

AREA “G” RURAL KEREMEOS



Zoning Bylaw No. 2781, 2017 – Regional District of Okanagan-Similkameen

ZONING BYLAW

This Bylaw has been consolidated for
convenience only and includes all
amendments to the text up to
July 22, 2021



**Regional District of Okanagan-Similkameen
Electoral Area “G” Zoning Bylaw No. 2781, 2017**

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Regional District of Okanagan-Similkameen
Electoral Area “G” Zoning Bylaw No. 2781, 2017

A Bylaw to divide part of the Regional District within
Electoral Area “G” into zones and regulate within the zones:

1. the use of land, buildings and structures,
2. the density of the use of land, buildings and structures,
3. the siting, size and dimensions of:
 - a) buildings and structures, and
 - b) uses that are permitted on the land,
4. the shape, dimensions and area, including the establishment of maximum and minimum sizes of all parcels of land that may be created by subdivision,
5. the provision of off-street parking and loading spaces,
6. the provision of screening or landscaping,
7. floodplain regulations, and
8. other matters under provincial empowering enactments.

The Regional Board of the Regional District of Okanagan-Similkameen ENACTS as follows:

1.0 TITLE AND APPLICATION

- 1.1 This Bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen, Electoral Area “G” Zoning Bylaw No. 2781, 2017”.
- 1.2 This Bylaw applies to all lands, including the surface of water and all uses, buildings and structures located within that portion of Electoral Area “G” of the Regional District of Okanagan-Similkameen as shown by map reference on Schedule 2, which is attached to and forms part of this Bylaw.

This Bylaw includes:

Schedule ‘1’ — Electoral Area “G” Zoning Text

Schedule ‘2’ — Electoral Area “G” Zoning Map

Schedule ‘3’ — Similkameen River Provincial Floodplain Maps

2.0 TRANSITION

2.1 Electoral Area “G” Zoning Bylaw No. 2462, 2008, as amended is repealed.

READ A FIRST AND SECOND TIME on the 2ND day of November, 2017.

PUBLIC HEARING held on the 7th day of December, 2017.

READ A THIRD TIME on the 7th day of December, 2017.

Approved pursuant to section 52(3)(a) of the *Transportation Act* on the 12th day of December, 2017.

ADOPTED the 4th day of January, 2018.

Karla Kozakevich

Chair

Bill Newell

Chief Administrative Officer

SCHEDULE '1'

**Regional District of Okanagan-Similkameen
Electoral Area "G" Zoning Bylaw No. 2781, 2017**

3.0 ADMINISTRATION

3.1 Applicability

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area “G”, as outlined on Schedule ‘2’.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.
- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

3.3 Prohibitions and Penalties

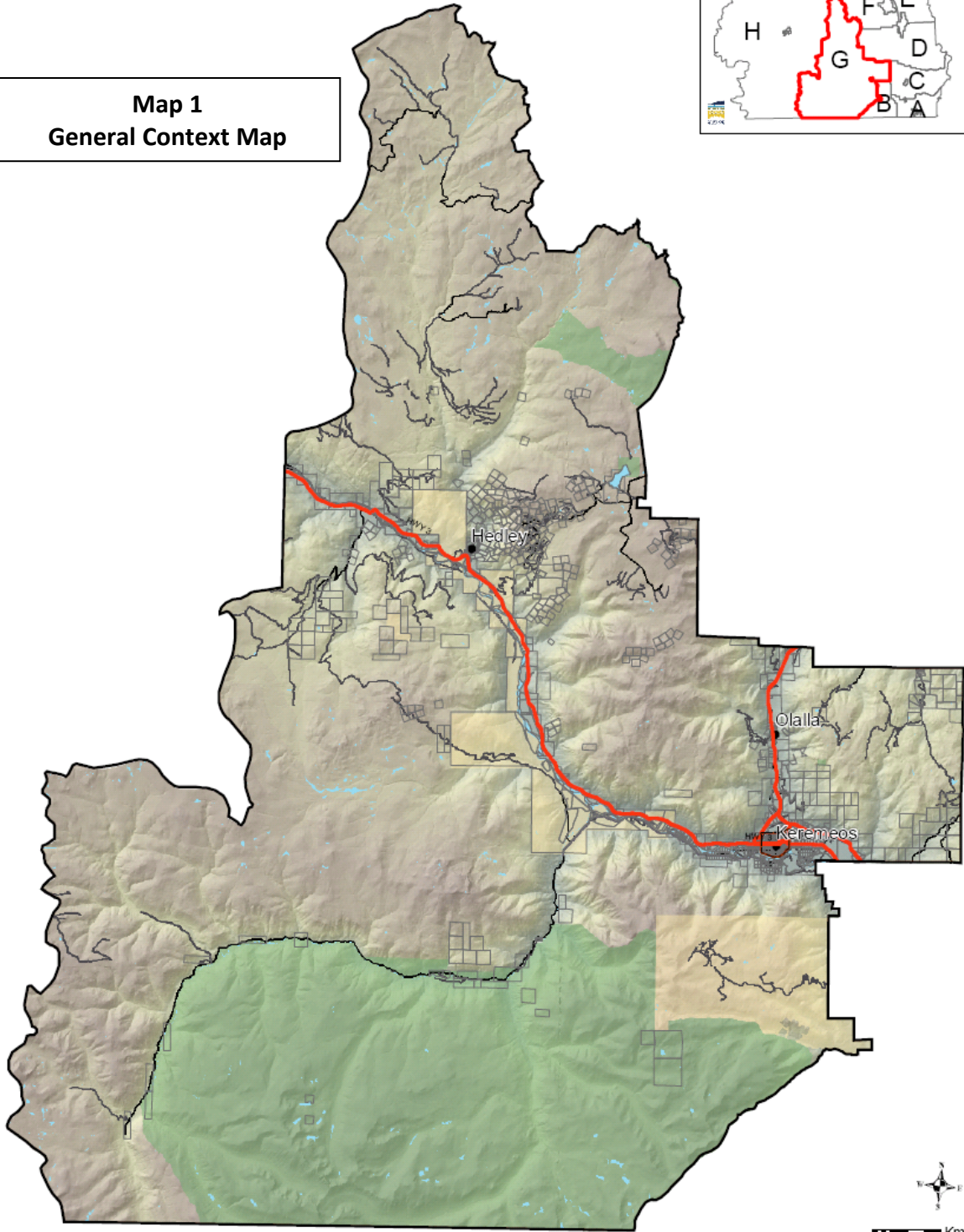
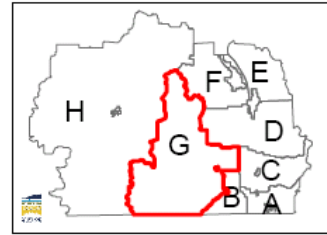
- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day’s continuance of an offence under this Bylaw constitutes a new and distinct offence.

