(c)	*Farm operation*	-	2 spaces
	(i) Incidental services	-	1 per 30 m^2 of *gross floor area*
	(ii) Veterinary	-	1 per 10 m^2 of *gross floor area*
(d)	Education service industries		
	(i) Child care, preschools and elementary schools	-	1 per 50 m^2 of *gross floor area*
	(ii) Senior secondary, post secondary, or commercial schools	-	3 per classroom plus 1 per 30 m^2 of *gross floor area* exclusive of classrooms
	(iii) Library services, museums and archives	-	1 per 40 m^2 of *gross floor area*
(e)	Government Services	-	1 per 35 m^2 of *gross floor area*
(f)	Health and social service industries	-	1 per 35 m^2 of *gross floor area*
	(i) Hospitals and other institutional social services	-	1 per 5 beds plus 1 per 30 m^2 of office use
	(ii) Private health and social service practitioners	-	1 per 10 m^2 of *gross floor area*

3.04 Size and Location of Off-Street Parking Spaces

(1) Each required *off-street parking space* must be a minimum of 2.0 m in height, 2.7 m in width and 6.0 m in length exclusive of aisle access. For 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) Length of *off-street parking spaces* may be reduced to 4.6 m for not more than 5.0% of the number of required *off-street parking spaces*, provided these spaces are clearly marked "small car only".

(3) Minimum aisle widths must conform to the provisions of the following table:

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

(4) An aisle less than 6.0 m in width must be designed for and clearly marked as suitable for one-way traffic flow only.

(5) All required *off-street parking spaces* for residential uses must be located on the same parcel as the residential use being served.

(6) (a) All required *off-street parking* for other than residential uses must be located not more than 120.0 m from the parcel, *building* or *structure* being served. Required *off-street parking* must be located on a parcel in the same zone as the parcel being served.

(b) Where some or all of the *off-street parking* is provided on a parcel other than that on which the use, *building* or *structure* being served is located, a covenant under Section 219 of the *Land Title Act* must be registered in the Land Title Office in favour of the Regional District 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.

(7) 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.

3.05 Required Off-Street Loading Spaces

For all commercial, industrial - and institutional uses	1 for the first 2000 m^2 of *gross floor area* plus 1 for remaining *gross floor area* over 2000 m^2.

3.06 Size and Location of Off-Street Loading Spaces

(1) Each *off-street loading space* must be not less than 9.0 m in length, 3.5 m in width, and 4.0 m in height.

(2) *Off-street loading spaces* must be located on the same parcel as the *building* or *structure* being served, but no part of an *off-street loading space* may be less than 7.5 m from the nearest point of intersection of any two *highways*.

4. ZONES

4.01 Establishment of Zones

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

CATEGORY	ZONE TITLE	SHORT TITLE
Residential	Residential (Urban)	RS-1
	Residential (Semi-Rural Single Family)	RS-1(A)
	Residential (Semi-Rural)	RS-4
	Manufactured Home Park Residential	R-MP
	Recreation Accommodation	RES-1
	Recreation Residential	RES-1(A)
Rural Residential	Rural Residential (Estate)	RR-1
	Rural Residential (Small Holding)	RR-2
	Rural Residential (Hobby Farm)	RR-4
	Rural Residential (Country)	RR-8
	Rural Residential (Extensive)	RR-16
Rural Resource	Rural Resource	RR-60
Watershed Protection	Watershed Protection	WP-1
Commercial	Local Commercial	C-1
	General Commercial	C-2
	Service Commercial	C-3
	Recreation Commercial	C-4
	Highway Commercial	C-5
Industrial	Light Industrial	I-1
	Gravel Extraction	I-2
Institutional	Public Institutional	P-1
	Park and Open Space	P-2
	Public Works and Utility	P-3

4.02 Zone Boundaries and Maps

(1) The location and spatial extent of zones established by this Bylaw are as shown on the following schedules, which are incorporated into and form part of this Bylaw:

A and A-1 to A-12 inclusive.

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

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

4.03 Residential (Semi-Rural): RS-1

(1) Permitted uses

Within the RS-1 zone, the following uses only are permitted:

(a) *Single family dwelling*;

(b) *Duplex*.

