

PART 3 – GENERAL REGULATIONS

3.1 APPLICATION

- .1 Except as otherwise specified by this Bylaw, Part 3 applies to all zones established under this Bylaw.

3.2 PERMITTED USES AND STRUCTURES

- .1 The following uses and structures are permitted in all zones:
 - (a) Air or marine navigational aids;
 - (b) Transit stops and transit charging infrastructure;
 - (c) Civic plazas;
 - (d) **Community garden**;
 - (e) Community mailboxes placed by Canada Post;
 - (f) Emergency access route, where required by the City
 - (g) Environmental conservation activities;
 - (h) **Highways**;
 - (i) Mobile vending;
 - (j) Parks, playgrounds and recreational trails;
 - (k) Civic uses and municipal facilities;
 - (l) Public service facilities for community water or sewer systems (including pumphouses and sewage and water treatment plants), community gas distribution systems and similar public service facilities or equipment such as those required for the transmission of electrical power or reception of radio and television signals, communication towers and municipal works yards, but not including electrical substations;
 - (m) Storage of construction materials on a parcel for which the construction of a **building** or structure has been authorized by the City, provided all surplus materials are removed within 20 days of final inspection of the **building** or structure;
 - (n) Temporary construction and project sales offices within:
 - i. Temporary **buildings**, such as a mobile site office trailer not on a fixed foundation; or
 - ii. Single detached dwellings, where a portion of the **dwelling** is used for the temporary construction and project sales office; and
 - iii. Where the **building** is authorized by Building Permit and the office use is intended to be discontinued after a period of time.
 - (o) Temporary use of a **building** as a polling station for government elections or referenda, provided that the time period of use does not exceed 60 consecutive days.
 - (p) Temporary processing of on-site aggregates for on-site use as part of an approved development application.

3.3 TEMPORARY USE OF A DWELLING DURING CONSTRUCTION

- .1 Despite a restriction under this Bylaw on the number of **dwelling**s permitted on a parcel, the owner of a parcel which already has a single detached dwelling, modular home, or mobile home, while in the process of constructing a new dwelling on the same parcel, may continue to occupy the existing dwelling during the construction of the new dwelling, subject to the following conditions:
- (a) The temporary use of a dwelling during construction must not exceed a maximum period of two (2) years from the date of the issuance of a building permit to completion and occupancy of the new dwelling;
 - (b) Prior to issuance of any permit, the owner shall:
 - i. Deposit to the City an Irrevocable Letter of Credit or security, satisfactory to the City, in the amount of \$50,000 for each **building** or structure to be demolished; and
 - ii. Enter into an agreement requiring that the owner remove the existing dwelling or convert the existing **dwelling** into a non-residential use to the satisfaction of the City on either a date immediately following the granting of occupancy of the new dwelling, or on a date not to exceed two (2) years from the date of issuance of a Building Permit, whichever is less.

3.4 TEMPORARY USE OF A RECREATIONAL VEHICLE DURING CONSTRUCTION

- .1 Despite a restriction under this Bylaw on the number of **dwelling**s permitted on a parcel, or the length of occupancy of a recreational vehicle, the owner of a parcel, while in the process of constructing a new single detached dwelling or modular home on the same parcel, may occupy a recreational vehicle during the construction of the new single detached dwelling or modular home subject to the following conditions:
- (a) The owner shall cease to occupy the recreational vehicle:
 - i. Immediately following the granting of occupancy for the new single detached dwelling or modular home; or
 - ii. Within one year from the date of issuance of the Building Permit for the single detached dwelling or modular home, whichever is less.

3.5 PROHIBITED USES AND STRUCTURES

- .1 Except as expressly permitted by this Bylaw, the following uses are prohibited in every zone:
- (a) Outdoor storage of materials beneath electrical power distribution lines;

- (b) Vacation rentals other than short-term rentals and short-term rentals (bed and breakfast), [agri-tourism](#) accommodations, and the use of [resort apartments](#) and [resort townhouses](#); and
 - (c) Occupancy of a recreational vehicle for more than 10 days in 1 period of 30 consecutive days.
- .2 The following uses, [buildings](#) and structures are prohibited in the Recreational Water Use Zone (W1):
- (a) Boat houses and boat shelters; and
 - (b) Use of a vessel for residential purposes.
- .3 The following structure is prohibited in the Intensive Water Use Zone (W2) and Commercial Water Use Zone (W3):
- (a) Boat shelters.
- .4 The following use is prohibited on every parcel in a Rural or Residential Zone on which no principal [building](#), structure or use, has been established, unless a Building Permit has been issued and has not expired:
- (a) Parking of recreational vehicles.
- .5 The following uses are prohibited on every parcel in a Residential Zone:
- (a) Storage of materials, except permitted vehicles, in the minimum siting distance from the front or exterior side parcel boundary.
- .6 The following uses are prohibited on every parcel in the General Commercial (C1), Local Commercial (C2), Westbank Urban Centre (WUC1, WUC2, WUC3), Boucherie Urban Centre (BUC1) and Neighbourhood Centre (NC1) Zones and uses (a) and (c) are prohibited within 150 m (492.1 ft) from an elementary, middle or secondary school:
- (a) [Adult entertainment store](#);
 - (b) [Cheque cashing/pay day loan establishments](#);
 - (c) Premises used to sell or display [cannabis](#)-related paraphernalia; and
 - (d) Pawnshops.
- .7 Except as expressly permitted by this bylaw, [cannabis production facilities](#) are prohibited in [buildings](#) with multiple occupancies unless all of the occupancies in the [building](#) are [cannabis production facilities](#).
- .8 [Cannabis sales facilities](#) are prohibited on every parcel.

3.6 PROHIBITED VEHICLES AND EQUIPMENT

.1 Exterior Parking of Vehicles

- (a) The exterior parking of the following is prohibited on every parcel in any Residential Zone:
- i. more than 1 unlicensed vehicle;
 - ii. more than 1 unlicensed trailer; and
 - iii. more than 2 recreational vehicles.

.2 Prohibited Vehicles and Equipment in Residential, Agricultural, and Rural Zones

- (a) Except when loading or unloading or while temporarily parked while carrying out a business, construction or maintenance activity, the parking of the following vehicles is prohibited on every parcel in any Residential Zone and on parcels with areas less than 0.5 ha (1.2 ac) in any Agricultural or Rural Zone:
- i. Any **commercial vehicle** with a licensed gross vehicle weight exceeding 6000 kg (13,227.7 lb);
 - ii. More than 2 commercial vehicles of less than 6000 kg (13,227.7 lb) licensed gross vehicle weight each; and
 - iii. Logging, industrial and construction vehicles or equipment.
- (b) Section 3.6.2(a) does not apply to vehicles used for agricultural purposes.

3.7 PARKING AND EXTERIOR STORAGE OF HEAVY VEHICLES OR EQUIPMENT IN AGRICULTURAL AND RURAL ZONES

- .1 On a parcel in the Agricultural Zone (A1) or a Rural Zone, the parking and exterior storage of logging, industrial, commercial or construction vehicles or equipment is permitted only in accordance with Table 3.1, and must be in conformance with the *Agricultural Land Commission Act* where applicable:

Table 3.1 Parking or exterior storage of heavy vehicles or equipment in Agricultural and Rural Zones

Minimum parcel size	Maximum number of heavy vehicles or equipment	Maximum area of the parcel covered by heavy vehicles or equipment	Minimum distance of heavy vehicles or equipment from a side or rear parcel boundary or stream
0.5 ha (1.2 ac)	2	150 m ² (1,614.6 ft ²)	15 m (49.2 ft)
3.8 ha (9.4 ac)	4	300 m ² (3,229.2 ft ²)	15 m (49.2 ft)

- .2 Section 3.7.1 does not apply to vehicles used for agricultural purposes.

3.8 EXEMPTIONS

.1 Minimum Parcel Area Exemptions

- (a) The following are exempted from the minimum parcel area regulations:
- i. 2 or more parcels consolidated into 1 parcel;
 - ii. Parcels subject to Section 514 of the *Local Government Act*;
 - iii. Parcels subject to a Homesite Severance approved by the Agricultural Land Commission;
 - iv. A parcel being reduced in area due to land dedication for **highway** improvements; and
 - v. A parcel being created to be used solely for unattended public service facilities or equipment necessary for the operation of the following, provided that the owner enters into a restrictive covenant with the City restricting the use of the parcel to the use proposed:
 - a) A community water or sewer system;
 - b) A community gas distribution system;
 - c) An air or marine navigation aid;
 - d) An electrical substation or power generating station;
 - e) Parks or playgrounds; and
 - f) Similar public service facilities or equipment.