3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.

Electoral Area G

Map 1
General Context Map



4.0 DEFINITIONS

In this Bylaw:

A

“accessory use” means a use which is subordinate, customarily incidental, and exclusively devoted to a principal use in existence on the same parcel;

“accessory building or structure” means a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal building;

“accessory dwelling” means a dwelling unit which is permitted as an accessory use in conjunction with a principal use and is not located within a building containing a single detached dwelling unit. The accessory dwelling is a complete living unit and includes a private kitchen and bath;

“agriculture” means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and “cannabis production, indoor”. Agriculture includes “cannabis production, outdoor”, producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;ⁱ

“apiculture” means the keeping and raising in apiaries of honey bees for honey production, crop pollination, and bee stock production;

“aquaculture” means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or in human made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water;

B

“bed and breakfast operation” means an occupation conducted within a principal dwelling unit, by the residents of the dwelling unit, which provides sleeping accommodations to the traveling public and includes the provision of a morning meal for those persons using the sleeping accommodations;

“brewery, cidery, distillery or meadery” means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume that is licensed under the *Liquor Control and Licensing Act* to produce beer, cider, spirits or mead;

ⁱ Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

“building” means any structure consisting of a roof supported by walls or columns used or intended to be used for sheltering, accommodating or enclosing people, animals, goods, chattels or equipment;

C

“cannabis” means any plant of the genus *cannabis*; including:ⁱⁱ

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

“cannabis production, indoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;ⁱⁱⁱ

“cannabis production, outdoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;^{iv}

“cannabis products” means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;^v

“community care and/or residential care facility” means a facility licensed by the Provincial government as a community care facility or residential care facility or like establishments not licensed Provincially;

“community hall” means a building or part of a building designed for, or intended to be used by the public for such purposes as civic meetings, educational meetings, political meetings, recreational activities or social activities and may include banquet facilities;

“cooking facility” means a food preparation area which has a sink and an appliance for the heating or cooking of food;

ⁱⁱ Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

ⁱⁱⁱ Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

^{iv} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

^v Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

“crawl space” means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;

D

“designated flood” means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate watercourse flow data available;

“derelict vehicle” includes a vehicle, except a farm vehicle, that is not displaying a current licence, pursuant to Provincial regulations, and which is not enclosed within a garage or carport;

“designated flood level” means an observed or calculated water level attained by a designated flood, which is used in the calculation of the flood construction level;

“development” means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;

“dwelling unit” means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of cooking facilities and which is designed to be used for living and sleeping purposes;

E

“equestrian centre” means the use of riding arenas, stables, training tracks and other structures that accommodate the activity of riding horses, and in which horses are sheltered and fed;

F

“family” means one or more persons related by marriage, blood, common law, adoption or foster parenthood, and not more than five (5) unrelated persons sharing one dwelling unit typical of a single-family unit or other similar basic social unit;

“farm building” means a building or part thereof which is associated with and located on land devoted to the practice of agriculture, and used essentially for the housing of equipment or livestock, or the production, storage, processing, marketing and selling of agricultural and horticultural produce or feeds;

“farm operation” means a farm operation as defined by the Province under the *Farm Practices Protection (Right to Farm) Act*;

“farm products” means commodities or goods that are produced from a farm use;

“farm use” means an occupation or use of land for agricultural purposes, including farming of land, plants and animals and any other similar activity designated as farm use by Provincial regulation, and includes a farm operation;

“feed lot” means any building, structure, compound or other enclosure, or an outdoor, non-grazing area where more than fifty (50) livestock are confined by fences, other structures or topography, including paddocks, corrals, exercise yards, and holding areas, but not including a seasonal feeding area used to feed livestock during the winter months, and not including grazing areas;

“fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land;

“floodplain” means an area of land, whether floodproofed or not, which is susceptible to flooding by a watercourse, lake or other body of water;

“floodplain setback” means the required minimum distance from the natural boundary, or other reference line of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain a floodway and to allow for potential land erosion;

“freeboard” means a vertical distance added to a designated flood level used to establish a flood construction level;

G

“grade, finished” means the average finished ground level at the perimeter of a building or structure, excluding any localized mounds or depressions such as those for vehicle or pedestrian entrances;

“greenhouse” means a structure covered with translucent material, and used for the purpose of growing plants, which is of sufficient size for persons to work within the structure;

“gross floor area” means the total floor area of a building on a parcel measured to the outer limits of the building, excluding uncovered parking, unenclosed swimming pools, uncovered balconies, uncovered sundecks, crawl spaces and parking within a building;

H

“habitable area” means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

“height” means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;

“highway” includes a street, road, lane, bridge, viaduct or any other way open to public use other than a private right-of-way on private property;

