

## 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;
  - (c) Civic plazas;
  - (d) Community garden;
  - (e) Community mailboxes placed by Canada Post;
  - (f) Environmental conservation activities;
  - (g) Highways;
  - (h) Mobile vending;
  - (i) Parks, playgrounds and recreational trails;
  - (j) Civic uses and municipal facilities;
  - (k) 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;
  - (l) 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;
  - (m) Temporary construction and project sales offices authorized by building permit as temporary buildings; and
  - (n) 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.
  - (o) 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 dwellings permitted on a parcel, the owner of a parcel which already has a single detached dwelling or modular home, while in the process of constructing a new single detached dwelling or modular home on the same parcel, may continue to occupy the existing single detached dwelling or modular home during the

construction of the new single detached dwelling or modular home, subject to the following conditions:

- (a) Where an owner wishes to continue to use an existing dwelling as a residence while constructing another dwelling on the same parcel, the owner shall 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
- (b) Prior to issuance of any permit, the owner shall enter into an agreement requiring that a maximum time period of two (2) years from the date of issuance of a Building Permit to completion and occupancy of the new single detached dwelling or modular home not be exceeded, or as otherwise specified in the agreement, to the satisfaction of the City;
  - i. Remove the single detached dwelling or modular home; or
  - ii. Convert the existing dwelling into a non-residential use to the satisfaction of the Building Official, following approval of occupancy for the new single detached dwelling or modular home.

### **3.4 TEMPORARY USE OF A RECREATIONAL VEHICLE DURING CONSTRUCTION**

- .1 Despite a restriction under this Bylaw on the number of dwellings 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 Urban Centre Commercial Zone (C1) and uses (a) and (c) are prohibited within 150 m (492.1 ft) from an elementary 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:

**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 <sup>2</sup> (1,614.6 ft <sup>2</sup> )	15 m (49.2 ft)
3.8 ha (9.4 ac)	4	300 m <sup>2</sup> (3,229.2 ft <sup>2</sup> )	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. Flag poles;
  - v. Grain bins, silos and combination grain bins and silos;
  - vi. Industrial cranes;
  - vii. Monuments and sculptures;
  - viii. Municipal facilities;
  - ix. Rooftop mechanical equipment provided that the equipment is screened;
  - x. Spires, steeples and belfries; and
  - xi. Water towers.
- (b) No exempted structure, other than those listed in Sections 3.8.3(a)i. and 3.8.3(a)xi. 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, 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; and

- b) 0.6 m (2.0 ft) into the required minimum siting distance from the interior side or exterior side parcel boundary;
- iii. 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;
- iv. Eaves, 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; and
  - b) 0.6 m (2.0 ft) into the required minimum siting distance from the interior side or exterior side parcel boundary;
- v. Fences, solid screens and retaining walls;
- vi. Free standing light poles, flag poles, warning devices, antennas, masts, and clothes lines;
- vii. Sidewalks, patios, paving stones and hard surfacing of the ground;
- viii. Underground structures that do not extend above the surface of the parcel;
- ix. 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;
- x. Despite Section 3.8.4(a)ix.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
- xi. 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.

### 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) 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.
- (d) 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.
- (e) 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 <sup>2</sup> (645.8 ft <sup>2</sup> )
All other Residential Zones	3	100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> )

#### .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.

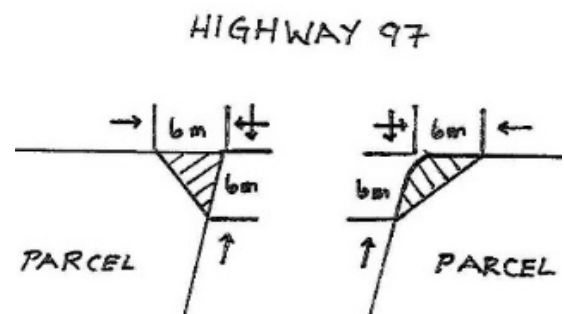
### 3.10 PORTABLE SAW MILLS AND PORTABLE SHAKE MILLS

- .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 m<sup>3</sup> (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.

