

EAST SHORE OF KOOTENAY LAKE

**ELECTORAL AREA 'A' COMPREHENSIVE
LAND USE BYLAW NO. 2315, 2013**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA 'A' COMPREHENSIVE LAND USE BYLAW NO. 2315, 2013**

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**LIST OF AMENDMENTS TO RDCK ELECTORAL AREA 'A' COMPREHENSIVE LAND USE
BYLAW NO. 2315, 2013 UP TO (see date at bottom of last page of amendments),
WHICH ARE INCLUDED IN THIS CONSOLIDATED VERSION OF THE BYLAW**

Bylaw No. File No.	Adopted	Amendment	Purpose
2402 4600-10-Z1410- 2402-2315-MMPR	August 21, 2014	General text amendment to provide definitions and general regulations for the purposes of licensed medical marihuana in Agricultural and Industrial zones.	To enable and provide clarification for those undertaking licensing for medical marihuana research and production.
2447 4600-20-Z1420- A01375.000	June 18 th , 2015	Re-designation of a 0.4 ha portion of Lot 4 District Lot 279 Kootenay District Plan NEP1356 Exc. Plan 7953 (PID 015-799-271) from Country Residential (RC) to Suburban Residential (RS) under Schedule B.1 and from Country Residential (R2) to Suburban Residential (R1) under Schedule B.5	To enable subdivision of a portion of the subject property for the purposes of a second dwelling.
2540 4600-20-Z1606A- 06025.000	December 8 th , 2016	Re-designation of a portion of Lot A DL 191 KD Plan NEP6207 & DL 9552, 13566, PID 014-154-960 (UNDER SUBDIVISION PROPOSAL WHERE SPLIT BY DUCK LAKE ROAD); Lot B DL 191 KD Plan NEP2249, PID 015-463-681; Lot C DL 191 KD Plan NEP2249, PID 015-463-931 and Lot A DL 191 KD Plan NEP2249, PID 012-238-881 from Country Residential (RC and R2) to Medium Industrial (M and M2) under Schedule B.1 and B.5.	To enable expansion of existing Wynn Wood operations to include a log sort and storage area.
2549 4600-20-Z1701A- AClub	May 18, 2017	OCP Re-designation of District Lot 15727 Kootenay Land District Except Plan 12945, PID 010-977-732 from Country Residential (RC) to Tourist Commercial (TC) and Lots 1 to 3 District Lot 279 Kootenay Land District Plan EPP18794, PID 028-880-072, 028-880-081, 028-880-099; Lots A to C District Lot 279 Kootenay Land District Plan NEP89905, PID 028-057-091, 028-057-104, 028-057-112; and Lot 1 District Lot 279 Kootenay Land District EPP18794, PID 028-880-072 from	Mapping amendments to reflect previous amendments missed during 2013 review of Bylaw on Lockhart Road and Monroe Road.

Bylaw No. File No.	Adopted	Amendment	Purpose
		Country Residential (RC) to Suburban Residential (RS). Zoning Re-designation of District Lot 15727 Kootenay Land District Except Plan 12945, PID 010-977-732 from Country Residential (R2) to Tourist Commercial (C3) and Lots 1 to 3 District Lot 279 Kootenay Land District Plan EPP18794, PID 028-880-072, 028-880-081, 028-880-099; Lots A to C District Lot 279 Kootenay Land District Plan NEP89905, PID 028-057-091, 028-057-104, 028-057-112; and Lot 1 District Lot 279 Kootenay Land District EPP18794, PID 028-880-072 from Country Residential (R2) to Suburban Residential (R1)	
2619 5110-20- Cannabis_Act	January 17, 2019	Text Amendments for the implementation of the Cannabis Act	Text Amendments to enable cannabis retail sales, cultivation, processing and nurseries throughout the RDCK.
2636 5200-20- Agricultural-Review	January 17, 2019	Text Amendments for Agricultural (AG) Zones	Text Amendments for the purposes of alignment with revised ALC Regulations, Provincial Bylaw Standards and RDCK Agricultural Area Plan.
2686 5110-20- Compliance-and- Enforcement	April 16, 2020	Text Amendments for Compliance and Enforcement	Text Amendments for the purposes of alignment with the RDCK Bylaw Enforcement and Dispute Adjudication System Bylaw and Municipal Ticketing Information Bylaw.
2747 5110-20-Accessory Buildings and TUP's	February 17, 2022	Multiple Text Amendments	Text Amendments to amend the RCDPA (s. 16.0), parks (s. 17.0; 18.52 & 34.1), zone boundaries (s. 18.92A), fence heights (s. 19.12), remove ability to construct small accessory building before principal use (s. 20.7, 21.7, 22.9, 25.12) and housekeeping.
2834 5200-20- Agricultural Review	October 13, 2022	Multiple Text Amendments Re-designation of Lot 2, District Lot 279, Kootenay District, Plan NEP8632 (PID 012-466-077); Lot 3, District Lot 279, Kootenay District, Plan NEP22777 (PID 023-298-502); and Lot C, District Lot 9551, Kootenay District, Plan NEP1489 REF MAPS B43 AND B44	Text Amendments for the purpose of supporting farming and protecting farmland in the RDCK.

Bylaw No. File No.	Adopted	Amendment	Purpose
		(PID 015-750-132) from Agriculture (AG) to Agriculture 1 (AG1). Re-designation of Lot 2, District Lot 4595, Kootenay District, Plan NEP76499 (PID 026-078-040); Lot A, District Lot 4595, Kootenay District, Plan NEP4432 (PID 013-288-601); Lot 15, District Lot 4595, Kootenay District, Plan NEP970 (PID 014-013-177); and Block 148, District Lot 9551, Kootenay District, REF MAPS B43 AND B44 (PID 016-456-921) from Agriculture (AG) to Agriculture 2 (AG2).	

November 2022

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

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**Regional District of Central Kootenay
Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013**

A Bylaw to guide decisions in planning and land use and to regulate land use and development within Electoral Area 'A' pursuant to Part 14 of the *Local Government Act of British Columbia, R.S.B.C. 2015*.

TITLE

This Bylaw may be cited for all purposes as the Electoral Area 'A' Land Use Bylaw No. 2315, 2013'.

AUTHORITY

WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area;

AND WHEREAS under the provisions of Sections 479, 482, 492, 523, 525, 526 and 527 of the *Local Government Act* the Regional Board may adopt a Zoning Bylaw allowing the Regional District to regulate the following: the use, density, siting, size and dimensions of land, buildings and other structures; the shape, dimensions and area, including the establishment of minimum and maximum sizes of parcels created by subdivision; density benefits for amenities; designation of temporary use areas; runoff control requirements; off street parking and loading space requirements; provisions for the regulation of signs and provisions for screening and landscaping;

AND WHEREAS under the provisions of Section 227 of the *Local Government Act* the Regional Board may by General Bylaw, exercise any number of its powers to act by Bylaw;

AND WHEREAS the Regional Board has prepared a combined Official Community Plan contained herein as Schedule 'A' and Zoning Bylaw contained herein as Schedule 'B';

AND WHEREAS the Regional Board may adopt a Bylaw and each reading of the Bylaw must receive an affirmative vote of a majority of all directors of the Regional Board who are entitled to vote on that Bylaw;

AND WHEREAS the Regional Board has consulted and complied with Sections 475, 476 and 477 as required under the *Local Government Act* for that portion of this Bylaw that is an Official Community Plan;

AND WHEREAS the Regional Board has consulted and complied with Section 464 as required under the *Local Government Act* for that portion of this Bylaw that is a Zoning Bylaw;

AND WHEREAS it is recognized that the requirements for consultation under Sections 475 and 476 of the *Local Government Act* will be applied to proposed bylaw amendments that fall under Schedule 'A' of this Bylaw and that the requirements for consultation under

Section 464 will be applied to proposed bylaw amendments that fall under Schedule 'B' of this Bylaw.

NOW THEREFORE the Regional Board of the RDCK, in open meeting assembled, enacts as follows:

APPLICATION

1. Schedule 'A' being the components of an Official Community Plan and as applicable to that portion of Electoral Area 'A' as outlined in Schedules A.1, A.2, A.3 and A.4 being mapping forming part of the Official Community Plan; and
2. Schedule 'B' being the components of a Zoning Bylaw and as applicable to that portion of Electoral Area 'A' as outlined in Schedule B.1 being mapping forming part of the Zoning Bylaw

ADMINISTRATION AND ENFORCEMENT

3. The Manager of Development Services, Planning Services, Building Services and Bylaw Enforcement Services staff and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with.

VIOLATION AND PENALTY

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.

VALIDITY

5. If any statement, section, sub-section, clause or phrase of this Bylaw and the provisions adopted by this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction; the decision shall not affect the validity of the remaining portions of this Bylaw.

REPEAL

6. The Kootenay Lake portion of Electoral Area 'A' Official Community Plan Bylaw No. 1978, 2008, and all subsequent amendments thereto, is hereby repealed.
7. The portion of Electoral Area 'A' under the Creston Valley Official Community Plan Bylaw No. 1575, 2002, and all subsequent amendments thereto, is hereby repealed.

8. The portion of Electoral Area 'A' (Boswell and Wynndel) under Regional District of Central Kootenay Zoning Bylaw 1675, 2004, and all subsequent amendments thereto, is hereby repealed.

READINGS

READ A FIRST TIME on this 17th day of October, 2013.

REGIONAL BOARD CONSIDERATION OF SECTION 882 OF THE *LOCAL GOVERNMENT ACT* this 17th day of October, 2013.

PUBLIC HEARING held this 7th day of November, 2013.

APPROVED by the Ministry of Transportation and Infrastructure Approving Officer on this 19th day of November, 2013.

"M. Ihas"

Approving Officer

READ A SECOND TIME on this 21st day of November , 2013.

THIRD READING AND ADOPTED this 21st day of November, 2013.

"J. R. Kettle"

Chair

"A. Winje"

Secretary

LIST OF SCHEDULES, MAPS, AND FIGURES

Table 1

Land Use Consistency Table

Schedule 'A'

Electoral Area 'A' Official Community Plan

Schedule A.1

Land Use Designation Maps

Schedule A.2

Hazard Maps

Schedule A.3

Parks, Trails, and Transportation Maps

Schedule A.4

Natural Areas Maps

Schedule 'B'

Electoral Area 'A' Zoning Bylaw

Schedule B.1

Zoning Designation Maps

Note: Schedule 'A' and 'B' Map Series can be viewed either on the RDCK website at www.rdck.bc.ca or in hard copy at the RDCK office. Original mapping schedules are as adopted in hard copy as part of the Bylaw. Any subsequent amendments are maintained electronically.

Acronyms used in this document

Agricultural Land Reserve	ALR
Agricultural Land Commission	ALC
Comprehensive Land Use Bylaw	CLUB
Regional District Central Kootenay	RDCK
Environmentally Sensitive Development Permit	ESDP
Residential Cluster Development Permit	RCDP
Industrial Development Permit	IDP
Small Scale Food Processing Development Permit	SSFP

TABLE 1: LAND USE CONSISTENCY TABLE

The future use and development of land within Electoral Area ‘A’ must be consistent with the overall pattern of land use depicted on Schedules ‘A’ and ‘B’, and based on the following land use designations and zoning designations:

<u>Rural Designations:</u>	<u>Land Use:</u>	<u>Zoning:</u>
Agriculture	AG	AG 1 AG 2
Resource Area	RA	RA
Forest Reserve	FR	FR
<u>Residential Designations:</u>		
Suburban Residential	RS	R1
Country Residential	RC	R2
Rural Residential	RR	R3 R4
Manufactured Home Park	RM	R5
Multi-Family Residential	RMU	R6
<u>Commercial Designation:</u>		
General Commercial	GC	C1 C2
Tourist Commercial	TC	C3
Industrial	M	M1 M2 M3
Quarry	Q	Q
Mine Remediation	MR	MR
<u>Community Services and Administrative Designations:</u>		
Community Service	CS	CS
Parks and Recreation	PR	PR
Environmental Reserve		

Railway	ER RW	ER RW
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SCHEDULE 'A'
OFFICIAL COMMUNITY PLAN

Regional District of Central Kootenay
Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2012

1.0 INTERPRETATION AND ADMINISTRATION

The policy provisions of this bylaw apply to all lands and surfaces of water within Electoral Area 'A' as identified on Schedule 'A.1' of this bylaw, whereas the land use regulation provisions of this bylaw apply to only the select portion of Electoral Area 'A' as identified on Schedule 'B.1' of this bylaw.

Interpretation

A Comprehensive Land Use Bylaw (CLUB) means a community plan containing elements of an official community plan and zoning bylaw. It is intended to be a comprehensive document addressing the present and future needs of the community as referred to in the *Local Government Act* and as adopted by the Regional Board of the Regional District of Central Kootenay (hereafter referred to as the Regional Board), in accordance with the requirements of the *Local Government Act*.

Administration

1. This CLUB comes into effect as of the date of formal adoption by the Regional Board.
2. This Plan will undergo a comprehensive review every five to ten years in order that the document continues to accurately reflect the long-range planning objectives of the unincorporated communities of Electoral Area 'A'.
3. Public hearings to consider Plan amendments will be held upon the time of application and at the discretion of the Board. All public hearings will be advertised in the local newspaper and all property owners within 100 meters or a greater distance of the subject property will be sent notice as per required under the *Local Government Act*. The Board may hold a public hearing at any time to consider a community plan amendment if it is deemed to be in the public interest.
4. The CLUB can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the CLUB cannot commit the Regional Board to specific expenditures, the Regional Board cannot enact bylaws or undertake works that are contrary to it without amending the Plan.

2.0 PUBLIC CONSULTATION

A CLUB represents the vision and objectives of a community on future growth and development. It provides policy direction that informs the RDCK Board and other government agencies in making land use decisions. Residents, businesses, landowners and governments all depend upon the CLUB to assess and guide future community potential. The CLUB contains broad goals and objectives for particular land uses, specific and general policies, regulations and prescriptions, maps and development permit area guidelines.

While the CLUB is intended to be a collective vision put forth by the community, other agencies and First Nations have been consulted. This CLUB was prepared in consultation with participating local residents, land owners, community groups, the local Advisory Planning Commission (APC), and various levels of government.

The community consultation and policy development phases involved a range of meetings, workshops, open houses, information posted on the RDCK website and newsletters distributed as a mail drop. The APC provided direction on all aspects of the development of the plan, considered policy options, and recommended adoption of the plan in compliance with the provisions of the *Local Government Act* and other relevant Provincial legislation. A CLUB does not commit or authorize the RDCK to proceed with any project that is specified in the Plan.

Map 1: General Context (OCP)



3.0 COMMUNITY VISION AND GUIDING PRINCIPLES

GUIDING PRINCIPLES TOWARD THE DEVELOPMENT OF THE AREA 'A' COMPREHENSIVE LAND USE BYLAW

Area 'A' is a region that is comprised of diverse, distinct and livable rural communities that are unified by a shared commitment to the following principles in the development of a Comprehensive Land Use Bylaw (CLUB):

Attractive, Livable and Affordable	Provide a Community Plan aimed at creating attractive and livable communities that offers a wide range of opportunities for residents and property owners.
Sustainable Community/ Stewardship	Support healthy, clean and sustainable communities based on an ecosystem approach, by ensuring that environmental integrity and diversity are considered in land use decisions.
Public Access	Ensure public access to Kootenay Lake, as well as, that Crown owned land is maintained and enhanced for all residents, property owners and tourists.
Infrastructure	Ensure that Regional District and other publicly owned infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.
Community Identity	Foster unique, strong community identities.
Support Existing and New Business	Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.
Safety	Support safe development.
Public Involvement	Recognize that public involvement is a cornerstone of development in the Electoral Area 'A'.
Collaboration & Cooperation	Promote collaboration, cooperation and partnerships between government agencies, NGOs, volunteers and private interests.
Implementation	Implementation strategies must recognize the need to minimize the need for government bureaucracy and regulation wherever possible. Zoning & permitting must be responsive to community needs.
Accountability	The Regional District of Central Kootenay is accountable for the application of, and adherence to, these principles and for implementation of developed policy.