“home industry” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops and other similar uses;^{vi}

“home occupation” means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

“hooked parcel” means a parcel of which one portion is physically separated from the other portion by a highway, except a Forest Service Road, or another parcel;

K

“kennel” means the care of six (6) or more dogs, cats or other domestic animals or pets whether such animals are kept commercially for board, propagation, training, sale or for personal and private enjoyment;

L

“lane” means a highway that provides a second access to a parcel and is less than eight metres wide;

“livestock” means horses, cattle, sheep, swine, llamas, ratites, goats, farmed game and other similar animals;

M

“manufactured home” means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;

“minimum parcel size” means the minimum area of a parcel of land that can be created by subdivision;

^{vi} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

“mobile home” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

“modular home” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

“multi-dwelling unit” means a building containing three or more dwelling units;

N

“natural boundary” means the visible high watermark 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 a character distinct from that of the banks, in vegetation, as well as in the nature of the soil itself;

O

“off-farm products” means farm products that are not grown, reared, raised or produced on the farm from which they are being sold;

P

“panhandle” means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;

“parcel” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;

“parcel area, useable” means all the area of a parcel except areas that are:

- a) part of a panhandle,
- b) required as building setbacks from property lines,
- c) required as building setbacks from watercourses or geotechnical hazards such as steep or unstable slopes, and
- d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.

“parcel coverage” means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

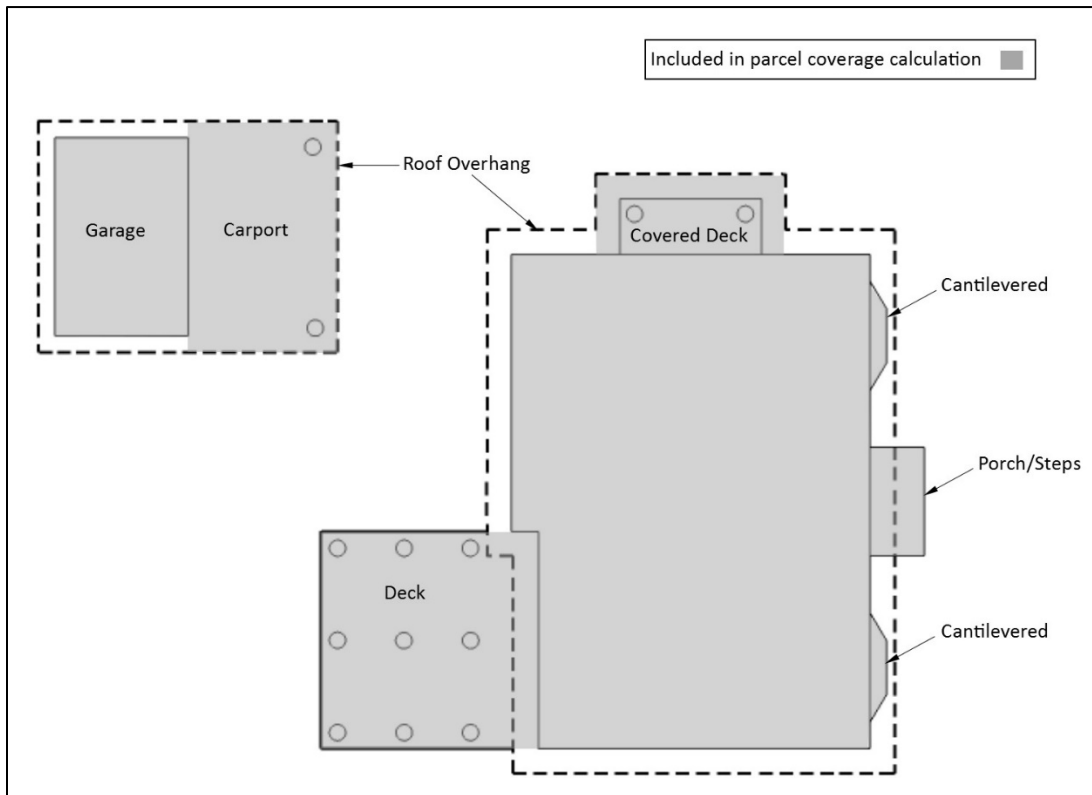


Figure 4.1: Parcel Coverage Illustration

“parcel line, exterior side” means any parcel line common to a highway, other than a lane, which is not a front parcel line;

“parcel line, front” means any parcel line common to a parcel and one highway other than a lane, provided that, where a parcel is contiguous to the intersection of two highways, the front parcel line is the shortest parcel line contiguous to one of the highways. Where a parcel is bisected by a highway, both parcel lines abutting the highway are considered to be front parcel lines;

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

“parcel line, rear” means the boundary of a parcel which lies the most opposite to the front parcel line and, where the property has only three parcel lines, the rear is the junction of the two side parcel lines;

“parcel size” means the area of land within the boundaries of the lot but excludes the panhandle area;

“parcel width or depth” means the mean horizontal distance between the side parcel lines or front and rear parcel lines of any parcel;

“parks” means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, buildings and structures consistent with the general purpose of public park land;

“poultry” means domestic fowl and pigeons including any bird in captivity but excludes ratites;

“principal building” means the buildings and structures on a parcel which reflect the principal permitted use of that parcel;

“principal dwelling” means a principal residential dwelling unit that,

- a) consists of a self-contained set of rooms located in a building,
- b) is used or intended for use as a residential premises,
- c) contains kitchen and bathroom facilities that are intended to be exclusive to the unit; and
- d) is not a secondary suite or accessory dwelling unit.

