

# **TOWNSHIP OF SPALLUMCHEEN**

## **ZONING BYLAW NO. 1700, 2008**

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

#### **TABLE OF CONSOLIDATIONS**

#### **AMENDMENT BYLAWS:**

<b>BYLAW TEXT AMENDMENTS</b>			
<b>Bylaw No.</b>	<b>Adopted</b>		<b>Summary</b>
Bylaw No. 1569, 2006	Mar 19, 2012		Lot 1 KAP86286 A.2 off-farm product processing
Bylaw No. 1656, 2006	Nov 3, 2008		4782 HWY 97A A.2 permitted agri-tourism use
Bylaw No. 1728, 2008	Mar 2, 2009		Lot A KAP78698 LH home based busi. regs
Bylaw No. 1750, 2009	Aug 4, 2009		1580 Mountain View Rd A.2 home based busi. regs
Bylaw No. 1759, 2009	Dec 7, 2009		994 HWY 97A R.5 detached garage permitted
Bylaw No. 1767, 2010	May 2, 2011		C.7 amendment to include driving lessons
Bylaw No. 1769, 2010	Oct 4, 2010		3811 HWY 97A home based business. regs
Bylaw No. 1811, 2011	Dec 16, 2011		A.2 and L.H home based business. regs
Bylaw No. 1818, 2011	Feb 6, 2012		Lot 3 KAP47909 lot area not < 8.08 hectares
Bylaw No. 1819, 2012	Dec 3, 2012		SH second SFD permitted on lots not < 2 hectares
Bylaw No. 1829, 2012	July 13, 2015		Minimum lot size 30.5 ha or as approved by the ALC
Bylaw No. 1855, 2013	Oct 6, 2014		Definition Home based busi. Excludes Cannabis
Bylaw No. 1895, 2015	Oct 19, 2015		Sec 23 Twp 7 ODYD A.2 agri-tourism exemption
Bylaw No. 1897, 2015	Jan 18, 2016		1665 Whitaker Rd Accessory building
Bylaw No. 1938, 2017	Sept 18, 2017		Detached suites and secondary dwellings
Bylaw No. 1961, 2018	Oct 1, 2018		Cannabis regulation in Twp zones
Bylaw No. 1948, 2017	Nov 19, 2018		SE1/4 Sect 14 Twp 7 ODYD waste water
Bylaw No. 1944, 2017	April 15, 2019		4300 Maw Rd special events on A.2
Bylaw No. 1986, 2019	Aug 17, 2019		Twp zones and cannabis on A.2
Bylaw No. 1990, 2019	Dec 2, 2019		Min lot sz and front. in subs resulting in = # of lots

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Bylaw No. 2003, 2020	Nov. 2, 2020		SE1/4 Sect14, Twp 7ODYD waste water
Bylaw No. 2033, 2020	Dec 22, 2020		SE1/4 Sect14, Twp 7 ODYD waste water
Bylaw No. 2029, 2021	Apr. 6, 2021		Minimum lot size for subdivision
Bylaw No. 2047, 2021	Jun 2, 2021		4305 L&A Cross Rd specific use: feed mill
Bylaw No. 2063, 2022	Feb 7, 2022		Cannabis production facilities reg
Bylaw No. 2064, 2022	Feb 7, 2022		Lotus cannabis exemption from reg
Bylaw No. 2059, 2022	Apr 19, 2022		A.2 agri-tourism accommodation – O’Keefe Ranch
Bylaw No. 2079, 2022	Oct 3, 2022		Lounge agri tourism indoor and outdoor area
Bylaw No. 2075, 2022	March 20, 2023		Lot 9, Plan KAP2010 floor area < 6,968m <sup>2</sup>
Bylaw No. 2099, 2022	August 21, 2023		Removal of covenant requirements
Bylaw No. 2104, 2023	October 20, 2023		8 Greenhow Rd & 9 Ridgeview Rd – Front yard use for storage areas
Bylaw No. 2123, 2023	October 20, 2023		Amend definition of Manufactured Home & Manufactured Home, Modular
Bylaw No. 2110, 2023	December 4, 2023		Amend accessory structures in R.1 Zone & Addition of Cluster Development in S.H Zone
Bylaw No. 2135, 2034	May 21, 2024		Text amendments to definitions, back yard hens, bed & breakfast use, A.2 Zone updates to reflect ALR, parking space requirements and others

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<b>BYLAW MAPPING AMENDMENTS</b>		
<b>Bylaw No.</b>	<b>Adopted</b>	<b>Summary</b>
Bylaw No. 1645, 2008	Oct 20, 2008	Lot 2 DL1016 KDYD portion A.2 to SH
Bylaw No. 1655, 2008	Sept 15, 2008	Lot 1, Sec 26, Twp 17, Plan 29374 A.2 to C.R
Bylaw No. 1699, 2008	Jun 18, 2012	SE ½ 160 Rods DL990 KDYD A.2 to R.1 and C.R
Bylaw No. 1720, 2008	Jan 11, 2010	NE 1/4 Sec 27 Twp 7 ODYD L.H & A.2 to A.2
Bylaw No. 1733, 2009	Jun 1, 2009	Lot 2 Sec 34 Twp 8 ODYD A.2 to C.R
Bylaw No. 1740, 2009	Jun 1, 2009	4255 Wyatt Rd A2 to SH
Bylaw No. 1783, 2010	Jan 10, 2011	1212 Page Rd LH to SH
Bylaw No. 1806, 2011	Dec 19, 2011	4885 Lansdowne Rd A2 to SH
Bylaw No. 1809, 2010	Aug 10, 2015	1210 Hwy 97A I.5 to I.1
Bylaw No. 1810, 2010	Nov 7, 2011	4686 Grandview Flats & 1144 Page Rd LH to SH
Bylaw No. 1818, 2011	Feb 6, 2012	Lot 3 KAP47909 Portion A.2 to I.4
Bylaw No. 1829, 2012	Jul 13, 2015	9401 & 9315 Hwy 97 A.2 to C.5
Bylaw No. 1836, 2013	Mar 17, 2014	4590 Chamberlain Rd Portion C.R to S.H
Bylaw No. 1843, 2013	Sept 9, 2013	4668 Lansdowne Rd A.2 to S.H
Bylaw No. 1858, 2014	Jul 14, 2014	12 Ridgeview Rd L.H to S.H
Bylaw No. 1859, 2014	Mar 16, 2015	8041 and 8125 McLennan Rd L.H to S.H
Bylaw No. 1880, 2014	Dec 7, 2015	4704 Salmon River Rd A.2 to C.R
Bylaw No. 1882, 2015	Oct 19, 2015	4670 Grandview Flat Portion L.H to S.H
Bylaw No. 1884, 2015	Sept 6, 2016	4350 Hullcar Rd L.H to C.R
Bylaw No. 1893, 2015	July 13, 2015	4848 Grandview Flats Rd North L.H to S.H
Bylaw No. 1896, 2015	Dec 7, 2015	123 L&A Cross Rd A.2 to I.2
Bylaw No. 1903, 2016	May 16, 2016	4826 North Grandview Flats Rd N L.H to S.H
Bylaw No. 1911, 2016	July 10, 2017	2450 Powerhouse Rd portion changed L.H to C.R
Bylaw No. 1942, 2017	Feb 5, 2018	1751 Rashdale A.2 to C.R
Bylaw No. 1951, 2018	Sept 4, 2018	7955 McLennan Rd L.H to S.H
Bylaw No. 1983, 2019	Sept 18, 2019	210 Greenhow Rd L.H to S.H
Bylaw No. 1985, 2019	Sept 3, 2019	1140 Hwy 97A I.5 to I.2
Bylaw No. 1994, 2019	Dec. 2, 2019	976 Hutley Rd R.5 to R.1

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Bylaw No. 1998, 2020	Aug. 17, 2020		684 Otter Lake Cross Rd L.H to I.1
Bylaw No. 2000, 2020	June 20, 2022		9531 Hwy 97 from C.7 to I.2
Bylaw No. 2016, 2020	Sep 14, 2020		4696 Lansdowne Rd A.2 to S.H
Bylaw No, 2027, 2020	Oct. 19, 2020		4851 Lansdowne Rd A.2 to S.H and C.R
Bylaw No. 2029, 2021	Apr. 6, 2021		4305 L&A Cross Rd from A.2 to I.4
Bylaw No. 2052, 2021	Dec 5, 2022		2202 Rashdale Rd A.2 to C.R
Bylaw No. 2070, 2022	Sept 20, 2022		4803 Lansdowne Rd A.2 to C.R
Bylaw No. 2104, 2023	October 20, 2023		8 Greenhow Road & 9 Ridgeview Road L.H to C.4
Bylaw No. 2113, 2023	November 6, 2023		DL4168, ODYD L.H to S.H
Bylaw No. 2128, 2023	December 4, 2023		5175 Salmon River Rd L.H to C.R & 5185 Salmon River Rd L.H to C.R & S.H
Bylaw No. 2102, 2023	July 15, 2024		4294 Wyatt Rd. A.2 to C.R & S.H
Bylaw No. 2147, 2024	September 9, 2024		4245 Frederick Road L.H to S.H
Bylaw No. 2083, 2022	October 7, 2024		2150 Rashdale Road A.2 to C.R

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## **DIVISION ONE - SCOPE AND APPLICABILITY**

### **101 TITLE**

This Bylaw may be cited for all purposes as the "Township of Spallumcheen Zoning Bylaw No. 1700, 2008".

### **102 SCHEDULES**

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

Schedule A – Official Zoning Maps of the Township of Spallumcheen  
Schedule B – Off-Street Parking  
Schedule C – Off-Street Loading  
Schedule D – Lot Frontage, Area, Setback, and Design Requirements  
Schedule E – Total Number of Animals Making Up One Animal Unit  
Schedule F – Campground Regulations  
Schedule G – Signage Provisions  
Schedule H – Setbacks from Waterbodies  
Schedule I – Screening and Landscaping  
Schedule J – Agricultural Setbacks in Rural Zones

### **103 APPLICATION**

The provisions of this Bylaw apply to all land, buildings and structures within the boundaries of the *Corporation of the Township of Spallumcheen*.

### **104 COMPLIANCE WITH OTHER LEGISLATION**

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

### **105 SEVERABILITY**

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

### **106 REPEAL**

Bylaw No. 1449, 1999 being the "*Corporation of the Township of Spallumcheen Zoning Bylaw No. 1449, 1999*", and all amending Bylaws thereto, are hereby repealed.

### **107 EFFECTIVE DATE**

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



**108 ZONES**

The area within the boundaries of the *Corporation of the Township of Spallumcheen* is divided into zones with the following designations and their short form equivalents:

<u>Zone Designations</u>	<u>Short Form</u>
Commercial	
Highway and Tourist Commercial	C.2
Service Commercial	C.4
Recreation Commercial	C.5
Agricultural Commercial	C.6
Comprehensive Commercial	C.7
Industrial	
Light Industrial	I.1
General Industrial	I.2
Agricultural Industrial	I.4
Soil Removal and Processing	I.5
Forest Product Industrial	I.6
Residential	
Residential Single Family	R.1
Residential Manufactured Home Community	R.5
Rural	
Small Holding	S.H.
Country Residential	C.R.
Agricultural	A.2
Large Holding	L.H.
Special Use (Heritage)	S.1

**109 OFFICIAL ZONING MAPS**

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

**110 MEASUREMENTS**

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

**111 ENFORCEMENT**

1. Inspection:

Every *Inspector* is hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether this Bylaw is being observed.

2. Violation:

- a. It is an offence for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.
- b. It is an offence for any person to prevent or obstruct, or attempt to prevent or obstruct the authorised entry of the *Inspector* onto lands or premises in the municipality.

3. Penalties:

- a. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this Bylaw is liable to the penalties hereby imposed. Each day that such violation is permitted to exist constitutes a separate offence.
- b. Any person who violates any of the provisions of this Bylaw, upon conviction, is liable to a penalty of up to \$10,000.00 (ten thousand dollars), plus the cost of prosecution, or to a term of imprisonment not exceeding 180 days, or both.

4. Remedial Powers:

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

**112 AMENDMENT PROCEDURE**

Any person wishing to have this Bylaw amended shall apply in writing, on the appropriate form, to the *Clerk* in accordance with the *"Township of Spallumcheen Community Plan & Zoning Amendment Procedures Bylaw No. 1158, 1991"*.

READ A FIRST TIME this 4<sup>th</sup> day of February 2008.

READ A SECOND TIME this 4<sup>th</sup> day of February 2008.

READ A THIRD TIME this 3<sup>rd</sup> day of March 2008.

Received the approval of the Ministry of Transportation this  
31<sup>st</sup> day of March, 2008.

“Dave Turner”

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Senior District Development Technician,  
Ministry of Transportation

Advertised on the 24<sup>th</sup> day of February 2008 and the 27<sup>th</sup> day of February 2008 and a Public Hearing held on the 3<sup>rd</sup> day of March 2008.

ADOPTED this 21<sup>st</sup> day of April, 2008.

“Lynda Shykora”

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LYNDA SHYKORA  
CORPORATE OFFICER

“Will Hansma”

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WILL HANSMA

## **DIVISION TWO - DEFINITIONS**

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

***ACCESSORY means customarily associated with or incidental to a principal use.***

***(Bylaw 2135, 2024)***

**ACCESSORY BUILDING OR STRUCTURE** means,

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

**ACCESSORY EMPLOYEE BUNKHOUSE USE** means a use accessory to an agricultural use or resource use where a building is used for sleeping quarters for the accommodation of an employee or employees on the same farm unit as that on which the use occurs, and specifically excludes housekeeping and residential use.

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

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

**AGRICULTURAL USE, LIMITED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; includes the preliminary grading of such products for shipment, and specifically includes riding stables, fish farms, nurseries, greenhouses, and the keeping of pigeons, doves, or other animals or birds of like kind and the keeping of bees, horses, sheep, goats, cattle, dairy cows, fur bearing animals (except mink and fox), rabbits, poultry, or other animals or birds of like kind in concentrations of six (6) animal units or less per hectare (2.428 animal units per acre). Swine are also permitted to be kept provided that they are for the personal use of the owner only.

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

***AGRI-TOURISM ACCOMMODATION means accommodation facilities for rental to transient occupants on land which is classified as “farm” in accordance with the Assessment Act, permitted by the Agricultural Land Commission, and such accommodation facilities are subordinate and secondary to the principle agriculture use.***

***(Bylaw 2059, 2022)***

**ANIMAL UNIT** is defined in Schedule E, which is attached to and forms part of this Bylaw.

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

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

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

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

**BACKYARD HENS** means the keeping of female domesticated fowl of the species *gallus gallus domesticus* in accordance with Section 416 of this Bylaw.

*(Bylaw 2135, 2024)*

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

**BED AND BREAKFAST USE** means a use that is carried out within a dwelling in which one (1) or more bedrooms are rented out to persons other than persons occupying the dwelling unit as their residence, provided that the provision of such accommodation does not constitute a tenancy pursuant to the *Residential Tenancy Act*. For the purposes of this Bylaw a bed and breakfast use does not include a boarding house use. A bed and breakfast must be in accordance with Section 415 of this Bylaw.

**BIOSOLIDS** means stabilized municipal sewage sludge resulting from a municipal waste water treatment process or septage treatment process which has been sufficiently treated to reduce pathogen densities and vector attraction to allow the sludge to be beneficially recycled in accordance with the requirements of the *Organic Matter Recycling Regulation*.

**BIOSOLIDS PROCESSING** means the act of treating or preparing Class A and Class B Biosolids as defined in the *Organic Matter Recycling Regulation*.

*(Bylaw 2135, 2024)*

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

**BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy.

**CAMPGROUND** means designated sites for the accommodation of the travelling public in tents, trailers, recreational vehicles and may include accessory personal service facilities to accommodate the needs of the campers but specifically excludes the retail sale of recreational vehicles, tents and trailers.

**CANNABIS**, also known as *marihuana* among other names, has the same meaning as defined under the Cannabis Act as amended or replaced from time to time. Cannabis can be consumed by smoking, vaporizing, within food, or as an extract or otherwise ingested.

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

~~**CANNABIS PRODUCTION FACILITY** means a facility, lawfully licensed and permitted in accordance with all applicable Federal, Provincial and Municipal Legislation and Regulation used solely for the production, manufacturing, processing, testing, packaging, and shipping of marihuana and marihuana products.~~

**CANNABIS PRODUCTION FACILITY** means a facility, eligible for licensing by the Federal Government and permitted in accordance with all applicable Provincial and Municipal Legislation and Regulation, used solely for the production, manufacturing, processing, testing, packaging, and shipping of cannabis and cannabis products.

(Bylaw 1986, 2019)

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

(Bylaw 1961, 2018)

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

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

**CLERK** means the Corporate Officer of the Corporation of the Township of Spallumcheen, or designate.

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

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

**COMMUNITY WATER SYSTEM** means a system of waterworks which serves five (5) or more lots and which is owned, operated and maintained by an Improvement District under the *Health Act, Water Act*, or the *Local Government Act*; or a Municipality, a Regional District, or Greater Board, or which is regulated under the *Water Utility Act*.

**COMPOST** means a product which is:

- a) *stabilized earthy matter having the properties and structure of humus;*
- b) *beneficial to plant growth when used as a soil amendment;*
- c) *produced by composting; and*
- d) *only derived from organic matter.*

**COMPOSTING** means the controlled biological oxidation and decomposition of organic matter in accordance with the time and temperature requirements specified in Schedule 1 of the *Organic Matter Recycling Regulation*.

*(Bylaw 2135, 2024)*

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

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

**CONVENIENCE STORE** means a retail sales outlet contained under one roof, having a floor area not exceeding 150m<sup>2</sup>, and providing for the sale of items regularly used by households, including groceries, beverages, books, magazines, cleaning products, lottery tickets, tobacco products, household accessories, video rentals and deli items.

**COTTAGE INDUSTRY** means a use accessory to an agricultural use and includes estate wineries, cottage breweries, and fancy meat and sausage processing.

**COUNCIL** means the Municipal Council of the Corporation of the Township of Spallumcheen.

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

**DETACHED SUITE** means a dwelling unit located above an accessory residential or agricultural building. *(Bylaw 1938, 2017)*

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

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

**DOG KENNEL** means a building, structure, compound, group of pens or cages, or property in which five or more dogs are kept for the purposes of boarding or breeding.

**DWELLING, SINGLE FAMILY** means any building consisting of one (1) dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one (1) household. For the purposes of this Bylaw single family dwellings shall include modular manufactured homes that have a completed width of not less than 7.315 metres (24.00 feet) for not less than thirty five percent (35%) of the length of the building.

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

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

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

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

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

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

**FINISHED GRADE** means the lowest of the average levels of finished ground adjoining each exterior wall of a building or structure, except that localised depressions such as for vehicle or pedestrian entrances shall not be considered in the determination of average level of finished ground.

**FLOOR AREA** means the total of the floor areas of every room and passageway contained in a building but not including the floor area of basements, cellars, attached garages, sheds, open porches, or breezeways.

**FOOD SERVICE ESTABLISHMENT** means a facility where food and beverages are offered for sale to the public. Typical uses include but are not limited to restaurants, cafes, coffee shops, caterers, concession stands, delicatessens, bakeries, tea rooms, lunch rooms, refreshment stands and take out or drive through restaurants.

**GARDEN SUITE** means a portable, single storey, one or two bedroom self-contained dwelling unit, with no basement, that is installed temporarily on a parcel of land on which a permanent single family dwelling is already situated.



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

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

**HIGHWAY** includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.

**HOME OCCUPATION** means occupations which are undertaken inside a residential building or accessory residential building or agricultural building secondary to the principal use of the property and which does not alter the residential or agricultural character of the premises and the character of the residential or rural district where the premises are situated. As defined elsewhere in this Bylaw, categories will include:

- a. Residential Zone Home Occupations;
- b. Small Holding / Country Residential Zone Home Occupations;
- c. Agricultural Zone Home Occupations; and
- d. Large Holding Zone Home Occupations.

*A home occupation use shall specifically exclude ~~medical marijuana~~ cannabis production facilities.*

*(Bylaw 1855, 2013)(Bylaw 1961, 2018)*

**HOSPITAL** means a use providing for the care of a sick, injured, or aged person and includes, convalescent homes, nursing homes and personal care homes.

**HOUSEHOLD** means:

- a. A person; or
- b. Two or more persons related by blood, marriage, or adoption; or
- c. A group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption; or
- d. Unrelated people living together with related people provided that the number of unrelated people does not exceed 3 persons,

all living together in one dwelling unit as a single household using a common kitchen. In addition, a household may also include up to one housekeeper, nanny or caregiver.

**INDUSTRIAL USE** means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging

of goods, materials, or things, and the selling of heavy industrial equipment, and farm machinery; includes accessory office and retail facilities.

**INSPECTOR** means the person or persons appointed by the *Council* to administer this bylaw, and shall include any peace officer.

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

**LAND** includes the surface of water but does not include improvements, mines or minerals belonging to the Crown, or mines or minerals for which title in fee simple has been registered in the land title office but for the purposes of assessment and taxation, land has the same meaning as in the *Assessment Act*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**MARIHUANA** means all parts of the genus cannabis whether growing or not and the seed or clone of such plants.~~

~~(Bylaw 1855, 2013)~~

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

~~(Bylaw 1855, 2013)~~

~~(Bylaw 1961, 2018)~~

**MODULAR CONTAINER** means a purpose-designed metal cargo container for holding of goods, which is intended to be placed on a ship, truck or railcar.

**MONASTERY** means a home for persons under religious vows, especially an establishment for nuns or monks. Such a facility may contain permanent living quarters for up to 25 persons, space for religious worship such as a chapel, communal cooking facilities and eating areas, up to 5 short term occasional-use guest rooms and other ancillary functions common to monastic practices. Such a facility may be up to three storeys in height, have a footprint of 2000 m<sup>2</sup> and a total floor area not exceeding 4,000 m<sup>2</sup>. A monastery may not be used as a hotel, motel, hostel, retreat center or multi-family residential complex.

**OFF-FARM PRODUCTS** means farm products that are grown, reared, raised or produced on farm unit that is not owned by the owner of the land on which the accessory farm sales use is located.

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

**OIL WATER SEPARATOR** means a device, approved by the public works manager, that treats the drainage from paved parking areas to retain the oils and suspended solids, and only allow clean water to flow beyond the device.

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

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

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

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

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

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

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

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

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

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

~~**SERVICE UTILITY** means a utility providing for the essential servicing with water, sewer, electrical, telephone, and similar services where such utility is established by another governmental body, Crown corporation, Improvement District, or by a company operating under the *Water Utility Act*; includes broadcast transmission facilities and refuse disposal areas.~~

**(Bylaw No. 2003,2020)**

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

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

**RESOURCE USE** means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot and includes the preliminary grading, cutting, or crushing of such materials for shipment. A resource use shall specifically exclude all manufacturing of products and any processing not mentioned above.

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

**SEASONAL FEEDING AREA** means an area:

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

~~**SECONDARY SUITE** means a dwelling unit located within the structure of an owner occupied single family dwelling.~~

**SECONDARY SUITE** means a dwelling unit located within the structure of a single family dwelling.

**(Bylaw 2135, 2024)**

**SERVICE STATION** means a use providing for the retail sale of motor fuels, automobile accessories, and convenience foods, the servicing or repair of motor vehicles, the rental of trailers and motor vehicles and car wash facilities; excludes auto body repairs, fender work, and painting.

***SERVICE UTILITY*** means a utility providing for the essential servicing with water, sewer, electrical, telephone, and similar services where such utility is established by another governmental body, Crown corporation, Improvement District, or by a company operating under the *Water Utility Act*; includes broadcast transmission facilities and refuse disposal areas.

(Bylaw No. 2003, 2020)

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

**SILVICULTURE** means the practice of controlling forest establishment, composition and growth, including the development and maintenance of seedling and tree nurseries.

**SLEEPING UNIT** means one (1) or more rooms used for the lodging of one (1) household when such unit contains no cooking facilities.

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

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

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

**STOREY** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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

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

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

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

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

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

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

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

**WASTEWATER TREATMENT FACILITY** *means that part of a community sewer system that treats, or is intended to treat, sewage which originates wholly or in part from lands other than the land on which the treatment facility is located, including, without limitation, waste water treatment plants, sewage lagoons, and other sewage treatment facilities.*  
(Bylaw 2033, 2020)

**YARD, FRONT** means the area of a lot free from all buildings and structures bounded by the front lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the front lot line.

**YARD, REAR** means the area of a lot free from all buildings and structures bounded by the rear lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the rear lot line.

**YARD, EXTERIOR SIDE** means the area of a lot free from all buildings and structures bounded by the exterior side lot line and a line drawn perpendicularly distant from and parallel to the exterior side lot line extending from the front lot line to the rear lot line for such lot.

**YARD, SIDE** means the area of a lot free from all buildings and structures bounded by the side lot line and a line drawn perpendicularly distant from and parallel to the side lot line extending from the front lot line to the rear lot line for such lot.

**ZONE** means a zone established under this Bylaw.

## **DIVISION THREE - BASIC PROVISIONS**

### **301 EXISTING LOTS**

Lots existing at the time of the effective date of this Bylaw which do not conform with the parcel size or frontage requirements may be used for any of the permitted uses outlined in the respective zone provided that all other applicable requirements within that zone are met and no other regulations are contravened.

### **302 HEIGHT EXCEPTIONS**

The height of buildings and structures permitted elsewhere in this Bylaw may be exceeded for: industrial cranes, upright silos, grain elevators, towers, tanks, bunkers, retaining walls, radio and television antennas, church spires, belfries, domes, monuments, chimneys and smoke stacks, flag poles, stadium bleachers, lighting poles, apartment elevator shafts, stair towers, scenery lofts, fire and hose towers and wind machines.

### **303 LOT SEVERANCE SUBDIVISIONS**

The Approving Officer may approve a subdivision of any parcel of land that, at the effective date of this Bylaw, is physically severed by a developed and operating railway right-of-way or an existing public road constructed to Municipal standards, where the proposed subdivision is designed to establish a legal boundary along the railway right-of-way or the frontage of the public road. Subdivision for this purpose may not create any lots smaller in area than that allowed in Sections 1301.2.b. or c. of this Bylaw.

### **304 SETBACK EXCEPTIONS**

1. Where a front, rear, or side yard setback is required, projections shall be deemed to be part of such building or structure for the purpose of measuring the depth or width of the required setback except:
  - a. chimneys, cornices, leaders, gutters, pilasters, built in hutches, belt courses, bay windows or ornamental features may extend 0.6 metres (1.968 feet) into any required setback; and
  - b. steps, eaves, sunlight control projections, canopies, balconies or open porches may extend 1 metre (3.281 feet) into any required setback.
2. An underground structure, including swimming pools, shall be sited at least 1 metre (3.281 feet) from any lot line provided that the top surface of such structure shall at no point extend above the average finished grade.
3. Free-standing light poles, warning devices, antennas, masts, utility poles, wires, flag poles, signs and sign structures shall be sited at least 1 metre (3.281 feet) from any lot line.



**305 SITING AND BULK OF BUILDINGS AND STRUCTURES**

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

**306 USE OF LAND, BUILDINGS AND STRUCTURES**

The use of land, buildings, and structures shall be in accordance with the permitted uses specified in each zone of this Bylaw. All other uses, by exclusion, are explicitly prohibited.

**307 USE OF LAND WITHIN THE AGRICULTURAL LAND RESERVE**

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

**308 THE FOLLOWING USES SHALL BE PROHIBITED IN ALL ZONES:**

1. *Cannabis retail including zones which broadly permit retail store or sales, farm or off-farm product sales, convenience store, accessory retail use and home based businesses.*
1. *Cannabis lounge.*

*(Bylaw 1961, 2018)*

**309 BOUNDARY ADJUSTMENT SUBDIVISIONS**

1. *Minimum lot size and lot frontage requirements of the Zoning Bylaw do not apply to subdivisions outside the Agricultural Land Reserve that involve an alteration of lot lines between two or more existing lots and:*
  - a. *there is no increase in the number of parcels; and*
  - b. *no lot is enlarged to a size permitting further subdivision under the existing zoning; and*
  - c. *no lot that complies with the minimum lot size requirement is reduced to a size that does not comply; and*
  - d. *no lot greater than 1 ha in size is reduced to a size that is less than 1 ha where it is serviced by an on-site sewage disposal system; and*
  - e. *the subdivision complies with all other requirements of the Zoning Bylaw; and*
  - f. *the existing lots have lot frontage but do not comply with the lot frontage requirements; and*
    - i. *no lot frontage is reduced to less than 20 m; and*
    - ii. *private access driveways can be provided in accordance with Section 1301.4.b of this Bylaw;*
  - g. *the existing lots do not have road frontage; and*

- i. the Approving Officer is prepared to approve the subdivision plan in accordance with BC Reg. 334/79.*
  
- 2. Minimum lot size and lot frontage requirements of the Zoning Bylaw do not apply to subdivisions inside the Agricultural Land Reserve that involve an alteration of lot lines between two or more existing lots and:*
  - a. there is no increase in the number of parcels; and*
  - b. no lot is greater than 1 ha in size is reduced to a size that is less than 1 ha where it is serviced by an on-site sewage disposal system; and*
  - c. no lot frontage is reduced to less than 20 m; and*
  - d. private access driveways can be provided in accordance with Section 1301.4.b of this Bylaw;*
  - e. the Approving Officer is prepared to approve the subdivision in accordance with BC Reg. 171/2002 or the subdivision has been approved by the Agricultural Land Commission under Section 25(1) of the Agricultural Land Commission Act; and*
  - f. the subdivision complies with all other requirements of the Zoning Bylaw.*

*(Bylaw 1990, 2019)*

*(Bylaw 2003, 2020)*

## **DIVISION FOUR - GENERAL REGULATIONS**

### **401 COMMUNITY CARE FACILITIES**

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

1. the community care facility shall be contained wholly within the principal building located on the subject property; and
2. if the community care facility is located in a Residential Zone, as established by this Bylaw, the community care use shall be permitted to operate weekdays only, for a maximum period of thirteen (13) hours per day, between the hours of 6:30 AM and 7:30 PM; and
3. the number or type of persons who may be cared for within the community care facility shall comply with the provisions of the Community Care and Assisted Living Act and amendments thereto; and
4. if the community care facility is located in a Residential Zone, as established by this Bylaw, the number of staff members that are employed to provide community care shall not exceed one (1) person. For the purposes of this Section staff members shall not include the owners of the community care facility or their immediate relatives; and
5. any dwelling unit within which the community care use is carried on, and the lot upon which the dwelling unit is located, shall be occupied, and operated on a full time basis, by at least one (1) of the persons designated on the records of the Kamloops Land Title Office as the registered owner of the lot and dwelling unit; and
6. the owner of such business or undertaking shall obtain a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.
7. the community care facility shall comply with all other applicable Bylaws or regulations affecting such use and the owner of the community care facility shall:
  - a. obtain an access permit for the community care facility from the Township of Spallumcheen and, if applicable, the Ministry of Transportation; and
  - b. follow the procedures set out in the Health Act and the Sewerage System Regulations to provide for the discharge of effluent from the combined residential/commercial/industrial/community care use of the subject property where the site is not serviced by a community sewer system; and

- c. where applicable, obtain the permission of the Township, or from the Greater Vernon Water Utility, to draw water from their respective community water systems in order to supply additional water to the community care facility; and
  - d. obtain the permission of the Building Inspector and the Fire Prevention Officer for the Township for the proposed community care facility; and
8. notwithstanding the provisions of this Bylaw relating to off-street parking requirements, a community care facility use shall not be carried out unless off-street parking spaces are provided on the lot on which the facility is located, sufficient to meet the following requirements:
- a. the number of off-street parking spaces that would be required, for any commercial, industrial or residential use of the subject property under the off-street parking requirements of this Bylaw applicable to said use(s), if no community care use was carried on the lot; plus
  - b. one (1) additional off-street parking space per four (4) persons, or fractions thereof, requiring care; plus
  - c. one (1) additional off-street parking space per staff member employed by the owner of the community care facility; and
  - d. off-street parking spaces shall not be permitted within a required front yard; and
9. not more than one (1) motor vehicle shall be parked within any off-street parking space that is required to be provided pursuant to the provisions of this Bylaw and parking spaces designated for a particular use shall be reserved for that use only.