4.0 AGRICULTURE

Background



Lands within the Agricultural Land Reserve (ALR) can be found throughout the Plan Area. Historically the area was a well known fruit production area for apples and cherries. Currently, agricultural activity is limited to small hobby farms, orchards, greenhouses and nurseries. However, only a small proportion of available agricultural lands are being used for agricultural purposes. Many lands within the ALR are used for rural residential and country residential purposes, although small market gardens can be an important contributor to local food production.

Lands designated as Agriculture in Schedule 'A.1' include areas within the Agricultural Land Reserve and additional lands with the identified potential for agricultural activity. Agricultural operations and activities are also dependent on lands located outside of the Agricultural designation in Schedule 'A.1'.

Agriculture Objectives

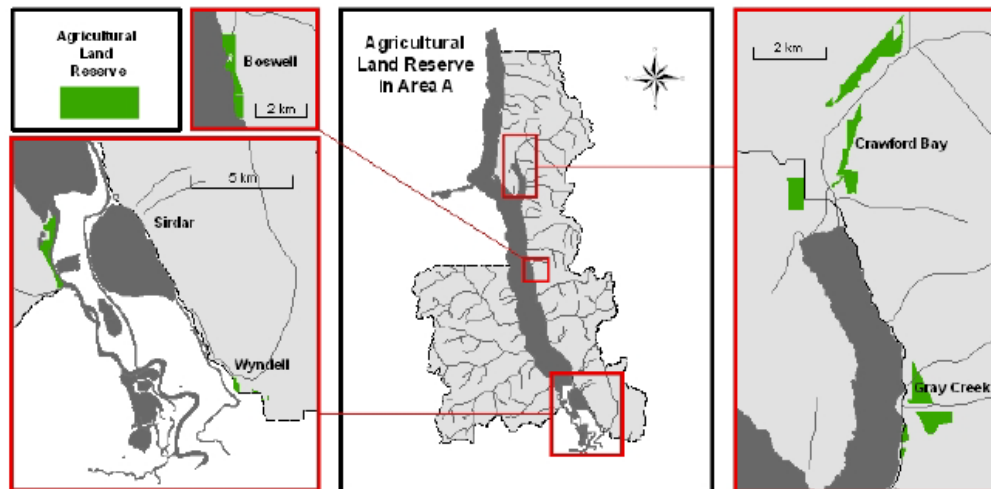
1. To identify lands that have continuing, or future, value for agriculture.
2. To encourage the protection and agricultural use of land with continuing value for agriculture.
3. To encourage optimum use and development of agricultural activities on agricultural land associated with the production and processing of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fibre crops and horticultural and aquaculture products provided the activity serves local producers and is small scale.
4. To encourage agricultural practices that do not adversely impact the surrounding environment; nor compromise the capability of the land for future food production.
5. To minimize conflict between agriculture and other land uses.
6. To promote the removal of lands within the Agricultural Land Reserve that is considered of marginal benefit to Agriculture.

Agriculture Policies

The Regional Board:

7. Encourages that the principal use of Agricultural lands shall be of an agricultural nature. In addition, the Regional Board encourages the development of small scale food processing facilities within Agricultural zones provided the facility operates in an environmentally sustainable fashion and ensure that such facilities have obtained all necessary licenses and permits from appropriate regulatory bodies.
8. Discourages subdivisions of agricultural land that do not benefit agriculture and encourages the consolidation of contiguous smaller agricultural lots.
9. Supports that the minimum lot size shall be two (2) hectares.
10. Will encourage food processing activities within the Plan Area, and uses secondary to, and complementary to agricultural production; such as market gardens, agri-tourism, farmers markets and farm gate sales.
11. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.
12. Supports the *Farm Practices Protection (Right to Farm) Act*.
13. May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.
14. Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.
15. Encourages and promotes the Environmental Farm Plan program to farmers in the Region.

Map 2: Agricultural Land Reserve



5.0 RESIDENTIAL

Background

This section outlines the objectives and policies for Suburban Residential, Country Residential, Rural Residential, Multi-family and Mixed Use Residential designations in the Plan Area.

There are 1,419 dwellings within the Plan Area, of which 977 are occupied year-round. Residential development is generally single detached dwellings with a smaller proportion of families living in suites or modular homes. The Plan Area also has a higher proportion than average of residents age 65 or older, making up just over 27% of the total population in the Plan Area¹.

Residential construction and renovations in the Plan Area have remained relatively steady over the past ten years, with approximately twenty building permits being issued for new construction and fifty to fifty-five for additions and renovations each year.

General Residential Objectives

1. To encourage coordinated and orderly subdivision of residential lands.
2. To consider development proposals in relation to the provision of efficient and effective services.
3. To provide for a choice of housing.
4. To minimize conflict between housing and other adjacent non-residential land uses.
5. To encourage the development of affordable housing for seniors and low-income residents.
6. To maintain the rural residential character, environmental integrity and the social and cultural diversity of the Plan Area.
7. To encourage limited higher density residential development in certain areas while, at the same time, maintaining rural character in the rest of the Plan Area.
8. To encourage residential development that is compatible with neighbouring properties.
9. To increase the number of affordable housing units by encouraging mixed land use wherever possible and to encourage secondary suite development.



¹ Accessed from Central Kootenay RDA A 2011 Census Profile from: www.bcstats.gov.bc.ca

10. To encourage developers to provide staff housing for employees needed to staff new tourist commercial developments.
11. To encourage private, non-profit and co-operatively run housing developments.
12. To encourage small scale agricultural uses throughout residential areas subject to appropriate safeguards to protect adjacent properties from nuisance.

General Residential Policies

The Regional Board:

13. Recognizes that existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation provided all other regulations are met.
14. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development.
15. Supports that land use designations shall provide for a mix of residential lot sizes based on the level of servicing available.
16. Supports that an adequate supply of safe drinking water as specified in regulation must be proven for each new lot created by subdivision.
17. Will require that Development Permit areas be established to protect environmental qualities and to protect the form and character of residential areas where applicable.
18. Supports that residential land use designations shall permit secondary suites or duplexes in single detached dwellings.
19. Will allow for alternative housing options, including bare land strata and small lot subdivisions subject to protection of green-space.

Suburban Residential (RS) Policies

The Regional Board:

20. Directs that the principal use shall be one-family or two-family dwellings.
21. Directs that the recommended minimum lot size should be 2000 square metres of site area where serviced by a community water system, unless a lot is serviced by a community sewer system whereby the minimum lot size should be 700 square metres.
22. Directs that one-family or two-family dwelling units should be permitted per 2000 square metres of site area where serviced by community water supply. In areas where there is no associated zoning, this minimum lot size may vary if the area needed for an on-site septic system is less.

23. Directs that suburban residential designations should be serviced by a community water system.
24. Directs that building heights may be regulated where new construction may obstruct views on neighbouring properties.

Country Residential (RC) Policies

The Regional Board:

25. Directs that the principal use shall be one-family or two-family dwellings.
26. Directs that a one-family or two-family dwelling should be permitted per lot and one additional dwelling shall be permitted for every one (1) hectare of lot area over one (1) hectare.
27. Directs that the recommended minimum lot size should be one (1) hectare. In areas where there is no associated zoning, this minimum lot size may vary if the area needed for an on-site septic system is less.
28. Encourages the clustering of strata lots subject to density that should not exceed one unit per hectare of total lot area and subject to the protection of green-space through issuance of a Development Permit.

Rural Residential (RR) Policies

The Regional Board:

29. Directs that the principal use shall be one-family or two-family dwellings.
30. Supports that the principal use shall be residential or agricultural.
31. Recognizes that land designated as Rural Residential will have physical limitations that does not easily allow for higher density development.
32. Directs that one-family or two-family dwelling unit should be permitted per lot and one additional dwelling should be permitted for every two (2) hectares of lot area over two (2) hectares.
33. Supports that the recommended minimum lot size for subdivision of Rural Residential land should be at least two (2) hectares. In areas where there is no associated zoning, this minimum lot size may vary if the area needed for an on-site septic system is less. For properties located within the Agricultural Land Reserve the approval of the Agricultural Land Commission is required. The Agricultural Land Commission is obliged to consider applications for subdivision in terms of its mandate and is not obliged to approve applications that comply with or alternatively refuse applications that do not comply with the requirements of this policy.
34. Encourages that within this designation a number of different accessory land uses may be permitted to allow for diversification of the economy within the Plan Area.

35. Supports that the clustering of development of single detached dwellings subject to the maintenance of buffers will be considered and encouraged upon application to the Regional Board and subject to density requirements.

Multi-Family Residential (RM) Policies

The Regional Board:

36. Directs that the principal use be single family, two-family or multi-family residential.
37. Supports that Multi-family Residential includes developments consisting of more than five (5) units per hectare in seniors housing developments, co-operative housing, apartments, fractional, strata and row housing developments; and that the density provisions for manufactured home parks coincide with the applicable RDCK Manufactured Home Park Bylaw for developments consisting of more than three (3) units.
38. Directs that all Multi-family Residential developments shall be serviced by a community water system and community sewer system.
39. Supports that Multi-family Residential may include fractional interest and strata developments that may also include an accessory or incidental commercial use.
40. Will require that applications for new Multi-family Residential developments shall require the establishment of an appropriate Development Permit area for the form and character of multi-family residential development.

Residential Mixed Use (RMU) Objectives

41. Mixed use developments will focus on maintaining a natural setting with clustering of residential units to avoid urban sprawl. The designation will support a mix of residential, parks, natural open space and a small percentage of neighbourhood commercial uses.
42. Mixed use developments will require a master plan to be designed to protect the view corridors of adjacent residents.
43. Mixed use developments will demonstrate connections to adjacent trail networks.
44. Supports that application for new mixed use developments shall require a master plan providing open space at least as great as that proposed for lot coverage, show transportation and trail networks, and the location of commercial and residential uses.
45. Supports that mixed use developments shall permit a mix of residential lot sizes based on the level of servicing available.
46. Directs that mixed use development applications may require establishment of an appropriate Development Permit area for the form and character of such developments and open space preservation.

6.0 COMMERCIAL AND INDUSTRIAL

Background

This section outlines the objectives and policies for General Commercial, Tourist Commercial and Industrial designations in the Plan Area.

Most of the commercial and business needs within the Plan Area are met within the City of Nelson or Town of Creston and existing commercial nodes in selected areas of Riondel, Boswell, Crawford Bay, Gray Creek, Sirdar and Wynndel. However, several service establishments, eating and tourist accommodation facilities, and retail outlets exist throughout the Plan Area. In addition there are many home-based businesses within the area that are vital to the liveability and economic and social sustainability of area communities.



Small scale industrial operations exist throughout the Plan Area, but are generally concentrated in and around Highway 3A. These activities are provided for under the Industrial land use designation. The principal industrial activity in the area is primarily orientated toward primary and secondary resource processing related to quarry operations, forestry and agriculture, and machine and equipment repair and storage.

Commercial Objectives

1. To recognize the important role that varied livelihoods and a vibrant economy play in the community's unique character.
2. To maintain and encourage a diverse and creative community by providing a wide range of opportunities and locations for earning a living that are compatible with, and can take advantage of, the protection and preservation of the area's beauty and character.
3. To recognize the value of tourism to the Plan Area by preserving and protecting the natural environment and promoting Electoral Area 'A' and the region.
4. To promote the area for new clean business and industry for people who are drawn to the area for lifestyle reasons.
5. To recognize and retain traditional resource-based livelihoods such as recreation, agriculture, and forestry while maintaining and protecting their land bases to support sustainable management practices for the communities that may develop zoning.
6. To provide for commercial activities servicing the needs of local communities.

7. To minimize land use incompatibility between commercial activities and surrounding land uses by requiring screening and landscaping of new commercial developments.
8. To ensure that the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan Area.
9. To encourage home based occupations that do not harm the residential character of communities.
10. To protect the character and integrity of quiet residential and rural neighbourhoods.
11. To encourage the incubation of small businesses by allowing owner based businesses to operate in place by expanding the home based business definition where there are no negative impacts to air, noise, access or neighbouring residents.
12. Tourist Commercial land use designations should be applied to parcels that have a combination of tourist commercial, residential and/or agricultural uses that perpetuate the character of the area. On land in the Agricultural Land Reserve, commercial uses would be ancillary to permitted agricultural uses.

Industrial Objectives

13. To ensure there is opportunity for industrial uses that support the local economy.
14. To accommodate industrial uses compatible with rural character that does not adversely affect the natural environment.
15. To minimize conflict between industrial land uses and other adjacent land uses by requiring screening and landscaping of new industrial sites.
16. To protect lands having recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction, and to identify on mapping, lands having recoverable deposits of sand and gravel.
17. To minimize conflicts between sand and gravel processing operations and adjacent land uses.
18. To consider long term community land use needs before aggregate mining begins in order to facilitate the preparation of reclamation plans.
19. To ensure new proposed mining operations have significant public input prior to development to ensure issues can be resolved to the satisfaction of the public and the operator.
20. Areas noted as Mine Remediation (MR) in the community of Riondel are intended to transition to other land use designations once the remediation is complete.

General Commercial (GC) Policies

The Regional Board:

21. Recognizes the regional commercial and service centre roles of the City of Nelson and the Town of Creston, therefore commercial development in Electoral Area 'A'

- will primarily be oriented toward East Shore, neighbourhood, and tourist and traveller markets. Commercial and service nodes should occur throughout the Plan Area in a manner that services neighbourhood and tourist commercial needs.
22. Directs that the minimum lot size should be one (1) hectare unless serviced by a community water system. In areas where there is no associated zoning, this minimum lot size may vary if the area needed for an on-site septic system is less.
 23. Supports that existing commercial uses shall be recognized and so designated.
 24. Supports that small neighbourhood commercial facilities, with floor areas no greater than 500 square metres, may be permitted to provide for neighbourhood commercial requirements.
 25. Directs that a landscape buffer shall be required to be installed and maintained on commercial properties adjacent to all properties that have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.
 26. Encourages home occupations in all residential areas subject to protection of neighbourhood values.
 27. Encourages that Bed and Breakfast operations shall be permitted in residential areas subject to protection of neighbourhood values.

Tourist Commercial (TC) Policies

The Regional Board:

28. Recognizes that land uses such as artisan crafts, marinas, golf courses, mixed use developments, tourist accommodations, zoos, galleries, restaurants, convenience stores, farmers markets, community sustainable agriculture and accessory use to tourist accommodations are appropriate for this designation.
29. Directs that for tourist accommodation, the minimum site area should be one (1) hectare for the first ten units with larger increments as unit numbers rise. For all other uses one (1) hectare should also be the minimum unless there is community sewer and water system provided. In areas where there is no associated zoning, this minimum site area may vary if the area needed for an on-site septic system is less.
30. Directs that associated residential use would generally be units or lots located away from a major frontage road to the main tourist commercial use and would have indirect access off a major frontage road. The exception would be for mixed use development where residential uses are situated on floors above the commercial use.
31. Supports that new Tourist Commercial activities may be considered on a site-by-site basis throughout the Plan Area.

