Regional District of East Kootenay

ELECTORAL AREA E ZONING AND FLOODPLAIN MANAGEMENT BYLAW NO. 2502, 2014

This is a consolidation of the Zoning & Floodplain Management Bylaw and adopted amendments. This consolidated copy is for convenience only and has no legal sanction.

May 8, 2026

BYLAW AMENDMENTS

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
2527	01/2014	July 4/14	Wasa / Price	**Text Amendment** • Section 4.03(2)(e) is repealed and replaced with the following: (e) Post office, subject to 4.03(4)(b); (f) Uses, buildings and structures accessory to a permitted use. • Section 4.03(4) is repealed and replaced with the following: (a) Despite section 1.02(1) in part 1 of Schedule A, duplexes are not permitted on parcels smaller than 2140 m^2. (b) A post office is permitted accessory to a dwelling unit on Lot 1, DL 3000, KD, Plan 13737 only.
2528	02/2014	Sept. 5/14	Moan Rd. / 0790656 BC Ltd.	RR-60 to RR-1
2535	03/2014	Nov. 7/14	Meadowbrook / Bannister	RR-1 to RS-4
2554	04/2014	NPW	Wasa / Roberts	NPW
2565	05/2014	Nov. 6/15	Misc. / RDEK	Text Amendment & Schedule
2618	06/2015	Nov. 6/15	Density Averaging / RDEK	Text Amendment
2634	07/2015	Nov. 6/15	Wasa / RDEK	Text Amendment
2645	08/2015	Dec. 4/15	Skookumchuck / Cote	Text Amendment
2652	09/2015	Feb. 12/16	Wasa / Ford	That part of Lot 6, DL 334, KD Plan NEP70541 except Plan NEP77918 **RR-60 to RR-8**
2754	11/2017	Aug. 4/17	Text Amendment / RDEK	Text Amendment
2756	12/2017	April 7/17	Wasa / Kiy & Swan	Lot 1, DL 264, KD Plan NEP22994 **C-6 to C-1**
2761	13/2017	Aug. 4/17	Misc. / RDEK	Designation of a portion of DL 3541 (MoTI Permit #2010-06542) **RR-2 and RES-1(A) to P-2** Designation of Lot 5, 6 and 7, Block 1, DL 15301, Plan NEP2619 **P-3 to P-4** Designation of a portion of DL 1378 **P-3 to P-4**
2766	14/2017	June 9/17	Meadowbrook / Postnikoff	Designation of Lot 2, DL 11577, Plan NEP87478 Except Plan EPP47438 **RR-8 to RR-2**
2807	15/2017	Jan. 5/18	Moan Road / 0790656 BC Ltd.	Designation of Lot 1, DL 342, Plan 5632 Except Part Included in Plan 15690 & Plan EPP54283 **RR-60 to RR-1**
2818	16/2018	Mar. 2/18	Detached Secondary Suites / RDEK	Text Amendment
2838	17/2018	Jun. 8/18	Ta Ta Creek / Boissonneault	Designation of Lot A, DL 12952, KD, Plan 5969 **RR-2 to RR-1**
2861	18/2018	Sept. 7/18	Lazy Lake / Marvel	Designation of Lot A, DL 7656, KD, Plan NEP20663 **RR-60 to RR-8**
2915	19/2019	July 5/19	Miscellaneous Amendments 2019 / RDEK	Text Amendment
2917	20/2019	July 5/19	Meadowbrook / Kelly	Designation of Lot 2, DL 2711, KD, Plan NEP89848 **RR-8 to RR-2**

BYLAW AMENDMENTS

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
2939	22/2019	Dec. 6/19	Meadowbrook / Grant	Designation of Lot A, DL 12735, KD, Plan 6089, Except Plan 14743 **RR-4 to RR-2 & RR-1**
2940	23/2019	Dec. 6/19	Meadowbrook / Greenall	Designation of DL 12738, KD, Except Parts Included in Plans 7689 and 12995 **RR-16 to RR-4**
2950	25/2019	Dec. 6/19	Miscellaneous Amendments / RDEK	Text Amendments • Designation of Portion of DL 11594, KD **P-3 to P-4** • Designation of Parcel (consol. of Lots 5, 6 and 7, see CA2980649), BL4, DL 15301, KD, Plan 2619 **C-3 to RS-1**
2985	26/2020	Oct. 2/20	(Meadowbrook / Seifried)	Designation of Lot 2, DL 2711, KD, Plan NEP20458 RR-60 to RR-8 & RR-2
3014	27/2020	Feb. 5/21	(Meadowbrook / Twietmeyer)	Text Amendment
3052	28/2021	Jul. 9/21	(Meadowbrook / Wade)	Designation of DL12733 KD, Except Part Included in Plans 2656, 5628 and 7689 **RR-4 to RR-2**
3078	29/2021	Oct. 8/21	(St. Mary Lake West / Mt. Evans Land Co.)	Designation of Part of Sublot 39 DL 4592 KD Plan X30 P-2 to RR-4 **and** RR-4 to P-2 **and** RR-2 to P-2
3081	30/2021	Oct. 8/21	(Lazy Lake Rd / Westwood, Blades & Bergdahl)	Designation of DL 5726 KD and DL7656 KD Except Plan 6810 and NEP20663 **RR-60 to RR-16**
3087	31/2021	Dec. 3/21	(Meadowbrook / McIndoe & Milligan)	Designation of District Lot 12738, Kootenay District except Plans 7689, 12995 and EPP103342 **RR-4 to RR-2**
3107	34/2021	Feb. 18/22	(Wasa / Keljac Consulting Inc)	Designation of Part of Lot 1 DL 264 KD Plan NEP22994 **C-1 to RR-4**
3194	36/2022	Jan. 13/23	(Meadowbrook / Shostak)	Designation of Parcel A (see 29107I), DL11597, KD, Except Parcel 1 (see 29107I) **RR-4 to RR-1**
3212	37/2023	May 12/23	(Meadowbrook/Campbell-Blackburn)	Designation of Part of Lot 2 District Lot 12722 Kootenay District Plan 6232 Except Parts Included in Plans 8790, 10355 and 11946 **RR-2 to RR-1**
3246	39/2024	Dec 13/24	Wasa / 1302635 BC Ltd	Designation of Lot A, District Lot 2069, Kootenay District Plan EPP126088 **RR-2 to RR-1**

Bylaw	Amend / Yr	Adopted	Short Citing	Legal / Zone
3287	40/2024	May 10/24	(Wasa / Keljac Consulting Inc)	Designation for Part of Lot E DL 264 KD Plan EPP127318 **C-1 to RR-4** (Hobby Farm)
3288	41/2023	May 10/24	Meadowbrook / Seifried	Designation for Lot B DL 2711 KD Plan EPP112384 **RR-8 to RR-2**
3289	42/2024	May 10/24	Meadowbrook / Dufresne	Designation for Lot 1 DL 12734 KD Plan 14743 except Part included in Plan NEP23576 **RR-4 to RR-2**
3301	43/2024	June 14/24	Wasa / Santucci	Part of Lot 2, DL 58 KD Plan EPP69956 **C-1 to RR-2**
3312	44/2024	June 14/24	SSMUH/RDEK	Text Amendments
3394	45/2025	July 11/25	Skookumchuck / Schreiber	Designation of Lot A DL 265 KD Plan 5406 **C-7 to RR-1** Text Amendments
3396	46/2025	Sept. 12/25	Meadowbrook / Geyer	Designation of Parcel A (being a consolidation of Lots 5, 6, and 7, see CA2980649) Block 4 DL 15301 KD Plan 2619 **RS-1 to C-3**
3415	47/2025	Dec. 12/25	Wasa / Emel	Designation of Lot E DL 264 KD Plan EPP127318 except Plan EPP143607 **C-1 to RR-2**
3427	49/2025	Dec. 12/25	Sheep Creek / Clark, Hewgill & Stroud	Text Amendments
3447	50/2025	May 8/26	Meadowbrook / Redding	Designation of DL 11588 KD except (1) Parcel A (see 23966i) and (2) parts included in Plans 4373, 5996 and NEP66264 **RR-60 to RR-2**

TABLE OF CONTENTS

1. TITLE 1

2. ADMINISTRATION AND ENFORCEMENT 1

3. INTERPRETATION 1

3.1 Schedules and Application 1
3.2 Measurements and Calculations 1
3.3 Definitions 2

4. ADOPTION 11

SCHEDULE A 12

PART 1 GENERAL REGULATIONS 12

1.01 CONFORMITY OF USES, BUILDINGS AND STRUCTURES 12
1.02 USE OF EXISTING PARCELS 12
1.03 PERMITTED USES IN ALL ZONES 12
1.04 PROHIBITED USES IN ALL ZONES 12
1.05 OCCUPANCY DURING CONSTRUCTION 12
1.06 SETBACK FROM CONTROLLED ACCESS HIGHWAY 13
1.07 DEVELOPMENTS CROSSING PARCEL LINES 13
1.08 HOME BASED BUSINESSES 13
1.09 ACCESSORY BUILDINGS AND STRUCTURES 15
1.10 SITING OF BUILDINGS AND STRUCTURES 15
1.11 HEIGHTS OF BUILDINGS AND STRUCTURES 17
1.12 VISIBILITY AT INTERSECTIONS 17
1.13 SIGNS 18
1.14 DWELLING UNIT FOR A RELATIVE REQUIRING CARE 18
1.15 FENCES AND SCREENING 18
1.16 CAMPGROUNDS 19
1.17 STORAGE OF DERELICT VEHICLES 19
1.18 MAXIMUM NUMBER OF DWELLING UNITS 19
1.19 PLACEMENT OF RECREATIONAL VEHICLES 20
1.20 FARM USE 20
1.21 SECONDARY SUITES 21
1.22 MAXIMUM NUMBER OF KITCHENS PER DWELLING UNIT 22
1.23 GUEST RANCHES, RURAL RETREATS, WILDLAND USE AND LODGES 22
1.24 KEEPING OF ANIMALS 23
1.25 SECONDARY DWELLING UNIT FOR FARM HAND 23
1.26 GROUP HOMES 23
1.27 CANNABIS PRODUCTION FACILITY 24

PART 2 PARCEL AREA REQUIREMENTS 25

2.01 PARCEL AREA 25
2.01(A) MINIMUM AVERAGE PARCEL AREA FOR BARE LAND STRATA SUBDIVISION 25
2.02 MINIMUM USABLE SITE AREA 25
2.03 REDUCTION OF PARCEL AREA REQUIREMENTS 25
2.04 PANHANDLE PARCELS 26
2.05 SUBDIVISION PURSUANT TO SECTION 946 OF THE *LOCAL GOVERNMENT ACT* 26

PART 3 PARKING AND LOADING REQUIREMENTS 27

3.01 GENERAL REQUIREMENTS 27
3.01(A) DISABLED PARKING SPACES 27
3.02 REQUIRED OFF-STREET PARKING SPACES 27
3.03 SIZE AND LOCATION OF OFF-STREET PARKING SPACES 30
3.04 REQUIRED OFF-STREET LOADING SPACES 30
3.05 SIZE AND LOCATION OF OFF-STREET LOADING SPACES 30

PART 4 ZONES 31

4.01 ESTABLISHMENT OF ZONES 31
4.02 ZONE BOUNDARIES AND MAPS 31
4.03 RESIDENTIAL: R-1 ZONE 32
4.04 RESIDENTIAL (A): R-1(A) ZONE 33
4.05 RESIDENTIAL (SEMI-RURAL): RS-1 ZONE 34
4.06 RESIDENTIAL (SEMI-RURAL): RS-4 ZONE 35
4.07 MANUFACTURED HOME PARK RESIDENTIAL: R-MP ZONE 37
4.08 RURAL RESIDENTIAL (ESTATE): RR-1 ZONE 38
4.09 RURAL RESIDENTIAL (SMALL HOLDING): RR-2 ZONE 39
4.10 RURAL RESIDENTIAL (HOBBY FARM): RR-4 ZONE 40

