



SOUTH COUNTRY ZONING & FLOODPLAIN MANAGEMENT BYLAW NO. 2320, 2011

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

March 14, 2025

BYLAW AMENDMENTS				
Bylaw No.	Amend . No. / Yr.	Adopted	Short Citing	Legal Description Zoning
2390	1/12	Nov. 2/12	Palmer Road / Bergman & Grymaloski	Lot 3 Block 17 DL 132 Plan 1181 RR-2 to RR-1
2410	2/12	Feb 1/13	Campgrounds / RDEK	Text amendments
2433	3/13	April 5/13	Lake Kooconusa / RDEK	Text amendments
2481	4/13	NPW	Sharpe Road / Seaborn	NPW
2495	5/13	Jan 10/14	Chief David Road / Feigs	Lot 10, Block 10, DL 132, Plan 1181 RR-2 to RR-1 and RS-4
2524	6/14	Oct. 3/14	Sharpe Road / Seaborn	Lot A, DL 132, Plan 13924 RR-60 to RS-4
2541	7/14	Nov. 7/14	Medical Marihuana / RDEK	Text Amendment
2568	8/14	Dec. 4/15	Miscellaneous / RDEK	Text Amendment
2622	9/15	Dec. 4/15	Density Averaging / RDEK	Text Amendment
2765	10/17	April 7/17	Palmer Rd. / Satink	Lot 1, Block 17, DL 132, KD, Plan 1181 RR-2 to RR-1
2772	11/17	Aug. 4/17	Kooconusa West / Wentzell	Designation of Part of Lot 1, DL 11493, Plan 16032 RR-16 to RES-1
2780	12/17	Jun 9/17	Baynes Lake / Crown	Text Amendment
2822	13/17	Feb. 9/18	Saunders Rd. / Stout & Munro	Designation of Lot 2, Block 7, DL 132, KD, Plan 1181 RR-2 to RR-1
2826	14/17	Feb. 9/18	North Star Rd. / Gonnely	Designation of Lot 2, Block 28, DL 132, KD, Plan 1181 RR-2 to RR-1
2890	15/18	Mar. 9/18	Grasmere / McLeay	Designation of Lot 5, DL 489, KD, Plan EPP1381 RR-2 to RR-1
2894	16/18	Feb. 8/19	Baynes Lake / Bevand	Designation of Lot 5, Block 21, DL 132, KD, Plan 1181 RR-2 to RR-1
2900	17/18	May 3/19	Grasmere / Holmes	Designation of part of Subot 9, DL 360, KD, Plan X40 except part included in Plan 4583 RR-60 to RR-8
2911	18/19	Jun 7/19	Baynes Lake / Abbott & Ernst	Designation of part of Lot A, DL 132, KD, Plan 18136 RR-2 to RR-1
2925	19/19	Jul 5/19	Baynes Lake / McArthur	Designation of Lot 3, Block 20, DL 132, KD, Plan 1181 RR-2 to RR-1
2927	20/19	Aug 2/19	Miscellaneous Amendments / RDEK	Text Amendments
2972	21/19	Apr 3/20	Kooconusa West / Flood, Hopkins, C.D. Reay & Sons Ltd.	Designation of DL 2707 KD & DL 2708 KD RR-16 to RR-8

BYLAW AMENDMENTS				
Bylaw No.	Amend No./Yr	Adopted	Short Citing	Legal Description Zoning
3018	22/20	Jan 8/21	Kragmont / Williamson	Designation of that part of Lot 4, Block 74, DL 132, KD, Plan 1181 RR-4 to RR-2 and RR-1
3035	24/20	Apr 9/21	Kragmont / Bergman, Grymaloski, Meidinger & Paul	Designation of Lot 3, Block 74, DL 132, KD, Plan EPP88991 RR-2 to RR-1
3044	25/21	May 7/21	Miscellaneous / RDEK	Text Amendment
3074	28/21	Sept 3/21	Baynes Lake / Harris	Designation of Lot 4, Block 13, DL 132 KD Plan 1181 except Parcel A (see 152950i) RR-2 to RR-1
3080	29/21	Oct 8/21	Baynes Lake / Arnold	Designation of Lot 4 DL132 KD Plan NEP71940 RR-2 to RR-1
3083	30/21	Oct 8/21	Baynes Lake / Prevost	Designation of Lot 2 and Lot 3 Block 13 DL 132 KD Plan 1181 RR-2, C-1, RES-1 to RR-1 and C-1
3091	31/21	Dec 3/21	Baynes Lake / Soukoroff	Designation of Lot A DL 132 KD Plan NEP21105 RR-2 to RR-1
3095	32/21	Dec 3/21	Baynes Lake / Gonnely	Designation of Lot 2 Block 6 DL132 KD Plan 1181 RR-2 to RR-1
3121	33/22	Apr 8/22	Waldo Cove Park / RDEK	Designation of Part of Parcel 1 (Explanatory Plan DD5116), DL 132, KD except Parcel 4 (Explanatory Plan 12486I), Sketch Plan 19594A and parts included in Plans 1829 and 9062 RR-60 and RES-1 to P-2 Designation of Parcel 1, (Reference Plan 77963I), Lot F, DL 132, KD Plan 1829 RR-60 to P-2 The designation of Lot E, District Lot 132, Kootenay District, Plan 1829 RR-60 to P-2 Text Amendment
3154	34/22	Aug 12/22	Baynes Lake / 338898 Alberta Ltd & Volcano Ridge Inc	Designation of Lot 4 Block 6 DL 132 KD Plan 1181 RR-2 to RR-1
3171	35/22	Aug 12/22	Baynes Lake / Schulmeister	Designation of Lot 2 Block 19 DL 132 KD Plan 1181 RR-2 to RR-1
3175	36/22	Sept 9/22	Kragmont / Williamson	Designation of that portion of Lot 4 Block 74 DL132 KD Plan 1181 RR-2 to RR-1
3198	37/22	Jan 13/22	Baynes Lake / Press	Designation of Lot 1 Block 33, DL132 KD Plan 1181 RR-2 to RR-1

South Country Zoning & Floodplain Management Bylaw No. 2320

BYLAW AMENDMENTS				
Bylaw No.	Amend No./Yr	Adopted	Citing	Legal Description Zoning
3205	38/22	July 14/23	Baynes Lake / Beyeler	Designation of Lot 8 Block 28 DL 132 KD Plan 1181 RR-2 to RR-1 and RS-4
3219	39/23	Aug 11/23	Miscellaneous / RDEK	Text Amendments
3241	40/23	May 10/24	Baynes Lake / Reeves	Designation of that portion of Lot 2 DL 316 KD Plan 14685 RR-8 to Res-1
3308	41/24	June 14/24	Baynes Lake / Kabel	Designation of Lot 9 Block 33 DL 132 Plan 1181 RR-2 to RR-1
3314	42/24	June 14/24	SSMUH / RDEK	Text Amendments
3320	43/24	July 12/24	Kragmont / Love	Designation of that part of Lot 2 Block 74 DL132 KD Plan EPP112590 RR-2 to RR-1
3368	46/24	Mar 14/25	Baynes Lake / Fehr & Sicotte	Designation of Lot 8 Block 33 DL 132 KD Plan 1181 RR-2 to RR-1

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REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2320

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

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

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

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

1. TITLE

This Bylaw may be cited for all purposes as “Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011”.

2. ADMINISTRATION AND ENFORCEMENT

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

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

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

3. INTERPRETATION

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

BL 2433
05 Apr 13

A, A1, A2, A3, A4
B, B1

3.2 Measurements and Calculations

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

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

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

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

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

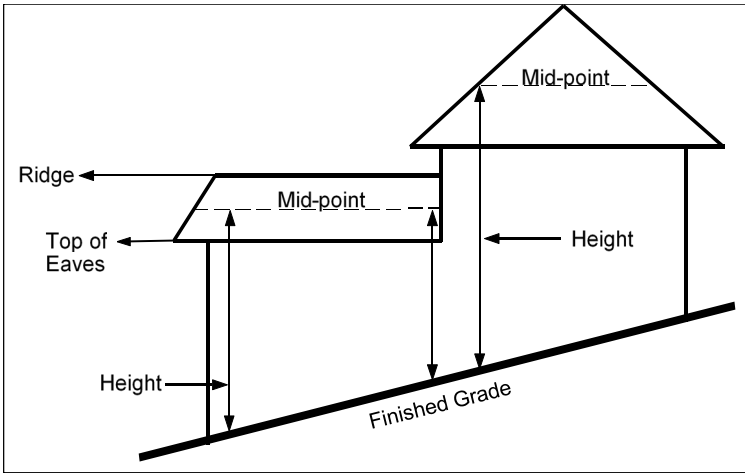
(4) All requirements that involve measurements and calculations apply to a bare land strata *parcel* in the same way as to any other *parcel*.

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

(6) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:

BL 2927
Aug. 2/19

BL 2927
Aug. 2/19



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 1.11 (6) of this Bylaw.

3.3 Definitions

In this Bylaw:

Access routes mean those portions of the common property in a bare land strata plan intended to provide vehicular access to the strata lots in the bare land strata plan

Accessory means customarily incidental and subordinate.

Accessory building means:

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

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

Accessory use means:

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

Agricultural Land Reserve means a reserve of land established under the *Agricultural Land Commission Act*.

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

Animal unit means any of the following groups:

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

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

BL 2568
Dec. 4/15

Arts, crafts and instructional service means a photographer, arts and crafts service, artist, sculptor, wood craft, music instructor, teacher, tutor, furniture maker, clothing manufacturer, graphic designer, jeweler, composer, and sign maker.

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

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

Billboard *deleted by Bylaw 2433 adopted Apr 5/13.*

Boathouse *deleted by Bylaw 2433 adopted Apr 5/13.*

BL 2568
Dec. 4/15

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

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

Business service means word processing, secretarial, courier/transport service, bookkeeping, and consulting.

