



Zoning Bylaw No. 1936

Consolidated for Convenience Only
(Revised on December 27, 2024)

LIST OF AMENDMENTS

Bylaw No	Adoption Date	General Description	Applicant
1934	January 10, 2023	Map amendment: 3647 Alfred Ave, from R-2 to R-3	Westwind Enterprises Limited
1931	January 24, 2023	Multiple map amendments involving future subdivision phase lands in Ambleside	Ambleside Projects Limited
1923	February 28, 2023	Map amendment: 4341 Highway 16, from C-3 to C-4 Text amendments to permit 'restaurant' as a principal use in the C-3 Zone	Oke 8 Designs Inc (For Burger King)
1947	February 28, 2024	Map amendments involving five parcels (to fix unintentional mapping errors)	Town of Smithers
1963	February 27, 2024	Map amendment involving 3879, 3887, 3896 Alfred Ave, from C-1A to CD-1 (for supportive housing)	BC Housing
1966	May 9, 2024	Map amendment: 1290 King Street, from R-2 to C-1A	Lubbers Contracting Limited
1972	June 11, 2024	Map and text amendments to comply with Bill 44 - Small-Scale Multi-Unit Housing Legislation requirements	Town of Smithers
1977	October 22, 2024	Text amendments to various sections as necessary to establish a comprehensive STR regulatory framework	Town of Smithers

TOWN OF SMITHERS ZONING BYLAW NO. 1936

*A bylaw to establish zones and regulate the use of land, buildings
& 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

TOWN OF SMITHERS ZONING BYLAW NO. 1936	iii
Division 1 – Interpretation	6
Section 1.1 Short Titles.....	6
Section 1.2 Definitions.....	6
Section 1.3 Establishment of Zones.....	17
Section 1.4 Definition of Zones	18
Section 1.5 Basic Provisions.....	18
Division 2 – General Provisions	19
Section 2.1 Home Occupations	19
Section 2.2 Bed and Breakfast Operations	19
Section 2.3 Short Term Rentals.....	20
Section 2.4 Secondary Suites & Carriage Houses	20
Section 2.5 Siting.....	21
Section 2.6 Height Restrictions.....	22
Section 2.7 Visibility at Intersections.....	22
Section 2.8 Swimming and Wading Pools.....	23
Section 2.9 Fences.....	23
Section 2.10 Parking	24
Section 2.11 Loading Requirements	32
Section 2.12 Vehicles in Residential Areas	32
Section 2.13 Cannabis Retail Sales.....	32
Section 2.14 Shipping Containers.....	32
Section 2.15 Auxiliary Uses, Buildings & Structures.....	33
Section 2.16 Density Bonusing for Affordable and Seniors Housing	34
Section 2.17 Properties in Agricultural Land Reserve (ALR)	35
Division 3 – Agricultural Zones	36
Section 3.1 A-1 Agricultural Zone	36
Division 4 – Residential Zones.....	38
Section 4.1 LDR-1 Low Density Residential Zone.....	38
Section 4.2 R-3 Medium Density Residential Zone	40
Section 4.3 R-4 Manufactured Home Park Residential Zone	41
Section 4.4 R-5 Manufactured Home Subdivision Residential Zone	42
Section 4.5 R-6 Rural Residential Zone.....	43
Section 4.6 R-7 Rural Residential Hobby Farm Zone	45
Division 5 – Commercial Zones	47
Section 5.1 C-1 Town Centre Commercial Zone.....	47
Section 5.2 C-1A Downtown Commercial Zone	49
Section 5.3 C-2 Service Commercial Zone	52
Section 5.4 C-3 Tourist Commercial Zone	55
Section 5.5 C-4 Service Station Commercial	57
Section 5.6 C-5 Large Scale Retail Commercial	58
Division 6 – Industrial Zones.....	60
Section 6.1 M-1 Light Industrial Zone	60
Section 6.2 M-2 Medium Industrial Zone.....	63
Section 6.3 M-3 Heavy Industrial Zone	66
Section 6.4 M-3A Limited Heavy Industrial Zone	68
Division 7 – Public Use Zones	70
Section 7.1 P-1 Public Amenity Zone.....	70
Section 7.2 P-1A Public Utility Zone	72

Section 7.3 P-2 Public Use Two Zone	73
Section 7.4 P-3 Public Use Three Zone.....	75
Section 7.5 P-4 Central Park Zone	76
Division 8 – Airport Zones.....	78
Section 8.1 AP-1 Airport One Zone.....	78
Section 8.2 AP-2 Airport Industrial Zone.....	80
Division 9 – Comprehensive Development Zones.....	82
Section 9.1 CD-1 Comprehensive Development Zone 1.....	82
Division 10 – Administration & Enforcement	83
Section 10.1 Administration	83
Section 10.2 Offence	83
Section 10.3 Administrative Provisions	83
CITATION:.....	84

Division 1 – Interpretation

Section 1.1 Short Titles

This bylaw may be cited for all purposes as “Zoning Bylaw No. 1936”.

Section 1.2 Definitions

All words or phrases used in this bylaw shall have their normal or common meaning except where this is changed, modified, or expanded by the definition set forth in this bylaw. All words that are defined in Section 1.2 are bolded throughout this Bylaw.

In this bylaw:

“**agriculture**” means growing, rearing, producing or harvesting agricultural crops, fur-bearing animals, poultry, bees or other livestock and includes processing of the primary agricultural products harvested, reared, or produced on the same parcel and the storage of farm machinery, implements and agricultural supplies and repairs to farm machinery and implements used on the same parcel but excludes boarding and breeding kennels;

“**Agricultural Land Reserve**” means the Provincial agricultural zone defined in the *Agricultural Land Commission Act*;

“**aisle, manoeuvring**” means that portion of a driveway provided and reserved exclusively to permit a vehicle to be driven into or out of a parking space;

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

“**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;

“**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 use**” means a land use which is ancillary or subordinate to a principal use;

“**auxiliary building**” means an enclosed or unenclosed structure, the use or intended use of which is ancillary and subordinate to that of the principal building situated on the same parcel, but excludes any dwelling unit;

“**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, aprons and their associated manoeuvring areas together with aircraft hangars, fixed base operations facilities, and terminal buildings;

“backyard hen keeping” means the keeping of hens, as they are defined in Bylaw No. 1780 - Animal Control & Licensing other than in an Agricultural, Commercial or Industrial zone;

“bed and breakfast” means the use of a room or rooms without cooking facilities in an owner-occupied single detached dwelling for the temporary sleeping accommodation of the travelling public, with breakfast meals being prepared and served to guests;

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

“cannabis” has the same meaning as in the Cannabis Act (Canada);

“cannabis retail sales” means the sale of cannabis and cannabis accessories authorized by a licence issued under the Cannabis Control and Licensing Act;

“campground” means a site operated and occupied as *temporary* accommodation of the traveling public in tents and recreation vehicles for periods not exceeding one month;

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

“carriage house” means a self-contained dwelling unit that is auxiliary to a single detached dwelling;

“childcare, centre” means the provision of child care licensed under the *Community Care & Assisted Living Act* and the Child Care Licensing Regulation;

“childcare, in-home” means the provision of child care in the operator’s home licensed under the *Community Care & Assisted Living Act* and the Child Care Licensing Regulation;

“child development centre” means the provision of pediatric early intervention and family centered programs such as infant development, physiotherapy, speech and language therapy, occupational therapy, family support, early childhood education and similar specialized services;

“community garden” means an area of land, where individuals or members of a group grow and harvest for their own use food crops, flowers, and ornamental plants;

“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 premises used for the retail sale of tobacco, photographic film, snack items, personal hygiene items, newspapers, magazines, books, souvenirs, postcards, writing paper, envelopes, postage stamps or soft drinks;

“convenience store” means premises used for the retail sale of 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 250 m²;

“**crematorium**” means an industrial building or structure with a furnace for the cremation of bodies to ashes;

“**density**” means a measurement of development intensity on a parcel measured in dwelling units per hectare or square metres of parcel area per dwelling unit. Secondary suites and carriage houses are not considered a dwelling unit for the purpose of density calculations;

“**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 of a building, used, intended, or designed to be used as living accommodation for a single family;

“**dwelling, single detached**” means a building containing only 1 dwelling occupied by one family;

“**dwelling, semi-detached**” means a building containing 2 self-contained dwellings;

“**entertainment establishment**” means any building used for commercial entertainment and recreation purposes, such as cabarets, beer parlours, cocktail lounges, night clubs, bowling alleys, auditoriums, dance and bingo halls, gymnasiums, theatres, but excludes video arcades, pool halls, and automotive and other vehicle sales and service;

“**family day care**” means a childcare use as defined under Part 7 of the Child Care Licensing Regulation and licensed under the *Community Care and Assisted Living Act*;

“**farmers' market**” means the seasonal sales of agricultural products and crafts produced locally;

“**fence**” means a barrier, railing, or other upright structure, typically of wood or wire, enclosing or screening an area of land or marking a boundary;

“**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;

“**frontage**” means the width of the front parcel line abutting the street;

“**fuel sales - wood**” means sale of firewood including the storage and processing of logs to produce firewood;

“**funeral home**” means premises used for the preparation and display of deceased persons, including rituals or ceremonies associated therewith, prior to burial or cremation;

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

“**garden centre/plant nursery**” means premises used to grow and/or sell plants and landscaping materials to the general public but does not include bulk sales of garden materials;

“**gateway to housing**” means a publicly funded facility for the provision of multifaceted transitional housing programs addressing the needs of clients from housing to counseling. The use may include the provision of supportive services to clients such as intake and assessment, case management, nutrition, employment service, adult education, training in budgeting and

money management, assistance in securing permanent housing, as well as short-term, overnight accommodation for clients;

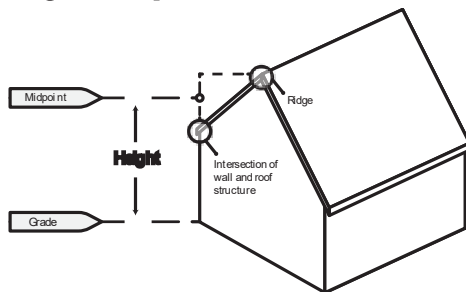
“**grade**” means the lowest of the average levels of finished ground adjoining each exterior wall of a building;

“**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 sundecks, elevators or ventilating machinery and building features referred to in Section 2.3.3 of this bylaw;

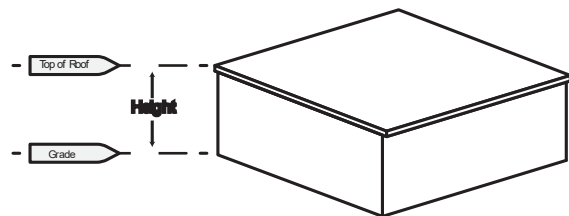
“**hand crafted small goods**” means the making by hand or by hand and small machine of arts and crafts wares and includes but is not limited to pottery, ceramics, lapidary products, jewelry, plaques, paintings, souvenirs, wood and stone carvings, leather goods, metal and plastic arts, glass crafts,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

