



VILLAGE OF HARRISON HOT SPRINGS NOTICE OF MEETING AND AGENDA

ADVISORY PLANNING COMMISSION MEETING

Date: Tuesday, March 6, 2018
Time: 9:00 a.m.
Location: Council Chambers, 495 Hot Springs Road
Harrison Hot Springs, British Columbia

1. CALL TO ORDER	
Meeting called to order by the Chair.	
2. INTRODUCTION OF LATE ITEMS	
3. APPROVAL OF AGENDA	
4. ADOPTION OF MINUTES	
(a) THAT the Minutes of the Advisory Planning Commission Meeting held on December 12, 2017 be adopted.	Item 4(a) Page 1
5. ITEMS FOR DISCUSSION	
(a) Zoning Bylaw No. 1115, 2017	Item 5(a) Page 3
6. ADJOURNMENT	

4(a)

VILLAGE OF HARRISON HOT SPRINGS
ADVISORY PLANNING COMMISSION MEETING

DATE: December 12, 2017
TIME: 10:00 a.m.
PLACE: Council Chambers
495 Hot Springs Road
Harrison Hot Springs, BC

IN ATTENDANCE: Freddy Marks, Chair
Frank Peters
Terry Mitchell
Brian Williams

Planning Consultant, Ken Cossey

ABSENT: Donna Cooney

Recording Secretary: Nicole Sather

1.

CALL TO ORDER

Chair Freddy Marks called the meeting to order at 10:02 a.m.

2.

INTRODUCTION OF LATE ITEMS

None

3.

APPROVAL OF AGENDA

Moved by Brian Williams
Seconded by Terry Mitchell

THAT the agenda be approved.

**CARRIED
UNANIMOUSLY**

4.

ADOPTION OF MINUTES

Moved by Brian Williams
Seconded by Terry Mitchell

THAT the Minutes of the Advisory Planning Commission Meeting held on July 21, 2017 be adopted.

**CARRIED
UNANIMOUSLY**

Village of Harrison Hot Springs
Minutes of the Advisory Planning Commission Meeting
December 12, 2017

5. **ITEMS FOR DISCUSSION**

(a) Rezoning of 800 Hot Springs Road from R-2 to TC-5

Report of Planning Consultant – December 12, 2017
Re: Rezoning from R-2 to TC-5 and inclusion into a Tourist Commercial
Development Permit area

Commission members discussed the proposed development.

Moved by Brian Williams
Seconded by Terry Mitchell

THAT the Official Community Plan Amendment Bylaw No. 1113, 2017 be
supported as proposed.

**CARRIED
UNANIMOUSLY**

Moved by Frank Peters
Seconded by Brian Williams

THAT the Zoning Amendment Bylaw No. 1114, 2017 be supported as
proposed.

**CARRIED
UNANIMOUSLY**

6. **ADJOURNMENT**

Moved by Frank Peters
Seconded by Brian Williams

THAT the meeting be adjourned at 10:13 a.m.

**CARRIED
UNANIMOUSLY**

Freddy Marks
Chair

Debra Key
Corporate Officer

5(a)



ZONING BYLAW

For The

Village of Harrison Hot Springs

BYLAW No. 1115, 2017



**VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO 1115, 2017
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**Village of Harrison Hot Springs
Zoning Bylaw No. 1115**

**A BYLAW TO REGULATE THE ZONING AND DEVELOPMENT OF REAL PROPERTY
WITHIN THE VILLAGE OF HARRISON HOT SPRINGS**

WHEREAS section 479 of the *Local Government Act* authorizes a local government to enact a Bylaw respecting Zoning;

AND WHEREAS section 482 of the *Local Government Act* authorizes a local government to offer density benefits for the provision of amenities, affordable housing and special needs housing;

AND WHEREAS section 492 of the *Local Government Act* authorizes a local government to designate a Temporary Use Permit area in a Zoning Bylaw;

AND WHEREAS section 524 of the *Local Government Act* authorizes a local government to create flood plain requirements;

AND WHEREAS section 525 of the *Local Government Act* authorizes a local government to create off-street parking and loading requirements;

AND WHEREAS section 527 of the *Local Government Act* authorizes a local government to create screening and landscaping requirements;

NOW THEREFORE the Municipal Council of the Village of Harrison Hot Springs in open meeting assembled enacts as follows:

**PART 1.0 APPLICATIONS, DEFINITIONS AND ESTABLISHMENT
 OF ZONES**

1.1 Title

- a) This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Zoning Bylaw No. 1115, 2017".

1.2 Purpose

- a) The Permitted purpose of this Bylaw is to regulate Land Use and Development within the Village of Harrison Hot Springs for the benefit of the community; and
- b) For the continued implementation of the long-term goals of the Village's Official Community Plan Bylaw, as amended from time to time.

1.3 Application of Bylaw

- a) This Bylaw applies to all Lands, including the surface of water, and all uses, Buildings and other Structures located within the boundaries of the Village of Harrison Hot Springs, as amended from time to time, and as shown on Schedule "A", the Zoning Map, which is attached to and forms part of this Bylaw.

1.4 Definitions

- a) The following definitions apply to this Bylaw;

Accessible

means that a person with disabilities is, with or without assistance, able to approach, enter, pass to and from one area to another and make use of an area and its facilities;

Accessory Building or Structure

means a Building or Structure, the use or intended use of which is accessory to a Permitted use and located on the same Lot;

Accessory Residential Dwelling Unit

means a Residential Dwelling Unit which is subordinate to the Permitted Use of the Lot upon which the Accessory Use is located;

Accessory Residential Suite

means a separate and self-contained Residential Dwelling Unit located within a Detached Dwelling Unit, that meets the requirements of the *BC Building Code* and is subordinate to the Permitted Use of the Lot upon which the Accessory Use is located;

Accessory Use

means a Land Use that is clearly incidental or subordinate to the Permitted Use and located on the same Lot;

Affordable Housing

means any sort of relief, based upon an individual's circumstances, provided for a Residential Dwelling Unit which may be subject to a housing agreement with the Village of Harrison Hot Springs;

Aggregate Extraction

means with a permit issued by the appropriate provincial authority the user can mine, quarry, dig or remove materials or minerals from either the surface or below the surface of a Lot, including, such as but not limited to the following:

- earth, soil, peat, sand and gravel;
- rock and natural substances that are used for a construction purpose on Land that is not within a mineral title or group of mineral titles from which the rock or natural substance is mined; and
- rock or a natural substance prescribed under the *Mineral Tenure Act*, as amended from time to time

Aggregate Processing

means the processing of extracted quarry materials which includes but is not limited to one or more of the following:

- material sorting;
- crushing;

- Screening;
- stockpiling;
- washing;
- truck loading; and
- the on-site operation of a portable asphalt or cement plant;

Alter

means any change to a Building or Structure that would result in either a change to the appearance of the Building or Structure, increase the floor area or both;

Animal Kennel

means the use of Land, Buildings or other Structures in which domestic animals are kept, boarded, bred or trained for Commercial gain;

Approving Officer

means the Approving Officer appointed pursuant to the *Land Title Act*, as amended from time to time;

Apartment

means a Residential Building or Structure containing three or more individual dwelling units in a Building or Structure where each dwelling unit has its Permitted access from an entrance or hallway that is common to at least one other dwelling unit on the same Storey;

Automobile Salvage and Wrecking Yard

means a use providing for towing, unenclosed and closed storage, and or the dismantling from time to time, of more than one unlicensed or Disabled Motor Vehicle, which may include the retail sale of automobile parts;

Average Finished Grade

means the average of the elevations taken at the outermost corners of the finished elevation adjoining each exterior wall of a Building or Structure;

Basement

means the floor of a Building or Structure consisting of a room or rooms that are either partially or entirely below the Natural Grade level;

Buffer

means a Land Use planning technique used to create a neutral space between two different types of Land Uses;

Building or Structure

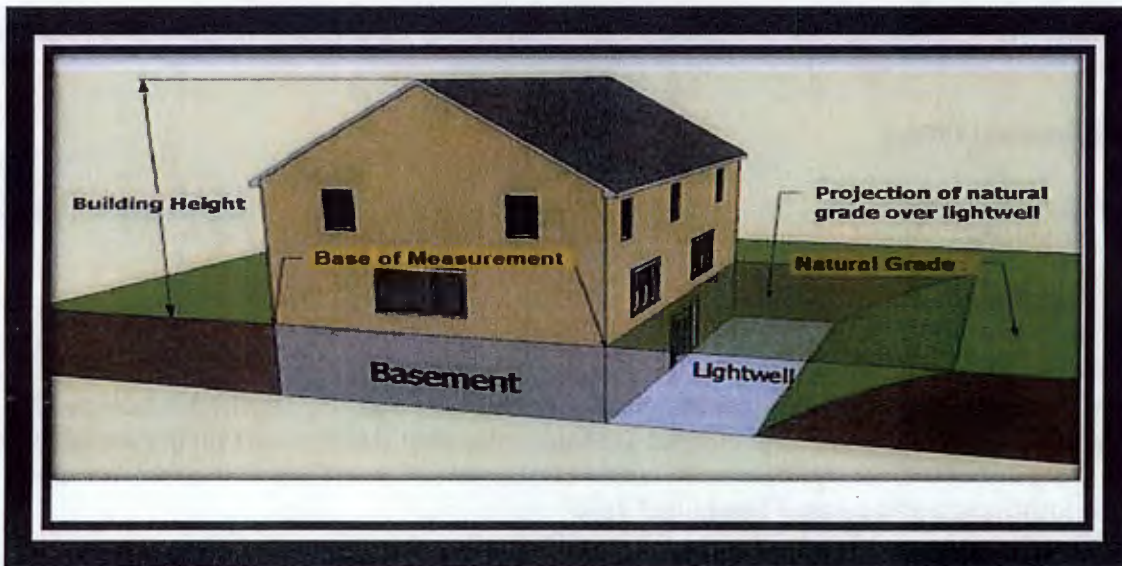
means any Structure and portion thereof, including affixed mechanical devices, that is used or intended to be used for the purpose of supporting or sheltering any use or occupancy on the Land;

Building Area

means the greatest horizontal area of a Building or Structure above grade within the outside surface of the exterior walls or within the outside surface of the exterior walls and the centre line of firewalls and includes the entire Building or Structure footprint including the non-habitable areas such as the garage and carports;

Building Height

means the average vertical distance from the Natural Grade level at the outermost corners of a Building or Structure to the highest part of the roof surface, as illustrated below;



Building Inspector

means the individual appointed or under contract as the Building Inspector of the Village of Harrison Hot Springs;

Building Line

means the extended line of the exterior wall of a Building or Structure, and in particular;

- (a) **Front Building Line** – means the extended line of the exterior wall of a Building or Structure which faces the front Lot line,
- (b) **Rear Building Line** – means the extended line of the exterior wall of a Building or Structure which faces the rear Lot line,
- (c) **Side Building Line** – means the extended line of the exterior wall of a Building or Structure which faces the side Lot line;

Business and Professional Offices

means the use of a Building or Structure, outside of a Home Occupation, for the purposes of carrying out business or professional activities in an office environment;

Campground/Holiday Park

means the use of Land, managed as a unit and includes Buildings or other Structures for a range of camping experiences which provides Temporary Accommodation for any or all of the following:

- cabins and cottages,
- tenting sites,
- tent trailers,
- travel trailers,
- recreational vehicle sites and campers, and

includes accessory facilities which support this use, such as administration offices, laundry facilities or general washroom facilities, but excludes the habitation of manufactured homes, modular homes or any other Buildings or Structures, conveyances or Motor Vehicles;

Carport

means an open or enclosed Structure attached to the Permitted Building or Structure for the use of parking or for temporary storage of private Motor Vehicles;

Chief Administrative Officer

means the individual appointed as the Chief Administrative Officer of the Village of Harrison Hot Springs;

Coach House

means a small, detached Residential Dwelling Unit on an existing Lot, but is contained in a separate Building or Structure from the primary Residential Dwelling Unit and is located in the back yard;

Commercial Uses

means the provision of goods and services as a Land Use activity that is carried out for financial gain or profit, by any person and has a current and valid business license provided by the Village of Harrison Hot Springs. This includes but is not limited to the following Land Use activities:

- artisan activities
- arts and craft shops and arts and culture shops,
- business and professional office,
- catering,
- Community Care Facility
- convenience stores,
- food concessions,
- gas bar – solely for the retail sale of Motor Vehicle fuels and lubricants and may include the sale of automobile accessories,
- gas station,
- medical clinics
- neighborhoods pub,
- neighbourhood store

- personal services uses,
- restaurants
- Retail Establishments, and
- Tourist Accommodations;

Community Care Facility

means the use of Buildings or other Structures where a person provides care of three or more persons and is under permit by the Provincial Government pursuant to the *Community Care and Assisted Living Act*, as amended from time to time;

Community Uses

means the use of Land, a Building or Structure which provides a function under the auspices of either the federal, provincial or municipal government or a community body which includes but is not limited to the following:

- government offices,
- Parks,
- water treatment plants,
- sewer treatment plants,
- kindergartens, playschools, daycare and child care,
- Community Care Facility,
- school,
- community recreation centre,
- community hall,
- fire hall,
- places of worship,
- auditorium,
- youth centre,
- libraries,
- sports fields, and
- group camps;

Community Sewer System

means a system of waste water collection, treatment and disposal that is serving two (2) or more Lots;

Community Water System

means a system for the distribution of fresh potable water serving two (2) or more Lots;

Comprehensive Development Zone

means a Land Use Zone that permits a range of Land Uses such as Commercial, Residential, and Parks.