.2 Parcel Coverage Exemptions

- (a) The following are not included in the calculation of parcel coverage:
- i. Arbors, trellises, and pergolas;
 - ii. Cantilevered decks and balconies;
 - iii. Chimneys and columns external to a **building**;
 - iv. Cornices, gutters, leaders, eaves, belt courses, sills, bay windows, pop outs or other similar **building** features as long as the feature does not extend to **grade** level adjacent to the **building**;
 - v. Driveways, manoeuvring aisles, and parking and loading spaces;
 - vi. On parcels classified as a farm under the *Assessment Act*, permeable **detention ponds** and support structures used for shading, frost and wind protection, netting and trellising;
 - vii. Open swimming pools;
 - viii. Sidewalks, patios, and hard surfacing of the ground;
 - ix. Uncovered and open exterior stairs; and
 - x. Underground structures that do not extend above the surface of the parcel.

.3 Height Regulation Exemptions

- (a) The following are exempted from the height regulations:
- i. Antennas, masts and towers for the transmission or reception of radio and television signals;
 - ii. Chimneys and smokestacks;
 - iii. Domes and cupolas;
 - iv. Elevator and rooftop stairway housing or accesses in Urban and Neighbourhood Centre Zones, provided that:
 - a) their combined area does not exceed 30.0 m²; or the individual area when only one access is provided does not exceed 15.0 m²;
 - b) they do not project more than 4.0 m (13.1 ft) above the permitted maximum height of the principal buildings; and
 - c) the stairway and elevator lobby are used for no purpose other than for access or egress; and
 - d) the total access area does not exceed more than 20% of the total rooftop area;
 - v. Flag poles;
 - vi. Grain bins, silos and combination grain bins and silos;
 - vii. Industrial cranes;
 - viii. Monuments and sculptures;
 - ix. Municipal facilities;
 - x. Rooftop mechanical equipment provided that the equipment is screened;
 - xi. Spires, steeples and belfries;
 - xii. Transit charging infrastructure; and
 - xiii. Water towers.
- (b) No exempted structure, other than those listed in Sections 3.8.3(a)i. and 3.8.3(a)xii. shall:
- i. exceed 20 m (65.6 ft) in height; and
 - ii. cover more than 20% of the parcel or 10% of the roof area of a building if located on a building.
- (c) Despite 3.8.3(a) and 3.8.3(b) grain bins shall not exceed 46 m (151.0 ft) in height, silos shall not exceed 34 m (111.5 ft) in height, and combination grain bins and silos shall not exceed 41 m (134.5 ft) in height.

.4 Siting Exemptions

- (a) The following are exempted from the siting regulations:
- i. Landscape features such as arbors, pergolas, trellises, fishponds, landscape stairs, and ornaments except where the feature exceeds 2.0 m (6.6 ft) in height, in which case it shall be a minimum of 1.5 m (4.9 ft) from any parcel boundary;
 - a) No landscape feature shall contain a roof for the purposes of Section 3.8.4(a);
 - ii. Bay windows, pop outs, open decks and balconies, open entry porticos, open porches or open exterior stairs provided they extend no more than 0.6 m (2.0 ft) into the required minimum siting distance from any parcel boundary or a required setback.
 - iii. Despite Section 3.8.4(a)ii. in all Agricultural Zones, Rural Zones, and Single or Duplex Residential Zones, bay windows, pop outs, open decks and balconies, open entry porticos, open porches or open exterior stairs provided, in total, that they are limited to 35% of the overall length of the building face on which they are installed and provided they extend no more than:
 - a) 1.2 m (3.9 ft) into the required minimum siting distance from the front or rear parcel boundary or a required setback from a building face along these parcel boundaries; and
 - b) 0.6 m (2.0 ft) into the required minimum siting distance from the interior side or exterior side parcel boundary or a required setback from a building face along these parcel boundaries;
 - iv. Chimneys, columns, cornices, gutters, leaders, air conditioners, heat pumps, belt courses, sills or other similar structures, provided they do not extend more than 0.6 m (2.0 ft) into the required minimum siting distance from any parcel boundary or a required setback;
 - v. Eaves, awnings, sunlight control projections and canopies, provided they extend no more than:
 - a) 1.2 m (3.9 ft) into the required minimum siting distance from the front or rear parcel boundary or a required setback from a building face along these parcel boundaries; and
 - b) 0.6 m (2.0 ft) into the required minimum siting distance from the interior side or exterior side parcel boundary or a required setback from a building face along these parcel boundaries;
 - vi. Fences, solid screens and retaining walls;
 - vii. Free standing light poles, flag poles, warning devices, antennas, masts, and clothes lines;
 - viii. Sidewalks, patios, paving stones and hard surfacing of the ground;
 - ix. Transit charging infrastructure;
 - x. Underground structures that do not extend above the surface of the parcel;
 - xi. Open swimming pools provided that the pool is:

- a) not within the required minimum siting distance from the front parcel boundary; and
 - b) a minimum of 1.0 m (3.3 ft) from any other parcel boundary;
- xii. Despite Section 3.8.4(a)x.a), on parcels where there are two front parcel boundaries, an open swimming pool may be located within the required minimum siting distance from one front parcel boundary, provided that:
- a) The pool is not located in front of the primary front facade of the building, as determined by the orientation of similar buildings on the same block; and
 - b) The pool is a minimum of 1.0 m (3.3 ft) from all parcel boundaries; and
- xiii. Municipal facilities.

.5 Parcel Boundary Created by Corner Cut

- (a) Parcel boundaries that have been created as a result of a corner cut shall not be considered a parcel boundary when determining minimum siting distances from any parcel boundary or when determining minimum **frontage**.

.6 **Frontage** Exemption for Parcels Located on a Cul-de-Sac

- (a) Despite the minimum parcel **frontage** specified in each Rural or Residential zone, parcels located on a cul-de-sac may have a lesser minimum parcel **frontage** provided that the parcel width is no less than the minimum parcel **frontage** specified in each zone, and access requirements have been met.

3.9 ACCESSORY USES, BUILDINGS AND STRUCTURES

.1 General Requirements

- (a) No accessory **building** or structure shall be attached to a principal **building** or structure unless it meets all requirements in this Bylaw for the principal **building** or structure.
- (b) No accessory **building** or structure shall be used as a **dwelling**.
- (c) Accessory **buildings** are permitted to have one half bathroom with a toilet and sink. The bathroom is permitted to a maximum of 3.0 m². A wet bar, bedrooms and/or full bathrooms are not permitted, except one full bathroom is permitted in an accessory **building** or structure used exclusively as a pool house.
- (d) No accessory **building** or structure shall project into the required minimum siting distance from the front or exterior side parcel boundary unless otherwise exempted in this Bylaw.

- (e) An accessory **building** or structure may be located within a required minimum siting distance from the rear or interior side parcel boundary in any zone, but if the accessory **building** or structure exceeds 2.0 m (6.6 ft) in **height**, it shall be a minimum of 1.5 m (4.9 ft) from the rear and interior side parcel boundaries and the eaves shall be a minimum of 0.9 m (3.0 ft) from the rear and interior side parcel boundaries.
- (f) The maximum number and maximum **floor area** of accessory **buildings** and structures permitted on any parcel in a Residential Zone is specified in Table 3.2. Domestic water pump houses, open swimming pools, swimming pool auxiliary **buildings** or other similar communal amenity **buildings** are not accessory **buildings** or structures for the purpose of this regulation.

Table 3.2 Maximum number and maximum floor area of accessory buildings and structures

Zone	Maximum number of accessory buildings and structures	Maximum floor area of all accessory buildings and structures combined
RC1, RC2, RC3 or RC4	2	60 m ² (645.8 ft ²)
All other Residential Zones	3	100 m ² (1,076.4 ft ²)

- (g) Despite the setbacks established in Section 3.9.1(e), where an accessory **building** or structure is permitted to be used to house animals within any Residential Zones as per the Animal Control Bylaw and applicable zoning regulations, the accessory **building** or structure must be located a minimum of 15.0 m (49.2 ft) from any neighbouring dwelling. Accessory **buildings** or structures used to house poultry in any Residential Zones must not exceed 10 m² (107.6 ft²).

