

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.

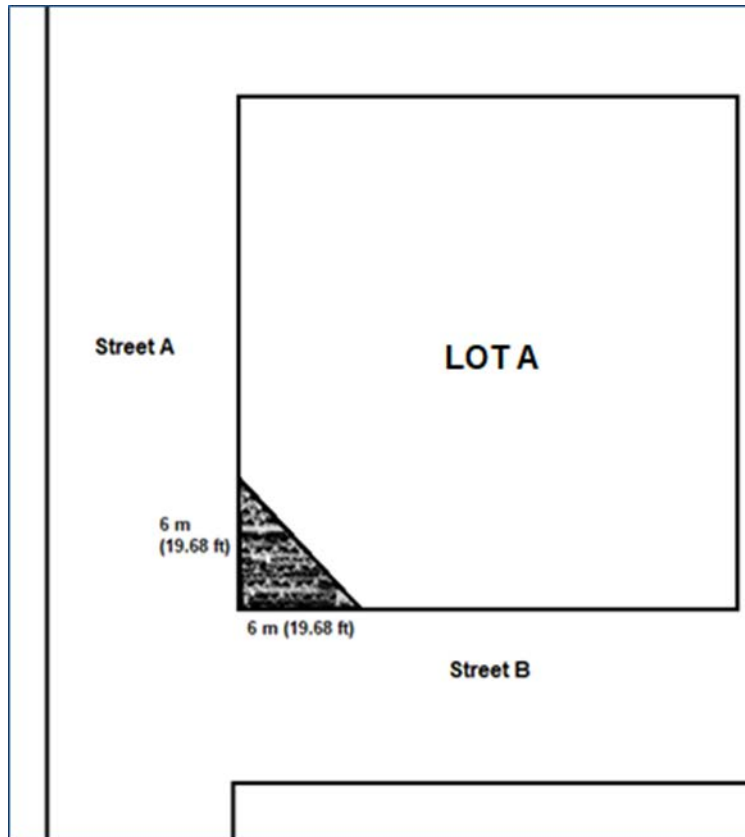


Figure 1.

- 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:

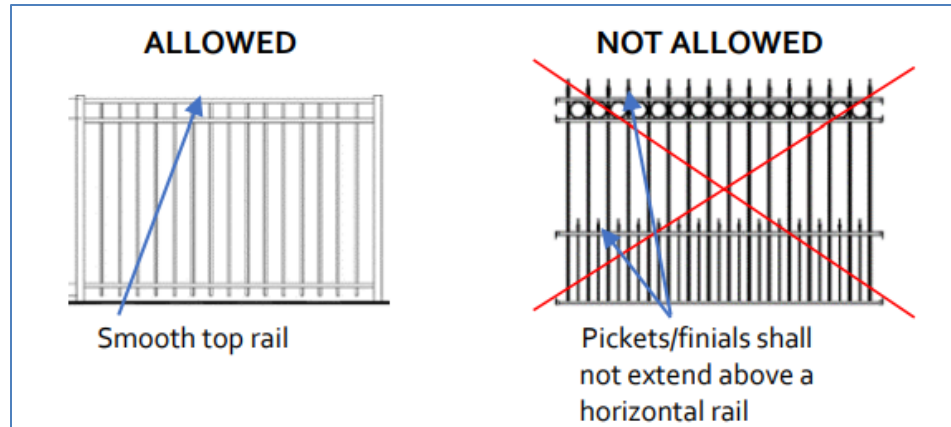


Figure 2.

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.

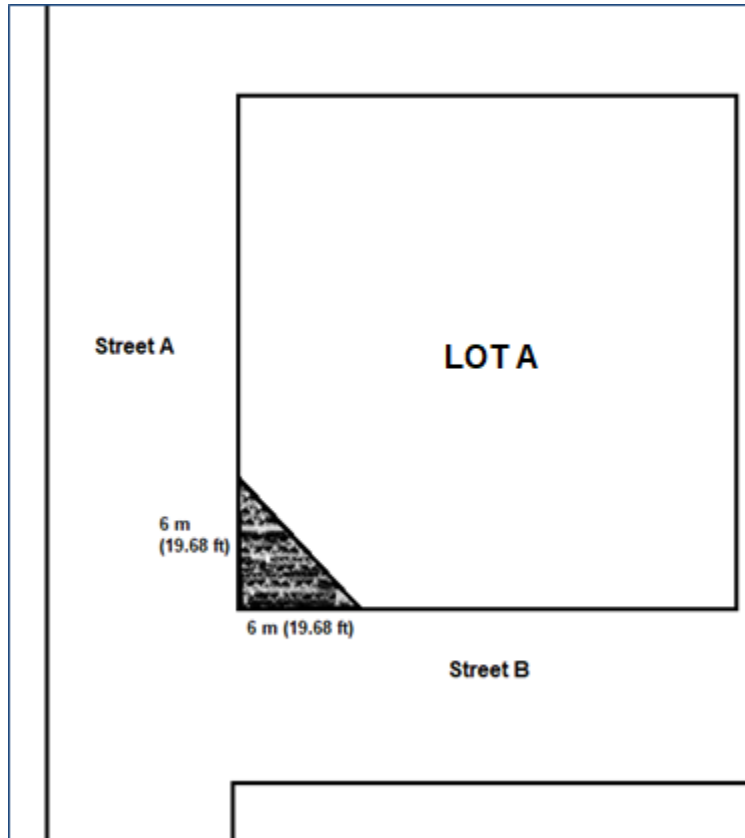


Figure 3.

- 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:

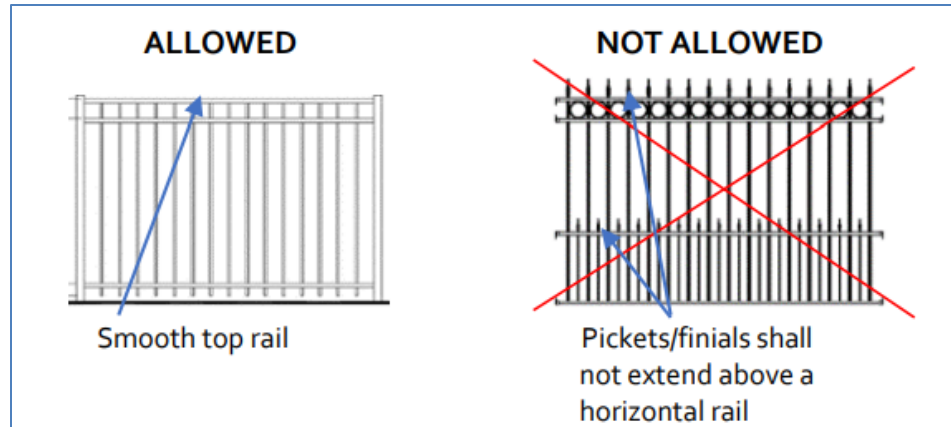


Figure 4.

- 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 17th day of January, 2022.

READ a SECOND time this 17th day of January, 2022.

Advertised on the 10th day of February, 2022 and the 17th day of February, 2022 and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the 22nd, day of February, 2022.

READ a THIRD time this 22nd day of February, 2022.

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

Development Officer
Ministry of Transportation and Infrastructure

ADOPTED this 22nd day of February, 2022.

MAYOR

CORPORATE OFFICER