

RURAL CRESTON

ELECTORAL AREA 'B' COMPREHENSIVE
LAND USE BYLAW NO. 2316, 2013

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA 'B' COMPREHENSIVE LAND USE BYLAW NO. 2316, 2013**

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

LIST OF AMENDMENTS TO RDCK ELECTORAL AREA 'b' COMPREHENSIVE LAND USE BYLAW NO. 2316, 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
2405 4600-10-Z1411- 2405-2316-MMPR	August 21, 2014	General text amendment to provide definitions and general regulations for licensed medical marihuana in Agricultural and Industrial zones.	To provide clarity and general regulations for the purposes of licensed medical marihuana research and production.
2515 4600-20-Z1503B- 03002.500-RDCK	October 20, 2016	Re-designate Lot 4 Block 25 District Lot 812 Kootenay District Plan 1428 from Community Services (CS) to Country Residential (RC) in the OCP Schedule and from Community Services (CS) to Country Residential (R2) in the zoning schedule.	To permit the development of the property for residential purposes. This land was originally intended for the water system.
2559 4600-20-Z1609B- 04566.610	May 18, 2017	Re-designate an approximately 76.9 hectare portion of Sublot 13 District Lot 4592 Kootenay District Plan X30 Except (1) Part Lying East of Kid Creek (2) Part Included in Reference Plan 35281I (3) Parcel 1 (Reference Plan 51513I) (4) Parcel A (Reference Plan 84834I) (5) Parcel B (See 36510I) (6) Parcel A (See 36511I) and (7) Parts Included in Plans 2354, 2394, 6923, 8148, 12248, 15077, 16938, 17638, NEP19492, NEP21357, 8983, 9577, NEP22921, NEP61907 And NEP79222 (PID: 008-578-729) from Country Residential (RC) & Rural Resource (RR) to Industrial (M) in the OCP Schedule and from Country Residential (R2) & Rural Resource (R4) to Solar Energy Facility (M5) in the Zoning Schedule. Text Amendments to	To facilitate the development of a Solar Energy Facility in Kitchener.

Bylaw No. File No.	Adopted	Amendment	Purpose
		include definitions and new zone as proposed Solar Energy Facility	
2483 4600-20-Z1502B-06282.000	May 18, 2017	Re-designate a portion of Lot 5 District Lot 9954 Kootenay District Plan 1500 (PID 009-761-578) from Agriculture (AG) to Suburban Residential (SR) in the OCP Schedule and from Agriculture 2 (AG2) to Suburban Residential (R1) in the Zoning Schedule.	To facilitate a two lot subdivision in Erickson.
2620 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.
2637 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.
2683 4600-20-Z1907B-04570.200	November 21, 2019	Re-designate Lot 2 District Lot 4592 Plan EPP15246 (PID 028-772-687) from Tourist Commercial (TC) to Country Residential (RC) in the OCP Schedule and from Tourist Commercial (C3) to Country Residential (R2) in the Zoning Schedule	To enable construction of a single family dwelling.
2687 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.
4600-09- Z2003B-04276.005-KVRFPS-BA000040	May 20, 2021	To change the Land Use Designation and Zoning Designation of PARCEL A (SEE Q11922) BLOCK 12 DISTRICT LOT 2546 KOOTENAY DISTRICT PLAN 688 (PID 016-133-871) from General Commercial (GC) to Community Services (CS) and PARCEL B (SEE Q11923) BLOCK 12 DISTRICT LOT 2546 KOOTENAY DISTRICT PLAN 688 (PID 012-830-780) from Suburban Residential (RS) and Suburban Residential (R1) to Community Services (CS).	For the purpose of developing a community hall.
2748 5110-20-Accessory Buildings and TUP's	February 17, 2022	Multiple Text Amendments	Text Amendments to Parks (s. 15, 16.53 & 36.1), Shipping Containers (s. 16.54), Zone Boundaries (s. 16.93A),

Bylaw No. File No.	Adopted	Amendment	Purpose
			fence heights (s. 17.12), removing small accessory buildings before a principle use is established (s. 18.7, 19.7, 20.8, 23.3, 24.3 & 25.3) and housekeeping.
2809 4600-20-2021- Z2107B-04567.060- Adams	August 18, 2022	To change the Land Use Designation and Zoning of LOT 1 DISTRICT LOT 4592 KOOTENAY DISTRICT PLAN 16938 (PID 006-761-747) from Rural Residential (RR) and Rural Resource (R4) to Country Residential (RC) and Country Residential (R2).	To facilitate subdivision.
2840 4600-20-2022- Z2203B-02329.000- Storm	September 22, 2022	To change the Zoning designation of LOT 27 DISTRICT LOT 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PART INCLUDED IN PLAN 4790 (PID: 015-696-367) from Heavy Industrial (M3) to Heavy Industrial Site Specific (M3 Site Specific).	To enable construction of a one-family dwelling.
2835 5200-20- Agricultural Review	October 13, 2022	Multiple Text Amendments	Text Amendments for the purpose of supporting farming and protecting farmland in the RDCK.
2954 5110-20-Provincial Housing Changes	June 13, 2024	Multiple Text Amendments to Interpretation, General Use Regulations and multiple zones.	Small Scale Multi Unit Housing updates required by Bill 44 Housing Statutes (Residential Development) Amendment Act

June 2024

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.

TABLE OF CONTENTS

1.0	INTERPRETATION AND ADMINISTRATION.....	1
	INTERPRETATION	1
	ADMINISTRATION.....	1
2.0	PUBLIC CONSULTATION	2
3.0	AGRICULTURE	3
	BACKGROUND	3
	AGRICULTURE OBJECTIVES	3
	AGRICULTURE POLICIES	4
4.0	RESIDENTIAL	6
	BACKGROUND	6
	GENERAL RESIDENTIAL OBJECTIVES.....	6
	GENERAL RESIDENTIAL POLICIES.....	7
	SUBURBAN RESIDENTIAL (RS) POLICIES	8
	COUNTRY RESIDENTIAL (RC) POLICIES.....	8
	RURAL RESIDENTIAL (RR) POLICIES.....	8
	MULTI-UNIT RESIDENTIAL (RH) POLICIES	8
5.0	COMMERCIAL AND INDUSTRIAL	10
	BACKGROUND	10
	COMMERCIAL OBJECTIVES	10
	INDUSTRIAL OBJECTIVES	11
	GENERAL COMMERCIAL (GC) POLICIES	11
	TOURIST COMMERCIAL (TC) POLICIES	12
	INDUSTRIAL (M) POLICIES.....	12
6.0	COMMUNITY SERVICES AND ADMINISTRATION.....	13
	BACKGROUND	13
	COMMUNITY SERVICES AND ADMINISTRATION OBJECTIVES	13
	COMMUNITY SERVICES AND ADMINISTRATION POLICIES	14

7.0	PARKS AND RECREATION, CULTURE AND HERITAGE.....	16
	BACKGROUND	16
	PARKS AND RECREATION, CULTURE AND HERITAGE OBJECTIVES	16
	PARKS AND RECREATION, CULTURE AND HERITAGE POLICIES	16
8.0	INFRASTRUCTURE AND TRANSPORTATION	18
	BACKGROUND	18
	SERVICING OBJECTIVES.....	18
	SERVICING POLICIES.....	19
	TRANSPORTATION OBJECTIVES.....	20
	TRANSPORTATION POLICIES.....	20
9.0	NATURAL ENVIRONMENT.....	21
	BACKGROUND	21
	NATURAL ENVIRONMENT OBJECTIVES	21
	NATURAL ENVIRONMENT POLICIES	21
10.0	ENERGY AND ENVIRONMENT	23
	BACKGROUND	23
	GREENHOUSE GAS EMISSION REDUCTION OBJECTIVES	23
	GREENHOUSE GAS EMISSION REDUCTION POLICIES	23
11.0	HAZARD LANDS AND FIRE MANAGEMENT	26
	BACKGROUND	26
	HAZARD LANDS OBJECTIVES	26
	HAZARD LANDS POLICIES	26
	FIRE MANAGEMENT POLICIES.....	26
12.0	AGGREGATE AND MINERAL RESOURCES	28
	BACKGROUND	28
	AGGREGATE AND MINERAL RESOURCES OBJECTIVES	28
	AGGREGATE AND MINERAL RESOURCES POLICIES	28
13.0	RESOURCE AREA.....	30
	BACKGROUND	30