.2 Metal Shipping Containers

- (a) A metal shipping container shall only be used for storage purposes.
- (b) A metal shipping container shall not be stacked, accessible to the general public, or rented or leased as part of a **commercial storage** facility.
- (c) Metal shipping containers are permitted in the following zones:
- i. Industrial
 - ii. Commercial
 - iii. Agricultural
 - iv. Parks and Institutional
 - v. Rural

- (d) Despite Section 3.9.2(c),
- i. When a Building Permit has been issued for construction on a parcel in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of final inspection of the **building** or structure for which the Building Permit has been issued;
 - ii. Metal shipping containers may be used for moving provided that they are not located on any parcel for longer than 30 days;
 - iii. Metal shipping containers may be used for emergency purposes on a parcel in any zone provided they are not located on any parcel for longer than 90 days; and
 - iv. The maximum number of metal shipping containers located in Rural Zones is specified in Table 3.3.

Table 3.3 Maximum number of metal shipping containers in Rural Zones

Zone	Number of Shipping Containers
RU1	1
RU2, RU3, RU4, or RU5	2

- (e) Metal shipping containers shall not be sited between the principal **building** or structure and the front parcel boundary, except when the front parcel boundary abuts a lane, unless it is being used in accordance with Section 3.9.2 (d) or Section 3.9.2(g).
- (f) The maximum number of metal shipping containers on any parcel is 2.
- (g) Section 3.9.2(f) does not apply to a business within a Service Commercial Zone (C4) or Industrial Zone that leases, rents or sells metal shipping containers for use elsewhere.
- (h) Despite 3.9.2(f), the maximum number of metal shipping containers on any secondary school site is 6 and the maximum number of metal shipping containers on any middle or elementary school site is 3.

.3 Solar Energy Devices

- (a) Solar energy devices are permitted in any zone provided:
- i. That when attached to a principal **building** or structure or an accessory **building** or structure, the device does not:
 - a) extend beyond the outermost edge of the roof or structure; or
 - b) extend above the highest point of the roof or structure.
 - ii. That when the device is a standalone structure, it meets the siting requirements for the principal **building** or structure on the parcel on which the device is located.

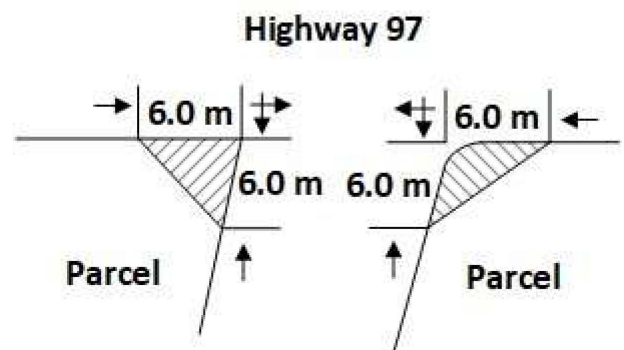
3.10 PORTABLE SAW MILLS AND PORTABLE SHAKE MILLS

- .1 Portable saw mills and portable shake mills shall:
 - (a) Be located on parcels with parcel areas of at least 8 ha (19.8 ac);
 - (b) Have a capacity of not more than 50 m³ (21,188.8 board feet of lumber) per day;
 - (c) Have no accumulation of sawdust, wood chips or other wood products with a height exceeding 10 m (32.8 ft); and
 - (d) Provide a clear fire guard a minimum of 15 m (49.2 ft) wide around the mill, logs and debris, measured from the nearest parcel boundary or the forest, whichever is closer to the mill, logs or debris.
- .2 Only logs originating from the parcel upon which the portable saw mill or portable shake mill is located may be processed in a portable saw mill or shake mill.
- .3 The use of a parcel for the storage of debris, slash, mill waste, timbers and skids after cessation of operation of a portable saw mill or portable shake mill is prohibited.

3.11 SIGHT TRIANGLE AND SITING PROVISIONS FROM PROVINCIAL HIGHWAYS

- .1 Sight Triangle
 - (a) Where a corner parcel abuts a Provincial Highway, the parcel shall maintain an unobstructed sight triangle in accordance with the dimensions in *Figure 3.1*.
 - (b) Section 3.11.1 does not apply to parcels from which a triangular area greater than or equal to the sight triangle has been dedicated as **highway**.
- .2 Siting Provisions on a Provincial Highway
 - (a) All **buildings**, structures, signs and landscaping located on parcels abutting a Provincial Highway shall be sited as per the *Provincial Public Undertakings Regulation*.

Figure 3.1 - Illustration of sight triangles

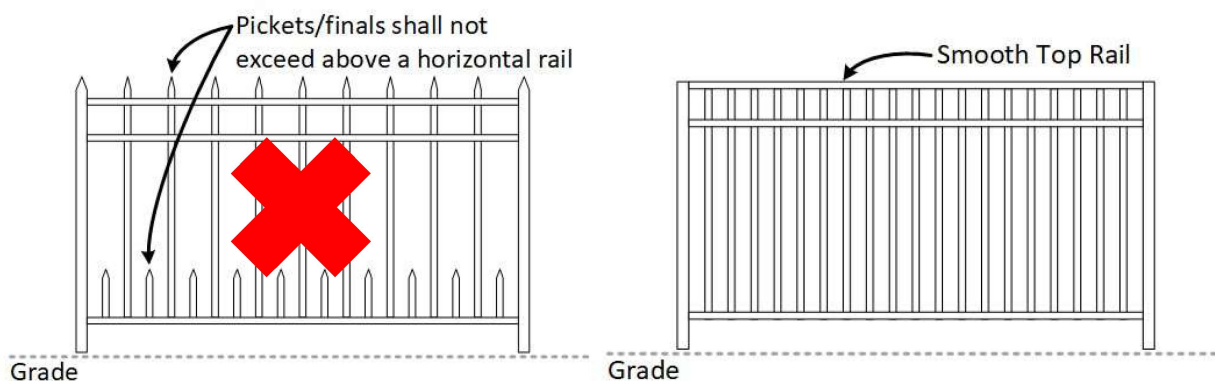


3.12 FENCES

.1 Prohibited Materials

- (a) No fence in a Residential Zone, Urban or Neighbourhood Centre Zone, or Commercial Zone, except for the Service Commercial Zone (C4) shall contain barbed wire, razor wire, electrified wire, tarps, unfinished sheet metal or unfinished corrugated metal.
- (b) No fence in a Rural Zone, any Industrial zone or the Agricultural Zone (A1) shall contain razor wire, tarps, unfinished sheet metal or unfinished corrugated metal.
- (c) No metal fence shall be constructed or erected that have the ends of the fence pickets or finials to extend above a horizontal rail (see Figure 3.2).

Figure 3.2 – Metal Fence Styles



.2 Height

- (a) Fence **height** shall be measured vertically from the highest part of the fence to the point where the fence post enters **grade** or the retaining wall on which the fence is constructed.
- (b) Maximum fence **height** is specified in Table 3.4.
- (c) Despite 3.12.2(a), the **height** measurement for a fence constructed on top of a landscape berm shall include the combined **height** of the fence and the landscape berm, measured from the bottom of the berm.
- (d) Despite 3.12.2(b), gates are exempted from the maximum fence **height**.

Table 3.4 Maximum fence height

Zone/Use	Maximum Fence Height
Agricultural and Rural zone	3.1 m (10.1 ft)
Residential Zone	1.22 m (4.0 ft) when located within the minimum siting distance from the front or exterior side parcel boundary. 2.0 m (6.6 ft) on all other portions of the parcel. 2.0 m (6.6 ft) when sited in accordance with the pool siting requirements in Section 3.8.4(a).10.
Industrial and Service Commercial Zones	2.5 m (8.2 ft)
Park Zone and any other parcel where the use is an athletic field as classified by the City	4.9 m (16.1 ft)
All other zones	2.0 m (6.6 ft)
Fence located on top of a retaining wall	1.22 m (4.0 ft)

.3 Park Boundary Fences

- (a) In Residential and Rural Zones, fences shall be provided and maintained on the non-park parcel abutting the park boundary as specified in Table 3.5.

