

DIVISION THREE - GENERAL REGULATIONS (300)

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300 General Regulations

1. **Accessible Design** (yet to be determined by council policy)
2. **Accessory Buildings** Accessory buildings including structures, garages, carports or any permanent structure with a roof, are subject to the following regulations:
 - Principal building**
 - a. Unless otherwise specified, accessory buildings or structures are permitted in each zone provided that the principal building has been constructed, or is in the process of being constructed, on the Parcel through an active building permit;
 - b. All structures connected by foundation, roofline or roof structure to the principal building are deemed to be part of the principal building;
 - Permitted structures**
 - c. The following are permitted anywhere on a Parcel:
 - i) Fences, in accordance with other regulations pertaining to fencing;
 - ii) Retaining walls, in accordance with other regulations pertaining to retaining walls;
 - iii) Trellises, pergolas, or similar landscape structures that do not have an impermeable roof;
 - iv) Temporary children's play equipment;
 - d. An accessory building shall not be used as a dwelling unit unless it complies with this bylaw (such as a Carriage House, Garden Suite or Employee Dwelling);
 - e. One bathroom with a toilet and sink is permitted in an accessory building, to a maximum of 3sqm (32.2sqft). Kitchen facilities are prohibited in accessory buildings.
 - Form and height**
 - f. Except in Commercial and Industrial Zones, shipping containers are not permitted as an accessory building or use for more than 30 days in all zones, unless otherwise specifically permitted;
 - Size and Parcel coverage**
 - g. Accessory buildings shall not exceed:
 - i) The area of the principal building; or
 - ii) 15% of the site area or a maximum of 100 m² (1,076.4 ft²) on any Parcel less than 0.4ha (0.98 ac) in size.
3. **Agricultural Land Reserve** Within the Agricultural Land Reserve, each provision of this bylaw shall be binding only insofar as it is not contrary or in conflict with the Agricultural Land Commission Act, Regulations made under the said Act and Orders of the Agricultural Land Commission.

- 4. Agricultural Worker Accommodation** Proof of need may be required by the District including:
- Description of farm operation;
 - Rationale for farm worker housing;
 - Number of full and part-time employees;
 - Site plan of proposed farmland and siting of proposed farm worker housing;
 - Approval from the Agricultural Land Commission where the parcel is within the Agricultural Land Reserve.
- 5. Agri-tourism**
- An agricultural heritage exhibit displayed on a farm (e.g. farm equipment displays);
 - A tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these (e.g. milking barn tour, cheese making demonstration, harvest demonstration, farm crafts such as wreath making or garlic braiding);
 - Cart, sleigh and tractor rides on the land comprising the farm;
 - Activities that promote or market livestock (e.g. cattle, horses, sheep, goats, poultry) from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and associated domestic livestock petting zoos;
 - Dog trials held at a farm (e.g. agility and stock dog events);
 - Harvest festivals and other seasonal events on a farm for the purpose of promoting or marketing farm products produced on the farm (e.g. pumpkin patch, garlic festival, blueberry festival); and
 - Corn mazes prepared using corn planted on the farm.
- 6. Agri-tourism Accommodation**
- Means the accommodation for tourists in the form of a sleeping unit(s) provided on a temporary bases where the accommodation relates to an Agri-Tourism Activity that is provided on a parcel.
- 7. Amenities** Within Commercial Zones and Multi-Family Residential Zones, the maximum density may be increased if amenities are provided as follows:
1. Attainable Housing
 - a. To address the Affordable Housing Strategy and subject to an Housing Agreement as per Section 483 of the Local Government Act:
 - i. The provision of 1 attainable rental unit is equivalent to an increase in density of 2 dwelling units or four sleeping units.
 2. Parks and Walkways
 - a. The provision of the following amenities are equivalent to an increase in density of 2 dwelling units or 4 sleeping units:
 - i. 70 m² of Public Walkway 3.0 meters in width along Mara Lake, Shuswap Lake or Sicamous Narrows;
 - ii. 100 m² of Public Walkway 6.0 meters in width along the Eagle River; and
 - iii. Park dedication equaling 200 m².

- iii. Exterior Cladding and Exterior Solid Wall Systems up to a maximum thickness of 0.165 metres provided that an exterior insulation or weather protection wall system has been approved by a Professional Engineer;
- iv. That portion of a dwelling that is dedicated for a vertical service shaft extending from the mechanical service area to roof for the purposes of solar hot water heating;
- v. That portion of a building that is dedicated for a vertical service shaft for an elevator or common stairwell;
- vi. Floors with a ceiling height of less than 1.5m;
- vii. That portion of a building provided for mechanical space, garbage and recycling management areas or bicycle parking;
- viii. Indoor amenity space provided for residents and guests of the building;
- ix. Attached garages on principal buildings or Coach Houses;
- x. Sheds, open porches or covered breezeways; and
- xi. Basements or underground parking areas whose floor is located a minimum of 1.5m below the average finished grade of all sides of the building.