“principal use” means the main purpose for which the parcel, building or structure is used;

“processed farm products” means farm products that have been transformed by biological or other means such as fermentation, cooking, butchering, canning, smoking or drying to increase their market value and convenience to the consumer, but does not include hot and cold food items sold for on-site consumption;

R

“range grazing” means the feeding on grass or pasture of livestock;

“ratites” means a bird having small or rudimentary wings and no keel to the breastbone, includes ostriches, emus, and rheas;

“recreational vehicle” means a vehicle designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, camper trailers, pick-up coaches, motorized campers, motorized homes, park model trailers and other similar vehicles, which provide temporary recreational accommodation for the traveling public;

“residential” means the occupancy or use of a dwelling unit for the permanent domicile of a person or persons; or the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner. This use does not include vacation rental;

“retail sales of farm and/or off-farm products” means retail activity which is an accessory use to a farm use and which may include the sale of goods produced on or off that farm as permitted in a given zone and which includes buildings and structures necessary for the sale and storage;

S

“secondary suite” means a self-contained second dwelling unit located within a principal single detached dwelling accessory to the principal dwelling used or intended to be used as a residence, with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passage through any portion of the principal dwelling unit. A secondary suite does not include duplex housing, semi-detached housing, multiple-dwelling housing or boarding and rooming housing;

“setback” means the horizontal minimum permitted distance measured at right angles to the parcel line, between the parcel line and a building or structure, or, in the case of floodplain or a watercourses, distance measured from the natural boundary, top of bank or other reference identified elsewhere in this Bylaw;

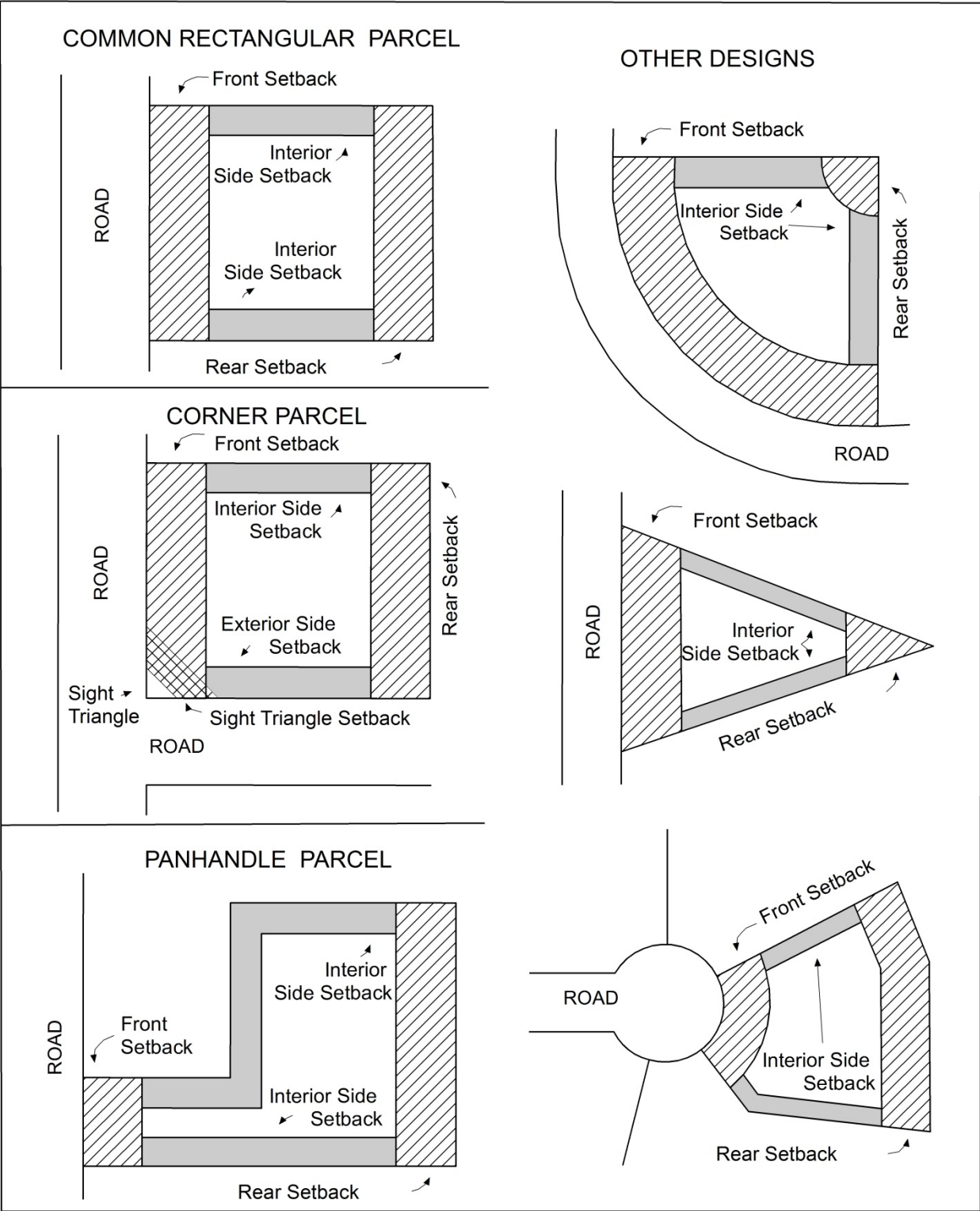
“setback, front” as illustrated in Figure 4.2, means the minimum required setback area between the side parcel lines extending from the front parcel line to the nearest wall or supporting member of a building or structure;

“setback, rear” as illustrated in Figure 4.2, means the area between the side parcel lines extending from the rear parcel line to the nearest wall or supporting member of a building or structure;

“setback, side” as illustrated in Figure 4.2, means the area of the parcel which extends from the front setback to the rear setback, between the side parcel line and the nearest wall or supporting member of a building or structure;

“sight triangle” means the area formed by a triangle in the angle formed by the right-of-way boundaries or boundaries produced and 2 points on those boundaries 4.5 metres from the point of intersection;

Figure 4.2 — Setback Areas



“sign” means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means

including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images;

“single detached dwelling” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”;

“small livestock” means poultry, rabbit or other small animals similar in size and weight but does not include farmed fur bearing animals or roosters;

“standard dykes” means dykes built to a minimum crest elevation equal to the flood construction level, which meet standards of design and construction approved by the Province and which is maintained by an ongoing entity such as a local government body;

“stockyard” means a building or enclosure with pens or sheds for housing, buying, selling and auctioning livestock;

“structure” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;

U

“utility use” means the use of land for the establishment of utility facilities and associated appurtenances for the provision of water, sewer, electrical, natural gas, communication, fire protection and transportation; where such use is established by a local, provincial or federal government, an improvement district, a Crown corporation or by a company or person; or the use of land for such facilities where they are regulated by a government act or regulation. This definition of “utility use” specifically excludes oil or gas storage tanks; power sub-stations; sewage treatment plants; offices; or public storage or maintenance and works yards;

V

“veterinary establishment” means a use conducted for the care, treatment, or hospitalization of animals, birds and fish and may include grooming facilities and sales of accessory supplies, but does not include the keeping or boarding of animals not under the care, treatment or hospitalisation;

W

“watercourse” includes any of the following: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse;

“winery” means an establishment involved in the manufacture, packaging, storing and sales of grape and fruit-based wines, including a wine bar, food & beverage lounge and an eating and drinking establishment.

5.0 CREATION OF ZONES

5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
Large Holdings One Zone	LH1
Small Holdings Three Zone	SH3

5.2 Definition of Zones:

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

5.3 Interpretation:

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

5.4 Permitted Uses:

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

5.5 Conditions of Use:

On a particular site in a specified zone created under this Bylaw, the maximum permitted site coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Section 10.0 of this Bylaw.

6.0 GENERAL REGULATIONS

6.1 Applicability

Except as otherwise specified in this Bylaw, Sections 6.2 to 9.4, apply to all zones established under this Bylaw.

6.2 Principal Building

No building for residential use is to be located on the same parcel as any other building for residential or non-residential use, except as otherwise provided for in this Bylaw.

6.3 Uses Permitted in Every Zone

The following uses are permitted in every zone and are not subject to the minimum parcel area of any zone:

- .1 Government controlled, held or sanctioned parks, playfields and playgrounds open to the public,
- .2 utility uses,
- .3 roads and lanes,
- .4 conservation areas,
- .5 fire halls, police stations, ambulance service uses, and similar emergency services,
- .6 facilities permitted by provincial enactment for:
 - a) day care for no more than eight (8) persons, or
 - b) residence for no more than ten (10) persons, not more than six (6) of whom are persons in care,
- .7 Provincial, municipal, and regional improvement district works for flood control.

6.4 Prohibited Uses of Land, Buildings and Structures

- .1 The use of a tent or recreational vehicle as a permanent residence is prohibited.
- .2 Unless otherwise specifically permitted in this Bylaw, no parcel must be used for the wrecking, salvage or storage of more than two derelict vehicles or as a salvage operation. "Derelict vehicle" includes any vehicle, except a farm vehicle, that is not displaying a current license, pursuant to Provincial regulations, and which is not enclosed within a garage or carport.
- .3 "cannabis production, indoor", except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
 - i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².^{vii}

6.5 Projections

Subject to setbacks that may be more stringent provided elsewhere in this Bylaw, the following regulations apply to projections on buildings:

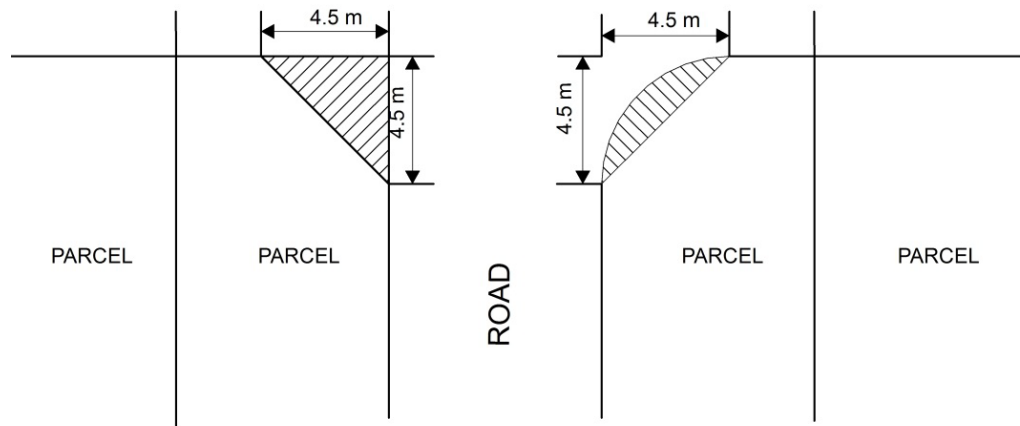
- .1 Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
- .2 Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
- .3 In no case shall a projection cross a parcel line.

6.6 Fence Heights

- .1 The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.
- .2 No fence shall exceed 1.8 metres in height except:
 - a) on a corner site contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the site at the intersection of the streets;

^{vii} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

Figure 6.6 – Site Triangle



- b) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 2.0 metres in height, as measured from the lowest finished ground level at the bottom of the retaining wall to the top of any part of the fence; and
 - c) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh.
- .3 The use of razor wire for fencing is prohibited within all zones.

6.7 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building are deemed to be a portion of the principal building if they share a common roof and a common wall for a minimum length of 25% of the total perimeter dimensions of the structure.
- .2 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
 - c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

6.8 Accessory Dwellings

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 An accessory dwelling cannot be subdivided under the *Strata Property Act*.

