

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1611

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014 AND AMENDMENTS THERETO

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WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

WHEREAS Council of the City of Enderby has determined to make an amendment to "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

**CITATION**

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1611, 2016".

**AMENDMENTS**

2. Amend Zoning Bylaw No. 1550, 2014 by adding items 4 and 5 as follows, and renumbering accordingly:

4. Council authorizes the revision of Zoning Bylaw No. 1550, 2014 in accordance with the revisions authorized pursuant to Section 1(2) of *Bylaw Revision Regulation 367/2003*.

5. The Zoning Bylaw, as revised under a Revision Bylaw, shall be brought before the Council for consideration of first, second and third readings and adoption in accordance with Part 5 of City of Enderby Council Procedure Bylaw No. 1506, 2012, as amended from time to time, except that before third reading, the Corporate Officer must certify that the proposed revised bylaw has been revised in accordance with Section 3 of *Bylaw Revision Regulation 367/2003*.

3. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by removing the definition of 'Assembly Use'.

4. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the definition of 'Dog Kennel' as follows:

**KENNELS** means premises used for the business of boarding, breeding, buying or selling of dogs, cats or other domesticated animals excluding livestock.

5. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding the definition of 'Supportive Housing' as follows:

**SUPPORTIVE HOUSING** means housing for low-income seniors who need assistance in order to live independently.

6. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 401.1 as follows:

**401 General Commercial Zone (C.1)**

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

The following uses and no others shall be permitted in the General Commercial Zone (C.1):

- a. Accessory buildings and structures

- b. Accommodation including apartments, dwelling units, hotels and motels subject to the provisions of Sections 401.11.d and 401.11.e
  - c. Civic use
  - d. Auditoriums, youth centres, and social halls
  - e. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
  - f. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, cabarets, fraternal lodges, health spas, museums, neighbourhood pubs, night clubs, social clubs, sport clubs, sports facilities, and theatres
  - g. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants (excluding drive-through restaurants)
  - h. Office and commerce facilities accommodating appraisers, architects, banks, bookkeepers, brokers, chartered accountants, credit unions, dentists, dental labs, doctors, engineers, finance companies, funeral homes, insurance agents, lawyers, management companies; massage therapy clinics, medical offices, labs, and clinics; mortuaries, newspapers, notaries, publishers, real estate agents, surveyors, travel agents, and veterinarians
  - i. Public service use
  - j. Retail sales (including parts and accessories) of appliances, automobile parts and accessories (new), beverages, bicycles, books, candy, clothing, computers, draperies, drugs, electronic equipment, fabric, flowers, food (including meat and fish), fruit, furniture, garden supplies, glass, gifts, groceries, hardware, hobby equipment, jewellery, liquor, medical supplies, musical supplies, novelties, office equipment and supplies, optical supplies, paint, pets, pet food, photographic supplies, plants, produce, sporting goods (including rental), stationery, tools and small equipment, toys, and watches
  - k. Service and repair including animal beauty parlours, appliance repair, automobile rental, barber shops, beverage container recycling and collection depot, costume rental, dry cleaners, hairdressers, interior decorators, laundromats, locksmith shops, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops
  - l. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices.
6. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 401.9 as follows:

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 all lots shall be determined by the use or uses being carried out on such lots from time to time except as provided in section 901.5 of this bylaw.

Where section 901.5 does not apply, parking is required to be provided on lots lying within the Downtown Designated Parking Area designated on Schedule "H" this bylaw. The number of spaces required for such use may be reduced by the number of off-street parking spaces for which a fee of \$3,500.00 per parking space is paid to the City.

7. Amend Division Four - Commercial Zones (C.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 402.1 as follows:

**402 Highway and Tourist Commercial Zone (C.2)**

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

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 apartments, dwelling units, hotels and motels subject to the provisions of Sections 402.11.c and 402.11.g
- c. Civic and public service use
- d. Auditoriums, youth centres, and social halls
- e. Food service including coffee shops, dairy bars, restaurants, bakeries, butcher shops, caterers, and fish shops
- f. Retail sales and service for: automobiles, farm equipment, boats, mobile homes, trucks, recreation vehicles, motorcycles, and sporting goods; also included is the rental of the aforementioned items
- g. Retail sales including servicing where applicable: confectionery stores, flowers, fruit, plants, produce, nurseries, green houses, tire shops, wine and beer shops, appliances, beverages, bicycles, electronic equipment, furniture, garden supplies, glass, hardware, paint, pets, pet food, plants, animal beauty parlours, bakery shops, hairdressers, locksmith shops, optical shops, shoe repair, tailor shops, and watch repair
- h. Service - repair and rental: service stations, garages for automobile service and repairs, mini storage facilities, car washes, petroleum distribution, costume rentals, and video rentals
- i. Transportation facilities including commercial parking lots, passenger transportation depots, taxi dispatch offices, and weigh scales
- j. Retail sales of beer, wine and liquor
- k. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- l. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in clubs, sports clubs, and sports facilities
- m. Office and commerce facilities and accommodations for engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, veterinarians, massage therapy clinics, dentists, doctors, and any other professional office

