



Zoning Bylaw No. 1403

Consolidated to December 10th, 2015

LIST OF AMENDMENTS

BYLAW NO.	ADOPTION DATE	CONTENT	APPLICANT
1407	June 11, 2002	Map Amendment: Lot 12 Block 82 District Lot 865 Range 5 Coast District Plan 1054, 4036/4040 Alfred Avenue rezoned from P-1 Public Amenity to R-2 Low Density Residential.	St. Joseph's Parish
1407	June 11, 2002	Text Amendment: Section 2.1: Home Occupation Regulations amended by adding the following subsections 2.1.5, 2.1.6, 2.1.7	Town of Smithers
1395	November 26, 2002'	Map Amendment: Lot 1 Section 30 Township 4 Range 5 Coast District Plan PRP12816	Christian Reformed Church
1421	March 25, 2003	Text Amendment: Section 1.3 is amended by adding C-4A Tourist Commercial. Table 29 is Amended by replacing existing Commercial Uses with the Commercial Uses in Appendix B Map Amendment: The Zoning Map is amended to include Lots 10-13, Section 11, Township A1, Range 5, Coast District, Plan 12423 and zoned C-4A Tourist Commercial.	J. Bianchi
1440	July 22, 2003	Text Amendment: Add recreation for gymnastics purposes only as a use permitted in the M-2 Zone.	Lakes District Maintenance (Gymnastics Club)
1441	July 22, 2003	Map Amendment: The Zoning Map is amended to change Block D, District Lot 1053, Range 5, Coast District, Plan PRP14921 from R-3 Medium Density Residential to R-2 Low Density Residential	Anderson
1456	December 9, 2003	Map Amendment: The Zoning Map is amended to change Lots 23-24, Block 31, District Lot 5289, Range 5, Coast District, Plan 1054 from R-2 Low Denisty Residential to C1-A Downtown Commercial	Roi Estates
1460	May 11, 2004	Text Amendment: "government	Town of Smithers

offices, excluding works yard” use under Section 5.1.1(f) and Section 5.2.1 (g) are deleted and replaced with “institutional use”.

Text Amendment: Section 2.1.2 is deleted and replaced with: shall erect or display, of any advertisement or indication of a Home Occupation other than a sign in accordance with the Town’s Sign Bylaw.

Text Amendment: Section 2.1.5 is deleted and Sections 2.1.6 and 2.1.7 are re-numbered.

Text Amendment: The words “single family dwellings” under Section 4.2.4 are replaced with “dwelling”.

Text Amendment: Section 2.9.5 is deleted and replaced with the following: i. Where more than three parking spaces are provided, whether covered or uncovered, they must be so designed that vehicles are not required to back onto a street.

1460

May 11, 2004

Text Amendment: The “restaurant, premises licensed for consumption of alcoholic beverages” use in Section 5.1.1 (d) and Section 5.2.1 (d) are deleted and replaced with “restaurant” and “premises licensed for consumption of alcoholic beverages: as two separate uses, and the list of permitted uses is re-numbered.

Text Amendment: The “car washing establishment” use in Section 5.4.1 (b) is deleted and replaced with “vehicle washing establishment.”

Text Amendment: The “vehicle washing establishment” use is added to Section 6.1.1 and Section 6.2.1 as a Principal Use.

Text Amendment: The “single family dwelling” use is added to Section 4.3.1 as a Principal Use.

Text Amendment: Figure 4.1 attached to this bylaw as Appendix “A”, is added following Table 4.1.

Text Amendment: Table 4.1 is deleted and replaced with the amended Table 4.1 attached to this bylaw as Appendix “B”.

Text Amendment: Table 4.2 is deleted and replaced with the amended Table 4.2 attached to this bylaw as Appendix “C”.

Text Amendment: Table 4.3 is deleted and replaced with the amended Table 4.3 attached to this bylaw as Appendix “D”.

Town of Smithers

Text Amendment: Table 4.4 is deleted and replaced with the amended Table 4.41 attached to this bylaw as Appendix "E".

1460	May 11, 2004	<p>Map Amendment: The Zoning Map of the Town of Smithers, attached as Schedule "A" to Smithers "Zoning Bylaw No. 1403," is hereby amended as follows:</p> <p>a) Lots 4-6, Section 30, Township 4, Range 5, Coast District, Plan 42839, are rezoned from R-2A Duplex Residential Zone to R-3 Mixed Residential.</p> <p>b) Lots 10-19, Block 107, District Lot 865, Range 5, Coast District, Plan 1054 are rezoned from P-1 Public Amenity Zone to C-1A Downtown Commercial.</p>	Town of Smithers
1475	October 26, 2004	<p>Text Amendment: New section 4.8 R-7 "Rural Residential Hobby Farm" Zone is added</p> <p>Map Amendment: Lt 2, DL 4268 R5 CD PI 1517 is changed from R-6 Rural Residential to R-7 Rural Residential Hobby Farm.</p>	Hooker
1477	November 23, 2004	<p>Map Amendment: Lts 6-31 BI 140 PI 1054 DL 865 R5 CR 5 (1621 Main Street are changed from R-1 Single Family Residential and R-2 Low Density Residential zones to P-1 Public Amenity Zone.</p>	Town of Smithers
1479	March 12, 2005	<p>Text Amendments:</p> <p>a) Section 7.1 P-1 Public Amenity Zone.</p> <p>b) Section 7.3 P-2 Public Use Zone.</p> <p>c) Section 7-5 P-4 Public Use Zone is eliminated.</p>	Town of Smithers
1479	March 12, 2005	<p>Map Amendments: The Zoning Map of the Town of Smithers, attached as Schedule "A" I is amended to differentiate between the P-1 and P-2 Zones and change properties listed to appropriate P-1 and P-2 Zones.</p>	

**SCHEDULE I TO ZONNG AMENDMENT (05-01) BYLAW 1479
PROPERTIES TO BE REZONED**

		Lot(s)	Block	Plan	Dist Lot	Sec	TP	Comments	FROM	TO
1	3793 Alfred Ave	A		9560	5289			Court House	P1	C1
2	3659- 3 rd Ave	Pcl A (DF 14398)	38 & 42	1054	5289			Muheim School	P1	P2
3	1306 Vancouver St	11 to 21	26	1054	1053 & 5289			Chandler school	P1	P2
		1 to 33	33							
4	3020 Pacific Avenue	Portion lying East of 16 th Ave. of Pcl B, except Plan 5958, 6154, 6197, 7046, 9678, 10229		1104		30	4	Willovale Wetlands	A1	P1
		Lot B Except Plan PRP 14843		10229		30	4			
5	1958 Dominion Street	A		9687		30	4	Cemetery	P1	P2
		29		9964		30	4			
6	3668- 11 Ave	A		PRP46504		30	4	Bulkley Lodge	P1	P2
	3775 - 14 th Ave	B		11184		30	4	Christian High School		
	3490- Fulton	1		PRP12921	5289	30	4	Learning Center		
7	2891 Hwy 16	Northern 62 m of Frac of SE1/4				30	4	Portion of Fall Fairgrounds	P1	P2
8	3950-8 th Ave	Pcl A	138	1054	865			Hospital	P1	P2
9	1621- Main St	6 to 31	140	1054	865			Old LDM yard	P1	P2
10	4035- Walnut Dr	72		5258	865			Christian Elem.	P1	P2
11	4092 Mountainview	71 except plan 7416		5258	865			Walnut Park School	P1	P2
12	Astlais Place	1		12208	865			Silverking School Reserve	P1	P2
13	4408- 3 rd Ave	A		12744	865			SS School	P1	P2
14	4054- Broadway	Lot 1, except for most easterly 60 m		9143	865			St Joseph School	P1	P2
15	3984- 2 nd Ave	1		12482	865			NWCC Forestry	P1	P2
	3966- 2 nd Ave	A		12181	865			NWCC Main		
	3955 - 3 rd Ave	Lot B except plan 12482		12181	865			Friendship Center		
16	4210 Astlais Pl	5		PRP 13646	865			BV Christian Seniors Society	P1	R2
17	3848 - 2 nd Ave	10 to 14	95	1054	5289			Town Parking	P1	C1-A
18	4581 Hwy 16	Park		PRP41388	865			Dedicated Park	R1	P1
19	1650 Monkton Rd	A		8995		19	4	Monckton Reservoir	P1	P1-A
20	3992- 4 th Ave	22 to 24	108	1054	865			Cadet Hall	P4	P2
21	6093 - Hwy 16	Portion of W1/2 of SE ¼ of Lot 1		4130		11	1A	Lake Kathlyn School	P1	P2
		Lot(s)	Block	Plan	Dist Lot	Sec	TP	Comments	FROM	TO
22	3985 Pioneer Place	32		4928	865			Pioneer Lodge	P1	P2
		A + B		11458	865					

1494	June 28, 2005	Text Amendment: for farmers market in P-1 Zone	Town of Smithers
1495	June 28, 2005	Map Amendment: 1180 Alberta Street Lot A, Block 44, Range 5 Coast District, Plan BCP17930 rezoned from A-1 to R-3.	Town of Smithers
1497	September 13, 2005	Map Amendment: 3626 Fifteenth Avenue Lots 1-10, Block 180, Plan 1054 Section 30, Township 4, Range 5 Coast District rezoned from P-3 to P-2	Marwan Abu Kahdra
1498	September 13, 2005	Text Amendment: Amend definition of "External Side Parcel Line	Town of Smithers
1513	April 25, 2006	Map Amendment 1180 Alberta Street, Lot A, Block 44, Range 5, Coast District, Plan BCP17930 rezoned from R-3 to P-2 Text Amendment Assisted Living definition added. Table 2.9 required parking under the use column is amended. Parking requirement is changed to 1.5 per sleeping unit or dwelling for rest homes, retirement homes, senior citizen's housing or receiving homes. Section 7-3 P-2 Zone is amended by adding as permitted uses: Assisted living, rest homes, retirement housing, senior citizen's housing and receiving homes.	Town of Smithers
1524	August 22, 2006	Text Amendment Section 6.1.1 is amended to allow a towing truck business and vehicle storage compound in the M-1 Zone	Dennis Rebinsky
1522	November 14, 2006	Map Amendment Lot c, Section 30, Township 4, Range 5, Coast District, Plan 9227 Except Plans 9533 and PRP13346 rezoned from P-1 Public Amenity Zone to C-7 Large Scale Retail Commercial Zone.	Town of Smithers
1529	February 13, 2007	Map Amendment Lot S District Lot 865 Range 5 Coast District Plan 6127 4459 Highway 16 rezoned from C-4 Tourist Commercial Zone To R-1 Single Family Residential	Tolton

1531	March 27, 2007	Map Amendment Lot A, Section 30, Township 4, Range 5 Coast District, Plan BCP23556 and Lot 2, Section 30, Township 4, Range 5 Coast District, Plan 5671 2163 and 2123 Riverside Drive P-1 Public Amenity Zone to P-2 Public Use Two Zone	Town of Smithers
1534	February 13, 2007	Text Amendment Under Section 1.2, the definition of Family Day Care changed from 7 children to a maximum of 8 children.	Town of Smithers
1535	March 13, 2007	Map Amendment Lot B, Section 1, Township 1A, Range 5 Coast District Plan 6388 2760 Powell Road A-1 Agriculture Zone to R-7 Residential Hobby Farm Zone	Silverking Woodlands
1536	March 13, 2007	Map Amendment Lots 1-3 and 6-8, Block 28, District Lot 5289, Range 5, Coast District, Plan 1054 3608 and 3628 Fourth Avenue R-3 Medium Residential Zone to R-2 Low Density Zone	Gemmell
1538	March 27, 2007	Text Amendment A new section 5.5.B is added, C-4B Tourist Commercial/ Retail Zone Map Amendment Lot A, District Lot 5289, Range 5 Coast District Plan PRP42899 1492 Main Street C-4 Tourist Commercial Zone to C-4B	Golden Triangle Dev.
1541	May 8, 2007	Text Amendment Section 2.9.3 "Parking Specifications" Under <u>Handicapped Parking Spaces</u> Replace the table	Town of Smithers
1542	April 24, 2007	Text Amendment Section 5.4.1 add one line under principle uses permitted. <i>(o) Soil and rock sample preparation facility</i>	ACME Analytical Labs.
1543	May 8, 2007	Map Amendment Lots 4-6, Section 30, Township 4, Range 5, Coast District, Plan PRP42839 3220 Third Avenue R-3 Medium Density Residential Zone to P-2 Public Use Two Zone	Sparrows Christian Housing

1549	July 24, 2007	Map Amendment Lot A, District Lot 865, Range 5 Coast District Plan PRP14505 4572 Highway 16 C-3 Service Commercial Zone To R-6 Rural Residential Zone	Andrew Watson
1552	Sept. 11 th , 2007	Text Amendment Section 6.2.2 Table 6.2 No. of Principle buildings from 1 to 2	Andy Howard
1561	October 9, 2007	Map Amendment LT C BL 180 SEC 30 PLAN 1054 3626 15TH AVE P-2 Public Use to R-2 Low Density Residential	Marwan Abu Khadra
1556	October 23 rd , 2007	Map Amendment LT B SEC 18 PL BCP11450 Property at the end of Freeland Avenue From M-3 Heavy Industrial To R-7 Rural Residential Hobby Farm	Doug MacKenzie
1559	October 23 rd , 2007	Map Amendment LT A SEC 2 TP 1A R5 BCP03575 7670 Highway 16 From C4-A Highway Tourist Commercial TO R-6 Rural Residential	L&M Engineering
1564	November 12 th , 2007	Map Amendment Lots 1-6 Plan PRP42572 Lots 1-3 Plan PRP42839 3274, 3270, 3268, 3264, 3258, 3252, 3248, 3240, 3232 Third Avenue From R-2A Duplex Only To R-2 Low Density Residential Text Amendment Remove the R-2A from the Zoning Bylaw	Town of Smithers
1590	Nov 25, 2008	Map & Text Amendment Part of Lot 1 Plan BCP29416 Section 19, Township 4 Range 5 CD Tatlow Road From M-3 to M-2	Steve Howard
1595	March 10 th , 2009	Text Amendment Change the definition of "Hotel" to mean a building which contains sleeping units. Include in the C-4 Zone as an auxiliary use "where Contained in a hotel: assembly, confectionary, Hair stylist, barbershop, shoeshine, entertainment, Retail sales, indoor recreation or restaurant uses And premises licensed for consumption and retail sales Of alcoholic beverages.	Charmaine Robinson
1603	June 23 rd , 2009	Map & Text Amendment LT 1&2, BL54 R5 CD Plan 1054 DL 5289 1117 King Street Rezone from C-1A Downtown Commercial to C-1B Downtown Mixed Commercial	Smithers Community Services Association

1606	June 23 rd , 2009	Map Amendment LT 7 SEC 30 TS4 R5 CD Plan 5294 Rezone from M-2 Medium Industrial to R-2 Low Density Residential	Jetski Vanderdeen
1607	July 28 th , 2009	Text Amendment Add definition for “shipping containers” in Section 1.2 Amend Section 4.5, 6.1, 6.2, 6.3, and 6.4 with reference to shipping containers	Town of Smithers
1616	February 23 rd , 2010	Map Amendment 3867 Highway 16 (Parcel A District Lot 865 Range 5 Coast District Plan EPP85 and Lots 37 to 44 Block 107 District Lot 865 Range 5 Coast District Plan 1054) From C-3 Service Commercial to C-1A Downtown Commercial	Kim Tran
1618	February 23 rd , 2010	Map Amendment 3848 Seventh Avenue Lots 8 to 11 Block 143 District Lot 865 Range 5 Coast District Plan 1054 Rezone from Public Amenity to Low Density Residential	Steve Howard
1646	January 25 th , 2011	Map Amendment W ½ of the SW ¼ of the NE ¼ of Section 19, Township 4, Range 5 Coast District Except the Most Southerly 4 Chains Thereof Rezone from Agricultural to Medium Industrial	McElhanney
1652	March 8 th , 2011	Text Amendment Under Section 7.3.2 (Public Use Zone Two) Table 7.3 listing the parcel area at 16 hectares minimum is changed to a parcel area of 1,120 square metres minimum.	Town of Smithers
1656	April 26 th , 2011	Map Amendment Lots 6 and 31, Block 140, Plan 1054 (LB Warner) Rezone from Public Use Two (P-2) to Single Family Residential (R-1)	Town of Smithers
1664	September 13 th , 2011	Map Amendment Lot 1, Section 30, Township 4, Range 5, Coast District Plan 5671 (portion of 2123 Riverside Drive) Rezone from R-4 to P-2	Saddle Creek Ventures
1666	October 11 th , 2011	Text Amendment Replace Section 2.9 with Schedule “A” to Bylaw 1666 Amend Section 2.10 to exempt C-1, C-1A and C-1B zones from having to provide a loading space.	Town of Smithers
1674	October 11 th , 2011	Text Amendment Amend Section 4.1 Single Family Residential Zone (R-1) to add “secondary suite” as a permitted auxiliary use. Amend Section 2.2 to remove the requirement of the homeowner To be the resident of either the secondary suite or the single family home	Town of Smithers
1678	February 14 th , 2012	Text Amendment Add “food exchange” as a permitted principal use in The M-1 Light Industrial zone. Add the following definition to Section 1.2: “food exchange” means the receiving, storage, processing and redistribution of food for non-profit and charitable purposes.	Town of Smithers

Add the following for a permitted Auxiliary Use in the M-1 Light Industrial zone: retail sales of food exchange goods to a maximum of 10% of total gross floor area of the building or 92.9 m² (1,000 ft²), whichever is less.

