

DISTRICT OF INVERMERE

CONSOLIDATED ZONING BYLAW NO. 1145

A bylaw governing the use of land and the shape, dimensions and areas of parcels of land which may be created by subdivision.

WHEREAS the *Local Government Act* authorizes Council to exercise its powers under Divisions (3) to (7) of Part 29 of the said Act by the adoption of a single bylaw;

A bylaw to regulate the location and use of buildings and structures and the use of land including the surface of water within the District of Invermere, and for that purpose to divide Invermere into zones pursuant to the provisions of the *Local Government Act*.

WHEREAS in making these regulations, the Council has due regard for the following considerations;

- (a) the promotion of health, safety, convenience, and welfare of the public;
- (b) the prevention of the overcrowding of land, and the preservation of the amenities peculiar to any zone;
- (c) the securing of adequate light, air and access;
- (d) the value of the land and the nature of its present and prospective use and occupancy;
- (e) the character of each zone, the character of the building already erected, and the peculiar suitability of the zone for particular uses;
- (f) the conservation of property values; and
- (g) the adherence to the Official Community Plan.

AND WHEREAS it is recognized that land designated as "Agricultural Land Reserve" pursuant to the *Land Commission Act* is subject to:

- (a) that Act and regulations made thereunder; and
- (b) relevant orders of the Provincial Land Commission.

NOW THEREFORE the Council of the District of Invermere, in open meeting assembled, enacts as follows:

Section 1: General Administration

1.1 Title

1.1.1 This bylaw shall be referred to as the "District of Invermere Zoning Bylaw No. 1145, 2002".

1.2 Purpose

1.2.1 This Bylaw is to provide regulations within the District of Invermere governing:

- a) the use of *land, buildings and structures*;
- b) the *density* of the use of *land, buildings and structures*;
- c) the siting, size and dimensions of *buildings and structures*;
- d) the provision of landscaping, screening and parking; and
- e) the area, shape and dimensions of all parcels of land that may be created by subdivision.

1.2.2 This bylaw applies to all of the area with the *District of Invermere* except where otherwise specifically stated.

1.3 Application

1.3.1 This Bylaw shall take effect upon the date of its adoption.

- 1.3.2 No land, *building, structure* or sign within the *District of Invermere* shall be developed, used, constructed, erected, modifies, converted, enlarged, reconstructed, altered, placed or maintained except in conformity with the provisions of this Bylaw and the District's Official Community Plan.

1.4 Enforcement

- 1.4.1 The Director of Development Services, the District Building Inspector, the District Bylaw Enforcement Officer, or any other employee appointed by Council is authorized to enter, at reasonable times, upon any property subject to the provisions of this Bylaw to ascertain whether the Bylaw requirements are being met and the Bylaw regulations are being observed.
- 1.4.2 It shall be unlawful for any person to prevent or obstruct or seek to prevent or obstruct an authorized official from carrying out any official duty under this Bylaw

1.5 Prohibitions and Penalties

- 1.5.1 Any person who:
- a) violates Bylaw provisions;
 - b) causes or permits any act in contravention or violation of a Bylaw provision;
 - c) neglects or omits Bylaw requirements;
 - d) carries out, causes or permits to be carried out any subdivision in a manner prohibited by or contrary to Bylaw provisions ; or
 - e) constructs, makes alteration to or alters a building, structure or sign which is not permitted by this Bylaw

shall be guilty upon summary conviction of an offence against this Bylaw and shall be liable to a maximum fine of \$2,000.00.

- 1.5.2 Each day that a violation of this Bylaw continues shall constitute a separate offence.
- 1.5.3 Fines for an offence against this Bylaw may also be set out in the *District of Invermere Municipal Ticketing Bylaw*.
- 1.5.4 Uses not listed in respect of a particular zone or not exempted by sub-section 3.3 of this Bylaw are prohibited

1.6 Severability

- 1.6.1 If one or more provisions of this Bylaw are, for any reason, declared to be invalid by a court of competent jurisdiction, the invalid provision shall be severed and all remaining provisions remain in full force and effect.

1.7 Headings

- 1.7.1 For the purpose of this Bylaw, all headings and other reference form part of this Bylaw and shall not be construed as being inserted for convenience and reference purposes unless otherwise specified in the Bylaw.

Section 2: Definitions

- 2.1 All words, phrases or terms in this Bylaw shall have their normal or common meaning unless specifically defined by the Local Government Act or by the definitions set forth in this sections as follows.

A

Access Route means those portions of the common property in bare land strata intended to provide vehicular access to the strata lots in the bare land strata plan.

Accessory Building means:

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

Accessory To means customarily incidental and subordinate to the permitted use of *land, buildings or structures*.

Accessory Use means:

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

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Aid to navigation means a buoy, beacon, lighthouse, landmark, radio aid to marine navigation or any other structure or device installed, built or maintained in or on water or on land for the purpose of assisting with navigation.

Agricultural Land Reserve means a reserve of *land* established under the *Land Commission Act*.

Agricultural Use means the use of a *parcel* for the growing, rearing, producing or harvesting of agricultural or food products, including: apiculture, *horticulture*, silviculture, dairying, rearing of livestock, fowl, and fur-bearing animals, fish farming, *intensive agriculture*, preliminary grading and processing for shipment of those products which are grown or raised on the *parcel* or farm and sale of produce grown on the *parcel* or farm.

Agriculture, Intensive means the commercial use of *land, buildings and structures* for the confinement, feeding and raising of poultry, livestock or fur-bearing animals, including mink, swine, and the growing of mushrooms.

Amenity space means an outdoor and/or indoor space situated within the development site that will be used by the *building* tenants or residents for cultural, social or recreational activities. This does not include private balconies.

Amusement Park means a commercial operation including any carnival, circus, water slide, miniature golf course, playground, mechanical amusement device, or other similar amusement enterprises which are open to the public for admission to which a fee is charged but shall not include movie theatres, zoos or theatres for the performing arts.

Animal Unit means any of the following groups:

- 1 beef or dairy cow plus calf or one bull
- 1 horse (stallion, gelding, or mare and foal) donkey, mule, or hinny
- 4 sheep plus lambs
- 4 goats plus kids
- 40 rabbits
- 125 chickens, turkeys, geese or ducks
- 1 swine plus progeny to weaning

Apartment means a type of multiple *family building* containing five or more *dwelling units* which have shared exit facilities above the first or main *storey* and shall not mean or include *dwelling units* over commercial premises.



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

Assisted Living Facility means residences for the elderly or disabled that provide sleeping units, meals, and varying degrees of personal care and services. Personal care and services may include provision of transportation, organized social and recreational activities and the use of support and professional nursing staff depending on the level(s) of service being provided. This level of service may include: medication monitoring consisting of staff stores, dispensing, documenting and ordering medicine for residents; extended assisted living services consisting of staff providing services related to personal hygiene, dressing, housekeeping, laundry and escorting of residents to meetings and meals; or assisted living services plus consisting of staff providing evening and night monitoring and assistance. The residential sleeping units shall be in the building form of apartment units, but with communal dining facilities rather than individual kitchens.

Awning means a roof like covering of canvas or similar fabric material, which may or may not be retractable, projecting from and being entirely supported from the exterior wall of a building.

B

Balcony means an outdoor seating platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a railing.

Basement means a *storey* or *storeys* of a *building* located below the first *storey*.

Bed and Breakfast means a *home based business* carried on in a single *family dwelling* or an *accessory building* which provides not more than four rooms for the accommodation for sleeping purposes only of transient paying guests.

Billboard means an exterior *structure* displaying material of a general advertising nature, pasted or otherwise affixed flat to the face of such *structure* which exceeds 8.9 m² (96 ft²).

Boathouse means a single *storey accessory building* or *structure*, which is used, for storage of boats, tools, and equipment *accessory to* the residential or commercial use located on the same *parcel of land*. A *boathouse* does not contain cooking or sleeping facilities.

Boat lift means an uncovered structure which facilitates the removal of a boat from the water and which can allow for a boat to be stored above the surface of the water.

Buffer Strip means a *landscaped* area intended to visibly separate and screen one use from another or to maintain and enhance the natural drainage and wildlife movements.

Building means an exterior structure used or intended for supporting or sheltering any use or occupancy.

Bylaw Enforcement Officer means the *Bylaw Enforcement Officer* of the *District of Invermere*.

C

Campground means an area of *land* designated and intended for the temporary placement of *recreational vehicles* and tents to accommodate the travelling public. A *campground* does not include cottages.

Campground Space means an area in a *campground* used or intended to be used leased or rented for occupancy by transient occupants of the *campground*.

Canopy means a permanent roof-like *structure* that extends outwards from a wall or *building*.

Care and Assistance means necessary health care and assistance required by a relative as certified in writing by a physician.