RESOURCE AREA OBJECTIVES.....	30
RESOURCE AREA POLICIES.....	30
14.0 COMMUNITY SPECIFIC POLICIES	32
15.0 DEFINITIONS.....	36
16.0 GENERAL REGULATIONS	44
NON-CONFORMING USES AND SITING “GRANDFATHERING”	44
CLEAR VISION AREA.....	44
SITE AREAS	44
REDUCTION OF MINIMUM SITE AREAS	45
SUBDIVISION SERVICING REQUIREMENTS	45
SETBACK REQUIREMENTS.....	46
SETBACK EXCEPTIONS.....	46
HEIGHT REGULATIONS (AIRPORT LANDS)	46
HOME BASED BUSINESSES	46
ACCESSORY TOURIST ACCOMMODATION	47
STORAGE	48
USES PERMITTED IN ALL ZONES	48
SHIPPING CONTAINERS.....	49
PARKING SPACE REQUIREMENTS	49
GENERAL PROVISIONS.....	49
OFF-STREET PARKING SPACE STANDARDS	50
OFF-STREET LOADING FACILITIES.....	51
OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS	51
KEEPING OF FARM ANIMALS.....	55
HAZARD LAND DEVELOPMENT	56
MANUFACTURED HOME PARKS	56
AGRICULTURAL LAND COMMISSION	56
MINING ACTIVITIES	56
SIGNS	56
ZONE DESIGNATIONS	57

ZONE BOUNDARIES.....	57
LANDSCAPING REQUIREMENTS - APPLICABILITY	58
GENERAL REGULATIONS FOR LANDSCAPING.....	58
17.0 SUBURBAN RESIDENTIAL (R1).....	60
18.0 COUNTRY RESIDENTIAL (R2)	61
19.0 RURAL RESIDENTIAL (R3).....	62
20.0 RURAL RESOURCE (R4)	65
21.0 MANUFACTURED HOME PARK (R5)	67
22.0 MULTI-UNIT RESIDENTIAL (R6).....	68
23.0 AGRICULTURE 1 (AG1)	69
24.0 AGRICULTURE 2 (AG2)	72
25.0 AGRICULTURE 3 (AG3)	75
26.0 NEIGHBOURHOOD COMMERCIAL (C1)	78
27.0 GENERAL COMMERCIAL (C2)	79
28.0 TOURIST COMMERCIAL (C3)	81
29.0 LIGHT INDUSTRIAL (M1)	83
30.0 MEDIUM INDUSTRIAL (M2)	84
31.0 HEAVY INDUSTRIAL (M3).....	87
32.0 MIXED USE INDUSTRIAL (AIRPORT) (M4)	88
33.0 SOLAR ENERGY FACILITY(M5)	89
34.0 RAILWAY (RW)	90
35.0 COMMUNITY SERVICES (CS).....	91
36.0 PARK AND RECREATION (PR)	92
37.0 RESOURCE AREA (RA)	93
38.0 QUARRY (Q)	94
39.0 FOREST RESOURCE (FR)	95
40.0 ENVIRONMENTAL RESERVE (ER)	96
41.0 TEMPORARY USE PERMITS	97
METRIC MEASUREMENT CONVERSIONS.....	97

Regional District of Central Kootenay
Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013

A Bylaw to guide decisions in planning and land use and to regulate land use and development within Electoral Area 'B' 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 'B' Land Use Bylaw No. 2316, 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 'B' 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 'B' 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 portion of Electoral Area 'B' under the Creston Valley Official Community Plan Bylaw No. 1575, 2002, and all subsequent amendments thereto, is hereby repealed.
7. The portion of Electoral Area 'B' 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 5th day of November, 2013.

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

“ M. Ihas ”, Approving Officer

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

READ A THIRD TIME AND ADOPTED this 21st day of November, 2013.

“ J. R. Kettle ”

Chair

“ A. Winje ”

Secretary

LIST OF SCHEDULES, MAPS, AND FIGURES

<u>Table 1</u>	<u>Land Use Consistency Table</u>
<u>Schedule 'A'</u>	<u>Electoral Area 'B' Official Community Plan</u>
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
<u>Schedule 'B'</u>	<u>Electoral Area 'B' Zoning Bylaw</u>
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

TABLE 1: LAND USE CONSISTENCY TABLE

The future use and development of land within Electoral Area ‘B’ must be consistent with the overall pattern of land use depicted on Schedules ‘A.1’ and ‘B.1’, and based on the following land use designations and zoning designations:

<u>Rural Designations:</u> Agriculture Resource Area Forest Reserve	<u>Land Use:</u> AG RA FR	<u>Zoning:</u> AG1 AG2 AG3 RA FR
<u>Residential Designations:</u> Suburban Residential Country Residential Rural Residential Rural Resource Manufactured Home Park Multi-Unit Residential	<u>Land Use:</u> RS RC RR RM	<u>Zoning:</u> R1 R2 R3 R4 R5 R6
<u>Commercial Designation:</u> Neighborhood Commercial General Commercial Tourist Commercial Industrial Railway Quarry	<u>Land Use:</u> NC GC TC M RW Q	<u>Zoning:</u> C1 C2 C3 M1 M2 M3 M4 M5 RW Q
<u>Community Services and Administrative Designations:</u> Community Services Parks and Recreation Environmental Reserve Lower Kootenay Band	<u>Land Use:</u> CS PR ER LKB	<u>Zoning:</u> CS PR ER LKB

SCHEDULE 'A'

OFFICIAL COMMUNITY PLAN

Regional District of Central Kootenay
Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013

1.0 INTERPRETATION AND ADMINISTRATION

The policy and land use regulation provisions of this Bylaw apply to all lands and surfaces of water within Electoral Area 'B' as identified on Schedule 'A.1' and '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 'B'.
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.

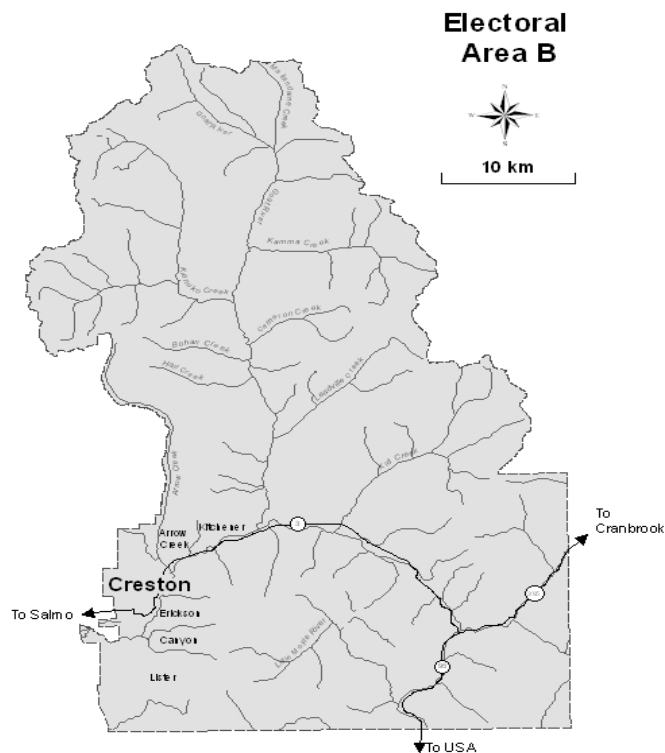
2.0 PUBLIC CONSULTATION

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



3.0 AGRICULTURE

Background

The amount of designated and undesignated land that is in agricultural production in the rural area is an important factor in developing a secure local food system. Lands within the Agricultural Land Reserve (ALR) can be found throughout the Plan area. The area is one of the richest agricultural areas of the Province, with lands being used for fruit production, wineries, produce, dairies, livestock, nurseries and greenhouses and other associated agricultural activities. Agriculture is also a basis for tourism and industry in the area. Many lands within the ALR are used for rural residential and country residential purposes with small market gardens that can be an important contributor to local food production. In addition, agricultural operations and activities, such as livestock grazing, are also dependent on rural lands outside of the 'Agricultural' designation.



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'. Zoning types applicable to this section include Agriculture 1 (AG1), Agriculture 2 (AG2) and Agriculture 3 (AG3).

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. To encourage senior levels of government to enable and facilitate agricultural activity and industry.
7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.

8. To examine any ALR boundary changes initiated by the RDCK, First Nation Governments or the Province, which review agricultural suitability in the Plan area, provided affected landowners are notified and have opportunity for input.
9. To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.