32. Directs that new marinas over fourteen (14) slips will not be allowed without a sanitation, as per Provincial regulation, unless an existing sanitation is located within one kilometre of the proposed site.

Industrial (M) Policies

The Regional Board:

33. Recognizes that the principal use shall be industry.
34. Supports that existing legal industrial uses shall be recognized.
35. Encourages noise abatement techniques.
36. *Removed by Bylaw 2686*
37. Directs that all industrial land use designations should be considered under the following criteria:
 - a. a number of different industrial land use designations may be applied allowing differing levels of industrial activity;
 - b. industrial activity shall be allowed on sufficiently large properties in a scale proportionate to the lot size;
 - c. any application for industrial designation shall include an assessment of impact on local water flow patterns, groundwater and waste water disposal and shall show evidence of adequate water supply and waste disposal;
 - d. the Province is requested to ensure industrial activities involving emission of toxic or irritant material meet the most stringent interpretation of its standards with specific regard for the protection of groundwater catchment areas, surface water and riparian areas and with respect to air-borne industrial pollutants;
 - e. wherever possible, new industrial activity shall be located in close proximity and with direct access to a major road;
 - f. prior to commencement of industrial activity, a landscape buffer shall be required on industrial properties adjacent to all properties which have a non-industrial designation;
 - g. all industrial activity parking and storage must be screened and wide buffers shall be left along roads and property lines; and
 - h. signage and lighting should ensure maintenance of the rural landscape.
38. Shall consider a light industrial subdivision subject to good arterial highway access and subject to noise abatement and landscaping requirements and where land use conflicts are minimized.
39. Shall place priority on the extraction and processing of sand and gravel aggregate on lands having recoverable deposits and situated in locations having minimal conflicts

with adjacent land uses. Other development in conformity with long-term land uses proposed in Electoral Area 'A' may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.

40. Directs that applications for re-designation for the processing of aggregate resources shall be evaluated on the basis of the following criteria:
 - a. the extent of visual screening;
 - b. the type of processing proposed;
 - c. the prevailing wind direction;
 - d. adjacent land uses;
 - e. accessibility;
 - f. a reclamation plan; and
 - g. the characteristics of the aggregate deposit.
41. Encourages the phased rehabilitation of sand and gravel pits after extraction is complete pursuant to the *Mines Act*.
42. Encourages that access roads to new sand and gravel extraction and processing operations avoid use of streets that serve abutting residential development.
43. Directs that required setbacks for sand and gravel operations shall be identified through zoning, in those communities that may adopt a zoning bylaw and shall be related to the characteristics of the proposed development.
44. Directs that a landscape buffer shall be required to be installed and maintained on industrial properties adjacent to all properties which have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.
45. Directs that a Development Permit Area pursuant to Sections 488 and 499 of the *Local Government Act* shall be required for all significant industrial developments to ensure development compliments existing residential developments in the area.

7.0 COMMUNITY SERVICES AND ADMINISTRATION

Background



The Community Services and Administration land use designation generally refers to public, non-profit or utility uses such as schools, churches, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement district buildings. The Plan recognizes that administrative and institutional development will generally be directed to existing settlement

areas; which are central and better able or already provide for this service function. In addition, the Plan recognizes that many of the community services and administrative activities available to residents of the Plan Area are centrally located in the City of Nelson or Town of Creston or provided through regional partnerships.

The Plan Area contains one school that serves as an elementary and secondary school in Crawford Bay under Kootenay Lake School District No. 8. There is one re-purposed school building in Riondel and two others in Crawford Bay and Wynndel that have since been closed. There are five community halls, one curling rink and recreational facility, several churches, two fire halls and local postal facilities within the Plan Area in addition to the ferry landing in Kootenay Bay.

Community Services and Administration Objectives

1. To encourage coordination of planning and service delivery amongst all levels of government and public agencies to ensure that costs are minimized while service delivery is maximized.
2. To improve communications between the RDCK and residents on planning and service delivery within the Plan Area.
3. To encourage planning and feasibility studies prior to transfer of all Crown Lands having potential for future development.
4. To establish cadastral mapping control over time within the Plan Area to more accurately provide information to the public with respect to development issues.
5. To plan for schools, recreation, open space and health facilities to satisfy present and future demands.
6. To provide for and enhance the level of fire protection within Electoral Area 'A' to areas beyond those served by the Wynndel and Riondel fire protection areas.
7. To provide services to seniors near senior housing developments.

Community Services and Administration Policies

The Regional Board:

8. Directs that community services permitted on lots designated Community Service (CS) on Schedule 'A.1' - Land Use Designations, shall include public recreation facilities, community halls, public utility structures and services, schools, libraries, universities/colleges, fire halls, green-space, museums, hospitals, senior housing and special needs facilities and similar uses.
9. Supports that the RDCK will continue to enhance fire protection throughout the Plan Area by investigating options for fire protection and first responders beyond those areas already served by the Wynndel and Riondel fire protection areas.
10. Will require that for all subdivision applications involving land adjacent to Kootenay Lake, the Approving Officer shall be requested to require adequate public access to the water.
11. Supports the provision and enhancement of public transit services to the unincorporated communities of Electoral Area 'A'.
12. Strongly supports all users and responsible government agencies to enhance and protect all community watersheds feeding Kootenay Lake.
13. Encourages that subdivision designs accommodate services, such as public transit vehicles, emergency vehicles, group mailboxes and other similar services.
14. Shall continue to work closely with school and health authorities to plan for school and health care facilities as settlement occurs.
15. Supports that Community Service land use designations shall be provided for public community uses.

8.0 PARKS AND RECREATION, CULTURE AND HERITAGE

Background

Electoral Area 'A' contains several Provincial Parks and one Regional Park which provides opportunity for back country and outdoor recreation. Provincial Parks include Pilot Bay, Lockhart Beach, Lockhart Creek, Kootenay Lake (Midge Creek), West Arm, Kinaki, Drury and Pebble Beach. Regional and Community Parks include Crawford Bay, Riondel, North Bay Beach and others being considered for future development.

Public recreational trails and opportunities of all types exist informally or are managed by local interest groups on Crown lands or public lands throughout the Plan Area. Coordination and partnership with the RDCK and other government agencies ensures that land development does not inhibit the potential of establishing and maintaining an integrated trail network.



Electoral Area 'A' is rich in recreational infrastructure, well preserved community buildings and community events. Many of these amenities are owned and maintained by volunteer community groups. There are five community halls, two fire halls, one repurposed school building, a recreational center and curling club, playing fields and two golf courses.

There are a multitude of significant cultural and heritage sites within the Plan Area, including historic ferry landings, buildings and non-structural features.

Parks and Recreation, Culture and Heritage Objectives

1. To ensure recreation activities are compatible with the rural character of the Plan Area.
2. To recognize that the Provincial park inventory includes Lockhart Creek Provincial Park, Pilot Bay Lighthouse, Kootenay Lake (Midge Creek), West Arm, Kianuko, Drury and Pebble Beach.
3. To recognize that the Plan Area regional and community parks include Crawford Bay Park, Riondel Park, North Bay Beach, Mackie Park and other new parks as they are acquired. Proposed acquisitions include Burden's Cut, Martell Beach, and the former Wynndel School site.
4. To secure suitable funding for regional and community park development.
5. To provide local recreational opportunities for tourists that does not stress existing facilities, services, and resources; or generate undue cost to local taxpayers.

6. To work toward the development of a comprehensive trail system that is consistent and complementary with other trails in the RDCK.
7. To provide for the protection and enhancement of buildings and sites of historical and archaeological value where identified.
8. To support cultural activities and facilities throughout the Plan Area.
9. To support and provide opportunities for public access to the shore of Kootenay Lake as development occurs.
10. To protect existing Provincial Parks as major attractions to the Plan Area. The Regional Board supports the protection and enhancement of these parks for the benefit of all users.
11. To identify and support the preservation of historical buildings and sites within the Plan Area.
12. To recognize that Forestry Recreation Sites are attractions for locals and tourists alike. The Regional Board supports the protection and enhancement to these sites for all users.

Parks and Recreation, Culture and Heritage Policies

The Regional Board:

13. Proposes the establishment of a recreation system in the Plan Area based on the following categories:
 - a. community parks or open space greenbelts that provide for watershed protection, access to lake and creek shorelines, and dispersed low environmental impact recreational facilities, such as walking and cycling trails;
 - b. community parks that are centrally located and where feasible; in association with other recreational facilities; and
 - c. recreation facilities located with schools.
14. Recognizes that on-going protection and enhancement by the Province of the Provincial Parks and various Forestry Recreation Sites are a priority of the Regional Board.
15. May consider public and private commercial recreational development throughout the Plan Area provided they are compatible with adjacent land uses.
16. Recognizes the following as locally important heritage sites based on information available at the time of the Plan completion: Harrison Memorial Church, Wedgewood Manor, Murray Cabin, Pilot Bay Smelter, Pilot Bay Lighthouse, Gray Creek Hall, Sirdar Store, and the Glass House.
17. Shall evaluate the impact of development proposals located on lands adjacent to archaeological sites by referring such proposals to the Archaeology Branch of the

- applicable Provincial Ministry prior to any possible development near archaeological sites,.
18. Encourages the Province to provide ongoing maintenance and development of public access points to water.
 19. May work with the Province to further enhance public access points to Kootenay Lake.
 20. Will investigate, within the RDCK Parkland Acquisition Strategy that secured land and/or funding for park development is targeted toward the community in which a development is proposed.
 21. Supports voluntary efforts to establish and maintain community parks and public spaces.

9.0 INFRASTRUCTURE AND TRANSPORTATION

Background

The Plan acknowledges the advantages of orderly growth and planning of subdivisions, and the disadvantages of un-serviced development or premature, uneconomical extensions of utilities and services. It also supports combining servicing with sound land use development principles for the protection of environmentally sensitive land.



Utility services within the Plan Area include RDCK owned and operated water systems in Riondel and Sanca Park. Wynndel also has a public water utility. Privately owned and managed water systems exist at Mountain Shores and Kokanee Springs. Small water systems and individual water sources are vulnerable to drinking water advisories, or over subscription of water resources. Areas that require water for both domestic and irrigation purposes can be especially vulnerable.

There are no publicly owned waste water disposal services in the Plan Area. A private waste water system and water utility is associated with the Mountain Shores development. Septic, and more recently, package sewage treatment plants, are the present forms of sewage treatment. Refuse disposal for the area is provided at the regional transfer facilities at Crawford Bay and Boswell.

Highway 3A is the only major highway in the Plan area and is not a provincially designated controlled access highway. It is intended to function as a regional transportation corridor. The road infrastructure connecting communities within the RDCK is largely managed by the Province; however, the RDCK influences the transportation system through its decisions with regard to development. The RDCK also works closely with the Province to facilitate public transit. Transit service is currently available for the community of Wynndel to the Town of Creston, but there is no current service available for the remainder of the East Shore without connection through the inland ferry system to Balfour. Within the Plan Area important community transportation is facilitated through the B.C. inland ferry system.

Servicing Objectives

1. To ensure that the disposal of sewage does not lead to health hazards through pollution of the groundwater, streams, or Kootenay Lake.
2. To pursue the development of community sewage systems where public demand warrants.

3. To promote adequate provision of potable community water and sewage services to all users.
4. To promote water resource conservation strategies and to reduce water demand as much as possible.
5. To protect groundwater and surface water from degradation through improper disposal of water borne waste.
6. To co-operate with appropriate utility companies to adequately provide services to the Plan Area.
7. To promote development in areas that has appropriate levels of municipal service.

Servicing Policies

The Regional Board:

8. Shall require that subdivision approval within the entire Plan Area be subject to proof of adequate water supply to every newly created parcel; and soil conditions suitable for sewage disposal by septic tank systems and/or package treatment plants if the properties are not serviced by a community sewer system.
9. Recognizes that the RDCK will continue to undertake detailed planning, to ensure the solid waste management needs of residents of the Plan Area are addressed.
10. Shall ensure that acquisition of existing and new community water and sewer systems meet all policies of the Regional Board.
11. Supports that new and improved domestic community water systems shall be designed and constructed to provide hydrants and sufficient flows for fire protection.
12. Recommends to Improvement Districts, private utilities and RDCK owned water systems, that the same utility standards be used so that in case of emergencies, fire equipment can be interchanged and critical repairs made.
13. Encourages methods of water conservation such as low water use fixtures, retention of rainwater and runoff in cisterns and ponds and other means.
14. Encourages provision and enhancement of public transit services to the remainder of Electoral Area 'A'.
15. Strongly supports that all users and responsible government agencies enhance and protect all community watersheds feeding Kootenay Lake within the Plan Area.
16. Encourages the use of subdivision designs that accommodate services, such as public transit vehicles, emergency vehicles, group mailboxes and other similar services.
17. Supports that future sewage standards may be subject to requirements identified in an approved RDCK Subdivision Bylaw.

Transportation Objectives

18. To ensure the long-term, timely and cost-effective use of the Kootenay Lake Ferry by the travelling public and residents.
19. To encourage the Province to plan for the provision of a road network capable of safely servicing existing and future development.
20. To support the routing of the Trans Canada Trail through the Plan Area from the terminus of the Kootenay Lake Ferry at Kootenay Bay along Highway 3A to Gray Creek and subsequently along the Gray Creek Forest Service Road through the Gray Creek Pass to Kimberley, subject to road widening.
21. Trail Development within the Plan Area is strongly encouraged.

Transportation Policies

The Regional Board:

22. Recognizes that it is the policy of the Regional Board to support expanded hours of operation for the Kootenay Lake Ferry.
23. Supports that off street parking shall be required for all land uses.
24. Requests that the Province ensure that a public consultative process be followed for all significant transportation initiatives.
25. Requests that the Province initiate and complete a suitable Major Street Network Plan in order that future development potential for all parts of the Plan Area can be better addressed.
26. Recognizes that pursuant to Section 505 of the *Local Government Act*, approval shall be obtained from the Province for commercial and industrial structures exceeding 4500 square metres in gross floor area within a radius of 800 metres of Highway 3A.
27. Requests that the Province ensure that all roads should be designed and constructed for safe use by pedestrians and cyclists.
28. Supports the establishment of walking, hiking, biking trails and linkages both within and between communities.
29. Supports enhanced signage in areas where there are recognized safety concerns and changes to speed limit.

10.0 NATURAL ENVIRONMENT

Background

The natural environment is of significant value to the economy and livelihood of the Plan Area for both resident and non-resident property owners, recreation, education, tourism, forestry, hunting, fishing and spiritual well being; and is recognized for its inherent value to wildlife and the ecological functioning of the area.

Due to the nature of development in the Plan Area, much of the natural environment has remained un-fragmented and relatively intact, while portions of the Plan Area have been historically flooded or modified as part of the Columbia River Treaty. There are significant wildlife corridors and habitat values that have been identified as significant in the Plan Area, as well as fisheries values in association with Kootenay Lake.