BL 2433
Apr 5/13

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

BL 2410
Feb 1/13

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

BL 2410
Feb 1/13

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

BL 2927
Aug. 2/19

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

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

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

Child care facility means a facility for the care of children licensed under the *Community Care Facility Act* and is limited to the care of 8 or fewer children at any one time.

BL 2433
Apr 5/13

Commercial Marina is the use of land, *buildings* and *structures* for commercial activities involving the docking, berthing or mooring of boats. *Commercial marina* use may include boat launching facilities; sales and rentals of boats, personal watercraft and their accessories; marine sani-dump facilities; *launching ramp*; upland storage of boats; boat repairs and maintenance; and *accessory* retail sales including, but not limited to, marine petroleum products and fishing supplies.

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

BL 2568
Dec. 4/15

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

BL 2568
Dec. 4/15

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

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

- (a) approved under the Sewerage System Regulation (B.C. Reg. 326/2004); or

(b) approved under the Municipal Sewage Regulation (B.C. Reg. 129/99);

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

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

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

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

Computer and electronic service means computer service, programming, consulting, software engineering, computer hardware repair, electronic service and repair.

Concession stand means a facility for the sale of souvenirs, takeout foods, and related sundries.

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

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

BL 2410
Feb 1/13

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

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

BL 2927
Aug 2/19

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

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

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

BL 2568
Dec. 4/15

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

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

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

BL 2433
Apr 5/13

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

Equestrian centre means a facility or group of facilities intended for the accommodation, showing and competitive use of horses and may include a stable, gymkhana course and other related facilities, but does not include a horse race track.

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

BL 2927
Aug. 2/19

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

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

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

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

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

BL 2927
Aug. 2/19

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

Flood construction level or **flood level** means a *designated flood level* plus an allowance for *freeboard*, or where a *designated flood level* cannot be determined, a specified height above an *ordinary high water mark*, natural ground elevation, or any obstruction that could cause ponding.

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

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

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

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

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

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

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

Game bird means guinea fowl, pheasant, partridge, pigeon, quail, silkies, squab, tinamou.

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

~~**Golf course**~~ *deleted by Bylaw 2433 adopted Apr 5/13.*

Government services means local, provincial or other *government services* including office uses for the purposes of local or other government administration.

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

BL 2568
Dec. 4/15

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

BL 2433
Apr 5/13

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 2433
Apr 5/13

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

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

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

Height *deleted by Bylaw 2927 adopted Aug 2/19.*

Health and social service means a doctor, dentist, psychiatrist, physiotherapist, chiropractor, massage therapist, naturopath, *child care facility*, baby sitting, and family counseling.

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

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

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

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

BL 2433
Apr 5/13

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

BL 2433
Apr 5/13

Keeping of small farm animals means the keeping or rearing of *small farm animals* excluding geese and turkeys.

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

BL 2433
Apr 5/13

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

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

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

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

BL 2927
Aug 2/19

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

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

~~Medical marihuana~~ *deleted by Bylaw 2927 adopted Aug 2/19.*

~~Medical marihuana production facility~~ *deleted by Bylaw 2927 adopted Aug 2/19.*

Multiple family dwelling means a *building* containing three (3) or more *dwelling units*.

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

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

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

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

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

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

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

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

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

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

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

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

Parcel line, front means one of the following:

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

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

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

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

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

BL 2410
Feb 1/13

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

Personal care business means barber, beautician, cleaning service, pet grooming, caterer, wedding planner, travel consultant, disc jockey service, entertainment service, and home party business.

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

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 2433
Apr 5/13

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.

Professional office means the office of an accountant, agrologist, architect, draftsman, engineer, financial service, forester, lawyer, land use planner, real estate agent, and marketing and advertising agents.

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

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

Ratites means birds that have small or rudimentary wings and no keel in the breastbone and include ostriches, rheas and emus.

BL 2410
Feb 1/13

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

~~*Recreational vehicle park*~~ *deleted by Bylaw 2410 adopted Feb 1/13.*

~~*Recreational vehicle space*~~ *deleted by Bylaw 2410 adopted Feb 1/13.*

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

Regional District means the Regional District of East Kootenay.

Relative requiring care means a father, mother, father-in-law, mother-in-law, son, daughter, sister, brother, grandchild, grandparent, and great grandparent requiring *care*

and assistance. The relatives listed include those associations through a common-law or same-sex relationship.

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

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

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

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; but excludes open mesh or chain link style *fences* and vegetation used as a wind break.

BL 2433
Apr 5/13

Secondary dwelling unit for farm hand means an *accessory dwelling unit* on land classified as “farm” under the *Assessment Act* for the accommodation of an employee or employees working on the same *parcel* or *farm operation*.

BL 3314
Jun 14/24

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

BL 2433
Apr 5/13

Seasonal produce stand means a *structure* used part of the year for the sale of *horticultural* products to the public.

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

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

BL 3314
Jun 14/24

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

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

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

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

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

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

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

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

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

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

BL 2433
Apr 5/13

Trade business means plumber, electrician, cabinet maker, welder, machinist, gunsmith, property maintenance, upholsterer, small appliance repair, motor vehicle repair, construction contractor and logging contractor.

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

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

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

Watercourse means any natural or man made depression with well defined banks and a bed 0.6 m or more below the surrounding land, serving to give direction to a current of water at least six months of the year, or having a drainage area of more than 5 km² or more.

BL 2433
Apr 5/13

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

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

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

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

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

4. **ADOPTION**

This Bylaw is in force from date of adoption.

READ A FIRST TIME the 10th day of June 2011.

READ A SECOND TIME the 10th day of June 2011.

READ A THIRD TIME the 8th day of July 2011.

APPROVED by the Ministry of Transportation and Infrastructure

the 4th day of August 2011. *Signing Officer:* “B. Clasby”

ADOPTED the 5th day of August, 2011.

“Scott Manjak”
CHAIR

“L.V. Crane”
CORPORATE OFFICER

SCHEDULE A

LAND USE REGULATIONS

1. GENERAL REGULATIONS

1.1 Conformity of Uses, Buildings and Structures

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

1.2 Use of Existing Parcels

- (1) Subject to subsection (2) of this section, *parcels* existing at the time of the effective date of this Bylaw which do not conform with the *parcel area* requirements of this Bylaw may be used for any of the uses permitted in the zone in which they are located unless otherwise provided for in Part 4, provided all other regulations of this Bylaw are complied with.
- (2) In the case of *parcels* less than 1670 m², an applicant for a *building* permit for a *dwelling unit* on such a *parcel* must, prior to such permit being granted, submit a copy of a permit to construct a sewage disposal system under the *Sewerage Disposal Regulation* of the *Health Act*.

1.3 Permitted Uses in All Zones

The following uses are permitted in all zones:

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

1.4 Prohibited Uses

- (1) Intensive agriculture is prohibited on all *parcels* less than 4.0 ha in area on land not within the *Agricultural Land Reserve*.
- (2) The use of a *recreational vehicle* or *park model trailer* as a *dwelling unit* is prohibited.

1.5 Occupancy During Construction

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

- (a) the owner holds a building permit for construction of a new *dwelling unit* or reconstruction of the existing *dwelling unit*;
 - (b) the additional *dwelling unit* conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of *dwelling units* permitted on a *parcel*;
 - (c) the *recreational vehicle* is 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 therefore restored as nearly as possible to its condition prior to the construction or placement of the *dwelling unit*, or must be converted to an *accessory building or structure* subject to compliance with the applicable regulations of this Bylaw.
- (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;
- unless it is placed, stored or occupied in compliance with the regulations in Section 1.19 of Schedule A of this Bylaw.

1.6 Setback From Controlled Access Highway

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

1.7 Developments Crossing Parcel Lines

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

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

1.8 Home Based Businesses

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

- (1) It must be conducted by members of the *family* residing in a *dwelling unit* on the same *parcel* and may be operated with the assistance of not more than two people who do not reside in a *dwelling unit* on the same *parcel*.
- (2) Except as permitted in clause (3), the *home based business* must be conducted wholly within a *dwelling unit* or *accessory building*, with no external storage of materials, containers or finished product, and no exterior evidence of the *home based business*, except for a *vehicle* or *vehicles* necessary for operating the *home based business*.
- (3) The provisions of subsection (2) do not apply where:

- (a) The *parcel* on which the *home based business* is carried out is 2.0 ha or greater in area; and
- (b) The *home based business* is carried out in other than the *front yard*.
- (4) Retail sales of products not produced on the premises are prohibited, except for sale of items *accessory* to the *home based businesses*, with the exception of those involving storage of goods only, in which case retail sales are prohibited.
- (5) The maximum number of clients or students for a *home based business* consisting of tutoring or teaching is 5 at a time.
- (6) Erection of *signs* must comply with regulations under section 1.13 of Schedule A of this Bylaw.
- (7) Part 3 of Schedule A of this Bylaw in respect to off-street parking requirements applies to every *parcel* used for a *home based business*.
- (8) Subject to Part 4 of Schedule A of this Bylaw, *buildings* and *structures* for a *home based business* shall not exceed 185 m² for parcels within the *Agricultural Land Reserve*.

1.9 Accessory Buildings and Structures

- (1) No person may erect an *accessory building* or *structure* on any *parcel* in the RS-1, RS-1(A) or RS-4 zones unless the *principal building* to which the *accessory building* is an incidental use has been erected or will be erected simultaneously with the *accessory building*.
- (2) Subsection (1) does not apply to *livestock shelters* or other *buildings* or *structures* accessory to a *farm operation*.
- (3) Where an *accessory building* or *structure* is attached to the *principal building*, it will be considered part of the *principal building*.