**402 INTENSIVE AGRICULTURAL USE**

Where an intensive agricultural use is permitted to be carried out pursuant to the provisions of *Section 915 of the Local Government Act* and amendments thereto, which use would otherwise be contrary to the provisions of this Bylaw, said use shall be subject to the applicable regulations contained in Section 803 of this Bylaw.

**403 OFF-STREET LOADING**

Off-street loading shall be provided in conformity with Schedule C - Off-Street Loading.

**404 OFF-STREET PARKING**

Off-street parking shall be provided in conformity with Schedule B - Off-Street Parking.

**405 ~~Service Utility, Assembly and Civic Uses in All Zones~~**

- 1. ~~A service utility, assembly use, and civic use shall be permitted in all zones, except the Residential Single Family Zone (R.1) and except on lands located in the Agricultural Land Reserve unless such use is first approved by the Agricultural Land Commission. The minimum lot area for service utility, assembly use, and~~

civic use shall be as required in Schedule D of this Bylaw and the minimum setback from all lot lines shall be not less than 4.5 metres (14.76 feet).

2. ~~Notwithstanding Section 405.1, sewage lagoons, sewage disposal facilities and waste water treatment plants that are intended to treat sewage from uses or land originating from other than the land on which the facilities are located, or either of them, are not permitted, except:~~
  - a. ~~on the property legally described as The South East ¼, Section 14, Township 7, Osoyoos Division Yale District, only in accordance with non farm uses permitted by the Agricultural Land Commission, and authorized under Ministry of Environment Operational Certificate PE-12213 (per City of Armstrong Liquid Waste Management Plan updated to 1998), and not to exceed:~~
    - i. ~~two (2) sewage lagoons, with a maximum surface area of 5,750 square metres each, and with a maximum capacity of 23,000 cubic metres each;~~
    - ii. ~~one (1) storage reservoir, with a maximum surface area of 83,478 square metres, and with a maximum capacity of 960,000 cubic metres;~~
    - iii. ~~necessary pump stations, chlorine contact tanks and other structures and appurtenances referenced in the approvals of the Ministry of Environment and Agricultural Land Commission;~~
    - iv. ~~a maximum discharge rate of 2,800 m<sup>3</sup> /d of effluent from the sewage lagoons noted in subsection i. to the storage reservoir noted in subsection ii. above;~~
  - b. ~~within the Light Industrial Zone (I.1) and General Industrial Zone (I.2), per Township of Spallumcheen’s Liquid Waste Management Plan, subject to approval of the Agricultural Land Commission if applicable; and~~
  - c. ~~in other Zones in Divisions Five through Nine, inclusive, of this Bylaw, where specifically listed as a permitted use under the heading “Permitted Uses of Land, Buildings, and Structures”.~~  
(Bylaw 1948, 2017)
  
3. ~~Notwithstanding Section 405.1, to the use of land, buildings and structures for the storage, treatment or distribution of water, or for the storage, treatment or distribution of treated effluent from a sewage lagoon, sewage disposal facility or waste water treatment plant, for domestic or irrigation purposes, is not permitted on the property legally described as The South East ¼ Section 14, Township 7, Osoyoos Division Yale District.~~  
(Bylaw 2003, 2020)

**405 SERVICE UTILITY, ASSEMBLY AND CIVIC USES IN ALL ZONES**

1. *A service utility, other than a waste water treatment facility, shall be permitted in all zones. The minimum lot area for a service utility permitted under this Section 405.1 shall be as required in Schedule D of this Bylaw and the minimum setback from all lot lines shall be not less than 4.5 metres (14.76 feet).*
2. *Notwithstanding Section 405.1, a service utility, other than a waste water treatment facility, is not permitted on lands in the:*
  - a. *Residential Single Family Zone (R.1); or,*
  - b. *Agricultural Land Reserve, unless such use was approved by the Agricultural Land Commission prior to December 1, 2020.*
3. *Waste water treatment facilities are prohibited in all zones, except as follows:*
  - a. *A waste water treatment facility is permitted on the property legally described as The South East ¼, Section 14, Township 7, Osoyoos Division, Yale District and located at 1205 Thomas Hayes Road, as it existed on the property prior to December 1, 2020. For certainty, a waste water treatment facility on the property is limited to:*
    - i. *Two (2) sewage lagoons, with a maximum surface area of 5,750 square metres each, and with a maximum capacity of 23,000 cubic metres each;*
    - ii. *One (1) storage reservoir, with a maximum surface area of 83,478 square metres, and with a maximum capacity of 960,000 cubic metres;*
    - iii. *Necessary pump stations, chlorine contact tanks and other structures and appurtenances referenced in approvals from the Ministry of Environment (Operational Certificate PE 12213, 1992) and the Agricultural Land Commission Resolution#84, 1991; and*
    - iv. *A maximum discharge rate of 2,800 m<sup>3</sup>/d of effluent from the sewage lagoons noted in subsection i. to the storage reservoir noted in subsection ii. above; and,*
  - b. *A waste water treatment facility is permitted on the property legally described as Lot A, Section 35, Township 8, Osoyoos Division Yale District, Plan KAP89234 (L & A Cross Road (Bylaw 2135, 2024)).*
4. *Assembly use and civic use shall be permitted in all zones. The minimum lot area for an assembly use or civic use shall be as required in Schedule D of this Bylaw and the minimum setback from all lot lines shall be not less than 4.5 metres (14.76 feet).*
5. *Notwithstanding Section 405.4, an assembly use or civic use is not permitted on lands in the:*
  - a. *Residential Single Family Zone (R.1); or,*

- b. Agricultural Land Reserve, unless such use was approved by the Agricultural Land Commission prior to December 1, 2020.  
(Bylaw 2033, 2020)*

**406 SCREENING AND LANDSCAPING**

Screening and landscaping shall be provided in conformity with Schedule I – Screening and Landscaping.

**407 SETBACKS FROM CERTAIN HIGHWAYS**

The following building lines apply on lands abutting certain highways within the *Corporation of the Township of Spallumcheen*:

1. All buildings and structures shall be provided with a setback of not less than 30 metres (98.42 feet) plus the required setback of the respective zone measured from the centre lines of Highways No. 97 and No. 97A, or as required by the Ministry of Transportation.
2. All buildings and structures shall be provided with a setback of not less than 12.5 metres (41.01 feet) plus the required setback of the respective zone measured from the centre lines of:
  - a. Salmon River Road
  - b. Pleasant Valley Road
3. For lots fronting on undedicated highways, the front yard shall be provided in accordance with the front yard setbacks of each zone, plus 10 metres (32.81 feet) measured from the centre line of the undedicated highway; or, in accordance with the front yard setbacks of each zone measured 3 metres (9.842 feet) beyond the top of the cut or the toe of the fill, whichever is greater.

**408 SETBACKS FROM WATERBODIES**

Setbacks from waterbodies shall be in conformity with Schedule H - Setbacks from Waterbodies and Schedule J - Agricultural Setbacks in Rural Zones.

**409 SETBACKS FROM THE AGRICULTURAL LAND RESERVE**

1. The required minimum setback of buildings and structures from land in the *Agricultural Land Reserve* is 15.0 metres (49.2 feet.).
2. Prior to issuance of a Building Permit, a covenant shall be registered, pursuant to the provisions of Section 219 of the *Land Title Act*, including agreement by the owner of property adjacent a parcel containing lands within the *Agricultural Land Reserve* to:
  - a. Acknowledge, understand, and agree that their lands are adjacent to lands within the *Agricultural Land Reserve* and may be adversely affected by

normal farm practices carried out by the owners of the farm land (including, but not limited to odour, noise, dust, chemical sprays, light, and aesthetic appearance of land including unkempt areas and material storage).

- b. Consult with the owner of farm land before planting shrubs, trees or other plants within 15 metres (49.2 feet) of the farm land to ensure that the plants will not have a negative impact on farming operations.
- c. Not apply any chemicals including pesticides, herbicides and fungicides, except in accordance with the manufacturer’s directions, and contain all spray drift within the boundaries of the property.

**410 SIGNAGE**

Signage shall be provided in conformity with Schedule G - Signage Provisions.

**411 TEMPORARY RESIDENCE DURING THE PERIOD OF CONSTRUCTION OF A NEW RESIDENCE**

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

- 1. A temporary residence shall not be permitted on lots smaller than 0.4 ha (0.9884 acres); and
- 2. The temporary residence may include a manufactured home or an existing single family dwelling; and
- 3. A manufactured home that is used for a temporary dwelling shall be sited in conformity with the regulations of this Bylaw and the provincial *Health Act* and shall not be sited on a permanent foundation with a basement excavation; and
- 4. The temporary residence shall be removed from the owner's land within thirty (30) days of the end of the period of construction of the new residence except that the temporary residence may be converted to any non-residential use permitted within the applicable zone subject to:
  - a. compliance with all other regulations of the applicable zone with respect to density and the siting, size and dimensions of the building; and
  - b. removal of all plumbing fixtures, hot water tanks, furnaces, and sewer connections; and
  - c. refinishing of the exterior of the building to portray a building intended for the proposed use; and
  - d. completion of the conversion within thirty (30) days of the end of the period of construction of the new residence; and
- 5. A covenant shall be registered pursuant to Section 219 of the *Land Title Act* to permit the temporary residence during the period of construction and to prohibit the temporary residential use from continuing after the period of construction ends.



The covenant shall also include an agreement by the owner to indemnify and save harmless the *Township of Spallumcheen* against all costs and expenses incurred by the *Township of Spallumcheen*, in default by the owner, in the conversion, demolition, or removal of the temporary residence, and/or legal costs incurred in pursuing such legal remedies as the *Township* sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the new residence; and

6. A blanket statutory right-of-way shall be granted to the *Township of Spallumcheen* permitting the *Township of Spallumcheen* to enter onto the owner's land for the purpose of converting, demolishing, or removing the temporary residence in the event that the owner defaults. The statutory right-of-way shall be registered as a condition precedent to the issuance of a building permit for the new residence; and
7. An irrevocable unconditional letter of credit from a chartered bank shall be drafted in favour of the *Township of Spallumcheen*, to be held as security for performance by the owner of his covenants and obligations with respect to the conversion, demolition or removal of the temporary residence. The amount of the letter of credit shall be 1.5 times the estimated cost of conversion, demolition, or removal of the temporary residence, which estimate shall be obtained from a qualified building, demolition, or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a building permit for the new residence.

For the purposes of this Section, "period of construction" shall mean the period of time commencing when a building permit is issued for the new residence and ending either one (1) year from the date of issuance of the permit or when a notice of conversion, demolition, or removal is delivered to the owner, whichever event first occurs. The notice of conversion, demolition, or removal of the temporary residence shall be in writing and delivered from the office of the *Chief Building Inspector* of the *Township of Spallumcheen*.

**412 TEMPORARY RESIDENCE FOR THE MEDICAL CARE AND NURSING OF AN INFIRM PERSON**

Where a temporary residence is required for the purpose of providing a separate residence for the medical care and nursing of an infirm person the following conditions shall apply:

1. Before a building permit is issued for the temporary residence the need for close medical care and nursing of the infirm person shall be certified by a sworn affidavit from the owner of the parcel on which the temporary residence is proposed to be located and from the medical doctor of the person requiring medical care and nursing. The affidavits shall be delivered to the *Clerk* of the *Township of Spallumcheen* and shall remain in force and effect for a period of one year. The doctor of the person requiring medical care and nursing shall be qualified to practice medicine in the *Province of British Columbia* under the provisions of the *Medical Practitioners Act*; and
2. Further affidavits, as required by Subsection 1 above, shall be delivered annually to the *Clerk* for the *Township of Spallumcheen* on the anniversary of the date upon

which the affidavits were first delivered. The need for close medical care and nursing of the infirm person shall be deemed to have ceased if the affidavits required under this Subsection are not delivered by the date upon which they are required to be delivered; and

3. No more than one (1) temporary residence shall be permitted on a lot and the lot shall be not smaller than 0.4 ha (0.9884 acres); and
4. The temporary residence may include a manufactured home or a garden suite; and
5. The temporary residence shall be sited in conformity with the regulations of this Bylaw and the provincial *Health Act*; and
6. The floor area of a garden suite proposed to be used as a temporary residence shall be not larger than 70 square metres (753.5 square feet); and
7. The temporary residence shall not be sited on a permanent foundation with a basement excavation and shall be removed from the owner's land when the need for medical care and nursing ceases; and
8. A covenant shall be registered, pursuant to the provisions of Section 219 of the *Land Title Act*, to permit the temporary residence during the period of medical care and nursing and to prohibit the temporary residential use from continuing after the period of medical care ceases. The covenant shall also include an agreement by the owner to indemnify and save harmless the *Township of Spallumcheen* against all costs and expenses incurred by the *Township* in removing the temporary residence, in default by the owner in removing said residence, including any legal costs incurred in pursuing such legal remedies as the *Township* sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the temporary residence; and
9. A blanket statutory right-of-way shall be granted to the *Township of Spallumcheen* permitting the *Township of Spallumcheen* to enter onto the owner's land for the purpose of removing the temporary residence in the event that the owner defaults. The statutory right-of-way shall be registered as a condition precedent to the issuance of a building permit for the temporary residence; and
10. An irrevocable unconditional letter of credit from a chartered bank shall be drafted in favour of the *Township of Spallumcheen* and shall be held by the Township as security for performance by the owner of his covenants and obligations with respect to the removal of the temporary residence. The amount of the letter of credit shall be 1.5 times the estimated cost of the removal of the temporary residence which estimate shall be obtained from a qualified moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a building permit for the temporary residence.

**413 MODULAR CONTAINER STORAGE**

The following conditions shall apply to modular container storage:

1. Modular container storage is permitted in all zones where accessory buildings or structures are permitted;
2. Modular container storage shall meet the minimum setback, maximum floor area and other regulations established in all zones for accessory buildings and structures; and
3. Notwithstanding the height regulations for accessory buildings and structures in each zone, the height of modular containers shall not exceed 3 metres in the *Residential Single Family Zone (R1)*, *Residential Manufactured Home Community Zone (R5)*, the *Small Holding Zone (S.H.)* and the *Country Residential Zone (C.R.)*, and the height of modular containers shall not exceed 6 metres in all other zones.

~~**414 Cannabis Production Facilities in the Agricultural (A.2) Zone**~~

- ~~1. Cannabis production facilities shall only be permitted on lands where:
 
  - ~~a) The use is considered a ‘farm use’ that may not be prohibited in accordance with the Agricultural Land Commission Act and Regulations; or~~
  - ~~b) The gross floor area of all buildings and structures are used for a cannabis production facility use and all ancillary uses does not exceed 500 m<sup>2</sup>; and
 
    - ~~i. The use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards;~~~~~~
- ~~2. Cannabis production facilities shall be provided with setbacks in accordance with Section 803.8.j and Section J of this Bylaw.~~

—(Bylaw 1986, 2019)

**415 BED AND BREAKFAST**

*Bed and breakfast use operations are permitted in the R1, SH, CR, A2 and LH Zones provided that:*

1. *the bed and breakfast use is contained wholly within the principal dwelling unit; and*
2. *is restricted to a maximum of three bedrooms; and*
3. *is provided with one additional off-street parking space, two if more than two bedrooms are used; and*

4. *in no way indicates from the exterior of the building that the premises are being used for a bed and breakfast, except for one unilluminated sign less than 0.5 square metres (5.382 square feet) in area.*

*Bed and breakfast signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°).*

#### **416 BACKYARD HENS**

*Backyard Hens are permitted within the R1 Zone with the following conditions:*

1. *No roosters shall be permitted;*
2. *A maximum of:*
  - a. *six (6) hens may be kept on parcels less than 2,023 square metres (0.5 acre); and*
  - b. *twelve (12) hens may be kept on parcels equal to or greater than 2,023 square metres (0.5 acre).*
3. *All hens are to be sheltered in a coop that:*
  - a. *has a minimum floor space of 1.5 square metres (16 square feet); and*
  - b. *is situated in a rear yard that is fully enclosed by a fence, wall or hedge; and*
  - c. *adheres to the accessory building siting and height requirements of the R1 Zone.*
4. *a person who keeps hens shall:*
  - a. *register for a BC Premise ID; and*
  - b. *maintain the hens and coop structure in such a manner as to minimize noise and odour, and not allow fecal waste material to accumulate.*

#### **417 DOG KENNEL**

*A dog kennel is permitted within specified zones subject to:*

1. *the agricultural setback provisions of Schedule J of this Bylaw, and*
2. *the parcel having a minimum lot size of 4 ha. (9.884 acres).*

*(Bylaw 2135, 2024)*

## **DIVISION FIVE - COMMERCIAL ZONES**

### **501 HIGHWAY AND TOURIST COMMERCIAL ZONE (C.2)**

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

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

- ~~a. Accessory buildings and structures~~
- ~~b. Accommodation including campgrounds (including rental cabins), hotels, motels, and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~
- ~~c. Food service establishment including coffee shops, convenience stores, dairy bars, and restaurants~~
- ~~d. Retail sales of flowers, food (including meat and fish), fruit, garden supplies, gasoline and motor oil, groceries, plants, produce and liquor subject to the provisions of Section 501.11.i. of this Bylaw~~
- ~~e. Service and repair including automobile rental, greenhouses, nurseries, petroleum distribution installations, and service stations~~
- ~~f. Transportation facilities including passenger transportation depots~~

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

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

- a. Accessory buildings and structures*
- b. Accommodation including campgrounds (including rental cabins), hotels, and motels*
- c. Food service establishment including coffee shops, convenience stores, dairy bars, and restaurants*
- d. Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use*
- e. Retail sales of flowers, food (including meat and fish), fruit, garden supplies, gasoline and motor oil, groceries, plants, produce and liquor subject to the provisions of Section 501.11.i. of this Bylaw*
- f. Service and repair including automobile rental, greenhouses, nurseries, petroleum distribution installations, and service stations*
- g. Transportation facilities including passenger transportation depots*

#### **2. Buildings Per Lot:**

Except for a motel use, there shall be not more than one (1) principal building allowed per lot.

3. Floor Area:

- a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
- b. The floor area for hotel and motel use shall be not less than:
  - i. 20 square metres (215.3 square feet) within each sleeping unit; or
  - ii. 30 square metres (322.9 square feet) within each kitchenette unit; or
  - iii. 35 square metres (376.7 square feet) within each one-bedroom unit; or
  - iv. 55 square metres (592.0 square feet) within each two-bedroom or larger units.
- c. The total floor area for retail sales of flowers, food (including meat and fish), fruit, groceries, plants, and produce shall be not greater than 150 square metres (1,615 square feet).

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

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

5. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than:

- a. 560 square metres (6,028 square feet) where served by a community water system and community sewer system; or
- b. 1.0 ha. (2.47 acres) where served by a community water system and septic tank; or
- c. 1.0 ha. (2.47 acres) where the parcel is not served by a community sewer system or community water system; or
- d. 2,000 square metres (21,528 square feet) for hotel and motel use where served by a community water system and community sewer system; or

e. 2 ha (4.942 acres) for campground use.

6. Lot Coverage:

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

7. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 15 metres (49.21 feet) where served by a community water system and community sewer system; or
- b. 20 metres (65.62 feet) where served by a community water system and septic tank; or
- c. 40 metres (131.2 feet) where the parcel is not served by a community water system or a community sewer system.

8. Off-Street Loading:

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

9. Off-Street Parking:

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

10. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

d. Side Yards:

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

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

11. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this Zone unless the following requirements are first met:
- i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the Trade Licence Act of British Columbia or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- c. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- d. A service station use shall not include body or frame repairs or painting.
- e. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.
- f. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.



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- g. Campgrounds shall conform with the requirements of Schedule "F" of this Bylaw.
  - h. Storage yards or areas shall not be permitted in a front yard.
  - i. Retail sales of liquor shall only be permitted within a convenience store, and the floor space used for the display and sale of liquor shall be limited to 10% of the retail area of the building.

**502 SERVICE COMMERCIAL ZONE (C.4)**1. Permitted Uses of Land, Buildings, and Structures:

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

- a. Accessory buildings and structures
- ~~b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~
- b. *Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use***  
*(Bylaw 2135, 2024)*
- c. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- d. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, fraternal lodges, health spas, social clubs, sports clubs, and sports facilities
- e. Food service establishments including bakeries, butcher shops, caterers, coffee shops, convenience stores, dairy bars, fish shops, and restaurants
- f. Office and commerce facilities accommodating engineers, funeral homes, management companies, mortuaries, newspapers, publishing, surveyors, and veterinarians
- g. Retail sales (including parts and accessories) of appliances, automobiles (including service), beverages, bicycles, boats (including service), building supplies, chemicals, electronic equipment, farm equipment (including service), feed and seed, fertilizers, flowers, furniture, garden supplies, gasoline and motor oil, glass, hardware, irrigation equipment (including service), lumber, manufactured homes (including service), motorcycles (including service), paint, pets, pet food, plants, produce, recreation vehicles (including service), sporting goods (including rental), tools and small equipment, trucks (including service) and liquor subject to the provisions of Section 502.11.g. of this Bylaw
- h. Service and repair including animal beauty parlours, appliance repair, auction marts, automobile rental, automobile service and repair, barber shops, battery shops, boat service and repair, bottle depots, car wash, crematoriums, costume rental, dry cleaners, farmers markets, glass shops, greenhouses, hairdressers, hatcheries, laboratories, laundromats, locksmith shops, machine shops contained wholly within a building with no outside storage, mini-storage facilities, nurseries, optical shops, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, shoe repair, sign shops, tailor shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors' offices (including storage), truck service and repair, truck wash, upholstery shops, movie and games rental shops, watch repair shops, warehousing (wholesale and distribution), and weigh scales

- i. Transportation facilities including passenger transportation depots and taxi dispatch offices

2. Buildings Per Lot:

There shall be not more than one (1) principal building allowed per lot.

3. Floor Area:

The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed the lesser of 10 metres (32.81 feet) or two (2) storeys.

5. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than:

- a. 560 square metres (6,028 square feet) where served by a community water system and community sewer system; or
- b. 1.0 ha. (2.47 acres) where served by a community water system and septic tank; or
- c. 1.0 ha. (2.47 acres) where the parcel is not served by a community sewer system or community water system.

6. Lot Coverage:

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

7. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 15 metres (49.21 feet) where served by a community water system and community sewer system; or
- b. 20 metres (65.62 feet) where served by a community water system and septic tank; or

- c. 40 metres (131.2 feet) where the parcel is not served by a community water system or community sewer system.

8. Off-Street Loading:

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

9. Off-Street Parking:

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

10. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

d. Side Yards:

No side yards shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 2 metres (9.842 feet); and
- ii. where the parcel is not served by a lane, there shall be a minimum of 4 metres (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

11. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
- i. The off-street parking requirements of Schedule "B" to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- c. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- d. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.
- e. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.
- f. Storage yards or areas shall not be permitted in a front yard, *except on:*
- a. *Lot 2, Section 35, Township 8, O.D.Y.D., Plan KAP10785, Except Plans H17039 and KAP67931 (PID: 009-535-004; 9 Ridgeview Road) in the front yard adjacent to Greenhow Road, and*
  - b. *That portion of Lot A, Section 35, Township 8, O.D.Y.D., Plan KAP78698 (PID: 026-379-996; 8 Greenhow Road) lying within the Corporate Boundaries of the Township of Spallumcheen."*  
(Bylaw 2104, 2023)

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- g. Retail sales of liquor shall only be permitted within a convenience store, and the floor space used for the display and sale of liquor shall be limited to 10% of the retail area of the building.

**503 RECREATION COMMERCIAL ZONE (C.5)****1. Permitted Uses of Land, Buildings, and Structures:**

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

- a. ~~Accessory buildings and structures~~
- b. ~~Accommodation including campgrounds (including rental cabins), motels, and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~
- c. ~~Entertainment and recreation facilities including animal racetracks, arcades, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos~~
- d. ~~Food service establishment including coffee shops, dairy bars, and restaurants ancillary to the recreation commercial use~~
- e. ~~Retail sales (including parts and accessories) of boats, gasoline and motor oil, recreation vehicles, and sporting goods (including rental)~~
- f. ~~Service and repair including recreation vehicle servicing and rental and taxidermists~~

**1. Permitted Uses of Land, Buildings, and Structures:**

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

- a. *Accessory buildings and structures*
- b. *Accommodation including campgrounds (including rental cabins), and motels*
- c. *Entertainment and recreation facilities including animal racetracks, arcades, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos*
- d. *Food service establishment including coffee shops, dairy bars, and restaurants ancillary to the recreation commercial use*
- e. *Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use*
- f. *Retail sales (including parts and accessories) of boats, gasoline and motor oil, recreation vehicles, and sporting goods (including rental)*
- g. *Service and repair including recreation vehicle servicing and rental and taxidermists*

*(Bylaw 2135, 2024)*

**2. Floor Area:**

- a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).
- b. The total floor area for retail sales of sporting goods (including rental) shall be not greater than 150 square metres (1,615 square feet).
- c. The floor area for hotel and motel use shall be not less than:
  - i. 20 square metres (215.3 square feet) within each sleeping unit; or
  - ii. 30 square metres (322.9 square feet) within each kitchenette unit; or
  - iii. 35 square metres (376.7 square feet) within each one-bedroom unit; or
  - iv. 55 square metres (592.0 square feet) within each two-bedroom or larger units.

3. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than 1.0 ha. (2.47 acres), except that lots for rental cabins and motel units and campgrounds shall have an area of not less than 2 ha (4.942 acres).

4. Lot Coverage:

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

5. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Section 1301.1.e.i. of this Bylaw.

6. Off-Street Loading:

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

7. Off-Street Parking:

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



8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]
- a. Exterior Side Yard:
- An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) where applicable.
- b. Front Yard:
- A front yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).
- c. Other Buildings:
- Buildings shall not be sited within 3 metres (9.842 feet) of any other building.
- d. Rear Yard:
- A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).
- e. Side Yards:
- Side yards free of all buildings and structures shall be provided with a width of not less than 2 metres (6.562 feet).
- f. Water Bodies:
- Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.
9. Other Requirements:
- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
- i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
- ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the

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provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.

- b. Campgrounds shall conform with the requirements of Schedule F of this Bylaw.
- c. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- d. Storage yards or areas shall not be permitted in a front yard.

**504 AGRICULTURAL COMMERCIAL ZONE (C.6)**1. Permitted Uses of Land, Buildings, and Structures:

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

- a. Accessory buildings and structures
- ~~b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~  
**b. Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use**  
*(Bylaw 2135, 2024)*
- c. Office and commerce facilities accommodating veterinarians
- d. Retail sales (including parts and accessories) of farm equipment (including service), feed and seed, fertilizers, flowers, garden supplies, irrigation equipment (including service), plants, and produce
- e. Service and repair including farmers markets, greenhouses, hatcheries, livestock auction marts, and nurseries

2. Buildings Per Lot:

There shall be not more than one (1) principal building allowed per lot.

3. Floor Area:

The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed the lesser of 10 metres (32.81 feet) or two (2) storeys.

5. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than:

- a. 560 square metres (6,028 square feet) where served by a community water system and community sewer system; or
- b. 1.0 ha. (2.47 acres) where served by a community water system and septic tank; or
- c. 1.0 ha. (2.47 acres) where the parcel is not served by a community sewer system or community water system.

6. Lot Coverage:

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

7. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 15 metres (49.21 feet) where served by a community water system and community sewer system; or
- b. 20 metres (65.62 feet) where served by a community water system and septic tank; or
- c. 40 metres (131.2 feet) where the parcel is not served by a community water system or community sewer system.

8. Off-Street Loading:

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

9. Off-Street Parking:

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

10. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

d. Side Yards:

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

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

11. Other Requirements:

a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:

i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.

ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.

b. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.

c. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.

d. For the purpose of this Section, "Livestock Auction Mart" means an auction mart enterprise that allows buildings, structures, and enclosures as required for the keeping and holding of animals for sale; but in no case shall any animals be kept for a period longer than ten (10) days. The principal use shall also allow for the provision of food and beverage service facilities ancillary to and operated in conjunction with an auction sale, only on such days as auction sales are conducted. In no case, will

this enterprise be deemed to allow slaughtering of animals or the provision of slaughtering facilities.

- e. Storage yards or areas shall not be permitted in a front yard.



**505 COMPREHENSIVE COMMERCIAL (AUTOMOTIVE VEHICLE RACETRACK AND TRANSPORTATION FACILITY) ZONE (C.7)**

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

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the *Comprehensive Commercial (Automotive Vehicle Racetrack and Transportation Facility) Zone (C.7)*:

- a. Accessory buildings and structures
- b. ~~One (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~  
***Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use***  
*(Bylaw 2135, 2024)*
- c. Automotive vehicle racetrack facilities
- d. Dog kennel subject to the provisions of Section 505.9.d. of this Bylaw
- e. Food and alcoholic beverage service ancillary to the principal use
- f. Limited agricultural use subject to the provisions of Section 505.9.d. of this Bylaw
- g. Outdoor entertainment subject to the provisions of Section 505.9.e. of this Bylaw
- h. Truck terminals and freight handling facilities subject to the provisions of Section 505.9.f. of this Bylaw
- i. ***Outdoor storage***
- j. ***Indoor and outdoor events, including RV shows, flea markets, film productions and weddings***
- k. ***Non-racing (street legal) type cars***
- l. ***Driving schools for racing type cars subject to the provisions of Section 505.9.i of this Bylaw***  
*(Bylaw 1767, 2010)*

2. Floor Area:

The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 square metres (645.8 square feet).

3. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than 12 ha (29.65 acres).

4. Lot Coverage:

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



5. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Section 1301.1.e.i. of this Bylaw.

6. Off-Street Loading:

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

7. Off-Street Parking:

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

8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 15 metres (49.21 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 15 metres (49.21 feet).

c. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

d. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 15 metres (49.21 feet).

e. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 15 metres (49.21 feet).

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

9. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- c. Storage yards or areas shall not be permitted in a front yard.
- d. A limited agricultural use and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.
- e. Outdoor entertainment including such things as music festivals and concerts shall be permitted subject to the approval of any authority having jurisdiction with respect to noise, health and safety, traffic control, policing, etc.
- f. Not more than 4 ha (9.884 acres) shall be used for truck terminal and freight handling purposes and such area shall be contiguous. Outdoor vehicle storage areas shall be screened from all abutting highways with a solid view obscuring evergreen landscape screen.
- g. Off premises sale of alcohol shall not be permitted.
- h. Businesses operating automotive vehicle racetrack facilities shall be limited to operating a maximum of 18 days per annum between the hours of 12 o'clock noon and 12 o'clock midnight.

