

# THE CORPORATION OF THE VILLAGE OF LUMBY

## ZONING BY-LAW NO. 395

**WHEREAS**, the Council of the Corporation of the Village of Lumby has determined to make the Regulation hereinafter contained under the provisions of the Municipal Act of the Statutes of British Columbia, having due regard for the following considerations:

1. The purpose and objectives of the Corporation of the Village of Lumby Official Community Plan.
2. The promotion of the health, safety, convenience, and welfare of the public.
3. The prevention of the overcrowding of the land, the preservation of the amenities peculiar to any zone.
4. The securing of adequate light, air, and access.
5. The value of the land and the nature of its present and prospective use and occupancy.
6. The character of each zone, the character of the buildings already erected, and the peculiar suitability of the zone for particular uses.
7. The conservation of property values.

**AND WHEREAS** all persons who might be affected by this By-law have before the passage thereof been afforded an opportunity to be heard on the matters covered therein before the Council of the Corporation of the Village of Lumby in accordance with the provisions of the said Municipal Act.

**NOW THEREFORE**, the Council of the Corporation of the Village of Lumby in open meeting assembled enacts as follows:

### **DIVISION ONE - SHORT TITLE**

This By-law may be cited for all purposes as the "Corporation of the Village of Lumby Zoning By-law No. 395, 1986".

In this By-law, unless the context otherwise requires:

- 201 ACCESSORY** means customarily associated with or incidental to.
- 202 ACCESSORY BUILDING OR STRUCTURE** means,
- a. a building or structure, the use or intended use of which is ancillary to or customarily associated with that of a principal building situated on the same lot; or
  - b. a building or structure which is ancillary to or customarily associated with a principal use being made of the lot upon which such building is located.
- 203 ACCESSORY EMPLOYEE RESIDENTIAL USE** means a use accessory to an agricultural use or to a resource use where a building is used for one dwelling unit for the accommodation of an employee or employees on the same parcel as that on which the use occurs.
- 204 ACCESSORY PRODUCE AND FRUIT SALES USE** means a use accessory to an agricultural use providing for the retail sale of fruit and vegetable products which are produced on the same parcel.
- 205 ADMINISTRATOR** means the Administrator of the Corporation of the Village of Lumby.
- 206 ADVERTISING USE** means a use of land, of a building exterior, or of a structure or thing located other than within a building, providing for the advertising, advancing, or promoting by visible or other means, of a product, service, place, or event.
- 207a AGRICULTURAL USE, INTENSIVE** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; includes the preliminary grading of such products for shipment, and specifically includes feed lots, piggeries, mushroom growing, and the keeping of bees, horses, sheep, goats, dairy cows, fur bearing animals, rabbits, poultry, or other animals or birds of like kind in concentrations of more than six (6) animal units per hectare (2.428 animal units per acre).
- 207b AGRICULTURAL USE, LIMITED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; includes the preliminary grading of such products for shipment, and specifically includes riding stables, dog kennels, nurseries, greenhouses, and the keeping of dogs, pigeons, doves, or other animals or birds of like kind and the keeping of bees, horses, sheep, goats, cattle, dairy cows, fur bearing animals (except mink and fox), rabbits, poultry, or other animals or birds of like kind in concentrations of six (6) animal units or less per hectare (2.428 animal units per acre).
- 207c AGRICULTURAL USE, RESTRICTED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products provided that this does not create a nuisance by reason of sound, sight, or smell, and specifically includes nurseries, greenhouses, and the keeping of pigeons, rabbits, poultry, doves, bees, and other animals or birds of like kind for the personal use of the owner only. The keeping of horses, sheep, goats, cattle, or other animals of like kind is also permitted in concentrations of three (3) animal units or less per hectare (1.214 animal units per acre).

For the purpose of this Section, an animal unit shall be as defined in Schedule "D", Section 1201, which is attached to and forms part of this By-law.

