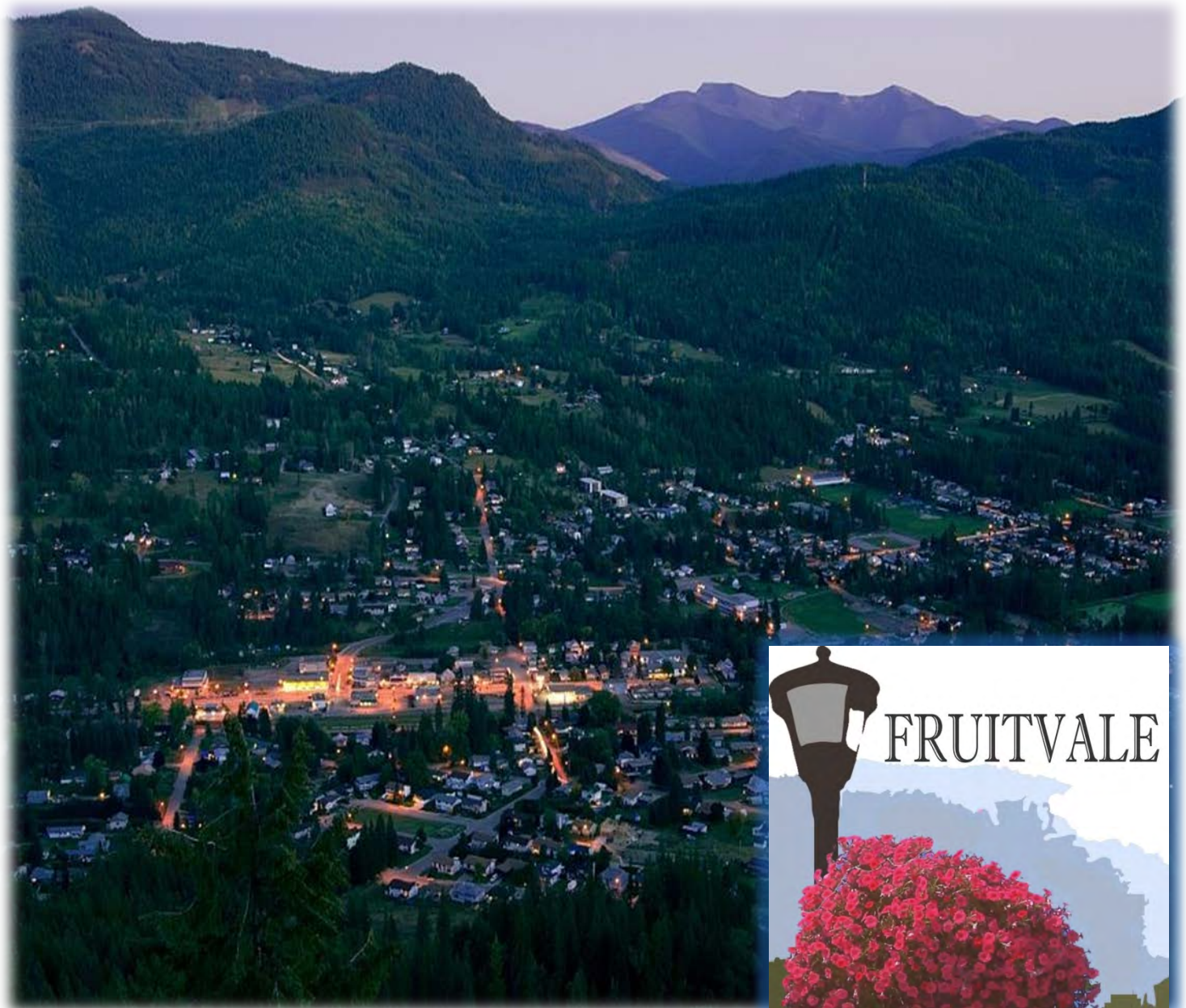


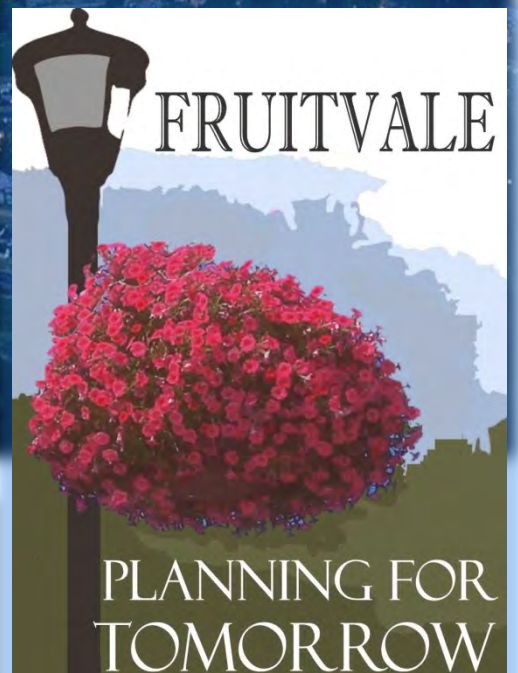
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# Village of Fruitvale

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ZONING BYLAW 846, 2013





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## SECTION 2 -- GENERAL ADMINISTRATION

### 2.1. Title

2.1.1. This Bylaw may be cited as “Village of Fruitvale Zoning Bylaw 846, 2013”.

### 2.2. Purpose

2.2.1. This Bylaw is to provide a clear and efficient system of land use regulation for the orderly, economic, equitable and environmentally sensitive use, development, and re-development of all lands within the Village of Fruitvale, having regard for the provisions of the Village of Fruitvale’s Official Community Plan.

### 2.3. Zoning Map

2.3.1. The Village of Fruitvale is hereby divided into the following zones:

COLUMN 1	COLUMN 2	Zone transition from B/L 769, 2006
Section 12 – Rural Large Parcel Zones		
RLP 1	Rural Large Parcel 1	(formerly RU)
Section 13 – Rural Residential Zones		
RR1	Rural Residential 1	(formerly RU)
Section 14 – Urban Housing Zones		
RU1	Single and Two Family Housing	(formerly R1, R2)
RU2	Small Lot Single and Two Family Housing	(formerly R1)
RM1	Low Density Multiple Housing	(formerly R4)
RM2	Medium Density Row Housing	(formerly R4)
RMP	Mobile Home Park	(formerly R3)
Section 15 – Commercial Zones		
C1	Village Centre Commercial	(formerly C1)
C2	Highway Commercial	(formerly C2)
Section 16 – Industrial Zones		
I1	General Industrial	(formerly I)
Section 17 – Public and Institutional Zones		
P1	Public Park and Open Space	(formerly PR)
P2	Administration, Public Service and Assembly	(formerly PR and ICF)
P3	Utilities	(formerly ICF)
Section 18 – Special Mixed Use Zones		
RMU	Residential Mixed Use	New Zone

- 2.3.2. The boundaries of those zones are shown on the “Zoning Map” which is attached as Schedule “A” to this Bylaw.
- 2.3.3. In this Bylaw, reference to zones as listed in Column 1 of Section 2.3.1 shall be deemed to mean and be the same as the zone listed in Column 2 of Section 2.3.1 and the words and numbers in the said columns shall be deemed to be interchangeable where the context of the Bylaw otherwise requires.

## **2.4. Uses and Regulations**

- 2.4.1. Except for legal non-conforming uses or development approved by a development variance permit or a Board of Variance order, or another agreement or permit as authorized by provincial statute, the use, buildings, structures, in each zone or area shall be in accordance with the uses listed in the zone and all the appropriate regulations and requirements of this Bylaw.
- 2.4.2. No land, building, or structure, within the Village of Fruitvale shall be developed, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformity with the provisions of this Bylaw.
- 2.4.3. Notwithstanding section 2.4.2 the following uses, buildings and structures are permitted:
- a) the use of a building or part thereof as a temporary polling station, election official’s headquarters, candidate’s campaign office, and any other official temporary use in connection with a federal, provincial, or municipal election, referendum or census;
  - b) the use of a building, or part thereof, as a constituency office for a federal Member of Parliament or a provincial Member of the Legislative Assembly when located in a Commercial, Industrial or Institutional zone. Any signage for the constituency office will be required to meet the provisions of the Village of Fruitvale signage regulations currently in effect;
  - c) a temporary structure which is incidental to the erection, maintenance, alteration, or sales of a building, structure, lot or utility for which a building, development permit or preliminary layout approval has been issued provided that the structure is removed within 30 days of project completion or one year following the issuance of a building permit;
  - d) landscaping, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts, except where required by Section 8;
  - e) railways except private sidings, pipelines, and irrigation ditches, conduits, flumes, and pumphouses;
  - f) minor impact utility services underground or within statutory rights-of-way and utility poles and anchors; and
  - g) construction, maintenance and repair of private walkways, pathways and driveways.



## **2.5. Compliance with Other Legislation**

- 2.5.1. In addition to this Bylaw, a person is responsible for ascertaining and complying with the requirements of all other applicable municipal bylaws, or provincial or federal statutes and regulations.
- 2.5.2. The provisions of the development permit system included within the Official Community Plan apply in addition to the regulations in this Bylaw.

## **2.6. Applications in Process**

- 2.6.1. A completed application for a building permit which is received prior to the effective date of this Bylaw shall be processed in accordance with Village of Fruitvale Consolidated Zoning Bylaw 769, 2006, unless the applicant provides a written request that their application be considered under this Bylaw. Such applications shall be approved or rejected within 12 months of this Bylaw coming into effect and, if rejected, any future development must comply with this Bylaw.

## **2.7. General Interpretation**

- 2.7.1. Any enactments referred to herein are a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Bylaw referred to herein is a reference to an enactment of the Council of the Village of Fruitvale, as amended, revised, consolidated or replaced from time to time.
- 2.7.2. The headings given to sections, paragraphs, and sub-sections in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.
- 2.7.3. All units of measurement contained within this Bylaw are in metric. Approximate imperial measurements if shown in brackets are for reference and convenience only. Abbreviations are shown as follows:
  - a) Metres and square metres = m and m<sup>2</sup>
  - b) Litres = l
  - c) Kilometres = km
  - d) Hectares = ha
- 2.7.4. The Schedules attached to this Bylaw form part of this Bylaw.

## **2.8. Repeal**

- 2.8.1. The Village of Fruitvale Consolidated Zoning Bylaw 769, 2006, and all amendments thereto, is hereby repealed.
- 2.8.2. The Village of Fruitvale Mobile Home Park Bylaw 242, 1975, and all amendments thereto, is hereby repealed.

## **SECTION 3 -- INTERPRETATION**

### **3.1. Rules of Interpretation**

- 3.1.1. Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word "person" includes a corporation, firm, partnership, trust, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.
- 3.1.2. The words "shall" and "is" require mandatory compliance except where a variance has been granted pursuant to the Local Government Act.
- 3.1.3. The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- 3.1.4. Words, phrases, and terms neither defined in this section nor in the Local Government Act or Community Charter shall be given their usual and customary meaning.

### **3.2. Zone Boundaries**

- 3.2.1. The zone boundaries on the Zoning Map shall be interpreted as follows:
  - a) Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centreline, unless otherwise clearly indicated on the Zoning Map;
  - b) Where a zone boundary is shown as approximately following the Village boundary, it follows the Village boundary;
  - c) Where a zone boundary is shown as approximately following the edge, shoreline, or high water mark of a water body, it follows the natural boundary. In the event of change, it moves with the natural boundary;
  - d) Where a zone boundary is shown as approximately following a property line, it follows the property line;
  - e) Where a zone boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line;
  - f) Where a zone boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so; and
  - g) In circumstances not covered above, the zone boundary shall be determined by the scale of the Zoning Map.
- 3.2.2. When any street is closed, the roadway lands have the same zoning as the abutting land. When abutting lands are governed by different zones, the centre of roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, that parcel's zoning designation

applies to affected portions of the roadway.

### 3.3. General Definitions

3.3.1. The definitions of uses group individual land uses into a specified number of classes, with common functional or physical impact characteristics. They define the range of uses which are principal and secondary, with or without conditions, within various zones of this Bylaw.

3.3.2. The following guidelines shall be applied in interpreting the use class definitions:

- a) Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive; and
- b) Where a specific use does not conform to the wording of any use class definition or generally conforms to the wording of two or more definitions, the use conforms to and is included in that use class which is most appropriate in character and purpose.

3.3.3. The following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

#### A

**ABUT OR ABUTTING** means immediately contiguous to, or physically touching, and when used with respect to lots or sites means two that share a common property line.

**ACCESSORY BUILDING OR STRUCTURE** means a separate building or structure, normally ancillary, incidental, subordinate to, and located on the same lot as the main building or structure. Typical accessory structures include but are not limited to; antennae, propane tanks, satellite dishes, flagpoles, garages, and garden sheds.

**ACCESSORY SUITE** means a self-contained accessory dwelling unit located within an accessory building. An accessory suite has its own separate cooking, sleeping and bathing facilities, and may include carriage houses, garage suites, or garden suites.

**ACCESSORY USE** means a use customarily incidental and subordinate to the principal use or building and located on the same parcel of land as such principal use or building.

**ACCOUNTING SERVICES** means the provision of general bookkeeping and accounting services to the public in an office setting.

**ADJACENT** means land that abuts and is contiguous to a site, and also includes land that would be contiguous if not for a street, lane, walkway, stream, utility lot, underground pipeline, power line, drainage ditch, watercourse, or similar feature.

**AFFORDABLE HOUSING** means housing that sells or rents at a rate that is affordable; generally defined as no more than 30% of annual income.

**AGRICULTURAL AND GARDEN STANDS** means those accessory buildings and structures for retailing agricultural products on a farm.

**AGRICULTURAL BUILDINGS OR STRUCTURES** means buildings or structures used to support agricultural uses on a property. Agricultural buildings may include storage space for agricultural machinery and equipment, storage space for agricultural products, or space for repairing and maintaining agricultural tools and equipment.

**AGRICULTURAL WASTE** means a by-product of agriculture and includes manure, used mushroom medium and agricultural vegetation waste.

**AGRICULTURE** means development or use for the growing, rearing, production, harvesting and processing of agricultural products, including livestock, and the storage and repair of implements and machinery used for farming purposes.

**AGRICULTURE, EXTENSIVE** means the use of land, buildings and structures by a commercial enterprise or an institution for the production of agricultural products without utilizing the confinement of poultry, livestock or fur bearing animals except as required on a seasonal basis for activities such as winter feeding.

**ALTERATION OF LAND** means, but is not necessarily limited to: soil relocation due to building or parking lot construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of retaining walls, patios, lawns, agricultural activity or any structural change to a building or structure that results in an increase or decrease in the area or volume of the building or structure; a change in the area, frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements under this bylaw; or discontinuance or change, where the new use is differently defined as the original use, in the principal use of the lot, building or structure.

**AMENITY AREA** means an area of land or building or portion thereof providing for the passive or active recreational use by the residents of a lot which may include balconies, patios, recreational facilities, party rooms, playgrounds and similar facilities but excluding driveways, off street parking areas and walkways.

**AMUSEMENT ESTABLISHMENTS, OUTDOOR** means facilities for entertainment or amusement activities that primarily take place outdoors where the patrons are the primary participants. Typical uses include but are not limited to amusement parks, go-cart tracks, and miniature golf establishments. This use class does not include drive-in movie theatres, carnivals, circuses, par three or regulation length golf courses.

**ANCILLARY** means subordinate or assisting and in the case of a building or structure, includes essential structural components necessary to the building function such as mechanical penthouses, elevator housing, mechanical rooms, communication structures, or chimneys.

**ANIMAL CLINICS, MAJOR** means those premises where domestic pets and livestock are given medical and surgical care and may include outdoor shelter.

**ANIMAL CLINICS, MINOR** means those premises where domestic pets are given medical and surgical care and does not include outdoor shelter.

**ANIMAL DAYCARES** means an establishment intended to provide care for domesticated animals excluding livestock, during the day or evening but not overnight, to a maximum limit of six animals.

**ANIMAL SHELTERS** means a lot and or building or part thereof, used for the temporary care of lost, abandoned or neglected animals.

**ANTENNA** means a structure designed for the purpose of receiving and transmitting communication signals.

**APARTMENT HOUSING** means any physical arrangement of attached dwelling units, intended to be occupied by separate households, which does not conform to the definition of any other residential use class.

**ATTIC** means the unfinished space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.

**AUCTIONEERING ESTABLISHMENTS** means buildings and/or land for the auctioning of goods and equipment including the temporary storage of such goods and equipment, but does not include flea markets or used goods stores.

**AUTOBODY REPAIR AND PAINT SHOPS** means those premises where automobiles, trucks, and other vehicles undergo body repair and painting.

**AUTOMOTIVE AND EQUIPMENT REPAIR SHOPS** means the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar vehicles or the sale, installation, or servicing of related accessories and parts. This includes but is not limited to transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops but does not include autobody repair and paint shops, or wrecking yards.

**AUTOMOTIVE AND MINOR RECREATION VEHICLE SALES/RENTALS** means the retail sale or rental of new or used automobiles, bicycles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles, together with incidental maintenance services and sales of parts. It includes automobile dealerships but does not include dealerships for the sale of trucks with a gross vehicle weight of more than 4100 kg. or the sale of motorhomes with a gross vehicle weight rating of more than 5500 kg. or a length of more than 6.7 m.

**AWNING** means a retractable or non-retractable covering of non-rigid materials such as canvas or similar fabric projecting from the exterior wall of the building.

## **B**

**BACHELOR DWELLING** means a dwelling in which the sleeping and living areas are combined and which is not reasonably capable of being developed as a unit containing a separate bedroom or bedrooms.

**BALCONY** means a platform, attached to and projecting from the face of a building with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as an outdoor porch or deck with access only from within the building.

**BASEMENT** means a storey or storeys of a building located below the first storey.

**BASEMENT, WALKOUT** means a storey of a building located below the first storey and having at least one wall above grade.

**BAY WINDOW** means a glazed window that protrudes from the wall to which it is attached and may be structurally supported other than by a foundation wall.

**BED AND BREAKFAST HOME** means the accessory use of a residence in which temporary overnight accommodation and breakfast is provided to tourists.

**BEDROOM** means a room containing a window, located in a dwelling, which due to its design or location in the dwelling, is or may be used primarily for sleeping. It includes dens, lofts, studies, and libraries.

**BINGO FACILITIES** means any place that is used for bingo pursuant to a licence issued by or under the authority of the provincial government.

**BOARDER** means a non-family member who is a lodger, roomer, or person who pays for and takes regular lodging, with or without meals.

**BOARDING OR LODGING HOUSE** means a building in which the owner or manager may supply accommodation for their family, and sleeping unit accommodation for remuneration to members of the public. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes.

**BROADCASTING STUDIOS** means development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

**BUFFER** means a landscaped or natural area intended to visibly separate and screen one use from another to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage and wildlife movement. This also refers to the use of vegetation and other screening or separation methods to separate non farming and farming land uses.

**BUILDING** means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and/or equipment.

**BUILDING ENVELOPE** means the maximum volume or extent of space within which a development may be designed after yard requirements and height limits have been accounted for. This building envelope may be further restricted by other regulations governing site coverage, parking or amenity areas.

**BUILDING FACE OR FACADE** means that portion of any exterior elevation of a building exposed to public view extending from the grade to the eaves or the top of the parapet wall and the entire length of the building elevation, including all areas divided by firewalls.

**BUILDING FRONTAGE** means the measurement of the length of a building wall that directly faces a street.

**BUILDING INSPECTOR** means the person(s) appointed by Council to administer and enforce the provisions of the Village of Fruitvale Building Regulation Bylaw currently in effect.

**BUILDING PERMIT** means a permit issued in accordance with the Village of Fruitvale Building Regulation Bylaw currently in effect.

**BULK FUEL DEPOT** means lands, buildings, and structures for the bulk storage and distribution of petroleum products and may include key lock retail sales. This does not include either minor or major service stations.

**BUSINESS** means an establishment for carrying on a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other service for gain or profit. This includes a Home Occupation.

**BUSINESS SUPPORT SERVICES** means development used to provide support services to businesses and which are characterized by one or more of the use of minor mechanical equipment for printing,

duplicating, binding or photographic processing; secretarial services; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair, or servicing of office equipment, furniture and machines. Typical uses include but are not limited to printing establishments, testing laboratories, janitorial firms and office equipment sales, repair establishments, and sign shops.

**BYLAW ENFORCEMENT OFFICER** means the officers or employees appointed by Council as such.

## C

**CALLIPER** means the trunk diameter of a tree measured at a point 300 mm above the top of the root ball.

**CANOPY** means a non-retractable hood cover or marquee which projects from the wall of a building. It does not include an awning, projecting roof, roof eaves, or enclosed structure.

**CAR WASH** means an establishment used for the cleaning of motor vehicles and may be either a free-standing operation or in conjunction with a service station, major or minor.

**CARE CENTRE, INTERMEDIATE** means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres, out-of-school centres, and drop-in centres. This includes developments for 9 to 25 children for group day-care or 11 to 25 children for the provision of care, before and after school hours and during school holidays, for children attending school. This also includes care centre, minor.

**CARE CENTRE, MAJOR** means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres intended for 26 or more patrons, out-of-school centres, and drop-in centres. This also includes care centre, minor and care centre, intermediate.

**CARE CENTRE, MINOR** means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes drop-in centres and group day care centres for up to 8 patrons, and up to 10 children for the provision of care, before and after school hours and during school holidays, for children attending school, and pre-schools for up to 15 children.

**CARNIVALS** means temporary development providing a variety of shows, games and amusement rides in which the patrons take part, for a period of less than 30 days.

**CARPORT** means a roofed structure free-standing or attached to the principal building which is not enclosed on the front and at least one side, used by the building occupants to shelter parked vehicles.

**CEMETERY** means those areas of land that are set aside for the burial of human remains. Typical uses are memorial parks and burial grounds, including crematoriums.

**CLEARANCE** means the unobstructed vertical distance between the finished grade or finished floor and the underside of a canopy, awning, ceiling, or structure.



**COMMERCIAL SCHOOL** means development used for training, instruction, and certification in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical uses include but are not limited to secretarial, business, hairdressing, beauty culture, dancing, or music schools.

**COMMERCIAL STORAGE** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature.

**COMMERCIAL USE** means an occupation, employment or enterprise that is carried on for gain or monetary profit by any person.

**COMMERCIAL ZONES** are any zones listed in Section 15 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of principal uses, is of a commercial nature.

**COMMUNITY GARDEN** means a public or privately owned site normally operated on a not-for-profit basis by a volunteer group to provide allotted plots at nominal cost to citizens for the purpose of growing produce for personal consumption.

**COMMUNITY RECREATION SERVICES** means development for recreation, social or multi-purpose use primarily intended for local community purposes. Typical uses include but are not limited to community halls, non-profit social clubs, and community centres operated by a local residents' association.

**COMPREHENSIVE DEVELOPMENT** means provision for a mix of land uses within a specific area permitted and implemented through a Comprehensive Development Zone.

**CONGREGATE HOUSING** means housing in the form of multiple sleeping units where residents are provided with common living facilities, meal preparation, laundry services and room cleaning. Congregate housing may also include other services such as transportation for routine medical appointments and counselling.

**CONSTRUCT OR CONSTRUCTION** includes build, erect, install, repair, alter, add, enlarge, move, locate, re-locate, re-construct, upgrade, remove, or excavate.

**CONTRACTOR SERVICES, GENERAL** means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only.

**CONTRACTOR SERVICES, LIMITED** means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles.

**COUNCIL** means the Council of the Village of Fruitvale.

**CREMATORIUM** means a building or part of a building used for the purpose of cremating human remains and includes appliances and other equipment incidental or ancillary to that purpose.

**CSA** means Canadian Standards Association.

**CUSTOM INDOOR MANUFACTURING** means development used for small scale on-site indoor production of goods by hand; manufacturing primarily involving the use of hand tools and provided such developments have fewer than 5 production employees. Typical uses include but are not limited to jewellery, denture appliances, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios.

## D

**DECK** means a structure more than 0.6 m above grade without a roof or walls, except for visual partitions and railings, for use as an outdoor amenity area.

**DENSITY** means a measure of the total number of dwelling units or total floor area on a parcel or the intensity of development to the area of the site, including the number of units on a site of land and may be expressed as units per hectare and/or floor area ratio (FAR).

**DENSITY BONUS** means an increase in the allowable number of dwelling units or floor area on a parcel of land in exchange for an amenity provided by the developer for the community in accordance with the provisions of this bylaw.

**DEVELOPMENT** means (a) removal, alteration, etc. of vegetation; (b) disturbance of soils; (c) construction of buildings and structures; (d) creation of non-structural impervious or semi-impervious surfaces; (e ) flood protection works; (f) construction of roads, trails, docks, wharves or bridges; (g) provision and maintenance of sewer and water services; (h) development of drainage systems; (i) development of utility corridors; (j) subdivision as defined in the Local Government Act.

**DRIVE-IN BUSINESS** means a development which services customers travelling in motor vehicles driven onto the site where such business is carried on, and where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period while doing business at the premises. Drive-in businesses include service stations, gas-bars, drive-through vehicle service establishments such as lubrication shops, recycling depots and car washes.

**DRIVE-IN FOOD SERVICES** means development used for eating and drinking which offers food produced in a manner that allows rapid customer service and includes one or more of car attendant services, drive through food pick-up services, or parking primarily intended for the on-site consumption of food within a motor vehicle.

**DUPLEX HOUSING** means a building designed exclusively to accommodate two households living independently in separate dwelling units above or below each other. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a secondary suite. (This definition does not infer “semi-detached” housing.)

**DUST-FREE SURFACE** means a durable dust-free surface such as concrete or asphalt, and does not include crushed gravel or shale.

**DWELLING** means accommodation providing sleeping rooms, washrooms, and a kitchen intended for domestic use, and used or intended to be used permanently for a household. A dwelling includes only one room which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a kitchen. This use does not include a room in a hotel or a motel, and does not include recreational vehicles.

**E**

**EATING AND DRINKING ESTABLISHMENT**, means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but do not include drive-in restaurants.

**EMERGENCY AND PROTECTIVE SERVICES** means a public facility used by fire protection, police, ambulance, or other such services as a base of operations.

**EQUIPMENT RENTALS** means development used for the rental of tools, appliances, recreational craft, office machines, furniture, light construction equipment, or similar items but does not include rental of motor vehicles or industrial equipment.

**EXTENDED MEDICAL TREATMENT SERVICES** means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences. Typical uses include but are not limited to hospitals, nursing homes with health care for dependant residents, mental care asylums, sanatoria, and detoxification centres.

**F**

**FARMERS MARKET** means a market whose vendors make, bake, or grow the products they produce, where farmers or their families display and sell locally grown or processed foods with a limited number of non-food crafts and imported products.

**FENCE** means a structure used as an enclosure or for screening purposes about all or part of a lot or a swimming pool.

**FINANCIAL SERVICES** means the provision of financial and investment services by a bank, trust company, investment dealer, credit union, mortgage broker, insurance company or related business. Insurance companies that cater to a specific sector of the commercial or industrial business community and do not offer personal, financial, investment or insurance services are not included in this definition.

**FIRE SEPARATION** means any construction assembly that acts as a barrier against the spread of fire as defined in the B.C. Building Code, and includes firewalls.

**FLEA MARKET** means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public.

**FLEET SERVICES** means development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. Typical uses include but are not limited to ambulance services, taxi services, bus lines, and messenger and courier services. This does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg.

**FLOOR AREA, GROSS LEASABLE (GLA)** means the total floor area contained within the exterior and basement walls and which is designed to be used exclusively for tenant occupancy.

**FLOOR AREA, GROSS (GFA)** means the total floor area of the building or structure contained within the exterior and basement walls.

**FLOOR AREA, NET** means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls providing that in the case of a wall containing windows, the glazing line of the windows may be used. The net floor area measurement is exclusive of basement areas, attics, attached garages, carports, breezeways, porches, balconies, exit stairways, corridors, and terraces. In the case of multiple dwelling housing, public corridors, common amenity spaces, and building mechanical systems are also excluded. In the case of congregate housing, communal dining and kitchen facilities are excluded.

**FLOOR AREA RATIO** means the numerical value of the net floor area on all levels of all buildings and structures on a lot, divided by the area of the lot.

**FORESTRY** means the extraction, storage, sorting, and grading of primary forest materials. This use does not include natural resource extraction.

**FOUR DWELLING HOUSING** means housing on a single lot other than a strata lot that contains four single family dwelling units, one or more of which may or may not be a permitted secondary suite.

**FOUR-PLEX HOUSING** means any physical arrangement of four attached dwelling units intended to be occupied by separate households with separate exterior access to grade.

**FRONTAGE** means the length of a lot line which immediately adjoins a street other than a lane or walkway.

**FUNERAL SERVICES** means premises used for the preparation of the dead for burial or cremation and the holding of funeral services.

**FUR BEARING ANIMAL** means an animal that is wild by nature kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species excluded by regulation under the Fur Farm Act.

## G

**GAMING FACILITIES** means any place that is customarily or regularly used for bingo or other games of chance pursuant to a licence issued by or under the authority of the provincial government and includes a social club for which gaming is licenced by the provincial authority.

**GAS BARS** means development used for the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products. The gas bar may be a self-service, full service, key lock, card lock, or other similar operation. This does not include minor and major service stations.

**GENERAL INDUSTRIAL USE** means development used principally for one or more of the following: processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products directly to the public; the storage, cleaning, servicing, repairing, design or testing of materials, goods and equipment normally associated with industrial, business or household use; terminals for the storage or transshipping of materials, goods and equipment; the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial businesses for their direct use or to general retail stores or other use classes for resale to individual customers; or the training of personnel in general industrial operations. Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the general industrial uses listed above. The floor area devoted to such accessory activities shall not exceed 25% of the gross floor area of the building(s) devoted to the general industrial use. This use includes autobody repair and paint shops.

**GOVERNMENT SERVICES** means development providing for crown corporation, municipal, provincial or federal government services directly to the public. This does not include protective and emergency services, minor or major impact utility services, and public education services. These are uses which have significant client visitation. Typical uses include but are not limited to taxation offices, courthouses, manpower and employment offices, and social service offices.

**GRADE, BUILDING** (as applied to the determination of building height), means the lowest of the average levels of grade adjoining each exterior wall of a building, and as determined in Section 7.6, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of grade.

**GRADE, NATURAL** means the elevation of the ground surface in its natural state, before man-made alteration; or on sloping or irregular sites, the angled plane, before man-made alteration.

**GRADIENT** means the figure obtained when the vertical distance of a slope is divided by the horizontal distance expressed as a percentage.

**GREENHOUSES AND PLANT NURSERIES** means development used primarily for the raising, storage and sale of produce, bedding, household, ornamental plants and related materials such as tools, soil, and fertilizers.

**GROUP HOME, MAJOR** means a care facility licensed as required under the Community Care Facility Act to provide room and board for more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision, but does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the Local Government Act filed in the land title office on the subject property is required as a condition for a group home use.

**GROUP HOME, MINOR** means the use of one dwelling unit as a care facility licensed as required under the Community Care Facility Act to provide room and board for not more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. A group home, minor may include, to a maximum of four, any combination of staff and residents not requiring care. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen. This use does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the Local Government Act filed in the land title office on the subject property is required as a condition for a group home use.

## H

**HARDSURFACING** means a durable ground surface, constructed of cast-in-place concrete, brick, or concrete unit pavers, turfstone, stone, asphalt, or similar materials (but excluding gravel and clay).

**HEALTH SERVICES** means development used for the provision of physical or mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include but are not limited to medical and dental offices, chiropractors, massage therapists and acupuncture clinics, health clinics, and counselling services.

**HEIGHT** means, with respect to a building, the maximum vertical distance between building grade and the highest point of the structure having a non-sloping roof, or the mid-point between the eaveline and ridge of a sloping roof excluding dormers.

**HERITAGE BUILDING** means a building or structure having heritage value or being a heritage property as defined in the Local Government Act.

**HOBBY FARM** means a small farm on which the occupants cultivate crops and/or domestic/household or agricultural animals primarily for their own use and not for commercial use.

**HOME OCCUPATION** means development consisting of the use of a dwelling unit for a business by a resident who resides for more than 240 days of a year at that lot. The business must be secondary to the residential use of the lot and shall not change the residential character of the lot.

**HOTEL** means a building or part thereof with a common entrance lobby and shared corridors, which provides sleeping accommodation for transient visitors and may include public facilities such as restaurants, banquet, beverage, meeting and convention rooms, recreation facilities, and personal service establishments for the convenience of guests. The maximum length of stay is no more than 240 days during any calendar year.

**HOUSEHOLD** means

- (a) a person; or
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include one housekeeper or nanny.

**HOUSEHOLD REPAIR SERVICES** means development used for the provision of repair to goods, equipment and small appliances normally found within the home. Typical uses include but are not limited to radio, television, and appliance repair, furniture refinishing, and upholstery shops. This use class does not include personal services establishments.

## I

**INDUSTRIAL ZONES** are any zones described in Section 16 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an industrial nature.

**INSTITUTIONAL ZONES** are any zones described in Section 17 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an institutional nature.

**INSURANCE SERVICES** means the provision of general insurance and associated services to the public in an office setting.

**K**

**KENNELS AND STABLES** means premises used for the breeding, buying, selling or overnight boarding of animals including individual dogs, cats, horses or other domesticated animals excluding livestock other than horses.

**KITCHEN** means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, or wiring which, may be intended or used for the preparation or cooking of food.

**L**

**LANDSCAPING** means changing, modifying or enhancing the visual appearance of a site including reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot.

**LANE** means a highway under the Community Charter more than 3.0 m but not greater than 8.0 m in width.

**LEAVE STRIP** means an area of land adjacent to a designated waterbody, stream or ravine which is intended to be left in its natural state, free of development and land alteration. All leave strip widths are measured inland from the normal high water mark or top of bank (in steeply sloped areas).

**LEGAL SERVICES** means the provision of legal and paralegal services to the public in an office setting.

**LIQUOR LICENSED PREMISES** means any building, structure or premises licensed to sell liquor under the B.C. Liquor Control and Licensing Act, including an eating and drinking establishment, bar, cabaret, cold beer and wine store, liquor store, nightclub or neighbourhood pub.

**LIVESTOCK** means cattle, horses, sheep, goats, swine, rabbits, fish, farmed game and exotic animals as prescribed by the Minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.

**LOADING SPACE** means an on-site parking space reserved for temporary parking for the purpose of loading or unloading goods and materials.

**LOT** means a parcel of land, including Crown Land, which is legally defined either by registered plan or description.

**LOT, BARELAND STRATA** means the smallest unit of land defined on a horizontal plane according to a bareland strata plan under the provisions of regulations pursuant to the Strata Property Act.

**LOT, CORNER** means a lot situated at the intersection of two or more streets, or a lot that has two adjoining lot lines abutting a street which substantially changes direction at any point where it abuts the lot.

**LOT, DOUBLE FRONTING, (OR THROUGH)** means a lot which abuts two streets that are parallel or nearly parallel to the lot.

**LOT, INTERIOR** means a lot other than a corner lot.

**LOT, PANHANDLE** means a lot which has its primary legal access from a street through a narrow strip of land which is an integral part of the lot. This narrow strip is referred to as the panhandle.

**LOT, PIE** means a lot which is generally configured such that its width at the rear lot line is greater than at its front lot line.

**LOT, REVERSE PIE** means a lot which is generally configured such that its width at the rear lot line is less than at its front lot line.

**LOT, STRATA** means a lot shown on a strata plan according to the Strata Property Act.

**LOT AREA** means the total horizontal area within the lot lines of a lot.

**LOT COVERAGE** (see Site Coverage).

**LOT DEPTH** means the horizontal distance between the mid-points of the front and rear lot lines.

**LOT LINE** means the legally defined boundary of any lot or property line.

**LOT LINE, FRONT – COMMERCIAL AND INDUSTRIAL** means the street frontage onto which the primary façade or front yard of the building faces.

**LOT LINE, FRONT – URBAN AND RURAL RESIDENTIAL** means, in the case of an interior lot, a lot line separating the lot from the street; or in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street not including a corner rounding or corner cut; or in the case of a lot extending between two parallel streets, the front lot line shall be determined by the average front yard setback on that block.

**LOT LINE, REAR** means either the lot line opposite to, and most distant from, the front lot line, or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

**LOT LINE, SIDE** means any lot boundary line which is not a front or rear lot line.

**LOT WIDTH** means the width of a lot where it abuts the street except in the case of an irregularly shaped lot, where the width shall be the average horizontal distance between the side lot lines at the minimum front yard setback. For a reverse pie lot, the lot width is the average horizontal distance between the side lot lines at the minimum rear yard setback.

## M

**MIXED USE** means any development that contains at least two different land use categories (e.g. residential and commercial).

**MOBILE CATERING FOOD SERVICES** means the delivery and sale of food to the public using a single vehicle or fleet of vehicles.

**MOBILE HOME** means a detached dwelling unit designed to be transportable on wheels. This may include homes constructed to CSA Z240 or similar certified standards or park model trailers constructed to CSA Z241 or similar certified standards for residential occupancy.

**MOBILE HOME PARK** means a parcel of land for the placement of two or more mobile homes. This does not include the situation where an additional agricultural dwelling is located on a lot where the principal dwelling is a manufactured home.

**MOTEL** means a building or group of buildings divided into self-contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. Motels may include eating and drinking establishments and personal service establishments. The maximum length of stay is no more than 240 days in any calendar year.



**MULTIPLE DWELLING HOUSING** means housing on a single lot other than a strata lot that contains three or more dwelling units.

**MULTIPLE HOUSING** means row housing, stacked row housing, apartments, and apartment hotels.

## N

**N/A** means not applicable, that there is no particular regulation in that zone for that category, but that the other regulations in this Bylaw still apply.

**NATURAL BOUNDARY** means the visible high water mark of any, 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 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.

**NATURAL RESOURCE EXTRACTION** includes the quarrying, processing, removal and off-site sale of sand, gravel, earth or mineralized rock found on or under the site. Typical uses include but are not limited to quarries, gravel pits, and stripping of topsoil. This does not include processing of raw materials transported to the site.

**NON-ACCESSORY PARKING** means development providing vehicular parking which is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

**NON-CONFORMING USE** means a lawful existing use made of a lot or building, intended to be made of a building lawfully under construction, or a development which is approved under provisions of Section 2.6 of this Bylaw at the date of Council adoption of this Bylaw, or amendment thereof, which on the date this Bylaw or an amendment thereto becomes effective, would no longer comply with this Bylaw.

**NON-RESIDENTIAL ZONES** are any zones other than those described in Sections 13 and 14 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is not of a residential nature.

**NUISANCE** means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. This could include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the neighbourhood or interferes with the rights of neighbours to the normal enjoyment of any land or building.

## O

**OFFICES** means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This includes construction and development industry offices but excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacture or handling of a product.

**OFFICIAL COMMUNITY PLAN** means the Village of Fruitvale Official Community Plan as adopted by Council, and as amended from time to time.

**OPEN SPACE** means land that is undeveloped or developed that can support plant materials; or has decorative landscape treatment; or that may be used for recreation, circulation or viewing. Walkways, plant beds, lawns and terraces within an open space area may be included as part of such open space area. Paved parking lots are not considered open space.

**OUTDOOR STORAGE** means the accessory storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land, or the non-accessory parking of vehicles. Typical uses include but are not limited to pipe yards or vehicle or heavy equipment storage compounds.

## P

**PARAPET** or **PARAPET WALL** means that portion of a perimeter building wall that rises above the roof.

**PARKING LOT** means a lot or part of a lot or a building available to be used for the temporary parking of more than one vehicle by customers, employees and the public at large.

**PARKING SPACE** means an off-street space of the size and dimensions to park one vehicle in conformance with Section 9 of this Bylaw exclusive of driveways, aisles, ramps, or obstructions.

**PARTICIPANT RECREATION SERVICES, INDOOR** means facilities within an enclosed building for sports, active recreation and performing and cultural arts where patrons are predominantly participants. Typical uses include but are not limited to athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.

**PARTICIPANT RECREATION SERVICES, OUTDOOR** means facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include but are not limited to regulation length or par-three golf courses, ball fields, and riding stables.

**PARTY WALL** means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land, each of which is, or is capable of being, a separate real estate entity.

**PATIO** means any solid structure at grade meant for support of people or materials out of doors and less than 0.6 m in height.

**PAWN** means to deposit goods or chattels as security for the payment of money or other consideration.

**PAWNSHOP** means premises where goods or chattels are taken in pawn.

**PENTHOUSE** means a structure on the top floor or projecting above a building roof or parapet, housing a suite, elevator shaft or stairwell; or forming a wall or screen around equipment mounted on the roof.

**PERSONAL SERVICE ESTABLISHMENT** means a use which provides personal services to an individual which is related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, hairdressers, manicurists, tailors,

dress makers, shoe repair shops, dry cleaning establishments, and laundries but do not include health services.

**PORCH** means a roofed, open structure projecting from the exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area.

**POULTRY** means domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes, and includes broilers, cornish, layers, breeding stock, replacement pullets, roasters, duck, geese, turkeys, game birds and ratites.

**PREMISES** means an area of land, including a lot or parcel of land with or without buildings.

**PRIVATE CLUB** means a development used for the meeting, social, or recreational activities of members of a philanthropic, social service, non-profit, athletic, business or fraternal organization. Private clubs may include rooms for eating, drinking and general assembly.

**PRIVATE EDUCATION SERVICES** means development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This use includes dormitory and accessory buildings. This use does not include commercial schools.

**PRIVATE OPEN SPACE** means a useable open space area exclusive of required building setbacks and parking areas (common or individual) which is developed for the recreational use of the residents or a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.

**PROPERTY LINE** means a legal boundary of a lot.

**PUBLIC EDUCATION SERVICES** means development which is publicly supported and involves public assembly for education, training or instruction purposes, and includes the administration offices and maintenance storage facilities required for the daily operation of the facility on the same site or within the same school district. Typical uses include but are not limited to public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This use does not include private education services nor vehicle and equipment services, industrial or storage facilities other than what is required for operation of the educational facility on the same site.

**PUBLIC LIBRARIES AND CULTURAL EXHIBITS** means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include but are not limited to libraries, museums, and art galleries.

**PUBLIC PARK** means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally sensitive areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It includes all natural and man-made landscaping, facilities, playing fields, access, trails, buildings and structures consistent with the general purpose of public park land.

**PUBLIC SERVICE** means a use providing for the essential servicing with water, sewer, telephone, electrical, television, refuse disposal, and similar services, where such services are provided by a government organization, crown corporation, improvement district, or by a company operating under the Water Utility Act.

**PUBLIC SPACE** means spaces that are accessible and usable by the public, included but not limited to: plazas, parkland, courtyards, sitting areas, sidewalks, stormwater rain gardens and art or water features.

## R

**RAVINE** means a narrow, steep-sided valley that has been eroded by running water and with slope grades greater than 3:1.

**RECREATIONAL VEHICLE** means a transportable conveyance that may be registered as a vehicle by the Ministry of Transportation intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all terrain vehicles, snowmobiles and tent trailers but not including manufactured homes.

**RECYCLED MATERIALS DROP-OFF CENTRE** means a development used for the collection and temporary storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, plastics, paper, metal, bottles and similar household goods or return for deposit items. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This does not include recycling depots.

**RECYCLING DEPOT** means development used for the buying, collection, sorting, and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. Such establishments shall not have more than four vehicles for the pick-up and delivery of goods. This does not include recycled materials drop-off centres.

**REGISTERED PLAN** means a subdivision plan registered in the Provincial Land Title Office.

**RELIGIOUS ASSEMBLY** means a building wherein people regularly assemble for religious worship and related religious, philanthropic or social activities which is maintained and controlled for public worship. Typical uses include but are not limited to churches, chapels, mosques, temples, synagogues, convents, and monasteries. It also includes accessory manses or rectories.

**RESIDENTIAL SALES CENTRE** means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.

**RESIDENTIAL SECURITY OPERATOR UNIT** means a secondary building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, a residence for the site caretaker or operator of a commercial establishment, or for the on-duty security personnel at a storage facility when permitted in a zone. No more than one residential security operator unit is permitted on a site.

**RESIDENTIAL RURAL ZONES** means any zones described in Section 13 of this Bylaw or any zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of a rural residential nature, and in which the minimum tenancy period is 1 month.

**RESIDENTIAL URBAN ZONES** means any zones described in Section 14 of this Bylaw, or any zone in which the predominant use as determined by its general purpose and list of permitted uses is of an urban residential nature, and in which the minimum tenancy period is 1 month.

**RETAIL STORE, CONVENIENCE** means development used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from business premises which do not exceed 235m<sup>2</sup> in gross floor area. Typical

uses include but are not necessarily limited to small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This use excludes the retail sale of beer, wine, or spirits by a Liquor Licensed Premise.

**RETAIL STORE, GENERAL** means premises where goods, merchandise and other materials are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring outdoor storage.

**RETAINING WALL** means a structure constructed to hold back, stabilize or support an earthen bank as a result of differences in lot grades.

**ROOF LINE** means the horizontal line made by the intersection of the wall of the building with the roof of the building or the top of the edge of the parapet. In the case of a building with a pitched roof, the roof line shall be at the eave level.

**ROW HOUSING** means a development containing three or more dwelling units with a separate exterior entrance at grade that shares no more than two party walls with adjacent dwelling units. No part of any dwelling is placed over another in part or whole and every dwelling shall have a separate, individual, direct access to grade.

**RURAL SERVICES** means a level of servicing that may allow for the use of on-site septic disposal and a private water source

## S

**SECONDARY SUITE** means a self-contained, dwelling unit located within a single detached dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit. This use does not include duplex housing, semi-detached housing, apartment housing, or boarding and lodging houses.

**SEMI-DETACHED HOUSING** means a building containing dwelling units connected above or below grade and designed exclusively to accommodate two households living independently in separate dwellings side by side, each having a separate entrance at, or near, grade.

**SERVICE STATIONS, MAJOR** means development used for the servicing or repairing of vehicles; and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories. Major service stations may include eating and drinking establishments. Typical uses include truck stops and highway service stations.

**SERVICE STATIONS, MINOR** means development used for the routine servicing or repair of vehicles within a building containing not more than three service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.

**SEWER SYSTEM, COMMUNITY** means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by the Municipality.

**SHIPPING CONTAINER** means a container that is used as a storage vault and includes sea, land and rail shipping containers, sometimes referred to as "Sea-cans".

**SHOPPING CENTRE** means one or more buildings containing more than six retail stores and other businesses, and exceeding 2,500 m<sup>2</sup> of gross floor area which share common services, parking, and other facilities on one or more lots.

**SINGLE DETACHED HOUSING** means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household. Where a secondary suite is permitted, this use class may contain a secondary suite. This use includes manufactured or modular homes that conform to the CSA A277 standards, (this excludes mobile homes and park model trailers).

**SINGLE DWELLING HOUSING** means housing on a single titled lot that contains one single family dwelling unit.

**SITE** means an area of land consisting of a lot or two or more abutting lots.

**SITE COVERAGE** means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory buildings or structures (including carports, covered patios larger than 23 m<sup>2</sup>, and decks over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies, and similar projections permitted by this Bylaw, breezeways, open courtyards, terraces or patios, driveways, aisles, and parking stalls.

**SLEEPING UNIT** means a bedroom or other area used as a bedroom in a cabin, dwelling or accessory building, and a tent or recreational vehicle on a campsite.

**SPECIAL NEEDS HOUSING** means housing for people that have limited shelter options; that fall below a household income required to afford market housing; and includes seniors, or persons with or without children who lack safe and secure housing or are leaving an abusive relationship, single parents and children who are at risk, street youth or homeless persons, or people with mental or physical disabilities, illnesses, or dependencies.

**SPECTATOR ENTERTAINMENT ESTABLISHMENTS** means an enclosed building designed specifically for the presentation of live artistic performances or the showing of motion pictures. Typical uses include but are not limited to auditoria, cinemas, theatres, and concert halls.

**SPECTATOR SPORTS ESTABLISHMENT** means facilities intended for sports and athletic events which are held primarily for public entertainment, where patrons attend on a recurring basis. Typical uses include but are not limited to stadiums, arenas, animal and vehicle racing tracks.

**STACKED ROW HOUSING** means row housing, except that dwellings may be arranged two deep, either horizontally so that dwellings may be attached at the rear as well as the side, or vertically so that dwellings may be placed over others. Each dwelling will have an individual access to outside, not necessarily at grade, provided that no more than two units share a corridor, steps or path.

**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.

**STOREY, FIRST** means the uppermost storey having its floor level not more than 2.0 m above building grade.

**STOREY, HALF** means a storey under a sloping roof, the walls of which, on at least two opposite walls, are not more than 0.6 m above the finished floor of such a storey. A half storey also includes a basement with walls between 0.6 m and 2.0 m high lying between building grade and the level of the finished floor directly above it.

**STREET** means a highway under the Community Charter over 8.0 m in width that affords the principal access to abutting properties. It can include a thoroughfare, street, trail, avenue, parkway, driveway, highway, road, viaduct, alley, bridge, trestleway, or other public right of way that is ordinarily used for vehicular traffic, parking, and pedestrians and is located on publicly owned lands. It includes sidewalks, curbs, boulevards, ditches and traffic lanes.

**STREET, FLANKING** means a street which abuts a side lot line. A lane abutting a side lot line is not considered a flanking street.

**STRUCTURAL ALTERATION** means any change or addition to the supporting members of a structure, including but not necessarily limited to the foundation, bearing walls, rafters, columns, beams or girders where the total value of the change or alteration does not exceed 75% of the assessed value of the existing structure. Changes or additions exceeding 75% of the assessed value of the existing structure are considered a new structure.

**STRUCTURE** means a construction of any kind whether fixed to or supported by or sunk into land or water including but not limited to towers, flag poles, swimming pools, docks, signs and tanks, and excludes areas of hardsurfacing.

**SWIMMING POOL** means any constructed or prefabricated pool, whether situated above or below surrounding ground level, used or intended to be used for swimming, bathing or wading, having a surface area exceeding 14 square metres (150 square feet) and a depth of more than 0.5 metres (1.5 feet) which is situated on privately owned property.

## T

**TANDEM PARKING** means two parking spaces, one behind the other, with a common or shared point of access to a manoeuvring aisle, lane or street.

**TEMPORARY SHELTER SERVICES** means the provision of communal, transient accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time. Typical uses include but are not limited to hostels and over-night shelters.

**THRIFT STORE** means any store or business operated by a registered non-profit society selling second-hand or used goods, the entire proceeds of which, above the actual bona-fide expenses, are devoted to any charitable purpose.

**TOP OF BANK** means the natural topographical break where elevation of land is at its peak. If the distance from the high water mark to the toe of the slope is less than 15.0 m, then setbacks should be measured from the first significant and regular break in slope which is at least 15.0 m wide. Terraces less than 15.0 m wide below the slope break shall be included in the leave strip area.

**TOURIST CAMPSITE** means development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year round storage or accommodation for residential use for a period not to exceed 90 days in one year. Typical uses include but are not limited to tourist trailer parks, campsites, and tenting grounds.

**TRUCK AND MANUFACTURED HOME SALES RENTAL** means development used for the sale or rental of new or used trucks, motorhomes, manufactured homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include but are not limited to truck dealerships, recreation vehicle sales, and manufactured home dealerships.

**TWO DWELLING HOUSING** means housing that contains two single family dwelling units, one of which may or may not be a permitted secondary suite.

## U

**URBAN SERVICES** means the provision of utility infrastructure consisting of a community water system, a storm drainage system, a municipally provided sanitary sewer collection system, and paved roadways adjacent to the site.

**USE** means the purposes for which land or a building is arranged or intended, or for which either land, a building, or a structure is, or may be, occupied and maintained.

**USE, ACCESSORY** means a use that is normally ancillary, incidental, subordinate, and located on the same lot as the principal use. Parking may be an accessory use when it serves the principal use and does not serve uses on other sites. Accessory uses include recreational amenities in residential developments that are devoted to the exclusive use of residents living on the same site. Accessory uses are permitted only in conjunction with a permitted principal use.

**USE, PRINCIPAL** means the main or primary use of land, buildings or structures that is provided for in the list of permitted uses in the zones of this Bylaw.

**USE, SECONDARY** means those uses in the lists of secondary uses in the zones of this Bylaw which must be in conjunction with a principal use. For example, a Home Occupation is a secondary use, not a principal use.

**USED GOODS STORE** means development used for the retail sale of second-hand or used major and minor household goods, including the refurbishing and repair of the goods being sold. Typical uses include but are not limited to the re-sale of items such as antiques, used furniture, major appliances, and the resale of clothing, jewellery, stereos and musical instruments. This does not include the sale of used vehicles, recreation craft or construction and industrial equipment, or flea markets, auctioneering establishments, pawnshops or second-hand dealerships.

**UTILITY SERVICES, MAJOR IMPACT** means development for utility infrastructure purposes which is likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include but are not limited to sanitary land fill sites, sewage treatment plants, water treatment plants, major pumphouses, water towers or tanks, sewage lagoons, snow dumping sites, sludge disposal beds, garbage transfer and compacting stations, power terminal and distributing stations, power generating stations, cooling plants, equipment and material storage yards for vehicles, utilities and services, District heating plants, incinerators, and waste recycling plants.

**UTILITY SERVICES, MINOR IMPACT** means development for utility infrastructure purposes which is likely to have only minor impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses in this class include but are not limited to telephone exchanges, wire centres, switching centres, surface reservoirs or storm water lakes including adjacent landscaping and walkways, minor pumphouses, communication towers, gate stations for natural gas distribution, and transit terminals.



**V**

**VEHICLE** means any motor vehicle as defined in the Motor Vehicle Act.

**VEHICLE AND EQUIPMENT SERVICES, INDUSTRIAL** means development used for the sale, rental, service, or repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oil field and mining construction, manufacturing, assembling and processing operations and agricultural production. This does not include truck and manufactured home sales rentals.

**VEHICULAR ORIENTED USE** means a use which predominantly caters to automotive vehicular traffic. Vehicular-oriented uses include but are not limited to gas bars, service stations, drive-ins, drive-through vehicle services, and similar developments providing drive-in services in which patrons generally remain within their vehicles.

**VILLAGE** means the whole of Fruitvale as defined by the legal municipal boundaries.

**VILLAGE CENTRE** means that area designated in the Official Community Plan as the core commercial area of the community.

**W**

**WALKWAY** means a street intended to carry pedestrian and non-motorized traffic only, except that a walkway may be designed to afford emergency vehicle use.

**WAREHOUSE SALES** means development used for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Typical uses include but are not limited to developments where principal goods being sold are such bulky items as furniture, carpet, major appliances, and building materials. This use does not include developments used for the retail sale of food or a broad range of goods for personal or household use.

**WATERCOURSE** means any natural depression with visible banks, that contains water at some time, and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, coulee, wetland, or surface source of water, whether containing fish or not, including intermittent streams, and drainage works that contain fish.

**WRECKING YARD** means any land or building used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, vehicles, machinery, and other discarded materials.

**Y**

**YARD** means an area created by setback measured 0.5 m above grade.

**YARD, FRONT** means the area between side lot lines extending from the front lot line to the nearest wall or supporting member of a building or structure.

**YARD, REAR** means the area between the side lot lines extending from the rear lot line to the nearest wall or supporting member of a building or structure.

**YARD REQUIRED** means that portion of a lot situated between a lot line and the line established by the associated minimum site yard line.

**YARD, SIDE** means that part of the lot which extends from a front yard to the rear yard between the side lot line and the nearest wall or supporting member of a building or structure.

**Z**

**ZONE** means the areas into which the Village is divided in accordance with the maps attached as Schedule "A" of this Bylaw and for which specific regulations are outlined herein for each area.

## **SECTION 4 -- SEVERABILITY**

### **4.1. Severability**

- 4.1.1. If any section, paragraph or phrase of this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.



## **SECTION 5 -- ENFORCEMENT**

### **5.1. General**

- 5.1.1. Persons appointed by the Council of the Village of Fruitvale are hereby authorized to enforce this Bylaw.

### **5.2. Right of Entry**

- 5.2.1. Building Inspectors, Bylaw Enforcement Officers and other persons appointed by the Council of the Village of Fruitvale shall have the right of entry and may enter onto any land or into any building at all reasonable hours in order to inspect the same and to ascertain whether the provisions of this Bylaw have been carried out.
- 5.2.2. No person shall interfere with or obstruct the entry of a Bylaw Enforcement Officer or any authorized Village representative onto any land or into any building to which entry is made or attempted pursuant to the provisions of this Bylaw.

### **5.3. Prohibitions**

- 5.3.1. No person shall contravene, cause, suffer, or permit a contravention of this Bylaw.
- 5.3.2. No person shall commence an alteration of land or undertake a use which is not permitted by this Bylaw.
- 5.3.3. No person shall construct, make an addition to or alter a building or structure, which is not permitted by this Bylaw.
- 5.3.4. No person shall contravene a condition of a permit issued under this Bylaw.
- 5.3.5. No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by Council or delegated body or a Building Inspector.
- 5.3.6. No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for the issuance of a building permit.
- 5.3.7. No owner, lessee, tenant, or person shall:
- a) place or permit a commercial vehicle in excess of 4,000 kg. licensed gross vehicle weight on a lot in a residential zone other than a Rural Residential zone for a period exceeding six hours in duration;
  - b) place or permit a recreational vehicle in excess of 5,500 kg. licensed gross vehicle weight on a lot in a residential zone other than a Rural Residential zone;**

- c) permit a motor vehicle in a state of disrepair or derelict for more than 30 days on a lot in a residential zone;
- d) permit more than two recreational vehicles outdoors on a lot in a residential zone;
- e) permit a fuel storage tank exceeding 205 l on a lot in a residential zone;
- f) permit a shipping container on a lot in a residential zone;
- g) fail to deflect lighting away from adjacent property as required by Section 7.8; or
- h) permit a use in a zone where the use is not listed as a principal or secondary use in the zone.

#### **5.4. Penalties**

- 5.4.1. Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- 5.4.2. Each day a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

## **SECTION 6 -- AMENDMENTS**

### **6.1. Application**

- 6.1.1. Any person applying to have any provision of this bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in the Village of Fruitvale Development Application Procedures Bylaw currently in effect, and as amended from time to time.





## **SECTION 7 -- GENERAL DEVELOPMENT REGULATIONS**

### **7.1. Swimming Pools**

- 7.1.1. Swimming pools shall not be located in a required front yard.
- 7.1.2. Above ground swimming pools shall meet the siting requirements of accessory buildings.
- 7.1.3. At grade swimming pools shall be located at a minimum of 1.0 m from side and rear property lines and 1.5 m from any street, except for a required front yard.
- 7.1.4. Every private swimming pool or lot which contains a swimming pool shall be enclosed within a secure and sturdy fence not less than 1.2 m in height above grade level. The fence shall be equipped with a self-closing gate and secured by a spring lock not less than 1 m above grade, designed to open from inside the fence. The fence and gate shall be erected simultaneously with the excavation and construction of the swimming pool.
- 7.1.5. Minimum lot coverage requirements shall not apply to uncovered swimming pools.

### **7.2. Yards**

- 7.2.1. A part of a lot reserved as a yard shall not be deemed to form part of any abutting lot for the purpose of computing the area available for building purposes or any other purpose.
- 7.2.2. Where a lot which is not a corner lot has frontage on more than one street, or fronts both a street and a lane which is used for primary access, any building, structure or accessory building shall be located on such lot to maintain a front yard on each street frontage so as to be consistent with the predominant front yard setback in the block.
- 7.2.3. In the case of a corner lot the front yard shall be the narrower of the two frontages.

### **7.3. Projections Into Yards**

- 7.3.1. Chimneys, cornices, leaders, pilasters, sills, bay windows, a cantilevered section of a building or ornamental features may project into a required yard, provided such projections do not exceed 0.6 m. Structural projections, excluding purely architectural or aesthetic features, shall comprise not more than 20% of an exterior wall in which it is located. For buildings or structures that are more than one storey, the area of the structural projection shall be calculated per storey.
- 7.3.2. Unenclosed steps, eaves, awnings, decks, canopies, balconies, or porches may project into a required yard provided such projections do not exceed 0.6 m. Ramps for the purpose of allowing access for mobility challenged/disabled persons are not subject to this provision, and may project into a required yard as necessary to provide appropriate access.

- 7.3.3. Entrance canopies or awnings in RM zones for weather protection or building ornamentation may project no more than 3.0 m into a front yard or a flanking side yard or no closer than 1.5 m to a side lot line.
- 7.3.4. All canopies and awnings shall be designed to direct run-off and snow away from the sidewalk below.
- 7.3.5. Utilities, storage tanks, underground parking and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with abutting properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping, provided that storage tanks containing flammable materials shall be subject to the British Columbia Fire Code.

#### **7.4. Undersized Lots**

- 7.4.1. Where a lot is reduced in size as a result of a taking for public use by the Municipal, Provincial or Federal Government, the Board of School Trustees, or a Public Utility by dedication, expropriation, or purchase, the lot and buildings and structures thereon are deemed to conform with the provisions of this Bylaw and the lot shall be considered to exist as it did prior to the taking for the purpose of further development upon the lot under its existing zoning regulations, providing such taking:
  - a) does not reduce a minimum front, side or rear yard below 1.5 m unless this Bylaw does not require such yard;
  - b) the utility installation does not endanger the continuing use of the property as permitted by this Bylaw; and
  - c) does not result in the parcel being rendered unsuitable for any of the uses permitted in the zone in which the lot is located.
- 7.4.2. A principal or secondary use is permitted on a lot less than the minimum lot size in that zone provided that the development otherwise complies with all the regulations of this Bylaw.

#### **7.5. Accessory Development**

- 7.5.1. No person shall erect or permit to be erected a satellite dish, radio or television mast in a residential zone:
  - a) that is located in a required front or side yard or projects over any lot line; and
  - b) is higher than the height permitted for any accessory structure in that zone unless the property owner or tenant holds a current Amateur Radio License issued by Industry Canada.

7.5.2. Accessory buildings or structures in non-residential zones:

- a) An accessory building or structure in any non-residential zone is subject to the development regulations for that zone.
- b) Notwithstanding Section 7.5.2 (a), an accessory building or structure on a lot in a non-residential zone which abuts a lot in a residential zone shall not be less than 1.5 m from the boundary of the lot in a residential zone.

7.5.3. Accessory buildings or structures in residential zones:

- a) Accessory buildings or structures are not permitted in a required front yard and shall be a minimum of 1 m from the principal residence.
- b) An accessory building or structure shall not be used as a dwelling unless it is a permitted accessory suite.
- c) Lot coverage of accessory buildings or structures shall not exceed 14% or a maximum area of 90 m<sup>2</sup> for accessory buildings in the Residential Urban zones.
- d) Accessory buildings and structures shall be located on an interior lot as follows:
  - i.) an accessory building in an urban residential zone or a rural residential zone shall not be located closer than 18.0 m to the front lot line unless it complies with the side yard requirements for a principal building and is located at least two times the distance of the required front yard setback for that zone from the front lot line;
  - ii.) an accessory building in an urban residential zone or a rural residential zone shall be located no less than 1.0 m from the side lot line, except that where the accessory building does not exceed the fence height (2.0 m) and is less than 10.0 m<sup>2</sup> in area, it may be located within 0.0 m from the side lot line. Accessory buildings containing suites shall conform to the side yard setback requirements for the principal building in the zone;
  - iii.) mechanical equipment shall be located to comply with the side yard setback for the principal building.
- e) In addition to the provisions of Section 7.5.3(d), the distance between an accessory building and the side lot line abutting a flanking street, shall not be less than the side yard abutting a flanking street required for the principal building.
- f) An accessory building or structure on any through lot shall be sited as if a front yard is required on both lot lines abutting streets.

## **7.6. Height and Grade**

- 7.6.1. In determining whether a development conforms to the maximum height permitted in any zone, structures such as chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height.
- 7.6.2. Walkout basements oriented to the rear yard shall not be considered for the purpose of determining height for single dwelling housing, duplex housing, or semi-detached housing. Where access is required through, and is limited to, a lane the yard abutting the lane may be considered the front yard.
- 7.6.3. No building or structure shall be erected in any zone without first obtaining the approval of the Building Inspector as to the proposed building grade. The proposed building grade shall to the extent possible, retain the natural grade of the land, minimize the necessity to use retaining walls and ensure positive drainage away from abutting properties.
- 7.6.4. Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located, the height of the dormer will be measured as if it were the main roof.

## **7.7. Services**

- 7.7.1. No building, structure, or lot in any zone shall be used for any purpose that requires street access or services unless:
- a) the owner has obtained proper authorization to have the required services installed and has installed such services in accordance with the Village of Fruitvale Subdivision and Development Servicing Bylaw currently in effect; and
  - b) the lot has actual physical access from the street.

## **7.8. Lighting**

- 7.8.1. Any outdoor lighting for any development shall be located and arranged so that light rays are deflected downward to minimize impact on surrounding development and no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control device.
- 7.8.2. Site areas with public access shall be lit in keeping with the principles of crime prevention through environmental design and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and streets of parking areas and walkways.

## **7.9. Housing Agreements**

7.9.1. Council may consider entering into a Housing Agreement pursuant to the Local Government Act, as a condition of approval for special needs housing, and the Housing Agreement may contain contractual arrangements as to any, or all, of the following:

- a) the use of the lot in relation to any existing or proposed building or structure including the preservation of buildings, structures and environmental setbacks;
- b) the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;
- c) the timing of the development; and
- d) such other conditions as may be considered reasonable under the circumstances.

7.9.2. Increases in the maximum specified density, or reductions in parking or loading requirements are permitted in the RM1, RM2, and C1 zones, provided:

- a) the owner enters into a Housing Agreement satisfactory to the Village of Fruitvale; and
- b) such public benefit, determined by the Village of Fruitvale, may include affordable or special needs housing for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.

7.9.3. All agreements entered into pursuant to Section 7.9. shall run with the land as a priority charge against the title of the subject lands at the Land Title Office.

## **7.10. Setback from Provincial Highways**

7.10.1. All buildings and structures on lots abutting Highway 3B shall not be closer than 4.5 m to the Highway. A variance to no less than 3 m from the highway will require approval from Provincial Government Authorities (MOTI).

## **7.11. Rooftop Screening**

7.11.1. Rooftop, mechanical, and electrical equipment shall be screened from view from a public roadway or adjacent property at grade.

## **7.12. Utility Cabinets**

7.12.1. Minor utility cabinets for the provision of telephone, power, cable television or other utility services, when located outside a statutory right-of-way, shall comply with the following:

- a) a cabinet less than 1.8 m in height with no horizontal dimension exceeding 1.0 m need not comply with any yard requirements in any zone;

- b) a cabinet less than 1.8 m in height with a horizontal dimension between 1.0 m and 2.0 m must be set back at least 1.0 m from a lot line; and
- c) a cabinet greater than 1.8 m in height or with a horizontal dimension exceeding 2.0 m shall comply with the setbacks for accessory structures in that zone.

### **7.13. Distance from Watercourse, Bodies of Water**

7.13.1. Notwithstanding any other provisions of this Bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any dwelling, mobile structure, or structure be located:

- a) within 15.0 m of the natural boundary of a lake, swamp or pond, or any other nearby watercourse;
- b) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a manufactured home or unit the ground level on which it is located: lower than 0.6 m above the two hundred year flood level where it has been determined; nor lower than 1.5 m above the natural boundary of any other nearby lake, swamp or pond.

7.13.2. Sub-section 7.13.1 (b) shall not apply to:

- a) a renovation of an existing building or structure used as a residence that does not involve an addition thereto;
- b) that portion of a building or structure to be used as a carport or garage;
- c) farm buildings other than dwelling units and closed-sided livestock housing.

7.13.3. The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or manufactured home located, or by a combination of both structural elevation and landfill.

7.13.4. Where landfill is used to achieve the required elevations stated in Sub-section 7.13.1 (b), no portion of the landfill slope shall be closer than the distances in Sub-section 7.13.1 (a) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.

### **7.14. Storage of Materials**

7.14.1. Storage of materials shall not be permitted in any required front yard.

**7.15. Density Bonusing**

- 7.15.1. The density of development within a zone may be increased as set out within a specific zone where the developer has provided an amenity in accordance with Table 7.1.

**Table 7.1: Amenity Provisions for Density Bonusing**

Zone	Approved Amenity
RM1	Provision of landscaped open space or amenity area accessible to the public during daylight hours, which may contain public art or other public benefit;
RM2	
C1	Preservation of Heritage Buildings;

**7.16. Community Gardens**

- 7.16.1. Community gardens are permitted in all zones in the Village of Fruitvale.

**7.17. Moved On Buildings**

- 7.17.1. No person shall relocate a manufactured home, structure, building or part thereof into the Village of Fruitvale, or from one property to another within the Village of Fruitvale unless the owner or agent has first obtained a building permit for that purpose as provided for in the applicable Village of Fruitvale Building Regulation Bylaw.
- 7.17.2. The relocation of manufactured homes factory constructed and assembled more than 20 years prior to the date of permit application is prohibited. The year, make, model and serial number shall be determined by the CSA Rating Plate and/or the Province of BC Mobile Home Registry.
- 7.17.3. A person applying to relocate a manufactured home, structure, building or part thereof shall require a pre-move inspection by the Building Inspector including a walk through survey to monitor the condition of the structure in relation to structural stability, life safety, fire safety and health requirements pursuant to the BC Building Code.
- 7.17.4. A Building inspector may require a report from an accredited restoration company or Registered Professional with experience in Environmental Engineering stating that there are no environmental issues or hazards regarding health and safety to the occupants prior to issuing a Building Permit to relocate a manufactured home, mobile home or other building.
- 7.17.5. Where a manufactured home or mobile home is less than 5 years old, the building evaluation may be waived by the Building Inspector.

- 7.17.6. The Building Inspector may issue a permit for construction involved in the moving of any building, structure or part thereof into or within the Village when the owner has deposited with the Village a security deposit in the sum of \$5000 in the form of cash or a letter of credit to insure that the building, structure or part thereof is moved onto the new parcel within the Village and all construction is completed as required by this Bylaw within 180 days from the date of issuance of the permit.



## **SECTION 8 -- LANDSCAPING AND SCREENING**

### **8.1. Required Landscaping**

- 8.1.1. The minimum level of landscaping required in each zone along all front, rear and side yards shall be determined from the Minimum Landscape Buffer Treatment Levels Schedule (Table 8.1). The landscaping details shall be as established in the Minimum Landscape Buffer provisions of Section 8.4.
- 8.1.2. In cases where property is to be developed in phases, landscaping need only be provided on that portion of the property to be developed in each phase. Landscaping shall be required in subsequent phases on the remainder of the property at the time that these are developed.
- 8.1.3. Notwithstanding Section 8.1.2, where the property is to be developed in phases, those portions of the property that will be developed in later phases shall have a minimum level of landscaping to ensure that no erosion of surface materials occurs through either wind or water action. The landscaping may be provided by either retention of existing vegetation or placement of new material.

### **8.2. Landscaping Standards**

- 8.2.1. All required landscape areas and installations shall meet or exceed the British Columbia Nursery Trades Association Standards and be regularly maintained.
- 8.2.2. Required minimum landscape buffers in Section 8.6 shall be continuous along the affected property boundaries, except that they may be interrupted only by walkways and driveways providing access to the property and running perpendicular to the property line.
- 8.2.3. All required landscaped areas will be graded to meet the following criteria or as may be specified in an approved Development Permit:
  - a) Maximum 1:3 slope (33%) for lawn areas;
  - b) Maximum 1:2 slope (50%) for shrub or ground cover area;
  - c) Minimum 1:50 slope (2%) or cross slope for any landscaped area;
  - d) All site grading will direct overland drainage along or away from any landscape buffer to collection points on-site away from buildings;
  - e) All areas in which the existing slope exceeds 30% are to be identified;
  - f) All areas developed and adjacent lands impacted by development with slopes greater than 30% shall be rehabilitated using indigenous vegetation common to the site.

- 8.2.4. All outdoor storage areas shall have a dust-free surface.
- 8.2.5. All construction on-site must occur concurrently with erosion control measures to prevent the pollution, degradation, or siltation of natural areas and water courses. This includes the provision of temporary fencing prior to and during construction.
- 8.2.6. All required landscape buffer areas shall be watered by a fully automatic irrigation system. No run-off onto sidewalks, streets, or parking areas shall be permitted.
- 8.2.7. Notwithstanding Section 8.2.6, the following areas are exempt from having permanent fully automatic irrigation systems:
- a) existing areas of undisturbed native vegetation which have been accepted as landscape buffer; and
  - b) landscape buffers which are established with drought resistant species to return the area to a natural condition.
- 8.2.8. Where the retention of native trees and ground cover is required or permitted, a letter from a registered professional landscape architect or registered professional forester shall be submitted, indicating the mitigation measures required during and after the construction to ensure the health of the vegetation.
- 8.2.9. New trees and shrubs shall follow a consistent lateral placement and be set back a minimum of 1.0 m from all underground utilities.
- 8.2.10. New trees and shrubs planted as part of landscaping requirements shall not be pest host species.

### **8.3. Refuse and Recycling Bins and Shipping Containers**

- 8.3.1. When any development is proposed, provisions for garbage storage, recycling and collection shall be provided on the same site as the development.
- 8.3.2. All site refuse and recycling bins, including all other large receptacles used for the temporary storage of materials, and shipping containers where permitted, require opaque screening from adjacent lots and streets.
- 8.3.3. All screening will be a minimum of 2.0 m in height to a maximum height that is equivalent to the height of the refuse or recycling bin, or shipping container where permitted.
- 8.3.4. All sides open to public view shall be screened by the additional planting of shrub and groundcover material at least 1.5 m in height.
- 8.3.5. Notwithstanding Sub-section 8.3.2, a refuse or recycling bin or shipping container where

permitted, located within a property and screened from adjoining lots will not require any screening or landscape buffer.

8.3.6. All refuse or recycling bins or shipping containers where permitted, shall be located a minimum of 3.0 m from any abutting residential zone so as to not obstruct pedestrian or vehicle traffic.

8.3.7. An unobstructed access lane with a minimum width of 3.0 m and a minimum vertical clearance of 4.6 m shall be provided to provide access to a required garbage and recycling room or enclosure.

#### 8.4. Minimum Landscape Buffers

8.4.1. Landscape buffers, of a design as shown on the Minimum Landscape Buffer Treatment Drawings (Levels 2 through 4), the front yard, side yards, and rear yard depending upon the zone as indicated by Table 8.1.

Table 8.1: Minimum Landscape Buffer Treatment Levels Schedule			
Location	Front Yard	Rear Yard	Side Yard
Large Holdings Zones			
RLP 1	1	1	1
Rural Residential Zones			
RR1	1	1	1
Urban Residential Zones			
RU1, RU2	1	1	1
RM1, RM2,	2	3	3
RMP	2	3	3
Commercial Zones			
C1, C2,	2	3	3
Industrial Zones			
I1,	2	3	3
Public and Institutional Zones			
P1, P2	2	3	3
P3	3	3	3
Special Mixed Use Zones			
RMU	2	3	3

Minimum Landscape Buffer Treatment Level Schedule and Diagrams 8.1, 8.2, and 8.3, are as follows:

- a) Level 1: no specific guidelines for the design of the landscape buffer;
- b) Level 2: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required;
- c) Level 3: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier; and
- d) Level 4: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of coniferous tree or shrub species or native vegetation to provide a continuous opaque screen for parking areas.

8.4.2. Trees shall be spaced, on average, to the dimensions specified in the approved drawings. Deciduous trees shall have a minimum calliper of 60 mm with a minimum clear stem height of 1.5 m. Conifers shall be a minimum of 2.5 m high. Irrigated No. 2 pot shrubs are to be placed at a maximum spacing of 1.0 m on centre, with 10 cm ground cover at a maximum spacing of 450 mm.

8.4.3. Trees or shrubs higher than 60 cm shall not be located in the visual triangle indicated in Diagrams 8.1, 8.2, and 8.3.

8.4.4. Where a visual screen is required it may consist of either vegetation or decorative fence or wall. The minimum height of the screen is 1.2 m for Level 3, and 1.5 m for Level 4 at maturity.

8.4.5. Notwithstanding paragraph 8.4.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section.

8.4.6. Where a side yard Landscape Buffer Treatment is required and an opaque barrier is included in the Landscape Buffer Treatment Design, the opaque barrier may be located at the property line.

8.4.7. Landscape Buffer Treatments for school sites may be amended from the standards indicated in Table 8.1 – Minimum Landscape Buffer Treatment Levels Schedule. Where changes to the standards are proposed, supporting documentation from a registered landscape architect must be provided that confirms that the following objectives have been met:

- a) that sufficient screening to adjacent residential properties has been achieved;
- b) that adequate landscaping has been provided to provide shade for buildings and play areas;
- c) driveway entrances and parking areas have been appropriately landscaped for optimization of screening and vehicular sight lines; and,

d) landscaping around active play areas ensures safety to children on the school grounds.

8.4.8. Where perimeter landscaping cannot be provided due to any of the above noted objectives, the School District will be required to provide or upgrade boulevard trees on all abutting roads.

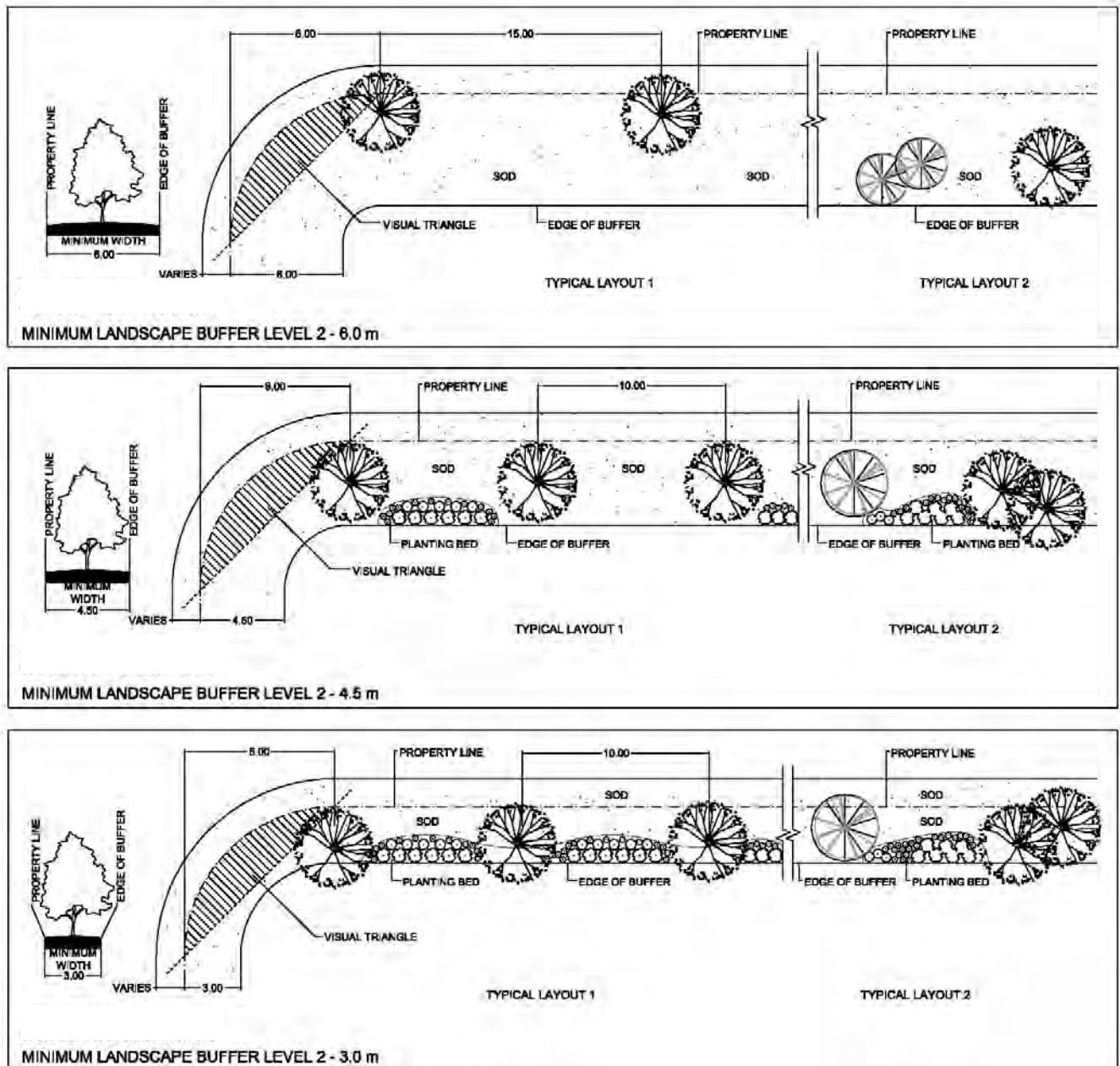
8.4.9. In addition to the minimum landscape buffer treatment levels above:

- a) all lands adjacent to Highway 3B, except those within the Village Centre, are required to have Level 4 landscape buffer treatment unless superseded by Development Permit guidelines;
- b) all non-accessory surface parking lots in a the Village Centre shall have a level 2 buffer zone;
- c) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone;
- d) recreational vehicle parking compounds in residential zones shall have a Level 4 buffer zone;
- e) on corner lots, or lots having more than one street frontage, front yard landscape buffers shall apply to all street frontages; and
- f) for development in industrial zones with parking located in front of the building, level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard.

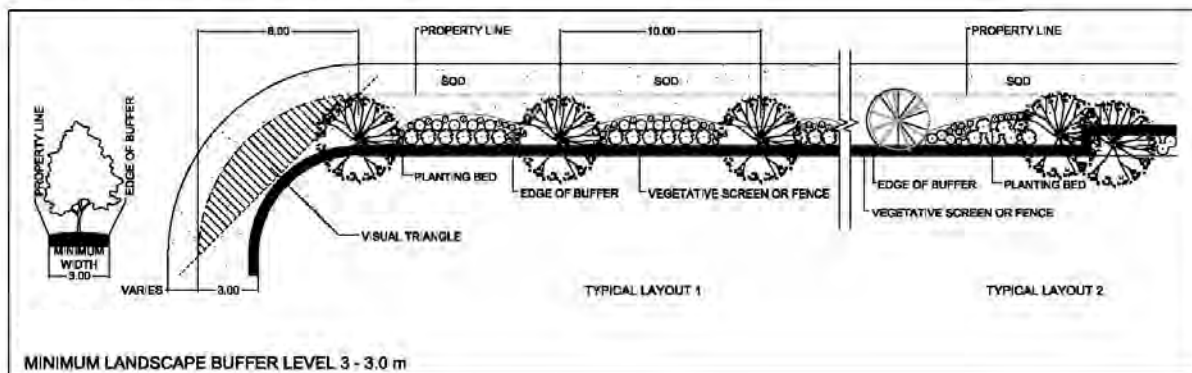
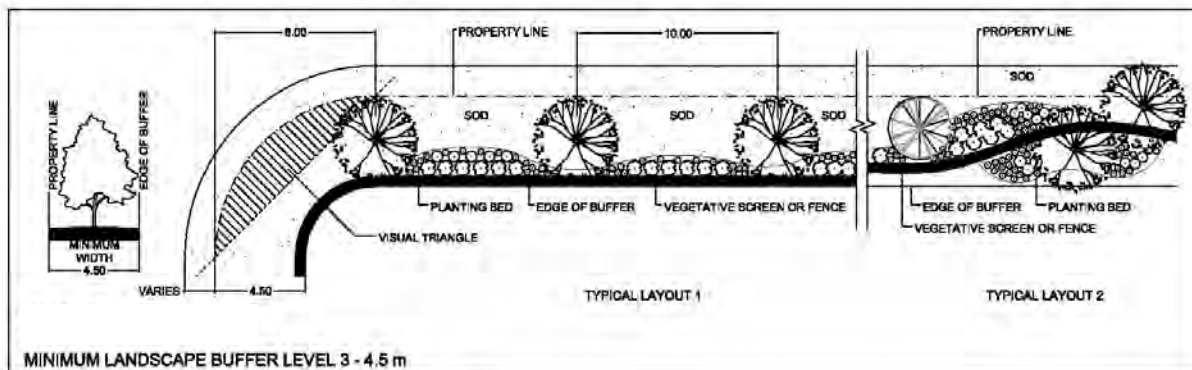
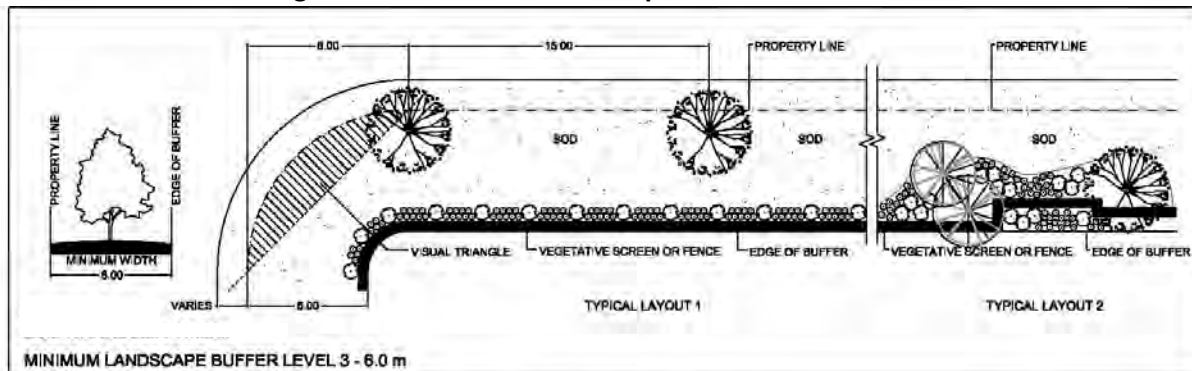
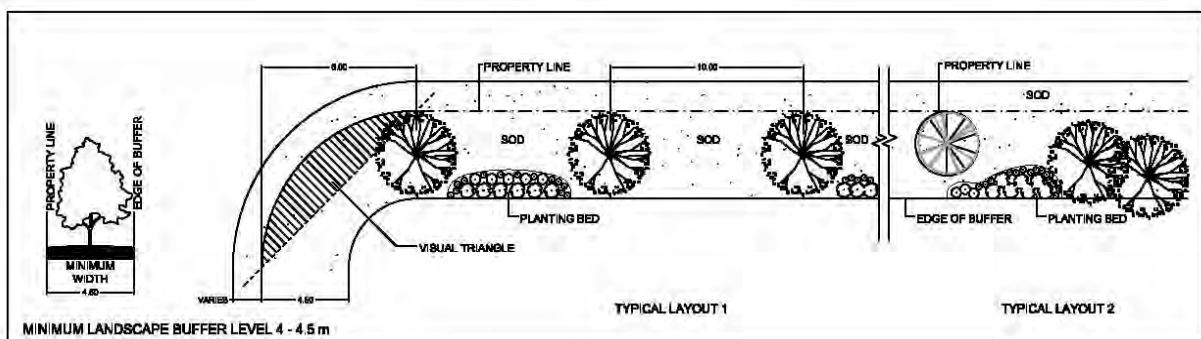
8.4.10. Notwithstanding Section 8.4.1, all landscape areas should reflect the character and intent of the Official Community Plan and the Development Permit Guidelines contained therein.

See Provisions of Section 8.4 for landscape buffer explanation.

**Diagram 8.1: Minimum Landscape Buffer Treatment – Level 2**



See Provisions of Section 8.4 for landscape buffer explanation.

**Diagram 8.2: Minimum Landscape Buffer Treatment – Level 3****Diagram 8.3: Minimum Landscape Buffer Treatment – Level 4**

## **8.5. Fencing and Retaining Walls**

- 8.5.1. Screen fences shall be consistent with the quality of building design and materials of the principal building.
- 8.5.2. Screening fences shall be opaque double-sided construction. Where screen fences are allowed or required by this Bylaw, they shall be of an opaque or a combination of opaque and lattice design. Materials may also include natural hedge planting or must be approved manufactured fences.
- 8.5.3. Fencing which is less than 2.0 m in height may be sited on any portion of a lot provided that it is less than 1.3 m in height when sited closer to any street than the building setbacks for the zone in which the fence is located.
- 8.5.4. No fence constructed at the natural grade in rural residential or residential zones shall exceed 2.0 m in height except where abutting a commercial or industrial zone, the maximum height is 2.4 m. On a sloping site, where fence panels are used, the height of each section shall be measured at the mid-point of each panel.
- 8.5.5. No fence in a non-residential zone shall exceed 2.4 m.
- 8.5.6. Industrial zones are to have an opaque 2.4 m high fence around all storage yards, along all property lines abutting non-industrial zones and around wrecking yards that are visible from a street abutting the property.
- 8.5.7. No barbed wire fencing shall be allowed in any zone except in Rural Large Parcel zone for use in livestock enclosures.
- 8.5.8. Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.5 m measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.5 m horizontal separation between them. All horizontal separations between retaining walls must be landscaped.
- 8.5.9. Notwithstanding Section 8.5.8, a retaining wall may be higher than 1.5 m, measured from grade, where the natural grade of the subject property is lower than the abutting property (see Diagram 8.4).
- 8.5.10. In the case of a retaining wall constructed in accordance with Section 8.5.8, the combined height of a fence on top of a retaining wall at the property line or within 1.5 m of the property line shall not exceed 2.0 m, measured from natural grade at the abutting higher property (see Diagram 8.5).



- 8.5.11. Notwithstanding Section 8.5.10, where an affected property remains at natural grade and the subject property constructs a retaining wall and a fence within 1.5 m of the property line (see Diagram 8.5), the maximum height for a fence on the affected property shall be no greater than 1.8 m above the height of the retaining wall or 3.0 m, whichever is less.
- 8.5.12. In the case of a retaining wall constructed in accordance with Section 8.5.10, the maximum height of a fence, or portion of retaining wall extending above the natural grade of the abutting higher property, or combination thereof, shall be 2.0 m, measured from the natural grade of the abutting higher property (see Diagram 8.5).

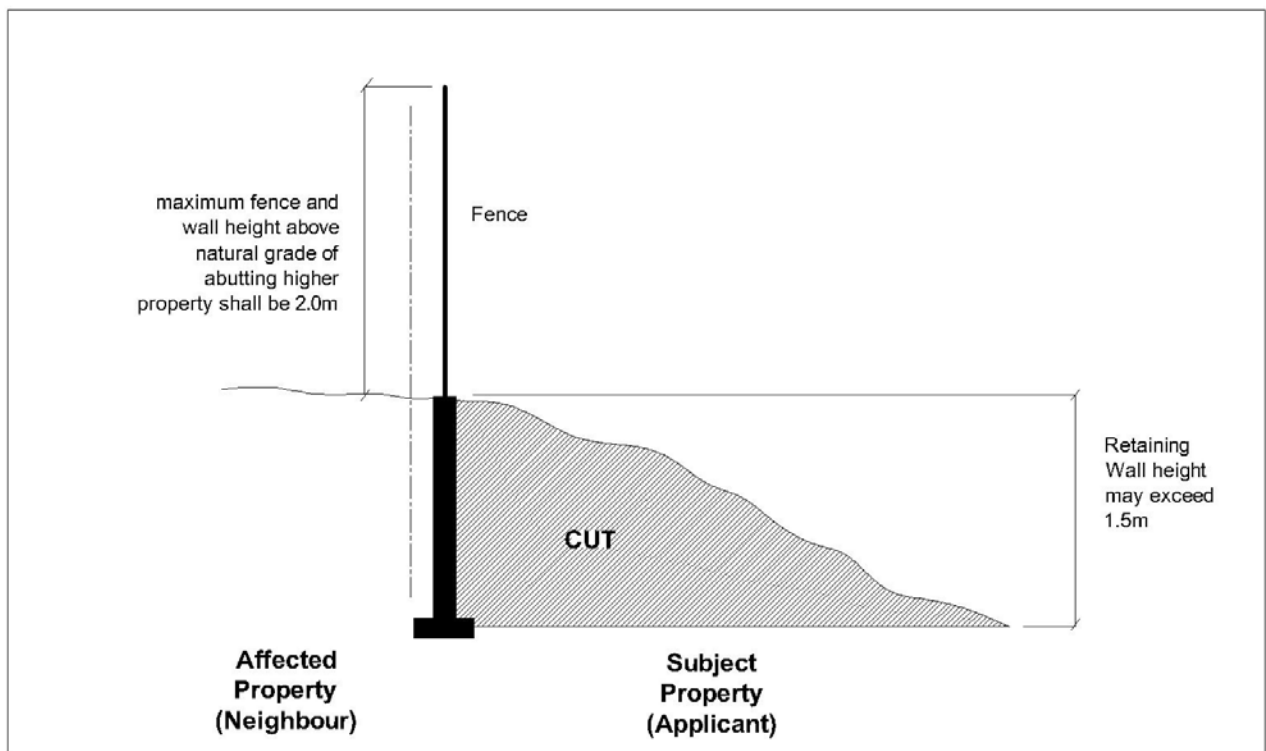


Diagram 8.4: Retaining Walls

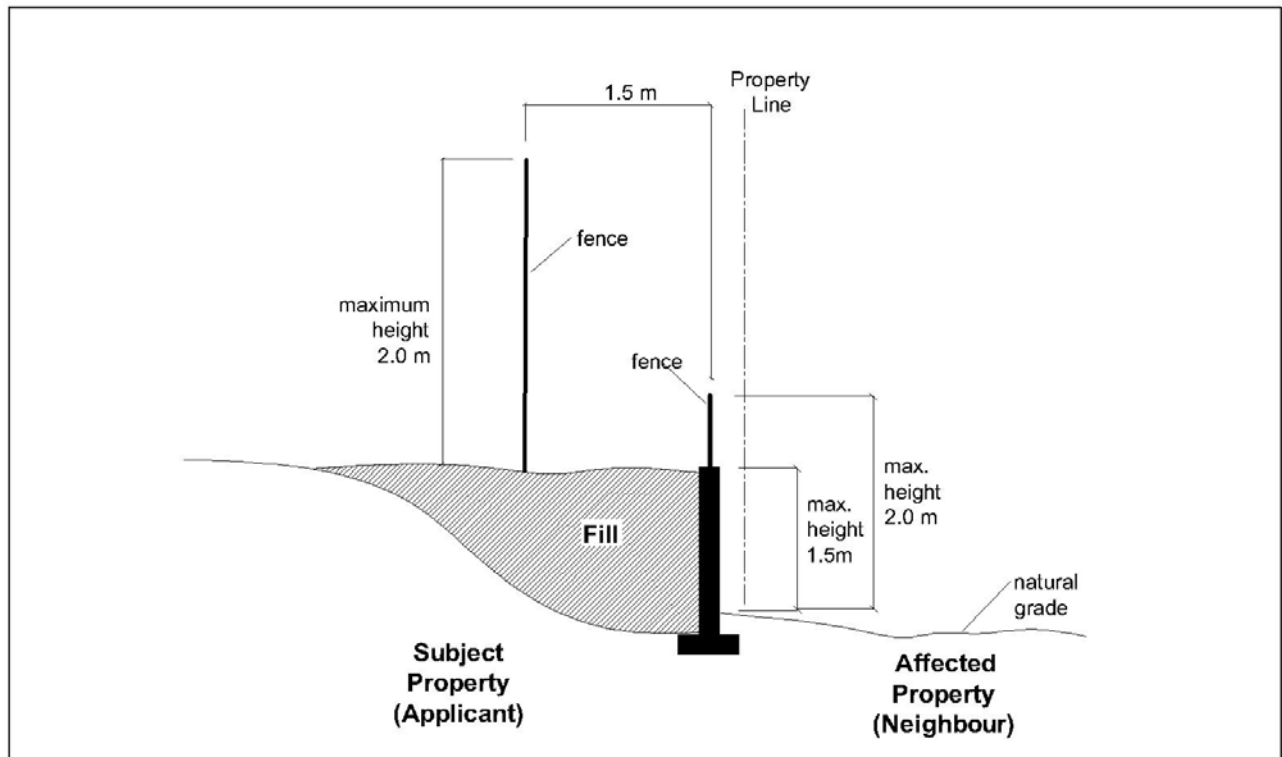


Diagram 8.5: Retaining Walls

## SECTION 9 -- PARKING AND LOADING

### 9.1. Off-Street Vehicle Parking

9.1.1. Where any development is proposed, including new development, change of use of existing development, or enlargement of existing development, off-street vehicle parking (including parking for the disabled, and visitors) or cash-in-lieu of parking shall be provided by the property owner in accordance with the requirements of this Bylaw.

#### 9.1.2. Number of Spaces:

- a) The minimum number of off-street vehicle parking spaces required for each use is specified in the Parking Schedule (Table 9.1) except where additional parking is required by the Ministry of Transportation if the site has direct access to a provincial highway.
- b) Where calculation of the total number of parking spaces yields a fractional number, the required number of spaces shall be the next highest whole number.
- c) Where more than one calculation of parking space requirements is specified for a land use, the greater requirement shall be applied.
- d) Where the Parking Schedule does not clearly define requirements for a particular development, the single use class or combination of use classes most representative of the proposed development shall be used to determine the parking requirements.
- e) Where a development consists of a mix of use classes, the total off-street parking requirement shall be the sum of the off-street parking requirements for each use class.

#### 9.1.3. Parking Spaces for the Disabled:

- a) Shall be designated if the B.C. Building Code deems that disabled access to the development is required.
- b) Shall be designated as parking space for the disabled using appropriate signage.
- c) Shall be included in the calculation of the applicable minimum parking requirement.
- d) Shall be as close as practical to the building entrance.
- e) In the Commercial and Public and Institutional zones, shall comprise 2% of the required parking stalls with a minimum of 1 parking stall for the exclusive use by disabled persons.

#### 9.1.4. Parking Spaces for Visitors:

- a) Parking spaces for visitors shall be provided in accordance with the Parking Schedule (Table 9.1) of this Bylaw.

#### 9.1.5. Location:

##### a) For residential use classes:

- i.) all required off-street parking shall be located on the site of the development served by the parking;
- ii.) no off-street parking shall be located in the required front yard except that a maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not in the front yard;
- iii.) except for developments with 2 or less dwelling units, no off-street parking shall be located within 1.5 m of any side or rear property line or within 3.0 m of any flanking street; and
- iv.) all visitor parking is to be easily accessible to the access points of the corresponding development and or buildings.

##### b) For non-residential use classes:

- i.) some or all required off-street parking spaces may be provided on a site located remotely, but no further than 200.0 m (for C1 zones) or 120.0 m (for all other zones) measured along the shortest public pedestrian route from the nearest point of the parking to the nearest point of the site of the development served by the parking;
  - ii.) where required off-street parking is located on a site separate from the site of the development the owner of the remote off-street parking site shall covenant with the Village by agreement that the remote lands required for off-street parking shall be so used as long as required by this Bylaw, and the owner shall consent to pay the full cost of the preparation and registration of an agreement under Section 219 of the Land Title Act on the title to the remote lands; and remote parking shall be developed to the same standard as on-site parking;
  - iii.) unless otherwise stipulated, no off-street parking shall be located within 2.0 m of any front property line or any property line abutting a street; and
  - iv.) No off-street parking shall be located within 1.5 m of any side or rear property line abutting residential zones.
- c) At the option of the Village of Fruitvale, cash-in-lieu of parking spaces within the Village Centre may be accepted at an amount per space to be determined by Council, having regard to the cost of providing a paved public off-site parking space within the Village Centre area. No more than 50% of required parking spaces may be taken as cash-in-lieu.

#### 9.1.6. Size:

##### a) Each required off-street parking space shall conform to the following provisions:

- i.) Except as provided below, each required off-street parking space shall be a minimum of 2.5 m in width with a minimum clear length of 6.0 m exclusive of access drives or aisles, ramps, or columns. Parking spaces shall have a vertical clearance of at least 2.0 m. For parallel parking, the length of the parking spaces shall be increased to 7.0 m, except that

an end space with an open end shall be 5.5 m. For parking spaces other than parallel parking spaces, up to 40% of the required parking spaces may be of a length shorter than that required above, to a minimum of 5.0 m.

- ii.) Where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m. Where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.
- iii.) Disabled parking spaces shall be a minimum 3.7 m in width and minimum 6.0 m in length.
- iv.) Aisles shall be 7.0 m wide for all two way aisles and for all 90o parking. One way aisles shall be 5.5 m wide for 60o parking, 3.6 m wide for 45o parking and 3.5 m wide for parallel parking.

#### 9.1.7. Tandem Parking:

- a) Parking spaces may be configured in tandem for single detached housing, semi-detached housing, and duplex housing.
- b) In housing developments containing three or more dwellings, tandem parking may be allowed provided each dwelling has one directly accessible parking space and guest parking is not in tandem.

## 9.2. Off-Street Loading

9.2.1. Where any development is proposed, including new development, change of use of existing development, or enlargement of existing development, off-street loading spaces shall be provided by the property owner in accordance with the requirements of this Bylaw.

#### 9.2.2. Number of Spaces:

- a) The minimum number of off-street loading spaces, including bus loading spaces, required for each use is specified in the Loading Schedule (Table 9.2).
- b) Where calculation of the total number of loading spaces yields a fractional number, the required number of spaces shall be the next highest whole number.
- c) Where more than one calculation of loading space requirements is specified for a land use, the greater requirement shall be applied.
- d) Where the Loading Schedule does not clearly define requirements for a particular development, the single use class or combination of use classes most representative of the proposed development shall be used to determine the loading space requirement.

- e) Where a development consists of a mix of use classes, the total off-street loading requirement shall be the sum of the off-street loading requirements for each use class, unless there is a complementary demand or differences in periods of use for loading that warrants a different requirement.

9.2.3. Location:

- a) Off-street loading space shall be provided entirely within the property of the development being served, and shall be subject to all setbacks and yard requirements specified elsewhere in this Bylaw.
- b) Off-street loading space shall be oriented away from residential development.

9.2.4. Size and Access:

- a) Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload, but in no case shall a loading space be less than 28 m<sup>2</sup> in area, less than 3.0 m in width, or have less than 4.0 m in overhead clearance.
- b) Each required bus loading space shall be a minimum of 3.6 m in width, a minimum of 12.2 m in length, and have a minimum clearance of 4.6 m.
- c) Access to any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.
- d) Access to any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.

### 9.3. Development Standards

9.3.1. Vehicle Parking and Loading:

- a) Every off-street parking or loading area required by this Bylaw to accommodate 3 or more vehicles, and every access road to such required parking or loading, shall have a durable, dust-free hard surface of concrete, asphalt or similar material, constructed such that surface drainage is directed to an approved drainage system or is contained on-site. Any requirement for concrete or asphalt does not apply to public parks and open space uses.
- b) Every off-street parking or loading area required by this Bylaw to accommodate 3 or more vehicles:
  - i.) shall clearly delineate individual parking spaces, loading spaces, spaces for the disabled, manoeuvring aisles, entrances, and exits with pavement markings, signs, and or other physical means;
  - ii.) shall direct surface drainage to the public storm sewer system, if available, or alternatively to approved planting areas or an approved on-site drainage system; and
  - iii.) shall be constructed with surface grades not exceeding 6%.

- c) No public street shall be used for the required aisle access to parking spaces. Where a lane is used for aisle access, the parking spaces shall be increased a minimum of 1.2 m in length.
- d) Where a parking or loading area is associated with a commercial or industrial use, and the development property abuts property in a rural residential zone, an urban residential zone, an institutional zone, or an abutting road right-of-way, the parking or loading area shall have a landscaped screen as required by Section 8.
- e) Every off-street parking or loading area required by this Bylaw to accommodate 50 or more vehicles at-grade shall incorporate landscaped open space within the parking area calculated on the basis of 2.0 m<sup>2</sup> of landscaped island area per required parking and loading space. This shall be landscaped in accordance with Section 8.
- f) Every off-street parking or loading area, and access thereto, shall have fencing, curbs, or secured wheel stops to prevent vehicles from encroaching upon property lines.
- g) Every off-street parking or loading area which is illuminated shall have all lighting positioned in such a manner that light falling onto abutting properties is minimized.
- h) Disabled parking shall be located as close to a main building entrance, on a level non-skid surface, as practical.
- i) Any trash storage or collection area co-existing with any parking or loading area:
  - i.) shall be clearly delineated as separate and in addition to required parking and loading spaces;
  - ii.) shall be located such that collection vehicles can gain access without undue interference with the operation of the parking and loading area; and
  - iii.) shall have a fenced or landscaped screen as required by Section 8.

#### **9.4. Off-Street Bicycle Parking**

9.4.1. Where any development is proposed, including new development, change of use of existing development, or enlargement of existing development, off-street bicycle parking shall be provided by the property owner in accordance with the requirements of this Bylaw.

9.4.2. Number of Spaces:

- a) The number of off-street bicycle parking spaces required for each use class is specified in the Bicycle Parking Schedule (Table 9.3).
- b) Where calculation of the total number of parking spaces yields a fractional number, the required number of spaces shall be the next highest whole number.
- c) Where more than one calculation of parking space requirements is specified for a land use, the greater requirement shall be applied.

- d) Where the Bicycle Parking Schedule does not clearly define requirements for a particular development the single use or combination of uses most representative of the proposed development shall be used to determine the parking requirement.

9.4.3. Development Standards:

- a) Bicycle parking stalls shall be a minimum of 0.6 m in width and a minimum of 1.8 m in length, shall have a vertical clearance of at least 1.9 m, and shall be situated on a hard surface.
- b) Aisles between parked bicycles should be a minimum of 1.2 m in width.
- c) Bicycle racks shall be constructed of theft resistant material, shall be securely anchored to the floor, building, or ground, shall support the bicycle frame above the centre of gravity, and shall enable the bicycle frame and front or rear wheel to be locked with a U-style lock.
- d) Bicycle racks shall be located in a convenient, well-lit location that is easily located and accessible by visitors and subject to casual surveillance by occupants of the building served by the rack.

## 9.5. General Provisions

- 9.5.1. Where provision of off-street parking or loading spaces is required by this Bylaw, a plan of the proposed site layout and landscape plan shall be included with the development permit application or building permit application if no development permit is required. The site plan must be drawn to scale and must clearly illustrate the lot size and configuration, building locations, parking spaces, loading spaces, on-site circulation, access driveways, landscaping, fences, and any other details relevant to the review of the development proposal.
- 9.5.2. Off-street parking spaces shall not be credited as off-street loading spaces or vice versa.



**Table 9.1: Parking Schedule**

*NOTE: GFA = Gross Floor Area *NOTE: GLA = Gross Leasable Floor Area	
Type of Development (Use)	Required Parking Spaces
<b>Residential and Residential Related</b>	
Apartment Hotels	1 per sleeping unit
Apartment Housing Row Housing Stacked Row Housing	1 per bachelor dwelling unit, plus 1.25 per 1-bedroom dwelling unit, plus 1.5 per 2-bedroom dwelling unit, plus 2 per 3-or-more bedroom dwelling unit 1 per dwelling unit in the C1 zone  Of the total required spaces above, 1 parking space shall be designated visitor parking for every 7 dwelling units
Bed and Breakfast Homes	1 per sleeping unit, plus spaces required for the corresponding principal dwelling unit
Boarding or Lodging Houses	1 per 2 sleeping rooms, plus spaces required for the corresponding principal dwelling unit
Congregate Housing	1 per principal dwelling, plus 2 stalls per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
Group Homes, Major	1 per 3 beds
Group Homes, Minor Temporary Shelter Services	1 per principal dwelling, plus 1 stall per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
Home Occupation	1 in addition to that required for the principal dwelling unit
Secondary Suites or Accessory Suites	2 per suite, plus spaces required for the corresponding principal dwelling unit
Special Needs Housing	Pursuant to Section 7.10
Single Detached Housing Semi-Detached Housing Single Detached Housing in a Bareland Strata Duplex Housing Modular or Manufactured Homes Residential Security Operator Unit	2 per dwelling unit  Of the required spaces, 1 per 7 dwelling units to be designated visitor parking (included in the total number of spaces to be provided) for bareland strata and strata developments

**Table 9.1: Parking Schedule**

Commercial	
All commercial uses combined in Shopping Centres in any zone except C1	4.4 per 100 m <sup>2</sup> GLA
All commercial uses in the C1 zone even if listed separately below	2.0 per 100 m <sup>2</sup> GFA
Animal Clinics, Major and Minor	2.0 per 100 m <sup>2</sup> GFA
Animal Shelter	1 per employee on duty plus 2
Automotive and Equipment Repair Shops	2 per service bay
Automotive and Minor Recreation Vehicle Sales and Rentals, Truck and Manufactured Home Sales Service	2.0 per 100 m <sup>2</sup> GFA
Broadcasting Studios	2.5 per 100 m <sup>2</sup> GFA
Commercial Schools	1 per 10 students
Drive-In Food Services	2.5 per 100 m <sup>2</sup> GFA; minimum 5
Financial Services	2.5 per 100 m <sup>2</sup> GFA
Fleet Services	2.0 per 100 m <sup>2</sup> GFA; or 1 per vehicle in fleet plus 1 per employee on duty
Eating and Drinking Establishment	1 per 4 seats of capacity
Gas Bars Service Stations, Major and Minor Car Washes	1 per 2 employees on duty, plus 2 per service bay, plus additional required spaces for other associated uses (e.g. convenience retail)
Health Services	5 per 100 m <sup>2</sup> GFA
Hotels	1 per sleeping unit, plus requirements of other uses
Motels	1 per sleeping unit, plus requirements of other uses
Offices	2.5 per 100 m <sup>2</sup> GFA
Personal Service Establishments Household Repair Services (a) GFA less than 1,000 m <sup>2</sup> (b) GFA 1,000 m <sup>2</sup> or greater (c) Laundromats	(a) 2.0 per 100 m <sup>2</sup> GFA (b) 3.0 per 100 m <sup>2</sup> GFA (c) 1 per 3 washing machines
Residential Sales Centre	2 per centre
Retail Liquor Sales Establishments (a) GFA less than 200 m <sup>2</sup> (b) GFA greater than 200 m <sup>2</sup>	(a) 2.0 per 100 m <sup>2</sup> GFA (b) 3.0 per 100 m <sup>2</sup> GFA

Table 9.1: Parking Schedule	
Retail Store, Convenience Retail Store, General Flea Markets, and Second-Hand Stores (a) GFA less than 1,000 m <sup>2</sup> (b) GFA greater than 1,000 m <sup>2</sup>	(a) 2.0 per 100 m <sup>2</sup> GFA (b) 3.0 per 100 m <sup>2</sup> GFA
Warehouse Sales	2.5 per 100 m <sup>2</sup> GFA
All other commercial uses not listed above  (a) GFA less than 2,000 m <sup>2</sup> (b) GFA 2,000 m <sup>2</sup> to 20,000 m <sup>2</sup> (c) GFA greater than 20,000 m <sup>2</sup>	(a) 2.2 per 100 m <sup>2</sup> GFA (b) 3.2 per 100 m <sup>2</sup> GFA (c) 4.3 per 100 m <sup>2</sup> GFA
<b>Agricultural</b>	
Greenhouses and Plant Nurseries	6.7 per 100 m <sup>2</sup> GFA of retail sales structure
Agricultural and Garden Stands	5.0 per 100 m <sup>2</sup> GFA, minimum 4
<b>Industrial</b>	
Bulk Fuel Depot	1 per employee on duty
General Industrial Uses	2.0 per 100 m <sup>2</sup> GFA
Equipment Rentals Vehicle and Equipment Services, Industrial	2.0 plus 1 per 100 m <sup>2</sup> GFA
Warehousing and Storage	.5 per 100 m <sup>2</sup> GFA; minimum 5
<b>Institutional and Basic Service</b>	
Cemetery	1 per employee
Emergency and Protective Services	10.0 per 100 m <sup>2</sup> GFA (excluding parking garages)
Extended Medical Treatment Services	1 per bed
Funeral Services	6.7 per 100 m <sup>2</sup> GFA for chapel, plus 2.5 per 100 m <sup>2</sup> GFA
Government Services	5.0 per 100 m <sup>2</sup>
School, Elementary	2 per classroom
School, Secondary	5 per classroom
Universities or Colleges	10 per classroom

**Table 9.1: Parking Schedule**

Community, Recreational and Cultural	
Bowling Alleys	2 per alley
Care Centres, Intermediate Care Centres, Major Care Centres, Minor	1 per 10 children, plus 1 per 2 employees on duty; minimum of 4
Community Recreation Services Private Clubs	1 per 5 seating spaces; or or 20 per 100 m <sup>2</sup> of floor area used by patrons, whichever is the greater
Cultural Facility (e.g. Museum, Art Gallery)	2.5 per 100 m <sup>2</sup> GFA
Curling Rink	4 per curling sheet
Golf Course	6 per hole; plus the parking required for other secondary uses
Golf Driving Range	2 per tee
Library	10.0 per 100 m <sup>2</sup> GFA
Public Park (a) greater than 2 ha. in area (b) less than or equal to 2 ha. In area (c) any size, associated with school site	(a) minimum 18 (b) minimum 6; on-street parking spaces abutting the park site may be used for all or some of the requirement (c) school parking requirement only
Participant Recreation Services, Outdoor (except golf courses) Participant Recreation Services, Indoor (except curling rinks and racquet clubs)	1 per employee on duty, plus 1 per 3 users
Racquet Clubs	3 per court
Recycled Materials Drop-off Centre	1 per recycling container, minimum of 2
Religious Assemblies	1 per 5 seats or 10 per 100 m <sup>2</sup> of GFA whichever is the greater
Spectator Entertainment Establishment	1 per 4 seats
Spectator Sports Establishment	1 per 4 seats
Tourist Campsite	1.1 per camping space

**Table 9.2: Loading Schedule**

Type of Development (Use)	Required Parking Spaces
Care Centres, Minor	1 car loading space
Care Centres, Intermediate	2 car loading space
Care Centres, Major	3 car loading space
Commercial Uses	1 per 1,900 m <sup>2</sup> GFA
Industrial Uses	1 per 1,900 m <sup>2</sup> GFA
Community, Educational (except below), Recreational and Institutional Uses	1 per 2800 m <sup>2</sup> GFA
Eating and Drinking Establishment	1 per 2,800 m <sup>2</sup> GFA
Hotels	1 per 2,800 m <sup>2</sup> GFA
Motels	1 per 2,800 m <sup>2</sup> GFA
School, Secondary	1.5 car loading spaces per 100 students, minimum 5; plus
Universities or Colleges	3 bus loading spaces

**Table 9.3: Bicycle Parking Schedule**

Type of Development (Use)	Required Parking Spaces
Apartment Housing	
Row Housing (3 or more dwelling units)	0.5 per dwelling unit
Commercial	0.60 per 100 m <sup>2</sup> GLA
Congregate Housing, Group Homes	1 per 25 employees
Major	
Educational Uses	2.5 per classroom
Eating and Drinking Establishment	0.10 per 100 m <sup>2</sup> GFA; or 1 per 10 employees
General Industrial Uses	0.30 per 100 m <sup>2</sup> GFA
Hotels	1 per 20 sleeping units
Motels	
Institutional Uses (except Educational Uses)	1 per 25 employees
Personal Service Establishments	0.10 per 100 m <sup>2</sup> GFA; or 1 per 10 employees



## **SECTION 10 -- SPECIFIC USE REGULATIONS**

### **10.1. Application**

- 10.1.1. The specific use regulations shall apply to all development unless otherwise exempted in this section.
- 10.1.2. Where these regulations may be in conflict with any zone development regulations or general regulations, these specific use regulations shall take precedence.

### **10.2. Home Occupation**

- 10.2.1. A Home Occupation is permitted within the principal dwelling or one accessory building in all residential zones.
- 10.2.2. Appearance:
  - a) The character and appearance of the principal dwelling or an accessory building must remain residential.
- 10.2.3. Floor Area:
  - a) The maximum floor area is 25 % of the total floor area of the principal dwelling to a maximum of 40 m<sup>2</sup>.
- 10.2.4. Signage:
  - a) The maximum number of signs to be located on the property is one non-illuminated sign with a maximum sign area of 0.3 m<sup>2</sup> and a maximum height of 1.5 m. for a free standing sign and is to be related to the home occupation business operated on the property.
- 10.2.5. Employees:
  - a) A Home Occupation may employ only persons who permanently reside in a dwelling unit located on the subject property.
- 10.2.6. Prohibited Uses and Activities:
  - a) The following uses and activities related to Home Occupation are prohibited:
    - i.) Exterior storage;
    - ii.) Business activities outside the principal or accessory use building;
    - iii.) Parking of commercial vehicles larger than 5500 kg gross vehicle weight;
    - iv.) Parking of heavy industrial equipment;

- v.) Automotive or motorized vehicle repair except that the repair of vehicle parts such as transmissions, starters, motors and other parts that have been removed from a vehicle off-site and transported to the site for repair is permitted;
- vi.) Marine repair except that the repair of canoes and kayaks or the repair of marine vessel parts or accessories removed off-site and transported to the site for repair is permitted;
- vii.) Auto-body repair including upholstering, detailing or cleaning;
- viii.) Wrecking yard;
- ix.) Eating or drinking establishment except that catering where consumption will take place off the residential premises is permitted;
- x.) Veterinary hospital or kennels;
- xi.) Welding and fabricating;
- xii.) Cutting, wrapping, processing, or smoking of meat, wild game or fish;
- xiii.) Crematorium or funeral homes except that funeral and estate planning or casket making is permitted.

**10.2.7. Nuisances:**

- a) The home occupation must not produce noise, vibration, smoke, dust, odour, litter or heat outside the confines of the principal or accessory building.
- b) The home occupation must not create off-site traffic congestion or parking congestion.
- c) The home occupation must not create a fire hazard, glare or electrical interference.

**10.2.8. Compliance:**

- a) Every home occupation carried out within the boundaries of the Village of Fruitvale must comply with the provisions of this bylaw.
- b) Retail sales are permitted onsite provided the product is produced on the premises.

**10.3. Secondary Suites**

- 10.3.1. Secondary suites, when permitted, are to be located only in a new or converted single detached house. No structural alterations or additions shall be undertaken that alters the existing character and form of the neighbourhood.
- 10.3.2. No more than one secondary suite shall be permitted per principal dwelling unit.
- 10.3.3. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the total floor area of the principal building.
- 10.3.4. Parking and signs shall be in conformance with the regulations of this Bylaw and any Signage Regulation Bylaw currently in effect.



10.3.5. A secondary dwelling unit shall be located in a building and on a property which is a single real estate entity. No strata titling will be permitted.

10.3.6. A secondary suite is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.

#### **10.4. Accessory Suites**

10.4.1. Accessory suites, when permitted, are to be located only in an accessory building, except in the RLP and RR1 zones, where a manufactured or mobile home may be considered an accessory suite.

10.4.2. No structural alterations or additions shall be undertaken that alters the existing character and form of the neighbourhood.

10.4.3. No more than one accessory suite shall be permitted per lot. It may be permitted within an accessory building. It shall not be allowed in conjunction with a bed and breakfast home or secondary suite.

10.4.4. No accessory suite will be allowed without connection to a community sanitary sewer unless the lot is at least 1.0 ha and meets the requirements of the Village for septic disposal capacity.

10.4.5. When the accessory suite is located in an accessory building, the maximum floor area of the accessory suite shall not exceed the lesser of 90 m<sup>2</sup> or 75% of the total floor area of the principal building.

10.4.6. If a manufactured or mobile home is being used as an accessory suite, the maximum floor area of the unit shall not exceed 90m<sup>2</sup>.

10.4.7. Parking and signs shall be in conformance with the regulations of this Bylaw and any Signage Regulation Bylaw currently in effect.

10.4.8. An accessory suite shall be located in a building and on a property which is a single real estate entity. No strata titling will be permitted.

10.4.9. An accessory suite is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.

## **10.5. Bed and Breakfast Homes**

10.5.1. Bed and breakfast homes shall comply with the following regulations:

- a) The bed and breakfast home shall be operated as a secondary use only within the principal building, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit, of a minimum area of 11 m<sup>2</sup> each; and
- b) Bed and breakfast homes shall not change the principal residential character or external appearance of the dwelling involved.
- c) The licensed operator of a bed and breakfast home must reside in the dwelling in which the bed and breakfast operation is located.
- d) One sign is permitted having a maximum sign area of 0.3 m<sup>2</sup>, which must be attached to the building.
- e) Parking areas and open space to be used by guests of a bed and breakfast home shall be oriented away from abutting development to minimize the impact of the operation on neighbouring properties.
- f) All parking areas and open space to be used by guests of a bed and breakfast home are to be visually screened from abutting properties by opaque fencing or landscaping.

## **10.6. Vehicular Oriented Uses**

10.6.1. Vehicular-oriented uses shall not adversely affect the functioning of surrounding public roadways or adversely impact on any adjacent residential uses.

10.6.2. The minimum site width for a vehicular-oriented use shall be 30.0 m.

10.6.3. Site area shall be provided as follows:

- a) The minimum site area for any development incorporating a vehicular-oriented use shall be 930 m<sup>2</sup> and the maximum site coverage shall be 30%.
- b) The minimum site area for a service station shall be 1,200 m<sup>2</sup> and the maximum site coverage, including pump islands, shall not exceed 30%.
- c) The minimum site area for a drive-through vehicle service shall be 140 m<sup>2</sup> of site area not covered by buildings for each service bay.
- d) Where two or more of these uses are part of a mixed use development on the same site, the total site area requirements shall be the sum of the requirements of the uses computed separately, unless there is a complementary use of space which would warrant a reduction in site area requirement.

10.6.4. Queuing space shall be provided as follows:

- a) For drive-through vehicle services, excluding car washes, a minimum of three in-bound and two out-bound queuing spaces shall be provided for each service bay.
- b) Each queuing space shall be a minimum of 6.0 m long and 3.0 m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.

10.6.5. Service stations and gas bars shall adhere to the following:

- a) All pump islands shall be located at least 6.0 m from any property line or parking area on the site, or laneways intended to control traffic circulation on the site;
- b) A canopy over a pump island shall not extend to within 3.0 m of the property line of the site;
- c) The canopy area for a service station or gas bar shall not constitute part of the site coverage; and
- d) Where the canopy is a sign, it must comply with the provisions of any Signage Regulation Bylaw currently in effect.

## **10.7. Car Washes**

10.7.1. Car washing establishments shall provide vehicle storage for a minimum of 5 vehicles per washing bay at the entrance end of the facility, except it is a minimum of 2 vehicles where the washing bay is coin operated and the vehicle is manually washed by an occupant of the vehicle.

10.7.2. Storage spaces at the entrance end of the facility shall be a minimum of 6.5 m long and 3.0 m wide.



## **SECTION 11 -- SIGNS**

The following regulations of this bylaw shall apply to signs in the Village of Fruitvale.

### **11.1. Application**

No person shall construct, place, erect, display, alter, repair or re-locate a sign permitted by this bylaw except in accordance with these Signage Regulations currently in effect in the Village.

### **11.2. Definitions**

- 11.2.1. For the purpose of this bylaw words and phrases shall have meanings set forth in this section. Words and phrases not defined in this section but defined in Section 3 – INTERPRETATION, shall have the meanings set forth in that section of the Zoning Bylaw.

### **11.3. Sign Definitions**

- 11.3.1. A Sign is a structure, device or visual display which contains information and where the intent is to attract the attention of persons for the express purpose of the communication of that information. It does not include the following:

- Display of goods placed in a window;
- Gravestones or other markers placed for historical or memorial purposes;
- Private celebratory or holiday decorations;
- Murals;
- Traffic control devices.

The following is a list and associated definitions, of both Permanent and Temporary signs. A list of prohibited and permitted signs is provided in Section 11.4 and 11.5, respectively.

**PERMANENT SIGNS**

These signs must be constructed of durable materials and are intended to exist for the duration of time that the use or occupant is located in the premises. Building mounted signs are erected on, applied or attached to a building. Freestanding signs are entirely self supporting and are neither attached to nor form part of a building.

- 1. Awning and Canopy Signs** – means a sign painted, stamped, perforated, stitched or otherwise applied to an awning or canopy (See General Definitions Section).



- 2. Billboard** – means an exterior structure panel, board, or object designed exclusively to support text or advertising material that is posted, fastened, painted or otherwise affixed thereto by means permitting its ready removal or replacement, which customarily does not directly apply to the premises or uses where it is displayed.

**Prohibited in Fruitvale**



- 3. Notice Board (Community)** – means a permanent sign used to display educational material, promoting non-profit community events and notices.



- 4. Directory Sign** – means a sign listing four (4) or more businesses located on the same parcel or at four (4) or more adjoining parcels.



- 5. Display Box** – means a sign that is enclosed within a case allowing the viewing of menus, recreational or entertainment events.



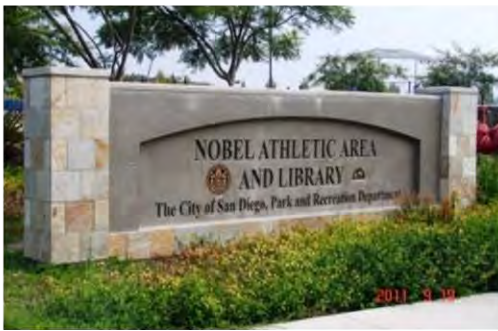
- 6. Fascia Sign** – means a sign mounted or displayed parallel to the face of the building on which it is located and does not extend above the eaves, parapet or roof edge.



- 7. Home Occupation Sign** – means a sign indicating the name and/or address of a home occupation on the premises where it is located.



- 8. Monument Sign** – means a sign which is supported by a solid base, as opposed to poles, posts or other supports that you would otherwise see in a pylon sign.



- 9. Parapet Sign** – means a sign erected on the portion of a building fascia or wall that rises above the roof level of the structure.



- 10. Pole/Pylon Sign** – means a freestanding sign with a visible support structure such as poles, columns, or posts that are permanently attached to the ground, and which is not connected in any way to any building or other structure.



- 11. Projecting Sign** – means a sign which is erected on and projects from the building face and is normally at right angles to the building face.





- 12. Public Information Sign** – means any sign erected for or at the direction of a government authority, agency board or committee for the purpose of providing information to the public concerning such authority, agency, board or committee, or any proceedings thereof, and shall include signs that advertise applications for official community plan or zoning bylaw amendments.



- 13. Suspended Sign** - means a sign suspended entirely underneath an awning, canopy or other similar structure.



- 14. Roof Sign** - means a sign erected upon the roof of a building.

**Prohibited in Fruitvale**



- 15. Window Sign** – means a sign that is painted on or attached to a window and is intended to be viewed from the exterior of the building.



#### TEMPORARY SIGNS

Temporary Signs are designed in such a manner that the sign can be readily relocated to provide advertising at another location, or taken on to or off a site.

- 16. Balloon Sign** – means a sign that is inflatable, three dimensional device which affixed or anchored to the ground or a structure.

**Prohibited in Fruitvale except for Special Event or opening of new premises, not to be placed or maintained for a period of greater than 7 days.**



- 17. Banner** – means a sign composed of lightweight material including cloth, canvas or similar fabric.





- 18. Development Sign** – means a sign advertising a new (land) development or group of lots for sale within a new subdivision. It may include, but not be limited to, the name, nature, and particulars of a new development project, the names of the owner(s), the contractors, the sub-contractors, and professional advisors and logos or symbols identifying the project.



- 21. Poster** – means any paper, cardboard, or plastic sign or the like including any handbill, circular, leaflet, pamphlet, poster, flyer, paper, or other printed matter.



- 19. Election Sign** – means a sign promoting a political candidate, political party or political cause prior to an election.



- 22. Real Estate Sign** – means a sign which contains information indicating that property or premises on which it is located is for sale, lease, or rent.



- 20. Free Standing Portable Sign** – means a temporary sign having independent supports, standing apart from a building, or mounted on a vehicle or trailer, and not permanently affixed to land.

**Prohibited in Fruitvale**



- 23. Sandwich Board (A-Board)** – means a sign that is not permanently affixed to a building or base and stands on the ground without any additional support.



**24. Special Event Sign** – means a temporary sign advertising or notifying the public of a community event or special situation that requires alerting the public.



#### 11.3.2. Additional and Related Definitions

Externally-lit (or Front-lit) – means a sign illuminated from an external source.

Internally-lit (or Rear/ Back-lit) – means a sign illuminated from an internal source.

Neon-lit – means a sign that uses exposed neon tubing as the principal illumination method.

Animated Sign – means a sign depicting action, motion, light or color changes through electrical or mechanical means.

Flashing Sign – means a sign containing an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Revolving Sign – means a sign that has the ability to turn up to 360 degrees.

Abandoned Sign – means a sign or sign support structure that directs attention to an activity, business, product or service no longer conducted or available on the lot on which the sign is located or at the location stated on the sign.

Changeable Copy Signs – mean signs that allow for changes to be made to the sign copy, either electronically ( i.e. by means of switches, lamps or illuminated tubes) or manually (through the use of attachable letters, numbers and/or graphics).

Copy – means the content of a sign surface, including letters, pictures, logos and/or symbols.

Erected – means attached, altered, built, constructed, or reconstructed and shall include the painting of signs but does not include copy changes on any changeable copy sign.

#### **11.4. Prohibited Signs**

Signs that are not expressly permitted in this Bylaw are prohibited within the municipal boundary of the Village of Fruitvale. The following signs are specifically prohibited:

- a) Billboards;
- b) Revolving or partly revolving signs (e.g. animated signs), other than hands on a clock or temperature indicator;
- c) Balloons or other gas-filled inflatable devices (Restricted – See Definitions);
- d) Roof signs and signs mounted or supported on the deck of a canopy or on any part of a balcony;
- e) Any sign that obstructs any part of a doorway, window, or balcony, with the exception of window signs as permitted in this Bylaw;
- f) Temporary free standing signs;
- g) Multi-sided signs;
- h) Changeable copy signs;
- i) Any sign that which projects into, on, or over a street or public property without the approval of the Village and an executed encroachment agreement;

#### **11.5. Permitted Signs**

Signs that are permitted subject to the regulations and specifications of this Bylaw include:

- a) Projecting Sign
- b) Canopy Sign
- c) Awning Sign
- d) Monument Sign
- e) Fascia Sign
- f) Parapet Sign
- g) Suspended (Hanging) Sign
- h) Window Signs
- i) Directories
- j) Display Box
- k) Election Sign

- l) Real Estate Sign
- m) Development Sign
- n) Pole/Pylon Sign
- o) Sandwich Board Sign

## **11.6. Meeting Design Guidelines**

Over and above the expressed intent of this Bylaw, the proponent or applicant that desires to erect a sign must adhere to any municipal design guidelines that apply to the area and type of development under consideration. The Development Permit Area Guidelines that address form and character of buildings (including signs) are provided as official policy of the Official Community Plan of the Village of Fruitvale. The Village encourages adherence to a comprehensive sign plan intended to coordinate a number of signs pertaining to a development project, building or cluster of buildings. The size, location and number of signs shall generally conform to the standards for each category of sign.

## **11.7. Maintenance**

- 11.7.1. All signs permitted in this Bylaw shall be continuously maintained so that at no time is there any danger from their supporting structures, surrounding framework or illumination;
- 11.7.2. Maintenance including replacement of structural elements, copy, lamps and refurbishing of signs may be undertaken **without** a sign permit;
- 11.7.3. Signs must be kept readable and in clean condition, and the site on which the sign is situated shall be kept free of weeds, debris and rubbish; and
- 11.7.4. Signs must be maintained in compliance with BC Building and Electrical Codes at all times.

## **11.8. Number of Signs**

- 11.8.1. A maximum of two permanent signs per business are permitted per business frontage.
- 11.8.2. In addition to the permanent signs, the following may be permitted:
  - a) Temporary permitted signs
  - b) One extra hanging sign
- 11.8.3. In the case of multiple fascia signs for a single tenant building, the total area shall not exceed the area stipulated in Schedule B. For multi-tenant buildings, fascia or projecting signs are allowed for each tenant provided that the area of the sign(s) does not exceed the area stipulated in Schedule A.

## **11.9. Design Standards**

- 11.9.1. The area of each sign shall conform to the regulations of this Bylaw for that particular type of sign, provided that the total sign area on one facade of a building or business frontage shall not exceed 10 percent of the area of that facade. (See Schedule 'B')
- 11.9.2. Exposed surfaces of signs may be constructed of any material with the exception of plastic, fiberglass, plywood or particle board either painted or unfinished.
- 11.9.3. Notwithstanding 11.8.2, individual plastic letters are only permitted as part of internally-lit permanent signs.
- 11.9.4. Colors should be coordinated with the building façade with which they are associated. Design Guidelines will be imposed by the Village in accordance to official policy of the Official Community Plan.
- 11.9.5. Fluorescent, luminous or reflective paint or similar products are prohibited except for private traffic control signs, where reflective paint may be used.
- 11.9.6. Lighting and Illumination must apply as follows:
  - a) All permitted permanent signs may incorporate front-lighting and limited rear-lighting as outlined in this section. Permitted temporary signs shall not be illuminated.
  - b) Limited use of back-lit lighting is permitted, provided it is restricted to the name of the building or principal business only.
  - c) Illumination should be limited to the greatest extent possible to the sign surface only, and the light source should not be visible from adjacent parcels, passing vehicles or pedestrians.
  - d) Light fixtures must be simple in form, not clutter the building façade, nor obscure the architectural details of the building.
  - e) Neon signs are not permitted except as "window signs" complying with the regulations of this Bylaw.
  - f) All wiring and conduits to electric signs must be placed below grade or otherwise concealed.
- 11.9.7. Unless otherwise provided by this Bylaw, a sign for a business premises may only be erected or placed on that side of the building fronting a street and on that portion of the building façade related to the area of the building occupied by the business or activity to which the sign relates.
- 11.9.8. Signs must be located no higher than the lesser of 7.6 meters, or the roof line of the building on which it is mounted.
- 11.9.9. Signs located over a pedestrian area or a sidewalk shall have a clearance of no less than 2.4 meters above grade.

## **11.10. Permits and Permit Fees**

### **11.10.1. Signs Not Requiring a Permit**

The following signs are exempt from this Bylaw and accordingly do not require a permit:

- a) One real estate sign, pertaining to the sale, lease, rental or viewing of the property on which the sign is displayed.
- b) Any sign displayed pursuant to the Highways Act, the Motor Vehicle Act, the Local Government Act, or to any other statute of the Legislative Assembly or pursuant to any regulation, order, or bylaw made thereunder.
- c) Signs on private land directed toward the prevention of trespassing.
- d) Any sign displayed for the purposes of a Federal, Provincial or Municipal election, provided that:
  - i.) For a Municipal election, the candidate has filed his or her nomination papers with the Returning Officer;
  - ii.) The sign does not exceed an area of 1.5 square metres;
  - iii.) The sign is located on private property with the permission of the owner or on the municipal boulevard fronting private property, but only with the permission of the owner in front of whose private property the sign is placed;
  - iv.) Notwithstanding (iv) above, no sign may be placed in a location which may create a safety hazard to pedestrians or vehicles;
  - v.) The sign shall not be posted on public property nor on a boulevard fronting public property;
  - vi.) All signs shall be removed within three days after the date of election.
- e) Any fence sign located on any public outdoor sports ground.
- f) Any sign displayed from a dwelling, bearing the street number and name of the person residing in the dwelling, provided that the area of the display surface does not exceed 0.2 square metres (2.2 square feet).
- g) Any sign denoting access and parking for the disabled.
- h) Any window sign.

### **11.10.2. Contents of Permit Application**

An application for a permit under this Bylaw shall be made in the form prescribed by the Village of Fruitvale and include the following:

- a) Name and address of the maker of the sign.
- b) Name and address of the owner of the sign.

- c) Name and address of the registered owner of, and the legal description and civic address of, the lot on which the sign is to be placed.
- d) Name, address, and telephone number of the installation contractor.
- e) Copies, in duplicate, of specifications and drawings to a scale of not less than 1:100 showing, amongst other things:
  - i.) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
  - ii.) The proposed location of the sign in relation to the boundaries of the lot upon which it is situated;
  - iii.) The size and location of all existing signs on the premises;
  - iv.) The footing details, if applicable, for the sign; and
  - v.) Electrical wiring and components.
- f) If the sign is to be illuminated or animated, the colours to be used and the technical means by which this is to be accomplished.
- g) A current photograph of the face of the building to which the sign is to be attached.

#### 11.10.3. Issuance of Permit

The Village of Fruitvale shall issue the permit for which an application is made where:

- a) The proposed sign conforms to this Bylaw and all other applicable Bylaws of the Village.
- b) The applicant has paid to the Village the fee prescribed by this Bylaw.
- c) The applicant for a permit has agreed to indemnify and save harmless the Village of Fruitvale, its employees and agents, from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings' in any way related to anything done or omitted to be done by the applicant in connection with a sign or a permit issued pursuant to this Bylaw; and has executed an indemnity agreement in a form provided by the Village; and has agreed to have the Village of Fruitvale added as a insured to the applicant's liability insurance policy by execution of the endorsement for insurance policy set out by the Village.

The permit shall expire if the work or activity authorized therein is not completed within a period of ninety (90) days from the date of the issuance of the permit.

The Village of Fruitvale may require, as a condition of the issuance of any permit, that all drawings and specifications, or any part thereof, be prepared and sealed by, and the construction carried out under the supervision of a Professional Engineer registered in the Province of British Columbia, and may refuse to issue a permit until he is provided with a letter by a Professional Engineer registered in the Province of British Columbia, undertaking to supervise the work or any part thereof authorized by such permit.

In addition to the Sign Permit, the connection of an electrical sign shall be authorized by a permit issued by the Electrical Safety Branch of the Province of British Columbia.

11.10.4. Permit Fees

- a) All applicants for a sign permit shall pay a fee of \$0.00 for each sign authorized by permit.
- b) No sign permit application fee shall be refunded after the application has been approved or refused, but if the application is withdrawn, prior to processing, the Village may refund the fee to the applicant.

Schedule "B" attached.



## **SECTION 12 -- RURAL LARGE PARCEL ZONES**

### **12.1. RLP 1 – Rural Large Parcel 1**

#### **12.1.1. Purpose**

The purpose is to provide a zone for rural areas of the community that have limited services, and are not expected to be developed for more intense use within the foreseeable future.

#### **12.1.2. Principal Uses:**

- a) agriculture, extensive
- b) cemeteries
- c) greenhouses and plant nurseries
- d) group homes, minor
- e) hobby farms
- f) mobile homes
- g) single dwelling housing

#### **12.1.3. Secondary Uses:**

- a) agricultural and garden stands
- b) animal clinics, major
- c) animal clinics, minor
- d) animal shelter
- e) bed and breakfast homes
- f) care centres, minor
- g) forestry
- h) home occupations
- i) kennels and stables
- j) secondary or accessory suite
- k) tourist campsites
- l) utility services, minor impact

#### **12.1.4. Buildings and Structures Permitted:**

- a) one single detached house (which may contain a secondary suite) or one mobile home (as a principal use).

- b) accessory buildings or structures (which may contain an accessory suite if no secondary suite is located within the single detached house).
- c) a mobile or manufactured home as an accessory suite if no secondary suite is located in the single detached house.

12.1.5. Subdivision Regulations:

a) AREA

The minimum lot area is 30.0 ha

b) WIDTH

The minimum lot width is 100.0 m.

c) DEPTH

The minimum lot depth is 100.0 m.

12.1.6. Development Regulations:

a) SITE COVERAGE

The maximum site coverage is 2500 m<sup>2</sup> for residential development, and it is 35% for agricultural buildings and structures except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.

b) HEIGHT

The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 13.0 m for accessory buildings and 16.0 m for agricultural structures.

c) FRONT YARD

The minimum front yard is 6.0 m.

d) SIDE YARD

The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.

e) REAR YARD

The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.

f) FARM BUILDINGS

Notwithstanding subsections 12.1.6(c) to (e), buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.

#### 12.1.7. Other Regulations:

##### a) ANIMAL CLINICS

Major animal clinics shall not be located on parcels less than 2.0 ha.

##### b) KENNELS/STABLES

Kennels and stables shall not be located on parcels less than 2.0 ha. and must be located a minimum of 50.0 m from all property lines.

##### c) FLOOR AREA

The maximum gross floor area of stands selling agricultural products shall be 50.0 m<sup>2</sup>.

##### d) TOURIST CAMPSITES

Seasonal use for recreational purposes not to exceed 240 days in one year. Tourist campsites are allowed at a rate of 10 sleeping units/60 ha.

##### e) SECONDARY SUITE

A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling.

##### f) ACCESSORY SUITE

- i.) An accessory suite, in accordance with Section 10.4, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building.
- ii.) A mobile or manufactured home may be considered an accessory suite in the RLP zone.
- iii.) One secondary suite or accessory suite is permitted per parcel.

##### g) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.



## **SECTION 13 -- RURAL RESIDENTIAL ZONES**

### **13.1. RR1 – Rural Residential 1**

#### **13.1.1. Purpose:**

The purpose is to provide a zone for residential development, and complementary uses, on larger lots in areas of high natural amenity and rural services.

#### **13.1.2. Principal Uses:**

- a) agriculture, extensive
- b) group homes, minor
- c) hobby farms
- d) single dwelling housing

#### **13.1.3. Secondary Uses:**

- a) animal clinics, major
- b) animal clinics, minor
- c) bed and breakfast homes
- d) care centre, minor
- e) home occupations
- f) kennels and stables
- g) secondary suite or accessory suite
- h) utility services, minor impact

#### **13.1.4. Building and Structures Permitted:**

- a) one single detached house (which may contain a secondary suite);
- b) accessory buildings or structures (which may contain an accessory suite if no secondary suite is located within the single detached house).
- c) a mobile home or manufactured home as an accessory suite if no secondary suite is located within the single detached house .

#### **13.1.5. Subdivision Regulations:**

- a) AREA

The minimum lot area is 4.0 ha.

## b) WIDTH

The minimum lot width is 40.0 m.

## c) DEPTH

The minimum lot depth is 100.0 m.

## 13.1.6. Development Regulations:

## a) COVERAGE

The maximum site coverage is 10%.

## b) HEIGHT

The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for accessory buildings and 13.0 m for accessory structures.

## c) FRONT YARD

The minimum front yard is 6.0 m.

## d) SIDE YARD

The minimum side yard is 4.0 m, except it is 6.0 m from a flanking street.

## e) REAR YARD

The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.

## f) FARM BUILDINGS

Notwithstanding subsections 13.1.6(c) to (e), buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.

## 13.1.7. Other Regulations:

## a) SECONDARY SUITE:

A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling. One secondary suite or accessory suite is permitted per parcel.

## b) ACCESSORY SUITE:

- i.) An accessory suite, in accordance with Section 10.4, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building.
- ii.) A mobile or manufactured home may be considered an accessory suite.
- iii.) One secondary suite or accessory suite is permitted per parcel.

c) ANIMAL CLINICS:

Major animal clinics shall not be located on parcels less than 2.0 ha.

d) KENNELS/STABLES:

Kennels and stables shall not be located on parcels less than 2.0 ha. and must be located a minimum of 50.0 m from all property lines.

e) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.





## **SECTION 14 -- URBAN HOUSING ZONES**

### **14.1. RU1 –Single and Two Family Housing**

#### **14.1.1. Purpose:**

The purpose is to provide a zone for single detached or two family housing, and compatible secondary uses on medium sized serviced urban lots.

#### **14.1.2. Principal Uses:**

- a) group homes, minor
- b) single dwelling housing
- c) duplex housing
- d) semi-detached housing

#### **14.1.3. Secondary Uses:**

- a) bed and breakfast homes
- b) care centres, minor
- c) home occupations
- d) secondary suite within single dwelling housing
- e) accessory suite within an accessory building
- f) utility services, minor impact

#### **14.1.4. Buildings and Structures Permitted:**

- a) one single detached house (which may contain a secondary suite)
- b) one duplex or semi-detached dwelling
- c) accessory buildings or structures (which may contain an accessory suite if no secondary suite is located within the single detached house)

#### **14.1.5. Subdivision Regulations:**

##### **a) AREA:**

The minimum lot area is 465 m<sup>2</sup> for single dwelling housing and 278m<sup>2</sup> per dwelling unit for duplex or semi-detached housing.

##### **b) WIDTH:**

The minimum lot width is 15.0 m for single dwelling housing and 18.0 m for duplex or semi-detached housing.

c) DEPTH:

The minimum lot depth is 30.0 m.

14.1.6. Development Regulations:

a) SITE COVERAGE:

The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.

b) HEIGHT:

The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and accessory structures.

c) FRONT YARD:

The minimum front yard is 4.5 m except it is 6.0 m to a garage door or carport entrance having vehicular entry from the front.

d) SIDE YARD:

The minimum side yard is 1.8 m, except that it is 4.5 m from a flanking street, and it is 6.0 m from a flanking street if the setback is to a garage door or carport entrance which is accessed from that street, or when required by subparagraph 14.1.6 (e).

e) REAR YARD:

i.) The minimum rear yard is 6.0 m, except that it is 1.5 m for accessory buildings.

ii.) Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m. This does not apply if the garage door or carport entrance faces the rear or side yard. In these cases, a 6.0 m setback will be required to the garage door or carport entrance.

14.1.7. Other Regulations:

a) SECONDARY SUITE:

i.) A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling. One secondary suite or accessory suite is permitted per parcel.

b) ACCESSORY SUITE:

- i.) An accessory suite, in accordance with Section 10.4, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building. One secondary suite or accessory suite is permitted per parcel.

c) HOUSING AGREEMENTS:

Where a housing agreement has been entered into pursuant to Section 7.9, smaller lot dimensions may be permitted.

d) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

## **14.2. RU2 – Small Lot Single and Two Family Housing**

### **14.2.1. Purpose:**

The purpose is to provide a zone for single detached or two family housing, and compatible secondary uses on small serviced urban lots.

### **14.2.2. Principal Uses:**

- a) group homes, minor
- b) single dwelling housing
- c) duplex housing
- d) semi-detached housing

### **14.2.3. Secondary Uses:**

- a) bed and breakfast homes
- b) care centres, minor
- c) home occupations
- d) secondary suite within single dwelling housing
- e) utility services, minor impact

### **14.2.4. Buildings and Structures Permitted:**

- a) one single detached house (which may contain a secondary suite)
- b) one duplex or semi-detached dwelling

- c) accessory buildings or structures

#### 14.2.5. Subdivision Regulations:

- a) AREA:

The minimum lot area is 400 m<sup>2</sup> for single dwelling housing and 250m<sup>2</sup> per dwelling unit for duplex or semi-detached housing.

- b) WIDTH:

The minimum lot width is 13.0 m for single dwelling housing and 15.0 m for duplex or semi-detached housing.

- c) DEPTH:

The minimum lot depth is 30.0 m.

#### 14.2.6. Development Regulations:

- a) SITE COVERAGE:

The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.

- b) HEIGHT:

The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and accessory structures.

- c) FRONT YARD:

The minimum front yard is 4.5 m except it is 6.0 m to a garage door or carport entrance having vehicular entry from the front.

- d) SIDE YARD:

The minimum side yard is 1.8 m, except that it is 4.5 m from a flanking street, and it is 6.0 m from a flanking street if the setback is to a garage door or carport entrance which is accessed from that street, or when required by subparagraph 14.2.6 (e).

- e) REAR YARD:

- i.) The minimum rear yard is 6.0 m, except that it is 1.5 m for accessory buildings.
- ii.) Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m. This does not apply if the garage door or carport entrance faces the rear or side yard. In these cases, a 6.0 m setback will be required to the garage door or carport entrance.

**14.2.7. Other Regulations:****a) SECONDARY SUITE:**

A secondary suite, in accordance with Section 10.3, may only be located within a single detached dwelling.

**b) HOUSING AGREEMENTS**

Where a housing agreement has been entered into pursuant to Section 7.9, smaller lot dimensions may be permitted.

**c) ADDITIONAL REGULATIONS**

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

**14.3. RM1 – Low Density Multiple Housing****14.3.1. Purpose:**

The purpose is to provide a zone for low density multiple or row housing and compatible secondary uses on urban services.

**14.3.2. Principal Uses:**

- a) multiple dwelling housing
- b) two dwelling housing
- c) four dwelling housing
- d) row housing

**14.3.3. Secondary Uses:**

- a) care centres, minor
- b) home occupation
- c) utility services, minor impact

**14.3.4. Buildings and Structures Permitted:**

- a) duplex housing
- b) fourplex housing

- c) row housing
- d) semi-detached housing
- e) accessory buildings or structures

14.3.5. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 30.0 m.

b) DEPTH:

The minimum lot depth is 30.0 m.

c) AREA:

The minimum lot area is 1000 m<sup>2</sup>.

14.3.6. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 7.9 or where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15. Where screened parking spaces are provided totally under habitable or common amenity areas, the floor area ratio may be increased by 0.08 multiplied by the ratio of such parking spaces to the total required up to a maximum of 0.08.

b) SITE COVERAGE:

The maximum site coverage is 45%, provided that the maximum site coverage of buildings, driveways and parking areas is not more than 50%.

c) HEIGHT:

The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and structures.

d) FRONT YARD:

The minimum site front yard is 4.5 m, except it is 6.0 m to a garage door or carport entrance.

e) SIDE YARD:

The minimum site side yard is 4.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 4.5 m for a 2 or 2½ storey portion of a building, except it is 4.5 m from

a flanking street unless there is a garage accessed from the flanking street, it is 6.0 m. Side yards are not required on a lot line that has a party wall.

f) REAR YARD:

The minimum site rear yard is 6.0 m for a 1 or 1 ½ storey portion of a building and 7.5 m for a 2 or 2 ½ storey portion of a building, except it is 1.5 m for accessory buildings.

g) No principal building shall be closer than 3.0 m to another principal building.

14.3.7. Other Regulations:

a) DWELLINGS:

No more than 6 dwellings may be located in a building.

b) PRIVATE OPEN SPACE:

A minimum area of 25 m<sup>2</sup> of private open space shall be provided per dwelling.

c) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

#### **14.4. RM2 – Medium Density Multiple Housing**

14.4.1. Purpose:

The purpose is to provide a zone primarily for medium density apartments and compatible secondary uses on serviced urban lots.

14.4.2. Principal Uses:

- a) apartment housing
- b) boarding and lodging houses
- c) congregate housing
- d) four dwelling housing

- e) group home, major
- f) multiple dwelling housing

#### 14.4.3. Secondary Uses:

- a) care centres, major
- b) home occupation
- c) utility services, minor impact

#### 14.4.4. Buildings and Structures Permitted:

- a) apartment housing
- b) fourplex housing
- c) row housing
- d) stacked row housing
- e) accessory buildings and structures

#### 14.4.5. Subdivision Regulations:

- a) WIDTH:

The minimum lot width is 30.0 m.

- b) DEPTH:

The minimum lot depth is 35.0 m.

- c) AREA:

The minimum lot area is 1400 m<sup>2</sup>.

#### 14.4.6. Development Regulations:

- a) FLOOR AREA RATIO:

The maximum floor area ratio is 1.0, except it is up to 1.3 where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. Where a Housing Agreement is provided pursuant to the provisions of Section 7.9, an amount of 0.1 may be added to the floor area ratio.



## b) SITE COVERAGE:

The maximum site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 60%.

## c) HEIGHT:

The maximum height is the lesser of 12.4 m or 3 storeys, except it is 4.5 m for accessory buildings and structures. This height is increased to the lesser of 16.5 m or 4 storeys where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15.

## d) FRONT YARD:

The minimum site front yard is 6.0 m.

## e) SIDE YARD:

The minimum site side yard is 4.5m for a portion of a building not over 2½ storeys, and 7.5m for portions of a building in excess of 2½ storeys, and 7.5 m from a flanking street.

## f) REAR YARD:

The minimum site rear yard is 9.0 m, except it is 7.5 m where there is a rear lane. It is 6.0 m for accessory buildings.

## g) SETBACK FOR ACCESSORY BUILDINGS:

The setback requirements for an accessory building containing recreational amenities for the use of all residents shall conform to the setback requirements for principal buildings.

## 14.4.7. Other Regulations:

## a) PRIVATE OPEN SPACE:

A minimum area of 7.5 m<sup>2</sup> of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 15.0 m<sup>2</sup> of private open space shall be provided per 1 bedroom dwelling, and 25.0 m<sup>2</sup> of private open space shall be provided per dwelling with more than 1 bedroom.

## b) BUILDING FRONTAGE:

No continuous building frontage shall exceed 40.0 m for a 3 or 4 storey building, or 65.0 m for a 2 storey building. If the frontage is interrupted by an open courtyard equivalent in depth and width to the building height, the maximum continuous 3 storey building frontage may be 80.0 m provided that no building section exceeds 40.0 m. The building must be designed so the portion adjacent to neighbouring development is no more than ½ storey higher.

## c) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) **DEVELOPMENT PERMIT REQUIREMENTS:**

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

**14.5. RMP – Mobile Home Park**

14.5.1. Purpose:

The purpose is to provide a zone for mobile homes on individual spaces in a mobile home park setting on serviced urban lots.

14.5.2. Principal Uses:

- a) mobile home park

14.5.3. Secondary Uses:

- a) care centres, minor
- b) home occupations
- c) offices
- d) utility services, minor impact

14.5.4. Buildings and Structures Permitted:

- a) mobile homes
- b) accessory buildings and structures

14.5.5. Subdivision Regulations:

a) **WIDTH:**

The minimum site width is 50.0 m.

b) **DEPTH:**

The minimum site depth is 50.0 m.

c) **AREA:**

The minimum site area is 2.0 ha.

14.5.6. Development Regulations:

a) DENSITY:

The maximum density is 20 dwellings/ha.

b) HEIGHT:

The maximum height is the lesser of 7.6 m or 1 storey.

c) FRONT YARD:

The minimum site front yard is 6.0 m.

d) SIDE YARD:

The minimum site side yard is 4.5 m.

e) REAR YARD:

The minimum site rear yard is 6.0 m.

14.5.7. Other Regulations:

a) MOBILE HOME SPACES:

- i.) Each mobile home shall be provided with an individual mobile home space, of not less than 325.0 m<sup>2</sup>, with a minimum width of 12.0 m and a minimum depth of 25.0 m, and internal road access.
- ii.) No mobile home shall be located closer than 3.0 m to the back of curb of an internal roadway or parking area, no closer than 6.0 m to another mobile home unless permitted by fire protection regulations, but in no case closer than 1.5 m to the edge of the mobile home space.
- iii.) For the legally non-conforming property described as Lot C, Plan NEP20853, District Lot 1236, Land District 26 Kootenay, PID 018-482-686; civic address 1790 Barrett Drive; section i.) above regarding minimum mobile home space area shall not apply. There shall be allowed a maximum of sixteen (16) individual mobile home spaces on the property; and replacement of mobile homes shall be allowed on the non-conforming mobile home spaces to accommodate sixteen (16) mobile homes. The front yard setback is reduced to 3.35 m for mobile home space 1 at the north-west site of the park entrance. All other regulations shall apply.
- iv.) For the legally non-conforming property described as Lot 1, Plan NEP86064, District Lot 1236, Land District 26 Kootenay, PID 027-411-397 ; civic address 10 Nelson Avenue; section i.) above regarding minimum mobile home space area shall not apply. There shall be allowed a maximum of four (4) individual mobile home spaces on the property;

and replacement of mobile homes shall be allowed on the non-conforming mobile home spaces to accommodate four (4) mobile homes. All other regulations shall apply.

b) OFFICES

Offices are limited to one office for the management and operation of the manufactured home park.

c) CARE CENTRES

Minor care centres are restricted to one per mobile home park site.

d) PRIVATE OPEN SPACE

A minimum of 5% of the site area shall be private open space.

e) ACCESSORY BUILDING

One accessory building per mobile home space, compatible in finishing materials, is permitted to a maximum area of 10.0 m<sup>2</sup> and a maximum height of 2.5 m.

f) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

## **SECTION 15 -- COMMERCIAL ZONES**

### **15.1. C1 – Village Centre Commercial**

#### **15.1.1. Purpose:**

The purpose is to designate and preserve land for the orderly development of the financial, retail, entertainment, governmental and cultural core of the Village.

#### **15.1.2. Principal Uses:**

- a) accounting services
- b) animal daycare
- c) apartment hotels
- d) boarding or lodging houses
- e) broadcasting studios
- f) business support services
- g) care centres, major
- h) commercial schools
- i) community recreation services
- j) congregate housing
- k) custom indoor manufacturing
- l) eating and drinking establishment
- m) emergency and protective services
- n) farmers market
- o) financial services
- p) funeral services
- q) gaming facilities
- r) government services
- s) health services
- t) hotels
- u) household repair services
- v) insurance services
- w) legal services

- x) liquor licensed premises
- y) non-accessory parking
- z) offices
- aa) participant recreation services, indoor
- bb) personal service establishments
- cc) private clubs
- dd) private education services
- ee) public libraries and cultural exhibits
- ff) public parks
- gg) religious assemblies
- hh) retail stores, convenience
- ii) retail stores, general
- jj) spectator entertainment establishments
- kk) spectator sports establishments
- ll) temporary shelter services
- mm) thrift stores
- nn) used goods stores

15.1.3. Secondary Uses:

- a) apartment housing
- b) care centres, intermediate
- c) care centres, minor
- d) home occupation
- e) mobile catering food services
- f) utility services, minor impact

15.1.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 6.0 m.

b) DEPTH:

The minimum lot depth is 30.0 m.

## c) AREA:

The minimum lot area is 200 m<sup>2</sup>.

## 15.1.5. Development Regulations:

## a) FLOOR AREA RATIO:

The maximum floor area ratio for developments having only commercial uses is 1.5. For mixed use developments, the maximum floor area ratio is 3.0, except it is up to 3.5 where the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15. Where parking spaces are provided totally beneath the habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. Where a Housing Agreement is provided pursuant to the provisions of Section 7.9, an amount of 0.1 may be added to the floor area ratio.

## b) HEIGHT:

- i.) Apartment/Apartment Hotels: the lesser of 12.4 m or 3 storeys, except when the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15, the maximum height is the lesser of 22.0 m or 6 storeys;
- ii.) Other Uses: the lesser of 12.4 m or 3 storeys, except when the developer has provided an amenity in compliance with the density bonusing provisions contained in Section 7.15, the maximum height is the lesser of 16.5 m or 4 storeys.

## c) FRONT YARD:

The minimum front yard is 2.0 m.

## d) SIDE YARD:

The minimum side yard is 0.0 m.

## e) REAR YARD:

The minimum rear yard is 0.0 m.

## 15.1.6. Other Regulations:

## a) PRIVATE OPEN SPACE:

A minimum area of 6.0 m<sup>2</sup> of private open space shall be provided per bachelor dwelling, 10.0 m<sup>2</sup> of private open space shall be provided per 1 bedroom dwelling, and 15.0 m<sup>2</sup> of private open space shall be provided per dwelling with more than 1 bedroom.

b) MIXED USE:

A mixed use building incorporating residential and other uses shall provide a commercial use on the first floor which must occupy a minimum of 90% of any street frontage and a minimum of 50% of the gross floor area of the main floor.

c) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

d) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

## **15.2. C2 – Highway Commercial**

### **15.2.1. Purpose:**

The purpose is to designate and preserve land for the orderly development of a range of commercial uses located adjacent to Highway 3B primarily cater to the needs of the travelling public.

### **15.2.2. Principal Uses:**

- a) amusement establishments, outdoor
- b) animal daycare
- c) automotive and minor recreation vehicle sales/rentals
- d) automotive and equipment repair shops
- e) car washes
- f) drive-in businesses
- g) drive-in food services
- h) eating and drinking establishment
- i) hotels
- j) household repair services
- k) motels
- l) participant recreation services, indoor



- m) retail stores, convenience
- n) service stations, major
- o) service stations, minor

15.2.3. Secondary Uses:

- a) amusement arcades, minor
- b) gas bar
- c) liquor licensed premises
- d) outdoor storage
- e) utility services, minor impact

15.2.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 30.0 m, except it is 40.0 m if not abutting a lane.

b) DEPTH:

The minimum lot depth is 30.0 m.

c) AREA:

The minimum lot area is 1200 m<sup>2</sup>.

15.2.5. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 0.50, except it is 1.5 for hotels and motels.

b) SITE COVERAGE:

The maximum site coverage is 60%.

c) HEIGHT:

The maximum height is the lesser of 11.0 m or 2 storeys, or 22.0 m or 6 storeys for hotels and motels.

d) FRONT YARD:

The minimum front yard is 6.0 m.

## e) SIDE YARD:

The minimum side yard is 3.0 m, except it is 6.0 m when abutting a flanking street, and 4.5 m when adjacent to a residential, or institutional zone.

## f) REAR YARD:

The minimum rear yard is 3.0 m, except it is 4.5 m for lots adjoining a residential zone with no intervening lane or street.

## 15.2.6. Other Regulations:

## a) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

## b) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

## **SECTION 16 -- INDUSTRIAL ZONES**

### **16.1. I1 – General Industrial**

#### **16.1.1. Purpose:**

The purpose is to provide for general industrial uses.

#### **16.1.2. Principal Uses:**

- a) auctioneering establishments
- b) automotive and equipment repair shops
- c) automotive and minor recreation vehicle sales/rentals
- d) bulk fuel depots
- e) car washes
- f) commercial storage
- g) contractor services, general
- h) contractor services, limited
- i) custom indoor manufacturing
- j) drive-in businesses
- k) eating and drinking establishment
- l) emergency and protective services
- m) equipment rentals
- n) fleet services
- o) general industrial uses
- p) household repair services
- q) high technology research and product design
- r) outdoor storage
- s) participant recreation services, indoor
- t) private clubs
- u) recycling depots
- v) recycled materials drop-off centres
- w) service stations, minor
- x) service stations, major

- y) truck and manufactured home sales rentals
- z) vehicle and equipment services, industrial
- aa) warehouse sales

16.1.3. Secondary Uses:

- a) care centres, major
- b) gas bars
- c) liquor licensed premises
- d) residential security operator unit
- e) utility services, minor impact

16.1.4. Subdivision Regulations:

a) WIDTH:

The minimum lot width is 40.0 m.

b) DEPTH:

The minimum lot depth is 35.0 m.

c) AREA:

The minimum lot area is 1.0 ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the Village of Fruitvale Subdivision and Development Bylaw currently in effect, has been installed. If a connection to a community sanitary sewer system in accordance with the requirements of the Village of Fruitvale Subdivision and Development Bylaw currently in effect has been installed, the minimum lot area is 4000 m<sup>2</sup>.

16.1.5. Development Regulations:

a) FLOOR AREA RATIO:

The maximum floor area ratio is 1.5.

b) SITE COVERAGE:

The maximum site coverage is 60%.

c) HEIGHT:

The maximum height is 14.0 m.

## d) FRONT YARD:

The minimum front yard is 7.5 m.

## e) SIDE YARD:

The minimum side yard is 4.5 m, except it is not required abutting a lot in the C or I zones, and it is 6.0 m on a flanking street.

## f) REAR YARD:

The minimum rear yard is 0.0 m where adjacent to commercial or industrial zones, except that it is 6.0 m abutting other zones.

## 16.1.6. Other Regulations:

- a) No use shall produce dust, or other emissions that exceed standards set by provincial legislation, without written authorization from the appropriate provincial agency.
- b) No use shall produce odour, glare, or noise that creates a nuisance.
- c) There shall be no outdoor storage of toxic, noxious, explosive, odorous, or radio-active materials.
- d) Only one residential security operator unit is permitted on a site.

## e) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

## f) DEVELOPMENT PERMIT REQUIREMENTS:

Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.



## **SECTION 17 -- PUBLIC & INSTITUTIONAL ZONES**

### **17.1. P1 – Public Park and Open Space**

#### **17.1.1. Purpose:**

The purpose is to provide a zone primarily for public parks and recreational open space.

#### **17.1.2. Principal Uses:**

- a) community recreation services
- b) participant recreation services, indoor
- c) participant recreation services, outdoor
- d) public parks
- e) spectator sports establishments

#### **17.1.3. Secondary Uses:**

- a) one residential security operator unit
- b) farmers market
- c) mobile catering food services
- d) utility services, minor impact

#### **17.1.4. Subdivision Regulations:**

##### **a) WIDTH:**

The minimum lot width is N/A.

##### **b) DEPTH:**

The minimum lot depth is N/A.

##### **c) AREA:**

The minimum lot area is N/A.

#### **17.1.5. Development Regulations:**

##### **a) HEIGHT:**

The maximum height is 13.5 m or 3 storeys.

## b) FRONT YARD:

The minimum front yard is 6.0 m.

## c) SIDE YARD:

The minimum side yard is 3.0 m, except it is 6.0 m to a flanking street.

## d) REAR YARD:

The minimum rear yard is 3.0 m.

## 17.1.6. Other Regulations:

## a) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

**17.2. P2 – Administration, Public Service and Assembly**

## 17.2.1. Purpose:

The purpose is to provide a zone for administrative, institutional, public service, public administration service and assembly uses.

## 17.2.2. Principal Uses:

- a) care centres
- b) cemeteries
- c) community recreation services
- d) congregate housing
- e) emergency and protective services
- f) extended medical treatment services
- g) government services
- h) group homes, major
- i) health services
- j) participant recreation services, indoor
- k) private clubs
- l) spectator sports establishments



- m) temporary shelter services

17.2.3. Secondary Uses:

- a) eating and drinking establishment
- b) farmers market
- c) liquor licensed premises
- d) public parks
- e) residential security operator unit
- f) retail stores, general
- g) utility services, minor impact

17.2.4. Subdivision Regulations:

- a) WIDTH:

The minimum lot width is 18.0 m.

- b) DEPTH:

The minimum lot depth is 30.0 m.

- c) AREA:

The minimum lot area is 700 m<sup>2</sup>.

17.2.5. Development Regulations:

- a) FLOOR AREA RATIO:

The maximum floor area ratio is 2.0.

- b) SITE COVERGE:

The maximum site coverage is 50% for buildings and 75% for buildings, parking areas and roads.

- c) HEIGHT:

The maximum height is 13.5 m or 3 storeys.

- d) FRONT YARD:

The minimum front yard is 6.0 m.

## e) SIDE YARD:

The minimum side yard is 3.0 m, except it is 6.0 m from a flanking street.

## f) REAR YARD:

The minimum rear yard is 7.5 m.

## 17.2.6. Other Regulations:

## a) ACCESSORY BUILDINGS:

Accessory buildings and structures used for maintenance and or storage (both temporary and permanent structures) must have a level 3 landscape buffer. No outdoor storage is permitted in this zone.

## b) ADDITIONAL REGULATIONS:

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

**17.3. P3 – Utilities**

## 17.3.1. Purpose:

The purpose is to provide a zone for private and public utilities.

## 17.3.2. Principal Uses:

## a) utility services, major impact

## 17.3.3. Secondary Uses:

## a) outdoor storage

## b) participant recreation services, outdoor

## c) utility services, minor impact

## 17.3.4. Subdivision Regulations:

## a) WIDTH:

The minimum lot width is N/A.

b) DEPTH:

The minimum lot depth is N/A.

c) AREA:

The minimum lot area is N/A.

17.3.5. Development Regulations:

a) HEIGHT:

The maximum height is 10.0 m for principal buildings or structures and 23.0 m for accessory buildings or structures. There is no maximum height for mechanical structures.

b) FRONT YARD:

The minimum front yard is 6.0 m.

c) SIDE YARD:

The minimum side yard is 4.5 m, except it is 7.5 m when adjacent to a residential zone.

d) REAR YARD:

The minimum rear yard is 4.5 m, except it is 7.5 m when adjacent to a residential zone.

17.3.6. Other Regulations:

a) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.



## SECTION 18 -- SPECIAL MIXED USE ZONES

### 18.1. RMU- Residential Mixed Use Zone

#### 18.1.1. Purpose:

The purpose is to provide a zone for primarily low to medium density residential mixed-use developments, with limited commercial, institutional, office and service uses distributed on-site in a manner sensitive to the street environment and adjacent residential areas.

#### 18.1.2. Permitted Uses:

- a) apartment housing
- b) row housing
- c) duplex housing
- d) multi-plexes (3 or 4 units)
- e) congregate care housing
- f) public and private education services
- g) Convenience retail stores
- h) government services
- i) minor home occupations
- j) personal service shops
- k) professional, financial and office support services
- l) public libraries and cultural exhibits
- m) religious assembly
- n) public park

#### 18.1.3. Secondary Uses:

- a) care centers
- b) neighbourhood pubs, for less than 100 occupants and 120 m<sup>2</sup> of public space
- c) boarding and lodging houses
- d) child care services
- e) group homes
- f) health service

- g) hotels (small inns)
- h) household repair services
- i) indoor participant recreation services
- j) home occupations (major)
- k) private clubs/club house
- l) residential sales center

18.1.4. Buildings and structures permitted:

- a) apartment housing
- b) three and fourplex housing
- c) one duplex or semi-detached dwelling on a lot
- d) one single detached house on a lot or bareland strata lot
- e) row housing
- f) stacked row housing
- g) accessory buildings and structures

18.1.5. General Regulations

The following regulations shall apply to permitted and secondary uses:

- a) floor area ratio, site coverage, and the distribution of building heights and building setbacks on the site will be as approved by development permit, having due regard to the sensitive integration of building location and massing and other elements of form and character with the surrounding neighbourhood.

b) FLOOR AREA RATIO

The maximum floor area ratio is 1.0, except it is up to 1.3 where the developer has provided an amenity in compliance with the density bonusing provisions contained in section 7.15. Where parking spaces are provided totally beneath habitable space of a principal building or beneath usable common amenity areas providing in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. Where a Housing Agreement is provided pursuant to the provisions of section 7.9, an amount of 0.1 may be added to the floor area ratio.

c) SITE COVERAGE

The maximum site coverage is 50% for buildings and 75% for all buildings, parking areas and roads.

## d) HEIGHT

The maximum height is the lesser of 12.4 m or 3 storeys, except it is 4.5 m for accessory buildings and structures. This height is increased to the lesser of 16.5 m or 4 storeys where the developer has provided an amenity in compliance with the density bonusing provisions contained in section 7.15.

## 18.1.6. Other Regulations

## a) ACCESSORY BUILDINGS

Accessory buildings and structures used for maintenance and or storage (both temporary and permanent structures) must have a 3 level landscape buffer.

## b) OUTDOOR STORAGE

No outdoor storage is permitted in this zone.

## c) ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, and the specific use regulations of Section 10.

## d) Development Permit Guidelines contained in the Village of Fruitvale Official Community Plan are applicable to this zone.

## 18.1.7. Additional Regulations for Specific Uses

## a) Apartment housing with commercial uses on the main floor shall have access at grade which is separate from the commercial component.

## b) Within this zone, surface parking lots shall not be permitted directly abutting the adjacent streets.





## SECTION 19 -- EFFECTIVE DATE

This Bylaw comes into force and takes effect on the date of adoption.

READ A FIRST TIME this 4<sup>th</sup> day of November , 2013.

READ A SECOND TIME as amended this 21<sup>st</sup> day of July, 2014.

Advertised on the 28<sup>th</sup> of August and the 4<sup>th</sup> day of September, 2014 and a Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act on the 8<sup>th</sup> day of September, 2014.

READ A THIRD TIME this 6<sup>th</sup> day of October, 2014.

RECONSIDERED AND ADOPTED this 6<sup>th</sup> day of October, 2014.

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Mayor

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Chief Administrative Officer

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "Village of Fruitvale Zoning Bylaw No. 846, 2013" as adopted by the Council of the Village of Fruitvale on the 6<sup>th</sup> day of October, 2014.

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Dated at Fruitvale, BC

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Chief Administrative Officer

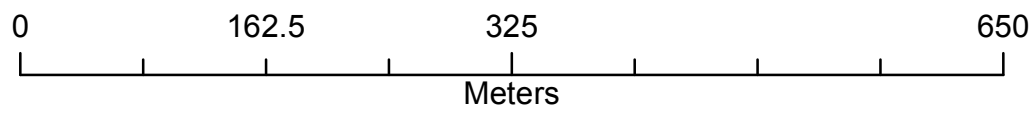


**VILLAGE OF FRUITVALE**  
**Zoning Map**  
SCHEDULE A TO BYLAW 846, 2013

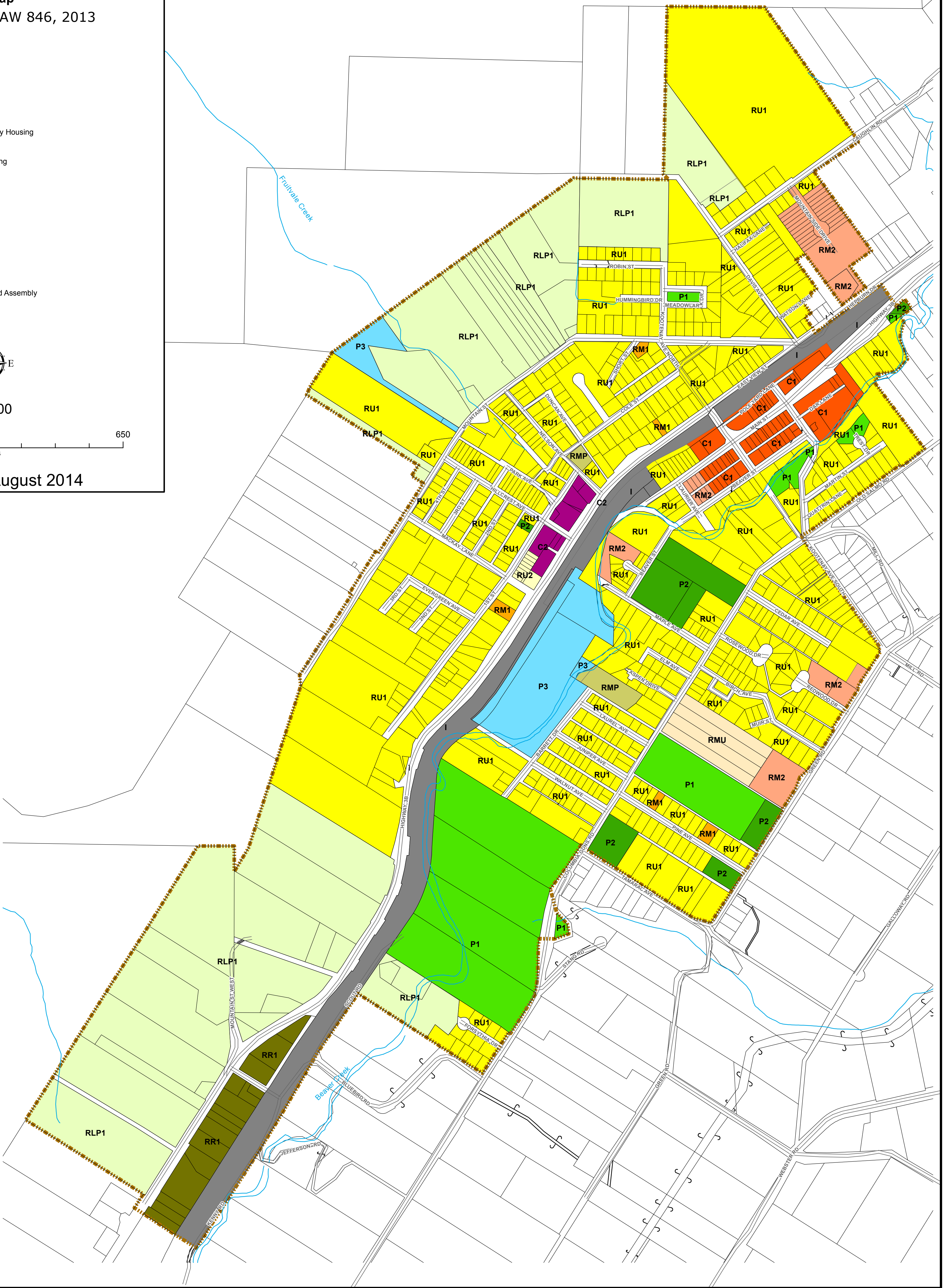
- RU1 - Single and Two Family Housing
- RU2 - Small Lot Single and Two Family Housing
- RM1 - Low Density Multiple Housing
- RM2 - Medium Density Multiple Housing
- RMP - Mobile Home Park
- RMU - Residential Mixed Use
- C1 - Village Centre Commercial
- C2 - Highway Commercial
- RLP1 - Rural Large Parcel 1
- RR1 - Rural Residential 1
- I - General Industrial
- P1 - Public Park and Open Space
- P2 - Administration, Public Service and Assembly
- P3 - Utilities



1:5,000



Base Updated: August 2014





**Schedule “B” – SIGN SPECIFICATIONS****Part 1 – DOWNTOWN COMMERCIAL ZONE (Development Permit Area) (VILLAGE CENTRE)****1. Projecting Sign**

- i. No sign shall be internally illuminated.
- ii. No sign shall exceed 0.56 square metres (6 square feet) in area, with the width of and sign being no greater than 1.0 metres (3.2 feet).
- iii. The sign shall hang under the projecting bar, supporting the sign, by 0.3 metres (0.98 feet).
- iv. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 10.16 centimetres (4 inches).
- v. No sign shall be located less than 1.0 metres (3.28 feet) from any part of the vehicular portion of any street.
- vi. No sign shall be higher than 3.66 metres (12 feet), nor lower than 2.4 metres (7.9 feet) from the ground directly underneath.

**2. Canopy Sign**

- i. The message area of a sign shall not exceed 0.2 square metres (2.2 square feet), for each 0.3 metres (0.98 feet) comprised in the length measured horizontally of that side of the canopy on which it is displayed.
- ii. No part of a sign, including an attached Marquee Sign, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall project above the top of the canopy.
- iv. Any lighting mechanism shall not directly or primary illuminate the canopy or its signage from within or underneath it.

**3. Awning Sign**

A sign may be permitted on an awning if:

- i. The sign is not illuminated, except that an indirect light from an artificial source, so shielded that no direct illumination for it is visible elsewhere than on the sign and in the immediate proximity thereof is permitted.
- ii. The sign does not extend vertically or horizontally beyond the limits of the awning.
- iii. The sign is painted or affixed flat to the surface of the awning.

**4. Fascia Sign**

- i. No sign shall be internally illuminated.
- ii. The display area of a sign shall not exceed 0.67 square metres (7.2 square feet) for each lineal metre (3.28 feet) of building face upon which the sign is mounted, with no vertical dimension being greater than 0.6 metres (1.97 feet).
- iii. No sign, including its fastenings and supports, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iv. No part of a sign shall extend beyond the width or height of the wall to which it is attached.
- v. The display area of the sign shall be parallel, throughout its length, to the plane of the building to which it is attached, and no part of the sign shall be further distant than 0.15 metres (0.5 feet) from the building face.

**5. Parapet Sign (Downtown/Commercial Areas)**

- i. Proof of the structural stability of the sign and assembly upon which the sign is to be erected shall be provided by the owner.
- ii. May not extend vertically or horizontally beyond the limits of the parapet wall.
- iii. Shall contain only the name of the business and/or the business logo.
- iv. Maximum area 0.3 square metres per linear meter of building frontage.

**6. Suspended Sign**

- i. The minimum height of an under canopy (suspended) sign shall be 2.5 metres (8 feet).
- ii. No under canopy sign shall extend horizontally beyond the limits of the canopy or marquee.
- iii. The maximum vertical dimension of an under canopy sign shall not exceed 300mm (12 inches).
- iv. The maximum sign area of an under canopy sign shall be 0.4 square metres (4.3 square feet).

**7. Window Sign**

- i. A Window Sign may be painted on, etched or installed on the inside of a window, and shall be limited to windows located on the first and second stories of a building.
- ii. Only Window Signs which identify the name of a business, including the professional designation, are permitted above the first storey of a building.
- iii. Window Signs are limited to a maximum of 1.5 square metres (16 square feet), or 20% of the total Window Area in which it is placed, whichever is less.
- iv. In the case of window door signs, the Window Sign shall not exceed 50% of the glass area.
- v. Miscellaneous business signs such as credit card stickers, open/closed signs and hours of operation are not included in this calculation, provided they do not exceed 0.20 square metres (2.25 square feet).
- vi. Window displays, including merchandise displays, graphics and text that are located more than 20 centimetres (1 foot) from the face of a window are not considered signs.

- vii. An internally illuminated Window Sign may comprise of a maximum of 8% of the Window Area, or 1.8 square metres (20 square feet), whichever is less.

## **8. Display Box**

- i. Limit of one per principal entrance to a building or business frontage, provided it is located within 4.0 metres (13.1 feet) of the principal entrance of the business to which it relates.
- ii. Shall be building mounted (fascia).
- iii. Sign area may not exceed 0.6 square metres (6.45 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Maximum depth of 100 mm.

## **9. Sandwich Board Sign**

An A-Board or Sandwich Board Sign is a permitted use in all commercial and industrial land use areas provided the sign:

- i. Does not exceed 0.8 square metres (8.6 square feet) in sign area per side.
- ii. Does not exceed 1.2 metres (4 feet) in height.
- iii. Is placed along the curb on the outside edge of the sidewalk and shall allow a minimum of 1.0 metres (3.2 feet) width for pedestrian traffic.
- iv. Is not placed so that it extends beyond the sidewalk edge.
- v. Is only placed on concrete sidewalks and not on grassed areas.
- vi. Does not impede or obstruct the view of pedestrians or street traffic.
- vii. Is only allowed on sidewalks during the hours when the business is open to the public.
- viii. A-Board signs are limited to one per business and are to be placed directly in front of the business subject to the requirement that an A-Board sign maintain a minimum separation distance of 10 metres (32 feet) from any other A-Board sign.

A-Board signs shall be constructed of a rigid material such that a rigid and stable frame is created.

A real estate A-Board directional sign is a permitted use in all residential districts provided the signs are only used in conjunction with an Open House or Show Home by a realtor and are only displayed on the days that the property is open to the public and are subject to the provisions under Real Estate Directional Signs. (See Part 2)

## **10. Notice Board Sign**

- i. May be displayed in all commercial zones or as erected by the Village on public property.
- ii. Limit of one such sign per property.
- iii. Sign area may not exceed 2.0 square metres (21.5 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Maximum depth of 100mm.

**PART 2 – HIGHWAY COMMERCIAL ZONE (Development Permit Area) (HIGHWAY 3B)****1. Awning Sign**

As in Part 1 of this Schedule.

**2. Canopy Sign**

- i. The message area of a sign shall not exceed 0.2 square metres (2.2 square feet), for each 0.3 metres (0.98 feet) comprised in the length measured horizontally of that side of the canopy on which it is displayed.
- ii. No part of a sign, including an attached Marquee Sign, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall project above the top of the canopy.

**3. Monument Sign**

- i. No sign shall project over a street.
- ii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iii. The display area of a sign shall not exceed 1.8 square metres (19.4 square feet) if one-sided or 3.6 square metres (38.8 square feet) if two-sided.
- iv. No sign shall exceed a height of 1.8 metres (5.9 feet).
- v. No sign shall be located within 1.0 metres (3.2 feet) of adjoining property.

**4. Fascia Sign**

- i. The display area of a sign shall not exceed 0.67 square metres (7.2 square feet) for each lineal metre (3.28 feet) of building face upon which the sign is mounted, with no vertical dimension being greater than 0.6 metres (1.97 feet).
- ii. No sign, including its fastenings and supports, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall extend beyond the width or height of the wall to which it is attached.
- iv. The display area of the sign shall be parallel, throughout its length, to the plane of the building to which it is attached, and no part of the sign shall be further distant than 0.3 metres (0.98 feet) from the building face.
- v. Shall not be located within 3.0 metres (9.8 feet) of an interior side lot line, within 1.0 metres (10.75 feet) of a building, or within 30.0 metres (98.5 feet) of another monument sign on the same lot.
- vi. Shall be placed in a landscaped area or planter at least twice as large as the sign area.
- vii. Shall be installed within the middle 2/3 of the business frontage.

**5. Parapet Sign**

- i. Proof of the structural stability of the sign and assembly upon which the sign is to be erected shall be provided by the owner.
- ii. May not extend vertically or horizontally beyond the limits of the parapet wall.
- iii. Shall contain only the name of the business and/or the business logo.

**6. Pole/Pylon Sign**

- i. No sign shall be permitted on a property less than 929 square metres (10,000 square feet) in area.
- ii. No sign shall project over a street.
- iii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iv. The display area, of each face, shall not exceed 0.09 square metres (1 square foot) for every 0.3 lineal metres (0.98 feet) of the front lot line, to a maximum of 9.3 square metres (100 square feet).
- v. No sign shall be wider than 10% of the front lot line.
- vi. No sign shall exceed a height of 6.1 metres (20 feet).
- vii. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines, with the exception of properties abutting the highway which shall be setback a minimum of 7.5 metres (24 feet) from a property line abutting the highway.
- viii. No sign shall have the lowest part of its display area between an elevation of 1.0 metres (3.2 feet) and 2.0 metres (6.4 feet) above the surface of the ground underneath.

**7. Election Sign**

- i. Not permitted on public property.
- ii. May be placed on private property with the permission of the property owner.
- iii. Sign area may not exceed 1 square metre (10.8 square feet).
- iv. Height may not exceed 1.8 metres (5.9 feet).
- v. Shall be removed within 3 days of the date of the election.

**8. Real Estate Sign**

- i. May be displayed in any zone.
- ii. Limit of two such signs per property offered for sale, rent or lease.
- iii. Signs shall be placed on the property to which the sign relates.
- iv. Sign area may not exceed 0.6 square metres (6.45 square feet).
- v. Height may not exceed 1.0 metres (3.2 feet).
- vi. Where more than one unit or premises within a property is offered for sale, lease or rent at one time, the permitted sign area for each unit or premises may be combined to a maximum sign area of 1.5 square metres (16.15 square feet) and maximum height of 3.0 metres (9.8 feet), provided no other signs are erected relating to those properties.

- vii. Shall be removed no more than 14 days after the sale, rental, or lease of the advertised property, or 3 days from the date which it is taken off the market.

## **9. Development Sign**

- i. May be displayed in any zone.
- ii. Limit of one such sign per development project.
- iii. Sign area may not exceed 1 square metre (10.8 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Shall be removed within 30 days of project completion.

## **10. Other (e.g. Poster Board)**

Poster Board sign holders are permitted in all commercial and industrial zones in association with approved commercial developments provided that the sign:

- i. Does not exceed 0.8 square metres (8.6 square feet) in sign area per side.
- ii. Does not exceed 1.2 metres (4 feet) in height.
- iii. Is not placed so that it extends beyond the property line.
- iv. Does not impede or obstruct the view of pedestrians or street traffic.
- v. Poster board signs are limited to two per business.

## **PART 3 – MULTIPLE/MEDIUM DENSITY/MIXED RESIDENTIAL ZONES**

### **1. Fascia Sign**

- i. No sign shall be internally illuminated.
- ii. Nothing other than the name and address of the building complex shall be displayed on a sign.
- iii. The display area of a sign shall not exceed 1.0 square metres (10.8 square feet).
- iv. No sign shall be located on a building wall facing an interior side or rear property line.

### **2. Temporary Sign**

- i. No sign shall be illuminated.
- ii. The display area shall not exceed 5.0 square metres (53.8 square feet) or have any single dimension that exceeds 3.0 metres (9.8 feet).
- iii. No sign shall be located less than 3.0 metres (9.8 feet) from any lot line.
- iv. The placement of such a sign shall be limited to a six-month period, at the end of which the sign must be removed.



**3. Monument Sign**

- i. No sign shall be internally illuminated.
- ii. Nothing other than the name and address of the building complex shall be displayed on a sign.
- iii. The display area of a sign shall not exceed 1.0 square metres (10.8 square feet) if one-sided or 2.0 square metres (21.5 square feet) if two-sided.
- iv. No sign shall exceed a height of 1.8 metres (5.9 feet).
- v. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines.

**4. Real Estate Sign**

- i. May be displayed in any zone.
- ii. Limit of two such signs per property offered for sale, rent or lease.
- iii. Signs shall be placed on the property to which the sign relates.
- iv. Sign area may not exceed 0.6 square metres (6.45 square feet).
- v. Height may not exceed 1.0 metres (3.2 feet).
- vi. Where more than one unit or premises within a property is offered for sale, lease or rent at one time, the permitted sign area for each unit or premises may be combined to a maximum sign area of 1.5 square metres (16.15 square feet) and maximum height of 3.0 metres (9.8 feet), provided no other signs are erected relating to those properties.
- vii. Shall be removed no more than 14 days after the sale, rental, or lease of the advertised property, or 3 days from the date which it is taken off the market.
- viii. No permit required.

**5. Development Sign**

- i. May be displayed in any zone.
- ii. Limit of one such sign per development project.
- iii. Sign area may not exceed 1 square metre (10.75 square feet).
- iv. Height may not exceed 2.0 metres (6.5 feet).
- v. Shall be removed within 30 days of project completion.

**6. Home Occupation Sign**

- i. May be displayed in any residential zone where home occupantions are permitted with a valid municipal business license and providing the sign conforms with this Zoning Bylaw.

**PART 4 – INDUSTRIAL ZONE****1. Monument Sign**

- i. No sign shall project over a street.
- ii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iii. The display area of a sign shall not exceed 2.32 square metres (25 square feet) if one-sided or 4.65 square metres (50 square feet) if two-sided.
- iv. No sign shall exceed a height of 1.8 metres (5.9 feet).
- v. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines.

**2. Pole/Pylon Sign**

- i. No sign shall be permitted on a property less than 929 square metres (10,000 square feet) in area.
- ii. No sign shall project over a street.
- iii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iv. The display area, of each face, shall not exceed 0.09 square metres (0.97 square feet) for every 0.3 lineal metres (0.98 feet) of the front lot line, to a maximum of 9.3 square metres (100 square feet).
- v. No sign shall be wider than 10% of the front lot line.
- vi. No sign shall exceed a height of 6.1 metres (20 feet).
- vii. No sign shall be located within 3.0 metres (9.8 feet) of adjoining property lines, with the exception of properties abutting the highway which shall be setback a minimum of 7.5 metres (24.6 square feet) from a property line abutting the highway.
- viii. No sign shall have the lowest part of its display area between an elevation of 1.0 metres (3.2 feet) and 2.0 metres (6.5 feet) above the surface of the ground underneath.

**3. Fascia Sign**

- i. The display area of a sign shall not exceed 0.67 square metres (7.2 square feet) for each lineal metre (3.28 feet) of building face upon which the sign is mounted, with no vertical dimension being greater than 0.6 metres (1.97 feet).
- ii. No sign, including its fastenings and supports, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall extend beyond the width or height of the wall to which it is attached.
- iv. The display area of the sign shall be parallel, throughout its length, to the plane of the building to which it is attached, and no part of the sign shall be further distant than 0.3 metres (0.98 feet) from the building face.

**4. Canopy Sign**

- i. The message area of a sign shall not exceed 0.2 square metres (2.2 square feet), for each 0.3 metres (0.98 feet) comprised in the length measured horizontally of that side of the canopy on which it is displayed.
- ii. No part of a sign, shall be less than 2.4 metres (7.9 feet) from the ground directly underneath.
- iii. No part of a sign shall project above the top of the canopy.

**5. Projecting Sign**

- i. No sign shall exceed 0.56 square metres (6 square feet) in area, with the width of and sign being no greater than 1.0 metres (3.2 feet).
- ii. The sign shall hang under the projecting bar, supporting the sign, by 0.3 metres (0.98 feet).
- iii. In the case of a sign having 2 faces, the faces must be parallel to each other and not exceed a depth of 0.3 metres (0.98 feet).
- iv. No sign shall be located less than 1.0 metres (3.28 feet) from any part of the vehicular portion of any street.
- v. No sign shall be higher than 3.66 metres (12 feet), nor lower than 2.4 metres (7.9 feet) from the ground directly underneath.

**6. Window Sign**

- i. A Window Sign may be painted on, etched or installed on the inside of a window, and shall be limited to windows located on the first and second stories of a building.
- ii. Only Window Signs which identify the name of a business, including the professional designation, are permitted above the first storey of a building.
- iii. Window Signs are limited to a maximum of 1.5 square metres (16 square feet), or 20 percent of the total Window Area in which it is placed, whichever is less.
- iv. In the case of window doors, the Window Sign shall not exceed 50 percent of the glass area;
- v. Miscellaneous business signs such as credit card stickers, open/closed signs and hours of operation are not included in this calculation, provided they do not exceed 0.20 square metres (2.25 square feet).
- vi. Window displays, including merchandise displays, graphics and text that are located more than 20 centimetres (1 foot) from the face of a window are not considered signs.
- vii. An internally illuminated Window Sign may comprise of a maximum of 8 percent of the Window Area, or 1.8 square metres (20 square feet), whichever is less.

**7. Others (Flags/Banners/Temporary Signs)**

- i. No sign shall be illuminated;
- ii. The display area shall not exceed 5.0 square metres (53.8 square feet) or have any single dimension that exceeds 3.0 metres (9.8 feet);
- iii. No sign shall be located less than 3.0 metres (9.8 feet) from any lot line; and

- iv. The placement of such a sign shall be limited to a six month period, at the end of which the sign must be removed.
- v. No sign shall be located on public property.
- vi. The display area of a sign shall not exceed 0.56 square metres (6 square feet) in area per advertising face and have dimensions not exceeding 0.6 metres (1.97 feet) in width by 1.0 metres (3.2 feet) in height.
- vii. The sign shall be hinged along the sign's upper edges, with not more than two advertising faces.
- viii. Sandwich Board Signs that have been placed on a municipal right-of-way, or are located on private property where such signs are prohibited; or are without the required permit, may be removed by the Village. Impounded signs will be held for a period of 30 days, at which time they will become the property of the Village unless returned to their owner upon payment of a Fifty (\$50.00) Dollar impound fee.

## Schedule “C” – SCHEDULES OF AMENDMENTS

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