Natural Environment Objectives

1. To preserve natural values.
2. To preserve water quality in Kootenay Lake and other identifiable lakes in Electoral Area 'A' and their tributaries.
3. To protect environmentally sensitive lands such as steep slopes, floodplains, alluvial fans, watersheds and soils subject to erosion from land uses.
4. To protect all community watersheds within the Plan Area.
5. To encourage the maintenance of Provincially identified wildlife winter range.
6. To preserve viewscales.
7. To limit the use of land that is subject to hazardous conditions or that are environmentally sensitive to development. Sensitive and hazardous areas are lands that are located in alluvial fans or floodplain on Kootenay Lake.
8. To preserve and enhance air quality throughout the Plan Area.
9. To minimize the negative effects of wildfire within the Plan Area.
10. To encourage energy efficiency in the design of subdivision and building construction.

Natural Environment Policies

The Regional Board:

11. Directs that development proposals for private land shall be evaluated through referral to soils mapping prepared for the RDCK to determine potentially unstable areas. Proposals for development in potentially unstable areas shall only be permitted if the applicant assumes the cost of construction, stabilization, and maintenance measures approved by a qualified registered British Columbia engineer pursuant to the Section 56 of the *Community Charter* and meets any associated requirements of any applicable Floodplain Management Bylaw of the RDCK.
12. Will request of the Province that any Crown land use requests along the water front and foreshore of Kootenay Lake in the Plan Area be referred to the RDCK for review, in order that the RDCK be able to review applications in the area for consistency with the Plan.
13. Recognizes that the watersheds upstream of any identified alluvial fans within the Plan Area are sensitive to future change caused by extreme meteorological events, logging or wildfire. The extent and severity of the flood hazard on the alluvial fans of these creeks could be modified by such changes upstream.
14. Encourages the Province to impose the strictest regulation of logging of Crown lands in Sensitive/Hazardous areas.
15. Encourages strict regulation on the dumping of raw sewage from pleasure craft into Kootenay Lake. New and expanded commercial marina developments over fourteen (14) slips as per Provincial Regulation shall be developed with sewage sani-stations unless there is an existing sani-station within one (1) kilometre.
16. Directs that development in potentially unstable areas shall avoid:
 - a. cutting into a slope without providing adequate mechanical support;
 - b. adding water to a slope that would cause decreased stability;
 - c. adding weight to the top of a slope;
 - d. removing vegetation from a slope; and
 - e. development on steeper slopes.
17. Shall continue its efforts to solve water and sewage problems in the Plan Area including discussion and negotiation with the Provincial Government and water purveyors.
18. The Regional Board proposes the establishment of environmentally sensitive areas as an Environmental Reserve designation (shown on Schedule A.1) subject to the following:
 - a. development on private lands in sensitive watersheds shall be protected from adverse development;
 - b. development acceptable on private land designated 'Environmental Reserve' shall include: trails, interpretive signs, benches and similar types of development. One single detached dwelling may be considered subject to compliance where necessary with Section 56 of the *Community Charter*;

- c. unless otherwise noted below, all land within 15 metres of the natural boundary of a watercourse, including a lake, shall be designated as an Environmentally Sensitive Development Permit Area;
 - d. sensitive Crown land within community watersheds shall be designated 'Environmental Reserve' where it is recommended to the Province and licensees that forest harvesting activities within the 'Environmental Reserve' areas be conducted to the highest standard possible in order to protect community watersheds;
 - e. development on Crown land designated 'Environmental Reserve' shall allow passive and back-country recreation activities;
 - f. all Crown land within 30 metres of Crawford, Indian, Hendryx, Gray, Akokli, Sanca and Kuskanook Creeks shall be designated 'Environmental Reserve' where strict development standards will be developed which limit industrial and intensive commercial uses. These areas are currently regulated as habitat for fisheries by the federal Department of Oceans and Fisheries; and
 - g. a separate designation for conservation may be applied to new and existing 'Environmental Reserve' areas on private lands in order to protect the environment.
19. Supports that development and subdivision adjacent to Kootenay Lake, any other identifiable lake, and tributary creeks shall be subject to a Development Permit.
 20. Recognizes that any timber harvesting and related forest practices carried out on Crown lands within a provincial forest are subject to the *Forest Act*, the *Forest and Range Practices Act* and associated regulations.
 21. Strongly encourages that burning of brush should be minimized and that composting, where feasible, be a priority of residents of the Plan Area.
 22. Recognizes that flood proofing regulations including setback of buildings and structures from water bodies and elevation of ground floors above water bodies shall be regulated through any applicable RDCK Floodplain Management Bylaw.
 23. Encourages that a conservation land use designation may be assigned to land covenanted or deeded against further development or use, including common property in strata title subdivisions.
 24. Supports the establishment of Provincially designated Old Growth Management Areas.
 25. Supports the efforts of all property owners to manage their properties to minimize the risk of damage to property or people from interface fire hazards.
 26. Supports the efforts of all property owners to use Green Building and Subdivision practices for all new development and redevelopments.
 27. Supports the use of construction materials that are compatible with adjacent properties and landscapes.

28. Directs that development in Hazard Areas shall be limited unless mitigation strategies are employed to the satisfaction of the RDCK.

11.0 ENERGY AND ENVIRONMENT

Background

Beginning in 2007, the Province of BC has moved forward with a number of legislated and policy actions designed to encourage energy efficiency and reduce emissions of greenhouse gases (GHGs). These are driven by a legislated target to reduce the total GHG emissions in the Province by 33% from 2007 levels by 2020, and 80% by 2050.²

Of specific relevance to local governments is the *Local Government (Green Communities) Statutes Amendment Act* (Bill 27, 2008). “Bill 27” amends the *Local Government Act* to read:

- LGA 877 (3) - An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets (by May 31, 2010).
- LGA 850 - Required Content of a Regional Growth Strategy: (2)(d) to the extent that these are regional matters, targets for the reduction of greenhouse gas emissions in the RDCK, and policies and actions of the local government proposed for the RDCK with respect to achieving those targets (by May 31, 2011).

In addition, Bill 27 provides some additional enabling powers to local governments intended to assist them in achieving reductions of community-wide emissions. This context provides a mandate to communities and regions to explore energy as part of the planning process.

Greenhouse Gas Emission Reduction Objectives

1. Demonstrate leadership in energy conservation, energy efficiency and greenhouse gas emission reductions and to work toward carbon neutrality.
2. Foster the development of renewable energy supply options.
3. Reduce energy consumption and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
4. Reduce greenhouse gas emissions and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
5. Locate developments where services and amenities are available and efficiently utilized.
6. Ensure future settlement patterns reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit.

² This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)

Greenhouse Gas Emission Reduction Policies

General

The Regional Board:

7. Will implement the RDCK Corporate Greenhouse Gas Emissions Reduction Plan (2010).
8. Will work collaboratively with our partners and community members to reduce the combined greenhouse gas emissions of the rural areas by 15% from baseline levels (2007) by 2020 and by 25% from baseline levels (2007) by 2030.
9. Encourages the reduction of landfill waste through the RDCK zero waste policy, and will investigate ways to increase waste diversion through strategies identified in the Resource Recovery Plan.
10. Supports collaboration with and supports partners that raise awareness and provide education on energy and emissions to local businesses, residents, and other organizations in the community.

Development and Buildings

The Regional Board:

11. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development.
12. Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.
13. Encourages the use of local materials and green building techniques in new and retrofitted developments.
14. Encourages the establishment of a sustainability checklist for the evaluation of development applications and supports the investigation into the creation of associated incentives for developers that develop buildings to a high level of building performance.

Transportation

The Regional Board:

15. Supports a voluntary reduction of personal vehicle transportation emissions by promoting use of public transit, more efficient vehicles, use of alternative fuels, providing sufficient pedestrian and cycling facilities and routes, encouraging home based businesses, and encouraging changes in travel patterns.
16. Encourages nodal development instead of sprawl along major roads, and where appropriate, encourages clustering of commercial and urban residential

development along major roads, in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.

17. Encourages compact development rather than the creation of low density residential lots fronting the major road network and the provision of multiple accesses onto the major road network.

Walkways, Trails & Commuter Bicycle Network

The Regional Board:

18. Encourage connectivity between existing walkways and trail systems to schools, parks and commercial areas.
19. Promotes pedestrian-friendly development within urban and suburban residential areas, where pedestrian facilities are established and integrated with transit service planning.
20. Supports the enhancement of cycling and pedestrian systems in new and existing developments, and supports the development of a comprehensive network of pedestrian and bicycle routes on public and private lands and along existing and future road networks.
21. Supports an integrated, improved, and expanded trail network in new and existing developments, to provide effective and safe trail transportation options for residents and visitors.
22. Supports on-street alternative transportation options with incorporation of sufficient buffering, and accommodation of the movement of agricultural machinery.

Transit

The Regional Board:

23. Supports continuing to facilitate improvement to and expansion of public transportation service opportunities, bus shelters and cross walks in cooperation with BC Transit.
24. Supports the reduction of the use of private automobiles and encourages the RDCK and member municipalities to investigate initiatives to expand public and shared transit, including the use of buses, car co-operatives and delivery services.

Renewable Energy Supply

The Regional Board:

25. Seeks partnerships with utility companies, independent power producers, NGOs, member municipalities, Provincial and Federal agencies and others to further local energy strategies and concurrent planning efforts.

26. Encourages the investigation and development of renewable energy supply options such as district energy, ground source heat pumps, solar, heat recovery systems, etc., where opportunities might be present.
27. Supports the exploration of renewable energy opportunities in the agricultural and forestry industries, such as biomass energy production.
28. Supports the creation of a renewable energy service for the RDCK.

12.0 HAZARD LANDS AND FIRE MANAGEMENT

Background

Hazard lands include, but are not limited to areas the RDCK has reason to believe are subject to natural hazards including flooding, mud flow, debris torrents, erosion, rock fall, landslip, and avalanche.

Fire and the risk of fire associated with interface areas surrounding communities have led to many communities developing strategies to address this issue. The Plan Area has many relatively isolated communities in which forest fire is of an extreme to moderate risk.

Hazard Lands Objectives

1. To prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
2. To prevent injury and loss of life and to prevent or minimize property damage as a result of natural hazards.
3. To recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.
4. To support existing and on-going inventories and studies in order to further determine the nature, extent, and risk of development below, on and adjacent to identified natural hazard areas.

Hazard Lands Policies

The Regional Board:

5. Directs development away from those lands that may have a potential natural hazard, or have been identified as hazardous by the RDCK or other agencies having jurisdiction.
6. Recognizes flooding and NSFEA areas and management of those areas through any applicable RDCK Floodplain Management Bylaw.
7. Directs development away from lands identified as being susceptible to soil instability and potentially hazardous geotechnical conditions.
8. Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to geotechnical standards and certified by a registered professional where land that may be prone to flooding is required for development and no alternative is available.

Fire Management Policies

The Regional Board:

9. May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or high fire risk. The Regional Board may request the same assessment during a land use designation amendment or Development Permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to the following:
 - a. incorporating fuel breaks adjacent to or on the residential subdivision;
 - b. establishing zones around potential structures and homes which are clear of debris, highly combustible material, or trees;
 - c. utilizing fireproofing techniques and fireproof materials in building design, requiring at a minimum a fire rated roof;
 - d. designing roads that provide evacuation routes and facilitate movement of fire fighting equipment;
 - e. ensuring all roads are named and signed;
 - f. ensuring availability of water supply facilities adequate for fire suppression;
 - g. ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements;
 - h. implementing setbacks, interface fire protection standards, and building material standards pursuant to the Provincial publications The Home Owners Fire Smart Manual and Fire Smart: Protecting Your Community From Wildfire.
10. Directs the Regional Subdivision Approving Authority to require that where a fire hazard mitigation strategy has been prepared the developer enter into a restrictive covenant to ensure the strategy is followed.
11. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes.
12. Encourages local volunteer fire departments to work with the RDCK to keep up to date with emergency preparedness and with the identification of increased risk as a result of natural or man-made events.
13. Encourages voluntary efforts to reduce fire risk to existing buildings and developments by residents and community members through educational materials and appropriate Fire Smart programs.
14. Supports the development and implementation of Interface Fire Management Plans and associated adjacent forest management strategies in areas of high to moderate wildfire risk.
15. Will evaluate opportunities to assist in Interface Fire Fuel Reduction treatments.

13.0 AGGREGATE AND MINERAL RESOURCES

Background

The Province is primarily responsible for the regulation of aggregate and mineral resource operations. The RDCK is able to provide some direction on the location and operation of aggregate and mineral processing locations. Aggregate resources may exist throughout the Plan Area, but have not been identified as part of this process.

Aggregate and Mineral Resources Objectives

1. To protect land with recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction, and to identify lands having recoverable deposits of sand and gravel.
2. To minimize conflict between sand and gravel processing operations and adjacent land uses.
3. To support Provincial requirements for rehabilitation and reclamation of resource extraction sites.

Aggregate and Mineral Resources Policies

The Regional Board:

4. Encourages that priority shall be placed on the extraction and processing of sand and gravel on lands having recoverable deposits and situated in locations having minimal conflict with adjacent land uses. Other development in conformity with long-term land uses proposed within the Plan Area may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
5. Supports the Provincial requirements for the removal of aggregate and mineral resources. The Province is encouraged to refer mineral exploration proposals to the RDCK for comments and give due consideration to the impact of resource extraction activities on surrounding land uses, sources of domestic and irrigation water supply and development activity.
6. Will consider land use designation amendment applications for the processing of aggregate or mineral resources be subject to a Development Permit under Section 488.1 (f) of the *Local Government Act* on the basis of a variety of criteria, including but not limited to the:
 - a. extent of visual screening, and other mitigation works proposed;
 - b. type of processing proposed;
 - c. prevailing wind direction and the potential for noise and dust;

- d. compatibility with adjacent land uses;
 - e. potential for light pollution;
 - f. potential for vibration from blasting of materials;
 - g. environmental sensitivity of the site and adjacent land;
 - h. accessibility; and
 - i. the characteristics of the aggregate deposit and groundwater resources.
7. Strongly encourages the Province to inform and communicate with affected communities before Crown land is utilized for aggregate or mineral processing.
 8. Encourages the protection and maintenance of sources of domestic and irrigation water supply as an integral part of the extraction and processing process for aggregates and other resources.
 9. Encourages the Province to include in their licensing the on-going rehabilitation of aggregate extraction and mineral processing sites.
 10. Will assist the Province in implementing conditions set by the Province to mitigate the impact of aggregate extraction and mineral processing sites.
 11. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located.
 12. Recognizes that the terms or conditions of this Bylaw can not restrict or conflict with any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified as a "mineral" or a "mine" under Provincial Acts and Statutes, so long as the Province manages the activities and land for that purpose.

14.0 RESOURCE AREA

Background

For the purpose of this section, Resource Areas (RA) are described as large parcels of land, and include both private and/or Crown land. Typical uses include forest land, grazing or range land, public recreation areas, tourism, watersheds, and resource extraction areas. Although it is recognized that local land use designations do not apply to the Crown, the designation is intended to provide regulations upon alienation, and to address Crown leases.

Forest Reserves (FR) are also delineated within the Plan Area and reflect both private and community owned and managed forest lands.

Resource Area Objectives

1. To promote sustainable forestry practices on both Crown and private land.
2. To preserve a private forest land base.
3. To protect the aesthetic value of private forestland.
4. To encourage local economic opportunities for small-scale sustainable forestry.
5. To protect riparian zones, sensitive ecosystems, watersheds and biodiversity.
6. To identify Crown land that is primarily used for resource based activities (forestry, mining, trapping, range land, agriculture, hunting and commercial backcountry recreation).
7. To protect viewsapes throughout the Plan Area.