(2) Accessory uses

(a) *Home based business*;

(b) Apiculture, *horticulture;*

(c) *Keeping of small farm animals*;

(d) *Secondary suite;*

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

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	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	555 m^2
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	6.0 m
	▪ *rear parcel line*	1.5 m
	▪ *rear parcel line* when adjacent to a *lane* or alley	3.0 m
	▪ *interior side parcel line*	1.2 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	6.0 m
	▪ *front parcel line* for detached garage or carport where topographic constraints do not permit construction in other than the *front yard*	2.5 m
	▪ *rear parcel line*	1.0 m
	▪ *rear parcel line* when adjacent to a *lane* or alley	3.0 m
	▪ *interior side parcel line*	1.0 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum height for:	
	Principal buildings and *structures*	9.0 m
	Accessory buildings and *structures*	5.0 m
(d)	Maximum *parcel coverage* for parcels with a:	
	Single family dwelling	30%
	Duplex	35%

4.04 Residential (Semi-Rural Single Family): RS-1(A) Zone

(1) Permitted uses

Within the RS-1(A) zone, the following uses and no others are permitted:

(a) *Single family dwelling*.

(2) Accessory uses

(a) *Home based business*;

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(b) *Secondary suite* within the principal *dwelling unit* only;

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum *parcel* area	1670 m^2
(b) Minimum *setbacks*:	
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Principal buildings and *structures* from:	
▪ *front parcel line*	6.0 m
▪ *rear parcel line*	1.2 m
▪ *interior side parcel line*	1.5 m
▪ *exterior side parcel line*	4.5 m
Accessory buildings and *structures* from:	
▪ *front parcel line*	6.0 m
▪ *front parcel line* for detached garage or carport where topographic constraints do not permit construction in other than the *front yard*	4.5 m
▪ *rear parcel line*	1.0 m
▪ *interior side parcel line*	1.0 m
▪ *exterior side parcel line*	4.5 m
(c) Maximum height for:	
Principal buildings and *structures*	9.0 m
Accessory buildings and *structures*	5.0 m
(d) Maximum *parcel coverage*:	30%

4.05 Residential (Semi-Rural): RS-4 Zone

(1) Permitted uses

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

(a) *Single family dwelling*;

(b) *Duplex*.

(2) Accessory uses

(a) *Home based business*;

(b) Apiculture, *horticulture*;

(c) *Keeping of small farm animals*;

(d) *Secondary suite;*

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	0.4 ha
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	7.5 m
	▪ *interior side parcel line*	2.0 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	2.0 m
	▪ *interior side parcel line*	2.0 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum height for:	
	Principal buildings and *structures*	9.0 m
	Accessory buildings and *structures*	5.0 m
(d)	Maximum *parcel coverage* for parcels with a:	
	Single family dwelling	30%
	Duplex	35%

4.06 Manufactured Home Park Residential: R-MP Zone

(1) Permitted uses

Within the R-MP zone, 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

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

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

4.07 Recreation Accommodation: RES-1 Zone

(1) Permitted Uses

Within the RES-1 zone, the following uses and no others are permitted:

(a) *Campground;*

(b) Community hall.

(2) Accessory uses

(a) *Dwelling unit accessory* to section 4.07 (1) (a);

(b) *Concession stand*;

(c) *Common storage area;*

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Number of *accessory dwelling units*	one
(b) Minimum *parcel* area	4.0 ha
(c) Minimum setbacks:	
All buildings and structures from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line*	4.5 m
▪ *interior side parcel line*	4.5 m
▪ *exterior side parcel line*	4.5 m
(d) Maximum height for all *buildings* and *structures*	9.0 m
(e) Maximum *parcel coverage*	70%

4.08 Recreation Residential: RES-1(A) Zone

(1) Permitted uses

Within the RES-1(A) zone, the following uses and no others are permitted:

(a) *Single family dwelling*;

(2) Accessory uses

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(a) *Home based business*;

(b) Secondary suite within the principal dwelling unit only;

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum *parcel* area	12 ha
(b)	Density:	
	▪ *Single family dwellings* per hectare	2.8
(c)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	10.0 m
	▪ *rear parcel line*	10.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	5.0 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	5.0 m
(d)	Maximum height for:	
	Principal buildings and *structures*	9.0 m
	Accessory buildings and *structures*	6.0 m

4.09 Rural Residential (Estate): RR-1 Zone

(1) Permitted uses

Within the RR-1 zone, the following uses and no others are permitted:

(a) *Single family dwelling*;

(b) *Duplex*;

(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

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel area	1.0 ha
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	7.5 m
	▪ *interior side parcel line*	2.0 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	3.0 m
	▪ *interior side parcel line*	2.0 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum height for:	
	Principal buildings and *structures*	9.0 m
	Accessory buildings and *structures*	9.0 m
(d)	Maximum *parcel coverage*	35%
(e)	Maximum *parcel coverage* for greenhouses with closed waste and storm water systems	75%

4.10 Rural Residential (Small Holding): RR-2 Zone

(1) Permitted uses

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

(a) *Single family dwelling*;

(b) *Duplex*;

(c) *Farm operation*, excluding mink farm and *feedlot*.