Table 3.5 Park boundary fences

Location of Parcel	Permitted Fence Materials	Minimum Fence Height
Parcel abuts the Park and Open Space Zone (P1) or dedicated park land	Black vinyl chain link	1.22 m (4.0 ft)
Parcel abuts the Park and Open Space Zone (P1) that is classified by the City as a natural area park or dedicated park land that is classified by the City in the Parks Master Plan as a natural area park or linear park	Black vinyl chain link and split rail fence.	1.22 m (4.0 ft)

3.13 SOLID SCREENS

.1 Location

- (a) A solid screen shall be provided and maintained to act as an enclosure and a visual barrier:
- i. along the boundary of every parcel within Commercial and Industrial Zones, that abuts a Residential Zone or Parks and Institutional Zone and on which buildings or structures are located;
 - ii. around all outdoor storage areas in Commercial, Industrial and Parks and Institutional Zones; and

- iii. along the boundary of every parcel within an Industrial Zone that abuts a Commercial Zone, except for a Service Commercial Zone, and on which buildings or structures are located.

.2 Height

- (a) A solid screen required by this Bylaw shall not be less than 2.0 m (6.6 ft) in height measured from the highest part of the solid screen to the point where the solid screen enters grade.

.3 Materials and Gates

- (a) A solid screen shall not consist of untreated plywood, unfinished corrugated metal or chain link fencing, except for chain link fencing that contains slat inserts to create a visual barrier or includes a solid landscape screen on the street side of the fence within the property boundary to act as a visual barrier.
- (b) A solid screen shall include gates on all access points comprised of similar materials to the solid screen.

3.14 RETAINING WALL

- .1 The maximum height of any individual retaining wall is 2.5 m (8.2 ft).
- .2 Individual retaining walls shall not be closer than 2.0 m (6.6 ft) apart, measured from the outer face of each retaining wall.
- .3 Despite 3.14.2, individual retaining walls may be constructed less than 2.0 m (6.6 ft) apart, measured from the outer face of each retaining wall, but will be collectively considered an individual retaining wall for the purposes of determining height.
- .4 Where a retaining wall is built downslope of a building or structure, and within 1.5 m (4.9 ft) of the base of an exterior wall or structural support, the height of the retaining wall shall be included in the measurement of height for the building or structure.

3.15 OUTDOOR LIGHTING

- .1 Outdoor lighting shall:
 - (a) be located and arranged so that no direct rays of light are directed at any abutting parcels or interfere with the effectiveness of any traffic control device.
 - (b) not exceed 9.1 m (29.9 ft) in height.

3.16 HOME BASED BUSINESSES

.1 Home Based Business, Minor

- (a) A minor home based business shall:
- i. Only be conducted within a principal dwelling unit.
 - ii. Limit their retail sales to:
 - a) Products incidental to a service being provided; and
 - b) Online, mail order, telephone sales and direct distributorships where customers do not enter the premises to inspect or pick up goods.
- (b) A minor home based business shall not:
- i. Occupy more than 25% of the gross floor area of the dwelling unit to a maximum of 20 m² (215.3 ft²), except for a care facility.
 - ii. Generate more than 1 client visit to the premises at any one time, except for a care facility.
 - iii. Employ a person who does not reside in the **dwelling** unit, except for a care facility.
 - iv. Have more than 1 non-internally illuminated sign to a maximum size of 3000 cm² (465 in²) that is attached to the **dwelling** and a minimum distance of 1.5 m (4.9 ft) from any parcel boundary.
 - v. Have any exterior indication that a minor home based business is in operation on any parcel, except for permitted signage and parking.
 - vi. Involve the repair or painting of vehicles, trailers, boats, commercial equipment or industrial equipment, welding or machine shops, spray painting or spray coating operations.
- (c) Despite the definition of '**dwelling**', a food catering or in-home childcare business operating as a minor home based business may establish 1 additional kitchen within a single detached dwelling or **duplex**, provided that:
- i. the kitchen installation is required by Interior Health; and
 - ii. the kitchen is removed if the operation of the home based business ceases.

.2 Home Based Business, Major

- (a) A major home based business shall:
- i. Be conducted in accordance with Table 3.6.

Table 3.6 Location and area for major home based businesses

Parcel Size	Location	Maximum Area	Maximum Outdoor Storage Area
Parcels less than 0.5 ha (1.2 ac)	Within the dwelling unit or within 1 accessory building	A combined maximum of 50 m ² (538.2 ft ²), with the exception of a care facility	No outdoor storage is permitted
Parcels equal to or greater than 0.5 ha (1.2 ac)	Within the dwelling unit or within accessory buildings	A combined maximum of 100 m ² (1,076.4 ft ²), with the exception of a care facility.	50 m ² (538.2 ft ²)
Parcels of any size within an Agricultural Zone	Within the dwelling unit or within accessory buildings	A combined maximum of 150 m ² (1,614.6 ft ²), with the exception of a care facility	50 m ² (538.2 ft ²)

- ii. Employ at least 1 person who resides in the dwelling unit, except for a major home based business in an Agricultural Zone.
 - iii. Limit their retail sales, except for a major home based business in an Agricultural Zone, to:
 - a) Products incidental to a service being provided;
 - b) Mail order, telephone sales and direct distributorships where customers do not enter the premises to inspect, purchase or pick-up goods; and
 - c) Products produced on the premises.
- (b) A major home based business shall not:
- i. Generate more than 3 client visits at any one time, except for a care facility or a major home based businesses in an Agricultural Zone.
 - ii. Employ more than 2 persons in the business who do not reside in the dwelling unit, except for a care facility.
 - iii. Involve the repair or painting of vehicles, trailers, boats, commercial equipment or industrial equipment, welding or machine shops, spray painting or spray coating operations, except for major home based businesses which are located on parcels which are equal to or greater than 0.5 ha (1.2 ac).
 - iv. Have any exterior indication that a major home based business is in operation on any parcel, except for permitted signage and parking.
- (c) Outdoor storage areas as permitted by Table 3.6 shall be enclosed by a solid screen and be located a minimum distance of 15 m (49.2 ft) from any parcel boundary.
- (d) A major home based business is permitted to have 1 non-internally illuminated sign as specified in Table 3.7.

Table 3.7 Permitted signage in major home based businesses

Parcel Size	Maximum Sign Area	Location of Sign
Parcels less than 0.5 ha (1.2 ac)	3000 cm ² (465 in ²)	Either attached to the building in which the home based business is located or located elsewhere on the parcel and a minimum of 1.5 m (4.9 ft) from any parcel boundary.
Parcels equal to or greater than 0.5 ha (1.2 ac)	1 m ² (10.8 ft ²)	

- (e) Despite the definition of 'dwelling' a food catering or in-home childcare business operating as a major home based business may establish 1 additional kitchen within a single detached dwelling or **duplex**, provided that:
- i. The kitchen installation is required by Interior Health; and
 - ii. The kitchen is removed if the operation of the home based business ceases.

3.17 SECONDARY SUITES

.1 A secondary suite shall:

- (a) Be located only within a principal single detached dwelling, except where specifically permitted in this bylaw. For certainty, a secondary suite cannot be connected by a garage, breezeway, skyway or unconditioned space to a principal dwelling.
- (b) Have a maximum **gross floor area** of:
 - i. 100 m² (1076.4 ft²) or 40 % of the habitable gross floor area of the principal dwelling, whichever is less, where the secondary suite is located in a principal dwelling; or
 - ii. 40% of the habitable gross floor area of the carriage house, where the secondary suite is located in a carriage house.
- (c) Only be rented for rental periods of one month or greater, unless it is authorized as a short-term rental as specified in Section 3.19.
- (d) Be accessed through a separate exterior entrance from that of the principal **dwelling** unit, where the entrance is subordinate in appearance, to the satisfaction of the City, to the principal **dwelling** entrance, where it faces the same **highway** as the entrance to the principal **dwelling** unit.

.2 A secondary suite shall not:

- (a) Be permitted without connection to a community sewer system unless the parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.

- (b) Be subdivided under the *Strata Property Act* from the principal dwelling.
- .3 A secondary suite is not permitted on a parcel that contains a:
 - (a) Short-term rental (Bed and breakfast).
 - (b) Carriage house, except where specifically permitted in this bylaw.