1.10 Siting of Buildings and Structures

- (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for siting of *buildings* and *structures* specified in the Bylaw.
- (2) All enclosed runs and *buildings* used for *kennel* purposes must be sited not less than 60.0 m from a *parcel line*.
- (3) The following features may project into *setback* requirements as specified in the regulations of Part 4 of Schedule A of this Bylaw:

(a)

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

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- (b) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.
 - (c) Arbours, trellises, *fish ponds*, ornaments, vegetation and similar landscape features.
 - (d) *Manufactured home* hitches.
 - (e) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, *public utilities*, flag poles, *signs* and *sign structures*.
 - (f) Underground *structures* provided that the top surface of each *structure* must at no point extend above the finished ground elevation except for vent and fill pipes for underground storage tanks.
 - (g) Apparatus needed for the operation of active and passive solar energy systems including, but not limited to overhangs, movable insulating walls, shutters and roof detached *solar energy collectors*, reflectors and piping.
- (4) Regulations concerning siting of *buildings* or *structures* in Part 4 of Schedule A of this Bylaw do not apply to *fences*, *screening*, paved surfaces, retaining walls and signs, except that provisions of section 1.13 of Schedule A apply.
- (5) Despite the *setback* requirements in Part 4 of Schedule A of this Bylaw, the *setback* requirements for a *dwelling unit accessory* to a permitted use are the same as that for the *principal use* located on the *parcel*.
- (6) *Buildings* and *structures* for a *cannabis production facility* must be sited not less than:
- (a) 15 m from a *front parcel line*;
 - (b) 15 m from an *interior side parcel line*;
 - (c) 30 m from an *exterior side parcel line*;
 - (d) 30 m from a *rear parcel line*.

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1.11 Heights of Buildings and Structures

- (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* must be in conformity with the regulations for size and dimensions of *buildings* and *structures* specified in this Bylaw.
- (2) The height regulations of this Bylaw do not apply to church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, smoke stacks, ventilators, flag poles, drive-in theatres screens, stadium bleachers, lighting poles, silos, industrial cranes, observation towers, *solar energy collectors*, and windmills and wind machines.
- (3) Despite the height requirements required in Part 4 of Schedule A of this Bylaw, the maximum *height* of a *dwelling unit accessory* to a permitted use is:
 - (a) 5.0 m where the *dwelling unit* is a *manufactured home*;
 - (b) 9.0 m where the *dwelling unit* is a detached *dwelling unit* other than a *manufactured home*;
 - (c) the same as the maximum *height* for the *principal use*, where the *dwelling unit* is part of the *principal structure*.
- (4) *Buildings* and *structures* used for a *farm operation* where a *farm operation* is a permitted use in the zone are exempt from the *height* regulations in this Bylaw.
- (5) *Buildings* and *structures* used for a *cannabis production facility* where a *cannabis production facility* is a permitted use are exempt from the height requirements of this Bylaw.

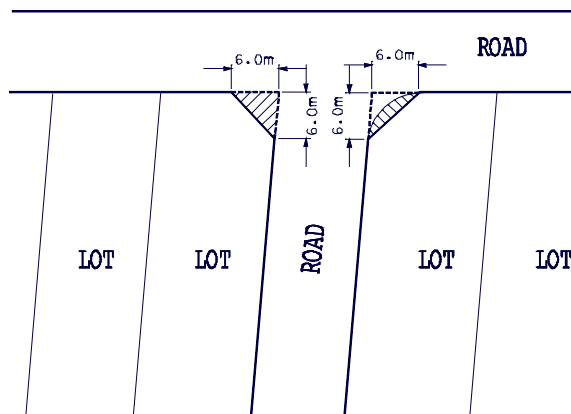
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- (6) The maximum permitted height of *buildings* and *structures* that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
- (a) Single pitch roof *buildings* and *structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building* or *structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
 - (b) *Flat roof buildings* and *structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.
- For *buildings* and *structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.2 (6) of this Bylaw.

1.12 Visibility at Intersections

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



1.13 Signs

- (1) The following types of *signs* are not permitted on any *parcel*:
- (a) roof-mounted *signs* projecting above the highest point of the roof;
 - (b) freestanding *signs* of a height which exceeds that permitted for a *principal building* on a *parcel*;
 - (c) any exterior *structure* displaying material of a general advertising nature which exceeds 8.9 m²;
 - (d) flashing and moving *signs*;
 - (e) *signs* which project beyond *parcel lines*;
 - (f) *off-premise signs*.
- (2) In the RS-1, RS-1(A) and RS-4 zones, identification *signs* for a *home based business* must be non-illuminated and not exceed an area of 0.5 m²; and, in the RR zones, identification *signs* for a *home based business* must be non-illuminated and not exceed an area of 1.0 m².

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1.14 Dwelling for a Relative Requiring Care

- (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 2927
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- (c) where the owner of the *parcel* enters into a housing agreement with the *Regional District* under section 905 of the *Local Government Act* agreeing to remove the *manufactured home* approved under this section once it is no longer required by the approved occupant, such agreement to be entered into prior to placement of the *dwelling* for a *relative requiring care*;
 - (d) where a letter from a physician stating that the relative requires care is deposited upon request by the *Regional District*;
 - (e) where a statutory declaration attesting to the conditions of consent is deposited upon request by the *Regional District*;
 - (f) where the sum of \$3,000 in the form of cash or an irrevocable letter of credit is deposited with the *Regional District* as security for the removal of the *dwelling* for a *relative requiring care*.
- (2) A dwelling unit for a *relative requiring care* is limited to one *manufactured home*, up to 9 m in width including additions, placed on a non-permanent foundation.
- (3) Within the *Agricultural Land Reserve* a *dwelling unit* for a *relative requiring care* is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

1.15 Fences and Screening

- BL 2433
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- (1) The use of barbed wire or electric fencing is prohibited within the RS-1 and RS-(A) zones and along *parcel lines* abutting land in the RS-1 and RS-1(A) zones.
- BL 2568
Dec. 4/15
- (2) Height of *fences* and *screening* must be in accordance with the following:
- | ZONE | HEIGHT REGULATIONS |
|--------------------------|---|
| | Maximum Height |
| RS-1 | 2.0 m |
| RS-1(A) | 2.0 m |
| RS-4 | 2.0 m |
| RR-1 | 2.0 m |
| RR-2 | 2.0 m |
| RR-4 | 2.0 m |
| RR-8 | 2.0 m |
| RR-16 | 2.0 m |
| RR-60 | 2.0 m |
| C-1, I-1, RES-1, & RES-2 | 2.0 m where <i>parcel line</i> abuts a residential or institutional zone or a <i>parcel</i> on which a residential use is located |
| P-1 | 2.0 m |
| P-2 | 2.0 m |
| P-3 | 2.0 m |
| M-2 | 2.0 m |
- BL 2433
Apr 5/13
- (3) Maximum heights do not apply to *fences* in the Rural Residential and Rural Resource zones where *fences* are erected to control *livestock* and wildlife capable of jumping over a *fence* 2 m in height.
- (4) All *outdoor storage* in the C-1, RES-1, RES-2, and I-1 zones must be screened by a tight board *fence* or compact evergreen hedge or a combination thereof of a uniform height not less than 2.0 m in height on any side not facing directly onto *buildings* on the *parcel*.
- (5) Where a *rear parcel line* abuts the *side parcel line* of another *parcel*, *screening* along the *rear parcel line* must be no higher than that permitted on the abutting *side parcel line*.

1.16 Campgrounds

- BL 2410
Feb 1/13
- (1) Where *campgrounds* are permitted, the establishment, construction, extension, expansion, and operation of *campgrounds* shall comply with the requirements of

the “Regional District of East Kootenay – Campground Bylaw No. 2403, 2012”, as amended from time to time.

1.17 Storage of Derelict Vehicles

The *wrecking and repair of vehicles* and storage of *derelict vehicles* is prohibited, except for the storage of not more than one *derelict vehicle* in other than the *front yard*, in all Residential, Rural Resource, and Institutional zones.

1.18 Maximum Number of Dwelling Units

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

- BL 3314
Jun 14/24

(1) The maximum number of principal *dwelling units* is:
 - (a) one *single family dwelling*;
 - (b) one *duplex*; or
 - (c) as calculated using the permitted maximum densities as specified in Part 4 of Schedule A of this Bylaw for *multiple family dwellings*.
- BL 2433
Apr 5/13

(2) In zones permitting a residence for a *relative requiring care*, only one such *dwelling unit* is permitted.
- (3) Where permitted as an *accessory use* in Commercial, Industrial and Institutional zones, only one such *dwelling unit* is permitted.
- (4) A *building* must not be subdivided into strata lots if the number of strata lots created will exceed the maximum number of *dwelling units*.
- (5) *Repealed by Bylaw 2927 adopted Aug. 2/19.*

1.19 Placement of Recreational Vehicles

- BL 2410
Feb 1/13

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

1.20 Farm Use

- BL 2927
Aug. 2/19

(1) Where all or part of a *parcel* is located within the *Agricultural Land Reserve* activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted on the *parcel*. In addition to the farm use activities, those uses approved by the Provincial Agricultural Land Commission as *accessory to* the farm use for that *parcel* are also permitted.
- (2) Where a *parcel* is not in the *Agricultural Land Reserve*, is located in a zone that permits *farm operation* and the *parcel* is assessed as farm under the *Assessment Act*, activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted in conjunction with the *farm operation*.
- (3) Uses permitted in sections 1.20 (1) and (2) are subject to all applicable *agriculture* regulations contained elsewhere in this Bylaw.
- (4) *Buildings* or *structures* that are used for *farm operations* shall be sited in accordance with the following:
 - (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.
 - (b) The required minimum *setback* for *buildings* or *structures* used as principal farm *buildings* or *structures*, or animal containment for the following types of agricultural uses is identified in the table below:
 - Dairying
 - Livestock, including farmed game
 - Fur farming

- Poultry

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

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

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

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

1.21 Secondary Suites

- (1) *Secondary suites* must be developed in accordance with the following:
 - (a) No more than one (1) *secondary suite* shall be permitted on a *parcel*.
 - (b) *Secondary suites* within a detached *garage* are not permitted on *parcels* that contain a *duplex*, an *accessory dwelling unit*, *secondary dwelling for farm hands*, or *dwelling for a relative requiring care*.
 - (c) *Secondary suites* within a detached *garage* must be located above the *first storey* of the *building* and have a separate external entrance from the *vehicle* entrance.
 - (d) *Secondary suites* must be constructed in accordance with the BC Building Code.
 - (e) *Secondary suites* must be connected to an approved sewage disposal system.

BL 2927
Aug. 2/19

- (f) Despite the maximum allowable *height* for *buildings* and *structures* in Part 4 of Schedule A of this Bylaw, the maximum allowable *height* for a detached *garage* with a *secondary suite* is 7.5 m.
- (g) Despite the siting requirements for an *accessory building* or *structure* in Part 4 of Schedule A of this Bylaw, no *person* shall site a detached *garage* containing a *secondary suite* which has:
 - (i) a *front yard* less than 7.5 m;
 - (ii) a *rear yard* less than 3.0 m, nor less than 4.5 m where adjacent to a *highway* right-of-way other than a *lane*.
 - (iii) a *side yard* less than 3.0 m, nor less than 4.5 m where adjacent to a *highway* right-of-way other than a *lane*.
- (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:
 - (i) 49% of the habitable floor space of the *building* when located within a principal *dwelling unit*; or
 - (ii) 70 m² when located within a detached *garage* on *parcels* less than 0.4 ha in size; or
 - (iii) 90 m² when located within a detached *garage* on *parcels* 0.4 ha in size or larger.
- (j) A *secondary suite* may not be located in a *single family dwelling* that is a *manufactured home* or *accessory dwelling unit*.
- (k) Within the *Agricultural Land Reserve* *secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

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BL 3314
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1.22 Maximum Number of Kitchens per Dwelling Unit

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

1.23 Guest Ranches, Rural Retreats, Wildland Use and Lodges

- (1) *Guest ranches* must be in compliance with the following:
 - (a) A *guest ranch* must be conducted on a parcel not less than 16 ha in size.
 - (b) A *guest ranch* must be conducted on a parcel assessed as farm under the *Assessment Act*.
 - (c) A *guest ranch* must be limited in density to 12.0 m² of *gross floor area* of *guest ranch* accommodation per hectare to a maximum of 720 m².
- (2) *Rural retreat* must be in compliance with the following:
 - (a) The minimum *parcel* size on which a *rural retreat* may be conducted is 16 ha.
- (3) *Wildland use* must be in compliance with the following:
 - (a) The minimum *parcel* size on which a *wildland use* may be based is 120 ha in size.
- (4) *Lodges* must be in compliance with the following:
 - (a) The maximum number of *kitchens* permitted in a *lodge* is one.
 - (b) The maximum number of communal dining facilities permitted in a *lodge* is one.
 - (c) On all *parcels*, the maximum number of *lodges* permitted is one.

BL 2433
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BL 2433
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1.24 Keeping of Animals

- BL 2433
Apr 5/13
- (1) On *parcels* where the *keeping of farm animals* is a permitted use:
 - (a) the number of *animal units* of *livestock* must not exceed one *animal unit* per hectare in total; and
 - (b) the number of *animal units* of poultry must not exceed one-half *animal unit* per hectare in total.

In all cases, the total number of *livestock* or *poultry* permitted will be rounded down to the nearest whole number.
 - (2) On *parcels* where the *keeping of small farm animals* is a permitted use:
 - (a) the number of rabbits must not exceed one *animal unit*; and
 - (b) the cumulative number of *poultry*, exclusive of geese, turkeys, and *ratites*, must not exceed 15 animals.

BL 2433
Apr 5/13

1.25 Secondary Dwelling Unit for Farm Hand

- BL 2927
Aug. 2/19
- (1) *Secondary dwelling units for farm hands* must be in compliance with the following:
 - (a) A *secondary dwelling unit for farm hand* is limited to a *manufactured home*, up to 9.0 m in width including additions.
 - (b) A *secondary dwelling unit for farm hand* must be placed on a non-permanent foundation or pier type foundation only.
 - (2) In zones permitting a *secondary dwelling unit for farm hand*, only one such *dwelling unit* is permitted where the combined holdings of the *farm operation* are 8.0 ha in size or less, or two such dwellings where the combined holdings of the *farm operation* are greater than 8.0 ha 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 farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

BL 2433
Apr 5/13

1.26 Group Homes

- (1) *Group homes* must be in compliance with the following:
 - (a) The maximum number of people that may be accommodated in a *group home*, exclusive of staff, is 10.

BL 2927
Aug. 2/19

1.27 Cannabis Production Facility

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

1.28 Property Specific Regulations

- BL 2927
Aug. 2/19
- BL 3044
May 7/21
- (1) Despite the use and density regulations contained elsewhere in this Bylaw:
 - (a) On Lot 10, District Lot 6325, Kootenay District, Plan 15359, two *single family dwellings* are permitted, provided one of the two *single family dwellings* is a manufactured home in the same location as one of the two manufactured homes existing on the property at the time of adoption of this Bylaw.
 - (b) On Lot 2, Block 14, District Lot 132, Kootenay District, Plan 1181 Except Plan 7682, *wireless communication facility* is permitted.

- BL 2927
Aug. 2/19
- BL 3121
Apr. 8/22
- (c) On Lot 1, District Lot 132, Kootenay District, Plan NEP71336 west of Chief Daniel Road the *campground* is restricted to a total of 70 *recreational vehicles* or *park model trailers*.
 - (d) On Lot 2, Block 13, District Lot 132, Kootenay District, Plan 1181 and Lot 3, Block 13, District Lot 132, Kootenay District, Plan 1181 the *campground* is restricted to a total of 25 *recreational vehicles* or *park model trailers*.
 - (e) On Assigned Sublot 4 (See 23079I), District Lot 326, Kootenay District, Plan X26 the *campground* is restricted to a total of 160 *recreational vehicles* or *park model trailers*.
 - (f) On Lot 226, District Lot 329, Kootenay District, Plan 1171, employee housing is permitted. The employee housing must:
 - (i) include secure indoor storage for each resident within the employee housing; and
 - (ii) be limited to:
 - (A) two bunkhouses, each with a maximum *gross floor area* of 24m²;
 - (B) a common area/kitchen facility with a maximum *gross floor area* of 34 m² as an amenity available to all employee residents; and
 - (C) an on-site washroom and domestic laundry facility with a maximum *gross floor area* of 27 m² as a common amenity available to all employee residents.
 - (g) On that portion of Parcel 1 (Explanatory Plan DD5116), District Lot 132, Kootenay District except Parcel 4 (Explanatory Plan 12486I), Sketch Plan 19594A and parts included in Plans 1829 and 9062 as shown in **Figure 1** *campground* is not permitted.

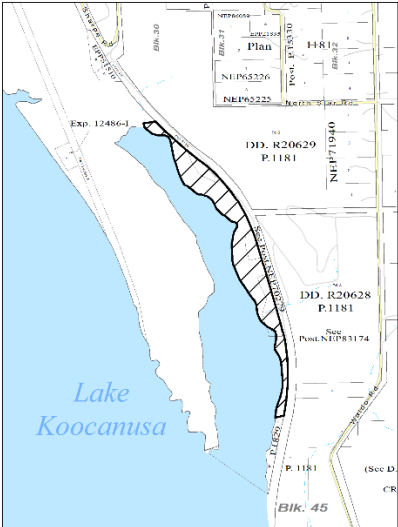


Figure 1: Waldo Cove Regional Park

2. PARCEL AREA REQUIREMENTS

2.1 Parcel Area

- (1) No *parcel* may be created unless it is of sufficient area to provide a site which may be used for one of the uses permitted in the zone in which it is located, having due regard for the provisions of this Bylaw concerning *parcel area* and *yard* requirements.
- (2) Subject to subsection (3) of this section and sections 2.2, 2.3, 2.4, and 2.5 the *parcel area* requirements of Part 4 of Schedule A of this Bylaw will be the minimum area of *parcels* of land that may be created by subdivision under the *Land Title Act* or the *Strata Property Act*, except for strata lots sharing *common walls* in a *building*.
- (3) The *parcel area* requirements in Part 4 of Schedule A of this Bylaw and the minimum *usable site area* requirements of section 2.2 of this Bylaw do not apply to:
 - (a) *public utility*;
 - (b) *navigational aids*;
 - (c) *solid waste transfer facility*;
 - (d) *parks*;
 - (e) *surface parking lots*;
 - (f) *access routes*.

2.1(A) Minimum Average Parcel Area for Bare Land Strata Subdivision

BL 2622
Dec. 4/15

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

2.2 Minimum Usable Site Area

- (1) Subject to section 2.1 (3), all *parcels* must have a minimum *usable site area* of not less than 1670 m².
- (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) Subject to section 2.1 (3) the *useable site area* must have a minimum elevation of 750.11 m.

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2.3 Reduction of Parcel Area Requirements

- (1) The *parcel area* required in Part 4 of Schedule A of this Bylaw may be reduced where the proposed subdivision:
 - (a) Consolidates two or more *parcels* into a single *parcel*, provided:
 - (i) it is impossible to meet the *parcel* requirements;
 - (ii) all parts of the new *parcel* are contiguous;
 - (iii) the proposed *parcel* has the minimum *usable site area* specified in section 2.2.
 - (b) Involves *parcel line* adjustments provided:
 - (i) it is impossible to meet the *parcel area* requirements;
 - (ii) the proposed subdivision creates no more *parcels* for the land being subdivided than exist at the time of application;
 - (iii) all *parcels* meet the minimum *usable site area* specified in section 2.2;
 - (iv) all *parcels* that meet the *parcel area* requirements prior to the *parcel line* adjustment are not reduced in size below the minimum *parcel area* for the zone in which they are located.