(2) Accessory uses

(a) *Home based business*;

(b) *Secondary dwelling unit* for farm hand;

(c) *Veterinary clinic*;

(d) *Kennel*;

(e) *Secondary suite;*

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel area	2.0 ha
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	10.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum height for:	
	Principal buildings and *structures*	10.0 m
	Accessory buildings and *structures*	12.0 m
(d)	Maximum *parcel coverage*	35%
(e)	Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

All *dwelling units* must be located on a contiguous area of the parcel not larger than 1.0 ha in area.

4.11 Rural Residential (Hobby Farm): RR-4 Zone

(1) Permitted uses

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

(a) *Single family dwelling*;

(b) *Duplex*;

(c) *Farm operation*, excluding *confined livestock areas.*

(2) Accessory uses

(a) *Home based business*;

(b) *Secondary dwelling unit for farm hand*;

(c) *Veterinary clinic*;

(d) *Kennel*;

(e) *Secondary suite;*

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	4.0 ha
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	10.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	5.0 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	5.0 m
(c)	Maximum height for:	
	Principal buildings and *structures*	10.0 m
	Accessory buildings and *structures*	12.0 m
(d)	Maximum *parcel coverage*	35%
(e)	Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in area.

4.12 Rural Residential (Country): RR-8 Zone

(1) Permitted uses

Within the RR-8 zone, the following uses and no others are permitted:

(a) *Single family dwelling*;

(b) *Duplex*;

(c) *Farm operation*;

(d) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;

(e) *Forest management;*

(f) *Portable sawmill*;

(g) *Equestrian centre*;

(h) Archery, trap and skeet range;

(i) *Fish pond*.

(2) Accessory uses

(a) *Home based business*;

(b) *Secondary dwelling unit for farm hand*;

(c) *Concession stand accessory* to *fish pond*;

(d) *Veterinary clinic*;

(e) *Kennel*;

(f) *Secondary suite;*

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel area	8.0 ha
(b)	Minimum *setbacks*: *Principal buildings* and *structures* from: ▪ *front parcel line* ▪ *rear parcel line* ▪ *interior side parcel line* ▪ *exterior side parcel line* *Accessory buildings* and *structures* from: ▪ *front parcel line* ▪ *rear parcel line* ▪ *interior side parcel line* ▪ *exterior side parcel line* Additional *setback* requirements from ▪ all *parcel lines* for *portable* sawmills ▪ an existing *dwelling unit* not on the same parcel for *portable sawmills*	 7.5 m 20.0 m 15.0 m 15.0 m 7.5 m 5.0 m 5.0 m 5.0 m 15.0 m 100.0 m
(c)	Maximum height for: *Principal buildings* and *structures* *Accessory buildings* and *structures*	 10.0 m 12.0 m
(d)	Maximum size for *concession stand*	35 m^2
(e)	Maximum *parcel coverage*	35%
(f)	Maximum *parcel coverage* for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

(a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in area.

(b) All *portable sawmills* must meet the following requirements:

(i) minimum parcel area of 8.0 ha;
(ii) maximum capacity of 50.0 m^3 (21,180 board feet) per day;
(iii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
(iv) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
(v) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
(vi) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.13 Rural Residential (Extensive): RR-16 Zone

(1) Permitted uses

Within the RR-16 zone, the following uses and no others are permitted:

(a) *Single family dwelling*;

(b) *Duplex*;

(c) *Farm operation;*

(d) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;

(e) *Forest management;*

(f) *Portable sawmill*;

(g) *Equestrian centre*;

(h) Archery, trap and skeet range;

(i) *Fish pond*;

(j) Private airstrip;

(k) *Wildland use*;

(l) *Guest ranch*.

(2) Accessory uses

(a) *Home based business*;

(b) *Secondary dwelling unit for farm hand*;

(c) *Veterinary clinic*;

(d) *Kennel*;

(e) *Concession stand accessory* to *fish pond*;

(f) *Cabin accessory* to *guest ranch* or *wildland use*.

(g) *Secondary suite;*

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	16.0 ha
(b)	Minimum *setbacks*: *Principal buildings* and *structures* from: ▪ *front parcel line* ▪ *rear parcel line* ▪ *interior side parcel line* ▪ *exterior side parcel line* *Accessory buildings* and *structures* from: ▪ *front parcel line* ▪ *rear parcel line* ▪ *interior side parcel line* ▪ *exterior side parcel line* Additional *setback* requirements from: ▪ all *parcel lines* for *portable sawmills* ▪ an existing *dwelling unit* not on the same parcel for *portable sawmills* ▪ all *parcel lines* for rifle, archery, trap and skeet ranges	 7.5 m 20.0 m 15.0 m 7.5 m 7.5 m 5.0 m 5.0 m 5.0 m 15.0 m 100.0 m 200.0 m
(c)	Maximum height for: Principal *buildings* and *structures* *Accessory buildings* and *structures*	 10.0 m 12.0 m
(d)	Maximum *parcel coverage*	35%
(e)	Maximum *parcel coverage* for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

(a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha in area.