3.18 CARRIAGE HOUSES

- .1 A carriage house shall:
 - (a) Only be accessory to and on the same parcel as a principal single detached dwelling.
 - (b) Be accessed through a separate exterior entrance that does not require passage through any part of the building used for motor vehicle parking or accessory uses.
 - (c) Be separated a minimum distance of 3.0 m (9.8 ft) from the single detached dwelling on the same parcel.
 - (d) Only be rented for rental periods of one month or greater, unless it is authorized as a short-term rental as specified in Section 3.19
- .2 A carriage house shall not:
 - (a) Include any decks or balconies over 0.6 m (2.0 ft) in height or roof top patios, except where:
 - i. The deck, balcony or roof top patio is located 6.0 m (19.7 ft) or greater from the adjacent property; or
 - ii. A solid screen with a minimum height of 2.0 m (6.6 ft) has been provided adjacent to any abutting low density residential development where the deck, balcony or roof top patio is located within 6.0 m (19.7 ft) of the adjacent property.
 - (b) Be subdivided under the *Strata Property Act* from the principal single detached dwelling.
- .3 The minimum parcel area required to accommodate a carriage house on a parcel with a single detached dwelling is specified in Table 3.8.

Table 3.8 Minimum parcel area

Zone	Minimum Parcel Area
RC1	650 m ² (6,996.5 ft ²)

- .4 The maximum **gross floor area** of a **carriage house** is specified in Table 3.9.

Table 3.9 Maximum gross floor area

Zone	Maximum Gross Floor Area
RC1, RC2, RC3, RP1, R1, R1L, RU1, I6, CD1(C), CD1(E), CD3(A)	110 m ² (1,184 ft ²) or 75% of the gross floor area of the principal dwelling , whichever is less
RU2, RU3, RU4, RU5, A1	140 m ² (1,506.9 ft ²) or 75% of the floor area of the principal dwelling , whichever is less
Parcels within the ALR	90 m ² (968.7 ft ²) or 75% of the gross floor area of the principal dwelling , whichever is less for parcels less than 40 ha; or 140 m ² (1,506.9 ft ²) or 75% of the gross floor area of the principal dwelling , whichever is less for parcels greater than 40 ha

- .5 A **carriage house** requires a connection to a **community water system** unless:
- (a) Connection to a **community water system** is not available to the parcel. Should no connection be available, the applicant for a Building Permit for the **carriage house** shall provide to the City:
 - i. The certification of a professional engineer specializing in groundwater hydrology, registered to practice in the Province of B.C., that a sufficient on-site supply of year-round groundwater is available to serve the existing or proposed single detached dwelling and the proposed **carriage house**; or
 - ii. Confirmation from the Province that an existing water license(s) has the sufficient supply to serve the existing or proposed single detached dwelling and the proposed **carriage house**.
- .6 A **carriage house** requires a connection to a **community sewer system** unless:
- (a) Connection to community sewer is not available to the parcel;
 - (b) The parcel has a minimum parcel area of 1 ha (2.4 ac); and
 - (c) The applicant for a Building Permit for the **carriage house** provides to the City written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .7 Where a **carriage house** is located within 25.0 m (82.0 ft) of a rear or interior side parcel boundary that abuts a residential or rural zone, a solid screen, consisting of either fencing or a hedge with a minimum **height** at maturity of 2.0 m (6.6 ft.), shall be provided and maintained along all or a portion of the boundaries that are adjacent to the carriage house and its outdoor **amenity space**.
- .8 A **carriage house** is not permitted on a parcel that contains a:
- (a) Secondary suite, except where specifically permitted in this bylaw.
 - (b) Short -term rental (Bed and breakfast).
 - (c) Agricultural worker **dwelling**.

3.19 SHORT-TERM RENTALS AND SHORT-TERM RENTALS (BED AND BREAKFAST)

.1 Short-term Rental Use

(a) A short-term rental use shall:

- i. Only be conducted within a single detached dwelling, or a secondary suite or carriage house accessory to a single detached dwelling, to a maximum of one short-term rental use per parcel, where the parcel contains more than one dwelling unit.
- ii. Be operated by an owner of the property who is also a principal resident, that must be present overnight during the visitors stay, and be present for a portion of the day, provided that:
 - a) A local contact is available to interact with guests during operation and respond to any nuisance complaints; and
 - b) The name and contact information of the local contact must be displayed prominently within the dwelling.
- iii. Be rented for periods less than 30 consecutive days.
- iv. Ensure that the owner or local contact is available to respond to the dwelling within two (2) hours of being requested to do so by the City.
- v. Ensure one dwelling unit is maintained for the principal resident.

(b) A short-term rental use shall not:

- i. Permit any exterior indication that a short-term rental is in operation on any parcel, except for permitted signage and required parking.
- ii. Permit more than two adults per bedroom.
- iii. Permit more than four bedrooms for short-term rental use per dwelling.

.2 Short-term Rental (Bed and Breakfast) Use

(a) A short-term rental (bed and breakfast) use shall:

- i. Only be conducted within a single detached dwelling with no secondary dwelling unit on the same parcel.

- ii. Be operated by an owner of the property who is also a principal resident, that must be present overnight during the visitors stay and be present for a portion of the day.
 - iii. Provide breakfast to visitors.
 - iv. Be rented for periods less than 30 consecutive days.
 - v. Illustrate the bedroom occupied by the principal resident.
- (b) A short-term rental (bed and breakfast) use shall not:
- i. Permit any exterior indication that a short-term rental is in operation on any parcel, except for permitted signage and required parking.
 - ii. Permit more than two adults per bedroom to a maximum of eight persons.
 - iii. Permit more than four bedrooms for short-term rental use per dwelling.
- .3 Sewer Connection
- (a) A short-term rental and short-term rental (bed and breakfast) shall not be permitted without connection to a community sewer system unless:
- i. the parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .4 Signage
- (a) A short-term rental and short-term rental (bed and breakfast) is permitted to have no more than one non-internally illuminated sign to a maximum size of 0.3 m², where the sign may:
- i. The sign may be attached to the dwelling; or
 - ii. Located elsewhere on the parcel at a minimum distance of 1.5 m (4.9 ft) from any parcel boundary.

3.20 AGRICULTURAL WORKER DWELLING

- .1 Agricultural Worker Dwellings shall only be located on parcels or **farm units** where all or part of the parcel or **farm unit** where the agricultural dwelling is located is classified as a farm under the *Assessment Act* and the need for agricultural worker dwellings has been demonstrated to the City through documentation such as:
- (a) A contract with the Federal government through a migrant worker program such as the Seasonal Agricultural Worker Program or Agricultural Stream Program;
 - (b) Farm receipts;

- (c) Previous employment records; and/or
 - (d) A farm plan prepared by a professional agrologist.
- .2 The agricultural worker dwelling shall only be located on the same parcel where the agricultural use is taking place or located on a parcel within the same **farm unit**.
 - .3 The **gross floor area** of an agricultural worker dwelling shall not exceed 140 m² (1,507 ft²) or 75% of the **gross floor area** of the principal single detached dwelling, whichever is less.
 - .4 The maximum number of agricultural worker dwellings is specified in Table 3.10.

Table 3.10 Maximum number of agricultural worker dwellings

Minimum Parcel Size or Minimum Farm unit Size	Maximum Number of Agricultural Worker Dwellings
Parcels or farm units less than 3.8 ha (9.4 ac)	0
Parcels or farm units equal to or greater than 3.8 ha (9.4 ac) and less than 7.6 ha (18.8 ac)	1
Parcels or farm units equal to or greater than 7.6 ha (18.8 ac)	2

- .5 An agricultural worker dwelling shall not be permitted without connection to a **community sewer system** unless:
 - (a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .6 Agricultural worker dwellings are not permitted on a parcel that contains a **carriage house**.

3.21 TEMPORARY AGRICULTURAL WORKER DWELLING

- .1 Temporary agricultural worker dwellings shall only be located on parcels or **farm units** where:
 - (a) All or part of the parcel on which the temporary agricultural worker dwelling is located is classified as a farm under the *Assessment Act* or
 - (b) The need for agricultural worker dwellings has been demonstrated to the City through documentation such as:
 - i. A contract with the Federal government through a migrant worker program such as the Seasonal Agricultural Worker Program or Agricultural Stream Program;
 - ii. Farm receipts;
 - iii. Previous employment records; and/or
 - iv. A farm plan prepared by a professional agrologist.