15. Detached Secondary Dwelling

The exterior of a detached secondary dwelling shall be of similar form and character to the Single-Family Dwelling.

- a. Off-Street Parking shall be provided in accordance with Schedule D of this Bylaw.

16. Drive-Through Service Facilities

Where drive-through service facilities are installed, there shall be adequate queuing lanes provided on the property to accommodate six (6) vehicles between the property line and the ordering station. These queuing spaces shall be exclusive of any other parking space and aisle requirements contained in this By-law.

The drive-through service facilities shall not be visible from the street. If the drive-through service facilities are visible from the street or neighbouring properties, landscape screening or fencing, a minimum of 1.2m in height, shall be required, including located so as to block the light from vehicle headlights and all drive-through facilities from reaching neighboring properties.

Drive-through service facilities must provide garbage and recycling facilities.

17. Employee Dwelling Unit

An Employee Dwelling Unit shall:

- a. Be fully separated from the commercial, institutional or industrial use by walls, partitions, or floors;
- b. Have an entrance from the exterior of the building which is separate from the entrance to the commercial, institutional or industrial use;
- c. Not exceed 25% of the total area of buildings on the Parcel; and,
- d. Be the only Employee Dwelling on the Parcel.

An Employee Dwelling Unit can be accommodate:

- An Employee alone; or
- Two or more persons related by blood, marriage, common-law, adoption or foster parenthood sharing one dwelling unit; or
- Not more than five unrelated employees.

18. Family Child Care

- May be contained in a principal, an accessory, or a combination of principal and accessory buildings.
- Shall be limited to one day care facility per dwelling unit, accessory building, or combination of them.
- In a residential zone, any person residing within the dwelling unit may be engaged in the operation of a Family Child Care facility in that dwelling unit provided it is listed as a permitted use.
- The business license holder or his / her spouse shall be the owner or lessee of the dwelling unit that contains the Family Child Care facility operated under the business license and one of them shall reside in the dwelling unit;

19. Farm Retail Sales

- Retail sale of farm products in an area (inclusive of indoor and outdoor space) that does not exceed 300 m²;
- At least 50% of that area is limited to the sale of farm products produced as part of the farming unit;
- Could include a temporary roadside farm garden stand.

20. Fencing, Screening and Landscape Buffers

Fences

- a. Within Residential and Rural zones, fences may be:
 - i. 1.2 m (3.94 feet) high for a front yard or within 6m (19.68 feet) of an existing driveway or road right-of-way; and
 - ii. 2 m (6.56 feet) in height anywhere else on a Parcel.
 - iii. No fence constructed at natural grade in a residential zone shall exceed 2.0m in height, except where abutting an agriculturally zoned property where the maximum height is 2.4m.
 - iv. Vacant Parcels shall not have fences exceeding 1.2 m (3.94 feet) of height between the minimum setback distance required for a principal building and any property line abutting a street.
- b. Within Commercial, Industrial and Special Use Zones, fences that are located inside of the required setback areas may be a maximum of 3m in height and fences located within the required setback areas, may be:
 - i. 1.2 m (3.94 feet) high for a front yard or within 6m (19.68 feet) of an existing driveway or road right-of-way if the fence is opaque;
 - ii. 2 m (6.56 feet) high anywhere else on a Parcel; except
- c. Barbed wire and razor wire fencing shall not be permitted in any zone, except within the Rural, Resource, Civic and Industrial zones, in which case a maximum of 3 strings of barbed wire or razor wire shall only be located on a fence above a height of 1.83 m.

- d. Where a guard railing is required by the BC Building Code, the minimum required height of the guard railing may be excluded from calculation of fence height if necessary; and
- e. Electric security fencing, is permitted where the following standards are met:
 - i. The electric fence may be installed within a fenced portion of a property that has an existing non-electrified fence that is a minimum of 1.2m in height, forms a continuous enclosure around the electric security fencing, and is constructed in such a manner as to prevent unauthorized entry;
 - ii. The electric fence must display unobstructed warning signage that clearly indicates the risk of electric shock, installed at 10 m intervals around the electric security fencing;
 - iii. The electric fence may not involve the electrification of barbed or razor wire;
 - iv. The electric fence may not conduct current in excess of 10,000 volts.

