KIMBERLEY

BC • CANADA

CITY OF KIMBERLEY ZONING BYLAW NO.1850, 1994

ADOPTED: MARCH 28, 1994

CONSOLIDATED FOR CONVENIENCE ONLY: Sept. 16, 2024

(including up to Amending Bylaw 2770)

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CITY OF KIMBERLEY
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 1850

A Bylaw to provide Zoning, Parking and Screening regulations pursuant to the *Local Government Act*, within the City of Kimberley.

WHEREAS the Municipal Council of the City of Kimberley deems it desirable that the use of land, buildings and structures and related matters should be regulated in order to guide development of land in an efficient, systematic, and orderly way for the benefit of the public;

NOW THEREFORE the Municipal Council of the City of Kimberley in open meeting assembled hereby enacts as follows:

SECTION 1 TITLE

1.01 This Bylaw may be cited as "City of Kimberley Zoning Bylaw No. 1850, 1994".

SECTION 2 ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION AND INSPECTION

2.01 The Building Official, Bylaw Enforcement Officer, Corporate Officer, Planner and Manager Planning Services are hereby authorized to administer this Bylaw and to enter at all reasonable times on any property that is subject to a direction of Council to ascertain whether the requirements are being met or the regulations are being observed. *(Bylaw 2684, Amnd 150)*

VIOLATION

2.02 Every person who violates any provision of this Bylaw, or who causes or suffers or permits any act or thing to be done in contravention of, or in violation of, any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done under provisions of this Bylaw, shall be guilty of an offence of this Bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.

PENALTY

2.03 A person who is guilty of an offence of this Bylaw is liable. *(Bylaw 2684, Amnd 150)*

SEVERABILITY

2.04 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid section, subsection, sentence, clause or phrase of this Bylaw, as the case may be, shall be severed and, such decision shall not affect the validity of the remaining portions of this Bylaw.

REPEAL OF BYLAWS

2.05 The "The Zoning Bylaw of the City of Kimberley No. 911, 1971" and "The Zoning By-Law of The City of Kimberley No. 1073, 1974" and all Bylaws enacted in amendment thereto are hereby repealed.

SECTION 3 INTERPRETATION

APPLICATION

3.01 The provisions of this Bylaw apply to all of the City of Kimberley.

SCHEDULE

3.02 The following schedules attached to this Bylaw are incorporated into and form part of this Bylaw:
Schedule "A" - Zoning Map
Schedule "B" - Surfaced Parking Lot Specified Area

MEASUREMENTS AND CALCULATIONS

3.03

(1) Numerical quantities in this Bylaw are written in the International System of Units (i.e. - metric); approximate Imperial Units are shown for convenience only.

(2) Where a parcel contains more than one zone:

(a) Each zoned area shall be treated as a separate parcel for the purpose of calculating minimum parcel size, minimum parcel width, maximum parcel coverage, maximum number of dwelling units, and permitted site coverage.

(b) All accessory buildings, accessory uses and structures shall be provided within the area zoned for the principal building or principal use.

DEFINITIONS

3.04 In this Bylaw, the following terms have the following meanings:

ACCESSORY means customarily incidental and subordinate.

ACCESSORY BUILDING means:

(a) a detached building the use or intended use of which is accessory to that of the principal building situated on the same parcel; or
(b) a building which is accessory to a principal use made of the parcel upon which such building is (to be) located.

ACCESSORY COMMERCIAL USE means a business or service that is clearly incidental to residential or tourist accommodation use such as, but not limited to, offices, restaurants, health centres, indoor recreation or retail uses and excluding entertainment facilities. *(Bylaw 2305, Amnd 89)*

ACCESSORY DWELLING UNIT means a self-contained dwelling unit, located on the same parcel as the principal dwelling unit. *(Bylaw 2764, Amnd 173)*

ACCESSORY USE means:

(a) a use which is accessory to the principal building or to the use of the principal building on the same parcel; or
(b) a use which is accessory to the principal use made of the parcel upon which such accessory use is carried on.

AGRICULTURAL LAND RESERVE means a reserve of land established under the Agricultural Land Commission Act.
APARTMENT means a multiple unit dwelling with vertical and horizontal fire separations between dwelling units. *(Bylaw 2722, Amnd 158)*

ART AND CRAFT STUDIO means the use of premises for the creation, production, exhibition, or sale of arts and crafts to the general public. *(Bylaw 2738, Amnd 164)*

ASSEMBLY USE means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes and includes churches, auditoriums, youth centres, social halls, community halls, and conference and convention facilities.

BASEMENT means the portion of a building where floor level, relative to ceiling height, is fifty percent (50%) or more below the finished grade. *(Bylaw 2594, Amnd 134)*

BARE LAND STRATA means a strata plan, as defined under the *Strata Property Act*, on which the boundaries of the strata lots are defined on a horizontal plane by reference to survey markers and not by reference to the floors, walls and ceilings of a building, or any other strata plan defined by regulation to be a bare land strata plan.

BED AND BREAKFAST means the use of a single unit dwelling that includes:

(a) the business of renting not more than four bedrooms in the dwelling for the temporary lodging of paying guests; and
(b) the use of common living and dining area for such guests; and
(c) the use of the dwelling as the principle residence of the bed and breakfast operator; and
(d) the provision of breakfast in the dwelling for the paying guests. *(Bylaw 2127, Amnd 53)*

BOARDING AND LODGING *(deleted Bylaw 2722, Amnd 158)*

BUILDING means an enclosed structure used or intended for supporting or sheltering any use or occupancy. *(Bylaw 2722, Amnd 158)*

BUSINESS AND PROFESSIONAL OFFICES means the use of premises for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, planners, architects, engineers, surveyors, real estate and insurance firms, clerical and secretarial agencies but exclude the servicing and repair of goods, the sale of goods to customer on the site, and the manufacture or handling of a product on the site. *(Bylaw 2412, Amnd 110)*

CAMPGROUND means an area of land that has been designed and intended for the temporary placement of recreational vehicles and tents to accommodate the travelling public.

CHILD CARE FACILITY means a use which provides for the care of not more than eight children, according to the Child Care Licensing Regulation under the Community Care and Assisted Living Act. *(Bylaw 2442, Amnd 113)*

CLUB OR LODGE means a building or establishment used by a fraternal or service organization for meetings or social or recreational purposes, including accessory catering to the general public.

COMMERCIAL PARKING means a business that commercially provides a parking area that is: accessible by the public; for the temporary parking of a vehicle; and, either located on a parcel or within a structure. *(Bylaw 2594, Amnd 134)*

COMMERCIAL SCHOOL means the commercial use of all or part of a building and land to provide specialized instruction or training. *(Bylaw 2669, Amnd 146)*

COMMON WALL means a continuous, unbroken vertical structure on either side of which is a separate dwelling unit, building or strata lot.

COMMUNITY RECREATION USE means buildings, structures and open space for the use and entertainment of the community and the general public, and includes parks and playgrounds, campgrounds, fairgrounds and exhibition grounds, arenas, and swimming pools.

COMMUNITY COMMERCIAL means the commercial use of a unit located on the ground floor of a residential building or a building that is accessory to a residential building and not exceeding 140 m^2 (1507 ft^2). The use must be undertaken by a resident of a residential unit on the same parcel and may only include the following uses:

(a) convenience store;
(b) art and craft studio;
(c) health and wellness practitioner;
(d) child care facility;
(e) restaurant; or,
(f) retail.

CONTRACTOR SERVICE means the use of premises for the provision of services related to general building and contracting industries. *(Bylaw 2738, Amnd 164)*

CONVENIENCE STORE means a retail commercial establishment, not exceeding 185 m^2 (1991 ft^2) of gross floor area, supplying groceries and other daily household necessities to the immediate surrounding area.

CRAFT BREWERY and CRAFT DISTILLERY means a business licensed under the Liquor Control and Licensing Act for the limited production of alcoholic beverages with an associated retail, restaurant or entertainment facility for the sale or consumption of products produced on-site. *(Bylaw 2594, Amnd 134)*

DORMITORY means a room used as a common sleeping area which may be divided

by one or more partitions which are at least 0.5 meters less in height than the distance between the floor and the ceiling in the dormitory in which they are located. *(Bylaw 2213, Amnd 69)*

DWELLING means a building designed or used as a dwelling unit or dwelling units.

DWELLING, ACCESSORY *(Deleted, see Accessory Dwelling Unit - Bylaw 2764, Amnd 173)*

DWELLING, CARRIAGE HOUSE *(Deleted, see Accessory Dwelling Unit - Bylaw 2764, Amnd 173)*

DWELLING, DUPLEX means a principal residential building containing two (2) dwelling units that are divided by a fire separation and share a common roof and foundation. *(Bylaw 2722, Amnd 158)*

DWELLING, MULTIPLE UNIT -means a residential building containing three (3) or more dwelling units and includes a townhouse, apartment, seniors housing and supportive housing. *(Bylaw 2722, Amnd 158)*

DWELLING, SINGLE UNIT means a principal residential building containing one (1) dwelling unit. (*Bylaw 2722, Amnd 158)*

DWELLING UNIT means the use of all or part of a building for one or more habitable rooms which constitute a self-contained unit with a separate interior or exterior entrance, used or intended to be used by one or more persons for living and sleeping purposes and containing sanitary and other rooms or facilities but not more than one kitchen or set of cooking facilities. (*Bylaw 2722, Amnd 158)*

EDUCATIONAL ACADEMY means an institution established to provide specialized instruction or training. *(Bylaw 2412, Amnd 110)*

ENTERTAINMENT FACILITY means commercial use limited to premises licensed for the sale of alcoholic beverages on the premises. *(Bylaw 2302, Amnd 87)*

EQUESTRIAN FACILITIES means the site, stables, buildings, sheds, shelters, fences, corrals, arenas and other appurtenances used for the care, rearing, training, exercise, showing and enjoyment of horses including outdoor storage of feed, waste and equipment. *(Bylaw 2375, Amnd 100)*

FAMILY *(deleted Bylaw 2722, Amnd 158)*

FENCE means a fabricated structure intended to prevent intrusion onto a parcel or to separate a parcel from adjacent parcels or part of a parcel from an adjacent part of a parcel and includes a wall or trellis.

FINISHED GRADE means the average level of finished ground adjoining a building at all exterior walls or the average level of finished ground adjoining a structure at its support(s).

FLOOR AREA, GROSS means the total area of all floors in all buildings on a parcel

measured to the exterior walls of the buildings including: corridors, hallways, landings, foyers, staircases and stairwells; enclosed balconies, mezzanines porches or verandas; but, excluding: parking areas, basements, elevators and ventilating shafts, areas occupied by fixed machinery or equipment and any other space less than 1.5m in height. *(Bylaw 2594, Amnd 134)*

FLOOR AREA, GROUND means the maximum ground floor area of a building measured by the outside walls, excluding, any private garage, carport or porch. *(Bylaw 2310, Amnd 90)*

FLOOR SITE AREA means the figure obtained when the gross floor area of all buildings on a parcel is divided by the total usable site area. *(Bylaw 2238, Amnd 76)*

FLOOR SPACE RATIO means the figure obtained when the gross floor area of all buildings on a parcel is divided by the parcel area. *(Bylaw 2214, Amnd 70)*

GOLF COURSE means a parcel or group of parcels used for playing golf, consisting of at least nine holes each with a tee, fairway and green, and may contain practice areas accessory to the golf course, a pro-shop, clubhouse and lounge or dining facilities, but a golf course is not a driving range, pitch-and-putt or miniature golf establishment.

GREENHOUSE means a building specifically designed for the propagation, growing, processing and storage of vegetables, fruit, flowers, shrubs, herbs, spices or other plants for transplanting on the same site or for sale. *(Bylaw 2412, Amnd 110)*

GROSS HECTARE means a hectare of land including areas given over to development of private streets, lanes and open spaces.

GROUP DAY CARE means a use which provides for the care of more than eight children according to the Child Care Licensing Regulation under the Community Care and Assisted Living Act. *(Bylaw 2442, Amnd 113)*

GROUP HOME means a dwelling for the accommodation of not ~~less than three (3) or~~ more than ten (10) persons, exclusive of staff, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, and:

(a) such facility is supervised and the members of the group are referred by a hospital or government agency; and
(b) such facility is licensed or approved ~~under~~ by the Provinc~~ial~~ of BC, its ministries, or its corporations ~~statute~~ and does not include any use otherwise classified or defined in this Bylaw.

HABITABLE ROOM means a room designed for living or sleeping, but does not include a bathroom, kitchen, storage room, laundry room, utility room or closet.

HEALTH AND WELLNESS PRACTITIONER means a business that provides out-patient educational, personal or retail health services to the public either by appointment or walk-in. This includes, but not limited to, doctor and dentist,

registered therapists, homeopathy providers and health studios or spas. *(Bylaw 2594, Amnd 134)*

HEIGHT means the vertical distance from the finished grade to the highest point of the building or structure.

HIGHWAY includes a street, road, lane, bridge, viaduct and any other way open to public use but does not include a private right-of-way on private property, a walkway or common lot access as defined by the Condominium Act.

HOME BASED BUSINESS means:

(a) Classification 1 - An occupation, service, profession or craft which is clearly accessory to the use of a dwelling unit for residential purposes or to the residential use of a parcel occupied by a dwelling and is carried on only by residents of the dwelling unit but does not include the repair of vehicles.

(b) Classification 2 - An occupation, service, profession or craft which is clearly accessory to the use of a dwelling unit for residential purposes or to the residential use of a parcel occupied by a dwelling and is carried on by residents of the dwelling unit plus no more than two (2) non-resident assistants or employees, but does not include the repair of vehicles; or

(c) Classification 3 - An occupation, service, profession or craft which is clearly accessory to the use of a dwelling unit for residential purposes or to the residential use of a parcel occupied by a dwelling and is carried on only by residents of the dwelling unit but does not include the visitation of customers or clients, the generation of additional traffic, or the repair of vehicles on the premises. (*Bylaw 2722, Amnd 158)*

HOSTEL means a building used as a temporary place of lodging containing one or more dormitories and includes common areas for working, cooking, dining and socializing, bathroom, kitchen, dining and social facilities. *(Bylaw 2213, Amnd 69)*

HOTEL means a building or part wherein accommodation is provided for the travelling public. Accommodation may be with or without individual cooking facilities. Entrance and exit ways are shared and the building may include public areas such as a lobby, restaurant, assembly, entertainment, convention and recreation facilities.

INDOOR STORAGE means a non-habitable room or compartment made commercially available to the public for the storage of goods or personal property. This does not include an indoor storage unit made exclusively available to business or dwelling unit located on the same parcel. *(Bylaw 2594, Amnd 134)*

INDUSTRIAL OPERATION means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, cleaning, servicing, testing, storing and distribution of materials, goods, products, or equipment. *(Bylaw 2738, Amnd 164)*

LANE means a highway which provides secondary access to any abutting parcel.

LOADING SPACE means an area of land other than a highway used for the parking of a vehicle.

LIVE-WORK UNIT means a self-contained dwelling unit that is accessory to a light industrial activity located on the same parcel. The dwelling must have an independent ground floor entry and it may be located within or attached to the principal building or in a detached accessory building. *(Bylaw 2412, Amnd 100)*

LODGE see "Club".

MOBILE HOME means any building constructed in accordance with the standards set forth in CAN/CSA Z240 MH Series M86, as amended from time to time, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried on its own chassis, and which contains a dwelling unit. A mobile home is not a recreational vehicle. A mobile home does not include modular structures constructed in accordance with the standards set forth in CSA Standard A277 – M1990, as amended from time to time. *(Bylaw 2722, Amnd 158)*

MOBILE HOME AREA means that part of a mobile home park used primarily for installed mobile homes, including permissible additions and which is not used for buffer area, roadways, owner's residential plot, the procuring and treatment of water, collective sewage treatment, effluent disposal from a collective sewage treatment plant, garbage disposal, or accessory buildings or structures.

MOBILE HOME PARK means land used or occupied by any person for the purpose of providing space for the accommodation of two (2) or more mobile homes and for imposing a charge or rental for the use of such spaces.

MOBILE HOME SPACE means an area of land for the installation of one mobile home with permissible additions and situated within a mobile home area.

MODULAR HOME *(deleted Bylaw 2722, Amnd 158)*

MOTEL means a building or group of buildings divided into self-contained sleeping or dwelling units, each with a separate entrance, for the primary purpose of accommodating the travelling public including a motor court, resort, a cottage, bungalow or cabin but does not include a hotel or other residential premises. A motel may include a dining establishment primarily engaged in the service of food to persons in temporary residence in the motel but may not include establishments primarily engaged in providing entertainment or in serving beverages.

NATURAL BOUNDARY means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the 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. *(Bylaw 2383, Amnd 101)*

NEIGHBOURHOOD PUB means premises used for the on-site consumption of food and alcoholic beverages as the principal use of the site, which may include outdoor customer service areas, and intended primarily to serve the nearby residents. *(Bylaw 2412, Amnd 110)*

NEIGHBOURHOOD RECREATION FACILITY means a facility for social and recreation activities that may include swimming pool, fitness rooms, communal lounges, meeting rooms and other similar activities and used primarily by residents of the site or neighbourhood in which it is located. *(Bylaw 2403, Amnd 107)*

NURSERY means a land area used for the propagation, growing and storage of trees, shrubs and other plants for transplanting on the same site or for sale. *(Bylaw 2412, Amnd 110)*

OUTDOOR AMENITY AREA means an area that is part of a building or parcel intended for the outdoor recreational use of the occupants, either for common use or individual dwelling unit use, exclusive of the areas occupied by entrance hallways, driveways, parking areas, dwelling units, and storage areas. An outdoor amenity area must not be greater than 30% in length of its width and must not be sloped greater than 3% in grade at any point. *(Bylaw 2764, Amnd 173)*

OUTDOOR STORAGE means the use of premises for storing or accumulating goods, equipment, or material in an area that is open or exposed to the natural elements. *(Bylaw 2738, Amnd 164)*

PARKING AREA means an area of land that includes parking spaces plus driveways, manoeuvering aisles and landscaping associated with the parking area. A parking area may be open, concealed, sheltered or underground.

PARKING SPACE means an area of land other than a highway used for the parking of a vehicle.

PASSENGER VEHICLE SPACE means an accessible area of land, other than a highway, used for the safe loading and unloading of passengers and temporary parking of commercial passenger vehicles. *(Bylaw 2383, Amnd 101)*

PARCEL means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

PARCEL, IRREGULAR means a parcel with opposite side parcel lines that are not parallel.

PARCEL LINE means a legal boundary of a parcel as shown or described on the records of the Land Title Office.

PARCEL LINE, EXTERIOR SIDE means the side parcel line which abuts a highway or a lane.

PARCEL LINE, FRONT means the parcel line common to a parcel and an abutting highway other than a lane, however:

a) For a corner lot, the shortest such line shall be considered the front parcel line; or
b) For a through lot, the front parcel line shall be that to which the majority of adjacent buildings face, but if this is not determinative, then from which the parcel derives its civic address. *(Bylaw 2722, Amnd 158)*

PARCEL LINE, INTERIOR SIDE means the side parcel line which abuts another parcel.

PARCEL LINE, REAR means the parcel line or parcel lines opposite to and most distant from the front parcel line; however, where the rear portion of an irregular parcel is bounded by intersecting side parcel lines, it shall be the point of such intersection. *(Bylaw 2722, Amnd 158)*

PARCEL LINE, SIDE means the parcel line or parcel lines other than the front or rear parcel line and common to another parcel or parcels or to a highway.

PARK means open space used for recreational purposes or maintained for the use and enjoyment of the public and includes Federal, Provincial, Regional and local parks, ecological, archaeological and historic sites, and also includes privately owned land for use of which no charge is made to the public.

PATIO means a surfaced, open space of land at grade, or platform not more than 0.6m (2 ft) above finished grade, and not covered by a permanent roof or enclosed by temporary or permanent walls *(Bylaw 2383, Amnd 101)*

PERSONAL SERVICES means a business catering to the needs of the general public including but not limited to barber shops or beauty salons, dry cleaning, electrical appliance repairs, financial institutions, photography studios, shoe repairs, ticket and travel agencies, insurance agencies, pet shops. *(Bylaw 2302, Amnd 87)*

PLACE OF WORSHIP means a building, structure, or part thereof, which is primarily used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach. Accessory uses include, but are not limited to, classrooms for religious instruction, programs for community social benefit, administrative offices related to the place of worship, and one dwelling unit. *(Bylaw 2463, Amnd 116)*

PLATZL means all that area shown as Spokane Street and Deer Park Avenue in Schedule “A” attached hereto and forming part of this Bylaw. *(Bylaw 2302, Amnd 87)*

PRINCIPAL BUILDING means a building in which or in relation to which the permitted principal uses are concentrated.

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

PUBLIC BUILDING means any building occupied by the Government of Canada, the Provincial Government, the Regional District of East Kootenay, or the City of Kimberley used in the service of the public and includes a fire hall and police station.

