



TOWN OF CRESTON

ZONING BYLAW

1123

ZONING BYLAW 1123

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TOWN OF CRESTON
BYLAW NO. 1123

**Consolidated to
June 7, 2016**

A bylaw to regulate the development and re-development of lands within the Town of Creston.

WHEREAS the Town of Creston has prepared an Official Community Plan pursuant to Section 945 of the Municipal Act;

AND WHEREAS the Town of Creston wishes to give effect to the Official Community Plan through the adoption of Land Use regulations;

AND WHEREAS the Town of Creston has held a public hearing pursuant to Section 956 of the Municipal Act on the portions of this bylaw to be enacted pursuant to Section 963 of the Municipal Act;

NOW THEREFORE the Council of the Town of Creston, in open meeting duly assembled, enacts as follows:

PART ONE REPEAL

1.0 Bylaw No. 910, being cited as "Zoning Bylaw No. 910, 1982", and all amendments thereto are hereby repealed.

PART TWO TITLE

2.0 This Bylaw may be cited as "Zoning Bylaw No. 1123, 1989".

PART THREE DEFINITIONS

3.1 In this bylaw, unless the context otherwise requires:

"accessory building and structures" means any permanent or temporary, non-residential building or structure customarily associated with and subordinate to the principal building, structure or use located on the same parcel upon which it is located. **BL#1808**

"Act" means the Municipal Act of British Columbia and all amendments thereto.

"agricultural uses" includes farming, horticulture, dairy, nurseries, greenhouses and public and private stables and all buildings and structures connected therewith, but excludes intensive agriculture.

"apartment" means any building divided into three (3) or more dwelling units with a shared or common entrance, each of which is occupied or intended to be occupied as a permanent home or residence of one family, as distinct from a hotel, motel, auto court or motor hotel.

"assembly use" means a use providing for the assembly of persons for religious, educational, entertainment, philanthropic, cultural or private education purposes and includes churches, auditoriums, youth centres, halls, schools and senior citizen centres. **BL#1798**

"auction sale" means the sale of property to the highest bidder, conducted by an agent operating for profit or gain. **BL#1596**

"auction sales" means land, buildings and structures used for the storage and sale of goods by auction. **BL#1823**

"automotive sales" means the sale, rental and display of automobiles, trucks, motorcycles, boats, trailers and recreation vehicles. **BL#1823**

"boarding, rooming or lodging house" means a residential building, other than a hotel or motel, containing two or more sleeping rooms for the accommodation of boarders with or without meals. The preparation of meals within the rented units is specifically prohibited.

"boarder or lodger" means a person who for hire, occupies a sleeping room, with or without individual sanitary facilities, in a dwelling unit occupied by a family to which the person is not closely related by blood or marriage. The keeping of no more than two (2) boarders or lodgers shall be permitted in a single family dwelling unit. In the case of a two-family dwelling unit, no more than one(1) boarder or lodger per dwelling unit shall be permitted.

"Breweries and distillers, major" means the brewing or distilling of alcoholic beverages or alcohol products with alcoholic content exceeding one (1) percent by volume. This product must be licenced under the Liquor Control and Licensing Act. The public tasting and retail sales of alcohol product is limited to that which is produced on-site. All processes, functions and mechanical equipment associated with the use must be contained indoors, and are limited to the production activities which are deemed not to be noxious or offensive to adjacent properties or the general public. **BL#1810**

"Breweries and distillers, minor" means the brewing or distilling of alcoholic beverages or alcohol products with alcoholic content exceeding one (1) percent by volume. This product must be licenced under the Liquor Control and Licensing Act. The public tasting and retail sales of alcohol product is limited to that which is produced on-site. All processes, functions and mechanical equipment associated with the use must be contained indoors, and are limited to the production activities which are deemed not to be noxious or offensive to adjacent properties or the general public. The total area for manufacturing shall be limited to a maximum floor area of 4,933.7m² (16,182.6ft²). **BL#1810**

"building" means a roofed structure with solid exterior walls which is permanently affixed to a site and which is used or intended as shelter for the accommodation of person, animals or chattels, but does not include a trailer or mobile home.

"Building Inspector" means the person appointed from time to time by Council as the Building Inspector for the Town of Creston. **BL#1334**

"Business and Professional Offices" – means the provision of professional, management, administrative, clerical & secretarial service, and consulting, but does not include financial services, health and medical services or veterinary services, and excludes the sale, rental, servicing and repair of goods and/or the manufacture or processing of a product. **BL#1798**

"Bylaw Enforcement Officer" means the person appointed from time to time by Council as the Bylaw Enforcement Officer for the Town of Creston. **BL#1334**

"Clerk" means the person appointed from time to time by Council as the Clerk for the Town of Creston. **BL#1334**

"Community Recreation Services" – means development by a not-for-profit organization or government for recreational, social or multi-purpose use without fixed seats, primarily intended for local community purposes. A typical use is a community hall. **BL#1798**

"day care centers" means premises licensed pursuant to the Community Care and Assisted Living Act intended to provide care, educational services, and supervision of children. **BL#1814**

"Daycare Facility" - means a facility providing group day care, family day care, nursing school, child minding, out of school care, or specialized day care in accordance with the provisions of the Community Care and Assisted Living Act or any subsequent Act or Acts which may be enacted in substitution thereof. **BL#1798**

"drive-in business" means an establishment with facilities serving clients travelling in motor vehicles which are driven onto the site where such business is carried on and where normally the customer remains in the vehicle for service, but shall not include car washes, drive-in theatres, or service stations.

"dwelling unit" means two or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with cooking, living, sleeping and sanitary facilities.

"dwelling-single family" means any detached building consisting of one dwelling unit which is occupied or intended to be occupied as the home or residence of one family.

"dwelling-two family" means any detached building divided into two dwelling units, each of which is occupied or intended to be occupied as the home or residence of one family.

"dwelling-multiple family" means any building consisting of three or more dwelling units, each of which has an individual entrance and each of which is occupied or intended to be occupied as the permanent residence of one family. This includes townhouses, rowhouses, triplexes and fourplexes.

"family" means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than six (6) unrelated non-transient persons living together as a single, non-profit group in a dwelling unit.

"fence" means a visual barrier formed by a trellis louver, solid hedge of trees or shrubs, a wooden or masonry structure, or a combination thereof. The height of a fence at any point shall be measured from the base of the fence at that point.

"fitness and recreational services – class 1" means facilities within an enclosed building for sports and active recreation which do not exceed 300m². Typical uses include: yoga; pilates; dance; self-defence; health and fitness clubs; and, racquet clubs. **BL#1814**

"fitness and recreational services – class 2" means facilities within an enclosed building for sports and active recreation which exceed 300m². Type of uses include yoga; pilates; dance; self-defence; health and fitness clubs; gymnastic clubs; and, racquet clubs. **BL#1814**

"floor area ratio" means the ratio between the gross floor area of the buildings and the total area of the lot upon which the buildings are situated.

"frontage" means that length of a lot boundary which immediately abuts a street. On a lot where more than one of the lot boundaries adjoins a street the shortest lot boundary shall be considered its frontage. For the purpose of this bylaw, frontage shall be measured 6.1 metres back from the property line.

"gasoline service stations" means the sales of retail petroleum products, including propane, and minor vehicle maintenance & repair services, including a car wash. **BL#1823**

"grade or grade level" means the finished ground level at the centre of the exposed wall of a building.

"gross floor area" means the sum of the total floor area of each storey in each building measured to the extreme outer limits of the building.

"Health and Medical Services" - means a building or space used for the provision of physical or mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include but are not limited to medical offices, chiropractors, massage therapists, physiotherapists, occupational therapists, health clinics, and counseling services. **BL#1798**

"home occupation" means any occupation or profession carried out in a dwelling unit or an accessory building to a dwelling unit, by the family which is permanently resident in the dwelling unit, where such occupation or profession is clearly incidental or secondary to the use of the dwelling unit for residential purposes.

"hostel" means a dormitory style accommodation use with shared washroom facilities.

BL#1653

"Indoor Recreation Services" - means facilities within an enclosed building for sports and active recreation, as well as cultural activities where patrons are predominately participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include swimming pools, fitness and wellness facilities (including aerobic studios), curling rink, hockey arena, climbing walls, gymnasiums, gymnastic centres, and multipurpose rooms. Indoor recreation services also include a limited range of accessory uses such as licensed premises (licensed under the B.C. Liquor Control and Licensing Act), cafeterias, concessions, and retail sales, sport equipment repair, and rental services.

BL#1798

"intensive agriculture" means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or for the growing of mushrooms.

"kennel" means a property where three or more dogs are kept, trained, cared for or bred and/or boarded either for personal enjoyment, for remuneration, or for the purpose of sale.

"lane" means a public thoroughfare or way which affords only a secondary means of access to a lot, but at the side or rear of a lot.

"lot" means "parcel".

"lot line-exterior" means the lot line marking the boundary between a lot and street, lane or walkway.

"lot line-front" means the boundary line of a lot and a street on which the line abuts. Where a lot has lot lines abutting two or more streets, the lot line with the shorter distance abutting a street shall be the front line.

"lot line-interior" means the lot line marking the boundary between two lots.

"lot line-rear" means the lot line opposite to and is not connected to the front lot line.

"lot line-side" means the lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and street in the case of a corner lot where the line intersects a front and rear lot line.

"neighbourhood pub" means a Neighbourhood Pub as defined in the Liquor Control and Licensing Act.

"outdoor entertainment uses" means an outdoor area used for cultural, social and/or recreational activities.

BL#1823

"Outdoor Recreation Services" - means facilities that are available to the public for sports and active recreation conducted outdoors. Typical uses include sports fields, outdoor tennis courts, athletic fields, bowling greens, horseshoe pits, skateboard parks, playgrounds, volleyball courts, and includes accessory uses such as park maintenance and service facilities.

BL#1798

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

"parcel coverage" means the horizontal area covered by all buildings and structures or projections thereof on a parcel, and is expressed as a percentage of the parcel area and includes parking areas.

"parking space" means a space within a parking area for the parking of one vehicle, excluding driveways, ramps, columns, offices and work areas.

"party wall" means a wall common to two building units joining the two units across a common line.

"personal property" shall mean property which is owned, used and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. **BL#1665**

"personal service establishment" means a barbershop, beauty parlour, dry cleaning establishment, studios (including display, music, recording, and photographic), optical and/or watch repair shop, shoe repair shop, tailor shop, dressmaking shop, electrical appliance repair shop, florist shop and launderette (automatic self-service only).

"principle use" means the main purpose for which land, buildings and structures are normally used.

"public service use" means a system, work, building, plant or equipment provided by a government, a government agency or by a company regulated by a government commission for the essential provision of water, sewer, drainage, gas, electricity, traffic control, or communication services.

"retail liquor sales establishment" means the retail sale of liquor, wine, beer and other alcoholic beverages. Typical uses include provincially operated Liquor Retail Stores, Licensee Retail Stores, VQA Wine Retail Stores and Cold Beer and Wine Stores. **BL#1823**

"sales floor area" means that floor area for the buildings used for any purpose permitted in this bylaw.

"setback" means the distance between a building or use permitted in this bylaw and a specified lot line.

"shipping container" means a prefabricated container normally designed, constructed and used for the transportation of goods by rail, ship, or truck, whether or not it is used for this purpose. **BL#1808**

"small-scale processing" means the storage, packing, product preparation or processing of farm products intended for human consumption. **BL#1823**

"street" means all highways, roads, squares, thoroughfares and any other public way excluding lanes, walkways and bridges.

"structure" means any construction fixed to, supported by or sunk into land or water other than a fence or hedge or retaining wall. **BL#1334**

"thrift store" means a retail store operated by a non-profit society which primarily sells donated used merchandise. **BL#1700**

"travel trailer" means any vehicle or conveyance designed to travel on the highway, constructed or equipped to be used as temporary living or sleeping quarters by travellers.

