

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer

From: Kurt Inglis, Planner and Deputy Corporate Officer

Date: January 11, 2022

Subject: Zoning Bylaw Update and Introduction of Animal Control Bylaw – Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022 and Animal Control Bylaw No. 1735, 2022

RECOMMENDATION

THAT Council gives first and second readings to City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022 and directs Staff to advance the Bylaw to a Public Hearing;

AND THAT Council gives three readings to City of Enderby Animal Control Bylaw No. 1735, 2022;

AND THAT Council directs Staff to draft consequential amendment bylaws to the Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013, Bylaw Notice Enforcement Bylaw No. 1581, 2015, and Fees and Charges Bylaw No. 1479, 2010 for three readings to support implementation of the regulatory framework for the keeping of backyard hens and bees;

AND FURTHER THAT Council directs Staff to prepare a driveway crossing policy and permitting system for Council's consideration.

BACKGROUND

Since the adoption of the Official Community Plan (OCP) and Zoning Bylaw in 2014, regular updates have been enacted by Council to keep these bylaws reflective of the community context and emerging issues.

The following items have been either directed by Council or recommended by Staff for inclusion in the next round of updates to the OCP and Zoning Bylaw:

1. Updating maximum G.V.W. limits for trucks and commercial vehicles in residential zones;
2. Rezoning of 130 Cliffview Lane in anticipation of the termination of its land use contract;
3. Updating residential dwelling definitions;
4. Removal of 'Apartments' as a permitted use within the General Commercial (C.1) and Highway and Tourist Commercial (C.2) zones;
5. Providing clarity to fencing regulations;
6. Reviewing Riparian Areas Regulations;
7. Reviewing Cannabis production regulations;
8. Reviewing driveway setbacks from intersections;
9. Reviewing temporary sign regulations;

10. Updating the Official Community Plan's Regional Context Statement and including policies related to the City of Enderby Housing Needs Assessment Report;
11. Limiting residential floor space on first storey level in commercial zones; and
12. Implementing a regulatory framework for the keeping of backyard hens and backyard bees.

For the sake of ensuring that time-sensitive updates are advanced, coupled with the need to ensure that an update to the OCP is reflective of the outcomes of the forthcoming City of Enderby Housing Strategy, Staff are proposing that the following OCP related items be deferred until later in 2022:

- Reviewing Riparian Areas Regulations;
- Updating the City of Enderby Regional Context Statement; and
- Including policies related to the City of Enderby Housing Needs Assessment Report.

The following is an overview of the proposed updates included in Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2021, which is being advanced to Council for first and second readings:

Updating Maximum G.V.W. Limits for Trucks and Commercial Vehicles in Residential Zones

The Zoning Bylaw currently restricts the parking of a truck or commercial vehicle on a residential zoned property if it exceeds 1,000 kg G.V.W. (2,205 pounds G.V.W.) rated capacity. This provision was originally intended to avoid large commercial-scale vehicles being parked in a residential area and detracting from the character of the neighbourhood. However, the 1,000 kg G.V.W. limit is excessively restrictive and does not align with the overall intent of this regulation (i.e. 1,000 kg limit would not allow for transport vans, contractor trucks, etc. to be parked on residential properties).

Staff are proposing that the maximum G.V.W. limit for trucks and commercial vehicles in residential zones be increased to 5,600 kg (12,346 pounds G.V.W.), which is consistent with:

1. The City's Streets and Traffic Bylaw's G.V.W. limit for the size of vehicle that may park overnight on a street in a residential zone; and
2. The standard G.V.W. limits in residential zones in other nearby communities (i.e. Kelowna = 5,500 kg, Salmon Arm = 5,600 kg, Lake Country = 5,500 kg).

Rezoning of 130 Cliffview Lane

The property at 130 Cliffview Lane is a modular home park that is subject to a Land Use Contract. A Land Use Contract is an agreement between a local government and a land owner that provides the land owner with site-specific development rights despite the current Zoning Bylaw. The Province has legislated that all Land Use Contracts are effectively terminated as of 2024. Once the Land Use Contract is terminated, the property will be subject to the regulations of the property's base zoning designation. 130 Cliffview Lane has a base zoning designation of Residential Single Family (R.1-A), which does not permit a modular home park. In order to allow the existing use to continue in a 'legally conforming' state after the Land Use Contract

terminates, Staff are proposing to rezone the property to the Residential Mobile Home Park (R.5) zone. It should be noted that the existing Land Use Contract required the property to develop in accordance with the R.5 zoning regulations, so the rezoning would have no impact on the manner in which the site develops.

Updating Residential Dwelling Definitions

Staff are proposing to defer updating any residential dwelling definitions, as these may be implicated by the City's forthcoming Housing Strategy.

Removal of 'Apartments' as a Permitted Use Within the General Commercial (C.1) and Highway and Tourist Commercial (C.2) Zones

Staff are proposing to update the Zoning Bylaw to clarify that apartment buildings are only permitted in the Residential Multi-Family Medium Intensity (R.3) zone. Based on the existing wording of the Bylaw, there is a risk of misinterpretation in the General Commercial (C.1) and Highway and Tourist Commercial (C.2) zones that allowing an apartment unit above or behind the principal commercial use could be understood as allowing a standalone apartment building, which is not the intent of these zones.

It should be noted that by clarifying that apartment buildings are only permitted within the R.3 zone, this will not prevent residential dwelling units from occurring alongside commercial development (i.e. mixed use development) and will only remedy a potential misinterpretation that apartment buildings are permitted as a *standalone* use within commercial zones.

Providing Clarity to Fencing Regulations

Staff are proposing amendments to the Zoning Bylaw's fencing regulations in order to:

- i. Differentiate between typical fencing and required 'screening' (solid fence or wall that is required to provide a visual barrier between adjacent land uses); and
- ii. Better arranging the regulations based on category (i.e. maximum height, materials, land use, etc.).

It should be noted that the City's existing regulatory framework for fencing/screening remains largely intact (i.e. maximum height and setbacks remain the same), but it has been updated for ease of reference and clarity. The only new regulation being proposed is the prohibition of 'spiked' metal fencing; this type of fencing creates a significant and unnecessary danger to local wildlife (i.e. wildlife such as deer attempt to clear the spiked metal fence and become impaled, often leading to serious injury or death) and some communities are taking steps to prohibit its use.