PUBLIC SCHOOL means a place of instruction maintained at public expense pursuant to the School Act.

PUBLIC UTILITY USE means a use, including buildings and structures, providing water supply, sewage collection and disposal (excluding sewage treatment plants), electricity, natural gas, telephone, radio and television broadcasting, transmitting and receiving and similar services where such use is established by the City of Kimberley, or a company regulated by government utility or communications legislation.

RECREATIONAL LAKES AND PONDS means water bodies designed and constructed for a variety of recreational uses including swimming, sunbathing, water-skiing, wakeboarding and winter skating. *(Bylaw 2375, Amnd 100)*

RECYCLING DEPOT means an establishment involved in the recycling of post-consumer refuse such as glass, paper, cardboard and containers, with most activities carried out in a building but also including outdoor processing and storage. A salvage yard is not a recycling depot.

REPAIR OF VEHICLES means the disassembly of vehicles, derelict or otherwise, into component parts and the construction, repair and maintenance of ordinary or special status vehicles, but does not include the repair and maintenance of licensed or leased vehicles owned by members of the family.

RESEARCH AND DEVELOPMENT ESTABLISHMENT means the use of premises for analytical, scientific and technical research, development, testing, manufacturing, and servicing of products or prototypes. *(Bylaw 2738, Amnd 164)*

RESIDENTIAL means a fixed place of living, excluding any tourist accommodation, to which a person intends to return when absent. *(Bylaw 2722, Amnd 158)*

RESTAURANT means a building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the parcel. As an accessory use, take-out service of food and beverages for off-site consumption may be provided. *(Bylaw 2302, Amnd 87)*

RETAIL means a building or part thereof in which goods are offered or kept for sale directly to the public at retail. *(Bylaw 2302, Amnd 87)*

SALVAGE YARD means an open area where waste or scrap material, primarily metals, are stored, processed, exchanged or sold.

SCREENING means a fence or hedge or combination thereof that obstructs certain views of the parcel which it encloses and is broken only by access drives, lanes and walkways, excluding open mesh or chain link style fences.

SECONDARY SUITE means a complete living unit with its own kitchen, sleeping area, and washroom facilities contained within another dwelling unit. The two dwelling units (the principal dwelling unit and the secondary suite and any common spaces) make up a single real estate entity that cannot be stratified or otherwise legally separated from the other. (*Bylaw 2764, Amnd 173*)

SELF-STORAGE means the use of land, buildings, and structures for a business that provides individual storage compartments primarily used for the storage of personal articles. *(Bylaw 2738, Amnd 164)*

SENIORS HOUSING means multiple unit housing intended for elderly persons. Seniors housing may be designed for independent living or include on-site support services and facilities or a combination of independent and assisted living units. Seniors housing is primarily sponsored or administered by a public agency or service club, church, or other non-profit organization, or by any combination thereof. Seniors housing may include accessory uses such as common amenity areas, communal dining and kitchen facilities, and health consulting and treatment services. *(Bylaw 2383, Amnd 101)*

SHOPPING CENTRE means a planned complex of stores grouped around a pedestrian mall or plaza, that is designed and managed as an integrated unit with common parking spaces, and may include retail, office, including medical and professional offices, and recreational facilities.

SITE COVERAGE means the figure obtained when the projected area of the outside walls, excluding steps, eaves, patios, and cantilevered balconies, of all principal and accessory buildings is expressed as a percentage of the total parcel area. *(Bylaw 2383, Amnd 101)*

SLEEPING UNIT means one or more habitable rooms used for lodging of a person or persons on a temporary or longer basis and must include in addition to the habitable room(s) a toilet, wash basin and bath or shower, but must not contain facilities for the preparation of food *(Bylaw 2124, Amnd 52)*

SOLAR ENERGY FACILITY means an electric generating facility whose main purpose is to collect and convert solar energy to generate, store, distribute and supply electricity and consists of one or more solar collector panel, film, shingle, or other device and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. *(Bylaw 2471, Amnd 119)*

STRUCTURE means any construction which is fixed to, supported by or sunk into land or water, excluding paving or surfacing materials such as asphalt or concrete.

SUPPORTIVE HOUSING means a form of housing specifically designed to enable elderly persons, not requiring personal care or any higher level of care, to live independently, while benefiting from a communal environment in terms of social life, security and personal care services. It contains facilities including:

(a) substantial common amenity area;
(b) communal dining room and kitchen;
(c) built-in safety features for seniors living including grab bars in washrooms, personal emergency alarms; and,
(d) at the project level, recreation programs for the residents. *(Bylaw 2226, Amnd 73)*

TEMPORARY means less than four (4) consecutive weeks or twenty-eight (28) consecutive days. *(Bylaw 2124 Amnd 52)*

TOBOGGAN HILL means a land area with a slope suitable for sledding, skiing, tubing and appropriate activities in other seasons and which may have a mechanical system for conveying patrons to higher elevations. *(Bylaw 2375, Amnd 100)*

TOURIST ACCOMMODATION means a building or portions of a building containing one or more habitable rooms that are used for temporary lodging by visitors where payment for occupancy is on a daily or weekly basis. *(Bylaw 2124, Amnd 52)*

TOWNHOUSE means a multiple unit dwelling wherein dwelling units are separated by vertical fire separations, and may also include horizonal fire separations between dwelling units. *(Bylaw 2764, Amnd 173)*

TRAVEL SERVICES means a building or site used for the loading and unloading of passengers utilizing commercial passenger vehicles including, but not necessarily limited to, bus or shuttle services. Accessory uses may include ticket offices, food services, offices, facilities for handling and temporary storage of luggage and freight, waiting rooms and similar uses. *(Bylaw 2383, Amnd 101)*

VEHICLE means a device in, on or by which a person or thing is or may be transported or drawn on a highway, except a device designed to be moved by human power or used exclusively on stationary rails or tracks.

VEHICLE, DERELICT means any vehicle which is not licensed for the current year but does not include a vehicle stored in a building or a vehicle used for industrial purposes on land zoned for industrial use in this Bylaw.

VEHICLE, RECREATIONAL means a vehicle which is, or was originally designed to travel or to be transported on a highway and constructed or equipped to be used as temporary living or sleeping quarter by travellers, or a vehicle which is designed as a recreation conveyance on or off the highway and, without limiting the generality of the foregoing, includes a trailer, travel trailer, tent trailer, coach, camper, motor home but not a mobile home.

VETERINARY CLINIC means a facility offering and designed for the care and

treatment of animals under the supervision of a Doctor of Veterinary Medicine.

WAREHOUSE means a building or structure used for the storage of goods or products for distribution, but excludes self-storage. *(Bylaw 2738, Amnd 164)*

WHOLESALE DISTRIBUTION means a building used for the bulk sale of merchandise to a retail outlet, or for reuse in the manufacturing process, but excludes on-site pick up, or retail sale of goods on the same site. *(Bylaw 2738, Amnd 164)*

YARD means the outdoor area of a parcel adjacent to a building or structure extending from an exterior wall of the building or structure to a parcel line.

YARD, EXTERIOR SIDE means a side yard where the side parcel line abuts a highway or a lane.

YARD, FRONT means a yard extending across the full width of the parcel from the front parcel line to the exterior wall of a building or structure, measured at right angles to the front parcel line. *(Bylaw 2594, Amnd 134)*

YARD, INTERIOR SIDE means a side yard where the side parcel line abuts another parcel.

YARD, REAR means a yard extending across the full width of the parcel from the rear parcel line to the exterior wall of a building or structure, measured at right angles to the rear parcel line. *(Bylaw 2594, Amnd 134)*

YARD, SIDE means a yard extending from the front yard to the rear yard and lying between the side parcel line and the exterior wall of a building or structure measured at right angles to the side parcel line. *(Bylaw 2594, Amnd 134)*

Defined terms are underlined in this Bylaw for convenience purposes only, and the above definitions apply whether a term is underlined or not.

SECTION 4 - GENERAL REGULATIONS

GENERAL COMPLIANCE

4.01

(1) No person shall use, occupy or permit any person to use or occupy any land or building in contravention of this Bylaw.

(2) Nothing contained in this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to that use, activity, building, structure or other matter regulated under this Bylaw.

(3) Every use of land, building and structure permitted in each Zone must conform to all the regulations of the applicable Zone and all other regulations of this Bylaw.

GENERAL PROHIBITIONS

4.02

(1) No land, building or structure may be used or occupied, and no building or structure may be left with no use, except in conformity with this Bylaw.

(2) No building or structure or part thereof may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged:
   (a) except in conformity with this Bylaw; or
   (b) so as to cause any existing building or structure on the same parcel to violate the provisions of this Bylaw.

(3) No subdivision may be approved:
   (a) except in conformity with this Bylaw; or
   (b) so as to cause any existing building or structure to violate the provisions of this Bylaw.

PERMITTED AND PROHIBITED USES

4.03

(1) No land, building or structure may be used for a use that is not specifically listed under the heading “Permitted Principal Uses” or “Permitted Accessory 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 principal use in that Zone. Furthermore:
   (a) A use not specifically permitted in this Bylaw is prohibited from the City.
   (b) A use not specifically permitted in a Zone is prohibited from that Zone.
   (c) A use listed under “Permitted Accessory Uses” is only permitted if a use under “Permitted Principal Uses” is lawfully established and ongoing.
   (d) A use is only permitted if lawfully established and ongoing in accordance with the regulations applicable to the use, as identified throughout this Bylaw, some of which may be varied in accordance with *Local Government Act* authority of the Board of Variance, or by City Council via development variance permit or variance within a development permit, as applicable.

(2) Uses Permitted in All Zones:
The following uses are permitted in all Zones, in accordance with any conditions noted in this section or otherwise in the applicable Zones:
(a) parks;
(b) public utility uses;
(c) home based business (classification 3)
(d) one temporary building, structure, or recreational vehicle used as a temporary residence directly related to the construction of a new building or reconstruction of an existing building on a parcel, provided:
(i) the owner holds a valid building permit for construction of a new single unit dwelling or duplex dwelling building or reconstruction of the existing single unit dwelling or duplex dwelling building;
(ii) the temporary residence conforms with all the requirements of the Zone in which it is situated, including siting, as if it was a principal building; and
(iii) within two months of completion, expiry, revocation or other termination of the building permit referenced in subsection (i), the temporary residence is removed and the parcel is restored as nearly as possible to its condition prior to the construction or placement of the temporary residence.
(e) one temporary building, structure, or recreational vehicle used as a temporary site office directly related to the construction of a new building or reconstruction of an existing building on a parcel, provided:
(i) the owner holds a valid building permit for construction of a new multiple unit dwelling, commercial, industrial or institutional building or reconstruction of the existing multiple unit dwelling, commercial, industrial or institutional building;
(ii) the temporary site office conforms with all the requirements of the zone in which it is situated, including siting, as if it was a principal building; and
(iii) within two months of completion, expiry, revocation or other termination of the building permit referenced in subsection (i), the temporary site office is removed and the parcel is restored as nearly as possible to its condition prior to the construction or placement of the temporary site office.

(3) Uses Prohibited in All Zones:
Without limiting the generality of Section 4.03(1), the following uses are prohibited in all Zones, in accordance with any conditions noted in this section or otherwise in the applicable Zones:
(a) Intensive agriculture use, other than on land that is within the Agricultural Land Reserve, unless specifically permitted within a Zone.
(b) the use of a tent, camper, trailer or other recreational vehicle, or any temporary building or structure, for residential purposes except as noted in Subsection 4.03(2)(d) or unless specifically permitted within a Zone.
(c) repair of vehicles, unless specifically permitted within a Zone;
(d) parking or storage of derelict vehicles, unless specifically permitted within a Zone.

(4) Where a parcel does not satisfy the minimum parcel area or dimensions requirements, then the parcel may not be used for the otherwise permitted uses in that Zone, unless the parcel was created prior to the adoption of this Bylaw and no other permitted use is available for the parcel.

DENSITY REGULATIONS

4.04

(1) Where a Zone includes a regulation specifying a maximum floor space ratio, the gross floor area of all buildings, including accessory buildings, on the parcel divided by the total area of the parcel must not exceed the ratio identified for the Zone in which the parcel is located.

(2) Where a Zone includes a regulation specifying a maximum number in relation to buildings or structures, no parcel may contain more buildings and structures (combined) than the number specified for the Zone in which the parcel is located.

(3) Where a Zone includes a regulation specifying a maximum number of units on a parcel, no parcel may be developed with more than the number of units identified for the Zone in which the parcel is located.

(4) For certainty, where more than one of the above density regulations apply to any particular parcel, the most restrictive governs but all remain applicable.

SUBDIVISION OF PARCELS

4.05

(1) Parcel Area: Where a Zone includes a regulation entitled “Minimum Parcel Area”, 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) Parcel Frontage: Where a Zone includes a regulation entitled “Minimum Front Parcel Line”, no parcel may be created by subdivision that has a front parcel line less than the figure specified for the Zone in which the parcel is located.

(3) Exceptions:
   (a) The minimum parcel area and minimum front parcel line requirements of this Bylaw do not apply to:
      (i) Parks; and
      (ii) Public utility uses.
   (b) Despite the minimum parcel area and minimum front parcel line requirements of this Bylaw, a parcel may be created if:
      (i) the existing parcel or parcels are lawfully non-complying with respect to the parcel area or front parcel line or both; and
      (ii) the parcel or parcels to be created have a parcel area and front parcel line greater than that of the area and width of each of the existing parcels.

DEVELOPMENT PERMITS

4.06

(1) Development Permit Areas are designated in the City's Official Community Plan, and in accordance with section 489 of the *Local Government Act*, guidelines and conditions under which a development permit is not required may be specified in the OCP or Zoning Bylaw.

(2) A Development Permit is not required in the following circumstances for all Development Permit Areas:

(a) Internal alterations that do not affect the outer appearance of a building or structure;

~~(b) Construction of, addition to, or alteration of a single unit dwelling, duplex dwelling, a dwelling unit that is accessory to a single unit dwelling or duplex dwelling, or accessory buildings or structures located on the same parcel as a single unit dwelling or duplex dwelling;~~

~~(c)~~(b) Minor subdivisions, involving boundary adjustments, lot consolidations or road dedication, provided

(i) the number of parcels involved does not exceed five (5); and

(ii) the total area of the parcels is generally consistent with the area of adjacent parcels.

HOME BASED BUSINESSES

4.07

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

(1) It shall produce no offensive noise, traffic, vibration, smoke, dust, odour, glare or electrical interference.

(2) It shall be carried on wholly within the dwelling unit or within an accessory building.

(3) There shall be no exterior indication of the home-based business either by stored material, displays, floodlighting or otherwise, or by any variation from the residential character of the dwelling unit or accessory building except signage authorized under a valid sign permit. *(Bylaw 2594, Amnd 134)*

(4) Parking for a home-based business shall not be located in the required front yard, except on a driveway or area which is designed and paved for parking.

(5) Materials and commodities shall not be delivered to or from the residence in such bulk or quantity as to require in the cumulative, more than weekly delivery by a commercial vehicle or trailer.

(6) Only retail sales of products or goods produced or fabricated on the property shall be permitted.

COMMUNITY COMMERCIAL BUSINESSES

4.07A

A Community Commercial Business, where permitted by this Bylaw, shall be in compliance with the following:

(1) It shall produce no offensive noise, traffic, vibration, smoke, dust, odour, glare or electrical interference.

(2) It shall be carried on wholly within the permitted unit and area identified within the corresponding development permit issued to create the commercial unit and/or business license issued for the ongoing operation of the business.

(3) The use shall not alter a site to such an extent as the residential aspect of the property ceases to remain the principal use of the property.

(4) Parking for a community commercial business shall be sufficient to ensure no disruption to local traffic and/or use of on-street parking is not unreasonably impacted.

(5) Materials and commodities shall not be delivered to or from the residence in such bulk or quantity as to require in the cumulative, more than weekly delivery by a commercial vehicle or trailer.

ACCESSORY BUILDINGS AND STRUCTURES

4.08

(1) No accessory buildings or accessory structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged unless
   (a) the principal permitted use is being carried out on the parcel, or
   (b) the principal building for a permitted use is under construction with a valid and current building permit.

(2) Where an accessory building or structure is attached to the principal building, it must be considered part of the principal building.

SETBACKS, SITING AND LOCATION OF USES, BUILDINGS AND STRUCTURES

4.09

(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) Where a Zone includes a regulation specifying “Siting”, “Minimum Yard” or “Minimum Setback”, no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged nearer to the parcel line or other feature than the distance specified for the Zone in which the building or structure is located, or distance specified in other regulations of this Bylaw, and for certainty:
   (a) Setbacks may vary according to any combination of use, building, structure, yard or location within a Zone or adjacent Zone, or by parcel dimensions, or to a specific highway, and the provisions of this Bylaw must

be interpreted accordingly; and

(b) 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.

(3) Additional Setback Requirements:

(a) Water Setbacks:

(i) 4.5m (15 ft) from the natural boundary or engineered channel, whichever is applicable, of Mark Creek or any other watercourse unless specified in a floodplain or other bylaw;

(ii) 15m (49.2 ft) from the natural boundary of any other body of water

(b) Parking structures:

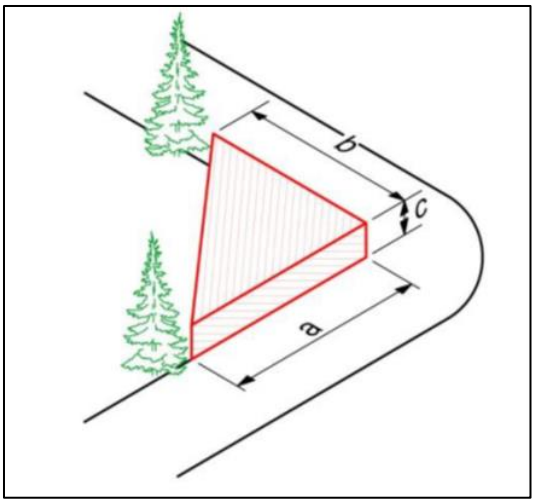
Any parking spaces for a multiple unit dwelling provided in a garage or carport at which access is provided from any highway, excluding a lane, must be setback a minimum of 5m from the parcel line. Where no lane exists, this additional setback is not required but the applicable siting regulations of the zone will apply. *(Bylaw 2764, Amnd 173)*

(c) Visibility at Intersections:

On corner parcels in a Residential or Comprehensive Development Zone: no buildings, structures, fences, landscaping or other objects in excess of 1m (3.2 ft) in height, and that obstruct visibility by more than 20%, are permitted within a triangular area bounded by the two parcel lines adjacent to the highways, including lanes, and a straight line joining each parcel line at a distance of 3m (10 ft) from their points of intersection.

Example of Sight Triangle

a = 3 m
b = 3 m
c = 1m



(4) Setback Exceptions:

The following exceptions are only applicable to the setbacks identified in Section 7 of this Bylaw, subject to such building code requirements as may be applicable, and do not override the “Additional Setback Requirements” of the previous section:

(a) Fences or retaining walls

(b) Eaves, gutters, fireplaces, chimneys, cornices, sills, bay windows, belt courses, heating or ventilating equipment provided such projections do not project more than 0.6 m. (2 ft), measured horizontally, into required yard area.

(c) Uncovered steps or unenclosed stairwells provided that such projections do not exceed 1.5 m. (5 ft) and that such projections are no closer than 1m (3.3 ft) to the property line.

(d) A patio or terrace, which may be open or fenced, and which may be covered only by a temporary covering such as an awning.
(e) 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 Kimberley.
(f) Arbors, trellises, fish ponds, ornaments, vegetation and similar landscape features.
(g) Landscape features including planters, stairs, walkways, decks and decorative walls, provided such features are not greater than 0.6 meters in height above any point of the adjacent grade and are set back at least one meter from any side parcel line and at least two meters from the front parcel line and rear parcel line.

SIZE AND DIMENSIONS OF USES, BUILDINGS AND STRUCTURES

4.10

(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) Where a Zone includes a regulation specifying “Maximum Site Coverage”, the footprint area measured to the exterior walls of all buildings and structures, excluding steps, eaves, patios, and cantilevered balconies or decks, on the parcel must not exceed the percentage specified for the Zone in which the parcel is located.

(3) Where a Zone includes a regulation specifying “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,
(a) maximum height in a Zone may vary according to the use of the building or structure, as specified in the Zone; and
(b) where two or more measures of height are noted, neither can be exceeded.

(4) Height Exceptions:
(a) Despite the definition of height in Section 3.04, where the elevation of the highway servicing the parcel is above the average elevation of the grade of the subject parcel, the maximum permissible building height may be increased by the difference in ground elevation between the highway and grade of that face of the building that fronts onto the highway to a maximum increase of 3 metres.
(b) 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, baseball diamond backstops, elevator shafts, ventilators, lightning poles, ski lifts and towers.