Resource Area Policies

The Regional Board:

8. Directs that one dwelling unit shall be permitted per lot with an additional dwelling for every 15 hectares over 15 hectares.
9. Directs that the principal use shall be resource based activities common to Crown lands.
10. Directs that the minimum lot size shall be 15 hectares.
11. Encourages the maintenance of contiguous blocks of forest land.
12. Encourages the protection of biodiversity through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
13. Requests that the British Columbia Assessment Authority be asked to provide tax incentives for maintaining forestry activities.

14. Encourages forest managers to:
 - a. ensure that the rate of extraction of timber does not compromise the long-term productivity of the forest, and
 - b. use silviculture methods that promote healthy forests and minimize fire hazards.
15. Encourages appropriate small-scale forest related activities such as the sustainable gathering of products, food crops, hiking, bird watching and wildlife viewing, education and value added industry.
16. Supports the existence, maintenance and appropriate harvesting of private forestlands.
17. Directs that the 'Resource Area' land use designation be applied to large tracts of surveyed and un-surveyed and publicly owned land where soil conditions, topography, access or water supply may not permit more intense development.
18. Directs that 'Resource Area' land use designations shall ensure that permitted land uses and activities are: forestry, mining, range land, trapping, hunting, agriculture, and commercial backcountry outdoor recreational activities.
19. Shall work with the Province to ensure viewscapes are protected within the Plan Area.

15.0 COMMUNITY SPECIFIC POLICIES

Riondel

1. The community of Riondel is designated for a range of residential uses including Suburban Residential, Country Residential, and Rural Residential as shown on Schedule 'A.1'.
2. Enhancement of and upgrade of the Riondel community water system is a priority of the RDCK.
3. Lands currently used for park and institutional uses shall be designated accordingly.
4. Outlying areas outside the service area for the Riondel water system shall be primarily designated as Country Residential.
5. The RDCK supports the special function of the waterfront in Riondel, and the economic, social, and cultural roles played by established institutions, private retreats, and spiritual networks in the area.
6. Mine remediation areas are intended to transition to new land use compatible with the area once the remediation is complete.
7. Existing commercial uses shall be so designated on Schedule 'A.1'.
8. There is a concern about viability of septic systems on small size lots in Riondel. Some analysis of a solution for future septic service should be addressed.
9. Home occupations should be encouraged.
10. Boundaries for the Riondel community water service area should be reviewed for expansion.
11. Remediated Teck Cominco properties should compliment and support the viability and vitality of the Riondel Community.
12. Green parking lots that are designed to protect the environment and prevent pollution should be encouraged.
13. Small animal husbandry should be grandfathered in areas where currently practiced.
14. Recreation and park uses such as a public boat launch, maintenance of the community campsite and park at North Bay, and the creation of a heritage trail along the old water line are supported.

Kootenay Bay/Pilot Bay/Crawford Bay

15. Kootenay Bay is primarily identified as a hub for the ferry terminal. Complimentary land uses that service the traveling public is recognized and encouraged. Further complimentary commercial and institutional development is encouraged.

16. The RDCK supports a revised ferry schedule that better coordinates with the transit system and school schedule.
17. Private land on the Pilot Bay Peninsula is primarily designated as Country Residential. Increased densities can be facilitated with appropriated community water and/or sewer facilities.
18. Further commercial development along Highway 3A may be considered by the Regional Board by application.
19. It is recognized that Pilot Bay and Sawmill Cove is a domestic water supply, therefore dumping of raw sewage from pleasure craft is strongly discouraged and is illegal pursuant to Federal Regulations. The RDCK supports a ban on dumping of all untreated sewage effluent from pleasure craft on Kootenay Lake.
20. Crawford Bay is recognized as a major node for development of business and residential development for the Plan Area.
21. Golf resort development and retreat and study centers have historically been major economic generators for the area. Future development of these lands will continue to provide for a range of land use opportunities that compliment existing development. A range of residential/resort and agricultural development opportunities will be encouraged through appropriate zoning, should the community wish to establish a zoning bylaw.
22. Highway 3A running through Crawford Bay is seen as a service and commercial focal point. A range of service, commercial, and institutional uses will be encouraged.
23. The RDCK supports selected areas for removal from the Agricultural Land Reserve, subject in the case of the area located to the north of Crawford Creek to a site specific evaluation and the approval of the Agricultural Land Commission.
24. The Regional Board supports the development of protective works as a local service area to protect hazard lands in the area.
25. Existing commercial lands shall be so designated.
26. Alternate areas should be considered for airport development.
27. The RDCK supports the redevelopment of the former school site for affordable housing for seniors and families. Ongoing use of the community hall for community purposes is strongly encouraged.
28. The Regional Board shall consider the provision of incentives for seniors housing in Crawford Bay.
29. Acquisition of a suitable public access to the beach at Crawford Bay is desired.
30. Higher Density residential is recommended in District Lot 7, Plan 811, DL 4595, EXC (1) PLC A (See 1117791) & (2) 12821; Plan X31, DL 4595, Parcel B Subsidy Lot 73 (See DD 17585) EXC PL 2626; and DL 5025, Except Plan DD15196 Ref PL 956701 2626 as shown on Schedule 'A.1'.

31. New developments including subdivision should encourage interconnectivity via trails and park systems.
32. Light industrial development along Crawford Creek Road to transfer station may be considered by the Regional Board upon application.
33. A wildlife corridor along Crawford Creek is encouraged.
34. There is a concern for the safety of pedestrians in heavily traveled areas. Provisions for pedestrian walkways should be considered in subdivision regulations.

Gray Creek

35. Removal of all lands from the Agricultural Land Reserve shall be supported by the Regional Board, subject to site specific evaluation and the approval of the Agricultural Land Commission.
36. Existing commercial and tourist commercial activities shall be so designated on Schedule 'A.1'.
37. Redevelopment and expansion of tourist commercial and for strata/fractional home is encouraged.
38. All public access points to Kootenay Lake shall be retained and enhanced where possible.
39. Acquisition of Burdon's Cut for a regional park is supported.
40. A park reserve is supported for the acquisition of Lot SL55 near south of McFarlane Creek.
41. Business establishment is supported throughout the community and not just concentrated in one area, following the existing business development pattern.
42. Supports assisting and nurturing business starts by expanding the definition of a home occupation.
43. Gray Creek supports creating opportunity for allowing senior residents to comfortably continue residing in their respective community.
44. The model for Gray Creek development is one of a rural lifestyle with low impact development and respect for the rural heritage, values and qualities of Gray Creek should be fostered.
45. Land Use Designations should protect existing residents from damaging land uses, and should support sustainable lakeside and creek side development.

Boswell/Sanca

46. Removal of all lands from the Agricultural Land Reserve shall be supported by the Regional Board, subject to site specific evaluation and the approval of the Agricultural Land Commission.

47. All public access points to Kootenay Lake shall be retained and enhanced, including garbage pick up and toilets.
48. Regional park acquisition is supported for Martell Beach.
49. Existing commercial and tourist commercial activities shall be so designated on Schedule 'A.1' and 'B.1'.

Sirdar

50. The model for Sirdar development is one of a rural lifestyle with low impact development and respect for the rural heritage, values and qualities of Sirdar should be fostered.
51. Duck Lake is recognized as a significant recreational asset for wildlife viewing, hiking, bicycling, hunting and fishing and aesthetic qualities.
52. Future commercial development shall be located along Highway 3A and is primarily oriented toward neighbourhood, tourist and pass-through traveller markets, and meet the access requirements of the Province.
53. Supports enhanced small scale agricultural activity and development, including enhancement of livestock, cattle and horse ranching, orchards, market gardens and vineyards at a community level.
54. Supports public and private property acquisition for the protection of wildlife corridors.

Wynndel

55. Wynndel is primarily designated Country Residential where the minimum lot size shall be one (1) hectare due to limited septic capabilities and community drainage concerns.
56. Any subdivision on lands within the service area of the Wynndel Irrigation District shall be serviced by the community water system.
57. The maintenance and enhancement of existing commercial and industrial properties is encouraged to ensure employment for local residents.
58. Future commercial or industrial development shall be located along Highway 3A.
59. Non-contiguous parcels of land within the Agricultural Land Reserve shall be requested for exclusion from the Agricultural Land Reserve.
60. Community Service uses within Wynndel shall be recognized and developed for community residents.

16.0 DEVELOPMENT PERMIT AREAS

Background

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board, or delegate of the Board, prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Plan Area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area

Category

The ESDP area is designated under Section 488.1(1) (a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

Justification

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses, lakes and wetlands and their adjacent riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Area

The ESDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, including:
 - a. All areas within 15 metres of the high water mark of a watercourse, including the natural boundary of a lake;
 - b. within 15 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and
 - c. within 5 metres of the top of the ravine bank in the case of a wider ravine that links 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.

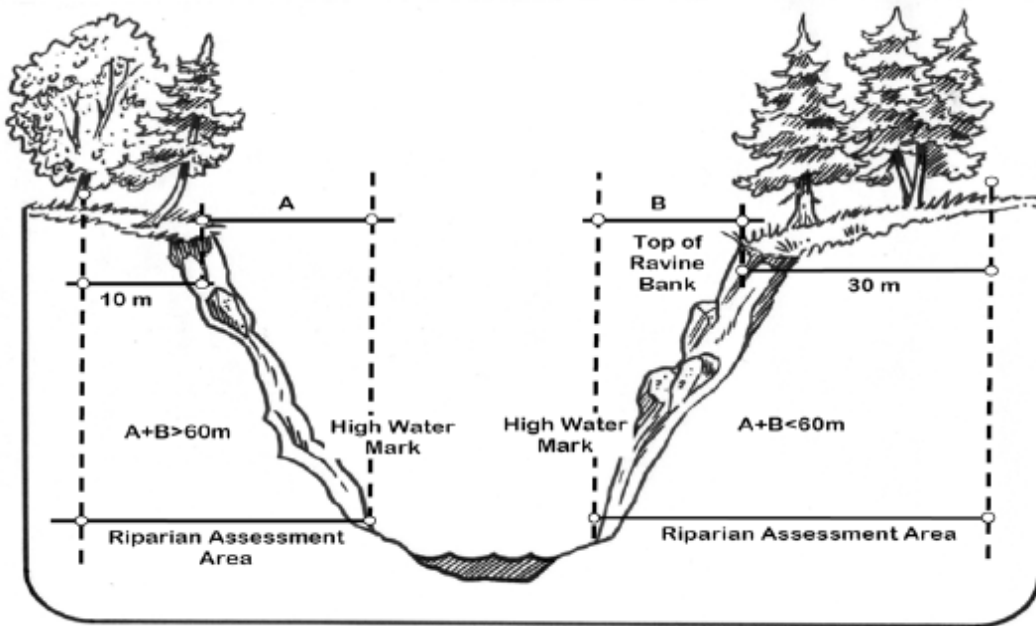


FIGURE 1: (for illustrative purposes only) **RIPARIAN ASSESSMENT AREA:** means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine 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. This DPA applies only to residential, commercial and industrial designations.

Source: British Columbia Ministry of Environment, *Riparian Areas Regulation Implementation Guidebook*, March 2005

Where the following definitions apply:

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.

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.

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.

Watercourse means any natural or man-made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year and/or having a drainage area of two square kilometres (0.8 square miles) or more upstream of the point of consideration.

Wetland means any areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Guidelines

A development permit is required, except where specified under the exemptions section, for development or land alteration on land identified as a riparian assessment area within the ESDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under local government legislation or when triggered by the requirements of a building permit or subdivision approval:

- a. removal, alteration, disruption or destruction of vegetation;
- 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;
- f. construction of roads, trails, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors; and
- j. subdivision as defined in section 455 of the *Local Government Act*;

Development shall be in accordance with the following guidelines:

2. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) or Registered Professional Biologist (RP Bio) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;
3. An ESDP shall not be issued prior to the RDCK ensuring that a QEP or RP Bio has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or

riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and;

4. The Riparian Areas Regulation implemented through the ESDP 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.

Exemptions

The ESDP area does not apply to the following:

5. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;
6. existing institutional development containing no residential, commercial or industrial aspect;
7. construction, renovation, or repair of a permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended in to a riparian assessment area would a ESDP be required; and
8. an area where the applicant can demonstrate that the conditions of the ESDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.

Development Permit Area #2: Residential Cluster Development Permit (RCDP) Area

Designation

The RCDP area is designated under Section 488.1(1) (a) and (e) of the *Local Government Act* for protection of the natural environment, its ecosystems and biological diversity and the establishment of objectives for the form and character of intensive residential development.

Area

The RCDP Area is comprised of all privately owned or leased lands designated as Suburban Residential (RS), Country Residential (RC), Multi-Family Residential (RM), and Mixed Use Residential (RMU) on Schedule 'A.1'.

Justification

The intent of the RCDP Area is to ensure that intensive residential development is completed in a manner that is sensitive to the rural character of the Plan area, adjoining lands, the natural environment, and achieves a high standard of appearance. Lands in the Plan Area have not been studied to a high level for their ability to sustain intense development over the long term. It is therefore desirable to allow development to occur in a manner which allows for efficient

use of land and services and protects lands deemed environmentally sensitive or hazardous from potential adverse impacts.

Objectives

The RCDP Area seeks to achieve the following objectives:

1. Ensure that new intensive residential development respects the existing rural character of surrounding areas.
2. Reduce the impacts of residential land uses on the natural environment and surrounding lands.
3. Achieve a high standard of appearance.

Prohibition

Land within the Residential Cluster Development Permit (RCDP) 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 Development Permit, unless otherwise exempt in this Bylaw.

Guidelines

Development shall be in accordance with the following guidelines:

1. Development that may impact designated “Environmentally Sensitive Development Permit” (ESDP) Areas, either directly through disturbance or indirectly through site infrastructure, shall be subject to the requirements of the ESDP Area in addition to these guidelines.
2. Building footprints and paved areas should be minimized, where possible, or otherwise clustered to reduce the total impervious cover of the site.
3. Natural, on-site filtration is encouraged through means such as, but not limited to, the:
 - a. retention of natural vegetation;
 - b. clustering of buildings and structures; and,
 - c. use of landscaped areas for storm water infiltration.
4. Siting of buildings and structures, uses and site infrastructure away from property boundaries is encouraged to minimize potential impacts to surrounding lands.
5. Building profiles should reflect the character of surrounding development with special attention to the height of new buildings in relationship to surrounding buildings on adjoining properties.

6. Existing vegetation should be retained, where possible, as part of the overall landscape design. Retention of green space in common areas is encouraged.
7. The use of covenants to ensure common lands in strata subdivisions are not subdivided further is encouraged.

Exemptions

The RCDP area does not apply to the following:

1. Fee simple lots, strata developments, shared interest, cooperatives, or companies that propose lots or sub-lots that:
 - a. are all larger than 1 hectare (2.47 acres);
 - b. create less than five sub-lots or lots; or,
 - c. involve the construction of less than five buildings or dwelling units.
2. Additions, alterations and accessory structures in pre-existing developments, where all of the following are demonstrated at the time of application for Building Permit:
 - a. The parcel's strata, shared interest corporation, cooperative, or company has provided a letter of support for the proposal;
 - b. It is clearly demonstrated that the proposal will not impact adjacent riparian areas; and,
 - c. Appropriate setbacks and screening will be established by either:
 - i. Meeting all applicable zoning regulations, including landscaping requirements, where zoning applies; or,
 - ii. Providing a landscape screen between the proposed structure(s) and adjacent lands as well as a setback equivalent to or greater than those specified in the Zoning Bylaw, where zoning does not apply.

