



The Corporation of the City of Fernie

CONSOLIDATED ZONING BYLAW NO. 1750

Consolidated to Bylaws:

1786, Amend # 1	1974, Amend # 51	2125, Amend # 103	2216, Amend # 148	2328, Amend #190
1794, Amend # 3	1981, Amend # 54	2126, Amend # 104	2217, Amend # 149	2330, Amend #192
1796, Amend # 4	1987, Amend # 56	2127, Amend # 105	2219, Amend # 150	2334, Amend #194
1801, Amend # 5	2001, Amend # 60	2128, Amend # 106	2225, Amend # 152	2339, Amend #197
1804, Amend # 6	2007, Amend # 63	2131, Amend # 107	2227, Amend # 153	2341, Amend #199
1808, Amend # 7	2019, Amend # 69	2132, Amend # 108	2229, Amend # 154	2345, Amend #200
1810, Amend # 8	2023, Amend # 70	2133, Amend # 109	2232, Amend # 156	2353, Amend #201
1817, Amend # 9	2031, Amend # 72	2135, Amend # 111	2237, Amend # 158	2354, Amend #202
1818, Amend # 10	2033, Amend # 73	2140, Amend # 110	2239, Amend # 159	2356, Amend #203
1822, Amend # 12	2043, Amend # 74	2141, Amend # 112	2240, Amend # 160	2357, Amend #204
1827, Amend # 13	2046, Amend # 75	2142, Amend # 113	2241, Amend # 161	2359, Amend #205
1828, Amend # 14	2049, Amend # 76	2144, Amend # 114	2243, Amend # 163	2360, Amend #206
1829, Amend # 15	2058, Amend # 78	2150, Amend # 119	2244, Amend # 164	
1831, Amend # 16	2061, Amend #79	2151, Amend # 120	2245, Amend # 165	
1835, Amend # 17	2064, Amend # 80	2152, Amend # 121	2248, Amend # 166	
1857, Amend # 19	2068, Amend # 82	2153, Amend # 122	2249, Amend # 167	
1859, Amend # 20	2074, Amend # 83	2156, Amend # 123	2252, Amend # 168	
1861, Amend # 22	2078, Amend # 85	2157, Amend # 124	2258, Amend # 169	
1789, Amend # 24	2080, Amend # 86	2159, Amend # 125	2262, Amend # 170	
1873, Amend # 25	2083, Amend # 87	2166, Amend # 126	2264, Amend # 172	
1874, Amend # 26	2085, Amend # 88	2168, Amend # 128	2271, Amend # 174	
1881, Amend # 28	2086, Amend # 89	2180, Amend # 131	2275, Amend # 176	
1886, Amend # 30	2088, Amend # 90	2186, Amend # 132	2281, Amend # 177	
1894, Amend # 31	2090, Amend # 91	2187, Amend # 133	2282, Amend # 178	
1908, Amend # 36	2098, Amend # 92	2189, Amend # 135	2292, Amend # 179	
1913, Amend # 38	2100, Amend # 93	2192, Amend # 136	2293, Amend # 180	
1945, Amend # 41	2107, Amend # 94	2194, Amend # 137	2301, Amend # 182	
1947, Amend # 42	2108, Amend # 95	2196, Amend # 138	2302, Amend # 183	
1948, Amend # 43	2109, Amend # 96	2202, Amend # 139	2303, Amend # 184	
1951, Amend # 45	2110, Amend # 97	2204, Amend # 140	2306, Amend # 185	
1958, Amend # 46	2116, Amend # 99	2205, Amend # 141	2322 Amend # 186	
1968, Amend # 48	2117, Amend# 100	2206, Amend # 142	2323 Amend # 187	
1969, Amend # 49	2118, Amend # 101	2210, Amend # 145	2324, Amend #188	
1972, Amend # 50	2121, Amend # 102	2214, Amend # 146	2327, Amend #189	

Amended 2018-11-30

All persons making use of this consolidated version of the City of Fernie Bylaw No.1750 are advised that has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaws must be consulted for all purposes of interpreting and applying the Bylaw. Subsections or sections of the original bylaw and or amendments which have been repealed have not been included in this consolidation.

Certified copies of all City bylaws are available from the City Clerk.

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PREFACE

This bylaw provides regulations on zoning. Zoning is concerned with the use of land, density of use, signs, siting, size and dimensions of buildings and structures and area, shape and dimensions of parcels of land. This Bylaw also regulates parking, signage and screening for the City of Fernie. Other sections of the "Municipal Act" that may be relevant when considering development of land are:

Section	Development Approval Procedures
	Advisory Planning Commission
	Public Hearing
	Board of Variance
	Non-Conforming Uses
	Development Variance Permits
	Parcel Frontage on Highway
	Residence for Relative

Other City of Fernie Bylaws that may affect development of land include:

Bylaw No.	1923	Official Community Plan
	1727	Subdivision and Development Servicing Bylaw
	1125	Mobile Home Park Bylaw
	1706	Land Use Application Procedures Bylaw
	1587	Unsightly Property Prevention Bylaw
	1755	Business License Bylaw
	1780	Floodplain Management Bylaw
	1946	Building Bylaw

and the relative amendments and replacements.

THE CORPORATION OF THE CITY OF FERNIE

BYLAW No. 1750

- WHEREAS** the Council of the City of Fernie has adopted the City of Fernie Official Community Plan;
- AND** the Council deems it desirable to replace the City's existing Zoning
- WHEREAS** Bylaw cited as: "City of Fernie Zoning Bylaw No. 1406, to help ensure that its policies contained in the Official Community Plan are implemented;
- NOW** the Municipal Council of the City of Fernie in open meeting assembled
- THEREFORE** enacts as follows:

PART 1 ADMINISTRATION AND ENFORCEMENT

1.1 TITLE

This Bylaw may be cited for all purposes as "Zoning Bylaw" and is subsequently referred to herein as "this Bylaw".

1.2 ADMINISTRATION

- .1 The Bylaw Enforcement Officer and such other persons as may be appointed by the Council of the City of Fernie shall administer this Bylaw.
- .2 The Bylaw Enforcement Officer or other such persons appointed under Section 1.2.1 to administer this Bylaw are authorized to enter any building or structure or upon any land at any reasonable time to ascertain whether the provisions of this Bylaw are being observed.

1.3 VIOLATION

Every person who violates any provisions of this Bylaw, or who acts or 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 under the provisions of this Bylaw shall be guilty of an offence of this Bylaw.

1.4 PENALTY

Every person guilty of an offence of this Bylaw shall be liable on summary conviction to a penalty not exceeding two thousand dollars (\$2,000.00) for each offence and costs of prosecution.

1.5 SEVERABILITY

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

1.6 REPEAL OF BYLAWS

"City of Fernie Zoning Bylaw No. 1406, 1990", "City of Fernie Parking Bylaw No. 1491", "City of Fernie Sign Bylaw No 961" and all bylaws enacted in amendment thereto are hereby repealed.

PART 2 INTERPRETATION

2.1 APPLICATION

The provisions of this Bylaw apply to the land area within the boundaries of the City of Fernie and to all buildings and structures therein.

2.2 SCHEDULES

The following schedules attached to this Bylaw are incorporated in and form part of this Bylaw:
Schedule "A" - Zoning Map of the City of Fernie

2.3 UNITS OF MEASURE

Numerical quantities in this Bylaw are written in the International System of Units (SI) (i.e. - metric form). Approximate imperial units are shown in brackets following the metric measurements; such bracketed figures are included for convenience only and do not form part of this Bylaw.

2.4 DEFINITIONS

In this Bylaw:

ACCESSORY TO means:

customarily incidental and subordinate to the permitted use of land, building or structures.

ACCESSORY BUILDING means:

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

ACCESSORY USE means:

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

ACCOMMODATION UNIT means:

One or more habitable rooms together, that may or may not contain cooking facilities; has a private entrance either from the outside or from a common hall inside a building; provides commercial accommodation for periods of less than 30 days; and contains at least one bathroom. An Accommodation Unit is not a Dwelling Unit.

Bylaw
2324

AERODOME means:

an Aerodrome as defined by Transport Canada and does not include an Airport as defined by Transport Canada.

Bylaw
2341

AGRICULTURE means:

means the use of land, buildings, and structures for any of the following:

- 1) growing, producing, raising or keeping animals and plants, including apiculture, poultry and the growing of mushrooms and the primary products of those plants or animals, but does not include the breeding of pets or operating a Kennel;
- 2) cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister responsible for Agriculture;
- 3) turf production with approval under the ALCA, if required;
- 4) raising or keeping of farmed game by a person licensed to do so under the Game Farm Act (GFA);
- 5) raising or keeping of furbearing animals by a person licensed to do so under the Fur Farm Act (FFA);
- 6) raising or keeping of exotic animals prescribed by the Minister responsible for Agriculture;
- 7) a British Columbia licensed winery or cidery, provided that the use is in accordance with all conditions in the ALCA, as amended from time to time and all regulations or orders pursuant thereto;
- 8) the following farm activities to enable uses (1) to (7) above of the farm on that Lot:
- 9) clearing, draining, irrigating, or cultivating land;
- 10) using farm machinery, equipment, devices, materials, and structures;
- 11) applying fertilizers, manure, pesticides, biological control agents, including ground and aerial spraying; and
- 12) storage of Agricultural Products and the products of On-farm Processing and On-farm Product Preparation.

ALLUVIAL FAN means:

the alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary-stream with the main stream.

AMUSEMENT ARCADE means:

a facility having four or more mechanical or electrical games for the purpose of entertaining the public for a fee.

AMUSEMENT PARK means:

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

ANIMAL UNIT consists of any of the following:

- 1 beef or dairy cow plus calf or bull;
- 1 horse (stallion, gelding or mare and foal), donkey, mule or hinny;
- 4 sheep plus lambs;
- 4 goats plus kids;
- 40 rabbits; and

125 chickens, turkeys, geese or ducks.

APARTMENT means:

a type of multiple family building containing five or more dwelling units which have shared exit facilities above the first or main storey.

ASSEMBLY USE means:

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

AWNING means:

a clothlike or lightweight shelter projecting from a building.

BARELAND STRATA LOT means:

a lot shown as such on a registered strata plan.

BASEMENT means:

a storey or storeys of a building located below the first storey.

BEEHIVE means:

an enclosed human-made structure in which no more than one colony of bees live and raise their young.

BREWERY means:

a facility for the brewing, bottling, marketing and retail sales of beers and ales, by either a company for retail sales or by an individual for personal consumption.

BUFFER means:

a visual barrier formed by any one or a combination of landscaping, fencing or berming that is intended to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

BUILDING means:

any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING INSPECTOR means:

the person from time to time appointed by Council.

CAMPGROUND means:

an area of land that has been designed and intended for the temporary placement of recreational vehicles and tents. A campground includes any parcel of land with any combination of 3 or more tents or recreational vehicles placed on it. A campground does not include a manufactured home park.

CAMPGROUND SPACE means:

an individual area in a campground used or intended to be used, leased or rented for occupancy by tents or

Bylaw
2168



Bylaw
2189



Bylaw
2189



recreational vehicles.

CANOPY means:

a non-retractable, solid projection which extends from the face of a building and is supported by posts or is a structural part of a building.

CARPORT means:

a partially enclosed structure used or intended for the shelter of one or more motor vehicles.

CHILD CARE SERVICES means:

development licensed by the Province to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centres, day nurseries, kindergartens, nursery schools and play schools.

CLUB OR LODGE means:

a building or establishment used by a fraternal or service organization for meetings or social or recreational purposes, including incidental catering to the general public.

COMMERCIAL SCHOOL means:

a school conducted for gain, other than a private, academic, religious or philanthropic school and includes any specialized school, such as music, art or business.

COMMON STORAGE AREA means:

a portion of a mobile home park used or intended to be used for storage of automobiles, recreational vehicles, boats and other equipment and materials.

COMMON WALL means:

a continuous, unbroken vertical structure on either side of which is a separate dwelling unit.

COMMUNITY CARE FACILITIES means:

a building or buildings where care and assistance is provided for three or more persons who, on account of infirmity or mental or physical disability, require personal care or assistance.

COMMENCEMENT OF DEVELOPMENT means:

the application for a building permit or any excavation for construction of footings or foundations.

COMMUNITY SEWER SYSTEM means:

a common sanitary sewer or a system of sanitary sewage disposal serving two or more parcels which is owned, operated and maintained by the City of Fernie.

COMMUNITY WATER SYSTEM means:

a system of water works within the meaning of Section 21 of the Health Act, which is owned, operated and maintained by the City of Fernie.

CONDO HOTEL means:



a building or part of a building subdivided by way of a strata plan into lots containing two or more residential or commercial strata lots or both, wherein some or all strata units are Accommodation units; and where some or all strata units are dwelling units. Regardless of use as Accommodation Units or Dwelling Units a maximum of one set of individual cooking facilities is permitted in each Accommodation Unit or Dwelling Unit. Commercial and public areas including but not limited to a lobby, restaurant, assembly, entertainment and recreational facilities may be included within the building.

CONSERVATION AREA means:

an area that is considered to have special or sensitive environmental values that is desirable to preserve and protect in its natural state in perpetuity.

COUNCIL means:

the duly elected Municipal Council of the City of Fernie.

CONVENIENCE STORE means:

a building for the sale of convenience items including groceries, dry cleaning, videos and other items considered to be necessary on a daily basis, not to exceed 2,500 sq. ft.

CUL-DE-SAC means:

a street, one end of which is permanently closed by the pattern of subdivision.

CULTURAL ESTABLISHMENTS means:

buildings housing space for the pursuit of cultural activities, including arts, entertainment, crafts, historic and languages.

CONTROLLED ACCESS HIGHWAY means:

a highway or portions of a highway designed for through traffic and designated as such under Part 6 of the *Highway Act*, and includes Highway 3.

CORNER SITE means:

a site at the intersection or junction of two or more highways.

DISTILLERY means:

A building, or portion thereof, utilized for the manufacture, storage, distribution and sale of spirituous liquors produced on site which may include an area for the sale and consumption of alcohol and products promoting the sale or marketing of the spirituous liquors produced on site. The manufacturing component shall not exceed 140 square metres.

DWELLING, FOUR FAMILY means:

a dwelling containing four (4) dwelling units.

DWELLING, MULTI FAMILY means:

one building containing three or more dwelling units that can take the built form of town housing, stacked town housing or apartments.

DWELLING, DUPLEX means:



one building containing two (2) dwelling units that: (a) share a common roof and foundation (such as side by side units); or (b) that are separated by a common wall or floor (such as up down units); and (c) where no horizontal dimension of either dwelling unit, excluding a common wall or addition, is less than 5.5 m (18 ft).

DWELLING DENSITY means:

the number of dwelling units per hectare of land, which is calculated on the basis of the number of dwelling units divided by the area of land, excluding public streets, public parks and other outright public uses.

DWELLING UNIT means:

Bylaw
2324

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

DWELLING UNIT SECONDARY means:

a residential unit placed on the same lot as a single detached dwelling unit, but is smaller than the primary residential unit, and may be detached (either located above a detached garage or in the rear of the lot as a cottage) or may be attached either joined by a common wall, floor, or located completely within the primary residence.

DWELLING, SINGLE DETACHED means:

Bylaw
2341

a building, detached from all others containing a single dwelling unit. Single detached dwellings may also include a single secondary suite or secondary dwelling unit only where those uses are explicitly listed as accessory uses in the zone.

ECO-CLUSTERING means:

a method of creating and preserving natural open space in excess of required park dedication in new residential developments by concentrating residential density within a development polygon while maintaining zone specific gross density requirements for the overall site.

ELECTRIC SIGN means:

a transparent sign lighted from within by electricity, and shall also include any sign having a border of electric illuminant.

ELECTRICAL INSPECTOR means:

the person from time to time appointed as such by the Provincial Government.

EMPLOYEE HOUSING means:

Bylaw
1913

The use of a dwelling unit for occupation only by an employee or an individual related by blood, adoption, common-law marriage or foster parenthood to an employee or co-habiting with an employee in a spousal relationship.

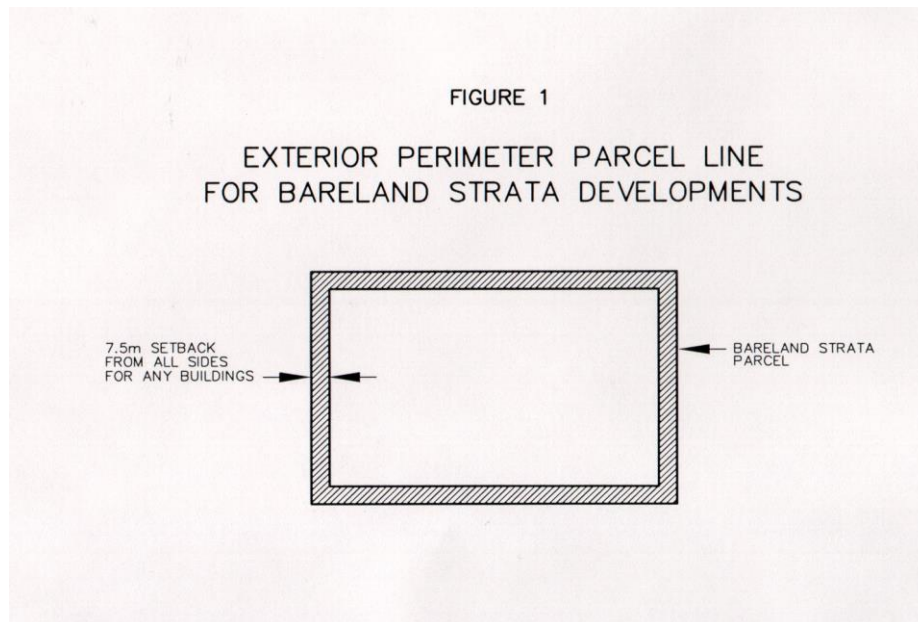
EXTENSIVE RECREATION means

land and facilities, generally privately owned and operated, that require large parcels of land, are available for public use and may include, but is not limited to, golf course, go-cart, tennis and mini golf.

EXTERIOR PERIMETER PARCEL LINE means:

the parcel line which forms the outside boundary of a parcel containing bareland strata lots created by a bare land strata plan pursuant to the Condominium Act.

FIGURE 1



FACIA SIGN means:

a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached.

FAMILY means:

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

FARM ANIMALS, KEEPING OF means:

the keeping or rearing of poultry and livestock, other than swine or mink, provided the number of animal units of livestock does not exceed one (1) animal unit per hectare in total and the number of animal units of poultry does not exceed one-half (1/2) animal unit per hectare in total. In all cases the number of livestock or poultry permitted shall be rounded down to the nearest whole number.

FCL means:

The Flood Construction Level identified in the Floodplain Management Bylaw No. 2348 as amended from time to time

FENCE means:

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

FINISHED GRADE means:

The average level of finished ground adjoining a building at all exterior walls.

FIRST STOREY means:

the storey having its floor level not more than 2.0 m (6.6 ft) above finished grade.

FLOOR AREA, GROSS means:

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

FLOOR AREA, NET means:

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

FLOOR AREA RATIO means:

the ratio between the total floor space of a building and the total area of the parcel upon which the building is situated.

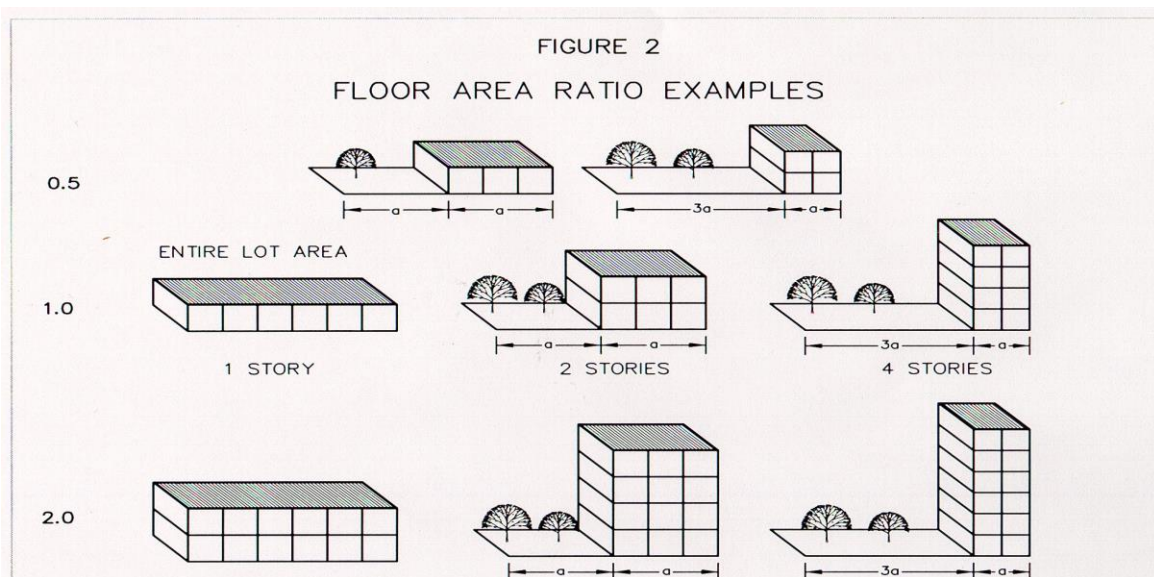


FIGURE 2

FORESTRY INDUSTRY means:

the harvesting and silviculture of the forested land and related activities, which do not include production of pulp.

FRONTAGE means:

that portion of the boundary of a parcel which is in common with the boundary of a highway other than a lane.

FRONTAGE ROAD means:

that length of a highway which one side adjoins a highway designated as a controlled access highway and

over which access is permitted to parcels on the other side.

G_{AVG} means:

The average grade of a parcel calculated in accordance with the following:

1. For Residential Developments of 4 or fewer dwelling units, residential accessory buildings, and Non-Residential Developments with a Gross Floor Area less than 500m²
 - a. G_{AVG} shall be calculated as follows:
 - i. For all parcels for which there is an approved subdivision grading plan that includes a value for average grade, the G_{AVG} for a parcel shall be the value indicated on approved subdivision grading plan.
 - ii. For all other parcels the following shall apply:
 1. Where parcels are unaffected by FCL requirements pursuant to the Floodplain Management Bylaw average grade shall be determined by the City of Fernie using the City's 2018 LIDAR data set by determining the mean elevation of all datapoints that are within a parcel.
 2. Where parcels are subject to FCL requirements pursuant to the Floodplain Management Bylaw and the FCL value is greater than G_{LIDAR} calculated using the LIDAR method:
 3. If the proposed building will include habitable areas that are below FCL then G_{AVG} = G_{LIDAR}
 4. If the proposed building includes no habitable areas below FCL then G_{AVG} = (FCL + G_{LIDAR})/2
2. For all other buildings, including accessory buildings, G_{AVG} shall be the weighted average of the existing grade or finished grade, whichever is lower, immediately adjoining or immediately below each exterior wall of a building, except:
 - a. localized natural depressions,
 - b. localized depressions no wider than 10m for vehicle entrances, or
 - c. localized depressions no wider than 5m for pedestrian entrances

G_{LIDAR} means:

The calculation of average grade of a parcel using the City of Fernie's LIDAR using the following formula:

$$\underline{G_{LIDAR} = a/n}$$

Where:

a = the sum of all valid LIDAR elevation datapoints in a parcel

n = the number of datapoints in a

GARAGE means:

a building or part thereof used or intended to be used for the shelter or storage -of motor vehicles but shall not mean a Gasoline Service Station.

GAS BAR means:

any building or land, the use of which shall be the retail sale of motor fuels and lubricants and may include automotive car wash, but may not include automotive repairs, sales and accessories.

GRADE, EXISTING means:

The elevation of the ground surface prior of any disturbance, alteration, excavation, or filling.

GRADE, FINISHED means:

The elevation of the ground surface after development

-GROSS HECTARE means:

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

GROUP HOME means:

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

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

H_{ZONE} means:

the H value for a specified building or structure in a particular zone.

HABITABLE AREA means:

any space or room within a building or structure, including a Manufactured Home or Unit and a modular home or unit, which is used or capable of being used for human occupancy, industrial, business, or commercial use, or storage of goods, including equipment, (including furnaces) which could be subject to damage by floodwater.

HABITABLE ROOM means:

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

HEIGHT, BUILDING means:

the vertical distance from the finished grade to the highest point of a building or structure. The vertical distance of a building measured from G_{AVG} to a defined point on a building or structure in accordance with Section 3.

HIGHWAY includes:

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

HIGHWAY COMMERCIAL means:

commercial uses which rely on automobile or truck traffic and the tourist population.

HOME OCCUPATION means:

an occupation, service, profession or craft which is clearly incidental to the use of a Dwelling Unit for residential purposes or to the residential use of a parcel occupied by a Dwelling Unit, including, but not limited to, Short Term Rentals.

HORIZONTAL SIGN means:

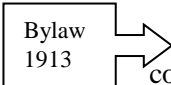


a sign whose maximum horizontal dimension is greater than its maximum vertical dimension.

HORTICULTURE means:

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

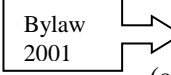
HOSTEL means:

 a building used as a temporary place of lodging containing one or more dormitories and includes common area and facilities for washing, cooking, dining and socializing.

HOTEL means:

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

INDEPENDENT SCHOOL means:

 an Independent School as defined in the Independent School Act, R.S.B.C., 1996, Chapter 216 (as amended).

INDOOR AMENITY SPACE means:

an unobstructed area or areas within a building accessible and available for the use of the residents of the dwelling units that it serves. No dimension shall be less than 3 m (9.8 ft). This space may be located in the principal building or in an accessory building located on the same parcel as the principal building. Indoor amenity space may include, but is not limited to: an exercise room, workshop, common meeting room, or children's play area.

INDUSTRY LIGHT includes:

such uses as assembly, fabricating, light manufacturing, warehousing, wholesaling and food processing.

INFILL DEVELOPMENT generally means:

development or redevelopment on parcels which can often be re-subdivided parcels, located in existing residential or commercial districts.

JUNK YARD means:

an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

KENNEL means:

any compound, group of pens or cages or property in which four or more dogs or cats are, or intended to be trained, cared for, bred, boarded or kept for any purpose whatsoever. Kennels do not include commercial boarding kennels. A dog or cat means a member of the canine or feline species which is two or more months in age.

KENNEL, COMMERCIAL BOARDING means:

any compound, group of pens or cages or property in which four (4) or more dogs or cats, other than those belonging to a resident of the property on which the commercial boarding kennel is located are, or are

intended to be cared for or boarded for profit or gain. A dog or cat means a member of the canine or feline species which is two or more months in age.

LAND means:

the surface of water, but does not include improvements, mines or minerals belonging to the Crown, or mines or minerals for which title in fee simple has been registered in the land title office, but for the purposes of assessment and taxation, "land" has the same meaning in the Assessment Act.

LANE means:

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

LOT see "Parcel".

MANUFACTURED HOME means:

a special category of single detached dwelling being constructed to the requirements of the CSA A277 or Z240 National Standard. A manufactured home is manufactured in a factory for transport, assembly and completion as a dwelling, including placement on a permanent foundation, on a free hold lot or, a surface foundation system that meets the requirements of the CSA 2240.10.1 National Foundation and Site Preparation Standard on a park rental space. For the purposes of this bylaw, a manufactured home is not a mobile home.

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2341

MANUFACTURED HOME SUBDIVISION means:

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

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1804

MANUFACTURED HOME PARK means:

land used or occupied by any person for the purpose of providing space for the accommodation of two (2) or more manufactured or mobile homes and for imposing a charge or rental for the use of such spaces, except where two (2) or more manufactured homes are permitted on a parcel.

Bylaw
1804

MANUFACTURED HOME SPACE means:

an area of land for the installation of one manufactured or mobile home with permissible additions and situated within a manufactured home area.

Bylaw
1804

MANUFACTURING means:

the use of land or buildings for the purpose of manufacturing, assembly, finishing, treating, altering, repairing, warehousing for sale of any goods or service, including value added fabrication for the production of specialty goods derived from raw or natural resources, including, but not limited to, furniture makers, log home builders, art and sculpture studios, craft shops and bakeries.

MICRO BREWERY WITH TOURISM AMENITY FACILITIES means:

a facility of less than a 1,000 square metre footprint for the brewing, bottling and marketing of beers, ales and ciders by a company for retail and wholesale sales which shall include a tour reception area,

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2023

a retail store and an area for beer, ale and cider tasting and food consumption; and whereby, no more than five tractor-trailer type vehicles shall be allowed for pick-up or delivery to the facility within any 24 hour period.

MAJOR STREET NETWORK means:

the arterial planned arterial transportation network, prepared in coordination with the Ministry of Transportation and Highways.

MINIMUM USABLE SITE AREA means:

a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rockfall, flooding or high water table hazard.

MINI-STORAGE WAREHOUSE means:

a building containing separate, individual self storage units designed to be rented / leased to the general public for private storage of personal goods and equipment.

MIXED USE DEVELOPMENT means:

a building or comprehensively planned site that combines two or more complementary land uses.

MOBILE HOME means:

a building certified as being constructed to requirements of CSA Z240 MH Series National Standard when sited in a manufactured home park at the time of manufacture in a factory. A mobile home is designed specifically for transportation, and to accommodate a surface foundation system that meets the requirements of the CSA Z240.10.1 National Foundation and Site Preparation Standard. When sited on a freehold lot a mobile home shall be placed on a permanent foundation. For the purposes of this bylaw, a mobile home is not a recreational vehicle.

Bylaw
2341

MOTEL means:

a building or group of buildings divided into two or more Accommodation Units, each with a separate entrance, for the primary purpose of accommodating transient motorists. This use may include a motor court, resort, cottages, bungalows or cabins but does not include a hotel or other residential premises. A motel may include a dining establishment primarily engaged in the service of food to persons in temporary residence in the motel but may not include establishments primarily engaged - in providing entertainment or in serving beverages.