(b) All *portable sawmills* must meet the following requirements:

(i) minimum parcel area of 8.0 ha;
(ii) maximum capacity of 50.0 m^3 (21,180 board feet) per day;
(iii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
(iv) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
(v) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
(vi) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.14 Rural Resource: RR-60 Zone

(1) Permitted uses

Within the RR-60 zone, the following uses and no others are permitted:

(a) *Single family dwelling*;
(b) *Duplex*;
(c) *Kennel*;
(d) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;
(e) *Forest management;*
(f) *Farm operation;*
(g) *Portable sawmill*;
(h) *Equestrian centre*;
(i) Rifle, archery, trap and skeet range;
(j) *Fish pond*;
(k) Airport, heliport;
(l) *Wildland use*;
(m) *Guest ranch*;
(n) Youth camp;
(o) *Rural Retreat*;
(p) *Wireless communication facility;*

(2) Accessory uses

(a) *Home based business*;
(b) *Secondary dwelling unit for farm hand*;
(c) *Veterinary clinic*;
(d) *Concession stand accessory* to *fish pond*;
(e) *Lodge*;
(f) *Cabin*;
(g) *Secondary suite;*
(h) Uses, *buildings* and *structures accessory* to a permitted use.

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	60.0 ha
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	20.0 m
	▪ *interior side parcel line*	15.0 m
	▪ *exterior side parcel line*	7.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5.0 m
	▪ *interior side parcel line*	5.0 m
	▪ *exterior side parcel line*	5.0 m
	Additional *setback* requirements from:	
	▪ all *parcel lines* for *portable sawmills*	15.0 m
	▪ an existing *dwelling unit* not on the same parcel for *portable sawmills*	100.0 m
	▪ all *parcels lines* for rifle, trap and skeet ranges	100.0 m
(c)	Maximum height for:	
	Principal *buildings* and *structures*	10.0 m
	Accessory buildings and *structures*	12.0 m
(d)	Maximum *parcel coverage*	10%
(e)	Maximum *parcel coverage* for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

(a) All dwelling units must be located on a contiguous area of the parcel not larger than 2.0 ha in area.

(b) All *portable sawmills* must meet the following requirements:

(i) minimum parcel area of 8.0 ha;
(ii) maximum capacity of 50.0 m^3 (21,180 board feet) per day;
(iii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
(iv) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
(v) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
(vi) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.15 Watershed Protection: WP-1 Zone

(1) Permitted uses

Within the WP-1 zone, the following uses and no others are permitted:

(a) *Farm operation* only on that portion of the parcel in the *Agricultural Land Reserve*, and excluding *confined livestock areas*;

(b) *Forest management*.

(2) Accessory uses

(a) *Dwelling unit*;

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	125.0 ha
(b)	Minimum *setbacks* for *buildings* and *structures*	30.0 m
(c)	Minimum *setbacks* from the *ordinary high water mark* of a lake or *watercourse* for:	
	▪ *buildings* and *structures*	100.0 m
	▪ storage of pesticides and herbicides	200.0 m
	▪ storage of petroleum products	200.0 m
(d)	Maximum height	12.0 m
(e)	Maximum *parcel coverage*	10%

(4) Other Regulations

(a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2.0 ha.

(b) All use and storage of petroleum products *accessory* to a permitted use must meet the following requirements:

(i) All fuel storage, whether permanent or mobile, must be provided with *secondary spill containment.*
(ii) All fueling hoses must have automatic shut-off valves.
(iii) All waste petroleum products must be removed from the watershed for disposal.
(iv) No fuel storage below ground is permitted.
(v) Valves leaving the main body of the storage tanks must be shear valves.
(vi) Valves must be closed and locked when tanks are unattended.

(c) Installation of all transmission lines including, but not limited to, hydro lines and natural gas pipelines must be confined to existing utility corridors except where such utilities are required for servicing a subdivision within this zone and must be placed in such a manner as to not disturb the quality of water.

4.16 Local Commercial: C-1 Zone

(1) Permitted uses

Within the C-1 zone, the following uses and no others are permitted:

(a) General store;
(b) Convenience store;
(c) Liquor store or agency;
(d) *Personal service* establishment;
(e) *Professional office*;
(f) Gasoline service station, automobile 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) *Motel*, *hotel*.

