

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1636

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

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. 1636, 2017".

AMENDMENTS

2. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding the definition of 'Marihuana-Related Business', 'Detached Secondary Suite', and 'Short-Term Vacation Rental' as follows:

MARIHUANA-RELATED BUSINESS means a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products, including but not limited to dispensaries and compassion clubs.

DETACHED SECONDARY SUITE means a dwelling unit with a maximum floor area of 90 square meters (968.8 square feet) that is contained within a building which is accessory to a single family dwelling, and shall not include a mobile home, travel trailer, recreational vehicle, or a storage container, but specifically includes manufactured homes.

SHORT-TERM VACATION RENTAL means the rental of a dwelling unit to tourists or the vacationing public, provided that the provision of such accommodation does not constitute a tenancy pursuant to the Residential Tenancy Act.

3. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the definition of 'Secondary Suite' with the following:

ATTACHED SECONDARY SUITE means a self-contained, accessory dwelling unit located within a single family dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit.

4. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing all references to 'Secondary Suite' with 'Attached Secondary Suite'.
5. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 307.3.g and 307.3.h as follows:

The following uses shall be prohibited in all zones:

- g. Short-Term Vacation Rentals.
 - h. 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, explosion or other hazard, electrical interference, or undue traffic congestion.
6. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the title of Section 308.4 as follows:

Accessory Residential Buildings and Structures in Residential Zones (Not including Detached Secondary Suites)

7. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 316 as follows:

316 Marihuana-Related Businesses

1. For the purposes of this bylaw, any business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products shall be considered a Marihuana-Related Business.
2. In order to be permitted, a Marihuana-Related Business must demonstrate that the proposed use is lawful under all applicable Provincial and Federal statutes and regulations.
3. A Marihuana-Related Business must obtain a municipal Business License before any operation may begin.
4. No Marihuana-Related Business shall be located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18.

8. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 317 as follows:

317 Detached Secondary Suites

1. A detached secondary suite shall:
 - i. be constructed to meet the requirements of the BC Building Code;
 - ii. be located entirely to the rear of a principal single family dwelling;
 - iii. be sited equal to or farther from the side lot line than the principal single family dwelling;
 - iv. be accessible by a cleared and constructed pathway from the off-street parking stall(s) to the entrance to the suite;
 - v. have sufficient access and be appropriately serviced;
 - vi. be enclosed on all sides not facing directly upon the principal single family dwelling via solid fencing no greater than 2 m (6.562 feet) in height;
 - vii. have a floor area not to exceed 75% of the floor area of the principal single family dwelling; and
 - viii. only be permitted when at least one (1) of the registered owners of the property resides within the primary single family dwelling.
 2. In accordance with Schedule "B" of this Bylaw, one (1) off-street parking space must be provided for each detached secondary suite.
 3. No accessory building or structure shall be used as a dwelling unit except for an approved detached secondary suite.
 4. Subdivision or stratification of a detached secondary suite is not permitted.
9. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 401.1.
 10. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 401.8 as follows:

8. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw except that no off-street loading shall be required for properties with lane access that are located within the area designated as Downtown Designated Parking Area on Schedule "H" which is attached to and forms part of this Bylaw.

11. Amend Division Four - Commercial Zones (C.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 402.1.
12. Amend Division Four - Commercial Zones (C.4) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 403.1.
13. Amend Division Five - Industrial Zones (I.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 501.1.
14. Amend Division Five - Industrial Zones (I.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 502.1.
15. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Division Six - Residential Zones (R.1-B), following Division Six - Residential Zones (R.1-A), as follows:

602.a Residential Single Family with Detached Suite Zone (R.1-B)

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

The following uses and no others shall be permitted in the Residential Single Family Zone (R.1-B):

- a. Accessory residential
- c. Single family dwellings
- d. Attached secondary suites subject to the provisions of Section 602.a.12.a.
- e. Detached secondary suites subject to the provisions of Section 317
- f. Civic and public service use

2. Accessory Residential Buildings:

The siting, size, and dimensions of accessory residential buildings (not including detached secondary suites) and structures shall be in accordance with Section 308.4 of this Bylaw.

3. Maximum Number of Suites:

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

- a. One (1) attached secondary suite; or
- b. One (1) detached secondary suite.

4. Buildings Per Lot:

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

- a. one (1) single family dwelling; and
- b. two (2) accessory residential buildings; or
- c. one (1) accessory residential building and one (1) detached secondary suite.

5. Floor Area:

- a. The floor area for a single family dwelling shall be not less than 60 m² (645.8 square feet).

- b. The floor area for a detached secondary suite shall be not greater 90 m² (968.8 square feet) and not less than 36 m² (387.5 square feet).
- c. The floor area for an attached secondary suite shall not be less than 36 m² (387.5 square feet).

6. Height of Buildings and Structures:

- a. The height of single family dwellings 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 center 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.
- b. The height of detached secondary suites shall not exceed 4.5 m (14.76 feet).

7. Lot Area:

Each lot shall have an area of not less than:

- a. 560 m² if there is lane access or second street frontage; or
- b. 650 m² if there is not lane access or second street frontage.

8. Lot Coverage:

- a. Maximum lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures and together with driveways and parking areas shall not exceed sixty percent (60%).
- b. The maximum combined lot coverage for all accessory buildings and structures, including detached secondary suites, shall not exceed 16%.
- c. The maximum combined area of all accessory buildings/structures and detached secondary suites (e.g. footprint size) shall not exceed 90 m² (968.8 feet).

9. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a minimum lot frontage of:

- a. 15 m (16.40 feet) if there is lane access or second street frontage;
or
- b. 18 m (59.06 feet) if there is not lane access or second street frontage.

10. 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.

11. 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 be provided with a depth of not less than 5 m (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 6 m (19.68 feet), except that the front yard may be reduced to 4.5 m (14.76 feet) for single family dwellings on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

c. Other Buildings:

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

d. Rear Yard:

- i. A rear yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) for single family dwellings except that the rear yard may be reduced to 4.5 m (14.76 feet) for single family dwellings on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

- ii. A rear yard free of buildings and structures shall be provided with a depth of not less than 3 m (9.84 feet) for detached secondary suites.

e. Side Yards:

- i. Side yards free of buildings and structures shall be provided with a width of not less than 1.2 m (3.94 feet) for single family dwellings.
- ii. Side yards free of buildings and structures shall be provided with a width of not less than 2 m (6.56 feet) for detached secondary suites.

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.

12. Other Requirements:

a. All attached secondary suites must comply with the following:

- i. Attached secondary suites are to be located only in a single family dwelling; and
- ii. No more than one attached secondary suite shall be permitted within a single family dwelling; and
- iii. The maximum floor area of an attached secondary suite shall not exceed the lesser of 90 m² or 40% of the habitable floor area of the single family dwelling. The minimum floor area of an attached secondary suite shall not be less than 36 m² (387.5 square feet); and
- iv. No portion of a building may be used as an attached secondary suite unless at least one (1) of the registered owners of the building resides within the building; and
- v. One (1) off-street parking space must be provided for each attached secondary suite; and
- vi. Attached secondary suites must comply with all relevant City Bylaws, and the BC Building Code; and
- vii. Attached secondary suites must be located in a building and on property which is a single family real estate entity. No strata titling will be permitted.

- b. Refer to Section 317 for the General Regulations related to detached secondary suites.
- 16. Amend Division Nine - Off-Street Parking of Schedule "B" of Zoning Bylaw No. 1550, 2014 to update Section 901.3 to include a requirement for 'Attached Secondary Suites' and 'Detached Secondary Suites' to provide a minimum of one (1) off-street parking space.
- 17. Amend Division Nine - Off-Street Parking of Schedule "B" of Zoning Bylaw No. 1550, 2014 to replace Section 901.5 as follows:
 - 5. Existing Buildings and Structures and Changes in Land Use in the "Downtown Designated Parking Area"

Notwithstanding any other provisions of this bylaw, the regulations contained in this section shall not apply to buildings and structures existing on the effective date of this bylaw that are located in the "Downtown Designated Parking Area" designated on Schedule "A" attached to and forming part of the "Corporation of the City of Enderby Zoning Bylaw No. 966, 1987", or to any change in the use of those buildings or structures except that:

 - a. Off-street parking shall be provided and maintained in accordance with this section where the total floor area is increased in excess of ten percent (10%) over the existing floor area, or where residential density is increased, in which case the amount of additional parking spaces required shall be calculated on the basis of:
 - i. the increase in the size of the existing structure exceeding ten percent; and
 - ii. the use of the addition; or
 - iii. the increase in residential density.
 - 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.

READ a FIRST time this 14th day of August, 2017.

READ a SECOND time this 14th day of August, 2017.

Advertised on the 24th day of August, 2017 and the 31st day of August, 2017, and a

Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the 5th day of September, 2017.

READ a THIRD time this 5th day of September, 2017.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this 7th day of September, 2017.

Senior District Development Technician
Ministry of Transportation

ADOPTED this 18th day of September, 2017.

MAYOR

CHIEF ADMINISTRATIVE OFFICER