

# **Regional District of North Okanagan**

## **Zoning Bylaw No. 1888, 2003**

### **CONSOLIDATED WITH AMENDMENTS** **FOR CONVENIENCE ONLY**

#### **Text Amendment Bylaws:**

Bylaw No. 1972, 2004  
Bylaw No. 2012, 2005  
Bylaw No. 2041, 2005  
Bylaw No. 2060, 2005  
Bylaw No. 2064, 2005  
Bylaw No. 2141, 2007  
Bylaw No. 2156, 2006  
Bylaw No. 2172, 2006  
Bylaw No. 2186, 2006  
Bylaw No. 2238, 2007  
Bylaw No. 2358, 2008  
Bylaw No. 2390, 2009  
Bylaw No. 2410, 2009  
Bylaw No. 2423, 2009  
Bylaw No. 2444, 2010  
Bylaw No. 2546, 2012  
Bylaw No. 2553, 2012  
Bylaw No. 2565, 2012

Bylaw No. 2573, 2013  
Bylaw No. 2576, 2013  
Bylaw No. 2589, 2013  
Bylaw No. 2592, 2013  
Bylaw No. 2606, 2013  
Bylaw No. 2613, 2014  
Bylaw No. 2618, 2014  
Bylaw No. 2712, 2016  
Bylaw No. 2716, 2016  
Bylaw No. 2738, 2017  
Bylaw No. 2747, 2017  
Bylaw No. 2775, 2018  
Bylaw No. 2777, 2018  
Bylaw No. 2812, 2019  
Bylaw No. 2813, 2019  
Bylaw No. 2817, 2019  
Bylaw No. 2823, 2019  
Bylaw No. 2820, 2019



# REGIONAL DISTRICT OF NORTH OKANAGAN

## ZONING BYLAW NO. 1888, 2003

Bylaw to establish zones; to regulate the use of land buildings and structures within those zones; to regulate the density of the use of land buildings and structures within those zones; to regulate the siting, size and dimensions of buildings and structures; to regulate the siting, size and dimensions of uses that are permitted on the land; to regulate the location of uses on the land and within buildings and structures, and to regulate the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision within the Regional District of North Okanagan pursuant to Part 26, Division 7 – Planning and Land Use Management of the Local Government Act of British Columbia.

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### INDEX

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<b>REGIONAL DISTRICT OF NORTH OKANAGAN.....</b>	<b>I</b>
Zoning Bylaw No. 1888, 2003.....	i
<b>CONSOLIDATED WITH AMENDMENTS .....</b>	<b>i</b>
<b>FOR CONVENIENCE ONLY .....</b>	<b>i</b>
<b>DIVISION ONE – SCOPE AND APPLICABILITY .....</b>	<b>1</b>
<b>DIVISION TWO - INTERPRETATION .....</b>	<b>5</b>
<b>DIVISION THREE - BASIC PROVISIONS .....</b>	<b>21</b>
<b>301 AGRICULTURAL LAND RESERVE .....</b>	<b>21</b>
<b>302 EXISTING LOTS.....</b>	<b>23</b>
<b>303 HEIGHT EXCEPTIONS .....</b>	<b>23</b>
<b>304 LOT SEVERANCE SUBDIVISIONS .....</b>	<b>24</b>
<b>305 PERMITTED USES OF LAND, BUILDINGS, AND STRUCTURES .....</b>	<b>24</b>
<b>306 PROHIBITED USES OF LAND, BUILDINGS, AND STRUCTURES .....</b>	<b>26</b>
<b>307 SETBACK EXCEPTIONS .....</b>	<b>27</b>
<b>308 SITING, SIZE, SHAPE, AND DIMENSIONS OF LAND, BUILDINGS, AND     STRUCTURES.....</b>	<b>27</b>
<b>309 BUFFERING BETWEEN THE AGRICULTURAL LAND RESERVE AND NON-ALR     LANDS .....</b>	<b>28</b>
<b>310 BUILDING SITE .....</b>	<b>28</b>
<b>311 MANUFACTURED HOME USE.....</b>	<b>28</b>
<b>312 BOUNDARY ADJUSTMENT SUBDIVISIONS.....</b>	<b>29</b>
<b>DIVISION FOUR - GENERAL REGULATIONS.....</b>	<b>31</b>
<b>401 AGRICULTURAL USES IN OTHER THAN RURAL ZONES .....</b>	<b>31</b>

402	COMMUNITY CARE FACILITIES .....	34
403	HOME OCCUPATION USE IN ALL ZONES.....	36
404	LOT SIZE AVERAGING PROVISIONS AT SUBDIVISION .....	38
405	MINIMUM LOT AREA FOR LOTS SUBDIVIDED PURSUANT TO THE PROVISIONS OF SECTION 946 OF THE LOCAL GOVERNMENT ACT.....	39
406	SETBACKS FROM MAJOR ROADS.....	39
407	TEMPORARY RESIDENCE FOR THE MEDICAL CARE AND NURSING OF AN OWNER OR AN IMMEDIATE RELATIVE .....	41
408	TEMPORARY RESIDENCE DURING THE PERIOD OF CONSTRUCTION OF A NEW RESIDENCE .....	43
409	<i>SECONDARY SUITES</i> .....	45
410	<i>ANCILLARY DWELLINGS</i> .....	46
411	<i>DETACHED SUITES</i> .....	47
412	<i>TWO FAMILY DWELLINGS</i> .....	48
413	<i>AGRI-TOURISM ACCOMMODATION</i> .....	49
414	<i>TEMPORARY USE PERMITS FOR EXISTING CANNABIS PRODUCTION FACILITIES</i> .....	49
<b>DIVISION FIVE - COMMERCIAL ZONES .....</b>		<b>52</b>
501	GENERAL COMMERCIAL ZONE (C.1) .....	52
502	HIGHWAY AND TOURIST COMMERCIAL ZONE (C.2).....	57
503	NEIGHBOURHOOD COMMERCIAL ZONE (C.3).....	62
504	SERVICE COMMERCIAL ZONE (C.4).....	66
505	RECREATION COMMERCIAL ZONE (C.5) .....	70
506	RECREATION VEHICLE CAMPGROUND/RESORT COMMERCIAL ZONE (C.6).....	75
<b>DIVISION SIX - INDUSTRIAL ZONES .....</b>		<b>79</b>
601	LIGHT INDUSTRIAL ZONE (I.1) .....	79
602	GENERAL INDUSTRIAL ZONE (I.2).....	83
603	INDUSTRIAL PARK ZONE (I.3).....	88
604	AGRICULTURAL INDUSTRIAL ZONE (I.4).....	92
605	HIGH-TECH INDUSTRIAL ZONE (I.5) .....	96
<b>DIVISION SEVEN - RESIDENTIAL ZONES .....</b>		<b>100</b>
701	RESIDENTIAL SINGLE FAMILY ZONE (R.1) .....	100
702	RESIDENTIAL TWO FAMILY ZONE (R.2) .....	106
703	RESIDENTIAL APARTMENT AND MULTI-FAMILY ZONE (R.3) .....	113

704	RESIDENTIAL MANUFACTURED HOME SUBDIVISION ZONE (R.4).....	125
705	RESIDENTIAL MANUFACTURED HOME COMMUNITY ZONE (R.5).....	130
706	RESIDENTIAL SEASONAL SINGLE FAMILY ZONE (R.6).....	137
707	<i>RESIDENTIAL LARGE LOT HOUSING WITH SUITE OR TWO FAMILY DWELLING ZONE (R.7)</i> .....	142
<b>DIVISION EIGHT - RURAL ZONES.....</b>		<b>148</b>
801	SMALL HOLDING ZONE (S.H.) .....	148
802	COUNTRY RESIDENTIAL ZONE (C.R.) .....	156
803	NON-URBAN ZONE (N.U.) .....	170
804	LARGE HOLDING ZONE (L.H) .....	185
<b>DIVISION NINE - SPECIAL USE ZONES.....</b>		<b>199</b>
901	SPRAY IRRIGATION ZONE (S.1).....	199
902	RESIDENTIAL ATTENDANCE PROGRAM ZONE (S.2).....	201
903	COMMUNITY PARK AND PUBLIC USE (S.3).....	203
<b>DIVISION TEN – COMPREHENSIVE DEVELOPMENT ZONES .....</b>		<b>206</b>
1001	TRAILS AT ENDERBY COMPREHENSIVE DEVELOPMENT ZONE (CD.1).....	206
1002	FAIRHAVEN MINISTRIES ASSOCIATION COMPREHENSIVE DEVELOPMENT ZONE (CD.2).....	215
1003	MABEL LAKE GOLF AND COUNTRY CLUB COMPREHENSIVE DEVELOPMENT ZONE (CD.3).....	217
1004	SEASONAL SINGLE FAMILY RECREATION COMPREHENSIVE DEVELOPMENT ZONE (CD.4).....	220
1005	<i>SEASONAL RECREATION LODGE COMPREHENSIVE DEVELOPMENT ZONE (CD.5)</i> ....	224
1006	<i>SUGAR LAKE SEASONAL SINGLE FAMILY RECREATION COMPREHENSIVE DEVELOPMENT ZONE (CD.6)</i> .....	228
<b>DIVISION ELEVEN – OFF-STREET PARKING – SCHEDULE ‘B’ .....</b>		<b>B1 – B8</b>
<b>DIVISION TWELVE – OFF- STREET LOADING – SCHEDULE ‘C’ .....</b>		<b>C1 – C3</b>
<b>DIVISION THIRTEEN – CAMPGROUND REGULATIONS– SCHEDULE ‘D’ .....</b>		<b>D1 – D13</b>
<b>DIVISION FOURTEEN – SIGNAGE PROVISIONS – SCHEDULE ‘E’ .....</b>		<b>E1 – E7</b>
<b>DIVISION FIFTEEN – SCREENING AND LANDSCAPING – SCHEDULE ‘F’ .....</b>		<b>F1 – F3</b>
<b>DIVISION SIXTEEN – AGRICULTURAL SETBACKS IN RURAL ZONES – SCHEDULE ‘G’ ..G1 – G11</b>		
<b>DIVISION SEVENTEEN – FLOODPLAIN MANAGEMENT WATER BODY PROVISIONS– SCHEDULE ‘H’ .....</b>		<b>H1 – H8</b>
<b>DIVISION EIGHTEEN – WESTSIDE AREA BOUNDARY FOR AGRI-TOURISM ACCOMMODATION– SCHEDULE ‘I’ .....</b>		<b>I1</b>

(B/L 1972/04)(B/L 2156/06)(B/L 2060/05)(B/L 2141/07)(B/L 2172/06)(B/L 2565/12)(B/L 2576/13)(B/L 2589/13)(B/L 2592/13)(B/L 2747/17)

**REGIONAL DISTRICT OF NORTH OKANAGAN**

**ZONING BYLAW NO. 1888**

**DIVISION ONE – SCOPE AND APPLICABILITY**

**WHEREAS**, the *Board of the Regional District of North Okanagan* has determined to make the Regulation hereinafter contained under the provisions of the *Local Government Act* of the *Statutes of British Columbia*, having due regard for the following considerations:

1. The purpose and objectives of the *Regional District of North Okanagan Official Community Plans in place from time to time*.
2. The promotion of the health, safety, convenience, and welfare of the public.
3. The prevention of the overcrowding of the land, the preservation of the amenities peculiar to any zone.
4. The securing of adequate light, air, and access.
5. The value of the land and the nature of its present and prospective use and occupancy.
6. The character of each zone, the character of the buildings already erected, and the peculiar suitability of the zone for particular uses.
7. The conservation of property values.

**AND WHEREAS** all persons who might be affected by this bylaw have before the passage thereof been afforded an opportunity to be heard on the matters covered therein before the *Board of the Regional District of North Okanagan* in accordance with the provisions of the said *Local Government Act*.

**NOW THEREFORE**, the *Board of the Regional District of North Okanagan* in open meeting assembled ENACTS AS FOLLOWS:

**101 Short Title**

This bylaw may be cited for all purposes as the "*REGIONAL DISTRICT OF NORTH OKANAGAN ZONING BYLAW NO. 1888, 2003*".

**102 Schedules**

The following schedules are attached to and form part of this bylaw:

- |            |   |  |
|------------|---|--|
| Schedule A | - | Official Zoning Maps of the <i>Regional District of North Okanagan</i> |
| Schedule B | - | Off-Street Parking   |
| Schedule C | - | Off-Street Loading   |
| Schedule D | - | Campground Regulations   |
| Schedule E | - | Signage Provisions   |
| Schedule F | - | Screening and Landscaping  |

- Schedule G - Agricultural Setbacks in Rural Zones
- Schedule H - ~~Floodplain Management~~ **Water Body** Provisions
- Schedule I - Westside Area Boundary for Agri-Tourism Accommodation**  
(B/L 2141/07) (B/L 2589/13)

**103 Application**

The provisions of this bylaw shall apply to the land within the boundaries of *Electoral Areas 'B' and 'C'* (except for that part of *Electoral Area 'C'* that is covered by the “*Silver Star Mountain Official Community Plan Bylaw No. 1332*”, 1995) and to *Electoral Areas 'D', 'E' and 'F' of the Regional District of North Okanagan* and to the uses, buildings, and structures thereon.

**104 Compliance with Other Legislation**

Nothing in this bylaw shall be taken to relieve any person from complying with the provisions of any other bylaw of the *Regional District* or applicable provincial or federal statute or regulation.

**105 Severability**

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

**106 Zones**

The area within the boundaries of the *Electoral Areas of the Regional District of North Okanagan* is divided into zones with the following designations and their short form equivalents:

<u>Zone Designations</u>	<u>Short Form</u>
<b>Commercial</b>	
- General Commercial	C.1
- Highway and Tourist Commercial	C.2
- Neighbourhood Commercial	C.3
- Service Commercial	C.4
- Recreation Commercial	C.5
- Recreation Vehicle Campground/Resort Commercial	C.6
<b>Industrial</b>	
- Light Industrial	I.1
- General Industrial	I.2
- Industrial Park	I.3
- Agricultural Industrial	I.4
- High-Tech Business	I.5
<b>Residential</b>	
- Residential Single Family	R.1
- Residential Two Family	R.2

106	<u>Zone Designations</u>	<u>Short Form</u>
	Residential	
	- Residential Apartment and Multi-Family	R.3
	- Residential Manufactured Home Subdivision	R.4
	- Residential Manufactured Home Community	R.5
	- Residential Seasonal Single Family	R.6
	- <b><i>Residential Large Lot Housing with Suite or Two Family Dwelling Zone</i></b>	<b>R.7</b>
	Rural	
	- Small Holding	S.H.
	- Country Residential	C.R.
	- Non-Urban	N.U.
	- Large Holding	L.H.
	Special Use	
	- Spray Irrigation	S.1
	- Residential Attendance Program	S.2
	- Community Park and Public Use	S.3
	Comprehensive Development	
	- Trails at Enderby Comprehensive Development Zone	CD.1
	- Fairhaven Ministries Association C. D. Zone	CD.2
	- Mabel Lake Golf and Country Club C. D. Zone	CD.3
	- Seasonal Single Family Recreation C. D. Zone	CD.4
	- <b><i>Seasonal Recreation Lodge C.D. Zone</i></b>	<b>CD.5</b>
	- <b><i>Sugar Lake Seasonal Single Family Recreation C.D. Zone</i></b>	<b>CD.6</b>
	<i>(B/L 2060/05) (B/L 2172/06)(B/L 2576/13)</i>	

**107 Official Zoning Maps**

1. The area extent of each zone is as shown on the attached Schedule A, being the "*Official Zoning Maps of the Regional District of North Okanagan*", which form an integral part of this bylaw.
2. The boundary lines of each zone shall be the centre lines of road allowances, creeks, rivers, or railways unless referenced to the boundary of a township, section, quarter section, district lot, subdivision, lot, or deed; or shown otherwise on Schedule A.
3. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Zoning Maps.

**108 Measurements**

Metric units are used for all measurements in this bylaw. The equivalent of those units, in imperial measure, shown in brackets following each metric measurement, are included for convenience only.



**109 Enforcement**

1. Inspection

The *Building Inspectors* or any other employee of the *Regional District* appointed by the *Board* to administer or enforce this bylaw, are hereby authorized to enter at all reasonable times upon any property to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

2. Violation

a. It is an offence for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw.

b. It is an offence for any person to prevent or obstruct, or attempt to prevent or obstruct the authorized entry of the *Building Inspectors* or other appointed employee, authorized under Section 109.1. of this bylaw.

3. Penalties

Any person who violates any of the provisions of this bylaw shall, upon summary conviction, be liable to a fine of not less than one hundred dollars (\$100.00), and not more than two thousand dollars (\$2000.00), plus the costs of prosecution, or a term of imprisonment not exceeding thirty (30) days, or both. Each day that such violation is permitted to continue shall constitute a separate offence.

4. Remedial Powers

The *Board* may, in accordance with the provisions of the *Local Government Act*, authorize the demolition, removal, or the bringing up to standard of any building, structure, or thing, in whole or in part, that is in contravention of this bylaw.

**110 Repeal**

*Bylaw No. 725, 1986* being the "*Regional District of North Okanagan Zoning Bylaw No. 725, 1986*", and all amending bylaws thereto, will remain in force and effect for that area of *Electoral Area 'C'* that is covered by the "*Silver Star Mountain Official Community Plan Bylaw No. 1332, 1995*" pending adoption of the "*Silver Star Zoning Bylaw No. 1926, 2004*" which bylaw will repeal *Bylaw 725* in entirety.

**111 Effective Date**

This bylaw shall come into force and take effect upon the final reading and adoption thereof.

**DIVISION TWO - INTERPRETATION**

In this bylaw, unless the context otherwise requires:

**ACCESSORY** means customarily associated with or incidental to.

**ACCESSORY BUILDING OR STRUCTURE** means,

- a. a building or structure, the use or intended use of which is ancillary to or customarily associated with that of a principal building situated on the same lot; or
- b. a building or structure which is ancillary to or customarily associated with a principal use being made of the same lot upon which such building is located.

**ACCESSORY FARM SALES USE** means the sale of farm products, processed farm products, and off-farm products that is accessory to the principal agricultural use of a farm unit.

**ACCESSORY RESIDENTIAL BUILDINGS** means buildings accessory to an existing residence located on the subject property and includes such things as domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc. Accessory buildings may include limited plumbing fixtures, hot water tanks, furnaces, and sewer and water connections for workshop, swimming pool, home occupation and greenhouse purposes as determined to be appropriate for said uses by the Chief Building Inspector and as approved by the Interior Health Authority where applicable. Accessory residential buildings shall not be used for residential dwelling purposes.

**ADMINISTRATIVE OFFICER** means the *Chief Administrative Officer* of the *Regional District of North Okanagan*.

**ADVERTISING USE** means a use of land, of a building exterior, or of a structure or thing located other than within a building, providing for the advertising, advancing, or promoting by visible or other means, of a product, service, place, or event.

**AGRICULTURAL USE, INTENSIVE** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; includes the preliminary grading of such products for shipment, and specifically includes riding stables, dog kennels, nurseries, greenhouses, and the keeping of pigeons, doves, or other animals or birds of like kind, feed lots, fish farms, piggeries, mushroom growing, and the keeping of bees, horses, sheep, goats, dairy cows, fur bearing animals, rabbits, poultry or other animals or birds of like kind in concentrations of more than six (6) animal units per hectare (2.428 animal units per acre).

**AGRICULTURAL USE, LIMITED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; includes the preliminary grading of such products for shipment, and specifically includes riding stables, dog kennels, fish farms, nurseries, greenhouses, and the keeping of pigeons, doves, or other animals or birds of like kind and the keeping of bees, horses, sheep, goats, cattle, dairy cows, fur bearing animals (except

mink and fox), rabbits, poultry, or other animals or birds of like kind in concentrations of six (6) animal units or less per hectare (2.428 animal units per acre). Swine are also permitted to be kept provided that they are for the personal use of the owner only.

**AGRICULTURAL USE, RESTRICTED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products and specifically includes nurseries, greenhouses, and the keeping of pigeons, rabbits, poultry, doves, bees, and other animals or birds of like kind for the personal use of the owner only. The keeping of horses, sheep, goats, cattle or other animals of like kind is also permitted in concentrations of three (3) animal units or less per hectare (1.214 animal units per acre).

**AGRI-TOURISM** means any agri-tourism activity defined under the Agricultural Land Commission Act and related regulation or policy, as amended from time to time.

**AGRI-TOURISM ACCOMMODATION** means accommodation for short term rental to the traveling public on an operating farm or ranch, which is accessory to and related to, the principle farm use of the parcel. The use is limited to Bed and Breakfast, Agri-Tourism Campsites and Agri-Tourism Cabins. The maximum length of stay shall not exceed 30 days of accommodation of any one person during a calendar year. Use of campsites and cabins for Agri-Tourism Accommodation must be seasonal as defined by this bylaw.

**AGRI-TOURISM ACCOMMODATION UNIT** means one (1) campsite, one (1) Agri-Tourism Cabin, or one (1) bedroom within a dwelling used for Bed and Breakfast purposes.

**AGRI-TOURISM CABIN** means a detached building used for the accommodation of agricultural tourists. The maximum gross floor area per tourist cabin shall not exceed 30m<sup>2</sup>, not including attached washroom facilities. An Agri-Tourism Cabin is not permitted to be used as a residence or dwelling.

**AGRI-TOURISM CAMPSITE** means an area that may be occupied by no more than one (1) tent, holiday trailer, motor home, camper, or similar recreational vehicles for the accommodation of agricultural tourists. Campsite space(s) shall be clearly identified by a unique number of similar designations and shall not be used for year round storage. Park Model Recreation Vehicles are not permitted to be used within Agri-Tourism Campsites. (B/L 2589/13)

**ANIMAL UNIT** For the purpose of this bylaw, the total number of animals making up one (1) animal unit shall be:

- 4 swine (plus weaner pigs), or
- 1 dairy cow (plus calf), or
- 1 beef cow (plus calf), or
- 1 bull, or
- 2.5 beef feeders to be fed to a maximum weight of 340 kg (749.6 lbs.), or

1.67	beef feeders to be fed to a maximum weight of 500 kg (1,102 lbs.), or
10	veal calves to be fed to a maximum weight of 140 kg (308.6 lbs.), or
1	horse, (mare and foal, or stallion or gelding or mule or hinny), or
2	donkeys, or
5	sheep (plus lambs), or
10	goats (plus kids), or
12	feeder lambs, or
250	laying chicken hens, or
500	broiler chickens, roasters, or pullets, or
100	turkeys to be fed to a weight exceeding 5 kg (11.02 lbs.), or
200	turkeys to be fed to a weight of 5 kg (11.02 pounds) or less, or
125	geese or ducks, or
40	rabbits (bucks, or does plus progeny to weaning, or growers), or
80	mink (males, or females plus progeny to weaning, or growers), or
250,000	bees.

**APARTMENT BUILDING** means any building divided into not less than three (3) dwelling units each of which is occupied, or intended to be occupied as a permanent home or residence of one (1) family as distinct from a hotel or motel.

**APPROVING OFFICER** means a person appointed as such under the provisions of the *Land Title Act* or the *Local Government Act* of the *Province of British Columbia*.

**ASSEMBLY USE** means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, or private educational purposes; includes churches including manse, auditoriums, youth centres, social halls, private schools, kindergartens, play schools, day nurseries, day care schools, and specifically excludes residential use.

**AUCTION MART** means a place where goods are sold by auction on a regular basis.

**AVERAGE NATURAL SLOPE** means the average natural longitudinal slope of an existing lot. The average natural slope of an existing lot shall be calculated using the average elevation of the natural ground surface along the front lot line and the average elevation of the natural ground surface along the rear lot line as the reference points. The elevation difference between the reference points shall then be used to calculate the average natural slope over the horizontal distance between said points. The elevations and slope calculation shall be determined by a *British Columbia Land Surveyor* if required by the *Building Inspector* for the *Regional District*.

Extreme slope conditions located on the lot that do not affect the building envelope of the lot, as determined by the *Building Inspector*, shall not be included in the calculation of the average natural slope. In this event the reference points used to calculate the average elevation of the natural ground surface and the average natural slope itself may not necessarily coincide with the front and rear lot lines.

**BACHELOR DWELLING UNIT** means a dwelling unit within a building where the dwelling unit has one (1) habitable room in addition to kitchen facilities and a bathroom.

**BASEMENT** means a space 2.2 metres (7.218 feet) or more in height between two (2) floors, the lower floor of which is buried between 0.3 metres (0.984 foot) and 1.5 metres (4.921 feet) below the average finished grade at the perimeter of the building.

**BED AND BREAKFAST USE** means a use that is carried out within a dwelling in which one (1) or more bedrooms are rented out on a daily basis, and breakfast meals are provided, to persons other than persons occupying the dwelling unit as their residence, provided that the provision of such accommodation does not constitute a tenancy pursuant to the *Residential Tenancy Act*. For the purposes of this bylaw a bed and breakfast use does not include a boarding house use.

**BEDROOM** means a room within a dwelling unit designed and used for the sleeping accommodation of one (1) or more persons with or without sanitary facilities and containing no facilities for the cooking or preparation of food.

**BOARD** means the *Governing and Executive Body* of the *Regional District of North Okanagan*.

**BOARDING HOUSE USE** means a dwelling within which sleeping units are rented, usually on a monthly basis, with or without daily meals being provided, to persons other than members of the family of the leasee, tenant, or owner of the dwelling and specifically excludes bed and breakfast facilities, rest homes, hotels, motels and the preparation of meals within the sleeping units.

**BUFFER AREA** means an area free of all buildings and structures, the purpose of which is to separate different land uses.

**BUILDING** means a structure wholly or partly enclosed by a roof or roofs supported by walls or columns and used for the shelter or accommodation of persons, animals, chattels, or things. When a building is separated by party walls located upon lot lines, then each portion of such building shall be deemed a separate building.

**CABIN** means a single detached building for accommodation primarily to be used as a commercial facility on a temporary or seasonal basis.

**CAMPGROUND** means a development to accommodate temporary and seasonal use by travellers in tents or recreational vehicles (including *Park Model Recreational units*).

~~**CANNABIS**, also known as marijuana among other names, has the same meaning as defined under the Access to Cannabis for Medical Purposes Regulations and Controlled Drugs and Substances Act, as amended or replaced from time to time. Cannabis can be consumed by smoking, vaporizing, within food, or as an extract or otherwise ingested.~~

*(B/L 2775/18)*

**CANNABIS**, also known as marihuana among other names, has the same meaning as defined under the Cannabis Act as amended or replaced from time to time.

(B/L 2812/19)

**CANNABIS LOUNGE** means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking oral or other means of consumption) of cannabis.

(B/L 2775/18)

**CANNABIS PRODUCTION FACILITY, AGRICULTURAL** means a facility, located on land within the Agricultural Land Reserve and eligible for licencing by the Federal Government used solely for the production, manufacturing, processing, research, testing or packaging and shipping of cannabis products. The total footprint of all buildings and structures used for an agricultural cannabis production facility use and all ancillary and support uses may not exceed 500 m<sup>2</sup> per property for building with a base not consisting entirely of soil. For the purpose of this Bylaw, buildings and structures does not include production facilities which are considered a 'farm use' that may not be prohibited in accordance with the Agricultural Land Commission Act and Regulations.

(B/L 2820/19)

**CANNABIS PRODUCTION FACILITY, EXISTING** means a facility that was used for the purpose of producing, manufacturing, processing, research, testing or packaging and shipping of medical marihuana products or cannabis products prior to October 17, 2018.

(B/L 2820/19)

**CANNABIS PRODUCTION FACILITY, INDUSTRIAL** means a facility, eligible for licencing by the Federal Government used solely for the production, manufacturing, processing, research, testing or packaging and shipping of cannabis products. There are no floor space restrictions beyond the setbacks, height and lot coverage provisions of the underlying industrial zoning.

(B/L 2820/19)

~~**CANNABIS RETAIL** means the business of selling cannabis or marihuana, medicinal or otherwise and related products.~~

~~(B/L 2775/18)~~

**CANNABIS RETAIL** means the use of land, buildings or other structure for dispensing, selling or distributing cannabis or related controlled substances and derivatives in accordance with the provincial Cannabis Control and Licensing Act and Cannabis Distribution Act and their respective regulations, as amended from time to time.

(B/L 2812/19)

**CELLAR** means a space between two (2) floors, the lower floor of which is 1.5 metres (4.921 feet) or more below the average finished ground level at the perimeter of the building; or a space between two (2) floors less than 2.2 metres (7.218 feet) high, the lower floor of which is below the average finished ground level at the perimeter of the building.

**CHIEF BUILDING INSPECTOR** means the *Chief Building Inspector* of the Regional District of North Okanagan or his authorized designate.

**CIVIC USE** means a use providing for public functions; includes Federal, Provincial, and Municipal offices and yards, schools, colleges, public hospitals, community centres, libraries, museums, parks, playgrounds, pounds, cemeteries, streets, and waterways.

**CLUB** or **LODGE** means a building or establishment used by an association or organisation for fraternal, social, or recreation purposes which may include limited private sleeping unit accommodation with cooking facilities.

**COMMUNITY SEWER SYSTEM** means a system of sewage disposal which serves two (2) or more lots and which is owned, operated and maintained by an Improvement District under the *Water Act* or the *Local Government Act*; a Municipality, a Regional District, a Greater Board, or an Agency of Her Majesty the Queen in Right of Canada or Her Majesty the Queen in Right of the *Province of British Columbia* or by a Strata Corporation.

**COMMUNITY WATER SYSTEM** means a system of waterworks which serves two (2) or more lots or sites and which is owned, operated and maintained by an Improvement District under the *Health Act*, *Water Act*, or the *Local Government Act*; or a Municipality, a Regional District, or Greater Board, or which is regulated under the *Water Utilities Act*.

**CONFINED LIVESTOCK AREA** means an outdoor, non-grazing area where livestock, poultry or farmed game is confined by fences, other structures or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a seasonal feeding area.

**CONTROLLED ACCESS HIGHWAY** means a highway designated as a controlled access highway, under the provincial *Highway Act*.

**DAIRY ANIMAL** means an animal kept for the production of milk or farm separated cream or any milk product, and includes cows, goats and sheep.

**DIRECT FARM MARKETING** means the selling or distribution of farm products directly to consumers off of a farm unit.

**DIRECT FARM MARKETING AREA** means the indoor or outdoor area used to display farm products or other products for sale, including space for circulation, counter space for the purchase of goods, and space for the service and consumption of food items, but excluding office space, wholesale storage space, processing facilities, and public washrooms.

**DWELLING** means any building used for human habitation and which is supported on a permanent foundation extending below ground level and includes multiple dwellings, apartments, lodging, and boarding houses, and specifically excludes manufactured homes ~~and modular manufactured homes~~ except where otherwise allowed in this bylaw.

(B/L 1972/04)

**DWELLING, ANCILLARY SINGLE FAMILY** means a single family dwelling or manufactured home ancillary to an existing principal single family dwelling located on the same lot or a single family dwelling ancillary to an existing principal manufactured home located on the same lot.

**DWELLING, DETACHED SUITE** means a self-contained accessory dwelling unit located within an accessory residential or agricultural building. A detached suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the accessory residential or agricultural building. (B/L 2747/17)

**DWELLING, MULTIPLE FAMILY** means any building consisting of five (5) or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one (1) family.

**DWELLING, ROW HOUSING** means a block of at least four (4) and not more than eight (8) side-by-side family dwelling units, with each dwelling unit on a separate lot attached to its neighbour at its side, and in which each family dwelling unit shall be separated from each other by a party wall.

**DWELLING, SEASONAL SINGLE FAMILY** means any building consisting of one (1) dwelling unit which is occupied or intended to be occupied as a second residence on a seasonal basis for recreational purposes at various times of the year.

**DWELLING, SECONDARY SUITE** means a self-contained, accessory dwelling unit located within a single family 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 single family dwelling unit. (B/L 2592/13)(B/L 2747/17)

**DWELLING, SINGLE FAMILY** means any building consisting of one (1) dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one (1) family.

**DWELLING, TWO FAMILY** means any building divided into two (2) dwelling units connected by a common wall or by an adjoining ceiling/floor system each of which is occupied or intended to be occupied as a permanent home or residence of one (1) family. Two family dwellings shall be permitted to be attached by completely enclosed garages. The degree of attachment of the dwelling units shall be not less than fifty percent (50%) of the length or width of the common wall or common floor/ceiling system that is proposed to attach the dwelling units. Carports and breezeways shall not be permitted to attach the two family dwelling units.