4.11 RURAL RESIDENTIAL (COUNTRY): RR-8 ZONE 41
4.12 RURAL RESIDENTIAL (EXTENSIVE): RR-16 ZONE 43
4.13 RURAL RESOURCE: RR-60 ZONE 45
4.14 RECREATION RESIDENTIAL (A): RES-1(A) ZONE 47
4.15 RECREATION RESIDENTIAL (B): RES-1(B) ZONE 48
4.16 RECREATION RESIDENTIAL (C): RES-1(C) ZONE.....49
4.17 HIGHWAY COMMERCIAL: C-1 ZONE 50
4.18 LOCAL COMMERCIAL: C-2 ZONE 52
4.19 GENERAL COMMERCIAL: C-3 ZONE 54
4.20 SERVICE COMMERCIAL: C-4 ZONE 56
4.21 RECREATION COMMERCIAL: C-5 ZONE.....59
4.22 GOLF COURSE COMMERCIAL: C-6 ZONE 61
4.23 TOURIST COMMERCIAL: C-7 ZONE 62
4.24 INDUSTRIAL: I-1 ZONE 64
4.25 PUBLIC INSTITUTIONAL: P-1 ZONE.....66
4.26 PARKS AND OPEN SPACE: P-2 ZONE.....67
4.27 PARKS AND OPEN SPACE (Campground): P-3 ZONE.....68
4.28 PUBLIC WORKS AND UTILITY: P-4 ZONE 70
4.29 WATERSHED PROTECTION: WP-1 ZONE 71

SCHEDULE B.....73

PART 1 GENERAL REGULATIONS.....73

1.01 FLOODPLAIN DESIGNATION.....73
1.02 FLOODPLAIN SPECIFICATIONS 73

PART 2 APPLICATION OF FLOODPLAIN SPECIFICATIONS 73

PART 3 SPECIAL POLICY AREA 74

PART 4 EXEMPTIONS 74

4.01 GENERAL EXEMPTIONS 74
4.02 SITE-SPECIFIC EXEMPTIONS.....74

PART 5 NO REPRESENTATION.....74

SCHEDULE B1.....74

SCHEDULE B2.....75

SCHEDULE B3.....77

GENERAL EXEMPTIONS 77

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2502

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

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

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

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

1. TITLE

1.1 This Bylaw may be cited for all purposes as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014".

BL 2950
Dec. 6/19

2. ADMINISTRATION, ENFORCEMENT and SEVERABILITY

2.1 The Planning and Development Services Manager, Building and Protective Services Manager 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 A Compliance Officer may, at all reasonable times, enter on and into Property in the plan area as shown on Schedule A to ascertain whether the regulations and requirements of this Bylaw are being observed.

3. INTERPRETATION

3.1 Schedules and Application

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

A, A1 to A11
B, B1 to B3

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* size, maximum *parcel coverage* and *setbacks*.

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

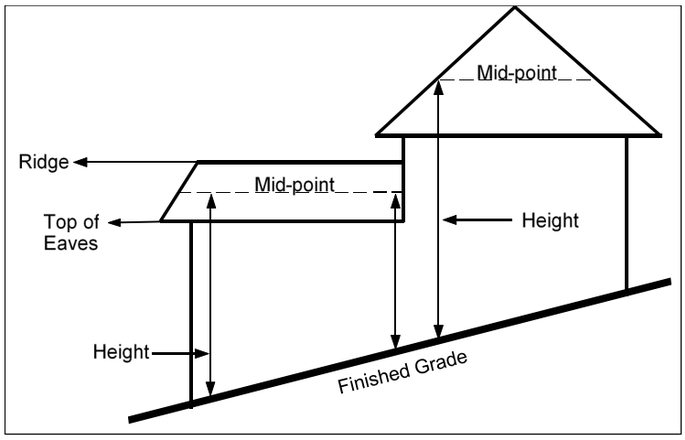
(3) Side *setback* requirements do not apply to the *parcel line* along which a *common wall* is located.

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

(5) Where access to a *parcel* is provided by a *common lot*, all measurements and calculations relating to *parcels* gaining access from the *common lot* apply in the same way as though access were provided from a *highway*.

BL 2915
Jul. 5/19

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

Accessory means customarily incidental and subordinate.

BL 2565
Nov. 6/15

Accessory building means:

(a) a *building,* the use or intended use of which is *accessory* to that of the *principal building* situated on the same *parcel*, which may be detached or connected to other *buildings* by a *breezeway*; or

(b) a *building* which is *accessory* to a *principal use* being made of the *parcel* upon which such *building* is (to be) located.

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,

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

Agricultural Land Reserve means a reserve of land established under the *Agricultural Land Commission 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 or game birds
25	ratites
3	swine plus progeny to weaning;

or 455 kg live weight, whichever is less, including animals of a type and age not included in the above list.

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

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

BL 2565 Nov. 6/15

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*.

BL 2565 Nov. 6/15

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 seasonal occupancy of tents, *recreational vehicles, park model trailers* or *cottages.*

BL 2915 Jul. 5/19

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

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

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

Carnival means a travelling entertainment enterprise offering mechanical rides, games and food services, and may also include performing people and animals.

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 lot means a parcel that is designated as such on a plan of subdivision under BC Reg. 334/79 and used to gain access to an adjoining parcel.

BL 2565 Nov. 6/15

Common storage area means a portion of a *mobile home park* or *campground* used or intended to be used by the occupants of the *mobile home park* or *campground* for storage of automobiles, *recreational vehicles*, boats and other equipment and materials.

BL 2565 Nov. 6/15

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

Community sewer system means a system of sewage collection, treatment and disposal where the treatment method serves more than one parcel and is

(a) approved under the Sewerage System Regulation (BC Reg. 326/2004); or
(b) approved under the Municipal Wastewater Regulation (BC Reg. 87/2012),

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

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

and for systems owned, operated and maintained by a Strata corporation or private water utility for which a Certificate of Public Convenience and Necessity (CPCN) has been issued by the Comptroller of Water Rights for the Ministry of Environment; and which is approved under the *Drinking Water Protection Act* and any other provincial regulations that may apply.

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

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

BL 2915 Jul. 5/19

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

Designated flood means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large *watercourse* is controlled by a major dam, 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 the *flood construction level*.

BL 2565 Nov. 6/15

Duplex means one *building* containing 2 *dwelling units* that:

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

A *building* containing a *secondary suite* is not a *duplex*.

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

Equestrian 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 and other related facilities, but does not include a horse race track.

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

BL 2915 Jul. 5/19

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*. *Finished grade* on parcels less than 1670 m² in size shall be the same as the *natural ground elevation*.

First storey means the uppermost *storey* having its floor level no more than 2.0 m above natural grades.

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

BL 2915
Jul. 5/19

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

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*.

Front yard 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*.

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.

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 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 services space.

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

Guest cottage means an *accessory building*, which is neither intended nor occupied for year round use.

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

Habitable area means any space or room, including a *manufactured home*, that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater.

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

Height definition repealed by Bylaw No. 2915 – July 5, 2019

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

Home based business means an occupation, service or craft which is clearly *accessory* to the use of a *dwelling unit* used for residential purposes or residential use of a parcel on which a *dwelling unit* is located. A *home based business* may include a preschool, *child care facility*, *group daycare* and bed and breakfast use. A *home based business* does not include sawmill, *campground*, recreational vehicle park, *salvage yard*, *mini-storage facility*, or storage of *recreational vehicles* or boats.

Horticulture means the growing of flowers, fruits, vegetables, forages and grains, and includes nurseries and greenhouses but does not include commercial mushroom growing.

BL 2915
Jul. 5/19

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

Industrial landfill site means a site for the handling of:

- mill process waste
- demolition waste
- miscellaneous industrial waste
- waste resulting from the thermal generation of electrical energy.

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

Land includes the surface of water except where the context requires otherwise.

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

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

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

BL 2915 Jul. 5/19

Lodge means a *building* that provides temporary accommodation 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, cooking, communal dining, meeting, recreation and sanitation.

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

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*.

Medical marihuana and medical marihuana production facility repealed by Bylaw No. 2915 – July 5, 2019

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

BL 2565 Nov. 6/15

Motel means a *building* or group of *buildings* divided into six or more self contained *sleeping units* or *cabins* or combination of units for the use of transient paying guests. Each unit must have its own toilet, wash basin and bath or shower.

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

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

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

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

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

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 and is referred to as an access strip.

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

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

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

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

Parcel line, front means one of the following:

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

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

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

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

Park means open space set aside for recreational purposes or maintained for the use and enjoyment of the public and includes federal, provincial, regional and local *parks*, ecological, archaeological and historic sites. A *park* may include *land* owned or leased by a club, society, or organized group for recreational use by its members, but does not include a commercial amusement park. A *park* may also include *land* owned and managed by a community association or 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. *Park model trailers* are used for temporary or seasonal occupancy in a *campground*.

Portable sawmill means equipment for the processing of harvested timber into lumber, shakes or other wood construction material, chippers and hogs, 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.

Public building means any *building* owned by the Government of Canada, the provincial government, the Regional District of East Kootenay, a municipality or an improvement district used in the service of the public.

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.

Rear yard 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*.

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

a *manufactured home* or *park model trailer*. *Recreational vehicles* must be connected to wheels that can be used for conveyance on or off the *highway.*

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

Regional District means the Regional District of East Kootenay.

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

Residential treatment centre means a facility providing physical, social or psychological therapy and counselling for the treatment of behavioural disorders and substance abuse. The residential treatment centre may include temporary accommodation for patients of the centre, *buildings* used for administration, consultation and staff accommodation.

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

Rural retreat means a facility which is owned and operated by a nonprofit society incorporated under the *Society Act* and is intended for recreational, educational, or religious purposes and provides *kitchen* facilities and temporary accommodation but shall not include a boarding school.

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

Sanitary landfill site means a site approved and regulated by the Ministry of Environment for the disposal of municipal solid waste material.

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*.

BL 3312 jun. 14/24

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

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

Side yard 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*.

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.

BL 3312 jun. 14/24

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

BL 2915 Jul. 5/19

Sleeping unit means one or more *habitable rooms* used for temporary accommodation of a person or persons.

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.

Solid waste transfer facility means a facility designed, constructed and operated for the collection, processing, and transferring 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 local government body.

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

Structure means anything built, placed or constructed that is fixed to, sunk into or supported by the soil or another *structure*, excluding *fences*, concrete footings, paved surfaces 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.

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.

Warming hut means an *accessory building* or *structure* which is used as a staging area for *wildland uses.*

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.

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, which includes cell sites, radio towers, television broadcasting, transmitters, receivers and accessory unoccupied equipment shelters.

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

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

4. ADOPTION

This Bylaw is in force from date of adoption.

READ a first time the 10th day of January, 2014.

READ a second time the 10th day of January, 2014.

READ a third time the 7th day of March, 2014.

APPROVED by the Ministry of Transportation and Infrastructure
the 20th day of March, 2014.

Signed: *Melissa Wiekenkamp*

ADOPTED the 4th day of April, 2014.

"Rob Gay"	*"Lee-Ann Crane"*
CHAIR	CORPORATE OFFICER

SCHEDULE A

LAND USE REGULATIONS

PART 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, provided all other regulations of this Bylaw are complied with.

(2) In the case of parcels less than 1,670 m^2, an applicant for a *building* permit for a *dwelling unit* on such a parcel must, prior to such permit being granted, submit proof of the ability to construct a sewage disposal system under the Sewerage System Regulation of the *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) telephone booth;

(4) *highway* lighting fixture;

(5) *highway*, railroad;

(6) *park*;

(7) heritage site and heritage display sites;

(8) conservation areas, recreation reserves and ecological reserves;

(9) *public utility.*

1.04 PROHIBITED USES IN ALL ZONES

(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 *dwelling unit* is prohibited.

1.05 OCCUPANCY DURING CONSTRUCTION

(1) Despite the requirements of Part 4 and section 1.18 of Schedule A of this Bylaw concerning the number of *dwelling units* permitted on a parcel, during construction of a new *dwelling unit* or reconstruction of an existing *dwelling unit* on a parcel in the R-1, R-1(A), RS-1, RS-4, RR-1, RR-2, RR-4, RR-8, RR-16, RR-60, P-1, P-2 or P-3 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 *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 removed and the site thereof restored as nearly as possible to its condition prior to the construction or placement of the *dwelling unit*, or must be converted to an *accessory building* or *structure* subject to compliance with the applicable regulations of this Bylaw and disconnected from water and sewer systems;

(3) Except as per section 1.19 of Schedule A of this Bylaw, a *recreational vehicle* permitted under subsection (1) must be disconnected from water and sewer systems and no longer occupied:

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

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

1.06 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 m.

(2) The *setback* from a controlled access *highway* does not apply to parcels served by a *frontage road*.

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*, a building permit for the *building* or *structure* will not be issued until:

(1) the parcels are consolidated by plan of subdivision or by cancellation of interior *parcel lines*; or

(2) a covenant under Section 219 of the *Land Title Act* between the *Regional District* and the owner is registered in the Land Title Office against the titles of the parcels required for development, which would prevent the parcels from being sold or transferred separately.

1.08 HOME BASED BUSINESSES

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

(1) A *home based business* must be conducted by permanent residents residing in the *dwelling unit* to which the *home based business* is *accessory* and may be operated with the assistance of not more than two (2) on-site employees who do not reside in the *dwelling unit*.

(2) On parcels less than 2 ha (4.9 ac) the *home based business* must also comply with the following:

(a) The *home based business* must be conducted wholly within a *dwelling unit* or *accessory building*, with no external storage of materials, containers or finished product, and no exterior evidence of the *home based business*, except for a maximum of two (2) *vehicles* necessary for operating the *home based business* and the permitted signage.

(b) In addition to (2)(a) a maximum of one (1) commercial *vehicle* exceeding Class 4 gross *vehicle* weight rating (GVWR) may be parked or stored on the parcel.

(c) The maximum *gross floor area* of all *buildings* and *structures* on the parcel to be *utilized* for the *home based business* is 150 m^2 (1614.6 ft^2).

(d) The maximum number of on-site customers, clients or students for a *home based business* is five (5) at a time.

(3) On parcels 2 ha (4.9 ac) or greater the *home based business* must also comply with the following:

(a) External storage of materials, containers or finished product and parking of *vehicles* necessary for operating the *home based business* is not permitted in the *front yard* or exterior *side yard*.

(b) A maximum of one (1) commercial *vehicle* exceeding Class 4 gross vehicle weight rating (GVWR) may be parked or stored on the parcel.

(c) *Accessory buildings* and *structures* and external storage areas utilized by the *home based business* must be sited a minimum of 10 m (32.8 ft) from a *parcel line*.

(d) The maximum area utilized for the *home based business* for parcels outside the *Agricultural Land Reserve*, including the *gross floor area* of the portion of all *buildings* and *structures* used for the *home based business* and the area used for the external storage of materials, containers or finished product must not exceed 1% of the area of the parcel or 400 m^2 (4305.7 ft^2), whichever is less.

(e) The maximum area utilized for *home based business* for parcels within the *Agricultural Land Reserve*, including the *gross floor area* of the portion of all *buildings* and *structures* used for the *home based business* and the area used for the external storage of materials, containers or finished product must not exceed 150 m^2 (1614.6.4 ft^2).

(4) Retail sales of products are restricted to those produced, processed, grown, or assembled on the parcel or products customarily incidental and *accessory* to the service being provided on the parcel.

(5) The maximum area permitted to be utilized for retail display is 10 m^2 (107.6 ft^2).

(6) Despite section 1.08(2)(a) of Schedule A of this Bylaw, children's play *structures* associated with the *home based business* are permitted on the parcel.

(7) Despite section 1.08(2)(d) of Schedule A of this Bylaw, the operation of a preschool, *child care facility* or *group day care* may be operated for no more than seven (7) children at a time.

(8) Section 1.08(2)(d) does not apply to bed and breakfast operations.

(9) Bed and Breakfast use is restricted to:

(a) a maximum of four (4) rooms used for accommodation of guests for sleeping purposes for transient paying guests;

(b) the serving of breakfast only to those transient paying guests; and

(c) must be carried on in a *single family dwelling*.

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

(11) Part 3 of Schedule A of this Bylaw with respect to *off-street parking* requirements applies to every parcel used for a *home based business*.

1.09 ACCESSORY BUILDINGS AND STRUCTURES

(1) No person may erect an *accessory building* or *structure* on any parcel in the R-1, R-1(A), RS-1 zones or on any parcel shown in the hatched area identified in Figure 1 unless the *principal building* to which the *accessory building* is an incidental use has been erected or will be erected simultaneously with the *accessory building*.

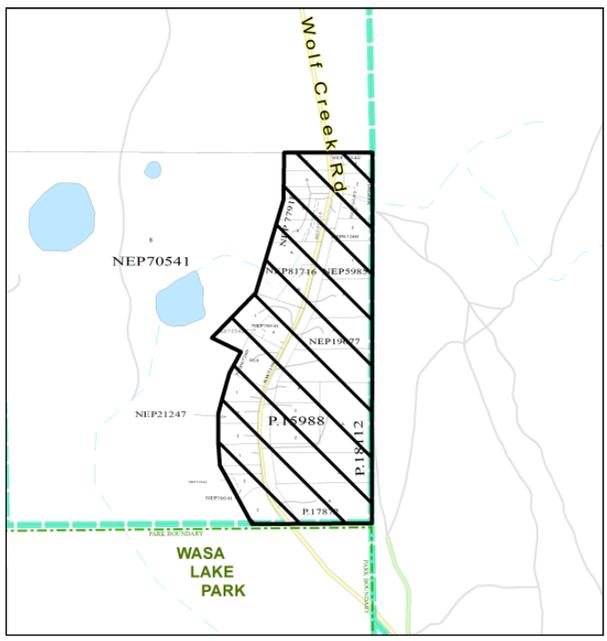


FIGURE 1: Wolf Creek Road north of Wasa Lake Provincial Park (2013)

(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* and *structures* used or intended to be used as a *boathouse* must not:

(a) exceed one *storey* in *height* nor the permitted *height* for an *accessory building* or *structure* in the applicable zone;
(b) have a deck or veranda above or affixed to the *building* or *structure;*
(c) contain sleeping or sanitary facilities.

(5) *Accessory buildings* and *structures* used or intended to be used as a *warming hut* must not:

(a) exceed one *storey* in *height* nor the permitted *height* for an *accessory building* or *structure* in the applicable zone;
(b) have a *gross floor area* exceeding 30 m^2*;*
(c) contain sleeping facilities or be utilized for overnight accommodation.

(6) *Accessory buildings* and *structures* used or intended to be used as a *guest cottage* must not:

(a) have a *gross floor area* exceeding 30 m^2*;*
(b) contain more than two sleeping units.

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) *Repealed by Bylaw No. 2915 – July 5, 2019*

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

(a)

FEATURE	SITING REQUIREMENT
Steps	1.2 m (other than fire escapes)
Eaves, gutters, cornices, sills, bay windows, chimneys	50% of the required *setback* to a maximum of 1 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 m from *a front parcel line* or *rear parcel line*
Boathouse	No *setback* from a *rear parcel line* required

(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 of 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 apply.

(5) Despite the *setback* requirements in Part 4 of Schedule A of this Bylaw, the *setback* requirements for a *dwelling unit accessory* to a permitted use are the same as that for the *principal use* located on the parcel.

(6) *Buildings* and *structures* for a *cannabis production facility* must be sited not less than:

BL 2915
Jul. 5/19

(a) 15.0 m from a *front parcel line;*
(b) 15.0 m from a side *parcel line* common to another *parcel* or *parcels*;
(c) 30.0 m from an *exterior parcel line* common to a *highway*;
(d) 30.0 m from a *rear parcel line.*

BL 2950
Dec. 6/19

(7) All enclosed runs and b*uildings* used for *kennel* purposes must not be sited less than 60 m from a p*arcel line.*

1.11 HEIGHTS OF BUILDINGS AND STRUCTURES

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

(2) The *height* regulations of this Bylaw do not apply to church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, smoke stacks, ventilators, flag poles, stadium bleachers, lighting poles, silos, industrial cranes, observation towers, *solar energy collectors*, windmills and wind machines.

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

(a) 5 m where the *dwelling unit* is a *manufactured home*;

(b) 10 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.

BL 2915 Jul. 5/19

(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 maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.

For *buildings* and *structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.2 (6) 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 m (19.7 ft) from their point of intersection, as shown in Figure 2.

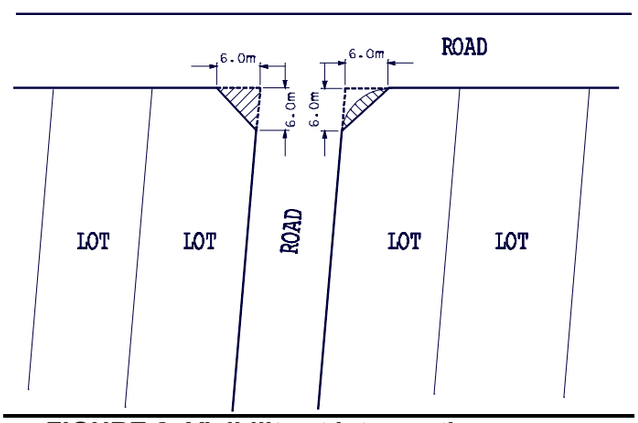


FIGURE 2: Visibility at Intersections

1.13 SIGNS

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

(a) roof-mounted *signs* projecting above the highest point of the roof;
(b) freestanding *signs* of a *height* which exceeds that permitted for a *principal building* on a parcel;
(c) any exterior *structure* displaying material of a general advertising nature which exceeds 8.9 m^2;
(d) flashing and moving *signs*;
(e) *signs* which project beyond *parcel lines*;
(f) *off premise signs*.

(2) In the R-MP zone, 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* only are permitted.

(3) In the, R-1, R-1(A), RS-1, RS-4 and R-MP zones, identification *signs* for a *home based business* must be non-illuminated and not exceed an area of 0.5 m^2; and, in the RR and RES-1(A) zones, identification *signs* for a *home based business* must be non-illuminated and not exceed an area of 1.0 m^2.

1.14 DWELLING UNIT FOR A RELATIVE REQUIRING CARE

(1) A *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 owner of the parcel enters into a housing agreement with the *Regional District* under section 905 of the *Local Government Act* agreeing to remove the *manufactured home* approved under this section once it is no longer required by the approved occupant, such agreement to be entered into prior to placement of the *dwelling unit* for a *relative requiring care*;

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

(e) where a statutory declaration attesting to the conditions of consent is deposited upon request by the *Regional District*;

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

BL 2915 Jul. 5/19

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

1.15 FENCES AND SCREENING

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

ZONE	HEIGHT REGULATIONS Maximum Height
R-1	1 m in required *front yard* 2 m in all other *yards*
R-1(A)	1 m in required *front yard* 2 m in all other *yards*
RS-1	1 m in required *front yard* 2 m in all other *yards*

RS-4	2 m
RR-1	2 m
R-MP	2 m
RR-2	2 m
RR-4	2 m
RR-8	2 m
RES-1(A)	2 m
RES-1(B)	2 m
RES-1(C)	2 m
RR-16	2 m
RR-60	2 m
C-1, C-2, C-3 C-4, C-5, C-6 C-7	2 m where *parcel line* abuts a residential or institutional zone or a parcel on which a residential use is located
P-1, P-2, P-3	2 m
	Minimum Height
C-1, C-2, C-3 C-4, C-5, C-6 C-7	2 m where *parcel line* abuts a residential or institutional zone or a parcel on which a residential use is located
I-1	2 m where *parcel line* abuts a residential or institutional zone or a parcel on which a residential use is located
P-4	2 m

(2) Maximum *height*s do not apply to fencing in the Rural Residential and Rural Resource zones where *fences* are erected to control livestock and wildlife capable of jumping over a *fence* 2 m in *height*.

(3) 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 m in *height* on any side not facing directly onto *buildings* on the parcel.

(4) 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

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

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, P-1, P-2 and P-3 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 3312 adopted June 14/24.

(c) one *duplex.*

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

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

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

1.19 PLACEMENT OF RECREATIONAL VEHICLES

(1) Within the boundaries of the Wasa and Area Official Community Plan Bylaw area:

(a) On parcels located in the R-1, R-1(A), RS-4, RR-1, RR-2, RR-4, RR-8, RR-60, and RES-1(A) zones no more than 2 *recreational vehicles* may be stored, placed or seasonally occupied.

(b) In the R-1 and R-1(A) zones at least one *recreational vehicle* must be registered to the owner of the property on which it is located.

(c) *Recreational vehicles* must be sited in accordance with the applicable *setback* requirements for *accessory buildings* and *structures* in the zone in which they are located.

(2) Within the boundaries of the Kimberley Rural Official Community Plan Bylaw area:

(a) *Recreational vehicles* may not be placed and utilized for accommodation unless the *recreational vehicle* is to be utilized for temporary occupancy as per section 1.05.

(b) *Recreational vehicles* temporarily occupied as per section 1.05 must be sited in accordance with the applicable *setback* requirements of the zone in which they are located.

1.20 FARM USE

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

(2) Where a parcel is not in the *Agricultural Land Reserve*, is located in a zone that permits *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) Uses permitted in sections 1.20 (1) and (2) are subject to all applicable *farm operation* regulations contained elsewhere in this Bylaw.

BL 2915
Jul. 5/19

(4) *Buildings* or *structures* that are used 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) The required minimum *setback* for *buildings* or *structures* used as principal farm *buildings* or *structures*, or animal containment for the following types of agricultural uses is identified in the table below:

- 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) *Buildings* or *structures* used for *farm operations* for types of agricultural use not identified in sections 1.20 (4) (a) or (b) must be sited a minimum of 4.5 m from all *parcel lines*.

BL 2915 Jul. 5/19

(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) The required minimum setback for farm *buildings* and *structures* from the *ordinary high water mark* of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From *ordinary high water mark* 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

(f) *Buildings* or *structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:

(i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
(ii) a minimum of 15.0 m from the *ordinary high water mark* of lakes and *watercourses*.

1.21 SECONDARY SUITES

(1) *Secondary suites* must be developed in accordance with the following:

(a) No more than one (1) *secondary suite* shall be permitted on a parcel.

(b) *Secondary suites* within a detached *garage* are not permitted on parcels that contain a *duplex*, an *accessory dwelling unit*, *secondary dwelling for farm hands*, or *dwelling* for a *relative requiring care.*

BL 2818 Mar. 2/18

(c) *Secondary suites* within a detached *garage* must be located above the *first storey* of the *building* and have a separate external entrance from the *vehicle* entrance.

(d) *Secondary suites* must be constructed in accordance with the BC Building Code.

(e) *Secondary suites* must be connected to an approved sewage disposal system.

(f) Despite the maximum allowable *height* for *buildings* and *structures* in Part 4 of Schedule A of this Bylaw, the maximum allowable *height* for a detached *garage* with a *secondary suite* is 7.5 m.

(g) Despite the siting requirements for an *accessory building* or *structure* in Part 4 of Schedule A of this Bylaw, no *person* shall site a detached *garage* containing a *secondary suite* which has:

(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*.

BL 2818 Mar. 2/18

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

(i) On parcels where *secondary suite* is a permitted use, the *total floor space* of the *secondary suite* must not exceed:

BL 3312 Jun 14/24

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

(b) 70 m^2 when located within a detached *garage* on parcels less than 0.4 ha in size; or

(c) 90 m^2 when located within a detached *garage* on parcels 0.4 ha in size or larger.

(j) A *secondary suite* may not be located in a *single family dwelling* that is a *manufactured home* or *accessory dwelling unit.*

BL 2915 Jul. 5/19

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

1.21A Despite Section 1.21, a *secondary suite* within a *detached garage* is not permitted on any parcel in the hatched area identified in Figure 2A.

BL 2818 Mar. 2/18

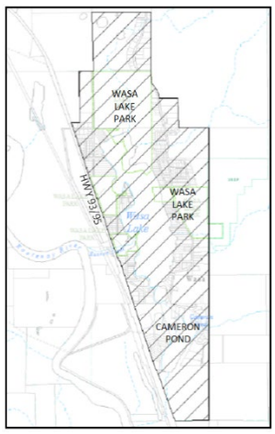


FIGURE 2A: Community of Wasa

1.22 MAXIMUM NUMBER OF KITCHENS PER DWELLING UNIT

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

1.23 GUEST RANCHES, RURAL RETREATS, WILDLAND USE AND LODGES

(1) *Guest ranches* must be in compliance with the following:

(a) A *guest ranch* must be conducted on a parcel not less than 16 ha in size.

(b) A *guest ranch* must be conducted on a parcel assessed as farm under the *Assessment Act*.

(c) A *guest ranch* must be limited in density to 12 m^2 of *gross floor area* of *guest ranch* accommodation per hectare to a maximum of 720 m^2.

(2) *Rural retreat* must be in compliance with the following:

(a) The minimum parcel size on which a *rural retreat* may be conducted is 16 ha.

(3) *Wildland use* must be in compliance with the following:

(a) The minimum parcel size on which a *wildland use* may be conducted is 120 ha in size.

(4) *Lodges* must be in compliance with the following:

(a) The maximum number of *kitchens* permitted in a *lodge* is one.

(b) The maximum number of communal dining facilities permitted in a *lodge* is one.

(c) On all parcels, the maximum number of *lodges* permitted is one.

1.24 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 hectare in total; and
(b) the number of *animal units* of *poultry* must not exceed one-half *animal unit* per hectare in total.

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

(2) On parcels where the *keeping of small farm animals* is a permitted use:

(a) the number of rabbits must not exceed one *animal unit;* and

(b) the cumulative number of *poultry,* exclusive of geese, turkeys, and *ratites*, must not exceed 15.

1.25 SECONDARY DWELLING UNIT FOR FARM HAND

(1) *Secondary dwelling units for farm hands* must be in compliance with the following:

(a) A *secondary dwelling unit for farm hand* is limited to a *manufactured home*, up to 9 m in width including additions.

(b) A *secondary dwelling unit for farm hand* must be placed on a non-permanent foundation or pier type foundation only.

(2) In zones permitting a *secondary dwelling unit for farm hand*, only one such *dwelling unit* is permitted where the combined holdings of the *farm operation* are 8 ha in size or less, or two such dwellings where the combined holdings of the *farm operation* are greater than 8 ha in size.

BL 2915
Jul. 5/19

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

(4) 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.

1.26 GROUP HOMES

(1) *Group homes* must be in compliance with the following:

(a) The maximum number of people that may be accommodated in a *group home*, exclusive of staff, is 10.

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

1.28 PROPERTY SPECIFIC REGULATIONS

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

(a) On Lot 1, District Lot 3000, Kootenay District, Plan 13737, post office is permitted accessory to a *dwelling unit*.

BL 2915
Jul. 5/19

(b) On Lot 4, District Lot 342, Kootenay District, Plan 6893, the keeping of not more than four miniature equine species and two turkeys is permitted.

(c) On Lot A, District Lots 332 and 3040, Kootenay District, Plan 22110 and District Lot 3040 except Plan NEP 2211, *residential treatment centre* is permitted.

(d) On Lot A, District Lot 264, Kootenay District, Plan NEP21117, *wireless communication facility* is a permitted.

BL 3014
Feb. 5/21

(e) On Lot 1, District Lot 9939, Kootenay District Plan 8316, one *principal dwelling* and one *manufactured home* are permitted.

BL 3394
Jul. 11/25

(f) On Lot A District Lot 265 Kootenay District Plan 5406, one detached *accessory dwelling unit* is permitted.

BL 3427
Dec. 12/25

(g) On Lot 6 District Lot 6117 Kootenay District Plan 7763, two *single family dwellings* are permitted.

(2) Despite the definitions contained within section 3.3 of this Bylaw:

(a) On Strata Lot 1 and Strata Lot 2, District Lot 264, Kootenay District, Plan NES3166, the *dwelling units* of *duplex* may be separated by a *common wall* adjoining two *garages*.

PART 2 PARCEL AREA REQUIREMENTS

2.01 PARCEL AREA

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

(2) Subject to subsection (3) of this section and sections 2.02, 2.03 and 2.04, the parcel area requirements in Part 4 of Schedule A of this Bylaw will be the minimum area of parcels of *land* that may be created by subdivision under the *Land Title Act* or the *Strata Property Act*, except for strata lots sharing *common walls* in a *building*.

(3) The parcel area requirements in Part 4 of Schedule A of this Bylaw and the minimum *usable site area* requirements of section 2.02 of this Bylaw do not apply to:

(a) *public utility*;

(b) navigational aids;

(c) *sanitary landfill sites*;

(d) *parks*;

(e) surface parking lots;

(f) *access routes;*

(g) *solid waste transfer facility.*

BL 2618
Nov. 6/15

2.01(A) 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 of this Bylaw.

2.02 MINIMUM USABLE SITE AREA

(1) Subject to section 2.01(3), all parcels must have a minimum *usable site area* of not less than 1670 m^2.

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

2.03 REDUCTION OF PARCEL AREA REQUIREMENTS

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

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

(i) it is impossible to meet the parcel area requirements;
(ii) all parts of all new parcels are contiguous;
(iii) the proposed parcel has the minimum *usable site area* specified in section 2.02.

(b) involves *parcel line* adjustments provided:

(i) it is impossible to meet the parcel area requirements;
(ii) the proposed subdivision creates no more parcels for the *land* being subdivided than exist at the time of application;
(iii) all parcels meet the minimum *usable site area* specified in section 2.02;
(iv) all parcels that meet the parcel area requirements prior to the *parcel line* adjustment are not reduced in size below the minimum parcel area for the zone in which they are located.

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

(i) it is impossible to create a parcel on each side of the existing parcel *highway* or right-of-way that meets the parcel area requirements;
(ii) the proposed parcels have the minimum *usable site area* specified in section 2.02;
(iii) the *highway* is not less than 20 m in width;
(iv) the *highway* is not a BC Forest Service Road.

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

(i) it is impossible to meet the parcel area requirements;
(ii) only one of the proposed parcels is smaller than the parcel area requirement;
(iii) the proposed smaller parcel is no more than 10% smaller than the parcel area requirement;
(iv) the proposed smaller parcel is not smaller than the minimum *usable site area* specified in section 2.02.

(e) divides a parcel along a boundary line of a zone, provided the proposed parcels have the minimum *usable site area* specified in section 2.02.

(f) divides a parcel along a boundary line of the *Agricultural Land Reserve* provided:

(i) the Agricultural Land Commission has allowed an application to subdivide the parcel;
(ii) the proposed parcels have the minimum *usable site areas* specified in section 2.02.

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

(i) it is impossible to create a parcel on each side of the topographic feature that meets the parcel area requirements;
(ii) the proposed parcels have the minimum *usable site areas* specified in section 2.02.

BL. 2915
Jul. 5/19

(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*.

2.04 PANHANDLE PARCELS

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

2.05 SUBDIVISION PURSUANT TO SECTION 946 OF THE *LOCAL GOVERNMENT ACT*

Where *land* is proposed for subdivision under Section 946 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 size for the zone in which they are located, provided that a parcel that may be subdivided under section 946 of the *Local Government Act* are:

(a) not less than 2 ha in area for those properties not adjacent to St. Mary Lake within the St. Mary – West subarea;

(b) not less than 4 ha in area for those properties adjacent to St. Mary Lake within the St. Mary – West subarea;

(c) and not less than 4 ha in all other areas.

PART 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 exclusively accessed 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%.

(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 space*s must be provided for customers and clients of home based businesses, in addition to *off-street parking spaces* required for residential use in Section 3.02(4) of Schedule A of the Bylaw. *Off-street parking spaces* must also be provided for all *vehicles* associated with home based businesses.

(10) Repealed by Bylaw No. 2915 – July 5, 2019

3.01(A) DISABLED PARKING SPACES

BL 2915
Jul. 5/19

(1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.

(2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.

(3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.

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

3.02 REQUIRED OFF-STREET PARKING SPACES

(1) <u>Commercial and Industrial Uses</u>

(a)	Forest service industries, mining and milling, quarrying, oil well industries	- 1 per 30 m^2 of office use plus 1 per 185 m^2 of *gross floor area* 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*
BL 2915 Jul. 5/19	(f)	*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 public
		(v) Miniature *golf course*	- 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) *Guest cottage*	-	1 space
	(e) *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	-	2 plus 1 per *dwelling unit* plus 1 per *campsite*, plus 1 per *hotel* or *motel* room
	(b) Food and beverage services	-	1 per 3 seat capacity
	(i) Drive-in/takeout only	-	10 spaces
	(c) *Farm operation*	-	2 spaces where the public will be on site
	(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*

3.03 SIZE AND LOCATION OF OFF-STREET PARKING SPACES

(1) Each required *off-street parking space* must be a minimum of 2 m in height, 2.7 m in width and 6 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 m.

(2) Length of *off-street parking spaces* may be reduced to 4.6 m for not more than 5% of the number of required *off-street parking spaces*, provided these spaces are clearly marked "small car only".

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

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 m (19.7 ft) 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 m from the parcel, *building* or *structure* being served. Required *off-street parking* must be located on a parcel in the same zone as the parcel being served.

(b) Where some or all of the *off-street parking* is provided on a parcel other than that on which the use, *building* or *structure* being served is located, a covenant under Section 219 of the *Land Title Act* must be registered in the Land Title Office in favour of the *Regional District* against the parcel to be used for parking, reserving the *off-street parking spaces* that are not on the same parcel as the use, *building* or *structure* that they are intended to serve, for as long as that use, *building* or *structure* exists.

BL 2915 Jul. 5/19

(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.

3.04 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.

3.05 SIZE AND LOCATION OF OFF-STREET LOADING SPACES

(1) Each *off-street loading space* must be not less than 9 m in length, 3.5 m in width, and 4 m in height.

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

PART 4 ZONES

4.01 ESTABLISHMENT OF ZONES

That portion of the Regional District of East Kootenay lying within the boundary of the area defined on Schedules A1 to A11 is divided into the following zones:

CATEGORY	ZONE TITLE	SHORT TITLE
Residential	Residential	R-1
	Residential (A)	R-1(A)
	Residential (Semi-Rural)	RS-1
	Residential (Acreage)	RS-4
	Manufactured Home Park Residential	R-MP
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
Recreation Zone	Recreation Residential Zone	RES-1(A)
	Recreation Residential Zone	RES-1(B)
	Recreation Residential Zone	RES-1(C)
Commercial	Highway Commercial	C-1
	Local Commercial	C-2
	General Commercial	C-3
	Service Commercial	C-4
	Recreation Commercial	C-5
	Golf Course Commercial	C-6
	Tourist Commercial	C-7
Industrial	Industrial	I-1
Institutional	Public Institutional	P-1
	Park and Open Space	P-2
	Park and Open Space (Campground)	P-3
	Public Works and Utility	P-4
Watershed	Watershed Protection	WP-1

BL 2950 Dec 6/19

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:

A1 to A11

(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: R-1 ZONE

(1) Permitted uses

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

(a) *Single family dwelling*;

(b) *Duplex.*

(2) Accessory uses

(a) H*ome based business*;

(b) Apiculture, *horticulture;*

(c) *Keeping of small farm animals*;

(d) *Secondary suite*;

BL 2527 July 4/14

(e) Repealed by Bylaw No. 2915 – July 5, 2019

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

(3) Regulations

In the R-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.

BL 2527 July 4/14

COLUMN 1	COLUMN 2
(a) Minimum parcel size	
(i) *Single family dwelling*	1670 m^2
(ii) *Duplex*	2140 m^2
(b) Minimum *setbacks*:	
Principal buildings and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line*	1.5 m
▪ *interior side parcel line*	1.2 m
▪ *exterior side parcel line*	4.5 m
Accessory buildings and *structures* from:	
▪ *front parcel line*	7.5 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 m
▪ *interior side parcel line*	1 m
▪ *exterior side parcel line*	4.5 m
(c) Maximum *height* for:	
Principal buildings and *structures*	9 m
Accessory buildings and *structures*	5 m
(d) Maximum *parcel coverage*:	30%

(4) Other Regulations

BL 2527 July 4/14

(a) Despite section 1.02(1) in part 1 of Schedule A, *duplexes* are not permitted on parcels smaller than 2140 m^2.

(b) Repealed by Bylaw No. 2915 – July 5, 2019

(c) Repealed by Bylaw No. 2915 – July 5, 2019

4.04 RESIDENTIAL (A): R-1(A) ZONE

(1) Permitted uses

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

(a) *Single family dwelling*.

(2) Accessory uses

(a) *Home based business*;

(b) Apiculture, *horticulture;*

(c) *Keeping of small farm animals*;

BL 3312 Jun 14/24

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

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

(3) Regulations

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

BL 3312 Jun 14/24

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	1670 m^2
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	1.2 m
	▪ *interior side parcel line*	1.2 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 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 m
	▪ *interior side parcel line*	1 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum *height* for:	
	Principal buildings and *structures*	9 m
	Accessory buildings and *structures*	5 m
(d)	Maximum *parcel coverage*:	30%
(e)	Minimum horizontal dimension of a *principal building,* not including an addition or a non-rectangular building	5.5 m

4.05 RESIDENTIAL (SEMI-RURAL): RS-1 ZONE

(1) Permitted Uses

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

(a) *Single family dwelling;*

(b) *Duplex*.

(2) Accessory Uses

(a) *Home based business;*

(b) *Horticulture;*

(c) *Secondary suite*;

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum parcel size:	
(i) *Single family dwelling*	1670 m^2
(ii) *Duplex*	2140 m^2
(b) Minimum *setbacks*:	
Principal buildings and *structures* from:	
▪ *front parcel line*	6 m
▪ *rear parcel line*	1.5 m
▪ *rear parcel line* when adjacent to a *lane* or alley	3 m
▪ *interior side parcel line*	1.5 m
▪ *exterior side parcel line*	4.5 m
Accessory buildings and *structures* from:	
▪ *front parcel line*	6 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 m
▪ *rear parcel line* when adjacent to a *lane* or alley	3 m
▪ *interior side parcel line*	1 m
▪ *exterior side parcel line*	4.5 m
(c) Maximum *height* for:	
Principal buildings and *structures*	9 m
Accessory buildings and *structures*	5 m
(d) Maximum *parcel coverage*:	30%

(4) Other Regulations

Despite section 1.02(1) in Part 1 of Schedule A, *duplexes* are not permitted on parcels smaller than 2140 m^2.

4.06 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*; subject to section 4.06(4)(a)

(b) *Duplex*; subject to section 4.06(4)(b)

(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

In the RS-4 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	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 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	2 m
	▪ *interior side parcel line*	2 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum *height* for:	
	Principal buildings and *structures*	9 m
	Accessory buildings and *structures*	5 m
(d)	Maximum *parcel coverage*	30%
(e)	Within the boundaries of the Wasa and Area Official Community Plan Bylaw area the minimum horizontal dimension of a *principal building,* not including an addition or a non-rectangular building	5.5 m

(4) Other Regulations

(a) Despite section 4.06(1)(a), on any parcel shown in Figure 3 the minimum floor area of the first *storey* of a s*ingle family dwelling* must be equal to or greater than 65 m^2*.*

(b) Despite section 4.06(1)(b), a d*uplex* is not permitted on any parcel in the hatched area identified in Figure 3.

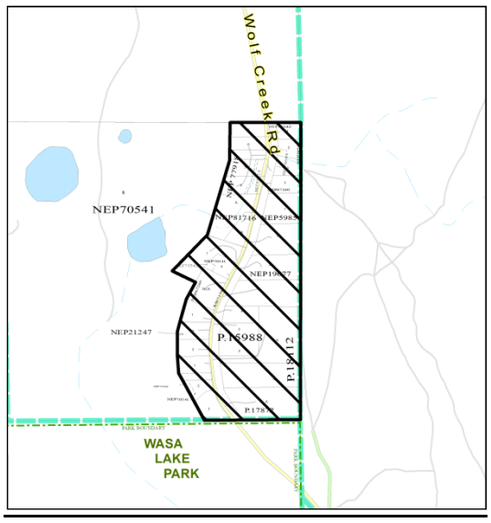


FIGURE 3: Wolf Creek Road north of Wasa Lake Provincial Park (2013)

(c) Repealed by Bylaw No. 2915 – July 5, 2019

4.07 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

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

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	2 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 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 m
	Principal buildings and *structures*	9 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.

4.08 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

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

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	1 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*	1.5 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	1.5 m
	▪ *interior side parcel line*	1.5 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum *height* for:	
	Principal buildings and *structures*	9 m
	Accessory buildings and *structures*	9 m
(d)	Maximum *parcel coverage*	35%
(e)	Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

4.09 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 *confined livestock area*.

(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

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

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	2 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*	1.5 m
	▪ *exterior side parcel line*	4.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	1.5 m
	▪ *interior side parcel line*	1.5 m
	▪ *exterior side parcel line*	4.5 m
(c)	Maximum *height* for:	
	Principal buildings and *structures*	10 m
	Accessory buildings and *structures*	12 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 ha in size.

4.10 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

In the RR-4 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	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*	7.5 m
	▪ *exterior side parcel line*	7.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
(c)	Maximum *height* for:	
	Principal buildings and *structures*	10 m
	Accessory buildings and *structures*	12 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 ha in size.

4.11 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 range.

(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

In the RR-8 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	8 ha
(b)	Minimum parcel size for *portable sawmill*	8 ha
(c)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	7.5 m
	▪ *interior side parcel line*	7.5 m
	▪ *exterior side parcel line*	7.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
	Additional *setback* requirements from	
	▪ all *parcel lines* for *portable* sawmills	15 m
	▪ an existing *dwelling unit* not on the same parcel for *portable sawmills*	100 m
(d)	Maximum *height* for:	
	Principal buildings and *structures*	10 m
	Accessory buildings and *structures*	12 m
(e)	Maximum size for *concession stand*	35 m^2
(f)	Maximum *parcel coverage*	35%
(g)	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 ha in size.

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

(i) maximum capacity of 50 m^3 (21,180 board feet) per day;
(ii) accumulation of sawdust, wood chips or other wood products not exceeding 10 m high;
(iii) a clear fire guard a minimum of 15 m wide must be established around the mill, logs or debris;
(iv) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
(v) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.12 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) Trap and skeet range;

(i) *Fish pond*;

(j) Private airstrip;

(k) *Guest ranch*.

(2) Accessory uses

(a) *Home based business*;

(b) *Secondary suite;*

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

(d) *Veterinary clinic*;

(e) *Kennel*;

(f) *Cabin accessory to guest ranch*;

(g) *Lodge accessory to guest ranch*;

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

(3) Regulations

In the RR-16 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel size	16 ha
(b) Minimum parcel size for *portable sawmill*	8 ha
(c) Minimum *setbacks*:	
Principal buildings and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line*	7.5 m
▪ *interior side parcel line*	7.5 m
▪ *exterior side parcel line*	7.5 m
Accessory buildings and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line*	5 m
▪ *interior side parcel line*	5 m
▪ *exterior side parcel line*	5 m
Additional *setback* requirements from:	
▪ all *parcel lines* for *portable sawmills*	15 m
▪ an existing *dwelling unit* not on the same parcel for *portable sawmills*	100 m
▪ all *parcel lines* for trap and skeet ranges	200 m

BL 2565 Nov. 6/15

COLUMN 1	COLUMN 2
(d) Maximum *height* for:	
Principal buildings and *structures*	10 m
Accessory buildings and *structures*	12 m
Cabins	5 m
(e) Maximum *parcel coverage*	35%
(f) Maximum *parcel coverage* for greenhouses with closed waste and storm water systems	75%
(g) Maximum *gross floor area* of a cabin	74 m^2

BL 2565 Nov. 6/15

(4) Other Regulations

(a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2 ha in size.

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

(i) maximum capacity of 50 m^3 (21,180 board feet) per day;
(ii) accumulation of sawdust, wood chips or other wood products not exceeding 10 m high;
(iii) a clear fire guard a minimum of 15 m wide must be established around the mill, logs or debris;
(iv) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
(v) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.13 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) *Equestrian centre;*

(h) *Portable sawmill*;

(i) Archery range;

(j) Rifle, trap and skeet range;

(k) Airport, heliport;

(l) *Wildland use*;

(m) *Guest ranch*;

(n) *Group home;*

(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) *Lodge accessory* to *guest ranch*, *rural retreat*, or *wildland use*;

(e) *Cabin accessory* to *guest ranch*, *rural retreat*, *wildland use*, registered guide outfitting operations, trapping associated with a registered trapline license, or mining activity associated with a *Mines Act* permit;

(f) *Secondary suite;*

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

(3) Regulations

In the RR-60 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	60 ha
(b)	Minimum parcel size for *portable sawmill*	8 ha
(c)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	7.5 m
	▪ *interior side parcel line*	7.5 m
	▪ *exterior side parcel line*	7.5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m

	COLUMN 1	COLUMN 2
	Additional *setback* requirements from:	
	▪ all *parcel lines* for *portable sawmills*	15 m
	▪ an existing *dwelling unit* not on the same parcel for *portable sawmills*	100 m
	▪ all *parcels lines* for rifle, trap and skeet ranges	200 m
(d)	Maximum *height* for:	
	Principal buildings and *structures*	10 m
	Accessory buildings and *structures*	12 m
	Cabins	5 m
(e)	Maximum *gross floor area* of a *cabin*	74 m^2

(4) Other Regulations

(a) All *dwelling units* must be located on a contiguous area of the parcel not larger than 2 ha in size.

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

(i) maximum capacity of 50 m^3 (21,180 board feet) per day;
(ii) accumulation of sawdust, wood chips or other wood products not exceeding 10 m high;
(iii) a clear fire guard a minimum of 15 m wide must be established around the mill, logs or debris;
(iv) all slash must be removed from the parcel and disposed of in advance of operation of the *portable sawmill*;
(v) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.14 RECREATION RESIDENTIAL (A): 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*;

(b) *Forest management*;

(c) *Horticulture.*

(2) Accessory uses

(a) *Home based business*;

BL 3312
Jun 14/24

(b) *Guest cottage accessory* to a *single family dwelling;*

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

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

(3) Regulations

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

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	16 ha
(b)	Despite section 1.18(1), density:	
	▪ *Single family dwellings* per hectare of *usable site area*	2
	▪ *Guest cottages*	1 per constructed *single family dwelling*
(c)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	10 m
	▪ *rear parcel line*	10 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
(d)	Maximum *height* for:	
	Principal buildings and *structures*	9 m
	Accessory buildings and *structures*	6 m
(e)	Maximum *parcel coverage*	35%

4.15 RECREATION RESIDENTIAL (B): RES-1(B) ZONE

(1) Permitted uses

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

(a) *Single family dwelling*;

(b) *Farm operation*;

(c) *Guest ranch;*

(d) *Wildland use;*

(e) *Forest management.*

(2) Accessory uses

(a) *Home based business*;

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

(c) *Lodge accessory to guest ranch* or *wildland use;*

(d) *Cabin accessory to guest ranch* or *wildland use;*

BL 3312 Jun 14/24

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

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

(3) Regulations

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

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	60 ha
(b)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	10 m
	▪ *rear parcel line*	10 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
(c)	Maximum *height* for:	
	Principal buildings and *structures*	10 m
	Accessory buildings and *structures*	12 m
	Cabins	5 m
(d)	Maximum *parcel coverage*	20%
(e)	Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%
(f)	Maximum *gross floor area* of a *cabin*	74 m^2

BL 2565 Nov. 6/15

BL 2565 Nov. 6/15

(4) Density

Despite section 1.18 (1) in Part 1 of Schedule A of this Bylaw, no person shall site more than ten (10) *single family dwellings* on a parcel in the RES-1(B) zone.

4.16 RECREATION RESIDENTIAL (C): RES-1(C) ZONE

(1) Permitted uses

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

(a) *Single family dwelling*;

(b) *Farm operation*;

(c) *Guest ranch;*

(d) *Forest management.*

(2) Accessory uses

(a) *Home based business*;

(b) *Guest cottage accessory* to a *single family dwelling;*

BL 3312 Jun 14/24

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

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

(3) Regulations

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

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	60 ha
(b)	Despite section 1.18 (1), density:	
	▪ *Single family dwellings* per 4 hectares of *usable site area*	1
	▪ Maximum number of *single family dwellings*	6
	▪ *Guest cottages*	1 per constructed *single family dwelling*
(c)	Minimum *setbacks*:	
	Principal buildings and *structures* from:	
	▪ *front parcel line*	10 m
	▪ *rear parcel line*	10 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
	Accessory buildings and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	5 m
	▪ *interior side parcel line*	5 m
	▪ *exterior side parcel line*	5 m
(d)	Maximum *height* for:	
	Principal buildings and *structures*	10 m
	Accessory buildings and *structures*	12 m
(e)	Maximum *parcel coverage*	20%

4.17 HIGHWAY COMMERCIAL: C-1 ZONE

(1) Permitted uses

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

(a) The following retail trade services:

(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) gas 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 personal services:

(i) laundry and cleaning service, laundromat,
(ii) post office,
(iii) medical, dental and other health practitioners,
(iv) barber and beauty shop;

(d) The following accommodation and food services:

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

BL 2565
Nov. 6/15

(e) *Sign* and display industry;

(f) *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, subject to subsection 4.17(4)(e).

(3) Regulations

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

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	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 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 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 a completely enclosed *building* except for:

(i) *Off-street parking* and *loading spaces* and driveways,
(ii) Storage yards,
(iii) Display, rental and sales areas.

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

(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*.

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

4.18 LOCAL COMMERCIAL: C-2 ZONE

(1) Permitted uses

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

(a) General store;

(b) Personal service establishment;

(c) Professional office;

(d) Gas service station, motor *vehicle* repair shop and autobody shop;

(e) Food and beverage services, including neighbourhood pub;

(f) Gift, novelty and souvenir shop;

(g) Tourist information centre.

(2) Accessory uses

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

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Number of *accessory dwelling units*	one
(b) Minimum parcel size	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 m
(e) Maximum *parcel coverage*	60%
(f) Maximum *building* area used for retail	300 m^2

(4) Other Regulations

(a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:

(i) *Off-street parking* and *loading spaces* and driveways;
(ii) Storage yards;
(iii) Display, rental and sales areas.

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

(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*.

4.19 GENERAL COMMERCIAL: C-3 ZONE

(1) Permitted Uses

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

(a) Uses permitted under section 4.18(1);

(b) *Veterinary clinic*;

(c) Feed and tack store;

BL 2565 Nov. 6/15

(d) Sporting goods store;

(e) *Hotel, motel*;

(f) *Horticulture*;

(g) *Kennel*;

(h) 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) *mini-storage facility*;
(vii) lawn mower, electric motor and small engine repair, sharpening service;
(viii) printing, publishing, and allied industries;
(ix) lawn, gardening, and landscaping.

(2) Accessory Uses

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

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Number of *accessory dwelling units*	one
(b) Minimum parcel size	0.4 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 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 m
(e) Maximum *parcel coverage*	50%

(4) Other Regulations

(a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:

(i) *Off-street parking* and *loading spaces* and driveways
(ii) Storage yards;
(iii) Display, rental and sales areas.

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

(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-3 zone shall comply with the relevant provisions of section 1.15 of this Bylaw with respect to *fences* and *screening.*

4.20 SERVICE COMMERCIAL: C-4 ZONE

(1) Permitted uses

Within the C-4 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) gas service station,
(iii) automobile and truck rental and leasing service,
(iv) appliance, television, radio, stereo and electronic repair,
(v) engineering, scientific and laboratory service,
(vi) security and investigation service,
(vii) *manufactured home*,
(viii) prefabricated *building* sale,
(ix) auction service,
(x) machinery and equipment sales and rental,
(xi) tack shop,
(xii) utility and horse trailer sales and rental,
(xiii) welding shop,
(xiv) gunsmithing, lawn mower, electric motor and small engine repair, sharpening service,
(xv) services to *buildings* and *dwelling units*,
(xvi) taxidermist,
(xvii) 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) passenger transit system,
(iii) taxicab operation,
(iv) other transportation;

(i) Laundry and cleaning service, including laundromat;

(j) Food service;

(k) *Horticulture*;

(l) Wholesale trade, excluding *salvage yards* and wholesalers of scrap and waste material;

BL 2565 Nov. 6/15

(m) *Campground;* subject to section 1.16;

(n) *Hotel, motel*.

(2) Accessory uses

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

(b) The following retail trade services:

(i) food store,
(ii) gift shop,
(iii) general store,
(iv) sporting goods store;

(c) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.20(4)(e).

(3) Regulations

In the C-4 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum parcel size	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 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 m
(d)	Maximum *parcel coverage*	50%
(e)	Maximum total floor area for items listed under Section 4.20(2)(b)	150 m^2
(f)	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 a completely enclosed *building* except for:

(i) *Off-street parking* and *loading spaces* and driveways,
(ii) Storage yards,
(iii) Display, rental and sales areas.

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

(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*;

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

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

4.21 RECREATION COMMERCIAL: C-5 ZONE

(1) Permitted uses

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

(a) The following amusement and recreation services:

(i) go cart track, boat track, bumper boat facility,
(ii) miniature golf,
(iii) fairground, stadium, *carnival*,
(iv) racetrack,
(v) archery range,
(vi) fitness centre, racquet club, health spa,
(vii) billiard hall, bowling alley, dance hall, amusement arcade,
(viii) curling, skating and roller skating rink,
(ix) skateboard park,
(x) swimming pool, waterslide,
(xi) lawn bowling green,
(xii) tennis court;

(b) The following retail trade services:

(i) food store,
(ii) general store,
(iii) liquor store or agency,
(iv) gas service station;

(c) *Golf course*;

(d) Museum;

(e) School and studio for art, music, theatre and dancing;

(f) *Campground*, subject to section 1.16;

(g) Community hall.

(2) Accessory uses

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

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

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

(d) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.21(4)(c).

(3) Regulations

In the C-5 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	4000 m^2
(b)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	3 m
	▪ *interior side parcel line*	3 m
	▪ *exterior side parcel line*	3 m
	Go cart track, from an existing *dwelling unit* not on the same parcel	100 m
(c)	Maximum *height* for all *buildings* and *structures*	12 m
(d)	Maximum *parcel coverage*	70%

(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*.

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

4.22 GOLF COURSE COMMERCIAL: C-6 ZONE

(1) Permitted uses

Within the C-6 zone, the following uses and no others are permitted:

(a) *Golf course*;

(2) Accessory uses

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

(b) Clubhouse *accessory* to a *golf course*;

(c) *Campground;* subject to section 1.16;

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

(e) *Group day care* accessory to a *golf course*;

(f) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.22(4)(b).

(3) Regulations

In the C-6 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel size	20 ha
(b) Minimum *setbacks*:	
All *buildings* and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line*	7.5 m
▪ *interior side parcel line*	7.5 m
▪ *exterior side parcel line*	7.5 m
(c) Maximum *height* for a detached *dwelling unit*	10 m
(d) Maximum *height* for all other *buildings* and *structures*	12 m
(e) Maximum *parcel coverage*	70%

(4) Other Regulations

(a) No person shall site a concession stand which exceeds 35 m^2 in size.

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

(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 be self contained and sited in accordance with the provisions of this bylaw.

4.23 TOURIST COMMERCIAL: C-7 ZONE

(1) Permitted uses

Within the C-7 zone, the following uses and no others are permitted:

(a) The following retail trade and service industries:

(i) food store,
(ii) general store,
(iii) liquor store or agency,
(iv) gas service station,
(v) *recreational vehicle* dealer,
(vi) boat sales and service,
(vii) motor *vehicle* repair shop,
(viii) service to *buildings* and *dwelling units,*
(ix) sporting goods store,
(x) gift, novelty and souvenir shop,
(xi) antique shop,
(xii) tack shop,
(xiii) lawn, garden and landscaping,
(xiv) *primary attack base*, including other natural resource management operations;

(b) The following personal services:

(i) laundry and cleaning service, Laundromat,
(ii) post office,
(iii) barber and beauty shop;

(c) The following accommodation and food services:

BL 2565 Nov. 6/15

(i) *campground,* subject to section 1.16,
(ii) food service,
(iii) neighbourhood pub,
(iv) *hotel, motel*,
(v) other tourist accommodation;

(d) The following amusement and recreation services:

(i) miniature golf,
(ii) archery range,
(iii) fitness centre, racquet club, health spa,
(iv) billiard hall, bowling alley, dance hall, amusement arcade,
(v) curling, skating, and roller skating rink,
(vi) skateboard park,
(vii) swimming pool, waterslide;

(e) Museum;

(f) School and studio for art, music, theatre, dancing.

(2) Accessory uses

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

(b) Clubhouse *accessory* to a permitted use;

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

(d) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.23(4)(e).

(3) Regulations

In the C-7 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	4000 m^2
(b)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	6 m
	▪ *interior side parcel line*	7.5 m
	▪ *exterior side parcel line*	7.5 m
(c)	Maximum *height* for all *buildings* and *structures*	12 m
(d)	Maximum *parcel coverage*	70%

(4) Other Regulations

(a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:

(i) *Off-street parking* and *loading spaces* and driveways,
(ii) Storage yards,
(iii) Display, rental and sales areas.

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

(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*.

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

4.24 INDUSTRIAL: I-1 ZONE

(1) Permitted uses

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

(a) Motor *vehicle* repair shop;

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

(c) The following manufacturing industries:

(i) wood product manufacturing, including sawmills, pulp mills, paper mills, wood remanufacturing and related wood processing,
(ii) electrical energy production plant,
(iii) machine shop, metal fabricating, welding shop,
(iv) *industrial landfill site;*

(d) *Public utility*, excluding *sanitary landfill site*;

(e) 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) machinery and equipment rental,
(vi) gunsmithing, lawn mower, electric motor, small engine repair, sharpening service,
(vii) maintenance services to *buildings* and *dwelling units*, including janitorial, septic tank pumping,
(viii) utility trailer rental, sales,
(ix) farm supply, feed sales,
(x) Public works yard,
(xi) *Recycling depot*;

BL 2915 Jul. 5/19

(f) *Wireless communication facility*;

(g) *Cannabis production facility.*

(2) Accessory uses

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

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

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

(3) Regulations

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

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	4 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 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 m
	▪ *interior side parcel line*	7.5 m
	▪ *exterior side parcel line*	7.5 m
(c)	Maximum *height* for all *buildings* and *structures*	70 m
(d)	Maximum *parcel coverage*	70%

(4) Other Regulations

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

4.25 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;

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

(l) Community hall;

(m) *Residential treatment centre* subject to 4.25(4)(c).

(2) Accessory uses

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

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

(3) Regulations

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

	COLUMN 1	COLUMN 2
(a)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	6 m
	▪ *interior side parcel line*	6 m
	▪ *exterior side parcel line*	6 m
(b)	Maximum *height* for all *buildings* and *structures*	10 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*.

(c) Repealed by Bylaw No. 2915 – July 5, 2019

4.26 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) Heritage and archaeological display site;

(e) Agricultural, silvicultural, horticultural, wildlife research centre;

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

(2) Accessory uses

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

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum *setbacks*:	
All *buildings* and *structures* from:	
▪ *front parcel line*	7.5 m
▪ *rear parcel line*	6 m
▪ *interior side parcel line*	6 m
▪ *exterior side parcel line*	6 m
(b) Maximum *height* for all *buildings* and *structures*	10 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*; and
(iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.

4.27 PARKS AND OPEN SPACE (Campground): P-3 ZONE

(1) Permitted uses

Within the P-3 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) Agricultural, silvicultural, horticultural, wildlife research centre, including fish hatchery;

(i) *Farm operation*;

(j) *Government services;*

(k) *Campground,* subject to section 1.16.

(l) Repealed by Bylaw No. 2915 – July 5, 2019

(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, subject to subsection 4.27(4)(c).

(3) Regulations

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

	COLUMN 1	COLUMN 2
(a)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	6 m
	▪ *interior side parcel line*	6 m
	▪ *exterior side parcel line*	6 m
(b)	Maximum *height* for all *buildings* and *structures*	10 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*.

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

4.28 PUBLIC WORKS AND UTILITY: P-4 ZONE

(1) Permitted Uses

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

(a) Cemetery, crematorium;

(b) Public works, *vehicle* storage and equipment storage yard;

(c) *Sanitary landfill site* and facilities including *recycling depot*;

(d) *Public utility;*

(e) Airport, heliport;

(f) *Government services*;

(g) *Farm operation*;

(h) *Solid waste transfer facility;*

(i) *Wireless communication facility.*

(2) Accessory uses

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

(3) Regulations

In the P-4 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

	COLUMN 1	**COLUMN 2**
(a)	Minimum *setbacks*:	
	All *buildings* and *structures* from:	
	▪ *front parcel line*	7.5 m
	▪ *rear parcel line*	6 m
	▪ *interior side parcel line*	6 m
	▪ *exterior side parcel line*	6 m
(b)	Maximum *height* for all *buildings* and *structures*	10 m

4.29 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*;

(c) Mineral Resource Extraction;

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

(e) *Wildland use*, subject to subsection 4.29(4)(b).

(2) Accessory uses

(a) *Dwelling unit accessory* to a permitted use, excluding *accessory* to subsection 4.29(1)(e);

(b) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.29(4)(b).

(3) Regulations

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

	COLUMN 1	COLUMN 2
(a)	Minimum parcel size	125 ha
(b)	Minimum *setbacks* for *buildings* and *structures* from all *parcel lines*	30 m
(c)	Minimum *setbacks* from a lake or *watercourse* for:	
	▪ *buildings* and *structures*	100 m
	▪ storage of pesticides and herbicides	200 m
	▪ storage of petroleum products	200 m
(d)	Maximum *height*	12 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 ha in size.

(b) *Buildings* and *structures accessory* to *wildland use* are restricted to equipment sheds, *livestock shelters*, *warming huts* and picnic shelters

(c) 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 fuelling 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.

(d) 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.

This is Schedule A referred to in Bylaw No. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014".

"Rob Gay"

Chair

"Lee-Ann Crane"

Corporate Officer

April 4, 2014

SCHEDULE B

FLOODPLAIN MANAGEMENT PROVISIONS

PART 1 GENERAL REGULATIONS

1.01 FLOODPLAIN DESIGNATION

The following *land* is designed as *floodplain*:

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

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

(3) *Land* within the boundaries of the Lussier River fan as shown on Schedule B1 attached hereto and forming part of this Bylaw.

1.02 FLOODPLAIN SPECIFICATIONS

(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) 772 m Geodetic Survey of Canada datum for *land* adjacent to Wasa Lake;

(b) 3 m above the *ordinary high water mark* of the Kootenay River, Lussier River, Skookumchuck Creek, St. Mary River, and Perry Creek;

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

(d) 1 m above the *natural ground elevation* or 0.6 m above any obstruction that could cause ponding; or the *flood construction level* specified in an engineer's report prepared under Section 56 of the *Community Charter*, whichever is the highest, for those areas within the Special Policy Area shown on Schedule B1.

(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 m from the *ordinary high water mark* of the Kootenay River, Lussier River, Skookumchuck Creek, St. Mary River and Perry Creek;

(b) 15 m from the *ordinary high water mark* of any other *watercourse*; or

(c) 7.5 m from the *ordinary high water mark* of a lake, marsh, or pond.

PART 2 APPLICATION OF FLOODPLAIN SPECIFICATIONS

2.01 (1) Pursuant to the specified *flood construction levels* and *floodplain setback of this Bylaw*:

(a) the underside of any floor system, or the top of any *pad* supporting any space or room, including a *manufactured home*, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above the specified level, 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 Minister 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 Surveyor's certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in section 1.02(1) and (2). The cost of verification shall be assumed by the *land* owner.

PART 3 SPECIAL POLICY AREA

(1) Development on *land* in the Special Policy Area delineated on Schedule B1 governed by Section 56 of the *Community Charter* is subject to the minimum flood construction level and floodplain setback requirements identified in section 1.02 of Schedule B of this Bylaw.

(2) Development on *land* in the Special Policy Area delineated on Schedule B2 governed by Section 56 of the *Community Charter* is subject to the minimum floodplain setback requirements identified in section 1.02 of Schedule B of this Bylaw.

(3) Special Policy Areas include alluvial 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.

(4) General exemptions outlined in Part 4 of Schedule B apply to Special Policy Areas.

PART 4 EXEMPTIONS

4.01 GENERAL EXEMPTIONS

The general exemptions from the *flood construction levels* and *floodplain setbacks* are outlined in Schedule B3 of this Bylaw.

4.02 SITE-SPECIFIC EXEMPTIONS

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

PART 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. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014".

"Rob Gay"

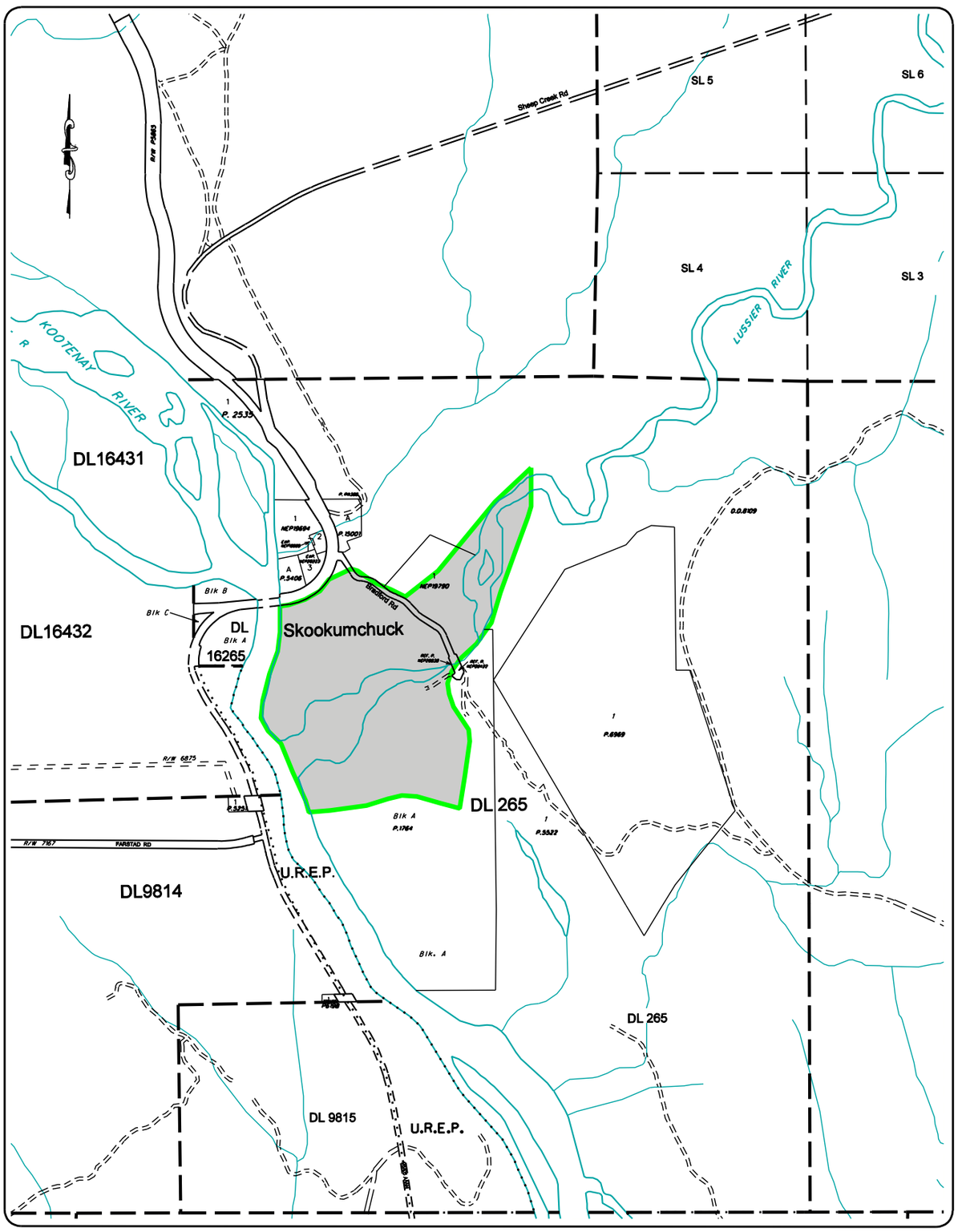
Chair

"Lee-Ann Crane"

Corporate Officer

April 4, 2014

SCHEDULE B1
LUSSIER RIVER HAZARD AREA MAP



This is Schedule B1 referred to in Bylaw No. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014".

"Rob Gay"

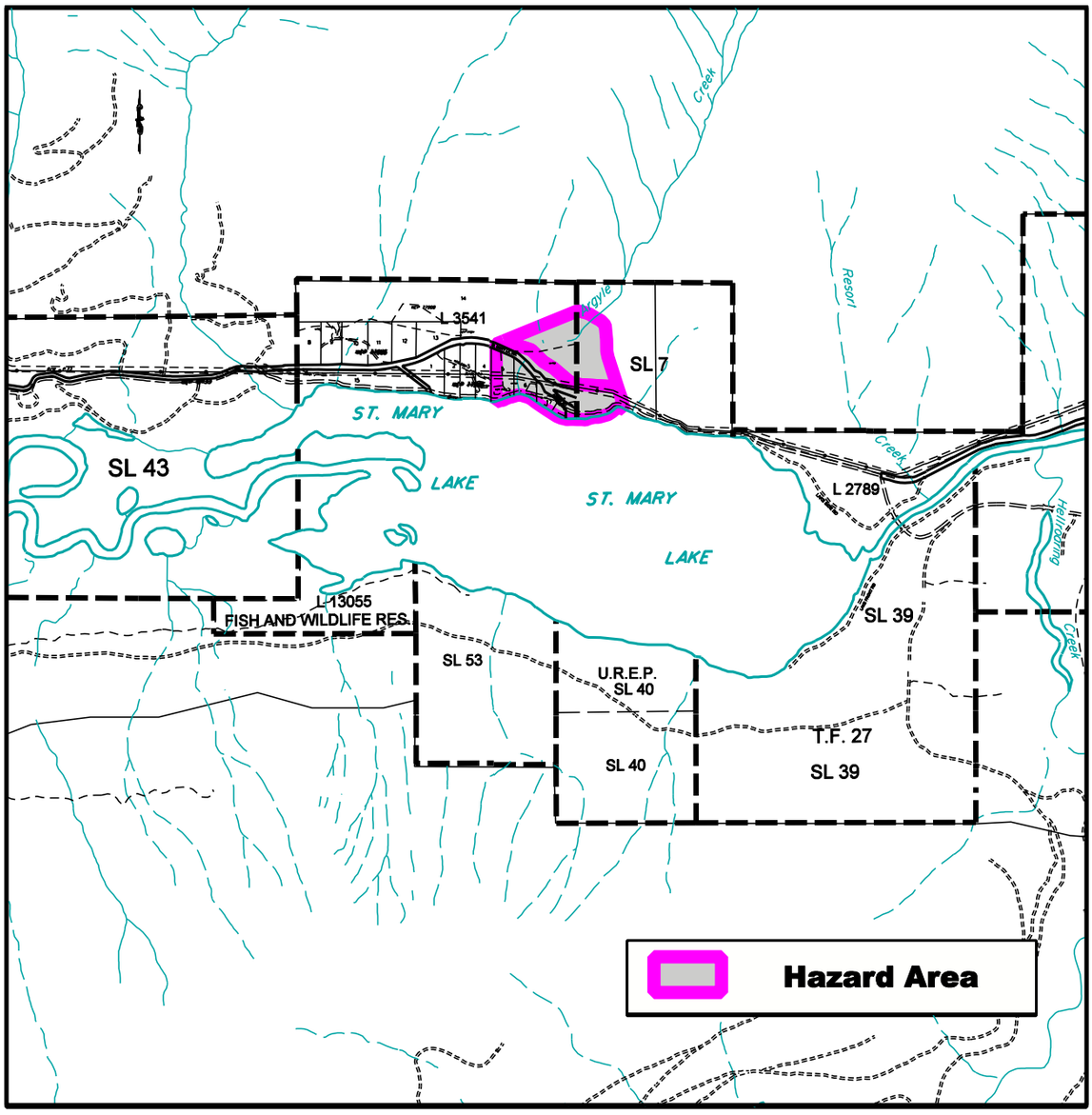
Chair

"Lee-Ann Crane"

Corporate Officer

April 4, 2014

SCHEDULE B2
ARGYLE CREEK HAZARD AREA



This is Schedule B2 referred to in Bylaw No. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014".

"Rob Gay"

Chair

"Lee-Ann Crane"

Corporate Officer

April 4, 2014

SCHEDULE B3
FLOODPLAIN MANAGEMENT PROVISIONS

GENERAL EXEMPTIONS

1. The following types of development are exempt from the *flood construction levels* specified in Section 1.02(1) of Schedule B of this Bylaw.

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

   (b) An addition to a *building* or structure, at the original nonconforming 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 *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 sizes 8.1 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 m 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 the wooden floor system or the top of the *pad* (or in the case of a *manufactured home* the top of the *pad* or the ground surface on which it is located) no lower than 1 m 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 of the *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 B3 referred to in Bylaw No. 2502 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014".

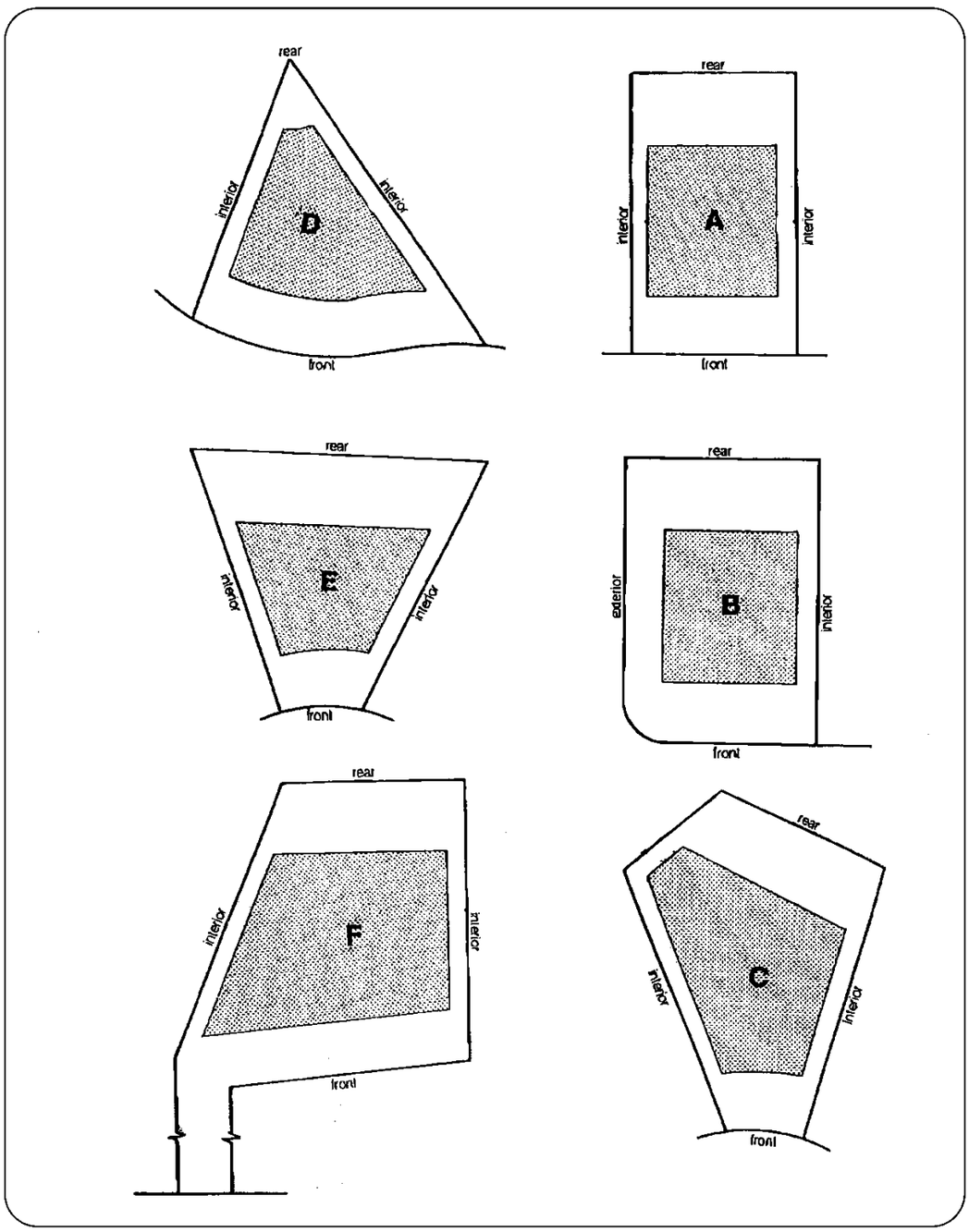
"Rob Gay"

Chair

"Lee-Ann Crane"

Corporate Officer

April 4, 2014

APPENDIX A

LOT SETBACKS for RESIDENTIAL LOTS