Development Permit Area #3: Industrial Development Area Permit (IDP) Area Category

The IDP area is designated under Section 488.1(1) (a) and (f) of the *Local Government Act* for the establishment of objectives for the protection of the natural environment and form and character of industrial and quarry land uses within the Plan Area.

Area

The IDP area is comprised of all privately owned or leased lands designated as Industrial (M) or Quarry (Q) on Schedule 'A.1'.

Justification

The primary objective of this Development Permit area designation is to ensure that industrial developments within the Plan Area are compatible and considerate of the natural environment and the surrounding residential and rural character of the Plan Area.

Guidelines

1. Any off-street parking area, exterior display area or loading area on a lot used for 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.
2. Where any lot is used for industrial 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.
3. 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.
4. 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. These standards do not apply where endemic, native plantings are used for landscaping.
5. Quarry Operations shall be subject to the additional considerations listed below:
 - a. extent of visual screening, and other mitigation works proposed;
 - b. type of processing proposed;
 - c. prevailing wind direction and the potential for noise and dust;
 - d. compatibility with adjacent land uses;

- e. potential for light pollution;
- f. potential for vibration from blasting of materials;
- g. environmental sensitivity of the site and adjacent land;
- h. accessibility; and
- i. the characteristics of the aggregate deposit and groundwater resources.

Exemptions

The IDP area does not apply to the following:

- 6. Development associated with agricultural, residential, commercial or institutional land uses and activities; and
- 7. Existing construction, alteration, repair, demolition and maintenance of industrial buildings.

SCHEDULE 'B'
ZONING BYLAW

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2012

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

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;

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

BUILDING means a structure having a roof supported by columns, posts or walls, used for the shelter or accommodation of persons, animals, chattels, or property of any kind, and includes a manufactured home;

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

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

CABIN means one (1) self-contained structure, or one (1) unit within an existing structure; no larger than 100 m² that is used for short term (less than 30 days) tourism rental accommodation only. More than one (1) unit within a dwelling shall be counted as more than one (1) cabin;

CAMPGROUND means a site occupied and maintained or intended to be occupied or maintained for the temporary accommodation (maximum 30 days) of the travelling public to accommodate tents, trailers, park model trailers and recreational vehicles with designated sites and may offer central washrooms or full or partial hook-ups. A campground may also include patron amenity areas and facilities such as a sani-dump station, showers, laundry facilities, playgrounds, picnic and days use areas, hiking and bicycling trails, pool tennis courts, recreation centre, marina, boat launch, retail store and 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;

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

COMMERCIAL BACK COUNTRY RECREATION means remote facilities for the purpose of 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 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;

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 (3) or more children under six (6) years of age not forming part of the operator's family;

DENSITY means density means the number of dwellings, visitor or resort accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit;

DEVELOPMENT means any activity carried out in the process of clearing or preparing a site or erecting structures;

DWELLING means one or more rooms that are self-contained, intended for domestic use as a residence by one or more persons, and containing kitchen, living, sleeping and sanitary facilities;

DWELLING, ACCESSORY means a dwelling unit, either detached or attached, which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and includes a private kitchen and bath; common accessory dwellings include, but are not limited to, secondary suites, cottages, carriage houses and garage suites;

DWELLING, ONE-FAMILY means a detached building used exclusively for occupancy by one (1) family;

DWELLING, TWO-FAMILY means a detached building or pair of attached buildings used exclusively for occupancy by two (2) families living independently of each other;

DWELLING, MULTI-FAMILY means a building or portion thereof containing three (3) or more dwelling units;

DWELLING UNIT means one (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit;

DWELLING UNIT, FARMWORKER means a building accessory to a farm business used for the residential accommodation of a farmworker permanently employed full-time in that farm business;

EDUCATIONAL FACILITIES means buildings including residences, structures and grounds associated with the operation of a school, college, university or training centre established and operated pursuant to the *School Act, College and Institute Act, University Act, and/or Private Post Secondary Education Act*;

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;

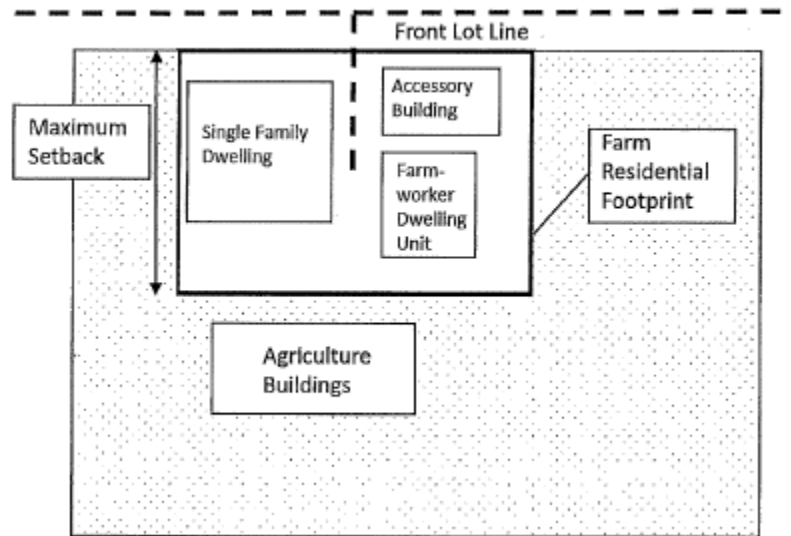
FAMILY means one (1) or more persons related by blood, marriage, adoption or foster parenthood, occupying a dwelling unit; or not more than five (5) unrelated persons sharing a dwelling unit; or residents of a group home;

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: bees, cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen but does not include poultry;

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 and Protection Act*;

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, tool 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;

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;

GROSS FLOOR AREA (G.F.A.) means the sum of the horizontal areas of each story 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;

GROUP CARE FACILITIES means a type of facility, which provides a living environment for up to eight (8) persons under care who operate as the functional equivalent of a family; including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents;

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;

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;

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

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

JUNKYARD means an open area where old or used materials including, but not limited to metals, paper, rags, rubber tires, bottles and vehicles, are bought, sold, exchanged, stored, baled, packed, disassembled or handled;

KENNEL means a building, structure, compound, group of pens or cages or property where four (4) or more dogs 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;

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;

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

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;

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;

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 house or premises, and which conforms to the requirements of the British Columbia Building Code;

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;

MICRO CULTIVATION, CANNABIS means the small scale growing of cannabis plants and harvesting material from those plants, and associated activities as 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;

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);

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 archeological 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 unit that meets the following criteria:

- (a) it is built on a single chassis that may be mounted on wheels;
- (b) it is designed to facilitate relocation from time to time;
- (c) it is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
- (d) it has a gross floor area, including lofts, not exceeding 50 m² when in the set up mode, and having a width not greater than 3.65 metres (12 feet) in the transit mode;

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;

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, chickens, turkeys, geese, ducks, artificially raised grouse, partridge, quail, pheasant or ptarmigan;

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 residential 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 a secondary or accessory dwelling unit, or any vehicle.

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

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, trailer, coach, structure or conveyance designed to travel or to be transported on the highways and constructed or equipped to be used as a temporary living or sleeping quarter by travellers;

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

REGIONAL DISTRICT means the Regional District of Central Kootenay;

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;

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;

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;

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

SERVICE STATION means any building or land used for the retail sale of motor fuels and lubricants and may include automobile diagnostic centres, the servicing and minor repairing of motor vehicles, and the sale of automotive accessories;

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

SHORT TERM RENTAL means the use of a one-family dwelling or two-family dwelling for temporary accommodation (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 onsite and includes a signboard or hoarding;

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 cooking facilities used for the temporary accommodation of travellers;

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;

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;

TEMPORARY means, in relation to a period of occupancy or use by any particular individual not exceeding 45 days in any calendar year, not more than 30 of which may be consecutive;

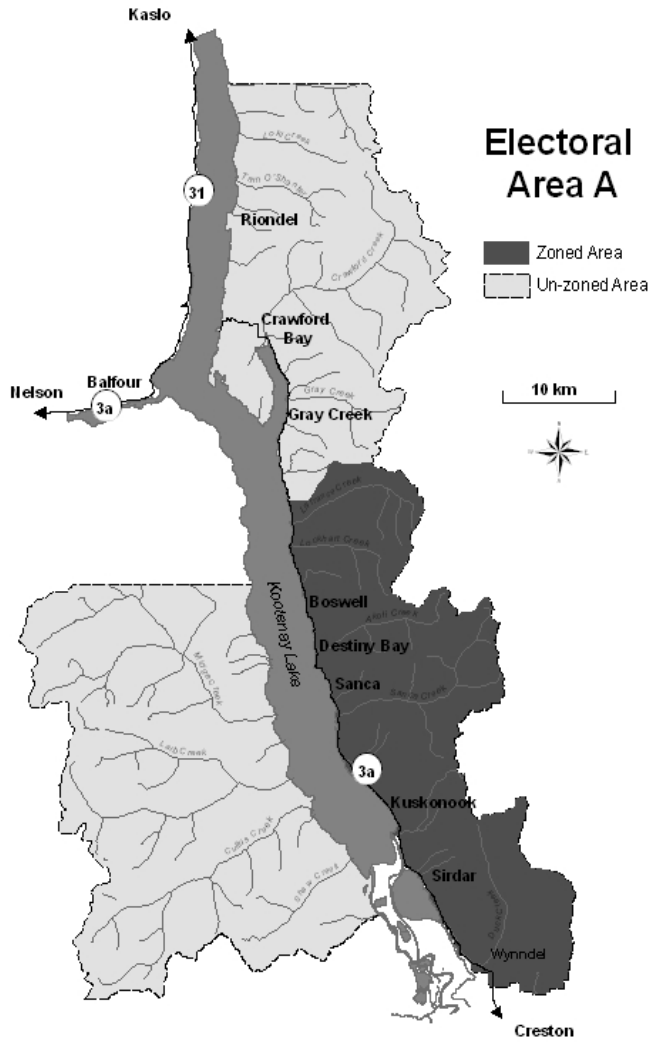
UNATTENDED PUBLIC UTILITY BUILDING OR STRUCTURE means a building or structure containing unattended equipment necessary for the operation of community water, sewer or gas distribution systems, radio or television antennae, telecommunication relay stations, automatic telephone exchanges, navigational 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;

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 as defined by the *Motor Vehicle Act*, 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.

Map 2: General Context (Zoning)



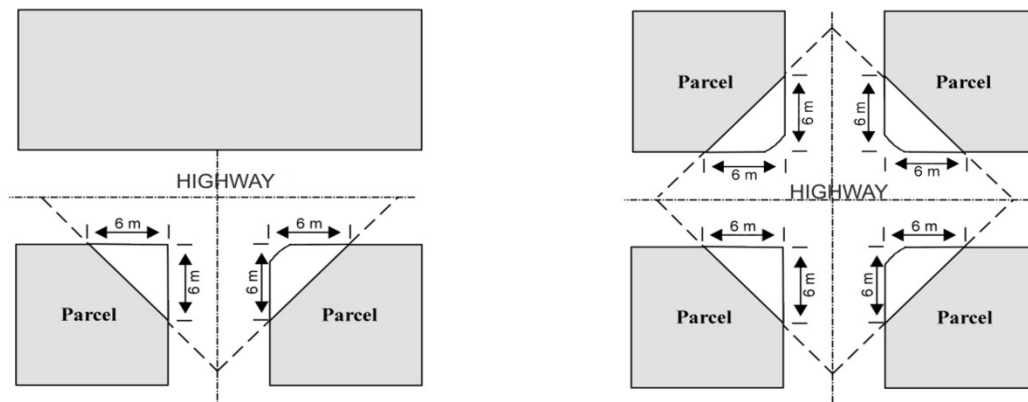
18.0 GENERAL REGULATIONS

Non-Conforming Uses and Siting “Grandfathering”

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

Clear Vision Area

2. 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

3. There shall be no minimum site area for trails, parks, playgrounds and unattended public utility buildings and structures.
4. The minimum parcel 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.
5. 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.
6. Despite any other 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, 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.

7. 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 *Health Act* and provided that all other requirements applicable to the zone can be met.
8. 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.
9. No newly created lot shall be bisected by a legally dedicated road.

Reduction of Minimum Site Areas

10. Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum site area 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.
11. Where it is not possible to create a lot that has the minimum site area required for a zone, the minimum site area 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;
 - 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; or
 - d. a lot divided by a zone boundary.
12. The minimum site area for a lot created under sub-section 11 shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.
13. Despite sub-section 12, 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 site area.

Subdivision Servicing Requirements

14. All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
15. All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
16. All subdivisions shall comply with the *Drinking Water Protection Act*, the *Health Act* and the *Waste Management Act*.

Setback Requirements

17. 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. Lands on the Kootenay Lake side of Highway 3A shall be permitted a 3.0 metre setback from front or exterior side lot line due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.
18. Despite sub-section 17, buildings or structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve.
19. Unless otherwise stated, no portable sawmill may be located within 100 metres from a property line.
20. Despite sub-section 17, on all lots less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres, with the exception of lots on the Kootenay Lake side of Highway 3A that shall be permitted a 3.0 meter setback from front or exterior side lot lines due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.

Setback Exceptions

21. 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.
22. Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, flagpoles, up to ten (10) metres in height may be sited on any portion of a lot.
23. 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.

24. 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

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

25. The proprietor resides on the subject property;
26. The activity shall be conducted in a dwelling unit or accessory building;
27. The floor area devoted to the Home Based Business shall not exceed 100 square metres on any R1, R2, R3, R6, and AG zoned lot;
28. The floor area devoted to the Home Based Business shall not exceed 200 square metres on any lot R4 zoned lot;
29. No more than two (2) persons who are not a resident of the dwelling may be employed in the Home Based Business on any R1, R2, R3, R6, and AG zoned lot;
30. No more than four (4) persons who are not a resident of the dwelling may be employed in the Home Based Business on any R4 zoned lot;
31. 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 metres on any R1 and R6 zoned lot; or
 - b. One (1.0) square metre on any R2, R3, R4 and AG zoned lot.
32. External storage of materials, equipment or finished products shall be screened from view from adjacent properties and road right-of-ways;
33. There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference, or emissions other than that normally associated with a dwelling;
34. 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;
35. 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 and R6; and
 - b. six (6) on any R3, R4, and AG zoned lot.

36. Home Based Businesses that include the caring of more than eight (8) individuals at any one time shall not be permitted.
37. No commodities may be offered for sale except those produced on the premises, or from other home-based businesses in the Regional District;
38. Two off-street parking spaces shall be provided in excess of those required for the dwelling unit.