**DWELLING, THREE FAMILY** means any building divided into three (3) dwelling units, by common walls or a common floor/ceiling systems, each of which is occupied or intended to be occupied as a permanent home or residence of one (1) family. Three family dwellings shall be permitted to be attached by completely enclosed garages. The degree of attachment of the dwelling units shall be not less than fifty percent (50%) of the length or width of the common wall or common floor/ceiling system that is proposed to attach the dwelling units. Carports and breezeways shall not be permitted to attach the three family dwelling units.

**DWELLING, FOUR FAMILY** means any building divided into four (4) dwelling units, by common walls or a common floor/ceiling systems, each of which is occupied or intended to be occupied as a permanent home or residence of one (1) family. Four family dwellings shall be permitted to be attached by completely enclosed garages. The degree of attachment



of the dwelling units shall be not less than fifty percent (50%) of the length or width of the common wall or common floor/ceiling system that is proposed to attach the dwelling.

**DWELLING UNIT** means one (1) or more rooms used for the residential accommodation of only one (1) family when such room or rooms contain or provide for the installation of sleeping facilities, sanitary facilities, and only one (1) kitchen.

For the purposes of this section a "kitchen" shall mean any room or area in which food is cooked or prepared and which contains facilities and equipment used for the storage, preparation, and serving of food. The facilities and equipment mentioned above may include such things as kitchen cabinets, kitchen sinks, kitchen stoves, dishwashers, other appliances, and associated plumbing and wiring services.

**EXERCISE YARDS** means an area used to exercise horses and includes outdoor equestrian riding arenas and training tracks.

**FAMILY** means the persons sharing a single dwelling unit, consisting of:

- a. a married couple; or
- b. one (1) or two (2) parents and children related to the parent(s) by blood, adoption, or foster parenthood; or
- c. three (3) or fewer unrelated persons.

**FARM PRODUCTS** means commodities or goods derived from the cultivation and husbandry of land, plants and animals (except pets) and any other similar activity including aquaculture as defined in the *Fisheries Act*, and game farming within the meaning of the *Game Farm Act*, and fur farming under the *Fur Farm Act*, that are grown, reared, raised or produced on the farm unit on which the accessory farm sales use is conducted.

**FARM UNIT** means an area of land used for a farm operation consisting of one or more contiguous or non-contiguous lots, that may be owned, rented or leased, which form and are managed as a single farm.

**FARMED GAME** means any animal held under the authority of a license under the *Game Farm Act* and includes fallow deer, bison and reindeer.

**FEED LOT** means a fenced area where livestock, poultry or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.

**FLOOR AREA** means the space on any story of a building between the exterior walls including the space occupied by interior walls and partitions, but not including the floor area of basements, attached garages, sheds, open porches, or breezeways.

**FLOOR SPACE** means a portion of a building being used for a specific use measured between exterior walls or firewalls as appropriate and including the space occupied by interior walls and partitions.

**GREATER BOARD** means a corporate body, incorporated by an *Act*, with responsibility for the provision of water or sewage and drainage services.

**GROSS FLOOR AREA** means the sum of all areas of each storey in each building on a lot measured between the exterior walls of such building.

**HEIGHT OF BUILDINGS AND STRUCTURES** means the greatest vertical distance from the finished grade to the highest point on such building or structure. For the purposes of this Section the finished grade shall mean the lowest of the average levels of finished ground adjoining each exterior wall of a building or structure, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average level of finished ground.

**HIGH-TECH INDUSTRY** means a business that researches, develops, produces, assembles, packages or distributes products used in the fields of computer software and programming, electronics, telecommunications, fibre optics, aeronautics, precision engineering, robotics, biochemistry, health care and related industries. These uses must not create any nuisance outside of the building where they are carried on, including fire or explosion hazard, vibration, noise, smoke, dust, dirt, toxic or offensive odours, electromagnetic interference, electrical interference and there is no heat or glare perceptible from any lot line on which the use is located.

**HIGHWAY** includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches, and any other public way.

**HOME OCCUPATION** means an occupation which is undertaken inside a residential building or accessory residential building or is accessory to an agricultural use which does not alter the residential character of the premises and the character of the residential or rural district where the premises are situated.

**HOTELS/MOTELS** means commercial establishments providing temporary or seasonal accommodation to the travelling public which establishments may include entertainment, recreation and restaurant facilities.

**INDUSTRIAL USE** means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials, or things, and the selling of heavy industrial equipment, and farm machinery; includes accessory office and retail facilities.

**KITCHEN** means any room or area in which food is cooked or prepared and which contains facilities and equipment used for the storage, preparation and serving of food. The facilities and equipment mentioned above may include such things as kitchen cabinets, kitchen sinks, kitchen stoves, dishwashers, other appliances and associated plumbing and wiring services.

**LAND** includes the surface of water but does not include improvements, mines or minerals belonging to the Crown, or mines or minerals for which title in fee simple has been

registered in the land title office but for the purposes of assessment and taxation, land has the same meaning as in the *Assessment Act*.

**LANDSCAPE SCREEN** means a hedge of compact plant material, fence, or wall, when such hedge, fence, or wall is continuous except for access driveways and walkways. Codling moth host trees including apple and crabapple trees (*Malus spp.*), pear trees (*Pyrus spp.*), quince trees (*Cydonia oblonga*) and flowering quince or japonica trees (*Chaenomeles japonica*) shall not be used for landscape screening purposes.

**LANDSCAPING** means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other structures and materials as used in landscape architecture. Codling moth host trees including apple and crabapple trees (*Malus spp.*), pear trees (*Pyrus spp.*), quince trees (*Cydonia oblonga*) and flowering quince or japonica trees (*Chaenomeles japonica*) shall not be used for landscaping purposes.

**LANE** means a road allowance more than 3 metres (9.842 feet) but less than 10 metres (32.81 feet) in width.

**LIVESTOCK** means cattle, horses, sheep, goats, swine, rabbits and fish.

**LIVESTOCK AUCTION MART** means an auction mart enterprise that allows buildings, structures, and enclosures as required for the keeping and holding of animals for sale; but in no case shall any animals be kept for a period longer than ten (10) days or slaughtered on the premises.

**LOG SORT YARD** means a parcel of land used for the grading, sorting, management and storage of logs for sale and shipment. A log sort use shall specifically exclude all manufacturing of products and any processing not mentioned above.

**LOT** means a parcel of land legally described on the records of the *Land Title Office* and includes *Land Act Surveys*.

**LOT AREA** means the area of a lot taken in a horizontal plane, excluding land covered by a natural body of water.

**LOT COVERAGE** means the area of a lot covered by buildings and structures and certain areas of land used for agricultural purposes as described elsewhere in this bylaw.

~~**LOT FRONTAGE** means that length of a parcel boundary which immediately adjoins a highway other than a lane or walkway.~~

**LOT FRONTAGE** means the length of a parcel boundary which immediately adjoins a highway other than a lane or walkway. In the case where more than one lot line adjoins a highway, the lot frontage shall be considered only the front lot line. Where building sites cannot be provided an access that meets the provisions of Section 310 of this bylaw from the front lot line, the lot frontage shall be the shortest lot line adjacent to a highway from which an access that meets the provisions of Section 310 of this bylaw can be provided.

(B/L 2813/19)

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

**LOT LINE, EXTERIOR SIDE** means the lot line or lines not being the front or rear lot line, common to the lot and a street.

**LOT LINE, FRONT** means the lot line or lines common to the lot and an abutting street, or where there is more than one (1) abutting street, the shortest lot line or lines common to the lot and the abutting street. Where the abutting lot lines are equal in length then the front lot line shall be the lot line towards which the majority of the buildings on adjacent lots are faced.

**LOT LINE, INTERIOR SIDE** means the lot line or lines, not being the front or rear lot line, common to more than one (1) lot or to the lot and a lane.

**LOT LINE, REAR** means the lot line or lines opposite to the front lot line, and where the rear portion of the lot is bounded by intersecting side lot lines, shall be deemed to be the point of such intersection. The rear lot line or lines of 'pie-shaped' lots or other irregularly shaped or asymmetrical lots shall include all lot lines that form a continuation of the rear lot lines of adjacent lots located within the same plan of subdivision.

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

**MANUFACTURED HOME** means a transportable prefabricated building, consisting of one (1) dwelling unit which is occupied or intended to be occupied as a permanent home or residence of only one (1) family, ~~which building conforms with the CSA Z240-92MH Series Standard and~~ which is designed to be transported on its own wheels or chassis to the manufactured home site. Such buildings are designed to be supported on wheels, jacks, posts or piers, or with permanent foundation. (B/L 2156/06)

**MANUFACTURED HOME, MODULAR** means a transportable sectional prefabricated building, consisting of one (1) dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one (1) family, which building conforms with the CSA A277-92 Standard and which is not designed to be transported on its own wheels or chassis but is designed to be supported on a permanent foundation.

**MANUFACTURED HOME COMMUNITY** means any lot on which are located two (2) or more manufactured homes or modular manufactured homes.

**MANUFACTURING** means making, producing, assembling, repairing, fabricating and processing of goods, materials, products, and things, but does not include mining.

~~**MARIHUANA** means all parts of the genus cannabis whether growing or not and the seed or clone of such plants. (B/L 2606/13) (B/L 2775/18)~~

~~**MEDICAL MARIHUANA PRODUCTION FACILITY** means a facility, licensed by the Federal Government under the Marihuana for Medical Purposes Regulation used solely for the production, manufacturing, processing, testing, packaging, and shipping of marihuana and marihuana products for medical purposes. (B/L 2606/13)(B/L 2820/19)~~

**NATURAL BOUNDARY** means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water, character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

**NON-CONFORMING USE** means a lawful use being made of land or a building and includes use of a building which is under construction at the time of the adoption of this bylaw upon completion of the construction of such building provided that such use would have been permitted under the provisions of the zoning bylaw of the *District* in force immediately prior to the adoption of this bylaw.

**OFF-FARM PRODUCTS** means all products not containing at least fifty percent (50%) farm products.

**OFF-STREET PARKING** means a use providing for parking spaces for the temporary storage of vehicles.

**ON-FARM PROCESSING** means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments and biological treatments, on a farm unit to (1) prepare farm products or value-added products to sell, or (2) prepare feed for livestock, poultry, farmed game or fur bearing animals located on the farm, but excludes on-farm composting, on-farm product preparation and on-farm soilless medium production.

**ON-FARM PRODUCT PREPARATION** means cleaning, sorting, separating, grading or packing farm products on a farm unit.

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

**PARK MODEL RECREATION UNIT** means a recreational vehicle designed as living quarters for seasonal recreation accommodation, which can be relocated on occasion, and must be connected to those utilities necessary for the operation of installed fixtures and appliances, and has a Gross Floor Area, including lofts, not exceeding 50 square metres (538.2 square feet) when in the setup mode, and has a width greater than 2.6 metres (8.5 feet) and less than 4.42 metres (14.5 feet) in the transit mode. A park model recreational vehicle must conform to CAN/CSA-Z241 Series Standard (dated 1992 or later) and is not a trailer as defined by this bylaw.

**PARKS** means the land which is owned by a Government which is dedicated to public use for recreation purposes.

**PERMANENT FOUNDATION** means a foundation that irreversibly alters the land that it is constructed upon and is physically difficult to remove but does not include concrete blocks, or concrete post footings, or slabs that are easily removed.

**PETROLEUM DISTRIBUTION INSTALLATIONS** means any building or land used or intended to be used for the wholesale of petroleum fuel or lubricants to commercial vehicles and industrial equipment, which may include key-lock methods of distribution, and excludes bulk storage facilities.

**PICKERS' CABIN (FRUIT AND PRODUCE) USE** means a use accessory to an agricultural use or a resource use where a building is used for one (1) dwelling or sleeping unit for the accommodation of an employee or employees working on the same parcel.

**PIGGERY** means an area of land enclosed or covered by a fence, pen, corral, or other enclosure, building, or structure used for the feeding and keeping of swine primarily for raising and fattening as pork and for the storage or processing of their feed or manure. A piggery shall not include the keeping of swine within the enclosure or building or on the subject property in concentrations of six (6) animal units per hectare (2.428 animal units per acre) or less.

**POTABLE WATER SUPPLY** means water which is approved for domestic purposes in accordance with the *Drinking Water Protection Act*.

**PREFABRICATED** means a building or structure that is made wholly or partially in a factory environment and is transported to the site upon which it is to be located or assembled. Prefabricated homes include, but are not limited to, manufactured homes, panelized homes, log homes, and pre-cut or engineered homes.

**PRINCIPAL BUILDING** means an existing or proposed building which is the chief or main one among the buildings on a site.

**PRINCIPAL USE** means the primary and chief purpose for which land, buildings and structures are used.

**PRIVATE HOSPITAL USE** means a use providing for the care of a sick, injured, or aged person or persons other than in a public hospital and includes, convalescent homes, nursing homes and personal care homes.

**PROCESSED FARM PRODUCTS** means farm products and off-farm products that have been transformed, by the owner of the accessory farm sales use, by biological or other means such as fermentation, cooking, canning, smoking or drying to increase their market value and convenience to the consumer and that comprise not less than fifty percent (50%) by volume, of one or more farm products. Processed farm products shall specifically exclude such things as hardware, fertilizers, seeds, handicrafts, souvenirs, confectioneries and hot or cold food items that are not "transformed" from farm products and off-farm products as defined above. Processed farm products shall also specifically exclude the slaughter and evisceration of animals.

**PROJECTIONS** means all items of construction or other things attached to a building or structure and which project out from the exterior wall of such building or structure.

**PUBLIC SERVICE USE** means a use providing for the essential servicing with water, sewer, electrical, telephone, and similar services where such use is established by another governmental body, crown corporation, improvement district, or by a company operating under the *Water Utilities Act*; includes broadcast transmission facilities and refuse disposal areas.

**RECREATIONAL VEHICLE** includes trailers, motor-homes, truck and camper combinations but for the purposes of this bylaw does not include *Park Model Recreational Units* unless otherwise specified elsewhere in this bylaw.

**REGIONAL DISTRICT** means the *Regional District of North Okanagan*.

**RENTAL, LIMITED TERM** means the renting of sites for terms less than three (3) years at a time for which payment is generally, although not necessarily, received on a monthly basis.

**RESIDENTIAL USE** means a use providing for the principal accommodation and home life of a person or family.

**RETAIL SALES** means the business of selling or renting goods, merchandise, parts and accessories to the ultimate consumer and not for resale purposes.

**RETIREMENT HOUSING USE** means a combination of single family dwellings, two (2), three (3) and four (4) family dwellings and multi-family dwellings each of which is intended to provide for the residential use of persons fifty five (55) years of age or older.

**SEASONAL FEEDING AREA** means an area:

- (a) used for forage or other crop production, and
- (b) used seasonally for feeding livestock, poultry or farmed game that is primarily sustained by supplemental feed, but does not include a confined livestock area or grazing area.

**SEASONAL USE** means a use providing for the accommodation of persons for recreational or vacation purposes, for a period not exceeding 182 days of accommodation of any person during a calendar year.

**SENIOR CITIZEN DWELLING UNIT** means a dwelling unit within a building for an apartment use provided for elderly persons by a corporation wholly owned by the *Province* or *Municipality*, or by a corporation constituted exclusively for charitable purposes.

**SERVICE STATION USE** means a use providing for the retail sale of motor fuels or lubricating oils including the servicing or repair of motor vehicles, the sale of automobile accessories, and the rental of trailers and motor vehicles; excludes all other sales and services, auto body shops, fender work, and painting.

**SETBACK** means the horizontal distance from a lot line to a building.

**SILVICULTURE** means the theory and practice of controlling forest establishment, composition, and growth.

**SINGLE FAMILY CLUSTER HOUSING** means a use providing for the clustering of single family dwellings for family and/or retirement purposes.

**SITE** means a unit or part of land which is intended to be rented but is not a legally subdivided lot in and of itself and is not registered in the *Land Title Office* as either a lot or a lease.

**SLEEPING UNIT** means one (1) or more rooms used for the lodging of one (1) family when such unit contains no kitchen facilities, as defined under "Dwelling Unit" in Division Two of this bylaw.

**SOILESS MEDIUM** means a material that is manufactured for the growing of plants and may contain natural soils or organic compounds such as peat and bark.

**SOIL EXTRACTION** means the removal, crushing, screening, storage, or mixing of unconsolidated earth material including sand, soil, and gravel; may also include rock removal, crushing, screening and storage.

**STORAGE YARD** means an area outside of an enclosed building where materials, goods, products, vehicles, equipment or machinery are displayed, stored, baled, piled, handled, sold, or distributed, but explicitly excludes an automobile wrecking yard or a junk yard.

**STOREY** means a habitable space between two (2) floors or between any floor and the upper surface of the floor next above, except that the top most storey shall be that portion of a building included between the upper surface of the top most floor and the ceiling above. A basement which contains a self-contained dwelling unit shall be considered as a storey.

**STREET** means a road allowance 10 metres (32.81 feet) or more in width and includes access routes intended to serve lots created pursuant to the *Strata Property Act* and amendments thereto, including the *Bare Land Strata Regulations*.

**STRUCTURES** means any construction fixed to, supported by, or sunk into land or water excluding fences.

**TEMPORARY ACCOMMODATION USE** means the use of cabins, hotels/motels and camping spaces for rental accommodation on a daily or weekly commercial basis, provided that no person except an itinerant worker shall occupy a temporary accommodation facility for more than four (4) consecutive weeks, nor for more than a total of eight (8) weeks in any calendar year.

**TRAILER** means any vehicle, coach, house-car, conveyance, or conveyance with an addition, designed to travel often on the highways, constructed or equipped to be used as temporary living or sleeping quarters by travellers.



**TRANSPORTATION FACILITIES** means a use providing for the shipping and receiving of goods and people including the operation of truck terminals, railways, freight handling, passenger and transit depots, and taxi dispatch offices.

**USE** means the purpose for which any lot, parcel, tract of land, building, or structure is used, occupied, or employed.

**USEABLE OPEN SPACE** means a compact, unobstructed area or areas available for safe and convenient use by all the building's occupants, having no dimensions of less than 6 metres (19.68 feet) and no slope greater than ten percent (10%), provided for greenery, recreational space, and other leisure activities normally carried on outdoors. Useable open space shall exclude areas used for off-street parking, off-street loading, and service driveways.

**USED FOR** means constructed, reconstructed, altered, moved, extended, or occupied as or for the purpose of.

**VETERINARY HOSPITAL** means animal clinic, but does not include the boarding of animals.

**WAREHOUSING** means storage, distribution, and wholesaling.

~~**WATERCOURSE** means any natural or man-made depression with well-defined banks and a bed of 0.6 metres (1.968 feet) or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2.590 square kilometres (1 square mile) or more or as required by a designated *Water Management Branch Official of the Province of British Columbia.* (B/L 2141/07)~~

**YARD, FRONT** means the area of a lot bounded by the front lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the front lot line, such perpendicular distance (depth) to be as specified by the provisions of this bylaw for the zone in which the lot is located.

**YARD, REAR** means the area of a lot bounded by the rear lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the rear lot line, such perpendicular distance (depth) to be as specified by the provisions of this bylaw for the zone in which the lot is located.

**YARD, EXTERIOR SIDE** means the area of a lot bounded by the exterior side lot line and a line drawn perpendicularly distant from and parallel to the exterior side lot line extending from the front lot line to the rear lot line for such lot, and such perpendicular distance (depth) shall be as specified under the provisions of this bylaw for the zone in which the lot is located.

**YARD, SIDE** means the area of a lot bounded by the side lot line and a line drawn perpendicularly distant from and parallel to the side lot line extending from the front lot line to the rear lot line for such lot, and such perpendicular distance (width) shall be as specified under the provisions of this bylaw for the zone in which the lot is located.

**ZONE** means a zone established under Division (4) - Land Use Designation of the *Local Government Act of British Columbia* and this bylaw.

**DIVISION THREE - BASIC PROVISIONS****301 Agricultural Land Reserve**

*Uses listed under Section 3(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg 171/2002) shall not be permitted to be carried out on lands within the Agricultural Land Reserve unless otherwise specifically regulated by provisions of this Bylaw.*

~~1. Notwithstanding anything in this bylaw contained, land within the *Regional District* designated as "*Agricultural Land Reserve*", pursuant to the *Agricultural Land Commission Act*, shall be subject to:~~

- ~~• the *Agricultural Land Commission Act*; and~~
- ~~• regulations made under the *Agricultural Land Commission Act*; and~~
- ~~• relevant orders of the *Provincial Agricultural Land Commission* made under the *Agricultural Land Commission Act*,~~

~~that is to say, without limiting the generality of the foregoing where land within an "*Agricultural Land Reserve*" is also within a land zone established under this bylaw, the bylaw shall be binding only insofar as it is not contrary to, in conflict with, inconsistent with, or repugnant to the *Agricultural Land Commission Act*, regulations made thereunder, and orders of the *Provincial Agricultural Land Commission* except that the following uses shall not be permitted to be carried out on lands located within the *Agricultural Land Reserve* unless otherwise permitted, explicitly, by this bylaw:~~

- ~~a. accommodation for agri-tourism on a farm if~~
  - ~~i. all or part of the parcel on which the accommodation is located is classified as a farm under the *Assessment Act*,~~
  - ~~ii. the accommodation is limited to ten (10) sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and~~
  - ~~iii. the total developed area for buildings, landscaping and access for the accommodation is less than five percent (5%) of the parcel;~~

~~(*B/L 2589/13*)~~
- ~~a. for each parcel,~~
  - ~~i. one (1) secondary suite within a single family dwelling, and~~
  - ~~ii. one (1) manufactured home, up to 9 metres (29.53 feet) in width, for use by a member of the owner's immediate family;~~

- ~~b. a home occupation use, that is accessory to a dwelling, of not more than 100 square metres (1076 square feet) or such other area as specified in a local government bylaw for the area in which the parcel is located;~~
- 301. 1. ~~c. bed and breakfast use of not more than four (4) bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw for the area in which the parcel is located;~~
- ~~d. operation of a temporary sawmill if at least fifty percent (50%) of the volume of timber is harvested from the farm or parcel on which the sawmill is located;~~
- ~~e. biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 square metres (1076 square feet) for each parcel;~~
- ~~f. use of an open land park established by a local government for any of the purposes specified in paragraph (f);~~
- ~~g. breeding pets or operating a kennel or boarding facility;~~
- ~~h. education and research except schools under the *School Act*, respecting any use permitted under the Act and this regulation as long as the area occupied by any buildings or structures necessary for the education or research does not exceed 100 square metres (1076 square feet) for each parcel;~~
- ~~i. production and development of biological products used in integrated pest management programs as long as the area occupied by any buildings or structures necessary for the production or development does not exceed 300 square metres (3229 square feet) for each parcel;~~
- ~~j. aggregate extraction if the total volume of materials removed from the parcel is less than 500 cubic metres (17657 cubic feet), as long as the cultivatable surface layer of soil is salvaged, stored on the parcel and available to reclaim the disturbed area;~~
- ~~k. force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;~~
- ~~l. telecommunications equipment, buildings and installations as long as the area occupied by the equipment, buildings and installations does not exceed 100 square metres (1076 square feet) for each parcel;~~

- ~~m. construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of (i) dikes and related pumphouses, and (ii) ancillary works including access roads and facilities;~~
  - ~~n. unpaved airstrip or helipad for use of aircraft flying non-scheduled flights;~~
  - 301. 1. ~~o. the production, storage and application of Class A compost in compliance with the *Organic Matter Recycling Regulation, B.C. Reg. 18/2002*, if at least fifty percent (50%) of the compost measured by volume is used on the farm; and~~
- ~~any other uses identified in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg. 171/2002)* in force from time to time.~~
- 2. ~~a. Where land outside an "Agricultural Land Reserve" is zoned for an agricultural use, this bylaw shall be binding without qualification.~~
  - ~~b. Where land presently within an "Agricultural Land Reserve" is pursuant to the *Agricultural Land Commission Act*, regulations made thereunder, or orders of the *Provincial Agricultural Land Commission*:~~
    - ~~i. excluded from an "Agricultural Land Reserve"; or~~
    - ~~ii. exempted by the *Agricultural Land Commission Act*; or~~
    - ~~iii. exempted by regulations made under the *Agricultural Commission Act* or an order of the *Provincial Agricultural Land Commission*,~~

~~the provisions of this bylaw shall be binding.~~

**302 Existing Lots**

Lots existing at the time of the effective date of this bylaw which do not conform with the parcel size or frontage requirements of these regulations may be used for any of the permitted uses outlined in the respective zone provided that all other requirements applicable within that zone can be met and provided that no other regulations are contravened. Specifically, the proposed use must meet all setback, height, site coverage, off-street parking, off-street loading and other requirements applicable thereto and development variance permits shall not be issued to allow a use that would otherwise not be permitted on the lot in question.

**303 Height Exceptions**

The height of buildings and structures permitted elsewhere in this bylaw may be exceeded for industrial cranes, upright silos, grain elevators, towers, tanks, bunkers, retaining walls, radio and television antennas, church spires, belfries, domes, monuments, chimneys and

smoke stacks, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, apartment elevator shafts, stair towers, scenery lofts, fire and hose towers and wind machines.

**304 Lot Severance Subdivisions**

Notwithstanding the provisions of this bylaw, the *Approving Officer* appointed under the provisions of the *Land Title Act* or *Local Government Act* may approve a subdivision of any parcel of land that at the effective date of this bylaw is physically severed by the Shuswap River or by an existing public road constructed to *Ministry of Transportation* standards, where the proposed subdivision is designed to establish a legal boundary along the frontage of the public road, provided that the subdivision thereof does not create any lots smaller in area than 0.4 ha.

**305 Permitted Uses Of Land, Buildings, And Structures**

1. The use of land, including the surface of water, of buildings, and of structures shall be in accordance with the permitted uses specified in this bylaw. All other uses, by exclusion are explicitly prohibited.
305. 2. Notwithstanding any other provisions of this bylaw, *Public Service, Assembly,* and *Civic* uses shall be permitted in all zones, except the *Residential Single Family Zone (R.1)* except that *Assembly* uses licensed pursuant to the *Community Care and Assisted Living Act of B.C.* shall also be permitted within the *Residential Single Family Zone (R.1)*.

Notwithstanding the lot area, lot frontage and setback requirements cited elsewhere in this bylaw, lots that are proposed to be subdivided for *Public Service, Assembly,* and *Civic* use shall:

- a. Have a lot area not less than 1100 square metres (11841 square feet) for *Assembly* and *Civic* uses serviced with community sewer and water systems and not less than 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system. There shall be no minimum lot area requirement for park and playground use; and
- b. Have an area of not less than 200 square metres (2153 square feet) for *Public Service* use provided that there is no sewage generated from the proposed use otherwise the lot must meet the minimum lot area requirements outlined in Section 305.2.a. above; and
- c. Have a lot frontage not less than one tenth of the perimeter of the proposed lot; and
- d. Be provided with a minimum setback from all property lines not less than 4.5 m (14.76 feet).

3. The regulations governing non-conforming use are set forth in the *Local Government Act* and a use that was non-conforming or unlawful under the "Regional District of North Okanagan Zoning Bylaw No. 725, 1986" shall continue to be non-conforming or unlawful unless it is in full compliance with this bylaw.

4. The use of one (1) tent or one (1) trailer not exceeding 9 m (29.53 feet) in length shall be permitted in other than a manufactured home or tent and trailer park, for a period not exceeding thirty (30) days in any calendar year, on a parcel of land which is fully serviced with water and sewage disposal facilities.

5. Additional Permitted Uses:

a. Subject to the regulations in Section 502 of this bylaw and in addition to the list of permitted uses specified in Section 502, the following legally described properties shall be allowed an additional use or uses as hereinafter described.

<u>Legal Description</u>	<u>Additional Permitted Use(s)</u>
Lot 6, Section 26, Township 8, Plan 1956, except Plan B.3946, O.D.Y.D.	Servicing and repair of motor vehicles including body or frame repair or painting

In the event that the above-described properties are further subdivided, all new vacant lots so created shall be subject solely to the regulations of Section 502 of this bylaw.

b. Subject to the regulations in Section 601 of this bylaw and in addition to the list of permitted uses specified in Section 601, the following legally described properties shall be allowed an additional use or uses as hereinafter described.

<u>Legal Description</u>	<u>Additional Permitted Use(s)</u>
Lot A, Section 11, Township 8, Plan 20063, O.D.Y.D.	Sale and repair of machinery and heavy equipment

In the event that the above-described properties are further subdivided, all new vacant lots so created shall be subject solely to the regulations of Section 601 of this bylaw.

c. ***Notwithstanding the regulations in the Home Occupation Uses outlined in Section 403 of this Bylaw, that a home based business on that property legally described as Lot 1, Sec. 7, Tp. 5, O.D.Y.D., Plan 30551, located at 5448 Dixon Dam Road is a permitted use within an accessory building of a maximum gross floor area of 355 square metres (3280 ft<sup>2</sup>),***

*with a maximum of eight (8) employees to operate a custom meat processing, manufacturing and sausage production plant. [B/L 2423/09]*

**306 Prohibited Uses Of Land, Buildings, And Structures**

The following uses shall be prohibited in all zones:

1. Living accommodation in cellars and basements:
  - a. No person shall inhabit or otherwise occupy any suite, dwelling, or sleeping unit in any cellar anywhere within the *Regional District*.
  - b. No person shall inhabit or otherwise occupy any suite, dwelling, or sleeping unit in any basement, except in those areas of the *Regional District* where the leasing, renting, or otherwise letting of a basement suite, dwelling, or sleeping units are permitted by this bylaw, except and provided that this shall not prohibit the use of extra living accommodation in any basement by members of the family occupying the dwelling at such time and provided that no *Kitchen*, as defined in Division Two of this bylaw, is installed or used therein.
2. A use that is carried on wholly or partly in a tent, trailer, or manufactured home, except as may be specifically permitted under the provisions of this bylaw or under the provisions of the bylaws and regulations of the *Regional District* generally.
3. The unenclosed storage of automobiles and trucks (including parts thereof) which are in an advanced state of disrepair, wrecked, or being dismantled for salvage, except where specifically permitted under the provisions of this bylaw.
4. The incinerating or processing of fish, animal, or vegetable waste products, except where specifically permitted under the provisions of this bylaw.
5. The manufacturing of pulp, paper, or petroleum.
6. The residential use of a *Park Model Recreation Unit*.
7. A temporary building or structure shall not be used, occupied, placed, or erected on any lot for dwelling purposes except where permitted pursuant to the provisions of Sections 407 and 408 of this bylaw.
8. ***The construction of sewage treatment plants and related facilities that discharge to a source of surface water. (B/L 2238/07)***
9. ~~***Medical marihuana production facilities or grow operations except as explicitly permitted under the provisions of this bylaw. (B/L 2606/13)(B/L 2820/19)***~~

10. *Cannabis retail including zones which broadly permit retail store or sales, farm or off-farm product sales, convenience store, accessory retail use and home based businesses, except in Electoral Areas “B”, “D” and “E”.*

(B/L 2775/18)(B/L 2812/19)

11. *Cannabis lounge, except in Electoral Areas “D” and “E”*

(B/L 2775/18)(B/L 2820/19)

**307 Setback Exceptions**

1. Where under the provisions of this bylaw, a yard free of all buildings and structures is required to be provided, all items of construction or other things (hereinafter called "projections") attached to such building or structure and which project out from the exterior wall of such building or structure, shall be deemed to be part of such building or structure for the purpose of measurement of the depth or width of the required yard, provided that:
- 307 1. a. Where such projections are chimneys, cornices, built in hutches, leaders, gutters, pilasters, belt courses, bay windows or ornamental features, the depth or width of the required yard into which such projections extend may be reduced by not more than 0.6 metres (1.968 feet); and
- b. Where such projections are steps, eaves, sunlight control projections, canopies, balconies or open porches, the depth or width of the required yard into which such projections extend may be reduced by not more than 1 metre (3.281 feet); and
307. 1. c. An underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend above the average finished ground elevation; and
- d. Free-standing light poles, warning devices, antennas, masts, utility poles, wires, flag poles, fences, signs and sign structures, may be sited on any portion of a lot provided that the location and design thereof is not prohibited under any other bylaw or regulation of the *Regional District*.
2. Notwithstanding the provisions of this bylaw, buildings, or structures of less than 10 square metres (107.6 square feet) in size are hereby exempted from the side and rear yard setback provisions cited elsewhere in this bylaw.