- 208 APARTMENT BUILDING** means any building divided into not less than three (3) dwelling units each of which is occupied, or intended to be occupied as a permanent home or residence of one (1) family as distinct from a hotel or motel.
- 209 ASSEMBLY USE** means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, recreational, or private educational purposes; includes churches, auditoriums, youth centers, social halls, group camps, private schools, kindergartens, play schools, day nurseries, day care schools, and specifically excludes residential use.
- 210 AUCTION MART** means a place where goods are sold by auction on a regular basis.
- 211 BACHELOR DWELLING UNIT** means a dwelling unit within a building where the dwelling unit has one (1) habitable room in addition to kitchen facilities and a bathroom.
- 212 BASEMENT** means a space 2.2 m (7.218 feet) or more in height between two (2) floors, the lower floor of which is buried between 0.3 m (0.984 feet) and 1.5 m (4.921 feet) below the average finished ground level at the perimeter of the building.
- 213 BOARDING, LODGING, OR ROOMING HOUSE** means a dwelling in which two (2) or more sleeping units are rented, with or without meals being provided, to two (2) or more persons, other than members of the family of the leasee, tenant, or owner; includes bed and breakfast facilities, rest homes and fraternity houses; excludes the preparation of meals within the rented units.
- 214 BUFFER AREA** means an area free of all buildings and structures, the purpose of which is to separate different land uses.
- 215 BUILDING** means a structure wholly or partly enclosed by a roof or roofs supported by walls or columns and used for the shelter or accommodation of persons, animals, chattels, or things. When a building is separated by party walls located upon lot lines, then each portion of such building shall be deemed a separate building.
- 216 CELLAR** means a space between two (2) floors, the lower floor of which is 1.5 m (4.921 feet) or more below the average finished ground level at the perimeter of the building; or a space between two (2) floors less than 2.2 m (7.218 feet) high, the lower floor of which is below the average finished ground level at the perimeter of the building.
- 217 CIVIC USE** means a use providing for public functions; includes Federal, Provincial, and Municipal offices and yards, schools, colleges, public hospitals, community centers, libraries, museums, parks, playgrounds, cemeteries, streets, and waterways.
- 218 CLUB OR LODGE** means a building or establishment used by an association or organization for fraternal, social, or recreation purposes which may include limited private sleeping unit accommodation with cooking facilities.

- 219 COMMUNITY SEWER SYSTEM** means a system of sewage disposal which serves two (2) or more lots and which is owned, operated, and maintained by an Improvement District under the Water Act or the Municipal Act, and amendments thereto; a Municipality, a Regional District, a Greater Board, or an Agency of Her Majesty the Queen in Right of Canada or Her Majesty the Queen in Right of the Province of British Columbia.
- 220 COMMUNITY WATER SYSTEM** means a system of waterworks which serves five (5) or more lots and which is owned, operated, and maintained by an Improvement District under the Health Act, Water Act, or the Municipal Act, and amendments thereto; or a Municipality, a Regional District, or Greater Board, or which is regulated under the Water Utilities Act.
- 221 CONTROLLED ACCESS HIGHWAY** means a highway designated as a controlled access highway, under the Highway Act.
- 222 COUNCIL** means the Municipal Council of the Corporation of the Village of Lumby.
- 223 DWELLING** means any building used for human habitation and which is supported on a permanent foundation extending below ground level and includes multiple dwellings, apartments, lodging, and boarding houses, and manufactured homes that meet the CSA A277 standards and which have a completed width of not less than 7.315 m (24 feet), but does not include mobile homes.
- 224 DWELLING, MULTIPLE FAMILY** means any building consisting of three (3) or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one (1) family.
- 225 DWELLING, ROW HOUSING** means a block of at least four (4) and not more than eight (8) side-by-side family dwelling units, with each dwelling unit on a separate lot attached to its neighbour at its side, and in which each family dwelling unit shall be separated from each other by a party wall.
- 226 DWELLING, SINGLE FAMILY** means any building consisting of one (1) dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one (1) family.
- 227 DWELLING, TWO FAMILY** means any building divided into two (2) dwelling units, each of which is occupied or intended to be occupied as a permanent home or residence of one (1) family.
- 228 DWELLING UNIT** means one (1) or more rooms used for the residential accommodation of only one (1) family when such room or rooms contain or provide for the installation of sleeping *facilities, sanitary facilities and only one (1) kitchen.*
- 228** *For the purposes of this Section a kitchen shall mean any room or area in which food is cooked or prepared and which contains facilities and equipment used for the storage, preparation and serving of food. The facilities and equipment mentioned above shall include such things as kitchen cabinets, kitchen sinks, kitchen stoves, dishwashers, other appliances and associated plumbing and wiring services.(B/L 445/91)*

- 229 **FAMILY** means the persons sharing a household, consisting of:
- a. a married couple; or
  - b. one (1) or two (2) parents and children related to the parent(s) by blood, adoption, or foster parenthood; or
  - c. three (3) or fewer unrelated persons.
- 230 **FEED LOT** means an area of land enclosed or covered by a fence, pen, corral, or other enclosure, building, or structure used for the feeding and keeping of bovine animals primarily for raising and fattening as beef and for the storage or processing of their feed or manure.
- For the purpose of this By-law, a feed lot shall not include the pasturing of bovine animals, cow-calf operations, nor the keeping of bovine animals, within the enclosure or building, or on the subject property in concentrations of six (6) animal units per hectare (2.428 animal units per acre) or less.
- For the purpose of this Section, an animal unit shall be as defined in Schedule "D", Section 1201, which is attached to and forms part of this By-law.
- 231 **FLOOR AREA** means the total of the floor areas of every room and passageway contained in a building but not including the floor area of basements, attached garages, sheds, open porches, or breezeways.
- 232 **GREATER BOARD** means a corporate body, incorporated by an Act, with responsibility for the provision of water or sewage and drainage services.
- 233 **GROSS FLOOR AREA** means the sum of all areas of each storey in each building on a lot measured between the exterior walls of such building.
- 234 ***HEIGHT OF BUILDINGS AND STRUCTURES means the greatest vertical distance from the finished grade to the highest point on such building or structure.***
- For the purposes of this Section the finished grade shall mean the lowest of the average levels of finished ground adjoining each exterior wall of a building or structure, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average level of finished ground.***  
(B/L 445/91)
- 235 **HIGHWAY** includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches, and any other public way.
- 236 **HOME OCCUPATION** means an occupation which is undertaken inside a residential building or accessory residential building or is accessory to an agricultural use but does not have connected with it the display of goods, sale of goods that are not produced on the premises, and does not contravene any health regulations, create noise, offensive odour, or generate excessive traffic, and does not employ other than occupants of the dwelling in which a home occupation is carried on.
- 237 **INDUSTRIAL USE** means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or

- salvaging of goods, materials, or things, and the selling of heavy industrial equipment and farm machinery; includes the operation of truck terminals, docks, railways, bulk loading and storage facilities, and incidental office and retail facilities.
- 238 LAND** includes the surface of water.
- 239 LANDSCAPE SCREEN** means a hedge of compact plant material, fence, or wall, when such hedge, fence, or wall is continuous except for access driveways and walkways.
- 240 LANDSCAPING** means the planting of lawns, shrubs, and trees, and the addition of fencing, walks, drives, or other structures and materials as used in landscape architecture.
- 241 LANE** means a road allowance more than 3 m (9.842 feet) but less than 10 m (32.81 feet) in width.
- 242 LOT** means a parcel of land legally described on the records of the Land Title Office in which the title to such land is registered and includes Land Act Surveys as registered in the Ministry of Forests and Lands, Lands Service.
- 243 LOT AREA** means the area of a lot taken in a horizontal plane; excluding land covered by a natural body of water.
- 244 LOT COVERAGE** means the area of a lot covered by buildings and structures on a horizontal plane excluding land covered by a natural body of water.
- 245 LOT LINE** means a legal boundary of a lot.
- 246 LOT LINE, EXTERIOR SIDE** means the lot line or lines not being the front or rear lot line, common to the lot and a street.
- 247 LOT LINE, FRONT** means the lot line or lines common to the lot and a fronting street, or where there is more than one (1) fronting street, the lot line or lines common to the lot and the fronting street towards which the majority of the buildings on adjacent lots are faced.
- 248 LOT LINE, INTERIOR SIDE** means the lot line or lines, not being the front or rear lot line, common to more than one (1) lot or to the lot and a lane.
- 249 LOT LINE, REAR** means the lot line or lines opposite to \_\_\_\_\_ the front lot line, and where the rear portion of the lot is bounded by intersecting side lot lines, shall be deemed to be the point of such intersection. ***The rear lot line or lines of 'pie-shaped' lots or other irregularly shaped or asymmetrical lots shall include all lot lines that form a continuation of the rear lot lines of adjacent lots located within the same plan of subdivision.*** (B/L 444/91)
- 250 LOT LINE, SIDE** means any lot line which is not a front or rear lot line.
- 251 MANUFACTURING** means assembling, repairing, processing, wrecking, and also includes the generating and transforming of electrical energy, but does not include mining.
- 252 MOBILE HOME** means a transportable, factory built, single family dwelling, providing space standards substantially equal to those laid down in the Canadian Code for

Residential Construction designed to be transported on its own wheels and chassis to the mobile home lot and designed to be supported on wheels, jacks, posts or piers, or with permanent foundation.