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- i. Businesses operating driving schools for racing type cars shall be limited to operating between the hours of 10:00 o'clock in the forenoon and 6:00 o'clock in the afternoon during weekdays (Monday through Friday).  
(Bylaw 1767, 2010)*

## DIVISION SIX - INDUSTRIAL ZONES

### 601 LIGHT INDUSTRIAL ZONE (I.1)

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

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

- a. Accessory buildings and structures
- ~~b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~
- b. *Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use***  
(Bylaw 2135, 2024)
- ~~c. Dog kennel subject to the regulations of Section 601.10.i. of this Bylaw~~
- c. *Dog kennel subject to the regulations of Section 417 of this Bylaw***  
(Bylaw 2135, 2024)
- d. Food service establishment including bakeries and coffee shops
- e. Limited agricultural use subject to the regulations of Section 601.10.d. of this Bylaw
- f. Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), gasoline and motor oil, irrigation equipment (including service), lumber, mobile homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site
- g. Service and repair including automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants, car wash, crematoriums, cold storage plants, frozen food lockers, laboratories, machine shops, manufacturing and processing provided that they do not create fire, explosion, or safety hazards; noise in excess of average intensity of street and traffic noise in the area in question; emit smoke, dust, dirt, toxic, or offensive odours or gas; and there is no production of heat or glare perceptible from any lot line of the site on which the use is located, mini storage facilities, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops
- h. Transportation facilities including passenger transportation depots and taxi dispatch offices
- i. Crematoriums, columbariums.

2. Floor Area:

The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building and the dwelling unit shall not exceed the floor area of the principal building.

3. Height of Buildings and Structures:

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

4. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than 1.0 ha. (2.47 acres).

5. Lot Coverage:

Lot coverage shall be not greater than sixty five percent (65%) of the lot area for all buildings and structures.

6. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than 45 metres (147.6 feet).

7. Off-Street Loading:

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

8. Off-Street Parking:

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

9. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 8 metres (26.25 feet).

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

d. Side Yards:

No side yards shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 3 metres (9.842 feet); and
- ii. where the parcel is not served by a lane, there shall be a minimum of 4 metres (13.12 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this Bylaw.

10. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. With the exception of normal agricultural practices nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which

creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.

- c. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- d. A limited agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres) and all buildings and structures used for limited agricultural purposes shall:
  - i. not exceed two (2) per lot; and
  - ii. not exceed a height of 10 metres (32.81 feet); and
  - iii. not exceed a site coverage of ten percent (10%); and
  - iv. not be sited less than:
    - a. 30 metres (98.42 feet) from any front or exterior side lot line; and
    - b. 8 metres (26.25 feet) from any side or rear lot line; and
    - c. 30 metres (98.42 feet) from any lot line, for all buildings and structures used for housing and feeding animals, notwithstanding the requirements of Subsection d.iv.b. above; and
    - d. 3 metres (9.842 feet) from any other building.
- e. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- f. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.
- g. Impermeable catch-basins shall be provided for all fuel and chemical storage in accordance with the requirements of the *Provincial Fire Commissioner and/or the Waste Management Branch, Ministry of Environment*, where applicable.
- h. Storage yards or areas shall not be permitted in a front yard.

- ~~i. A dog kennel shall not be permitted on lots smaller than 4 ha. (9.884 acres) and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.~~

*(Bylaw 2135, 2024)*



**602 GENERAL INDUSTRIAL ZONE (I.2)**1. Permitted Uses of Land, Buildings, and Structures:

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

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

2. Floor Area:

~~The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building and the dwelling unit shall not exceed the floor area of the principal building.~~

*(Bylaw 2135, 2024)*

3. Height of Buildings and Structures:

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

4. Lot Area:

Subject to the provisions of Section 1301.2.f. of this bylaw, each lot shall have an area of not less than 1.0 ha. (2.47 acres).

5. Lot Coverage:

Lot coverage shall be not greater than sixty five percent (65%) of the lot area for all buildings and structures.

6. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than 45 metres (147.64 feet).

7. Off-Street Loading:

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

8. Off-Street Parking:

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

9. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 8 metres (26.25 feet).

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

d. Side Yards:

No side yard shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 3 metres (9.842 feet); and
- ii. where the parcel is not served by a lane, there shall be a minimum of 4 metres (13.12 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this Bylaw.

10. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, smoke, vibration, noise or glare; nor shall any activity be carried out which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- c. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.

- d. ~~A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.~~

*(Bylaw 2135, 2024)*

- e. A limited agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- f. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 35 metres (114.8 feet) from the centre line of a controlled access highway.
- g. Impermeable catch-basins shall be provided for all fuel and chemical storage in accordance with the requirements of the *Provincial Fire Commissioner and/or the Waste Management Branch, Ministry of Environment*, where applicable.
- h. Storage yards or areas shall not be permitted in a front yard.

**603 AGRICULTURAL INDUSTRIAL ZONE (I.4)**1. Permitted Uses of Land, Buildings, and Structures:

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

- a. Accessory buildings and structures
- ~~b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use~~
- b. Residential use, limited to one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use**  
(Bylaw 2135, 2024)
- c. Cottage industries including estate wineries, cottage breweries, and fancy meat and sausage processing
- ~~d. Dog kennel subject to the regulations of Section 603.7.f. of this Bylaw.~~
- d. Dog kennel subject to the regulations of Section 417 of this Bylaw**  
(Bylaw 2135, 2024)
- e. General agricultural industries including animal by-products and rendering plants, canneries, dairies, dehydration and freezing plants, feed and flour mills and related processing, fertilizer storage and sales, fruit and vegetable processing, hatcheries, poultry dressers, meat packing establishments, and slaughter houses
- f. Intensive agricultural use subject to the setback provisions of Section 803 of this Bylaw
- g. Livestock and farm equipment auctions
- h. Retail sale of products manufactured or processed on site or in the case of an agricultural use the retail sale of products that are grown, reared, raised, or produced on the farm unit.
- i. Transportation facilities including passenger transportation depots and taxi dispatch offices.
- ~~j. Medical marijuana Cannabis production facilities subject to the setback provisions of Section 603.6.g and Schedule J of this Bylaw~~  
(Bylaw 1855, 2013) (Bylaw 1961, 2018)
- k. A Feed Mill and related processing, and no other uses, subject to the Agricultural land Commission approval as outlined in the provisions of section 603.7.g of this bylaw.**  
(Bylaw 2047, 2021)

2. Floor Area:

- a. The floor area for estate wineries shall be not greater than 2,000 square metres (21,528 square feet).
- b. The floor area for fancy meat and sausage processing shall be not greater than 200 square metres (2,153 square feet).

- c. *The dwelling unit shall have a minimum floor area of 60 square metres (645.8 square feet) and shall be an integral part of the principal building and the dwelling unit shall not exceed the floor area of the principal building.*

*(Bylaw 2135, 2024)*

3. Lot Area:

- a. ~~A cottage industry shall not be permitted on a lot less than 0.4 ha (0.988 acres).~~
- b. ~~A general agricultural industrial use shall not be permitted on a lot less than 8 ha (19.77 acres) in size and the area zoned for general agricultural industrial use shall be not less than 1 ha (2.471 acres).~~

*The minimum parcel size for subdivision shall not be less than 1 ha (2.47 acres).*

*(Bylaw 2029, 2021)*

4. Off-Street Loading:

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

5. Off-Street Parking:

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

6. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 30 metres (98.42 feet), except that an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 180 metres (590.5 feet) for animal by-products plants, rendering plants, poultry dressers, and slaughter houses.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 30 metres (98.42 feet) except that a front yard free of all buildings and structures shall be provided with a depth of not less than 180 metres (590.5 feet) for animal by-products plants, rendering plants, poultry dressers, and slaughter houses.

c. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building, except that:

- i. buildings for agricultural use involving the keeping of animals shall not be sited within 30 metres (98.42 feet) of any residential dwelling not sited on the same lot; and
- ii. animal by-products plants, rendering plants, poultry dressers, and slaughter houses shall not be sited within 180 metres (590.5 feet) from any residential dwelling; and
- iii. residential dwellings shall not be sited within 180 metres (590.5 feet) of any animal by-products plant, rendering plant, poultry dresser, or slaughter house.

d. Rear Yard:

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

e. Side Yards:

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

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this Bylaw.

g. **Cannabis Production Facilities**

***Cannabis production facilities must be setback at least 120 m from properties used for assembly or civic use purposes.***

***(Bylaw 1961, 2018)***

7. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. Site coverage shall be not greater than thirty percent (30%) of the area zoned *Agricultural Industrial (I.4)*.
- c. Cottage industries shall be established as a use accessory to an agricultural use and subject to the following:
  - i. shall not involve the sale of a commodity on the premises unless it is produced or processed on the premises; and
  - ii. shall be completely enclosed within a building; and
  - iii. shall not discharge or emit odorous, toxic, or noxious matter or vapour; heat, glare, or radiation; recurrently generated ground vibration; or noise.
- d. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- e. Storage yards or areas shall not be permitted in a front yard.
- ~~f. A dog kennel shall not be permitted on lots smaller than 4 ha. (9.884 acres) and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.~~

*(Bylaw 2135, 2024)*

- ~~g. *Notwithstanding the Agricultural Industrial Zone (I.4) standards outlined in Section 603.7.k of this bylaw, the Agricultural Land Commission approves the Non-Farm Use of a Feed Mill and related processing, and no other uses, being granted on a property 2.47 acres in size as outlined in the Township of Spallumcheen Zoning Amendment Bylaw 2029, 2021 and located on a lot legally described as that part of Lot 2 Section 2 and Section 35 Township 8 Osoyoos*~~



*Division Yale District Plan 35183 Except Plans 35556, KAP54885 and KAP74082 and located at 4305 L & A Cross.*

- h. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.*

*(Bylaw 2135, 2024)*

**604 SOIL REMOVAL AND PROCESSING ZONE (I.5)**1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the *Soil Removal and Processing Zone (I.5)*:

- a. Accessory buildings and structures
- b. Manufacturing, processing, finishing, and storage of the following non-metallic mineral products, or others of like character or kind:
  - concrete products or ready mix concrete
  - rock, sand, and gravel
  - stone products
- c. Manufacturing, processing, and storage of asphalt paving and roofing materials
- d. Retail sale of products manufactured or processed on site
- e. Silviculture
- f. Soil extraction

2. Height of Buildings and Structures:

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

3. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than:

- a. 0.5 ha (1.235 acres) for manufacturing, processing, and storage uses subject to the provisions of Section 604.9.f. of this Bylaw, on parcels connected to a community sewer system;
- b. 1.0 ha. (2.47 acres) for manufacturing, processing, and storage uses subject to the provisions of Section 604.9.f. of this Bylaw, on parcels not connected to a community sewer system; or
- c. 4 ha (9.884 acres) for soil extraction.

4. Lot Coverage:

Lot coverage shall be not greater than sixty five percent (65%) of the lot area for all buildings and structures.

5. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 45 metres (147.64 feet) for manufacturing, processing, finishing, and storage uses; or
  - b. that prescribed in Section 1301.1.e.i. of this Bylaw for soil extraction use.
6. Off-Street Loading:
- Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw.
7. Off-Street Parking:
- Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.
8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]
- a. Exterior Side Yard:
- An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 15 metres (49.21 feet).
- b. Front Yard:
- A front yard free of all buildings and structures shall be provided with a depth of not less than 15 metres (49.21 feet).
- c. Rear Yard:
- A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).
- d. Side Yards:
- Side yards free of all buildings and structures shall be provided with a width of not less than 6 metres (19.68 feet).
- e. Water Bodies:
- Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

9. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
- b. Screening and landscaping shall be provided in accordance with the requirements of Section 406 and Schedule I of this Bylaw.
- c. Impermeable catch basins shall be provided for all fuel and chemical storage and equipment servicing areas.
- d. The depth and horizontal limits of all soil extraction areas shall be as determined by *Council*.
- e. The minimum lot size specified in Section 604.3.a and b of this Bylaw shall only be permitted upon removal of all soil as allowed in Section 604.9.d. of this Bylaw.
- f. Storage yards or areas shall not be permitted in a front yard.

**605 FOREST PRODUCT INDUSTRIAL ZONE (I.6)**1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the *Forest Product Industrial Zone (I.6)*:

- a. Storage, conservation, management, manufacturing and processing of logs and timber. The uses shall include such things as log sort yards, shingle mills, sawmills, planer mills, drying kilns, etc. but shall specifically exclude pulp mills.
- b. Retail sale of products manufactured or processed on site
- c. Silviculture

2. Height of Buildings and Structures:

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

3. Lot Area:

Subject to the provisions of Section 1301.2.f. of this Bylaw, each lot shall have an area of not less than 20 ha (49.42 acres).

4. Lot Coverage:

Lot coverage shall be not greater than ten percent (10%) of the lot area for all buildings and structures.

5. Lot Frontage:

Subject to the provisions of Section 1301.1.f. of this Bylaw, each lot shall have a road frontage of not less than one-tenth of the perimeter of the parcel.

6. Off-Street Loading:

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

7. Off-Street Parking:

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

8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 15 metres (49.21 feet).

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 15 metres (49.21 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet).

d. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 8 metres (26.25 feet).

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

9. Other Requirements:

a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:

i. The off-street parking requirements of Schedule B to this Bylaw applicable to the business or undertaking proposed to be carried on, are met; and

- 
- ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the *Trade Licence Act of British Columbia* or the provisions of such other applicable Statutes, Bylaws, and regulations in force from time to time.
  
  - b. A 10 metre wide landscape screen/buffer strip shall be provided along any abutting highway or residential zone as a condition precedent to the use of land for any of the uses cited in Section 1. above. The landscape screen/buffer strip shall be planted with indigenous trees, sufficient in terms of the number and size of plant materials used, to provide an effective view obscuring screening of the activities occurring on the lands in question.
  
  - c. Impermeable catch basins shall be provided for all fuel and chemical storage and equipment servicing areas.

**DIVISION SEVEN - RESIDENTIAL ZONES****701 RESIDENTIAL SINGLE FAMILY ZONE (R.1)**1. Permitted Uses of Land, Buildings, and Structures:

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

- a. Accessory residential
- ~~b. Bed and breakfast facilities subject to the provisions of Section 701.10.a. of this Bylaw~~
- b. *Bed and breakfast facilities subject to the provisions of Section 415 of this Bylaw***  
*(Bylaw 2135, 2024)*
- c. Residential Home occupations subject to the provisions of Section 701.10.b. of this Bylaw
- d. Single family dwellings which may include secondary suites subject to the provisions of Section 701.10.c. of this Bylaw
- e. *Backyard Hens subject to the provisions of Section 416 of this Bylaw***  
*(Bylaw 2135, 2024)*

2. Accessory Residential Buildings and Structures:

Notwithstanding the setback, building size, or height restrictions cited elsewhere in this Section, accessory residential buildings and structures shall:

- a. be sited not less than:
  - i. 8 metres (26.25 feet) from any front or exterior side lot line; and
  - ii. 1.5 metres (4.921 feet) from any rear or side lot line; and
  - iii. 3 metres (9.842 feet) from any other building or structure.

Notwithstanding the provisions of Subsection 2.a. above, a carport or garage opening onto a lane shall be sited not less than 2 metres (6.562 feet) from any such lane and a detached garage may be sited not less than 4.5 metres (14.76 feet) from the front or exterior side lot lines on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot; and

- ~~b. be not larger than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures; and~~



b. *shall have a combined maximum floor space area of 100m<sup>2</sup> (1,076.4 square feet); and*

*(Bylaw 2110, 2023)*

c. in the case of carports or garages, constructed so that the roof or ridge line shall not be in excess of 5 metres (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 metres (16.40 feet).

3. Buildings Per Lot:

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

a. one (1) single family dwelling; and

~~b. one (1) domestic garage and one (1) other accessory residential building or two (2) accessory residential buildings other than domestic garages.~~

*b. three (3) accessory residential buildings (including domestic garage)*

*(Bylaw 2110, 2023)*

4. Height of Buildings and Structures:

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

5. Lot Area:

Each lot shall have an area in accordance with Schedule "D" of this Bylaw.

6. Lot Coverage:

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

7. Lot Frontage:

Each lot shall have a road frontage in accordance with Schedule "D" of this Bylaw.

8. Off-Street Parking:

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

9. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 5 metres (16.40 feet) where applicable.

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than that required in Schedule "D" of this Bylaw for single family dwellings.

c. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) for single family dwellings.

e. Side Yards:

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

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

10. Other Requirements:

~~a. Bed and breakfast use operations are permitted provided that:~~

~~i. the bed and breakfast use is contained wholly within the principal dwelling; and~~

- ~~ii. is restricted to a maximum of three bedrooms; and~~
- ~~iii. is provided with one additional off-street parking space, two if more than two bedrooms are used; and~~
- ~~iv. in no way indicates from the exterior of the building that the premises are being used for a bed and breakfast, except for one unilluminated sign less than 0.5 square metres (5.382 square feet) in area.~~

b. Residential Home occupations are permitted provided that:

- i. all activities, including the storage of materials, equipment and products, are completely enclosed within the principal dwelling or accessory building; and
- ii. the home occupation or occupations occupy a maximum total floor area of less than twenty percent (20%) of the floor area of the principal dwelling, not to exceed 60 square metres (645.86 square feet). The maximum total floor area includes all areas in any dwelling unit or accessory residential building that is used, or proposed to be used, for home occupation purposes. Where more than one home business exists, maximum combined total floor area of all home occupations is twenty percent (20%) of the floor area of the principal dwelling, not to exceed 60 square metres (645.86 square feet); or.
- iii. the accessory building used for a home occupation does not exceed 80.3 square metres (864.37 square feet); and
- iv. the home occupation is conducted by the residents of the dwelling unit; and
- v. no more than one non-resident is employed in the home occupation at one time; and
- vi. no operations, displays or signs are visible from outside the dwelling unit or lot, with the exception of one home occupation sign of less than 0.5 square metre (5.382 square feet) in area; and
- vii. no noise, vibration, heat glare, fire hazard, litter, odour or electrical interference is produced which is detectable from outside the premises; and
- viii. no traffic congestion or air pollution by way of smoke or dust is produced; and
- ix. two (2) off-street parking spaces shall be provided in addition to spaces required for dwelling units in accordance with Schedule B

of this Bylaw, plus one (1) off-street parking space for a non-resident employee; and

x. outdoor storage is expressly prohibited.

~~e. Secondary suites are permitted provided that:~~

~~i. not more than one (1) secondary suite shall be contained within a building; and~~

~~ii. the secondary suite shall not exceed the lesser of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and~~

~~iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and~~

~~iv. the single family dwelling unit or the secondary suite shall be occupied by at least one (1) of the persons designated on the records of the Kamloops Land Title Office as the registered owner of the lot and dwelling unit; and~~

~~v. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the *Strata Property Act*; and~~

~~vi. two off street parking spaces shall be provided for each secondary suite.~~

**c. *Secondary suites are permitted provided that:***

**i. *not more than one (1) secondary suite shall be contained within a building; and***

**ii. *the secondary suite shall not exceed the greater of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and***

**iii. *the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and***

**iv. *buildings containing secondary suites shall not be subdivided pursuant to the provisions of the *Strata Property Act*; and***

**v. *one off-street parking space shall be provided for each secondary suite.***  
***(Bylaw 2135, 2024)***

Secondary suites shall not be permitted in cellars.

- d. No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material in the *Residential Single Family Zone (R.1)*, except:
- i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
  - ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or
  - iii. one (1) utility trailer provided that the overall length does not exceed 4 metres (13.12 feet); and/or
  - iv. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
  - v. one (1) boat or vessel not exceeding a length of 10 metres (32.81 feet); and/or
  - vi. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.
- e. Notwithstanding the Residential Zone Home Occupation standards outlined in Section 701.10.b of this Bylaw, the existing accessory building setback of 3.0 meters and general Heating, Ventilation and Air Conditioning (HVAC) repair within an accessory building measuring 7.3m by 11.0m (24'X36') plus a recent addition to the accessory building measuring 4.3m by 6.1m (14'X20') equating to a total accessory building footprint of 106.5m<sup>2</sup> (1,144 ft<sup>2</sup>) including a home office of 8.9 m<sup>2</sup> (converted bedroom inside the home 8'X12') for Lot 1, Section 24, Township 7, Osoyoos Division Yale District, Plan 22801 is a permitted use; where the operation otherwise meets all other home based business regulations.

**702 RESIDENTIAL MANUFACTURED HOME COMMUNITY ZONE (R.5)**1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Bylaw No. 1461, 1999 being the *Corporation of the Township of Spallumcheen Manufactured Home Community Bylaw No. 1461, 1999*, the following uses and no others shall be permitted in the *Residential Manufactured Home Community Zone (R.5)*:

- a. Campground accessory to the manufactured home community
- b. Residential Home occupations subject to the provisions of Section 701.10.b of this Bylaw
- c. Identification signs
- d. Manufactured home communities
- e. One (1) dwelling unit for the accommodation of the owner/operator of the principal and permitted use
- f. Recreation areas
- g. Utility service buildings

2. ***Notwithstanding the Residential Manufactured Home Community (R.5) zone permitted uses outlined in Section 702.1 of this Bylaw, that an accessory building (detached garage) on the property legally described as Parcel A, (DD X34551) of NE ¼ of Sec 13, Twp 7, ODYD, Except Plans H732 and KAP88909 located at 994 Highway 97A is a permitted accessory use with 118.9 m<sup>2</sup> (1280 ft<sup>2</sup>) of floor space.***

*(Bylaw 1759, 2009)*

## DIVISION EIGHT - RURAL ZONES

### 801 SMALL HOLDING ZONE (S.H.)

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

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

- a. Accessory residential
- ~~b. Bed and breakfast facilities subject to the provisions of Section 801.10.a. of this Bylaw~~
- b. *Bed and breakfast facilities subject to the provisions of Section 415 of this Bylaw***  
(Bylaw 2135, 2024)
- ~~e. Dog kennel subject to the regulations of Section 801.10.h. of this Bylaw~~
- c. *Dog kennel subject to the regulations of Section 417 of this Bylaw***  
(Bylaw 2135, 2024)
- d. Small Holding / Country Residential Home occupations subject to the provisions of Section 801.10.b. of this Bylaw
- e. Intensive agricultural use subject to the provisions of Section 801.10.c. of this Bylaw
- f. Restricted agricultural use
- g. Single family dwellings which may include secondary suites subject to the provisions of Section 801.10.d. of this Bylaw
- h. *Secondary single family dwellings subject to the provisions of Section 801.10.e. of this Bylaw (on lots 2 ha or larger)***  
(Bylaw 1819, 2012)
- i. *Detached suite subject to the provisions of Section 801.10.f***  
(Bylaw 1938, 2017)

#### 2. Buildings Per Lot:

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

- a. one (1) single family dwelling; and
- ~~b. *one (1) secondary single family dwelling subject to the provisions of Section 801.10.e. of this Bylaw (on lots 2 ha or larger)*~~  
(Bylaw 1819, 2012)
- b. *one (1) secondary single family dwelling subject to the provisions of Section 801.10.e of this Bylaw (on lots 2 ha or larger) or one (1) detached suite subject to the provisions of Section 801.10.f (on lots 2 ha or larger).***  
(Bylaw 1938, 2017)

e. ~~one (1) domestic garage and one (1) other accessory residential building or two (2) accessory residential buildings other than domestic garages.~~

d. ~~two (2) restricted agricultural buildings.~~

e. ***four (4) accessory buildings to a combined maximum of 1,000 square metres (10,764 square feet).***

***(Bylaw 2135, 2024)***

3. Floor Area:

a. ~~The floor area for accessory residential buildings shall be not larger than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and be not larger than 15 square metres (161.5 square feet) for all other accessory residential buildings and structures.~~

a. ***The floor area for accessory residential buildings not containing a detached suite shall be not larger than 80.3 square metres (864.37 square feet) having a horizontal dimension of not more than 11 metres (36.09 feet) for domestic garages and be not larger than 15 square metres (161.1 square feet) for all other accessory residential buildings and structures.***

***(Bylaw 1938, 2017)***

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

a. 8 metres (26.25 feet) for accessory residential use; or

b. ***10 m (32.81 feet) for detached suite use; or***

c. the lesser of 12 metres (39.37 feet) or three (3) storeys for residential use; or

d. 12 metres (39.37 feet) for restricted agricultural use.

***(Bylaw 1938, 2017)***

5. Lot Area:

~~Subject to the provisions of Sections 1301.2.f. and g. of this Bylaw, each lot shall have an area of not less than 1 ha (2.471 acres).~~

***Subject to the provisions of Sections 1301.2.f and h. of this Bylaw, each lot shall have an area of not less than 1 ha (2.471 acres).***

***(Bylaw 2110, 2023)***

6. Lot Coverage:

Lot coverage shall be not greater than:



- a. Twenty percent (20%) for buildings and structures used for apicultural use; or
- b. Twenty five percent (25%) for buildings and structures used for tree, vine, field and forage crop production; or
- c. Thirty five percent (35%) for buildings and structures used for mushroom growing; livestock, poultry, game and fur production including confined livestock areas; and for nurseries and specialty wood crop production and turf farms; or
- d. Seventy five percent (75%) for greenhouses; or
- e. Thirty percent (30%) for all other uses.

Areas or structures used to store woodwaste or raw materials for compost or soilless medium production may comprise up to half of the lot coverage indicated above.

Detention ponds and support structures for shading, frost and wind protection, netting or trellising are not subject to the lot coverage provisions cited above.

7. Lot Frontage:

Subject to the provisions of Sections 1301.1.e. and f. of this Bylaw, each lot shall have a road frontage of not less than 45 metres (147.6 feet).

8. Off-Street Parking:

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

9. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Agricultural Setbacks:

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule J of this bylaw.

b. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than 7.5 metres (24.61 feet)

for single family dwellings and accessory residential buildings and structures.

c. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings and for accessory residential buildings and structures.

d. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

e. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings and accessory residential buildings and structures.

f. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 3 metres (9.842 feet) for single family dwellings and accessory residential buildings and structures.

g. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this bylaw.

h. Home Occupations:

Buildings used for Home Occupations, except principal dwellings, shall be provided with a setback of not less than 7.5 metres (24.61 feet) from all property lines.

i. ***Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing on April 21, 2008 (the effective date of the original Township of Spallumcheen Zoning Bylaw No. 1700, 2008), the setback provisions of Section 701.9. of this Bylaw shall apply.***  
***(Bylaw 2135, 2024)***

10. Other Requirements:

a. ~~Bed and breakfast use operations are permitted provided that:~~

- ~~i. the bed and breakfast use is contained wholly within the principal dwelling; and~~
- ~~ii. is restricted to a maximum of three bedrooms; and~~
- ~~iii. is provided with one additional off-street parking space, two if more than two bedrooms are used; and~~
- ~~iv. in no way indicates from the exterior of the building that the premises are being used for a bed and breakfast, except for one unilluminated sign less than 1 square metre (10.76 square feet) in area.~~

~~Bed and breakfast signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°).~~

*(Bylaw 2135, 2024)*

- b. Small Holding / Country Residential Home occupations are permitted provided that:

- i. the home occupations are clearly incidental or secondary to the residential/farm use of the property and do not change the character of the site or have any exterior evidence of such secondary use other than one home occupation sign not greater than 1 square metre (10.76 square feet) in area except that if the property abuts Highway 97 or Highway 97A, or is separated by a road or railway therefrom, then one home occupation sign not greater than 3 square metres (32.29 square feet) in area may be permitted.

Home occupation signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°); and

- ii. all activities, including the storage of materials, equipment and products, are completely enclosed within a dwelling unit, accessory residential building or agricultural building; and
- iii. the home occupation or occupations occupy a maximum total floor area no greater than 100 square metres (1076.43 square feet). The maximum total floor area includes all areas contained in any dwelling unit, accessory residential building or agricultural building that are used, or proposed to be used, for home occupation purposes. Where more than one home occupation exists, maximum combined total floor area of all home occupations is 100 square metres (1076.43 square feet); and

- iv. there shall be no restriction on the size of a dwelling unit or agricultural building within which a home occupation or occupations may be carried out provided that the total floor area used for home occupation purposes does not exceed the area allowed pursuant to the provisions of subsection iii. above; and
  - v. there shall be no restriction on the number of accessory residential buildings and agricultural buildings within which home occupations may be carried out; and
  - vi. only persons residing in the dwelling unit associated with the home occupation use may be involved in a home occupation plus a maximum of two (2) non-resident employees per land registry parcel; and
  - vii. where the property is located within the *Agricultural Land Reserve*, the nature of the home occupation use is not a day care facility, preschool or other educational facility, group home or health and other caregiving facility including homes for the elderly, serving more than eight (8) persons; and
  - viii. no noise, vibration, heat glare, fire hazard, litter, odour or electrical interference is produced which is detectable from outside the premises, and
  - ix. no traffic congestion or air pollution by way of smoke or dust is produced; and
  - x. Two (2) off-street parking spaces shall be provided in addition to spaces required for dwelling units in accordance with Schedule B of this Bylaw, plus one (1) off-street parking space for each non-resident employee; and
  - xi. outdoor storage is expressly prohibited.
- c. An intensive agricultural use shall only be permitted on lands that are 0.8094 ha (2 acres) or larger in size that are located within the *Agricultural Land Reserve*.
- d. ~~Secondary suites are permitted provided that:~~
- ~~i. not more than one (1) secondary suite shall be contained within a building; and~~
  - ~~ii. the secondary suite shall not exceed the lesser of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and~~

- ~~iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and~~
- ~~iv. the single family dwelling unit or the secondary suite shall be occupied by at least one (1) of the persons designated on the records of the Kamloops Land Title Office as the registered owner of the lot and dwelling unit; and~~
- ~~v. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and~~
- ~~vi. two off street parking spaces shall be provided for each secondary suite~~

**d. Secondary suites are permitted provided that:**

- i. not more than one (1) secondary suite shall be contained within a building; and**
- ii. the secondary suite shall not exceed the greater of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and**
- iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and**
- iv. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and**
- v. one off-street parking space shall be provided for the secondary suite.**

**(Bylaw 2135, 2024)**

Secondary suites shall not be permitted in cellars.