Reviewing Cannabis Production Regulations

Under the City's Zoning Bylaw, cannabis production facilities are only permitted within the City when located in the Agricultural Land Reserve (ALR). The *Agricultural Land Use Regulation* was enacted by the Province in 2019 and provides clarity regarding the extent to which local governments may prohibit cannabis production within the ALR. Section 8 of the *Agricultural Land Use Regulation* specifically states that the use of agricultural lands for producing cannabis lawfully may not be prohibited by a local government if the cannabis is produced:

- Outdoors in a field; or
- Inside of a structure with a base consisting entirely of soil, with the following conditions having to be met:
 - a. the structure was, before July 13, 2018,
 - i. constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or
 - ii. under construction for the purpose referred to in subparagraph (i), if that construction:
 - A. was being conducted in accordance with all applicable authorizations and enactments, and
 - B. continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;
 - b. the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

Given this, Staff are proposing that the Zoning Bylaw be amended to state that Cannabis Production is only permitted in the ALR in accordance with Section 8 of the *Agricultural Land Use Regulation* noted above. This approach will support the protection of the soil of local farm land for future farming and help avoid the loss of agricultural lands to industrial scale cannabis production. This would be over and above the existing requirements in the Zoning Bylaw for cannabis production facilities within the ALR related to minimum lot area, setbacks, etc.

Reviewing Driveway Setbacks from Intersections

The Zoning Bylaw currently requires that driveway accesses for corner lots must be setback at least 8 m (26.25 feet) from the point of intersection of the exterior side lot line and the front/rear lot line; this is intended to ensure that there is sufficient space between the driveway and an adjacent intersection/corner so that vehicles can safely enter on to a roadway from the driveway. However, Staff identified this setback regulation as being problematic due to the fact that there is ambiguity as to how it is applied to corner lots which have corner-cut-outs or rounded lot lines (i.e. lots that do not have a clear intersection of the exterior side lot line and the front/rear lot line). This prompted Staff to review the manner in which other communities

are regulating the location of driveways, and it was determined contemporary best practices involve the use of a driveway crossing policy and permitting system, which focuses on the crossing of and access to public property rather than the regulation of private land use. Such a policy and permitting system would allow for driveway location standards to be maintained, but in a manner that allows site-specific flexibility and analysis that could not be realized through zoning regulations (i.e. zoning regulations do not provide for flexibility and can only be varied through the prescribed Development Variance Permit process). Furthermore, a driveway crossing permitting system would have the added benefit of allowing the City to use a permit to expressly communicate the terms and conditions of driveway crossings, which are often misunderstood by property owners. Given the above, Staff are recommending that the driveway setback provision be removed from the Zoning Bylaw and that Staff be directed to prepare a driveway crossing policy and permitting system for Council's consideration.

Reviewing Temporary Sign Regulations

The Zoning Bylaw specifies a range of regulations for signs pertaining to siting, sizing, materials, and permitting. However, Staff have encountered an issue where there is a need for temporary signs in certain situations (i.e. undeveloped commercial lots that are looking to market their business in advance of construction, developers seeking to market their subdivisions while under construction), but the Zoning Bylaw currently prohibits their use.

Staff are proposing the following framework for temporary signs:

- Permitting a 'Project Sign', which is a sign erected on a development, subdivision or construction site that names and describes the project and provides marketing information relating to the project, which may include project name, logo, contact information and/or office hours, and may also list the names of the consultants involved on the development team;
- Limiting to a maximum of one Project Sign per lot, except in cases where the subject lot is one acre in size or greater, or the subject lot fronts more than one street, in which case the maximum number of Project Signs is two;
- Limiting to a maximum sign area of 9.0 m² (96.88 square feet) and a maximum height of 4.5 m (14.76 feet);
- Display of a Project Sign cannot begin until a Building Permit has been issued or the subdivision has received a Preliminary Layout Review letter from the Approving Officer;
- The display shall be limited to a period of three years after the Building Permit or Preliminary Layout Review letter is issued; and
- Should the associated project not continue to actively proceed for a period of one year or more, or a Building Permit or Preliminary Layout Review letter is expired, surrendered, or cancelled, the Project Sign shall be removed immediately.

Limiting Residential Floor Space on First Storey Level in Commercial Zones

As per the City's Zoning Bylaw, residential dwelling units are permitted entirely above or behind a commercial use as long as the maximum permitted gross density limits are not exceeded. The Zoning Bylaw does not include any limit on the extent to which the first storey level can be used for residential purposes, as long as it is located behind a commercial space; Staff have identified this as being problematic as there could be a scenario where the vast majority of the first storey level of a commercial building could be used for residential purposes, as long as there is a nominal commercial space in the front. Over time, this could result in the City's ground floor commercial floor space being eroded in lieu of residential uses, which could have significant impacts on the local economy and the vitality of the commercial core.

The intent of the Zoning provision which permits residential dwelling units entirely above or behind a commercial use is to allow for an *ancillary* residential use to accompany a *principal* commercial use on a property; this arrangement supports additional residential development within the community (i.e. infill development), while also providing a financial boost to local businesses by allowing business owners to live on premises, or realize additional income through renting the dwelling unit(s). However, if this Zoning provision enables commercial floor space to be eroded in favour of residential uses, that original intent is not being achieved.

To find a balance between the preservation of commercial floor space while enabling ancillary residential uses to occur within commercial zones, Staff are proposing to introduce a regulation whereby, when dwelling units are located on the first storey level of a building and behind a commercial use, the floor area of the total dwelling units shall not exceed 40% of the total floor area of the first storey level.

It should be noted that if there are existing dwelling units within commercial zones that do not comply with this regulation, they would become legally non-conforming (grandfathered) by way of siting/sizing and would be subject to the legally non-conforming provisions of the *Local Government Act*.

Incorporating Backyard Hen and Backyard Bee Regulations

Council previously directed Staff to explore the implementation of regulatory frameworks for the keeping of backyard hens and backyard bees. Staff presented Council with two proposed regulatory frameworks for the keeping of hens and bees, which were based upon:

- The local context;
- Best practices used in other communities; and
- Regulations that are best suited to mitigate neighbourhood-level and local government bylaw compliance capacity impacts.