- (c) Involves a *parcel* of land that is divided by an existing *parcel* or an existing constructed and registered *highway* or railway right-of-way, where the boundaries of that *parcel* or right-of-way will be boundaries of the proposed *parcel* provided:
 - (i) it is impossible to create a *parcel* on each side of the existing *highway* or right-of-way that meets the *parcel area* requirements;
 - (ii) the proposed *parcels* have the minimum *usable site area* specified in section 2.2;
 - (iii) the *highway* is not less than 20 m in width;
 - (iv) the *highway* is not a BC Forest Service Road.
- (d) Involves a *parcel* of land that is not large enough to accommodate the proposed *parcels* and *highway* right-of-way provided:
 - (i) it is impossible to meet the *parcel area* requirements;
 - (ii) only one of the proposed *parcels* is smaller than the *parcel area* requirement;
 - (iii) the proposed smaller *parcel* is no more than 10% smaller than the *parcel area* requirement;
 - (iv) the proposed smaller *parcel* is not smaller than the minimum *usable site area* specified in section 2.2.
- (e) Divides a *parcel* along a boundary line of a zone, provided the proposed *parcels* have the *minimum useable site area* as specified in section 2.2.
- (f) Divides a *parcel* along a boundary line of the *Agricultural Land Reserve*, provided the proposed *parcels* have the minimum *usable site area* as specified in section 2.2.
- (g) Involves a *parcel* which is divided by a topographic feature so severe that the divided portions of the *parcel* are not contiguous, provided:
 - (i) it is impossible to create a *parcel* on each side of the topographic feature that meets the *parcel area* requirements;
 - (ii) the proposed *parcels* have the minimum *usable site area* requirement as specified in section 2.02.
- (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 2927
Aug 2/19

2.4 Panhandle Parcels

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

2.5 Subdivision Pursuant to Section 946 of the *Local Government Act*

Where land is proposed for subdivision under section 946 of the *Local Government Act*, and where such land is not included within the *Agricultural Land Reserve*, the Approving Officer may permit the subdivision of one *parcel* into two *parcels* only, each having a area smaller than the minimum *parcel* size of 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 ha in area.

3. PARKING AND LOADING REQUIREMENTS

3.1 General Requirements

- (1) Owners and occupiers of *buildings* and *structures* must provide *off-street parking spaces* and *off-street loading spaces* in accordance with the provisions of this Bylaw except where the *buildings* and *structures* are intended to be accessed exclusively by hiking, skiing, snowmobiling, horseback, boat, or aircraft.
- (2) Vehicular access to a *highway* is required for all *off-street parking spaces* and *off-street loading spaces*.
- (3) All parking areas, *off-street parking spaces*, and *off-street loading spaces*, for other than *single family dwellings* and *duplexes* must not have a slope of more than 8%.
- (4) *Off-street parking spaces* and *off-street loading spaces* must not be used for driveways or display, sales or storage of goods.
- (5) When the calculation of the required number of *off-street parking* or *off-street loading spaces* results in a fractional number, one *off-street parking* or *off-street loading space* must be provided to meet the fractional requirement.
- (6) In cases of mixed uses, the total requirements for *off-street parking* and *off-street loading* will be the sum of the requirements for the various uses calculated separately unless otherwise permitted. Required *off-street parking spaces* for one use will not be considered as required *off-street parking spaces* for any other use.
- (7) *Off-street loading spaces* will not be credited as *off-street parking spaces*.
- (8) *Off-street parking spaces* will not be credited as *off-street loading spaces*.
- (9) A maximum of two *off-street parking spaces* must be provided for customers and clients of *home based businesses*, in addition to *off-street parking spaces* required for *dwelling units*. *Off-street parking spaces* must also be provided for all *vehicles* associated with *home based businesses*.
- (10) *Repealed by Bylaw 2927 adopted Aug. 2/19.*

3.1(A) Disabled Parking Spaces

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

3.2 Required Off-Street Parking Spaces

- (1) Commercial and Industrial Uses
 - (a) Forest service industries, mining and milling, quarrying, oil well industries - 1 per 30 m² of office use plus 1 per 185 m² of *gross floor area* for all uses enclosed within a *building*, plus 1 for every commercially licensed *vehicle* for that address
 - (b) Transportation and storage, and wholesale industries - 1 per 30 m² of office use plus 1 per 100 m² of *gross floor area* open to the public plus 1 per 185 m² of

		<i>gross floor area</i> for all other uses enclosed within a <i>building</i> , plus 1 for every commercially licensed <i>vehicle</i> for that address
	(c) Manufacturing industries	- 1 per 30 m ² of office use, plus 1 per 50 m ² of retail sales floor area plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i>
	(d) Communication and other utility industry	- 1 per 30 m ² of office use, plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i> , plus one for every commercially licensed <i>vehicle</i> for that address
BL 2433 Apr 5/13	(e) Commercial office	- 1 per 30 m ² of <i>gross floor area</i>
	(f) Marinas and moorage facilities	- 1 per 5 berths
BL 2927 Aug. 3/19	(g) <i>Cannabis production facility</i>	- 1 per 30 m ² of office use, plus 1 per 185 m ² of <i>gross floor area</i> for all other uses enclosed within a <i>building</i>
(2)	<u>Personal and Household Services</u>	
	(a) Barber and beauty shops	- 1 per 15 m ² of <i>gross floor area</i>
	(b) Laundries and cleaners	- 1 per 30 m ² of <i>gross floor area</i> not open to the public, plus 1 per 3 washing / cleaning machines for self-serve facilities
	(c) Membership organizations	- 1 per 4 seat capacity plus 1 per 35 m ² of <i>gross floor area</i> not used for seating
	(d) Repair services, services to <i>buildings</i> and <i>dwelling units</i> , travel services, photographers and other services	- 1 per 35 m ² of <i>gross floor area</i>
	(e) Rental and leasing of machinery, equipment and <i>vehicles</i>	- 1 per 70 m ² of <i>gross floor area</i> plus 1 per 30 m ² of office use
	(f) Other personal and household services	- 1 per 10 m ² of <i>gross floor area</i>
BL 2433 Apr 5/13	(3) <u>Recreational Services</u>	
	(a) Miniature golf	- 2 per hole plus 1 per 10 m ² <i>gross floor area</i> not open to the public; where <i>accessory</i> to another use, 3 spaces in total
	(b) Baseball diamonds	- 18 per baseball diamond
	(c) Other sport and recreation uses and clubs not listed elsewhere	- 1 per 10 m ² of <i>gross floor area</i> or ice area plus 4 spaces per court plus 1 per 4 player / person capacity for other sports or amusements
(4)	<u>Residential Uses</u>	
	(a) <i>Single family dwelling</i> and <i>duplex</i>	- 2 per <i>dwelling unit</i>

	(b)	Secondary suite	- 1 space
	(c)	Bed and Breakfast	- 1 per room used by guests for sleeping accommodation
	(d)	Manufactured Home Park	- 2 per dwelling unit
(5)		<u>Retail</u>	
	(a)	Automotive related (auto and recreational vehicle dealers, service stations, repair shops and other services)	- 2 per service bay plus 1 per 60 m ² of gross floor area
	(b)	Parts and accessories	- 1 per 15 m ² of gross floor area
	(c)	General retail	- 1 per 15 m ² of gross floor area
	(d)	Direct farm marketing	- 1 per 20 m ² of gross floor area
(6)		<u>Service Industries</u>	
	(a)	Accommodation services	- 2 plus 1 per dwelling unit plus 1 per campsite, plus 1 per hotel or motel room
	(b)	Food and beverage services	- 1 per 3 seat capacity
	(i)	Drive-in/takeout only	- 10 spaces
	(c)	Farm operation	- 2 spaces where the public will be on site
	(i)	Incidental services	- 1 per 30 m ² of gross floor area
	(ii)	Veterinary	- 1 per 10 m ² of gross floor area
	(d)	Education service industries	
	(i)	Child care, preschools and elementary schools	- 1 per 50 m ² of gross floor area
	(ii)	Senior secondary, post secondary, or commercial schools exclusive of classrooms	- 3 per classroom plus 1 per 30 m ² of gross floor area
	(iii)	Library services, museums and archives	- 1 per 40 m ² of gross floor area
	(e)	Government Services	- 1 per 35 m ² of gross floor area
	(f)	Health and social service industries	- 1 per 35 m ² of gross floor area

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Feb 1/13

3.3 Size and Location of Off-Street Parking Spaces

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

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

- (4) An aisle 6.0 m or less in width must be designed for and clearly marked as suitable for one-way traffic flow only.
- (5) All required *off-street parking spaces* for residential uses must be located on the same *parcel* as the residential use being served.
- (6) (a) All required *off-street parking* for other than residential uses must be located not more than 120.0 m from the *parcel, building* or *structure* being served. Required *off-street parking* must be located on a *parcel* in the same zone as the *parcel* being served.
- (b) Where some or all of the *off-street parking* is provided on a *parcel* other than that on which the use, *building* or *structure* being served is located, a covenant under section 219 of the *Land Title Act* must be registered in the Land Title Office in favour of the *Regional District* against the *parcel* to be used for parking, reserving the *off-street parking spaces* that are not on the same *parcel* as the use, *building* or *structure* that they are intended to serve, for as long as that use, *building* or *structure* exists.
- (7) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

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3.4 Required Off-Street Loading Spaces

For all commercial, industrial and institutional uses

- 1 for the first 2000 m² of *gross floor area* plus 1 for remaining *gross floor area* over 2000 m²

3.5 Size and Location of Off-Street Loading Spaces

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

4. ZONES

4.1 Establishment of Zones

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

CATEGORY	ZONE TITLE	SHORT TITLE
Residential	Residential (Semi-Rural)	RS-1
	Residential (Semi-Rural Single Family)	RS-1(A)
	Residential (Acreage)	RS-4
	Rural Residential (Estate)	RR-1
	Rural Residential (Small Holding)	RR-2
	Rural Residential (Hobby Farm)	RR-4
	Rural Residential (Country)	RR-8
	Rural Residential (Extensive)	RR-16
Rural Resource	Rural Resource	RR-60
	Industrial	I-1
Commercial	Local Commercial	C-1
	Recreation Commercial	RES-1
	Resort Recreation	RES-2
	Marine General	M-2
Institutional	Public Institutional	P-1
	Parks and Open Space	P-2
	Public Works and Utility	P-3

4.2 Zone Boundaries and Schedules

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

- A1 Zoning Overview
- A2 Zoning – Baynes Lake
- A3 Zoning – Grasmere
- A4 Zoning – Newgate

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

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

4.3 Residential (Semi-Rural): RS-1 Zone

(1) Permitted Uses

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

- (a) Single family dwelling;
- (b) Duplex.