Child Care Facility, Minor means a facility for the care of children that is licensed under the Community Care Facility Act, and is limited to the care of 8 or fewer children at any one time.

Child Care Facility, Major means a facility for the care of children that is licensed under the Community Care Facility Act, and provides care for more than 8 children.

Club or Lodge means a *building* or establishment used by a fraternal or service organisation for meetings or social or recreational purposes, including incidental catering to the general public.

Cluster Residential Development means a residential complex of three or more detached *buildings* consisting of *single family dwellings*, *two family dwellings*, *townhouses*, *row houses* or a combination of them, grouped on a lot on a planned basis with common open spaces not less than 10 per cent of the total lot area

Commercial School means a *school* conducted for the purpose of gain and profit providing training, instruction or certification in a specific trade or skill.

Common Wall means a vertical or horizontal *structure* separating two *dwelling units*, and is common to and forms part of the *structure* of *dwelling units*.

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Density means the numerical value calculated by dividing the total number of *dwellings* constructed or to be constructed on a *parcel* .

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Dock means a platform, either floating or fixed, below the natural boundary of the water body, which is designed to accommodate non-commercial parking and temporary water storage of watercraft and pedestrian access to and from boats or personal watercraft.

Dwelling means a *building* designed or used as *dwelling unit* or units for one or more *families* .

Dwelling, Multiple Family means a *dwelling* containing three (3) or more *dwelling units* .



Dwelling, Single Family means a *dwelling* containing one (1) *dwelling unit* .



Dwelling, Two Family means one *building* containing two (2) *dwelling units* that: (a) share a common roof and foundation; (b) that are separated by a *common wall*; and (c) where no horizontal dimension of either *dwelling unit*, excluding a *common wall* or an addition, is less than 5.5 m (18 ft).



Dwelling Unit means a *building* or portion thereof containing one or more *habitable rooms* used or intended to be used for living and sleeping purposes and containing sleeping, sanitary facilities and not more than one (1) set of cooking facilities.

E

Eating and Drinking Establishment means a facility where food and/or beverages are offered to the public for consumption within the premises or off site.

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

F

Family means an individual, or two or more *persons* related by blood, marriage, adoption, foster parenthood or other, or no more than five (5) unrelated *persons* sharing one *dwelling unit*.

Farm Animals, Keeping of means the keeping or rearing of poultry and livestock, other than swine or mink, including the regular sheltering or feeding or both of the animals. The number of *animal units* of livestock shall not exceed one (1) *animal unit* per hectare in total and the number of *animal units* of poultry shall not exceed one-half (1/2) the *animal unit* per hectare in total. In all cases, the total number of livestock or poultry permitted shall be rounded down to the nearest whole number.

Farm Animals, Keeping of Small means the keeping or rearing of *small farm animals* excluding geese and turkeys, including the regular sheltering or feeding or both of the animals. The number of rabbits shall not exceed one (1) *animal unit* and the cumulative number of chickens, ducks and similar fowl exclusive of geese and turkeys shall not exceed fifteen (15) animals.

Farm Animals, Small means bees, rabbits, ducks and similar fowl, exclusive of geese and turkeys.

Fence means a man-made *structure* intended to prevent intrusion onto a *parcel* or to separate a *parcel* from adjacent *parcels* or part of a *parcel* from an adjacent part of a *parcel* and includes a wall or trellis.

Finished Grade means the finished ground level at the perimeter of the *building* or *structure*.

First Storey means the uppermost *storey* having its floor level no more than 2.0 m (6.6 ft) above natural grades.

Floor Area, Gross means the sum of the total horizontal area of all floors of a *building*, excluding *basement* floor areas used exclusively for storage, heating or laundry facilities, any portion used for parking, swimming pools, open sun decks, balconies and any portion of a penthouse containing elevators or ventilating equipment.

Floor Area, Net means the total rentable floor area of all floors of a *building* measured from the glassline or the interior wall dimensions, excluding stairways, elevators, mechanical rooms or floors, vertical service shafts, malls and nonrentable common corridors, lobbies, washrooms, internal garbage storage, and internal vehicular areas.

Floor Area Ratio means the figure obtained when the *gross floor area* of all *buildings* on a *parcel* is divided by the area of the *parcel*.

Frontage means that portion of the boundary of a *parcel*, which is in common with the boundary of a *highway* other than a *lane* or a walkway.

G

Garden Apartments means a single or two *storey* residential *building* consisting of five or more attached *dwelling units* which have individual entrances to each *dwelling unit*.

Gross Density means the number of *dwelling units* per hectare of *land*, including roads, parking, services, *parks*, recreation facilities, school sites, and local commercial uses.

Gross Hectare means a hectare of *land* including areas given over to development of private streets, *lanes* and open spaces.

Group Day Care means a facility for the temporary care of children licensed as a *group day care* under the Community Care Facility Act, and may include a *child care facility*, nursery school or kindergarten.

Group Home means a *dwelling* for the accommodation of three (3) to ten (10) *persons*, exclusive of staff, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, and:

- (a) such facility is supervised and the members of the group are referred by a hospital or government agency; and
- (b) such facility is licensed or approved under Provincial statute and does not include any use otherwise classified or defined in this Bylaw.

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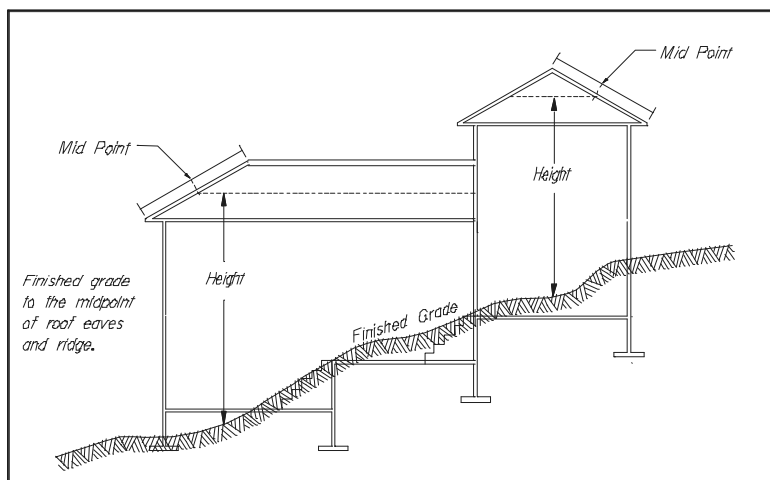
Group moorage facility means one or more docks providing communal moorage and/or day use docking facilities operated by a community association, strata council or shared interest development.

Groyne means a protective structure that is used to stop sediment from shifting along the shoreline. Groynes are generally constructed perpendicular to the shoreline.

H

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

Height means the vertical distance from the *finished grade* of the *building* or *structure* to the midpoint between the roof eaves and the ridge of the primary roof *structure*. *Height* is shown on the diagram below.



Heritage Site
means

land of historic, archaeological, or architectural significance to the Province or local community.

Highway includes a street, road, *lane*, bridge, viaduct and any other way open to public use but does not include a private right-of-way on private property, walkways, or common *parcel* accesses as defined by the Condominium Act.

Home Based Business means an occupation, service, profession or craft which is clearly incidental to the use of a *dwelling unit* for residential purposes or to the residential use of a *parcel* occupied by a *dwelling*, and may include *bed and breakfast* use and a *child care facility*.

Horticulture means the growing of flowers, fruits, vegetables and, for the purpose of this Bylaw, forages and grains nurseries and greenhouses but does not include commercial mushroom growing.

Hostel means a facility with sleeping accommodations for tourists and visitors and which may contain communal cooking facilities available for use by the patrons. All sleeping accommodations for tourists and visitors must be contained within a structure.

Hotel means a *building* or part wherein accommodation is provided for transient lodgers. Entrance and exit ways are shared and the *building* may include public areas such as a lobby, restaurant, meeting, entertainment and recreation facilities.

K

Kenel means any *building, structure*, compound, group of pens or cages or property where four or more dogs or cats are or are intended to be trained, cared for, bred, boarded, or kept for any purpose. A dog or cat means a member of the canine or feline species, which are two or more months in age.

L

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 or materials as used in *landscaping* architecture;

Lane means a *highway* not less than 3.0 m (9.8 ft) nor more than 10.0 m (32.8 ft) in width, which provides secondary access to any abutting *parcel*.

Launch ramp means an inclined, hardened surface designed and constructed for launching and retrieving of trailered boats other watercraft to and from a water body.

Lock-off Unit means a *sleeping unit* in a *multiple family dwelling* with a common access and a shared foyer. *Lock-off units* may include a separate entrance from the main hallway and may include cooking facilities.

Lodge see "Club".

Lot see "Parcel".

M

Marina means the buildings, structures, and one or more docks used for the moorage of boats or watercraft and may include launch ramps, water sport instructional services, rental of boats and accessories, storage of boats, sales of marine petroleum products, and accessory retail sales.

Mobile Home means any *structure*, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried on its own chassis, and which contains a *dwelling unit*.

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

Mobile Home Park means *land* used or occupied by any *person* for the purpose of providing space for the accommodation of two (2) or more *mobile homes* and for imposing a charge or rental for the use of such spaces, except where two (2) or more *mobile homes* are permitted on a *parcel* in a zone other than a zone which permits *mobile home parks*.

Mobile Home Space means an area of *land* for the installation of one *mobile home* with permissible additions and situated within a *mobile home area*.

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Moorage means the tying, fastening or securing of a boat or watercraft to a buoy or dock.

Mooring buoy means a private buoy under the Private Buoy Regulation of the Canada Shipping Act that is used to secure watercraft in a fixed location.

Motel means a *building* or group of *buildings* divided into six or more self contained *sleeping units* or cabins or combination of units for the use of transient paying guests. Each unit must have its own toilet, wash basin and bath or shower.

N

Natural boundary means the visible high water mark where the presence and action of water are so common and usual and continued in all ordinary years as to mark upon the soil of the bed of a lake, river or stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself.

O

Off-Street Loading Space means an area of *land* other than a *highway* used to provide access to a loading door, platform or bay for the purpose of loading and unloading of *vehicles*.

Off-Street Parking Space means an area of *land* other than a *highway* used for the temporary storage of *vehicles*.

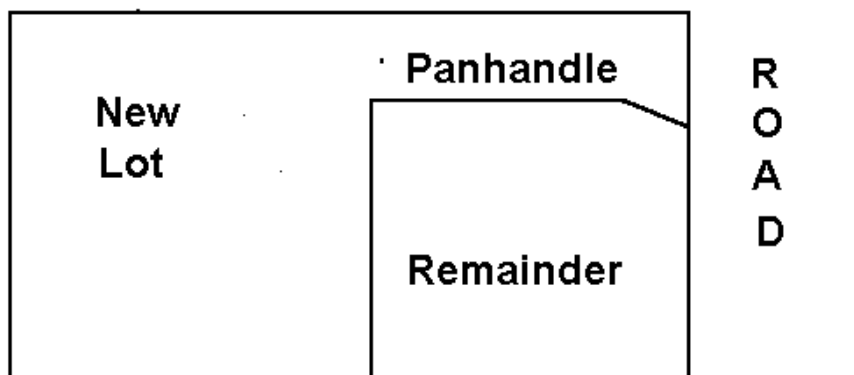
Outdoor Storage means an area outside an enclosed *building* where material and equipment used by or associated with the *principal use* of the same or an adjoining *parcel* are kept.

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Overnight moorage means the tying, fastening or securing of watercraft to a mooring buoy or dock during the dark period between one hour after sunset to one hour before sunrise.

P

Panhandle Parcel means any *parcel*, the *building* area of which is serviced and gains *frontage* through the use of a strip of *land* not less than 6.0 metres (19.8 ft.) in width, which is part of the *parcel* and is referred to as an access strip.



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

Parcel Coverage means the total horizontal area within the outermost walls of *buildings* and *structures* on a *parcel* including all attached porches, carports, decks or verandas but excluding open and enclosed terraces at grade, swimming pools, steps, cornices, eaves and similar projections, expressed as a percentage of *parcel* area.

Parcel Line means a legal boundary of a *parcel* as shown or described on the records of the Land Title Office.

Parcel Line, Front means the *parcel line* common to a *parcel* and an abutting *highway* or *access route* other than a *lane*. Where there is more than one such line the shortest such line shall be considered the *front parcel line*, or where the *front* and *rear parcel lines* both adjoin a *highway* or *access route*, the *front parcel line* shall be that to which the majority of adjacent *buildings* face. The *front parcel line* of a *panhandle parcel* shall be the *parcel line* closest to the *highway* or *access route* from which access is obtained, but excludes the access strip.

Parcel Line, Rear means the *parcel line* or *parcel lines* opposite to and most distant from the *front parcel line*; or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, it shall be the point of such intersection.

Parcel Line, Exterior Side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to a *highway*.

Parcel Line, Interior Side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another parcel or parcels.

Parcel Line, Side means the *parcel line* or *parcel lines* other than the *front* or *rear parcel line* common to another parcel or parcels or to a *highway*.

Park means open space set aside for recreational purposes or maintained for the use and enjoyment of the public and includes Federal, Provincial, Regional and local *parks* ecological, archaeological and historic sites. A *park* may include *land* owned or leased by a club, society, or organised group for recreational use by its members, but does not include a commercial *amusement park*. A *park* may also include privately owned *land* for use of which no charge is made.

Person means any individual, association, partnership, corporation, agent or trustee and their heirs, executors or other legal representatives.

Personal Service means a business catering to the needs of the general public including but not limited to barber shop and beauty salons, dry cleaning, minor electrical appliance repair, financial institution, photography studio, shoe repair, ticket and travel agency, insurance agency, pet shop, and pet grooming.

Pension means a *building* used for the temporary lodging by paying guests that includes guest rooms, common areas including a dining room intended for the use of such paying guests and an *accessory dwelling unit*. The use of an *accessory dwelling unit* as a *home based business* shall not include a *bed and breakfast*.

Principal Building means an existing or proposed *building* in which or in relation to which the permitted *principal uses* are concentrated.

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

Public access means the privilege or bare licence to use the foreshore and other aquatic land held by the Crown, and includes the right to land boats and to disembark.

Public Buildings means any *building* owned by the Government of Canada, the Provincial Government, or the *District of Invermere* used in the service of the public and includes a fire hall and police station.

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

Public Utility Use means a use, including *buildings* and *structures*, providing water supply, sewage collection and disposal, solid waste facility, electricity, natural gas, telephone, radio and television, transmitting and receiving and similar services where such use is established by a local government or a company regulated by government utility or communications legislation.

R

Recreational buoy means a private buoy under the Private Buoy Regulation of the Canada Shipping Act that is utilized for recreation purposes, such as denoting a water skiing course or a designated swimming area.

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Recreational water activity means activities that are conducted on the surface of a water body and includes, but is not limited to, activities such as boating, swimming, fishing and wind surfing. Recreational water activity does not include associated facilities or structures.

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

Refuelling Facility means equipment and *structures* for the dispensing of gasoline, propane and diesel fuel.

Relative Requiring Care means a father, mother, father-in-law, mother-in-law, son, daughter, sister, brother, grandchild, grandparent and great-grandparent requiring *care and assistance*.

Resort Accommodation means a *building* or group of *buildings* with sleeping accommodations for temporary occupancy by guests and provided accessory to the recreation facility or group of recreational facilities.

Rest Home means a *building* or *buildings* where care or assistance is provided for three or more *persons* who, on account of age, infirmity, or mental or physical disability require personal care or assistance; this includes nursing homes, convalescent homes and senior citizen homes.

Row Houses means a residential *building* consisting of three or more attached *dwelling units*, which have individual entrances to each *dwelling unit*.

S

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

Screening means a *fence* or an evergreen hedge or combination thereof that obstructs certain views of the property, which it encloses and is broken only by access drives, *lanes* and walkways. This term excludes open mesh or chain link style *fences* and vegetation used as a windbreak.

Seasonal Produce Stand means a *vehicle* or *structure* with a *gross floor area* not exceeding 30.0 m² (323 ft²) which is used part of the year for the sale of *horticultural* and apicultural products to the public.

Secondary Suite means an additional *dwelling unit* having a total floor area of not more than 90 m² in area and which is less than 40% of the habitable floor space of the *building* and is located in a *single-family dwelling* that is not a *manufactured home*. A *secondary suite* is comprised of one or more *habitable rooms* and contains or provides for only one cooking facility.

Senior's Congregate Housing means a residential facility which provides shelter for 3 or more persons aged 55 or over in sleeping units with or without kitchenettes and may include meals, housekeeping, personal care, transportation, pharmaceutical and recreation services. Such facilities may also contain shared kitchen and dining areas, restaurant, personal service and convenience store uses.

Sleeping Unit means one or more habitable rooms used for sleeping and living purposes but in which there is no kitchen or cooking facilities.

Storey means that portion of a *building* which is between the top of any floor and the top of the floor next above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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

Swimming platform means a floating platform, which is anchored to the bed of the water body.

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T

Tent means a portable shelter of canvas or other materials supported by one or more poles which may be extended by ropes fastened to pegs in the ground.

Town Houses means a residential *building* consisting of three or more attached *dwelling units* which may or may not share a common entrance.

U

Usable Site Area means a contiguous area of *land* with an average slope not exceeding 20%, no portion of which is subject to *land* slip, avalanche, rock fall, flooding or high water table hazard.

V

Vehicle means a mechanical device which is designed to transport people or things across the surface of *land* or upon a *highway*, but excludes a device designed to be moved by human power or used exclusively on stationary rails or tracks.

Vehicle, Derelict means any *vehicle* pursuant to the Motor Vehicle Act and amendments thereto which is not licensed for the current year but does not include *vehicles* stored in *buildings* or farm *vehicles* or *vehicles* used for industrial purposes on *land* zoned for industrial use in this Bylaw.

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

Vehicle Park, Recreational means an area designated exclusively for temporary transient occupancy of designated spaces by *recreational vehicles* or *tents* used as temporary living or sleeping quarter by travellers, but does not include a *mobile home park*.

Vehicle Space, Recreational means an area in a *recreational vehicle park* allotted for the parking of *recreational vehicles* or for the placement of *tents*.

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

W

Watercourse means any natural or man made depression with well defined banks and a bed 0.6 m (2.0 ft) or more below the surrounding *land*, serving to give direction to a current of water at least six months of the year, or having a drainage area of 2 km² (494.2 acres) or more, or as designated by the Minister responsible for Environment, or his designated official.

Wrecking and Repair of Vehicles means the disassembly of *vehicles*, derelict or otherwise, into component parts and the construction, care and maintenance of ordinary or special status *vehicles*, other than in an enclosed *building*. This definition does not include the repair and maintenance of *vehicles* regularly used by the *family* residing on the *parcel*, nor does it include a commercial activity which is in compliance with the definition of and general regulations for a *home based business*.

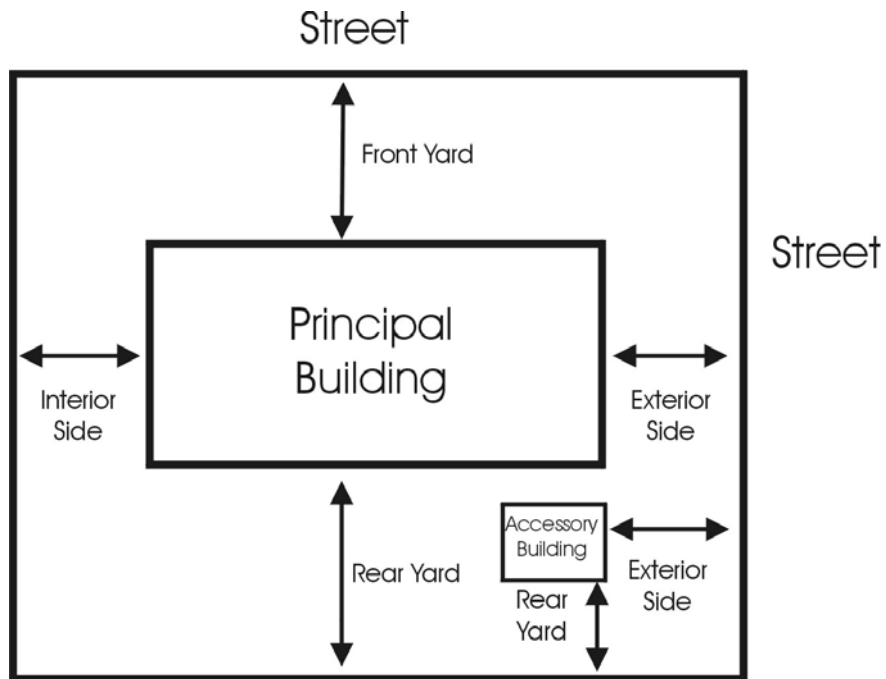
Y

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

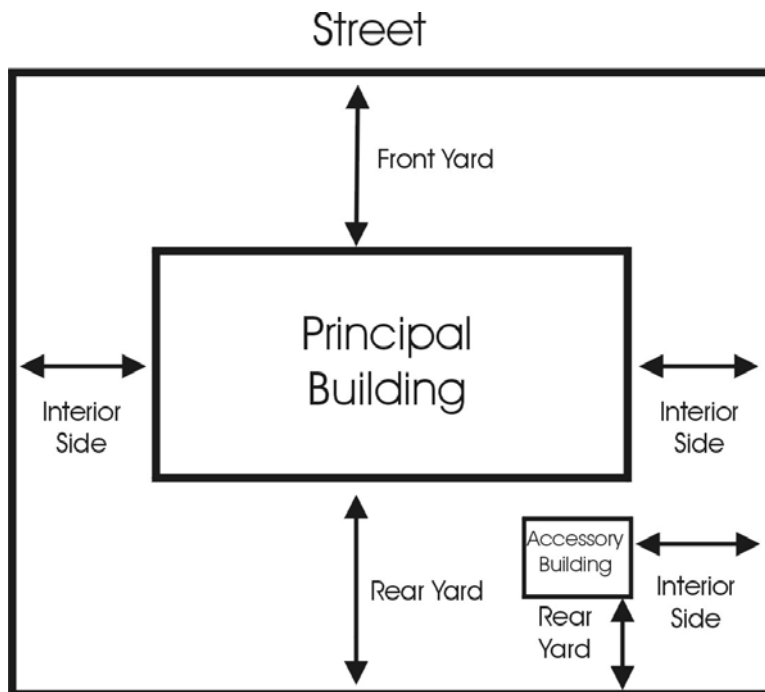
Yard, Front means a *yard* extending across the full width of the *parcel* from the *front parcel line* to the nearest projection of a *building* or *structure*, measured at right angles to the *front parcel line*.

Yard, Rear means a *yard* extending across the full width of the *parcel* from the *rear parcel line* to the nearest projection of a *building* or *structure*, measured at right angles to the *rear parcel line*.

Yard, Exterior Side means a yard immediately adjoining a highway, but excluding a lane 9as shown on the diagram below.



Yard, Interior Side means a side yard other than an exterior side yard (as shown on the diagram below).



Yard, Side means a yard extending from the front yard to the rear yard and lying between the side parcel line and the nearest projection of a building or structure measured at right angles to the side parcel line.

SECTION 3 GENERAL REGULATIONS

Conformity of Uses, Buildings and Structures

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

Use of Existing Parcels

- 3.2 (1) *Parcels* existing at the time of the effective date of this Bylaw which do not conform with the *parcel* area requirements of this Bylaw may be used for any of the uses permitted in the zone in which they are located unless otherwise provided for in Section 5, provided all other regulations of this Bylaw are complied with.

Permitted Uses in All Zones

- 3.3 The following uses are allowed in all zones:
- (a) the use of a *building* or part thereof as a polling station for a government election, referendum or census;
 - (b) the use of a *building* or part thereof as campaign headquarters for a political candidate;
 - (c) telephone booth;
 - (d) *highway* lighting fixture;
 - (e) *highway* and railroad;
 - (f) mailbox;
 - (g) *public utility use*;
 - (h) *park*;
 - (i) historical and archaeological display site;
 - (j) conservation area, recreation reserve, ecological reserve and wildlife sanctuary;
 - (k) aid to navigation;
 - (l) recreational water activity;
 - (m) recreational buoy;
 - (n) public access.

Amending
Bylaw No.
1460, 2012
February
12th, 2013

Prohibited Uses in All Zones

- 3.4 Subject to Section 3.2, *intensive agriculture* use is prohibited in all zones other than those which contain *land* that is within the *Agricultural Land Reserve*, and subject to regulations of the Agricultural Land Commission Act, the Local Government Act, and regulations under those Acts.

Occupancy During Construction

- 3.5 (1) Notwithstanding the requirements of Section 5 of this Bylaw concerning the number of *dwelling units* permitted on a *parcel*, during construction of a new *dwelling unit* or reconstruction of an existing *dwelling unit* on a *parcel* in the R-1, R-1(A), R-1(MH), R-2, R-2(A), RR-1, RR2, zone, one additional *dwelling unit* or one *recreational vehicle* may be located on the *parcel* and occupied for a period not exceeding six (6) months, provided:
- (a) the owner holds a building permit for construction of a new *dwelling unit* or reconstruction of the existing *dwelling unit*;
 - (b) the additional *dwelling unit* conforms with all the requirements of the zone in which it is situated, other than requirements concerning the number of *dwelling units* permitted on a *parcel*;
 - (c) the *recreational vehicle* is sited in conformity with the regulations of the zone in which it is located;

- (d) the additional *dwelling unit* or *recreational vehicle* is connected to a sewage disposal system that has been approved by the *District of Invermere* or the Ministry of Health.
- (2) Upon occupancy of the new *dwelling unit* or reconstructed *dwelling unit*, the additional *dwelling unit* shall be removed and the site thereof restored as nearly as possible to its condition prior to the construction or placement of the *dwelling unit*, or shall be converted to an *accessory building* or *structure* subject to compliance with the applicable regulations of this Bylaw and disconnected from water and sewer systems;
- (3) A *recreational vehicle* permitted under Subsection (1) shall be disconnected from water and sewer systems and no longer occupied:
 - (a) upon occupancy of a new or reconstructed *dwelling unit*, or
 - (b) on expiry of the original building permit for the new *dwelling unit*,whichever occurs first.
- (4) Application for required permits shall be made in accordance with Bylaw No. 216, 1974 cited as "Invermere Building Bylaw, 216, 1974".

Development Crossing Parcel Lines

- 3.6 Where a *person* proposes to site a *building* or *structure*, and where more than one *parcel* of *land* is required to accommodate the *building* or *structure* or the services for that *building* or *structure*, a building permit for the *building* or *structure* shall not be issued until:
- (1) the *parcels* are consolidated by plan of subdivision or by cancellation of interior *parcel lines*; or
 - (2) a covenant under Section 219 of the Land Title Act between the *District of Invermere* and the owner is registered in the Land Title Office against the titles of the *parcels* required for development, which would prevent the *parcels* from being sold or transferred separately.

Home Based Business

- 3.7 A *home based business*, where permitted by this Bylaw, shall be in compliance with the following:
- (1) It shall be carried on by members of the *family* residing in a *dwelling unit* on the same *parcel* or with the assistance of not more than one *person* who does not reside in a *dwelling unit* on the same *parcel*.
 - (2) Except as permitted in clause (3), the *home based business* shall be carried on wholly within a *dwelling* or *accessory building*, with no external storage of materials, containers or finished product and no exterior evidence of the *home based business*, except for a *vehicle* or *vehicles* necessary for conducting the *home based business*.
 - (3) The provisions of Subsection (2) do not apply provided:
 - (a) the *parcel* on which the *home based business* is carried out is 2.0 ha (4.9 acres) or greater in area;
 - (b) the *home based business* is carried out in other than the *front yard*;
 - (c) all of the *home based business* carried on outside a *building* or *structure* is located on a contiguous section of the *parcel* not to exceed 185 m² (1991 ft²) in area.

-
- (4) Erection of *signs* shall comply with regulations of the Sign Bylaw.
 - (5) Section 4 of this Bylaw in respect of *off-street parking* requirements applies to every *parcel* used for a *home based business*.
 - (6) *Buildings* and *structures* for a *home based business* shall not exceed 185 m² (1991 ft²) for *parcels* within the Agricultural Land Reserve.

Accessory Buildings and Structures

- 3.8 (1) No *person* shall erect an *accessory building* or *structure* on any *parcel* unless the *principal building* to which the *accessory building* is an incidental use has been erected or will be erected simultaneously with the *accessory building*.
- (2) Subsection (1) shall not apply to animal shelters or other *buildings* or *structures* *accessory* to an *agricultural use*.
- (3) Where an *accessory building* or *structure* is attached to the *principal building*, it shall be considered part of the *principal building*.

Siting of Buildings and Structures

- 3.9 (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* shall be in conformity with the regulations for siting of *buildings* and *structures* specified in this Bylaw.
- (2) Where the British Columbia Building Code requires greater setbacks than required in this Bylaw, the requirements of the British Columbia Building Code shall apply.
- (3) *Accessory buildings* or *structures* that are used for *animal shelters* shall be sited in accordance with the following:
 - (a) *Buildings* or *structures* used to shelter or for the storage and handling of manure of swine, furbearing animals, or for beef feedlot operations shall be sited no closer than:
 - (i) 60 m (196.9 ft) from a *parcel line*;
 - (ii) 30 m (98.4 ft) from a domestic well, spring, or *natural boundary* of a lake or *watercourse*.
 - (b) *Buildings* or *structures* used to shelter or for the storage and handling of manure or compost of poultry, dairy cattle, or for mushroom farming shall be sited no closer than:
 - (i) 30 m (98.4 ft) from a *parcel line*;
 - (ii) 30 m (98.4 ft) from a domestic well, spring, or *natural boundary* of a lake or *watercourse*.
 - (c) All other animal shelters or *buildings* or *structures* used for the storage and handling of manure of animals not enumerated in clauses (a) or (b), shall be sited no closer than:
 - (i) 7.5 m (24.6 ft) from a *parcel line*;
 - (ii) 30 m (98.4 ft) from a domestic well, spring, or *natural boundary* of a lake or *watercourse*.
- (4) Subject to such *building* regulations as may be applicable, the following features may project into yard requirements as specified in the regulations of Section 5 of this Bylaw:

(a)

FEATURE	ALLOWABLE PROJECTION	
Steps	1.2 m (3.9 ft) in cases other than fireproof escapes	
Eaves, Gutters, Cornices, Sills, Bay Windows, Chimneys, Interior stairwells	Front Yard	1.0 m (3.3 ft)
	Rear Yard	1.0 m (3.3 ft)
	Side Yard	0.6 m (2.0 ft)
	Where the yard requirement is less than 1.5 m (4.9 ft), a feature may project a maximum of 0.6 m (2.0 ft) into the yard requirement.	
Balconies, Sundecks, Marquees and Canopies	Front Yard	1.8 m (5.9 ft)
	Rear Yard	1.8 m (5.9 ft)
	Side Yard	1.5 m (4.9 ft)
	Where the yard requirement is less than 1.5 m (4.9 ft) a feature may project up to 50% of the yard requirement.	

- (b) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.
 - (c) Arbors, trellises, fish ponds, ornaments, vegetation and similar landscape features.
 - (d) *Mobile home hitches.*
 - (e) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, public utilities, flag poles, signs and sign_structures provided that the location and design thereof is not prohibited under any bylaw or regulation of the *District of Invermere.*
 - (f) A roofed or covered swimming pool not exceeding 3.5 m (11.5 ft) in *height*, or uncovered swimming pool located in a *side* or *rear yard* within a separate fenced enclosure fitted with a safety gate, not less than 3.0 m (9.8 ft) from a *rear* or *side parcel line.*
 - (g) Underground *structures* provided that the top surface of such *structure* shall at no point extend above the average finished ground elevation except for vent and fill pipes for underground storage tanks.
 - (h) Apparatus needed for the operation of active and passive solar energy systems including but not limited to overhangs, movable insulating walls, shutters and roof, detached solar energy collectors, reflectors, and piping.
 - (i) Canopies erected above gasoline service pumps or pump islands may project into a *front* or *side yard* provided that such canopy is located not closer than 4.5 m (14.8 ft) to a *parcel line.*
 - (j) *Boathouses* may project into the required *rear yard.*
- (5) Regulations in Section 5 of this bylaw concerning siting of *buildings* and *structures* on *parcels* abutting controlled access highways shall not apply where a *frontage road* serves the *parcel.*
- (6) Regulations concerning siting of *buildings* or *structures* in Section 5 of this Bylaw shall not apply to *fences.*

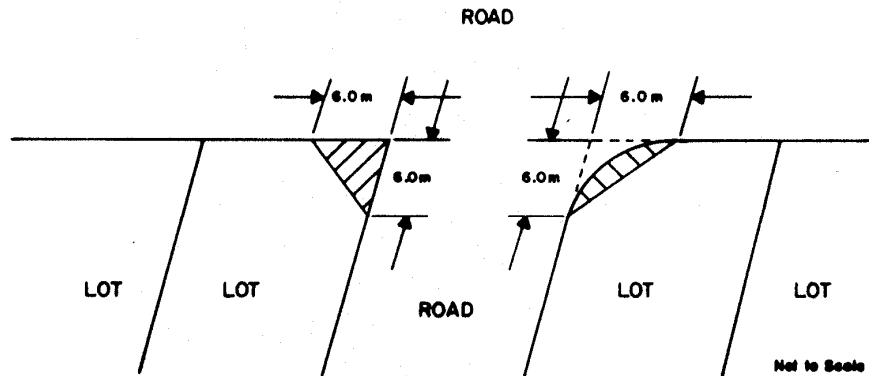
- 3.10 (1) The siting provisions of this bylaw do not apply to *fences* and *screening*, except that the provisions of section 3.12 apply.
- (2) The use of barbed wire is prohibited within the R-1, R-1(A), R-1(MH), R-2, R-2(A), RM-1, R-3, R-4, R-5 and R-MP zones.
- (3) *Height* requirements for *fences* and *screening* are in accordance with the following:

ZONE	HEIGHT REGULATIONS
R-1, R-1(A), R-1(MH), R-2, RM-1 R-2(A), R-3, R-4, R-5	Maximum Height 1.0 m in required front yard 2.0 m in all other yards
R-MP	2.0 m
RR-1 RR-2	2.0 m 2.0 m
C-1, C-2, C-3 CT-1, RES-1, RES-2, RES-3	2.0 m where parcel line abuts a residential or institutional zone or a parcel on which a residential use is located
M-1 M-2	2.0 m where parcel line abuts a residential or industrial zone or a parcel on which a residential use is located
P-1 P-2	Maximum Height 2.0 m 2.0 m

- (4) Maximum *heights* do not apply to fencing in the Rural Residential and Rural Resource zones where *fences* are erected to control livestock and wildlife capable of jumping over a *fence* 2.0 m in *height*.
- (5) All *outdoor storage* in Commercial and Industrial zones must be screened by a tight board *fence* or compact evergreen hedge or a combination thereof of a uniform *height* not less than 2.0 m in *height* on any side not facing directly onto *buildings* on the parcel.
- (6) Where a *rear parcel line* of a parcel abuts the *side parcel line* of an adjoining parcel, *screening* along the *rear parcel line* must be no higher than that permitted on the *side parcel line*.

Visibility at Intersections

- 3.11 No *person* shall obstruct vision at an intersection on corner *parcels* by any means within a triangular area bounded by the two *parcel lines* adjacent to the *highway* right-of-way and a straight line joining each *parcel line* at a distance of 6.0 m (19.7 ft) from their point of intersection, as shown by the following diagrams:



Heights of Buildings and Structures

- 3.12 (1) The construction, reconstruction, alteration, moving or extension of *buildings* and *structures* shall be in conformity with the regulations for size and dimensions of *buildings* and *structures* specified in this Bylaw.
- (2) The *height* regulations of this Bylaw do not apply to church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, smoke stacks, ventilators, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, silos, apartment elevator shafts, industrial cranes, observation towers, solar energy collectors, and windmills (in rural zones only).
- (3) Notwithstanding *height* regulations of Section 5 of this Bylaw, no *person* shall construct a *fence* higher than 2.0 m (6.6 ft) from ground level except for open mesh or chain link type *fences*, subject to Section 3.10.
- (4) In zones where *agriculture* is permitted the maximum *height* for agricultural *buildings* and *structures* is exempt from the *height* regulations.

Dwelling for Relative Requiring Care

- 3.13 (1) A *dwelling* for a *relative requiring care* shall be permitted:
- in the RR-1 and RR-2 zones;
 - where the present number of *dwellings* on the *parcel* is not greater than the maximum permitted in the bylaw;
 - where the owner of the *parcel* enters into a housing agreement with the *District* under Section 905 of the Local Government Act agreeing to remove the *mobile home* approved under this section once it is no longer required by the approved occupant, such agreement to be entered into prior to placement of the *dwelling* for a *relative requiring care*;

- (d) where a letter from the family physician stating that the relative requires care is deposited annually with the *District* prior to the anniversary date of the approval of such use;
 - (e) where a statutory declaration attesting to the conditions of consent is deposited with the *District*, subject to renewal upon request by the *District*;
 - (f) where an irrevocable letter of credit in the amount of \$3,000 is deposited with the *District*, subject to annual renewal prior to the anniversary date of the approval of such use.
- (2) A *dwelling* for a *relative requiring care* shall be limited to:
- (a) one per *parcel*;
 - (b) a single wide *mobile home* placed on a non-permanent foundation, with additions limited to a maximum of 24 m² (including porches).
- (3) Where a *dwelling* for a *relative requiring care* is permitted, it may be occupied by either the *person(s)* requiring care or the owner(s) of the *parcel* on which the *dwelling* for a *relative requiring care* is to be located.

Secondary Suites

3.14 *Secondary Suites* are subject to the following regulations:

- (a) *secondary suites* are permitted in all *single family dwellings*;
- (b) *secondary suites* may be permitted in an accessory building provided:
 - (i) the *parcel* contains a *single family dwelling*;
 - (ii) the *parcel* does not contain a *bed and breakfast*;
 - (iii) the *parcel* does not contain an existing *secondary suite*;
 - (iv) that all other provisions of Section 3.14 are complied with.
- (c) only one *secondary suite* per *parcel* is permitted;
- (d) a *secondary suite* shall not exceed 90 m² or 40% of the residential floor space in the *single-family residential building*;
- (e) no *secondary suite* can be less than 32 m² in size;
- (f) the owner of a *single-family building* that contains a *secondary suite* shall be a resident of either the *secondary suite* or the principal residential *dwelling unit*;
- (g) a *single-family residential building* containing one or more boarders or lodgers or in which there is being operated as a *bed and breakfast*, may not have a *secondary suite*;
- (h) no *single-family residential building* containing a *secondary suite* may be subdivided, stratified or otherwise legally separated from the *single-family residential building* wherein contained;
- (i) the registered owner of a *single-family residential building* containing a *secondary suite* shall grant the *District of Invermere* a Section 219 Land Title Covenant in a form acceptable to the *District*. The Covenant shall incorporate each of the above requirements and an indemnification against liability in favour of the *District*.

Reduction of Parcel Area Requirements

- 3.15 (1) The *parcel* area required in Section 5 of this Bylaw may be reduced where the proposed subdivision:
- (a) consolidates two or more *parcels* into a single *parcel*, provided:
 - (i) it is impossible to meet the *parcel* area requirements;
 - (ii) all parts of all new *parcels* are contiguous;
 - (b) involves *parcel line* adjustments provided:
 - (i) it is impossible to meet the *parcel* area requirements;
 - (ii) the proposed subdivision creates no more *parcels* for the *land* being subdivided than exist at the time of application;
 - (iii) the smallest *parcel*, where it contains an existing *dwelling unit* may be no more than 15% smaller than the minimum parcel size.
 - (c) involves a *parcel* of *land* that is divided by an existing *parcel* or an existing constructed and registered *highway* or railway right-of-way, where the boundaries of that *parcel* or right-of-way will be boundaries of the proposed *parcel* provided it is impossible to create a *parcel* on each side of the existing *parcel* or right-of-way that meets the *parcel* area requirements;
 - (d) involves a *parcel* of *land* that is not large enough to accommodate the proposed *parcels* and *highway* right-of-way provided:
 - (i) it is impossible to meet the *parcel* area requirements;
 - (ii) only one of the proposed *parcels* is smaller than the *parcel* area requirement;
 - (iii) the proposed smaller *parcel* is no more than 10% smaller than the *parcel* area requirement;
 - (e) divides a *parcel* along a boundary line of a zone.
 - (f) divides a *parcel* along a boundary line of the *Agricultural Land Reserve* provided the Provincial Agricultural Land Commission has allowed an application to subdivide the *parcel*;
 - (g) involves a *parcel* which is divided by a topographic feature so severe that the divided portions of the *parcel* are not contiguous, provided it is impossible to create a *parcel* on each side of the topographic feature that meets the *parcel* area requirements;

Panhandle Parcels

- 3.16 If a *parcel* created at subdivision is provided with access from a highway by means of a panhandle access strip;
- (a) the area of the *panhandle* access strip shall not be included in the required minimum *parcel* area, and
 - (b) the strip shall have a minimum width of 6.0 metres or it shall be wide enough for a future *highway* if the area of the *parcel* served by the *panhandle* access strip is large enough to be further subdivided.

Subdivision Pursuant to Section 946 of the Local Government Act

- 3.17 Where *land* is proposed for subdivision pursuant to Section 946 of the Local Government Act, and where such *land* is not included within the *Agricultural Land Reserve*, the Approving Officer may permit the subdivision of one *parcel* into two *parcels* only, each having an area smaller than the minimum *parcel* size for the zone in which they are located, provided that:
- (i) in no case shall the *parcel* that may be subdivided under Section 946 of the Local Government Act be less than 4.0 hectares (9.9 acres) in area;
 - (ii) all other requirements of Section 946 are complied with.

Section 4 Parking and Loading Requirements

General Requirements

- 4.1 (1) Owners and occupiers of *buildings* and *structures* shall provide *off-street parking spaces* and *off-street loading spaces* in accordance with the provisions of this Bylaw except where the *buildings* and *structures* are intended to be accessed by hiking, skiing, snowmobiling, horseback, boat or aircraft.
- (2) Notwithstanding clause (1), owners and occupiers of *buildings* and *structures* in the Downtown Commercial Zone, C-1, shall provide *off-street parking spaces*, where applicable, in accordance with Section 5.14(5) of this Bylaw.
- (3) All required *off-street parking spaces* and *off-street loading spaces* shall have vehicular access to a *highway*.
- (4) All parking areas, *off-street parking spaces*, and *off-street loading spaces*, for other than *single* and *two family dwellings* shall have a maximum slope of 8%.
- (5) *Off-street parking spaces* and *off-street loading spaces* shall not be used for driveways or display, sales or storage of goods.
- (6) When the calculation of the required number of *off-street parking* or *loading spaces* results in a fractional parking or loading space, one (1) *off-street parking* or *loading space* shall be provided to meet the fractional requirement.
- (7) In cases of mixed uses, the total requirements for *off-street parking* and *off-street loading* shall be the sum of the requirements for the various uses calculated separately unless otherwise permitted. Required *off-street parking spaces* for one use shall not be considered as required *off-street parking spaces* for any other use.
- (8) *Off-street loading spaces* shall not be credited as *off-street parking spaces*.
- (9) *Off-street parking spaces* shall not be credited as *off-street loading spaces*.
- (10) A maximum of two (2) *off-street parking spaces* shall be provided for customers and clients of *home based businesses*, in addition to *off-street parking spaces* required for *dwellings*. *Off-street parking spaces* shall also be provided for all *vehicles* associated with the *home based business*.

Design, Development and Maintenance Standards

- 4.2 General Regulations:
- (1) All off-street parking and loading areas and manoeuvring aisles shall be graded to provide an even surface, and all storm water shall be collected on-site and discharged by underground storm mains to a municipal storm drainage system, if provided. Where a municipal underground storm drainage system does not exist, then surface drainage shall be discharged to the open ditch drainage system. In no case shall grades be established that would permit drainage to cross lot boundaries or sidewalks.
- (2) All parking and loading areas shall be provided with adequate curbs, bollards or other similar restraints in order to retain all vehicles within such permitted parking or loading area, and to ensure that fences, walls, hedges or landscaped areas, as well as any buildings, will be protected from parked or maneuvering vehicles.

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- (3) Where more than four (4) parking spaces are provided, they shall be so designed that no vehicle shall be required to back out onto any highway other than a lane.
 - (4) Where 24 or fewer parking spaces are provided, at least one (1) access point shall be provided, and where more than 24 parking spaces are provided, at least two (2) separate access points shall be provided.
 - (5) Every off-street parking and loading areas and maneuvering aisles shall be surfaced with asphaltic or cement pavement, except in the following:
 - (i) all residential zones providing the use is for single family residential,
 - (ii) commercial campground zone,
 - (iii) public parks and recreation,
 - (iv) parking areas specifically designated to accommodate recreation vehicles and large trucks, and
 - (v) vacant commercial and industrial lots provided no other use is being made of the lot, provided that in all designated parking areas such surfaces are graveled, compacted, and treated to suppress dust and kept free of weeds.
 - (6) All lighting used to illuminate any off-street parking or loading area shall be arranged and installed shall utilize sharp cut-off features so that all direct rays of light are reflected upon such parking area and not upon adjoining premises or highways.
 - (7) Signs or other markers shall be utilized within an off-street parking or loading area to ensure safe and efficient traffic operation and shall be maintained in a neat and legible condition.
 - (8) Pedestrian access to all buildings shall be as convenient as possible and well lit for safety reasons.
 - (9) No off-street parking spaces shall be permitted to overhang any public sidewalk.
 - (10) No part of a parking area shall be located within 1.5m of any principal building except at or adjacent to loading entrances to such buildings.
 - (11) All off-street parking or loading areas shall be freely accessible to a highway.
 - (12) For single family dwellings and duplexes, the total area utilized for driveways and parking of vehicles may not exceed thirty three percent (33%) of the required front yard setback and further provided that no off-street parking space shall be permitted within the required front yard setback except in the said driveway.

4.3 Recreational Vehicles and Large Trucks

- (1) All recreation vehicle and large truck parking space shall have a clear length of not less than 12m and a clear width of not less than 4m and a clear height of not less than 4m.
- (2) All recreation vehicle and large truck parking areas shall be provided with unobstructed maneuvering aisles in addition to access to an exit from a highway or traffic aisle.
- (3) All recreation vehicle and large truck parking areas shall be clearly identified.

4.4 Disabled Parking

- (1) Provision of parking spaces for disabled persons shall be in accordance with the British Columbia Building Code.

Required Off-Street Parking Spaces

4.5 The number of required *off-street parking* spaces to be provided shall conform to provisions of the following:

(1) Commercial and Industrial Uses

- (a) Forest service industries, mining and milling, quarrying, oil industries - 1 per 30 m² (322.9 ft²) of office use plus 1 per 185 m² (1991.4 ft²) *gross floor area* for all other uses enclosed within a *building*, plus 1 for every commercially licensed *vehicle* for that address
- (b) Transportation and storage, and wholesale industries - 1 per 30 m² (322.9 ft²) of office use, plus 1 per 100 m² (1074.4 ft²) of *gross floor area* open to the public plus 1 per 185 m² (1991.4 ft²) of *gross floor area* for all other uses enclosed within a *building*, plus 1 for every commercially licensed *vehicle* for that address
- (c) Manufacturing industries - 1 per 30 m² (322.9 ft²) of office use, plus 1 per 50 m² (538.2 ft²) of retail sales floor area plus 1 per 185 m² (1991.4 ft²) of *gross floor area* for all other uses enclosed within a *building*
- (d) Communication and other utility industries - 1 per 30 m² (322.9 ft²) of office use, plus 1 per 185 m² (1074.2 ft²) of *gross floor area* for all other uses enclosed within a *building*, plus one for every commercially licensed *vehicle* for that address
- (e) Commercial office - 1 per 65 m² (699.7 ft²) of *gross floor area*

(2) Personal and Household Services

- (a) Barber and beauty shops - 1 per 15 m² (161.5 ft²) of *gross floor area*
- (b) Funeral Services - 1 per 4 seats in chapel
- (c) Laundries and cleaners - 1 per 30 m² (322.9 ft²) of *gross floor area* not open to the public, plus 1 per 3 washing/cleaning machines for self-serve facilities

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|--------------------------------------|---|---|--|
| (d) | Membership organisations | - | 1 per 4 seat capacity plus 1 per 35 m ² (376.7 ft ²) of <i>gross floor area</i> not used for seating |
| (e) | Repair services, services to <i>buildings</i> and <i>dwelling</i> s travel services, photographers and other services | - | 1 per 35 m ² (376.7 ft ²) of <i>gross floor area</i> |
| (f) | Rental and leasing of machinery, equipment and <i>vehicles</i> | - | 1 per 70 m ² (735.5 ft ²) of <i>gross floor area</i> , plus 1 per 30 m ² (322.9 ft ²) of office use |
| (g) | Other personal and household services | - | 1 per 10 m ² (107.6 ft ²) <i>gross floor area</i> |
|
(3) <u>Recreational Services</u> | | | |
| (a) | Audio/visual production/distribution/exhibition; other staged theatre, entertainment services and commercial spectator sports | - | 1 per 4 seat capacity, plus 1 per 30 m ² (322.9 ft ²) of <i>gross floor area</i> not use seating |
| (b) | Dance halls/studios/schools coin operated amusement services | - | 1 per 35 m ² (376.7 ft ²) of <i>gross floor area</i> |
| (c) | Curling clubs | - | 8 spaces per ice sheet plus 1 per 30 m ² (322.9 ft ²) of <i>gross floor area</i> not open to the public |
| (d) | Bowling alleys billiard halls | - | 3 per alley and/or 2 per billiard table |
| (e) | Golf | | |
| (i) | Golf Course | - | 4 per each tee plus 1 per 10 m ² (107.6 ft ²) of <i>gross floor area</i> not open to the public |
| (ii) | Driving range (stand alone) | - | 1.2 per tee plus 1 per 10 m ² (107.6 ft ²) of <i>gross floor area</i> not open to the public |
| (iii) | Miniature golf course | - | 2 per hole plus 1 per 10 m ² (107.6 ft ²) of <i>gross floor area</i> not open to the public; where <i>accessory to</i> another use, 3 spaces in total |
| (f) | Pools | | |
| (i) | Swimming pool | - | 1 per 4 m ² (43.1 ft ²) of pool surface |
| (ii) | Waterslide | - | 1 per 4 person design capacity |
| (g) | Boat rentals and marinas | - | 1 per 2 boat spaces plus 1 per 30 m ² (322.9 ft ²) of office use |