1677	February 28 th , 2012	Map Amendment Rezone 3652 and 3664 Third Avenue, legally described as Lots 13-17, Block 31, District Lot 5289, Range 5, Coast District Plan 1054 from R-2 to R-3.	Mr. Brent Weme
1683	April 24 th , 2012	Map Amendment Rezone Lots 27-29, BL 107, DL 865 and 5289, R5, Coast District Plan 1054 (Old Mohawk Site) From Service Station Commercial (C-5) to Town Centre Commercial (C-1).	Town of Smithers
1682	May 8 th , 2012	Map Amendment Rezone Lot 72, DL 865, Range 5, CD Plan 5258 (4035 Walnut Dr.) from Public Use Two (P-2) to Medium Density Residential (R-3). Text Amendment Add "assisted living" as a permitted auxiliary use In the R-3 zone.	Aurora Resorts Ltd. Celestial Homes
1684	May 8 th , 2012	Map Amendment Rezone 53.5 hectares of land at the Smithers Airport From Agricultural (A-1) to Airport (AP-1), Airport Industrial (AP-2) and Public Amenity (P-1). Text Amendment Add the following new zones to the Zoning Bylaw: Airport (AP-1) and Airport Industrial (AP-2).	Town of Smithers
1685	May 8 th , 2012	Text Amendment Add "parks and Trails" as a permitted principal Use in the Agricultural (A-1) zone.	Town of Smithers
1688	June 12 th , 2012	Map Amendment Rezone Lot 5, District Lot 865, Range 5, Coast District Plan 4075 (4414 Highway 16) from Public Use Three (P-3) to Service Commercial (C-3)	Jehovah's Witness
1690	June 12 th , 2012	Map Amendment Rezone Lots 1-8, 41-48, Block 36, Plan 1054 From Agricultural (A-1) to Medium Density Residential (R-3)	Grendel Group
1692	June 12 th , 2012	Map Amendment Rezone Lots 1-4, Block 144, Plan 1054, DL 865, Range 5, Coast Range 5 Land District and Lots 27-36, Block 145, Plan 1054, DL 865, Range 5 Coast Range 5 Land District from Single Family Residential (R-1) to Public Amenity (P-1)	Town of Smithers

1694	June 12 th , 2012	Map Amendment Rezone Parcel B, Section 30, Township 4, R5, CD Plan 1104 Except Plan 5958, 6154, 6197 7046, 9678, 10229, and PRP14843 and Sub Lot 1 of Block A, Section 30, Township 4, R5, CD Plan 1104 from Agricultural (A-1) to Single Family Residential (R-1), Low Density Residential (R-2) and Public Amenity (P-1)	Ambleside Projects
		Text Amendment Replace the map in Figure 4.1 with the map shown on Schedule "B".	
1702	Nov. 13 th , 2012	Text Amendment Create a definition of "microbrewery" and add as a permitted principal use in the C-1, C-1A, C-3, C-4 zones.	Town of Smithers
1711	Feb 12 th , 2013	Map Amendment Rezone 3787 - 16 th Ave, Legally Described as Lot 19-22, Blk. 171, Plan 1054, Sec. 30, TWSP 4, Range 5, Coast District 5 Land District, from R-2 Low Density Residential to P-2 Public Use Two.	Smithers Area & Recycling Society
1719	June 25 th , 2013	Map Amendment Rezone 4035 - Walnut Dr, Legally Described as Lot 72, DL865, Plan 5258, Land District 14, from R-3 Medium Density Residential to P-2 Public Use Two	Smithers Christian Reformed Church
1724	July 9 th , 2013	Map & Text Amendment Rezone Smithers Airport zones (AP1 & AP2), Legally Described NE 1/4, Sec 11, Township 1A, Range 5, Coast District on Plan 1953 Except Plan PRP 14064	Town of Smithers
1729	Sept 10 th , 2013	Map Amendment Rezone from Public Amenity zone (P-1) to new Central Park Zone (P-4) Lot 27-36, Block 145, Plan 1054, District Lot 865, Range 5, Coast Range 5, Land District, Except Plan PRP46891, PRP46892 Lot 1-12, Block 144, Plan 1054, District Lot 865, Range 5, Coast Range 5 Land District Lot A, Plan 12707, District Lot 865, Range 5, Coast Range 5 Land District, Except Plan PRP47494 (Part One) Folio 478-1223.900 Lot A, Plan 12707, District Lot 865, Range 5, Coast Range 5 Land District, Except Plan PRP47494 (Part Two) Folio 478-1223.915 Text Amendment Created a new Central Park zone (P-4) and amended the principal and auxiliary uses in the Public Amenity zone (P-1)	Town of Smithers

1735	Dec. 10, 2013	Map Amendment Rezone from R-2 to a new R-2A for Lots 34-37, Block 94, Plan 1054, DL 865, R5, CR5 Text Amendment Create new R-2A Zone and associated parking requirements.	SCSA
1738	Dec. 10, 2013	Map Amendment Rezone from C-4 Tourist Commercial to R-3 Medium Density Residential for Lots 39 & 40, DL 5289, R5, CD Plan 5980.	NCG Mgmt.
1731	Jan. 28, 2014	Map Amendment Rezone from M-3 Heavy Industrial to R-7 Rural Residential Hobby Farm the unaddressed property, legally described as (Proposed Lot A) Part Remainder Lot B, Section 18, Plan Number BCP 11450, Land District 14, Township 4, Except Part Subdivided by Plan EPP548	D. MacKenzie
1741	March 11, 2014	Text Amendment Create a definition for "carriage house" and general regulations contained in Section 2.2 as per Schedule "A" of the Bylaw No. 1741.	Town of Smithers
1749	June 24 th , 2014	Text Amendment Require 1 parking space for every 100m ² of GLA for retail uses in the C-1 zone between Hwy 16 and Railway Ave.	Town of Smithers
1754	Nov. 10 th , 2014	Map Amendment Rezone Lot 15-22, Block 125, District Lot 865, Range 5, Coast District, Plan 1054 (1471 Columbia Dr.) from P-3 to P-2. Text Amendment Add "child development centre" as a permitted principal use in the P-2 Zone. Section 1.2 amend by adding the following definition: <i>"child development centre" means a not-for-profit organization that provides government funded pediatric early intervention and family centered programs such as infant development, physiotherapy, speech and language therapy, occupational therapy, family support, early childhood education as well as other specialized services.</i>	BV CDC

1761	Nov. 10 th , 2014	Text Amendment Amend the C-3 Zone by adding the following permitted Auxiliary Use: <i>(x) shipping container for storage purposes provided that the container is:</i> <i>(i) Located in the rear or side yard;</i> <i>(ii) Screened from fronting street views, abutting residential properties and public pathways with opaque fencing;</i> <i>(iii) A maximum height of 3 metres;</i> <i>(iv) Placed on level ground.</i>	Town of Smithers
1765	Dec. 9 th , 2014	Text Amendment Create a new M-1A Mixed Light Industrial/Residential Zone Parking standards for M-1A same as M-1. Map Amendment Rezone 1012 Columbia Street from M-1 to M-1A.	Mark Weme
1767	March 24 th , 2015	Text Amendment Amend P-2 Zone by deleting the following permitted uses: (f) Municipally owned building, government Office (g) medical centre, voluntary social service organization.	Town of Smithers
1776	August 11 th , 2015	Text Amendment Replacing the Height Definition	Town of Smithers
1781	December 8 th , 2015	Backyard Hen Keeping Adding a Definition for Backyard Hen Keeping and adding Backyard Hen Keeping as an auxiliary use to section 3.1.1 - A-1 Zone 4.1.1 - R-1 Zone, section 4.2.1 - R-2 Zone, and section 4.6.1 - R-6 Zone and to Section 7.1.1 – P-1 Zone auxiliary to a community garden.	Town of Smithers

TOWN OF SMITHERS
ZONING BYLAW NO. 1403

A bylaw to establish zones and regulate the use of land, buildings
and structures within the zones.

WHEREAS Council has given due regard to:

- (a) the promotion of health, safety, convenience and welfare of the public;
- (b) prevention of the overcrowding of land and preservation of the amenities peculiar to any zone;
- (c) the securing of adequate light, air and access;
- (d) the value of the land and the nature of its present and prospective use and occupancy;
- (e) the character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses;
- (f) the conservation of property values;
- (g) the development of areas to promote greater efficiency and quality;
- (h) the impact of development on present and future public costs;
- (i) the betterment of the environment;
- (j) the fulfillment of community goals, and
- (k) the provision of necessary public space.

NOW THEREFORE the Council of the Corporation of the Town of Smithers in open meeting assembled hereby enacts as follows:

Table of Contents

Section 1.1	Short Titles.....	1
Section 1.2	Definitions	2
Section 1.3	Establishment of Zones.....	10
Section 1.4	Definition of Zones	11
Section 1.5	Basic Provisions.....	12
Section 1.6	Auxiliary Use, Buildings & Structures	13
Section 2.1	Home Occupations.....	14
Section 2.2	Secondary Suites & Carriage Houses (<i>Bylaw 1741</i>).....	15
Section 2.3	Protection of Natural Watercourses and Lakes	16
Section 2.4	Siting.....	17
Section 2.5	Height Restrictions	18
Section 2.6	Visibility at Intersections	19
Section 2.7	Swimming and Wading Pools.....	20
Section 2.8	Utility Uses	21
Section 2.9	Parking	22
Section 2.10	Loading Requirements.....	29
Section 2.11	Future Subdivision	30
Section 2.12	Vehicles in Residential Areas	31
Section 2.13	No Drainage to the Public Right-of-Way	31
Section 3.1	A-1 Agricultural Zone	32
Section 4.1	R-1 Single Family Residential Zone	34
Section 4.2	R-2 Low Density Residential Zone	35
Section 4.3	R-2A Low Density Multi Family Residential Zone (<i>Bylaw 1735</i>).....	38
Section 4.4	R-3 Medium Density Residential Zone	41
Section 4.5	R-4 Mobile Home Park Residential Zone	43
Section 4.6	R-5 Mobile Home Subdivision Residential Zone.....	45
Section 4.7	R-6 Rural Residential Zone	47
Section 4.8	R-7 Rural Residential Hobby Farm Zone (<i>Bylaw 1475</i>).....	35
Section 5.1	C-1 Town Centre Commercial Zone	48
Section 5.2A	C-1A Downtown Commercial Zone	50
Section 5.2B	C-1B Downtown Mixed Commercial Zone.....	504
Section 5.3	C-2 Neighbourhood Commercial Zone	57
Section 5.4	C-3 Service Commercial Zone	58
Section 5.5	C-4 Tourist Commercial Zone	61
Section 5.5A	C-4A Tourist Commercial Zone	63
Section 5.5B	C-4B Tourist Commercial/Retail Zone (<i>Bylaw 1538</i>)	64
Section 5.6	C-5 Service Station Commercial	60
Section 5.7	C-6 Office Commercial.....	62
Section 5.8	C-7 Large Scale Retail Commercial	64
Section 6.1	M-1 Light Industrial Zone.....	66
Section 6.1A	M-1A Mixed Light Industrial/Residential Zone	69
Section 6.2	M-2 Medium Industrial Zone.....	71
Section 6.3	M-2A Medium Industrial Zone (Heliport).....	74
Section 6.4	M-3 Heavy Industrial Zone	77
Section 7.1	P-1 Public Amenity Zone (<i>Bylaw 1479</i>)	79
Section 7.2	P-1A Public Utility Zone.....	81
Section 7.3	P-2 Public Use Two Zone (<i>Bylaw 1479</i>).....	82
Section 7.4	P-3 Public Use Three Zone	84
Section 7.5	P-4 Central Park Zone (<i>Bylaw 1729</i>).....	86
Division 8	Airport Zones AP-1 AP-2	88
Section 9.1	Administration	91

Table of Contents

Section 9.2	Offence	91
Section 9.3	Administrative Provisions	91
Schedule A	Zoning Map	

Division 1 – Definitions and Zones

Section 1.1 Short Titles

This bylaw may be cited for all purposes as “Zoning Bylaw No. 1403”.

Section 1.2 Definitions

In this bylaw:

“agriculture” means growing, rearing, producing or harvesting agricultural crops, fur-bearing animals, poultry, or other livestock and includes processing on one parcel the primary agricultural products harvested, reared, or produced on that parcel and the storage of farm machinery, implements and agricultural supplies and repairs to farm machinery and implements on that parcel but excludes boarding and breeding kennels, packing and processing plants, feed lots, commercial mushroom growing and the raising of pigs;

“aisle, manoeuvring” means that portion of a driveway reserved exclusively for the purpose of permitting a vehicle to drive into or out of a parking space;

“aisle space” means the area of a site which provides space for motor vehicle access and does not include space for motor vehicle parking;

“alteration” means a structural change to a building including:

- (a) an addition to gross floor area or building height;
- (b) the removal of a portion of the building;
- (c) construction of, cutting into, or removal of any wall, partition, column, beam, joist or floor;
- (d) any change to or closing of any required means of access; and
- (e) any change to the fixtures, equipment, cladding or trim;

“assembly use” means the use of a building or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, and recreational or like purposes;

“assisted living” means housing and care for seniors and people with disabilities who can direct their own care and do not require 24-hour professional nursing care of a residential care facility. Residences combine hospitality services, such as housekeeping and laundry, with personal assistance, such as help with eating, mobility and monitoring medications. (Bylaw 1513)

“auction use” means a use of land or buildings where a business accepts goods for sale, places them on public display for inspection and sells them at a public bidding session;

“auxiliary” means ancillary or subordinate to principal;

“average parcel width” means the calculation derived by dividing the area of an irregular-shaped parcel by the distance between the front and rear parcel lines measured perpendicular to the run of the abutting street at the midpoint of the front parcel line;

“aviation related use” means any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include but are not limited to runways, taxiways, and

their associated protected areas together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.

“backyard hen keeping” (Bylaw No. 1781) means the keeping of hens, as they are defined in the Animal Control Bylaw, and as permitted in this bylaw, except in the case of an Agricultural, Commercial, or Industrial use, and as regulated by the Town of Smithers Animal Control & Licensing Bylaw No. 1780, 2015.

“boarding use” means a use auxiliary to a single family dwelling containing up to 2 sleeping units for the accommodation of boarders with or without meals;

“boarding house” means a building, other than a hotel, in which more than 2 sleeping units, but no more than 5, are provided, with or without meals, and with no provision in the sleeping units for cooking facilities;

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“camp services and expediting operations” means the use of land, buildings, or structures for the purpose of preparing camps and equipment that service resource extraction or construction projects in remote locations. Uses include but not limited logistical offices, storage facilities, and food preparation facility.

“carriage house” means a self-contained dwelling unit that is constructed as a separate accessory dwelling to a single family dwelling. *(Bylaw 1741)*

“child development centre” means a not-for-profit organization that provides government funded pediatric early intervention and family centered programs such as infant development, physiotherapy, speech and language therapy, occupational therapy, family support, early childhood education as well as other specialized services. *(Bylaw 1754)*

“church” means a building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship;

“community sewer system” means a system of sewage collection and disposal serving two or more parcels, which is owned, operated and maintained by the Town of Smithers;

“community water system” means a system of waterworks serving two or more parcels, which is owned, operated and maintained by the Town of Smithers;

“confectionery” means the sale of tobacco, photographic film, snack items, personal hygiene items, newspapers, magazines, books, souvenirs, postcards, writing paper, envelopes, postage and/or soft drinks;

“convenience store” means a retail business which sells or offers for sale foodstuffs, household items, newspapers, periodicals, handicrafts and sundries, and may include seating capacity for a maximum of eight persons for on-site food consumption in a total sales and display area open to the public of less than two hundred and fifty (250) square metres;

“day care centre” means a facility for group day care as defined in the Provincial Child Care Facilities Regulations issued pursuant to the Community Care Facility Act;

“density” means a measurement of development intensity on a parcel which shall be stated as dwelling units per parcel area;

“dwelling” means one or more connecting rooms with self-contained cooking, sleeping and sanitary facilities having an entrance to a common corridor or to the exterior, used, intended, or designed to be used as living accommodation for a single family;

“dwelling, duplex” means a building containing 2 dwellings sited on a single parcel, with each dwelling unit completely self contained;

“dwelling, low-rise apartment” means a building containing three or more dwellings on a single parcel, where each dwelling has its principal access from an entrance or hallway common to at least two other dwellings on the same storey;

“dwelling, semi-detached” means a building containing 2 dwellings, each dwelling on its own parcel, joined to each other on one side by a party wall;

“dwelling, single family” means a building containing only one dwelling occupied by one family;

“dwelling, townhouse” means a building containing three or more dwellings on a single parcel where each dwelling has direct ground access and individual entrances;

“exterior side parcel line” means a side parcel boundary, other than a front parcel line, located between a parcel and a highway; except that where the highway is not intended for the use of motorized vehicles the exterior side parcel line shall be considered to be an interior side parcel line for the purpose of building setbacks. (*Bylaw 1498*)

“family” means

- (a) 2 or more persons related by blood, marriage, adoption or foster parenthood sharing 1 dwelling unit; or
- (b) not more than 5 unrelated persons sharing one dwelling;

“family day care” means a child care use as defined under Part 7 of the Child Care Licensing Regulation and licensed under the Community Care and Assisted Living Act”. (*Bylaw 1534*)

“farmers' market” means the seasonal sales of products from the land and crafts constructed locally.” (*Bylaw 1729*)

“fence” includes but is not limited to arbor, archway, gate, pergola, trellis, wall;

“floor area” means the greatest horizontal area of building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls;

“food exchange” means the receiving, storage, processing and redistribution of food for non-profit and charitable purposes; (*Bylaw 1678*)

“front parcel line” means a parcel boundary common to a parcel and a highway other than a lane provided that where a parcel is contiguous to the intersection of 2 highways the front

parcel line is the shortest parcel boundary contiguous to a highway other than a lane or where it is not possible to determine the shortest parcel boundary, the entire parcel boundary contiguous to both highways shall be the front parcel line;

“front yard” means the distance required in respect of a parcel in a particular zone between a front parcel line and the portion of the building nearest the front parcel line;

“fuel sales - wood” means the secondary processing of raw logs into firewood or the storing of raw logs for future delivery for processing into firewood;

“garage” means a building or portion of a building used or intended to be used for vehicular parking;

“grade” means the lowest of the average levels of finished ground adjoining each exterior wall of a building;

“gross floor area” means the total floor area of all buildings on a parcel measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding auxiliary parking, unenclosed swimming pools, balconies or sun decks, elevators or ventilating machinery and building features referred to in Section 2.4.3 of this bylaw;

“hand crafted small goods” means the making by hand or by hand and small machine of arts and crafts wares and includes but is not limited to pottery, ceramics, lapidary products, jewelry, plaques, paintings, souvenirs, wood and stone carvings, leather goods, metal and plastic arts, glass crafts, toys, weaving and cloth arts;

“Height” (Bylaw 1776) means, with respect to a **building**, the maximum vertical distance between natural **grade** or approved **grade** and the highest point of the **structure** of a non-sloping roof, or the mid-point between the intersection point of the **building** wall and roof **structure** and ridge of a sloping roof excluding dormers.