- e. A secondary single family dwelling ancillary to an existing principal single family dwelling shall not be permitted on lots located in the Agricultural Land Reserve (ALR) or on lots less than 2 ha. (4.94 acres) in size except that a secondary single family dwelling ancillary to an existing principal single family dwelling shall be permitted on a lot less than 2 ha. (4.94 acres) in size if that lot has been reduced below 2 ha. (4.94 acres) as a result of, an only as a result of, subsequent road dedication.**

**(Bylaw 1819, 2012)**

- f. Detached suites are permitted provided that:**

- i. *the detached suite must be located entirely on one floor and on a floor above the main floor of an accessory residential or agricultural building;*
  - ii. *the main floor of the building which contains a detached suite must only be used for accessory residential or agricultural purposes;*
  - iii. *the detached suite must have access to the outside that is separate from the access to the main floor of the accessory residential or agricultural building;*
  - iv. *no more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;*
  - v. *no more than one (1) detached suite shall be permitted per lot;*
  - vi. *the detached suite shall not be permitted on lots containing a secondary single family dwelling;*
  - vii. *the detached suite shall not be permitted on lots that are smaller than 2 ha;*
  - viii. ~~*the maximum floor area of a detached suite shall not exceed 90 m<sup>2</sup> (968 square feet);*~~
- (Bylaw 2135, 2024)*
- ix. *one (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*
  - x. *the detached suite must be located on a property which is a single real estate entity and which shall not be strata titled;*
  - xi. *for properties within the Agricultural Land Reserve, the detached suite may only be located on a lot that is classified as “farm” under the BC Assessment Act and the detached suite must comply with all Agricultural Land Commission regulations.*

*(Bylaw 1938, 2017)*

- g. ~~Where a lot of less than 0.5 ha (1.235 acres) was existing at the effective date of this Bylaw, the provisions of Section 701.9. of this Bylaw shall apply for residential buildings.~~
- h. ~~No person at any time shall park or store any commercial vehicle, truck, bus, self propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material in the *Small Holding Zone (S.H.)*, except:~~
  - i. ~~one (1) truck or commercial vehicle; and/or~~
  - ii. ~~one (1) self propelled camper or travel trailer provided that the overall length does not exceed 10 metres (32.81 feet); and/or~~
  - iii. ~~one (1) utility trailer provided that the overall length does not exceed 4 metres (13.12 feet); and/or~~

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

*(Bylaw 2135, 2024)*

- i. A dog kennel shall not be permitted on lots smaller than 4 ha. (9.884 acres) and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.
- j. Notwithstanding the Small Holding Home Occupation standards outlined in Section 801.10.b of this Bylaw, the maximum total floor area for the existing home occupation for an office, showroom, storage of materials and equipment, assembly of personnel and associated activities for the operation of a roofing business within existing buildings on Lot 2, Section 29, Township 4, O.D.Y.D. Plan 23647 at 1609 Eagle Rock Road shall be 257 m<sup>2</sup> (2,766 ft<sup>2</sup>); and

the prohibition of outside storage as outlined in Section 801.10.b.xi is waived to permit an outside storage area of 72 m<sup>2</sup> (775 ft<sup>2</sup>) for business vehicle storage and the requirement for fencing or additional screening as outlined elsewhere in this Bylaw is waived for this storage area only.

- k. Notwithstanding the Small Holding Zone Home Occupation standards outlined in Section 801.10.b of this Bylaw, the existing home based business for an office and the storage of supplies and equipment for a lawn and tree care service and associated activities located on Lot 2, Block 2, District Lot 89, O.D.Y.D., Plan 190 at 4522 Lansdowne Road is a permitted use consisting of 16 m<sup>2</sup> (±172 ft<sup>2</sup>) of floorspace within the dwelling plus 111 m<sup>2</sup> (±1,195 ft<sup>2</sup>) of floorspace in three accessory buildings and structures; and

notwithstanding the setback standards outlined in Section 801.9.f of this Bylaw, the side yard setback for the existing home based business accessory buildings and structures shall be 1.5 m (±5 ft).

- l. Notwithstanding the Small Holding (S.H) zone Home Occupation standards outlined in Section 801.10.b of this Bylaw, that a cabinet manufacturing home based business on the property legally described as Parcel A (Plan B5723) of the N1/2, Sec 4, Twp 35, K (formerly O)*

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*DYD, Except Parcel 6 (Plan H3) located at 3811 Highway 97A is a permitted use within a 264.8 m<sup>2</sup> (2,850 ft<sup>2</sup>) accessory building.*

*AND THAT notwithstanding the Home Occupation setback standards outlined in Section 801.9.h of this Bylaw, the interior side yard setback of the accessory building associated with the home based business shall be 3 m (9.8 ft).*

*(Bylaw 1769, 2010)*



**802 COUNTRY RESIDENTIAL ZONE (C.R.)**1. Permitted Uses of Land, Buildings, and Structures:

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

- a. Accessory buildings and structures
- b. Accessory farm sales use subject to the provisions of Section 802.9.a. of this Bylaw
- ~~c. Bed and breakfast facilities subject to the provisions of Section 802.9.b. of this Bylaw~~
- c. ***Bed and breakfast facilities subject to the provisions of Section 415 of this Bylaw***  
(Bylaw 2135, 2024)
- ~~d. Dog kennel subject to the regulations of Section 802.9.i. of this Bylaw.~~
- d. ***Dog kennel subject to the regulations of Section 417 of this Bylaw***  
(Bylaw 2135, 2024)
- e. Small Holding / Country Residential Home occupations subject to the provisions of Section 802.9.c. of this Bylaw
- f. Intensive agricultural use subject to the provisions of Section 802.9.d. of this Bylaw
- g. Limited agricultural use
- h. Single family dwellings which may include secondary suites subject to the provisions of Section 802.9.e. of this Bylaw
- i. ***Secondary single family dwellings subject to the provisions of Section 802.9.f of this Bylaw (on lots 2 ha. or larger)***  
(Bylaw 1819, 2012)
- j. ***Detached suite subject to the provisions of Section 802.9.g***  
(Bylaw 1938, 2017)

2. Buildings Per Lot:

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

- a. one (1) single family dwelling; and
- ~~b. one (1) secondary single family dwelling subject to the provisions of Section 802.9.f of this Bylaw (on lots 2 ha. or larger)~~  
(Bylaw 1819, 2012)
- b. ***one (1) secondary single family dwelling subject to the provisions of Section 802.9.f of this Bylaw (on lots 2 ha or larger) or one (1) detached suite subject to the provisions of Section 802.9.g (on lots 2 ha or larger).***  
(Bylaw 1938, 2017)
- ~~c. one (1) for accessory farm sales use~~

- c. ***four (4) accessory buildings to a combined maximum of 1,000 square metres (10,764 square feet).***

***(Bylaw 2135, 2024)***

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. ***10 m (32.81 feet) for detached suite use; or***
- c. the lesser of 12 metres (39.37 feet) or three (3) storeys for residential use; or
- d. 20 metres (65.62 feet) for agricultural use.

***(Bylaw 1938, 2017)***

4. Lot Area:

Subject to the provisions of Sections 1301.2.f. and g. of this Bylaw, each lot shall have an area of not less than 2 ha (4.942 acres).

5. Lot Coverage:

Lot coverage shall be not greater than:

- a. Twenty percent (20%) for buildings and structures used for apicultural use; or
- b. Twenty five percent (25%) for buildings and structures used for tree, vine, field and forage crop production; or
- c. Thirty five percent (35%) for buildings and structures used for mushroom growing; livestock, poultry, game and fur production including confined livestock areas; and for nurseries and specialty wood crop production and turf farms; or
- d. Seventy five percent (75%) for greenhouses; or
- e. Thirty percent (30%) for all other uses.

Areas or structures used to store woodwaste or raw materials for compost or soilless medium production may comprise up to half of the lot coverage indicated above.

Detention ponds and support structures for shading, frost and wind protection, netting or trellising are not subject to the lot coverage provisions cited above.

6. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Section 1301.1.e.i. of this Bylaw.

7. Off-Street Parking:

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

8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Agricultural Setbacks:

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule J of this bylaw.

b. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, single family dwellings and accessory residential buildings and structures.

c. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, single family dwellings and for accessory residential buildings and structures.

d. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

e. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, single family dwellings and accessory residential buildings and structures.

f. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for accessory farm sales use, single family dwellings and accessory residential buildings and structures.

g. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this bylaw.

h. Home Occupations:

Buildings used for Home Occupations, except principal dwellings, shall be provided with a setback of not less than 7.5 metres (24.61 feet) from all property lines.

i. ***Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing on April 21, 2008 (the effective date of the original Township of Spallumcheen Zoning Bylaw No. 1700, 2008), the setback provisions of Section 701.9. of this Bylaw shall apply.***

***(Bylaw 2135, 2024)***

9. Other Requirements:

a. An accessory farm sales use:

- i. shall be ancillary to an agricultural use being carried out on the same property; and
- ii. shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the farm unit except that, for lands that are located within the *Agricultural Land Reserve* as established by the *Provincial Agricultural Land Commission*, an accessory farm sales use may include the retail sales of Farm Products, Off-Farm Products and Processed Farm Products subject to the regulations cited elsewhere in this Section; and
- iii. shall, except for the outside display areas permitted in iv. below, be contained wholly within a building or buildings and the farm sales use shall occupy a total area, within those buildings, not greater than 140 square metres (1507.00 square feet) in size.

For the purpose of calculating the portion of the buildings to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and packaging, shall be included,

but any office area, wholesale storage area, washroom area and processing facilities will not be included; and

- iv. may have outside display areas having a total area not greater than 70 square metres (753.50 square feet) in size, which areas must be contiguous with the farm sales area(s) described in iii. above; and
- v. may provide for the retail sales of Off-Farm Products and Processed Farm Products, ancillary to the sale of Farm Products, provided that the area allotted to the sale of Off-Farm Products and Processed Farm Products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use; and
- vi. shall provide one (1) off-street parking space per 12 square metres (129.2 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Section 1101 of this Bylaw; and
- vii. may, notwithstanding any other provisions of this bylaw, include not more than one (1) wall sign per fronting street, and one (1) free standing sign, advertising the intended use. Wall signs shall meet the sign area requirements of Section 1601.4.a.i. of this Bylaw. Free standing signs shall not exceed 3 metres (9.842 feet) in height; shall have a sign area of not larger than 3.0 square metres (32.29 square feet); shall be located no closer than 2 metres (6.562 feet) to any property boundary; shall not be illuminated; and shall be incorporated into an area of the parcel that is not less than 10 square metres (107.64 square feet) in size and this area shall be landscaped to the standards outlined in Section 1801.2.b. of this Bylaw.

Accessory farm sales signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°); and

- viii. shall not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm sales use; the outside storage area; or access driveways and off-street parking areas; and
- ix. shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.

- b. ~~Bed and breakfast use operations are permitted provided that:~~
- ~~i. the bed and breakfast use is contained wholly within the principal dwelling; and~~
  - ~~ii. is restricted to a maximum of three bedrooms; and~~
  - ~~iii. is provided with one additional off-street parking space, two if more than two bedrooms are used; and~~
  - ~~iv. in no way indicates from the exterior of the building that the premises are being used for a bed and breakfast, except for one unilluminated sign less than 1 square metre (10.76 square feet) in area.~~
  - ~~v. Bed and breakfast signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°).~~
- c. Small Holding / Country Residential Home occupations are permitted provided that:

- i. the home occupations are clearly incidental or secondary to the residential/farm use of the property and do not change the character of the site or have any exterior evidence of such secondary use other than one home occupation sign not greater than 1 square metre (10.76 square feet) in area except that if the property abuts Highway 97 or Highway 97A, or is separated by a road or railway therefrom, then one home occupation sign not greater than 3 square metres (32.29 square feet) in area may be permitted.

Home occupation signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°); and

- ii. all activities, including the storage of materials, equipment and products, are completely enclosed within a dwelling unit, accessory residential building or agricultural building; and
- iii. the home occupation or occupations occupy a maximum total floor area no greater than 100 square metres (1076.43 square feet). The maximum total floor area includes all areas contained in any dwelling unit, accessory residential building or agricultural building that are used, or proposed to be used, for home occupation purposes. Where more than one home occupation exists, maximum combined total floor area of all home occupations is 100 square metres (1076.43 square feet); and

- iv. there shall be no restriction on the size of a dwelling unit, accessory residential building or agricultural building within which a home occupation or occupations may be carried out provided that the total floor area used for home occupation purposes does not exceed the area allowed pursuant to the provisions of subsection iii. above; and
  - v. there shall be no restriction on the number of accessory residential buildings and agricultural buildings within which home occupations may be carried out; and
  - vi. only persons residing in the dwelling unit associated with the home occupation use may be involved in a home occupation plus a maximum of two (2) non-resident employees per land registry parcel; and
  - vii. where the property is located within the *Agricultural Land Reserve*, the nature of the home occupation use is not a day care facility, preschool or other educational facility, group home or health and other caregiving facility including homes for the elderly, serving more than eight (8) persons; and
  - viii. no noise, vibration, heat glare, fire hazard, litter, odour or electrical interference is produced which is detectable from outside the premises, and
    - ix. no traffic congestion or air pollution by way of smoke or dust is produced; and
  - x. two (2) off-street parking spaces shall be provided in addition to spaces required for dwelling units in accordance with Schedule B of this Bylaw, plus one (1) off-street parking space for each non-resident employee; and
  - xi. outdoor storage is expressly prohibited.
- d. An intensive agricultural use shall only be permitted on lands that are 0.8094 ha (2 acres) or larger in size that are located within the *Agricultural Land Reserve*.
- ~~e. Secondary suites are permitted provided that:~~
- ~~i. not more than one (1) secondary suite shall be contained within a building; and~~
  - ~~ii. the secondary suite shall not exceed the lesser of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and~~

- ~~iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and~~
- ~~iv. the single family dwelling unit or the secondary suite shall be occupied by at least one (1) of the persons designated on the records of the Kamloops Land Title Office as the registered owner of the lot and dwelling unit; and~~
- ~~v. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and~~
- ~~vi. two off-street parking spaces shall be provided for each secondary suite.~~

***e. Secondary suites are permitted provided that:***

- i. not more than one (1) secondary suite shall be contained within a building; and***
- ii. the secondary suite shall not exceed the greater of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and***
- iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and***
- iv. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and***
- v. one off-street parking space shall be provided for the secondary suite.***

***(Bylaw 2135, 2024)***

Secondary suites shall not be permitted in cellars.

- f. A secondary single family dwelling ancillary to an existing principal single family dwelling shall not be permitted on lots located in the Agricultural Land Reserve (ALR) or on lots less than 2 ha. (4.94 acres) in size except that a secondary single family dwelling ancillary to an existing principal single family dwelling shall be permitted on a lot less than 2 ha. (4.94 acres) in size if that lot has been reduced below 2 ha. (4.94 acres) as a result of, and only as a result of, subsequent road dedication.***

***(Bylaw 1819, 2012)***



- g. Detached suites are permitted provided that:**
- i. the detached suite must be located entirely on one floor and on a floor above the main floor of an accessory residential or agricultural building;**
  - ii. the main floor of the building which contains a detached suite must only be used for accessory residential or agricultural purposes;**
  - iii. the detached suite must have access to the outside that is separate from the access to the main floor of the accessory residential or agricultural building;**
  - iv. no more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;**
  - v. no more than one (1) detached suite shall be permitted per lot;**
  - vi. the detached suite shall not be permitted on lots containing a secondary single family dwelling;**
  - vii. the detached suite shall not be permitted on lots that are smaller than 2 ha;**
  - ~~**viii. the maximum floor area of a detached suite shall not exceed 90 m<sup>2</sup> (968 square feet);**~~

**(Bylaw 2135, 2024)**
  - ix. one (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;**
  - x. the detached suite must be located on a property which is a single real estate entity and which shall not be strata titled;**
  - xi. for properties within the Agricultural Land Reserve, the detached suite may only be located on a lot that is classified as “farm” under the BC Assessment Act and the detached suite must comply with all Agricultural Land Commission regulations.**

**(Bylaw 1938, 2017)**
- ~~**h. Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing at the effective date of this Bylaw, the provisions of Section 701.9. of this Bylaw shall apply.**~~

**(Bylaw 2135, 2024)**
- i. The unenclosed storage of more than two (2) unlicensed or dismantled automobiles is not permitted.**
- ~~**j. A dog kennel shall not be permitted on lots smaller than 4 ha. (9.884 acres) and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.**~~

**(Bylaw 2135, 2024)**

**803 AGRICULTURAL ZONE (A.2)**1. Permitted Uses of Land, Buildings, and Structures:

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the *Agricultural Zone (A.2)*:

- a. Accessory buildings and structures
- b. Accessory employee bunkhouse use
- c. Accessory farm sales use subject to the provisions of Section 803.9.a. of this Bylaw
- d. ~~Bed and breakfast facilities subject to the provisions of Section 803.9.b. of this Bylaw~~  
***Bed and breakfast facilities subject to the provisions of Section 415 of this Bylaw***  
*(Bylaw 2135, 2024)*
- e. ~~Dog kennel subject to the regulations of Section 803.9.ff. **803.9.k** of this Bylaw~~  
*(Bylaw 2003, 2020)*  
***Dog kennel subject to the regulations of Section 417 of this Bylaw***  
*(Bylaw 2135, 2024)*
- f. Agricultural Zone Home occupations subject to the provisions of Section 803.9.c. of this Bylaw
- g. Intensive agricultural use
- h. Resource use
- i. Secondary single family dwellings (or manufactured homes) subject to the provisions of Section 803.9.d. of this Bylaw
- j. Single family dwellings which may include secondary suites subject to the provisions of Section 803.9.f. of this Bylaw
- k. Wineries and cideries subject to the provisions of Section 803.9.i. **803.9.j** of this Bylaw  
*(Bylaw 2003, 2020)*
- l. ~~***Medical marijuana Cannabis production facilities subject to the setback provisions of Section 803.8.j and Schedule J of this Bylaw***~~  
~~*(Bylaw 1855, 2013) (Bylaw 1961, 2018)*~~  
***Cannabis production facilities subject to the provisions of Section 414 Section 803.5.b of this Bylaw.***  
*(Bylaw 1986, 2019) (Bylaw 2063, 2022)*
- m. ***Detached suite subject to the provisions of Section 803.9.g***  
*(Bylaw 1938, 2017)*
- n. ***Biosolids processing***
- o. ***Composting***  
*(Bylaw 2135, 2024)*

2. Buildings Per Lot:

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

- a. — one (1) principal single family dwelling; and
- b. — one (1) secondary single family dwelling (or manufactured home) subject to the provisions of Section 803.9.d. and e. of this Bylaw; and
- ~~b. — one (1) secondary single family dwelling (manufactured home) subject to the provisions of Section 803.9.d.i 803.9.g of this Bylaw (on lots 2 ha or larger) or one (1) detached suite subject to the provisions of Section 803.9.i (on lots 2 ha or larger). (Bylaw 1938, 2017) (Bylaw 2003, 2020)~~
- c. — One (1) for accessory farm sales use.

2. **Number and Size of Buildings Per Lot:**

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

- a. *one (1) principal single family dwelling:*
  - i. *not exceeding 500 m<sup>2</sup> (5382 square feet) in gross floor area, including the area of a secondary suite, if located in the Agricultural Land Reserve; or*
  - ii. *of any size, if located outside the Agricultural Land Reserve.*
- b. *one (1) secondary single family dwelling (or manufactured home) subject to the provisions of Section 803.9.d of this Bylaw (on lots 2 ha or larger) or one (1) detached suite subject to the provisions of Section 803.9.g (on lots 2 ha or larger); and*
- c. *One (1) for accessory farm sales use.*

*(Bylaw 2135, 2024)*

3. **Height of Buildings and Structures:**

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. **10 m (32.81 feet) for detached suite use; or**
- c. the lesser of 12 metres (39.37 feet) or three (3) storeys for residential use; or
- d. 20 metres (65.62 feet) for agricultural or resource use.

*(Bylaw 1938, 2017)*

4. Lot Area:

Subject to the provisions of Sections 1301.2.f. and g. of this Bylaw, each lot shall have an area of not less than 30.5 ha (75.37 acres) *or as approved by the Agricultural Land Commission.*

*(Bylaw 1829, 2012)*

- a. Notwithstanding the Agricultural Zone Lot Area standards outlined in Section 803.4 of this Bylaw, the property legally described as the Remainder Lot 3, Sec 11 & 12, Twp 7, ODYD, Plan KAP47909 shall have an area not less than 8.08 ha (19.96 acres).*

*(Bylaw 1818, 2011)*

5. Lot Coverage:

- a. Lot coverage shall be not greater than:*

- i. Twenty percent (20%) for buildings and structures used for apicultural use; or*
- ii. Twenty five percent (25%) for buildings and structures used for tree, vine, field and forage crop production; or*
- iii. Thirty five percent (35%) for buildings and structures used for mushroom growing; livestock, poultry, game and fur production including confined livestock areas; and for nurseries and specialty wood crop production and turf farms; or*
- iv. Seventy five percent (75%) for greenhouses; or*
- v. Thirty five percent (35%) for all other uses.*

*(Bylaw 2063, 2022 [numbering 803.5a])*

- b. Cannabis production facilities shall only be permitted on lands where:*

- i. The use is considered a ‘farm use’ that may not be prohibited in accordance with the Agricultural Land Commission Act and Regulations; and*

- i. The gross floor area of all buildings and structures are used for a cannabis production facility use and all ancillary uses does not exceed 500m<sup>2</sup>, except*

- a. On Lot 8 Section 16 Township 7 ODYD Plan 1558 the maximum gross floor area must not exceed 5,800m<sup>2</sup>; except*

*(Bylaw 2064, 2022)*

***b. On Lot 9, Section 21, Township 7, Land District 41, Plan KAP2010, the maximum gross floor area must not exceed 6,968m<sup>2</sup>; and***

***(Bylaw 2075, 2022)***

***iii. The use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards.***

***(Bylaw 2063, 2022)***

Areas or structures used to store woodwaste or raw materials for compost or soilless medium production may comprise up to half of the lot coverage indicated above.

Detention ponds and support structures for shading, frost and wind protection, netting or trellising are not subject to the lot coverage provisions cited above.

6. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Section 1301.1.e.i. of this Bylaw.

7. Off-Street Parking:

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

8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Agricultural Setbacks:

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule J of this bylaw.

b. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings, accessory residential buildings and structures, accessory employee bunkhouse use, accessory farm sales use, manufactured homes where permitted pursuant to the provisions of Section 803.9.d. of this Bylaw and resource use.

c. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings, accessory residential buildings and structures, accessory employee bunkhouse use, accessory farm sales use, manufactured homes where permitted pursuant to the provisions of Section 803.9.d. of this Bylaw and resource use.

d. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

e. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings, accessory residential buildings and structures, accessory employee bunkhouse use, accessory farm sales use, manufactured homes where permitted pursuant to the provisions of Section 803.9.d. of this Bylaw and resource use.

f. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for single family dwellings, accessory residential buildings and structures, accessory employee bunkhouse use, accessory farm sales use, manufactured homes where permitted pursuant to the provisions of Section 803.9.d. of this Bylaw and resource use.

g. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this bylaw.

h. Home Occupations:

Buildings used for Home Occupations, except principal dwellings, shall be provided with a setback of not less than:

- i. 7.5 metres (24.61 feet) from all property lines on properties less than or equal to 4.0 ha (9.88 acres) in size; and
- ii. 15 metres (49.2 feet) from all property lines on properties greater than 4.0 ha (9.88 acres) in size.

~~i. Single Family Dwellings on Lots of 5 ha or Less:~~

~~On lots with an area of 5 ha. (12.355 acres) or less, all portions of any Single Family Dwelling, Manufactured Home or other Dwelling Unit must be located within 100 metres (328.1 feet) of the front lot line.~~

*(Bylaw 2135, 2024)*

***j. Cannabis Production Facilities***

***Cannabis production facilities must be setback at least 120 m from properties used for assembly or civic use purposes. (Bylaw 1961, 2018)***

***k. Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing on April 21, 2008 (the effective date of the original Township of Spallumcheen Zoning Bylaw No. 1700, 2008), the setback provisions of Section 701.9. of this Bylaw shall apply.***

*(Bylaw 2135, 2024)*

**9. Other Requirements:**

**a. An accessory farm sales use:**

**i.** shall be ancillary to an agricultural use being carried out on the same property; and

**ii.** shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the farm unit except that, for lands that are located within the *Agricultural Land Reserve* as established by the *Provincial Agricultural Land Commission*, an accessory farm sales use may include the retail sales of Farm Products, Off-Farm Products and Processed Farm Products subject to the regulations cited elsewhere in this Section; and

**iii.** shall, except for the outside display areas permitted in iv. below, be contained wholly within a building or buildings and the farm sales use shall occupy a total area, within those buildings, not greater than 140 square metres (1507.00 square feet) in size.

For the purpose of calculating the portion of the buildings to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and packaging, shall be included, but any office area, wholesale storage area, washroom area and processing facilities will not be included; and

**iv.** may have outside display areas having a total area not greater than 70 square metres (753.50 square feet) in size, which areas must be contiguous with the farm sales area(s) described in iii. above; and

- v. may provide for the retail sales of Off-Farm Products and Processed Farm Products, ancillary to the sale of Farm Products, provided that the area allotted to the sale of Off-Farm Products and Processed Farm Products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use; and
- vi. shall provide one (1) off-street parking space per 12 square metres (129.2 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Section 1101 of this Bylaw; and
- vii. may, notwithstanding any other provisions of this bylaw, include not more than one (1) wall sign per fronting street, and one (1) free standing sign, advertising the intended use. Wall signs shall meet the sign area requirements of Section 1601.4.a.i. of this Bylaw. Free standing signs shall not exceed 3 metres (9.842 feet) in height; shall have a sign area of not larger than 3.0 square metres (32.29 square feet); shall be located no closer than 2 metres (6.562 feet) to any property boundary; shall not be illuminated; and shall be incorporated into an area of the parcel that is not less than 10 square metres (107.64 square feet) in size and this area shall be landscaped to the standards outlined in Section 1801.2.b. of this Bylaw.

Accessory farm sales signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°); and

- viii. shall not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm sales use; the outside storage area; or access driveways and off-street parking areas; and
- ix. shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.

~~b. Bed and breakfast use operations are permitted provided that:~~

- ~~i. the bed and breakfast use is contained wholly within the principal dwelling; and~~
- ~~ii. is restricted to a maximum of four (4) bedrooms; and~~



- ~~iii. is provided with one (1) additional off street parking space, two (2) if more than two (2) bedrooms are used; and~~
- ~~iv. in no way indicates from the exterior of the building that the premises are being used for a bed and breakfast, except for one (1) unilluminated sign less than 1 square metres (10.76 square feet) in area.~~

~~Bed and breakfast signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°).~~

*(Bylaw 2135, 2024)*

c. Agricultural Zone Home occupations are permitted provided that:

- i. the home occupations are clearly incidental or secondary to the residential/farm use of the property and do not change the character of the site or have any exterior evidence of such secondary use other than one home occupation sign not greater than 1 square metre (10.76 square feet) in area except that if the property abuts Highway 97 or Highway 97A, or is separated by a road or railway therefrom, then one home occupation sign not greater than 3 square metres (32.29 square feet) in area may be permitted.

Home occupation signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°); and

- ii. all activities, including the storage of materials, equipment and products, are completely enclosed within a dwelling unit, accessory residential building or agricultural building *except as outlined below*; and
- iii. the home occupation, or all home occupations combined, occupy a maximum total floor area no greater than:
  - a. 100 square metres (1076 square feet) on parcels less than or equal to 2.0 ha (4.94 acres); or
  - b. 175 square metres (1884 square feet) on parcels greater than 2.0 ha (4.94 acres) and less than 4.0 ha (9.88 acres); or
  - c. 185 square metres (1991 square feet) on parcels equal to or greater than 4.0 ha (9.88 acres) in size.
  - d. The maximum total floor area includes all areas contained in any dwelling unit, accessory residential building or

- agricultural building that are used, or proposed to be used, for home occupation purposes; and
- iv. the total area outlined in Subsection iii. above may also include outdoor storage provided that:
    - a. the property is greater than 2.0 ha (4.94 acres) in size; and
    - b. the area is completely screened from view from adjoining properties by a solid fence 2 metres (6.56 feet) in height; and
    - c. no storage can be located within a setback area;
  - v. there shall be no restriction on the size of a dwelling unit, accessory residential building or agricultural building within which a home occupation or occupations may be carried out provided that the total floor area used for home occupation purposes does not exceed the area allowed pursuant to the provisions of subsection iii. above; and
  - vi. there shall be no restriction on the number of accessory residential buildings and agricultural buildings within which home occupations may be carried out; and
  - vii. only persons residing in the dwelling unit associated with the home occupation use may be involved in a home occupation plus:
    - a. a maximum of two (2) non-resident employees on properties less than or equal to 2.0 ha (4.94 acres); or
    - b. a maximum of three (3) non-resident employees on properties greater than 2.0 ha (4.94 acres) and less than 4.0 ha (9.88 acres); or
    - c. a maximum of four (4) non-resident employees on properties equal to or greater than 4.0 ha (9.88 acres); and
  - viii. where the property is located within the *Agricultural Land Reserve*, the nature of the home occupation use is not a day care facility, preschool or other educational facility, group home or health and other caregiving facility including homes for the elderly, serving more than eight (8) persons; and
  - ix. no noise, vibration, heat glare, fire hazard, litter, odour or electrical interference is produced which is detectable from outside the premises, and

- x. no traffic congestion or air pollution by way of smoke or dust is produced; and
  - xi. two (2) off-street parking spaces shall be provided in addition to spaces required for dwelling units in accordance with Schedule 'B' of this Bylaw, plus one (1) off-street parking space for each non-resident employee.
- d. ~~A secondary single family dwelling is permitted for use by a member of the owner's immediate family, or for farm use (in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation #171/2002*, as amended from time to time, and the *Agricultural Land Commission Act*, as amended from time to time) provided that:~~
- i. ~~A secondary single family dwelling for use by a member of the owner's immediate family:~~
    - a. ~~shall not be permitted on a lot less than 8 ha. (19.77 acres) **2 ha. (4.94 acres)** in size except that a secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall be permitted on a lot less than 8 ha. (19.77 acres) **2 ha. (4.94 acres)** in size if that lot has been reduced below 8 ha. (19.77 acres) **2 ha. (4.94 acres)** as a result of, and only as a result of, subsequent road dedication; and~~  
(Bylaw 1811, 2011)
    - b. ~~shall only be permitted on lots within the *Agricultural Land Reserve*; and~~
    - c. ~~shall be located on a lot that is classified as "farm" under the *BC Assessment Act*, as amended from time to time; and~~
    - d. ~~shall not be issued a building permit by the *Spallumcheen Building Inspector* unless a covenant is first registered on the title of the subject property to prohibit further subdivision of the property pursuant to the provisions of the *Land Title Act* or the *Strata Property Act*; and~~  
(Bylaw 2099, 2023)
    - e. ~~shall be a manufactured home, up to 9 metres (29.528 feet) in width, placed on a non-permanent foundation; and~~
    - f. ~~shall only be permitted where a statutory declaration is deposited with the *Township* stating that the manufactured home is for an immediate family member, as defined in the *Agricultural Land Reserve Use, Subdivision Procedure Regulation #171/2002*, as amended from time to time; and~~

- ~~g. shall only be permitted upon prior registration of a restrictive covenant in favour of the *Township* against the title of the property upon which the secondary single family dwelling is to be placed, agreeing that the manufactured home shall be removed when no longer occupied as a secondary single family dwelling for use by a member of the owner's immediate family; and~~
- ~~h. shall only be permitted where an irrevocable letter of credit for \$5,000 is deposited with the *Township*, subject to annual renewal prior to the anniversary date of the approval of such use as security for removal of the manufactured home and associated costs; and~~
- ~~i. shall only be permitted where a blanket statutory right of way is granted to the *Township of Spallumcheen* permitting the *Township of Spallumcheen* to enter onto the owner's land for the purpose of removing the manufactured home in the event that the owner defaults. The statutory right of way shall be registered as a condition precedent to the issuance of a building permit for the manufactured home.~~
- ii. A secondary single family dwelling for farm use:
- ~~a. shall not be permitted on a lot less than 8 ha. (19.77 acres) **2 ha. (4.94 acres)** in size except that a secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall be permitted on a lot less than 8 ha. (19.77 acres) **2 ha. (4.94 acres)** in size if that lot has been reduced below 8 ha. (19.77 acres) **2 ha. (4.94 acres)** as a result of, and only as a result of, subsequent road dedication; and~~  
(1811, 2011)
- ~~b. shall only be permitted on lots within the *Agricultural Land Reserve*; and~~
- ~~c. shall be located on a lot that is classified as "farm" under the *BC Assessment Act*, as amended from time to time; and~~
- ~~d. shall not be issued a building permit by the *Spallumcheen Building Inspector* unless a covenant is first registered on the title of the subject property to prohibit further subdivision of the property pursuant to the provisions of the *Land Title Act* or the *Strata Property Act*; and~~  
(Bylaw 2099, 2023)
- ~~e. may be a permanent single family dwelling or a manufactured home; and~~

~~f. shall be located on a property where the level of farm activity justifies the need for a secondary single family dwelling for farm use. Secondary single family dwellings that are proposed to be located on lands that are located within the *Agricultural Land Reserve* shall not be permitted unless the owner has first submitted, to the *Township*, an application to the *Agricultural Land Commission (ALC)* in approved form. In processing the application *Council* may refuse to authorize the applicant to apply to the *ALC*; authorize the applicant to apply to the *ALC* for their adjudication; or authorize the building inspector to issue the building permit.~~

d. *A secondary single family dwelling is permitted provided that the secondary single family dwelling:*

- i. *shall not be permitted on a lot less than 2 ha. (4.94 acres) in size except that a secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall be permitted on a lot less than 2 ha. (4.94 acres) in size if that lot has been reduced below 2 ha. (4.94 acres) as a result of, and only as a result of, subsequent road dedication; and*
- ii. *shall only be permitted on lots within the *Agricultural Land Reserve*; and*
- iii. *shall not exceed 90 m<sup>2</sup> (969 square feet) in gross floor area if the parcel is 40 ha (98.8 acres) or less; and*
- iv. *shall not exceed 186 m<sup>2</sup> (2002 square feet) in gross floor area if the parcel is greater than 40 ha (98.8 acres); and*
- v. *may be a permanent single detached dwelling, or a manufactured home.*

*(Bylaw 2135, 2024)*

~~e. A secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall not be permitted on a lot less than 8 ha (19.77 acres) **2 ha. (4.94 acres)** in size except that a secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall be permitted on a lot less than 8 ha (19.77 acres) **2 ha. (4.94 acres)** in size if that lot has been reduced below 8 ha (19.77 acres) **2 ha. (4.94 acres)** as a result of, and only as a result of, subsequent road dedication. The manufactured home must be certified by the Canadian Standards Association to conform with the CSA Standard Z240.~~

*(Bylaw 1811, 2011)*

~~Building permits for secondary single family dwellings (or manufactured homes) shall not be issued by the *Spallumcheen Building Inspector* unless a covenant is first registered on the title of the subject property to prohibit further subdivision of the property pursuant to the provisions of the *Land Title Act* or the *Strata Property Act*.~~

*(Bylaw 2099, 2023)*

- e. *A secondary single family dwelling ancillary to an existing principal single family dwelling shall not be permitted on a lot less than 2 ha. (4.94 acres) in size except that a secondary single family dwelling ancillary to an existing principal single family dwelling shall be permitted on a lot less than 2 ha. (4.94 acres) in size if that lot has been reduced below 2 ha. (4.94 acres) as a result of, and only as a result of, subsequent road dedication.*

*(Bylaw 2135, 2024)*

- ~~f. Secondary suites are permitted provided that:~~

- ~~i. not more than one (1) secondary suite shall be contained within a building; and~~
- ~~ii. the secondary suite shall not exceed the lesser of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and~~
- ~~iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and~~
- ~~iv. the single family dwelling unit or the secondary suite shall be occupied by at least one (1) of the persons designated on the records of the Kamloops Land Title Office as the registered owner of the lot and dwelling unit; and~~
- ~~v. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the *Strata Property Act*; and~~
- ~~vi. two off street parking spaces shall be provided for each secondary suite.~~

- f. *Secondary suites are permitted provided that:*

- i. *not more than one (1) secondary suite shall be contained within a building; and*
- ii. *the secondary suite shall not exceed the greater of forty percent (40%) of the floor area of the building which contains the single-family dwelling unit or 90 square metres (968.78 square feet); and*
- iii. *the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and*

- iv. *buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and*
- v. *one off-street parking space shall be provided for the secondary suite.*

*(Bylaw 2135, 2024)*

Secondary suites shall not be permitted in cellars.