Council supported the proposed regulatory frameworks, which are outlined in Schedule 'A' and 'B' of this memorandum. To implement the regulatory frameworks, Staff are proposing that

the Zoning Bylaw be amended to include land use regulations related to the keeping of hens and bees, while a new Animal Control Bylaw be introduced to regulate how backyard hens and backyard bees must be cared for, managed and licensed.

Once the Zoning Bylaw and Animal Control Bylaw have received support from Council, there will be a need to advance consequential amendments to the Fees and Charges Bylaw to introduce a fee structure for the licensing for backyard hens and bees. Staff are proposing that the licensing fee for both the keeping of backyard hens and backyard bees be set at a one-time fee of \$50, which will cover the costs associated with processing the licensing application and performing a site inspection to ensure compliance with the relevant City bylaws and policies. Furthermore, given that the provisions of the Zoning Bylaw and Animal Control Bylaw related to the keeping of backyard hens and bees need to be enforceable, there is a need for amendments to the City's Municipal Ticketing Information (MTI) System Bylaw and Bylaw Notice Enforcement Bylaw.

Should Council support the proposed amendments to the Zoning Bylaw, the amendment bylaw will be advanced to a Public Hearing with the proposed zoning amendments to be advertised in the newspaper in advance.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

**SCHEDULE 'A' – PREVIOUSLY SUPPORTED REGULATORY FRAMEWORK FOR THE
KEEPING OF BACKYARD HENS**

TABLE 1 – BACKYARD HENS		
Category	Proposed Regulation	Staff Comments
Types of Birds	Hens only	Given the noise level associated with roosters (~90 decibels vs. 60-70 decibels for hens), it is not standard practice to permit the keeping of roosters in an urban setting.
Maximum Number of Hens	5	A maximum of 5 hens appears to be a common standard among communities that permit the keeping of hens in urban areas, and it is anticipated that a typical single-family lot within Enderby can accommodate the intensity of use associated with 5 hens.
Required Zoning / Principal Use	Ancillary use to a single-family dwelling in R.1, R-1-A, and R.2 zones	<p>It is standard for the keeping of hens in an urban area to only be associated with single-family lots, given that they are generally located in lower density neighbourhoods.</p> <p>By clearly stating that the keeping of hens is an ancillary use to a detached single-family dwelling, this will prevent cases where hens are kept on vacant parcels.</p>
Minimum Lot Requirements	Backyard must be fully fenced, in accordance with the Screening requirements outlined in Section 309 of Zoning Bylaw	Requiring properties to be fenced will help prevent hens from escaping a property, while also ensuring that coops and outdoor enclosures are not visible from the street, which may detract from the aesthetics of the streetscape.
General Coop Requirements	Coops must be fully enclosed and constructed in a manner that:	<p>These requirements will help to:</p> <ul style="list-style-type: none"> • reduce the potential for wildlife conflicts and attraction of rodents; • reduce the potential for hens escaping; • reduce the potential for nuisances by way of noise from the hens;

TABLE 1 – BACKYARD HENS

Category	Proposed Regulation	Staff Comments
General Coop Requirements Cont.	<ul style="list-style-type: none"> • Eliminates potential for infiltration from predatory animals and rodents • Facilitates reasonable sound attenuation • Ensures proper ventilation and sufficient space for hens • Is accessible for persons to clean and maintain the coop <p>Coops must provide one perch and one nest per hen</p> <p>Must provide a run that is fenced on all sides and entirely covered from above in a manner that will keep predators and rodents out, and prevent hens from escaping</p>	<ul style="list-style-type: none"> • provide suitable living conditions for the birds (i.e. perches provide opportunities for increased exercise and roosting off the ground at night); and • ensure proper maintenance of the coop.
Coop Siting Requirements	<p>Must be located in rear yard, to the rear of the single-family dwelling</p> <p>Must be setback a minimum of 3 m (9.84 feet) from rear lot line, interior side lot line, or exterior side lot line</p>	<p>Requiring coops and enclosures to be located in the rear yard will ensure that they are not visible from the street, thus ensuring the use does not detract from the aesthetics of the streetscape.</p> <p>Minimum setbacks will help to minimize any potential impacts to neighbouring properties.</p>
Coop Sizing Requirements	<p>Maximum height of 2 m (6.56 feet)</p> <p>Must provide a minimum of 0.5 m² (5.38 square feet) per hen inside the coop, and a minimum 1 m² (10.76 square</p>	<p>Requiring a maximum height of 2 m (6.56 feet) will ensure that the coop does not exceed the maximum height of the backyard fence, which will ensure that the coop remains screened from adjacent neighboring properties.</p> <p>Requiring a minimum area of indoor and outdoor space will ensure that the hens have</p>

TABLE 1 – BACKYARD HENS

Category	Proposed Regulation	Staff Comments
Coop Sizing Requirements Cont.	<p>feet) of roofed outdoor enclosure per hen</p> <p>Maximum size of coop and hen enclosure is 10 m² (107.6 square feet)</p>	<p>sufficient area to be able to live comfortably and exhibit natural behaviours. By requiring the outdoor enclosure area to be roofed, this will prevent the hens from escaping, as hens can fly short distances, while also preventing birds of prey from accessing the enclosure area.</p> <p>Providing a maximum size for the coop and hen enclosure of 10 m² (107.6 square feet) will ensure that the keeping of hens remains ancillary to the broader residential use of the property.</p>
On-site Slaughtering and Disposal	No slaughtering is permitted on-site	Prohibiting slaughtering on-site is standard among communities that permit the keeping of hens in an urban setting, given that the process can present significant potential for conflict and impacts.
Standards of Care	<p>Coop must be kept to a clean and sanitary condition</p> <p>All hens must be provided sufficient food, water, shelter, light, ventilation, veterinary care; and opportunities for essential behaviors such as scratching, dust-bathing, and roosting</p>	Requiring proper living conditions will ensure that the fundamental needs of hens are met and that they are able to live a happy and healthy life.
Removal and Storage of Feces / Manure	Feces must be promptly removed and hygienically stored in a sealed container	<p>Requiring the prompt removal and hygienic storage of feces will help to mitigate potential impacts related to smell.</p> <p>It is anticipated that many property owners will want to use the manure generated from</p>

