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## SECTION 1 - TITLE

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1.0 This Bylaw may be cited as the "Zoning Bylaw Number 338, 2007".

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## SECTION 2 - DEFINITIONS

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2.0 In this Bylaw all words or phrases have their normal or common meaning except where this is changed, modified, restricted or expanded by the definitions set forth below:

**ACCESSORY TO** means customarily incidental to a principle permitted *use of land, buildings and structures* located on the same *parcel*.

**ACCESSORY USE, BUILDING OR STRUCTURE** means a *use, building or structure* on the same *parcel* with, and of a nature customarily incidental and subordinate to the *principal use, building or structure*.

**AGRICULTURAL USE** means the growing, rearing, producing and harvesting of agricultural products, the rearing of livestock, but not including feed lots, poultry farms, pig farms, and slaughterhouses (abattoirs).

**AMUSEMENT ARCADE** means premises in which 4 or more amusement machines or games are located, whether manually operated, automatic or coin operated, comprising a single type or combination of the following types provided to playing customers:

- (a) pin-ball machines;
- (b) video-screen games;
- (c) player participation table-top games;
- (d) other advanced technology and interactive games.

**AMUSEMENT PARK** means a *use* which provides amusement to patrons on a *parcel* with on-site parking, open space and landscaping. It includes, but is not limited to, a combination of entertainment attractions such as carnival rides, theme displays, *amusement arcades*, miniature golf, walking trails, petting zoos and waterslides.

**APARTMENT BUILDING** means a *building* containing 4 or more *dwelling units* which have a common hallway or entry area.

**ASSEMBLY USE** means a *use* providing for the gathering of persons for charitable, philanthropic, cultural, recreational or educational purposes and includes auditoriums, youth centres, social halls, community halls, conference and convention facilities, but does not include churches.

**BED AND BREAKFAST USE** means a *home occupation* carried on in a single family dwelling which provides not more than 3 rooms for transient paying guests for sleeping purposes only where the room rate includes breakfast which is served on the premises.

**BUILDING** means any *structure used* or intended for supporting or sheltering any *use* or occupancy.

**CABIN** means a *building* containing one or two *sleeping units* for temporary occupancy by transient persons.

**CHIEF BUILDING INSPECTOR** means the *chief building inspector* of the Village of Radium Hot Springs.

**CHRISTMAS TREE MANAGEMENT** means the thinning, pruning and trimming of natural forest stocks to obtain the maximum harvest of high quality Christmas trees in the shortest period possible consistent with the production capability of the forest.

**CONCEALED PARKING** means an off-street parking use located wholly within a building or structure or underground.

**DAYCARE CENTRE** means a facility for providing care for children, including opportunities for social, emotional, physical and intellectual growth. Daycare Centre includes group daycare, family daycare, nursery school, child minding, out of school care, and specialized daycare as outlined in the Provincial childcare regulations.

**DENSITY** in relation to multiple family residential use, means the number of dwelling units permitted per each hectare of parcel area, less any areas required to be dedicated as “highway”.

**DRINKING ESTABLISHMENT** means an establishment which primarily offers alcoholic beverages for sale to be consumed by its patrons within the premises or in designated outdoor seating areas.

**DUDE RANCH** means an establishment related to ranching which has facilities to accommodate vacationers and provide them with nutrition, social and recreational activities.

**DWELLING** means a *building* designated or *used* as a *dwelling* unit or units for one or more families.

**DWELLING, ROW HOUSING** means a *building* containing a group of at least 3 *dwelling* units, each *dwelling* unit attached to its neighbour at its side, separated from it by a party wall, and having a separate outside entrance.

**DWELLING, SINGLE FAMILY** means a *dwelling* containing 1 *dwelling unit* only.

**DWELLING, TWO FAMILY** means a *dwelling* containing 2 *dwelling units* only.

**DWELLING, THREE FAMILY** means a *dwelling* containing 3 *dwelling units* only.

**DWELLING UNIT** means one or more rooms *used* or intended to be *used* for living and sleeping purposes for not more than one family and containing sleeping, sanitary facilities and not more than one kitchen per each *dwelling unit*.

**EQUESTRIAN CENTRE** means a facility or group of facilities intended for the accommodation, showing, and competitive use for horses, and may include a stable, gymkhana course, race track and other related facilities.

**EXTERNAL SIDE PARCEL LINE** means a *parcel* line other than a front or rear *parcel* line which is common to a *highway* other than a lane or walkway.

**FAMILY** means an individual or two or more persons related by blood, marriage, common law, adoption or foster parenthood, or a group of not more than three unrelated persons, living together as a single group in a *dwelling unit*.

**GROSS FLOOR AREA** means the sum of the total horizontal area of all floors of a *building* except: basement or cellar floor areas *used* exclusively for storage or containing heating or laundry facilities; any portion used for parking; swimming pools, open sun decks and balconies; any portion of a penthouse containing elevator or ventilating equipment.

**HABITABLE ROOM** means a room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom or kitchen.

**HEIGHT** means the vertical distance measured from the average finished ground level at the perimeter of the *building or structure* to the highest point of the *structure*.

**HIGHWAY** includes a street, road, *lane*, bridge, viaduct and any other public way or walkway open to public use, but does not include a private right of way on private property.

**HOME OCCUPATION** means an occupation, service, profession or craft carried out in a *dwelling* or *accessory building*, where the occupation or profession is clearly incidental to the use of a *parcel* for residential purposes.

**HOTEL** means a *building* or group of buildings wherein temporary accommodation is provided for visitors without individual cooking facilities, and with or without restaurants, licensed beverage rooms, banquet halls, and meeting rooms.

**INTERNAL SIDE PARCEL LINE** means a *parcel line* other than a *rear or front parcel line* which is not common to a *highway* other than a *lane* or *public walkway*.

**KENNEL** means any *building, structure*, compound, group of pens or cages or property where 4 or more dogs or cats are trained, cared for, bred, boarded, or kept for humane purposes. A dog or cat means a member of the canine or feline species which is 2 or more months in age.

**LAND** includes the surface of water.

**LANDSCAPING** means the planting of lawns, shrubs and trees and the addition of fencing, walks, drives, or other structures and materials used in landscape architecture.

**LANE** means a public thoroughfare or way which provides the secondary means of access to a *parcel*.

**LOADING SPACE** means an open area *used* to provide free access for vehicles to a loading door, platform or bay for the purpose of loading and unloading.

**MEDICAL HEALTH OFFICER** means the *Medical Health Officer* or delegate appointed pursuant to the Health Act.

**MOBILE BUILDING** means a non-residential *building* manufactured as a unit or units intended to be used in a place other than of its manufacture on a year-round, long-term basis. It may be designed with detachable towing and touring gear and upon arrival at the site can be completed and ready for occupancy except for placing on foundations, connections or utilities and some incidental assembly.

**MOBILE HOME** means a *single family dwelling* unit equipped with a water closet and bathtub or shower, waste from which may be disposed of directly into a sewer, and manufactured as a *unit or units* intended to be occupied in a place other than of its manufacture on a year-round, long term basis. It may be designed with detachable towing and touring gear and upon arrival at the site can be completed and ready for occupancy except for placing on foundations, connections of utilities and some incidental assembly.

**MOBILE HOME, DOUBLE-WIDE** means a *mobile home* composed of two separate mobile *units*, each towable on its own chassis, which, when towed to the site, are coupled together mechanically and electrically to form a single *structure*.

**MOBILE HOME PARK** means a *parcel used* for the purpose of providing spaces for the accommodation of two or more *mobile homes*, except where two or more *mobile homes* are permitted on a *parcel* in a zone other than the *Mobile Home Park Residential Zone*.

**MOBILE HOME, SINGLE-WIDE** means a *mobile home* consisting of a single *unit* designed to be towed as a single load.

**MULTIPLE UNIT ACCOMMODATION** means a building or group of buildings consisting of 4 or more dwelling units, rooms or suite of rooms, which are intended for occupation by permanent residents or by transient persons. The built form of these units includes but is not limited to apartments, rowhouses, hotels and motels.

**MULTIPLE UNIT ACCOMMODATION (RENTAL)** means a building or group of buildings consisting of 4 or more dwelling units, rooms or suite of rooms, which are intended for occupation by persons under a rental or lease tenure.

**OFF-STREET PARKING** means parking spaces for the parking of licensed vehicles being used by patrons, the use for which the parking is required.

**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 nor does it include a lot, block or other area subdivided by a strata plan, other than a bare land strata plan.

**PARCEL LINE** means a legal boundary of a *parcel*.

**PARCEL LINE, FRONT** means the shortest of the parcel lines fronting on a highway excluding lanes or walkways.

**PARCEL LINE, REAR** means the *parcel line or lines* opposite to and most distant from the *front parcel line*.

**PARKS AND PLAYGROUNDS** means an area of *land* designated for both active and passive recreational *uses*. The *land* may be either public or private, but if private no charge shall be made for the use of the area or facilities. A park or playground shall not mean an *amusement park*.

**PERMANENT FOUNDATION** means a foundation constructed of permanent materials such as concrete or preserved wood in accordance with the provisions of the British Columbia Building Code, or a system of double blocking under a *mobile home* provided an anchorage system as required by the British Columbia Building code is provided.

**PRINCIPAL BUILDING** means a *building* used for one or more of the principal permitted uses on a *parcel*.

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

**PUBLIC BUILDING** means any *building* owned by the Government of Canada, the Provincial Government, the Regional District, the Village of Radium Hot Springs, or an Improvement District used in the service of the public.

**PUBLIC UTILITY STRUCTURE OR USE** means a *structure or use* providing for public utility facilities for water, sewer, electrical, telephone and similar services where such use is established by a municipality, an Improvement District or a Regional District, by another governmental body, by a company regulated by a government commission or by the Water Utilities Act.

**RECREATION FACILITIES** means facilities for recreation and sports activities including swimming pools, tennis courts, indoor facilities, but excludes golf courses, downhill skiing facilities, marinas, *equestrian centres*, food services and retail sale of goods.

**RECREATIONAL VEHICLE** means a transportable conveyance intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motorized homes, slide-in and chassis-mounted campers, and tent trailers but does not include **mobile homes**. The overall width of the unit may not exceed 3.75 meters (12.3 feet) and running gear must remain operational at all times to allow transport.

**RECREATIONAL VEHICLE PARK** means an area designated for the exclusive *use* of temporarily accommodating, on individual *recreational vehicle* spaces, a *recreational vehicle*, travel trailer or tent, and does not include a *mobile home park* or *motel*.

**RECREATIONAL VEHICLE SPACE** means an area in a *recreational vehicle* park *used* or intended to be *used*, leased or rented for occupancy by transient campers in *recreational vehicles*, travel trailers or tents.

**RESTAURANT** means an eating establishment having more than 6 seats for the use of patrons where food is offered for sale to the public for consumption within the premises or in designated outdoor seating areas.

**RESTAURANT, TAKE OUT** means an eating establishment having up to 6 seats for the use of patrons where food is offered for sale to the public, without necessarily providing seating within the premises or in designated outdoor seating areas.

**REST HOME** means a *building* containing dwelling units or sleeping units where care or assistance is provided for three or more persons who, on account of age, infirmity or physical disability require personal care or assistance; this includes nursing homes, convalescent homes and senior citizen homes.

**RETAIL STORE** means a *use* where household, personal and tourist goods are offered for retail sale to the public; or without restricting the generality of the foregoing includes:

antique store, arts and crafts store, appliance sales and service, bakery store, beer and wine store, book store, butcher shop, camera shop, candy store, clothing store, confectionary store, delicatessens, department store, drug store, fish markets, fruit stands, furniture store, gift shops, grocery store, hardware store, liquor store, music store, pet store, photography studios and store, shoe store and repair, souvenir shops, sports shops, stationary store, tailors, toy store, travel agencies, variety store and video store.

**SANITARY LANDFILL SITE** means an area approved and regulated by the B.C. Waste Management Branch for the disposal of waste material.

**SCREENING** means a continuous fence, wall, evergreen hedge or combination thereof, supplemented with landscaping planting that would effectively screen the property which it encloses, and broken only by access drives, *lanes* and walkways.

**SECONDARY SUITE** means an additional dwelling unit located in a *single family dwelling* or in an *accessory use building* on a *parcel* and having a total floor area of the lessor of 90 meters squared or 40% of the total living area of the *single family dwelling* it is located in; OR having a total floor area of not more than 55 m<sup>2</sup> if located within an *accessory use building* and it does not exceed the floor area of the footprint of the building it is located in.

**SERVICE STATION** means any *building* or *land used* for the retail sale of motor fuels and lubricants and may include automobile diagnostic centres, minor servicing and repairing of motor vehicles, the sale of automotive accessories, excludes all other sales and services, auto body shops, and painting.

**SETBACK** means the required minimum distance between a *building* or *structure* or *use* and each of the respective *parcel* lines.

**SLEEPING UNIT** means one or more *rooms* without cooking facilities used for lodging of a person or persons.

**STORAGE YARD AND SALES YARD** means an area outside an enclosed building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment or other goods, materials, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed. A *storage yard* does not include an automobile wrecking yard, a display yard or junk yard.

**STOREY** means a habitable space between two floors, or between the floor and the upper surface of the floor next above, except that the top most *storey* shall be that portion of a building included between the upper surface of the top most floor and the ceiling above. A basement or cellar is not to be considered a *storey*.

**STRUCTURE** means a construction of any kind, whether fixed to, supported by, or sunk into *land* or water, excluding a fence and asphalt or concrete paving or similar surfacing of a *parcel*.

**USE OR USED** means the purpose for which a *building* or other *structure*, or a *parcel* of *land* may be designed, arranged, intended, maintained or occupied, or an activity, occupation, business or operation carried on or intended to be carried on, in a *building* or other *structure* or on a *parcel* of *land*.

**VETERINARY CLINIC** means a facility offering and designed for the care and treatment of animals under the supervision of a Doctor of Veterinary Medicine.

**WOOD PROCESSING AND MANUFACTURING INDUSTRY** means the manufacturing, processing and storage of wood products including, but not limited to sawmills, shake and shingle mills, planer mills, log storage yards, lumber remanufacturing plants, plants for plywood, particle board, hardboard, waferboard, and oriented strand board, and Christmas tree processing and storage. *Wood processing and manufacturing industry* does not, for the purposes of this Bylaw, include pulp and paper mills.

**ZONE** means a *zone* established under the Zoning Division of the "Municipal Act" and this Bylaw.

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## SECTION 3 - BASIC PROVISIONS

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### Application

- 3.1 This Bylaw applies to all *land, buildings and structures* within the boundaries of the Village of Radium Hot Springs.

### Conformity

- 3.2 *Land* and water surfaces shall not be used, and *buildings and structures* shall not be constructed, altered, located or used, except as specified in this Bylaw.

### Severability

- 3.3 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, such decision shall not affect the validity of the remaining portions of the Bylaw.

### Metric Units

- 3.4 Metric units are used for all measurements in this Bylaw. The approximate imperial equivalent of those units are shown in brackets for convenience only and do not form part of this Bylaw.

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## SECTION 4 - GENERAL REGULATIONS

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### Applicability of General Regulations

- 4.1 Except as otherwise specified in this Bylaw, all clauses in Section 4 apply to all zones established under this Bylaw.

### Accessory Buildings and Structures

- 4.2 .1 Except in the AR *zone*, no accessory *building* or *structure* shall be erected on any *parcel* unless an associated *principal building* has been erected or will be erected simultaneously with the accessory *building* or *structure*.
- .2 Where an *accessory building* or *structure* is attached to the *principal building*, it is considered a part of the *principal building* and shall be treated as such under this Bylaw.

### Uses Permitted In All Zones

- 4.3 .1 The following uses are permitted in all *zones*:
- .1 *Parks and Playgrounds*  
.2 *Public Utility uses.*

### Home Occupations

- 4.4 *Home occupations* shall comply with the following regulations:
- .1 No outdoor storage of material associated with the *home occupation* is permitted.
- .2 No external evidence of a *home occupation* is permitted other than a sign no larger than 0.2 sq. m. (2.2 sq.ft.) in area.
- .3 The *home occupation* shall be carried out wholly within a *dwelling* or permitted *accessory building* but not both.
- .4 The gross floor area occupied by a home occupation within a dwelling unit shall not exceed 100 sq.m. ( 1,076 sq.ft.).
- .5 All accessory buildings accommodating a home occupation shall not exceed 100 sq. m. (1,076 sq. ft.) in gross floor area;

- 4.4 .6 No retail sales other than the sale of goods produced on the premises is permitted.
- .7 Employees of a *home occupation* are limited to residents of the *parcel* and not more than one additional person.
- .8 The following uses are not permitted as a *home occupation*:
- .1 a stable, *kennel*, animal breeding operation, *restaurant*, or parking or storage of industrial or construction equipment and material;
  - .2 the salvage, repair, or maintenance of motor vehicles or vehicle engines or parts;
  - .3 manufacturing, welding, or any other light industrial use;
  - .4 *uses* that produce noise, vibration, smoke, dust, odour, litter, heat, fire hazard, electrical interference, or traffic congestion other than what is normally associated with a *dwelling*.

#### Secondary Suites

- 4.5 *Secondary Suites* shall comply with the following regulations:
- .1 The total floor area of the *secondary suite* shall not exceed the lesser of 90 meter squared (969 sq. ft.) **or** 40% of the total living area of the *single family dwelling* it is located in; **OR** 55 meters squared (592 sq. ft.) when attached to an *accessory use building*. The floor area of a *secondary suite* attached to an *accessory use building* cannot exceed the total floor area of the footprint of the building it is located in.
  - .2 The owner of a *single family dwelling* that contains a *secondary suite* shall be a resident of either the *secondary suite* or the *principal building*.
  - .3 A *parcel* having a *single family dwelling* containing one or more boarders or lodgers, or in which there is being operated a bed and breakfast or a *home occupation*, may not have a *secondary suite* contained either within the *single family dwelling* or in an *accessory use building*;
  - .4 No *single-family dwelling* or *accessory use building* containing a *secondary suite* may have the *secondary suite* subdivided, stratified or otherwise legally separated from the *building* wherein contained.

- 4.5 .5 A *secondary suite* must be occupied by:  
a) the owner, or; b) a member of the owner's *family*; or c) be rented or leased under the *Landlord/Tenant Act* on a monthly or yearly basis.

#### Panhandle Parcels

- 4.8 .1 Where a *parcel* is a panhandle *parcel* capable of future subdivision, the access strip shall be of adequate width to provide for a future *highway*.
- .2 The access strip of a panhandle *parcel* shall not be calculated as part of the required *parcel* area.

#### Siting of Buildings and Structures

- 4.9 .1 On any parcel located in the Village of Radium Hot Springs, no *buildings* or *structures* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in this Bylaw.
- .2 Subsection 4.9.1 above applies equally to the construction, alteration, moving or extension of *buildings* and *structures* that were in existence prior to the passing of this Bylaw.
- .3 Where the British Columbia Building Code requires greater *setbacks* than required in this Bylaw, the requirements of that Code shall apply.

#### Provincial Highway Setback

- 4.10 .1 Any front, rear or side yard of a *parcel* abutting a *Provincial highway* shall be the setbacks as required by the Ministry of Transportation or the *setback* requirements in Part 6 of this Bylaw, whichever is greater.

#### Projections Into Setback Areas

- 4.11 The following may project into or be located within a required *setback* area:
- .1 Steps;
- .2 Eaves and gutters, cornices, sills, bay windows, sunshades, chimneys or other similar features, providing that:
- .1 such projections do not exceed 1.0 m. (3.3 ft.).
- .2 such projections do not exceed 0.6 m. (2.1 ft.) in the case of a side yard of 1.5 m. (4.9 ft.) in width or less;

- 4.11 .3 Open porches, decks and canopies, provided that:
- .1 such projections do not exceed 1.8 m. (5.9 ft.) or 50 percent of the width of a required side yard;
  - .2 the minimum *height* to the underside of a canopy is no less than 2.5 m. (8.2 ft.);
- .4 Covered balconies and sunshades, provided that such projections do not exceed 1.3 m. (4.3 ft.);
- .5 An uncovered patio or terrace, in residential *zones* only;
- .6 Arbors and trellises, fish ponds, ornaments, flag poles, or similar landscaping features;
- .7 A fire escape not more than 1.3 m. (4.1 ft.) wide;
- .8 Free-standing lighting poles, warning devices, antennas, masts, satellite dishes, utility poles, wires, flag poles, may be sited on any portion of a *parcel* provided that the location or design of such objects is not prohibited under any other Bylaw of the Village;
- .10 Underground *structures*, provided that the top surface of any part of such *structures* does not extend above the average finished ground elevation.

#### Height Exceptions

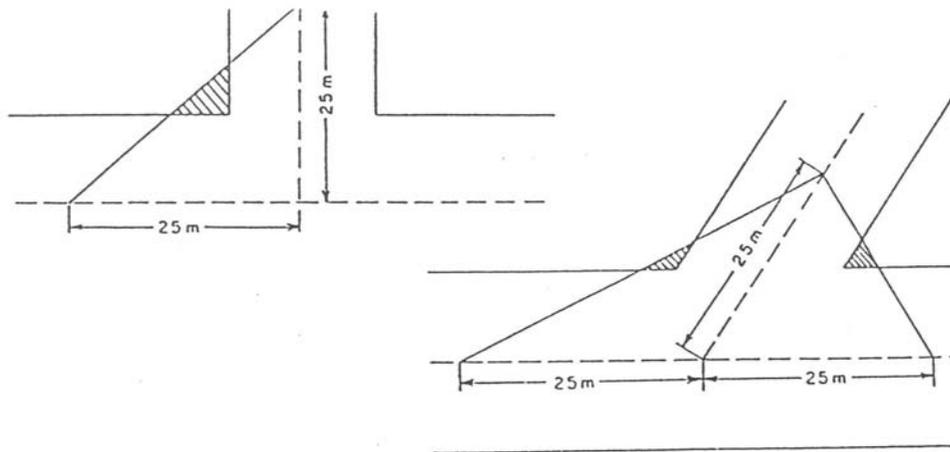
- 4.12 The maximum *height* regulations in this Bylaw do not apply to the following *structures*:
- .1 dome, cupola;
  - .2 monument;
  - .3 chimney, smoke stack;
  - .4 spire, steeple, belfry;
  - .5 commercial radio and television tower or antenna;
  - .6 lighting pole;
  - .7 flag pole;
  - .8 barn, silo;
  - .9 transmission tower;
  - .10 water tanks;
  - .11 hose and fire alarm tower;
  - .12 industrial cranes;
  - .13 stadium bleachers;

- 4.12 .14 mechanical equipment on a roof top, including satellite dishes or other telecommunications apparatus used for domestic or commercial purposes.

### Visibility at Intersections

- 4.13 .1 In all zones there shall be no obstruction to the line of vision between the heights of 1.0 m. (3.3 ft.) and 3.0 m (9.8 ft.) above the established grade of streets or lanes within an area bound by:

- .1 the centre lines of intersecting streets and a line joining each centre line at a distance of 25.0 m. (82.0 ft.) from the point of intersection (see diagram)



### Screening and Landscaping

- 4.14 .1 In all zones, except industrial zones, the height of screening located in a front yard shall not exceed 1.2 m. (3.9 ft.) in height and the height of screening elsewhere on the parcel shall not exceed 2.0 m. (6.6 ft.).
- .2 In residential zones, screening located in the exterior side yard shall not be greater than 1.2 m. (3.9 ft.).
- .3 In residential zones, where a rear parcel line abuts a side parcel line, the height of the screening on the rear parcel line shall not exceed the height of screening permitted on the side parcel line along the shared boundary.
- .4 In Industrial zones, screening anywhere on the parcel shall not exceed 2.0 m. (6.6 ft.).

- 4.14 .5 Any parking area, loading area or display yard in a Commercial or Industrial *zone*:
- .1 shall be separated from an adjoining street or from a directly abutting Residential *parcel* by a *landscaped* strip of not less than 2.0 m (6.6 ft.) in width, and;
  - .2 shall, where abutting a residential *zone parcel*, provide *screening* of 1.2 m. (3.9 ft.) in *height* in any required front yard and 2.0 m. (6.6 ft.) in *height* elsewhere on the *parcel*.
- .6 The *screening* required in subsections 4.14.3 and 4.14.4 shall:
- .1 be constructed from preserved wood, stone or stucco and not used for advertising or display purposes or for the posting of notices, or;
  - .2 be a compact evergreen hedge.

#### Storage Yards

- 4.15 .1 No *storage yards* shall be permitted in the following:
- .1 any required front yard *setback* area;
  - .2 any required *setback* area which abuts a residential *zone parcel*;
  - .3 any required *setback* area which is across a street or *lane* from a residential *zone parcel*.
- .2 In a commercial or industrial *zone*, any part of a *parcel used* or intended to be *used* as an outside *storage yard* shall be enclosed by *screening* on all sides that are not adjacent to the *principal building* on the *parcel*.
- .3 The *screening* required in subsection 4.15.2 shall consist of:
- .1 a fence not less than 2.0 m. (6.6 ft.) in *height*; or
  - .2 a compact evergreen hedge not less than 1.8 m. (5.9 ft.) in *height*.

## Off-Street Parking

### Application of Regulations

- 4.16 .1 Space for the *off-street parking* of motor vehicles in respect of a use permitted under this Bylaw shall be provided and maintained in accordance with the regulations of this section.

### Exemption of Existing Buildings From Parking Requirements

- .2 The regulations contained in this section shall not apply to *buildings, structures* and *uses* existing on the effective date of this Bylaw except that:
- .1 *off-street parking* shall be provided and maintained in accordance with this section for any addition to any existing *building* and *structure*.
- .2 *off-street parking* existing prior to the adoption of this Bylaw shall not be reduced below the applicable *off-street parking* requirements of this section.

### Number

- .3 .1 Where the calculation of the required *off-street parking* results in a fraction of 0.3 or greater, one parking space shall be provided in respect of the fraction.
- .2 Where more than one *use* is located on a *parcel*, the total number of parking spaces required shall be the sum total of the requirements for each use.

### Location

- .4 .1 Except for commercial uses in the C1 and C2 *zones* as provided in section 4.16.4.2, *off-street parking* spaces shall be located on the same *parcel* as the use they serve.
- .2 Except for residential uses, in the C1 and C2 *zones*, required off-street parking spaces may be located on another parcel provided that:
- .1 the parking spaces are within 120 m. (394 ft.) of the building or use served by the spaces, and;

- 4.16 .4 .2 .2 a covenant pursuant to section 219 of the Land Title Act is registered against title to the parcel where the spaces are located, in priority to any financial charges, restricting the use of the parking spaces to vehicles operated by persons associated with the building or use served by the spaces.
- .3 For any non-residential use any owner or occupier may, in lieu of providing the required number of parking spaces:
- .1 pay to the Village of Radium Hot Springs the sum of five thousand (\$5,000) per parking space, the monies of which the Village will place in its Parking Facilities Reserve Fund;
- .2 that is, provided a *building or structure* for which application for payment in lieu is not more than 180 m. (590 ft.) from a parking facility owned and operated by the Village of Radium Hot Springs.

Standard

- .5 .1 Each *off-street parking* space required by this Bylaw shall not be less than 2.7 m. (8.9 ft.) in width, 5.9 m. (19.4 ft.) in length and 2.2 m. (7.2 ft.) in *height*.
- .2 Adequate provision shall be made for individual entry or exit by vehicles to all parking spaces at all times by means of unobstructed manoeuvring aisles, having widths not less than:
- .1 7.3 m (24.0 ft.)  
Where parking spaces are located at 90 degrees to the manoeuvring aisle providing access to the space;
- .2 5.5 m (18.0 ft.)  
Where parking spaces are located at 60 degrees to the manoeuvring aisle providing access to the space;
- .3 3.9 m (12.8 ft.)  
Where the parking spaces are located at 45 degrees to the manoeuvring aisle providing access to the space.
- .3 Along Main Street East and Main Street West, perpendicular parking spaces provided by the municipality and located partially or completely to the exterior lot line adjacent to any *building* or property shall be considered as off-street parking or off-street loading spaces for the purposes of this Bylaw.

- 4.16 .5 .4 All parking shall be provided with adequate curbs in order to retain all vehicles within such permitted parking areas, and to ensure that required fences, walls, hedges or landscaped areas, as well as any *buildings*, will be protected from parked vehicles.
- .5 All parking areas for more than 4 vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.
- .6 Any lighting used to illuminate parking areas or parking garages shall be arranged so that all direct rays of light are reflected upon such parking or parking garage, and not on any adjoining premises.
- .7 For all restaurants, including take-out restaurants, no parking shall be required for the first 6 seats.

#### Location and Siting of Parking Facilities

- .6 .1 No parking areas shall be located within a required front *setback* except that in a C2, I1 or I2 *zone*, parking may be located in a setback area but shall be separated from an adjoining street, by a *landscaped* strip of not less than 2 m. (6.6 ft.) in width.
- .2 No parking area shall be located within a side *setback* area which adjoins a side street on a corner lot in an R3 *zone*, provided that in no case need the *setback* for such parking area exceed a distance of 4.5 m. (14.7 ft.)
- .3 No part of any parking area shall be located closer than 3.5 m. (11.4 ft.) to any *apartment building*.

#### Handicapped Parking

- .7 Where more than 20 parking stalls are required, every *off-street parking* area shall provide 1 percent of the required stalls, with a minimum of 1 stall, for the use of physically disabled persons. Each stall shall:
- (i) be at least 3.6 m (11.8 ft.) wide;
  - (ii) be located as close as possible to a main handicapped-accessible *building* entrance;
  - (iii) be clearly identified as being for handicapped use only.

Required Off-street Parking Spaces

4.16 .8 Off-street parking spaces for each building and use shall be in accordance with the following standards:

- .1 RESIDENTIAL - 1.5 per each *dwelling unit* plus:
  - 1.5 per *secondary suite*
  - 1 per *home occupation* use.
- .2 COMMERCIAL - 4 per 100 sq. meters of gross floor area of the building or leased portion of a building containing the commercial use.
- .3 RESTAURANTS AND DRINKING ESTABLISHMENTS –
  - .1 5 per 100 sq. meters of gross floor area of the building or leased portion of a building containing the use.
  - .2 Additional parking is not required for unenclosed outdoor eating and drinking areas used only on a seasonal basis and which are part of a principal eating and drinking establishment that has more indoor than outdoor seating area.
- .4 HOTELS/MOTELS/CAMPGROUNDS & RECREATIONAL VEHICLE PARK
  - 1 per unit or space plus any requirements for accessory uses located on the same parcel.
- .5 GOLF COURSE - Standard course – 2.5 per hole, Mini-golf – 1 per hole, plus requirements for accessory uses located on the same parcel.
- .6 HEAVY & LIGHT INDUSTRIAL –
  - 1 per 100 sq. meters of gross floor area of industrial use plus requirements for accessory uses, including retail sales and office areas, located on the same parcel.

4.16 .8 .7 RECREATIONAL & ATHLETIC FACILITY/PUBLIC ASSEMBLY –

Greater of: 1 per 5 seats or 1 per 20 sq. m. or 2 per alley, curling rink or racquet court.

- .9 Where the parking space requirement is determined by reference to a unit such as the number of accommodation units, spaces, facilities or floor area, the next higher number shall be required where the calculation results in a fraction of 0.3 or greater.

Off-Street Loading

- 4.17 .1 No *use* may be undertaken in any *zone* unless the off-street loading requirements in this Bylaw have been met for that use.

- .2 Off-street *loading spaces* shall be provided as follows:

(i) for Commercial and Industrial uses, 1 space for the first 500 sq.m. (5,328 sq.ft.) of *gross floor area* or fraction thereof, and 1 additional space for each additional 2,000 sq.m.(21,527 sq.ft.) of *gross floor area* or fraction thereof;

(ii) for Institutional and Public uses, 1 space for the first 3,000 sq.m. (32,292 sq.ft.) and 1 additional space for each additional 3,000 sq.m. (32,292 sq.ft.) of *gross floor area* or fraction thereof.

- .3 In cases of mixed *uses*, the requirements for off-street *loading spaces* shall be the sum of the requirements for the various *uses* computed separately. Required *loading spaces* for one *use* shall not be considered as required *loading spaces* for any other *use*.

- .4 *Off-street parking spaces* shall not be credited as off-street *loading spaces*.

- .5 Each off-street *loading space* shall be not less than 9.0 m. (29.5 ft.) in length, 3.5 m. (11.5 ft.) in width and provide no less than 4.0 m. (13.1 ft.) of vertical clearance.

- .6 Notwithstanding subsection 4.17.5, in no case shall the length of a *loading space* be such that a vehicle in the process of loading or unloading shall project into any *highway*.

- .7 Each off-street *loading space* shall have vehicular access to a *highway*.

- 4.17 .8 Off-street *loading spaces* and facilities shall be located on the same *parcel* as the use served but:
- .1 not within the required front yard;
  - .2 no closer than 15.5 m. (50.9 ft.) to the nearest point of intersection of any two road allowances.

#### Floodplain Management

- 4.18 Notwithstanding any other regulations of this Bylaw, the floodplain regulations are set out in Schedule A entitled Village of Radium Hot Springs Floodplain Management which is hereby made an integral part of this Bylaw.

#### Strata Subdivision

- 4.19 Where a parcel has been subdivided by a strata plan, other than a bare land strata plan, the regulations of this bylaw apply to the use and development of the land on the basis of the lot subdivided by the strata plan, as if the strata subdivision had not taken place.

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## SECTION 5 - ESTABLISHMENT OF ZONES

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### Zones

5.1 .1 The area within the boundaries of the Village of Radium Hot Springs is hereby divided into *zones* with the following designations and title elaborations:

TITLE ELABORATION	Zone
<b>Residential Zones:</b>	
Single Family Residential	R1
Single Family Residential, Mobile Home	R1(MH)
Two Family Residential	R2
Multiple Family Residential	R3
Mobile Home Park Residential	R4
<b>Commercial Zones:</b>	
Highway Commercial	C1
Pedestrian Commercial / Residential	C2
Tourist Recreation Commercial	C3
Recreational Vehicle Park	C4
Golf Course	C5
<b>Industrial Zones:</b>	
Light Industrial	I1
Heavy Industrial	I2
<b>Public Zones:</b>	
Public Institutional	P1
Public Parks and Open Space	P2
<b>Rural Zone:</b>	
Agricultural & Rural Residential	AR

### Location of Zones

- 5.2 .1 The location of each *zone* is defined in Schedule B entitled "Village of Radium Hot Springs Official Zoning Map" which is hereby made an integral part of this Bylaw.
- .2 Where the *zone* boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the zoning boundary shall be determined by scaling from the Zoning Maps.

### Definition of Zones

- 5.3 Where a *zone* boundary is shown on Schedule B as following a *highway* or water course, the centre line of the *highway* or water course shall be the *zone* boundary.

### Reconciling Combined Zones

- 5.4 Where land is assigned more than one zone designation, the individual zone regulations under section 6 applicable to the intended or existing use shall apply.

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## SECTION 6 - REGULATIONS PERTAINING TO INDIVIDUAL ZONES

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### R1 - Single Family Residential

#### Permitted Uses

6.1 .1 The following uses and no others are permitted in the R1 zone:

- .1 *single family dwelling;*
- .2 *home occupation;*
- .3 *secondary suite;*
- .4 *accessory use.*

#### Regulations

.2 On a *parcel* located in an area zoned R1, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Maximum number of <i>single family dwellings</i>	1 per <i>parcel</i>
.1b Maximum number of <i>secondary suites</i>	1 per <i>parcel</i>
.2 Minimum <i>parcel</i> area for subdivision	555 sq. m. (5,974 sq. ft.)
.3 Minimum <i>setback</i> of all <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear <i>parcel</i> line; - <i>internal side parcel</i> line; - <i>external side parcel</i> line.	7.5 m. (24.6 ft.) 1.5 m. (4.9 ft.) 1.5 m. (4.9 ft.) 4.5 m. (14.8 ft.)
.4 Maximum <i>height</i> of: - <i>principal building</i> ;  - <i>accessory building</i> or <i>structure</i> . - <i>accessory building</i> with an allowable <i>secondary suite</i>	The lesser of: 2 <i>storeys</i> or 9.0 m. (29.5 ft.)  1 <i>storey</i> or 5.0 m. (16.4 ft.)  2 <i>storeys</i> or 9.0 m. (29.5 ft.)
.5 Maximum size of permitted signs:	0.2 sq. m. (2.2 sq. ft.)

.6	Minimum width of single family dwelling:	6.1 m. (20 ft.)
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## **R2 - Two Family Residential**

### Permitted Uses

6.2 .1 The following uses and no others are permitted in the R2 zone:

- .1 single family dwelling;
- .2 two family dwelling;
- .3 home occupation;
- .5 accessory use.

### Regulations

.2 On a *parcel* located in an area zoned R2, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
1. Number of <i>principal buildings</i> .	1 per <i>parcel</i>
2. Minimum <i>parcel</i> area for subdivision: - for <i>parcels</i> occupied by a single <i>family dwelling</i> ; - for <i>parcels</i> occupied by a two <i>family dwelling</i> ; - for <i>parcels</i> subdivided along a common wall separating two <i>dwelling</i> units in a two <i>family dwelling</i> .	555 sq.m. (5,974 sq.ft.) 700 sq.m. (7,535 sq.ft.) 350 sq.m. (3,767 sq.ft.)
3. Minimum <i>setback</i> of <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear <i>parcel</i> line; - <i>internal side parcel</i> line; - <i>internal side parcel</i> line where a <i>parcel</i> is subdivided along a common wall separating two <i>dwelling</i> units, not including the side <i>parcel</i> line which runs along the common wall.	7.5m. (24.6 ft.) 1.5 m. (4.9 ft.) 2.0 m (6.6 ft.) 3.5 m. (11.5 ft.)
4. Maximum <i>height</i> of: - <i>principal building</i> ; - <i>accessory building</i> or <i>structure</i> .	The lesser of 2 <i>storeys</i> or 9.0 m. (29.5 ft.) and 1 <i>storey</i> or 5.0 m. (16.4 ft.)
5. Maximum size of permitted signs:	0.2 sq. m. (2.15 sq. ft.)
6. Minimum width of single or two family dwelling:	6.1 m. (20 ft.)

## **R3 - Multiple Family Residential**

### Permitted Uses

6.3 .1 The following uses and no others are permitted in the R3 *zone*:

- .1 row housing;
- .2 *rest home*;
- .3 *apartment building*;
- .4 *home occupation*;
- .4 *accessory use*.

### Regulations

- .2 On a *parcel* located in an area zoned R3, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

	<b>COLUMN I</b>	<b>COLUMN II</b>
.1	Maximum <i>density</i> (Gross) for all uses except apartment building and rest home.  Maximum <i>density</i> (Gross) for apartment building and rest home.	50 dwelling units/hectare  100 dwelling units or sleeping units/hectare
.2	Minimum <i>parcel</i> area.	1,500 sq.m. (16,146 sq.ft.)
.3	Minimum <i>setbacks</i> of all <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear <i>parcel</i> line; - <i>internal side parcel</i> line; - <i>external side parcel</i> line.	7.5 m. (24.6 ft.) 4.5 m. (14.8 ft.) 4.5 m. (14.8 ft.) 6.0 m. (19.7 ft.)
.4	Maximum height of: - principal building except apartment building - apartment building - accessory building or structure.	The lessor of: 2 storeys or 9.0 meters (29.5 ft.) 3 storeys or 15.0 m. (49.2 ft.) 1 storey or 5.0 m. (16.4 ft.)
.5	Minimum size of permitted signs: - identifying the occupant of a unit; - stating the name of a <i>building</i> or <i>dwelling</i> group.	0.2 sq.m. (2.2 sq.ft.) 1.4 sq.m. (15.1 sq.ft.)

6.3 .3 Every dwelling unit shall be provided with one concealed parking space. This concealed parking space shall be considered as a portion of the off-street parking

requirements detailed in Section 4.16 of this bylaw.

## **R4 - Mobile Home Park Residential**

### Permitted Uses

- 6.4 .1 The following uses and no others are permitted in the R4 *zone*:
- .1 *mobile home park*;
  - .2 *accessory use*;

### Regulations

- .2 All uses of *land, buildings and structures* in the R4 *zone* shall conform with the provisions of the Village of Radium Hot Springs Bylaw which is entitled "Regional District of East Kootenay Mobile Home Park Bylaw No. 1, 1973".

## **C1 - Highway Commercial**

### Permitted Uses

6.5 .1 The following uses and no others are permitted in the C1 *zone*:

- .1 automobile parts and supply store;
- .2 bank and financial institution;
- .3 bakery;
- .4 barber shop and beauty salon;
- .5 billiard hall, bowling alley, amusement arcade, miniature golf;
- .6 bus depot;
- .7 business and professional office, including medical, dental office and clinic;
- .8 car wash;
- .9 club room and meeting room;
- .10 dry cleaning and laundry establishment, including coin operated laundry;
- .11 funeral home;
- .12 grocery store;
- .13 health and fitness club, gymnasium, health spa, or similar establishment;
- .14 insurance office;
- .15 licensed lounge, bar, nightclub, cabaret, neighbourhood pub;
- .16 hotel, motel;
- .17 newspaper, publishing establishment, commercial and photocopying printer;
- .18 *off-street parking and loading facility*;
- .19 public building including fire hall, police station, post office and community hall;
- .20 racquetball, squash and tennis court and club;
- .21 real estate office;
- .22 restaurant;
- .23 restaurant, take-out;
- .24 retail store;
- .25 service station and convenience store;
- .26 studio for art, music, theatre, and dancing;
- .27 theatre and cinema;
- .28 tourist information booth;
- .29 *dwelling unit(s)* attached to a permitted commercial use building;
- .30 buildings and structures *accessory* to the above permitted uses.
- .31 outfitter office;
- .32 recreation facility *accessory* to hotel, motel.

Regulations

6.5 .2 On a *parcel* located in an area zoned C1, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Minimum <i>parcel</i> area for subdivision: <ul style="list-style-type: none"> <li>- for all uses except <i>service station</i> use, or <i>hotel, motel</i>;</li> <li>- for <i>service station</i>;</li> <li>- for <i>hotel/motel</i>:</li> </ul>	555 sq.m. (5,975 sq. ft.)  1,000 sq.m. (10,764 sq.ft.) 1,500 sq. m. (16,146 sq. ft.)
.3 Minimum <i>setbacks</i> of all <i>buildings</i> and <i>structures</i> from: <ul style="list-style-type: none"> <li>- front <i>parcel</i> line;</li> <li>- front <i>parcel</i> line, for gasoline pumps, pump islands, underground and over ground storage tanks, and canopies over gasoline pumps and pump island;</li> <li>- rear <i>parcel</i> line;</li> <li>- rear <i>parcel</i> line abutting a residential area;</li> <li>- rear <i>parcel</i> line served by a lane</li> <li>- internal side <i>parcel</i> line;</li> <li>- external side <i>parcel</i> line;</li> <li>- at least one side <i>parcel</i> line, where a <i>parcel</i> is not served by a lane.</li> </ul>	0.0m (0.0 ft.)  10.0m (32.8 ft.)   0.0m (0.0 ft.) 6.0m (20.0 ft.) 1.5 m. (4.9 ft.)  0.0m (0.0 ft.) 1.5 m. (4.9 ft.)  5.0m (15.4 ft.)
.4 Maximum <i>height</i> of: <ul style="list-style-type: none"> <li>- <i>principal building</i>;</li> <li>- <i>accessory building or structure</i>.</li> </ul>	The lessor of: 3 <i>storeys</i> or 15 m (49.2 ft.) 1 <i>storey</i> or 5 m (16.4 ft.)
.5 Minimum width of principle building:	6.1 m. (20 ft.)

## Other Regulations

- 6.5 .3 .1 Every business or undertaking shall be conducted within a completely enclosed *building*, except for display purposes, outdoor dining, parking and loading facilities.
- .2 An attached *dwelling* unit shall meet each of the following conditions:
- .1 be self-contained;
  - .2 have a separate entrance to the street;
  - .3 have a minimum floor area of 38 sq. m. (409 sq. ft.)
  - .4 be designed and constructed as an integral part of the *building*;
- .3 Principle buildings shall be placed on, or constructed on, a permanent foundation with any detachable towing and touring gear removed.

## **C2 - Pedestrian Commercial / Residential**

### Permitted Uses

6.6 .1 The following uses and no others are permitted in the C2 zone:

- .1 single *family dwelling*;
- .2 two family dwelling;
- .3 three family dwelling;
- .4 secondary suite;
- .5 multiple unit accommodation;
- .6 dwelling unit(s) attached to a permitted commercial use building;
- .7 rest home;
- .8 home occupation;
- .9 bed and breakfast;
- .10 bank and financial institution;
- .11 barber shop and beauty salon;
- .12 business and professional office, including medical and dental office and clinics;
- .13 club room and meeting room;
- .14 day care centre;
- .15 dry cleaning and laundry establishment, including coin operated laundry;
- .16 funeral home;
- .17 health and fitness club, gymnasium, health spa, or similar establishment;
- .18 insurance office;
- .19 miniature golf, amusement arcade, billiard hall;
- .20 neighbourhood pub;
- .21 newspaper, publishing establishment, commercial printer and photocopying establishment and sign painting and design establishment;
- .22 off-street parking and loading facility;
- .23 outfitter office;
- .24 public building including fire hall, police station, post office and community hall;
- .25 racquetball, squash and tennis court and club;
- .26 real estate office;
- .27 recreation facility accessory to multiple unit accommodation;
- .28 restaurant;
- .29 restaurant, take-out;
- .30 bistro;
- .31 retail store;
- .32 studio for art, music, theatre, and dancing;
- .33 theatre and cinema;
- .34 tourist information booth;
- .35 bar, lounge, cabaret, night club and gift shop *accessory* to a restaurant or *multiple unit accommodation*;

6.6 .1 .36 buildings *accessory* to the above permitted uses.

Regulations

.2 On a *parcel* located in an area zoned as C2, no *building or structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Maximum number of <i>secondary suites</i>	1 per <i>parcel</i>
.2 Minimum <i>parcel</i> area for subdivision: <ul style="list-style-type: none"> <li>- for all uses except <i>multiple unit accommodation</i> and <i>row housing</i>;</li> <li>- for <i>multiple unit accommodation</i> and <i>row housing</i> either of which having 4 units or less;</li> <li>- for <i>multiple unit accommodation</i> and <i>row housing</i> with greater than 4 units:</li> </ul>	<p>555 sq.m. (5,975 sq. ft.)</p> <p>1,110 sq.m. (11,948 sq. ft.)</p> <p>1,500 sq.m. (21,528 sq.ft.)</p>
.3 Minimum <i>setbacks</i> of all <i>buildings and structures</i> from: <ul style="list-style-type: none"> <li>- front <i>parcel</i> line;</li> <li>- rear <i>parcel</i> line;</li> <li>- internal side <i>parcel</i> line; (at least 1 side)</li> <li>- external side <i>parcel</i> line.</li> </ul>	<p>1.5m (4.9 ft.)</p> <p>1.5m (4.9 ft.)</p> <p>1.5m (4.9 ft.)</p> <p>1.5m (4.9 ft.)</p>
.4 Maximum <i>height</i> of: <ul style="list-style-type: none"> <li>- principal building for all uses except <i>one family, two family, three family dwellings</i> and <i>row housing</i>;</li> <li>- principal building for use as <i>one family, two family, three family dwellings</i> and <i>row housing</i>;</li> <li>- <i>accessory building or structure</i>.</li> <li>- <i>accessory building</i> with an allowable <i>secondary suite</i></li> </ul>	<p>The lessor of:</p> <p>3 storeys or 15.0m (49.2 ft.)</p> <p>2 storeys or 9.0m (29.5 ft.)</p> <p>5.0 m. (16.4 ft.)</p> <p>2 storeys or 9.0 m. (29.5 ft)</p>
.5 Minimum width of principle building:	6.1 m. (20 ft.)

## Other Regulations

- 6.6 .3 .1 Every business or undertaking shall be conducted within a completely enclosed *building*, except for display purposes, outdoor dining, parking and loading facilities.
- .2 An attached *dwelling* unit shall meet each of the following conditions:
- .1 be self-contained;
  - .2 have a separate entrance to the street;
  - .3 have a minimum floor area of 38 sq. m. (409 sq. ft.)
  - .4 be designed and constructed as an integral part of the *building*.
  - .5 Principle buildings shall be placed on or constructed on a permanent foundation with any detachable towing and touring gear removed.

## **C3 - Tourist Recreation Commercial**

### Permitted Uses

- 6.7 .1 The following uses and no others are permitted in the C3 *zone*:
- .1 *amusement park*;
  - .2 indoor archery range;
  - .3 indoor driving range;
  - .4 *amusement arcade*, miniature golf, billiard hall;
  - .5 bowling alley;
  - .6 health and fitness club, gymnasium, health spa or related establishment;
  - .7 *multiple unit accommodation*;
  - .8 racquetball, squash and tennis courts and club;
  - .9 roller rink;
  - .10 theatre, cinema;
  - .11 tourist information booth;
  - .12 gift shop, antique shop, arts and crafts shop;
  - .13 *restaurant*;
  - .14 *restaurant, take-out*;
  - .15 licensed bar, lounge, cabaret, nightclub and neighbourhood pub;
  - .16 attached *dwelling* unit;
  - .17 *buildings and structures accessory to the above permitted uses*;
  - .18 *single family dwelling*.

### Regulations

- .2 On a *parcel* located in an area zoned as C3, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.2 Minimum <i>parcel</i> area for subdivision:	2,500 sq.m. (26,910 sq.ft.)
.3 Minimum <i>setback</i> of all <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line;  - rear <i>parcel</i> line;  - <i>internal side parcel</i> line;  - <i>external side parcel</i> line.	7.5 m. (24.6 ft.)  4.5 m. (14.8 ft.)  4.5 m. (14.8 ft.)  6.0 m. (19.7 ft.)
.4 Maximum <i>height</i> of: - <i>principal building</i> ; - <i>accessory building or structure</i> .	The lessor of: 3 <i>storeys</i> or 15.0 m. (49.2 ft.) 1 <i>storey</i> or 5.0 m. (16.4 ft.)
.5 Minimum width of principle building:	6.1 m. (20 ft.)

Other Regulations

6.7 .3 .1 An attached *dwelling* unit shall meet each of the following conditions:

- .1 be self-contained;
  - .2 have a separate entrance to the street;
  - .3 have a minimum floor area of 38 sq. m. (409 sq. ft.);
  - .4 be designed and constructed as an integral part of the commercial use *building*.
- .4 Principle buildings shall be placed on or constructed on a permanent foundation with any detachable towing and touring gear removed.

## **C4 - Recreational Vehicle Park**

### Permitted Uses

6.8 .1 The following uses and no others are permitted in the C4 *zone*:

- .1 *recreational vehicle park*;
- .2 office for management of *recreational vehicle park*;
- .3 washroom and laundry facilities *accessory to recreational vehicle park*;
- .4 *single family dwelling*;
- .5 *dude ranch and cabins*;
- .6 *recreation facilities accessory to recreational vehicle park, dude ranch and cabins*;
- .7 picnic area and picnic shelter;
- .8 *restaurant, take-out accessory to recreational vehicle park*;
- .9 *buildings and structures accessory to the above permitted uses*.
- .10 *dwelling units* attached to a commercial use building.

### Regulations

- .2 On a *parcel* located in an area zoned C4, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Number of <i>buildings and structures</i> .	1 office per parcel 1 <i>restaurant, take-out</i> per parcel 1 single <i>family dwelling</i> per 8.1 hectares (20 acres)
.2 Minimum <i>parcel</i> area for subdivision:  - Bare Land Strata Lot;  - Each Recreational Vehicle Space;  - Maximum Density.	1.0 hectare (2.5 acres)  min. 140 sq.m. (1,507 sq.ft.)  min. 140 sq.m. (1,507 sq.ft.)  25 R.V. units / hectare (10 R.V. units / acre)
.3 Minimum <i>setbacks</i> of <i>buildings and structures</i> from:  - front parcel line;  - rear parcel line;  - side parcel line;	7.5 m. (24.6 ft.)  1.5 m. (4.9 ft.)  2.0 m. (6.6 ft.)
.4 Maximum <i>height</i> of all <i>buildings and structures</i> .	9.0 m. (29.5 ft.)

Other Regulations

- 6.8 .3 A landscaped buffer area of not less than 7.5 m. (24.6 ft.) in width shall be located along all parcel lines of a *recreational vehicle park*.
- .4 No *use, building* or *structure* may be located within the buffer area of a *recreational vehicle park* with the exception of:
- .1 a permitted sign;
  - .2 roads crossing the buffer area which connect directly to the road system within the park and which are constructed on the shortest practicable route across the buffer.
- .5 No road shall be permitted which provides direct access to any *recreational vehicle space* from any public *highway*.
- .6 Not less than 10% of the gross area of a *recreational vehicle park* shall be developed as a landscaped area.
- .7 The landscaped area shall not include buffer areas, parking areas, *recreational vehicle spaces*, roadways, laundry and washroom facilities, restaurant take-out, office for management of a *recreational vehicle park*, or a single *family dwelling*.

- 6.8 .8 No *recreational vehicle* shall be used as a permanent place of *dwelling* or business.
- .9 Habitable structures for additional living space only may be constructed, erected or located adjacent to recreational vehicles, provided such structures are not affixed to the recreational vehicle and do not exceed 30 square meters in gross floor area.

**C5 - Golf Course**

Permitted Uses

- 6.9 .1 The following uses and no others are permitted in the C5 zone:
- .1 golf course;
  - .2 golf clubhouse *accessory to* golf course;
  - .3 restaurant, bar, licensed lounge, *accessory to* golf course;
  - .4 hotel/motel;
  - .5 recreation facilities *accessory to* hotel/motel;
  - .6 buildings and structures *accessory to* the above uses.
  - .7 dwelling unit attached to a *principal use* building.

Regulations

- .2 On a *parcel* located in an area zoned as C5, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Maximum number of <i>dwelling units</i> for an owner operator or employee of a <i>principal use</i> .	1 per <i>parcel</i>
.2 Minimum <i>parcel</i> area.	0.5 hectares (1.2 acres)
.3 Minimum <i>setbacks</i> of <i>buildings</i> and <i>structures</i> from all <i>parcel</i> lines abutting any zone except the C5 zones.  Minimum <i>setbacks</i> of <i>buildings</i> and <i>structures</i> from all <i>parcel</i> lines abutting the C5 zone.	7.5 m. (24.6 ft.)  1.5 m. (4.9 ft.)
.4 Minimum setback of maintenance or storage sheds and storage yards from all parcels zoned R1, R2, R3, R4 or C2.	200 m. (655 ft.)
.5 Maximum height of all <i>buildings</i> or <i>structures</i> except <i>hotel/motel</i> .  Maximum height of <i>hotel/motel</i> .	The lessor of: 2 storeys or 10.0 m. (32.8 ft.)  3 storeys or 15.0 m. (49.2 ft.)

## I1 - Light Industrial

### Permitted Uses

6.10 .1 The following uses and no others are permitted in the I1 *zone*:

- .1 auction service;
- .2 automobile repair shops including body repairs, painting, body manufacturing, engine rebuilding, tire retreading or rebuilding brake, muffler, and shock absorber service and gasoline sales;
- .3 bottling and distribution plants;
- .4 bottle collection and recycling depots;
- .5 *building* equipment *storage yards*;
- .6 building supply and lumber yards;
- .7 cartage, freighting and trucking yards;
- .8 cold storage facilities;
- .9 crematoriums;
- .10 dry cleaning plants;
- .11 *kennel* and pound;
- .12 lawn and garden shop;
- .13 nursery and greenhouse;
- .14 machine shop;
- .15 offices, storage facilities and shops for building, developing, general and trade contracting industry
- .16 *off-street parking* and loading facilities;
- .17 processing and manufacturing plants for food, soft drinks, ornamental and arts and crafts products, sign painting, printing and publishing, clothing and high-technology industry;
- .18 sale, rental and repair of light equipment and appliances;
- .19 sales and service, rental and repair of automobiles, boats, *recreation vehicles*, motorcycles, snowmobiles, and *mobile homes*;
- .20 taxidermy shop;
- .21 warehouse;
- .22 *veterinary clinic*;
- .23 retail sale of products associated with one of the above permitted uses;
- .24 *buildings* and *structures accessory* to the above permitted uses.

### Regulations

- .2 On a *parcel* located in an area zoned as I1, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Minimum parcel area for subdivision:	0.4 hectares (1.0 acres)
.2 Minimum <i>setbacks</i> of all <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear and side <i>parcel</i> lines.	7.5 m. (24.6 ft.) 4.5 m. (14.8 ft.)
.3 Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i> .	12.0 m. (39.4 ft.)

## **I2 - Heavy Industrial**

### **Permitted Uses**

6.11 .1 The following uses and no others are permitted in the I2 *zone*:

- .1 cement, concrete, asphalt or ready-mix concrete plants, including wholesale and retail sale of concrete products;
- .2 foundries and metal fabrication industries;
- .3 quarrying, extraction and processing of mineral resources, including sand and gravel, and storage of such materials;
- .4 *wood processing and manufacturing industry*;
- .5 sales, rental and repair of heavy equipment;
- .6 welding shops;
- .7 retail sale of products produced on *site*;
- .8 *buildings and structures accessory to the above permitted uses.*

### **Regulations**

- .2 On a *parcel* located in an area zoned I2, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

	<b>COLUMN I</b>	<b>COLUMN II</b>
.1	Minimum parcel area for subdivision:	0.8 hectares (2.0 acres)
.2	Minimum <i>setbacks</i> of all <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear and side <i>parcel</i> lines.	7.5 m. (24.6 ft.) 6.0 m. (19.7 ft.)
.3	Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i> .	12.0 m. (39.4 ft.)

**P1 - Public Institutional Zone**

Permitted Uses

6.12 .1 The following uses and no others are permitted in the P1 *zone*:

- .1 schools;
- .2 churches;
- .3 community halls;
- .4 parks, playgrounds, and public recreation areas;
- .5 museums;
- .6 hospitals and diagnostic centres;
- .7 fire halls;
- .8 police stations;
- .9 libraries;
- .10 government offices;
- .11 tourist information centre;
- .12 *dwelling* units for caretakers or clergymen *accessory to* the above uses;
- .13 *buildings and structures accessory to* the above permitted uses.

Regulations

- .2 On a *parcel* located in an area zoned as P1, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Number of single <i>family dwellings</i> for a caretaker or clergy.	1 per <i>parcel</i>
.2 Minimum <i>setbacks</i> of all <i>principal buildings</i> from: - front <i>parcel</i> line; - rear and side <i>parcel</i> line.	7.5 m. (24.6 ft.) 1.5 m. (4.9 ft.)
.3 Minimum <i>setbacks</i> of all <i>accessory buildings and structures</i> from: - front <i>parcel</i> line; - rear <i>parcel</i> line; - <i>internal side parcel</i> line; - <i>external side parcel</i> line.	7.5 m. (24.6 ft.) 1.5 m. (4.9 ft.) 1.5 m. (4.9 ft.) 4.5 m. (14.8 ft.)
.4 Maximum <i>height</i> of all <i>buildings and structures</i> : - <i>principal building</i> ; - <i>accessory building or structure</i> .	12.0 m. (39.4 ft.) 5.0 m. (16.4 ft.)

**P2 - Parks and Open Space**

Permitted Uses

6.13 .1 The following uses and no others are be permitted in the *P2 zone*:

- .1 *parks and playgrounds*;
- .2 beach areas;
- .3 public boat launches;
- .4 sports playing fields;
- .5 trails for walking, hiking, jogging and horseback riding;
- .6 fitness circuits;
- .7 picnic areas;
- .8 *buildings and structures accessory to the above permitted uses.*

Regulations

- .2 On a *parcel* located in an area zoned P2, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Number of single <i>family dwellings</i> for a caretaker.	one per <i>parcel</i>
.2 Minimum <i>setback</i> of all <i>principal buildings</i> from: - front <i>parcel</i> line; - rear and side <i>parcel</i> lines.	7.5 m. (24.6 ft.) 4.5 m. (14.8 ft.)
3. Minimum <i>setbacks</i> of all accessory <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear <i>parcel</i> line; - side <i>parcel</i> line, except as specified otherwise below; - side <i>parcel</i> line abutting a <i>highway</i> Right-of-Way.	7.5 m. (24.6 ft.) 1.5 m. (4.9 ft.) 1.5 m. (4.9 ft.) 4.5 m. (14.8 ft.)
4. Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i> : - <i>principal building</i> ; - accessory <i>building</i> or <i>structure</i> .	12.0 m. (39.4 ft.) 5.0 m. (16.4 ft.)

**AR - Agricultural and Rural Residential**

Permitted Uses

- 6.14 .1 The following uses and no others are permitted in the AR *zone*:
- .1 *single family dwelling*;
  - .2 *home occupation*;
  - .3 resource extraction;
  - .4 *agricultural use*;
  - .5 hiking and cross country ski trail;
  - .6 *christmas tree management*;
  - .7 harvesting of timber resources and silviculture practice;
  - .8 riding stable and *kennel*;
  - .9 air strip;
  - .10 park, playground and beach area, including Provincial and Regional Park;
  - .11 ecological reserve;
  - .12 *buildings and structures accessory to the above permitted uses.*

Regulations

- .2 On a *parcel* located in an area zoned AR, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I	COLUMN II
.1 Number of single <i>family dwellings</i> : - on parcels classified as farms under the <u>Assessment Act</u> ; - for all other uses.	3 per <i>parcel</i>  1 per <i>parcel</i>
.2 Minimum parcel size for subdivision:	8.0 hectares (19.8 acres)
.3 Minimum <i>setbacks</i> of all principal and accessory <i>buildings</i> from front, rear and side <i>parcels</i> .	7.5 m. (24.6 ft.)
.4 Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i> .	The lessor of:  2 <i>storeys</i> or 10.0 m. (32.8 ft.)

## **R1(MH) – Single Family Residential, Mobile Home**

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### Permitted Uses

6.15 .1 The following uses and no others are permitted in the R1 (MH) zone:

- .1 *single family dwelling;*
- .2 *mobile home; mobile home, double wide;*
- .3 *home occupation;*
- .4 *buildings and structures accessory to a permitted use.*

### Regulations

- .2 On a parcel located in an area zoned R1(MH), no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved, which contravenes the regulations set out in the table below. Column I sets out the matter to be regulated and column II sets out the regulations.

<b>COLUMN I</b>		<b>COLUMN II</b>
.1	Maximum number of <i>single family dwellings, mobile homes</i> or <i>mobile homes, double wide</i>	1 per <i>parcel</i>
.2	Minimum <i>parcel</i> area for subdivision	555 sq. m. (5,974 sq. ft.)
.3	Minimum <i>setback</i> of all <i>buildings</i> and <i>structures</i> from: - front <i>parcel</i> line; - rear <i>parcel</i> line; - <i>internal side parcel</i> line; - <i>external side parcel</i> line.	7.5 m. (24.6 ft.) 1.5 m. (4.9 ft.) 1.5 m. (4.9 ft.) 4.5 m. (14.8 ft.)
.4	Maximum <i>height</i> of: - <i>principal building</i> ;  - <i>accessory building</i> or <i>structure</i> .	The lesser of: 2 <i>storeys</i> or 9.0 m. (29.5 ft.)  1 <i>storey</i> or 5.0 m. (16.4 ft.)

## **SECTION 7 - ADMINISTRATION**

### Inspection

7.1 The Bylaw Enforcement Officer, Approvals Officer, Building Inspector, and Public Works Superintendent, or other Officer as required, of the Municipality are authorized to enter, at all reasonable times, on any real property or premises on real property in the Village of Radium Hot Springs to ascertain whether the regulations under this Bylaw are being observed. It is an offence for any person to prevent the authorized officers of the municipality from entering real property or premises for the purposes of enforcing the regulations contained in this bylaw.

### Violation

7.2 Any person who:

- .1 violates or who causes or allows any of the provisions of this Bylaw to be violated, or;
- .2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, or;
- .3 neglects or omits to do anything required under the provisions of this Bylaw, or;
- .4 carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or;
- .5 fails to comply with an order, direction or notice given under the provisions of this Bylaw, or;
- .6 prevents or obstructs or attempts to prevent or obstruct the authorized entry of an officer onto property under Section 7.1;

is deemed to have committed an infraction of, or an offence against, this Bylaw and is liable on summary conviction under the Offence Act to the maximum penalties provided for under law.

7.3 Each day that a violation or infraction, of the provisions of this Bylaw, is caused, or allowed to continue, shall constitute a separate offence, at the discretion of the authorized Officer of the municipality.

7.4 An authorized Officer of the municipality may cause a written notice to be delivered to the owner of any property directing them to correct any condition which constitutes a violation of this bylaw or ordering them to cease any activity not permitted by this bylaw.

7.5 Where any building, or development, or part thereof contravenes this By-law, the authorized official of the municipality, may give to the owner or agent or the responsible persons written notice specifying the violation, ordering the cessation thereof, and requiring such remedial work to be done in a manner and within a reasonable time specified by the notice. In the event of failure to comply with such order within the time specified, the authorized Official may cause such work to be done and the cost of such work shall be recoverable by the Village of Radium Hot Springs, and in the event of default of payment of such assessed costs, then the cost of such work, if unpaid by December 31 in any year, shall be a charge upon the property, and the said costs, when certified, shall be entered in the Collector's Roll and collected in the same manner as the taxes shown thereon.

#### Penalty

7.6 Every person who is deemed to have committed an infraction of, or an offence against, this Bylaw and is liable on summary conviction under the Offence Act to the maximum penalties provided for under law plus the municipality's costs of prosecution.