**308 Siting, Size, Shape, And Dimensions Of Land, Buildings, And Structures**

The construction, reconstruction, alteration, moving, or extension of buildings and structures within any zone shall be in conformity with the regulations for the siting, size, and dimensions of buildings and structures specified in this bylaw.



**309 Buffering Between The Agricultural Land Reserve And Non-Alr Lands**

Screening vegetation, fencing and building setbacks on the non ALR side of the urban/ALR interface shall be provided in accordance with the “Landscaped Buffer Specifications” prepared by the Agricultural Land Commission in 1993. Buffering requirements shall be considered as a condition precedent to subdivision approval or as a condition precedent to the issuance of building permits as the case may be.

**310 Building Site**

*All lots created within the Small Holding (S.H.), Country Residential (C.R.), Non-Urban (N.U.), and Large Holding (L.H.) zones of this bylaw shall contain a contiguous area of land 2,000 square metres (21,528 square feet) or larger in size to serve as a suitable building site. Such building site shall be less than thirty percent (30%) natural slope and shall be accessible from a public highway in accordance with the following private access driveway design standards:*

*Commencing at the edge of the finished road surface, private access driveways shall:*

- a. be as close to right angles as practicable to the finished road surface for a minimum distance of 6 metres (19.68 feet); and*
- b. have a minimum width of 5.5 metres (18.04 feet) for the distance specified in a. above and 4 metres (13.12 feet) minimum width thereafter; and*
- c. have a maximum slope of two percent (2%) from the ditch line for a minimum distance of 10 metres (32.81 feet) and a maximum slope of fifteen percent (15%) thereafter. (Bylaw 1972/04)*

**311 Manufactured Home Use**

*The relocation or use of a manufactured home as a dwelling within Electoral Areas 'B' and 'C' must comply with the CSA-Z240 -92MH Series Standard.*

*The relocation or use of a manufactured home as a dwelling within Electoral Areas 'D', 'E' and 'F' shall be permitted subject to:*

- i. the manufactured home conforming with the CSA Standard Z240; or*
- ii. the owner providing the Building Department with the following reports and plan confirming that the manufactured home substantially complies with or is equivalent to following codes or standards:*
  - A report from a Registered Professional which states that the manufactured home substantially complies with the current Structural Design requirements of the B.C. Building Code.*

- *A report from a licensed tradesperson or the Electrical Safety Officer which states that the manufactured home substantially complies with the Canadian Electrical Code.*
- *A report from a licensed tradesperson or the Gas Safety Officer which states that the manufactured home substantially complies with the Natural Gas and Propane Installation Code.*
- *A floor plan showing room and building egress, electrical smoke alarm(s) installation and solid fuel burning appliance(s) installation to substantially comply with the B.C. Building Code.*

*(B/L 2156/06)*

**312 Boundary Adjustment Subdivisions**

1. *Minimum lot size and lot frontage requirements of the Zoning Bylaw do not apply to subdivisions outside the Agricultural Land Reserve that involve an alteration of lot lines between two or more existing lots and:*
    - a. *there is no increase in the number of parcels; and*
    - b. *no lot is enlarged to a size permitting further subdivision under the existing zoning; and*
    - c. *no lot that complies with the minimum lot size requirement is reduced to a size that does not comply; and*
    - d. *no lot that is greater than 1 ha in size is reduced to a size that is less than 1 ha where it is serviced by an on-site sewage disposal system; and*
    - e. *the subdivision complies with all other requirements of the Zoning Bylaw; and*
    - f. *the existing lots have lot frontage but do not comply with the lot frontage requirements; and*
      - i. *no lot frontage is reduced to less than 20 m; and*
      - ii. *private access driveways can be provided in accordance with Section 310 of this Bylaw;*
312. 1. g. *the existing lots do not have road frontage; and*
- i. *the Provincial Approving Officer is prepared to approve the subdivision plan in accordance with BC Reg. 334/79.*

2. *Minimum lot size and lot frontage requirements of the Zoning Bylaw do not apply to subdivisions inside the Agricultural Land Reserve that involve an alteration of lot lines between two or more existing lots and:*
- a. *there is no increase in the number of parcels; and*
  - b. *no lot that is greater than 1 ha in size is reduced to a size that is less than 1 ha where it is serviced by an on-site sewage disposal system; and*
  - c. *no lot frontage is reduced to less than 20 m; and*
  - d. *private access driveways can be provided in accordance with Section 310 of this Bylaw;*
  - e. *the Provincial Approving Officer is prepared to approve the subdivision plan in accordance with BC Reg. 171/2002 or the subdivision has been approved by the Agricultural Land Commission under Section 20(1) of the Agricultural Land Commission Act; and*
  - f. *the subdivision complies with all other requirements of the Zoning Bylaw.* (B/L 2565/12)

**DIVISION FOUR - GENERAL REGULATIONS**

**401 Agricultural Uses in Other Than Rural Zones**

1. Where an *Intensive Agricultural* use is permitted in the *Small Holding Zone (S.H.)* or in any non-rural zone of this bylaw, pursuant to the provisions of Section 915 of the *Local Government Act*, the agricultural setback and site coverage provisions of Section 803 and Schedule G of this bylaw shall apply to the *Intensive Agricultural* use.
2. Where a *Restricted Agricultural* use is permitted in other than a *Rural Zone* pursuant to the provisions cited elsewhere in this bylaw, all buildings and structures used for *Restricted Agricultural* purposes shall:
  - a. Not exceed two (2) per lot; and
  - b. Not exceed a height of 10 m (32.81 feet); and
  - c. Not exceed a site coverage of ten percent (10%); and
  - d. Not be sited less than:
    - i. 30 m (98.42 feet) from any front or exterior side lot line; and
    - ii. 8 m (26.25 feet) from any side or rear lot line; and
    - iii. 30 m (98.42 feet) from any lot line, for all buildings and structures used for housing and feeding animals, notwithstanding the requirements of Subsection d.ii. above.
3. **Laying Hens**
  - a. ***Notwithstanding the provisions of this Bylaw, any residential or rural property that does not allow restricted or intensive agricultural use and contains a single family dwelling or manufactured home and is zoned Rural or Residential (except properties zoned R.5) within the Regional District is permitted to possess:***
    - i. ***a maximum of four (4) hens on properties which are less than 4047 m<sup>2</sup> (1 acre); and,***
    - ii. ***a maximum of ten (10) hens on properties that are, at a minimum, 4047 m<sup>2</sup> (1 acre) in area.***

- b. *No roosters shall be permitted on any lot zoned Residential or that is less than 1 ha (2.471 acres) and zoned Rural.*
- c. *All hens must be housed within a building or structure that meets the following regulations:*
  - i. *A minimum of 0.37 m<sup>2</sup> floor area per hen, with the provision that the maximum floor area shall not exceed 9.2 square metres (100 square feet); and*
  - ii. *the height shall not exceed 2 metres (6.56 feet), as measured from the finished grade; and*
  - iii. *the setback from any door or window of any dwelling shall not be less than 3 metres (9.8 feet); and*
  - iv. *shall be located only to the rear or side of a single family dwelling; and*
  - v. *shall be screened and located to the rear of a single family dwelling on a corner lot; and*
  - vi. *the setback from any property line shall be not less than 2 metres (6.56 feet).*
- d. *On all properties that have a lot area less than 4047 m<sup>2</sup> (1 acre), an attached secure open enclosure (run), with a minimum floor area of 0.92 m<sup>2</sup> per hen, will be required in addition to 401.3.c and all hens must be completely enclosed within either the secure open enclosure or enclosed structure at all times.*

*(B/L 2573/13)*

**4. Hobby Beekeeping**

**a. *Definitions***

- i. *“Apiary” means a place where bees or beehive or beekeeping equipment is kept;*
- ii. *“Bee” means the honey producing insect *Apis mellifera*;*
- iii. *“Beehive” means a structure which houses a colony of worker-bees with a queen and drones;*

iv. *“Nucleus colony” means a small honeybee colony created from a larger colony and can consist of up to five (5) frames primarily used for rearing and storing of queen bees.*

**b. *Permitted Zones and Number of Colonies***

i. *Notwithstanding any other provisions of this Bylaw, any residential or rural property that does not allow restricted, limited or intensive agricultural use and contains a single family dwelling, two family dwelling or manufactured home and is zoned Residential Single Family (R.1), Residential Two Family (R.2) or Small Holding (S.H.) within the Regional District of North Okanagan is permitted to possess:*

a. *a maximum of two (2) colonies and two (2) nucleus colonies on properties which are between 0.1 ha (0.25 acre) and 0.2 ha (0.49 acre);*

b. *a maximum of four (4) colonies and four (4) nucleus colonies on properties which are greater than 0.2 ha (0.49 acre) and less than or equal to 0.4 ha (0.99 acre);*

c. *four (4) additional colonies and four (4) additional nucleus colonies may be kept for each additional 0.4 ha (0.99 acre) on properties greater than 0.4 ha (0.99 acre) in size.*

ii. *Hobby beekeeping in accordance with this section of the Bylaw is also permitted on properties where the beekeeping forms part of an educational program.*

iii. *Hobby beekeeping restrictions of Section 401.4 do not apply to properties within the Provincial Agricultural Land Reserve (ALR) or to properties which are otherwise zoned to allow for restricted, limited or intensive agricultural use.*

**c. *Hobby Beekeeping General Provisions***

i. *Hobby beekeeping in accordance with this section of the Bylaw must be ancillary to a residential use.*

ii. *All beehives and/or nucleus colonies must be registered with the*

*apiculture registration system for British Columbia, coordinated by the BC Ministry of Agriculture Apiculture Program, under the authority of the Provincial Bee Regulation and Provincial Animal Health Act, [SBC] 2014.*

- iii. *Beehives must be located in accordance with all of the following:*
  - a. *to the rear of a single family dwelling, two family dwelling or manufactured home which has a continuous fence or hedge that is 2.0 metres (6.6 feet) in height, except as restricted by Section 1501.1.f, running parallel to any property line and extending at least 6.0 metres (19.7 feet) beyond the beehive in both directions so as to facilitate an appropriate flight path for bees;*
  - b. *the entrance to the beehive must face away from the closest neighbouring property;*
  - c. *beehives must not be located within 4.5 metres (14.8 feet) of property lines fronting a highway; and,*
  - d. *for human protection from potential dangerous wildlife encounters, beehives must be located so that they can be seen from a safe distance from any direction which a reasonable person may approach.*
- iv: *A water supply must be provided on the property to deter bees from seeking water from other sources, such as neighbourhood birdbaths, pools, ponds or other water sources.*
- v. *Products derived from hobby beekeeping may be sold in accordance with Section 403.8 (Home Occupation) of this Bylaw, in addition to any applicable Provincial regulations.*

*(B/L 2817/19)*

#### **402 Community Care Facilities**

Where a community care facility is permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act*, and amendments thereto, which use would otherwise be contrary to the provisions of this bylaw, said use shall be subject to the following regulations:

402. 1. The community care facility shall be contained wholly within the principal building located on the subject property; and
2. If the community care facility is located in a *Residential* zone, as established by this bylaw, the community care use shall be permitted to operate weekdays only, for a maximum period of thirteen (13) hours per day, between the hours of 6:30 AM and 7:30 PM; and
3. The number or type of persons who may be cared for within the community care facility shall comply with the provisions of Section 20 of the *Community Care and Assisted Living Act* and amendments thereto; and
4. If the community care facility is located in a *Residential* zone, as established by this bylaw, the number of staff members that are employed to provide community care shall not exceed one person. For the purposes of this section staff members shall not include the owners of the community care facility or their immediate relatives; and
5. Any dwelling unit within which the community care use is carried on, and the lot upon which the dwelling unit is located, shall be occupied, and operated on a full time basis, by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot and dwelling unit; and
6. The operators of the community care facility shall have a valid business licence where said licence is required; and
7. The community care facility shall comply with all other applicable bylaws or regulations affecting such use and the owner of the community care facility shall:
- a. Obtain an access permit for the community care facility from the *Ministry of Transportation*; and
  - b. Obtain an on-site septic tank effluent disposal permit, from the *Environmental Health Officer*, to provide for the discharge of effluent from any combined residential/commercial /industrial /community care use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system the owner must obtain the permission of the authority having jurisdiction to discharge effluent from any and all combined uses of the land, as described above, to the sewer system; and
  - c. Where applicable, obtain the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the community care facility; and



402. 7. d. Obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed community care facility; and
8. ***Except for community care facilities located in Electoral Area ‘E’, not more than one (1) sign advertising the community care facility shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and (B/L 2358/08)***
9. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a community care facility use shall not be carried out unless off-street parking spaces are provided on the lot on which the facility is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required, for any commercial, industrial or residential use of the subject property under the off-street parking requirements of this bylaw applicable to said use(s), if no community care use was carried on on the lot; plus
  - b. One (1) additional off-street parking space per three (3) persons, or fractions thereof, requiring care; plus
  - c. One (1) additional off-street parking space per staff member employed by the owner of the community care facility; and
  - d. Off-street parking spaces shall not be permitted within a required front yard; and
  - e. Not more than one (1) motor vehicle shall be parked within any off-street parking space that is required to be provided pursuant to the provisions of this bylaw and parking spaces designated for a particular use shall be reserved for that use only.

**403 Home Occupation Use in all Zones**

Home occupation uses shall be permitted in all zones provided that:

1. The home occupation use or uses are clearly incidental or secondary to an existing residential dwelling use of the property and does not change the character of the site or have any exterior evidence of such secondary use(s) other than one home occupation sign not greater than 0.5 square metres (5.382 square feet) in area in *Residential Zones* and not greater than 1 square metre (10.76 square feet) in area in *Rural Zones* except that if the property abuts a *Controlled Access Highway* in a *Rural Zone* or is separated by a road or railway therefrom, then one only home occupation sign not greater than 2 square metres (21.53 square feet) in area may be permitted.

Home occupation signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30<sup>0</sup>); and  
***There is no restriction on the number and size of home occupation signage in Electoral Area ‘E’, and*** (B/L 2358/08)

***Notwithstanding the above provisions, one home occupation sign not greater than 3.0 square metres (32.29 square feet) in area is permitted on Rural zoned properties which are 1.0 ha (2.471 acres) or larger in size and are located within Electoral Area “D”.*** (B/L 2823/19)

403. 2. All activities, including storage of materials, etc, must be completely enclosed within a dwelling unit, accessory residential building or agricultural building; and
3. The use does not occupy a floor space exceeding:
- a. 50 square metres (484.4 square feet) in a *Residential Zone*; and
  - b. 75 square metres (807.3 square feet) on lots 2 ha (4.942 acres) or smaller in size in a *Rural Zone*; and
  - c. 100 square metres (1076.43 square feet) on lots larger than 2 ha (4.942 acres) in size but smaller than 7.2 ha (17.79 acres) in a *Rural Zone*; and
  - d. 185 square metres (1991 square feet) on lots 2 ha (4.942 acres) or larger in size in Electoral Areas ***‘D’ and ‘E’*** and 7.2 ha (17.79 acres) or larger in size in a *Rural Zone* located in all other electoral areas; and (B/L 2012/05)
4. There shall be no restriction on the size or number of buildings within which home occupations may be carried out provided that the total floor space used for home occupation purposes does not exceed the floor space allowed pursuant to the provisions of subsection 3. above.
- Notwithstanding this provision, a home occupation in Electoral Areas 'B' and 'C' shall not be permitted to be carried out, in whole or in part, within an accessory building larger than 100 square metres (1076.43 square feet) in size on lots smaller than 7.2 ha (17.79 acres) in area; and
5. The home occupation use does not have more than:
- a. one (1) "on premise" employee in a *Residential Zone*; or
  - b. two (2) "on premise" employees in a *Rural Zone* except that four (4) "on premise" employees shall be allowed in Electoral Area 'E'.

For the purposes of this subsection an "on premise" employee shall include any person employed in the carrying out of the home occupation other than members of the immediate family residing in the residential dwelling unit; and

403. 6. The use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazard; and
7. The use does not generate traffic that results in the on-street parking of vehicles; and
8. The use does not involve the sale of a commodity on the premises, unless it is produced on the premises; and
9. The use does not include auto body and paint shops, automobile sales, vehicle wrecking yards, and heavy equipment sales, service and repair unless the activity meets all of the requirements cited herein; and
10. The use does not include community care facilities licenced pursuant to the *Community Care and Assisted Living Act* of British Columbia.
11. The use is operated on a full time basis, by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot or, in the case of a rental premises, by the occupant with permission from the registered owner; and
12. The use has a valid business licence where a licence is required; and
13. Off-street parking spaces are provided on the lot on which the home occupation is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required, for the residential use of the subject property under the off-street parking requirements of this bylaw applicable to said use, if no home occupation use was carried on on the lot; plus
  - b. Three (3) additional off-street parking spaces. These parking spaces shall not be provided within the front yard setback area applicable to the subject property.

**404 Lot Size Averaging Provisions at Subdivision**

Notwithstanding the provisions of this bylaw, the *Approving Officer* may approve a subdivision of lots smaller than required in the *Country Residential, Non-Urban and Large Holding Zones* provided that:

- a. The number of lots created is not greater than the number of conventional lots that could have been developed in compliance with the minimum lot area and lot frontage requirements of the applicable zone and the access, building site, and servicing requirements of the *Regional District of North Okanagan Subdivision Servicing Bylaw* in force from time to time; and
- 404. b. The minimum lot area is not less than:
  - i. 1.0 ha (2.471 acres) in the *Country Residential Zone (C.R.)*; and
  - ii. 2.0 ha (4.942 acres) in the *Non-Urban Zone (N.U.)*; and
  - iii. 7.2 ha (17.79 acres) in the *Large Holding Zone (L.H.)*; and
- c. The maximum lot area is not greater than 1.5 times the minimum lot area requirement of the applicable zone; and
- d. The minimum lot frontage is not less than that required within the applicable zone except that the lot frontage may be waived, for one lot only, in accordance with the provisions of the applicable zone.

**405 Minimum Lot Area For Lots Subdivided Pursuant to the Provisions of Section 946 of the Local Government Act**

Pursuant to the provisions of Section 946.(4) of the *Local Government Act (RSBC 1996) Chapter 323* the minimum size for a parcel that may be subdivided to provide a residence for a relative is 3.5 ha (8.648 acres) in the *Country Residential Zone (C.R.)* and 8.5 ha (21.00 acres) in the *Non-Urban Zone (N.U.)* and *Large Holding Zone (L.H.)*.

Any parcel created by subdivision under this section shall be at least 1 ha in size.

This Section does not apply to lands that are located within an "Agricultural Land Reserve" established under the *Agricultural Land Commission Act (RSBC) Chapter 10*.

**406 Setbacks From Major Roads**

Notwithstanding the setback provisions cited elsewhere in this bylaw, the following building lines are hereby set on lands abutting certain highways within the *Regional District*:

- 1. All buildings and structures shall be provided with a setback of not less than 30 metres (98.42 feet) plus the required setback of the respective zone measured from the centre lines of Highways No. 6, No. 97, No. 97A, and No. 97B, except that those properties fronting on the south side of Hwy. No. 97A from the southwest

corner of Block 25, District Lot 526, Plan 592, K.D.Y.D., to the northeast corner of Lot A, District Lot 526, Plan KAP55016, K.D.Y.D., (Grindrod) shall only be required to meet the setback requirements within the governing zone.

406. 2. All buildings and structures shall be provided with a setback of not less than 12.5 m (41.01 feet) plus the required setback of the respective zone measured from the center lines of:

Electoral Areas 'B' and 'C'

- a. Bailey Road
- b. Commonage Road
- c. Francis Street to 39<sup>th</sup> Avenue
- d. L & A Road from Silver Star Road to Baker Hogg Road
- e. Old Kamloops Road
- f. Pleasant Valley Road
- g. Pottery Road
- h. Sarsons Road
- i. Silver Star Road
- j. 15<sup>th</sup> Street

Electoral Areas 'D' and 'E'

- a. Creighton Valley Road
- b. Eight Mile Road
- c. Lumby-Mabel Lake Road
- d. Quesnel Road
- e. Rawlings Lake Road
- f. Richlands Road
- g. Shafer Road
- h. Trinity Valley Road
- i. Whitevale Road

Electoral Area 'F'

- a. Bass Road
- b. Black Road
- c. Brash-Allen Road from Jeffcoat Road to Mowat Road
- d. Crossman Road
- e. Dolly Varden Road
- f. Enderby-Grindrod Road from Mowat Road north to Highway No. 97A
- g. Enderby-Mabel Lake Road
- h. Gardom Lake Road
- i. Glenmary Road from Nathan Road to Helmcken Road

- j. Grandview Bench Road from Highway No. 97A north to the most northerly point of Lot A, Plan KAP55016, Section 25, Township 19, Range 9, K.D.Y.D.
  - k. Grandview Bench Road from Metcalfe Road to Black Road
  - l. Gunter-Ellison Road
  - m. Nathan Road
  - n. Old Salmon Arm Road
  - o. Old Sicamous Road
  - p. Riverside Road from Highway No. 97A to the Mara Bridge
  - q. Trinity Valley Road
406. 3. For lots fronting on highways established by Section 4 of the *Highway Act*, the front yard free of buildings and structures shall be provided in accordance with the front yard setbacks of each zone, plus 10 m (32.81 feet) which distance shall be measured from the center line of the undedicated highway; or, in accordance with the front yard setbacks of each one measured 3 m (9.842 feet) beyond the top of the cut or the toe of the fill, whichever is the greater.

**407 Temporary Residence For The Medical Care And Nursing Of An Owner Or An Immediate Relative**

Where a temporary residence is required for the purpose of providing a separate residence for the medical care and nursing of an owner of land, or an immediate relative, the following conditions shall apply:

- 1. The medical care must be for an owner, or for the spouse of the owner, or for an immediate relative of the owner, or an immediate relative of the owners spouse, being a father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, grandchild, brother, or sister; and
- 2. Before a building permit is issued for the temporary residence the need for close medical care and nursing of the owner, spouse or immediate relative the infirm person shall be certified by a sworn affidavit from the owner of the parcel on which the temporary residence is proposed to be located and from the medical doctor of the person requiring medical care and nursing. The affidavits shall be delivered to the *Administrative Officer* of the *Regional District* and shall remain in force and effect for a period of one year. The doctor of the person requiring medical care and nursing of shall be qualified to practice medicine in the *Province of British Columbia* under the provisions of the *Medical Act*; and
- 3. Further affidavits, as required by Subsection 2. above, shall be delivered annually to the *Administrative Officer* of the *Regional District* on the anniversary of the date upon which the affidavits were first delivered. The need for close medical

care and nursing of the infirm person shall be deemed to have ceased if the affidavits required under this Subsection are not delivered by the date upon which they are required to be delivered; and

407. 4. No more than one (1) temporary residence shall be permitted on a lot and the lot shall be not smaller than **0.4 ha (0.9884 acres)**; and **(B/L 2041/05)**
5. ***A Temporary Residence shall not be permitted on lots containing a secondary suite, a detached suite, an ancillary dwelling or a two family dwelling.***  
**(B/L 2747/17)**
6. ***For properties within the Agricultural Land Reserve, a temporary residence in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted unless authorized under BC Reg 171/2002 or through the approval of an application under Section 20(3) of the Agricultural Land Commission Act.***  
**(B/L 2747/17)**
7. The temporary residence may include a manufactured home ***subject to the provisions of Section 311***, modular manufactured home or a single family dwelling; and **(B/L 2156/06)**
8. The temporary residence shall be sited in conformity with the regulations of this bylaw and the provincial *Health Act*; and
9. The gross floor area of a single family dwelling or manufactured home or modular manufactured home proposed to be used as a temporary residence shall be not larger than 115 square metres (1238 square feet); and
10. The temporary residence shall not be sited on a permanent foundation with a basement excavation and shall be removed from the owner's land when the need for medical care and nursing ceases except that the temporary residence may be converted to any non-residential use permitted within the applicable zone subject to:
- a. compliance with all other regulations of the applicable zone with respect to density and the siting, size and dimensions of the building; and
  - b. removal of all kitchen and bathroom cabinets, plumbing fixtures, hot water tanks, furnaces, and sewer connections except that some of said facilities may be retained for home occupation and workshop purposes as determined by the Chief Building Inspector; and
  - c. refinishing of the exterior of the building to portray a building intended for the proposed use; and

- d. completion of the conversion within thirty (30) days of the end of the period of construction of the new residence; and

**407. 11.** A covenant shall be registered, pursuant to the provisions of Section 219 of the *Land Title Act*, to permit the temporary residence during the period of medical care and nursing and to prohibit the temporary residential use from continuing after the period of medical care ceases. The covenant shall also include an agreement by the owner to indemnify and save harmless the *Regional District* against all costs and expenses incurred by the *District* in converting, demolishing or removing the temporary residence, in default by the owner in converting, demolishing or removing said residence, including any legal costs incurred in pursuing such legal remedies as the *District* sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the temporary residence; and

**12.** A blanket statutory right-of-way shall be granted to the *Regional District* permitting the *District* to enter onto the owner’s land for the purpose of converting, demolishing or removing the temporary residence in the event that the owner defaults. The statutory right-of-way shall be registered as a condition precedent to the issuance of a building permit for the temporary residence; and

**13.** An irrevocable unconditional letter of credit from a chartered bank shall be drafted in favour of the *Regional District* and shall be held by the Township as security for performance by the owner of his covenants and obligations with respect to the removal, demolition or conversion of the temporary residence. The amount of the letter of credit shall be 1.25 times the estimated cost of the conversion or removal of the temporary residence which estimate shall be obtained from a qualified building, demolition or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a building permit for the temporary residence. *Notwithstanding the above provisions and where a Manufactured Home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of One Thousand Five Hundred Dollars (\$1500.00) may be accepted by the Chief Building Inspector. Where a Modular Manufactured Home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of Three Thousand Dollars (\$3000.00) may be accepted by the Chief Building Inspector.*

*(B/L 2041/05)*

**408 Temporary Residence During the Period of Construction of a New Residence**

Where a temporary residence is required during the period of construction of a new residence, the following conditions shall apply:



408. 1. No more than one (1) temporary residence shall be permitted on a lot and the lot shall be not smaller than 0.4 ha (0.9884 acres); and
2. The temporary residence may include a manufactured home *subject to the provisions of Section 311*, modular manufactured home or an existing single family dwelling legally sited on the subject property; and **(B/L 2156/06)**
3. A manufactured home or modular manufactured home that is used for a temporary dwelling shall be sited in conformity with the regulations of this bylaw and the provincial *Health Act* and shall not be sited on a permanent foundation with a basement excavation; and
4. The temporary residence shall be removed from the owner’s land within thirty (30) days of the end of the period of construction of the new residence except that the temporary residence may be converted to any non-residential use permitted within the applicable zone subject to:
- a. compliance with all other regulations of the applicable zone with respect to density and the siting, size and dimensions of the building; and
  - b. removal of all kitchen and bathroom cabinets, plumbing fixtures, hot water tanks, furnaces, and sewer connections except that some of said facilities may be retained for home occupation and workshop purposes as determined by the Chief Building Inspector; and
  - c. refinishing of the exterior of the building to portray a building intended for the proposed use; and
  - d. completion of the conversion within thirty (30) days of the end of the period of construction of the new residence; and
5. A covenant shall be registered pursuant to Section 219 of the *Land Title Act* to permit the temporary residence during the period of construction and to prohibit the temporary residential use from continuing after the period of construction ends. The covenant shall also include an agreement by the owner to indemnify and save harmless the *Regional District* against all costs and expenses incurred by the *Regional District*, in default by the owner, in the conversion, demolition, or removal of the temporary residence, and/or legal costs incurred in pursuing such legal remedies as the *Regional District* sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the new residence; and

6. A blanket statutory right-of-way shall be granted to the *Regional District* permitting the *Regional District* to enter onto the owner’s land for the purpose of converting, demolishing, or removing the temporary residence in the event that the owner defaults. The statutory right-of-way plan shall be registered as a condition precedent to the issuance of a building permit for the new residence; and
408. 7. An irrevocable unconditional letter of credit from a chartered bank shall be drafted in favour of the *Regional District*, to be held as security for performance by the owner of his covenants and obligations with respect to the conversion, demolition or removal of the temporary residence. The amount of the letter of credit shall be 1.5 times the estimated cost of conversion, demolition, or removal of the temporary residence, which estimate shall be obtained from a qualified building, demolition, or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a building permit for the new residence. ***Notwithstanding the above provisions and where a Manufactured Home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of One Thousand Five Hundred Dollars (\$1500.00) may be accepted by the Chief Building Inspector. Where a Modular Manufactured Home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of Three Thousand Dollars (\$3000.00) may be accepted by the Chief Building Inspector; and***  
***(B/L 2041/05)***
8. For the purposes of this section, "period of construction" shall mean the period of time commencing when a building permit is issued for the new residence and ending either one (1) year from the date of issuance of the permit or when a notice of conversion, demolition, or removal is delivered to the owner, whichever event first occurs. The notice of conversion, demolition, or removal of the temporary residence shall be in writing and delivered from the office of the *Chief Building Inspector* of the *Regional District*.

**409 Secondary Suites**

***Secondary suites in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:***

- 1. Secondary suites must be located in a single family dwelling;***
- 2. No more than one (1) secondary suite shall be permitted within a single family dwelling;***
- 3. No more than one (1) secondary suite shall be permitted per lot;***
- 4. ~~Secondary suites shall not be permitted on lots containing an ancillary single family dwelling or a two family dwelling;~~***

4. *Secondary Suites shall not be permitted on lots containing a detached suite, an ancillary dwelling, a two family dwelling or a temporary residence.*  
(B/L 2747/17)
5. *Secondary suites on lots within the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots smaller than 1 ha;*
6. *The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> (968 square feet) or 40% of the habitable floor area of the single family dwelling;*
7. *One (1) off-street parking space must be provided for each secondary suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*
8. *Secondary suites must comply with all relevant Regional District bylaws and the British Columbia Building Code; and*
9. *Secondary suites must be located in a building and on property which is a single real estate entity. No strata titling will be permitted.*  
(B/L 2592/13)

410 Ancillary Dwellings

1. *For properties outside the Agricultural Land Reserve, ancillary single family dwellings in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:*
  - a. *No more than one (1) ancillary single family dwelling shall be permitted per lot;*
  - b. *Ancillary single family dwellings shall not be permitted on lots containing a secondary suite, a detached suite, a two family dwelling or a temporary residence;*
  - c. *Ancillary single family dwellings on lots within the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots that are smaller than 2 ha;*
  - d. *For lots that are located within Electoral Areas “B”, “C” and “F”, the maximum gross floor area of an ancillary single family dwelling shall not exceed 90 m<sup>2</sup> (968 square feet);*
  - e. *For lots that are located within Electoral Areas “D” and “E”, the maximum ground floor area of an ancillary single family dwelling shall not exceed 111.48 m<sup>2</sup> (1,200 square feet) and a gross floor area of 222.96 m<sup>2</sup> (2,400 square feet);*
  - f. *Attached open decks, open porches, covered patios and carports shall not exceed 50% of the gross floor area of the ancillary single family dwelling and may not be screened to create a room;*

- g. For lots that are located within Electoral Areas “B”, “C” and “F”, ancillary single family dwellings may not include a basement, but may include a cellar which does not include habitable space;*
  - h. One (1) off-street parking space must be provided for each ancillary single family dwelling. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*
  - i. Ancillary single family dwellings must comply with all relevant Regional District bylaws and the British Columbia Building Code;*
  - j. Ancillary single family dwellings must be located on property which is a single real estate entity. No strata titling will be permitted; and*
  - k. Maximum height of ancillary single family dwellings shall not exceed 8 m (26.25 feet).*
- 2. For properties within the Agricultural Land Reserve, ancillary single family dwellings in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with Section 410.1 above and the following:*
- a. The ancillary single family dwelling may only be located on a lot that is classified as “farm” under the BC Assessment Act, as amended from time to time;*
  - b. The maximum gross floor area of an ancillary single family dwelling shall not exceed 75 m<sup>2</sup> (807.3 square feet);*
  - c. Ancillary single family dwellings may not include a basement, but may include a cellar which does not include habitable space.*

*(B/L 2747/17)*

**411 Detached Suites**

- 1. For properties outside the Agricultural Land Reserve, detached suites in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:*
- a. For properties within Electoral Areas “B”, “C” and “F”, detached suites must be located on one floor and be above an accessory residential or agricultural use. The main floor of the building which contains a detached suite must be used for accessory residential or agricultural purposes;*
  - b. For properties within Electoral Areas “D” and “E”, detached suites can be located on more than one floor and must be either above or beside (attached to) an accessory residential or agricultural use;*
  - c. No more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;*
  - d. No more than one (1) detached suite shall be permitted per lot;*
  - e. Detached suites shall not be permitted on lots containing a secondary suite, an ancillary single family dwellings, a two family dwelling or a temporary residence;*

- f. For properties within Electoral Areas “D” and “E”, detached suites are allowed without there being a single family dwelling on the property;*
  - g. Detached suites on lots within the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots that are smaller than 2 ha;*
  - h. The maximum floor area of a detached suite shall not exceed 90 m<sup>2</sup> (968 square feet);*
  - i. One (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*
  - j. Detached suites must comply with all relevant Regional District bylaws and the British Columbia Building Code;*
  - k. Detached suites must be located in an accessory residential or agricultural building and on property which is a single real estate entity. No strata titling will be permitted; and*
  - l. Maximum height of buildings containing a detached suite shall not exceed 12 m (39.37 feet).*
- 2. For properties within the Agricultural Land Reserve, detached suites in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with Section 411.1 above and the following:*
- a. The detached suite may only be located on a lot that is classified as “farm” under the BC Assessment Act, as amended from time to time;*
  - b. Detached suites must be located on one floor and be above an accessory residential or agricultural use. The main floor of the building which contains a detached suite must be used for accessory residential or agricultural purposes.*

*(B/L 2747/17)*

**412 Two Family Dwellings**

- 1. For properties outside the Agricultural Land Reserve, two family dwellings in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:*
  - a. No more than one (1) two family dwelling shall be permitted per lot;*
  - b. Two family dwellings shall not be permitted on lots containing a single family dwelling, a secondary suite, an ancillary single family dwellings, a detached suite or a temporary residence;*
  - c. Two family dwellings on lots within the Small Holding (S.H) zone shall not be permitted on lots that are smaller than 2 ha;*
  - d. Two family dwellings must comply with all relevant Regional District bylaws and the British Columbia Building Code;*

2. *For properties within the Agricultural Land Reserve, two family dwellings in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted unless authorized through the approval of an application under Section 20(3) of the Agricultural Land Commission Act.*

(B/L 2747/17)

**413 Agri-Tourism Accommodation**

*Notwithstanding the provisions of this bylaw, Agri-Tourism Accommodation is permitted within Regional District within the ‘Westside’ boundary of Electoral Area “B” as shown on Schedule “I” of this bylaw, and Electoral Areas “D” “E” and “F”.*

*Agri-Tourism Accommodation is subject to the following regulations:*

1. *Agri-Tourism Accommodation use must be accessory to the principle use.*
2. *All or part of the parcel on which the accommodation is located is classified as ‘farm’ by the BC Assessment Authority.*
3. *The number of permitted Agri-Tourism Accommodation Units is as follows:*
  - a. *On parcels less than 4 ha, Bed and Breakfast use is permitted only in accordance with Sections 802, 803 or 804 of this Bylaw. Campsite and Cabin units are not permitted on parcels less than 4 ha.*
  - b. *On parcels 4 ha up to 8 ha no more than a total of five (5) Agri-Tourism Accommodation Units are permitted.*
  - c. *On parcels 8 ha and greater, no more than a total of ten (10) Agri-Tourism Accommodation Units are permitted.*
4. *Agricultural Land Commission approval is required for Agri-Tourism Accommodation with more than 10 units.*
5. *The total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel.*
6. *No one person shall stay within an Agri-Tourism Accommodation Unit for more than thirty (30) days in one (1) Calendar year. (B/L 2589/13)*

(B/L 2747/17)

**414 Temporary Use Permits for Existing Cannabis Production Facilities**

1. *Designated Areas*

*Subject to Board approval and issuance of a Temporary Use Permit, Temporary Use Permits are permitted to support legalization of an Existing Cannabis*

*Production Facility located on lands outside of the Agricultural Land Reserve in the following zones only, which are designated areas in accordance with Section 492 of the Local Government Act:*

- a. General Commercial Zone (C.1);*
- b. Highway and Tourist Commercial Zone (C.2);*
- c. Neighbourhood Commercial Zone (C.3);*
- d. Service Commercial Zone (C.4);*
- e. Recreation Commercial Zone (C.5)*
- f. Small Holding Zone (S.H)*
- g. Country Residential Zone (C.R);*
- h. Non-Urban Zone (N.U); and*
- i. Large Holding Zone (L.H).*

**2. Conditions**

*a. A Temporary Use Permit application to legalize an Existing Cannabis Production Facility will be subject to conditions regarding:*

- i. the use of the land and a termination date of the permit, including early termination if Federal Government Licencing is not issued, or is suspended or revoked;*
- ii. A covenant shall be registered, pursuant to the provisions of Section 219 of the Land Title Act, to permit the existing cannabis production facility in accordance with the Temporary Use Permit. The covenant shall also include an agreement by the owner to indemnify and save harmless the Regional District against all costs and expenses incurred by the District in converting, demolishing or removing the existing cannabis production facility, in default by the owner in converting, demolishing or removing said facility, including any legal costs incurred in pursuing such legal remedies as the District sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the conversion of an existing cannabis production facility;*
- iii. A blanket statutory right-of-way shall be granted to the Regional District permitting the District to enter onto the owner's land for the purpose of converting, demolishing or removing the existing cannabis production facility in the event that the owner defaults. The statutory right-of-way shall be registered as a condition precedent to the issuance of a building permit for the conversion of an existing cannabis production facility;*

- iv. An irrevocable unconditional letter of credit from a chartered bank shall be drafted in favour of the Regional District and shall be held by the Regional District as security for performance by the owner of his covenants and obligations with respect to the removal, demolition or conversion of the existing cannabis production facility to a permitted use in the underlying zone. The amount of the letter of credit shall be 1.25 times the estimated cost of the conversion, demolition or removal of the existing cannabis production facility which estimate shall be obtained from a qualified building, demolition or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a building permit for the conversion of the existing cannabis production facility; and*
- v. Such further matters as the Board considered appropriate to the application, include in consideration of the criteria identified in the following provision.*
- b. In considering the issuance of a Temporary Use Permit to support legalization of an Existing Cannabis Production Facility, the Board will use criteria it deems reasonable which may include:*
  - i. that the temporary use will operate at an intensity of use suitable to the surrounding area;*
  - ii. that the temporary use will be compatible with regard to use, design and operation with other surrounding land uses; and*
  - iii. the level of activity is appropriately serviced with water, sewerage disposal and any other servicing the Board deems necessary*

*(B/L 2820/19)*



**DIVISION FIVE - COMMERCIAL ZONES****501 General Commercial Zone (C.1)**

## 1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *General Commercial Zone (C.1)*:

- a. Accessory buildings and structures
- b. Accommodation including apartments, hotels, motels, and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- d. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, cabarets, fraternal lodges, health spas, museums, neighbourhood pubs, night clubs, social clubs, sport clubs, sports facilities, and theatres
- e. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants (excluding drive-in restaurants)
- f. Office and commerce facilities accommodating appraisers, architects, banks, bookkeepers, brokers, chartered accountants, credit unions, dentists, dental labs, engineers, finance companies, funeral homes, insurance agents, lawyers, management companies; medical offices, labs, and clinics; mortuaries, newspapers, notaries, publishers, real estate agents, surveyors, travel agents, and veterinarians
- g. Retail sales (including parts and accessories) of appliances, automobile parts and accessories (new), beverages, bicycles, books, candy, ***cannabis only within Electoral Areas “B”, “D” and “E”***, clothing, computers, draperies, drugs, electronic equipment, fabric, ***farm supplies and feed and seed (bagged)***, flowers, food (including meat and fish), fruit, furniture, garden supplies, gasoline and motor oil accessory to a convenience store or hardware store use, glass, gifts, groceries, hardware, hobby equipment, jewellery, liquor, medical supplies, musical supplies, novelties, office equipment and supplies, optical supplies, paint, pets, pet food, photographic supplies, plants, produce, sporting goods (including rental), stationery, tack, tools and small equipment, toys, and watches
- h. Service and repair including animal beauty parlours, appliance repair, automobile rental, barber shops, costume rental, dry cleaners, hairdressers, interior decorators, laundromats, locksmith shops, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops

- i. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices  
*(B/L 2618/14)(B/L 2812/19)*
- 501 2. Floor Area
- a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
- b. The floor area for apartment use shall be not less than:
- i. 27 square metres (290.6 square feet) within each bachelor dwelling unit; or
- ii. 40 square metres (430.6 square feet) within each one-bedroom dwelling unit; or
- iii. 45 square metres (484.4 square feet) within each two-bedroom dwelling unit; or
- iv. 55 square metres (592.0 square feet) within each three-bedroom dwelling unit.
- c. The gross floor area for bakeries shall be not greater than 100 square metres (1,076 square feet).
- d. The floor area for hotel and motel use shall be not less than:
- i. 20 square metres (215.3 square feet) within each sleeping unit; or
- ii. 30 square metres (322.9 square feet) within each kitchenette unit; or;
- iii. 35 square metres (376.7 square feet) within each one-bedroom unit; or
- iv. 55 square metres (592.0 square feet) within each two-bedroom or larger units.
3. Height of Buildings and Structures

The height of buildings and structures shall not exceed the lesser of 12 metres (39.37 feet) or three (3) storeys.

501 4. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6,828 square feet) where the lot is serviced by community sewer and community water systems and not less than 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

5. Lot Coverage

Lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures.

6. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 15 metres (49.21 feet) where the lot is serviced by community sewer and community water systems but in no case shall the frontage of a lot fronting a highway be less than one-tenth of the perimeter of the lot regardless of the level of servicing.

7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw**, a front yard free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet).

501 9. c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

d. Side Yards

No side yards shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 8 metres (26.25 feet); and
- ii. where the parcel is not served by a lane, there shall be a minimum of 5 metres (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.

- ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- 501 10. b. Every business or undertaking shall be conducted within a completely enclosed building, except for parking and loading facilities and outdoor garden shops.
- c. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- d. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- e. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- f. An apartment use:
- i. shall not be permitted unless served by a community water system and community sewer system; and
- ii. shall be located entirely above the commercial use; and
- iii. shall be permitted only where no advertising use is located above or extends above the first storey of the building; and
- iv. shall be limited exclusively to storeys above the first storey of a building; and
- v. shall be the only use in a storey so used, and in all storeys above a storey so used; and
- vi. shall not exceed a gross density of thirty (30) units per hectare (12.14 units per acre).
- g. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.

**DIVISION FIVE - COMMERCIAL ZONES****502 Highway and Tourist Commercial zone (C.2)****1. Permitted Uses of Land, Buildings, and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Highway and Tourist Commercial Zone (C.2)*:

- a. Accessory buildings and structures
- b. Accommodation including campgrounds (including rental cabins), hotels, motels, and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Food service including coffee shops, dairy bars, and restaurants
- d. Retail sales (including parts and accessories) of automobiles (including service), boats (including service), ***cannabis only within Electoral Areas “B”, “D” and “E”***, flowers, food (including meat and fish), fruit, garden supplies, gasoline and motor oil, groceries, liquor, manufactured homes (including service), motorcycles (including service), plants, prefabricated dwellings, produce, recreation vehicles (including service), tack and western apparel and trucks (including service)
- e. Service and repair including automobile rental, greenhouses, nurseries, petroleum distribution installations, recreation vehicle servicing and rental, and service stations
- f. Transportation facilities including commercial parking lots and garages, and passenger transportation depots
- g. Those uses allowed pursuant to the provisions of Section 305.5.a. of this bylaw

**(B/L 2812/19)**

**2. Floor Area**

- a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
- b. The floor area for hotel and motel use shall be not less than:
  - i. 20 square metres (215.3 square feet) within each sleeping unit; or
  - ii. 30 square metres (322.9 square feet) within each kitchenette unit; or
  - iii. 35 square metres (376.7 square feet) within one-bedroom units; or
  - iv. 55 square metres (592.0 square feet) within each two-bedroom or larger units.

- 502 2. c. The gross floor area for retail sales of flowers, food (including meat and fish), fruit, groceries, plants, and produce shall be not greater than 150 square metres (1,615 square feet).
- d. The gross floor area for a cabin including any mezzanine and all storeys shall not be greater than 95 square metres (1,022 square feet).

3. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. the lesser of 10 m (32.81 feet) or two (2) storeys for motel use; or
- b. the lesser of 12 m (39.37 feet) or three (3) storeys for hotel use; or
- c. 10 m (32.81 feet) for all other uses.

4. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than:

- a. 560 square metres (6,828 square feet) where the lot is serviced by community sewer and community water systems; or
- b. 2,000 square metres (21,528 square feet) for hotel and motel use where the lot is serviced by community sewer and community water systems; or
- c. 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system; or
- d. 2 ha (4.942 acres) for campground use.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

5. Lot Coverage

Lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures.

6. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 15 metres (49.21 feet) where the lot is serviced by community sewer and community water systems but in no case shall the frontage of a lot fronting a

highway be less than one-tenth of the perimeter of the lot regardless of the level of servicing.

502 7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacks

a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet).

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 3 metres (9.842 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~



502 9. e. **Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. **Other Requirements**

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- c. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- e. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.
- f. A service station use shall not include body or frame repairs or painting.
- g. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.

- 
- 502 10. h. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the center line of a controlled access highway.
- i. Campgrounds shall conform with the requirements of Schedule "D" of this bylaw.

**DIVISION FIVE - COMMERCIAL ZONES****503 Neighbourhood Commercial Zone (C.3)**1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Neighbourhood Commercial Zone (C.3)*:

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Professional studios including art studios, dance studios, music studios, and photography studios
- d. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, neighbourhood pubs, and theatres
- e. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, and fish shops
- f. Office and commerce facilities accommodating branch banks, bookkeepers, credit unions, dentists; medical offices, labs and clinics; and notaries
- g. Retail sales (including parts and accessories) of beer and wine accessory to a neighbourhood pub use, bicycles, books, candy, ***cannabis only within Electoral Areas “B”, “D” and “E”***, clothing, drugs, flowers, food (including meat and fish), fruit, garden supplies, gifts, groceries, hardware, hobby equipment, liquor, novelties, pets, pet food, plants, produce, sporting goods (including rental), stationery, tack and western apparel, toys and watches
- h. Service and repair including animal beauty parlours, barber shops, dry cleaners, hairdressers, laundromats, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops

**(B/L 2812/19)**

2. Floor Area

- a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
- b. The gross floor area for bakeries, butcher shops, and fish shops shall be not greater than 100 square metres (1,076 square feet).
- c. The gross floor area for retail sales of bicycles, books, candy, clothing, drugs, flowers, food (including meat and fish), fruit, garden supplies, gifts, groceries, hardware, hobby equipment, novelties, pets, pet food, plants, produce, sporting goods (including rental), stationery, toys, and watches

- 503 2. c. shall not be greater than 150 m<sup>2</sup> (1,615 square feet).
- d. The gross floor area for service and repair uses including animal beauty parlours, barber shops, hairdressers, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops shall be not greater than 50 square metres (538.1 square feet).
- e. The gross floor area for service and repair uses including dry cleaners and laundromats shall be not greater than 200 square metres (2,153 square feet).
3. Height of Buildings and Structures
- The height of buildings and structures shall not exceed 8 metres (26.25 feet).
4. Lot Area
- Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6,828 square feet) where the lot is serviced by community sewer and community water systems and not less than 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.
- Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.
5. Lot Coverage
- Lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures.
6. Lot Frontage
- Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 15 metres (49.21 feet) where the lot is serviced by community sewer and community water systems but in no case shall the frontage of a lot fronting a highway be less than one-tenth of the perimeter of the lot regardless of the level of servicing.
7. Off-Street Loading
- Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

503 8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 3 metres (9.842 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

**(B/L 2141/07)**

503 10. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- c. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- e. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.

**DIVISION FIVE - COMMERCIAL ZONES****504 Service Commercial Zone (C.4)****1. Permitted Uses of Land, Buildings, and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Service Commercial Zone (C.4)*:

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- d. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, fraternal lodges, health spas, social clubs, sports clubs, and sports facilities
- e. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants
- f. Office and commerce facilities accommodating, funeral homes, management companies, mortuaries, newspapers, publishing, and veterinarians
- g. Retail sales (including parts and accessories) of appliances, automobiles (including service), beverages (excluding liquor), bicycles, boats (including service), building supplies, ***cannabis only within Electoral Areas “D” and “E”***, chemicals, electronic equipment, farm equipment (including service), feed and seed, fertilizers, flowers, furniture, garden supplies, gasoline and motor oil, glass, hardware, irrigation equipment (including service), lumber, manufactured homes (including service), motorcycles (including service), paint, pets, pet food, plants, produce, recreation vehicles (including service), sporting goods (including rental), tack and western apparel, tools and small equipment, and trucks (including service)
- h. Service and repair including animal beauty parlours, appliance repair, auction marts, automobile rental, automobile service and repair, barber shops, battery shops, boat service and repair, bottle depots, car wash, crematoriums, costume rental, dry cleaners, glass shops, greenhouses, hairdressers, hatcheries, laboratories, laundromats, locksmith shops, machine and millwork shops contained wholly within a building with no outside storage, mini-storage facilities, nurseries, optical shops, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, shoe repair, sign shops, tailor shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors' offices (including storage), truck service and repair, truck wash, upholstery

- 504 1. h. shops, video rental shops, watch repair shops, warehousing (wholesale and distribution), and weigh scales  
i. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices  
*(B/L 2812/19)*
2. Floor Area  
The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
3. Height of Buildings and Structures  
The height of buildings and structures shall not exceed the lesser of 10 metres (32.81 feet) or two (2) storeys.
4. Lot Area  
Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6,828 square feet) where the lot is serviced by community sewer and community water systems and not less than 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.  
Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.
5. Lot Coverage  
Lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures.
6. Lot Frontage  
Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 15 metres (49.21 feet) where the lot is serviced by community sewer and community water systems but in no case shall the frontage of a lot fronting a highway be less than one-tenth of the perimeter of the lot regardless of the level of servicing.
7. Off-Street Loading  
Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.



504 8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

d. Side Yards

No side yards shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 8 metres (26.25 feet); and
- ii. where the parcel is not served by a lane, there shall be a minimum of 5 metres (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

504 9. e. **Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. **Other Requirements**

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- c. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- e. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.
- f. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.
- g. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the center line of a controlled access highway.

**DIVISION FIVE - COMMERCIAL ZONES****505 Recreation Commercial Zone (C.5)**1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the Recreation Commercial Zone (C.5):

- a. Accessory buildings and structures
- b. Accommodation including campgrounds, cabins, hotels, motels, and one (1) dwelling unit (including a Manufactured Home *subject to the provisions of Section 311*) for the owner, operator, or employee of the principal and permitted use **(B/L 2156/06)**
- c. Entertainment and recreation facilities including arcades, *art galleries and digital printing of art, etc.*, arts, crafts and souvenir shops, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos **(B/L 2186/06)**
- d. Food service including coffee shops, dairy bars, and restaurants
- e. Water storage and bulk distribution facilities on same lot as water source subject to the provisions of Section 505.10.h. of this Bylaw
- f. Retail sales (including parts and accessories) and storage of boats, *cannabis only within Electoral Areas “D” and “E”*, gasoline and motor oil, recreation vehicles, and sporting goods (including rental) **(B/L 2812/19)**
- g. Service and repair including recreation vehicle storage, servicing and rental, service stations, and taxidermists
- h. Rapid infiltration and spray irrigation of treated sewage effluent.
- i. Seasonal Use
- j. Temporary Accommodation Use
- k. *Shooting Range including clubhouse facilities* **(B/L 2390/09)**

2. Floor Area:

- a. The floor area for a dwelling unit (including a Manufactured Home) for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
- b. The gross floor area for retail sales of sporting goods (including rental) shall be not greater than 150 square metres (1,615 square feet).
- c. The floor area for hotel and motel use shall be not less than:
  - i. 20 square metres (215.3 square feet) within each sleeping unit; or

- 505 2. c. ii. 30 square metres (322.9 square feet) within each kitchenette unit; or
- iii. 35 square metres (376.7 square feet) within each one-bedroom unit; or
- iv. 55 square metres (592.0 square feet) within each two-bedroom or larger units.
- d. The floor area for a cabin shall not be restricted.

3. Height of Buildings and Structures

The height of cabins and hotels/motels shall not exceed the lesser of 8 metres (26.25 feet) or two (2) storeys in height except where the average natural slope of the lot exceeds five percent (5%), in which case the height of the cabin or hotel/motel on the downhill side of the road shall not exceed a height of 5 metres (16.40 feet) above the centre line of the road immediately adjacent to the centre of the front of the cabin or hotel/motel. Cabins and hotels/motels located on the uphill side of the road shall not exceed a height of 5 metres (16.40 feet) above the mid point of the rear property line on which the cabin or hotel/motel is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot.

4. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 1 ha (2.471 acres).

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

5. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures.

6. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

505 8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

d. Side Yards

Side yards shall be provided with a width of not less than 2 metres (6.562 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

**(B/L 2141/07)**

505 10. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Campgrounds shall conform with the provisions of Schedule D of this bylaw.
- c. For each campsite located within a campground, one only accessory building shall be permitted not to exceed a maximum size of 7.432 square metres (80 square feet). Accessory buildings must be finished with cedar siding or other materials to match the recreation vehicle (including *Park Model Recreational units*) located on the same site.

In addition, a covered deck or a glass or screen enclosed sunroom shall be permitted to be attached to the recreation vehicle having a maximum area equal to fifty percent (50%) of the Gross Floor Area of the recreation vehicle. Covered decks and sunrooms shall not be enclosed by walls higher than three (3) feet) above floor level and shall not be heated or provided with electrical wiring services.
- d. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- e. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- f. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.
- g. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.

- 505 10. h. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the center line of a controlled access highway.
- i. Water storage for bulk distribution facilities:
- i. shall not be permitted on lots smaller than 32 ha (79.07 acres); and
- ii. shall not provide for the storage of more than 30,000 L (6,599 imperial gallons) of water; and
- iii. shall only be permitted if a hydrogeologist's report verifies that the extraction of water will not adversely affect the water supply available for adjacent lands.
- j. Notwithstanding the Shooting Range facilities permitted use, outlined in Section 505.1.k of this Bylaw, the shooting range facility for the Vernon Fish and Game Club located on that unsurveyed Crown Land in the vicinity of Coldstream Creek, Osoyoos Division of Yale District located 4 km from Highway 6 along Noble Canyon Road on Bardolph Lake Access Road shall be limited to shooting range facilities consisting of long gun ranges, pistol and archery ranges and accessory buildings ancillary to the operation of the shooting range only, and shall not include clubhouse or other related uses, and no other permitted uses listed under Section 505 Part 1.a through j. (B/L 2390/09)***

**DIVISION FIVE - COMMERCIAL ZONES****506 Recreation Vehicle Campground/Resort Commercial Zone (C.6)****1. Permitted Uses of Land, Buildings, and Structures:**

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the Recreation Vehicle Campground / Resort Commercial Zone (C.6):

- a. Accessory buildings and structures
- b. Accommodation including campgrounds, seasonal single family dwellings, rental cabins, hotels, motels, and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Entertainment and recreation facilities including arcades, arts, crafts and souvenir shops, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos
- d. Food service including coffee shops, dairy bars, and restaurants
- e. Retail sales, rental, repair, and storage of boats, gasoline and motor oil, recreation vehicles, sporting goods, and groceries
- f. Private airstrips including aircraft hangars, tie downs, taxiways, fuel pumps, and associated structures.

**2. Floor Area:**

- a. The floor area for a dwelling unit (including a Manufactured home *subject to the provisions of Section 311*) for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet). **(B/L 2156/06)**
- b. The gross floor area for retail sales of sporting goods (including rental) shall be not greater than 150 square metres (1,615 square feet).
- c. The floor area for hotel and motel use shall be not less than:
  - i. 20 square metres (215.3 square feet) within each sleeping unit; or
  - ii. 30 square metres (322.9 square feet) within each kitchenette unit; or
  - iii. 35 square metres (376.7 square feet) within each one-bedroom unit; or



- 506 2. c. iv. 55 square metres (592.0 square feet) within each two-bedroom or larger units.
- d. The floor area for seasonal single family dwellings shall be not less than 30 square metres (322.9 square feet).
- e. The gross floor area for a cabin including any mezzanine and all storeys shall not be greater than 95 square metres (1,022 square feet).

3. Height of Buildings and Structures

The height of buildings and structures shall not exceed 8 metres (26.25 feet).

4. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 4 ha (9.884 acres).

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

5. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures.

6. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

506 9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 2 metres (6.562 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

**(B/L 2141/07)**

10. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
- i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.

- 506 10. a. ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- c. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- d. Campgrounds shall conform with the requirements of Schedule D of this bylaw.
- e. Notwithstanding any other requirements of this Bylaw, each recreation vehicle space or seasonal single family site shall meet the minimum lot area and lot frontage requirements of Section 706 of this bylaw applicable to Seasonal Single Family Dwellings.
- For the purpose of this Section, Lot Frontage shall mean that portion of any recreation vehicle space or seasonal single family site that abuts a private access road.
- f. The setback provisions of this Section shall apply to any recreation vehicle space or seasonal single family site.

**DIVISION SIX - INDUSTRIAL ZONES****601 Light Industrial Zone (I.1)**1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the Light Industrial Zone (I.1):

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Food service including bakeries and coffee shops
- d. Restricted Agricultural use subject to the regulations of Sections 401.2. and 601.10.e. of this bylaw
- e. Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), gasoline and motor oil, irrigation equipment (including service), lumber, manufactured homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site
- f. Service and repair including automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants, car wash, crematoriums, cold storage plants, frozen food lockers, laboratories, machine shops, manufacturing and processing *including medical marijuana production facilities, industrial cannabis production facilities*, provided that they do not create fire, explosion, or safety hazards; noise in excess of average intensity of street and traffic noise in the area in question; emit smoke, dust, dirt, toxic, or offensive odours or gas; and there is no production of heat or glare perceptible from any lot line of the site on which the use is located, mini storage facilities, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops (B/L 2606/13)(B/L 2820/19)
- g. Transportation facilities including passenger transportation depots and taxi dispatch offices
- h. Uses allowed as per Section 305.5.b. of this bylaw

2. Floor Area

The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building.

601 3. Height of Buildings and Structures

The height of buildings and structures shall not exceed 12 metres (39.37 feet).

4. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6,828 square feet) where the lot is serviced by community sewer and community water systems and not less than 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

5. Lot Coverage

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

6. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 15 metres (49.21 feet) where the lot is serviced by community sewer and community water systems but in no case shall the frontage of a lot fronting a highway be less than one-tenth of the perimeter of the lot regardless of the level of servicing.

7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacks

a. Exterior Side Yard

Where applicable, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet), except that where a lot is separated from a lot in a *Residential* or *Rural* zone by a

- 601 9. a. street therefrom, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet) **except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**
- b. Front Yard
- A front yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet), except that where a lot is separated from a lot in a *Residential* or *Rural* zone by a street, a front yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet) **except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**
- c. Rear Yard
- No rear yard shall be required, except where a lot abuts a lot in a *Residential* or *Rural* zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet).
- d. Side Yards
- No side yard shall be required, except that where a lot abuts a lot in a *Residential* or *Rural* zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 metres (19.68 feet).
- e. Water Bodies
- ~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~
- Water Bodies**
- Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***
- (B/L 2141/07)**
10. Other Requirements
- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:

- 601 10. a. i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
- ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. All permitted uses shall be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards, parking and loading facilities, and restricted agricultural use.
- c. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- e. A Restricted Agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres) and all buildings and structures used for restricted agricultural use shall be provided with setbacks in accordance with the provisions of Section 601.9.e. and Schedule G (agricultural use) of this bylaw.
- f. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- g. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- h. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.
- i. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.

**DIVISION SIX - INDUSTRIAL ZONES****602 General Industrial Zone (I.2)****1. Permitted Uses of Land, Buildings, and Structures:**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the General Industrial Zone (I.2):

- a. Retail sales (including parts and accessories) of heavy equipment and machinery
- b. Service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair, and the manufacturing, processing, and storage of:
  - chemical and allied products including compressed gases, disinfectants, gum and wood chemicals, insecticides, primer and plastics, and rubber
  - food products including feed, flour, fruit, and grain
  - machinery and transportation equipment or other products of like character and kind such as agricultural implements, boats, compressors, electrical machinery, engines, pumps, and turbines
  - metal products including boilers and plates, fabricated and structural metals, and pipe tubing
  - non-metallic mineral products or other products of like character and kind such as abrasive products, asbestos products; cement, plaster, lime, gypsum, and associated products; clay and clay products; concrete products or ready mix concrete; fiberglass products; rock, sand, and gravel; and stone products
  - petroleum and coal products including asphalt, coal and tar products, coke, creosote, paving and roofing materials, and petroleum products
  - synthetic fibres
  - wood products including lumber and building materials, millwork products, plywood and veneer, poles, prefabricated and structural wood products, shingles, and wood preserving
- c. Uses permitted in the Light Industrial Zone (I.1)

**2. Floor Area**

The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building.



602 3. Height of Buildings and Structures

The height of buildings and structures shall not exceed 18 metres (59.05 feet).

4. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6,828 square feet) where the lot is serviced by community sewer and community water systems and not less than 1 ha (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

5. Lot Coverage

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

6. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 15 metres (49.21 feet) where the lot is serviced by community sewer and community water systems but in no case shall the frontage of a lot fronting a highway be less than one-tenth of the perimeter of the lot regardless of the level of servicing.

7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacks

a. Exterior Side Yard

Where applicable, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet), except that where a lot is separated from a lot in a *Residential* or *Rural* zone by a

602 9. a. street therefrom, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet) **except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

A front yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet), except that where a lot is separated from a lot in a *Residential* or *Rural* zone by a street, a front yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet) **except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Rear Yard

No rear yard shall be required, except where a lot abuts a lot in a *Residential* or *Rural* zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet).

d. Side Yards

No side yard shall be required, except that where a lot abuts a lot in a *Residential* or *Rural* zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 metres (19.68 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

(B/L 2141/07)

602 10. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Where practical all permitted uses shall be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards, parking and loading facilities, and restricted agricultural use.
- c. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- e. A Restricted Agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres) and all buildings and structures used for limited agricultural use shall be provided with setbacks in accordance with the provisions of Section 601.9.e. and Schedule G (agricultural use) of this bylaw.
- f. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- g. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.

- 602 10. h. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.
- i. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.
- j. ***Notwithstanding the permitted uses listed under Section 602(1) in this bylaw, the use of the 4.9 ha General Industrial (I.2) zoned portion of the property legally described as That Part NW 1/4, Sec 2, Lying West of the Spallumcheen River, Twp 19, R9, W6M, KDYD, Except: (1) Plan R170 (2) Parcel A (DD134553F) and located at 6314 Highway 97A, Electoral Area “F” be limited to the manufacturing, processing, and storage of wood products including lumber and building materials, millwork products, plywood and veneer, poles, prefabricated and structural wood products, shingles, and wood preserving. (B/L 2553/12)***

**DIVISION SIX - INDUSTRIAL ZONES****603 Industrial Park Zone (I.3)****1. Permitted Uses of Land, Buildings, and Structures:**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the Industrial Park Zone (I.3):

- a. Retail sales (including parts and accessories) of heavy equipment and machinery
- b. Service and repair of machinery and heavy equipment
- c. Uses permitted in the Light Industrial Zone (I.1)

**2. Floor Area**

The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building.

**3. Height of Buildings and Structures**

The height of buildings and structures shall not exceed 8 metres (26.25 feet).

**4. Lot Area**

Lots that are proposed to be subdivided within this zone shall have an area of not less than 1 ha (2.471 acres).

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

**5. Lot Coverage**

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

**6. Lot Frontage**

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

**7. Off-Street Loading**

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

603 8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacksa. Exterior Side Yard

Where applicable, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet), except that where a lot is separated from a lot in a *Residential* or *Rural* zone by a street therefrom, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet) **except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw** a front yard free of all buildings and structures shall be provided with a depth of not less than 15 metres (49.21 feet).

c. Rear Yard

No rear yard shall be required, except where a lot abuts a lot in a *Residential* or *Rural* zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet).

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 6 metres (19.68 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

603. 9. e. **Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. **Other Requirements**

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. All permitted uses shall be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards, parking and loading facilities, and restricted agricultural use.
- c. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- e. A Restricted Agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres) and all buildings and structures used for limited agricultural use shall be provided with setbacks in accordance with the provisions of Section 601.9.e. and Schedule G (agricultural use) of this bylaw.
- f. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.

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- 603 10. g. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- h. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.
- i. Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a *Residential* zone, or is separated therefrom by a street or main thoroughfare.



**DIVISION SIX - INDUSTRIAL ZONES****604 Agricultural Industrial Zone (I.4)****1. Permitted Uses of Land, Buildings, and Structures:**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the Agricultural Industrial Zone (I.4):

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit or Manufactured Home *subject to the provisions of Section 311* for the owner, operator, or employee of the principal and permitted use **(B/L 2156/06)**
- c. Fancy meat and sausage processing
- d. General agricultural industries including animal by-products and rendering plants, canneries, dairies, dehydration and freezing plants, feed and flour mills and related processing including bakeries, fertilizer storage and sales, fruit and vegetable processing, hatcheries, poultry dressers, meat packing establishments, and slaughter houses
- e. Intensive agricultural use subject to the provisions of Section 401.1. of this bylaw
- f. Livestock and farm equipment auctions
- g. Retail sale of products manufactured or processed on site.
- h. *The fabrication of biodegradable wooden cutlery using products from the agro-forestry industry, and other food grade products.* **(B/L 2064/05)**
- i. *~~Medical marihuana production facilities,~~ Industrial cannabis production facilities, provided that they do not create fire, explosion, or safety hazards; noise in excess of average intensity of street and traffic noise in the area in question; emit smoke, dust, dirt, toxic, or offensive odours or gas; and there is no production of heat or glare perceptible from any lot line of the site on which the use is located.* **(B/L 2606/13)(B/L 2820/19)**

**2. Floor Area:**

- a. The dwelling unit or manufactured home shall have a minimum floor area of 60 square metres (645.8 square feet).
- b. The gross floor area for fancy meat and sausage processing shall be not greater than 200 square metres (2,153 square feet).

3. Lot Area:

- a. Fancy meat and sausage plants shall not be permitted on a lot less than 4 ha (9.884 acres) in size and any area of the parent property that is proposed to be rezoned for fancy meat and sausage plant use shall be not less than 0.4 ha (0.9884 acres).

- 604 3. b. A general agricultural industrial use shall not be permitted on a lot less than 8 ha (19.77 acres) in size and any area of the parent property that is proposed to be rezoned for general agricultural industrial use shall be not less than 1 ha (2.471 acres).

4. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

5. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

6. Setbacks

a. Exterior Side Yard

Where applicable, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 30 metres (98.42 feet), except that an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 180 metres (590.5 feet) for animal by-products plants, rendering plants, poultry dressers and slaughter houses, **and except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw** a front yard free of all buildings and structures shall be provided with a depth of not less than 30 metres (98.42 feet), except that a front yard free of all buildings and structures shall be provided with a depth of not less than 180 metres (590.5 feet) for animal by-products plants, rendering plants, poultry dressers and slaughter houses.

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet), except that a rear yard free of all buildings and structures shall be provided with a depth of not less than 90 metres (295.3 feet) for animal by-products plants, rendering plants, poultry dressers and slaughter houses.

604 6. d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 8 metres (26.25 feet), except that side yards free of all buildings and structures shall be provided with a width of not less than 90 metres (295.3 feet) for animal by-products plants, rendering plants, poultry dressers and slaughter houses.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

*Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.*

*(B/L 2141/07)*

7. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. Where practical all permitted uses shall be housed completely within an enclosed building or properly screened.

- c. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- d. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- 604. 7. e. The use of a Manufactured Home as a dwelling unit shall be permitted provided that the Manufactured Home is:
  - i. certified by the Canadian Standards Association to conform with the CSA Z240-92MH Series Standard; or
  - ii. certified to be structurally sound by a professional engineer.
- f. Site coverage of all buildings and structures shall be not greater than thirty percent (30%) of the area zoned Agricultural Industrial (I.4).
- g. ***Notwithstanding Section 3.b. of this Division, an Agricultural Industrial Zone (I.4) on a 2.02 ha portion of the properties legally described as Lot 1, District Lot 434, ODYD, Plan KAP55683, located at 973 Whitevale Road and Lot 2, District Lot 434, ODYD, Plan KAP55683, located at 1051 Whitevale Road, Electoral Area “D” shall be permitted; and notwithstanding Section 1, of this Division, the permitted use of the 2.02 ha. portion shall only include fruit and vegetable processing, a single family dwelling and 6 seasonal use agri-tourism campsites.***  
(B/L 2410/09)

**DIVISION SIX - INDUSTRIAL ZONES****605 High-Tech Industrial Zone (I.5)****1. Permitted Uses of Land, Buildings, and Structures:**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the High-Tech Industrial Zone (I.5):

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Research, development and assembly operations associated with High-Tech Industries.
- d. Wholesale, warehousing and distribution activities, associated with research, development and assembly of High-Tech Industries.

**2. Floor Area**

The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building.

**3. Height of Buildings and Structures**

The height of buildings and structures shall not exceed 10 metres (32.81 feet).

**4. Lot Area**

Lots that are proposed to be subdivided within this zone shall have an area of not less than 2800 square metres (30140 square feet).

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

**5. Lot Coverage**

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

**6. Lot Frontage**

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than 40 metres (131.2 feet) but in no case shall the frontage of a lot fronting a highway be less than one-tenth of the perimeter of the lot.

605 7. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

8. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacksa. Exterior Side Yard

Where applicable, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet), except that where a lot is separated from a lot in a *Residential* or *Rural* zone by a street therefrom, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 metres (29.53 feet) **except, in any event, where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

A front yard free of all buildings and structures shall be provided with a depth of not less than 10 metres (32.81 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 6 metres (19.68 feet).

d. Side Yards

No side yard shall be required, except that where a lot abuts a lot in a *Residential* or *Rural* zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 metres (19.68 feet).

605 9. e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.
- b. All permitted uses shall be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards and parking and loading facilities.
- c. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of toxic or offensive odours or gas, liquid effluence, dust, dirt fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical or electromagnetic interference, or undue traffic congestion.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- e. Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.

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- 605 10. f. Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- g. A High-Tech Industrial use shall not be permitted unless serviced by community sewer and water systems.



**DIVISION SEVEN - RESIDENTIAL ZONES****701 Residential Single Family Zone (R.1)****1. Permitted Uses of Land, Buildings, and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Residential Single Family Zone (R.1)*:

- a. Accessory residential buildings including domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc.
- b. Boarding house use subject to the provisions of Section 701.10.a. of this bylaw
- c. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act* notwithstanding zoning bylaw requirements to the contrary) subject to the provisions of Section 402 of this bylaw
- d. Home occupation use subject to the provisions of Section 403 of this bylaw
- e. Public parks and playgrounds
- f. Restricted agricultural use subject to the provisions of Sections 401.2. and 701.10.b. of this bylaw
- g. Single family dwellings

**2. Buildings Per Lot**

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling; and
- b. one (1) domestic garage or free standing carport or covered swimming pool and one (1) other accessory residential building; or two (2) accessory residential buildings other than garages, carports or covered pools.

**3. Floor Area**

- a. The floor area for a single family dwelling shall be not less than 85 square metres (914.9 square feet) on one (1) floor, except that the floor area on one (1) floor may be reduced to 60 square metres (645.8 square feet) where there are two (2) floor levels exclusive of the basement floor.
- b. The gross floor area for accessory residential buildings shall be not greater than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and free standing carports; 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 12.2 metres (40.06 feet) for covered swimming pools; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.

701 4. Height of Buildings and Structures

- a. The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 5 metres (16.40 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 5 metres (16.40 feet) above the mid point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed five percent (5%) average natural slope; and
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6028 square feet) where the lot is serviced by community sewer and community water and not less than 1 hectare (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty five percent (35%) of the lot area for all buildings and structures.

7. Lot Frontage

Where serviced with community water and community sewer systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:

- a. for interior lots, the greater of one-tenth of the perimeter of the proposed lot or 18 metres (59.06 feet); and
- b. for corner lots, the greater of one-tenth of the perimeter of the proposed lot or 21 metres (68.90 feet); and

- 701 7. c. for lots located at the turnabout area of cul-de-sacs, not less than 9 metres (29.53 feet) provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. and 7.b. above; and
- d. for lots located on the outside curve of a road having a radius of not more than 120 metres (393.70 feet), the lot frontages cited in 7.a. and 7.b. above may be reduced by not more than 3 metres (9.842 feet) provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. and 7.b. above.

Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

#### 8. Off-Street Parking

Two (2) off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

#### 9. Setbacks

##### a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

##### b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) except that;
- ii. garages or carports may be setback not less than 4.5 metres (14.76 feet) from the front lot line on lots exceeding twenty percent (20%) average natural slope.

701 9. c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) for single family dwellings; and
- ii. 2 metres (6.562 feet) for accessory residential buildings and structures.

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 2 metres (6.562 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirementsa. Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. A boarding house use shall not be permitted to be carried out within a dwelling unit larger than 425 square metres (4575 square feet) in living area; and
- ii. Shall not be permitted on lots smaller than 1 ha (2.471 acres) where the lot is serviced with on-site septic tank effluent disposal systems; and
- iii. Shall not contain more than five (5) sleeping units; and
- iv. Meals shall not be prepared within the sleeping or rental units; and
- v. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and

- 701 10. a. vi. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit; plus
  - b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and
- vii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.
- viii. The owner of the boarding house use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.

701 10. b. Restricted Agricultural Use

A Restricted Agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres) and all buildings and structures used for restricted agricultural use shall be provided with setbacks in accordance with the provisions of Section 701.9.e. and Schedule G (agricultural use) of this bylaw.

c. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

d. ***Notwithstanding the permitted uses listed under Section 701(1) and subject to the commercial requirements of Schedule B - Off-Street Parking and Schedule F - Screening and Landscaping of this bylaw, Dog Accommodation and a Dog Day-Care Facility shall be permitted on that property legally described as Lot 5, Section 23, Township 8, ODYD, Plan 2728, Except Plans 16975, 21405, 28462 and H433 and located at 7432 Pleasant Valley Road, Electoral Area 'B'.***

***Dog Accommodation and Dog Day-care means a use providing for the daytime and overnight boarding of dogs. During the daytime dogs may roam outdoors within the property, without being confined to kennels. Dogs will be enclosed within a confined area of the property during the night time. The boarding of dogs is permitted in concentrations of 89 dogs or less per hectare (36 dogs per acre). (B/L 2546/12)***

**DIVISION SEVEN - RESIDENTIAL ZONES****702 Residential Two Family Zone (R.2)****1. Permitted Uses of Land, Buildings, and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Residential Two Family Zone (R.2)*:

- a. Accessory residential buildings including domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc.
- b. Boarding house use subject to the provisions of Section 702.10.a. of this bylaw
- c. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act* notwithstanding zoning bylaw requirements to the contrary) subject to the provisions of Section 402 of this bylaw
- d. Home occupation use subject to the provisions of Section 403 of this bylaw
- e. Public parks and playgrounds
- f. Restricted agricultural use subject to the provisions of Sections 401.2. and 702.10.b. of this bylaw
- g. Single family dwellings
- h. Two family dwellings

**2. Buildings Per Lot**

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling on lots 700 square metres (7535 square feet) or larger in size; and
- b. one (1) domestic garage or free standing carport or covered swimming pool and one (1) other accessory residential building per dwelling unit; or two (2) accessory residential buildings other than garages, carports or covered pools per dwelling unit.

**3. Floor Area**

- a. The floor area for a single family dwelling shall be not less than 85 square metres (914.9 square feet) on one (1) floor, except that the floor area on one (1) floor may be reduced to 60 square metres (645.8 square feet) where there are two (2) floor levels exclusive of the basement floor.
- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit.

702. 3. c. The gross floor area for accessory residential buildings shall be not greater than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and free standing carports; 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 12.2 metres (40.06 feet) for covered swimming pools; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.

4. Height of Buildings and Structures

- a. The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 5 metres (16.40 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 5 metres (16.40 feet) above the mid point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed five percent (5%) average natural slope; and
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).

5. Lot Area

Where serviced by community sewer and community water systems, lots that are proposed to be subdivided within this zone shall have an area of not less than:

- i. 560 square metres (6028 square feet) for single family dwellings; and
- ii. 350 square metres (3767 square feet) for each half of a two family dwelling that is proposed to be subdivided along a party wall meeting B.C. Building and Fire Code requirements; and
- iii. 700 square metres (7535 square feet) for two family dwellings.

Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have an area not less than 1 ha (2.471 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds; and



702 5. Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty five percent (35%) of the lot area for all buildings and structures.

7. Lot Frontage

Where serviced with community water and community sewer systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:

- a. for interior lots for single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 18 metres (59.06 feet); and
- b. for corner lots for single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 21 metres (68.90 feet); and
- c. for interior lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 23 metres (75.46 feet); and
- d. for corner lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 26 metres (85.30 feet); and
- e. for each half of a two family dwelling that is proposed to be subdivided along a party wall meeting B.C. Building and Fire Code requirements, the greater of one-tenth of the perimeter of the proposed lots or 11.5 metres (37.73 feet); and
- f. for lots located at the turnabout area of cul-de-sacs, not less than 9 metres (29.53 feet) for lots for single family dwellings and not less than 11.5 metres (37.73 feet) for lots for two family dwellings, provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. to 7.d. above; and
- g. for lots located on the outside curve of a road having a radius of not more than 120 metres (393.70 feet), the lot frontages cited in 7.a. to 7.d. above may be reduced by not more than 3 metres (9.842 feet) for single family lots and not more than 6 metres (19.68 feet) for two family lots provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street

- 702 7. g. complies with the required minimum lot frontages cited in 7.a. to 7.d. above.

Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacks

a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) except that;
- ii. garages or carports may be setback not less than 4.5 metres (14.76 feet) from the front lot line on lots exceeding twenty percent (20%) average natural slope.

c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) for single family dwellings and two family dwellings.
- ii. 2 metres (6.562 feet) for accessory residential buildings and structures.

702 9. d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 2 metres (6.562 feet) except that there shall be no side yard setback required for the party wall of a two family dwelling that is proposed to be subdivided along said party wall meeting B.C. Building and Fire Code requirements.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirementsa. Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. Where serviced with community sewer service, not more than three (3) boarders shall be permitted to reside in the dwelling unit; and
- ii. Where serviced with on-site septic tank effluent disposal systems a boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- iii. Meals shall not be prepared within the sleeping units; and
- iv. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and
- v. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:

- 702 10. a. v. a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit; plus
- b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and
- vi. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vii. The owner of the boarding house use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
- b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
- c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
- d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.

702 10. b. Restricted Agricultural Use

A Restricted Agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres) and all buildings and structures used for restricted agricultural use shall be provided with setbacks in accordance with the provisions of Section 701.9.e. and Schedule G (agricultural use) of this bylaw.

c. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

**DIVISION SEVEN - RESIDENTIAL ZONES****703 Residential Apartment and Multi-Family Zone (R.3)****1. Permitted Uses of Land, Buildings, and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Residential Apartment and Multi-Family Zone (R.3)*:

- a. Accessory residential buildings including domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc.
- b. Apartment and multi-family residential use subject to the provisions of Section 703.10.a. of this bylaw
- c. Boarding house use subject to the provisions of Section 703.10.b. of this bylaw
- d. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act* notwithstanding zoning bylaw requirements to the contrary) subject to the provisions of Section 402 of this bylaw
- e. Home occupation use subject to the provisions of Section 403 of this bylaw
- f. Public parks and playgrounds
- g. Restricted agricultural use subject to the provisions of Sections 401.2. and 703.10.c. of this bylaw
- h. Retirement housing subject to the provisions of Section 703.10.d of this bylaw
- i. Row housing subject to the provisions of Section 703.10.e of this bylaw
- j. Single family dwellings, two family dwellings, three family dwellings and four family dwellings
- k. Single family cluster housing subject to the provisions of Section 703.10.f. of this bylaw

**2. Buildings Per Lot**

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling or one (1) row housing dwelling unit or one (1) two family dwelling on lots 700 square metres (7,535 square feet) or larger in size; or one (1) three family dwelling on lots 1,000 square metres (10,764 square feet) or larger in size; or one (1) four family dwelling on lots 1,300 square metres (13,993 square feet) or larger in size; and
- b. one (1) domestic garage or free standing carport or covered swimming pool and one (1) other accessory residential building per dwelling unit; or two (2) accessory residential buildings other than garages, carports or covered pools

- 703 2. b. per dwelling unit; except that
- c. The number of buildings for apartment and multi-family use, retirement housing, and for single family cluster housing shall not be restricted.
3. Floor Area
- a. The floor area for a single family dwelling shall be not less than 85 square metres (914.9 square feet) on one (1) floor, except that the floor area on one (1) floor may be reduced to 60 square metres (645.8 square feet) where there are two (2) floor levels exclusive of the basement floor.
- b. The floor area for two, three and four family dwellings shall be not less than 60 square metres (645.8 square feet) per dwelling unit.
- c. The floor area for apartment and multi-family use shall be not less than:
- i. 27 square metres (290.6 square feet) within each senior citizen dwelling unit; or
- ii. 27 square metres (290.6 square feet) within each bachelor dwelling unit; or
- iii. 40 square metres (430.6 square feet) within each one-bedroom dwelling unit; or
- iv. 45 square metres (484.4 square feet) within each two-bedroom dwelling unit; or
- v. 55 square metres (592.0 square feet) within each three-bedroom or larger dwelling unit.
- d. The gross floor area for accessory residential buildings shall be not greater than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and free standing carports; 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 12.2 metres (40.06 feet) for covered swimming pools; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.
4. Height of Buildings and Structures
- a. The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential

- 703 4. a. dwellings on the downhill side of a road shall not exceed a height of 5 metres (16.40 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 5 metres (16.40 feet) above the mid point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed five percent (5%) average natural slope; and
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).
- c. The height of buildings and structures for apartment and multi-family use shall not exceed the lesser of 12 metres (39.37 feet) or three storeys.

5. Lot Area

Where serviced by community sewer and community water systems, lots that are proposed to be subdivided within this zone shall have an area of not less than:

- a. 560 square metres (6,028 square feet) for single family dwellings; and
- b. 350 square metres (3767 square feet) for each half of a two family dwelling that is proposed to be subdivided along a party wall meeting B.C. Building and Fire Code requirements; and
- c. 700 square metres (7,535 square feet) for two family dwellings; and
- d. 1,000 square metres (10,764 square feet) for three family dwellings; and
- e. 1,300 square metres (13,993 square feet) for four family dwellings; and
- f. 220 square metres (2,368 square feet) for each unit of a row housing development except that the end units must have an area not less than 330 square metres (3,552 square feet). Row housing must be serviced with community sewer and water systems; and
- g. 1,900 square metres (20,451 square feet) for apartment and multi-family use which uses must be serviced by community sewer and community water systems; and
- h. the minimum lot areas cited in Sections 703.10.d. and f. of this bylaw for retirement housing and single family cluster housing uses; and



- 703 5. Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have an area not less than 1 ha (2.471 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than forty percent (40%) of the lot area for all buildings and structures except that the lot coverage shall be not greater than fifty percent (50%) of the lot area for retirement housing and single family cluster housing.

7. Lot Frontage

Where serviced with community water and community sewer systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:

- a. for interior lots for row housing dwellings, the greater of one-tenth of the perimeter of the proposed lot or 7.5 metres (24.61 feet); and
- b. for end or corner lots for row housing dwellings, the greater of one-tenth of the perimeter of the proposed lot or 11 metres (36.09 feet); and
- c. for interior lots for single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 18 metres (59.06 feet); and
- d. for corner lots for single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 21 metres (68.90 feet); and
- e. for interior lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 23 metres (75.46 feet); and
- f. for corner lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 26 metres (85.30 feet); and
- g. for each half of a two family dwelling that is proposed to be subdivided along a party wall meeting B.C. Building and Fire Code requirements, the greater of one-tenth of the perimeter of the proposed lots or 11.5 metres (37.73 feet); and

- 703 7. h. for interior lots for three and four family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 30 metres (98.42 feet); and
- i. for corner lots for three and four family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 33 metres (108.27 feet); and
- j. for lots located at the turnabout area of cul-de-sacs, not less than 9 metres (29.53 feet) for lots for single family dwellings and not less than 11.5 metres (37.73 feet) for lots for two family dwellings and not less than 14 metres (45.93 feet) for three and four family dwellings, provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. to 7.f. above; and
- k. for lots located on the outside curve of a road having a radius of not more than 120 metres (393.70 feet), the lot frontages cited in 7.a. to 7.f. above may be reduced by not more than 3 metres (9.842 feet) for single family lots and not more than 6 metres (19.68 feet) for two family lots provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. to 7.f. above; and
- l. 35 metres (114.8 feet) for apartment and multi-family use; and
- m. the minimum lot frontages cited in Sections 703.10.d. and f. of this bylaw for retirement housing and single family cluster housing uses.

Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

703 9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) for apartment and multi-family use and not less than 5 metres (16.40 feet) for all other uses **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than:

- i. 6 metres for row housing, retirement housing and single family cluster housing uses; and
- ii. 10 metres (32.81 feet) for apartment and multi-family use; and
- iii. 7.5 metres (24.61 feet) for all other uses;

except that garages or carports may be setback not less than 4.5 metres (14.76 feet) from the front lot line on lots exceeding twenty percent (20%) average natural slope.

c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 2 metres (6.562 feet) for accessory residential buildings and structures; and
- ii. 6 metres for row housing, retirement housing and single family cluster housing uses; and
- iii. 10 metres (32.81 feet) for apartment and multi-family use; and
- iv. 7.5 metres (24.61 feet) for all other uses.

d. Side Yards

Side yards free of buildings and structures shall be provided with a width of not less than:

- 703 9. d. i. 1.5 metres (4.921 feet) for accessory residential buildings, retirement housing and single family cluster housing; and
- ii. 2 metres (6.562 feet) for one and two family dwellings except that there shall be no side yard setback required for the party wall of a two family dwelling that is proposed to be subdivided along said party wall meeting B.C. Building and Fire Code requirements; and
- iii. 3 m (9.842 feet) for three and four family dwellings and apartment and multi-family use having a wall without a window or with a window to a non-habitable room; and
- iv. 4 metres for the outside wall of the end units of a row housing project; and
- v. 8 m (26.25 feet) for apartment and multi-family use with a wall with a balcony or with a window to a habitable room.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

a. Apartment and Multi-Family Residential Use

- i. Shall not be permitted unless it is serviced with community sewer and community water systems meeting the requirements of the authority having jurisdiction.
- ii. The maximum permitted gross density for apartment and multi-family use shall not exceed forty five (45) units per hectare (18.21 units per acre)
- iii. Useable open space shall be provided on the lot for each dwelling unit contained in an apartment or multi-family building based on the following ratio:

- 703 10. a. iii. a. 45 square metres (484.4 square feet) for each three-bedroom unit; and
- b. 35 square metres (376.7 square feet) for each two-bedroom unit; and
- c. 25 square metres (269.1 square feet) for each one-bedroom unit or bachelor unit.

b. Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. Where serviced with community sewer service, not more than three (3) boarders shall be permitted to reside in the dwelling unit; and
- ii. Where serviced with on-site septic tank effluent disposal systems a boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- iii. Meals shall not be prepared within the sleeping units; and
- iv. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and
- v. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit; plus
- b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and

- 703 10. b. vi. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vii. The owner of the boarding house use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.
- c. Restricted Agricultural Use
- A Restricted Agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres) and all buildings and structures used for restricted agricultural use shall be provided with setbacks in accordance with the provisions of Section 701.9.e. and Schedule G (agricultural use) of this bylaw.
- d. Retirement Housing Use
- i. A retirement housing use shall not be permitted unless it is serviced with community sewer and community water systems meeting the requirements of the authority having jurisdiction; and

- 703 10. d. ii. The parent property for retirement housing use shall be not smaller than 1 ha (2.471 acres) in area; and
- iii. The maximum permitted gross density of the parent property used for retirement housing shall not exceed twenty (20) units per hectare (8.094 units per acre); and
- iv. Parent properties may be further subdivided pursuant to the provisions of the Bare Land Strata Regulations, BC Reg. 75/78, provided that the lot area of the resultant lots is not less than 350 square metres (3767 square feet) and the minimum lot frontage is not less than 12 metres (39.37 feet); and
- v. Useable open space shall be provided equal to five percent (5%) of the area of the parent property; and
- vi. Bare Land Strata subdivisions shall be designed in a manner that will not require direct access to a public street from any of the housing units contained therein.
- e. Row Housing Use
- i. Shall not be permitted unless it is serviced with community sewer and community water systems meeting the requirements of the authority having jurisdiction; and
- ii. Must contain a minimum of four (4) and a maximum of eight (8) side-by-side single family dwelling units each of which is contained wholly within its own lot; and
- iii. Must be designed in such a manner so as to stagger each pair of dwelling units, with a minimum of 1 m (3.281 feet) offset; and
- iv. Must provide access to the rear of each dwelling unit from a public lane constructed to the standards cited in the Regional District of North Okanagan Subdivision Bylaw in force from time to time.
- f. Single Family Cluster Housing Use
- i. A single family cluster housing use shall not be permitted unless it is serviced with community sewer and community water systems meeting the requirements of the authority having jurisdiction; and

- 703 10. f. ii. The parent property for single family cluster housing use shall be not smaller than 1 ha (2.471 acres) in area; and
- iii. The maximum permitted gross density of the parent property used for single family cluster housing shall not exceed twenty (20) units per hectare (8.094 units per acre); and
- iv. Parent properties may be further subdivided pursuant to the provisions of the Bare Land Strata Regulations, BC Reg. 75/78, provided that the lot area of the resultant lots is not less than 350 square metres (3767 square feet) and the minimum lot frontage is not less than 12 metres (39.37 feet); and
- v. Useable open space shall be provided equal to five percent (5%) of the area of the parent property; and
- vi. Bare Land Strata subdivisions shall be designed in a manner that will not require direct access to a public street from any of the housing units contained therein.
- g. Screening and Landscaping
- Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.
- h. Unenclosed parking and storage
- No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:
- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or



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- 703 10. h. iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

**DIVISION SEVEN - RESIDENTIAL ZONES****704 Residential Manufactured Home Subdivision Zone (R.4)****1. Permitted Uses of Land, Buildings, and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Residential Manufactured Home Subdivision Zone (R.4)*:

- a. Accessory residential buildings including domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc.
- b. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act* notwithstanding zoning bylaw requirements to the contrary) subject to the provisions of Section 402 of this bylaw
- c. Home occupation use subject to the provisions of Section 403 of this bylaw
- d. Manufactured homes *subject to the provisions of Section 311* and modular manufactured homes **(B/L 2156/06)**
- e. Public parks and playgrounds

**2. Buildings Per Lot**

The number of buildings allowed per lot shall be not more than:

- a. one (1) manufactured home or one (1) modular manufactured home; and
- b. one (1) domestic garage or free standing carport or covered swimming pool and one (1) other accessory residential building; or two (2) accessory residential buildings other than garages, carports or covered pools.

**3. Floor Area**

- a. The floor area for a manufactured home or modular manufactured home shall be not less than 45 square metres (484.4 square feet).
- b. The gross floor area for accessory residential buildings shall be not greater than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and free standing carports; 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 12.2 metres (40.06 feet) for covered swimming pools; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.

704 4. Height of Buildings and Structures

- a. The height of manufactured homes or modular manufactured homes shall not exceed 8 metres (26.25 feet); and
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 450 square metres (4844 square feet) where the lot is serviced by community sewer and community water and not less than 1 hectare (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty five percent (35%) of the lot area for all buildings and structures.

7. Lot Frontage

Where serviced with community water and community sewer systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:

- a. for interior lots, the greater of one-tenth of the perimeter of the proposed lot or 15 metres (49.21 feet); and
- b. for corner lots, the greater of one-tenth of the perimeter of the proposed lot or 18 metres (59.05 feet); and
- c. for lots located at the turnabout area of cul-de-sacs, not less than 7 metres (22.97 feet) provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. and 7.b. above; and

- 704 7. d. for lots located on the outside curve of a road having a radius of not more than 120 metres (393.70 feet), the lot frontages cited in 7.a. and 7.b. above may be reduced by not more than 3 metres (9.842 feet) provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. and 7.b. above.

Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacks

a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) except that;
- ii. garages or carports may be setback not less than 4.5 metres (14.76 feet) from the front lot line on lots exceeding twenty percent (20%) average natural slope.

c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- 704 9. c. i. 7.5 metres (24.61 feet) for manufactured homes or modular manufactured homes; and
- ii. 2 metres (6.562 feet) for accessory residential buildings and structures.

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 2 metres (6.562 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

a. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or

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- 704 10. a. v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

**DIVISION SEVEN - RESIDENTIAL ZONES****705 Residential Manufactured Home Community Zone (R.5)****1. Permitted Uses of Land, Buildings and Structures**

Subject to the provisions of Divisions Three and Four of this bylaw and the provisions of the *Regional District of North Okanagan Manufactured Home Community Bylaw No. 1447, 1997*, the following uses and no others shall be permitted in the *Residential Manufactured Home Community Zone (R.5)*:

- a. Accessory residential buildings including domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc.
- b. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act* notwithstanding zoning bylaw requirements to the contrary) subject to the provisions of Section 402 of this bylaw
- c. Home occupation use subject to the provisions of Section 403 of this bylaw
- d. Identification sign
- e. Manufactured homes *subject to the provisions of Section 311* and modular manufactured homes **(B/L 2156/06)**
- f. Multi-purpose service complex that may include a convenience store, coffee shop, cafe, administration offices, laundry facilities, recreation area, games room, and social or meeting areas
- g. Outdoor recreation areas and open space including tennis courts, swimming pools, skating rinks, and walking/hiking trails
- h. One (1) dwelling unit for the owner, operator or employee of the *Manufactured Home Community*
- i. Public parks and playgrounds
- j. Tenant's storage compound
- k. Utility storage facility

**2. Buildings Per Rental Site or Lot**

The number of buildings allowed shall be not more than:

- a. one (1) manufactured home or one (1) modular manufactured home per rental site; and
- b. one (1) dwelling unit for the owner, operator or employee of the *Manufactured Home Community* per lot (being the parent parcel); and
- c. one (1) detached accessory residential building per rental site; and

- 705 2. d. one (1) detached accessory residential building per dwelling unit for the owner, operator or employee of the *Manufactured Home Community*.
3. Floor Area
- a. The floor area shall be not less than 60 square metres (645.8 square feet) per dwelling unit for the owner, operator or employee of the *Manufactured Home Community*.
- b. The floor area for a manufactured home or modular manufactured home shall be not less than 45 square metres (484.4 square feet).
- c. The gross floor area for accessory residential buildings shall be not greater than 30 square metres (322.93 square feet) having a horizontal dimension of not more than 7.32 metres (24.02 feet).
4. Height of Buildings and Structures
- a. The height of manufactured homes or modular manufactured homes and for the dwelling unit for the owner, operator or employee of the *Manufactured Home Community* shall not exceed 8 metres (26.25 feet); and
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet); and
- c. The height of all other uses shall not exceed 12 metres (39.37 feet).
5. Lot and Rental Site Area
- a. Lots that are proposed to be subdivided within this zone shall have an area of not less than 2 ha (4.942 acres and must be serviced with community sewer and water systems.
- There shall be no minimum lot area required for lots created for public parks and playgrounds.
- Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.
- b. Each rental site shall have a contiguous area of land not less than:
- i. 320 square metres (3444.56 square feet) for single wide manufactured homes or modular manufactured homes located on an interior rental site; or



- 705 5. b. ii. 400 square metres (4305.70 square feet) for double wide manufactured homes or modular manufactured homes located on an interior rental site; or
- iii. 380 square metres (4090.42 square feet) for single wide manufactured homes or modular manufactured homes located on an exterior (corner) rental site; or
- iv. 425 square metres (5474.81 square feet) for double wide manufactured homes or modular manufactured homes located on an exterior (corner) rental site; and
- c. Each dwelling unit for the owner, operator or employee of the *Manufactured Home Community* shall have an area of not less than 560 square metres (6027.99 square feet).

6. Lot and Rental Site Coverage

Lot and rental site coverage shall be not greater than fifty percent (50%) of the lot or rental site area for all buildings and structures.

7. Lot and Rental Site Frontage

- a. Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the proposed lot except that there shall be no minimum lot frontage required for lots created for public parks and playgrounds; and
- b. Each rental site shall have a private access road frontage of not less than:
- i. 11 metres (36.09 feet) for single wide manufactured homes or modular manufactured homes located on an interior rental site; or
- ii. 13.5 metres (44.29 feet) for double wide manufactured homes or modular manufactured homes located on an interior rental site; or
- iii. 13 metres (42.65 feet) for single wide manufactured homes or modular manufactured homes located on an exterior (corner) rental site; or
- iv. 15.5 metres (50.85 feet) for double wide manufactured homes or modular manufactured homes located on an exterior (corner) rental site; and

- 705 7. c. Each dwelling unit for the owner, operator or employee of the *Manufactured Home Community* shall have a private access road frontage of not less than 15.5 metres (50.85 feet); except that
- d. Notwithstanding the minimum private access road frontage requirements cited above, rental spaces located at the turnabout area of cul-de-sacs, may have a frontage of not less than 6 metres (19.68 feet) provided that the average frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the private access road complies with the required minimum lot frontages cited in 7.b. and 7.c. above.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each manufactured home, modular manufactured home or dwelling unit for the owner, operator or employee of the *Manufactured Home Community* and the off-street parking spaces shall be maintained in accordance with the provisions of Schedule B of this bylaw.

Off-street parking shall be permitted in communal parking lots provided the construction and layout requirements of the *Regional District of North Okanagan Manufactured Home Community Bylaw No. 1447, 1997* are satisfied.

9. Setbacks

a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

c. Rear Yard

A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).

705 9. d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 3 metres (9.842 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Setbacks From Rental Space Boundaries

Buildings and structures shall be sited a minimum of:

- i. 5 metres (16.40 feet) from any private access road right-of-way, lane or common parking lot boundary; and
- ii. 1.5 metres from any side or rear rental site boundary.

11. Other Requirements

a. All uses permitted within this zone must be serviced with community sewer and community water systems.

b. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or

- 705 11. b. iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

c. Buffer Areas

Buffer areas from agricultural, industrial, or commercial land uses shall be in accordance with the construction and layout requirements of the *Manufactured Home Community Bylaw No. 1447, 1997* in which buildings and structures shall be sited a minimum of:

- i. 4.5 metres (14.76 feet) from any lot line where the adjacent use is an industrial or commercial use; and
- ii. 8 metres (26.25 feet) from any multi-purpose service complex or storage facility; and
- iii. 10 metres (32.81 feet) from any lot line where the adjacent use is an agricultural use.

d. Accessory Residential Buildings

All detached accessory residential buildings and structures shall be sited behind or beside the principle residence.

e. Identification Signs

***Except in Electoral Area ‘E’, one (1) identification sign shall be permitted at each public entrance to a Manufactured Home Community which sign(s) shall:*** ***(B/L 2358/08)***

- i. not exceed a height of 6 metres (19.68 feet); and
- ii. not exceed a sign area of 3 square metres (32.29 square feet); and

705 11. e. iii. not be sited closer than 1 metre (3.281 feet) from any lot or rental space boundary.

f. Open Space

Each manufactured home or modular manufactured home shall be provided with a minimum of 40 square metres (430.57 square feet) of private, usable outdoor living area within each rental site.

g. Construction and Layout

The construction and layout of the manufactured home community shall conform to the requirements of the *Manufactured Home Community Bylaw*.

**DIVISION SEVEN - RESIDENTIAL ZONES****706 Residential Seasonal Single Family Zone (R.6)**1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Residential Seasonal Single Family Zone (R.6)*:

- a. Accessory residential buildings including domestic garages, free standing carports, residential storage buildings, greenhouses, gazebos, etc
- b. Public parks and playgrounds
- c. Seasonal single family dwellings

2. Buildings Per Lot

The number of buildings allowed per lot shall be not more than:

- a. one (1) seasonal single family dwelling; and
- b. one (1) domestic garage or free standing carport and one (1) other accessory residential building; or two (2) accessory residential buildings other than garages or carports.

3. Floor Area

- a. The floor area for a seasonal single family dwelling shall be not less than 30 square metres (322.9 square feet).
- b. The gross floor area for accessory residential buildings shall be not greater than ~~55 square metres (592.03 square feet)~~ **66 square metres (710.44 square feet)** having a horizontal dimension of not more than ~~7.5 metres (24.61 feet)~~ **9 metres (29.53 feet)** for domestic garages and free standing carports; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures. **(Bylaw 1972/04)**

4. Height of Buildings and Structures

- a. The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 5 metres (16.40 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 5 metres (16.40 feet)

- 706 4. a. above the mid point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed five percent (5%) average natural slope; and
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 560 square metres (6028 square feet) where the lot is serviced by community sewer and community water and not less than 1 hectare (2.471 acres) where the lot is serviced with an on-site septic tank effluent disposal system.

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty five percent (35%) of the lot area for all buildings and structures.

7. Lot Frontage

Where serviced with community water and community sewer systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:

- a. for interior lots, the greater of one-tenth of the perimeter of the proposed lot or 18 metres (59.06 feet); and
- b. for corner lots, the greater of one-tenth of the perimeter of the proposed lot or 21 metres (68.90 feet); and
- c. for lots located at the turnabout area of cul-de-sacs, not less than 9 metres (29.53 feet) provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. and 7.b. above; and

- 706 7. d. for lots located on the outside curve of a road having a radius of not more than 120 metres (393.70 feet), the lot frontages cited in 7.a. and 7.b. above may be reduced by not more than 3 metres (9.842 feet) provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. and 7.b. above.

Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacks

a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) except that;
- ii. garages or carports may be setback not less than 4.5 metres (14.76 feet) from the front lot line on lots exceeding twenty percent (20%) average natural slope.

c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:



- 706 9. c. i. 7.5 metres (24.61 feet) for single family dwellings; and  
 ii. 2 metres (6.562 feet) for accessory residential buildings and structures.

d. Side Yards

Side yards free of all buildings and structures shall be provided with a width of not less than 2 metres (6.562 feet).

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

a. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or

- 
- 706 10. a. v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

**707 Residential Large Lot Housing with Suite or Two Family Dwelling Zone (R.7)****1. Permitted Uses of Land, Buildings, and Structures**

*Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the Residential Large Lot Housing with Suite or Two Family Dwelling Zone (R.7):*

- a. Accessory residential buildings*
- b. Public parks and playgrounds*
- c. Single family dwellings that may include a secondary suite; and*
- d. Two family dwellings*
- e. Recreational Vehicles subject to the provisions of Section 707.10.b of this Bylaw (B/L 2712/16)*

**2. Buildings Per Lot**

*The number of buildings allowed per lot shall be not more than:*

- a. one (1) single family dwelling that may contain one suite or one (1) two family dwelling on lots 700 square metres (7535 square feet) or larger in size; and*
- b. one (1) accessory residential building per dwelling unit or Recreational Vehicle permitted under Section 707.10.b of this Bylaw. (B/L 2712/16)*

**3. Floor Area**

- a. The floor area for a single family dwelling shall be not less than 85 square metres (914.9 square feet).*
- b. The gross floor area for a secondary suite shall not exceed the lesser of 90 square metres or 40% of the gross floor area of the single family dwelling.*
- c. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit.*
- d. The gross floor area for accessory residential buildings other than attached recreational vehicle garages shall be not greater than 12 square metres (129.17 square feet).*

707. 4. **Height of Buildings and Structures**

- a. *The height of accessory buildings shall be constructed with a maximum height of 4 metres (13.12 feet); and*
- b. *The height of a single family dwelling and a two family dwelling shall not exceed 11 metres (36.09 feet) except where the average natural slope of the lot exceeds five percent (5%), in which case the height of dwellings on the downhill side of a road shall not exceed a height of 9 metres (29.53 feet) above the centre line of the road immediately adjacent to the center of the front of the dwellings and dwellings located on the uphill side of the road shall not exceed a height of 9 metres (29.53 feet) above the mid point of the rear property line on which the residence is located.*

5. **Lot Area**

*Where serviced by community sewer and community water systems, lots that are proposed to be subdivided within this zone shall have an area of not less than:*

- a. *700 square metres (7535 square feet) for single family dwellings and two family dwellings; and*
- b. *350 square metres (3767 square feet) for each half of a two family dwelling that is proposed to be subdivided along a party wall meeting B.C. Building and Fire Code requirements; and*

*There shall be no minimum lot area required for lots created for public parks and playgrounds; and*

*Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.*

6. **Lot Coverage**

*Lot coverage shall be not greater than thirty five percent (35%) of the lot area for all buildings and structures.*

7. **Lot Frontage**

*Where serviced with community water and community sewer systems, lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:*

707. 7. a. *for interior lots for single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 18 metres (59.06 feet); and*
- b. *for corner lots for single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 21 metres (68.90 feet); and*
- c. *for interior lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 23 metres (75.46 feet); and*
- d. *for corner lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 26 metres (85.30 feet); and*
- e. *for each half of a two family dwelling that is proposed to be subdivided along a party wall meeting B.C. Building and Fire Code requirements, the greater of one-tenth of the perimeter of the proposed lots or 11.5 metres (37.73 feet); and*
- f. *for lots located at the turnabout area of cul-de-sacs, not less than 9 metres (29.53 feet) for lots for single family dwellings and not less than 11.5 metres (37.73 feet) for lots for two family dwellings, provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line commencing at the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. to 7.d. above; and*
- g. *for lots located on the outside curve of a road having a radius of not more than 120 metres (393.70 feet), the lot frontages cited in 7.a. to 7.d. above may be reduced by not more than 3 metres (9.842 feet) for single family lots and not more than 6 metres (19.68 feet) for two family lots provided that the average lot frontage throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot frontages cited in 7.a. to 7.d. above.*

*There shall be no minimum lot frontage required for lots created for public parks and playgrounds.*

8. **Off-Street Parking**

*Off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw with the addition of one extra parking space for a suite.*

**707. 9. Setbacks****a. Exterior Side Yard**

*Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.*

**b. Front Yard**

*Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw, a front yard free of all buildings and structures shall be provided with a depth of not less than:*

- i. 7.5 metres (24.61 feet) except that;*
- ii. garages or carports may be setback not less than 4.5 metres (14.76 feet) from the front lot line on lots exceeding twenty percent (20%) average natural slope.*

**c. Rear Yard**

*A rear yard free of buildings and structures shall be provided with a depth of not less than:*

- i. 7.5 metres (24.61 feet).*
- ii. 2 metres (6.562 feet) for accessory residential buildings and structures.*

**d. Side Yards**

*Side yards free of all buildings and structures shall be provided with a width of not less than 2.4 metres (7.874 feet) except that there shall be no side yard setback required for the party wall of a two family dwelling that is proposed to be subdivided along said party wall meeting B.C. Building and Fire Code requirements.*

**e. Water Bodies**

*Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.*

707. 10. Other Requirementsa. Unenclosed parking and storage

*No person at any time shall park or store any commercial vehicle, truck, bus, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in a residential zone, except:*

- i. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or*
- ii. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or*
- iii. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.*
- iv. One (1) Recreational Vehicle, unrestricted in size.*

*(B/L 2712/16)*

b. Recreational Vehicles

~~*Notwithstanding the regulations of Section 305.4 of this Bylaw, properties zoned R7 are permitted the use of one (1) Recreational Vehicle, unrestricted in size, for a period not exceeding thirty (30) days in any calendar year, on a parcel of land which is fully serviced with water and sewage disposal facilities.*~~

*(B/L 2576/13)*

*Notwithstanding the regulations of Section 305.4 of this Bylaw, properties in the Residential Large Lot Housing with Suite or Two Family Dwelling (R.7) zone are permitted the use of a Recreational Vehicle, unrestricted in size, subject to the following:*

- i. No more than one (1) Recreational Vehicle shall be permitted per lot;*
- ii. The occupation of a Recreational Vehicle shall not be permitted on a lot containing a dwelling;*
- iii. The occupation of a Recreational Vehicle shall not be permitted unless the Recreational Vehicle is connected to a community water system and a community sewer system;*

- iv. The occupation of a Recreational Vehicle shall not be permitted unless the Recreational Vehicle complies with the setback provisions outlined in Section 707.9 of this Bylaw;*
- v. The occupation of a Recreational Vehicle shall not exceed a period exceeding 182 days in any calendar year;*
- vi. A Park Model Recreational Vehicle shall not be used as a Recreational Vehicle; and*
- vii. The Recreational Vehicle shall not be permitted to be used for temporary accommodation purposes.*

*(B/L 2712/16)*



## DIVISION EIGHT - RURAL ZONES

### 801 Small Holding Zone (S.H.)

#### 1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Small Holding Zone (S.H.)*:

- a. Accessory residential
- b. Bed and breakfast use subject to the provisions of Section 801.10.a. of this bylaw
- c. Boarding, lodging, or rooming houses subject to the provisions of Section 801.10.b. of this bylaw
- d. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the *Community Care and Assisted Living Act*) subject to the provisions of Section 402 of this bylaw
- e. Home occupation use subject to the provisions of Section 403 of this bylaw
- f. Manufactured homes in Electoral Areas ~~"D" and "E"~~ "D", "E" and "F" only ***subject to the provisions of Section 311 subject to the provisions of Section 801.10.d. of this bylaw***  
(B/L 2156/06) (B/L 1972/04)
- g. Public parks and playgrounds
- h. Restricted agricultural use subject to the provisions of Section 801.10.c. of this bylaw
- i. Single family dwellings
- ~~j. Two family dwellings but only on lots 2 ha (4.942 acres) or larger in size~~
- j. Two family dwellings subject to the provisions of Section 412 of this bylaw.*** (B/L 2747/17)
- k. Secondary Suites subject to the provisions of Section 409 of this bylaw***  
(B/L 2592/13)

#### 2. Buildings Per Lot

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) manufactured home (Electoral Areas ~~"D" and "E"~~ "D", "E" and "F" only); and (Bylaw 1972/04)
- b. two (2) accessory residential buildings; and
- c. two (2) restricted agricultural buildings.

#### 3. Floor Area

- a. The floor area for a single family dwelling shall be not less than 60 square metres (645.8 square feet); and

- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit; and
- 801 3. c. The floor area for a manufactured home shall be not less than 45 square metres (484.4 square feet); and
- d. The gross floor area for accessory residential buildings shall be not greater than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and carports; not larger than 80.3 square metres (864.37 square feet) having a horizontal dimension of more than 12.2 metres (40.06 feet) for covered swimming pools; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.

4. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. 5 metres (16.40 feet) for accessory residential use; or
- b. 12 metres (39.37 feet) for residential use; or
- c. 10 metres (32.81 feet) for restricted agricultural use.

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 1 hectare (2.471 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area.

7. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot. There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

801 9. Setbacksa. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than ~~12 metres (39.37 feet)~~ **7.5 metres (24.62 feet) except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

*(Bylaw 1972/04)*

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than ~~12 metres (39.37 feet)~~ **7.5 metres (24.62 feet).**

*(Bylaw 1972/04)*

c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 7.5 metres (24.61 feet) for single family dwellings and restricted agricultural use except that rear yards free of buildings and structures used for keeping of animals shall be provided with a depth of not less than 30 metres (98.42 feet) where the use abuts a *Residential zone*.
- ii. 2 metres (6.562 feet) for accessory residential buildings and structures.

d. Side Yards

Side yards free of single family dwellings, accessory residential buildings and buildings and structures used for restricted agricultural use shall be provided with a width of not less than 3 metres (9.842 feet), except that side yards free of buildings and structures used for keeping of animals shall be provided with a width of not less than 30 metres (98.42 feet) where the use abuts a *Residential zone*.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

801 9. e. **Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirementsa. Bed and Breakfast Use

A bed and breakfast use shall comply with the following regulations:

- i. The dwelling unit within which the use is carried on and the lot upon which the dwelling unit is located shall be occupied by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot and dwelling unit; and
- ii. The number of bedrooms for a bed and breakfast use shall be subject to the following restrictions:
  - a. Not more than two (2) bedrooms shall be permitted on lots smaller than 0.1 hectares (0.2471 acres) in area;
  - b. Not more than three (3) bedrooms shall be permitted on lots ranging in area from 0.1 hectares (0.2471 acres) to 0.9999 hectares (2.471 acres);
  - c. Not more than five (5) bedrooms shall be permitted on lots 1.0 hectare (2.471 acres) or larger in area; and
- iii. A bedroom used for bed and breakfast use shall not be occupied at any time by more than two (2) persons having attained the legal age of majority in *British Columbia* together with not more than three (3) children under the legal age of majority in *British Columbia*; and
- iv. Bedrooms used or reserved for bed and breakfast use shall have a floor area of not less than 7.5 square metres (80.73 square feet) excluding closet areas and the minimum horizontal dimension for any such bedroom shall be 2.5 metres (8.202 feet); and

- 801 10. a. v. The occupants of the dwelling unit who are the operators of bed and breakfast use shall have a valid business licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time; and
- vi. ***Except in Electoral Area 'E',*** not more than one (1) sign advertising the bed and breakfast use shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and ***(B/L 2358/08)***
- vii. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a bed and breakfast use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no bed and breakfast use was carried on within the dwelling unit, plus;
- b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the bed and breakfast use; and
- viii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a bed and breakfast use, and no motor vehicles shall be parked on the lot on which the bed and breakfast use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.
- ix. The owner of the bed and breakfast use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
- b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/bed and breakfast use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge

- 801 10. a. ix. b. effluent from the combined residential/bed and breakfast use of the land to the sewer system; and
- c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the bed and breakfast facility; and
- d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed bed and breakfast facility.

b. Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. A boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- ii. Meals shall not be prepared within the rental units; and
- iii. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and
- iv. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit;
- b. One (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and

- 801 10. b. v. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vi. The owner of the boarding house use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.

c. Restricted Agricultural Use

A restricted agricultural use shall not be permitted on lots smaller than 1 hectare (2.471 acres).

d. ~~Manufactured Home Use~~

~~*The use of a manufactured home as a dwelling within Electoral Areas 'D', 'E' and 'F' shall be permitted provided that the manufactured home is:*~~

~~*i. certified by the Canadian Standards Association to conform with the CSA Standard Z240; or*~~

~~*ii. certified to be structurally sound by a professional engineer.*~~

*(Bylaw 1972/04)*

801 10. e. Residential Buildings

Insofar as residential buildings are concerned where a lot of less than 0.5 ha (1.235 acres) was existing at the effective date of this bylaw, the provisions of Section 701.9. of this bylaw shall apply.

f. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in the *Small Holding Zone (S.H.)*, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.



**802 Country Residential Zone (C.R.)**1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Country Residential Zone (C.R.)*:

- a. Accessory buildings and structures
- b. Accessory farm sales use subject to the provisions of Section 802.10.a. of this bylaw
- c. Ancillary single family dwellings subject to the provisions of Section **410** ~~802.10.b.~~ of this bylaw **(B/L 2747/17)**
- d. Bed and breakfast use subject to the provisions of Section 802.10.b. of this bylaw
- e. Boarding house use subject to the provisions of Section 802.10.c. of this bylaw.
- f. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the Community Care and Assisted Living Act) subject to the provisions of Section 402 of this bylaw
- g. Fruit and produce pickers' cabins subject to the provisions of Section 802.10.d. of this bylaw
- h. Home occupation use subject to the provisions of Section 403 of this bylaw
- i. Intensive agricultural use subject to the provisions of Section 802.10.e. of this bylaw
- j. Limited agricultural use subject to the provisions of Section 802.10.f. of this bylaw
- k. Limited resource use subject to the provisions of Section 802.10.g. of this bylaw
- l. Manufactured homes in Electoral Areas 'D', 'E' and 'F' and manufactured homes on lots 1 ha (2.471 acres) or larger in size in Electoral Areas 'B' and 'C' ***all subject to the provisions of Section 311*** **(B/L 2156/06)**
- m. Packing houses (fruit and vegetables only)
- n. Public parks and playgrounds
- o. Single family dwellings
- p. Two family dwellings ***subject to the provisions of Section 412 of this bylaw.*** **(B/L 2747/17)**
- q. Veterinary clinics
- r. Wineries and cideries subject to the provisions of Section 802.10.j. of this bylaw
- s. Work force housing units subject to the provisions of Section 802.10.k. of this bylaw
- t. ***Secondary Suites subject to the provisions of Section 409 of this bylaw*** **(B/L 2592/13)**
- u. ~~***Medical Marijuana Production Facilities, Agricultural cannabis production facilities, subject to the provisions of 802.10.l. of this Bylaw.***~~ **(B/L 2606/13)(B/L 2820/19)**

v. ***Detached suites subject to the provisions of Section 411 of this bylaw.***

***(B/L 2747/17)***

802. 2. Buildings Per Lot

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) manufactured home; and
- b. one (1) additional single family dwelling on lots 4 ha (9.884 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- c. for lands that are located within the Agricultural Land Reserve, additional single family dwellings shall not be permitted unless the owner has first submitted, to the Regional District, an application to the Provincial Agricultural Land Commission pursuant to the provisions of the *Agricultural Land Commission Act, 2002, c.36*. In processing the application the Board may refuse to authorize the applicant to apply to the Land Commission; authorize the applicant to apply to the Land Commission for their adjudication; or authorize the building inspector to issue the building permit; and
- ~~d. one (1) Ancillary Single Family Dwelling on lands in and out of the Agricultural Land Reserve subject to the provisions of Section 802.10.b. of this bylaw; and~~
- d. one (1) ancillary single family dwelling subject to the provisions of Section 410 of this bylaw; and***  
***(B/L 2747/17)***
- e. one (1) accessory farm sales use; and
- f. one (1) work force housing unit per 8 hectares (19.77 acres) of land area forming the farm or limited resource unit; and
- g. one (1) detached suite subject to the provisions of Section 411 of this bylaw.***  
***(B/L 2747/17)***

3. Floor Area

- a. The floor area for a single family dwelling shall be not less than 60 square metres (645.8 square feet); and
- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit; and

- 802 3. c. The floor area for a manufactured home shall be not less than 45 square metres (454.4 square feet); and
- d. The gross floor area for a fruit and produce pickers' cabin shall not exceed 25 square metres (269.1 square feet); and
- e. The gross floor area for a work force housing unit shall not exceed 55 square metres (592.0 square feet).

4. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. 10 metres (32.81 feet) for Agricultural Cannabis Production Facilities; or  
(B/L 2820/19)**
- c. 12 metres (39.37 feet) for residential use; or
- d. 20 metres (65.62 feet) for agricultural use including wineries and cideries.

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 2 hectares (4.942 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures except that lot coverage shall not exceed twenty percent (20%) for apicultural use; twenty five percent (25%) for tree, vine and forage crop use; thirty five percent (35%) for nurseries, specialty wood crops and turf farms, livestock, poultry, game and fur farms and mushroom growing; and seventy five percent (75%) for greenhouses.

802 7. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot. There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each dwelling unit that is permitted pursuant to the provisions of Section 802.2. above. The parking spaces shall be maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacksa. Agricultural Setbacks

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule G of this bylaw.

b. Exterior Side Yard

Where applicable, an exterior side yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.



802 9. d. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

e. Side Yards

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

f. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

a. Accessory farm sales use

An accessory farm sales use:

- i. shall be ancillary to an agricultural use being carried out on the same farm unit; and
- ii. shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the same parcel except that, for lands that are located within the *Agricultural Land*

*Reserve* as established by the *Provincial Agricultural Land Commission*, an accessory farm sales use may include the retail sales of Farm Products, Off-Farm Products and Processed Farm Products subject to the regulations cited elsewhere in this bylaw; and

802. 10. a. iii. Shall, except for the outside display area permitted in iv. Below, be contained wholly within a building. The farm sales use shall, where non-farm products are sold, occupy a gross floor area, within that building, not greater than 300 square metres (3229.28 square feet) in size.
- For the purpose of calculating the portion of the building to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and packaging, shall be included, but any office area, wholesale storage area, washroom area and processing facilities will not be included; and
- v. may have an outside display area of not greater than 100 square metres (1076.43 square feet) in size, which area must be contiguous with the farm sales area described in iii. Above; and
- vi. may provide for the retail sales of Off-Farm Products and Processed Farm Products, ancillary to the sale of Farm Products, provided that the area allotted to the sale of Off-Farm Products and Processed Farm Products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use; and
- vii. shall provide one (1) off-street parking space per 20 square metres (215.3 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Schedule B of this bylaw; and
- vii. may, notwithstanding any other provisions of this bylaw, ***and except in Electoral Area ‘E’*** include not more than one (1) wall sign per fronting street, and one (1) free standing sign, advertising the intended use. Wall signs shall meet the sign area requirements of Section 1401.4.a.i. of this bylaw. Free standing signs shall not exceed 3 metres (9.842 feet) in height; shall have a sign area of not larger than 3 square metres (32.29 square feet); shall be located no closer than 2 metres (6.562 feet) to any property boundary; shall not be illuminated; and shall be incorporated into an area of the parcel that is not less than 10 square metres (107.64 square feet) in size and this area shall be landscaped to the standards outlined in Sections 1501.2.b.i. and iii. Of this bylaw; and ***(B/L 2358/08)***



- 802 10. a. viii. shall not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm sales use; the outside storage area; or access driveways and off-street parking areas; and
- ix. shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.

~~b. Ancillary Single Family Dwelling~~

~~For the purposes of this section, an ancillary single family dwelling shall mean:~~

- ~~i. one (1) single family dwelling or one (1) manufactured home ancillary to an existing principal single family dwelling located on the same lot; or~~
- ~~ii. one (1) single family dwelling ancillary to an existing manufactured home located on the same lot.~~

~~Ancillary single family dwellings shall have a gross floor area not larger than 75 square metres (807.3 square feet) exclusive of attached open carports and open porches, shall not include a basement, shall not include habitable space in an attic, and shall not be permitted on lots smaller than 2 ha (4.942 acres). Where ancillary single family dwellings include a cellar, the cellar shall not include windows or a habitable area.~~

*(B/L 2747/17)*

**b. Bed and Breakfast Use**

A bed and breakfast use shall comply with the following regulations:

- i. The dwelling unit within which the use is carried on and the lot upon which the dwelling unit is located shall be occupied by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot and dwelling unit; and
- ii. The number of bedrooms for a bed and breakfast use shall be subject to the following restrictions:
  - a. Not more than two (2) bedrooms shall be permitted on lots smaller than 0.1 hectares (0.2471 acres) in area;

- 802 10. **b.** ii. b. Not more than three (3) bedrooms shall be permitted on lots ranging in area from 0.1 hectares (0.2471 acres) to 0.9999 hectares (2.471 acres);
- c. Not more than five (5) bedrooms shall be permitted on lots 1.0 hectare (2.471 acres) or larger in area; and
- iii. A bedroom used for bed and breakfast use shall not be occupied at any time by more than two (2) persons having attained the legal age of majority in *British Columbia* together with not more than three (3) children under the legal age of majority in *British Columbia*; and
- iv. Bedrooms used or reserved for bed and breakfast use shall have a floor area of not less than 7.5 square metres (80.73 square feet) excluding closet areas and the minimum horizontal dimension for any such bedroom shall be 2.5 metres (8.202 feet); and
- v. The occupants of the dwelling unit who are the operators of bed and breakfast use shall have a valid business licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time; and
- vi. ***Except in Electoral Area 'E'*** not more than one (1) sign advertising the bed and breakfast use shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and **(B/L 2358/08)**
- vii. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a bed and breakfast use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no bed and breakfast use was carried on within the dwelling unit, plus;
- b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the bed and breakfast use; and



- 802 10 **b.** viii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a bed and breakfast use, and no motor vehicles shall be parked on the lot on which the bed and breakfast use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.
- ix. The owner of the bed and breakfast use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/bed and breakfast use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/bed and breakfast use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the bed and breakfast facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed bed and breakfast facility.

**c.** Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. A boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- ii. Meals shall not be prepared within the rental units; and
- iii. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and

- 802 10. c. iv. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit;
  - b. One (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and
- v. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vi. The owner of the boarding house use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.



802 10. *d.* Fruit and Produce Pickers' Cabin Use

- i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 hectares (9.884 acres), unless such use existed prior to the adoption of this bylaw.
- ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.

*e.* Intensive Agricultural Use

An intensive agricultural use shall not be permitted on lots smaller than 0.8094 hectares (2.0 acres) and shall only be permitted on lands that are located within the *Agricultural Land Reserve*.

*f.* Limited Agricultural Use

Dog kennels shall not be permitted on lots less than 2 hectares (4.942 acres) in size and all kennels and pens must be sited with a setback of not less than 30 metres (98.42 feet) from all property boundaries.

*g.* Limited Resource Use

~~For the purposes of this section Limited Resource Use means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot including the preliminary grading, cutting, or crushing of such materials for shipment.~~

***For the purposes of this section Limited Resource Use means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot. Within Electoral Areas “D”, “E” and “F”, Limited Resource Use includes the following processing activities: preliminary grading, cutting or crushing of such materials for shipment. Within Electoral Areas “B” and “C”, Limited Resource Use excludes all processing activities. (B/L 2613/14)***

A limited resource use:

- i. shall specifically exclude all manufacturing of products and any processing not mentioned above; and
- ii. shall not be permitted on a lot of less than 2 hectares (4.942 acres); and

- 802 10. g. iii. shall not include the storage, repair or maintenance of heavy equipment of an off-site logging, mining or other resource based use or business other than one such vehicle used by the owner to commute to his off-site place of business on a day to day basis.

***h.*** Residential Buildings

Insofar as residential buildings are concerned, where a lot of less than 0.5 hectares (1.235 acres) was existing at the effective date of this bylaw, the provisions of Section 701.9. of this bylaw shall apply.

***i.*** Unenclosed parking and storage

No person at any time shall park or store any unlicensed or wrecked vehicle or parts thereof on a lot in the *Country Residential Zone (C.R.)* unless said vehicle or part is completely enclosed within a building. The vehicle(s) or part(s) must be for the personal use of the owner only or be part of a bona fide home occupation.

***j.*** Wineries and cideries

Wineries and cideries are permitted provided that:

- i. The winery or cidery is eligible for licensing as a winery or cidery under the terms established by the B.C. Liquor Control and Licensing Branch as amended from time to time; and
- ii. At least 50% of the production of wine or cider comes from grapes, cider apples or other fruit grown on the winery or cidery farm. Grapes, cider apples or other fruit which are grown in British Columbia and are acquired by a winery or cidery through a long-term contract of no less than three (3) years may be included as part of the on-farm 50% production, provided that a minimum size vineyard or orchard of 2.02 hectares (5 acres) is maintained by the winery or cidery farm. If due to crop failure or replant a winery or cidery is unable to meet the on-farm 50% requirement, the operator may request, in writing, from the Regional Board, or from the Agricultural Land Commission where the land is located in the Agricultural Land Reserve, a temporary exemption from this requirement. The Board or the Agricultural Land Commission may, without application, grant the temporary exemption.
- iii. Aside from the wine or cider, the sale of any other farm products, processed farm products and off-farm products must not exceed the limits prescribed in Section 802.10.a. of this bylaw.



- 802 10 j. iv. Off-street parking shall be provided for wineries and cideries at a rate of 4.4 spaces per 100 square metres (1076 square feet) gross floor area used for wine tasting and wine sales. The off-street parking area and access thereto shall be constructed meeting the standards cited in Schedule B of this bylaw applicable to *Rural* zones.
- viii. Buildings used for winery or cidery use shall not be sited closer than 7.5 metres (24.61 feet) to any lot line.
- vi. Signs shall conform with the provisions of Section 802.10.a.vii. of this bylaw.
- vii. Wineries and cideries shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a license for the carrying on of such business or undertaking where such license is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.

**k. Work Force Housing Use**

Work force housing units shall not be permitted on a lot of less than 4 hectares (9.884 acres) and shall not be used for permanent residency nor for rental purposes and shall be approved by the Interior Health Authority.

**~~l. Medical Marihuana Production Facilities~~**

~~*Medical marihuana production facilities shall only be permitted on lands within the Agricultural Land Reserve, subject to the setbacks of Schedule G of this bylaw and provided that these facilities do not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards. (B/L 2606/13)*~~

**l. Agricultural Cannabis Production Facilities**

- i. Agricultural Cannabis Production Facilities shall only be permitted on lands within the Agricultural Land Reserve and only where:*
- a. the use is consistent with an Agricultural Cannabis Production Facility as defined in this Bylaw; and,*
  - b. the use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation;*

- recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards; and,*
- c. the use meets the setback requirements of Schedule G of this bylaw. (B/L 2820/19)*

- 802 10. *m. Notwithstanding the Home Occupation Use provisions outlined in Section 403 of this Bylaw, a rhythmic gymnastics facility located on the property legally described as Lot 4, Sec 36, Twp 9, ODYD, Plan 351 and located at 2515 East Vernon Road is a permitted use consisting of a maximum floor space of 422 m<sup>2</sup> (4,543 ft<sup>2</sup>) and a maximum of three (3) on-premise employees. (B/L 2738/17)*

**803    Non-Urban Zone (N.U.)**

 1.    Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Non-Urban Zone (N.U.)*:

- a.    Accessory buildings and structures
- b.    Accessory farm sales use subject to the provisions of Section 803.10.a. of this bylaw
- c.    Ancillary single family dwellings subject to the provisions of Section **410** ~~803.10.b.~~ of this bylaw **(B/L 2747/17)**
- d.    Bed and breakfast use subject to the provisions of Section 803.10.b. of this bylaw
- e.    Boarding house use subject to the provisions of Section 803.10.c. of this bylaw.
- f.    Community care facilities (if they are permitted to be carried out pursuant to the provisions of the Community Care and Assisted Living Act) subject to the provisions of Section 402 of this bylaw
- g.    Fruit and produce pickers' cabins subject to the provisions of Section 803.10.d. of this bylaw
- h.    Home occupation use subject to the provisions of Section 403 of this bylaw
- i.    Intensive agricultural use subject to the provisions of Section 803.10.e. of this bylaw
- j.    Limited agricultural use subject to the provisions of Section 803.10.f. of this bylaw
- k.    Manufactured homes in Electoral Areas 'D', 'E' and 'F' and manufactured homes on lots 1 ha (2.471 acres) or larger in size in Electoral Areas 'B' and 'C' ***all subject to the provisions of Section 311*** **(B/L 2156/06)**
- l.    Packing houses (fruit and vegetables only)
- m.    Public parks and playgrounds
- n.    Rapid infiltration and spray irrigation of treated sewage effluent subject to the provisions of Section 803.10.g. of this bylaw
- o.    Resource use subject to the provisions of Section 803.10.i. of this bylaw
- p.    Single family dwellings
- q.    Two family dwellings ***subject to the provisions of Section 412 of this bylaw.*** **(B/L 2747/17)**
- r.    Veterinary clinics
- s.    Wineries and cideries subject to the provisions of Section 803.10.k. of this bylaw
- t.    Work force housing units subject to the provisions of Section 803.10.l. of this bylaw
- u.    ***Secondary Suites subject to the provisions of Section 409 of this bylaw*** **(B/L 2592/13)**

- v. ~~*Medical Marijuana Production Facilities, Agricultural cannabis production facilities, subject to the provisions of 803.10.m. of this Bylaw.*~~  
(B/L 2606/13)(B/L 2820/19)
- w. *Detached suites subject to the provisions of Section 411 of this bylaw.*  
(B/L 2747/17)

803 2. Buildings Per Lot

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) manufactured home; and
- b. one (1) additional single family dwelling on lots 14.4 ha (35.58 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- c. one (1) additional single family dwelling on lots 21.6 ha (53.37 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- d. for lands that are located within the Agricultural Land Reserve, additional single family dwellings shall not be permitted unless the owner has first submitted, to the Regional District, an application to the Provincial Agricultural Land Commission pursuant to the provisions of the *Agricultural Land Commission Act, 2002, c.36*. In processing the application the Board may refuse to authorize the applicant to apply to the Land Commission; authorize the applicant to apply to the Land Commission for their adjudication; or authorize the building inspector to issue the building permit; and
- ~~e. one (1) Ancillary Single Family Dwelling on lands in and out of the Agricultural Land Reserve subject to the provisions of Section 803.10.b. of this bylaw; and~~
- e. *one (1) ancillary single family dwelling subject to the provisions of Section 410 of this bylaw; and*  
(B/L 2747/17)
- f. one (1) accessory farm sales use; and
- g. one (1) work force housing unit per 8 hectares (19.77 acres) of land area forming the farm or resource unit; and
- h. *one (1) detached suite subject to the provisions of Section 411 of this bylaw.*  
(B/L 2747/17)





803 3. Floor Area

- a. The floor area for a single family dwelling shall be not less than 60 square metres (645.8 square feet); and
- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit; and
- c. The floor area for a manufactured home shall be not less than 45 square metres (454.4 square feet); and
- d. The gross floor area for a fruit and produce pickers' cabin shall not exceed 25 square metres (269.1 square feet); and
- e. The gross floor area for a work force housing unit shall not exceed 55 square metres (592.0 square feet).

4. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. 10 metres (32.81 feet) for Agricultural Cannabis Production Facilities; or (B/L 2820/19)**
- c. 12 metres (39.37 feet) for residential use; or
- d. 20 metres (65.62 feet) for agricultural use including wineries and cideries.

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 7.2 hectares (17.79 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures except that lot coverage shall not exceed twenty percent (20%) for apicultural use; twenty five percent (25%) for tree, vine and forage crop use; thirty five percent (35%) for nurseries, specialty wood crops and turf farms, livestock, poultry, game and fur farms and mushroom growing; and seventy five percent (75%) for greenhouses.

803 7. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot. There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each dwelling unit that is permitted pursuant to the provisions of Section 803.2. above. The parking spaces shall be maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacks

a. Agricultural Setbacks

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule G of this bylaw.

b. Exterior Side Yard

Where applicable, an exterior side yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.



803 9. d. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

e. Side Yards

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

f. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

a. Accessory farm sales use

An accessory farm sales use:

- i. shall be ancillary to an agricultural use being carried out on the same farm unit; and
- ii. shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the same parcel except that, for lands that are located within the *Agricultural Land*

*Reserve* as established by the *Provincial Agricultural Land Commission*, an accessory farm sales use may include the retail sales of Farm Products, Off-Farm Products and Processed Farm Products subject to the regulations cited elsewhere in this bylaw; and

- iii. shall, except for the outside display area permitted in iv. below, be contained wholly within a building. The farm sales use shall, where non-farm products are sold, occupy a gross floor area, within that building, not greater than 300 square metres (3229.28 square feet) in size.
- 803 10 a. iii. For the purpose of calculating the portion of the building to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and packaging, shall be included, but any office area, wholesale storage area, washroom area and processing facilities will not be included; and
- iv. may have an outside display area of not greater than 100 square metres (1076.43 square feet) in size, which area must be contiguous with the farm sales area described in iii. above; and
- v. may provide for the retail sales of Off-Farm Products and Processed Farm Products, ancillary to the sale of Farm Products, provided that the area allotted to the sale of Off-Farm Products and Processed Farm Products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use; and
- vi. shall provide one (1) off-street parking space per 20 square metres (215.3 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Schedule B of this bylaw; and
- vii. may, notwithstanding any other provisions of this bylaw, ***and except in Electoral Area ‘E’*** include not more than one (1) wall sign per fronting street, and one (1) free standing sign, advertising the intended use. Wall signs shall meet the sign area requirements of Section 1401.4.a.i. of this bylaw. Free standing signs shall not exceed 3 metres (9.842 feet) in height; shall have a sign area of not larger than 3 square metres (32.29 square feet); shall be located no closer than 2 metres (6.562 feet) to any property boundary; shall not be illuminated; and shall be incorporated into an area of the parcel that is not less than 10 square metres (107.64 square feet) in size and this area shall be landscaped to the standards outlined in Sections 1501.2.b.i. and iii. of this bylaw; and ***(B/L 2358/08)***



- viii. shall not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm sales use; the outside storage area; or access driveways and off-street parking areas; and
- ix. shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.

~~803~~ ~~10.~~ ~~b.~~ Ancillary Single Family Dwelling

~~For the purposes of this section, an ancillary single family dwelling shall mean:~~

- ~~i. one (1) single family dwelling or one (1) manufactured home ancillary to an existing principal single family dwelling located on the same lot; or~~
- ~~ii. one (1) single family dwelling ancillary to an existing manufactured home located on the same lot.~~

~~Ancillary single family dwellings shall have a gross floor area not larger than 75 square metres (807.3 square feet) exclusive of attached open carports and open porches, shall not include a basement, shall not include habitable space in an attic, and shall not be permitted on lots smaller than 2 ha (4.942 acres). Where ancillary single family dwellings include a cellar, the cellar shall not include windows or a habitable area.~~

*(B/L 2747/17)*

**b. Bed and Breakfast Use**

A bed and breakfast use shall comply with the following regulations:

- i. The dwelling unit within which the use is carried on and the lot upon which the dwelling unit is located shall be occupied by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot and dwelling unit; and
- ii. The number of bedrooms for a bed and breakfast use shall be subject to the following restrictions:
  - a. Not more than two (2) bedrooms shall be permitted on lots smaller than 0.1 hectares (0.2471 acres) in area;

- b. Not more than three (3) bedrooms shall be permitted on lots ranging in area from 0.1 hectares (0.2471 acres) to 0.9999 hectares (2.471 acres);
  - c. Not more than five (5) bedrooms shall be permitted on lots 1.0 hectare (2.471 acres) or larger in area; and
803. 10. **b.**
- iii. A bedroom used for bed and breakfast use shall not be occupied at any time by more than two (2) persons having attained the legal age of majority in *British Columbia* together with not more than three (3) children under the legal age of majority in *British Columbia*; and
  - iv. Bedrooms used or reserved for bed and breakfast use shall have a floor area of not less than 7.5 square metres (80.73 square feet) excluding closet areas and the minimum horizontal dimension for any such bedroom shall be 2.5 metres (8.202 feet); and
  - v. The occupants of the dwelling unit who are the operators of bed and breakfast use shall have a valid business licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time; and
  - vi. ***Except in Electoral Area 'E'*** not more than one (1) sign advertising the bed and breakfast use shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and **(B/L 2358/08)**
  - vii. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a bed and breakfast use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
    - a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no bed and breakfast use was carried on within the dwelling unit, plus;
    - b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the bed and breakfast use; and



viii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a bed and breakfast use, and no motor vehicles shall be parked on the lot on which the bed and breakfast use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.

- 803 10. **b.** ix. The owner of the bed and breakfast use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/bed and breakfast use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/bed and breakfast use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the bed and breakfast facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed bed and breakfast facility.

**c.** Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. A boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- ii. Meals shall not be prepared within the rental units; and



- iii. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and
- iv. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
  - 803 10. c. iv. a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit;
  - b. One (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and
  - v. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
  - vi. The owner of the boarding house use must obtain the following:
    - a. an access permit from the *Ministry of Transportation*; and
    - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
    - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and





d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.

**d.** Fruit and Produce Pickers' Cabin Use

i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 hectares (9.884 acres), unless such use existed prior to the adoption of this bylaw.

803 10. **d.** ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.

**e.** Intensive Agricultural Use

An intensive agricultural use shall not be permitted on lots smaller than 0.8094 hectares (2.0 acres).

**f.** Limited Agricultural Use

Dog kennels shall not be permitted on lots less than 2 hectares (4.942 acres) in size and all kennels and pens must be sited with a setback of not less than 30 metres (98.42 feet) from all property boundaries.

**g.** Rapid Infiltration and Spray Irrigation of Treated Sewage Effluent

The discharge of treated sewage effluent by rapid infiltration and/or spray irrigation shall be in accordance with the lawful requirements of all applicable statutes, Bylaws, and regulations and more particularly but without restricting the generality of the foregoing, such requirements as may be imposed from time to time by the Waste Management Branch, Province of British Columbia.

**h.** Residential Buildings

Insofar as residential buildings are concerned, where a lot of less than 0.5 hectares (1.235 acres) was existing at the effective date of this bylaw, the provisions of Section 701.9. of this bylaw shall apply.

**i.** Resource Use

For the purposes of this section Resource Use means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot including the preliminary grading, cutting, or crushing of such materials for shipment.



A resource use:

- i. shall not be permitted on a lot less than 2 hectares (4.942 acres) in size; and
  - ii. may include the storage, repair or maintenance of heavy equipment of an off-site logging, mining or other resource based use or business provided that said use:
- 803 10. i. ii. a. shall not be permitted on a lot less than 7.2 ha (17.79 acres) in size; and
- b. is sited more than 60 metres (196.85 feet) from any property boundary; and
- c. is screened from any abutting public road with an evergreen hedge or other solid view obstructing landscape screen meeting the requirements of Schedule F applicable to *Industrial zones*.
- iii. within Electoral Areas 'D', 'E', and 'F' shall permit the manufacture of dimension lumber, shakes, and other similar wood products ***utilizing on or off-site logs or timbers*** provided that not more than six (6) persons, other than members of the immediate family of the owner of the business, are employed in such manufacture provided that said use: ***(B/L 2041/05)***
- a. shall not be permitted on a lot less than 2 ha (4.942 acres) in size in Electoral Areas 'D' and 'E' and not less than 7.2 ha (17.79 acres) in size in Electoral Area 'F'; and
  - b. is sited more than 60 metres (196.85 feet) from any property boundary; and
  - c. is screened from any abutting public road with an evergreen hedge or other solid view obstructing landscape screen meeting the requirements of Schedule F applicable to *Industrial zones*.
- j. Unenclosed parking and storage***
- No person at any time shall park or store any unlicensed or wrecked vehicle or parts thereof on a lot in the *Non-Urban Zone (N.U.)* unless said vehicle or part is completely enclosed within a building. The vehicle(s) or part(s) must be for the personal use of the owner only or be part of a bona fide home occupation.

*k.* Wineries and Cideries

Wineries and cideries are permitted provided that:

- 803 10. *k.*
- i. The winery or cidery is eligible for licensing as a winery or cidery under the terms established by the B.C. Liquor Control and Licensing Branch as amended from time to time; and
  - ii. At least 50% of the production of wine or cider comes from grapes, cider apples or other fruit grown on the winery or cidery farm. Grapes, cider apples or other fruit which are grown in British Columbia and are acquired by a winery or cidery through a long-term contract of no less than three (3) years may be included as part of the on-farm 50% production, provided that a minimum size vineyard or orchard of 2.02 hectares (5 acres) is maintained by the winery or cidery farm. If due to crop failure or replant a winery or cidery is unable to meet the on-farm 50% requirement, the operator may request, in writing, from the Regional Board, or from the Agricultural Land Commission where the land is located in the Agricultural Land Reserve, a temporary exemption from this requirement. The Board or the Agricultural Land Commission may, without application, grant the temporary exemption.
  - iii. Aside from the wine or cider, the sale of any other farm products, processed farm products and off-farm products must not exceed the limits prescribed in Section 803.10.a. of this bylaw.
  - iv. Off-street parking shall be provided for wineries and cideries at a rate of 4.4 spaces per 100 square metres (1076 square feet) gross floor area used for wine tasting and wine sales. The off-street parking area and access thereto shall be constructed meeting the standards cited in Schedule B of this bylaw applicable to *Rural* zones.
  - v. Buildings used for winery or cidery use shall not be sited closer than 7.5 metres (24.61 feet) to any lot line.
  - vi. Signs shall conform with the provisions of Section 802.10.a.vii. of this bylaw.
  - vii. Wineries and cideries shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a license for



the carrying on of such business or undertaking where such license is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.

**l. Work Force Housing Use**

Work force housing units shall not be permitted on a lot of less than 4 hectares (9.884 acres) and shall not be used for permanent residency nor for rental purposes and shall be approved by the Interior Health Authority.

**803 10. ~~m. Medical Marihuana Production Facilities~~**

~~*Medical marihuana production facilities shall only be permitted on lands within the Agricultural Land Reserve, subject to the setbacks of Schedule G of this bylaw and provided that these facilities do not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards.*~~

~~(B/L 2606/13)~~

**m. Agricultural Cannabis Production Facilities**

*ii. Agricultural Cannabis Production Facilities shall only be permitted on lands within the Agricultural Land Reserve and only where:*

- a. the use is consistent with an Agricultural Cannabis Production Facility as defined in this Bylaw; and,*
- b. the use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards; and,*
- c. the use meets the setback requirements of Schedule G of this bylaw.*

*(B/L 2820/19)*

*n. Notwithstanding the Permitted Uses of the Non-Urban (N.U) zone as outlined in Section 803.1 of this Bylaw, a dairy barn building located on the property legally described as Amended Lot 41 (DD204435F) DL 526, K (Formerly O) DYD, Plan 1010, Except Plan 42675 and located at 15 Grandview Bench Road, Electoral Area “F” may be used for retail sales of farm and off-farm products and for food services subject to the following:*

- 1. at least 50% of the total area must be limited to the sale of farm products produced on the farm on which the retail sales are taking place; and*
- 2. the total area, both indoors and outdoors, used for the retail sales of all products and for food services consisting of ice cream, coffee, tea, bakery items, soup and sandwiches, may not exceed 324 m<sup>2</sup>.*

*(B/L 2716/16)*

**804 Large Holding Zone (L.H)**1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Large Holding Zone (L.H.)*:

- a. Accessory buildings and structures
- b. Accessory farm sales use subject to the provisions of Section 804.10.a. of this bylaw
- c. Ancillary single family dwellings subject to the provisions of Section **410** ~~804.10.b.~~ of this bylaw **(B/L 2747/17)**
- d. Bed and breakfast use subject to the provisions of Section 804.10.b. of this bylaw
- e. Boarding house use subject to the provisions of Section 804.10.c. of this bylaw.
- f. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the Community Care and Assisted Living Act) subject to the provisions of Section 402 of this bylaw
- g. Fruit and produce pickers' cabins subject to the provisions of Section 804.10.d. of this bylaw
- h. Home occupation use subject to the provisions of Section 403 of this bylaw
- i. Intensive agricultural use subject to the provisions of Section 804.10.e. of this bylaw
- j. Limited agricultural use subject to the provisions of Section 804.10.f. of this bylaw
- k. Manufactured homes in Electoral Areas 'D', 'E' and 'F' and manufactured homes on lots 1 ha (2.471 acres) or larger in size in Electoral Areas 'B' and 'C' **all subject to the provisions of Section 311** **(B/L 2156/06)**
- l. Packing houses (fruit and vegetables only)
- m. Public parks and playgrounds
- n. Rapid infiltration and spray irrigation of treated sewage effluent subject to the provisions of Section 804.10.g. of this bylaw
- o. Resource use subject to the provisions of Section 804.10.i. of this bylaw
- p. Single family dwellings
- q. Two family dwellings **subject to the provisions of Section 412 of this bylaw.** **(B/L 2747/17)**
- r. Veterinary clinics
- s. Wineries and cideries subject to the provisions of Section 804.10.k. of this bylaw
- t. Work force housing units subject to the provisions of Section 804.10.l. of this bylaw
- u. **Secondary Suites subject to the provisions of Section 409 of this bylaw** **(B/L 2592/13)**



- v. ~~*Medical Marijuana Production Facilities, Agricultural cannabis production facilities, subject to the provisions of 804.10.n. of this Bylaw.*~~  
*(B/L 2606/13)(B/L 2820/19)*
- w. *Detached suites subject to the provisions of Section 411 of this bylaw.*  
*(B/L 2747/17)*

804 2. Buildings Per Lot

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) manufactured home; and
- b. one (1) additional single family dwelling on lots 30.5 ha (75.37 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- c. one (1) additional single family dwelling on lots 45 ha (111.19 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- d. for lands that are located within the Agricultural Land Reserve, additional single family dwellings shall not be permitted unless the owner has first submitted, to the Regional District, an application to the Provincial Agricultural Land Commission pursuant to the provisions of the *Agricultural Land Commission Act, 2002, c.36*. In processing the application the Board may refuse to authorize the applicant to apply to the Land Commission; authorize the applicant to apply to the Land Commission for their adjudication; or authorize the building inspector to issue the building permit; and
- ~~e. one (1) Ancillary Single Family Dwelling on lands in and out of the Agricultural Land Reserve subject to the provisions of Section 804.10.b. of this bylaw; and~~
- e. *One (1) ancillary single family dwelling subject to the provisions of Section 410 of this bylaw; and*  
*(B/L 2747/17)*
- f. one (1) accessory farm sales use; and
- g. one (1) work force housing unit per 8 hectares (19.77 acres) of land area forming the farm or resource unit; and
- h. *one (1) detached suite subject to the provisions of Section 411 of this bylaw.*  
*(B/L 2747/17)*

3. Floor Area

- a. The floor area for a single family dwelling shall be not less than 60 square metres (645.8 square feet); and
- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit; and
- c. The floor area for a manufactured home shall be not less than 45 square metres (454.4 square feet); and
- 804 3. d. The gross floor area for a fruit and produce pickers' cabin shall not exceed 25 square metres (269.1 square feet); and
- e. The gross floor area for a work force housing unit shall not exceed 55 square metres (592.0 square feet).

4. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. 10 metres (32.81 feet) for Agricultural Cannabis Production Facilities; or (B/L 2820/19)**
- c. 12 metres (39.37 feet) for residential use; or
- d. 20 metres (65.62 feet) for agricultural use including wineries and cideries.

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 30.5 hectares (75.37 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures except that lot coverage shall not exceed twenty percent (20%) for apicultural use; twenty five percent (25%) for tree, vine and forage crop use; thirty five percent (35%) for nurseries, specialty wood crops and turf farms, livestock, poultry, game and fur farms and mushroom growing; and seventy five percent (75%) for greenhouses.



7. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot. There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each dwelling unit that is permitted pursuant to the provisions of Section 804.2. above. The parking spaces shall be maintained in accordance with the provisions of Schedule B of this bylaw.

804 9. Setbacks

a. Agricultural Setbacks

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule G of this bylaw.

b. Exterior Side Yard

Where applicable, an exterior side yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 804.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 804.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.



d. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 804.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

804 9. e. Side Yards

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 804.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

f. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

10. Other Requirements

a. Accessory farm sales use

An accessory farm sales use:

- i. shall be ancillary to an agricultural use being carried out on the same farm unit; and
- ii. shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the same parcel except that, for lands that are located within the *Agricultural Land*



*Reserve* as established by the *Provincial Agricultural Land Commission*, an accessory farm sales use may include the retail sales of Farm Products, Off-Farm Products and Processed Farm Products subject to the regulations cited elsewhere in this bylaw; and

- iii. shall, except for the outside display area permitted in iv. below, be contained wholly within a building. The farm sales use shall, where non-farm products are sold, occupy a gross floor area, within that building, not greater than 300 square metres (3229.28 square feet) in size.
- 804 10. a. iii. For the purpose of calculating the portion of the building to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and packaging, shall be included, but any office area, wholesale storage area, washroom area and processing facilities will not be included; and
- iv. may have an outside display area of not greater than 100 square metres (1076.43 square feet) in size, which area must be contiguous with the farm sales area described in iii. above; and
  - v. may provide for the retail sales of Off-Farm Products and Processed Farm Products, ancillary to the sale of Farm Products, provided that the area allotted to the sale of Off-Farm Products and Processed Farm Products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use; and
  - vi. shall provide one (1) off-street parking space per 20 square metres (215.3 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Schedule B of this bylaw; and
  - vii. may, notwithstanding any other provisions of this bylaw, ***and except in Electoral Area ‘E’*** include not more than one (1) wall sign per fronting street, and one (1) free standing sign, advertising the intended use. Wall signs shall meet the sign area requirements of Section 1401.4.a.i. of this bylaw. Free standing signs shall not exceed 3 metres (9.842 feet) in height; shall have a sign area of not larger than 3 square metres (32.29 square feet); shall be located no closer than 2 metres (6.562 feet) to any property boundary; shall not be illuminated; and shall be incorporated into an area of the parcel that is not less than 10 square metres (107.64 square feet) in size and this area shall be landscaped to the standards outlined in Sections 1501.2.b.i. and iii. of this bylaw; and **(B/L 2358/08)**

- viii. shall not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm sales use; the outside storage area; or access driveways and off-street parking areas; and
- ix. shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.

~~804~~ ~~10~~ ~~b.~~ Ancillary Single Family Dwelling

~~For the purposes of this section, an ancillary single family dwelling shall mean:~~

- ~~i. one (1) single family dwelling or one (1) manufactured home ancillary to an existing principal single family dwelling located on the same lot; or~~
- ~~ii. one (1) single family dwelling ancillary to an existing manufactured home located on the same lot.~~

~~Ancillary single family dwellings shall have a gross floor area not larger than 75 square metres (807.3 square feet) exclusive of attached open carports and open porches, shall not include a basement, shall not include habitable space in an attic, and shall not be permitted on lots smaller than 2 ha (4.942 acres). Where ancillary single family dwellings include a cellar, the cellar shall not include windows or a habitable area.~~

*(B/L 2747/17)d*

***b.*** Bed and Breakfast Use

A bed and breakfast use shall comply with the following regulations:

- i. The dwelling unit within which the use is carried on and the lot upon which the dwelling unit is located shall be occupied by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot and dwelling unit; and
- ii. The number of bedrooms for a bed and breakfast use shall be subject to the following restrictions:
  - a. Not more than two (2) bedrooms shall be permitted on lots smaller than 0.1 hectares (0.2471 acres) in area;



- b. Not more than three (3) bedrooms shall be permitted on lots ranging in area from 0.1 hectares (0.2471 acres) to 0.9999 hectares (2.471 acres);
- c. Not more than five (5) bedrooms shall be permitted on lots 1.0 hectare (2.471 acres) or larger in area; and
- iii. A bedroom used for bed and breakfast use shall not be occupied at any time by more than two (2) persons having attained the legal age of majority in *British Columbia* together with not more than three (3) children under the legal age of majority in *British Columbia*; and
- 804 10. **b.** iv. Bedrooms used or reserved for bed and breakfast use shall have a floor area of not less than 7.5 square metres (80.73 square feet) excluding closet areas and the minimum horizontal dimension for any such bedroom shall be 2.5 metres (8.202 feet); and
- v. The occupants of the dwelling unit who are the operators of bed and breakfast use shall have a valid business licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time; and
- vi. ***Except in Electoral Area ‘E’*** not more than one (1) sign advertising the bed and breakfast use shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and **(B/L 2358/08)**
- vii. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a bed and breakfast use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
  - a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no bed and breakfast use was carried on within the dwelling unit, plus;
  - b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the bed and breakfast use; and



viii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a bed and breakfast use, and no motor vehicles shall be parked on the lot on which the bed and breakfast use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.

ix. The owner of the bed and breakfast use must obtain the following:

a. an access permit from the *Ministry of Transportation*; and

804 10. **b.** ix. b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/bed and breakfast use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/bed and breakfast use of the land to the sewer system; and

c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the bed and breakfast facility; and

d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed bed and breakfast facility.

**c.** Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

i. A boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and

ii. Meals shall not be prepared within the rental units; and

iii. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and



- iv. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
  - a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit;
  - 804 10. c. iv. b. One (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and
- v. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vi. The owner of the boarding house use must obtain the following:
  - a. an access permit from the *Ministry of Transportation*; and
  - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
  - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
  - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.

*d.* Fruit and Produce Pickers' Cabin Use

- i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 hectares (9.884 acres), unless such use existed prior to the adoption of this bylaw.
- ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.

804 10. *e.* Intensive Agricultural Use

An intensive agricultural use shall not be permitted on lots smaller than 0.8094 hectares (2.0 acres).

*f.* Limited Agricultural Use

Dog kennels shall not be permitted on lots less than 2 hectares (4.942 acres) in size and all kennels and pens must be sited with a setback of not less than 30 metres (98.42 feet) from all property boundaries.

*g.* Rapid Infiltration and Spray Irrigation of Treated Sewage Effluent

The discharge of treated sewage effluent by rapid infiltration and/or spray irrigation shall be in accordance with the lawful requirements of all applicable statutes, Bylaws, and regulations and more particularly but without restricting the generality of the foregoing, such requirements as may be imposed from time to time by the Waste Management Branch, Province of British Columbia.

*h.* Residential Buildings

Insofar as residential buildings are concerned, where a lot of less than 0.5 hectares (1.235 acres) was existing at the effective date of this bylaw, the provisions of Section 701.9. of this bylaw shall apply.

*i.* Resource Use

For the purposes of this section Resource Use means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot including the preliminary grading, cutting, or crushing of such materials for shipment.





A resource use:

- i. shall not be permitted on a lot less than 2 hectares (4.942 acres) in size; and
- ii. may include the storage, repair or maintenance of heavy equipment of an off-site logging, mining or other resource based use or business provided that said use:
  - a. shall not be permitted on a lot less than 7.2 ha (17.79 acres) in size; and
  - b. is sited more than 60 metres (196.85 feet) from any property boundary; and
  - c. is screened from any abutting public road with an evergreen hedge or other solid view obstructing landscape screen meeting the requirements of Schedule F applicable to *Industrial* zones.
- iii. within Electoral Areas 'D', 'E', and 'F' shall permit the manufacture of dimension lumber, shakes, and other similar wood products ***utilizing on or off-site logs or timbers*** provided that not more than six (6) persons, other than members of the immediate family of the owner of the business, are employed in such manufacture provided that said use: ***(B/L 2041/05)***
  - a. shall not be permitted on a lot less than 2 ha (4.942 acres) in size in Electoral Areas 'D' and 'E' and not less than 7.2 ha (17.79 acres) in size in Electoral Area 'F'; and
  - b. is sited more than 60 metres (196.85 feet) from any property boundary; and
  - c. is screened from any abutting public road with an evergreen hedge or other solid view obstructing landscape screen meeting the requirements of Schedule F applicable to *Industrial* zones.
- j.*** Unenclosed parking and storage

No person at any time shall park or store any unlicensed or wrecked vehicle or parts thereof on a lot in the *Non-Urban Zone (N.U.)* unless said vehicle or part is completely enclosed within a building. The vehicle(s) or part(s) must be for the personal use of the owner only or be part of a bona fide home occupation.

***k.*** Wineries and Cideries

Wineries and cideries are permitted provided that:

- 804 10. ***k.***
- i. The winery or cidery is eligible for licensing as a winery or cidery under the terms established by the B.C. Liquor Control and Licensing Branch as amended from time to time; and
  - ii. At least 50% of the production of wine or cider comes from grapes, cider apples or other fruit grown on the winery or cidery farm. Grapes, cider apples or other fruit which are grown in British Columbia and are acquired by a winery or cidery through a long-term contract of no less than three (3) years may be included as part of the on-farm 50% production, provided that a minimum size vineyard or orchard of 2.02 hectares (5 acres) is maintained by the winery or cidery farm. If due to crop failure or replant a winery or cidery is unable to meet the on-farm 50% requirement, the operator may request, in writing, from the Regional Board, or from the Agricultural Land Commission where the land is located in the Agricultural Land Reserve, a temporary exemption from this requirement. The Board or the Agricultural Land Commission may, without application, grant the temporary exemption.
  - iii. Aside from the wine or cider, the sale of any other farm products, processed farm products and off-farm products must not exceed the limits prescribed in Section 804.10.a. of this bylaw.
  - iv. Off-street parking shall be provided for wineries and cideries at a rate of 4.4 spaces per 100 square metres (1076 square feet) gross floor area used for wine tasting and wine sales. The off-street parking area and access thereto shall be constructed meeting the standards cited in Schedule B of this bylaw applicable to *Rural* zones.
  - v. Buildings used for winery or cidery use shall not be sited closer than 7.5 metres (24.61 feet) to any lot line.
  - vi. Signs shall conform with the provisions of Section 802.10.a.vii. of this bylaw.
  - vii. Wineries and cideries shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a license for the carrying on of such business or undertaking where such license is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.