Council

means the Council of the Village of Harrison Hot Springs;

Disabled Vehicle

means all or part of any irreparable or salvageable vehicle or all or part of any Motor Vehicle which is not validly registered and licensed in accordance with the *Motor Vehicle Act*, and which is not located in a garage or carport;

Development

means any of the following:

- physically altering the landscape in any number of ways,
- changing the landform, from a natural state to a semi natural state,
- subdividing the Land,
- applying for a Land Use change,
- a change in the use of any Building or Structure, and
- the carrying out of any, engineering or the construction, addition or Alteration of any Building or Structure;

Detached Dwelling

means a Residential Building or Structure containing not more than one Permitted Residential Dwelling Unit;

Duplex Dwelling

means a Residential Dwelling Unit consisting of two Dwelling Units placed one above the other or attached by a common wall;

Dwelling Unit

means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking, sanitation and not more than one kitchen. The use is as a residence for the occupant and includes but is not limited to the following types:

- (a) Accessory Residential Dwelling,
- (b) Accessory Residential Suite,
- (c) Apartment,
- (d) Coach House,
- (d) Detached Dwelling,
- (e) Duplex Dwelling,
- (f) Modular and Mobile Homes
- (g) Townhouse, and

does not include any of the following:

- (h) buses,
- (i) any type of Motor Vehicle,
- (j) recreation vehicle
- (k) tents, and
- (l) travel trailers;

Elevation

means, with respect to the definition of Average Finished Grade, a measurement of the height of Land above an assumed datum;

Farmers' Market

means a physical retail market featuring foods sold directly by farmers to consumers and typically consisting of booths, tables or stands, outdoors or indoors, where farmers sell their Agricultural products and sometimes prepared foods and beverages. It may include mobile Food Trucks and the sale of arts and crafts but excludes the sale of farm machinery, implements, tools and durable goods of every kind, other than gardening supplies.

Fence

means a protective, enclosure or visual barrier made of wood, metal or other substances that is constructed for any purpose, such as marking the boundary of a property and enclosing a property, except as required elsewhere in this Bylaw; it generally is providing privacy; preventing access by people or animals; or dividing a property into sections. This excludes the use of hedges, trees, and other types of vegetation;

Floor Area Ratio (FAR)

means a ratio between the Building or Structure size and the Lot size, that is used to control the bulk of the Building or Structure.

Floor Area, Gross (GFA)

means the total area of space on all storeys and the basement of a Residential Building or Structure measured to from the exterior wall to the exterior wall, and for the purposes of a Commercial Building or Structure excludes areas used for storage and warehouse;

Garage

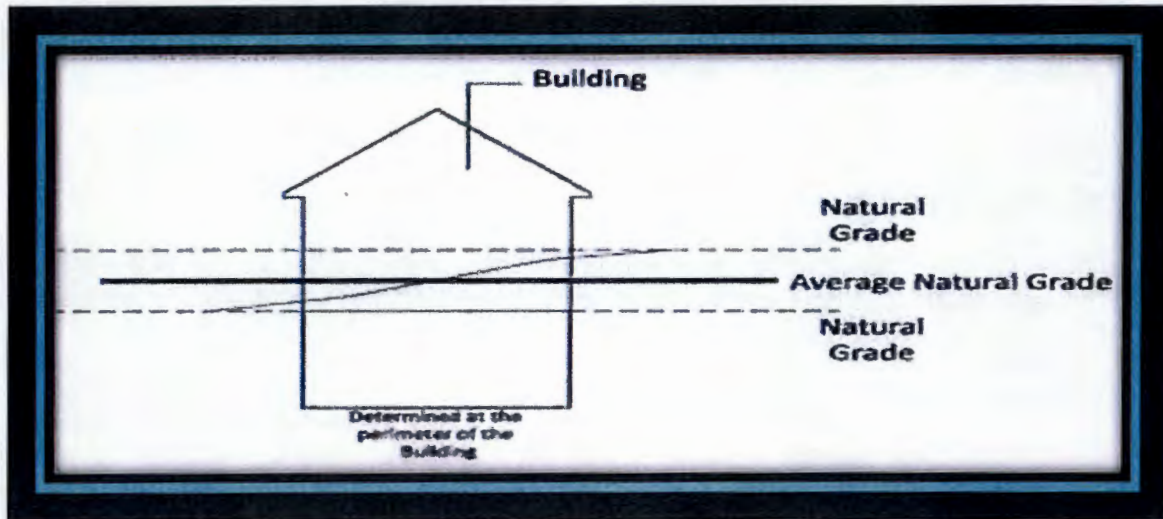
means an accessory Building, Structure or that portion of a Permitted Building or Structure, that is used for the parking of one or more Motor Vehicles and is totally enclosed with a roof, walls, and one or more doors;

Grade

means the elevation of the finished ground surface, not including any artificial embankments;

Grade, Average

means the average of the highest and lowest Grade elevation on a Lot as illustrated below:



Highway

has the same definition as outlined in the British Columbia *Transportation Act*, as amended from time to time, but specifically excludes the following:

- Ferry Approach,
- Ferry Terminal,
- Right-of-ways on any Lot, and
- Tunnel;

Home Occupation

means an accessory use of a Lot in conjunction with a Permitted Residential use for businesses purposes that is contained entirely within the permitted Residential use or any of the Accessory Buildings or Structures required for this Residential use, such as but not limited to the following Land Use activities:

- art and photographer's studio,
- professional contractor services,
- day care facilities,
- household equipment repair services,
- home workshops,
- professional services,
- upholstery shops, and
- woodworking,

Intermodal Shipping Container

means a standardized intermodal freight container, of any size, that can be or was primarily used as a reusable transport and storage unit for moving products and raw materials between locations;

Lane

means a Highway abutting a Rear Lot Line and is used to provide a secondary access or egress point to the Lot;

Land

means real property without improvements, and includes the surface of water;

Licensed Premises

means premises licensed to serve liquor and food under the *Liquor Control and Licensing Act*, as amended from time to time. Licensed Premises may provide accessory live entertainment and dancing;

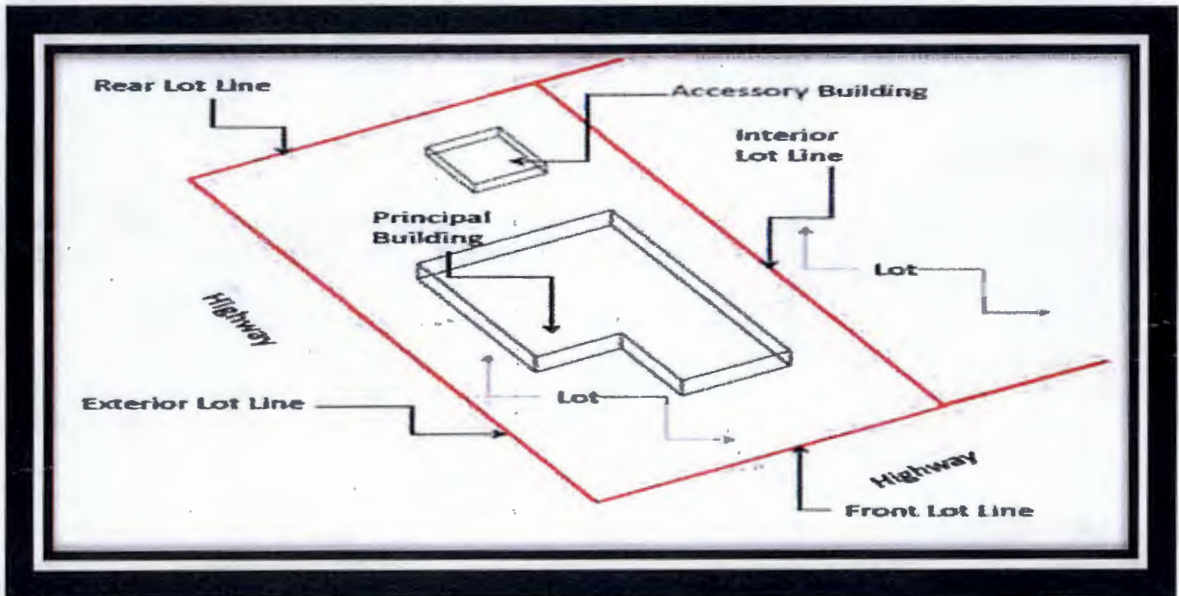
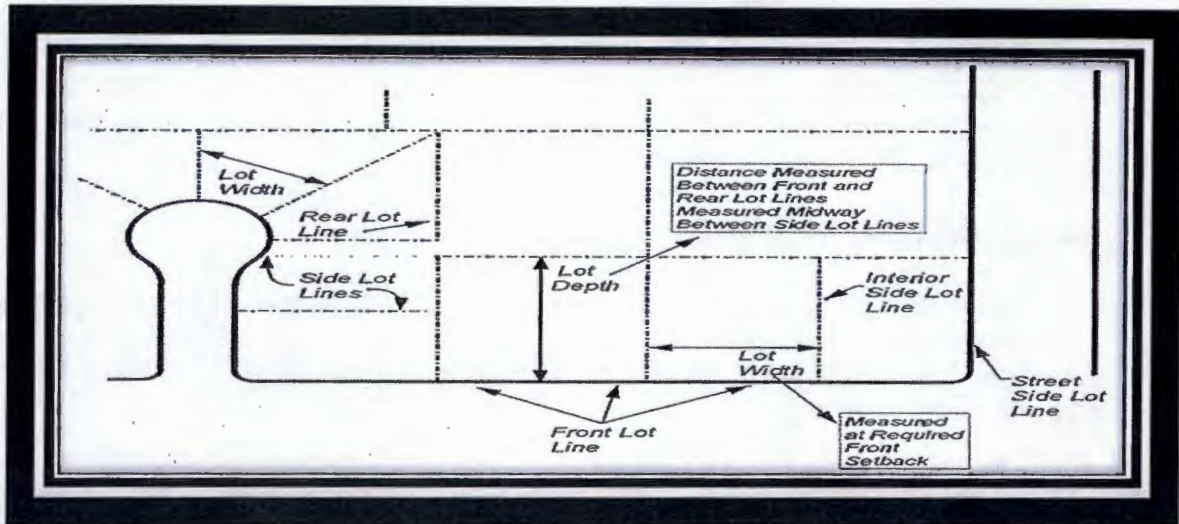
Livestock

means chickens, horses, turkeys, cattle, mules, donkeys, hogs, rabbits, sheep, goats, bison, llamas and alpacas as well as any other animal or fowl used in the production of food, fur or similar products;

Lot

means an area of Land in which real property is held and improved or subdivided and includes a strata Lot created pursuant to the *Condominium Act* and the related Bare Land Strata Regulations, as amended from time to time and in particular;

- (a) **Lot Coverage** – means the Building Area of all the Buildings and Structures that are allowed to cover a Lot and is expressed as a percentage figure of the total area of the Lot;
- (b) **Exterior or Street Side Lot Line** – means a Lot Line common to the Lot and abutting a Highway and excludes a Lane or sidewalk. Please see the Lot diagrams below;
- (c) **Front Lot Line** – means the Lot Line common to the Lot and an abutting Highway, provided that in the case of a Lot having more than one Lot Line abutting a Highway, the shortest Lot Line abutting a Highway must be considered as the Front Lot Line. Please see the Lot diagrams below;
- (d) **Interior Side Lot Line** – means a side Lot Line that is not common to or abutting a Highway and excludes a Lane or sidewalk. Please see the Lot diagrams below;
- (e) **Lot Depth** – means the distance between the Front Lot Line and the most distant part of the Rear Lot Line of a Lot. Please see the Lot diagrams below
- (f) **Lot Line** – means a line that is used to mark the boundaries of a Lot. Please see the Lot diagrams below;
- (g) **Lot Width** – means the greatest distance between the Side Lot Lines, excluding the access strip of a Panhandle Lot. Please see the Lot diagrams below;
- (h) **Minimum Lot Size** – means the smallest size of a Lot, that can be created by Subdivision;
- (i) **Panhandle Lot** – means any Lot, the Building Area of which is serviced and gains access or egress and has a Highway frontage by means of a narrow strip of Land or the “access strip”. The access strip is not included in the minimum Lot calculations;
- (j) **Lot Width** – means the greatest distance between the Side Lot Lines, excluding any access strip. Please see the Lot diagrams below;



Marina

means a site, including the surface of water which is used for a berthing space for boats and may or may not include the selling of fuel;

Marihuana

has the same meaning as outlined in the federal governments Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, as amended from time to time;

Marihuana Dispensary

means a use of Land, a room, Building or Structure where marihuana or any marihuana by-product is prepared and provided to any member of the Community for a fee or if applicable to any club member that may or may not include any payment of club fees. This includes but is not limited to the delivery of the product and the operation of any club, or any not for profit or profit organization, that provides this type of product or service, but excludes a Medical Marihuana Production Facility;

Marihuana Operation

means the cultivating, growing, producing, packaging, storing, distributing, dispensing, advertising, trading or selling of cannabis (marihuana) or its derivatives but excludes Medical Marihuana Production Facility;

Medical Marihuana Production Facility

means the use of Buildings and Structures for the purposes of growing, processing, packaging, testing, destroying, storing or shipping Marihuana as authorized by a license issued under the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, as amended from time to time;

Micro-Brewery, Winery and Distillery

means the use of Land, Buildings and Structures, licensed under the *Liquor Control and Licensing Act* as amended from time to time, on which there is small scale manufacturing of beer, ale, cider, wine or spirits, and may include the accessory use of wholesaling, tours, tastings, retail sales and consumption of liquor produced on-site, as well as the sale of related non-liquor products;

Mobile Home

means a Detached Residential Dwelling Unit designed for transportation after fabrication on Highways either on its own wheels or a flatbed or other trailer. Once on site it is to be occupied as a Dwelling Unit, for year-round living, complete and ready for occupancy except for minor and incidental unpacking and assembly operations such as but not limited to the use of jacks or a temporary foundation and must be connected to utilities. The Mobile Home must be registered in the BC Manufactured Home Registry and have a CSA Z240 label, as amended from time to time, affixed to the unit. This definition does not apply to travel trailers;

