



Regional District of Central Kootenay

AINSWORTH RURAL LAND USE BYLAW No. 1189, 1996

**CONSOLIDATED FOR CONVENIENCE
ONLY AND HAS NO LEGAL SANCTION**

Adopted: March 22, 1997

REGIONAL DISTRICT OF CENTRAL KOOTENAY

AINSWORTH RURAL LAND USE BYLAW No. 1189, 1996

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

**LIST OF AMENDMENTS TO AINSWORTH RURAL LAND USE BYLAW NO. 1189, 1996
UP TO (see date at bottom of last page of amendments) WHICH ARE INCLUDED IN
THIS CONSOLIDATED VERSION OF THE BYLAW**

Bylaw No. File No.	Adopted	Amendment	Purpose
1970 4600-27-Z0802- RDCK-MTI	December 13, 2008	Amend Enforcement Regulations	To allow Municipal Ticketing on violations to the bylaw.
2040 4600-28-Z0821	June 25, 2009	Add definitions for ACCESSORY BUILDING OR STRUCTURE and PRINCIPAL DWELLING; Amend Schedule 'A' Section 7.0 Townsite Residential (R1), Other.	To clarify the intent, size and number of accessory buildings or structures in the R1 zones.
2100 4600-31-Z0913	May 20, 2010	Add 5.14 Shipping Containers	The amendments include language to allow shipping containers in all zones with restrictions

May 20, 2010

Regional District of Central Kootenay Ainsworth Rural Land Use Bylaw No. 1189, 1996

A Bylaw to guide development and regulate the use of land in the Ainsworth Planning Area pursuant to Part 29 of the Municipal Act of British Columbia

The Regional Board of the Regional District of Central Kootenay in open meeting duly assembled, ENACTS as follows:

TITLE

This Bylaw may be cited for all purposes as the “Ainsworth Rural Land Use Bylaw No. 1189, 1996”.

APPLICATION

The provisions of this Bylaw include:

- Schedule A - Ainsworth Rural Land Use Bylaw Objectives, Policies and Land Use Regulations;
- Schedule B - Ainsworth Rural Planning Area - Zoning as shown by map reference;

attached hereto and forming part of this Bylaw.

READ A FIRST TIME this 30th day of November, 1996.

READ A SECOND TIME this 30th day of November, 1996.

WHEREAS A PUBLIC HEARING WAS held on the 7th day of January, 1997.

READ A THIRD TIME this 25th day of January, 1997.

APPROVED Pursuant to Section 57 of the “Highway Act” this 30th day of January, 1997.

“Peter Muirhead”

District Development Technician, Ministry of Transportation and Highways

APPROVED by the Minister of Municipal Affairs and Housing on the 4th day of March, 1997.

RECONSIDERED AND ADOPTED this 22nd day of March, 1997.

<u>“Hans Cunningham”</u>	<u>“B. Baldigara”</u>
Chairperson	Secretary

I HEREBY CERTIFY the foregoing to be true and correct copy of the “Regional District of Central Kootenay Ainsworth Rural Land Use Bylaw No. 1189, 1996” as read a third time by the Board of the Regional District of Central Kootenay the _____ day of _____, 199 .

DATED at Nelson, British Columbia, this _____ day of _____, 199 .

Chairperson

I HEREBY CERTIFY the foregoing to be true and correct copy of the “Regional District of Central Kootenay Ainsworth Rural Land Use Bylaw No. 1189, 1996” as read a third time by the Board of the Regional District of Central Kootenay the _____ day of _____, 199 .

DATED at Nelson, British Columbia, this _____ day of _____, 199 .

Secretary

INTRODUCTION

PURPOSE OF BYLAW

The purpose of the Ainsworth Rural Land Use Bylaw ("Bylaw") is to set forth objectives, policies and regulations governing existing and proposed land use in the defined Ainsworth Rural Planning Area pursuant to the Municipal Act.

The Bylaw is intended to provide guidance to the Board and Committees of the Regional District of Central Kootenay, the Ministry of Municipal Affairs, and other governmental agencies whom administer within the Plan area.

BACKGROUND

The Ainsworth Rural Planning Area is within Electoral Area D of the Regional District of Central Kootenay. The area is located on the west shore of Kootenay Lake approximately 20 km south of Kaslo and 40 km east of Nelson. The planning area is a popular hot springs resort destination and is also home to a rural community of approximately 80 year-round residents. The Ainsworth townsite, originally laid out in 1899, contains most of the planning area's residential and commercial development. Future development potential within the townsite may be considerable given the number of vacant properties but is currently limited by water and sewage servicing constraints and topographical factors. That portion of the planning area located outside the townsite has the potential for a number of rural subdivisions.

The impetus for the Bylaw was a request from community residents for some form land use regulations that could achieve the goal of protecting the existing rural nature of the area while allowing sympathetic development to occur.

The Bylaw is a means by which to achieve this goal. The Bylaw was formulated with due regard for land capabilities, growth trends, the need for public services and facilities, the concerns and aspirations of the public, and provincial interests.

TABLE OF CONTENTS

	Page
1.0 INTERPRETATION	1
2.0 GENERAL PROVISIONS	5
<i>Administration</i>	5
<i>Violation</i>	5
<i>Penalty & Offence</i>	5
<i>Units of Measure</i>	6
<i>Severability</i>	6
<i>Appeals</i>	6
<i>Amendment Procedures</i>	6
PART I	7
3.0 DEVELOPMENT OBJECTIVES	7
4.0 POLICIES.....	8
<i>Servicing</i>	8
<i>Residential Development</i>	9
<i>Commercial Development</i>	9
<i>Industrial Development</i>	10
<i>Recreation</i>	10
<i>Environmental Reserve</i>	10
<i>Land Use Change and Development</i>	10
<i>Temporary Industrial Permit Areas</i>	11
<i>Hazard Lands</i>	11
PART II	12
5.0 GENERAL REGULATIONS.....	12
<i>Clear Vision Area</i>	12
<i>Site Areas</i>	12
<i>Reduction of Minimum Site Areas</i>	13
<i>Subdivision Servicing Requirements</i>	14
<i>Setback Exceptions</i>	14
<i>Home Occupations</i>	15
<i>Bed and Breakfast Accommodation</i>	15
<i>Storage</i>	16
<i>Uses Permitted in All Zones</i>	16
<i>Parking Space Requirements</i>	16
<i>Keeping of Farm Animals</i>	17
<i>Mining Activities</i>	18
<i>Shipping Containers</i>	18
6.0 ZONES.....	19
<i>Zone Designations</i>	19
<i>Zone Boundaries</i>	19

7.0 TOWNSITE RESIDENTIAL (R1)	19
<i>Permitted Uses</i>	19
<i>Site Area</i>	20
<i>Setbacks</i>	20
<i>Site Coverage</i>	20
<i>Height</i>	20
<i>Other</i>	20
<i>Permitted Uses</i>	22
<i>Site Area</i>	22
<i>Setbacks</i>	23
<i>Site Coverage</i>	23
<i>Height</i>	23
9.0 RESORT COMMERCIAL (C2).....	24
<i>Permitted Uses</i>	24
<i>Site Area</i>	24
<i>Setbacks</i>	25
<i>Site Coverage</i>	25
<i>Height</i>	25
10.0 RURAL RESOURCE (RR).....	26
<i>Permitted Uses</i>	26
<i>Site Area</i>	26
<i>Setbacks</i>	26
<i>Other</i>	26
11.0 ENVIRONMENTAL RESERVE (ER).....	27
<i>Permitted Uses</i>	27
<i>Site Area</i>	27
<i>Setbacks</i>	27
<i>Site Coverage</i>	27

SCHEDULE 'A'

REGIONAL DISTRICT OF CENTRAL KOOTENAY

AINSWORTH RURAL LAND USE BYLAW NO. 1189, 1996

1.0 INTERPRETATION

In this bylaw, unless the context otherwise requires:

ACCESSORY means a use or structure naturally and normally incidental, subordinate and devoted to the principal use or structure and located on the same lot or site, but not for purposes of human habitation unless specifically stated;

Bylaw 2040

ACCESSORY BUILDING OR STRUCTURE means a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal building;

BOARD means the Board of the Regional District of Central Kootenay;

BUILDING means a structure having a roof supported by columns, posts or walls, used for the shelter or accommodation of persons, animals, chattels, or property of any kind, and includes a mobile home;

BYLAW ENFORCEMENT OFFICER means the Bylaw Enforcement Officer of the Regional District of Central Kootenay;

COMMUNITY SEWER SYSTEM means a common sewer, or system of sewerage or sewage disposal, which serves two or more lots and is regulated under the Health Act or the Waste Management Act;

COMMUNITY WATER SYSTEM means a system of waterworks which serves six (6) or more lots and which is owned, operated and maintained by an Improvement District, a Municipality, the Regional District, or which is regulated under the Water Act or the Water Utility Act and which is approved by the Ministry of Health;

CONVENIENCE STORE means a retail sales outlet which sells or offers for sale foodstuffs, periodicals, sundries, fresh fruits and vegetables, hygienic or cosmetic goods, or plants;

DAY CARE FACILITY means a building licensed as a community care facility under the Community Care Facility Act and in which care, supervision or any form of educational or social training not provided under the School Act is provided for

any portion of the day to three or more children under six years of age not forming part of the operator's family;

DWELLING means a building, occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, motels, auto courts, motor hotels or institutions;

DWELLING UNIT means one or more habitable rooms constituting a self-contained unit with a separate entrance, and used or intended to be used together for living and sleeping purposes for not more than one family and containing a separate and properly ventilated kitchen with a sink and cooking facilities and a bathroom with a water closet, wash basin and a bath or shower;

DWELLING, DUPLEX means any building divided into two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family;

DWELLING, SINGLE DETACHED means any building consisting of one dwelling unit which is occupied or intended to be occupied as the permanent home or residence of one family;

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

FAMILY means (a) one or more persons related by blood, marriage, adoption or foster parenthood, occupying a dwelling unit or (b) not more than five unrelated persons sharing a dwelling unit or (c) residents of a group home;

FARM ANIMALS means horses, cattle, sheep, goats, swine, mink, poultry and rabbits;

FLOOR AREA with reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic or basement and cellar, or other room not habitable at all seasons of the year;

FRONT LOT LINE means the lot line common to the lot and an abutting street, or where there is more than one lot line common to abutting streets, the shortest of these lines shall be considered as the front lot line; or in the case of a lot abutting two parallel or approximately parallel streets, the lot lines abutting these two streets shall be considered as front lot lines;

FUR FARM means the keeping and raising of mink or other fur bearing animals at densities greater than two animal units per hectare.

G.F.A. means the Gross Floor Area;

G.L.A. means the Gross Leasable Area;

GROSS LEASABLE AREA means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors, expressed in square metres and measured from the centreline of joint partitions and from outside wall faces.

GROSS FLOOR AREA means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls. The gross floor areas measurement is exclusive of areas of unfinished basements, unfinished attics, attached garages, carports, breezeways, and unenclosed porches, balconies and terraces;

HEIGHT means the vertical distance measured from the natural ground elevation to the highest point of the structure;

HOUSEKEEPING UNIT means a room with cooking facilities used for the temporary accommodation of travellers;

INTENSIVE AGRICULTURE means the growing, rearing, producing and harvesting of agricultural products and the rearing of livestock and fowl for commercial purposes, excluding feed lots, mink farms, mushroom farms, poultry farms and pig farms;

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

LODGE means an establishment for the use of tourists consisting of three or more attached or detached sleeping units and includes recreation facilities;

LOT has the same meaning as parcel under the Municipal Act, and means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

MARINA means the use of land or surface of water for the sale, servicing and/or rental of boats, marine engines, marine supplies, marine fuel, and docking facilities for the use of recreational boating vessels;

MOTEL means a building or a group of buildings containing three or more sleeping units for temporary occupancy by transient persons with each unit having its own parking spaces conveniently located on the site;

OUTDOOR RECREATIONAL ACTIVITIES means development which provides facilities for use by the public at large for sports and active recreation conducted outdoors;

PERSONAL SERVICE ESTABLISHMENT means uses which provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes barber shops, hairdressers, manicurists, tailors, dressmakers, shoe repair shops, dry-cleaning establishments, tanning salons, electrolysis salons, laundries and other similar uses;

PIG FARM means keeping and raising of swine at densities of more than two animal units per hectare;

POULTRY FARM means the keeping and raising of poultry or similar animals at densities of more than two animal units per hectare;

PRINCIPAL BUILDING means the main building on a lot in which the majority of the space is used for a permitted principal use or uses;

Bylaw 2040

PRINCIPAL DWELLING means a principal residential unit that,

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

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

REAR LOT LINE means the lot line opposite to, and most distant from the front lot line, or, where the rear portion of the lot is bounded by intersecting side lot lines, the rear lot line shall be deemed to be the point of such intersection;

REGIONAL DISTRICT means the Regional District of Central Kootenay;

RESOURCE PROCESSING means a use providing for the processing of primary mineral resources, including preliminary grading, washing, and crushing of such materials, but excluding all other processing or manufacturing;

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

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

SLEEPING UNIT means either a unit in a rest home or a room without cooking facilities used for the temporary accommodation of travellers;

STRUCTURE means any construction fixed to, supported by, or sunk into land or water, excluding concrete and asphalt paving or similar surfacing of a lot;

UNATTENDED PUBLIC UTILITY BUILDING OR STRUCTURE means a building or structure containing unattended equipment necessary for the operation of community water, sewer or gas distribution systems, radio or television antennae, telecommunication relay stations, automatic telephone exchanges, navigational aids, electrical substations or generating stations, or other similar facilities or utilities;

2.0 GENERAL PROVISIONS

Bylaw 1970

Administration

2.1 The Bylaw Enforcement Officer and such other persons appointed by the Board of the Regional District of Central Kootenay is hereby authorized to administer and enforce this Bylaw and to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions, and requirements of this Bylaw are being met.

Violation

2.2 Any person who:

- Violates any of the provisions of this Bylaw commits an offence;
- Causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- Neglects or omits to do anything required under this Bylaw;
- Carries out, causes, or permits to be carried out any use, construction or subdivision in a manner prohibited by or contrary to any of the provisions of this Bylaw;
- Fails to comply with an order, direction or notice given under this Bylaw; or
- Prevents or obstructs or attempts to prevent or obstruct the authorized entry of a bylaw enforcement officer onto property;

Will be guilty, upon summary conviction, of an offence under this Bylaw.

Penalty & Offence

- 2.3 (1) Any person who violates bylaw provisions may, on summary conviction, be liable to a minimum penalty of not less than two hundred dollars (\$200.00), plus the cost of prosecution, pursuant to the *Offence Act of British Columbia*.
- (2) Penalties will double upon the third and subsequent offences.
- (3) The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.

- (4) Penalties are subject to the conditions of the RDCK Municipal Ticket Information Utilization Bylaw No. 1907, 2007.
- (5) Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.

Units of Measure

- 2.4 All units of measure contained within this bylaw are metric standards. The approximate imperial measurement equivalents are provided for convenience only.

Severability

- 2.5 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the validity of the remaining portions of this bylaw shall not be affected.

Appeals

- 2.6 An appeal may be available to the Board of Variance in accordance with section 962 of the Municipal Act.

Amendment Procedures

- 2.7 Amendments to this bylaw may be made pursuant all applicable requirements of:
 - the Municipal Act; and
 - the Regional District of Central Kootenay Planning Procedures Bylaw No. 667, 1987 and amendments thereto.

PART I

3.0 DEVELOPMENT OBJECTIVES

The following objectives set the context for the land use regulations and designations contained in Part II of this document.

- 3.1 Maintain opportunities for rural living through development that respects the lifestyles of area residents and the natural environment;
- 3.2 Promote the health, safety and well-being of all people in the area by ensuring compatibility between land use designations and infrastructure;
- 3.3 Encourage, for the benefit of those living or working in the community of Ainsworth, the development of a built environment which is complete, providing access to community services, amenities and employment opportunities;
- 3.4 Facilitate the development of utility services in consultation with the community;
- 3.5 Encourage the appropriate use of land in recognition of existing uses, resource constraints and opportunities, compatibility between uses, respect for the natural environment, the desires of area residents and the efficient provision of community services;
- 3.6 Encourage the protection of the community's watersheds;
- 3.7 Retain the existing residential density and character of the Ainsworth Townsite, while allowing for housing types and densities that can accommodate special needs and seniors housing in areas where conflicts with other uses will be minimal;
- 3.8 Ensure that single family residential land use remains the dominant form of land use within the Ainsworth townsite.
- 3.9 Accommodate new residential, commercial and industrial development in a manner that respects the established rural lifestyle;
- 3.10 Encourage combined commercial and residential uses in the form of dwellings located either above or behind commercial uses within the commercial area of the Ainsworth townsite.
- 3.11 Allow for Bed and Breakfast accommodation that is compatible with neighbouring uses.

- 3.12 Encourage environmentally sensitive resource development practices that minimize the impacts on nearby land;
- 3.13 Maintain the integrity of the visual environment by regulating the height of new structures within the Bylaw area;
- 3.14 Encourage the Ministry of Transportation and Highways to establish a Major Street Network Plan (MSNP) in order that the future development potential for the Ainsworth area can be better assessed;
- 3.15 Encourage the Ministry of Employment and Investment to ensure that the public has an opportunity to review proposals for resource extraction and processing activities on lands which are not designated as Rural Resource. It is the wish of the Regional District that such a review should be conducted through the rezoning or temporary industrial use permitting process;
- 3.16 Provide opportunities for market garden production and retailing;
- 3.17 Encourage the protection of environmentally sensitive lands such as steep slopes, floodplains, watersheds and soils subject to erosion from land uses that may have major environmental impacts;
- 3.18 Encourage the recognition, protection and enhancement of buildings and sites of historical value;
- 3.19 Encourage a wide range of home based businesses that are compatible with neighbouring homes and businesses.
- 3.20 Retain and improve existing parkland and trails that serve the local residents and tourists.

4.0 POLICIES

The following policies set the context for the land use regulations and designations contained in Part II of this document.

Servicing

- 4.1 (1) All future development within the Ainsworth townsite shall be serviced by a community sewer system, or shall be serviced by a sewage disposal system that has the approval of the Medical Health Officer or the Ministry of Environment, Lands and Parks.
- (2) Installation or expansion of sewage treatment facilities serving less than the whole Ainsworth townsite are discouraged.

- (3) The capacity of a community sewage treatment facility shall be based upon the maximum density provisions of the Townsite Residential (R1) and Townsite Commercial (C1) zones described in Sections 7 and 8.

Residential Development

- 4.2 (1) Townsite Residential (R1) applies to existing residential area within the Ainsworth townsite.
- (2) The consolidation of existing small lots to new lots that meet the minimum lot size requirement of the zone is encouraged.
- (3) The development of a community water system to service the Ainsworth townsite is encouraged. New development will be permitted to utilize surface water sources provided the service is delivered by way of individual water intake and piping.

Commercial Development

- 4.3 (1) The commercial and service centre roles of the City of Nelson and the Village of Kaslo are recognized. Commercial development in the Ainsworth rural planning area will primarily be oriented toward neighbourhood, tourist and pass through traveller markets.
- (2) All commercial uses shall be serviced by a community water system or shall be serviced by a water system that has the approval of the Medical Health Officer.
- (3) Townsite Commercial (C1) is intended to provide a wide range of commercial development options that are in keeping with the residential/resort character of the Ainsworth townsite. Resort Commercial (C2) is intended to provided for hotel, lodge and motel development and their accessory uses such as restaurants, spas and gift shops. As shown on Schedule `B`, areas within the Ainsworth Townsite will be the commercial focal point in the planning area.
- (4) Existing commercial land uses as identified on Sheet 1 of Schedule 'B' will be designated as Townsite Commercial (C1) or Resort Commercial (C2).
- (5) Small scale home based business operations will be permitted in conjunction with the principal residential use of properties.

Industrial Development

- 4.4 (1) Applications for Industrial uses within the Plan area will be considered on a site specific basis.
- (2) Resource extraction and processing are permitted on, but not limited to, lands zoned Rural Resource.
- (3) All industrial uses shall be serviced by a community water system or shall be serviced by a water supply that has the approval of the Medical Health Officer.

Recreation

- 4.5 Public, private and commercial recreation development compatible with adjacent land uses shall be considered.

Environmental Reserve

- 4.6 The Environmental Reserve (ER) applies only to community watersheds. The Environmental Reserve zone is intended to complement the provisions of Ministry of Forests' Forest Practices Code and the soon to be adopted Community Watershed Guidelines. This document recognizes that private land logging is currently unregulated within the Bylaw area, but encourages private land owners to acknowledge the intent of this zone and the desires of the Ainsworth community. The jurisdictional authorities of the Ministry of Employment and Investment, the Ministry of Environment, Lands and Parks, and the Ministry of Forests are also recognized.

Land Use Change and Development

- 4.7 (1) Applications for land use designation changes shall be evaluated on the basis of a variety of criteria, including, but not limited to:
- the wishes of residents regarding changes to the character of their community;
 - the long term capability of the land to sustain the proposed development with respect to water supply and sewage disposal;
 - existing land uses and densities in the area;
 - access;
 - topography;
 - potential impacts on adjacent properties including noise, odours, traffic generation and view impacts;
 - impact on fish and wildlife resources.

- (2) Rezoning applications for the processing of aggregate resources shall be considered on the basis of a variety of criteria including, but not necessarily limited to:
- the extent of visual screening,
 - the type of processing proposed,
 - the prevailing wind direction,
 - the potential for noise and dust,
 - compatibility of adjacent land uses,
 - accessibility, and
- the characteristics of the aggregate deposits.

Temporary Industrial Permit Areas

Areas identified as Rural Resource are designated as temporary industrial permit areas pursuant to section 975 of the Municipal Act subject to the following:

- 4.8 (1) Only temporary permits for the following industrial uses may be considered by the Regional Board provided that no permanent structures are constructed:
- portable sawmills and portable wood products manufacturing operations,
 - concrete production and asphalt processing operations.
- (2) If a temporary industrial use is of a nature that is expected to continue permanently, a rezoning application will be required in order to consider a permanent land use designation change.
- (3) Temporary industrial use permits shall be considered where such permits are deemed appropriate having regard for surrounding land uses.

Hazard Lands

- 4.9 Notwithstanding any other provisions of this bylaw, development on flood hazard lands should be floodproofed in accordance with those provisions specified in the Regional District of Central Kootenay Flood Management Bylaw No. 1000, 1995, and amendments thereto.

PART II

5.0 GENERAL REGULATIONS

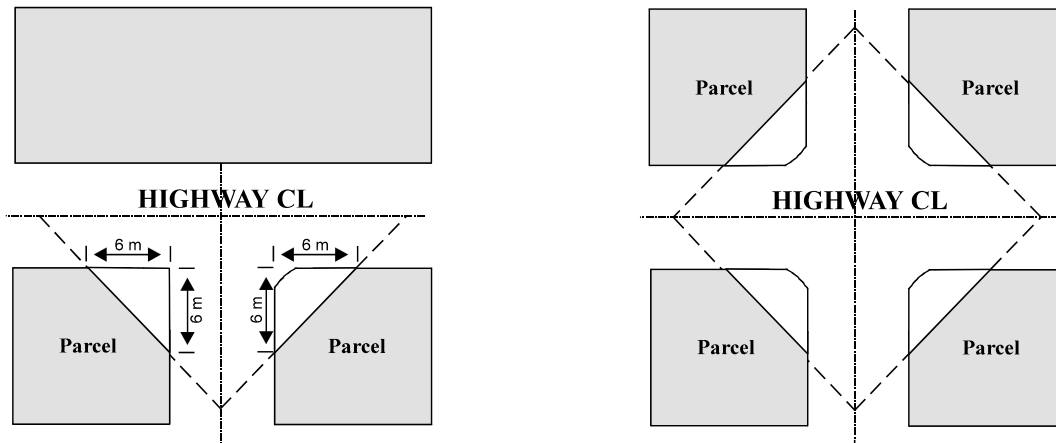
Non-Conforming Uses and Siting (Grandfathering)

5.1 (1) A lawful use of premises existing at the time of adoption of this Bylaw, although such use does not conform to the provisions of the Bylaw, may be lawfully continued subject to the provisions of Section 970 of the Municipal Act.

(2) Any building or structure lawfully existing at the time of adoption of this Bylaw which is conforming to use but non-conforming to size, shape or siting provisions of the Bylaw, may be altered, repaired or extended, provided that any alteration, repair or extension shall comply with the regulations specified for the zone in which it is located.

Clear Vision Area

5.2 No person who owns or occupies land at the intersection of two or more highways may place or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding .6 metre (2 ft) within the sight triangle above an elevation such that an eye .9 metre (3.28 ft) above the surface elevation on one highway cannot see an object .9 metre (3 ft) above the surface elevation of the other highway



SIGHT TRIANGLE (not to scale)

Site Areas

- 5.3 (1) There shall be no minimum site area for parks, playgrounds and unattended public utility buildings and structures.
- (2) The minimum parcel size for a parcel subdivided under section 996 of the Municipal Act shall be the minimum site area of the zone in which the parcel is located.
- (3) Lots that are shown on a plan duly filed in the Land Title Office, which have less than the minimum site area required in this Bylaw may be used for any permitted use in the zone where the lot is located provided that the method by which sewage is to be disposed has the approval of the Medical Health Officer and provided that all other requirements applicable to the zone can be met.
- (4) Notwithstanding any other provision of this bylaw, no subdivision shall be permitted where the proposed lots cannot each accommodate two full septic systems where no community sewer system is in place.

Reduction of Minimum Site Areas

- 5.4 (1) Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum site area required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.
- (2) Where it is not possible to create a lot that has the minimum site area required for a zone, the minimum site area requirement may be reduced where the proposed subdivision involves any one of the following and meets local health authority requirements:
- a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application,
 - a lot that is divided by a highway or Forest Service road where the boundaries of the highway or road will be the boundaries of the proposed lots,
 - a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw; or
 - a lot divided by a zone boundary.
- (3) The minimum site area for a lot created under subsection (2) shall be 0.2 hectare (.5 acre) where serviced by a community water system and 0.4 hectare (1 acre) where not serviced by a community water system.

- (4) Notwithstanding subsection (3), where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in site area.

Subdivision Servicing Requirements

- 5.5 (1) Unless subsection (2) applies, all subdivisions shall comply with the provisions of the Local Services Act and the Subdivision Regulations thereto.
- (2) Notwithstanding subsection (1), all subdivisions shall be in full compliance with any subdivision bylaw in effect from time to time for Electoral Area 'D'.
- (3) All subdivisions shall comply with the Health Act and the Waste Management Act.

Setback Exceptions

- 5.6 (1) Where the top surface of an structure projects no more than 0.6 metres (2 ft) above the average finished ground elevation, that structure may be located in any portion of a lot.
- (2) Free standing lightning poles, warning devices, antennae, solar collectors, utility poles, wires, flag poles, signs and sign structures, may be sited on any portion of a lot that does not interfere with a clear vision area.
- (3) Where chimneys, cornices, leaders, gutters, pilasters, sills, bay windows, or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metres (2 ft) providing such reduction shall apply only to the projecting feature.
- (4) Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.2 metres (3.9 ft) and the minimum distance to an abutting side lot line or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metre (2 ft) provided such reduction shall apply only to the projecting feature.

Home Occupations

5.7 A Home Occupation, where permitted, is subject to the requirements that:

- (1) The activity shall be conducted in a dwelling unit or accessory building;
- (2) The floor area devoted to the home occupation shall not exceed 100 square metres (1076 ft²);
- (3) No more than two persons who are not a resident of the dwelling may be employed in the home occupation;
- (4) No change is made in the external appearance of the building which would indicate that a home occupation is being conducted therein; except for one unilluminated sign not exceeding:
 - 0.4 square metres (4 ft²) in the R1 zone;
- (5) External storage of materials, equipment or finished products shall be screened from view from adjacent properties and road right-of-ways;
- (6) There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference, or emissions other than that normally associated with a dwelling;
- (7) No dwelling unit or accessory building used for home occupations involving automotive mechanical or body repairs may be located within 15 metres (50 ft) of a lot line.
- (8) The maximum number of vehicles permitted for repair on any lot at any one time shall be limited to:
 - 2 for lots zoned R1;
- (9) On-site parking shall be provided in accordance with Section 5.11.

Bed and Breakfast Accommodation

5.8 Bed and Breakfast accommodation, where permitted, is subject to the requirements that:

- (1) The activity shall be confined to the dwelling;
- (2) No more than two persons who are not a resident of the premises may be employed in the business;
- (3) No more than two sleeping units may be used for a bed and breakfast accommodating a maximum of six persons;
- (4) No change is made in the external appearance of the building which indicates a bed and breakfast operation is being conducted on the premises, except for one unilluminated sign not larger than:
 - 0.4 square metres (4 ft²) on a lot zoned R1;

- (5) One additional parking stall per sleeping room shall be provided in accordance with Section 5.11 in addition to the parking requirements for the principal use.

Storage

- 5.9 No lot may be used as an autowrecking yard or for the outdoor storage of derelict vehicles or as a junkyard, and any vehicle which has not been licenced for a period of three (3) years and which is not housed in a garage or carport shall be deemed to be a derelict vehicle unless it is in running order.

Uses Permitted in All Zones

- 5.10 The following uses shall be permitted in any zone:
- Parks and Playgrounds;
 - Buildings and Structures which are Accessory to Permitted Uses;
 - Fire Halls;
 - Unattended Public Utility Buildings and Structures

Parking Space Requirements

- 5.11 (1) Off-street parking spaces for each building and use shall be provided in accordance with the following table. Buildings and uses not listed below shall comply with the parking standards of the Ministry of Transportation and Highways:

<u>USE</u>	<u>PARKING SPACE</u>
commercial	4.4 per 100 m ² (1076 ft ²) G.L.A.
hotel	0.8 per unit
motel (with restaurant)	0.7 per unit
motel (without restaurant)	0.54 per unit
restaurant:	
- dining room	12.7 per 100 m ² (1076 ft ²) G.F.A.
- takeout	13.3 per 100 m ² (1076 ft ²) G.F.A.

- (2) Off-street parking spaces shall be a minimum area of 17 square metres (183 ft²) and shall have at all times convenient, vehicular access to a public thoroughfare.
- (3) Off-street parking for residential uses and motels shall be on the site.

- (4) Off-street parking for uses other than those in subsection (3) shall be on site or within 100 metres (328 ft) of the site.
- (5) Each parking space shall have a length of not less than 5.8 metres (19 ft) and a width of not less than 2.6 metres (8.5 ft) and a height of not less than 2.2 metres (7.3 ft).

Keeping of Farm Animals

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

Sheep	A.U.	Swine	A.U.
ewe	.14	sow	.33
yearling ewe	.10	boar-young (18-90 kg)	.20
lamb ewe	.07	boar-mature	.33
ram	.14	gilt	.33
yearling ram	.10	bred gilt	.33
lamb ram	.07	weaner (less than 18 kg)	.10
nursing lamb	.05	feeder (18-91 kg)	.20
feeder lamb	.10	suckling pig	.01
breeding lamb	.10		
Cattle	A.U.	Poultry	A.U.
cow & calf	1.00	chickens	.015
2 yr. old	1.00	turkeys, raised	.0125
yearling	.67	turkeys, breeding stock	.02
calf	.25	geese	.02
bull	1.00	ducks	.015
Horses	A.U.	Other	A.U.
horse	1.00	goats	.14
colts 1-2 years	.50	rabbit	.025
colts, under 1 yr.	.25	mink	.025;

(2) Where the keeping of farm animals are permitted, the following regulations shall be complied with:

- (a) On lots less than 0.4 hectares (1 acre), the total number of farm animals and poultry shall not exceed 0.5 animal units. For example, where a lot is smaller than 0.4 hectares (1 acre) in area, a maximum of 33 chickens could be kept (0.5 A.U. divided by 0.015 A.U. per chicken = 33.33 chickens).

On lots greater than 0.4 hectares (1 acre), the total number of farm animals and poultry shall not exceed two animal units per hectare. For example, where a two hectare lot exists, 6 yearling cattle could be housed (.67 A.U. times 2 hectares times 2 A.U. per hectare = 5.97 yearlings).

- (c) No buildings, structures or enclosures used for housing more than 0.5 animal units; no drinking or feeding troughs; and no manure piles may be located within:
 - 4.5 metres (15 ft) of a lot line in the R1 zone;
- (d) Subsection (c) does not apply to fences adjacent to lot lines which are used for enclosures for the grazing of animals.

Mining Activities

5.13 Any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified a "mineral" under the Mineral Tenure Act or a "mine" under the Mines Act shall not be restricted by any terms or conditions of this bylaw so long as the Ministry of Employment and Investment, Energy and Minerals Division manages the activities and land for that purpose. For relevant activities falling within this category, the Ministry of Employment and Investment, Energy and Minerals Division is committed to ensuring that adequate public review is provided and that public concerns are addressed.

Shipping Containers

Bylaw 2100

- 5.14 Shipping containers shall be permitted for use as accessory buildings subject to the requirements that:
- (1) The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to:
 - None for lots zoned R1 or ER
 - 1 for lots zoned C1 or C2
 - 2 for lots zoned RR.
 - (2) Any shipping container placed on a lot as an accessory building must comply with site coverage, siting, size and setback requirements for that zone.
 - (3) Any shipping container used as an accessory building must be screened from view from the roadway(s) and adjacent properties using a landscape screen of a height no less than 2.5 meters.

6.0 ZONES

Zone Designations

6.1 For the purpose of this bylaw, the Ainsworth Rural Planning Area of the Regional District of Central Kootenay, is divided into the following zones:

<u>Zone Classification</u>	<u>Short Form</u>	
Townsite Residential	R1	
Townsite Commercial		C1
Resort Commercial	C2	
Rural Resource		RR
Environmental Reserve		ER

Zone Boundaries

- 6.2 (1) The extent of each zone is shown on Zoning Sheets 1 to ?? of Schedule 'B', which is incorporated in and forms part of this bylaw.
- (2) Where the zone boundary is designated as following a road allowance, creek or other body of water, the centre line of the road allowance, creek or body of water shall be the zone boundary.
- (3) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning sheets referred to in subsection (1).

7.0 TOWNSITE RESIDENTIAL (R1)

Permitted Uses

7.1 Land, buildings and structures in the Townsite Residential (R1) zone shall be used for the following purposes only:

Dwellings:

- Single Detached

Church

Community Hall;

Day Care Facility;

Medical Office;

Nursery, Greenhouse and Florist;

Parks;

School;

Accessory Uses:

- buildings and structures accessory to permitted uses;
- bed and breakfast accommodation;
- day care facility;
- intensive agriculture;
- home occupation;
- keeping of farm animals;
- sale of site grown agricultural produce.

Site Area

7.2 The minimum site area for each permitted use shall be:

Individual Water Source and Septic Field	Community Water and Septic Field	Individual Water Source and Community Sewer	Community Water and Community Sewer
1 hectare (2.47 acres)	0.2 hectare (0.5 acre)	0.2 hectare (0.5 acre)	0.1 hectare (0.25 acre)

Setbacks

7.3 No principal or accessory building or structure except a fence may be located within 4.5 metres (14.8 ft) of a front or exterior side lot line or within 1.5 metres (4.9 ft) of any other lot line.

Site Coverage

7.4 The maximum site coverage permitted shall be 50 percent of the site area where a lot is not serviced by a community sewer system.

Height

- 7.5 (1) No building or structure shall exceed 9 metres (29.5 ft) in height.
- (2) No accessory building or structure shall exceed 5 metres (16.4 ft) in height.

Other

7.6 (1) The keeping of farm animals shall comply with the requirements of Section 5.12.

(2) Buildings and structures in the case of a lot which may be further subdivided, shall be located so as to facilitate the further subdivision of the lot or adjacent lots.

Bylaw 2040

7.7 The maximum G.F.A. of an accessory building or structure shall not exceed 100 square metres and the total G.F.A. devoted to all accessory buildings and structures shall not exceed the cumulative gross floor area of all permitted dwellings.

8.0 TOWNSITE COMMERCIAL (C1)

Permitted Uses

8.1 Land, buildings and structures in the Townsite Commercial (C1) zone shall be used for the following purposes only:

Hotels, Motels & Lodges

- maximum of 6 units

Medical Offices;

Neighbourhood Pubs;

Offices;

Parks;

Personal Service Establishments;

Recreation and Amusement Facilities

Restaurants;

Retail Stores;

Swimming Pools;

Accessory Uses to Lodges:

- laundromats,
- curioshops,
- convenience stores;

Accessory Uses:

- buildings and structures accessory to permitted uses
- two dwelling units.

Site Area

8.2 The minimum site area shall be provided as follows:

Level of Services Provided

Use	Community Water or Approved Water System and Community Sewer	Community Water or Approved Water System and Septic Field
Lodge, Seasonal Resort, Motel, Hotel		
- first sleeping or housekeeping unit	0.2 hectare (.5 acre)	0.2 hectare (.5 acres)
- each additional sleeping room	no minimum required	300 square metres (3230 ft ²)
- each additional housekeeping unit	no minimum required	400 square metres (4300 ft ²)
Other Permitted Uses	0.1 hectare (.25 acre)	0.2 hectare (0.5 acre)

Setbacks

- 8.3 No principal or accessory building or structure except a fence may be located within 4.5 metres (14.8 ft) of a front or exterior side lot line or within 1.5 metres (4.9 ft) of any other lot line.

Site Coverage

- 8.4 The maximum Site Coverage is 50 percent of the site area where a lot is not serviced by community sewer system.

Height

- 8.5 (1) No building or structure shall exceed 9 metres (29.5 ft) in height.
- (2) No accessory building or structure shall exceed 5 metres (16.4 ft) in height.

9.0 RESORT COMMERCIAL (C2)

Permitted Uses

9.1 Land, buildings and structures in the Resort Commercial (C2) zone shall be used for the following purposes only:

- Hotels;
- Lodges;
- Marinas;
- Motels;
- Neighbourhood Pubs;
- Parks;
- Restaurants;
- Swimming Pools;
- Accessory Uses to Lodges, Hotels and Motels:
 - barber shops, beauty salons;
 - curioshops;
 - convenience stores;
 - laundromats;
 - spas;
- Accessory Uses:
 - buildings and structures accessory to permitted uses;
 - two dwelling units.

Site Area

9.2 The minimum site area shall be provided as follows:

Level of Services Provided

Use	Community Water or Approved Water System and Community Sewer	Community Water or Approved Water System and Septic Field
Lodge, Seasonal Resort, Motel, Hotel		
- first sleeping or housekeeping unit	0.2 hectare (.5 acre)	0.2 hectare (.5 acres)
- each additional sleeping room	no minimum required	300 square metres (3230 ft ²)
- each additional housekeeping unit	no minimum required	400 square metres (4300 ft ²)
Other Permitted Uses	0.1 hectare (0.25 acre)	0.2 hectare (0.5 acre)

Setbacks

- 9.3 No principal or accessory building or structure except a fence may be located within 4.5 metres (14.8 ft) of a front or exterior side lot line or within 1.5 metres (4.9 ft) of any other lot line.

Site Coverage

- 9.4 The maximum Site Coverage is 50 percent of the site area where a lot is not serviced by community sewer system.

Height

- 9.5 (1) No building or structure shall exceed 21 metres (68.8 ft) in height.
- (2) No accessory building or structure shall exceed 5 metres (16.4 ft) in height.

10.0 RURAL RESOURCE (RR)

Permitted Uses

10.1 Land, buildings and structures in the Rural Resource (RR) zone shall be used for the following purposes only:

Single Detached Dwelling;
Outdoor Recreational Activities;
Parks;
Recreational Reserves;
Resource Based Activities:

- forest harvesting.
- mineral extraction;
- resource processing;

Accessory Uses:

- buildings and structures accessory to permitted uses;
- bed and breakfast accommodation;
- home occupation;
- keeping of farm animals;

Site Area

10.2 The minimum site area shall be 2 hectares (5 acres).

Setbacks

10.3 No principal or accessory building or structure except a fence may be located within 4.5 metres (14.8 ft) of a front or exterior side lot line or within 1.5 metres (4.9 ft) of any other lot line.

Other

10.4 The keeping of farm animals shall comply with the requirements of Section 5.12.

11.0 ENVIRONMENTAL RESERVE (ER)

Permitted Uses

- 11.1 Land, buildings and structures in the Environmental Reserve (ER) Zone shall be used for the following purposes:
- Bird Sanctuary;
 - Environmental Reserve;
 - Parks;

Site Area

- 11.2 The minimum site area for each permitted use shall be one hectare (2.5 acres).

Setbacks

- 12.3 No principal or accessory building or structure except a fence may be located within 4.5 metres (14.8 ft) of a front or exterior side lot line or within 1.5 metres (4.9 ft) of any other lot line.

Site Coverage

- 11.4 The maximum site coverage is 10 percent of the site area.