“**height**” 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 flat roof, or the mid-point between the intersection point of the building wall and roof structure and ridge of a sloped roof excluding dormers;

Height - Sloped Roof



Height - Flat Roof



“**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;

“**hobby farm**” means a farm with an area of less than 20 ha (50 ac) that is not intended to be the owner or occupier’s primary source of income;

“**home occupation**” means a commercial undertaking carried on as an auxiliary use in a dwelling;

“**hotel**” means a building or part thereof, with a common entrance lobby and shared corridors, providing temporary overnight accommodation for transient visitors by way of furnished sleeping units. Hotel use may include commercial facilities such as restaurant, banquet, beverage, meeting and convention rooms, recreation facilities and personal services for the convenience of guests (*bylaw 1977*);

“**industrial, primary**” means a co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, repair, storing, transporting, warehousing, or distributing of goods

or materials or things with or without an auxiliary office to administer the industrial use on the lot, and includes wholesale sales 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" means land and buildings that provide for civic and other public functions and amenities, including but not limited to, schools, colleges, courts of law, community centres, hospitals, libraries, and museums;

"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 less than 11 metres wide which provides a secondary access to a parcel;

"landscaping" means a vegetated area, garden, or combination thereof, which has a mix of ground cover, plants, shrubs, trees, hard surfaces such as brick and stone, and other landscape elements such as walkways, seating areas, water features and public art;

"laundromat" means a coin operated laundry;

"low-rise apartment" means a building containing 3 or more dwellings, where each dwelling has its principal access from an entrance or common hallway;

"manufactured home" means a structure, whether or not ordinarily equipped with wheels, that is:

- (a) designed, constructed, or manufactured to be moved from one place to another by being towed or carried;
- (b) used or intended to be used as a dwelling unit; and
- (c) that conforms with the CAN/CSA Z240 MH Series at the time of manufacture.;

"manufacturing use" means the making, producing, processing, fabricating, assembling, or repairing of goods, materials, products, substances, or things;

"microbrewery" means a brewery that produces less than 15,000 hectolitres of beer annually and includes auxiliary uses of wholesaling, tours, tastings, retail sales and consumption of beer produced on-site;

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

"mobile home" see manufactured home;

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

“modular home” (prefabricated) means finished section(s) of a complete dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, installation of cabinets, floor covering, fixtures, heating system, and exterior finishes. Modular homes may contain a CSA A277 Modular home label;

“motel” means any building other than an Apartment Rental, Boarding House, or Hotel as defined herein comprising of not less than two sleeping or rental units normally occupied temporarily by tenants or transients (*Bylaw 1977*).

“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;

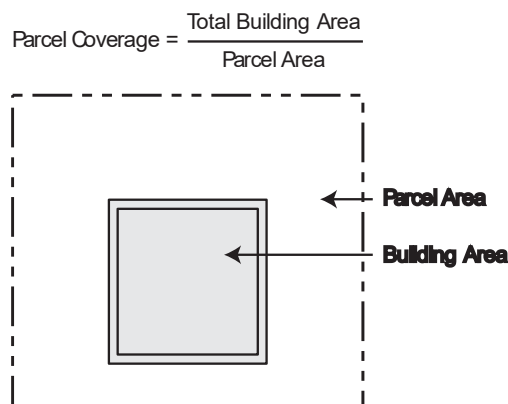
“office use” means a use of the carrying on of a business, the conduct of public administration, the practice of a profession or the administration of an industry and includes financial institutions and real estate offices, but excludes the sale, rental, servicing and repair of goods and the manufacture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

“outdoor storage” means the storage of equipment, goods, and materials outside of a building or structure and does not involve the erection of permanent structures. Typical uses include but are not limited to pipe yards or heavy equipment storage yards as well as outdoor storage of building materials, vehicles, or boats;

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

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

“parcel coverage” means the combined areas of all buildings on a parcel other than greenhouses, measured to the drip line of the roof and expressed as a percentage of the parcel area;

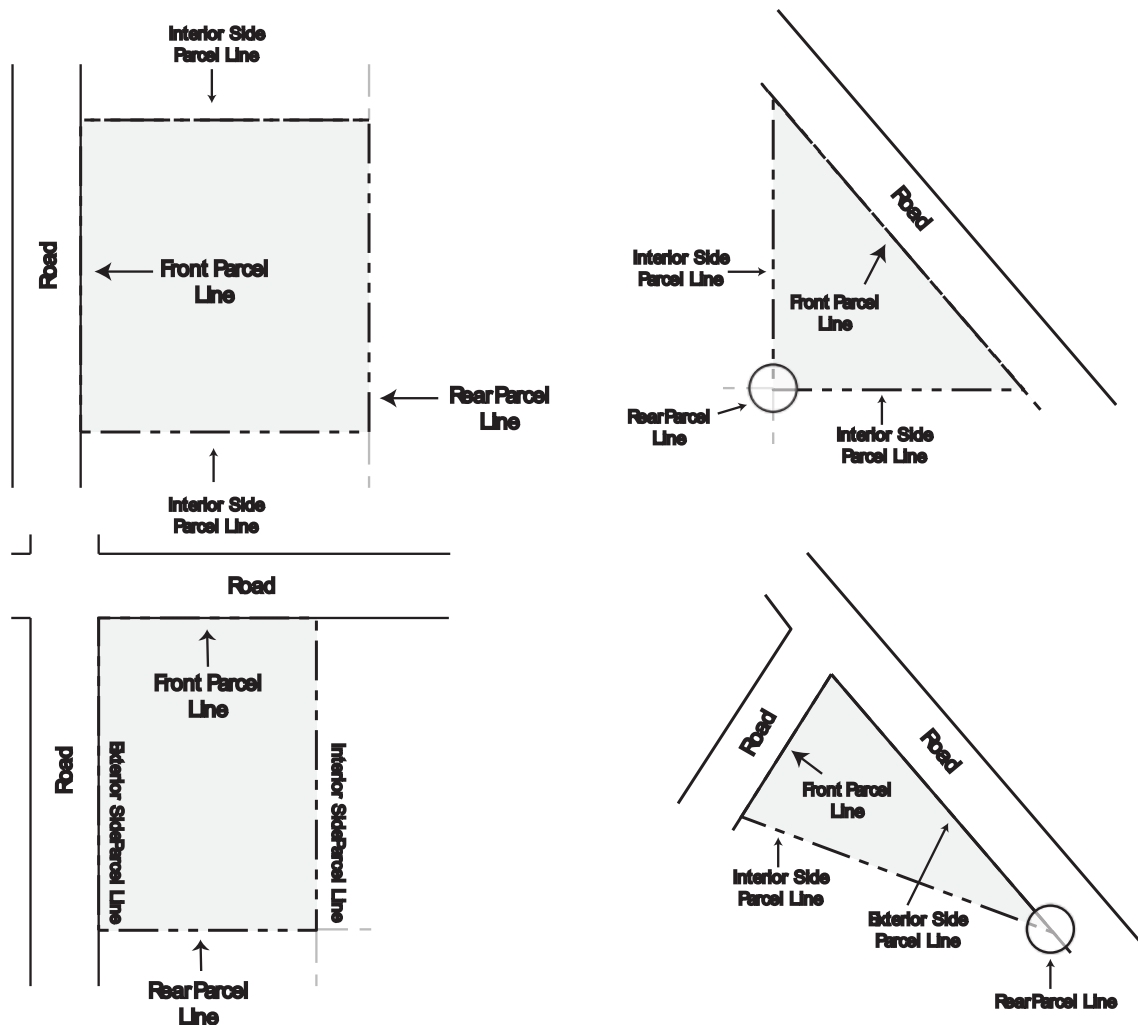


“**parcel line, exterior side**” means a parcel boundary, other than a front parcel line, located between a parcel and a highway; except that where the highway is not intended for the use of motorized vehicles the exterior side parcel line shall be considered to be an interior side parcel line for the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

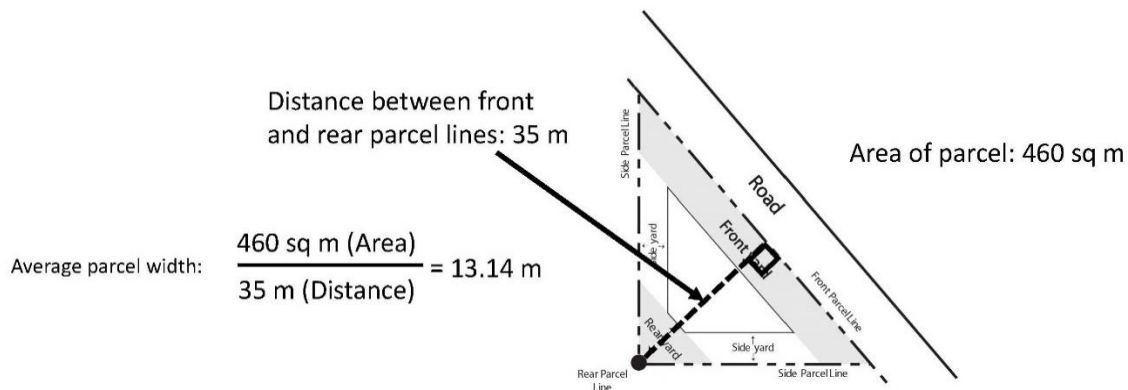
“**parcel line, front**” means a parcel boundary common to a parcel and a highway other than a lane provided that where a parcel is contiguous to the intersection of 2 highways the front parcel line is the shorter of the parcel lines and where it is not possible to determine the shortest parcel boundary, the entire parcel boundary contiguous to both highways shall be the front parcel line;

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

“**parcel line, rear**” 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 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;



“**parcel width, average**” means the area of an irregular-shaped parcel divided by the distance between the front and rear parcel lines measured perpendicularly to the abutting street at the midpoint of the front parcel line;



“parking space, off-street” means an area of a parcel identified or used for the parking of 1 motor vehicle;

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

“permanent resident” is an individual who lives or intends to live on a property for most time of the calendar year, at least for 180 days. At a given time, an individual or household will only have one permanent residence, which he/she/they use for all communications with the government(s) or for taxation purposes (*bylaw 1977*).