Agriculture Policies

The Regional Board:

10. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
11. Discourages subdivisions of agricultural land that do not benefit agriculture and result in further fragmentation of agricultural land.
12. Supports that all new land use and subdivision of land within the ALR shall be in accordance with the provisions of the *Agricultural Land Commission Act*, associated regulations, orders and decisions of the Provincial Agricultural Land Commission (ALC).
13. May consider applications to subdivide parcels smaller than two (2) hectares within the ALR, subject to the approval of the Agricultural Land Commission (ALC), in the following cases:
 - a. for a home-site severance under Provincial Acts and Statutes, where the subdivision or boundary adjustment will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes;
 - b. where the community interest in the subdivision of the land outweigh the community interest in the retention of the land in a larger parcel; and where
 - c. such proposed parcel sizes are subject to the approval by the Agricultural Land Commission (ALC)
14. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
15. Supports the consolidation of legal lots that may support more efficient agricultural operations.
16. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses.
17. Supports the use of minimum and maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.
18. 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.
19. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.

4.0 RESIDENTIAL

Background

This section outlines the objectives and policies for Suburban Residential, Country Residential, Rural Residential and Multi-Unit Residential designations in the Plan area.

Electoral Area 'B' has a population of 4,464 persons based on 2011 census data, with approximately 400 of those residences living outside of the Plan area within Yahk and Kingsgate. The area has a total of 2,072 dwellings, most of which are two person or one person households and a significant number of senior's living alone (21% of the total population). One family dwellings and modular homes are the predominant housing type¹.



Development activity with regard to the issuance of building permits steadily increased during the construction boom between 2006 and 2009. The down turn in the local and global economy in 2009 has resulted in a levelling in construction activity likely due to a loss in speculative construction activity and investment from outside of the local area. Subdivision activity within the plan area remains relatively small scale with predominately one to two lot proposals reflecting subdivision for families within the Agricultural Land Reserve. In some cases, subdivision applications may have been denied as a result of Agricultural Land Commission decisions.

Zoning types applicable to this section include Suburban Residential (R1), Country Residential (R2), Rural Residential (R3), Rural Resource (R4), Manufactured Home Park (R5) and Multi-Unit Residential (R6).

General Residential Objectives

1. To accommodate and direct residential development so its location, appearance and impact take into consideration the natural environment, community aesthetics, community resources, and existing land uses.
2. To accommodate medium and higher density residential development in established residential areas in Kitchener, Erickson and Rural Creston to ensure efficient use of existing services, amenities and infrastructure.
3. To explore and create opportunity for allowing senior residents to comfortably continue residing in their respective communities.
4. To manage residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Plan area.

¹ BC Stats.. 2011 Census Profile: Central Kootenay B, RDA. Accessed February 22, 2013 from: www.bcstats.gov.bc.ca

5. To take into consideration the service needs and resources required for new residential developments in recognition of limitations of water supply and waste water disposal capabilities in localized areas within the Plan area.
6. To continue to allow for the keeping of farm animals and market gardens in conjunction with residential uses provided that the provisions for the keeping of farm animals minimizes negative impact to adjacent property owners.
7. To encourage a variety of housing tenures and organizational frameworks, including affordable housing, senior's housing, lease, rental, strata title, and cooperative housing.

General Residential Policies

The Regional Board:

8. Will assess and evaluate proposed residential development based on the following criteria, irrespective of land use designation:
 - a. capability of accommodating on-site domestic water and waste water disposal;
 - b. capability of the natural environment to support the proposed development, and its impact on wildlife habitat and riparian areas;
 - c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - d. compatibility with adjacent land uses and designations, and how its form and character complements the surrounding rural area;
 - e. proximity and access to existing road networks, and other community and essential services, if they exist;
 - f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas; and
 - g. type, timing, and staging of the development.
9. Recognizes that existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
10. Encourages the clustering of residential development to create separation between neighbouring developments, to protect ecologically significant areas and to avoid continuous sprawl-like development.
11. Encourages the use of local materials and green building techniques in new and retrofitted developments to reduce greenhouse gas emissions (GHGs) and reduce impacts to the natural environment.
12. Encourages the infill of vacant residential parcels before developing new residential areas.
13. Supports that home based businesses and/or occupations in residential areas consider the quality of life enjoyed by residents in the area and that related activities not generate undue conflict with adjacent property owners and residents.

Suburban Residential (RS) Policies

The Regional Board:

14. Directs that the principal use shall be single-family or two-family dwellings.
15. Supports medium density residential development with lot sizes for subdivision purposes being determined by the level of available or proposed servicing, with density increasing with the provision of community water and/or waste water disposal.
16. Encourages directing development of this type to municipalities or existing or proposed residential nodes where infrastructure services are available or can be provided.
17. Encourages mixed use development that builds upon existing infrastructure.

Country Residential (RC) Policies

The Regional Board:

18. Directs that the principal use shall be single-family or two-family dwellings.
19. Supports low density residential development with lot sizes for subdivision purposes being determined by the requirements of on-site servicing, such as ground or surface water and Type 1 waste water disposal.
20. Provides for property owners or residents to diversify and enhance uses secondary to 'Country Residential' uses with home based business, agri-tourism, home occupations, or bed and breakfast opportunities, provided that they are compatible with the character of the surrounding area.

Rural Residential (RR) Policies

The Regional Board:

21. Directs that the principal use shall be single-family or two-family dwellings.
22. Supports rural residential development with lot sizes for subdivision purposes that generally exceed 2.0 ha (4.94 acres).
23. Provides for property owners or residents to diversify and enhance uses secondary to Rural Residential uses with home based business, agri-tourism, home occupation, or bed and breakfast opportunities, provided that they are compatible with the character of the surrounding area.

Multi-Unit Residential (RH) Policies

The Regional Board:

24. Directs that the principal use be single-family, two-family or multi-unit residential.
25. Supports that Multi-Unit Residential includes developments consisting of more than five (5) units per hectare in manufactured home parks, seniors housing developments, co-operative housing, apartments, fractional, strata and row housing developments.
26. Directs that multi-unit residential developments be restricted to a maximum of two-stories and be subject to the provision of community water and/or waste water disposal.

27. Encourages that multi-unit residential developments may include accessory or incidental commercial use.

5.0 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 Town of Creston and existing commercial nodes within Kitchener, Canyon, Lister and Arrow Creek. 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 the Highway 3 and 21 corridors. 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, agriculture, and machine and equipment repair and storage. Zoning types applicable to this section include Neighborhood Commercial (C1), General Commercial (C2), Tourist Commercial (C3),

Light Industrial (M1), Medium Industrial (M2), Heavy Industrial (M3), Mixed Use Industrial (Airport) (M4) and Railway (RW).

Commercial Objectives

1. To enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. To provide for commercial activities servicing the needs of local residents and tourists.
3. To direct commercial development to existing residential nodes and the Town of Creston where services and amenities are more readily available.
4. To minimize land use incompatibility between commercial activities and surrounding land uses by requiring screening and landscaping of new commercial developments.
5. To encourage home based businesses as a means of strengthening the economic base.
6. To accommodate a broad variety of home based businesses.
7. To expand employment opportunities associated with home based businesses and occupations within the Plan area.
8. To support new commercial development in combination with residential use to promote mixed use community areas where appropriate.
9. To accommodate temporary commercial uses in appropriate locations.

Industrial Objectives

10. To recognize and retain traditional resource-based livelihoods such as recreation, agriculture, and forestry while using sustainable management practices to maintain and protect the land base.
11. To ensure there is opportunity for industrial uses that support the local economy.
12. To accommodate industrial uses compatible with rural character that does not adversely affect the natural environment.
13. To support and enhance industrial uses within the Plan area while minimizing incompatibility with surrounding land uses through requirements for screening or landscaping.
14. To ensure that new proposed industrial operations have significant public input prior to development so that where possible, issues can be resolved to the satisfaction of the public and operator.
15. To encourage value added resource manufacturing and production to enhance or maximize the value of raw materials within the local community.
16. To ensure good arterial road access for existing and new industrial developments.
17. To encourage noise abatement techniques wherever possible.
18. To accommodate temporary industrial uses in appropriate locations.

General Commercial (GC) Policies

The Regional Board:

19. Directs that existing commercial uses shall be recognized and designated as such.
20. Will encourage the development of neighbourhood commercial areas where appropriate and where the majority of residents in the affected areas have been consulted and are in support of such developments; ensuring the design of such developments is compatible with surrounding land uses.
21. Supports that requirements for screening or landscaping be incorporated into the design of new commercial developments other than home based.
22. Will consider the provision of reduced parking in lieu of providing additional amenities to facilitate other modes of transportation such as walking, cycling and transit loading areas in keeping with existing rural form and character.
23. Recognizes the commercial and service center role of the Town of Creston and selected areas within the unincorporated communities of Kitchener, Canyon, Lister, Erickson and Arrow Creek; therefore commercial development in the Plan area will primarily be oriented toward serving local community needs and tourist and traveler needs.

24. Will promote home based businesses as a significant means of satisfying local employment needs provided they do not conflict with or negatively impact on the natural and residential character of communities.
25. Will ensure that home based business opportunities remain flexible and accommodate expanded employment needs.
26. Will ensure that adequate land is designated for commercial uses where deemed appropriate and necessary.

Tourist Commercial (TC) Policies

The Regional Board:

27. Directs that existing tourist commercial uses shall be recognized and designated as such.
28. Encourages the development of a range of tourist accommodation types, including campgrounds, lodges, resorts, and bed and breakfast establishments, to diversify tourism opportunities in the community.
29. Supports commercial recreation, resort commercial, agri-tourism and eco-tourism opportunities such as trail rides, campgrounds and/or wilderness tours, provided they do not have an anticipated or previously demonstrated detrimental impact on important habitat or riparian areas or adjacent land uses.

Industrial (M) Policies

The Regional Board:

30. Directs that existing industrial uses shall be recognized and designated as such.
31. Recognizes the importance of industry to the local economy, and supports new light industry and value added manufacturing so that a broader employment base can be achieved and economic benefits be retained in the local community.
32. Supports that requirements for screening or landscaping be incorporated into the design of new and expanded industrial developments.
33. Shall consider further industrial and resource development in the vicinity of Kidd Creek and Highway 3 east of the Town of Creston.
34. Supports that industrial activities resulting in significant noise impact are managed by acceptable hours of operation and/or noise abatement techniques to negate impact on residential properties in the area.
35. Discourages industrial activities that are considered noxious, emit pollutants, degrade air quality with smoke or particulates that are harmful to human health, create public safety hazards, extreme noise and/or otherwise detrimental to the environment and neighboring properties and the community as a whole.

6.0 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 Town of Creston or provided through regional partnerships.

The Plan area contains three elementary schools, one in Erickson and one in Canyon-Lister under Kootenay Lake School District No. 8 and a private facility in the community of Bountiful. The Lower Kootenay Band also has an elementary school, Yaqan Nukiy, as does the community of Yahk, outside of the Plan area. Secondary school education is provided in the Town of Creston. There is also a strong home school community within and surrounding the Town of Creston. There are three community halls, several churches, two fire halls and local postal facilities within the Plan area. Fire service is also provided through the Town of Creston. Zoning types applicable to this section include Community Services (CS) and lands under the Lower Kootenay Band (LKB) which fall outside of local government jurisdiction.

Community Services and Administration Objectives

1. Encourage coordination of planning and service delivery among the Regional District, Town of Creston, the Lower Kootenay Band, and senior levels of government to ensure that costs are minimized and services provided in an effective and efficient manner.
2. To direct administrative and institutional development to areas where services and amenities are more readily available and where they best serve the needs of the community.
3. To work with the Province and Kootenay Lake School District 8 to ensure public education needs are being met in the Plan area.
4. To investigate options for enhanced service delivery through regional partnerships where services or activities can not be sustainably supported within the rural areas.
5. To attract a diversified age demographic to ensure the long term sustainability of school and health care services.
6. To pursue opportunities for senior's home care to enable senior residents to comfortably continue residing in their respective communities.

7. To ensure that land use decisions accommodate emergency response through provision of adequate access to developments and facilities for fire protection services and emergency first response.
8. To provide for an adequate level of fire protection within the Plan area.
9. To encourage the cooperation and coordination with and among utility companies for the provision of public utilities that service existing and future developments.
10. To recognize the variety of spiritual and cultural activities important to residents of the unincorporated communities within Electoral Area 'B'.
11. To investigate options for enhanced access to high speed internet service throughout the Plan area.

Community Services and Administration Policies

The Regional Board:

12. Supports the location and development of fire halls, indoor recreation amenities, and community halls in the rural area as development requires and the needs of the community change.
13. Supports the Province, senior governments, aboriginal communities, individuals, and interest groups in identifying and protecting features and sites of scenic, architectural, historical, spiritual, archaeological and ecological significance within the Plan area.
14. Encourages the development of childcare services and facilities within existing and new developments and supports the establishment of home based child care facilities.
15. Supports and will work with appropriate agencies and regional partners in the maintenance and expansion of health care and social services within the Plan area.
16. Supports the enhancement and creation of greater opportunities for children, youth, and adult recreational, educational, and leisure activity.
17. Supports multi-purpose use of school facilities and other buildings that serve multiple interest groups or multiple community needs.
18. Supports that emergency response organizations are provided the opportunity to comment on emergency access and safety issues when considering new developments in the Plan area.
19. Will consult with the local fire department(s) to determine needs for access to new developments and for the filling of tankers to support local fire service to unincorporated communities within the Plan area where appropriate.
20. Encourages that RDCK, Town of Creston and Improvement Districts water systems utilize the same utility standards so as to support emergency response whereas fire equipment can be interchanged and critical repairs made.
21. Will ensure that adequate lands are set aside to allow for churches, cemeteries, libraries, youth organizations, service groups, community halls and non-commercial retreats within the Plan area.

22. Will continue to support the use of public and private lands for local community events, provided that such events are supported and do not negatively impact on neighbouring properties.
23. Supports and will work with appropriate agencies and regional partners in the maintenance and expansion of high speed internet service throughout the Plan area.

7.0 PARKS AND RECREATION, CULTURE AND HERITAGE

Background

Public recreational trails and public spaces 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 'B' 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 three community halls, two fire halls, playgrounds, beaches and public camping facilities.

There are a multitude of significant cultural and heritage sites within the Plan area, including buildings and non-structural features. The area is also rich in First Nation cultural heritage sites. Zoning types applicable to this section include Parks and Recreation (PR).



Parks and Recreation, Culture and Heritage Objectives

1. To provide for the protection, enhancement or adaptive use of building and sites of cultural, historical or archaeological value where identified.
2. To ensure the provision of recreation facilities are directed toward community needs first.
3. To provide local recreational opportunities for tourists that do not stress existing facilities, services, and resources; or generate undue cost to local taxpayers.
4. To work toward the development of a comprehensive trail system that is consistent and complementary with other trails in the RDCK.
5. To support cultural activities and facilities throughout the Plan area.

Parks and Recreation, Culture and Heritage Policies

The Regional Board:

6. Recognizes the Town of Creston as a cultural and social centre for the Plan area.
7. Encourages private and public commercial recreational development provided that such proposals are compatible with adjacent land uses.
8. Supports the existing network of public recreation sites and trails, as well as the creation and extension of a connected network of trails and public corridors to access community parks, recreation areas, public open space and amenities, where feasible.

9. 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, cycling and equestrian trails;
 - b. community parks should be centrally located, and if possible located in association with schools and contain playgrounds, ball fields, tennis courts and/or other recreation activities; and
 - c. recreation facilities within the Town of Creston.
10. Recognizes and supports the RDCK Regional Parks Strategy.

8.0 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 Erickson and Improvement Districts or Utilities in Kitchener, North Canyon, South Canyon, Orde Creek, Kidd Creek, Lister and Rykerts. Additional privately owned and managed water systems exist throughout the Plan area, including a private utility serving the community of Bountiful. 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. 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 and landfill in Lister proximate to the airport.

All major highways are intended to function as regional transportation corridors, whereas Highway 3 is a designated controlled access highway and Highways 27 and 95 are not designated. 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 upon request for most communities within the Plan area. There are no applicable zoning types associated with public roads as they fall under Provincial jurisdiction.

Servicing Objectives

1. To support expanded utility service in the Plan area where there is community need and desire.
2. To ensure that new development proposals, including construction and subdivision of lands, do not put undue strain or pressure on existing domestic and irrigation water supply.
3. To ensure that water and sewer systems within the Plan area support good health and safety, and meet appropriate and affordable standards of service.
4. To encourage that surface water sources for domestic and irrigation use within the Plan area are identified and measures taken to ensure the long term quantity and quality of water supply are maintained or improved.
5. To support that new development be subject to the requirements of adequate water supply for both domestic and fire protection purposes.

6. To promote water resource conservation strategies and reduce water demand as much as possible through educative materials and voluntary incentives; particularly in areas where the water resource has already been over-subscribed.
7. To protect groundwater and surface water from degradation, particularly through improper disposal of water-borne waste.
8. To encourage reduction, re-use, recycling, and composting of solid waste within the Plan area through consumer habits.

Servicing Policies

The Regional Board:

9. Will investigate options for improved or expanded utility services within the Plan area in cooperation with affected communities where it is deemed necessary or desirable, with consideration given to long term feasibility and available resources. Decisions on improved or expanded utility services shall be made by the authority having jurisdiction and the community on a case by case basis.
10. Requires that any extension or modification of local infrastructure or creation of new infrastructure necessitated by the approval of subdivision or issuance of a building permit, including all costs for upgrades and design, be the responsibility of the developer or those benefiting from such improvements.
11. Requires that the acquisition of existing and new community water and sewer systems shall meet all policies and recommendations of the Regional Board, RDCK Water Management Plan (2010) and Acquisition Strategy, and RDCK Waste Water Management Plan (2012).
12. Encourages all users and government agencies having jurisdiction, to use best management practices for the conservation of water sources for domestic and irrigation use within the Plan area.
13. Applies the precautionary principle² in ensuring that the density and intensity of land use is not increased in areas which are known to have concerns with supply of domestic drinking water.
14. Recognizes on-site treatment (treatment plants and septic) as the existing type of waste water disposal in the Plan area.
15. Encourages the cooperation and coordination with and among utility companies in utilizing existing corridors for multiple uses, where feasible and compatible, as determined by the relevant service provider.
16. Will investigate the costs associated with, and long term feasibility of enhancing waste management facilities to accommodate expanded recycling and composting of waste materials.
17. Supports the implementation of the RDCK Resource Recovery Plan (2011).

² 'Precautionary principle' is an approach to decision-making in risk management which justifies preventive measures or policies despite scientific uncertainty about whether detrimental effects will occur (precautionary principle). *Webster's New Millennium™ Dictionary of English, Preview Edition (v 0.9.7)*. Retrieved September 10, 2009 from Dictionary.com.

Transportation Objectives

18. To encourage the Province to plan for the provision of a road network capable of safely servicing existing and future development.
19. To ensure that future development patterns and land use decisions recognize and support highway safety and mobility objectives.

Transportation Policies

The Regional Board:

20. Encourages community consultation and discussion with the Province that review the transportation capacity of local roads, pedestrian and recreational corridors, and commercial development strategies.
21. Supports that all new developments provide adequate off-street parking.
22. Supports that the local road network is safe, effective and equally accessible and inviting for use by cyclists, pedestrians, equestrians, agricultural equipment and motorists.
23. Encourages the Province to consult with the public prior to commencing any significant transportation initiatives.

9.0 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 creation and protection of agricultural lands. 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 the Kootenay River, Goat River and Meadow (Kitchener) Creek watersheds. Zoning types applicable to this section include Environmental Reserve (ER).

Natural Environment Objectives

1. To maintain high water quality of groundwater and surface water as sources of domestic and irrigation water supply.
2. To foster an awareness of the values associated with the natural environment and to conserve sensitive and significant natural features and values from negative impacts as a result of development.
3. To encourage the maintenance of biodiversity in the Plan area, important to the biological functioning and ecological integrity of the area.
4. To protect, restore and enhance natural areas and establish an interconnected ecosystem network of protected areas and corridors, wherever feasible.
5. To encourage the maintenance of Provincially designated wildlife winter range.
6. To preserve and enhance air quality throughout the Creston Valley.

Natural Environment Policies

The Regional Board:

7. Supports best management practices for land developers, as found in:
 - a. Department of Fisheries and Oceans: Land Development Guidelines for the Protection of Aquatic Habitats, September 1993;
 - b. Ministry of Environment: Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC, March 2006; and

- c. other applicable Provincial Guidelines and Best Management Practices sanctioned by the Province.
8. Supports the Provincial requirement that developers apply for and obtain appropriate permits and authorization for “Changes In and About a Stream” pursuant to the *Water Sustainability Act*.
9. Encourages the retention of existing Provincially identified wildlife corridors and access to water.
10. Encourages the Province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for forest and mining or mineral development in these areas.
11. Encourages the protection of environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community greenway corridors that link open space areas.
12. Supports the protection, enhancement and management of sensitive habitat areas for endangered or threatened species in the Plan area.
13. Encourages private landowners and developers to protect environmental and heritage values through the registering of conservation covenants, land management agreements, or through planned donation of lands.
14. Will designate Crown lands adjacent and proximate to the Goat River, Camprun Creek, Arrow Creek, Teetzel Creek and associated tributaries as environmentally sensitive community watersheds.
15. Recognizes the importance of containing and controlling noxious weeds and insects through the continued endorsement of weed prevention and control initiatives and investigation into a noxious insect and pest control bylaw.
16. Recognizes the importance of the Bear Aware program on reducing human and bear conflicts within the Plan area.

10.0 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 2050.³

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 towards carbon neutrality.
2. Foster the development of renewable energy supply options.
3. Work toward reducing energy consumption and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
4. Work toward reducing 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. Work toward future settlement patterns that reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit.

Greenhouse Gas Emission Reduction Policies

General

The Regional Board:

7. Will implement the RDCK Corporate Greenhouse Gas Emissions Reduction Plan (2010).

³ This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)

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.

Walkways, Trails & Commuter Bicycle Network

The Regional Board:

16. Encourage connectivity between existing walkways and trail systems to schools, parks and commercial areas.
17. 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.
18. Supports on-street alternative transportation options with incorporation of sufficient buffering, and accommodation of the movement of agricultural machinery.

Renewable Energy Supply

The Regional Board:

19. 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.
20. Encourages the investigation and development of renewable energy supply options such as district energy, ground source heat pumps, wind power, solar, heat recovery systems, etc., where opportunities might be present.
21. Supports the exploration of renewable energy opportunities in the agricultural and forestry industries, such as biomass energy production, taking into consideration impacts to local air quality.
22. Supports the wood stove exchange program and the replacement of inefficient wood burning stoves and alternatives to the burning of wood waste by residents and industrial users.

11.0 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 RDCK Floodplain Management Bylaw 2080 (2009).
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.

12.0 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. Zoning types applicable to this section include Quarry (Q).

Aggregate and Mineral Resources Objectives

1. To identify land having recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction.
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 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.

13.0 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 been delineated within the Plan area and reflect both private and community owned and managed forest lands.

Resource Area Objectives

1. To retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. To encourage the economic benefits of value-added resource processing to be retained in the community.
3. To recognize the importance of Crown lands for recreational values and opportunity.
4. To ensure, in cooperation with the Province and private land owners, that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the Plan area.

Resource Area Policies

The Regional Board:

5. Recognizes that a Resource Area designation includes those uses compatible with larger parcels and/or restrictions to land use such as accessibility or hazards.
6. For the purpose of subdivision of lands, supports larger minimum parcel sizes for 'Resource Area' designations, in recognition that these areas will remain rural with limited community services and infrastructure.
7. Recognizes the jurisdiction of the Province over public Crown land.
8. Will work with the Province to ensure community watersheds and sources of domestic water supply are recognized and protected within the Plan area.
9. Will support the development of community owned and managed woodlots in consultation and with the support of the community.
10. Strongly encourages the Province to inform and consult with a community before any change in land use on Crown land, including issuing licences or permits for any development or activity, land sales, and land use designation amendments that may affect the community.
11. Encourages the maintenance of contiguous blocks of forest lands.

12. Supports appropriate small scale forest related activities, such as sustainable gathering of products, food crops, hiking, bird watching and wildlife viewing, education and value-added resource industries.
13. Encourages forest managers to ensure that the rate of extraction of timber does not compromise the long term productivity of the forest and that silviculture methods promote healthy forests and minimize fire hazards.

14.0 COMMUNITY SPECIFIC POLICIES

Erickson

1. Recognizes that the community is primarily characterized by a mix of small lot and large lot residential and agricultural parcels, the majority of which are located within the Agricultural Land Reserve and will allow for a mix of parcel sizes dependant on type of land use and agricultural activity.
2. Directs that subdivision of lands within the Agricultural Land Reserve are to be a minimum lot size of four (4) hectares and lands outside of the Agricultural Land Reserve a minimum lot size of two (2) hectares unless served by adequate community water. Erickson will continue to support a range of lot sizes.
3. Recognizes the importance of the Erickson Water System in supporting a higher density of residential development in select areas and supports improvements and expansion of the water system as community needs change and resources permit.
4. Encourages commercial development along the Highway 3 corridor that complements and enhances the residential and agricultural nature of the community.
5. Encourages the Regional District and Agricultural Land Commission to investigate the removal of lands from the Agricultural Land Reserve that are not suitable for agricultural production for the purposes of redirecting residential, commercial and light industrial development from lands of greater agricultural suitability.
6. Supports the provision of alternative housing in the form of accessory dwellings, such a garage suites and carriage housing, to allow for greater flexibility and affordability of housing choice, subject to approval by the Agricultural Land Commission, where required.
7. Recognizes the Erickson Community Association's role in providing important community services.
8. Recognizes that there are two cemeteries in Erickson, including the community owned Forest Lawn cemetery.

Canyon

9. Recognizes that the community is primarily characterized by a mix of small residential parcels and medium lot agricultural parcels, the majority of which are located within the Agricultural Land Reserve and will allow for a mix of parcel sizes dependent of type of land use and agricultural activity.
10. Directs that subdivision of lands within the Agricultural Land Reserve are to be a minimum lot size of four (4) hectares and lands outside of the Agricultural Land Reserve and minimum lot size of one (1) hectare.
11. Recognizes the importance of the Orde Creek, North Canyon, and South Canyon Improvement Districts in the provision of domestic and irrigation water supply and supports the improvement and enhancement of local water systems to meet future community needs.

12. Recognizes the role of the Community Association in providing important community services, such as administration of the Community Hall, Community Park and Campground.
13. Supports further development of neighborhood commercial development to enhance the goods and services currently available, provided that such developments are located on lands outside of the Agricultural Land Reserve (ALR).
14. Intensive agriculture is encouraged on parcels larger than eight (8) hectares.
15. Supports the provision of alternative housing in the form of accessory dwellings, such as garage suites and carriage housing, to allow for greater flexibility and affordability of housing choice, subject to approval by the Agricultural Land Commission, where required.

Lister, Rykert, Riverview and Huscroft

16. Recognizes that the community is primarily characterized by larger residential parcels and large lot agricultural parcels, the majority of which are located within the Agricultural Land Reserve and will allow for a mix of parcel sizes dependent on type of land use and agricultural activity.
17. Directs that subdivision of lands within the Agricultural Land Reserve are to be a minimum lot size of eight (8) hectares and lands outside of the Agricultural Land Reserve a minimum lot size of two (2) hectares.
18. Recognizes the importance of the Lister and Rykert Improvement Districts in the provision of domestic and irrigation water supply and supports the improvement and enhancement of local water systems to meet future community needs.
19. Recognizes the community of Bountiful as a significant mixed use development with components of higher density residential development with an independent community school and provision of an independent community water supply.
20. Intensive agriculture is encouraged on parcels larger than eight (8) hectares.
21. Lands outside of the Agricultural Land Reserve adjacent to Highway 21 shall predominantly be designated 'Country Residential'.
22. Recognizes the potential mixed use potential of the Airport lands owned by the Town of Creston and will encourage expansion of light industry, commercial and mixed use of lands on portions of the property where such uses do not conflict with federal aviation regulations.
23. Supports expansion and enhancement of secondary agricultural activities within the community, such as farm gate sales, small scale food processing and development of community farmer's markets.
24. Supports the provision of alternative housing in the form of accessory dwellings, such as garage suites and carriage housing, to allow for greater flexibility and affordability of housing choice, subject to approval by the Agricultural Land Commission, where required.
25. Recognizes the Lister Community Associations role in providing important community services, such as administration of the Community Hall and Community Park.
26. Recognizes that there are two cemeteries in Lister, including one administered by the Anglican Church.

Kitchener and Arrow Creek

27. Recognizes that the community is primarily characterized by a mix of residential, commercial and light industrial development with very little land within the Agricultural Land Reserve.
28. Directs that subdivision of lands outside of the Agricultural Land Reserve shall be a minimum lot size of one (1) hectare unless served by community water, in which case the minimum lot size can be reduced to 0.2 hectares.
29. Recognizes the importance of the Kitchener and Kidd Creek Water Systems in the provision of domestic and commercial water supply and supports the improvement and enhancement of local water systems to meet future community needs.
30. Supports the creation of a fire service area for the community of Kitchener or alternatively expansion of the Yahk Kingsgate Fire Service Area, if and when feasible, or supported by the community.
31. Recognizes the Kitchener Community Associations role in providing important community services, such as administration of the Community Hall and Community Park.
32. A number of 'commercially' designated lands have been identified within the community of Kitchener. It is the policy of the Regional Board that no further lands will be designated commercial until existing commercial lands are developed and fully utilized for commercial purposes.
33. Lands within the Agricultural Land Reserve east of Kitchener are designated 'Agriculture'.
34. Supports investigation of establishment of a service area to address land use hazards associated with the Non-standard Flood and Erosion Area (NSFEA) in the town site of Kitchener as resources permit and if and when there is community need or support.

Lower Kootenay Band

35. Recognizes that the community plays an important role within the Plan area and is self-governed.
36. Recognizes the role of the Lower Kootenay Band in providing important community services, such as administration of the Lower Kootenay Band Community Hall, Yaqan Nukiy School and cemetery.

SCHEDULE 'B'
ZONING BYLAW

**Regional District of Central Kootenay
Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013**

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

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

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;

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

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;

CARETAKER SUITE means a dwelling unit within a building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, a residence for the Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013
Schedule 'B'

site caretaker, operator of a commercial establishment, or on-duty security personnel. No more than one caretaker suite is permitted on a site;

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

COMMERCIAL BACK COUNTRY RECREATION means remote facilities for the purpose of providing accommodation for backcountry recreation activities such as hiking, skiing, biking, kayaking, horseback riding 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 household;

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

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

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

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

EDUCATIONAL FACILITIES means 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*;

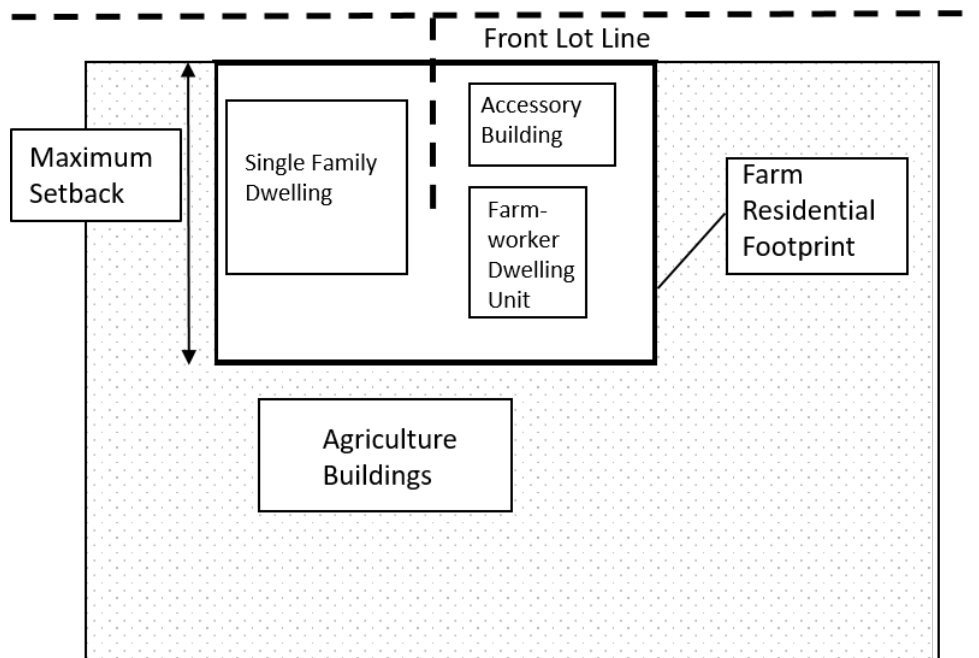
EXTERIOR SIDE LOT LINE means the lot line or lines not being the front or rear lot line, common to the lot and a street;

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

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 persons under care who operate as the functional equivalent of a household; including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents;

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;

HOUSEHOLD means:

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

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;

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

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;

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

NATURAL ENVIRONMENT means the natural world, as a whole or in a particular geographical area, especially as affected by human activity;

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 a business in which a person provides a personal service to or on the body of another person (e.g. an esthetician, tattoo artist or hair stylist);

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

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

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 of the property;

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

SERVICE STATION means any building or land used for the retail sale of motor fuels and lubricants and may include automobile diagnostic centres, the servicing and minor repairing of motor vehicles, 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 dwelling unit for temporary accommodation (periods less than 30 days) on a commercial basis;

SIGN means a free standing or projecting structure designed to be used for the purposes of displaying information including the advertising for a business onsite and includes a signboard or boarding;

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

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

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

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

SOLAR ENERGY FACILITY means a facility which is designed, constructed, installed and operated for the collection and conversion of solar energy to generate, store, distribute and supply electricity. The facility may include solar collector panels, film, shingles or other collector devices as well as buildings and structures accessory to collection and conversion of solar energy into electricity including substations, electrical infrastructure and transmission lines;

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, encompassing a total site area of less than 100m², that contains 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.

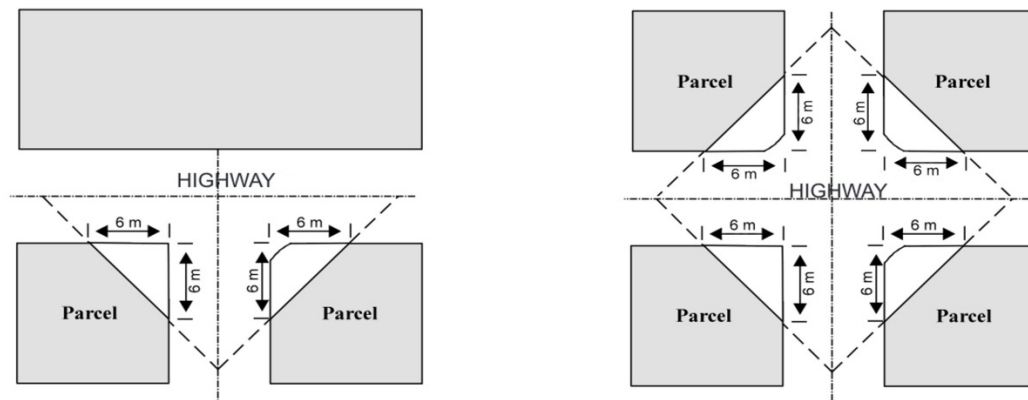
16.0 GENERAL REGULATIONS

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 lot size for a parcel subdivided under Section 514 of the *Local Government Act* shall be the minimum lot size 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 of the Regional District of Central Kootenay Floodplain Management Bylaw No. 2080, 2009, 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 Medical Health Officer where no community sewer system is in place.
9. No newly created lot shall be bisected by a legally dedicated road.

Reduction of Minimum Lot Sizes

10. Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot size required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.
11. Where it is not possible to create a lot that has the minimum lot size required for a zone, the minimum lot size requirement may be reduced where the proposed subdivision involves any one of the following and meets local health authority requirements:
 - a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application;
 - b. a lot that, at the time of adoption of this bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots;
 - 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 lot size for a lot created under Section 16.0 (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 Section 16.0 (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 lot size.

Subdivision Servicing Requirements

14. All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
15. Despite Section 16.0 (14), 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.
18. Despite subsection 17, buildings and structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve boundary.
19. Unless otherwise stated, no portable sawmill may be located within 100 metres from a property line.
20. Despite Section 16.0 (18), on all lots less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres.

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.

Height Regulations (Airport Lands)

25. All buildings and structures within 350 metres (1,150 feet) of the take-off or approach area of an airport will be restricted to a height of 15.0 metres (49 feet).

Home Based Businesses

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

26. The proprietor resides on the subject property;
27. The activity shall be conducted in a dwelling unit or accessory building;
28. The floor area devoted to the Home Based Business shall not exceed 100 square metres on any R1, R2, R3, R5, R6, and AG zoned lot;
29. The floor area devoted to the Home Based Business shall not exceed 200 square metres on any lot R4 zoned lot;

30. 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;
31. 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;
32. 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.
33. External storage of materials, equipment or finished products shall be screened from view from adjacent properties and road right-of-ways;
34. There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference, or emissions other than that normally associated with a dwelling;
35. 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;
36. 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 and R2; and
 - b. six (6) on any R3, R4, and AG zoned lot.
37. Home Based Businesses that include the caring of more than eight (8) individuals at any one time shall not be permitted.
38. Commodities may be offered for sale.
39. 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:

40. The proprietor resides in the principal dwelling;
41. 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;
42. 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.
43. Bed and breakfast accessory tourist accommodation operations shall be confined to the principal dwelling;

44. 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;
45. 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;
46. Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any R3 or R4 zoned lot;
47. Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any AG 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.
48. Accessory tourist accommodation camping operations shall not be permitted on any lots zoned R1, R2 or R6;
49. Accessory tourist accommodation camping operations shall only be permitted on lots 1.2 hectares or larger;
50. 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;
51. Accessory tourist camping operations shall not include recreation centres, marinas, boat launches, retail stores and other similar facilities.

Storage

52. 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

53. 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

- 54. 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.
- 55. Any shipping container placed on a lot as an accessory building must comply with site coverage, siting, size and setback requirements for that zone.
- 56. 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

- 57. 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

- 58. 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.
- 59. 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.

60. 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.
61. 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.
62. 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.
63. 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.
64. 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

65. 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.
66. 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.
67. 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.
68. Access and manoeuvring aisles must not be less than 3.6 metres for one-way traffic and 6.6 metres for two-way traffic.
69. Required parking and associated manoeuvring aisles in all multi-unit residential, commercial and industrial zones shall be surfaced with either asphalt or concrete pavement, be adequately provided with lighting and drainage facilities, have access to and from highways and provide one (1) disabled person's parking space for every ten (10) parking spaces required.
70. 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.
71. All parking areas must contain adequate provisions so that vehicles may turn around on the parcel.
72. All parking areas shall be so designed that motor vehicles do not back out onto a public road.
73. The maximum slope for the required off-street parking in all multi-unit 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.

74. 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.
75. 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.
76. 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

77. 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.
78. 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 Detached Housing	2 spaces	0	
	Duplex Housing	4 spaces	0	
	Accessory Dwelling Unit	1 space		
	Multi-Unit Housing	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 required spaces for operator's residence
	Accessory Bed & Breakfast	1 space per guest room	0	Plus required spaces for operator's residence
	Accessory Retail/Farm Retail Sales	1 space per 20 m ² of floor area	0	Plus required spaces for operator's 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	
	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

Category	Type of Uses	Parking Spaces	Loading Spaces	Notes
	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	
	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	

Category	Type of Uses	Parking Spaces	Loading Spaces	Notes
	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 who are at Grade 11 or higher.	0	
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

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

Sheep	A.U.	Swine	A.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		
Cattle	A.U.	Poultry	A.U.
cow & calf	1.00	chickens	.015
2 yr. old	1.00	turkeys, raised	.0125
yearling	.67	turkeys, breeding stock	.02
calf	.25	geese	.02
bull	1.00	ducks	.015
Horses	A.U.	Other	A.U.
horse	1.00	goats	.14
colts 1-2 years	.50	rabbit	.025
colts, under 1 yr.	.25	mink	.025

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

- a. On lots less than 0.4 hectares (1.0 acres), the total number of farm animals and poultry shall not exceed 0.5 animal units. No roosters will be permitted on lots less than 0.4 hectares (1.0 acres).
- b. On lots greater than 0.4 hectares (1.0 acre), the total number of farm animals and poultry shall not exceed two animal units per hectare. No building, structure or enclosure used for housing more than 0.5 animal units shall be located within 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

80. 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

81. Where a site contains two (2) 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

82. 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

83. 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:

84. 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.
85. 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.
86. *Removed by Bylaw 2687*
87. Signs advertising community events or public service announcements or political campaign signs during an election are exempt from the requirements of sub-sections 84 and 85.
88. 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 84 and 85.
89. 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
Manufactured Home Park	R5
Multi-Family Residential	R6
Agriculture 1	AG1
Agriculture 2	AG2
Agriculture 3	AG3
Neighborhood Commercial	C1
General Commercial	C2
Tourist Commercial	C3
Light Industrial	M1
Medium Industrial	M2
Heavy Industrial	M3
Mixed Use Industrial (Airport)	M4
Railway	RW
Quarry	Q
Community Services	CS
Parks and Recreation	PR
Resource Area	RA
Forest Reserve	FR
Environmental Reserve	ER

Zone Boundaries

90. The extent of each zone is shown on Schedule 'B.1' – Zoning Map, which is incorporated in and forms part of this bylaw.
91. 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.

92. 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 sub-section 1.
93. Any area not specifically shown on Schedule 'B.1' shall be deemed to be zoned 'Resource Area (RA)'.
- 93A. 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:

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

General Regulations for Landscaping

101. In a multi-unit 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.
102. At least 30 percent of the total area of any lot used for multi-unit residential purposes shall be maintained as open space landscaped area in a permeable state.
103. 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.
104. 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.
105. 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.
106. 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.
107. 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.

Accessory Dwelling Units

108. An accessory dwelling unit is subject to the following regulations:
- a. The maximum number of accessory dwelling units per lot is one.
 - b. The minimum lot size for an accessory dwelling unit shall be 1.0 hectare.
 - c. Notwithstanding section 108(b) secondary suites are permitted on all lots.
 - d. The maximum gross floor area is 90.0 square metres.
 - e. The maximum height is 8.0 metres.
 - f. The maximum number of storeys is 2.
 - g. An accessory dwelling unit must be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required.
 - h. An accessory dwelling unit is not permitted to be used as accessory tourist accommodation or a short term rental.
 - i. The accessory dwelling unit shall not be a recreational vehicle or other vehicle.
 - j. A secondary suite shall not be connected to a single detached house by a breezeway or carport.

17.0 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:

- Single Detached Housing
- Duplex Housing

Accessory Uses:

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

Development Regulations

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

	<u>LEVEL OF SERVICES PROVIDED</u>		
	Community Water and Sewer	Community Water or Sewer	On Site Only
	0.1 hectare	0.4 hectares	1.0 hectare

- 2b. The maximum density is 2 Dwelling Units.
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 16.0 (79).
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.

18.0 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:

- Single Detached Housing
- Duplex Housing

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit
- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Horticultural Produce
- Portable Sawmills (for processing of materials harvested on-site only)

Development Regulations

2. The minimum lot size is 1.0 hectare.
- 2b. The maximum density is 2 Dwelling Units.
3. The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority, shall be 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 16.0 (79).
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 2748.*
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.

19.0 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:

- Single Detached Housing
- Duplex Housing

Horticulture

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Veterinary Clinics

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit
- 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 lot size is 2.0 hectares.
- 2b. The maximum density is 2 Dwelling Units.
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 16.0 (79).
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. *Removed by Bylaw 2954.*
7. *Removed by Bylaw 2748.*
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.
13. *Removed by Bylaw 2954.*
14. *Removed by Bylaw 2954.*
15. *Removed by Bylaw 2954.*
16. *Removed by Bylaw 2954.*

Small Scale Wood Product Manufacturing

17. A small scale wood product manufacturing operation is subject to the following requirements:
 - a. The minimum parcel size shall be two (2) hectares;
 - b. The sawmill is limited to a band sawmill powered by an engine of no more than 42 Horsepower;
 - c. The property owner will continue to reside in the principal residence on the property;
 - d. 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;
 - e. 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;
 - f. No more than three (3) persons who are not residents of the principal dwelling may be employed in the business;
 - g. 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;
 - h. No commodities may be offered for sale except those produced on the premises;
 - i. There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference or emissions other than that normally associated with a dwelling;
 - j. Operation of the sawmill shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday;
 - k. There shall be no operation of the small scale wood product manufacturing operation on Sundays or Statutory Holidays;
 - l. 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
 - m. Any sawmill operation under this section may be subject to an annual inspection to ensure compliance with this bylaw.

Temporary Farmworker Housing

18. 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.

20.0 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:

- Single Detached Housing
- Duplex Housing

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 Dwelling Unit
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Agricultural Produce
- Portable Sawmills
- Temporary Farmworker Housing

Development Regulations

2. The minimum lot size is 2.0 hectares.
- 2b. The maximum density is 2 Dwelling Units.
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 16.0 (79).
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 shall be 30 metres from any lot line.
8. *Removed by Bylaw 2748.*
9. The maximum height of any accessory building or structure shall not exceed 8 metres.
10. The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
11. The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.

Cannabis Regulations

12. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
13. Cannabis micro-cultivation, cannabis micro-processing or cannabis nursery licenses shall not be permitted in a dwelling place.

Temporary Farmworker Housing

14. 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.

21.0 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 16.0 (94 to 107).

22.0 MULTI-UNIT RESIDENTIAL (R6)

Permitted Uses

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

Dwellings:

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

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit
- Accessory Tourist Accommodation
- Home Based Business

Development Regulations

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

	<u>LEVEL OF SERVICES PROVIDED</u>		
	Community Water Supply And Community Sewer System	Community Water Supply Only	On Site Only
Single Detached and Duplex Housing	0.1 hectare	0.8 hectare	1.0 hectare
Multi-Unit / Dwelling Unit	300 square metres	0.1 hectare	0.4 hectare

- 2b. The minimum lot size for subdivision is 0.1 hectares.
3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. Landscaping shall comply with all applicable requirements of section 16.0 (94 to 107).

23.0 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, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

- Accessory Buildings or Structures
- Accessory 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.
- 2b. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
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 Detached Housing 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 larger than 2 hectares; 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 larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
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 metres 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 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.

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

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 metres.

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

24.0 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 Detached Housing

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 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.
- 2b. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
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 Detached Housing 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 larger than 2 hectares; 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 larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
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 metres 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 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.

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

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 metres.
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 metres.

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

25.0 AGRICULTURE 3 (AG3)

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 3 (AG3) 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 Detached Housing

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 30 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.
- 2b. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
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 Detached Housing is 375.0 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 larger than 2 hectares; and
 - d. The Farm Business has been operation for at least three (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 larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within five (5) metres 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 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.

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

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 metres.

Information Note: 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 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
 - Caretaker Suite

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 16.0 (94 to 107).

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
 - Caretaker Suite

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. Landscaping shall comply with the requirements of section 16.0 (94 to 107).

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
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
- Caretaker Suite

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, 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 16.0 (94 to 107).
5. Lots adjacent to residential zones must provide screening and buffering.
6. 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
 - Caretaker Suite
 - 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 16.0 (94 to 107).

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

- Caretaker Suite

- 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 16.0 (94 to 107).

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

- Caretaker Suite

- business office

Site Specific - Lot 27 District Lot 3864 Kootenay District Plan 1455 Except Part Included in Plan 4790 to allow "One Family Dwelling" as a permitted use.

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 16.0 (94 to 107).

32.0 MIXED USE INDUSTRIAL (AIRPORT) (M4)

Permitted Uses

1. Land, buildings and structures in the Mixed Use Industrial (Airport) (M4) zone shall be used for the following purposes only:

Airports

Light Manufacturing Including:

- finished wood products
- fibreglass products
- canvas products
- finished concrete products
- ceramic products

Civic Administration

General Commercial Including:

- restaurants
- indoor recreation
- transportation facility
- office
- business services
- retail sales of hardware, sporting goods, gifts and souvenirs

Tourist Accommodation

Open Storage

Recycling Depot

Accessory Uses:

- Accessory Buildings or Structures
- buildings and structures accessory to airports including sales of aircraft fuel, aircraft charter business, aircraft sales and repairs and flight training schools
- Caretaker Suite

Development Regulations

2. All buildings, structures and uses in conjunction with airports shall comply with the Federal Department of Transport regulations.
3. The minimum site area for an airport is forty (40) hectare.
4. The minimum site area for any other permitted use is one (1) hectare unless the site is serviced by a community water system whereby the minimum site area is 0.4 hectare.
5. Lot coverage for all buildings and structures shall be 50%.
6. All buildings and structures, with the exception of an airport control tower, shall have a maximum height of fifteen (15) metres.
7. A security fence shall be provided around all uses which could constitute a hazard.
8. All Open Storage except that of operational aircraft, shall be bounded by screening two (2) metres in height except points of access or egress or where bounded by a building.

33.0 SOLAR ENERGY FACILITY (M5)

Permitted Uses

1. Land, buildings and structures in the Solar Energy Facility (M5) zone shall be used for the following purposes only:
Solar Energy Facility

Accessory Uses:

- Accessory Buildings or Structures
- One office supporting a Solar Energy Facility

Development Regulations

2. All buildings and structures shall have a maximum height of fifteen (15) metres.
3. The maximum site coverage permitted shall be 75 percent of the lot area.
4. No building or structure (including solar collector panels), 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.

34.0 RAILWAY (RW)

Permitted Uses

1. Land, buildings and structures in the Railway (RW) 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
- Caretaker Suite
- warehousing

Development Regulations

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

35.0 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
 - Caretaker Suite

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 16.0 (94 to 107).

36.0 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

- Caretaker Suite

- 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.

37.0 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.

38.0 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
 - Caretaker Suite
 - 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 section 16.0 (94 to 107).

39.0 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

Accessory uses:

 - Accessory Buildings or Structures
 - Caretaker Suite

Development Regulations

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

40.0 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
Agriculture

Accessory uses:

- Accessory Buildings or Structures
- interpretative facilities
- Caretaker Suite

Development Regulations

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

41.0 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.