“heliport” means a facility specifically designed, and used solely for, the landing and take-off of rotary-wing aircraft, as approved by the Canadian Ministry of Transport, and any associated aircraft storage or repair facilities;

“highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

“home occupation” means a commercial undertaking carried on as an auxiliary use in a dwelling or, subject to Section 2.1 of this bylaw, contained within the parcel on which the dwelling is located and does not include a commercial stable, kennel, restaurant, service or repair of small engines, automotive, farm equipment, heavy equipment or marine equipment, convenience store, sales except as allowed pursuant to Section 2.1 of this bylaw, welding, or the parking of industrial or construction equipment or materials, other than vehicles duly licensed to operate on public highways;

“hotel” means a building which contains sleeping units. *(Bylaw 1595)*

“industrial, primary” means a use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, repair, storing, transporting, warehousing, or

distributing of goods or materials or things with or without an ancillary office to administer the industrial use on the lot, and includes wholesaling provided that the merchandise being sold is distributed from the lot, but excludes the processing of fish, live animals, live poultry or other fowl.

"industrial mall" means a building or group of buildings held in freehold or strata ownership which is divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may be provided. The side setback requirements for Industrial Mall may be reduced to zero if party wall agreements are established.

"industrial use" means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods, materials or things and includes only the sale of goods either manufactured, assembled, disassembled or repaired on the same site;

"institutional use" includes an arena, armoury, art gallery, college, court of law, community centre, federal office, fire hall, jail, library, municipal office, museum, park, playground, police station, provincial office, hospital, school, stadium or swimming pool and excludes a public storage yard or works yard;

"interior side parcel line" means a parcel boundary between two parcels other than a front, rear or exterior side parcel line;

"keylock" means a private facility, not available to the general public, for the dispensing of motor vehicle fuel for motor vehicles as defined in the *Motor Vehicle Act*;

"lane" means a highway which provides a second access to a parcel, is less than 11 metres wide;

"laundromat" means a coin operated laundry for personal non-commercial use.

"limited group day care" means a facility for group day care as defined in the Provincial Child Care Facilities Regulations issued pursuant to the Community Care Facility Act, and limited to providing care for no more than 8 children;

"low-rise apartment" means a building consisting of at least 2 floors, but not more than 3 floors, and containing 3 or more dwelling units accessible from a common entrance.

"manufacturing plant" means a building designed and equipped for the making, producing, processing, fabricating, assembling, or repairing of goods, materials, products, substances, or things;

"microbrewery" means a small scale brewery that produces less than 15,000 hectolitres of beer annually and includes accessory uses of wholesaling, tours, tastings, retail sales and consumption of beer produced on-site; (*Bylaw 1702*)

"mini storage" means the use of land, buildings, or structures for the purpose of storing personal property for compensation, and includes the storage of recreational vehicles.

"mobile home" means any structure containing one dwelling whether ordinarily equipped with wheels or not that is designed, constructed or manufactured to be moved from one place to

another by being towed or carried but does not include travel trailers, campers or other vehicles exempt from the provisions of the *Mobile Home Act*;

“mobile home park” means (a) use of land for 2 or more mobile homes on a parcel and (b) includes mobile home strata subdivisions established pursuant to the *Strata Property Act*;

“natural boundary” means the visible high water mark at the time of measurement 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 on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

“office use” means a use of the carrying on of a business, the conduct of public administration, the practice of a profession and the administration of an industry and including financial institutions and real estate offices, but excluding the sale, rental, servicing and repair of goods and the manufacture or processing of a product;

“parcel” means any parcel, block or other area in which land is held or into which it is subdivided, but does not include a highway;

“parcel area” means the area of land within the boundary of a parcel;

“parcel coverage” means the building area measured from the outermost walls of all buildings on a parcel expressed as a percentage of the area of the parcel;

“parcel width, average” means the calculation of a parcel area divided by the distance between the front and rear parcel lines measured perpendicular to the run of the abutting street at the midpoint of the front parcel line;

“parking space, off-street” means an area identified for the parking of 1 motor vehicle, but excludes aisle space, driveway, ramp and loading space;

“park, public” means a use of public open space or an area for outdoor recreation or play;

“real property” means land, with or without improvements so affixed to the land as to make them in fact and law a part of it;

“rear parcel line” means the boundary of the parcel which lies the most opposite to and is not connected to the front parcel line, or in the case of triangular shaped properties, where the rear portion of the parcel is bounded by intersecting side parcel lines, the rear parcel line shall be the point of such intersection;

“rear yard” means the distance required in respect of each parcel in a particular zone between a rear parcel line and the portion of a building, being a principal or auxiliary building as the context requires, nearest the rear parcel line;

“rescue mission” means a building (or portion thereof) that is used or intended to be used to provide to homeless individuals temporary accommodations, shelter, meals, devotional activities or any combination thereof. Ancillary commercial retail uses may also be permitted provided they are run by a non-profit agency. For the purposes of this section, a ‘homeless individual’ includes an individual who lacks a fixed, regular and adequate night time residence;

“residential townhouse” means a building containing 3 or more dwelling units each of which have a principal entrance providing direct outdoor access at or from ground level;

“residential use” means the use of land and buildings for the accommodation of a person or persons and activities customarily associated with home life;

“retail sales” means the sale of goods to the ultimate consumer and includes the servicing of such goods and includes but is not limited to the sale of food, clothing, dry goods, hardware, furniture, appliances, drugs, plants, stationery and jewellery but excludes the sale of livestock, heavy duty equipment, farm machinery, airplanes, automobiles, snowmobiles, motorcycles, lumber and gasoline;

“school, commercial” means an educational facility operated for profit, and includes instruction in the arts, sports, business skills, self-improvement, academics, mechanical or technical trade;

“secondary suite” means an additional dwelling unit located in a single family dwelling building and which meets the criteria listed in the British Columbia Building Code for secondary suites;

“service station” means premises used principally for the sale of fuels, lubricating oils, motor vehicle accessories and/or the servicing of motor vehicles, and the washing of motor vehicles, but excludes retail sales, any wholesale sales, or motor vehicle structural or body repairs or painting;

“shipping container” means a rectangular metal container customarily used for the transport of freight or for storage, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles intended for neighbourhood collection. They are considered structures, but shall comply with the same siting and setback requirements as auxiliary buildings. (*Bylaw 1607*)

“side yard” means the distance required in respect of each parcel in a particular zone between parcel line and the portion of the building nearest the side parcel line;

“sidewalk” means a portion of a street established for pedestrians;

“sleeping unit” means a room or set of rooms used or intended to be used by a boarder or boarders and fully contained within a dwelling, or a room or set of rooms used or intended to be used by guests in a hotel with no provision of cooking facilities in the sleeping units;

“storey” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;

“street” means a highway providing primary access to a parcel which is 11 metres or greater in width;

“structure” means any construction fixed to, supported by or sunk into land or water;

“Town” means The Corporation of the Town of Smithers or the geographical area within the municipal boundaries thereof as the context may require;

“trade shop” means a building designed and equipped for carrying on the trades of metal working, woodworking, welding, plumbing, machine work, electrical work and glasswork and includes contracting in these trades;

“utility” means broadcast transmission, electrical, natural gas, telephone, sewer, water, transportation services established by a government or a company and does not include oil or gas storage tanks or a public storage and works yard;

“warehouse use” means a building for the receiving and storage of goods or personal property for compensation and includes the storage of goods by a distributor or supplier who markets goods for retail at other locations but excludes retail sales from the site;

“watercourse” means a depression with a bed of 0.6 metres or more below the natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least 6 months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more;

“wholesale use” means sale of articles only to retailers, other wholesalers, contractors or manufacturers for resale or use in their business;

“youth centre” means an assembly building used as a meeting place for non-profit, social service organizations whose activities are primarily youth oriented.

Section 1.3 Establishment of Zones

The area of the **Town** is divided into the zones identified in Column I and each zone is briefly described in Column II.

COLUMN I	COLUMN II
	<u>Agricultural Zones</u>
A-1	Agricultural
	<u>Residential Zones</u>
R-1	Single Family Residential
R-2	Low Density Residential
R-2A	Low Density Multi Family
R-3	Medium Density Residential
R-4	Mobile Home Park Residential
R-5	Mobile Home Subdivision Residential
R-6	Rural Residential
R-7	Rural Residential Hobby Farm
	<u>Commercial Zones</u>
C-1	Town Centre Commercial
C-1A	Downtown Commercial
C-1B	Downtown Mixed Commercial
C-2	Neighbourhood Commercial
C-3	Service Commercial
C-4	Tourist Commercial
C-4A	Tourist Commercial
C-4B	Tourist Commercial/Retail
C-5	Service Station Commercial
C-6	Office Commercial
C-7	Large Scale Retail Commercial
	<u>Industrial Zones</u>
M-1	Light Industrial
M-1A	Mixed Light Industrial/Residential
M-2	Medium Industrial
M-2A	Medium Industrial (Heliport)
M-3	Heavy Industrial
	<u>Public and Institutional Zones</u>
P-1	Public Amenity
P-1A	Public Utility
P-2	Public Use Two
P-3	Public Use Three
P-4	Public Use Four

Section 1.4 Definition of Zones

- 1.4.1 The area of each zone is defined by Schedule A.
- 1.4.2 Where a zone boundary is shown on Schedule A as following a road allowance, railway or a **watercourse**, the centre line of the road allowance, railway or water course shall be the zone boundary unless the zone boundary is otherwise referenced to **parcel** lines or **Town** boundaries.

Section 1.5 Basic Provisions

- 1.5.1 This bylaw applies to the entire area of the **Town** except where otherwise specifically stated.
- (a) Land shall not be used and **buildings** and **structures** shall not be constructed, altered, located or used except as specifically permitted by this bylaw.
 - (b) All uses, **buildings** and **structures** not specifically permitted are prohibited.
- 1.5.2 The correct name of each zone provided for in this bylaw is set out in Column I of Section 1.3 of this bylaw so inclusion of the names contained in Column II of Section 1.3 is for convenience only.
- 1.5.3 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

Section 1.6 Auxiliary Use, Buildings & Structures

- 1.6.1 No **auxiliary** use or **building** shall be permitted on any lot unless the principal use or principal **building** to which it is **auxiliary** has been established or erected or will simultaneously be established or erected.
- 1.6.2 An accessory **building** or **structure** shall not be used as a **dwelling** unit.

Section 2.1 Home Occupations

2.1.1 **Home occupations** where permitted in a zone shall be located:

- (a) on a **parcel** of land containing a **dwelling** and on no other **parcel** of land; and
- (b) wholly within the principal **building** containing the **dwelling** or within a permitted **auxiliary building**, provided that not more than 25% of the total **floor area** (including basements and/or cellars) of the **dwelling** unit is occupied by the **home occupation**.

2.1.2 On a **parcel** of land in a zone where **home occupations** are permitted, no person

- (a) shall store outside of a **building**:
 - (i) materials;
 - (ii) containers; or
 - (iii) finished products related to the **home occupation**; and
- (b) shall sell goods except those goods directly related to the class of the **home occupation**;
- (c) shall employ any non-resident employee in the **home occupation**;
- (d) shall erect or display, or allow the erection or display, of any advertisement or indication of a **Home Occupation** other than a sign in accordance with the Town's Sign Bylaw; *(Bylaw 1460)*
- (e) shall carry on, or permit to be carried on, any **home occupation** involving manufacture, welding or any other light **industrial use**; and
- (f) shall carry on, or permit to be carried on, any **home occupation** which produces noise, vibrations, smoke, dust, odour, litter or heat, other than that normally associated with a **dwelling**, nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the **street**.

2.1.3 **Home occupations** shall be permitted in non-conforming **residential uses** in the C-3, M-1, M-2 and M-3 zones.

2.1.4 A **single family dwelling** containing a **home occupation** shall not have a **secondary suite** or **boarding use**.

2.1.5 **Home occupation** shall meet all requirements of municipal bylaws and the BC Building Code. *(Bylaw 1407 & 1460)*

2.1.6 **Home occupation** Business Licenses will only be issued and approved by the Licensing Official when the requirements under this section are fulfilled by the applicant. *(Bylaw 1407 & 1460)*

Section 2.2 Secondary Suites & Carriage Houses *(Bylaw 1741)*

2.2.1 Secondary suites and carriage houses shall comply with the following regulations:

- (a) A maximum of either 1 **secondary suite** or 1 **carriage house** is permitted on a parcel, not both.
- (b) Where there is a **secondary suite or carriage house**, 1 additional parking space shall be provided on the **parcel**.
- (c) A **single family dwelling** with a **secondary suite or carriage house** shall not have a **home occupation** or **boarding use**.

2.2.4 Secondary suites shall comply with the following regulations:

- (a) The maximum size of a **secondary suite** shall be the lesser of 90 m² or 40% of the total gross floor area of the **single family dwelling**, as outlined in the BC Building Code.

2.2.5 Carriage Houses shall comply with the following regulations:

- (a) A **carriage house** is only permitted where there is an existing single family dwelling. A **carriage house** is not permitted where there is a duplex, semi-detached dwelling or existing auxiliary building.
- (b) A **carriage house** shall be located on the same parcel as the single family dwelling and shall not be subdivided or stratified.
- (c) A **carriage house** shall be located in the rear yard and setback a minimum of 4 m from the principal dwelling.
- (d) Height, parcel coverage and rear yard setback regulations for auxiliary buildings in the R-2 Zone shall apply to a **carriage house**.
- (e) Interior and exterior side yard setback regulations for principal buildings in the R-2 Zone shall apply to a **carriage house**.
- (f) Parking for a **carriage house** shall be located in the rear yard with access from the lane. A driveway access from the street to the rear yard shall be permitted where there is no lane or if the lane is not regularly maintained.
- (g) A **carriage house** must provide a minimum 1.2 metre illuminated pathway between the fronting street and the **carriage house**. Lighting must be directed as to not shine on adjacent parcels. A sensor activated light may be used.

Section 2.3 Protection of Natural Watercourses and Lakes

- 2.3 Notwithstanding any other provisions of this bylaw, no **building** or part of it shall be constructed, altered, located or used nor shall any person locate or use a **mobile home** within 15 metres of the **natural boundary** of a **watercourse**.

Section 2.4 Siting

- 2.4.1 Siting regulations under this bylaw apply to bare land strata lots.
- 2.4.2 The **interior side parcel line** requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the Condominium Act where there is a common wall on a **parcel** line shared by 2 or more **dwelling**s within a **building**.
- 2.4.3 Except as otherwise provided for in particular zones and except where this bylaw permits a **building** to be located so as to touch a side **parcel** line, where projecting:
- (a) chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows projecting more than 1 metre, or ornamental features project beyond the face of a **building**, the minimum distance to an abutting **parcel** line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metres; and
 - (b) steps, eaves, sunlight controls, canopies, balconies projecting more than 1 metre or open porches project beyond the face of a **building**, the minimum distance to an abutting front, rear and **exterior side parcel line** as permitted elsewhere in this bylaw, may be reduced by not more than 1.7 metres and the minimum distance to an abutting **interior side parcel line** as permitted elsewhere in this bylaw may be reduced by not more than 50% of the minimum distance.
- 2.4.4 No **front, rear** or **side yard** required by this bylaw shall provide any portion of **front, rear** or **side yard** for any other **building** or use.
- 2.4.5 No **front yard** required by this bylaw shall be used for an **auxiliary building** or **structure** other than a **fence**, swimming pool or tennis court.
- 2.4.6 A **garage** or a carport attached to a principal **building** is deemed to be a portion of the principal **building**.
- 2.4.7 Except as otherwise permitted under this bylaw, not more than 1 principal **building** shall be located on any 1 **parcel**.
- 2.4.8 An underground **structure** may be sited in any portion of a **parcel** provided that the top surface of such **structure** shall at no point extend above the average finished **grade**.
- 2.4.9 Freestanding lighting poles, warning devices, antennas, masts, utility poles, wires, flag poles, signs and sign **structures**, except as limited elsewhere in other bylaws, may be sited on any portion of a **parcel**.

Section 2.5 Height Restrictions

- 2.5.1 The maximum **heights** of **buildings** or **structures** established by this bylaw do not apply to the following: industrial cranes, grain elevators, tanks, **church** spires, radio and television antennas, belfries and domes, monuments, chimneys and smoke stacks, flag poles, stadium bleachers, lighting poles, elevator shafts, stair towers, aerials, lightning rods, transmission towers, cooling units and warning devices.

Section 2.6 Visibility at Intersections

2.6.1 There shall be no obstruction to the line of vision by landscaping, **buildings** or **structures** between the **height** of 1 metre and 3 metres above the established **grade** of **streets** within an area bounded by:

- (a) The intersection of the two lot lines (or their projections); and
- (b) A point along each line 3 metres from their junction drawn to a point 20 metres from their junction on the opposite **parcel** line.

Section 2.7 Swimming and Wading Pools

- 2.7.1 Every swimming or wading pool located on private **real property** shall conform to the siting provisions contained elsewhere in this bylaw.
- 2.7.2 Notwithstanding any other provisions of this bylaw, swimming or wading pools shall not be located within 3 metres of any **parcel** line.

Section 2.8 Utility Uses

2.8.1 A **utility** use is permitted in every zone, except Residential zones.

Section 2.9 Parking (*Bylaw 1666*)**2.9.1 Exemptions from Parking Requirements**

- (a) The regulations contained in Section 2.9 shall not apply to a building or structure existing at the date of adoption of this bylaw, so long as the building or structure continues to be put to a use that does not require more parking or loading spaces than were required for the use existing at the date of adoption of this bylaw.

2.9.2 Number of Required Parking Spaces

- (a) Except as otherwise specified in this bylaw, all required off-street parking shall be provided on the same parcel as the building to be served and the number of required off-street parking spaces shall be provided and maintained in accordance with the regulations contained in Table 2.9.

Table 2.9	
Use	Number of Parking Spaces Required
Residential Uses	
Single family dwelling	2 per dwelling unit
Duplex Dwelling	2 per dwelling unit
Semi-detached Dwelling	2 per dwelling unit
Townhouse	1.5 per dwelling unit
Low-Rise Apartment	1.5 per dwelling unit
Day care Centre	3 per centre
Boarding House	1 per sleeping unit
Auxiliary Boarding use	1 per sleeping unit
Secondary suite	1 per suite
Mobile Home	2 per mobile home
Mobile Home Park	1 per mobile home plus 1 additional space provided within the mobile home park
R-2A dwellings (<i>Bylaw 1735</i>)	1 bedroom unit = 1 parking space 2 bedroom unit = 1.26 parking spaces 3 bedroom unit or greater = 1.51 parking spaces

Table 2.9	
Use	Number of Parking Spaces Required
Commercial Uses	
Restaurants and premises licensed for consumption of alcohol In the C-1, C-1A and C-1B zone In the C-4 zone	1 for every 10 seats 1 for every 6 seats
Retail Uses In the C-1 zone, between Highway 16 and Railway Avenue (<i>Bylaw 1749</i>) In the remaining C-1, C-1A and C-1B zone	1 per 100 m ² of gross floor area 1 per 60 m ² of gross floor area
Hotels	1 per sleeping unit , when combined with a restaurant or premises licensed for consumption of alcoholic beverages, the parking requirements for the restaurant and licensed premises or both may be reduced by 1 space for every 10 sleeping units
Auxiliary Residential Uses in the C-1, C-1A and C-1B zone	1 per dwelling unit
Convenience store	1 per 34 m ² of gross floor area
Drive-in eating facilities, open air fruit and vegetable markets	1 per 55 m ² of total parcel area
Restaurants with drive-through services	1 per 6.5 m ² of gross floor area
Pool halls, bowling alleys, auditoriums, gymnasiums, theatres, dance and bingo halls	1 per 24 m ² of gross floor area
Auction Use	1 per 10 m ² of auction floor area
Commercial bathrooms and showers	1 per separate bathroom and shower
All other permitted uses in the C-1, C-1A, C-1B, C-3 and C-6 zone or parking required for similar types of uses	1 per 45 m ² of gross floor area
All uses in the C-7 zone	3 spaces per 93 m ²
Public Transportation Depots	See Section 5.4.6
Industrial Uses	
Uses in the M-1, M-1A, M-2, and M-3 zone, except auction use	1 per 90 m ² of gross floor area

Table 2.9	
Use	Number of Parking Spaces Required
Public Uses	
Assembly, cultural and recreational facilities	1 per 10 m ² of gross floor area
Golf course	100 per course
Campgrounds, recreational vehicle park	1 per camping space plus 2
Hospital, personal care centre, assisted living	1 per adult bed or dwelling
Intermediate/extended long-term care facility	1 per 2.25 beds
Elementary schools, junior high schools	1.5 per classroom
Senior secondary schools, colleges	6 per classroom
Rest homes, retirement homes, senior citizen's housing or receiving homes	1.5 per sleeping unit or dwelling
Botanical gardens	1 per 1000 m ² of parcel area
Public parks , open recreational areas, playgrounds	1 per 1000 m ² of parcel area (parcel areas less than 1 hectare are exempt)
Public playfields, such as a ball diamond, soccer field, football field	25 per playfield
Heritage Park (for facilities existing as of the date of this bylaw)	191
Other uses in the P-1, P-1A and P-2 zone	1 per 45 m ² of gross floor area
Cemeteries, greenbelts	Exempted
Swimming pool	1 per 20 m ² of gross floor area
Churches	1 per 3.75 m ² of sanctuary floor area , not including the pulpit podium and areas set aside for organs, pianos, choirs, music groups and sound system controls; plus 1 for each 20 m ² used for assembly purposes within the church building , not including the foyer, church library, kitchen, closets, storage areas, stair-case, washrooms and furnace or utility rooms.
Auxiliary Residential	1 per dwelling unit
More than one principal use in a P-1 or P-2 zone	Parking shall be provided for the principal use requiring the greatest number of parking spaces and parking requirements for other assembly, cultural and recreational facilities shall be at 30% with public parks and open recreational areas exempt.

2.9.3 Use of Parking Facilities

- (a) Each **off-street parking space** shall be used only for the purpose of accommodating the vehicles of clients, customers, employees, members, residents, or tenants who make use of the principal **building** for which the parking area is provided and, except in the case of **single family dwellings**, the parking area shall not be used for off-street loading, driveways, access or egress, commercial repair work, display or the sale or storage of goods of any kind.

2.9.4 Required Off-Street Parking Spaces

- (a) Where a **building** is used for more than one permitted use, the required number of off-street parking spaces shall be the sum of the requirements for each use.
- (b) The number and size of off-street parking spaces existing on the date of adoption of this bylaw shall not be reduced below the requirements of Section 2.9.
- (c) Where the calculation of the required off-street parking spaces results in a fraction, the required number of spaces shall be rounded to the nearest full number.
- (d) Where off-street parking is provided when not required, the facility shall comply with all the regulations of Section 2.9.
- (e) Where uses occur at distinctly different times, the combined total parking required may be reduced to 75% of the required total. A restrictive covenant would be required by the **Town** which limits concurrent parking to the uses at the time of approval.
- (f) Where a group of **structures** or uses is served by a commercial parking area, the requirements for such parking areas shall be the sum of the off-street parking requirements for each of the **structures** or uses served by the area.
- (g) The Building Inspector may refuse to issue the occupancy permit required under the current Building Bylaw if the required off-street parking is not developed.

2.9.5 Parking on Another Parcel

- (a) Parking on another parcel is permitted in the C-1, C-1A, C-1B, M-1 and M-1A zones provided that there is no room available to provide parking on-site and that:
 - (i) In the C-1, C-1A and C-1B zones the parcel is within 225 metres of the building it intends to serve, except for **residential uses**, which shall be within 23 metres.
 - (ii) In M-1 and M-1A zones the parcel is within 35 metres of the building it intends to serve, except for residential uses where parking must be provided on-site.
 - (iii) The owner grants a covenant pursuant to Section 219 of the *Land Title Act*, to the Town restricting the use of the parcel, in whole or in part, to off-street parking.
- (b) Covenanted parking may be released when parking is either developed on-site, transferred to another parcel or provided through cash-in-lieu payment.

2.9.6 Cash-in-Lieu

- (a) On a **parcel** in the C-1, C-1A and C-1B zones where there is no room available to provide parking on-site, the owner or occupier may remit a cash payment to the **Town** in the amount of \$9,500 per parking space in lieu of providing the required parking space(s), to a maximum of 15 parking spaces.

2.9.7 Parking Space Specifications

- (a) Each off-street parking space shall comply with the following minimum dimensions:

Type of Space	Width	Length	Clearance Height
Standard	2.7 m	5.4 m	2.1 m
Small Car	2.6 m	4.5 m	2.1 m
Parallel	3 m	6.7 m	2.1 m
Accessible	3.7 m	5.4 m	2.1 m

- (b) Wherever the **building** design or site configuration is such that shorter length parking stalls are created, no more than 20% of the required parking shall be small car parking spaces. Each small car parking space shall be clearly marked "Small Car Only".
- (c) A portion of the required parking spaces shall be accessible for persons with disabilities in accordance with the following:

Total Required Spaces	Required Accessible Parking
1-20	1
21-75	2
76-125	3
126-200	4
Over 200	4 spaces plus 1 for every 50 required spaces in excess of 200

2.9.8 Access

- (a) Access and egress from a parking area, to a **street** or **lane**, shall be not less than 6 metres in width. Access and/or egress locations to a **street** shall be not less than 7.6 metres from the corner **parcel** lines where such **parcel** lines abut a **street** intersection.
- (b) Access and egress to and from all parking spaces shall be by means of an unobstructed **manoeuvring aisle** in accordance with the following:

Parking Angle	Double Row of Parking	Single Row of Parking
45° to 60°	6 m	4.2 m for up to 45° 6 m for 45° to 60°
90°	6.6 m	6 m
180° (Parallel)	2.9 m	2.9 m

2.9.9 Layout

- (a) All off-street parking shall include the construction and development of the required parking spaces, **manoeuvring aisles**, and access and egress facilities.
- (b) Where more than three parking spaces are provided, whether covered or uncovered, they must be so designed that vehicles are not required to back onto a **street**.

2.9.10 Design & Maintenance Standards

- (a) In all commercial zones, M-1 and M-1A zones, all parking areas, including where any portion of the required spaces are provided on another parcel, the parking area shall:
 - (i) be surfaced with asphalt or concrete or brick pavers;
 - (ii) be **graded** and drained to prevent surface water from ponding or draining to adjacent **parcels** or rights-of-way, except that approved controlled detention storage shall be permitted to a depth not to exceed 75 millimetres at any point in the parking lot;
 - (iii) be connected to the municipal storm drainage system if adjacent to the subject site;
 - (iv) have each parking space location clearly marked by a painted line which, along with other markings, shall be adequately maintained at all times;
 - (v) provide adequate curbs to prevent vehicles from obstructing pedestrian walkways or causing damage to landscaping, **fences**, walls or **buildings**;
 - (vi) have a minimum maintained lighting of at least 0.5 foot candles for parking areas;
 - (vii) have all lighting used to illuminate the parking areas so arranged as to prevent direct rays of light from shining onto an adjacent **parcel** or **street**;
 - (viii) have at least one sign to direct motor vehicles to other parking areas separately located on the same **parcel**, or located in a parking area on another **parcel**.
- (b) All other required parking areas shall be designed and constructed as follows:
 - (i) All parking areas shall be provided with adequate curbs in order to retain all vehicles within such permitted parking area, and to ensure that required **fences**, walls, hedges, or landscaped areas, as well as any **building** shall be protected from parked vehicles. The minimum standard for curbs shall be that the leading face of the curb perpendicular to the parking surface shall be 200 millimetres.
 - (ii) All parking areas shall be so **graded** and drained as to properly dispose of all surface water and shall not drain on the surface to an adjacent sidewalk or public right-of-way including streets and lanes.
 - (iii) All parking surfaces shall have a gravel surface and base. The minimum standard shall be 150.2 millimetres of 19 millimetres minus crushed gravel compacted to a density of at least 95% standard proctor.

2.9.11 Landscaping of Parking Areas

- (a) In all commercial zones, M-1 and M-1A zones, all parking areas, including where any portion of the required spaces are provided on another parcel, the parking area shall be provided with perimeter plantings, except along a **lane**. Perimeter plantings shall:

- (i) form a continuous planting area along the **front** and **exterior parcel lines** except for walkways, driveways and along a **lane**;
 - (ii) have a minimum width of 1.5 metres;
 - (iii) contain a minimum one tree for every 12 metres or portion of exterior **parcel** line, except a **lane**;
 - (iv) have trees with a minimum size of 60 millimetres calliper at time of planting; and
 - (v) be placed between the exterior **parcel** line and any **fence** or wall constructed on the **parcel**.
- (b) At all Highway 16 intersections, a 6 meter by 6 meter sight triangle is to be maintained with vegetation not to exceed 0.6 meters high at maturity.
- (c) All landscape screen and plantings shall be designed with plans showing:
 - (i) the location of the plant material with respect to **parcel** lines, utilities, driveway locations, signs and **street** lights;
 - (ii) planting details including a plant list of proposed trees and shrubs showing quantity, botanical name, common name, size at time of planting and size and age at maturity.

Section 2.10 Loading Requirements

- 2.10.1 Properties in the C-1, C-1A and C-1B zones are exempt from having to provide off-street loading space. *(Bylaw 1666)*
- 2.10.2 Off-street loading space required by this bylaw shall not be considered as **off-street parking space** that has been required by this bylaw, and **off-street parking space** required by this bylaw shall not be used for off-street loading space required by this bylaw.
- 2.10.3 Where, under this bylaw an off-street loading space is required every owner of **real property** on which a **structure** is located shall provide and maintain off-street loading spaces which shall conform to the following minimum standards:
- (a) each off-street loading space shall be not less than 9 metres in length, 3 metres in width and 4.2 metres in **height**;
 - (b) notwithstanding Section 2.10.3 (a) of this bylaw, where the site is less than 9 metres in width, the length of an off-street loading space may be reduced to a minimum of 7 metres;
 - (c) each off-street loading space shall have vehicular access to a public thoroughfare and be wholly located on the same **parcel** as the **building** required to be served;
 - (d) one off-street loading space shall be provided for the first 1,400 square metres of **gross floor area** of a **building** and 1 additional off-street loading space for every additional 1,400 square metres of **gross floor area** of **building** or fraction thereof excluding **hotels** which shall have only 1 off-street loading space.

Section 2.11 Future Subdivision

2.11.1 No person shall erect, alter or locate any **building** or **structure** on any **parcel** of land if as a result of the erection, **alteration** or location the **building** or **structure** would be located on an existing or proposed **highway** described as a portion of the Road Network Plan under the Town of Smithers Official Community Plan or would prevent future subdivision.

2.11.2 Lot Frontage on a **Street**

Every lot in any proposed subdivision shall house not less than 20% of its perimeter frontage on a **street**, except that in accordance with the *Local Government Act* as amended, the Approving Officer (Council) may waive this requirement.

Section 2.12 Vehicles in Residential Areas

No vehicle repairs, maintenance or sales shall be permitted in Residential zones except vehicle repairs, maintenance, and sales customarily associated with home life.

In the Residential zones:

- (a) the parking or storage of commercial vehicles exceeding 12 metres in length or a gross vehicle weight of 22,000 kg shall be prohibited except when completely enclosed within a **building**;
- (b) the long term parking or storage of recreation vehicles, campers, trailers or boats shall be prohibited except when completely located on a **parcel**.

Section 2.13 No Drainage to the Public Right-of-Way

No person shall permit water to drain from a private parcel to an adjacent public right-of-way unless such drainage is part of a municipal storm water drainage system.

Division 3 – Agricultural Zones

Section 3.1 A-1 Agricultural Zone

Purpose

The purpose of the A-1 zone is to accommodate agricultural uses within Town boundaries on land located both within and outside the Provincial Land Reserve.

Permitted Uses

Principal Uses

3.1.1 The following and no other principal uses are permitted in an A-1 zone:

- (a) **agriculture;**
- (b) **single family dwelling;**
- (c) **gravel removal;**
- (d) parks and trails; *(Bylaw 1685)*

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an A-1 zone:

- (e) **boarding use;**
- (f) **home occupation;**
- (g) **secondary suite;**
- (h) **auxiliary building;**
- (i) **Backyard hen keeping** auxiliary to a detached, Single-family dwelling. *(Bylaw 1781)*

Regulations

3.1.2 In an A-1 zone the following regulations contained in Table 3.1 shall apply:

Table 3.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	16 hectares minimum
Parcel Width	Not restricted
Parcel Coverage	30% maximum for all buildings and structures

Table 3.1	
Element	Regulations
Principal Buildings	
No. of Principal Buildings	1, except in respect of agricultural uses
Setbacks	
front yard	7.5 metres minimum
rear yard	7.5 metres minimum
side yard	7.5 metres minimum
Height of residential buildings	9 metres maximum
Auxiliary Buildings	
Parcel Coverage of Auxiliary Buildings and Structures	5%
Setbacks	
front yard	7.5 metres minimum
rear yard	7.5 metres minimum
side yard	7.5 metres minimum
Height	6.1 metres maximum
Fencing	
Height	
in the required front yard	1.2 metres maximum
in any other yard	2 metres maximum
Parking	
	Parking in the A-1 zone shall comply with Section 2.9 contained in General Regulations.

Additional Requirements

3.1.3 In respect of an agricultural use:

- (a) no person shall keep livestock on a **parcel** which is less than 0.4 hectares in area;
- (b) on **parcels** which are 0.4 to 2 hectares in area, no person shall keep more than 1 horse, 2 cattle, and 12 poultry for each 0.4 hectares of **parcel area**.

Division 4 – Residential Zones

Section 4.1 R-1 Single Family Residential Zone

Purpose

The purpose of the R-1 zone is to accommodate single family residential dwellings on parcels of 460 square metres.

Permitted Uses

Principal Uses

4.1.1 The following principal use and no others are permitted in an R-1 zone:

- (a) **single family dwelling;**

Auxiliary Uses

and the following **auxiliary** uses and no others are permitted in an R-1 zone:

- (b) **auxiliary building;**
- (c) **boarding use;**
- (d) **home occupation;**
- (e) **family day care for 8 children or less** (*Bylaw 1534*);
- (f) **secondary suite;** (*Bylaw 1674*)
- (g) **Backyard hen keeping** auxiliary to a detached, Single-family dwelling. (*Bylaw 1781*)

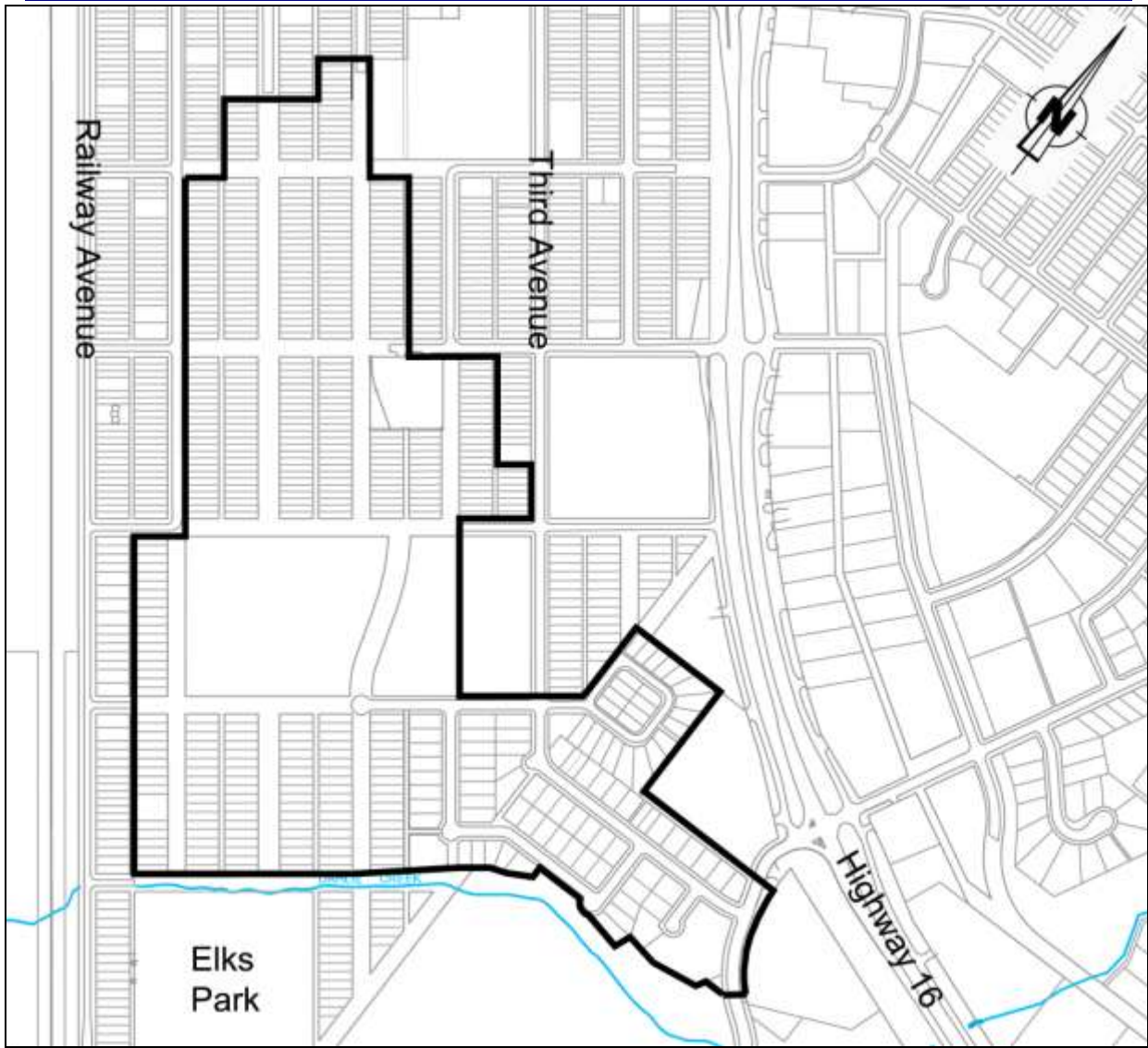
Regulations

4.1.2 In a R-1 zone the following regulations contained in Table 4.1 shall apply (*Bylaw 1460*):

Table 4.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	460 m ² minimum
Parcel Width	
for rectangular shaped parcels	15 metres minimum
for non-rectangular shaped parcels	average of 15 metres minimum and minimum front parcel line of 12 metres
Parcel Coverage	40% maximum for all buildings and structures

Table 4.1	
Element	Regulations
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	6 metres minimum 4.5 metre minimum in the area within the black line in Figure 4.1
rear yard	6 metres minimum
side yard	
exterior	3.5 metres minimum
interior	1.2 metres minimum from one side parcel line and 1.8 metres minimum from the other side parcel line except (a) where rear access is provided to the parcel from a lane or street or (b) where access is maintained from front to rear yard of a minimum width of 3 metres and a minimum height of 2.15 metres this may be reduced to 1.2 metres minimum
Height	9 metres maximum
Ratio	the longest and shortest dimensions of any single family dwelling shall not exceed a ratio of 3 to 1
Auxiliary Buildings	
No. of Auxiliary Buildings	1
Parcel Coverage of Auxiliary Buildings and Structures	10%
Setbacks	
front yard	6 metres minimum
rear yard	0.6 metres minimum or 1.8 metres from a rear parcel line in the case of a carport or garage opening onto a lane
side yard	
exterior	3.5 metres minimum
interior	0.6 metres minimum
Height	4.9 metres maximum
Fencing	
Height	
in the required front yard	1.2 metres maximum
in any other yard	1.8 metres maximum
Parking	
	Parking in the R-1 zone shall comply with Section 2.9 contained in General Regulations.

Figure 4.1 (*Bylaw 1694*)



Section 4.2 R-2 Low Density Residential Zone

Purpose

The purpose of the R-2 zone is to provide for a mix of housing types including single family dwellings, two-family dwellings, and townhousing.

Permitted Uses

Principal Use

4.2.1 The following principal uses and no others are permitted in an R-2 zone:

- (a) **single family dwelling;**
- (b) **duplex dwelling;**
- (c) **semi-detached dwelling;**
- (d) **townhouse dwelling;**
- (e) **boarding house;**
- (f) **day care centre.**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an R-2 zone:

- (g) one **auxiliary building** for each principal use;
- (h) **boarding use** in a **single family dwelling**;
- (i) **home occupation**;
- (j) **family day care** in a **single family dwelling**;
- (k) **limited group day care** in a **single family dwelling**;
- (l) **secondary suite** in a **single family dwelling**.
- (m) **carriage house**;
- (n) **Backyard hen keeping** auxiliary to a detached, Single-family dwelling. (*Bylaw 1781*)

Regulations

4.2.2 In a R-2 zone the following regulations in Table 4.2 shall apply: (*Bylaw 1460*)

Table 4.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area semi-detached dwellings single family dwellings, boarding houses, day care centres for all other residential buildings including a duplex	284 m ² minimum per dwelling unit 460 m ² minimum 568 m ² minimum
Parcel Width semi-detached dwellings single family dwellings, boarding houses, day care centres all other residential buildings including duplex	7.5 metres minimum 15 metres minimum 15 metres minimum
Front Parcel Lines semi-detached dwellings on non-rectangular shaped parcels all other residential buildings on non-rectangular shaped parcels	6 metres minimum provided that the average parcel width is not less than 7.5 metres 12 metres minimum provided that the average parcel width is not less than 15 metres
Parcel Coverage	40% maximum for all buildings and structures
Density	shall not be greater than one dwelling per 284 square metres of parcel area
Principal Buildings	
Setbacks front yard rear yard side yard exterior interior	6 metres minimum 4.5 metre minimum in the area within the black line in Figure 4.1 6 metres minimum 3.5 metres minimum 1.2 metres minimum from one side parcel line and 1.8 metres minimum from the other side parcel line except (a) where rear access is provided to the parcel from a lane or street or (b) where access is maintained from front to rear yard of a minimum width of 3 metres and a minimum height of 2.15 metres this may be reduced to 1.2 metres minimum
Height	9 metres maximum

Table 4.2	
Element	Regulations
Ratio	the longest and shortest dimensions of any single family dwelling shall not exceed a ratio of 3 to 1
Auxiliary Buildings	
Coverage	10% maximum for all auxiliary buildings
Setbacks	
front yard	6 metres minimum 4.5 metre minimum in the area within the black line in Figure 4.1
rear yard	0.6 metres minimum or 1.8 metres minimum from a rear parcel line in the case of a carport or garage opening onto a lane
side yard	
exterior	3.5 metres minimum
interior	0.6 metres minimum
Height	4.9 metres maximum
Fencing	
Height	
in the required front yard	1.2 metres maximum
in any other yard	1.8 metres maximum
Parking	
	Parking in the R-2 zone shall comply with Section 2.9 contained in General Regulations.

Additional Requirements

- 4.2.3 The wall of a **building** that faces a wall of another **building** or **structure** on the same parcel shall be sited to provide a continuous 90 degree arc, unencumbered by **buildings** or **structures** of a radius not less than 12 metres from the centre of each window of a living room.
- 4.2.4 Where a common wall between two **dwelling**s coincides with an interior side parcel line, no setbacks shall be required from the interior side parcel line. (*Bylaw 1460*)

Section 4.3 R-2A Low Density Multi Family Residential Zone *(Bylaw 1735)*

Purpose

The purpose of the R-2A zone is to provide for a mix of compact housing types including single family dwellings, two-family dwellings, and townhousing developments within one parcel.

Permitted Uses

Principal Use

4.3.1 The following principal uses and no others are permitted in an R-2A zone:

- (a) **single family dwelling;**
- (b) **duplex dwelling;**
- (c) **townhouse dwelling;**
- (d) **boarding house;**
- (e) **day care centre.**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an R-2A zone:

- (f) **boarding use** in a **single family dwelling;**
- (g) **home occupation;**
- (h) **family day care** in a **single family dwelling;**
- (i) **limited group day care** in a **single family dwelling;**
- (j) **secondary suite** in a **single family dwelling.**

Regulations

4.3.2 In a R-2A zone the following regulations in Table 4.2 shall apply: *(Bylaw 1460)*

Table 4.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	568 m ² minimum
Parcel Width	15 metres minimum
Front Parcel Lines	12 metres minimum provided that the average parcel width is not less than 15 metres
Parcel Coverage	40% maximum for all buildings and structures
Density	shall not be greater than one dwelling per 190 m ² of parcel area
Principal Buildings	
No. of Principal Buildings	Not restricted
Setbacks front yard rear yard side yard exterior interior	4.5 metre 6 metres minimum 3.5 metres minimum 1.2 metres minimum from one side parcel line and 1.8 metres minimum from the other side parcel line except (a) where rear access is provided to the parcel from a lane or street or (b) where access is maintained from front to rear yard of a minimum width of 3 metres and a minimum height of 2.15 metres this may be reduced to 1.2 metres minimum
Height	9 metres maximum
Ratio	the longest and shortest dimensions of any single family dwelling shall not exceed a ratio of 3 to 1
Auxiliary Buildings	
Coverage	10% maximum for all auxiliary buildings
No. of Auxiliary Buildings	1
Setbacks front yard rear yard side yard exterior interior	4.5 metre minimum 0.6 metres minimum or 1.8 metres minimum from a rear parcel line in the case of a carport or garage opening onto a lane 3.5 metres minimum 0.6 metres minimum
Height	4.9 metres maximum
Fencing	
Height in the required front yard in any other yard	1.2 metres maximum 1.8 metres maximum
Parking	
	Parking in the R-2 zone shall comply with Section 2.9 contained in General Regulations.

Additional Requirements

- 4.3.3 The wall of a **building** that faces a wall of another **building** or **structure** on the same parcel shall be sited to provide a continuous 90 degree arc, unencumbered by **buildings** or **structures** of a radius not less than 12 metres from the centre of each window of a living room.
- (a) The 12 metre radius may be reduced to 9 metres as long as there is landscaping that interrupts the sightlines from window to window.

Section 4.4 R-3 Medium Density Residential Zone

Purpose

The purpose of the R-3 zone is to accommodate a mix of multi-family residential dwellings including townhousing and low-rise apartments.

Permitted Uses

Principal Uses

4.4.1 The following principal uses and no others are permitted in an R-3 zone:

- (a) **townhouse;**
- (b) **boarding house;**
- (c) **low-rise apartment.**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an R-3 zone:

- (d) one **auxiliary building** for each principal **building**;
- (e) **home occupation**;
- (f) **assisted living.** (*Bylaw 1682*)

Regulations

4.4.2 In a R-3 zone the following regulations contained in Table 4.4 shall apply: (*Bylaw 1460*)

Table 4.4	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	460 m ² minimum
Parcel Width	15 metres minimum
Parcel Coverage	50% maximum for all buildings and structures
Density	shall not be greater than one dwelling per 162 m ² of parcel area

Table 4.4	
Element	Regulations
Principal Buildings	
Setbacks	
front yard	6 metres minimum 4.5 metre minimum in the area within the black line on Figure 4.1
rear yard	6 metres minimum
side yard	
exterior	6 metres minimum
interior	6 metres minimum
Height	3 storeys or 12 metres maximum
Auxiliary Buildings	
Setbacks	
front yard	6 metres minimum
rear yard	0.6 metres minimum or 1.8 metres from a rear parcel line in the case of a carport or garage opening onto a lane
side yard	3.5 metres minimum
exterior	0.6 metres minimum
interior	
Height	4.9 metres maximum
Fencing	
Height	
in the required front yard	1.2 metres maximum
in any other yard	1.8 metres maximum
Parking	
	Parking in the R-3 zone shall comply with Section 2.9 contained in General Regulations.

Conditions of Use

- 4.4.3 A townhouse unit shall only be permitted where each townhouse unit is served by a private amenity area of not less than 15 square metres and is designed and landscaped for outdoor leisure activities for the exclusive use of the occupants of the townhouse unit served.

Additional Requirements

- 4.4.4 The wall of a **building** that faces a wall of another **building** or **structure** on the same **parcel** shall be sited to provide a continuous 90 degree arc, unencumbered by **buildings** or **structures** of a radius not less than 12 metres from the centre of the main window of a living room or family room.

Section 4.5 R-4 Mobile Home Park Residential Zone

Purpose

The purpose of the R-4 zone is to accommodate the development of comprehensively planned mobile home parks on a single land parcel.

Permitted Uses

Principal Uses

4.5.1 The following principal use and no other is permitted in an R-4 zone:

- (a) **mobile home park;**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an R-4 zone:

- (b) one owner/operator **dwelling** which may contain office space;
- (c) communal storage sites;
- (d) recreation **buildings** and areas;
- (e) service **buildings**;
- (f) tenant storage **buildings**;
- (g) **home occupation**.

Regulations

4.5.2 In a R-4 zone the following regulations contained in Table 4.5 shall apply:

Table 4.5	
Element	Regulations
Parcel Coverage and Density	
Parcel Coverage	more than one owner/operator dwelling is prohibited
Density	15 dwelling s per hectare, maximum
Principal Buildings	
Height owner/operator's dwelling	9 metres
all other buildings, structures or additions, except tenant storage buildings	5 metres
Fencing	
Height in the required front yard	1.2 metres maximum
in any other yard	1.8 metres maximum

Table 4.5	
Element	Regulations
Parking	
	Parking in the R-4 zone shall comply with Section 2.9 contained in General Regulations.

Additional Requirements

- 4.5.3 Lands zoned R-4 are subject to the regulations specified in “Town of Smithers Mobile Home Park Bylaw 748, 1985” and amendments.
- 4.5.4 Auxiliary storage uses permitted in 4.5.1 (c) and (f) do not include the use of **shipping containers**. (*Bylaw 1607*)

Section 4.6 R-5 Mobile Home Subdivision Residential Zone

Purpose

The purpose of the R-5 zone is to accommodate the development of neighbourhoods comprised of mobile home dwellings as the principal building occupying a single, individual land parcel or strata titled mobile home subdivisions.

Permitted Uses

Principal Uses

4.6.1 The following principal uses and no others are permitted in an R-5 zone:

- (a) **mobile home;**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an R-5 zone:

- (b) one **auxiliary building** per principal **building**;
 (o) **home occupation**;

Regulations

4.6.2 In a R-5 zone the following regulations contained in Table 4.6 shall apply:

Table 4.6	
Element	Regulations
Parcel Size, Coverage and Density	
Parcel Area	325 m ² minimum for single wide mobile homes 460 m ² minimum for double wide mobile homes
Parcel Width	12 metres minimum
Parcel Coverage	35% maximum for all buildings and structures
Density	15 dwellings per hectare, maximum
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	
exterior	3 metres minimum
interior	3 metres minimum
Height	9 metres maximum

Table 4.6	
Element	Regulations
Auxiliary Buildings	
No. of Auxiliary Buildings	1
Parcel Coverage of Auxiliary Buildings and Structures	10%
Setbacks front yard rear yard side yard exterior interior	6 metres minimum 0.6 metres minimum or 1.8 metres from a rear parcel line in the case of a carport or garage opening onto a lane 3 metres minimum 0.6 metres minimum
Height	4.9 metres maximum
Fencing	
Height in the required front yard in any other yard	1.2 metres maximum 1.8 metres maximum
Parking	
	Parking in the R-5 zone shall comply with Section 2.9 contained in General Regulations.

Section 4.7 R-6 Rural Residential Zone

Purpose

The purpose of the R-6 zone is to accommodate one and two-family dwellings in rural areas with varying utility servicing standards.

Permitted Uses

Principal Uses

4.7.1 The following principal uses and no others are permitted in an R-6 zone:

- (a) **single family dwelling;**
- (b) **duplex dwelling;**
- (c) **boarding house.**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an R-6 zone:

- (d) **auxiliary buildings;**
- (e) **home occupation;**
- (f) **boarding use;**
- (g) **secondary suite;**
- (h) **Backyard hen keeping** auxiliary to a detached, Single-family dwelling.
(Bylaw 1781)

Regulations

4.7.2 In a R-6 zone the following regulations contained in Table 4.7 shall apply:

Table 4.7	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	
with a community water system and sewer system	580 m ² minimum
with a community sewer system only	870 m ² minimum
with a community water system only	1,900 m ² minimum
neither a community water or sewer system	2,200 m ² minimum

Table 4.7	
Element	Regulations
Parcel Width	15 metres minimum
Parcel Coverage	40% maximum for all buildings and structures
Principal Buildings	
Setbacks front yard rear yard side yard exterior interior parcels where there is no community water all other parcels	6 metres minimum 6 metres minimum 3.5 metres minimum 3 metres minimum 1.2 metres minimum from one side parcel line and 3 metres minimum from the other side parcel line where rear access is provided to the parcel from a lane or street this may be reduced to 1.2 metres minimum
Height	9 metres maximum
Ratio	the longest and shortest dimensions of any single family dwelling shall not exceed a ratio of 3 to 1
Auxiliary Buildings	
No. of Auxiliary Buildings	1
Parcel Coverage of Auxiliary Buildings and Structures	10%
Setbacks front yard rear yard side yard exterior interior	6 metres minimum (i) 0.6 metres minimum where the rear yard borders a lane or (ii) 1.8 metres from a rear parcel line in the case of a carport or garage opening onto a lane or (iii) 3 metres minimum where the rear yard does not border a lane or public open space 3.5 metres minimum 0.6 metres minimum, or 3 metres minimum where there is no community water system serving the parcel
Height	4.9 metres maximum
Fencing	
Height in the required front yard in any other yard	1.2 metres maximum 1.8 metres maximum
Parking	
	Parking in the R-6 zone shall comply with Section 2.9 contained in General Regulations.

Section 4.8 R-7 Rural Residential Hobby Farm Zone (Bylaw 1475)**Purpose**

The purpose of the R-7 zone is to accommodate one and two-family dwellings in rural areas with larger parcel sizes suitable for agricultural or hobby farm use and with varying utility servicing standards.

Permitted Uses**Principal Uses**

4.8.1 The following principal uses and no others are permitted in an R-7 zone:

- (a) **single family dwelling;**
- (b) **duplex dwelling;**
- (c) **agriculture / hobby farm;**
- (d) **boarding house;**

Auxiliary Uses

and the following and no other auxiliary uses are permitted in an R-7 zone:

- (e) **auxiliary buildings;**
- (f) **home occupation;**
- (g) **secondary suite;**

Regulations

4.8.2 In a R-7 zone the following regulations contained in Table 4.8 shall apply:

Table 4.8	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	2 hectares minimum (4.94 acres)
Parcel Width	30 metres minimum
Parcel Coverage	30% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1, except in respect of agricultural uses
Setbacks	
front yard	7.5 metres minimum
rear yard	7.5 metres minimum
side yard	7.5 metres minimum
Height of residential buildings	9 metres maximum
Ratio	the longest and shortest dimensions of any single family dwelling shall not exceed a ratio of 3 to 1

Table 4.8	
Element	Regulations
Auxiliary Buildings	
Parcel Coverage of Auxiliary Buildings and Structures	10%
Setbacks	
front yard	7.5 metres minimum
rear yard	7.5 metres minimum
side yard	7.5 metres minimum
Height	6.1 metres maximum
Fencing	
Height	
in the required front yard	1.2 metres maximum
in any other yard	2 metres maximum
Parking	
	Parking in the R-7 zone shall comply with Section 2.9 contained in General Regulations.

Additional Requirements

4.8.3 In respect of an **agricultural or hobby farm** use:

- (a) no person shall keep more than 1 horse, 2 cattle, and 12 poultry for each 0.4 hectares 1 acre of **parcel area**.

Section 5.1 C-1 Town Centre Commercial Zone

Purpose

The purpose of the C-1 zone is to accommodate a wide mix of retail, business and office uses, together with upper storey residential development along Main Street.

Permitted Uses

Principal Uses

5.1.1 The following principal uses and no others are permitted in a C-1 zone:

- (a) bank;
- (b) club, fraternal lodge;
- (c) public or private school, college;
- (d) restaurant; (*Bylaw 1460*)
- (e) premises licensed for consumption of alcoholic beverages; (*Bylaw 1460*)
- (f) entertainment, recreation, including any **building** used for commercial entertainment and recreation purposes, such as cabarets, beer parlours, cocktail lounges, night clubs, bowling alleys, auditorium, dance and bingo halls, gymnasium, theatres, but excludes arcades, pool halls, and automotive and other vehicle sales and service;
- (g) **institutional use**; (*Bylaw 1460*)
- (h) medical, health service centre;
- (i) offices for business, professional services;
- (j) open-air produce market;
- (k) **hotel**;
- (l) hair stylist shop, drycleaning establishment, appliance repair shop, florist, **laundromat**, optical or watch repair shop, tailor shop, dressmaking shop, shoe repair and other similar personal services;
- (m) printing, publishing;
- (n) **retail sales**;
- (o) studio, including artist, display, music, radio, recording, television, photographic studio;
- (p) **day care centre**;

- (q) on-site manufacture and sale of **hand crafted small goods** when totally contained in a **building**;
- (r) animal hospital and veterinary facility, when totally contained in a **building**, and excluding on-site treatment of livestock;
- (s) **microbrewery**; (*Bylaw 1702*)

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a C-1 zone:

- (t) parking lot.
- (u) residential, provided that:
 - (i) the ground floor of the **building** shall be used only for commercial purposes;
 - (ii) separate entrances to the **dwelling**s shall be provided from the ground floor front elevation or in the case of a corner **parcel**, from the ground floor front or side elevation;
- (v) notwithstanding sub-section (i) above, not more than one **dwelling** unit may be located on the ground floor, at the rear of and part of the principal **building**;
- (w) swimming pool;
- (x) auction of goods sold in respect of the principal use;
- (y) storage and minor repairs of goods sold in respect of the principal use.

Regulations

5.1.2 In a C-1 zone the following regulations contained in Table 5.1 shall apply:

Table 5.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum
Parcel Width	7 metres minimum
Parcel Coverage	100% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1
Height	3 stories or 12 metres maximum, whichever is less
Auxiliary Buildings	
No. of Auxiliary Buildings	None permitted
Parking	
	Parking in the C-1 zone shall comply with Section 2.9 contained in General Regulations.

Additional Requirements

5.1.3 All storage areas shall be located in the rear of the **parcel**.

Section 5.2 C-1A Downtown Commercial Zone

Purpose

The purpose of the C-1A zone is to accommodate a broader mix of retail, business, and office uses, together with upper storey residential development, within Downtown Smithers.

Permitted Uses

Principal Uses

5.2.1 The following principal uses and no others are permitted in a C-1A zone:

- (a) bank;
- (b) club, fraternal lodge;
- (c) public or private school, college;
- (d) restaurant; *(Bylaw 1460)*
- (e) premises licensed for consumption of alcoholic beverages; *(Bylaw 1460)*
- (f) entertainment, recreation, including any **building** used for commercial entertainment and recreation purposes, such as cabarets, beer parlours, cocktail lounges, night clubs, pool halls, bowling alleys, arcades, auditorium, dance and bingo halls, gymnasium, theatres, but excludes automotive and other vehicle sales and service;
- (g) funeral parlour, undertaking establishment;
- (h) **institutional use**; *(Bylaw 1460)*
- (i) medical, health service centre;
- (j) offices for business, professional services;
- (k) offstreet parking, including parking **garage**;
- (l) open-air produce market;
- (m) **hotel**;
- (n) hair stylist shop, drycleaning establishment, appliance repair shop, florist, **laundromat**, optical or watch repair shop, tailor shop, dressmaking shop, shoe repair;
- (o) printing, publishing;
- (p) **retail sales**;

- (q) studio, including artist, display, music, radio, recording, television, photographic studio;
- (r) **boarding house**;
- (s) **day care centre**;
- (t) **wholesale** sales;
- (u) on-site manufacture and sale of **hand crafted small goods** when totally contained in a **building**;
- (v) nursery and sale of garden supplies;
- (w) animal hospital and veterinary facility, when totally contained in a **building**, and *excluding on-site treatment of livestock*;
- (x) **rescue mission**;
- (y) **youth centre**;
- (z) **microbrewery**; (*Bylaw 1702*)

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a C-1A zone:

- (aa) parking lot;
- (bb) residential, provided that:
 - (i) the ground floor of the **building** shall be used only for commercial purposes;
 - (ii) separate entrances to the **dwellings** shall be provided from the ground floor front elevation or in the case of a corner **parcel**, from the ground floor front or side elevation;
 - (iii) subsection (ii) hereof does not apply where a minimum **side yard** width of one (1) metre is provided;
- (cc) notwithstanding sub-section (aa) above, not more than one **dwelling** unit may be located on the ground floor, at the rear of and part of the principal **building**;
- (dd) swimming pool;
- (ee) **auction** of goods sold in respect of the principal use;
- (ff) storage and minor repairs of goods sold in respect of the principal use.

Single Family Dwellings on Specified Parcels

5.2.2 Notwithstanding permitted uses in 5.2.1, the following regulations shall apply to **parcels** listed in Table 5.2a.

- a. Permitted Uses: In addition to all the uses permitted in Section 5.2.1, a **single family dwelling** may be constructed on each of the **parcels** listed in Table 5.2a. Where a **single family dwelling** is constructed on a **parcel** listed in this table, **auxiliary** uses, as specified in Section 4.1.1 (b) to (e) inclusive, of this bylaw, shall be permitted.
- b. Other Regulations: Where a **single family dwelling** is constructed on a **parcel** listed in Table 5.2a, **Parcel Coverage**, Setbacks of **Buildings**, Height and Dimensions of **Buildings** and **Structures**, **Fencing** and Parking, requirements shall be as specified in Table 4.1 of this bylaw.

Table 5.2a					
Legal Description of Parcels					
Lot	Block	Plan	Lot	Block	Plan
1-2	39	1054	43-44	54	1054
7-9	39	1054	45-46	54	1054
12-15	39	1054	47-48	54	1054
35-37	39	1054	3-5	57	1054
38-41	39	1054	6-7	57	1054
36-37	40	1054	8	57	1054
38-39	40	1054	11-12	57	1054
47-48	40	1054	43-44	57	1054
5-7	41	1054	Parcel A	57	1054
40-41	41	1054	43-44	58	1054
42-44	41	1054	Parcel B	58	1054
45-46	41	1054	47-48	58	1054
47-48	41	1054	1 & N ½ Lot 2	74	1054
22-24	42	1054	9-10	74	1054
1-2	54	1054	11-12	74	1054
3-4	54	1054	13-14	74	1054
5-6	54	1054	17-18	74	1054
7-8	54	1054	19-20	74	1054
9-10	54	1054	8-9	95	1054
11-12	54	1054	33-34	95	1054
17-18	54	1054	45-46	95	1054
33-34	54	1054	47-48	95	1054
35-37	54	1054			
39-40	54	1054			

Regulations

5.2.3 In a C-1A zone the following regulations contained in Table 5.2b shall apply:

Table 5.2b	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum
Parcel Width	7 metres minimum
Parcel Coverage	100% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary Buildings	None
Parking and Loading	
	Parking and loading in the C-1A zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Additional Requirements

5.2.4 All storage areas shall be located in the rear of the **parcel**.

Section 5.2B C-1B Downtown Mixed Commercial Zone *(Bylaw 1603)*

Purpose

The purpose of the C-1B zone is to accommodate a mix of commercial and residential development within Downtown Smithers.

Permitted Uses

Principal Uses

5.2B.1 The following principal uses and no others are permitted in a C-1B zone:

- (a) bank;
- (b) club, fraternal lodge;
- (c) public or private school, college;
- (d) restaurant;
- (e) premises licensed for consumption of alcoholic beverages;
- (f) entertainment, recreation, including any building used for commercial entertainment and recreation purposes, such as cabarets, beer parlours, cocktail lounges, night clubs, pool halls, bowling alleys, arcades, auditorium, dance and bingo halls, gymnasium, theatres, but excludes automotive and other vehicle sales and service;
- (g) funeral parlour, undertaking establishment;
- (h) institutional use;
- (i) medical, health service centre;
- (j) offices for business, professional services;
- (k) off-street parking, including parking garage;
- (l) open-air produce market;
- (m) hotel;
- (n) hair stylist shop, dry cleaning establishment, appliance repair shop, florist, laundromat, optical or watch repair shop, tailor shop, dressmaking shop, shoe repair;
- (o) printing, publishing;
- (p) retail sales;

- (q) studio, including artist, display, music, radio, recording, television, photographic studio;
- (r) boarding house;
- (s) day care centre;
- (t) wholesale sales;
- (u) on-site manufacture and sale of hand crafted small goods when totally contained in a building;
- (v) nursery and sale of garden supplies;
- (w) animal hospital and veterinary facility, when totally contained in a building, and excluding on-site treatment of livestock;
- (x) rescue mission;
- (y) youth centre;
- (z) single family dwelling.

Auxiliary Uses

and the following and no other auxiliary uses are permitted in the C-1B zone:

- (aa) parking lot;
- (bb) residential;
- (cc) swimming pool;
- (dd) auction of goods sold in respect of the principal use;
- (ee) storage and minor repairs of goods sold in respect of the principal use.

Regulations

5.2B.2 In the C-1B zone the following regulations contained in Table 5.2B.3 shall apply:

Table 5.2B.3	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum 460 m ² for single family dwellings
Parcel Width	7 metres minimum 15 metres minimum for single family dwellings
Parcel Coverage	100% maximum for all buildings and structures 40% maximum for single family dwellings including auxiliary building
Principal Buildings	
No. of Principal Buildings	2
Side Yard Setbacks	1.2 metres for single family dwellings
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary Buildings	1
Parking and Loading	
	Parking and loading in the C-1B zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Additional Requirements

5.2B.4 All storage areas shall be located in the rear of the parcel.

5.2B.5 Where the parcel is adjacent to a lane, residential parking shall be accessed from the lane and located in the rear or side of the parcel.

Section 5.3 C-2 Neighbourhood Commercial Zone

Purpose

The purpose of the C-2 zone is to accommodate neighbourhood oriented convenience stores.

Permitted Uses

Principal Uses

5.3.1 The following use and no other is permitted in a C-2 zone:

- (a) **convenience store**;

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a C-2 zone:

- (b) not more than one **dwelling** which shall be part of the principal **building**.

5.3.2 In a C-2 zone the following regulations contained in Table 5.3 shall apply:

Table 5.3	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum
Parcel Width	30 metres minimum
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	6 metres
side yard	3.5 metres
Height	2 storeys or 9 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary Dwellings	1
Parking and Loading	
	Parking and loading in the C-2 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Additional Requirements

5.3.3 Every business and undertaking shall be conducted within a completely enclosed **building**, except for parking and loading facilities.

Section 5.4 C-3 Service Commercial Zone

Purpose

The purpose of the C-3 zone is to accommodate a wide variety of commercial services which are auto-oriented.

Permitted Uses

Principal Uses

5.4.1 The following principal uses and no others are permitted in a C-3 zone:

- (a) automobile, motorcycle, snowmobile, boat, mobile home, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps;
- (b) **vehicle** washing establishment; (*Bylaw 1460*)
- (c) document and parcel delivery depot;
- (d) sales of fresh fruits, vegetables and seafood in open air markets;
- (e) sales and service of tires, mufflers, brakes and automotive transmissions, radiator servicing, engine rebuilding, tune-up, evaluation services;
- (f) nursery and sale of farm and garden supplies;
- (g) public transport depot;
- (h) sales, service, repair and rental of tools and appliances when fully enclosed within a **building**;
- (i) auctions other than of livestock provided that the auction takes place totally in a **building** which satisfies the requirements of the British Columbia Building Regulations for assembly occupancy;
- (j) **laundromat**;
- (k) **warehouse use**;
- (l) **wholesale use**;
- (m) building supply and sales;
- (n) trucking and freight depot;
- (o) soil and rock sample preparation facility;
- (p) **microbrewery**; (*Bylaw 1702*)

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a C-3 zone:

- (q) **office use, auxiliary** to permitted uses;
- (r) not more than one **dwelling** which shall be part of the principal **building**;
- (s) **building auxiliary** to the principal **building**;
- (t) fuel pumps **auxiliary** to:
 - (i) automobile, boat, recreational trailer/vehicle sales and rentals;
 - (ii) indoor car washing establishments;
 - (iii) sales and service of tires, mufflers, brakes, automotive transmissions, radiator servicing, tune-up and evaluation service;
- (u) **auction use** of goods sold in respect of the principal use;
- (v) commercial bathrooms and showers;
- (w) general commercial **retail sales** of goods not otherwise permitted as a principal use provided that such **retail sales** shall be limited to a total of 4 days per **parcel** per calendar year.
- (x) **shipping container** for storage purposes provided that the container is:
 - (i) Located in the rear or side yard;
 - (ii) Screened from fronting street views, abutting residential properties and public pathways with opaque fencing;
 - (iii) A maximum height of 3 metres;
 - (iv) Placed on level ground. (*Bylaw 1761*)

Regulations

5.4.2 In a C-3 zone the following regulations contained in Table 5.4 shall apply:

Table 5.4	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ²
Parcel Width	25 metres minimum
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3 metres
side yard	
exterior	3.5 metres

Table 5.4	
Element	Regulations
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary dwellings	1, which shall be contained within the principal building
Parking and Loading	
	Parking and loading in the C-3 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Additional Regulations

5.4.3 All storage areas shall be located in the **rear** or **side yard** areas of a **parcel**.

5.4.4 Parking, display, rental and sales areas are permitted in the **front**, **rear** or **side yards**.

5.4.5 Every business and undertaking shall be conducted within a completely enclosed **building**, except:

- (a) parking and loading;
- (b) storage yards that are screened from view from outside the **parcel**;
- (c) outdoor display, rental or sales areas.

5.4.6 Public Transportation Depots – Parking and Loading

- (a) There shall be a minimum of 3 off-street loading and unloading spaces for buses and a minimum of 2 storage spaces for buses. Each of these spaces shall be a minimum of 3 metres by 12.5 metres and shall be on site.
- (b) There shall be a minimum of 2 **off-street** vehicle **parking spaces** for bus drivers, 2 vehicle parking spaces for employees of the Public Transportation Depot and 4 vehicle parking spaces for public waiting, all of which shall be on site.
- (c) All Transportation Depots shall provide ingress and egress for buses of sufficient width to safely accommodate the vehicles, and provide a minimum outside turning radius of 13 metres and a minimum inside turning radius of 8.8 metres for all turning movements. All **manoeuvring aisles** shall be signed to indicate directions of bus traffic, and bus loading/unloading and storage spaces. Signs shall be of metal, secured to metal posts that are permanently mounted, with lettering or numerals of a minimum of 150 millimetres in **height**.
- (d) Off-street loading shall be provided for and maintained in accordance with Section 2.10 of this bylaw.

Section 5.5 C-4 Tourist Commercial Zone

Purpose

The purpose of the C-4 zone is to accommodate a wide variety of services oriented to the traveling public, including hotels\motels and restaurants.

Permitted Uses

Principal Uses

5.5.1 The following principal uses and no others are permitted in a C-4 zone:

- a) tourist accommodation including **hotel/motel**;
- b) restaurant;
- c) premises licensed for consumption of alcoholic beverages;
- d) office for tourist information;
- e) recreational vehicle park or campground;
- f) entertainment and recreational uses;
- g) **microbrewery**; (*Bylaw 1702*)

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a C-4 zone:

- h) **office uses**;
- i) where contained in a **hotel**:
 - a. assembly, confectionery, hair stylist, barbershop, shoe shine, entertainment, retail sales, indoor recreation or restaurant uses and premises licensed for consumption and retail sale of alcoholic beverages. (*Bylaw 1595*)

Regulations

5.5.2 In a C-4 zone the following regulations contained in Table 5.5 shall apply:

Table 5.5	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ²
Parcel Width	25 metres minimum
Parcel Coverage	50% maximum for all buildings and structures

Table 5.5	
Element	Regulations
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3.0 metres
side yard	
exterior	2 metres
Height	3 storeys or 12 metres, whichever is less
Parking and Loading	
	Parking and loading in the C-4 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Section 5.5A C-4A Tourist Commercial Zone

Purpose

The purpose of the C-4A zone is to accommodate services oriented to the traveling public, including hotels/motels and restaurants, at a lower intensity than that permitted in the C-4 zone.

Permitted Uses

Principal Uses

5.5A.1 The following principal uses and no others are permitted in a C-4A zone:

- a) **boarding house**
- b) **single family dwelling**
- c) tourist accommodation including **hotel/motel** up to a total of 10 rooms;
- d) restaurant to a maximum of 50 seats;

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a C-4A zone:

- e) **office uses.**
- f) **retail sales** permitted only in the same building as a hotel or restaurant to a maximum gross floor area of 15 square metres.
- g) home occupation

Regulations

5.5A.2 In a C-4A zone the following regulations contained in Table 5.5A shall apply:

Table 5.5A	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ²
Parcel Width	25 metres minimum
Parcel Coverage	35% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	4
Setbacks	
front yard	3.0 metres
side yard	
exterior	2 metres
Height	4.9 metres
Parking and Loading	
	Parking and loading in the C-4A zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Section 5.5B C-4B Tourist Commercial/Retail Zone (*Bylaw 1538*)**Purpose**

The purpose of the C-4B zone is to accommodate a wide variety of services oriented to the traveling public, including hotels\motels, restaurants and licensee retail stores.

Permitted Uses**Principal Uses**

5.5B 1 The following principal uses and no others are permitted in a C-4B zone:

- a) tourist accommodation including **hotel/motel**;
- b) restaurant;
- c) premises licensed for consumption of alcoholic beverages;
- d) office for tourist information;
- e) recreational vehicle park or campground;
- f) entertainment and recreational uses;

Auxiliary Uses

and the following and no other auxiliary uses are permitted in a C-4 zone:

- g) **office uses**;
- h) **retail sales** of alcoholic beverages.

Regulations

5.5B.2 In a C-4B zone the following regulations contained in Table 5.5 shall apply:

Table 5.5B	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ²
Parcel Width	25 metres minimum
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3.0 metres
side yard	
exterior	2 metres
Height	3 storeys or 12 metres, whichever is less
Parking and Loading	
	Parking and loading in the C-4 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Section 5.6 C-5 Service Station Commercial

Purpose

The purpose of the C-5 zone is to accommodate service stations and gas stations with convenience stores.

Permitted Uses

5.6.1 The following principal uses and no others are permitted in a C-5 zone:

- (a) **service stations;**
- (b) **convenience stores** in conjunction with **service stations**.

Regulations

5.6.2 In a C-5 zone, the following regulations contained in Table 5.6 shall apply:

Table 5.6	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,100 m ²
Parcel Width	25 metres minimum
Parcel Coverage	40% maximum for all buildings and structures
Principal Buildings	
Number of Principal Buildings	1
Setbacks	
front yard	6 metres
side yard	3.5 metres
Height	6 metres

Conditions of Use

5.6.3 A **service station** shall be bounded on front and **exterior side parcel lines** by a landscape screen of not less than 0.6 metres in **height** except for points of egress and access;

5.6.4 A landscape screen shall be provided when adjoining a residential zone where separation is by a **parcel** line or a **lane** or **street**. The landscape screen shall be a planting strip of not less than 1.5 metres in width and 1.8 metres in **height**.

All such landscaping shall be completed within 18 months of the date of issuance of the occupancy permit for the **building**.

Landscape screens and landscaping shall be identified and defined by area, size and type of planting and **height** and materials of **fences** or walls and be included in the site drawings submitted for a Building Permit;

5.6.5 A **service station** on a controlled access **highway** shall have no access and egress points closer than 15 metres from the point of intersections of the front and **exterior side parcel lines**. A **service station** on other than a controlled access **highway** shall

have no access and egress points closer than 7.6 metres from the point of intersection of the front and **exterior side parcel lines**.

- 5.6.6 Fuel pumps or fuel devices shall not be located less than 4.5 metres from a **parcel** line.
- 5.6.7 Where a canopy, whether a free standing **structure** or attached to the principal **building**, extends over fuel dispensing facilities, the minimum distance to an abutting **front, rear** and **exterior side parcel line** as permitted elsewhere in this bylaw, may be reduced by not more than 1.7 metres and the minimum distance to an abutting interior **parcel** line as permitted elsewhere in this bylaw, may be reduced by not more than 50% percent of the minimum distance.

Section 5.7 C-6 Office CommercialPurpose

The purpose of the C-6 zone is to accommodate stand-alone office buildings.

Permitted UsesPrinciple Uses

5.7.1 The following uses and no others shall be permitted in a C-6 zone:

- (a) offices for business, professional services;
- (b) office for tourist information;

Auxiliary Uses

and the following and no other **auxiliary** uses shall be permitted in a C-6 zone:

- (c) **building auxiliary** to the principal **building**.

Regulations

5.7.2 In a C-6 zone, the following regulations contained in Table 5.7 shall apply:

Table 5.7	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ² minimum
Parcel Width	25 metres minimum
Parcel Coverage	50% maximum
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3 metres
side yard	
exterior	3.5 metres
Height	1 storey or 5 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary Buildings	
Parking and Loading	
	Parking and loading in the C-6 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

5.7.3 Conditions of Use

- (a) Storage shall be located in the **rear** or **side yard** areas of a **parcel** and parking and display areas may be provided in the **front** or **side yards**.
- (b) Every business or undertaking shall be conducted within a completely enclosed building, except parking and loading areas.

Section 5.8 C-7 Large Scale Retail Commercial

Purpose

The purpose of the C-7 zone is to accommodate retail uses which require large sites and exposure to high traffic volume.

Permitted Uses

5.8.1 The following uses and no others shall be permitted in a C-7 zone:

- (a) Commercial Use, limited to:
- automotive service and parts sales;
 - building and home improvement sales;
 - garden centres;
 - nurseries;
 - **retail sales;**
 - food sales;
 - financial and food services to a maximum of one use each per site.

Regulations

5.8.2 In a C-7 zone the following regulations contained in Table 5.8 shall apply:

Table 5.8	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1.2 hectares minimum
Parcel Coverage	40% maximum
Principal Buildings	
Number of Principal Buildings	1
Setbacks	
front yard	7.5 metres
side yard exterior	7.5 metres
side yard interior	7.5 metres
Height	11 metres maximum
Auxiliary Buildings	
Setbacks	
front yard	7.5 metres
side yard exterior	3 metres
side yard interior	3 metres

5.8.3 Conditions of Use:

- (a) The minimum **floor area** of each **retail sales** business shall be 2,800 square metres.
- (b) The minimum **floor area** of each food sales business shall be 2,300 square metres.
- (c) The maximum **floor area** for a financial or a food service shall be 555 square metres and shall be enclosed entirely within the principal **building**.
- (d) Storage shall take place entirely within a wholly enclosed **building**, except storage accessory to nurseries and garden centres.

Division 6 – Industrial Zones

Section 6.1 M-1 Light Industrial Zone

Purpose

The purpose of the M-1 zone is to accommodate those industrial operations which are fully enclosed and require no outdoor storage except for display of goods sold on-site.

Permitted Uses

Principal Uses

6.1.1 The following principal uses and no others are permitted in an M-1 zone:

- (a) automobile, motorcycle, boat, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps;
- (b) laundry, dry cleaning intended to serve commercial, **industrial**, and **institutional uses** excluding coin operated **laundromat**, coin operated dry cleaning;
- (c) nursery and sales of farm and garden supplies;
- (d) **manufacturing plant** if totally contained in a **building**;
- (e) **trade shop** if totally contained in a **building** and, as **auxiliary** use, the sale and service of products manufactured on the same **parcel** and only those goods and supplies normally associated with the trade;
- (f) **warehouse use**;
- (g) **wholesale use**;
- (h) sales and service of logging and construction materials and supplies, when totally contained in a **building**;
- (i) animal hospital and veterinary facility when totally contained in a **building**;
- (j) processing, manufacturing dairy products, when totally contained in a **building**;
- (k) laboratory, testing facility;
- (l) sales and service, rental and repair of tools, when totally contained in a **building**;
- (m) building supply, lumber yard;
- (n) auctions other than of livestock provided that the auction takes place only in a **building** which satisfies the requirements of the British Columbia Building Regulations for assembly occupancy;
- (o) document and parcel delivery depot;

- (p) truck terminal and freight depot;
- (q) truck or heavy equipment sales, services, repair, excluding wreckage and salvage yard, with permitted **auxiliary** use of fuel dispensing;
- (r) **vehicle washing establishment**;
- (s) Towing truck business provided that the vehicle compound is fenced and completely located within the rear yard and excludes auto wrecking or vehicle salvage; (*Bylaw 1524*)
- (t) **food exchange**; (*Bylaw 1678*)

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an M-1 zone:

- (u) office **auxiliary** to principal use;
- (v) not more than one **dwelling** which shall be part of the principal **building**;
- (w) **building auxiliary** to the principal **building**;
- (x) employee training facility;
- (y) dispensing of fuel for private use;
- (z) mobile food concession;
- (aa) auction of goods sold in respect of the principal use.
- (bb) **shipping container** for storage purposes provided that the container:
 - i. shall be located in the rear or side yard;
 - ii. shall not be located in a required off-street parking space, loading space, or manoeuvring aisle;
 - iii. shall be screened appropriately from abutting residential properties;
 - iv. shall not be placed for display or advertising purposes; and
 - v. shall not encroach into a required landscape buffer. (*Bylaw 1607*)
- (cc) retail sales of **food exchange** goods to a maximum of 10% of total gross floor area of the building or 92.9 m² (1,000 ft²), whichever is less. (*Bylaw 1678*)

Regulations

6.1.2 In an M-1 zone the following regulations contained in Table 6.1 shall apply:

Table 6.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ²
Parcel Width	27.5 metres minimum
Parcel Coverage	75% maximum for all buildings and structures

Table 6.1	
Element	Regulations
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3 metres
rear yard	3 metres
where a rear yard abuts a highway other than a lane	
for all other parcels	0, subject to the provision of a minimum space for garbage pickup of 3 metres in width, 2 metres in depth and 3.5 metres in height
side yard	
exterior	4.5 metres
Height	12 metres
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1
Setbacks	
front yard	3 metres
rear yard	3 metres
where a rear yard abuts a highway other than a lane	
for all other parcels	0, subject to the provision of a minimum space for garbage pickup of 3 metres in width, 2 metres in depth and 3.5 metres in height
side yard	
exterior	4.5 metres
Height	12 metres
Parking and Loading	
	Parking and loading in the M-1 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

6.1.3 Conditions of Use

- (a) No **manufacturing plant** shall include more than 50 square metres or 10% of the **gross floor area**, whichever is less, devoted to **retail sales** or display of goods manufactured, assembled, disassembled or repaired on site.
- (b) No **wholesale** or **warehouse use** shall include more than 50 square metres or 10% of the **gross floor area**, whichever is less, devoted to display of goods.

Section 6.1A M-1A Mixed Light Industrial/Residential ZonePurpose

The purpose of the M-1A zone is to accommodate light industrial uses that are fully enclosed with residential uses on the second floor.

Permitted UsesPrincipal Uses

6.1A.1 The following principal uses and no others are permitted in an M-1A zone:

- (a) **manufacturing use** if totally contained in a **building**;
- (b) **warehouse use**;
- (c) **wholesale use**;
- (d) laboratory, testing facility;
- (e) document and parcel delivery depot;

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an M-1A zone:

- (f) **office use**;
- (g) **residential use**, provided that the ground floor of the building is used only for industrial purposes;
- (h) employee training facility;
- (i) **shipping container** for storage purposes provided that the container is:
 - i. located in the rear or side yard;
 - ii. screened from abutting residential properties and public pathways with opaque fencing;
 - iii. a maximum height of 3 metres;
 - iv. placed on level ground.

Regulations

6.1A.2 In an M-1A zone the following regulations contained in Table 6.1A shall apply:

Table 6.1A	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	850 m ²
Parcel Width	20 metres minimum
Parcel Coverage	75% maximum for all buildings and structures

Table 6.1A	
Element	Regulations
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3 metres
rear yard	3 metres
where a rear yard abuts a highway other than a lane	0, subject to the provision of a minimum space for garbage pickup of 3 metres in width, 2 metres in depth and 3.5 metres in height
side yard	
exterior	4.5 metres
Height	12 metres
Auxiliary Buildings	
No. of Auxiliary Buildings	1
Setbacks	
front yard	3 metres
rear yard	3 metres
where a rear yard abuts a highway other than a lane	0, subject to the provision of a minimum space for garbage pickup of 3 metres in width, 2 metres in depth and 3.5 metres in height
side yard	
exterior	4.5 metres
Height	12 metres
Parking and Loading	
	Parking and loading in the M-1A zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

6.1.3 Conditions of Use

- (a) No **manufacturing use** shall include more than 50 m² or 10% of the **gross floor area**, whichever is less, devoted to **retail sales** or display of goods manufactured, assembled, disassembled or repaired on site.
- (b) No **wholesale** or **warehouse use** shall include more than 50 m² or 10% of the **gross floor area**, whichever is less, devoted to display of goods.

Section 6.2 M-2 Medium Industrial Zone

Purpose

The purpose of the M-2 zone is to accommodate those industrial operations which are partially enclosed and require some outdoor storage.

Permitted Uses

Principal Uses

6.2.1 The following principal uses and no others are permitted in an M-2 zone:

- (a) automobile, motorcycle, boat, mobile home, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps;
- (b) laundry, dry cleaning intended to serve commercial, **industrial**, and **institutional uses** excluding coin operated **laundromat**, coin operated dry cleaning;
- (c) dispensing of fuel;
- (d) **manufacturing plant** if totally contained in a **building**;
- (e) truck terminal and railway freight depot;
- (f) farm machinery, farm equipment sales, service; sale of farm, garden supplies;
- (g) **trade shop** and as **auxiliary** use, the sale and service of products manufactured on the same **parcel** and only those goods and supplies normally associated with the trade;
- (h) indoor, outdoor storage including **shipping containers** (*Bylaw 1607*), excluding auto wrecking or storage;
- (i) **wholesale use**;
- (j) works yard;
- (k) asphalt, concrete crushing plant;
- (l) dog pound;
- (m) sales and service of logging and construction materials and supplies;
- (n) animal hospital and veterinary facility when totally contained in a **building**;
- (o) processing, manufacturing dairy products;
- (p) laboratory, testing facility;
- (q) sales and service, rental and repair of tools;

- (r) building supply, lumber yard;
- (s) auctions other than of livestock provided that the auction takes place only in a **building** which satisfies the requirements of the British Columbia Building Regulations for assembly occupancy;
- (t) documents and parcel delivery depot;
- (u) **fuel sales - wood**;
- (v) recreation for gymnastics only; (*Bylaw 1440*)
- (w) vehicle washing establishment. (*Bylaw 1460*)

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an M-2 zone:

- (x) office **auxiliary** to principal uses;
- (y) not more than **one single family dwelling**, but that **single family dwelling** use must cease on cessation of the principal use;
- (z) **building auxiliary** to the principal **building**;
- (aa) mobile food concession;
- (bb) auction of goods sold in respect of the principal use.

Regulations

6.2.2 In an M-2 zone the following regulations contained in Table 6.2 shall apply:

Table 6.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,700 m ² minimum
Parcel Width	30 metres minimum
Parcel Coverage	75% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	2 maximum (<i>Bylaw 1552</i>)
Setbacks	
front yard	3 metres minimum
rear yard	
where a rear yard adjoins a dedicated railway right-of-way or a lane contiguous to a parcel zoned R-1, R-2, R-3, R-4, or R-5	0 metres
for all other parcels	4.5 metres minimum
side yard	
exterior	4.5 metres minimum

Table 6.2	
Element	Regulations
interior asphalt plant and gravel crushing plant	4.5 metres minimum on at least one side yard 600 metres minimum from a parcel located in an R-1, R-2, R-3, R-4, or R-5 zone or an area designated for residential use under the Community Plan
Height	12 metres
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1 maximum
Setbacks	
front yard	3 metres minimum
rear yard	
where a rear yard adjoins a dedicated railway right-of-way or a lane contiguous to a parcel zoned R-1, R-2, R-3, R-4, or R-5	0 metres
for all other parcels	4.5 metres minimum
side yard	
exterior	4.5 metres minimum
interior	4.5 metres minimum on at least one side yard
Height	12 metres
Parking and Loading	
	Parking and loading in the M-2 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

6.2.3 Conditions of Use

- (a) No **manufacturing plant** use shall include more than 50 m² or 10% of the **gross floor area**, whichever is less, devoted to **retail sales** or display of goods manufactured, assembled, disassembled or repaired on site.
- (b) No **wholesale** or **warehouse use** shall include more than 50 m² or 10% of the **gross floor area**, whichever is less, devoted to display of goods.

Section 6.3 M-2A Medium Industrial Zone (Heliport)

Purpose

The purpose of the M-2 zone is to accommodate those industrial operations which are partially enclosed and require some outdoor storage and heliports.

Permitted Uses

Principal Uses

6.3.1 The following principal uses and no others are permitted in an M-2A zone:

- (a) automobile, motorcycle, boat, mobile home, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps;
- (b) laundry, dry cleaning intended to serve commercial, **industrial**, and **institutional uses** excluding coin operated **laundromat**, coin operated dry cleaning;
- (c) dispensing of fuel;
- (d) **manufacturing plant** if totally contained in a **building**;
- (e) truck terminal and railway freight depot;
- (f) farm machinery, farm equipment sales, service; sale of farm, garden supplies;
- (g) **trade shop** and as **auxiliary** use, the sale and service of products manufactured on the same **parcel** and only those goods and supplies normally associated with the trade;
- (h) indoor, outdoor storage including **shipping containers** (*Bylaw 1607*), excluding auto wrecking or storage;
- (i) **wholesale use**;
- (j) works yard;
- (k) asphalt, concrete crushing plant;
- (l) dog pound;
- (m) sales and service of logging and construction materials and supplies;
- (n) animal hospital and veterinary facility when totally contained in a **building**;
- (o) processing, manufacturing dairy products;
- (p) laboratory, testing facility;
- (q) sales and service, rental and repair of tools;

- (r) building supply, lumber yard;
- (s) auctions other than of livestock provided that the auction takes place only in a **building** which satisfies the requirements of the British Columbia Building Regulations for assembly occupancy;
- (t) documents and parcel delivery depot;
- (u) **fuel sales - wood**;

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an M-2A zone:

- (v) office **auxiliary** to principal uses;
- (w) not more than one **single family dwelling**, but that **single family dwelling** use must cease on cessation of the principal use;
- (x) **building auxiliary** to the principal **building**;
- (y) mobile food concession;
- (z) auction of goods sold in respect of the principal use.

Regulations

6.3.2 In an M-2A zone the following regulations contained in Table 6.3 shall apply:

Table 6.3	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,700 m ² minimum
Parcel Width	30 metres minimum
Parcel Coverage	75% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	1 maximum
Setbacks	
front yard	3 metres minimum
rear yard	
where a rear yard adjoins a dedicated railway right-of-way or a lane contiguous to a parcel zoned R-1, R-2, R-3, R-4, or R-5	0 metres
for all other parcels	4.5 metres minimum
side yard	
exterior	4.5 metres minimum
interior	4.5 metres minimum on at least one side yard
asphalt plant and gravel crushing plant	600 metres minimum from a parcel located in an R-1, R-2, R-3, R-4, or R-5 zone or an area designated for residential use under the Community Plan

Table 6.3	
Element	Regulations
Height	12 metres
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1 maximum
Setbacks	
front yard	3 metres minimum
rear yard	
where a rear yard adjoins a dedicated railway right-of-way or a lane contiguous to a parcel zoned R-1, R-2, R-3, R-4, or R-5	0 metres
for all other parcels	4.5 metres minimum
side yard	
exterior	4.5 metres minimum
interior	4.5 metres minimum on at least one side yard
Height	12 metres
Parking and Loading	
	Parking and loading in the M-2 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Section 6.4 M-3 Heavy Industrial Zone

Purpose

The purpose of the M-3 zone is to accommodate those industrial operations which largely involve outdoor activities, including storage of materials used in operations.

Permitted Uses

Principal Uses

6.4.1 The following principal uses and no others are permitted in an M-3 zone:

- (a) contractors' yard and storage **building**;
- (b) distilling, incinerating, tanning or rendering of fish, animal or vegetable products, and the manufacture of paper or rubber;
- (c) works yard;
- (d) industrial service industry including heavy equipment overhaul and repair, welding shop, electrical shop, plumbing and heating shop, blacksmith shop;
- (e) junk yard, wrecking yard, or salvage yard;
- (f) manufacturing, processing, refining, mixing or bulk storing of petroleum, bitumen, coal tar products or derivatives, and corrosive, noxious, highly flammable or explosive materials, chemicals, gases, and fission or fused products;
- (g) operation of sawmills, hammer mills, rolling mills, blast furnaces, foundries, drop forges, brick kilns, flour mills;
- (h) operation of stockyards, the slaughtering of animals or poultry, the manufacturing of fertilizer;
- (i) secondary manufacturing industries including furniture manufacture, **mobile home building**, wood products manufacturing, textile manufacturing;
- (j) smelting, refining and reducing of minerals or metallic ores;
- (k) transportation uses including truck terminal, railways, freight handling and transit depot;
- (l) asphalt, concrete gravel crushing plant, gravel extraction;
- (m) **fuel sales - wood**;
- (n) **gravel removal**.

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an M-3 zone:

- (o) offices **auxiliary** to principal use;
- (p) not more than one **dwelling**;
- (q) **buildings auxiliary** to principal **building**;
- (r) mobile food concession;
- (s) dispensing of fuel for private use.
- (t) **shipping container for storage purposes** (Bylaw 1607).

Regulations

6.4.2 In an M-3 zone the following regulations contained in Table 6.3 shall apply:

Table 6.3	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	2 hectares minimum
Parcel Width	Not restricted
Parcel Coverage	60% maximum for all buildings and structures
Principal Buildings	
Setbacks front yard rear yard side yard except where a parcel line is contiguous to a railway right of way no yard is required in respect of that parcel line	6 metres minimum 6 metres minimum 6 metres minimum
Height	12 metres
Auxiliary Buildings	
No. of Auxiliary dwellings on a parcel	1 maximum
Setbacks front yard rear yard side yard except where a parcel line is contiguous to a railway right of way no yard is required in respect of that parcel line	6 metres minimum 6 metres minimum 6 metres minimum
Height	12 metres
Parking and Loading	
	Parking and loading in the M-3 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Division 7 – Public Use Zones

Section 7.1 P-1 Public Amenity Zone (Bylaw 1479)

Purpose

The purpose of the P-1 zone is to accommodate a wide range of public amenities and public facilities.

Permitted Uses

Principal Uses

7.1.1 The following and no other Principal uses are permitted in a P-1 Zone:

- (a) federal, provincial or municipal parks including boat launching areas, places of historical or geological interest;
- (b) cultural and recreational facilities including but not restricted to arena, auditorium, community center, skating rink, curling rink, tennis court, racquet sports, swimming pool;
- (c) open recreational area and playground;
- (d) play field;
- (e) green belt, pathway and trail;
- (f) farmers' market;
- (g) visitor information centre.

Auxiliary Uses

The following and no other auxiliary uses are permitted in a P-1 Zone;

- (h) not more than one dwelling;
- (i) food concession or restaurant, premises licensed for consumption of alcoholic beverages;
- (j) buildings auxiliary to Principal Buildings;
- (k) retail sales of goods related to the Principal Use;
- (l) **Backyard hen keeping** auxiliary to a community garden. (Bylaw 1781)

Regulations

7.1.2 In an P-1 zone the following regulations contained in Table 7.1 shall apply:

Table 7.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,120 m ² minimum
Parcel Width	Not restricted
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	Not restricted
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum

Table 7.1	
Element	Regulations
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1 maximum
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	3 metres minimum
Height	12 metres
Parking and Loading	
	Parking and loading in the P-1 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

Section 7.2 P-1A Public Utility Zone

Purpose

The purpose of the P-1A zone is to accommodate a range of public use facilities that require large land areas, such as fairgrounds and exhibition sites.

Permitted Uses

7.2.1 The following principal uses and other others are permitted in a P-1A zone:

- (a) fire hall;
- (b) police station;
- (c) public utility;
- (d) works yard;

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a P-1A zone:

- (e) **buildings auxiliary** to principal **buildings**.

Regulations

7.2.2 On a **parcel** in a P-1A zone the following regulations contained in Table 7.2 shall apply:

Table 7.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,120 m ² minimum
Parcel Width	Not restricted
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1 maximum

Section 7.3 P-2 Public Use Two Zone (Bylaw 1479)Purpose

The purpose of the P-2 zone is to accommodate a range of public use facilities that require large land areas, such as fairgrounds and exhibition sites.

Permitted UsesPrincipal Uses

7.3.1 The following and no other uses are permitted in a P-2 zone:

- (a) assembly, cultural and recreational facilities including but not limited to arena, auditorium, community center, skating rink, curling rink, tennis court, racquet sports, swimming pool;
- (b) golf course;
- (c) campground, recreational vehicle park;
- (d) hospital, personal care center, intermediate and extended long term care facility, assisted living, rest homes, retirement housing, senior citizens' housing and receiving homes; (Bylaw 1513)
- (e) **school**, college, nursery school, kindergarten;
- (f) public library, museum, art gallery, tourist information;
- (g) cemetery;
- (h) fairgrounds, exhibition grounds, circus, providing that for these uses the minimum parcel area shall be 16 hectares;
- (i) youth center, provided that premises licensed for the consumption of alcoholic beverages are not permitted on the same parcel;
- (j) **child development centre**; (Bylaw 1754)

Auxiliary Uses

The following and no other auxiliary uses are permitted in a P-2 Zone:

- (k) not more than one **dwelling**;
- (l) food concession or restaurant, premises licensed for consumption of alcoholic beverages;
- (m) **buildings auxiliary to Principal Buildings**;
- (n) general commercial **retail sale** of goods not otherwise permitted as a **Principal Uses** provided that such **retail sales** shall be limited to a total of 4 days per parcel per calendar year.

Regulations

7.3.2 In an P-2 zone the following regulations contained in Table 7.3 shall apply:

Table 7.3	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,120 m ² minimum (Bylaw 1652)
Parcel Width	Not restricted
Parcel Coverage	50% maximum for all buildings and structures

Principal Buildings	
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary dwellings on a parcel	1 maximum
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	3 metres minimum
Height	12 metres
Parking and Loading	
	Parking and loading in the P-2 zone shall comply with Sections 2.9 and 2.10 contained in General Provisions.

Section 7.4 P-3 Public Use Three ZonePurpose

The purpose of the P-3 zone is to accommodate places of worship, including churches.

Permitted UsesPrincipal Uses

7.4.1 The following principal use and no other is permitted in a P-3 zone:

- (a) **church;**

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in a P-3 zone:

- (b) **church hall;**
 (c) **auxiliary** residential;
 (d) **day care centre;**
 (e) nursery school;
 (f) **auxiliary building.**

Regulations

7.4.2 In a P-3 zone the following regulations contained in Table 7.4 shall apply:

Table 7.4	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,100 m ² minimum
Parcel Width	Not restricted
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
No. of principal buildings	1 maximum
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	
interior	6 metres minimum
exterior	6 metres minimum
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
Setbacks	
front yard	6 metres minimum
rear yard	0.6 metres minimum or 1.8 metres from a rear parcel line in the case of a carport or garage opening onto a lane

Table 7.4	
Element	Regulations
side yard interior exterior	0.6 metres minimum 3.5 metres minimum
Height	6.1 metres
Fencing	
Height In the required front yard In any other yard	1.2 metres maximum 1.8 metres maximum
Parking	
	Parking in the P-3 zone shall comply with Section 2.9 contained in General Regulations.

Section 7.5 P-4 Central Park Zone *(Bylaw 1729)***Purpose**

The purpose of the P-4 zone is to accommodate the unique combination of uses that can occur within Central Park.

Permitted Uses**Principal Uses**

7.5.1 The following and no other Principal uses are permitted in a P-4 Zone:

- (a) federal, provincial or municipal parks including places of historical or geological interest;
- (b) cultural and recreational facilities including but not restricted to arena, auditorium, community center, skating rink, curling rink, tennis court, racquet sports, swimming pool;
- (c) open recreational area and playground;
- (d) play field;
- (e) green belt, pathway and trail.
- (f) farmers' market.
- (g) visitor information centre
- (h) studio, including artist, display, music, radio, recording, television, photography studio;

Auxiliary Uses

The following and no other auxiliary uses are permitted in a P-4 Zone;

- (i) not more than one dwelling;
- (j) food concession or restaurant, premises licensed for consumption of alcoholic beverages;
- (k) buildings auxiliary to Principal Buildings;
- (l) retail sales of goods related to the Principal Use;

Regulations

7.5.2 In a P-4 zone the following regulations contained in Table 7.1 shall apply:

Table 7.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,120 m ² minimum
Parcel Width	Not restricted
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
No. of Principal Buildings	Not restricted
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum

Table 7.1	
Element	Regulations
side yard	3 metres minimum
Height	3 storeys or 12 metres, whichever is less
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1 maximum
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	3 metres minimum
Height	12 metres
Parking and Loading	
	Parking and loading in the P-4 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations and follow the same requirements as the P-1 zone.

Division 8 AIRPORT ZONES

8.1 Description of Zones

Zone	Abbreviation	Intent of Zone
Airport One	AP1	The purpose of the AP1 zone is to accommodate airport and aviation related uses that primarily make use of airside access.
Airport Industrial Park	AP2	The purpose of the AP2 zone is to accommodate an industrial park.

8.2 Zone Conditions

Zone	Abbreviation	Conditions
Airport One & Airport Industrial Business Park	AP1 & AP2	Notwithstanding Section 12.5 Development and Subdivision Regulations, setback and height requirements in the airport zones shall be subject to the regulations of Transportation Canada and NAV Canada.

8.3 Permitted Uses

8.3.1 The uses listed in the following table shall be permitted where indicated with a 'P' within the corresponding zone, subject to the conditions of use specified:

Use	Zones		Conditions of Use
	AP1	AP2	
Terminal Building and terminal-related Uses	P	---	
Fuel Sales	P	---	
Aids for air navigation and safety needs	P	P	
Air cargo facility	P	P	
Aircraft operation and storage, including private storage hangars	P	P	
Aircraft equipment sales, service, and storage	P	P	Any storage of equipment must be enclosed or screened.
Airport Maintenance and Utility Areas	P	P	
Airport parking	P	P	
Automobile rental facility	P	P	

Document and parcel delivery depot	P	P	AP1 zone only permits document and parcel delivery depot if the use is aviation related.
Flight training school facility	P	P	
Fuel Storage	P	P	
Heliport and helicopter base	P	P	
Military / Air Force	P	P	
Trucking and freight depot	P	P	AP1 zone only permits a trucking and freight depot if the use is aviation related.
Warehouse Use and Wholesale Use	P	P	AP1 zone only permits warehouse use if the warehousing is aviation related.
Weather observation station and airport-related research facility	P	P	
Camp Services and other Expediting Operations	---	P	This use considers office use, outdoor storage, and warehousing, as permitted uses.
Food Packaging, Repackaging, and Labelling Operations	---	P	
Industrial Mall	---	P	
Industrial, Primary	---	P	
Laboratory, Testing Facility	---	P	
Office Use	---	P	Office use shall be allowed as a permitted use only when related to expediting operations and/or aviation related..
P = Permitted use			
--- = Use not permitted in this zone			

8.4 Accessory Uses

8.4.1 The uses listed in the following table shall be permitted as an accessory use where indicated with an 'A' within the corresponding zone, as per the conditions of use specified:

Use	Zones		Conditions of Use
	AP1	AP2	
Accessory Building	A	A	
Fuel pumps	---	A	For private use only (Fuel sales are prohibited)
Office Use	A	A	
Outdoor Storage	A	A	Outdoor storage areas shall be screened with an opaque fence.
Retail Sales and Display of Goods	---	A	No more than fifty (50) square metres or 10% of the gross floor

			area, whichever is less, shall be utilized for retail sales and display of goods.
A = Use Permitted as an Accessory Use			
- - - = Not an Accessory Use			

8.5 Development and Subdivision Regulations

8.5.1 The following table specifies the minimum lot size, minimum lot frontage, maximum number of buildings, the setbacks, and the maximum height of all lots within the corresponding zone.

Element	Zone	Regulation	
Minimum Parcel Area	AP1 & AP2	1,050 m ²	
Minimum Average Parcel Width	AP1 & AP2	25 metres	
Maximum Parcel Coverage	AP1 & AP2	75%	
Maximum Number of Buildings		Principal	Accessory
	AP1 & AP2	Not Restricted	1
Setbacks:		Principal	Accessory
Front	AP1 & AP2	3 metres	3 metres
Rear	AP1 & AP2	3 metres	3 metres
Interior Side	AP1 & AP2	4.5 metres	4.5 metres
Exterior Side	AP1 & AP2	4.5 metres	4.5 metres
Maximum Height	AP1 & AP2	12 metres (Subject to Sec.8.2 Zone Conditions)	

Division 9 – Administration & Enforcement

Section 9.1 Administration

The Building Inspector, being an officer, is authorized between 0700 and 2300 hours to enter on any property that is subject to regulation under this bylaw to ascertain whether the regulations or directions under this bylaw are being observed. Where any **dwelling**, apartment or guest room of any **structure** to be entered is occupied, the Building Inspector shall first either obtain the consent of the occupant, or provide written notice to the occupant 24 hours in advance of inspection.

Section 9.2 Offence

9.2.1 Every person who:

- (a) violates any of the provisions of this bylaw;
- (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
- (c) neglects or omits to do anything required under this bylaw;
- (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
- (e) fails to comply with an order, direction or notice given under this bylaw; or
- (f) prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Building Inspector on property under Section 8.1.1 (Bylaw No. 756, 86.08.20)

shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

9.2.2 Each day's continuation of an offence under Section 8.2.1 constitutes a new and distinct offence.

9.2.3 Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding \$2,000.00 Dollars and the costs of prosecution.

Section 9.3 Administrative Provisions

Town of Smithers Zoning Bylaw 740, 1985 as amended is repealed.

CITATION:

This Bylaw may be cited for all purposes as "Zoning Bylaw No. 1403", and comes into effect on the date of adoption.

READ A FIRST TIME THIS 8TH DAY OF JANUARY, 2002.

READ A SECOND TIME THIS 8TH DAY OF JANUARY, 2002.

PUBLIC HEARING WAS HELD THIS 22ND DAY OF JANUARY, 2002.

APPROVAL FROM MINISTRY OF TRANSPORTATION RECEIVED THIS 22ND DAY OF JANUARY, 2002.

RESCINDED SECONDED READING, AMENDED AND RE-READ A SECOND TIME THIS 22ND DAY OF JANUARY, 2002.

READ A THIRD TIME THIS 22ND DAY OF JANUARY, 2002.

ADOPTED THIS 22ND DAY OF JANUARY, 2002.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of

S E A L

Brian J. Northup
Mayor

Wallace Mah
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No. 1403 cited as "Zoning
Bylaw No. 1403".

Wallace Mah
Corporate Administrator (CAO)

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