

PART 4 GENERAL REGULATIONS

4.01 CONFORMITY OF USES, BUILDINGS AND STRUCTURES

- .1 Within the area to which this bylaw applies, no person shall use or permit any building, structure or land to be used or occupied or any building or structure or part thereof to be erected, moved, altered or enlarged unless in conformity with this bylaw and provisions of the *Local Government Act*, as amended.

4.02 USE OF EXISTING PARCELS

- .1 Parcels existing at the time of the effective date of this bylaw which do not conform with the parcel area requirements of this bylaw may be used for any of the uses permitted in the zone in which they are located unless otherwise provided for in Part 7, provided all other regulations of this bylaw are complied with.

4.03 PERMITTED USES IN ALL ZONES

The following uses are allowed in all zones:

- .1 The use of a building or part thereof as a polling station for a government election, referendum or census
- .2 The use of a building or part thereof as campaign headquarters for a political candidate
- .3 Telephone booth
- .4 Highway, lighting fixture
- .5 Highway
- .6 Mailbox
- .7 Public utility use
- .8 Street furniture
- .9 Park
- .10 Historical and archaeological display site
- .11 Conservation area, recreation reserve, ecological reserve and wildlife sanctuary
- .12 Solar Energy Devices are permitted as accessory uses subject to general regulations and setback and height requirements of the specific zone in which they are installed

- .13 Closed looped geothermal energy systems are permitted as an accessory use subject to general regulations and setback requirements of the specific zone in which they are installed.

4.04 PROHIBITED USES

- .1 Subject to Section 4.02.1, intensive agricultural use is prohibited in all zones other than those which contain land that is within the Agricultural Land Reserve, and subject to regulations of the *Agricultural Land Commission Act*, as amended, the *Local Government Act*, as amended and regulations under those Acts.
- .2 Industrial uses and specifically free span metal building are prohibited in all Residential Zones except RT Residential Transition Zones.
- .3 A mobile home is prohibited in the R-1 Single Family Extended Residential Zone.

4.05 OCCUPANCY DURING CONSTRUCTION

- .1 Notwithstanding the requirements of Part 7 of this bylaw concerning the number of dwelling units permitted on a parcel, during construction of a new dwelling unit or reconstruction of an existing dwelling unit on a parcel in the RT, RS and R-1 Zones, one (1) additional dwelling unit or one (1) recreational vehicle may be located on the parcel and occupied, provided:
- (a) The owner holds a building permit for construction of a new dwelling unit or reconstruction of the existing dwelling unit.
 - (b) The additional dwelling unit conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of dwelling units permitted on a parcel.
 - (c) The recreational vehicle is located in conformity with the regulations of the zone in which it is located.
 - (d) The additional dwelling unit or recreational vehicle is connected to the City's water and sewer systems.
- .2 Upon occupancy of the new dwelling unit or reconstructed dwelling unit, the additional dwelling unit shall be removed and the site thereof restored as nearly as possible to its condition prior to the construction or placement of the dwelling unit or shall be converted to an accessory building or structure subject to compliance with the applicable regulations of this bylaw and disconnected from water and sewer systems.
- .3 A recreational vehicle permitted under Section 4.05.1 shall be disconnected from water and sewer, systems and no longer occupied:
- (a) Upon occupancy of a new or reconstructed dwelling unit; or

- (b) On expiry of the original building permit for the new dwelling unit, whichever occurs first.

- .4 Applications for required permits shall be made in accordance with the Building Bylaw.

4.06 HOME BASED BUSINESSES

A home based business, where permitted by this bylaw, shall be in compliance with the following:

- .1 (a) It must be carried on only by a member or members of the family residing in the dwelling on the parcel on which the home based business is being conducted. There shall be no assistance on the premises from anyone not residing in the dwelling.
- (b) Notwithstanding Section 4.06.1(a) a home based business licence holder (the proprietor) may, upon obtaining written authorization from the Licence Inspector, substitute a non-resident person (or locum) to operate the business during a temporary absence of said licence holder. Each absence may be up to six (6) months duration, and two (2) such absences may be requested consecutively in a single calendar year, but said absences shall not exceed a cumulative total of more than twelve (12) months over a period of two (2) calendar years.

In each instance, a request for authorized substitution must be applied for in person by the principal licence holder, and specify in writing, the duration requested, the reason(s) for the absence and include a declaration by the proprietor that they will in fact be absent from the business for the specified period. The proprietor shall notify the City upon their return, and confirm termination of the business relationship with the temporary business operator. The purpose of this provision is to allow for the continuance of the business in the absence of the primary licence holder.