Modular Home

means a Detached Residential Dwelling Unit that uses a method of construction differing from other methods of construction; in that the sections are constructed at an off-site facility, then delivered to the intended site of use. Complete construction of the prefabricated sections is completed on site. The modules can be placed side-by-side, end-to-end, or stacked, allowing a wide variety of configurations and styles in the building layout and must meet the CSA A277 standards, as amended from time to time;

Motor Vehicle

has the same meaning as in the *Motor Vehicle Act* and includes a Disabled Vehicle;

Municipality

means the Village of Harrison Hot Springs;

Municipal Services

means a system, work, or resource, including but not limited to natural gas distribution, electricity, community sewerage, community water system, and telephone services;

Natural Boundary

means

- (a) the visible high watermark of any body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the water body a character distinct from its banks, in vegetation, as well as in the nature of the soil itself, and
- (b) the edge of the dormant side channels of the water body;

Natural Grade

means with reference to a Building or Structure not requiring subdivision, the elevation of the ground surface in its existing state at each of the points used in calculating the Height Datum Points, prior to any disturbance, Alteration, excavation or filling, as determined by a registered land surveyor;

Neighbourhood Pub

means an establishment licensed to serve liquor in conjunction with or without live entertainment and or dancing as a Liquor-Primary establishment under the *Liquor Control and Licensing Act* as amended from time to time, and must offer full lunch and dinner menus complete with hot and cold meals;

Off-Street Parking

means the use of Land for the parking of Motor Vehicles other than on a Highway including the parking spaces and the maneuvering aisle. The Off-Street Parking may or may not be contained below a Building or Structure or on a Lot

Park

means an area of Land created or established under any of the following pieces of legislation:

- (a) the *Park Act*, as amended from time to time,
- (b) the *Park (Regional) Act*, as amended from time to time,
- (c) the *Local Government Act*, as amended from time to time, or the
- (d) *Land Title Act*, as amended from time to time,

and includes but may not be limited to anyone of or any combination or all of the following:

- (e) an open space with general Community access for active or passive recreational use and includes natural and manmade landscaping, facilities, playing fields, Buildings, and other Structures that are consistent with the general purposes of the parkland, and includes but is not limited to the following: tot Lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, and water features, and
- (f) ecological or conservation reserves;

Permitted Use

means the use of Land, Building or Structure, which occupies the majority or central portion of Land and constitutes, the primary purpose for which the Land is to be used as outlined by this Zoning Bylaw;

Places of Worship

means the use of a Building or Structure wherein persons assembly for religious worship and which is maintained and controlled by a religious body which is recognized as exempt from taxation under the Canadian *Income Tax Act*, as amended from time to time;

Recreational Facility

means the use of Land, Buildings or other Structures for sports and leisure activities and may include but is not limited to any or a combination of the following:

- (a) health spas,
- (b) racquet sports,
- (c) swimming pools,
- (d) skating rinks,
- (e) curling rinks,
- (f) weight rooms,
- (g) dance studios,
- (h) physical fitness instructional courses,
- (i) recreational equipment rentals,
- (j) restaurants, sales or retail areas,

and any accessory uses of the above;

Recycling Facility

means the use of Land, Buildings or other Structures used as a collection facility and distribution point for materials regulated under the *Environmental Management Act* Product Stewardship program as amended from time to time, but specifically excludes tires. All materials must be collected and stored within a Building. A recycling facility does not include processing, except packaging for shipping, and does not include outdoor storage;

Refuse Disposal Site

means the use of Land, Buildings or other Structures as a sanitary landfill, modified sanitary Landfill, hazardous waste management facility or dry waste site approved or registered pursuant to the *Environmental Management Act*, as amended from time to time, for the processing, treatment, storing, recycling or land filling of municipal, hazardous or industrial waste, but does not include automobile wrecking yard;

Resource Processing

means the use of Land, Buildings or other Structures providing for the processing, storage and wholesaling of Resource materials and includes value added wood processing;

Residential Use

means a Building or Structure that is used as a fixed place of living, and excludes any Tourist Accommodation. This includes but is not limited to the following Land Use activities:

- Accessory Residential Dwelling,
- Accessory Residential Suite,
- Apartments,
- Coach Houses
- Detached dwelling,
- Duplex dwelling,
- Townhouse, and
- Mobile or Modular Homes;

Restaurant Use

means a use of Land, Building or Structure for an eating establishment where food is sold to the Community for immediate consumption within the premises or delivered to other premises, but excludes facilities for the consumption of food in Motor Vehicles parked on the site, or with drive through takeout facilities, which may or may not be licensed pursuant to the *Liquor Control and Licensing Act*, as amended from time to time;

Retail Establishment

means the use of a Building or Structure for the retail sale or rental of goods, wares, articles and other merchandise to the general Community;

Screening

means a continuous planting of vegetation or other similar solid fence like barriers or any combination thereof, that effectively obstructs the view or denies physical access to Land or a portion thereof and may be broken by driveways or walkways;

Setback

means the minimum distance, measured from the respective Lot line, that a Use, Building or Structure must be setback from that Lot line;

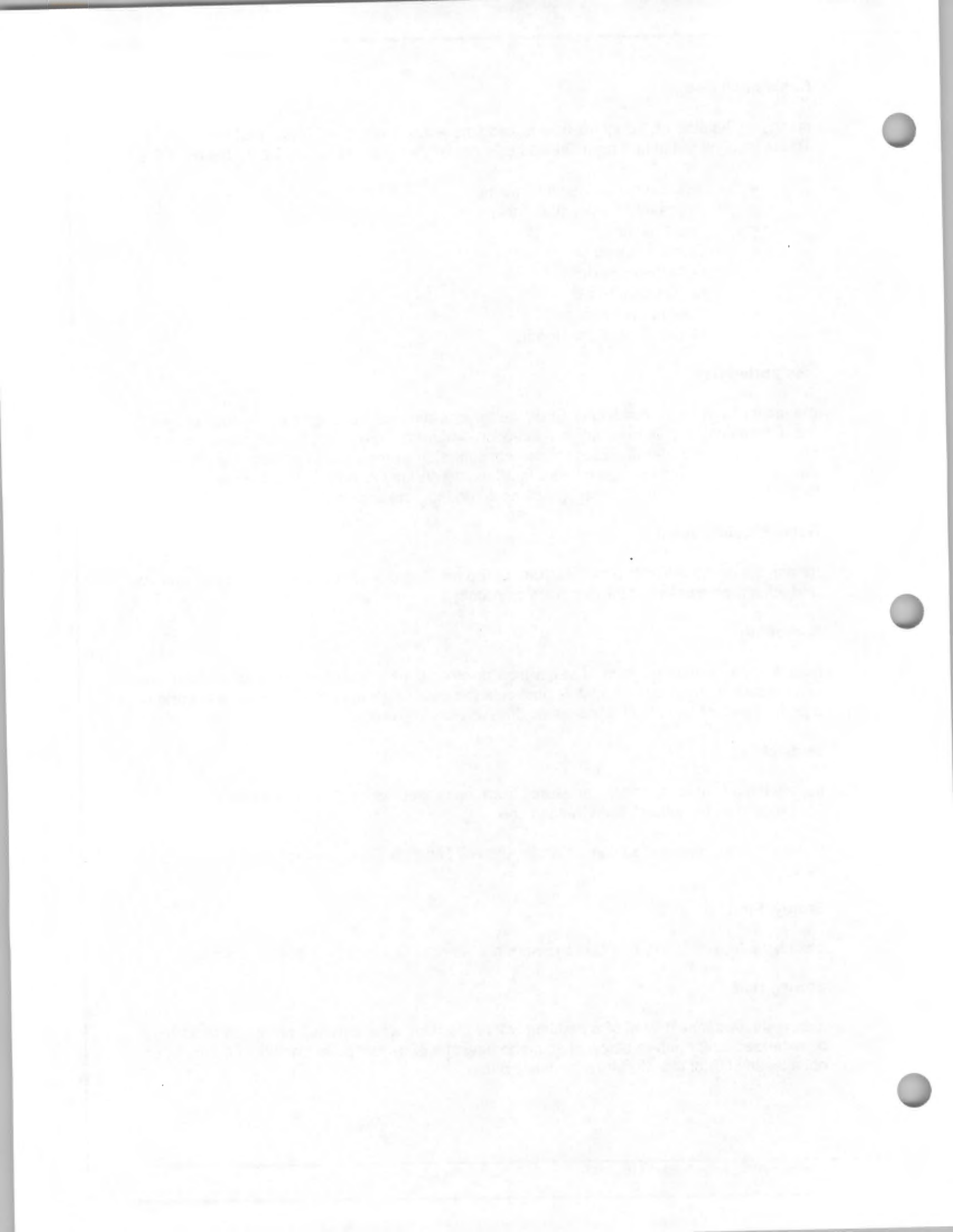
Storey has the same meaning as under the *BC Building Code*, as amended from time to time;

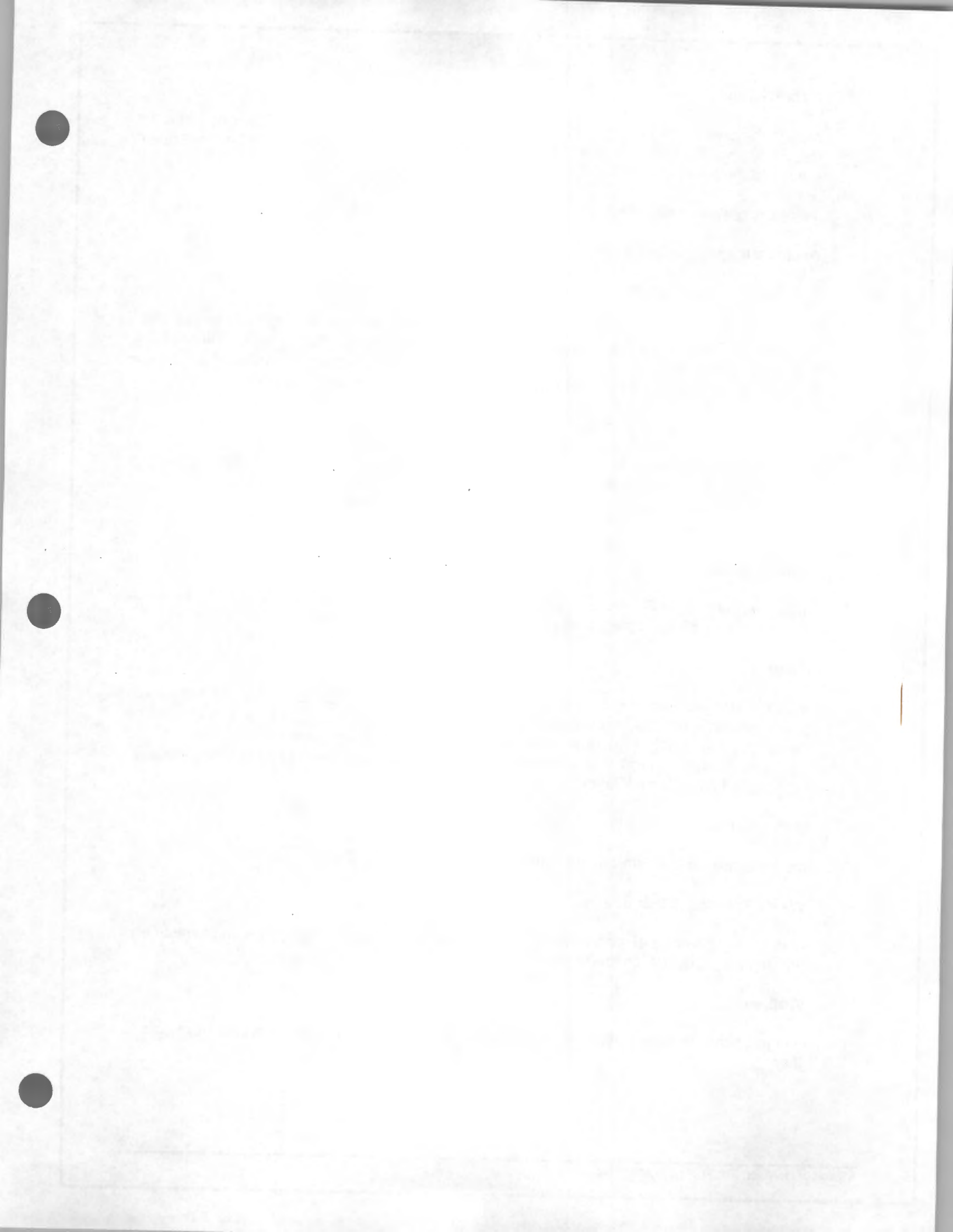
Storey, First

means the lowest Storey of a Building having its floor not more than 2 m above grade;

Storey, Half

means the uppermost level of a Building where the floor area, existing, proposed or as may be extended over open-to-below space, and having a minimum ceiling height of 1.2 m, does not exceed 50% of the Storey immediately below;





Subdivision

means the division of Land or Lots into two (2) or more Lots of Land, whether by plan, apt descriptive words or otherwise and includes a plan consolidating two or more Lots or Lots of Land into the same or a lesser amount of Lots of Land;

Temporary Accommodation

means a total of 30 days or less;

Tourist Accommodation

means a Building or Structure containing one or more rooms or a dwelling unit that are used primarily for Temporary Accommodation by visitors for a certain fee. The operators of the Tourist Accommodation must have a valid and current Village of Harrison Hot Springs business license and includes but is not limited to the following Land Use activities:

- (a) bed and breakfasts,
- (b) country inns,
- (c) hostels,
- (d) vacation rental
- (e) hotel, and
- (f) motel;

Townhouses

means a Building or Structure containing three (3) or more Residential Dwelling Units, each which has its own separate access not located through a common lobby or corridor;

Utilities

means a use providing for the essential servicing of the Village of Harrison Hot Springs with water, sewer, electrical, telephone and similar services where such use is established by the Village, by another governmental body or by a person or company regulated by and operating under Federal and Provincial legislation, and includes broadcast transmission facilities but excludes a Works Yard;

Watercourse

means a river, creek, stream, wetland or other natural body of water;

Waste Transfer Station

means the use of Land, or a Building or Structure for the temporary deposition of waste and the deposit of recyclable materials;

Wetland

has the same meaning as under the *Riparian Areas Regulation*, as amended from time to time;

Works Yard

means the use of Land, Building and Structure operated by, or on behalf of, the Village of Harrison Hot Springs, Province of British Columbia or Government of Canada, for the storage, manufacture, maintenance or repair of Buildings, infrastructure, materials or equipment. A Community works yard may include uses such as a machine shop, paint shop, sign shop, woodworking shop, repair garage, Waste Transfer Station or storage facility used in connection with Community works for the operation of the respective government; and

Zone

means an area of the Municipality for which specific Land Use regulations are hereinafter outlined in this bylaw and its schedules.

1.5 Enforcement and Implementation Provisions

- a) This Bylaw is designated under the provisions of Section 260 of the *Community Charter*, as amended from time to time, as a Bylaw that may be enforced by means of a ticket issued under the provisions of the Bylaw Notice Enforcement Bylaw;
- b) Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw commits an offence is subject to penalties under the Bylaw Notice Enforcement Bylaw; and
- c) Each day that a contravention or violation of or failure to perform any provision of this Bylaw continues to exist will be deemed to be a separate offence.

1.6 Severability

- a) If any part, section, subsection, paragraph, sentence, clause, phrase or schedule of this Bylaw is for any reason found invalid by the decision of any Court of competent jurisdiction, such decision must not affect the validity of the remainder of this Bylaw or the validity of the Bylaw as a whole.

1.7 Administration

- a) The following persons are hereby appointed by Council to administer this Bylaw, the;
 - i) Chief Administrative Officer or his/her delegate.

1.8 Establishment of Zones

1.8.1 Creation of Zones

- a) The Village of Harrison Hot Springs is divided into Zones depicted on Schedule A which is attached to and forms a part of this Bylaw and is a paper copy of the official Zoning map for the Municipality;
- b) The official version of the Zoning Maps shown as Schedule A is kept in electronic form in the Fraser Valley Regional District's GIS System. In the case of conflict between the contents of a paper document copy of the Zoning Map and the electronic form of the Zoning Map, the contents of the electronic version must prevail;

- c) The location of each Zone is defined on Schedule A;
- d) Where a Zone boundary is shown on Schedule A as following a highway, rail right-of-way, utility line, easement or watercourse must be the Zone boundary;
- e) Any dashed Zoning boundary lines used in Schedule A must be interpreted as if they were solid lines;
- f) Where a Zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary must be determined by scaling from the Zoning Map by a surveyor; and
- g) Where a Lot is divided by a Zone boundary, the areas created by such division must be regulated based upon the requirements of each Zone.

1.8.2 Zone Names

- a) The Zones, as shown on the Schedule A, are as follows:

Column 1	Column 2
Zone Name	Abbreviation
Residential 1 (Conventional Lot)	R-1
Residential 2 (Duplex)	R-2
Residential 3 (Small Lot)	R-3
Residential 4 (Townhouse)	R-4
Resort Residential Development	R-5
Village Commercial	C-1
Neighbourhood Commercial	C-2
Tourist Commercial	C-3
Marine Commercial	C-4
Community	P-1
Waterfront	W-1
Village Reserve	VR
Agricultural Land Reserve	ALR

1.9 Split Zones

- a) Where a Lot contains more than one Zone:
 - i) each Zoned area must be treated as a separate Lot for the purpose of determining compliance with the provisions of its Zone; and
 - ii) all uses, Buildings or Structures that are accessory to a Permitted Use, Building or Structure are permitted only within the area of the Lot Zoned for the Permitted Use, Building or Structure to which the uses, Buildings or Structures are Accessory.

1.10 Covenants

- a) Where under this Bylaw an owner of Land or a Building or Structure is required or authorized to grant a covenant restricting Subdivision, strata plan registration, use or Development of Land, the covenant must be granted to the Municipality and

registered pursuant the *Land Title Act*, as amended from time to time, with priority over all financial charges, and under the terms of the covenant the owner must indemnify the Municipality for any fees or expenses the Municipality may incur as a result of a breach of the covenant by the owner.

PART 2.0 MEASUREMENTS AND INTERPRETATION

2.1 Measurements and Calculations

- a) All dimensions and measurements in this Bylaw are expressed in the Standard International Units (metric) system;
- b) Any imperial conversions are provided for convenience only and have no force or effect; and
- c) For the purposes of Part 6 Parking and Loading Requirements, in this Bylaw, units of measure must be interpreted as follows:
 - i) where the sum of the calculation of the required total stall or special stall designation results in a fraction, unless otherwise stated, the required stalls are to be the next higher whole number if the fraction is 0.5 or greater, and the next lower whole number if less than 0.5;
- d) Words used in the present tense include the future tense; and
- e) Words used in the singular include the plural.

2.2 Metric Conversion, Measurements and Abbreviations

2.2.1 Conversions

- a) The following metric conversions are provided for the convenience of the reader of this Bylaw:

1 metre=3.28 feet		1 sq. ft. = .093 sq. m
1 foot = 0.30 metre		1 hectare (ha) = 2.47 acres
1 sq. metre (m ²) = 10.76 sq. ft.		1 acre = 4047 sq. m or 0.405 ha
1.5 metres = 4.92 feet		3 metres = 9.84 feet
7.5 metres = 24.60feet		4.5 metres = 14.76 feet
1400 sq. m = 15,064 sq. ft. or 0.34 acres		2000 sq. m = 21,520 sq. ft. or 0.49 acres
4047 sq. m = 43,560 sq. ft. or 1 acre		2 ha = 4.94 acres
4 ha = 9.88 acres		20 ha = 49.4 acres

2.2.2 Measurements

- a) All dimensions and measurements in this Bylaw are expressed in the Standard International Units metric system.

2.2.3 Abbreviations

- a) For the purposes of this Bylaw, the following units of measure may be abbreviated as specified in brackets:
 - i) metre (m);
 - ii) cubic metre (m³);

- iii) square metre (m²);
- iv) hectare (Ha);
- v) units per hectare (u/Ha);
- vi) per cent (%).

2.3 Explanatory Notes and Figures

- a) All text in this Bylaw which are either capitalized or italicized, except titles of legislative acts, statutes and regulations, and explanatory figures have a definition applied to them. Where a conflict between explanatory notes and figures and a regulation in this Bylaw occurs, the regulation must be taken as correct.

2.4 Conflicting Regulations

- a) Where this Bylaw contains two or more regulations that could apply to a situation, the most restrictive regulation must apply to the extent of any conflict. Where this Bylaw conflicts with other regulations the restrictive legislation must apply, unless the conflict is outside of the responsibility of the Municipal Council.

2.5 General and Specific Regulations

- a) Where this Bylaw contains both general and specific regulations that could apply to a situation, the more specific regulation must apply.

2.6 Bylaw Format

- a) The format of this Bylaw follows a simple layout intended to facilitate its use. Major divisions within the Bylaw are called Parts and major divisions within Parts are called Sections and major divisions within Sections are called Sub-Sections. The divisions are as described.

2.7 Minimum Lot Size

- a) Where a Minimum Lot Size regulation applies in a Zone, the dimensions which follow such regulations are to be interpreted as:
 - i) the minimum dimensions permissible for a Lot which is to be used as the site of Buildings or Structures for the use specified therein;
 - ii) the minimum dimensions permissible for a new Lot that is to be created by Subdivision.

2.8 Minimum Lot Width

- a) Where a Minimum Lot Width regulation applies in a Zone the dimensions which follow such regulations are to be interpreted as the minimum dimensions permissible for the width of a new Lot, and where a percentage is used it must mean the percentage of the perimeter of the new Lot.

2.9 Maximum Number, Density and Size

- a) Where a Building and Structure and a Maximum Number, Maximum Density and Maximum Size regulation applies in a Zone, such regulation must be interpreted as meaning that a Lot which is designated on the Zoning Map of the Village of Harrison

Hot Springs as being regulated by that schedule must not be occupied by:

- i) a greater number of Residential Dwellings than the number specified, and
 - ii) a Building or Structure that exceeds or is greater than the amount of floor area that is specified.
- b) For the purposes of density, it must be considered the number of Permitted and Accessory Buildings, Structures or Residential Dwelling Units Permitted per Lot, and it includes; maximum floor area size, Lot Coverage Permitted on a Lot and the required parking spaces if applicable.

2.10 Maximum Heights

- a) The specification of measurements for Buildings, Structures or Accessory or Structures under the general heading of Maximum Heights in a Zone must be interpreted as meaning the greatest height, as height is defined in this Bylaw, to which a Building, Structure or Accessory Building or Structure may be constructed on a Lot which is designated on the Zoning Map as being regulated by that schedule.

2.11 Minimum and Maximum Setbacks from Lot Lines

- a) The specification of measurements for front yard, side yard and rear yard under the general heading of Minimum Building Setbacks in a Zone must be:
 - i) interpreted as defining the minimum distance permitted for Buildings and Structures, excluding fences, between the Front, Side or Rear Lot line and the appropriate setback line on a Lot which is designated on the Zoning Map as being regulated by that schedule; such setback areas constituting the front yard, side yard and rear yard respectively, and
 - ii) where a use, Building or Structure is specifically referenced with a following measurement, it must be interpreted as meaning that the minimum Lot Line requirement from a Lot Line for that Use, Building or Structure and must be the measurement specified.

2.12 Maximum Lot Coverage

- a) Where a Zone includes a regulation entitled Maximum Lot Coverage, such regulation must be interpreted as meaning that a Lot which is designated on the Zoning Map as being regulated by that schedule must not have a Lot coverage, as defined in this Bylaw, which exceeds the percentage specified, as defined in this Bylaw for the respective Zone.

2.13 Maximum Floor Area Ratio or Maximum Floor Area

- a) Where a Zone includes a regulation entitled Maximum Floor Area Ratio or Maximum Floor Area, it must be interpreted to mean that a Lot in an area designated as being regulated by that Zone must not have any Buildings or Structures erected on that Lot that exceeds the Maximum Floor Area or Floor Area Ratio, as defined in this Bylaw for the respective Zone.

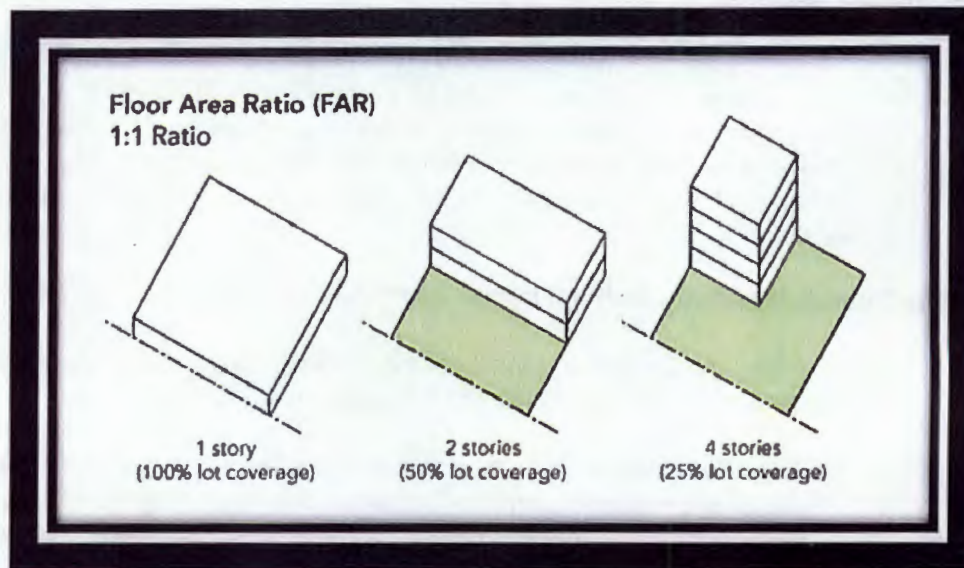
2.14 Types of Non-Residential Dwelling Units

- a) A tent, travel trailer, recreational vehicle, any Tourist Accommodation, bus or other

Motor Vehicle are not considered a Residential Dwelling or an Accessory Residential Dwelling use for the purposes of this Bylaw.

2.15 Calculations of the Floor Area Regulation and the Gross Floor Area

- a) Where a Zone includes a regulation entitled Floor Area Ratio (FAR), the floor area of all Buildings or Structures, including Accessory Buildings or Structures, on the Lot divided by the total area of the Lot must not exceed the ratio identified for the Zone in which the Lot is located. See the FAR illustration below as to how the FAR functions, with respect to controlling the bulk of the Building:



2.16 Gross Floor Area and Floor Area Ratio Exemptions

- a) Without limiting the generality of the definition of either the Gross Floor Area Ratio or the Floor Area Ratio, the following are excluded from the calculation of the Floor Area Ratio:
- i) underground parking garages;
 - ii) unenclosed balconies, decks, porches, and verandas;
 - iii) carports;
 - iv) staircases and stairwells;
 - i) elevator shafts;
 - ii) swimming pools and open sundecks; and
 - iii) any portion of either an area or Building or Structure assigned exclusively to mechanical or electric use for the Building or Structure
- b) For the purpose of computing the Floor Area Ratio for a development that includes the conservation or provision of an amenity through density-bonusing, the floor space of the Building or Structure that is occupied by an amenity must not be included as part of the Floor Area Ratio.

- c) The ratio is calculated as follows:

$$\frac{\text{Gross Floor Area of the Building or Structure}}{\text{Total area of the Lot}} = \text{FAR}$$

2.17 Focus of Buffers

- a) The focus of the buffering technique is to minimize any potential disturbances between the different Land Uses and can be used internally in a Comprehensive Development Zone to separate the Land Uses or externally along the adjacent Lot Lines of the different Land Uses.

PART 3.0 GENERAL COMPLIANCE, PROHIBITIONS AND REGULATIONS

3.1 General Compliance Requirements

- a) No person can use, occupy or permit any person to use or occupy any Land, Building or Structure in contravention of this Bylaw;
- b) Nothing contained within this Bylaw relieves any person from the responsibility to seek and comply with other legislation applicable to that use, activity or other matter regulated under this Bylaw;
- c) Every use of Land, Building or other Structure Permitted in each Zone must conform to all the regulations of the applicable Zone and all other regulations of this Bylaw;
- d) A use is only permitted if lawfully established and ongoing in accordance with:
- i) any applicable conditions of use, as identified in each Zone; and
 - ii) such further general regulations applicable to the use, as identified throughout this Bylaw.
- e) No Lot must be created by Subdivision unless such Lot is equal to or greater than the minimum Lot size and minimum Lot width specified for the Zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.
- f) A Building or Structure must not be constructed, sited, moved or Altered unless it complies with the following:
- i) the General Regulations of this Bylaw; and
 - ii) all regulations and requirements specified for the Zone in which it is located.
- g) A continuation of a non-conforming use, the use of Buildings or Structures must be subject to the provisions of the *Local Government Act*, as amended from time to time.

3.2 General Prohibitions

- a) Any use not expressly permitted in this Bylaw is prohibited in every Zone, and where a particular use is expressly permitted in one Zone, such use is prohibited in every Zone where it is not expressly permitted.

3.3 Specifically Prohibited Land Uses

- a) No person must keep or permit on any Lot in any Zone, any object or chattel which is unsafe, unsightly, or adversely affects the amenities of the Zone. This includes but is not limited to dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, and diesel fuel and gasoline products;
- b) For greater certainty, the following uses are prohibited in all Zones except where permitted for in this Bylaw:
 - i) a track for the racing of Motor Vehicles;
 - ii) storage of explosives, unless authorized by government agencies under the *Canada Explosive Act*, as amended from time to time;
 - iii) a use involving the storage of scrap metal, Disabled Vehicles, disused items, or as an Automobile Salvage and Wrecking Yard;
 - iv) Recycling Facility;
 - v) Refuse Disposal Site;
 - vi) any Resource Processing;
 - vii) any Aggregate Processing;
 - viii) the slaughtering, rendering or processing of any fish or animal products or by-products;
 - ix) any animal kennels;
 - x) any Marihuana Dispensaries or Marihuana Operations;
 - xi) the storage of any construction materials, intended for off-site works, on any Lot.
- c) The following uses are prohibited in all Residential Zones, Commercial Zones except where permitted for in this Bylaw:
 - i) barb wire fencing; and
 - ii) a shipping/cargo container or other form of intermodal shipping container;
- d) Any Land Use which produce malodorous, toxic or noxious matter, or generates vibrations, heat, glare or radiation discernible beyond the boundaries of the Lot;
- e) Tourist Accommodation in any Residential Zone; and any
- f) Gaming and gambling establishments, other than charity gaming.

3.4 Permitted Uses in All Zones

- a) Except as otherwise stated in this Bylaw, the following uses are permitted in all Zones subject to compliance with all regulations that apply to such uses under this Bylaw:
 - i) Accessory Buildings, Structures, uses or works customarily incidental to a Permitted Use, provided they are located on the same Lot or within the same strata plan as the Permitted Use;
 - ii) community gardens and community horticulture projects;
 - iii) any approved environmental protection, restoration and enhancement project;
 - iv) flood control works undertaken by a government agency;
 - v) Highway;
 - vi) Landscaping, landscape buffers, landscape screens and fences;
 - vii) all Community Uses;

- viii) Utility services, excluding offices, maintenance garages and storage areas;
- ix) Temporary Buildings, Structures or storage of materials for a maximum of one year, required for an approved construction project on the same Lot provided such temporary Buildings, Structures and storage areas are removed within 30 days of the completion of the project;
- x) trails, subject to approval of the Agricultural Land Commission if located in the Agricultural Land Reserve;
- xi) government services;
- xii) ecological reserves;
- xiii) fish and wildlife habitat enhancement or protection projects;
- xiv) watershed protection projects;
- xv) picnic sites; and
- xvi) public washrooms on Municipally owned or controlled Land.

3.5 Uses Permitted and Prohibited in the Agricultural Land Reserve

- a) Activities explicitly designated as farm uses pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002, as amended from time to time, are permitted in all areas within any Agricultural Land Reserve area;
- b) Unless an activity is explicitly designated a farm use, or permitted by this Bylaw pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002, as amended from time to time, the use is prohibited unless approval has been granted by the Agricultural Land Commission for a non-farm use or is subject to Section 23(1) of the *Agricultural Land Commission Act*, as amended from time to time, and the non-farm use is permitted by this Bylaw;

3.6 Projections into Required Setbacks and Exceptions to Siting Requirements

- a) Every part of any Setback required by this Bylaw must be open and unobstructed by any Building or Structure, except that:
- b) A Setback may contain architectural or functional Structures or a Building or Structure feature of a such as but not limited to; window sills, sunlight control projections, balconies, cornices, eaves, gutters, chimneys, pilasters, canopies, ornamental features or window bays, provided that:
 - i) no such Structure or feature must project more than 0.6 m into any required Setback;
 - ii) the total combined length of all projections must not exceed 40% of the length of each applicable facade on each Storey;
 - iii) a fence that complies with the height restrictions of this Bylaw is allowed along any Lot Line, or between a Lot Line and a Permitted Building or Structure for the purpose of establishing a barrier between any Setback area;
 - iv) stairs accessing a deck, porch or verandas may be located within a front Setback, exterior side Setback, or rear Setback but must not be located within any side Setback;
 - v) Structures necessary to ensure that a Building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities in accordance with the *BC Building Code*, as amended from time to time, may project into any required front, rear or side Setback provided that the Structure is not closer than 0.3 m from any side Lot line; and
 - vi) an uncovered patio or terrace no greater than 0.6 m above grade, which may be open or enclosed, may be sited in any portion of a Lot except as otherwise provided for in this Bylaw;

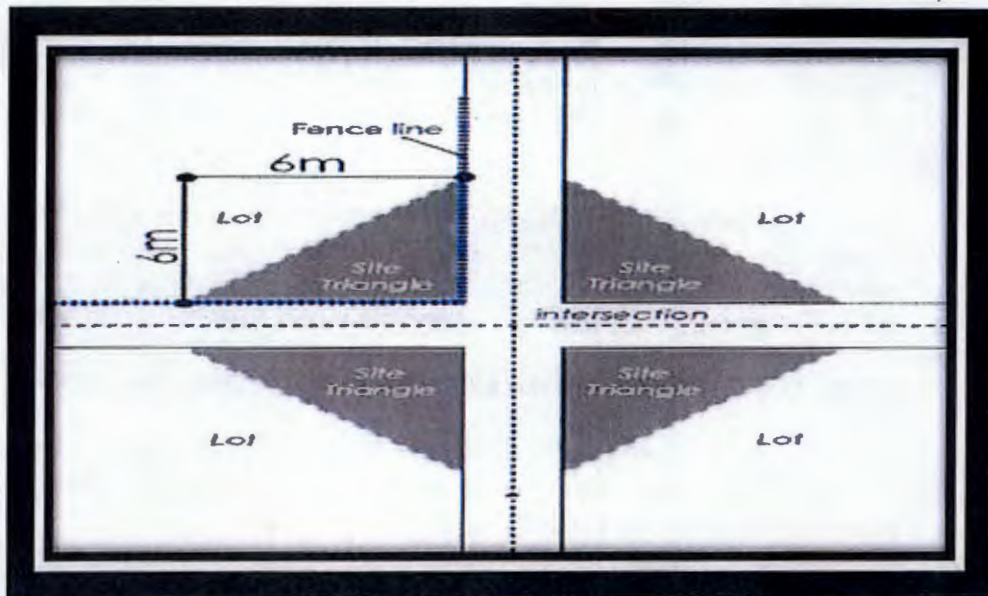
- vii) an uncovered swimming pool may project into a front, side or rear Setback area provided that the pool is not constructed within 1.8 m of a Lot line;
- viii) a retaining wall to a maximum height of 1.2 m may be sited on any portion of a Lot; and
- ix) roadside stands are permitted within a required setback; however, the Structure must not obstruct any vision or sight lines to and from a Highway, driveway or Lane and may need permission from the Ministry of Transportation and Infrastructure

3.7 Height of Buildings and Structures

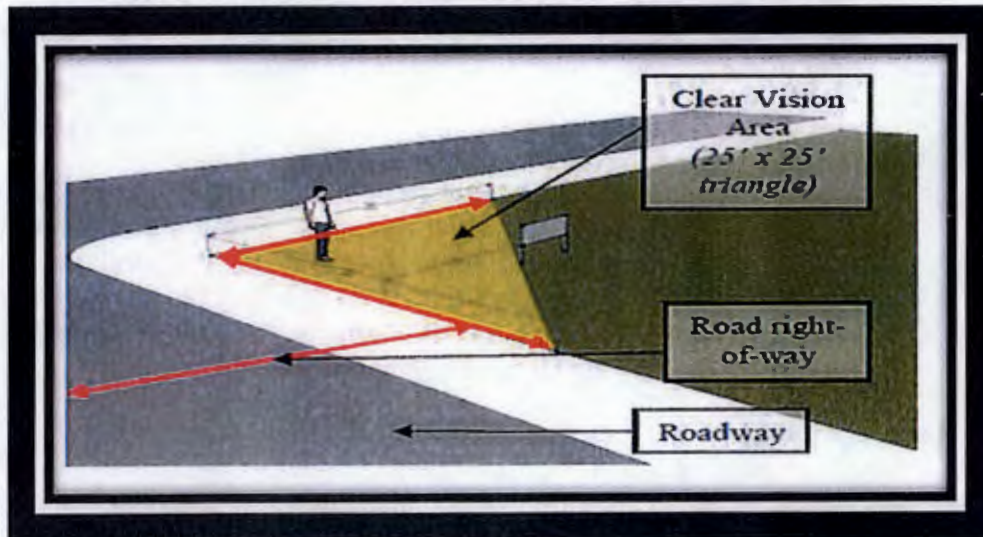
- a) Where a Zone or other part of this Bylaw includes a maximum height regulation entitled, no Building or Structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the height specified. For certainty;
 - i) the maximum height in a Zone may vary according to the use of the Building or Structure, as specified in the Zone;
 - ii) where the regulation refers to a specific type of Building or Structure, the regulation must be applied to that type of Building or Structure only; and
 - iii) if more than one regulation applies, the most restrictive governs.
- b) The height of Buildings and Structures permitted in this Bylaw must be calculated based on the vertical distance from the average Natural Grade level of the Building footprint to the highest part of the roof surface;
- c) The height of a fence, wall or similar screen must be determined by measurement from the ground level at the average Natural Grade level within 1.0 m of both sides of such fence, wall or similar screen;
- d) Despite the above, the maximum Building Height may be exceeded for the following, provided that portions of, or projections from, Buildings or Structures must not exceed 18.0 m:
 - i) communication towers and antennas;
 - ii) spires, belfries and domes;
 - iii) chimneys;
 - iv) flag poles;
 - v) elevator shafts; and
 - vi) stair and hose towers.
- e) Agricultural Buildings and Structures constructed on Lots in the Agricultural Land Reserve are exempt from the Building Height requirements.

3.8 Sight Line Requirements at Intersections

- a) Nothing must be constructed or maintained, nor must any type of hedge be maintained or allowed to grow, exceeding a height greater than 3.0 m above the established grade of the Highway or otherwise so as to obstruct the clear vision and/or and sight triangle lines formed by extending 6.0 m in an area bounded by the intersecting Lot lines at a street corner and a line joining points along said Lot lines, as illustrated below:



The following diagram below is provided for illustrative purposes only;



3.9 Subdivision of Land

- a) The purpose of this section is to regulate the requirements of Lots which may be created by Subdivision.

3.9.1 Minimum Lot Size and Width

- a) The size and width of a Lot to be created by subdivision and which may lawfully be used as the site for Development must not be less than the minimum dimensions and area for the construction of Buildings or Structures, as set out in the minimum Lot size and width statement in the applicable Zoning schedule, where such minimum area and width have been specified.

3.9.2 Minimum Frontage

- a) As required by the *Local Government Act*, as amended from time to time, no Lot in any proposed subdivision must have less than 10% of its perimeter fronting on a Highway. This requirement may be relaxed by the Council upon application by the property owner.
- b) Notwithstanding Section 3.9.2 (a) above, the minimum frontage for Lots of Land in a cul-de-sac, may be less than 10% of the perimeter of the Lot, provided that the minimum frontage is not less than 7.5 m and the width of the Lot is not less than 10.0 m measured 5.0 m back in a perpendicular manner from the front Lot line.

3.9.3 Lots Exempt from the Minimum Lot Size Requirements

- a) The consolidation of two or more Lots into a single Lot is permitted, notwithstanding that the consolidated Lot may not comply with the minimum Lot size requirement as specified in the Zone in which the new Lot is situated.
- b) The realignment of Lot lines to create new Lots may be permitted provided that:
 - i) the number of new Lots created by Subdivision would be equal to or less than the number of Lots that existed prior to the subdivision;
 - ii) the boundary change would not result in the creation of a Lot having less than 80% of the area of any of the original Lots;
 - iii) where a subdivision is created through the use of density bonusing provisions of the *Local Government Act*, as amended from time to time and any applicable Municipal Bylaws and policies;
 - iv) where a subdivision is created through the use of density averaging as permitted in applicable Municipal Bylaws or in the provisions of the *Strata Property Act*, as amended from time to time. Provided that the Owner voluntarily registers a restrictive covenant pursuant to the *Land Title Act*, as amended from time to time, which prohibits the further Subdivision of any part of the Land used in the averaging calculation;

3.9.4 Lot Shape

- a) Unless the pattern of existing Subdivision precludes it, and unless it is impracticable, side Lot lines must be perpendicular or radial to the adjoining Highway; and
- b) A panhandle Lot must not be created where the access strip is narrower than 7.5 m.

3.9.5 Subdivision to Provide a Residence for a Relative

- a) The minimum size for a Lot that may be subdivided under the *Local Government Act*, as amended from time to time, is outlined in the table below:

Zone category	Lot Size allowed
Residential	2.5 Ha
Commercial	1.0 Ha

3.9.6 Subdivision of Lots Separated by Roads or another Lot

- a) Notwithstanding the minimum Lot area provisions of each Zone, where a portion of a Lot is physically separated from the remainder of the Lot by a Highway or another Lot, which separation was in existence as of the date of adoption of this Bylaw, the

physically separated portion may be subdivided from the remainder of the Lot provided that:

- i) The Highway or other Lot is used as the subdivision boundary;
- ii) If the Lot lies in the Agricultural Land Reserve, the approval of the Agricultural Land Commission has first been obtained; and
- iii) No Lot created pursuant to this section must be less than 1 Ha in area where connection to a Community Water System is not available and 0.4 Ha in an area where Community Water System connections are made to each Lot.

3.9.7 Current Subdivision of Lots

- a) In each Zone, all Lots that have a lesser Lot area, frontage or depth than required herein, and that were registered on a plan in the Land Titles Survey Authority of British Columbia prior to the date of adoption of this Bylaw, are established as locations where the minimum Lot area, frontage or depth requirements of the Zone do not apply, but only to the extent necessary to permit the use of that Lot for a Permitted Use in that Zone, and only on the condition that all other requirements of this Bylaw applying in that Zone must be observed.

3.10 Conversion of Buildings or Structures

- a) Buildings or Structures may be converted, Altered or remodeled for another use, provided that:
 - i) the Building Inspector certifies that the Building or Structure is structurally suitable for such conversion, and
 - ii) the converted Building or Structure must conform with all the provisions and regulations prescribed for in the Zone in which it is located.

3.11 Flood Control Requirements

- a) The following Land is designated as a floodplain:
 - i) Land designated as a floodplain within the boundaries of the Village and shown approximately on Schedule "A" of the attached map which forms a part of this Bylaw, and
 - ii) any lot lower than the flood levels specified in 3.11(b) below.
- b) The following elevations are specified as the flood level, except that where more than one flood level is applicable, the higher elevation must be considered as the flood level:
 - i) elevation 14.55 m Geodetic Survey of Canada datum,
 - ii) 1.5 m above the Natural Boundary of Miami Creek, the Miami Slough or any other water course,
- c) Where a flood level or setback has been specified:
 - i) the underside of any floor system or the top of any pad supporting any space, room or Mobile or Modular Home, that is used for Residential Dwelling purposes, Commercial uses, or the storage of goods which are susceptible to damage by floodwater must be above the specified flood level

- ii) outlined in 3.11(b) above,
 - any compacted landfill required to support a floor system or pad must not extend within any setback from a watercourse or body of water specified by the Bylaw or the Ministry of Environment and Climate Change Strategy, as amended from time to time,
 - iii) engineered structural support or engineered compacted landfill may be used to elevate the underside of the floor system or the top of the pad above the flood level specified in 3.11(b) above. In addition to be engineered drawings the structural support or compacted landfill must be designed to protect against scouring, erosion from flood flows, wave action, ice flows and other debris movements, and
 - iv) the Building Inspector may require that a professional engineers' Letter of Assurance has been provided prior to any final inspection,
 - v) any exemptions must follow the requirements as laid out in Section 524 of the *Local Government Act*, as amended from time to time, and
 - vi) no electrical system can be below the minimum flood level, as outlined in 3.11(b) above.
- d) Notwithstanding the above the following exemptions apply:
 - i) on any renovation of an existing Building or Structure that does not involve an addition to the Building or Structure,
 - ii) that portion of a Building or Structure to be used as a Carport, Garage or entrance foyer,
 - iii) hot water tanks and furnaces located on Lots behind standard dykes, and
 - iv) Commercial uses other than any electrical systems, under the designated flood level outlined in 3.11(b) above.

3.11.1 Additional Requirements

- a) Notwithstanding any other provision of this Bylaw, no Residential Dwelling or any part thereof must not be constructed, reconstructed, move, extended or be located within 30.0 m of the Natural Boundary of a lake, river, stream, marsh or pond, unless a professional engineer's stamped and signed drawings, of competent experience, indicating that the Lot can be used safely for the intended use has been received.
- b) Any construction in any alluvial fan must be accompanied by a Letter of Assurance from a professional engineer, of competent experience, indicating that the proposed use can be used safely on the applicable Lot.

PART 4.0 ADDITIONAL REGULATIONS FOR CERTAIN LAND USES

4.1 Marihuana Facilities

- a) A Marihuana Dispensary and any Marihuana Operations are a prohibited use in any Zone whether in a retail storefront format or through a non-profit compassion club, society or otherwise; and
- b) Any Medical Marihuana Production Facility is a prohibited Land Use in all Zones except where authorized by Agricultural Land Use, Subdivision and Procedure Regulation, BC 171/2002, as amended from time to time.

4.2 Accessory Buildings or Structures and Uses

- a) Buildings, Structures or uses must comply with the following:
 - i) an Accessory Building or Structure must not be situated on a Lot unless the Permitted Building or Structure, to which the Accessory Building or Structure is incidental, has already been erected or will be erected simultaneously with the Accessory Building or Structure on the same Lot, with the exception of one Accessory Building or Structure not exceeding 25 m² of the gross floor area, used only for storage purposes;
 - ii) a Garage or Carport attached to a Permitted Building or Structure, by an enclosed, heated area that is not more than 5 m in length, is deemed to be a portion of the Permitted Building or Structure;
 - iii) Land comprising the common property in a strata plan may be used for purposes Accessory and customarily incidental to Permitted Uses on the strata Lots within the same strata plan. For the purposes of Accessory Buildings or Structures that may be constructed on common property, the same setbacks, Building or Structure height, Lot coverage and other Building or Structure standards apply as those which apply to strata Lots in the same Zone; and
 - iv) no part of an Accessory Building or Structure must be used for Residential Use purposes or Tourist Accommodations purposes, except as otherwise provided for in this Bylaw.

4.3 Accessory Residential Suites

- a) Accessory Residential Suites will be permitted for all Uses, except in a Duplex Dwelling, Townhouse, Apartments, Mobile Homes;
- b) Unless a Zone specifically provides for otherwise, only one (1) Accessory Residential Suite is permitted per Lot;
- c) Where a Lot is not serviced by the Municipal Community Sewer System, written confirmation from the applicable licensing body that the capacity of the Lot's sewer system will not be compromised by the presence of an Accessory Residential Suite is required;
- d) Accessory Residential Suites must have a total Gross Floor Area of not more than 90.0 m². For the purposes of this section, the Gross Floor Area does not include areas used for common storage, common laundry facilities, or common areas used for access or egress. In addition to the total size of the suite, the Accessory Residential Suite must have an area of less than 40% of the habitable area of the Detached Dwelling. For the purposes of this section, the habitable area calculation does not include the attached garage;
- e) Accessory Residential Suites cannot be subdivided from the Building or Structure of which it is part of under the *Strata Property Act*, as amended from time to time; and
- f) One off-street parking space in addition to those required for the Permitted Use must be provided.

4.4 Fences, Screening and Retaining Walls

4.4.1 Fences and Retaining Walls

- a) Except as otherwise specifically stated in this bylaw;

- i) The height of a fence or wall must be measured to the highest point from, and perpendicular to, a line representing the average Natural Grade level at its base, including where a fence or wall is constructed above a retaining wall;
 - ii) The maximum height of a fence must not exceed 1.2 m in a front yard and not more than 1.8 m on all other parts of a Lot in a Residential zone;
- b) Notwithstanding paragraph (a) above;
- i) the fence height may be increased to 2.0 m in a front yard provided transparent mesh is used for the portion of fence that is more than 1.2 m in height;
 - ii) the maximum height of a fence must not exceed 2.5 m in any other zone;
 - iii) fences used in association with recreational uses, such as playing fields, golf courses, driving ranges and tennis courts must not be limited in height, provided such fences are constructed of materials that permit visibility, such as transparent mesh; and
 - iv) fences may be constructed on any portion of a Lot, including within a required setback area, except closed fences and landscape screens must be less than 2.0 m in height when sited in a required setback area from a Lot line adjoining any Residential use;
- c) The use of barbed wire, razor wire, electric current, or any hazardous material for fencing is prohibited within all zones designated by this bylaw, except where such fencing is required in conjunction with activities explicitly designated as farm uses pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, 171/2002, as amended from time to time and
- d) In a Residential zone, a single retaining wall must:
- i) not exceed a height of 1.2 m measured from the Average Natural Grade level at its base; and
 - ii) not be located within 0.6 m, measured horizontally, of any other retaining wall.

4.4.2 Screening

- a) Where a Lot is Developed for a Commercial or Community use as permitted within a Commercial, Community or Comprehensive Development Zone, and where such a Development shares a Lot line with an adjacent Lot that is either:
- i) within a Residential Zone; or
 - ii) occupied with a Residential Use;

the owner must provide Screening along such Lot line. The Screening must be not less than 1.8 m in height nor more than 2.0 m in height, except where the Screening consists of 100% plant material, in which case there must be no maximum height.

- b) Notwithstanding the paragraph (a) above, Screening will not be required along the shared Lot line in cases where:
- i) a Building or Structure is built on the Lot line; or
 - ii) a Residential Use is developed on a Lot that is Zoned Commercial, or Community at the time of adoption of this Bylaw.

- c) Notwithstanding paragraph (a) above, where a Lot is Developed for a Commercial, or Community use as permitted within a Commercial, Community or Comprehensive Development Zone and where such a Lot is separated by a Lane from a Lot that is:
 - i) within a Residential Zone; or
 - ii) occupied with a Detached, Duplex, or Townhouse Residential Dwelling;

the owner must provide Screening along the entire Lot line abutting the Lane. The Screening must not be less than 1.8 m in height nor more than 2.0 m in height, except where the Screening consists 100% of plant material, in which case there must be no maximum height;

- d) Notwithstanding paragraph (a) above, where a Lot in a non-Agricultural, when the Lot is Developed, the owner must provide Screening along the entire length of any Lot line adjoining Land in the Agricultural Land Reserve. The Screening must be designed to minimize any potential Land Use conflicts with the Permitted Agricultural use. The Screening must not be less than 1.8 m in height nor more than 2.0 m in height, except where the Screening consists of 100% plant material, in which case there must be no maximum height.
- e) Notwithstanding paragraph (a), (b) and (c) above, Screening will not be required for the points of Motor Vehicle ingress and egress and for a distance of 3 M on either side of the points of ingress and egress;
- f) Screening, where required by this Bylaw, must be maintained at all times by the owner of the Lot on which they are required; and
- g) If there are any solid waste enclosure requirements in any Zone, then the following regulations apply:
 - i) solid waste must be stored in an animal proof enclosure and such enclosure must contain enough space for separate containers for sorting recyclable products;
 - ii) such enclosure, must have unblocked access; and
 - iii) the enclosure must match in character and the exterior finish for the Building or Structure which it serves, if this type of enclosure is not located within a permitted Building or Structure.

4.5 Home Occupations

- a) For Zones within which a Home Occupation is a permitted use, the following regulations apply:
 - i) all Home Occupation uses, must be conducted within a Residential Detached Dwelling Unit or a wholly enclosed Accessory Building or Structure. This does not include a Community Care Facility;
 - ii) all Home Occupation uses must be clearly subservient and incidental to a Permitted Residential Dwelling Use of the Lot;
 - iii) the Home Occupation must not have a Gross Floor Area that exceeds 100 m² or 40% of the Gross Floor Area of the Permitted Residential Detached dwelling in which the Home Occupation use is located, whichever is less;
 - iv) there must be no Alteration from a Permitted use of the Land or Building or Structure where the Home Occupation is located;
 - v) the Home Occupation must not create excessive traffic or a nuisance of any kind;
 - vi) the Home Occupation must not discharge wastewater to a watercourse,

- groundwater or septic field, except as permitted pursuant to the *Environmental Management Act*, as amended from time to time or the *Community Health Act*, as amended from time to time;
- vii) the Home Occupation must not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which must not exceed 0.4 m² in area;
 - viii) the Home Occupation must comply with all applicable provincial and federal regulations and have a valid and current Municipal Business Licence;
 - ix) Automobile body shop, automobile service, boat service, automobile salvage or wrecking yard, Micro-Brewery, distillery, and processing plants are not permitted as Home Occupations;
 - x) except as permitted in accordance with the *Agricultural Land Commission Act*, as amended from time to time, fish, livestock operations, Medical Marihuana facilities or poultry processing are not permitted as Home Occupations;
 - xi) no off-site parking associated with the Home Occupation use is permitted and the use must provide parking in accordance with the Parking Requirements of this Bylaw, as amended from time to time.
- b) Home Occupations must not discharge or emit the following across Lot lines:
- i) odorous, toxic or noxious matter or vapours;
 - ii) heat, glare, electrical interference or radiation;
 - iii) recurring ground vibration; and
 - iv) noise level requirements must follow any applicable noise regulations created by the Village of Harrison Hot Springs.

4.6 Temporary Buildings or Structures used during construction of a new Detached Dwelling Unit

- a) A temporary Building or Structure may be placed on site for construction purposes on a Lot being Developed, for a period not to exceed the duration of such construction or one year, whichever is less, as outlined in section 4.6.1 below;

4.6.1 Temporary Use of an Existing Detached Dwelling Unit during Construction

- a) Despite a restriction under this Bylaw on the number of dwellings permitted on a Lot, an owner of a Lot which already has an existing Detached Dwelling Unit located on it, while in the process of constructing a new Detached Dwelling Unit and with an approved Building Permit on the same Lot, may continue to occupy the existing Detached Dwelling Unit during construction of the new Detached Dwelling Unit, subject to the following conditions being met:
- i) the owner of the Lot agrees to and enters into a restrictive covenant in favour of the Municipality pursuant to the *Land Title Act*, as amended from time to time, to the effect that the owner undertakes to remove the existing Detached Dwelling Unit or render it uninhabitable to the satisfaction of the Building Inspector following the granting of the certificate of occupancy for the new Detached Dwelling Unit. A Letter of Undertaking is not applicable in this situation;
 - ii) when a covenant is required in accordance with subparagraph i), the covenant must specify that an Irrevocable Letter of Credit or other security

satisfactory to the Municipality, in the amount of \$10,000.00, must be issued in favour of the Municipality by the owner, to be forfeited to the Municipality in the event that the other terms of the covenant are not complied with, in which case the Municipality must use the \$10,000.00 to offset any costs of legal action to obtain compliance. The Irrevocable Letter of Credit term must be for the entire term noted in the required covenant; and

- iii) the actions required by covenant under Subparagraph i) must be completed within a maximum time period of two (2) years from the date of issuance of the Building Permit to completion and occupancy of the new Detached Dwelling Unit, and that this time period must be specified in the covenant.

4.7 Intermodal Storage Containers

- a) Intermodal Storage Containers when allowed as a Permitted use in a Zone contained within this Bylaw, must be used in accordance with the following requirements:

- i) the containers must be used for auxiliary storage purposes only;
- ii) they must not be reconstructed, altered or modified in any way to be used for living accommodation or human habitation for either personal or business purposes;
- iii) they must not be used to store animals, trash, refuse, contaminated or hazardous materials;
- iv) they must be placed on a hard dust free surface pad area made with either concrete, asphalt or similar materials and they must not be permanently fixed to the ground;
- v) they may be used for temporary storage during the construction of a permitted Building or Structure. The terms and conditions of the temporary storage container during construction must be identified in the Building Permit;
- vi) on Lots where containers are permitted, they must not be stacked one upon another or laid out in a row;
- vii) they must not occupy any of the Permitted Uses required parking spaces and if applicable the required loading spaces or interfere with the circulation of Motor Vehicles or pedestrians;
- viii) the container must comply with the setback requirements for any Accessory Buildings or Structures in the applicable Zone;
- ix) the container must comply with all other applicable regulations contained within this Bylaw.

- b) In addition to the above, Intermodal Storage Containers in Commercial Zones must also be subject to the following requirements:

- i) no more than one storage container is permitted per Lot;
- ii) not permitted within any front yard area and not project beyond the front face of the Permitted Building and Structure;

- c) For the purposes of this Bylaw, railroad cars, truck vans, converted manufactured homes, travel trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and Structures originally built for purposes other than storage are not permitted as accessory storage Buildings or Structures.

4.8 Swimming Pools, Spas and Hot Tubs

- a) Where a Residential or a Commercial use is Permitted, a swimming pool, spa or hot tub is Permitted as an Accessory Use, in accordance with the following provisions:
 - i) any swimming pool, spa or hot tub must not be located within 15.0 m of a Front Lot line or within a required side or rear Lot line setback;
 - ii) above ground pools must have a maximum Height of 2.5 m; and
 - iii) the combined area of the swimming pools, spa or hot tub must not exceed 15% of the total Lot area.

4.9 Tourist Accommodation

- a) In any Zone where a Tourist Accommodation use is Permitted the following regulations apply:
 - i) no noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary must be produced by Tourist Accommodation;
 - ii) meals may be provided to customers of a Tourist Accommodation only and not the Community; and
 - iii) any person intending to operate a Tourist Accommodation must hold a valid and current business license from the Village.

4.10 Coach Houses

- a) Coach Houses will be allowed in the following Residential Zone only:
 - i) Residential 2 (Duplex) R2.
- b) The distance between the Permitted Residential Dwelling unit and the Coach House must be a minimum of 3.0 m;
- c) The combined Gross Floor Area of all Accessory Building or Structures on the Lot, including the Coach House, must not exceed 90m²; and
- d) Coach houses are not permitted on a Lot, unless a connection to both a Community Sewer and a Community Water system exists.

4.11 Coach House or Residential Accessory Suite

- a) On any Lot where a Coach House or a Residential Accessory Suite are permitted, either a Coach House or a Residential Accessory Suite is permitted but not both.

PART 5.0 ADDITIONAL PLANNING TOOLS

5.1 Amenity Bonusing Provisions

5.1.1 Amenity Factors

- a) Notwithstanding the individual density requirements of the respective Zone, the use of Amenity Bonusing is applicable in all Zones, to protect and conserve any environmental feature that the Council determines to be significant. The following

factors, on a case-by-case analysis, must be considered where relevant:

5.1.2 Amenity Environmental Factors

- a) Environmental values are identified prior to any site clearing and design;
- b) The development is located away from areas with high environmental values, and natural buffers are placed between the development site and sensitive features;
- c) The development is concentrated in areas with lower environmental values;
- d) The site plan protects both the area's biodiversity and clean water;
- e) The development is located away from areas that may be subject to erosion, flooding and wildfire conflicts;
- f) The impacts of Highways are minimized, and Development is in proximity to and accessible to existing Highways, and if possible transit;
- g) The development should have the potential to contribute to the overall reduction of community dependence of travel by automobile; and
- h) The fragmentation of habitat is minimized.

5.1.3 Amenity Zoning Tools

- a) The Municipality may consider the use of any of the following tools for the implementation of the amenity;
 - i) site-specific Zoning or the use of a comprehensive development Zone;
 - ii) covenants;
 - iii) an increase in the permitted Lot coverage or Floor Area Ratio for that Zone;
 - iv) designation of development permit areas;
 - v) the use of cash-in-lieu; or
 - vi) any combination of the above tools.

5.2 Temporary Use Permits

- a) Notwithstanding the permitted uses as outlined in each Zone, a Temporary Use Permit for Commercial purposes only may be issued for any Lot located within the Municipality, subject to Section 5.2.1 below: and
- b) Staff must follow the process as outlined in the Village's *Development Procedure Bylaw*, as amended from time to time, for the issuance of permits.

5.2.1 Temporary Use Permit Requirements

- a) Council may consider issuing a permit for temporary commercial uses where the following criteria has been reviewed:
 - i) the temporary use must operate at an intensity of use suitable to the surrounding area;
 - ii) the temporary use is not for any Tourist Accommodation use in a Residential Zone;
 - iii) there is adequate space on the Lot for the required off street parking requirements;
 - iv) the temporary use must be compatible with regard to use, design and operation with the surrounding uses;
 - v) the temporary use does not negatively affect the surrounding uses or properties in terms of noise, lighting, parking, traffic or any health and safety impacts; and

- vi) the public has had an opportunity to comment on the proposed temporary use as outlined in the *Local Government Act*, as amended from time to time.

5.2.2 Additional Conditions, Security required, Terms and Renewal Options

- a) In addition to the current permit conditions as outlined in the *Local Government Act*, as amended from time to time, Council may:
 - i) ask the owner of the Land to give an undertaking to; demolish or remove a Building or Structure or restore Land described in the permit to a condition specified in the permit by a date specified in the permit,
 - ii) require the owner of the Land to provide to the Municipality, security to guarantee the performance of the terms of the permit, and
 - iii) issue the permit for a term not to exceed three-years and consider the renewal of the permit once for an additional term not to exceed three years.

PART 6.0 PARKING AND LOADING REQUIREMENTS

6.1 Off-street Parking General Requirements

- a) Minimum off-street parking spaces and facilities must be provided in accordance with the following table below and the requirements of this section. Where a specific Use is not identified, a similar use to one listed in the following table must be selected as an applicable standard;
- b) Parking stalls may be provided as off-street parking, or as cash-in-lieu of parking payments for on-street parking as set out below in this Bylaw;
- c) When off-street parking is required, a plan of the proposed parking arrangement, drawn at a reasonable scale, showing the off-street parking spaces and access driveways must be part of the site plan submitted as a part of the application package, if this is not possible then it must be filed with the Building Inspector prior to issuance of a Building Permit;
- d) Where the calculation of the required off-street parking spaces results in a number that is a whole number plus a fraction, the number of required spaces must be rounded up to the next whole number;
- e) Where a Building, Structure or a Lot contains more than one function or Use, the required number of parking spaces must be the total sum of the requirements for each function or Use;
- f) At least two parking spaces must be provided for each Lot unless no Building or Structure is located on such Lot;
- g) Where seating accommodation is the basis for a unit of measurement and consists of benches, pews, booths or similar seating accommodation, each 0.5 m² of seating area must be deemed to be one seat;
- h) All Multiple Unit Residential, mixed Residential and Commercial Development must provide bicycle parking at a rate of 20% of the required vehicle parking;
- i) All Multiple Unit Residential, mixed Residential and Commercial Developments requiring at least 20 parking spaces must provide at least one electric vehicle charging outlet, which is readily accessible for charging a vehicle in a required parking space;
- j) For any Use required to be accessible to persons with a disability by the *BC Building Code*, as amended from time to time, a minimum of one parking space for a person with a disability must be provided;
- k) Where 20 or more parking spaces are required by this Bylaw, the required spaces

must be accessible to persons with a disability, as outlined in the table below;

Total Required Parking Stalls	Required Number of Disability Parking Spaces
20-50	4
81-110	6
111-140	8
141-170	10

- l) The parking requirements established in this section do not apply to a Building or Structure or Use existing prior to the adoption date of this Bylaw, provided there is no change, expansion or addition to the Building or Structure or Use that requires more parking spaces than were required for the existing Building or Structure or Use when this Bylaw was adopted. If there is an expansion or addition to an existing Use or Building or Structure, then the provisions of this section apply to the expansion or addition; and
- m) For the purposes of this Bylaw the required parking spaces have been broken into the following categories of uses:
 - i) Residential;
 - ii) Commercial;
 - iii) Community.

6.1.1 Residential Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Residential and Similar Land Uses	
Accessory Building & Structure	N/A
Home Occupation	1 per employee
Accessory Residential Suites	1 per suite
Detached Dwelling	2 per Dwelling Unit
Apartment	1.25 per Dwelling Unit (includes a visitor parking area)
Coach Houses	1 per Dwelling Unit
Duplex Dwellings	2 per Dwelling Unit
Townhouse Dwellings	2 per Dwelling Unit and .25 per Unit for the visitor parking area
Mobile/Modular Home	2 per Dwelling Unit and if in a park .25 per Unit for the visitor parking area

6.1.2 Commercial Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Commercial and Similar Land Uses	
Campgrounds	2.5 spaces per campsite, includes visitor parking

Tourist Accommodation	1 space per room plus 1 space per 4 seats for any restaurant or bar
Laundromat	1 space per 4 washing machines
Gas Station	1 per 40m ² of GFA and 1 per every 2 fuel or propane tanks
Personal Service Establishment	1 space per 28 m ² of GFA
Pubs/Lounge	1 space per 2 seats
Restaurant	1 space per 3 seats
Community Care Facility – Day care Group Care	1 per person in care 1 per 4 beds
Convenience Stores	.25 per 100 m ² of GFA
Micro-Brewery	1.5 spaces per employee

6.1.3 Community Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Community and Similar Land Uses	
All community uses (unless listed)	1 space per 37 m ² of GFA ¹
Places of Worship	1 space per 8 seats
Day Care	See the Commercial parking requirements
School Elementary	2 spaces per classroom

Notes: 1/. GFA is Gross Floor Area

6.2 Parking Cash-in-lieu for the Required Commercial Parking

- a) As an alternative to meeting the parking standards of this Bylaw for a change to an existing use or new Development that would result in an increase in the number of required parking spaces, cash in lieu may be paid to the Municipality by the owner or occupier of the Land subject to the following requirements:
- i) The cash-in-lieu of parking payments collected will be placed into the Municipal Parking Reserve Fund; and
 - ii) If Cash-in-lieu is to be provided it must be in accordance with the following amount, which represents 2017 dollars, and adjusted in accordance with Subparagraph iii);
 - **\$15,000 per ground level parking space**
 - iii) The cash-in-lieu amount must be adjusted for inflation each year beginning in 2017, according to the British Columbia Consumer Price Index, annual average for "all items", as published by BC Stats each January.

6.3 Parking for Persons with a Disability

- a) Each parking space designated as a disability vehicular parking stall must be signed and pavement marked with the International Symbol of Accessibility for the handicapped; and
- b) Disability vehicular parking stalls must be located as near as practical to the Building or Structure entrance designed for handicapped persons. Changes in elevations between the entrance and the parking space must be non-existent; and
- c) Be surfaced with material conducive to providing access for wheelchairs.

6.4 Off-Street Parking Design Criteria, Development and Maintenance

- a) The minimum required dimensions for parking spaces and drive aisles must be in accordance with the table below and the other requirements of this section:

Angle of Parking	Parking Space Width	Parking Space Length	Drive Aisle Width
30	2.75 m	5.8 m	3.5 m
45	2.75 m	5.8 m	4.0 m
60	2.75 m	5.8 m	5.5 m
90	2.75 m	5.8 m	7.0 m
Parallel	2.75 m	7.0 m	3.5 m

- b) Where three or more parking spaces are required, 33% of the required parking spaces may be reduced to 4.6 m in length provided that such spaces are clearly marked small vehicle only within the parking space or on the facing wall or fence, if available;
- c) Despite the minimum required dimensions for parking spaces in paragraph (a), all parking spaces for persons with a disability must be a minimum of 4.0 m in width;
- d) Where any required parking space abuts, along its length any portion of a Fence, Building or Structure, the minimum parking space width must be increased by 0.3 m for that space only;
- e) Except for Residential uses, Highway access or egress from parking areas must be not less than 15.0 m from the nearest point of intersection of any two Highways;
- f) The required parking spaces are not permitted to be located within 1.0 m of a Lot line adjoining any Highway;
- g) All parking areas must be provided with adequate curbs to retain all Motor Vehicles within such permitted parking area and to ensure that adjacent Buildings or Structures, Fences, walkways and landscaped areas are protected from the parked Motor Vehicles;
- h) The maximum grade and cross slope for a parking space or parking area required by this Bylaw must not exceed 8%;
- i) Each parking stall must be surfaced with asphalt, concrete, or permeable drivable surface, such as but not limited to the following: including:
 - (i) porous pavers;
 - (ii) cobblestones;
 - (iii) turf block; and

(iv) honeycomb grid.

- j) All parking areas required for Commercial uses, Apartments uses and Townhouses must include one or more oil-water separators, and it must be the responsibility of the owner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal;
- k) If any lighting is used to illuminate any parking area it must be arranged to direct light upon such parking area and not into any adjoining Lots or Lands;
- l) That portion of any Lot used as a driveway from the Lot line to a required parking area must not exceed a grade of 20%;
- m) All the required parking spaces for all Uses must be located on the same Lot as the uses they serve, subject to Sections 6.2 or 6.6 of this Bylaw;
- n) Each parking area must be graded and drained in accordance with best engineering practices. In no case must drainage be allowed to cross any sidewalk;
- o) Within any Commercial, off-street parking areas they must not be located within 60 m of a Lot Line of any Lot that adjoins a Residential Zone; and
- p) The access to all off-street parking from a Highway must not be less than 6.0 m and not more than 9.0 m wide.

6.5 Off-Street Loading Requirements

- a) Minimum off-street loading spaces and facilities must be provided in accordance with the following table below and the requirements of this section;

Use of Lot, Building or Structure	Minimum Number of Off-Street Loading Spaces
Commercial	1 space for the 300 m ² to 500 m ² of GFA or 2 spaces for 501 m ² to 2,500 m ² of GFA, and 1 space for each GFA above 2,500 m ² or fraction thereof
Office Building or Structure	1 space for the 300 m ² to 3,000 m ² of GFA and 1 space for each GFA above 3,000, or fraction thereof

- b) A minimum of one off-street loading space must be provided on each Lot in a Commercial, Mixed Use or Community Use Zone;
- c) Off-street loading spaces must not be credited against the requirements for any off-street parking;
- d) Each off-street loading space involving the receipt and delivery of goods or materials by vehicles must be not less than 3 m wide, 9.2 m in length and have a vertical clearance of not less than 4.3 m;
- e) Each off-street loading space must always have access to an aisle that intersects with a Highway;
- f) Each off-street loading space must be surfaced with asphalt, concrete, or similar hard surface to provide a durable, dust-free surface, and must be graded and drained to properly dispose of all surface water;
- g) Any lighting used to illuminate any loading area must be so arranged to direct light upon such parking area and not any adjoining Lands or Lots.
- h) Loading areas must include one or more oil-water separators, and it must be the responsibility of the owner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal;

- i) The loading requirements established in this section do not apply to any Use or a Building or Structure that existed prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing Use, Building or Structure then the provisions of this section apply to such expansion or addition.

6.6 Off-Street Parking Agreement for Commercial Uses

- a) As an alternative to meeting the parking standards of this Bylaw for a change to an existing Use or new Development that would result in an increase in the number of required parking spaces, the additional required off-street parking spaces may be located on a Lot other than that upon which the Use, Building or Structure intended to be served are located, provided the off-site parking is secured by an agreement in accordance with the following:
- i) the agreement must indicate and be registered on title of the Development site and the individual offering the Lot;
- the location and number of parking spaces provided off-site,
 - the terms of any lease or rental agreement between the owner of the off-site parking area and the owner of the Building, Structure or use requiring off-site parking spaces, and
 - terms for the maintenance and where applicable the construction of the off-site parking area;
 - The agreement must require the approval of the Municipality and the Municipality must be a co-signatory; and
- ii) all costs associated with preparing the agreement must be paid by the owner of the Use, Building or Structure that the off-site parking spaces are intended to serve.

6.7 Parking or Storage of Vehicles

- a) In any Residential Zone, no more than the numbers and types of Motor Vehicles set out below will be permitted to be parked or stored on a Lot:
- i) four Motor Vehicles, one of which may be a truck or school bus not exceeding 4,500 kilograms gross Motor Vehicle weight or one-horse trailer or camper or recreation vehicle, and
- ii) one boat and trailer.

PART 7.0 ZONING REGULATIONS

7.1 Zones

- a) The Zones, as shown on Schedule A which is attached to and forms part of this Bylaw have the following the regulations assigned to each Zone as outlined below:

7.1.1 Residential Uses

Permitted Residential Uses	R-1 Zone	R-2 Zone	R-3 Zone	R-4 Zone	R-5 Zone
PERMITTED USES					
Detached Dwelling	◆	◆	◆		◆
Duplex Dwelling		◆			
Townhouse Dwelling				◆	
ACCESSORY USES					
Home Occupation	◆	◆		◆	
Accessory Residential Suite or a Coach House, but not both		◆			
Accessory Buildings or Structures	◆	◆	◆	◆	

DEVELOPMENT REGULATIONS FOR THE RESIDENTIAL ZONES

Residential Development Regulations	R-1 Zone	R-2 Zone	R-3 Zone	R-4 Zone	R-5 Zone
Minimum Lot Size for subdivision purposes(m ²)	925 ⁽¹⁾ 540 ⁽²⁾	925 ⁽¹⁾ 697 ⁽²⁾ 1125 ⁽³⁾ 925 ⁽⁴⁾	360 ⁽²⁾	1500 ⁽²⁾	130 ⁽²⁾
Subdivision for a relative (Ha)	2.5	2.5	2.5	2.5	2.5
Minimum Lot Width (m)	18	18 ⁽⁵⁾ 24 ⁽⁶⁾	12.5	22.5	9
Maximum Density (units / ha)	NA	NA	NA	35	50
Maximum Lot Coverage (%)	40	40	55	55	50
Minimum Front Setback (m)	7.5	7.5	4.5	4.5	2 6 with a front-deck
Minimum Rear Setback (m)	7.5	7.5	4	7.5	3.5
Minimum Interior Side Setback (m)	1.5	1.5	1.2	3.6	1.2
Minimum Exterior Side Setback (m)	3.6	3.6	3.6	7.5	1.2
Maximum Height (m)	10.7	10.7	10.7	11	10.7
Minimum Amenity Area (m ²)	NA	NA	NA	5 per unit ⁽⁷⁾ 10 per unit ⁽⁸⁾	NA
Off-Street Parking	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time

Notes:

- 1/. Sewer only
- 2/. Must be hooked into a Community Water System and a Community Sewer System
- 3/. Duplex – with sewer only
- 4/. Duplex – must be hooked into a Community Water System and a community sewer system
- 5/. Detached Dwelling Unit
- 6/. Duplex Dwelling Unit
- 7/. When a development consists of 10 units or less
- 8/. When a development consists of 11 units or more

Additional Requirements:

1/. For any home occupations refer to the off-street parking requirements of this bylaw, as amended from time to time

2/. Accessory Building and Structure requirements are noted below:

Residential Accessory Building or Structure Regulations	R-1 Zone	R-2 Zone	R-3 Zone	R-4 Zone	R-5 Zone
Maximum Number of Buildings or Structures	2	2	2	2	NA
Minimum Front Setback (m)	15	7.5	4.5	4.5	NA
Minimum Rear Setback (m)	1.5	1.5	1	1.5	NA
Minimum Interior Side Setback (m)	1.5	1.5	1.2	3.6	NA
Minimum Exterior Side Setback (m)	7.5	3.6	3.6	7.5	NA
Maximum Height (m)	5	5	5	5	NA

7.1.2 Commercial Uses

Permitted Commercial Uses	C-1 Zone	C-2 Zone	C-3 Zone	C-4 Zone
PERMITTED USES				
Community Care Facility	♦	♦		
Medical Clinic	♦			
Apartments	♦	♦	♦	
Entertainment facility	♦			
Service Station	♦			
Tourist Accommodation	♦	♦	♦	
Financial Institutions	♦			
Cultural uses	♦			
Pubs	♦			♦
Offices	♦			
Personal Services Uses	♦			
Parking Garage	♦			
Retail Establishments	♦			♦
Restaurants	♦	♦		♦
Convenience Stores	♦	♦		
Catering Establishments	♦			
Marinas/Float Plane dock				♦
Campground/Holiday Parks			♦	
Recreation Facility	♦			
Detached Dwelling	♦		♦	
Micro-Brewery ⁽¹⁾	♦			♦
ACCESSORY USES				
Apartment	♦	♦	♦	♦
Detached Dwelling	♦	♦	♦	♦
Accessory Buildings or Structures	♦	♦	♦	♦

DEVELOPMENT REGULATIONS FOR THE COMMERCIAL USES

Commercial Development Regulations	C-1 Zone	C-2 Zone	C-3 Zone	C-4 Zone
Minimum Lot Size for subdivision purposes(m ²)	464	464	1500 ⁽³⁾ 925 ⁽⁴⁾ 464 ⁽⁵⁾ 16,200 ⁽⁶⁾	464
Subdivision for a relative (Ha)	1	1	1	1
Floor Area Ratio	1.5		1.5	60
Minimum Lot Width (m)	20	20	20	20
Maximum Density (units / ha)	NA	NA	NA	NA
Maximum Lot Coverage (%)	75	60	100	60
Minimum Front Setback (m)	0	7.5	7.5	7.5
Minimum Rear Setback (m)	0 ⁽²⁾	6	0 ⁽⁷⁾	6
Minimum Interior Side Setback (m)	0	3.6	0 ⁽⁷⁾	3.6
Minimum Exterior Side Setback (m)	0 ⁽²⁾	3.6	0 ⁽⁷⁾	3.6
Maximum Height (m)	15	6.5	15	12
Off-Street Parking	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time
Off-Street Loading	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time	As per the requirements of this bylaw, as amended from time to time

Notes:

- 1/. A Micro-Brewery must be located on a Lot with a minimum Lot size of 446 m² and have a maximum building height of 6.0 m.
- 2/. A setback of 7.5 m is required if abutting against a residential use or is a residential use
- 3/. For mixed uses in the C-3 Zone
- 4/. For motels/hotels in the C-3 Zone
- 5/. For all other permitted uses in the C-3 Zone
- 6/. For an Holiday Park located in the C-3 Zone
- 7/. A setback of 6.0 m is required if abutting against a residential use or is a residential use

Additional Requirements:

1/. Accessory Building and Structure requirements noted below:

Commercial Accessory Building or Structure Regulations	C-1 Zone	C-2 Zone	C-3 Zone	C-4 Zone
Maximum Number of Buildings or Structures	1	1	1	1
Minimum Front Setback (m)	0	0	0	4.5
Minimum Rear Setback (m)	0	0	0	6
Minimum Interior Side Setback (m)	0	0	0	3.6
Minimum Exterior Side Setback (m)	0	0	0	7.5
Maximum Height (m)	5	5	5	4.5

7.1.3 Community Uses

Permitted Community Uses	P-1 Zone
PERMITTED USES	
Community Uses	◆
Farmers' Markets	◆
ACCESSORY USES	

DEVELOPMENT REGULATIONS FOR THE COMMUNITY USES

Community Development Regulations	Zone
Minimum Lot Size for subdivision purposes(m ²)	NA
Subdivision for a relative (m ²)	NA
Minimum Lot Width (m)	NA
Maximum Density (units / ha)	NA
Maximum Lot Coverage (%)	NA
Minimum Front Setback (m)	NA
Minimum Rear Setback (m)	NA
Minimum Interior Side Setback (m)	NA
Minimum Exterior Side Setback (m)	NA
Maximum Height (m)	NA
Number of Permitted Buildings or Structures	NA
Off-Street Parking	As per the requirements of this bylaw, as amended from time to

7.1.4 Other Land Uses

Permitted Other Land Uses	W-1 Zone	VR Zone	ALR Zone
PERMITTED USES			
Marina	◆		
Float plane dock	◆		
Farm uses as outlined in BC Regulation 171/2002, as amended from time to time			◆
Agricultural		◆	
ACCESSORY USES			
Detached Dwelling		◆	

DEVELOPMENT REGULATIONS FOR THE OTHER LAND USES

Other Land Use Development Regulations	W-1 Zone	VR Zone	ALR Zone
Minimum Lot Size for subdivision purposes(m ²)	600	600	Subject to ALC requirements
Minimum Lot Width (m)	30		Subject to ALC requirements
Maximum Density (units / ha)	NA	NA	Subject to ALC requirements
Maximum Lot Coverage (%)	60	60	Subject to ALC requirements
Minimum Front Setback (m)	NA	6	Subject to ALC requirements
Minimum Rear Setback (m)	NA	6	Subject to ALC requirements
Minimum Interior Side Setback (m)	NA	6	Subject to ALC requirements
Minimum Exterior Side Setback (m)	NA	6	Subject to ALC requirements
Maximum Height (m)	NA	10	Subject to ALC requirements
Number of Permitted Buildings or Structures	NA	NA	Subject to ALC requirements
Off-Street Parking	NA	As per the requirements of this bylaw, as amended from time to time	Subject to ALC requirements

PART 8.0 REPEAL

- a) The Village of Harrison Hot Springs Zoning Bylaw, 1020, 2012, and all amendments, are repealed upon adoption of this Bylaw.

8.1 Effective Date

READ A FIRST TIME THIS 20th DAY OF November 2017

RECONSIDERED AND READ A SECOND TIME, AS AMENDED THIS 5th DAY OF FEBRUARY, 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____, 2018

READ A THIRD TIME THIS _____ DAY OF _____, 2018

ADOPTED THIS _____ DAY OF _____, 2018

Mayor

Corporate Officer

Village of Harrison Hot Springs - Zoning Map

Zoning Bylaw No. 1115, 2017

Schedule 'A'