- .2 The temporary agricultural worker dwelling shall only be located on the same parcel where the agricultural use is taking place or located on a parcel within the same **farm unit**.
- .3 Temporary agricultural worker dwellings shall be provided in the form of permanent **buildings** such as cabins or bunk houses, semi-permanent **buildings** such as mobile homes, or temporary accommodation such as tents or recreational vehicles.
- .4 Temporary agricultural worker dwellings provided in the form of temporary accommodation (such as tents or recreational vehicles) shall not be occupied more than 8 months in 1 calendar year.
- .5 Temporary agricultural worker dwellings provided in the form of permanent **buildings** (such as cabins or bunkhouses) and semi-permanent **buildings** (such as mobile homes) shall not be occupied more than 10 months in 1 calendar year.
- .6 The **gross floor area** of a temporary agricultural worker dwelling shall not exceed 100 m² (1,076.4 ft²).
- .7 The maximum number of temporary agricultural worker dwellings in the form of permanent **buildings** is specified in Table 3.11.

Table 3.11 Maximum number of temporary agricultural worker dwellings (permanent buildings only)

Minimum Parcel Size or Minimum Farm unit Size	Maximum Number of Temporary Agricultural Worker Dwellings
Parcels or farm units less than 3.8 ha (9.4 ac)	0
Parcels or farm units equal to or greater than 3.8 ha (9.4 ac) and less than 7.6 ha (18.8 ac)	1
Parcels or farm units equal to or greater than 7.6 ha (18.8 ac)	2

- .8 The maximum number of temporary agricultural worker dwellings in the form of semi-permanent **buildings** is specified in Table 3.12.

Table 3.12 Maximum number of temporary agricultural worker dwellings (semi-permanent buildings)

Minimum Parcel Size or Minimum Farm unit Size	Maximum Number of Temporary Agricultural Worker Dwellings (semi-permanent buildings only)
Parcels or farm units less than 2.0 ha (3.8 ac)	0
Parcels or farm units equal to or greater than 2.0 ha (3.8 ac) and less than 7.6 ha (18.8 ac)	1
Parcels or farm units equal to or greater than 7.6 ha (18.8 ac)	2

- .9 Temporary agricultural worker dwellings in the form of permanent **buildings** (such as cabins or bunkhouses) or semi-permanent **buildings** (such as mobile homes) shall not be permitted without connection to a **community sewer system** unless:

- (a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .10 Temporary agricultural worker dwellings in the form of temporary accommodation (such as tents or recreational vehicles) shall provide unrestricted access to screened washrooms, screened showers with warm water, washbasins, and a communal kitchen for agricultural workers on the same parcel where the temporary accommodation is located. The minimum number of fixtures provided shall meet either:
- (a) Schedule 2 of the British Columbia *Public Health Act* Industrial Camps Regulation; or
 - (b) The Occupant Calculations provided in “Schedule F Housing Inspection Report, Seasonal Agricultural Worker Program and Agricultural Stream” (with portable toilets included in the calculation).

3.22 AGRI-TOURISM ACCOMMODATION

- .1 **Agri-tourism** accommodation shall only be conducted within a principal single detached dwelling.
- .2 All or part of the parcel on which the agri-tourism accommodation is located shall be classified as a farm under the *Assessment Act*.
- .3 **Agri-tourism** accommodation shall only be rented for rental periods of less than 1 month.
- .4 The maximum number of **agri-tourism** accommodation **guest rooms** is specified in Table 3.13.

Table 3.13 Maximum number of **guest rooms.**

Parcel Size	Maximum Number of Guest Rooms
Parcels less than 2.0 ha (4.9 ac)	0
Parcels equal to or greater than 2.0 ha (4.9 ac) and less than 7.6 ha (18.8 ac)	4
Parcels greater than 7.6 ha (18.8 ac)	10

- .5 When a short-term rental or short-term rental (bed and breakfast) is located on the same parcel as an **agri-tourism** accommodation, the total number of **guest rooms** permitted on the parcel is the number specified in Table 3.13.
- .6 Agri-tourist accommodation uses shall be setback a minimum of 30 m (98.4 ft) from adjacent Residential Zones.
- .7 For parcels equal to or greater than 2.0 ha and less than 7.6 ha the total **gross floor area** of **guest rooms** in an **agri-tourism** accommodation facility shall not exceed 120 m² (1292 ft²); a separate or ensuite washroom and common areas are not included as part of the area of **guest rooms**.

- .8 For parcels greater than 7.6 ha, the total **gross floor area** of **guest rooms** in an **agri-tourism** accommodation facility shall not exceed 300 m² (3230 ft²); a separate or ensuite washroom and common areas are not included as part of the area of the **guest rooms**.

3.23 SITING REGULATIONS AND BUFFERING FROM AGRICULTURAL LAND

.1 Siting Regulations

- (a) In Residential, Rural Residential, and Industrial Zones, principal **buildings**, principal structures, and **carriage houses** shall be a minimum distance of 15.0 m (49.2 ft) from land within the Agricultural Zone (A1) or land within the Agricultural Land Reserve (ALR), except:
- i. In a Single or **Duplex** Residential Zone, the required minimum distance of principal buildings, principal structures, and carriage houses from land within the Agricultural Zone (A1) or land within the ALR is reduced to 9.0 m (29.5 ft) if a Level 1 buffer is provided and maintained.
- (b) In Multiple Residential, Urban and Neighbourhood Centre, Commercial, and Park and Institutional Zones, principal **buildings** and principal structures shall be set back from land zoned Agricultural Zone (A1) or land within the Agricultural Land Reserve (ALR) abutting the parcel on which the **building** is constructed as follows:
- i. 15.0 m (49.2 ft) for the first two storeys or portion of the **building** less than or equal to 6.0 m (19.7 ft) in **height**, whichever is less;
 - ii. 18.0 m (59.1 ft) for any third storey or portion of the **building** over 6.0 m (19.7 ft) in **height**, whichever is less;
 - iii. 21.0 m (68.9 ft) for any fourth storey or portion of the **building** over 9.0 m (29.5 ft) in **height**, whichever is less; and
- (c) Sections 3.23.1(a) and (b) do not apply to ALR lands within Westbank First Nation.

.2 Measurement of Minimum Distance from Agricultural Land

- (a) The minimum distance from land as specified in Section 3.23.1 shall be measured as follows:
- i. From the parcel boundary abutting the A1 Zone or ALR land, whichever is closest to the non-farm use; or
 - ii. For parcels separated from the A1 Zone or ALR by a **highway**, the **highway** will form part of the required minimum distance from the boundary of the A1 Zone or ALR land; or
 - iii. For split zoned parcels or parcels located partially within the ALR, from the boundary of the A1 Zone or ALR land, whichever is closest to the non-farm use.

.3 Agricultural Buffers

- (a) A buffer shall be provided and maintained when non-farm **buildings** and structures are constructed on parcels directly abutting A1 zoned land or land in the ALR, as specified in Table 3.14 and the specifications below.

Table 3.14 Buffer type

Non-Farm Use	Location and Buffer Type
Single detached dwelling, carriage house , duplex residential, and townhouses in the RC2 or RP1 Zones only	Level 1
Multi-unit residential and mixed use residential	Level 2
Non-residential uses, except industrial	Level 2

(b) Buffer Location

- i. The required buffer shall be provided and maintained on the non-agricultural parcel in the following location:
- a) Within the required minimum siting distance as set out in the regulations table of each zone;
 - b) Along any parcel boundary abutting the A1 Zone or ALR boundary, whichever is closest to the non-farm use; and
 - c) For split zoned parcels or parcels located partially within the ALR, along the boundary of the A1 Zone or ALR lands, whichever is closest to the non-farm use.

(c) Plant Materials

- i. Buffers shall be comprised of native plant materials and the retention of existing vegetation supplemented where necessary to provide the required buffer specifications.
- a) The following plant species are not permitted:
 - (i) All trees of the genus *Malus* (apples or crabapples, including all ornamental or flowering crabapples);
 - (ii) All trees of the genus *Pyrus* (pears, including Asian and ornamental pears);
 - (iii) All trees of the genus *Prunus* (flowering cherries and flowering plum);
 - (iv) All plants of the genus *Cydonia* (quince);
 - (v) All non-native plants of the genus *Juniperus* (juniper);
 - (vi) All non-native trees of the genus *Crataegus* (hawthorn);
 - (vii) The *Berberis vulgaris* (common barberry) plant;
 - (viii) All plants of the genus *Chaenomeles* (flowering quince or japonica); and

- (ix) All plants classified as noxious weeds in any bylaw of the City of West Kelowna or Regional District of Central Okanagan.