- .2 It produces no offensive noise, traffic, vibration, smoke, dust, odor, glare or electrical interference.
- .3 It shall be carried on wholly within the dwelling unit or within a permitted accessory building.
- .4 There shall be no exterior indication of the home based business either by stored mated-displays, floodlighting or otherwise, or by any variation from the residential character of the dwelling unit or accessory building, provided, however, that such business may have one (1) non-illuminated name plate not exceeding 0.2 m² in area placed within, or flat against the dwelling unit or accessory building and that the name plate be permitted to include the name of the home based business as well as that of the Business License holder.
- .5 Parking for a home based business shall not be located in the required front yard, except on a driveway or area which is designed for parking.

- .6 Materials and commodities shall not be delivered to or from the residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer.
- .7 Only retail sales of products or goods produced or fabricated on the premises shall be permitted.
- .8 Home based businesses that attract customers, clients, or students to the premises for sales or services shall not be permitted in Multiple Family Residential Zones.

4.07 ACCESSORY BUILDINGS AND STRUCTURES

- .1 No person shall erect an accessory building or structure on any parcel unless the principal building to which the accessory building is an incidental use has already been erected or will be erected simultaneously with the accessory building.
- .2 Section 4.07.1 shall not apply to animal shelters or other buildings or structures accessory to an agricultural use.
- .3 Where an accessory building or structure is attached to the principal building, it shall be considered part of the principal building.
- .4 An accessory building or structure, other than landscape features, shall not be located within the front yard of a parcel in a residential district, except for a parcel within the RT - Residential Transition Zone.
- .5 No part of an accessory building shall be located on or over an easement.
- .6 Where shipping containers are used exclusively in conjunction with the transport, shipping or delivery of goods and freight as part of cargo terminal and warehouse operations, the regulations under section 4.07.8 do not apply.
- .7 Shipping containers may only be used as an accessory building or structure for storage purposes in the following zones: C-2 - Highway Corridor Commercial Zone, M-1 - Clean Industrial Zone, M-2 - Light Industrial Zone, M-3 - Heavy Industrial and Transportation Zone and P-3 - Public Utility Zone.
- .8 Where shipping containers are permitted, they shall be subject to the following:
 - (a) Located on a parcel in accordance with the applicable setbacks of the zone for an accessory building or structure;
 - (b) Located on a parcel with a minimum separation distance of 3.0 m from any combustible building or structure, except in the case of other shipping containers;
 - (c) Limited to a maximum of six (6) shipping containers, or one (1) shipping container per 400 m² of site area for the first 1.0 ha of site area,

whichever is less; and one (1) shipping container per 1000 m² of site area thereafter.

- (d) Except where otherwise stated in these regulations, shipping containers shall not be located on site areas required to meet the minimum required yards for buildings and structures, off-street loading spaces or off-street parking areas;
- (e) Shall be located behind the front face of the principal building on the parcel, and in no case shall have a front yard less than 7.5 m., except for temporary storage (less than four (4) months) for a garden centre use;
- (f) May not be stacked one (1) above the other;
- (g) May not be used as a habitable room or for human occupancy;
- (h) Shall meet applicable Provincial Health and Safety regulations, and Fire regulations including the proper venting of shipping containers and are subject to fire and safety inspection;
- (i) In the C-2 Commercial Zone, shipping containers located in the side yard or the rear yard of a property parcel adjacent to a public highway, or the side yard or the rear yard of a parcel adjacent to a residential zoned parcel, shall be provided with opaque screening in accordance with Section 4.11 of the Zoning Bylaw;
- (j) In the M-1 Clean Industrial, M-2 Light Industrial Zone, the M-3 Heavy Transportation and Industrial Zone and the P-3 Public Utility Zone shipping containers located in the side yard or the rear yard of a parcel adjacent to a residential zoned parcel, shall be provided with opaque screening in accordance with Section 4.11 of the Zoning Bylaw.

4.08 SITING OF BUILDINGS AND STRUCTURES

- .1 The construction, reconstruction, alteration, moving or extension of buildings and structures shall be in conformity with the regulations for siting of buildings and structures specified in this bylaw.
- .2 Subject to such building regulations as may be applicable; the following features may project into the required setback specified in the regulations of Part 7 of this bylaw:
 - (a) Unless otherwise specified, the following boxouts and cantilevers may project into the required front, side and rear yard setbacks as specified in Part 7 provided that the following requirements are met:
 - (i) The boxouts or cantilevers does not exceed 0.6 m
 - (ii) Boxouts and cantilevers will not be permitted if they interfere with a loading space, parking area, driveway or other vehicle

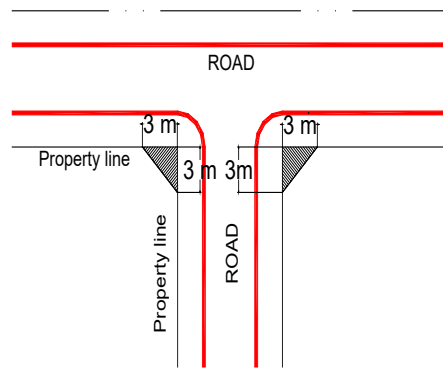
circulation or access.