~~g. *Detached suites are permitted provided that:*~~

- ~~i. *the detached suite must be located entirely on one floor and on a floor above the main floor of an accessory residential or agricultural building;*~~
- ~~ii. *the main floor of the building which contains a detached suite must only be used for accessory residential or agricultural purposes;*~~
- ~~iii. *the detached suite must have access to the outside that is separate from the access to the main floor of the accessory residential or agricultural building;*~~
- ~~iv. *no more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;*~~
- ~~v. *no more than one (1) detached suite shall be permitted per lot;*~~
- ~~vi. *the detached suite shall not be permitted on lots containing a secondary single family dwelling (manufactured home) as permitted in Section 803.9.d of this Bylaw;*~~
- ~~vii. *the detached suite shall not be permitted on lots that are smaller than 2 ha;*~~
- ~~viii. *the maximum floor area of a detached suite shall not exceed 90 m<sup>2</sup> (968 square feet);*~~
- ~~ix. *one (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*~~
- ~~x. *the detached suite must be located on a property which is a single real estate entity and which shall not be strata titled;*~~
- ~~xi. *for properties within the Agricultural Land Reserve, the detached suite may only be located on a lot that is classified as “farm” under the BC Assessment Act and the detached suite must comply with all Agricultural Land Commission regulations.*~~

*(Bylaw 1938, 2017)*

- g. *For land in the Agricultural Land Reserve a detached suite is a second dwelling and shall meet the regulations that apply to a second dwelling. For land outside the Agricultural Land Reserve detached suites are permitted provided that:*

- i. *the detached suite must be located entirely on one floor and on a floor above the main floor of an accessory residential or agricultural building;*
  - ii. *the main floor of the building which contains a detached suite must only be used for accessory residential or agricultural purposes;*
  - iii. *the detached suite must have access to the outside that is separate from the access to the main floor of the accessory residential or agricultural building;*
  - iv. *no more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;*
  - v. *no more than one (1) detached suite shall be permitted per lot;*
  - vi. *the detached suite shall not be permitted on lots containing a secondary single family dwelling (manufactured home) as permitted in Section 803.9.d of this Bylaw;*
  - vii. *the detached suite shall not be permitted on lots that are smaller than 2 ha;*
  - viii. *one (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*
  - ix. *the detached suite must be located on a property which is a single real estate entity and which shall not be strata titled.*
- (Bylaw 2135, 2024)*

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

*(Bylaw 2135, 2024)*

- i. The unenclosed storage of more than two (2) unlicensed or dismantled automobiles is not permitted except that the unenclosed storage of five (5) unlicensed or dismantled automobiles may be allowed on parcels 8 ha. (19.77 acres) or larger.
- j. Wineries and cideries are permitted provided that:
  - i. The winery or cidery is eligible for licensing as a winery or cidery under the terms established by the *BC Liquor Control and Licensing Branch* as amended from time to time; and
  - ii. At least 50% of the production of wine or cider comes from grapes, cider apples or other fruit grown on the winery or cidery farm. Grapes, cider apples or other fruit which are grown in British Columbia and are acquired by a winery or cidery through a long-term contract of no less than three (3) years may be included as part of the on-farm 50% production, provided that a minimum size vineyard or orchard of 2.0 hectares (4.94 acres) is maintained by the winery or cidery farm.



- iii. Aside from the wine or cider, the sale of any other farm products, processed farm products and off-farm products must not exceed the limits prescribed in Section 803.9.a. of this Bylaw.
- iv. Off-street parking shall be provided for wineries and cideries at a rate of 4.4 spaces per 100 square metres (1076 square feet) gross floor area used for wine tasting and wine sales. The off-street parking area and access thereto shall be constructed meeting the standards cited in Section 1101.2. of this Bylaw applicable to *Rural* zones.
- v. Buildings used for winery or cidery use shall not be sited closer than 7.5 metres (24.61 feet) to any lot line.
- vi. Signs shall conform with the provisions of Section 803.9.a.vii. of this Bylaw.
- vii. Wineries and cideries shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.
- ~~k. A dog kennel shall not be permitted on lots smaller than 4 ha. (9.884 acres) and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.~~
- l. Uses listed under Section 3(1) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg. 171/2002)* shall not be permitted to be carried out on lands located within the *Agricultural Land Reserve* unless otherwise specifically regulated by provisions of this Bylaw.
- m. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c. of this Bylaw, the maximum total floor area for the existing automotive wrecking and used parts sales home occupation on Lot 1, Section 15, Township 7, ODYD, Plan 16419 at 4685 Grandview Flats Road shall be 210 square metres (2,260.5 square feet) within the existing enclosed accessory building, plus 50 square metres (538.2 square feet) for outside fenced storage; and

**(Bylaw 2135, 2024)**

Notwithstanding the setback standards outlined in Section 803.8 of this Bylaw, the side yard setback shall be 0.14 metres (0.46 feet) and the rear yard setback shall be 0.03 metres (0.1 feet) for the existing accessing building and outside storage area.

- n. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c. of this Bylaw, the maximum total floor area for the existing building moving home occupation on Lot 4, Section 12, Township 34, ODYD, Plan 22920 at 4160 Salmon River Road shall be 15 square metres (161.5 square feet) for an office in the existing dwelling plus 60 square metres (645.9 square feet) of enclosed storage, plus 650 square metres (6,996.70 square feet) for outside storage at a maximum width of 7.5 metres (24.61 feet) along the western boundary and screened to the standards outlined in Section 1801.01 of this Bylaw; and

Notwithstanding the setback standards outlined in Section 803.8 of this Bylaw, the side yard setback for an outside storage area located 85 metres (279.0 feet) along the west property from the northwest corner shall be 0.01 metres (0.03 feet).

- o. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c. of this Bylaw, the maximum total floor area for the existing home occupation for the manufacturing and sales of custom wooden furniture and custom wood working and manufacturing on Lot 2, Section 4, Township 35, KDYD, Plan 2997 Except Parcel A, Plan B5873 and Plans 15433, 33559 and KAP58207 at 3765 Creamery Road shall be 483 square metres (5,200 square feet) within the existing two accessory buildings; and notwithstanding the home occupation size standard outlined in Section 803.9.c.i. of this Bylaw, the existing sign of 3.0 square metres (32 square feet) at the existing location is permitted.
- p. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the maximum floor area for the existing carriage and wheel repair home occupation consisting of an office, repair shops and inside storage of materials within existing accessory buildings; one existing outside storage area; and all associated activities located on Parcel A (DD 264650F) of Lot 1, Section 30, Township 4, ODYD, Plan 10692 at 1853 Pleasant Valley Road shall be 450 m<sup>2</sup> (4,844 ft<sup>2</sup>); and

notwithstanding the Agricultural Home Occupation setback standards outlined in Section 803.8 of this Bylaw the existing north side yard setback for the existing garage shall be 5.5 m (18 ft); the existing south side yard setback for the existing shop shall be 2.5 m (8.2 ft); the existing rear yard setback for the existing storage shed shall be 6.5 m (21.3 ft); and the setback on the rear (west) and side (north) property lines for the existing outside storage area shall be zero.

- q. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the existing vehicle mechanical and body repair service and vehicle recycling operation consisting of approximately 1,098m<sup>2</sup> (11,818ft<sup>2</sup>) within existing accessory buildings as well as the outside storage of unstacked derelict vehicles and associated materials being located on Lot 3, District Lot 821, Township 17, Range 9 W6M, KDYD, Plan 1605 is a permitted use and this permitted use

includes vehicle crushing for on-site vehicles only, and only twice per calendar year; and the size of the home occupation area shall be within an area defined as follows:

In the North – a setback of 20m from the natural boundary of Fortune Creek or 3m from the existing adjacent tree line whichever is greater and being marked by flagged poles;

In the East – a setback of 20m from the east parcel boundary or 3m from the existing adjacent tree line whichever is greater and being marked by flagged poles;

In the South - the existing hydro right-of-way through the subject property being marked by an existing wire fence; except the existing business accessory buildings which cross this boundary; and

In the West - the eastern extent of the existing dwelling and related accessory buildings and being marked by a solid board fence as required by this Bylaw between the Fortune Creek setback and the business operation area; and as a measure of the density of the use of the land, the home occupation shall be allowed a maximum of six employees other than family members.

- r. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the existing heavy equipment sales and service home occupation consisting of approximately 890m<sup>2</sup> (9,580ft<sup>2</sup>) for an office, storage spaces and repair shops within existing accessory buildings as well as the outside storage and sale of equipment and materials being located on Lot 1, District Lot 987 and Township 17, Range 9 W6M, KDYD, Plan KAP13753 (PID 009-170-375) and as defined by Easement on the adjacent parcel Lot 1, District Lot 987 and Township 17, Range 9 W6M, K.D.Y.D., Plan KAP18691 (PID 008-234-558) is a permitted use; and

as a measure of the density of the use of the land, the home occupation shall be allowed a maximum of five employees other than family members; and

notwithstanding the Home Occupation setback standards outlined in Section 803.8 of this Bylaw, the rear yard (east) setback for this home occupation shall be zero.

- s. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the maximum floor area for the existing custom woodworking home occupation and associated activities on Lot 4, Section 31, Township 4, ODYD, Plan 620 at 140 Rieger Road shall be 260 m<sup>2</sup> (±2,800 ft<sup>2</sup>) within the existing two accessory buildings.

- t. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the existing sale and refurbishing of farm equipment home based business and associated activities located on Lot C, District Lot 91, ODYD, Plan 5691 at 4830 Highway 97A is a permitted use consisting of 174 m<sup>2</sup> (±1,872 ft<sup>2</sup>) of floorspace within the dwelling and existing accessory building as well as an outside storage equipment sales area of 750 m<sup>2</sup> (±8,073 ft<sup>2</sup>) near the northwest frontage corner of the subject parcel.
- u. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the home based business consisting of a truck storage and maintenance operation located on Lot 4, District Lot 96, Osoyoos Division Yale District, Plan 1660, at 5008 Schubert Road is a permitted use with 18 m<sup>2</sup> (192 ft<sup>2</sup>) of floor space within an office building, 557 m<sup>2</sup> (6,000 ft<sup>2</sup>) of floor space within a truck repair and maintenance building, 112 m<sup>2</sup> (1,200 ft<sup>2</sup>) of floor space within a welding shop, 67 m<sup>2</sup> (720 ft<sup>2</sup>) of floor space within a storage shop, 178 m<sup>2</sup> (1,920 ft<sup>2</sup>) of floor space within a barn and an outdoor truck parking area of 650 m<sup>2</sup> (7,000 ft<sup>2</sup>);

AND THAT a row of mature trees be planted along the west side of the outdoor truck parking area in order to screen the view of the business from adjacent properties on a year round basis.

- v. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the existing business vehicle parking and automotive parts storage business consisting of 642.5m<sup>2</sup> (±6,918ft<sup>2</sup>) of floorspace within four existing accessory buildings being located on Lot 1, Section 22, Township 35, KDYD, Plan 2103, 4975 Highway 97A is a permitted use; whereby, this permitted use does not permit outside storage or the outside parking of business vehicles ~~and is only accessory to the automotive repair and vehicle recycling business (“Gerry’s Repair and Recycling”) located on Lot 3, District Lot 821, Township 17, Range 9, W6M, KDYD, Plan 1605, 1665 Whitaker Road.~~  
*(Bylaw 1897, 2015)*
- w. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of the Zoning Bylaw, the existing small engine, motorcycle, marine and snowmobile repair service consisting of approximately 622m<sup>2</sup> (6,700ft<sup>2</sup>) of business floorspace within three existing accessory buildings as well as the outside storage of parts, supplies, old machines and associated materials being located on Lot 2, Section 12, Township 7, O.D.Y.D., Plan KAP47909 is a permitted use; where the total outside storage is restricted to approximately 1,073m<sup>2</sup> (11,550ft<sup>2</sup>) and controlled to:
- the space between the old pig barn and the shop; and
  - a space defined in the north by the break of slope to Paterson Creek, in the south by the adjacent driveway, in the west by the old pig barn

and in the east by the existing cross-fence in line with the existing pole shed.

- x. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the existing home based business for the manufacture, fabrication and repair of metal products and instruments consisting of approximately 590.9 m<sup>2</sup> (6,360 ft<sup>2</sup>) within the existing accessory building being located on Parcel 4 (Plan B3007) of the south ½ Section 9, Township 35, KDYD, Except Parcel 10 (Plan H3) at 4135 Highway 97A is a permitted use; and

notwithstanding the sign standards outlined in Section 803.9.c.i of this Bylaw, the applicant is permitted to retain the existing freestanding sign of approximately 2.3 m<sup>2</sup> (23.0 ft<sup>2</sup>).

- y. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the existing automotive repair shop and insulation storage home based business located on Lot 1 Section 29, Township 4, ODYD, Plan 41214, 1780 Eagle Rock Road is a permitted use consisting of 420 m<sup>2</sup> (±4,528 ft<sup>2</sup>) of floorspace within an automotive repair shop, 148 m<sup>2</sup> (1,600 ft<sup>2</sup>) of floorspace within an insulation storage building and an outside storage area of 550 m<sup>2</sup> (±5,920 ft<sup>2</sup>) adjacent to the north side of the insulation building;

AND THAT the outdoor storage area may not be located within any setback areas and all materials and equipment stored within the area must be entirely screened by a solid fence two (2) metres in height or equivalent;

AND THAT the Eagle Rock Road and Hwy 97A frontages adjacent to the home-based business be landscaped in accordance with an approved professionally designed landscape plan;

AND THAT the home occupation shall be allowed a maximum of six employees other than family members;

AND THAT the home-based business must include eight parking stalls which comply with the parking standards outlined in Section 1101 of Schedule B of this Bylaw.

- z. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the home based business consisting of a horse feed processing operation, a wood shaving bagging operation and a trucking operation located on Lot 1, District Lot 97, Osoyoos Division Yale District, Plan KAP70654, at 5042 Schubert Road is a permitted use consisting of 1,086 m<sup>2</sup> (11,689 ft<sup>2</sup>) of floorspace within a processing and storage building, 93 m<sup>2</sup> (1,000 ft<sup>2</sup>) of floor space within an office building, an outdoor truck storage area of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) on the west side of the production and storage building and an outdoor pallet

and finished product storage area of 1,533 m<sup>2</sup> (16,500 ft<sup>2</sup>) on the south side of the production building.

AND THAT a row of mature trees be planted along the south side of the outdoor storage and parking area in order to screen the view of the business from adjacent properties on a year round basis;

AND THAT notwithstanding the non-resident employee standards outlined in Section 803.9.c of this bylaw, the home occupation shall be allowed a maximum of 6 non-resident employees;

AND THAT the home-based business must include 8 parking stalls which comply with the parking standards outlined in Section 1101 of Schedule B of this Bylaw.

- aa. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the automotive repair shop home based business located on Lot 14, District Lot 46, Kamloops (Formerly Osoyoos) Division Yale District, Plan 322, Except part shown as Lot 3 on Plan H862 and Plan 32642, 135 Pleasant Valley Cross Road is a permitted use consisting of 297 m<sup>2</sup> (±3,200 ft<sup>2</sup>) of floorspace within an automotive repair shop building and an outside storage area of 290 m<sup>2</sup> (3,120 ft<sup>2</sup>) adjacent to the north side of the Accessory building, an outside storage area of 595 m<sup>2</sup> (6,400 ft<sup>2</sup>) adjacent to the south side of the Accessory building and an unlicensed vehicle parking area of 159 m<sup>2</sup> (1,716 ft<sup>2</sup>) adjacent to the west side of the Accessory building;

AND THAT notwithstanding the Home Occupation setback standards outlined in Section 803.8 of this bylaw, the front yard setback for the outside storage area on the north side of the automotive repair shop building shall be 0.3 m;

AND THAT all materials and equipment stored within the outside storage areas must be entirely screened by a solid fence of not less than two (2) metres in height;

AND THAT notwithstanding the Home Occupation sign standards outlined in Section 803.9.c.i of this bylaw, the display of one Mustang vehicle as signage totaling an area of 3.4 m<sup>2</sup> (36.6 ft<sup>2</sup>) shall be permitted at the northeast corner of the property.

- bb. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the kitchen and furniture manufacturing home based business located on Lot 1, Section 8, Township 18, Range 9, West of the 6th Meridian, Kamloops (Formerly Osoyoos) Division Yale District, Plan 27566, 5125 Lansdowne Road is a permitted use consisting of 613 m<sup>2</sup> (6,600 ft<sup>2</sup>) of floorspace within a show room and paint room building, 915 m<sup>2</sup> (9,850 ft<sup>2</sup>) of floorspace within a manufacturing building, 41 m<sup>2</sup> (440 ft<sup>2</sup>) of office floorspace

within a single family dwelling and an outside storage area of 522 m<sup>2</sup> (5,625 ft<sup>2</sup>) on the west side of the show room and paint room building;

AND THAT all materials and equipment stored within the outside storage area be entirely screened by view from adjacent properties;

AND THAT notwithstanding the non-resident employee standards outlined in Section 803.9.c of this bylaw, the home occupation shall be allowed a maximum of six (6) non-resident employees;

AND THAT the home-based business must include eight (8) parking stalls which comply with the parking standards outlined in Section 1101 of Schedule B of this Bylaw.

AND THAT the applicant retain a row of mature spruce trees along the Landsdowne Road frontage in order to screen the view of the home-base business buildings from the road.

- cc. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the maximum total floor area for the existing home based business for the fabrication, servicing and sale of barn equipment, trailers and related products and all associated activities within the existing accessory building (including two additions) as well as existing outside storage areas located on Lot 3, Section 31, Township 4, ODYD, Plan 620 at 2012 Pleasant Valley Road shall be 685.5 m<sup>2</sup> (7,376 ft<sup>2</sup>);

notwithstanding the Agricultural Home Occupation setback standards outlined in Section 803.8 of this Bylaw, the existing south side yard setback for the existing building shall be 2.5 m (8.2 ft); and

notwithstanding the requirement for screening outside storage areas as outlined in Section 803.9.c.iv.b of this Bylaw, the need for screening is hereby waived.

- dd. Notwithstanding the Agricultural Zone (A.2) Accessory Farm Sale and Home Occupation standards outlined in Sections 803.9.a and 803.9.c of this Bylaw, the agri-tourism home based business located on the Easterly 1/2 of the Southerly 160 Rods of District Lot 990, Kamloops Division Yale District, 1403 McLeod Road is a permitted use consisting of indoor and outdoor farm and exotic animal viewing areas, children's playground areas and 76 m<sup>2</sup> (816 ft<sup>2</sup>) of retail floorspace within an animal viewing building. The agri-tourism home based business must be seasonal, and promote or market farm products grown, raised or processed on the farm.

AND THAT notwithstanding the Home Occupation sign standards outlined in Section 803.9.c.i of this bylaw, the display of two 1.95 m<sup>2</sup> (21 ft<sup>2</sup>) signs shall be permitted at the northwest corner of the property and at the entrance of the home-based business parking area.

AND THAT effective dust control suppressant be applied on all internal roads as required.

- ee. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the existing manufacturing wood products of cedar door shims, barbeque planks, survey stakes and trim blocks within a building measuring 12.2m by 18.3m (40'X60') plus an attached open lean-to measuring 6.1m by 18.3m (20'X60') equating to a total building footprint of 334.9m<sup>2</sup> (3,600 ft<sup>2</sup>) being located on Lot A, Section 26, Township 34, Osoyoos Division Yale District, Plan 30471, 5233 Deep Creek Road is a permitted use;

AND THAT notwithstanding the non-resident employee standards outlined in Section 803.9.c of this bylaw, the home occupation shall be allowed a maximum of five (5) non-resident employees working on-site at any given time between 7:00 am and 5:00 pm, Monday to Fridays;

AND THAT the home-based business must include seven (7) parking stalls which comply with the parking standards outlined in Section 1101 of Schedule B of this Bylaw;

AND THAT there shall be no stockpiling of wood waste products on said property;

AND THAT there shall be no security lights permitted on said property;

AND THAT a row of mature spruce trees be maintained along the south side of the home based business driveway and along the east, south and north side of the outdoor storage and parking area in order to screen the view of the business from Deep Creek Road and adjacent properties.

- ff. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the manufacturing of wood pallets within a building measuring 10.36 m by 14.02 m (34' by 46') equating to a total building footprint of 145.29 m<sup>2</sup> (1,564 ft<sup>2</sup>) as well as a 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) outdoor storage areas of wood pallets on the north and east side of the wood pallet manufacturing building being located on Lot A, Section 31, Township 4, Kamloops Division Yale District, Plan KAP65900, 2001 Pleasant Valley Road is a permitted use;

AND THAT all materials and equipment stored within the outside storage areas must be setback 7.5 metres from all property lines.

- gg. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, the water bottling operation equating to a total business floor area of 485.68 m<sup>2</sup> (5228 ft<sup>2</sup>) as well as an outdoor storage area consisting of 325.15 m<sup>2</sup> (3500 ft<sup>2</sup>) being located on Lot 5, Section 30, Township 4, ODYD, Plan 322 is a permitted use;



AND THAT all materials and equipment stored within the outside storage areas must be entirely screened by a solid fence two (2) metres in height;

AND THAT the home-based business must include 6 paved parking stalls which comply with the parking standards outlined in Section 1101 of Schedule B of this Bylaw.

- hh. Notwithstanding the Agricultural Zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that the pet food production home based business located on Lot 1, Section 22, Township 35, Kamloops Division Yale District, Plan 24153, 4781 McLeery Road is a permitted use consisting of 304 m<sup>2</sup> (3,270 ft<sup>2</sup>) of floorspace within a pet food production building, 46 m<sup>2</sup> (495 ft<sup>2</sup>) of floorspace within an office building and an outside storage area of 132 m<sup>2</sup> (1,420 ft<sup>2</sup>);

AND THAT all materials and equipment stored within the outside storage areas must be located entirely on the subject property, be set back 7.5 metres from all property lines and be entirely screened by mature trees and shrubs;

AND THAT the exterior side yard setback pursuant to Section 803.8 of the Township of Spallumcheen Zoning Bylaw be varied from 7.5 metres to 0 metres for the production facility building and 7.5 metres to 1.66 metres for the office building; and

AND THAT notwithstanding the non-resident employee standards outlined in Section 803.9.c of this bylaw, the home occupation shall be allowed a maximum of five (5) non-resident employees;

AND THAT the home-based business must include seven (7) parking stalls on the subject property which comply with the parking standards outlined in Section 1101 of Schedule B of the this Bylaw.

- ii. ***Notwithstanding the Agricultural Zone (A.2) Accessory Farm Sale and Home Occupation standards outlined in Sections 803.9.a and 803.9.c of this Bylaw, the agri-tourism home based business located on Lot A, District Lots 90 and 91, ODYD, Plan 5691 at 4782 Highway 97A is a permitted use consisting of outdoor farm animal viewing areas, children's playground areas, 449 m<sup>2</sup> (4833 ft<sup>2</sup>) of food processing and packing floorspace and 191 m<sup>2</sup> (2052 ft<sup>2</sup>) of retail floorspace. The agri-tourism home based business must be seasonal, and promote or market farm products grown, raised or processed on the farm;***

***AND THAT notwithstanding the non-resident employee standards outlined in Section 803.9.c of this bylaw, the home occupation shall be allowed a maximum of six (6) seasonal non-resident full time employees;***

*AND THAT the home-based business must include eight (8) parking stalls which comply with the parking standards outlined in Section 1101 of Schedule B of the Township of Spallumcheen Zoning Bylaw;*

*AND THAT notwithstanding the Home Occupation sign standards outlined in Section 803.9.c.i of this bylaw, the display of one 5 m<sup>2</sup> (54 ft<sup>2</sup>) sign and one 3 m<sup>2</sup> (32 ft<sup>2</sup>) directional sign shall be permitted.  
(Isaac / Log Barn Food Co.) (Bylaw 1656, 2006)*

- jj. Notwithstanding the Agriculture (A.2) zone Home Occupation standards outlined in Section 803.9.c of this Bylaw, that a home based business on the property legally described as Parcel 3 (Plan B3007) of the SE ¼ Sec. 9, Twp. 35, K (formerly O) DYD, located at 1580 Mountain View Road is a permitted use with 8.3m<sup>2</sup> (90 ft<sup>2</sup>) of office floor space within a single detached dwelling and a 91.4m<sup>2</sup> (984ft<sup>2</sup>) outdoor storage area to the north of the dwelling.*

*AND THAT the outdoor storage area must be fenced with screening.  
(Bylaw 1750, 2009)*

- kk. Notwithstanding the Agriculture (A.2) zone Permitted Uses outlined in Section 803.1 of this Bylaw, the use of the existing grain cleaning facility and adjacent barn is a permitted use on the property legally described as Lot 1, Section 19, Township 35, Kamloops (Formerly Osoyoos) Division Yale District, Plan KAP86286 for the storage and cleaning of locally grown grains, more than 50% of which are not grown on the farm provided that the use is restricted to those buildings identified on Schedule 'A' of Bylaw 1569, 2006 except for placement of bins outside of the existing structures on land that is not used for agriculture.*

*(Bylaw 1569, 2006)*

- ll. Notwithstanding the Agricultural (A.2) zone Permitted Uses outlined in Section 803.1 of this Bylaw, agri-tourism accommodations are permitted on the property legally described as the Fractional West 1/2 of Sec 23, Twp 7, ODYD, Except Plans B822, 1766, 21463, KAP50108 and KAP81622 subject to the following regulations:*

- i. the agri-tourism accommodation is defined as a seasonal use which must be accessory to the agricultural use of the subject property;*
- ii. all or part of the parcel on which the accommodation is located is classified as 'farm' by the BC Assessment Authority;*
- iii. the number and type of agri-tourism accommodation units is limited to a maximum of three (3) 16 m<sup>2</sup> yurts and one (1) 62 m<sup>2</sup> building containing two (2) three-piece washrooms for the yurt guests and one 37.2 m<sup>2</sup> accommodation unit equipped with its own three-piece washroom, hot plate and sink;*

- vi. *for the purposes of this Bylaw a “yurt” means an agri-tourism accommodation unit in the form of a circular tent constructed on a collapsible framework which is not supported by a permanent foundation nor equipped with plumbing or a kitchen;*
  - v. *no person shall stay within an agri-tourism accommodation unit for more than thirty (30) days in one (1) calendar year;*
  - vi. *a total of four (4) gravel parking stalls must be provided for guests of the agri-tourism accommodation units;*
  - vii. *the number and type of signs for the business is limited to a 1.0 m<sup>2</sup> sign to be constructed of natural rock and timber;*
  - viii. *the total developed area for the agri-tourism accommodation use, including accommodations, buildings, landscaping, recreation and service areas, parking and access for the accommodations, is less than 5% of the parcel area.*  
(Bylaw 1895, 2015)
- mm. *Notwithstanding the Agricultural (A.2) zone Permitted Uses outlined in Section 803.1 of this Bylaw, a lounge is a permitted use on the property legally described as Lot 2, Sections 19 and 30, Twp 17, R9, W6M and Sec 25 Twp 17, R10, W6M, KDYD, Plan EPP57825 and located at 4300 Maw Road subject to the following:*
- i. *LOUNGE means a food and beverage service area located indoors or on a patio area which is ancillary to a cidery where customers can purchase and consume product made on-site and a limited amount of products purchased from the Liquor Distribution Branch, and can be used for special events.*
  - ~~ii. *the lounge area shall not exceed an occupancy load of 285 persons, and shall be on the main level of the cidery building existing at the time of adoption of Zoning Text Amendment Bylaw No. 1944 and located approximately 510 m north of the south property boundary and 29 m east of the west property boundary, and shall consist of a maximum 277 m<sup>2</sup> indoor floor area (not including washrooms and hallways) and a maximum 17.19 m<sup>2</sup> outdoor patio floor area; and*~~
  - ii. *the lounge area shall not exceed an occupancy load of 285 persons, and shall be on the main level of the cidery building existing at the time of adoption of Zoning Text Amendment Bylaw No. 1944 and located approximately 510 m north of the south property boundary and 29 m east of the west property boundary, and shall consist of a maximum 277 m<sup>2</sup> indoor floor area and a maximum 125 m<sup>2</sup> outdoor patio area;*  
(Bylaw 2079, 2022)

- 
- iii. *the lounge use shall be in compliance with a valid Lounge Endorsement issued by the Liquor and Cannabis Regulation Branch in relation to the cidery on the subject property; and*
  - iv. *off-street parking spaces are to be provided on the lot on which the lounge exists, to meet the requirements of Section 1101 of this Bylaw, and shall include one (1) parking space per three (3) persons based on the approved occupancy load for a total of 95 parking spaces. Parking spaces must not be permanent nor interfere with the farm’s agricultural productivity.*

*(Bylaw 1944, 2017)*

**804 LARGE HOLDING ZONE (L.H.)**1. Permitted Uses of Land, Buildings, and Structures:

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

- a. Accessory buildings and structures
- ~~b. Bed and breakfast facilities subject to the provisions of Section 804.9.a. of this Bylaw~~
- b. *Bed and breakfast facilities subject to the provisions of Section 415 of this Bylaw***  
(Bylaw 2135, 2024)
- ~~c. Dog kennel subject to the regulations of Section 804.9.h. ~~804.9.i~~ of this Bylaw~~  
~~(Bylaw 2003, 2020)~~
- c. *Dog kennel subject to the regulations of Section 417 of this Bylaw***  
(Bylaw 2135, 2024)
- d. *Large Holding Zone* Home occupations subject to the provisions of Section 804.9.b. of this Bylaw
- e. Intensive agricultural use
- f. Resource use
- g. Secondary single family dwellings (or manufactured homes) subject to the provisions of Section 804.9.c. of this Bylaw
- h. Single family dwellings which may include secondary suites subject to the provisions of Section 804.9.d. of this Bylaw
- i. *Detached suite subject to the provisions of Section 804.9.e***  
(Bylaw 1938, 2017)

2. Buildings Per Lot:

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

- a. one (1) single family dwelling; and
- ~~b. one (1) secondary single family dwelling (or manufactured home) subject to the provisions of Section 804.9.c. of this Bylaw.~~
- b. *one (1) secondary single family dwelling subject to the provisions of Section 804.9.c of this Bylaw (on lots 2 ha or larger) or one (1) detached suite subject to the provisions of Section 804.9.i 804.9.e (on lots 2 ha or larger).***  
(Bylaw 1938, 2017) (Bylaw 2003, 2020)

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. **10 m (32.81 feet) for detached suite use; or** (Bylaw 1938, 2017)
- c. 10 metres (32.81 feet) for residential use; or
- d. 20 metres (65.62 feet) for agricultural or resource use.