- .2 Accessory dwellings or mobile homes shall not be permitted on parcels less than 1.0 ha in area unless connected to a community sanitary sewer system.

6.9 Secondary Suites

The following regulations apply to secondary suites where permitted as a use in this Bylaw:

- .1 A secondary suite shall be located in a converted single detached dwelling. Secondary suites are not permitted in an accessory dwelling. There shall be no external structural alterations or additions to the building, except as required to meet the British Columbia Building Code and amendments thereto.
- .2 No more than one (1) secondary suite is permitted per principal dwelling unit. No secondary suite is permitted in conjunction with a bed and breakfast operation. A bed and breakfast operation is not permitted within a secondary suite.
- .3 No secondary suite is permitted without connection to a community sanitary sewer unless the lot is at least 2,020 m² in area and meets the relevant Provincial requirements for on-site sewage disposal for the secondary suites.
- .4 The maximum floor area of a secondary suite shall not exceed 125.0 m².^{viii}
- .5 One (1) parking space per secondary suite is required in addition to those required for the principal dwelling.
- .6 Secondary suites shall comply with all relevant Regional District Bylaws and the British Columbia Building Code and amendments thereto.

6.10 Recreational Vehicles

- .1 Only recreational vehicles belonging to the owner or occupier of the principal single detached dwelling unit on a parcel may be stored on the same parcel.
- .2 Despite Section 6.10.1 above, one (1) recreational vehicle belonging to a guest or visitor may be located on the same parcel containing a permitted single detached dwelling. Such recreational vehicles shall only be used for the temporary accommodation of the guest or visitor for a period not exceeding a total of ninety (90) days in any one (1) calendar year.

6.11 Home Occupations^{ix}

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².

^{viii} Amendment Bylaw No. 2932, 2021 – adopted July 22, 2021.

^{ix} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;
 - b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises; and
 - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:
 - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

6.12 Home Industries^x

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.

^x Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
- .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.

6.13 Bed and Breakfast Operation

A bed and breakfast operation is permitted where listed as a permitted use, provided that:

1. it is located within one principal dwelling unit on the parcel;
2. no more than eight (8) patrons shall be accommodated within the dwelling unit;
3. no more than four (4) bedrooms shall be used for the bed and breakfast operation;
4. no cooking facilities shall be provided for within the bedrooms intended for the bed and breakfast operation;
5. no patron shall stay at the bed and breakfast operation for more than thirty (30) consecutive days with 30 days in between any subsequent stay;
6. no retail sales other than the sale of goods produced on the parcel are permitted;

7. no commercial vehicle, exceeding 1 tonne in weight, associated with or used in the conduct of the bed and breakfast operation shall be parked or otherwise located outside an unenclosed building;
8. only persons residing in the principal dwelling unit may carry on the bed and breakfast operation on the parcel occupied by the principal dwelling unit, and must be present on the property during a patron’s stay; and
9. the bed and breakfast operation shall not generate traffic congestion or parking demands within the District and shall not produce a public offence or nuisance of any kind.

6.14 Keeping of Livestock and Honeybees

In this Bylaw, where “single detached dwelling” is a permitted use the following regulations apply:

1. the number of livestock, small livestock and honeybee hives permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF LIVESTOCK	MAXIMUM NUMBER OF SMALL LIVESTOCK	MAXIMUM NUMBER OF HONEYBEE HIVES
Less than 625 m ²	0	0	0
625 m ² to 2,500 m ²	0	5	2
2,500 m ² to 0.4 ha	0	25	Not applicable
0.4 ha to 1.0 ha	2	50	Not applicable
1.0 ha to 1.5 ha	3	75	Not applicable
1.5 ha to 2.0 ha	4	100	Not applicable

2. On parcels 2,500 m² or greater in area, keeping of honeybees shall be unlimited, and on parcels 2.0 ha or greater in area, keeping of livestock and small livestock shall be unlimited.
3. Products derived from the keeping of livestock and honeybees may be sold in accordance with Section 6.9 (Home Occupation) or Section 6.10 (Home Industry) of this bylaw, in addition to any applicable provincial regulations.
4. Honeybee hives must be located in accordance with the following:
 - a) to the rear of the principal dwelling unit; and
 - b) 7.5 metres from any parcel line, unless the underside of the hive is situated:
 - i) greater than 2.5 metres above the adjacent ground level, in which case the setback from any parcel line shall be 2.0 metres; or
 - ii) less than 2.5 meters above the adjacent ground level, in which case the setback from any parcel line shall be 2.0 metres provided the beehive is

situated behind a solid fence or hedge more than 2.0 metres in height running parallel to any property line and extending at least 6.0 metres beyond the hive in both directions.

6.15 Kennel Facilities

A kennel is permitted where listed as a permitted use, provided that:

1. No kennel shall be permitted on a parcel less than 4.0 hectares in size; and
2. All buildings, structures and areas utilized in association with a kennel shall be sited a minimum of 30.0 metres from all parcel lines.

7.0 SUBDIVISION REGULATIONS

7.1 Minimum Parcel Size Exceptions for Subdivision:

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
- .2 the alteration of lot lines between two or more parcels where:
 - a) no additional parcels are created upon completion of the alteration;
 - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
 - c) the alteration does not reduce the site area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .3 a subdivision approved by the Agricultural Land Commission under its homesite severance policy;
- .4 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

7.2 Minimum Parcel Width for Subdivision Exceptions:

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
 - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
 - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
 - c) no more than two (2) panhandles abut each other.

7.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

7.4 Minimum Useable Parcel Area

- .1 The minimum useable parcel area of each parcel shall be 200 m².

7.5 Hooked Parcels:

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

8.0 FLOODPLAIN REGULATIONS

8.1 Floodplain Designation and Flood Construction Level

- .1 The following land is designated as a floodplain:
 - a) the area shown as the 200 year floodplain for the Similkameen River on the provincial floodplain maps attached as Schedule '3' to this Bylaw;
 - b) any land not shown on the provincial floodplain maps that is less than 3.0 metres above the natural boundary of the Similkameen River;
 - c) any land that is less than 1.5 metres above the natural boundary of any other watercourse.
- .2 The flood construction level for land designated as a floodplain in section 8.1.1 is:
 - a) the 200 year flood levels shown on the provincial floodplain maps for the floodplain designated in section 8.1.1(a);
 - b) 3.0 metres above the natural boundary for the floodplain designated in section 8.1.1(b);
 - c) 1.5 metres above the natural boundary for the floodplain designated in section 8.1.1(c).

8.2 Siting Buildings and Structures in Floodplains

Despite any other provisions of this Bylaw, no building or structure shall be located within:

- .1 7.5 metres of the natural boundary of any lake, pond or marsh, or the top of bank where the bank is within 7.5 metres of the natural boundary of any lake, pond or marsh;
- .2 15.0 metres of the natural boundary of any other watercourse except the Similkameen River; and
- .3 30.0 metres of the natural boundary of the Similkameen River.

8.3 Floodplain Management Regulations

- .1 No person shall place any structural support for a habitable area or fill required to support a habitable area on land within a floodplain setback area under Section 8.2;
- .2 No person shall construct, reconstruct, move or extend a floor system or pad which supports a habitable area, such that the underside of the wooden floor system or the top of the pad or the ground surface on which it is located, is lower than the flood construction levels specified in Section 8.1 except as provided in Sections 8.3.3 and 8.3.4;

- .3 Despite Section 8.3.2, the following floodplain management regulations apply:
- a) For Dwellings Units:

Dwelling units shall be located with the underside of any wooden floor system, or the top of the pad of any habitable area, or in the case of a manufactured home the top of the pad or the ground surface on which it is located, no lower than:

 - i) 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building; or
 - ii) flood construction levels specified in Section 8.1, whichever is greater.
 - b) For Closed-Sided Livestock Buildings:

Closed-sided livestock buildings that are not behind standard dykes shall be located with the underside of any wooden floor system, or the top of the pad of any habitable area, or the ground surface on which it is located, no lower than:

 - i) 1.0 metre above the natural ground elevation, taken at any point on the perimeter of the building; or
 - ii) the flood construction levels specified in Section 8.1, whichever is lesser.
 - c) For Industrial Buildings:

Industrial buildings, other than the main switchgear, must be located with the underside of any wooden floor system or the top of any pad of any habitable area or the ground surface on which it is located not lower than the flood construction levels specifies in Section 8.1 minus freeboard. Main electrical switchgear shall not be lower than the flood construction level.
- .4 The floodplain management regulations specified in Section 8.3.3 may be achieved by structural elevation of the habitable area, or by placing adequately compacted fill on which any habitable area is to be constructed or located, or by a combination of both structural elevation and fill.
- .5 Where fill is used to meet the floodplain management regulations specified in Sections 8.3.2 and 8.3.3, the face of the fill slope must be adequately protected against erosion from flood flows, wave action, ice and other debris hazards.
- .6 The following developments and uses are excluded from the requirements of the floodplain management regulations specified in Sections 8.3.2 and 8.3.3:
- a) renovations, except structural, to existing buildings or structures that do not involve additions thereto;
 - b) additions to buildings or structures that would increase the size of the building or structure by less than 25 percent of the floor area existing on June 17, 1982;
 - c) that portion of a building or structure to be used as a carport or garage;
 - d) farm buildings other than dwelling units and closed-sided livestock housing;

- e) closed-sided livestock housing behind standard dykes;
- f) on-loading and off-loading facilities associated with water-oriented industries and portable sawmills;
- g) unenclosed decks and balconies that do not have supports located within the floodplain.

9.0 VEHICLE PARKING REGULATIONS

9.1 Basic Provisions

- .1 Section 9.0 of this bylaw applies only to highways not subject to Provincially controlled access regulations.

9.2 Location

- .1 Off-street parking and loading spaces must be located on the same parcel as the building or use they serve.

9.3 Off-Street Parking Space Standards

- .1 Access and cross aisles must not be less than 3.6 metres for one-way traffic and 6.6 metres for two-way traffic.
- .2 All parking areas must contain adequate provisions so that vehicles may turn around on the parcel.

9.4 Off-Street Vehicle Parking Requirements

Off-street parking and loading must be provided in accordance with the following requirements:

USES	REQUIRED # OF PARKING SPACES
Accessory Dwelling	1 per dwelling unit
Bed and Breakfast operation	1 per sleeping unit
Commercial retail	1 per 30.0 m ² gross floor area
Secondary Suite	1 per secondary suite
Single Detached Dwelling	2 per dwelling unit
Veterinarian Establishments	4 per veterinarian

10.0 ZONES

10.1 LARGE HOLDINGS ONE (LH1) ZONE

10.1.1 Permitted Uses:

Principal Uses:

- a) agriculture;
- b) equestrian centres;
- c) single detached dwelling or mobile home;
- d) veterinary establishments;

Accessory Uses:

- e) accessory dwelling or mobile home, subject to Section 6.8;
- f) bed and breakfast operation, subject to Section 6.13;
- g) home industries, subject to Section 6.12;
- h) home occupations, subject to Section 6.11;
- i) kennels, subject to Section 6.15;
- j) retail sales of farm and off-farm products;
- k) secondary suites, subject to Section 6.9;
- l) accessory buildings and structures, subject to Section 6.7.

10.1.2 Minimum Parcel Size:

- a) 4.0 ha

10.1.3 Minimum Parcel Width:

- a) Not less than 25% of the parcel depth.