(2) Accessory uses

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Number of *accessory dwelling units*	one
(b)	Minimum *parcel* area	0.3 ha
(c)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone	6.0 m
	▪ *rear parcel line* where not abutting a residential or institutional zone	4.5 m
	▪ *interior side parcel line*	4.5 m
	▪ *exterior side parcel line*	4.5 m
(d)	Maximum height for all *buildings* and *structures*	10.0 m
(e)	Maximum *parcel coverage*	60%
(f)	Maximum exterior area used for display, rental and sales	300 m^2

(4) Other Regulations

(a) All businesses and undertakings must be conducted within an 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.

(c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*; and
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

(e) All persons carrying out a use in the C-1 zone shall comply with the relevant provisions of section 1.15 of this Bylaw with respect to *fences* and *screening.*

4.17 General Commercial: C-2 Zone

(1) Permitted Uses

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

(a) Uses permitted under section 4.16 (1) of this Bylaw;

(b) The following light industrial industries:

(i) s*ign* and display manufacturing;
(ii) secondary processing of wood products;
(iii) contracting industry;
(iv) machinery and equipment repair and rental;
(v) machine / welding shop;
(vi) storage and warehousing, including mini-warehouse and storage of *recreational vehicles*;
(vii) lawn mower, electric motor and small engine repair, sharpening service;
(viii) printing, publishing, and allied industries;
(ix) lawn, gardening, and landscaping.

(c) Sporting goods store;

(d) *Recreational vehicle* dealer and manufacturing;

(e) *Campground.*

(2) Accessory uses

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

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Number of *accessory dwelling units*	one
(b) Minimum *parcel* area	0.6 ha
(c) Minimum *setbacks*:	
All *buildings* and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone or a parcel on which a *dwelling unit* is located	15.0 m
▪ *rear parcel line* where not abutting a residential or institutional zone	4.5 m
▪ *interior side parcel line*	4.5 m
▪ *exterior side parcel line*	4.5 m
(d) Maximum height for all *buildings* and *structures*	12.0 m
(e) Maximum *parcel coverage*	50%

(4) Other Regulations

(a) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(b) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*; and

(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

(c) All persons carrying out a use in the C-2 zone shall comply with the relevant provisions of Section 1.15 of this Bylaw with respect to *fences* and *screening.*

4.18 Service Commercial: C-3 Zone

(1) Permitted uses

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

(a) Services incidental to *farm operation*;

(b) Veterinary clinic;

(c) *Kennel*;

(d) The following retail trade and service industries:

(i) motor *vehicle* repair shop,
(ii) automobile and truck rental and leasing service,
(iii) appliance, television, radio, stereo and electronic repair,
(iv) engineering, scientific and laboratory service,
(v) security and investigation service,
(vi) *manufactured home*,
(vii) prefabricated *building* sale,
(viii) auction service,
(ix) machinery and equipment sales and rental,
(x) tack shop,
(xi) utility and horse trailer sales and rental,
(xii) welding shop,
(xiii) gunsmithing, lawn mower, electric motor and small engine repair, sharpening service,
(xiv) services to *buildings* and *dwelling units*,
(xv) taxidermist,
(xvi) lawn, garden and landscaping;

(e) The following manufacturing industries:

(i) bakery products industry,
(ii) custom woodworking,
(iii) clothing,
(iv) household and office furniture manufacturing,
(v) printing, publishing and allied industry,
(vi) machine shop,
(vii) boat sales, building and repair industry,
(viii) *sign* and display industry;

(f) Office and storage *building* for:

(i) construction industry,
(ii) logging industry;

(g) Storage and warehousing industry including storage of *recreational vehicles*;

(h) The following transportation industries:

(i) truck transport industry,
(ii) public passenger transit system,
(iii) taxicab operation,
(iv) other transportation;

(i) Laundry and cleaning service;

(j) The following accommodation and food services:

(i) food service excluding *drive-in restaurant* and drive-through facility,
(ii) *assembly use*;

(k) *Recycling depot*;

(l) *Horticulture*;

(m) Wholesale trade, excluding *salvage yards* and wholesalers of scrap and waste material.

(2) Accessory uses

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

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	4000 m^2
(b)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone	6.0 m
	▪ *rear parcel line* where not abutting a residential or institutional zone	4.5 m
	▪ *interior side parcel line* where *side parcel line* abuts a *highway* other than a *lane*	7.5 m
	▪ *exterior side parcel line* where *side parcel line* abuts a *highway* other than a *lane*	7.5 m
	▪ *side parcel line* where parcel is not served by a developed *lane*	4.5 m on at least one side
(c)	Maximum height for all *buildings* and *structures*	12.0 m
(d)	Maximum *parcel coverage*	50%
(e)	Maximum *parcel coverage* for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

(a) All businesses and undertakings must be conducted within an 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.