Accessory Tourist Accommodation

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

39. The proprietor resides in the principal dwelling;
40. No more than two (2) persons who are not a resident of the premises may be employed in the tourist accommodation operation on any R1, R2, R3, R4, R6, and AG zoned lot;
41. 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 R1 or R6 zoned lot; and
 - b. one (1) square metre on any R2, R3, R4, or AG zoned lot.
42. Bed and breakfast accessory tourist accommodation operations shall be confined to the principal dwelling;
43. 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 on any R1, R2, R3, R6 and AG zoned lot;
44. 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 on any R4 zoned lot;
45. Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any R3 or R4 zoned lot;
46. Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any AG zoned lot, provided that:
 - a. all or part of the parcel on which the accommodation is located is classified as a farm under the Assessment Act;
 - b. campsites are undeveloped outdoor sites with no individual sewage disposal, water and electrical hook-ups provided; and
 - c. the total developed area for communal sanitary and washing facilities, landscaping, and access for the accommodation is less than 5% of the parcel.

47. Accessory tourist accommodation camping operations shall not be permitted on any lots zoned R1, R2 or R6;
48. Accessory tourist accommodation camping operations shall only be permitted on lots 1.2 hectares or larger;
49. 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;
50. Accessory tourist camping operations shall not include recreation centres, marinas, boat launches, retail stores and other similar facilities.

Storage

51. 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 on any R1, R2, R5 and R6 zoned lot or more than six (6) wrecked vehicles on any R3, R4 and AG zoned lot.

Uses Permitted in All Zones

52. The following uses shall be permitted in any zone:
 - a. ecological and archeological conservation areas retained in their natural state;
 - b. passive recreation for informal, low intensity recreation activities such as walking, hiking and biking trails and wildlife viewing platforms;
 - c. Park established by the Regional District of Central Kootenay, Provincial or Federal Government;
 - d. 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;
 - e. Fire Halls; and
 - f. Unattended Public Utility Buildings and Structures.

Shipping Containers

53. Shipping containers shall be permitted for use as accessory buildings subject to the requirements that 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 zoned R1, R5, R6 or ER;
 - b. one (1) for lots zoned R2 or CS;
 - c. two (2) for lots zoned R3, R4, AG, C1, C2, C3, M1 or M2; and
 - d. unlimited in other zones.

54. Any shipping container placed on a lot as an accessory building must comply with site coverage, siting, size and setback requirements for that zone.
55. 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 of a height no less than 2.5 metres.

Parking Space Requirements

56. Off-street parking spaces for each building and use shall be provided in accordance with the following:
 - a. application of regulations;
 - b. the Ministry of Transportation standards for required parking spaces will apply when dealing with matters that are within its jurisdiction, such as highway access permits; and
 - c. 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 standards are lower, or where the Ministry of Transportation has no jurisdiction.

General Provisions

57. 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.
58. 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.
59. 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.
60. 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.
61. 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 metre of length of such seating shall be deemed to be one seat.

62. 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.
63. 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 favor 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.

Off-Street Parking Space Standards

64. Off-street parking spaces shall be a minimum of 17 square metres and shall have at all times convenient vehicular access to a public thoroughfare.
65. 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.
66. 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.
67. Access and manoeuvring aisles must not be less than 3.6 metres for one-way traffic and 6.6 metres for two-way traffic.
68. Required parking and associated manoeuvring aisles in all multi-family residential, commercial and industrial zones shall be surfaced with either asphalt or concrete pavement or a suitable alternative, 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.
69. 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.
70. All parking areas must contain adequate provisions so that vehicles may turn around on the parcel.
71. All parking areas shall be so designed that motor vehicles do not back out onto a public road.
72. The maximum slope for the required off-street parking in all multi-family residential, commercial and industrial zones to accommodate more than three (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.
73. 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.
74. 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.
 75. 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

76. 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 m² of gross floor area or fraction thereof, plus an additional space for each additional 2,000 m² of gross floor area or fraction thereof.
77. 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 m² 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
Residential	Single-family	2 spaces per dwelling unit	0	
	Two-family	2 spaces per dwelling unit /4 spaces total	0	
	Multi-family Residential	1.2 spaces per dwelling unit	0	

Category	Type of Uses	Parking Spaces	Loading Spaces	Notes
	Accessory Home Based Business Use	2 spaces	0	Plus 2 spaces for the operators residence
	Accessory Bed & Breakfast	1 space per guest room	0	Plus 2 spaces for operators residence
	Accessory Retail/Farm Retail Sales	1 space per 20 m ² of floor area	0	Plus 2 spaces for operators residence
	Group Home	0.75 space per sleeping unit	0	
Commercial	All uses in a C zone, except as listed below	4 spaces per 100 m ² of GFA	0	
	Building Supply, Garden Supply, Nursery	1 spaces per 100 m ² 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 m ² of GFA	0	
	Food and Beverage Services	1 space per 4 seats or 10 spaces per 100 m ² 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 m ² 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	

Category	Type of Uses	Parking Spaces	Loading Spaces	Notes
	Hotel/Motel	1 space per guest room plus 1 per 5 seats of 15 m ² of customer service area in any eating and drinking establishments with the motel	0	Plus number of spaces required for each incidental use
	Laundromat	1 per 3 washing machines	0	
	Library, Museum, Art Gallery	2.5 spaces per 100 m ² of GFA	0	
	Marina	1 per 2 boat spaces plus 1 per 2 employees	0	
	Office, Medical or Dental Office	3.4 spaces per 100 m ² 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 ² of Sales Floor Area, 1 per service bay plus 1 per 30 m ² of office area	1	Minimum 5 spaces per business
	Veterinarian, Animal Hospital, Kennel	1 per 2 employees plus 3 per veterinarian	0	
Public	Assembly Hall, Auditorium, Convention Centre, Church, Theatre, Funeral Home, Clubhouse	1 space per 5 seats of capacity or 10 per 100 m ² of floor area used for customers, patrons or clients, whichever is greater	1	

Category	Type of Uses	Parking Spaces	Loading Spaces	Notes
	Arena, Swimming Pool	1 space per 5 seats plus 2 per 100 m ² of customer service area	0	
	Beach, Swimming	1 per 10 m ² 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 ² of GFA	0	
	Bowling Alley	2 spaces per bowling alley plus 1 space per 100 m ² 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 ² 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	0	

Category	Type of Uses	Parking Spaces	Loading Spaces	Notes
		who are at Grade 11 or higher.		
Industrial	All uses in an Industrial zone, except as listed below	1.5 spaces per 100 m ² of GFA, 1 space/employee plus one space for every commercially licensed vehicle for that address	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 ² 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

78. 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

<i>yearling</i>	.67	<i>turkeys, breeding stock</i>	.02
<i>calf</i>	.25	<i>geese</i>	.02
<i>bull</i>	1.00	<i>ducks</i>	.015
<u><i>Horses</i></u>	<u>A.U.</u>	<u><i>Other</i></u>	<u>A.U.</u>
<i>horse</i>	1.00	<i>goats</i>	.14
<i>colts 1-2 years</i>	.50	<i>rabbit</i>	.025
<i>colts, under 1 yr.</i>	.25	<i>mink</i>	.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 4.5 metres (15 feet) of a lot line.
- c. No drinking or feeding troughs or manure piles may be located within 4.5 metres (15 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 (.67 A.U. times 2 hectares times 2 A.U. per hectare = 5.97 yearlings).

Hazard Land Development

79. Despite any other provisions of this bylaw, development on flood hazard lands should be flood proofed in accordance with those provisions specified in the Regional District of Central Kootenay Floodplain Management Bylaw No. 2080, 2009 and amendments thereto.

Manufactured Home Parks

80. Where a site contains three (3) or more manufactured homes and meets the density requirements of the R1, R2, R3, and R4 zone then the parcel is not a manufactured home park pursuant to this bylaw.

Agricultural Land Commission

81. Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve shall comply with all applicable regulations of the *British Columbia Agricultural Land Commission Act*, Regulations and Orders as amended or replaced from time to time.

Mining Activities

82. Any mineral or mining 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' under the *Mines Act* shall not be restricted by any terms or conditions of this bylaw so long as the Province manages the activities and land for that purpose.

Signs

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

83. No sign shall be located within 1.5 meters of any lot line or on any portion of the lot subject to vision triangle requirements.
84. Signs shall be limited to the following:
 - a. a maximum height of 5.0 metres;
 - b. a maximum area of 6.0 square metres;
 - c. a maximum width of 2.5 metres; and
 - d. one (1) sign for each public road access.
85. *Removed by Bylaw 2686*
86. Signs advertising community events or public service announcements or political campaign signs during an election are exempt from the requirements of sub-sections 83 and 84.
87. 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 subsections 83 and 84.
88. Signs may be illuminated provided that glare is contained on-site when adjacent to any residential, agricultural, institutional, park and recreation zoned property.

Zone Designations

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

<u>ZONE</u>	<u>SHORT FORM</u>
Suburban Residential	R1
Country Residential	R2
Rural Residential	R3
Rural Resource	R4
Multi-family Residential	R5
Mixed-Use Residential	R6
Agriculture 1	AG1
Agriculture 2	AG2
Neighborhood Commercial	C1
General Commercial	C2
Tourist Commercial	C3
Light Industrial	M1
Medium Industrial	M2
Heavy Industrial	M3
Railway	RW
Quarry	Q
Community Service	CS
Parks and Recreation	PR
Resource Area	RA
Forest Reserve	FR
Environmental Reserve	ER

Zone Boundaries

89. The extent of each zone is shown on Schedule 'B.1' – Zoning Map, which is incorporated in and forms part of this bylaw.
90. 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.

91. 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 Schedule 'B.1'.
92. Any area not specifically shown on Schedule 'B.1' shall be deemed to be zoned 'Resource Area (RA)'.
- 92A. 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

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

93. provision of privacy for outdoor and indoor spaces through use of plant screens, walls, or fences;
94. separation of distinct areas allocated to different types of activities;
95. reduction of glare or illumination from automobile traffic, street lighting or other sources;
96. direction of pedestrian circulation away from privacy areas onto designated paths with vegetation and varied paving textures;
97. curtailing erosion on steep grades;
98. control of noise from streets or activity areas; and/or
99. environmental modifications, such as the blocking of wind.

General Regulations for Landscaping

100. In a multi-family residential development including manufactured home parks, any part of a lot not used for structures and associated parking areas should be fully landscaped and properly maintained as a landscaping area, or as undisturbed forest.
101. At least 30 percent of the total area of any lot used for multi-family residential purposes shall be maintained as open space landscaped area in a permeable state.
102. 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.
103. 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.
104. 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.
105. 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. These standards do not apply where endemic, native plantings are used for landscaping.
106. 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

107. Pursuant to Section 498 of the *Local Government Act* variances to setback, height, landscaping or parking requirements may be approved by the Regional District in conjunction with the issuance of a Development Permit where community plan objectives for the form and character of commercial, industrial and multi-family developments can be achieved provided that no siting variances cross a property line.

19.0 SUBURBAN RESIDENTIAL (R1)

Permitted Uses

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

Dwellings:

- One-family
- Two-family

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Horticultural Produce
- Accessory Dwelling

Development Regulations

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

LEVEL OF SERVICES PROVIDED

	Community Water and Sewer	Community Water or Sewer	On Site Only
One-family	700 m ²	0.2 hectares	1 hectare
Two-family	1000 m ²	0.4 hectares	1 hectare

3. The maximum Site Coverage is 50 percent of the site area.
4. Buildings and structures shall not cover more than 33 percent of the site area.
5. The keeping of farm animals shall comply with the requirements of Section 18.0 (78).
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 sub-divided 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; whereas fences not exceeding a height of two (2) metres may be sited only to the rear of the required front lot line setback.

Accessory Dwelling

13. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) accessory dwelling per lot is permitted as an accessory use to a single family dwelling subject to the following:
 - a. the minimum site area for the accessory dwelling shall be the same as for a two-family dwelling, depending on level of servicing;
 - b. a maximum gross floor area of 90 square meters (m²);
 - c. the accessory dwelling shall not be a vehicle; and/or
 - d. the accessory dwelling shall have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the single detached dwelling.
14. The minimum separation distance between an accessory dwelling, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
15. One (1) additional off-street parking space shall be provided for an accessory dwelling.
16. Accessory dwellings shall not be used as tourist accommodation.

20.0 COUNTRY RESIDENTIAL (R2)

Permitted Uses

1. Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:
 - Dwellings:
 - One-family
 - Two-family
 - Horticulture
 - Accessory Uses:
 - Accessory Buildings or Structures
 - Accessory Tourist Accommodation
 - Day Care Facility
 - Home Based Business
 - Horticulture
 - Keeping of Farm Animals
 - Sale of Site Grown Horticultural Produce
 - Accessory Dwelling
 - Temporary Guest Accommodation
 - Portable Sawmills (for processing of materials harvested on-site only)

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The minimum parcel 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 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 18.0 (78).
6. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
7. *Removed by Bylaw 2747*
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.

Accessory Dwelling

11. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) accessory dwelling per lot is permitted as an accessory use to a single family dwelling subject to the following:
 - a. the minimum site area for the accessory dwelling shall be the same as for a two-family dwelling, depending on level of servicing;
 - b. a maximum gross floor area of 90 square meters (m²);
 - c. the accessory dwelling shall not be a vehicle; and/or
 - d. the accessory dwelling shall have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the single detached dwelling.
12. The minimum separation distance between an accessory dwelling, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
13. One (1) additional off-street parking space shall be provided for an accessory dwelling.
14. Accessory dwellings shall not be used as tourist accommodation.

Temporary Guest Accommodation

15. Subject to compliance with the requirements of the Province 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 family or two-family dwelling subject to the following:
 - a. the minimum site area for a cabin shall be 1.4 hectares (ha); and
 - b. the maximum gross floor area for a cabin shall not exceed 100 square metres (m²).
16. Subject to subsection 15, 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 at any one time. Recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle. 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 and must conform with the density provisions under subsection 15.
17. The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.

18. 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.

21.0 RURAL RESIDENTIAL (R3)

Permitted Uses

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

Dwellings:

- One-family
- Two-family

Horticulture

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Veterinary Clinics

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Horticultural Produce
- Small Scale Wood Product Manufacturing
- Temporary Guest Accommodation
- Temporary Farmworker Housing

Development Regulations

2. The minimum site area for each permitted use shall be two (2) hectares.
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 18.0 (78).
5. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
6. Despite subsection 2, a manufactured home on a non-permanent foundation may be permitted in addition to a one-family dwelling.
7. *Removed by Bylaw 2747.*
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.

Cannabis Regulations

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 licenses shall not be permitted in a dwelling place.

Small Scale Wood Product Manufacturing

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

13. The minimum parcel size shall be two (2) hectares;
14. The sawmill is limited to a band sawmill powered by an engine of no more than 42 Horsepower;
15. The property owner will continue to reside in the principal residence on the property;
16. Despite the site area requirements detailed elsewhere in the Rural Residential (R3) Zone, the maximum area used for a small scale wood processing business, including external storage, shall not exceed 0.4 hectares;
17. 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;
18. No more than three (3) persons who are not residents of the principal dwelling may be employed in the business;
19. 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;
20. No commodities may be offered for sale except those produced on the premises;
21. There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference or emissions other than that normally associated with a dwelling;
22. Operation of the sawmill shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday;
23. There shall be no operation of the small scale wood product manufacturing operation on Sundays or Statutory Holidays;
24. 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; and

25. Any sawmill operation under this section may be subject to an annual inspection to ensure compliance with this bylaw.

Temporary Guest Accommodation

26. Subject to compliance with the requirements of the Province 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 family or two-family dwelling subject to the following:
- a. the minimum site area for a cabin shall be 1.4 hectares (ha); and
 - b. the maximum gross floor area for a cabin shall not exceed 100 square metres (m²).
27. Subject to subsection 26, 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 at any one time. Recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle. 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 and must conform with the density provisions under subsection 26.
28. The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
29. 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.