*Figure 3.1 - Illustration of sight triangles*



- .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.

### 3.12 FENCES

.1 Prohibited Materials

- (a) No fence in a Residential 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 or the Agricultural Zone (A1) shall contain razor wire, sheet metal or corrugated metal.

.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, corrugated metal or chain link fencing, except for chain link fencing that contains slat inserts to create 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.

### 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 only be conducted within a principal dwelling unit.
  - (b) A minor home based business shall not occupy more than 25% of the gross floor area of the dwelling unit to a maximum of 20 m<sup>2</sup> (215.3 ft<sup>2</sup>), except for a care facility.
  - (c) A minor home based business shall not generate more than 1 client visit to the premises at any one time, except for a care facility.
  - (d) No person who does not reside in the dwelling unit shall be employed in a minor home based business, except for a care facility.
  - (e) A minor home based business is permitted to have no more than 1 non-internally illuminated sign to a maximum size of 3000 cm<sup>2</sup> (465 in<sup>2</sup>) that is attached to the dwelling and a minimum distance of 1.5 m (4.9 ft) from any parcel boundary.
  - (f) There shall be no exterior indication that a minor home based business is in operation on any parcel, except for permitted signage and parking.
  - (g) Retail sales in a minor home based business are limited to:
    - i. Products incidental to a service being provided; and
    - ii. Online, mail order, telephone sales and direct distributorships where customers do not enter the premises to inspect or pick up goods.
  - (h) A minor home based business shall not involve the repair or painting of vehicles, trailers, boats, commercial equipment or industrial equipment, welding or machine shops, spray painting or spray coating operations.

- (i) Despite the definition of 'dwelling', a food catering 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 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 <sup>2</sup> (538.2 ft <sup>2</sup> ), 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 <sup>2</sup> (1,076.4 ft <sup>2</sup> ), with the exception of a care facility.	50 m <sup>2</sup> (538.2 ft <sup>2</sup> )
Parcels of any size within an Agricultural Zone	Within the dwelling unit or within accessory buildings	A combined maximum of 150 m <sup>2</sup> (1,614.6 ft <sup>2</sup> ), with the exception of a care facility	50 m <sup>2</sup> (538.2 ft <sup>2</sup> )

- (b) 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.
- (c) A major home based business shall not 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.
- (d) At least 1 person who resides in the dwelling unit shall be employed in the major home based business except for a major home based businesses in an Agricultural Zone.
- (e) No more than 2 persons who do not reside in the dwelling unit may be employed in the business, except for a care facility.
- (f) 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 <sup>2</sup> (465 in <sup>2</sup> )	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 <sup>2</sup> (10.8 ft <sup>2</sup> )	

- (g) There shall be no exterior indication that a major home based business is in operation on any parcel, except for permitted signage and parking.
- (h) Retail sales in a major home based business, except for a major home based business in an Agricultural Zone, are limited to:
  - i. Products incidental to a service being provided;
  - ii. Mail order, telephone sales and direct distributorships where customers do not enter the premises to inspect, purchase or pick-up goods; and
  - iii. Products produced on the premises.
- (i) A major home based business shall not 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).
- (j) Despite the definition of 'dwelling' a food catering 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 LIVE/WORK UNITS

- .1 For live/work units at the street level, the commercial premises shall have direct pedestrian access from the abutting highway and no residential use shall face any parcel boundary at the street level along the following highways:
  - (a) Brown Road;
  - (b) Dobbin Road;
  - (c) Elliot Road; and
  - (d) Main Street.

### 3.18 SECONDARY SUITES

- .1 A secondary suite shall 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 breezeway, garage, or unconditioned space to a principal dwelling.
- .2 A secondary suite shall have a maximum gross floor area of 100 m<sup>2</sup> (1076.4 ft<sup>2</sup>) or 40 % of the habitable gross floor area of the principal dwelling, whichever is less.

