

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 3131

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 900;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 381, 2022 (Windermere East / HGK Holdings Ltd)."
2. The designation of Lot 4, District Lot 9561, Kootenay District, Plan 2914, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C-3, Regional Commercial Zone to C-1, Community Commercial Zone.

READ A FIRST TIME the day of , 2022.

READ A SECOND TIME the day of , 2022.

READ A THIRD TIME the day of , 2022.

APPROVED by the Ministry of Transportation and Infrastructure the day of , 2022.

Print Name: _____

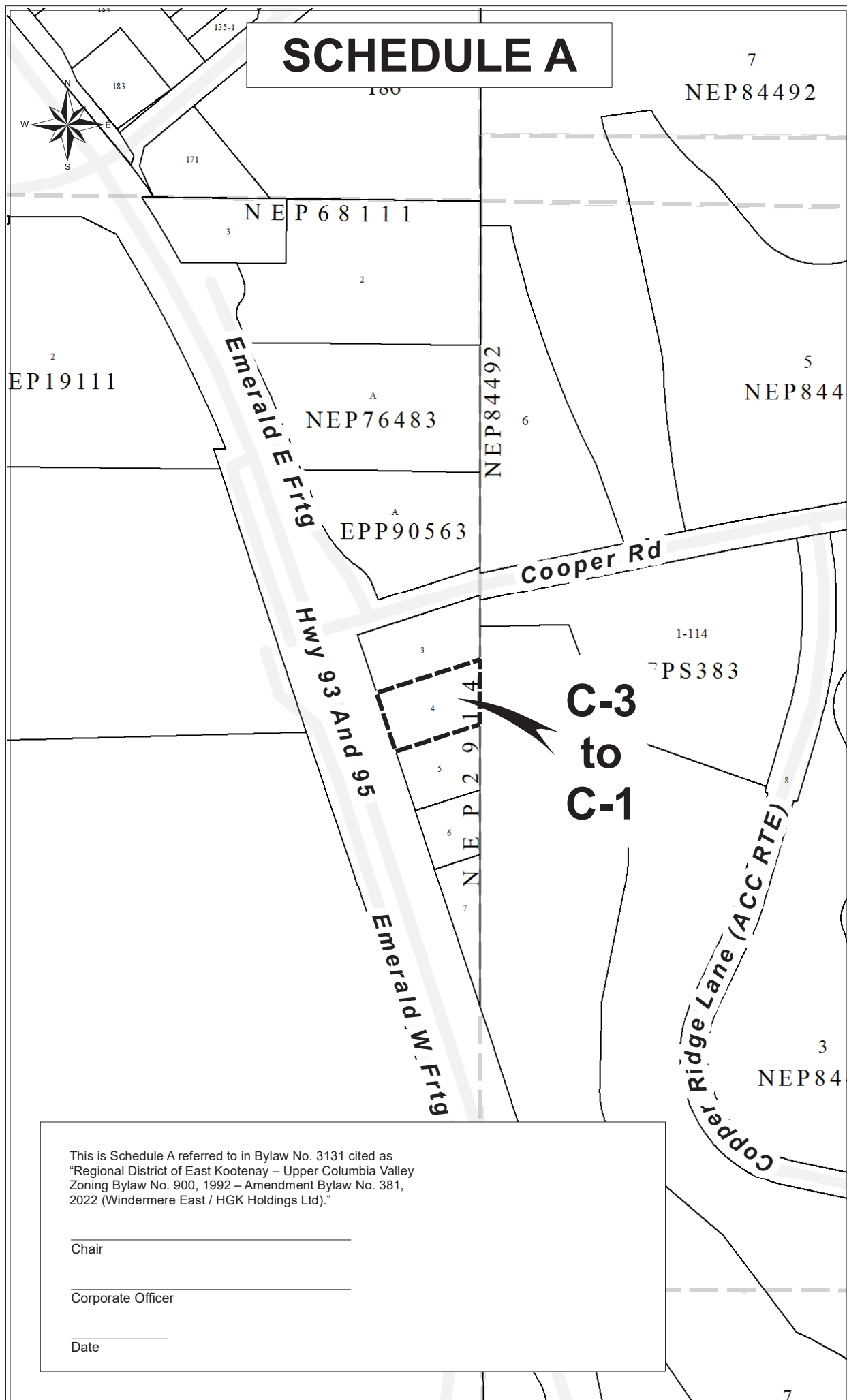
Signature: _____

ADOPTED the day of , 2022.

