

803 Non-Urban Zone (N.U.)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 *Non-Urban Zone (N.U.)*:

- a. Accessory buildings and structures
- b. Accessory farm sales use subject to the provisions of Section 803.10.a. of this bylaw
- c. Ancillary single family dwellings subject to the provisions of Section 803.10.b. of this bylaw
- d. Bed and breakfast use subject to the provisions of Section 803.10.c. of this bylaw
- e. Boarding house use subject to the provisions of Section 803.10.d. of this bylaw.
- f. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the Community Care and Assisted Living Act) subject to the provisions of Section 402 of this bylaw
- g. Fruit and produce pickers' cabins subject to the provisions of Section 803.10.e. of this bylaw
- h. Home occupation use subject to the provisions of Section 403 of this bylaw
- i. Intensive agricultural use subject to the provisions of Section 803.10.f. of this bylaw
- j. Limited agricultural use subject to the provisions of Section 803.10.g. of this bylaw
- k. Manufactured homes in Electoral Areas 'D', 'E' and 'F' and manufactured homes on lots 1 ha (2.471 acres) or larger in size in Electoral Areas 'B' and 'C' ***all subject to the provisions of Section 311 (B/L 2156/06)***
- l. Packing houses (fruit and vegetables only)
- m. Public parks and playgrounds
- n. Rapid infiltration and spray irrigation of treated sewage effluent subject to the provisions of Section 803.10.h. of this bylaw
- o. Resource use subject to the provisions of Section 803.10.j. of this bylaw
- p. Single family dwellings
- q. Two family dwellings
- r. Veterinary clinics
- s. Wineries and cideries subject to the provisions of Section 803.10.l. of this bylaw
- t. Work force housing units subject to the provisions of Section 803.10.m. of this bylaw

803 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 or one (1) two family dwelling or one (1) manufactured home; and
- b. one (1) additional single family dwelling on lots 14.4 ha (35.58 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- c. one (1) additional single family dwelling on lots 21.6 ha (53.37 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- d. for lands that are located within the Agricultural Land Reserve, additional single family dwellings shall not be permitted unless the owner has first submitted, to the Regional District, an application to the Provincial Agricultural Land Commission pursuant to the provisions of the *Agricultural Land Commission Act, 2002, c.36*. In processing the application the Board may refuse to authorize the applicant to apply to the Land Commission; authorize the applicant to apply to the Land Commission for their adjudication; or authorize the building inspector to issue the building permit; and
- e. one (1) Ancillary Single Family Dwelling on lands in and out of the Agricultural Land Reserve subject to the provisions of Section 803.10.b. of this bylaw; and
- f. one (1) accessory farm sales use; and
- g. one (1) work force housing unit per 8 hectares (19.77 acres) of land area forming the farm or resource unit.

3. Floor Area

- a. The floor area for a single family dwelling shall be not less than 60 square metres (645.8 square feet); and
- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit; and
- c. The floor area for a manufactured home shall be not less than 45 square metres (454.4 square feet); and

- 803 3. d. The gross floor area for a fruit and produce pickers' cabin shall not exceed 25 square metres (269.1 square feet); and
- e. The gross floor area for a work force housing unit shall not exceed 55 square metres (592.0 square feet).

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. 12 metres (39.37 feet) for residential use; or
- c. 20 metres (65.62 feet) for agricultural use including wineries and cideries.

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 7.2 hectares (17.79 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures except that lot coverage shall not exceed twenty percent (20%) for apicultural use; twenty five percent (25%) for tree, vine and forage crop use; thirty five percent (35%) for nurseries, specialty wood crops and turf farms, livestock, poultry, game and fur farms and mushroom growing; and seventy five percent (75%) for greenhouses.

7. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot. There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each dwelling unit that is permitted pursuant to the provisions of Section 803.2. above. The parking spaces

803 8. shall be maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacks

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 G of this bylaw.

b. Exterior Side Yard

Where applicable, an exterior side 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, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Front Yard

Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw, 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, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

d. 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, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

803 9. e. 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, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 803.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

f. Water Bodies

Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.