- (iii) Boxouts and cantilevers will be permitted into the side yard required for vehicular access into the rear yard, provided the minimum vertical height of 3.0 m from finished grade to the lowest point of the projection is maintained.
 - (iv) The maximum length of individual cantilevers shall not exceed 2.7 m in length.
 - (v) The maximum length of the sum of all boxouts and cantilevers shall not exceed 1/3 of the length of the building wall (not including the garage walls).
 - (b) Steps, eaves and sunlight control devices provided that such projections do not exceed 1.2 m.
 - (c) Freestanding canopies over gas pumps, provided such projection is located no closer than 1.5 m from a front parcel line or exterior side parcel line.
 - (d) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.
 - (e) Arbors, trellises, fish ponds, ornaments, vegetation and similar landscape features.
 - (f) A roofed or covered swimming pool not exceeding 3.5 m in height, or uncovered swimming pool located in a side yard or rear yard within a separate fenced enclosure fitted with a safety gate, not less than 3.0 m from a rear parcel line or side parcel line.
 - (g) Mobile home hitches.
 - (h) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, public utilities, flag poles, signs, and sign structures provided that the location and design thereof is not prohibited under any bylaw or regulation of the City of Cranbrook.
 - (i) Underground structures provided that the top surface of such structure shall at no point extend above the average finished ground elevation except for vent and fill pipes for underground storage tanks.
 - (j) A deck may cantilever 0.6 m into the rear yard setback provided that the support posts are not in the setback. A deck may not project into the side yard or front yard setback.
- .3 In an RS, R-1 or R-2 Zone, where no developed rear lane exists, projections, except for eaves, that would reduce the side yard on one (1) side of a building to less than 2.7 m, are prohibited.

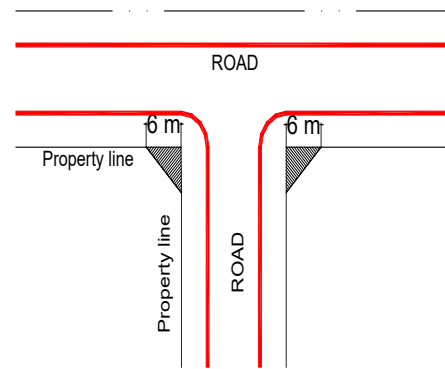
- .4 Regulations concerning locations of buildings or structures in Part 7 of this bylaw shall not apply to fences.
- .5 Accessory buildings or structures that are used for animal shelters shall be located in accordance with the following:
- (a) Buildings or structures used to shelter or for the storage and handling of manure of swine, shall be located no closer than:
 - (i) 60.0 m from a parcel line
 - (ii) 30.0 m from a domestic well, spring, or natural boundary of a lake or watercourse
 - (b) Buildings or structures used to shelter or for the storage and handling of manure or compost of poultry or dairy cattle shall be located no closer than:
 - (i) 30.0 m from a parcel line
 - (ii) 30.0 m from a domestic well, spring, or natural boundary of a lake or watercourse
 - (c) All other animal shelters or buildings or structures used for the storage and handling of manure of animals not enumerated in Section 4.08.5(a) or Section 4.08.5(b), shall be located no closer than:
 - (i) 7.5 m from a parcel line
 - (ii) 30.0 m from a domestic well, spring, or natural boundary of a lake or watercourse

4.09 VISIBILITY AT INTERSECTIONS.

- .1 Except in the C-1 Zone, no person shall obstruct vision at an intersection on corner parcels by buildings, structures, landscaping or other objects in excess of 1.0 m in height within a triangular area bounded by the two (2) parcel lines adjacent to the highway right-of-way and a straight line joining each parcel line at the following distances from their points of intersection as shown in the following diagram:



ii C - 1 Zone



All Other Zones

in all other zones: 6.0 m

4.10 HEIGHTS OF BUILDINGS AND STRUCTURES

- .1 The construction, reconstruction, alteration, moving or extension of buildings and structures shall be in conformity with the regulations for size and dimensions of buildings and structures specified in this bylaw.
- .2 The height regulations of this bylaw do not apply to church spires, belfries, domes, monuments, clock towers, fire and hose towers, observation towers, transmission towers, radio and broadcasting and receiving towers, flag poles, aerials, water tanks, chimneys, drive-in movie theatre screens, stadium bleachers, elevator shafts, ventilators, lighting poles, and solar energy collectors.
- .3 Notwithstanding height regulations of Part 7 of this bylaw, no person shall construct a fence higher than 2.0 m from ground level except for open mesh or chain link type fences, subject to Section 4.11.