10.1.4 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) principal dwelling;
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:^{xi}

^{xi} Amendment Bylaw No. 2932, 2021 – adopted July 22, 2021.

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL
Less than 8.0 ha	1	125 m ²
8.0 ha to 11.9 ha	2	250 m ²
12.0 ha to 15.9 ha	3	375 m ²
Greater than 16.0 ha	4	500 m ²

- c) despite Section 10.1.4(b), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming.

10.1.5 Minimum Setbacks:

- a) Buildings and structures:
- i) Front parcel line: 7.5 metres
 - ii) Rear parcel line: 7.5 metres
 - iii) Exterior side parcel line: 4.5 metres
 - iv) Interior side parcel line: 4.5 metres
- b) Despite Section 10.1.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:^{xii}
- i) Front parcel line: 15.0 metres
 - ii) Rear parcel line: 15.0 metres
 - iii) Interior side parcel line: 15.0 metres
 - iv) Exterior side parcel line: 15.0 metres

10.1.6 Maximum Height:

- a) No building, accessory building or structure shall exceed a height of 10.0 metres.

10.1.7 Maximum Parcel Coverage:

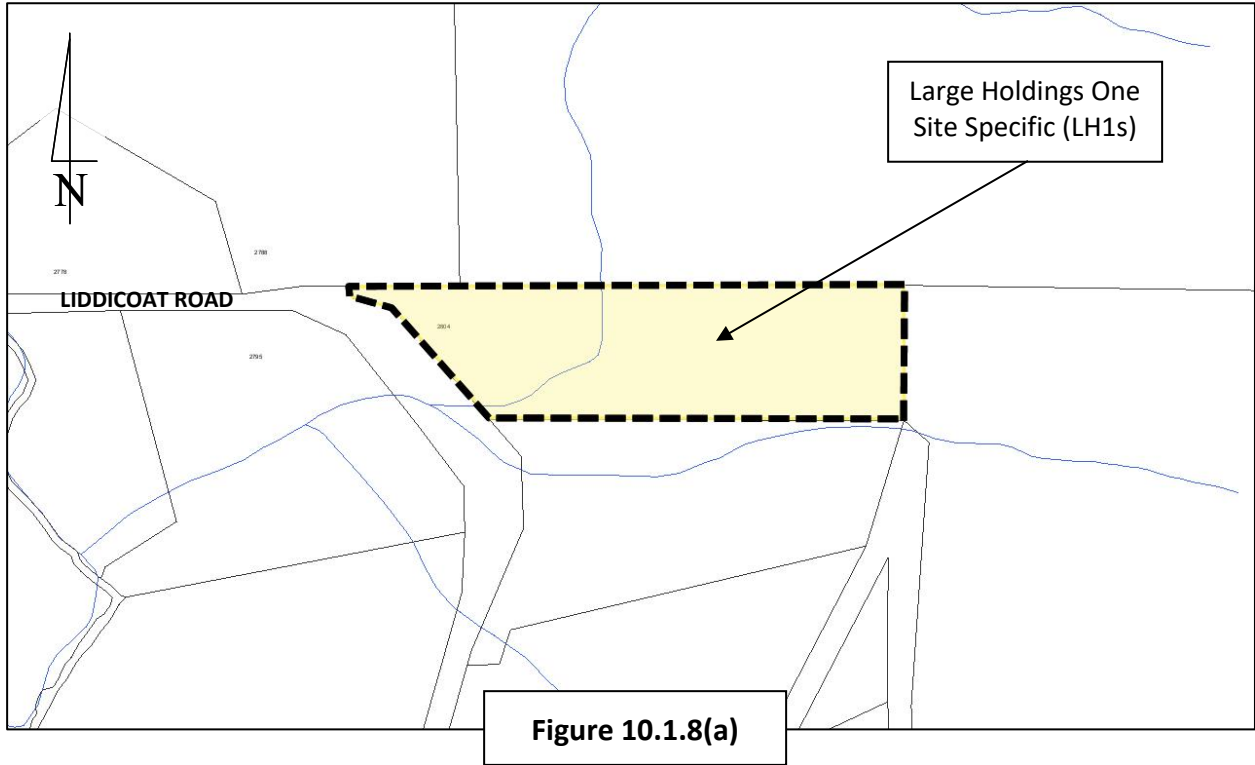
- a) 35%

10.1.8 Site Specific Large Holdings One (LH1s) Regulations:

- a) in the case of land described as Lot R, Plan KAP92023, Section 30, Township 52, SDYD, and shown shaded yellow on Figure 10.1.8(a):

^{xii} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

- i) despite Section 10.1.4(b), the maximum floor area of an accessory dwelling on a parcel less than 8.0 ha in area shall not exceed 250.0 m².



10.2 SMALL HOLDINGS THREE ZONE (SH3)

10.2.1 Permitted Uses:

Principal Uses:

- a) agriculture;
- b) single detached dwelling;

Accessory Uses:

- c) bed and breakfast operation, subject to Section 6.13;
- d) home occupations, subject to Section 6.11;
- e) secondary suites, subject to Section 6.9;
- f) accessory buildings and structures, subject to Section 6.7.

10.2.2 Minimum Parcel Size:

- a) 1.0 ha

10.2.3 Minimum Parcel Width:

- a) Not less than 25% of the parcel depth.

10.2.4 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) principal dwelling; and
- b) one (1) secondary suite.

10.2.5 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres
- b) Accessory buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 4.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

10.2.6 Maximum Height:

- a) No building, accessory building or structure shall exceed a height of 10.0 metres;

10.2.7 Maximum Parcel Coverage:

- a) 20%

10.2.8 Minimum Building Width:

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

10.2.9 Site Specific Small Holdings Three (SH3s) Regulations:

- a) Not applicable.

~ end of Schedule '1' ~