4. Lot Area:

Subject to the provisions of Sections 1301.2.f. and g. of this Bylaw, each lot shall have an area of not less than 30.5 ha (75.37 acres).

5. Lot Coverage:

Lot coverage shall be not greater than:

- a. Twenty percent (20%) for buildings and structures used for apicultural use; or
- b. Twenty five percent (25%) for buildings and structures used for tree, vine, field and forage crop production; or
- c. Thirty five percent (35%) for buildings and structures used for mushroom growing; livestock, poultry, game and fur production including confined livestock areas; and for nurseries and specialty wood crop production and turf farms; or
- d. Seventy five percent (75%) for greenhouses; or
- e. Thirty five percent (35%) for all other uses.

Areas or structures used to store woodwaste or raw materials for compost or soilless medium production may comprise up to half of the lot coverage indicated above.

Detention ponds and support structures for shading, frost and wind protection, netting or trellising are not subject to the lot coverage provisions cited above.

6. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Section 1301.1.e.i. of this Bylaw.

7. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule B of this Bylaw and the number of parking spaces required

to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

8. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

a. Agricultural Setbacks:

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule J of this bylaw.

b. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings, accessory residential buildings and structures, manufactured homes where permitted pursuant to the provisions of Section 804.9.c. of this Bylaw and resource use.

c. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings, accessory residential buildings and structures, manufactured homes where permitted pursuant to the provisions of Section 804.9.c. of this Bylaw and resource use.

d. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

e. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for single family dwellings, accessory residential buildings and structures, manufactured homes where permitted pursuant to the provisions of Section 804.9.c. of this Bylaw and resource use.

f. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for single family dwellings, accessory residential buildings and structures, manufactured homes where permitted pursuant to the provisions of Section 804.9.c. of this Bylaw and resource use.

g. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedules H and J of this bylaw.

h. Home Occupations:

Buildings used for Home Occupations except principal dwellings shall be provided with a setback of not less than:

- i. 7.5 metres (24.61 feet) from all property lines on properties less than or equal to 4.0 ha (9.88 acres) in size; and
- ii. 15 metres (49.2 feet) from all property lines on properties greater than 4.0 ha (9.88 acres) in size.

***i. Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing on April 21, 2008 (the effective date of the original Township of Spallumcheen Zoning Bylaw No. 1700, 2008), the provisions of Section 701.9. of this Bylaw shall apply.***

***(Bylaw 2135, 2024)***

9. Other Requirements:a. ~~Bed and breakfast use operations are permitted provided that:~~

- ~~i. the bed and breakfast use is contained wholly within the principal dwelling; and~~
- ~~ii. is restricted to a maximum of three bedrooms; and~~
- ~~iii. is provided with one additional off street parking space, two if more than two bedrooms are used; and~~
- ~~iv. in no way indicates from the exterior of the building that the premises are being used for a bed and breakfast, except for one unilluminated sign less than 1 square metre (10.76 square feet) in area.~~

~~Bed and breakfast signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°).~~

***(Bylaw 2135, 2024)***

b. *Large Holding Zone* Home occupations are permitted provided that:

- i. the home occupations are clearly incidental or secondary to the residential/farm use of the property and do not change the



character of the site or have any exterior evidence of such secondary use other than one home occupation sign not greater than 1 square metre (10.76 square feet) in area except that if the property abuts Highway 97 or Highway 97A, or is separated by a road or railway therefrom, then one home occupation sign not greater than 3 square metres (32.29 square feet) in area may be permitted.

Home occupation signs may be double sided or may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°); and

- ii. all activities, including the storage of materials, equipment and products, are completely enclosed within a dwelling unit, accessory residential building or agricultural building except as outlined below; and
- iii. the home occupation, or all home occupations combined occupy a maximum total floor area no greater than:
  - a. 100 square metres (1076 square feet) on parcels less than or equal to 2.0 ha (4.94 acres); or
  - b. 175 square metres (1884 square feet) on parcels greater than 2.0 ha (4.94 acres) in size and less than 4.0 ha (9.88 acres); or
  - c. 250 square metres (2691 square feet) on parcels equal to or greater than 4.0 ha (9.88 acres) in size and less than 16 ha (39.54 acres); or
  - d. 300 square metres (3229 square feet) on parcels equal to or greater than 16.0 ha (39.54 acres) in size if located entirely outside of the *Agricultural Land Reserve*.

The maximum total floor area includes all areas contained in any dwelling unit, accessory residential building or agricultural building that are used, or proposed to be used, for home occupation purposes; and

- iv. the total area outlined in Subsection iii. above may also include outdoor storage provided that:
  - a. the property is greater than 2.0 ha (4.94 acres) in size; and
  - b. the area is completely screened from view from adjoining properties by a solid fence 2 metres (6.56 feet) in height; and

- c. no storage can be located within a setback area; and
  - v. there shall be no restriction on the size of a dwelling unit, accessory residential building or agricultural building within which a home occupation or occupations may be carried out provided that the total floor area used for home occupation purposes does not exceed the area allowed pursuant to the provisions of subsection iii. above; and
  - vi. there shall be no restriction on the number of accessory residential buildings and agricultural buildings within which home occupations may be carried out; and
  - vii. only persons residing in the dwelling unit associated with the home occupation use may be involved in a home occupation plus:
    - a. a maximum of two (2) non-resident employees on properties less than or equal to 2.0 ha (4.94 acres); or
    - b. a maximum of three (3) non-resident employees on properties greater than 2.0 ha. (4.94 acres) and less than 4.0 ha (9.88 acres); or
    - c. a maximum of four (4) non-resident employees on properties greater than or equal to 4.0 ha (9.88 acres); and
  - viii. where the property is located within the *Agricultural Land Reserve*, the nature of the home occupation use is not a day care facility, preschool or other educational facility, group home or health and other caregiving facility including homes for the elderly, serving more than eight (8) persons; and
  - ix. no noise, vibration, heat glare, fire hazard, litter, odour or electrical interference is produced which is detectable from outside the premises, and
  - x. no traffic congestion or air pollution by way of smoke or dust is produced; and
  - xi. two (2) off-street parking spaces shall be provided in addition to spaces required for dwelling units in accordance with Schedule 'B' of this Bylaw, plus one (1) off-street parking space for each non-resident employee.
- c. A secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall not be permitted on a lot less than ~~8 ha (19.77 acres)~~ **2 ha. (4.94 acres)** in size except that a

secondary single family dwelling (or manufactured home) ancillary to an existing principal single family dwelling shall be permitted on a lot less than ~~8 ha (19.77 acres)~~ **2 ha. (4.94 acres)** in size if that lot has been reduced below ~~8 ha (19.77 acres)~~ **2 ha. (4.94 acres)** as a result of, and only as a result of, subsequent road dedication. The manufactured home must be certified by the Canadian Standards Association to conform with the CSA Standard Z240.

*(Bylaw 1811, 2011)*

~~Building permits for secondary single family dwellings (or manufactured homes) shall not be issued by the Spallumcheen Building Inspector unless a covenant is first registered on the title of the subject property to prohibit further subdivision of the property pursuant to the provisions of the Land Title Act or the Strata Property Act.~~

*(Bylaw 2099, 2023)*

d. ~~Secondary suites are permitted provided that:~~

- ~~i. not more than one (1) secondary suite shall be contained within a building; and~~
- ~~ii. the secondary suite shall not exceed the lesser of forty percent (40%) of the floor area of the building which contains the single family dwelling unit or 90 square metres (968.78 square feet); and~~
- ~~iii. the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and~~
- ~~iv. the single family dwelling unit or the secondary suite shall be occupied by at least one (1) of the persons designated on the records of the Kamloops Land Title Office as the registered owner of the lot and dwelling unit; and~~
- ~~v. buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and~~
- ~~vi. two off street parking spaces shall be provided for each secondary suite.~~

**d. Secondary suites are permitted provided that:**

- i. not more than one (1) secondary suite shall be contained within a building; and**
- ii. the secondary suite shall not exceed the lesser of forty percent (40%) of the floor area of the building which contains the single**

*family dwelling unit or 90 square metres (968.78 square feet); and*

- iii. *the secondary suite shall have at least one (1) access to the outside of the building that is separate from that of the single family dwelling; and*
- iv. *buildings containing secondary suites shall not be subdivided pursuant to the provisions of the Strata Property Act; and*
- v. *one off-street parking space shall be provided for the secondary suite.*

*(Bylaw 2135, 2024)*

Secondary suites shall not be permitted in cellars.

*e. Detached suites are permitted provided that:*

- i. *the detached suite must be located entirely on one floor and on a floor above the main floor of an accessory residential or agricultural building;*
- ii. *the main floor of the building which contains a detached suite must only be used for accessory residential or agricultural purposes;*
- iii. *the detached suite must have access to the outside that is separate from the access to the main floor of the accessory residential or agricultural building;*
- iv. *no more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;*
- v. *no more than one (1) detached suite shall be permitted per lot;*
- vi. *the detached suite shall not be permitted on lots containing a secondary single family dwelling;*
- vii. *the detached suite shall not be permitted on lots that are smaller than 2 ha;*
- viii. ~~*the maximum floor area of a detached suite shall not exceed 90 m<sup>2</sup> (968 square feet);*~~

*(Bylaw 2135, 2024)*

- ix. *one (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;*
- x. *the detached suite must be located on a property which is a single real estate entity and which shall not be strata titled;*
- xi. *for properties within the Agricultural Land Reserve, the detached suite may only be located on a lot that is classified as “farm” under the BC Assessment Act and the detached suite must comply with all Agricultural Land Commission regulations.*

*(Bylaw 1938, 2017)*

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

*(Bylaw 2135, 2024)*

g. The unenclosed storage of more than two (2) unlicensed or dismantled automobiles is not permitted except that the unenclosed storage of five (5) unlicensed or dismantled automobiles may be allowed on parcels 8 ha (19.77 acres) or larger.

h. Notwithstanding the Large Holding Zone Home Occupation standards outlined in Section 804.9.b. of this Bylaw, the maximum total floor area for the existing home occupation for the manufacturing of custom wooden windows and doors and custom wood working and manufacturing on Lot A, Section 13, Township 17, Range 10, W6M, KDYD, Plan KAP45482 at 4374 Macdonald Road shall be 510 square metres (5,490 square feet) within accessory buildings and structures, plus 115 square metres (1,238 square feet) for outside storage; and

as a measure of the density of the use of the land, the home occupation shall be allowed a maximum of five employees plus two non-permanent/student training positions; and

notwithstanding the setback standards outlined in Section 804.8 of this Bylaw, the setback between existing buildings and structures shall be reduced to 1.5 metres (4.921 feet).

~~i. A dog kennel shall not be permitted on lots smaller than 4 ha. (9.884 acres) and a dog kennel shall be subject to the agricultural setback provisions of Schedule J of this Bylaw.~~

*(Bylaw 2135, 2024)*

~~j. Notwithstanding the Large Holding (L.H.) zone Home Occupation standards outlined in Section 804.9.b of this Bylaw, that a home-based business consisting of boat and watercraft repairs, accessorizing and detailing and boat top upholstery repairs and sewing on the property legally described as Lot A, Section 35, Township 8, Osoyoos Division Yale District, Plan KAP78698 located at 8 Greenhow Road is a permitted use with 137 m<sup>2</sup> (1475 ft<sup>2</sup>) of floor space within a single detached dwelling and 163 m<sup>2</sup> (1750 ft<sup>2</sup>) of floor space within an accessory building.~~

~~*(Dan and Brenda Dyck) (Bylaw 1728, 2008)*~~

## DIVISION NINE - SPECIAL USE

### 901 SPECIAL USE (HERITAGE) ZONE (S.1)

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

Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the *Special Use (Heritage) Zone (S.1)*:

- a. Heritage attractions which feature the display of historic buildings
- b. The static or motive display of antique vehicles and antique machinery customarily associated with and ancillary to the principal and permitted use identified in Section 901.1.a. above subject to the provisions of Section 901.3.c. of this Bylaw
- c. Craft shops, retail sales, restaurants and food sales, displays, and entertainment customarily associated with and ancillary to the principle and permitted use identified in Section 901.1.a. above
- d. Agriculture
- e. Two (2) dwelling units for the operator/manager or other employee of the principal and permitted use one of which dwelling unit may be a manufactured home. The secondary dwelling unit must be at least fifty percent (50%) farm-related
- f. Retail sales and repair of antique pianos and furniture
- g. Wineries and cideries subject to the provisions of Section 901.3.d. of this bylaw
- h. *Agri-tourism Accommodation***

*(Bylaw 2059, 2022)*

#### 2. Setbacks: [Subject to the special building line setback provisions of Section 407 of this Bylaw]

##### a. Front, Side, and Rear Yards:

Front, side, and rear yards free of all buildings and structures shall be provided with a depth of not less than 4.5 metres (14.76 feet).

##### b. Other Buildings:

Buildings shall not be sited within 3 metres (9.842 feet) of any other building.

##### c. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 408 and Schedule H of this Bylaw.

3. Other Requirements:

- a. The dwelling unit permitted by Section 901.1.e. of this Bylaw shall be contained wholly within a building permitted pursuant to Section 901.1.a. of this Bylaw.
- b. All craft shops, retail sales, and food sales shall be contained wholly within a building permitted pursuant to Section 901.1.a. of this Bylaw.
- c. The noise levels resulting from the static or motive display of antique vehicles and antique machinery customarily associated with and ancillary to the principal and permitted use that is to be carried out on lands located within this zone shall not exceed that which would occur in the carrying out of normal historic, motive activities.

Notwithstanding the restrictions cited herein, *Council* may authorize the holding of a “Special Event” within this zone involving the racing of antique vehicles or machinery and/or the operation of antique vehicles or machinery at noise levels exceeding that which would ordinarily occur in the carrying out of normal, historic, motive activities subject to the provisions of the *Township of Spallumcheen Special Events Bylaw* in force from time to time.

- d. Wineries and cideries are permitted provided that:
  - i. The winery or cidery is eligible for licensing as a winery or cidery under the terms established by the *BC Liquor Control and Licensing Branch* as amended from time to time; and
  - ii. At least 50% of the production of wine or cider comes from grapes, cider apples or other fruit grown on the winery or cidery farm. Grapes, cider apples or other fruit which are grown in British Columbia and are acquired by a winery or cidery through a long-term contract of no less than three (3) years may be included as part of the on-farm 50% production, provided that a minimum size vineyard or orchard of 2.0 hectares (4.94 acres) is maintained by the winery or cidery farm.
  - iii. Aside from the wine or cider, the sale of any other farm products, processed farm products and off-farm products must not exceed the limits prescribed in Section 803.9.a. of this Bylaw.
  - iv. Off-street parking shall be provided for wineries and cideries at a rate of 4.4 spaces per 100 square metres (1076 square feet) gross floor area used for wine tasting and wine sales. The off-street parking area and access thereto shall be constructed meeting the standards cited in Section 1101.2. of this Bylaw applicable to *Rural* zones.

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- v. Buildings used for winery or cidery use shall not be sited closer than 7.5 metres (24.61 feet) to any lot line.
  - vi. Signs shall conform with the provisions of Section 803.9.a.vii. of this Bylaw.
  - vii. Wineries and cideries shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of all applicable Statutes, Bylaws and regulations in force from time to time.



**DIVISION TEN - OFFICIAL ZONING MAPS OF THE TOWNSHIP  
OF SPALLUMCHEEN**

**SCHEDULE A**

**1001 OFFICIAL ZONING MAPS**

1. Schedule A, the Official Zoning Maps of the *Township of Spallumcheen*, forms part of this bylaw and for convenience is contained in a map booklet.

**DIVISION ELEVEN - OFF-STREET PARKING**

**SCHEDULE B**

**1101 OFF-STREET PARKING**

1. No land, water, building, or structure shall be used by the owner, occupier, or any other person for any use unless the off-street parking requirements for that use have been provided for in accordance with this section of this Bylaw.
2. Notwithstanding any other provisions of this Bylaw, all spaces provided for off-street parking, whether public or private, and including trucking yards and terminals, shall conform to the following requirements:

a. Size:

All parking spaces shall have a clear length of not less than 6 metres (19.68 feet) and a clear width of not less than 2.8 metres (9.186 feet) and a clear height of not less than 2.2 metres (7.218 feet), except that twenty-five percent (25%) of the total number of required parking spaces may be made up of small car parking spaces having a clear length of not less than 5.2 metres (17.06 feet), a clear width of not less than 2.3 metres (7.546 feet), and a clear height of not less than 2.2 metres (7.218 feet). All small car parking areas shall be identified by a sign indicating "Small Car Parking Only".

b. Access:

Ingress and egress to and from all parking spaces shall be by means of unobstructed maneuvering aisles of not less than 6 metres (19.68 feet) for all angle parking up to sixty degrees (60°) from the maneuvering aisles and not less than 8 metres (26.25 feet) for right angle parking.

In the case of a single row of parking from any maneuvering aisle, the aisle shall be 8 metres (26.25 feet) for right angle parking and may be reduced to 4 metres (13.12 feet) for angle parking up to forty-five degrees (45°) from the maneuvering aisle.

c. Layout:

Parking spaces must be so designed that vehicles are not required to back out onto a highway.

d. Location:

If parking is provided "on site", the parking portion must be consolidated with the portion of the lot upon which the building is located so that the whole forms one (1) lot. If the parking is located on a lot not immediately adjacent to the site containing the building for which the parking is provided, the owner must enter into a registerable covenant with the

*Township of Spallumcheen* restricting the use of the lot to parking in conjunction with the subject property.

e. Surface:

- i. Every off-street parking area shall be graded to provide an even surface.
- ii. Every off-street parking area shall be drained so that no surface water:
  - a. accumulates thereon; or
  - b. runs off onto any sidewalk; or
  - c. runs off onto any highway if the area is not paved; and
- iii. Every off-street parking area shall be surfaced with asphaltic concrete or cement pavement, or the off street parking area may be surfaced with porous pavement, such as porous asphalt, porous concrete or permeable unit paver systems (the intent of these systems is to reduce the amount of impervious surface, as well as to minimize the generation of surface runoff by allowing rainwater to pass through the pavement structure and infiltrate into the underlying native soils). In the case of asphaltic concrete, the minimum thickness is 6 cm (2.362 inches); in the case of cement pavement, the minimum thickness is 10 cm (3.937 inches) reinforced. In the case of porous pavement, the owner shall retain a geotechnical engineer to determine the appropriate porous pavement structure, including thicknesses.
- iv. As an exception, off street parking does not require surfacing with asphaltic concrete, cement pavement or porous pavement in the following areas:
  - a. all *Rural* zones; and
  - b. all *Residential* zones providing the use is single or two family residential; and
  - c. in *Commercial* zones where the property is vacant, pending sale or development, and no other use is being made of the lot; and the other provisions of this section are being complied with; and curbs are erected to prevent gravel going onto sidewalks or highways, provided that in the case of subsections iv.a. to c. above, the surface shall be:
    - i. kept free of weeds; and
    - ii. gravelled; and
    - iii. treated to suppress dust; and

- iv. have access to and from highways as approved by the *Township of Spallumcheen* and, where applicable, the *Ministry of Transportation*.

f. Curbs:

All parking lots shall be provided with curbs and such curbs are to be constructed of asphalt, concrete, or treated timber.

g. Setbacks:

In *Commercial* zones, for parking located on the same lot as the principal building, no part of the parking lot shall be located closer than 1.5 metres (4.921 feet) to any dwelling.

h. Signs:

All parking lots for more than ten (10) vehicles, other than for gasoline service stations, shall have directional signs so as to provide traffic control.

i. Lighting:

Any lighting used to illuminate any parking area or parking garage shall be so arranged that all direct rays of light are reflected upon such parking area or parking garage, and not on any adjoining premises.

j. Mixed Occupancy:

In the case of mixed uses, the total requirements for the off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

k. Oil/water Separators

Oil/water separators shall be provided for in all off-street parking areas in the *Light Industrial (I.1)*, *General Industrial (I.2)*, *Agricultural Industrial (I.4)*, *Soil Removal and Processing (I.5)*, and *Forest Product Industrial (I.6)* zones.

3. Schedule of Parking Requirements:

<u>Uses</u>	<u>Minimum Number of Parking Spaces Required</u>
Animal hospital/kennels	1 per 2 employees and 3 per veterinarian
Auction (indoor)	1 per 10 square metres (107.6 square feet) auction floor
Auto sales and repair	1 per 70 square metres (753.5 square feet) sales floor and 1 per service bay and 1 per 2 employees
Bank	1 per 20 square metres (215.3 square feet) gross floor area
Beach, swimming	1 per 8 square metres (86.11 square feet) developed beach above highwater mark
Billiard Hall	2 per table
Boat and recreation vehicle sales and repairs	1 per 2 employees and 1 per 90 square metres (968.8 square feet) display area (covered and outside)
Bowling alley	3 per alley
Building materials supply	1 per 2 employees and 1 per 180 square metres (1937.57 square feet) covered sales and storage
Bus depot	1 per 20 square metres (215.3 square feet) waiting room and 1 per 2 employees counted as a total of 2 shifts
Campground/overnight trailers	1 per space plus 2
Car wash	1 per 2 employees plus 4 off-street storage spaces
Church	0.49 per attendee
Church Hall/Community Hall	1 per 7 square metres (75.35 square feet) gross floor area
Clubs, lodges	1 per 4 seats
College	1 per employee and 1 per 5 students
Commercial, except as specified elsewhere in this Section	<del>4.4 per 100 square metres (1076 square feet) gross leaseable area</del>
<b><i>Commercial, except as specified elsewhere in this Section</i></b>	<b><i>1 per 45 square metres (484 square feet) gross leaseable area (Bylaw 2135, 2024)</i></b>
Contractors yard, including public utility structures	1 per 2 employees
Convalescent, nursing, and personal care home	1 per 3 beds
Convenience store	1 per 15 square metres of floor area
Cultural facility (art gallery, etc.)	1 per 40 square metres (430.6 square feet) gross floor area
Dance, music, and photo studio	1 per 30 square metres (322.9 square feet) gross floor area plus 1 per 2 employees
Funeral parlour	1 per 4 seats in chapel
<del>Gas station</del>	<del>1 per 2 employees on duty and 2 per service bay (Bylaw 2135, 2024)</del>

DIVISION ELEVEN – OFF-STREET PARKING – SCHEDULE B

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<u>Uses</u>	<u>Minimum Number of Parking Spaces Required</u>
<del>Golf course</del>	<del>75 stalls per nine (9) holes</del> <b>(Bylaw 2135, 2024)</b>
<b>Golf course</b>	<b>54 stalls per nine (9) holes (Bylaw 2135, 2024)</b>
Golf driving range	1 per tee plus 1 per 2 employees
Health salon	1 per 10 square metres (107.6 square feet) gross floor area
Hospital	1.8 per bed
Hotel, convention	0.8 per room
Hotel, non-convention	0.57 per room
<del>Ice cream stand</del>	<del>7 per sales Clerk</del> <b>(Bylaw 2135, 2024)</b>
Industrial except as specified elsewhere	1.5 per 100 square metres (1076 square feet) gross floor area
In this Section	
Laboratory	1 per 2 employees
Laundromat	1 per 3 washing machines
Laundry/dry cleaning	1 per 2 employees counted as total of 2 shifts
Machinery sales	1 per 2 employees and 1 per 90 square metres (968.7 square feet) sales floor
Marina	1 per 2 boat spaces and 1 per 2 employees
Manufactured home sales and service	1 per 2 employees plus 1 per 450 square metres (4,844 square feet) of display yard
<del>Medical marijuana Cannabis production facility</del>	<del>1.5 per 100 square metres (1076 square feet) gross floor area</del> <b>(Bylaw 1855, 2013)</b>
<b>(Bylaw 1961, 2018)</b>	
Motel, with restaurant/lounge	0.7 per room
Motel, without restaurant/lounge	0.54 per room
Neighbourhood pub	1 per 3 seats
Nurseries/greenhouses	1 per 15 square metres (161.5 square feet) gross floor area retail sales building
Offices	2.8 per 100 square metres (1076 square feet) gross floor area
Printing establishments	1 per 2 employees plus 1.5 per printing press
Prison	1 per 2 employees counted as total of 2 shifts
Police office	1 per 2 employees counted as total of 2 shifts
Pool, swimming	1 per 4 square metres (43.06 square feet) pool water surface
Post office	1 per 2 employees counted as total of 2 shifts and 1 per 300 postal boxes
Recreation centre	1 per 10 square metres (107.6 square feet) ice area and 1 per 4 square metres (43.06 square feet) pool surface and 1 per 4 player capacity other sports
Residential, condominiums and townhouses	1.2 per dwelling unit
Residential, apartments	1.3 per dwelling unit
Residential, 1 - 4 households	2 per dwelling unit
<b>Restaurant</b>	<b>1 per 20 square metres (215 square feet) gross floor area (Bylaw 2135, 2024)</b>

<u>Uses</u>	<u>Minimum Number of Parking Spaces Required</u>
<del>Restaurant, quality</del>	<del>12.7 per 100 square metres (1076 square feet) gross floor area</del>
<del>Restaurant, family</del>	<del>10.6 per 100 square metres (1076 square feet) gross floor area</del>
<del>Restaurant, fast food without drive-through</del>	<del>13.3 per 100 square metres (1076 square feet) gross floor area</del>
<del>Restaurant, fast food with drive-through</del>	<del>11.0 per 100 square metres (1076 square feet) gross floor area</del>
<b><i>Restaurant, fast food with drive-through</i></b>	<b><i>1 per 50 square metres (430 square feet) gross floor area</i></b>
<b><i>Retail Sales (including cannabis retail)</i></b>	<b><i>1 per 50 square metres (430 square feet) gross floor area (Bylaw 2135, 2024)</i></b>
School, elementary	1 per employee
School, secondary	1 per employee plus 1 per 10 students
Ski resort - accommodation	1 per 2 sleeping rooms including living rooms
Stadium	1 per 3 seats
<del>Taxi stand</del>	<del>1 per taxi plus 1 per office employee</del> <b><i>(Bylaw 2135, 2024)</i></b>
Television and radio studios	1 per 2 employees counted as total of 2 shifts
Theatre, drive-in	1 per 2 employees
Theatre, not drive-in	1 per 4 seats
Tire repair	1 per 2 employees plus 1 per bay
Tourist attraction	1 per 4 persons capacity, of which ten percent (10%) of the total required parking shall be designed for recreation vehicle parking in accordance with the provisions of Section <del>1001.6</del> <b><i>1101.6</i></b> of this Bylaw <b><i>(Bylaw 2003, 2020)</i></b>
<del>Vegetable/produce stand</del>	<del>4 per sales Clerk</del> <b><i>(Bylaw 2135, 2024)</i></b>
Warehouse	1 per 2 employees counted as total of 2 shifts

Note: The figures include allowance for employees, customers, and visitors, but do not include any allowance for other company vehicles or for loading facilities.

All developments that require the approval of the *Ministry of Transportation* for rezoning, access or development permits must comply with the parking standards as set out by the *Ministry*.

4. Parking Requirements for Unspecified Uses:

Where in any zone, uses similar to the specified permitted uses are allowed, the minimum number of parking spaces required under 1101.3. above for any such unspecified use shall be the minimum number of parking spaces required for the specified permitted use to which the unspecified permitted use is most similar.

5. Units of Measurement:

- a. Where gross floor area is used as a unit of measurement for the calculation of required parking spaces, it shall include the floor area of accessory buildings and basements, except where they are used for parking, heating, or storage.
- b. Where the number of employees is used as a unit of measurement, it shall mean the greatest number of persons at work, at any time of the day or night in a particular building or for a particular use during any season of the year, or, where applicable, it shall mean the number of employees counted as the total of two (2) shifts, whichever is greater.
- c. Where seating accommodation is used as a unit of measurement, and such accommodation consists of benches, pews, booths, and the like, each 0.5 metres (1.640 feet) of width of such seating accommodation shall be counted as one seat.
- d. When the calculation of parking requirements results in a fractional parking space, one parking space shall be provided to meet this fractional requirement.

6. Recreational Vehicle Parking:

Notwithstanding the other provisions of this Bylaw, the following shall apply to recreational vehicle parking areas:

- a. each recreational vehicle space shall have a clear length of not less than 12 metres (39.37 feet), a clear width of not less than 4 metres (13.12 feet), and a clear height of not less than 4 metres (13.12 feet); and
- b. all recreational vehicle parking areas shall provide unobstructed vehicle maneuvering aisles of not less than 12 metres (39.37 feet) in width; and
- c. all recreational vehicle parking areas shall provide a sign indicating "Recreational Vehicle Parking"; and
- d. all recreational vehicle parking shall be included in the calculations for the total required parking.



7. Handicapped Parking:

Handicapped parking shall be provided as per Part 3.7 of the *B. C. Building Code*.

8. Existing Buildings, Structures, and Uses:

Notwithstanding any other provisions of this Bylaw, the regulations contained in this Section shall not apply to buildings, structures, or uses existing on the effective date of this Bylaw, except that:

- a. off-street parking shall be provided and maintained in accordance with this Section where there is a change in the principal use, or where the total floor area is increased in excess of ten percent (10%) over the existing floor area; and
- b. off-street parking existing on the effective date of this Bylaw shall not be reduced below the applicable off-street parking requirements of this Section.

9. Voluntary Establishment of Parking Facilities:

Where off-street parking facilities are provided when not required, the location, design, and operation of such facilities shall comply with the regulations of this Section.

10. Use of Parking:

Required off-street parking spaces shall not be used for off-street loading, driveways, commercial repair work, display, sale, or storage of goods of any kind.

Schedule B to accompany the "*Township of Spallumcheen Zoning Bylaw No. 1700, 2008*".

I hereby certify this to be a true and correct copy of Schedule B attached to and forming part of the "*Township of Spallumcheen Zoning Bylaw No. 1700, 2008*".

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CORPORATE OFFICER

**DIVISION TWELVE - OFF-STREET LOADING**

**SCHEDULE C**

**1201 OFF-STREET LOADING**

No land, water, building, or structure shall be used by the owner, occupier, or any other person for any use unless the off-street loading requirements for that use have been provided in accordance with this section; provisions shall be made for off-street loading on the same site as the principal building or use.

1. Existing Buildings, Structures, and Uses:

The regulations contained in this Schedule shall not apply to buildings, structures, or uses existing on the effective date of this Bylaw, except that:

- a. off-street loading shall be provided and maintained in accordance with this Schedule where there is a change in the principal use or where the total floor area is increased in excess of ten percent (10%) over the existing floor area; and
- b. off-street loading existing on the effective date of this Bylaw shall not be reduced below the applicable off-street loading requirement of this Schedule.

2. Unit of Measurement:

When calculating off-street loading requirements, the gross floor area shall include the floor area of accessory buildings or basements, except where they are used for parking or heating.

3. Mixed Occupancies:

In the case of mixed uses the total requirements for off-street loading facilities shall be the sum of the requirements for the various uses computed separately.

4. Required Off-Street Loading Spaces:

- a. ~~On every site used as a retail store, business, industry, warehouse, or other similar use, the minimum number of spaces shall be as follows:~~

<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
i. <del>less than 450 square metres (4,844 square feet)</del>	<del>1</del>
ii. <del>450 square metres (4,844 square feet) to 2,300 square metres (24,756 square feet)</del>	<del>2</del>

DIVISION TWELVE – OFF-STREET LOADING – SCHEDULE C

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<u>Required</u>	<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces</u>
	iii. 2,300 square metres (24,756 square feet) to 4,600 square metres (49,514 square feet)	3
	iv. each additional 4,600 square metres (49,514 square feet) or each fraction thereof in excess of 2,300 square metres (24,756 square feet)	1 additional

a. *On every site used as a retail store, business, industry, warehouse, or other similar use, the minimum number of spaces shall be as follows:*

	<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
i.	<i>less than 450 square metres (4,844 square feet)</i>	1
ii.	<i>450 square metres (4,844 square feet) to 2,299 square metres (24,756 square feet)</i>	2
iii.	<i>2,300 square metres (24,756 square feet) to 4,599 square metres (49,514 square feet)</i>	3
iv.	<i>over 4,600 square metres (49,514 square feet): for every additional 2,300 square metres (24,756 square feet), or each fraction thereof</i>	1 additional space

b. *On every site used as an office building, place of public assembly, hospital, institution, hotel, club or lodge, auditorium, utility, school, or other similar use, the minimum number of spaces shall be as follows:*

	<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
	i. less than 2,700 square metres (29,062 square feet)	1
	ii. 2,700 square metres (29,062 square feet) to 5,500 square metres (59,201 square feet)	2
	iii. each additional 5,500 square metres (59,201 square feet) or fraction thereof in excess of 2,700 square metres (29,062 square feet)	1 additional

- b. *On every site used as an office building, place of public assembly, hospital, institution, hotel, club or lodge, auditorium, utility, school, or other similar use, the minimum number of spaces shall be as follows:*

<i>Total Gross Floor Area of Building(s)</i>	<i>Spaces Required</i>
<i>i. less than 2,700 square metres (29,062 square feet)</i>	<i>1</i>
<i>ii. 2,700 square metres (29,062 square feet) to 5,500 square metres (59,201 square feet)</i>	<i>2</i>
<i>iii. over 5,500 square metres (59,201 square feet): for each additional 2,700 square metres (29,062 square feet), or fraction thereof</i>	<i>1 additional space (Bylaw 2135, 2024)</i>

5. Location and Siting of Loading Facilities:

Off-street loading spaces and facilities shall be located on the same lot as the use served, but not within the required front yard, nor closer than 15.5 metres (50.85 feet) to the nearest point of intersection of any two (2) road allowances.

6. Development and Maintenance Standards:

- a. The location of all points of ingress and egress to a loading area shall be subject to the approval of the *Public Works Manager* of the *Township of Spallumcheen*.
- b. All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate the types of vehicles which will be loading and unloading, but in no case shall be insufficient to accommodate a vehicle 9 metres (29.53 feet) in length, 2.4 metres (7.874 feet) in width, and 3.7 metres (12.14 feet) in height.
- c. All loading areas shall be provided with adequate curbs in order to retain all vehicles within such permitted loading areas and to ensure that required fences, walls, hedges, or landscaped areas, as well as any buildings, will be protected from parked vehicles.
- d. Each loading space shall be surfaced with an asphalt, concrete, or similar pavement so as to provide a durable, dust-free surface and shall be so graded and drained so as to properly dispose of all surface water.

- e. Any lighting used to illuminate any loading area shall be so arranged that all direct rays of light are reflected upon the loading area and not on any adjoining premises.

Schedule C to accompany the "*Township of Spallumcheen Zoning Bylaw No. 1700, 2008*".

I hereby certify this to be a true and correct copy of Schedule C attached to and forming part of the "*Township of Spallumcheen Zoning Bylaw No. 1700, 2008*".

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*CORPORATE OFFICER*

**DIVISION THIRTEEN - LOT FRONTAGE, AREA, SETBACK, AND DESIGN REQUIREMENTS**

**SCHEDULE D**

**1301 LOT FRONTAGE, AREA, SETBACK, AND DESIGN REQUIREMENTS**

1. Lot Frontage:
  - a. Where served by a community water system and community sewer system, each lot shall have a road frontage of not less than 18 metres (59.06 feet) for single family dwellings in the *Residential Single Family Zone (R.1)*.
  - b. Where served by a community water system and septic tank, each lot shall have a road frontage of not less than 20 metres (65.62 feet) for single family dwellings in the *Residential Single Family Zone (R.1)* except that the minimum frontage required shall be increased by 1 metres (3.281 feet) for each one percent (1%) of average natural slope or fraction thereof in excess of ten percent (10%) average natural slope.
  - c. Where not served by a community water system or community sewer system, each lot for single family dwellings in the *Residential Single Family Zone (R.1)* shall have a road frontage of not less than 40 metres (131.2 feet).
  - d. In addition to the frontage requirements of Section ~~1201.1.a. and b.~~ **1301.1.a and b.** of this Bylaw, all corner lots for single family use shall be increased in frontage, by not less than 3 metres (9.842 feet).

**(Bylaw 2003, 2020)**
  - e. Notwithstanding the frontage requirements cited elsewhere in this Bylaw, or in Subsections 1.a., b., c., or d. above:
    - i. the frontage of a parcel fronting a highway shall be not less than one-tenth of the perimeter of the parcel; and
    - ii. lot frontages of "pie-shaped" lots or other irregularly shaped or asymmetrical lots located in *residential* zones may be reduced to not less than 12 metres (39.37 feet) in width, provided that the average lot width throughout a depth of 30 metres (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot width.
  - f. The *Council* may, upon application by the owner, exempt the owner from any frontage requirement of this Bylaw except that the frontage required for a panhandle lot shall, in no case be less than:

- i. 10 metres (32.81 feet) where the panhandle lot cannot be further subdivided; or
- ii. 20 metres (65.62 feet) where the panhandle lot can be further subdivided into two (2) or more lots.

2. Lot Area:

~~a. Where served by a community water system and community sewer system, each lot shall have an area of not less than 560 square metres (6,028 square feet) for single family dwellings in the Residential Single Family Zone (R.1).~~

**a. Where served by a community water system and community sewer system, each lot shall have an area of not less than 350 square metres (3,767 square feet) for single family dwellings in the Residential Single Family Zone (R.1).**

*(Bylaw 2135, 2024)*

b. Where served by a community water system and septic tank, each lot shall have an area of not less than 1.0 ha. (2.47 acres) for single family dwellings in the Residential Single Family Zone (R.1).

c. Where not served by a community water system or community sewer system, each lot shall have an area of not less than 1.0 ha. (2.47 acres) for single family dwellings in the Residential Single Family Zone (R.1).

d. Each lot for service utility shall have an area of not less than 200 square metres (2153 square feet).

e. Except for lots for parks and playground use, each lot for civic use and assembly use shall have an area of not less than 1.0 ha. (2.47 acres) where served by a community water system and septic tank and not less than 1.0 ha. (2.47 acres) where served by a well and septic tank.

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

g. Notwithstanding the provisions of this Bylaw, the *Approving Officer* may approve a subdivision of lots smaller than required in the *Country Residential Zone (C.R.)*, and *Large Holding Zone (L.H.)* provided that:

- i. the number of lots created is not greater than the number of conventional lots that could have been developed with respect to road dedication, slope, geology, hydrology, and available services and in compliance with the minimum lot area requirements of this Bylaw and the servicing requirements of the *Corporation of the Township of Spallumcheen Subdivision Servicing Bylaw*; and

- ii. the minimum lot area is not less than 1 ha (2.471 acres) in the *Country Residential Zone (C.R.)*; and 15 ha (37.06 acres) in the *Large Holding Zone (L.H.)*; and
  - iii. the maximum lot area is not greater than 1.5 times the minimum lot area requirement of the applicable zone except that where lots of the required maximum size cannot be developed because of excessive slopes or geological limitations, a lot larger than required hereby shall be permitted provided that a covenant shall be registered under Section 219 of the *Land Title Act* to prohibit further subdivision. Such covenant shall be registered in favour of the *Corporation of the Township of Spallumcheen*.
- h. Notwithstanding the provisions of the Bylaw, the Approving Officer may approve a cluster subdivision consisting of lots smaller than required in the Small Holding Zone (S.H) provided that:***
- i. the cluster subdivision would result in:***
    - a. the protection of arable farmland; or***
    - b. the protection of Natural Areas as identified in the Official Community Plan; or***
    - c. the protection of significant environmental features, steep slopes, or recreational features; or***
    - d. the protection of land for community benefit; and***
  - ii. the number of lots created shall not exceed 1 25% of the number of conventional lots that could have been developed if the subdivision were in compliance with the minimum lot area required of the zone; and***
  - iii. the minimum lot area may be reduced to 1 ,000m<sup>2</sup> (10,764 square feet ,0.25 acre); and***
  - iv. the following sewerage system requirements are met:***
    - a. where the average lot area of all parcels in the proposed subdivision is reduced to below 1.0 hectare, connection to the Townships community sewer system is required;***  
***or***
    - b. where the lot area is reduced below 1.0 hectare for any lot in the proposed subdivision, the subdivision must form a strata with a strata operated community sewer system; and***
  - v. a Land Title Act Section 219 covenant, in favour of the Township of Spallumcheen, is registered over any lot greater***



*than two (2) times the allowable reduced lot area to prohibit further subdivision; and*

- vi. a minimum of 20% of the total gross developable site area (area less than 30% slope) is amenity contributed to the Township for Community Benefit; and*
- vii. all applicable Federal, Provincial and local regulations must be met for sewerage disposal.*

*(Bylaw 2110, 2023)*

3. Setbacks:

A front yard free of buildings and structures shall be provided with a depth of not less than 8 metres (26.25 feet) for single family dwellings in the *Residential Single Family Zone (R.1)* except that for lots served by septic tank and situated on the uphill side of a road, the depth required shall be increased by 4 metres (13.12 feet) for each five percent (5%) of average natural slope or fraction thereof in excess of ten percent (10%) average natural slope.

4. Design:

a. Panhandle Lots:

- i. Where a parcel is a panhandle lot capable of further subdivision into two (2) or more lots, the panhandle shall be adequate with respect to grade, alignment, etc. to provide a future highway.
- ii. Where a parcel is a panhandle lot that cannot be further subdivided, the panhandle shall have a continuous width of not less than 10 metres (32.81 feet) and be suitable for entrance roadway standards of 4 metres (13.12 feet) width and fifteen percent (15%) maximum grade.

b. ~~Building Site:~~

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

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

- ~~i. be as close to right angles as practicable to the finished road surface for a minimum distance of 6 metres (19.68 feet); and~~

- ~~ii. have a minimum width of 5.5 metres (18.04 feet) for the distance specified in Subsection 4.b.i. above and 4 metres (13.12 feet) minimum width thereafter; and~~
- ~~iii. have a maximum slope of five percent (5%) over the distance specified in Subsection 4.b.i. above and a maximum slope of fifteen percent (15%) thereafter.~~

***b. Building Site:***

- i. All lots created within the Small Holding Zone (S.H.), Country Residential Zone (C.R.) and the Large Holding Zone (L.H.) of this Bylaw shall contain a contiguous area of land 2,000 square metres (21,528 square feet) or larger in size to serve as a suitable building site; and*
- ii. Notwithstanding Section 1301.4.b.i.; lots approved in accordance with 1301.2.h shall contain a contiguous area of land 300 square metres (3,229 square feet) or larger in size to serve as a suitable building site; and*
- iii. A suitable building site shall consist of land less than thirty percent (30%) natural slope and shall be accessible from a public highway in accordance with the following private access driveway design standards; and*
- iv. Commencing at the edge of the finished road surface, private access driveways shall meet the Township of Spallumcheen Subdivision & Development Standards Bylaw as amended from time to time.*

*(Bylaw 2110, 2023)*

Schedule D to accompany the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008.*

I hereby certify this to be a true and correct copy of Schedule D attached to and forming part of the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008.*

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*CORPORATE OFFICER*

**DIVISION FOURTEEN - TOTAL NUMBER OF ANIMALS MAKING UP ONE ANIMAL UNIT**

**SCHEDULE E**

**1401 ANIMAL UNITS**

For the purpose of this Bylaw, on lands located outside the *Agricultural Land Reserve*, the total number of animals making up one (1) animal unit shall be:

4	swine (plus weiner pigs), or
1	dairy cow (plus calf), or
1	beef cow (plus calf), or
1	bull, or
2.5	beef feeders to be fed to a maximum weight of 340 kg (749.6 lbs), or
1.67	beef feeders to be fed to a maximum weight of 500 kg (1,102 lbs), or
10	veal calves to be fed to a maximum weight of 140 kg (308.6 lbs), or
1	horse, (mare and foal, or stallion or gelding or donkey or mule or hinny),
4	sheep (plus lambs) or goats (plus kids), or
12	feeder lambs, or
250	laying chicken hens, or
500	broiler chickens, roasters, or pullets, or
100	turkeys to be fed to a weight exceeding 5 kg (11.02 lbs), or
200	turkeys to be fed to a weight of 5 kg (11.02 lbs) or less, or
125	geese or ducks, or
40	rabbits (bucks, or does plus progeny to weaning, or growers), or
80	mink (males, or females plus progeny to weaning, or growers), or
250, 000	bees

For animals not listed, the *Provincial Ministry of Agriculture* shall be consulted to establish animal unit equivalencies.

Schedule E to accompany the "*Township of Spallumcheen Zoning Bylaw No. 1700, 2008*".

I hereby certify this to be a true and correct copy of Schedule E attached to and forming part of the "*Township of Spallumcheen Zoning Bylaw No. 1700, 2008*".

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CORPORATE OFFICER

**DIVISION FIFTEEN - CAMPGROUND REGULATIONS**

**SCHEDULE F**

**1501 CAMPGROUND REGULATIONS**

1. Application:

- a. The provisions of Schedule "F" apply to any campground constructed or established after the adoption of this Bylaw and to any additional construction on an existing campground and to any alteration to the layout of an existing campground.
- b. Where the construction or layout of an existing campground does not conform to the provisions of this Bylaw, no person may carry out additional construction or make an alteration to the layout of the campground if the effect of such construction or alteration is likely to aggravate the non-conformity.
- c. This Bylaw does not apply to campgrounds licenced under the Provincial *Community Care and Assisted Living Act of B.C.*

2. Interpretation:

For the purposes of this Section and unless the context otherwise requires:

**APPROVAL** means approval in writing.

**CAMPING SPACE** means an area in a campground used for one (1) trailer or tent.

**DEPENDENT TRAILER** means a trailer other than an independent trailer.

**INDEPENDENT TRAILER** means a trailer equipped with a water-closet and a place for washing, wastes from both of which may be disposed of directly into a sewage-disposal system through a drain connection.

**MEDICAL HEALTH OFFICER** means the *Medical Health Officer* appointed under the provincial *Health Act* for the territorial jurisdiction of the area in which a campground is located.

**OWNER** means an owner, agent, lessor, or manager of, or any person who operates a campground.

**SAFE WATER** means water which is approved for drinking purposes by the *Medical Health Officer*.

**PRIVY** means an approved building over an approved sanitary earth pit for the receiving and disposal by decomposition of human excrement, and includes a latrine.

**ROADWAY** means road within a campground part or all of which is made suitable for normal vehicular use for access to abutting camping spaces and other facilities.

**SERVICE BUILDING** means a building, other than a privy, housing toilet or bathing facilities or such other sanitation facilities as are required by this Bylaw.

**SEWAGE DISPOSAL STATION** means a place where trailer sewage-storage tanks may be emptied and flushed.

3. Prohibitions:

- a. No person may construct or lay out a campground or any part of a campground without being in possession of a valid and subsisting permit for that purpose issued pursuant to the provisions of this Bylaw.
- b. No person may construct or lay out a campground or part of a campground in a manner not authorized or in a manner prohibited by the provisions of this Bylaw.

4. Administration:

- a. The *Clerk* or such other officer appointed by the *Council* shall administer the provisions of this Section.
- b. The officer appointed under Subsection a. above may enter any campground at all reasonable times for the purpose of administering or enforcing the provisions of this Section.

5. Permit Required:

- a. No person shall construct, alter, extend, or expand a campground until approval is received and permit is issued by the *Clerk*.
- b. Approval and the permit shall not be given until a sewage disposal permit has been issued, water supply system and garbage disposal method has been approved under the provincial *Health Act*, *Environmental Management Act*, or *Water Act*.

6. Application, Approval, and Permit:

- a. All applications for campground approval and permit shall be made in writing to the *Corporate officer* and contain:

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DIVISION FIFTEEN – CAMPGROUND REGULATIONS – SCHEDULE F

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- i. the name and address of the applicant; and
- ii. a general description of the location of the land and a full legal description of the land on which the proposed campground is to be established, constructed, altered, or extended; and
- iii. two (2) full sets of working drawings to scale showing:
  - a. the area, dimensions, and legal description of the parcel(s) of land; and
  - b. the dimensions and location of the buffer area required under Section 1501.13.a of this Bylaw; and
  - c. the number, location, dimensions, and designation of all camping spaces, and location and dimensions of all roadways, the owner's residential plot (if any), common recreation areas, and storage area (if any); and
  - d. the location of service buildings, any sewage disposal station, or any other proposed structures; and
  - e. the internal layouts of all ancillary service buildings and other structures, apart from the owner's residence; and
  - f. the location and details of the source of water, treatment plants, water distribution lines, and outlets; and
  - g. the location and details of all connections to the sewer, sewer lines, septic tank(s) and sub-surface disposal field, or other private sewage treatment plants and disposal methods; and
  - h. the location of storm drains and catch basins; and
  - i. the location and details of all on-site garbage and refuse-disposal areas; and
  - j. a north arrow and notation of the scales used; and
  - k. a general landscaping plan for the site; and
  - l. all water courses or water frontage within or adjacent to the proposed campground; and
  - m. all steep banks or slopes within or adjacent to the land concerned; and

- n. the relationship of the proposed campground to adjacent roads/highways.
  - b. The *Clerk* may require the applicant to provide additional relevant information, including but not limited to, topographic and soil condition data.
7. Fees:
- Each application for a campground permit submitted shall be accompanied by an application fee of one hundred dollars (\$100.00) for the first fifty (50) camping spaces and two dollars (\$2.00) for each additional camping space shown in the campground plan.
8. Approval and Permit:
- a. The *Clerk* shall examine each application for a campground permit and shall notify the applicant in writing within sixty (60) days either that the permit is issued or that it is refused.
  - b. If a campground permit is refused, the *Clerk* shall notify the applicant in writing of the reasons for refusal.
  - c. A campground permit shall permit the establishment of a campground on the land concerned only in compliance with the campground plan approved and permit issued.
  - d. If the holder of the permit does not commence the construction permitted by the permit within one (1) year of the date of the permit issued, the permit lapses.
9. Other Regulations:
- a. Every campground shall comply with:
    - i. the plumbing, electrical, and *Building Bylaws* and regulations in force; and
    - ii. all regulations, made pursuant to the *Fire Services Act*; and
    - iii. all regulations made pursuant to the *Forest Act* relating to the fire protection, and other matters.
  - b. Nothing in this Bylaw shall relieve owners of a campground from the responsibility to seek out and comply with all other applicable enactments.

10. Building Permit:

Prior to any work or construction in a campground, the applicant shall obtain a building permit for a building or structure from the *Clerk*.

11. Drainage:

No person shall locate or extend a campground except on a site that is well drained and is at all times free of stagnant pools.

12. Camping Spaces:

Each camping space within a campground shall:

- a. have a minimum area of 84 square metres (904.2 square feet) and be clearly identified by a number or similar designation; and
- b. accommodate only one (1) trailer or tent; and
- c. be no closer than 3 metres (9.842 feet) to a roadway; and
- d. be no closer than 7.6 metres (24.93 feet) to the boundary of the campground; and
- e. have one (1) conveniently located parking space adjacent to the roadway, which may be within the setback required under Subsection c. above.

13. Buffer Area:

- a. Campgrounds shall be provided with a landscaped buffer area not less than 8 metres (26.25 feet) wide adjacent to a front lot line and not less than 4.5 metres (14.76 feet) wide adjacent to all other lot lines and within which no camping space, residential accommodation, parking, garbage disposal areas, privies, service buildings or recreational areas, except for waterfront recreation, shall be permitted.
- b. The only roadways permitted in the buffer area are those which cross it as close to right angles as practicable and connect directly with the roadway system contained within the remainder of the campground.

14. Recreation Area:

- a. A campground shall have open space for playground, park, sports, games and similar recreation areas to serve the campground in the amount of not less than five percent (5%) of the total area of the campground.



- b. The recreation areas shall not include buffer areas, parking areas, ancillary buildings, camping spaces, driveways, and storage areas.

15. Signs:

An identification sign to a maximum height of 2 metres (6.562 feet) above ground and to a maximum area of 3 square metres (32.29 square feet) may be located at the principal entrance to the campground.

16. Owner's Residence and Office Space:

Within a campground, a dwelling unit including office space, may be provided for the accommodation of the owner or operator of the campground. The minimum site area for such facility shall be 550 square metres (5920 square feet).

17. Retail Facilities:

A retail facility for the purpose of selling groceries, camping supplies, and souvenirs is permitted to serve the campground provided the maximum floor area does not exceed as prescribed below:

Number of Camping Spaces	Maximum Retail Floor Area
50 spaces or less	25 m <sup>2</sup> (269.1 square feet)
51 spaces or more	25 m <sup>2</sup> (269.1 square feet) plus 0.3 m <sup>2</sup> /space (3.229 square feet/space) in excess of 50 up to a maximum of 50 m <sup>2</sup> (538.2 square feet)

18. Access:

- a. At least one (1) highway access shall be provided to a campground containing eighty (80) or less camping spaces.
- b. A second access from a highway, separated by at least 50 metres (164 feet) from the first access shall be provided to each campground containing eighty-one (81) or more camping spaces.

19. Customer's Parking/Holding Area:

Within 30 metres (98.42 feet) of the campground entrance or office, there shall be provided customer's parking/holding area in an amount of 18 square metres (193.8 square feet) for each ten (10) camping spaces up to a maximum of 140 square metres (1,507 square feet).

20. Roadways:

- a. Access to and from a campground shall have a minimum roadway width of 13 metres (42.65 feet) and a minimum hard surfaced or gravelled width of 6.7 metres (21.98 feet). No parking shall be allowed on the access roadway.
- b. All camping spaces, owner's or operator's residence, service buildings, as well as, other facilities where access is required shall have access by an internal roadway system.
- c. Roadways giving access to and from camping spaces shall have a minimum roadway width of 6.7 metres (21.98 feet) and a minimum hard surfaced or gravelled width of 4.3 metres (14.11 feet).
- d. Roadways in a campground shall be well drained, and maintained in such a manner as to render them free from dust at all times.
- e. Dead end roadways and cul-de-sacs shall have a turning circle at the end with a radius of at least 12 metres (39.37 feet).

21. Water Supply:

The owner of a campground shall provide a water supply system to furnish a constant supply of safe water in compliance with the provincial *Health Act*.

22. Sewage Disposal:

- a. The owner of a campground shall provide for the disposal of all wastewater and human excretion generated within the campground by causing all sewage and wastewater to be discharged into a community sewer system or into a private sewage disposal system in compliance with the provincial *Health Act* or *Environmental Management Act*.
- b. The owner shall obtain either a sewage disposal permit from the provincial *Ministry of Health* or from the provincial *Ministry of Environment*, depending on the amount of discharge generated.
- c. Privies and/or alternative methods of liquid waste disposal may be permitted in accordance with the “Sewage Disposal Regulations” under the provincial *Health Act* if there is an insufficient supply of water to operate flush toilets.
- d. Where water and sewer systems are available, each camping space intended for use by an independent trailer shall be provided with at least a 75 millimetres (2.953 inches) sewer connection. The sewer connection shall be provided with a suitable fitting so that a water tight connection can be made between the trailer drain and the sewer connection. The connection

DIVISION FIFTEEN – CAMPGROUND REGULATIONS – SCHEDULE F

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shall be so constructed that it can be closed when not linked to a trailer, to prevent the escape of odours.

23. Service Buildings:

- a. Where sewer and water systems are installed, the campground shall be provided with at least one (1) service building equipped with flush type fixtures and other sanitary facilities as prescribed below:

Number of Camping Spaces*	Toilets		Urinals	Washbasins		Showers		Other Fixtures
	Men	Women	Men	Men	Women	Men	Women	
1 - 15	1	1	1	1	1	1	1	1 slop sink**
16 - 30	1	2	1	2	2	1	1	
31 - 45	2	2	1	3	3	1	1	
46 - 60	2	3	2	3	3	2	2	
61 - 80	3	4	2	4	4	2	2	
81 - 100	3	4	2	4	4	3	3	

For each campground having more than one hundred (100) camping spaces, there shall be provided one (1) additional toilet and washbasin for each sex, for each additional thirty (30) camping spaces; one (1) additional shower for each sex, for each additional forty (40) camping spaces; and one (1) additional men's urinal for each additional one hundred (100) camping spaces.

b. Service buildings shall:

- i. be located at least 4.5 metres (14.76 feet) and not more than 150 metres (492.13 feet) from any camping space; the 150 metres (492.13feet) distance shall not apply to an independent trailer camping space; and
- ii. be of permanent construction and adequately lighted; and
- iii. have walls, floors, and partitions that can be easily cleaned and will not be damaged by frequent hosing, wetting, or disinfecting; and

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\* Camping spaces for tents and dependent trailers only.

\*\* A conveniently located slop sink(s) for disposal of liquid wastes.

- iv. have all rooms well ventilated, with all openings effectively screened; and
- v. provide separate compartments for each bathtub or shower and toilet and a tight partition to separate those facilities designated for males and females; and

c. Laundry Facilities:

- i. Laundry facilities shall be provided in the ratio of one (1) laundry unit for each thirty (30) camping spaces and shall be in a separate room of a service building or in a separate building.
- ii. A laundry unit shall consist of not less than one (1) laundry tub and one (1) clothes washing machine in working order.
- iii. If there are laundry facilities available to the public within 8 kilometres (4.971 miles) of a campground, the requirements under Subsections i. and ii. above are waived.

24. Sewage Disposal Station:

- a. Where a campground contains camping spaces for use by trailers, the owner, shall, except where privies are permitted or sufficient sewer connections are available in accordance with Section 1501.22.d. of this Bylaw, provide a trailer sewage disposal station for the purpose of receiving the contents of trailer sewage storage tank.
- b. Trailer sewage disposal station shall be located in an area apart from any roadway and out of which a trailer may be easily and conveniently moved.
- c. Trailer sewage disposal stations shall be constructed in accordance with the design following design:

25. Privies:

Where privies are permitted, all privy buildings shall be subject to the requirements of the provincial “Sewage Disposal Regulations” under the provincial *Health Act* and shall be so constructed and maintained so that:

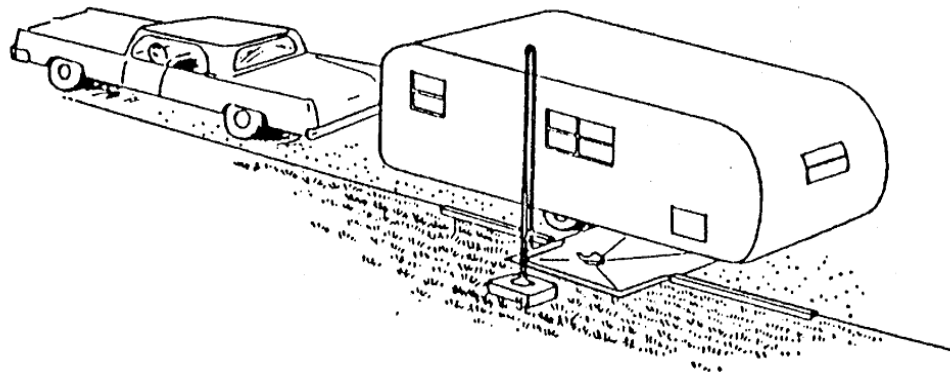
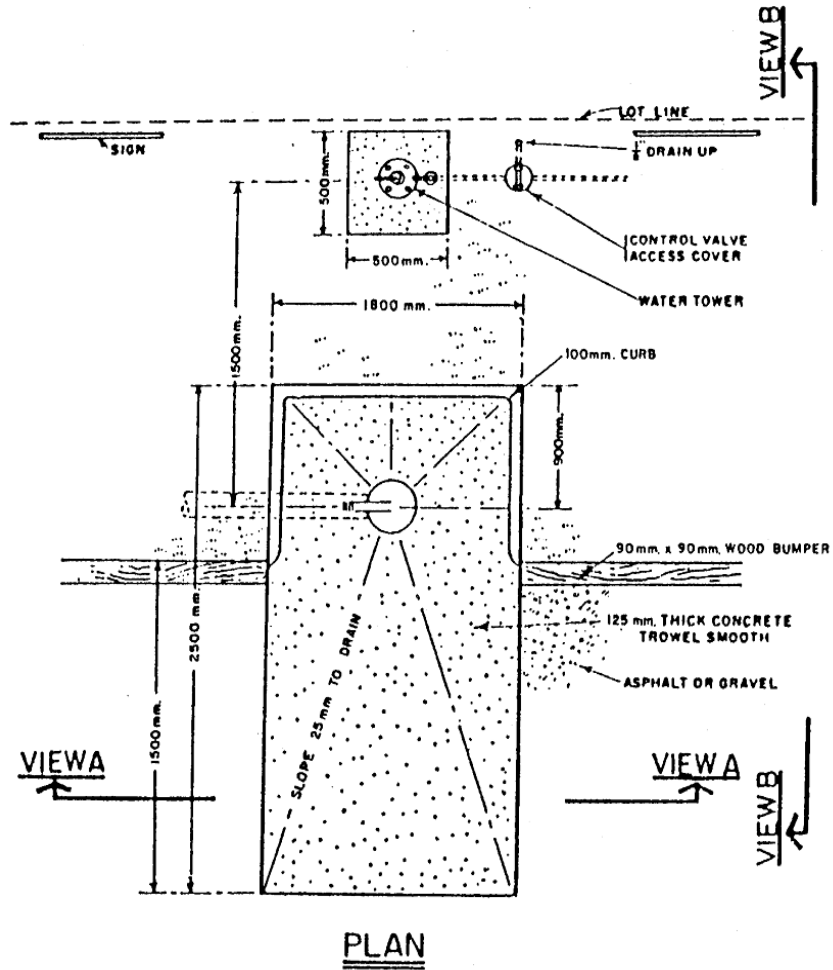
- a. flies, insects, rats, or small domestic animals do not have access to the waste materials; and

- b. surface or groundwater cannot enter the pit or vault; and
- c. it is no closer to any camping space or building than 15 metres (49.21 feet).

