



Regional District of
Kootenay Boundary

Meeting Agenda

Rural Bridesville Land Use Plan Steering Committee

Bridesville Hall

5724 Bridesville Townsite Road

6:00 pm, Monday, November 25, 2019

1. Previous Meeting Notes
2. Review Zones and Definitions
3. Review Land Use Regulations
4. Adjournment



Regional District of
Kootenay Boundary

Meeting Minutes

RDKB Planning and Development Department

Rural Bridesville Land Use Plan Review

Bridesville Hall

5724 Bridesville Townsite Road

Monday October 29th, 2019

Present

Vicki Gee, Director Electoral Area 'E' West Boundary

RDKB Staff: Liz Moore, Senior Planner

Steering Committee Members: Lynne Storm, Grant Harfman

Regrets: Patricia Campbell, Jamie Haynes, Liz White,

The meeting began at 5:59 pm.

1.0 Introduction

2.0 Progress to Date & Next Steps

2.1 Draft #2 Review

Review of Draft #2 up to page 37.

Comments and changes to the draft were incorporated into Draft #3.

2.2 Next Steps

Have workshops over a couple of days, preferably Saturdays, in winter months.

Draft Online forum – Join the Conversation page – to be ready for workshop, to share plan with people living in plan area.

Get maps ready for review.

3.0 Adjournment

The meeting was adjourned at approximately 8:20 pm.

Industrial Zones

Zone	Industrial 1	Industrial 2	Industrial 3	Industrial 4	Industrial 5
Properties	Bridesville Townsite - Recycle depot - Welding Woodworking shop	Bridesville Townsite - Welding Woodworking shop	Boundary Collision	Miller Springs	6725 Sidley Mountain Road (Sidley Mountain Auto) - Does not have ALC permit..?
Permitted Principal Uses	- Autobody repair shop; - Machine Shop; - Recycling depot; - Recycling facility; - Welding shop.	- Autobody repair shop; - Machine Shop; - Restaurant; - Single family dwelling; - Welding shop.	- Autobody repair shop.	- Water Bottling Facility	- Autobody repair shop; - Auto sales; - Automobile salvage yard; - Storage.
Permitted Secondary Uses	- Accessory buildings and structures; - Dwelling Unit.	- Accessory buildings and structures; - Dwelling Unit.	- Accessory buildings and structures.	- Accessory buildings and structures.	- Accessory buildings and structures; - Dwelling Unit.
Minimum Parcel Size for Subdivision	- 4000m ² when connected to a community water system - Otherwise, 1 ha	- 4000m ² when connected to a community water system - Otherwise, 1 ha	1 ha	1 ha	1 ha
Density	1 dwelling unit/parcel	1 dwelling unit/parcel	N/A	N/A	1 dwelling unit/parcel
Setbacks (m)	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5

Height Maximum	- Principal buildings 10 m - Accessory buildings and structures 7.6 m	- Principal buildings 10 m - Accessory buildings and structures 7.6 m	- Principal buildings 10 m - Accessory buildings and structures 7.6 m	- Principal buildings 11 m - Accessory buildings and structures 7.6 m	- Principal buildings 10 m - Accessory buildings and structures 7.6 m
Screening Requirements	Adjacent to highway or residential. Not required in split-zone.	Adjacent to highway or residential. Not required in split-zone.	Adjacent to highway or residential. Not required in split-zone.	Adjacent to highway or residential. Not required in split-zone.	Adjacent to highway or residential. Not required in split-zone.
Parking	N/A	N/A	N/A	N/A	N/A

Dwelling Zones

Zone	Agricultural Resource	Rural Resource 1	Commercial Campground	Residential 1	Residential 2
Properties	- All land within the ALR	- Non-ALR land that is privately owned and has larger lot sizes (rural).	- Non-ALR Crown Land - Potential second property by highway	- Properties in Bridesville and Timberwolf	- Two parcels in Bridesville with 2 residences
Permitted Principal Uses	- Agriculture - Intensive Agriculture - Single Family Dwelling	- Agriculture, excluding cannabis cultivation and intensive agriculture - Conservation area - Portable shake, shingle, and sawmill - Post and tie operations - Resource use and light manufacturing of resources on the property - Single Family Dwelling	- Campground	- Single family dwelling	- Single family dwelling
Permitted Secondary Uses	- Accessory Buildings and structures - Agri-tourism - Bed and Breakfast	- Accessory buildings and structures; - Agri-tourism - Bed and Breakfast	- Accessory buildings and structures. - Indoor recreation facilities	- Accessory buildings and structures - Agricultural uses - Bed and breakfast	- Accessory buildings and structures; - Agricultural uses

	- Home based business - Secondary suite - Temporary sawmill.		- Home based business - Secondary suite - Veterinary Clinic - Processing and packing of agricultural products		- Office - Outdoor recreation facilities - Retail sotres, which does not exceed 90 m² in floor area - Single family dwelling		- Home based business - Secondary suite		- Home based business		
Minimum Parcel Size for Subdivision	- 50 ha		- 8 ha		1 ha		- 2000m² when connected to a community water system - 1 ha when not		- 2000m² when connected to a community water system - 1 ha when not		
Density	Single family dwelling and secondary suite.		Single family dwelling and secondary suite.		Single family dwelling		Single family dwelling and secondary suite.		Two single family dwellings		
Setbacks (m)		CPF	Front	7.5	Front	4.5	Front	4.5	Front	4.5	
	Front	7.5	30	Exterior Side	7.5	Exterior Side	4.5	Exterior Side	4.5	Exterior Side	4.5
	Exterior	4.5	15	Interior Side	7.5	Interior Side	2.5	Interior Side	2.5	Interior Side	2.5
	Interior	3	30	Rear	7.5	Rear	4.5	Rear	4.5	Rear	4.5
	Rear	4.5	30								
Parcel Coverage	- 2,000m² residential footprint - 35% Buildings and structures for farm use other than greenhouses - 75% Greenhouses		- 35% Buildings and structures for farm use other than greenhouses - 75% Greenhouses		- N/A		33%		33%		

Height Maximum	- 7 m for cannabis production facilities.	N/A	- Principal buildings 10 m - Accessory buildings and structures 7.6 m	- Principal buildings 10 m - Accessory buildings and structures 7.6 m	- Principal buildings 10 m - Accessory buildings and structures 7.6 m
Building Size	Dwellings in the AGR Zone must have gross floor area less than 500m ² .	N/A	N/A	N/A	N/A
Parking	N/A	N/A	N/A	- 2 spaces for single family dwelling - 1 space for secondary suite - 1 for each accommodation unit of a bed and breakfast	N/A
Agricultural Uses	N/A	N/A	N/A	- The keeping of small animals such as chickens, rabbits, and similar sized species shall be restricted to 8 per parcel and shall not include roosters - The keeping of larger animals such as goats and donkeys shall be restricted to 2 per parcel and only on	- The keeping of small animals such as chickens, rabbits, and similar sized species shall be restricted to 8 per parcel and shall not include roosters - The keeping of larger animals such as goats, donkeys, horses, and cows shall be restricted to 1 per

				parcels that are 2000m ² or greater in area.	parcel and only on parcels that are 4000m ² or greater in area.
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Conservation/Recreation Zones

Zone	Drinking Water Resource	Institutional and Community Facilities	Rural Resource 2	Parks and Recreation Zone	Conservation Zone	Rail/Trail Corridor Zone
Properties	- Some crown, some private, some ALR	- Old school property, cemeteries, Community hall	- Non-ALR Crown Land	- Jolly Creek - Camp McKinney Recreation Site - Little Fish Lake Recreation Site - McKinney Cross Country Ski Area - Timberwolf park - Stanhope Creek Recreation Site	- Lehman Springs	- Rail Trail pieces - Some crown, some private
Permitted Principal Uses	- Agriculture, only on portions within the ALR. - Resource Use, excluding processing - Single Family Dwelling	- Institutional use	- Agriculture, excluding cannabis cultivation and intensive agriculture - Conservation area - Resource use and light manufacturing of resources on the property	- Campground - Cross-country ski areas - Conservation activities - Outdoor recreation facilities - Passive recreation	- Conservation activities	- Agriculture - Railways - Railways siding; and - Recreational Trails and Corridors - Transportation and utility use

Permitted Secondary Uses	- Accessory buildings and structures. - Home-based business	- Accessory buildings and structures.	- Accessory buildings and structures	- Accessory buildings and structures	- Accessory buildings and structures.	- Accessory buildings and structures.
Minimum Parcel Size for Subdivision	50 ha	- 2000 m² when connected to a community water system - 1 ha when not connected to a community water system	30 ha	N/A	25 ha	100 ha
Density	One single family dwelling	N/A	N/A	N/A	N/A	N/A
Setbacks (m)	Watercourse 30 Front 7.5 Exterior Side 7.5 Interior Side 7.5 Rear 7.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Front 7.5 Exterior Side 7.5 Interior Side 7.5 Rear 7.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Front 4.5 Exterior Side 4.5 Interior Side 2.4 Rear 4.5	Any Parcel Line 4.5
Parcel Coverage	- 33%	N/A	- 35% Buildings and structures for farm use other than greenhouses - 75% Greenhouses	N/A	N/A	N/A
Height Maximum	N/A	- Principal buildings 10 m - Accessory buildings and structures 7.6 m	N/A	15 m	15 m	4.5 m

Definitions for discussion

Old	Proposed
AGRITOURISM means a tourist activity, service or facility accessory to land that is classified as farm in the <i>Assessment Act</i> , and may include buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals, staying at an on-farm accommodation, or similar activities;	AGRI-TOURISM means an activity defined in the Agricultural Land Reserve Regulation;

Old	Proposed
BED AND BREAKFAST means the <i>accessory use</i> in a <i>single family dwelling</i> which is primarily used as a home and used incidentally to provide up to a maximum of 4 bedrooms, for compensation, for <i>temporary accommodation</i> and morning meals to transient travellers;	BED AND BREAKFAST means the <i>accessory use</i> of a <i>single family dwelling</i> primarily used as a home and used incidentally by the home's residents to provide, for compensation, <i>temporary accommodation</i> and morning meals to the travelling public;

Old	Proposed
CAMPGROUND means any land where sites are provided for the commercial, short-term temporary accommodation of the travelling or vacationing public in tents or <i>recreational vehicles</i> and includes, in conjunction with campsites the accessory uses noted below: (a) recreational and amusement facilities intended for the use of overnight guests only; (b) eating establishment for overnight guests only; (c) common washrooms and laundry facilities; (d) <i>office</i> ; and (e) <i>accessory buildings and structures</i> .	CAMPGROUND means any land where sites are provided for the <i>temporary accommodation</i> of the travelling public in tents or <i>recreational vehicles</i> and includes, as accessory to campsites: (a) recreational and amusement facilities intended for the use of overnight guests only; (b) one eating establishment for overnight guests only; (c) common washrooms and laundry facilities; (d) one <i>office</i> ; and (e) <i>accessory buildings and structures</i> .

Old	Proposed
CONCEALED means located within a building , underground or enclosed by a solid screen , a minimum of 1.5 metres in height ;	CONCEALED means located within the footprint of a building , underground or wholly enclosed by a solid screen , stone or brick wall, or a dense landscape screen , a minimum of 1.5 metres in height ;
SOLID SCREEN means a continuous opaque fence, landscaping wall , not open fencing , and includes gates on all access points made of similar materials;	SOLID SCREEN means a continuous opaque fence, wall , or combination made of wood or vinyl or similar materials but not plywood, corrugated metal , or open fencing , and includes gates on all access points made of similar materials;

Old	Proposed
DWELLING, SINGLE FAMILY means any detached building with a gross floor area under 500m² consisting of one dwelling unit , except where a secondary suite is permitted as a secondary use under this bylaw;	DWELLING, SINGLE FAMILY means any detached building consisting of one dwelling unit , except where a secondary suite is permitted as a secondary use under this bylaw;

Old	Proposed
SECONDARY SUITE means a second dwelling unit located upon a parcel as a secondary use of the land that is contained within the structure of a single family dwelling building ;	SECONDARY SUITE means a second dwelling unit located upon a parcel as a secondary use of the land that is contained within the structure of a single family dwelling building ;

Old	Proposed
TEMPORARY ACCOMMODATION means occupancy by a series of occupiers whose residence or domicile is elsewhere.	TEMPORARY ACCOMMODATION means occupancy of a building or structure , tent, or recreational vehicle for a period not exceeding 90 continuous days;

Definitions for Discussion

DERELICT VEHICLE means any vehicle which has not been licensed for a period of one (1) year and which is not ***concealed*** or housed in a garage or carport, excluding farm machinery in working condition;

RECYCLING DEPOT means a use that entails the buying, collecting, sorting and temporary storage of bottles, cans, newspapers, and similar household goods for reuse and recycling;

SEASONAL FARM LABOUR DWELLING means a detached dwelling unit located on a ***parcel*** classified as "farm" under the *Assessment Act*, which is used for the ***temporary accommodation*** of seasonal farm workers who are employed by the owner of the ***parcel*** to work in the owner's agricultural operation.

VETERINARY CLINIC means the use of a building designed for the care and treatment of animals under the supervision of a Doctor of Veterinary Medicine;

Appendix 1: Reference Material

Agri-Tourism as defined in the ALR Regulation is

(1) The use of agricultural land for conducting an agri-tourism activity described in subsection (2) of this section is designated as a farm use and may not be prohibited as described in section 4 if all of the following conditions are met:

- a) the activity is conducted on agricultural land that is classified as a farm under the *Assessment Act*;
- b) members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable;
- c) no permanent facilities are constructed or erected in connection with the activity.

(2) The following are agri-tourism activities for the purposes of subsection (1):

- a) an agricultural heritage exhibit displayed on the agricultural land;
- b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
- c) cart, sleigh and tractor rides on the agricultural land;
- d) subject to section 9 [*horse facilities*], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
- e) dog trials held on the agricultural land;
- f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
- g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place.

Agri-tourism accommodation

33 (1) In this section, "**sleeping unit**" means the following:

- a) a bedroom or other area used for sleeping located in a residence, cabin or other structure;
- b) a vehicle, trailer, tent or other structure located on a campsite, field or other area.

(2) The use of agricultural land for providing accommodation in relation to an agri-tourism activity is permitted if all of the following conditions are met:

- a) the accommodation is located on agricultural land that is classified as a farm under the *Assessment Act*;

- b) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;
- c) the accommodation is limited to 10 sleeping units in total, including bedrooms under section 34 [*tourist accommodation*];
- d) accommodation is provided on a seasonal or short-term basis only.

Tourist accommodation

34 (1) In this section, "**bedroom**" means a bedroom or other area used for sleeping in a residence.

(2) The use of agricultural land for providing accommodation for tourists is permitted in a principal residence that is not a pre-existing residential structure if both of the following conditions are met:

- a) the accommodation is limited to 4 bedrooms in total;
- b) accommodation is provided on a short-term basis only.

(3) The use of agricultural land for providing accommodation for tourists is permitted in a principal residence that is a pre-existing residential structure if all of the following conditions are met:

- a) on the date this section comes into force, the number of bedrooms complies with section 3 (1) (d) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, as it read immediately before this section came into force;
- b) the number of bedrooms is not changed after the date this section comes into force unless
 - i) permitted under section 25 or 45 of the Act, or
 - ii) the number of bedrooms is not increased by the change;
- c) accommodation is provided on a short-term basis only

Part 4. Land Use Regulations and Zones

4.1. General Regulations

4.1.1. Permitted and Prohibited Uses

1. No land, **building** or **structure** may be used for that, which is not specifically listed under the heading "Permitted Principal Uses" or "Permitted Secondary Uses" in the Zone that the land, **building** or **structure** is located, and no **building** or **structure** may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that Zone. Furthermore,
 - a) A use listed under "Permitted Secondary Uses" is only permitted if a use under "Permitted Principal Uses" is lawfully established and ongoing.
 - b) A use is only permitted if lawfully established and ongoing in accordance with:
 - (i) The applicable regulations and conditions of use as identified in each Zone; and
 - (ii) Such further general regulations applicable to the use, as identified throughout this Bylaw.
 - c) A use not specifically permitted in a Zone is prohibited from that Zone.
 - d) A use not specifically permitted in this Bylaw is prohibited from the **Plan Area**.
 - e) Except where specifically permitted within a zone established by this Bylaw, no **parcel** may be used for the **storage of derelict vehicles(s)**.
 - f) A storage building, including a garage, may be located on a **parcel** that does not have a principal use or **principal building** provided it is only to be used for the non-commercial/industrial **storage** of goods or vehicles belonging to the owner. Such a **building** shall be subject to the regulations for **accessory buildings** in the zone within which they are located and must not exceed 60 m² in floor area;
 - g) Residential occupancy for a period exceeding 120 days per calendar year of **accessory buildings**, tents, **recreational vehicles**, and similar shelters is prohibited except where:
 - (i) **Campgrounds** are listed as a permitted use;
 - (ii) The occupancy has been approved under Section 4.1.1.2(g) of this Bylaw.
 - h) The unloading, **storage** and loading of special wastes (as defined in the *Environmental Management Act* and regulations thereto) and other similar hazardous products are specifically prohibited.
 - i) Except where specifically permitted within a zone established by this Bylaw, no parcel may be used for **cannabis retail stores**.
 - j) The use of cement based, industrial style, **cannabis** production bunkers in the Agricultural Land Reserve are prohibited.
 - k) **Cannabis** production outside of the ALR is prohibited.
 - l) **Intensive agriculture** outside of the ALR is prohibited.
2. Except as otherwise stated in this Bylaw, the following uses are permitted in all zones:
 - a) **Highways**;
 - b) **Landscape screens** and fences;
 - c) Parks, playgrounds, and similar active or **passive recreation** areas including **buildings** and **structures**;
 - d) Churches; cemeteries; libraries, museums, community halls, fire halls, police and ambulance stations, schools;

- e) Utility uses and accessory **buildings** and **structures**, excluding **offices**, maintenance garages and **storage** areas;
- f) Railroad tracks, except private sidings;
- g) Residential occupancy (maximum of two years) in a **manufactured home** or **recreational vehicle** for the property owner while a **dwelling unit** is under construction, provided the owner first signs a notarised statement of intent to cease occupying and remove the **manufactured home** within 30 days after the **dwelling unit** has been completed;
- h) Temporary **buildings, structures** and **storage** of materials required for an approved construction project on the same **parcel** provided such temporary **buildings, structures** and **storage** are removed within 30 days of completion of the approved construction;

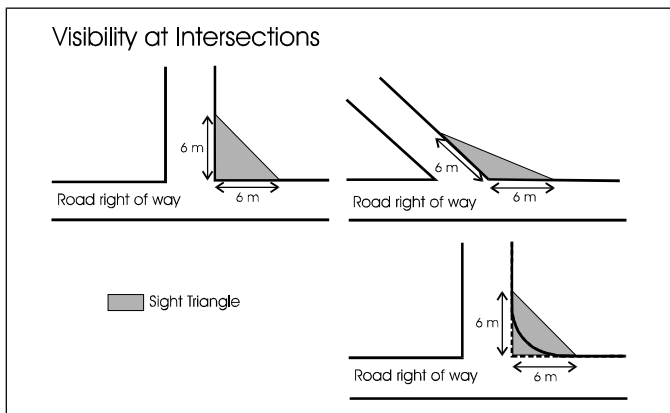
Commented [EM25]: How are we addressing RVs and Manufactured Homes throughout the plan.

4.1.2. Siting Requirements and Exceptions

Where a zone includes a regulation entitled "Setbacks", or where this Bylaw otherwise makes reference to a minimum setback, no **building** or **structure** may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged nearer to the **parcel** line, natural boundary or the other point of reference than the distance so specified, and for certainty:

1. Setbacks may vary according to any combination of use, **building, structure** or location within a Zone or adjacent Zone, or by **parcel** dimensions, or to a specific **highway, natural boundary** or other point of reference, and the provisions of this Bylaw must be interpreted accordingly;
2. Any portion of a **building** or **structure** located below finished grade is subject to all setbacks for the Zone in which the **building** or **structure** is located or that are otherwise applicable;
3. The minimum setback distance for a **pit privy** is 30m from the **natural boundary** of any **watercourse** or water well.
4. Selected **structures** are excluded from the setback requirements of this Bylaw however, a separate approval from the Ministry of Transportation and Infrastructure may be required where the setback is adjacent to a **highway**. The exceptions are regulated as follows:
 - a) Unenclosed steps, eaves, sunlight control projections, canopies, chimneys, bay windows, balconies, porches and other similar projections may project:
 - i) 2 metres within a required **front parcel line, rear parcel line, or exterior side parcel line** setback; and
 - ii) 0.6 metres within a required **interior side parcel line** setback.
 - b) An underground **structure** may be sited on any portion of a **parcel** provided that the top surface of such **structure** at no point extends more than 0.5 metres above the average finished ground elevation within the relevant setback area of the zone in which it is located.
 - c) Free standing lighting poles, warning devices, antennas, masts, utility poles, wires, flag poles, **signs** and **sign structures**, except as otherwise limited in this or other bylaws may be sited on any portion of a **parcel** at the sole responsibility of the owner and utility company.

5. No person being the owner, occupier or lessee of any **parcel** located at the intersection of any two **highways**, may, without the consent of the Ministry of Transportation and Infrastructure or his designate, place or permit to be placed or grow any tree, shrub, plant, fence or other **structure** with a horizontal dimension exceeding 0.6m within the sight triangle an elevation such that an eye 0.9m above the surface elevation of one **highway** cannot see an object 0.9m above the surface elevation of the other **highway**.



4.1.3. Height and Width

1. Where a Zone includes a regulation entitled "Height", or where this Bylaw otherwise makes reference to a maximum **height**, no **building** or **structure** may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the **height** specified for the Zone in which the **building** or **structure** is located. For certainty, maximum **height** in a Zone may vary according to the use or location of the **building** or **structure**.
2. The following exceptions to the **height** regulations apply:
 - a) **Height** restrictions do not apply to the following, except in accordance with subsection (b): industrial cranes; grain elevators; silos; windmills; solar panels; towers; tanks; radio and television antennas; church spires, belfries and domes; monuments; chimney and smoke stacks; flag poles; lighting poles; and elevator shafts.
 - b) Where such **structures** are located on top of a **building** they must not occupy more than 10% of the horizontal plane of the roof area.

4.1.4. Density

1. Where a Zone includes a density regulation expressed as an absolute number of parcels, units, buildings, use or similar figure, no **parcel** may be subdivided and no

parcel may be developed with more than the number identified for the zone in which the **parcel** is located.

2. Where a Zone includes a density regulation expressed as a per hectare figure, no parcel may be subdivided and no parcel may be developed with more than the number of parcels, units, sites or other figure(s), per hectare as determined by applying the figure for the Zone in which the parcel is located to the area of the parcel.
3. For certainty, where more than one of the above density regulations apply to any particular **parcel**, the most restrictive governs but all remain applicable.

4.1.5. Subdivision Regulations

1. Where a zone includes a regulation entitled "Parcel Area", or this Bylaw otherwise refers to a minimum **parcel area**, then no **parcel** may be created by subdivision that has an area less than the figure specified for the Zone in which the **parcel** is located.
2. A **parcel** which is reduced in size by the dedication of land to a public body in order to accommodate a necessary public service, utility, facility or **highway**, subsequent to the approval date of this Bylaw is deemed to be in conformity with the minimum **parcel area** requirements of this Bylaw.
3. Where as a result of land acquisition for a public use after this Bylaw comes into force by:
 - a) The Regional District;
 - b) A municipality;
 - c) The Provincial Government;
 - d) The Federal Government;
 - e) An Improvement District;
 - f) The Board of School Trustees; or
 - g) A Public Utility,
 - i) The **parcel** of land that could have been subdivided into two or more **parcels** under this Bylaw when the land was acquired, and
 - ii) The **parcel**, as a result of the acquisition, can no longer be subdivided into the same number of **parcels**,the **parcel** is deemed to conform to this Bylaw for the purposes of subdivision as though the land acquisition had not occurred, but only to the extent that none of the **parcels** that would be created by the subdivision would be less than 90% of the area that would otherwise be permitted by this Bylaw.
4. The minimum **parcel area** requirements of this Bylaw do not apply to the consolidation of existing **parcels** or the addition of closed **highways** to an existing **parcel**, except that where a consolidation of existing **parcels** would include lands

located within the Rail Corridor 1 (RC1) Zone the minimum **parcel area** requirement under this bylaw shall apply.

5. The alteration of one or more **interior parcel lines** between two or more **parcels** is permitted provided that:
 - a) no additional **parcels** are created upon completion of the alteration;
 - b) the alteration does not infringe within the required setbacks for an existing **building** or **structure** located on the **parcel**;
 - c) the alteration does not reduce the site area required for a sewage disposal system on any **parcel** being altered; and
 - d) if the alteration applies to land within the 'Rail/Trail Corridor 1 (RTC1) Zone', a corridor must be maintained within that zone that is a minimum of 10 metres wide and is suitable for the possible reestablishment of a railway.
6. The minimum size for a **parcel** of land that may be subdivided pursuant to Section 514 (Subdivision for a relative) of the *Local Government Act* is 50 hectares. This regulation does not apply within the **Agricultural Land Reserve**.
7. New **parcels** created after the adoption of this bylaw must not be separated by an existing **highway** or railway right of way unless each portion of the **parcel** separated by a **highway** or railway right of way meets the minimum **parcel area** requirement of the zone.
8. The minimum **parcel area** at subdivision in any zone established under this bylaw does not apply where all of the following conditions are satisfied:
 - a) the **parcel** being created is to be used solely for the unattended equipment necessary for operation of
 - i) **public utility uses** with no exterior **storage** of any kind;
 - ii) radio or television broadcasting antennae, or other similar communications infrastructure;
 - iii) air or marine navigation aids;
 - b) no sewage is generated, and
 - c) the owner agrees in writing to registering a covenant pursuant to section 219 of the *Land Title Act* in favour of the Regional District of Kootenay Boundary at the time the subdivision is registered, and such covenant shall be satisfactory to the approving officer and shall restrict the use of the **parcel** in accordance with the applicable exception under this provision.

Commented [EM26]: Size should be minimum area of the zone?

4.2. Supplemental Regulations for Certain Uses and Circumstances

4.2.1. Home-Based Businesses

Where the home-based business use is expressly permitted, the following regulations apply:

1. a) the home-based business may be carried out by the property owner or resident solely as an **accessory use** to the permitted **single family dwelling**;
 - i) all **storage** of materials, equipment, containers or finished products must be screened within R1/R2 zones (Townsite).
- b) the home-based business use must not produce any odorous, toxic or noxious matter, noise, vibration, smoke, heat, dust, litter, glare or radiation other than that normally associated with the dwelling and must not create or cause any fire hazard, electrical interference or traffic congestion on the **highway**;
- d) the home-based business use must not involve salvage and **storage of derelict vehicles** and equipment;

4.2.2. Secondary Suites

1. Where a **secondary suite** is expressly permitted as a secondary use within a zone, the following regulations apply:
 - a) The floor area of the **secondary suite** must not exceed 90m² or 40% of the floor area of the **single family dwelling building**, whichever is less;
 - i) The maximum gross floor area of a single-family dwelling and secondary suite must be less than 500m².
 - b) Prior approval of the authority responsible for liquid waste disposal, pursuant to the relevant Provincial legislation, must be obtained before issuance of a building permit;
 - c) For **parcels** located within an area served by a **community water system**, prior approval of the water purveyor must be obtained before issuance of a building permit;
 - d) No **secondary suite** may be stratified, subdivided, or otherwise legally separated from the principal **single family dwelling** use to which it is considered a secondary use, except where the subdivision is in conformity with the minimum **parcel area** requirements of this bylaw; and
 - e) A new **secondary suite** must not be connected to a **community water system** which is subject to a Drinking Water Notification pursuant to the *Drinking Water Protection Act* under an order of the Drinking Water Protection Officer.
2. Except for floor area provisions of Subsection 4.2.2(1), it is the Board's intent that the provisions of Section 4.2.2 are integral to the definition of the Secondary

Commented [EM27]: Is this just for dwellings in the ALR?

Suite and therefore cannot be varied except through an amendment to this Zoning Bylaw.

4.2.3. On-Farm Accommodation (Agri-tourism)

A new section to be created for Steering Committee review

Will include:

- B&B's
- Campgrounds (max of 3)
- Guest Cabins (max of 3) – collectively no more than 10

4.2.4. Bed and Breakfasts

1. Where a **Bed and Breakfast** is expressly permitted as a secondary use within a zone, the following regulations apply:
 - a) Not more than four (4) **bedrooms** or **sleeping units** inside a **dwelling unit** on a single **parcel** of land may be used, at the same time, for the accommodation of the travelling public; and
 - b) The accessory use must be operated by the permanent resident(s) of the single family dwelling.
2. Except for the use and density provisions of Subsection 4.2.4(1), it is the Board's intent that the provisions of Section 4.2.4 are integral to the definition of the Bed and Breakfasts and therefore cannot be varied except through an amendment to this Zoning Bylaw.

Commented [EM28]: There was a note saying: Support B&B's not in the house or have the option. Think up a new term – Guest Cabin 60 m² allow in the Rural Zone

Removed second point that required B&B to be in single family dwelling

- All bedrooms or sleeping units must be contained inside a single family dwelling
- Although Definition contains reference to being contained within SFD

4.2.5. Campgrounds

1. Where a **campground** is expressly permitted as a primary use within a zone, the following regulations apply:
 - a) Campsites shall have a minimum area of 125m² per site.
 - b) Campsites shall have a maximum density of 50 campsites per hectare
 - d) Accessory commercial uses such as **convenience store**, eating and drinking establishment, or laundromat shall not to exceed 100m² in gross floor area.
 - e) Campgrounds must be connected to an approved sewage disposal system
 - f) Campgrounds shall only provide short-term, temporary accommodation for the travelling public.
 - g) No campsite shall be within 30 metres of a public highway, or 5 metres of a property line
 - h) Campgrounds must include a continuous 1.5 metre tall landscape screen around the boundaries of the **campground**.

Commented [EM29]: Criteria for commercial campground is needed

Commented [EM30]: Removed j) Campgrounds in the ALR must have less than 2 sites per parcel

4.2.6. Residential Footprint (Home-Plate)

The Residential Footprint is the portion of a lot that includes a principal single family dwelling and any additional accessory residential building or facilities. The maximum size of the residential footprint is 2,000m².

1. Where a residential use is expressly permitted as a secondary use within a zone, the following regulations apply:
 - a) The Residential Footprint is to be located a maximum 60 m from a road facing lot line, within which all accessory residential buildings / facilities such as, but not limited to, garages, residential driveways, campgrounds, must be located.
 - b) No portion of a residence, shall be located farther than 50.0 metres from the front or exterior lot line.
2. There may be cases where the front portion of the property is in the floodplain, an easement area, hazardous area, or for another the residential use should be placed elsewhere on the lot. For these cases the Board will consider applications for variances to this section.

Commented [EM31]: Is this intended for all parcels or just those in ALR?

Commented [EM32]: Notes that say this provision not wanted, that people should be able to place house where they want. However, it was included as a policy in the Boundary Agriculture Plan action items (1.1.2)

4.2.7. Kennels

1. Kennels shall not be permitted in the Plan Area except where a site specific re-zoning has been approved by the Board. Upon application for a bylaw amendment, such applications will be evaluated on criteria that includes, but is not necessarily limited to the following:
 - a) The size of the subject property;
 - b) The design of the proposed kennel and location so that it limits impact on neighbouring property owners;
 - c) That kennels are recognized as a rural use.
 - d) Provisions included in application for fencing and screening on *interior parcel lines*, including fencing of 2 m.

4.2.8. Sign Regulations

1. With the exception of regulations to the contrary within any particular zone under this bylaw, no *parcel* may be used for the display of any exterior *signs* on a permanent basis other than:
 - a) Those advertising a permitted use on a *parcel* of land that is occurring on the *parcel* upon which the *sign* is located;
 - b) Those for a *building* or facility permitted pursuant to section (Permitted and Prohibited Uses Section #)
 - c) Temporary signs such as election; 'For Sale'; and 'For Rent' *signs*,

- d) Advisory **signs** such as 'No Trespassing', 'No Hunting', and 'Beware of Dog', not limited as to number, provided each sign does not exceed 0.3 m² in size on any one side.
2. Unless otherwise permitted or restricted elsewhere in this bylaw, the maximum visible surface area of a sign is 3m² per side.
3. Unless otherwise permitted or restricted elsewhere in this bylaw, not more than two **signs** may be located on a **parcel** of land.
4. No **sign** may be equipped with motion or flashing lights or a mechanical device which causes the **sign** to move.
5. When a **sign** remains in place after the activity, business, product or service the **sign** advertises is no longer conducted or available on the premises on which the **sign** is located, such **sign** and any supporting **sign** structure is considered to have been abandoned, and the owner of the premises in question shall remove the sign within ninety (90) days from the date that the activity, business, product or service is no longer conducted or available or within thirty (30) days from the date written notice from the **Regional District** to remove the sign or sign structure has been received.