“personal service establishment” means a business establishment wherein personal services are performed, including a barber shop, hair or beauty salon, shoe repairs, tailor shop, photographic studio or other similar uses that provide services to persons and households, but specifically excludes massage parlors and escort services;

“place of worship” 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;

“principal building” means a building in which the principal use of the parcel on which the building is located is conducted;

“principal use” means the main or primary use of a parcel;

“quadplex” means a building containing 4 dwellings, where each dwelling has its principal access from an entrance or common hallway; (*bylaw 1972*)

“recreational use” means a complex, facility or place designed and equipped for the conduct of sports and leisure-time activities including, but not limited to athletic fields, tennis courts, racquetball or squash courts, badminton or volleyball courts, bowling greens, arenas, or stadiums;

“recreational vehicle” means a vehicle requiring a motor vehicle licence and designed to be used for *temporary* living and travel, recreation or vacationing and includes vehicles commonly known as travel trailers, fifth wheel trailers, truck campers, motor homes, boats, snowmobiles, all-terrain vehicles or other similar vehicles but does not include a manufactured home;

“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 use” means the use of land and buildings for the accommodation of a person or persons and activities customarily associated with home life, and excludes short-term rental and bed and breakfast uses;

“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, all-terrain vehicles, lumber, alcoholic beverages, cannabis 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 trades;

“secondary suite” means an additional dwelling unit located in a single detached, semi-detached or townhouse dwelling;

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

“shipping container” means a rectangular metal container designed and manufactured for the transport of freight, but specifically excludes dumpsters and receptacles intended for neighbourhood collection of recyclable materials. Shipping containers must comply with the same parcel coverage, siting, and setback requirements as auxiliary buildings;

“short-term rental” means the rental of a dwelling unit or portion thereof to one or more transient visitors for a period of less than thirty (30) days;

“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 either with or without provision of cooking facilities in the sleeping units (*bylaw 1977*);

“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 11 metres or greater in width providing primary access to a parcel;

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

“solar energy system” means a device which relies upon solar radiation as an energy source for the generation of electrical or thermal energy for on-site consumption;

“supportive housing” means affordable, long-term housing units, and also provides access to support staff to help tenants lead stable, independent, and connected lives. Tenants may be previously experienced homelessness or persons who are at risk of homelessness, who may also have mental illness, have or be recovering from drug or alcohol addictions, or experience other barriers to housing. Supportive housing provides a range of on-site, non-clinical supports,

such as life-skills training, and connections to primary health care, mental health or substance use services, that are available to residents of the housing project. Additional services may include meal programs and on-site medical supports, employment and education services, counselling, and outreach services;

“transitional housing” means temporary housing that acts as an intermediate step between short-term housing to more independent living and permanent accommodation. Individuals in transitional housing may have a more moderate need for support services and may transition to supportive housing or to independent living. An individual in transitional housing may be moving from homelessness, a health facility, or from an unsafe housing situation. This includes but is not limited to Safe Houses and Second Stage Housing;

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

“townhouse” means a building containing 3 or more self-contained dwellings where each dwelling has direct ground access and individual entrances;

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

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

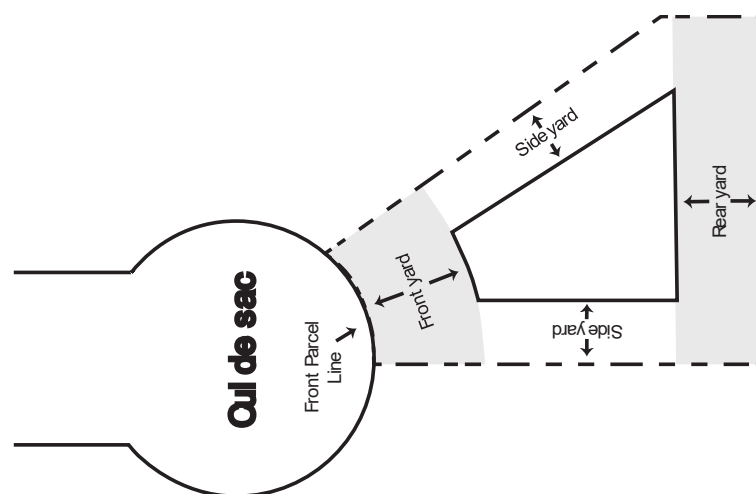
“warehouse” means a building used for the receiving and storage of goods or personal property for compensation and includes the storage of goods by a distributor or supplier who markets goods for retail at other locations, but excludes wholesale and retail sales;

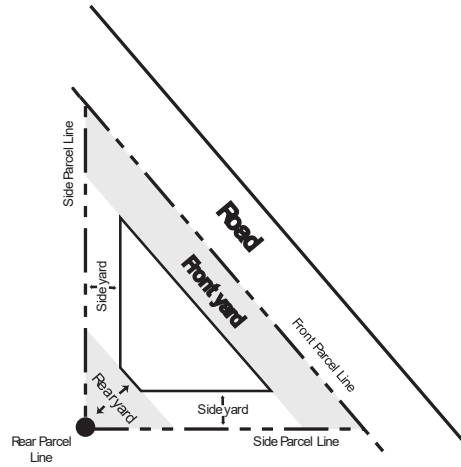
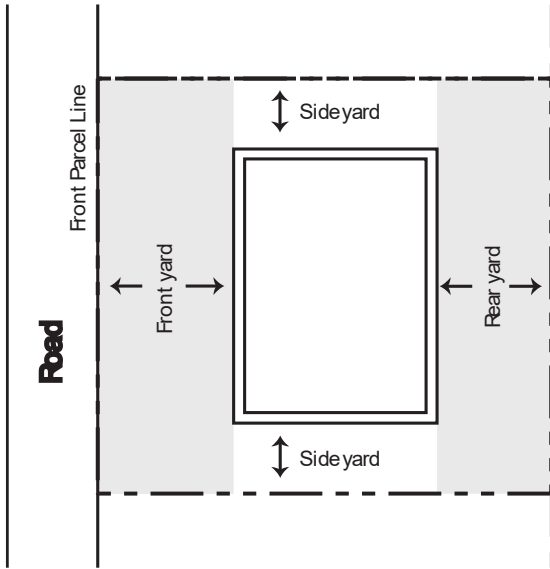
“wholesale sales” means sale of goods only to retailers, other wholesalers, contractors, or manufacturers for resale or use in their business;

“yard, front” means the distance required by this bylaw between a front parcel line and the portion of the building nearest the front parcel line;

“yard, rear” means the distance required by this bylaw between a rear parcel line and the portion of a principal or auxiliary building nearest the rear parcel line;

“yard, side” means the distance required by this bylaw between a side parcel line and the portion of the building nearest the side parcel line;





“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>
LDR-1	Low Density Residential
R-3	Medium Density Residential
R-4	Manufactured Home Park Residential
R-5	Manufactured 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-2	Service Commercial
C-3	Tourist Commercial
C-4	Service Station Commercial
C-5	Large Scale Retail Commercial
	<u>Industrial Zones</u>
M-1	Light Industrial
M-2	Medium Industrial
M-3	Heavy Industrial
M-3A	Limited Heavy Industrial
	<u>Public Use Zones</u>
P-1	Public Amenity
P-1A	Public Utility
P-2	Public Use Two
P-3	Public Use Three
P-4	Central Park
	<u>Airport Zones</u>
AP-1	Airport One
AP-2	Airport Industrial
	<u>Comprehensive Development Zones</u>
CD-1	Comprehensive Development One

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.
- 1.5.2 Land shall not be used or subdivided, and buildings and structures shall not be constructed, altered, located, or used except as specifically permitted by this bylaw.
- 1.5.3 All uses, buildings and structures not specifically permitted are prohibited.
- 1.5.4 The correct name of each zone provided for in this bylaw is set out in Column I of Section 1.3 of this bylaw. Inclusion of the names contained in Column II of Section 1.3 is for convenience only.
- 1.5.5 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
- 1.5.6 Metric units are used for all measurements in this Bylaw. When calculating density or parking requirements the final resulting number is determined by rounding of fractions of 0.50 or greater to the next highest whole number and fractions of less than 0.50 to the next lowest number.
- 1.5.7 The following uses are permitted in all zones:
 - (a) Food production such as fruit, vegetable, community gardens, and other plant production uses excluding cannabis production;
 - (b) Parks, trails, and natural areas;
 - (c) Municipal buildings and public works yards;
 - (d) Minor utilities except in residential zones;
 - (e) Child or senior care centre, including in-home childcare; and
 - (f) Solar energy system for use on-site.

Division 2 – General Provisions

Section 2.1 Home Occupations

2.1.1 Home occupations are permitted in all residential dwellings.

2.1.2 Home occupations 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 40% of the total floor area (including basements and cellars) of the dwelling unit is occupied by the home occupation.

2.1.3 Home occupations shall not:

- (a) Store outside of a building any materials, containers or products related to the home occupation;
- (b) Include a commercial stable, kennel, restaurant, convenience store, service or repair of small engines, automotive or farm equipment, heavy equipment or marine equipment, or the parking of industrial or construction equipment or materials, other than vehicles duly licensed to operate on public highways;
- (c) Sell goods except those goods directly related to the class of the home occupation;
- (d) Employ a person who does not reside in the dwelling with which the home occupation is associated;
- (e) Erect a sign other than a sign in accordance with the Town's Sign Bylaw;
- (f) Involve manufacturing, welding, or any other light industrial use; and
- (g) Produce 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.

2.1.4 Home occupations shall meet all requirements of municipal bylaws and the BC Building Code.

2.1.5 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.

Section 2.2 Bed and Breakfast Operations

2.2.1 Bed and Breakfast operations may be carried out in a single detached dwelling provided that:

- (a) The building does not contain a secondary suite;
- (b) The provisions of home occupations Section 2.1, except 2.1.3 (d) are adhered to; the Applicant must complete a Bed & Breakfast / Short-Term Rental

- Checklist as part of the Business Licensing requirements (*Bylaw 1977*);
- (c) A maximum of 3 rooms are used for the accommodation of the travelling public;
 - (d) The requirements for off-street parking in Section 2.10 of this bylaw are adhered to; and
 - (e) The British Columbia Building Code, Fire Code and any other requirements of the Statutes of British Columbia are adhered to.

Section 2.3 Short Term Rentals

2.3.1 Short-Term Rentals are permitted within a secondary suite or carriage house or a part of a single-detached dwelling (*Bylaw 1977*), provided that the following requirements are met:

- (a) It is operated by a permanent resident residing in a dwelling unit on the parcel where the short-term rental use is occurring.
- (b) The provisions of home occupations Section 2.1, except 2.1.3 (d) are adhered to; the Applicant must complete a Bed & Breakfast / Short-Term Rental Checklist as part of the Business Licensing requirements (*Bylaw 1977*).
- (c) Not more than one dwelling per parcel is used for short-term rental at any particular time;
- (d) It shall not produce a nuisance for surrounding properties, including but not limited to noise, light pollution or traffic that is disruptive to surrounding residents' use and enjoyment of their property; and
- (e) Requirements established under 2.3.1 (a) and (b) do not apply to Short-Term Rentals operating from C-1 Town Centre Commercial, C-1A Downtown Commercial, and C-3 Tourist Commercial zones (*Bylaw 1977*).
- (f) Must provide off-street parking in accordance with Section 2.10 of this bylaw.

Section 2.4 Secondary Suites & Carriage Houses

2.4.1 Secondary suites and carriage houses shall comply with off-street parking requirements in Section 2.8.

2.4.2 Secondary suites shall comply with the following regulations:

- (a) Secondary suites are permitted in single detached, semi-detached and townhouse dwellings;
- (b) Townhouse and Semi-detached dwellings with secondary suites shall have no less than a 1.2 metre length of parcel frontage maintained with continuous vegetation. The continuous vegetation shall extend back no less than 5 metres from the front parcel line towards the dwelling and shall not exceed a height of 1.2 metres; and
- (c) Secondary suite entrances shall be located on the rear or the side of the building.

- (d) A secondary suite shall not be subdivided or stratified.

2.4.3 Carriage Houses shall comply with the following regulations:

- (a) A carriage house is only permitted on a parcel where there is an existing single detached dwelling;
- (b) A carriage house shall not be subdivided or stratified;
- (c) Regulations for the location, siting, and height of auxiliary buildings in Section 2.15 shall apply to carriage houses excluding the maximum floor area requirements; (Section 2.15.5)
- (d) The maximum floor area of a carriage house is 90 sq. m.;
- (e) 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 is permitted only where there is no lane or if the lane is not regularly maintained; and
- (f) A carriage house must provide a minimum 1.2 metre wide illuminated pathway between the fronting street and the carriage house. Lighting must be directed so as to not shine on adjacent parcels. A sensor activated light may be used.

2.4.4 A single-family dwelling may concurrently have a carriage house and a secondary suite, provided that the applicable regulations are met for each use.

Section 2.5 Siting

2.5.1 Except as otherwise provided for in particular zones and except where this bylaw permits a building to be located at a side parcel line, where:

- (a) chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, or bay windows project more than 1 metre, or other ornamental features project beyond the face of a building, the minimum distance to an abutting parcel line may be reduced by not more than 0.6 metres; and
- (b) steps, eaves, sunlight control devices, canopies, or balconies project more than 1 metre or open porches project beyond the face of a building, the minimum distance to an abutting front, rear or exterior side parcel line may be reduced by not more than 1.7 metres and the minimum distance to an abutting interior side parcel line may be reduced by not more than 50%.

2.5.2 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.

2.5.3 No front yard required by this bylaw shall be used for an auxiliary building or structure other than a fence, swimming pool, tennis court, or a green house built in accordance with Section 2.15.4 of this bylaw.

2.5.4 A garage or a carport attached to a principal building is deemed to be a portion of the principal building.

2.5.5 Except as otherwise permitted under this bylaw, not more than 1 principal building shall be located on any parcel.

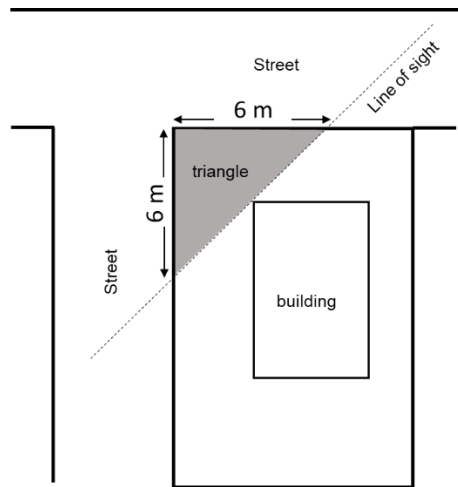
- 2.5.6 An underground structure may be sited in any portion of a parcel provided that the top surface of such structure at no point extends above the average finished grade or horizontally beyond the parcel lines.
- 2.5.7 Freestanding lighting poles, warning devices, antennas, masts, utility poles, wires, flag poles, signs, and sign structures, except as limited elsewhere in other bylaws, may be sited on any portion of a parcel.

Section 2.6 Height Restrictions

- 2.6.1 The maximum heights of buildings or structures established by this bylaw do not apply to the following:
- industrial cranes,
 - grain elevators,
 - storage tanks,
 - radio or television antennas,
 - spires, belfries, domes and similar features on places of worship,
 - monuments,
 - chimneys and smokestacks,
 - flag poles,
 - stadium bleachers,
 - lighting poles,
 - elevator shafts,
 - stair towers,
 - telecommunications towers and roof mounted facilities,
 - lightning rods,
 - hydro transmission towers,
 - air conditioning units and mechanical penthouses,
 - warning devices,
 - windmills, and
 - photovoltaic or other panels in a solar energy system.

Section 2.7 Visibility at Intersections

- 2.7.1 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 a triangular area bounded by:
- (a) The intersection of the two parcel lines (or their projections);
 - (b) Points along each parcel line 6 metres from their intersection; and



- (c) At all intersections, a 6 metre by 6 metre sight triangle is to be maintained with vegetation not to exceed 0.6 metres high at maturity.

Section 2.8 Swimming and Wading Pools

- 2.8.1 Every swimming or wading pool shall conform to the auxiliary building siting provisions contained elsewhere in this bylaw.
- 2.8.2 Notwithstanding any other provisions of this bylaw, swimming or wading pools shall not be located within 3 metres of any parcel line.

Section 2.9 Fences

- 2.9.1 The height of a fence, wall or hedge shall be determined by measurement from the ground level at the average grade level within 1.0 m of both sides of such fence, wall, or hedge.
- 2.9.2 Subject to the vision clearance provisions of Section 2.5, the following height limitations apply to fences, walls, or hedges:
- (a) In all Residential zones, fences, walls, or hedges may not exceed 1.8 m in height;
 - (b) In all Residential zones, fences, walls, or hedges within the front yard setback may not exceed 1.2 m in height;
 - (c) In all Commercial, Public Use and Industrial zones, fences, walls, or hedges may not exceed 2.5 m in height;
 - (d) Sections 2.9.2 (a) and (b) apply to principal residential uses located in commercial zones; and
 - (e) Where abutting a Residential zoned property, a fence may not exceed 2 m in height.
- 2.9.3 Sections 2.9.2 (a) through (d) do not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, elementary or high school areas,

childcare centres, and in Industrial zones. In these cases, no such fence shall exceed a height of 3.5 m.

2.9.4 No barbed wire or chain link fencing is permitted within view of the public in the downtown.

Section 2.10 Parking

2.10.1 Exemptions from Parking Requirements

- (a) The regulations contained in Section 2.10 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.
- (b) All uses located in the C-1A zone between Highway 16 and Railway Avenue are exempt from complying with the off-street parking regulations contained in this section.
- (c) The following permitted uses in the C-1 zone between Highway 16 and Railway Avenue are exempt from complying with the off-street parking regulations contained in this section:
 - Retail sales,
 - Restaurant,
 - Residential,
 - Premises licensed for the consumption of alcohol,
 - Open-air produce market,
 - Hair stylist shop, dry cleaning establishment, appliance repair shop, florist, laundromat, optical or watch repair shop, tailor shop, dressmaking shop, shoe repair and other similar personal services,
 - Studio, including artist, display, music, radio, recording, television, photographic studio,
 - On-site manufacture and sale of handcrafted small goods when totally contained in a building, and;
 - Microbrewery.
- (d) The parcel legally described as Lot 15 Block 17 District Lot 5289 Range 5 Coast District Plan 1054 is exempt from the off-street parking regulations contained in this section for the following permitted principal uses only:
 - Retail sales,
 - Restaurant,
 - Premises licensed for the consumption of alcohol,
 - Open-air produce market,
 - Hair stylist shop, dry cleaning establishment, appliance repair shop, florist, laundromat, optical or watch repair shop, tailor shop, dressmaking shop, shoe repair and other similar personal services,
 - Studio, including artist, display, music, radio, recording, television, photographic studio, and;
 - On-site manufacture and sale of hand-crafted small goods when totally contained in a building.

2.10.2 Number of Required Parking Spaces

- (a) Except as otherwise permitted in this bylaw, all required off-street parking spaces shall be provided on the same parcel as the building or use for which the spaces are required, and the number of required spaces shall be provided and maintained in accordance with the regulations contained in Table 2.10.2.

Table 2.10.2	
Use	Number of Parking Spaces Required
Residential Uses	
Single detached dwelling	2 per dwelling unit
Semi-detached dwelling	2 per dwelling unit
Townhouse	1.5 per dwelling unit
Low-rise apartment / quadplex	1.5 per dwelling unit (<i>bylaw 1972</i>)
Childcare centre / in-home childcare	1 space/30 sq. m. gross floor area
Auxiliary residential use	1 per sleeping unit
Secondary suite	1 per suite
Carriage house	1 per suite
Manufactured home	2 per manufactured home
Manufactured home park	1 per manufactured home plus 1 additional space provided within the manufactured home park
Short-term rental (in all permitted zones)	1 per rental suite; 1 per sleeping unit where only a portion of the principal dwelling is used for short-term rental use (<i>Bylaw 1977</i>)
Bed & Breakfast (in all permitted zones)	1 per sleeping unit (<i>Bylaw 1977</i>)
Commercial Uses	
Restaurants and premises licensed for consumption of alcohol In the C-1 zone, North & East of Hwy 16 In the C-1A, North & East of Hwy 16 In the C-3 zone	1 per 45 m ² of gross floor area
Retail uses In the C-1 zone, North & East of Hwy 16	1 per 100 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 zone, North & East of Hwy 16 Auxiliary residential uses in the C-1A zone, North & East of Hwy 16	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 45 m ² of gross floor area

Table 2.10.2	
Use	Number of Parking Spaces Required
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-1A, C-1, and C-2 zone or parking required for similar types of uses	1 per 45 m ² of gross floor area
All uses in the C-5 zone	1 space per 31 m ²
Public Transportation Depots	See Section 5.4.6
CD 1 Zone: Supportive Housing	1 per every 3 dwelling units
Industrial and Airport Uses	
Uses in the M-1, M-2, M-3, M-3A zone, except auction use, AP-1, and AP-2	1 per 90 m ² of gross floor area
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
Transitional housing	1 per every 2 dwelling units
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, staircase, washrooms and furnace or utility rooms.
Auxiliary residential	1 per dwelling unit

Table 2.10.2	
Use	Number of Parking Spaces Required
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% of the number of spaces otherwise required by this bylaw, with public parks and open recreational areas exempt.

2.10.3 Electric Vehicle Charging Requirements

- (a) The following electric vehicle charging stalls are required for every commercial or multi-unit residential development:
 - i. Where 10-14 parking stalls are required one electric vehicle space is required
 - ii. Where 15 or more parking stalls are required two electric vehicle spaces is required.
- (b) Where parking spaces are provided for electric vehicles, an energized outlet capable of providing Level 2 charging or higher must be installed in each electric vehicle space.

2.10.4 Bicycle Parking Requirements

- (a) Except as otherwise specified in this bylaw, all required Bicycle parking spaces shall be provided on the same parcel as the building or use for which the spaces are required, and the number of spaces shall be provided and maintained in accordance with the regulations contained in Table 2.10.4
- (b) For the purpose of this bylaw:

“Class 1” means a secure, weather-protected bicycle parking facility used to accommodate long-term parking, such as for residents or employees, usually within a building or covered, fenced area;

“Class 2” means a short-term visitor bicycle parking facility that may offer some security, and may be partially protected from the weather, for example a bicycle rack at a building’s entrance.

Table 2.10.4		
Use	Number of Bicycle Spaces Required (minimum of 6)	Type and Number of Bicycle Spaces
Residential		
Single or Semi-Detached Dwelling	N/A	N/A
Apartment, Rowhouse, Townhouse	1 per unit	Class 1 – 100%
Commercial		
Hotel or Motel	1 per 15 rooms	Class 1 – 60% Class 2 – 40%

Office, Retail Store, Restaurant, Medical Office	1 per 250m ² of gross floor area	Class 1 - 60% Class 2 – 40%
Shopping Centre	1 per 250m ² of gross floor area	Class 1 – 30% Class 2 – 70%
Public and Institutional		
School, College	1 per 10 employees, plus 1 per 10 students	Class 1 – employees Class 2 – students
Place of Worship	1 per 50 fixed seats	Class 2 – 100%
Library, Cultural / recreational / Civic Facility	1 per 100m ² of gross floor area	Class 1 – 20% Class 2 – 80%

2.10.5 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 or use for which the parking spaces are provided and, except in the case of residential uses, 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.

2.10.6 Required Off-Street Parking Spaces

- (a) Where a building is used for more than one use, the required number of off-street parking spaces is 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 2.10.
- (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 spaces are provided when not required, the spaces shall comply with all the regulations of Section 2.10.
- (e) Where the hours of operation of commercial, industrial, or institutional uses on a single parcel do not overlap, the combined total number of parking spaces required for those uses may be reduced by 25% provided that a restrictive covenant in favour of the Town restricts the use of the parcel to those particular uses and hours of operation.
- (f) Where a group of structures or uses is served by a common 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 Building Bylaw if the required off-street parking has not been provided in accordance with this bylaw.

- (h) The Licensing Official may refuse to issue or renew a business licence if the off-street parking required for the business has not been provided or maintained in accordance with this bylaw.

2.10.7 Parking on Another Parcel

- (a) Parking spaces may be located on another parcel in the C-1, C-1A, and M-1 zones provided that:
 - (i) In the C-1 and C-1A zones the other parcel is within 225 metres of the building or use that requires the parking spaces, except for residential uses, which shall be within 23 metres.
 - (ii) In M-1 zone the other parcel is within 35 metres of the building or use that requires the parking spaces, except for residential uses for which parking spaces 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,
 - (iv) the owner grants an access easement for the parking to adjacent parcel owners, and;
 - (v) A covenant granted under Section 2.10.7 (a)(iii) may be released when parking is either developed on-site, relocated to another parcel over which a covenant has been granted to the Town, or provided through cash-in-lieu payment.

2.10.8 Cash-in-Lieu

- (a) On a parcel in the C-1 zone, the owner or occupier may remit a cash payment to the Town in the amount as established by the *Town of Smithers Fees and Charges Bylaw*, per parking space in lieu of providing the required parking space(s), to a maximum of 15 parking spaces.

2.10.9 Parking Space Specifications

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

Type of Space	Width	Length	Vertical Clearance
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) No more than 20% of the required parking may 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

- (d) Accessible parking spaces shall be located so that there is direct unobstructed access to the main entrance of the building.

2.10.10 Access

- (a) Access and egress lanes from a parking area to a street or lane, shall be not less than 6 metres in width. Access and egress lanes to a street shall be not less than 7.6 metres from any 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

2.10.11 Layout

- (a) Where more than three parking spaces are provided, the off-street parking area 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.

2.10.12 Design & Maintenance Standards

- (a) In all commercial zones and M-1 zones, the parking area whether provided on-site or on another parcel 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 is permitted to a depth not to exceed 75 millimetres at any point in the parking lot;
 - (iii) be connected to any municipal storm drainage system that serves the parking area;

- (iv) be provided with painted lines marking the location of each parking space 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 5 lux;
 - (vi) 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; and
 - (viii) have at least one sign to direct motor vehicles to any other parking areas separately located on the same parcel or located on another parcel.
- (b) All required parking areas in other zones 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 face of the curb perpendicular to the parking surface shall be at least 200 millimetres in height.
 - (ii) All parking areas shall be so graded and drained as to properly dispose of all surface water and shall not drain to the surface to an adjacent sidewalk or public right-of-way including streets and lanes.
 - (iii) All unpaved 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.

2.10.13 General & Parking-Specific Landscaping Requirements

- (a) In all commercial zones, and industrial zones, the parking area whether provided on-site or on another parcel shall be provided with perimeter plantings, except along a lane. Perimeter plantings shall:
- (i) form a continuous planting area along front and exterior side parcel lines that abut the parking area except for walkways, driveways and along a lane;
 - (ii) have a minimum width of 1.5 metres;
 - (iii) contain at least one tree with a minimum caliper of 60 mm for every 12 metres or portion of exterior side parcel line, except a lane; and
 - (iv) be placed between the exterior side parcel line and any fence or wall constructed on the parcel.
- (b) All landscape plans submitted with building permit and business licence applications shall show:
- (i) the location of the plant material with respect to parcel lines, utilities, driveway locations, signs and streetlights; and

- (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 2.11 Loading Requirements

- 2.11.1 Off-street loading requirements do not apply to residential and institutional uses.
- 2.11.2 Parcels in the C-1 and C-1A zones are exempt from off-street loading space requirements.
- 2.11.3 Off-street loading spaces required by this bylaw shall not be used or designated as off-street parking spaces and off-street parking spaces shall not be used or designated as off-street loading spaces.
- 2.11.4 One off-street loading space shall be provided for the first 1,400 m² of gross floor area of a building and 1 additional off-street loading space shall be provided for every additional 1,400 m² of gross floor area of building or fraction thereof, excluding hotels which require only 1 off-street loading space regardless of floor area.
- 2.11.5 Where this bylaw requires an off-street loading space every owner of a parcel 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 and 3 metres in width and shall have a vertical clearance of at least 4.2 metres;
 - (b) notwithstanding Section 2.11.5 (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; and
 - (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.

Section 2.12 Vehicles in Residential Areas

- 2.12.1 No vehicle repairs, maintenance or sales are permitted in residential zones except vehicle repairs, maintenance, and sales customarily associated with home life.
- 2.12.2 In residential zones:
 - (a) the parking or storage of commercial vehicles exceeding 12 metres in length, or a gross vehicle weight of 22,000 kg is prohibited except when completely enclosed within a building; and
 - (b) the long-term parking or storage of recreation vehicles, campers, trailers or boats is prohibited except when completely located on a parcel.

Section 2.13 Cannabis Retail Sales

- 2.13.1 Notwithstanding any other provisions of this bylaw, no parcel of land within 150 m of a parcel used as an elementary or secondary school may be used for cannabis retail sales.

Section 2.14 Shipping Containers

2.14.1 The use of land for the placement of shipping containers is prohibited in all zones, with the following exceptions:

- (a) Shipping containers are permitted as an auxiliary structure for a temporary period in residential and public use zones except P-1A zone, subject to the following restrictions:

Length of Temporary Use	Max. Allowable Size of Shipping Container	No. of Shipping Containers Permitted on Property
120 days within a calendar year	20 m ²	No more than 1

- (b) Shipping containers are permitted within the C-2, P-1A, industrial, and airport zoned properties, with no limit on the maximum container size and number.

2.14.2 The shipping containers permitted in accordance with Section 2.14.1 (b) shall only be used to store materials or products that are incidental to the operation of a use located on the parcel and may not be used for any permitted mini storage use.

2.14.3 No shipping container may be located within a landscape buffer, front yard, or setback area, or within 3 m of any parcel line adjoining a parcel zoned for residential use. Where visible from a street a shipping container must be either screened using landscaping or clad in a material and colour that conforms to the character of the principal building.

2.14.4 A shipping container permitted on a residential zone parcel under Section 2.1.4.1 (a) may be used only for the temporary storage of tools and materials during the construction or alteration of any building or structure for which a building permit has been obtained and has not expired, and the container must be removed within 14 days of completion of the work.

Section 2.15 Auxiliary Uses, Buildings & Structures

2.15.1 General

- (a) No auxiliary building or structure shall be erected on any parcel unless the principal building has been erected or will be erected simultaneously with the auxiliary building, unless otherwise permitted under Section 2.15.1 of this bylaw.
- (b) An auxiliary building shall not be located less than 1.2 m from any lane or parcel line.
- (c) An auxiliary building or structure shall not be used as a dwelling or sleeping unit or for any bed and breakfast or short-term rental use, except as otherwise provided for in this Bylaw.
- (d) An auxiliary building shall not be located within the front yard setback prescribed for the principal building in the zone in which it is located,
- (e) An auxiliary building's height may not exceed 6.0 m or that of the principal structure, unless otherwise specified in this bylaw.
- (f) Structures associated with a solar energy system for on-site consumption shall comply with the setback requirements established under this section but are exempt from height and parcel coverage restrictions.

2.15.2 Auxiliary Buildings in the Residential and Public Use Zones

- (a) An auxiliary building in a Residential or Public Use zone shall not:

- (i) exceed the height of the principal building; or
- (ii) be located between a principal building and the front parcel line.

2.15.3 Auxiliary Buildings in the Commercial and Industrial Zones

- (a) Auxiliary buildings are not permitted in C-1 and C-1A zones.
- (b) An permitted auxiliary building in a Commercial or Industrial zone shall:
 - (i) not be located in between a principal building and the front parcel line, unless otherwise permitted in this bylaw; and
 - (ii) where visible from an abutting street, be screened with a 1.8 m high fence or hedge.

2.15.4 Notwithstanding Section 2.15.1.(d), greenhouses are permitted in residential zones and may be located in a front yard setback area when used for food production if the following requirements are met:

- (a) Floor area may not exceed 20.0 m².
- (b) Maximum one greenhouse per parcel.
- (c) When located in the front yard, floor area may not exceed 10% of the front yard area.
- (d) Must be at least 2.0 m from the front parcel line.
- (e) Must comply with siting regulations in Section 2.15.1 (b) of this bylaw.
- (f) May not exceed 3.0 m in height.

2.15.5 The following table applies to all uses and zones excluding industrial zones. The total combined floor area of all auxiliary buildings on a parcel, excluding greenhouses and carriage houses, shall not exceed the following:

Size of Parcel	Maximum Floor Area
i. Parcels up to 580.4 m ²	60.0 m ²
i. Lots from 580.5 m ² to 1,348.8 m ²	80.0 m ²
ii. Lots from 1,348.9 to 2,023.4 m ²	111.48 m ²
iii. Lots from 2,023.5 to 4,046.8 m ²	139.35 m ²
iv. Lots from 4,046.9 to 10,117.46 m ²	202.3 m ²

Section 2.16 Density Bonusing for Affordable and Seniors Housing

2.16.1 Where multi-unit residential uses are permitted,

- (a) A residential density bonus of one additional dwelling is permitted for every five units of affordable or seniors housing provided, up to a maximum 15 additional dwelling units per hectare will be provided where one of the following are met:
 - i) A minimum of 50% of all units are rental units, and;
 - Rental rates are capped at 10% below the average market rates for the Town of Smithers as determined through CMHC for a period of at least 10 years.
 - ii) A minimum of 50% of all units are accessible seniors rental units, and;

Rental rates are capped at 10% below the average market rates for the Town of Smithers as determined through CMHC for a period of at least 10 years.

- (b) An affordable housing agreement must be registered in favour of the Town to receive the density bonus in Section 2.16.1 (a).

Section 2.17 Properties in Agricultural Land Reserve (ALR)

- 2.17.1 Lands and uses permitted on lands within the Agricultural Land Reserve are subject to the *Agricultural Land Commission Act* (ALC), Agricultural Land Reserve (ALR) Regulations, and any orders of the Agricultural Land Commission.

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 Agricultural Land Reserve.

Permitted Principal Uses

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

- (a) agriculture
- (b) single detached dwelling
- (c) parks and trails

Permitted Auxiliary Uses

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

- (e) secondary suite
- (f) short-term rental
- (g) bed & breakfast
- (h) carriage house

Regulations

3.1.2 In an A-1 zone the regulations contained in Table 3.1 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
Principal Buildings	
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

Additional Requirements

3.1.3 Where an A-1 parcel is on community water and sewer, the following applies:

- a. 4 units for fee simple parcels greater than 280 m²
- b. 3 units for fee simple parcels less than 280 m² (*Bylaw 1972*)

Division 4 – Residential Zones

Section 4.1 LDR-1 Low Density Residential Zone *(Bylaw 1972)*

Purpose

The purpose of the LDR-1 zone is to accommodate a mix of small-scale, multi-unit housing.

Permitted Principal Uses

4.1.1 The following principal uses, and no others are permitted in an LDR-1 zone:

- (a) single detached dwelling
- (b) semi-detached dwelling
- (c) townhouse dwelling
- (d) quadplex

Permitted Auxiliary Uses

- (e) secondary suite
- (f) short-term rental
- (g) bed & breakfast within a single detached house
- (h) carriage house
- (i) backyard hen keeping with a single detached dwelling

Regulations

4.1.2 In the LDR-1 zone the following regulations apply:

Table 4.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	460 m ²
Parcel Frontage	15 m 12 for non-rectangular parcels
Parcel Coverage	50%

Principal Buildings	
Setbacks	
Front yard	4 m or 6 m where parking is provided in front of the building
Rear yard	6 m
Side yard	1.2 m or 3 where parking is provided beside the building
Building Height	9 m
Density	4 units for fee simple parcels greater than 280 m ² 3 units for fee simple parcels less than 280 m ²
Number of Buildings	2
Additional Requirements	Notwithstanding section 4.1 on Civic address 3955 Second Avenue legally known as Parcel C, Block 94, Plan PRP1054, District Lot 865, Range 5, Coast Range 5 Land District, (Being A Consolidation of Lots 34 & 35, See CA3821798) the following is permitted: 1) a maximum of 6 (six) buildings, each with a single unit, are permitted. 2) The maximum area of a single building

Section 4.2 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 townhouse and low-rise apartments.

Permitted Principal Uses

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

- (a) townhouse dwelling
- (b) low-rise apartment

Permitted Auxiliary Uses

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

- (c) secondary suite in a townhouse dwelling
- (d) Office use
- (e) assisted living
- (f) short-term rental

Regulations

4.2.2 In the R-3 zone the following regulations contained in Table 4.2 apply:

Table 4.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	460 m ² minimum
Parcel Width	15 metres minimum
Parcel Coverage	75% maximum for all buildings and structures
Principal Buildings	
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	6 metres minimum
	3 metres for townhouse dwellings
Height	3 storeys or 12 metres maximum

Section 4.3 R-4 Manufactured Home Park Residential Zone

Purpose

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

Permitted Principal Uses

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

- (a) manufactured home park

Permitted Auxiliary Uses

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

- (b) one owner/operator dwelling per manufactured home park, which may contain office space used for the administration and operation of the manufactured home park
- (c) communal storage sites, including for shared parking
- (d) recreation buildings and areas
- (e) service buildings
- (f) tenant storage buildings

Regulations

4.3.2 In a R-4 zone the following regulations contained in Table 4.3 apply:

Table 4.3	
Element	Regulations
Parcel Coverage and Density	
Density	15 dwellings per hectare, maximum
Principal Buildings	
Height	
owner/operator’s dwelling	9 metres maximum
all other buildings, structures, or additions, except tenant storage buildings	5 metres maximum

Additional Requirements

4.3.3 Lands zoned R-4 are subject to the regulations specified in “Town of Smithers Mobile Home Park Bylaw 748, 1985”.

4.3.4 Auxiliary storage uses permitted in Sections 4.3.1 (c) and (f) do not include the use of shipping containers unless they are temporary in nature and exempted under Section 2.14.1 (a) of this bylaw.

Section 4.4 R-5 Manufactured Home Subdivision Residential Zone

Purpose

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

Permitted Principal Uses

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

- (a) manufactured home.

Regulations

4.4.2 In a R-5 zone the following regulations contained in Table 4.4 apply:

Table 4.4	
Element	Regulations
Parcel Size, Coverage and Density	
Parcel Area	325 m ² minimum for single-wide manufactured homes 460 m ² minimum for double-wide manufactured homes
Parcel Width	12 metres minimum
Parcel Coverage	35% maximum for all buildings and structures
Density	15 dwellings per hectare, maximum
Principal Buildings	
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

Section 4.5 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 Principal Uses

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

- (a) single detached dwelling
- (b) semi-detached dwelling

Permitted Auxiliary Uses

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

- (c) bed & breakfast
- (d) secondary suite
- (d) carriage house
- (e) short-term rental
- (f) backyard hen keeping auxiliary to a single detached dwelling

Regulations

4.5.2 In a R-6 zone the following regulations contained in Table 4.5 apply:

Table 4.5	
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
Parcel Width	15 metres minimum
Parcel Coverage	40% maximum for all buildings and structures

Table 4.5	
Element	Regulations
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

Additional Requirements

- 4.5.3 Where a party wall between two dwellings coincides with an interior side parcel line, no setbacks shall be required from the interior side parcel line.
- 4.5.4 Where a R-6 parcel is on community water and sewer the following applies (*Bylaw 1972*):
- a) 4 units for fee simple parcels greater than 280 m²
 - b) 3 units for fee simple parcels less than 280 m²

Section 4.6 R-7 Rural Residential Hobby Farm Zone

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 Principal Uses

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

- (a) single detached dwelling
- (b) semi-detached dwelling
- (c) agriculture
- (d) hobby farm

Permitted Auxiliary Uses

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

- (e) bed and breakfast
- (f) carriage house
- (g) secondary suite
- (h) short-term rental

Regulations

4.6.2 In the R-7 zone the following regulations contained in Table 4.6 apply:

Table 4.6	
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	
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

Additional Requirements

4.6.3 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.

4.6.4 Where a party wall between two dwellings coincides with an interior side parcel line, no setbacks shall be required from the interior side parcel line.

4.6.5 Where a R-7 parcel is on community water and sewer the following applies (*Bylaw 1972*):

- a) 4 units for fee simple parcels greater than 280 m²
- b) 3 units for fee simple parcels less than 280 m²

Division 5 – Commercial Zones

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 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
- (e) entertainment establishment
- (f) institutional use
- (g) medical, health service centre
- (h) offices for business, professional services
- (i) open-air produce market
- (j) hotel
- (k) printing, publishing
- (l) retail sales
- (m) studio, including artist, display, music, radio, recording, television, photographic studio
- (n) childcare centre
- (o) on-site manufacture and sale of hand-crafted small goods when totally contained in a building
- (p) personal service establishment
- (q) animal hospital and veterinary facility, when totally contained in a building, and excluding on-site treatment of livestock
- (r) microbrewery
- (s) cannabis retail sales

Permitted Auxiliary Uses

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

- (t) parking lot
- (u) residential, provided that the ground floor of the building shall be used only for permitted principal uses
- (v) auction of goods sold in respect of the principal use
- (w) storage and minor repairs of goods sold in respect of the principal use, when fully contained within the principal building
- (x) Short-Term Rental, provided that the ground floor of the building is used only for permitted principal uses. (*Bylaw 1977*)

Regulations

5.1.2 In a C-1 zone the following regulations contained in Table 5.1 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	
Height	3 stories or 12 metres maximum, whichever is less

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 residential development, within Downtown Smithers.

Permitted 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
- (e) premises licensed for consumption of alcoholic beverages
- (f) entertainment establishment
- (g) funeral home, 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) personal service establishment
- (n) hotel
- (o) printing, publishing
- (p) retail sales
- (q) studio, including artist, display, music, radio, recording, television, photographic studio
- (r) childcare centre
- (s) wholesale sales
- (u) on-site manufacture and sale of hand crafted small goods when totally contained in a building
- (v) plant 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

- (aa) cannabis retail sales
- (bb) townhouse dwelling

Permitted Auxiliary Uses

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

- (cc) residential, provided that the portion of the ground floor of the building nearest the front parcel line shall be used only for commercial uses
- (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
- (gg) Short-Term Rental, provided that the ground floor of the building is used only for permitted principal uses. (*Bylaw 1977*)

Regulations

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

Table 5.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum
Parcel Width	7 metres minimum
Parcel Coverage	100% maximum for all buildings & structures
Principal Buildings	
Height	3 storeys or 12 metres maximum, whichever is less

Additional Requirements

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

5.2.5 Residential parking shall be accessed from the lane and located in the rear or side of the parcel.

C-1A Residential Overlay (Figure 5.2)

5.2.6 The following additional provisions apply to all properties designated as C-1A Residential Overlay Zone as shown on Figure 5.2.

5.2.6.1 Permitted Uses:

- (a) Single-detached dwelling
- (b) Semi-detached dwelling

5.2.6.2 Additional auxiliary uses:

- (c) Secondary suite

- (d) Carriage home
- (e) Short term rental

5.2.6.3 All auxiliary structures provisions (Section 2.15.2) apply to the C-1A Residential Overlay Zone as outlined on Figure 5.2.

5.2.6.4 On a parcel in the C-1A Residential Overlay Zone a lane may be used for vehicular access for all permitted residential uses.

Figure 5.2



- C-1A Residential Overlay Zone
- C-1A Downtown Commercial

Section 5.3 C-2 Service Commercial Zone

Purpose

The purpose of the C-2 zone is to accommodate a wide variety of commercial services which are auto-oriented.

Permitted Principal Uses

5.3.1 The following principal uses, and no others are permitted in a C-2 zone:

- (a) automobile, motorcycle, snowmobile, boat, manufactured home, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps
- (b) vehicle washing establishment
- (c) document and parcel delivery depot
- (d) sales of fresh fruits, vegetables, and seafood in open air market
- (e) sales and service of tires, mufflers, brakes and automotive transmissions, radiators, engine servicing and rebuilding, automotive diagnostic services
- (f) plant nursery and sale of farm and garden supplies
- (g) passenger transport depot
- (h) sales, service, repair and rental of tools and appliances when fully enclosed within a building
- (i) auctions other than of livestock when fully enclosed within a building
- (j) Laundromat, laundry, and dry cleaning serving commercial, industrial, and institutional uses
- (k) warehouses
- (l) wholesale sales
- (m) building materials supply and sales
- (n) trucking and freight depot
- (o) soil and rock sample preparation facility
- (p) microbrewery

Permitted Auxiliary Uses

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

- (q) office use, auxiliary to permitted principal uses
- (r) Residential use, provided that the ground floor of the building is used only for permitted principal uses
- (s) fuel pumps auxiliary to:
 - (i) automobile, boat, recreational trailer and vehicle sales and rentals

- (ii) indoor vehicle washing establishments
- (iii) sales and service of tires, mufflers, brakes, automotive transmissions, radiator servicing, tune-up, and evaluation service
- (t) auction use of goods sold in respect of the principal use
- (u) commercial bathrooms and showers
- (v) retail sales of goods not otherwise permitted as a principal use provided that such retail sales are limited to 4 days per parcel per calendar year

Regulations

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

Table 5.3	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ² minimum
Parcel Width	25 metres minimum
Parcel Coverage	50% maximum for all buildings and structures
Principal Buildings	
Setbacks	
front yard	3 metres minimum
side yard	
exterior	3.5 metres minimum
Height	3 storeys or 12 metres maximum, whichever is less

Additional Requirements

- 5.3.3 All storage areas shall be located in the rear or side yard areas of a parcel.
- 5.3.4 Parking, display, rental, and sales areas are permitted in the front, rear or side yards.
- 5.3.5 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 area
 - (c) outdoor display, rental, or sales areas
- 5.3.6 Passenger 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 off-street storage spaces for buses. Each of these spaces shall be a minimum of 3 metres by 12.5 metres.
 - (b) There shall be a minimum of 2 off-street vehicle parking spaces for bus drivers, 2 vehicle parking spaces for employees of the Passenger Transportation Depot and 4 vehicle parking spaces for public use.

- (c) All Passenger 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.

Section 5.4 C-3 Tourist Commercial Zone

Purpose

The purpose of the C-3 zone is to accommodate a wide variety of services oriented to the traveling public, including hotels\motels and restaurants.

Permitted Principal Uses

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

- (a) tourist accommodation including hotels and motels
- (b) restaurant
- (c) premises licensed for consumption of alcoholic beverages
- (d) visitor information centre
- (e) recreational vehicle park or campground
- (f) entertainment and recreational uses
- (g) microbrewery

Permitted Auxiliary Uses

And the following and no other auxiliary uses are permitted in a C3 zone:

- (h) office uses
- (i) residential, provided that the ground floor of the building is used only for permitted principal uses
- (i) where contained in a hotel:
 - i. assembly, confectionery, hair stylist, barbershop, shoeshine, entertainment, retail sales, indoor recreation or restaurant uses, and premises licensed for consumption and retail sale of alcoholic beverages
- (k) Short-Term Rental, provided that the ground floor of the building is used only for permitted principal uses. (*Bylaw 1977*)

Regulations

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

Table 5.4	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ² minimum
Parcel Width	25 metres minimum
Parcel Coverage	50% maximum for all buildings and structures

Table 5.4	
Element	Regulations
Principal Buildings	
Setbacks	
front yard	3.0 metres minimum
side yard	
exterior	2 metres minimum
Height	3 storeys or 12 metres maximum, whichever is less

Section 5.5 C-4 Service Station Commercial

Purpose

The purpose of the C-4 zone is to accommodate service stations and gas stations with convenience stores and/or restaurants (*Bylaw 1923*).

Permitted Principal Uses

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

- (a) service stations
- (b) convenience stores in conjunction with service stations
- (c) Restaurants in conjunction with service stations (*Bylaw 1923*)

Permitted Auxiliary Uses

And the following and no others auxiliary uses are permitted in a C-4 Zone:

- (d) not more than one dwelling unit

Regulations

5.5.1 In a C-4 zone, the following regulations contained in Table 5.5 apply:

Table 5.5	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,100 m ² minimum
Parcel Width	25 metres minimum
Parcel Coverage	40% maximum for all buildings and structures
Principal Buildings	
Setbacks	
front yard	6 metres minimum
side yard	3.5 metres minimum
Height	6 metres maximum

Additional Requirements

- 5.5.3 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.
- 5.5.4 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.
- 5.5.5 Fuel pumps or fuel devices shall not be located less than 4.5 metres from a parcel line.
- 5.5.6 Where a canopy, whether a freestanding 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 required 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 required elsewhere in this bylaw, may be reduced by not more than 50% percent.

Section 5.6 C-5 Large Scale Retail Commercial

Purpose

The purpose of the C-5 zone is to accommodate retail uses which require large sites and exposure to high traffic volume.

Permitted Principal Uses

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

- (a) automotive service and parts sales
- (b) building materials and home improvement sales
- (c) garden centres and plant nurseries
- (d) retail sales
- (e) food sales
- (f) financial and food services to a maximum of one use each per site

Permitted Auxiliary Uses

And the following and no other auxiliary uses are permitted in a C-5 Zone:

- (g) Office use
- (h) Outdoor Storage
- (i) residential, provided that the ground floor of the building is used only for permitted principal uses

Regulations

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

Table 5.6	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1.2 hectares minimum
Parcel Coverage	40% maximum

Principal Buildings	
Setbacks	
front yard	7.5 metres minimum
side yard exterior	7.5 metres minimum
side yard interior	7.5 metres minimum
Height	11 Metres maximum

5.6.3 Additional Requirements

- (a) The minimum floor area of each retail sales business is 2,800 m².
- (b) The minimum floor area of each food sales business is 2,300 m².
- (c) The maximum floor area for a financial or a food service use is 555 m² and the use shall be enclosed entirely within the principal building.
- (d) Storage shall take place entirely within a wholly enclosed building, except storage auxiliary to plant 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 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 serving commercial, industrial, and institutional uses excluding laundromat or coin-operated dry cleaning
- (c) plant nursery and sales of farm and garden supplies
- (d) manufacturing use if totally contained in a building
- (e) trade shop if totally contained in a building
- (f) warehouse use
- (g) wholesale sales
- (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 and manufacturing of 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 materials 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,
- (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
- (t) food exchange

Permitted Auxiliary Uses

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

- (u) office use
- (v) residential use, provided that the ground floor of the building is used only for a permitted principal use
- (w) employee training facility
- (x) dispensing of fuel for private use
- (y) mobile food vending
- (z) auction of goods sold in respect of the principal use
- (aa) 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
- (bb) sale and service of products manufactured on the same parcel and only those goods and supplies normally associated a trade shop
- (cc) fuel dispensing auxiliary to a truck terminal and freight depot

Regulations

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

Table 6.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ² minimum
Parcel Width	27.5 metres minimum
Parcel Coverage	75% maximum for all buildings and structures
Principal Buildings	
Setbacks	
front yard	3 metres minimum
rear yard	3 metres minimum
where a rear yard abuts a highway other than a lane for all other parcels	0, subject to the provision of unobstructed space for garbage pickup of at least 3 metres in width, 2 metres in depth and 3.5 metres in vertical clearance
side yard exterior	4.5 metres minimum
Height	12 metres
Auxiliary Buildings	
Height	12 metres maximum

Additional Requirements

- (a) No manufacturing use may 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 may include more than 50.0 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 Principal Uses

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

- (a) automobile, motorcycle, boat, manufactured home, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps
- (b) laundry, dry cleaning serving commercial, industrial, and institutional uses excluding laundromat or coin-operated dry cleaning
- (c) dispensing of fuel
- (d) manufacturing use 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, excluding auto wrecking or storage
- (i) wholesale sales
- (j) works yard
- (k) asphalt, concrete plant, rock and gravel crushing
- (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 materials 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) vehicle washing establishment

Permitted Auxiliary Uses

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

- (w) office use
- (x) residential use, provided that the ground floor of the building is used only for a permitted principal use
- (y) mobile food vending
- (z) auction of goods sold in respect of the principal use

Regulations

6.2.2 In the M-2 zone the following regulations contained in Table 6.2 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
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 Official Community Plan
Height	12 metres
Auxiliary Buildings	
Height	12 metres maximum

Additional Requirements

- (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.
- (c) Outdoor storage must be screened with a 1.8 m hedge or landscaping if visible from the abutting portion of Highway 16.

Section 6.3 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 Principal Uses

6.3.1 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, manufactured 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 passenger transportation depot
- (l) asphalt, concrete plant, rock and gravel crushing
- (m) fuel sales - wood

Permitted Auxiliary Uses

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

- (n) offices auxiliary to a permitted principal use
- (o) not more than one dwelling per parcel
- (p) mobile food vending
- (q) dispensing of fuel for private use

Regulations

6.3.2 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	
No. of Principal Buildings	Unlimited
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	6 metres minimum
except where a parcel line is contiguous to a railway right of way no setback is required in respect of that parcel line	
Height	12 metres maximum
Auxiliary Buildings	
Height	12 metres maximum

Section 6.4 M-3A Limited Heavy Industrial Zone

Purpose

The purpose of the M-3A zone is to accommodate limited industrial operations related to the forest industry.

Permitted Principal Uses

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

- (a) log storage
- (b) wood fiber storage
- (c) logging equipment storage
- (d) snow storage
- (e) finished forest product storage
- (f) log, lumber, and wood fiber transportation
- (g) water treatment facility
- (h) landfill for non-hazardous wood waste

Permitted Auxiliary Uses

And the following and no other auxiliary uses are permitted in the M-3A zone:

- (i) office use
- (j) not more than one dwelling
- (k) mobile food vending
- (l) dispensing of fuel for private use

Regulations

6.4.2 In the M-3A zone the following regulations contained in Table 6.4 apply:

Table 6.4	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	2 hectares minimum
Parcel Width	Not restricted
Parcel Coverage	60% maximum for all buildings and structures

Table 6.4	
Element	Regulations
Principal Buildings	
Setbacks	
front yard	6 metres minimum
rear yard	6 metres minimum
side yard	6 metres minimum
except where a parcel line is contiguous to a railway right of way no setback is required in respect of that parcel line	
Height	12 metres maximum
Auxiliary Buildings	
Height	12 metres maximum

Division 7 – Public Use Zones

Section 7.1 P-1 Public Amenity Zone

Purpose

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

Permitted Principal Uses

7.1.1 The following and no other Principal uses are permitted in the 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

Permitted Auxiliary Uses

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

- (h) residential
- (i) food concession or restaurant, premises licensed for consumption of alcoholic beverages
- (j) retail sales of goods related to the principal use

Regulations

7.1.2 In a P-1 zone the following regulations contained in Table 7.1 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

Table 7.1	
Element	Regulations
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum
Height	3 storeys or 12 metres maximum, whichever is less
Auxiliary Buildings	
Height	12 metres maximum

Section 7.2 P-1A Public Utility Zone

Purpose

The purpose of the P-1A zone is to accommodate a range of public and institutional facilities that require large land areas.

Permitted Principal Uses

7.2.1 The following principal uses, and no others are permitted in a P-1A zone:

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

Regulations

7.2.2 On a parcel in a P-1A zone the following regulations contained in Table 7.2 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	
No. of Principal Buildings	Unlimited
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum
Height	3 storeys or 12 metres maximum, whichever is less

Section 7.3 P-2 Public Use Two Zone

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 Principal 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, receiving homes, and transitional housing
- (e) school, college, nursery school, kindergarten, childcare centre
- (f) public library, museum, art gallery, visitor information centre
- (g) cemetery
- (h) fairgrounds, exhibition grounds, circus, providing that for these uses the minimum parcel area is 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

Permitted Auxiliary Uses

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

- (k) residential
- (l) food concession or restaurant, premises licensed for consumption of alcoholic beverages
- (m) general commercial retail sale of goods not otherwise permitted as a principal use provided that such retail sales are limited to 4 days per parcel per calendar year

Regulations

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

Table 7.3	
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	
Maximum number of buildings	Unlimited
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum
Height	3 storeys or 12 metres maximum, whichever is less
Auxiliary Buildings	
Height	12 metres maximum

Section 7.4 P-3 Public Use Three Zone

Purpose

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

Permitted Principal Uses

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

- (a) place of worship

Permitted Auxiliary Uses

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

- (b) assembly use
- (c) residential

Regulations

7.4.2 In a P-3 zone the following regulations contained in Table 7.4 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	
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 maximum, whichever is less

Section 7.5 P-4 Central Park Zone

Purpose

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

Permitted 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

Permitted Auxiliary Uses

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

- (i) residential
- (j) food concession or restaurant, premises licensed for consumption of alcoholic beverages
- (k) retail sales of goods related to the principal use

Regulations

7.5.2 In a P-4 zone the following regulations contained in Table 7.5 apply:

Table 7.5	
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

Table 7.5	
Element	Regulations
Setbacks	
front yard	6 metres minimum
rear yard	3 metres minimum
side yard	3 metres minimum
Height	3 storeys or 12 metres maximum, whichever is less
Auxiliary Buildings	
Height	12 metres maximum

Division 8 – Airport Zones

Section 8.1 AP-1 Airport One Zone

Purpose

The purpose of the AP-1 zone is to accommodate airport and aviation related uses that primarily make use of airside access.

Permitted Principal Uses

8.1.1 The following and no other principal uses are permitted in a AP1 Zone:

- (a) Airport terminal Building and terminal-related Uses
- (b) Aviation fuel Sales and storage
- (c) Aids for air navigation and safety
- (d) Air cargo facility
- (e) Aircraft operation and storage, including private storage hangars
- (f) Aircraft equipment sales, service, and storage
- (g) Airport Maintenance and Utility Areas
- (h) Airport parking
- (i) Automobile rentals
- (j) Airport taxi facility
- (k) Aviation related document and parcel delivery depot
- (l) Flight training school
- (m) Aviation related trucking and freight depot
- (n) Aviation related warehouse Use and wholesale sales
- (o) Weather observation station and airport-related research facility

Permitted Auxiliary Uses

And the following and no other auxiliary uses are permitted in the AP-1 Zone:

- (p) Fuel pumps for private use only
- (q) Office use
- (r) Outdoor storage

Regulations

8.1.2 In the AP-1 zone the following regulations contained in Table 8.1 apply:

Table 8.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ² minimum
Parcel Width	25 metres minimum
Parcel Coverage	75% maximum for all buildings and structures
Buildings	
No. of principal buildings	Not restricted
Principal & auxiliary building setbacks	
front yard	
rear yard	3 metres minimum
side yard	3 metres minimum
interior	
exterior	4.5 metres minimum
	4.5 metres minimum
Height	12 metres maximum

8.1.2 Additional Requirements:

- (a) Any storage of equipment shall be enclosed or screened.
- (b) Outdoor storage areas shall be screened with an opaque fence.
- (c) Parcels in this zone may be subject to the Smithers Airport Zoning Regulations under the *Aeronautics Act* (Canada).
- (d) Where a party wall between units coincides with an interior side parcel line, no setbacks shall be required from the interior side parcel line.

Section 8.2 AP-2 Airport Industrial Zone

Purpose

The purpose of the AP-2 zone is to accommodate an industrial park.

Permitted Principal Uses

8.2.1 The following and no other principal uses are permitted in the AP2 Zone:

- (a) Aids for air navigation and safety
- (b) Air cargo facility
- (c) Aircraft operation and storage, including private storage hangars
- (d) Aircraft equipment sales, service, and storage
- (e) Airport Maintenance and Utility Areas
- (f) Airport parking
- (g) Airport Taxi Facility
- (g) Automobile rentals
- (h) Document and parcel delivery depot
- (i) Flight training school
- (j) Fuel Storage
- (k) Military / Air Force
- (l) Mini Storage
- (m) Trucking and freight depot
- (n) Warehouse Use and Wholesale sales
- (o) Weather observation station and airport-related research facility
- (p) Camp Services and Expediting Operations, including offices, outdoor storage and warehousing
- (q) Food Packaging, Repackaging, Operations
- (r) Labelling Operations
- (s) Industrial, Primary
- (t) Laboratory, Testing Facility
- (u) Aviation related office use

Auxiliary Uses

And the following and no other auxiliary uses are permitted in the AP-2 Zone:

- (v) Fuel pumps for private use only
- (w) Office use

- (x) Outdoor storage
- (y) Retail Sales and Display of Goods to a maximum of fifty (50) m² or 10% of the gross floor area, whichever is less, used for retail sales and display of goods.

Regulations

8.2.2 In an AP-2 zone the following regulations contained in Table 8.2 apply:

Table 8.2	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 m ² minimum
Parcel Width	25 metres minimum
Parcel Coverage	75% maximum for all buildings and structures
Buildings	
No. of principal buildings	Not restricted
No. of auxiliary buildings	1
Principal & auxiliary building setbacks	
front yard	
rear yard	3 metres minimum
side yard	3 metres minimum
interior	
exterior	4.5 metres minimum
	4.5 metres minimum
Height	12 metres maximum

Additional Requirements

- (a) Any storage of equipment shall be enclosed or screened.
- (b) Outdoor storage areas shall be screened with an opaque fence.
- (c) Development, subdivision regulations, setback and height requirements in the airport zones shall be subject to the regulations of Transportation Canada and NAV Canada.
- (d) Where a party wall between units coincides with an interior side parcel line, no setbacks shall be required from the interior side parcel line.

Division 9 – Comprehensive Development Zones

Section 9.1 CD-1 Comprehensive Development Zone 1

Purpose

The purpose of the CD-1 zone is to accommodate a mix of land uses associated with a multi-faceted transitional housing program in one principal building.

Permitted Principal Uses

9.1.1 The following principal uses, and no others are permitted in a CD 1 zone:

- (a) Residential use including emergency and temporary shelter

Permitted Auxiliary Uses

And the following and no other auxiliary uses are permitted in a CD 1 zone:

- (b) Counselling, education and social services
- (c) Meal services
- (d) Medical care
- (e) Retail sales and services for residents

Regulations

9.1.2 In the CD 1 zone the following regulations contained in Table 9.1 apply:

Table 9.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum
Parcel Width	No minimum
Parcel Coverage	75% maximum for all buildings and structures
Density	Maximum one dwelling unit per 33.8 m ² of parcel area
Principal Building	
Setbacks	
front yard	0 metres
rear yard	0 metres
side yard	0 metres
exterior	0 metres
interior	
Height	3 storeys or 12 metres maximum, whichever is less

Division 10 – Administration & Enforcement

Section 10.1 Administration

10.1.1 The Building Inspector, being an officer of the municipality, is authorized between 0700 and 2300 hours to enter on any land 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 10.2 Offence

10.2.1 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 land under Section 10.1.1.

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

10.2.2 Each day's continuation of an offence under Section 10.2.1 constitutes a new and distinct offence.

10.2.3 Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.

Section 10.3 Administrative Provisions

10.3.1 Bylaw No. 1403, cited as "Town of Smithers Zoning Bylaw No. 1403, 2002" and all amendments are repealed.

CITATION:

This Bylaw may be cited for all purposes as “*The Town of Smithers Zoning Bylaw No. 1936*”, and comes into effect on the date of adoption

READ A FIRST TIME THIS 23RD DAY OF AUGUST 2022.

READ A SECOND TIME THIS 23RD DAY OF AUGUST 2022.

PUBLIC HEARING HELD THIS 7TH DAY OF SEPTEMBER 2022.

PUBLIC HEARING HELD THIS 27TH DAY OF SEPTEMBER 2022.

READ A THIRD TIME THIS 27TH DAY OF SEPTEMBER 2022.

APPROVAL FROM MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE RECEIVED THIS 28TH DAY OF SEPTEMBER 2022.

ADOPTED THIS 11TH DAY OF OCTOBER 2022.

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

S E A L

Gladys Atrill
Mayor

Dianna Plouffe
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No. as “Zoning Bylaw No.
1936”.

David Schroeter
Corporate Officer

Attached: SCHEDULE A