Screening

- f. Any part of a Parcel used for outside storage or garbage or recycling containers, shall be enclosed by a landscape screen and no material shall be piled above the height of the landscape screen;
- g. For non-vacant land zoned for commercial, industrial or civic uses that shares a property line with a residential or mixed-use zone, the owner of the non-residential Parcel shall provide a fence or landscape screening along the property line of not less than 1.83m in height;
- h. Landscape screening and hedging located within 6.0 m (19.68 feet) of an existing driveway access or road right-of-way may be established and maintained to a maximum height of 0.9 m (2.96 feet) above the surface elevation of the road per the Provincial Public Undertakings Regulation (see Division 3.10. Corner Visibility).

Landscape buffers

- i. A landscaped buffer shall be located within 1 m of the perimeter of the property and consist of:
 - i. At least 1 tree every 10m of the perimeter of the property. The number of shrubs shall be a minimum area of 20% of the overall landscape plan.
 - ii. The minimum width of a landscaped buffer shall be:
 - a. 2 m (6.56 feet) where the development abuts a residential zone;
 - b. 3 m (9.84 feet) where the development abuts a public road;
 - c. 10 m (32.8 ft) where the development abuts a property within the ALR
 - d. 3 m (9.68 feet) where the development abuts a controlled access highway.

- j. (c) Landscape screening and hedging located within 6.0 metres (19.68 feet) of an existing driveway access or road right-of-way may be established and maintained to a maximum height of 0.9 metres (2.96 feet) above the surface elevation of the road per the Provincial Public Undertakings Regulation (see Division 3.10. Corner Visibility)..

21. Firearms

All uses related to firearms and ammunition including but not limited to manufacturing, processing, testing, wholesale and retail sales, importation, shipping, rental, repair, storage and display of firearms and ammunition, instruction in the use of firearms, and the operation of shooting ranges are prohibited within all zones, except that:

- a. Storage, sale and display of firearms and ammunition are permitted in commercial zones with the required licenses as permitted in Firearms Act (Canada), the Explosives Act (Canada) and regulations made under those statutes.

22. Floodplain Requirements

See Schedule C of this bylaw on Floodplain Requirements

23. Heat Pumps and Air Conditioners

Exterior heat pumps, air conditioners and swimming pool utility equipment are not permitted in the front or exterior side yard, but are permitted to be located:

- a. A minimum of 1.2m from the interior side property line.
- b. A minimum of 3.0m from the rear property line.

24. Height Exemptions

The following structures are exempt from the height requirements of zones in this bylaw:

- a. Chimneys, elevator or stairway penthouses, HVAC equipment where appropriately screened;
- b. Industrial structures including industrial cranes, upright silos, tanks, radio and television antennas and smoke stacks;
- c. Public or civic structures including church spires, domes, public monuments, flag poles and stadium bleachers; and
- d. Utility and communication infrastructure including lighting and utility poles, satellite dishes, cell phone relays, fire and hose towers and solar energy arrays.

25. Home Based Business

Home Based Businesses, where permitted in this Bylaw shall meet all of the following conditions must be satisfied for the establishment and continued use of the Home based Business:

- a. The use must be solely operated by a person resident in the dwelling unit and must not involve the employment of more than one full-time or two part-time employees on the Parcel.
- b. The use must be conducted entirely within one or more buildings or structures, except for growing produce, grass, flowers, ornamental shrubs or trees.
- c. Maximum gross floor area of home occupation use:

- i. (a) Principal Building – lesser of 20% or 46 m² (494.96 ft²),
 - ii. (b) Accessory Buildings (combined total) – 46 m² (494.96 ft²),
and
 - iii. (c) Overall Total for the Parcel – 46 m² (494.96 ft²).
- d. The use must not involve the display or selling of goods, wares or merchandise as the primary home occupation use but may involve the display and sale of a good, produce, wares or merchandise that is either produced on the Parcel, or is accessory to the home occupation use.
- e. No outdoor storage, unenclosed storage or storage facility use is permitted.
- f. No automobile, boat, or other machinery servicing or repair is permitted.
- g. The total display area of any outdoor advertising sign is subject to the District of Sicamous Sign Bylaw
- h. Home occupations must not discharge or emit the following across Parcel lines:
 - i. (a) odorous, toxic or noxious matter or vapours;
 - ii. (b) heat, glare, electrical interference or radiation;
 - iii. (c) recurring ground vibration;
 - iv. (d) noise levels exceeding 45 decibels.
- i. Off-street parking must be provided in accordance with Schedule D
- j. No Distillery use is permitted.

26. Lighting

Any outdoor lighting for any development shall:

- a. Be located and arranged so that no direct rays of light are directed at any adjacent Parcels, streets, walkways or interfere with the effectiveness of any traffic control device;
- b. Be allowed to be directed near vertically (within 15 degrees of vertical) to highlight key features of a building or landscape;
- c. Not include any flashing or blinking exterior lighting or exterior neon lighting in residential zones;
- d. Be shielded in residential zones so as to not shine beyond the boundaries of the Parcel;
- e. Not include lighting posts that exceed the lesser of the height of the principal building or 7.0m.

27. Parcel Coverage

Parcel coverage shall be determined by calculating the total ground floor area of all buildings and structures on a parcel as measured from the outermost perimeter, expressed as a percentage of the total parcel area; but excluding the areas of the following:

- a. Balconies located above the first storey which are cantilevered from a building without footings or support extending to the ground;
- b. Canopies and awnings;
- c. Uncovered decks and patios that are not more than 0.6m (2.0ft) above grade; and
- d. Uncovered swimming pools.

28. Permitted Uses

Subject to the further regulations of this Bylaw, the following Uses shall be permitted in any zone:

- a. An Accessory Use that is customarily incidental and subordinate to a permitted Use located on the same Parcel;
- b. Repairs to any building or structure, provided that all such repairs comply with regulations of the zone in which it is situated;
- c. Temporary structures or buildings which are erected for the purpose of providing temporary office space or shelter for construction or maintenance crews or storage of materials for the erection or maintenance of any private or Public Utility, or building or structure for which a required building permit has been obtained, provided such structure or building is removed within thirty (30) days of completion of such utility, building or structure;
- d. Any Use providing for the essential servicing of the District with water, sewer, electrical, telephone, and similar services where such Use is established by the District, by another governmental body, or by a company operating under the Utilities Commission Act; includes sewer, water main, and power line easements, pump houses, substations, telephone exchanges, traffic and street lighting, and traffic controls;
- e. Neighbourhood Energy Utility;
- f. Public streets and lanes, and public street furnishings, including garbage and recycling bins;
- g. Buildings providing for a temporary Accessory Office Use or Accessory marketing Use customarily incidental to the permitted Principal Use with a valid building permit including a show home or residential sales centre;
- h. The temporary use of a building or part thereof as campaign headquarters for political candidates or as a voting place for government elections, referenda, plebiscites or census, provided that the time period of such use does not exceed sixty (60) days;
- i. Hobby Beekeeper;
- j. Interpretive signage;
- k. Parks, trails, playgrounds and conservation areas;
- l. Public Piazza;
- m. Community Mailbox;
- n. Bus stop;
- o. Urban Agriculture;
- p. Community Garden;
- q. Public Art;
- r. Public Utility;
- s. Electric Vehicle Charge Station;
- t. Archaeological Reserve;
- u. Cultural exhibits; and
- v. Solar energy devices.

29. Prohibited Uses

The following Uses shall be prohibited in all zones, unless otherwise permitted in specific zones:

- a. Scrap and recycling yard when conducted outside a building;

- b. Adult entertainment businesses;
- c. Escort services;
- d. Massage parlours;
- e. Prize fighting, kick boxing and other martial arts contests, mud wrestling, exotic dancing, bikini contests, and similar entertainment of a violent or sexual nature, when conducted in liquor principal or food principal licensed establishments;
- f. Premises used entirely or principally for prescribing, or for the sale or dispensing, of methadone, suboxone, other opioid substitutes, or opioids;
- g. The bulk Loading, bulk unloading, Bulk Plants/storage, production, refining or processing of Dangerous Goods;
- h. A Weapons Use;
- i. An exotic performance, show or exhibition on a premises not duly licensed and regulated by the provisions of the Liquor Control and Licensing Act;

30. Refuse and Recycling Bins

All multi-family housing, commercial or industrial uses shall provide refuse and recycling bins subject to the following regulations:

- a. Provisions for garbage storage, recycling and collection shall be made for these facilities on the same site as the permitted use;
- b. All garbage and recycling bins in zones other than agricultural zones, shall require opaque screening of a minimum of 2.0m in height or the height of the refuse or recycling bins, whichever is higher, by way of fencing or landscaping from adjacent Parcels and streets;
- c. Garbage or recycling bins, rooms or enclosures designed for vehicle access shall be located to provide unobstructed access with a minimum width of 3.0 m and a minimum vertical clearance of 4.6 m;
- d. Any garbage and recycling areas co-existing with any parking or loading area:
 - i. Shall be clearly delineated as separate and in addition to required parking and ^[]loading spaces;
 - ii. Shall not be located in any public Right of Way;
- e. The amount of space required for garbage and recycling bins for each land use, shall be a minimum of:
 - i. Multi-family (over 3 units) – 0.5 sqm/unit;
 - ii. Tourist accommodation – 0.4 sqm/room;
 - iii. Retail – 0.025 sqm/sqm;
 - iv. Office – 0.010 sqm/sqm;
 - v. Restaurant – 0.026 sqm/sqm;
 - vi. Large commercial venues – 0.018sqm/sqm;
- f. Separate garbage and recycling storage spaces shall be provided for residential uses and commercial uses within any mixed-use building; and
- g. All refuse and recycling bins should be sited as far away from watercourses as possible.

31. Renewable Energy

Solar energy

Solar energy devices are permitted in any zone.

Solar energy devices are permitted:

- a. In all zones:
 - i. When attached to either a principal or accessory building or structure, the solar energy device does not extend beyond the outermost edge of the building or structure or the highest point of the roof or structure; and
 - ii. When the solar energy device is a standalone structure, it shall not be sited within the front yard and it shall meet the side and rear yard siting requirements for the principal building or structure on the Parcel on which the solar device is located.

Biomass

Biomass fuelled boilers and Process Heaters shall be permitted in industrial, agricultural or resource zones, subject to the requirements for an accessory building or structure in this bylaw.

Wind energy

Wind driven energy systems shall be permitted in agricultural or resource zones, subject to the requirements for an accessory building or structure in this bylaw.

32. Retaining Walls

Retaining walls:

- a. Shall not exceed 1.2m in height from the base of the wall; except where supports for plants are installed in the wall and vegetation is planted to cover or screen 75% the wall surface 12 months of the year to within 0.60m of the top of the wall, it may be a maximum of 2.5m in height;
- b. Multiple retaining walls must be constructed so that the retaining walls are spaced to provide at least a 1.22 m horizontal separation between them;
- c. If a fence is constructed on top of a retaining wall within 1.22 m of a front, exterior side, interior side property line, or rear property line, the height of the fence may not be greater than 1.2m; and
- d. No retaining wall over 1.83 m in exposed height may be located closer than 2 m to a front, exterior side or rear property line.

33. Secondary Suites

The following regulations shall apply in zones where a secondary suite is a permitted use:

- a. A secondary suite shall be entirely contained within a principal dwelling, but shall have a separate entrance from the outside;
- b. The size of a secondary suite shall:
 - i. Not exceed 40% of the habitable floor space of the principal dwelling in which the secondary dwelling is located; and
 - ii. Have a minimum floor area of 33 m² (355.22 ft²);
- c. All secondary suites shall be connected to the same water and sanitary sewage servicing system as the principal building;
- d. In addition to the off-street parking spaces required for the principal dwelling unit, one off-street parking space is required for the Secondary Suite;
- e. Tandem parking is permitted for the second space required for the principal dwelling; and,
- f. A secondary suite shall not be permitted in a mobile home.

34. Care Facility

Where permitted in this Bylaw, a Care Facility shall be subject to the following conditions:

- a. The Area of a Dwelling Unit shall not be less than 26 m² and not more than 75 m²;
- b. Accessory Personal Service and accessory Retail store uses, where they are provided, shall be contained within the Care Facility and shall only be accessible from an internal hallway or corridor; and
- c. The combined total floor area of all Accessory Personal Service and accessory Retail store uses shall not exceed 150 m² of net floor area.

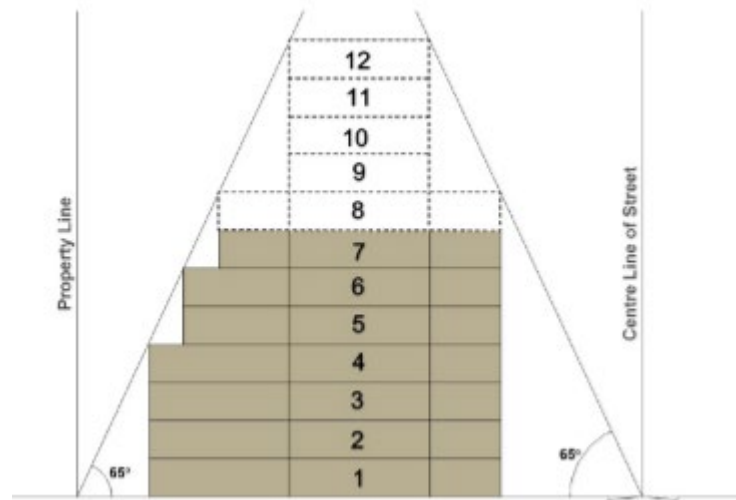
35. Servicing Required

No building, structure, or Parcel in any zone shall be used for any purpose that requires street access or services unless the Parcel has actual physical access from the street and the owner has obtained proper authorization to have the required services installed and has installed such services in accordance with the *District of Sicamous Subdivision and Servicing Bylaw*.

36. Setbacks and Building Massing

Buildings and structures shall be sited and massed as follows:

- a. Buildings and structures may be constructed in accordance with the setback requirements of each zone provided such buildings and structures do not extend within:
 - i. 30 m (98.42 feet) of the centerline of a controlled access highway;
 - ii. 20 m (65.6 feet) of the centerline of any un-surveyed public road;
 - iii. 15 m (49.21 feet) of the natural boundary of any watercourse;
- b. Subject to specific provisions in Comprehensive Development Zones, siting and setback regulations shall apply to every multi-unit residential, commercial and institutional buildings as illustrated in the following figure:



- c. In the case of a building more than two storeys or 10m (32.8ft) in height, no part of such building above the third storey or above 10m (32.8ft) measured from finished grade shall project beyond lines extending towards the building at an angle of 65 degrees from:
 - i. All points along the central line of an adjacent street and inclined at an angle of 65 degrees to the horizontal;

- ii. All points along the centre line of the rear lane or the rear boundary line of the Parcel where there is no lane and inclined at an angle of 65 degrees to the horizontal; and
- iii. All points along the side property line of the Parcel and inclined at an angle of 65 degrees to the horizontal.

37. Shipping Containers

In all zones, shipping containers shall:

- a. Not be used for fencing, screening or advertising;
- b. Not be stacked vertically to a maximum of two (2) containers high, except in the Heavy Industrial Zone where they may be stacked to a maximum of 3 containers high, except where permitted by Development Permit;
- c. Not encroach into a sidewalk, a right-of-way, easement or landscape buffer without a permit;
- d. Not occupy the minimum required parking spaces, loading spaces, or landscaped areas on any Parcel; and
- e. Not create a sight line obstruction or be located within a setback area.

Where permitted as a temporary structure, shipping containers must:

- f. Must not impede or block construction, pedestrian, road and other related traffic; and
- g. Must be located on or immediately adjacent to the subject construction site and not obstruct or interfere with other construction and service based activities when used on a construction site, and shall be removed from the site within thirty (30) days of receiving an occupancy permit or immediately if no construction work takes place for a period of thirty days or longer. If it is to be located on a site adjacent to the construction site, a TUP must be approved by Council.

Where shipping containers are to be used as an accessory structure, they:

- h. Shall meet all applicable policies and regulations, including those that regulate accessory uses;
- i. Shall adhere to all requirements for accessory structures in this bylaw;
- j. Shall not be placed in the front or exterior side yard of any Parcel; and
- k. Shall be anchored or placed on a permanent foundation.

38. Short Term Rentals

A person must not carry on business as a Short-Term Rental operator unless the person holds a valid Business Licence issued under the provisions of this Bylaw and the Business Licence Bylaw.

Off-street parking must be provided in accordance with Schedule D.

Local Responsible Person

- a) A person may only operate a short-term rental in a premises other than their principal residence if they designated a local responsible person who at all times that the Short-Term Rental is operated, has access to the premises and authority to make decisions in relation to the premises and the rental agreement.

- b) A person may only operate a short-term rental if they ensure that the name and contact information of the local responsible person is prominently displayed in the Short-Term Rental premises at all times when the Short-Term Rental is operated.
- d) The local responsible person must be able to attend at the Short-Term Rental premises within two hours of being requested to do so.

39. Special Line Setbacks

Buildings and structures may be constructed in accordance with the setback requirements of each zone provided such buildings and structures do not extend within:

- a. 12.5 m (41.01 feet) of the centerline of the following major roads:
 - i. Shuswap Ave;
 - ii. Kappel Street west of Riverside Avenue and east of Highway 97A;
 - iii. Rauma Ave between Trans Canada Highway and Kappel;
 - iv. Solsqua - Sicamous Road;
 - v. Old Spallumcheen Road;
 - vi. Parksville Street;
 - vii. Larch Avenue; and
 - viii. Holly Avenue.
- b. 30 m (98.42 feet) of the natural boundary of the Eagle River;
- c. 15 m (49.21 feet) of the natural boundary of Mara Lake, Shuswap Lake, and Sicamous Narrows.
- d. 18.0 metres (59.0 feet) of the centreline of Riverside Avenue and of Kappel Street located between Riverside Avenue and Highway 97A.

40. Subdivision

Regarding the subdivision of land:

- a. The minimum Parcel sizes shall be in accordance with the applicable zones;
- b. Notwithstanding the minimum Parcel sizes in zones, the minimum size of Parcel that may be created shall be 1 ha (2.5 ac) for Parcels serviced by both neither municipal water nor municipal sewer;
- c. Sicamous Council delegates to the Approving Officer the power under Section 512 (2) of the Local Government Act to exempt a Parcel from minimum frontage regulations established within this Bylaw;
- d. Notwithstanding the Parcel area requirements of this Bylaw, where the requirements are met under each zone with respect to the provision of water service and sewage disposal, minimum Parcel size requirements shall not apply to a subdivision where:
 - ii. Two or more Parcels are being consolidated into a single Parcel; or
 - iii. The effect of the subdivision would not increase the number of Parcels but would adjust the boundary between existing Parcels, provided that the boundary change did not result in the reduction of either Parcel by more than 10% of its original Parcel size; or
 - iv. An accretion is added to the Parcel;

- v. As a result of dedication of land for road widening purposes, the yards and setbacks of an existing building or structure are rendered non-conforming to the yard and setback requirements of the Zone, the bylaw siting requirements shall not apply; or,
- vi. Where the Parcel is created as a result of a road dedication through a parent Parcel.

41. Swimming Pools and Hot Tubs

All Parcels with exterior swimming pools or hot tubs are subject to the following regulations:

- a. Swimming pools and hot tubs shall not be located in a front yard;
- b. Above ground swimming pools and hot tubs shall meet the siting requirements of accessory buildings;
- c. At grade swimming pools shall be located at a minimum of:
 - i. 1.5m from side and rear property lines;
 - ii. 3.0m from any street side property line;
 - iii. 7.5m from any natural boundary of an adjacent water body;
- d. Swimming pools shall be enclosed in a structure or surrounded by a fence.

42. Mobile Vending Unit

Mobile vendors are permitted to operate:

- a. With the required license from the District when located on public land;
- b. In any zone that permits mobile vending, or approved through a Temporary Use Permit;

43. Temporary Uses and Buildings

Temporary buildings:

- a. May be erected for the following uses:
 - i. A temporary use granted during the planning approvals, construction or repair of a principal building on the same Parcel, intended for that use, subject to other regulations in this bylaw;
 - ii. A sales office for real estate development projects undergoing planning approvals or construction;
 - iii. Shelter for construction or maintenance crews on the Parcel where they are working until construction is complete;
 - iv. Housing of a security guard or night watchperson on the Parcel where they are working;
 - v. Storage of materials for the construction or maintenance of any building, to a maximum of 18 months;
 - vi. A polling station for election, referendum, census or similar uses;
 - vii. A campaign headquarters for a political candidate;
 - viii. A garage or workshop for a residential property, to a maximum of 120 days per year;
- b. Shall be permitted provided that:

- i. The use of the temporary building is supported by the Parcel's zoning; and
- ii. The temporary use meets the parking requirements of this bylaw;
- c. Shall be permitted within a single CSA certified Recreational Vehicle per Parcel:
 - i. During the construction of a single residential dwelling provided a building permit has been issued for the Parcel and has not expired; and
 - ii. For non-paying guests of the owner or occupant of a single residential dwelling on the Parcel, provided such use does not exceed 21 days in the calendar year;

**44. Urban
Agriculture**

Agricultural uses are permitted in urban areas, on non-ALR lands, subject to the following regulations:

Impacts

- a. Urban Agriculture uses and activities that produce or emit hazards, odour, dust, smoke, noise, effluent, light pollution, glare, or other noxious emissions that are detectable at the property boundary are prohibited.

Greenhouses

- b. In non-agriculturally zoned lands, greenhouses are permitted to a maximum of 30m² (322.92 ft²) in total floor area per Parcel;
- c. Greenhouses or accessory structures associated with urban agriculture must conform to the applicable zoning requirements for accessory buildings or structures for the relevant zone. A greenhouse is not included in the calculation of Parcel coverage for accessory buildings or structures;
- d. The height of greenhouses, accessory buildings or structures, and agricultural structures for food production purposes must not exceed 3.5m (11.48ft);

Sale of agricultural products

- e. Where food is produced for the purpose of commercial sale, trade, or distribution offsite, or where no residential dwelling exists on the Parcel, urban agriculture must also comply with the following:
 - i) Secondary processing of food products produced on site is prohibited in residential zones unless in conjunction with an authorised home-based business;
 - ii) No outdoor storage of related equipment and materials is permitted; and

Keeping of animals

- f. No animals, other than household pets and guard dogs, may be kept in any non-agricultural zone other than chickens and bees as per the following regulations:

Urban chickens

- g. Chicken keeping in areas outside the ALR is permitted in all zones provided no roosters are kept, hens are provided a chicken coop and there are no more than 4 hens per Parcel;
- h. Chicken coops must be:
 - i) No more than 10 m² in floor area;
 - ii) No more than 2 m high;
 - iii) Situated in accordance with the accessory building setback regulations;
 - iv) No closer than 3 m from any door or window of any dwelling;
 - v) Situated in a rear yard only;
 - vi) Located at grade level;

Urban beekeeping

- i. The keeping of bees in areas outside of the ALR and not zoned for agriculture is permitted provided that:
 - i) No more than 2 beehives are kept on all Parcels under 929 square metres in size;
 - ii) No more than 4 beehives are kept on all Parcels over 929 square metres in size and under 1394 square metres in size;
 - iii) No more than 6 beehives are kept on all Parcels over 1394 square metres in size;
- j. Beehives must:
 - i) Be situated in accordance with the accessory building setbacks identified in this bylaw;
 - ii) Be positioned so that the beehive entrance faces away from the closest neighbouring property line;
 - iii) Be located in the rear yard with a solid fence at least 2 metres in height;
 - iv) Be constructed to prevent access by wildlife and other animals; and
 - v) Have clear, visible signage on the Parcel warning that bees are present;

Community Gardens

- k. Community garden can only be located on a property with the permission of the property owner, and shall conform to all relevant municipal policies and bylaws;
- l. Community gardens must be serviced by and connected to the municipal water system on the same Parcel as where the community garden is located;
- m. Accessory buildings and structures for community garden use, including but not limited to storage for materials and tools, a composting facility or small greenhouse, are permitted, provided that the accessory buildings and structures shall be in

accordance with regulations applicable to accessory buildings in this bylaw;

- n. Raised garden beds shall be set back a minimum of 1.2 metres from all property lines; and
- o. Community garden compost shall only be used for the purpose of composting on-site organics.

45. Usable Open Space

Open space shall be provided in all new developments as follows:

- a. In Multi-Family Residential and Tourist Commercial zones, usable open space, including landscape buffer areas shall include:
 - i. A minimum of 15% of the total Parcel area; plus
 - ii. A minimum of 10 m² of useable open space per dwelling unit.
- b. In Commercial, Industrial and Civic zones:
 - i. A minimum of 2 m² of common useable open space shall be provided for every 100 m² of area of buildings on the Parcel.

46. Utility Siting

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

- a. A cabinet less than 1.8 m in height with no horizontal dimension exceeding 1.0 m need not comply with any yard requirements in any zone;
- b. A cabinet less than 1.8 m in height with a horizontal dimension between 1.0 m and 2.0 m must be set back at least 1.0 m from a property line; and
- c. A cabinet greater than 1.8 m in height or with a horizontal dimension exceeding 2.0 m shall comply with the setbacks for accessory structures in that zone.

Satellite dishes and other equipment for receiving or transmitting information with radio waves shall not be permitted in the front yard of any property occupied with a residential use with the exception of properties within the Rural and Agricultural zones.

47. Vehicle and Equipment Storage Restrictions

The following restrictions apply to the parking of vehicles, recreation vehicles, boats or recreation equipment on residential properties:

- a. Parking or storage of vehicles for residential Parcels shall not exceed a combined total of more than four motor vehicles, recreational vehicles, and recreational boats. Where a two-family dwelling or multiple family dwelling is located on a Parcel, the combined total of vehicles shall not exceed three per dwelling unit;
- b. No Parcel in any zone shall be used for the wrecking or storage of derelict vehicles, boats, recreational vehicles, recreational equipment or more than two unlicensed motor vehicles, except where specifically permitted in that zone, or unless the keeping of wrecked vehicles is required for the operation of a permitted business as an accessory use and in such case the wrecked vehicles shall be completely enclosed within a building or within a wall or fenced area with no wrecked

vehicles to be visible from a highway, and further provided that the total number of wrecked vehicles stored within the walled or fenced area shall not exceed five (5) at any time;

- c. No residentially zoned Parcel shall be used for the parking, storage, or repair of a commercial vehicle which has, or at any time has had, a licensed gross vehicle weight greater than 8,600kg, as indicated on a present or past commercial vehicle registration (except where permitted under Home Occupation);
- d. No Parcel zoned residential shall be used for the parking, storage or repair of commercial boats;
- e. Houseboats are specifically prohibited from being stored, parked, or repaired on residential property; and
- f. Where the property is zoned for a single dwelling residential use only and an identifiable commercial vehicle is parked on the property, the vehicle must be for use of the property resident and that resident must be an employee or owner of the company the vehicle is identified with.