8. Amend Division Four - Commercial Zones (C.4) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 403.1 as follows:

**403 Service Commercial Zone (C.4)**

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

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 subject to the provisions of Section 403.11.d
  - c. Civic use
  - d. Auditoriums, youth centres, and social halls
  - e. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
  - f. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, fraternal lodges, health spas, social clubs, sports clubs, and sports facilities
  - g. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants
  - h. Office and commerce facilities accommodating doctors, engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, and veterinarians
  - i. Public service use
  - j. Retail sales (including parts and accessories) of appliances, automobiles (including service), beverages (excluding liquor), 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, mobile homes (including service), motorcycles (including service), paint, pets, pet food, plants, produce, recreation vehicles (including service), sporting goods (including rental), tools and small equipment, and trucks (including service)
  - k. Service and repair including animal beauty parlours, appliance repair, auction marts (excluding the auction of livestock), automobile rental, automobile service and repair, barber shops, battery shops, boat service and repair, beverage container recycling and collection depot, car wash, crematoriums, costume rental, dry cleaners, 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, video rental shops, watch repair shops, warehousing (wholesale and distribution), and weigh scales
  - l. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices.
9. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Division Six - Residential Zones (R.3-A) as follows:

**604.a Residential Multi-Family Low Intensity Zone (R.3-A)**

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

The following uses and no others shall be permitted in the Residential Multi-Family Low Intensity Zone (R.3-A):

- a. Four family dwellings
- b. Row housing

- c. Three family dwellings
  - d. Uses permitted in the R.2 zone
2. Accessory Residential Buildings:
- The siting, size, and dimensions of accessory residential buildings and structures shall be in accordance with Section 308.4. of this Bylaw.
3. 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) three family dwelling or one (1) four family dwelling or one (1) row housing unit; and
  - b. Two (2) accessory residential buildings per dwelling unit (one and two family only); and
  - c. one (1) accessory residential building per dwelling unit (three and four family only).
4. Floor Area:
- a. The floor area for a single family dwelling or row housing unit shall be not less than 60 m<sup>2</sup> (645.8 square feet).
  - b. The floor area for two, three, and four family dwelling units shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.
5. Height of Buildings and Structures:
- The height of buildings and structures shall not exceed the lesser of 9 m (29.53 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 7 m (22.97 feet) above the centre line of the road immediately adjacent to the centre of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet) above the midpoint 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.
6. Lot Area:
- Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than:
- a. 350 m<sup>2</sup> (3,767 square feet) for single family dwellings; or
  - b. 700 m<sup>2</sup> (7,535 square feet) for two family dwellings; or
  - c. 1,000 m<sup>2</sup> (10,764 square feet) for three family dwellings; or
  - d. 1,300 m<sup>2</sup> (13,993 square feet) for four family dwellings; or
  - e. 220 m<sup>2</sup> (2,368 square feet) for each unit of a row housing development, except that the end unit shall have an area of not less than 330 m<sup>2</sup> (3,552 square feet); or
  - f. 560 m<sup>2</sup> (6,028 square feet) for convalescent, nursing, and personal care home use.
7. Lot Coverage:

Maximum lot coverage shall be:

- a. Not greater than fifty percent (50%) of the lot area for all buildings and structures for single family and two family dwellings, and together with driveways and parking areas shall not exceed sixty percent (60%).
- b. Not greater than 40% of the lot area for buildings and structures of all other uses.

8. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 12 m (39.37 feet) for single family dwellings; or
- b. 23 m (75.46 feet) for two family dwellings; or
- c. 30 m (98.42 feet) for three and four family dwellings; or
- d. 7.5 m (24.61 feet) for each unit of a row housing development, except that the end unit shall have a road frontage of not less than 11 m (36.09 feet); or
- e. 18 m (59.05 feet) for convalescent, nursing, and personal care homes.

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 308.5. 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 5 m (16.40 feet).

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet).

c. Other Buildings:

Buildings shall not be sited within 3 m (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 6 m (19.68 feet).

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 4 m (13.12 feet) for four family dwellings and the outside wall of the end unit of a row housing project; or
- ii. 8 m (26.25 feet) for convalescent, nursing, and personal care home use; or

- iii. 1.2 m (3.94 feet) for all other uses except that a two family dwelling shall be allowed to straddle a property line provided that the property line coincides with the party wall and provided that all other requirements of this Bylaw are met.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

11. Other Requirements

- a. A restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- b. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Community Care and Assisted Living Act, (SBC 2004).
- c. A row housing development shall be designed in such a manner so as to stagger each pair of dwelling units, with a minimum of 1 m (3.281 feet) offset.
- d. Each dwelling unit contained in a row housing project shall be provided with a rear yard having access to a lane.
- e. Each row housing structure shall contain a minimum of four (4) and a maximum of eight (8) side-by-side family dwelling units.
- f. Screening shall be provided in accordance with the requirements of Section 309 of this Bylaw.
- g. The maximum permitted gross density shall not exceed forty-one (41 units) per hectare (16.59 units per acre).

