



# **ELK VALLEY ZONING BYLAW NO. 829, 1990 CONSOLIDATION**

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

*April 10, 2026*

## PREFACE

This Bylaw provides regulations on zoning. Zoning is concerned with use of land, density of use, siting, size and dimensions of buildings and structures, area, shape and dimensions of parcels of land. This Bylaw also regulates parking, signs, screening, and floodplain management pursuant to Sections 963, 964, 967, 968 and 969 of the "*Municipal Act*" all for unincorporated areas in the Elk and Flathead Valleys. Other sections of the "*Municipal Act*" that may be relevant when considering development of land are:

Section	954	Development Approval Procedures
	955	Advisory Planning Commission
	956	Public Hearing
	961, 962	Board of Variance
	970	Non-Conforming Uses
	974	Development Variance Permits
	994	Parcel Frontage on Highway
	996	Residence for Relative

Other Regional District bylaws that may affect development of land include:

Bylaw No.	209	Mobile Home Park Bylaw
	824	Subdivision Servicing Bylaw
	409	Building Regulation Bylaw
	883	Land Use Application Procedures Bylaw
	777	Nuisances, Rubbish and Unsightly Premises Bylaw

Provincial Acts which may have an effect on land development and which supersede local government regulations include but are not limited to the following:

- Agricultural Land Commission Act
- Health Act
- Heritage Conservation Act
- Highway Act
- Land Title Act
- Soil Conservation Act

**Table of Contents**

	<b>Page</b>
<b>PART 1 – TITLE .....</b>	<b>1</b>
<b>PART 2 – ADMINISTRATION AND ENFORCEMENT .....</b>	<b>1</b>
2.01 Administration .....	1
2.02 Violation .....	1
2.03 Penalty .....	1
2.04 Severability .....	2
2.05 Repeal of Bylaws .....	2
<b>PART 3 – INTERPRETATION .....</b>	<b>2</b>
3.01 Application .....	2
3.02 Schedules .....	2
3.03 Measurements and Calculations.....	3
3.04 Definitions .....	3
<b>PART 4 – GENERAL REGULATIONS .....</b>	<b>19</b>
4.01 Conformity of Uses, Buildings and Structures .....	19
4.02 Use of Existing Parcels .....	19
4.03 Permitted Uses in All Zones .....	19
4.04 Prohibited Uses.....	20
4.04(A) Occupancy During Construction .....	20
4.05 Home Occupation .....	20
4.06 Accessory Buildings and Structures.....	21
4.07 Siting of Buildings and Structures .....	21
4.08 Floodplain Management Provisions.....	24
4.09 Visibility at Intersections .....	26
4.10 Height of Buildings and Structures.....	27
4.11 Screening.....	28
4.12 Signs.....	29
4.13 Dwelling for Relative Requiring Care.....	29
4.14 Farm Use .....	29
4.15 Temporary Commercial and Industrial Use Permits .....	31
4.16 Secondary Suites .....	32
4.17 Campgrounds .....	33
4.18 Maximum Number of Dwelling Units .....	33
4.19 Cannabis Production Facility .....	33
4.20 Maximum Number of Kitchens Per Dwelling Unit.....	33
4.21 Guest Ranches, Rural Retreats, Wildland Use, Cabins, Cat-Ski Chalets, Guest Houses and Guest Ranch Cabins.....	33
4.22 Keeping of Farm Animals .....	34
4.23 Secondary Dwelling Unit for Farm Hands .....	35
4.24 Group Homes and Family Day Cares .....	35
4.25 Hobby Sawmills.....	35
4.26 Seasonal Produce Stand.....	35
4.27 Property Specific Regulations.....	36
<b>PART 5 – PARCEL AREA REQUIREMENTS .....</b>	<b>37</b>
5.01 Parcel Area .....	37
5.01(A) Minimum Average Parcel Area for Bare Land Strata Subdivision.....	37
5.02 Minimum Useable Site Area .....	37
5.03 Reduction of Parcel Area Requirements .....	38
5.04 Panhandle Parcels .....	39

	<b>Page</b>
5.05 Subdivision Pursuant to Section 946 of the Local Government Act.....	39
<b>PART 6 – PARKING AND LOADING REQUIREMENTS .....</b>	<b>40</b>
6.01 General Requirements .....	40
6.01(A) Disabled Parking Spaces .....	40
6.02 Required Off-Street Parking Spaces.....	41
6.03 Size and Location of Off-Street Parking Spaces .....	45
6.04 Required Off-Street Loading Spaces .....	47
6.05 Size and Location of Off-Street Loading Spaces.....	47
<b>PART 7 – ZONES .....</b>	<b>48</b>
7.01 Establishment of Zones .....	48
7.02 Zoning Maps .....	49
7.03 Single Residential (Urban) Zone: RS-1.....	50
7.04 Single Residential (Urban-A) Zone: RS-1A.....	53
7.05 Recreation Residential Zone: RS-2 .....	56
7.05(A) Resort Residential Zone: RS-2A.....	57
7.05(B) Resort Residential (Multi-Family) Zone: RS-2(B).....	60
7.06 Single Residential (Extensive) Zone: RS-4 .....	63
7.07 Mobile Home Park Residential Zone: RH-1 .....	65
7.08 Rural Residential (Estate) Zone: RR-1.....	67
7.09 Rural Residential (Small Holding) Zone: RR-2 .....	69
7.10 Rural Residential (Hobby Farm) Zone: RR-4 .....	71
7.11 Rural Residential (Country) Zone: RR-8 .....	73
7.12 Rural Resource Zone: RR-60 .....	77
7.13 Watershed Protection Zone: WP-1 .....	81
7.14 Highway Commercial Zone: CG-4 .....	87
7.15 Service Commercial Zone: CG-6.....	90
7.16 Resort Commercial Zone: CG-8 .....	93
7.16(A) Tourist Pension Commercial Zone: CG-TP .....	96
7.17 Light Industrial Zone: MG-1 .....	99
7.17(A) Resort Light Industrial Zone: MG-1(A) .....	102
7.18 Heavy Industrial Zone: MG-2.....	104
7.19 Airport Industrial Zone: MG-4 .....	106
7.20 Community Institutional Zone: PG-1 .....	107
7.21 Parks and Recreation Zone: PG-2.....	110
7.22 Utility and Public Works Zone: PG-3.....	111
7.23 Resort Open Space, Recreation and Trails Zone: PG-4.....	113
7.24 Resort Recreation Zone: RES-2 .....	114
7.25 Resort Core Zone: RES-4 .....	115
7.26 Recreation Zone : REC-1.....	118
<b>PART 8 – ADOPTION .....</b>	<b>120</b>
8.01 Effective Date of Bylaw.....	120
<b>SCHEDULES</b>	
SCHEDULE “A” - Buildings and Structures Height Limitation Areas	
SCHEDULE “B” - Official Zoning Maps	
SCHEDULE “C” - Floodplain Maps – Sparwood Area	
SCHEDULE “D” - Floodplain Maps – Fernie Area	
SCHEDULE “E” - Floodplain Maps – Elkford Area	

**ADDENDUM A** List of Divisions, Major Groups, Groups and Classes from the Standard Industrial Classification, 1980

<b>BYLAW AMENDMENTS</b>				
<b>Bylaw No.</b>	<b>Amend. No. / Yr.</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal Description Zoning</b>
962	01/91	07 Jun 91	Hosmer / Hosmer Enterprises	Portion of Lot 1, DL 4589, KD, Plan 7300 except part incl. in Plan 17713 <b>RH-1 to RR-1</b>
978	02/91	06 Sep 91	Hosmer / Morse	Lot 2, DL 6678, KD, Plan 7447 <b>CG-4 to MG-1</b>
986	03/91	04 Oct 91	Fernie Snow Valley / Timberline Developments Ltd.	Portion of Lot 52, DL 8901, KD, Plan 15604 except part incl. in Plan 18850 <b>CG-8 to RS-1A</b>
995	04/91	<b>NPW</b>	Hosmer / EIS Holdings Ltd.	<b>NPW</b>
1009	05/92	04 Sep 92	West Fernie / Watson	Portion of Pcl. 1 (see 6536-I), KD, DL 5813 <b>CG-4 to CG-6</b>
1023	06/92	07 May 93	Morrissey / Earl	Text amendment only
1107	07/94	08 Jul 94	Hosmer / Larry's Radiator	Portion of Lot 1, DL 6678, KD, Plan 4891 <b>CG-4 to RS-4</b>
1137	08/94	02 Sep 94	Upper Elk Valley / The Nature Trust of BC	Portion of DL 2316, KD, except part incl. in Plan 18974 <b>RR-60 to RR-2</b>
1161	09/94	09 Dec 94	Dicken Road / Smith	Lot 1, DL 6393, KD, Plan 5826 <b>RS-4 to RS-1A</b>
1164	10/94	<b>NPW</b>	Landfill Sites	<b>NPW</b>
1196	11/95	02 Jun 95	Fernie Snow Valley / Fernie Snow Valley Ski Ltd.	Portion of Lot A, DL 8901, Plan 1687 except (1) parts incl. in Plans 10145, 15604 & 18957, and (2) part incl. in SRW Plan 17500, and (3) part incl. in Plan R368 <b>RR-8 to CG-8</b>
1227	12/95	08 Dec 95	Dwelling for Relative Requiring Care / RDEK	Text amendment only
1233	13/95	05 Jan 96	Fernie Snow Valley / Fernie Snow Valley Ski Ltd.	Part of Lot 1, DLs 4126, 8900, 8901 & 11698, KD, Plan 10145, except parts incl. in Plans 14986 & 18967 <b>CG-8 to RS-1A</b>  Part of Pcl. A (see 142795-I) KD, DL 8900, except (1) parts incl. in Plans 10145, 15604 & NEP19224, (2) part incl. in SRW Plan 17500, (3) part incl. in Plan R368 <b>RR-8 to RS-1(A)</b>  Parts of Pcl. A (see 142795-I), KD, DL 8900 except (1) parts incl. in Plans 10145, 15604 & NEP19224, (2) part incl. in SRW Plan 17500, (3) part incl. in Plan R368 <b>RR-8 to CG-8</b>

<b>Bylaw No.</b>	<b>Amend. No. / Yr.</b>	<b>Adopted</b>	<b>Short Citing</b>	<b>Legal Description Zoning</b>
1254	14/96	<b>NPW</b>	Fernie Snow Valley Ltd.	<b>NPW</b>
1261	15/96	05 Jul 96	Fernie Snow Valley / Fernie Snow Valley Ski Ltd.	Part of road by Plan 15604 and part of Lot A, DL 8901, KD, Plan 1687 except (1) parts incl. in Plans 10145, 15604 & 18957, and (2) part incl. in SRW Plan 17500, (3) part incl. in Plan R368 <b>RR-8 to CG-8</b>
1297	16/96	07 Feb 97	West Fernie / Luke	Lot 13, Blk. 1, DL 5455, Plan 1613, KD <b>RR-2 to RS-1</b>
1298	17/96	<b>NPW</b>	Corbin / Wilson-Shepard-Coffey	<b>NPW</b>
1382	18/98	07 Aug 98	Fernie Alpine Resort / Fernie Alpine Resort Ltd.	Text amendment, new zone <b>CG-TP</b> , and rezone Lot 23, DL 4126, KD, Plan NEP60894 <b>RS-1A to CG-TP</b>
1389	19/98	02 Oct 98	Upper Elk Valley / whispering Winds Trailer Park Ltd.	Part of Lot B, DL 4134, Plan 18422 <b>RR-8 to RH-1 &amp; RR-4</b>
1392	20/98	02 Oct 98	Fernie Alpine Resort Ltd.	Lot 2, DL 11698, KD, Plan 10145 <b>RR-8 to CG-8</b>
1395	21/98	04 Dec 98	Hosmer / Larry's Radiator	Part of Lot 1, DL 6678, KD, Plan 4891 <b>RS-4 to CG-4</b>
1421	22/99	07 May 99	Misc. Amendments / RDEK	Text amendment only
1422	23/99	07 May 99	Lock-off Units / RDEK	Text amendment only
1438	24/99	03 Sep 99	Upper Elk Valley / Rothel-Murphy-Weeds	Parts of Lot 1, DLs 4143 & 4144, KD, Plan 17163 <b>RR-8 to RR-2</b> Lot 1, DLs 4144 & 8450, Plan 8925 <b>RS-4 to RR-2</b> Lot 1, DL 4144, KD, Plan 7605 <b>RS-4 to RR-2</b>
1443	25/99	<b>NPW</b>	Fernie Alpine Resort / Stothert-Reese	<b>NPW</b>
1462	26/99	<b>NPW</b>	Upper Elk Valley / Ray	<b>NPW</b>

Bylaw No.	Amend. No. / Yr.	Adopted	Short Citing	Legal Description Zoning
1501	27/99	07 Jul 00	Fernie Alpine Resort Ltd.	Text amendment, new zone <b>RS-2A</b> , and rezone: Part of Lot A, DL 8901, KD, Plan 1687 except Plan 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141 & NEP59794; and that part of Lot 1, DLs 4128 & 8901, Plan NEP19500 <b>RR-8 to RS-2A</b>  Part of Lot A, DL 8901, KD, Plan 1687, except Plan 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141 & NEP59794; and that part of Lot 1, DLs 4128 & 8901, Plan NEP19500 <b>RR-8 to CG-8</b>
1521	28/00	08 Dec 00	Fernie Alpine Resort Ltd.	Part of Lot A, DL 8901, KD, Plan 1687, except Plans 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141 & NEP59794 and part of Lot 1, DLs 4128 & 8901, Plan NEP19500 <b>RS-2A to CG-TP</b>
1552	29/01	08 Jun 01	Upper Elk Valley / Miller	Part of Lot 2, DLs 4143 & 4144, KD, Plan 17163 <b>RR-8 to RR-2</b>
1567	30/01	03 Aug 01	Fernie Alpine Resort / The Mountain Resort Marketing Group Inc.	Text amendment only
1574	31/01	07 Sep 01	Fernie Alpine Resort Ltd.	Text amendment only
1594	32/01	04 Jan 02	Elk Valley / Murphy	Text amendment only
1694	33/02	<b>NPW</b>	636927 BC Ltd.	<b>NPW</b>
1672	34/03	13 Jun 03	Upper Elk Valley / Ray	Part of Lot A, DL 4131, Plan 18175 Except Part Incl. in Statutory R/W Plan 18176 and Part in Plan NEP21453 <b>RR-8 to RR-2</b>
1673	35/03	01 Aug 03	Miscellaneous Amendments	Text amendment only
1685	36/03	04 Jul 03	Upper Elk Valley / Crowsnest Properties & Developments	Lot 1, DL 4134, KD, Plan NEP68690 <b>RR-4 to RR-3</b>
1738	37/04	06 Aug 04	Misc. Amendments / RDEK	Text amendment only
1860	38/05	<b>NPW</b>	Text Amendment / RDEK	<b>NPW</b>
1864	39/05	04 Nov 05	Miscellaneous Sign Reg. / RDEK	Text amendment only
1919	40/06	06 Oct 06	Fernie Alpine Resort / Resorts of the Canadian Rockies	Lot 1, DLs 4126, 8900, 8901 & 11698, Plan 10145 except Plans 14986, 18957, NEP59141, NEP60894 & NEP65789 <b>CG-8 to RS-1(A)</b>

Bylaw No.	Amend. No. / Yr.	Adopted	Short Citing	Legal Description Zoning
1972	41/07	07 Dec 07	Miscellaneous Amend. / RDEK	Text amendment only
2013	42/07	11 Jan 08	Hosmer / Arneil	Lot 5, DL 4589, KD, Plan 12000 <b>RR-4 to RR-2</b>
2019	43/07	11 Jan 08	Cokato / Caravetta	Lot 27, DLs 4588 & 4589, KD, Plan 1299 <b>RR-4 to RR-2</b>
2036	44/07	04 Apr 08	Fernie Alpine Resort / Resorts of the Canadian Rockies	Part of Lot A, DL 8901, Plan 1687 Except Plans 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141 & NEP59794 <b>RR-8 to CG-8</b>  Part of Lot A, DL 8901, Plan 1687 Except Plans 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141 & NEP59794 <b>RR-8 to RS-2(A)</b>  Part of Lot 1, DL 8901, Plan NEP59794 Except Strata Plan (Phase 4, 5 and 6) <b>CG-8 to RS-2(A)</b>
2045	45/08	02 May 08	Morrissey / Blackwell	Part of DL 9486 Except Part Incl. in Plan R368 <b>MG-2 to RR-8</b>
2085	46/08	<b>NPW</b>	FAR / Alpine Lodge	Lot 23, DL 4126, Plan NEP60894 <b>CG-TP to RS-1A</b>
2093	47/08	12 Dec 08	FAR / Resorts of the Canadian Rockies Ltd.	DL 11699, DL 13865, that part of DL 13858 not included in the boundaries of DLs 6669, 10109 & 9475 and unsurveyed Crown land adjacent to DL 13865; Part of DL 13868, part of that part of DL 13859 not included in the boundaries of DL 9475 & 9486 except part included in Plan R368 and part of that part of DL 13866 not included within the boundaries of DL 18385 not included within the boundaries of DLs 11698, 11699 & the South ½ of DL 4126 <b>RR-60 to CG-8</b>
2130	48/08	09 Jan 09	Floodplain Management Amendments / RDEK	<b>Text amendment</b> Sec 4.08 Floodplain Management
2146	49/09	07 Aug 09	Secondary Suites/ RDEK	<b>Text amendment</b> Secondary Suite Regulations

Bylaw No.	Amend. No. / Yr.	Adopted	Short Citing	Legal Description Zoning
2171	50/09	07 May 10	Island Lake / Island Lake Holdings Ltd.	<b>Text &amp; Map</b> Amend definitions, add 5 new zones and change the zoning designations of subject properties to various zones to facilitate resort development at Island Lake
2210	51/10	07 May 10	Sparwood Rural / Cook	Part of Lot A, DLs 2242 & 2316, KD, Plan 18974 <b>RR-60 to RR-2</b>
2241	52/10	05 Nov 10	Dicken Road / Vandenbergd	<b>Text Amendment</b> Lot 6, DL 6393, KD, Plan 16531 – keeping of small farm animals or 4 sheep plus lambs permitted
2242	53/10	02 Sept 10	Cokato / Stamler	Lot 6, DL 4588, KD, Plan 1299 <b>RR-4 to RR-2</b>
2249	54/10	08 Oct 10	Dicken Road / Bakken	Part of Lot 2, DLs 3048 & 11707, KD, Plan 1411 except part included in Plan 15502 <b>RR-8 to RR-2</b>
2307	55/11	<b>NPW</b>	Dicken Road / 0816595 BC Ltd.	DL 12753, KD except most westerly 30 chains <b>RR-8 to RS-1</b>
2326	56/11	04 Nov 11	Miscellaneous Amend. / RDEK	Text amendment only
2339	57/11	08 Jun 12	Cunliffe Road / 710781 Alberta Ltd.	Lot 10, DL 4139, Plan 802 <b>RR-2 to RS-4 and CG-4</b>
2357	58/12	30 Mar 12	Cunliffe Road / Brown	Lot 44, DL 4139, Plan 802 <b>MG-1 to RR-2</b>
2372	59/12	03 Aug 12	Fernie / Ridgemont Holdings	Lot A DL 4589, Plan NEP 84640 <b>RR-60 TO RR-8</b>
2373	60/12	03 Aug 12	Hill Road / Pritchard-Joseph	Lot 24, DL 4588, Plan 1299 <b>RR-4 to RR-2</b>
2386	61/12	02 Nov 12	Cokato Rd / Krog	Lot 75, DL 4589 Plan 1299 <b>RR-2 to RR-1</b>
2405	62/12	01 Feb 13	Campgrounds / RDEK	Text Amendments
2426	63/13	01 Mar 13	Kmiecik / 0816595 BC Ltd.	DL 12753 except the most Westerly 30 chains <b>RR-8 to RS-1, RR-2, and PG-2</b>
2450	64/13	<b>NPW</b>	Minor HBB / RDEK	<b>NPW</b>
2451	65/13	<b>NPW</b>	Major HBB / RDEK	<b>NPW</b>
2477	66/13	06 Sep 13	Stephenson Road/Kraps	Part of Lot 1, DL 4589, Plan 15512, except part included in Plan 16715 <b>RR-8 to RR-2.</b>
2482	67/13	14 Feb 14	Timberline Crescent / RCR	<b>RR-8 to RS-1A</b>
2490	68/13	06 Dec 13	Elk Street South / Sosnowski	Lot 5, Block 31, DL 4588, Plan 772A and Lot 5, DL 4588, Plan 16374 <b>CG-6 to RH-1</b>
2537	69/14	07 Nov 14	Medical Marihuana / RDEK	Text Amendment
2564	70/14	04 Dec 15	Miscellaneous / RDEK	Text Amendment & Schedule
2586	71/14	12 Feb 16	Fernie Ski Hill Road / RCR	Part of Lot 1, DLs 4128 & 8901, KD Plan NEP19500 & Part of Lot A, DL 8901, KD Plan 1687 Except Plans 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141 & NEP59794 <b>RR-8, CG-8 &amp; CG-TP to RS-2A</b>

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2597	73/15	03 Jul 15	Highway 3 / Webster	Part of DL 12747, KD Except Part Included in Plan R368 <b>RR-8 to RS-4</b>
2598	74/15	03 Jul 15	Hand Ave. / Heslop	Parcel B (See K6737) of Lot 8, Block 4, DL 5455, Plan 1613 <b>RR-2 to RS-1</b>
2603	76/15	04 Sep. 15	Bryant Rd. / Burnett	Part of Lot B, DL 3047, Plan EPP4094 <b>RR-8 to RR-4</b>
2625	77/15	04 Dec. 15	Density Averaging / RDEK	Text Amendment
2649	78/15	10 Jun 16	Cunliffe Rd. / Canning	Text Amendment & Map Amendment Lot 6, DL 4139, Plan 802, Except Plan 7617 <b>RR-2 to CG-4</b>
2658	79/15	04 Nov 16	Cunliffe Rd. / Tomlinson	Lot 11, DL 4139, KD, Plan 802 <b>RR-2 to RS-4, MG-1 and CG-4</b>
2661	80/15	08 Jul 16	McDonald Ave. / Botrakoff	Lot A, DL 5455, Plan NE P 64826 <b>RR-2 to RS-1</b>
2739	83/16	01 Dec 17	Lizard Creek / 0819038 BC & Knauf	Lot A, DL 4130, Plan 9663 & Lot 1 DL, 4130 Plan 16926
2742	84/16	09 June 17	Dicken Rd. / Foothills Silva Culture Inc.	Designation of Lot 9, DL 6393, Plan 1411 Except Parts Included in Plans 5826, 7444, 7617 and 8737 <b>PG-3 to MG-1</b>
2763	85/17	09 June 17	Dicken Rd. / Kennedy	Designation of Part of Lot 3, DL 3048, Plan 1411 <b>RR-8 to RR-2</b>
2773	86/17	05 May 17	Cokato / Young	Lot 5, DL 4588, Plan 1299 <b>RR-4 to RR-2</b>
2840	88/18	04 May 18	Hosmer / Luminary Holding Corp.	Text Amendment Lot 1, DL 363, KD, Plan 4042 <b>Part 4 Property Specific Regulations</b>
2843	89/18	07 Sept 18	Boundary Adjustments / RDEK	That Part of DP 4588 being unsurveyed Crown land is designated <b>RR-60.</b>
2850	90/18	07 Sept 18	Cunliffe Road / Taylor	Designation of Parts of Lot 8, DL 4139, KD, Plan 802 Except Part included in Plan 7617 <b>RR-2 to RS-1 &amp; RR-1</b>
2853	91/18	07 Sept 18	Cunliffe Rd. / Luminary	Designation of Part of Lot 6, DL 4139, KD, Plan 802, Except Part included in Plan 7617 <b>CG-4 to RS-1</b>
2863	92/18	09 Nov 18	Anderson Rd / Jay	Designation of Part of That Part of DL 8528 Described in DD 11338, KD Except Part Shown as Road on Plan 19555I <b>RR-2 to RR-1</b>
2932	93/19	11 Apr 25	Dicken Road / Kramer	Text Amendment
2935	94/19	06 Dec 19	Miscellaneous Amendments / RDEK	Text Amendments
2937	95/19	01 Nov 19	Fernie Alpine Resort / Polar Peak Properties Inc.	Designation of Part of Lot 1, DL 8901, KD, Plan NEP59794 except Strata Plan NES199 (Phases 4, 5, 6 and 7) <b>RS-2A to CG-8</b>

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3005	97/20	02 Oct 20	Cokato Road / Merritt	Text Amendment
3112	99/21	18 Feb 22	Lizard Creek / Gallup	Designation of that Part of Lot 3 DL 4130 KD Plan 1339 <b>RR-8 to RR-2</b>
3127	101/22	13 May 22	Anderson Rd / Bruhjell & Ragan	Designation of Part of District Lot 8528 Described in DD 11338, Kootenay District Except Part Shown as Road on Plan 195551 <b>RR-1 to RR-2</b>
3172	103/22	07 Oct 22	Anderson Road / Rohn & Savage	Designation of Lot 20 DL 5237 KD Plan 1280 <b>RR-2 to RR-1</b>
3207	105/23	12 May 23	North Fernie / Johnson	Designation of that part of Lot 10 DL 4149 KD Plan 802 Except Plan EPP21692 <b>RS-4 to RS-1</b>
3214	106/23	14 July 23	Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands	Designations of the East half of District Lot 4129, Kootenay District, the North half of District Lot 4126, Kootenay District, District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) parts included in Plans R368, 17500 and EPP88294, and part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The right of way of the Crows Nest Southern Railway as shown on Plan B15 and (3) parts included in Plans 1021, 1339 and EPP88294 <b>RR-60 and RR-8 to RS-4 and PG-4</b>
3226	108/23	9 June 23	Dicken Rd / Ayars	Designation for part of Lot 10 DL 6393 and 11707 KD Plan 1411 <b>RR to LH</b>
3247	109/23	10 Nov 23	West Fernie / Martin	Designation of Lot 28, DL 5237 KD Plan 1280 <b>RR-2 to RR-1</b>
3253	110/23	8 Dec 23	Hosmer / Vaness	Text Amendment
3279	111/23	12 Apr 24	Anderson Road / Swansburg	Designation of Lot 21 DL 5237 KD Plan 1280 <b>RR-2 to RR-1</b>
3292	112/24	12 July 24	Anderson Road / Radchenko & Thomson	Designation of that part of Lot 3 DL 4139 KD Plan EPP71292 <b>RR-2 to RS-4</b>

Bylaw No.	Amend. No. / Yr.	Adopted	Short Citing	Legal Description Zoning
3313	114/23	14 Jun 24	SSMUH / RDEK	Text Amendments
3357	115/24	14 Feb 25	Fernie Alpine Resort / Alpine Lodge & Collombin	Designation of parts of Lots 22 & 23, DL 4126, KD Plan NEP60894 <b>CG-TP to RS-1A and RS-1A to CG-TP</b>
3383	116/25	9 May 25	West Fernie / Bragg	Designation of Lot 19 DL 5237 KD Plan 1280 <b>RR-2 to RR-1</b>
3426	118/25	10 Apr 26	West Fernie / 1291446 BC Ltd	Text Amendments Designation of parts of East half of DL 4129 KD; the North half of DL 4126 KD; DL 8900 KD except (1) Parcel A (see 142795i) and (2) Parts included in Plans R368, 17500 and EPP88294 <b>RS-4 to PG-4 and REC-1, and PG-4 to RS-4 and REC-1</b>
3431	119/25	10 Apr 26	Fernie Alpine Resort / RCR Timber Landing	Designation of portions of Lot 1 DLs 4128 and 8901 KD Plan NEP19500 except Plans EPP76410, EPP 122547 and EPP141684 <b>RR-8 to RS-2A</b>

# REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 829

A Bylaw to provide Zoning, Parking, Sign, Screening and Floodplain Management regulations under Sections 963, 964, 967, 968 and 969 of the "*Municipal Act*", within Electoral Area "A" of the Regional District of East Kootenay.

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WHEREAS the Board of Directors of the Regional District of East Kootenay has adopted the Elk Valley Land Use Strategy;

AND WHEREAS the Regional Board deems it desirable to replace the existing zoning bylaws cited as "Regional District of East Kootenay Zoning Bylaw No. 1, Upper Elk Valley, 1970", "Regional District of East Kootenay Zoning Bylaw No. 5, Fernie Area, 1973" and "Regional District of East Kootenay Zoning Bylaw No. 6, Flathead Area, 1972";

AND WHEREAS The Regional Board wishes to ensure that zoning regulations for this rural area remain reasonably consistent with similar regulations in other parts of the Regional District;

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

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

### **PART 1 TITLE**

- 1.01** This Bylaw may be cited for all purposes as "Regional District of East Kootenay - Elk Valley Zoning Bylaw No. 829, 1990" and is subsequently referred to as "this Bylaw".

### **PART 2 ADMINISTRATION, ENFORCEMENT AND SEVERABILITY**

- 2.01** The Planning & Development Services Manager, Building & Protective Services Manager and Compliance Officer, and any other person authorized to assist the aforementioned persons are authorized to administer and enforce this Bylaw.
- 2.02** Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding \$2,000 and the costs of the prosecution.
- 2.03** If any section, subsection, sentence, clause, phrase, map or schedule of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid must not affect the validity of the remainder.

- 2.04** The following bylaws are repealed:
  - (1) The "Regional District of East Kootenay Zoning Bylaw No. 1, Upper Elk Valley, 1970" and all Bylaws enacted in amendment thereto are hereby repealed.
  - (2) The "Regional District of East Kootenay Zoning Bylaw No. 5, Fernie Area, 1973" and all Bylaws enacted in amendment thereto are hereby repealed.
  - (3) The "Regional District of East Kootenay Zoning Bylaw No. 6, Flathead Area, 1972" and all Bylaws enacted in amendment thereto are hereby repealed.
- 2.05** A Compliance Officer may, at all reasonable times, enter on and into property in the bylaw area as shown on **Schedule B-1** to ascertain whether the regulations and requirements of this Bylaw are being observed.

**PART 3 INTERPRETATION**

**APPLICATION**

**3.01** The provisions of this Bylaw apply to Electoral Area "A" of the Regional District of East Kootenay, as shown on Schedule "B-1".

**SCHEDULES**

**3.02** The following schedules attached to this Bylaw are incorporated into and form part of this Bylaw:

Schedule "A" - Buildings and Structures Height Limitation Areas

Schedule "B" - Zoning Maps - consisting of:

- Schedule "B-1" - Elk Valley - Overall
- Schedule "B-2" - Upper Elk Valley
- Schedule "B-3" - Olson
- Schedule "B-4" - Dicken Road - Hosmer
- Schedule "B-5" - West Fernie - Snow Valley - Cokato Road
- Schedule "B-6" - Morrissey
- Schedule "B-7" - Corbin
- Schedule "B-8" - Island Lake

*For consolidation purposes only / not a legal document*

Schedule "C" - Floodplain Maps - Sparwood Area - consisting of:

- Schedule "C-1" - Elk River at Sparwood - 1 of 2
- Schedule "C-2" - Elk River at Sparwood - 2 of 2

Schedule "D" - Floodplain Maps - Fernie Area - consisting of:

- Schedule "D-1" - Elk River at Fernie (Morrissey) - 1 of 7
- Schedule "D-2" - Elk River at Fernie - 2 of 7
- Schedule "D-3" - Elk River at Fernie - 3 of 7
- Schedule "D-4" - Elk River at Fernie (Fernie) - 4 of 7
- Schedule "D-5" - Elk River at Fernie - 5 of 7
- Schedule "D-6" - Elk River at Fernie - 6 of 7
- Schedule "D-7" - Elk River at Fernie (Hosmer) - 7 of 7

Schedule "E" - Floodplain Maps - Elkford Area - consisting of:

- Schedule "E-1" - Elk River near Elkford - 1 of 6
- Schedule "E-2" - Elk River near Elkford - 2 of 6
- Schedule "E-3" - Elk River near Elkford - 3 of 6
- Schedule "E-4" - Elk River near Elkford - 4 of 6
- Schedule "E-5" - Elk River near Elkford - 5 of 6
- Schedule "E-6" - Elk River near Elkford - 6 of 6

BL 2171  
07 May 09

BL 2935  
06 Dec 19

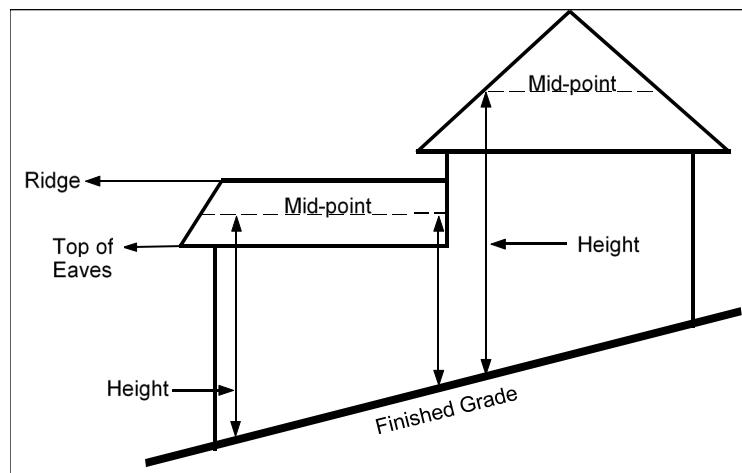
BL 1972  
07 Dec 07

**MEASUREMENTS AND CALCULATIONS**

- 3.03**
- (1) Numerical quantities in this Bylaw are written in the International System of Units (i.e. metric form). Approximate imperial units are shown in brackets following the metric measurements; such bracketed figures are included for convenience only and do not form part of this Bylaw.
  - (2) Where a parcel contains more than one zone:
    - (a) Each different zone will be treated as a separate parcel for the purposes of calculating maximum parcel coverage and setbacks.
    - (b) All principal and accessory buildings, structures and uses must be located within the land use designation for the building, structure, or use.
  - (3) Side yard requirements do not apply to the parcel line along which a common wall is located.
  - (4) All requirements that involve measurements and calculations apply to a bare land strata parcel in the same way as to any other parcel.
  - (5) The maximum permitted height of buildings and structures is calculated by measuring the vertical distance from the finished grade of the building or structure to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:

BL 2935  
06 Dec 19

BL 2935  
06 Dec 19



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the building or structure shall be calculated in accordance with section 4.10 (7) of this Bylaw.

**DEFINITIONS**

- 3.04**
- (1) Some uses permitted in Commercial and Industrial zones and uses referred to in Parts 5 and 6 of this Bylaw include various divisions, major groups, groups and classes of industries taken from the Standard Industrial Classification 1980 Manual, published by Statistics Canada Standards Division.

They include all those industries and only those industries listed in the manual as falling within those major groups, groups and classes of industries. Where this classification is used, the letter or numbers used refer to the division, major group, group or class as indicated in parentheses. A list is attached to this Bylaw as Addendum A for the convenience of the public only and does not form part of this Bylaw.

(2) In this Bylaw:

BL 1972  
07 Dec 07

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

**ACCESSORY TO** means customarily incidental and subordinate to the permitted use of land, buildings or structures.

BL 2564  
04 Dec 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 to the use of the principal building on the same parcel; or
- (b) a use which is accessory to the principal use being made of the parcel upon which such accessory use is carried on.

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

BL 2935  
06 Dec 19

**AGRICULTURAL USE** 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.

**AGRICULTURE, INTENSIVE** means the commercial use of land, buildings and structures for the confinement, feeding and raising of poultry, livestock or fur-bearing animals, including mink, swine and the growing of mushrooms.

**AMUSEMENT PARK** means a commercial operation including any carnival, circus, water slide, miniature golf course, playground, mechanical amusement device, or other similar amusement enterprises which are open to the public for admission to which a fee is charged but shall not include movie theatres, zoos or theatres for the performing arts.

**ANIMAL SHELTER** means a building or structure used for the rearing or accommodation of farm animals, or for mushroom growing, including structures for the storage or handling of manures, and structures related to feedlots and pig, poultry or mink farms.

**ANIMAL UNIT** consists of any of the following:

- 1 beef or dairy cow plus calf or bull
- 1 horse (stallion, gelding or mare and foal), donkey, mule, or hinny
- 4 sheep plus lambs
- 4 goats plus kids
- 40 rabbits
- 125 chickens, turkeys, geese or ducks
- 1 swine plus progeny to weaning

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

**~~AUXILIARY DWELLING UNIT~~** *deleted by Bylaw 1738 adopted 01 Aug 04.*

BL 2326  
04 Nov 11

**BACK COUNTRY COMMERCIAL RECREATION LODGE** means a building associated with a Crown land backcountry commercial recreation tenure or guide-outfitting activities that provides temporary accommodation for paying guests and may include sleeping facilities, communal dining facilities, sanitary facilities, assembly and recreation facilities for the exclusive use of the guests of the commercial operator or guide-outfitter.

**BASEMENT** means a storey or storeys of a building located below the first storey.

BL 1673  
01 Aug 03

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

BL 1574  
07 Sep 01

**BED UNIT** means the accommodation required for one person to stay overnight or on a permanent basis at a resort

**~~BILLBOARD~~** *deleted by Bylaw 1864 adopted November 4, 2005.*

BL 2564  
04 Dec 15

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

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

BL 2564  
04 Dec 15

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

BL 2405  
01 Feb 13

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

**~~CAMPGROUND SPACE~~** repealed by Bylaw 2405 adopted Feb. 1/13.BL 2405  
01 Feb 13

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

**~~CAMPSITE, PRIVATE~~** repealed by Bylaw 2405 adopted Feb. 1/13.BL 2935  
06 Dec 19

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

BL 2935  
06 Dec 19

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

BL 1227  
08 Dec 95

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

BL 2171  
07 May

**CAT-SKIING LODGE** means a building or buildings associated with a cat-skiing operation or ski facility (ILR) that provides temporary accommodation for guests of the cat-skiing operation or ski facility (ILR) and may contain ancillary facilities for the use and enjoyment of guests such as restaurants, licensed lounges, retail ski and gift shops, equipment rental, day care and first aid facilities, storage and locker facilities and indoor recreation facilities. A cat-skiing lodge may also contain facilities related to the operation of the ski facility (ILR) such as administration offices.

BL 2564  
04 Dec 15

**CAT-SKI CHALET** means a building used for the temporary accommodation for guests of the cat-skiing lodge or ski facility (ILR).

**CHIEF BUILDING INSPECTOR** means the Chief Building Inspector of the Regional District of East Kootenay.

**CHRISTMAS TREE MANAGEMENT** means the thinning, pruning, trimming and harvesting of natural forest stands or plantations of native or non-native species to obtain Christmas trees on a continuous basis.

**CLUB OR LODGE** means a building or establishment used by a fraternal or service organization for meetings or social or recreational purposes, including incidental catering to the general public.

**COMMERCIAL SCHOOL** means a school conducted for gain, other than a private, academic, religious or philanthropic school and includes the studio of a dance or music teacher, an art school, business school and any other such specialized school.

BL 2564  
04 Dec 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 2564  
04 Dec 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 sewerage collection and disposal serving two or more parcels which is owned, operated and maintained by the Regional District, a Municipality or an Improvement District or is regulated under the Waste Management Act and the Health Act.

**COMMUNITY WATER SYSTEM** means a system of waterworks within the meaning of Section 21 of the Health Act, which is owned, operated and maintained by the Regional District, a Municipality or an Improvement District or is regulated under the Water Utility Act.

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

BL 2935  
06 Dec 19

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

**CONTROLLED ACCESS HIGHWAY** means a highway or portions of a highway designed for through traffic and designated as such under Part 6 of the Highway Act, and includes Highway 3 and Highway 43.

BL 2405  
01 Feb 13

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

**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 a regional analysis where there is inadequate streamflow data available.

**DESIGNATED FLOOD LEVEL** means an observed or calculated water level attained by a Designated Flood which is used in the calculation of the Flood Construction Level.

**DESIGNATED OFFICIAL** means a Regional Water Manager of the Ministry of Environment.

**DIRECTOR OF PLANNING** means the Director of Planning of the Regional District of East Kootenay.

**DWELLING** *repealed by Bylaw 3313 adopted Jun. 14/24.*

BL 3313  
14 Jun 24

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

BL 3313  
14 Jun 24

**DWELLING, SINGLE FAMILY** means a building containing one (1) principal dwelling unit and may contain one secondary suite.

BL 3313  
14 Jun 24

**DWELLING, TWO FAMILY** means a building containing two (2) principal dwelling units that:

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

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

BL 2564  
04 Dec 15

**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.

BL 1574  
07 Sep 01

**EMPLOYEE ACCOMMODATION** means residential accommodation for occupancy by persons employed at or by the resort where the employee accommodation is located. Limited accommodation for persons not employed by or at the resort are permitted during the off season.

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

**FAMILY** means an individual, or two or more persons related by blood, marriage, adoption, or foster parenthood, or no more than five (5) unrelated persons sharing one dwelling unit.

~~**FAMILY DAY CARE** deleted by Bylaw 2564 adopted 04 Dec 15.~~

BL 2564  
04 Dec 15

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

BL 2564  
04 Dec 15

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

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

~~**FARM VACATION USE** deleted by Bylaw 1673 adopted 01 Aug 03.~~

**FENCE** means a man-made structure intended to prevent intrusion onto a parcel or to separate a parcel from adjacent parcels or part of a parcel from an adjacent part of a parcel and includes a wall or trellis.

BL 2326  
04 Nov 11

**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 m<sup>2</sup> in size shall be the same as the natural ground elevation.

~~**FINISHED GRADE (RESORT)** deleted by Bylaw 1738 adopted 06 Aug 04.~~

**FIRST STOREY** means the uppermost storey having its floor level not more than 2.0 m (6.6 ft) above finished grade.

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

BL2935  
06 Dec 19

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

BL 1972  
07 Dec 07

**FLOOD CONSTRUCTION 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 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.

**FLOOR AREA, GROSS** means the sum of the total horizontal area of all floors of a building, excluding basement floor areas used exclusively for storage, heating or laundry facilities, any portion used for parking, swimming pools, open sun decks, balconies and any portion of a penthouse containing elevators or ventilating equipment.

**FLOOR AREA, NET** means the total of the rentable floor area of all floors of a building measured from the glassline or the interior wall dimensions, excluding stairways, elevators, mechanical floors or rooms, vertical service shafts, malls and non-rentable common corridors, lobbies, washrooms, internal garbage storage and internal vehicular areas.

BL 1382  
07 Aug 98

**FLOOR AREA RATIO** means the figure obtained when the gross floor area of all buildings on a parcel is divided by the area of the parcel.

BL 2146  
07 Aug 09

**FLOOR SPACE, TOTAL** means the total floor area of all floors of a secondary suite measured from the glassline or the interior wall dimensions.

**FREEBOARD** means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level.

**FRONTAGE** means that portion of the boundary of a parcel which is in common with the boundary of a highway other than a lane.

**FRONTAGE ROAD** means that length of a highway which on one side adjoins a highway designated as a controlled access highway and over which access is permitted to parcels on the other side.

BL 2146  
07 Aug 09

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

BL 1972  
07 Dec 07

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

**GROSS HECTARE** means a hectare of land including areas given over to development of private streets, lanes and open spaces.

**GROUP DAY CARE** means a facility for the temporary care of children licenced as a group day care under the Community Care Facility Act, and may include a family day care, nursery school or kindergarten.

BL 2564  
04 Dec 15

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

BL 2564  
04 Dec 15

**GUEST HOUSE** means an accessory building that may contain sanitary facilities and living space, but may not contain a kitchen.

BL 2564  
04 Dec 15

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

BL 2564  
04 Dec 15

**GUEST RANCH CABIN** means a building used for temporary accommodation by paying guests on a guest ranch which includes sleeping facilities, and may include cooking and sanitary facilities for occupants of the guest ranch cabin.

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

~~**GUIDE-OUTFITTING LODGE**~~ deleted by Bylaw 2326 adopted 04 Nov 11.

**HABITABLE AREA** means any space or room within a building or structure, including a mobile home or unit, modular home or structure which is or can be used for human occupancy, industrial, business, or commercial use, or storage of goods, including equipment (including furnaces) which could be subject to damage by floodwater.

BL 1421  
07 May 99

**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.

**HEAVY INDUSTRY** includes such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, nonmetallic mineral products, petroleum and coal products; industrial chemicals and by-products; and allied products.

~~**HEIGHT**~~ deleted by Bylaw 2935 adopted 06 Dec 19.

~~**HEIGHT (RESORT)**~~ deleted by Bylaw 1738 adopted 06 Aug 04.

**HELI-SKIING LODGE** means a building associated with heli-skiing activities that provide temporary accommodation for paying guests of the heli-skiing operator and may include sleeping facilities, communal dining facilities, sanitary facilities, assembly and recreation facilities for the exclusive use of guests of the heli-ski operator. A heli-skiing lodge may also be used for the accommodation of cat-skiers.

**HERITAGE SITE** means land of historic, archeological, or architectural significance to the Province or local community.

BL 1972  
07 Dec 07

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

BL 2564  
04 Dec 15

**HOBBY SAWMILL** means a portable sawmill capable of being towed on a single axle trailer chassis, having a maximum engine size of 40HP and a maximum production rate of 50.0m<sup>3</sup> (21,189 board feet) per year.

BL 2326  
04 Nov 11

**HOME OCCUPATION** means an occupation, service, profession or craft which is clearly incidental to the use of a dwelling unit for residential purposes or to the residential use of a parcel occupied by a dwelling. Home occupation may include bed and breakfast use, family day care and hobby sawmill.

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

BL 2564  
04 Dec 15

**HOSTEL** means a facility with sleeping accommodations for tourists and visitors and which may contain communal cooking facilities available for use by the patrons.

BL 1421  
07 May 99

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

BL 1574  
07 Sep 01

**INDOOR AMENITY SPACE** means storage space for each resident in employee accommodation, for leisure activities and enjoyment of the employee residents and does not include dining area, kitchen, washroom facilities or indoor storage space.

**INDOOR STORAGE** means storage space for each resident in employee accommodation, for personal property and recreational goods.

BL 1594  
04 Jan 02

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

~~**KENNEL, COMMERCIAL BOARDING** deleted by Bylaw 1594 adopted Jan 4/02.~~

BL 2564  
04 Dec 15

**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 and wall oven.

**LAND** includes the surface of water except where the context requires otherwise.

**LANE** means a highway not less than 3.0 m (9.8 ft) nor more than 10.0 m (32.8 ft) in width which provides secondary access to any abutting parcel.

**LIGHT INDUSTRY** includes such uses as assembly, fabricating, light manufacturing, warehousing, wholesaling and food processing.

BL 2171  
07 May 10

**LOCK-OFF UNIT** means a sleeping unit in a multiple family dwelling or cat-skiing lodge with a common access and shared foyer. Lock-off units may include a separate entrance from the main hallway and may include cooking facilities.

**LODGE** see "Club".

**LOT** see "Parcel".

~~**MEDICAL MARIHUANA** deleted by Bylaw 2935 adopted Dec 6/19~~

~~**MEDICAL MARIHUANA PRODUCTION FACILITY** deleted by Bylaw 2935 adopted Dec 6/19~~

**MINIMUM 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.

BL 1501  
07 Jul 00

**MINIMUM USABLE SITE AREA (RESORT)** means a contiguous area of land that is located in a development permit area under Section 879(1)(b) of the *Municipal Act*, and which has an average slope not exceeding 30%, no portion of which is subject to severe rock fall, avalanche, land slip, flooding or high water table hazard, which may result in harm to the building, structure, or other improvements to the parcel or persons.

**MOBILE HOME** means a single family dwelling equipped with a toilet and a bathtub or shower, water from which may be disposed of directly into a sewer, and manufactured as a unit or units intended to be occupied in a place other than of its manufacture on a year round, long-term basis. It may be designed with detachable towing and touring gear and upon arrival at the site can be completed and ready for occupancy except for placing on foundations, connections of utilities and some incidental assembly.

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

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

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

BL 2564  
04 Dec 15

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

**NATURAL BOUNDARY** means the visible highwater mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

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

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

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

BL 1972  
07 Dec 07

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

**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 Mobile Home or Unit, a concrete Pad for supporting a Habitable Area, or a poured in place concrete perimeter foundation for the purpose of supporting a Habitable Area or Mobile Home.

BL 1972  
07 Dec 07

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

**PARCEL** means the smallest unit of land which is designated under the *Land Title Act* or the *Condominium Act* as a separate and distinct parcel on a legally recorded plan or description deposited in the Land Title Office, but does not include a highway right-of-way or portion thereof and includes a strata parcel pursuant to the *Condominium Act* and registered in the Land Title Office.

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

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

**PARCEL LINE, FRONT** means the parcel line common to a parcel and an abutting highway other than a lane. Where there is more than one such line, the shortest such line shall be considered the front parcel line, or where the front and rear parcel lines both adjoin a highway, the front parcel line shall be that to which the majority of adjacent buildings face. The front parcel line of a panhandle parcel shall be the parcel line closest to the highway from which access is obtained, but excludes the access strip.

BL 2564  
04 Dec 15

**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 shall be the point of such intersection.

**PARCEL LINE, SIDE** means the parcel line or parcel lines other than the front or rear parcel line and 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, archeological and historic sites. A park may also include privately owned land for use of which no charge is made but does not include a commercial amusement park.

BL 2405  
01 Feb 13

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

BL 1382  
07 Aug 98

**PENSION** means a building used for the temporary lodging by paying guests that includes guest rooms, common areas including a dining room intended for the use of such paying guests and an accessory dwelling unit. The use of an accessory dwelling unit as a home occupation shall not include a bed and breakfast.

**PERMANENT FOUNDATION** means a foundation constructed of materials such as concrete or preserved wood in accordance with provisions of the British Columbia Building Code, or a system of double blocking under a mobile home provided an anchorage system as required by the British Columbia Building Code is provided.

**PERSON** means any individual, association, partnership, corporation, agent or trustee and their heirs, executors or other legal representatives.

BL 2326  
04 Nov 11

**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.

BL 2564  
04 Dec 15

**POULTRY** means domesticated birds kept for breeding, eggs, meat, feathers, hide, cosmetic or medicinal 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 BUILDINGS** means any building owned by the Government of Canada, the Province of British Columbia, the Regional District of East Kootenay, a Municipality or an Improvement District used in the service of the public and includes a fire hall and police station.

**PUBLIC SCHOOL** means a place of instruction maintained at public expense pursuant to the School Act.

BL 1972  
07 Dec 07

**PUBLIC UTILITY USE** 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 utility use does not include wireless communication facilities.

BL 3426  
10 Apr 26

**RECREATION COTTAGE** means an accessory building that includes sleeping facilities and may include cooking and sanitary facilities for the occupants of the recreation cottage. A recreation cottage is used for temporary short-term accommodation by owners in the development, and guests of owners in the development.

**RECREATION LODGE** means a building or group of buildings used for meetings or social or recreational purposes, including incidental catering to owners in the development, and guests of owners in the development. A recreational lodge may include cooking and sanitary facilities.

**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.

**REFUELING FACILITY** means equipment and structures for the dispensing of gasoline, propane and diesel fuel.

**REGIONAL BOARD or BOARD** means the Board of Directors of the Regional District of East Kootenay.

**REGIONAL DISTRICT** means the Regional District of East Kootenay as defined by letters patent and amendments thereto.

BL 1227  
08 Dec 95

**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.

BL 1574  
07 Sep 01

**RESORT HOSTEL** means a building or part wherein accommodation is provided for transient lodgers, containing one or more dormitories and including indoor amenity space, common areas for washing, cooking, dining and sanitary facilities.

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

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

**RURAL RETREAT** means a facility which is owned and operated by a nonprofit society incorporated under the Society Act, R.S.B.C. 1979, C. 390 of British Columbia and is intended for recreational, educational, or religious purposes and provides sleeping accommodation and cooking facilities but shall not include boarding schools.

**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 B.C. Waste Management Branch for the disposal of waste material.

BL 1972  
07 Dec 07

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

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

BL 2564  
04 Dec 15

**SEASONAL PRODUCE STAND** means a vehicle or structure used part of the year for the sale of horticultural products to the public.

BL 2564  
04 Dec 15

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

BL 3313  
14 Jun 24

**SECONDARY SUITE** means an additional dwelling unit located in a principal dwelling unit or detached garage.

**SETBACK** means the required minimum distance between a building, structure, watercourse, lake or use and each of the respective parcel lines.

**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 2171  
07 May 10

**SKI FACILITY (ILR)** means ski lifts, ski trails and buildings, structures and activities incidental to ski operations such as snowmaking, grooming, maintenance facilities, and administration offices.

BL 1421  
07 May 99

**SLEEPING UNIT** means one or more habitable rooms used for temporary lodging of a person or persons.

**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.

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

**STRUCTURE** means any construction which is fixed to, supported by or sunk into land or water, excluding paving or surfacing materials such as asphalt or concrete.

**TENT** means a portable shelter of canvas or other materials supported by one or more poles which may be extended by ropes fastened to pegs in the ground.

**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.

BL 2935  
06 Dec 19

**VEHICLE, DERELICT** 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.

~~**VEHICLE PARK, RECREATIONAL**~~ repealed by Bylaw 2405 adopted Feb. 1/13.

BL 2564  
04 Dec 15

**VEHICLE, RECREATIONAL** 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, 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.

~~**VEHICLE SPACE, RECREATIONAL**~~ repealed by Bylaw 2405 adopted Feb. 1/13.

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

**WATERCOURSE** means any natural or man made depression with well defined banks and a bed 0.6 m (2.0 ft) 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 2 km<sup>2</sup> (494.2 acres) or more, or as designated by the Minister responsible for Environment, or his designated official.

BL 2564  
04 Dec 15

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

BL 1972  
07 Dec 07

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

**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 general regulations for home occupation.

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

BL 1673  
01 Aug 03

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

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

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

**PART 4 GENERAL REGULATIONS****CONFORMITY OF USES, BUILDINGS AND STRUCTURES**

- 4.01** Within the area to which this Bylaw applies, no person shall 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 this Bylaw or provisions of the *Municipal Act*.

**USE OF EXISTING PARCELS**

- 4.02** (1) Subject to Subsection (2) of this Section, parcels existing at the time of the effective date of this Bylaw which do not conform with the parcel area requirements of this Bylaw may be used for any of the uses permitted in the zone in which they are located unless otherwise provided for in Part 7, provided all other regulations of this Bylaw are complied with.
- (2) In the case of a parcel less than
- (a) 1,670 m<sup>2</sup> (17976 ft<sup>2</sup>) in area where there is neither a community water system nor a community sewer system, or
  - (b) 695 m<sup>2</sup> (7481 ft<sup>2</sup>) in area where there is either a community water system or a community sewer system,

an applicant for a building permit for a dwelling unit on such a parcel shall, prior to such permit being granted, submit a copy of a permit to construct a sewage disposal system from the Medical Health Officer pursuant to the Sewage Disposal Regulations of the Health Act.

**PERMITTED USES IN ALL ZONES**

- 4.03** The following uses are allowed in all zones:
- (a) the use of a building or part thereof as a polling station for government elections, referenda or census;
  - (b) the use of a building or part thereof as campaign headquarters for political candidates;
  - (c) telephone booths;
  - (d) highway lighting fixtures;
  - (e) highways and railroads;
  - (f) mailboxes;
  - (g) public utility uses;
  - (h) parks;
  - (i) historical and archeological display sites;
  - (j) conservation areas, recreation reserves and ecological reserves.

**PROHIBITED USES**BL 2564  
04 Dec 15

- 4.04** (1) Subject to Section 4.02, intensive agriculture use is prohibited in all zones other than those which contain land that is within the Agricultural Land Reserve and subject to regulations of the Agricultural Land Commission Act.
- (2) The use of a recreational vehicle or park model trailer as a dwelling unit is prohibited.

**OCCUPANCY DURING CONSTRUCTION**BL 2326  
04 Nov 11

- 4.04(A)**(1) Despite the requirements of Part 7 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 RS-1, RS-1A, RS-2, RS-4, RR-1, RR-2, RR-4, RR-8, RR-60, WP-1, PG-1 or PG-2 zone, one additional dwelling unit or one recreational vehicle may be temporarily located on the parcel and occupied, provided:
- (a) the owner holds a building permit for construction of a new dwelling unit or reconstruction of the existing dwelling unit;
  - (b) the additional dwelling unit conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of dwelling units permitted on a parcel;
  - (c) the recreational vehicle is situated in conformity with the regulations of the zone in which it is located;
  - (d) the sewage disposal system for the additional dwelling unit or recreational vehicle has been approved under the Sewerage Disposal Regulation of the *Health Act*.
- (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.
- (3) A recreational vehicle permitted under subsection (1) must be disconnected from water and sewer systems and no longer occupied:
- (a) upon occupancy of a new or reconstructed dwelling unit; or
  - (b) on expiry of the original building permit for the new dwelling unit, whichever occurs first.

**HOME OCCUPATION**

- 4.05** A home occupation, where permitted by this Bylaw, shall be in compliance with the following:
- (a) It shall be carried on by members of the family residing in a dwelling unit on the same parcel or with the assistance of not more than one person who does not reside in a dwelling unit on the same parcel.

BL 1421  
07 May 99

(b) Except as noted in clause (c), the home occupation shall be carried on wholly within a dwelling or accessory building, with no external storage of materials, containers or finished product, and no other part of the parcel is to be used for storage or retail purposes.

(c) The provisions of Subsection (b) do not apply provided:

- (i) the parcel on which the home occupation is carried out is 2.0 ha (4.9 acres) or greater in area;
- (ii) the home occupation is carried out in other than the front yard;
- (iii) any portion of the home occupation carried on outside a building or structure is located on a contiguous section of the parcel not to exceed 185 m<sup>2</sup> (1,991 ft<sup>2</sup>) in area.

BL 1864  
04 Nov 05

(d) Erection of signs must comply with the regulations of the Elk Valley Sign Bylaw No. 1848, 2005.

(e) Part 6 of this Bylaw in respect of off-street parking requirements applies to every parcel used for a home occupation.

BL 1501  
07 Jul 00

(f) Within the Fernie Alpine Resort Official Community Plan area:

- (i) Materials and commodities shall not be delivered to or from the residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer.
- (ii) Only retail sales of those products or goods produced or fabricated on the premises shall be permitted.

BL 2326  
04 Nov 11

(g) In no case shall the total area of all accessory buildings, structures and portions of a dwelling used for a home occupation exceed 185 m<sup>2</sup>.

### **ACCESSORY BUILDINGS AND STRUCTURES**

#### **4.06**

BL 1421  
07 May 99

(1) No person shall erect an accessory building or structure on any parcel unless the principal use has been established or the principal building to which the accessory building is an incidental use has been erected or will be erected simultaneously with the accessory building.

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

### **SITING OF BUILDINGS AND STRUCTURES**

#### **4.07**

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

(2) Where the British Columbia Building Code requires greater setbacks than required in this Bylaw, the requirements of the British Columbia Building Code shall apply.

(3) ~~Section 4.07(3) deleted by Bylaw 2935 adopted 06 Dec 19.~~

BL 1421  
07 May 99

(4) The following features may project into yard requirements as specified in the regulations of Part 7 of this Bylaw:

FEATURE	ALLOWABLE PROJECTION
Steps	<ul style="list-style-type: none"> <li>▪ 1.2 m (3.9 ft) other than fire escapes</li> </ul>
Eaves, gutters, cornices, sills, bay windows, chimneys	<ul style="list-style-type: none"> <li>▪ 1.0 m (3.3 ft) into <u>front yard</u></li> <li>▪ 1.0 m (3.3 ft) into <u>rear yard</u></li> <li>▪ 0.6 m (2.0 ft) into <u>side yard</u></li> <li>▪ 0.6 m (2.0 ft) where any <u>yard</u> requirement is 1.5 m (4.9 ft) or less</li> </ul>
Balconies, Decks, Marquees and Canopies	<ul style="list-style-type: none"> <li>▪ 1.8 m (5.9 ft) into <u>front yard</u></li> <li>▪ 1.8 m (5.9 ft) into <u>rear yard</u></li> <li>▪ 1.5 m (4.9 ft) into <u>side yard</u></li> <li>▪ 50% of the required <u>yard</u> where any <u>yard</u> requirement is 1.5 m (4.9 ft) or less</li> </ul>
FEATURE	SITING REQUIREMENT
Gasoline service pumps, pump islands and service pump canopies	<ul style="list-style-type: none"> <li>▪ Minimum 4.5 m (14.8 ft) from all <u>parcel lines</u></li> </ul>
Swimming pools	<ul style="list-style-type: none"> <li>▪ Minimum 3.0 m (9.8 ft) from a <u>front or rear parcel line</u></li> </ul>

BL 1421  
07 May 99

BL 1673  
01 Aug 03

(5) Setback from Controlled Access Highway

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

BL 1421  
07 May 99

(6) Siting regulations in Part 7 of this Bylaw do not apply to:

- (a) Fences.
- (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) Mobile home hitches.
- (e) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, public utilities, flag poles, signs and sign structures provided that the location and design thereof is not prohibited under any Bylaw or regulation of the Regional District.

BL 2564  
04 Dec 15

- (f) Underground structures provided that the top surface of such structure shall at no point extend above the average finished ground elevation except for vent and fill pipes for underground storage tanks.
  - (g) Apparatus needed for the operation of active and passive solar energy systems including but not limited to overhangs, movable insulating walls, shutters and roofs, detached solar energy collectors, reflectors and piping.
- (7) 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:
- (a) the parcels are consolidated by plan of subdivision or by cancellation of interior side parcel lines; or
  - (b) 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.

BL 2935  
06 Dec 19

- (8) Buildings and structures for a medical marihuana production facility must be sited not less than:
- (a) 15.0 m from a front parcel line;
  - (b) 15.0 m from a parcel line common to a parcel or parcels;
  - (c) 30.0 m from a parcel line common to a highway;
  - (d) 30.0 m from a rear parcel line.

## FLOODPLAIN MANAGEMENT PROVISIONS

BL 2130  
09 Jan 09

**4.08** These Floodplain Management provisions are enacted pursuant to Section 910 of the *Local Government Act*.

(1) Floodplain Designation

- (a) Land delineated on Schedule "C", Sheets 1 and 2, "Floodplain of the Elk River in the vicinity of the District of Sparwood" attached hereto and forming part of this Bylaw; and
- (b) Land delineated on Schedule "D", Sheets 1-7, "Floodplain of the Elk River in the vicinity of the City of Fernie" attached hereto and forming part of this Bylaw; and
- (c) Land delineated on Schedule "E", Sheets 1-6, "Floodplain Mapping - Elk River near Elkford," attached hereto and forming part of this Bylaw; and
- (d) Land lower than the following Flood Construction Levels:

BL 1972  
07 Dec 07

- (i) 3.0 metres (9.8 feet) above the ordinary high water mark of the Elk River, Flathead River, Fording River and Michel Creek; or
- (ii) 1.5 metres (4.9 feet) above the ordinary high water mark of any other watercourse, lake, swamp or pond,

whichever is higher, is designated as Floodplain.

(2) Floodplain Setback Area Designation

(a) Land within:

BL 1972  
07 Dec 07

- (i) 30.0 metres (98.4 feet) of the ordinary high water mark of Boivin Creek, Brule Creek, Coal Creek, Elk River, Flathead River, Fording River and Michel Creek; or
- (ii) 7.5 metres (24.6 feet) of the ordinary high water mark of any lake, swamp or pond; or
- (iii) 15.0 metres (49.2 feet) of the ordinary high water mark of any other watercourse,

whichever is farther is designated as a Floodplain Setback area.

(3) Floodplain Management Regulations

- (a) No person shall place structural support for a Habitable Area or fill on land designated as a Floodplain Setback area under Section (2) (a).
- (b) No person shall construct, reconstruct, move, or extend a floor system or Pad which supports a Habitable Area such that the underside of the wooden floor system or the top of the Pad (or in the case of a Mobile Home or Unit the top of Pad or the ground surface on which it is located) is lower than the Flood Construction

Levels specified in Section 1 except as provided in Sections 3 (c) and (f).

(c) Notwithstanding the regulation established in Section (3) (b) the following floodplain management regulations apply for:

(i) Farm Dwelling Units

Farm dwelling units on parcel sizes 8.1 hectares, or greater, located within the Agricultural Land Reserve shall be located with the underside of a wooden floor system or the top of the Pad of any Habitable Area (or in the case of a Mobile Home or Unit the top of Pad or the ground surface on which it is located) no lower than 1.0 metre above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified in Section 1, whichever is the lesser.

(ii) Closed-sided Livestock Housing Units

Closed-sided livestock housing not behind Standard Dykes shall be located with the underside of a wooden floor system or the top of the Pad of any Habitable Area (or in the case of a Mobile Home or Unit the top of Pad or the ground surface on which it is located) no lower than 1.0 metre above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified in Section 1, whichever is the lesser.

(iii) Industrial Uses

Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the Pad of any Habitable Area (or in the case of a Mobile Home or Unit the top of Pad or the ground surface on which it is located) no lower than the Flood Construction Levels specified in Section 1 minus Freeboard. Main electrical switchgear shall be no lower than the Flood Construction Level.

(d) The floodplain management regulations specified in Sections (3) (b) and (c) may be achieved by structural elevation of the Habitable Area, by adequately compacted fill on which any Habitable Area is to be constructed or located, or by a combination of both structural elevation and fill.

(e) Where fill is used to achieve the floodplain management regulations specified in Sections (3) (b) and (c), the face of the fill slope shall be adequately protected against erosion from flood flows, wave action, ice and other debris.

- (f) The following uses are exempted from the floodplain management regulation established in Section (3) (b) and (c):
- (i) A renovation of an existing building or structure that does not involve an addition thereto;
  - (ii) An addition to a building or structure that would increase the size of the building or structure by less than 25 percent of the gross floor area of the ground floor existing at the date of adoption of this Bylaw;
  - (iii) That portion of a building or structure to be used as a carport, garage, unenclosed balcony or sundeck; and
  - (iv) Farm buildings other than dwelling units and closed-sided livestock housing.

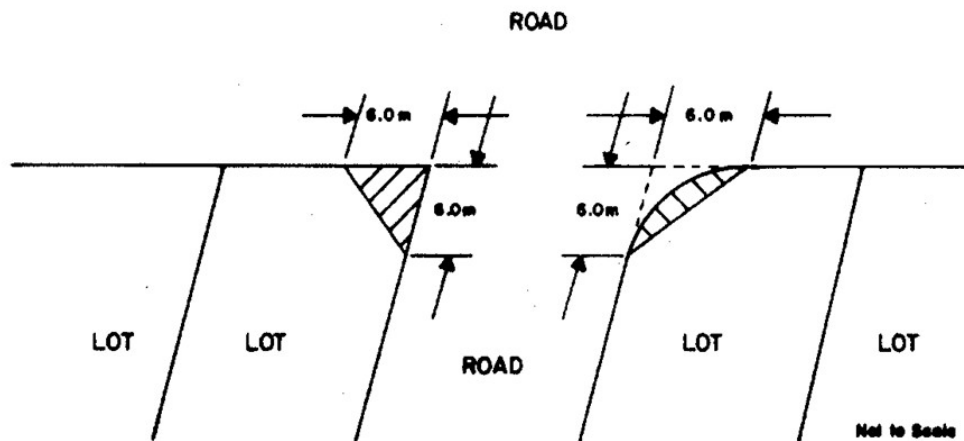
BL 2130  
09 Jan 09

(4) 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.

### **VISIBILITY AT INTERSECTIONS**

- 4.09** No person shall obstruct vision at an intersection on corner parcels by any means within a triangular area bounded by the two parcel lines adjacent to the highway right-of-way and a straight line joining each parcel line at a distance of 6.0 m (19.7 ft) from their point of intersection as shown by the following diagram:



## **HEIGHT OF BUILDINGS AND STRUCTURES**

- 4.10** (1) The construction, reconstruction, alteration, moving or extension of buildings and structures shall be in conformity with the regulations for size and dimensions of buildings and structures specified in this Bylaw.
- (2) Heights of buildings and structures in the area shown on the attached Schedule "A", entitled "Buildings and Structures Height Limitation Areas", shall conform to the regulations concerning heights of buildings and structures in Part 7 of this Bylaw or the following, whichever is less:
- (a) Within Takeoff/Approach Area A shown on Schedule "A", no person shall site a building or structure which exceeds an elevation above sea level equal to 1179.03 m (3868.2 ft), being the elevation above sea level of the north end of the runway, plus 1.0 m (3.3 ft) for each 50.0 m (164.4 ft) distance from the end of the runway strip marked A-A on Schedule "A".
- (b) Within Takeoff/Approach Area B shown on Schedule "A", no person shall site a building or structure which exceeds an elevation above sea level equal to 1166.35 m (3826.6 ft), being the elevation above sea level of the south end of the runway, plus 1.0 m (3.3 ft) for each 50.0 m (164.0 ft) distance from the end of the runway strip marked B-B on Schedule "A".
- (c) Within the Transitional Areas shown on Schedule "A", no person shall site a building or structure which exceeds the elevation above sea level of the centre line of the runway, measured at a point located on a straight line drawn through any portion of the proposed building or structure and at right angles to the centre line of the runway, plus 1.0 m (3.3 ft) for each 7.0 m (23 ft) distance from the nearest edge of the runway strip marked A-B on Schedule "A".
- (3) The height regulations of this Bylaw do not apply to church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, smoke stacks, ventilators, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, silos, apartment elevator shafts, industrial cranes, observation towers, solar energy collectors and windmills (in RS zones only) except where these buildings or structures are located in the highlighted area shown on Schedule "A" in which case the provisions described in Section 4.10 (2) shall prevail.
- (4) Notwithstanding height regulations of Part 7 of this Bylaw, no person shall construct a fence higher than 2.0 m (6.5 ft) from ground level except for open mesh or chain link type fence, subject to Section 4.11.
- (5) In zones where agriculture is permitted, buildings and structures accessory to agricultural use are exempt from height regulations except where these buildings and structures are located in the highlighted area shown on Schedule "A", in which case the requirements of Section 4.10(2) shall prevail.

BL 2935  
06 Dec 19

- (6) *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, except where these buildings or structures are located in the highlighted area shown on Schedule “A”, in which case the requirements of section 4.10 (2) shall prevail.

BL 2935  
06 Dec 19

- (7) The maximum permitted height of buildings and structures that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
- (a) Single pitch roof buildings and structures must not exceed 1.5 m above the permitted maximum height in the applicable zone for the building or structure measured from finished grade to the top of each wall that abuts the underside of the roof structure.
  - (b) Flat roof buildings and structures must not exceed the maximum permitted height in the applicable zone measured from finished grade to the top of the roof structure.
  - (c) In no case shall the permitted height of a single pitch or flat roof building or structure exceed the height permitted by section 4.10 (2) within the highlighted area shown on Schedule “A”.

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 3.03 (5) of this Bylaw.

## **SCREENING**

### **4.11 (1)**

Notwithstanding height regulations of Part 7 of this Bylaw and subject to Subsections 2 and 3 of this Section:

BL 1972  
07 Dec 07

- (a) No person shall locate fences or screening higher than 1.2 m (3.9 ft) from ground level in a front yard.
- (b) No person shall locate fences or screening higher than 2.0 m (6.6 ft) from ground level in a side yard or rear yard.

BL 1972  
07 Dec 07

- (c) Where a rear parcel line of a parcel abuts the side parcel line of an adjoining parcel, fences or screening along the rear parcel line shall be no higher than that permitted on the side parcel line.

BL 2326  
04 Nov 11

- (d) No person shall locate fences or screening higher than 2.0 m (6.6 ft) from ground level in a side yard where adjacent to a highway right-of-way other than a lane.

BL 2564  
04 Dec 15

- (2) Maximum heights do not apply to fences in the Rural Residential, Rural Resource and Watershed Protection zones where fences are erected to control livestock and wildlife capable of jumping over a fence 2 m (6.6 ft.) in height.

- (3) All outdoor storage in commercial and industrial zones shall be screened by a tight board fence or compact evergreen hedge or a combination thereof of a uniform height not less than 2.0 m (6.6 ft) in height on all sides not facing directly onto buildings on the parcel.

*Section 4.11(4) deleted by Bylaw 1421 adopted 07 May 99.*

**SIGNS**

BL 1864  
04 Nov 05

- 4.12 Erection of signs must comply with the regulations of the Elk Valley Sign Bylaw No. 1848, 2005.

**DWELLING FOR RELATIVE REQUIRING CARE**

BL 1227  
07 Dec 95

- 4.13 (1) A dwelling for a relative requiring care shall 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 dwellings on the parcel is not greater than the maximum number permitted in the bylaw;

BL 1738  
06 Aug 04

- (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 mobile 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 for a relative requiring care;

BL 1738  
06 Aug 04

- (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 with the Regional District upon request by the Regional District;

BL 1738  
06 Aug 04

- (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 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.

- (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 Use Regulation*.

**FARM USE**

BL 2935  
6 Dec 19

- 4.14 (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 agricultural use 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 agricultural use.
- (3) Uses permitted in sections 4.14 (1) and (2) are subject to all applicable *agriculture* regulations contained elsewhere in this Bylaw.
- (4) Buildings or structures that are used for agricultural use shall be sited in accordance with the following:
  - (a) Mushroom barns must be sited a minimum of 7.5 m from all parcel lines.
  - (b) The required minimum setback for buildings or structures used as principal farm buildings or structures, or animal containment for the following types of agricultural uses is identified in the table below:
    - 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)
<u>Confined livestock area</u>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) Buildings or structures used for types of agricultural use not identified in sections 4.14 (4) (a) or (b) must be sited a minimum of 4.5 m from all parcel lines.
- (d) All agricultural use buildings or structures that contain boilers or walls with fans must be sited a minimum of 15.0 m from all parcel lines.
- (e) The required minimum setback for farm buildings and structures from the ordinary high water mark of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From ordinary high water mark of lake or watercourse
<u>Confined livestock area</u> - less than 10 <u>animal units</u>	15.0 m
<u>Confined livestock area</u> - more than 10 <u>animal units</u>	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
<u>Poultry</u> 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.

#### **TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS**

BL 2326  
04 Nov 11

**4.15** (1) Temporary Use Permits will be considered throughout the bylaw area.

(2) An application for a Temporary Use Permit will be considered in relation to:

BL 1972  
07 Dec 07

- existing land use;
- surrounding land uses;
- potential conflict with agricultural or resource based activities;
- provision of adequate servicing for water and sewage disposal;
- duration of the proposed temporary use;
- access to the parcel.

BL 2146  
07 Aug 09

4.16

## **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 two family dwelling, multiple family dwelling, an accessory dwelling unit, secondary dwelling for farm hands, or dwelling for a relative requiring care.
  - (c) Secondary suites within a detached garage must be located above the first storey of the building and have a separate external entrance from
  - (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 7 of this Bylaw, the maximum allowable height for a detached garage with a secondary suite is 7.5 m (24.6 ft).
  - (g) Despite the siting requirements for an accessory building or structure in Part 7 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 (24.6 ft);
    - (ii) a rear yard less than 3.0 m (9.8 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
    - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
  - (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:
- (a) 49% of the habitable floor space of the building when located within a principal dwelling unit; or
  - (b) 70 m<sup>2</sup> (753.5 ft.<sup>2</sup>) when located within a detached garage on parcels less than 0.4 ha (1 acre) in size; or
  - (c) 90 m<sup>2</sup> (968.8 ft.<sup>2</sup>) when located within a detached garage on parcels 0.4 ha (1 acre) 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 2564  
04 Dec 15

BL 3313  
10 May 24

BL 2935  
06 Dec 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.

### **CAMPGROUNDS**

BL 2405  
01 Feb 13

- 4.17 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.

### **MAXIMUM NUMBER OF DWELLING UNITS**

BL 2564  
04 Dec 15

- 4.18 Subject to section 4.13 and Part 7 of this Bylaw, on all parcels:

BL 3313  
Jun 14/24

- (1) The maximum number of principal dwelling units is:
  - (a) one (1) single family dwelling;
  - (b) one (1) duplex; or
  - (c) as calculated using the permitted maximum densities as specified in Part 7 of this Bylaw for multiple family dwellings.
- (2) In zones permitting a residence for a relative requiring care, only one (1) such dwelling unit is permitted.
- (3) Where permitted as an accessory use in Commercial or Institutional zones, only one (1) 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 number of dwelling units.

### **CANNABIS PRODUCTION FACILITY**

BL 2405  
01 Feb 13

- 4.19 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.

### **MAXIMUM NUMBER OF KITCHENS PER DWELLING UNIT**

BL 2564  
04 Dec 15

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

### **GUEST RANCHES, RURAL RETREATS, WILDLAND USE, CABINS, CAT-SKI CHALETS, GUEST HOUSES AND GUEST RANCH CABINS**

BL 2564  
04 Dec 15

- 4.21 (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 (39.5 acres) in size.
  - (b) A guest ranch must be conducted on a parcel assessed as farm under the *Assessment Act*.

(c) Be limited in density to 12.0 m<sup>2</sup> (129.2 ft.<sup>2</sup>) of gross floor area of guest ranch accommodation per hectare to a maximum of 720 m<sup>2</sup> (7,750 ft<sup>2</sup>).

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

(a) The minimum parcel size on which a rural retreat may be conducted is 8 ha (19.8 acres).

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

(a) The minimum parcel size on which a wildland use may be based is 16 ha (39.5 acres) in size.

(4) Cabins must be in compliance with the following:

(a) Cabins must not exceed 5 m (16.4 ft) in height.

(b) The maximum gross floor area of a cabin is 90 m<sup>2</sup> (968.8 ft<sup>2</sup>).

(5) Cat-ski chalets must be in compliance with the following:

(a) Cat-ski chalets must not exceed 9.0 m (29.5 ft) in height.

(b) The maximum gross floor area of a cat-ski chalet is 300 m<sup>2</sup> (3229.2 ft<sup>2</sup>).

(c) The maximum number of dwelling units permitted in a cat-ski chalet is one (1).

(6) Guest houses must be in compliance with the following:

(a) Guest houses must not exceed 7.5 m (24.6 ft) in height.

(b) The maximum gross floor area of a guest house is 80 m<sup>2</sup> (861 ft<sup>2</sup>).

(c) The maximum number of bedrooms is two (2).

(7) Guest ranch cabins must be in compliance with the following:

(a) Guest ranch cabins must not exceed 5 m (16.4 ft) in height.

(b) The maximum gross floor area of a guest ranch cabin is 50 m<sup>2</sup> (538.2 ft<sup>2</sup>).

#### KEEPING OF FARM ANIMALS

4.22 (1) On parcels where the keeping of farm animals is a permitted use:

(d) The number of animal units of livestock must not exceed one (1) animal unit per hectare in total; and

(e) The number of animal units of poultry must not exceed one-half (0.5) 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 (1) animal unit; and
- (b) The cumulative number of poultry, exclusive of geese and turkeys, must not exceed fifteen (15) animals.

### SECONDARY DWELLING UNIT FOR FARM HANDS

- 4.23 (1) Secondary dwelling units for farm hands must be in compliance with the following:
- (a) A secondary dwelling unit for farm hands is limited to a manufactured home, up to 9.0 m (29.5 ft.) in width including additions.
  - (b) A secondary dwelling unit for farm hands 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 (1) such dwelling unit is permitted where the combined holdings of the agricultural use are 8.0 ha (19.8 acres) in size or less, or two (2) such dwellings where the combined holdings of the agricultural use are greater than 8.0 ha (19.8 acres) in size.
- (3) Secondary dwelling unit for farm hands is not permitted accessory to a cannabis production facility.
- (4) Within the Agricultural Land Reserve a secondary dwelling unit for farm hands necessary for agricultural use is subject to requirements of the *Agricultural Land Commission Act* and Agricultural Land Reserve Use Regulation.

### GROUP HOMES AND FAMILY DAY CARES

- 4.24 (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 ten (10).
  - (b) The facility is licensed or approved under Provincial statute and does not include any use otherwise classified or defined in this Bylaw.
- (2) Family day cares must be in compliance with the following:
- (a) The maximum number of children that may be accommodated in a family day care at any one time is seven (7).

### HOBBY SAWMILLS

- 4.25 The minimum parcel size on which a hobby sawmills may be based is 2.0 ha (4.9 acres) in size.

### SEASONAL PRODUCE STAND

- 4.26 The maximum gross floor area of a seasonal produce stand is 30 m<sup>2</sup> (322.9 ft<sup>2</sup>).

BL 2564  
04 Dec 15

BL 2935  
06 Dec 19

## PROPERTY SPECIFIC REGULATIONS

BL 2840  
04 May 18

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

(a) One principal *single-family dwelling* and one *single-family dwelling* attached to a guest ranch lodge are permitted on Lot 1, District Lot 363, Kootenay District, Plan 4042.

BL 2932  
11 Apr 25

(b) A maximum of two dwelling units are permitted on District Lot 12755, Kootenay District.

BL 2935  
06 Dec 19

(c) On Lot 6, District Lot 6393, Kootenay District, Plan 16532, the keeping of small farm animals or four (4) sheep plus lambs is permitted.

(d) On Lot 6, District Lot 4139, Kootenay District, Plan 802, except part included in Plan 7617, indoor and outdoor recreational vehicle and boat storage is permitted.

BL 3005  
02 Oct 20

(e) On Parcel B (see 13041i), District Lot 4589, Kootenay District, Plan 1299, the following uses are permitted:

- (a) pension to a maximum for 8 private guest rooms; and
- (b) onsite services such as corporate retreats, group retreats and weddings to a maximum of 75 people per event.

(f) On those parts of the East half of District Lot 4129, Kootenay District, the North half of District Lot 4126, Kootenay District, District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) parts included in Plans R368, 17500 and EPP88294, and part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The right of way of the Crows Nest Southern Railway as shown on Plan B15 and (3) parts included in Plans 1021, 1339 and EPP88294 which are zoned PG-4, a Cabin accessory to a Wildland Use is not permitted.

BL 3253  
8 Dec 23

(h) On Lot A, District Lot 4588, Kootenay District, Plan 16438, a Wireless Communication Facility is permitted.

## **PART 5 PARCEL AREA REQUIREMENTS**

### **PARCEL AREA**

- 5.01** (1) No parcel shall 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 5.02, 5.03 and 5.04, the parcel area requirements in Part 7 of this Bylaw shall be the minimum area of parcels of land that may be created by subdivision under the *Land Title Act* or the *Condominium Act*.
- (3) The parcel area requirements in Part 7 of this Bylaw and the minimum usable site area requirements of Section 5.02 of this Bylaw shall not apply to:
- (a) public utility uses;
  - (b) navigational aids;
  - (c) sanitary landfill sites;
  - (d) parks;
  - (e) access routes.

BL 1972  
07 Dec 07

### **MINIMUM AVERAGE PARCEL AREA FOR BARE LAND STRATA SUBDIVISION**

BL 2625  
04 Dec 15

- 5.01(A)(1)** The minimum average parcel area is equal to the minimum parcel area found in Part 7 of this Bylaw.

### **MINIMUM USABLE SITE AREA**

- 5.02** (1) Subject to subsections (2) and (3) of this Section and Section 5.01 (3), all parcels shall have a minimum usable site area of not less than:
- (a) 1,670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) where the proposed parcel is served by neither a community water system nor a community sewer system;
  - (b) 695 m<sup>2</sup> (7481.2 ft<sup>2</sup>) where the proposed parcel is served by either a community water system or a community sewer system;
  - (c) 460 m<sup>2</sup> (4951.6 ft<sup>2</sup>) where the proposed parcel is served by both a community water system and a community sewer system;
  - (d) 550 m<sup>2</sup> (5920.3 ft<sup>2</sup>) where the proposed parcel is located on a corner and served by both a community water system and a community sewer system.
- (2) In cases where the minimum parcel area requirement is less than the minimum usable site area specified in Subsection (1), the minimum usable site area shall be the same as the parcel area required.

(3) The minimum usable site area requirements of Subsection (1) shall not apply where parcels are consolidated.

BL 1501  
07 Jul 00

(4) Notwithstanding Subsection (1) of this Section, all parcels shall have a minimum usable site area (resort) of not less than:

- (a) 460 m<sup>2</sup> (4951.6 ft<sup>2</sup>);
- (b) 550 m<sup>2</sup> (5920.3 ft<sup>2</sup>) where the proposed parcel is located on a corner.

### **REDUCTION OF PARCEL AREA REQUIREMENTS**

**5.03** (1) The parcel area required in Part 7 of this Bylaw may be reduced where a 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 5.02.
- (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) smallest parcel, where it contains an existing dwelling unit with a sewage disposal system which has been authorized for use in accord with B.C. Regulation 411/85, under the Health Act, may be no more than 15% smaller than the minimum usable site area specified in Section 5.02.
- (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 parcels, provided:
  - (i) is impossible to create a parcel on each side of the existing parcel or right-of-way that meets the parcel area requirements;
  - (ii) the proposed parcels have the minimum usable site area specified in Section 5.02.
  - (iii) the highway is not less than 20 metres in width; and,
  - (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;

BL 1673  
01 Aug 03

- (iii) 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 5.02.
- (e) divides a parcel along a boundary line of a zone, provided the proposed parcels have the minimum usable site area specified in Section 5.02.
- (f) divides a parcel along a boundary line of the Agricultural Land Reserve provided:
  - (i) the Provincial Agricultural Land Commission has allowed an application to subdivide the parcel;
  - (ii) the proposed parcels have the minimum usable site area specified in Section 5.02.
- (g) involves a parcel which is divided by a topographic feature so severe that the divided portions of the parcel are not contiguous, provided:
  - (i) it is impossible to create a parcel on each side of the topographic feature that meets the parcel area requirements;
  - (ii) the proposed parcels have the minimum usable site area specified in Section 5.02.
- (h) involves the creation of a parcel to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

BL 2935  
06 Dec 19

### **PANHANDLE PARCELS**

- 5.04** (1) Where a parcel is a panhandle parcel capable of further subdivision, the access strip shall be of adequate width to provide for a future highway.
- (2) The access strip of a panhandle parcel shall not be calculated as part of the required parcel area.

BL 1673  
01 Aug 03

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

- 5.05** Where land is proposed for subdivision pursuant to 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* is not less than 4.0 hectares (9.9 acres) in area.

## **PART 6 PARKING AND LOADING REQUIREMENTS**

### **GENERAL REQUIREMENTS**

- 6.01** (1) Owners and occupiers of buildings and structures shall provide off-street parking spaces and off-street loading spaces in accordance with the provisions of this Bylaw except where the buildings and structures are intended to be accessed only by hiking, skiing, snowmobiling, horseback, boat or aircraft.
- (2) All required off-street parking spaces and off-street loading spaces shall have vehicular access to a highway.
- (3) All parking areas for other than single and two family dwellings shall have a maximum slope of 8%.
- (4) Off-street parking spaces and off-street loading spaces shall 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 loading spaces results in a fractional parking or loading space, one (1) off-street parking or loading space shall be provided to meet the fractional requirement.
- (6) In cases of mixed uses, the total requirements for off-street parking and off-street loading shall be the sum of the requirements for the various uses calculated separately unless otherwise permitted. Required off-street parking spaces for one use shall not be considered as required off-street parking spaces for any other use.
- (7) Off-street loading spaces shall not be credited as off-street parking spaces.
- (8) Off-street parking spaces shall not be credited as off-street loading spaces.
- (9) A maximum of two (2) off-street parking spaces shall be provided for customers and clients of home occupations in addition to off-street parking spaces required for residential use in Section 6.02(4) of this Bylaw. Off-street parking spaces shall also be provided for all vehicles associated with the home occupation.

BL 2564  
04 Dec 15

### **DISABLED PARKING SPACES**

- 6.01(A)(1)** All off-street parking areas containing more than 10 but fewer than 51 off-street parking spaces must include a minimum of one off-street parking space for persons with disabilities. One additional off-street parking space for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated off-street parking spaces for disabled persons.
- (2) Off-street parking spaces for persons with disabilities must be located as close to a disabled accessible main entrance of the principal building as possible.

- (3) Off-street parking spaces for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each off-street parking space for persons with disabilities must have a firm, slip-resistant and level surface.

### **REQUIRED OFF-STREET PARKING SPACES**

**6.02** The number of required off-street parking spaces to be provided shall conform to provisions of the following; and items enclosed in parentheses refer to uses taken from the Standard Industrial Classification 1980 Manual:

#### Commercial and Industrial Uses

- |     |     |                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                   |
|-----|-----|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | (a) | Forest service industries, mining and milling, quarrying, oil well industries (Division C, D and F) | - 1 per 30m <sup>2</sup> (322.9 ft <sup>2</sup> ) of office use, plus 1 per 185m <sup>2</sup> (1991.4 ft <sup>2</sup> ) of <u>gross floor area</u> for all other uses enclosed within a <u>building</u> , plus 1 for every commercially licenced <u>vehicle</u> for that address                                                                                                  |
|     | (b) | Transportation and storage, and wholesale industries (Divisions G and I)                            | - 1 per 30 m <sup>2</sup> (322.9 ft <sup>2</sup> ) of office use, plus 1 per 100 m <sup>2</sup> (1074.4 ft <sup>2</sup> ) of gross floor area open to the public plus 1 per 185 m <sup>2</sup> (1991.4 ft <sup>2</sup> ) of <u>gross floor area</u> for all other uses enclosed within a <u>building</u> , plus 1 for every commercially licenced <u>vehicle</u> for that address |
|     | (c) | Manufacturing industries (Division E)                                                               | - 1 per 30 m <sup>2</sup> (322.9 ft <sup>2</sup> ) of office use, plus 1 per 50m <sup>2</sup> (538.2 ft <sup>2</sup> ) of retail sales floor area, plus 1 per 185m <sup>2</sup> (1991.4 ft <sup>2</sup> ) of <u>gross floor area</u> for all other uses enclosed within a <u>building</u>                                                                                         |
|     | (d) | Communication and other utility industries (Division H)                                             | - 1 per 30m <sup>2</sup> (322.9 ft <sup>2</sup> ) of office use, plus 1 per 185m <sup>2</sup> (1074.2 ft <sup>2</sup> ) of <u>gross floor area</u> for all other uses enclosed within a <u>building</u> , plus one for every commercially licenced <u>vehicle</u> for that address                                                                                                |
|     | (e) | Commercial office                                                                                   | - 1 per 30m <sup>2</sup> (322.9 ft <sup>2</sup> ) of <u>gross floor area</u>                                                                                                                                                                                                                                                                                                      |
|     | (f) | <i>Cannabis production Facility</i>                                                                 | - 1 per 30 m <sup>2</sup> of office use, plus 1 per 185 m <sup>2</sup> of <u>gross floor area</u> for all other uses enclosed within a <u>building</u>                                                                                                                                                                                                                            |

(2) Personal and Household Services

- (a) Barber and beauty shops (971) - 1 per 15 m<sup>2</sup> (161.5 ft<sup>2</sup>) of gross floor area
- (b) Funeral Services (973) - 1 per 4 seats in chapel
- (c) Laundries and cleaners (972) - 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of gross floor area not open to the public, plus 1 per 3 washing / cleaning machines for self-service facilities
- (d) Membership organizations (98) - 1 per 4 seat capacity plus 1 per 35 m<sup>2</sup> (376.7 ft<sup>2</sup>) of gross floor area not used for seating
- (e) Repair services, services to buildings and dwellings, travel services, photographers and other services (993-6, 999) - 1 per 35 m<sup>2</sup> (376.7 ft<sup>2</sup>) of gross floor area
- (f) Rental and leasing of machinery, equipment and vehicles (991-2) - 1 per 70 m<sup>2</sup> (735.5 ft<sup>2</sup>) of gross floor area
- (g) Other personal and household services - 1 per 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) of gross floor area

(3) Recreational Services

- (a) Audio/visual production/distribution/exhibition; other staged theatre, entertainment services and commercial spectator sports (961-4) - 1 per 4 seat capacity, plus 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of gross floor area not used for seating
- (b) Dance halls/studios/schools coin operated amusement services - 1 per 35 m<sup>2</sup> (376.7 ft<sup>2</sup>) of gross floor area
- (c) Curling clubs (9652) - 8 spaces per ice sheet plus 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of gross floor area not open to the public
- (d) Bowling alleys billiard halls (9691) - 3 per alley and/or 2 per billiard table
- (e) Golf
  - (i) Golf courses - 20 spaces per 9 holes
  - (ii) Driving range (stand alone) - 1 per tee
  - (iii) Miniature golf course - 2 per hole plus 1 per 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) of gross floor area not open to the public; where accessory to another use, 3 spaces in total

- (f) Pools
  - (i) Swimming pool - 1 per 4 m<sup>2</sup> (43.1 ft<sup>2</sup>) of pool surface
  - (ii) Waterslide - 1 per 4 person design capacity
- (g) Boat rentals and marinas (9564) - 1 per 2 boat spaces plus 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of office use
- (h) Roller skating facilities - 1 per 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) of roller skating area
- (i) Skiing facilities (9653) - 1 per 3 skiers of skier carrying capacity less parking spaces for hotel, lodge and residential uses within 380 m (1246.7 ft) of any lift terminal.
- (j) Other sport and recreation clubs (9659, 9699) not elsewhere classified - 1 per 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) of gross floor area or ice area plus 4 spaces per court plus 1 per 4 player/person capacity for other sports or amusements
- (k) Recreation
  - (i) Recreation Lodge - 1 per 25 m<sup>2</sup> of gross floor area
  - (ii) Recreation Cottage - 1 per Recreation Cottage

BL 3426  
10 Apr 26

#### (4) Residential Uses

- (a) Single family and two family dwellings - 2 per dwelling unit
- (b) Multiple family dwellings - 1.5 per dwelling unit
- (c) Mobile home park - 2 per dwelling unit
- (d) Secondary suite - 1 per dwelling unit
- (e) Bed and Breakfast - 1 per room used for guests for sleeping accommodation

BL 1738  
06 Aug 04

#### (5) Retail

- (a) Automotive related (auto and recreational vehicle dealers, service stations, repair shops and other MV Services) (631-3, 635, 639) - 2 per service bay plus 1 per 60 m<sup>2</sup> (645.9 ft<sup>2</sup>) of gross floor area
- (b) Parts and accessories (634) - 1 per 15 m<sup>2</sup> (161.5 ft<sup>2</sup>) of gross floor area
- (c) General retail floor area - 1 per 15 m<sup>2</sup> (161.5 ft<sup>2</sup>) of gross floor area

(6) Service Industries

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-bottom: 10px;">BL 1382<br/>07 Aug 98</div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-bottom: 10px;">BL 2405<br/>01 Feb 13</div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-bottom: 10px;">BL 1422<br/>07 May 99</div> <div style="border: 1px solid black; padding: 2px; width: fit-content;">BL 1574<br/>07 Sep 01</div> | <p>(a) Accommodation services (91)</p> <p>(i) <u>Hotel or motel</u></p> <p>(ii) <u>Pension</u></p> <p>(iii) <u>Campground</u></p> <p>(iv) <u>Multiple Family Dwelling with Lock-off Units</u></p> <p>(v) <u>Employee Accommodation or Resort Hostels</u></p> <p>(b) Food and beverage services (92)</p> <p>(i) Drive-in/take-out only</p> <p>(c) <u>Agriculture</u> (01)</p> <p>(i) Incidental services (02)</p> <p>(ii) Veterinary or other special (0211, 0212, 0219)</p> <p>(d) Education service industries</p> <p>(i) Daycare, pre-schools &amp; elementary schools</p> <p>(ii) Senior secondary, post secondary, or commercial schools</p> <p>(iii) Library services, museums and archives (854, 855)</p> <p>(e) Finance, Real Estate, Insurance and other Agencies (70-77)</p> <p>(i) Banks and Credit Unions</p> <p>(f) Government Services (81-84)</p> <p>(g) Health and social service industries (863,864)</p> | <p>- 1 per hotel or <u>motel</u> room plus 1 per <u>dwelling unit</u></p> <p>- 0.75 parking spaces per guest room plus 2 per <u>dwelling unit</u></p> <p>- 1 per <u>campsite</u> plus 1 per <u>dwelling unit</u></p> <p>- 0.8 parking spaces per bedroom for units with one (1) set of cooking facilities.</p> <p>- 2.5 parking spaces per unit with two (2) sets of cooking facilities.</p> <p>- 1 per 2 <u>bed units</u> or</p> <p>- 1 per 3 seat capacity</p> <p>- 10 spaces</p> <p>- 2 spaces</p> <p>- 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of <u>gross floor area</u></p> <p>- 1 per 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) of <u>gross floor area</u></p> <p>- 1 per 50 m<sup>2</sup> (538.2 ft<sup>2</sup>) of <u>gross floor area</u></p> <p>- 3 per classroom, plus 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of <u>gross floor area</u> exclusive of classrooms</p> <p>- 1 per 40 m<sup>2</sup> (538.2 ft<sup>2</sup>) of <u>net floor area</u></p> <p>- 1 per 35 m<sup>2</sup> (376.7 ft<sup>2</sup>) of <u>gross floor area</u></p> <p>- 1 per 20 m<sup>2</sup> (215.3 ft<sup>2</sup>) of <u>gross floor area</u></p> <p>- 1 per 35 m<sup>2</sup>(376.7 ft<sup>2</sup>) of <u>gross floor area</u></p> <p>- 1 per 35 m<sup>2</sup> (376.7 ft<sup>2</sup>) of <u>gross floor area</u></p> |
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- (ii) hospitals and other institutional social services (861, 862) - 1 per 5 beds plus 1 per 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) of office use
- (iii) private health and social service practitioners (865-7) - 1 per 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) of gross floor area

BL 1501  
07 Jul 00

(7) Fernie Alpine Resort

- (a) Commercial Uses, including retail, office and restaurants - no parking spaces required

**SIZE AND LOCATION OF OFF-STREET PARKING SPACES**

- 6.03**
- (1) Each required off-street parking space shall be a minimum of 2.0 m (6.6 ft) in height, 2.7 m (8.9 ft) in width and 6.0 m (19.7 ft) in length exclusive of aisle access. For parallel parking, the required length of each off-street parking space shall be 7.2 m (23.6 ft) except for end spaces which shall be a minimum length of 6.0 m (19.7 ft).
  - (2) Length of off-street parking spaces may be reduced to 4.6 m (15.1 ft) for not more than 5% of the number of required off-street parking spaces, provided these spaces are clearly marked "small auto only".
  - (3) Minimum aisle widths shall conform to the provisions of the following table:

<u>Angle of Parking Space to Aisle in Degrees</u>	<u>Minimum Width of Aisle</u>
up to 55°	3.7 m (12.1 ft)
56 to 75°	5.7 m (18.7 ft)
76 to 90°	7.5 m (24.6 ft)

- (4) An aisle less than 6.0 m (19.7 ft) in width shall be designed for and clearly marked as suitable for one-way traffic flow only.
- (5) All required off-street parking spaces for residential uses shall be located on the same parcel as the residential use being served.
- (6) (a) All required off-street parking for other than residential uses shall be located not more than 120.0 m (393.7 ft) from the parcel, building or structure being serviced. Required off-street parking shall 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, an agreement under Section 215 of the *Land Title Act* shall be registered in the Land Title Office in favour of the Regional District of East Kootenay against the parcel to be used for parking, reserving the off-street parking spaces that are not on the same parcel as the use, building or structure that they are intended to serve, for as long as that use, building or structure exists.

BL 1574  
07 Sep 01

- (c) Up to 50% of required off-street parking spaces for employee accommodation or resort hostels may be located off site subject to Section 6.03(6)(b).

BL 2935  
06 Dec 19

- (7) Each required off-street parking space for persons with disabilities must be a minimum of 4.0 m (13.1 ft) in width and 6.0 m (19.7 ft) in length exclusive of aisle access.

**REQUIRED OFF-STREET LOADING SPACES**

- 6.04** (1) The number of off-street loading spaces required to be provided shall conform to provisions of the following:
- (a) Offices, assembly use and institutional and public uses - 1 per 3000 m<sup>2</sup> (32293 ft<sup>2</sup>) of gross floor area
  - (b) Hotels and motels - 1 per 1400 m<sup>2</sup> (15070 ft<sup>2</sup>) of gross floor area
  - (c) Commercial uses within 380 m (1246.7 ft) of a ski lift terminal - 1 per 1400 m<sup>2</sup> (15070 ft<sup>2</sup>) of gross floor area
  - (d) Other commercial uses and industrial uses - 1 for first 500 m<sup>2</sup> (5382 ft<sup>2</sup>) of gross floor area plus 1 for each additional 2000 m<sup>2</sup> (21528 ft<sup>2</sup>) of gross floor area

**SIZE AND LOCATION OF OFF-STREET LOADING SPACES**

- 6.05** (1) Each off-street loading space shall be not less than 9.0 m (29.5 ft) in length, 3.5 m (11.5 ft) in width, nor have a height less than 4.0 m (13.1 ft).
- (2) Off-street loading spaces shall be located on the same parcel as the building or structure being served, but no part of an off-street loading space shall be less than 7.5 m (24.6 ft) from the nearest point of intersection of any two highways.

**PART 7 ZONES****ESTABLISHMENT OF ZONES**

7.01 For the purposes of this Bylaw, that portion of the Regional District of East Kootenay lying within the boundary of the area defined on Schedule “B-1”, except those lands to which this Bylaw is restrained by law from applying, is hereby divided into the following zones:

<b><u>CATEGORY</u></b>	<b><u>ZONE TITLE</u></b>	<b><u>SHORT TITLE</u></b>
Residential Zones	Single Residential (Urban)	RS-1
	Single Residential (Urban-A)	RS-1A
	Recreation Residential	RS-2
	Resort Residential	RS-2A
	Resort Residential (Multi-Family)	RS-2(B)
	Single Residential (Extensive)	RS-4
	Mobile Home (Park) Residential	RH-1
Rural Residential Zones	Rural Residential (Estate)	RR-1
	Rural Residential (Small Holding)	RR-2
	Rural Residential (Hobby Farm)	RR-4
	Rural Residential (Country)	RR-8
	Rural Resource	RR-60
Watershed Protection Zone	Watershed Protection Zone	WP-1
Commercial Zones	Highway Commercial	CG-4
	Service Commercial	CG-6
	Resort Commercial	CG-8
	Tourist Pension Commercial Zone	CG-TP
Industrial Zones	Light Industrial	MG-1
	Resort Light Industrial	MG-1(A)
	Heavy Industrial	MG-2
	Airport Industrial	MG-4

BL 1501  
07 Jul 00

BL 2171  
07 May 10

BL 1382  
07 Aug 98

BL  
07 May 10

<b><u>CATEGORY</u></b>	<b><u>ZONE TITLE</u></b>	<b><u>SHORT TITLE</u></b>
Institutional Zones	Community Institutional	PG-1
	Park and Recreation	PG-2
	Utility and Public Works	PG-3
	Resort Open Space, Recreation and Trails	PG-4
Resort Zones	Resort Recreation	RES-2
	Resort Core	RES-4

BL 2171  
07 May 10

BL 2171  
07 May 10

### **ZONING MAPS**

- 7.02 (1) The location and areal extent of zones established by this Bylaw are shown on zoning maps attached as Schedules “B-1” to “B-7” which are incorporated in and form part of this Bylaw. The schedules are as follows:
- B-1 Elk Valley – Overall
  - B-2 Upper Elk Valley
  - B-3 Olson
  - B-4 Dicken Road – Hosmer
  - B-5 West Fernie – Snow Valley – Cokato Road
  - B-6 Morrissey
  - B-7 Corbin
- (2) Where a zone boundary is shown as following a highway or creek, the centre line of such highway or creek shall be the zone boundary.
- (3) Where a zone boundary does not follow a legally defined line and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning maps.

**SINGLE RESIDENTIAL (URBAN) ZONE: RS-1****7.03 (1) Permitted Uses**

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

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Horticulture;
- (d) Keeping of small farm animals;
- (e) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Secondary suite;
- (c) Other uses, buildings and structures accessory to a permitted use.

BL 2146  
07 Aug 09

**(3) Parcel Area**

- (a) Except as permitted in clauses (c) and (d), no parcel shall be created in the RS-1 zone which is less than:
  - (i) 1,670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) in area where it is served by neither a community water system nor a community sewer system;
  - (ii) 695 m<sup>2</sup> (7481.2 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system;
  - (iii) 555 m<sup>2</sup> (5974.2 ft<sup>2</sup>) in area where it is served by both a community water system and a community sewer system.
- (b) Except as permitted under clause (d), no person shall site a two family dwelling on a parcel in the RS-1 zone that is less than:
  - (i) 2,140 m<sup>2</sup> (23035.2 ft<sup>2</sup>) in area where it is served by neither a community water system nor a community sewer system;
  - (ii) 1,170 m<sup>2</sup> (12594.2 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system;
  - (iii) 700 m<sup>2</sup> (7535.0 ft<sup>2</sup>) in area where it is served by both a community water system and community sewer system.
- (c) Where a parcel is subdivided along a common wall separating two dwelling units in a two family dwelling in the RS-1 zone, each parcel shall not be less than:
  - (i) 1070 m<sup>2</sup> (11517.8 ft<sup>2</sup>) in area where it is served by neither a community water system nor a community sewer system;
  - (ii) 585 m<sup>2</sup> (6297.1 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system;

(iii) 350 m<sup>2</sup> (3767.5 ft<sup>2</sup>) in area where it is served by both a community water system and community sewer system.

(d) Notwithstanding clauses (a), (b) and (c), parcels in the RS-1 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to the provisions of the *Condominium Act*.

(4) Density

No person shall site more than one (1) single family or one (1) two family dwelling on a parcel in the RS-1 zone.

(5) Siting

(a) No person shall site a principal building in the RS-1 zone which has:

(i) a front yard less than 7.5 m (24.6 ft);

(ii) a rear yard less than 6 m (19.7 ft);

(iii) side yard less than 1.2 m (3.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

BL 3313  
14 Jun 24

(b) No person shall site an accessory building or structure in the RS-1 zone which has:

(i) a front yard less than 7.5 m (24.6 ft);

(ii) a rear yard less than 1.0 m (3.3 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;

(iii) side yard less than 1.0 m (3.3 ft), nor less than 4.5 m (14.8 ft.) where adjacent to a highway right-of-way other than a lane.

(c) **~~Section 7.03(5)(c)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.**

(6) Size and dimensions of Buildings and Structures

(a) No person shall site a principal building in the RS-1 zone which exceeds a height of 9.0 m (29.5 ft).

(b) No person shall site an accessory building or structure in the RS-1 zone which exceeds a height of 5.0 m (16.4 ft).

(c) Parcel coverage in the RS-1 zone shall not exceed 30%.

BL 2326  
04 Nov 11

(7) Other Regulations

- (a) All persons carrying out a use permitted in the RS-1 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the RS-1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

**SINGLE RESIDENTIAL (URBAN-A) ZONE: RS-1A****7.04 (1) Permitted Uses**

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

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Horticulture;
- (d) Keeping of small farm animals;
- (e) Uses permitted under Section 4.03 of this Bylaw;
- ~~(f) Section 7.04 (f) deleted by Bylaw 2935 adopted 06 Dec 2019.~~

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Secondary suite;
- (c) Other uses, buildings and structures accessory to a permitted use.

BL 2146  
07 Aug 09

**(3) Parcel Area**

- (a) Except as permitted in clauses (c) and (d), no parcel shall be created in the RS-1A zone which is less than:
  - (i) 1,670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) in area where it is served by neither a community water system nor a community sewer system;
  - (ii) 695 m<sup>2</sup> (7481.2 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system;
  - (iii) 555 m<sup>2</sup> (5974.2 ft<sup>2</sup>) in area where it is served by both a community water system and a community sewer system.
- (b) Except as permitted under clause (d), no person shall site a two family dwelling on a parcel in the RS-1A zone that is less than:
  - (i) 2,140 m<sup>2</sup> (23035.2 ft<sup>2</sup>) in area where it is served by neither a community water system nor a community sewer system;
  - (ii) 1,170 m<sup>2</sup> (12594.2 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system;
  - (iii) 700 m<sup>2</sup> (7535.0 ft<sup>2</sup>) in area where it is served by both a community water system and a community sewer system.
- (c) Where a parcel is subdivided along a common wall separating two dwelling units in a two family dwelling in the RS-1A zone, each parcel shall not be less than:
  - (i) 1070 m<sup>2</sup> (11517.8 ft<sup>2</sup>) in area where it is served by neither a community water system nor a community sewer system;

- (ii) 585 m<sup>2</sup> (6297.1 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system;
- (iii) 350 m<sup>2</sup> (3767.5 ft<sup>2</sup>) in area where it is served by both a community water system and community sewer system.

(d) Notwithstanding clauses (a), (b) and (c), parcels in the RS-1A zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to the provisions of the *Condominium Act*.

(4) Density

No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel in the RS-1A zone.

(5) Siting

(a) No person shall site a principal building in the RS-1A zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 6 m (19.7 ft);
- (iii) side yard less than 1.2 m (3.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

(b) No person shall site an accessory building or structure in the RS-1A zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 1.0 m (3.3 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
- (iii) side yard less than 1.0 m (3.3 ft), nor less than 4.5 m (14.8 ft.) where adjacent to a highway right-of-way other than a lane.

(c) ***Section 7.04(5)(c) deleted by Bylaw 1673 adopted 01 Aug 2003.***

(6) Size and dimensions of Buildings and Structures

(a) No person shall site a principal building in the RS-1A zone which exceeds a height of 9.0 m (29.5 ft).

(b) No person shall site an accessory building or structure in the RS-1A zone which exceeds a height of 5.0 m (16.4 ft).

(c) Parcel coverage in the RS-1A zone shall not exceed 30%.

BL 3313  
14 Jun 24

BL 2326  
04 Nov 11

- (d) No horizontal dimension of a single family dwelling or a two family dwelling in the RS-1A zone, not including dimensions of an addition or a non-rectangular building, shall be less than 5.5 m (18.0 ft).
- (7) Other Regulations
- (a) All persons carrying out a use permitted in the RS-1A zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
  - (b) No person shall use or permit the use of any portion of a parcel in the RS-1A zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

**RECREATION RESIDENTIAL ZONE: RS-2**7.05 (1) Permitted Uses

Within the RS-2 zone, the following uses only are permitted:

- (a) Single family dwelling;
- (b) Cabin;
- (c) Campground, subject to section 4.17;
- (d) Uses permitted under Section 4.03 of this Bylaw.

BL 2405  
01 Feb 13

(2) Accessory Uses

- (a) Secondary suite;
- (b) Other uses, buildings and structures accessory to a permitted use, subject to subsection 7.05(5)(c).

BL 2326  
04 Nov 11

BL 2405  
01 Feb 13

(3) Density

No person shall site more than one (1) of the principal permitted uses in the RS-2 zone at a density of less than 1858 m<sup>2</sup> (20,000 ft<sup>2</sup>).

(4) Siting

- (a) No person shall site a principal building in the RS-2 zone which is less than 6.0 m (20 ft) from an adjacent principal building.
- (b) No person shall site an accessory building or structure in the RS-2 zone which is less than 6.0 m (20 ft) from an adjacent principal building or adjacent accessory building or structure.

(5) Other Regulations

- (a) All persons carrying out a use permitted in the RS-2 zone shall comply with the relevant provisions of Parts 4 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of land in the RS-2 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles.

BL 2405  
01 Feb 13

- (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.

BL 2326  
04 Nov 11

- (d) *Section 7.05(5)(d) is repealed.*

BL 1501  
07 Jul 00

## **RESORT RESIDENTIAL ZONE: RS-2A**

### **7.05(A)(1) Permitted Uses**

Within the RS-2A zone, the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Multiple family dwelling;
- (d) Ski lift;
- (e) Uses permitted under Section 4.03 of this Bylaw.

### **(2) Accessory Uses**

- (a) Home occupation;
- (b) Secondary suite accessory to (1)(a);
- (c) Other uses, buildings, and structures accessory to a permitted use.

BL 2146  
07 Aug 09

### **(3) Parcel Area**

- (a) Except as permitted in clause (c), no person shall site a single family dwelling on a parcel in the RS-2A zone that is less than 555 m<sup>2</sup> (5974.2 ft<sup>2</sup>) in area where it is served by both a community water system and a community sewer system.
- (b) No person shall site a two family dwelling on a parcel in the RS-2A zone that is less than 700 m<sup>2</sup> (7535.0 ft<sup>2</sup>) in area where it is served by both a community water system and a community sewer system.
- (c) Where a parcel is subdivided along a common wall separating two dwelling units in a two family dwelling in the RS-2A zone, each parcel shall be not less than 350 m<sup>2</sup> (3767.5 ft<sup>2</sup>) in area where it is served by both a community water system and a community sewer system.
- (d) No person shall site a multiple family dwelling on a parcel in the RS-2A zone that is less than 1670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) in area.

### **(4) Density**

- (a) On lands designated for single family dwellings, no person shall site more than one (1) single family dwelling on a parcel in the RS-2A zone.
- (b) On lands designated for two family dwellings, no person shall site more than one (1) two family dwelling on a parcel in the RS-2A zone.

BL 1738  
06 Aug 04

BL 1501  
07 Jul 00

- (c) On lands designated for multiple family dwellings, no person shall site more than sixty (60) dwelling units per gross hectare of minimum usable site area (resort) on a parcel in the RS-2A zone.

(5) Siting

- (a) No person shall site a principal building in the RS-2A zone which has:
- (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 6.0 m (19.7 ft);
  - (iii) side yard less than 3.0 m (9.8 ft) nor less than 10% of the width of the parcel, measured 7.5 m (24.6 ft) away from and parallel to the front parcel line;
  - (iv) a side yard less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
- (b) No person shall site an accessory building or structure in the RS-2A zone which has:
- (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 1.0 m (3.3 ft);
  - (iii) side yard less than 1.0 m (3.3 ft) nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

(6) Size and Dimensions of Buildings and Structures

BL 1738  
06 Aug 04

- (a) No person shall site a single family dwelling or two family dwelling in the RS-2A zone which exceeds a height of 9.0 m (29.5 ft.)
- (b) No person shall site a multiple family dwelling in the RS-2A zone which exceeds a height of 16.0 m (52.5 ft.)

BL 1738  
06 Aug 04

- (c) No person shall site an accessory building or structure in the RS-2A zone which exceeds a height of 5.0 m (16.4 ft.)

BL 2326  
04 Nov 11

- (d) Parcel coverage in the RS-2A zone shall not exceed 30%.

- (e) No horizontal dimension of a single family dwelling or a two family dwelling in the RS-2A zone, not including dimensions of an addition or a non-rectangular building, shall be less than 5.5 m (18.0 ft.)

(7) Other Regulations

- (a) All persons carrying out a use permitted in the RS-2A zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the RS-2A zone for the wrecking and repair of vehicles or for the storage of derelict vehicles.

BL 1501  
07 Jul 00

- (c) The locations of single family dwellings, two family dwellings and multiple family dwellings shall be in accordance with the locations shown in the Fernie Alpine Resort Official Community Plan, Bylaw No. 1500.

BL 2171  
07 May 10

## **RESORT RESIDENTIAL (MULTI-FAMILY) ZONE: RS-2(B)**

### **7.05(B) (1) Permitted Uses**

Within the RS-2(B) zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Multiple family dwelling;
- (d) Employee accommodation;
- (e) Community hall;
- (f) Helipad;
- (g) Uses permitted under section 4.03 of this Bylaw.

### **(2) Accessory Uses**

- (a) Security gate house;
- (b) Secondary suite, accessory to (1) (a);
- (c) Guest house, accessory to (1) (a);
- (d) Home occupation, accessory to (1) (a) and (b);
- (e) Other uses, buildings and structures, accessory to a permitted use.

### **(3) Parcel Area**

- (a) No person shall site a single family dwelling on a parcel which is less than 800 m<sup>2</sup> (8611 ft<sup>2</sup>) in area.
- (b) No person shall site a two family dwelling on a parcel which is less than 800 m<sup>2</sup> (8611 ft<sup>2</sup>) in area, except where a parcel is subdivided along a common wall in which case each parcel shall not be less than 400 m<sup>2</sup> (4036 ft<sup>2</sup>) in area.
- (c) No person shall site a multiple family dwelling on a parcel which is less than 1000 m<sup>2</sup> (0.25 acres) in area.
- (d) No person shall site a secondary suite in a detached garage or a quest house on a parcel which is less than 2023 m<sup>2</sup> (0.5 acres).

### **(4) Density**

- (a) No person shall site more than one (1) single family dwelling and one (1) secondary suite or one (1) quest house on a parcel in the RS-2(B) zone.

BL 2171  
07 May 10

- (b) No person shall site more than one (1) two family dwelling on a parcel in the RS-2(B) zone.
- (c) No person shall site more than thirty (30) multiple family dwellings per gross hectare of minimum usable site area (resort) on a parcel in the RS-2(B) zone.

(5) Siting

No person shall site a building or structure on a parcel in the RS-2(B) zone which has a setback less than 3.0 m (9.8 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a single family dwelling or two family dwelling in the RS-2(B) zone which exceeds a height of 9.0 m (29.5 ft).
- (b) No person shall site a multiple family dwelling, employee accommodation, or community hall building in the RS-2(B) zone which exceeds a height of 16.0 m (52.5 ft).
- (c) No person shall site an accessory building or structure in the RS-2(B) zone which exceeds a height of 5.0 m (16.4 ft).
- (d) No person shall site a guest house in the RS-2(B) zone which exceeds a height of 7.5 m (24.6 ft).
- (e) Parcel coverage in the RS-2(B) zone shall not exceed 35%.
- (f) No horizontal dimension of a single family dwelling or two family dwelling not including dimensions of an addition or non-rectangular building shall be less than 5.5 m (18.0 ft).

(7) Off-Street Parking

- (a) Off-street parking shall be provided in accordance with the following table, where applicable. For uses not listed below, the provisions of Part 6 shall apply:

<u>Use of Building or Lot</u>	<u>Minimum Number of Parking Spaces</u>
<u>Multiple Family Dwelling</u>	
2 or less bedrooms	- 1 per <u>dwelling unit</u> 3
or more bedrooms	- 1.5 per <u>dwelling unit</u>

- (b) For the purposes of calculating off-street parking spaces for multiple family dwellings, a bedroom will be any room not otherwise identified as a kitchen, living room, bathroom, laundry room, utility room or closet.

BL 2171  
07 May 10

(8) Location of Off-Street Parking

Despite Section 6.03 (6)(a) of this Bylaw, required off-street parking for multiple family dwellings provided on a parcel other than that on which the use, building, or structure being served is located may be located on a RS-2(B) or MG-1(A) parcel.

(9) Other Regulations

- (a) All persons carrying out a use permitted in the RS-2(B) zone shall comply with the relevant provisions of Part 4, 5 and 6 of this Bylaw.
- (b) No person shall site a building or structure in the RS-2(B) zone unless it is serviced by both a community water system and a community sewer system.
- (c) All persons carrying out a use permitted in the RS-2(B) zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening of outdoor storage.
- (d) No person shall use or permit the use of any portion of a parcel in the RS-2(B) zone for the wrecking and repair of vehicles or for the storage of derelict vehicles.
- (e) Employee accommodation shall:
  - (i) include secure indoor storage for each resident within the development; and
  - (ii) provide on-site domestic laundry facilities either within each dwelling unit or as a common amenity available to all residents of the employee accommodation development.

**SINGLE RESIDENTIAL (EXTENSIVE) ZONE: RS-4****7.06 (1) Permitted Uses**

Within the RS-4 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Horticulture;
- (d) Keeping of small farm animals;
- (e) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Secondary suite;
- (c) Other uses, buildings and structures accessory to a permitted use.

BL 2146  
07 Aug 09

**(3) Parcel Area**

- (a) No parcel shall be created in the RS-4 zone which is less than 0.4 ha (1 acre) in area except as permitted under Sections 5.02 and 5.03 of this Bylaw.
- (b) Notwithstanding clause (a), parcels in the RS-4 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to the provisions of the *Condominium Act*.

**(4) Density**

No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel in the RS-4 zone.

**(5) Siting**

- (a) No person shall site a principal building in the RS-4 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

BL 1738  
06 Aug 04

- (b) No person shall site an accessory building or structure in the RS-4 zone which has:

BL 1738  
06 Aug 04

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
- (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

(c) ***Section 7.06(5)(e) deleted by Bylaw 1673 adopted 01 Aug 2003.***

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the RS-4 zone which exceeds a height of 10.0 m (32.8 ft).
- (b) Parcel coverage in the RS-4 zone shall not exceed 20%.

BL 2326  
04 Nov 11

(7) Other Regulations

- (a) All persons carrying out a use permitted in the RS-4 zone shall comply with the relevant provisions of Parts 3, 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the RS-4 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

**MOBILE HOME PARK RESIDENTIAL ZONE: RH-1****7.07 (1) Permitted Uses**

Within the RH-1 zone the following uses only are permitted:

- (a) Mobile home park;
- (b) Dwelling unit;
- (c) Common storage area;
- (d) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Other uses, buildings and structures accessory to a permitted use.

**(3) Density**

- (a) No person shall site more than eighteen (18) mobile home units per gross hectare of minimum usable site area on a parcel in the RH-1 zone.
- (b) No person shall site more than one (1) mobile home on a mobile home space in the RH-1 zone except as provided in Section 4.11 of the Regional District of East Kootenay Mobile Home Park Bylaw No. 1, 1978 and amendments.
- (c) No person shall site more than one (1) single family dwelling in the RH-1 zone except in accordance with Section 4.15 of the Regional District of East Kootenay Mobile Home Park Bylaw No. 1, 1978 and amendments.

**(4) Parcel Area**

- (a) No parcel shall be created in the RH-1 zone which is less than 2 hectares (4.9 ac) in area.
- (b) No person shall create a mobile home space in the RH-1 zone which is less than 370 m<sup>2</sup> (3982.8 ft<sup>2</sup>) in area.
- (c) No person shall site a dwelling unit in the RH-1 zone on land within the mobile home park that is:
  - (i) less than 370 m<sup>2</sup> (3982.8 ft<sup>2</sup>) in area if the dwelling unit is a mobile home;
  - (ii) less than 700 m<sup>2</sup> (7535 ft<sup>2</sup>) in area if the dwelling unit is not a mobile home.

(5) Siting

- (a) No person shall site a mobile home space or dwelling unit in the RH-1 zone which is:
- (i) less than 7.6 m (24.9 ft) from the boundary of the mobile home park abutting a highway;
  - (ii) less than 4.6 m (15.1 ft) from any remaining boundaries of a mobile home park.
- (b) No person shall site a mobile home, building or structure in the RH-1 zone which is:
- (i) within 1.8 m (5.9 ft) of an internal access road right-of-way or common storage area;
  - (ii) within 3 m (9.8 ft) of rear and side mobile home space lines or dwelling unit site lines.
- (c) ***Section 7.07(5)(c) deleted by Bylaw 1673 adopted 01 Aug 2003.***

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the RH-1 zone which exceeds a height of 7.6 m (24.9 ft).

(7) Other Regulations

- (a) The establishment, extension, design, servicing and facilities of mobile home parks shall comply with requirements of Regional District of East Kootenay Mobile Home Park Bylaw No. 1, 1978 and amendments.
- (b) No person shall use or permit the use of any portion of a parcel or mobile home space in the RH-1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except in a common storage area designated for that purpose.

**RURAL RESIDENTIAL (ESTATE) ZONE: RR-1****7.08 (1) Permitted Uses**

Within the RR-1 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Horticulture;
- (d) Keeping of farm animals;
- (e) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Retail sale of produce grown on the parcel;
- (c) Secondary suite;
- (d) Other uses, buildings and structures accessory to a permitted use.

BL 2146  
07 Aug

**(3) Parcel Area**

- (a) No parcel shall be created in the RR-1 zone which is less than 1.0 ha (2.5 acres) in area except as permitted under Sections 5.02 and 5.03 of this Bylaw.
- (b) Notwithstanding clause (a), parcels in the RR-1 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to provisions of the *Condominium Act*.

**(4) Density**

No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel in the RR-1 zone.

**(5) Siting**

- (a) No person shall site a principal building in the RR-1 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;

BL 1738  
06 Aug 04

BL 1738  
06 Aug 04

- (b) No person shall site an accessory building or structure in the RR-1 zone which has:
- (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
  - (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
- (c) ~~Section 7.08(5)(c)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the RR-1 zone which exceeds a height of 10.0 m (32.8 ft).

BL 2326  
04 Nov 11

- (b) Parcel coverage in the RR-1 zone shall not exceed 20%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the RR-1 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the RR-1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one (1) derelict vehicle in other than the front yard.

**RURAL RESIDENTIAL (SMALL HOLDING) ZONE: RR-2****7.09 (1) Permitted Uses**

Within the RR-2 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Agricultural use;
- (d) Seasonal produce stands;
- (e) Veterinary clinics;
- (f) Kennels, subject to subsection (5)(d);
- (g) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Secondary suite;
- (c) Other uses, buildings and structures accessory to a permitted use.

BL 2146  
07 Aug

**(3) Parcel Area**

- (a) No parcel shall be created in the RR-2 zone which is less than 2.0 ha (4.9 acres) in area except as permitted under Sections 5.02 and 5.03 of this Bylaw.
- (b) Notwithstanding clause (a), parcels in the RR-2 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to provisions of the *Condominium Act*.

**(4) Density**

No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel in the RR-2 zone.

**(5) Siting**

- (a) No person shall site a principal building in the RR-2 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;

BL 1738  
06 Aug 04

BL 1738  
06 Aug 04

(b) No person shall site an accessory building or structure in the RR-2 zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
- (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

(c) ~~Section 7.09(5)(c)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(d) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.

(6) Size and Dimensions of Buildings and Structures

(a) No person shall site a dwelling in the RR-2 zone which exceeds a height of 10.0 m (32.8 ft).

(b) No person shall site an accessory building or structure in the RR-2 zone which exceeds a height of 12.0 m (39.4 ft).

(c) Parcel coverage in the RR-2 zone shall not exceed 10%.

BL 2326  
04 Nov 11

(7) Other Regulations

(a) All persons carrying out a use permitted in the RR-2 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

(b) No person shall use or permit the use of any portion of a parcel in the RR-2 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one (1) derelict vehicle in other than the front yard.

**RURAL RESIDENTIAL (HOBBY FARM) ZONE: RR-4****7.10 (1) Permitted Uses**

Within the RR-4 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Agricultural use;
- (d) Seasonal produce stands;
- (e) Veterinary clinics;
- (f) Kennels, subject to subsection (5)(e);
- (g) Wildland use;
- (h) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Home occupation;
- (b) Secondary dwelling for farm hands;
- (c) Cabins accessory to Wildland use;
- (d) Secondary suite;
- (e) Other uses, buildings and structures accessory to a permitted use.

BL 2146  
07 Aug

**(3) Parcel Area**

- (a) No parcel shall be created in the RR-4 zone which is less than 4.0 ha (9.9 acres) in area except as permitted under Sections 5.02 and 5.03 of this Bylaw.
- (b) Notwithstanding clause (a), parcels in the RR-4 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to provisions of the *Condominium Act*.

**(4) Density**

No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel within the RR-4 zone except as permitted under 2(b) above.

**(5) Siting**

- (a) Subject to clause (e), no person shall site a principal building in the RR-4 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) a side yard less than 7.5 m (24.6 ft);

BL 1738  
06 Aug 04

BL 1738  
06 Aug 04

(b) Subject to clauses (c), no person shall site an accessory building or structure in the RR-4 zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
- (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

BL 1738  
06 Aug 04

(c) No person shall site a secondary dwelling for farm hands in the RR-4 zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 7.5 m (24.6 ft);
- (iii) a side yard less than 7.5 m (24.6 ft).

(d) ~~Section 7.10(5)(d)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(e) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a dwelling in the RR-4 zone which exceeds a height of 10.0 m (32.8 ft).
- (b) No person shall site an accessory building or structure in the RR-4 zone which exceeds a height of 12.0 m (39.4 ft).

BL 2326  
04 Nov 11

(c) Parcel coverage in the RR-4 zone shall not exceed 10%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the RR-4 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the RR-4 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one (1) derelict vehicle in other than the front yard.

**RURAL RESIDENTIAL (COUNTRY) ZONE: RR-8****7.11 (1) Permitted Uses**

Within the RR-8 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Agricultural use;
- (d) Seasonal produce stands;
- (e) Veterinary clinics;
- (f) Kennels, subject to subsection (5)(e);
- (g) ~~Section 7.11(1)(g)~~ *deleted by Bylaw 1673 adopted 01 Aug 2003.*
- (h) Guest ranch, subject to subsection (7)(e);
- (i) Riding stables, equestrian centres;
- (j) Rifle, archery, trap and skeet ranges, subject to subsection (5)(f);
- (k) Fish ponds;
- (l) Rural retreats;
- (m) Hostels;
- (n) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of materials;
- (o) Harvesting, transport and storage of forest resources, silvicultural practices and Christmas tree management;
- (p) Portable sawmill, subject to subsection (7)(d);
- (q) Private air strips and helicopter landing pad;
- (r) Wildland use;
- (s) Government services;
- (t) Sanitary landfill sites, subject to subsection (5)(i);
- (u) Water storage and bulk water distribution facilities on same parcel as water source, subject to subsections 5(j) and 6(d);
- (v) Uses permitted under Section 4.03 of this Bylaw.

BL 2326  
04 Nov 11

BL 1972  
07 Dec 07

BL 1023  
07 May 93

**(2) Accessory Uses**

- (a) Cement, concrete, asphalt or ready-mix plants accessory to sand and gravel pits subject to subsection (5)(g);
- (b) Concession stands accessory to fish ponds;
- (c) Cabins accessory to wildland use;
- (d) Backcountry Commercial Recreation lodge accessory to wildland use;

BL 2326  
04 Nov 11

BL 2146  
07 Aug 09

- (e) Home occupation;
- (f) Secondary dwelling for farm hands;
- (g) Secondary suite;
- (h) Other uses, buildings and structures accessory to an above permitted use.

(3) Parcel Area

- (a) No parcel shall be created in the RR-8 zone which is less than 8.0 ha (19.8 acres) except as provided for in clause (b) and under Section 5.02 and 5.03 of this Bylaw.
- (b) The Approving Officer may permit the creation of parcels having an area less than 8.0 ha (19.8 acres) but greater than 1.0 ha (2.48 acres) provided:
  - (i) the applicant for such subdivision is a farmer who intends to retire from the occupation of farming on the land to be subdivided; and
  - (ii) the applicant provides an undertaking that he intends to reside on the parcel.
- (c) Notwithstanding clause (a), parcels in the RR-8 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to provisions of the *Condominium Act*.

(4) Density

- (a) No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel within the RR-8 zone except as permitted under subsection 2(f) above.

(5) Siting

BL 1738  
06 Aug 04

- (a) Subject to clauses (e) - (h), no person shall site a principal building in the RR-8 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) a side yard less than 7.5 m (24.6 ft);

BL 1738  
06 Aug 04

- (b) Subject to clause (c), no person shall site an accessory building or structure in the RR-8 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;

(iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

BL 1738  
06 Aug 04

(c) No person shall site a secondary dwelling for farm hands in the RR-8 zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 7.5 m (24.6 ft);
- (iii) a side yard less than 7.5 m (24.6 ft).

(d) ~~Section 7.11(5)(d) deleted by Bylaw 1673 adopted 01 Aug 2003.~~

(e) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.

(f) No person shall establish a rifle, archery, trap and skeet range in the RR-8 zone less than 50 m (164 ft) from a parcel line abutting a highway and not less than 100 m (328.1 ft) from an existing dwelling not on the same parcel.

BL 2326  
04 Nov 11

(g) No person shall site a use permitted under subsection (2)(a) less than 100 m (328.0 ft) from a parcel line.

(h) ~~Section 7.11(5)(h) repealed by Bylaw 2326 adopted 04 Nov 2011.~~

(i) No person shall site sewage treatment or sanitary landfill sites in the RR-8 zone less than 1000.0 m (3280.8 ft) from a dwelling in a Residential or Rural Residential Zone, nor from any buildings or structures in the PG-1 zone.

BL 1023  
07 May 93

(j) All water storage and bulk distribution facilities shall be located on a contiguous area not larger than 0.8 ha (1.98 acres).

## (6) Size and Dimensions of Buildings and Structures

(a) No person shall site a dwelling in the RR-8 zone which exceeds a height of 10.0 m (32.8 ft).

(b) No person shall site an accessory building or structure in the RR-8 zone which exceeds a height of 12.0 m (39.4 ft).

BL 2326  
04 Nov 11

(c) Parcel coverage in the RR-8 zone shall not exceed 10%.

BL 1023  
07 May 93

(d) The total area of all buildings and structures used for water storage and bulk distribution facilities shall not exceed 185 m<sup>2</sup> (1991 ft<sup>2</sup>).

## (7) Other Regulations

(a) All persons carrying out a use permitted in the RR-8 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

(b) No person shall use or permit the use of any portion of a parcel in the RR-8 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

(c) ~~Section 7.11(5)(c)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

BL 2326  
04 Nov 11

(d) All portable sawmills must meet the following requirements:

- (i) maximum production of 50 m<sup>3</sup> (1,765.73ft<sup>3</sup> or 21,188.8 board feet) per day;
- (ii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
- (iii) clear fireguard a minimum of 15.0 m wide must be established around the portable sawmill, wood storage and debris piles;
- (iv) all slash must be removed from the parcel and disposed of in advance of operations of the portable sawmill;
- (v) all debris, mill waste, timbers and skids must be removed from the parcel upon cessation of the portable sawmill operation;
- (vi) no person shall site a portable sawmill less than 50.0 m (164.0 ft) from a parcel line;
- (vii) the minimum parcel size on which a portable sawmill may be sited is 8.0 ha.

(e) Guest ranches shall:

- (i) consist only of guest ranch cabins or a guest ranch lodge, or both, as well as accessory buildings, structures and facilities, and;
- (ii) have all guest ranch cabins and accessory buildings, structures, and facilities on the same 2.0 hectare portion of the parcel.

**RURAL RESOURCE ZONE: RR-60****7.12 (1) Permitted Uses**

Within the RR-60 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Agricultural use;
- (d) Seasonal produce stands;
- (e) Veterinary clinics;
- (f) Kennels, subject to subsection (5)(e);
- (g) ~~Section 7.12(1)(g)~~ *deleted by Bylaw 1673 adopted 01 Aug 2003.*
- (h) Guest ranch, subject to subsection (7)(e);
- (i) Riding stables, equestrian centres;
- (j) Rifle, archery, trap and skeet ranges, subject to subsection (5)(f);
- (k) Fish ponds;
- (l) Rural retreats;
- (m) Hostels;
- (n) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of materials;
- (o) Harvesting, transport and storage of forest resources, silvicultural practices and Christmas tree management;
- (p) Portable sawmill, subject to subsection (7)(d);
- (q) Private airstrips and helicopter landing pad;
- (r) Wildland use;
- (s) Government services;
- (t) Sanitary landfill sites, subject to subsection (5)(i);
- (u) Wireless communication facility;
- (v) Uses permitted under Section 4.03 of this Bylaw.

BL 2326  
04 Nov 11

BL 1972  
07 Dec 07

BL 1972  
07 Dec 07

**(2) Accessory Uses**

- (a) Cement, concrete, asphalt or ready-mix plants accessory to sand and gravel pits subject to subsection (5)(g);
- (b) Concession stands accessory to fish ponds;
- (c) Cabins accessory to wildland use;
- (d) Backcountry Commercial Recreation lodge accessory to wildland use;
- (e) Home occupation;

BL 2326  
04 Nov 11

BL 2146  
07 Aug 09

- (f) Secondary dwelling for farm hands;
- (g) Secondary suite;
- (h) Other uses, buildings and structures accessory to an above permitted use.

(3) Parcel Area

- (a) No parcel shall be created in the RR-60 zone which is less than 60.0 ha (148.5 acres) except as provided for in clause (b) and under Section 5.02 and 5.03 of this Bylaw.
- (b) The Approving Officer may permit the creation of parcels having an area less than 60.0 ha (148.5 acres) but greater than 1.0 ha (2.48 acres) provided:
  - (i) the applicant for such subdivision is a farmer who intends to retire from the occupation of farming on the land to be subdivided; and
  - (ii) the applicant provides an undertaking that he intends to reside on the parcel.
- (c) Notwithstanding clause (a), parcels in the RR-60 zone with a two family dwelling constructed prior to the effective date of this Bylaw may be divided into two (2) structural strata parcels pursuant to provisions of the *Condominium Act*.

(4) Density

- (a) No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel within the RR-60 zone except as permitted under subsection 2(f) above.

(5) Siting

BL 1738  
06 Aug 04

- (a) Subject to clauses (e) - (h), no person shall site a principal building in the RR-60 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) a side yard less than 7.5 m (24.6 ft);

BL 1738  
06 Aug 04

- (b) Subject to clause (c), no person shall site an accessory building or structure in the RR-60 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
  - (iii) side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

BL 1738  
06 Aug 04

- (c) No person shall site a secondary dwelling for farm hands in the RR-60 zone which has:
- (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) a side yard less than 7.5 m (24.6 ft).
- (d) ~~Section 7.12(5)(d)-deleted by Bylaw 1673 adopted 01 Aug 2003.~~
- (e) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.
- (f) No person shall establish a rifle, archery, trap and skeet range in the RR-60 zone less than 50 m (164 ft) from a parcel line abutting a highway and not less than 100 m (328.1 ft) from an existing dwelling not on the same parcel.

BL 2326  
04 Nov 11

- (g) No person shall site a use permitted under subsection (2)(a) less than 100 m (328.0 ft) from a parcel line.
- (h) ~~Section 7.12(5)(h)-repealed by Bylaw 2326 adopted 04 Nov 2011.~~
- (i) No person shall site sewage treatment or sanitary landfill sites in the RR-60 zone less than 1000.0 m (3280.8 ft) from a dwelling in a Residential or Rural Residential Zone, nor from any buildings or structures in the PG-1 zone.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a dwelling in the RR-60 zone which exceeds a height of 10.0 m (32.8 ft).
- (b) No person shall site an accessory building or structure in the RR-60 zone which exceeds a height of 12.0 m (39.4 ft).
- (c) Parcel coverage in the RR-60 zone shall exceed 10%.

BL 2326  
04 Nov 11

(7) Other Regulations

- (a) All persons carrying out a use permitted in the RR-60 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the RR-60 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.
- (c) ~~Section 7.12(5)(e)-deleted by Bylaw 1673 adopted 01 Aug 2003.~~

BL 2326  
04 Nov 11

(d) All portable sawmills must meet the following requirements:

- (i) maximum production of 50 m<sup>3</sup> (1,765.73ft<sup>3</sup> or 21,188.8 board feet) per day;
- (ii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
- (iii) clear fireguard a minimum of 15.0 m wide must be established around the portable sawmill, wood storage and debris piles;
- (iv) all slash must be removed from the parcel and disposed of in advance of operations of the portable sawmill;
- (v) all debris, mill waste, timbers and skids must be removed from the parcel upon cessation of the portable sawmill operation;
- (vi) no person shall site a portable sawmill less than 50.0 m (164.0 ft) from a parcel line;
- (vii) the minimum parcel size on which a portable sawmill may be sited is 8.0 ha.

(e) Guest ranches shall:

- (i) consist only of guest ranch cabins or a guest ranch lodge, or both, as well as accessory buildings, structures and facilities, and;
- (ii) have all guest ranch cabins and accessory buildings, structures, and facilities on the same 2.0 hectare portion of the parcel.

**WATERSHED PROTECTION ZONE: WP-1****7.13 (1) Permitted Uses**

Within the WP-1 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Agricultural use permitted only within that portion of the WP-1 zone within the Agricultural Land Reserve.
- (c) Harvesting of timber resources and silvicultural practices;
- (e) Christmas tree management;
- (f) Wildland use;
- (g) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Cabins accessory to wildland use;
- (b) Secondary suite;
- (c) Other uses, buildings and structures accessory to above permitted uses.

BL 2146  
07 Aug

**(3) Parcel Area**

No parcel shall be created in the WP-1 zone which is less than 125.0 ha (308.9 acres) in area except as permitted under Section 5.02 and 5.03 of this Bylaw.

**(4) Density**

- (a) No person shall site more than one (1) single family dwelling on any parcel within the WP-1 zone.

**(5) Siting**

- (a) No person shall site a building or structure in the WP-1 zone which has:

- (i) a front yard less than 30.0 m (98.4 ft);
- (ii) a rear yard less than 30.0 m (98.4 ft);
- (iii) a side yard less than 30.0 m (98.4 ft).

BL 1972  
07 Dec 07

- (b) No person shall site a building or structure, other than public utility buildings and structures, in the WP-1 zone less than 100.0 m (328.1 ft) from the ordinary high water mark of any lake, stream or other watercourse.

- (c) No person shall store herbicides and/or pesticides in the WP-1 zone less than 200.0 m (656.2 ft) from the ordinary high water mark of any lake, stream or watercourse.

BL 1972  
07 Dec 07

- (d) Subject to subsection 7(d), no person shall site transmission towers, poles or structure in the WP-1 zone less than 50.0 m (164.0 ft) from the ordinary high water mark of any lake, stream or watercourse.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure which exceeds a height of 10.0 m (32.8 ft).

BL 1421  
07 May 99

- (b) Parcel coverage in the WP-1 zone shall not exceed 10%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the WP-1 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

BL 1972  
07 Dec 07

- (b) No person shall use or permit the use of any portion of a parcel in the WP-1 zone for the wrecking and repair of vehicles or for more than one derelict vehicle in other than the front yard. Land, buildings or structures used for the storage of one derelict vehicle shall be located not less than 100.0 m (328.1 ft) from the ordinary high water mark of any lake, stream or other watercourse.

- (c) Any use or storage of petroleum products in the WP-1 zone accessory to the permitted use in subsection (1) shall conform to the following:

BL 1972  
07 Dec 07

- (i) No person shall store petroleum products less than 200.0 m (656.2 ft) from the ordinary high water mark of any lake, stream or watercourse;
- (ii) All fuel storage areas whether permanent or mobile must be surrounded by impervious dykes constructed to a capacity of 1.5 times the capacity of the storage tank.
- (iii) All fueling hoses must have automatic shut-off valves.
- (iv) All waste petroleum products must be removed from the watershed for disposal.
- (v) There shall be no fuel storage below ground.
- (d) Within the WP-1 zone, the installation of all new transmission lines including, but not limited to, hydro lines and natural gas pipelines shall be confined to existing utility corridors except where such utilities are required for servicing a subdivision within this zone and shall be placed in such a manner as to not disturb the quality of water as determined by the Ministry of Environment.

BL 1972  
07 Dec 07

- (e) No person shall clear natural and live tree cover in the WP-1 zone from land within 60.0 m (196.0 ft) of the ordinary high water mark of any lake nor within 25.0 m (82.0 ft) of the ordinary high water mark of any stream or watercourse, except for:
- (i) the removal of fallen or hazardous trees;
  - (ii) the removal of debris which may damage water quality for domestic use;
  - (iii) such clearing as may be necessary for public utility use.
- (8) Severability

If any section, subsection, sentence, clause or phrase of Section 7.13 of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this Bylaw.

**HIGHWAY COMMERCIAL ZONE: CG-4**7.14 (1) Permitted Uses

Within the CG-4 zone the following uses only are permitted:

- (a) Greenhouse and nursery products; (0162, 0163)
- (b) Service industries incidental to agriculture; (02)
- (c) The following retail trade industries:
  - (i) automobile dealers, (631)
  - (ii) recreational vehicle dealers, (632)
  - (iii) gasoline service stations, (633)
  - (iv) automotive parts and accessory stores, (634)
  - (v) motor vehicle repair shops, (635)
  - (vi) other motor vehicle services, (639)
  - (vii) lawn and garden centres, (6522)
  - (viii) mobile home dealers, (6598)
  - (ix) machinery and equipment rental and leasing services, (991)
  - (x) automobile and truck rental and leasing services, (992)
  - (xi) builders' supply stores, (563, 653)
  - (xii) other repair services; (994)
- (d) The following retail trade industries provided the retail floor area does not exceed 150 m<sup>2</sup> (1614.6 ft<sup>2</sup>) in area;
  - (i) food stores, (601)
  - (ii) general stores, (6412)
  - (iii) sporting goods and bicycle shops, (654)
  - (iv) gifts, novelty and souvenir stores, (6582)
  - (v) art galleries and artists' supply stores, (6593)
  - (vi) antique shops;
- (e) Food services; (921)
- (f) The following amusements and recreational service industries:
  - (i) outdoor motion picture theatres, (9622)
  - (ii) bowling alleys and billiard parlours, (9691)
  - (iii) coin-operated amusement services; (9694)
- (g) Bottle collection and recycling depot;
- (h) Feed stores;
- (i) Tourist information facilities;
- (j) Miniature golf courses;

~~(k) Section 7.14 (1)(k) deleted by Bylaw 2935 adopted 06 Dec 2019.~~

BL 2649  
10 Jun 16

(l) Uses permitted under Section 4.03 of this Bylaw.

(2) Accessory Uses

- (a) Dwelling unit accessory to a permitted use;
- (b) Other uses, buildings and structures accessory to the above permitted uses.

(3) Parcel Area

No parcel shall be created in the CG-4 zone which is less than:

- (a) 1670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) in area where it is served by neither a community water system nor community sewer system;
- (b) 695 m<sup>2</sup> (7481.2 ft<sup>2</sup>) in area where it is served by either a community water system or a community sewer system.

(4) Density

No person shall site more than one (1) dwelling unit on a parcel in the CG-4 zone.

(5) Siting

BL 1738  
06 Aug 04

- (a) No person shall site a building or structure in the CG-4 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 6.0 m (19.7 ft).

BL 1738  
06 Aug 04

- (b) (i) Where a side parcel line is adjacent to a highway, no person shall site a building or structure in the CG-4 zone which has a side yard of less than 7.5 m (24.6 ft) on that side.
- (ii) Where a parcel is not served by a developed lane, no person shall site a building or structure in the CG-4 zone without one side yard of not less than 4.5 m (14.8 ft).

(c) ~~Section 7.14(5)(c)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the CG-4 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1421  
07 May 99

- (b) Parcel coverage in the CG-4 zone shall not exceed 60%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the CG-4 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) All persons carrying out a use permitted in the CG-4 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.
- (c) All persons carrying out a use permitted in the CG-4 zone shall conduct the business or undertaking within a completely enclosed building, except for:
  - (i) off-street parking and loading spaces and driveways;
  - (ii) storage yards, provided the yards are screened in accordance with the provisions of Section 4.11 of this Bylaw;
  - (iii) display, rental or sales area.

**SERVICE COMMERCIAL ZONE: CG-6****7.15 (1) Permitted Uses**

Within the CG-6 zone the following uses only are permitted:

(a) The following accommodation, food and beverage service industries:

- |       |                                         |        |
|-------|-----------------------------------------|--------|
| (i)   | <u>hotels</u> and motor <u>hotels</u> , | (9111) |
| (ii)  | <u>motels</u> ,                         | (9112) |
| (iii) | tourists courts,                        | (9113) |
| (iv)  | campgrounds, subject to section 4.17,   | (913)  |
| (v)   | food services,                          | (921)  |
| (vi)  | taverns, bars, night clubs and pubs;    | (922)  |

BL 2405  
01 Feb 13

(b) The following personal and household service industries:

- |      |                                           |        |
|------|-------------------------------------------|--------|
| (i)  | barber and beauty shops,                  | (971)  |
| (ii) | self-serve laundries and/or dry cleaners; | (9723) |

(c) The following retail trade industries:

- |       |                                                     |             |
|-------|-----------------------------------------------------|-------------|
| (i)   | other repair services,                              | (999)       |
| (ii)  | services to <u>buildings</u> and <u>dwellings</u> , | (995)       |
| (iii) | other services;                                     | (993, 9999) |

(d) Tourist information facilities;

(e) Government services;

(f) Uses permitted under Section 4.03 of this Bylaw.

BL 1972  
07 Dec 07

**(2) Accessory Uses**

(a) Dwelling unit accessory to a permitted use;

(b) Other uses, buildings and structures accessory to a permitted use, subject to subsection 7.15(7)(d).

BL 2405  
01 Feb 13

**(3) Parcel Area**

No parcel shall be created in the CG-6 zone which is less than:

- |     |                                                                                                                                                         |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | 1670 m <sup>2</sup> 17976.3 ft <sup>2</sup> ) in area where it is served by neither a <u>community water system</u> nor <u>community sewer system</u> ; |
| (b) | 695 m <sup>2</sup> (7481.2 ft <sup>2</sup> ) in area where it is served by either a <u>community water system</u> or a <u>community sewer system</u> .  |

(4) Density

No person shall site more than one (1) dwelling unit on a parcel in the CG-6 zone.

(5) Siting

BL 1738  
06 Aug 04

(a) No person shall site a building or structure in the CG-6 zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 6.0 m (19.7 ft).

BL 1738  
06 Aug 04

(b) (i) Where a side parcel line is adjacent to a highway, no person shall site a building or structure in the CG-6 zone which has a side yard of less than 7.5 m (24.6 ft) on that side.

(ii) Where a parcel is not served by a developed lane, no person shall site a building or structure in the CG-6 zone without one side yard of not less than 4.5 m (14.8 ft).

(c) ~~Section 7.15(5)(e) deleted by Bylaw 1673 adopted 01 Aug 2003.~~

(6) Size and Dimensions of Buildings and Structures

(a) No person shall site a building or structure in the CG-6 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1421  
07 May 99

(b) Parcel coverage in the CG-6 zone shall not exceed 60%.

(7) Other Regulations

(a) All persons carrying out a use permitted in the CG-6 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

(b) All persons carrying out a use permitted in the CG-6 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.

(c) All persons carrying out a use permitted in the CG-6 zone shall conduct the business or undertaking within a completely enclosed building, except for:

- (i) off-street parking and loading spaces and driveways;
- (ii) storage yards, provided the yards are screened in accordance with the provisions of Section 4.11 of this Bylaw;
- (iii) display, rental or sales area.

BL 2405  
01 Feb 13

(d) 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.

**RESORT COMMERCIAL ZONE: CG-8****7.16 (1) Permitted Uses**

Within the CG-8 zone the following uses only are permitted:

(a) The following retail industries:

- |       |                                                                                                     |        |
|-------|-----------------------------------------------------------------------------------------------------|--------|
| (i)   | sporting goods stores,                                                                              | (6541) |
| (ii)  | gift, novelty and souvenir stores,                                                                  | (6582) |
| (iii) | food stores provided retail floor area does not exceed 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) | (601)  |

(b) The following accommodation, food and beverage services industries:

- |       |                                       |        |
|-------|---------------------------------------|--------|
| (i)   | <u>hotels</u> and motor <u>hotels</u> | (9111) |
| (ii)  | <u>Motels</u> ,                       | (9112) |
| (iii) | tourist courts,                       | (9113) |
| (iv)  | campgrounds, subject to section 4.17, | (913)  |
| (v)   | food services,                        | (921)  |
| (vi)  | taverns, bars, night clubs and pubs;  | (922)  |

(c) Skiing facilities; (9653)

(d) Wildland use;

(e) Amusement parks; (9692)

(f) Multiple family dwellings;

(g) Helipads;

(h) Golf courses;

(i) Driving ranges;

(j) Government services;

(k) Real estate services;

(l) Uses permitted under Section 4.03 of this Bylaw.

(m) Employee accommodation;

(n) Resort hostels.

BL 2405  
01 Feb 13

BL 1972  
07 Dec 07

BL 1567  
03 Aug 01

BL 1574  
07 Sep 01

(2) Accessory Uses

(a) One dwelling unit accessory to a permitted uses identified in subsection (1) (b)(i) (ii) (iii) (iv), (c), (e), and (h);

(b) Cabins accessory to wildland use;

(c) Backcountry Commercial Recreation lodge accessory to wildland use;

(d) Heli-skiing lodge accessory to wildland use;

(e) Other uses, buildings and structures accessory to a permitted use, subject to subsection 7.16(7)(c).

BL 2326  
04 Nov 11

BL 2405  
01 Feb 13

(3) Parcel Area

No parcel shall be created in the CG-8 zone which is less than 1670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) in area, except as permitted under Section 5.03 of this Bylaw.

(4) Density

(a) For multiple family dwellings, no person shall site more than 60 dwelling units per gross hectare of minimum usable site area (resort) on a parcel in the CG-8 zone.

(b) For employee accommodation and resort hostels, no person shall site more than 125 dwelling units per gross hectare of minimum usable site area (resort) on a parcel in the CG-8 zone.

(c) Employee accommodation and resort hostels shall not house more than four (4) bed units in one dwelling unit.

BL 1574  
07 Sep 01

(5) Siting

(a) No person shall site a building or structure in the CG-8 zone which has:

(i) a front yard less than 7.5 m (24.6 ft);

(ii) a rear yard less than 6.0 m (19.7 ft).

(iii) side yard less than 4.5 m (14.8 ft), nor less than 7.5 m (24.6 ft) where adjacent to a highway right-of-way other than a lane.

(b) **~~Section 7.16(5)(b) deleted by Bylaw 1673 adopted 01 Aug 2003.~~**

(6) Size and Dimensions of Buildings and Structures

(a) No person shall site a building or structure in the CG-8 zone which exceeds a height of 16.0 m (52.5 ft).

(c) Parcel coverage in the CG-8 zone shall not exceed 60%.

BL 1421  
07 May 99

(7) Other Regulations

- (a) All persons carrying out a use permitted in the CG-8 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) All persons carrying out a use permitted in the CG-8 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.

BL 2405  
01 Feb 13

- (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.

BL 1574  
07 Sep 01

- (d) Employee accommodation and resort hostels shall:
  - (i) include indoor amenity space of 1.0 m<sup>2</sup> per bed unit;
  - (ii) include secure indoor storage for each resident within the development;
  - (iii) provide on-site domestic laundry facilities either within each dwelling unit or as a common amenity available to all residents of the employee accommodation or resort hostel development.

BL 1382  
07 Aug 98

**TOURIST PENSION COMMERCIAL ZONE: CG-TP**

**7.16(A) (1) Permitted Uses**

Within the CG-TP zone the following uses only are permitted:

- (a) Pension;
- (b) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Dwelling unit accessory to a permitted use subject to subsection (7)(e) and (f);
- (b) Home occupation;
- (c) Other uses, buildings and structures accessory to a permitted use.

**(3) Parcel Area**

- (a) No parcel shall be created in the CG-TP zone which is less than 925 m<sup>2</sup> (9956.94 ft<sup>2</sup>) in area.
- (b) Notwithstanding clause (a) no parcel shall be created unless it meets or exceeds the minimum parcel area for the level of servicing in the following table:

<u>Pension</u>	<u>community water and community sewer</u>	925 m <sup>2</sup> (9956.9 ft <sup>2</sup> )
<u>Pension</u>	<u>community water or community sewer</u>	2500 m <sup>2</sup> (26910.7 ft <sup>2</sup> )
<u>Pension</u>	on site water and on site sewage disposal	4000 m <sup>2</sup> (43057 ft <sup>2</sup> )

**(4) Density**

- (a) No person shall site more than one (1) principal building on a parcel within the CG-TP zone.
- (b) No person shall site a principal building that exceeds 740 m<sup>2</sup> (7965.6 ft<sup>2</sup>) or a floor area ratio of 0.35, whichever is less.

BL 2326  
04 Nov 11

BL 1382  
07 Aug 98

- (c) The maximum number of guest rooms in a pension is based on the parcel area as shown in the table below.

Actual Parcel Area	Maximum Number of Guest Rooms
925 m <sup>2</sup>	5
1000 m <sup>2</sup>	7
1050 m <sup>2</sup> or greater	8

(5) Siting

- (a) No person shall site a principal building in the CG-TP zone which has:
- (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft).
  - (iii) a side yard less than 4.5 m (14.7 ft), nor less than 6.0 m (19.7 ft) where adjacent to a highway right-of-way other than a lane.
- (b) No person shall site an accessory building or structure in the CG-TP zone which has:
- (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 6.0 m (19.7 ft);
  - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 6.0 m (19.7 ft) where adjacent to a highway right-of-way other than a lane.
- (c) ***Section 7.16A(5)(c) deleted by Bylaw 1673 adopted 01 Aug 2003.***

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a principal building in the CG-TP zone which exceeds a height of 10.0 m (32.8 ft).
- (b) No person shall site an accessory building or structure in the CG-TP zone which exceeds a height of 6.0 m (19.7 ft).
- (c) Parcel coverage in the CG-TP zone shall not exceed 35%.

BL 2326  
04 Nov 11

BL 1382  
07 Aug 98

(7) Other Regulations

- (a) All persons carrying out a use permitted in the CG-TP zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

BL 1382  
07 Aug 98

- (b) All persons carrying out a use permitted in the CG-TP zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.
- (c) No person shall use or permit the use of any portion of a parcel in the CG-TP zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.
- (d) All guest rooms shall not be less than 9.5 m<sup>2</sup> (102.7 ft<sup>2</sup>), nor exceed 28 m<sup>2</sup> (301.4 ft<sup>2</sup>) in gross floor area.
- (e) An accessory dwelling unit shall not be less than 32.5 m<sup>2</sup> (349.8 ft<sup>2</sup>), nor exceed 95 m<sup>2</sup> (1022.6 ft<sup>2</sup>) in gross floor area.
- (f) An accessory dwelling unit shall contain not more than one (1) set of cooking facilities, not more than three (3) bedrooms, and shall be contained within the principal building.
- (g) Cooking facilities in all guest rooms shall be limited to one (1) microwave oven and one (1) coffee maker.
- (h) The minimum frontage of a parcel in the CG-TP zone shall not be less than 20.0 m (65.6 ft).

**LIGHT INDUSTRIAL ZONE: MG-1****7.17 (1) Permitted Uses**

Within the MG-1 zone the following uses only are permitted:

- |        |                                                                                         |        |
|--------|-----------------------------------------------------------------------------------------|--------|
| (a)    | Service industries incidental to agriculture;                                           | (02)   |
| (b)    | Forestry service industry;                                                              | (05)   |
| (c)    | Sand and gravel pits;                                                                   | (082)  |
| (d)    | Service industries incidental to mineral and hydrocarbon extraction;                    | (09)   |
| (e)    | The following manufacturing industries:                                                 |        |
| (i)    | food industries,                                                                        | (10)   |
| (ii)   | leather and allied products industries,                                                 | (17)   |
| (iii)  | furniture and fixtures industries,                                                      | (26)   |
| (iv)   | printing, publishing and allied industries,                                             | (28)   |
| (v)    | machine shop industry,                                                                  | (308)  |
| (vi)   | electrical and electronic products industries,                                          | (33)   |
| (vii)  | sporting goods and toy industries,                                                      | (393)  |
| (viii) | sign and display industry,                                                              | (397)  |
| (ix)   | cabinet making,                                                                         | (2542) |
| (x)    | door and window industries,                                                             | (2543) |
| (xi)   | coffin and casket industry;                                                             | (2581) |
| (f)    | The following construction industries:                                                  |        |
| (i)    | building, developing and general contracting industries,                                | (40)   |
| (ii)   | trade contracting industries;                                                           | (42)   |
| (g)    | The following transportation and storage industries:                                    |        |
| (i)    | truck transport industries,                                                             | (456)  |
| (ii)   | passenger transit system industries,                                                    | (457)  |
| (iii)  | storage and warehousing industries, including unenclosed storage of modular structures; | (47)   |
| (h)    | The following wholesale trade industries:                                               |        |
| (i)    | petroleum products wholesale                                                            | (511)  |
| (ii)   | automobile wrecking;                                                                    | (5911) |
| (i)    | The following retail trade services:                                                    |        |
| (i)    | automotive parts and accessories stores,                                                | (634)  |
| (ii)   | motor <u>vehicle</u> repair shops,                                                      | (635)  |
| (iii)  | other motor <u>vehicle</u> services;                                                    | (639)  |

BL 1972  
07 Dec 07

- (j) Laundries and cleaners; (972)
- (k) Machinery and equipment rental and leasing services; (991)
- (l) Automobile and truck rental and leasing services; (992)
- (m) Electric motor repair, welding and other repair services; (9941, 9942 & 9944)
- (n) Services to buildings and dwellings; (995)
- (o) Taxidermy services;
- (p) Auction services;
- (q) Bottle collection and recycling depots;
- (r) Government services;
- (s) Cannabis production facility;
- (t) Uses permitted under Section 4.03 of this Bylaw.

BL 1972  
07 Dec 07

BL 2935  
06 Dec 19

BL 2537  
07 Nov 14

(2) Accessory Uses

- (a) Retail sale of products produced on the parcel;
- (b) Office space accessory to one of the above permitted uses;
- (c) Not more than one (1) dwelling unit accessory to a permitted use;
- (d) Other uses, buildings and structures accessory to the above permitted uses.

(3) Parcel Area

No parcel shall be created in the MG-1 zone which is less than 0.2 ha (0.5 acres) in area.

(4) Density

No person shall site more than one (1) dwelling unit on a parcel in the MG-1 zone.

(5) Siting

BL 1738  
06 Aug 04

- (a) No person shall site a building or structure on a parcel in the MG-1 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 4.5 m (14.8 ft), nor less than 15.0 m (49.2 ft) where the parcel abuts a parcel in a Residential, Rural Residential or PG-1 zone;

(iii) side yard less than 4.5 m (14.8 ft), nor less than 15.0 m (49.2 ft) where the parcel abuts a parcel in a Residential, Rural Residential or PG-1 zone.

(b) ~~Section 7.17(5)(b)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(6) Size and Dimensions of Buildings and Structures

(a) No person shall site a building or structure in the MG-1 zone which exceeds a height of 12.0 m (34.9 ft).

(b) Parcel coverage in the MG-1 zone shall not exceed 50%.

BL 1421  
07 May 99

(7) Other Regulations

(a) All persons carrying out a use permitted in the MG-1 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

(b) All persons carrying out a use permitted in the MG-1 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.

BL 2171  
07 May 10

## **RESORT LIGHT INDUSTRIAL ZONE: MG-1(A)**

### **7.17(A)(1) Permitted Uses**

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

- (a) Public utility use;
- (b) Machinery and equipment maintenance and storage facility;
- (c) Employee accommodation;
- (d) Helipad;
- (e) Wireless communication facility;
- (f) Uses permitted under Section 4.03 of this Bylaw.

### **(2) Accessory Uses**

Other uses, buildings and structures accessory to a permitted use.

### **(3) Parcel Area**

No parcel shall be created in the MG-1(A) zone which is less than 0.4 ha (1.0 acre) in area.

### **(4) Density**

For employee accommodation, no person shall site more than 20 dwelling units per gross hectare of minimum usable site area (resort) on a parcel in the MG-1(A) zone.

### **(5) Siting**

No person shall site a building or structure on a parcel in the MG-1(A) zone which has:

- (a) a front yard less than 6.0 m (19.7 ft);
- (b) a rear yard less than 4.0 m (13.2 ft);
- (c) a side yard less than 3.0 m (9.8 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

### **(6) Sizes and Dimensions of Buildings and Structures**

- (a) No person shall site a building or structure in the MG-1(A) zone that exceeds a height of 12 m (39.4 ft).
- (b) Parcel coverage in the MG-1(A) zone shall not exceed 50%.

BL 2171  
07 May 10

(7) Other Regulations

- (a) All persons carrying out a use permitted in the MG-1(A) zone shall comply with the relevant provisions of Part 4, 5 and 6 of this Bylaw.
- (b) No person shall site an employee accommodation building in the MG-1(A) zone unless it is serviced by both a community water system and a community sewer system.
- (c) All persons carrying out a use permitted in the MG-1(A) zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening of outdoor storage.
- (d) Employee accommodation shall:
  - (i) include secure indoor storage for each resident within the development; and
  - (ii) provide on-site domestic laundry facilities either within each dwelling unit or as a common amenity available to all residents of the employee accommodation development.

**HEAVY INDUSTRIAL ZONE: MG-2****7.18 (1) Permitted Uses**

Within the MG-2 zone the following uses only are permitted:

- (a) Uses permitted in the Light Industrial Zone (MG-1), Section 7.17 (1);
- (b) Wood industries; (25)
- (c) Primary metal industries (29)
- (d) Fabricated metal products industries except machinery and transportation equipment industries; (30)
- (e) Electric power systems industry; (491)
- (f) Mineral and chemical production and mineral and chemical product industries; (35, 36, 37)
- (g) Storage of waste petroleum products
- (h) Mineral and hydrocarbon extraction; (06, 07, 08)
- (i) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

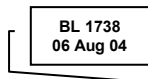
- (a) Office space accessory to one of the above permitted uses;
- (b) Not more than one (1) dwelling unit accessory to a permitted use;
- (c) Other uses, buildings and structures accessory to a permitted use.

**(3) Parcel Area**

No parcel shall be created in the MG-2 zone which is less than 0.4 ha (1.0 acre) in area.

**(4) Density**

No person shall site more than one (1) dwelling unit on a parcel in the MG-2 zone.

**(5) Siting**

- (a) No person shall site a building or structure on a parcel in the MG-2 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 4.5 m (14.8 ft), nor less than 15.0 m (49.2 ft) where the parcel abuts a parcel in a Residential, Rural Residential or PG-1 zone;

(iii) side yard less than 4.5 m (14.8 ft), nor less than 15.0 m (49.2 ft) where the parcel abuts a parcel in a Residential, Rural Residential or PG-1 zone.

(b) ~~Section 7.18(5)(b)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(6) Size and Dimensions of Buildings and Structures

(a) No person shall site a building or structure in the MG-2 zone which exceeds a height of 12.0 m (34.9 ft).

(b) Parcel coverage in the MG-2 zone shall not exceed 50%.

BL 1421  
07 May 99

(7) Other Regulations

(a) All persons carrying out a use permitted in the MG-2 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

(b) All persons carrying out a use permitted in the MG-2 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.

**AIRPORT INDUSTRIAL ZONE: MG-4****7.19 (1) Permitted Uses**

Within the MG-4 zone the following uses only are permitted:

- (a) The following transportation and storage industries:
  - (i) air transport industries, (451)
  - (ii) service industries incidental to air transport; (452)
- (b) Food services; (921)
- (c) Meteorological services;
- (d) Agricultural use;
- (e) Uses permitted under Section 4.03 of this Bylaw.

**(2) Accessory Uses**

- (a) Office space accessory to one of the above permitted uses;
- (b) Other uses, buildings and structures accessory to a permitted use.

**(3) Siting**

No person shall site a building or structure in the MG-4 zone which has:

- (i) a front yard less than 7.5 m (24.6 ft);
- (ii) a rear yard less than 7.5 m (24.6 ft);
- (iii) a side yard less than 7.5 m (24.6 ft).

**(4) Size and dimensions of Buildings and Structures**

- (a) No person shall site a building or structure in the MG-4 zone which exceeds a height of 12.0 m (39.4 ft), subject to clause (b).
- (b) Notwithstanding clause (a), in areas highlighted on Schedule “A”, entitled “Buildings and Structures Height Limitation Areas”, no person shall site a building or structure which exceeds the height regulations in Section 4.10 of this Bylaw.

**(5) Other Regulations**

- (a) All persons carrying out a use permitted in the MG-4 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) All persons carrying out a use permitted in the MG-4 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening or outdoor storage.

**COMMUNITY INSTITUTIONAL ZONE: PG-1****7.20 (1) Permitted Uses**

Within the PG-1 zone the following uses only are permitted:

BL 1972  
07 Dec 07

- (a) Schools, colleges and universities;
- (b) Churches and rural retreats including counselling services and facilities;
- (c) Group homes;
- (d) Group day cares;
- (e) Community halls, clubs and lodges;
- (f) Rest homes;
- (g) Senior citizens centres;
- (h) Hospitals and diagnostic centres;
- (i) Libraries;
- (j) Government services;
- (k) cemeteries;
- (l) Uses permitted under Section 4.03 of this Bylaw.

BL 1972  
07 Dec 07

**(2) Accessory Uses**

- (a) One dwelling unit accessory to a permitted use;
- (b) Other uses, buildings and structures accessory to a permitted use.

**(3) Parcel Area**

No parcel shall be created in the PG-1 zone which is less than 1670 m<sup>2</sup> (17976.3 ft<sup>2</sup>) in area.

**(4) Siting**

BL 1738  
06 Aug 04

- (a) No person shall site a building or structure in the PG-1 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a rear yard less than 7.5 m (24.6 ft);
  - (iii) a side yard less than 7.5 m (24.6 ft).

(b) ~~Section 7.20(4)(b)~~ deleted by Bylaw 1673 adopted 01 Aug 2003.

(5) Size and Dimensions of Buildings and Structures

(a) No person shall site a building or structure in the PG-1 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1421  
07 May 99

(b) Parcel coverage in the PG-1 zone shall not exceed 60%.

(6) Other Regulations

(a) All persons carrying out a use permitted in the PG-1 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

## **PARKS AND RECREATION ZONE: PG-2**

### 7.21 (1) Permitted Uses

Within the PG-2 zone the following uses only are permitted:

BL 2405  
01 Feb 13

- (a) Local, Regional, Provincial and Federal parks, campgrounds (subject to section 4.17) and park reserves;
- (b) Sports fields and athletic facilities;
- (c) Conservation areas, recreation reserves, ecological reserves and wildlife sanctuaries;
- (d) Park offices, maintenance facilities and works yards;
- (e) Historical and archaeological display sites;
- (f) Museums;
- (g) Fairgrounds and exhibition grounds;
- (h) ~~Section 7.21 (1) (h) deleted by Bylaw 1792 adopted 07 Dec 07.~~
- (i) Agricultural, silvicultural, horticultural and wildlife research centres, including fish hatcheries;
- (k) Uses permitted under Section 4.03 of this Bylaw.

### (2) Accessory Uses

- (a) Dwelling unit accessory to a permitted use;
- (b) Eating and drinking establishments accessory to a permitted use;
- (c) Concession stands accessory to a permitted use;
- (d) Other uses, buildings and structures accessory to a permitted use, subject to subsection 7.21(5)(b).

BL 2405  
01 Feb 13

### (3) Siting

BL 1738  
06 Aug 04

- (a) No person shall site a building or structure in the PG-2 zone which has:
  - (i) a front yard less than 7.5 m (24.6 ft);
  - (ii) a side yard less than 7.5 m (24.6 ft).
- (b) ~~Section 7.21(3)(b) deleted by Bylaw 1673 adopted 01 Aug 2003.~~

(4) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the PG-2 zone which exceeds a height of 8.5 m (27.9 ft).
- (b) Parcel coverage in the PG-2 zone shall not exceed 60%.

BL 1421  
07 May 99

(5) Other Regulations

- (a) All persons carrying out a use permitted in the PG-2 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) 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.

BL 2405  
01 Feb 13

**UTILITY AND PUBLIC WORKS ZONE: PG-3****7.22 (1) Permitted Uses**

Within the PG-3 zone the following uses only are permitted:

- (a) Cemeteries and crematoria;
- (b) Public works, vehicle storage and equipment storage yards;
- (c) Sanitary landfill sites and facilities including recycling depots, subject to subsection (3)(b);
- (d) Storage of bulk products;
- (e) Government services;
- (f) Bus depots;
- (g) Agricultural use;
- (h) Wireless communication facility;
- (i) Uses permitted under Section 4.03 of this Bylaw.

BL 1972  
07 Dec 07

BL 1972  
07 Dec 07

**(2) Accessory Uses**

Uses, buildings and structures accessory to a permitted use.

**(3) Siting**

BL 1738  
06 Aug 04

- (a) Subject to clause (b), no person shall site any building, structure, works yard, storage yard or utility installation in the PG-3 zone which has:
  - (i) a front yard less than 5.0 m (16.4 ft);
  - (ii) a rear yard less than 3.0 m (9.8 ft), nor less than 15.0 m (49.2 ft) where the parcel abuts a parcel in the PG-1 zone;
  - (iii) a side yard less than 3.0 m (9.8 ft), nor less than 15.0 m (49.2 ft) where the parcel abuts a parcel in the PG-1 zone.
- (b) No person shall site sewage treatment or sanitary landfill sites in the PG-3 zone less than 1000.0 m (3,280.8 ft) from a dwelling in a Residential or Rural Residential Zone, nor from any buildings or structures in the PG-1 Zone.
- (c) ~~Section 7.22(3)(c) deleted by Bylaw 1673 adopted 01 Aug 2003.~~

(4) Size and Dimensions of Buildings and Structures

(a) No person shall site a building or structure in the PG-3 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1421  
07 May 99

(b) Parcel coverage in the PG-3 zone shall not exceed 60%.

(5) Other Regulations

(a) All persons carrying out a use permitted in the PG-3 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.

BL 2171  
07 May 10

## **RESORT OPEN SPACE, RECREATION AND TRAILS ZONE: PG-4**

### **7.23 (1) Permitted Uses**

Within the PG-4 zone the following uses only are permitted:

- (a) Conservation areas, recreation reserves, ecological reserves, and wildlife sanctuaries;
- (b) Wildland use;
- (c) Wildlife research centre;
- (d) Wireless communication facility;
- (e) Uses permitted under Section 4.03 of this Bylaw.
- (f) Park

BL 3214  
14 Jul 23

### **(2) Accessory Uses**

- (a) Cabin accessory to (1) (b);
- (b) Other uses, buildings and structures accessory to a permitted use.

### **(3) Siting**

No person shall site a building or structure in the PG-4 zone which has a setback less than 7.5 m (24.6 ft).

### **(4) Density**

No person shall site more than one (1) cabin accessory to wildland use per 250 ha (618 acres) of PG-4 zoned land.

### **(5) Size and Dimensions of Buildings and Structures**

No person shall site a building or structure in the PG-4 zone that exceeds a height of 9.0 m (29.5 ft).

### **(6) Other Regulations**

- (a) All persons carrying out a use permitted in the PG-4 zone shall comply with the relevant provisions of Part 4, 5 and 6 of this Bylaw.
- (b) All persons carrying out a use permitted in the PG-4 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to screening of outdoor storage.
- (c) Buildings and structures accessory to wildland use are restricted to warming huts, picnic shelters, trail signage, and cabins accessory to wildland use.

BL 2171  
07 May 10

## **RESORT RECREATION ZONE: RES-2**

### **7.24 (1) Permitted Uses**

Within the RES-2 zone the following uses only are permitted:

- (a) Ski facility (ILR);
- (b) Concession stand;
- (c) Park;
- (d) Helipad;
- (e) Wireless communication facility;
- (f) Uses permitted in Section 4.03 of this Bylaw.

### **(2) Accessory Uses**

Other uses, buildings and structures accessory to a permitted use.

### **(3) Siting**

No person shall site a building or structure on a parcel in the RES-2 zone which has a setback less than 3.0 m (9.8 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

### **(4) Sizes and Dimensions of Buildings and Structures**

No person shall site a building or structure, exclusive of ski lift towers, in the RES-2 zone which exceeds a height of 12 m (39.3 ft).

### **(5) Off-Street Parking**

Off-street parking shall be provided in accordance with the following table, where applicable. For uses not listed below, the provisions of Part 6 shall apply:

<u>Use of Building or Lot</u>	<u>Minimum Number of Parking Spaces</u>
<u>Ski facility (ILR)</u>	No parking spaces required
<u>Concession stand</u>	No parking spaces required

BL 2171  
07 May 10

## **RESORT CORE ZONE: RES-4**

### **7.25 (1) Permitted Uses**

Within the RES-4 zone the following uses only are permitted:

- (a) Hotel;
- (b) Motel;
- (c) Cat-skiing lodge;
- (d) Cat-ski chalet;
- (e) General retail;
- (f) Food services;
- (g) Bars, lounges and nightclubs;
- (h) Assembly use;
- (i) Real estate services;
- (j) Multiple family dwelling;
- (k) Employee accommodation;
- (l) Helipad;
- (m) Central check-in facility;
- (n) Uses permitted under Section 4.03 of this Bylaw.

### **(2) Accessory Uses**

- (a) Personal services, accessory to (1) (a), (b) and (c);
- (b) Other uses, buildings, and structures accessory to a permitted use.

### **(3) Density**

- (a) No person shall site a cat-skiing lodge on a parcel in the RES-4 zone which exceeds a floor area ratio of 1.25.
- (b) For multiple family dwellings, no person shall site more than 60 dwelling units per gross hectare of minimum usable site area (resort) on a parcel in the RES-4 zone.
- (c) For employee accommodation and cat-ski chalet, no person shall site more than 20 dwelling units per gross hectare of minimum usable site area (resort) on a parcel in the RES-4 zone.

- (4) No person shall site a building or structure on a parcel in the RES-4 zone which has a setback less than 3.0 m (9.8 ft) where adjacent to an access route, nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

(5) Size and Dimensions of Buildings and Structures

- (a) No person shall site more than one (1) hotel or cat-skiing lodge in the RES-4 zone which exceeds a height of 20.0 m (65.6 ft).
- (b) No person shall site a multiple family dwelling in the RES-4 zone which exceeds a height of 16.0 m (52.5 ft).
- (c) No person shall site any other building or structure in the RES-4 zone which exceeds a height of 9 m (29.5 ft).
- (d) Parcel coverage shall not exceed 60% for hotels or motels.

(6) Off-Street Parking

- (a) Off-street parking shall be provided in accordance with the following table, where applicable. For uses not listed below, the provisions of Part 6 shall apply:

<u>Use of Building or Lot</u>	<u>Minimum Number of Parking Spaces</u>
<u>Cat-skiing lodge</u>	- 1.5 per accommodation unit - 2.5 per accommodation unit with a <u>lock-off unit</u>
<u>Cat-ski chalet</u>	- 2 per <u>dwelling unit</u>
<u>Multiple Family Dwelling</u>	
2 or less bedrooms	- 1 per <u>dwelling unit</u> 3
or more bedrooms	- 1.5 per <u>dwelling unit</u>
All commercial and <u>accessory uses</u>	- 1 per 25 m <sup>2</sup> of <u>gross floor area</u>

- (b) For the purposes of calculating off-street parking spaces for multiple family dwellings, a bedroom will be any room not otherwise identified as a kitchen, living room, bathroom, laundry room, utility room or closet.

(7) Location of Off-Street Parking

Despite Section 6.03 (6)(a) of this Bylaw, required off-street parking provided on a parcel other than that on which the use, building, or structure being served is located may be located on a RES-4 or MG-1(A) parcel.

(8) Off-Street Loading

- (a) Off-street loading spaces will be provided in accordance with the following, where applicable.

- (i) Hotel, motel, cat-skiing lodge, office, retail, food services, bar, lounge and nightclubs require one (1) off-street loading space for all uses located on the same parcel.
  - (ii) For uses not listed above, the provisions of Part 6 of this Bylaw apply.
- (9) Other Regulations
- (a) All persons carrying out a use permitted in the RES-4 zone shall comply with the relevant provisions of Section 4, 5 and 6 of this Bylaw.
  - (b) No person shall site a building or structure in a RES-4 zone unless it is served by both a community water system and a community sewer system.
  - (c) All persons carrying out a use permitted in the RES-4 zone shall comply with the relevant provisions of Section 4.11 of this Bylaw with respect to the screening of outdoor storage.
  - (d) Employee accommodation shall:
    - (i) include secure indoor storage for each resident within the development; and
    - (ii) provide on-site domestic laundry facilities either within each dwelling unit or as a common amenity available to all residents of the development.

BL 3426  
10 Apr 26

## **RECREATION ZONE: REC-1**

### **7.26 (1) Permitted Uses**

Within the WP-1 zone the following uses only are permitted:

- (a) Recreation Lodge
- (b) Skiing facilities
- (c) Uses permitted under Section 4.03 of this Bylaw

### **(2) Accessory Uses**

- (a) Recreation Cottage accessory to a recreation lodge
- (b) Uses, buildings and structures accessory to above permitted uses

### **(3) Parcel Area**

- (a) No parcel shall be created in the REC-1 zone which is less than 0.4 ha (1 acre) in area except as permitted under Sections 5.02 and 5.03 of this Bylaw.

### **(4) Density**

- (a) No person shall site more than one (1) recreation lodge on a parcel in the REC-1 zone.
- (b) No person shall site more than six (6) recreation cottages on a parcel in the REC-1 zone.

### **(5) Siting**

- (a) No person shall site a principal building or an accessory building or a structure in the REC-1 zone which has:
  - (i) A front yard less than 7.5 m (24.6 ft);
  - (ii) A rear yard less than 6.0 m (19.7 ft);
  - (iii) A side yard less than 1.5 m (4.9 ft) nor less than 4.5 m (14.8) where adjacent to a highway right of way other than a lane.

### **(6) Size and Dimensions of Buildings and Structures**

- (a) No person shall site a recreation lodge in the REC-1 zone which exceeds a height of 9.0 m (29.5 ft).
- (b) No person shall site a recreation cottage in the REC-1 zone which exceeds a height of 5.0 m (16.4 ft).
- (c) No person shall site any other buildings in the REC-1 zone which exceeds a height of 5.0 m (16.4 ft).
- (d) The maximum gross floor area of a recreation lodge is 500 m<sup>2</sup> (5382 ft<sup>2</sup>). Where a recreation lodge is made up of a group of buildings, the maximum total gross floor area of all recreation lodge buildings combined on the parcel is 500 m<sup>2</sup> (5382 ft<sup>2</sup>).
- (e) The maximum gross floor area of a recreation cottage is 90 m<sup>2</sup> (968.7 ft<sup>2</sup>).

(7) Other Regulations

- (a) All persons carrying out a use permitted in the REC-1 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the REC-1 zone for the wrecking and repair of vehicles, or the storage of derelict vehicles.

BL 3426  
10 Apr 26

**PART 8 ADOPTION**

**EFFECTIVE DATE OF DAY**

**8.01** This bylaw is in force from date of adoption.

READ a first time the 6th day of April, 1990.

READ a second time the 6th day of April, 1990.

READ a third time the 4th day of May, 1990.

APPROVED by the Ministry of Transportation and Highways, Regional Approving Officer the 20th day of June, 1990. *signed: "Janice M. Hoffman"*

APPROVED by the Minister of Environment pursuant to section 969 of the *Municipal Act* the 6th day of July 1990.

RECEIVED THE APPROVAL of the Minister of Municipal Affairs, Recreation & Culture the 25th day of July, 1990.

RECONSIDERED, FINALLY PASSED AND ADOPTED the 3rd day of August, 1990.

- "Brian Adams"  
CHAIRMAN

"W.C. McNamar"  
SECRETARY

Approved under the Provisions of  
Section 969 of the *Municipal Act*

- "J.O. Reynolds"  
John Reynolds  
Minister of Environment