4.11 FENCING, SCREENING AND LANDSCAPING

General Provisions

- .1 Notwithstanding the height regulations of Part 7 of this bylaw, all fencing shall comply with the height regulations of this Section.
- .2 Barbed wire shall not be used as a fencing material in any Residential Zone except that a barbed wire fence may be used to control livestock in the RT Zone.
- .3 Notwithstanding Section 4.11.2 above, barbed wire may not be used when the parcel in the RT Zone abuts another Residential Zone.

- .4 Barbed wire may be used as a fencing material in other than Residential Zones for public safety and security purposes only.
- .5 Where barbed wire is used for public safety and security purposes, or to control livestock in the RT Zone; the height regulations contained in this bylaw shall not apply.
- .6 All fencing, screening and landscaping shall be maintained in good condition at all times.
- .7 Where landscaping is proposed, landscaping material shall include, but not be limited to trees, shrubs, and other plantings, or a combination thereof. Simulated or artificial plant materials are prohibited.

Regulations for each Zone

.1 Residential Zones

- (a) In all Residential Zones, the maximum height for a fence in the front yard shall be 1.0 m, and in all other yards, 1.8 m.
- (b) In all Multiple Family Residential Zones, fencing is required along all interior parcel lines and along all rear parcel lines except for those portions of rear and interior parcel lines which are used for vehicular and pedestrian access to the parcel.
- (c) In all Multiple Family Residential Zones, all portions of the parcel not occupied by buildings, structures, and off-street parking areas shall be landscaped.

.2 Commercial Zones

- (a) The maximum height for a fence in the front yard shall be 1.0 m, and in all other yards, 1.8 m.
- (b) Where an interior parcel line or a rear parcel line abuts a parcel in a Residential Zone, screening with a minimum height of 1.5 m shall be constructed or planted along the parcel line(s) abutting the parcel in the Residential Zone.
- (c) In all Commercial Zones except the C-6 Zone, all portions of the parcel not occupied by buildings, structures, off-street parking areas and outdoor storage shall be landscaped.

.3 Industrial Zones

- (a) Where an interior parcel line or a rear parcel line abuts a parcel in a Residential Zone, a tight board or other solid fence with a minimum height of 1.8 m shall be constructed along the parcel line(s) abutting the parcel in the Residential Zone.

- (b) Where a parcel or part thereof is used for the wrecking, storage and wholesaling of vehicles and vehicle parts, or for the storage of other scrap material or junk other than wood waste, all outdoor storage shall be screened by a tight board fence or compact evergreen hedge not less than 1.8 m in height. In no case shall the material referred to above be visible from any parcel line abutting the parcel where the outdoor storage is located.
- (c) In the M-1 and M-2 Zones, all portions of the parcel not occupied by buildings, structures, off-street parking areas and outdoor storage shall be landscaped.

.4 Public Institutional Zones

- (a) For uses other than those which require fencing for public safety or for security purposes, the maximum height for a fence in a front yard is 1.0 m, and in all other yards, 1.8 m.
- (b) Where an interior parcel line or a rear parcel line abuts a parcel in a Residential Zone, fencing shall be required along all parcel lines abutting the parcel in the Residential Zone.
- (c) In the P-1 Zone, all portions of the parcel not occupied by buildings, structures, off-street parking areas, and outdoor storage shall be landscaped.

4.12 DEVELOPMENT WITHIN THE AGRICULTURAL LAND RESERVE

- .1 Notwithstanding any other provisions of this bylaw, all lands within the Agricultural Land Reserve except those exempted under Section 19 of the *Agricultural Land Commission Act*, as amended, or a General Order of the Commission, are subject to the provisions of the *Agricultural Land Commission Act*, as amended and Regulations thereto, and Orders of the Commission (thereby not permitting the, subdivision of land and the development of new non-farm uses unless approved by the Agricultural Land Commission).