(c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.19 Recreation Commercial: C-4 Zone

(1) Permitted Uses

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

(a) The following amusement and recreation services:

(i) miniature golf;
(ii) swimming pool;
(iii) skateboard park;
(iv) paintball facility;
(v) tennis court;
(vi) community hall.

(b) The following retail industries:

(i) convenience store;
(ii) general store;
(iii) liquor store or agency;
(iv) food and beverage service.

(2) Accessory uses

(a) *dwelling unit accessory* to a permitted use;

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum *parcel* area	2.0 ha
(b) Minimum *setbacks*:	
All *buildings* and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone	6.0 m
▪ *rear parcel line* where not abutting a residential or institutional zone	4.5 m
▪ *interior side parcel line*	4.5 m
▪ *exterior side parcel line*	4.5 m
(c) Maximum height for all *buildings* and *structures*	12.0 m
(d) Maximum *parcel coverage*	70%

(4) Other Regulations

(a) All persons carrying out a use in the C-4 zone shall comply with the relevant provisions of Section 1.15 of this Bylaw with respect to *fences* and *screening.*

4.20 Highway Commercial: C-5 Zone

(1) Permitted uses

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

(a) The following retail trade industries:

(i) food store,
(ii) general store,
(iii) automobile dealer,
(iv) *recreational vehicle* dealer,
(v) *manufactured home* sale,
(vi) prefabricated *building* sale,
(vii) boat sales and service,
(viii) utility and horse trailer sales and rental,
(ix) gasoline service station,
(x) motor *vehicle* repair shop,
(xi) automobile and truck rental and leasing service,
(xii) automobile parts and accessories,
(xiii) other motor *vehicle* service,
(xiv) machinery and equipment sales and rental,
(xv) service to *buildings* and *dwelling units*,
(xvi) other repair service;

(b) Service industry incidental to *farm operation,* including veterinary services;

(c) The following transportation industries:

(i) truck transport industry,
(ii) public passenger transit system,
(iii) taxicab operation,
(iv) other transportation;

(d) The following *personal services*:

(i) laundry and cleaning service,
(ii) funeral service, excluding cemetery and crematorium;

(e) The following accommodation and food services:

(i) *campground*, subject to section 1.16,
(ii) food service;
(iii) neighbourhood pub;

(f) *Recycling depot*;

(g) *Sign* and display industry;

(h) *Horticulture*.

(2) Accessory uses

(a) The following retail trade industries:

(i) gift, novelty and souvenir shop,
(ii) antique shop;

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

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	1500 m^2
(b)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone	6.0 m
	▪ *rear parcel line* where not abutting a residential or institutional zone	4.5 m
	▪ *interior side parcel line* where *side parcel line* abuts a *highway* other than a *lane*	7.5 m
	▪ *exterior side parcel line* where *side parcel line* abuts a *highway* other than a *lane*	7.5 m
	▪ *side parcel line* where parcel is not served by a developed *lane*	4.5 m on at least one side
(c)	Maximum height for all *buildings* and *structures*	10.0 m
(d)	Maximum *parcel coverage*	60%
(e)	Maximum *building* area used for retail	300 m^2

(4) Other Regulations

(a) All businesses and undertakings must be conducted within an 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.

(c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.21 Light Industrial: I-1 Zone

(1) Permitted uses

Within the I-1 zone, the following uses and no others are permitted:

(a) *Veterinary clinic*;

(b) Auction service;

(c) Motor *vehicle* repair shop;

(d) Transportation, storage, warehousing including the storage of *recreational vehicles*, contractors' equipment;

(e) Grading, washing, screening, crushing and transporting of sand and gravel resources;

(f) The following manufacturing industries:

(i) food,
(ii) beverage,
(iii) rubber products,
(iv) plastic products,
(v) wood products, including wood preservation, re-manufacturing plants, but excluding sawmills, shakemills, and planermills,
(vi) furniture,
(vii) printing and publishing,
(viii) machine shop, metal fabricating, welding shop,
(ix) solar energy systems,
(x) truck body, truck trailer,
(xi) *recreational vehicle*,
(xii) *manufactured home*,
(xiii) boat building, repair,
(xiv) electrical products,
(xv) non-metallic mineral products, excluding cement, concrete, asphalt plants,
(xvi) scientific and professional equipment,
(xvii) *sign* and display;