Temporary Farmworker Housing

30. Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:
- a. The lot is 2.0 hectares or larger;
 - b. 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
 - c. 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.

22.0 RURAL RESOURCE (R4)

Permitted Uses

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

Dwellings:

- One-family
- Two-family

Horse Riding Stables and Boarding Stables

Horticulture

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nurseries, Greenhouses and Florists

Veterinary Clinics

Kennels

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Agricultural Produce
- Portable Sawmills
- Temporary Guest Accommodation
- Temporary Farmworker Housing

Development Regulations

2. The minimum site area for each permitted use shall be two (2) hectares.
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 18.0 (78).
5. Buildings and structures in the case of a lot that may be further sub-divided 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 building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

8. Kennel operations on property between two (2) hectares and four (4) hectares are permitted a maximum of eight dogs, and properties greater than four (4) hectares and permitted up to a maximum of twenty (20) dogs.
9. *Removed by Bylaw 2747*
10. The maximum height of any accessory building or structure shall not exceed 8 metres.
11. The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
12. The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.

Cannabis Regulations

13. 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.
14. Cannabis micro-cultivation, cannabis micro-processing or cannabis nursery licenses shall not be permitted in a dwelling place.

Temporary Guest Accommodation

15. Subject to compliance with the requirements of the Province 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 family or two-family dwelling subject to the following:
 - a. the minimum site area for a cabin shall be 1.4 hectares (ha); and
 - b. the maximum gross floor area for a cabin shall not exceed 100 square metres (m²).
16. Subject to subsection 15, 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 at any one time. Recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle. 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 and must conform with the density provisions under subsection 15.
17. The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.

18. 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.

Temporary Farmworker Housing

19. Temporary Farmworker Housing shall be permitted on a lot separate from the Farm Business, provided that:
 - a. The lot is 2.0 hectares or larger;
 - b. 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
 - c. 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.

23.0 MANUFACTURED HOME PARK (R5)

Permitted Uses

1. 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 or Structures

Development Regulations

2. Manufactured Home Parks shall comply with all applicable regulations in any applicable Mobile Home Park Bylaw or Manufactured Home Park Bylaw adopted by the RDCK Board.
3. Landscaping shall be provided in accordance with Section 18.0 (93 to 106).

24.0 MULTI-FAMILY RESIDENTIAL (R6)

Permitted Uses

1. Land, buildings and structures in the Multi-family Residential (R6) zone shall be used for the following purposes only:
 - Dwellings:
 - One-family
 - Two-family
 - Multiple Family
 - Accessory Uses:
 - Accessory Buildings or Structures
 - Accessory Tourist Accommodation
 - Home Based Business
 - Recreation Facilities (including club houses, courts, trails, water based facilities, playgrounds and trails)
 - Maintenance and Utility Buildings

Development Regulations

2. The minimum site area (per unit) for the following uses shall be required as follows:

LEVEL OF SERVICES PROVIDED

	Community Water Supply And Community Sewer System	Community Water Supply Only	On Site Only
One-family	700 m ²	0.2 hectare	1.0 hectare
Two-family/Unit	500 m ²	0.4 hectare	0.75 hectare
Multi-Family/Unit	300 m ²	0.1 hectare	0.4 hectare

3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. Landscaping shall comply with all applicable requirements of Section 18.0 (93 to 106).

25.0 AGRICULTURE 1 (AG1)

Permitted Uses

1. 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:

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,

CannabisMicro

Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and

Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 2 hectares.
3. 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.
4. 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.

5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 meters measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Family Dwelling is 185.0 square meters.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square meters;
 - b. The lot is classified as a farm under the *Assessment Act*;
 - c. The lot is 2 hectares or larger; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing shall be limited to 6 campsites, provided that:
 - a. The lot is classified as a farm under the *Assessment Act*;
 - b. The lot is 1.2 hectares or larger;
 - c. The minimum setback is 6.0 meters from the Front Lot Line and Exterior Lot Line and 15.0 meters from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 meters, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 meters in height and 1.5 meters 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.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 meters of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 meters from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 meters from all

property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 meters of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 meters from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 meters of a property line.
15. 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 meters.
16. 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 meters.
17. 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 meters.

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

26.0 AGRICULTURE 2 (AG2)

Permitted Uses

1. 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:

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 Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

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

Development Regulations

2. The minimum lot area shall be 4 hectares.
3. 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.
4. 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.
5. 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.
6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;

- b. The lot is classified as a farm under the *Assessment Act*;
 - c. The lot is 2 hectares or larger; and
 - d. The Farm Business has been operation for at least 3 years.
8. 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 1.2 hectares or larger;
 - c. The minimum setback is 6.0 meters from the Front Lot Line and Exterior Lot Line and 15.0 meters from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 meters, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 meters in height and 1.5 meters 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.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 meters of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals
11. Farm Product processing that involves processing livestock: must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 meters from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 meters from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 meters of a property line.
14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 meters from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 meters of a property line.
15. 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 meters.
16. 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 meters.

17. 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 meters.

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

NEIGHBOURHOOD COMMERCIAL (C1)

Permitted Uses

1. Land, buildings and structures in the Neighbourhood Commercial (C1) zone shall be used for the following purposes only:
 - Cannabis Retail Stores
 - Cold Storage Plants
 - Commercial Green House
 - Farmer's Market
 - Feed and Seed Storage and Distribution
 - Horticulture
 - Mixed Use Developments
 - Offices
 - Pubs
 - Personal Service Establishments
 - Recycling Depot
 - Restaurants
 - Retail Stores
 - Service Stations
 - Tourist Accommodation
 - Accessory Uses:
 - Accessory Buildings or Structures
 - One dwelling unit

Development Regulations

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

Hotel, Motel, Lodge and Similar Uses

On Site Servicing	1.0 hectare (up to 10 units), 600m ² for each additional sleeping unit, 0.1hectares for each additional housekeeping unit.
Community Water	0.4 hectares, 300m ² for each additional sleeping unit, 400 m ² for each additional housekeeping unit.
Full Servicing	0.2 hectares (first unit), 200 m ² for each additional sleeping or housekeeping unit.

All Other Uses

On Site Servicing	1.0 hectare
Community Water	0.4 hectares
Full Servicing	0.4 hectares

3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. The maximum commercial floor area within all buildings on a lot shall be 500 square metres.
5. Landscaping shall comply with the requirements of Section 18.0 (93 to 106).

27.0 GENERAL COMMERCIAL (C2)

Permitted Uses

1. 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
 - Farmers Markets
 - Horticulture
 - 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:
 - mini warehouses
 - cold storage plants
 - feed and seed storage and distribution
 - Accessory Uses:
 - Accessory Buildings or Structures
 - One dwelling unit

Development Regulations

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

Hotel, Motel, Lodge and Similar Uses

On Site Servicing	1.0 hectare (up to 10 units), 600m ² for each additional sleeping unit, 0.1hectares for each additional housekeeping unit
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Community Water 0.4 hectares, 300m² for each additional sleeping unit, 400 m² for each additional housekeeping unit.

Full Servicing 0.2 hectares (first unit), 200 m² for each additional sleeping or housekeeping unit.

All Other Uses

On Site Servicing 1.0 hectare

Community Water 0.4 hectares

Full Servicing 0.4 hectares

3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. Landscaping shall comply with the requirements of Sections Section 18.0 (93 to 106).

28.0 TOURIST COMMERCIAL (C3)

Permitted Uses

1. Land, buildings and structures in the Tourist Commercial (C3) zone shall be used for the following purposes only:
 - Artisan Crafts Production and Sales
 - Cannabis Retail Stores
 - Farmers Markets
 - Golf Courses
 - Horse Riding Arenas and Boarding Stables
 - Horticulture
 - Marinas
 - Mixed Use Developments
 - Museums
 - Personal Service Establishments
 - Pubs
 - Restaurants
 - Service Stations
 - Tourist Accommodation
 - Zoos
 - Recreational Vehicle Parks
 - Accessory Uses to Tourist Accommodation:
 - laundromats
 - curio shops
 - convenience stores
 - Accessory Uses:
 - accessory buildings or structures
 - one dwelling unit

Development Regulations

2. The minimum site area shall be provided as follows:

Hotel, Motel, Lodge and Similar Uses

On Site Servicing	1.0 hectare (up to 10 units), 600m ² for each additional sleeping unit, 0.1hectares for each additional housekeeping unit
Community Water	0.4 hectares (up to 10 units), 300m ² for each additional sleeping unit, 400 m ² for each additional housekeeping unit.
Full Servicing	0.2 hectares (first unit), 200 m ² for each additional sleeping or housekeeping unit.

All Other Uses

On Site Servicing	1 hectare
Community Water	0.4 hectares
Full Servicing	0.4 hectares

3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. Landscaping shall comply with the requirements of Section 18 (93 to 106).
5. Lots adjacent to residential zones must provide screening and buffering. Landscaping used as screen or buffer shall be designed to minimize the cost of general maintenance and upkeep. In Suburban and Country Residential (R1) and (R2) zones adjacent to Tourist Commercial (C3) zones the buffer constitutes an area of 7.5 metres. In other larger residential zones this is reduced to 5.0 metres. The following provisions apply:
 - a. Screening and buffering shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building(s) improvements, expansions, or other site improvements.
 - b. In lieu of new improvements significant natural, historical and cultural site features; including but not limited to, large trees, hedgerows, woodlands, water-bodies, wetlands, and steep slopes may be considered part of a screen or buffer.
 - c. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

29.0 LIGHT INDUSTRIAL (M1)

Permitted Uses

1. 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
 - 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 / warehouse
 - Veterinary Clinics
 - Warehousing:
 - mini warehouses
 - cold storage plants
 - feed and seed storage and distribution
 - Accessory Uses:

- Accessory Buildings or Structures
- one dwelling unit
- business office

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The maximum site coverage permitted 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 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 Section 18.0 (93 to 106).
7. An Industrial Development Permit is required for developments on industrial zoned land.

30.0 MEDIUM INDUSTRIAL (M2)

Permitted Uses

1. 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 or Structures
- one dwelling unit
- business office

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. 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.
4. 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.
5. 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.
6. The maximum height of any structure on a lot shall be 15 metres.
7. Landscaping shall comply with the requirements of Section 18.0 (93 to 106).
8. An Industrial Development Permit is required for developments on industrial zoned land.

31.0 HEAVY INDUSTRIAL (M3)

Permitted Uses

1. Land, buildings and structures in the Heavy Industrial (M3) zone shall be used for the following purposes only:
 - All uses permitted in the M1 and M2 zones
 - Asphalt Plant
 - Concrete and Cement Manufacturing and Storage
 - Landfill
 - Waste Management Facilities
 - Accessory Uses:
 - Accessory Buildings or Structures
 - one dwelling unit
 - business office

Development Regulations

2. The minimum site area for each permitted use shall be three (3) hectares.
3. The maximum site coverage permitted shall be 75 percent of the lot area unless otherwise approved by the Ministry of Health.
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. 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.
6. The maximum height of any structure on a lot shall be 15 metres.
7. Landscaping shall comply with all requirements of Section 18.0 (93 to 106).
8. An Industrial Development Permit is required for developments on industrial zoned land.

32.0 RAILWAY (RW)

Permitted Uses

1. 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 or Structures
- one dwelling unit
- warehousing

Development Regulations

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

33.0 COMMUNITY SERVICES (CS)

Permitted Uses

1. Land, buildings and structures in the Community Services (CS) zone shall be used for the following purposes only:
 - Cemeteries
 - Churches
 - Community Care Facilities
 - Community Halls
 - Convention Facilities
 - Day Care Centres
 - Educational Facilities
 - Group Care Facilities
 - Historic Interpretative Facilities
 - accessory uses (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 or Structures
 - one dwelling unit

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The maximum site coverage shall be 50 percent of the lot area.
4. The maximum size of accessory use structures for Historical Interpretative Facilities shall be 300 square metres.
5. Landscaping shall comply with all requirements of Section 18.0 (93 to 106).

34.0 PARK AND RECREATION (PR)

Permitted Uses

1. 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
 - Golf Courses
 - Natural and Historic Interpretation Facilities
 - Parks
 - Recreation Facilities
 - Shooting Range (archery, firearms)
 - Accessory Uses:
 - Accessory Buildings or Structures
 - one dwelling unit
 - concession booth
 - club house(s)
 - storage facilities

Development Regulations

2. The minimum site area for each permitted use shall be two (2) hectares.
3. The minimum site area for a Shooting Range shall be fifteen (15) hectares.
4. No person shall establish a rifle, archery or trap and skeet range less than 25 metres from any lot line.

35.0 RESOURCE AREA (RA)

Permitted Uses

1. Land, buildings and structures in the Resource Area (RA) zone shall be used for the following purposes only:
 - Agriculture
 - Community Wharves and Boat Launches
 - Commercial Back Country Recreation
 - Fishing and Hunting Camps
 - Outdoor Recreational Activities
 - Private Dock Adjacent to Upland Property
 - Resource Based Activities:
 - resource processing as defined
 - forest harvesting
 - mineral exploration and mining
 - Accessory Uses:
 - Accessory Buildings or Structures

Development Regulations

2. The minimum site area shall be fifteen (15) hectares.

36.0 QUARRY (Q)

Permitted Uses

1. 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 or Structures
 - one dwelling unit
 - business office

Development Regulations

2. The minimum site area shall be five (5) hectares.
3. The minimum setback for any processing operation shall be 100 metres from any lot line.
4. Landscaping shall comply with the requirements of Sections Section 18.0 (93 to 106).

37.0 FOREST RESOURCE (FR)

Permitted Uses

1. Land, buildings and structures in the Forest Resource (FR) Zone shall be used for the following purposes only:
 - 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
 - Agriculture
 - Accessory uses:
 - Accessory Buildings or Structures
 - one dwelling unit

Development Regulations

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

38.0 ENVIRONMENTAL RESERVE (ER)

Permitted Uses

1. 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 or Structures
 - interpretative facilities
 - one dwelling unit

Development Regulations

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

39.0 TEMPORARY USE PERMITS

Background

Temporary Use Permits may be issued by the RDCK under the *Local Government Act*, S.493. The temporary use may continue in accordance with the provisions of the permit until the date that the permit expires, or three years after the permit was issued, whichever occurs first. Permits may be renewed only once, after which the use must be either permanently designated in the OCP Bylaw and Zoning Bylaw or cease. Temporary Use Permits are not a substitute for a land use designation amendment in accordance with the Zoning Bylaw. Permits are also subject to approval by the Agricultural Land Commission where land is classified as farm under the *Assessment Act*.

Objective

1. Permit temporary uses to provide short-term opportunity when considered appropriate by the Regional Board, without negatively affecting surrounding properties or the environment.

Policies

The Regional Board:

2. May consider the issuance of Temporary Use Permits throughout the plan area, subject to the following:
 - a. demonstration that the use is temporary or seasonal in nature;
 - b. potential conflict with nearby land uses;
 - c. potential impacts on environmentally sensitive areas;
 - d. provision of adequate servicing that meets health requirements; and
 - e. relevant policies within other sections of this plan.
3. May require conditions under which a temporary use may be allowed, including: the buildings or structures that may be used; the period of applicability of the permit; the area, duration or timing of use; and required site rehabilitation upon cessation of the use.
4. May require security deposits, site restoration plans or letters of undertaking to ensure conditions are met.