4.13 DEVELOPMENT IN OR ADJACENT TO CONSERVATION RESERVES

.1 Riparian Lands

- (a) Restrictions on use of riparian lands:

Only the uses listed below may be allowed:

- (i) Existing uses, buildings, and structures permitted prior to the adoption of "*City of Cranbrook Zoning Amendment Bylaw No. 3646, 2009*".
- (ii) Existing parks
- (iii) Open spaces

- (iv) Highways and pathways
- (b) Except for renovations and maintenance to buildings and structures listed in Section 4.13.1(a) no development shall be permitted in riparian lands, unless a Development Permit as identified in the Official Community Plan Bylaw has been granted to permit specified development with conditions as necessary.
- (c) If development occurs in riparian lands in accordance with Section 4.13.1(b), the Developer shall reconstruct and or replace riparian habitat that may be destroyed through development.

.2 Development of Wetlands

- (a) Restrictions on use of wetlands:

Only the uses listed below may be allowed:

- (i) Existing uses, buildings, and structures permitted prior to the adoption of “*City of Cranbrook Zoning Amendment Bylaw No. 3646, 2009*”
- (ii) Existing parks
- (iii) Open spaces
- (iv) Existing parking areas (limited to surface parking associated with recreational facilities, or parks)
- (v) Existing recreational facilities (outdoor)
- (vi) Existing public installations and facilities
- (vii) Highways and pathways
- (b) Except for renovations and maintenance to buildings and structures listed in Section 4.13.2(a), no development shall be permitted in wetlands, unless a Development Permit as identified in the Official Community Plan Bylaw has been granted to permit specified development with conditions as necessary.
- (c) If development occurs in wetlands in accordance with Section 4.13.2(b), the developer shall reconstruct and or replace wetland habitat that may be destroyed through development.

.3 Development Adjacent To or On Steep Slopes

- (a) It is recognized that steep slopes may form part of an Environmentally Sensitive Development Permit Area or conservation reserve.

- (b) Development on unstable or potentially unstable terrain, including steep slopes, without a Development Permit as prescribed for in the Official Community Plan Bylaw is prohibited.
- (c) The Developer shall retain a Qualified Professional Engineer in good standing and licensed to practice in British Columbia to undertake a geotechnical assessment prior to consideration of rezoning, subdivision, or development applications. The detailed geotechnical assessment prepared by a Qualified Professional Engineer shall include, but not be limited to, the following:
 - (i) Assessment of existing surface and subsurface conditions including soil depths, groundwater levels, potential storm water recharge areas, (including their recharge rates), native soil slope stability and depth to rock
 - (ii) Evaluation of slope stability
 - (iii) Identification of hazards
 - (iv) Identification of potential impacts of all permitted and accessory uses
 - (v) Recommendations for safety, site protection, development and mitigation
 - (vi) Identify geo-technical "no development" lines and the habitable building envelope area
 - (vii) Map the top of bank and toe of slope
- (d) Unless otherwise permitted by the City, no development shall be permitted within a conservation reserve without an Environmentally Sensitive Development Area Permit with conditions as necessary, except for benches, bioswales or other green infrastructure, pathways, or remedial slope stabilization or restorative work.
- (e) The geotechnical "no development" lines shall establish the limit of development from the top of bank and toe of slope and normally shall be considered the parcel lines.
- (f) As an exception to Section 4.18.3(e), if an applicant wishes to include the geotechnical "no development" line within a property, a geotechnical assessment acceptable to the City is required and must be submitted through the development permit process as approved by Council.
- (g) Notwithstanding Section 4.18.3(f), swimming pools greater than one thousand (1,000) litres, shall not be located closer than 15.0 m from the top of bank or toe of slope.

- (h) Where a geotechnical no development line is within a parcel, the building and structure setbacks prescribed by a specific zone shall be measured from this line rather than the parcel line except in subdivisions approved prior to the adoption of "*City of Cranbrook Zoning Amendment Bylaw No. 3646, 2009*"
- (i) Where a previous developer has submitted a geotechnical assessment, the City may require a subsequent developer to submit additional geotechnical assessments based upon current site conditions and/or the technical requirements for their proposed development.
- (j) In identifying areas with steep slopes the City may take into consideration whether the slope is part of a major escarpment or is a minor undulation, not tied to an environmentally significant or sensitive area. Where the City deems a slope to be an isolated pocket, it may exempt the slope from the setback provisions and may allow the isolated pocket to be subject to stripping and grading in accordance with an approved stripping and grading plan.
- (k) No swimming pool or hot tub regardless of its size shall be drained directly over a steep slope.

4.14 DISTANCE FROM WATER BODIES

- .1 Notwithstanding building setback requirements specified in the regulations of Part 7 of this bylaw, and unless otherwise specified in the Floodplain Management Bylaw no building shall be established or situated within 15.0 m of the boundary of open watercourse having a channel depth of at least 0.6 m and providing water flow for at least six (6) months of the year or having a drainage area of 2.0 km² or more upstream of the location under consideration.