TABLE 1 – BACKYARD HENS

Category	Proposed Regulation	Staff Comments
Removal and Storage of Feces / Manure Cont.	<p>Manure must be stored within a sealed container, with no more than 0.08 m³ (3 cubic feet) of manure stored at one time</p> <p>All manure not used for composting or fertilizing must be removed from the property</p>	<p>the keeping of hens for composting and fertilizing purposes. Requiring manure to be stored in a sealed container, and manure not used for composting or fertilizing to be removed, will limit the opportunity for this activity to create nuisance by way of smell. Furthermore, this will help to avoid the potential for the manure to act as an attractant to wildlife and rodents.</p>
Feed Storage	<p>Feed must be stored in sealed container and not located in an area accessible by wildlife and animals</p>	<p>Requiring feed to be stored in an air-tight container will help to avoid the potential for the feed to attract wildfire and rodents.</p>
Licensing / Registration of Hens	<p>Must apply for a permit and pay a nominal fee</p> <p>If not the owner of the property, the applicant is required to obtain property owner's written consent</p>	<p>Requiring property owners to apply for a permit for the keeping of hens on their property will enable the City to:</p> <ul style="list-style-type: none"> • track properties where this use is occurring; • provide the applicant with relevant educational materials (i.e. FAQ, backyard hen guide, etc.); • initiate an inspection process; • ensure that property owners are providing their consent in cases where an applicant is renting a property; and • revoke permits in cases where the bylaw requirements are not being adhered to, which also strengthens the City's enforcement abilities. <p>Requiring a nominal fee will help to cover the administration costs associated with implementing and maintaining a backyard hen program.</p>

TABLE 1 – BACKYARD HENS

Category	Proposed Regulation	Staff Comments
Commercial Sales	Personal use only	<p>If a property owner were to sell the eggs produced on their property, it creates the potential for additional impacts associated with:</p> <ul style="list-style-type: none">• additional traffic to the property associated with customers; and• the property owner maximizing the number of birds on their property beyond what is needed for their household consumption, in order to increase egg production and profits. <p>There are strict guidelines associated with the sale of ungraded eggs, for which the City does not have the capacity to regulate and enforce.</p> <p>It should be noted that if a property owner wished to distribute any excess eggs produced on their property, this is not something that the City would be proposing to regulate or prohibit.</p>

**SCHEDULE 'B' – PREVIOUSLY SUPPORTED REGULATORY FRAMEWORK FOR THE
KEEPING OF BACKYARD BEES**

TABLE 2 – BACKYARD BEES		
Category	Proposed Regulation	Staff Comments
Required Zoning / Principal Use	Ancillary use to a single-family dwelling in R.1, R-1-A, and R.2 zones	<p>It is standard for the keeping of bees in an urban area to only be associated with single-family lots, given that they are generally located in lower density neighbourhoods.</p> <p>By clearly stating that the keeping of bees is an ancillary use to a detached single-family dwelling, this will prevent cases where bees are kept on vacant parcels.</p>
General Beehive Requirements and Standards of Care	<p>Must be maintained in a condition that will reasonably prevent swarming or aggressive behaviour</p> <p>Must ensure that the bees are requeened if they are subject to undue swarming or aggressive behaviour</p> <p>Must provide adequate water to prevent the bees from seeking water from other sources</p> <p>Beekeepers must comply with the Bee Regulation or other applicable standards adopted by the Province of British Columbia</p>	<p>Requiring proper maintenance and living conditions, and requeening if necessary, will help to prevent instances of swarming or aggressive behaviour, which are likely to create impacts to the broader neighbourhood.</p> <p>Providing adequate water on-site will ensure that the bees are not required to seek water from other sources, such as on neighbouring properties, which could result in conflict.</p>

TABLE 2 – BACKYARD BEES

Category	Proposed Regulation	Staff Comments
Beehive Siting Requirements	<p>Must be located in rear yard</p> <p>Minimum setback of 7.5 m (24.6 feet) from front of beehive to any property line, and 3 m (9.84 feet) from the side and rear of the beehive to any property line, except where the beehive is:</p> <p>- Sited behind a 1.8 m (5.9 feet) fence, 7.5 m (24.6 feet) is reduced to 6 m (19.68 feet) and 3 m (9.84 feet) is reduced to 1 m (3.28 feet)</p>	<p>These requirements for the siting of beehives appears to be a common standard among communities that permit the keeping of bees in an urban setting, and is intended to minimize potential impacts to adjacent neighbouring properties.</p>
Maximum Number of Beehives / Colonies	<p>2 beehives / colonies and 2 nucleus colonies on lots less than 1,000 m² (0.25 acre)</p> <p>4 beehives / colonies and 4 nucleus colonies on lots equal to or greater than 1,000 m² (0.25 acre)</p>	<p>This maximum number of beehives/colonies appear to be a common standard among communities that permit the keeping of bees in an urban setting, and is intended to ensure that the intensity of the use is proportional to the size of the lot.</p> <p>It should be noted that nucleus colonies are smaller colonies created from larger colonies, which are generally used for rearing and storing queen bees; nucleus colonies are important to prevent swarming and aggressive bee behaviour.</p>
Commercial Sales	Personal use only	<p>If a property owner were to sell the honey produced on their property, it creates the potential for additional impacts associated with:</p> <ul style="list-style-type: none"> • additional traffic to the property associated with customers; and • the property owner maximizing the number of bees on their property beyond

TABLE 2 – BACKYARD BEES

Category	Proposed Regulation	Staff Comments
Commercial Sales Cont.		<p>what is needed for their household consumption, in order to increase honey production and profits.</p> <p>It should be noted that if a property owner wished to distribute any excess honey produced on their property, this is not something that the City would be proposing to regulate or prohibit.</p>
Licensing / Registration of Bees	<p>Must apply for a permit and pay a nominal fee</p> <p>If not the owner of the property, the applicant is required to obtain property owner's consent</p> <p>Confirm that anyone keeping bees must register their apiary location with the Province</p>	<p>Requiring property owners to apply for a permit for the keeping of bees on their property will enable the City to:</p> <ul style="list-style-type: none"> • track properties where this use is occurring; • provide the applicant with relevant educational materials (i.e. FAQ, beekeeping guide, information of Provincial registry for apiaries, etc.); • initiate an inspection process; • ensure that property owners are providing their consent in cases where an applicant is renting a property; • ensure the City has the applicant's contact information on hand, so that it can follow up with them quickly if there are issues with the beehives (i.e. swarming or aggressive behaviour); and • revoke permits in cases where the bylaw requirements are not being adhered to, which also strengthens the City's enforcement abilities. <p>Requiring a nominal fee will help to cover the administration costs associated with</p>