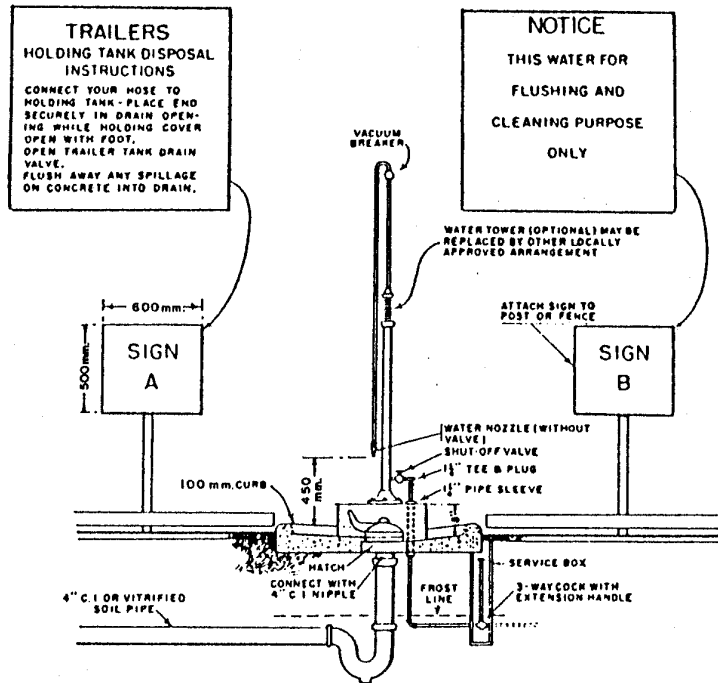
26. Garbage Disposal:

- a. The owner of a campground shall dispose or arrange for disposal of garbage or refuse.
- b. The owner of a campground shall:
  - i. provide at each camping space a container that is durable, fly tight, water tight, rodent proof for the disposal of all garbage; and
  - ii. maintain the containers so that they shall not become foul smelling, unsightly, or a breeding place for flies; and
  - iii. be responsible for ensuring that no person shall dispose of garbage, waste, or refuse except in accordance with the arrangements made for the campground.

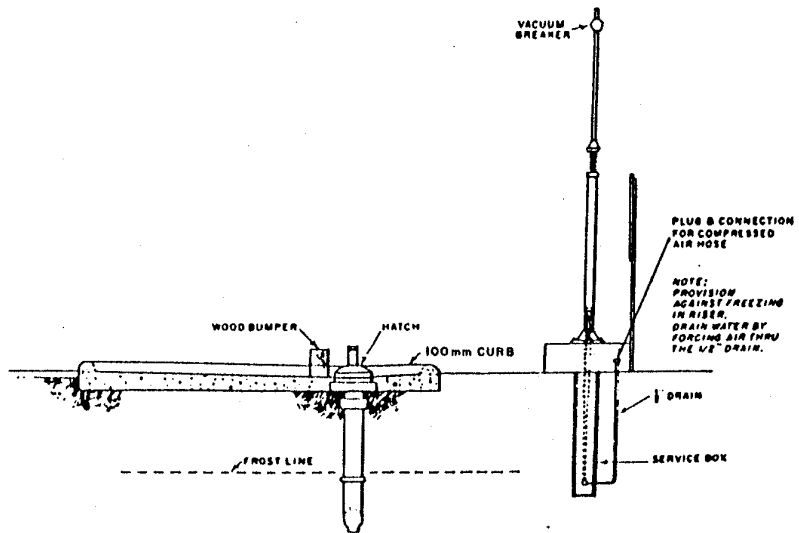
Trailer Sewage Disposal System - Plan View



VIEW A



VIEW B



DIVISION FIFTEEN – CAMPGROUND REGULATIONS – SCHEDULE F

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Schedule F to accompany the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

I hereby certify this to be a true and correct copy of Schedule F attached to and forming part of the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

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*CORPORATE OFFICER*



**DIVISION SIXTEEN - SIGNAGE PROVISIONS**

**SCHEDULE G**

**1601 SIGNAGE PROVISIONS:**

1. Interpretation:

For the purposes of this Section and unless the context otherwise requires:

- a. **ANIMATED SIGN** means a sign that includes sound, action, or motion.
- b. **BILLBOARD** means a sign of a permanent or semi-permanent nature intended for the display thereon of advertising messages which can be readily changed or altered.
- c. **COPY** means the wording on a sign surface.
- d. **COPY AREA** means the area(s) of the smallest geometric figure(s) that would enclose the copy of a sign.
- e. **DIRECTIONAL SIGN** means a sign intended solely to give direction to an "Entrance", "Exit", "Handicapped Access", etc. that is located on the same lot as the sign itself.
- f. **FLASHING SIGN** means a sign which is partially or wholly illuminated by an intermittent light source and specifically excludes public service signs displaying time, temperature, etc.
- g. **FREE STANDING SIGN** means a sign that is supported independent of a building.
- h. **HEIGHT OF SIGN** means the greatest vertical distance from the average finished ground elevation at the base of the sign to the highest point on the sign.
- i. **HOME OCCUPATION SIGN** means a sign that advertises a home occupation as defined elsewhere in this Bylaw.
- j. **ILLUMINATED SIGN** means a sign that emanates or reflects artificial light.
- k. **OFF PREMISE SIGN** means a sign which advertises or directs attention to a product, service, place, activity, person, institution, or business not sited on the same lot.
- l. **POLITICAL SIGN** means a sign promoting a political candidate, party, or issue.

- m. **PORTABLE/TEMPORARY SIGN** means a sign not permanently attached to the ground, building, or structure and includes banners, pennants, flags, vehicles, search lights, balloons, and other similar devices.
- n. **REAL ESTATE SIGN** means a temporary sign pertaining to the sale, lease, or rental of real estate.
- o. **ROOF SIGN** means a sign erected upon or above the roof of a building or structure.
- p. **SEASONAL OR HOLIDAY SIGN** means a sign or decoration installed temporarily for the celebration of a religious, civic, or other holiday and which does not contain any advertising.
- q. **SIGN** means an identification, description, illustration, contrivance, or device visible from a public place that is intended to direct attention to a product, service, place, activity, person, institution, business, or solicitation.
- r. **SIGN AREA** means the area of the sign(s) within a perimeter that forms the outside shape including any frame that forms an integral part of the display.
- s. **WALL AREA** means the area of all external, vertical wall surfaces, fascias, and trim bands making up any single face of a building facing a public road.
- t. **WALL SIGN** means a sign that is painted on or incorporated into a building's awning, canopy, wall, fascia, or trim band surface.

2. Permit Application and Fees:

a. Permit Application:

With the exception of flag poles, signs that are painted on the side of a building, and those signs identified in Section 1601.3.a.ii. of this Bylaw, a Building Permit for a sign structure shall be obtained from the *Building Inspector* for the *Township of Spallumcheen*.

Application for a permit shall be made to the *Chief Building Inspector*, in approved form, as cited in the *Building Bylaw* of the *Township of Spallumcheen*, in force from time to time.

b. Fees:

At the time of application for a sign permit, the applicant shall pay the fees required to be paid by the *Building Bylaw* of the *Township of Spallumcheen*, in force from time to time.

3. General Regulations:

a. Permitted Signs:

i. Subject to the provisions of this Bylaw, signs shall be permitted to be located on a parcel of land only if they advertise a product, service, place, activity, person, institution, or business located on the same parcel.

ii. Notwithstanding the provisions of Subsection 3.a.i. above and subject to the regulations contained elsewhere in this Bylaw, the following signs shall be permitted to be located on any parcel of land:

- construction signs
- directional signs
- government signs
- "neighbourhood watch" signs
- political signs
- real estate signs
- seasonal and holiday signs

b. Prohibited Signs:

Notwithstanding the provisions of Subsection 3.a. above, the location of the following signs on any parcel of land is expressly prohibited:

- animated signs
- billboards
- flashing signs
- off premise signs
- portable/temporary signs
- roof signs

c. Sign Area:

The sign area shall be not greater than:

i. 0.2 square metres (2.153 square feet) for directional signs; or

- ii. 1.0 square metres (10.76 square feet) for real estate and political signs located in a *Residential* zone; or
- iii. 3.0 square metres (32.29 square feet) for real estate and political signs located in other than a *Residential* zone; or
- iv. that prescribed elsewhere in this Bylaw for home occupations.

d. Number of Signs:

There shall be no more than one (1) home occupation, real estate, or political sign located on a parcel of land.

e. Illumination:

Home occupation, real estate, and political signs shall not be illuminated.

f. Setbacks:

- i. The setback of free standing signs from all property lines shall be not less than 1 metres (3.281 feet).
- ii. Notwithstanding the setback requirements of Subsection 3.f.i. above, no sign shall be permitted to be located within a distance of 6 metres (19.68 feet) from:
  - a. a lot corner adjacent to the intersection of two public highways; and
  - b. a lot corner adjacent to a public highway and common to two lots.

g. Maintenance:

All signs shall be properly maintained and any sign located on a property which becomes vacant and unoccupied for a period of six (6) months, and any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned, and shall be removed by the owner of the land within thirty (30) days of receipt of written notification by the *Clerk of the Corporation of the Township of Spallumcheen*.

4. Specific Regulations - Assembly and Hospital, Commercial and Industrial Zones:

a. Sign Area:

The maximum sign area shall be not greater than:

- i. the square root of (the total wall area x 10) - for wall signs; or
- ii. the square root of (the total wall area x 2) - for free standing signs; or
- iii. 1.5 square metres (16.15 square feet) for free standing signs for assembly and hospital use

Double sided free standing signs need only consider one face in determining the maximum sign area and such signs may include two (2) signs joined at one end to form a V having an angle not greater than thirty degrees (30°);

b. Copy Area:

The maximum copy area shall be not greater than forty-five percent (45%) of the sign area.

c. Height of Signs:

The height of free standing signs shall not exceed 6 metres (19.68 feet) except that the height of free standing signs for assembly and hospital use shall not exceed 2metres (6.562 feet).

d. Illumination:

Internal and external illumination of signs shall be permitted provided that the light source does not cause undue glare to adjacent properties or persons travelling on adjacent public highways.

e. Landscaping:

Free standing signs shall be placed in and co-ordinated with the landscaped areas of the parcel.

f. Number of Signs:

- i. The maximum number of free standing signs permitted on a parcel of land zoned assembly and hospital, commercial or industrial shall be one (1) except that one (1) additional free standing sign may be permitted for lot frontages exceeding 100 metres (328.1 feet).

- ii. The number of wall signs shall not be restricted.

Schedule G to accompany the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

I hereby certify this to be a true and correct copy of Schedule G attached to and forming part of the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

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*CORPORATE OFFICER*

**DIVISION SEVENTEEN - SETBACKS FROM WATERBODIES**

**SCHEDULE H**

**1701 SETBACKS FROM WATERBODIES**

1. Interpretation:

For the purposes of this section the following definitions shall apply:

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

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

2. Specifications

a. Notwithstanding any other provisions of this bylaw, no building shall be constructed, nor mobile unit located:

- i. within 15.5 metres (50.85 feet) from the natural boundary of a lake; or
- ii. within 30.5 metres (100.1 feet) from the natural boundary of any other natural watercourse or source of water supply, excluding wells; or
- iii. with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile unit, the ground level on which it is located, lower than 0.6 metres (1.968 feet) above the two hundred (200) year flood level where it can be determined; or if not, less than 3 metres (9.842 feet) above the natural boundary of a lake and any other watercourse.

b. Notwithstanding the provisions of Section 2.a. above principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule J of this bylaw.

DIVISION SEVENTEEN – SETBACKS FROM WATERBODIES – SCHEDULE H

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- c. Where landfill is used to achieve the elevation requirement is subsection a. iii. above, no portion of the fill slope shall be closer than the distances required in subsections a.i. and ii. above from the natural boundary, and the face of the fill slope must be adequately protected against erosion from floodwaters.

Schedule H to accompany the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

I hereby certify this to be a true and correct copy of Schedule H attached to and forming part of the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

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*CORPORATE OFFICER*



## **DIVISION EIGHTEEN – SCREENING AND LANDSCAPING**

### **SCHEDULE I**

#### **1801 SCREENING AND LANDSCAPING**

1. Screening:

- a. ~~A landscape screen consisting of a solid 2.5 metres (8.202 feet) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display use or for the posting of notices, or a compact evergreen hedge not less than 2 metres (6.562 feet) in height, which shall be maintained in good condition at all times, shall be provided as follows:~~
- ~~i. In *Commercial* and *Industrial* zones, any part of a lot used or intended to be used as a storage yard shall be closed by a landscape screen on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screen. Required front yard screening shall be so situated as to conform with the front yard setback provisions of the applicable zone.~~
  - ~~ii. Where any off street parking or storage yard in any *Commercial* or *Industrial* zone, abuts a lot in a *Residential* zone, or is separated by a lane from a lot in a *Residential* zone, a landscape screen of 2 metres (6.562 feet) in height shall be provided and properly maintained along the common lot line.~~
  - ~~iii. A landscape screen along a lane shall be not less than 0.7 metres (2.297 feet) and not more than 1 metre (3.281 feet) in height for a distance of not less than 6 metres (19.68 feet) from all points of ingress and egress to and from such off street parking or storage yard.~~
- a. *A landscape screen consisting of a solid 2.5 metres (8.202 feet) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display use or for the posting of notices, or a compact strip of shrubs or trees not less than 2 metres (6.562 feet) in height, which shall be maintained in good condition at all times, shall be provided as follows:*
- i. On parcels zoned for *Commercial* and *Industrial* uses that abut *Pleasant Valley Road, Crozier Road, Otter Lake Cross Road, L & A Cross Road, Highway 97, or Highway 97A*, any part of a lot used or intended to be used as a storage yard shall be enclosed by a landscape screen on any side abutting the road(s), and no material shall be piled to extend above such screen. Required front yard screening shall be so situated as to conform with the front yard setback provisions of the applicable zone.*

- ii. Where any off-street parking or storage yard in any Commercial or Industrial zone, abuts a lot in a Residential zone, or is separated by a lane from a lot in a Residential zone, a landscape screen of 2 metres (6.562 feet) in height shall be provided and properly maintained along the common lot line.*
  - iii. A landscape screen along a lane shall be not less than 0.7 metres (2.297 feet) and not more than 1 metre (3.281 feet) in height for a distance of not less than 6 metres (19.68 feet) from all points of ingress and egress to and from such off-street parking or storage yard.*
  - iv. Notwithstanding the landscaping requirements as outlined above, landscaping may be required along additional roadways subject to applicable Development Permit Area requirements.*  
*(Bylaw 2135, 2024)*
- b. A landscape screen over 1 metre (3.281 feet) in height or any lesser height which constitutes a traffic hazard shall not be permitted within the area described by three (3) lines interconnecting an exterior lot corner, a point on the front lot line 6 metres (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 metres (19.68 feet) from the exterior lot corner. the exterior lot corner being the point of intersection of the exterior side lot line and the front lot line when such lines form an interior angle of 135 degrees or less.
  - c. The height of the landscape screen shall be determined by measurement from the finished grade.
  - ~~d. That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered a landscape screen.~~
  - d. That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered part of a required landscape screen.*  
*(Bylaw 2135, 2024)*

- e. Where a retaining wall has been constructed along a lot line, the height of the landscape screen shall be determined by the measurement from the surface of the ground which the retaining wall supports at the finished grade.
- f. Subject to the vision clearance provisions, the following height limitations shall apply to a landscape screen:
  - i. In all zones, fences and hedges not greater than 1.2 metres (3.937 feet) in height may be located anywhere on a lot.
  - ii. In all zones, except *Commercial and Industrial* zones, fences or walls not greater than 2 metres (6.562 feet) in height may be located on any lot to the rear of a required front yard.
  - iii. In *Commercial and Industrial* zones, fences or hedges not greater than 2.5 metres (8.202 feet) in height may be located on any lot to the rear of a required front yard.
  - iv. In *Residential* zones, where the rear lot line abuts the side lot line of an adjoining lot, the height of fences, walls, or hedges, on such rear lot line shall be not greater than the height permitted on the side lot line of an adjoining lot.
- g. In *Commercial and Industrial* zones and for open mesh or chain link type fences erected on cemetery, playground, park, playfield, elementary, or high school areas the height shall not be greater than 3.5 metres (11.48 feet).

2. Landscaping:

- a. Landscaping shall be provided and well maintained at all times:
  - i. Where any commercial or industrial development abuts a lot in a *Residential* zone, a landscaped buffer area shall be provided with a minimum width of 2 metres (6.562 feet).
  - ii. Where any commercial or industrial development abuts any highway, a landscaped buffer area shall be provided with a minimum width of 3 metres (9.842 feet).
  - iii. On the remainder of the lots used for commercial or industrial use that is not used for buildings, storage, parking, or access driveways.

- b. Landscaping shall consist of:
- i. Drought resistant and indigenous plants that conform to the *Canadian Standards for Nursery stock* and the *British Columbia Landscape Standards* as amended from time to time
  - ii. A minimum of five percent (5%) of the total landscaped area planted in trees using the canopy area of the trees as a measure of the number and size of trees required
  - iii. A maximum of fifteen percent (15%) of the total landscaped area planted in annuals
  - iv. Other accepted landscape materials as may be utilized under the supervision of a competent landscape contractor or landscape architect

In no case shall codling moth host trees including apple and crabapple trees (*Malus spp.*), pear trees (*Pyrus spp.*), quince trees (*Cydonia oblonga*) and flowering quince or japonica trees (*Chaenomeles japonica*) be used for landscaping purposes.

~~e. Landscaping shall be provided with an irrigation system.~~

c. ***Landscaping shall be provided with an irrigation system for establishment purposes.***

***(Bylaw 2135, 2024)***

d. The maximum gradient for landscaped areas is a slope of 3:1 for any lawn or grass area that requires mowing; and 2:1 for any planted or landscaped areas that do not require mowing.

Schedule I to accompany the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

I hereby certify this to be a true and correct copy of Schedule I attached to and forming part of the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

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CORPORATE OFFICER

**DIVISION NINETEEN–AGRICULTURAL SETBACKS IN RURAL ZONES**

**SCHEDULE J**

**1901 AGRICULTURAL SETBACKS IN RURAL ZONES**

**TABLE 1: Minimum Setbacks From Lot Lines and Water**

***Principle Farm Buildings, Structures and Areas***

<b>Setbacks:</b>	<b>Apiculture</b> (hives, honeyhouses & shelters)	<b>Greenhouse, Nursery, Specialty Wood, &amp; Turf Crops</b>  (greenhouses, boiler rooms, header houses, machine storage & crop storage)	<b>Dog Kennels, Livestock, Poultry, Game, Fur &amp; <i>Medical Marijuana Cannabis</i></b>  (barns, brooder houses, confined livestock areas, fur farming sheds, hatcheries, kennels, livestock shelters, <del>medical marijuana</del> <i>cannabis production facilities</i> , milking facilities & stables) <i>(Bylaw 1855) (Bylaw 1961)</i>	<b>Mushrooms</b> (mushroom barns)	<b>Tree, Vine, Field, &amp; Forage Crops</b>  (cideries, crop storage, direct farm marketing, granaries, on-farm processing & on-farm product preparation)
<b>From Residential Zones</b>	15 m	15 m for boilers & walls w/fans otherwise 7.5 m	60 m <i>120 m for cannabis production facilities</i>	30 m	15 m for boilers & walls w/fans otherwise 7.5 m
<b>From Other Than Residential Zones</b>					
Exterior side & Front	7.5 m	7.5 m	30 m <i>60 m for cannabis production facilities</i>	15 m	7.5 m
Interior side & Rear	7.5 m	4.5 m	30 m <i>60 m for cannabis production facilities</i>	7.5 m	4.5 m
All lot lines	–	15 m for boilers & walls w/fans	–	15 m for boilers & walls w/fans	15 m for boilers & walls w/fans
<b>From Water</b>					

DIVISION NINETEEN – AGRICULTURAL SETBACKS IN RURAL ZONES – SCHEDULE J

<b>Domestic Water Supply Intake</b>	6 m	6 m	30 m	30 m	6 m
<b>Natural Watercourse</b>	4.5 m	4.5 m	15 or 30** m	15 m	4.5 m
<b>Constructed Ditch</b>	4.5 m	4.5 m	15 or 30** m	15 m	4.5 m
					continued . . .
<p>** 30 m is for <i>confined livestock area</i> <b>and</b> only if there are more than 10 agricultural units in a <i>confined livestock area</i> or areas (1 agricultural unit = live weight of 455 kg (1000 lbs) of <i>livestock, poultry, or farmed game</i> or any combination of them equaling 455 kg).</p>					

*(Bylaw 1961, 2018)*

**TABLE 2: Minimum Setbacks From Lot Lines – Residential Zones**

**Accessory Farm Buildings, Structures and Areas**

Setbacks From Residential Zones	Apiculture	Greenhouse, Nursery, Specialty Wood, & Turf Crops	Livestock, Poultry, Game, Fur, & <i>Medical Marijuana Cannabis</i>	Mushrooms	Tree, Vine, Field, & Forage Crops
agricultural waste storage facility		30 m	30 m	30 m	30 m
confined livestock area			60 m		
Compost storage		30 m	30 m	30 m	30 m
incinerator			30 m		
on-farm composting		30 m	30 m	30 m	30 m
on-farm soilless medium production		30 m	30 m		30 m
Retention pond		30 m	30 m	30 m	30 m
Silo			30 m		
solid agricultural waste field storage		30 m	30 m	30 m	30 m
chemical storage	15 m	15 m	15 m	15 m	15 m
composting materials (non-manures storage)		15 m	15 m	15 m	15 m
generator shed		15 m			
detention pond		7.5 m	7.5 m	7.5 m	7.5 m
direct farm marketing	7.5 m	7.5 m	7.5 m		7.5 m
grain & hay storage			7.5 m		
Machine storage	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
on-farm processing		7.5 m	7.5 m	7.5 m	
on-farm product preparation		7.5 m	7.5 m	7.5 m	
silage storage in plastic bags			7.5m		
soilless medium storage		7.5 m	7.5 m		7.5 m
straw storage (non-composting material)			7.5 m		7.5 m
woodwaste storage		7.5 m	7.5 m		7.5 m

*(Bylaw 1961, 2018)*

**TABLE 3: Minimum Setbacks From Lot Lines – Other Than Residential Zones**

**Accessory Farm Buildings, Structures and Areas**

DIVISION NINETEEN – AGRICULTURAL SETBACKS IN RURAL ZONES – SCHEDULE J

<b>Setbacks From Other Than Residential Zones</b>	<b>Apiculture</b>	<b>Greenhouse, Nursery, Specialty Wood, &amp; Turf Crops</b>	<b>Livestock, Poultry, Game, Fur, &amp; <i>Medical Marijuana Cannabis</i></b>	<b>Mushrooms</b>	<b>Tree, Vine, Field, &amp; Forage Crops</b>
<b>Exterior Side &amp; Front</b>					
detention pond		7.5 m	7.5 m	7.5 m	7.5 m
direct farm marketing	7.5 m	7.5 m	7.5 m		7.5 m
grain & hay storage			7.5 m		
silage storage in plastic bags			7.5 m		
straw storage (non-composting material)			7.5 m		7.5 m
<b>Interior Side &amp; Rear</b>					
detention pond		4.5 m	4.5 m	4.5 m	4.5 m
direct farm marketing	4.5 m	4.5 m	4.5 m		4.5 m
grain & hay storage			4.5 m		
silage storage in plastic bags			4.5 m		
straw storage (non-composting material)			4.5 m		4.5 m
<b>All lot lines</b>					
compost storage		30 m	30 m	30 m	30 m
Incinerator			30 m		
on-farm composting		30 m	30 m	30 m	30 m
silo			30 m		
solid agricultural waste field storage		30 m	30 m	30 m	30 m
agricultural waste storage facility		30 m	30 m	30 m	30 m
confined livestock area			30 m		
retention pond		30 m	30 m	30 m	30 m
composting material (non-manures storage)		15 m	15 m	15 m	15 m
generator shed		15 m			
on-farm soilless medium production		15 m	15 m		15 m
chemical storage	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
detention pond		7.5 m			
on-farm processing		7.5 m	7.5 m	7.5 m	
on-farm product preparation		7.5 m	7.5 m	7.5 m	
soilless medium storage		7.5 m	7.5 m		7.5 m
Woodwaste storage		7.5 m	7.5 m		7.5 m
machine storage	4.5 m	4.5 m	4.5 m	4.5 m	4.5 m

*(Bylaw 1961, 2018)*



**TABLE 4: Minimum Setbacks From Water – Domestic Water Supply Intake**

**Accessory Farm Buildings, Structures and Areas**

<b>Setbacks from Water</b>	<b>Apiculture</b>	<b>Greenhouse, Nursery, Specialty Wood, &amp; Turf Crops</b>	<b>Livestock, Poultry, Game, Fur, &amp; <i>Medical Marihuana Cannabis</i></b>	<b>Mushrooms</b>	<b>Tree, Vine, Field, &amp; Forage Crops</b>
<b>Domestic Water Supply Intake</b>					
agricultural waste storage facility		30 m	30 m	30 m	30 m
chemical storage	30 m	30 m	30 m	30 m	30 m
confined livestock area			30 m		
compost storage		30 m	30 m	30 m	30 m
Incinerator			30 m		
location for feeding in seasonal feeding area			30 m		
on-farm composting		30 m	30 m	30 m	30 m
on-farm soilless medium production & storage		30 m	30 m		30 m
retention pond		30 m	30 m	30 m	30 m
silo			30 m		
solid agricultural waste field storage		30 m	30 m	30 m	30 m
woodwaste storage		30 m	30 m		30 m
Accessory farm buildings, structures, or areas that are <b>not</b> a potential source of contamination	6 m	6 m	6 m	6 m	6 m

*(Bylaw 1961, 2018)*

**TABLE 5: Minimum Setbacks From Water – Natural Watercourse or Constructed Ditch**

***Accessory Farm Buildings, Structures and Areas***

<b>Setbacks from Water (cont'd)</b>	<b>Apiculture</b>	<b>Greenhouse, Nursery, Specialty Wood, &amp; Turf Crops</b>	<b>Livestock, Poultry, Game, Fur, &amp; <i>Medical Marijuana Cannabis</i></b>	<b>Mushrooms</b>	<b>Tree, Vine, Field, &amp; Forage Crops</b>
<b>Natural Watercourse</b>					
location for feeding in seasonal feeding area			30 m		
solid agricultural waste field storage*		30 m	30 m	30 m	30 m
confined livestock area**			15 or 30** m		
agricultural waste storage facility		15 m	15 m	15 m	15 m
chemical storage	15 m	15 m	15 m	15 m	15 m
compost storage		15 m	15 m	15 m	15 m
incinerator			15 m		
on-farm composting		15 m	15 m	15 m	15 m
on-farm soilless medium production & storage		15 m	15 m		15 m
retention pond		15 m	15 m	15 m	15 m
Silo			15 m		
woodwaste storage		15 m	15 m		15 m
Accessory farm buildings, structures, or areas that are <b>not</b> a potential source of contamination	4.5 m	4.5 m	4.5 m	4.5 m	4.5 m
* If more than 2 weeks storage time. ** 30 m only if more than 10 agricultural units in a confined livestock area or areas (1 agricultural unit = live weight of 455 kg (1000 lbs) of livestock, poultry, or farmed game or any combination of them equals 455 kg).					

*(Bylaw 1961, 2018)*

**TABLE 6: Minimum Setbacks From Water – Constructed Ditch**

**Accessory Farm Buildings, Structures and Areas**

<b>Setbacks from Water</b>	<b>Apiculture</b>	<b>Greenhouse, Nursery, Specialty Wood, &amp; Turf Crops</b>	<b>Livestock, Poultry, Game, Fur, &amp; Medical Marijuana Cannabis</b>	<b>Mushrooms</b>	<b>Tree, Vine, Field, &amp; Forage Crops</b>
<b>Constructed Ditch</b>					
location for feeding in seasonal feeding area			<b>30 m</b>		
solid agricultural waste field storage*		<b>30 m</b>	<b>30 m</b>	<b>30 m</b>	<b>30 m</b>
confined livestock area**			<b>15 or 30** m</b>		
agricultural waste storage facility		<b>15 m</b>	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>
chemical storage	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>
compost storage		<b>15 m</b>	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>
incinerator			<b>15 m</b>		
On farm composting		<b>15 m</b>	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>
on farm soilless medium production & storage		<b>15 m</b>	<b>15 m</b>		<b>15 m</b>
retention pond		<b>15 m</b>	<b>15 m</b>	<b>15 m</b>	<b>15 m</b>
silo		<b>15 m</b>	<b>15 m</b>		
woodwaste storage		<b>15 m</b>	<b>15 m</b>		
Other accessory farm buildings, structures, or areas	<b>4.5 m</b>	<b>4.5 m</b>	<b>4.5 m</b>	<b>4.5 m</b>	<b>4.5 m</b>
* If more than 2 weeks storage time.					
** 30 m only if more than 10 agricultural units in a confined livestock area or areas (1 agricultural unit = live weight of 455 kg (1000 lbs) of livestock, poultry, or farmed game or any combination of them equals 455 kg).					

*(Bylaw 1961, 2018)*  
*(Bylaw 2135, 2024)*

Schedule J to accompany the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

I hereby certify this to be a true and correct copy of Schedule J attached to and forming part of the *Corporation of the Township of Spallumcheen Zoning Bylaw No. 1700, 2008*.

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 CORPORATE OFFICER