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2324

Motels may also include park model RVs (CSAZ241 – Park Model RV) operated as accommodation units where no more than 50% of all accommodation units for the motel are Park Model RVs. Park model RVs used as accommodation unit shall not be located closer than 1.5m from all buildings and shall be subject to the minimum setbacks required in a zone to the exterior parcel lines

Bylaw
2359

NATURAL BOUNDARY means:

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

NATURAL GROUND ELEVATION means:

the undisturbed ground elevation prior to site preparation.

NEIGHBOURHOOD COMMERCIAL means:

a commercial operation that serves the convenience needs of the adjacent neighborhood and includes food, drug, variety and personal grooming types of operations.

OFF-STREET LOADING SPACE means:

an area of land other than a highway used to provide access to a loading door, platform or bay for the purpose of loading and unloading of vehicles.

OFF-STREET PARKING SPACE means:

an area of land other than a highway used for the temporary storage of vehicles.

OUTDOOR STORAGE means:

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

PAD means:

a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a Manufactured Home or Unit, a concrete Pad for supporting a Habitable Area, or a poured in place concrete perimeter foundation for the purpose of supporting a Habitable Area or Manufactured Home.

PANHANDLE PARCEL means:

any parcel, the building area of which is serviced and gains frontage through the use of a relatively narrow strip of land which is an integral part of the parcel and is referred to as an access strip.

PARCEL means:

the smallest unit which land is designated under the Land Title Act or the Condominium Act as a separate and distinct parcel on a legally recorded plan or description deposited in the Land Title Office, but does not include a highway right-of-way or portion thereof and includes a strata parcel pursuant to the Condominium Act and registered in the Land Title Office.

PARCEL COVERAGE means:

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

PARCEL LINE means:

a legal boundary of a parcel as shown or described on the records of the Land Title office.

PARCEL LINE, FRONT means:

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

PARCEL LINE, REAR means:

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

PARCEL LINE, SIDE means:

the parcel line or parcel lines other than the front or rear parcel line and common to another parcel or parcels or to a highway.

PARK means:

open space set aside for recreational purposes or maintained for the use and enjoyment of the public and includes ecological, archaeological and historical sites. A park may also include privately owned land for use of which no charge is made but does not include a commercial amusement park.

PENSION means:

A building used for temporary lodging by visitors that includes accommodation units and a common area including a dining room intended for use of guests.

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1913

PERMANENT FOUNDATION means:

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

PERSON means:

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

PERSONAL SERVICES means:

a variety of services provided for a charge, to individuals, including but not limited to, personal grooming, physical fitness, therapeutic massage and counseling.

PRINCIPAL BUILDING means:

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

PRINCIPAL USE means:

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

PROJECTING SIGN means:

a sign fastened directly to the wall of a building and projecting out from the wall.

PUBLIC BUILDING means:

any building owned by the government of Canada, the Provincial Government, Crown Corporations, the Regional District of East Kootenay, the School District No. 5, or the City of Fernie used in the service of the public and includes a fire hall and police station.

PUBLIC SCHOOL means:

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

PUBLIC UTILITY USE means:

a use, including buildings and structures, providing water supply, sewage collection and disposal, electricity, natural gas, telephone, radio and television broadcasting, transmitting and receiving and similar services where such use is established by the Municipality, by another government body, or by a company regulated by government legislation.

RECREATION FACILITIES means:

Indoor or outdoor facilities for the purposes of passive recreational uses including but not limited to tennis courts, swimming pools, hot tubs, sitting areas, playgrounds, play rooms, health clubs or spas.

RECYCLING DEPOT means:

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

RESIDENTIAL (zone) means:

The R-1, R1-B, R-2, R-3, R-4, R-MH, RR and R1SL zones, or areas of a CD-1, CD-2, or CD-3 zone in which the predominant is use for residential dwellings.

RESORT ORIENTED RETAIL means:

A commercial use ancillary to the Golf Course.

RESOURCE EXTRACTION USE means:

the extraction of primary minerals and other resources and includes the preliminary grading, working and crushing of such materials, but excludes all other processing or manufacturing.

REST HOME means:

a building where care or assistance is provided to persons who because of age, infirmity, or physical or mental disability require personal care or assistance, including nursing homes, convalescent homes and senior citizen homes.

RIDING STABLE means:

a facility for the boarding and rental of horses.

ROOF SIGN means:

any sign on, over or above any roof.

SALVAGE YARD means:

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

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SANITARY LANDFILL SITE means:

a site approved and regulated by the B.C. Waste Management Branch for the disposal of waste material.

SCREENING means:

a fence or an evergreen hedge or combination thereof that obstructs certain views of the property which it encloses and is broken only by access drives, lanes and walkways.

SEASONAL PRODUCE STANDS means:

a vehicle or structure with a gross floor area not exceeding 30 m² (322.9 ft²) which is used part of the year for the sale of horticultural and agricultural products to the public.

SECONDARY SUITE

- a) having a total floor space of not less than 25m² and not more than 90 m² in area,
- b) having a floor space less than 40% of the habitable floor space of the building,
- c) located within a building of residential occupancy containing only one other dwelling unit, and
- d) located in and part of a building which is a single-detached dwelling.

Bylaw
2341

SETBACK means:

the required minimum distance between a building, structure, watercourse, lake or use and each of the respective parcel lines.

SERVICE COMMERCIAL means:

uses generally requiring a larger parcel of land for operation, good road access and may include sales, manufacturing and storage businesses.

SERVICE STATION means:

any building or land, the use of which shall be the retail sale of motor fuels and lubricants and may include automobile diagnostic centres, the servicing and minor repairing of motor vehicles, the sale of automotive accessories; excludes all other sales and services, auto body shops, and painting.

SHOPPING CENTRE means:

a group of retail stores in one or more buildings designed as an integral unit.

SHORT-TERM RENTAL means:

the rental of all or a portion of a Dwelling Unit for periods of less than 30 days for valuable consideration in accordance with a valid and subsisting business license issued for that use in that building, excluding Secondary Suites and Secondary Dwelling Units.

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2324

SIGN means:

any structure or device which is used or intended to be used to identify or advertise any object, product, place, activity, person, institution, organization or business and which is placed so as to be seen by the public.

SLEEPING UNIT means:

A room used for sleeping accommodation for one person.

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1913

SOLAR ENERGY COLLECTOR means:

a device or structure, part of a device or structure, or a combination of the foregoing that transforms direct or indirect solar energy into thermal, chemical or electrical energy.

SPECIAL TOURISM DEVELOPMENTS means:

any establishment or clustering of establishments operated to provide services and accommodation for the use of the travelling public engaged in tourism and recreational activities.

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2282

SPRAY PARK means:

A recreation area, for water play, that has spraying water apparatus and little or no standing water.

STACKED TOWNHOUSING means

a residential building consisting of three or more dwelling units, attached in some manner which have individual entrances to each dwelling.

STORAGE YARD means:

an area outside of an enclosed building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment or other goods, materials, products, vehicles, equipment, or machinery are stored, baled, piled, handled, sold or distributed. A storage yard shall not be constructed to include an automobile wrecking yard, or a junk yard.

STOREY means:

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

STRUCTURE means:

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

TENT means:

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

URBAN FRINGE means:

lands identified as having joint interest between two adjacent municipalities.

TOWNHOUSING means:

a residential building consisting of three or more dwelling units, attached side by side, which have individual entrances to each dwelling unit.

TOURIST ACCOMMODATION means:

a building containing one or more accommodation units that provide accommodation primarily for visitors based on a daily or weekly rental period. The building may include public area such as a lobby, restaurant, assembly, entertainment and recreational facilities.

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2324

TRAILER PARK MODEL means:

either a recreational unit designed to meet CSA Z-240 RV Standards and which is connected to wheels that can be used for conveyance on or off the highway, or a recreational unit designed to meet CSA Z-24I

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standards, and is capable of being lawfully transported or towed on a highway at all times, but does not include a manufactured home.

VALID LIDAR ELEVATION POINTS means:

All LIDAR elevation datapoints included in the City of Fernie's 2018 LIDAR data excepting any datapoints where physical inspection of area confirms an artificial anomaly such as a dirt pile was included in the LIDAR dataset.

VEHICLE means:

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

VEHICLE, DERELICT means:

any vehicle pursuant to the Motor Vehicle Act and amendments thereto which is inoperable and/or not licensed for the current year. This does not include vehicles stored in buildings or farm vehicles or other vehicles used only on the property for specific purposes.

VEHICLE, RECREATIONAL means:

a vehicle which is designed and capable of lawful travel or transport on a highway and constructed or equipped to be used as temporary living or sleeping quarters by travelers and, without limiting the generality of the foregoing, includes a trailer, travel trailer, tent trailer, coach, camper motor home, but not a manufactured home, and is connected to wheels, or placed on a licensed motor vehicle, and capable of being lawfully driven or transported on a highway at all times.

VEHICLE SPACE, RECREATIONAL means:

an area in a recreational vehicle park allotted for the parking of recreational vehicles or for the placement of tents.

VERTICAL SIGN means:

a sign where the vertical dimension is greater than its maximum horizontal dimension.

VETERINARY CLINIC means:

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

WAREHOUSE SALES means:

a building or part thereof which is used for the retail sale of warehouse goods, wares and merchandise.

WAREHOUSING means:

a building or part thereof which is used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, ware and merchandise.

WATERCOURSE means:

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



WRECKING AND REPAIR OF VEHICLES means:

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

YARD means:

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

YARD, FRONT means:

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

YARD, REAR means:

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

YARD, SIDE means:

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

YURT means:

a circular tent supported by a wood lattice structure on the sides, with an air circulation exit hole on top and covered with a fabric exterior covering.

ZONE means:

an area of the municipality with specific land uses and regulations, as allowed under the Municipal Act.

PART 3 GENERAL REGULATIONS

3.1 CONFORMITY OF USES, BUILDINGS AND STRUCTURES

No person shall permit any building, structure, or land to be used or occupied or any building or structure or part thereof to be erected, moved, altered or enlarged unless in conformity with this Bylaw or provisions of the "Municipal Act".

3.2 USE OF EXISTING PARCELS

Parcels existing at the time of the effective date of this Bylaw which do not conform to the parcel area regulations of this Bylaw may be used for any of the permitted uses in the zones where they are situated provided that all other regulations of this Bylaw are complied with.

3.3 PERMITTED USES IN ALL ZONES

Bylaw
2341



In addition to those uses listed as permitted and accessory in a particular zone, the following uses, building and structures are permitted in all zones:

- .1 the use of a building, or part thereof, as a polling station for government elections, referenda or census;
- .2 the temporary use of a building or part thereof as campaign headquarters for political candidates;
- .3 telephone booths;
- .4 highway lighting fixtures;
- .5 highways and railroads;
- .6 street furniture;
- .7 mail boxes;
- .8 parks;
- .9 public utility uses; and
- .10 historical and archeological display sites.

3.4 PROHIBITED USES

If a use is not specifically listed in this bylaw, it is considered to be prohibited.

3.5 HOME OCCUPATION

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

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2324

- .1 it shall be carried on only by residents of the dwelling unit;
- .2 it shall be conducted entirely within the dwelling unit or an accessory building;
- .3 it shall not involve the storage of materials outside the dwelling unit or accessory building;
- .4 a maximum of one home occupation related vehicle shall be permitted provided it is no larger than one ton with a gross vehicle weight of 5300 kg. and a parking space provided;
- .5 it shall give no exterior indication of the home occupation except that one (1) sign not exceeding 0.2 m² (2.2 sq. ft.) in area may be affixed to the dwelling unit or accessory building which gives the name of the home occupation and the name of the license holder;
- .6 it shall provide off-street parking spaces for all vehicles associated with the dwelling unit and the home occupation under the parking provisions of Part 7 of this Bylaw;
- .7 shall not involve the retail sale of goods except those produced or assembled by the home occupation.
- .8 No home occupation shall be permitted unless there is a valid and subsisting business license for such use.

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3.6 ACCESSORY BUILDINGS AND STRUCTURES

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

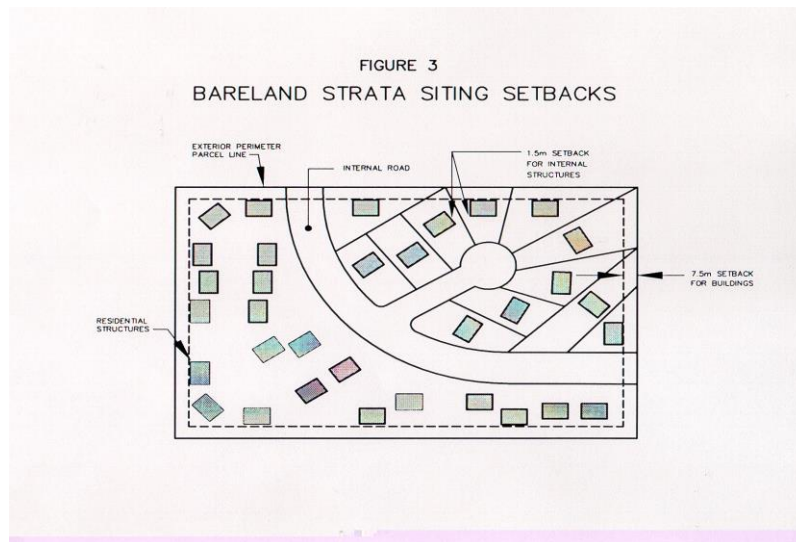
3.7 SITING OF BUILDINGS AND STRUCTURES

- .1 The construction, reconstruction, alternation, moving or extension of buildings and structures shall be in conformity with the regulations for siting of buildings and structures specified in this Bylaw.
- .2 Where the British Columbia Building Code requires greater setbacks than required in this Bylaw, the requirements of the British Columbia Building Code shall apply.
- .3 Accessory buildings or structures that are used for animal shelters shall be sited in accordance with the following:
 - (a) Buildings or structures used to shelter or for the storage and handling of manure of swine, fur-bearing animals, or for beef feedlot operations shall be sited no closer than:
 - i) 60 m (196.9 ft.) from a parcel line;
 - ii) 30 m (98.4 ft.) from a domestic well, spring, or natural boundary of a lake or watercourse.
 - (b) Buildings or structures used to shelter or for the storage and handling of manure or compost of poultry, dairy cattle, or for mushroom farming shall be sited no closer than:

- i) 30 m (98.4 ft.) from a parcel line;
 - ii) 30 m (98.4 ft.) from a domestic well, spring, or natural boundary of a lake or watercourse.
 - (c) All other animal shelters or buildings or structures used for the storage and handling of manure of animals not enumerated in clauses (a) or (b), shall be sited no closer than:
 - i) 7.5 m (24.6 ft.) from a parcel line;
 - ii) 30 m (98.4 ft.) from a domestic well, spring, or natural boundary of a lake or watercourse.
- .4 Subject to such building regulations as may be applicable, the following may project into the required setback specified in the regulations of Part 4 of this Bylaw:
- (a) Steps, provided that such projection shall not exceed 1.2 m (2.9 ft.) in cases other than fire-proof escapes.
 - (b) Eaves and gutters, cornices, sills, bay windows, chimneys, or other similar features, provided that such projections do not exceed 1.0 m (3.3 feet), or 0.6 m (2.0 feet) in the case of a setback of less than 1.5 m (4.9 feet.)
 - (c) Open porches, marquees and canopies, provided that such projections do not exceed 1.8 m (5.9 feet), nor 50% of the horizontal distance from the building to the parcel line.
 - (d) Balconies and sundecks, provided that such projections do not exceed 1.3 m (4.3 feet) nor 50% of the horizontal distance from the building to the parcel line.
 - (e) A patio or terrace, which may be open or fenced, and which is covered only by a temporary covering such as an awning.
 - (f) Arbors, trellises, fish ponds, ornaments, flag poles, vegetation and similar landscape features.
 - (g) A roofed or covered swimming pool not exceeding 3.5 m (11.5 ft.) in height, or uncovered swimming pool located in a side yard or rear yard within a separate fenced enclosure fitted with a safety gate, not less than 3.0 m (9.8 feet) from a rear or side parcel line.
 - (h) Free standing light poles, warning devices, antennae, satellite dishes, masts, utility poles, wires, public utilities, flag poles, signs and sign structures, provided that the location and design thereof is not prohibited under any Bylaw or regulation of the City of Fernie.
 - (i) Underground structures, provided that the top surface of such structure shall at no point extend above the average finished ground elevation, except for vent and fill pipes for underground storage tanks.
 - (j) Apparatus needed for the operation of active and passive solar energy systems, including but not limited to overhangs, movable insulating walls, shutters, roof, detached solar energy collectors, reflectors and piping.
 - (k) Gasoline service pumps or pump islands in a front or side yard, provided that such pumps shall be located not closer than 4.5 m (14.8 ft.) to any parcel boundary; notwithstanding clause (c) hereof, canopies erected above such pumps or pump islands may project into a front or side yard, provided that such canopy is located not closer than 1.5 m (4.9 ft.) to a parcel line.
- .5 Regulations in Part 4 of this Bylaw concerning siting of buildings and structures and parcels abutting controlled access highways shall not apply where a frontage road serves the parcel.

- .6 Regulations concerning siting of buildings or structures in Part 4 of this Bylaw shall not apply to fences.
- .7 Siting regulations under this Bylaw do not apply to bare land strata lots except in relation to the exterior perimeter parcel lines, and that;
 - (a) no person shall site a building or structure on a bare land strata lot less than 7.5 metres (24.6 ft) from an exterior perimeter parcel line; and
 - (b) no person shall site a building or structure on a bare land strata lot less than 1.5 metres (4.9 ft) from another building or structure.

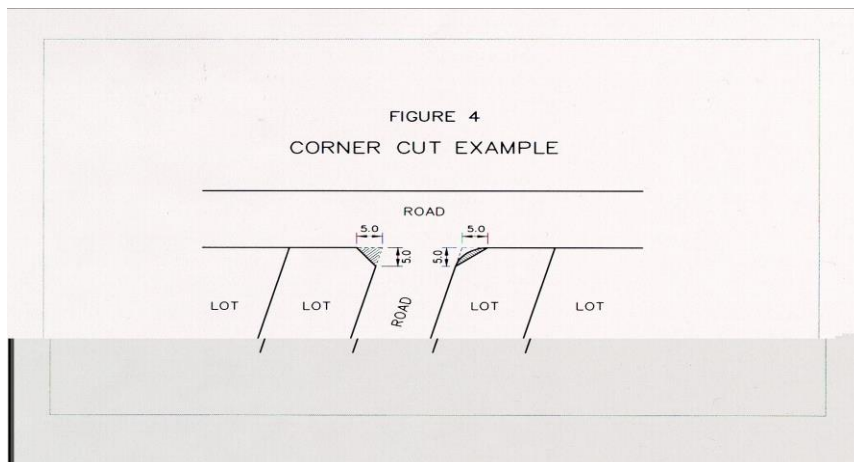
FIGURE 3



3.8 VISIBILITY AT INTERSECTIONS

No person shall obstruct the visibility at any intersection on corner parcels by any means within a triangular area bounded by the two parcel lines adjacent to the highway right-of-way and a straight line joining each parcel line at a distance of 5.0 m (16.5 feet) from their point of intersection as shown by the following diagram:

FIGURE 4



3.9 MAXIMUM BUILDING HEIGHT

- .1 Where a Zone includes a regulation entitled “Maximum Height”, no building or other structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the maximum height specified for the Zone in which the building or structure is located. For certainty, maximum height in a Zone may vary according to the use of the building or other structure, as specified in the Zone.
- .2 The Maximum Building Height for a building or structure that:
 - a. incorporates an irregular roof where any part of the roof has a pitch less than 3:12 shall be $G_{AVG} + H_{ZONE}$ measured to the highest point of the roof including eaves.
 - b. incorporates a gambrel or mansard roof the maximum building height shall be to the top of the hip roof and the highest point of the roof must not exceed the Maximum building height using a 110% of the H_{ZONE} .
 - c. incorporates a dome (curved or barrel) roof, the curve of the roof must start at or below $G_{AVG} + (H_{ZONE} \times 80\%)$ and the highest point of the roof must not exceed $G_{AVG} + (H_{ZONE} \times 110\%)$ top of the
 - d. incorporates a roof where all portions of the roof have a pitch greater than 3:12 the height shall be $G_{AVG} + H_{ZONE}$ measured to the midpoint of the roof.
 - e. Is an accessory building where the H_{ZONE} value is 5m or less shall be $G_{AVG} + H_{ZONE}$ measured to the highest point of the roof.
- .3 In addition to section 3.9.2 the following restrictions apply to maximum building height:
 - a. Dormers on buildings or other structures must not exceed the maximum building height. For the purposes of determining the maximum height of a dormer, all dormers with a roof pitch $>3:12$ shall be measured to the midpoint of the dormer and all other dormers shall be measured to the highest point of the dormer.
 - b. The height of any building face measured from finished grade to the measurement points detailed in section 3.9.2 shall not exceed $H_{ZONE} + 2.5m$.
- .4 Notwithstanding sections 3.9.2 and 3.9.3 the following are permitted exceptions to the maximum building height:
 - a. Church spires, belfries, domes, monuments, fire and hose towers, clock towers, transmission towers, water tanks, broadcasting and receiving antennae, chimneys, smoke stacks, ventilators, flagpoles, drive-in theatre screens, stadium bleachers, lighting poles, silos, apartment elevator shafts, industrial cranes, and observation towers may exceed the maximum building height provided they do not exceed $G_{AVG} + (H_{ZONE} \times 150\%)$.
 - b. Solar collection devices and windmills in residential zones only may exceed the maximum building height provided they do not exceed $G_{AVG} + (H_{ZONE} \times 125\%)$

~~.1 HEIGHT EXCEPTIONS OF BUILDINGS AND STRUCTURES~~

~~.2.5~~

3.10 SCREENING AND FENCING REQUIREMENTS

- .1 Notwithstanding the height regulations in Part 4 of this Bylaw the following shall apply:
 - (a) No person shall locate screening or fencing higher than 1.0 m (3.3 ft) from ground level in a front yard.
 - (b) No person shall locate screening or fencing higher than 2.0 m (6.6 ft.) from ground level in a required side yard or rear yard.
 - (c) Barbed wire shall not be used as part of any screening in the rural residential zone.
 - (d) Barbed wire may be used as part of any screening only for reasons of security in zones other than residential zones.
 - (e) No person shall locate screening (other than an open mesh or chain link type fence) exceeding

2.0 m (6.6 feet) in height on, or parallel to, any parcel line in zones other than residential zones.

- (f) All outdoor storage in Commercial, Service Commercial and Industrial zones shall be screened by a tight board fence or compact evergreen hedge or a combination thereof of a uniform height not less than 2.0 m (6.6 ft.) in height on all sides not facing directly onto buildings.
 - (g) All outdoor swimming pools shall have a perimeter fence not less than 2.0 m (6.6 ft.) in height with locked gates
- .2 All screening shall comply with the requirements of Section 3.9 "Visibility at Intersections", of this Bylaw.

3.11 PARCEL AREA REQUIREMENTS

PARCEL AREA

- .1 No parcel shall be created unless it is of sufficient area to provide a site which may be used for one of the uses permitted in the zone in which it is located, having due regard for the provisions of this Bylaw concerning parcel area and yard regulations.
- .2 Subject to subsection .3 of this Section, the parcel area requirements in Part 4 of this Bylaw shall be the minimum area of parcels of land that may be created by subdivision under the Land Title Act or the Condominium Act.
- .3 The parcel area regulations in Part 4 of this bylaw shall not apply to:
 - i) a community water system;
 - ii) a community sewer system;
 - iii) a community gas distribution system;
 - iv) a community radio or television signal receiving antenna;
 - v) a radio or television broadcasting antenna;
 - vi) a telecommunication relay station;
 - vii) an automatic telephone exchange;
 - viii) an air or marine navigation aid;
 - ix) electrical substations or generating stations;
 - x) parks.

3.12 PANHANDLE PARCELS

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

PART 4 ZONES

4.1 ESTABLISHMENT OF ZONES

For the purpose of this Bylaw, the area incorporated into the City of Fernie is hereby divided into zones with the following designations and their short form equivalents.

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4.2 ZONE DESIGNATION SHORT FORM

RESIDENTIAL ZONES

4.2.1	Single Family Residential	R-1
4.2.1.A	R1SL – Single Family Residential	R1SL
4.2.2	R1-B Single Family Detached plus Residential	R1-B
4.2.3	RWF Low Density Residential – West Fernie	R-WF
4.2.4	RWF1 RWF Low Density Residential – West Fernie Steep Slope	R-WF1
4.2.5	Duplex Residential	R-2
4.2.6	Medium Density Residential	R-3
4.2.7	Medium Density Residential - Riverside	R3-R
4.2.8	Multiple Family Residential (High Density)	R-4
4.2.9	Manufactured Home Residential	R-MH
4.2.10	Rural Residential	RR

COMMERCIAL ZONES

4.2.11	Retail Commercial	C-1
4.2.12	Neighbourhood Commercial	C-2
4.2.13	Highway Commercial	C-HWY
4.2.14	West Fernie Mixed Use Zone	C-WF
4.2.15	Service Commercial	CS-1

INDUSTRIAL ZONES

4.2.16	Light Industrial	M-1
4.2.17	Agricultural	A-1

PUBLIC ZONES

4.2.18	Public Institutional	P-1
4.2.19	Parks and Open Space	P-2
4.2.20	Private Parks	PP

COMPREHENSIVE DEVELOPMENT ZONES

4.2.21	Comprehensive Development One Zone	CD-1
4.2.22	Comprehensive Development Two Zone	CD-2
4.2.23	Comprehensive Development Four Zone	CD-4
4.2.24	Comprehensive Development Three Zone	CD-3

4.3 OFFICIAL ZONING MAP

The locations of the zones established by this Bylaw are shown on the Official Zoning Map of the City of Fernie which is Schedule "A" to this Bylaw.

4.4 ZONE BOUNDARIES

In the interpretation of the boundaries as shown on the Official Zoning Map, the following rules shall apply:

- (a) where a zone boundary is shown as following a highway, creek, or river, the centre line of such highway, creek or river shall be the zone boundary, unless referenced to parcel lines, Municipal Boundaries, or shown otherwise;
- (b) where a boundary line does not follow a legally defined line and where distances are not specifically indicated, the boundary shall be determined by scaling from Schedule "A".

RESIDENTIAL

GENERAL REGULATIONS FOR RESIDENTIAL ZONES

- .1 No person shall use or permit the use of any portion of a parcel in a residential zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.
- .2 All persons carrying out a use permitted in a residential zone shall comply with the relevant provisions of parts 3, 4 and 5 of this Bylaw.

4.2.1 R1 - SINGLE FAMILY RESIDENTIAL

.1 Purpose

The purpose of the R1 zone is to provide for single family detached housing.

.2 Permitted Uses

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The following uses, and no other, are permitted in the R1 zone.

- .1 single detached dwelling except manufactured home or mobile home;
- .2 uses permitted under Section 3.3 of this Bylaw.

.3 Accessory Uses

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- .1 *home occupation;*
- .2 *secondary suite;*
- .3 *buildings and structures accessory to a permitted use.*

.4 Regulations

- .1 On a parcel located in an area designated as R-1, no building, or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
2. All construction for secondary suites must be in accordance with BC Building Code regulations for secondary suites.
3. In order for a secondary suite to be permitted, the minimum parcel area shall be 500 sq. m (5382.1 sq. ft.)
4. Secondary suites shall only be permitted above or below the main floor area, or above an attached garage sharing a common wall.
5. Secondary suites are limited to a maximum of two bedrooms.
6. The main floor area must remain as the primary dwelling unit when a secondary suite is included within a single detached dwelling.
- 6.7. Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

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COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	500 sq. m (5,382.1 sq. ft.)
.2 Minimum Parcel Frontage <ul style="list-style-type: none"> • all parcels • except in the bulb of a cul-de-sac 	15 m (49.21 ft.) 10 m (32.8 ft.)
.3 Minimum Setback <ul style="list-style-type: none"> a) Principal Building <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard adjacent to a highway right-of-way other than a lane b) Accessory Building <ul style="list-style-type: none"> • front yard • rear yard • rear yard where adjacent to a highway right-of-way other than a lane • side yard • side yard where adjacent to a highway right-of-way other than a lane c) All structures 	7.5 m (24.6 ft.) 6 m (19.7 ft.) 1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line 4.5 m (14.8 ft.) 7.5 m (24.6 ft.) 1.5 m (4.9 ft.) 4.5 m (14.8 ft.) 1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line 4.5 m (14.8 ft.) 22 m (72.2 ft.) from the centre line of Hwy 3
.4 Maximum Parcel Coverage <ul style="list-style-type: none"> • house; living area only • all structures 	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 10px;">Bylaw 1801</div> <div style="font-size: 2em;">←</div> <div style="margin-left: 10px;"> 25% 35% </div> </div>
.5 Maximum Density	One (1) principal building per parcel
.6 Maximum Building Height <ul style="list-style-type: none"> • Principal Building • Accessory Building 	H = 8m 10.0 m (32.8 ft.) <u>5.0 m (16.4 ft.)</u> H = 5m
.7 Minimum Building Width <ul style="list-style-type: none"> • Single detached dwelling 	5.5 m (18.0 ft.)
.8 Parking	See Part 5

4.2.1.A R1SL – Single Family Residential Small Lot

.1 Purpose

The purpose of the R1SL zone is to create a zone to allow conforming status to be obtained for certain existing residential parcels that do not meet the minimum parcel frontage and minimum parcel area requirements of the R1 zone and to permit parcels to be created with reduced parcel frontage and smaller parcel area for the purpose of development of detached single detached dwellings than as permitted in other residential zones.

.2 Permitted Uses

The following uses, and no other, are permitted in the R1SL zone:

- .1 Single detached dwelling;
- .2 Manufactured Homes;
- .3 Uses permitted under Section 3.3 of this Bylaw.

.3 Accessory Uses

- .1 Uses, buildings and structures accessory to permitted use;
- .2 Home occupation;
- .3 Secondary Suite.