CHAIR

CORPORATE OFFICER

SCHEDULE A



This is Schedule A referred to in Bylaw No. 3131 cited as
"Regional District of East Kootenay – Upper Columbia Valley
Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 381,
2022 (Windermere East / HGK Holdings Ltd)."

Chair

Corporate Officer

Date

Location Map

To Radium Hot Springs

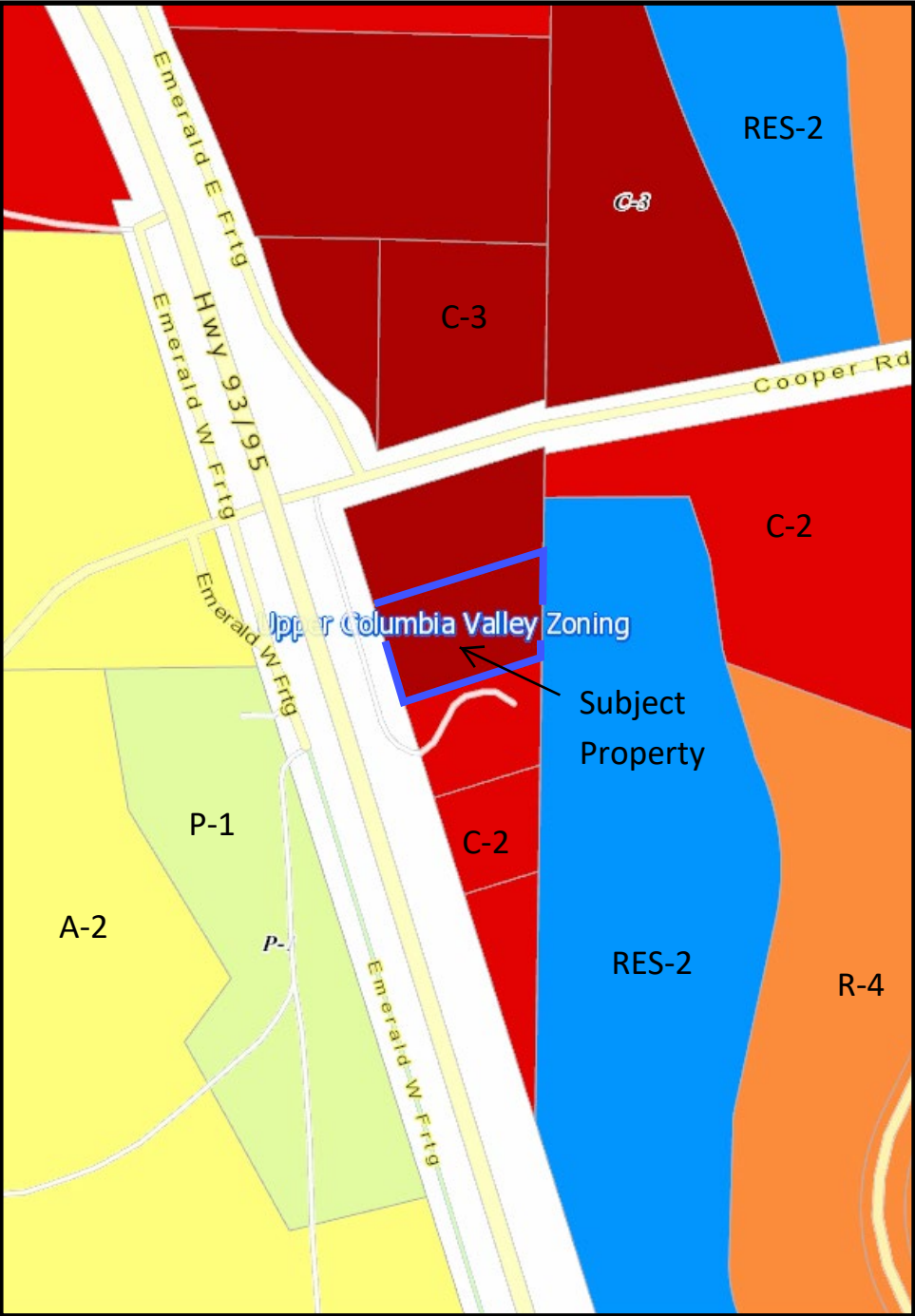


To Fairmont Hot Springs

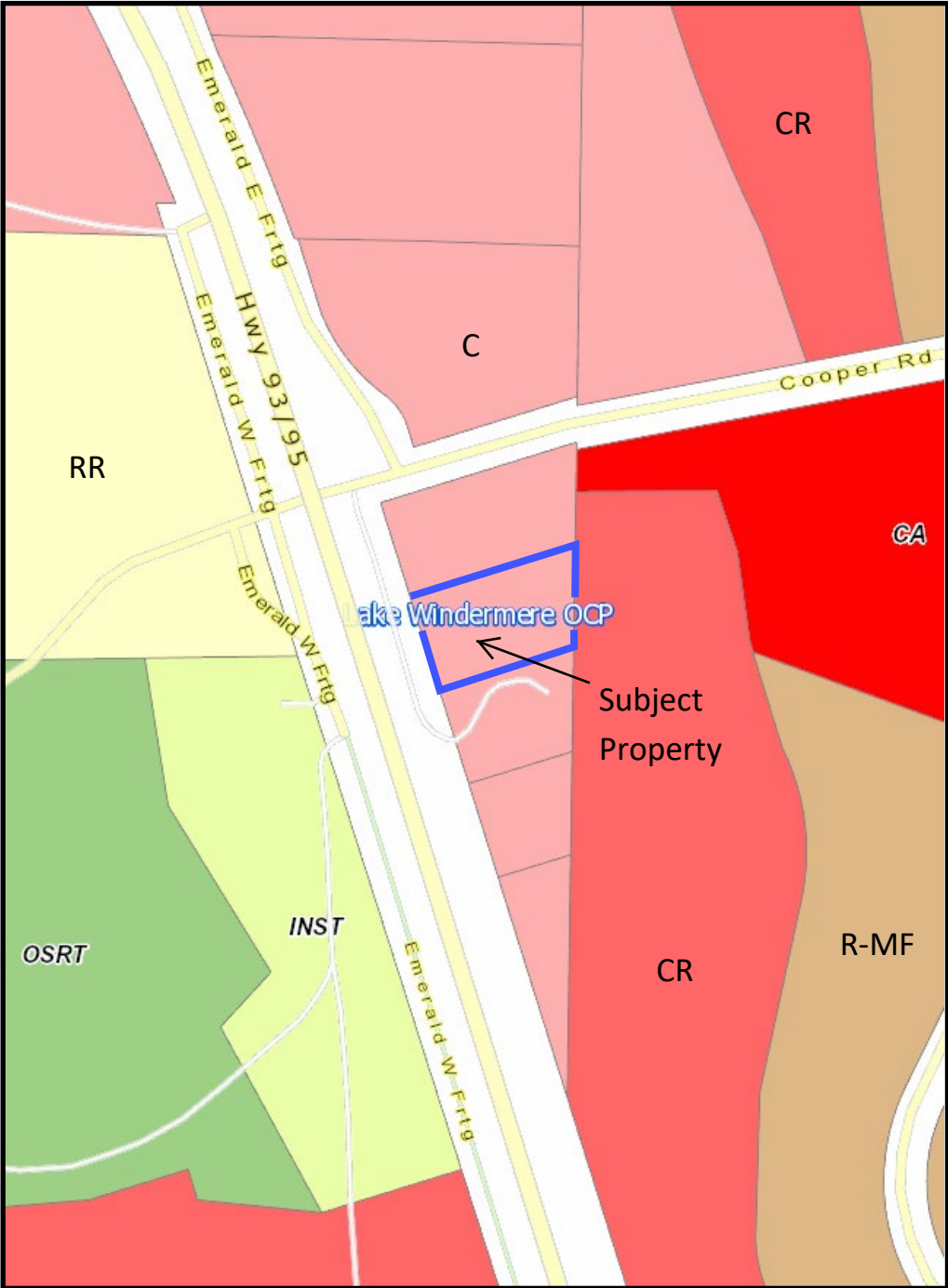
Land Use Map