"**useable open space**" means any part of a lot which is not occupied or obstructed by any off-street parking or any building or any structures except underground structures.

"**yard sale**" means and includes any general sale to the public of personal property from a residential premises in a residential zone as defined by the Town of Creston Zoning Bylaw, and includes, but is not limited to, all sales entitled "garage", "lawn", "attic", "porch", "driveway", "backyard", "patio", "flea", "market", or "rummage" sale. **BL#1665**

"**zero lot line**" means that construction or buildings may encroach on interior lot lines within a subdivision provided such interior lot lines are utilized for the location of party walls.

PART FOUR

BASIC PROVISIONS

APPLICABILITY

4.1 This bylaw shall be applicable to all of the land, building and structures including the surface of water within the boundaries of the Town of Creston.

OFFICIAL ZONING MAP

4.2 The location of the zones established by this bylaw are as shown on Schedule "A", the Official Zoning Map of the Town of Creston, which is attached to and forms part of this bylaw.

BOUNDARIES

4.3 In the event of any uncertainty regarding the precise boundaries of any zone shown on the Official Zoning Map the location shall be determined by the application of the following:

- i) When a zone boundary is designated as following:
 - a road allowance, creek or railway right-of-way, the centre line of such road allowance, creek or railway right-of-way shall be the zone boundary;
 - the Town boundaries of the Town of Creston, the Town boundary shall be the zone boundary.
- ii) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated the location of the zone boundary shall be determined by scaling from the Official Zoning Map.

MEASUREMENTS

4.4 All dimensions and other measurements in this bylaw are expressed in the Metric system.

PROHIBITION

4.5 Subject to the provisions of the Municipal Act respecting non-conforming uses, land shall not be used, building and structures shall not be constructed, altered, located or used contrary to this bylaw.

ADMINISTRATION OF BYLAW

4.6 The Building Inspector, the Bylaw Enforcement Officer, the Clerk, and any other person appointed by Council are empowered to administer this bylaw and are authorized to enter any building or premises for the purpose of administering this bylaw. **BL#1334**

PENALTY FOR VIOLATION OF BYLAW

- 4.7 Any person who violates any of the provisions of this bylaw or prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Building Inspector, the Bylaw Enforcement Officer, the Clerk or any official authorized to administer this bylaw, shall be deemed to have violated the provisions of this bylaw. **BL#1334**
- 4.8 Any person who violates this bylaw is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) and also the cost of the prosecution but this shall in no way limit the right of the municipality to any other action or remedy conferred by the Municipal Act or any other Act. **BL#1334**
- 4.9 Each day during which a violation of this bylaw is continued shall constitute a new and separate offence.

SEVERABILITY

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

PART FIVE

GENERAL REGULATIONS

Except as otherwise specified in this bylaw, the following general regulations shall apply to all zones established by this bylaw:

HEIGHT EXCEPTIONS

- 5.1 Notwithstanding any other height provision of this bylaw the following structures shall not be subject to the height requirements of this bylaw:
- i) windmills, silos, grain elevators, television or radio antennas;
 - ii) chimneys, towers or spires occupying less than 7% of the site area.

HOME OCCUPATIONS

- 5.2 A home occupation use, where permitted by this bylaw shall satisfy the following provisions:

A) GENERAL

- .1 A permitted home occupation use shall:

- (a) not change the residential appearance or character of the dwelling or the neighbourhood in which it is located.
- (b) not give any exterior indication of its existence except by a sign which conforms to the provisions of the Town of Creston Sign Regulation Bylaw.
- (c) be completely enclosed either within the principle dwelling or in an accessory building, including the storage or display of materials or finished goods.
- (d) be clearly secondary in nature to the primary purposes of the property as indicated by its zoning designation.
- (e) not involve delivery of materials in such quantity as to require frequent or regular delivery by a commercial vehicle or trailer.

- (f) not discharge or emit odorous, noxious or toxic matter or vapours, heat, glare, noise or radiation, or recurrently generated ground vibrations.
- (g) not result in traffic congestion, electrical interference, fire hazard or hazards
- .2 The salvage, repair, maintenance or sales of motor vehicles or motor vehicle engines or parts shall not be permitted as a home occupation.
- .3 A home occupation involving the sale of a commodity not produced on the premises shall not be permitted; however, telephone or mail order sales of goods shall be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.
- .4 Off-street parking shall be provided for all the business' employees.
- .5 Except as specifically set out in Table 5.2, the home occupation is to be conducted only by the resident or residents of the dwelling unit.
- .6 A child day care or adult day care shall be a permitted Home Occupation, subject to the regulations of the Community Care Facilities Licencing Act. **BL#1155 & BL#1334**

B) FLOOR AREA AND NUMBER OF EMPLOYEES

- .1 A home occupation shall meet the specifications set out in Table 5.2 pertaining to the maximum floor area of buildings (including accessory buildings) in which the home occupation must be contained.
- .2 (a) A home occupation shall meet the specifications set out in Table 5.2 pertaining to the maximum number of employees (excluding those that dwell in the dwelling unit) that can be retained by the conductor of the home occupation.
- (b) There is no limit to the number of employees where such employees do not conduct their occupation on the subject property.
- .3 A home occupation is permitted only in those zones listed in Table 5.2.

TABLE 5.2

Zone	Maximum Floor Area	Number of Employees
A-1	185.5 m ²	3
R-1	60 m ² or 25%*	1
R-2	20%	0
R-3	20%	0
R-4	10%	0
R-5	112 m ²	1
R-6	10%	0
M-1	20%	0
M-2	20%	0
P-1	20%	0

*whichever is less

SETBACK PROVISIONS

5.3 General - Point of Measurement

Where setbacks are established by this bylaw, the measurement shall be made from the nearest point of the applicable lot line to the nearest exterior limit of the building or structure to that lot line.

5.4 Additional Setbacks on Prescribed Streets

- A. Notwithstanding any other setback provision of this bylaw, no construction shall occur within 3 metres of the property lines abutting the following:
- a) On either side of 16th Avenue and 17th Avenue from Erickson Street to the northern boundary of the Town of Creston.
 - b) Repealed **BL#1334**
 - c) On 12th Avenue North between Canyon Street and Vancouver Street.
 - d) On 14th Avenue North between Canyon Street and Vancouver Street.
 - e) On the south side of Vancouver Street between Northwest Boulevard and 16th Avenue North.
 - f) The west side of the Canadian Pacific Railway right-of-way between Collis Street and Devon Street. (for park and walkway purposes). **BL#1214 & BL#1334**
- B. Notwithstanding any other setback provision of this bylaw, no construction shall occur within 6 metres of the property lines abutting the following: **BL#1214**
- a) The east side of the Canadian Pacific Railway right-of-way between Collis Street and the south boundary of 1243 Northwest Boulevard (being Blk 6, Plan 2177, S 1/2, DL 892). **BL#1214**

5.5 Swimming Pool Setback

Where swimming pools are to locate in any zone, they shall not be sited less than 1.5 metres from any lot line.

5.6 Setback Relaxation

- i) The interior side lot line setback requirements of this bylaw shall not apply to zero lot line development where there is a party wall shared by two or more units.
- ii) Any accessory building or structure having an area of less than 10 m² shall be exempt only from the interior and rear setback requirements as established by this bylaw.

PROJECTION INTO SETBACK AREA

5.7 The following shall be permitted to project into a prescribed setback area:

- i) roof overhang, sills, cornices and eaves, provided, however, that they do not project more than 1.0 metre into the setback area.
- ii) balconies of multi-family residential uses as established by the regulations set out in the R-3 Zone, provided, however, that they do not project more than 1.0 metre into the setback area. **BL#1224**
- iii) balconies of apartment residential uses as established by the regulations set out in the R-4 Zone, provided however, that they do not project more than 1.0 metre into the interior side lot line setback area. **BL#1224**
- iv) uncovered steps, and wheelchair ramps provided, however, that they do not project more than 2.0 metres into the setback area. Uncovered decks may project up to 2.0 metres into

the front and rear yard setback area.

- v) an underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend 0.6 metres above the average finished grade level, excluding above ground swimming pools.

USES PERMITTED IN ALL ZONES

5.8 The following uses shall be permitted in all zones:

- parks, playgrounds, public recreation facilities and open space conservation areas;
- public service uses.

MINIMUM PARCEL AREA

5.9 No plan of subdivision shall be approved where any parcel proposed to be created by the plan of subdivision would have an area less than the minimum parcel area provisions as set out in this bylaw.

EXCEPTION FROM MINIMUM PARCEL AREA

5.10 Minimum parcel size provisions of this bylaw do not apply in the case where:

- a) The parcel being created is to be used for an unattended building or equipment necessary for the operation of:
 - a community water system
 - a community sewer system
 - a community gas distribution system
 - a radio or television or broadcasting antenna
 - a telecommunication relay station
 - an automatic telephone exchange
 - an air or marine navigational aid
 - an electrical substation or power generating station
 - any other similar public service
 - a park or playground.
- b) Two or more existing parcels are to be consolidated.

VISION CLEARANCE AT INTERSECTIONS

5.11 Except in a C-1 zone, no fence, wall, or structure other than a permitted principal building or accessory building shall be erected to a greater height than 1.1 metres so as to obstruct vision clearance in the area bounded by:

- i) The intersecting lot lines at a street corner and a line joining points along said lot lines 4 metres from their point of intersection.
- ii) The intersecting lot lines at a lane corner and a line joining points along said lot lines 3 metres from their point of intersection. A lane intersection shall include the intersection of a lane with any other lane or with a street.

OFF STREET PARKING AND LOADING

5.12 All zones shall be subject to Part Nine of this bylaw - **OFF STREET PARKING AND LOADING.**

SCREENING AND LANDSCAPING

5.13 All zones shall be subject to Part Nine of this bylaw - **SCREENING AND LANDSCAPING**.

FLOODPLAIN PROVISIONS

5.14 For the purposes of this section of the bylaw, the following definitions shall apply:

“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 tributary stream with the main stream.

“designated flood” means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available.

“designated official” is a Regional Water Manager of the Ministry of Environment and Parks.

“floodplain construction level” means a Designated Flood Level plus an allowance for Freeboard, or where a Designated Flood Level cannot be determined, a height assessed above a natural boundary or natural ground elevation as approved by Designated Officials.

“floodplain setback” means a withdrawal of a building or landfill from the natural boundary, or other reference line (as approved by the Designated Official) to maintain a floodway and to allow for potential land erosion.

“freeboard” means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level.

“habitable area” means any space of room within a building or structure, including a mobile home or unit, modular home or structure which is or can be 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.

“mobile home or unit” means a structure, excluding recreation vehicles, designed and manufactured as a habitable area.

“natural boundary” means the visible high watermark 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 bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, as defined in Section 1 of the Land Act, and includes the edge of dormant or old side channels of any lake, river, stream, or other body of water, and marsh areas, and includes the natural limit of permanent terrestrial vegetation.

“natural ground elevation” means the undisturbed ground elevation prior to site preparation.

“pad” means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a mobile home or unit, or a concrete pad for supporting habitable area.

“standard dykes” means those dykes built to a minimum crest elevation equal to the Flood Elevation Requirements which meet standards of design and construction approved by the Ministry of Environment and Parks, and are maintained by an ongoing authority such as a local government body.

“top of bank” means the point at which the upward ground level becomes less than one (1.0) vertical to four (4.0) horizontal, and refers to the crest of the bank or bluff where the slope clearly

changes into the natural upland bench; or as designated by the Minister of Environment and Parks, or his Designated Official.

“**watercourse**” means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration, or as designated by the Minister of Environment and Parks, or a Designated Official.

“**W.S.C.**” means Water Survey of Canada datum.

Floodplain Designation

- 5.14.1 The following land within The Town of Creston is designated as floodplain:
- b) Those lands and Flood Construction levels designated within The Town of Creston Official Community Plan Bylaw No. 1089, 1988; and
 - c) Those portions of land within the Floodplain Setback areas specified in Section 5.14.2 and those portions of land lower than the Flood Construction Levels specified in Section 5.14.3.