TABLE 2 – BACKYARD BEES

Category	Proposed Regulation	Staff Comments
Licensing / Registration of Bees Cont.		<p>implementing and maintaining a backyard beekeeping program.</p> <p>It is provincially legislated that all apiary (collection of hives or colonies) locations are registered with the Province. This requirement should be expressly confirmed in the regulatory framework to ensure prospective beekeepers are aware of this requirement.</p>
Miscellaneous	<p>Beehives shall be securely located to prevent accidental disturbance or trespass by people and pets, and to prevent damage from wildlife</p> <p>The person who keeps bees must be a resident of the property where the bees are kept</p>	<p>Ensuring beehives are securely located will reduce the potential for them to be accidentally disturbed, which could create a situation where they are impacting neighbouring properties.</p> <p>Requiring the beekeeper to be a resident of the property will ensure that they are generally available to be able to respond to any issues with the hive, given that beekeeping is a specialized skillset and there is potential for serious impacts to the broader neighbourhood. If the beekeeper lived off-site, it increases the likelihood that they would be unable to respond in a timely manner should issues arise such as swarming or aggressive bee behaviour.</p>

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1710, 2022

A BYLAW TO AMEND THE TEXT OF THE CITY OF ENDERBY ZONING BYLAW NO. 1550,
2014

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 through The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014;

AND 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:

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022".
2. Division Two – Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by including the following definitions:

Backyard Bees means a domestic honey producing bee (from the genus *Apis* of the family *Apidae*) that are kept on a property other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in this Bylaw.

Backyard Hens means domesticated female chickens that are at least four months old that are kept on a property other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in this Bylaw.

Beehive means a box or receptacle with movable frames, used for housing a colony of bees.

Colony means queen, brood and accompanying bees.

Fence Picket means a post, stick, stake or peg attached to horizontal rails between upright posts.

Finial means a relatively small, ornamental, vertical, terminal feature projecting from the top, or any other horizontal rail, of a fence, gable, pinnacle, or furniture.

Nucleus Colony means a small honeybee colony created from a larger colony.

3. Division Three – General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by replacing '1,000 kg G.V.W. (2,205 pounds G.V.W.)' with '5,600 kg G.V.W. (12,346 pounds G.V.W.)' under Section 307.4.a.i.

4. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by removing Section 307.6 and renumbering the remainder of Section 307 accordingly.
5. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by replacing Section 309 as follows:

309 Screening, Fencing and Landscaping

1. Screening

- a. Screening consisting of a solid 2.5 m (8.202 feet) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, shall be provided as follows:
 - i. In Commercial and Industrial zones, any part of a lot used or intended to be used as an outside storage area shall be closed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening.

Required front screening shall be so situated as to conform with the front yard setback provisions of the applicable zone.
 - ii. Where any Commercial, Industrial, or Multi-Family Residential parking or display area abuts a lot in a Residential zone, or is separated by a lane therefrom, screening of 2 m (6.562 feet) in height shall be provided and properly maintained along the common property boundary.
 - iii. Notwithstanding the requirements of Subsection a.ii., screening along a lane shall be not less than 0.7 m (2.297 feet) and not more than 1.1 m (3.609 feet) in height for a distance of not less than 6 m (19.68 feet) from all points of ingress and egress to and from such parking or display area.
- b. Screening of over 1 m (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 m (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 m (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, as shown on Figure 1 below.

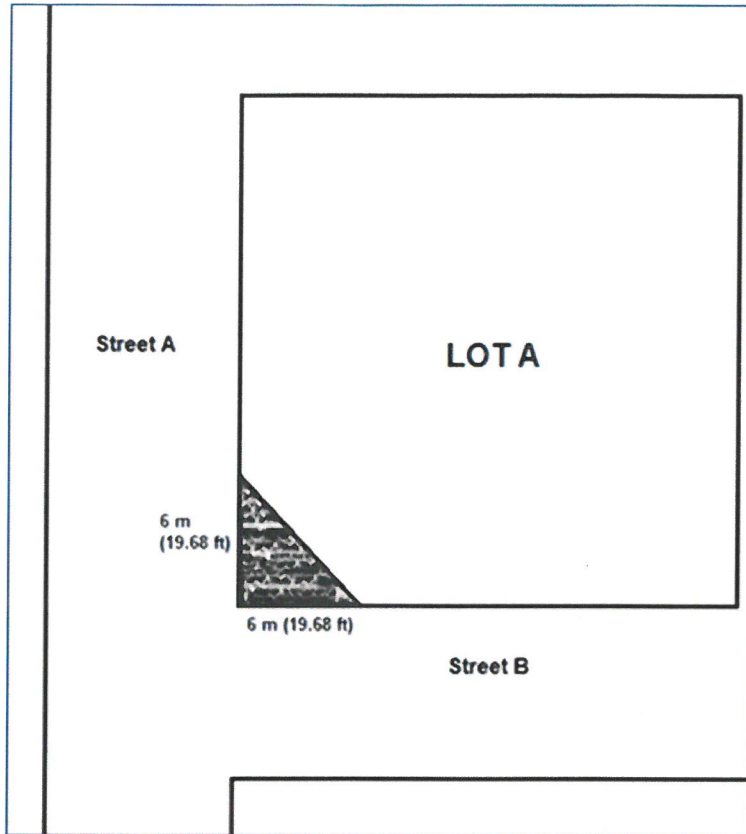


Figure 1.