RETAINING WALLS, FENCING, SCREENING AND LANDSCAPING

4.11

(1) All fencing, retaining walls, screening and landscaping must be maintained in good condition at all times.

RETAINING WALLS

(2) The exposed face of any retaining wall must not exceed height of 2 metres.

(3) Tiered retaining walls must have a minimum 1.5 metre planting ledge between walls and be planted with vegetation to reduce visual impacts

(4) Stacked Rock Walls:
   (a) The previous two subsections do not apply to stacked rock walls having a slope less than 45 percent;
   (b) The continuous height of any stacked rock wall should not exceed 5 metres, or 10 metres when tiered;
   (c) Where the height exceeds 5 metres, a planting ledge with a maximum width of 3 metres must be provided between tiers;
   (d) All slopes and retaining walls over 1.5 metres in height are subject to certification of a geotechnical engineer.

FENCING

(5) Barbed, electrified, or razor wire must not be used as a fencing material in any Zone, except barbed wire may be used as a fencing material for public safety and security purposes only in M-1, M-2 or P-2 Zones provided:
   (a) it is not used in any yard or parcel line abutting a residential zone or a parcel containing a residential use;
   (b) it must not be located within 1.8 m (6 ft) of ground level; and
   (c) it is only placed on a fence at 1.8 m (6ft) above the level of the ground but only to a combined maximum height of 2.4 m (8ft)

(6) Maximum height restrictions do not apply to open mesh and chain link fences erected to enclose cemeteries, sports fields, tennis courts, playgrounds, park, public utility uses, and municipal facilities.

(7) The height of a fence on top of a retaining wall at a property line, or within 1.2m of a property line, shall not exceed the maximum height prescribed for the particular yard and zone when measured from grade on the high side of the retaining wall.

(8) The height of a fence on top of a berm, wherever located on a parcel, must not exceed the maximum height prescribed for the particular yard and zone when measured from the natural ground level prior to establishment of the berm.

(9) All Zones, except Industrial and Public Zones:
   (a) The maximum height of a fence in all yards shall be 2.15 metres (7 ft).

(10) Industrial Zones

(a) The maximum height of a fence in all yards shall be 2.15 m (7ft), except where barbed wire is permitted in which case the combined maximum height is 2.4 m (8ft).
(b) All outdoor storage, excluding display of retail goods or merchandise, shall be screened by a tight board fence, compact evergreen hedge, or other opaque screening not less than 1.8 metres (6 ft) in height, nor greater than 3.0 m (9.9 ft) in height to obstruct views of outdoor storage from any highway abutting the parcel or part thereof where the outdoor storage is located. *(Bylaw 2738, Amnd 164)*

(11) Public Zones
(a) The maximum height of a fence in all yards shall be 2.15 m (7ft), except where barbed wire is permitted in which case the combined maximum height is 2.4 m (8ft).

LANDSCAPING

(12) On a parcel in an Industrial, Institutional, and Commercial zone, any part of the parcel not used for buildings, exterior display areas, parking or loading facilities must be fully landscaped and properly maintained in a permeable state;

(13) On a parcel in a Residential zone, a minimum of 20% of the total surface area of the parcel, excluding decks, patios, driveways, and parking areas, must be landscaped and maintained in a permeable state; (*Bylaw 2764, Amnd 173*)

(14) For the purposes of the previous two subsections, the following surfaces are not permeable:
(a) buildings and structures;
(b) decks;
(c) patios;
(d) asphalt;
(e) concrete; and
(f) grouted pavers.

(15) For all landscape screening, landscaped buffers or other landscaped areas required by this Bylaw, the following landscape requirements shall apply:
(a) Existing landscaped areas of healthy woody plants (trees and shrubs) shall be preserved and protected during construction unless demonstrated to the satisfaction of the City that removal is required to accommodate a use, building or structure on the lot or if the plants pose a safety hazard. Existing landscaping or natural vegetation that is to be retained must be protected to the furthest extent of the drip line and the final grading of the site should not alter the natural grade within the root zone more than 20 cm, unless an arborist report indicates otherwise and is approved by the City;
(b) At installation, planted deciduous trees shall be min. 8cm caliper in Commercial zones and min. 6 cm caliper in Industrial, Institutional, and Residential zones;
(c) At installation, planted coniferous trees shall have a minimum height of 3.0m in commercial zones and a minimum height of 2.0m in Industrial, Institutional, and Residential zones;

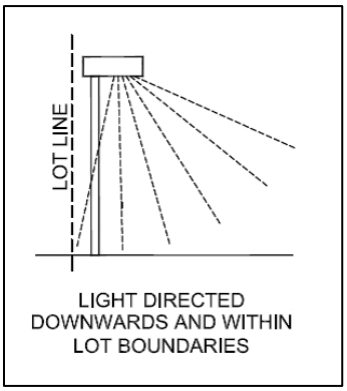
(d) New landscape plantings shall consist of native xeric or water conserving herbaceous and/or woody plant species proven to be enduring in the Kimberley area and shall exclude invasive species;
(e) Appropriate means of irrigation, with an emphasis on high-efficiency water reducing systems, shall be provided by the owner of the parcel with particular attention paid to adequate watering during the establishment period to ensure survival of the newly planted areas;
(f) Plant selection must make special consideration of WildSafe criteria to avoid plant species that are bear and deer attractants and consider FireSmart criteria.

LIGHTING

4.12

(1) All lighting poles, masts, standards or structures shall be oriented on a lot to ensure that no direct rays of light shine upwards or beyond the boundaries of the lot.

(*Bylaw 2722, Amnd 158*)



SECTION 5 - PARCEL AREA REQUIREMENTS

PARCEL AREA

5.01

(1) The parcel area requirements in Section 7 of this Bylaw shall not apply to:
(a) public utility uses;
(b) parks.

SECTION 6 - PARKING AND LOADING REQUIREMENTS

LOCATION OF PARKING SPACES AND LOADING SPACES

6.01

(1) (a) All required parking spaces shall be provided on the parcel on which the use is located; and
(b) No portion of a parking space or access driveway shall be located within 6m (19.7ft) of the intersection of two highways, excluding a lane. (*Bylaw 2722, Amnd 158*)

(2) Notwithstanding Subsection (1) of this Section, all uses on a parcel zoned C-1, C-2, C-3, CP-1, CD-7, DMU-1 and DMU-2 shall be exempt from the parking requirements of this Bylaw. *(Bylaw 2566, Amnd 131; Bylaw 2669, Amnd 146)*

(3) Notwithstanding Subsection (1) of this Section, required parking spaces may be

located on separate parcels from that on which the use is located, provided that:

(a) the required parking spaces are located no further than 150m (492 ft) from the use, building or structure that the parking spaces are intended to serve; and

(b) a covenant under Section 219 of the Land Title Act is registered in the Land Title Office in favour of the City of Kimberley against the title of the parcel to be used for parking, reserving the parking spaces that are not on the same parcel as the use, building or structure that they are intended to serve for as long as that use, building or structure exists. *(Bylaw 2470, Amnd 118)*

(4) (a) All required loading spaces shall be provided on the parcel on which the use is located.

(b) No portion of a loading space shall be located within 7.5m (25 ft) of the intersection of two highways, excluding a lane. *(Bylaw 2302, Amnd 87; Bylaw 2470, Amnd 118)*

CALCULATION OF PARKING SPACES

6.02

(1) Parking spaces shall not be credited as loading spaces.

(2) Loading spaces shall not be credited as parking spaces.

USE AND CONDITION OF PARKING AND LOADING AREAS

6.03

(1) Required parking spaces and loading spaces shall not be used for driveways, or for the display, sales or storage of goods.

(2) An owner or occupier who provides a greater number of parking spaces or loading spaces than this Bylaw requires shall construct and maintain the extra parking or loading spaces in accordance with the requirements of this Bylaw.

SIZE OF PARKING SPACES AND LOADING SPACES AND CONSTRUCTION STANDARDS

6.04

(1) All parking spaces and loading spaces shall be maintained in a dust free condition.

(2) For parking lots containing four (4) or more required parking spaces in Residential zones, and for all parking areas in all other zones:

(a) except for landscaped areas, all parking areas and loading areas shall be surfaced with compacted gravel, asphalt or concrete;

(b) parking areas shall be graded and surfaced to prevent surface water from ponding or draining onto adjacent parcels or highways, unless a drainage plan has been approved by the City of Kimberley pursuant to the City of Kimberley's servicing requirements, which directs surface water along

channels constructed for the purpose of carrying surface water to a storm sewer outfall;

(c) parking areas shall be provided with curbs or wheel stops which prevent vehicles from obstructing pedestrian walkways or damaging landscaping;

(3) All parking spaces, loading spaces, driveways, and manoeuvering aisles for other than single and duplex dwellings shall have a maximum slope in any direction of 8%.

DRIVEWAY GRADIENTS

6.04A

(1) The maximum permitted gradient of a driveway shall not exceed 8 percent within a distance of 3 metres from the edge of pavement of a City or private roadway or from the existing ditch, or ditch required under City regulations, whichever distance is greater.

(2) The maximum permitted average gradient of a driveway to a building containing two or fewer dwelling units shall not exceed 12 percent.

(3) The maximum permitted gradient for all required uncovered parking spaces for a building containing two or fewer dwelling units is 5 percent. *(Bylaw 2257, Amnd 80)*

PARKING AND LOADING SPACE SIZES

6.05

(1) The minimum dimensions for parking spaces shall be as follows:

Type of Space	Width in Metres	Width in Metres Abutting a Wall	Length in Metres	Vertical Clearance in Metres
Standard	2.7	3.0	5.5	2.0
Disabled	3.7	4.0	5.5	2.0
Parallel-Standard	2.7	3.0	7.0	2.0
Loading	3.5	3.8	9.0	4.0
Passenger vehicle space (up to 12 passenger capacity)	3.7	4.0	5.5	3.0
Passenger vehicle space (more than 12 passenger capacity)	4.0	4.3	9.0	4.0

(Bylaw 2257, Amnd 80; Bylaw 2383, Amnd 101)

(2) Despite subsection 6.05 (1), if any of the required parking spaces are enclosed within an accessory building or attached garage, the minimum parking space must not be less than 3.65 metres in width and 6 metres in length. *(Bylaw 2257, Amnd 80)*

PARKING LOT LAYOUT AND MANOEUVERING AISLES

6.06

Unobstructed access to and from parking spaces shall be provided by means of a

manoeuvering aisle, designed in single-loaded or double-loaded modules in accordance with the angled parking arrangements shown in the following table:

Legend
A = Parking Angle in Degrees
W = Minimum Manoeuvering Aisle Width
L = Minimum Projected Length of a Space
M = Minimum Width of a module, which applies only to double-loaded aisle design

(A) Parking Angle in Degrees	(W) Minimum Manoeuvering Aisle Width in Metres	(L) Minimum Projected Length in Metres	(M) Minimum Module Width in Metres
90º, one or two way traffic	7.3	5.8	18.9
60º, one way traffic	5.5	6.4	18.2
45º, one way traffic	3.9	6.0	15.9
30º, one way traffic	3.4	5.4	13.8
Parallel, one way traffic	3.7	-	-
Parallel, two way traffic	7.4	-	-

Provided that where:

(1) an aisle provides access to parking spaces set at different angles, on one or both sides of the aisle, the widest required minimum aisle width shall be provided;

(2) angled parking is provided on one side of a two-way traffic aisle, the minimum manoeuvering aisle width (w) shall be 7.5 metres (25 ft).

PARKING SPACES FOR DISABLED PERSONS

6.07

(1) In addition to the requirements of the B.C. Building Code, all parking areas containing more than ten (10), but fewer than fifty-one (51) parking spaces shall include a minimum of one (1) of the required parking spaces for persons with disabilities.

(2) Parking spaces for persons with disabilities shall be provided as close to the main entrance(s) to the principal building as possible.

NUMBER OF REQUIRED PARKING SPACES

6.08

(1) When an existing building is enlarged, altered, or a change in use occurs that requires a greater number of parking or loading spaces, the additional parking or loading spaces required under the provisions of this section shall be provided. In addition, any spaces removed due to the enlargement or alteration shall be replaced. *(Bylaw 2302, Amnd 87)*

(2) The number of parking spaces required for a use, building or structure shall be calculated according to the table below:

Building or Use	Required Parking Spaces
(a) Dwelling units	1 per unit
(b) Bed and breakfast	1 per licenced accommodation bedroom plus 1 for the principal dwelling unit

(c) Seniors housing and Supportive housing	0.5 per dwelling unit
(d) Group homes	1 per 3 residents and 1 per 3 staff
(e) Assembly use, Club or Lodge, and Place of Worship	1 per 25m^2 of assembly area
(f) Group day care, preschool and elementary school	1 per 50m^2 of gross floor area
(g) Secondary and post-secondary schools	3 per classroom
(h) Other Institutional uses	1 per 90m^2 of gross floor area
(i) Commercial school and Educational academy	1 per 50m^2 of gross floor area
(j) Hotels and Motels	1 per guest room
(k) Restaurant and Neighbourhood Pub	1 per 4 seat capacity
(l) Other Commercial uses	1 per 50m^2 of gross floor area
(m) Industrial uses - gross floor area 1000m^2 or less	1 per 50m^2 of gross floor area or part thereof
(n) Industrial uses - gross floor area greater than 1000m^2	2 per 50m^2 of gross floor area or part thereof

(Bylaw 2722, Amnd 158)

NUMBER OF REQUIRED LOADING SPACES

6.09

(1) The number of loading spaces required for a use, building or structure shall be calculated according to the table below:

Building or Use	Required Loading Spaces
(a) Retail – gross floor area 500m^2 or less	0
(b) Retail – gross floor area greater than 500m^2 but less than 1900m^2	1
(c) Retail – gross floor area greater than 1900m^2	1 per 1900m^2
(d) Other Commercial – gross floor area 1000m^2 or less	0
(e) Other Commercial – gross floor area greater than 1000m^2	1 per 1000m^2
(f) Industrial: Manufacturing, fabricating, processing, warehousing and wholesaling – gross floor area 1000m^2 or less	0
(g) Industrial: Manufacturing, fabricating, processing, warehousing and wholesaling - gross floor area greater than 1000m^2 but less than 2300m^2	1
(h) Industrial: Manufacturing, fabricating, processing, warehousing and wholesaling - gross floor area greater than 2300m^2	1 per 2300m^2

(*Bylaw 2470, Amnd 118*)

REQUIRED BICYCLE PARKING

6.10

(1) The number of bicycle parking spaces required for a use, building or structure shall be calculated according to the table below:

Building or Use	Required Bicycle Parking Spaces
Residential or Commercial zoned parcel containing	1 space per dwelling unit less than 50m^2
	1.5 spaces per dwelling unit greater than 50m^2

two or more dwelling units	2 spaces per dwelling unit greater than $90m^2$

(*Bylaw 2764, Amnd 173*)

(2) Bicycle parking spaces shall be a minimum of 0.6m in width, a minimum of 1.8m in length and shall have a vertical clearance of at least 2m.

(3) Bicycle spaces shall be located:
- (i) close to the main entrance of the building for which the bicycle spaces are provided;
- (ii) close to elevators or parking entry if they are located within a parking structure;
- (iii) so as not to obstruct pedestrian or vehicular movement; and
- (iv) outside any vehicle parking spaces, loading areas, fire zones or other areas where unobstructed access is required.

(4) Bicycle spaces shall be arranged to ensure the safe and convenient circulation of bicycles.

(5) Bicycle spaces for residents shall be provided in the form of a secured waterproof bicycle locker, secured bicycle room, or other secured area within a building, complete with bicycle racks.

(6) Secured bicycle storage areas shall be separated from garbage storage space, recycling storage space and other storage areas.

(7) All required bicycle parking shall be provided on the parcel on which the use is located.

(Bylaw 2722, Amnd 158)

SECTION 7 ZONES

ESTABLISHMENT OF ZONES

7.01 For the purposes of this Bylaw, the City of Kimberley is hereby divided into the following zones:

Residential Zones	
Zone Title	**Short Title**
Residential Limited Zone (*Bylaw 2764, Amnd 173*)	RL
Residential Standard Zone (*Bylaw 2764, Amnd 173*)	RS
Residential Standard Mobile Home Zone (*Bylaw 2764, Amnd 173*)	RSMH
Residential Standard Tourist Accommodation Zone (*Bylaw 2764,A173*)	RSTA
(R-1 Deleted, *Bylaw 2764, Amnd 173*)	
(R-2 Deleted, *Bylaw 2764, Amnd 173*)	
Residential (*Bylaw 2722, Amnd 158*)	RM~~-3~~
Multiple Unit Residential *(Bylaw 2663, Amnd 144)*	RM-A~~-3A~~
Multiple Unit Residential *(Bylaw 2588, Amnd 132)*	RM-B~~-3B~~
(R-4 Deleted, *Bylaw 2764, Amnd 173*)	
Mobile Home Park	RMHP~~-5~~
(R-6 Deleted, *Bylaw 2764, Amnd 173*)	
(R-7 Deleted, *Bylaw 2764, Amnd 173*)	
(R-7A Deleted, *Bylaw 2764, Amnd 173*)	
(R-8 Deleted, *Bylaw 2764, Amnd 173*)	
(R-8A Deleted, *Bylaw 2764, Amnd 173*)	
(R-9 Deleted, *Bylaw 2764, Amnd 173*)	
Multiple Unit Residential Zone (*Bylaw 2238, Amnd 76*)	RM-C~~-10~~
(R-11 Deleted, *Bylaw 2764, Amnd 173*)	
Multiple Unit Residential Zone *(Bylaw 2616, Amnd 137)*	RM-D~~-12~~
(R-13 Deleted, *Bylaw 2764, Amnd 173*)	
(R-14 Deleted, *Bylaw 2764, Amnd 173*)	

Commercial Zones	
Zone Title	**Short Title**
Commercial Zone (*Bylaw 2722, Amnd 158*)	C-1
Commercial Zone (*Bylaw 2722, Amnd 158*)	CP-1
Downtown Mixed-Use Zone (*Bylaw 2541, Amnd 126*)	DMU-1
Downtown Mixed-Use Zone (*Bylaw 2566, Amnd 131*)	DMU-2
Neighbourhood Commercial	C-2
Automobile Commercial	C-3
~~Accessory Commercial~~Multiple Unit Tourist Accommodation	RMTA-1~~AC-1~~
~~Accessory Commercial~~Multiple Unit Tourist Accommodation (*Bylaw 2305, Amnd 89*)	RMTA-2~~AC-2~~

Industrial Zones	
Zone Title	**Short Title**
Industrial, Wholesale and Transportation	M-1
Industrial Zone *(Bylaw 1942, Amnd 18*)	M-2
Solar Industrial Zone (*Bylaw 2471, Amnd 119*)	M-3

Public Zones	
Zone Title	**Short Title**
Public Institutional	P-1
Public Utility	P-2
Community Recreation	P-3
Special Institutional	P-4
Public Health Care Zone (*Bylaw 2203, Amnd 67*)	P-5

Recreation Zones	
Zone Title	**Short Title**
Ski Hill Recreation	RC-1
Recreation Conservation	RC-2

Comprehensive Development Zones	
Zone Title	**Short Title**
(*CD-1 Repealed - Bylaw 2709, Amnd 155*)	
Comprehensive Development (*Bylaw 2236, Amnd 75*)	CD-2
Comprehensive Development (*Bylaw 2303, Amnd 88*)	CD-3
(CD-4 Deleted, *Bylaw 2764, Amnd 173*)	
Comprehensive Development (*Bylaw 2362, Amnd 98*)	CD-5
Comprehensive Development (*Bylaw 2375, Amnd 100*)	CD-6
Comprehensive Development (*Bylaw 2403, Amnd 107*)	CD-7

ZONE BOUNDARIES AND MAP

7.02

(1) The location and spatial extent of zones established by this Bylaw are as shown on the attached Schedule "A" which is incorporated in and forms part of this Bylaw.

(2) Where a zone boundary is shown as following a highway or creek, the centre line of such highway or creek shall be the zone boundary.

(3) Where a zone boundary does not follow a legally defined line and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning maps.

(4) If a highway is closed, the land formerly comprising the highway shall be included within the zone of the adjoining land on either side of the closed highway. If the highway was a zone boundary between two or more different zones, the new zone boundary shall be the former centre line of the closed highway.

RESIDENTIAL LIMITED ZONE: RL

7.03

(1) **Intent**

The regulations for this zone are intended to allow for low density residential development on parcels with servicing limitations, identified as environmentally sensitive, or susceptible to natural hazards.

(2) Permitted Principal Uses

(a) single unit dwelling.

(3) Permitted Accessory Uses

(a) secondary suite;
(b) home based business (classification 1);
(c) accessory buildings and structures.

(4) Parcel Area and Dimensions

(a) Minimum parcel area: 8,100 m^2 (2 acres);
(b) Minimum front parcel line: 45 m (147.6 ft.).

(5) Density

(a) Maximum number of principal buildings: one single unit dwelling.

(6) Siting

(a) No person shall site a building or structure which has:
  (i) a front yard less than 6 m (19.7 ft.);
  (ii) a rear yard less than 6 m (19.7 ft.);
  (iii) a side yard less than 3 m (9.8 ft.).

(7) Size and Dimensions of Buildings and Structures

(a) Maximum height of a principal building is 9m (29.5 ft);
(b) Maximum height of an accessory building or structure is 6m (19.7 ft.);
(c) The site coverage must not exceed 0.15.

(8) Other Regulations

(a) All persons carrying out a use permitted in the RL zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(*Bylaw 2764, Amnd 173*)

RESIDENTIAL STANDARD ZONE: RS

7.04

(1) Intent

The regulations for this zone are intended to accommodate a wide range of housing types and sizes to foster neighbourhood diversity, affordability and vitality.

(2) Permitted Principal Uses

(a) single unit dwelling;
(b) duplex dwelling;
(c) multiple unit dwelling;
~~(c)~~(d) group home.

(3) Permitted Accessory Uses

(a) accessory dwelling unit;
(b) secondary suite;
(c) home based business (classification 2) only as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(d) bed and breakfast as an accessory use to the principal dwelling unit of a single unit dwelling;
(e) child care facility as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
~~(e)~~(f) community commercial;
~~(f)~~(g) accessory buildings and structures.

(4) Parcel Area and Dimensions

(a) Minimum Parcel Area: 275 m^2 (2,960 $ft.^2$);
(b) Minimum front parcel line: 7.5 m (24.6 ft.), except that in the bulb of a cul-de-sac, the minimum front parcel line is 6 m (19.7 ft.);
(c) A parcel may be subdivided along a common wall of a duplex dwelling or townhouse provided each minimum parcel area is 150m^2 (1,615 $ft.^2$);
(d) where a parcel with a duplex dwelling or townhouse is subdivided along a common wall, the minimum front parcel line of each parcel is 6m (19.7 ft.).

(5) Density

(a) Maximum number of principal buildings: one single unit dwelling, one duplex dwelling, or one multiple unit dwelling;
(b) Maximum floor space ratio for a parcel containing only one dwelling unit is 0.5;
(c) Maximum floor space ratio for a parcel containing two dwelling units is 0.6;
(d) Maximum floor space ratio for a parcel containing three dwelling units is 1.0;
(e) Maximum floor space ratio for a parcel containing four or more dwelling units is 2.0;
(f) A parcel with a multiple unit dwelling must not contain more than six principal dwelling units, except:
    i. where a housing agreement is established under Section 483 of the Local Government Act designating at least 25% of the units as affordable housing using criteria based on the Kimberley Housing Needs Assessment;

ii. where a housing agreement is established, a multiple unit building must not contain more than ten principal dwelling units;

(g) A parcel containing a principal dwelling unit must not contain more than one secondary suite and one accessory dwelling unit.

(6) Siting

(a) No person shall site a principal building which has:
  (i) a front yard less than 2m (6.6 ft.);
  (ii) a rear yard less than 2m (6.6 ft);
  (iii) a side yard less than 1.5 m (5 ft.);
(b) Side yard requirements do not apply to the parcel line along which a common wall is located;
(c) No person shall site an accessory building or structure which has:
  (i) a front yard less than 1.5m (5 ft.);
  (ii) a rear yard less than 1.5 m (5 ft.) where no developed rear lane exists,
  (iii) a rear yard less than 0.5 m (1.6 ft.) where a developed rear lane exists;
  (iv) a side yard less than 1.5m (5 ft.);
(d) Accessory dwelling units must not be sited or located on a separate parcel from the principal building.

(7) Size and Dimensions of Buildings and Structures

(a) Maximum site coverage for a parcel containing:
  (i) a single dwelling unit is 0.4;
  (ii) two dwelling units is 0.5;
  (iii) three dwelling units is 0.6;
  (iv) four or more dwelling units is 0.65;
(b) Maximum height of a single unit dwelling: 9m (29.5 ft.);
(c) Maximum height of a duplex dwelling or multiple unit dwelling: 12m (39ft.);
(d) Maximum height of an accessory building or structure containing an accessory dwelling unit: 8m (26 ft.);
(e) Maximum height of an accessory building or structure which does not contain an accessory dwelling unit: 6m (19.7 ft.).

(8) Design Regulations

(a) Each dwelling unit must have a minimum outdoor amenity area of 3.0 m^2;
(b) Where outdoor amenity area is provided as common space, the outdoor amenity area must:
  (i) be available to all residents of the development;
  (ii) not be less than 3 m^2 per dwelling unit.

(9) Other Regulations

(a) All persons carrying out a use permitted in the RS zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(*Bylaw 2764, Amnd 173 and Bylaw 2768, Amnd 174*)

RESIDENTIAL STANDARD MOBILE HOME ZONE: RSMH

7.04A

(1) Intent

The regulations for this zone are intended to accommodate a wide range of housing types and sizes to foster neighbourhood diversity, affordability and vitality, with limited provision for mobile home use.

(2) Permitted Principal Uses

(a) single unit dwelling;
(b) duplex dwelling;
(c) multiple unit dwelling;
(d) mobile home
~~(d)~~(e) group home.

(3) Permitted Accessory Uses

(a) accessory dwelling unit;
(b) secondary suite;
(c) home based business (classification 2) only as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(d) child care facility as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(e) accessory buildings and structures.

(4) Parcel Area and Dimensions

(a) Minimum Parcel Area: 275 m^2 (2,960 $ft.^2$);
(b) Minimum front parcel line: 7.5 m (24.6 ft.), except that in the bulb of a cul-de-sac, the minimum front parcel line is 6 m (19.7 ft.);
(c) A parcel may be subdivided along a common wall of a duplex dwelling or townhouse provided each minimum parcel area is 150m^2 (1,615 $ft.^2$);
(d) where a parcel with a duplex dwelling or townhouse is subdivided along a common wall, the minimum front parcel line of each parcel is 6m (19.7 ft.).

(5) Density

(a) Maximum number of principal buildings: one single unit dwelling, one duplex dwelling, one multiple unit dwelling, or one mobile home;
(b) Maximum floor space ratio for a parcel containing only one dwelling unit is 0.5;
(c) Maximum floor space ratio for a parcel containing two dwelling units is 0.6;
(d) Maximum floor space ratio for a parcel containing three dwelling units is 1.0;
(e) Maximum floor space ratio for a parcel containing four or more dwelling units is 2.0;
(f) A parcel with a multiple unit dwelling must not contain more than six principal dwelling units, except:
    (i) where a housing agreement is established under Section 483 of the Local Government Act designating at least 25% of the units as affordable housing using criteria based on the Kimberley Housing Needs Assessment; and
    (ii) where a housing agreement is established, a multiple unit building must not

contain more than ten principal dwelling units;

(g) A parcel containing a principal dwelling unit must not contain more than one secondary suite and one accessory dwelling unit, except where the principal dwelling unit is a mobile home where only an accessory dwelling unit is permitted.

(6) Siting

(a) No person shall site a principal building which has:
  (i) a front yard less than 2m (6.6 ft.);
  (ii) a rear yard less than 2m (6.6 ft);
  (iii) a side yard less than 1.5 m (5 ft.);

(b) Side yard requirements do not apply to the parcel line along which a common wall is located;

(c) No person shall site an accessory building or structure which has:
  (i) a front yard less than 1.5m (5 ft.);
  (ii) a rear yard less than 1.5 m (5 ft.) where no developed rear lane exists;
  (iii) a rear yard less than 0.5 m (1.6 ft.) where a developed rear lane exists;
  (iv) a side yard less than 1.5m (5 ft.);

(d) Accessory dwelling units must not be sited or located on a separate parcel from the principal building.

(7) Size and Dimensions of Buildings and Structures

(a) Maximum site coverage for a parcel containing:
  (i) a single dwelling unit is 0.4;
  (ii) two dwelling units is 0.5;
  (iii) three dwelling units is 0.6;
  (iv) four or more dwelling units is 0.65;

(b) Maximum height of a single unit dwelling: 9m (29.5 ft.);

(c) Maximum height of a duplex dwelling or multiple unit dwelling: 12m (39ft.);

(d) Maximum height of an accessory building or structure containing an accessory dwelling unit: 8m (26 ft.);

(e) Maximum height of an accessory building or structure which does not contain an accessory dwelling unit: 6m (19.7 ft.).

(8) Design Regulations

(a) Each dwelling unit must have a minimum outdoor amenity area of 3.0 m^2.

(b) Where outdoor amenity area is provided as common space, the outdoor amenity area must:
  i) be available to all residents of the development;
  ii) not be less than 3 m^2 per dwelling unit.

(9) Other Regulations

All persons carrying out a use permitted in the RSMH zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(*Bylaw 2764, Amnd 173*)

RESIDENTIAL STANDARD TOURIST ACCOMMODATION ZONE: RSTA

7.04B

(1) Intent

The regulations for this zone are intended to accommodate a wide range of housing types and sizes to foster neighbourhood diversity, affordability and vitality, with limited provision for tourist accommodation.

(2) Permitted Principal Uses

(a) single unit dwelling;
(b) duplex dwelling;
(c) multiple unit dwelling
~~(c)~~(d) group home.

(3) Permitted Accessory Uses

(a) accessory dwelling unit;
(b) secondary suite;
(c) home based business (classification 2) only as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(d) tourist accommodation only as an accessory use to the principal dwelling unit of a single unit dwelling;
(e) child care facility as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(f) accessory buildings and structures.

(4) Parcel Area and Dimensions

(a) Minimum parcel area: 275 m^2 (2,960 $ft.^2$);
(b) Minimum front parcel line: 7.5 m (24.6 ft.), except that in the bulb of a cul-de-sac, the minimum front parcel line is 6 m (19.7 ft.);
(c) A parcel may be subdivided along a common wall of a duplex dwelling or townhouse provided each minimum parcel area is 150m^2 (1,615 $ft.^2$);
(d) where a parcel with a duplex dwelling or townhouse is subdivided along a common wall, the minimum front parcel line of each parcel is 6m (19.7 ft.).

(5) Density

(a) Maximum number of principal buildings: one single unit dwelling, one duplex dwelling or one multiple unit dwelling;
(b) Maximum floor space ratio for a parcel containing only one dwelling unit is 0.5;
(c) Maximum floor space ratio for a parcel containing two dwelling units is 0.6;
(d) Maximum floor space ratio for a parcel containing three dwelling units is 1.0;
(e) Maximum floor space ratio for a parcel containing four or more dwelling units is 2.0.
(f) A parcel with a multiple unit dwelling must not contain more than six principal dwelling units, except:
    (i) where a housing agreement is established under Section 483 of the Local Government Act designating at least 25% of the units as affordable housing using criteria based on the Kimberley Housing Needs

Assessment; and

(ii) where a housing agreement is established, a multiple unit building must not contain more than ten dwelling units;

(g) A parcel containing a principal dwelling unit must not contain more than one secondary suite and one accessory dwelling unit.

(6) Siting

(a) No person shall site a principal building which has:
  (i) a front yard less than 2m (6.6 ft.);
  (ii) a rear yard less than 2m (6.6 ft);
  (iii) a side yard less than 1.5 m (5 ft.).

(b) Side yard requirements do not apply to the parcel line along which a common wall is located;

(c) No person shall site an accessory building or structure which has:
  (i) a front yard less than 1.5m (5 ft.);
  (ii) a rear yard less than 1.5 m (5 ft.) where no developed rear lane exists;
  (iii) a rear yard less than 0.5 m (1.6 ft.) where a developed rear lane exists;
  (iv) a side yard less than 1.5m (5 ft.);

(d) Accessory dwelling units must not be sited or located on a separate parcel from the principal building.

(7) Size and Dimensions of Buildings and Structures

(a) Maximum site coverage for a parcel containing:
  (i) a single dwelling unit is 0.4;
  (ii) two dwelling units is 0.5;
  (iii) three dwelling units is 0.6;
  (iv) four or more dwelling units is 0.65;

(b) Maximum height of a single unit dwelling: 9m (29.5 ft.);

(c) Maximum height of a duplex dwelling or multiple unit dwelling: 12m (39ft.);

(d) Maximum height of an accessory building or structure containing an accessory dwelling unit: 8m (26 ft.);

(e) Maximum height of an accessory building or structure which does not contain an accessory dwelling unit: 6m (19.7 ft.).

(8) Design Regulations

(a) Each dwelling unit must have a minimum outdoor amenity area of 3.0 m^2;

(b) Where outdoor amenity area is provided as common space, the outdoor amenity area must:
  (i) be available to all residents of the development;
  (ii) not be less than 3 m^2 per dwelling unit.

(9) Other Regulations

(a) A single unit dwelling may be used for tourist accommodation of not more than eight guests when not occupied for residential use;

(b) All persons carrying out a use permitted in the RSTA zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(*Bylaw 2764, Amnd 173*)

MULTIPLE UNIT RESIDENTIAL ZONE: RM-3

7.05

(1) Intent

The regulations for this zone are intended to accommodate moderate-density housing in a mix of forms and sizes to foster neighbourhood diversity, affordability and vitality.

(2) Permitted Principal Uses

a) multiple unit dwelling;
b) seniors housing;
c) supportive housing;
~~c)~~d) group home.

(3) Permitted Accessory Uses

a) accessory buildings and structures;
b) child care facility;
c) group day care, subject to Section 8(a);
~~c)~~d) community commercial.

(4) Parcel Area and Dimensions

a) Minimum parcel area: 600 m^2 (6,458 ft^2);
b) Minimum parcel width: 18m (59').

(5) Density

a) Maximum floor space ratio is 3.0, except:
   i) where a housing agreement is established under Section 483 of the *Local Government Act* designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment; and
   ii) where a housing agreement is established, the maximum floor space ratio is 5.0.

(6) Siting

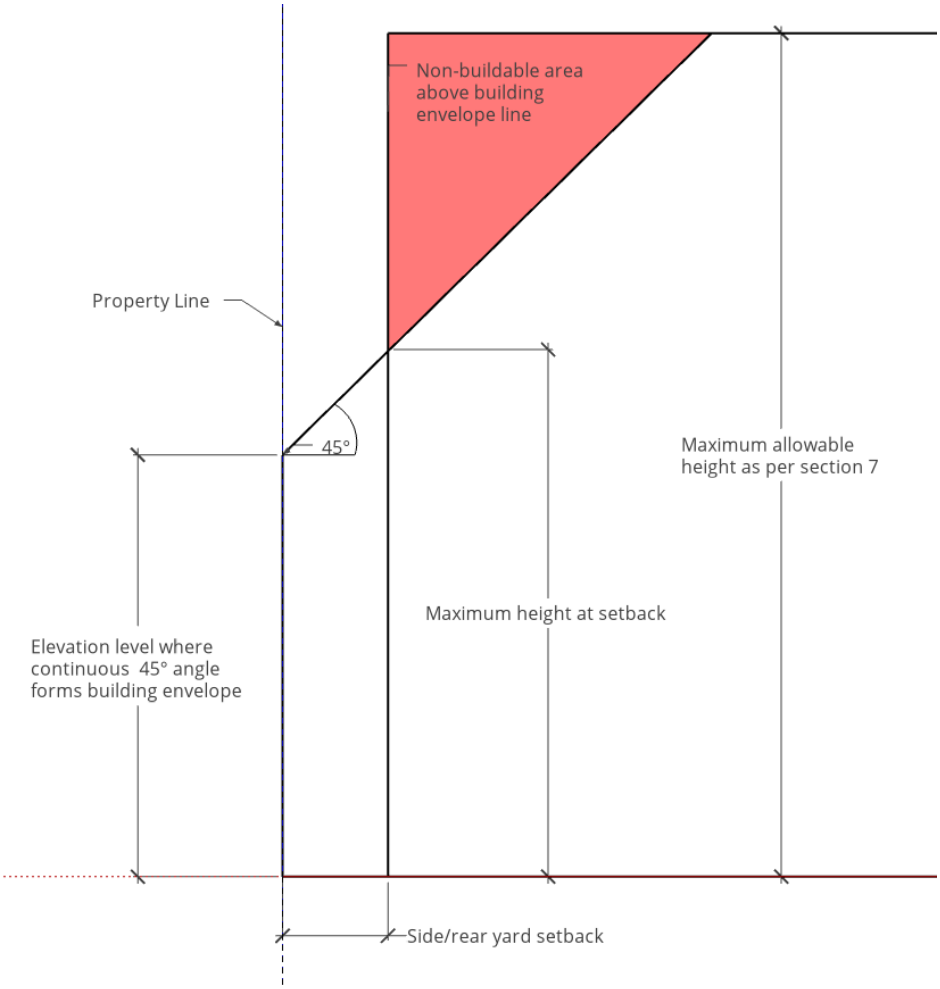
a) No person shall site a principal building which has:
   i) a front yard less than 1.5 m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard;
   ii) a rear yard less than 2.0 m (6.6 ft);
   iii) an interior side yard less than 1.5m (5 ft);
   iv) an exterior side yard less than 1.5m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero exterior side yard.

b) No person shall site an accessory building or structure which has:
   i) a front yard less than 4.0 m (13' 1½");
   ii) a rear yard less than 1.5 m (5 ft);

iii) an interior side yard less than 1.5m (5 ft); and
iv) an exterior side yard less than 1.5 m (5 ft).

(7) Size and Dimensions of Buildings and Structures

a) Maximum height of principal building: 12.0 m (39.4 ft), except:
   i) where a housing agreement is established under Section 483 of the *Local Government Act* designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment; and
   ii) where a housing agreement is established, the maximum height of a principal building is 15.0 m (49.2 ft);
b) Maximum height of an accessory building or structure: 6 m (19.7');
c) Maximum site coverage: 0.8;
d) Principal buildings must be constructed within a building envelope beginning from an elevation of 9m above each property line extending into the property at a continuous 45° angle to where each envelope line meets.



(8) Design Regulations

a) A minimum of 40% of the undeveloped space of each lot shall be landscaped;

b) Each dwelling unit shall have a minimum outdoor amenity area of 3.0 m^2;
c) Where outdoor amenity area is provided as common space, the following standards shall apply:
   (i) be available to all residents of the development;
   (ii) have an area not less than 6.0 m^2.

(9) Other Regulations

a) An accessory group day care must:
   i) only be located on the first floor or at grade; and
   ii) total no more than 20% of the gross floor area.
b) All persons carrying out a use permitted ~~in the R-3B zone~~ must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(*Bylaw 2722, Amnd 158*)

MULTIPLE UNIT RESIDENTIAL ZONE: RM-A ~~-3A~~

7.05A

(1) Intent

The intent of the regulations for this zone is to accommodate moderate-density residential uses to foster neighbourhood diversity, affordability and vitality

(2) Permitted Principal Uses

~~Within the R-3A zone the following uses only are permitted:~~

(a) multiple unit dwelling;
(b) ~~duplex dwelling;~~
(c) park;
(d) public utility use;
(e) group home.

(3) Permitted Accessory Uses

(a) accessory buildings and structures;
(b) home based businesses (Classification 1);
(c) Community commercial

(4) Parcel Area

No parcel shall be created ~~in the R-3A zone~~ which is less than 600m^2 (6,458 ft^2).

(5) Density

The maximum floor space ratio is 1.0.

(6) Siting

(a) No person shall site a building or structure ~~in the R-3A zone~~ which has:
  (i) a front yard less than 1.0m (3' 4") except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard;
  (ii) a rear yard less than 2.0 m (6' 6");
  (iii) any side yard less than 2.0 m (6' 6");
  (iv) the minimum separation between buildings is 5.0m (16' 5").

(b) No person shall site an accessory building or structure ~~in the R-3A zone~~ which has:
  (i) a front yard less than 4.0m (13');
  (ii) a rear yard less than 1.0 m (3' 4");
  (iii) any side yard less than 1.0 m (3' 4").

(7) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building or structure ~~in the R-3A zone~~ which exceeds a height of 12 m (39' 4½".);
(b) No person shall construct or permit construction of an accessory building or structure ~~in the R-3A zone~~ which exceeds a height of 5.5m (18');
(c) The site coverage shall not exceed 0.5 (50%).

(8) Other Regulations

(a) All persons carrying out a use permitted ~~in the R-3A zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(b) No person shall use or permit the use of any portion of a parcel ~~in the R-3A zone~~ for the wrecking and repair of vehicles or for the storage of derelict vehicles.
(Bylaw 2663, Amnd 144)

MULTIPLE UNIT RESIDENTIAL ZONE: RM-B-~~3B~~

7.05B

(1) Intent

The intent of the regulations for this zone is to accommodate moderate-density residential uses to foster neighbourhood diversity, affordability and vitality.