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- (h) roller skating facilities - 1 per 10 m² (107.6 ft²) of roller skating area
 - (i) Baseball diamonds - 18 per baseball diamond
 - (j) Other sport and recreation club not elsewhere classified - 1 per 10 m² (107.6 ft²) of *gross floor area* or ice area plus 4 spaces per court plus 1 per 4 player/ person capacity for other sports or amusements
- (4) Residential Uses
- (a) *Single family and two family dwellings* - 2 per *dwelling unit*
 - (b) *Bed and breakfast* - 1 per room used by guests for sleeping accommodation
 - (c) *Multiple family dwellings* - 1.5 per *dwelling unit*
 - (d) *Mobile home park* - 2 per *dwelling unit*
 - (e) *Secondary Suite* - 1 per *dwelling unit*
- (5) Retail
- (a) Automotive related (auto and recreational *vehicle* dealers, service stations repair shops and other MV Services) - 2 per service bay plus 1 per 60 m² (645.9 ft²) of *gross floor area*
 - (b) Parts and accessories - 1 per 15 m² (161.5 ft²) of *gross floor area*
 - (c) General retail - 1 per 15 m² (161.5 ft²) of *gross floor area*
- (6) Service Industries
- (a) Accommodation services
 - (i) *Hotel or motel* - 2 plus 1 per *hotel or motel* room plus 1 per *dwelling unit*
 - (ii) *Pension* - 0.75 parking spaces per guest room plus 2 per *dwelling unit*.
 - (iii) *Recreational Vehicle Park Campground* - 2 plus 1 per *campground* space and 1 per *recreational vehicle* space, plus 1 per *dwelling unit*
 - (iv) *Multiple Family Dwelling with Lock-off Units* - 0.8 spaces/bedroom for units with (1) set of cooking facilities.
- 2.5 spaces/unit with two (2) sets of cooking facilities.
 - (b) Food and beverage services - 1 per 3 seat capacity

- (i) Drive-in/takeout only - 15 spaces
- (c) Agriculture - 2 spaces
 - (i) Incidental services - 1 per 30 m² (322.9 ft²) of *gross floor area*
 - (ii) Veterinary or other special - 1 per 10 m² (107.6 ft²) of *gross floor area*
- (d) Education service industries
 - (i) Daycare, preschools and elementary schools - 1 per 50 m² (538.2 ft²) of *gross floor area*
 - (ii) Senior secondary, post secondary, or commercial schools - 3 per classroom plus 1 per 30 m² (322.9 ft²) of *gross floor area* exclusive of classrooms
 - (iii) Library services, museums and archives - 1 per 40 m² (538.2 ft²) of *net of floor area*
- (e) Finance, real estate, insurance and other agencies - 1 per 35 m² (376.7 ft²) of *gross floor area*
 - (i) Banks and Credit Unions - 1 per 20 m² (215.3 ft²) of *gross floor area*
- (f) Government Services - 1 per 35 m² (376.7 ft²) of *gross floor area*
- (g) Health and social service industries - 1 per 35 m² (376.7 ft²) of *gross floor area*
 - (i) Hospitals and other institutional social services - 1 per 5 beds plus 1 per 30 m² institutional (322.9 ft²) of office use
 - (ii) Private health and social service practitioners - 1 per 10 m² (107.6 ft²) of *gross floor area*

Size and Location of Off Street parking Spaces

- 4.6 (1) Each required *off-street parking space* shall be a minimum of 2.0 m (6.6 ft) in *height*, 2.7 m (8.9 ft) in width and 6.0 m (19.7 ft) in length exclusive of aisle access. For parallel parking, the required length of each *off-street parking space* shall be 7.2 m (23.6 ft) except for end spaces which shall be a minimum length of 6.0 m (19.7 ft).
- (2) Length of *off-street parking spaces* may be reduced to 4.6 m (15.1 ft) for not more than 5% of the number of required *off-street parking spaces*, provided these spaces are clearly marked "small auto only".
- (3) Minimum aisle widths shall conform to the provisions of the following table:

<u>Angle of Parking Space to Aisle in Degrees</u>	<u>Minimum Width of Aisle</u>
up to 55	3.7 m (12.1 ft)
56 to 75	5.7 m (18.7 ft)
76 to 90	7.5 m (24.6 ft)

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- (4) An aisle less than 6.0 m (19.7 ft) in width shall be designed for and clearly marked as suitable for one-way traffic flow only.
 - (5) All required *off-street parking spaces* for residential uses shall be located on the same *parcel* as the residential use being served.
 - (6)
 - (a) All required *off-street parking* for other than residential uses shall be located not more than 120.0 m (393.7 ft) from the *parcel, building or structure* being served. Required *off-street parking* shall be located on a *parcel* in the same zone as the *parcel* being served.
 - (b) Where some or all of the *off-street parking* is provided on a *parcel* other than that on which the use, *building* or *structure* being served is located, a covenant under Section 215 of the Land Title Act shall be registered in the Land Title Office in favour of the *District* against the *parcel* to be used for parking, reserving the *off-street parking spaces* that are not on the same *parcel* as the use, *building* or *structure* that they are intended to serve, for as long as that use, *building* or *structure* exists.

Required Off Street Loading Spaces

- 4.7 (1) The number of *off-street loading spaces* required to be provided shall conform to provisions of the following:
- | | | |
|--|---|--|
| (a) Offices, <i>assembly use</i> and institutional and public uses | - | 1 per 3000 m ² (32293 ft ²) of <i>gross floor area</i> |
| (b) <i>Hotels</i> and <i>motels</i> | - | 1 per 1400 m ² (15070 ft ²) of <i>gross floor area</i> |
| (c) Other commercial uses and industrial uses | - | 1 for first 500 m ² (5382 ft ²) of <i>gross floor area</i> plus 1 for each additional 2000 m ² (21528 ft ²) of <i>gross floor area</i> |

Size and Location of Off Street Loading Spaces

- 4.8 (1) 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, nor have a *height* less than 4.0 m (13.1 ft).
- (2) *Off-street loading spaces* shall be located on the same *parcel* as the *building* or *structure* being served, but no part of an *off-street loading space* shall be less than 7.5 m (24.6 ft) from the nearest point of intersection of any two *highways*.

Section 5 Zones

Establishment of Zones

5.1 For the purposes of this Bylaw, that portion of the *District of Invermere* lying within the boundary of the area defined on Schedule "A-1", except those *lands* to which this Bylaw is restrained by law from applying, is hereby divided into the following zones:

Residential Zones		
Amending Bylaw No. 1376, 2008 September 9, 2008	R-1	Single Family Residential
	R-1(A)	Single Family (Small Lot) Residential
	R-1(MH)	Single Family (Mobile Home) Residential
	R-2	Two Family and Low Density Residential
	R-2S	Low Density Residential (Secondary Suites)
Amending Bylaw No. 1176, 2003 June 10 th , 2003	R-2(A)	Two Family (A) Residential
	RM-1	Multiple Family (Medium Density) Residential
	RM-2	Multiple Family (Low Density) Residential
Amending Bylaw No. 1299, 2006 January 9, 2007	R-3	Cluster Development (Medium Density)
	R-3(A)	Cluster Development (Medium Density)
	R-4	High Density Residential
	R-5	Multiple Family (Senior's / Adult Housing) Residential
	R-MP	Mobile Home Park Residential
Rural Residential		
	RR-1	Rural Residential
	RR-2	Rural Resource
Commercial Zones		
Amending Bylaw No. 1325, 2007 April 24, 2007	C-1	Downtown Commercial
	C-2	Highway Tourist Commercial
	C-3	Neighbourhood Commercial
	C-4	Neighbourhood Commercial (CastleRock)
Amending Bylaw No. 1274, 2005 June 16, 2006	CT-1	Tourist Accommodation
	CD-1	Comprehensive Development Zone 1 (Waterside)
	CD-2	Comprehensive Development Zone 2 (Cardel)
Amending Bylaw No. 1309, 2007 November 27, 2007	RES-1	Resort Recreation
	RES-2	Resort Accommodation and Recreation
	RES-2(A)	Resort and Tourist Recreation
	RES-3	Resort Hotel
Industrial Zones		
Amending Bylaw No. 1213, 2004 Sept.14, 2004	M-1	Light Industrial
	M-2	Heavy Industrial
Public Zones		
	P-1	Public Institutional
	P-2	Public Parks and Open Space

Amending Bylaw No. 1460, 2012 February 12 th , 2013	{	Water Zone -	W-1	Residential
			W-2	Group Moorage
			W-3	Institutional
			W-4	Commercial

Zone Boundaries and Map

- 5.2 (1) The location and spatial extent of zones established by this Bylaw are as shown on the attached Schedule A-1 which is incorporated in and forms part of this Bylaw.
- (2) Where a zone boundary is shown as following a *highway* or creek, the centre line of such *highway* or creek shall be the zone boundary.
- (3) Where a zone boundary does not follow a legally defined line and where distances are not specifically indicated, the location of the boundary shall be determined by scaling the zoning maps.
- (4) Where a zone boundary is perpendicular to the shoreline of a lake the zone boundary shall be determined to be perpendicular to the general trend of the shoreline from the natural boundary into the lake.
- (5) Where a zone boundary is adjoining the shoreline of a lake the zone boundary shall be determined to be the natural boundary of lake. Where the natural boundary of the lake has been displaced by a retaining wall, groyne or breakwater the portion of the structure abutting the water shall be determined to be the zone boundary.

Amending
Bylaw No.
1460, 2012
February
12th, 2013