.4 Regulations

- .1 On a parcel located in the R1SL zone, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Mobile Homes are not permitted.
- .3 The following regulations apply to parcels that are not a Corner Site that has a Front Parcel Line of less than 15 m (49.2 ft) (“Interior Lots”)
 - a. Off street parking spaces located in the front yard must have a maximum aggregate width of 4.75 m (15.0 ft), and shall be sited end to end in the front yard. Side by side siting of the required off street parking is not permitted in the front yard.
 - b. Attached Garages or Carports shall be setback 5.8 m from the Front Parcel Line.
 - c. First and Second Stories of Dwelling Units shall not be setback more than 1.2 m (4.0 ft) from the nearest part of an attached Garage or Carport to the Front Parcel Line.
 - d. Motor vehicle access from the front yard is not permitted to a detached Garage or Carport.
- .4 Off street parking spaces on a Corner Site must be set back a minimum of 5 m (16.4 ft) from a Side Parcel Line adjacent to a highway.

.5 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	250.8 sq. m (2,700 sq. ft.)
.2 Minimum Front Parcel Line (Interior Lots and Corner Sites, excepting Cul-de Sac Lot) Cul-de-Sac Lot	9.14 m (30.0 ft) 6.1 m (20.0 ft)
.3 Minimum Setbacks (a) Interior Lot Principal Building - Front yard - Rear yard - Side yard Accessory Building or Structure - Front yard - Rear yard - Side yard (b) Corner Site Principal Building - Front yard - Rear yard - Side yard Accessory Building or Structure - Front yard - Rear yard - Side yard (Adjoining a Lot line) - Side yard (Adjacent to Highway) (c) Corner Site where Front and Side Parcel Lines fronting a highway are of equal length or a differential of 25% or less Principal Building - Front yard - Rear yard - Side yard	3.0 m (9.8 ft) 6.0 m (19.7 ft) 1.5 m (4.9 ft) 7.5 m (24.6 ft) 1.5 m (4.9 ft) 1.5 m (4.9 ft) 3.0 m (9.8 ft) 6.0 m (19.7 ft) 1.5 m (4.9 ft) 1.8 m (5.9 ft) when adjacent to a Highway, excepting a lane 7.5 m (24.6 ft) 1.5 m (4.9 ft) 1.5 m (4.9 ft) 1.8 m (5.9 ft) 3.0 m (9.8 ft) 1.5 m (4.9 ft) 3.0 m (9.80 ft) when adjacent to a lane 1.5 m (4.9 ft) 3.0 m (9.8 ft) when adjacent to a Highway

COLUMN 1	COLUMN 2
Accessory Building or Structure - Front yard - Rear yard - Side yard (Adjoining a Lot line) - Side yard (Adjacent to Highway) - Side yard (Adjacent to Lane)	7.5 m (24.6 ft) 1.5 m (4.9 ft) 1.5 m (4.9 ft) 3.0 m (9.8 ft) 1.5 m (4.9 ft)
.4 Maximum parcel Coverage - All structures (gross area)	35%
.5 Maximum Building Height a. Principal Building Roof Slope > 3:12, > 90% of Roof Area Roof Slope < 3:12 Accessory Building or Structure EXCEPTING: b. Corner Site when with one parcel line adjacent to a lane Principal Building Roof Slope > 3:12, > 90% of Roof Area Roof Slope < 3:12 Accessory Building or Structure	<u>H = 7.2m</u> 9.0 m (29.5 ft) 8.0 m (26.2 ft) 5.0 m (16.3 ft) <u>H = 4m</u> 8.0 m (26.2 ft) <u>H = 6.4m</u> 7.0 m (22.9 ft) 5.0 m (16.3 ft) <u>H = 5m</u>
.6 Maximum Density	One (1) principal building per parcel One (1) secondary suite per parcel
.7 Minimum Building Width	5.5 m (18.0 ft)
.8 Secondary Suites - Maximum Suite Size - Maximum Number of Bedrooms .9 Parking Single Residence Single Residence with Secondary Suite Parking Driveway Maximum Width Dimension as set out above in .4.3 for Interior Lot - For Corner Site All other parking	46.4 sq. m (500 sq. ft) One (1) Bedroom See Part 5 – General Rules 2 off street parking spaces 3 off street parking spaces 6.0 m (19.7 ft) See Part 5

4.2.2 R1B - SINGLE DETACHED PLUS RESIDENTIAL

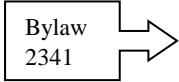
.1 Purpose

The purpose of the R1B Zone is to provide for the development of single-detached residential units with the option of developing a secondary residential dwelling unit in the form of an attached or detached residential unit.

.2 Permitted Uses

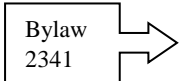
The following uses, and no other, are permitted in the R1B zone.

- .1 single family detached dwelling except manufactured home or mobile home;
- .2 uses permitted under Section 3.3 of this Bylaw.



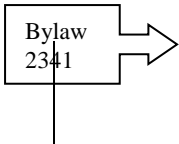
.3 Accessory Uses

- .1 *home occupations;*
- .2 *uses, buildings and structures accessory to permitted use;*
- .3 *secondary dwelling unit*






.4 Regulations

- .1 On a parcel located in an area designated R1B, no building, or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 and sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.



COLUMN 1	COLUMN 2
.1 Minimum Parcel Area <ul style="list-style-type: none"> • single family detached dwelling • single family detached dwelling with a secondary dwelling unit 	500 sq. m (5,382 sq. ft.) 600 sq. m (6,458 sq. ft.)
.2 Minimum Parcel Frontage <ul style="list-style-type: none"> • single family detached dwelling • single family detached dwelling in the bulb of a cul-de-sac • single family detached dwelling with a secondary dwelling unit • single family detached dwelling with a secondary dwelling unit in the bulb of a cul-de-sac 	15 m (49.21 ft.) 10 m (32.8 ft.) 18.3 m (60 ft.) 11 m (36.1 ft.)

.3 Minimum Setback	
<p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard <p>b) Secondary Detached Dwelling Unit</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard <p>c) Accessory Building or Structure</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard <p>d) All structures</p>	<p>7.5 m (24.6 ft.)  Bylaw 1859</p> <p>6 m (19.7 ft.) 1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line</p> <p>7.5 m (24.6 ft.)  Bylaw 1859</p> <p>6.0 m (19.7 ft.) 1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line or not less than 3.0 m (9.8 ft.) where adjacent to a highway right-of-way other than a lane</p> <p>7.5 m (24.6 ft.)  Bylaw 1859</p> <p>1.5 m (4.9 ft.) nor not less than 4.5 m (14.8 ft.) where adjacent to a highway right-of-way other than a lane</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line or not less than 4.5 m (14.8 ft.) where adjacent to a highway right-of-way other than a lane</p> <p>22 m (72.2 ft.) from the centre line of Hwy. #3</p>
.4 Maximum Parcel Coverage	40% (forty percent)
.5 Maximum Density	Two (2) residential units per parcel
.6 Maximum Floor Area (Secondary Dwelling Unit)	92.9 sq. m (1,000 sq. ft.) all floors
.7 Maximum Building Height	<p>10 m (32.8 ft.) <u>H = 8m</u></p> <p>5 m (16.4 ft.) <u>H = 5m</u></p> <p>7.5 m (24.6 ft.)</p>
.8 Minimum Building Width	5.5 m (18 ft.)
.9 Minimum Residential Unit Size	<ul style="list-style-type: none"> • primary residential unit • secondary residential unit <p>75 sq. m (807 sq. ft.) 56 sq. m (603 sq. ft.)</p>
.10 Parking	<ul style="list-style-type: none"> • where a second dwelling unit is provided • other <p>One additional on site parking space See Part 5</p>

.5 Special Requirements

- .1 No horizontal dimensions of a single detached dwelling or a single detached dwelling unit with a secondary dwelling unit, not including dimensions of an addition or a non rectangular building shall be less than 5.5 m (18.0 ft.)
- .2 Notwithstanding Part 5 of this Bylaw, where a secondary dwelling unit is provided, a minimum of one additional on site parking space must be provided.
- .3 Construction of a dwelling unit containing a secondary dwelling unit are required to conform with the Building Code's standards applicable to secondary dwelling unit, as they may be referred to from time to time.
- .4 Decks and balconies may encroach into the rear, side and front yards, and on corner lots, into the side yard adjacent to a highway, providing that they do not interfere with pedestrian traffic on a sidewalk and do not block sight distance for traffic turning movements.

4.2.3 R-WF – LOW DENSITY RESIDENTIAL – WEST FERNIE

.1 Purpose

The purpose of this zone is to provide for the development of single-detached residential units with the option of developing a secondary residential dwelling unit and the development of duplexes.

.2 Permitted Uses

The following uses, and no other, are permitted in the R-WF zone.

- .1 *Single Detached Dwelling including manufactured home and excluding mobile home;*
- .2 *Duplex Dwellings*

.3 Accessory Uses

- .1 *home occupation;*
- .2 *buildings and structures accessory to a permitted use;*
- .3 *Secondary Dwelling Unit subject to 4.2.3.4*

.4 Regulations

1. On a parcel located in an area designated as R-WF, no building, or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
2. Secondary dwelling units shall only be permitted where the parcel area is 500m² or greater.
3. Secondary dwelling units are limited to a maximum of two bedrooms.
4. No habitable floor space shall be permitted below the Flood Construction Level
5. In the case of duplexes, for the purpose of calculating minimum side yard setbacks, the front parcel line length shall be the combined lengths of the parcel lines of both halves of the duplex.
6. Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	

<ul style="list-style-type: none"> • Single Detached Dwelling Parcels • Single Detached Dwelling with Secondary Dwelling Unit • Duplex Parcels 	<p>500m² (~5382ft²)</p> <p>500m² (~5382ft²)</p> <p>350m²/dwelling (~3767ft²)</p>
<p>.2 Minimum Parcel Frontage</p> <ul style="list-style-type: none"> • Single Detached Dwelling Parcels • Duplex Parcels 	<p>12.2m (~40')</p> <p>9.14m per dwelling (~30')</p>
<p>.3 Minimum Setback</p> <p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard adjacent to a highway right-of-way other than a lane • Interior side yard for duplexes <p>b) Accessory Building</p> <ul style="list-style-type: none"> • front yard • rear yard • rear yard where adjacent to a highway right-of-way other than a lane • side yard • side yard where adjacent to a highway right-of-way other than a lane <p>c) All structures</p>	<p>6m (~19.7')</p> <p>7.5m (~24.6')</p> <p>1.5m (~4.9') nor less than 10% of the length of the front parcel line.</p> <p>3m (~9.8')</p> <p>0m</p> <p>6m (24.6') nor in front of the principal building</p> <p>1.5m (4.9')</p> <p>3m (9.8')</p> <p>1.5m (4.9') nor less than 10% of the length of the front parcel line</p> <p>3m (9.8')</p> <p>4.5m (~14.8') from the Hwy 3 right of way boundary.</p>
<p>.4 Maximum Parcel Coverage</p> <ul style="list-style-type: none"> • all structures • Total Site coverage including decks 	<p>30%</p> <p>35%</p>
<p>.5 Maximum Density</p> <ul style="list-style-type: none"> • Single detached dwellings • Duplex 	<p>One (1) principal building and one (1) secondary dwelling per parcel</p> <p>28.5 units per hectare</p>

<p>.6 Maximum Building Height</p> <ul style="list-style-type: none"> • Principal Building • Accessory Building • Accessory Building with Secondary Dwelling Unit 	<p>9.0 m (~29.5') <u>H = 7.2m</u></p> <p><u>H = 5m</u> 5.0 m (~16.4')</p> <p>7.5m (~24.6')</p> <p><u>H = 6m</u></p>
<p>.7 Parking</p>	<p>See Part 5</p>

4.2.4 R-WF1 – LOW DENSITY RESIDENTIAL – WEST FERNIE STEEP SLOPE

.1 Purpose

The purpose of this zone is to provide for the development of single-detached dwelling units and duplexes in steep terrain with the option of developing a secondary dwelling unit on single detached dwelling properties.

.2 Permitted Uses

The following uses, and no other, are permitted in the R-WF1 zone.

- .1 Single Detached Dwelling including manufactured home and excluding mobile home;*
- .2 Duplex Dwellings*

.3 Accessory Uses

- .1 home occupation;*
- .2 buildings and structures accessory to a permitted use;*
- .3 Secondary Dwelling Unit subject to 4.2.4.4.*

.4 Regulations

1. On a parcel located in an area designated as RWF1, no building, or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
2. Secondary dwelling units shall only be permitted where the parcel area is 800m² or greater.
3. Secondary suites are limited to a maximum of two bedrooms.
4. No habitable floor space shall be permitted below the Flood Construction Level
5. In the case of duplexes, for the purpose of calculating minimum side yard setbacks, the front parcel line length shall be the combined lengths of the parcel lines of both halves of the duplex.
6. Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
<p>.1 Minimum Parcel Area</p> <ul style="list-style-type: none"> • Single Detached Dwelling Parcels • Single Detached Dwelling with Secondary Dwelling Unit • Duplex Parcels 	<p>800m² (~8611ft²)</p> <p>800m² (~8611ft²)</p> <p>400m²/dwelling (~4306ft²)</p>
<p>.2 Minimum Parcel Frontage</p> <ul style="list-style-type: none"> • Single Detached Dwelling Parcels • Duplex Parcels 	<p>20m (~65.6')</p> <p>9.14m per dwelling (~30')</p>
<p>.3 Minimum Setback</p> <p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard adjacent to a highway right-of-way other than a lane • Interior side yard for duplexes <p>b) Accessory Building</p> <ul style="list-style-type: none"> • front yard • rear yard • rear yard where adjacent to a highway right-of-way other than a lane • side yard • side yard where adjacent to a highway right-of-way other than a lane 	<p>6m (~19.7')</p> <p>7.5m (~24.6')</p> <p>1.5m (~4.9') nor less than 10% of the length of the front parcel line.</p> <p>3m (~9.8')</p> <p>0m</p> <p>6m (~19.7')</p> <p>1.5m (4.9')</p> <p>3m (9.8')</p> <p>1.5m (4.9') nor less than 10% of the length of the front parcel line</p> <p>3m (9.8')</p>
<p>.4 Maximum Parcel Coverage</p> <ul style="list-style-type: none"> • all structures • Total Site coverage including decks 	<p>30%</p> <p>35%</p>
<p>.5 Maximum Density</p> <ul style="list-style-type: none"> • Single detached dwellings • Duplex 	<p>One (1) principal building and one secondary dwelling per parcel</p> <p>25 units per hectare</p>
<p>.6 Maximum Building Height</p> <ul style="list-style-type: none"> • Principal Building 	<p>9.0 m (~29.5') <u>H= 7.2m</u></p>

<ul style="list-style-type: none"> • Accessory Building • Accessory Building with Secondary Dwelling Unit 	<p><u>5.0 m (~16.4') H = 5m</u></p> <p><u>7.5 m (~24.6') H = 6m</u></p>
.7 Parking	See Part 5

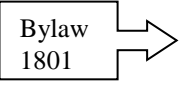
4.2.5 R2 – DUPLEX RESIDENTIAL

.1 Purpose

The purpose of the R2 zone is to provide for low density residential development in the form of single detached, semi detached and duplex dwellings.

.2 Permitted Uses

The following uses, and no other, are permitted in the R2 Zone.

- 
- .1 single detached dwelling except manufactured home or mobile home;
 - .2 duplex;
 - .3 uses permitted under Section 3.3 of this Bylaw.

.3 Accessory Uses

- .1 home occupation;
- .2 other uses, buildings and structures accessory to a permitted use.

.4 Regulations



- .1 On a parcel located in an area designated as R2, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below, in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area <ul style="list-style-type: none">• single detached dwelling• duplex dwelling• duplex dwelling subdivided along a common wall, each parcel or strata lot	550 sq. m (5,920 sq. ft.) 650 sq. m (6,996 sq. ft.) 325 sq m (3,498 sq. ft.)
.2 Minimum Frontage <ul style="list-style-type: none">• all parcels except;• bulb of cul-de-sac• duplex dwelling subdivided along a shared common wall, each parcel or strata lot	18 m (59 ft.) 9 m (29.5 ft.) 9 m (29.5 ft.)

<p>.3 Minimum Setback</p> <p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard adjacent to a highway right-of-way other than a lane except, <ul style="list-style-type: none"> ➤ duplex with attached garage ➤ single detached dwelling 	<p>6 m (19.7 ft.)</p> <p>6 m (19.7 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line</p> <p>2.4 m (8 ft.)</p> <p>4.5 m (14.8 ft.)</p> <p>4.5 m (14.8 ft.)</p>
<p>b) Accessory Building</p> <ul style="list-style-type: none"> • front yard • rear yard • rear yard where adjacent to a highway right-of-way other than a lane • side yard • side yard where adjacent to a highway right-of-way other than a lane <p>c) All Buildings</p>	<p>6 m (19.7 ft.)</p> <p>1.5 m (4.9 ft.)</p> <p>4.5 m (14.8 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line</p> <p>4.5 m (14.8 ft.)</p> <p>22 m (72.2 ft.) from the centre line of Hwy 3</p>
<p>.4 Maximum Parcel Coverage (all structures)</p>	<p>40% (forty percent)</p>
<p>.5 Maximum Density</p> <p>Single detached dwelling</p>	<p>One duplex per parcel, or one dwelling unit per parcel or strata lot when a duplex is subdivided along a common wall</p> <p>One dwelling unit per parcel</p>
<p>.6 Maximum Height</p> <ul style="list-style-type: none"> • Principal Building • Accessory Building 	<p>10.0 m (32.8 ft.) <u>H = 8m</u></p> <p>5 m (16.4 ft.) <u>H = 5m</u></p>
<p>.7 Minimum Building Width</p>	<p>5.5 m (18.0 ft.) per residential unit</p>
<p>.8 Minimum Residential Unit Size</p> <ul style="list-style-type: none"> • Single detached dwelling unit • Duplex (Each dwelling unit) 	<p>74.32 sq. m (800 sq. ft.)</p> <p>69.67 sq. m (750 sq. ft.)</p>
<p>.9 Parking</p>	<p>See Part 5</p>

.5 Special Regulations

- .1 All duplex dwellings must be designed with provision for a driveway entrance for each individual dwelling unit.
- .2 Each dwelling unit in an R2 Zone shall have separate sewer and water service connections from the mains as outlined in the Subdivision and Development Servicing Bylaw.
- .3 Duplex Dwelling units subdivided along a common wall, may have a shared driveway if the driveway is registered by restrictive covenant on each title.

4.2.6 R3 - MEDIUM DENSITY RESIDENTIAL

.1 Purpose

The purpose of the R3 Zone is to provide for the development of a variety of medium density attached dwelling forms including triplexes, fourplexes and row/town housing dwelling units.

.2 Permitted Uses

The following uses, and no other, are permitted in the R3 Zone:

- .1 *multi family dwellings;*
- .2 *uses permitted under Section 3.3 of this Bylaw.*

.3 Accessory Uses

- .1 *home occupation;*
- .2 *other uses, buildings and structures accessory to a permitted use.*

.4 Regulations

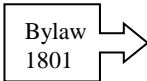
- .1 On a parcel located in an area designated as R3, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Usable Site area for each dwelling unit	230 sq. m (2,476 sq. ft.)
.2 Minimum Frontage <ul style="list-style-type: none">• Except in the bulb of a cul-de-sac	20 m (65.6 ft.) 12 m (39.4 ft.)

<p>.3 Minimum Setback</p> <p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard adjacent to a highway right-of-way other than a lane <p>b) Accessory Building</p> <ul style="list-style-type: none"> • front yard • rear yard • rear yard adjacent to a highway right-of-way other than a lane • side yard • side yard adjacent to a highway right-of-way other than a lane <p>c) All structures</p>	<p>7.5 m (24.6 ft.) 6 m (19.7 ft.) 1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line 4.5 m (14.8 ft.)</p> <p>7.5 m (24.6 ft.) 1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line 4.5 m (14.8 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line 4.5 m (14.8 ft.)</p> <p>22 m (72.2 ft.) from the centre line of Hwy 3</p>
<p>.4 Maximum Parcel Coverage</p>	<p>45%</p>
<p>.5 Maximum Density</p>	<p>40 units per gross hectare (16 units per gross acre)</p>
<p>.6 Maximum Building Height</p> <ul style="list-style-type: none"> • Principal Building • Accessory Buildings 	<p>10.0 m (32.8 ft.) <u>H = 8m</u> 5.0 m (16.4 ft.) <u>H = 5m</u></p>
<p>.7 Minimum Amenity Space per dwelling unit</p>	<p>4.5 sq. m (48 sq. ft.) in either a balcony, terrace or patio</p>
<p>.8 Parking</p>	<p>See Part 5</p>

.5 Special Regulations

- .1 Decks and balconies may encroach into the rear and front yards, and on corner lots, into the side yard, providing that they do not interfere with pedestrian traffic on a sidewalk and do not block sight distance for traffic turning movements.



4.2.7 R3-R - MEDIUM DENSITY RESIDENTIAL - RIVERSIDE

Bylaw
2324 →

.1 Purpose

The purpose this zone is to provide for the development of a variety of medium density attached dwelling forms with the opportunity to operate accommodation units within condo hotels.

.2 Permitted Uses

The following uses, and no other, are permitted in the R3 Zone:

- .1 *multi family dwellings;*
- .2 *Condo Hotel;*
- .2 *uses permitted under Section 3.3 of this Bylaw.*

.3 Accessory Uses

- .1 *home occupation;*
- .2 *other uses, buildings and structures accessory to a permitted use.*

.4 Regulations

- .1 On a parcel located in an area designated as R3, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Usable Site area for each dwelling unit	230 sq. m (2,476 sq. ft.)
.2 Minimum Frontage <ul style="list-style-type: none">• Except in the bulb of a cul-de-sac	20 m (65.6 ft.) 12 m (39.4 ft.)

<p>.3 Minimum Setback</p> <p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard adjacent to a highway right-of-way other than a lane <p>b) Accessory Building</p> <ul style="list-style-type: none"> • front yard • rear yard • rear yard adjacent to a highway right-of-way other than a lane • side yard • side yard adjacent to a highway right-of-way other than a lane <p>c) All structures</p>	<p>7.5 m (24.6 ft.)</p> <p>6 m (19.7 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line</p> <p>4.5 m (14.8 ft.)</p> <p>7.5 m (24.6 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line</p> <p>4.5 m (14.8 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line</p> <p>4.5 m (14.8 ft.)</p> <p>22 m (72.2 ft.) from the centre line of Hwy 3</p>
<p>.4 Maximum Parcel Coverage</p>	<p>45%</p>
<p>.5 Maximum Density</p>	<p>40 units per gross hectare (16 units per gross acre)</p>
<p>.6 Maximum Building Height</p> <ul style="list-style-type: none"> • Principal Building • Accessory Buildings 	<p>10.0 m (32.8 ft.) <u>H = 8m</u></p> <p>5.0 m (16.4 ft.) <u>H = 5m</u></p>
<p>.7 Minimum Amenity Space per dwelling unit</p>	<p>4.5 sq. m (48 sq. ft.) in either a balcony, terrace or patio</p>
<p>.8 Parking</p>	<p>See Part 5</p>

.5 Special Regulations

- .1 Decks and balconies may encroach into the rear and front yards, and on corner lots, into the side yard, providing that they do not interfere with pedestrian traffic on a sidewalk and do not block sight distance for traffic turning movements.

4.2.8 R4 - MULTIPLE FAMILY RESIDENTIAL (HIGH DENSITY) ZONE

.1 Purpose

The purpose of the R4 zone is to provide for higher density, larger structures in the form of apartments and stacked townhouse dwelling units.

.2 Permitted Uses

The following uses, and no other, are permitted in the R4 zone:

- .1 *multi family dwellings;*
- .2 *rest homes;*
- .3 *uses permitted under section 3.3 of this Bylaw;*

.3 Accessory Uses

- .1 *home occupation;*
- .2 *other uses, buildings and structures accessory to a permitted use.*

.4 Regulations

- .1 On a parcel located in an area designated as R4, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	1,115 sq. m (12,000 sq. ft.)
.2 Minimum Frontage	20 m (65.6 ft.)
.3 Minimum Setback a) Principal Building <ul style="list-style-type: none">• front yard• rear yard• side yard	7.5 m (24.6 ft.) 9 m (29.5 ft.) 4.5 m (14.8 ft.)

b) Accessory Building	
<ul style="list-style-type: none"> • front yard • rear yard • rear yard adjacent to a highway right-of-way other than a lane • side yard • side yard where adjacent to a highway right-of-way other than a lane 	<p>7.5 m (24.6 ft.)</p> <p>2.1 m (6.9 ft.)</p> <p>4.5 m (14.8 ft.)</p> <p>2.0 m (6.6 ft.)</p> <p>4.5 m (14.8 ft.)</p>
c) All structures	22 m (72.2 ft.) from the centre line of Hwy 3
.4 Maximum Parcel Coverage	40%
.5 Maximum Density	74 dwelling units per gross hectare (30 dwelling units per gross acre)
.6 Maximum Building Height	
<ul style="list-style-type: none"> • Principal Building • Accessory Building 	<p>12 m (39.4 ft.) <u>H = 9.6m</u></p> <p>5 m (16.4 ft.) <u>H = 5m</u></p>
.7 Minimum Amenity Space per dwelling unit	4.5 sq. m (48 sq. ft.) in either a balcony, terrace or patio
.8 Parking	See Part 5

.5 Special Regulations

- .1 In buildings containing more than 10 dwelling units, indoor amenity space in the amount of not less than 1.4 sq. meters (15 sq. ft.) per dwelling unit shall be provided.
- .2 All development and redevelopment shall be guided by the regulations of the multi-family development permit area and a development permit shall be required.
- .3 Decks and balconies may encroach into the rear and front yards, and on corner lots, into the side yard, providing that they do not interfere with pedestrian traffic on a sidewalk and do not block sight distance for traffic turning movements.

4.2.9 R-MH - MANUFACTURED HOME RESIDENTIAL

.1 Purpose

Bylaw
1804

The purpose of the R-MH zone is to provide for the development of manufactured home subdivisions and rental parks where a variety of manufactured or mobile single detached homes are accommodated on individual lots with or without permanent foundations with skirting and individual service connections.

.2 Permitted Uses

The following uses, and no other, are permitted in the R-MH zone:

- .1 *manufactured or mobile homes;*
- .2 *common storage area;*
- .3 *recreation areas;*
- .4 *identification signs;*
- .5 *utility service buildings;*
- .6 *uses permitted under Section 3.3 of this Bylaw.*

Bylaw
1804

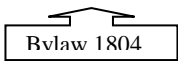
.3 Accessory Uses

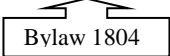
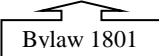

- .1 *home occupation;*
- .2 *other uses, buildings and structures accessory to a permitted use.*

.4 Regulations

.1 On a parcel located in an area designated as R-MH, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in Column 1, which sets out the matter to be regulated and Column 2 which sets out the regulations.

.2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.


COLUMN 1	COLUMN 2
.1 Minimum Development Area <ul style="list-style-type: none"> • manufactured home park • manufactured or mobile home subdivision <div style="text-align: center;">  </div>	2 ha (4.99 ac) 2 ha (4.99 ac)
.2 Minimum Dwelling Unit Size <ul style="list-style-type: none"> • manufactured home 	78.03 sq. m (840 sq. ft.)
.3 Minimum Lot Size <ul style="list-style-type: none"> • park site <ul style="list-style-type: none"> - frontage - depth • subdivided parcel <ul style="list-style-type: none"> - frontage - depth 	8.6 m (28.2 ft.) 26.5 m (87 ft.) 9.0 m (29.52 ft.) 37 m (122 ft.)
.4 Minimum Setback	

<ul style="list-style-type: none"> • Manufactured home located on a park site <ul style="list-style-type: none"> - from boundary of park - from internal roadway - from rear or side mobile home site • Accessory Building • Manufactured or mobile homes on a freehold lot <div style="text-align: center; margin-left: 150px;">  <p>Bylaw 1804</p> </div> <ul style="list-style-type: none"> - front yard - side yard and rear yard • Accessory Buildings <ul style="list-style-type: none"> - front yard - rear yard - rear yard where adjacent to a highway right-of-way other than a lane - side yard - side yard where adjacent to a highway right-of-way other than a lane • All Structures 	<p>7.6 m (24.9 ft.) 1.8 m (5.9 ft.) 1.5 m (4.9 ft.)</p> <p>May be located no closer than 1 m (3.3 ft.) from the lot lines</p> <p>6 m (19.68 ft.) 1.5 m (4.9 ft.) nor less than 4.5 m (14.85 ft.) where adjacent to a highway right-of-way other than a lane</p> <div style="text-align: right; margin-right: 100px;">  <p>Bylaw 1801</p> </div> <p>6 m (19.7 ft.) 1.5 m (4.9 ft.) 4.5 m (14.8 ft.)</p> <p>1.5 m (4.9 ft.) nor less than 10% of the length of the front parcel line 4.5 m (14.8 ft.)</p> <p>Not less than 22m (72.2 ft.) from a parcel line abutting Highway 3</p>
<p>.5 Maximum Building Height</p>	<p>7.6 m (24.9 ft.) <u>H = 6.1m</u></p>
<p>.6 Maximum Density</p> <ul style="list-style-type: none"> • manufactured home parks • manufactured home subdivision <div style="text-align: center; margin-left: 150px;">  <p>Bylaw 1804</p> </div>	<p>30 units per gross ha (12 per gross acre)</p> <p>24 units per gross ha (9.64 per gross acre)</p>
<p>.7 Parking</p>	<p>See Part 5</p>

.5 Special Regulations

- .1 The establishment, extension, designs, servicing and facilities of manufactured home parks shall comply with the requirements of the City of Fernie Mobile Home Parks Bylaw No. 1125, 1977 and amendments.
- .2 Manufactured home subdivisions will meet all of the requirements, as well as requiring all internal roads to meet City standards.
- .3 No person shall use or permit the use of any portion of a parcel or mobile home space in the R-MH zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except in a common storage area designated for that purpose.
- .4 The maximum floor level for manufactured or mobile homes shall be 0.6 m above the ground.