- c. The height of screening shall be determined by measurement from the ground level at the average grade level.
- d. That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a screen and subject to the regulations of this Subsection.
- e. Notwithstanding Subsection 1.d. above, in cases where a retaining wall has been constructed along a property line, the height of screening shall be determined by the measurement from the surface of the ground which the retaining wall supports at the average grade level.
- f. Screening shall not consist of untreated plywood, corrugated metal or chain link fencing, except for chain link fencing that contains slat inserts to create a visual barrier.
- g. No metal screening shall allow the ends of fence pickets or finials to extend above a horizontal surface, such as a rail, as shown on Figure 2 below:

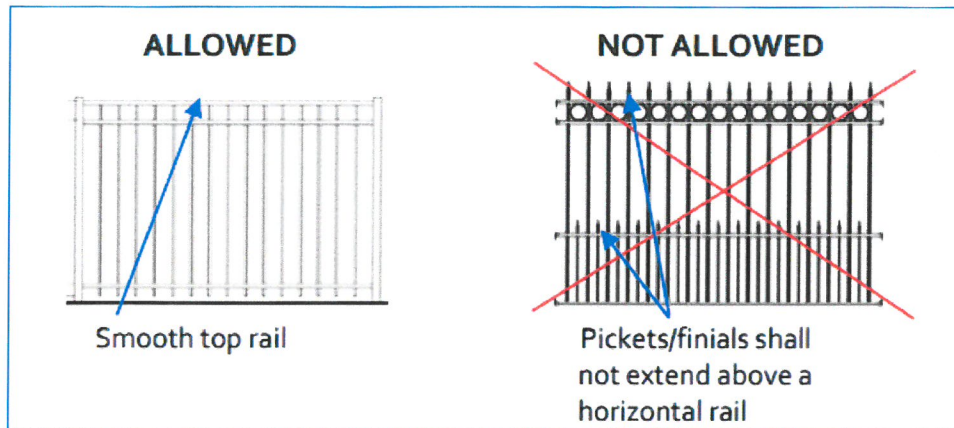


Figure 2.

2. Fences and Retaining Walls

- a. For fencing or walls that are not required screening pursuant to Section 309.1 above, the following height limitations shall apply to fencing and walls:
 - i. In all zones, fences or walls not greater than 1.2 m (3.937 feet) in height may be located anywhere on a lot.
 - ii. In all zones, except Industrial zones, fences or walls not greater than 2 m (6.562 feet) in height may be located on any lot to the rear of a required front yard.
 - iii. In Industrial zones, fences or walls not greater than 2.5 m (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 line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot line shall be not greater than the height permitted on the side line of an adjoining lot at the point of abutment.
 - v. Fences or walls along a lane shall be not less than 0.7 m (2.297 feet) and not more than 1.1 m (3.609 feet) in height for a distance of not less than 6 m (19.68 feet) from all points of ingress and egress to and from such parking or display area.
- b. Subsection 2.a shall not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, or school areas, and in Commercial and Industrial zones; in these cases, no such fence shall exceed a height of 3.5 m (11.48 feet).
- c. The height of fences and walls shall be determined by measurement from the ground level at the average grade level.

- d. Fences and walls of over 1 m (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 m (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 m (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, as shown on Figure 3 below.

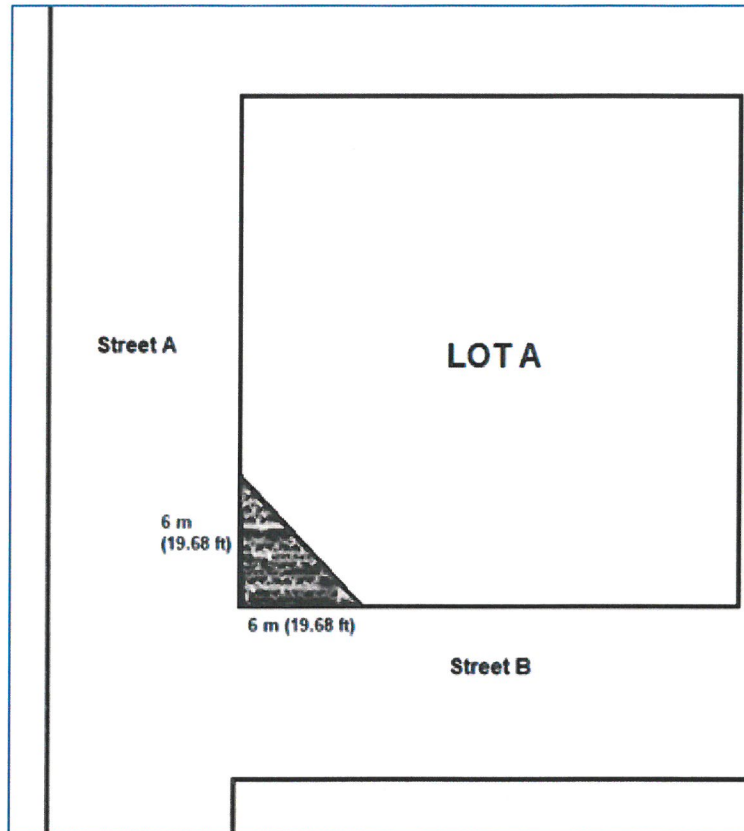


Figure 3.

- e. No metal fencing shall allow the ends of fence pickets or finials to extend above a horizontal surface, such as a rail, as shown on Figure 4 below:

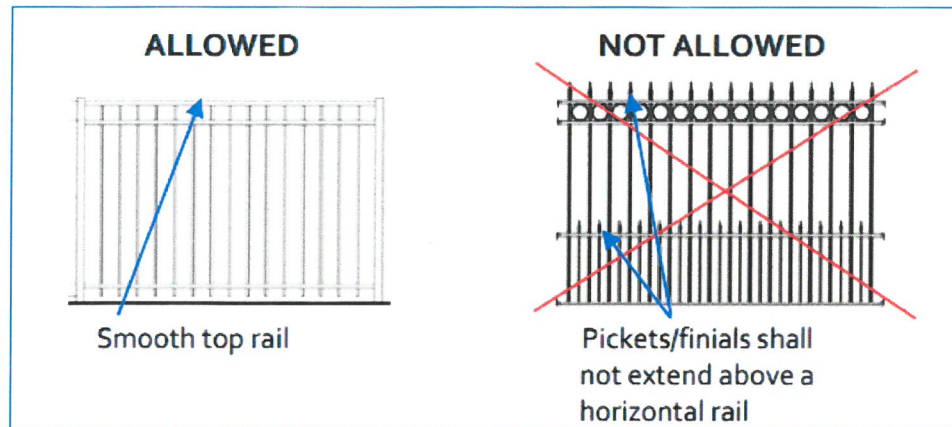


Figure 4.

- f. Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m (3.94 feet) measured from grade on the lower side, and must be constructed so that multiple retaining walls are spaced to provide at least a 1.2 m (3.94 feet) horizontal separation between them.
- g. The combined height of a fence on top of a retaining wall at the property line or within 1 m of a property line shall not exceed 2.0 m (6.56 feet), measured from natural grade at the property line.
- h. A retaining wall may be higher than 1.2 m (3.94 feet), measured from grade, where the natural grade of the subject property is lower than the abutting property.

3. Landscaping

- a. Landscaping shall be provided and well maintained at all times, as follows:
 - 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 m (6.562 feet).
 - ii. Where any commercial or industrial development abuts a Controlled Access Highway, a landscaped buffer area shall be provided with a minimum width of 2 m (6.562 feet).
 - iii. Where any commercial or industrial development abuts any other highway, a landscaped buffer area shall be provided equal to the required front or exterior side yard requirement of the applicable zone.

The remainder of the property that is not used for buildings, display, parking, or access driveways shall be suitably landscaped.

- b. Landscaping shall consist of the following:

- i. A grass to shrubbery ratio from 6:4 to 8:2.
 - ii. A minimum of five percent (5%) of the landscaped area shall be 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 area shall be planted to annuals.
 - iv. Other acceptable landscape materials may be used, subject to a plan approved by the City from a competent landscape contractor or landscape architect.
- 6. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by adding the following definition for ‘Project Sign’ under Section 310.1:

Project Sign means a sign erected on a development, subdivision or construction site that names and describes the project and provides marketing information relating to the project, which may include project name, logo, contact information and/or office hours, and may also list the names of the contractors or consultants involved on the development team;

- 7. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 310.5 as follows:

5. Specific Regulations – Project Signs

- a. Display of a Project Sign cannot begin until a Building Permit has been issued or the subdivision has received a Preliminary Layout Review letter from the Approving Officer.
 - b. The display of a Project Sign shall be limited to a period of three years after the Building Permit or Preliminary Layout Review letter is issued.
 - c. Should the project not continue to actively proceed for a period of one year or more, or a Building Permit or Preliminary Layout Review letter is expired, surrendered, or cancelled, the Project Sign shall be removed immediately.
 - d. There is a maximum of one Project Sign per lot, except in cases where the subject lot is one acre in size or greater, or the subject lot fronts more than one street, in which case the maximum number of Project Signs is two.
 - e. The maximum sign area for Project Signs is 9.0 m² (96.88 square feet) and the maximum height of freestanding Project Signs is 4.5 m (14.76 feet).
- 8. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by replacing Section 312.8 as follows:

8. Cannabis Production is only permitted within the Agricultural Land Reserve when the cannabis is produced in accordance with Section 8 of the *Agricultural Land Reserve Use Regulation*.
9. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Sections 318 and 319 as follows:

318 Backyard Hens

1. The regulations outlined in this Section do not apply to the keeping of poultry when considered an intensive agricultural use, limited agricultural use, or restricted agricultural use that is permitted under this Bylaw.
2. The keeping of backyard hens shall at all times be consistent with City of Enderby Animal Control Bylaw No. 1735, 2022 and all other municipal and provincial enactments.
3. The keeping of no more than five (5) backyard hens is permitted as an ancillary use to a single-family dwelling within the Residential Single Family (R.1), Residential Single-Family (R.1-A) and Residential Two-Family (R.2) zones, and the keeping of roosters is expressly prohibited.
4. The keeping of backyard hens must be contained entirely to the rear of a single-family dwelling and the area to the rear of the single-family dwelling must be fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height.
5. Every owner of backyard hens shall provide a coop for the backyard hens, with an outdoor enclosure attached to the coop, which shall meet the following specifications:
 - i. Coops and outdoor enclosures must be located entirely to the rear of a single-family dwelling and must be setback a minimum of 3 m (9.84 feet) from the rear lot line, interior side lot line, and exterior side lot line.
 - ii. Maximum height of a coop and outdoor enclosure is 2 m (6.56 feet).
 - iii. Maximum combined size of coop and outdoor enclosure is 10 m² (107.6 square feet).

319 Backyard Bees

1. The regulations outlined in this Section do not apply to the keeping of bees when considered an intensive agricultural use, limited agricultural use, or restricted agricultural use that is permitted under this Bylaw.
2. The keeping of backyard bees shall at all times be consistent with City of Enderby Animal Control Bylaw No. 1735, 2022 and all other municipal and provincial enactments.

3. The keeping of backyard bees is permitted as an ancillary use to a single-family dwelling within the Residential Single Family (R.1), Residential Single-Family (R.1-A) and Residential Two-Family (R.2) zones.
4. A maximum of two (2) beehives / colonies and two (2) nucleus colonies are permitted on lots less than 1,000 m² (0.25 acre), and a maximum of four (4) beehives / colonies and four (4) nucleus colonies are permitted on lots equal to or greater than 1,000 m² (0.25 acre).
5. Beehives must meet the following siting requirements:
 - i. Must be located entirely to the rear of a single-family dwelling, with the area to the rear of the single-family dwelling to be fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height.
 - ii. Beehive must be oriented to face away from adjacent properties, lanes, and streets and sited so as to allow a clear flight path of at least 6 m (19.68 feet) straight ahead from the front of the beehive to any property line and 1 m (3.28 feet) from the side and rear of the beehive to any property line.
10. Division Four – Commercial Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by removing ‘apartments’ from Sections 401.1.b and 402.1.b.
11. Division Four – Commercial Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Sections 401.11.d.vi, 402.11.c.vi, 403.11.d.i:

When dwelling units are located on the first storey level of a building, behind a commercial use, the total floor area of the dwelling units shall not exceed 40% of the total floor area of the first storey level of the building.
12. Division Six – Residential Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Section 601.1.g and 601.1.h:
 - g. The keeping of backyard hens, subject to the provisions of Section 318
 - h. The keeping of backyard bees, subject to the provisions of Section 319
13. Division Six – Residential Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Section 602.1.g and 602.1.h:
 - g. The keeping of backyard hens, subject to the provisions of Section 318
 - h. The keeping of backyard bees, subject to the provisions of Section 319
14. Division Six – Residential Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Section 603.1.j and 601.1.k:
 - g. The keeping of backyard hens, subject to the provisions of Section 318

h. The keeping of backyard bees, subject to the provisions of Section 319

15. The zoning designation of the property legally described as LOT A DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN 35976, and located at 130 Cliffview Lane, Enderby BC is hereby changed from the Residential Single Family (R.1-A) zone to the Residential Mobile Home Park (R.5) zone.

READ a FIRST time this day of , 2022.

READ a SECOND time this day of , 2022.

Advertised on the day of , 2022 and the day of , 2022 and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the , day of , 2022.

READ a THIRD time this day of , 2022.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2022.

Development Officer
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1735, 2022

A bylaw to regulate the keeping of animals but excluding dogs

WHEREAS Section 8(3)(k) of the Community Charter authorizes the Council of the City of Enderby to, by bylaw, regulate, prohibit and impose requirements in relation animals.

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

1. CITATION

- a. This Bylaw shall be cited as "City of Enderby Animal Control Bylaw No. 1735, 2022".

2. DEFINITIONS AND INTERPRETATION

In this Bylaw:

Backyard Bees means a domestic honey producing bee (from the genus *Apis* of the family *Apidae*) that are kept on a property, other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in the City of Enderby Zoning Bylaw No. 1550, 2014.

Backyard Hens means domesticated female chickens that are at least four months old that are kept on a property, other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in the City of Enderby Zoning Bylaw No. 1550, 2014.

Beehive means a box or receptacle with movable frames, used for housing a colony of bees.

Beekeeper means a person who owns or controls bees, beehives or beekeeping equipment.

City means the Corporation of the City of Enderby.

Owner means person who owns or has custody, care or control of an animal regulated under this Bylaw.

3. GENERAL

1. All Bylaw Enforcement Officers appointed by the City are hereby authorized to enforce and carry out the provisions of this Bylaw.
2. Every Bylaw Enforcement Officer is hereby authorised to enter, at all reasonable times, upon any property within the municipal boundaries of the City of Enderby subject to this Bylaw and Section 16 of the *Community Charter*, in order to ascertain whether the regulations of this Bylaw are being obeyed.

4. BACKYARD HENS REGULATIONS

1. The keeping of backyard hens shall follow the land use regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014 and all other municipal and provincial enactments.
2. Every owner of backyard hens shall provide a coop for the backyard hens, with an outdoor enclosure attached to the coop, which shall meet the following specifications:
 - i. Coops must be fully enclosed and constructed in a manner that:
 - a. Eliminates potential for infiltration from predatory animals and rodents;
 - b. Provides reasonable sound attenuation;
 - c. Ensures proper ventilation and sufficient space for hens; and
 - d. Is accessible for persons to clean and maintain the coop.
 - ii. Coops must provide one perch and one nest per hen.
 - iii. Coops must be accompanied by an attached outdoor enclosure that is enclosed on all sides and entirely covered from above in a manner that will keep predators and rodents out and prevent hens from escaping.
 - iv. Coops must provide a minimum of 0.5 m² (5.38 square feet) per hen inside the coop, and a minimum 1 m² (10.76 square feet) of outdoor enclosure per hen.
3. Backyard hens must be housed completely within either a coop or an outdoor enclosure at all times, and they must not be able to escape.
4. Coops and outdoor enclosures must be kept to a clean and sanitary condition.
5. All hens must be provided with sufficient food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors such as scratching, dust-bathing, and roosting.
6. Feces must be promptly removed and hygienically stored in a sealed container.
7. Manure must be stored within a sealed container, with no more than 0.08 m³ (3 cubic feet) of manure stored at one time, and all manure not used for composting or fertilizing must be immediately removed from the property.
8. Feed for backyard hens must be stored in sealed containers and not located in an area accessible by pests, wildlife or domestic animals.
9. Eggs produced by backyard hens are for personal use only, with commercial sales being expressly prohibited.
10. The slaughtering or burial of backyard hens is prohibited on all residential zoned properties.
11. The keeping of backyard hens is subject to any applicable City of Enderby policies, fees, and bylaws.

12. The keeping of backyard hens is subject to the owner licensing the backyard hen flock with the City and paying the applicable licensing fee prescribed in the City of Enderby Fees and Charges Bylaw No. 1479, 2010. Issuance of the license for the keeping of backyard hens is subject to the following:
 - i. The registered property owner(s) must provide their written consent in cases where the applicant is renting the property on which the backyard hens are proposed to be located; and
 - ii. A City representative or Bylaw Enforcement Officer must inspect the property upon which the backyard hens are proposed to be located to confirm that all requirements of this Bylaw and the City of Enderby Zoning Bylaw No. 1550, 2014 have been satisfied.

5. BACKYARD BEES REGULATIONS

1. The keeping of backyard bees shall follow the land use regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014 and all other municipal and provincial enactments.
2. Beehives must be securely located to prevent accidental disturbance or trespass by people and pets, and to prevent damage from wildlife.
3. The beekeeper responsible for the backyard bees on a property must ensure that:
 - i. Beehives are maintained in a condition that will reasonably prevent swarming or aggressive behaviour;
 - ii. Backyard bees are requeened if they are subject to undue swarming or aggressive behaviour;
 - iii. Backyard bees are provided with adequate water to prevent them from seeking water from other sources;
 - iv. They comply with the *Bee Regulation* under the *Animal Health Act* and any other applicable standards adopted by the Province of British Columbia; and
 - v. They register their apiary location with the Province of British Columbia.
4. The Beekeeper must be a resident of the property where the backyard bees are kept.
5. Honey produced by backyard bees is for personal use only, with commercial sales being expressly prohibited.
6. The keeping of backyard bees is subject to any applicable City of Enderby policies, fees, and bylaws.
7. The keeping of backyard bees is subject to the owner licensing the backyard bees with the City and paying the applicable licensing fee prescribed in the City of Enderby Fees and Charges Bylaw No. 1479, 2010. Issuance of the license for the keeping of backyard bees is subject to the following:
 - i. The registered property owner(s) must provide their written consent in cases where the applicant is renting the property on which the backyard bees are proposed to be located; and

- ii. A City representative or Bylaw Enforcement Officer must inspect the property upon which the backyard bees are proposed to be located to confirm that all requirements of this Bylaw and the City of Enderby Zoning Bylaw No. 1550, 2014 have been satisfied.

6. OFFENSES

1. Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not to exceed \$10,000, and a jail term of not more than 6 months.
2. Each day the offence continues is considered a separate offence.
3. This Bylaw is enforceable through the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 and the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015.

7. SEVERABILITY

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

8. EFFECTIVE DATE

1. This bylaw shall come into full force and effect as and from the date of adoption.

READ a FIRST time this day of , 2022.

READ a SECOND time this day of , 2022.

READ a THIRD time this day of , 2022.

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER