

DISTRICT OF CLEARWATER

ZONING BYLAW No. 133, 2016



CONSOLIDATED APRIL 1, 2025

CONSOLIDATED FOR CONVENIENCE ONLY

This information has been prepared by the District of Clearwater for convenience only. The District of Clearwater does not represent that the consolidated bylaw is up to date or complete and anyone using this material should confirm its content by reference to the original legislation, codes, bylaws and their amendments.



**RECORD OF AMENDMENTS TO
DISTRICT OF CLEARWATER
ZONING BYLAW 133, 2016**

Adoption Date:	Bylaw No.:	Description:	Zone From:	Zone To:
September 9, 2016	157, 2016	Schedule A is revised by rezoning the 9 ha parcel west of Norfolk Rd and south of Yellowhead Hwy#5, legally described Lot 4, DL 2619, KDYD, Plan 2225, except Plans 29581 and KAP92047 from <i>R-1: Residential Single Family and Duplex</i> to <i>R-2: Compact Residential</i>	R-1	R-2
July 9, 2019	167, 2017	Zoning classification on Lot B, DL2619, KDYD, Plan 40549 is changed from <i>R-1: Residential Single Family and Duplex</i> to <i>P-2: Institutional</i>	R-1	P-2
June 5, 2018	184, 2018	Insert into s. 8.3.3 Permitted Uses – Site Specific as follows: <i>single family dwelling</i> in the case of Strata Lots 3 to 32, District Lot 3856, KDYD, Strata Plan EPS2429, together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (400-484, 488 Lytton Crescent).	R-3	R-3 SS
June 5, 2018	186, 2018	New definitions added for Cannabis, Cannabis Retail, Personal Service Use, Retail Store, Convenience Store. Replace s 5.23 with Licensed Medical Marihuana Production Facilities & Non-Medical Cannabis Retail section. Insert <i>cannabis retail</i> to the list of prohibited home-based business uses to s. 5.18 f) xi.		
July 9, 2019	211, 2019	Zoning classification on a 7.5 ha portion of land at 429 Haywood Rd, legally described DL3854, KDYD, except Plans 7371 and 13434 is changed from RL-1: Rural to C-4: Recreational Commercial with a site-specific amendment as follows: 9.4.2.1 Permitted Uses – Site Specific In the case of 429 Haywood Rd (DL3854, KDYD, exp Plans 7371 and 13434) <i>traveller accommodation use</i> limited to a maximum of 15 tourist cabins and one tea house, only, and no other <i>principal uses</i> listed (a) to (k) above are permitted.	RL-1	C-4 SS

June 4, 2019	212, 2019	<p>New definitions for Cannabis, Medical Marihuana Production Facility replaced with Cannabis Production Facility with new definition.</p> <p>Replace s 5.23 entirely with Cannabis Production Facilities and Cannabis Retail into s 5.23.1, 5.23.2, 5.23.3</p> <p>Insert into s 9.1.2 - i) cannabis Retail (renumber the remaining)</p> <p>Insert into s 9.5.2- p) cannabis retail (renumber the remaining)</p> <p>Insert the following s 5.24.3: Despite the preceding, no more than one dwelling per <i>lot</i> is permitted on <i>ALR</i> lands unless expressly approved by the Agricultural Land Commission.</p> <p>Insert the following s 5.25.4: Despite the preceding, no more than one dwelling per <i>lot</i> is permitted on <i>ALR</i> lands unless expressly approved by the Agricultural Land Commission.</p>		
February 4, 2020	231, 2019	Schedule A is amended by rezoning 37E Old North Thompson Highway (legally described as Lot 8, District Lot 2620, KDYD, Plan 8333) from <i>C-1: General Commercial</i> to <i>P-1: Parks and Recreation</i>	C-1	P-1
August 18, 2020	239, 2020	<p>Add new Section 5.28 as follows:</p> <p>Bee Keeping</p> <p>Beekeeping is permitted in all zones subject to compliance with Animal Control Bylaw No. 148, 2016, as amended and superseded</p>		
January 19, 2021	246,2020	The zoning classification on a 7.5 ha portion of land at 429 Haywood Road (legally described as District Lot 3854, KDYD, Except Plans 7371 and 13434) is changed from C-4 Recreational Commercial to RL-1 Rural with deletion of a site specific amendment	C-4	RL-1

April 6, 2021	248, 2021	<p>Zoning Bylaw 133, 2016 is amended as follows:</p> <p>2.1 By adding the following definition to Part 2.2 in alphabetical order:</p> <p>RACETRACK means an area of land, other than a road, used primarily for the sports of racing vehicles including, without limiting the generality of the foregoing, racing cars, stock cars, go-carts and motorcycles, with or without related bleachers, spectator stands, refreshment booths, food concessions, or other structures or uses accessory thereto, but does not include traveller accommodation use, campground, or permanent retail stores.</p> <p>2.2 By adding a new Section 10.2.3 to the I-2 Zone as follows and renumbering remaining sections accordingly:</p> <p>10.2.3 PERMITTED USES – SITE SPECIFIC</p> <p>The following <i>uses</i> are permitted on a site-specific basis only:</p> <p>a) <i>Racetrack</i> in the case of Lot A, District Lot 1725, KDYD, Plan KAP91502.</p> <p>2.3 The map attached hereto as Schedule “1” is incorporated in and forms part of this bylaw.</p>		I-2
---------------	-----------	--	--	-----

August 20, 2021	253, 2021	<p>Zoning Bylaw 133, 2016 is amended as follows:</p> <p>2.1 Adding the following definition to Part 2.2 in alphabetical order:</p> <p><i>DUPLEX SUITE</i> means a <i>residential use</i> consisting of a self-contained <i>dwelling unit</i> wholly contained within the same <i>building</i> as a <i>duplex</i>.</p> <p>2.2 Adding a new Section 8.1.2 g) as a PERMITTED USE to the R-1 Zone as follows:</p> <p>g) <i>duplex suite</i>, where each half-duplex may contain one suite, only in the case of District Lot 3852, KDYD, Except: (1) Plans H558, 12907, 19332, 24061 and KAP70712; (2) Parcel A (DD250793F); AND Lot A, District Lot 3852, KDYD, Plan 24061, Except Plans 24951 and KAP70712</p>		
June 7, 2022	263, 2022	<p>Zoning Bylaw 133, 2016 is amended as follows:</p> <p>2.1 Schedule "A" Zoning Map, to Bylaw 133, is amended by rezoning the southern portion of Lot 1, District Lot 1681, KDYD, Plan EPP113970 from C-2: <i>Service Commercial</i> to CR-1: <i>Country Residential</i>, as shown in cross hatching.</p> <p>2.2 The map attached hereto as Schedule "1" is incorporated in and forms parts of this bylaw.</p>		
June 6, 2023	270, 2023	<p>Zoning Bylaw 133, 2016 is amended as follows:</p> <p>2.1 Schedule "A" Zoning Map, to Bylaw 133, is amended by rezoning the northern +/-6.25 hectare portion of Lot 4, District Lot 2619, Kamloops Division Yale District, Plan 2225 except Plans 29581 and KAP92047, from R-2: <i>Compact Residential</i> to MHP-1: <i>Manufactured Home Park</i>, as shown shaded on Schedule "1" attached hereto.</p> <p>2.6 The map attached hereto as Schedule "1" is incorporated in and forms part of this bylaw.</p>	R-2	MHP-1

<p>August 20, 2024</p>	<p>302, 2024</p>	<p>Zoning Bylaw 133, 2016 is amended as follows:</p> <p>2.1 Schedule "A" Zoning Map of Bylaw 133, is amended by applying zoning as shown on Schedule "1" to the lands legally described as:</p> <p>Strata Lots 1-4, 8, 11-14, District Lot 3851, KDYD, Strata Plan K479 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1 – PID's: 002-236-834; 002-236-869; 002-236-877; 002-236-893; 002-236-931; 015-789-624; 015-789-632; 018-661-700; 018-661-718; and Plan KAS479,</p> <p>from <i>Land Use Contract Agreement Bylaw No. 344 (130-9), 1976 to R-1: Residential Single Family and Duplex Zone</i> as shown in dark-shading on attached Schedule "1".</p> <p>2.2 Schedule "A" Zoning Map of Bylaw 133, is amended by applying zoning as shown on Schedule "1" to the lands legally described as:</p> <p>Lot A, District Lots 2280 and 3851, KDYD, Plan 32354, Except Strata Plan K479 (Phase 1) – PID 003-475-051,</p> <p>from <i>Land Use Contract Agreement Bylaw No. 344 (130-9), 1976 to RL-1: Rural</i> as shown in 'x' patterned fill on attached Schedule "1".</p> <p>2.3 The map attached hereto as Schedule "1" is incorporated in and forms part of this bylaw.</p>	<p>LUC LUC</p>	<p>R-1 RL-1</p>
------------------------	------------------	--	--------------------	---------------------

<p>October 22, 2024</p>	<p>301, 2024</p>	<p>Zoning Bylaw 133, 2016 is amended as follows:</p> <p>2.1 Adding a new Section 8.3.3 c) as a PERMITTED USES – SITE SPECIFIC to the R-3: <i>Multiple Family Residential Zone</i> as follows:</p> <p>c) the maximum density for <i>apartment</i> or <i>senior citizen housing</i> is increased to 80 units per ha to allow 59 dwelling units and the amenity area is decreased to 3.34 square meters (36 sq ft) for three units, in the case of Lot A, District Lot 73, KDYD, Plan EPP81829 (240 Park Drive).</p> <p>2.2 Schedule “A” Zoning Map of Bylaw 133, is amended by rezoning Lot A, District Lot 73, KDYD, Plan EPP81829 (240 Park Drive) from R-3: <i>Multiple Family Residential Zone</i> to R-3: <i>Multiple Family Residential Zone Site-Specific</i> as shown shaded on Schedule “1” attached hereto.</p> <p>2.3 The map attached hereto as Schedule “1” is incorporated in and forms part of this bylaw.</p>		
<p>April 1, 2025</p>	<p>317, 2025</p>	<p>Zoning Bylaw No. 133 is amended as follows:</p> <p>2.1 By adding a new Section 9.1.3 to the C-1: <i>General Commercial Zone</i> as follows and renumbering remaining sections accordingly:</p> <p>9.1.3 PERMITTED USES – SITE SPECIFIC</p> <p>a) <i>Veterinary clinic</i> or animal hospital in the case of Lot 1, District Lot 2905, KDYD, Plan 39350 (205E Old North Thompson Hwy)</p> <p>2.2 The map attached hereto as Schedule “1” is incorporated in and forms part of this bylaw.</p>		

April 1, 2025	312, 2025	<p>Zoning Bylaw No. 133 amended as follows:</p> <p>2.1 By adding a new Section 9.2.3 to the C-2: <i>Service Commercial Zone</i> as follows and renumbering remaining sections accordingly:</p> <p>9.2.3 PERMITTED USES – SITE SPECIFIC</p> <p>a) <i>Cannabis retail</i> in the case of Lot A, District Lot 73, KDYD, Plan KAP47003 (343 Clearwater Valley Road).</p> <p>2.2 The map attached hereto as Schedule “1” is incorporated in and forms part of this bylaw.</p>		
---------------	-----------	---	--	--

TABLE OF CONTENTS

PART 1.0	PURPOSE AND APPLICATION	3
1.1	PURPOSE	3
1.2	APPLICATION OF THIS BYLAW	3
1.3	UNITS OF MEASUREMENT	3
1.4	ITALICIZED WORDS IN THIS BYLAW	3
1.5	CITATION	5
1.6	CONFORMITY	5
1.7	MAP/SCHEDULE	5
PART 2.0	INTERPRETATION & DEFINITIONS	6
2.1	INTERPRETATION	6
2.2	DEFINITIONS	6
PART 3.0	ADMINISTRATION AND ENFORCEMENT	16
3.1	ADMINISTRATION	16
3.2	INSPECTION	16
3.3	ENFORCEMENT	16
3.4	OFFENCE AND PENALTIES	16
PART 4.0	BASIC PROVISIONS	17
4.1	ZONES	17
4.2	ZONE BOUNDARIES	17
4.3	NON-CONFORMING USES AND SITING	18
4.4	AGRICULTURAL LAND RESERVE	18
4.5	PANHANDLE LOTS	18
PART 5.0	GENERAL REGULATIONS	20
5.1	USES PROHIBITED IN ALL ZONES	20
5.2	USES PERMITTED IN ALL ZONES	20
5.3	LOT AREA	20
5.4	TEMPORARY BUILDINGS OR RECREATIONAL VEHICLES	21
5.5	ACCESSORY BUILDINGS	21
5.6	STORAGE OF VEHICLES IN RESIDENTIAL AREAS	21
5.7	SITING EXCEPTIONS	21
5.8	SPECIAL SETBACKS	22
5.9	HEIGHT EXEMPTIONS	22
5.10	CORNER VISION TRIANGLE	22
5.11	FENCE HEIGHT RESTRICTIONS	23
5.12	LANDSCAPING AND SCREENING REQUIREMENTS	23
5.13	COMMERCIAL KENNEL USE	23
5.14	CAMPGROUND	24
5.15	GOLF COURSE	24
5.16	BED AND BREAKFAST	24
5.17	BOARDING USE	24
5.18	HOME BASED BUSINESS	24
5.19	CHILD CARE OR PRESCHOOL	25
5.20	MANUFACTURED HOME	25
5.21	OUTDOOR STORAGE	25
5.22	SECONDARY SUITES	25
5.23	CANNABIS PRODUCTION FACILITIES AND CANNABIS RETAIL	25

5.24	TEMPORARY DWELLING FOR CAREGIVING	25
5.25	DWELLINGS PER LOT	27
5.26	SHIPPING CONTAINER	27
5.27	CONSTRUCTION CAMPS	28
5.28	BEEKEEPING	28
PART 6.0	OFF-STREET PARKING AND LOADING	29
6.1	GENERAL PROVISIONS/RESTRICTIONS	29
6.2	LOCATION AND ALTERNATE SITES	29
6.3	OFF-STREET PARKING REDUCTIONS FOR SHARED PARKING	29
6.4	OFF-STREET PARKING SPACE DIMENSIONS	29
6.5	SMALL CAR PARKING	30
6.6	PARKING FOR DISABLED PERSONS	30
6.7	OFF-STREET LOADING REQUIREMENTS	30
6.8	ACCESS AND EGRESS	30
6.9	MANOEUVRING AISLE DIMENSIONS	31
6.10	DELINEATION MARKINGS AND CURBS	31
6.11	SITING PROVISIONS	31
6.12	LIGHTING	31
6.13	CALCULATION GUIDELINES	32
6.14	REQUIRED OFF-STREET PARKING SPACES	33
PART 7.0	RURAL ZONES	36
7.1	RURAL (RL-1) ZONE	36
7.2	SMALL HOLDING (SH-1) ZONE	38
7.3	COUNTRY RESIDENTIAL (CR-1) ZONE	39
PART 8.0	RESIDENTIAL ZONES	40
8.1	RESIDENTIAL SINGLE FAMILY AND DUPLEX (R-1) ZONE	40
8.2	COMPACT RESIDENTIAL (R-2) ZONE	42
8.3	MULTIPLE FAMILY RESIDENTIAL (R-3) ZONE	44
8.4	MANUFACTURED HOME PARK (MHP-1) ZONE	46
PART 9.0	COMMERCIAL ZONES	47
9.1	GENERAL COMMERCIAL (C-1) ZONE	47
9.2	SERVICE COMMERCIAL (C-2) ZONE	49
9.3	NEIGHBOURHOOD COMMERCIAL (C-3) ZONE	51
9.4	RECREATIONAL COMMERCIAL (C-4) ZONE	53
9.5	RIVERSIDE CENTRE MIXED USE (MX-1) ZONE	55
PART 10.0	INDUSTRIAL ZONES	57
10.1	VEHICLE WRECKING (I-1) ZONE	57
10.2	LIGHT INDUSTRIAL (I-2) ZONE	59
10.3	HEAVY INDUSTRIAL (I-3) ZONE	62
PART 11.0	PUBLIC ZONES	64
11.1	PARKS AND RECREATION (P-1) ZONE	64
11.2	INSTITUTIONAL (P-2) ZONE	66
PART 12.0	REPEAL AND SEVERABILITY	68
12.1	REPEAL	68
12.2	SEVERABILITY	68



**DISTRICT OF CLEARWATER
BYLAW NO. 133, 2016**

A bylaw to establish zoning and land use for the District

WHEREAS pursuant to Part 14 of the Local Government Act, a local government may enact bylaws for zoning, off-street parking and loading, screening and landscaping, and other aspects of land use and development;

NOW THEREFORE the Council of the District of Clearwater, in open meeting assembled, enacts as follows:

Part 1.0 PURPOSE AND APPLICATION
--

1.1 PURPOSE

1.1.1 The purpose of this Bylaw is to divide the *District* into *zones* and to regulate:

- a) the use and *density* of use of land, *buildings* and other *structures* within a *zone*;
- b) the siting, size and dimensions of permitted *buildings*, other *structures* and *uses* on the land within a *zone*;
- c) the location of *uses* on the land and within *buildings* and other *structures*;
- d) the shape, dimensions and area, including minimum and maximum *lot* size created by *subdivision*;
- e) different *density* regulations for *zones*;
- f) the provision of amenities;
- g) the number of and design standards for off-street parking and loading for the *use* of land and *buildings*; and
- h) *screening* and *landscaping* for masking and separating uses, protecting and enhancing the natural environment and preventing hazardous conditions.

1.2 APPLICATION OF THIS BYLAW

This Bylaw shall apply to all land, *buildings* and other *structures* within the boundaries of the *District*.

1.3 UNITS OF MEASUREMENT

All dimensions and other measurements in this Bylaw are expressed in Standard International Units (the metric system). The approximate Imperial System equivalents shown in brackets are for convenience only and do not form part of this Bylaw.

1.4 ITALICIZED WORDS IN THIS BYLAW

Definitions as set out in Part 2 are generally shown in italics for ease of reference only.

1.5 CITATION

This Bylaw may be cited for all purposes as the "District of Clearwater Zoning Bylaw No. 133, 2016".

1.6 CONFORMITY

Except for legal non-conforming use or development approved by a development permit or development variance permit or Board of Variance order, or another agreement or permit as authorized under the Local Government Act, the use and development in each *zone* or area of the *District* must be in accordance with the uses listed in the *zone* and all the applicable regulations and requirements of this Bylaw.

1.7 MAP/SCHEDULE

Schedule "A": Zoning Map is attached hereto and forms a part of this Bylaw.

Part 2.0 INTERPRETATION & DEFINITIONS

2.1 INTERPRETATION

Unless otherwise provided, words and phrases used herein have the same meanings as in the Local Government Act, Community Charter, Land Title Act or Interpretation Act as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Words in the singular include the plural and words in the plural include the singular. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent.

2.2 DEFINITIONS

In this Bylaw,

ACCESS STRIP means an area of land on a *panhandle lot*, of sufficient width to provide legal and vehicular access from a *highway* to a *building* on a *lot*.

ACCESSORY BUILDING means a detached *building* or other *structure* including power generation equipment or similar, located on the same lot as the *principal building* or *use*, the *use* of which is incidental and subordinate to the *principal building* or *use*.

ACCESSORY USE means a *use* which is incidental and subordinate to the *principal use* on the same *lot*.

AGRICULTURAL USE means growing, rearing and harvesting of agricultural products for commercial purposes, and includes:

- a) processing, storage and sale of agricultural products grown, reared, produced or harvested on the same farm;
- b) storage of farm machinery, implements and supplies necessary to the agricultural use, the repair of farm machinery and implements used on that farm;
- c) the confinement of poultry, livestock or fur bearing animals;
- d) the growing of mushrooms;
- e) the keeping of cattle, goats, llamas, poultry, sheep or other livestock and bees; and
- f) the keeping, boarding, breeding, training and riding of horses.

ALR or AGRICULTURAL LAND RESERVE means the Agricultural Land Reserve as established by enactment of the Province of British Columbia.

AO or APPROVING OFFICER means the person appointed by *Council* as the municipal approving officer for the *District* under the Land Title Act.

APARTMENT means a *building* used exclusively for *residential use* containing 3 or more *dwelling units* and which has a principal access via a common entrance; but does not include *traveller accommodation use*.

ASSEMBLY USE means the use of a *building* or *structure* or part thereof for the gathering of persons for charitable, cultural, educational, philanthropic, recreational, religious and social purposes and includes auditoriums and halls, but does not include overnight accommodation or a *liquor primary use*.

AVERAGE FINISHED GRADE means the average of the finished exterior ground elevations.

BC BUILDING CODE means the Building Regulations of British Columbia.

BED AND BREAKFAST means a business operation carried on by a member of a resident *family* to provide temporary sleeping accommodations, with or without meals being provided, within the same *dwelling unit* resided by the operator.

BOARDING means the rental and occupation of a *sleeping unit* within a *single family dwelling*, with or without meals.

BUILDING means a *structure* intended to shelter any *use* or occupancy, and includes a *manufactured home*, but does not include a *recreational vehicle* or tent.

BUILDING HEIGHT means the vertical distance from the *average finished grade* to the highest part of the *building, manufactured home or structure* excluding chimneys, ventilators, antennas, lightning rods, spires, elevator machinery and roof top heating/cooling units (as illustrated in Diagram 1).

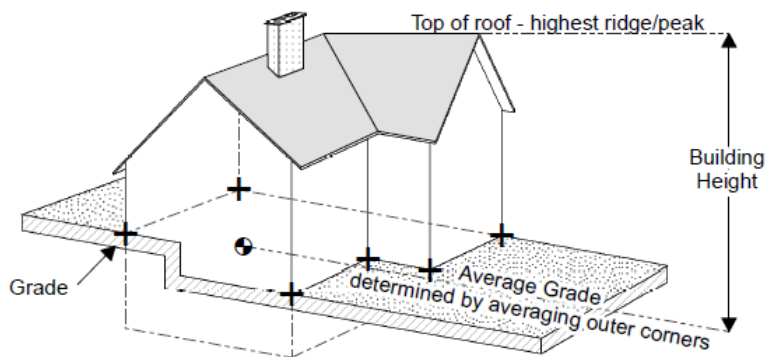


Diagram 1 - Example of Building Height

CAMPGROUND means a site used for the temporary or seasonal accommodation of persons in *recreational vehicles* or tents, which may include, an office, washrooms and shower facilities, *convenience store* or specialty retail, and laundry facilities but does not include a *manufactured home park*, or *traveller accommodation use*.

CANNABIS means cannabis as defined in the Cannabis Act.

CANNABIS PRODUCTION FACILITY means the use of land, *buildings* and structures for the production and processing of *cannabis* licensed by Health Canada.

CANNABIS RETAIL means the sale of *cannabis* but excludes the sale of *cannabis* for medical purposes in accordance with federal legislation and regulations.

CARRIAGE SUITE means a self-contained, two-storey *dwelling unit* that is separate, subordinate in size, and accessory to the principal *dwelling*, having a footprint no greater than 80 square metres (862 sqft) and having not more than 95 square metres (1023 square feet) of residential living space.

CHIEF ADMINISTRATIVE OFFICER or **CAO** means the Chief Administrative Officer for the *District*.

CARETAKER DWELLING UNIT means a *single family dwelling* or *manufactured home*, or one dwelling unit within a principal *building*, used for the accommodation of an owner, operator or caretaker of a principal permitted use.

CIVIC USE means a *use* providing for civic function including *educational institutions*, public or private *hospitals*, community centres, libraries, museums, parks, playgrounds, cemeteries, fire halls, art galleries, police stations, courts of law, *uses* ancillary to public functions, public works yards, but does not include solid waste processing or disposal facilities.

COMMERCIAL KENNEL means a *building* and a supporting compound, cage or run for household domestic animals in which such animals are boarded, trained, raised or bred as a business.

COMMERCIAL VEHICLE STORAGE means the commercial storage of *vehicles*, including *recreational vehicles* and trailers, for a continuous period of at least 48 hours.

COMMUNITY CARE FACILITY means a facility licensed under the Community Care and Assisted Living Act that provides personal care, supervision, social or educational training or physical or mental rehabilitative therapy.

COMMUNITY GARDEN means the *use* of land for cultivating or growing plants by a group of people for providing a garden experience or education to the residents of the *District*.

COMMUNITY SANITARY SEWER SYSTEM means a sewage collection or disposal system of sufficient capacity to carry domestic effluent from an area that is serviced by a sewage treatment and disposal facility approved under the Environmental Management Act.

COMMUNITY WATER SYSTEM means a system of waterworks that is owned, operated and maintained by the *District*; a water utility under the Water Utility Act; a utility under the Utility Commission Act; or otherwise approved by the Comptroller of Water Rights.

COMPLEX CARE FACILITY means a *community care facility* under the Community Care and Assisted Living Act or Continuing Care Act, and includes a nursing home, rest home, and extended care or complex care facility.

CONVENIENCE STORE means a retail business which provides for the retail sale of household goods to serve the day-to-day shopping needs of the general public, and that may include the sale of fast foods and rental of audiovisual products, but excludes *cannabis retail*.

COUNCIL means the Council of the District of Clearwater.

DENSITY means the maximum amount of development intensity allowed expressed in terms of the maximum number of *dwelling units* per hectare as referred to in s.455 of the Local Government Act.

DISTRICT means the District of Clearwater.

DUPLEX means a structure containing two *dwelling units* within one *building* located on a single *lot* which is used or intended to be used as the residence of two *families* and which may or may not be strata titled.

DUPLEX SUITE means a *residential use* consisting of a self-contained *dwelling unit* wholly contained within the same *building* as a *duplex*.

DWELLING UNIT means one or more rooms within a *building* or *structure* designed, occupied or intended for *residential use* where such a room or rooms together contain or provide for the installation of only one set of cooking facilities and one or more bathrooms.

EDUCATIONAL INSTITUTION means a college, an elementary or secondary school, or a technical school operating pursuant to a statute of British Columbia or Canada.

ENTERTAINMENT USE means a *use* providing for the entertainment of the public and includes bingo halls, dance halls, amusement arcades, pool halls, licensed premises, theatres and associated ancillary sales.

EXTERIOR SIDE LOT LINE means the *lot line(s)*, common to a *highway* or *street* other than a *lane* or *walkway* and not being the *front lot line*, or *rear lot line*.

FAIR means the temporary *use* of land, *buildings* or *structures* for recreational amusement and educational display, and includes amusement rides, carnival attractions, and retail sales and services.

FAMILY means an individual or two or more persons related by blood, marriage, common law relationship, adoption or foster parenthood, or a group of not more than five unrelated non-transient persons, living together as a non-profit group in a *dwelling unit* and including servants employed upon the premises.

FENCE or FENCING means a wall, barrier or railing that encloses or provides a visual barrier for all or part of an area of land.

FINANCIAL INSTITUTION means a bank, credit union, trust company, mortgage company and similar establishment.

FRONT LOT LINE means the shortest *lot line* common to a *lot* and an adjoining *highway* or *street* and where the *front lot line* and *rear lot line* each adjoin a *highway* or *street*, means the *lot line* to which the majority of adjacent *buildings* are faced, and in the case of a corner *lot* means the shorter of those unless both such lines exceed 28 metres in length, in which case it shall be as determined by the CAO. In the case of a *panhandle lot*, the *front lot line* shall be as determined by the CAO.

FRONT YARD means the area between the *front lot line* and the *setback* distance required from the *front lot line*. For guidance, see Diagram 2 - Example of a Front Yard.

FRONTAGE means the length of the *lot line* abutting a *highway* or *street* excluding a *lane*.

FUNERARY USE means premises used for the preparation of the dead for burial or cremation and the holding of funeral services.

GARDEN SUITE means a self-contained, one-storey *dwelling unit* that is separate, subordinate in size, scale and massing and accessory to the principal *dwelling*, having a total *gross floor area* of not more than 80 square metres (880 square feet).

GOLF COURSE means a 9 or 18 hole facility for the playing of golf and may include a clubhouse, driving range and *accessory buildings*.

GROSS FLOOR AREA means the combined area of all floors within *buildings* or *structures* on a *lot*, measured from the exterior surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandahs, but does not include any spaces less than 2 metres in height.

HABITABLE ROOM means a room designed and used by persons for cooking, eating, sleeping or human occupancy, but does not include bathrooms, utility rooms, workrooms, crawl spaces, corridors, furnace rooms, closets and storage rooms.

HIGHWAY means a public *street*, path, *walkway*, trail, *lane*, bridge, thoroughfare and any other public way but does not include a private right-of-way on private property.

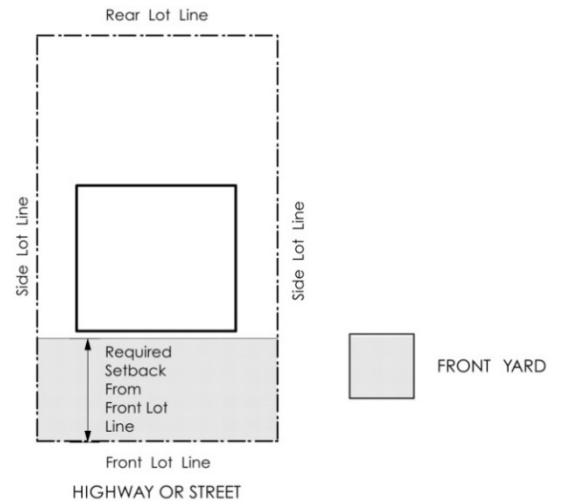
HOME BASED BUSINESS means an occupation, craft or profession that is carried out for a business purpose within a *dwelling unit* or on a residential *lot* primarily by one or more of the residents as an *accessory use*.

HOSPITAL means an institution licensed under the Hospital Act or designated by the Minister of Health under the Hospital Act.

INTERIOR SIDE LOT LINE means the *lot line* or *lot lines*, not being the *front lot line* or *rear lot line*, common to more than one *lot* or to a *lot* and a *lane* or *walkway*.

LANDSCAPING means trees, shrubs, hedges, flowers, ground cover, lawns or other vegetative elements, together with architectural elements including *fencing*, *walkways*, lights, ponds and pools, for the purpose of enhancing the aesthetic qualities, visual amenity and functional *use* of an area, masking or separating *uses*; preserving, protecting, restoring and enhancing the natural environment, or for preventing hazardous conditions.

Diagram 2 - Example of a Front Yard



LANE means a *highway* of not more than 6 metres width and that affords a secondary means of access to adjoining *lots* from the side or the rear.

LIQUOR PRIMARY has the same meaning as in the Liquor Control and Licensing Regulation.

LOT means a parcel of land legally described and registered on the records of the Land Title Office and includes Land Act Surveys as registered crown land.

LOT AREA means the area of a *lot* taken in a horizontal plane excluding land covered by a natural body of water or occupied by an easement established panhandle *access strip*.

LOT COVERAGE means the total ground area of a *lot* upon which all *buildings* and *structures* are located, including the area under all cantilevered and post supported *structures*, expressed as a percentage of the total *lot area*.

LOT LINE means the legally defined boundary line or lines of a *lot*.

MINI-STORAGE FACILITY means a *use* providing for the rental of space within a *building* for the purpose of storing domestic goods not classified as dangerous or toxic under federal and provincial statute, but does not include wholesaling, retailing, manufacturing and processing of any kind, *vehicle* repairs or *vehicle* wrecking; the storage of dirt, filth, refuse, debris; or the storage of any substance which, if exposed to persons not suitably protected, is likely to endanger health or safety.

MANUFACTURED HOME means a *dwelling unit* that is:

- a) manufactured to and compliant with the Canadian Standards Association (CSA) Z-240 MH and CSA A277 MH series of standards;
- b) transportable; and
- c) located in a place other than its place of manufacture;

and does not include any *recreational vehicle*.

MANUFACTURED HOME PARK means land lawfully used for the purposes of providing three or more manufactured home spaces:

- a) in a bare land strata subdivision; or
- b) on a parcel where a charge or rent is imposed for use of a *manufactured home* or manufactured home space.

MULTIPLE FAMILY DWELLING means an *apartment*, *townhouse*, or other *building* containing 3 or more *dwelling units*.

NATURAL BOUNDARY means the visible high-water mark of any, lake, river, *stream* or other body of water where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the, lake, river, *stream* or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself and includes, without limiting the generality of the foregoing, the edge of dormant side channels of any, lake, river, *stream* or other body of water.

NURSERY means the *use* of *premises* for the propagation, early cultivation and sale of seeds, plants and nursery stock and the retail sale of related materials such as tools, soil and fertilizers, but does not include the sale of heavy or large agricultural machinery.

OFF-STREET LOADING SPACE means a *parking space* providing for the receipt, delivery or loading of goods and materials by *vehicles* generated by a *principal use* permitted on the same *lot*.

OFF-STREET PARKING AREA means a *use* providing *parking spaces* for the temporary parking of *vehicles* on a *lot*.

OPEN LAND RECREATION means providing for open air recreation facilities primarily dependant on outdoor space and the retail sales and service incidental to such activity, including, municipal parks, *playgrounds*, *fairs* and cross-country ski trails; but does not include amusement parks, *campgrounds*, *golf courses*, mini-golf courses, firearms ranges or marinas.

OUTDOOR STORAGE means open air placement and accumulation of goods or materials which are inputs or outputs of the industrial, commercial or service and repair activity located on the same *lot*, but does not include a *vehicle wrecking yard*, junk yard or the storage of explosives.

PANHANDLE LOT means a *lot* connected to a *highway* by a *panhandle access strip*.

PARKING SPACE means an accessible space within a *building* or *off-street parking area* designated for the temporary parking of one *vehicle*, but does not include driveways, *manoeuvring aisles*, ramps, columns, walls or other structural features.

PERSONAL SERVICE USE means a business which provides professional or personal services to customers which may include the accessory sale of retail goods, and includes barber shops, beauty parlours, animal grooming services, laundry or dry cleaning shops, laundromats, *financial institutions*, *professional offices*, services for printing, shoe repair, tailoring, dressmaking, optical or watch repairs, fitness centres, electrical appliance repairs, training, educational or instructional services and other similar *uses*, but excludes *cannabis retail*.

PLACE OF WORSHIP means a *building* or *structure* providing for public worship, religious ceremonies, rituals and educational programs and includes, a church, manse, mosque, temple and synagogue.

PRESCHOOL means a facility licensed under the Community Care and Assisted Living Act, Child Care Licensing Regulation in which children are provided with opportunities for social, emotional, physical and intellectual growth.

PRINCIPAL BUILDING means a *building* which contains the *principal use* on a *lot*.

PRINCIPAL USE means the primary purpose for which land, *buildings* or *structures* on a *lot* are ordinarily used.

PROFESSIONAL OFFICE means an establishment engaged in transacting business or providing professional services such as medical, dental, financial, counselling, insurance, real estate, administration and legal offices.

PUBLIC MARKET means an occasional or temporary market for the purpose of offering goods for sale to the public including local artisan crafts, fruits, vegetables and plants, secondary agricultural products including cheese, preserves, honey, home baking, fresh/frozen/preserved fish and seafood, and locally prepared and ready-to-eat foods or light refreshments.

RACETRACK means an area of land, other than a road, used primarily for the sports of racing vehicles including, without limiting the generality of the foregoing, racing cars, stock cars, go-carts and motorcycles, with or without related bleachers, spectator stands, refreshment booths, food concessions, or other structures or uses accessory thereto, but does not include traveller accommodation use, campground, or permanent retail stores.

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* it shall be the point of intersection.

REAR YARD means the area between the *rear lot line* and the *setback* required from the *rear lot line*. For guidance, see Diagram 3 - Example of a Rear Yard

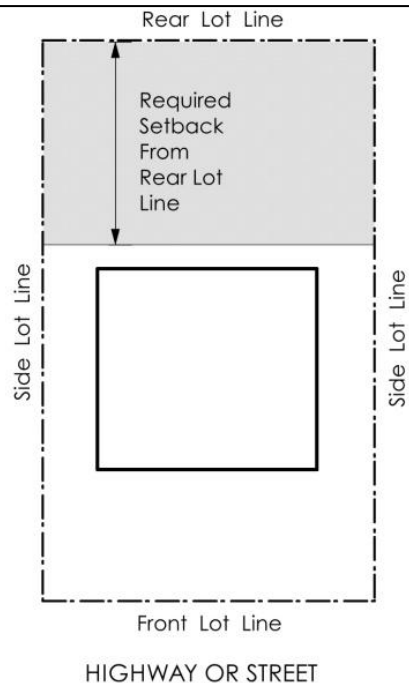
RECREATIONAL VEHICLE means a *vehicle*, either designed to be towed behind a motor *vehicle* or self-propelled, and includes such *vehicles* commonly known as travel trailers, fifth wheels, tent trailers, campers, park model recreational units, motor homes, or other similar *vehicles* designed to provide temporary living quarters for recreational, camping, or travel use.

RESIDENTIAL USE means a *use* of land and *buildings* for a home and domicile.

RESTAURANT means the use of land, *buildings* or *structures* where food or beverages are prepared and served for consumption on or off the *premises* and may include, cafes, coffee shops, delicatessens, and fast food outlets with or without drive-through service or window.

RETAIL STORE means the *use* of land, *buildings* or *structures* for the sale of goods to the ultimate consumer, but does not include *vehicle sales*, *service stations*, or *cannabis retail*.

Diagram 3 - Example of a Rear Yard



RIPARIAN AREAS REGULATION means the Riparian Areas Regulation under the Fish Protection Act (SBC 1997 c. 21)

SCREEN or SCREENING means a continuous view obscuring *fence*, compact evergreen hedge, berm or combination thereof that effectively provides visual separation or enclosure for the area enclosed and is only broken by access driveways and *walkways*.

SECONDARY SUITE means a *residential use* consisting of a self-contained *dwelling unit* wholly contained within the same *building* as a *single family dwelling*.

SENIOR CITIZEN HOUSING means a *multiple family dwelling* providing residential accommodation for persons and may include a common area for meals and food preparation, communal social or recreational facilities.

SERVICE STATION means a *use* providing for the retail sale of motor fuels including natural gas and diesel, lubricating oils, propane, and *vehicle* accessories and may include a cardlock facility and the servicing or repair of *vehicles*, but does not include *vehicle* body work or painting.

SETBACK means the required minimum distance, open and unobstructed to the sky, between a *building* or *structure* and a *lot line*, excluding any siting exceptions permitted in this Bylaw.

SHIPPING CONTAINER means a containment unit, typically 20 or 40 feet in length, for the storage of goods and materials designed for transportation by land, sea or air (trailer, rail car, barge, ship or plane), whether new or refurbished.

SIDE LOT LINE means the *lot line* or *lot lines*, not being the *front lot line* or *rear lot line*, common to more than one *lot* or to a *lot* and a *lane* or *walkway*, and includes the *exterior side lot line* and the *interior side lot line*.

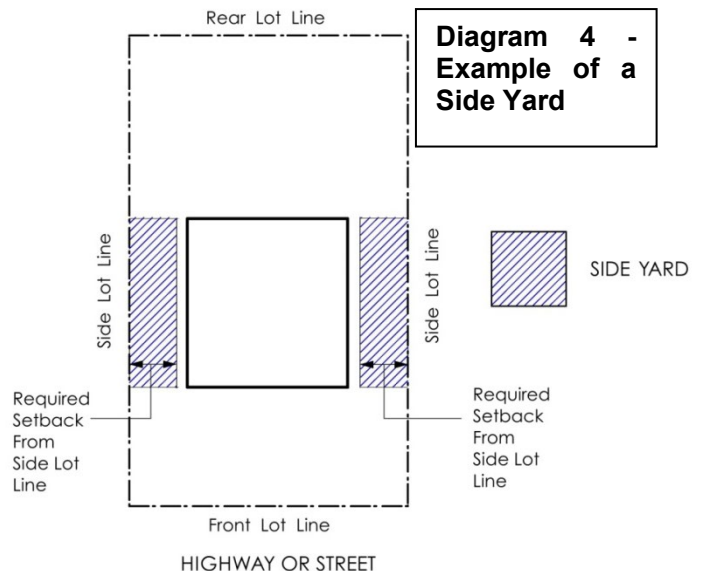
SIDE YARD means the area between a *side lot line* and the *setback* required from a *side lot line* and does not include the area of a *front yard* or *rear yard*. For guidance, see Diagram 4.

SINGLE FAMILY DWELLING means a single detached *building* for *residential use* in the form of only one *dwelling unit*, but does not include a *manufactured home*.

SLEEPING UNIT means one or more rooms for the lodging of a person or persons and that does not contain cooking facilities.

STREAM means:

- a) for the purposes of the *Riparian Areas Regulation*, a “stream” as defined within that Regulation; and



- b) for all other purposes, any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water for at least 6 months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

STREET means a road open to travel and use by the general public with a right of way allowance of not less than 10 metres in width.

STRUCTURE means any construction fixed to or sunk into land or water and includes *buildings*, *manufactured homes*, fabric or plastic covered structures, power generation structures, and signs, but does not include, *fences* or concrete and asphalt paving or similar surfacing of a *lot*.

SUBDIVISION means the division of land into 2 or more *lots*, whether by plan, apt descriptive words or otherwise.

TEMPORARY SAWMILL USE means silviculture, harvesting and the processing of timber and other forestry products grown only on the subject *lot*.

TOURIST INFORMATION SERVICES means a *building* or *structure* for the purpose of providing information to the travelling public and the business community.

TOWNHOUSE means a *residential use* consisting of 3 or more attached *dwelling units* where each *dwelling unit* has its principal access from a separate ground oriented entrance.

TRANSPORTATION USE means a *use* providing for the transport of people or the shipping and receiving of goods, including truck terminals, delivery and express facilities.

TRAVELLER ACCOMMODATION USE means a *use* providing primarily for temporary tourist accommodation in motels, hotels, hostels, or cabins and includes accessory uses such as *restaurant*, *entertainment use*, and other services and ancillary retail sales normally associated with motels and hotels but does not include *campground use*.

UNLICENSED VEHICLE means a *vehicle* which does not have a valid and current number plate issued pursuant to the Motor Vehicle Act.

USE means the purpose or function to which land, *buildings* or *structures* are designed or intended to be put, or for which they are occupied or maintained.

UTILITY USE means, works, *buildings*, plants, and equipment used and required for the distribution of water, natural gas, propane, electricity, telephone, communication services, or the collection of sewage but does not include a public works yard and *outdoor storage*, repair or maintenance of equipment.

VEHICLE means a motor vehicle, not running on rails, which is designed to be self-propelled or propelled by electric or fuel power and has an engine, frame and body, generally recognizable as a car, truck, bus, or motorcycle, but does not include a motor assisted bicycle or wheelchair.

VEHICLE WRECKING means the wrecking, salvaging or dismantling of *vehicles*, *vehicle* parts, *vehicle* frames or *vehicle* bodies and includes the storage of inoperable or *unlicensed vehicles* and the storage and sale of used parts of *vehicles*.

VETERINARY CLINIC means a facility operated under the supervision of a veterinarian for the care and treatment of domestic or wild animals, including equine or bovine species.

WALKWAY means a surfaced area for *use* by pedestrians, and includes a sidewalk.

WASTE MANAGEMENT USE means the collection, storage, processing, or transport of solid waste or any component of solid waste, including recyclables, at a waste transfer station.

WINERY, CIDERY, MEADERY, MICROBREWERY means the growing, processing, storage and sale of fruit, honey, or grain based beverages licensed under the Liquor Control and Licensing Act and may include a bistro and gift shop as an *accessory use*.

YARD means an open area unoccupied by any *building* or *structure*, unobstructed to the sky, and extending at or above grade from the *front*, *rear* or *side lot lines* respectively to the required *setbacks* from those *lot lines*.

ZONE means the areas into which the *District* is divided in accordance with the map shown and attached to this Bylaw and for which specific regulations outlined in this Bylaw for each area apply.

Part 3.0 ADMINISTRATION AND ENFORCEMENT

3.1 ADMINISTRATION

This Bylaw shall be administered by the *Chief Administrative Officer* or their delegate and any other person appointed to do so by *Council*.

3.2 INSPECTION

3.2.1 Subject to conformance with s. 16 of the *Community Charter*, any employee of the *District* or other person appointed by *Council* to enforce its bylaws may enter, at all reasonable times and in a reasonable manner, on any property or premises to ascertain whether the regulations set out herein are being observed, and may be assisted by a police officer, building, health or safety inspector or any combination as deemed necessary or appropriate by the *Chief Administrative Officer*.

3.2.2 A person must not prevent or obstruct, or attempt to prevent or obstruct, the authorized entry of any employee of the *District* or other person appointed to enforce its bylaws.

3.3 ENFORCEMENT

3.3.1 A person is deemed to have received written notice of a contravention of this Bylaw if any of the following actions have been taken by an employee, servant or agent of the *District*:

- a) notice has been delivered to the address of the property owner as recorded in the Land Title Office, in which case the owner is deemed to have received the notice on the 3rd business day following that date;
- b) notice has been delivered to the owner or occupier of the land or premises that is subject to the notice, in which case the owner or occupier is deemed to have received notice on the day it was delivered personally or on the 3rd business day following that date if delivered by mail; or
- c) notice has been posted at the location of the land or premises that is the subject of the notice, in which case the owner or occupier is deemed to have received the notice at the expiration of three (3) days immediately following the date the notice was so posted.

3.4 OFFENCE AND PENALTIES

3.4.1 Any person who:

- a) violates a provision of this Bylaw; or
- b) causes, permits, suffers or allows a provision of this Bylaw to be violated, commits an offence and on being convicted is liable to pay a fine of up to \$10,000.

3.4.2 Each day that such violation is caused to continue or allowed to continue constitutes a separate offence.

3.4.3 The District may enforce this Bylaw and recover costs and expenses related to enforcement by any method authorized by law.

Part 4.0 BASIC PROVISIONS

4.1 ZONES

For the purposes of this Bylaw, the District of Clearwater is hereby divided into the following *zones* (listed with their corresponding abbreviations) with the subject locations of these *zones* indicated on Schedule “A”: Zoning Map:

Zone	Short Form
Rural Zones	
Rural	RL-1
Small Holding	SH-1
Country Residential	CR-1
Residential Zones	
Single Family & Duplex Residential	R-1
Compact Residential	R-2
Multiple Family Residential	R-3
Manufactured Home Park	MHP-1
Commercial Zones	
General Commercial	C-1
Service Commercial	C-2
Neighbourhood Commercial	C-3
Recreational Commercial	C-4
Riverside Centre Mixed Use	MX-1
Industrial Zones	
Vehicle Wrecking	I-1
Light Industrial	I-2
Heavy Industrial	I-3
Public Use and Institutional Zones	
Parks and Recreation	P-1
Institutional	P-2

4.2 ZONE BOUNDARIES

- 4.2.1 Subject to subsections 4.2.2, 4.2.3 and 4.2.4 below, the boundaries of all *zones* are as indicated on Schedule “A”: Zoning Map.
- 4.2.2 Where a *zone* boundary is shown as following a *highway*, geographic feature, railway or right-of-way, the center line of the *highway*, feature, railway or right-of-way shall apply as the *zone* boundary.
- 4.2.3 Where a *zone* boundary does not approximate a legally defined line, and where the distances are not specifically indicated or where there are no explanatory notes setting out the *zone* boundary, the location of the boundary shall be determined by scaling from Schedule “A”: Zoning Map.
- 4.2.4 *Zone* boundaries at waterbodies shall be interpreted to extend to water edge.

4.3 NON-CONFORMING USES AND SITING

The lawful *use* of land and the siting of a *building* or other *structure* prior to the adoption of this bylaw may be continued subject to sections 528 and 529 of the Local Government Act.

4.4 AGRICULTURAL LAND RESERVE

4.4.1 In the case of lands within the *Agricultural Land Reserve*, the provisions of the Agricultural Land Commission Act, its regulations and the Orders of the Commission override and prevail over this Bylaw.

4.4.2 All uses of land within the *ALR* must comply with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, including the following:

- a) any additional dwelling, *duplex*, *carriage suite*, or *garden suite* is not permitted on lands within the *ALR* unless approved by the Agricultural Land Commission or approved by *ALR* regulations; and
- b) accommodation for agri-tourism on a farm is permitted on lands within the *ALR* subject to a maximum of 4 sleeping units.

4.5 PANHANDLE LOTS

4.5.1 Notwithstanding any other provision in this Bylaw, approval of a *panhandle lot* is at the discretion of the *Approving Officer*.

4.5.2 The *Approving Officer*, at his/her discretion may require corner cut-offs on a *subdivision* with a *panhandle lot* to ensure visibility and safety as illustrated in Diagram 5.

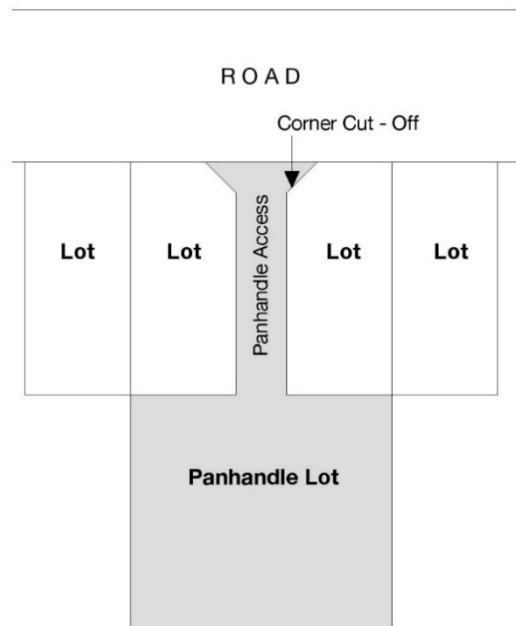


Diagram 5 - Example of a Panhandle Lot

Part 5.0 GENERAL REGULATIONS

5.1 USES PROHIBITED IN ALL ZONES

- 5.1.1 Any *use* not expressly permitted in this Bylaw is prohibited in all *zones* and where a particular *use* is expressly permitted in one *zone*, such *use* is prohibited in all *zones* where it is not expressly permitted.
- 5.1.2 The following *use* of land, *buildings* or *structures* is prohibited in all *zones*:
- a) any *use* located in a *recreational vehicle* except where expressly permitted for *campground use*.

5.2 USES PERMITTED IN ALL ZONES

Provided the land is not within the *ALR*, the following *uses* of land, *buildings* or *structures* are permitted in all *zones* and shall be exempt from the required minimum *lot area* unless specified otherwise in this Bylaw:

- a) a *community garden*;
- b) a geothermal heat exchange system located within the *building* containing a *principal use*, or contained within a separate *building* subject to the *accessory building* regulations of that *zone*;
- c) a solar panel affixed to the roof of a *building* provided the entire panel is within permitted maximum height;
- d) an *accessory use* that is located on the same *lot* and incidental to a permitted *principal use* in the applicable *zone*;
- e) municipal park; and
- f) *utility uses* including utility poles, hydro kiosks, wires, cables, traffic control devices, bus stop shelters, reservoirs, pump-houses, group mail boxes, underground utilities and associated *buildings* or *structures*, provided that there is no *outdoor storage* of equipment.

5.3 LOT AREA

Minimum *lot area* requirements of this Bylaw do not apply to *subdivision* in the following cases:

- a) the consolidation of existing *lots* or the addition of closed *highways* to an existing *lot*;
- b) building strata *lots* authorized pursuant to the Strata Property Act;
- c) bare land strata of permitted *manufactured home parks* in the MHP-1 *zone*, where required space and pad dimensions shall apply to strata *lots*;
- d) where the *subdivision* comprises an alteration of *lot* lines between two or more *lots* and no additional *lots* are created; no existing *building* or *structure* is rendered nonconforming; and the *subdivision* does not reduce the area of the subject *lots* to less than that of the smallest lot existing prior to the alteration; and
- e) where a *lot* is created under s. 514 of the Local Government Act (subdivision to provide residence for a relative), the minimum *lot area* shall be 8,000 square metres (2 acres) and in no case shall the Remainder be less than the minimum *lot area* stipulated in the *zone*.

5.4 TEMPORARY BUILDINGS OR RECREATIONAL VEHICLES

A *building* or *recreational vehicle* may be placed on a *lot* temporarily for construction purposes or for *residential use* while the *lot* is being developed provided that:

- a) a valid Building Permit has been issued by the *District* and is in effect for the development;
- b) the temporary *building* or *recreational vehicle* does not constitute or cause a public hazard or public nuisance and does not obstruct any public right-of-way;
- c) the temporary *building*, *structure* or *recreational vehicle* shall be used for a maximum of 1 year, unless the CAO has approved a further 1 year extension; and
- d) at the expiration of the Building Permit term the temporary *building* or *recreational vehicle* must be removed within 14 days.

5.5 ACCESSORY BUILDINGS

- 5.5.1 No *accessory building* shall be erected on any *lot* unless the *principal building* to which it is incidental has been erected, or will be erected simultaneously with the *accessory building*.
- 5.5.2 Where an independent *structure* / *building* is attached to the *principal building*, it shall be considered a part of the *principal building* and must comply in all respects with the *setback* requirements of this Bylaw for the *principal building*.
- 5.5.3 No *accessory building* shall be utilized as a *dwelling unit*, *sleeping unit* or have *habitable rooms* except as otherwise specifically permitted in this Bylaw.
- 5.5.4 Any fabric covered building or structure including a portable, pre-manufactured *building* located upon a *lot* to accommodate *uses* such as vehicle parking, storage, or greenhouses must conform to the applicable dimensional and setback provisions of this Bylaw.

5.6 STORAGE OF VEHICLES IN RESIDENTIAL AREAS

- 5.6.1 In addition to licensed *vehicles* regularly used by residents in Residential zones, the following ancillary storage of personal property or parking is permitted on the same *lot* as the *residential use*:
 - a) one *recreational vehicle*, camper or trailer; and
 - b) one pleasure boat.
- 5.6.2 The parking of one commercial *vehicle* on a residential *lot* owned or occupied by the driver of that commercial *vehicle* is permitted.
- 5.6.3 No *vehicle* repairs, maintenance, or sales of a commercial nature or storage of derelict or wrecked *vehicles* are permitted on a *lot* in any Rural or Residential *zone*.

5.7 SITING EXCEPTIONS

- 5.7.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, walk-in closets, hutch projections, bay windows and other similar ornamental features may project beyond the exterior wall of a *building* to a maximum of 0.6 metres (2ft) into the required *front yard*, *rear yard* or *side yard* of any *zone*.
- 5.7.2 Sunlight control devices, canopies, window wells and portions of steps, decks, balconies or porches which exceed 0.6 metres (2ft) above natural grade may project beyond any exterior wall of a *building* to a maximum of:
 - a) 2 metres (6.5 ft) into the required front *setback* of any *zone*;
 - b) 1.5 metres (5 ft) into the required rear *setback* of any *zone*; and

- c) 0.6 metres (2 ft) into the required side *setback* of any *zone*.
- 5.7.3 Free standing light poles, clothes line poles, *fences*, trellises, fishponds less than 25 sqm (270 sqft), ornaments, warning devices, antennas (excluding satellite dishes), masts, utility poles, wires, flag poles, signs, pump-houses, valve chambers, kiosks, weight scales, public utility, and other similar uses, may be sited on any portion of a *lot*, provided that they do not obstruct vision at an intersection.
- 5.7.4 Swimming pools with a water surface area greater than 25 sqm (270 sqft):
 - a) must comply with the required *setbacks* of the *zone*; and
 - b) must be included in the calculation of *site coverage*.
- 5.7.5 No swimming pool may be located in a required *front yard*, except children’s inflatable pools or a removable plastic pool with an area no greater than 3 square metres (32 sqft).
- 5.7.6 The *setback* requirement from the *interior side lot line* in this Bylaw does not apply to strata lots registered under the Strata Property Act where there is a common wall shared by two or more *dwelling units* within a *building*.

5.8 SPECIAL SETBACKS

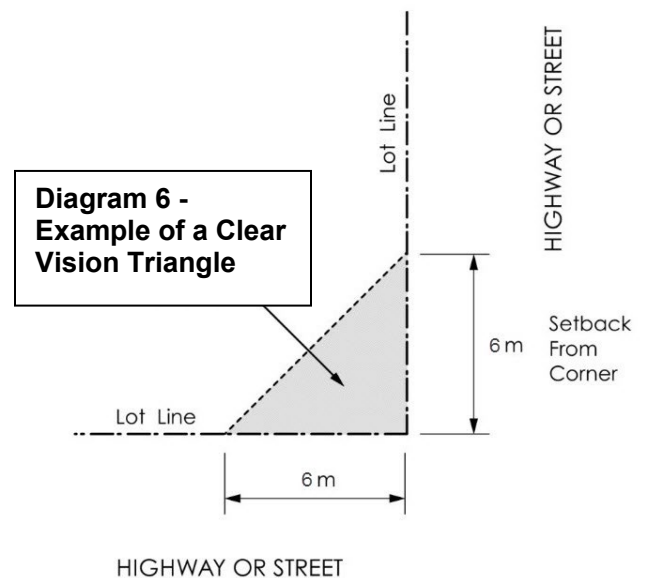
- 5.8.1 Notwithstanding any other provision of this Bylaw, no *building* or *structure*, except for a permissible sign, shall be located closer than 4.5 metres (15 feet) from a Provincial controlled access highway in any *zone*.
- 5.8.2 Subject to conformance with *BC Building Code* fire separations, a portion of any *building* roof or upper storey may project to a maximum of 0.75 metres (2.5 feet) over any required *setback* in all *zones*.
- 5.8.3 Pursuant to the *Riparian Areas Regulation*, special setbacks apply to any residential, commercial and industrial “development” that is proposed to occur within a “riparian assessment area”, as defined under that Regulation.

5.9 HEIGHT EXEMPTIONS

The following *structures* or *building* components are not subject to the *building height* restrictions specified in this Bylaw: industrial cranes, mechanical equipment on a roof top, grain elevators, storage silos, transmission and communication towers, water tanks, radio and television antennas or aerials, church spires, belfries and domes, monuments, chimney and smokestacks, flag or lighting poles, elevator shafts, ventilating machinery, cooling towers, stair towers, monitors, and masts.

5.10 CORNER VISION TRIANGLE

No person being the owner, occupier or lessee of a *lot* in a residential *zone* at the intersection of any *highway* or *street* shall place or permit to be placed any *landscaping*, *building* or *structure* exceeding 1 metre (3.3 ft) in height above the established grade of the intersecting *highway* or *street* within a triangular plane 6 metres (20 ft) along the *lot lines* from the intersecting *highways* or *streets*. For guidance, see Diagram 6.



5.11 FENCE HEIGHT RESTRICTIONS

- 5.11.1 Subject to corner vision triangle provisions of this Bylaw and except as otherwise required in this section, the following maximum height restrictions shall apply to *fences* in the R-1, R-2, R-3 zones:
- a) 1.2 metres (4 feet) in the *front yard* and that portion of a *side yard* that abuts a *street* in front of the *principal building*; and
 - b) 2 metres (6.5 feet) in the *side yard* and *rear yard*.
- 5.11.2 Notwithstanding the preceding, maximum *fence* height restrictions do not apply to open mesh or chain link type *fences* constructed for tennis courts, schools, utilities, Civic and Industrial zones or any other similar facility requiring safety and security. In these cases, such open mesh or chain link type *fences* shall not exceed a height of 5 metres (16.5 ft).
- 5.11.3 For C-2, I-1, I-2 and I-3 Zones, any lands used for storage of derelict *vehicles* and parts or *vehicle wrecking* must be completely enclosed by a well maintained, solid, view obstructing *fence* or wall of not less than 2.5 metres (8ft) in height and not more than 4 metres (13.2 ft) in height, except where the adjacent *lot* is also zoned C-2, I-1, I-2 or I-3;
- a) in C-2, I-1, I-2 and I-3 Zones, no *vehicles* or material shall be stored or stacked to a height greater than that of the surrounding *fence* or wall
 - b) barbed *fences* are permitted in Commercial, Industrial and Public and Institutional zones provided the barbed wire portion is a minimum of 2.1 metres (7ft) above grade at any point;
 - c) agricultural uses requiring specialized fencing and containment are exempt from this section in its entirety.
- 5.11.4 The height of a *fence* shall be measured from the base of the *fence*.

5.12 LANDSCAPING AND SCREENING REQUIREMENTS

- 5.12.1 A landscape plan is required with an application for a Building Permit or Development Permit in the R-3, C-1, C-2, C-3, C-4 and MX-1 zones except where the declared value of the Permit is less than \$50,000.
- 5.12.2 The landscape plan must show the extent and type of all proposed *landscaping* and *screening*, and any required buffer areas for the *lot* being developed.
- 5.12.3 The landscape plan must be designed, signed and sealed by a landscape architect, landscape designer or arborist certified pursuant to an enactment of British Columbia.
- 5.12.4 Where residential and industrial, commercial or institutional *use lots* are adjacent, all required setbacks along the common *lot lines*, other than areas used for driveways, must be provided and maintained with *landscaping* or *screening* or a view obstructing *fence* on the industrial, commercial or institutional *lot*. Such *screening* must be to a minimum height of 1.5 metres (5ft).
- 5.12.5 Garbage and recycling containers that are 1 cubic metre (35 cubic ft) or larger shall be screened from any *street*, *highway* and adjacent residential *use* by *landscaping* or *screening*, solid decorative *fence*, *structure* or *building* to a minimum height of 2.5 metres (8.2 ft).

5.13 COMMERCIAL KENNEL USE

All *commercial kennels* must be adequately sound proofed and set back a minimum of 6 metres (20ft) from all *lot lines*.

5.14 CAMPGROUND

5.14.1 All *campgrounds* must comply with:

- a) as applicable, the Sewerage System Regulation under the Public Health Act or Municipal Sewage Regulation under the Environmental Management Act; and
- b) Campground Bylaw No. 1209 as amended and superseded.

5.15 GOLF COURSE

All *golf courses* must meet the following conditions:

- a) one *building* that serves as a clubhouse for the *use* and enjoyment of golfers is permitted on the *lot*, and may include a *restaurant*;
- b) the retail sale of equipment and clothing necessary to golf is permitted, provided that the *gross floor area* devoted to such sales does not exceed 50 square metres (538 sqft); and
- c) where a *golf course* abuts a *highway*, a net at least 10 metres (33ft) in height to minimize the likelihood of golf balls striking passing *vehicles* must be provided between the fairways or driving range and the *highway*.

5.16 BED AND BREAKFAST

Bed and breakfast use, where permitted in this Bylaw, must comply with the following conditions:

- a) accommodation may be provided for not more than eight (8) persons as part of the *bed and breakfast use*;
- b) accommodation must be within the proprietor's *dwelling unit*;
- c) a maximum of four (4) *sleeping units* can be used for the *bed and breakfast*;
- d) no cooking or kitchen facilities shall be provided within the rooms of the *dwelling unit* intended for patron accommodations;
- e) one (1) onsite parking space must be provided for each bedroom used; and
- f) no *bed and breakfast* guest shall stay within the same *dwelling unit* for more than 60 days in a calendar year.

5.17 BOARDING USE

No more than two (2) *sleeping units* in a *single family dwelling* may be used for *boarding*, and the property owner must reside in the primary *dwelling unit*.

5.18 HOME BASED BUSINESS

Home based business where expressly permitted in this Bylaw as an *accessory use* must:

- a) be carried out primarily by residents of the property and except as specifically permitted must be confined to the interior of the *single family dwelling*, *duplex*, or *manufactured home*;
- b) have no more than one non-resident full time employee or two part-time employees;
- c) not vary the residential character and appearance of the *lot* or *buildings* and not result in any external change to a *building* for the purpose of accommodating the business with the exception of a sign in compliance with any Sign Bylaw in effect;

- d) have no exterior storage of materials or commodities on the subject *lot* and no exterior operations except in the case of greenhouse, agriculture or plant *nursery* operations;
- e) not create or emit noise, dust, vibration, smell, heat, smoke, odours, glare, electrical or radio interference, fire hazard, traffic congestion, or nuisance of any kind and must at all times preserve the privacy, peace, and enjoyment of adjacent owners; and
- f) not involve any of the following uses or associated activities:
 - i. sale, lease, salvage, repair or servicing of vehicles, engines, heavy duty equipment, trailers or boats;
 - ii. transportation or truck marshalling or commercial storage use;
 - iii. sawmills and/or any lumber processing;
 - iv. industrial scale or *hazardous business use*, as defined in Part 2 of this Bylaw;
 - v. welding;
 - vi. stable, *commercial kennel*, animal breeding;
 - vii. retail or wholesale of goods not produced on the *lot*;
 - viii. resale outlets such as pawnbrokers;
 - ix. dry cleaning or laundry services;
 - x. *restaurant*, pub, and any other assembly or entertainment occupancy; and
 - xi. *cannabis retail*.

5.19 CHILD CARE OR PRESCHOOL

A child care centre or *preschool* may be considered a *home based business* in this Bylaw subject to compliance with the following:

- a) be limited to no more than ten children;
- b) provide onsite parking in compliance with Part 6 of this Bylaw; and
- c) comply with all applicable laws and regulations of the Province.

5.20 MANUFACTURED HOME

A *manufactured home* must meet the following conditions:

- a) be placed on a foundation complying with the provisions of the current edition of the *BC Building Code*;
- b) be protected by an acceptable skirting which must be painted or stained; and
- c) be securely anchored to the foundation.

5.21 OUTDOOR STORAGE

5.21.1 *Outdoor storage* as a permitted or *accessory use* must conform to the following conditions:

- a) no *outdoor storage* is permitted in the *front yard* of a *lot* containing a *residential use*;
- b) the *site coverage* of *outdoor storage* must not exceed 40% of the total *site coverage*; and
- c) any *outdoor storage* on a *lot* shall be *setback* a minimum distance of:
 - i. 10 metres (33ft) from all *side lot lines* and *rear lot lines*;
 - ii. 30 metres (99ft) from all *residential uses*; and

iii. 30 metres (99ft) from the *natural boundary* of any river, *stream*, or lake.

5.21.2 Any *outdoor storage*, whether as a *principal* or *accessory use*, must be screened by a solid, view obstructing *fence* or *screen* that is not less than 1.8 metres (6ft) and not more than 2.5 metres (8ft) in height and that is located along each *lot line* or boundary of the *lot* that abuts a *street* or Residential zone.

5.21.3 No material within an approved *outdoor storage* area shall be piled to the height greater than that of the enclosing *fence* or *screen*.

5.22 SECONDARY SUITES

A maximum of one *secondary suite* is permitted within a *single family dwelling*, only where expressly permitted within a *zone*, and must meet the following requirements:

- a) must be wholly within the primary *dwelling unit* with a separate and distinct entrance;
- b) must meet the *BC Building Code* and all other applicable local and Provincial enactments;
- c) pay supplementary utility charges where applicable in conformance with *District* bylaws;
- d) must be located in and not exceed 40% of the habitable *gross floor area* of the *building*, to a maximum of 90 square metres (969 sqft);
- e) must provide parking upon the *lot* in conformance with Part 6 of this Bylaw; and
- f) must be registered with the *District* and inspected by the Building Inspector prior to occupation.

5.23 CANNABIS PRODUCTION FACILITIES AND CANNABIS RETAIL

5.23.1 *Cannabis production facilities* are permitted in the RL-1, I-2 and I-3 *zones* or lands within the *ALR*, provided that they meet the following conditions:

- a) the facilities must be licensed by Health Canada;
- b) the use must be located on a *lot* having a minimum *lot area* of 8 hectares (20 acres), except on lands *zoned* I-2 or I-3 where the minimum *lot area* shall be 2 hectares (5 acres) and
- c) all buildings used for *cannabis* production must be set back a minimum of 30 metres from all *lot lines*.

5.23.2 Notwithstanding section 5.23.1, where a *cannabis production facility* is no more than 200 square metres in area, the minimum required *lot area* in the RL-1 zone is 4 hectares.

5.23.3 *Cannabis retail* is permitted in the C-1 and MX-1 *zones* and is prohibited in all other *zones* including *zones* which broadly permit retail store or sales, convenience store, or accessory retail use, unless expressly permitted.

Notwithstanding the preceding, all production facilities in the *ALR* must comply with the provisions of the Agricultural Land Commission Act, the regulations thereto and any Orders of the Commission.

5.24 TEMPORARY DWELLING FOR CAREGIVING

5.24.1 Notwithstanding any restrictions set out in this Bylaw or any other bylaw, one *manufactured home* may be permitted on a *lot* for temporary use if the following conditions are met:

- a) the *lot* contains not more than one *single family dwelling*;
- b) the *lot area* is a minimum of 4,000 square metres (1 acre) if served by a *community water system* or a minimum area of 8,000 square metres (2 acres) if not served by a *community water system*;

- c) the *manufactured home* must be occupied by a person:
 - i. who is cared for or maintained by the owner of the said *lot*; or
 - ii. who is required to provide care for the owner of said *lot*; and
 - iii. for whom a physician has certified that such care is necessary;
- d) the *manufactured home* be sited not less than 6 metres (20ft) from any *lot* line and not less than 5 metres (16.5ft) from the principal dwelling;
- e) sewage disposal facilities in accordance with the Sewerage System Regulation must be provided for the *manufactured home*; and
- f) a restrictive covenant under s. 219 of the Land Title Act must be registered against the title of the *lot* stipulating the particulars of the conditions specified in this section.

5.24.2 The *manufactured home* must be removed from said *lot* if any of the conditions specified in the preceding section above, cease to exist.

5.24.3 Despite the preceding, no more than one dwelling per *lot* is permitted on *ALR* lands unless expressly approved by the Agricultural Land Commission.

5.25 DWELLINGS PER LOT

5.25.1 There shall be no more than one *single family dwelling*, one *duplex* or one *manufactured home* on any *lot* unless expressly permitted within the *zone*.

5.25.2 Notwithstanding s. 5.25.1, where a *lot* is used exclusively for *agricultural use*, one additional detached *dwelling unit* in conjunction with the *agricultural use* is permitted on that *lot* if the following conditions are met:

- a) the *lot* must be classified as 'Farm' under the Assessment Act;
- b) the *lot area* must be 8 hectares (20 acres) or more;
- c) any additional dwelling must be occupied only by a member of the owner's immediate family or by a person employed in agricultural operation;
- d) any additional dwelling must be 8 metres or more from any *lot* boundary; and
- e) any additional dwelling must be serviced with on-site water and sewage disposal in accordance with the requirements of the Provincial authority having jurisdiction.

5.25.3 Where an additional *dwelling unit* for *agricultural use* is permitted pursuant to s. 5.25.2, the owner must register a restrictive covenant against the title of the *lot* under s. 219 of the Land Title Act prohibiting use of the additional dwelling for any other tenancy than the occupancy of a person(s) engaged in agriculture work on the property.

5.25.4 Despite the preceding, no more than one dwelling per *lot* is permitted on *ALR* lands unless expressly approved by the Agricultural Land Commission.

5.26 SHIPPING CONTAINER

The placement of a *shipping container* is permitted as an *accessory use* only in the RL-1, SH-1, CR-1, and all C, I, and P *Zones*, subject to the following:

- a) no more than one *shipping container* 12.2 metres (40ft) in length or two *shipping containers* 6 metres (20ft) in length per *lot* in the RL-1, SH-1 and CR-1 *Zones*;
- b) no more than two *shipping containers* 12.2 metres (40ft) in length or four *shipping containers* 6 metres (20ft) in length per *lot* in C *Zones* and MX-1 *Zone*;
- c) no *shipping container* shall exceed 12.2 metres (40ft) in length;

- d) must comply with all applicable *accessory building setbacks* from *lot lines* and applicable conditions of *use*; and
- e) must be screened to an adequate height with a *fence, building, or evergreen landscaping*.

5.27 CONSTRUCTION CAMPS

Notwithstanding other provisions of this Bylaw, construction camps providing boarding and lodging facilities for employees or contractors working on major construction projects such as highways, power projects, transmission and utility lines, and mines are permitted within the RL-1, C-2, I-2, I-3, P-1, and P-2 *Zones* provided that:

- a) the minimum *lot area* is 4 hectares (10 acres);
- b) the construction camp complies with any Provincial statute or regulation in effect, including the Industrial Camps Regulation;
- c) the construction camp is set back a minimum of 50 metres from any *lot zoned* other than RL-1, C-2, I-2, I-3, P-1, and P-2;
- d) the duration of use does not exceed the construction period; and
- e) upon closure, the construction camp land is remediated to its former condition.

5.28 BEEKEEPING

Beekeeping is permitted in all zones subject to compliance with Animal Control Bylaw No. 148, 2016, as amended and superseded.

Part 6.0 OFF-STREET PARKING AND LOADING

6.1 GENERAL PROVISIONS/RESTRICTIONS

- 6.1.1 Off-street parking and loading spaces required for land, a *building* or *structure* in a development subject to a phased or incremental development agreement must be provided for each *building* or group of *buildings* at the time the *building* or groups of *buildings* are constructed.
- 6.1.2 An owner of land who provides off-street parking and loading spaces in excess of the requirements of this Bylaw must provide and maintain such additional spaces in conformity with the requirements of this Bylaw.
- 6.1.3 All owners of land, a *building* or a *structure* must provide *off-street parking areas* and *off-street loading spaces* for *vehicles* as required by this Bylaw prior to the occupancy or the commencement of the occupancy or *use*, as the case may be, of that land, *building* or *structure*.

6.2 LOCATION AND ALTERNATE SITES

Required *parking spaces* and *off-street loading spaces* must be located on the same *lot* as the *use* they serve; except that off-street parking and loading spaces for a *use* may be located on an alternate *lot* if the following conditions are met:

- a) the alternate *lot* is within 60 metres (197ft) of the *use* to be served by the *off-street parking area*; and
- b) the zoning of the alternate *lot* permits *off-street parking area* as a *principal use*.

6.3 OFF-STREET PARKING REDUCTIONS FOR SHARED PARKING

A reduction in the number of off-street *parking spaces* required by this Bylaw may be considered where two or more uses occupy a *lot* and have different parking demand peaks.

6.4 OFF-STREET PARKING SPACE DIMENSIONS

Off-street *parking spaces* must comply with the dimensions in Table 1 below:

Table 1 - Off-Street Parking Space Required Dimensions

Type of Off-Street Parking Space	Minimum Width	Minimum Length	Minimum Height
Standard Parking Space	2.7 m (9ft)	5.5 m (18ft)	2.1 m (7ft)
Parallel Parking Space	2.5 m (8ft)	6.5 m (21.3ft)	2.1 m (7ft)
Small Car Parking Space	2.4 m (8ft)	4.9 m (16ft)	2.1 m (7ft)
Parking Space for Disabled Persons	3.7 m (12ft)	5.5 m (18ft)	2.1 m (7ft)

6.5 SMALL CAR PARKING

A maximum of 20% of the number of required off-street *parking spaces* may have the minimum dimensions specified for small cars in Table 1, and such spaces must be clearly identified by pavement marking and a sign with the words “small cars only”.

6.6 PARKING FOR DISABLED PERSONS

6.6.1 Commercial, industrial, public and other *uses* required to be accessible by disabled persons must provide, as close as possible to the entrance of the *building* or *use*, disabled *parking spaces* on the following basis:

- a) 1 disabled *parking space* where 10 or less *parking spaces* are required;
- b) 2 disabled *parking spaces* where 10 to 50 *parking spaces* are required; and
- c) 3 disabled *parking spaces* where more than 50 standard *parking spaces* are required.

6.6.2 All disabled *parking spaces* must be clearly designated for disabled persons by a pavement marking and by a sign located at the front of the *parking space* with a disabled logo.

6.7 OFF-STREET LOADING REQUIREMENTS

6.7.1 All *off-street loading spaces* must be of an adequate size to accommodate the type and size of delivery *vehicle* that can be expected but in no case shall be less than 3 metres (10ft) in width, 9 metres in length (30ft) and 4 metres (13ft) in height.

6.7.2 Commercial, industrial, institutional and other *uses* involving delivery of goods or materials by *vehicles* must provide 1 *off-street loading space* for every 1,000 square metres of *gross floor area*.

6.7.3 *Apartments* and *senior citizen housing* containing more than 20 *dwelling units* must provide at least 1 *off-street loading space*.

6.8 ACCESS AND EGRESS

6.8.1 Except in the *Rural Zones* and the *R-1* and *R-2 Zones*, every off-street *parking space* must be designed so that all vehicular manoeuvres immediately into or out of the *parking space* are carried out on-site and not onto a *highway* or *street*.

6.8.2 Off-street parking and loading spaces may use a *lane* or manoeuvring aisle for access purposes provided traffic circulation on the *lane* or manoeuvring aisle, as the case may be, is not impeded.

6.8.3 The number, location, dimensions and design of driveway access must be as approved by the *District* or, in the case of a controlled access highway, the Province.

6.9 MANOEUVRING AISLE DIMENSIONS

6.9.1 Manoeuvring aisles must be provided to enable vehicular access to off-street *parking spaces* in accordance with Table 2.

Table 2 - Required Manoeuvring Aisle Dimensions

Angle of Parking Space from Manoeuvring Aisle	Minimum Width Manoeuvring Aisle	Traffic Direction
90 Degrees	7 metres (23ft)	Two-way
60 Degrees	5.4 metres (18ft)	One-way only
45 Degrees	4 metres (13ft)	One-way only
30 Degrees	3.3 metres (11ft)	One-way only
Parallel	7 metres (23ft)	Two-way
Parallel	3.8 metres (12.5ft)	One-way only

6.9.2 The length of a parallel *parking space* in Table 2 must be increased by 1.5 metres (5ft) where it abuts a *fence* or other *structure* or is at either end of a row of *parking spaces*.

6.9.3 Where a *manoeuvring aisle* provides access to *parking spaces* set at different angles on one or both sides of the aisle, the widest required minimum aisle width must be provided.

6.10 DELINEATION MARKINGS AND CURBS

6.10.1 Except in the Rural Zones and the R-1 & R-2 Zones, where asphalt, concrete or similar hard surface is provided all *off-street parking areas*, *off-street loading spaces*, manoeuvring aisles, accesses and egresses must be delineated by painted lines, curbs, signs or other appropriate means which must be maintained to ensure legibility.

6.10.2 Curbs or other appropriate barriers must be utilized to ensure *vehicles* do not encroach onto pedestrian *walkways*, landscaped areas or *highways* from *off-street parking areas*.

6.10.3 Required visitor *parking spaces* must be identified by the word "VISITOR" on or at each space.

6.11 SITING PROVISIONS

Except in the Rural Zones and the R-1 and R-2 Zones, no *off-street parking areas* or *off-street loading space* shall be sited:

- a) less than 1 metre (3.3ft) from any *lot line*; or
- b) within a horizontal distance of 1.5 metres (5ft) of a window of a *habitable room*.

6.12 LIGHTING

6.12.1 Illumination of off-street parking and loading spaces must be provided where:

- a) the total number of required off-street *parking spaces* exceeds 10 spaces; or
 - b) the *off-street parking area* is located on an alternate *lot* under s. 6.2.
- 6.12.2 Where illumination is provided for *off-street parking areas* or *off-street loading spaces*, the lighting fixtures must be located and arranged so that the lighting fixtures do not directly illuminate any adjoining *lot*.

6.13 CALCULATION GUIDELINES

- 6.13.1 Where more than one type of *use* is located on a *lot*, the total number of off-street parking or loading spaces must be the sum of the required number of spaces for each type of *use*.
- 6.13.2 When calculating the number of required off-street parking and loading spaces, a fractional total must be rounded up.
- 6.13.3 Where seating accommodation is the unit of measurement, and such accommodation consists of benches, pews, booths, stand-up counters or similar, each 0.5 metre (1.6ft) width of such seating shall be counted as one seat.
- 6.13.4 Where the number of employees is the unit of measurement, it shall mean the greatest number of persons at work at any time of the day or night in a particular *building* or *use*.
- 6.13.5 Where the size of a *building* or *structure* is the unit of measurement, the *gross floor area* shall be used, unless otherwise specified, to calculate the required number of off-street *parking spaces* and *off-street loading spaces*.

6.14 REQUIRED OFF-STREET PARKING SPACES

- 6.14.1 The minimum number of required off-street *parking spaces* must be provided as set out by use or, where not specifically listed, the most similar use in the following Table 3:

Table 3 - Required Off-Street Parking Spaces

Use	Minimum Number of Off-Street Parking Spaces
<i>Accessory residential use (boarding, bed and breakfast, secondary suite)</i>	1 per <i>dwelling unit</i> or <i>sleeping unit</i>
<i>Apartment or dwelling units in mixed use commercial buildings</i>	1.3 per <i>dwelling unit</i> , plus 0.2 visitor <i>parking spaces</i> per <i>dwelling unit</i>
<i>Home Based Business</i>	1 customer <i>parking space</i>
<i>Manufactured home park</i>	1 per manufactured home space, plus 1 visitor <i>parking space</i> per every 2 <i>manufactured homes</i>
<i>Single family dwelling/ duplex/ manufactured home</i>	2 per <i>dwelling unit</i>
<i>Senior citizen housing</i>	0.5 per <i>dwelling unit</i> , plus 0.2 visitor <i>parking spaces</i> per <i>dwelling unit</i>
<i>Townhouse or other multiple family dwelling excluding apartment</i>	1.5 per <i>dwelling unit</i> , plus 0.2 visitor <i>parking spaces</i> per <i>dwelling unit</i>
Office (Business or professional office)	1 per 30 sqm (323sqft) gross floor area
Recreational accommodation (campground)	1 per <i>sleeping unit</i> , plus 1 visitor <i>parking space</i> per every 3 <i>sleeping units</i>
<i>Restaurant</i>	1 per 4 indoor seats with a minimum of 3 for employees, plus 1 additional space for every 12 seasonal outdoor seats
Retail store	1 per 20 sqm (215sqft) <i>gross floor area</i> , excluding storage area;
<i>Traveller Accommodation Use (hotel, motel or motor inn, holiday or tourist cabin)</i>	1 per <i>sleeping unit</i>
Vehicle services (service station, vehicle sales or rental operation, vehicle service or repair, commercial vehicle storage)	1 per 2 employees, plus 2 per service bay

Assembly use or civic use	1 per 20 sqm (215 sqft) gross floor area
Entertainment facility, <i>place of worship</i> or <i>funerary use</i> .	1 per 5 seats or 1 per 20 sqm (215sqft) <i>gross floor area</i> , whichever is greater
Golf course	3 per fairway, plus 1 per practice tee
Outdoor recreation (public park, play field, <i>playground</i>)	1 per 200 sqm (2153sqft) gross field area
Recreation (bowling alley, pool hall, curling rink, racquet court)	2 per first 4 alleys/tables/sheets/courts and 1 per alley/table/sheet/court thereafter
(arena, gymnasium, swimming pool)	1 per 10 sqm (108sqft) ice or gym area 1 per 4 sqm water surface area
Community care facility (day care, nursery school, child minding)	1 per 20 sqm (215 sqft) indoor activity area
<i>Educational institution</i> (elementary and secondary school, college)	1.5 per elementary school classroom 3 per secondary school classroom 5 per college classroom
<i>Hospital or complex care facility</i>	1 per 3 beds
Chauffer business (taxi, limousine)	1 per company <i>vehicle</i> that operates from the <i>premises</i>
Commercial carriers (bus depot, freight terminal)	1 per 20 sqm (215 sqft) <i>gross floor area</i> , excluding all storage areas

Building supply and lumber yard	1 per 50 sqm (538 sqft) gross floor area, excluding all storage areas
Heavy industrial (resource processing, primary manufacturing)	1 per employee, plus 1 per 100 sqm (1076sqft) gross floor area, excluding all storage areas
Light/Service industrial (manufacturing)	1 per 100 sqm (1,076sqft) gross floor area, excluding all storage areas, plus 1 per 40 sqm (430 sqft) of gross floor area used for an accessory office or retail area
<i>Mini-storage facility</i>	2 visitor parking spaces and 1 per employee
Vehicle sales or rental and vehicle servicing or repair	1 per 200 sqm (2,153sqft) gross floor area, excluding all storage areas, plus 1 per 40 sqm (430sqft) of gross floor area used for an accessory office or retail area
Warehousing	1 per 200 sqm (2,153sqft) of workshop area excluding all storage areas, plus 1 per 40 sqm (430sqft) of gross floor area used for an accessory office

Part 7.0 RURAL ZONES

7.1 RURAL (RL-1) ZONE

7.1.1 PURPOSE

The purpose of this *zone* is to provide for predominantly large *lots* which, by reason of their resource potential, arability, isolation from urban development and urban services, are suited for agricultural, resource, recreational or low *density* rural *uses*. This *zone* also applies to extensive Crown and ALR lands.

7.1.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *agricultural use*;
- b) *nursery*;
- c) *open land recreation*;
- d) *medical marihuana production facility*;
- e) *temporary sawmill use*;
- f) sand and gravel pit in the case of District Lot 1724, KDYD;
- g) *winery, cidery, meadery, microbrewery*; and
- h) one *single family dwelling* or one *manufactured home* or, where land is not within the ALR, one *duplex*.

The following are permitted as *accessory uses*:

- i) *accessory building*;
- j) *bed and breakfast*;
- k) *boarding*;
- l) one *carriage suite* or *garden suite* on *lots* larger than 2 ha (5 acres) where land is not within the ALR;
- m) *home based business*;
- n) *commercial kennel*; and
- o) *secondary suite*.

7.1.3 PERMITTED USES – SITE SPECIFIC

The following *uses* are permitted on a site-specific basis only:

- a) *bed and breakfast* home business in a detached *building* with a maximum of four rentable rooms for the temporary accommodation of not more than eight persons in the case of Lot B, Plan EPP36167 (625 Greer Road).

7.1.4 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be 4 hectares (10 acres) except for lands within the ALR where the minimum *lot area* shall be 8 hectares (20 acres).

7.1.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

a) *Lot coverage, building height and setbacks* shall be provided in accordance with the following Table 4:

	Principal Building	Accessory Building
Maximum Lot Coverage	No maximum	
Maximum Building Height	No maximum	No maximum
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

- b) Notwithstanding s. 7.1.5(a), industrial equipment used for *temporary sawmill use* that has the potential to create noise, dust, vibration, odours or nuisance shall be setback a minimum of 300 metres (985ft) from an established residence in any *zone*.
- c) Notwithstanding s. 7.1.5(a), a *building* or equipment used for the processing of aggregate materials shall be setback a minimum of 300 metres (985ft) from an established residence in any *zone*.
- d) Notwithstanding s. 7.1.5(a), processing and stockpiling of composting material must not occur within 30 metres (98ft) of any *lot line* or domestic water supply intake nor within 15 metres (49ft) of any *stream* or watercourse.

7.2 SMALL HOLDING (SH-1) ZONE

7.2.1 PURPOSE

The purpose of this *zone* is to secure a rural residential environment so that property owners who seek the privacy of a larger *lot* rural context may be independently served by on-site water and septic services and be protected from the premature intrusion of higher *density* development.

7.2.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) one *single family dwelling* or one *manufactured home* or, where land is not within the *ALR*, one *duplex*; and
- b) for *ALR* land, *agricultural use* (see s. 4.4).

The following are permitted as *accessory uses*:

- c) *accessory building*;
- d) *bed and breakfast*;
- e) *boarding*;
- f) *home based business*;
- g) *secondary suite*; and
- h) keeping of a limited number of animals as set out in the Animal Control Bylaw.

7.2.3 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be 2 hectares (5 acres).

7.2.4 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, *building height* and *setbacks* shall be provided in accordance with the following Table 5:

	Principal Building	Accessory Building
Maximum Lot Coverage	No maximum	
Maximum Building Height	No maximum	No maximum
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

7.3 COUNTRY RESIDENTIAL (CR-1) ZONE

7.3.1 PURPOSE

The purpose of this *zone* is to identify lands which, by reason of adequate drainage, sufficient supply of potable water, availability of adequate sewage disposal, proximity to urban services, are suited for rural *residential use*.

7.3.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) one *single family dwelling* or one *manufactured home* or, where land is not within the *ALR*, one *duplex*; and
- b) for *ALR* land, *agricultural use* (see s.4.4).

The following are permitted as *accessory uses*:

- c) *accessory building*;
- d) *bed and breakfast*;
- e) *boarding*;
- f) *home based business*;
- g) *secondary suite*; and
- h) keeping of a limited number of animals as set out in the Animal Control Bylaw.

7.3.3 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be:

- a) 0.4 hectares (1 acre) where the *lot* is serviced by a *community water system*; or
- b) 1 hectare (2.5 acres) where the *lot* is not serviced by a *community water system*.

7.3.4 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, *building height* and *setbacks* shall be provided in accordance with the following Table 6:

	Principal Building	Accessory Building
Maximum Lot Coverage	No maximum	
Maximum Building Height	No maximum	No maximum
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

Part 8.0 RESIDENTIAL ZONES

8.1 RESIDENTIAL SINGLE FAMILY AND DUPLEX (R-1) ZONE

8.1.1 PURPOSE

The purpose of this *zone* is to provide for conventional, low *density*, suburban residential development.

8.1.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) one *single family dwelling*, one *duplex*, or one *manufactured home*.

The following are permitted as *accessory uses*:

- b) *accessory building*;
- c) *bed and breakfast*;
- d) *boarding*;
- e) *home based business*; and
- f) *secondary suite*.
- g) *duplex suite*, where each half-duplex may contain one suite, only in the case of District Lot 3852, KDYD, Except: (1) Plans H558, 12907, 19332, 24061 and KAP70712; (2) Parcel A (DD250793F); AND Lot A, District Lot 3852, KDYD, Plan 24061, Except Plans 24951 and KAP70712.

8.1.3 CONDITIONS OF USE

- a) A *manufactured home* must have a minimum width of 6.5 metres (22ft).
- a) The total *gross floor area* of all *accessory buildings* shall not exceed 65 square metres (700 sqft).
- b) Notwithstanding the preceding, where a *lot* is 4,000 square metres (1 acre) or greater, the total *gross floor area* of all *accessory buildings* permitted shall not exceed 200 square metres (2,153 sqft).

8.1.4 REQUIREMENTS FOR SUBDIVISION

- a) The minimum *lot area* for a *lot* created by *subdivision* shall be:
 - i. 700 square metres (7,535 sqft) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*; or
 - ii. 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
 - iii. 1 hectare (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.
- b) The minimum *frontage* of a *lot* shall be 15 metres (50ft) except where a *lot* fronts the bulb of a cul-de-sac road in which case the minimum frontage shall be 9m (30ft).

8.1.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and setbacks shall be provided in accordance with the following Table 7:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 40%	
Maximum Building Height	10 metres (33ft)	6 metres (20ft)
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metre (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

8.2 COMPACT RESIDENTIAL (R-2) ZONE

8.2.1 PURPOSE

The purpose of this *zone* is to accommodate single or *duplex* detached *residential use* with greater *lot coverage* on smaller *lots* serviced by community water and sanitary sewer systems.

8.2.2 PERMITTED USES

The following *principal uses* and no others are permitted:

a) *one single family dwelling* or *one duplex*.

The following are permitted as *accessory uses*:

b) *communal buildings* on common property;

c) *bed and breakfast*;

d) *boarding*;

e) *home based business*;

f) *secondary suite*; and

g) *one accessory building per lot*.

8.2.3 CONDITIONS OF USE

a) Only 1 *accessory building* to a maximum *gross floor area* of 65 square metres (700 sqft) is permitted per *lot* except when located on strata common property where no maximum shall apply.

b) All *lots* in the R-2 *zone* must be serviced by a *community water system* and *community sanitary sewer system*.

8.2.4 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be 400 square metres (4,306 sqft) for a *single family dwelling* and 600 square metres (6,459 sqft) for a *duplex*.

8.2.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, *building height* and *setbacks* shall be provided in accordance with the following Table 8:

	Principal Building	Accessory Building *
Maximum Lot Coverage	Total 45%	
Maximum Building Height	10 metres (33ft)	5 metres (16.5ft)
Setback Required from:		
Front Lot Line	6 metres (20ft)	N/A*

Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)
*In the R-2 Zone an <i>accessory building</i> must be located in the <i>rear yard</i> except when located on common property in a Strata Development.		

8.3 MULTIPLE FAMILY RESIDENTIAL (R-3) ZONE

8.3.1 PURPOSE

The purpose of this *zone* is to accommodate multiple family *residential use* in the central precinct of the *District* on *lots* serviced by community water and sanitary sewer systems.

8.3.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *multiple family dwelling*; and
- b) *senior citizen housing*;

The following are permitted as *accessory uses*:

- c) *accessory building*;
- d) common or private amenity areas;
- e) in the case of an *apartment*, up to 33% of the ground floor level *gross floor area* can be used for *professional office use*;
- f) *home based business* subject to there being no non-resident employees and no customers attending the premises; and
- g) *preschool*.

8.3.3 PERMITTED USES – SITE SPECIFIC

The following *uses* are permitted on a site-specific basis only:

- a) *duplexes* with a 0m interior side lot setback in a bare land strata development in the case of Lots 1-32, Plan EPS2429, KDYD.
- b) *single family dwelling* in the case of Strata Lots 3 to 32, District Lot 3856, KDYD, Strata Plan EPS2429, together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (400-484, 488 Lytton Crescent).
- c) The maximum density for *apartment* or *senior citizen housing* is increased to 80 units per ha to allow 59 dwelling units and the amenity area is decreased to 3.34 square meters (36 sq ft) for three units, in the case of Lot A, District Lot 73, KDYD, Plan EPP81829 (240 Park Drive).

8.3.4 CONDITIONS OF USE

- a) A common amenity area of not less than 100 square metres (1,077 sqft) and minimum dimension of not less than 6 metres (20ft) shall be provided for all *buildings* containing 10 or more *dwelling units* on a *lot*. Such a common amenity area may include a swimming pool, sauna, exercise room, tennis courts, playground, courtyard, craft and games room, meeting room and similar recreational/social oriented facilities.
- b) An outdoor amenity area of not less than 15 square metres (162 sqft) and having minimum dimension of not less than 3 metres (10ft) shall be provided for and contiguous to each *townhouse*.
- c) An amenity area of not less than 5 square metres (54 sqft) and minimum dimension of not less than 1.5 metres (5ft) shall be provided for and contiguous to each *dwelling unit* in an *apartment*.

- d) Amenity areas within a *multiple family dwelling* may include a patio, sun deck, balcony or terrace.

8.3.5 REQUIREMENTS FOR SUBDIVISION

- a) The minimum *lot area* for a *lot* created by *subdivision* for a *building* or *buildings* consisting of 4 or less *dwelling units* shall be 900 square metres (9,688 sqft).
- b) The minimum *lot area* for a *lot* created by *subdivision* for a *building* or *buildings* consisting of 5 or more *dwelling units* shall be 1,000 square metres (0.25 acres).
- c) The minimum *frontage* of a *lot* shall be of 30 metres (99ft).

8.3.6 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and setbacks shall be provided in accordance with the following Table 9:

	Apartment or Senior Citizen Housing	Other Multiple Family Building	Accessory Building
Maximum Lot Coverage	Total 60%	Total 45%	Included in Total
Maximum Density	70 units/hectare (28 units/acre)	35 units/hectare (14 units/acre)	Included in Total
Maximum Building Height	15 metres (50ft)	12 metres (40ft)	5 metres (16.5ft)
Setback Required from:			
Front Lot Line	7.5 metres (25ft)	7.5 metres (25ft)	7.5 metres (25ft)
Rear Lot Line	6 metres (20ft)	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	6 metres (20ft)	6 metres (20ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)	4.5 metres (15ft)

8.4 MANUFACTURED HOME PARK (MHP-1) ZONE

8.4.1 PURPOSE

The purpose of this *zone* is to accommodate *manufactured home parks* with either leased MHP spaces or strata titled MHP lots, in appropriate locations.

8.4.2 PERMITTED USES

The following *principal uses* and no others are permitted:

a) *manufactured home park*.

The following are permitted as *accessory uses*:

b) *accessory building*;

c) *home based business*;

d) amenity areas for the *use* of the *manufactured home park* residents and visitors; and

e) one *caretaker dwelling unit*.

8.4.3 CONDITIONS OF USE

Manufactured home parks shall comply with requirements of District of Clearwater Manufactured Home Parks Bylaw No. 1949 as amended and superseded.

8.4.4 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for the overall *manufactured home park lot* shall be 2 hectares (5 acres).

8.4.5 MAXIMUM DENSITY

The maximum density of a *manufactured home park* shall be 17 units per hectare (7 units/acre).

8.4.6 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

The District of Clearwater Manufactured Home Parks Bylaw No. 1949 as amended or superseded, sets out the required provisions for a *manufactured home park*.

Part 9.0 COMMERCIAL ZONES

9.1 GENERAL COMMERCIAL (C-1) ZONE

9.1.1 PURPOSE

The purpose of this *zone* is to provide for comprehensive commercial development for the sale of consumer goods and services commonly available in a central business area that is oriented to both pedestrian and vehicle traffic. Development in this *zone* is generally governed by OCP Development Permit requirements.

9.1.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *assembly use*;
- b) *professional office*;
- c) *civic use*;
- d) *personal service use*;
- e) *funerary use*;
- f) *entertainment use*;
- g) *restaurant*;
- h) *retail store*, including *convenience store*;
- i) *cannabis retail*;
- j) *public market*;
- k) *service station*;
- l) *traveller accommodation use*; and
- m) *off-street parking area*.

The following are permitted as *accessory uses*:

- n) *accessory building*; and
- o) *dwelling units* in the principal commercial building, except on *lots* greater than 0.8 ha (2 acres) in area, where one *single family dwelling* may be detached from any principal commercial building.

9.1.3 PERMITTED USES – SITE SPECIFIC

- a) *Veterinary clinic* or animal hospital in the case of Lot 1, District Lot 2905, KDYD, Plan 39350 (205E Old North Thompson Hwy).

9.1.4 CONDITIONS OF USE

- a) *Retail stores* permitted in this *zone* shall not include *buildings* or yards for the sale of new of used *vehicles*, farm or industrial machinery.

- b) *Dwelling units* permitted in a principal commercial *building* shall have a separate entrance from that of the permitted commercial *use* and be located on the same level or above the commercial *use*.

9.1.5 REQUIREMENTS FOR SUBDIVISION

- a) The minimum *lot area* for a *lot* created by *subdivision* shall be:
 - i. 500 square metres (5,382 sqft) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*;
 - ii. 2,000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
 - iii. 1 hectare (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.
- b) The minimum *frontage* of a *lot* shall be 15 metres (50 ft).

9.1.6 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

- a) *Lot coverage*, *building height* and *setbacks* shall be provided in accordance with the following Table 10:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 60%	
Maximum Building Height	15 metres (50ft)	6 metres (20ft)
Setback Required from:		
Front Lot Line	0 metres	6 metres (20ft)
Rear Lot Line	5 metres (16.5ft)	5 metres (16.5ft)
Interior Side Lot Line	3 metres (10ft)	3 metres (10ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

- b) Notwithstanding s. 9.1.5(a), a detached *single family dwelling* shall not be located within 3 metres (10ft) of a principal commercial *building*.

9.2 SERVICE COMMERCIAL (C-2) ZONE

9.2.1 PURPOSE

The purpose of this *zone* is to accommodate larger scale and more *vehicle* oriented commercial *uses* which may involve more intensive workshop type *uses*, secondary or service commercial *uses*, and sales and may require larger areas of land. Development in this *zone* is generally governed by OCP Development Permit requirements.

9.2.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) car wash;
- b) *civic use*;
- c) *professional office*;
- d) *commercial vehicle storage*;
- e) *convenience store*;
- f) contractors yard and building supply;
- g) *entertainment use*;
- h) *mini-storage facility*;
- i) *nursery*;
- j) *personal service use*;
- k) *restaurant*;
- l) fabrication shop, including the sale of goods produced;
- m) *service station*;
- n) *transportation use*;
- o) *agricultural use*;
- p) towing operation and associated *vehicle* storage excluding *vehicle wrecking*;
- q) *veterinary clinic* or animal hospital, including *commercial kennel*;
- r) *vehicle* sale, service, rental, repair; and
- s) *off-street parking area*.

The following are permitted as *accessory uses*:

- t) *accessory building*;
- u) *outdoor storage*; and
- v) one *caretaker dwelling unit*.

9.2.3 PERMITTED USES – SITE SPECIFIC

- a) *Cannabis retail* in the case of Lot A, District Lot 73, KDYD, Plan KAP47003 (343 Clearwater Valley Road).

9.2.4 CONDITIONS OF USE

The *gross floor area* of a *convenience store* as an *accessory use* shall not exceed 140 square metres (1,510 sqft).

9.2.5 REQUIREMENTS FOR SUBDIVISION

- a) The minimum *lot area* for a *lot* created by *subdivision* shall be:
 - i. 1000 square metres (0.25 acres) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*;
 - ii. 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
 - iii. 1 hectare (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.
- b) The minimum *frontage* of a *lot* shall be 20 metres (66ft).

9.2.6 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

- a) *Lot coverage*, *building height* and *setbacks* shall be provided in accordance with the following Table 11:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 60%	
Maximum Building Height	15 metres (50ft)	12 metres (40ft)
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	6 metres (20ft)
Interior Side Lot Line	3 metres (10ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

- b) Notwithstanding s. 9.2.5(a), *service station buildings* must be *setback* a minimum of 12 metres (40ft) from the *front lot line*, and uncovered fuel pump islands must be *setback* a minimum of 5 metres (16.5ft) from all *lot lines*.

9.3 NEIGHBOURHOOD COMMERCIAL (C-3) ZONE

9.3.1 PURPOSE

The purpose of this *zone* is to accommodate local convenience commercial *uses* that serve individual neighbourhoods and do not result in a destination for *vehicle* travel from across the broader *District*.

9.3.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *personal service use*;
- b) *professional office*;
- c) *convenience store*;
- d) *restaurant*; and
- e) *off-street parking area*.

The following are permitted as *accessory uses*:

- f) *accessory building*; and
- g) one *caretaker dwelling unit*.

9.3.3 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be:

- a) 500 square metres (5,382 sqft) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*;
- b) 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
- c) 1 ha (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.

9.3.4 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and setbacks shall be provided in accordance with the following Table 12:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 40%	
Maximum Building Height	10 metres (33ft)	10 metres (33ft)
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	6 metres (20ft)
Interior Side Lot Line	3 metres (10ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

9.4 RECREATIONAL COMMERCIAL (C-4) ZONE

9.4.1 PURPOSE

The purpose of this *zone* is to accommodate commercial *uses* that provide for the recreational needs of residents and the travelling public.

9.4.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *campground*;
- b) *traveller accommodation use*;
- c) *entertainment use*;
- d) *civic use*;
- e) *tourist information services*;
- f) *marina*;
- g) *golf course*;
- h) *restaurant*;
- i) *tourist related retail including, but not limited to gift shop and produce stand*;
- j) *resort*;
- k) *river oriented recreational facilities*; and

The following are permitted as *accessory uses*:

- l) *accessory building*; and
- m) *one caretaker dwelling unit*.

9.4.3 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be:

- a) 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*; or
- b) 1 ha (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.

9.4.4 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and setbacks shall be provided in accordance with the following Table 13:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 40%	
Maximum Building Height	No maximum	No maximum
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	6 metres (20ft)
Interior Side Lot Line	3 metres (10ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

9.5 RIVERSIDE CENTRE MIXED USE (MX-1) ZONE

9.5.1 PURPOSE

The purpose of this *zone* is to permit a broad mix of commercial, residential, and *home based business* developments in Clearwater Riverside Centre. Commercial and multi-family development in this *zone* is governed by OCP Development Permit requirements; however, single and *duplex* development is exempt from Development Permit requirements.

9.5.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *assembly use*;
- b) *multiple family dwelling*;
- c) *single family dwelling*;
- d) *duplex*;
- e) *personal service use*;
- f) *professional office*;
- g) *civic use*;
- h) *funerary use*;
- i) *entertainment use*;
- j) *fabrication shop*, including the sale of goods produced;
- k) *mini-storage facility*;
- l) *car wash*;
- m) *preschool*;
- n) *dwelling units* in a *commercial building*;
- o) *retail store*, including *convenience store*;
- p) *cannabis retail*;
- q) *public market*;
- r) *service station*;
- s) *traveller accommodation use*;
- t) *restaurant*; and
- u) *off-street parking area*.

The following are permitted as *accessory uses*:

- v) *accessory building*;
- w) *secondary suite*; and
- x) *home based business*.

9.5.3 CONDITIONS OF USE

- a) *Dwelling units* permitted in a commercial *building* shall have a separate entrance from that of the permitted commercial *use* and be located on the same level or above the commercial *use*.

9.5.4 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be:

- a) 500 square metres (5,382 sqft) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*;
- b) 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
- c) 1 ha (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.

9.5.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and *setbacks* shall be provided in accordance with the following Table 14:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 60%	
Maximum Building Height	15 metres (50ft)	6 metres (20ft)
Setback Required from:		
Front Lot Line	0 metres	6 metres (20ft)
Rear Lot Line	5 metres (16.5ft)	6 metres (20ft)
Interior Side Lot Line	3 metres (10ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

Part 10.0 INDUSTRIAL ZONES

10.1 VEHICLE WRECKING (I-1) ZONE

10.1.1 PURPOSE

The purpose of this *zone* is to accommodate *vehicle wrecking* and storage compounds in suitable areas where other industrial uses may not be suitable and to provide clarity for the enabling of this land *use*. This *use* is not permitted in any other *zone*.

10.1.2 PERMITTED USES

The following *principal uses* and no others are permitted:

a) *vehicle wrecking*;

The following are permitted as *accessory uses*:

b) *accessory building*;

c) *vehicle* repair and painting; and

d) one *caretaker dwelling unit*.

10.1.3 CONDITIONS OF USE

- a) Land used for *vehicle wrecking* and the accessory salvage of goods and materials must be maintained so as to be dust free at all times.
- b) Storage of *vehicles* is not permitted within 30 metres of the *natural boundary* of any *stream* or watercourse.
- c) Battery acid neutralization and waste oil storage facilities must be provided.
- d) All areas used for wrecking and storage of *vehicles* must be graded so that no oil or gas can drain into any *stream* or watercourse.
- e) Any potentially hazardous or deleterious *use* including *vehicle* storage must be set back from drinking water sources and wells as prescribed by Provincial standards and regulations.

10.1.4 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be 1 hectare (2.5 acres).

10.1.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

- a) *Lot coverage*, *building height* and *setbacks* shall be provided in accordance with the following Table 15:

Maximum Lot Coverage	No maximum
Maximum Building Height	10 metres (33ft)
Setback Required from:	
Front Lot Line	7.5 metres (25ft)
Rear Lot Line	7.5 metres (25ft)
Interior Side Lot Line	7.5 metres (25ft)
Exterior Side Lot Line	7.5 metres (25ft)

- b) Notwithstanding s.10.1.5(a), where a *lot* zoned Vehicle Wrecking (I-1) adjoins or abuts a *lot* in an Industrial zone, the *rear lot line* or *interior side lot line setbacks* do not apply.

10.2 LIGHT INDUSTRIAL (I-2) ZONE

10.2.1 PURPOSE

The purpose of this *zone* is to accommodate a wide range of light and general industrial uses such as warehousing, wholesaling, manufacturing, assembly and a limited range of commercial *uses*, and to differentiate it from heavy and potentially deleterious industrial *uses*.

10.2.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) manufacturing, processing, finishing and packaging
- b) auction sales;
- c) contractors yard and building supply;
- d) bulk fuel, heating oil and propane storage and distribution;
- e) *waste management use*;
- f) *civic use*;
- g) *commercial vehicle storage*;
- h) equipment sales, service and rental;
- i) household and other small appliance sales and service;
- j) wholesaling, warehousing and storage including *outdoor storage*;
- k) *nursery*;
- l) *medical marihuana production facility*;
- m) processing of wood and forest products on a limited scale;
- n) processing of sand and gravel including screening, crushing, watering and production of concrete and asphalt;
- o) works yard;
- p) *transportation use*;
- q) *vehicle* sales, storage, rental, or repair, including vehicle body repair and painting;
- r) *veterinary clinic*; and
- s) *agricultural use*.

The following are permitted as *accessory uses*:

- t) *accessory buildings*, including, without limiting the generality of the foregoing, materials handling equipment, scales and storage *buildings*.
- u) office accessory to the operation of any of the *principal uses* permitted in this *zone*;
- v) retail sales accessory to the operation of any of the *principal uses* permitted in this *zone*;
- w) *restaurant*; and
- x) one *caretaker dwelling unit*.

10.2.3 PERMITTED USES – SITE SPECIFIC

The following uses are permitted on a site-specific basis only:

- a) Racetrack in the case of Lot A, District Lot 1725, KDYD, Plan KAP91502.

10.2.4 CONDITIONS OF USE

- a) *Commercial vehicle storage* outside a *building* as a permitted *principal use* shall be limited to that part of the *lot* surfaced with asphalt, concrete or similar hard surface and shall not exceed a total *lot coverage* of 50%.
- b) A *mini-storage facility* shall:
 - i. be completely enclosed within a *building*; and
 - ii. have adequate on-site drainage works and shall not drain onto or create a drainage hazard for an adjacent *lot*.
- c) All individual storage units within a *mini-storage facility* shall have:
 - i. direct access at the ground level and a maximum interior height of 3.3 metres (11ft); and
 - ii. a *gross floor area* of not less than 2.8 square metres (30 sqft) and not more than 28 square metres (300 sqft).
- d) An *accessory building* for security personnel (watch person) shall not exceed a *gross floor area* of 20 square metres (215 sqft).
- e) An accessory office shall not exceed 25% of the *gross floor area* of the *principal uses* on the *lot*.
- f) The *gross floor area* of a *restaurant* as an *accessory use* shall not exceed 70 square metres (754 sqft).

10.2.5 REQUIREMENTS FOR SUBDIVISION

- a) The minimum *lot area* for a *lot* created by *subdivision* shall be:
 - i. 1000 square metres (0.25 acres) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*;
 - ii. 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
 - iii. 1 hectare (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.
- b) The minimum *frontage* of a *lot* shall be 20 metres (66ft).

10.2.6 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

- a) *Lot coverage*, *building height* and *setbacks* shall be provided in accordance with the following Table 16:

Maximum Lot Coverage	No maximum
Maximum Building Height	No maximum
Setback Required from:	

Front Lot Line	6 metres (20ft)
Rear Lot Line	3 metres (10ft)
Interior Side Lot Line	3 metres (10ft)
Exterior Side Lot Line	4.5 metres (15ft)

- b) Notwithstanding s. 10.2.5(a), where a *lot* zoned Light Industrial (I-2) adjoins or abuts a *lot* in an Industrial *zone*, the *rear lot line* or *interior side lot line setbacks* do not apply.
- c) Notwithstanding s. 10.2.5(a), where a *lot* zoned Light Industrial (I-2) adjoins or abuts a Rural or Residential *zone*, all *buildings* in the I-2 *Zone* must be *setback* a minimum of 7.5 metres (25ft) from the boundary of each *lot* that adjoins or abuts the Rural or Residential *Zone*.

10.3 HEAVY INDUSTRIAL (I-3) ZONE

10.3.1 PURPOSE

The purpose of this *zone* is to accommodate the broadest range of industrial *uses* including all of those set out in the *I-2: Light Industrial Zone* but also extensive, outdoor industrial activities that could create nuisance were they to be carried out in any other *zone*. This *zone* allows a very limited range of commercial *uses* so as to protect the affordable industrial land base in the *District*.

10.3.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) all *uses* permitted in the *I-2 zone*;
- b) aggregate including rock, sand and gravel stockpiling, processing and sale;
- c) *medical marihuana production facility*;
- d) primary resource processing;
- e) processing of concrete products and ready-mix concrete;
- f) asphalt processing plant; and
- g) manufacturing.

The following shall be permitted as *accessory uses*:

- h) materials handling equipment, scales and storage *buildings*;
- i) *commercial vehicle storage*;
- j) office accessory to the operation of any of the *principal uses* permitted in this *zone*;
- k) retail sales accessory to the operation of any of the *principal uses* permitted in this *zone*;
- l) *outdoor storage*;
- m) *restaurant*; and
- n) one *caretaker dwelling unit*.

10.3.3 CONDITIONS OF USE

- a) An accessory office shall not exceed 25% of the *gross floor area* of the *principal uses* on the *lot*.

10.3.4 REQUIREMENTS FOR SUBDIVISION

- a) The minimum *lot area* for a *lot* created by *subdivision* shall be 1 hectare (2.5 acres).
- b) The minimum *frontage* of a *lot* shall be 20 metres (66ft).

10.3.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

- a) *Lot coverage, building height and setbacks* shall be provided in accordance with the following Table 17:

Maximum Lot Coverage	No maximum
Maximum Building Height	No maximum
Setback Required from:	
Front Lot Line	6 metres (20ft)
Rear Lot Line	3 metres (10ft)
Interior Side Lot Line	3 metres (10ft)
Exterior Side Lot Line	4.5 metres (15ft)

- b) Notwithstanding s. 10.3.5(a), where a *lot* zoned Heavy Industrial (I-3) adjoins or abuts a *lot* in an Industrial zone, the *rear lot line* or *interior side lot line setbacks* do not apply.
- c) Notwithstanding s. 10.3.5(a), where a Heavy Industrial (I-3) zone adjoins or abuts a Rural or Residential zone, all *buildings* in the I-3 zone must be *setback* a minimum of 7.5 metres (25ft) from the boundary of each *lot* that adjoins or abuts the Rural or Residential zone.

Part 11.0 PUBLIC ZONES

11.1 PARKS AND RECREATION (P-1) ZONE

11.1.1 PURPOSE

The purpose of this *zone* is to identify lands currently used or having the potential to be used for long-term park, recreational, ecological and similar *uses*, and to protect these lands from irreversible damage or environmental deterioration.

11.1.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) park and recreation *use* including ski hill;
- b) botanical gardens;
- c) *campground*;
- d) *civic use*;
- e) *golf course*;
- f) historic sites, *buildings* and markers;
- g) *open land recreation*;
- h) *public market*; and
- i) *tourist information services*.

The following are permitted as *accessory uses*:

- j) *accessory buildings* including associated equipment;
- k) food concession;
- l) office accessory to the operation of any of the *principal uses* permitted in this *zone*; and
- m) one *caretaker dwelling unit*.

11.1.3 CONDITIONS OF USE

A *fair* shall not exceed 30 days in a calendar year.

11.1.4 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be 350 square metres (3,767 sqft).

11.1.5 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and setbacks shall be provided in accordance with the following Table 18:

	Principal Building	Accessory Building
Maximum Lot Coverage	Total 10%	
Maximum Building Height	No maximum	
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

11.2 INSTITUTIONAL (P-2) ZONE

11.2.1 PURPOSE

The purpose of this *zone* is to designate land that is used for, or otherwise best suited for institutional *uses* which serve the governmental, educational, religious, cultural and recreational needs of the community.

11.2.2 PERMITTED USES

The following *principal uses* and no others are permitted:

- a) *assembly use*;
- b) *civic use*;
- c) *senior citizen housing*;
- d) *community care facility*;
- e) *educational institution* including *preschool*;
- f) *complex care facility*;
- g) *open land recreation*;
- h) *place of worship*;
- i) recreation *buildings* including, without limiting the generality of the foregoing, arena, swimming pool, gymnasium and curling rink; and
- j) community sewage lagoons and treatment facilities in the case of Lot 1, Plan KAP24642, DL 1720, KDYD.

The following are permitted as *accessory uses*:

- k) conference or meeting facilities;
- l) office accessory to the operation of any of the *principal uses* permitted in this *zone*;
- m) *restaurant*; and
- n) one *caretaker dwelling unit*.

11.2.3 REQUIREMENTS FOR SUBDIVISION

The minimum *lot area* for a *lot* created by *subdivision* shall be:

- a) 1000 square metres (0.25 acres) where the *lot* is serviced by a *community water system* and *community sanitary sewer system*;
- b) 2000 square metres (0.5 acres) where the *lot* is serviced by a *community water system* but no *community sanitary sewer system* despite that site soil conditions may require a larger *lot area* for onsite sewerage; or
- c) 1 ha (2.5 acres) where the *lot* is not serviced by a *community water system* or *community sanitary sewer system*.

11.2.4 LOT COVERAGE, BUILDING HEIGHT AND SETBACKS

Lot coverage, building height and setbacks shall be provided in accordance with the following Table 19:

	Principal Building	Accessory Building
Maximum Lot Coverage	No maximum	
Maximum Building Height	No maximum	
Setback Required from:		
Front Lot Line	6 metres (20ft)	6 metres (20ft)
Rear Lot Line	6 metres (20ft)	1.5 metres (5ft)
Interior Side Lot Line	2.4 metres (8ft)	1.5 metres (5ft)
Exterior Side Lot Line	4.5 metres (15ft)	4.5 metres (15ft)

Part 12.0 REPEAL AND SEVERABILITY

12.1 REPEAL

District of Clearwater Zoning Bylaw No. 0940, complete with all of its schedules, maps and amendments is hereby repealed.

12.2 SEVERABILITY

If any section, subsection, paragraph, clause or phrase of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion is severed and the remaining portions continue to be valid.

Read a first time this 5th day of April, 2016

Read a second time this 19th day of April, 2016

A Public Hearing was held this 11th day of May, 2016

Read a third time this 17th day of May, 2016

Approved by the Ministry of Transportation & Infrastructure this 18th day of May, 2016

Adopted this 7th day of June, 2016

John Harwood, Mayor

Leslie Groulx, Corporate Officer

Certified to be a true and correct copy of Bylaw No.133, 2016 cited as the "District of Clearwater Zoning Bylaw No. 133, 2016" adopted by the Council of the District of Clearwater on this ___ day of ___, 201_.

Leslie Groulx, Corporate Officer