- .3 The entrance to the secondary suite shall:
- (a) Be a separate exterior entrance from that of the principal dwelling unit; and
  - (b) Be 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.
- .4 A secondary suite 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.
- .5 A secondary suite shall not be subdivided under the Strata Property Act from the principal dwelling.
- .6 A secondary suite shall only be rented for rental periods of one month or greater, unless it is authorized as a short-term accommodation as specified in Section 3.21.
- .7 A secondary suite is not permitted on a parcel that contains a short-term rental (bed and breakfast).
- .8 A secondary suite is not permitted on a parcel that contains a carriage house, except where specifically permitted in this bylaw.

### 3.19 CARRIAGE HOUSES

- .1 A carriage house shall only be accessory to and on the same parcel as a principal single detached dwelling.
- .2 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 <sup>2</sup> (6,996.5 ft <sup>2</sup> )
RU1, RU2, RU3, RU4, RU5 & A1	2,500 m <sup>2</sup> (26,909.7 ft <sup>2</sup> )

- .3 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 <sup>2</sup> (1,184 ft <sup>2</sup> ) or 75% of the gross floor area of the principal dwelling, whichever is less
RU2, RU3, RU4, RU5, A1	140 m <sup>2</sup> (1,506.9 ft <sup>2</sup> ) or 75% of the floor area of the principal dwelling, whichever is less

Parcels within the ALR	90 m <sup>2</sup> (968.7 ft <sup>2</sup> ) or 75% of the gross floor area of the principal dwelling, whichever is less for parcels less than 40 ha; or 140 m <sup>2</sup> (1,506.9 ft <sup>2</sup> ) or 75% of the gross floor area of the principal dwelling, whichever is less for parcels greater than 40 ha
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- .4 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 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.
- .5 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 building permit for the carriage house provides to the City evidence that all filings with Interior Health that are required by Section 8 of the Sewerage System Regulation have been made.
- .6 Any carriage house over 1 storey in height shall provide a minimum of one parking space within the same building as the carriage house.
- .7 The entrance to the carriage house shall be a separate exterior entrance that does not require passage through any part of the building used for motor vehicle parking or accessory uses.
- .8 A carriage house shall be separated a minimum distance of 3 m (9.8 ft) from the single detached dwelling on the same parcel.
- .9 Where a carriage house is located within 25 m (82.02 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.

- .10 A carriage house shall not include any decks or balconies over 0.6 m (2.0 ft) in height or roof top patios.
- .11 A carriage house shall not be subdivided under the *Strata Property Act* from the principal single detached dwelling.
- .12 A carriage house shall only be rented for rental periods of one month or greater, unless it is authorized as a short-term accommodation as specified in Section 3.21.1
- .13 A carriage house is not permitted on a parcel that contains a secondary suite, except where specifically permitted in this bylaw.
- .14 A carriage house is not permitted on a parcel that contains a short-term rental (bed and breakfast).
- .15 A carriage house is not permitted on a parcel that contains an agricultural worker dwelling.

### **3.20 SHORT-TERM RENTALS AND SHORT-TERM RENTALS (BED AND BREAKFAST)**

- .1 A short-term rental use
  - (a) Must:
    - 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 a principal resident of the property that is permitted to be absent overnight on occasion when the short-term rental is rented, 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 90 consecutive days;
    - iv. Ensure that the operator or local contact is available to respond to the dwelling within two (2) hours of being requested to do so by the City; and
    - v. Ensure one dwelling unit is maintained for the principal resident.
  - (b) Must 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, and

- iii. Permit more than four bedrooms for short-term rental use per dwelling.
- iv. Short-Term Rental (Bed and Breakfast) use

(c) Must:

- i. Only be conducted within a single detached dwelling with no secondary dwelling unit on the same parcel;
- ii. Be operated by 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 90 consecutive days; and
- v. Illustrate the bedroom occupied by the principal resident.

(d) Must 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, and
- iii. Permit more than four bedrooms for short-term rental use per dwelling.

## .2 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.

## .3 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 m<sup>2</sup>, 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 from any parcel boundary.”

## 3.22 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 m<sup>2</sup> (1,507 ft<sup>2</sup>) 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.

### 3.23 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 m<sup>2</sup> (1,076.4 ft<sup>2</sup>).
- .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).

### 3.24 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 and 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 m<sup>2</sup> (1292 ft<sup>2</sup>); 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 m<sup>2</sup> (3230 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of the guest rooms.

### 3.25 SITING REGULATIONS AND BUFFERING FROM AGRICULTURAL LAND

.1 Siting Regulations

- (a) 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).
- (b) 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 (29.53 ft) if a Level 1 buffer is provided and maintained.
- (c) Sections 3.25.1(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 3.25.1 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 townhomes in the RC2 and 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**

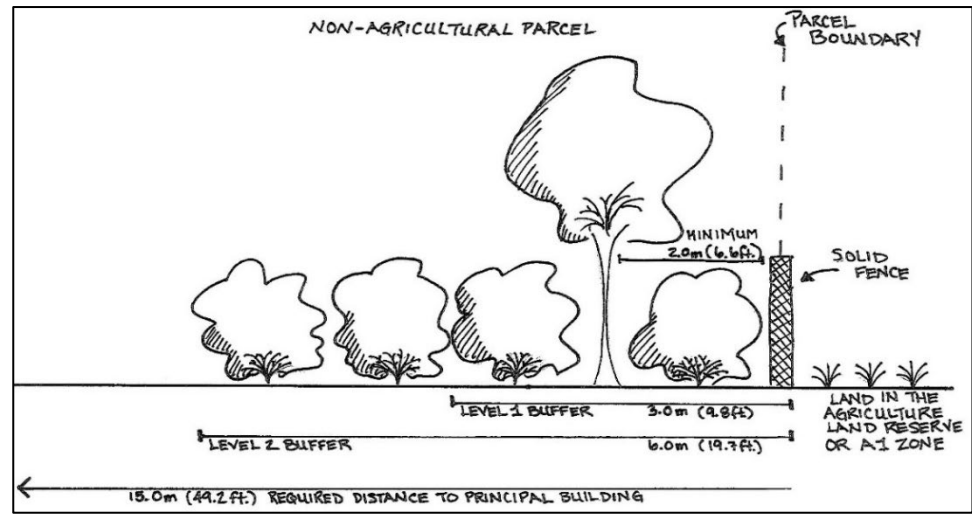
Type of Buffer	Minimum Buffer Width
Level 1 Buffer	3.0 m (9.8 ft)
Level 2 Buffer	6.0 m (19.7 ft)

(e) Minimum Buffer Specifications

- i. Level 1 and 2 Buffers shall consist of the following (as illustrated in *Figure 3.2* 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 3.25.3(b).
- 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

Figure 3.2 - Level 1 and 2 buffer specifications



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.

### 3.26 SITING FOR PORTIONS OF TALLER BUILDINGS ABUTTING AGRICULTURAL LAND

- .1 In Multiple Residential, Commercial, and Park and Institutional Zones, principal buildings shall be stepped back from land zoned Agricultural Zone (A1) or land within the ALR abutting the parcel on which the building is constructed as follows:
  - (a) 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;
  - (b) 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;

- (c) 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
- (d) Sections 3.26.1 (a), (b), and (c) do not apply to ALR land within Westbank First Nation.

### 3.27 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
	Confined Livestock Area with more than ten (10) agricultural units	Agricultural waste storage facility Chemical, compost, and wood waste storage	Brooder house Hatchery Fur farming shed	Boiler room Alcohol Production Facility Cold frame Crop storage
	Seasonal Feeding area	Confined Livestock Area with less than ten (10) agricultural units	Livestock barn	Detention pond
	Solid agricultural waste field storage with >2 weeks storage time	Incinerator Mushroom barn	Livestock shelter Milking facility	Direct farm marketing Granary Greenhouse
	Cannabis Production Facility	On-farm composting On-farm soilless medium production and storage Silo Petroleum Storage	Stable	Machinery storage On-farm processing On-farm product preparation Retention pond Impervious surfaces
<b>Stream</b>	30 m (98.4 ft)	15 m (49.2 ft)	15 m (49.2 ft)	15 m (49.2 ft)
<b>Channelized Stream:</b> 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)
<b>Constructed Channel or Ditch:</b> 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)

### 3.28 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 3.28.2 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 3.28.2 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.

### 3.29 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.

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