Bylaw 1804



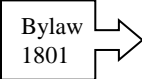
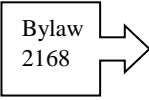
4.2.10 RR - RURAL RESIDENTIAL

.1 Purpose

The purpose of the RR zone is to allow for single detached dwellings to be located on large parcels of land, on the periphery of the developed portion of the City, sited in a manner that future re-subdivision, infill and increased density will be feasible in the future. On site servicing may be feasible on a temporary basis.

.2 Permitted Uses

The following uses, and no other, are permitted in the RR zone:


- 
- .1 *single detached dwelling and manufactured home;*
 - .2 *keeping of small farm animals;*
 - .3 *kennels, subject to subsection (.2)(c), on the following chart;*
 - .4 *public buildings;*
 - .5 *forestry and related uses;*
 - .6 *extensive recreational uses;*
 - .7 *uses permitted under Section 3.3 of this Bylaw.*
 - .8 *on parcels of less than .403hectares in area not more than two (2) BEEHIVES;*
 - .9 *on parcels of .403 hectares in area not more than six (6) BEEHIVES;*
 - .10 *on parcels greater than .403 hectares in area not more than twenty (20) BEEHIVES per hectare*
- 

.3 Accessory Uses

- .1 *home occupation;*
- .2 *uses, buildings and structures accessory to a permitted use.*

.4 Regulations

- .1 On a parcel located in an area designated RR, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 [Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.](#)

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	.403 ha (1 acre)  Bylaw 1810
.2 Minimum Setback <ul style="list-style-type: none"> a) Principal Building <ul style="list-style-type: none"> • front yard • rear yard • side yard b) Accessory Building <ul style="list-style-type: none"> • front yard • rear yard • side yard c) Kennel building, structure or enclosed run – all property lines d) All Buildings or structures 	7.5 m (24.6 ft.) 7.5 m (24.6 ft.) 7.5 m (24.6 ft.) 7.5 m (24.6 ft.) 7.5 m (24.6 ft.) 7.5 m (24.6 ft.) 62 m (66 ft.) 22 m (72.2 ft.) form the centre line of Hwy 3
.3 Maximum Parcel Coverage	10%
.4 Maximum Density <ul style="list-style-type: none"> • single detached dwelling 	One (1) per parcel
.5 Maximum Building Height <ul style="list-style-type: none"> • Principal Building • Accessory Building 	10.0 m (32.8 ft.) H= 8m 12.0 m (39.4 ft.) H = 9.6m
.6 Maximum Number of Animal Units	0.5 per acre
.7 Parking	See Part 5

COMMERCIAL

GENERAL REGULATIONS FOR COMMERCIAL ZONES

- .1 All persons carrying out a use permitted in a commercial zone shall comply with the relevant provisions of parts 3, 4, 5, and 6 of this Bylaw.
- .2 A Development Permit is required for the development or re-development of buildings and signs within the Downtown Revitalization Development Permit Area, Highway Commercial and Ghost Rider development permit area boundaries. All development in these areas shall conform to the City of Fernie Building Facade Design Guidelines and the Ghost Rider Design Guidelines as found in the City of Fernie Official Community Plan.
- .3 No person shall use or permit the use of any portion of a parcel in a commercial zone for the wrecking and repair of vehicles nor for the storage of derelict vehicles.

4.2.11 C1 - RETAIL COMMERCIAL ZONE

.1 Purpose

The purpose of the C1 zone is to provide for pedestrian oriented retail commercial uses located in the downtown. The zone is also called Central Business Commercial.

.2 Permitted Uses

The following uses, and no other, are permitted in the C1 zone:

- .1 *retail bakeries;*
- .2 *banks, financial institutions and insurance companies;*
- .3 *barber shops and beauty parlors;*
- .4 *business and professional offices;*
- .5 *brewery*
- .6 *condo hotel*
- .7 *independent school above the street level storey of a building*
- .8 *drug stores;*
- .9 *dry cleaning and laundry establishments, including coin operated laundries;*
- .10 *grocery stores and supermarkets;*
- .11 *post offices;*
- .12 *retail stores including minor service and repair work;*
- .13 *eating and drinking establishments, other than drive-in restaurants;*
- .14 *catalogue sales offices;*
- .15 *travel agencies.*
- .16 *billiard halls, bowling alleys, amusement arcades and dance halls;*
- .17 *cabarets, bars, night clubs and neighborhood pubs;*
- .18 *theatres and cinemas;*
- .19 *studios for art, music, dancing, theatrical work or television, with or without retail sales;*
- .20 *business, professional, labour, political, civic and fraternal membership organizations;*
- .21 *hotels;*
- .22 *medical and dental offices, clinics and laboratories;*
- .23 *newspaper publishing and commercial printers;*
- .24 *tourist information booths;*
- .25 *public buildings;*
- .26 *commercial schools;*
- .27 *personal services;*
- .28 *cultural establishments;*
- .29 *parking areas;*
- .30 *child care services;*
- .31 *dwelling units, subject to subsections .5 (.1) and (.2);*
- .32 *Uses permitted under Section 3.3 of this Bylaw;*
- .33 *in addition to the permitted uses herein, on Lot 4 and Lot 5, Block 13, District Lot 4588, Kootenay District, Plan 734 only, Distillery.*

Bylaw
1968

Bylaw
2001

Bylaw
2303

.3 Accessory Uses

- .1 *Uses, buildings and structures accessory to a permitted use,*
- .2 *Home Occupation.*

.4 Regulations

- .1 On a parcel located in an area designated C1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 [Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.](#)

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	230 sq. m (2,475 sq. ft.)
.2 Minimum Parcel Frontage	7.5 m (24.6 ft.)
.3 Minimum Setback <ul style="list-style-type: none"> • front and side yards • rear yards • where a parcel abuts a parcel in a Residential, Rural Residential, P1 or P zone, no person shall site a building or structure which has a rear yard less than 	None shall be required except as noted below 3.5 m (12 ft.) 6 m (19.7 ft.)
.4 Minimum Gross Floor Area <ul style="list-style-type: none"> • dwelling unit 	56 sq. m (603 sq. ft.)
.5 Maximum Building Height <ul style="list-style-type: none"> • Principal building • Accessory Building or Structure 	18 m (59.1 ft.) <u>H = 14.4m</u> 5 m (16.4 ft.) <u>H = 5m</u>
.6 Parking	See Section 5
.7 Signs	See Part 7 and City of Fernie Building Façade Design Guidelines

.5 Special Regulations

- .1 Dwelling units in the C1 zone shall be located above the first storey of a building or attached behind in a single storey structure.
- .2 Dwelling units shall have separate entrance, separate from that of any commercial use.
- .3 All persons carrying out a use permitted in the C1 zone shall comply with relevant provisions of Section 3.11 of this Bylaw with respect to screening or outdoor storage.
- .4 All persons carrying out a use within the boundaries of the Downtown Revitalization Development Permit area of a C-1 zone shall comply with the appropriate City of Fernie Building Façade Design Guidelines which regulate building and signing form and character. A development permit is required.

4.2.12 C2 - NEIGHBOURHOOD COMMERCIAL ZONE

.1 Purpose

The purpose of the C2 zone is to provide for a limited range and scale of retail convenience stores providing essential household goods and service to the immediate neighborhood.

.2 Permitted Uses

The following uses, and no other, are permitted in the C2 zone:

- .1 *brewery*
- .2 *convenience stores;*
- .3 *dry cleaning and laundry establishments, including coin-operated laundries;*
- .4 *post offices;*
- .5 *barber shops and beauty parlors;*
- .6 *eating establishments, excluding drive-ins;*
- .7 *video tape, video camera and VCR rental stores.*
- .8 *child care services;*
- .9 *gas bar*
- .10 *uses permitted under Section 3.3 of this Bylaw.*
- .11 *car wash (excluding exterior wash bays)*

Bylaw
1908 →

.3 Accessory Uses

- .1 *dwelling units, subject to subsection .5.1;*
- .2 *uses, buildings and structures accessory to a permitted use,*
- .3 *car wash.*
- .4 *Home Occupation*


Bylaw
2324 →

.4 Regulations

- .1 On a parcel located in an area designated C2, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

[.2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.](#)

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area <ul style="list-style-type: none"> • all uses with the exception of gas bars • gas bars 	460 sq. ft. (4,952 sq. ft.) 1100 sq. m (11,840 sq. ft.) ← Bylaw 1796
.2 Minimum Parcel Frontage	15 m (49.21 ft.)

<p>.3 Minimum Setback</p> <p>a) Principal Building</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard where adjacent to a highway right-of-way other than a land <p>b) Accessory Building or Structure</p> <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard where adjacent to a highway right-of-way other than a lane <p>c) All structures</p>	<p>7.5 m (24.6 ft.)</p> <p>6.0 m (19.7 ft.)</p> <p>5.0 m (16.4 ft.)</p> <p>7.5 m (24.6 ft.)</p> <p>7.5 (24.6 ft.)</p> <p>1.5 m (4.9 ft.)</p> <p>1.5 m (4.9 ft.)</p> <p>4.5 m (14.8 ft.)</p> <p>22 m (72.2 ft.) from the centre line of Hwy 3</p>
<p>.4 Maximum Parcel Area</p>	<p>925 sq. m (9,957 sq. ft.) excepting gas bars</p> <div style="text-align: right; border: 1px solid black; padding: 2px; width: fit-content; margin-left: auto;">  <p>Bylaw 1796</p> </div>
<p>.5 Maximum Parcel Coverage</p>	<p>40%</p>
<p>.6 Maximum Density</p>	<p>One principal building per parcel</p>
<p>.7 Maximum Building Height</p> <ul style="list-style-type: none"> • principal building • accessory building or structures 	<p>7.5 m (24.6 ft.) $H = 6m$</p> <p>4.5 m (14.8 ft.) $H = 4.5m$</p>
<p>.8 Parking</p>	<p>See Part 5</p>
<p>.9 Signs</p>	<p>See Part 6</p>

.5 Special Regulations

- .1 Dwelling units in the C2 zone shall be located above the first storey of a building, or attached behind in a single storey structure.
- .2 All persons carrying out a use permitted in the C2 zone shall comply with relevant provisions of Section 3.11 of this bylaw with respect to screening of outdoor storage.
- .3 The maximum wash bay access height shall be 4.2 m (14 ft.)

4.2.13 C-HWY - HIGHWAY COMMERCIAL ZONE

.1 Purpose

The purpose of the C-Hwy zone is to provide for a limited range of commercial uses providing goods and services for the travelling public and vehicle related businesses.

.2 Permitted Uses

The following uses, and no other, are permitted in the C-HWY zone:

- .1 *amusement arcades*
- .2 *automotive parts and accessories stores;*
- .3 *billiard halls, bowling alleys and curling rink,*
- .4 *cabarets, bars, night clubs and neighborhood pubs;*
- .5 *campgrounds;*
- .6 *condo hotel*
- .7 *dwelling units subject to subsection .5 (.3);*
- .8 *garden centre's;*
- .9 *gasoline service stations, car washes and motor vehicle repair shops;*
- .10 *grocery stores and supermarkets*
- .11 *gymnasiums, athletic and recreational facilities, both private and public, including reducing salons, masseurs, steam baths, health spas and similar establishments;*
- .12 *hotels and motels;*
- .13 *laundries, including coin-operated laundries and dry cleaners, professional services (i.e. engineers, architects, technologists and trade contractor office/showroom only)*
- .14 *medical and dental offices, clinics and laboratories;*
- .15 *public buildings;*
- .16 *rental equipment;*
- .17 *restaurants, including drive-in restaurants;*
- .18 *sales and service, rental and repair of automobiles, trucks, boats, recreational vehicles, motorcycles and snowmobiles and other equipment;*
- .19 *sporting or recreational goods and clothing, bicycle sales and service;*
- .20 *theatres and cinemas.*
- .21 *tour operators*
- .22 *tourist information booths;*
- .23 *trailer drop-off sites;*
- .24 *veterinary clinics;*
- .25 *warehouse sales;*
- .26 *financial institutions with drive through banking services, including automatic teller machines*
- .27 *uses permitted under Section 3.3 of this Bylaw*
- .28 *in addition to the permitted uses herein, on Lot 12, District Lot 4136 KD Plan 12864, 26 Manitou Road only, a micro-brewery with tourism amenity facilities.*
- .29 *barber shops and beauty parlours.*
- .30 *Single detached dwellings, excepting as set out in 4.2.10.5.5, in compliance with the regulations set out in 4.2.10.4.2, on the following parcels only:*

Bylaw
1968

Bylaw
1829

Bylaw
1947

Bylaw
2033

Bylaw
2264

Bylaw
2271

*The North ½ of Lot 3, Block 65, District Lot 4588, Kootenay District, Plan 734;
Lot 1, Block 57, District Lot 4588, Kootenay District, Plan 734A;
Lot 3, Block 57, District Lot 4588, Kootenay District, Plan 734A;
Lot 2, Block 61, District Lot 4588, Kootenay District, Plan 734A;*

*Lot 3, Block 61, District Lot 4588, Kootenay District, Plan 734A;
 Lot 4, Block 61, District Lot 4588, Kootenay District, Plan 734A;
 Lot 6, Block 75, District Lot 4588, Kootenay District, Plan 734A;
 Lot 8, Block 75, District Lot 4588, Kootenay District, Plan 734A;
 Lot 1, Block 80, District Lot 4588, Kootenay District, Plan 734A;
 Lot 2, Block 80, District Lot 4588, Kootenay District, Plan 734A;
 Lot 3, Block 80, District Lot 4588, Kootenay District, Plan 734A;
 Lot 7, Block 80, District Lot 4588, Kootenay District, Plan 734A;
 Lot 8, Block 80, District Lot 4588, Kootenay District, Plan 734A;
 Lot 9, Block 80, District Lot 4588, Kootenay District, Plan 734A;
 Lot 1, Block 107, District Lot 4588, Kootenay District, Plan 902;
 Lot 3, Block 107, District Lot 4588, Kootenay District, Plan 902;
 Lot 5, Block 107, District Lot 4588, Kootenay District, Plan 902;
 Lot 1, Block 116, District Lot 4588, Kootenay District, Plan 902;
 Lot 9, Block 125, District Lot 4588, Kootenay District, Plan 902;
 Lot 10, Block 125, District Lot 4588, Kootenay District, Plan 902;
 Lot B, District Lot 4588, Kootenay District, Plan 12642; and
 Lot B, District Lot 4588, Kootenay District Plan 14694.*

Bylaw 2302 →

Bylaw 2327 →

*.31 Sale and display of up to three modular or manufactured homes or combination thereof
 .32 in addition to the permitted uses herein, on Lot 1, District Lot 4588, Kootenay District, Plan NEP68219 only, Distillery.*

.3 Accessory Uses

Bylaw 2324 →

Bylaw 1947 →

Bylaw 2271 →

- .1 *Uses, buildings and structures accessory to a permitted use.*
- .2 *Insurance services and sales, accessory to a financial institution with drive through banking services, including automatic teller machines.*
- .3 *Home Occupation*

.4 Regulations

- .1 On a parcel located in an area designated C-HWY, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	460 sq. m (4,951 sq. ft.)
.2 Minimum Parcel Frontage	15 m (49.21 ft.)
.3 Minimum Setback	
a) Building or Structure	
• front yard	7.5 m (24.6 ft.)
• side yard on one side only, where the parcel is not served by a lane	4.5 m (14.8 ft.)
• rear yard	1.5 m (4.9 ft.)

<ul style="list-style-type: none"> side yard where adjacent to a highway right-of-way other than a lane 	4.5 m (14.8 ft.)
b) Gasoline Pump Island <ul style="list-style-type: none"> canopy over a gasoline pump island 	4.5 m (14.8 ft.) 1.5 m (4.9 ft.)
c) All Buildings or Structures	22 m (72.2 ft.) from the centre line of Hwy 3
.4 Maximum Building Height	18 m (59.1 ft.) <u>H = 14.4m</u>
.5 Parking	See part 5

Bylaw
2271

.32 On parcels specified in 4.2.10.2.30, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

.4 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

<i>COLUMN 1</i>	<i>COLUMN 2</i>
<i>.1 Minimum Parcel Area</i>	500 sq. m. (5,382 sq. ft.)
<i>.2 Minimum Parcel Frontage</i> <ul style="list-style-type: none"> <i>all parcels</i> 	15 m (49.21 ft.)
<i>.3 Minimum Setback</i>	
<i>a) Principal Building</i> <ul style="list-style-type: none"> <i>front yard</i> <i>rear yard</i> <i>side yard</i> <i>side yard adjacent to a highway right-of-way other than a lane</i> 	3.0 m (9.84 ft.) 6 m (19.7 ft.) <i>The greater of 1.5 m (4.9 ft.) or 10% of the length of the front parcel line</i> 4.5 m (14.8 ft.)
<i>b) Carport or Garage attached to Principal Building</i> <ul style="list-style-type: none"> <i>front yard</i> 	5.8 m (19.03 ft.)
<i>c) Accessory Building</i> <ul style="list-style-type: none"> <i>front yard</i> <i>rear yard</i> <i>rear yard where adjacent to a highway right-of-way other than a lane</i> <i>side yard</i> <i>side yard where adjacent to a highway right-of-way other than a lane</i> 	7.5 m (24.6 ft.) 1.5 m (4.9 ft.) 4.5 m (14.8 ft.) <i>The greater of 1.5 m (4.9 ft.) or 10% of the length of the front parcel line</i> 4.5 m (14.8 ft.)
<i>d) All structures</i>	22 m (72.2 ft.) from the centre line of Hwy 3

Bylaw
2271

<i>.4 Maximum Parcel Coverage</i>	
<ul style="list-style-type: none"> <i>all structures</i> 	<i>35%</i>
<i>.5 Maximum Density</i>	<i>One (1) principal building per parcel</i>
<i>.6 Maximum Building Height</i>	
<ul style="list-style-type: none"> <i>Principal Building</i> <i>Accessory Building</i> 	<i><u>7.5 m (24.6 ft.)H = 6m</u></i> <i><u>5.0 m (16.4 ft.)H = 5m</u></i>
<i>.7 Minimum Building Width</i>	
<ul style="list-style-type: none"> <i>Single detached dwelling</i> 	<i>5.5 m (18.0 ft.)</i>
<i>.8 Parking</i>	<i>See Part 5</i>

.5 Special Regulations

- .1 With the exception of the parcels specified in 4.2.10.2.30, all persons carrying out a use within the boundaries of the Highway Commercial Development Permit Area shall conform to the City of Fernie Official Community Plan Building Design Guidelines which regulate building form and character. A development permit is required.
- .2 All persons carrying out a use permitted in the C-Hwy zone shall comply with relevant provisions of Section 3.11 of this Bylaw with respect to screening of outdoor storage.
- .3 Excepting parcels specified in 4.2.10.2.30, where dwelling units are proposed, they shall:
 - i) be designed and constructed as an integral part of the principal building;
 - ii) be self-contained;
 - iii) have a separate entrance provided from outside the building, separate from that of any commercial use;
 - iv) be located above the first storey of the building or behind the commercial component of the building, with the exception of motels and hotels, where the residential units may be on the main floor.
- .4 Mobile Homes, manufactured homes or secondary suites shall not be permitted on the parcels identified in 4.2.10.2.30.
- .5 No building or structure shall be constructed, located or altered, nor plan of subdivision approved, on the parcels identified in 4.2.10.2.30 except in compliance with the regulations set out in 4.2.10.4.2.
- .6 No Building, Structure, or Park Model RV shall be permitted to be located within 4.5m of the edge of the Hwy 3 right of way boundary.

Bylaw
2271

Bylaw
2271

Bylaw
2271

Bylaw
2359

4.2.14 C-WF – WEST FERNIE MIXED USE

.1 Purpose

The purpose of the C-WF zone is to provide for a limited range of commercial and residential uses.

.2 Permitted Uses

The following uses, and no other, are permitted in the C-WF zone:

- .1 athletic and recreational facilities*
- .2 condo hotel*
- .3 car washes*
- .4 dwelling units subject to subsection .5 (.3);*
- .5 gasoline service stations;*
- .6 grocery stores*
- .7 hotel*
- .8 laundries and dry cleaners*
- .9 medical clinics and laboratories*
- .10 motels*
- .11 Office*
- .12 Personal Service Businesses*
- .13 Public uses and buildings*
- .14 restaurants*
- .15 retail*
- .16 tour operators*
- .17 tourist information booths*
- .18 veterinary clinics*
- .19 uses permitted under Section 3.3 of this Bylaw*

.3 Accessory Uses

- .1 Uses, buildings and structures accessory to a permitted use.*
- .2 Home Occupation*

.4 Regulations

- .1 On a parcel located in an area designated C-WF zone, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1

COLUMN 2

.1 Minimum Parcel Area	1100m ² (0.27ac)
.2 Minimum Parcel Frontage	15 m (49.21 ft.)
.3 Minimum Setback a) Building or Structure • Highway 3 • Front Yard where the front yard is not Highway 3 • Side yard • side yard where adjacent to a highway or residentially zoned parcel • Rear Yard	4.5m (14.8') 6m (19.7') 1.5m (4.9') 4.5m (14.8') 4.5m (14.8')
.4 Maximum Building Height	12 m (39.4') <u>H = 9.6m</u>
.5 Parking	See part 5

.5 Special Regulations

- .1 All persons carrying out a use within the boundaries of the Highway Corridor Development Permit Area shall conform to the City of Fernie Official Community Plan Building Design Guidelines which regulate building form and character. A development permit is required.
- .2 All persons carrying out a use permitted in the C-WF zone shall comply with relevant provisions of Section 3.11 of this Bylaw with respect to screening of outdoor storage.
- .3 Where dwelling units are proposed, they shall:
 - i) *be designed and constructed as an integral part of the principal building;*
 - ii) *be self-contained;*
 - iii) *have a separate entrance provided from outside the building, separate from that of any commercial use;*
 - iv) *be located above the first storey of the building.*
- .4 No vehicular access is permitted directly from Highway 3.

4.2.15 CS-1 - SERVICE COMMERCIAL ZONE

.1 Purpose


The purpose of the CS-1 zone is to provide an area for commercial uses requiring larger parcels of land to locate and provide a broader scale and scope of uses including sales, manufacturing and storage.

.2 Permitted Uses


The following uses, and no other, are permitted in the CS-1 zone:

- .1 *auction services; vehicle and recreation vehicle sales and service;*
- .2 *building supply and lawn and garden shops;*
- .3 *bottle collection and recycling depots;*
- .4 *cabinet making, door and window manufacturing shops;*
- .5 *clothing manufacturing industry;*
- .6 *construction industries including building, developing and general contracting industries, and trade contracting industries;*
- .7 *forest service industries;*
- .8 *funeral homes and crematoria;*
- .9 *machinery and equipment rental and repair;*
- .10 *mini storage warehouse.*
- .11 *retail sales of furniture, furnishings and appliances, excluding second-hand stores;*
- .12 *transportation and storage industries, including truck transport industries, public passenger transit system industries, storage and warehousing industries, including unenclosed storage of modular structures, and postal and courier services.*
- .13 *taxidermy services;*
- .14 *telecommunications industries, including recording studios;*
- .15 *vehicle and recreational sales and service;*
- .16 *vehicle rental and leasing services;*
- .17 *veterinary clinics;*
- .18 *wholesale sale of petroleum products;*
- .19 *uses permitted under Section 3.3 of this Bylaw;*
- .20 *in addition to the permitted uses herein on Lots 4 & 5, Block 128 District Lot 4588, Kootenay District Plan 902, 1561 10th Avenue only, eight dwelling units located above the first storey of the building;*
- .21 *in addition to the permitted uses herein, on Lot 1, District lot 4136, Kootenay District, Plan NEP71764, 17 Ktunaxa Road only, one dwelling unit.*
- .22 *bakery without on-site retail sales.*


Bylaw
2078



Bylaw
2080



Bylaw
2140



.3 Accessory Uses

Uses, buildings and structures accessory to a permitted use.

.4 Regulations

.1 On a parcel located in an area designated CS-1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

2 [Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.](#)

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	460 sq. m (4,951 sq. ft.)
.2 Minimum Parcel Frontage	15 m (49.21 ft.)
.3 Minimum Setback a) front yard, rear yard or side yard b) where a parcel abuts a parcel in a residential, rural residential, P1 or P2 zone <ul style="list-style-type: none"> • front yard • rear yard • side yard c) All structures	None required 6 m (19.7 ft.) 6 m (19.7 ft.) 6 m (19.7 ft.) 22 m (72.2 ft.) from the centre line of Hwy 3)
.4 Maximum Parcel Coverage	50%
.5 Maximum Building Height	12.0 m (39.4 ft.) <u>H = 9.6m</u>
.6 Parking	See Part 5
.7 Signs	See Part 6 and the Ghost rider Development Permit Design Guidelines

.5 Special Regulations

- .1 All development or redevelopment of buildings and signs in the Ghost rider subdivision shall conform to the design guidelines for that area, as found in the City of Fernie Official Community Plan and a development permit shall be required.
- .2 All persons carrying out a use permitted in the CS-1 zone shall comply with the relevant provisions of Section 3.11 of this Bylaw with respect to screening of outdoor storage.
- .3 On site parking may be located within the front yard set back to maintain privacy when abutting a residential district.

INDUSTRIAL

4.2.16 M1 - LIGHT INDUSTRIAL ZONE

.1 Purpose

The purpose of the M1 zone is to provide for a limited range of industrial uses primarily related to recycling and conservation that will have low pollution and minimal interference with residential and tourism uses.

.2 Permitted Uses

The following uses, and no other, are permitted in the M1 zone:

- .1 *auction services;*
- .2 *automobile and truck rental and leasing services;*
- .3 *automobile wrecking.*
- .4 *bottle collection and recycling depots;*
- .5 *construction industries, including building, developing and general contracting industries, and trade contracting industries;*
- .6 *electric motor repair, welding and other repair services;*
- .7 *forestry service industry;*
- .8 *laundries and cleaners;*
- .9 *machinery and equipment rental and leasing services;*
- .10 *manufacturing industries including;*
 - i) *food industries;*
 - ii) *leather and allied products industries;*
 - iii) *furniture and fixtures industries;*
 - iv) *printing, publishing and allied industries;*
 - v) *machine shop industry;*
 - vi) *electrical and electronic products industries;*
 - vii) *sporting goods and toy industries;*
 - viii) *sign and display industry;*
 - ix) *cabinet making;*
 - x) *door and window industries;*
 - xi) *coffin and casket industry;*
 - xii) *clothing manufacturing industry;*
- .11 *public buildings;*
- .12 *retail trade services, including automotive parts and accessories stores, motor*
- .13 *vehicle repair shops, and other motor vehicle services;*
- .14 *sand and gravel pits;*
- .15 *service industries incidental to mineral and hydrocarbon extraction;*
- .16 *service industries incidental to agriculture;*
- .17 *services to buildings and dwellings;*
- .18 *taxidermy services;*
- .19 *transportation and storage industries truck transport industries, public passenger transit system industries, and storage and warehousing industries, including unenclosed storage of modular structures;*
- .20 *wholesale trade industries, including petroleum products wholesale, and*
- .21 *uses permitted under Section 3.3 of this Bylaw.*

.3 Accessory Uses

- .1 *retail sale of products produced on the parcel;*
- .2 *office space accessory to one of the above permitted uses;*

.3 uses, buildings and structures accessory to a permitted use.

.4 Regulations

.1 On a parcel located in an area designated M-1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

.2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	500 sq. m (5,382 sq. ft.)
.2 Minimum Parcel Frontage	15 m (49.21 ft.)
.3 Minimum Setback <ul style="list-style-type: none"> • front yard • front yard where the parcel abuts a parcel in a residential, P1 or P2 zone • rear yard • rear yard where the parcel abuts a parcel in a Residential, P1 or P2 zone • rear yard where the rear yard of a parcel abuts a railway right-of-way • side yard • side yard where the parcel abuts a highway, lane or a parcel in a Residential, P1 or P2 zone All structures from the centre line of Highway #3	6.0 m (19.7 ft.) 7.5 m (24.6 ft.) 1.5 m (4.9 ft.) 7.5 m (24.6 ft.) No rear yard shall be required 4.5 m (14.8 ft.) 7.5 m (24.6 ft.) 30.0 m (98.4 ft.)
.4 Maximum Height	12.0 m (39.4 ft.) <u>H = 9.6m</u>
.5 Maximum Parcel Coverage	50%
.6 Parking	See Part 5
.7 Signs	See Part 6

.5 Special Regulations

.1 All persons carrying out a use permitted in the M1 zone shall comply with the relevant provisions of Parts 3, 4 and 5 of this Bylaw.

.2 All persons carrying out a use permitted in the M1 zone shall comply with the relevant provisions of Section 3.11 of this Bylaw with respect to screening of outdoor storage.

4.2.17 A-1 – AGRICULTURAL ZONE

.1 Purpose

The purpose of the A-1 zone is to provide for a range of agricultural uses that will have low pollution and minimal interference with residential and tourism uses.

.2 Permitted Uses

The following uses, and no other, are permitted in the A1 zone:

- .1 Agriculture
- .2 Single Detached Dwelling
- .3 Accessory Dwelling for Farm Workers
- .4 Private Aerodrome
- .5 Equestrian Centre
- .6 Kennel

.3 Accessory Uses

- .1 Uses, buildings and structures accessory to a permitted use.
- .2 Home Occupation

.4 Regulations

On a parcel located in an area designated A-1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

.2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area	8ha
.2 Minimum Parcel Frontage	15 m (49.21 ft.)
.3 Minimum Setback <ul style="list-style-type: none"> • All yards • Special Setbacks <ul style="list-style-type: none"> ○ Kennel – all yards ○ Aerodrome 	7.5 m (24.6 ft.) 60m 100m from property line of any residentially zoned property
.4 Maximum Height	10.0 m (32.8 ft.) <u>H = 8m</u>
.5 Maximum Parcel Coverage	10%
.6 Parking	See Part 5
.7 Signs	See Part 6

.5 Special Regulations

- .1 All persons carrying out a use permitted in the A-1 zone shall comply with the relevant provisions of Parts 3, 4 and 5 of this Bylaw.
- .2 All persons carrying out a use permitted in the A-1 zone shall comply with the relevant provisions of Section 3.11 of this Bylaw with respect to screening of outdoor storage.

PUBLIC ZONES

4.2.18 P1 - PUBLIC INSTITUTIONAL ZONE

.1 Purpose

The purpose of the P1 zone is to provide for buildings and facilities, owned or operated by the Municipal, Provincial or Federal Governments, or by non or not for profit organizations, and intended for public use.

.2 Permitted Uses

The following uses, and no other, are permitted in the P1 zone:

- .1 aquatic centre's;
- .2 agriculture, silviculture and horticulture;
- .3 arenas and curling rinks;
- .4 cemeteries;
- .5 childcare services;
- .6 churches and church halls;
- .7 clubs, operated by non profit or not for profit associations;
- .8 community halls;
- .9 fairgrounds and exhibition grounds;
- .10 group homes;
- .11 historical and archaeological display sites;
- .12 hospitals, medical and dental clinics and diagnostic centre's;
- .13 independent school
- .14 libraries;
- .15 museums;
- .16 non or not for profit organization or nonprofit social service agency
- .17 park offices, maintenance facilities and works yards;
- .18 public boat launches;
- .19 public buildings;
- .20 public or commercial schools, colleges and universities;
- .21 rest homes;
- .22 senior citizens centre;
- .23 wildlife research centre's, including fish hatcheries;
- .24 uses permitted under Section 3.3 of this Bylaw;
- ~~.25 not more than two (2) BEEHIVES~~

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.3 Accessory Uses

- .1 dwelling unit accessory to a permitted use;
- .2 retail sales accessory to a permitted use;
- .3 food and beverage preparation and sales, accessory to a permitted use.

.4 Regulations

- .1 On a parcel located in an area designated P1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Maximum building height in this zone shall be calculated in accordance with section 3.9 using the H values specified in this zone.

COLUMN 1	COLUMN 2
.1 Maximum Density	One dwelling unit per parcel
.2 Minimum Setback <ol style="list-style-type: none"> a) Other than a dwelling unit <ul style="list-style-type: none"> • front, rear or side yard except that where a parcel abuts a parcel in a Residential, Rural Residential or P1 zone • rear yard • side yard b) Accessory Dwelling Unit <ul style="list-style-type: none"> • front yard • rear yard • side yard • side yard where adjacent to a highway right-of-way other than a lane c) All structures 	None 6 m (19.7 ft.) 6 m (19.7 ft.) 7.5 m (24.6 ft.) 6 m (19.7 ft.) 1.5 m (4.9 ft.) nor not less than 10% of the length of the front parcel line 4.5 m (14.8 ft.) 22 m (72.2 ft.) from the centre line of Hwy 3
.3 Maximum Height	12 m (39.4 ft.) <u>H = 9.6m</u>
.4 Maximum Parcel Coverage	60%
.5 Parking	See Part 5
.6 Signs	See Part 6

.5 Special Regulations

- .1 All persons carrying out a use permitted in the P1 zone shall comply with the relevant provisions of Parts 3, 4, and 5 of this Bylaw.
- .2 No persons shall use or permit the use of any portion of a parcel in the P1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles.

.1 Purpose

The purpose of the P2 zone is to designate parks, trails and open spaces, intended for the use and enjoyment of the public and to provide access to facilities and resources.

.2 Permitted Uses

The following uses, and no other, are permitted in the P2 zone:

- .1 conservation areas, recreation reserves, ecological reserves and wildlife sanctuaries;
- .2 parks, campgrounds and park reserves;
- .3 open space and tot lots;
- .4 sports and athletic fields, including golf courses;
- .5 walkways and trails;
- .6 uses permitted under Section 3.3 of this Bylaw;
- .7 ~~not more than two (2) beehives.~~

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.3 Accessory Uses

.1 If a campground use, the following Accessory Uses are permitted, and no others:

- a. One building the floor area of which does not exceed 200 square metres in floor area per floor, and not exceeding two stories in height, and in any event, not exceeding 10 metres in height, which may only contain one or more of the following uses:
 - i. laundry facilities;
 - ii. a convenience store;
 - iii. a commercial kitchen;
 - iv. washroom and shower facilities;
 - v. games room;
 - vi. office related to the campground use;

and which may not be used for overnight or residential accommodations, or any other purpose;

- b. One building not to exceed 400 square metres in total floor area, one story in height, and in any event, not exceeding 10 metres in height, which may contain one or more of the following uses:
 - i. washroom facilities;
 - ii. workshop and maintenance facilities;
 - iii. lounge area;

and which may not be used for overnight or residential accommodations, or any other purpose;

- c. structures utilized for laundry facilities not exceeding 6 metres in height;

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- d. structures utilized for washroom and shower facilities, not exceeding 6 metres in height;
- e. picnic shelters, not exceeding 7.5 metres in height;
- f. two park model trailers;
- g. yurts, and appropriate platforms upon which the yurts may be located; and
- h. swimming pools, hot tubs and spray parks.

.4 Regulations

- .1 No person shall erect any permanent structure on land zoned P2 except where the structure is incidental or required to main use, excepting as permitted as an accessory purpose to a campground use;
- .2 No person shall use or permit the use of any portion of a parcel in the P2 zone for the wrecking and repair of vehicles.
- .3 Notwithstanding section 3.9.2 all maximum building and structure heights in this zone shall be measured to the peak of the roof.
- .4 If a campground use:
 - .31 Any onsite sewage disposal must be connected to the City of Fernie sewage disposal system;
 - .42 Any water must be supplied by way of a connection to the City of Fernie water system.
 - .53 Minimum parcel size for campground use is 4.0 hectares;
 - .64 The minimum area of a campground space is 140 square meters;
 - .57 No more than 30 campground spaces shall be permitted per gross hectare;
 - .68 No more than one recreational vehicle, yurt, or park model trailer shall be permitted per campground space, and no more than 3 tents shall be permitted in a campground space;
 - .79 No yurt shall be sited less than 3 metres from any other yurt, building or structure;
 - 840. No yurt shall have a floor area in excess of 30 square metres (322.93 sq. ft.).

4.2.20 PP – PRIVATE PARKS

.1 Purpose

The purpose of the P-P zone is to identify parks, trails and open spaces, privately owned and intended for the private use and enjoyment of the owner and to provide access to facilities and resources.

.2 Permitted Uses

The following uses, and no other, are permitted in the P-P zone:

- .1 conservation areas, recreation reserves, ecological reserves, managed forests and wildlife sanctuaries;*
- .2 open space and parks;*
- .3 walkways and trails;*
- .4 not more than 2 beehives*

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.3 Accessory Uses

- .1 Non-permanent storage not to include construction matter.*

.4 Regulations

- .1 No person shall erect any permanent structure on land zoned P-P except where the structure is incidental or required to main use;
- .2 No person shall use or permit the use of any portion of a parcel in the P-P zone for the wrecking and repair of vehicles.
- .3 No person shall erect a dwelling unit on land zoned P-P.
- .4 All storage areas to be screened in accordance with Section 3.11 (f).

4.2.21 COMPREHENSIVE DEVELOPMENT ONE ZONE

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COMPREHENSIVE DEVELOPMENT

- .1 No person shall use or permit the use of any portion of a parcel in a residential zone for the wrecking and repair of vehicles or for the storage of derelict vehicles
- .2 All persons carrying out a use permitted in the Comprehensive Development Zones shall comply with the relevant provisions of Parts 3 (General Regulations), and Part 5 (Off-Street Parking and Loading) of this Bylaw.
- .3 On a parcel located in an area designated as Comprehensive Development Zone, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the following sections.

.1 Sub-Area

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DR1-Detached Residential One
DR2-Detached Residential Two
MU1-Multiple Unit One
MU2-Multiple Unit Two
RA1-Resort Accommodation One
LR1-Leisure Recreation One
LR2-Leisure Recreation Two

.2 Conditions of Use

- a) Parks and open space owned by the City of Fernie, Province or Federal Government and intended for the use and enjoyment of the general public, shall be developed in accordance with the requirements of the P2-Parks and Open Space Zone.
- b) The maximum density in the CD-1 zone shall be no more than 1,484 Equivalent Dwelling Units. An Equivalent Dwelling Unit for the purposes of calculation of density only, shall be defined in accordance with the following table:

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Product Type	One Equivalent Dwelling Unit
Retail/Service/Recreation Facilities	371.6 m2 or part thereof
Hotel Room or condo maximum 69.7 m2	3
High Density Condo or apartment greater than 69.7 m2	1.8
Townhome - each attached row housing unit with grade level entry	1.3
Duplex Dwelling - each unit of a two unit building	1.3
Single detached dwelling (all lot sizes)	1

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The definition of Equivalent Dwelling Unit as set forth in this section shall not be applicable to any other bylaw of The Corporation of the City of Fernie unless expressly adopted by such other bylaw, including, but not limited to, any bylaw relating to calculation and payment of Development Cost

Charges.

.3 DR1- Detached Residential One

.1 Purpose

The purpose of the DR1 sub-area is to provide for single-detached residential units with or without an attached or detached secondary residential dwelling unit.

.2 Permitted Uses

- a) single detached dwelling; and
- b) secondary dwelling unit;
- c) uses permitted under Section 3.3 of this Bylaw; and
- d) golf course.

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.3 Accessory Uses

- a) home occupation;
- b) buildings and structures accessory to a permitted use.

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.4 Regulations

Column 1 sets out the matter to be regulated and Column 2 sets out the regulations .

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<i>COLUMN 1</i>	<i>COLUMN 2</i>
Minimum Parcel Area	
<i>Single Detached</i>	350 sq. m. (3767.5 sq. ft.)
<i>Single Detached with Secondary Dwelling</i>	600 sq. m. (6458.6 sq. ft.)
Minimum Parcel Frontage	
<i>Single Family</i>	12 m (39.4 ft.)
<i>Single Detached in the bulb of a cul-de-sac</i>	9.0 m (29.5 ft.)
<i>Single Detached with Secondary Dwelling</i>	18.3m (60 ft.)
<i>Single Detached with Secondary Dwelling in the bulb of a cul-de-sac</i>	11m (36.1 ft.)
Minimum Setback	
Fee Simple - Principal Building	
<i>Front Yard</i>	6.0 m (19.7 ft.)
<i>Rear Yard</i>	7.5 m (24.6 ft.)
<i>Side Yard</i>	The greater of 1.5 m (4.9 ft) or 10% of the length of the front parcel line
<i>Side Yard – buildings over 7.5 m (24.6 ft.) in height</i>	2.0 m (6.56 ft)
<i>Side Yard Adjacent to a highway other than a lane</i>	4.5 m (14.8 ft.)

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Accessory	
<i>Front Yard</i>	6.0 m (19.7 ft.)
<i>Rear Yard</i>	1.5m (4.9 ft.) or 4.5 m (14.8 ft) where adjacent to a highway other than a lane
<i>Side Yard</i>	1.5 m (4.9 ft) or 4.5 m (14.8 ft) where adjacent to a highway other than a lane
Maximum Parcel Coverage	
<i>principal buildings</i>	30%
<i>Accessory buildings</i>	10%
<i>All structures</i>	40%
Maximum Density	
<i>Single Detached Dwelling</i>	30 units per gross hectare
Maximum Building Height	
<i>Principal Building</i>	10.0 m (32.8 ft.) H = 8m
<i>Accessory Building</i>	5.0 m (16.4 ft.)
Minimum Residential Unit Size	
<i>Single Detached Dwelling</i>	75 sq. m (807 sq. ft.)
<i>Secondary Residential Unit</i>	56 sq. m (603 sq. ft.)
Parking	See Part 5

.4 DR2- Detached Residential Two

.1 Purpose

The purpose of the DR2 sub-area is to provide a zone consisting of smaller single-detached residential units or duplexes.

.2 Permitted Uses

The following uses, and no other, shall be permitted in the DR2 Sub-Area:

- a) Single detached dwelling units;
- b) Manufactured Homes;
- c) Duplexes;
- d) Golf course; and
- e) Uses permitted under Section 3.3 of this Bylaw.

.3 Accessory Uses

- a) Home Occupation; and
- b) Buildings and structures accessory to a permitted use.

.4 Regulations

COLUMN 1	COLUMN 2
<i>Maximum Density</i>	<i>1 dwelling unit per lot</i>
<i>Minimum Lot Area</i>	<i>224.0 sq.m (2422 sq.ft.)</i>
<i>Minimum Lot Frontage</i>	<i>7.5 m (24.7ft)</i>
Minimum Setbacks, Principal Building	
<i>Front Yard</i>	<i>6.0 m (19.7 ft.) when required off-street parking is provided in the front yard, or 3.0 m (9.84 ft) when required off-street parking is provided in the rear yard. or side yard</i>
<i>Rear Yard</i>	<i>6.0 m (19.7 ft.) when required off-street parking is provided in the rear yard, or 3.0 m (9.84 ft) when required off-street parking is provided in the front yard. or side yard</i>
<i>Side Yard</i>	<i>1.5 m (4.9 ft)</i>
<i>Side Yard Adjacent to a highway right-of-way other than a lane</i>	<i>3.0m</i>
<i>Side Yard along the common wall of a duplex</i>	<i>0m</i>
Minimum Setbacks, Accessory Building	
<i>Front Yard</i>	<i>6.0 m (19.7 ft.)</i>
<i>Rear Yard</i>	<i>1.5 m (4.9 ft.) or 3.0 m (14.8 ft.) when adjacent to a highway right-of-way other than a lane</i>
<i>Side Yard</i>	<i>1.5 m (4.9 ft.) or 3.0 m (14.8 ft.)</i>
<i>Side Yard Adjacent to a highway right-of-way other than a lane</i>	<i>3.0m</i>

<i>Side Yard along the common wall of an accessory building shared between properties</i>	0m
Maximum Parcel Coverage	
<i>All Structures</i>	60%
Maximum Building Height	
<i>Principal Building</i>	10.0 m (32.8 ft.) <i>H = 8m</i> when rear yard setback is 6.0 m or greater, or <i>and H = 5.0 m</i> when rear-yard setback is less than 6.0 m.
<i>Accessory Building</i>	5.0 m (16.4 ft.)
Parking	See Part 5.

.5 Special Requirements

- .1 *Notwithstanding Section 2.4 Figure 1 (Exterior Perimeter Parcel Line definition) and Section 3.8.7, developments within a bareland strata in the DR2 subzone shall adhere to the regulations set out in section 4.2.21.4.4.*

.5 MU1-Multiple Unit One

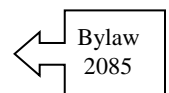
.1 Purpose

The purpose of the MU1 sub-area is to provide for medium density attached dwelling forms.

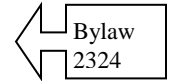
.2 Permitted Uses

- a) duplex;
- b) multi family dwellings;
- c) tourist accommodation;
- d) employee housing and
- e) uses permitted under Section 3.3 of this Bylaw.

.3 Accessory Uses



- a) buildings and structures accessory to a permitted use,
- b) Home Occupation.



4 Regulations

Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Minimum Parcel Area	
<i>Duplex</i>	700 sq. m. (7,535 sq. ft.)
<i>Other Uses</i>	450 sq. m. (4,844 sq. ft.)
Minimum Parcel Frontage	
<i>all parcels</i>	20 m (65.6 ft.)
<i>In the bulb of a cul-de-sac</i>	12 m (37.4 ft.)
Minimum Setback	
Principal Building	
<i>Front Yard</i>	6.0 m (19.7 ft)
<i>Rear Yard</i>	7.5 m (24.6 ft.)
<i>Side Yard</i>	1.5 m (4.9 ft) nor less than 10% of the length of the front parcel line; buildings over 7.5 m (24.6 ft.) in height shall have 2.0 m (6.6 ft.) side yards; building adjacent to a highway other than a lane shall have 4.5 m (14.8 ft) side yards
<i>Interior side parcel line</i>	4.0 m (13.12 ft)
Accessory	
<i>Front Yard</i>	6 m (19.7 ft.)
<i>Rear Yard</i>	1.5m (4.9 ft) or 4.5 m (14.7 ft.) where adjacent to a highway other than a lane
	4.5 m (14.8 ft)
<i>Side Yard</i>	1.5 m (4.9 ft) or 4.5 m (14.8 ft.) where adjacent to a highway other than a lane
Maximum Parcel Coverage	
<i>Duplex</i>	40%
<i>Other Uses</i>	45%
Maximum Density - floor area ratio	.40
Maximum Building Height	
<i>All Uses</i>	<u>14 m (46 ft.) H = 11.2m</u>

<i>Accessory Building</i>	<u>H = 6m7.5 m (24.6 ft.)</u>
Minimum Amenity Space per dwelling unit	4.5 sq. m. (48 sq. ft.) per dwelling
Parking	See Part 5

.6 Special Requirements

- .1 All development shall be guided by the regulations of Coal Creek Golf Resort Multiple Family Development Permit Area and a development permit shall be required.
- .2 All duplex dwellings must be designed with provisions for a driveway entrance for each individual dwelling unit.
- .3 Each duplex may be subdivided along a common wall of a two family dwelling provided each parcel after subdivision is not less than 350 m² (3767 sq. ft.) in area.

.6 MU2-Multiple Unit Two

.1 Purpose

The purpose for the MU2 sub-area is to provide for high density attached dwelling forms.

.2 Permitted Uses

- a) multi family dwellings;
- b) tourist accommodation;
- c) employee housing;
- d) Uses permitted under Section 3.3 of this Bylaw; and
- e) golf course

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.3 Accessory Uses

- a) buildings and structures accessory to a permitted use,
- b) Home Occupancy.

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.4 Regulations

Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Minimum Parcel Area	1,115 sq. m. (12,000 sq. ft.)
Minimum Parcel Frontage	

<i>All parcels</i>	20 m (65.5 ft.)
<i>In the bulb of a cul-de-sac</i>	12.0m (26.2 ft.)
Minimum Setback	
Principal Building	
<i>Front Yard</i>	6.0 m (19.7 ft.)
<i>Rear Yard</i>	7.5 m (24.6 ft.)
<i>Side Yard</i>	The greater of 1.5 m (4.9 ft.) or 1 m (3.3 ft.) for each storey
Accessory	
<i>Front Yard</i>	6.0 m
<i>Rear Yard</i>	2.0 m (6.6 ft) or 4.5 m (14.8 ft) where adjacent to a highway other than a lane
<i>Side Yard</i>	2.0 m (6.6 ft.) or 4.5 m (14.8 ft) where adjacent to a highway other than a lane
Maximum Parcel Coverage	45%
Maximum Density – Floor Area Ratio	.65
Maximum Building Height	
<i>Principal Building</i>	<u>20.0 mH = 16m</u> or 4 storey ² s, whichever is less
<i>Accessory Building</i>	5.0 m (16.4 ft)
Minimum Amenity Space per Dwelling Unit	4.5 sq. m. (48 sq. ft.) per dwelling
Parking	See Part 5

.5 Special Requirements

- .1 In a multifamily building containing more than 10 units, indoor amenity space in the amount of not less than 3 sq. m. (32.3 sq. ft.) per unit shall be provided.
- .2 All development shall be guided by the regulations of the Coal Creek Golf Resort Multiple Family Development Permit Area and a development permit shall be required.

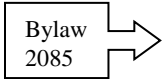
.7 RA1-Resort Accommodation One

.1 Purpose

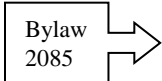
The purpose of the RA-1 sub area is to provide for high density resort accommodation and related commercial uses.

.2 Permitted Uses

- a) hostel;



- b) pension;
- c) tourist accommodation;
- d) uses permitted under Section 3.3 of this Bylaw: and
- e) golf course.



.3 Accessory Uses

- a) resort oriented retail
- b) eating and drinking establishments;
- c) personal services;
- d) childcare services
- e) convenience store;
- f) recreation facilities; and
- g) buildings and structures accessory to a permitted use

.4 Regulations

Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Minimum Parcel Area	2,000 sq. m. (21,528.53 sq. ft.)
Minimum Parcel Frontage	20 m (65.6 sq. ft.)
Minimum Setbacks	
Principal Building	
<i>Front Yard</i>	6.0 m (19.7 ft.)
<i>Rear Yard</i>	7.5 m (24.6 ft.)
<i>Side Yard</i>	4.0 m (13.2 ft)
Accessory	
<i>Front Yard</i>	7.5 m (24.6 ft.)
<i>Rear Yard</i>	The greater of 1.5 m (4.9 ft.) or 1 m (3.3 ft.) for each storey
<i>Side Yard</i>	The greater of 1.5 m (4.9 ft.) or 1 m (3.3 ft.) for each storey
Maximum Parcel Coverage	45%
Maximum Floor Area Ratio	1.0
Maximum Building Height	
<i>Principal Building</i>	20 m (65.6 ft.) H = 16m or 4 storey ² s, whichever is less
<i>Accessory Building</i>	7.5 m (24.6 ft.) H = 6m
Parking	See Part 5

.5 Special Requirements

- .1 All development shall be guided by the regulations of the Coal Creek Golf Commercial Development Permit Area and a development permit shall be required.

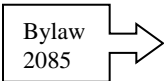
.8 LR1-Leisure Recreation One

.1 Purpose

The purpose of the LR1 sub-area is to provide for a golf clubhouse and tourist accommodation on building floors above the clubhouse and related commercial uses.

.2 Permitted Uses

- a) golf clubhouse; and
- b) tourist accommodation; and
- c) golf course.



.3 Accessory Uses

- a) eating and drinking establishments;
- b) recreation facilities
- c) resort oriented retail;
- d) meeting rooms
- e) personal services;
- e) childcare services
- f) buildings and structures accessory to a permitted use.

.4 Regulations

Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Minimum Parcel Area	1,500 sq. m. (16,146.4 sq. ft.)
Minimum Parcel Frontage	18 m (59 ft.)
Minimum Setback	
Principal Building	
<i>Front Yard</i>	6.0 m (19.7 ft.)
<i>Rear Yard</i>	7.5 m (24.6 ft.)

<i>Side Yard</i>	1.5 m nor less than 10% of the length of the front parcel line; buildings over 7.5 m (24.6 ft.) in height shall have 2.0 m (6.6 ft.) side yards
Accessory	
<i>Front Yard</i>	6.0 m (19.7 ft)
<i>Rear Yard</i>	1.5 m (4.9 ft.) or 4.5 m (14.8 ft.) where adjacent to a highway other than a lane
<i>Side Yard</i>	1.5 m (4.9 ft.) or 4.5 m (14.8 ft.) where adjacent to a highway other than a lane
Maximum Parcel Coverage	45%
Maximum Floor Area Ratio	1.0
Maximum Building Height	
<i>Principal Building</i>	15.0 m (49.2 ft.) $H = 12m$ or 3 storeys, whichever is less
<i>Accessory Building</i>	$H = 6.1m$ (19.6 ft.)
Parking	See Part 5
Loading	See Part 5

- .1 All development shall be guided by the regulations of the Coal Creek Golf Commercial Development Permit Area and a development permit shall be required.

.9 LR2-Leisure Recreation Two

.1 Purpose

The purpose of the LR2 sub-area is to provide a range of recreational, conservation and agricultural uses.

.2 Permitted Uses

The following uses, and no other, shall be permitted in the LR2 Sub-Area:

- a) Conservation areas;
- b) Parks, and park reserves;
- c) Campgrounds;
- d) Open space;
- e) Walkways and trails;
- f) Sports and athletic fields;
- g) Agriculture;

- h) Horticulture;
- i) Golf course; and
- j) Uses permitted under Section 3.3 of this Bylaw.

.3 Accessory Uses

- a) Snow storage;
- b) Dwelling unit associated with agricultural uses only;
- c) Buildings and structures;
- d) Retail sales associated with agricultural uses only; and
- e) Trail Maintenance facility

.4 Regulations

Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Minimum Setbacks for all accessory buildings	7.5 m (24.6 ft.)
Minimum parcel area	8 ha
Maximum dwelling unit density	1 dwelling unit per parcel
Maximum parcel coverage	10%
Maximum Building Height	
<i>Dwelling Unit</i>	10 m H = 8m
<i>Accessory Building</i>	H = 9.6m H = 12.0 m
Parking	See Part 5

.5 Special Requirements

- .1 All storage areas to be screened
- .2 For campgrounds
 - a) Any onsite sewage disposal must be connected to the City of Fernie sewage disposal system;
 - b) Any water must be supplied by way of connection to the City of Fernie water system;
 - c) The minimum area of campground space is 140 square metres; and
 - d) No more than one tent or recreational vehicle shall be permitted per campground space.
- .3 For Dwelling Units:
 - a) Sewage disposal must be connected to the City of Fernie sewage disposal system;

- b) Water must be supplied by way of connection to the City of Fernie water system;
and
- c) Shall be located outside of the Coal Creek Floodway and Setback Area.



.10 Comprehensive Development One Zone – Sub Area Designations

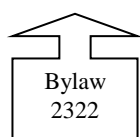
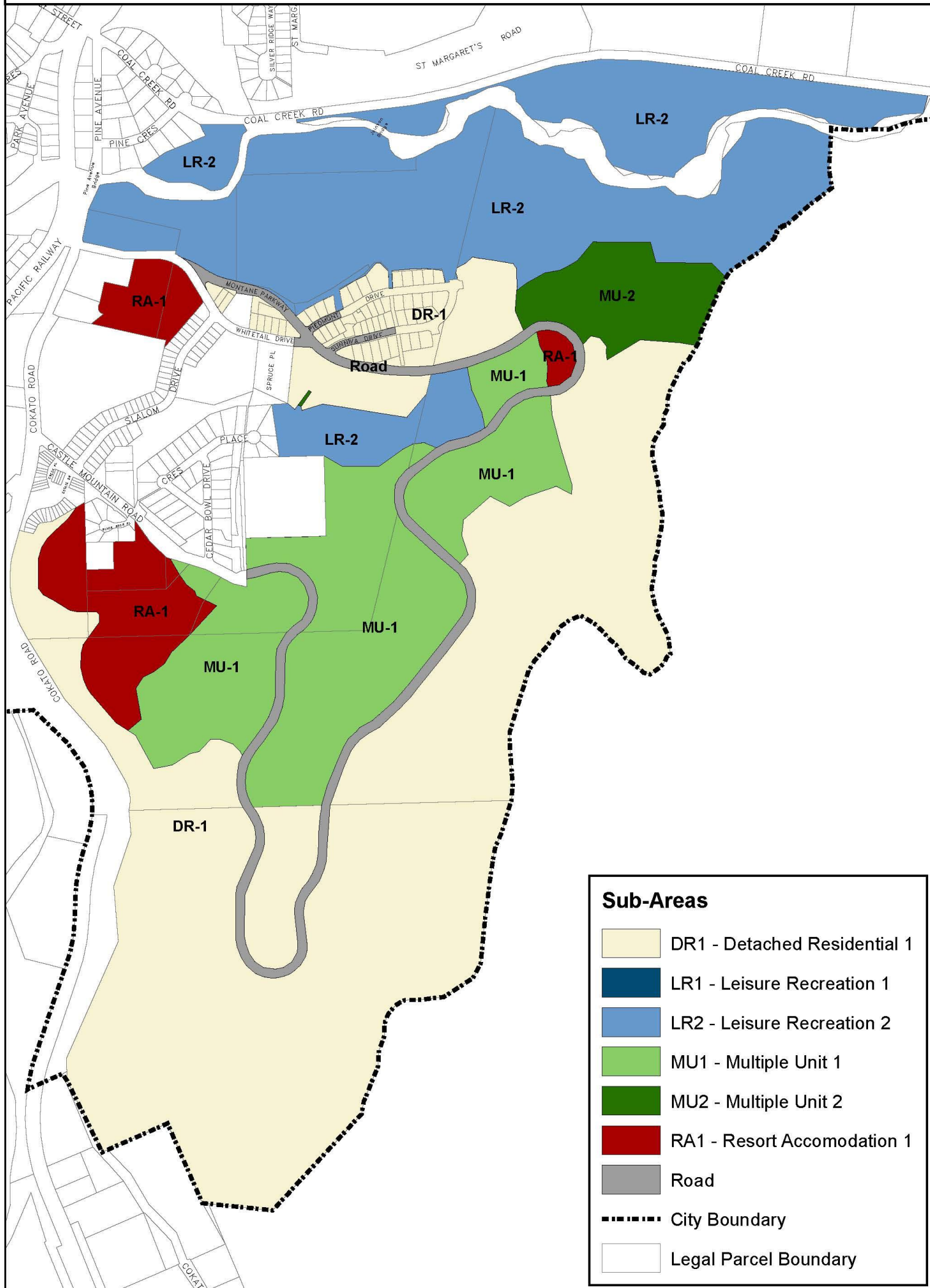
Uses Permitted by the CD-1 zone shall only be allowed in accordance with the sub-area zoning designations as set forth in the following *Special Policy Area – CDI Sub-Areas Map*.

Special Policy Area: CD1 Sub-Areas Map

City of Fernie Zoning Bylaw No. 1750



0 125 250 500 Meters



4.2.22 COMPREHENSIVE DEVELOPMENT TWO ZONE

.1 Purpose

The purpose of the CD-2 – Comprehensive Development Two zone is to provide for pedestrian oriented mixed use commercial/multi-family residential development and redevelopment of underutilized properties at the north end of the Historic Downtown Core area as defined in the Official Community Plan. The intent is to create a mixed use transition area between the retail commercial uses of the downtown to the south and the established residential Maintown neighborhood to the west and north. New development and redevelopment of existing buildings is to be of high quality design that is consistent with the heritage buildings in the Historic Downtown Core area and in scale and harmony with the character of the surrounding community.

.2 Permitted Uses

The following uses, and no other, are permitted in the CD-2 zone:

- .1 *retail bakeries;*
- .2 *banks, financial institutions and insurance companies;*
- .3 *barber shops and beauty parlors;*
- .4 *business and professional offices;*
- .5 *micro brewery with tourism amenity facilities;*
- .6 *condo hotels;*
- .7 *drug stores;*
- .8 *dry cleaning including coin operated laundries;*
- .9 *post offices;*
- .10 *retail sales, including retail sales of liquor, the gross floor area of any retail use shall not exceed 930 square metres;*
- .11 *restaurants other than drive-through restaurants;*
- .12 *travel agencies.*
- .13 *billiard halls, bowling alleys, amusement arcades;*
- .14 *bars, night clubs and neighborhood pubs;*
- .15 *theatres and cinemas;*
- .16 *areas for art, music, dancing, theatrical work or television, with or without retail sales;*
- .17 *business, professional, labour, political, civic and fraternal membership organizations;*
- .18 *hotels;*
- .19 *newspaper publishing and commercial printers;*

- .20 *public buildings;*
- .21 *commercial schools;*
- .22 *personal and professional offices and services;*
- .23 *parking areas and structures;*
- .24 *child care services;*
- .25 *recreation facilities;*
- .26 *small animal veterinary clinics;*
- .27 *dwelling units including multi-family dwellings, subject to subsections .5 (.3), (.4) and (.5);*
- .28 *tourist information kiosk*
- .29 *Uses permitted under Section 3.3 of this Bylaw.*

.3 Accessory Uses

- .1 *Uses, buildings and structures accessory to a permitted use.*
- .2 *Home occupations.*

.4 Regulations

- .1 On a parcel located in the CD-2 Zoning District, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Section 3.8.7 of this Bylaw does not apply to setback requirements in the CD-2 Zoning District. Sections 3.8.4 (a), (c) and (d) of this Bylaw shall not apply to the construction of structures defined by CD-2 Zoning District Section .4.2.3.

COLUMN 1	COLUMN 2
.1 Minimum Parcel Area – for lots not part of a strata plan	230 sq. m (2,475 sq. ft.)
.2 Minimum Parcel Frontage – for lots not part of a strata plan	7.5 m (24.6 ft.)
.3 Minimum Setbacks <ul style="list-style-type: none"> • Setback Zone 1 – 9th Street 	See Schedule A of the CD-2 Zoning District Grade level patios, terraces and decks as well as above grade balconies are permitted to project to 1 metre of the property line provided that the construction of patios, terraces and decks is no more than 5.5 metres in length and is separated from another patio, terrace or deck by at least 1.5 metres.

<ul style="list-style-type: none"> Setback Zone 1 – 10th Street 	Grade level patios, terraces and decks as well as above grade balconies are permitted to project to within 150 mm of the property line provided that the construction of patios, terraces and decks is no more than 5.5 metres in length and is separated from another patio, terrace or deck by at least 1.5 metres.
<ul style="list-style-type: none"> Setback Zone 1 – 3rd Avenue 	See Schedule A-1 of the CD-2 Zoning District

.4 Minimum Gross Floor Area – for lots not part of a strata plan <ul style="list-style-type: none"> dwelling unit 	46 sq. m (495 sq. ft.)
.5 Maximum Building Height	See Schedule B of the CD-2 Zoning District
.7 Parking <ul style="list-style-type: none"> Parking Zone 1 	See Schedule D of the CD-2 Zoning District 1.5 spaces for each dwelling unit; an additional 0.5 space for each dwelling unit shall be provided subject to complying with section 5.4 (c) of Part 5 of this Bylaw. Other uses – 50% of total number of spaces required by Part 5 shall be provided subject to complying with section 5.4(c) of Part 5 of this Bylaw.
<ul style="list-style-type: none"> Parking Zone 2 	100% of total number of spaces required by Part 5 of this Bylaw.

.5 Special Regulations

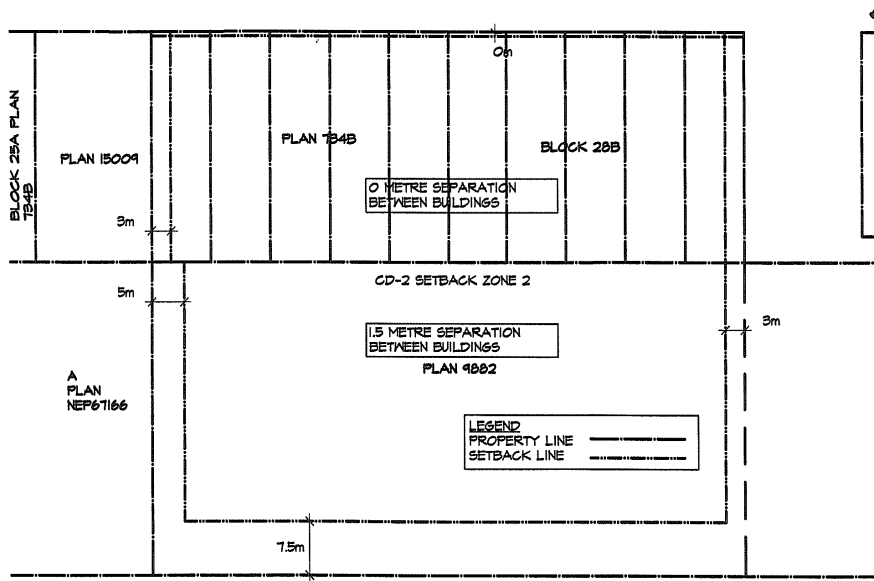
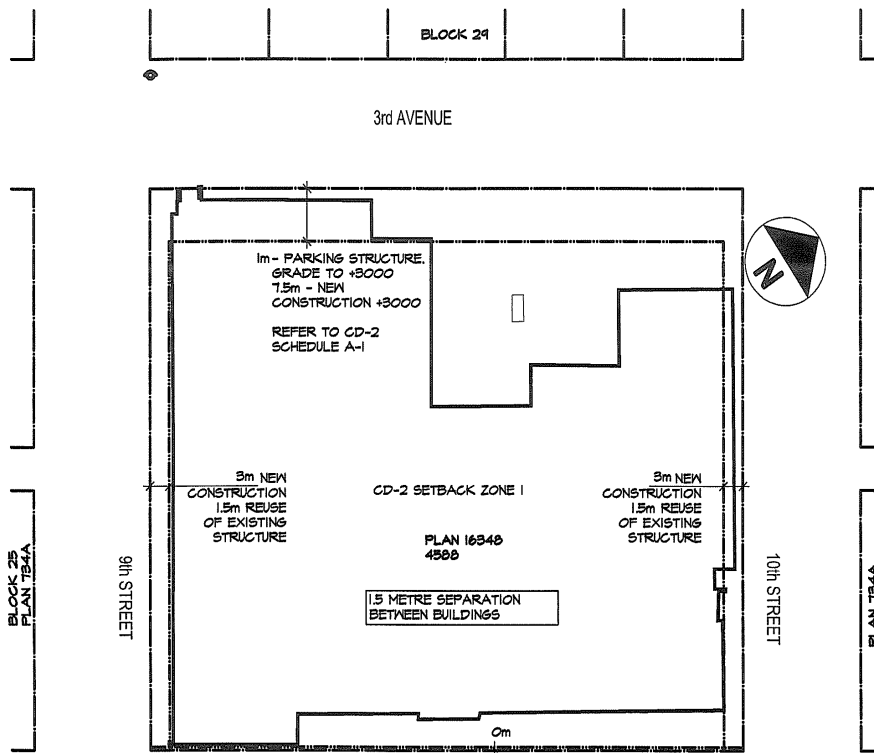
- .1 Uses permitted in the CD-2 zone shall comply with the relevant provisions of Parts 3, 4 and 5 of this Bylaw except as otherwise noted above.
- .2 No person shall use or permit the use of any portion of a parcel in the CD-2 zone for the wrecking and repair of vehicles, nor for the storage of derelict vehicles.
- .3 Multi-family dwellings in the CD-2 zone shall be located in the area delineated by Schedule C of the CD-2 Zoning District. Parking areas or structures are not permitted to front 2nd Avenue or to be located on the first storey of any building

fronting on 2nd Avenue.

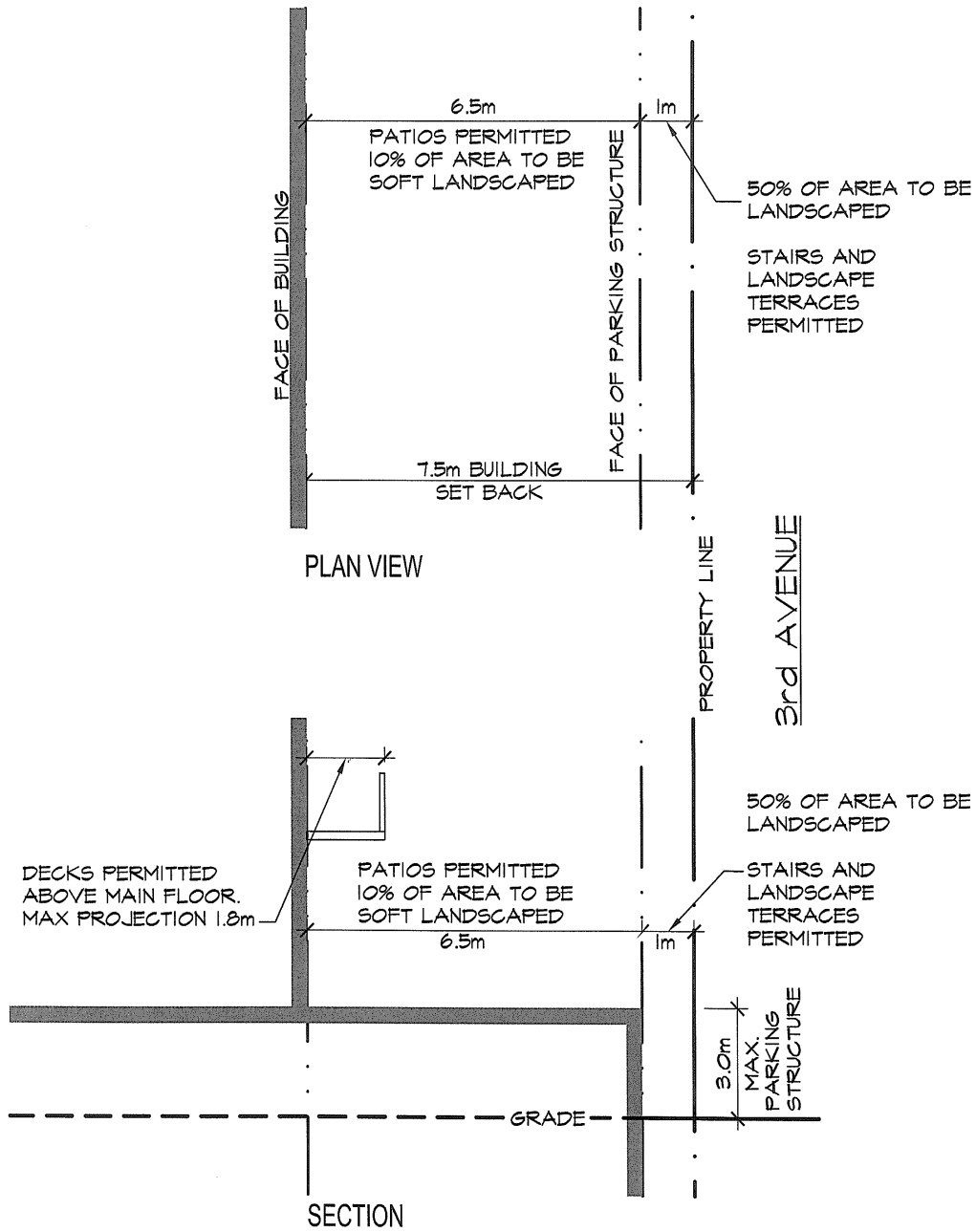
Density Zone 1 – Commercial uses shall be accessed from 2nd Avenue. Any area below the first storey of any building fronting on 2nd Avenue shall have a minimum gross floor area of 50% dedicated to commercial uses. The first storey of any building fronting on 2nd Avenue shall have a minimum gross floor area of 10% dedicated to commercial uses. Dwelling units may be located on the first storey of any building, above the first storey of any building or in any area below the first storey of any building.

Density Zone 2 – Residential uses are not permitted on the first storey of any building. Dwelling units may be located above the first storey of any building.

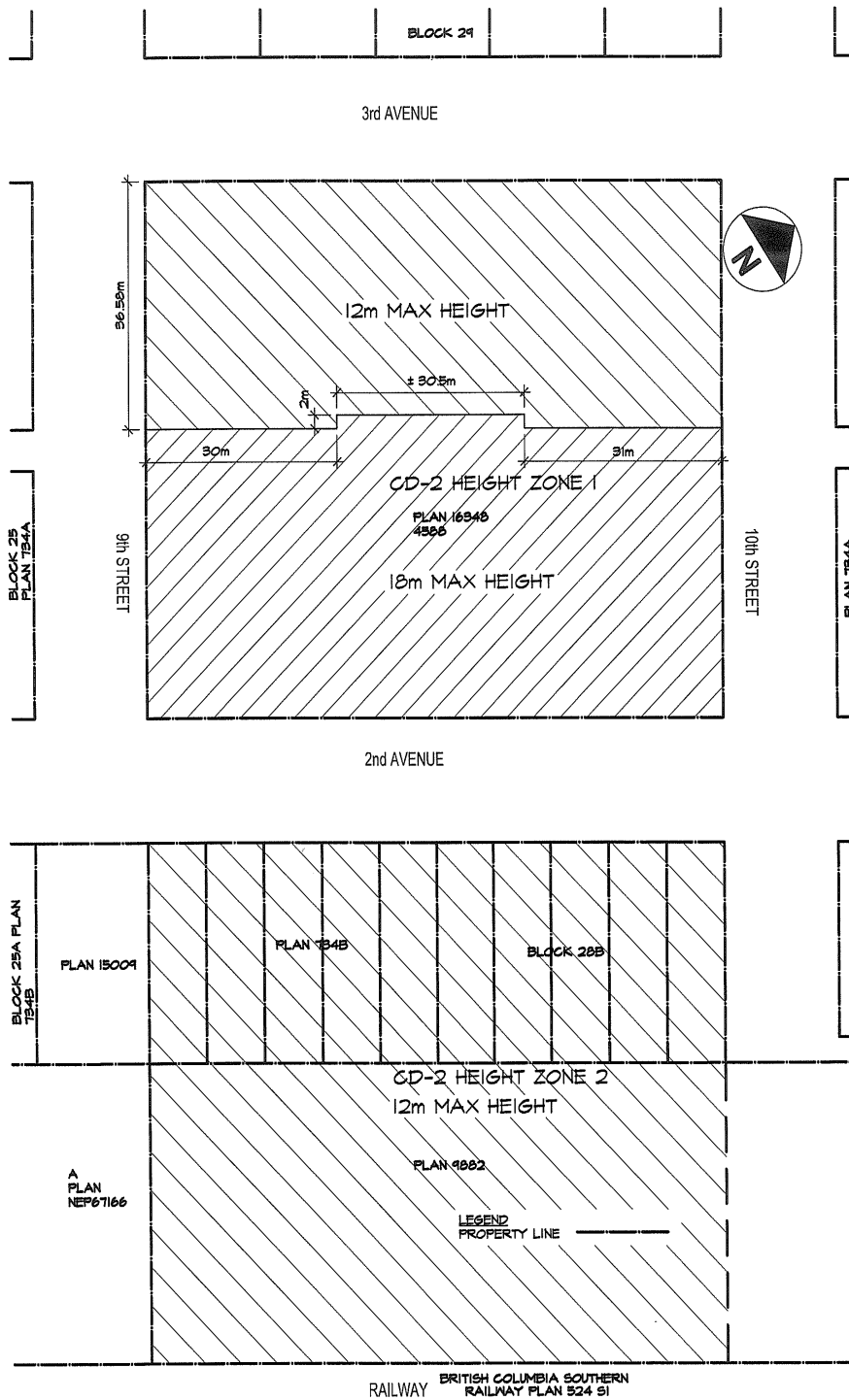
- .4 Maximum multi-family dwelling density in the area delineated by Schedule C of the CD-2 Zoning District shall be 74 units per gross hectare (30 units per gross acre).
- .5 Dwelling units shall have entrances separate from that of any commercial use. Access to separate entrances is permitted to be by a common corridor.



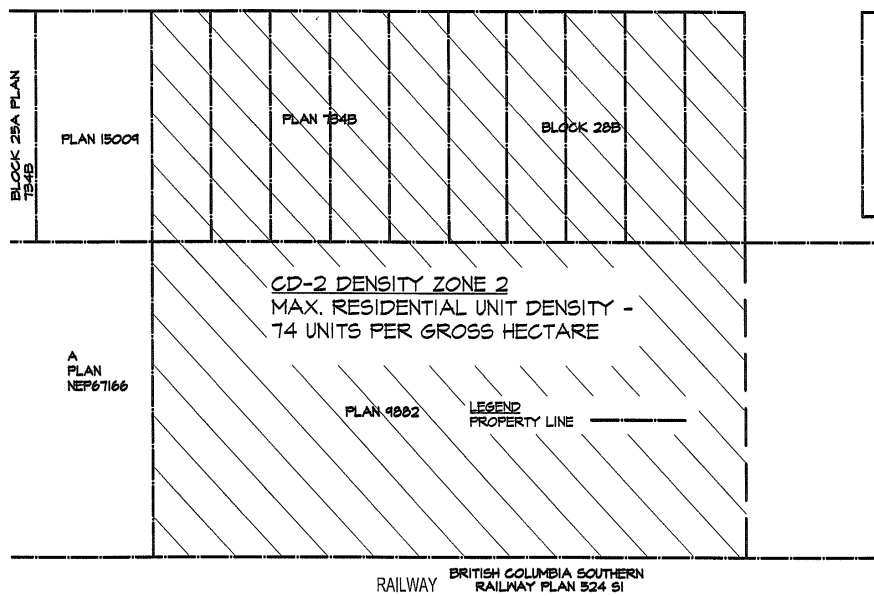
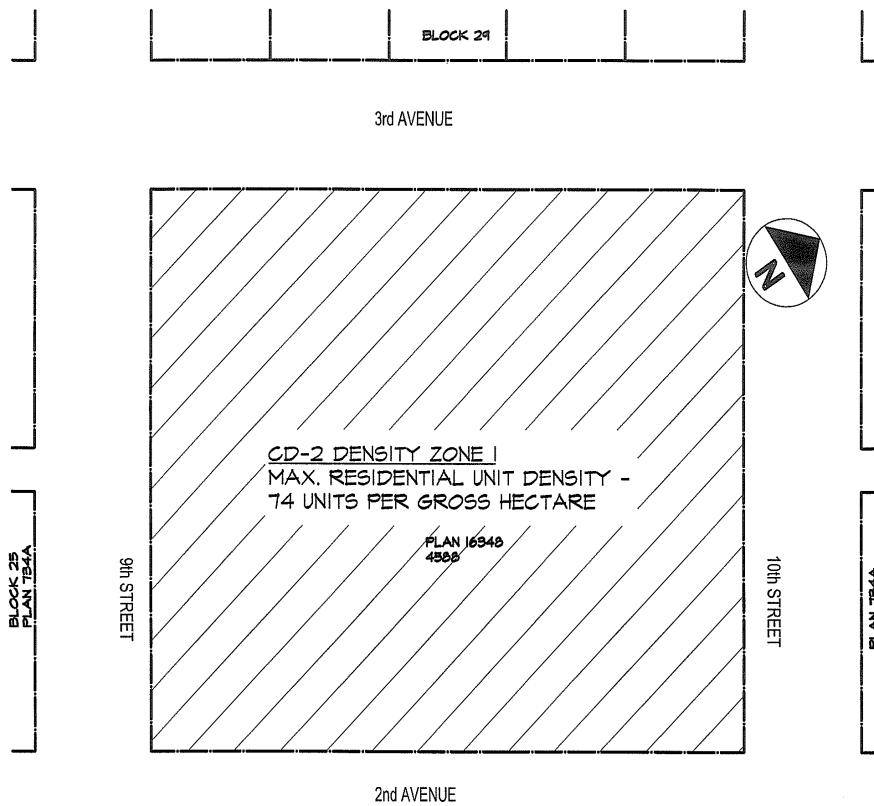
CD-2 ZONE
SCHEDULE A - BUILDING SETBACKS



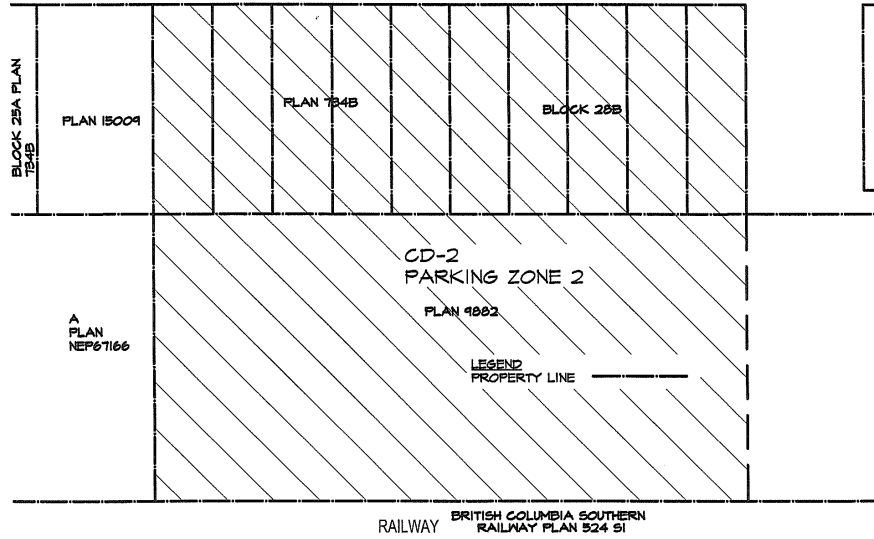
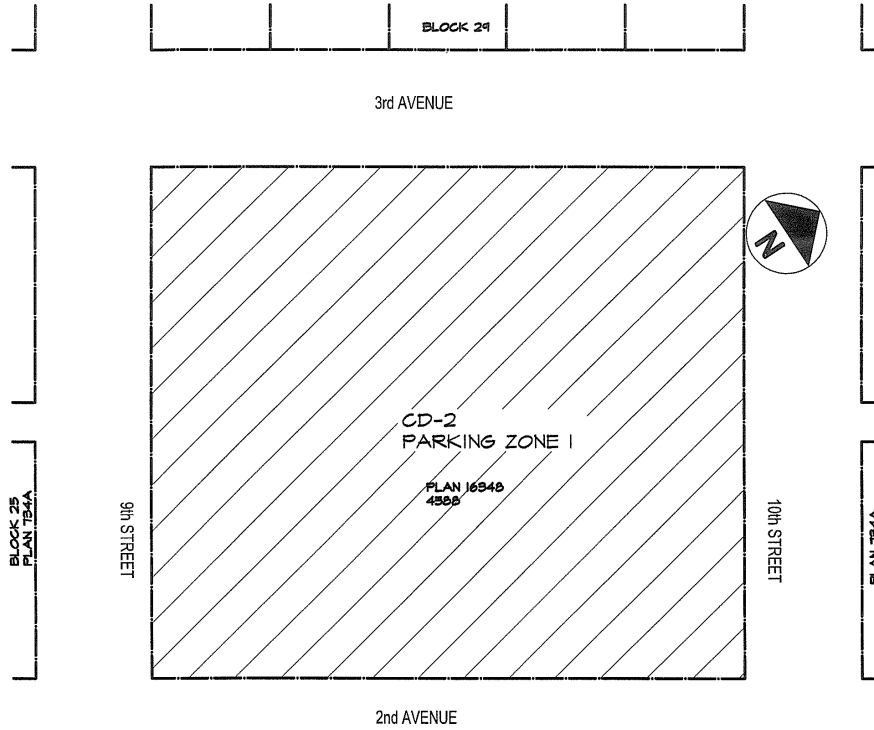
CD-2 ZONE
SCHEDULE A-1 - 3RD AVE. SETBACKS



CD-2 ZONE
SCHEDULE B - MAXIMUM BUILDING HEIGHT



CD-2 ZONE
SCHEDULE C - DENSITY



CD-2 ZONE
SCHEDULE D - PARKING

4.2.23 COMPREHENSIVE DEVELOPMENT FOUR ZONE

Bylaw
2216

.1 PURPOSE

The purpose is to provide for the development of residential units that include one or more land use sub-areas and the dedication of a significant amount of natural open space based on a comprehensive development plan. Density and provision of open space are based on principles of "eco-clustering" and averaging of all lands within the development.

.2 PERMITTED USES

The principal uses in this zone are:

- (a) single detached dwelling (except manufactured home and mobile home);
- (b) multi family dwelling;
- (c) open space, parks and tot-lots;
- (d) walkways and trails;
- (e) uses permitted under Section 3.3 of this Bylaw.

.3 ACCESSORY USES

The secondary uses in this zone are:

- (a) uses, buildings and structures accessory to a permitted use;
- (b) home occupation;
- (c) secondary units and suites (except within the RR Rural Residential sub-area and the R4 Multiple Family Residential (High Density) sub-area);

.4 SUBDIVISION REGULATIONS

- (a) The minimum gross site area within this zone is 20,235 m².

.5 DEVELOPMENT REGULATIONS

- (a) Within the CD-4 Zone the permitted density for all forms of residential, excluding secondary suites, shall be determined based on the maximum number of units as follows:

Zone	Sub-Area Description	Max. # of Dwelling Units
RR	Rural Residential	2
R1B	Single Detached Plus Residential	225
R4	Multiple Family Residential (High Density)	125

Notwithstanding the maximum number of dwelling units list above, the total number of dwelling units constructed within the CD-4 zone shall not exceed 265, excluding secondary suites.

- (b) Within the CD4 Zone, single detached dwellings shall be developed within the “RR Rural Residential” sub-area in accordance with the requirements of the RR zone.
- (c) Within the CD-4 Zone, single detached dwellings shall be developed within the “R1B Single Detached Plus Residential” sub-area in accordance with the requirements of the R1B zone.
- (d) Within the CD-4 Zone, multi-family dwellings shall be developed within the “R4 Multiple Family Residential (High Density)” sub-area in accordance with the requirements of the R4 zone.
- (e) Within the CD-4 Zone, lands designated as ‘OS1 Open Space’ on the comprehensive development plan shall be developed in accordance with the following requirements:

- (i) Permitted Uses

The following uses, and no other, are permitted within lands designated as OS1 Open Space:

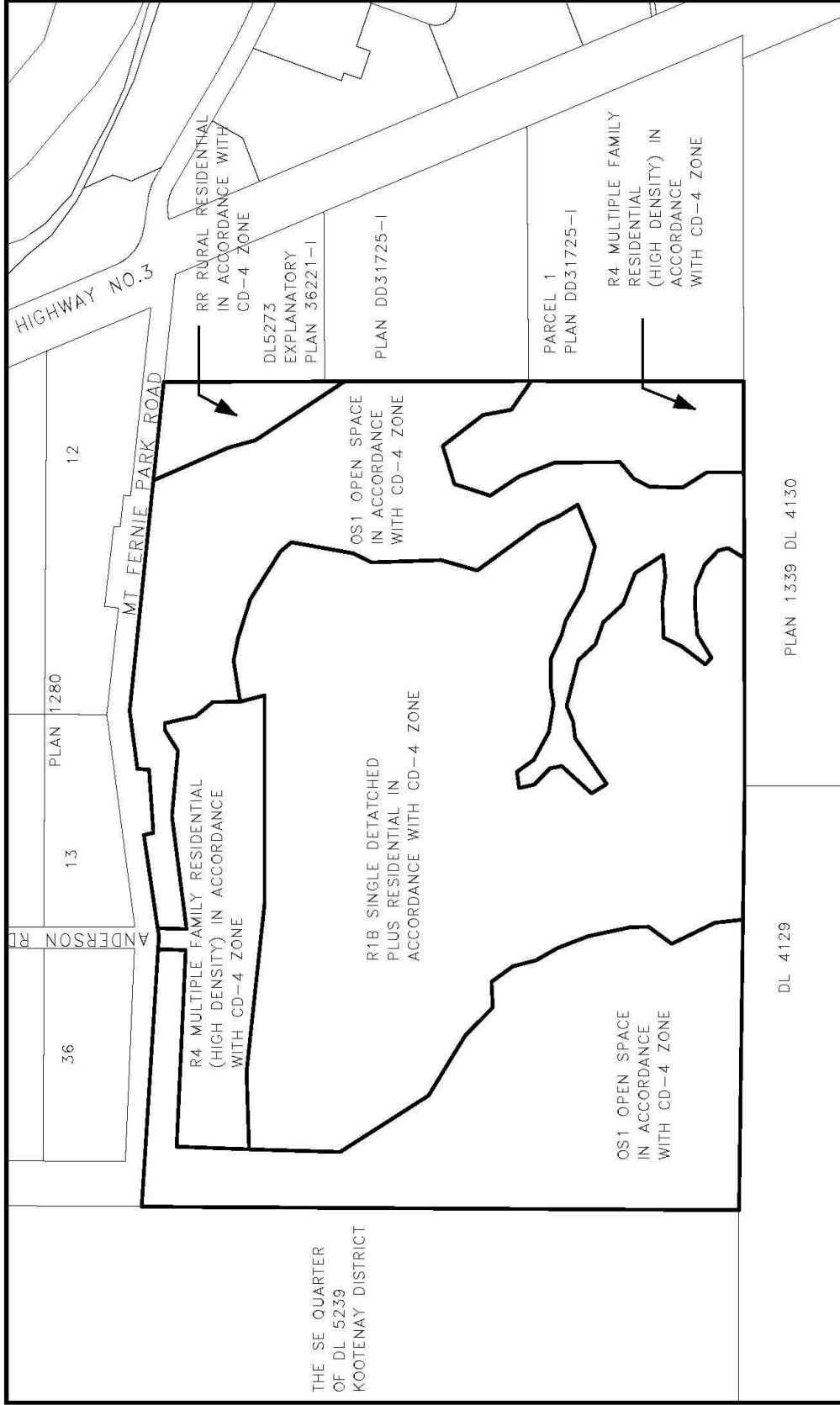
- a) Conservation areas, recreation reserves, ecological reserves, managed forests and wildlife sanctuaries;
- b) Open space and parks;
- c) Walkways and trails;

- (ii) Accessory Uses

- a) Uses, buildings and structures accessory to a permitted use, including, but not limited to, washrooms, change rooms, warming shelters, information kiosks, signage and park maintenance buildings;
- b) Buildings accessory to a permitted use that are operated by a not for profit organization.

- (iii) Regulations

- a) No person shall use or permit the use of any portion of a parcel zoned as OS1 Open Space for the wrecking or repair of vehicles;
- b) No person shall locate a dwelling unit on any parcel within lands zoned as OS1 Open Space;
- c) All storage areas shall be screened in accordance with Section 3.11(f).



CD-4 MAP 1

THAT PART OF DISTRICT LOT 5237 KOOTENAY DISTRICT LYING SOUTH OF THE PORTION SUBDIVIDED BY PLAN 1280 AND THE WESTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF LOT 36 PLAN 1280 AND WEST OF PARCEL B (SEE 24330I) OF LOT 36 EXCEPT (1) PARTS SHOWN OUTLINED IN RED ON PLANS 31725I AND 34821I (2) PART INCLUDED IN EXPLANATORY PLAN 36221I (3) PART INCLUDED IN 4201 AND (4) PART INCLUDED IN PLAN R368



1. Purpose

The purpose of the Comprehensive Development Three Zone is to provide higher density, larger structures in the form of apartment style condominiums; and to provide four attainable town housing units subject to a housing agreement registered on title.

2. Permitted Uses

The following uses, and no other, are permitted in the Comprehensive Development Three Zone:

- .1 multi-family dwelling;
- .2 town housing;
- .3 uses permitted under section 3.3 of Zoning Bylaw No. 1750.

3. Accessory Uses

- .1 home occupation;
- .2 other uses, buildings and structures accessory to a permitted use.

4. Regulations

- .1 On a parcel located in an area designated as Comprehensive Development Three Zone no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.
- .2 Section 3.78.4 (d) of Zoning Bylaw No. 1750 shall not apply to the construction of structures defined by Comprehensive Development Three Zone Section 5.2.
- .3 Notwithstanding section 3.9.2 the Maximum Height of a building in this zone shall be measured to the peak of the roof.

COLUMN 1	COLUMN 2
1. Minimum Parcel Area	2 hectares (4.94 acres)

<p>2. Minimum Setback (see schedule “C”)</p> <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard • Side Yard adjacent to Lot1 Plan NEP 64706 	<p>7.5 m (24.6 ft.)</p> <p>9.0 m (22.8ft)</p> <p>4.5 m (14.8ft.)</p> <p>9.0 m (22.8ft.)</p> <p>Sundecks and balconies shall not Project into the side yard setback.</p>
<p>3. Maximum Parcel Coverage</p>	<p>40%</p>
<p>4. Maximum Density</p>	<p>77.5 dwelling units per gross hectare</p> <p>Includes 4 attainable housing units.</p>
<p>5. Maximum Average Building Height (see schedule “C”)</p> <p>Bldg 1</p> <p>Bldg 2 & 2A</p> <p>Bldg 3 & 3A</p> <p>Bldg 4</p> <p>Bldg 5</p> <p>Bldg 5A</p> <p>Townhousing</p> <p>Accessory Building</p>	<p>To roof peak</p> <p>17.0 m (55.7 ft.)<u>H = 17m</u></p> <p>18.5 m (60.7 ft.)<u>H = 18.5m</u></p> <p>20.5 m (67.2 ft.)<u>H = 20.5m</u></p> <p>19.0 m (62.3 ft.)<u>H = 19m</u></p> <p>18.0 m (59.0 ft.)<u>H = 18m</u></p> <p>15.0 m (49.2 ft.)<u>H = 15m</u></p> <p>12.0 m (39.3 ft.)<u>H = 12m</u></p> <p>9.0 m (29.5ft)<u>H = 9m</u></p>
<p>6. Minimum Amenity space per dwelling units.</p>	<p>4.5 sq. m. (48 sq. ft.) in a balcony, terrace or patio.</p>

7. Parking	1.5 parking spaces for each dwelling plus 30 off-street visitors parking spaces.
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5. Special Regulations

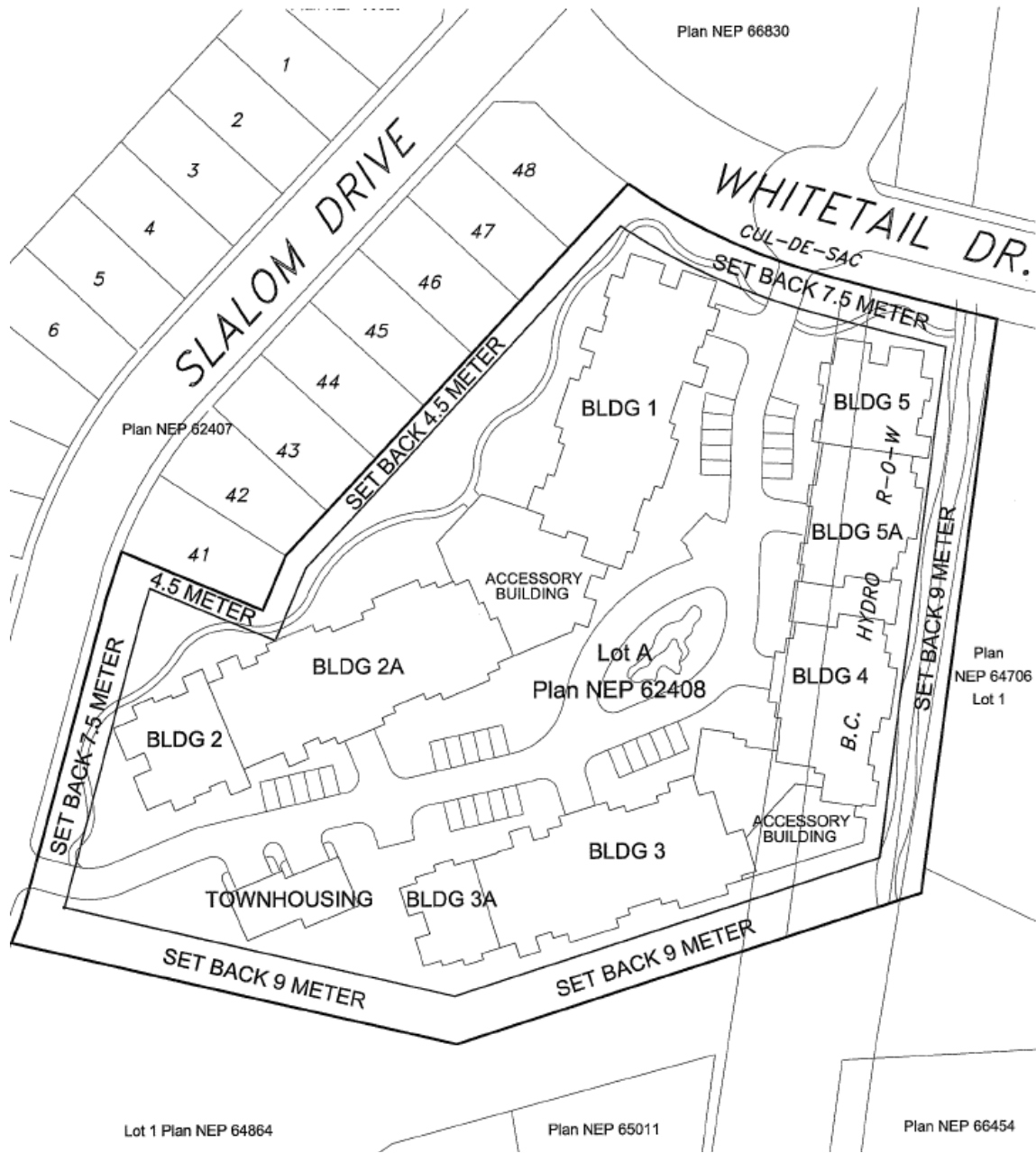
- .1 In a building containing more than 10 dwelling units, indoor amenity space in the amount of not less than 1.4 sq meters (15 sq. ft.) per dwelling shall be provided.
- .2 Sundecks and balconies may encroach into the rear and front yards, providing that they do not interfere with pedestrian traffic on a sidewalk and do not block sight distance for traffic turning movements. The siting of sundecks and balconies shall be subject to Section 3.9 of Zoning Bylaw No. 1750.

Sundecks and balconies shall not project into the 9-meter minimum side yard setback.

- .3 Developments may be required to be phased. If and when the BC Hydro transmission line is relocated then a development permit may be issued to allow construction within the BC Hydro r-o-w area. The other project phases on the remainder of the site could be issued development permits prior to the relocation of BC Hydro transmission line. If the BC Hydro transmission line is not relocated, then the density associated with the BC Hydro r-o-w area shall not be reallocated to the remainder of the parcel.

SCHEDULE C

Comprehensive Development Three Zone



PART 5 OFF STREET PARKING AND LOADING

5.1 APPLICATION OF REGULATIONS

No land, building or structure shall be used by any owner or occupier or any other person for any use, unless the off-street parking and loading requirements for that use have been first provided in accordance with the provisions of this Bylaw.

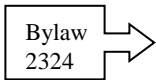
5.2 EXEMPTION OF EXISTING BUILDINGS FROM PARKING AND LOADING REQUIREMENTS

The regulations contained in this section shall not apply to buildings, structures and uses existing on the effective date of this Bylaw except that:

- (a) off-street parking and loading shall be provided and maintained in accordance with this section for any addition to any existing building and structure or any change or addition to such existing use including home occupations;
- (b) off-street parking and loading provided prior to the adoption of this Bylaw shall not be reduced below the applicable off-street parking requirements of this section.

5.3 NUMBER

- (a) The number of off-street parking spaces for motor vehicles required for any use is calculated according to Table 1 of this Bylaw in which Column I classifies the types of uses and Column II sets out the number of required off-street parking spaces that are to be provided for each use in Column I.
- (b) In respect of a use permitted under this Bylaw which is not specifically referred to in Column I of Tables 1 and 2 the number of off-street parking and loading spaces is calculated on the basis of the requirements for a similar use that is listed in Table 1 and Table 2.
- (c) Where the calculation of the required off-street parking and loading spaces results in a fraction, one parking or loading space shall be provided in respect of the fraction.
- (d) Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation each 0.5 metres of width of such seating shall be deemed to be one seat or seating place.
- (e) Where more than one use is located on a parcel, the total number of parking or loading spaces to be required shall be the sum total of the requirements for each use.
- (f) Where more than one use is located in a building, the total number of parking or loading spaces to be required may recognize the mixed use and determine the number of spaces required based on the various portions of the building dedicated to each use.



- (g) Where more than one standard may apply to a use, the standard requiring the greatest number of parking spaces shall be used.
- (h) Where parking spaces per person is applied the total number of persons shall be according to the maximum occupancy load established by the B.C. Building Code.
- (i) Off-street loading spaces shall not be included in the calculation of off-street parking spaces required hereunder.

5.4 LOCATION

- (a) For uses in residential zones, off-street parking spaces shall be located on the same parcel as the use they serve.
- (b) Excluding uses in residential zones, if sufficient off-street parking spaces cannot be provided on the same parcel, required off-street parking spaces may be located on another parcel within 228.6 metres of the building or use those spaces serve.
- (c) If parking is not located on the same parcel as the parcel these spaces serve, a restrictive covenant, pursuant to Section 215 of the *Land Titles Act*, shall be registered. The covenant must be registered on the title of the parcel that accommodates the parking spaces.
- (d) Off-street loading spaces shall be located on the same parcel as the use they serve.

5.5 STANDARD

- (a) Off street parking spaces required under this Bylaw shall be constructed to the following minimum standards:

FIGURE 5

OFF STREET PARKING SPACE STANDARDS

Parking Angle in Degrees	Width of Parking Space	Length of Parking Space	Width of Aisle
90	2.90 m	5.8 m	6.1 m
60	2.75 m	5.8 m	5.5 m
45	2.75 m	5.8 m	3.9 m
30	2.75 m	5.8 m	3.3 m
Parallel	2.60 m	6.7 m	6.0 m

- (b) Where the parking angle is 60 degrees, 45 degrees, or 30 degrees, only one way traffic

will be permitted in the maneuvering aisle.

- (c) If the applicant applies for direct access onto a controlled access highway, the proposed land use and parking must comply with the Ministry of Transportation and Highways requirements.
- (d) Access to a parking space, when the parcel is located at the intersection of two highways, access shall be located not less than 6 m (19.7 feet) from the intersection to the two highways.
- (e) All off-street parking areas shall be graded to provide an even surface and drained so that no surface water:
 - (i) accumulates thereon;
 - (ii) runs onto any sidewalk, or
 - (iii) runs onto any highway if the area is not paved.
- (f) All off-street parking areas required to accommodate three (3) or more motor vehicles and all access roads to such parking areas shall be of a paved surface and shall have individual parking spaces, maneuvering aisles, entrances and exits clearly marked.
- (g) All off-street parking areas shall provide adequate illumination to the satisfaction of the Director of Operations, or the person acting in that capacity for the City.
- (h) Any lighting used to illuminate any parking and loading areas or parking garages shall be so arranged that all direct rays of light are reflected upon such parking or parking garage, and not on any adjoining premises or highways.
- (i) The number of parking spaces provided on site shall be consistent with Figure 6. In the case of infill or downtown redevelopment, parking spaces may be provided on other sites within 300 m from the principle use, under a special parking agreement approved by Council.

5.6 PARKING REQUIREMENTS FOR THE HANDICAPPED

- (a) Handicap parking requirements for:
 - (i) parking lots - one percent of the total parking spaces in each lot, with a minimum of one stall per lot;
 - (ii) facilities servicing the handicapped, such as hospitals - three per cent of the total parking spaces in each lot.
- (b) Handicapped parking spaces required to be minimum size of 3.9 m (13 feet) in width and 6 m (19.7 feet) in length.
- (c) Handicapped parking spaces to be marked and signed - 'Reserved for Handicapped Only' i.e. Handicapped Logo.

- (d) Handicapped parking spaces to be located as close as possible to accessible elevators, ramps, walkways and building entrances.

FIGURE 6

REQUIRED OFFSTREET PARKING SPACES

CLASS OF BUILDING	REQUIRED NUMBER OF SPACES
assembly halls, auditoriums community halls, lodges	1 for each 10 seats
automobile parts and supply	1 for each 70 m ² (753 sq. ft.) of gross floor area or portion thereof.
banks, financial and insurance institutions	1 for each 46 m ² (495 sq. ft.) of gross floor area
billiard and pool halls	2 per table
bowling alley	2 per alley
building materials supply	1 per 186 m ² (2,002 sq. ft.) of covered storage, sales and office floor area, or portion thereof
bus depot	1 for each 10 m ² (108 sq. ft.) of waiting room, or portion thereof
cabaret, night club, neighbourhood pub	1 for each 3 seats for patrons
car wash	2 spaces per bay
church	1 for each 10 seats
coin laundry	1 for each 3 washing machine
Condo Hotel -studio and one bedroom units -two bedroom units -three bedrooms or greater	1 for each unit 1.5 for each unit 2 for each unit plus spaces for any additional uses as specified elsewhere in this section
day care, nursery	3 spaces
driving range	1 space per tee box
dry cleaning and laundry establishments	1 for each 23 m ² (248 sq. ft.) of gross floor area
dwelling units:	2 for each dwelling

Bylaw 1968 →

Bylaw 1913 →

Bylaw 1818 →

- single detached and manufactured homes - single detached with a secondary dwelling - secondary residential units in R1-B zone - two family - multiple family, including apartment	3 spaces 1 for each dwelling 2 for each dwelling 2 for each dwelling
funeral homes	1 for each 4 seats in chapel
golf course - 9 holes - 18 holes	32 spaces 64 spaces
grocery store	1 for each 23 m ² (248 sq. ft.) of gross floor area
gymnasium, reducing salon, masseur, health spa and similar uses	1 for each 10 m ² (108 sq. ft.) of gross floor area or portion thereof
hospital	2 for each 3 patient beds
hostel	.25 space per sleeping unit
hotel, motel, lodge	1 for each accommodation unit plus spaces for any additional uses as specified elsewhere in this section
Independent school	2 spaces for every classroom, grades K-9 4 spaces for every classroom, grades 10-12
industrial uses, storage, warehouses	1 for each 23 m ² (248 sq. ft.) of office area plus 1 per 186 m ² (2002 sq. ft.) of covered industrial, storage or warehouse area or portions thereof
kennels	3 spaces
library	1 for each 46 m ² (495 sq. ft.) of gross floor area or portions thereof
medical and dental offices, clinics and laboratories	4 for each doctor's office
manufactured home and recreational vehicle sales, service, rental and repair	1 for each 450 m ² (484 sq. ft.) of floor display and yard or portion thereof
museum	1 for each 23 m ² (248 sq. ft.) of floor area or portion thereof
offices, other than medical or dental	1 for each 46 m ² (495 sq. ft.) of gross floor

Bylaw 1913 →

Bylaw 1913 →

Bylaw 2359 →

Bylaw 2001 →

Bylaw 1913 →

Bylaw 1948 →

Bylaw 1913 →

	area or portion thereof
pension	1 space per guest unit
police stations	1 for each 23 m ² (248 sq. ft.) of gross floor area or portion thereof
post office or sub-post office	1 for each 23 m ² (248 sq. ft.) of gross floor area or portion thereof
recreation centre, indoor recreation facility	1 for every 10 users, where users means number of persons the centre or facility is designed or intended to accommodate plus 1 for every 10 spectator seats
restaurant	1 for each 3 seats for patrons
rest homes, senior's assisted or independent living complexes	0.5 spaces for each rest home bed unit, or dwelling unit, plus 1.5 staff parking spaces for every 10 rest home bed units
retail store	1 for each 46 m ² (495 sq. ft.) of gross floor area or portion thereof
school	2 for every classroom
secondary dwelling unit	1 space per unit
service station	2 for each service bay
short-term rental	2 spaces Where the dwelling unit in which the Short-Term Rental is located has existing space(s) provided in accordance with this bylaw, the calculation of the number of required spaces for Short Term Rental use shall include the existing spaces.
studio for art, music, dancing, theatrical work, radio or television	1 for each 46 m ² (495 sq. ft.) of gross floor area or portion thereof
take-out food services	2 for each 23 m ² (248 sq. ft.) of gross floor area or portion thereof
taxi office	2 for each 23 m ² (248 sq. ft.) of gross floor area or portion thereof
tourist accommodation	1 space per unit area of 55 m ² (592 sq. ft.) or

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	less, plus 0.5 space for every additional 40 m ² (430.5 sq. ft) of additional gross floor area, to a maximum of 2 spaces per unit
theatre and cinema	1 for each 10 seats
all other commercial and industrial and establishment not provided for herein	1 per 46 m ² (495 sq. ft.) of gross floor area or portion thereof

5.7 OFFSTREET LOADING

- (a) Off-street loading spaces shall be provided such that a vehicle in the process of being loaded or unloaded shall not project into a highway.
- (b) Each off-street loading space shall be not less than 9.0 m (30 feet) in length, 3.5 m (12 feet) in width, nor have less than 4.0 m (13 feet) in height from the surface of the ground at any point.
- (c) No use may be undertaken in any zone unless the off-street loading requirements in this bylaw have been met for that use.
- (d) Any loading space and access to it within the same parcel shall be located as not to interfere with street traffic, pedestrian traffic or customer parking.
- (e) The number of off street loading spaces to be provided shall be consistent with Figure 7.

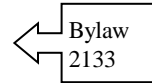
FIGURE 7

REQUIRED OFFSTREET LOADING SPACES

Use	Required Number of Spaces
Commercial	
• Buildings which have less than 500 m ² of gross floor area	1
• Buildings which have between 500 m ² to 2,000 m ² of gross floor area	2
• Buildings which have more than 2,000 m ² of gross floor area	3
Industrial	
• Buildings which have less than 1,500 m ² of gross floor area	1
• Buildings which have between 1,500 and 3,000 m ² of gross floor area	2
• Buildings which have more than 3,000 m ² of gross floor space	3
Institutional	
• Buildings which have less than 2,800 m ² of gross floor area	1

<ul style="list-style-type: none"> Buildings which have 2,800 m² of gross floor area 	2
Residential <ul style="list-style-type: none"> For every 2,000 m² of gross floor area used for apartment units or townhouse units 	1

PART 6 — SIGN REGULATIONS - Deleted in its entirety



PART 6 ADOPTION

6.1 EFFECTIVE DATE OF BYLAW

This Bylaw is in force from date of adoption.

INTRODUCED AND READ a first time this 28th day of April, 1997.

READ a second time this 28th day of April, 1997.

RE-READ a second time as amended this 9th day of March, 1998.

SUBMITTED TO PUBLIC HEARING this 13th & 14th day of May, 1997, and this 2nd day of June, 1997.

RE-SUBMITTED TO PUBLIC HEARING this 17th and 23rd day of March, 1998.

APPROVED by the Ministry of Transportation and Highways pursuant to Section 57 of the *Highways Act*, this 8th day of May, 1997.

READ a third time this 30th day of March, 1998.

FINALLY PASSED AND ADOPTED this 30th day of March, 1998, rescinding Bylaw #1406 and amendments thereto simultaneously.

G. M. Shatosky

MAYOR

Jennifer Bridarolli

CLERK

I hereby certify the foregoing to be the true original copy of Bylaw No. 1750.

LIST OF AMENDMENTS

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
1750 - 1	55 Cokato Road	Lot B, DL 4589, Kootenay District Plan 14415	RR Rural Residential to R4 High Density	1998-03-30
1750-7	75 Cokato Road	Lots 1,2, KD Plan 14544	RR Rural Res. to R3 Med. Density Res.	1998-03-30
1750-8	Castle Mtn. Road	Lot K, DL 4589, KD Plan 947	RR Rural Res. To R1 Single Family Res.	1998-03-30
1750-9	1622 10 th Avenue	Lots 7-9, Block 132, DL 4588, KD Plan 902	CS-1 Service Comm. To P1 Public Institutional	
1750-10	1101&1111 2 nd Ave	Parcel A (see 24118A) and B (see 260331 of Lot 1, Block 36, DL 4588, KD Plan 734A and Lot 2, Block 36, DL 4588, KD Plan 734A	C3 Neighbourhood Commercial to C1 Retail Commercial	1998-03-30
1750-13	Alpine Trails Mountain Comm.	Parcel A (see 27684I) DL 4138, KD Plan Except (1) Parcel 1 (ref. Plan 96482I) and (2) Part included in Plan 13159 (3) Part included in Plan 8271	As per map attached to application	1998-03-30
1786 Amend #1	NR Developments (Riverside Village)	Parcel A (see XJ11458) DL 5237, KD Plan 1518	RR to R1, R1, R2 R3 and C-Hwy	1998-07-13
1789 Amend #24	D. Marshall Projects Riverside Mountain Village	Lot 10, Plan NEP62953. Lots 1-44, Plan NEP 64090 Plan 1, Plan NEP65740. Lots 1-2, KD Plan NEP62943	R-4 R1 to RR R2 to RR R2 to R3	2000-09-26
1794 Amend #3	Elk River Dev. Castle Mtn. Dev.	Zoning of Castle Mountain Development	RR to R-MH, R1B, R2, R4, C2 & P2	1998-06-29
1796 Amend #4	City Initiated	_____	Maximum size for Gas bars	1998-06-22
1801 Amend #5	City Initiated	_____	Manufactured homes / mobile homes	1998-08-24
1804 Amend #6	City Initiated	_____	Manufactured homes/mobile homes	1998-10-26
1808 Amend #7	Maxine Wolf & City 1601 & 1621 7 th Ave	Lots 1, 2 Block 30, DL 4588, Kootenay District Plan 902	R1 to C-Hwy Commercial	1998-12-14
1810 Amend #8	North of the Border		Reducing the min. parcel area for the rural res. Zone Section 4.2.7 from .809a(2 acres) to .403 ha (1 acre)	1999-05-25
1817 Amend #9	Schickedanz Bros.	Parcel A(XJII236) Block 130, DL 4588, Kootenay District Plan 902	R1 to C-Hwy Commercial	1999-05-10
1818 Amend #10	City Initiated - Secondary Suites	_____	Secondary Suites	2005-07-25
1820 Amend #11	Elk River Run	_____	RR and R4 and P1 to C-Hwy	Closed

1822 Amend #12	Schickedanz Properties BC Ltd.	Lot 1, DL 4589, KD Plan NEP62291	R3 to R2	1999-05-10
1827 Amend #13	City Initiated 1392 8 th Avenue	Lot 6, Block 107, Plan 902	R1 to R-MH	1999-06-14

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
1828 Amend #14	City Initiated 592 3 rd Avenue	Lot 11, Block 14, Plan 734 (former Public Library)	P1 to C1	1999-05-25
1829 Amend #15	557916 BC Ltd	_____	Professional Services	1999-05-25
1831 Amend #16	Elk River Developments Ltd.	Lot 6, DL 4589, Plan NEP24151 (approx. 12.76 ha)	RR to R4	1999-06-14
1835 Amend #17	N.R. Developments	Lot 6, DL 5237, KD Plan NEP62943	R2 Duplex to R3 Multifamily (med density)	1999-06-14
1856 Amend #18	N.R. Developments	Lot 12 Plan NEP62943 Lot 13, Plan NEP62943 Lot 2, Plan NEP62943 Lots 3, 4, 5, Plan NEP 62943	Delete R1 Private park to RR R2 to RR R3 to RR	Abandoned
1857 Amend #19	776787 Alberta Ltd.	Lots 12-14, Block 2, Plan 16113, District Lot 5455	R1 to C-Hwy Commercial	2000-05-08
1859 Amend #20	City Initiated	_____	Item 2.4.13 Gen Regulations 3.6.1 (b) / Zoning Districts	2000-02-28
1860 Amend #21	K. & S Switzer	Lot 5, Block 26, Plan 734, DL 4588	Delete R1 to CI	Failed Passing
1861 Amend #22	Elk River Developments Ltd.	Part of Parcel 87 (see 139017) - I and Part of Lot A, Plan 9587, DL 4589	C2 form Parcel 87 and Part of Lot A, to R3	2000-06-26
1869 Amend #23	Mary Mindek	Parcel B, Block 100, Plan 734B, District Lot 4588	R1 to R2	Failed Passing
1873 Amend #25	Focus Intec	Lot 2, DL 4589, KD Plan NEP21051	M1 to R3	2000-08-14
1874 Amend #26	City Initiated – Cemetery rezoning	Lot 6, KD Plan NEP22339	R2 to P1	2000-08-14
1878 Amend #27	Gary Bisson	Lot 6, Block 116, DL 4588, Kootenay District Plan 902	R1 to C-Hwy	2000-11-23
1881 Amend #28	S. V. Ski Base	Lot 1, DL 4588, KD 16348	P1 to C1	2000-11-14
1884 Amend #29	City Initiated	Highway Commercial Zone	Establish a maximum building size & separation	Abandoned
1886 Amend #30	Elk River Developments Ltd.	Lots L & M, District Lot 4589, KD 947	R1 to R-MH	2001-03-26
1894 Amend #31	Keri Cheevers/Paul Travers	Lot 1, Block 117, DL 4588, Kootenay District Plan 902	R4 to R1	2001-06-25
1897	First Continental Minerals	Parcel A (see XE24529) DL 4589, KD	R1 to M1	Defeated

Amend #32		Plan 14910 Lot 4, 5, 6, 7 & 35		
1899 Amend #33	City Initiated		Sale of good produced or assembled by the home occupation and retail sales	Abandoned
1901 Amend #34	City Initiated	Sign Amendments	Home occupation signage	On Hold
1905 Amend #35	First Continental Minerals	Parcel A (See Xe24529) Lots 4, 5, 6, & 7	P2 and R1 to M1 and P2	Withdrawn
1908 Amend #36	#4 CRW Ventures Ltd. (Bruce Kendall)	Permitted use in the C2 Neighborhood Commercial Zone	Car Wash text amendment	2002-03-25

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
1913 Amend #37	Schickedanz Properties	Coal Creek Golf Commercial Development Permit Area	Deleting land use designation of R1, R2, R3, P2 and RR and replace with CD!	2002-07-22
1914 Amend #38	Victor Bossio	Permitted use in the M1 Light Industrial Zone	.4 not more than one (1) dwelling unit accessory to a permitted use	Abandoned
1921 Amend #39	Ing Developments			Abandoned
1938 Amend #40	Schickedanz Properties	Lot B, District Lot 4589, KD Plan 14415	Deleting R4 and replace with R1	Abandoned
1945 Amend #41	Frank Leclair 901 8 th Avenue	Lot 1, Block 81, District Lot 4588, Kootenay District Plan 734A	Deleting P1 and replace with R1	2003-07-02
1947 Amend #42	East Kootenay Credit Union – 1601-9 th Ave	Lots 1, 2, 3, Block 132, District Lot 4588, Kootenay District Plan 734A	Delete land use CS-1 replace with C-Hwy	2003-07-28
1948 Amend #43	Pacesetter Developments	Rocky Mountain Village – Cokato Road	Text amendment re: rest homes, senior's assisted living complex	2003-10-27
1949 Amend #44	City Initiated	Block 12, Plan 734 - Courthouse	Delete land use P1 replace with C1	Abandoned
1951 Amend #45	Focus Intec Silverado Group	Lots D, E, F, G and H, District Lot 4589, Kootenay District Plan 947	Delete land Use R1- and Replace with R-1B	2004-02-12
1958 Amend #46	798509 Alberta Ltd.	Lot A, District Lot 4589, Kootenay District Plan NEP60850	Deleting land use R3 and replace with R4	2004-03-22
1963 Amend #47	City Initiated		Retail Commercial - .3 minimum setbacks	2011-01-24
1968 Amend #48	City Initiated		Including text amendment for Condo Hotel etc...	2005-01-10
1969 Amend #49	Derek Mann – 601 5 th Avenue	Lot 1, Block 49, District Lot 4588, Kootenay District Plan 734A	Deleting R1 replace with R2	2005-01-10
1972 Amend #50	John Paone	Lot B, Kootenay District Plan NEP67695	Deleting RR and replace with R3	2005-01-10

1974 Amend #51	City Initiated	Lot A, Kootenay District Plan NEP19452 and the part of Closed Road – Chamber of Commerce	Deleting CS-1	2005-10-24
1976 Amend #52	United Communities			Abandoned
1978 Amend #53	United Communities			Abandoned
1981 Amend #54	Brenda Slack – 942 8 th Avenue	Lot 13, Block 80, District Lot 4588, Kootenay District Plan 734A	Delete C-Hwy and replace with R2	2005-04-11
1983 Amend #55	Heiko Socher	Lot 1, District Lot 4588, Kootenay District Plan 9882 except Plan NEP67166	Delete Land use P-1 and replace with R2	Repealed
1987 Amend #56	Fernie Golf Estates – Mike Delich	Lot 1, District Lot 4588, Kootenay District Plan NEP23356	R-3 to R-2	2005-05-09
1990 Amend #57	City Initiated	Independent School – 2 nd Avenue	1/2 nd Reading rescinded	Abandoned 2005-05-24
1994 Amend #58	Blackstone Project	Lots 2, 3, 4, 6, District Lot 4589, Plan NEP22339, Parcel 67, DL 4589 Except... (see actual bylaw)	CD-1, LR-2 from M-1, RR and P2	Abandoned

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
1998 Amend #59	Ing Developments	Lot A, District Lot 5237, Kootenay District Plan NEP70063	R-1B to RR	Repealed 2010-01-24
2001 Amend #60	Arthur Sombrowski	Independent School, 2 nd Avenue	Independent School text amendment	2005-09-12
2004 Amend #61	Blackstone	Lots 2, 3, 4, 6, District Lot 4589, Plan NEP22339, Parcel 67, DL 4589 Except... (See actual Bylaw)	CD-1 sub area LR-2 from M-1 RR and P2 parks and open space	2011-01-24
2006 Amend #62	City Initiated	Independent School	Rescinded 1 st and 2 nd Reading	Abandoned 2005-08-22
2007 Amend #63	City Initiated	Independent School	Independent School text amendments	2005-09-12
2011 Amend #64	Ing. Developments	Lot 1, Plan NEP68428 and Plan NES2322	Add New Residential Zone R2-SL / Defeated at 3 rd Reading	Defeated 2010-03-08
2012 Amend #65	Pamela Rosner			Abandoned
2014 Amend #66	Martin Dolemo / Bruce Abugov	Lot A, DL 4137 and 4138 KD NEP65127 Except Plan NEP65464. Lot B, DL, 4137, KD Plan NEP65127 (Bossio Property Parkland Terrace)		Closed
2016 Amend #67	Igor Landa	(Did not move forward)		Closed
2018 Amend #68	David Schafer	Lot 2, DL 4588, KD Plan 11236, except part included in Plan NEP19513	R-1 to R4	Denied

2019 Amend #69	Jim Harding / Canyon Peaks	Lot 1, District Lot 4138, Kootenay District Plan NEP78504	R-4 to R-2	2006-01-09
2023 Amend #70	Simon Howse	Old High school	CD-1 to CD-2 P-1 to CD-2	2006-02-27
2026 Amend #71	Abugov Kaspar Bulova Resort Dev	Lot 1, District Lot 4589, Kootenay District Plan NEP64864 except parts...(see actual bylaw)	P-2 to R-3	2008-09-10
2031 Amend #72	Joe Pace/ Clark Weber (Fleet Development) 392 4 th Ave / 391 3 rd Ave	Lot 6, Parcel A (See 84349I) of Lot 7, both in Block 7, DL 4588, KD Plan 734. Lot 5, Block 7, DL 4588, KD Plan 734	P-1 to R-4 R-1 to R-2	2007-01-08
2033 Amend #73	Fernie Brewing Co. / Russ Pask	Ghostrider Subdivision – 26 Manitou Rd. Lot 12, DL 4136, KD Plan 12864	C-Hwy text amendment	2006-06-27
2043 Amend #74	Brian / Kelly Johnston 962 8 th Avenue	Lot 12, Block 80, DL 4588, KD Plan 734A	C-Hwy to R1--B	2007-02-02
2046 Amend #75	0764331 BC Ltd. – 132 Ridgemont Cres	Former C. L. Salvador School Site	P1 to R1--B	2007-04-10
2049 Amend #76	Matt Brazeau 350 Bossio Road	Lot B, DL 4137, KD Plan NEP65127	RR to R1B	2007-01-10
2051 Amend #77	Bruce Abugov / Kaspar	(Did not move forward)		Closed 2011-01-14
2058 Amend #78	Clay Hailey/ Greenman Homes – 1192 11 th Ave	Lot 6, Block 93, DL 4588, KD Plan 902	R1-to R--2	2008-03-10
2061 Amend #79	City Initiated 461 9 th Avenue	Lot 3, Block 59, DL 4588, Kootenay District Plan 734A	R-1 to R--2	2007-11-26

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
2064 Amend #80	Belay Enterprises	Mt. Fernie Park Road – Anderson Road	New CD-4 (Comprehensive Development Zone)	2008-09-10
2065 Amend #81	Simon Howse – 901 Fernie Property Dev. Inc. No. BC0744274	Lot 3, Block 29, DL 4588, KD Plan 734. 941 3 rd Avenue	P1 – to R2	Did not Move Forward
2068 Amend #82	Adriane Ballinger 1042 11 th Avenue	Lot 8, Block 88, DL 4588, KD Plan 902	R-1 to R1B	2008-07-14
2074 Amend #83	Dryborough / Peake	441 9 th Avenue	R-1 to R1B	2008-07-08
2077 Amend #84	Abugov/Kaspar/ IG Real Estate Advisors	Brickers Road – DL 4136, Reference Plan 7114-1	RR to R1-B & R-4 and High Density Residential	Abandoned
2078 Amend #85	Pat Dwyer 1561 10 th Avenue	Lots 4 & 5, Block 128, District Lot 4588, Kootenay District, Plan 902	Adding a permitted use to CS-1 zone	2009-01-12
2080 Amend #86	John Hughes #17 Kutenai Road	Lot 1, District Lot 4136, Kootenay District, Plan NEP71764	Adding a permitted use to CS-1 Zone	2008 –12-15
2083 Amend #87	Abugov Kaspar	Lot A, DL 4589, KD Plan NEP62408	R-4 to CD-3 and that portion of Lot 1, DL 4589, KD Plan	2009-11-25

			NEP64864 ... is rezoned from P2 to Open Space Zone to CD-3	
2085 Amend #88	Reto Barrington	Glen Park Management	CD-1 Comprehensive Dev	2009-03-06
2086 Amend #89	Marko Maryniak 1241 3 rd Avenue	Lot 3, Block 41, District Lot 4588, KD Plan 734A	R1to R1B	2008-12-15
2088 Amend #90	Mike Stefano 845 4 th Avenue	Lot 3, DL 4588, Kootenay District, Plan 16586	R3 to R1B	2009-04-27
2090 Amend #91	City Initiated	City wide	New R1SL – Single Family Residential Small Lot Zone created	2009-05-25
2098 Amend #92	Parastone Developments 902 2 nd Avenue	A portion of Lot 1, DL 4588, KD Plan 9882	P1 to R4	2009-09-14
2100 Amend #93	Jason Sauve 972 6 th Avenue	Lots 8 and 9, Block 46, DL 4588, Kootenay District Plan 734A	R1 to R1B	2010-06-21
2107 Amend #94	Geoffrey / Amy Hare	Lot 3, Block 111, DL 4588, KD 902	R1 to R1B	2009-09-14
2108 Amend #95	Jonathan / Eden MacGregor	701 4 th Avenue – Lot 1, Block 24, DL 4588, KD Plan 734	R1 – R1SL	2009-09-14
2109 Amend #96	Simon Howse / Parastone on behalf of Heiko Socher	Lot 3, 4 and 5, Block 29, DL 4588, Kootenay District Plan 734	P1 to R1B	2009-09-21
2110 Amend #97	Steve Klopzig 1492 12 Avenue	Lot 6, Block 120, Plan 902	R1 to R1B	2010-05-25
2115 Amend #98	Clark Weber 391 4 th Avenue	Lot 6, Block 7, DL 4588, KD Plan 734 (1 st & 2 nd Reading Rescinded)	R4 to C1 (Withdrew Application)	2010-05-25
2116 Amend #99	Luke Nelson 691 5 th Avenue	Lot 5, Block 49, DL 4588, KD Plan 734A	R1- R1SL	2010-05-10
2117 Amend #100	Thomas Ryan	Lot 4, Block 62, DL 4588, Kootenay District Plan 734A	R1 to R1SL	2010-04-26

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
2118 Amend #101	City Initiated	Riverside Mtn. Village – east of River mount Place, south of Riverside Way and north of Pinnacle Ridge Development	Lot 1, District Lot 5237, Kootenay District, Plan NEP68428 except Strata Plan NES2322 (Phase 1) and NEP77950 AND Strata Lots 1 to 16, DL 5237, KDt, Strata Plan NES2322 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V is rezoned from R3 to R1SL	2013-08-26
2121 Amend #102	City Initiated	Lands comprising the Coal Creek Golf Resort Community/ SE Portion of the	Coal Creek Golf Resort	2010-01-10

		City		
2125 Amend #103	David Thompson / Lisa Murphy 1062 10 th Avenue	Lot 7, Block 87, District Lot 4588, Kootenay District Plan 902	R1 to R1B	2010-04-26
2016 Amend #104	Daniel Marriot 701 10 th Avenue	Lot 1, Block 73, District Lot 4588, Kootenay District Plan 734A	R to R1B	2010-04-26
2127 Amend #105	Rennie/ Jacquie Anderson 502 10 th Avenue	Lot 10, Block 63, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	2010-11-08
2128 Amend 106	Nicholas Hughes 1141 3 rd Avenue	Lot 3, Block 37, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	2010-05-25
2131 Amend #107	City Initiated on behalf of (Rosalinda Pukalla) 992A 5 th Avenue	Lot 6, Block 30, District Lot 4588, Kootenay District Plan 734, Except Parcel A (see 65436I)	R1 to R1SL	2010-06-28
2132 Amend #108	Mark Vesely 952 5 th Avenue	Lot 10, Block 46, District Lot 4588, Kootenay District, Plan 734A	C-Hwy to R1SL	2010-07-12
2133 Amend #109	City Initiated	City Wide	Remove signage text from Zoning Bylaw	2010-07-12
2135 Amend #111	Stuart Robbins & Ami Barras 1301 9 th Avenue	Lot 1, Block 109, District Lot 4588, Kootenay District Plan 902	R2 to R1SL	2011-04-26
2140 Amend #110	Philip / Alison Gadd 1591 10 th Avenue	Consolidated Lots 4/5 (see LB 271792) Block 128, DL 4588, KD Plan 902	Add Section 4.2.11 CS-1 permitted uses “bakery without on-site retail sales”	2010-10-25
2141 Amend #112	Reto and Shelley Barrington 822 11 th Avenue	Southern portion of Lot 1, Block 79, DL 4588, KD Plan 734A	R1 to R1SL	2010-11-04
2142 Amend #113	David Ellis 661 8 th Avenue	Lot 4, Block 66, District Lot 4588, Plan 734A	R1 to R1B	2011-01-24
2144 Amend #114	City Initiated on behalf of Joseph / Shelley Aiello 622 4 th Avenue	Parcel A (see 22224I) of Lot 9, Block 19, District Lot 4588, Kootenay District Plan 734	R1 to R2	2011-05-24
2146 Amend #115	Michael and Ann Ross 1302 12 Avenue	Lot 10, Block 111, District Lot 4588, Kootenay District Plan 902	R1 to R1B	Defeated 2011-05-24
2147 Amend #116	David Weckerly for 0743134 BC			Abandoned
2148 Amend #117	Simon Lewis			Withdrew 2011-03-01

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
2149 Amend #	Shoemsmith Enterprises	Burma Road Property	(Withdrew application)	Closed 2011-06-11
2150 Amend #119	Lee/Karen Sims 151 2 nd Avenue	Northern Portion of Lot 4, Block 2, District Lot 4588, Kootenay District	R1 to R1SL	2011-06-27

		Plan 734		
2151 Amend #120	Igor/Anna Landa 200 Burma Road	Block B, District Lot 4137, Kootenay District Plan 1623 except parts included in Plans 13159, 13562, 13933 and NEP60610	RR to R1B RR to PP RR to P2	2012-05-28
2152 Amend #121	Dave Wagner 992 4 th Avenue	Lot 6, Block 29, District Lot 4588, Kootenay District Plan 734	R1 to R1B	2011-06-27
2153 Amend #122	Brad/Jamie Carson 1202 2 nd Avenue	Lot 20, Block 39, District Lot 4588, Kootenay District Plan 734	R1 to R1SL	2011-04-11
2156 Amend #123	City Initiated on behalf of Frank Chudik 632 4 th Avenue	Lot 20, Block 39, District Lot 4588, Kootenay District Plan 734B	R1 to R1SL	2011-04-11
2157 Amend #124	Alan/Donna Maria Young 801 8 th Avenue	Lot 1, Block 76, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	2011-06-27
2159 Amend 125	Fernie Women's Centre 1592 10 th Avenue	Lot 6, Block 127, District Lot 4588, Kootenay District, Plan 902	CS1 to P1 Permitted use added for non-or not for profit organization...	2011-07-25
2166 Amend #126	City Initiated for Mervyn Carter	Lot 1, Block 34, District Lot 4588, Kootenay District Plan 734A Except Parcel (see 33/42//42645A)	R1 to R1SL	2011-08-22
2167 Amend # 127	City Initiated – Shipping Containers	City Wide	Rescinded at 2 nd Reading	2011-10-11
2168 Amend #128	City Initiated – Beehives	Text amendment – R1, R1B, RR, P1 and P2 Zoning Districts	Beekeeping	2011-10-24
2171 Amend #129	Heaven's Gate Holdings	Lot 1, District Lot 4589, Plan NEP94642		Abandoned
2174 Amend # 130	Heaven's Gate Holdings	Lot A, District Lot 4589, Plan NEP84640		Abandoned
2180 Amend #131	Fernie Women's Resource & Drop-In Centre - 691A 4 th Ave	Lot 5, Block 20, District Lot 4588, Kootenay District Plan 734, except Parcel A from P1 to R1SL	P1 to R1SL	2012-04-23
2186 Amend #132	City Initiated for Maude/Jody Weinper	Lot 7, Block 100, District Lot 4588, Kootenay District Plan 734B	R1 to R1SL	2012-06-11
2187 Amend #133	Glen B. Scott 1002 5 th Avenue	Lot 10, Block 34, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	2012-06-22
2188 Amend #134	City Initiated on behalf of Darren & Gordon Leffler	Parcel 1 of Lot 6, Block 34, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	Abandoned
2189 Amend #135	Reto Barrington	Lot A, District Lot 4588, Kootenay District Plan NEP91181 comprising approx. 11.9 hectares (29.4 acres)	RR to P2	2013-06-24
2192 Amend #136	City Initiated 400 Bossio Road	Block A, District Lot 4137, Kootenay District Plan 1623	RR to P2	2013-08-27
2194 Amend #137	Vincent Barbaro 892 10 th Avenue	Lot 6, Block 77, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	2012-08-27

Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
2196 Amend #138	Cory, Karla Hein 1522 2 nd Avenue	Lot B, District Lot 4588, Kootenay District Plan EPP20649	R1 to R1SL	2012-11-26
2202 Amend #139	Collin Woehl/ Christine Abela – 1092 9 th Ave.	Lot 6, Block 84, District Lot 4588, Plan 734A	R1 to R1B	2013-05-13
2204 Amend #140	Lindsay/Tom Kelley 1021 9 th Avenue	Lot 2, Block 87, District Lot 4588, Kootenay District Plan 902	R1 to R1B	2013-05-27
2205 Amend #141	Mercier, Rick/Shirley 1022 8 th Avenue	Lot 14, Block 83, District Lot 4588, Plan 734A	R2 to R1	2013-03-25
2206 Amend #142	Leffler Law Office	Lot 1, 2, 3-8, & 9, District Lot 4138, Kootenay District Plan NES2856	Lot 1 – R3 to R2 Lots 2/3 – R3 to R1 Lots 4/5 – R3 to R1B Lots 6-8 – R3 to R1SL Part of Lot 9 – R3 to R2	2013-04-22
2207 Amend #143	Jane Wilson 1102 11 th Avenue	Lot 10, Block 93, DL, 4588, Plan 902	R1 to R1B	Defeated at third reading 2013-05-13
2209 Amend #144	Focus Corp 1201 6 th Avenue	Lot 4, District Lot 4588, Kootenay District Plan 2918	C1 to R1SL	Waiting on demolition of building
2210 Amend #145	Ted Shoesmith 501 6 th Avenue	Parcel A, Lot 1, Block 51, DL 4588	R1 to R1SL	2013-04-22
2214 Amend #146	Sarah McFarlane	Lot 2, Block 117, District Lot 4588, Kootenay District, Plan 902	R4 to R1B	2013-08-12
2216 Amend #148	Haworth Development Consulting Ltd.	The Cedars	Delete and replace Section 4.2.18 Comprehensive Development Four Zone	2015-07-06
2217 Amend #149	Jan/Peter Naccarato	Lot 3, Block 19, District Lot 4588, Kootenay District, Plan 734	R1 to R3	2013-08-12
2219 Amend #150	Mark Kover 762 3 rd Avenue	Lot 12, Block 22, District Lot 4588, Kootenay District, Plan 734	C1 – R1	2013-08-26
2225 Amend #152	COF on behalf of Evelyn Mitchell	Lot 3 & 4 Block 36, District Lot 4588, Kootenay District Plan- 734A	Lot 3 – C2 – R1SL Lot 4 – R1 – R1SL	2013-09-09
2227 Amend #153	Stephen Knudson 2 Alpine Trail Place	A portion of Strata Lot 9, District Lot 4138, Kootenay District, Strata Plan NES2856	R2 to R1B	2013-10-28
2229 Amend #154	0781609 B.C. Ltd Inc. No. BC07841609	Brickers Road – District Lot 4136, Ref. Plan 7224-I	RR – R1 RR to R3 RR - R4 CS-1 - P2	2014-05-12
2230 Amend #155	Vaughn Lessard 992 6 th Avenue	Lot 6, & 7, Block 46, District Lot 4588, Kootenay District, Plan 734A	Lot 6 R1 – R1SL Lot 7 – R1 – R1SL	Withdrew Application
2232 Amend #156	Simon Howse	Lot 1, District Lot 4589, Kootenay District, Plan NEP64864, , Except Plans NEP65011, NEP66454 and EPP17633	P2 – R1B	Withdrew Application
2235 Amend #157	Peacock Hospitality Group	Super 8 Hotel (West Fernie)		Withdrew Application
2237	Igor Landa	Block B, District Lot 4137, Kootenay	RR – R1B	2014-05-26

Amend #158		District Plan, 1623, Except Parts Included in Plans 13159, 13562, 13933 and NEP60610 Block B, District Lot 4137, Kootenay District, Plan 1623, Except Plans Included in Plans 13159, 13562, 13933 and NEP 60610	RR – P2	
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Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date	
2239 Amend #159	Focus Corp – Reg. owner 0845419 Parastone Development	Whitetail Drive / Lot A, District Lot 4589, Kootenay District, Plan 9887, Except Plans NEP22339, NEP62291, NEP62407, NEP62408, NEP64706, NEP64864, NEP65351, NEP66828 and NEP66830	Parcel 87 (see 139017I, District Lot 4589, Kootenay District, Except Plans 6273, 6724, 6726,6912, 6913, 9301, 9393,12703, 13080, 14415, 15270, NEP20274, NEP22339, NEP62291, NEP62407, NEP62408, NEP64864, NEP66820, NEP66830 and NEP91126	Comp Dev. One Zone, Sub Area MU2 – Comp. Dev. One Zone, Sub-Area DR1 Comp. Dev. One Zone, Sub- Area RA1 – Comp. Dev. One Zone, Sub-Area DR1	2014-03-24
2240 Amend #160	Gabriella Hogan 791 9 th Avenue	Lot 2, Block 72, District Lot, 4588, Plan 734A	R1 - R1SL	2014-03-24	
2241 Amend #161	Richard Fraser 592 9 th Avenue	Lot 6, Block, 62, District Lot 4588, Plan 734A	R1- R1B	2014-06-09	
2242 Amend #162	Christine Lefebvre / Trent Allen 1101 – 11 th Avenue	Lot 1, Block 94, District Lot, 4588, Plan 902	R1 – R1SL	Withdraw Application	
2243 Amend #163	Doreen Hughes 1191 2 nd Avenue	Lot B, District Lt 4588, Kootenay District Plan 7893	C1 – R1	2014-06-23	
2244 Amend #164	Larsen Whelan / Scarpelli – Armstrong	Parcel A (See XH1812), Block 32, District Lot 4588, Kootenay District, Plan 734A	R1- R1B	2014-07-28	
2245 Amend #165	Laura May Nelson	Lot 5, Block 34, DL 4588, KD Plan 734A	R1-R1SL	2014-08-14	
2248 Amend # 166	Dr. D.R.Vinge Optometric Corp	Parcel C (see XK2605), Block 100, DL 4588, KD, Plan 734B	R1- R1SL	2014-08-14	
2249 Amend #167	William James & Jacqueline Arling	Lot 10, Block 96, DL 4588, KD, Plan, 902	R2- R1B	2014-08-14	
2252 Amend #168	Montane Dev. Ltd. Inc. No. BC0936724	Whitetail Drive Waiting on update from Engineering	Special Area Policy Area – CD1 Subzones Map	2014-10-09	
2258 Amend # 169	Yvonne May & Jake Christiansen	642 8 th Avenue - Lot 7, Block 65, District Lot 4588, Kootenay District Plan 734A	R1 to R1SL	2014-10-27	
2262	City Initiated	822 6 th Avenue Lot 13,	R1 to R1SL	2014-10-27	

Amend #170		Block 47, District Lot 4588, Kootenay District Plan 734A		
2264 Amend #172	Stacey Goldade / Noel VanOostenbrugge	C-Hwy Highway Commercial zoned properties in the City of Fernie	Allow permitted uses of barber shops and beauty parlours	2015-01-26
Bylaw	Applicant	Property	Map / Text Amendment	Adoption Date
2266 Amend#173	Mike/Colleen Sansom 521 5 th Avenue	Lot 2, Block 50, District Lot 4588, Kootenay District, Plan 734A,	R1 – Single Family Residential to R1B – Single Detached Plus Residential	2015-05-11
2271 Amend #174	City Initiated	C-Hwy – Highway Commercial zoned properties in the City of Fernie	Add a permitted use to the list of uses and an accessory use to the list of accessory uses and other text amendments.	2015-03-09
2275 Amend #176	Jenny and Kirk Gutzman 1301 – 10 th Avenue	Lot 1, Block 110, District Lot 4588, Kootenay District, Plan 902	R2 – Duplex Residential to R1B – Single Detached Plus Residential	2015-05-11
2281 Amend # 177	Mathew Harold Bennett	Lot 4, Block 71, District Lot 4588, Kootenay District, Plan 734A	R1 – Single Family to R1B Single Detached Plus Residential	2015-09-14
2282 Amend # 178	0937657 B.C. Ltd. No. BC0937657 (Barrington)	RV Park – Old Gymkhana Grounds	P2 Parks and Open Space zoned in the City of Fernie	2015-10-01
2292 Amend # 179	Ralph Eckman / Alexis Panko 722A and 722B 3 rd Avenue	Lot A & B, District Lot 4588, KD Plan 10710	C1 – Retail Commercial to R2 – Duplex Residential	2016-05-09
2293 Amend # 180	David Hozjan o/b Bart and Cynthia Davies	686 sq Metre portion of Lot A, DL 4137 & 4138/ KD, Plan NEP65127, Except Plan NEP 65464	RR- Rural Residential to R1- Single Family Res.	2016-06-11
2301 Amend # 182	Brad Annis and Sondra Pollock	Lot 3, Block 23, DL 4588, KD Plan 734	R4 – Multiple Family Residential (High Density) to R1B – Single Detached Plus Residential	2016-10-11
2302 Amend #183	1059386 BC Ltd.	C-Hwy Highway Commercial zoned properties	Sec. 4.2.10 C- Hwy Subsection .2	2016-11-02

			.31 sale and display of up to three modular or MF homes or comb thereof.	
2303 Amend #184	Fernie Distillers Inc. Inc. No. BC1079802 Lot 4 and Lot 5, Block 13, District Lot 4588, Kootenay District, Plan 734 only, Distillery	That Section 2.4.1 be deleted That Section 2.4.2 be deleted, and the following substituted therefore: In this Bylaw: That the numbering of the defined terms as set out in Section 2.4, commencing with “1.” and including “172.” be deleted. That “DISTILLERY” be added in alphabetical order under Section 2.4 DEFINITIONS as set out below: DISTILLERY means: A building, or portion thereof, utilized for the manufacture, storage, distribution and sale of spirituous liquors produced on site which may include an area for the sale and consumption of alcohol and products promoting the sale or marketing of the spirituous liquors produced on site. The manufacturing component shall not exceed 140 square metres. That the following be added to Section 4.2.8.2 <u>Permitted Uses</u> : .33 in addition to the permitted uses herein, on Lot 4 and Lot 5, Block 13, District Lot 4588, Kootenay District, Plan 734 only, Distillery		2017-01-23
2306 Amend #185	Kurt and Amber Biberdorf	Lot 4, Block 77, DL 4588, KD Plan 734A	Single Family Residential to R1B Single Family Detached Plus Residential	2016-12-12
2322 Amend #186	Parastone Development Inc.	Lot 1, District Lot 4589, Kootenay District, Plan NEP92508, Except Plans EPP55349 and EPP72587	Comprehensive Development One Zone, Sub – Area MU2 to Comprehensive Development One Zone, Sub Area DR1 Detached Residential One & Comprehensive Development One Zone, Sub-Area LR1 – Leisure Recreation One to	2017-09-11

			Comprehensive Development One Zone, Sub-Area DR1 – Detached Residential & Comprehensive Development One Zone, Sub-Area LR2 – Leisure Recreation Two to Comprehensive Development One Zone, Sub-area DR1 – Detached Residential One.	
2323 Amend #187	Patrick and Dayna Lidster	Lot 7, Block 25, District Lot 4588, Kootenay District, Plan 734	C1 Retail Commercial to R1B Single Detached Plus Residential	2017-10-30
2324 Amend #188	City Initiated	Entire city		2017-10-30
2327 Amend #189	Lost Boys Distilling Company	Lot 1, District Lot 4588, Kootenay District, Plan NEP68219	The following be added to Section 4.2.10.2 Permitted Uses: .32 in addition to the permitted uses herein, on Lot 1, District Lot 4588, Kootenay District, Plan NEP68219 only, Distillery.	2018-04-09
2328 Amend #190	Jamie Gillissie and Amy Wyatt	1461 8 th Avenue – Lot 4, Block 117 District Lot 4588, Kootenay District, Plan 902	R4 Multiple Family Residential to R1B Single Detached Plus Residential	2018-01-08
2330 Amend #192	Karina and Marcus Ocleo	602-5 th Avenue – Lot 10, Block 20, District Lot 4588, Kootenay District, Plan 734	R1 Single Family Residential to R1B Single Detached Plus Residential	2018-01-22
2334 Amend #194	Strata NES 2929 – Pinnacle Ridge Townhomes	Strata Plan NES2929 - 41 Rivermount Place	R3 Medium Density Residential to R3-R Medium	2018-01-22

			Density Residential	
2339 Amend #197	Gerald and Deborah LeBlanc	21 Elkview Crescent – Lot 1, District Lot 4588, Kootenay District, Plan NEP22218	P2 – Parks and Open Space to R1 – Single Family Residential	2018-05-14
2341 Amend #197	City of Fernie	West Fernie	Incorporate West Fernie into the City’s regulatory framework	2018-06-25
2345, Amend #200	Cinch Homes	Lot 1, DL4589 Kootenay District PL NEP66830	R3 Medium Density Residential to R1SL Single Family Residential Small Lot	2018-07-09
2353, Amend #201	Robin and Helen Siggers	Lot 1, District Lot 4588, Kootenay District, Plan 10936	R1 – Single Family Residential to R1B – Single Detached Plus Residential	2018-09-24
2354 Amend #202	Parastone Development	Addition of new sub-area: DR2 - Detached Residential Two; Amend existing sub-area: LR2- Leisure Recreation Two; Designate areas for the DR2, LR2 AND MU1 Sub Areas	CD1 - Comprehensive Development Zone One	2018-11-26
2356, Amend #203	Daniel and Jaime McDonald	Lot 6, Block 23, District Lot 4588, Kootenay District, Plan 734	R1 – Single Family Residential to R1SL – Single Family Residential Small Lot	2018-09-24
2357, Amend #204	Ross Edward Allsopp	1482.75 square meter portion of Lot A, District Lot 4588, Kootenay District, Plan NEP75706	R1 – Single Family Residential to R4 – Multiple Family Residential High Density	2018-09-24
2359, Amend #205	Arling Consulting (on behalf of Snow Valley Motel Ltd)	Entire City	Change the definition of Motel to include model RVs as a permitted accommodation unit, where no more than 50% of all accommodation units for the motel are Park Model RVs; amend	2018-09-24

			parking requirements; confirm allowable parking distance from the highway	
2360, Amend #206	Bob Langfield	Lot A and Lot B, District Lot 4588, Kootenay District, Plan NEP90283	R1 – Single Family Residential to R1B – Single Detached Plus Residential	2018-09-24