(d) Minimum Buffer Width

- i. Level 1 and 2 Buffers shall have the minimum buffer widths as specified in Table 3.15.

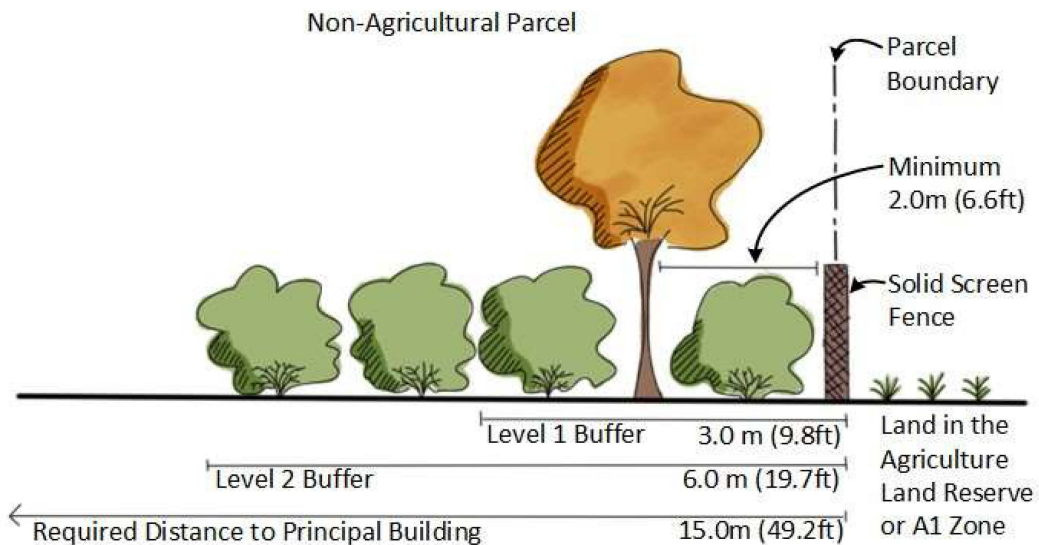
Table 3.15 Minimum buffer width

Type of Buffer	Minimum Buffer Width
Level 1 Buffer	3.0 m (9.8 ft)
Level 2 Buffer	6.0 m (19.7 ft)

(e) Minimum Buffer Specifications

- i. Level 1 and 2 Buffers shall consist of the following (as illustrated in *Figure 3.3* below):
 - a) A fence a minimum of 2.0 m (6.6 ft) in height, located along the boundary abutting the A1 Zone or ALR land as specified in Section 3.23.3(b).

Figure 3.3 - Level 1 and 2 buffer specifications



- b) A screening hedge comprising drought-tolerant coniferous or deciduous species located immediately adjacent to the fence comprised of:
 - (i) Shrubs which are planted at a maximum spacing of 1.0 m (3.3 ft) on centre with a minimum 2.0-gallon pot size at time of planting; and
 - (ii) Trees which are at least 2.0 m (6.6 ft) high, planted at a maximum spacing of 5.0 m (16.4 ft) on centre.
- c) Additional shrubs planted on the remainder of the buffer.

3.24 MINIMUM DISTANCES FROM WATERCOURSES FOR AGRICULTURAL BUILDINGS AND STRUCTURES IN AGRICULTURAL AND RURAL ZONES

- .1 Despite lesser distances specified in the Agricultural and Rural Zones, agricultural buildings and structures listed in Table 3.16 shall be sited in accordance with Table 3.16.

Table 3.16 Minimum Distances from Watercourses (Measured from top of bank)

Watercourse Type and Description	Category 1	Category 2	Category 3	Category 4
	<p>Confined livestock area with more than ten (10) agricultural units</p> <p>Seasonal Feeding area</p> <p>Solid agricultural waste field storage with >2 weeks storage time</p> <p>Cannabis Production Facility</p>	<p>Agricultural waste storage facility</p> <p>Chemical, compost, and wood waste storage</p> <p>Confined Livestock Area with less than ten (10) agricultural units</p> <p>Incinerator</p> <p>Mushroom barn</p> <p>On-farm composting</p> <p>On-farm soilless medium production and storage</p> <p>Silo</p> <p>Petroleum Storage</p>	<p>Brooder house</p> <p>Hatchery</p> <p>Fur farming shed</p> <p>Livestock barn</p> <p>Livestock shelter</p> <p>Milking facility</p> <p>Stable</p>	<p>Boiler room</p> <p>Alcohol Production Facility</p> <p>Cold frame</p> <p>Crop storage</p> <p>Detention pond</p> <p>Direct farm marketing</p> <p>Granary Greenhouse</p> <p>Machinery storage</p> <p>On-farm processing</p> <p>On-farm product preparation</p> <p>Retention pond</p> <p>Impervious surfaces</p>
Stream	30 m (98 .4 ft)	15 m (49.2 ft)	15 m (49.2 ft)	15 m (49.2 ft)
Channelized Stream: Streams that have been dyked, diverted or straightened and carry drainage flows from headwaters or significant sources of groundwater. Reaches of channelized streams may be confined by roads and fences and in many cases, may also meander through fields. Man made channels that divert irrigation water from a stream but return overflow water back to a stream in a manner that allows fish access are classified as channelized streams.	30 m (98 .4 ft)	15 m (49.2 ft)	15 m (49.2 ft)	2 X channel width Min 10 m (32.8 ft) Max 15 m (49.2 ft)
Constructed Channel or Ditch: Carry drainage water from more than one parcel but do not carry water from headwaters or significant sources of groundwater. Constructed channels may also deliver water for irrigation.	30 m (98.4 ft)	15 m (49.2 ft)	5 m (16.4 ft)	5 m (16.4 ft)

3.25 FLOODPLAIN REGULATIONS

.1 Floodplain Designation:

- (a) The following land is designated as a floodplain:
 - i. Land lower than 343.66 m (1,127 ft) ASL Geodetic Survey of Canada (CGVD28); and
 - ii. Land lower than 1.5 m (4.9 ft) above the natural boundary of any stream.

.2 Flood Construction Levels:

- (a) The underside of any floor system, and top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater, shall meet the following flood construction levels:
 - i. 343.66 m (1,127.5 ft) ASL above Geodetic Survey of Canada datum (CGVD28) ; and
 - ii. 1.5 m (4.9 ft) above the natural boundary of any stream.

.3 Exemptions from Flood Construction Levels:

- (a) Section 3.25.2 shall not apply to the following uses, with the exception that all main electrical switchgear shall be installed no lower than the specified flood construction level:
 - i. The portion of a building or structure used exclusively as a carport, garage or entrance foyer;
 - ii. Agricultural buildings excluding dwelling units and buildings for the keeping of animals; and
 - iii. On-loading and off-loading facilities associated with water-oriented industry and with portable sawmills and shakemills.

.4 Minimum Siting Distances:

- (a) Any landfill or structural support required to elevate a floor system or pad to achieve the flood construction levels specified in Section 3.25.2 shall be sited at least:
 - i. 15.0 m (49.2 ft) from the natural boundary of Okanagan Lake;
 - ii. 7.5 m (24.6 ft) from the natural boundary of a lake, swamp or pond;
 - iii. 15.0 m (49.2 ft) from the natural boundary of any stream; and
 - iv. 7.5 m (24.6 ft) from any structure providing flood protection or seepage control.

3.26 CANNABIS PRODUCTION FACILITIES

- .1 Cannabis production facilities, except for outdoor production within the ALR, shall comply with, at a minimum, the security and air filtration requirements set out in Parts 4 and 5 of the Cannabis Regulations.
- .2 Cannabis production is permitted within the ALR only in open fields or inside a structure:
 - (a) That has a base consisting entirely of soil; or
 - (b) That was, before July 13, 2018:
 - i. Constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
 - ii. Under construction for that purpose, if that construction:
 - a) Was being conducted in accordance with all applicable authorizations and enactments; and
 - b) Continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry; and
 - c) Has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

3.27 DRIVE THROUGH RELATED LAND USES

- .1 Drive throughs may only be permitted on specific parcels by site specific text amendments and in accordance with this section.
- .2 For drive throughs servicing car washes or food services, the queuing space shall be provided as follows:
 - (a) A minimum of five (5) in-bound vehicle storage shall be provided per queuing lane except it is a minimum of two (2) in-bound vehicle storage that shall be provided per queuing lane where the washing bay is coin operated and the vehicle is manually washed by an occupant of the vehicle. A minimum of two (2) out-bound vehicle storage shall be provided per queuing lane; and
 - (b) Each queuing space shall be a minimum of 6.0 m (19.7 ft) long and 3.0 m (9.8 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.
- .3 For all other drive throughs, the queuing space shall be provided as follows:

- (a) A minimum of three (3) in-bound vehicle storage shall be provided per queuing lane and two (2) out-bound vehicle storage shall be provided per queuing lane; and
 - (b) Each queuing space shall be a minimum of 6.0 m (19.7 ft) long and 3.0 m (9.8 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.
- .4 Drive throughs must not be accessed directly from a highway, and the queuing lanes must not conflict with on-site pedestrian movements, required parking, or on-site vehicle movement.

3.28 URBAN PLAZA REGULATIONS FOR URBAN CENTRES

- .1 In the Urban Centre Zones, where a building is 13 storeys or greater and the building length is 100.0 m or greater, an urban plaza is required as follows:
- (a) The urban plaza must include a minimum street frontage of 7.5 m (24.6 ft) and a minimum depth of 6.0 m (19.7 ft); and
 - (b) The urban plaza must have a minimum of one tree, with a minimum 9 cm caliper and a 90 cm rootball.

3.29 DENSITY BONUS

- .1 Density bonus contributions are permitted on properties zoned WUC1, WUC2, WUC3, and BUC1. Funds will contribute to priority housing types to meet the City's housing objectives established in the City's Housing Strategy in accordance with the City's Housing Reserve Fund.
- .2 The maximum base density requirements may be increased up to the maximum density (with density bonusing) specified in the applicable zone, and in accordance with the requirements specified in Table 3.17.

Table 3.17 Density Bonus Contributions for Housing

Apartment Building Type	Bonus Density Rate
Residential only, wood frame, condominium tenures	\$177.00/m ² (\$16.50/sf)
Mixed-use (condominium residential above commercial), up to maximum height (wood frame)	\$177.00/m ² (\$16.50/sf)
Residential only, concrete, condominium tenure	\$177.00/m ² (\$16.50/sf)
Mixed-use, concrete, condominium residential above commercial	\$177.00/m ² (\$16.50/sf)
100% of residential portion as market rental development (wood frame or concrete), up to maximum height (may include commercial at grade)	\$177.00/m ² (\$16.50/sf)

.3 Density Bonus for the Provision of Identified Municipal Priorities

(a) Despite any Maximum Base Density established in the Urban Centre zones or any Maximum Density established in the Neighbourhood Centre zones, additional density may be permitted where the proposed development will ensure the provision of the following municipal priorities and in accordance with the requirements specified:

i. Provision of Multiple Family Residential Adaptable Units

a) Where a multiple residential or mixed-use development has provided adaptable units in accordance with the requirements specified in Section 3.30:

- (i) In the WUC1, WUC2, WUC3, and BUC1 zones only, the multiple residential development is permitted a density bonus of 2% in the total buildable floor area to offset the impact of the additional space required up to the Maximum Density (with density bonusing) specified in the applicable zone and in accordance with requirements specified in Table 3.18; and
- (ii) In the NC1 zone only, the multiple residential development is permitted a density bonus of 2% in the total buildable floor area to offset the impact of the additional space required up to the maximum height specified in the applicable zone and in accordance with requirements specified in Table 3.18; and
- (iii) All other multiple residential development outside the identified Urban and Neighbourhood Centres are not eligible for the 2% density bonus.

Table 3.18 Density Bonus for Adaptability

Apartment Building Type	Bonus Density
Residential only, wood frame, condominium tenure	2% of buildable area
Mixed use (condominium residential tenure above commercial), up to maximum height (wood frame)	
Residential only, concrete, condominium tenure	
Mixed use, concrete, condominium residential tenure above commercial	

ii. Provision of Non-Surface Parking

a) In the WUC1, WUC2, WUC3 and BUC1 zones only, and to encourage the provision of non-surface parking:

- (i) Where 80% or more of the required parking is provided as non-surface parking, a density bonus of 63 m² of GFA per non-surface parking space is permitted up the Maximum Density (with density bonus) specified within the applicable zone.

- iii. Provision of Rental, Diverse and Affordable Housing
- a) In the WUC1, WUC2, WUC3 and BUC1 zones only, where the owner of a development provides rental, affordable or diverse housing as part of the development:
- (i) For the construction of any new multiple residential building or mixed use building, additional density may be permitted up to the Maximum Density (with density bonus) specified in the applicable zone and in accordance with requirements specified in Table 3.19.

Table 3.19 Density Bonus for Rental, Diverse and Affordable Housing

Type of Housing Provided	Conditions	Bonus Density
Rental Housing (secured for a minimum of 20 years)	Where 100% of the residential units are established as rental only units.	For wood frame up to 6 storeys, an additional 0.3 FAR per building; or for concrete 6+ storeys, additional FAR up to the maximum building height
Rent-controlled Housing (secured for a minimum of 20 years)	Where a residential unit is established for a minimum of 20 years as a rental only unit at a rental rate no greater than 30% of median renter income.	Additional FAR per building, calculated as m ² equal to 115% of the sum total of the size of each non-market rental unit
Diverse Housing – seniors (secured for a minimum of 20 years)	Where at least 50% of the residential units are established as seniors only rental units.	0.3 FAR per building
Diverse Housing – accessible (secured for a minimum of 20 years)	For the construction of any new multiple residential building or mixed use building, where a residential unit is constructed as an accessible unit designed to meet standards as defined in the BC Building Code.	28 m ² per accessible unit

- .4 The owner of a development that includes the provision of rental, affordable or diverse housing may be required to enter into a housing agreement as per the *Local Government Act*.
- .5 Despite Section 3.29.1 and 3.29.2, for housing initiatives provided by BC Housing, and/or other non-profit, Provincially or Federally led housing facilities in the WUC1, WUC2, WUC3, and BUC1 zones, where a proposed building does not exceed the maximum building height established in the applicable zone and the building design meets all required Development Permit guidelines, the floor space of the building that is occupied by the following residential uses shall not be included as part of the gross floor area (GFA) for the calculation of density:

- (a) Affordable non-market, rent geared-to-income or rent-controlled housing;
 - (b) Affordable non-market rental housing;
 - (c) Affordable diverse housing needs specific to seniors, at risk youth, or victims of violence;
 - (d) Affordable accessible housing; or
 - (e) Housing for people at risk of or experiencing homelessness.
- .6 For any density bonusing provision or combination of density bonusing provisions, the overall site density must not be greater than the Maximum Density (with density bonus) or any other regulation specified in the applicable zone including Maximum Building Height.
- .7 Contribution rates established in Table 3.17 may be adjusted on an annual basis based on either the Consumer Price Index or market condition adjustments, as appropriate. It is also subject to changes based on the updated Housing Needs Report or other City priorities.
- .8 Density Bonus provisions for rental, affordable and diverse housing established in Table 3.19 may be adjusted based on updates to the City's Housing Needs Assessment, other City priorities, or market condition adjustments, as appropriate.
- .9 Density Calculations
- (a) For the purpose of calculating floor area ratio density, where floor area ratio in the applicable zone is expressed to 1 decimal place, and results in a fraction, any fraction less than 0.05 shall be disregarded and any fraction 0.05 or greater shall be considered equivalent to 0.10; and
 - (b) For the purpose of calculating unit density, where the calculation of the density results in a fraction, any fraction less than 0.5 shall be disregarded and any fraction 0.5 or greater shall be considered equivalent to 1.

3.30 MULTIPLE RESIDENTIAL ADAPTABILITY

- .1 Notwithstanding BC Building Code amendments that may impose greater requirements, where more than 20 residential units are proposed within a multiple residential or mixed-use development, 20% of all new multi-family residential units must be constructed to meet standards for adaptability as defined in the BC Building Code. Multiple residential development within identified Urban and Neighbourhood Centres are eligible for a 2% density bonus to offset this requirement as per Section 3.29.