(2) Permitted Principal Uses

~~Within the R-3B zone, the following principal uses only are permitted:~~

(a) multiple unit dwelling;
(b) seniors housing;
(c) supportive housing;
~~(c)~~(d) group home;
~~(d)~~(e) public utility use;
~~(e)~~(f) park.

(3) Permitted Accessory Uses

(a) accessory buildings and structures;
(b) child care facility;
(c) group day care, subject to Section 8(a);
(d) home based business (Classification 1).

(4) Parcel Area and Dimensions

(a) No parcel shall be created ~~in the R-3B zone~~ which is less than 600 m^2 (6,458 ft^2) in area;
(b) No parcel shall be created ~~in the R-3B zone~~ which, at no point, is less than 18m (59') in width.

(5) Density

The maximum floor space ratio is 1.2.

(6) Siting

(a) No person shall site a principal building ~~in the R-3B zone~~ which has:
  (i) a front yard less than 1.5 m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard;
  (ii) a rear yard less than 4.0 m (13' 1½");
  (iii) an interior side yard less than 1.5m (5ft); and
  (iv) an exterior side yard less than 1.5m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero exterior side yard.

(b) No person shall site an accessory building or structure ~~in the R-3B zone~~ which has:
  (i) a front yard less than 4.0 m (13' 1½");
  (ii) a rear yard less than 1.5 m (5 ft);
  (iii) an interior side yard less than 1.5m (5 ft); and,
  (iv) an exterior side yard less than 1.5 m (5 ft).

(7) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building or structure ~~in the R-3B zone~~ which exceeds a height of 12.0 m (39' 4½").

(b) No person shall construct or permit construction of an accessory building or structure ~~in the R-3B zone~~ which exceeds a height of 5.5 m (18').

(c) The site coverage shall not exceed 0.6.

(8) Other Regulations

(a) An accessory group day care must:
  (i) only be located on the first floor or at grade; and,
  (ii) total no more than 20% of the gross floor area

(b) All persons carrying out a use permitted ~~in the R-3B zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(c) No person shall use or permit the use of any portion of a parcel ~~in the R-3B zone~~ for the storage of any derelict vehicle. (*Bylaw 2588, Amnd 132*)

MOBILE HOME PARK ZONE: RMHP-5

7.07

(1) Permitted Principal Uses

~~Within the R-5 zone, the following uses only are permitted:~~

(a) mobile home;
(b) recreational vehicle 7.3 m (24 ft) or greater in length, but does not include a motorized type vehicle;
(c) public utility use;
(d) park.

(2) Permitted Accessory Uses

(a) home based business (classification 1);
(b) buildings and structures accessory to a permitted principal use.

(3) Parcel Area

(a) No parcel shall be created ~~in the R-5 zone~~ which is less than 1 hectare (2.47 acres) in area.
(b) No person shall create a mobile home space ~~in the R-5 zone~~ which is less than 325 m^2 (3500 ft^2) in area.

(4) Density

(a) No person shall construct or permit construction of more than eighteen (18) mobile home units per gross hectare (2.47 acres) on a parcel ~~in the R-5 zone~~.
(b) No person shall site more than one (1) mobile home or one (1) recreational vehicle on a mobile home space ~~in the R-5 zone~~.

(5) Siting

(a) No person shall site a mobile home or recreational vehicle ~~in the R-5 zone~~ which is:
  (i) less than 4.5 m (15 ft) from the boundary of the mobile home park abutting a highway;
  (ii) less than 3.0 m (9.9 ft) from a rear parcel line other than a highway;
  (iii) less than 3.0 m (9.9 ft) from a side parcel line of a mobile home park.

(b) No person shall site a mobile home or recreational vehicle ~~in the R-5 zone~~ which is:
  (i) within 4.5 m (15 ft) of an internal access road;
  (ii) less than 6.0 m (19.6 ft) from any other mobile home or other structure.

(c) No person shall site an accessory building or structure that is:
  (i) within 1.5 m (5 ft) of an access road;
  (ii) within 3.0 m (9.9 ft) from any mobile home or structure.

(6) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a mobile home ~~in the R-5 zone~~ which exceeds a height of 7.5 m (25 ft).

(b) No person shall construct or permit construction of an accessory building or structure ~~in the R-5 zone~~ which exceeds a height of 4.5 m (15 ft).

(7) Other Regulations

(a) The establishment, extension, design, servicing, and facilities of mobile home parks shall comply with the requirements of all other applicable Bylaws.

(b) No person shall use or permit the use of any portion of a parcel ~~in the R-5 zone~~ for the repair of vehicles or for the storage of more than one (1) derelict vehicle.

(c) No more than eleven (11) recreational vehicles at any one time shall be permitted in a mobile home park.

MULTIPLE UNIT RESIDENTIAL ZONE: RM-C ~~-10~~

7.08D

(1) Intent

The regulations for this zone are intended to accommodate medium-density residential development in a mix of housing types to foster unique development and serve diverse housing needs.

(2) Permitted Principal Uses

~~Within the R-10 zone the following principal uses only are permitted:~~

(a) multiple unit dwelling;
(b) duplex dwelling~~;~~
(c) group home;
(~~d~~c) park;
(~~e~~d) public utility use.

(3) Permitted Accessory Uses

(a) secondary suite subject to section (4);
(b) accessory dwelling unit subject to section (4);
(c) home based business (Classification 1);
(d) accessory buildings and structures.

(4) Use Regulations specific to this zone

(a) Secondary suite permissible only on a parcel with a duplex dwelling as principal building;
(b) Accessory dwelling unit permissible only on a parcel with a duplex dwelling as principal building;
(c) A maximum of one secondary suite unit or one accessory dwelling unit is permissible for each principal unit on a parcel with a duplex dwelling.

(5) Parcel Area and Dimensions

(a) The minimum required parcel area is 370 m^2 (4,000 ft^2) except as allowed under subsection (b) or (c) of this section;
(b) A parcel may be subdivided along a common wall of a multiple unit dwelling provided each parcel after subdivision is not less than 140 m^2 (1,500 ft^2) in area;
(c) A parcel may be subdivided along a common wall of a duplex dwelling provided each parcel after subdivision is not less than 279 m^2 (3,000 ft^2) in area;
(d) A parcel includes a bare land strata lot.

(6) Siting of Buildings and Structures

(a) No person shall site a principal building which has:
  (i) a front yard less than 1.5 m (5 ft);
  (ii) a rear yard less than 5 m (16.4 ft);
  (iii) a side yard less than 3 m (10 ft);
  (iv) a side yard requirement does not apply to the parcel line along which a common wall is located.

(b) No person shall site an accessory dwelling unit which has:
  (i) a front yard less than 5 m (16.4 ft);
  (ii) a rear yard less than 3 m (10 ft);
  (iii) a side yard less than 3 m (10 ft);
  (iv) a side yard requirement does not apply to the parcel line along which a common wall is located.

(c) No person shall site a detached accessory building or structure which has:
  (i) a front yard less than 5 m (16.4 ft);
  (ii) a rear yard less than 1.5 m (5 ft);
  (iii) a side yard less than 1.5 m (5 ft);

(7) Size and Dimensions of Buildings and Structures

(a) The maximum permitted site coverage for a multiple unit dwelling shall not exceed 0.7.

(b) The maximum permitted site coverage for a duplex dwelling shall not exceed 0.4.

(c) The maximum permitted site coverage for a duplex dwelling with a secondary suite or accessory dwelling unit shall not exceed 0.6.

(d) The maximum permitted height of a multiple unit dwelling principal building is 10m (33 ft).

(e) The maximum permitted height of a duplex dwelling principal building is 9.1m (30 ft).

(f) The maximum permitted height of an accessory building with an accessory dwelling unit is 7.6m (25 ft). (*Bylaw 2764, Amnd 173*)

(g) The maximum permitted height of an accessory building or structure is 5.5m (18 ft). (*Bylaw 2764, Amnd 173*)

(8) Other Regulations

(a) A minimum of one parking space required for each dwelling unit shall be fully enclosed.

(b) All persons carrying out a use permitted in this zone shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw. *(Bylaw 2687, Amnd 151)*

MULTIPLE UNIT RESIDENTIAL ZONE: RM-D-~~12~~

7.08F

(1) Intent

The intent of this zone is to allow for small parcel sizes and a mix of housing types including duplex and multiple unit dwellings.

(2) Permitted Principal Uses

~~Within the R-12 zone, only the following uses are permitted:~~

(a) duplex dwelling;
(b) multiple unit dwelling;
(c) group home;
(d~~c~~) public utility use;
(e~~d~~) park.

(3) Permitted Accessory Uses

(a) home-based business (classification 1);
(b) buildings and structures accessory to a permitted principal use.

(4) Use Regulations specific to this zone

(a) A minimum of one parking space required for each dwelling unit shall be fully enclosed.

(5) Parcel Area

(a) A parcel ~~in the R-12 zone~~ includes a bare land strata lot.
(b) No parcel shall be created which is less than 232 m² (2,500 ft²) in area, except as allowed under subsection 5(d) of this section.
(c) A parcel may be subdivided along a common wall of a duplex dwelling provided each parcel after subdivision is not less than 232 m² (2,500 ft²) in area.
(d) A parcel may be subdivided along a common wall of a multiple unit dwelling provided each parcel after subdivision is not less than 140 m² (1,500 ft²) in area.

(6) Siting

(a) No person shall site a principal building which has:
  (i) a front yard less than 5.0 m (16.4 ft).
  (ii) a rear yard less than 5.0 m (16.4 ft).
  (iii) an interior side yard less than 2.0 m (6.5 ft).
  (iv) an exterior side yard less than 2.0 m (6.5 ft).
(b) No person shall site a detached accessory building or structure which has:
  (i) a front yard less than 5.0 m (16.4 ft).
  (ii) a rear yard less than 1.0 m (3.2 ft).
  (iii) an interior side yard less than 1.0 m (3.2 ft).
  (iv) an exterior side yard less than 1.0 m (3.2 ft).
(c) Side yard requirements do not apply to the parcel line along which a common wall is located

(7) Size and Dimensions of Buildings and Structures

(a) The maximum permitted height of a principal building is 9.1 m (30 ft).
(b) The maximum permitted height of a detached accessory building or structure is 4.5 m (15 ft).
(c) The site coverage for a duplex dwelling shall not exceed 0.5.
(d) The site coverage for a multiple unit dwelling shall not exceed 0.6.

(8) Other Regulations

(a) No person shall use or permit the use of any portion of a parcel ~~in the R-12 zone~~ for the repair of vehicles or the storage of any derelict vehicle.
(b) All persons carrying out a use permitted ~~in the R-12 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw. *(Bylaw 2616, Amnd 137)*

COMMERCIAL ZONE: C-1

7.09

(1) Intent

The regulations for this zone are intended to accommodate a mix of commercial uses, with provisions for some residential uses, to foster unique and diverse development that contributes to improving the aesthetics, vibrancy and functionality of Kimberley's commercial areas.

(2) Permitted Principal Uses

(a) business and professional offices
(b) health and wellness practitioner, veterinary clinic
(c) retail, personal services
(d) art and craft studio
(e) hostel, hotel, motel
(f) restaurant, club, entertainment facility
(g) craft brewery, craft distillery, subject to Section (8)(a)
(h) food or beverage production, subject to Section (8)(a)
(i) library, museum, theatre
(j) commercial school
(k) art and craft studio (*Bylaw 2738, Amnd 164*), contractor service, manufacturing or publishing industry, subject to Section (8)(b)
~~(l) multiple unit dwelling, subject to Section (8)(e)~~
~~(m)~~(l) child care facility, group day care
~~(n)~~(m) commercial parking, subject to Section (8)(c)
~~(o)~~(n) place of worship
~~(p)~~(o) single unit dwelling, as per Section (8)(f)
~~(q)~~(p) public building

(3) Permitted Accessory Uses

(a) accessory buildings and structures
~~(b) tourist accommodation, subject to Section (8)(d)~~
~~(c)~~(b) dwelling units, subject to Section (8)(d)
~~(d)~~(c) indoor storage units, subject to Section (8)(g)

(4) Parcel Area and Dimensions

(a) Minimum parcel area: 200 m^2 (2,152.8 ft^2)
(b) Minimum front parcel line: 10m (32.8ft)

(5) Density

(a) Maximum floor space ratio is 3.0, except the maximum floor space ratio may be increased up to 5.0 where a housing agreement is established under Section 483 of the *Local Government Act* designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment and at least 50% of the gross floor area of the building is designated for residential use.

(6) Siting

(a) No person shall site an accessory building or structure which has:

(i) a front yard less than 6.0 m (19.7 ft);

(ii) a rear yard less than 1.5m (5 ft) where the rear parcel line abuts a highway or lane;

(iii) a rear yard less than 0.9m (3 ft) where the rear parcel line abuts another parcel;

(iv) an interior side yard less than 0.9m (3 ft); and,

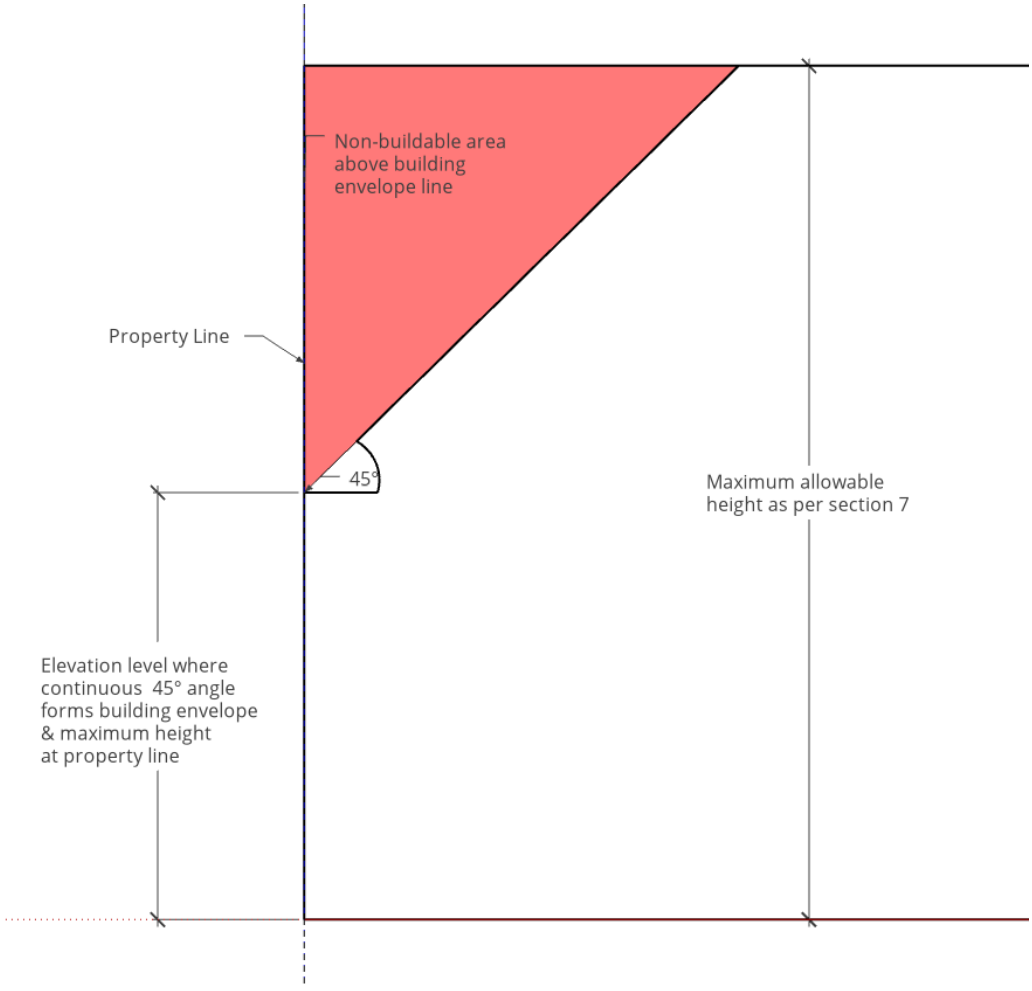
(v) an exterior side yard less than 1.5m (5 ft)

(7) Size and Dimensions of Buildings and Structures

(a) Maximum height of a principal building or structure: 15m (49.2 ft).

(b) Maximum height of an accessory building or structure: 6 m (19.7 ft).

(c) Principal buildings must be constructed within a building envelope, extending from a continuous elevation of 12m above property lines abutting a highway into the property at a 45° angle to where each envelope projection meets.



(8) Other Regulations

(a) A parcel with craft brewery, craft distillery, food production or beverage production use must:
  (i) maintain, at minimum, 20% of the gross floor area for restaurant, retail or entertainment facility use;
  (ii) mitigate for excess noise, odours or noxious fumes; and,
  (iii) front restaurant, retail or entertainment facility use on a front parcel line

(b) A parcel with art and craft studio (*Bylaw 2738, Amnd 164*), contractor service, manufacturing or publishing industry use must:
  (i) maintain, at minimum, 20% of the gross floor area for retail or office use located at the front parcel line;
  (ii) store all materials and machinery related to the business within a building or structure;
  (iii) conduct all work related to the business within a building or structure;
  (iv) mitigate for excess noise, odours or noxious fumes; and,
  (v) locate the art and craft studio (*Bylaw 2738, Amnd 164*), contractor service, manufacturing or publishing industry use below grade or at grade closer to the rear of the parcel and behind the retail or office use

(c) A parcel with commercial parking as a principal use must:
  (i) maintain, at minimum, 20% of the parcel area for a second permitted principal use other than commercial parking;
  (ii) locate the second permitted principal use on the front parcel line; and,
  (iii) only allow vehicle access to the commercial parking use from an existing lane

(d) A parcel with dwelling unit ~~or tourist accommodation~~ as an accessory use must:
  (i) maintain, at minimum, ~~50~~60% of the ground floor fronting a front parcel line for a permitted commercial use; and,
  (ii) provide separate highway or lane access for dwelling unit ~~or tourist accommodation~~ use

~~(e) A parcel with only multiple unit dwelling use may not contain tourist accommodation use~~

~~(f)~~(e) A single unit dwelling existing at the time of the effective date of this Bylaw may continue the single unit dwelling use, including any subsequent additions or structural alterations to the building, without the requirement for a principal commercial use

~~(g)~~(f) A parcel with an indoor storage as an accessory use must:
  (i) maintain, at minimum, ~~50~~60% of the ground floor fronting a front parcel line for a permitted principal commercial use;
  (ii) locate indoor storage use below grade or at grade in the rear of a permitted principal use;

(iii) be wholly enclosed within the principal building;
(iv) provide separate outside access to the area containing the indoor storage units;
(v) contain no indoor storage unit larger than 10m^2 (108 ft^2); and,
(vi) not be used for the storage of perishables, noxious and hazardous materials or vehicles;

~~(h)~~(g) All persons carrying out a use permitted in the C-1 zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) of this Bylaw.

(*Bylaw 2722, Amnd 158*)

COMMERCIAL ZONE: CP-1

7.09A

(1) Intent

The regulations for this zone are intended to accommodate a diverse mix of commercial and upper-storey residential uses that complement and enhance the aesthetics, vibrancy and functionality of the pedestrian oriented character of the Platzl and adjacent area.

(2) Permitted Principal Uses

(a) retail
(b) restaurant
(c) entertainment facility
(d) club
(e) business and professional offices
(f) health and wellness practitioner
(g) personal services
(h) library
(i) museum
(j) theatre
(k) commercial school
(l) art and craft studio (*Bylaw 2738, Amnd 164*)
(m) ~~craft workshop~~ (Deleted, *Bylaw 2738, Amnd 164*)
(n) hotel
(o) hostel

(3) Permitted Accessory Uses

(a) accessory buildings and structures
(b) dwelling units
(c) tourist accommodation

(4) Parcel Area and Dimensions

(a) Minimum parcel area: 371.6 m² (4,000 ft²)
(b) Minimum front parcel line: 8.0 m (26.2 ft)

(5) Density

(a) Maximum floor space ratio is 3.0, except the maximum floor space ratio may be increased up to 5.0 where a housing agreement is established under Section 483 of the *Local Government Act* designating at least 20% of the dwelling units as affordable housing using criteria based on the Kimberley Housing Needs Assessment and at least 50% of the gross floor area of the building is designated for residential use.

(6) Siting

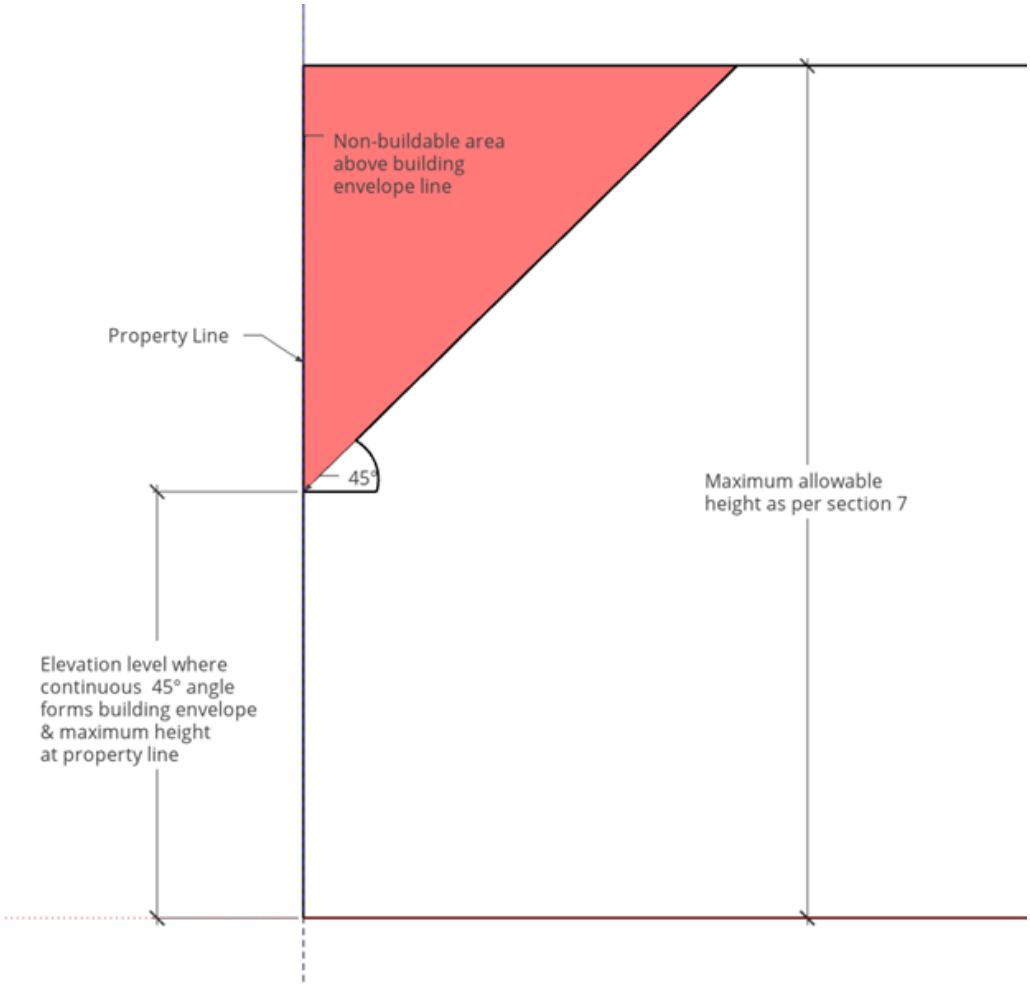
(a) No person shall site a building or structure which has a rear yard less than 1.5 m (5 ft) from a lane.

(7) Size and Dimensions of Buildings and Structures

(a) Maximum height of a principal building: 15 m (49.2 ft).

(b) Maximum height of an accessory building or structure: 6 m (19.7 ft).

(c) Principal buildings must be constructed within a building envelope, extending from a continuous elevation of 12m above property lines abutting a highway into the property at a 45° angle to where each envelope projection meets, to a maximum of 15m.



(8) Other Regulations

(a) Dwelling units and tourist accommodation must:

(i) be designed and constructed as an integral part of the principal building;

(ii) be located only on the upper floor levels above the main floor ground levels of the building above the finished grade of the Platzl pedestrian area.

(*Bylaw 2722, Amnd 158*)

DOWNTOWN MIXED-USE ZONE: DMU-1

7.09B

(1) Intent

The intent of the regulations for this zone are to accommodate commercial and mixed residential-commercial uses to foster diversity and vitality in areas within, nearby or adjacent to the central downtown district.

(2) Permitted Principal Uses

~~Within the DMU-1 zone, the following principal uses only are permitted:~~

(a) dwelling unit(s), subject to subsection (7)(a) of this zone;
(b) tourist accommodation, subject to subsection (7)(b) of this zone;
(c) single unit dwelling, subject to subsection (7)(c) of this zone;
(d) business and professional offices;
(e) health and wellness practitioner;
(f) personal services;
(g) retail;
(h) restaurant;
(i) art and craft studio or gallery;
(j) ~~craft workshop~~ (Deleted, *Bylaw 2738, Amnd 164*);
(k) commercial school;
(l) educational academy;
(m) child care facility;
(n) group day care;
(o) public building;
(p) public utility use;
(q) park.

(3) Permitted Accessory Uses

(a) accessory buildings and structures
(b) dwelling units accessory to a permitted principal use, subject to subsection (7)(d) of this zone
(c) tourist accommodation accessory to a permitted principal use, subject to subsection (7)(d) of this zone

(4) Parcel Area and Dimensions

No parcel shall be created ~~in the DMU-1 zone~~ which is less than 325m^2 (3,498ft^2) in area.

(5) Siting

(a) No person shall site a principal building ~~in the DMU-1 zone~~ which has:
  (i) a front yard less than 1.5 m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard;
  (ii) a rear yard less than 6.0 m (19.6 ft); or
  (iii) a side yard less than zero.

(b) No person shall site an accessory building or structure ~~in the DMU-1 zone~~ which has:
  (i) a front yard less than 6.0 m (19.6 ft);
  (ii) a rear yard less than 1.5 m (5 ft), or in the case where no developed rear lane exists, the rear yard shall be not less than 0.9 m (3 ft);
  (iii) an interior side yard less than 0.9 m (3 ft); or
  (iv) an exterior side yard less than 1.5 m (5 ft).

(6) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building or structure ~~in the DMU-1 zone~~ which exceeds a height of 10.0 m (32.8 ft).

(b) No person shall construct or permit construction of an accessory building or structure ~~in the DMU-1 zone~~ which exceeds a height of 5.5 m (18 ft).

(7) Other Regulations

(a) A principal building containing dwelling unit(s) as a principal use shall contain one or more premises used or intended to be used for a permissible commercial use listed in subsection (2) which shall:
  (i) be designed and constructed as an integral part of the principal building;
  (ii) comprise at least 25% of the gross floor area of the first storey (at grade at front parcel line) of the principal building; and
  (iii) be located on the first (at grade) storey of the principal building with an independent exterior entrance(s) separate from the dwelling unit(s) and accessible from the front parcel line.

(b) A principal building containing tourist accommodation unit(s) as a principal use shall contain one or more premises used or intended to be used for a permissible commercial use listed in subsection (2) which shall:
  (i) be designed and constructed as an integral part of the principal building;
  (ii) comprise at least 25% of the gross floor area of the first storey (at grade at front parcel line) of the principal building; and
  (iii) be located on the first (at grade) storey of the principal building with an independent exterior entrance(s) separate from the tourist accommodation unit(s) and accessible from the front parcel line.

(c) A single unit dwelling existing at the time of the effective date of this Bylaw may continue to be used as a single unit dwelling, including any subsequent additions or structural alterations to the building, without requirement for commercial use within the building.

(d) Dwelling units or tourist accommodation units accessory to a permissible commercial use listed in subsection (2) shall:
  (i) be designed and constructed as an integral part of the principal building;
  (ii) have exterior entrance(s) separate from that of the commercial use; and
  (iii) be located above the first story (at grade at front parcel line) of the building and/or behind the commercial component of the first story (at grade at front parcel line) of the building, excluding floor area dedicated to an exterior entrance.

(e) All persons carrying out a use permitted ~~in the DMU-1 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw. *(Bylaw 2542, Amnd 127)*

DOWNTOWN MIXED-USE ZONE: DMU-2

7.09C

(1) Intent

The intent of the regulations for this zone are to accommodate a mix of residential and commercial uses to foster diversity and vitality in areas within, nearby or adjacent to the downtown commercial district.

(2) Permitted Principal Uses

~~Within the DMU-2 zone, the following principal uses only are permitted:~~

(a) single unit dwelling
(b) duplex dwelling
(c) multiple unit dwelling
(d) tourist accommodation, subject to Section (7)(b)
(e) business and professional offices
(f) health and wellness practitioner
(g) personal services
(h) retail
(i) art and craft studio or gallery
(j) ~~craft workshop~~ (Deleted, *Bylaw 2738, Amnd 164*)
(k) child care facility
(l) group day care
(m) public building
(n) public utility use
(o) park

(3) Permitted Accessory Uses

(a) accessory buildings and structures
(b) dwelling units
(c) home based business (classification 1)
(d) tourist accommodation, subject to Section (7)(b)
(e) bed and breakfast
(f) secondary suite, subject to Section (7)(d)
(g) accessory dwelling unit, subject to Section (7)(d)

(4) Parcel Area and Dimensions

(a) No parcel shall be created ~~in the DMU-2 zone~~ which is:
  (i) less than 325 m^2 (3,498 ft^2) in area; or
  (ii) greater than 1,000 m^2 (10,764 ft^2) in area
(b) No parcel shall be created ~~in the DMU-2 zone~~ which, at no point, is less than 9m (29’ 6”) in width

(5) Siting

(a) No person shall site a principal building ~~in the DMU-2 zone~~ which has:
  (i) a front yard less than 1.5 m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard;
  (ii) a rear yard less than 4.0 m (13’ 1½”);

(iii) an interior side yard that causes a building projection to cross a parcel line; and,
(iv) an exterior side yard less than 1.5m (5 ft) except that a roof projection, eave, canopy, balcony or similar architectural feature without wall, post, column or similar supporting-structure may be permitted with a zero front yard.

(b) No person shall site an accessory building or structure ~~in the DMU-2 zone~~ which has:
(i) a front yard less than 4.0 m (13' 1½");
(ii) a rear yard less than 1.5 m (5 ft), or in the case where no developed rear lane exists, the rear yard shall be not less than 0.9 m (3 ft);
(iii) an interior side yard less than 0.9m (3 ft) that abuts a parcel in a residential zone unless the primary use on the abutting parcel is multiple unit residential; and,
(iv) an exterior side yard less than 1.5 m (5 ft)

(6) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building in the DMU-2 zone which exceeds a height of 9.1 m (30 ft).
(b) No person shall construct or permit construction of an accessory building or structure, with the exception of an accessory dwelling unit, ~~in the DMU-2 zone~~ which exceeds a height of 5.5 m (18 ft).
(c) No person shall construct or permit construction of an accessory dwelling unit ~~in the DMU-2 zone~~ which exceeds a height of 7.6 m (25 ft).
(d) The site coverage shall not exceed 0.75 (75%). *(Bylaw 2623, Amnd 139)*

(7) Other Regulations

(a) A principal building with a single unit dwelling or duplex dwelling use may have one or both dwellings used for tourist accommodation when not occupied for residential use.
(b) Tourist accommodations are limited to a maximum of two (2) units per parcel
(c) A parcel containing a commercial use as a principal use shall locate at least one permitted commercial use:
(i) fronting a public road, highway or lane; and,
(ii) on the first floor or at grade.
(d) A secondary suite or accessory dwelling unit ~~in a DMU-2 zone~~ shall be in compliance with the following:
(i) No more than one (1) secondary suite or accessory dwelling unit is permitted on a parcel; and,
(ii) Notwithstanding Section 3.04, Definitions, a secondary suite or accessory dwelling unit may be accessory to a duplex dwelling or a commercial use in the DMU-2 zone.
(e) All persons carrying out a use permitted ~~in the DMU-2 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.
(f) No person shall use or permit the use of any portion of a parcel in the DMU-2 zone for the storage of any derelict vehicle. *(Bylaw 2566, Amnd 131)*

NEIGHBOURHOOD COMMERCIAL ZONE: C-2

7.10

(1) Permitted Principal Uses

~~Within the C-2 zone the following uses only are permitted:~~

(a) ~~convenience store;~~art and craft studio;
(b) health and wellness practitioner;
(c) child care facility;
(d) restaurant;
(e) retail;
(f) public utility use;
(g) park.

(2) Permitted Accessory Uses

(a) Dwelling unit accessory to a permitted principal use, subject to subsections (6) (a) of this Section;
(b) Sleeping unit accessory to a permitted principal use, subject to subsection (6)(a) of this Section.
(c) Buildings and structures accessory to a permitted principal use.
(d) ~~tourist accommodation, subject to subsection (6)(a) of this Section~~
(e) *(deleted, Bylaw 2722, Amnd 158)*

(3) Parcel Area and Dimensions

(a) No parcel shall be created ~~in the C-2 zone~~ which is less than 278.0 m^2 (3,000 ft^2) in area.
(b) No parcel shall be created ~~in the C-2 zone~~ which has a front parcel line less than 7.5 m (25 ft) in length.

(4) Siting

(a) No person shall site a building or structure ~~in the C-2 zone~~ which has:
(i) a front yard less than 2m (6.6 ft.);
(ii) a rear yard less than 2m (6.6 ft);
(iii) a side yard less than 1.5 m (5 ft.);
~~(i) a front yard less than 6.0 m (19.6 ft);~~
~~(ii) a rear yard less than 6.0 m (19.6 ft);~~
~~(iii) an interior side yard less than 4.5 m (15 ft);~~
~~(iv) an exterior side yard less than 4.5 m (15 ft).~~

(5) Size and Dimensions of Buildings and Structures

No person shall construct or permit construction of a building or structure ~~in the C-2 zone~~ which exceeds a height of 7.5 m (25 ft).

(6) Other Regulations

(a) No commercial unit may have a gross floor area greater than 450m^2
(b~~a~~) Where dwelling units~~;~~ or sleeping units~~; or tourist accommodation~~ (*Bylaw 2124 Amnd 52*) are proposed, they shall:
(i) be designed and constructed as an integral part of the principal building;
(ii) have an entrance provided from outside the building, separate from that of any commercial use;
(iii) be located above the first storey of the building or behind the commercial component of the building.

(b) All persons carrying out a use permitted ~~in the C-2 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(c) No person shall use or permit the use of any portion of a parcel ~~in the C-2 zone~~ for the wrecking and repair of vehicles or for the storage of derelict vehicles.

(d) All persons carrying out a use permitted ~~in the C-2 zone~~ shall conduct the business or undertaking within a completely enclosed building.

AUTOMOBILE COMMERCIAL ZONE: C-3

7.11

(1) Permitted Principal Uses

~~Within the C-3 zone the following uses only are permitted:~~

(a) retail, limited to vehicle or gasoline sales; *(Bylaw 2770 Amnd 176)*
(b) repair of vehicles;
(c) public utility use;
(d) park;
(e) waste paint collection depot. *(Bylaw 1913 Amnd 13)*

(2) Permitted Accessory Uses

(a) car washes;
(b) motels and hotels;
(c) restaurants;
(d) buildings and structures accessory to a permitted principal use;
(e) dwelling unit subject to sub-section (6)(a). *(Bylaw 2639 Amnd 140)*
(f) retail. *(Bylaw 2770 Amnd 176)*

(3) Parcel Area and Dimensions

(a) No parcel shall be created ~~in the C-3 zone~~ which is less than 278 m^2 (3,000 ft^2) in area.
(b) No parcel shall be created ~~in the C-3 zone~~ which has a front parcel line less than 7.5 m (25 ft) in length.

(4) Siting

(a) No person shall site a building in the C-3 zone which has:
  (i) a front yard less than 12.0 m (40 ft);
  (ii) an interior side yard less than 4.5 m (15 ft) or 6.0 m (19.6 ft) in the case of an interior side yard which abuts a parcel in a Residential zone;
  (iii) an exterior side yard less than 4.5 m (15 ft).
(b) No person shall site an accessory building or structure in the C-3 zone which has:
  (i) a front yard less than 4.5 (15 ft);
  (ii) an interior side yard less than 4.5 m (15 ft) or 6.0 m (19.6 ft) in the case of an interior side yard which abuts a parcel in a Residential zone;
  (iii) an exterior side yard less than 3.0 m (9.9 ft).

(5) Size and Dimensions of Buildings and Structures

No person shall construct or permit construction of a building or structure ~~in the C-3 zone~~ which exceeds a height of 7.5 m (25 ft).

(6) Other Regulations

(a) where a dwelling unit is proposed, it shall:
  (i) be designed and constructed as an integral part of the principal building;
  (ii) have an entrance provided from outside the building, separate from that of any commercial use;
  (iii) be located above the first storey of the building or behind for commercial component of the building;
  (iv) have no more than one (1) dwelling unit on a parcel in the C-3 zone.
(b) All persons carrying out a use permitted ~~in the C-3 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

~~ACCESSORY COMMERCIAL ZONE~~ MULTIPLE UNIT RESIDENTIAL TOURIST ACCOMMODATION ZONE: RMTA-1 ~~AC-1~~

7.12

(1) Permitted Principal Uses

~~Within the AC-1 zone the following uses only are permitted:~~

(a) multiple unit dwelling;
(b) parks, playgrounds and picnic areas;
(c) public utility use.

Despite any other provision of this Bylaw, multiple unit dwellings ~~in the AC-1 zone~~ may be used for tourist accommodation when such dwellings are not occupied for residential use.

(2) Permitted Accessory Uses

(a) sleeping unit accessory to a permitted principal use, subject to subsection (7)(c) of this Section;
(b) other uses, buildings and structures accessory to a permitted principal use;
(c) *(deleted, Bylaw 2722, Amnd 158)*

(3) Parcel Area and Dimensions

No parcel shall be created ~~in the AC-1 zone~~ which is less than 3,000 m^2 (33,333 ft^2).

(4) Siting

No person shall site a building or structure ~~in the AC-1 zone~~ which has:

(i) a front yard less than 7.6 m (25 ft);
(ii) a rear yard less than 7.6 m (25 ft);
(iii) a side yard less than 3.0 m (9.9 ft);
(iv) an interior side yard less than 6.0 m (19.6 ft) in the case of an interior side yard which abuts a parcel in a residential zone;
(v) the minimum separation between buildings is 6 metres.

(5) Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building ~~in the AC-1 zone~~ which exceeds a height of 12 m (40 ft).
(b) No person shall construct or permit construction of an accessory building or structure in the AC-1 zone which exceeds a height of 4.5m (15ft).

(6) Density

~~(a) No person shall construct or permit construction of a dwelling unit in the AC-1 zone which has a gross floor area less than the minimum standards set forth in the current edition of the B.C. Building Code, as amended from time to time.~~

(~~a~~b) A maximum permitted floor space ratio of 0.50 when less than fifty percent (50%) of the required off street parking is not fully enclosed.
(~~b~~c) A maximum permitted floor space ratio of 0.65 when a minimum of fifty percent (50%) of the required off street parking is fully enclosed.
(~~c~~d) A maximum permitted floor space ratio of 0.70 when a minimum of sixty-six percent (66%) of the required off-site parking is underground.

(d~~e~~) the site coverage shall not exceed 0.4.

(7) Other Regulations

(a) No person shall use or permit the use of any portion of a parcel ~~in the AC-1 zone~~ for the wrecking and repair of vehicles or for the storage of derelict vehicles

(b) All persons carrying out a use permitted ~~in the AC-1 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(c) Where a sleeping unit is proposed, it shall:

(i) be designed and constructed as an integral part of the principal building and dwelling unit;

(ii) have a separate entrance from that of any residential use;

(iii) Despite any other provision of this Bylaw, a sleeping unit is specifically permitted ~~in the AC-1 zone~~, and may be occupied or used for tourist accommodation separately and independently from the remainder of the dwelling unit within which it is contained. (*Bylaw 2214 Amnd 70)*

MULTIPLE UNIT RESIDENTIAL TOURIST ACCOMMODATION ZONE: RMTA-2 ~~ACCESSORY COMMERCIAL ZONE: AC-2~~

7.12A

(1) Permitted Principal Uses

~~Within the AC-2 zone the following uses only are permitted:~~

(a) multiple unit dwelling;
(b) parks, playgrounds and picnic areas;
(c) public utility use.

Despite any other provision of this Bylaw, multiple unit dwellings ~~in the AC-2 zone~~ may be used for tourist accommodation when such dwellings are not occupied for residential use.

(2) Permitted Accessory Uses

(a) sleeping unit accessory to a permitted principal use, subject to subsection (7)(c) of this Section;
(b) accessory commercial use;
(c) other uses, buildings and structures accessory to a permitted principal use;
(d) *(deleted, Bylaw 2722, Amnd 158)*

(3) Parcel Area and Dimensions

No parcel shall be created ~~in the AC-2 zone~~ which is less than 3,000 m^2 (33,333 ft^2).

(4) Siting

No person shall site a building or structure ~~in the AC-2 zone~~ which has:

(i) a front yard less than 7.6 m (25 ft);
(ii) a rear yard less than 7.6 m (25 ft);
(iii) a side yard less than 3.0 m (9.9 ft);
(iv) an interior side yard less than 6.0 m (19.6 ft) in the case of an interior side yard which abuts a parcel in a residential zone;
(v) the minimum separation between buildings is 6 metres.

(5) Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building ~~in the AC-2 zone~~ which exceeds a height of 12 m (40 ft).
(b) No person shall construct or permit construction of an accessory building or structure ~~in the AC-2 zone which~~ exceeds a height of 4.5m (15ft).

(6) Density

~~(a) No person shall construct or permit construction of a dwelling unit in the AC-2 zone which has a gross floor area less than the minimum standards set forth in the current edition of the B.C. Building Code, as amended from time to time.~~

(a~~b~~) A maximum permitted floor space ratio of 0.50 when less than fifty percent (50%) of the required off street parking is not fully enclosed.
(b~~c~~) A maximum permitted floor space ratio of 0.65 when a minimum of fifty percent (50%) of the required off street parking is fully enclosed.

(cd) A maximum permitted floor space ratio of 0.70 when a minimum of sixty-six percent (66%) of the required off-site parking is underground.

(de) the site coverage shall not exceed 0.4.

(7) Other Regulations

(a) No person shall use or permit the use of any portion of a ~~parcel in the AC-2 zone~~ for the wrecking and repair of vehicles or for the storage of derelict vehicles

(b) All persons carrying out a use permitted ~~in the AC-2 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(c) Where a sleeping unit is proposed, it shall:

(i) be designed and constructed as an integral part of the principal building and dwelling unit;

(ii) have a separate entrance from that of any residential use;

(iii) despite any other provision of this Bylaw, a sleeping unit is specifically ~~permitted in the AC-2 zone~~, and may be occupied or used for tourist accommodation separately and independently from the remainder of the dwelling unit within which it is contained. *(Bylaw 2305, Amnd 89)*

INDUSTRIAL, WHOLESALE AND TRANSPORTATION ZONE: M-1

7.13

(1) Permitted Principal Uses

~~Within the M-1 zone the following uses only are permitted:~~

(a) manufacturing Industry;
(b) service Industry;
(c) processing Industry;
(d) welding, machine and repair shops;
(e) equipment wholesaling and repairs;
(f) transportation;
(g) truck terminals;
(h) storage and sale of construction materials;
(i) warehousing and cold storage;
(j) bulk storage, sale of materials;
(k) storage and sale of feed and fertilizer;
(l) tire manufacturing, including vulcanizing, sales, services and repairs;
(m) monument including sales;
(n) vehicle (*Bylaw 1913 Amnd 12*) sales, wrecking and repair of vehicles;
(o) public utility use;
(p) park;
(q) salvage yard;
(r) silviculture;
(s) greenhouse and nursery;
(t) recycling depot *(Bylaw 1913, Amnd 12)*

(2) Permitted Accessory Uses

(a) retail sales accessory to a permitted principal use;
(b) office accessory to a permitted principal use;
(c) dwelling unit or mobile home accessory to a permitted principal use, subject to subsection (4) of this Section; *(Bylaw 2722, Amnd 158)*
(d) outdoor storage accessory to a permitted principal use; *(Bylaw 2738, Amnd 164)*
(e) buildings and structures accessory to a permitted principal use.

(3) Parcel Area and Dimensions

No parcel shall be created ~~in the M-1 zone~~ which is less than 0.4 hectare (1.0 acre) in area.

(4) Density

No person shall construct or permit construction of more than one (1) dwelling unit or mobile home on a parcel ~~in the M-1 zone~~ and the one (1) dwelling unit or mobile home shall be located on the same parcel as that of the principal use. *(Bylaw 2722, Amnd 158)*

(5) Siting

(a) No person shall site a building or structure ~~in the M-1 zone~~ which has:
  (i) a front yard less than 7.5 m (25 ft);
  (ii) a rear yard less than 4.5 m (15 ft), nor less than 15 m (50 ft) in the case of a rear yard which abuts a parcel in a Residential zone;

(iii) an interior side yard less than 4.5 m (15 ft), nor less than 15 m (50 ft) in the case of an interior side yard which abuts a parcel in a Residential zone;
(i) an exterior side yard less than 7.6 m (25 ft).

(6) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a building or structure in the M-1 zone which exceeds a height of 12 m (40 ft).
(b) The site coverage shall not exceed 0.7.

(7) Other Regulations

(a) All persons carrying out a use permitted ~~in the M-1 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.
(b) Outdoor storage, display, and all other aspects of the operation of the use being carried out outdoors on a parcel ~~in the M-1 zone~~ shall be located not less than 15.0 m (50 ft) from a parcel line abutting a Residential zone. *(Bylaw 2738, Amnd 164)*
(c) Parking and loading spaces shall be located not less than 15.0 m (50 ft) from a parcel line abutting a Residential zone.

LIGHT INDUSTRIAL ZONE: M-2

7.13A

(1) Intent

This zone is intended to accommodate a range of specialized light industrial, manufacturing, and compatible commercial uses to generate activity and employment opportunities.

(2) Permitted Principal Uses

(a) art and craft studio
(b) retail, limited to:
    (i) vehicle parts
    (ii) building supplies
    (iii) garden supplies
    (iv) industrial equipment
(c) repair of vehicles
(d) contractor service
(e) industrial operation
(f) craft brewery or craft distillery
(g) food or beverage production
(h) nursery and greenhouses
(i) office, limited to:
    (i) engineering
    (ii) surveying
    (iii) architecture
    (iv) landscaping
    (v) general contracting
    (vi) computer software
(j) research and development establishment
(k) printing and publishing industry
(l) warehouse
(m) wholesale distribution
(n) janitorial service
(o) recycling depot
(p) veterinary clinic
(q) public building
(r) self-storage *(Bylaw 2751, Amnd 170)*

(3) Permitted Accessory Uses

(a) retail
(b) restaurant, limited to 20 seats or less
(c) office
(d) outdoor storage
(e) dwelling unit (*Bylaw 2764, Amnd 173*)
(f) accessory buildings and structures

(4) Parcel Area and Dimensions

(a) Minimum parcel area: 0.4ha (1 ac)
(b) Minimum front parcel line: 45m (147.6 ft)

(5) Siting
  (a) No person shall site a principal building or structure with:
    (i) a front yard less than 6m (19.7 ft);
    (ii) a rear yard less than 4.5m (14.7 ft);
    (iii) a side yard less than 3m (9.8 ft);
    (iv) a yard less than 4.5m (14.7 ft) where a property line abuts Highway 95A.
    (v) a yard less than 15m (49.2 ft) where a property line abuts a Residential Zone

(6) Size and Dimensions of Buildings and Structures
  (a) The site coverage shall not exceed 0.7.
  (b) Maximum height of a principal building or structure: 12m (39.4 ft).
  (c) Maximum height of an accessory building or structure: 6 m (19.7 ft).

(7) Other Regulations
  (a) All uses must mitigate for excess noise, lighting, odours or noxious fumes.
  (b) A parcel with an art and craft studio, contractor service, industrial operation, craft brewery or craft distillery, food or beverage production, research and development establishment, printing and publishing industry, wholesale distribution, or veterinary clinic use must conduct all work related to the business within a building or structure
  (c) No more than one (1) secondary suite is permitted per parcel, and is limited to a maximum gross floor area of 75m^2 (807.3 ft^2)
  (d) An accessory dwelling unit must be located above the ground floor of a principal building or behind a principal building. (*Bylaw 2764, Amnd 173*)
  (e) A landscape buffer no less than 3m in width must be planted along property lines abutting Highway 95A or residential zones
  (f) Any landscaping abutting Highway 95A must maintain clear site lines, and must be planted in such a way so as to not interfere with highway maintenance.
  (g) Vehicle access driveways directly to or from Highway 95A are not permitted
  (h) Maximum height of outdoor storage: 6m (19.7 ft)
  (i) All pens and runs associated with a veterinary clinic must be enclosed
  (j) All persons carrying out a use permitted in the M-2 zone must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements), 6 (Parking and Loading Requirements) of this Bylaw.

(Bylaw 2738, Amnd 164)

SOLAR INDUSTRIAL ZONE: M-3

7.13B

(1) Intent

The intent of this zone is to provide for energy generation from renewable sources to foster diversification and growth in the local economy and support environmentally, socially and economically sustainable community development.

(2) Permitted Principal Uses

~~The following uses only are permitted:~~

(a) solar energy facility;
(b) public utility use.

(3) Permitted Accessory Uses

(a) buildings and structures accessory to a permitted principal use;

(4) Parcel Area and Dimensions

(a) The minimum required parcel area is one hectare (2.47 acres).

(5) Siting

(a) No person shall site a principal building or structure ~~in the M-3 zone~~ which has a yard less than 7.6 m (25 ft).
(b) No person shall site an accessory building or structure ~~in the M-3 zone~~ which has a yard less than 4.6 m (15 ft).

(6) Maximum Height of Buildings and Structures

(a) No person shall construct or permit construction of a building or structure which exceeds a height of 12 m (40 ft).

(7) Other Regulations

(a) All persons carrying out a use permitted ~~in the M-3 Zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations) and 5 (Parcel Area Requirements) of this Bylaw. *(Bylaw 2471 Amnd 119)*

PUBLIC INSTITUTIONAL ZONE: P-1

7.14

(1) Permitted Principal Uses

~~Within the P-1 zone, the following uses only are permitted:~~

(a) public and denominational school, college and university;
(b) senior citizens drop-in centre;
(c) hospital;
(d) community hall;
(e) club or lodge;
(f) public building;
(g) library, archives, museum, and art gallery;
(h) community theatre;
(i) park;
(j) place of worship; (Bylaw 2463 Amnd 116)
(k) public utility use;
(l) assembly use;
(m) group home.
(n) seniors housing *(Bylaw 2043, Amnd 42)*

(2) Permitted Accessory Uses

(a) child care facility;
(b) group daycare;
(c) Buildings and Structures accessory to a permitted principal use. *(Bylaw 2442 Amnd 113)*

(3) Siting

(a) No person shall site a building or structure ~~in the P-1 zone~~ which has a yard less than 6.0 m (19.6 ft) where that yard abuts a parcel in a Residential zone. (Bylaw 2463 Amnd 116)
(b) No person shall site an accessory building ~~in the P-1 zone~~ which has:
  (i) A front yard less than 6.0 m (19.7 ft);
  (ii) A rear yard less than 1.5 m (5 ft);
  (iii) An interior side yard less than 1.5 m (5 ft);
  (iv) An exterior side yard less than 3 m (9.8 ft). *(Bylaw 2463 Amnd 116)*

(4) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a building or structure ~~in the P-1 zone~~ which exceeds a height of 12.0 m (40 ft);
(b) "The maximum height of a detached building for a dwelling unit accessory to a place of worship ~~in the P-1 zone~~ shall be 7.62 m (25 ft) or 85% of the height of the principal building, whichever is the lesser;
(c) The maximum height of an accessory detached building ~~in the P-1 zone~~ shall be 4.5 m (15 ft) above finished grade. *(Bylaw 2463 Amnd 116)*

(5) Other Regulations

All persons carrying out a use permitted ~~in the P-1 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

PUBLIC UTILITY ZONE: P-2

7.15

(1) Permitted Principal Uses

~~Within the P-2 zone, the following uses only are permitted:~~

(a) public utility, vehicle storage and equipment storage yard;
(b) sanitary landfill site and facilities including recycling depot;
(c) extraction of sand and gravel, including grading, washing, screening, crushing and transporting of materials;
(d) public utility use;
(e) park;
(f) sewage treatment plant.

(2) Permitted Accessory Uses

(a) Office, accessory to a permitted principal use;
(b) Asphalt plant accessory to gravel extraction;
(c) Buildings and structures accessory to a permitted principal use.

(3) Siting

No person shall site a building or structure ~~in the P-2 zone~~ which has a yard less than 6.0 m (19.6 ft) where that yard abuts a parcel in a Residential zone.

(4) Other Regulations

All persons carrying out a use permitted ~~in the P-2 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

COMMUNITY RECREATION ZONE: P-3

7.16

(1) Permitted Principal Uses

~~Within the P-3 zone, the following uses only are permitted:~~

(a) community recreation use;
(b) community halls;
(c) outdoor recreation, excluding motorbiking and snowmobiling;
(d) public utility use;
(e) golf course;
(f) public building. *(Bylaw 2202, Amnd 66)*

(2) Permitted Accessory Uses

Buildings and structures accessory to a permitted principal use.

(3) Siting

No person shall site a building or structure ~~in the P-3 zone~~ which has a yard less than 6.0 m (19.6 ft) where that yard abuts a parcel in a Residential zone.

(4) Size and Dimensions of Buildings and Structures

No person shall construct or permit construction of a building or structure in the P-3 zone which exceeds a height of 12.0 m (40 ft).

(5) Other Regulations

All persons carrying out a use permitted ~~in the P-3 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

SPECIAL INSTITUTIONAL ZONE: P-4

7.17

(1) Permitted Principal Uses

~~Within the P-4 zone, the following uses only are permitted:~~

(a) cemetery & crematorium;
(b) columbarium;
(c) park;
(d) public utility use.

(2) Permitted Accessory Uses

Building and structures accessory to a permitted principal use.

(3) Other Regulation

All persons carrying out a use permitted ~~in the P-4 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

PUBLIC HEALTH CARE ZONE: P-5

7.17A

(1) Permitted Principal Uses

~~Within the P-5 zone, the following uses only are permitted:~~

(a) public and denominational school, college and university;
(b) senior citizens drop-in centre;
(c) hospital;
(d) public building;
(e) park;
(f) public utility use;
(g) assembly use;
(h) seniors housing;
(i) offices;
(j) stores;
(k) laboratories;
(l) personal services;
(m) laundry;
(n) health services;
(o) food services;

(2) Permitted Accessory Uses

Other uses, buildings and structures accessory to a permitted principal use.

(3) Size and Dimensions of Buildings and Structures

No person shall construct or permit construction of a building or structure ~~in the P-5 zone~~ which exceeds a height of 12.0 m (40 ft).

(4) Other Regulations

All persons carrying out a use permitted ~~in the P-5 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw. *(Bylaw 2203 Amnd 67)*

SKI HILL RECREATION ZONE: RC-1

7.18

(1) Permitted Principal Uses

~~Within the RC-1 zone, the following uses only are permitted:~~

(a) "outdoor recreation uses including bicycling and excluding snowmobiling and motor biking except;
  (i) snowmobiling associated with a ski resort operation; and
  (ii) motorbiking associated with a ski resort operation. (Bylaw 2096, Amnd 48)"

(b) restaurants, banquet and conference facilities, lounges, and associated entertainment facilities;

(c) hiking, snow shoeing and cross-country skiing;

(d) sports equipment and associated retail sales and sports equipment repair and rental;

(e) public utility use;

(f) park.

(2) Permitted Accessory Uses

Buildings and structures accessory to a permitted principal use.

(3) Parcel Area and Dimensions

No parcel shall be created ~~in the RC-1 zone~~ which is less than 1 hectare (2.47 acres) in area.

(4) Density

No person shall construct or permit construction of more than one (1) principal building on a parcel ~~in the RC-1 zone~~.

(5) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a principal building ~~in the RC-1 zone~~ which exceeds a height of 12.0 m (40 ft).

(b) No person shall construct or permit construction of an accessory building or structure ~~in the RC-1 zone~~ which exceeds a height of 12.0 m (40 ft).

(c) The site coverage shall not exceed 0.5.

(6) Other Regulations

(a) No person shall use or permit the use of any portion of a parcel ~~in the RC-1 zone~~ for the wrecking and repair of vehicles or for the storage of derelict vehicles.

(b) All persons carrying out a use permitted in the RC-1 zone shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

RECREATION CONSERVATION ZONE: RC-2

7.19

(1) Permitted Principal Uses

~~Within the RC-2 zone, the following uses only are permitted:~~

(a) wildlife habitat and refuges;
(b) campground and picnic areas;
(c) hiking, snow shoeing and cross-country skiing;
(d) fishing;
(e) parks and playgrounds;
(f) public utility use;
(g) mini golf.
(h) outdoor recreation uses including bicycling and excluding snowmobiling and motorbiking *(Bylaw 2096, Amnd 48)*

(2) Permitted Accessory Uses

Buildings and structures accessory to a permitted principal use.

COMPREHENSIVE DEVELOPMENT ZONE: CD-2

7.21

(1) Permitted Principal Uses

~~Within the CD- 2 zone, the following uses only are permitted:~~

(a) multiple unit dwelling;
(b) indoor storage;
(c) office;
(d) public utility use;
(e) park.

(2) Permitted Accessory Uses

(a) buildings and structures accessory to a permitted principal use.

(3) Parcel Area and Dimensions

(a) No parcel shall be created ~~in the CD- 2 zone~~ which is less than 3,555 m² (38,265 ft²).

(4) Density

The maximum floor space ratio is 0.45.

(5) Siting

(a) No person shall site a principal building ~~in the CD- 2 zone~~ which has:
  (i) a front yard less than 7.6 m (25 ft);
  (ii) a rear yard less than 7.6 m (25 ft);
  (iii) an interior side yard less than 6 m (20 ft).

(b) No person shall site an accessory building or structure ~~in the CD- 2 zone~~ which has:
  (i) a front yard less than 7.6 m (25 ft);
  (ii) a rear yard less than 1.5 m (5 ft);
  (iii) an interior side yard less than 3.0 m (9.9 ft).

(6) Size and Dimensions of Buildings and Structures

(a) ~~No person shall construct or permit construction of a dwelling unit in the CD- 2 zone which has a gross floor area less than the minimum standards set forth in the current edition of the B.C. Building Code, as the same may from time to time be amended.~~
(b) No person shall construct or permit construction of a principal building ~~in the CD-2 zone~~ which exceeds a height of 9.1m (30 ft).

(c) No person shall construct or permit construction of an accessory building or structure ~~in the CD-2 zone~~ which exceeds a height of 4.5 m (15 ft).
(d) The site coverage shall not exceed 0.4.

(7) Landscaping

(a) Minimum landscape requirements for the front and side yard areas shall be:

(i) 40 percent of the front, and side yard areas shall have no impervious surfaces or vehicular use;

(ii) a portion of the required pervious surface area, equivalent to 20 percent of the front yard area, shall be reserved for landscape areas and extensively planted with trees and shrubs.

(8) Other Regulations

(a) Indoor storage use is only permitted in the basement of the principal building.

(b) No person shall use or permit the use of any portion of a parcel ~~in the CD-2 zone~~ for the repair of vehicles or for the storage of derelict vehicles.

(c) All persons carrying out a use permitted ~~in the CD-2 zone~~ shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw. *(Bylaw 2236 Amnd 75)*

COMPREHENSIVE DEVELOPMENT ZONE: CD-3

7.22

(1) Permitted Principal Uses

~~Within the CD-3 zone, the following uses only are permitted:~~

(a) multiple unit dwelling;
(b) office;
(c) personal services;
(d) retail;
(e) hostel;
(f) public utility use;
(g) community recreation use;
(h) park.

(2) Permitted Accessory Uses

(a) buildings and structures accessory to a permitted principal use;
(b) tourist accommodation, subject to subsection (6)(b) of this section;
(c) *(deleted, Bylaw 2722, Amnd 158)*
(d) sleeping units, subject to subsection (6)(a) of this section;

(3) Parcel Area and Dimensions

No parcel shall be created ~~in the CD-3 zone~~ which is less than 390 m^2 (4,200 ft^2).

(4) Siting

(a) No person shall site a principal building ~~in the CD-3 zon~~e which has:
  (i) a side yard less than 6 m (20 ft) that abuts a parcel in a residential zone.
(b) No person shall site an accessory building or structure ~~in the CD-3 zone~~ which has:
  (i) a side yard less than 3 m (10 ft) that abuts a parcel in a residential zone.

(5) Size and Dimensions of Buildings and Structures

(a) No person shall construct or permit construction of a dwelling unit ~~in the CD-3 zone~~ which has a gross floor area less than the minimum standards set forth in the current edition of the BC Building Code, as the same may from time to time be amended;
(b) No person shall construct or permit construction of a principal building ~~in the CD-3 zone~~ which exceeds a height of 10 m (32.8 ft);
(c) No person shall construct or permit construction of an accessory building or structure ~~in the CD-3 zone~~ which exceeds a height of 4.5 m (15 ft).

(6) Other Regulations

(a) Floor area designed, intended or used for all commercial uses shall not be less than 100 square metres;

(b) Where a residential dwelling unit, tourist accommodation or sleeping unit is proposed it shall:
  (i) be designed and constructed as an integral part of the principal building;
  (ii) be located to the rear of the first floor or on the second and third floors of the principal building;
  (iii) have an entrance(s) provided from outside the building, separate from that of any commercial use;

(c) No person shall use or permit the use of any portion of a parcel ~~in the CD-3 zone~~ for the repair of vehicles or the storage of derelict vehicles;

(d) All persons carrying out a use permitted in the CD-3 zone shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw. *(Bylaw 2303, Amnd 88)*

COMPREHENSIVE DEVELOPMENT ZONE: CD-5

7.24

(1) Intent

The regulations for this zone are intended to provide a variety of housing types, including single unit, duplex, and multiple unit dwellings.

(2) Permitted Principal Uses

~~Within the CD-5 zone, only the following uses are permitted:~~

(a) single unit dwelling;
(b) duplex dwelling;
(c) multiple unit dwelling.

(3) Permitted Accessory Uses

(a) accessory dwelling unit;
(b) secondary suite;
(c) home based business (classification 2) only as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(d) child care facility as an accessory use to the principal dwelling unit of a single unit dwelling or duplex dwelling;
(e) accessory buildings and structures.

(4) Parcel Area and Dimensions

(a) Minimum parcel area: 557 m^2 (6,000 $ft.^2$);
(b) Minimum front parcel line: 16.76 m (55 ft.), except that in the bulb of a cul-de-sac, the minimum front parcel line is 9.1 m (30 ft.);
(c) A parcel may be subdivided along a common wall of a duplex dwelling or townhouse provided each minimum parcel area is 325.15m^2 (3,500 $ft.^2$);
(d) Where a parcel with a duplex dwelling or townhouse is subdivided along a common wall, the minimum front parcel line of each parcel is 9.1m (30 ft.).

(5) Density

(a) No more than one single unit dwelling, or one duplex dwelling is permitted per parcel;
(b) A multiple unit dwelling shall not contain more than six principal dwelling units;
(c) Maximum floor space ratio for a parcel containing only one dwelling unit is 0.5;
(d) Maximum floor space ratio for a parcel containing two dwelling units is 0.6;
(e) Maximum floor space ratio for a parcel containing three dwelling units is 1.0;
(f) Maximum floor space ratio for a parcel containing four or more dwelling units is 2.0;
(g) A parcel containing a principal dwelling unit must not contain more than one secondary suite and one accessory dwelling unit.

(6) Siting

(a) No person shall site a principal building which has:
  (i) a front yard less than 2m (6.6 ft.);
  (ii) a rear yard less than 2m (6.6 ft);
  (iii) a side yard less than 1.5 m (5 ft.);

(b) Side yard requirements do not apply to the parcel line along which a common wall is located;

(c) No person shall site an accessory building or structure which has:
  (i) a front yard less than 1.5m (5 ft.);
  (ii) a rear yard less than 1.5 m (5 ft.);
  (iii) a side yard less than 1.5m (5 ft.);

(d) Accessory dwelling units must not be sited or located on a separate parcel from the principal building.

(7) Size and Dimensions of Buildings and Structures

(a) Maximum site coverage for a parcel containing:
  (i) a single dwelling unit is 0.4;
  (ii) two dwelling units is 0.5;
  (iii) three dwelling units is 0.6;
  (iv) four or more dwelling units is 0.65;

(b) Maximum height of a single unit dwelling: 9m (29.5 ft.);

(c) Maximum height of a duplex dwelling or multiple unit dwelling: 12m (39ft.);

(d) Maximum height of an accessory building or structure containing an accessory dwelling unit: 8m (26 ft.);

(e) Maximum height of an accessory building or structure which does not contain an accessory dwelling unit: 6m (19.7 ft.).

(8) Design Regulations

(a) Each dwelling unit must have a minimum outdoor amenity area of 3.0 m^2.

(b) Where outdoor amenity area is provided as common space, the outdoor amenity area must:
  i) be available to all residents of the development;
  ii) not be less than 3 m^2 per dwelling unit.

(9) Other Regulations

(a) All persons carrying out a use permitted ~~in the CD-5 zone~~ must comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(*Bylaw 2764, Amnd 173*)

COMPREHENSIVE DEVELOPMENT ZONE: CD-6

7.25

(1) Purpose

The intent of this zone is to provide for up to 500 residential units in a mix of housing types, additional affordable housing units, recreational uses, neighbourhood oriented and tourist oriented commercial uses, and light industrial activity.

(2) Subject to the regulations in subsections (6) and (7), the following uses only may be allowed in all areas within the CD-6 zone other than the commercial centres and light industrial service area shown in subsection (5):

Permitted Principal Uses:

(a) single unit dwellings;
(b) duplex dwellings;
(c) multiple unit dwellings;
(d) supportive housing;
(e) equestrian facilities;
(f) recreational lakes and ponds;
(g) toboggan hills;
(h) parks;
(i) public schools:
(j) community recreation uses;
(k) community gardens;
(l) assembly uses;
(m) club or lodge.

Permitted Accessory Uses:

(a) accessory dwelling unit;
(b) secondary suite;
(c) child care facilities;
(d) public utilities;
(e) buildings and structures accessory to the permitted principal use;
(f) *(deleted, Bylaw 2722, Amnd 158)*
(g) bed and breakfasts;
(h) tourist accommodation;
(i) home based businesses (classification 1);

(3) Subject to the regulations in subsections (6) and (7), the following uses only may be allowed in the CD-6 commercial centre areas shown in subsection (5):

Permitted Principal Uses:

(a) art and craft studio *(Bylaw 2738, Amnd 164)* and plazas;
(b) business and professional offices;
(c) commercial school;
(d) convenience store;
(e) educational academy;
(f) hotel;
(g) motel;
(h) multiple unit dwelling;

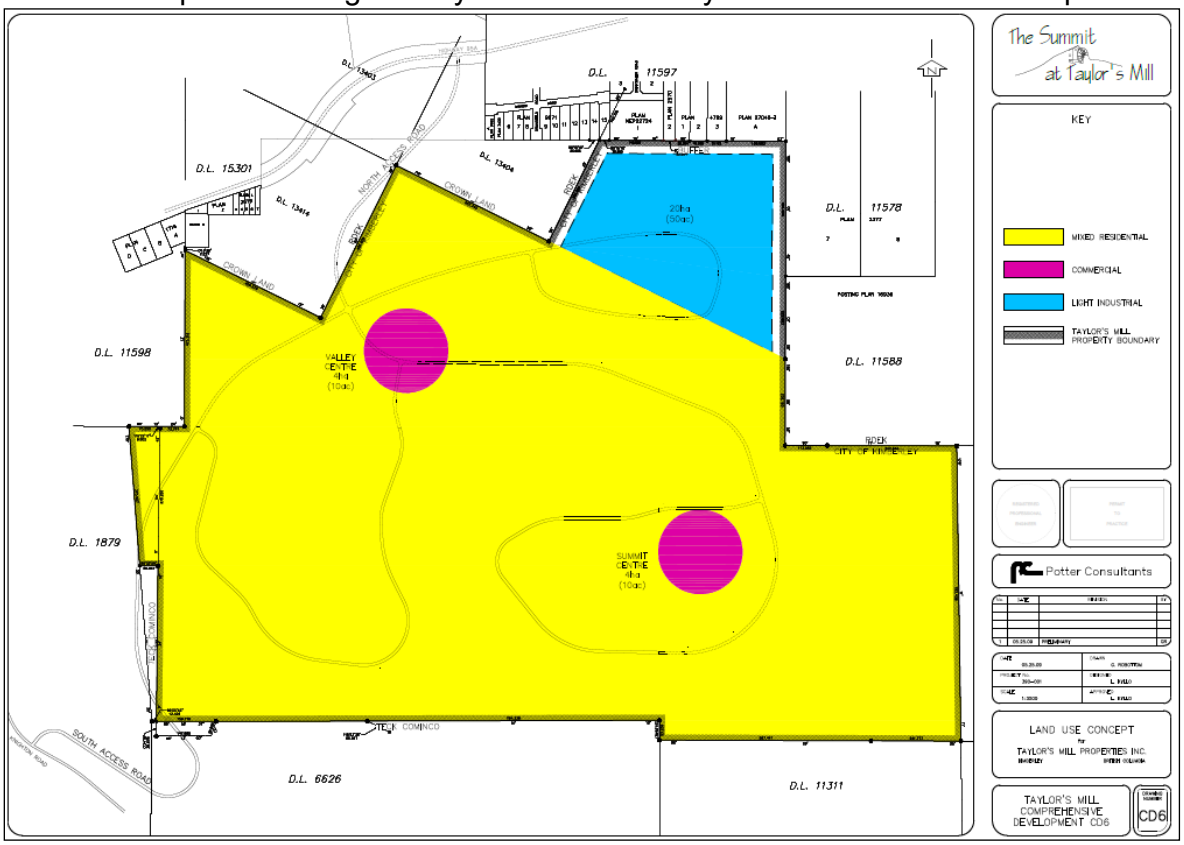
(i) neighbourhood pub;
(j) personal services;
(k) restaurant.

Permitted Accessory Uses:
(a) accessory commercial uses;
(b) retail accessory to hotel;
(c) public utilities;
(d) buildings and structures accessory to the permitted principal use.

(4) Subject to the regulations in subsections (6) and (7), the following uses only may be allowed in the CD-6 light industrial service areas shown in subsection (5):
Permitted Principal Uses:
(a) contractor service;
(b) art and craft studio (*Bylaw 2738, Amnd 164*);
(c) nursery or greenhouse;
(d) veterinary clinic.

Permitted Accessory Uses:
(a) live work units;
(b) public utilities;
(c) buildings and structures accessory to the permitted principal use.

(5) Land Use Concept Plan
Development shall generally adhere to the Taylor's Mill Land Use Concept Plan.



(6) Conditions of Use:

(a) For all uses listed in subsection (2), the following conditions will apply:

Taylor's Mill Comprehensive Development: CD-6						
	Permitted principal Uses				Accessory Uses	
Requirements	Single Unit Dwelling	Duplex Dwelling	Multiple Unit Dwelling	Other Uses Permitted in 7.25 (2)	Accessory dwelling unit or Secondary suite	Other Accessory Buildings
Minimum Parcel Area - m^2 (ft^2)	743 (8,000)	743 (8,000)	1,394 (15,000)	1,394 (15,000)		
Minimum Parcel Area per unit			372 (4,000)			
Min. Front Parcel Line - m (ft)	18.2 (60)	21.3 (70)	20.0 (66)	20.0 (66)		
Min. Front Parcel Line in the bulb of a cul-de-sac - m (ft)	9.1 (30)	9.1 (30)				
Minimum Yards - m (ft)						
Front Yard	9.1 (30)	9.1 (30)	12.2 (40)	12.2 (40)	12.2 (40)	6.0 (19.6)
Rear Yard	9.1 (30)	9.1 (30)	9.1 (30)	9.1 (30)	9.1 (30)	6.0 (19.6)
Interior Side Yard	3.0 (10)	3.0 (10)	3.0 (10)	3.0 (10)	3.0 (10)	1.5 (5)
Exterior Side Yard	6.1 (20)	6.1 (20)	6.1 (20)	6.1 (20)	7.6 (25)	3.0 (9.9)
Maximum Height - m (ft)	9.1 (30)	9.1 (30)	12.0 (39)	12.0 (39)	7.6 (25)	4.5 (15)
Max. Site Coverage	0.4	0.4	0.5	0.5	0.5	
Max. Floor Space Ratio			See 7(b)			
Min. Gross Floor Area - m^2 (ft^2)					60 (645)	
Max. Gross Floor Area - m^2 (ft^2)					120 (1290)	

b) For all uses listed in subsection (3), the following conditions will apply:

Taylor's Mill Comprehensive Development: CD-6 Commercial Centre Areas						
Neighbourhood Commercial Centre Uses						Summit Commercial Centre
Requirements	Restaurant	Neighbour-hood Pub	Convenience Store	Business and Professional Offices	Personal Services	All Commercial Uses
Minimum Parcel Area m^2 (ft^2)	278 (3,000)	278 (3,000)	278 (3,000)	278 (3,000)	278 (3,000)	278 (3,000)
Min. Front Parcel Line m (ft)	9.2 (30)	9.2 (30)	9.2 (30)	9.2 (30)	9.2 (30)	9.2 (30)
Maximum Parcel Area m^2 (acres)	4,047 (1)	4,047 (1)	4,047 (1)	4,047 (1)	4,047 (1)	20,000 (4.94)
Max. Gross Floor Area m^2 (ft^2)	280 (3,000)	280 (3,000)	140 (1,500)	100 (1,076) per unit	100 (1,076)/ unit	
Min. Yards m (ft)						
Front Yard	6.0 19.6)	6.0 (19.6)	6.0 (19.6)	6.0 (19.6)	6.0 (19.6)	12.2 (40)
Rear Yard	6.0 (19.6)	6.0 (19.6)	6.0 (19.6)	6.0 (19.6)	6.0 (19.6)	12.2 (40)
Interior Side	4.5 (15)	4.5 (15)	4.5 (15)	4.5 (15)	4.5 (15)	12.2 (40)
Exterior Side	4.5 (15)	4.5 (15)	4.5 (15)	4.5 (15)	4.5 (15)	12.2 (40)
Max. Height m (ft)	7.5 (25)	7.5 (25)	7.5 (25)	7.5 (25)	7.5 (25)	12.2 (40)

(c) For all uses listed in subsection (4), the following conditions will apply:

Taylor's Mill Comprehensive Development: CD-6 Light Industrial Service Areas		
Requirements	All Uses in 7.25 (4)	With Live Work Unit
Minimum Parcel Area m^2 (ac)	4,047 (1)	4,047 (1)
Minimum Front Parcel Line m (ft)	30.0 (98)	30.0(98)
Maximum Floor Space Ratio	0.5	0.7
Maximum Site Coverage	0.7	0.7
Minimum Landscaped Area - m^2 (ft^2)	10% of parcel area	20% of parcel area
Minimum Yards - m (ft)		
Front Yard	15.0 (49.2)	6.0 (19.6)
Rear Yard	15.0 (49.2)	15.0 (49.2)
Interior Side Yard	5 (16)	5 (16)
Exterior Side Yard	5 (16)	5 (16)
Maximum Height - m (ft)	7.5 (25)	7.5 (25)

(7) Other Regulations

(a) General Regulations

(i) All persons carrying out a use permitted in the CD-6 zone shall comply with the relevant provisions of Sections 4 (General Regulations) and 6 (Parking and Loading Regulations) of this Bylaw.

(ii) No person shall use or permit the use of any portion of a parcel for the repair of vehicle or for the storage of derelict vehicles.

(b) Residential Regulations

(i) Supportive housing complexes shall include at least 15% of the total building area as indoor common amenity including dining rooms, recreation and leisure areas and a minimum of 100 square metres of usable outdoor common amenity space including recreation and leisure areas;

(ii) The minimum separation between buildings shall be 6.0 metres (20 ft).

(iii) A parcel may be subdivided along a common wall of a duplex dwelling provided each parcel after subdivision is not less than 557 m² (6,000 ft²).

(iv) Where a parcel with a duplex dwelling located on it is subdivided along the common wall, the front parcel line shall be not less than 9.1 m (30 ft) for each parcel created by the subdivision.

(v) Side yard requirements do not apply to the parcel line along which a common wall is located.

(vi) Multiple unit dwellings shall adhere to a maximum permitted floor space ratio of 0.40 when less than fifty percent (50%) of the required parking is fully enclosed, a maximum permitted floor space ratio of 0.50 when a minimum of fifty percent (50%) of the required parking is fully enclosed and a maximum permitted floor space ratio of 0.65 when a minimum of sixty five percent (65%) of the required parking is located below grade in an underground parking structure.

(vii) No more than one accessory dwelling unit or secondary suite is permitted on a parcel containing a single unit dwelling and a accessory dwelling unit or secondary suite may not be subdivided.
(viii) A single unit dwelling parcel with an accessory dwelling unit or a secondary suite shall have one parking space in addition to the parking required for the principal dwelling.
(ix) An accessory dwelling unit or a secondary suite shall not be used for bed and breakfast or tourist accommodation.
(x) Tourist accommodation may only be permitted as an accessory use to single unit and duplex dwellings in specific locations identified at subdivision and regulated by covenant to minimize impacts to adjacent properties.

(c) Commercial Regulations
(i) Only one hotel or motel development will be permitted in the CD-6 zone.
(ii) A maximum of two restaurants and one neighbourhood pub will be permitted in the CD-6 zone. Restaurants shall be limited by development permit to a size and scale intended primarily to serve nearby residents. Drive-through facilities, where customers order and receive food or other goods in their motor vehicles via one or more designated drive-through lanes, shall not be permitted.
(iii) A maximum of one convenience store will be permitted in a location that is convenient for the surrounding residents. Drive-through facilities, where customers order and receive goods or services in their motor vehicles via one or more designated drive-through lanes, shall not be permitted.
(iv) Accessory commercial uses may only be permitted accessory to a multiple unit dwelling and shall be limited to a size and scale intended primarily to serve residents of the principal building. The total floor area dedicated to accessory commercial uses shall not exceed 10% of the total gross floor area of the principal building.
(v) Retail may only be permitted accessory to a hotel and shall be limited to a size and scale intended primarily to serve guests of the hotel. The total floor area dedicated to accessory retail uses shall not exceed 10% of the total gross floor area of the principal building.
(vi) Personal services in this zone despite any other provision of this bylaw, shall not include electrical appliance repairs, shoe repairs or pet shops.

(d) Recreational / Amenity Regulations
(i) Despite subsection (6), each parcel used for equestrian facilities or pasture for horses shall be a minimum of 12,141 m² (3 acres) in size and shall provide at least 6,071 m² (1.5 acres) for each horse or mare with foal.
(ii) Despite subsection (6), all stables, shelters or buildings used for sheltering horses shall be located not less than 30 m (98 ft) from the front parcel line nor less than 15 m (49 ft) from any other parcel line.

(e) Light Industrial Regulations

(i) Light Industrial developments will be regulated through development permits that include details of the design of buildings, landscaping and the provision of amenity space for an accessory live work unit.

(ii) No more than one live work unit is permitted on a parcel and a live work unit may not be subdivided.

(iii) Light Industrial developments in this zone shall not involve any manufacturing or any other uses which creates or may create offensive or excessive noise, smoke, dust or other particulate matter, odour, toxic or nontoxic matter, radiation hazards, fire or explosive hazards, heat, humidity, glare or unsightly storage of goods, materials, or equipment.

(iv) Light Industrial uses shall have a minimum 5 m (16 ft) landscaped buffer around the perimeter of the site and all outdoor storage must be screened from view from public roadways.

(v) No parking, loading, storage, waste collection, outdoor service or display area shall be permitted in a required front, side or rear yard abutting a public roadway.

(vi) Light Industrial uses shall not have more than 30% of the frontage used for driveways and no driveway may be more than 6.0 metres in width.

(vii) All pens and runs associated with a veterinary clinic shall be enclosed. *(Bylaw 2412 Amnd 110)*

COMPREHENSIVE DEVELOPMENT ZONE: CD-7

7.26

(1) Intent

The regulations for this zone are intended to accommodate a mix of educational, commercial, residential and recreational uses to foster unique and diverse development that contributes to expanded social, cultural and economic opportunities in the community.

(2) Permitted Principal Uses

~~Within the CD-7 zone, the following principal uses only are permitted:~~

(a) School;
(b) College, University;
(c) Commercial School;
(d) Assembly Use;
(e) Group Day Care;
(f) Multiple unit Dwelling;
(g) Park; and
(h) Public Utility Use.

(3) Permitted Accessory Uses

(a) accessory buildings and structures.

(4) Parcel Area and Dimensions

(a) The minimum required parcel area is 0.4 ha (1 ac).

(5) Density

(a) The maximum floor space ratio is 1.5.

(6) Siting, Size and Dimensions of Buildings and Structures

(a) No person shall site a principal building or structure which has:
  (i) a front yard less than 6 m (20 ft);
  (ii) a rear yard less than 6 m (20 ft); or
  (iii) a side yard less than 6 m (20 ft).
(b) No person shall site an accessory building or structure which has:
  (i) a front yard less than 6 m (20 ft);
  (ii) a rear yard less than 3 m (10 ft); or
  (iii) a side yard less than 3 m (10 ft).
(c) Despite any other provision in this Bylaw, no building or structure shall be sited within 10 m (33 ft) of a parcel line adjacent to, and roughly parallel with, Mark Creek.
(d) The site coverage shall not exceed 0.5.
(e) No person shall construct or permit construction of a principal building or structure which exceeds a height of 15.24 m (50 ft).
(f) No person shall construct or permit construction of an accessory building or structure which exceeds a height of 5.5 m (18 ft).

(7) Other Regulations

(a) All persons carrying out a use permitted in this zone shall comply with the relevant provisions of Sections 4 (General Regulations), 5 (Parcel Area Requirements) and 6 (Parking and Loading Regulations) of this Bylaw.

(Bylaw 2669, Amnd 146)

SECTION 8 ADOPTION

EFFECTIVE DATE OF BYLAW

8.01 This Bylaw shall come into force and effect on the date of passage by the municipal Council of the City of Kimberley

Read a first time this 14th day of March, 1994.

Received a Public Hearing on the 22nd day of March, 1994.

Read a second and third time on the 28th day of March, 1994.

Adopted this 28th day of March, 1994.

"J.E. Ogilvie"
Mayor

"George E.R. Stratton"
Clerk