(2) Accessory Uses

- (a) Home based business;
- (b) Horticulture;
- (c) Seasonal produce stand;
- (d) Secondary suite;
- (e) Uses, buildings and structures accessory to a permitted use.

(3) Regulations

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

	COLUMN 1	COLUMN 2
	(a) Minimum parcel size	1670 m ²
	(b) Minimum setbacks:	
	Principal buildings and structures from:	
	▪ front parcel line	6.0 m
	▪ rear parcel line	1.5 m
	▪ rear parcel line when adjacent to a lane or alley	3.0 m
	▪ interior side parcel line	1.2 m
	▪ exterior side parcel line	4.5 m
	Accessory buildings and structures from:	
	▪ front parcel line	6.0 m
	▪ front parcel line for detached garage or carport where topographic constraints do not permit construction in other than the front yard	4.5 m
	▪ rear parcel line	1.0 m
	▪ rear parcel line when adjacent to a lane or alley	3.0 m
	▪ interior side parcel line	1.0 m
	▪ exterior side parcel line	4.5 m
	(c) Maximum height for:	
	Principal buildings and structures	9.0 m
	Accessory buildings and structures	5.0 m
	(d) Maximum parcel coverage:	30%
	(e) Maximum size for a seasonal produce stand	30 m ²

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

(1) Permitted uses

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

(a) *Single family dwelling.*

(2) Accessory uses

(a) *Home based business;*

(b) *Horticulture;*

(c) *Secondary Suite* in the principal *dwelling unit* only;

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum parcel size	1670 m ²
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	6.0 m
▪ <i>rear parcel line</i>	1.5 m
▪ <i>rear parcel line</i> when adjacent to a <i>lane or alley</i>	3.0 m
▪ <i>interior side parcel line</i>	1.2 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	6.0 m
▪ <i>front parcel line</i> for detached garage or carport where topographic constraints do not permit construction in other than the <i>front yard</i>	4.5 m
▪ <i>rear parcel line</i>	1.0 m
▪ <i>rear parcel line</i> when adjacent to a <i>lane or alley</i>	3.0 m
▪ <i>interior side parcel line</i>	1.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum <i>parcel coverage</i> :	30%
(e) Minimum horizontal dimension of a <i>principal building</i> , not including an addition or a non-rectangular <i>building</i>	5.5 m

4.5 Residential (Acreage): RS-4 Zone

(1) Permitted uses

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

- (a) *Single family dwelling;*
- (b) *Duplex.*

(2) Accessory uses

- (a) *Home based business;*
- (b) *Apiculture, horticulture;*
- (c) *Keeping of small farm animals;*
- (d) *Secondary suite;*
- (e) *Uses, buildings and structures accessory to a permitted use.*

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum parcel size	0.4 ha
(b) Minimum setbacks:	
<i>Principal buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures from:</i>	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	2.0 m
▪ <i>rear parcel line</i> when adjacent to a <i>lane</i> or <i>alley</i>	3.0 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum height for:	
<i>Principal buildings and structures</i>	9.0 m
<i>Accessory buildings and structures</i>	5.0 m
(d) Maximum parcel coverage:	30%

4.6 Rural Residential (Estate): RR-1 Zone

(1) Permitted uses

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

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

(2) Accessory uses

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size	1.0 ha
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	2.0 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	10.0 m
(d) Maximum <i>parcel</i> coverage	20%
(e) Maximum <i>parcel</i> coverage for greenhouses with closed waste and storm water systems	75%

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

(1) Permitted uses

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

- (a) Single family dwelling;
- (b) Duplex;
- (c) Farm operation, excluding mink farm, subject to 4.7(4)(a).

(2) Accessory uses

- (a) Home based business;
- (b) Secondary suite;
- (c) Veterinary clinic;
- (d) Kennel;
- (e) Uses, buildings and structures accessory to a permitted use.

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size	2.0 ha
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	2.0 m
▪ <i>interior side parcel line</i>	2.0 m
▪ <i>exterior side parcel line</i>	4.5 m
(c) Maximum <i>height</i> for:	
▪ <i>Principal buildings and structures</i>	10.0 m
▪ <i>Accessory buildings and structures</i>	12.0 m
(d) Maximum <i>parcel coverage</i> :	10%
(e) Maximum <i>parcel coverage</i> for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) The maximum number of *animal units* of *livestock* permitted on a parcel under the use of *farm operations* or confined *livestock area* does not exceed two *animal units* per hectare in total and the maximum number of *animal units* of poultry does not exceed one-half *animal unit* per hectare in total. In all cases, the total number of *livestock* or poultry permitted will be rounded down to the nearest whole number.

4.8 Rural Residential (Hobby Farm): RR-4 ZONE

(1) Permitted uses

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

- (a) Single family dwelling;
- (b) Duplex;
- (c) Farm operation, excluding mink farm, subject to 4.8(4)(b).

(2) Accessory uses

- (a) Home based business;
- (b) Secondary suite;
- (c) Veterinary clinic;
- (d) Kennel;
- (e) Uses, buildings and structures accessory to a permitted use.

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size	4.0 ha
(b) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	7.5 m
▪ <i>exterior side parcel line</i>	7.5 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
(c) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
(d) Maximum <i>parcel coverage</i>	10%
(e) Maximum <i>parcel coverage</i> for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the *parcel* not larger than 2.0 ha in size.
- (b) The maximum number of *animal units of livestock* permitted on a parcel under the use of *farm operations* or confined *livestock area* does not exceed two *animal units* per hectare in total and the maximum number of *animal units* of poultry does not exceed one-half *animal unit* per hectare in total. In all cases, the total number of *livestock* or poultry permitted will be rounded down to the nearest whole number.

4.9 Rural Residential (Country): RR-8 Zone

(1) Permitted uses

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

- (a) Single family dwelling;
- (b) Duplex;
- (c) Farm operation;
- (d) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel;
- (e) Forest management;
- (f) Portable sawmill;
- (g) Equestrian centre.

(2) Accessory uses

- (a) Home based business;
- (b) Secondary suite;
- (c) Veterinary clinic;
- (d) Kennel;
- (e) Uses, buildings and structures accessory to a permitted use.
- (f) Secondary dwelling unit for farm hand, subject to Section 1.25.

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(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum parcel size	8.0 ha
(b) Minimum parcel size for portable sawmill	8.0 ha
(c) Minimum setbacks:	
Principal buildings and structures from:	
▪ front parcel line	7.5 m
▪ rear parcel line	7.5 m
▪ interior side parcel line	7.5 m
▪ exterior side parcel line	7.5 m
Accessory buildings and structures from:	
▪ front parcel line	7.5 m
▪ rear parcel line	5.0 m
▪ interior side parcel line	5.0 m
▪ exterior side parcel line	5.0 m
Additional setback requirements from	
▪ all parcel lines for portable sawmills	100.0 m
▪ an existing dwelling unit not on the same parcel for portable sawmills	100.0 m
(d) Maximum height for:	
Principal buildings and structures	10.0 m
Accessory buildings and structures	12.0 m
(e) Maximum parcel coverage	10%
(f) Maximum parcel coverage for greenhouses with closed waste and storm water systems	75%

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the *parcel* not larger than 2.0 ha in size.
- (b) All *portable sawmills* must meet the following requirements:
 - (i) maximum capacity of 50 m³ (21,180 board feet) per day;
 - (ii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
 - (iii) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
 - (iv) all slash must be removed from the *parcel* and disposed of in advance of operation of the *portable sawmill*;
 - (v) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.10 Rural Residential (Extensive): RR-16 Zone

(1) Permitted uses

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

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Farm operation;*
- (d) Grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the *parcel*;
- (e) *Forest management;*
- (f) *Portable sawmill;*
- (g) *Equestrian centre;*
- (h) Archery, trap and skeet range;
- (i) *Repealed by Bylaw 3219 adopted Aug. 11/23.*
- (j) Guest ranch, subject to Section 1.23 (1).
- (k) *Repealed by Bylaw 2927 adopted Aug. 2/19.*

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(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary suite;*
- (c) *Veterinary clinic;*
- (d) *Kenel;*
- (e) *Cabin accessory to guest ranch;*
- (f) *Lodge accessory to guest ranch*, subject to Section 1.23 (4);
- (g) *Uses, buildings and structures accessory to a permitted use;*
- (h) *Secondary dwelling unit for farm hand*, subject to Section 1.25.

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(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size	16.0 ha
(b) Minimum <i>parcel</i> size for <i>portable sawmill</i>	8.0 ha
(c) Minimum <i>setbacks</i> :	
<i>Principal buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	7.5 m
▪ <i>exterior side parcel line</i>	7.5 m
<i>Accessory buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
Additional <i>setback</i> requirements from:	
▪ all <i>parcel lines</i> for <i>portable sawmills</i>	100.0 m
▪ an existing <i>dwelling unit</i> not on the same <i>parcel</i> for <i>portable sawmills</i>	100.0 m
▪ all <i>parcel lines</i> for archery, trap and skeet ranges	200.0 m
(d) Maximum <i>height</i> for:	
<i>Principal buildings and structures</i>	10.0 m
<i>Accessory buildings and structures</i>	12.0 m
<i>Cabin</i>	5.0 m
(e) Maximum <i>parcel coverage</i>	10%
(f) Maximum <i>parcel coverage</i> for greenhouses with closed waste and storm water systems	75%
(g) Maximum <i>gross floor area</i> of a <i>cabin</i>	74 m ²

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(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the *parcel* not larger than 2.0 ha in size.
- (b) All *portable sawmills* must meet the following requirements:
 - (i) maximum capacity of 50 m³ (21,180 board feet) per day;
 - (ii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
 - (iii) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
 - (iv) all slash must be removed from the *parcel* and disposed of in advance of operation of the *portable sawmill*;
 - (v) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.11 Rural Resource: RR-60 Zone

(1) Permitted uses

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

- (a) *Single family dwelling;*
- (b) *Duplex;*
- (c) *Kenel;*
- (d) Mineral exploration and extraction including grading, washing, screening, crushing and transporting of sand and gravel and mineral resources extracted from the *parcel*;
- (e) *Forest management;*
- (f) *Farm operation;*
- (g) *Equestrian centre;*
- (h) *Portable sawmill;*
- (i) Rifle, archery, trap and skeet range;
- (j) *Repealed by Bylaw 3219 adopted Aug. 11/23.*
- (k) *Wildland use*, subject to Section 1.23 (3);
- (l) *Guest ranch*, subject to Section 1.23 (1);
- (m) *Rural retreat*, subject to Section 1.23 (2);
- (n) *Wireless communication facility;*
- (o) *Repealed by Bylaw 3219 adopted Aug. 11/23*

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(2) Accessory uses

- (a) *Home based business;*
- (b) *Secondary suite;*
- (c) *Cabin accessory to guest ranch, rural retreat, wildland use*, registered guide outfitting operations, trapping associated with a registered trapline license, or mining activity associated with a *Mines Act* permit;
- (d) *Lodge accessory to guest ranch, rural retreat, or wildland use*, subject to Section 1.23 (4);
- (e) *Veterinary clinic;*
- (f) *Uses, buildings and structures accessory to a permitted use;*
- (g) *Secondary dwelling unit for farm hand*, subject to Section 1.25.

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(3) Regulations

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

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COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size	60.0 ha
(b) Minimum <i>parcel</i> size for <i>portable sawmill</i>	8.0 ha
(c) Minimum <i>setbacks</i> : Principal buildings and structures from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	7.5 m
▪ <i>interior side parcel line</i>	7.5 m
▪ <i>exterior side parcel line</i>	7.5 m
Accessory buildings and structures from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	5.0 m
▪ <i>interior side parcel line</i>	5.0 m
▪ <i>exterior side parcel line</i>	5.0 m
Additional <i>setback</i> requirements from:	
▪ all <i>parcel lines</i> for <i>portable sawmills</i>	100.0 m
▪ an existing <i>dwelling unit</i> not on the same <i>parcel</i> for <i>portable sawmills</i>	100.0 m
▪ all <i>parcels lines</i> for rifle, archery, trap and skeet ranges	200.0 m
(d) Maximum <i>height</i> for:	
Principal buildings and structures	10.0 m
Accessory buildings and structures	12.0 m
Cabins	5.0 m
(e) Maximum <i>gross floor area</i> of a <i>cabin</i>	74 m ²

(4) Other Regulations

- (a) All *dwelling units* must be located on a contiguous area of the *parcel* not larger than 2.0 ha in size.
- (b) All *portable sawmills* must meet the following requirements:
 - (i) maximum capacity of 50 m³ (21,180 board feet) per day;
 - (ii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high;
 - (iii) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris;
 - (iv) all slash must be removed from the *parcel* and disposed of in advance of operation of the *portable sawmill*;
 - (v) all debris, slash, mill waste, timbers and skids must be removed upon cessation of the *portable sawmill* operation.

4.11(A) Light Industrial: I-1

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(1) Permitted uses

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

- (a) *veterinary clinic*;
- (b) *kennel*;
- (c) grading, washing, screening, crushing and transporting of sand and gravel resources;
- (d) The following manufacturing industries:
 - (i) wood products, including wood preservation, re-manufacturing plants, sawmills, shakemills, and planermills;
 - (ii) log homes;
 - (iii) furniture;
 - (iv) machine shop, metal fabricating, welding shop;
 - (v) solar energy systems;
 - (vi) non-metallic mineral products, excluding cement, concrete, asphalt plants;
- (e) The following service industries:
 - (i) machinery and equipment rental
 - (ii) lawn mower, electric motor, small engine repair, sharpening service;
 - (iii) farm supply, feed sales;
- (f) public works yard;
- (g) salvage yard;
- (h) *recycling depot*;
- (i) *wireless community facility*;
- (j) *farm operation*; and
- (k) *Cannabis production facility*.

BL 2541
Nov. 7/14

BL 2927
Aug. 2/19

(2) Accessory Uses

- (a) retail sales *accessory* to a permitted use;
- (b) *dwelling unit accessory* to a permitted use; and
- (c) uses, *buildings* and *structures accessory* to a permitted use.

(3) Regulations

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

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COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
(b) Minimum parcel size	1.0 ha
(c) Minimum <i>setbacks</i> :	
All <i>buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone or a parcel on which a <i>dwelling unit</i> is located	15.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i>	7.5 m
▪ <i>exterior side parcel line</i>	7.5 m
(d) Maximum <i>height</i> for all <i>buildings and structures</i>	12.0 m
(e) Maximum <i>parcel coverage</i>	50%

(4) Other Regulations

- (a) All display, rental and sales areas must be finished with a durable dust free surface.
- (b) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (c) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the building, separate from that of the *principal use*; and
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.
- (d) All persons carrying out a use in an I-1 zone shall comply with the relevant provisions of Section 1.15 of this Bylaw with respect to *fences and screening*.

4.12 Local Commercial: C-1 Zone

(1) Permitted uses

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

- (a) General store;
- (b) Convenience store;
- (c) Liquor store or agency;
- (d) *Personal service* establishment;
- (e) *Professional office*;
- (f) Gasoline service station, automobile repair and autobody shop;
- (g) Food and beverage services, including neighbourhood pub;
- (h) Gift, novelty and souvenir shop;
- (i) Bus depot;
- (j) Postal outlet;
- (k) Tourist and business information centre;
- (l) The following light industrial industries:
 - (i) *sign* and display manufacturing;
 - (ii) secondary processing of wood products;
 - (iii) contracting industry;
 - (iv) machinery and equipment repair and rental;
 - (v) machine / welding shop;
 - (vi) lawn mower, electric motor and small engine repair, sharpening service;
 - (vii) printing, publishing, and allied industries;
 - (viii) lawn, gardening, and landscaping.
- (m) Sporting goods store;

(2) Accessory uses

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
(b) Minimum <i>parcel size</i>	0.3 ha
(c) Deleted by Bylaw No. 2410 adopted 01 Feb 13	
(d) Minimum <i>setbacks</i> :	
All <i>buildings and structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i> where <i>rear parcel line</i> abuts a residential or institutional zone	6.0 m
▪ <i>rear parcel line</i> where not abutting a residential or institutional zone	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(e) Maximum <i>height</i> for all <i>buildings and structures</i>	10.0 m
(f) Maximum <i>parcel coverage</i>	60%
(g) Maximum exterior area used for display, rental and sales	300 m ²

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:
 - (i) *Off-street parking and loading spaces* and driveways;
 - (ii) Storage yards;
 - (iii) Display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.
- (c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*; and
 - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.
- (e) All persons carrying out a use in the C-1 zone shall comply with the relevant provisions of section 1.15 of Schedule A of this Bylaw with respect to *fences and screening*.

4.13 Recreation Commercial: RES-1 Zone

(1) Permitted Uses

BL 2410
Feb 1/13

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

(a) Campground, subject to section 1.16;

(2) Accessory uses

(a) Uses, buildings and structures accessory to a permitted use, subject to subsection 4.13(4)(a).

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Number of accessory dwelling units	one
(b) Minimum parcel size	4.0 ha
(c) Minimum setbacks: All buildings and structures from:	
▪ front parcel line	7.5 m
▪ rear parcel line	4.5 m
▪ interior side parcel line	4.5 m
▪ exterior side parcel line	4.5 m
(d) Maximum height for all buildings and structures	9.0 m
(e) Maximum parcel coverage	70%
(f) Maximum size for a Concession Stand	35 m ²

BL 2410
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(4) Other Regulations

BL 2927
Aug 2/19

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

(b) Deleted by Bylaw No. 2927 adopted 02 Aug.19

(c) Deleted by Bylaw No. 2927 adopted 02 Aug.19

(d) Deleted by Bylaw No. 2927 adopted 02 Aug.19

4.13(A) Resort Recreation: RES-2

BL 2433
Apr 5/13

(1) Permitted Uses

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

- (a) *Campground*, subject to section 1.16.

(2) Accessory Uses

- (a) *Dwelling unit accessory* to a permitted use;
- (b) General store;
- (c) Food and beverage service;
- (d) Sani-dump facility;
- (e) Gas service station;
- (f) Boat rental, sales and repairs;
- (g) *Launching ramp*.
- (h) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.13(A) (4)(a).

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Number of <i>accessory dwelling units</i>	one
(b) Minimum <i>parcel</i> size	4.0 ha
(c) Minimum <i>setbacks</i> : All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	4.5 m
▪ <i>interior side parcel line</i>	4.5 m
▪ <i>exterior side parcel line</i>	4.5 m
(d) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	9.0 m
(e) Maximum size for a general store	120 m ²
(f) Maximum size for food and beverage service	120 m ²
(g) Maximum <i>parcel coverage</i>	70%

(4) Other Regulations

- (a) In addition to the *accessory* uses identified in Section 4.13(A) (2), on *parcels* with a *campground* as a permitted use, uses *accessory* to a *campground* are identified in the “Regional District of East Kootenay – Campground Bylaw No. 2403, 2012”, as amended from time to time.

4.14 Public Institutional: P-1 Zone

(1) Permitted Uses

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

- (a) School, college, university;
- (b) Church;
- (c) Rural retreat, including counseling services and facilities, subject to Section 1.23 (2);
- (d) Group home, subject to Section 1.26;
- (e) Group day care;
- (f) Assembly;
- (g) Rest home;
- (h) Library;
- (i) Government services;
- (j) Cemetery;
- (k) Multiple family dwelling.

(2) Accessory uses

- (a) Dwelling unit accessory to 4.14 (1)(a) to (j);
- (b) Uses, buildings and structures accessory to a permitted use.

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Maximum density for Multiple family dwelling:	24
(b) Minimum setbacks:	
All buildings and structures from:	
▪ front parcel line	7.5 m
▪ rear parcel line	6.0 m
▪ interior side parcel line	6.0 m
▪ exterior side parcel line	6.0 m
(c) Maximum height for all buildings and structures	10.0 m
(d) Maximum parcel coverage	25%

(4) Other Regulations

- (a) Where an accessory dwelling unit is a manufactured home, it must be located on a non-permanent foundation.
- (b) Where an accessory dwelling unit is not a manufactured home, the accessory dwelling unit must:
 - (i) be designed and constructed as an integral part of the principal building;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the building, separate from that of the principal use; and
 - (iv) be located above the first storey of the building or behind the principal use in the building.

4.15 Parks and Open Space: P-2 Zone

BL 2433
Apr 5/13

(1) Permitted uses

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

- (a) *park* and *park* reserve;
- (b) *campground*, subject to section 1.16;
- (c) sports field and athletic facility;
- (d) conservation area, recreation reserve, ecological reserve, wildlife sanctuary;
- (e) *park* office, maintenance facility and works yard;
- (f) heritage and archaeological display site;
- (g) museum;
- (h) fairground and exhibition ground;
- (i) agriculture, silviculture, horticulture, wildlife research centre, including fish hatchery;
- (j) *farm operation*;
- (k) *government services*;
- (l) community hall;
- (m) *rural retreat*, subject to section 1.23 (2).

(2) Accessory uses

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- (a) *Dwelling unit* accessory to a permitted use;
- (b) Food and beverage services accessory to a permitted use;
- (c) Uses, *buildings* and *structures* accessory to a permitted use, subject to subsection 4.15(4)(c);

(3) Regulations

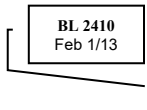
In the P-2 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum <i>setbacks</i> : All <i>buildings</i> and <i>structures</i> from: <ul style="list-style-type: none">▪ <i>front parcel line</i>▪ <i>rear parcel line</i>▪ <i>interior side parcel line</i>▪ <i>exterior side parcel line</i>	 7.5 m 6.0 m 6.0 m 6.0 m
(b) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m

(4) Other Regulations

- (a) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (b) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
 - (i) be designed and constructed as an integral part of the *principal building*;
 - (ii) be self-contained;

- (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*; and
- (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.



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

4.16 Public Works and Utility: P-3 Zone

(1) Permitted Uses

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

- (a) Cemetery, crematorium;
- (b) Public works, *vehicle* storage and equipment storage yard;
- (c) *Solid waste transfer facility* including *recycling depot*;
- (d) *Repealed by Bylaw 3219 adopted Aug. 11/23*
- (e) *Government services*;
- (f) *Farm operation*;
- (g) *Wireless communication facility*.

(2) Accessory Uses

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

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	6.0 m
▪ <i>interior side parcel line</i>	6.0 m
▪ <i>exterior side parcel line</i>	6.0 m
Additional <i>setback</i> requirements from	
▪ <i>Solid waste transfer facility</i> to any <i>dwelling unit</i> not on the same <i>parcel</i>	1000 m
(b) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m

4.17 Marine General: M-2

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(1) Permitted uses

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

(a) *Commercial marina.*

(2) Accessory uses

- (a) Uses, *buildings* and *structures* accessory to a permitted use;
- (b) Retail sales accessory to a permitted use;
- (c) *Concession stand*;
- (d) General store;
- (e) Food and beverage service;
- (f) Lighthouse;
- (g) Sani-dump facility;
- (h) *Deleted by Bylaw No. 2927 adopted Aug 2/19.*

(3) Regulations

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

COLUMN 1	COLUMN 2
(a) Minimum <i>parcel</i> size	1.0 ha
(b) Minimum <i>setbacks</i> :	
All <i>buildings</i> and <i>structures</i> from:	
▪ <i>front parcel line</i>	7.5 m
▪ <i>rear parcel line</i>	3.0 m
▪ <i>interior side parcel line</i>	3.0 m
▪ <i>exterior side parcel line</i>	3.0 m
(a) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	10.0 m
(a) Maximum size for a <i>concession stand</i>	35 m ²
(a) Maximum size for a general store	120 m ²
(a) Maximum <i>parcel</i> coverage	70%

(4) *Deleted by Bylaw No. 2927 adopted Aug. 2/19.*

This is Schedule A referred to in Bylaw No. 2320 cited as
“Regional District of East Kootenay – South Country
Zoning & Floodplain Management Bylaw No. 2320,
2011.”

“*Scott Manjak*”
Chair

“*L. V. Crane*”
Corporate Officer

August 5, 2011
Date

SCHEDULE B
FLOODPLAIN MANAGEMENT PROVISIONS

1. GENERAL REGULATIONS

1.1 Floodplain Designation

The following land is designated as *floodplain*:

- (1) Land lower than the *flood construction level* specified in section 1.2 (1).
- (2) Land within the *floodplain setbacks* specified in section 1.2 (2).

1.2 Floodplain Specifications

(1) Flood Construction Levels

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

- (a) 751.0 m for land adjacent to Lake Koocanusa;
- (b) 1.5 metres above the *ordinary high water mark* of any other *watercourse*;
- (c) 1.5 metres above the *ordinary high water mark* of any other lake, marsh or pond; or
- (d) 1.0 metre above the natural ground elevation or 0.6 metre above any obstruction that could cause ponding; or the *flood construction level* specified in an engineer’s report prepared under section 56(2) of the *Community Charter*, whichever is the highest, for those areas specified within the Special Policy Area.

(2) Floodplain Setbacks

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

- (a) 15.0 metres from the *ordinary high water mark* of any other *watercourse*;
- (b) 7.5 metres from the *ordinary high water mark* of any other lake, marsh, or pond.

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

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(3) Other Regulations

- (a) The underside of a basement floor shall not be lower than an elevation of 751.0 m.

2. APPLICATION OF FLOODPLAIN SPECIFICATIONS

2.1 (1) Pursuant to the specified *flood construction levels* and *floodplain setbacks*:

- (a) The underside of any floor system, or the top of any pad supporting any space or room, including a *manufactured home*, that is used for dwelling purposes, business, or the storage of goods, which are susceptible to damage by floodwater shall be above the specified level, and
- (b) Any landfill required to support a floor system or pad shall not extend within any setback from a *watercourse* or body of water specified by the Bylaw or the Ministry of Environment.

- (2) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the *flood construction levels* specified in section 1.2 (1). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (3) The building inspector, or such person appointed by the Board of the *Regional District* may require that a British Columbia Land Surveyors certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in section 1.2 (1) and 1.2 (2). The cost of verification shall be assumed by the landowner.

3. SPECIAL POLICY AREA

- 3.1**
- (1) Development on land in the Special Policy Area is governed by section 56 of the *Community Charter* and is subject to the minimum floodplain setback requirements identified in section 1.2.
 - (2) Special Policy Areas include alluvial fans and debris torrent fans and areas adjacent to watercourses that are subject to high velocity flows and require the assessment of a suitably qualified professional engineer.
 - (3) General exemptions outlined in Part 4 apply to Special Policy Areas.

4. EXEMPTIONS

4.1 General Exemptions

The general exemptions from *flood construction levels* are outlined in Schedule B1 of this Bylaw.

4.2 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.

5. NO REPRESENTATION

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

This is Schedule B referred to in Bylaw No. 2320 cited as
"Regional District of East Kootenay – South Country
Zoning & Floodplain Management Bylaw No. 2320,
2011."

"Scott Manjak"
Chair

"L.V. Crane"
Corporate Officer

August 5, 2011
Date

SCHEDULE B1
FLOODPLAIN MANAGEMENT PROVISIONS

GENERAL EXEMPTIONS

- (1) The following types of development are exempt from *flood construction levels* specified in section 1.2 (1) of Schedule B of this Bylaw.
- (a) A renovation of an existing *building* or *structure* that does not involve an addition thereto;
 - (b) An addition to a *building* or *structure*, at the original non-conforming floor elevation, that would increase the size of the *building* or *structure* by less than 25 percent of the floor area existing at the date of adoption of this Bylaw, provided an exemption of up to 25 percent of the floor area has not been granted previously by the Minister of Environment, and provided that the degree of nonconformity regarding the setback is not increased;
 - (c) That portion of *building* or *structure* to be used as a carport, garage, or entrance foyer;
 - (d) Farm *buildings* other than *dwelling units* and closed-sided livestock housing;
 - (e) Hot water tanks and furnaces behind *standard dykes*;
 - (f) Closed-sided livestock housing behind *standard dykes*;
 - (g) On-loading and off-loading facilities associated with water-oriented industry and portable sawmills.
- (2) The following types of development are exempt from the *flood construction levels* specified in section 1.2 (1) of Schedule B of this Bylaw, subject to the following conditions:
- (a) *Farm Dwelling Units*: Farm *dwelling units* on *parcel* sizes 8.0 ha or greater, located within the *Agricultural Land Reserve* and zoned for agricultural use, shall be located with the underside of a wooden floor system or the top of the pad of any *habitable area* (or in the case of a *manufactured home* the top pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the *flood construction levels* specified in section 1.2 (1) of Schedule B of this Bylaw, whichever is lesser.
 - (b) *Closed-sided Livestock Housing*: Closed-sided livestock housing not behind *standard dykes* shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a *manufactured home* the top pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the *flood construction levels* specified in section 1.2 (1) of Schedule B of this Bylaw, whichever is lesser.
 - (c) *Industrial Uses*: Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a *manufactured home* the top pad or the ground surface on which it is located) no lower than the *flood construction levels* specified in section 1.2 (1) of Schedule B of this Bylaw, minus *freeboard*. Main electrical switchgear shall be no lower than the *flood construction level*.

This is Schedule B1 referred to in Bylaw No. 2320 cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011."

"Scott Manjak"
Chair

"L.V. Crane"
Corporate Officer

August 5, 2011
Date