*l. Work Force Housing Use*

Work force housing units shall not be permitted on a lot of less than 4 hectares (9.884 acres) and shall not be used for permanent residency nor for rental purposes and shall be approved by the Interior Health Authority.

804 10. *m. Notwithstanding the permitted uses listed under Section 804(1) in this bylaw, the use of a private cemetery be permitted on that property legally described as DL 2746, ODYD, Except Plans 33656 and KAP78563, located at 1875 Trinity Valley Road, Electoral Area “D”. (B/L 2444/10)*

*n. ~~Medical Marihuana Production Facilities~~*

~~*Medical marihuana production facilities shall only be permitted on lands within the Agricultural Land Reserve, subject to the setbacks of Schedule G of this bylaw and provided that these facilities do not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards. (B/L 2606/13)*~~

*n. Agricultural Cannabis Production Facilities*

- i. Agricultural Cannabis Production Facilities shall only be permitted on lands within the Agricultural Land Reserve and only where:*
  - a. the use is consistent with an Agricultural Cannabis Production Facility as defined in this Bylaw; and,*
  - b. the use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards; and,*
  - c. the use meets the setback requirements of Schedule G of this bylaw. (B/L 2820/19)*

**DIVISION NINE - SPECIAL USE ZONES****901 Spray Irrigation Zone (S.1)**1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Spray Irrigation Zone (S.1)*:

- a. Rapid infiltration and spray irrigation of treated sewage effluent
- b. Sanitary landfill refuse disposal (private operator)
- c. Septic tank pumpage;

all of which uses shall be subject to the provisions of Section 901.4. of this bylaw

2. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 2 ha (4.942 acres).

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

3. Setbacks

- a. Exterior side, front, rear, and side yards free of all buildings and structures shall be provided with a depth or width of not less than 4.5 metres (14.76 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

901 4. Other Requirements

- a. All industrial activity and storage not contained within a building shall be enclosed by screening.
- b. The regulations established by the Ministry of Water, Land and Air Protection, Environmental Management Branch covering the discharge of septic tank pumpage shall apply.
- c. The regulations established by the Environmental Management Branch covering the operation of sanitary landfill refuse disposal sites shall apply.
- d. The discharge of treated sewage effluent by rapid infiltration and/or spray irrigation shall be in accordance with the lawful requirements of all applicable statutes, bylaws, and regulations and more particularly but without restricting the generality of the foregoing, such requirements as may be imposed from time to time by the Environmental Management Branch.

**902 Residential Attendance Program Zone (S.2)**

1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Residential Attendance Program Zone (S.2)*:

- a. Accessory buildings and structures
- b. Residential Attendance Program use
- c. A manufactured home ***subject to the provisions of Section 311*** accessory to a Residential Attendance Program use for accommodation of security personnel/caretakers ***(B/L 2156/06)***

2. Buildings Per Lot

There shall be not more than one (1) Residential Attendance Program building allowed per lot and there shall be not more than one (1) manufactured home allowed within the *Residential Attendance Program Zone (S.2)*.

3. Floor Area

The gross floor area for a Residential Attendance Program building shall be not greater than 150 square metres (1,615 square feet).

4. Lot Area

A Residential Attendance Program use shall not be permitted on a lot of less than 16 ha (39.53 acres) and the area zoned for a Residential Attendance Program use shall be not greater than 0.25 ha (0.618 acres).

5. Setbacks

- a. Exterior side and front yards free of all buildings and structures shall be provided with a depth or width of not less than 45 metres (147.64 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**
- b. Rear and side yards free of all buildings and structures shall be provided with a depth or width of not less than 30 metres (98.42 feet).

c. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

902 5. c. **Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

6. **Other Requirements**

- a. For the purposes of this Section, Residential Attendance Program Use shall mean a use accessory to an agricultural use or a resource use where a residential dwelling or a pre-manufactured building (excluding manufactured homes) is used for living accommodation for youths ordered into the care of the Corrections Branch, Ministry of Attorney General, by an order of the Court.
- b. Residential Attendance Program buildings shall not be used for permanent residency nor for rental purposes.

**903 Community Park and Public Use (S.3)**

## 1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Community Park and Public Use Zone (S.3)*:

- a. Assembly, cultural and recreational facilities including arenas, auditoriums, bandshells, bowling greens, community centres, curling, rinks, *farmers markets*, gymnasiums, riding academies, skating rinks, stadiums, swimming pools, and tennis courts *(B/L 2041/05)*
- b. Parking area
- c. Public parks
- d. Public golf courses
- e. Public libraries and museums
- f. Public playfields and playgrounds
- g. A dwelling or dwelling unit for a caretaker, watchman, or other person similarly employed, when considered to be essential to the operation of the facility
- h. Public schools
- i. Accessory buildings
- j. Day care centres operated by non-profit society
- k. Public campgrounds

2. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 1 ha (2.471 acres).

There shall be no minimum lot area required for lots created for public playfields and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

3. Lot Coverage

Lot coverage shall not be greater than ten percent (10%) of the lot area for all buildings, structures.



903 4. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot except that there shall be no minimum lot frontage required for lots created for public playfields and playgrounds.

5. Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.

6. Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

7. Setbacks

a. Exterior side, front, rear and side yards free of all buildings and structures shall be provided with a depth or width of not less than 4.5 metres (14.76 feet) **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

8. Other Requirements:

a. Assembly, Cultural and Recreational Facilities are permitted to be rented on a short-term basis for special events (i.e. weddings, retail events, special events).

- 
- 903 8. b. Campgrounds and seasonal recreational vehicle parks shall conform with the requirements of Schedule D of this Bylaw.
- c. Screening and landscaping shall be provided in general accordance with the requirements of Schedule F of this bylaw.

**DIVISION TEN – COMPREHENSIVE DEVELOPMENT ZONES****1001 Trails at Enderby Comprehensive Development Zone (CD.1)**1. Permitted Uses of Land, Buildings and Structures:

Subject to the provisions of Division Three and Four of this bylaw the uses cited in Sections 1001.2. and 1001.3., and no others, shall be permitted in the *Trails at Enderby Comprehensive Development Zone (CD.1)*.

a. Principal Uses

The principal uses permitted in this zone are:

- i. one eighteen (18) hole golf course which may include accessory uses such as a driving range, pro shop, licensed lounge, restaurant and maintenance facilities
- ii. hotels including accessory uses such as a gift shop, restaurant, lounge, banquet facility, convention facility, recreation and fitness facility, retail shops and personal service establishments

b. Ancillary Uses

Ancillary Uses are only permitted in combination with one or more of the principal uses cited in Section 1001.1.a. above, except that one (1) single family dwelling shall be permitted for the owner, operator or employee of any proposed principle use of the subject property. Ancillary Uses include:

- i. Accessory residential buildings including domestic garages, free standing carports, covered swimming pools, residential storage buildings, greenhouses, gazebos, etc.
- ii. Automated teller banking machines
- iii. Campgrounds, lodging houses and rental cabins
- iv. Convenience stores
- v. Health spas, sports clubs, indoor and/or outdoor pools
- vi. Public parks and playgrounds
- vii. Personal services and without limiting the general nature of these services, they would include a barber shop, beauty parlor, dry cleaning establishment, postal outlet, photocopy shop, fax service, internet access service, florists shop, laundromat, photographic studio, artists shop and travel agent
- viii. Real estate offices

- 1001 1. b. ix. Residential dwellings which includes single family, two family, row housing, multiple family and seasonal single family dwelling units
- x. Restaurants;

the area extent of which uses is as shown on the attached Schedule A, being the "Official Zoning Maps of the Regional District of North Okanagan".

2. Buildings Per Lot

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling or one (1) seasonal single family dwelling or one (1) row housing dwelling unit or one (1) two family dwelling on lots 700 square metres (7,535 square feet) or larger in size except that each half of a two family dwelling shall be permitted to be located on lots 350 square metres (3767 square feet) or larger in size where said two family dwelling is subdivided along a party wall; and
- b. one (1) domestic garage or free standing carport or covered swimming pool and one (1) other accessory residential building per dwelling unit; or two (2) accessory residential buildings other than garages, carports or covered pools per dwelling unit.

The number of buildings for campground, commercial, golf course, lodging house (unit), maintenance, multi-family and rental cabin uses shall not be restricted.

3. Density

The total density for the combined residential dwellings, hotels, rental cabins and lodging houses permitted in this zone shall not exceed a total maximum of two hundred and fifty (250) dwelling units whereby:

- a. four (4) sleeping units in a hotel shall be considered the equivalent of one dwelling unit. For the purposes of this section a sleeping unit is defined as a unit without private cooking facilities which unit must not be larger than 51 square metres (549 square feet) in area;
- b. five (5) sleeping units in a lodging house shall be considered the equivalent of one dwelling unit. For the purposes of this section a sleeping unit is defined as a unit without private cooking facilities which unit must not be larger than 51 square metres (549 square feet) in area;
- c. each seasonal single family dwelling shall be considered equivalent of one (1) dwelling unit;

- 1001 3. d. each rental cabin shall be considered the equivalent of one (1) dwelling unit; and
- e. a single family dwelling shall be the equivalent of one (1) dwelling unit, a two family dwelling shall be two (2) dwelling units and similarly each dwelling in a row housing or multiple family development shall be the equivalent of one (1) dwelling unit.
4. Floor Area
- a. The floor area of a seasonal seasonal single family dwelling shall be not less than 30 square metres (322.93 square feet).
- b. The gross floor area of a rental cabin including any mezzanine and all storeys shall not be greater than 95 square metres (1022.6 square feet).
- c. The floor area of a single family dwelling and for each unit of a two family or row housing dwelling shall be not less than 60 square metres (645.86 square feet).
- d. The floor area of a multiple family dwelling unit shall be not less than:
- i. 27 square metres (290.63 square feet) within each bachelor dwelling unit;
- ii. 40 square metres (430.57 square feet) within each one-bedroom dwelling unit;
- iii. 45 square metres (484.39 square feet) within each two-bedroom dwelling unit; or
- iv. 55 square metres (592.0 square feet) within each three-bedroom or larger dwelling unit.
- e. The gross floor area for accessory residential buildings shall be not greater than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and free standing carports; 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 12.2 metres (40.06 feet) for covered swimming pools; and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.

1001 5. Height of Buildings and Structures

- a. The maximum height of any building or structure within Area “D” as shown on Schedule A attached to and forming part of this bylaw shall not be greater than 10 metres (32.81 feet).
- b. Except as provided in Section 1001.5.a, the height of buildings and structures shall not exceed:
  - i. the lesser of 8 metres (26.25 feet) or two (2) storeys for single family, two family and row housing residential dwellings except where the average natural slope of the lot exceeds five percent (5%) as measured from the lowest point on the lot to the uppermost point on the lot, in which case the height of these residential dwellings on the downhill side of a road shall not exceed a height of 5 metres (16.40 feet) above centre line of the road immediately adjacent to the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 5 metres (16.40 feet) above the mid point of the rear property line on which the residence is located;
  - ii. the lesser of 14.6 metres (47.90 feet) or three (3) storeys for hotels, lodging houses and multiple family dwellings;
  - iii. 5 metres (16.40 feet) above the driveway at the entrance to the garages or free standing carports. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet); or
  - iv. 10 metres (32.81 feet) for all other uses.

6. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than:

- a. 450 square metres (4,844 square feet) for each single family dwelling or seasonal single family dwelling; and
- b. 700 square metres for two family dwellings except where subdivision along a common wall is proposed in which each dwelling unit must have an area of not less than 350 square metres (3,767 square feet); and
- c. 220 square metres (2,368 square feet) for each unit of a row housing development except that the end units must have an area not less than 330 square metres (3,552 square feet).

There shall be no minimum lot area required for lots created for public parks and playgrounds and all other uses not cited in Sections 1001.6.a.b. and c. above.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

1001 7. Lot Coverage

- a. Lot coverage shall be not greater than forty percent (40%) for single family, seasonal single family and two family dwellings including their accessory buildings and structures.
- b. Lot coverage shall be not greater than fifty percent (50%) for multiple family and row housing dwellings including their accessory buildings and structures.
- c. Lot coverage shall be not greater than fifty percent (50%) for commercial and commercial/residential mixed use buildings, including their accessory buildings and structures, or other permitted uses not specified in Subsections 6.a. and b. above.

8. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than:

- a. for interior lots for single family dwellings or seasonal single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 12.8 metres (41.99 feet); and
- b. for corner lots for single family dwellings or seasonal single family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 15.8 metres (51.84 feet); and
- c. for interior lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 23 metres (75.46 feet) except where subdivision along a common wall is proposed in which each dwelling unit must have a lot frontage of not less than 11 metres (36.09 feet); and
- d. for corner lots for two family dwellings, the greater of one-tenth of the perimeter of the proposed lot or 26 metres (85.30 feet) except where subdivision along a common wall is proposed in which each dwelling unit located on the corner lot must have a lot frontage of not less than 13 metres (42.65 feet); and

- 1001 8. e. for interior lots for row housing dwellings, the greater of one-tenth of the perimeter of the proposed lot or 7.5 metres (24.61 feet); and
- f. for end or corner lots for row housing dwellings, the greater of one-tenth of the perimeter of the proposed lot or 11 metres (36.09 feet); and
- g. 30 metres (98.42 feet) for multi-family use.

There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

9. Off-Street Parking

Off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

10. Setbacks

a. Exterior Side Yard

Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) for apartment and multi-family use and not less than 4.5 metres (14.76 feet) for all other uses **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

b. Front Yard

**Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw,** a front yard free of all buildings and structures shall be provided with a depth of not less than:

- i. 3.5 metres (11.48 feet) for single family, seasonal single family, two family and rental cabin uses; and
- ii. 4.5 metres (14.76 feet) for accessory residential buildings and structures, row housing, commercial and commercial/residential mixed use buildings; and
- iii. 6.1 metres (20.01 feet) for multi-family use.

c. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than:



- 1001 10. c. i. 2 metres (6.562 feet) for accessory residential buildings and structures; and
- ii. 6.1 metres (20.01 feet) for single family, seasonal single family, two family, row housing and rental cabin uses; and
- iii. 8 metres (26.25 feet) for multi-family, commercial and commercial/residential mixed use buildings.

d. Side Yards

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 1.5 metres (4.921 feet) for accessory residential buildings and structures, single family, seasonal single family, two family, row housing and rental cabin uses except that a two family dwelling shall be permitted to straddle a property line provided that the property line coincides with the party wall; and
- ii. 3 m (9.842 feet) for multi-family use having a wall without a window or with a window to a non-habitable room; for the outside wall of the end units of a row housing project; and for commercial and commercial/residential mixed use buildings that abut a residential lot, street or lane; and
- iii. 8 m (26.25 feet) for apartment and multi-family use with a wall with a balcony or with a window to a habitable room.

e. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

1001 11. Other Requirementsa. Servicing

- i. All uses permitted within this zone must be serviced with community sewer and community water systems meeting the requirements of the authority having jurisdiction.
- ii. Access routes created pursuant to the provisions of the Strata Property Act or Bare Land Strata Regulations must have a minimum right-of-way width of 15 metres (49.21 feet) unless a greater width is required to be provided by the Ministry of Transportation as part of the subdivision approval process.
- iii. Curb, gutter, underground wiring services, ornamental street lighting and storm water management facilities must be provided in accordance with good engineering practices as a condition precedent to the approval of any development or subdivision of the subject property(s).

b. Row Housing Use

- i. Must contain a minimum of four (4) and a maximum of eight (8) side-by-side single family dwelling units each of which is contained wholly within its own lot; and
- ii. Must be designed in such a manner so as to stagger each pair of dwelling units, with a minimum of 1 m (3.281 feet) offset; and
- iii. Must provide access to the rear of each dwelling unit from a public lane constructed to the standards cited in the Regional District of North Okanagan Subdivision Bylaw in force from time to time.

c. Multi-Family Use

A one or two storey multi-family building designed in a row and with more than three units shall be designed in such a manner so as to stagger each pair of units, with a minimum of 1 metre (3.281 feet) offset.

d. Screening and Landscaping

Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.

1001 11. e. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in the *Trails at Enderby Comprehensive Development Zone (CD.1)*, except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.
- f. Campgrounds shall conform to the requirements of Schedule D of this bylaw.
- g. An area of landscaped or naturally vegetated open space with a separation distance averaging 250 metres (820.2 feet) shall be provided on both sides of the internal strata road in Area “B” as shown on Schedule A and each open space shall have a minimum width of 12.8 metres (41.99 feet) between dwelling units or in the absence of dwellings, between lot lines.

**1002 Fairhaven Ministries Association Comprehensive Development Zone (CD.2)**1. Permitted Uses of Land, Buildings and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others may be permitted in the *Fairhaven Ministries Association Comprehensive Development Zone (CD.2)*.

- a. Accessory buildings and structures for maintenance and utility use
- b. Accessory buildings and structures for personal services
- c. Accommodation including a campground, cabins and a lodge
- d. Personal services including a chapel, laundromat and a library
- e. Recreation facilities including games rooms, tennis courts and swimming pool
- f. Single family dwellings

2. Buildings per Lot

The number of buildings and improvements allowed for each of the following uses may be not more than:

- a. three (3) single family dwellings;
- b. one (1) lodge with one (1) dwelling unit;
- c. fifteen (15) cabins; and
- d. six (6) camping spaces.

3. Floor Area

The gross floor area for a cabin including any mezzanine and all storeys may not be greater than 95 square metres (1,022.6 square feet).

4. Lot Area

Subject to the provisions of Section 1201.2.g. of this bylaw, each lot shall have an area not less than 19 ha (46.95 acres).

5. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.

1002 6. Height of Buildings and Structures

The height of buildings and structures shall not exceed 12 metres (39.37 feet).

7. Off Street Parking

Off-street parking spaces shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw.

8. Setbacks

- a. An exterior side yard, side yard, front yard and rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) where applicable.
- b. ~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

**Water Bodies**

***Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.***

***(B/L 2141/07)***

9. Other Requirements

- a. The Campground shall conform with the requirements of Schedule F of this bylaw and a Campground Permit shall be issued prior to the construction of the campground.
- b. One Identification Sign conforming to Section 405 of this bylaw is permitted.
- c. For the purposes of this Section, a lodge may include administration offices, retail sales (including arts, crafts, books, flowers, gifts, and novelties), banquet food services, conference centre and one single family dwelling.
- d. For the purposes of this Section, all retail sales and banquet food services shall be contained within the lodge and are only for the use of guests accommodated on site.

**1003 Mabel Lake Golf and Country Club Comprehensive Development Zone (CD.3)**1. Permitted Uses of Land, Buildings and Structures

Subject to the provisions of Divisions Three and Division Four of this bylaw, the following uses cited and no others, shall be permitted in the *Mabel Lake Golf and Country Club Comprehensive Development Zone (CD.3)*:

- a. one nine (9) hole golf course which may include ancillary golfing uses such as a driving range, putting area, washroom buildings, maintenance buildings, airstrip buildings, walking trails and passive recreational uses
- b. golf clubhouse buildings with ancillary uses such as retail shops, offices, licensed facilities, restaurants, personal services establishments and maintenance facilities
- c. one temporary office building which may contain a real estate sales office, community information booth, golf equipment rental area, washrooms and ticket sales booth
- d. one hundred and six (106) residential lots with a single family dwelling or a RV unit or a park model RV unit and accessory residential buildings on each lot
- e. one single family dwelling for the owner, operator or employee of the golf course which may be included in the golf clubhouse
- f. accessory residential buildings

2. Land Use

Area A	Golf Course with ancillary golfing uses
Area B.1	West Airstrip Residential Area containing a maximum 35 lots
Area B.2	East Airstrip Residential Area
Area B.3	Central Golf Course Residential Area
Area C	Clubhouse Area containing one temporary office building or golf clubhouse buildings with ancillary uses
Area D	Landscape Area

the area extent of which uses is as shown on the attached Schedule A, being the "*Official Zoning Maps of the Regional District of North Okanagan*".

3. Servicing

- a. All uses permitted within this CD.3 zone must be serviced by a community water system and community sewer system.

- 1003 3. b. The minimum standard for the internal strata roads within the development shall be the greater of 15 metres (49.21 feet) road right-of-way with a 7.7 metre (25.26 feet) paved surface or as required by the Ministry of Transportation.

4. Design and Siting

- a. Each lot shall have an area not less than 560 square metres (6028 square feet).
- b. No buildings shall exceed two stories in height plus a basement.
- c. Setbacks.
- d. Residential off-street parking shall be provided in accordance with Schedule B of this bylaw and seventy five (75) parking spaces shall be provided within the Clubhouse Area.
- e. A landscaped area in accordance with Section 403.2 shall be provided as marked Area D on Schedule A.
- f. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in the *Mabel Lake Golf and Country Club Comprehensive Development Zone (CD.3)* except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
- iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or

- 1003 4. f. v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.



**1004 Seasonal Single Family Recreation Comprehensive Development Zone (CD.4)**1. Permitted Uses of Land, Buildings and Structures

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the *Seasonal Single Family Recreation Comprehensive Development Zone (CD.4)*:

- a. Accessory buildings and structures
- b. Seasonal single family recreation dwellings subject to the provisions of Section 1004.7 of this bylaw
- c. Nature trails, wildlife viewing and site servicing with access roads and a community sewer system

2. Density

Not more than forty nine (49) seasonal single family recreation dwellings shall be permitted to be located within the area zoned Seasonal Single Family Recreation Comprehensive Development Zone (CD.4) and not more than one (1) accessory building or structure shall be permitted per dwelling.

3. Floor Area

- a. The gross floor area for a seasonal single family recreation dwelling unit shall be not greater than 100 square metres (1076.43 square feet).
- b. The gross floor area for accessory buildings or structures shall be not greater than 25 square metres (269.11 square feet).

4. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. 10.3 metres (33.79 feet) above the Natural Boundary of Mabel Lake for all seasonal single family recreation dwellings, or 8 metres (26.25 feet) above the Natural Boundary of Mabel Lake for all accessory buildings and structures, that are proposed to be located fronting on Mabel Lake; and
- b. 9.3 metres (30.51 feet) above the Natural Boundary of Tsuius Creek for seasonal single family recreation dwellings, or 7 metres (22.96 feet) above the Natural Boundary of Tsuius Creek for accessory buildings and structures, that are proposed to be located on the North East side of, and fronting on, Tsuius Creek; and

- 1004 4. c. 8.3 metres (27.23 feet) above the Natural Ground Elevation for seasonal single family recreation dwellings, or 6 metres (19.68 feet) above the Natural Ground Elevation for accessory buildings and structures, that are proposed to be located on the South West side of, and fronting on, Tsuius Creek;

except that accessory buildings and structures that are not susceptible to damage by floodwater and not used for the storage of goods damageable by floodwater shall not exceed 5 metres, measured 0.6 metres (1.968 feet) above the Natural Ground Elevation or the crown of the access road servicing the proposed building or structure whichever is higher.

5. Lot Area

Each lot shall have an area of not less than 60 ha (148.26 acres).

6. Setbacks

a. Access Roads

No buildings or structures shall be located within 8 metres (26.25 feet) of an access road servicing a proposed seasonal single family recreation dwelling.

b. Other Buildings

Buildings and structures shall not be sited within 3 m (9.842 feet) of any other building or structure.

c. Water Bodies

Setbacks from water bodies or the Natural Boundary of any Watercourse, and all Flood Construction Levels, shall be in accordance with the provisions of Schedule H of this bylaw except that the Floodplain Setback is hereby established at;

- i. 15 metres (49.21 feet) for Mabel Lake; and
- ii. 15 metres (49.21 feet) for those lands lying to the North East of, and fronting on, Tsuius Creek; and
- iii. 30 metres (98.42 feet) for those lands lying to the South West of, and fronting on, Tsuius Creek; and

except that the Flood Construction Level is hereby established at;

- 1004 6. c. iv. 2 metres (6.562 feet) above the Natural Boundary of Tsuius Creek for those buildings and structures that are proposed to be located North East of, and fronting on, said Creek; and
- v. 1 metre (3.281 feet) above the Natural Ground Elevation of Tsuius Creek for those buildings and structures that are proposed to be located South West of, and fronting on, said Creek.

7. Other Requirements

- a. For the purposes of this section Seasonal Single Family Recreation Dwellings shall mean dwellings intended for single family recreation use on a temporary basis at various times of the year.
- b. Seasonal single family recreation dwellings shall not be permitted to be located within the area zoned *Seasonal Single Family Recreation Comprehensive Development Zone (CD.4)* unless and until a community sewer system has been installed on the lands meeting the requirements of the Interior Health Authority or the Ministry of Water, Land and Air Protection. All holding tanks, pump chambers and sewer mains that are to be located lower than 398.3 metres GSC datum, being the Flood Level of Mabel Lake, must be guaranteed to be flushed free of sewage effluent or sealed during the expected annual flood events affecting the lake.
- c. Unenclosed parking and storage

No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in the *Seasonal Single Family Recreation Comprehensive Development Zone (CD.4)* except:

- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
- ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
- iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or

- 1004 7. c. iv. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
- v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

**1005 Seasonal Recreation Lodge Comprehensive Development Zone (CD.5)****1. Permitted Uses of Land, Buildings, and Structures**

*Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the Seasonal Recreation Lodge Comprehensive Development Zone (CD.5):*

- a. Accessory buildings and structures*
- b. Accommodation including seasonal recreation lodges and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use*
- c. Recreation facilities including swimming pools, hot tubs and spas*

**2. Floor Area**

*The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).*

**3. Height of Buildings and Structures**

*The height of buildings and structures shall not exceed the lesser of 12 metres (39.37 feet) or three (3) storeys except that accessory buildings and structures shall not exceed a height of 5 metres (16.40 feet).*

**4. Lot Area**

*Lots that are proposed to be subdivided within this zone shall have an area of not less than 1 ha (2.471 acres).*

*Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.*

**5. Lot Coverage**

*Lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures.*

**6. Lot Frontage**

*Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot.*

7. **Off-Street Loading**

*Off-street loading shall be provided and maintained in accordance with Schedule C of this bylaw.*

8. **Off-Street Parking**

*Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.*

9. **Setbacks**

a. **Exterior Side Yard**

*Where applicable, exterior side yards free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.*

b. **Front Yard**

*Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw, a front yard free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet).*

c. **Rear Yard**

*A rear yard free of all buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet).*

d. **Side Yards**

*No side yards shall be required, except that:*

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 8 metres (26.25 feet); and*
- ii. where the parcel is not served by a lane, there shall be a minimum of 5 metres (16.40 feet) side yard free of all buildings and structures on at least one (1) side.*

1005 9. e. *Water Bodies*

~~*Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.*~~

*Water Bodies*

*Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.*

*(B/L 2141/07)*

10. *Other Requirements*

- a. *No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:*
- i. *The off-street parking requirements of Schedule B to this bylaw applicable to the business or undertaking proposed to be carried on, are met.*
  - ii. *The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.*
- b. *Every business or undertaking shall be conducted within a completely enclosed building, except for parking and loading facilities, swimming pools, hot tubs and spas.*
- c. *Signage shall conform with the provisions of Schedule E of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.*
- d. *Screening and landscaping shall be provided in accordance with the requirements of Schedule F of this bylaw except where varied by a development permit issued by the Regional Board in prescribed form.*

- 
- 1005 10. e. *A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be an integral part of the seasonal recreation lodge.*
- f. *Storage yards or areas shall not be permitted in a required front yard, nor in any required yard which abuts a lot in a Residential zone, or is separated therefrom by a street or main thoroughfare. (B/L 2060/05)*



**1006 Sugar Lake Seasonal Single Family Recreation Comprehensive Development Zone (CD.6)**

**1. Permitted Uses of Land, Buildings and Structures**

*Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the Sugar Lake Seasonal Single Family Recreation Comprehensive Development Zone (CD.6):*

- a. Accessory buildings and structures*
- b. Seasonal single family recreation dwellings subject to the provisions of Section 1006.7 of this bylaw*
- c. Nature trails, wildlife viewing and site servicing with access roads and a community sewer system*

**2. Density**

*Not more than eleven (11) seasonal single family recreation dwellings shall be permitted to be located within the area zoned Seasonal Single Family Recreation Comprehensive Development Zone (CD.6) and not more than two (2) accessory buildings or structures shall be permitted per dwelling.*

**3. Floor Area**

- a. The gross floor area for a seasonal single family recreation dwelling unit shall be not greater than 115 square metres (1237.89 square feet).*
- b. The gross floor area for accessory buildings or structures shall be not greater than 25 square metres (269.11 square feet).*

**4. Height of Buildings and Structures**

- a. The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) storeys except that the height of residential dwellings shall not exceed a height of 11 metres (36.09 feet) on building sites that exceed five percent (5%) average natural slope; and*
- b. The height of garages and free standing carports shall not exceed 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).*

1006 5. Lot Area

*Each lot shall have an area of not less than 60 ha (148.26 acres).*

6. Setbacks

a. Access Roads

*No buildings or structures shall be located within 3 metres (9.842 feet) of an access road servicing a proposed seasonal single family recreation dwelling.*

b. Other Buildings

*Buildings and structures shall not be sited within 3 m (9.842 feet) of any other building or structure.*

c. Water Bodies

~~*Setbacks from water bodies or the Natural Boundary of any Watercourse, and all Flood Construction Levels, shall be in accordance with the provisions of Schedule H of this bylaw.*~~

Water Bodies

*Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.*

*(B/L 2141/07)*

7. Other Requirements

a. *For the purposes of this section SEASONAL USE means a use providing for the accommodation of persons for recreational or vacation purposes, for a period not exceeding 182 days of accommodation of any person during a calendar year.*

b. Building Site:

*Building sites for seasonal single family dwellings shall contain a contiguous area of land 2,000 square metres (21,528 square feet) or larger in size to serve as a suitable building site. Such building site shall be less than thirty percent (30%) natural slope and shall be accessible from an*

*internal private access route having a grade of fifteen percent (15%) or less. Individual driveways shall be in accordance with the following private access driveway design standards:*

*Commencing at the edge of the finished access route surface, private access driveways shall:*

- 1006 7. b. i. *be as close to right angles as practicable to the finished road surface for a minimum distance of 6 metres (19.68 feet); and*
- ii. *have a minimum width of 5.5 metres (18.04 feet) for the distance specified in i. above and 4 metres (13.12 feet) minimum width thereafter; and*
- iii. *have a maximum slope of two percent (2%) from the ditch line for a minimum distance of 10 metres (32.81 feet) and a maximum slope of fifteen percent (15%) thereafter.*
- c. *Seasonal single family recreation dwellings shall not be permitted to be located within the area zoned Sugar Lake Seasonal Single Family Recreation Comprehensive Development Zone (CD.6) unless and until a sewage disposal system has been installed on the lands meeting the requirements of the Interior Health Authority and unless and until a potable water supply is provided meeting the requirements of the authority having jurisdiction.*
- d. *Unenclosed parking and storage*
- No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material per dwelling unit in the Sugar Lake Seasonal Single Family Recreation Comprehensive Development Zone (CD.6) except:*
- i. *one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or*
- ii. *one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or*
- iii. *trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or*

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- 1006 7. d. iv. *one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or*
- v. *building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.*

This Bylaw shall apply to *Electoral Areas 'B' and 'C'* (except for that part of *Electoral Area 'C'* that is covered by the "*Silver Star Mountain Official Community Plan Bylaw No. 1332, 1995*") and to *Electoral Areas 'D', 'E', and 'F'* of the *Regional District of North Okanagan* as defined in the Letters Patent and amendments thereto. The area to be zoned is indicated on the attached Schedule "A".

**Read a FIRST time** this 6th day of April, 2004

**Read a SECOND time** this 6th day of April, 2004

Advertised on the 28th day of April, 2004, and

the 30th day of April, 2004

Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act on the 4<sup>th</sup> day of May, 2004.

**Read a THIRD time** this 4<sup>th</sup> day of May, 2004

**APPROVED by Ministry of Transportation** this 13<sup>th</sup> day of May, 2004

(Highway Act, Sec. 54(2))

**Reconsidered and ADOPTED** this 7th day of June, 2004

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**Chair**

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**Corporate Officer**