(g) *Public utility use*, excluding *sanitary landfill site*;

(h) The following retail and service industries:

(i) automobile, truck rental and leasing service,
(ii) appliance, television, radio, stereo repair and electronics,
(iii) *building* supply, lawn, garden and landscaping,
(iv) engineering, scientific and laboratory services,
(v) laundry and cleaning service (excluding self-serve),
(vi) machinery and equipment rental,
(vii) gunsmithing, lawn mower, electric motor, small engine repair, sharpening service,
(viii) maintenance services to *buildings* and *dwelling units*, including janitorial, septic tank pumping,
(ix) utility trailer rental, sales,
(x) farm supply, feed sales;

(i) Funeral services;

(j) Public works yard;

(k) *Recycling depot;*

(l) *Cannabis production facility.*

(2) Accessory uses

(a) Retail sales *accessory* to a permitted use;

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

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	1.0 ha
(b)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone or a parcel on which a *dwelling unit* is located	15.0 m
	▪ *rear parcel line* where not abutting a residential or institutional zone	4.5 m
	▪ *rear parcel line* where parcel abuts a railway right-of-way	0.0 m
	▪ *interior side parcel line*	4.5 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum height for all *buildings* and *structures*	15.0 m
(d)	Maximum *parcel coverage*	50%

(4) Other Regulations

(a) All display, rental and sales areas must be finished with a durable dust free surface.

(b) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(c) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.22 Gravel Extraction: I-2 Zone

(1) Permitted Uses

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

(a) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of material;

(b) Cement, concrete, asphalt plant.

(2) Accessory uses

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel area	8.0 ha
(b)	Minimum *setbacks*:	
	Extraction and processing activities from an existing *dwelling unit* not on the same parcel	60.0 m
	Extracted or processed material from a *highway*	15.0 m
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line* where *rear parcel line* abuts a residential or institutional zone or a parcel on which a *dwelling unit* is located	15.0 m
	▪ *rear parcel line* where not abutting a residential or institutional zone or a parcel on which a *dwelling unit* is located	5.0 m
	▪ *rear parcel* line where parcel abuts a railway right-of-way	0.0 m
	▪ *interior side parcel line*	15.0 m
	▪ *exterior side parcel line*	15.0 m
(c)	Maximum height for all *buildings* and *structures*	20.0 m
(d)	Maximum *parcel coverage*	10%

4.23 Public Institutional: P-1 Zone

(1) Permitted Uses

Within the P-1 zone, the following uses and no others are permitted:

(a) *School*, college, university;

(b) Church;

(c) *Rural retreat*, including counselling services and facilities;

(d) *Group home*;

(e) *Group day care*;

(f) *Assembly;*

(g) *Rest home*;

(h) Library;

(i) *Government services*;

(j) Cemetery;

(2) Accessory uses

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

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	6.0 m
	▪ *interior side parcel line*	6.0 m
	▪ *exterior side parcel line*	6.0 m
(b)	Maximum height for all *buildings* and *structures*	10.0 m
(c)	Maximum *parcel coverage*	25%

(4) Other Regulations

(a) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(b) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.24 Parks and Open Space: P-2 Zone

(1) Permitted uses

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

(a) *Park* and *park* reserve;

(b) Sports field and athletic facility;

(c) Conservation area, recreation reserve, ecological reserve, wildlife sanctuary;

(d) *Park* office, maintenance facility and works yard;

(e) Heritage and archaeological display site;

(f) Museum;

(g) Fairground and exhibition ground;

(h) Boat launch;

(i) Agricultural, silvicultural, horticultural, wildlife research centre, including fish hatchery;

(j) *Farm operation*;

(k) *Government services*;

(l) *Interpretative forest site*;

(m) *Campground*

(2) Accessory uses

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

(b) Eating and drinking establishment *accessory* to a permitted use;

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

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

(4) Other Regulations

(a) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.

(b) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:

(i) be designed and constructed as an integral part of the *principal building*;
(ii) be self-contained;
(iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.25 Public Works and Utility: P-3 Zone

(1) Permitted Uses

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

(a) Cemetery, crematorium;
(b) Public works, *vehicle* storage and equipment storage yard;
(c) *Solid waste transfer facility* including *recycling depot*;
(d) *Public utility use;*
(e) Airport, heliport;
(f) *Primary attack base*;
(g) *Government services*;
(h) Bus transportation depot;
(i) *Farm operation*;
(j) *Wireless communication facility.*

(2) Accessory uses

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

(3) Regulations

Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

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

This is Schedule A referred to in Bylaw No. 2913 cited as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019".

Chair

Corporate Officer

Date

SCHEDULE B

FLOODPLAIN MANAGEMENT PROVISIONS

1. GENERAL REGULATIONS

Floodplain Designation

1.01 The following land is designated as *floodplain*:

(1) Land lower than the *flood construction level* specified in section 1.02 (1).

(2) Land within the *floodplain setbacks* specified in section 1.02 (2).

Floodplain Specifications

1.02 (1) Flood Construction Levels

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

(a) 3.0 metres above the *ordinary high water mark* of the Moyie River and St. Mary River;

(b) 1.5 metres above the *ordinary high water mark* of any other *watercourse*;

(c) 1.5 metres above the *ordinary high water mark* of any other lake, marsh or pond; or

(d) 1.0 metre above the natural ground elevation or 0.6 metre above any obstruction that could cause ponding; or the *flood construction level* specified in an engineer's report prepared under section 56(2) of the *Community Charter*, whichever is the highest, for those areas specified within the Special Policy Area shown on Schedule B2.

(2) Floodplain Setbacks

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

(a) 30.0 metres from the *ordinary high water mark* of the Moyie River, St. Mary River, Lamb Creek and Braunagel Creek;

(b) 15.0 metres from the *ordinary high water mark* of any other *watercourse*; or

(c) 7.5 metres from the *ordinary high water mark* of Moyie Lake, Monroe Lake, and any other lake, marsh, or pond.

2. APPLICATION OF FLOODPLAIN SPECIFICATIONS

2.01 (1) Pursuant to section 524 of the *Local Government Act*, after a Bylaw has specified *flood construction* levels and *floodplain setbacks*:

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

(b) Any landfill required to support a floor system or pad shall not extend within any setback from a *watercourse* or body of water specified by the Bylaw or the Ministry of Environment.

(2) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the *flood construction levels* specified in section 1.02 (1). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.

(3) The building inspector, or such person appointed by the Board of the Regional District may require that a British Columbia Land Surveyors certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in section 1.02 (1) and 1.02 (2). The cost of verification shall be assumed by the landowner.

3. SPECIAL POLICY AREA

3.01 (1) Development on land in the Special Policy Area delineated on Schedule B2 is governed by section 56 of the *Community Charter* and is subject to the minimum floodplain setback requirements identified in section 1.02.

(2) Special Policy Areas include alluvial fans and debris torrent fans and areas adjacent to watercourses that are subject to high velocity flows and require the assessment of a suitably qualified professional engineer.

(3) General exemptions outlined in Part 4 apply to Special Policy Areas.

4. EXEMPTIONS

General Exemptions

4.01 Pursuant to section 524 of the *Local Government Act* the Regional District may allow general exemptions from the requirements of this Bylaw. The general exemptions are outlined in Schedule B1 of this Bylaw.

Site Specific Exemptions

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

5. NO REPRESENTATION

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

This is Schedule B referred to in Bylaw No. 2913 cited as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019".

"Rob Gay"
Chair

"Shannon Moskal"
Corporate Officer

July 5, 2019
Date

SCHEDULE B1

FLOODPLAIN MANAGEMENT PROVISIONS

GENERAL EXEMPTIONS

(1) The following types of development are exempt from the requirements of section 524 of the *Local Government Act*, as it pertains to the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw.

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

(b) An addition to a *building* or *structure*, at the original non-conforming floor elevation, that would increase the size of the *building* or *structure* by less than 25% of the floor area existing at the date of adoption of this Bylaw, provided an exemption of up to 25% of the floor area has not been granted previously by the Minister of Environment, and provided that the degree of nonconformity regarding the setback is not increased;

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

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

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

(f) Closed-sided livestock housing behind *standard dykes*;

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

(2) The following types of development are exempt from the requirement of section 524 of the *Local Government Act*, as it pertains to the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw, subject to the following conditions:

(a) Farm *Dwelling Units*: Farm *dwelling units* on *parcel* areas 8.0 ha or greater, located within the *Agricultural Land Reserve* and zoned for agricultural use, 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 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 1.02 (1) of Schedule B of this Bylaw, whichever is lesser.

(b) Closed-sided Livestock Housing: Closed-sided livestock housing not behind *standard dykes* 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 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 1.02 (1) of Schedule B of this Bylaw, whichever is lesser.

(c) 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 pad or the ground surface on which it is located) no lower than the *flood construction levels* specified in section 1.02 (1) of Schedule B of this Bylaw, minus *freeboard*. Main electrical switchgear shall be no lower than the *flood construction level*.

This is Schedule B1 referred to in Bylaw No. 2913 cited as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019".

"Rob Gay"
Chair

"Shannon Moskal"
Corporate Officer

July 5, 2019
Date