10. Other Requirementsa. Accessory farm sales use

An accessory farm sales use:

- i. shall be ancillary to an agricultural use being carried out on the same farm unit; and
- ii. shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the same parcel 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 bylaw; and
- iii. shall, except for the outside display area permitted in iv. below, be contained wholly within a building. The farm sales use shall, where non-farm products are sold, occupy a gross floor area, within that building, not greater than 300 square metres (3229.28 square feet) in size.

For the purpose of calculating the portion of the building 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

- 803 10. a. iv. may have an outside display area of not greater than 100 square metres (1076.43 square feet) in size, which area must be contiguous with the farm sales area 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 20 square metres (215.3 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Schedule B of this bylaw; and
- vii. may, notwithstanding any other provisions of this bylaw, ***and except in Electoral Area 'E'*** 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 1401.4.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 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 Sections 1501.2.b.i. and iii. of this bylaw; and ***(B/L 2358/08)***
- 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 any applicable statutes, bylaws, and regulations in force from time to time.
- b. Ancillary Single Family Dwelling
- For the purposes of this section, an ancillary single family dwelling shall mean:
- i. one (1) single family dwelling or one (1) manufactured home



- 803 10. b. i. ancillary to an existing principal single family dwelling located on the same lot; or
- ii. one (1) single family dwelling ancillary to an existing manufactured home located on the same lot.

Ancillary single family dwellings shall have a gross floor area not larger than 75 square metres (807.3 square feet) exclusive of attached open carports and open porches, shall not include a basement, shall not include habitable space in an attic, and shall not be permitted on lots smaller than 2 ha (4.942 acres). Where ancillary single family dwellings include a cellar, the cellar shall not include windows or a habitable area.

c. Bed and Breakfast Use

A bed and breakfast use shall comply with the following regulations:

- i. The dwelling unit within which the use is carried on and the lot upon which the dwelling unit is located 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
- ii. The number of bedrooms for a bed and breakfast use shall be subject to the following restrictions:
 - a. Not more than two (2) bedrooms shall be permitted on lots smaller than 0.1 hectares (0.2471 acres) in area;
 - b. Not more than three (3) bedrooms shall be permitted on lots ranging in area from 0.1 hectares (0.2471 acres) to 0.9999 hectares (2.471 acres);
 - c. Not more than five (5) bedrooms shall be permitted on lots 1.0 hectare (2.471 acres) or larger in area; and
- iii. A bedroom used for bed and breakfast use shall not be occupied at any time by more than two (2) persons having attained the legal age of majority in *British Columbia* together with not more than three (3) children under the legal age of majority in *British Columbia*; and
- iv. Bedrooms used or reserved for bed and breakfast use shall have a floor area of not less than 7.5 square metres (80.73 square feet) excluding closet areas and the minimum horizontal dimension for any such bedroom shall be 2.5 metres (8.202 feet); and

- 803 10. c. v. The occupants of the dwelling unit who are the operators of bed and breakfast use shall have a valid business licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time; and
- vi. ***Except in Electoral Area 'E'*** not more than one (1) sign advertising the bed and breakfast use shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and ***(B/L 2358/08)***
- vii. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a bed and breakfast use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no bed and breakfast use was carried on within the dwelling unit, plus;
- b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the bed and breakfast use; and
- viii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a bed and breakfast use, and no motor vehicles shall be parked on the lot on which the bed and breakfast use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.
- ix. The owner of the bed and breakfast use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
- b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/bed and breakfast use of the subject property where the site is not serviced by a



- 803 10. c. ix. b. community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/bed and breakfast use of the land to the sewer system; and
- c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the bed and breakfast facility; and
- d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed bed and breakfast facility.

d. Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. A boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- ii. Meals shall not be prepared within the rental units; and
- iii. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and
- iv. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
 - a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit;
 - b. One (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and



- 803 10. d. v. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vi. The owner of the boarding house use must obtain the following:
 - a. an access permit from the *Ministry of Transportation*; and
 - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
 - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
 - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.
- e. Fruit and Produce Pickers' Cabin Use
 - i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 hectares (9.884 acres), unless such use existed prior to the adoption of this bylaw.
 - ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.
- f. Intensive Agricultural Use

An intensive agricultural use shall not be permitted on lots smaller than 0.8094 hectares (2.0 acres).

803 10. g. Limited Agricultural Use

Dog kennels shall not be permitted on lots less than 2 hectares (4.942 acres) in size and all kennels and pens must be sited with a setback of not less than 30 metres (98.42 feet) from all property boundaries.

h. Rapid Infiltration and Spray Irrigation of Treated Sewage Effluent

The discharge of treated sewage effluent by rapid infiltration and/or spray irrigation shall be in accordance with the lawful requirements of all applicable statutes, Bylaws, and regulations and more particularly but without restricting the generality of the foregoing, such requirements as may be imposed from time to time by the Waste Management Branch, Province of British Columbia.

i. Residential Buildings

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

j. Resource Use

For the purposes of this section 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 including the preliminary grading, cutting, or crushing of such materials for shipment.

A resource use:

- i. shall not be permitted on a lot less than 2 hectares (4.942 acres) in size; and
- ii. may include the storage, repair or maintenance of heavy equipment of an off-site logging, mining or other resource based use or business provided that said use:
 - a. shall not be permitted on a lot less than 7.2 ha (17.79 acres) in size; and
 - b. is sited more than 60 metres (196.85 feet) from any property boundary; and



- 803 10. j. ii. c. is screened from any abutting public road with an evergreen hedge or other solid view obstructing landscape screen meeting the requirements of Schedule F applicable to *Industrial* zones.
- iii. within Electoral Areas 'D', 'E', and 'F' shall permit the manufacture of dimension lumber, shakes, and other similar wood products ***utilizing on or off-site logs or timbers*** provided that not more than six (6) persons, other than members of the immediate family of the owner of the business, are employed in such manufacture provided that said use: ***(B/L 2041/05)***
 - a. shall not be permitted on a lot less than 2 ha (4.942 acres) in size in Electoral Areas 'D' and 'E' and not less than 7.2 ha (17.79 acres) in size in Electoral Area 'F'; and
 - b. is sited more than 60 metres (196.85 feet) from any property boundary; and
 - c. is screened from any abutting public road with an evergreen hedge or other solid view obstructing landscape screen meeting the requirements of Schedule F applicable to *Industrial* zones.

k. Unenclosed parking and storage

No person at any time shall park or store any unlicensed or wrecked vehicle or parts thereof on a lot in the *Non-Urban Zone (N.U.)* unless said vehicle or part is completely enclosed within a building. The vehicle(s) or part(s) must be for the personal use of the owner only or be part of a bona fide home occupation.

l. Wineries and Cideries

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 B.C. 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

- 803 10. 1. ii. vineyard or orchard of 2.02 hectares (5 acres) is maintained by the winery or cidery farm. If due to crop failure or replant a winery or cidery is unable to meet the on-farm 50% requirement, the operator may request, in writing, from the Regional Board, or from the Agricultural Land Commission where the land is located in the Agricultural Land Reserve, a temporary exemption from this requirement. The Board or the Agricultural Land Commission may, without application, grant the temporary exemption.
- 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 803.10.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 Schedule B 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 802.10.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 license for the carrying on of such business or undertaking where such license is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.
- m. Work Force Housing Use
- Work force housing units shall not be permitted on a lot of less than 4 hectares (9.884 acres) and shall not be used for permanent residency nor for rental purposes and shall be approved by the Interior Health Authority.