10. Amend Division Six - Residential Zones (R.3) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 604.1 as follows:

**604 Residential Multi-Family Medium Intensity Zone (R.3)**

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

The following uses and no others shall be permitted in the Residential Multi-Family Medium Intensity Zone (R.3):

- a. Apartment and multi-family residential subject to the provisions of Section 604.11.b. of this Bylaw
- b. Adult retirement housing
- c. Uses permitted in the R.3-A zone

11. Amend Division Seven - Rural Zones (C.R) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 701.1 as follows:

**701 Country Residential Zone (C.R.)**

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

The following uses and no others shall be permitted in the Country Residential Zone (C.R.):

- a. Accessory buildings and structures
- b. Accessory employee residential use subject to the provisions of Section 701.10.b. of this Bylaw

- c. Accessory produce and fruit sales
- d. Civic and public service use
- e. Boarding, lodging, or rooming houses
- f. Convalescent, nursing, and personal care homes
- g. Intensive agricultural use subject to the provisions of Section 701.10.a. of this Bylaw
- h. Limited agricultural use
- i. Mobile homes
- j. Single family dwellings
- k. Two family dwellings
- l. Secondary suites subject to the provisions of Section 701.10.g
- m. Bed and breakfasts
- n. Kennels

12. Amend Division Seven - Rural Zones (C.R) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 701.9 as follows:

9. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than:

- i. 30 m (98.42 feet) for limited agricultural use and kennels; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.

b. Front Yard:

A front yard free of buildings and structures shall, where applicable, be provided with a depth of not less than:

- i. 30 m (98.42 feet) for limited agricultural use and kennels; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.



c. Other Buildings:

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

- i. buildings for kennels and limited agricultural use involving the keeping of animals shall not be sited within 30 m (98.42 feet) of any existing residential dwelling not sited on the farm unit; and
- ii. buildings for intensive agricultural use shall not be sited within 60 m (196.8 feet) of any existing residential dwelling not sited on the farm unit; and
- iii. feed lots and piggeries shall not be established within 100 m (328.1 feet) of any existing residential dwelling not sited on the farm unit.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 30 m (98.42 feet) for kennels and limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 8 m (26.25 feet) for all other uses.

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 30 m (98.42 feet) for kennels and limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 3 m (9.842 feet) for all other uses.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

13. Amend Division Eight - Special Use Zone (S.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 801.1 as follows:  
**801 Assembly, Civic, And Public Service Zone (S.1)**

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

The following uses and no others shall be permitted in the Assembly, Civic, and Public Service Zone (S.1):

- a. Accessory buildings and structures
- b. Campgrounds and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use subject to the provisions of Section 801.9.a
- c. Churches, auditoriums, youth centres, social halls, group camps, private schools, kindergartens, play schools, day nurseries, day care schools and other uses providing for the assembly of persons for religious, charitable, philanthropic, cultural, recreational, or private educational purposes
- d. Civic use
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, ski hills, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos
- f. Hospitals and medical professional use including dentist and doctor's offices
- g. Public service use
- h. Retail sales of sporting goods (including rental) accessory to the principal and permitted use
- i. Food concessions
- j. Arts and crafts sales

14. Amend Division Eight - Special Use Zone (CD.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 802.5 as follows:

5. Lot Coverage:

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

15. Amend Division Eight - Special Use Zone (CD.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 802.9.e and 802.9.f as follows:

- e. A maximum of 15% of the total allowable dwelling units for a seniors housing use shall be permitted without being included in the density calculation (density bonusing), where at least 15% of the dwelling units associated with a seniors housing use are supportive housing units.
- f. Density bonusing shall be subject to the property owner entering into a Housing Agreement with the City of Enderby as per Section 483 of the Local Government Act.

READ a FIRST time this 15<sup>th</sup> day of August, 2016.

READ a SECOND time this 15<sup>th</sup> day of August, 2016.

Advertised on the 25<sup>th</sup> day of August, 2016 and the 1<sup>st</sup> day of September, 2016, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the 6<sup>th</sup> day of September, 2016.

READ a THIRD time this 6<sup>th</sup> day of September, 2016.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this 7<sup>th</sup> day of September, 2016.

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Senior District Development Technician  
Ministry of Transportation

ADOPTED this 19<sup>th</sup> day of September, 2016.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER