



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

**ZONING BYLAW No. 1675, 2004**

**THIS CONSOLIDATED COPY IS FOR CONVENIENCE ONLY AND HAS NO LEGAL SANCTION**

**LIST OF AMENDMENTS TO REGIONAL DISTRICT OF CENTRAL KOOTENAY ZONING BYLAW No. 1675, 2004 UP TO (see date at bottom of last page of amendments) WHICH ARE INCLUDED IN THIS CONSOLIDATED VERSION OF THE BYLAW**

| <b>Bylaw No.<br/>File No.</b>   | <b>Adopted</b>      | <b>Amendment</b>  | <b>Purpose</b>  |
|---|---------------------|---|---|
| 1698<br>Z0405A-1173.000<br>Wynndel Box  | January 22,<br>2005 | Re-designate PID 016-364-694 Pcl 2 (Expl. Plan 14020I) DL 191, KD; and PID 005-212-260 Pcl A (RP 43715I) of Pcl 4 (27388I) DL 191 from Country Residential (R2) to Medium Industrial (M2).  | To permit subject properties to be utilized as part of the sawmill operation. |
| 1738<br>4600-24<br>Z0503B-1575-1675<br>78602597000<br>78602598000<br>78602617000<br>78605526000<br>78604553000<br>78602715000<br>78602718000<br>78602740100<br>78602781000<br>78605835100 | August 27, 2005     | Re-designate properties legally described as: <ul style="list-style-type: none"> <li>• Parcel 3 (see 160532I) of Parcel A (1) (Ref Plan 1652I) Lot A District Lot 812 KD Plan 1014 PID 012-833-771,</li> <li>• Parcel A (Ref Plan 1652I) of Lot A District Lot 812 KD Plan 1014, except Parcel 3 (see 160532I) PID 012-330-850,</li> <li>• Lot A, District Lot 812, KD Plan NEP20079, PID 017-971-918,</li> <li>• Lot 1, District Lot 5617, KD Plan 4249, PID 014-988-437,</li> <li>• That part of Lot 28, District Lot 812, KD Plan 730A, LYING EAST OF HIGHWAY INCLUDED IN PL R145 EXC PL 1757, PID 016-091-531, and</li> </ul> |   |

| Bylaw No.<br>File No. | Adopted | Amendment   | Purpose  |
|-----------------------|---------|---|--|
|                       |         | <ul style="list-style-type: none"> <li>• Lot A, District Lot 812, KD Plan 1757, District Lot 812, PID 015-626-113<br/>from 'Suburban Residential (R1)' to 'Institutional (I)'.</li> <li>• Lot 1, District Lot 4592, KD Plan 2378, Except Plan NEP20353, PID 015-276-376, and</li> <li>• Lot 1, District Lot 812, KD Plan 6026, PID 010-829-849<br/>from 'Country Residential (R2)' to 'Institutional (I)'.</li> <li>• 1 ha portion of a property legally described as Parcel B (see 20387I) of the Northeast Quarter of Section 9, District Lot 812, KD Plan 730, PID 010-246-266<br/>from 'Agriculture 2 (AG2)' to 'Institutional (I)</li> <li>• 7.24 ha portion of a property legally described as District Lot 7786 KD, Except Parts included in Plans 17439 and 18381, PID 007-161-107<br/>from 'Commercial (C2)' to 'Industrial (M2)'</li> </ul> | <p>In order to reflect the current uses of the properties.</p> |

|  |                   |   |   |
|--|-------------------|---|---|
| 1766   | November 26, 2005 | Add Areas I & J into Bylaw.<br>Add Schedule B<br>Include New Division 2<br>Add Section 605 Sub 4<br>Add Division 9A Country Residential (R2SA – South Arrow)<br>Add Division 13A Rural Resource (R4SA – South Arrow)<br>Include in Division 5 – Guest<br>Add Division 38A<br>Comprehensive Development (CD1)                                    | Include all of Areas I and J into Bylaw   |
| 1788<br>Z05101-08897.340<br>Knaack           | February 25, 2006 | <ul style="list-style-type: none"> <li>• Include zone in Division 6</li> <li>• Add Division 38B Comprehensive Development (CD2)</li> <li>• Re-designate Lot 5, District Lot 7245, Kootenay District Plan 4784, In Trust for School Purposes See DD 14122 (PID 014-833-484) from Institutional (I) to Comprehensive Development (CD2)</li> </ul> | To permit subject property to allow uses in zone.   |
| 1806<br>78606319000<br>Creston Landfill      | May 27, 2006      | Re-designate a 3 ha portion of DL 16037 KD PID 014-586-941 from Agriculture 2 (AG2) to Heavy Industrial (M3)  | To allow RDCK Waste to subdivide and develop the 3 ha site to provide an alternate access from Mallory Road to the Creston Landfill and locate a weigh scale, scale house and waste transfer station on the subject site. |
| 1833<br>70910065060<br>Vicars                | November 25, 2006 | Re-designate Lot 2, District Lot 12370, Kootenay District Plan NEP23682 (PID 023-670-975) from Neighbourhood Commercial (C1) to General Commercial (C2)   | To allow development of a mini warehouse storage operation.<br>Development Permit required  |
| 1798<br>70909034000<br>Arrow Lakeside Resort | January 27, 2007  | Add “Mixed Use Developments” to the list of “Permitted Uses” identified in Division 23, Section 2300 of the “Tourist Commercial (C3)” zone  | To allow development of a condominium complex and marina  |
| 1873<br>5100-23                              | June 23, 2007     | Schedule B be amended as per Schedule A of Bylaw 1873   | Ootischenia Planning Review   |

|   |                   |   |  |
|---|-------------------|---|--|
|   |                   | Section 619 be amended by adding the Ootischenia Suburban Residential (R1A) zone<br>Division 7, Suburban Residential (R1) zone be amended by adding Ootischenia Suburban Residential (R1A) zone   |  |
| 1818<br>Z0601B-04391.000<br>J.H. Huscroft Sawmill | August 25, 2007   | Re-designate Lots 1 and 2, Plan 5104 and Pcl A (see 124108I) of Lot 25, Plan 1455, all DL 3864 from Suburban Residential (R1) to Medium Industrial (M2) and rezoning Lot 1, DL 3864, Plan NEP76811 from Heavy Industrial (M3) to Medium Industrial (M2) NOTE property is now consolidated to: Lot A, District Lot 3864, KD, Plan NEP84365 | To allow for removal of the homes on the properties and consolidate the lots with the existing J.H. Huscroft Sawmill.  |
| 1916<br>Z0709C-02284.000                          | October 27, 2007  | Re-designate a roughly 10 ha portion of a property legally described as Lot 1, District Lot 774, KD, Plan 11059 (PID 011-724-340) from Agriculture 3 (AG3) to Light Industrial (M1)   | To accommodate the existing potato processing operation as well as a proposed commercial scale water bottling business.  |
| 1892<br>Z0702A-01476.000<br>Craven                | February 23, 2008 | Re-designate Lot 28, District Lot 279, KD, Plan 1391, Except that part lying east of Cory Road as shown on said Plan (PID 015-722-228) from Country Residential (R2) to Suburban Residential (R1)   | To allow an 8 lot residential subdivision of the property.   |
| 1926<br>4600-26 (07)                              | February 23, 2008 | Text amendment to wording in Section 603.5  | Adding "or is within the ALR or created under Section 946 of the Local Government Act" to Section 603.5 – reduction of minimum lot size for a single lot for subdivision within the ALR. |
| 1980<br>Z0803J-07285.100<br>McCarthy              | July 26, 2008     | Re-designate PID 025-798-031 & 025-798-049 – Lots 1 & 2, Plan NEP74484, District Lot 4598 from General Commercial (C2) to Ootischenia Suburban Residential (R1A)  | To potentially allow the applicant to subdivide 2 lots with on-site services or up to 10 lots on community water and sewer.  |

|   |                       |   |  |
|---|-----------------------|---|--|
| 1575<br>Z0814B-04467.000<br>Petersen        | September 20,<br>2008 | Re-designate PID 016-342-139 – The Southwest Quarter of the North Half of Sublot 4, District Lot 4592, Kootenay District Plan X30, Except Parcel A (Reference Plan 58359I) and Parcel B (Reference Plan 82789I) from Agriculture 2 (AG2) to Agriculture 1 (AG 1)  | To accommodate subdivision of the property into two equal lots of 5.35 hectares (13.2 acres).  |
| 1949<br>Z0713I-01586.100<br>South East Fire | September 20,<br>2008 | Re-Designate PID 015-885-844 – Lot 3, District Lot 302A, Kootenay District, Plan 1318, Except part included in Plan 12613 from Country Residential (R2I) to Institutional (I) Site Specific - Division 32, Institutional Permitted Uses, 3200, “Government Offices” be added as a permitted use; and - Division 5, Interpretation – GOVERNMENT OFFICES means an office where government employees work. | To permit a Provincial administrative building, and associated uses for the Ministry of Forests Protection Branch.                         |
| 1985<br>Z0813B-04300.100<br>Gerlinsky       | October 25,<br>2008   | Re-designate PID 005-204-569 – Lot 1, District Lot 2546, Kootenay District Plan 13762 from Neighborhood Commercial (C1) to Suburban Residential (R1)  | To allow for the placement of an additional single family dwelling on the property for a relative.   |
| 1973<br>4600-27-Z0802-RDCK-MTI              | December 13,<br>2008  | Amend Enforcement Regulations   | To allow Municipal Ticketing on violations to the bylaw.   |
| 2046<br>Z0905B-04591.160<br>Smith           | June 25, 2009         | Rezoning a 2.0 ha (4.94 acre) portion of PID 013-669-630 – Lot 1, District Lot 4592, Kootenay District Plan 18348 from Heavy Industrial (M3) to Country Residential (R2) and the remaining 6 ha (14.82 acre) portion of the subject property from Heavy Industrial (M3) to Medium Industrial (M2).  | To allow for future subdivision of the property into several 1 ha (2.47 acre) parcels appropriate for both residential and industrial use. |
| 2010<br>4600-28-Z0821                       | June 25, 2009         | Add definitions for: Accessory Building or Structure and Principal Dwelling; delete and replace Schedule ‘A’ Division 7 Suburban Residential (R1),  | To clarify the intent, size and number of accessory buildings or structures in the R1 zones.   |

|   |                   |  |   |
|---|-------------------|--|---|
|   |                   | Development Regulations 701, 8   |   |
| 1822<br>Z0602J-10064.005<br>Woods                     | June 25, 2009     | Rezoning a 9.6 ha portion of a property legally described as District Lot 12367, Except Parts included in Plans 5198, 10912, 14116, 14228, NEP21786, NEP62159, R256 and NEP79251 (PID 007-740-069) from Rural Residential (R3) to Country Residential (R2)   | To allow for the subdivision of the property to a maximum of nine 1 ha Country Residential lots.  |
| 2057  | November 26, 2009 | Add Area K into Bylaw.<br>Add Schedule B<br>Include New Division 2<br>Add Division 9B Suburban Residential K (R1K)<br>Add Division 9B Country Residential K (R2K)<br>Add Division 12B Rural Residential K (R3K)<br>Add Division 13B Rural Resource K (R4K)<br>Add Division 15A Seasonal Residential (R7)<br>Add Division 20A Agriculture 4 K (AG4K)<br>Add Division 25A Small Scale Tourism Accommodation K (C5K)<br>Add Division 25B Resort Commercial (C6) | Include all of Area K into Bylaw  |
| 2038<br>4600-29-Z0904                                 | December 10, 2009 | Amend AG1 1600, 1601 7, 1601 9<br>Amend AG2 1700, 1701 7, 1701 9<br>Amend AG2-A 1800, 1801 6, 1801 8<br>Amend AG3 1900, 1901 7, 1901 9<br>Amend AG4 2000, 2001 7, 2001 12  | The amendments include language that supports small scale food processing in the RDCK, while protecting residents from the negative impacts of large scale feedlot or abattoir operations, or other large volume, industrial food processing. |
| 2097<br>4600-31-Z0913                                 | May 20, 2010      | Add Section 610A Shipping Containers   | The amendments include language to allow shipping containers in all zones with restrictions   |
| 2122<br>4600-20-Z0820K-29105030<br>Nakusp Greenscapes | May 20, 2010      | Re-designate a 17.20 hectare portion of PID 014-028-085 - District Lot 9152, Kootenay District, Except Plan NEP23532; a 1.10 hectare   | To allow an 11 lot subdivision along Alexander Road   |

|                              |               |   |   |
|------------------------------|---------------|---|---|
|                              |               | portion of PID 014-028-051 - District Lot 9149, Kootenay District; and a 8.75 hectare portion of PID 005-543-894 - District Lot 7896, Kootenay District, Except Plans 5875 and 17277 from Open Space (OS) to Rural Residential K (R3K)  |   |
| 2125                         | May 20, 2010  | Amend "Accessory" definition  | To permit <u>any size</u> of accessory building or structure as noted in Division 5 – Accessory, in the Country Residential (R2), and Rural Residential (R3) designations |
| 2110<br>4600-20-Z0914K-Block | June 24, 2010 | <p>Lot A, DL 100 &amp; 2451, Plan 23675 – C3 to R7</p> <p>DL 2451, except Plans 9709, NEP22912, NEP79667 – R1 to R7</p> <p>Lot C, DL 397, Plan NEP65355, exc. Plan NEP71611 – R2K to R3K</p> <p>Lot A, DL 397, Plan NEP76869 – R2K to R3K</p> <p>Lot 114, DL 397, Plan 980, exc. Plan NEP76869 – R2K to R3K</p> <p>Lot 115, 116, 117, 118, 119, DL 397, Plan 980 – R2K to R3K</p> <p>Lots 2 &amp; 3, DL 8513, Plan 1331, exc. Plan 10178 – R2K to R1K</p> <p>Lot 4, DL 8513, Plan 1331, exc. Plan 15588 – R2K to R1K</p> <p>Lot 3, DL 8513, Plan 1379 – R2K to R1K</p> <p>Lot A, DL 8513, Plan 11930 – R2K to R1K</p> <p>Lot B, DL 8513, Plan 11930 – R2K to R1K</p> <p>Sec 22 Twp 69, Pcl A (T16306) exc. Plan NEP63485 – AG2 to R2K</p> <p>Sec 22 Twp 69 Part NE ¼ Part SW of SRW R308 – AG2 to R2K</p> <p>Lot A, DL 183A, Plan NEP23556 – R2K to R1K</p> <p>Lot 2, DL 7604, Plan 918 – R2K to C3</p> | As a result of the adoption of a new Official Community Plan for Electoral Area K and the inclusion of Area K in the RDCK Zoning Bylaw No. 1675.                          |

|   |                       |  |   |
|---|-----------------------|--|---|
|   |                       | Lot B, Sec 18, Twp 70 Plan<br>NEP89323 – AG4K to R3K<br>Lot A, Sec 18, Twp 70 Plan<br>89323 – AG4K to AG2  |   |
| 2157<br><br>Z1005-<br>4600_29_Text_Abattoir | July 29, 2010         | Amending Schedule 'A'<br>Agricultural Zones to allow for<br>small scale food processing<br>that processes more than 50%<br>of off farm product and limited<br>to livestock processing with<br>specified setbacks.                                  | Text Amendment for small<br>scale food processing   |
| 2133<br><br>Z0908J-09926.000                | January 13,<br>2011   | Re-designate PID 013-236-971<br>– The east Half of the North<br>Half of DL 11917 KD from Rural<br>Residential (R3) to Rural<br>Residential (R3) Site Specific<br>including definition of ANIMAL<br>PHYSICAL REHABILITATION<br>FACILITY             | To accommodate an animal<br>rehabilitation facility.  |
| 2176<br><br>Z1003K-02839.000                | January 11,<br>2011   | Re-designate a 22 ha (55 acre)<br>portion of the property legally<br>described as PID 005-517-966,<br>District Lot 8186, Kootenay<br>District, Except Parcel A<br>(Explanatory Plan 85896I) from<br>Institutional (I) to Resort<br>Commercial (C6) | To recognize existing<br>tourist commercial use<br>following an error in zoning<br>during the Area K OCP<br>review. |
| 2206<br><br>4420-20-<br>Z1101A_2205_1178    | May 19, 2011          | Re-designate PID 010-977-732<br>DL 15727 Kootenay District<br>Except Part Plan 12945 from<br>Country Residential (R2) to<br>Tourist Commercial (C3)  | To reflect current tourist<br>commercial operation  |
| 2181<br><br>4420-20-Z1006B-<br>04570.000    | June 23, 2011         | Re-designate PID 012-564-842<br>Lot 2 DL 4592 KD Plan 8148<br>from Tourist Commercial (C3)<br>to Rural Residential B (R3B)   | To accommodate proposed<br>5 lot residential subdivision  |
| 2199<br><br>4420-20-Z1007J-10063.020        | June 23, 2011         | Re-designate PID 009-994-360<br>Lot 2 DL 12366 KD Plan 14472<br>from Rural Residential (R3) to<br>Country Residential (R2)   | To accommodate proposed<br>2 lot subdivision.   |
| 2211<br><br>4420-20-Z1102A-<br>2211_1675    | June 23, 2011         | Application of zoning within<br>the portion of Electoral Area<br>'A' Boswell   | Application of zoning<br>within the portion of<br>Electoral Area 'A' Boswell  |
| 2227<br><br>4420-20Z1104I-08897.340         | September 22,<br>2011 | Amendment to Section 3800<br>Permitted Use to remove<br>'detached' and replace with<br>'one dwelling'  | To allow for development<br>of a dwelling within an<br>existing structure.  |
| 2225  | January 19,<br>2012   | Add Area F into Bylaw.<br>Add Schedule E   | Include all of Area F into<br>Bylaw   |

|   |                              |   |  |
|---|------------------------------|---|--|
|   |                              | <p>Include No. 5 &amp; 6 Division 2<br/> Include No. 302 Division 3<br/> Include No. 5 Section 605<br/> Division 6<br/> Amend No. 12, Section 607<br/> Division 6<br/> Amend Section 619 Division 6<br/> to include R1F and R6F<br/> Add Division 7C Suburban<br/> Residential F (R1F)<br/> Add Division 15B High Density<br/> Residential (R6F)<br/> Add Division 12B Rural<br/> Residential K (R3K)</p>   |  |
| <p>2266<br/><br/> 4420-20-Z1109B-<br/> 03005.000</p>      | <p>April 12, 2012</p>        | <p>Re-designate PID 012-128-147<br/> Lot 7 Block 25 DL 812 KD Plan<br/> 1428 from Institutional (I) to<br/> Country Residential (R2)</p>  | <p>To recognize current use of<br/> Lister School property for<br/> private residential use</p>      |
| <p>2251<br/><br/> 4420-20-Z1107F-<br/> 04910.000</p>      | <p>April 12, 2012</p>        | <p>Re-designate PID 016-066-367<br/> Block F DL 917 KD Plan 764<br/> from Country Residential (R2)<br/> to Suburban Residential F<br/> (R1F)</p>  | <p>To facilitate a two lot<br/> subdivision</p>  |
| <p>1675<br/><br/> 4420-20-Z1108F-<br/> BL2264_1675</p>    | <p>May 25, 2012</p>          | <p>Re-designate PID 019-104-782<br/> – Lot B District Lot 787<br/> Kootenay District Plan<br/> NEP21895 from Manufactured<br/> Home Park (R5) to Multi-Unit<br/> Residential (R6)</p>   | <p>To recognize proposed use<br/> of vacant property<br/> adjacent to MHP</p>                        |
| <p>2308<br/><br/> 4600-20-Z1208F-Z-<br/> 2308_OCP2307</p> | <p>October 18,<br/> 2012</p> | <p>Re-designate the following:<br/> Firstly, that portion of Lot 1,<br/> District Lot 790, Kootenay<br/> District Plan 2449 (PID 008-<br/> 874-042) and Lot 2, District Lot<br/> 790, Kootenay District Plan<br/> 2449 (PID 008-874-107) from<br/> General Commercial (C2) to<br/> Light Industrial (M1);<br/> Secondly, Lot 1, District Lot<br/> 787, Plan EPP14453 (PID 008-<br/> 021-171) and Lot 29, District<br/> Lot 787, Kootenay District Plan<br/> 1329, Parcel A (Reference Plan<br/> 56923D) (PID 014-205-645)<br/> from General Commercial (C2)<br/> to Light Industrial (M1);<br/> Thirdly, by re-zoning Lot 1,<br/> District Lot 787, Kootenay<br/> District Plan 18383 (PID 013-<br/> 899-724) from Neighborhood</p> | <p>To allow for “Light<br/> Manufacturing” activities<br/> on affected properties in<br/> Area F</p> |

|   |                 |   |  |
|---|-----------------|---|--|
|   |                 | Commercial (C1) to Light Industrial (M1) site specific.   |  |
| 2385<br>4600-20-Z1401-<br>Bylaw2385_Gen_HK_Ame<br>nd_1675 | June 19, 2014   | Text amendment for inclusion of 'campground' definition and inclusion as primary 'permitted use' in the Tourist Commercial (C3) zone. Also includes amendments take Areas A, B and C out of the Bylaw as they have been repealed from this Bylaw as of November 2013.   | To recognize 'campground' as an explicit use in the Tourist Commercial (C3) zone for clarity and to also remove Areas A, B and C from the Bylaw. |
| 2400<br>Z1414-K-02773.000                                 | July 17, 2014   | Re-designate a portion of The East ½ of Block 3, District Lot 8156, Kootenay District Plan 846, Except Part Included In SRW Plan 10288 (PID 013-160-931) from the Suburban Residential (R1K) zone to the Medium Industrial (M2) zone and remainder to the Country Residential (R2K) zone.                                       | To enable the development of the property for a towing operation and vehicle storage and dismantling.  |
| 2398<br>4600-10-Z1404-2398-<br>1675-MMPR                  | August 21, 2014 | Text amendment to provide definitions and general regulations for licensed medical marihuana production and research facilities in Agricultural and Industrial zones.   | To provide clarity on the definition and regulations for licensed medical marihuana.   |
| 2452<br>4600-20-Z1501K-<br>02478.300                      | June 18, 2015   | Re-designate a 1 ha portion of lands legally described as Lot 3 DL 7700 KD Plan NEP14190 (PID 010-107-738) from Heavy Industrial (M3) to Institutional (I) and the remainder to Agriculture 3K (AG3K)   | To enable the development of a senior's housing project on lands owned by the RDCK.  |
| 2431<br>5110-20-Z1418-<br>Bylaw2431_Amend1675             | March 17, 2016  | General housekeeping amendment to correct typographical, formatting and cross-referencing errors; remove references to repealed Legislation and Bylaws; remove references specific to Electoral Areas 'A', 'B' and 'C'; provide for consistent definitions and terminology; and to include various explanatory notes to provide | To ensure Bylaw 1675 remains current and consistent throughout.  |

|                                       |                               |   |   |
|---------------------------------------|-------------------------------|---|---|
|                                       |                               | better clarity on matters contained within the Bylaw.   |   |
| 2485<br>4200-20-Z1504F-07783.350      | April 21, 2016                | Re-designate portion of Lot 1 DL 4780 & 6593 KD Plan NEP91158 (PID 028-285-654) from High Density Residential F (R6F) to Suburban Residential F (R1F) and text amendments to the R6F zone to allow servicing options              | To allow for on-site servicing for a proposed two lot subdivision   |
| 2503<br>4200-20-Z1601J-08434.000      | June 16, 2016                 | Re-designate DL7164 KD Exc (1) Parts Included in RW Plans RW 12 and RW 8744 and (2) Parts Inc. in Plans 5647, 5674, 5701, 6085, 6155, 7136, 8252, 8300, 9036, 10258 (PID 013-381-652) from Quarry (Q) to Country Residential (R2) | To facilitate a residential subdivision proposal for lands no longer actively required for aggregate purposes           |
| 2529<br>4200-20-Z1605J-07593.098      | November 17, 2016             | Re-designate Lot 69 Plan NEP795 District Lot 301A Kootenay Land District from Open Space (OS) to Rural Resource (R4)  | To facilitate residential development   |
| 2513<br>4200-20-Z1604J-07289.465      | November 17, 2016             | Re-designate a portion of Lot 91 District Lot 4598 Kootenay Land District Plan 4924 (PID 009-597-581) from Ootischenia Suburban Residential (R1A) to Light Industrial (M1) Site Specific  | To facilitate the use of the property for a Contractors Yard and Storage of Heavy Equipment within an Enclosed Building |
| 2547<br>4200-20-Z1607K-02581.000      | March 16 <sup>th</sup> , 2017 | Re-designate a portion of Crown land adjoining Lot 2 KD Plan NEP64626 District Lot 7904 (PID 024-541-541) from Open Space (OS) to Medium Industrial (M2)  | For the purposes of log storage and sorting.  |
| 2553<br>4600-20-Z1608K-01000.160      | May 18, 2017                  | Re-designate Lot A District Lot 100 KD Plan NEP85242 (PID 027-284-263) from Tourist Commercial (C3) to Rural Residential (R3)   | To enable cabins to be constructed and occupied for residential purposes  |
| 2566<br>4600-20-2017-Z1702F-08199.113 | December 14, 2017             | Re-designate Lot 13 District Lot 6300 Kootenay District Plan NEP21755 (PID 019-022-069) from Country Residential (R2) to Country Residential (R2) 'site specific'   | To enable a second dwelling to be constructed on the parcel.  |

|                                       |                     |   |  |
|---------------------------------------|---------------------|---|--|
| 2618<br>5110-20-Cannabis_Act          | January 17,<br>2019 | Text Amendments for the purposes of implementing provisions under the Cannabis Act.   | To enable retail sales, cultivation and processing of Cannabis in specified areas of the RDCK.   |
| 2657<br>4600-20-2018-Z1807J-01303.050 | March 21, 2019      | Re-designate Lot 14, Block 9, Plan NEP2933, District Lot 237, Kootenay Land District (PID: 008-384-835) from Institutional (I) to Suburban Residential (R1);<br>Lot 8, Block 9, Plan NEP2933, District Lot 237, Kootenay Land District (PID: 008-384-827) from Institutional (I) to Suburban Residential (R1);<br>Lot 1, Block 3, Plan NEP2933, District Lot 237, Kootenay Land District (PID: 008-384-801) from Institutional (I) to Suburban Residential K (R1K). | To facilitate residential development.   |
| 2652<br>4600-20-Z1805I-07595.320      | June 20, 2019       | Re-designate Lot 1 District Lot 4598 Kootenay Land District Plan NEP5848 (PID 014-327-929) from Heritage Commercial (C4) to Heritage Residential I (HR-I)<br><br>Text Amendment by adding NEW zone Heritage Residential I (HR-I)  | To allow for continued use of the subject property for residential purposes while reflecting heritage value of former Raspberry (Brilliant) School House |
| 2675<br>4600-20-Z1903K-01344.400      | July 18, 2019       | Re-designate Lot A and an Undivided 1/3 Share in Lot D, District Lot 397, Kootenay District, Plan NEP92982 (PID 029-352-118) from Rural Residential K (R3K) to Agriculture 4 K (AG4K)<br><br>Text Amendment to AG4K zone to update ALR regulation names   | To facilitate a Farm Use (winery) at the subject property.   |
| 2654<br>4600-20-Z1806F-03642.000      | July 18, 2019       | Re-designate District Lot 792 Kootenay Land District Except (1) Parcel A (Reference Plan 36390I) and (2) Parcel B (See 162067I) (PID 016-375-343) from Country Residential (R2) to Multi-Family Residential – F (MFR-F)   | To allow for continued use of a non-conforming property for multi-family residential use   |

|   |                                  |  |  |
|---|----------------------------------|--|--|
| 2668<br><br>4600-20-Z1809K-03043.000                        | July 18, 2019                    | Re-designate a portion of Lot 1 District Lot 9156 Kootenay Land District Plan NEP6680 (PID 014-045-052) from Institutional (I) to Agriculture 2 (AG2). Text Amendment to identify reduction of minimum site areas. | To facilitate subdivision  |
| 2690<br><br>4600-20-Z1908J-01303.166                        | January 16 <sup>th</sup> , 2020  | Re-designate Lot 15, Block 9, Plan NEP2933, District Lot 237, Kootenay Land District (PID 008-384-843) from Institutional (I) to Suburban Residential (R1)   | To enable residential use of the building.   |
| 2680<br><br>Z1902K – RDCK Block Amendment                   | February 20 <sup>th</sup> , 2020 | Housekeeping text amendments throughout bylaw.<br><br>Amend Schedule ‘A’ zoning map.   | To align policies and regulations with existing legislation, provide for easier interpretation and enforcement, and ensure consistency throughout the bylaws.<br>To rezone multiple properties in Electoral Area ‘K’. Deleting heritage commercial (C4) Zone |
| 2575<br><br>4600-20-Z1704F-06624.500                        | March 19 <sup>th</sup> , 2020    | Re-designate Lot 1 Plan NEP13311 DL 3690 KLD (PID: 010-630-376) from Country Residential (R2) to High Density Residential (R6)   | To bring an existing four-plex into compliance.  |
| 2721<br><br>4600-20-Z2001J-09923.000                        | January 21, 2021                 | Re-designate DISTRICT LOT 11914 KOOTENAY LAND DISTRICT PARCEL A, EXCEPT PLAN NEP88933, (SEE DD183535I). from Rural Residential (R3) to Country Residential (R2).   | To facilitate subdivision.   |
| 2733<br><br>Z2006K-01885.000-DHRS-BA000043                  | February 17 <sup>th</sup> , 2021 | Re-designate that part of the property legally described as District Lot 8186 Kootenay Land District Except Plan Exp PL 85896I (PID: 005-517-966) from Resort Commercial (C6) to Resort Commercial 2 (C7)          | To define Small Scale Water Extraction and Sales and to add it as a permitted accessory use.   |
| 2764<br><br>Z2005I-05781.000-Tarrys_Community_Hall-BA000042 | June 17, 2021                    | To add ‘Day Care Facility’ as a permitted use on the properties legally described as THAT PART OF LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 SHOWN   | To add Day Care Facility as a permitted use in the Tarrys Community Hall.  |

|  |                                   |  |   |
|--|-----------------------------------|--|---|
|  |                                   | <p>OUTLINED RED ON EXPLANATORY PLAN 35476I WHICH LIE BETWEEN THE EAST BOUNDARY OF THE EASTERLY GOVERNMENT ROAD SHOWN ON PLAN 857 AND THE WESTERLY BOUNDARY OF THE CANADIAN PACIFIC RAILWAY AS SHOWN ON PLAN 638D (PID 016-064-674)</p> <p>And</p> <p>THAT PART OF LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 SHOWN OUTLINED RED ON EXPLANATORY PLAN 35476I WHICH LIE BETWEEN THE EAST BOUNDARY OF THE EASTERLY GOVERNMENT ROAD SHOWN ON PLAN 857 AND THE WESTERLY BOUNDARY OF THE CANADIAN PACIFIC RAILWAY AS SHOWN ON PLAN 638D (PID 016-064-682)</p> |   |
| <p>2763</p> <p>Z2008J-07588.500-Seville-BA000045</p>   | <p>June 17<sup>th</sup>, 2021</p> | <p>To re-designate the property legally described as Parcel A (See 152701I), Lot 7, District Lot 4598, Kootenay District Plan 795, Except Part Included In Plan 8041 (PID 016-027-400) from Country Residential (R2) to Suburban Residential (R1)</p>  | <p>To facilitate a second dwelling and subdivision.</p>   |
| <p>2774</p> <p>Z1913F-02508.000-Maglio-BA000037</p>    | <p>June 17, 2021</p>              | <p>To re-designate the property legally described as Lot 5 District Lot 393 Kootenay District Plan 1508 Except Plan NEP64487 (PID 006-502-377) from Country Residence (R2) to Suburban Residential F (R1F)</p>   | <p>To facilitate construction of a two-family dwelling.</p>                                     |
| <p>2775</p> <p>Z2007F-10121.000-McCormick-BA000044</p> | <p>July 15, 2021</p>              | <p>To re-designate the property legally described as District Lot 12803 Kootenay District (PID 009-608-371) from Rural Residential (R3) to Agriculture 4 (AG4)</p>   | <p>To enable Micro-Cultivation, Cannabis and Micro-Processing, Cannabis as a principal use.</p> |

|   |                  |   |  |
|---|------------------|---|--|
| 2795<br><br>Z2105F-03616.100-451283_BC_LTD-BA000051 | December 9, 2021 | To re-designate the property legally described as Lot 1 District Lot 790 Kootenay District Plan NEP21799 (PID 019-052-901) from Tourist Commercial (C3) to Tourist Commercial (C3) site specific  | To permit conversion of an existing structure from a restaurant to a mini-warehouse/storage use.   |
| 2757<br><br>5110-20-Accessory Buildings and TUP's   | March 17, 2022   | Multiple Text Amendments  | Text amendments to amend parks (s. 5, 610.1, 4600), Shipping Containers (s. 610A.1), fence heights (s. 701.12, 801.12, 901.12, 2501.11, 2601.8), remove ability to construct small accessory building before principal use (s. 1101.8, 1201.7, 1501.7, 1601.7, 1701.6, 1801.8) and housekeeping. |
| 2788<br><br>Z2009J-07670.040-Haines-BA000046        | October 13, 2022 | To re-designate the property legally described as Lot 4 District Lot 4599 Kootenay District Plan 842 Except Plan 8895 (PID 014-035- 651) from Rural Residential (R3) to Country Residential (R2)  | To facilitate construction of three single detached dwellings.   |
| 2860<br><br>Z2206J-09921.020-Tassone-BA000060       | April 20, 2023   | To change the Zoning Designation of Lot 1, District Lot 11912, Kootenay District, Plan EPP82210 (PID 030-542-189) from Rural Residential (R3) to Country Residential K (R2K) and to and also reducing the minimum site area from 1 hectare to 0.79 hectare for this lot only. | To facilitate a secondary suite in an accessory building on the subject property only.   |
| 2868<br><br>Z2209J-07289.338-Horkoff-BA000064       | May 18, 2023     | Added a definition of "Secondary Suite" in Division 5.<br>Added "Secondary Suite" regulations to Division 6.<br>Added a permitted use of "Secondary Suite" on Lot 2 District Lot 4598 Kootenay Land District EPP75763 (PID 030-260-191) only.                                 | To facilitate a secondary suite on the subject property only.  |

|   |                      |   |   |
|---|----------------------|---|---|
| 2853<br><br>10/5200/20/AG<br>Agricultural Policy Review<br>– Phase 2 2019 | July 20, 2023        | Multiple text amendments  | RDCK Agriculture Policy Review Project  |
| 2872<br><br>Z2210J-07731.030-Pejski-<br>BA000065                          | February 15,<br>2024 | Re-designate LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253) from Rural Residential (R3) to Rural Residential (R3) 'site specific'.   | To permit a Kennel as an accessory use subject to a maximum of 9 dogs and the kennel structure being a minimum of 7.5 metres from interior lot lines. |
| 2802<br><br>Z2106J-07695.170-<br>Sonntag-BA000052                         | June 13, 2024        | Change the Zoning Designation of LOT 1 PLAN NEP79219 DISTRICT LOT 4599 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 12974 (026-447-185) from Rural Residential (R3) to Country Residential (R2)  | To authorize a second dwelling on the subject property only.  |
| 2958<br><br>5110-20-Provincial<br>Housing Changes                         | July 18, 2024        | Multiple Text Amendments to Interpretation, General Use Regulations and multiple zones.   | Small Scale Multi Unit Housing updates required by Bill 44 Housing Statutes (Residential Development) Amendment Act                                   |
| 2965<br><br>Z2402J-01555.100-<br>Whitehead-BA000079                       | July 18, 2024        | To change the Zoning Designation of LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 {PIO: 013-130-871} from Suburban Residential (RI) to Institutional (I) Site Specific  | To permit a daycare   |
| 2931<br><br>Z2307I-.05783.005-TSL<br>Developments LTD-<br>BA000073        | December 12,<br>2024 | To change the Zoning Designation of THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID 016-735-242) from Comprehensive Development One (CD1) to Institutional (I) | To permit a place of worship  |
| 2988<br><br>Z2309F-09451.950-<br>Scheffelmaier-BA000075                   | March 20, 2025       | To change the Zoning Designation of LOT B DISTRICT LOT 8788 KOOTENAY DISTRICT PLAN NEP63567 (PID 024-362-   | To enable a reduction of minimum lot size from 0.5 hectares to 0.4 hectares with on-site servicing for  |

|                |                 |  |   |
|----------------|-----------------|--|---|
|                |                 | 140) from Suburban Residential F (R1F) to Suburban Residential F (R1F) 'Site Specific.'  | this lot only to facilitate a two lot subdivision.  |
| Bylaw No. 2968 | April 17, 2025  | Definitions to be added to Division 5 interpretation.<br><br>Inserting a new section:<br>Division 54 - Development Permit Areas for Electoral Area I only.   | To implement the Development Permit Areas as designated in the new Area I – Sentinel Mountain OCP.  |
| Bylaw No. 3002 | June 19, 2025   | To change the zoning designation of LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228), LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567), and LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559) from Country Residential (R2) to Comprehensive Development 3 (CD3). | To authorize the expansion of the existing wood product manufacturing business that includes the construction of a new manufacturing facility/office building.  |
| Bylaw No. 3028 | June 19, 2025   | To change the Zoning Designation of LOT A DISTRICT LOT 5574 KOOTENAY DISTRICT PLAN NEP69101 (PID 025-049-780) from Country Residential (R2) to Country Residential (R2) Site-Specific  | To add "Horse Riding Area" as a permitted accessory use and further that despite section 1101(10) that the maximum gross floor area of any accessory building or structure shall not exceed 200 square metres, except for the Horse Riding Area which may be 1525m <sup>2</sup> and further that despite section 1101(11) the cumulative gross floor area of all accessory buildings or structures shall not exceed 1925m <sup>2</sup> square metres on this lot only |
| Bylaw No. 3031 | August 21, 2025 | To change the Zoning Designation of LOT 4 BLOCK 15 DISTRICT LOT 237 KOOTENAY DISTRICT PLAN 2933 (PID 015-105-725) from Suburban Residential 1 (R1) to Suburban Residential K (R1K)   | To rezone the subject property from Suburban Residential (R1) to Suburban Residential K (R1K) in order to have "Day Care Facility" listed as a permitted accessory to   |

|                |                 |  |  |
|----------------|-----------------|--|--|
|                |                 |  | allow the proponent to care for up to 12 children on the property.   |
| Bylaw No. 3032 | August 21, 2025 | To change the Zoning Designation of only the western 1.214 ha portion of the property PID: 023-636-122 from Suburban Residential K (R1K) to Multi-Unit Residential (R6) Site Specific; and further, for this portion of this lot only, despite Section 612, the number of parking spaces required for Multi-Unit Housing shall be reduced from 1.2 spaces per dwelling unit to 1.0 spaces per dwelling unit. | The purpose of this land use bylaw amendment is to rezone a 1.2 ha portion of the subject property from Suburban Residential K (R1K) to Multi-Unit Residential (R6) Site Specific. The application would facilitate the development of ten units of affordable, independent living, senior's rental housing with reduced parking requirements. |
| Bylaw no. 3053 | March 19, 2026  | Multiple Text Amendments to General Use Regulations and multiple zones to align the zoning with intent of the changes made by amending bylaw 2958 in 2024.   | Text amendments to clarify the principal dwelling density in some zones and improve the general clarity, formatting and consistency of the bylaw.  |
| Bylaw no. 3040 | March 19, 2026  | To change the Zoning Designation of LOT 2 DISTRICT LOT 7063 KOOTENAY DISTRICT PLAN NEP72348 (PID: 025-541-463) from Country Residential (R2) to Country Residential (R2) 'Site-Specific' to authorize a reduction of the minimum lot size from 1 hectare to 0.8 hectares for this lot only to facilitate a two lot subdivision.  | To facilitate a two-lot subdivision.   |

March 19, 2026

**MAPPING SCHEDULES** are available on the RDCK's [WebMap](#), please refer to the [tutorial](#) on the WebMap site for instructions on how to view the mapping. Printable copies are available by contacting the **RDCK GIS department.**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY  
ZONING BYLAW No. 1675, 2004**

**Table of Contents**

|   | PAGE             |
|---|------------------|
| <b><u>DIVISION 1 TITLE.....</u></b>   | <b><u>24</u></b> |
| <b><u>DIVISION 2 APPLICATION.....</u></b>                                   | <b><u>24</u></b> |
| <b><u>DIVISION 3 TRANSITION.....</u></b>                                    | <b><u>24</u></b> |
| <b><u>DIVISION 4 AUTHORITY AND REQUIREMENTS OF THE LEGISLATION.....</u></b> | <b><u>25</u></b> |
| JURISDICTION OF LOCAL GOVERNMENT .....                                      | 25               |
| AMENDMENT PROCEDURE .....   | 25               |
| ADMINISTRATION.....   | 25               |
| VIOLATION.....  | 26               |
| PENALTY & OFFENCE .....   | 26               |
| UNITS OF MEASURE.....   | 26               |
| SEVERABILITY.....   | 27               |
| APPEALS .....   | 27               |
| <b><u>DIVISION 5 INTERPRETATION.....</u></b>                                | <b><u>28</u></b> |
| <b><u>DIVISION 6 GENERAL REGULATIONS.....</u></b>                           | <b><u>39</u></b> |
| NON-CONFORMING USES AND SITING “GRANDFATHERING” .....                       | 39               |
| CLEAR VISION AREA.....  | 39               |
| SITE AREAS .....  | 39               |
| REDUCTION OF MINIMUM LOT SIZES.....   | 40               |
| SUBDIVISION SERVICING REQUIREMENTS .....                                    | 41               |
| SETBACK REQUIREMENTS.....   | 41               |
| SETBACK EXCEPTIONS .....  | 42               |
| HOME BASED BUSINESSES .....   | 42               |
| ACCESSORY TOURIST ACCOMMODATION .....                                       | 44               |
| STORAGE.....  | 45               |
| USES PERMITTED IN ALL ZONES .....   | 45               |
| SHIPPING CONTAINERS .....   | 45               |
| RECREATIONAL VEHICLES .....   | 46               |
| PARKING SPACE REQUIREMENTS .....  | 46               |
| OFF-STREET LOADING FACILITIES.....  | 48               |
| KEEPING OF FARM ANIMALS .....   | 53               |
| HAZARD LAND DEVELOPMENT.....  | 55               |
| MANUFACTURED HOME PARKS .....   | 55               |
| AGRICULTURAL LAND COMMISSION .....  | 55               |
| MINING ACTIVITIES .....   | 55               |
| SIGNS.....  | 55               |
| ZONE DESIGNATIONS .....   | 56               |

|   |                  |
|---|------------------|
| ZONE BOUNDARIES .....   | 57               |
| LANDSCAPING REQUIREMENTS - APPLICABILITY .....                              | 58               |
| GENERAL REGULATIONS FOR LANDSCAPING .....                                   | 58               |
| DEVELOPMENT PERMIT VARIANCES.....   | 59               |
| ACCESSORY DWELLING UNITS.....   | 59               |
| <b><u>DIVISION 7 SUBURBAN RESIDENTIAL (R1) .....</u></b>                    | <b><u>61</u></b> |
| PERMITTED USES .....  | 61               |
| DEVELOPMENT REGULATIONS .....   | 61               |
| <b><u>DIVISION 8 OOTISCHENIA SUBURBAN RESIDENTIAL (R1A).....</u></b>        | <b><u>63</u></b> |
| PERMITTED USES .....  | 63               |
| DEVELOPMENT REGULATIONS .....   | 63               |
| <b><u>DIVISION 9 SUBURBAN RESIDENTIAL F (R1F).....</u></b>                  | <b><u>65</u></b> |
| PERMITTED USES .....  | 65               |
| DEVELOPMENT REGULATIONS .....   | 65               |
| <b><u>DIVISION 10 SUBURBAN RESIDENTIAL K (R1K) .....</u></b>                | <b><u>67</u></b> |
| PERMITTED USES .....  | 67               |
| DEVELOPMENT REGULATIONS .....   | 67               |
| <b><u>DIVISION 11 COUNTRY RESIDENTIAL (R2).....</u></b>                     | <b><u>69</u></b> |
| PERMITTED USES .....  | 69               |
| DEVELOPMENT REGULATIONS .....   | 69               |
| <b><u>DIVISION 12 COUNTRY RESIDENTIAL I (R2I) .....</u></b>                 | <b><u>71</u></b> |
| PERMITTED USES .....  | 71               |
| DEVELOPMENT REGULATIONS .....   | 71               |
| <b><u>DIVISION 13 COUNTRY RESIDENTIAL K (R2K) .....</u></b>                 | <b><u>72</u></b> |
| PERMITTED USES .....  | 72               |
| DEVELOPMENT REGULATIONS .....   | 72               |
| TEMPORARY GUEST ACCOMMODATION.....  | 73               |
| <b><u>DIVISION 14 COUNTRY RESIDENTIAL SA (R2SA – SOUTH ARROW) .....</u></b> | <b><u>74</u></b> |
| PERMITTED USES .....  | 74               |
| DEVELOPMENT REGULATIONS .....   | 74               |
| TEMPORARY GUEST ACCOMMODATION.....  | 75               |
| <b><u>DIVISION 15 RURAL RESIDENTIAL (R3) .....</u></b>                      | <b><u>76</u></b> |
| PERMITTED USES .....  | 76               |
| DEVELOPMENT REGULATIONS .....   | 76               |
| <b><u>DIVISION 16 RURAL RESIDENTIAL I (R3I) .....</u></b>                   | <b><u>78</u></b> |
| PERMITTED USES .....  | 78               |
| DEVELOPMENT REGULATIONS .....   | 78               |

|   |            |
|---|------------|
| <b><u>DIVISION 17 RURAL RESIDENTIAL K (R3K)</u></b> .....           | <b>80</b>  |
| PERMITTED USES .....  | 80         |
| DEVELOPMENT REGULATIONS .....                                       | 80         |
| SMALL SCALE WOOD PRODUCT MANUFACTURING.....                         | 81         |
| TEMPORARY GUEST ACCOMMODATION.....                                  | 82         |
| <b><u>DIVISION 18 RURAL RESOURCE (R4)</u></b> .....                 | <b>83</b>  |
| PERMITTED USES .....  | 83         |
| DEVELOPMENT REGULATIONS .....                                       | 83         |
| <b><u>DIVISION 19 RURAL RESOURCE K (R4K)</u></b> .....              | <b>85</b>  |
| PERMITTED USES .....  | 85         |
| DEVELOPMENT REGULATIONS .....                                       | 85         |
| TEMPORARY GUEST ACCOMMODATION.....                                  | 86         |
| <b><u>DIVISION 20 RURAL RESOURCE (R4SA – SOUTH ARROW)</u></b> ..... | <b>88</b>  |
| PERMITTED USES .....  | 88         |
| DEVELOPMENT REGULATIONS .....                                       | 88         |
| TEMPORARY GUEST ACCOMMODATION.....                                  | 89         |
| <b><u>DIVISION 21 MANUFACTURED HOME PARK (R5)</u></b> .....         | <b>91</b>  |
| PERMITTED USES .....  | 91         |
| DEVELOPMENT REGULATIONS .....                                       | 91         |
| <b><u>DIVISION 22 MULTI-UNIT RESIDENTIAL (R6)</u></b> .....         | <b>92</b>  |
| PERMITTED USES .....  | 92         |
| DEVELOPMENT REGULATIONS .....                                       | 92         |
| <b><u>DIVISION 23 HIGH DENSITY RESIDENTIAL (R6F)</u></b> .....      | <b>93</b>  |
| PERMITTED USES .....  | 93         |
| DEVELOPMENT REGULATIONS .....                                       | 93         |
| <b><u>DIVISION 24 MULTI-UNIT RESIDENTIAL - F (MFR-F)</u></b> .....  | <b>94</b>  |
| PERMITTED USES .....  | 94         |
| DEVELOPMENT REGULATIONS .....                                       | 94         |
| <b><u>DIVISION 25 SEASONAL RESIDENTIAL (R7)</u></b> .....           | <b>96</b>  |
| PERMITTED USES .....  | 96         |
| DEVELOPMENT REGULATIONS .....                                       | 96         |
| <b><u>DIVISION 26 HERITAGE RESIDENTIAL – I (HR-I)</u></b> .....     | <b>98</b>  |
| PERMITTED USES .....  | 98         |
| <b><u>DIVISION 27 AGRICULTURE 1 (AG1)</u></b> .....                 | <b>99</b>  |
| <b><u>DIVISION 28 AGRICULTURE 2 (AG2)</u></b> .....                 | <b>102</b> |
| <b><u>DIVISION 29 AGRICULTURE 3 (AG3)</u></b> .....                 | <b>105</b> |

|                           |   |                   |
|---------------------------|---|-------------------|
| <b><u>DIVISION 30</u></b> | <b><u>NEIGHBOURHOOD COMMERCIAL (C1)</u></b>             | <b><u>108</u></b> |
| PERMITTED USES            |   | 108               |
| DEVELOPMENT REGULATIONS   |   | 108               |
| <b><u>DIVISION 31</u></b> | <b><u>GENERAL COMMERCIAL (C2)</u></b>                   | <b><u>110</u></b> |
| PERMITTED USES            |   | 110               |
| DEVELOPMENT REGULATIONS   |   | 110               |
| <b><u>DIVISION 32</u></b> | <b><u>TOURIST COMMERCIAL (C3)</u></b>                   | <b><u>112</u></b> |
| PERMITTED USES            |   | 112               |
| DEVELOPMENT REGULATIONS   |   | 112               |
| <b><u>DIVISION 33</u></b> | <b><u>SMALL SCALE TOURISM ACCOMMODATION (C5)</u></b>    | <b><u>114</u></b> |
| PERMITTED USES            |   | 114               |
| DEVELOPMENT REGULATIONS   |   | 114               |
| <b><u>DIVISION 34</u></b> | <b><u>SMALL SCALE TOURISM ACCOMMODATION K (C5K)</u></b> | <b><u>116</u></b> |
| PERMITTED USES            |   | 116               |
| DEVELOPMENT REGULATIONS   |   | 116               |
| <b><u>DIVISION 35</u></b> | <b><u>RESORT COMMERCIAL (C6)</u></b>                    | <b><u>118</u></b> |
| PERMITTED USES            |   | 118               |
| DEVELOPMENT REGULATIONS   |   | 118               |
| <b><u>DIVISION 36</u></b> | <b><u>RESORT COMMERCIAL 2 (C7)</u></b>                  | <b><u>120</u></b> |
| PERMITTED USES            |   | 120               |
| DEVELOPMENT REGULATIONS   |   | 120               |
| <b><u>DIVISION 37</u></b> | <b><u>LIGHT INDUSTRIAL (M1)</u></b>                     | <b><u>122</u></b> |
| PERMITTED USES            |   | 122               |
| DEVELOPMENT REGULATIONS   |   | 123               |
| <b><u>38</u></b>          | <b><u>MEDIUM INDUSTRIAL (M2)</u></b>                    | <b><u>124</u></b> |
| PERMITTED USES            |   | 124               |
| DEVELOPMENT REGULATIONS   |   | 124               |
| <b><u>DIVISION 39</u></b> | <b><u>HEAVY INDUSTRIAL (M3)</u></b>                     | <b><u>125</u></b> |
| PERMITTED USES            |   | 125               |
| DEVELOPMENT REGULATIONS   |   | 125               |
| <b><u>DIVISION 40</u></b> | <b><u>INDUSTRIAL - LOGGING (M4)</u></b>                 | <b><u>126</u></b> |
| PERMITTED USES            |   | 126               |
| DEVELOPMENT REGULATIONS   |   | 126               |
| <b><u>DIVISION 41</u></b> | <b><u>INDUSTRIAL - RAILWAY (M5)</u></b>                 | <b><u>127</u></b> |
| PERMITTED USES            |   | 127               |
| DEVELOPMENT REGULATIONS   |   | 127               |

|  |            |
|--|------------|
| <b><u>DIVISION 42 INDUSTRIAL - AIRPORT (M6)</u></b> .....  | <b>128</b> |
| PERMITTED USES .....   | 128        |
| DEVELOPMENT REGULATIONS .....  | 128        |
| <b><u>DIVISION 43 INSTITUTIONAL (I)</u></b> .....  | <b>129</b> |
| PERMITTED USES .....   | 129        |
| DEVELOPMENT REGULATIONS .....  | 130        |
| <b><u>DIVISION 44 PARK AND RECREATION (PR)</u></b> .....   | <b>131</b> |
| PERMITTED USES .....   | 131        |
| DEVELOPMENT REGULATIONS .....  | 131        |
| <b><u>DIVISION 45 SPECIAL RECREATION 1 (PR1)</u></b> .....   | <b>132</b> |
| PERMITTED USES .....   | 132        |
| DEVELOPMENT REGULATIONS .....  | 132        |
| <b><u>DIVISION 46 OPEN SPACE (OS)</u></b> .....  | <b>133</b> |
| PERMITTED USES .....   | 133        |
| DEVELOPMENT REGULATIONS .....  | 133        |
| <b><u>DIVISION 47 QUARRY (Q)</u></b> .....   | <b>134</b> |
| PERMITTED USES .....   | 134        |
| DEVELOPMENT REGULATIONS .....  | 134        |
| <b><u>DIVISION 48 ENVIRONMENTAL RESERVE (ER)</u></b> .....   | <b>135</b> |
| PERMITTED USES .....   | 135        |
| DEVELOPMENT REGULATIONS .....  | 135        |
| <b><u>DIVISION 49 FOREST RESOURCE (FR)</u></b> .....   | <b>136</b> |
| PERMITTED USES .....   | 136        |
| DEVELOPMENT REGULATIONS .....  | 136        |
| <b><u>DIVISION 50 COMPREHENSIVE DEVELOPMENT (CD1)</u></b> .....                                      | <b>137</b> |
| PERMITTED USES .....   | 137        |
| DEVELOPMENT REGULATIONS .....  | 137        |
| <b><u>DIVISION 51 COMPREHENSIVE DEVELOPMENT (CD2)</u></b> .....                                      | <b>138</b> |
| PERMITTED USES .....   | 138        |
| DEVELOPMENT REGULATIONS .....  | 138        |
| <b><u>DIVISION 52 COMPREHENSIVE DEVELOPMENT (CD3)</u></b> .....                                      | <b>140</b> |
| <b><u>DIVISION 53 DEVELOPMENT PERMIT AREAS</u></b> .....   | <b>141</b> |
| <b><u>DIVISION 54 ELECTORAL AREA 'I' AQUIFER PROTECTION DEVELOPMENT PERMIT (APDP) AREA</u></b> ..... | <b>143</b> |
| ACTIVITIES THAT REQUIRE A DEVELOPMENT PERMIT .....   | 143        |
| EXEMPTIONS .....   | 143        |

|  |            |
|--|------------|
| GUIDELINES .....   | 144        |
| <b><u>DIVISION 55 ELECTORAL AREA 'I' INDUSTRIAL AND COMMERCIAL DEVELOPMENT PERMIT (ICDP) AREA PROHIBITION.....</u></b> | <b>146</b> |
| EXEMPTIONS.....  | 146        |
| GUIDELINES .....   | 146        |
| <b><u>DIVISION 56 ELECTORAL AREA 'I' RIPARIAN PROTECTION DEVELOPMENT PERMIT (RPDP) AREA .....</u></b>                  | <b>148</b> |
| INTERPRETATION .....   | 148        |
| ACTIVITIES THAT REQUIRE A DEVELOPMENT PERMIT.....  | 148        |
| EXEMPTIONS.....  | 148        |
| GUIDELINES .....   | 150        |
| <b><u>DIVISION 57 ELECTORAL AREA 'I' WILDFIRE DEVELOPMENT PERMIT (WDP) AREA.....</u></b>                               | <b>154</b> |
| INTERPRETATION .....   | 154        |
| ACTIVITIES THAT REQUIRE A DEVELOPMENT PERMIT.....  | 154        |
| EXEMPTIONS.....  | 154        |
| GUIDELINES .....   | 155        |

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**  
**ZONING BYLAW No. 1675, 2004**

The BOARD of the Regional District of Central Kootenay in open meeting assembled ENACTS as follows:

**DIVISION 1 TITLE**

100 This Bylaw may be cited for all purposes as the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

**DIVISION 2 APPLICATION**

200 The Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 applies to the following areas of the Regional District:

- 1 All of Electoral Area F; Electoral Area I; Electoral Area J – Lower Arrow/Columbia; and Electoral Area K –The Arrow Lakes, as identified on Schedule ‘A’ – Zoning Map.

201 The provisions of this Bylaw include:

- 1 Schedule ‘A’ – Zoning Map.
- 2 The boundaries of the zones listed in this Bylaw, together with any explanatory legends, notations and reference in respect thereof, are delineated and described on the “Zoning Map” noted which consists of a computer record compiled by means of geographic information software. The “Zoning Map” is kept in the office of the Secretary and in the Planning Department at the Regional District office. The Schedules form part of this Bylaw. A generalized diagrammatic representation of the Zoning Map is annexed to this Bylaw as Schedule ‘A’. In the event of a conflict or inconsistency between Schedule ‘A’ and the Zoning Map, and in the event that the Zoning Map shows and provides more information than Schedules, then in all such cases the Zoning Map shall prevail.

202 The attached schedules form part of this Bylaw and constitute the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 pursuant to Part 14 of the *Local Government Act* of British Columbia.

**DIVISION 3 TRANSITION**

300 The Regional District of Central Kootenay Creston Valley Land Use Bylaw No. 795, 1989, is hereby repealed.

301 The Regional District of Central Kootenay Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 2000, is hereby repealed.

- 302 The Zoning portion of Regional District of Central Kootenay Electoral Area K – The Arrow Lakes Rural Land Use Bylaw No. 1248, 1997 is hereby repealed.
- 303 The Zoning portion of Regional District of Central Kootenay Electoral Area F Rural Land Use Bylaw No. 951, 1992 is hereby repealed

## **DIVISION 4 AUTHORITY AND REQUIREMENTS OF THE LEGISLATION**

### **Jurisdiction of Local Government**

#### **400 Jurisdiction of the Local Government**

- 1 Section 479 of the *Local Government Act* lists the elements that may be addressed in a zoning bylaw.
- 2 Section 525 of the *Local Government Act* allows the Regional District to require owners or occupiers of land, buildings or structures to provide off-street parking and loading spaces.
- 3 Section 526 of the *Local Government Act* allows the Regional District to regulate the number, size, type, form, appearance and location of any signs.
- 4 Section 527 of the *Local Government Act* allows the Regional District Board to set standards for and to regulate the provision of screening and landscaping to mask and separate uses.
- 5 Section 514(4) of the *Local Government Act* allows the Regional District to establish the minimum parcel size to allow subdivision to provide a residence for a relative.

### **Amendment Procedure**

#### **401**

- 1 The Zoning Bylaw may be amended by the Board of the Regional District on its own initiative or in response to an application for amendment.
- 2 Amendments to this bylaw may be made pursuant to all applicable requirements of the Local Government Act and any applicable Regional District of Central Kootenay Planning Procedures Bylaw.

### **Administration**

#### **402**

- 1 The Bylaw Enforcement Officer and such other persons appointed by the Board of the Regional District of Central Kootenay is hereby authorized to administer and enforce this Bylaw and to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions, and requirements of this Bylaw are being met.

## **Violation**

403

- 1 Any person who:
  - Violates any of the provisions of this Bylaw commits an offence;
  - Causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
  - Neglects or omits to do anything required under this Bylaw;
  - Carries out, causes, or permits to be carried out any use, construction or subdivision in a manner prohibited by or contrary to any of the provisions of this Bylaw;
  - Fails to comply with an order, direction or notice given under this Bylaw; or
  - Prevents or obstructs or attempts to prevent or obstruct the authorized entry of a bylaw enforcement officer onto property;

will be guilty, upon summary conviction, of an offence under this Bylaw.

## **Penalty & Offence**

404

- 1 Any person who violates bylaw provisions may, on summary conviction, be liable to a minimum penalty of not less than two hundred dollars (\$200.00), plus the cost of prosecution, pursuant to the Offence Act of British Columbia.
- 2 Penalties will double upon the third and subsequent offences.
- 3 The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.
- 4 Penalties are subject to the conditions of any applicable RDCK Municipal Ticketing Information Bylaw and RDCK Bylaw Enforcement Notice and Dispute Adjudication System Bylaw as amended or replaced from time to time.
- 5 Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.

## **Units of Measure**

405 All units of measure contained within this bylaw are metric standards.

### **Severability**

406 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the validity of the remaining portions of this bylaw shall not be affected.

### **Appeals**

407

- 1 An appeal for a minor variance may be available to the Board of Variance in accordance with Section 540 of the *Local Government Act*.
- 2 A Development Variance permit may be issued by the Board subject to Section 498 of the *Local Government Act*.

READ A FIRST TIME this 21st day of August, 2004.

READ A SECOND TIME this 21st day of August, 2004.

WHEREAS A PUBLIC HEARING was held on the 29th day of September, 2004.

READ A THIRD TIME this 23rd day of October, 2004.

APPROVED under Section 57 of the Highways Act this 16th day of November, 2004.

“P. Best”

District Development Technician

Ministry of Transportation

RECONSIDERED AND ADOPTED this 20th day of November, 2004.

“Hans Cunningham”, RDCK Board Chair

“Carol McGowan”, Secretary

## **DIVISION 5 INTERPRETATION**

In this bylaw, unless the context otherwise requires:

**ACCESSORY** means a use or structure naturally and normally incidental, subordinate and devoted to the principal use or structure and located on the same lot or site;

**ACCESSORY BUILDING OR STRUCTURE** means a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal building. Accessory buildings or structures may not contain a dwelling unit;

**ACCESSORY DWELLING UNIT** means a building, or part of a building containing only one dwelling unit that is secondary to a principal dwelling located on the same property;

**ACCESSORY TOURIST ACCOMMODATION** means accessory bed and breakfast operations or camping facilities providing temporary accommodation of the travelling public;

**ACTIVE FLOODPLAIN**, in relation to a watercourse, means land that is:

- a. adjacent to the watercourse;
- b. inundated by the 1 in 5 year return period flow of the watercourse; and,
- c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

**AGRICULTURE** means the use of land, buildings or structures for a farm operation;

**ALLUVIAL FAN** means an alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream or other water body;

**ANIMAL PHYSICAL REHABILITATION FACILITY** means a facility for the care, examination and treatment of sick, ailing, infirm, injured or post-operative pets, and may include accessory short term accommodation of pets, pet grooming and pet clinics, but does not include animal breeding and boarding, or animal shelters.

**BED AND BREAKFAST** means an accessory use located wholly within single detached housing that provides temporary lodging for tourists and visitors;

**BOARD** means the Board of the Regional District of Central Kootenay;

**BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy, and includes a manufactured home; but does not include a recreational vehicle, tent or park model recreational unit;

**BUFFER AREA** means a landscaped area intended to separate one use from another;

**BYLAW ENFORCEMENT OFFICER** means a Bylaw Enforcement Officer of the Regional District of Central Kootenay;

**CABIN** means one (1) self contained or non-self contained structure no larger than 100 square metres intended for the purposes of temporary or seasonal residential purposes or temporary lodging for tourists and visitors;

**CAMPGROUND** means a site used or intended to be used for temporary accommodation of persons in recreational vehicles or tents for less than 30 consecutive days, but excludes a manufactured home park (as defined by this Bylaw); campgrounds may offer central washrooms or full or partial hook-ups, in addition to common amenity areas and facilities; such as a sani-dump, showers, laundry facilities, playgrounds, picnic and day use areas, recreational trails, swimming pools, recreational facilities, marinas, boat launches, convenience stores or other similar uses;

**CANNABIS** means cannabis as defined in the *Cannabis Act* (Canada);

**CANNABIS RETAIL STORES** means the premises specified in a *retail cannabis license* where the retail sale of cannabis is authorized;

**CARETAKER SUITE** means a dwelling unit within a building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, a residence for the site caretaker, operator of a commercial establishment, or on-duty security personnel. No more than one caretaker suite is permitted on a site;

**CHURCH** means an assembly building used for religious worship, which is maintained and controlled by a religious body organized to sustain public worship;

**COMMERCIAL BACK COUNTRY RECREATION** means remote facilities for the purpose providing accommodation for backcountry recreation activities such as hiking, skiing, biking, kayaking and similar activities;

**COMMUNITY CARE FACILITY** means any facility licensed by the Provincial government as a community care facility or social care facility or like establishments not licensed by the Province;

**COMMUNITY HALL** means a building or part of a building designed for, or intended to be used by the public for such purposes as civic meetings, educational meeting, political meetings, recreational activities or social activities and may include banquet facilities;

**COMMUNITY RECREATION CENTRE** means a building or part of a building designed for, or intended to be used by the public for such purposes including recreational activities, leisure activities, social activities and community meetings and may include swimming pools, playgrounds, tennis courts, gymnasiums, meeting rooms or other similar communal recreational assets;

**COMMUNITY WASTEWATER SYSTEM** means a system owned and operated by the Regional District, Strata Corporation, Utility or Corporation (private or public) for the collection, treatment and disposal of sanitary waste, which serves two (2) or more lots and is operated under the *Public Health Act* or the *Environmental Management Act*;

**COMMUNITY WATER SYSTEM** means a system of waterworks approved under the *Drinking Water Protection Act*, which is owned, operated, and maintained by the Regional District, and Improvement District or Utility operating under the jurisdiction of the Province;

**CONVENIENCE STORE** means a retail sales outlet which sells or offers for sale foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods, or plants;

**CONVENTION FACILITIES** means a building or structure, or a group of buildings or structures, designed to host conventions, exhibitions, markets, festivals, meetings, seminars, shows and similar activities.

**CURIO-SHOP** means a retail sales outlet which sells or offers for sale antiques, collector items, art, bric-a-brac or objects of curiosity;

**DAY CARE FACILITY** means a building Provincially licensed as a community care facility in which care, supervision or any form of educational or social training not provided under the School Act is provided for any portion of the day to three or more children under six years of age not forming part of the operator's household;

**DENSITY** means the number of dwelling, visitor or resort accommodation units on a site expressed as a maximum number of units per lot, or alternatively as the site area required per unit;

**DEVELOPMENT** means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;

**DUPLEX HOUSING** means a building designed exclusively to accommodate two households living independently in separate dwelling units above, below or beside each other. This type of development is designed and constructed as two dwelling units at initial construction;

**DWELLING UNIT** means one or more rooms with self-contained kitchen, living, sleeping and sanitary facilities, used or intended to be used as a residence for no more than one household;

**EDUCATIONAL FACILITIES** means a building(s) including residences, structures and grounds associated with the operation of a school, college, university or training centre;

**EXTERIOR SIDE LOT LINE** means the lot line or lines not being the front or rear lot line, common to the lot and a street;

**FARM ANIMALS** means any domesticated animal normally raised for food, milk or as a beast of burden and without limiting the generality of the foregoing, includes: horses, cattle, sheep, goats, swine, fur-bearing animals, poultry, rabbits and bees;

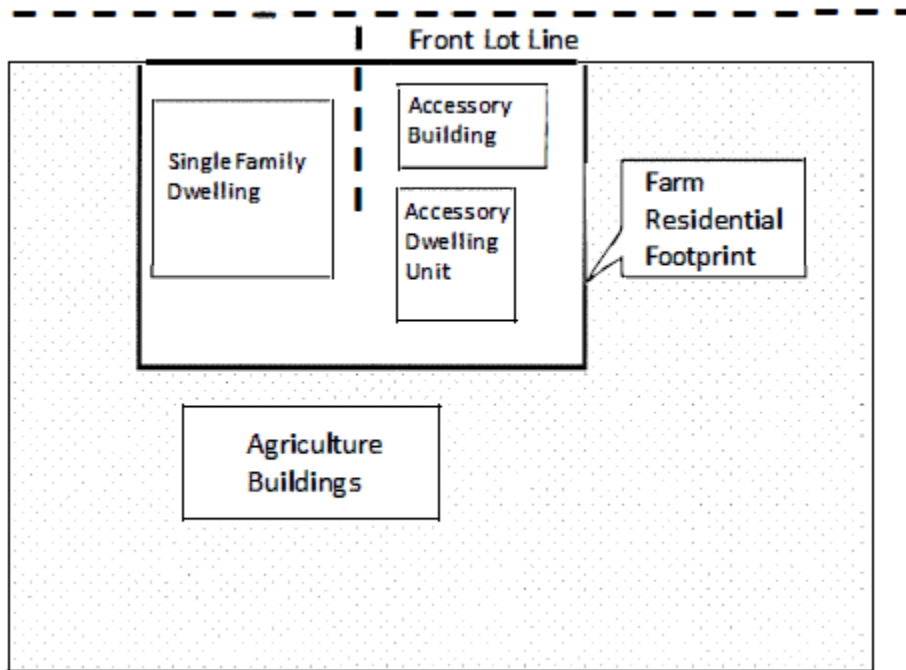
**FARM BUSINESS** means a business in which one (1) or more farm operations are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more farm operations;

**FARM OPERATION** means an activity in carrying out a farm business as defined in the *Farm Practices Protection (Right to Farm) Act*.

**FARM PRODUCT** means a commodity that is produced from a farm operation;

**FARM RESIDENTIAL FOOTPRINT** means the portion of a lot that includes dwelling units and accessory residential buildings, structures or improvements such as detached garages or

carports, driveways to residences, seasonal campsites, decorative landscaping, residential-related workshop, toll and storage sheds, artificial ponds not serving farm drainage, irrigation needs or aquaculture use and residential-related recreation areas such as swimming pools and tennis courts;



**FARMER’S MARKET** means a market whose vendors either make, bake or grow the products they produce, where farmer’s and/or their families display and sell locally grown or processed foods with only a limited number of non-food crafts and no imported products;

**FARMWORKER HOUSING, TEMPORARY** means a camping operation in tents or recreational vehicles that is accessory to a farm business and is used for providing temporary accommodation to a farmworker(s) as necessary for the agricultural labour needs of a farm business and must include washing and bathing facilities;

**FOOD PROCESSING** means an establishment in which food is processed or otherwise prepared for human consumption, but not consumed on the premises;

**FRONT LOT LINE** means the lot line common to the lot and an abutting street, or where there is more than one (1) lot line common to abutting streets, the shortest of these lines shall be considered as the front lot line; or in the case of a lot abutting two (2) parallel or approximately parallel streets, the lot lines abutting these two (2) streets shall be considered as front lot lines;

**GAME** means game as defined in the *Game Farm Act* that is being raised for a farm operation under licence issued pursuant to that Act;

**GOLF COURSE** means a public or private area operated for the purpose of playing golf and may include, but is not limited to, golf courses, club houses, and accessory driving ranges;

**GOVERNMENT OFFICES** means an office where government employees work;

**GROSS FLOOR AREA (G.F.A)** means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of crawl spaces, unfinished attics, attached garages, carports, and unenclosed porches, balconies and terraces;

**GROSS LEASABLE AREA (G.L.A)** means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors, expressed in square metres and measured from the centreline of joint partitions and from outside wall faces;

**GROUP CARE FACILITIES** means a type of facility, which provides a living environment for up to eight persons under care who operate as the functional equivalent of a household; including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents;

**GUEST** for the purposes of the R2K, R2SA, R3K, R4K and R4SA zones means a family member or others occupying a cabin or recreation vehicles at the invitation of the owner.

**HEIGHT** means the vertical distance measured from the average finished ground level at the perimeter of a building or structure to the highest point of the structure;

**HIGH WATER MARK** means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

**HIGHWAY** means a street, road, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property;

**HOME BASED BUSINESS** means any home craft, professional practice, or other means of livelihood which is carried on within a dwelling unit or accessory building or structure by a permanent resident of the dwelling unit;

**HORTICULTURE** means growing of fruits, vegetable, flowers or ornamental plants for resale with or without greenhouses;

**HOTEL** means a building or buildings containing housekeeping and/or sleeping units each with separate entrances from a common hallway and designed to provide temporary accommodation for the travelling public;

**HOUSEHOLD** means:

- a) a person; or
- b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using a common kitchen; or
- c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using a common kitchen; or
- d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster

care; all living together in one dwelling unit as a single household using a common kitchen;

in addition, a household may also include up to one housekeeper or nanny;

**HOUSEKEEPING UNIT** means a room with a kitchen used for the temporary accommodation of travellers;

**INTERIOR SIDE LOT LINE** means the lot line or lines, not being the front or rear lot line, common to more than one lot;

**INTERPRETIVE FACILITIES** means a building or structure or group of buildings or structures that provides interpretation of a place of interest through a variety of media, such as displays and exhibitions of material, and, may include facilities such as trails;

**JUNK YARD** means the collection or accumulation of rubbish, garbage, bottles, broken glass or other discarded materials or unwholesome materials or ashes on real property, except where the owner of the real property holds a valid permit respecting those items under the *Waste Management Act*; or the outside storage or accumulation on real property of any building material, whether new or used, where there is no apparent or real construction occurring on the real property for which the materials are required; or the outside storage or accumulation on real property of any goods or merchandise which is offered or intended to be offered for sale, unless that real property is used solely for the wholesale or retail sale of those goods or merchandise;

**KENNEL** means a building, structure, compound, group of pens or cages or property where four (4) or more adult dogs (dogs aged six (6) months and older) are, or are intended to be trained, cared for, bred, boarded or kept either for commercial, hobby or not-for-profit purposes; and where dogs bred on the same property and pet supplies may be made available for auxiliary sale.

**KITCHEN** means facilities intended to be used for the preparation or cooking of food, and includes any room or portion of a room containing cooking appliances including, without limitation, stoves or ovens. Plumbing, wiring or provision for a stove or oven constitutes the existence of such appliances;

**LAKE** means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

**LANDSCAPE SCREEN** means a continuous fence, wall, compact evergreen hedge or combination thereof that screens the property that it encloses and is broken only by access drives, walks and lanes;

**LAUNDROMAT** means an establishment with self-service operated washing and drying machines intended for public use;

**LIVESTOCK** means cattle, horses, swine, farmed game, mules, asses, musk oxen, llamas, alpacas, ostriches, rheas and emus;

**LODGE** means an establishment for the use of tourists consisting of three or more attached or detached sleeping units and includes recreational facilities;

**LOT** has the same meaning as parcel under the *Local Government Act*, and means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

**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, and to provide a dwelling or premises, and which conforms to the requirements of the British Columbia Building Code and manufactured to and compliant with the Canadian Standards Association (CSA) Z-240 MH and CSA A277 MH series of standards;

**MANUFACTURED HOME PARK** means a manufactured home park as defined in any applicable Manufactured Home Park Bylaw currently in effect in the Regional District of Central Kootenay;

**MARINA** means the use of land or surface of water for the sale, servicing and/or rental of boats, marine engines, marine supplies, marine fuel, and docking facilities for the use of recreational boating vessels;

**MICRO CULTIVATION, CANNABIS** means the small scale growing of cannabis plants and harvesting material from those plants, and associated activities authorized under the *Cannabis Act* (Canada);

**MICRO PROCESSING, CANNABIS** means the small scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors, as well as associated activities as authorized under the *Cannabis Act* (Canada);

**MIXED USE DEVELOPMENT** means the use of a building or buildings on a site involving more than one (1) permitted use as defined in the appropriate zone and incorporates residential use as being integral to the development;

**MOTEL** means a building or buildings containing housekeeping and/or sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

**MULTI-UNIT HOUSING** means a detached building, used exclusively for residential purposes, consisting of three or more dwelling units, either with private individual access or common access intended to be used as a residence by three or more households living independently of each other;

**MUSEUM** means an outdoor area, building, or group of buildings in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited;

**NURSERY, CANNABIS** means the growing of cannabis plants to produce the starting material (seed and seedlings) and associated activities as authorized under the *Cannabis Act* (Canada);

**OFFICE** means a building or structure, or one or more rooms within a building or structure used to conduct the business of a professional, commercial, industrial or bureaucratic organisation;

**OUTDOOR RECREATIONAL ACTIVITIES** means development that provides facilities for use by the public at large for sports and active recreation conducted outdoors and may include Tourist Accommodation for remote locations;

**PARK** means land which is publicly owned or under the control of a government agency, or owned or managed by a community association or other registered non-profit association used for the outdoor recreation and enjoyment of the public including playgrounds, playing fields, trails, skate parks, allotment gardens, green space, buffers, ecological and archaeological conservation areas, nature and cultural interpretation areas, and similar land uses. It may include Buildings and Structures ancillary to the Park;

**PARK MODEL TRAILER** means a recreational vehicle under CSA Z241 standards designed as living quarters for seasonal recreation accommodation, which can be relocated on occasion, and must be connected to those utilities necessary for the operation of installed fixtures and appliances, and has a gross floor area, including lofts, not exceeding 50 square metres when in the set up mode, and has a width no greater than 4.42 metres in the transit mode. A park model trailer shall not be considered a dwelling unit;

**PERMANENT FOUNDATION** means a foundation that irreversibly alters the land that it is constructed on and is physically difficult to remove once a structure is no longer required;

**PERMITTED USE** means the principal, permissible purpose for which land, buildings or structures may be used, and for the purposes of this Bylaw all uses not listed as permitted shall be deemed to be a prohibited use within the applicable zone;

**PERSONAL SERVICE ESTABLISHMENT** means uses that provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects;

**POULTRY** means any domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes and includes, but not limited to broilers, layers, turkeys, partridge species, pheasant species, quail, silkie and squab;

**PRINCIPAL BUILDING** means the main building on a lot in which the majority of the space is used for a permitted principal use or uses;

**PRINCIPAL DWELLING** means a principal dwelling unit that consists of a self-contained set of rooms located in a building; is used or intended for use as a residential premises, and contains kitchen and bathroom facilities that are intended to be exclusive to the unit; and is not an accessory dwelling unit, or any vehicle;

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

**PUB** means development holding a Liquor Primary License where food and alcoholic beverages are offered for sale to the public, for consumption within the premises or off the site;

**REAR LOT LINE** means the lot line opposite to, and most distant from the front lot line, or, where the rear portion of the lot is bounded by intersecting side lot lines, the rear lot line shall be deemed to be the point of such intersection;

**RECREATIONAL VEHICLE** means a vehicle, either designed to be towed behind a motor vehicle or self propelled, and includes such vehicles commonly known as travel trailers, fifth wheels,

campers, motor homes, or other similar vehicles designed to provide temporary accommodation for recreational, camping, or travel use;

**REGIONAL DISTRICT** means the Regional District of Central Kootenay;

**REGISTERED PROFESSIONAL FORESTER** means a professional forester as defined in the *Professional Governance Act*.

**RESORT** means a building or group of buildings or an area, used by the travelling public for accommodation on a temporary and seasonal basis, and may include accessory retail, banquet, conference, sports and entertainment facilities;

**RESOURCE BASED ACTIVITIES** means activities related to forest harvesting and management, natural resource extraction, natural resource processing, and resource based outdoor recreation;

**RESOURCE PROCESSING** means a use providing for the processing of primary mineral resources mined on-site, including preliminary grading, washing, and crushing of such materials, but excluding all other processing or manufacturing;

**RESTAURANT** means a permanent and fixed premises in which food is prepared, cooked and served to the public in exchange for money for service or to which the public have access for the purpose of purchasing prepared food for human consumption on the premises. These establishments may be holders of a Food Primary License;

**RETAIL CANNABIS LICENSE** means a license issued under the *Cannabis Control and Licensing Act of British Columbia*;

**RETAIL STORES** means a place of business in which merchandise is sold;

**RETAINING WALL** means a structure constructed to hold back, stabilize, or support soil.

**RETREAT CENTRE** means a facility that includes overnight accommodation that primarily delivers spiritual and/or physical well-being programmes and includes church camps and similar uses;

**RIPARIAN ASSESSMENT AREA** means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

**SCREENING** means a fence or landscaping or combination thereof that obstructs certain view of the property;

**SECONDARY SUITE** means an accessory dwelling unit that is located in and forms part of a principal dwelling;

**SERVICE STATION** means any building or land used for the retail sale of motor fuels and products and may include automobile diagnostic centres, the servicing and minor repairing of motor vehicles, the sale of automotive accessories, convenience store facilities and the sale of liquor

**SETBACK** means the measured distance from a specified property line and/or specified natural feature in which building is prohibited;

**SHIPPING CONTAINER** means a non-combustible, portable unit designed and fabricated for the storage or intermodal transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles intended for waste collection;

**SHORT TERM RENTAL** means the use of a dwelling unit for temporary accommodation (periods less than 30 days) on a commercial basis;

**SIGN** means a free standing or projecting structure designed to be used for the purposes of displaying information including the advertising for a business on-site and includes a sign board;

**SINGLE DETACHED HOUSING** means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household. Where a secondary suite is permitted, this use class may contain a secondary suite. This use includes manufactured homes;

**SITE AREA** means the area of a lot or part thereof sufficient to satisfy the provisions for each permitted use in this bylaw;

**SITE COVERAGE** means the area of a lot covered by structures, buildings, driveways, parking areas and outdoor storage;

**SLEEPING UNIT** means either a unit in a residential care facility or a room without a kitchen used for the temporary accommodation of travellers;

**SMALL SCALE WATER EXTRACTION AND SALES** means the extraction of no more than 106 cubic metres of water per day that is distributed within the Province of BC for the purpose of bulk sales.

**STANDARD CULTIVATION, CANNABIS** means the large scale growing of cannabis plants and harvesting material from those plants, as well as associated activities as authorized under the *Cannabis Act* (Canada);

**STANDARD PROCESSING, CANNABIS** means the large scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors as authorized under the *Cannabis Act* (Canada);

**STORAGE YARD** means an area outside an enclosed building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment or other new goods, materials, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed;

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

**STRUCTURE** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures;

**TOP OF RAVINE BANK** means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

**TOURIST ACCOMMODATION** means a building or structure principally used to provide accommodation for the travelling public on a commercial basis, such as a Hotel, Motel, Lodge or other similar facilities.

**UNATTENDED PUBLIC UTILITY BUILDING OR STRUCTURE** means a building or structure containing unattended equipment necessary for the operation of community water, sewer or gas distribution systems, radio or television antennae, telecommunication relay stations, automatic telephone exchanges, navigational aids, electrical substations or generating stations, fire halls, or other similar facilities or utilities;

**VETERINARY CLINIC** means a use conducted for the care, treatment, and hospitalization of animals, birds and fish and may include grooming facilities and sales of accessory supplies, but does not include the keeping or boarding of healthy animals;

**VEHICLE** means any motor vehicle as defined under the Motor Vehicle Act;

**WAREHOUSING** means the use or intended use of land, buildings or structures for the purpose of receiving and storage of goods for compensation, and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations, but excludes retail sales from the site;

**WAREHOUSES, MINI** means a building consisting of completely enclosed, individually controlled compartments available for public rent used for the storage of products, goods, personal articles and vehicles. External storage of boats, trailers and recreational vehicles is permitted if area is landscaped and screened;

**WATERCOURSE** means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer;

**WETLAND** means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake.

**WOOD PRODUCT MANUFACTURING** includes a sawmill, a planer mill, lumber remanufacturing, log storage yards, shake mills, particle board plants and hard board plants.

**WRECKED VEHICLE** means a vehicle that is dilapidated, physically wrecked or disabled so that it cannot be operated by its own mode of power; or a vehicle that is dilapidated or appears to be physically wrecked although it could be operated by its own mode of power, but is not displaying thereon a lawful current licence for its operation on a highway.

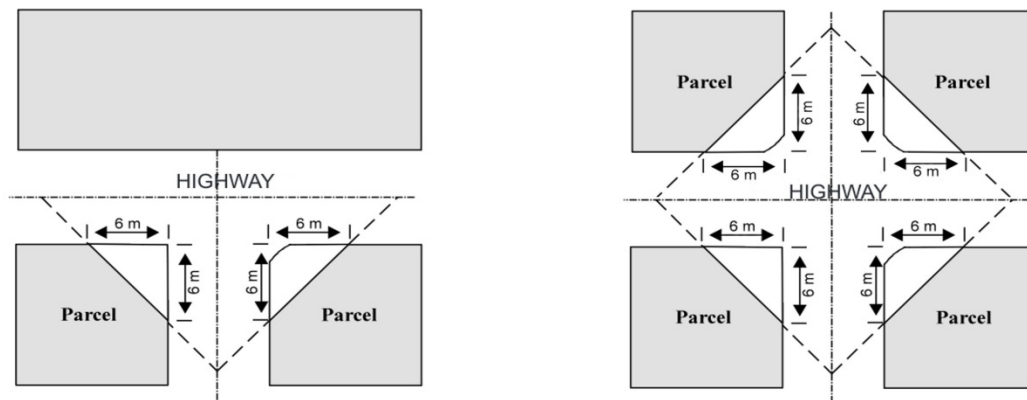
## DIVISION 6 GENERAL REGULATIONS

### Non-Conforming Uses and Siting “Grandfathering”

600 Non-conforming uses and siting shall comply with all applicable requirements of Section 528 of the *Local Government Act*.

### Clear Vision Area

601 No person who owns or occupies land at the intersection of two (2) or more highways may place or grow any tree, shrub, plant, fence or other structure within the sight triangle above an elevation such that an eye one (1) metre above the surface elevation on one highway cannot see an object one (1) metre above the surface elevation of the other highway as shown on the site triangle on Figure 1. The Ministry of Transportation and Infrastructure is the final authority for sight distance on the roads under their jurisdiction and for the purpose of subdivision.



**SIGHT TRIANGLE (Figure 1)**

### Site Areas

602

- 1 There shall be no minimum site area for trails, parks, playgrounds and unattended public utility buildings and structures.
- 2 The minimum lot size for a parcel subdivided under Section 514 of the *Local Government Act* shall be the minimum site area of the zone in which the parcel is located unless otherwise stated.
- 3 Despite any other provision of this bylaw, where a parcel of land is located in the Agricultural Land Reserve as identified under the *British Columbia Agricultural Land Commission Act*, no subdivision shall be permitted without approval from the Agricultural Land Commission.
- 4 Despite any provision of this bylaw, any lot located on any land rated as an ‘E’ or ‘P’ on a Non Standard Flood & Erosion Area under any applicable Regional District of Central Kootenay Floodplain Management Bylaw currently in effect for this area and

amendments thereto cannot be further subdivided unless flood protective works are constructed to an appropriate standard as determined by the authority having jurisdiction and maintained by an ongoing authority.

- 5 Lots that are shown on a plan duly filed in the Land Title Office, which have less than the minimum site area required in this bylaw may be used for any permitted use in the zone where the lot is located provided that the method by which sewage is to be disposed of complies with any restrictions set out under any regulation under the Public Health Act and provided that all other requirements applicable to the zone can be met.
- 6 Despite any other provision of this bylaw, no subdivision shall be permitted where the proposed lots cannot each accommodate two (2) full septic systems as determined by the Interior Health Authority where no community sewer system is in place.
- 7 No newly created lot shall be bisected by a legally dedicated road.

### **Reduction of Minimum Lot Sizes**

603

- 1 Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot size required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.
- 2 Where it is not possible to create a lot that has the minimum lot size required for a zone, the minimum lot size requirement may be reduced where the proposed subdivision involves any one of the following and meets local health authority requirements:
  - a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application;
  - b. a lot that, at the time of adoption of this bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots; or
  - c. a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw except within any agricultural zone;
  - d. *Deleted by Bylaw 2680.*
- 3 The minimum lot size for a lot created under Sections 603(1) and 603(2) shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.

- 4 Despite Section 603(3), where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in lot size.
- 5 A reduction of the minimum lot size for a single lot for subdivision within any Agricultural zone shall be permitted subject to:
  - a. the lot being no smaller than 0.4 hectares in area;
  - b. where the lot is serviced by a community water system; and
  - c. where the remainder of the lot is consolidated with an adjacent property that has an agricultural tax assessment from the British Columbia Assessment Authority or is within the ALR or created under Section 514 of the *Local Government Act*.

### **Subdivision Servicing Requirements**

604

- 1 All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
- 2 All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
- 3 All subdivisions shall comply with the *Drinking Water Protection Act*, the *Public Health Act* and the *Environmental Management Act*.

### **Setback Requirements**

605

- 1 Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.
- 2 Despite Section 605(1), buildings and structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve boundary.
- 3 Unless otherwise stated no portable sawmill may be located within 100 metres from a property line.
- 4 Despite Section 605(1), on all lots having a residential zone and are less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres.
- 5 Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located

within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.

*Note: BC Building Code regulations may require greater setbacks than those identified in Section 605 and Section 606 of this bylaw.*

### **Setback Exceptions**

606

- 1 Where the top surface of an underground structure projects no more than 0.6 metre above the average finished ground elevation, that structure may be sited in any portion of a lot.
- 2 Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, and flagpoles up to ten (10) metres in height may be sited on any portion of a lot.
- 3 Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features project beyond the face of the building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metre providing such reduction shall apply only to the projecting feature.
- 4 Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.2 metres and the minimum distance to an abutting site lot line or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metre provided such reduction shall apply only to the projecting feature.

### **Home Based Businesses**

607 A Home Based Business, where permitted, is subject to the requirements that:

- 1 The proprietor resides on the subject property;
- 2 The activity shall be conducted in a dwelling unit or accessory building;
- 3 The site area devoted to the Home Based Business, inclusive of external storage of materials, equipment or finished products, shall not exceed 100 square metres on any R1, R2, R3, R6, R7, MFR-F, HR-I, C5 and AG zoned lot;
- 4 The site area devoted to the Home Based Business, inclusive of external storage of materials, equipment or finished products, shall not exceed 200 square metres on any R4 zoned lot;

- 5 No more than two (2) persons who are not a resident of the dwelling may be employed in the Home Based Business in on any R1, R2, R3, R6, R7, MFR-F, HR-I, C5 and AG zoned lot;
- 6 No more than four (4) persons who are not a resident of the dwelling may be employed in the Home Based Business on a lot in the R4 zone;
- 7 No change is made in the external appearance of the building which would indicate that a Home Based Business is being conducted therein; except for one un-illuminated sign not exceeding:
  - a. 0.4 square metre on a lot in the R1, MFR-F, R6 and R7 zones; or
  - b. 1.0 square metre on any R2, R3, R4, C5, HR-I and AG zoned lot.
- 8 External storage of materials, equipment or finished products shall be screened from view from adjacent properties and road right-of-ways;
- 9 There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference, or emissions other than that normally associated with a dwelling;
- 10 No dwelling unit or accessory building used for Home Based Businesses involving automotive mechanical or body repairs, electronic repairs, wood working, or iron working may be located within 15 metres of a lot line;
- 11 The maximum number of vehicles permitted for repair on any lot at any one time shall be limited to:
  - a. two (2) for lots zoned R1, R2, R6, R7, MFR-F, HR-I, C5; and
  - b. six (6) on any R3, R4, and AG zoned lot.
- 12 Home Based Businesses that include the caring of eight or less individuals at any one time as per the *Community Care and Assisted Living Act* shall be permitted;
- 12B Overnight accommodation shall not be permitted as a Home Based Business other than the care of six individuals or less as per the *Community Care and Assisted Living Act*;
- 13 No commodities may be offered for sale except those produced on the premises, with the exception of Electoral Area 'F' where commodities may be offered for sale, including those produced off the premises;
- 14 Two off-street parking spaces shall be provided in excess of those required for the dwelling unit.

## Accessory Tourist Accommodation

608 Accessory Tourist Accommodation operations where permitted are subject to the requirements that:

- 1 The proprietor resides in the principal dwelling;
- 2 No more than two (2) persons who are not a resident of the premises may be employed in the tourist accommodation operation;
- 3 No change is made in the external appearance of the building, which indicates a Accessory Tourist operation is being conducted on the premises, except for one un-illuminated sign not larger than:
  - a. 0.4 square metre on a lot zoned R1, R6, R7 or MFR-F; and
  - b. 1.0 square metre on any R2, R3, R4, C5, HR-I or AG zoned lot.
- 4 Bed and Breakfast accessory tourist accommodation operations shall be confined to the principal dwelling;
- 5 No more than three (3) sleeping rooms with a maximum of eight (8) lodgers may be used for the bed and breakfast accessory tourist accommodation in a dwelling in any R1, R2, R3, R6, R7, HR-I, MFR-F and AG zoned lot;
- 6 No more than four (4) sleeping rooms with a maximum of eight (8) lodgers may be used for the accessory tourist accommodation in a dwelling in the R4 and C5 zones;
- 7 Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any R3, R4 or C5 zoned lot;
  - (a) Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any AG lot provided that:
    - (i) All or part of the parcel on which the accommodation is located is classified as a farm under the Assessment Act,
    - (ii) Campsites are undeveloped outdoor sites with no individual sewage disposal, water and electrical hook-ups provided; and
    - (iii) The total developed area for communal sanitary and washing facilities, landscaping and access for the accommodation is less than 5% of the parcel.
- 8 Accessory tourist accommodation camping operations shall not be permitted on any lots zoned R1, R2, R6, R7, MFR-F or HR-I;

- 9 Accessory tourist accommodation camping operations shall only be permitted on lots 1.2 hectares or larger;
- 10 Subject to the requirements of the Interior Health Authority, accessory tourist camping operations shall be required to provide washroom facilities and may offer full or partial hook-ups, laundry facilities and other similar facilities;
- 11 Accessory tourist camping operations shall not include recreation centres, marinas, boat launches, retail stores and other similar facilities.

### **Storage**

609 Except in the M2 and M3 zones, no lot may be used as a junkyard, auto wrecking yard or for the outdoor storage of more than two (2) wrecked vehicles in any R1, R2, R5 and R6 zones or more than six (6) wrecked vehicles in any R3, R4 and AG zone.

### **Uses Permitted in All Zones**

610 The following uses shall be permitted in any zone:

- 1 ecological and archeological conservation areas retained in their natural state;
- 2 passive recreation for informal, low intensity recreation activities such as walking, hiking and biking trails and wildlife viewing platforms;
- 3 Park established by the Regional District of Central Kootenay, Provincial or Federal Government;
- 4 Park established by Section 510 of the Local Government Act where the land is dedicated as park by a plan deposited in the Land Title Office;
- 5 Fire halls; and
- 6 Unattended public utility buildings and structures.

### **Shipping Containers**

610A Shipping containers shall be permitted for use as accessory buildings subject to the requirements that:

- 1 The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to:
  - a. None for lots in any R1, R5, R6, R7, MFR-F, HR-I or ER zone;
  - b. One (1) for lots in any R2, C5, or I zone;
  - c. Two (2) for lots in any R3, R4, AG, C1, C2, C3, C6, M1 or M2 zone; and

- d. unlimited in other zones.
- 2 Any shipping container used as an unattended utility building or structure is exempt from the provisions of Section 610A(1).
  - 3 Any shipping container placed on a lot as an accessory building must comply with site coverage, siting, size and setback requirements for that zone.
  - 4 Any shipping container used as an accessory building must be screened from view from the roadway(s) and adjacent residential properties using a landscape screen or fencing of a height no less than 2.5 metres.

### **Recreational Vehicles**

#### **610B**

- 1 A recreational vehicle may be parked or stored on a property to a maximum of two (2) vehicles.
- 2 A recreational vehicle may only be used as temporary living or sleeping quarters as per Accessory Tourist Accommodation, Temporary Guest Accommodation and Campground regulations, but can not be connected to services associated with the principal or an accessory dwelling.
- 3 Notwithstanding 610B(2) a recreational vehicle may be used to provide temporary accommodation on a property during construction of a principal or accessory dwelling on a lot, provided that:
  - a. a building permit has been issued for the principal or accessory dwelling and the dwelling is under construction; and
  - b. the occupancy of the recreational vehicle shall not continue beyond commencement of occupancy of the permanent dwelling.

### **Parking Space Requirements**

- 611 Off-street parking spaces for each building and use shall be provided in accordance with the following:

#### **Application of Regulations**

The Ministry of Transportation and Infrastructure standards for required parking spaces will apply when dealing with matters that are within its jurisdiction, such as highway access permits.

Regional District standards will apply with respect to the location, design and construction of the parking spaces. Regional District standards with respect to the required number of spaces will also apply in any situations where the Ministry of Transportation and Infrastructure standards are lower, or where the Ministry of Transportation and Infrastructure has no jurisdiction.

## General Provisions

- 1 Space for the off-street parking and loading of motor vehicles in respect of a class of building or use under this bylaw must be provided and maintained in accordance with the provisions of this bylaw except where the buildings and structures are intended to be accessed exclusively by hiking, skiing, snowmobile, horseback, boat or aircraft.
- 2 The number of off-street parking and loading spaces for motor vehicles required for any use or class of building is calculated according to the table contained in this Section. In cases of mixed uses, the total requirements for off-street parking or 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.
- 3 In reference to a building or use permitted under this bylaw which is not specifically referred to in the table below, the number of off-street parking and loading spaces is calculated on the basis of the requirements for a similar class of building or use that is listed.
- 4 Where the calculation of the required off-street parking or loading space results in a fraction, one parking space must be provided in respect of the fraction.
- 5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.5 m of length of such seating shall be deemed to be one seat.
- 6 Off-street parking and loading spaces must be located on the same parcel as the building or use they serve unless a suitably zoned site is located within 50 metres of the site.
- 7 Where some or all of the off-street parking is provided on a parcel other than that on which the use, building or structure being served is located, a covenant under Section 219 of the Land Title Act must be registered in the Land Title Office in favour of the Regional District of Central Kootenay against the parcel to be used for parking, reserving the off-street parking spaces that are not on the same parcel as the use, building or structure that they are intended to serve, for as long as that use, building or structure exists.
- 8 Off-Street Parking Space Standards
- 9 Off-street parking spaces shall be a minimum of 17.0 square metres and shall have at all times convenient, vehicular access to a public thoroughfare.
- 10 Each parking space shall have a length of not less than 5.8 metres and a width of not less than 2.6 metres and a height of not less than 2.2 metres.

- 11 Where a parking space abuts a wall along its side, the width of the parking space shall be increased by 0.6 metres from the minimum required.
- 12 Access and manoeuvring aisles must not be less than 3.6 metres for one-way traffic and 6.6 metres for two-way traffic.
- 13 Required parking and associated manoeuvring aisles in all Multi-Unit Residential, Commercial and Industrial zones shall be surfaced with either asphalt or concrete pavement, be adequately provided with lighting and drainage facilities, have access to and from highways and provide one (1) disabled person's parking space for every ten (10) parking spaces required.
- 14 In all parking areas containing more than five (5) parking spaces, every off-street parking space must have curbs, or wheel stops, to prevent vehicles from overhanging parcel lines, landscaped areas or walking corridors.
- 15 All parking areas must contain adequate provisions so that vehicles may turn around on the parcel.
- 16 All parking areas shall be so designed that motor vehicles do not back out onto a public road.
- 17 The maximum slope for the required off-street parking in all Multi-Unit Residential, Commercial and Industrial zones to accommodate more than 3 spaces is 6%. The maximum slope applies only to the area that provides the required parking spaces and not to the driveway providing access to the required parking spaces.
- 18 Excepting recreational vehicles (maximum two) and farm vehicles, not more than one (1) vehicle with a gross vehicle weight in excess of 4000 kg shall be permitted on a lot in a Residential or Agricultural zone at any time, except vehicles that are required for construction, repair, servicing or maintenance of a premises which may be on the lot during daylight hours.
- 19 Where off-street parking is required by this bylaw and where access for a person with disabilities is required, parking space(s) will be provided in accordance with the British Columbia Building Code and amendments thereto.
- 20 Where drive-through facilities are installed, there must be adequate magazine storage provided on the parcel to accommodate three (3) automobiles between the property line and the ordering station. Direct access to off-street parking spaces from the magazine storage is prohibited.

### **Off-Street Loading Facilities**

612

- 1 Off-street loading facilities for commercial and industrial uses involving the receipt and delivery of goods or materials by vehicles shall be one (1) space for the first

1,200 m<sup>2</sup> of gross floor area or fraction thereof, plus an additional space for each additional 2,000 m<sup>2</sup> of gross floor area or fraction thereof.

- 2 Off-street loading facilities shall:
  - a. be provided on the same parcel as the use it serves;
  - b. be set back a minimum of six (6) metres from the designated fronting street;
  - c. have a minimum of 30 m<sup>2</sup> in area, at least three (3) metres in width and four (4) metres in height for each space;
  - d. not project into any street, lane or public thoroughfare;
  - e. have unobstructed vehicular access to a public street or lane;
  - f. be located to the rear or side of a principal building if possible; and
  - g. have a durable dust free surface.

### Off-Street Parking and Loading Space Requirements

| Category           | Type of Uses                            | Parking Spaces                              | Loading Spaces | Notes   |
|--------------------|---|---|----------------|---|
| <b>Residential</b> | Single Detached Housing                 | 2 spaces                                    | 0              |   |
|                    | Duplex Housing                          | 4 spaces                                    | 0              |   |
|                    | Accessory Dwelling Unit                 | 1 space                                     | 0              |   |
|                    | Multi-Unit Housing                      | 1.2 spaces per dwelling unit                | 0              |   |
|                    | Accessory Home Based Business Use       | 2 spaces                                    | 0              | Plus required spaces for operator's residence |
|                    | Accessory Bed & Breakfast, Room & Board | 1 space per guest room / rental unit        | 0              | Plus required spaces for operator's residence |
|                    | Accessory Produce Sales Use             | 1 space per 20 m <sup>2</sup> of floor area | 0              | Plus required spaces for                      |

| Category          | Type of Uses   | Parking Spaces   | Loading Spaces | Notes  |
|-------------------|--|--|----------------|--|
|                   |  |  |                | operator's residence                                   |
|                   | Congregate/Seniors housing                                   | 0.75 space per sleeping unit   | 0              |  |
| <b>Commercial</b> | All uses in a C zone, except as listed below                 | 4 spaces per 100 m2 of GFA   | 0              |  |
|                   | Building Supply, Garden Supply, Nursery                      | 1 spaces per 100 m2 of display, sales, greenhouse and storage area                                     | 1              | Minimum 10 spaces per business                         |
|                   | Campground   | 1 space per camp site  | 0              |  |
|                   | Childcare Centre   | 4.4 spaces per 100 m2 of GFA   | 0              |  |
|                   | Food and Beverage Services                                   | 1 space per 4 seats or 10 spaces per 100 m2 of customer service area, whichever is greater             | 0              |  |
|                   | Food and Beverage Services Drive-in/Take-out Only            | 10 spaces  | 0              |  |
|                   | Gasoline Station, Auto Repair Shop, Auto-body Shop, Car Wash | 2 spaces per gasoline pump, 2 spaces per service bay and 2 spaces per 100 m2 or GFA                    | 0              | Minimum 5 spaces per business                          |
|                   | Golf Course  | 6 spaces per hole  | 0              |  |
|                   | Golf Driving Range   | 1 per tee plus 1 space per 2 employees   | 0              |  |
|                   | Hotel/Motel  | 1 space per guest room plus 1 per 5 seats of 15 m2 of customer service area in any eating and drinking | 0              | Plus number of spaces required for each incidental use |

| Category      | Type of Uses   | Parking Spaces  | Loading Spaces | Notes                         |
|---------------|--|---|----------------|-------------------------------|
|               |  | establishments with the motel   |                |                               |
|               | Laundromats  | 1 per 3 washing machines  | 0              |                               |
|               | Library, Museum, Art Gallery   | 2.5 spaces per 100 m <sup>2</sup> of GFA  | 0              |                               |
|               | Marina   | 1 per 2 boat spaces plus 1 per 2 employees  | 0              |                               |
|               | Offices, Medical or Dental Offices   | 3.4 spaces per 100 m <sup>2</sup> of GFA  | 0              | Minimum 5 spaces per building |
|               | Outdoor Retail Sales, Public Market  | 2 spaces per stall or sales area  | 1              |                               |
|               | Ski Resort   | ½ space per person hourly lift capacity   | 0              |                               |
|               | Tourist Attraction   | 1 per 4 persons capacity  | 0              |                               |
|               | Vehicle or Equipment Sales and Rental  | 1 space per 70 m <sup>2</sup> of Sales Floor Area, 1 per service bay plus 1 per 30 m <sup>2</sup> of office area                        | 1              | Minimum 5 spaces per business |
|               | Veterinarian, Animal Hospital, Kennel  | 1 per 2 employees plus 3 per veterinarian   | 0              |                               |
| <b>Public</b> | Assembly Hall, Auditorium, Convention Centre, Church, Theatre, Funeral Home, Clubhouse | 1 space per 5 seats of capacity or 10 per 100 m <sup>2</sup> of floor area used for customers, patrons or clients, whichever is greater | 1              |                               |
|               | Arena, Swimming Pool   | 1 space per 5 seats plus 2 per 100 m <sup>2</sup> of customer service area  | 0              |                               |

| Category | Type of Uses            | Parking Spaces   | Loading Spaces | Notes |
|----------|-------------------------|--|----------------|-------|
|          | Beach, swimming         | 1 per 10 m <sup>2</sup> of developed beach above the natural boundary of the water body  | 0              |       |
|          | Billiard Hall           | 1 space per pool table plus 2 spaces per 100 m <sup>2</sup> of GFA   | 0              |       |
|          | Bowling Alley           | 2 spaces per bowling alley plus 1 space per 100 m <sup>2</sup> of GFA  | 0              |       |
|          | College or University   | 1 per 5 students and staff   | 0              |       |
|          | Curling Rink            | 4 spaces per curling sheet plus 1 space per 100 m <sup>2</sup> of GFA  | 0              |       |
|          | Hospital, Care Facility | 1 space per 4 beds, 1 space per 2 employees plus 10 spaces for doctors (hospitals only)  | 0              |       |
|          | School (Elementary)     | 2 spaces per classroom including gymnasium, assembly hall and library or 1.2 spaces employee, whichever is greater   | 0              |       |
|          | School (Secondary)      | 3 spaces per classroom including gymnasium, assembly hall and library or 1.2 spaces per employee plus 1 space per 10 students who are at Grade 11 or higher. | 0              |       |

| Category          | Type of Uses   | Parking Spaces   | Loading Spaces    | Notes   |
|-------------------|--|--|-------------------|---|
| <b>Industrial</b> | All uses in an Industrial zone, except as listed below                         | 1.5 spaces per 100 m <sup>2</sup> of GFA, 1 space/employee plus one space for every commercially licensed vehicle for that address | 1                 |   |
|                   | Auction Hall   | 10 spaces per 100 m <sup>2</sup> of GFA  | 1                 |   |
|                   | Pulp Mill, Saw Mill, Particle Board Plant, Asphalt Plant, Concrete Batch Plant | 0.8 spaces per employee  | 1                 |   |
|                   | Truck Repair Shop, Bulk Fuel Depot, Gasoline Key Lock                          | 1 space per 420 m <sup>2</sup> of operation area   | 1                 | Operation area is defined as lot area minus areas used for parking facilities and landscaping |
|                   | Truck Terminal, Freight Station  | 2 spaces   | Truck Loading Bay |   |

### Keeping of Farm Animals

613

For the purposes of this Bylaw, Animal Units (A.U.) means equivalencies as indicated in the following table:

| <u>Sheep</u>       | <u>A.U.</u> | <u>Swine</u>             | <u>A.U.</u> |
|--------------------|-------------|--------------------------|-------------|
| ewe                | .14         | sow                      | .33         |
| yearling ewe       | .10         | boar-young (18-90 kg)    | .20         |
| lamb ewe           | .07         | boar-mature              | .33         |
| ram                | .14         | gilt                     | .33         |
| yearling ram       | .10         | bred gilt                | .33         |
| lamb ram           | .07         | weaner (less than 18 kg) | .10         |
| nursing lamb       | .05         | feeder (18-91 kg)        | .20         |
| feeder lamb        | .10         | suckling pig             | .01         |
| breeding lamb      | .10         |                          |             |
| <u>Cattle</u>      | <u>A.U.</u> | <u>Poultry</u>           | <u>A.U.</u> |
| cow & calf         | 1.00        | chickens                 | .015        |
| 2 yr. old          | 1.00        | turkeys, raised          | .0125       |
| yearling           | .67         | turkeys, breeding stock  | .02         |
| calf               | .25         | geese                    | .02         |
| bull               | 1.00        | ducks                    | .015        |
| <u>Horses</u>      | <u>A.U.</u> | <u>Other</u>             | <u>A.U.</u> |
| horse              | 1.00        | goats                    | .14         |
| colts 1-2 years    | .50         | rabbit                   | .025        |
| colts, under 1 yr. | .25         | mink                     | .025        |

Where the keeping of farm animals are permitted, the following provisions are required:

- a. On lots less than 0.4 hectares (1.0 acres), the total number of farm animals and poultry shall not exceed 0.5 animal units. No roosters will be permitted on lots less than 0.4 hectares (1.0 acres).
- b. On lots greater than 0.4 hectares (1.0 acre), the total number of farm animals and poultry shall not exceed two animal units per hectare. No building, structure or enclosure used for housing more than 0.5 animal units shall be located within 7.5 metres (25 feet) of a lot line.
- c. No drinking or feeding troughs or manure piles may be located within 7.5 metres (25 feet) of a lot line.
- d. Where the calculation of the number of animals results in a fraction, the result shall be rounded down.

Information note: Where a lot is smaller than 0.4 hectares (1 acre) in area, a maximum of 33 chickens could be kept (0.5 A.U. divided by 0.015 A.U. per chicken= 33.33 chickens). On a two hectare lot, 6 yearling cattle could be housed (2.0 A.U. divided by 0.67 A.U. times 2.0 hectares = 5.97 yearlings).

### **Hazard Land Development**

613 Despite any other provisions of this bylaw, development on flood hazard lands should be flood proofed in accordance with those provisions specified in any applicable Regional District of Central Kootenay Floodplain Management Bylaw and amendments thereto. Subdivision potential may be limited by the Approving Officer due to site-specific hazards.

### **Manufactured Home Parks**

614 Where a site contains two (2) or more manufactured homes and meets the density requirements of the R1, R2, R3, and R4 then the parcel is not a manufactured home park pursuant to this bylaw.

### **Agricultural Land Commission**

615 Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve is subject to the *British Columbia Agricultural Land Commission Act*, Regulations and Orders.

### **Mining Activities**

616 Any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified a 'mineral' under the *Mineral Tenure Act* or a 'mine' the *Mines Act* shall not be restricted by any terms or conditions of this bylaw so long as the Ministry of Energy, Mines and Petroleum Resources manages the activities and land for that purpose.

### **Signs**

617 Unless otherwise prescribed in this bylaw, all signs are subject to the requirements that:

- 1 No sign shall be located within 1.5 metres of any lot line.
- 2 Signs shall be limited to the following;
  - a. A maximum height of 7.5 metres,
  - b. A maximum area of ten (10) square metres,
  - c. A maximum width of 1.5 metres, and
  - d. One sign for each public road access.
- 3 *Deleted by Bylaw 2680.*
- 4 Signs advertising community events or public service announcements or political campaign signs during an election are exempt from the requirements of Sections 618(1) and (2).

- 5 Signs associated with the operation of on-site businesses and activities such as parking, loading, vehicle movement, employee and visitor safety and other similar signs are exempt from the requirements of Sections 618(1) and (2).
- 6 Signs may be illuminated provided that glare is contained onsite when adjacent to any residential, agricultural, institutional, park and recreation zoned property.

**Zone Designations**

618 For the purpose of this bylaw, the land subject to regulation in this bylaw is divided into the following zones:

| <u><b>ZONE</b></u>                | <u><b>SHORT FORM</b></u> |
|-----------------------------------|--------------------------|
| Suburban Residential              | R1                       |
| Ootischenia Suburban Residential  | R1A                      |
| Suburban Residential F            | R1F                      |
| Suburban Residential K            | R1K                      |
| Country Residential               | R2                       |
| Country Residential I             | R2I                      |
| Country Residential K             | R2K                      |
| Country Residential (South Arrow) | R2SA                     |
| Rural Residential                 | R3                       |
| Rural Residential I               | R3I                      |
| Rural Residential K               | R3K                      |
| Rural Resource                    | R4                       |
| Rural Resource K                  | R4K                      |
| Rural Resource (South Arrow)      | R4SA                     |
| Manufactured Home Park            | R5                       |
| Multi-Unit Residential            | R6                       |
| High Density Residential F        | R6F                      |
| Multi-Unit Residential - F        | MFR-F                    |
| Seasonal Residential              | R7                       |
| Heritage Residential - I          | HR-I                     |
| Agriculture 1                     | AG1                      |
| Agriculture 2                     | AG2                      |
| Agriculture 3                     | AG3                      |

|                                     |      |
|-------------------------------------|------|
| Agriculture 4                       | AG4  |
| Agriculture 4 K                     | AG4K |
| Neighbourhood Commercial            | C1   |
| General Commercial                  | C2   |
| Tourist Commercial                  | C3   |
| Small Scale Tourism Accommodation   | C5   |
| Small Scale Tourism Accommodation K | C5K  |
| Resort Commercial                   | C6   |
| Resort Commercial 2                 | C7   |
| Light Industrial                    | M1   |
| Medium Industrial                   | M2   |
| Heavy Industrial                    | M3   |
| Industrial Logging                  | M4   |
| Industrial – Railway                | M5   |
| Industrial – Airport                | M6   |
| Institutional                       | I    |
| Parks and Recreation                | PR   |
| Special Recreation 1                | PR1  |
| Open Space                          | OS   |
| Quarry                              | Q    |
| Environmental Reserve               | ER   |
| Forest Resource                     | FR   |
| Comprehensive Development 1         | CD1  |
| Comprehensive Development 2         | CD2  |
| Comprehensive Development 3         | CD3  |

## **Zone Boundaries**

619

- 1 The extent of each zone is shown on Schedule 'A' – Zoning Map, which is incorporated in and forms part of this bylaw.
- 2 Where the zone boundary is designated as following a road allowance, creek or other body of water, the centre line of the road allowance, creek or body of water shall be the zone boundary.

- 3 Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning sheets referred to in Section 620(1).
- 4 Any area not specifically shown on Schedule 'A' – Zoning Map, shall be deemed to be zoned Open Space (OS).
- 5 In circumstances where a single lot is located in more than one zone, the provisions of this Bylaw that regulate the use of land, buildings and structures; the density of the use of land, buildings, and structures; the siting, size, and dimension of buildings and structures, and uses permitted on the land; the location of uses on the land and within the building and structures; and the shape, dimension, and area of all parcels of land that may be created by subdivision; shall apply as if the zone boundary were a property line, and in the case of subdivision, be in compliance with the largest minimum area that applies to that lot or portion of the lot being created.

### **Landscaping Requirements - Applicability**

620 Due regard should be given to the following to incorporate landscaping into neighbourhood design:

- 1 Provision of privacy for outdoor and indoor spaces through use of plant screens, walls or fences;
- 2 Separation of distinct areas allocated to different types of activities;
- 3 Reduction of glare or illumination from automobile traffic, street lighting or other sources;
- 4 Direction of pedestrian circulation away from privacy areas onto designated paths with vegetation and varied paving textures;
- 5 Curtailing erosion on steep grades;
- 6 Control of noise from streets or activity areas;
- 7 Environmental modification, such as the blocking of wind.

### **General Regulations for Landscaping**

621

- 1 In a multi-unit residential development including manufactured home parks, any part of a lot not used for structures and associated parking areas shall be fully landscaped and properly maintained as a landscaping area, or as undisturbed forest.
- 2 At least 30 percent of the total area of any lot used for multi-unit residential purposes shall be maintained as open space landscaped area in a permeable state.
- 3 Any off-street parking area, exterior display area or loading area on a lot used for Commercial or Industrial purposes shall:

- a. be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any Residential zone; such screening shall be planted or installed so that no person shall be able to see through it;
  - b. be separated from any directly abutting lot in any Residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
- 4 Where any lot is used for commercial, industrial and institutional purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
  - 5 Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
  - 6 The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the 'British Columbia Landscape Standard' prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association.
  - 7 In the Quarry zone, a landscape screen or a continuous three (3) metre high opaque fence shall be maintained within the 100 metre setback required for any processing operation.

### **Development Permit Variances**

622 Pursuant to Section 489 of the *Local Government Act*, setback and height variances may be approved by the Regional District on a Development Permit where community plan objectives for the form and character of commercial, industrial and multi-unit housing developments can be achieved provided that no siting variances cross a property line.

### **Accessory Dwelling Units**

623 An accessory dwelling unit is subject to the following regulations:

- 1 The maximum number of accessory dwelling units per lot is one.
- 2 The minimum lot size for an accessory dwelling unit shall be 1.0 hectare.
- 3 Despite section 623(2) secondary suites are permitted on all lots.
- 4 The maximum gross floor area is 90.0 square metres.
- 5 The maximum height is 8.0 metres.
- 6 The maximum number of storeys is 2.

- 7 An accessory dwelling unit must be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required.
- 8 An accessory dwelling unit is not permitted to be used as accessory tourist accommodation or a short term rental.
- 9 The accessory dwelling unit shall not be a recreational vehicle or other vehicle.
- 10 A secondary suite shall not be connected to a single detached house by a breezeway or carport.

## **DIVISION 7 SUBURBAN RESIDENTIAL (R1)**

### **Permitted Uses**

700 Land, buildings and structures in the Suburban Residential (R1) zone shall be used for the following purposes only:

Principal Uses:

- Duplex Housing
- Single Detached Housing

Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### **Development Regulations**

701

1 The minimum lot size shall be required as follows:

|   |   |  |
|---|---|--|
| Community Water Supply and<br>Community Sewer System<br>0.1 hectare | Community Water<br>Supply Only<br>0.4 hectare | On-Site Servicing<br>Only<br>1.0 hectare |
|---|---|--|

1B The maximum density is 2 dwelling units.

1C Only one Single Detached Housing or Duplex Housing is permitted per lot.

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 The maximum height of any accessory building or structure shall not exceed 6 metres.

8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.

- 10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.

## **DIVISION 8 OOTISCHENIA SUBURBAN RESIDENTIAL (R1A)**

### **Permitted Uses**

800 Land, buildings and structures in the Ootischenia Suburban Residential (R1A) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### **Development Regulations**

801

1 The minimum lot size shall be required as follows:

|                             |                        |
|-----------------------------|------------------------|
| Community Water Supply Only | On-Site Servicing Only |
| 0.2 hectare                 | 1.0 hectare            |

1B The maximum density is 2 Dwelling Units.

1C Only one Single Detached Housing or Duplex Housing is permitted per lot.

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 The maximum height of any accessory building or structure shall not exceed 6 metres.

8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

9 The cumulative gross floor area of all accessory buildings or structures shall no exceed 200 square metres.

10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.

- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.

## **DIVISION 9 SUBURBAN RESIDENTIAL F (R1F)**

### **Permitted Uses**

900 Land, buildings and structures in the Suburban Residential F (R1F) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### **Development Regulations**

901

1 The lot size shall be required as follows:

|   |                             |                        |
|---|-----------------------------|------------------------|
| Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
| 0.1 hectare                                       | 0.4 hectare                 | 0.5 hectare            |

1B The maximum density is 2 Dwelling Units.

1C Only one Single Detached Housing or Duplex Housing is permitted per lot.

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 Subdivision of lots between 0.5 hectares to 1.0 hectares are subject to a qualified professional assessment of on-site water and sewer capacity prior to approval.

5 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

6 Farm animals and poultry shall be caged, fenced or housed at all times.

7 No principal building may exceed ten (10) metres in height.

8 The maximum height of any accessory building or structure shall not exceed 6 metres.

- 9 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.
- 11 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 12 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 13 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.

**Site Specific** - LOT B DISTRICT LOT 8788 KOOTENAY DISTRICT PLAN NEP63567 (PID 024-362-140) is rezoned from Suburban Residential F (R1F) to Suburban Residential F (R1F) 'Site Specific,' to enable a reduction of minimum lot size from 0.5 hectares to 0.4 hectares with on-site servicing for this lot only.

## DIVISION 10 SUBURBAN RESIDENTIAL K (R1K)

### Permitted Uses

1000 Land, buildings and structures in the Suburban Residential K (R1K) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### Development Regulations

1001

1 The minimum lot size shall be required as follows:

|  |  |  |
|--|--|--|
| Community Water<br>Supply and Community<br>Sewer System<br>0.1 hectare | Community<br>Water Supply<br>Only<br>0.4 hectare | On-Site Servicing<br>Only<br>1.0 hectare |
|--|--|--|

1B The maximum density is 2 Dwelling Units.

1C Only one Single Detached Housing or Duplex Housing is permitted per lot.

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 The maximum height of any accessory building or structure shall not exceed 6 metres.

8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.

- 10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.

## **DIVISION 11 COUNTRY RESIDENTIAL (R2)**

### **Permitted Uses**

1100 Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products
- Portable Sawmills for processing of material harvested on site only

### **Development Regulations**

#### 1101

- 1 The minimum lot size is 1.0 hectare.
- 2 The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority shall be 0.8 hectare.
- 3 The maximum site coverage permitted shall be 50 percent of the lot area.
- 4 The keeping of farm animals shall comply with the requirements of section 613.
- 5 The maximum density is 2 Dwelling Units.
- 5B Only one Single Detached Housing or Duplex Housing is permitted per lot
- 6 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
- 7 Portable Sawmills shall be located a minimum of 30 metres from any property line.
- 8 *Deleted by Bylaw 2757.*
- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.

- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

**Site Specific** - Lot 13 District Lot 6300 Kootenay District Plan NEP21755 (PID 019-022-069) from Country Residential (R2) to Country Residential (R2) 'site specific' to enable a second dwelling to be constructed up to a maximum height of 6.5 meters, with a minimum 6.5 meter setback from a front lot line of and a minimum 5 meter setback from an interior side lot line.

**Site Specific** - LOT A DISTRICT LOT 5574 KOOTENAY DISTRICT PLAN NEP69101 (PID 025-049-780) from Country Residential (R2) to Country Residential (R2) Site-Specific to add "Horse Riding Area" as a permitted accessory use and further that despite section 1101(10) that the maximum gross floor area of any accessory building or structure shall not exceed 200 square metres, except for the Horse Riding Area which may be 1525m<sup>2</sup> and further that despite section 1101(11) the cumulative gross floor area of all accessory buildings or structures shall not exceed 1925m<sup>2</sup> square metres on this lot only

## **DIVISION 12 COUNTRY RESIDENTIAL I (R2I)**

### **Permitted Uses**

1200 Land, buildings and structures in the Country Residential I (R2I) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Horticulture
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Farm Products
- Portable Sawmills for processing of material harvested on site only

### **Development Regulations**

1201

- 1 The minimum lot size is 1.0 hectare.
- 2 The maximum density is 2 Dwelling Units.
- 2B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 3 The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act* with the approval of the Interior Health Authority shall be 0.8 hectare.
- 4 The maximum site coverage permitted shall be 50 percent of the lot area.
- 5 The keeping of farm animals shall comply with the requirements of section 613.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 *Deleted by Bylaw 2757.*
- 8 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

## **DIVISION 13 COUNTRY RESIDENTIAL K (R2K)**

### **Permitted Uses**

1300 Land, buildings and structures in the Country Residential K (R2K) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Horticulture
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Farm Product
- Temporary Guest Accommodation as per Section 1303

### **Development Regulations**

1301

- 1 The minimum lot size is 1.0 hectare.
- 2 The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act* with the approval of the Interior Health Authority shall be 0.8 hectare.
- 3 The maximum site coverage permitted shall be 50 percent of the lot area.
- 4 The keeping of farm animals shall comply with the requirements of section 613.
- 5 The maximum density is 2 Dwelling Units.
- 5B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 6 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
- 7 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 8 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

1302 Deleted by Bylaw 2958.

### **Temporary Guest Accommodation**

1303

- 1 Subject to compliance with the requirements of the Interior Health Authority for sewage disposal and water supply, one cabin per lot for the temporary accommodation of guests is permitted as an accessory use to single detached housing or duplex housing subject to the following:
  - a. the minimum site area for the guest cabin shall be 1.4 hectares; and
  - b. a maximum gross floor area for a cabin of 100 square metres.
- 2 Subject to section 1301 (1), a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot and recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle, and a recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 3 The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
- 4 Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.
- 5 Temporary Guest Accommodation cabins or recreational vehicles shall not be used as rental accommodation.
- 6 A Temporary Guest Accommodation use and an Accessory Tourist Accommodation Use cannot be operated on the same lot at the same time.

## **DIVISION 14                    COUNTRY RESIDENTIAL SA (R2SA – South Arrow)**

### **Permitted Uses**

1400 Land, buildings and structures in the Country Residential (R2SA – South Arrow) zone shall be used for the following purposes only:

Principal Uses:

Duplex Housing

Horticulture

Single Detached Housing

Accessory Uses:

Accessory Buildings and Structures

Accessory Dwelling Unit, subject to Section 623

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Temporary Guest Accommodation as per Section 1402

### **Development Regulations**

1401

- 1 The minimum lot size is 1.0 hectare.
- 2 The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act* with the approval of the Interior Health Authority shall be 0.8 hectare.
- 3 The maximum site coverage permitted shall be 50 percent of the lot area.
- 4 The keeping of farm animals shall comply with the requirements of section 613.
- 5 The maximum density is 2 Dwelling Units.
- 5B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 6 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
- 7 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 8 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.

- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

### **Temporary Guest Accommodation**

1402

- 1 Subject to compliance with the requirements of the Interior Health Authority for sewage disposal and water supply, one (1) cabin per lot for the temporary accommodation of guests is permitted as an accessory use to a to a single detached housing or duplex housing subject to the following:
  - a. the minimum site area for the guest cabin shall be 1.4 hectares; and
  - b. a maximum gross floor area per cabin of 75 square metres.
- 2 Subject to section 1402(1), a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot and recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle, and a recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 3 The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
- 4 Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.
- 5 Temporary guest accommodation cabins or recreation vehicles shall not be used as rental accommodation.
- 6 A Temporary Guest Accommodation use and an Accessory Tourist Accommodation Use cannot be operated on the same lot at the same time.

## **DIVISION 15 RURAL RESIDENTIAL (R3)**

### **Permitted Uses**

1500 Land buildings and structures in the Rural Residential (R3) zone shall be used for the following purposes only:

#### Dwellings:

- Duplex Housing
- Horticulture
- Single Detached Housing
- Veterinary Clinics

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Sale of Site Grown Farm Products
- Portable Sawmills for processing of material harvested on site only

**Site Specific** – Part E ½ of N ½ of DL 11917 Animal Physical Rehabilitation Facility

**Site Specific** – LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253)

- Accessory Uses:
  - Kennel

#### SUBJECT TO:

- 1 The kennel being limited to a maximum of nine (9) dogs; and,
- 2 Kennel structures being a minimum of 7.5 metres from interior lot lines.

### **Development Regulations**

1501

- 1 The minimum lot size is 2.0 hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 The maximum density is 2 Dwelling Units.

- 4B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 5 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 *Deleted by Bylaw 2757.*
- 8 An animal rehabilitation facility shall be limited to a parcel no less than 8 hectares (20 acres); no more than 15 animals on the premises at any time; and animals are to be confined within a building between the hours of 9:00 pm and 6:00 am.
- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 12 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 13 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

## **DIVISION 16 RURAL RESIDENTIAL I (R3I)**

### **Permitted Uses**

1600 Land, buildings and structures in the Rural Residential I (R3I) zone shall be used for the following purposes only:

#### Dwellings:

Single Detached Housing

Duplex Housing

Horticulture

Veterinary Clinics

#### Accessory Uses:

Accessory Buildings and Structures

Accessory Dwelling Unit

Accessory Tourist Accommodation

Home Based Business

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Keeping of Farm Animals

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

### **Development Regulations**

1601

- 1 The minimum lot size is 2.0 hectares.
- 2 The maximum density is 2 Dwelling Units.
- 3 The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority shall be 1.6 hectares.
- 4 The maximum site coverage permitted shall be 50 percent of the lot area.
- 5 The keeping of farm animals shall comply with the requirements of section 613.
- 6 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 7 *Deleted by Bylaw 2757.*
- 8 Portable sawmills shall be located a minimum of 30 metres from any property line.

- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 12 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 13 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

## **DIVISION 17 RURAL RESIDENTIAL K (R3K)**

### **Permitted Uses**

1700 Land, buildings and structures in the Rural Residential K (R3K) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Horticulture
- Single Detached Housing
- Veterinary Clinics

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Keeping of Farm Animals
- Sale of Site Grown Farm Products
- Small Scale Wood Product Manufacturing subject to Section 1702
- Temporary Guest Accommodation subject to Section 1703

### **Development Regulations**

1701

- 1 The minimum lot size is 2.0 hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 5 The maximum density is 2 Dwelling Units.
- 5B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 6 *Deleted by Bylaw 2757.*
- 7 The maximum height of any accessory building or structure shall not exceed 8 metres.

- 8 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 10 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 11 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

### **Small Scale Wood Product Manufacturing**

1702 A small scale wood product manufacturing operation is subject to the following requirements:

- 1 The minimum lot size shall be 2.0 hectares.
- 2 The sawmill is limited to a band sawmill powered by an engine of no more than 42 Horsepower.
- 3 The property owner will continue to reside in the principal residence on the property.
- 4 Despite the site area requirements detailed elsewhere in the R3K Zone, the maximum area used for a small scale wood processing business, including external storage shall not exceed 0.4 hectares.
- 5 Any portion of a property used for a small scale wood product manufacturing use shall be located a minimum of 30 metres from any property line.
- 6 No more than three (3) persons who are not residents of the principal dwelling may be employed in the business.
- 7 External storage of materials, mill and other equipment, finished product and parking shall be screened from view from adjacent residential uses and road right-of-ways with a landscape screen of no less than 1.8 metres in height.
- 8 No commodities may be offered for sale except those produced on the premises.
- 9 There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference or emissions other than that normally associated with a dwelling.

- 10 Operation of the sawmill shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
- 11 There shall be no operation of the small scale wood product manufacturing operation on Sundays or Statutory Holidays.
- 12 Access to the small scale wood products manufacturing site shall minimize the impact of any related traffic on neighbouring properties and have approval from the applicable authorities.
- 13 Any sawmill operation under this section may be subject to an annual inspection to ensure compliance with the zoning bylaw.

### **Temporary Guest Accommodation**

#### **1703**

- 1 Subject to compliance with the requirements of the Interior Health Authority for sewage disposal and water supply, two (2) cabins per lot for the temporary accommodation of guests is permitted as an accessory use to a single detached housing or duplex housing to the following:
  - a. the minimum site area for the guest cabin shall be 1.4 hectares; and
  - b. a maximum gross floor area for a cabin of 100 square metres.
- 2 Subject to section 1703(1), a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot and recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle, and a recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 3 The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
- 4 Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.
- 5 Temporary Guest Accommodation cabins or recreational vehicles shall not be used as rental accommodation.
- 6 A Temporary Guest Accommodation use and an Accessory Tourist Accommodation Use cannot be operated on the same lot at the same time.

## **DIVISION 18 RURAL RESOURCE (R4)**

### **Permitted Uses**

1800 Land, buildings and structures in the Rural Resource (R4) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Horse Riding Stables and Boarding Stables
- Horticulture
- Kennels
- Single Detached Housing
- Veterinary Clinics

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Keeping of Farm Animals
- Sale of Site Grown Farm Products
- Portable Sawmills

### **Development Regulations**

1801

- 1 The minimum lot size is 2.0 hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 The maximum density is 2 Dwelling Units.
- 4B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 5 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 6 Portable Sawmills shall be located a minimum of 30 metres from any property line.
- 7 The minimum setback for a kennel shall be 30 metres from any lot line.
- 8 *Deleted by Bylaw 2757.*

- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 12 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 13 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

## **DIVISION 19 RURAL RESOURCE K (R4K)**

### **Permitted Uses**

1900 Land, buildings and structures in the Rural Resource (R4K) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Horse Riding Stables and Boarding Stables
- Horticulture
- Kennels
- Single Detached Housing
- Veterinary Clinics

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Sale of Site Grown Farm Products
- Portable Sawmills
- Temporary Guest Accommodation as per Section 1902

### **Development Regulations**

1901

- 1 The minimum lot size is 2.0 hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 The maximum density is 2 Dwelling Units.
- 4B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 5 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 6 Portable Sawmills shall be located a minimum of 30 metres from any property line.

- 7 The minimum setback for a kennel shall be 30 metres from any lot line.
- 8 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 11 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 12 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

### **Temporary Guest Accommodation**

1902

- 1 Subject to compliance with the requirements of the Interior Health Authority for sewage disposal and water supply one (1) cabin per lot for the temporary accommodation of guests is permitted as an accessory use to a single detached housing or duplex housing subject to a maximum gross floor area of 75 square metres.
- 2 Cabins used as temporary guest accommodation may be located on existing lots less than the two (2) hectares minimum site area required pursuant to section 1901(1) provided that the subject lot has a minimum site area of 1.4 hectares.
- 3 Subject to section 1902(1), a recreation vehicle may be used for temporary guest accommodation provided that:
  - a. no more than two (2) recreation vehicles shall be located on a lot;
  - b. recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle; and
  - c. a recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 4 The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
- 5 Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.

- 6 Temporary guest accommodation cabins or recreation vehicles shall not be used as rental accommodation.
- 7 A Temporary Guest Accommodation use and an Accessory Tourist Accommodation Use cannot be operated on the same lot at the same time.

## **DIVISION 20 RURAL RESOURCE (R4SA – South Arrow)**

### **Permitted Uses**

2000 Land, buildings and structures in the Rural Resource (R4SA – South Arrow) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Horse Riding Stables and Boarding Stables
- Horticulture
- Kennels
- Single Detached Housing
- Veterinary Clinics

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Sale of Site Grown Farm Products
- Portable Sawmills
- Temporary Guest Accommodation as per Section 2002

### **Development Regulations**

2001

- 1 The minimum lot size is 2.0 hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of Section 613.
- 4 The maximum density is 2 Dwelling Units.
- 4B Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 5 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 6 Portable Sawmills shall be located a minimum of 30 metres from any property line.

- 7 The minimum setback for a kennel shall be 30 metres from any lot line.
- 8 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 11 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 12 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

### **Temporary Guest Accommodation**

#### 2002

- 1 Subject to compliance with the requirements of the Interior Health Authority for sewage disposal and water supply one (1) cabin per lot for the temporary accommodation of guests is permitted as an accessory use to a single detached housing or duplex housing subject to a maximum gross floor area of 75 square metres.
- 2 Cabins used as temporary guest accommodation may be located on existing lots less than the two (2) hectares minimum site area required pursuant to Section 2001(1) provided that the subject lot has a minimum site area of 1.4 hectares.
- 3 Subject to section 2002(1), a recreation vehicle may be used for temporary guest accommodation provided that:
  - a. no more than two (2) recreation vehicles shall be located on a lot;
  - b. recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle; and
  - c. a recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 4 The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.

- 5 Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.
- 6 Temporary guest accommodation cabins or recreation vehicles shall not be used as rental accommodation.
- 7 A Temporary Guest Accommodation use and an Accessory Tourist Accommodation Use cannot be operated on the same lot at the same time.

## **DIVISION 21 MANUFACTURED HOME PARK (R5)**

### **Permitted Uses**

2100 Land, buildings and structures in the Manufactured Home Park (R5) zone shall be used for the following purposes only:

Manufactured Home Park

Accessory Uses:

Accessory Buildings and Structures

### **Development Regulations**

2101

- 1 Manufactured Home Parks shall comply with all applicable regulations in any applicable Mobile Home Park bylaw or Manufactured Home Park Bylaw adopted by the Board.
- 2 Landscaping shall be provided in accordance with sections 621 and 622.

## DIVISION 22 MULTI-UNIT RESIDENTIAL (R6)

### Permitted Uses

2200 Land, buildings and structures in the Multi-Unit Residential (R6) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Multi-Unit Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Horticulture

### Development Regulations

2201

1 The minimum site area for the following uses shall be required as follows:

|  | Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|--|---|-----------------------------|------------------------|
| Single Detached or Duplex Housing      | 0.1 hectare                                       | 0.8 hectare                 | 1.0 hectare            |
| Multi-Unit Housing (per dwelling unit) | 300 square metres                                 | 0.1 hectare                 | 0.4 hectare            |

2 The maximum site coverage permitted shall be 50 percent of the lot area.

3 Landscaping shall comply with all applicable requirements of sections 621 and 622.

4 The minimum lot size for subdivision shall be as follows:

| Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|---|-----------------------------|------------------------|
| 0.1 hectare                                       | 0.8 hectare                 | 1.0 hectare            |

## **DIVISION 23 HIGH DENSITY RESIDENTIAL (R6F)**

### **Permitted Uses**

2300 Land, buildings and structures in the High Density Residential (R6F) zone shall be used for the following purposes only:

Principal Uses:

Single Detached Housing

Accessory Uses:

Accessory Buildings and Structures

Secondary Suite

### **Development Regulations**

2301

1 The minimum site area for the following uses shall be required as follows:

|   |                             |                        |
|---|-----------------------------|------------------------|
| Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
| 400 square metres                                 | 0.2 hectare                 | 1.0 hectare            |

1B The maximum density is 2 Dwelling Units.

2 The maximum site coverage permitted shall be 60 percent of the lot area.

3 The minimum lot width shall be no less than 12 metres except those lots located on a radii and the minimum lot depth shall be no less than 25 metres.

4 Development in this zone may be subject to the requirements of a Development Permit.

## DIVISION 24 MULTI-UNIT RESIDENTIAL - F (MFR-F)

### Permitted Uses

2400 Land, buildings and structures in the Multi-Unit Residential – F (MFR-F) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Multi-Unit Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### Development Regulations

2401

1 The minimum site area for Multi-Unit Residential – F (MFR-F) shall be as follows:

|                               | Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|-------------------------------|---|-----------------------------|------------------------|
| First Dwelling Unit           | 0.25 hectare                                      | 0.25 hectare                | 1.0 hectare            |
| Each Additional Dwelling Unit | 200 square metres                                 | 400 square metres           | 0.1 hectare            |

2 The minimum lot size for subdivision shall be as follows:

| Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|---|-----------------------------|------------------------|
| 0.5 hectare                                       | 0.5 hectare                 | 1.0 hectare            |

- 3 Lot coverage by all permitted uses, buildings and structures shall not exceed 50 percent of the lot area.

## **DIVISION 25 SEASONAL RESIDENTIAL (R7)**

### **Permitted Uses**

2500 Land, buildings and structures in the Seasonal Residential (R7) zone shall be used for the following purposes only:

Principal Uses:

- Duplex Housing
- Horticulture
- Single Detached Housing

Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### **Development Regulations**

2501

1 The minimum lot size shall be required as follows:

|   |                             |                        |
|---|-----------------------------|------------------------|
| Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
| 0.1 hectare                                       | 0.4 hectare                 | 1.0 hectare            |

1B The maximum density is 2 Dwelling Units.

1C Only one Single Detached Housing or Duplex Housing is permitted per lot.

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 No accessory buildings or structures may exceed six (6) metres in height; except towers, retaining walls, radio and television antennae, chimneys, flag poles, lighting poles and scenery lofts.

- 8 The maximum size of any accessory building shall not exceed 54 square metres. A maximum of one accessory building is permitted on lots less than 2000 square metres.
- 9 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 10 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 11 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.
- 12 Single Detached Housing may be used for short term rentals.

## **DIVISION 26 HERITAGE RESIDENTIAL – I (HR-I)**

### **Permitted Uses**

2600 Land, buildings and structures in the Heritage Residential – I (HR-I) zone shall be used for the following purposes only:

#### Principal Uses:

- Duplex Housing
- Single Detached Housing

#### Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Farm Products

### **Development Regulations**

2601

- 1 The minimum lot size is 1.0 hectare.
- 1B The maximum density is 2 Dwelling Units.
- 1C Only one Single Detached Housing or Duplex Housing is permitted per lot.
- 2 Development in this zone shall be subject to the requirements of a restrictive covenant.
- 3 The maximum site coverage is 50 percent of the site area.
- 4 The keeping of farm animals shall comply with the requirements of Section 613 except that under all circumstances swine shall not be kept on any lot.
- 5 Farm animals and poultry shall be caged, fenced or housed at all times.
- 6 All activity shall take place in a principal building or accessory building and there shall be no outdoor storage of vehicles or other material unless otherwise provided through the restrictive covenant.
- 7 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 8 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.

## DIVISION 27 AGRICULTURE 1 (AG1)

### Permitted Uses

2700 Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AG1) zone shall be used for the following purposes only:

#### Principal Uses:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

#### Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Home Based Business
- Portable Sawmills for processing of material harvested on site only
- Temporary Farm Worker Housing (*may require ALC non adhering residential use approval*)

### Development Regulations

2701

1. The minimum lot size shall be 4.0 hectares in the Agricultural Land Reserve and 2.0 hectares outside the Agricultural Land Reserve.

1B. The maximum density is 2 Dwelling Units.

- 1C. Only one Single Detached Housing is permitted per lot.
2. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
3. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
4. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
5. The Maximum Gross Floor Area of Single Detached Housing is 300.0 square metres.
6. *Deleted by Bylaw 2958.*
7. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
  - a. the lot is classified as a farm under the Assessment Act;
  - b. the lot is larger than 1.2 hectares;
  - c. the minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
  - d. the minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
8. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
9. Section 2701(8) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
10. Farm Product processing that involves processing livestock:
  - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve;

- b. must be setback at least 7.5 metres from any lot line; and
- c. must be located at least 30 metres from the nearest business or residence on another parcel.

11. The minimum setback for a kennel building shall be 7.5 metres from any lot line.

### **Cannabis Regulations**

- 12. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 13. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 14. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
- 15. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
- 16. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

*Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.*

## DIVISION 28 AGRICULTURE 2 (AG2)

### Permitted Uses

2800 Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

#### Principal Uses:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

#### Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Home Based Business
- Portable Sawmills for processing of material harvested on site only
- Temporary Farm Worker Housing (*may require ALC non adhering residential use approval*)

### Development Regulations

2801

1. The minimum lot size shall be 8.0 hectares in the Agricultural Land Reserve and 4.0 hectares outside the Agricultural Land Reserve.

- 1B. The maximum density is 2 Dwelling Units.
- 1C. Only one Single Detached Housing is permitted per lot.
2. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
3. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
4. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
5. The Maximum Gross Floor Area of Single Detached Housing is 300.0 square metres.
6. *Deleted by Bylaw 2958.*
7. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
  - a. the lot is classified as a farm under the Assessment Act;
  - b. the lot is larger than 1.2 hectares;
  - c. the minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
  - d. the minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
8. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5.0 metres of a lot line.
9. Section 2801(8) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.

10. Farm Product processing that involves processing livestock:
  - a. must be located on a minimum 2.0 hectare site outside the Agricultural Land Reserve;
  - b. must be setback at least 7.5 metres from any lot line; and
  - c. must be located at least 30.0 metres from the nearest business or residence on another parcel.
11. The minimum setback for a kennel building shall be 7.5 metres from any lot line.

### **Cannabis Regulations**

12. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
13. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
14. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
15. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
16. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

*Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.*

## DIVISION 29 AGRICULTURE 3 (AG3)

### Permitted Uses

2900 Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 3 (AG3) zone shall be used for the following purposes only:

#### Principal Uses:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

#### Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Home Based Business
- Portable Sawmills for processing of material harvested on site only
- Temporary Farm Worker Housing (*may require ALC non adhering residential use approval*)

### Development Regulations

2901

1. The minimum lot size shall be 60.0 hectares in the Agricultural Land Reserve and 8.0 hectares outside the Agricultural Land Reserve.
- 1B. The maximum density is 2 Dwelling Units.

- 1C. Only one Single Detached Housing is permitted per lot.
2. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
3. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
4. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
5. The Maximum Gross Floor Area of the Single Detached Housing is 375.0 square metres.
6. *Deleted by Bylaw 2958.*
7. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
  - a. The lot is classified as a farm under the Assessment Act;
  - b. The lot is larger than 1.2 hectares;
  - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
  - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
8. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
9. Section 2901 (8) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
10. Farm Product processing that involves processing livestock:

- a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve;
  - b. must be setback at least 7.5 metres from any lot line; and
  - c. must be located at least 30 metres from the nearest business or residence on another parcel.
11. The minimum setback for a kennel building shall be 7.5 metres from any lot line.

### **Cannabis Regulations**

12. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
13. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
14. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
15. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
16. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

*Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.*

## DIVISION 30 NEIGHBOURHOOD COMMERCIAL (C1)

### Permitted Uses

3000 Land, buildings and structures in the Neighbourhood Commercial (C1) zone shall be used for the following purposes only:

Cannabis Retail Stores  
 Horticulture  
 Farmer's Market  
 Mixed Use Developments  
 Offices  
 Pubs  
 Personal Service Establishments  
 Recycling Depot  
 Restaurants  
 Retail Stores  
 Service Stations  
 Tourist Accommodation  
 Accessory Uses:  
     Accessory Buildings and Structures  
     Caretaker Suite

### Development Regulations

3001

1 The minimum site area for each permitted use shall be provided as follows:

|                                      | Community Water Supply and Community Sewer System  | Community Water Supply Only  | On-Site Servicing Only  |
|--------------------------------------|--|--|---|
| Hotel, Motel, Lodge and Similar Uses | 0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit | 0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit | 1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit |
| All Other Uses                       | 0.4 hectare  | 0.4 hectare  | 1.0 hectare   |

*For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.*

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The maximum commercial floor area within all buildings on a lot shall be 500 square metres.
- 4 Landscaping shall comply with the requirements of sections 621 and 622.

## **DIVISION 31 GENERAL COMMERCIAL (C2)**

### **Permitted Uses**

3100 Land, buildings and structures in the General Commercial (C2) zone shall be used for the following purposes only:

- Building and Plumbing Sales
- Cannabis Retail Stores
- Manufactured Home and Trailer Sales
- Mixed Use Developments
- Motor Vehicle Sales and Rentals
- Offices
- Plumbing, Heating and Glass Sales and Service
- Personal Service Establishments
- Recycling Depot
- Repair Shops (enclosed) of:
  - boats and light marine equipment
  - awnings and canvas products
  - small equipment and machinery
  - automobiles
- Restaurants
- Retail Stores
- Service Stations
- Tourist Accommodation
- Veterinary Clinics
- Warehousing, restricted to:
  - mini warehouses
  - cold storage plants
  - feed and seed storage and distribution
- Accessory Uses:
  - Accessory Buildings and Structures
  - Caretaker Suite

### **Development Regulations**

3101

1 The minimum site area for each permitted use shall be provided as follows:

|  |                                |                           |
|--|--------------------------------|---------------------------|
| Community Water<br>Supply and<br>Community Sewer<br>System | Community Water<br>Supply Only | On-Site Servicing<br>Only |
|--|--------------------------------|---------------------------|

|                                      |  |  |   |
|--------------------------------------|--|--|---|
| Hotel, Motel, Lodge and Similar Uses | 0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit | 0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit | 1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit |
| All Other Uses                       | 0.4 hectare  | 0.4 hectare  | 1.0 hectare   |

*For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.*

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 Landscaping shall comply with the requirements of sections 621 and 622.

## DIVISION 32 TOURIST COMMERCIAL (C3)

### Permitted Uses

3200 Land, buildings and structures in the Tourist Commercial (C3) zone shall be used for the following purposes only:

Artisan Crafts Production and Sales  
Campgrounds  
Farmer's Market  
Golf Courses  
Horse Riding Arenas and Boarding Stables  
Marinas  
Mixed Use Developments  
Museums  
Personal Service Establishments  
Pubs  
Restaurants  
Service Stations  
Tourist Accommodation  
Zoos  
Accessory Uses to Tourist Accommodation:  
    laundromats  
    curio shops  
    convenience stores  
Accessory Uses:  
    Accessory Buildings and Structures  
    Caretaker Suite

### Development Regulations

3201

1 The minimum site area shall be provided as follows:

|                                      | Community Water Supply and Community Sewer System  | Community Water Supply Only  | On-Site Servicing Only  |
|--------------------------------------|--|--|---|
| Hotel, Motel, Lodge and Similar Uses | 0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit | 0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit | 1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit |

|                |              |              |              |
|----------------|--------------|--------------|--------------|
| Campgrounds    | 2.0 hectares | 2.0 hectares | 2.0 hectares |
| All Other Uses | 0.4 hectare  | 0.4 hectare  | 1.0 hectare  |

*For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.*

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 Landscaping shall comply with the requirements of sections 621 and 622.
- 4 Campgrounds adjacent to properties zoned for residential use must provide screening and buffering as follows:
  - a. Where a proposed campground is located adjacent to a R1, R2, R5, R6, R7, MFR-F or HRI zone, a minimum 7.5 metre wide buffer zone must be established.
  - b. Where a proposed campground is located adjacent to a R3 or R4 zone, a minimum 5.0 metre wide buffer zone must be established.

In each case landscaping within the buffer zone shall comply with the requirements of sections 621 and 622.

## DIVISION 33 SMALL SCALE TOURISM ACCOMMODATION (C5)

### Permitted Uses

3300 Land, buildings and structures in the Small Scale Tourism Accommodation (C5) zone shall be used for the following purposes only:

#### Dwellings:

Single Detached Housing

Duplex Housing

Rental Cabin for Tourist Accommodation

#### Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Sale of Site Grown Farm Product

### Development Regulations

3301

- 1 The minimum lot size shall be 1.0 hectare.
- 2 The maximum permitted density for single detached housing, duplex housing and rental cabins for tourist accommodation shall be in conformance with the below site area requirements:

|  | Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|--|---|-----------------------------|------------------------|
| First Cabin or Dwelling Unit           | 0.5 hectare                                       | 0.5 hectare                 | 1.0 hectare            |
| Each Additional Cabin or Dwelling Unit | 200 square metres                                 | 400 square metres           | 0.1 hectare            |

- 3 Lot coverage by all permitted uses, buildings and structures shall not exceed 50 percent of the lot area.
- 4 There shall be a minimum distance of six (6) metres between any cabin or dwelling.
- 5 The maximum permitted floor area for any one (1) rental cabin or rental dwelling shall not exceed one hundred (100) square metres.

- 6 The property owner will continue to reside in the principal residence on the property.
- 7 Despite the site area requirements detailed, the maximum number of cabins permitted to be rented at any one time shall be five (5) and shall not include the principal residence.
- 8 One parking space per cabin shall be provided in addition to the requirements of section 611.

## DIVISION 34 SMALL SCALE TOURISM ACCOMMODATION K (C5K)

### Permitted Uses

3400 Land, buildings and structures in the Small Scale Tourism Accommodation (C5) zone shall be used for the following purposes only:

#### Dwellings:

Single Detached Housing

Duplex Housing

Rental Cabin or Dwelling for Tourist Accommodation

#### Accessory Uses

Accessory Buildings and Structures

Accessory Tourist Accommodation

Day Care Facility

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

### Development Regulations

3401

- 1 The minimum lot size shall be 1.0 hectare.
- 2 The maximum permitted density for single detached housing, duplex housing and rental cabins for tourist accommodation shall be in conformance with the below site area requirements:

|  | Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|--|---|-----------------------------|------------------------|
| First Cabin or Dwelling Unit           | 0.5 hectare                                       | 0.5 hectare                 | 1.0 hectare            |
| Each Additional Cabin or Dwelling Unit | 200 square metres                                 | 400 square metres           | 0.1 hectare            |

- 3 Lot coverage by all permitted uses, buildings and structures shall not exceed 50 percent of the lot area.
- 4 There shall be a minimum distance of six (6) metres between any cabin or dwelling.

- 5 The maximum permitted floor area for any one (1) rental cabin or rental dwelling shall not exceed one hundred (100) square metres.
- 6 The property owner will continue to reside in the principal residence on the property.
- 7 Despite the site area requirements detailed, the maximum number of cabins permitted to be rented at any one time shall be five (5) and shall not include the principal residence.
- 8 One parking space per cabin shall be provided in addition to the requirements of section 611.

## **DIVISION 35 RESORT COMMERCIAL (C6)**

### **Permitted Uses**

3500 Land, building and structures in the Resort Commercial (C6) zone shall be used for the following purposes only:

Cluster Development

Single Detached Housing

Duplex Housing

Multi-Unit Housing

Lodges and Seasonal Resorts

Hotels

Cabins

Campgrounds

Pubs

Restaurants

Spa, Health Club and Wellness Facilities

Personal Service Establishments

Recreation Facilities *including tennis, basketball, badminton and volley ball courts, bicycle, walking, cross country skiing, and horse riding trails, water craft facilities, playgrounds and other similar facilities but shall not include the following; a casino or similar gaming facility, off-road motorized recreation vehicle trails other than snow mobile trails, gun range, skeet shooting range or any activity that disturbs the peaceful enjoyment of the property by residents and tourists*

Accessory Uses:

Maintenance and Infrastructure Buildings and Facilities

Employee Accommodation.

### **Development Regulations**

3501

- 1 All development in the C6 zone used for residential habitation and/or tourist accommodation, except where providing un-serviced campground sites, shall be serviced by a community water system and community sewer system installed, operated and maintained in accordance with Provincial requirements and regulations.
- 2 Development in this zone may be subject to the requirements of a Development Permit.
- 3 Lot coverage meaning the area of a lot covered by buildings, structures, driveways, parking and loading areas and outdoor storage shall not exceed 50 percent of the lot area.

- 4 Unless otherwise stated in this bylaw, no building or structure except a fence may be located within:
  - a. 7.5 m (25 ft) of a front or exterior side lot line;
  - b. 2.5 m (8.2 ft) of any other lot line; and/or
  - c. a minimum separation distance of 6 metres (20 feet) shall be maintained between all buildings used for residential habitation or tourist accommodation.

- 5 In addition to the parking requirements specified under sections 611 and 612, the following off-street parking requirements shall apply:

|                         |                          |
|-------------------------|--------------------------|
| Single Detached Housing | 1.5 parking stalls/unit  |
| Duplex Housing          | 1.5 parking stalls/unit  |
| Multi-Unit Housing      | 1.0 parking stalls/unit  |
| Cabins                  | 1.0 parking stalls/cabin |
| Campground              | 1.0 parking stalls/site  |

- 6 Cluster development shall be defined as development consisting of a combination of single detached housing, duplex housing and/or cabins arranged in clusters with a minimum of four dwelling units.

- 7 All development shall be subject to the following minimum site area requirements:

|                                     |  |
|-------------------------------------|--|
| Single Detached Housing             | 400 square metres (4306 square feet)     |
| Duplex Housing                      | 300 square metres (3229 square feet)     |
| Cabins (no kitchen facility)        | 250 square metres (2691 square feet)     |
| Campgrounds                         | 0.4 hectare (1.0 acre)                   |
| Lodges, Seasonal Resorts and Hotels | 60 units/hectare (24.3 units/gross acre) |
| Multi-Unit Housing                  | 30 units/hectare (12.2 units/gross acre) |

- 8 Excluding underground parking areas; no lodge, seasonal resort, hotel or multi-family dwelling building shall have a height greater than 25 metres (82 feet) above the natural ground elevation on which the building is located.

## **DIVISION 36 RESORT COMMERCIAL 2 (C7)**

### **Permitted Uses**

3600 Land, building and structures in the Resort Commercial 2 (C7) zone shall be used for the following purposes only:

Cluster Development

Single Detached Housing

Duplex Housing

Multi-Unit Housing

Lodges and Seasonal Resorts

Hotels

Cabins

Campgrounds

Pubs

Restaurants

Spa, Health Club and Wellness Facilities

Personal Service Establishments

Recreation Facilities *including tennis, basketball, badminton and volley ball courts, bicycle, walking, cross country skiing, and horse riding trails, water craft facilities, playgrounds and other similar facilities but shall not include the following; a casino or similar gaming facility, off-road motorized recreation vehicle trails other than snow mobile trails, gun range, skeet shooting range or any activity that disturbs the peaceful enjoyment of the property by residents and tourists*

Accessory Uses:

Maintenance and Infrastructure Buildings and Facilities

Employee Accommodation

Small Scale Water Extraction and Sales

### **Development Regulations**

3601

- 1 All development in the C7 zone used for residential habitation and/or tourist accommodation, except where providing un-serviced campground sites, shall be serviced by a community water system and community sewer system installed, operated and maintained in accordance with Provincial requirements and regulations.
- 2 Development in this zone may be subject to the requirements of a Development Permit.
- 3 Lot coverage meaning the area of a lot covered by buildings, structures, driveways, parking and loading areas and outdoor storage shall not exceed 50 percent of the lot area.

- 4 Unless otherwise stated in this bylaw, no building or structure except a fence may be located within:
- a. 7.5 m (25 ft) of a front or exterior side lot line;
  - b. 2.5 m (8.2 ft) of any other lot line; and/or
  - c. a minimum separation distance of 6 metres (20 feet) shall be maintained between all buildings used for residential habitation or tourist accommodation.

- 5 In addition to the parking requirements specified under sections 611 and 612, the following off-street parking requirements shall apply:

|                         |                          |
|-------------------------|--------------------------|
| Single Detached Housing | 1.5 parking stalls/unit  |
| Duplex Housing          | 1.5 parking stalls/unit  |
| Multi-Unit Housing      | 1.0 parking stalls/unit  |
| Cabins                  | 1.0 parking stalls/cabin |
| Campground              | 1.0 parking stalls/site  |

- 6 Cluster development shall be defined as development consisting of a combination of single detached housing, duplex housing and/or cabins arranged in clusters with a minimum of four dwelling units.

- 7 All development shall be subject to the following minimum site area requirements:

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Single Detached Housing             | 400 square metres (4306 square feet) |
| Duplex Housing                      | 300 square metres (3229 square feet) |
| Cabins (no kitchen facility)        | 250 square metres (2691 square feet) |
| Campgrounds                         | 0.4 hectare (1.0 acre)               |
| Lodges, Seasonal Resorts and Hotels | 60 units/hectare (24.3 units/acre)   |
| Multi-Unit Housing                  | 30 units/hectare (12.2 units/acre)   |

- 8 Excluding underground parking areas; no lodge, seasonal resort, hotel or multi-family dwelling building shall have a height greater than 25 metres (82 feet) above the natural ground elevation on which the building is located.

## **DIVISION 37 LIGHT INDUSTRIAL (M1)**

### **Permitted Uses**

3700 Land, buildings and structures in the Light Industrial (M1) zone shall be used for the following purposes only:

Building Supply Stores and Yards

Car Washes

Commercial Workshops:

machine shops

welding shops

government garages and workshops

Contractors' Offices, Shops and Yards

Construction, Sales, Repair and Storage of:

boats

trailers

prefabricated buildings

Food Processing

Licensed Medical Marihuana Research and Development Facility

Light Manufacturing Including:

finished wood products

fibreglass products

canvas products

finished concrete products

ceramic products

Manufactured Home and Trailer Sales

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Recycling Depot

Repair Shops

Sales, Rental and Servicing of:

motor vehicles

equipment

Service Stations

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Trucking Depot

Veterinary Clinics

Warehousing

Mini Warehouses

Accessory Uses:

Accessory Buildings and Structures

Business Office

## Caretaker Suite

**Site Specific** - Lot 1, District Lot 787, Kootenay District Plan 18383 (PID 013-899-724) - Division 37 Light Industrial (M1), Permitted Uses, 3700, “Car Washes” and “Food Processing” be omitted as permitted uses

**Site Specific** – Portion of Lot 91, District Lot 4598, Kootenay District Plan 4924 (PID 009-597-581) – Division 37 Light Industrial (M1), Permitted Uses, 3700 with all permitted uses omitted, except for “Contractors’ Offices, Shops and Yards” within a fully enclosed building, up to a maximum site coverage of 35 percent

### Development Regulations

#### 3701

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 Excepting a fence, no building or structure may be located within:
  - a. 15 metres of the front or exterior side lot lines;
  - b. 4.5 metres of the rear or interior side lot lines; or
  - c. 25 metres of a rear or interior side lot line that abuts an agricultural or residential zone.
- 4 The maximum height of any structure on a lot shall be 15 metres.
- 5 Landscaping shall comply with the requirements of sections 621 and 622.
- 6 An Industrial Development Permit is required for developments on Industrial zoned land.

## **38 MEDIUM INDUSTRIAL (M2)**

### **Permitted Uses**

3800 Land, buildings and structures in the Medium Industrial (M2) zone shall be used for the following purposes only:

All Uses Permitted in the Light Industrial (M1) Zone  
Auto wrecking, Junkyards, Salvage and Scrap Metal Yards  
Machine Shops and Parts Manufacturing  
Sheet Metal Shops  
Wood Product Manufacturing  
Accessory Uses:  
    Accessory Buildings and Structures  
    Business Office  
    Caretaker Suite

### **Development Regulations**

3801

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 The minimum site area for building supply stores and storage, trucking depots, warehousing, auto wrecking, junk yards, scrap metal yards and storage and wood product manufacturing shall have a minimum site area of 1.5 hectares.
- 3 The maximum site coverage permitted shall be 50 percent of the lot area for buildings and structures and 75 percent for outside storage of materials.
- 4 No building or structure except a fence may be located within:
  - a. 15 metres of the front or exterior side lot lines;
  - b. 4.5 metres of the rear or interior side lot lines; or
  - c. 25 metres of a rear or interior side lot line that abuts an agricultural or residential zone.
- 5 The maximum height of any structure on a lot shall be 15 metres.
- 6 Landscaping shall comply with the requirements of sections 621 and 622.
- 7 An Industrial Development Permit is required for developments on Industrial zoned land.

## **DIVISION 39 HEAVY INDUSTRIAL (M3)**

### **Permitted Uses**

3900 Land, buildings and structures in the Heavy Industrial (M3) zone shall be used for the following purposes only:

All Uses Permitted in the Light Industrial (M1) and Medium Industrial (M2) Zones

Asphalt Plant

Concrete and Cement Manufacturing and Storage

Landfill

Waste Management Facilities

Accessory Uses:

Accessory Buildings and Structures

Business Office

Caretaker Suite

### **Development Regulations**

3901

- 1 The minimum site area for each permitted use shall be three (3) hectares.
- 2 The maximum site coverage permitted shall be 75 percent of the lot area unless otherwise approved by Interior Health.
- 3 No building or structure except a fence may be located within:
  - a. 15 metres of the front or exterior side lot lines,
  - b. 4.5 metres of the rear or interior side lot lines, or
  - c. 25 metres of a rear or interior side lot line that abuts an agricultural or residential zone.
- 4 No equipment or machinery that grades, washes, or crushes primary mineral resources shall operate or no concrete batch plant or asphalt processing plant shall be located within 75 metres of any lot line that abuts a Residential zone.
- 5 The maximum height of any structure on a lot shall be 15 metres.
- 6 Landscaping shall comply with all requirements of sections 621 and 622.
- 7 An Industrial Development Permit is required for developments on Industrial zoned land.

## **DIVISION 40 INDUSTRIAL - LOGGING (M4)**

### **Permitted Uses**

4000 Land, buildings and structures in the Industrial Logging (M4) zone shall be used for the following purposes only:

Log Boom Grounds and Landing Areas

Wood Product Manufacturing

Recycling Depot

Accessory Uses:

Accessory Buildings and Structures

Business Office

Caretaker Suite

### **Development Regulations**

4001

- 1 The minimum site area for each permitted use shall be two (2) hectares.
- 2 No equipment or machinery that is used in association with the grading of logs shall operate within 50 metres of any lot line that abuts a Residential zone.
- 3 Landscaping shall comply with all requirements of sections 621 and 622.
- 4 An Industrial Development Permit is required for developments on Industrial zoned land.

## **DIVISION 41 INDUSTRIAL - RAILWAY (M5)**

### **Permitted Uses**

4100 Land, buildings and structures in the Industrial Railway (M5) zone shall be used for the following purposes only:

All Operations Necessary for the Operation of a Railway

Recycling Depot

Accessory Uses:

Accessory Buildings and Structures

Caretaker Suite

Warehousing

### **Development Regulations**

4101

- 1 The minimum site area for each permitted use shall be two (2) hectares.
- 2 An Industrial Development Permit is required for developments on Industrial zoned land.

## **DIVISION 42 INDUSTRIAL - AIRPORT (M6)**

### **Permitted Uses**

4200 Land, buildings and structures in the Industrial Airport (M6) zone shall be used for the following purposes only:

Airports

Recycling Depot

Uses, Buildings and Structures Accessory to Airports *including sales of aircraft fuel, aircraft charter business, aircraft sales and repairs and flight training schools*

Accessory Uses:

Accessory Buildings and Structures

Caretaker Suite

### **Development Regulations**

4201

- 1 The minimum site area for an airport is forty (40) hectares.
- 2 All buildings, structures and uses in conjunction with airports shall comply with the Federal Department of Transport regulations.
- 3 The minimum site area for any other permitted use is one (1) hectare unless the site is serviced by a community water system whereby the minimum site area is 0.4 hectare.
- 4 An Industrial Development Permit is required for developments on Industrial zoned land.

## **DIVISION 43 INSTITUTIONAL (I)**

### **Permitted Uses**

4300 Land, buildings and structures in the Institutional (I) zone shall be used for the following purposes only:

Cemeteries  
Churches  
Community Care Facilities  
Community Halls  
Convention Facilities  
Day Care Centres  
Educational Facilities  
Farmer's Market  
Group Care Facilities  
Historic Interpretative Facilities (accessory uses include heritage restaurants, retail sales of heritage products, small scale manufacture of heritage products)  
Hospitals  
Quasi-Governmental Offices supporting permitted uses  
Recycling Depot  
Retreat Centre  
Accessory Uses:  
    Accessory Buildings and Structures  
    Caretaker Suite

**Site Specific** - Lot 3, District Lot 302A, Kootenay District, Plan 1318, Except part included in Plan 12613 - Division 32, Institutional Permitted Uses, 3200, "Government Offices" be added as a permitted use.

**Site Specific** - Lot 1 District Lot 9156 Kootenay Land District Plan NEP6680 (PID 014-045-052) to reduce minimum parcel size to 0.2 hectares.

**Site Specific** - LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 {PIO: 013-130-871) the following provisions shall apply:

- i. The minimum parcel size for a daycare centre use shall be 0.08 hectares.
- ii. Notwithstanding Section 605 1 the minimum setbacks for the principal building shall be 4.5 metres from the front setback, 1.8 from the western exterior setback and 1.8 metres for the rear setback.
- iii. Notwithstanding the Table 'Off-Street Parking and Loading Space Requirements' the minimum number of off street parking spaces shall be 7.

## **Development Regulations**

4301

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 The maximum site coverage shall be 50 percent of the lot area.
- 3 The maximum size of accessory use structures for Historical Interpretative Facilities shall be 300 square metres.

## **DIVISION 44 PARK AND RECREATION (PR)**

### **Permitted Uses**

4400 Land, buildings and structures in the Park and Recreation (PR) zone shall be used for the following purposes only subject to compliance with the *Agricultural Land Commission Act, Regulations and Orders* where applicable:

- Agriculture on Lands within the ALR
- Campgrounds
- Community Recreation Centres
- Community Wharves and Boat Launches
- Farmer's Market
- Golf Courses
- Natural and Historic Interpretation Facilities
- Parks
- Recreation Facilities
- Accessory Uses:
  - Accessory Buildings and Structures
  - Concession Booth
  - Caretaker Suite

### **Development Regulations**

4401

1 The minimum site area for each permitted use shall be two (2) hectares.

## **DIVISION 45 SPECIAL RECREATION 1 (PR1)**

### **Permitted Uses**

4500 Land, buildings and structures in the Special Recreation 1 (PR1) zone shall be used for the following purposes only:

Shooting Range (archery, firearms)

Accessory Uses:

Accessory Buildings and Structures

Club House(s)

Storage Facilities

Caretaker Suite

### **Development Regulations**

4501

- 1 The minimum site area shall be fifteen (15) hectares.
- 2 No person shall establish a rifle, archery, or trap and skeet range less than 25 metres from any property line.

## **DIVISION 46 OPEN SPACE (OS)**

### **Permitted Uses**

- a. Land, buildings and structures in the Open Space (OS) zone shall be used for the following purposes only:

- Agriculture
- Community Wharves & Boat Launches
- Commercial Back Country Recreation
- Fishing and Hunting Camps
- Outdoor Recreational Activities
- Private Dock Adjacent to Upland Property
- Resource Based Activities:
  - Accessory Buildings and Structures
  - Resource Processing (as defined)
  - Forest Harvesting
  - Mineral Exploration and Mining

### **Development Regulations**

- b.
- 1 The minimum site area shall be fifteen (15) hectares.

## **DIVISION 47 QUARRY (Q)**

### **Permitted Uses**

4700 Land, buildings and structures in the Quarry (Q) zone shall be used for the following purposes only:

Concrete Batch Plant

Quarries

Asphalt Plant

Gravel Pits

Processing of Aggregate Mined On site:

    preliminary grading

    crushing

    screening

    washing

Accessory Uses:

    Accessory Buildings and Structures

    Business Office

    Caretaker Suite

### **Development Regulations**

4701

- 1 The minimum site area shall be five (5) hectares.
- 2 The minimum setback for any processing operation shall be 100 metres from any lot line.
- 3 Landscaping shall comply with the requirements of sections 621 and 622.

## **DIVISION 48 ENVIRONMENTAL RESERVE (ER)**

### **Permitted Uses**

4800 Land, buildings and structures in the Environmental Reserve (ER) Zone shall be used for the following purposes only:

Agriculture

Bird Sanctuary

Environmental Reserve

Open Space

Accessory Uses:

Accessory Buildings and Structures

Interpretative Facilities

Caretaker Suite

### **Development Regulations**

4801

- 1 The minimum site area for each permitted use shall be one (1) hectare.

## **DIVISION 49 FOREST RESOURCE (FR)**

### **Permitted Uses**

4900 Land, buildings and structures in the Forest Resource (FR) Zone shall be used for the following purposes only:

Agriculture

Back Country Recreation

Timber Production

Forage Production and Grazing by Livestock and Wildlife

A Use or Occupation authorized under the *Coal Act, Geothermal Resources Act, Mineral Tenure Act, Mines Act, or Petroleum and Natural Gas Act*

Commercial Back Country Recreation

Accessory Uses:

Accessory Buildings and Structures

Caretaker Suite

### **Development Regulations**

4901

- 1 The minimum site area for each permitted use shall be ten (10) hectares.

## **DIVISION 50 COMPREHENSIVE DEVELOPMENT (CD1)**

### **Permitted Uses**

5000 Land, buildings and structures in the Comprehensive Development (CD1) zone shall be used for the following purposes only:

Campground

Recreation Vehicle Storage

Forest Fire Attack Base *including, office space, training facilities (indoor and outdoor), equipment storage (indoor and outdoor) vehicle storage*

*Accessory Uses to the forgoing including, buildings and uses associated with the campground operation and recreation vehicle storage operation, and buildings and uses associated with the Forest Fire Attack Base operation*

### **Development Regulations**

5001

- 1 All development in the Comprehensive Development (CD1) zone shall be subject to the requirements of a Development Permit.
- 2 The minimum site area shall be 2 hectares.
- 3 The maximum site coverage shall be 75 percent of the site area. However, the maximum site area covered by all buildings and structures shall not exceed 50 percent of the site area.
- 4 Landscaping and fencing requirements shall be in accordance with Sections 621 and 622 of this bylaw or as specified in the Development Permit.
- 5 Off-street parking and loading requirements, building setback and building height requirements, signs, exterior lighting, dust suppression requirements, road access requirements and the design and layout of internal service roads and lots, water and sewer service requirements and any other relevant site development matters shall be as specified in the Development Permit.

## **DIVISION 51 COMPREHENSIVE DEVELOPMENT (CD2)**

### **Permitted Uses**

5100 Land, buildings and structures in the Comprehensive Development (CD2) zone shall be used for the following purposes only:

Mini Warehouses

Boat and Recreation Vehicle Storage

Moving Equipment Rental Operation

Forest Service Fire Attack Base Operation

Retail Convenience Store

Commercial Hall Rental

*Accessory Uses to the foregoing including Caretaker Suite, office space related to the management of the Permitted Uses, and accessory buildings including utility buildings.*

### **Development Regulations**

5101

- 1 All development in the Comprehensive Development (CD2) zone shall be subject to the requirements of a Development Permit.
- 2 The minimum site area shall be 1.5 hectares.
- 3 The location and floor area associated with the following Permitted Uses; Mini Warehouses, Commercial Hall Rental, Retail Convenience Store and Forest Service Fire Attack Base Operation, shall be limited to renovations involving the former Pass Creek Elementary School building. The maximum gross floor area for these developments shall be limited to the floor area of the former Pass Creek School building plus an additional floor area equivalent to half of the gross floor area of the existing building. Furthermore, the construction of additional floor space for these Permitted Uses must be physically attached to the existing building.
- 4 The site location and development requirements associated with Boat and Recreation Vehicle Storage and Moving Equipment Rental Operation shall be as specified in a Development Permit however, the total site area utilized for these Permitted Uses shall not exceed 0.4 hectare.
- 5 Development associated with the Forest Service Fire Attack Base Operation may include office space, training facilities, service facilities for fire fighters and office staff, indoor and outdoor equipment storage areas, vehicle storage and parking areas but shall not include a heli-pad for use in conjunction with the Fire Attack Base Operation.
- 6 The maximum site coverage shall be 75 percent of the site area however the maximum site area covered by all buildings and structures shall not exceed 50 percent of the site area.

- 7 Unless otherwise specified in a Development Permit; all buildings and structures except a fence shall be setback a minimum distance of 7.5 metres (25 feet) from all public roads and 2.5 metres (8.2 feet) from all other lot lines.
- 8 Unless otherwise specified in a Development Permit, landscaping and fencing requirements shall be in accordance with Section 621 and Section 622.
- 9 Off-street parking and loading requirements, building height requirements, signs, exterior lighting, hours of operation, road access requirements and the design and layout of internal service roads, water and sewer service requirements and other relevant site development matters shall be as specified in a Development Permit.

## **DIVISION 52    COMPREHENSIVE DEVELOPMENT (CD3)**

### **Permitted Uses**

5200 Land, buildings and structures in the Comprehensive Development (CD3) zone shall be used for the following purposes only:

#### **Principal Uses:**

Commercial Workshops:

Machine Shops

Construction, Sales, Repair and Storage of:

Prefabricated Buildings

Wood Product Manufacturing

#### **Accessory Uses:**

Day Care Facility

Office

### **Development Regulations**

5201

- 1 All development in the Comprehensive Development (CD3) zone shall be subject to the requirements of a Development Permit.
- 2 The minimum lot area shall be 2 hectares
- 3 The maximum site coverage shall be 50 percent of the lot area
- 4 Excepting a fence, no building or structure may be located within:
  - a. 15 metres of the front lot line
  - b. 15 metres of the rear lot line
  - c. 7.5 metres of the interior side lot line
  - d. 15 metres of an interior side lot line that abuts an agricultural or residential zone
- 5 The maximum height of any building or structure shall be 15 metres
- 6 Landscaping shall comply with the requirements of Sections 620 and 621
- 7 The following parking requirements shall apply:
  - a. A minimum of 65 parking spaces shall be provided for the subject property
  - b. Required parking spaces are permitted to be provided on the adjacent lot (PID: 029-966-547) in the form of a covenant under Section 219 of the Land Title Act
  - c. A minimum of 2 of the required number of parking spaces shall be provided as accessible parking spaces
  - d. Minimum Parking Space Dimensions (w $\times$ l $\times$ h):
    - Above Grade: 2.75 m x 6 m x 2.2 m
    - Below Grade: 3.05 m x 6 m x 2.0 m
    - Below Grade (adjacent to wall): 3.2 m x 6 m x 2.0 m

## DIVISION 53 DEVELOPMENT PERMIT AREAS

5300 For the area covered by this Zoning Bylaw, the Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2022 designates Development Permit Areas (DPAs) and describes the special conditions or objectives that justify their designation. The exemptions and guidelines for all DPAs are contained within this Zoning Bylaw. Where “Post Development Guidelines” are specified in the DPA, they are incorporated as conditions into all Development Permits for the DPA issued by the Regional District of Central Kootenay.

5301 The following general DPA guidelines apply:

- 1 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK’s bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:
  - a. providing the information identified in the following guidelines;
  - b. proposing only activities and development consistent with the following guidelines;
  - c. not undertaking any activities or development inconsistent with the following guidelines; and,
  - d. not undertaking any activities or development without a development permit.
- 2 If disturbance to a DPA occurs outside of the scope of the conditions of an issued development permit then the property owner must submit a new development permit application including all accompanying documentation, fees, and Development Approval Information.
- 3 Post Development Guidelines for DPAs designated under Section 488(1)(a) of the *Local Government Act*:
  - a. Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the relevant qualified professional(s) of an assessment of all permit conditions. The report must assess if the development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the qualified professional’s recommendations within their report.
- 4 Compliance with DP Standards, Requirements and Conditions of Development Permit:  
The owner of land within a DPA must:
  - a. comply with all applicable standards set out within, and the requirements and conditions of, a development permit.

- b. In an Aquifer Protection Development Permit Area or Riparian Protection Development Permit Area, provide a report prepared by a qualified professional, as described further in the sections below.
- c. In an Aquifer Protection Development Permit Area or Riparian Protection Development Permit Area, provide a post development guideline report as described in section 5501.3.

## DIVISION 54 ELECTORAL AREA 'I' AQUIFER PROTECTION DEVELOPMENT PERMIT (APDP) AREA

### Activities that require a Development Permit

#### 5401

The owner of land within the APDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land within the APDP Area:

- a. disturbance of soils;
- b. construction or erection of buildings and structures;
- c. creation of non-structural impervious or semi-impervious surfaces;
- d. construction of roads, trails, retaining walls, docks, wharves and bridges;
- e. provision and maintenance of sewer and water services;
- f. development of drainage systems;
- g. development of utility corridors;
- h. subdivision as defined in section 455 of the *Local Government Act*; and
- i. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

### Exemptions

5402 A Development Permit is not required for the following activities:

- a. Construction, renovation, repair to an existing building that does not increase the building's footprint;
- b. Construction of a driveway to a residence except for excavation of a depth greater than 1.5 metres;
- c. Construction of unserviced buildings accessory to residential use such as a garage or greenhouse;
- d. Construction of a single detached home on a lot least one hectare in area or greater and is the only dwelling unit present;
- e. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer;
- f. Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation* of the *Public Health Act*;
- g. Subdivision of land where the proposed lots sizes are at least one hectare in area or greater;
- h. Technical subdivision for road widening, parcel line adjustment, or lot consolidation of a parcel that does not create a new lot; and
- i. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act* and the lands are assessed as 'farm' under the *BC Assessment Act*.

## Guidelines

5403

- 1 All applications for an APDP shall be accompanied by a report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology as Development Approval Information. The report should follow any applicable Terms of Reference of the Regional District for preparation of hydrogeological assessment reports and should also include, but is not limited, to the following:
  - a. definition of study area and the relationship of the proposed property development to the protected aquifer;
  - b. capture zone analysis for existing and proposed new wells;
  - c. identification of the location of any existing or proposed above ground or underground fuel storage tanks, abandoned or operational water wells, septic tanks and drainage fields, and underground pipelines such as water, sewer or natural gas;
  - d. identification of potential impacts on adjacent properties and land uses;
  - e. inventory of potential contamination sources and how the applicant will manage hazardous materials storage, handling and disposal so as not to compromise the integrity of the underlying aquifer; and
  - f. identification of appropriate site-specific groundwater protection measures to ensure the quality and quantity of water in the aquifer is protected.
- 2 Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the *Contaminated Sites Regulation*, (B.C. Reg. 375/96), the report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology (as described in Guideline 1) shall be required to confirm the protection of the aquifer in relation to the intended uses.

In this case, the professional report should additionally include the following:

- a. indicate the site location of activities listed in above mentioned regulation;
  - b. assess the potential for contamination and the expected results should a spill occur; and,
  - c. address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response.
- 3 The report will form part of the Development Permit terms and conditions and may include recommendations pertaining to registration of a Section 219 Covenant, with the RDCK as Covenant Holder, to prohibit particular high risk land uses or activities or to specify other restrictions on use of the property.
  - 4 The use or disposal of substances or contaminants that may be harmful to area aquifers is discouraged and steps must be taken to ensure the proper disposal of such contaminants.

- 5 During construction, the creation of any building piles and test holes drilled for geotechnical purposes must be reported to the RDCK, and must be properly closed upon completion, to prevent the migration of contaminants to the aquifer.
- 6 Land stripping, excavations, ditching and trenching must be minimized.
- 7 Control mechanisms should be used to minimize erosion and siltation.
- 8 Impervious surfaces should be minimized.
- 9 The use of permeable paving and other methods to reduce rainwater runoff are encouraged.
- 10 Xeriscape, and other low water use approaches, is the preferred landscaping technique.

## **DIVISION 55 ELECTORAL AREA 'I' INDUSTRIAL AND COMMERCIAL DEVELOPMENT PERMIT (ICDP) AREA PROHIBITION**

5501

Land within the ICDP area must not be subdivided and construction of, addition to or alteration of a building or other structure must not be started without first obtaining a ICDP unless otherwise exempt in this Bylaw.

### **Exemptions**

5502

A Development Permit will not be required for any of the following activities:

- a. subdivision;
- b. development associated with agricultural, residential or institutional land uses and activities;
- c. construction of, addition to, or alteration of a building or structure involving only: interior renovation; repair or maintenance; façade improvement to an area less than 20% of the existing façade; an addition to a principal building less than 55 square meters and construction of an accessory building; and,
- d. temporary buildings and structures associated with permitted construction or permitted by a Temporary Use Permit.

### **Guidelines**

5503

Form and Character of Buildings:

1. Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive and aesthetically pleasing.
2. The shape, siting, roof line and exterior finish of buildings should be sufficiently varied to reduce the visual impact and apparent massing on adjacent areas.
3. Parking should be in smaller clusters to the rear or side of the building and be screened from view from adjacent residential uses.

Landscaping and Screening:

1. The retention of natural vegetation and mature trees is encouraged.
2. Outside storage and manufacturing areas should be located to the rear of buildings where appropriate and should be adequately screened.
3. Landscaping should be provided along all perimeter roads.
4. Industrial development adjacent to residential development should utilize a combination of landscaping and planted berms to provide visual and acoustic buffering between uses.
5. Landscaping features and finishing details should be provided to reduce the negative visual impact of chain link fencing visible from roads or residences.

Miscellaneous:

1. Lighting of facilities visible from roads or residences should be kept to the minimum necessary for safety and visibility. Lighting equipment should be carefully chosen to focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures with a full cut-off angle should be used. Lighting should be directed and shielded away from roads or residences to prevent light pollution.
2. Signage should be low, visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting and boldness to be effective.

## **DIVISION 56 ELECTORAL AREA 'I' RIPARIAN PROTECTION DEVELOPMENT PERMIT (RPDP) AREA**

### **Interpretation**

5601

Unless otherwise defined in this Bylaw, the definitions contained within this Section shall have the same meaning as those terms defined in the *Riparian Areas Protection Regulation* (RAPR), as amended from time to time

### **Activities that require a Development Permit**

5602

The owner of land within the RPDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land identified as a riparian assessment area within the RPDP Area:

- a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
- b. disturbance of soils;
- c. construction or erection of buildings and structures;
- d. creation of non-structural impervious or semi-impervious surfaces;
- e. flood protection works including shoreline protection works;
- f. construction of roads, trails, retaining walls, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors;
- j. subdivision as defined in section 455 of the *Local Government Act*; and
- k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

### **Exemptions**

5603

A Development Permit is not required for the following activities:

- 1 A Development Permit or Section 219 Covenant has already been registered against the title of land, with the RDCK as a Covenant Holder, that has addressed that all RPDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.
- 2 All development activity will occur outside of the RPDP area and the RPDP area is delineated by brightly coloured snow fencing for the duration of the development activities occurring on the lands.
- 3 The RPDP area has been identified by a Qualified Environmental Professional (QEP) and is permanently protected, to the satisfaction of the RDCK, by a Section 219

- Covenant with the RDCK as a Covenant Holder, return to Crown land, or dedication to the RDCK as a public park.
- 4 There is a change of use or renovation of a building where all of the following can be achieved within the RPDP Area:
    - a. the building footprint will not be altered or increased;
    - b. no heavy machinery will be present; and,
    - c. the riparian area is delineated by brightly coloured snow fencing and silt fencing for the duration of the development activities occurring on the lands.
  - 5 Removal of noxious weeds and/or invasive species in accordance with the Central Kootenay Invasive Species Society's "Integrated Pest Management Options" for specific invasive species.
  - 6 Restoration or enhancement as part of an approved local stewardship project and carried out under the recommendations and guidance of a QEP.
  - 7 The planting of riparian species that are native to the Central Kootenay using non-mechanized methods.
  - 8 Where a QEP has inspected the site and confirms to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.
  - 9 Development activity that has been permitted by an authorization under the *Water Sustainability Act* or *Fisheries Act* where no disturbance will occur on the upland property unless otherwise permitted by the authorization. A copy of the authorization must be provided to the RDCK to demonstrate that the proposed works will not impact the riparian area.
  - 10 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the RPDP Area, or where all of the following criteria are satisfied:
    - a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the RPDP Area;
    - b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the RPDP Area will occur as a result of the creation of lots or provision of services to those lots;
    - c. the RPDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and
    - d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the RPDP Area against the titles of all newly created lots.
  - 11 Lot line adjustments to the natural boundary of a watercourse resulting from the approval of an accretion.
  - 12 Land alterations involving emergency measures to prevent or reduce immediate threats to life or property, where notice is provided to the General Manager of Development Services and Community Sustainability, in the following instances:
    - a. emergency works conducted under the direction of local or provincial government;

- b. tree limbing, topping, or removal, where the trees are identified as an immediate threat to the safety of life or buildings, and all works are to be completed, by an arborist certified in BC in accordance with the relevant legislation as well as Provincial Best Management Practices regarding streamside vegetation. Limbing and topping are preferred and proposals for removal must be accompanied with a rationale for why the other actions are unsuitable;
  - c. the environmentally sensitive removal of trees, shrubs or landscaping designated as hazardous in a FireSmart Assessment or fuel management prescription, prepared by a Registered Professional Forester (RPF) or RDCK Wildfire Mitigation Specialist, where such trees, shrubs or landscaping are compensated for elsewhere within the RPDP Area using the replacement ratios provided in the RDCK's "Terms of Reference for Riparian Assessment Reports"; or,
  - d. land alteration or vegetation removal deemed necessary to prevent or reduce immediate threats to life or property by a local, provincial, or federal government, or its agencies or contractors, performed under a declared state of emergency.
- 13 The land is located within British Columbia's Agricultural Land Reserve (ALR) and the activities:
- a. are responsible, normal agricultural practices carried out in accordance with the *Farm Practices Protection Act* and Farm Practice in BC Reference Guide. Interpretation or disagreements will be resolved through the provisions of the *Act*. Activities not covered by the *Act* or Guide will require a Development Permit; and,
  - b. adhere to the "Riparian Protection Setbacks from Watercourses for Buildings and Facilities in Farming Areas" contained within the Ministry of Agriculture Guide for Bylaw Development in Farming Areas.

## Guidelines

5604

- 1 An owner of land within the RPDP Area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.
- 2 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation (RAPR)* Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that:
  - a. the QEP is qualified to carry out the assessment;
  - b. the assessment methods have been followed;

- c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* have been fulfilled;
  - d. contain recommendations that reflect Provincially-recognized best management practices as well as the Brilliant Headpond Shoreline Management Guidelines;
  - e. demonstrate a coordinated approach with other professionals involved with the project, such as, but not limited to Engineers, Hydrologists, Geoscientists, and Foresters; and,
  - f. be consistent with the RDCK's "Terms of Reference for Riparian Assessment Reports", as amended from time to time.
- 3 Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.
  - 4 Demonstrate that a diligent effort has been made to preserve existing riparian vegetation, woody debris, boulders, and other natural features.
  - 5 Retain mature vegetation wherever possible and incorporate it into the design of the project.
  - 6 Parcels created by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the designated setback, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.
  - 7 Where fencing is proposed within the RPDP Area, or to delineate the RPDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.
  - 8 Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Brilliant Headpond Shoreline Management Guidelines, as amended from time to time and which is incorporated into these guidelines:
    - a. Avoidance of environmental impacts and associated components;
    - b. Minimization of unavoidable impacts on environmental values and associated components;
    - c. Restoration of on-site environmental values and associated components; and,
    - d. Offsetting impacts to environmental values for residual impacts that cannot be minimized.
  - 9 The QEP must provide a recommended minimum setback from the stream boundary, consistent with the Provincial *RAPR* methodology, and from other habitat features present on the site (e.g. raptor nests) that is to remain undisturbed by development activities.
  - 10 Limits of disturbance, such as silt fencing and/or snow fencing, to the setback must be in place prior to the commencement of any development activity or issuance of a Building Permit.
  - 11 The setback shall remain free of development activities, except in unique circumstances where an applicant can demonstrate that all of the following criteria are fulfilled:

- a. the parcel was created by subdivision in accordance with the laws in force in British Columbia at the time the parcel was created;
  - b. the applicant demonstrates that size or topographical constraints severely limit the ability to develop elsewhere on the property;
  - c. every alternative site and building design that could minimize the impact on the riparian area has been explored, which may include variances or reductions in all possible requirements (including, but not limited to, setbacks and height);
  - d. the Report adequately justifies why there are no other suitable alternatives to development activity within the setback and provides that, in the QEP's professional opinion the activity, as proposed, will not result in any harmful alteration, disruption or destruction of fish, fish habitat, or natural features that support fish life processes;
  - e. development is directed to areas already subject to human disturbance; and,
  - f. on-site environmental values will be restored in accordance with a restoration plan prepared by a QEP.
- 12 Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.
- 13 Storm water will be managed in a way that utilizes natural approaches and on-site water recycling as well as preserves natural drainage patterns on the lands.
- 14 Preference will be given to flood and erosion protection works that utilize bio-engineering for the protection of both private property and the riparian area.
- 15 The conditions of the issuance of a Development Permit for the RPDP Area may require any of the following:
- a. areas of land that must remain free of development except in accordance with conditions in the permit;
  - b. the preservation, protection, restoration or enhancement of natural features and watercourses;
  - c. dedication of natural watercourses;
  - d. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
  - e. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;
  - f. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;
  - g. monitoring of the development activities by a QEP;
  - h. specific timing or sequence of development activities to minimize impacts to the natural environment;
  - i. limits of disturbance to be in place for the duration of the development activities; and,
  - j. a security deposit in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, as amended from time to time.

16 Other Provincial and Federal Requirements:

The *Riparian Areas Protection Regulation* implemented through the RPDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

## **DIVISION 57 ELECTORAL AREA 'I' WILDFIRE DEVELOPMENT PERMIT (WDP) AREA**

### **Interpretation**

5701

Development, in the context of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation.

### **Activities that require a Development Permit**

5702

The owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land within the WDP Area:

- a. construction, erection or alteration of, or addition to, buildings and structures;
- b. subdivision as defined in section 455 of the *Local Government Act*; and
- c. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

### **Exemptions**

5703

A Development Permit is not required for any of the following activities:

- 1 Where an applicant for a Building Permit has submitted plans for construction that show compliance with these guidelines, and the owner has entered into a Section 219 Covenant, with the RDCK as a Covenant Holder, for compliance with the plans submitted which has been registered on the title of the property;
- 2 The construction of or alterations to accessory buildings or structures that are not in excess of 55 square meters and are further than 10 meters from other buildings;
- 3 Additions to existing approved buildings that are not in excess of 25% of the existing gross floor area;
- 4 Technical subdivision for road widening, parcel line adjustment, or lot consolidation of a parcel;
- 5 Subdivisions creating less than 4 new parcels;
- 6 Subdivisions creating more than 4 new parcels, where both of the following conditions are met:
  - a. the owner agrees to register a Section 219 Covenant, with the RDCK as Covenant Holder, on the titles of all new and remainder lots created through subdivision, to ensure compliance with Section 5517 of these guidelines which regulate building materials and landscaping;
  - b. that a Registered Professional Forester, specializing in wildfire risk and fuel hazard assessments and fuel management, has submitted a report that indicates

that the subdivided properties have a low wildfire hazard rating within 30 meters (the home ignition zone) of the building envelope areas; and,

- c. the Report(s) shall be attached to the Section 219 Covenant;
- 7 Interior renovations to existing buildings;
- 8 A new roof or a complete roof replacement using material that conforms to Class A, B or C , or equivalent, fire resistance as defined in the BC Building Code;
- 9 Any development comprised entirely of non-combustible materials such as metal, stone or concrete;
- 10 New accessory buildings and decks will not trigger landscaping requirements noted in Section 5515, except for Accessory Dwelling Units, provided they are located farther than 10 meters from other buildings;
- 11 Addition of rooftop equipment (e.g. HVAC), canopies, or other decorative roof structures that do not require a Building Permit.
- 12 The activity proposed on the site is a land alteration that relates solely to normal farm practices in accordance with the *Farm Practices Protection Act* and the landowner follows other regulations listed in the *Act*.
- 13 Landscape maintenance, installation, internal alterations, renovations, and land alteration activities that do not increase wildfire risk.

## Guidelines

5704

### Landscaping:

- 1 All areas within 1.5 metres of principal buildings should be free of coniferous vegetation and combustible materials (such as patio furniture, hot tub covers, etc.).
- 2 Individual coniferous trees may be located within 3 metres of a building, provided:
  - a. no other conifers are within 6 metres (measured from trunk to trunk) of the conifer;
  - b. exterior portions of the building fronting the tree's existing and eventual canopy are clad in fire resistant materials such as stucco, metal siding, brick, cement shingles or boards, concrete block, poured concrete, logs or heavy timbers and rock as defined in the *BC Building Code*; and
  - c. building roofing is comprised of metal, clay tile, fiber-cement, asphalt shingle or similar material; wood shakes of any kind are not acceptable.
- 3 No bark, mulch, or any other combustible material should be located within 10 metres of the outer edge of any building structure.
- 4 Separate any fencing built with combustible materials to be at least 1.5 metres from any dwellings.

### Building Materials – Roofing:

- 1 The roof covering shall conform to Class A, B, or C fire resistance as defined in the *BC Building Code*.
- 2 Gutters shall be made of metal.

#### Building Materials – Exterior Cladding:

- 1 Untreated combustible materials should make up less than 20% of the surface area of an exterior elevation. Window and door trim, fascia, eaves, soffits, the underside of decks, siding and cladding are included in the determination of 20% combustible surface area per elevation. Roofing is excluded in the determination.
- 2 Manufactured homes shall be skirted with skirting that has a fire-resistance rating in accordance with CAN/ULC-S101.

#### Building Materials – Overhanging Projections:

- 1 Balconies, decks, and porches (no exposed joists) shall be sheathed with fire-resistant materials.

#### Building Materials - Eaves, Soffits, and Vents:

- 1 Eaves and soffits shall be closed so no joists are exposed.
- 2 Ventilation openings in exterior walls, roofs, eaves, and soffits shall be covered with corrosion-resistant 3 mm non-combustible wire mesh. Wall-mounted exterior vents are exempt from having wire mesh with 3 mm openings if vents with mobile flaps are used (subject to venting requirements in the *BC Building Code*).

#### Building Materials – Chimneys:

- 1 Chimneys for wood burning fireplaces must have spark arrestors in compliance with NFPA 211.

#### Site Design:

- 1 Building sites are encouraged to be located on the flattest areas of the property, avoiding gullies or draws that accumulate fuel and funnel winds.
- 2 Buildings are encouraged to be sited, and road accesses designed, in order to accommodate fire fighting vehicles and equipment.
- 3 A fire-resistant zone of at least 10 metres, where practical, should be managed around buildings and structures with the goal of eliminating fuel and combustible debris, reducing risks from approaching wildfire and reducing the potential for building fires to spread to the forest.
- 4 Auxiliary buildings and fuel tanks should be located as far away from buildings as possible. A distance of 15 metres or more is ideal. Where a distance of 15 metres or more is impractical, guidelines in this section that apply to principal buildings should be applied to accessory buildings.

#### Subdivision:

- 1 As part of the subdivision process, the RDCK should receive a Wildfire Hazard Assessment prepared in accordance with the Regional District's Terms of Reference for Wildfire Hazard Assessments. The Wildfire Hazard Assessment and plan of subdivision should address the following guidelines:
  - a. Provide firefighting and emergency access to adjacent forested areas (such as through an access encircling the development, periodic access to the forest edge, or by placing access adjacent to forested areas). Consider, where the subdivision

abuts forested areas, placing accesses so that they act as fuel breaks to protect the development and buildings;

- b. Provide a minimum of two means of access points with road systems capable of supporting evacuation and the movement of fire suppression equipment. The number of access points and their capacity should be determined during subdivision design and be based on threshold densities of houses and vehicles within the subdivision. Single access may be considered where the development contributes to a future road network with multiple access points or where an emergency access route can be constructed;
  - c. Set back development a minimum of 10 m from the top of ridgelines, cliffs, ravines, or the top of slopes exceeding a 20% grade for a minimum horizontal distance of 10 m. Variation of the setback may be considered if a Wildfire Hazard Assessment can justify a change in the setback; and,
  - d. Where wildfire hazard levels are high, as determined by a Registered Professional Forester in a Wildfire Hazard Assessment, mitigation measures should be taken as recommended by the Registered Professional Forester to reduce the wildfire hazard rating to moderate or low.
- 2 Proposed deviations from the guidelines outlined in Section 5514.1-19 [Landscaping, Building Materials, Site Considerations, Subdivision Requirements] may be appropriate if the report verifies that the expected level of performance meets or exceeds the level of fire safety conferred by the guidelines outlined in the Wildfire Development Permit Area.