Floodplain Setbacks

- 5.14.2 Notwithstanding any other provisions of this bylaw, or any other bylaw of the Town of Creston, the following are specified as the Floodplain Setbacks (for any landfill or structural support required to elevate a wooden floor system or pad above the Flood Construction Level) from the following watercourses or bodies of water in order that no habitable area, or any part thereof, shall be constructed, reconstructed, moved, extended or located:
- i) within 7.5 metres of the natural boundary of a swamp or pond; and
 - ii) within fifteen (15) metres of the natural boundary of any other watercourse.

Floodplain Construction Levels

- 5.14.3 a) Except as provided in subsection 5.14.3 (b) the following are specified as the Flood Construction Levels for the floodplain designated under Section 5.14.1 in order that no habitable area, or any part thereof, shall be constructed, moved, extended or located with the underside of the wooden floor system or the top of the pad of any habitable area, or in the case of a mobile home or unit with the ground level or top of the pad on which it is located:
- i) lower than the Flood Construction Level for the Kootenay River as determined by the interpolation from those Flood Construction Levels shown on the Ministry of Environment and Parks Floodplain Mapping Drawing No. A5-278, Sheets 1 to 6 dated August, 1981.

Or where such mapping is not available:

- ii) lower than 1.5 metres above the natural boundary of swamp or pond;
 - iii) lower than 1.5 metres above the natural boundary of any other watercourse.
- b) Exceptions to the Flood Construction Level are:
- i) Farm dwelling units on parcel sizes 8.0 hectares, or greater, located within the Agricultural Land Reserve shall be located with the undersides of a wooden floor

system or the top of the pad of any habitable area, or in the case of mobile home or unit, with the ground level or top of the pad on which it is located no lower than 1 metre above the natural ground elevation, or no lower than the Flood Construction Level, whichever is the lesser.

- ii) Closed-sided livestock housing not behind Standard Dykes shall be located with the underside of a wooden floor system or the top of the pad of any habitable area, or in the case of a mobile home or unit, with the ground level or top of the pad on which it is located no lower than 1 metre above the natural ground elevation, or no lower than the Flood Construction Level, whichever is the lesser.

Erosion Protection

- 5.14.4 a) The Flood Construction Levels specified in subsection 5.14.3 may be achieved by structural elevation of the habitable area or by adequately compacted landfill on which any building is to be constructed or mobile home or unit located, or by a combination of both structural elevation and landfill. Where landfill is used to achieve the Flood Construction Level specified in subsection 5.14.3, the face of the landfill slope shall be adequately protected against erosion from flood flows, wave action, ice or other debris.
- b) Foundations of construction in alluvial fan areas shall be designed by a Professional Engineer to ensure: that structures are anchored to minimize the impact of flood, sediment and erosion damage; that footings extend below scour depth; and that fill is to be armoured where elevation is achieved by fill, to protect against scour, erosion and flood flows.

Exemptions

- 5.14.5 The Flood Construction Levels specified in Subsection 5.14.3, shall not apply to:
- a) A renovation of an existing building or structure that does not involve an additional thereto;
 - b) An addition to a building or structure that would increase the size of the building or structure by less than 25 percent of the floor area existing at the date of adoption of Bylaw No. 910;
 - c) That portion of a building or structure to be used as a carport or garage;
 - d) Farm buildings other than dwelling units and closed-sided livestock housing; and
 - e) Close-sided livestock housing behind standard dykes.

YARD SALES

BL#1665

- 5.15.1 It shall be contrary to this bylaw for any individual to sell or offer for sale under authority granted by this bylaw, property other than personal property.
- 5.15.2 A maximum of four (4) yard sales are permitted per calendar year per residential lot, with each sale not to exceed eight (8) hours in duration.
- 5.15.3 Yard Sale activity is only permitted between the hours of 7 a.m. and 9 p.m.
- 5.15.4 Four (4) signs advertising the sale shall be permitted and the area of such signs shall not exceed 1 m². Advertising signage must be removed immediately after the sale is concluded.

SHIPPING CONTAINERS**BL#1808**

- 5.16.1 Shipping containers used for temporary or permanent storage is an accessory building, which shall meet the following requirements:
- a) adhere to the *BC Building Code* and to the Town of Creston Building Bylaw requirements, and all enactments applicable to electrical and fire safety;
 - b) not to be used for animals, refuse or contaminated or hazardous material;
 - c) not to be used as fencing or screening, for advertising or as a commercial storage facility;
 - d) not to be stacked;
 - e) not to occupy required parking and loading spaces or interfere with the circulation of vehicle or pedestrians;
 - f) placement of shipping containers is subject to all zoning regulations including setbacks and site coverage; in development permit areas, development permit guidelines apply;
 - g) within the Highway Service Commercial (HSC) and Highway Service Commercial-Hotel (HSC-H); Community Use (P-1); Light Industrial (M-1); and, Heavy Industrial (M-2) zone; a maximum of two (2) units per site are permitted where used for accessory storage;
 - h) shipping containers used as a temporary building placed on a lot for the storage of building materials stored temporarily for the use in construction of or improvements, with a valid Building Permit or Development Permit, on the said lot, are exempt.

TEMPORARY USE PERMITS**BL#1808**

- 5.17.1 In accordance with Section 921 of the *Local Government Act*, Commercial Zones and Industrial Zones are designated areas for consideration of a Temporary Use Permit for uses not presently permitted on the property subject to an application.
- 5.17.2 Temporary Use Permits are not a substitute for a land use designation amendment in accordance with the bylaw. The temporary commercial or industrial use, building or structure may continue in accordance with the provisions of the permit until the permit expires, or up to three years after the permit was issued, whichever occurs first. Permits may be renewed only once, after which the land owner must apply to have the use permanently designated in the Official Community Plan and / or Zoning Bylaw, or cease.
- 5.17.3 Any buildings or structures related to the uses are required to comply with the zoning regulations for that zone and the BC Building Code regulations.
- 5.17.4 Permits will adhere to the following general conditions:
- a) must be clearly temporary or seasonal in nature;
 - b) should not create an unacceptable impact on the environment or on surrounding land and uses;
 - c) should carry out appropriate remedial measures to mitigate any damage to the natural environment as a result of the temporary use; and,

- d) must be reviewed and approved by the Province with respect to access and effect on public roads.

PART SIX

ESTABLISHMENT OF ZONES

6.1 For the purposes of this bylaw, the area within The Town of Creston is hereby classified or divided into zones, with the following zone designations and their short title equivalent:

<u>ZONE</u>	<u>SHORT TITLE</u>	
Agriculture	A-1.....	Page 15
Single Family Residential	R-1.....	Page 17
Zero Lot Line Residential	R-2.....	Page 19
Multi-Family Residential	R-3.....	Page 21
Apartment Residential	R-4.....	Page 23
Rural Residential	R-5.....	Page 25
Mobile Home Park Residential	R-6.....	Page 27
General Commercial	C-1.....	Page 29
Local Commercial	C-2.....	Page 31
Tourist Commercial	C-3.....	Page 33
Licensed Premises Commercial	C-4.....	Page 35
Highway Service Commercial	HSC.....	Page 37 BL#1658
Highway Service Commercial – Light Manufacturing	HSC-M.....	Page 41 BL#1658
Light Industrial	M-1.....	Page 43
Heavy Industrial	M-2.....	Page 47
Community Use	P-1.....	Page 49
Community Use – Recreation Complex	P-1RC.....	Page 51 BL#1798
Watershed	W-1.....	Page 55
Comprehensive Development	CD-1.....	Page 57 BL#1571

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PART SIX

ZONE REGULATIONS

AGRICULTURE (A-1) ZONE

A.1 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated A-1:

- .1 Agricultural
- .2 Kennels
- .3 Single-family dwelling
- .4 Home Occupation
- .5 Veterinary Clinics
- .6 Accessory buildings and structures to the uses permitted in this zone.
- .7 Retail sales of agricultural products in conformance with the Agricultural Land Commission Policy thereon. **BL#1334**

2. All uses permitted in the A-1 Zone shall conform with the following regulations:

- .1 Maximum number of dwellings 1 single-family dwelling per parcel
- .2 Minimum parcel area 8 ha
- .3 Minimum setbacks
 - i) Principal & Accessory Buildings
 - front & rear lot line 7.6 metres
 - interior side lot line 1.8 metres
 - exterior side lot line 7.6 metres
- .4 Maximum height of any building or structure 9.2 metres

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SINGLE FAMILY RESIDENTIAL R-1 ZONE

R-1 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated R-1:

- | | | |
|----|--|----------------|
| .1 | Single-family dwelling | |
| .2 | Two-family dwelling | |
| .3 | Home occupation | |
| .4 | Institutional (Repealed) | BL#1330 |
| .4 | Day Care Centre | BL#1330 |
| .5 | Accessory buildings and structures to the uses permitted in this zone. | |

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- | | | |
|----|---|---------------------------------|
| .1 | Maximum density | 21 dwelling units per hectare |
| .2 | Maximum number of principal buildings | 1 principal building per parcel |
| .3 | Minimum floor area (Repealed) | BL#1401 |
| .4 | Minimum width of a dwelling | 6.1 metres |
| .5 | Minimum frontage | |
| | - single family dwelling | 15 metres |
| | - two family dwelling | 18 metres |
| .6 | Minimum parcel area | |
| | - single family dwelling | 464 m ² |
| | - two family dwelling | 743 m ² |
| .7 | Maximum parcel coverage | 50% of parcel area |
| .8 | Minimum setbacks | |
| | i) Principal Buildings | |
| | - front & rear lot line | 6.1 metres |
| | - interior side lot line | 1.5 metres |
| | - exterior side lot line | 3.7 metres |
| | ii) Accessory Buildings & Structures | |
| | - front lot line | 6.1 metres |
| | - rear lot line | 1.5 metres |
| | - interior side lot line | 1.5 metres |
| | - exterior side lot line | 3.7 metres |
| | iii) The setbacks pertaining to accessory buildings and structures apply whether the accessory building is attached to the principal building or not. | BL#1214 |

SINGLE FAMILY RESIDENTIAL R-1 ZONE

.9 Maximum Height

- | | | |
|-----|---------------------------------|------------|
| i) | principal building | 9.2 metres |
| ii) | accessory building or structure | 5.0 metres |

ZERO LOT LINE RESIDENTIAL R-2 ZONE

R-2 1. Permitted Uses

The following uses and no others shall be permitted in an R-2 zone:

- .1 Single family dwelling - zero lot line
- .2 Home occupation
- .3 Accessory buildings and structures to the uses permitted in this zone.

2. All uses permitted in this zone shall conform with the following regulations:

- .1 Maximum density 43 dwelling units per hectare
- .2 Maximum number of principal buildings 1 principal building per parcel
- .3 Minimum width of a dwelling unit 6.1 metres
- .4 Minimum parcel area 333 m2 (except in those instances where at the date of adoption of this bylaw there exists parcels less than 333 m2)
- .5 Maximum parcel coverage 50% of parcel area
- .6 Maximum accessory building or structure size 15 m2
- .7 Minimum setbacks

i) Principal & accessory buildings or structures

- front and rear lot line 6.1 metres
- exterior side lot line 3.7 metres
- interior side lot line 1.5 metres

exceptions:

- a) where there is a shared party wall, the minimum interior side lot line setback shall be permitted to be 0 metres.
- b) where (a) is the case, on that interior side lot line where there is no shared party wall the interior side lot line setback shall apply.

8. Maximum height

- principal building 9.2 metres
- accessory building or structure 4.5 metres

9. Usable open space

A private landscaped usable open space area contained entirely within the lot boundaries shall be provided for use by the occupants as follows:

ZERO LOT LINE RESIDENTIAL R-2 ZONE

- a) 95 m2 for up to a 3 bedroom unit.
 - b) 130 m2 for every unit with 4 or more bedrooms
10. Minimum Parcel Frontage 7.6 metres

MULTI-FAMILY RESIDENTIAL R-3 ZONE

R-3 1. Permitted Uses

The following uses and no other shall be permitted in an R-3 Zone:

- | | | |
|----|--|----------------|
| .1 | Multi-family dwelling | |
| .2 | Two-family dwelling | |
| .3 | Home occupation | |
| .4 | Institutional (Repealed) | BL#1330 |
| .4 | Day Care Centre | BL#1330 |
| .5 | Accessory buildings and structures to the uses permitted in this zone. | |
| .6 | Single-Family Dwelling | BL#1371 |

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- | | | | |
|----|---|---|----------------|
| .1 | Maximum density | 63 dwelling units per hectare | |
| .2 | Minimum parcel area | 1000 m ² | |
| .3 | Minimum parcel area per dwelling unit | 160 m ² | |
| .4 | Maximum parcel coverage | 75% | |
| .5 | Minimum setbacks (see also Section 5.7.ii) | | |
| | i) principal & accessory buildings and structures | | |
| | - front lot line | 6.1 metres | |
| | - rear lot line, where the property abuts a lane | 1.5 metres | BL#1214 |
| | - rear lot line, where no lane exists | 3 metres | BL#1214 |
| | - interior side lot line | 3 metres | BL#1214 |
| | - exterior side lot line | 3 metres | |
| .6 | Maximum height | | |
| | i) principal buildings (BL #1224) | 9.0 metres | |
| | ii) accessory buildings & structures | 4.5 metres | |
| .7 | Usable open space | | |
| | A private landscaped usable open space area contained entirely within the lot boundaries shall be provided for use by the occupants as follows: | | |
| | a) | 46.5 m ² for each three-bedroom unit | |
| | b) | 28 m ² for each two-bedroom unit | |
| | c) | 18.6 m ² for each one-bedroom unit | |
| | d) | 9.25 m ² for each bachelor unit. | |
| .8 | Minimum parcel frontage | 15 metres | |

NOTE: Screening Requirements - See Part Nine, Section 1.4.

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APARTMENT RESIDENTIAL R-4 ZONE

R-4 1. Permitted Uses

The following uses and no other shall be permitted in an R-4 Zone:

- | | | |
|----|--|----------------|
| .1 | Apartment | |
| .2 | Multi-family dwelling | |
| .3 | Boarding, rooming and lodging house | |
| .4 | Institutional (Repealed) | BL#1330 |
| .4 | Day Care Centre | BL#1330 |
| .5 | Home occupation | |
| .6 | Accessory buildings and structures to the uses permitted in this zone. | |

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- | | | | |
|----|---|--|----------------|
| .1 | Multi-family dwelling | Multi-family dwellings permitted in this zone shall conform with the regulations set forth in the R-3 Zone | |
| .2 | Maximum density | 90 dwelling units per hectare | BL#1238 |
| .3 | Minimum parcel area | 1300 m ² | |
| .4 | Minimum parcel area per dwelling unit | 111 m ² | BL#1238 |
| .5 | Maximum parcel coverage | 75% | |
| .6 | Minimum setbacks (See also Section 5.7.iii) | | |
| | i) principal buildings and structures | | |
| | - front lot line | 7.6 metres | |
| | - rear lot line | 7.6 metres | |
| | - interior side lot line | 3 metres | |
| | - exterior side lot line | 6 metres | |
| | ii) accessory buildings and structures | | |
| | - front lot line | 7.6 metres | |
| | - rear lot line | 1.5 metres | |
| | - interior side lot line | 1.5 metres | |
| | - exterior side lot line | 6 metres | |
| | iii) The setbacks pertaining to accessory buildings and structures apply whether the accessory building is attached to the principal building or not. | | BL#1214 |
| .7 | Maximum height | | |
| | i) principal building or structure | 12.2 metres | |
| | ii) accessory building or structure | 4.5 metres | |

APARTMENT RESIDENTIAL R-4 ZONE

.8 Maximum floor area ratio

For uses permitted in this zone the floor area ratio shall not exceed 0.9, except where all required parking is provided in or beneath a principal building where, in such instances, this ratio may be increased to 1.0.

.9 Minimum parcel frontage

1/10th of the perimeter of the lot

.10 Usable open space

A private landscaped usable open space area contained entirely within the lot boundaries shall be provided for use by the occupants as follows:

- a) 46.5 m² for each three-bedroom unit
- b) 28 m² for each two-bedroom unit
- c) 18.6 m² for each one-bedroom unit
- d) 9.25 m² for each bachelor unit.

RURAL RESIDENTIAL (R-5) ZONE

R-5 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated as R-5:

- .1 Agricultural
- .1.1 Day Care Centres
- .2 Kennels
- .3 Single-family dwelling
- .4 Two-family dwelling
- .5 Home occupation
- .6 Veterinary Clinic
- .7 Accessory buildings and structures to the uses permitted in an R-5 Zone.

2. Zone Regulations

All uses permitted in an R-5 Zone shall conform with the following regulations:

- | | | | |
|----|---|----------------------------------|----------------|
| .1 | Maximum number of dwellings | 1 principal building per parcel | |
| .2 | Minimum parcel area | 0.4 ha | BL#1456 |
| .3 | Minimum setbacks | | |
| | i) Principal & Accessory Buildings | | |
| | - front & rear lot line | 7.6 metres | |
| | - interior side lot line | 1.8 metres | |
| | - exterior side lot line | 7.6 metres | |
| .4 | Maximum height of any building or structure | 9.2 metres | |
| .5 | i) Minimum Floor Area for Dwelling Unit | 92.9 m ² | BL#1180 |
| | ii) Minimum Width of a Dwelling Unit | 6.1 metres | BL#1180 |
| .6 | Minimum parcel frontage | 1/10 of the perimeter of the lot | BL#1442 |

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MOBILE HOME PARK (R-6) RESIDENTIAL ZONE

R-6 1. Permitted Uses

The following uses and no others shall be permitted in an R-6 zone:

- .1 Mobile Home Park
- .2 Home occupation
- .3 Accessory buildings and structures to the uses permitted in this zone.

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- .1 Minimum parcel area 2.0 ha
- .2 Accessory Residential
 - i) No more than one accessory dwelling unit per parcel is permitted.
 - ii) Occupancy of the dwelling unit is to be limited to the owner, operator, caretaker of the mobile home park.
- .3 Additional regulations

Any Mobile Home park shall be developed in accordance with the provisions set forth in the Town of Creston's Mobile Home Parks Bylaw.

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GENERAL COMMERCIAL (C-1) ZONE

C-1 1. Permitted Uses

The following uses and no other shall be permitted in a zone designated C-1:

- | | | |
|-------|--|----------------|
| .1 | Automobile or boat showrooms including minor repair services | |
| .2 | Automobile parts and accessories and sales excluding machines shops | |
| .3 | Banks and financial institutions | |
| .4 | Business and professional offices | |
| .5 | Cafes and restaurants | |
| .6 | Clubs or lodges | |
| .7 | Commercial and trade schools | |
| .7.1 | Day Care Centres | BL#1334 |
| .8 | Drive-in Business | |
| .8.1 | Government Offices | BL#1334 |
| .8.2 | Health and medical facilities | BL#1334 |
| .9 | Health service centres | |
| .10 | Hotels | |
| .10.1 | Hostel | BL#1653 |
| .11 | Institutional (Repealed) | BL#1334 |
| .12 | Medical and dental clinics | |
| .13 | Personal service establishments, including artist studios, television and radio stations. | |
| .14 | Public assembly and entertainment | |
| .15 | Public transportation dept. | |
| .16 | Parking lot, including parking garages | |
| .17 | Residential in accordance with Section 2.4 | |
| .18 | Retail stores, grocery stores, meat markets, bakery and confectionary stores | |
| .19 | Service stations and car washes | BL#1414 |
| .20 | Taxi dispatch office | |
| .21 | Undertaking establishments and funeral parlours | |
| .22 | Veterinary hospital for small animals only | |
| .23 | Upholstery Shop | BL#1589 |
| .24 | In addition to the foregoing uses permitted in the General Commercial (C-1) Zone, automobile repair services such as tire servicing and supply, lube, oil and filter servicing, brakes, shocks and muffler servicing, to be carried out entirely within the existing building located at 1507 Canyon Street, legally described as Lots 20, 21, and 22, District Lot 891, Kootenay District, Plan 1745. | BL#1668 |
| .25 | Fitness and recreational services – class 1 | BL#1814 |

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- | | | |
|----|---------------------|----------------------|
| .1 | Minimum parcel area | 232 m ² |
| | except for: | |
| | i) service stations | 1,120 m ² |
| | ii) hotels | 1,120 m ² |
| .2 | Maximum height | 12.2 metres |
| .3 | Minimum setbacks | |
| | - front lot line | 0 metres |
| | - rear lot line | 0 metres |
| | - side lot line | 0 metres |

GENERAL COMMERCIAL (C-1) ZONE

Exceptions:

- i) where the rear lot line abuts a lane the minimum rear lot line setback shall be 3.0 metres.
- ii) where a C-1 zone abuts a Residential zone, the minimum setback shall be 3.0 metres.

.4 Residential Use:

- i) Location The residential use is considered secondary to the General Commercial use of the property **BL#1626**
- ii) Maximum density 75 units per hectare

.5 Minimum parcel frontage 7.5 metres

.6 Maximum floor area ratio 3.0

Exception:

Where the total number of off-street parking spaces are provided within or beneath the principal building, this may be increased to 3.5.

.7 Other Regulations: **BL#1814**

- i) Despite the regulations under the heading 1.1, the following regulation applies to A (Explanatory Plan 8222) of Lot 3, District Lot 891, Kootenay District, Plan 1970 (PID: 015-580-580) AND Parcel A (Explanatory Plan 8222) of Lot 4, District Lot 891, Kootenay District, Plan 1970 (PID: 015-580-601) AND Parcel B (See Plan 8222), District Lot 891, Kootenay District, Plan 1970 (PID: 024-550-353):
 - Permitted Use: fitness and recreational services – class 2.

LOCAL COMMERCIAL (C-2) ZONE

C-2 1. Permitted Uses

The following uses and no other shall be permitted in a zone designated C-2:

- .1 Cafes
- .1.1 Day Care Centres BL#1334
- .2 Laundromat
- .3 Institutional (**Repealed**) BL#1334
- .4 Neighbourhood Pub
- .5 Personal service establishment
- .6 Residential use in accordance with Section 2.7
- .7 Retail stores including drug stores, grocery stores, meat markets, bakery and confectionary stores
- .7.1 Government Offices BL#1334
- .8 Accessory buildings and structures to uses permitted in this zone

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- .1 Minimum parcel area 464 m²
- .2 Maximum height 7.6 metres
- .3 Maximum parcel coverage 75%
- .4 Minimum setbacks
 - front lot line 6.1 metres
 - rear lot line 0 metres
 - interior side lot line 0 metres
 - exterior side lot line 3 metres

Exceptions:

- i) where the rear lot line abuts a lane the minimum rear lot line setback shall be 3.0 metres.
 - ii) where a C-2 zone abuts a Residential zone the minimum lot line setback shall be 3.0 metres.
- .5 Maximum sales floor area 200 m²
 - .6 Minimum parcel frontage 15 m
 - .7 Mixed commercial/residential use No more than (1) one dwelling unit per parcel shall be permitted in this zone. The dwelling unit shall not be detached from the commercial use

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TOURIST COMMERCIAL (C-3) ZONE

C-3 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated C-3:

- | | | |
|------|---|---------|
| .1 | Drive-in restaurants | |
| .1.1 | Day Care Centres | BL#1334 |
| .2 | Institutional (Repealed) | BL#1334 |
| .3 | Entertainment | |
| .4 | Motels and auto courts | |
| .5 | Residential in accordance with Section 2.6 | |
| .6 | Restaurants and Cafes | |
| .7 | Travel trailer courts for the travelling public in accordance with 2.8 | |
| .8 | Buildings and structures accessory to the uses permitted in this zone. | |
| .8.1 | Government Offices | BL#1334 |
| .8.2 | Home Occupation – limited to one business operated by the resident proprietor, manager or caretaker | BL#1643 |

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- | | | | |
|----|--|-----------------------|---------|
| .1 | Minimum parcel area
except for: | 464 m ² | |
| | i) travel trailer courts | 1393.5 m ² | |
| | ii) motels and auto courts | 929 m ² | |
| .2 | Maximum height | | |
| | i) principal building and structure | 9 metres | |
| | ii) accessory building and structure | 4.5 metres | |
| .3 | Minimum setbacks | | |
| | - front lot line | 7.0 metres | |
| | - rear lot line | 6.0 metres | |
| | - side lot line | 3.0 metres | |
| | - exterior side lot line | 3.0 metres | BL#1456 |
| .4 | Maximum parcel coverage | 75% of parcel area | |
| .5 | Maximum/minimum floor area | | |
| | i) units constructed to accommodate the travelling public must contain a minimum of 22 m ² of floor area within each unit | | |
| | ii) the floor area ratio of motel units shall not exceed 0.5 | | |

TOURIST COMMERCIAL (C-3) ZONE

C-3 2. .6 Residential Use

- i) no more than one (1) dwelling unit per parcel, either attached or detached from the principal tourist commercial use, is permitted
- ii) occupancy of the dwelling unit is to be limited to the proprietor, manager or caretaker and immediate family.

.7 Minimum frontage 15 metres

Except for:

- i) travel trailer courts 30 metres
- ii) motel and auto courts 20 metres

.8 Travel Trailer Courts

Any travel trailer court shall be developed and constructed in accordance with the provisions of the Town of Creston Campground By-Law.

LICENSED PREMISES COMMERCIAL (C-4) ZONE

BL#1350

C-4 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated C- 4:

1. Catering
2. Conference and Convention Facilities
3. Entertainment
4. Hotels, Motels, Motor Hotels
5. Neighbourhood Pubs
6. Restaurants
7. Any premises requiring a Provincial Liquor Licence in its operation
8. Buildings and structures accessory to the uses permitted in this zone.

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

1. Minimum parcel area 464 m²
Except for Hotels, Motels
Motor Hotels, which shall be 929m²
2. Maximum height
i) principal building and structures 12 m
ii) accessory building and structures 4.5 m
3. Minimum setbacks
- front lot line 7.0 m
- rear lot line 6.0 m
- side lot line 3.0 m
- exterior side lot line 3.0 m
4. Maximum parcel coverage 75% of parcel area
5. Maximum/minimum floor area
i) units constructed to accommodate the travelling public must contain a minimum of 22m² of floor area within each unit
ii) the floor area ratio of motel, hotel, motor hotel units shall not exceed 0.5
iii) the maximum floor area for a neighbourhood pub shall be determined by the Provincial Liquor Licence Regulations.
6. Minimum frontage 15 m
Hotels, Motels, Motor Hotels 20 m

BL#1456

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MIXED-USE COMMERCIAL (C-5) ZONE

BL#1810

C-5 1.0 Purpose

The purpose is to provide a zone for mixed-use neighbourhood-scale commercial development.

1.1 Principal Uses

- .1 Breweries and distilleries, minor
- .2 Custom indoor manufacturing/ artist's studios
- .3 Exhibition, conference and convention facilities, limited to temporary events fully contained within the building
- .4 Food primary establishment, includes establishments where food and beverages are offered for sale to the public such as cafés, restaurants

1.2 Secondary Uses

- .1 Apartment housing
- .2 Catering
- .3 Commercial/ culinary school
- .4 Entertainment, limited to temporary events fully contained within the building
- .5 Offices
- .6 Personal service establishment
- .7 Research and product development relating to 1.1.1 and 1.1.3
- .8 Residential security/ operator unit
- .9 Retail liquor sales establishment, includes tasting room
- .10 Retail stores, convenience
- .11 Retail stores, general

2.0 Development Regulation

All uses within this zone must conform to the following regulations:

- .1 Minimum parcel area232m²
- .2 Maximum height.....12.2m²
- .3 Minimum setbacks:
 - front lot line.....3 meters
 - rear lot line6 meters
 - side lot line0.0 meters, except where the site abuts a residential zone then it is 3.0 meters
- .4 Maximum parcel coverage.....75% of parcel area
- .5 Residential use:
 - i) LocationThe residential use is considered secondary to the commercial use of the property and is not to be located above permitted manufacturing uses.
 - ii) Maximum density75 units per hectare
- .6 Maximum floor area ratio3.0

Exception: where parking spaces are provided completely beneath habitable space the floor area ratio may be increased to 3.5.

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HIGHWAY SERVICE COMMERCIAL (HSC) ZONE**BL#1429 & BL#1658**

HSC 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated HSC:

- .1 Agricultural and pet supplies;
- .2 Animal grooming shop;
- .3 Auction sales;
- .4 Automobile, truck, motorcycle, boat, trailer, and recreational vehicles sales, rentals and showrooms
- .5 Automobile repair services such as body repair and painting, tire servicing and supply, lube, oil, and filter servicing, brakes, shocks and muffler servicing;
- .6 Bakery;
- .7 Bank machine (automated teller machine);
- .8 Bicycle Shop;
- .9 Boat construction including sales and service;
- .10 Building services including but not limited to plumbing, electrical, heating, and air conditioning;
- .11 Bulk petroleum products sales and service, including propane;
- .12 Business machines, furniture, supplies, sales and service;
- .13 Cabinet making, small scale woodworking, counter assembly and fabricating;
- .14 Car and truck washing establishment;
- .15 Church;
- .16 Commercial petroleum cardlock establishment;
- .17 Commercial nurseries and greenhouses including related garden supply retail outlet;
- .18 Computer sales, supplies and repairs;
- .19 Convenience store;
- .20 Drapery manufacturing, sales and installation service;
- .21 Drive-in business provided that the entire customer area shall be paved with a permanent surface of asphalt or concrete and that all parking areas be suitably screened from view outside the site except at points of entry and exit;
- .22 Drive-in theatres;
- .23 Drive-through restaurants;
- .24 Dry cleaning and laundromat;
- .25 Electrical supplies and electronic products, sales and service;
- .26 Entertainment uses, including but not limited to bowling alleys, billiard and pool halls, curling rinks, dance halls, miniature golf courses, meeting halls, roller rinks, skating rinks, batting cages, golf driving range and similar establishments;
- .27 Farm equipment retail sales and service;
- .28 Fire station, police station, postal station;
- .29 Fitness centre;
- .30 Food and beverage services including catering establishment;
- .31 Fruit and vegetable sales and associated sorting, processing and storage;
- .32 Funeral parlour or undertaking establishment;
- .33 Gallery, art studio, music studio, dance studio, recording studio, radio studio, television studio;
- .34 Gasoline service stations for the purposes of retailing gasoline and associated petroleum products including propane, and of supplying goods and services essential to the normal operation of vehicles;
- .35 Glass repair, replacement and sales;
- .36 Hardware and building supplies;
- .37 Paint and wallpaper sales, supplies, and service;
- .38 Lighting fixture sales;

HIGHWAY SERVICE COMMERCIAL (HSC) ZONE**BL#1429 & BL#1658**

- .39 Locksmith and gunsmith;
- .40 Major household appliance, furniture, carpet and floor covering sales;
- .41 Manufacture and retail sale of candles;
- .42 Meeting hall;
- .43 Mobile home sales;
- .44 Motels and campgrounds;
- .45 Multi Family Residential, if existing on the date of adoption of Zoning Amendment Bylaw No. 1825 (*see Schedule "A", List of Parcels, for Single Family and Multi Family dwellings permitted by this Bylaw*) **BL#1825**
- .46 Professional and Government offices;
- .47 Building and contracting trades offices, storage buildings and yards;
- .48 Parking lots including parking garages;
- .49 Personal service establishments;
- .50 Photocopying and printing establishment;
- .51 Upholstery and furniture repair;
- .52 Residential in accordance with Section 2.5;
- .53 Restaurant;
- .54 Retail sale, rental, lease, and repair of tools and small equipment including chainsaws, tools, lawn mowers, motor bikes and outdoor motors;
- .55 Sale of spas, pools and hot tubs;
- .56 Sale, rental and repair of equipment and machinery;
- .57 Sanitary supplies, linens and janitorial supplies;
- .58 Sign painting and fabrication;
- .59 Single Family Residential, if existing on the date of adoption of Zoning Amendment Bylaw No. 1825 (*see Schedule "A", List of Parcels, for Single Family and Multi Family dwellings permitted by this Bylaw*) **BL#1825**
- .60 Sporting goods and equipment retail sale and repair;
- .61 Storage buildings, warehousing and wholesale establishments, packing and crating, cold storage;
- .62 Tourist information buildings;
- .63 Transportation, including truck terminals, storage, taxi dispatch offices, freight handling, passenger and transit depots;
- .64 Travel Trailer Courts for the travelling public in accordance with Section 2.7; **BL#1697**
- .65 Used goods sales;
- .66 Veterinary clinics;
- .67 Video Sales and Rentals;
- .68 Welding Shop;
- .69 Accessory dwelling unit for proprietor, manager or caretaker of the principal use;
- .70 Accessory buildings and structures to the uses permitted in this zone; and
- .71 And other associated retail sales;
- .72 Licenced Cold Beer and Wine Store. **BL#1769**

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

.1 Minimum Parcel Area

- (i) Where the parcel is served by the municipal sanitary sewer collection system 464 m²
- (ii) Where the parcel is not served by the municipal sanitary sewer collection system 929 m²

HIGHWAY SERVICE COMMERCIAL (HSC) ZONE

BL#1429 & BL#1658

.2 Maximum height

- (i) principal building and structure 12.2 metres
- (ii) accessory building and structure 4.5 metres

.3 Minimum setbacks

- front lot line 6.0 metres
- rear lot line 4.5 metres
- side lot line 1.5 metres
- exterior side lot line 3.0 metres

BL#1456

Exceptions

- (i) where the parcel abuts a rail right-of-way at the rear lot line, not rear lot line setback shall be required.
- (ii) where an HSC zone abuts a Residential zone, no building or structure shall be sited less than 4.5 metres from the lot boundary adjacent to the Residential zone.

.4 Maximum parcel coverage

75%

.5 Residential Use

- (i) no more than one dwelling unit per parcel is permitted.
- (ii) occupancy of the dwelling unit is to be limited to the proprietor, manager, or caretaker of the principal use, and their immediate family.
- (iii) Minimum Width of a Dwelling Unit 6.1 metres
- (iv) The dwelling unit is considered secondary to the principal Highway Service Commercial use of the property.

BL#1658

.6 Minimum Parcel Frontage

15 metres

.7 Travel Trailer Courts

Any travel trailer court shall be developed and constructed in accordance with the provisions of the Town of Creston Campground By-Law.

HIGHWAY SERVICE COMMERCIAL (HSC) ZONE

Schedule "A"

BL#1825

List of Parcels

The following are the parcels in the Highway Service Commercial (HSC) Zone referred to in Section 1 of this Bylaw, being the only parcels in the HSC Zone on which Single Family and Multi Family dwellings are permitted by this Bylaw:

Civic Address	Legal description
418 Devon Street	Lot A, District Lot 892, Kootenay District, Plan EPP7693 PID: 028-348-354
422 Devon Street	Lot B, District Lot 892, Kootenay District, Plan EPP7693 PID: 028-348-362
1112 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 6604 PID: 014-187-957
1116 Northwest Blvd.	Lot 2, District Lot 892, Kootenay District, Plan 4541 PID: 008-278-326
1120 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 4541 PID: 014-840-588
1124 Northwest Blvd.	Lot 2, District Lot 892, Kootenay District, Plan 6178 PID: 014-158-019
1128 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 6178 PID: 014-151-952
1132 Northwest Blvd.	Parcel A (Reference Plan 69640I), Lot 16, District Lot 892, Kootenay District, Plan 698 PID: 011-001-976
1204 Northwest Blvd.	The South ½ of Parcel A (Reference Plan 62847-I), Lot 16, District Lot 892, Kootenay District, Plan 698, except part included in Plan R255 PID: 009-887-148
1205 Northwest Blvd.	Lot 1, District Lot 9554, Kootenay District, Plan 4186 PID: 014-919-940
1227 Northwest Blvd.	Lot 2, District Lot 9554, Kootenay District, Plan 11764 PID: 012-690-431
1234 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan NEP18787 PID: 015-854-744
1236 Northwest Blvd.	Lot 2, District Lot 892, Kootenay District, Plan NEP18787 PID: 015-854-752
1238 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 6397 PID: 011-159-693
1310 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 4089 PID: 008-449-953

HIGHWAY SERVICE COMMERCIAL (HSC) ZONE

Schedule "A"

BL#1825

List of Parcels (continued)

1314 Northwest Blvd.	Lot B, Block B, District Lot 892, Kootenay District, Plan 2175, except Plans 4089, NEP66106, NEP85264, EPP15695 and EPP38286 PID: 015-418-359
1322 Northwest Blvd. - 2 single family dwellings	Lot A, District Lot 892, Kootenay District, Plan 2175, except Plans 5225 and NEP61409 PID: 015-452-212
1329 Northwest Blvd. - 3 single family dwellings	Lot 4, District Lot 892, Kootenay District, Plan 2177 PID: 011-127-287
1333 Northwest Blvd.	Lot 3, District Lot 892, Kootenay District, Plan 2177, except Plan 6897 PID: 015-532-810
1432 Northwest Blvd.	Parcel B (See 95111-I) of Lot 1, District Lot 892, Kootenay District, Plan 1256 PID: 009-913-335
1435 Northwest Blvd.	Lot 4, District Lot 892, Kootenay District, Plan 4088 PID: 012-835-737
1437 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 2926, except Plan 4260 PID: 015-029-964
1505 Northwest Blvd.	Lot 1, District Lot 892, Kootenay District, Plan 4260 PID: 014-953-463
1515 Northwest Blvd.	Lot B, District Lot 892, Kootenay District, Plan NEP23747 PID: 023-703-407
1516 Northwest Blvd.	Lot A, District Lot 892, Kootenay District, Plan 13647 PID: 010-631-216
1524 Northwest Blvd.	Lot A, District Lot 892, Kootenay District, Plan 7977 PID: 009-939-377
1525 Northwest Blvd.	Parcel A (See XF27588), District Lot 892, Kootenay District, Plan 2926 PID: 017-963-966
1531 Northwest Blvd.	Lot 5, District Lot 892, Kootenay District, Plan 2926 PID: 015-036-154

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HIGHWAY SERVICE COMMERCIAL – HOTEL/CONVENTION CENTRE (HSC-H) ZONE BL#1709

1. Permitted Uses

The following uses and no others shall be permitted in a zone designated HSC-H:

.1	Hotel and convention facility	
.2	Restaurant and catering	
.3	Neighbourhood pub	
.4	Personal services establishment	
.5	Retail stores	
.6	Financial services	
.7	DELETED	BL#1823
.8	Health services	
.9	Fitness centre	
.10	Offices	
.11	Wineries, completely enclosed within a building	
.12	Tourist services	
.13	Residential in accordance with Section 2.5	
.14	Travel trailer courts in accordance with Section 2.7	
.15	Accessory buildings and structures to the uses permitted in this zone	
.16	Auction sales	BL#1823
.17	Automobile sales	BL#1823
.18	Convenience Store	BL#1823
.19	Small-scale food processing	BL#1823
.20	Entertainment uses, including but not limited to mini-golf, temporary stage or band shelter	BL#1823
.21	Gasoline service station	BL#1823
.22	Retail liquor sales establishment	BL#1823
.23	Storage buildings	BL#1823

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

.1	Minimum Parcel Area	
	(i) Where the parcel is served by the municipal sanitary sewer collection system	1 hectare
	(ii) Where the parcel is not served by the municipal sanitary sewer collection system	Not permitted
.2	Maximum height	
	(i) principal building and structure	14 metres
	(ii) accessory building and structure	4.5 metres
.3	Minimum setbacks	
	- front lot line	6.0 metres
	- rear lot line	4.5 metres
	- side lot line	3.0 metres
	- exterior side lot line	6.0 metres

HIGHWAY SERVICE COMMERCIAL – HOTEL/CONVENTION CENTRE (HSC-H) ZONE

Exceptions

- (i) where the parcel abuts a rail right-of-way at the rear lot line, no rear lot line setback shall be required.
 - (ii) where an HSC-H zone abuts a Residential zone, no building or structure shall be sited less than 4.5 metres from the lot boundary adjacent to the Residential zone.
- .4 Maximum parcel coverage 75%
- .5 Residential Use
- (i) no more than one dwelling unit per parcel is permitted.
 - (ii) occupancy of the dwelling unit is to be limited to the proprietor, manager, or caretaker of the principal use, and their immediate family.
 - (iii) Minimum Width of a Dwelling Unit 6.1 metres
 - (iv) The dwelling unit is considered secondary to the principal Highway Service Commercial – Hotel/Convention Centre use of the property.
- .6 Minimum Parcel Frontage 30 metres
- .7 Travel Trailer Courts

Any travel trailer court shall be developed and constructed in accordance with the provisions of the Town of Creston Campground Bylaw.

HIGHWAY SERVICE COMMERCIAL – LIGHT MANUFACTURING (HSC-M) ZONE

BL#1658

1. Permitted Uses

The following uses and no others shall be permitted in a zone designated HSC-M:

- .1 All permitted uses under the Highway Service Commercial (HSC) Zone
- .2 The Manufacture and Assembly of Window & Door Components

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

.1 Minimum Parcel Area

- (i) Where the parcel is served by the municipal sanitary sewer collection system 464 m²
- (ii) Where the parcel is not served by the municipal sanitary sewer collection system 929m²

.2 Maximum Height

- (i) Principal building and structure 12.2 metres
- (ii) Accessory building and structure 4.5 metres

.3 Minimum Setbacks

- Front lot line 6.0 metres
- Rear lot line 4.5 metres
- Side lot line 1.5 metres
- Exterior side lot line 3.0 metres

Exceptions

- (i) Where the parcel abuts a rail right-of-way at the rear lot line, no rear lot line setback shall be required.
- (ii) Where an HSC-M zone abuts a Residential zone, no building or structure shall be sited less than 4.5 metres from the lot boundary adjacent to the Residential zone.

.4 Maximum Parcel Coverage 75%

.5 Residential Use

- (i) No more than one dwelling unit per parcel is permitted.
- (ii) Occupancy of the dwelling unit is to be limited to the proprietor, manager, or caretaker of the principal use, and their immediate family.
- (iii) Minimum width of a dwelling unit 6.1 metres
- (iv) The dwelling unit is considered secondary to the principal Highway Service Commercial – Light Manufacturing use of the property.

HIGHWAY SERVICE COMMERCIAL – LIGHT MANUFACTURING (HSC-M) ZONE

BL#1658

- .6 Minimum Parcel Frontage 15 metres
- .7 Travel Trailer Courts

Any travel trailer court shall be developed and constructed in accordance with the provisions of the Town of Creston Campground Bylaw.

LIGHT INDUSTRIAL (M-1) ZONE

M-1 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated M-1:

- .1 Auction Sales
- .2 Automobile, truck, boat, trailer and recreational vehicle sales, rentals, showrooms, including related repair services such as body repair and painting, tire servicing and supply, and the retail sales of new parts and accessories
- .3 Boat construction including sales and service
- .4 Bulk petroleum products sales and service, including propane
- .5 Building supply & retail establishment
- .6 Bottling plant and works
- .7 Cabinet making and small scale woodworking
- .8 Car washing establishment
- .9 Commercial nurseries and greenhouses including related retail outlets
- .10 Drive-in business provided that the entire customer area shall be paved with a permanent surface of asphalt or concrete and that all parking areas be suitably screened from view outside the site except at points of entry and exit
- .11 Drive-in theatres
- .12 Entertainment uses, and to also included bowling alleys, billiard and pool halls, curling rinks, dance halls, miniature golf courses, meeting halls, roller rinks, skating rinks, and similar establishments
- .13 Farm equipment retail sales and service
- .14 Gasoline service stations for the purposes of retailing gasoline and associated petroleum products, and of supplying goods and services essential to the normal operation of vehicles
- .14.1 Government Offices **BL#1334**
- .15 Grain Elevators
- .16 Industrial service industries
- ~~.17 Institutional~~ **BL#1334**
- .18 Laundry and cleaning works
- .19 Light manufacturing, processing, finishing, packaging, wholesaling or retailing.
- .20 Manufacturing and retail sale of candles.
- .21 Offices, storage buildings and yards for the building and contracting trades.
- .22 Parking lots including parking garages
- .23 Personal service establishments including dressmaking shops, dry cleaning establishments, electrical appliance repair shops, funeral parlours, laundrettes, locksmith shops, upholstery, drapery establishments.
- .24 Processing and packing of fruits and vegetables
- .25 Residential in accordance with Section 2.5
- .26 Restaurants and cafes
- .27 Retail sale, rental, and repair of tools and small equipment including chainsaws, tools, lawn mowers, motor bikes and outdoor motors
- .28 Sale, rental and repair of equipment and machinery
- .29 Storage buildings, warehousing and wholesale establishment, packing and crating, cold storage
- .29.1 Storage of wrecked vehicles, subject to Section 2.7.iii **BL#1334**
- .30 Transportation, including truck terminals, freight handling and passenger and transit depots
- .30.1 Travel Trailer Courts for the travelling public in accordance with Section 2.8 **BL#1302**
- .31 Upholstery shop

LIGHT INDUSTRIAL (M-1) ZONE

- .32 Veterinary clinics and kennels
- .33 Welding shop
- .34 Accessory buildings and structures to the uses permitted in this zone.
- .35 Manufacturing and retail sales of log homes **BL#1435**

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- .1 Minimum Parcel Area
 - (i) Where the parcel is served by the municipal sanitary sewer collection system 464 m² **BL#1214**
 - (ii) Where the parcel is not served by the municipal sanitary sewer collection system 929 m² **BL#1214**
- .2 Maximum height
 - i) principal building and structure 12.2 metres
 - ii) accessory building and structure 4.5 metres
- .3 Minimum setbacks
 - front lot line 6.0 metres
 - rear lot line 4.5 metres
 - side lot line 1.5 metres
 - exterior side lot line 3.0 metres **BL#1456**

Exceptions:

 - i) where the parcel abuts a rail right-of-way at the rear lot line, no rear lot line setback shall be required.
 - ii) where an M-1 zone abuts a Residential zone, no building or structure shall be sited less than 4.5 metres from the lot boundary.
- .4 Maximum parcel coverage 75%
- .5 Residential use
 - i) no more than one dwelling unit per parcel is permitted.
 - ii) occupancy of the dwelling unit is to be limited to the proprietor, manager, or caretaker and immediate family.
 - iii) Minimum Floor Area for a Dwelling Unit 92.9 m² **BL#1180**
 - iv) Minimum Width of a Dwelling Unit 6.1 metres **BL#1180**
 - v) The dwelling unit shall not be detached from the principal use. **BL#1214**

LIGHT INDUSTRIAL (M-1) ZONE

- vi) The dwelling unit is considered secondary to the principal industrial use of the property. **BL#1214**
- .6 Minimum parcel frontage 15 metres
- .7 Industrial Uses:
 - i) uses which are noxious or otherwise undesirable because of smoke, noise, glare, vibration, dirt, odour, or electrical interference are not permitted.
 - ii) uses which are an offensive trade within the meaning of the Health Act of British Columbia shall not be permitted.
 - iii) outdoor storage of wrecked vehicles shall be screened pursuant to Part Nine Section 1.1. Storage of vehicles permitted in this Zone does not include a salvage, scrap or auto wrecking yard. **BL#1334**
- .8 Travel Trailer Courts

Any travel trailer court shall be developed and constructed in accordance with the provisions of the Town of Creston Campground Bylaw. **BL#1302**

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HEAVY INDUSTRIAL (M-2) ZONE

M-2 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated M-2:

- .1 Manufacturing of wood products;
- .2 Manufacturing of machinery and equipment;
- .3 Processing of forest and wood products;
- .4 Salvage, scrap, junk or auto wrecking yards;
- .5 Accessory buildings and structures to the uses permitted in this zone;
- .6 Residential, in accordance with Section 2. **BL#1180**

2. Zone Regulations

All uses permitted in this zone shall conform with the following regulations:

- .1 Minimum Parcel Area
 - (i) Where the parcel is served by the municipal sanitary sewer collection system **464 m2** **BL#1214**
 - (ii) Where the parcel is not served by the municipal sanitary sewer collection system **929 m2** **BL#1214**
- .2 Maximum height
 - i) principal building and structure **12.2 metres**
 - ii) accessory building and structure **4.5 metres**
- .3 Minimum setbacks
 - front lot line **6 metres**
 - rear lot line **6 metres**
 - side lot line **6 metres**
 - exterior side lot line **3 metres** **BL#1456**

Exceptions:

- i) where the parcel abuts an R, C or a P zone, no building or structure shall be sited less than 10 metres from the lot boundary.
- .4 Maximum parcel coverage: **70%**
- .5 Heavy Industrial uses:
 - i) All business shall be conducted within a completely enclosed building except for parking, loading and open storage areas, where accessory to a permitted use.
 - ii) Uses which are noxious or otherwise undesirable because of smoke, noise, glare, vibration, dirt, odour, or electrical interference are not permitted.
 - iii) Uses which are an offensive trade within the meaning of the Health Act of British Columbia shall not be permitted.

COMMUNITY USE (P-1) ZONE

P-1 1. Permitted Uses

The following uses and no others shall be permitted in a zone designated P-1:

- .1 Assembly use and to also include cultural and recreational facilities and uses such as arenas, band shells, bowling greens, community centres, cultural centre (art, drama and music), curling rinks, gymnasiums, museums, public libraries, stadiums, swimming pools and tennis courts
- .2 Colleges
- .3 Cemeteries
- .4 Clubs
- .4.1 Day Care Centres **BL#1334**
- .4.2 Government Offices **BL#1334**
- .4.3 Health and medical facilities **BL#1334**
- .5 Hospitals
- .6 Institutional **(Repealed)** **BL#1334**
- .7 Parking lots, including parking garages
- .8 Public service use
- .9 Public transportation centre
- .10 Residential use subject to the provisions of Section 2.5.
- .11 Catering and food concessions **BL#1334**
- .12 Senior Citizen's Housing facility including rest homes, boarding homes, activity centres and congregate care facilities
- .12.1 Schools **BL#1334**
- .13 Accessory buildings and structures to the uses permitted in a P-1 zone
- .14 A business acquiring a Town of Creston business licence, is permitted a maximum of three (3) commercial trade sales per year. **BL#1596**
- .15 Auction sales **BL#1596**
- .16 Thrift Store **BL#1700**

2. Zone Regulations

All uses permitted in the P-1 zone shall conform with the following regulations:

- .1 Minimum parcel area 560 m2
- .2 Minimum parcel frontage 15 metres
- .3 Minimum setbacks
 - i) principal and accessory buildings and structures
 - front lot line 3 metres
 - rear lot line 3 metres
 - side lot line 3 metres
 - exterior side lot line 3 metres **BL#1456**
- .4 Maximum height
 - i) principal building and structure 12.1 metres
 - ii) accessory building and structure 4.5 metres

5. Residential use

- i) No more than one dwelling unit per parcel is permitted.
- ii) Occupancy of the dwelling unit is to be limited to the caretaker, manager or minister and immediate family.

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COMMUNITY USE – RECREATION COMPLEX (P-1RC) ZONE

BL#1798

1. Permitted Uses

The following uses and no others shall be permitted in a zone designated P-1RC:

1. Indoor recreation services
2. Outdoor recreation services
3. Business and professional offices
4. Health and medical services
5. Assembly use that also includes cultural facilities such as libraries and museums, and spaces for dramatic, musical, or other live performances such as band shells, amphitheatres, and outdoor stages.
5. Commercial Trade Shows
6. Daycare Facility
7. Residential use subject to the provisions of Section 2.5.

2. Zone Regulations

A maximum of 2 principal buildings are permitted on the site.

All uses permitted in the P-1RC zone shall conform to the following regulations:

- .1 Minimum parcel area 0.4 hectares
- .2 Minimum parcel frontage 15 metres
- .3 Minimum setbacks
 - i) principal and accessory buildings and structures
 - front lot line 3 metres
 - rear lot line 3 metres
 - side lot line 3 metres
 - exterior side lot line 3 metres
- .4 Maximum height
 - i) principal building and structure 12.1 metres
 - ii) accessory building and structure 6.0 metres
- .5 Residential use
 - i) No more than one dwelling unit per parcel is permitted.
 - ii) Occupancy of the dwelling unit is to be limited to the caretaker or manager and his/her immediate family.
- .6 Parking and loading
 - i) Off street parking and loading facilities shall be provided and maintained in accordance with the regulations outlined in Part Eight of this Bylaw.

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WATERSHED (W-1) ZONE

7.13 a) Permitted Uses

The following uses and no others shall be permitted in a zone designated W-1:

- .1 Outdoor recreation.

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PART EIGHT**OFF-STREET PARKING AND LOADING REQUIREMENTS**

Space for off-street parking and loading in respect of a class of a building or use under this bylaw shall be provided and maintained in accordance with the regulations of this Part.

SECTION ONE - GENERAL PROVISIONS

- 1.0 In respect of a use permitted under this bylaw but that is not specifically referred to in the specifications section of this part, the number of off-street parking and loading spaces shall be calculated on the basis of the specifications for a similar class of building or use that is listed.
- 1.1 Where the calculation of the required off-street parking or loading space results in a fraction, one parking space shall be provided in respect of the fraction.
- 1.2 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.
- 1.2(a) The provisions of Part 8, Section 1.2 shall not apply to the combination of a Hostel and an entertainment or café use. In this case, the calculation of the minimum number of off-street parking and loading stalls shall be concurrent rather than the sum total of the requirements for each individual use. **BL#1653**
- 1.3 All off-street parking and loading facilities shall be adequately provided with lighting. In all instances, however, the lighting or illumination shall be located so as to minimize the amount of light falling onto abutting properties.
- 1.4 Each off-street parking and loading space shall have access to a public street or lane.
- 1.5 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 width of such seating shall be deemed to be one seat.
- 1.6 Off-street parking spaces shall not be credited as off-street loading spaces.
- 1.7 All parking areas comprised of three (3) or more parking spaces, and every access road to the required parking area, shall be hard surfaced and drained such that all water is contained on-site or is directed to a municipal drainage system or to a natural drainage course.
- 1.8 No off-street parking space shall be located within 2 metres of the front lot line.
- 1.9 Off-street loading spaces shall not be credited as off-street parking spaces.
- 1.10 All loading areas shall be hard surfaced and drained such that all water is contained onsite or is directed to a municipal drainage system or to a natural drainage course.
- 1.11 Each off-street loading and unloading space shall be a minimum of 27.8 m² in area, and in no case shall not be less than 2.5 m in width, 3.6 m in height and 9 m in length.

SECTION TWO - LOCATION

- 2.0 All off-street parking spaces shall be located on the same parcel as the use they service.

2.1 .1 A Notwithstanding Section 2.0 , an owner or occupier of land located within 500 meters of the Cook Street Parking Lot and who has obtained a Development Variance Permit may, in lieu of providing off-street parking spaces, pay to the municipality the sum of \$3,600. per space not provided. Owners and occupiers of buildings within the area designated in the Downtown Revitalization Specified Area (Parking) Loan Authorization Bylaw are exempt from the payment specified in this section.

BL#1214 & BL#1589

.2 Notwithstanding Subsection 2.0, in the C-1 Zone, the C-2 Zone, and the P-1 Zone, off-street parking spaces may be provided on land other than which it is required subject to the following conditions:

BL#1214

- a) that the parking spaces be located within 100 meters of the subject site;
- b) that the owner of the land whereon the subject off-street parking spaces are to be situated agrees to the registration of a covenant against the land reserving the land (or portion thereof) for off-street parking in favour of the owner or occupier of the subject site, so long as the use to which the off-street parking pertains is continued.

BL#1214

2.2 Required parking spaces for separate uses may be provided collectively if the total number of spaces provided is not less than the sum of the separate requirements for each use and provided that all regulations contained in this part with respect to location are adhered to.

SECTION THREE - SPECIFICATIONS

3.0 Off-street parking spaces for each building and use shall be provided in accordance with the following table:

TABLE 3.0

USE	PARKING SPACE REQUIREMENTS
a) Residential Uses	
.1 Single-Family Dwellings, Two-Family Dwellings, Dwelling unit in conjunction with commercial or industrial premises	1 per dwelling unit
.2 Multiple Family Dwellings, Apartments	1.25 per dwelling unit
.3 Boarding, rooming, or lodging house	1 per 2 sleeping units
.4 Senior citizen's housing	1 per 3 dwelling units
.5 Rest home	1 per 4 occupants or residents
b) Commercial Use	
.1 Billiards and pool halls (Repealed)	2 per each table BL#1330
.2 Bowling alleys	3 per alley

.3	Banks, financial institutions, business, administrative, professional offices or clinics billiards, pool halls, arcades and public libraries	1 per 28 m ² of gross floor area BL#1330
.4	Eating and drinking establishments and other establishments for the sale and consumption of food or beverages on the premises	1 per 28 m ² of gross floor area BL#1330
.5	Gasoline and Service Stations	3 per each service bay
.6	Retail stores and personal	1 per each 28 m ² of retail service establishments area; or 1 per each 46.5 m ² of gross floor area BL#1330
.7	Shopping centres, department stores and supermarkets, exceeding a retail floor area of 185.8 m ²	1 per each 28 m ² of gross floor area BL#1330
.8	Hotels	1 per each 2 sleeping units
.9	Motels, motor hotels, and auto courts	1 per dwelling unit and 1 per sleeping unit
.10	Building supply establishment, nursery	1 per 50 m ² of floor area

c) Industrial Uses

1.	Manufacturing and industrial buildings and uses, display yards, and storage yards, servicing and repair establishments	1 per each 93 m ² or gross floor area, plus 1 per each 93 m ² or floor area and/or lot area used for display, rental, or retail sales purposes
2.	Warehousing, storage buildings, wholesale establishments	1 per each 186 m ² of gross floor area, whichever is the greater - plus 1 per each 46.5 m ² of floor area used for internal display or retail sales purposes

d) Institutional Uses

.1	Hospital	1 per each 4 beds
.2	Church	1 per each 18.6 m ² of gross floor area used for assembly within a church building or a church hall

.3	Place of public assembly, including arena, armoury, art gallery, assembly hall, auditorium, club, community centre, convention hall, exhibition hall, funeral parlour and undertaking establishment, gymnasium, theatres	1 per 10 seats, or 1 per 9.3 m ² of floor area in areas without fixed seats which are to be used or intended to be used for public assembly, excluding playing surfaces
.4	Recreational uses, including health centres, reducing salons, miniature golf courses, roller rinks, curling rinks, swimming pools	1 per each 46.5 m ² of gross floor area - plus 1 per each 10 spectator seats
.5	Daycare	1 per each staff member
.6	Kindergarten, elementary school	1.5 per classroom
.7	Secondary school	4 per classroom

3.1 Off-street loading spaces shall be provided in accordance with the following table:

TABLE 3.1

USE	LOADING SPACE REQUIREMENTS
a) All commercial, warehousing, manufacturing and similar uses with a gross floor area:	
i) less than 1860 m ²	1 space
ii) greater than 1860 m ²	2 spaces
b) All institutional and community uses including places of public assembly, hospitals, lodges, schools, public utilities, offices and other similar uses with a gross floor area:	
i) less than 2790 m ²	1 space
ii) greater than 2790 m ²	2 spaces

SECTION FOUR - STANDARDS

4.0 Dimensions of Parking Facilities

Each off-street parking facility shall comply with the dimensions specified in Table 4.0 and each illustrated in Figure 4.01.