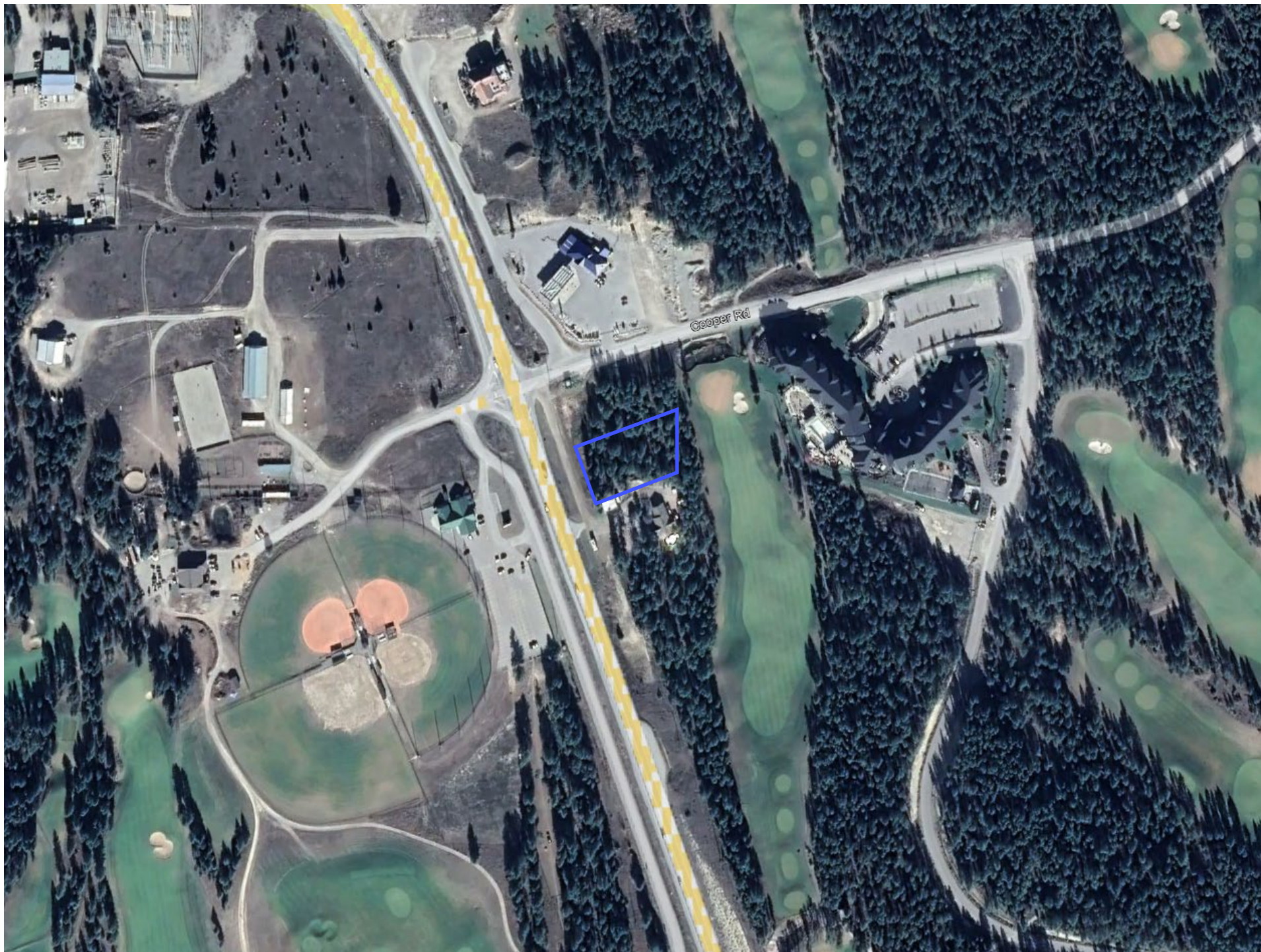
Zoning and OCP Designation Map



Zoning Map



OCP Designation Map



BL 1931
30 Mar 07**REGIONAL COMMERCIAL ZONE: C-3****7.23(A) (1) Permitted Uses**

Within the C-3 zone the following uses only are permitted:

- (a) The following retail trade industries:
 - (i) food, beverage and drug store; (60)
 - (ii) shoe, apparel, fabric and yarn store; (61)
 - (iii) household furniture, appliance and furnishing store; (62)
 - (iv) general retail store; (64)
 - (v) other retail stores; (65)
- (b) The following personal and household services:
 - (i) beauty and barber shop; (971)
 - (ii) dry cleaning and laundry establishment; (9721, 9723)
- (c) Business and professional office; (Div., K, L, M)
- (d) Medical and dental clinic; (865, 866, 867)
- (e) Child care facility;
- (f) Fitness centre, racquet club, health spa;
- (g) Food service; (921)
- (h) Tavern, bar, nightclub and pub; (922)
- (i) Tourist information facility;
- (j) Bus depot;
- (k) Funeral home; (9731)
- (l) Club or lodge;
- (m) Veterinary clinic;
- (n) Gasoline service station;
- (o) Public Building;
- (p) Uses permitted under Section 4.03 of this Bylaw.

(2) Accessory Uses

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

(3) Parcel Area

Subject to the provisions of Section 5.02 of this Bylaw, no parcel shall be created in the C-3 which is less than:

- (a) 1670 m² (17976.3 ft²) in area where it is served by neither a community water system nor a community sewer system;
- (b) 1390 m² (14962.3 ft²) in area where it is served by either a community water system or a community sewer system;
- (c) 555 m² (5974.2 ft²) in area where it is served by both a community water system and a community sewer system.

BL 1931
30 Mar 07

(4) Siting

- (a) No person shall site a building or structure in C-3 zone which has:
- (i) a front yard less than 4.5 m (14.8 ft);
 - (ii) a rear yard less than 4.5 m (14.8 ft), nor less than 6.0 m (19.7 ft) where the rear parcel line abuts a parcel in a Residential zone, Small Holdings zone, Resort zone, P-1 Zone or a highway right-of-way other than a lane;
 - (iii) a side yard less than 4.5 m (14.8 ft), nor less than 6.0 m (19.7 ft) where the rear parcel line abuts a parcel in a Residential zone, Small Holdings zone, Resort zone, P-1 Zone or a highway right-of-way other than a lane.
- (b) No person shall site a gasoline pump, pump island, or above ground storage tank in the C-3 zone less than 10.0 m (32.8 ft) from a front parcel line.

(5) Size and Dimensions of Buildings and Structures

- (a) No person shall site a principal building or structure in the C-3 zone which exceeds a height of 12.0 m (39.4 ft), nor a height of three (3) storeys, whichever is less.
- (b) No person shall site an accessory building or structure in the C-3 zone which exceeds a height of 5.0 m (16.4 ft), nor a height of one (1) storey, whichever is less.
- (c) No person shall site a building or structure in the C-3 zone that exceeds 2350 m² (25296 ft²) in gross floor area.

(6) Off-Street Parking

- (a) For uses permitted in the C-3 zone, 1 space per 25 m² of gross floor area is required.
- (b) Off-street parking spaces shall be provided in accordance with the provisions of Section 6.03 Size and Location of Off-Street Parking;

(7) Other Regulations

- (a) All persons carrying out a use permitted in the C-3 zone shall comply with the relevant provisions of Parts 4, 5 and 6 of this Bylaw.
- (b) All persons carrying out a use in the C-3 zone shall comply with the relevant provisions of Section 4.12 of this Bylaw with respect to screening of outdoor storage.
- (c) No person shall use or permit the use of any portion of a parcel in the C-3 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles.

- (d) All persons carrying out a use in the C-3 zone shall conduct the business undertaking within a completely enclosed building except for:
- (i) off-street parking, off-street loading spaces, and driveways;
 - (ii) display areas; and
 - (iii) storage yards.

COMMUNITY COMMERCIAL ZONE: C-1

7.22 (1) Permitted Uses

Within the C-1 zone the following uses only are permitted:

- (a) The following retail trade industries:
 - (i) food, beverage, and drug store, (60)
 - (ii) shoe, apparel, fabric, and yarn store, (61)
 - (iii) household furniture, appliance, and furnishing store, (62)
 - (iv) general retail store, (64)
 - (v) other retail stores; (65)
- (b) The following personal and household services:
 - (i) beauty and barber shop, (971)
 - (ii) dry cleaning and laundry establishment; (9721, 9723)
- (c) Business and professional office; (Div., K,L,M)
- (d) Medical and dental clinic; (865, 866, 867)
- (e) Child care facility;
- (f) Billiard hall, bowling alley, dance hall and amusement arcade; (9691, 9693, 9694)
- (g) Miniature golf; (9699)
- (h) Theatre and cinema; (963, 9621)
- (i) School and studio for art, music, theatre, and dancing;
- (j) Beauty and barber shop school;
- (k) Fitness centre, racquet club, health spa;
- (l) Food service; (921)
- (m) Tavern, bar, nightclub, and pub; (922)
- (n) Hotel and motor hotel; (9111)
- (o) Motel; (9112)
- (p) Tourist court; (9113)
- (q) Tourist information facility;
- (r) Bus depot;
- (s) Funeral home; (9731)
- (t) Club or lodge;
- (u) Publishing and printing industry; (284)
- (v) Greenhouse and nursery product; (0162, 0163)
- (w) Sub-post office;
- (x) Government services;
- (y) Uses permitted under Section 4.03 of this Bylaw.

(2) Accessory UsesBL 1408
05 Mar 99

- (a) Dwelling unit accessory to a permitted use, subject to subsections (4)(b), (7)(d), (7)(e), (7)(f) and (7)(g).

BL 2605
04 Sep 15

- (b) Gasoline service station is permitted on Parcel A (See 118435I), Lot 65, District Lot 8, Kootenay District, Plan 1080 except part included in Plan R289.
- (c) Uses permitted under Section 4.03 of this Bylaw.

(3) Parcel Area

Subject to the provisions of Section 5.02 of this Bylaw, no parcel shall be created in the C-1 zone which is less than:

- (a) 1670 m² (17976.3 ft²) in area where it is served by neither a community water system nor a community sewer system;
- (b) 1390 m² (14962.3 ft²) in area where it is served by either a community water system or a community sewer system;
- (c) 555 m² (5974.2 ft²) in area where it is served by both a community water system and a community sewer system;

(4) Density

- (a) No person shall site more than one (1) principal building on a parcel in the C-1 zone, except that for a motel or tourist court use, the number of principal buildings shall not be restricted.
- (b) No person shall site more than one (1) dwelling unit on a parcel in the C-1 zone.

(5) Siting

- (a) No person shall site a building or structure in the C-1 zone which has:
- (i) a front yard less than 4.5 m (14.8 ft);
 - (ii) a rear yard less than 4.5 m (14.8 ft) where the rear parcel line abuts a highway right-of-way other than a lane, nor less than 6.0 m (19.7 ft) where the rear parcel line abuts a parcel in a Residential Zone, a Small Holdings Zone, a Resort Zone or a P-1 Zone;
 - (iii) a side yard less than 6.0 m (19.7 ft) where the side parcel line abuts a highway right-of-way other than a lane, or a parcel in a Residential Zone, a Small Holdings Zone, a Resort Zone or a P-1 Zone, nor less than 5.0 m (16.4 ft) on one side where a parcel is not served by a lane.

Subsection (5)(b) deleted by Bylaw No. 1668 adopted 11 April 2003.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a principal building or structure in the C-1 zone which exceeds a height of 12.0 m (39.4 ft), nor a height of three (3) storeys, whichever is less.
- (b) No person shall site an accessory building or structure in the C-1 zone which exceeds a height of 5.0 m (16.4 ft), nor a height of one (1) storey, whichever is less.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the C-1 zone shall comply with the relevant provisions of Parts 4, 5, and 6 of this Bylaw.
- (b) All persons carrying out a use permitted in the C-1 zone shall conduct the business or undertaking within a completely enclosed building, except for:
 - (i) off-street parking and loading spaces and driveways;
 - (ii) storage yards, provided the yards are screened in accordance with the provisions of Section 4.12 of this Bylaw;
 - (iii) display, rental or sales area.
- (c) All persons carrying out a use permitted in the C-1 zone shall comply with the relevant provisions of Section 4.12 of this Bylaw with respect to screening of outdoor storage.
- (d) Where a dwelling unit is proposed, it shall:
 - (i) be designed and constructed as an integral part of the principal building;
 - (ii) be self-contained;
 - (iii) have an entrance provided from outside the building, separate from that of any commercial use;
 - (iv) be located above the first storey of the building or behind the commercial component of the building.
- (e) The provisions of clause (d) shall not apply to a dwelling unit accessory to a hotel, motor hotel, motel, or tourist court use.
- (f) No horizontal dimension of a dwelling unit not including dimensions of an addition or a non-rectangular building shall be less than 5.5 m (18.0 ft).
- (g) Notwithstanding the height requirements in Section 7.22(6) of this Bylaw, the maximum height of a dwelling unit accessory to a permitted use is 9.0 m (29.5 ft), where the dwelling unit is a detached dwelling unit accessory to a hotel, motor hotel, motel, or tourist court use.
- (h) No person shall use or permit the use of any portion of a parcel in the C-1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

December 2, 2021

Our File: 21IX0057

To: Regional District of East Kootenay
19-24 Avenue South
Cranbrook BC V1C 3H8
Main: 250-489-2791
Website: www.rdek.bc.ca

Re: Proposed Rezoning of:

1. Lot 2 Plan NEP19111 D.L. 9561 Kootenay District PID 016-715-438
2. Lot A Plan NEP76483 D.L. 9561 Kootenay District PID 026-062-895
3. Lot 6 Plan NEP84492 D.L. 9001 Kootenay District PID 027-170-438
4. Lot 4 Plan NEP2914 D.L. 9561 Kootenay District PID 015-010-791

To Whom it may concern,

On behalf of Global Raymac Land Surveying Ltd., we are pleased to provide you with our proposal for the above-mentioned project.

We trust you will find everything in order. Should you require any clarification, please do not hesitate to contact me directly.

Sincerely,



Adam Brash, BCLS, CLS, PEng

Global Raymac Land Surveying Ltd.
1022B 7th Avenue
Invermere, BC V0A 1K0
250-409-5157
abrash@grs.ca
www.grse.ca

Property Overview

SITE LOCATION AND FEATURES

As per the attached sketch plans, all four properties are situated near or around the area known as the “Crossroads”. This is located at the Intersection of Highway 93 and Athalmer Road into the District of Invermere. Three lots are located on the East side of Highway 93 south of the Tim Horton's and are generally all treed with no development. The fourth lot is located on the West side of Highway 93 at the intersection with Athalmer Road and is also undeveloped with no noticeable vegetation.

Our Proposal

We propose to re-zone as follows: (See Map):

1. **Lot 2 Plan NEP19111 D.L. 9561 Kootenay District PID 016-715-438**

Current Zoning = C2

Proposed Zoning = C1

OCP – C no change proposed

Current Use of land = Vacant

Proposed Use of land = Commercial

Water & Sewer = Community

Contaminated Site Regulation = Not required

2. **Lot A Plan NEP76483 D.L. 9561 Kootenay District PID 026-062-895**

Current Zoning = C3

Proposed Zoning = C1

OCP = C no change proposed

Current Use of land = Vacant

Proposed Use of land = Commercial

Water & Sewer = Community

Contaminated Site Regulation = Not required

3. **Lot 6 Plan NEP84492 D.L. 9001 Kootenay District PID 027-170-438**

Current Zoning = C-3

Proposed Zoning = C-1

OCP – C no change proposed

Current Use of land = Vacant

Proposed Use of land = Commercial

Water & Sewer = Community

Contaminated Site Regulation = Not required

Subject

4. **Lot 4 Plan NEP2914 D.L. 9561 Kootenay District PID 015-010-791**

Property

Current Zoning = C-3

Proposed Zoning = C-1

OCP – C no change proposed

Current Use of land = Vacant

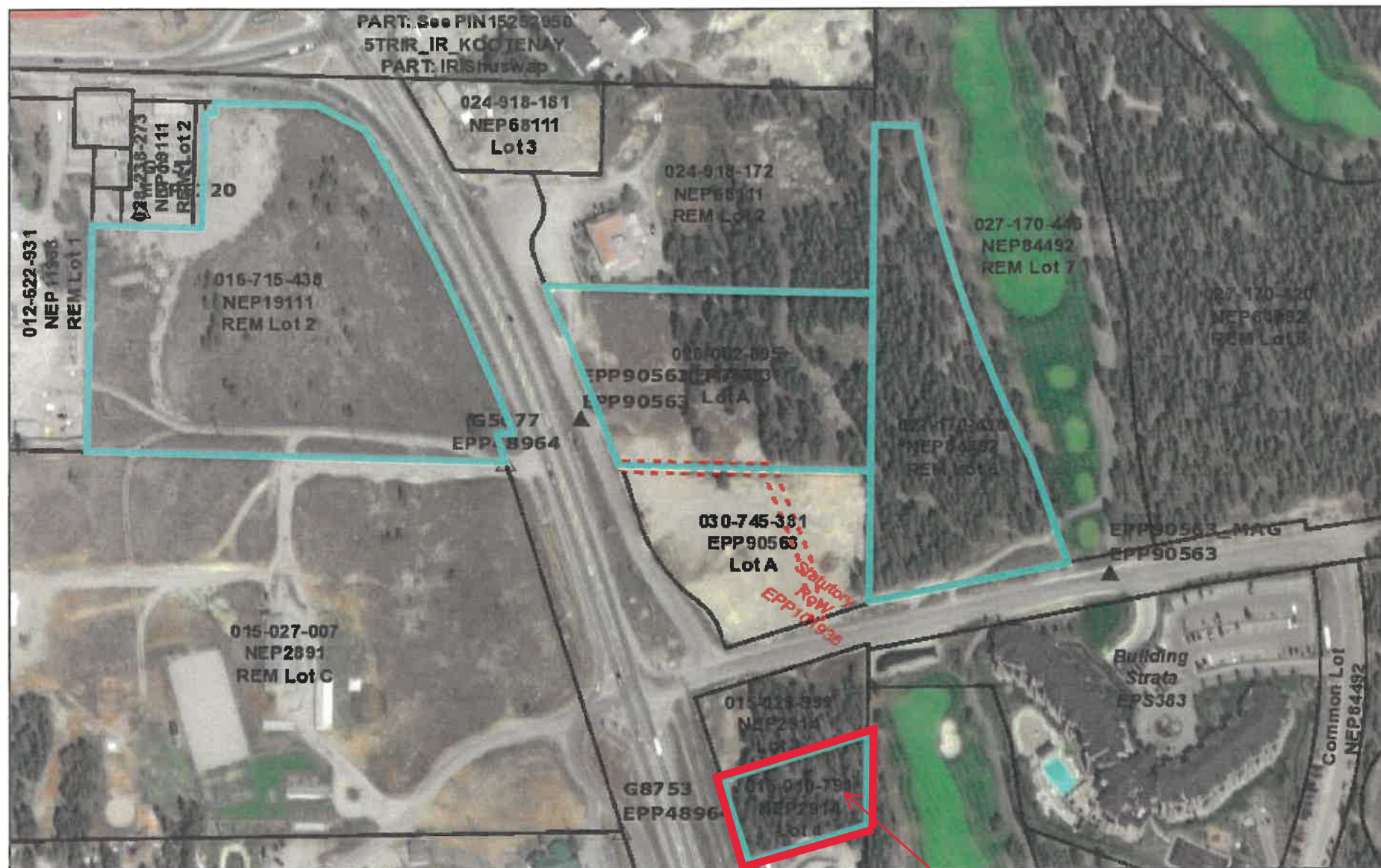
Proposed Use of land = Commercial

Water & Sewer = Community

Contaminated Site Regulation = Not required

We are requesting these zoning changes based on current demand for commercial property in the area. C1 and C2 give the developer a broader range of options moving forward.

ParcelMap BC Print Report



October 28, 2021

Survey Control

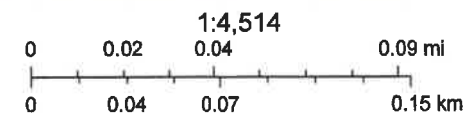
- GEODETIC, GOOD
- GEODETIC, DESTROYED

- GEODETIC, ANOMALOUS
- ▲ SURVEY
- △ OTHER

Parcel Boundaries

- Ownership
- Road

Subject Property



Maxar