4.15 REGULATIONS FOR RESIDENTIAL UNITS ABOVE GROUND FLOOR COMMERCIAL

Bylaw 4164, 2024
Adopted July 29, 2024

- .1 Residential dwelling units and commercial premises shall not be permitted on the same storey of a building, except as permitted by s.7.14.6.d.(iv) of the C-1 zone.
- .2 The residential dwelling units shall have grade access that is separate from access for commercial premises. Direct access from a residential dwelling unit to a commercial premises shall not be permitted.
- .3 A minimum of 4.0 m² of private amenity area shall be provided for each dwelling unit in the building.
- .4 On-site parking for the residential dwelling units shall be provided in accordance with the parking requirements for multiple family dwelling in Part 6 of this bylaw. Parking for residential units shall be provided in addition to the parking requirements for the commercial premises.
- .5 Where a building contains residential dwelling units above commercial premises, all parking for residential use shall be provided on-site. Shared

parking, off-site parking and/or parking sub situations for the residential units shall not be permitted.

- .6 Despite Sections 4.15.4, 4.15.5, 6.01 and 6.12, where a multiple family dwelling as part of a mixed commercial and residential use in the C-1, Community Commercial Zone, a sleeping unit or dwelling unit accessory to a commercial use are proposed within the Downtown Parking Specified Area shown on Schedule "B" of this Bylaw, one (1) off-street parking space per dwelling unit or sleeping unit shall be provided.

4.16 MULTIPLE DWELLING UNITS ON THE SAME LOT

- .1 In the case of multiple family dwelling located adjacent to each other on the same lot or site, the following minimum separation space between buildings shall apply in addition to the required setback provisions of any specific zone, as follows:
- (a) A separation space of 9.0 m between building facades that include the principal living room window
 - (b) A separation space of 6.0 m between building facades that include the windows of a habitable room other than a living room
 - (c) A separation space of 2.5 m between all other building facades, and 4.5 m separation space in the case of apartment buildings
 - (d) Notwithstanding Section 4.16.1(a), Section 4.16.1(b) and Section 4.16.1(c), where the *British Columbia Building Code*, as amended, requires a greater separation space, than it will take precedence over the above requirements
- .2 With respect to Section 4.16 the following definitions apply:
- (a) A Principal Living Room Window means the main or largest glazed window of a dwelling unit
 - (b) Habitable room means any room in a dwelling unit other than a non habitable room
 - (c) Non-habitable room means a space in a dwelling unit providing a service function and not intended for human occupancy including bathrooms, entry ways, corridors and storage areas

Bylaw 4161, 2024
Adopted June 10, 2024

4.17 REGULATIONS FOR SECONDARY SUITES AND ACCESSORY DWELLING UNITS

1. A secondary suite shall be developed and operated in accordance with the following regulations:
- (a) The secondary suite shall have an entrance separate from the entrance to the primary dwelling unit, either, from a common indoor landing or

directly from the exterior of the structure, and may also be connected by an interior door directly connecting the primary dwelling unit to the secondary suite.

- (b) There shall be no more than one (1) secondary suite developed in conjunction with the primary dwelling unit.
- (c) The development of a secondary suite shall comply with all relevant requirements of the *British Columbia Building Code*, as amended.
- (d) A secondary suite will require a Building Permit to be considered a legal secondary suite.
- (e) A minimum of one (1) on-site parking space shall be provided for a secondary suite.

Bylaw 4161, 2024
Adopted June 10, 2024

2. Accessory dwelling units shall be developed and operated in accordance with the following regulations:

- (a) shall be accessory to a single family dwelling, two family dwelling, or three family dwelling on the same parcel and where the total number of permitted dwelling units does not exceed the allowable density for the zone in which they are located.
- (b) shall not exceed a gross floor area of 106 sq. m (1,141 sq. ft) or 75% of the gross floor area of the principal residence, whichever is less.
- (c) shall be detached from principal building.
- (d) must be connected to municipal water and sewer services
- (e) home based business cannot exceed 40% of the total living floor space.
- (f) Accessory dwelling units cannot be strata titled and must constitute a single real estate entity with the associated principal building or primary dwelling unit(s) and may not otherwise be subdivided.

4.18 ACCESSORY MOBILE HOME FOR A RELATIVE REQUIRING CARE

An accessory mobile home for a relative requiring care where permitted by this bylaw, shall be in compliance with the following:

- .1 An accessory mobile home for a relative requiring care shall only be located on a parcel where the owner of the parcel resides. In the case of a corporation owning a lot, owner shall mean one (1) of the directors of the corporation.
- .2 An accessory mobile home for a relative requiring care shall only be permitted where the existing number of dwelling units on the parcel is not greater than the maximum number permitted in the bylaw.

- .3 The owner of the parcel shall enter into a housing agreement with the City of Cranbrook under the *Local Government Act*, as amended, agreeing to remove the accessory mobile home for a relative requiring care within ninety (90) days of it no longer being required by the approved occupant, and such agreement shall be entered into and registered as a restrictive covenant in favour of the City of Cranbrook against the title of the property upon which the accessory mobile home for a relative requiring care is to be located prior to its placement on the subject property.
- .4 A temporary building permit shall be applied for prior to the placement of an accessory mobile home for a relative requiring care on the subject property. Subject to Section 4.18.5, application for annual renewal of the temporary building permit shall be required prior to the anniversary date of the original approval of an accessory mobile home for a relative requiring care. For the purposes of this Section, the date of the original approval shall mean the date of first issuance of a temporary building permit.
- .5 A letter from the family physician stating that the relative continues to require care shall be deposited annually with the City of Cranbrook prior to the anniversary date of the original approval of an accessory mobile home for a relative requiring care.
- .6 A statutory declaration attesting to the conditions of consent shall be deposited with the City of Cranbrook upon request by the City of Cranbrook.
- .7 An irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) shall be deposited with the City of Cranbrook as security for the removal of the accessory mobile home for a relative requiring care, subject to annual renewal prior to the anniversary date of original approval.
- .8 An accessory mobile home for a relative requiring care shall be limited to:
 - (a) One (1) per parcel
 - (b) One (1) single wide mobile home, not exceeding 4.3 m in width and 91.0 m² in gross floor area, placed on an approved non-permanent foundation without a basement excavation.
- .9 An accessory mobile home for a relative requiring care may be occupied by either the relative requiring care or the owner of the parcel on which the accessory mobile home for a relative requiring care is to be located, provided that both the owner and relative requiring care both reside on the same parcel.
- .10 Notwithstanding the applicable minimum parcel size requirements specified for any zone of Zoning Bylaw the minimum parcel size for placement of an accessory mobile home for a relative requiring care shall be 2.0 ha where the site is not serviced by a community water and sanitary sewer system.

4.19 RENEWABLE ENERGY GENERATION & DISTRIBUTION

General Regulations

- .1 There must be an active principal use on the parcel where a renewable energy or co-generation device is to be located.
- .2 The production of the renewable or co-generation energy as well as any device used to produce the energy must comply with all other Municipal, Provincial and Federal Bylaws, Statutes and Regulations including but not limited to a Building Permit and *British Columbia Building Code Regulations*, as amended.

.3 Solar Energy Devices

(a) In Residential Zones, solar energy devices shall be permitted:

- (i) When the device is located on either the principal or accessory building
- (ii) The height of the device does not exceed the height of the building on which the device is attached, and
- (iii) The device does not extend beyond the outermost edge of the roof

(b) In Industrial Zones, solar energy devices shall be permitted:

- (i) When the device is located on either the principal building or accessory building, or
- (ii) As a standalone structure subject to the zoning requirements for the principal building on the parcel where the device is located
- (iii) The height of the device does not exceed the maximum permitted building height for the specific zone, and
- (iv) The device does not extend beyond the outermost edge of the roof.

(c) For all other zones, solar energy devices shall be permitted:

- (i) When the device is located on either the principal building or accessory building, and
- (ii) The height of the device does not exceed the maximum permitted building height for the specific zone.

Bylaw 4131, 2023
Adopted Dec 11, 2023

- (iii) As a standalone structure for the legal parcel known as 'Lot 1, District Lot 2871, Kootenay District Plan 17851, PID 010846824', subject to the zoning requirements for an accessory structure.

.4 Geothermal Energy

- (a) In all zones, all above ground parts of the geothermal energy devices are subject to the zoning requirements for an accessory building or structure on a parcel.
- (b) In all zones, the underground geothermal energy components shall be a minimum 3.0 m away from all parcel lines, and City controlled easements. The parcel owner shall be responsible to contact all other easement holders to determine their requirement prior to the systems installation.

.5 Wind Energy Devices

- (a) Small scale wind energy devices which generate up to ten (10) kilowatts shall be permitted as an accessory use in Residential Zones under the following conditions;
 - (i) Only one (1) wind energy device is permitted on each parcel
 - (ii) The parcel on which a wind energy device is located shall be 0.2 ha or greater in size
 - (iii) Maximum height of a wind energy device (including the blades) shall be 10.5 m as measured from the ground and
 - (iv) A wind energy device tower shall have a minimum separation from any dwelling unit on an adjacent parcel that is a distance equal to 125% of the total height of the device (including support structure and blades).
- (b) For Industrial and Commercial Zones that are not adjacent to Residential Zones, wind energy devices which generate up to twenty (20) kilowatts shall be permitted as an accessory use, subject to the following requirements:
 - (i) Only one (1) wind energy device is permitted on each parcel
 - (ii) The parcel on which a wind energy device is located shall be 0.2 ha or greater in size
 - (iii) Maximum height of a wind energy device (including the blades) shall be 21.0 m as measured from the ground and
 - (iv) A wind energy device tower shall have a minimum separation from any dwelling unit on an adjacent parcel that is a distant equal to 125% of the total height of the device (including support structure and blades).
- (c) For industrial and commercial parcels adjacent to Residential Zones wind energy devices may be installed subject to the requirements and conditions noted above in Section 4.19.5(a).

.6 Co-Generation

- (a) In all zones, a co-generation energy device must be located so that it complies with all zoning requirements for the principal building on a parcel where the device is located.

Bylaw 3999, 2020
Adopted Feb 24, 2020

4.20

Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery

Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery shall be permitted in the M-2 Light Industrial Zone subject to meeting the following regulations:

1. Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery shall meet all applicable Federal, Provincial, and Municipal Legislation and regulations including Building and Fire Codes.
2. Proposed Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery shall provide proof of notification in writing to the local RCMP and Cranbrook Fire Services in accordance with Federal requirements.
3. Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery including storage shall be contained within an enclosed building, excluding a greenhouse building and shall not include any non-Cannabis related uses within that building, except when located in a building on Lot 1, District Lot 29 Kootenay District Plan 12325.
4. As part of the Building Permit process, Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery are required to provide a description of all proposed discharges to air, sanitary or storm sewer, or groundwater.
5. Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery shall provide a plan detailing how the ventilation system will control the interior environment for plants and work areas as well as the filtration of air discharges to the outside. The capability of the ventilation system should prevent any odour leaving the facility from being detected by a person with a normal sense of smell at the property line.

6. Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery shall be located a minimum distance of 100.0 m from a residential zone, group day care, playground, school, or park.
7. Despite section 4.20.6 above, where a Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery is proposed to be located on Agricultural Land Reserve designated lands, or within a zone which permits “farm use”, the following regulations shall apply:
 - a) Minimum parcel size shall be 2.0 ha;
 - b) Shall be located a minimum 40.0 m from any property line.
8. Where a Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery ceases operation, the facility and buildings shall be decommissioned and remediated in accordance with applicable standards including the *BC Building Code* and *Work Safe BC*.
9. Prior to issuance of a City of Cranbrook business license for Cannabis Standard Cultivation Operation, Cannabis Standard Processing Operation, Cannabis Sale for Medical Purposes Operation, Cannabis Micro Cultivation Operation and Cannabis Nursery or Cannabis Nursery a copy of a valid Federal License must be provided.

4.21 RETAIL SALE OF CANNABIS

- .1 Cannabis retail locations shall be located a minimum distance of 100 metres from a group day care, playground, school or park.
- .2 Only (1) Cannabis retail business shall be located per parcel
- .3 A maximum of four (4) Cannabis retail locations shall be permitted on properties in the C-1 zone as shown on Official Zoning Map Schedule “A”.
- .4 A maximum of six (6) Cannabis retail locations shall be permitted on properties in the C-2 zone as shown on Official Zoning Map Schedule “A”.
- .5 A maximum of one (1) Cannabis retail location shall be permitted for property in the C-5 Zone as per Section 7.18.1(b)

4.22 TEMPORARY USE PERMITS

- .1 All Commercial Zones, Industrial Zones and Public Zones as identified in Section 7.01 Establishment of Zones of this bylaw, are designated areas for the

consideration of Temporary Use Permits.

- .2 The issuance of a Temporary Use Permit shall be subject to the following considerations, including but not limited to:
- (a) Compatibility of the proposed use with current and future uses on the parcel and adjacent parcel,
 - (b) Compatibility of the operation, function and scale of the proposed use with the surrounding parcels,
 - (c) Posting of a financial security in the form of an irrevocable, auto renewing, Letter of Credit to guarantee:
 - (i) the performance of the proposed use,
 - (ii) to ensure the Temporary Use is removed and the parcel is restored to the satisfaction of a Building Inspector or his designate, to a condition prior to the establishment of the Temporary Use.
 - (d) Consideration of the proposed buildings, structures, the area of use and other operating conditions of the Temporary Use,
 - (e) As a condition of issuing the Temporary Use Permit, Council may specify conditions that shall be applicable to the Temporary Use.