TABLE 4.0
Minimum Dimensions for the Design of Parking Facilities

Width of Stall m(A)*	Angle of Parking (B)*	Width of Aisle m(C)*	Depth of Stall m(D)*	Width of Stall Parallel to Aisle m(E)*
2.4	30 ⁰	3.2	4.8	4.9
2.4	45 ⁰	3.5	5.6	3.4
2.4	60 ⁰	5.9	5.9	2.8
2.4	90 ⁰	7.8	5.7	3.0
2.4	30 ⁰	3.1	5.0	5.2
2.5	45 ⁰	3.2	5.6	3.6
2.5	60 ⁰	5.7	6.0	3.0
2.5	90 ⁰	7.5	5.7	2.5
2.5	30 ⁰	3.0	5.2	5.5
2.7	45 ⁰	3.0	5.8	3.9
2.7	60 ⁰	5.5	6.0	3.1
2.7	90 ⁰	7.2	5.7	2.7
2.7	30 ⁰	2.9	5.2	5.7
2.8	45 ⁰	3.1	5.9	4.0
2.8	60 ⁰	5.3	6.0	3.2
2.8	90 ⁰	6.9	5.7	2.8
2.8	30 ⁰	2.9	5.3	6.0
3.0	45 ⁰	2.9	6.0	4.3
3.0	60 ⁰	5.0	6.0	3.4
3.0	90 ⁰	6.6	5.7	3.0
3.0	PARALLEL	---	7.3	---

BL#1330

4.01 Location of these dimensions are shown

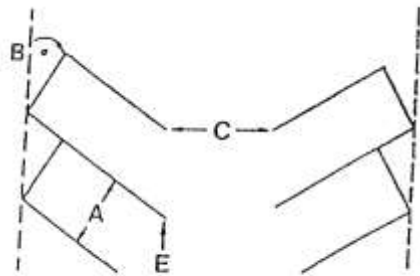


Figure 4.01

PART NINE SCREENING AND LANDSCAPING REQUIREMENTS

Screening, landscaping and fencing shall be provided and maintained in accordance with the provisions of this Part.

SECTION ONE - SCREENING OF USES

1.0 Commercial Uses

Where a Commercial Zone abuts a Residential Zone, or is separated by a lane therefrom, a solid screen, hedge or fence of at least 1.8 metres in height shall be erected along the lot boundary.

1.1 Outdoor Storage Areas

All permitted outdoor storage areas shall have a permanent and dust-free surface and shall be enclosed by a decorative fence of at least 1.8 metres in height.

1.2 Automobile Wrecking, Scrap, Salvage or Junk Yards

All auto wrecking, scrap, salvage or junk yards shall be subject to the following conditions:

- a) The yards shall be completely enclosed by a solid view obscuring fence or wall not less than 2.5 metres in height.
- b) No material enclosed within the yard shall be piled to a height greater than the surrounding fence or walls.

1.3 Industrial Uses

Where an Industrial Zone abuts a Residential, Commercial or Community use Zone, or is separated by a lane therefrom, a solid, decorative fence of at least 1.8 metres in height shall be erected along the lot boundary.

1.4 Multi-Family Uses

Where an R-3 Multi-Family Residential Zone abuts an R-1 zone, a solid screen, hedge or fence of at least 1.8 metres in height shall be erected along the lot boundary. **BL#1224**

ADOPTION

READ A FIRST TIME THIS 6th day of March, 1989.

READ A SECOND TIME THIS 6th day of March, 1989.

PUBLIC HEARING HELD THIS 3rd day of April, 1989.

READ A THIRD TIME THIS 3rd day of April, 1989.

RECONSIDERED AND ADOPTED THIS 3rd day of April, 1989.

"Lela Irvine"
Mayor

"Wm. F. Hutchinson"
Clerk

INDEX OF AMENDING BYLAWS

- * Bylaw 1137 - Adopted September 18/89
- * Bylaw 1140 - Adopted October 30/89
- Bylaw 1155 - Adopted April 2/90
- * Bylaw 1161 - Adopted July 4/90
- Bylaw 1162 - Adopted July 4/90
- * Bylaw 1165 - Adopted August 20/90
- * Bylaw 1179 - Adopted January 21/91
- Bylaw 1180 - Adopted February 18/91
- * Bylaw 1181 - Adopted March 4/91
- * Bylaw 1193 - Adopted August 6/91
- * Bylaw 1195 - Adopted August 19/91
- * Bylaw 1198 - Adopted November 5/91
- * Bylaw 1202 - Adopted November 18/91
- Bylaw 1214 - adopted May 19/92
- * Bylaw 1222 - Adopted June 15/92
- * Bylaw 1223 - Adopted July 6/92
- Bylaw 1224 - Adopted July 20/92
- * Bylaw 1225 - Adopted August 4/92
- * Bylaw 1237 - Adopted January 18/93
- Bylaw 1238 - Adopted February 15/93
- * Bylaw 1246 - Adopted March 15/93
- * Bylaw 1249 - Adopted April 19/93
- * Bylaw 1250 - Adopted April 19/93
- * Bylaw 1259 - Adopted May 17/93
- * Bylaw 1261 - Adopted May 17/93
- * Bylaw 1262 - Adopted May 17/93
- * Bylaw 1263 - Adopted June 17/93
- * Bylaw 1265 - Adopted July 5/93
- Bylaw 1272 - Adopted August 16/93
- * Bylaw 1279 - Adopted December 20/93
- * Bylaw 1288 - Adopted April 18/94
- * Bylaw 1289 - Adopted April 18/94
- * Bylaw 1298 - Adopted August 8/94
- Bylaw 1302 - Adopted September 12/94
- * Bylaw 1303 - Adopted August 22/94
- * Bylaw 1312 - Adopted November 7/94
- * Bylaw 1313 - Adopted November 28/94
- * Bylaw 1317 - Adopted November 28/94
- * Bylaw 1324 - Adopted November 6/95
- Bylaw 1330 - Adopted June 19/95
- Bylaw 1334 - Adopted September 18/95
- Bylaw 1350 - Adopted March 4/96
- * Bylaw 1360 - Adopted July 29/96
- * Bylaw 1367 - Adopted July 29/96
- * Bylaw 1370 - Adopted August 12/96
- Bylaw 1371 - Adopted August 12/96
- * Bylaw 1380 - Adopted October 21/96
- * Bylaw 1391 - Adopted March 3/97
- * Bylaw 1397 - Adopted May 5/97
- Bylaw 1401 - Adopted May 5/97
- * Bylaw 1409 - Adopted June 16/97
- * Bylaw 1410 - Adopted August 5/97
- * Bylaw 1412 - Adopted September 2/97
- Bylaw 1414 - Adopted September 15/97
- Bylaw 1429 - Adopted June 30/98
- * Bylaw 1430 - Adopted June 30/98
- Bylaw 1435 - Adopted January 27/98
- Bylaw 1442 - Adopted April 14/98
- * Bylaw 1450 - Adopted May 26/98
- * Bylaw 1451 - Adopted June 23/98
- Bylaw 1456 - Adopted Oct. 27/98
- * Bylaw 1468 - Adopted Mar. 23/99
- * Bylaw 1476 - Adopted June 22/99
- * Bylaw 1480 - Adopted Aug 10/99
- * Bylaw 1483 - Adopted Aug 24/99
- * Bylaw 1488 - Adopted Dec. 14/99
- * Bylaw 1489 - Adopted Dec. 14/99
- * Bylaw 1493 - Adopted Feb. 8/00
- * Bylaw 1495 - Adopted Feb. 8/00
- * Bylaw 1501 - Adopted Mar. 13/00
- * Bylaw 1505 - Adopted Mar. 27/00
- * Bylaw 1506 - Adopted Apr. 25/00
- * Bylaw 1511 - Adopted June 12/00
- * Bylaw 1512 - Adopted Mar. 12/01
- * Bylaw 1514 - Adopted Dec. 11/00
- * Bylaw 1518 - Adopted Dec. 11/00
- * Bylaw 1528 - Adopted May 28/01
- * Bylaw 1539 - Adopted Sept. 10/01
- * Bylaw 1542 - Adopted Oct. 22/01
- * Bylaw 1545 - Adopted March 11/02
- * Bylaw 1554 - Adopted August 26/02
- * Bylaw 1557 - Adopted December 16/02
- * Bylaw 1566 - Adopted March 24/03
- Bylaw 1571 - Adopted May 26/03
- * Bylaw 1571 - Adopted May 26/03
- * Bylaw 1578 - Adopted October 27/03
- Bylaw 1583 - Adopted February 9/04
- * Bylaw 1584 - Adopted March 8/04
- Bylaw 1589 - Adopted April 26/04
- * Bylaw 1592 - Adopted April 26/04
- * Bylaw 1597 - Adopted June 28/04
- * Bylaw 1598 - Adopted June 28/04
- * Bylaw 1605 - Adopted November 29/04
- * Bylaw 1608 - Adopted December 13/04
- Bylaw 1626 - Adopted July 18/05
- * Bylaw 1629 - Adopted September 6/05
- * Bylaw 1632 - Adopted November 14/05
- * Bylaw 1636 - Adopted March 13/06
- * Bylaw 1640 - Adopted June 12/06
- * Bylaw 1641 - Adopted June 12/06
- Bylaw 1643 - Adopted August 14/06
- * Bylaw 1645 - Adopted August 14/06
- * Bylaw 1646 - Adopted September 11/06
- * Bylaw 1648 - Adopted September 25/06

*Amends map only

...continued

INDEX OF AMENDING BYLAWS

- Bylaw 1653 – Adopted December 11/06
- * Bylaw 1659 – Adopted April 10/07
- * Bylaw 1663 – Adopted September 11/07
- * Bylaw 1664 – Adopted September 11/07
- Bylaw 1665 – Adopted September 9/08
- Bylaw 1668 – Adopted November 27/07
- * Bylaw 1669 – Adopted January 22/08
- * Bylaw 1676 – Adopted April 29/08
- * Bylaw 1686 – Adopted October 14/08
- * Bylaw 1687 – Adopted October 28/08
- * Bylaw 1688 – Adopted October 28/08
- * Bylaw 1689 – Adopted October 28/08
- * Bylaw 1694 – Adopted February 24/09
- * Bylaw 1696 – Adopted April 28/09
- Bylaw 1697 – Adopted September 8/09
- * Bylaw 1700 – Adopted September 8/09
- * Bylaw 1709 – Adopted October 27/09
- * Bylaw 1717 – Adopted September 22/09
- * Bylaw 1718 – Adopted September 22/09
- * Bylaw 1726 – Adopted October 27/09
- * Bylaw 1723 – Adopted April 27/10
- * Bylaw 1736 – Adopted July 13/10
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- * Bylaw 1756 – Adopted April 12/11
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- * Bylaw 1770 – Adopted November 8/11
- * Bylaw 1780 – Adopted November 13/12
- * Bylaw 1782 – Adopted February 26/13
- * Bylaw 1792 – Adopted February 11/14
- Bylaw 1798 – Adopted January 28/14
- Bylaw 1808 – Adopted February 24/15
- Bylaw 1810 – Adopted April 14/15
- Bylaw 1811 – Adopted February 24/15
- Bylaw 1814 – Adopted May 12/15
- Bylaw 1825 – Adopted August 11/15
- Bylaw 1823 – Adopted June 7/16

*Amends map only

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.