- 253 MOBILE HOME PARK** means any lot on which are located two (2) or more mobile homes.
- 254 NON-CONFORMING USE** means a lawful use being made of land or a building and includes use of a building which is under construction at the time of the adoption of this By-law upon completion of the construction of such building provided that such use would have been permitted under the provisions of the Zoning By-law of the Village in force immediately prior to the adoption of this By-law.
- 255 OFF-STREET PARKING** means a use providing for parking spaces for the temporary storage of vehicles.
- 256 PARCEL** means any lot, block or block of lots, or other area in which land is held or into which land is subdivided.
- 257 PARKS** means the land which is owned by a Government which is dedicated to public use for recreation purposes.
- 258 PETROLEUM DISTRIBUTION INSTALLATIONS** means any building or land used or intended to be used for the wholesale of petroleum fuel or lubricants to commercial vehicles and industrial equipment, which may include key-lock methods of distribution, and excludes bulk storage facilities.
- 259 PICKERS' CABIN (FRUIT AND PRODUCE) USE** means a use accessory to an agricultural use or a resource use where a building is used for one (1) dwelling or sleeping unit for the accommodation of an employee or employees working on the same parcel.
- 260 PIGGERY** means an area of land enclosed or covered by a fence, pen, corral, or other enclosure, building, or structure used for the feeding and keeping of swine primarily for raising and fattening as pork and for the storage or processing of their feed or manure.
- For the purpose of this By-law, a piggery shall not include the keeping of swine within the enclosure or building or on the subject property in concentrations of six (6) animal units per hectare (2.428 animal units per acre) or less.
- For the purpose of this Section, an animal unit shall be as defined in Schedule "D", Section 1201, which is attached to and forms part of this By-law.
- 261 PRINCIPAL BUILDING** means an existing or proposed building which is the chief or main one among the buildings on a site.
- 262 PRINCIPAL USE** means the primary and chief purpose for which land, buildings, and structures are used.
- 263 PRIVATE HOSPITAL USE** means a use providing for the care of the sick, injured, or aged other than in a public hospital and includes private hospitals, convalescent homes, nursing homes, and personal care homes.

- 264 PUBLIC SERVICE USE** means a use providing for the essential servicing with water, sewer, electrical, telephone, and similar services where such use is established by another governmental body, Crown corporation, Improvement District, or by a company operating under the Water Utilities Act; includes broadcast transmission facilities and refuse disposal areas.
- 265 RESIDENTIAL USE** means a use providing for the accommodation and home life of a person or persons.
- 266 RETAINING WALL** *means a structure constructed for the purpose of retaining, stabilizing or supporting an earthen bank as a result of differences in lot grades.*  
(B/L 682, 2008)
- 267 ROAD FRONTAGE** means that length of a parcel boundary which immediately adjoins a highway other than a lane or walkway.
- 268 SENIOR CITIZEN DWELLING UNIT** means a dwelling unit within a building for an apartment use provided for elderly persons by a corporation wholly owned by the Province or Municipality, or by a corporation constituted exclusively for charitable purposes.
- 269 SERVICE STATION USE** means a use providing for the retail sale of motor fuels or lubricating oils including the servicing or repair of motor vehicles, the sale of automobile accessories, and the rental of trailers and motor vehicles; excludes all other sales and services, auto body shops, fender work, and painting.
- 270 SLEEPING UNIT** means one (1) or more rooms used for the lodging of one (1) family when such unit contains no cooking facilities.
- 271 STOREY** means a habitable space between two (2) floors or between any floor and the upper surface of the floor next above, except that the top most storey shall be that portion of a building included between the upper surface of the top most floor and the ceiling above. A basement which contains a self-contained dwelling unit shall be considered as a storey.
- 272 STREET** means a road allowance 10 m (32.81 feet) or more in width. For the purpose of this By-law, a street shall also be deemed to include an "access route" intended to serve lots created pursuant to the Condominium Act and amendments thereto including the Bare Land Strata Regulations, B. C. Regulation 75/78.
- 273 STRUCTURES** means any construction fixed to, supported by, or sunk into land or water.
- 274 TRAILER** means any vehicle, coach, house-car, conveyance, or conveyance with an addition, designed to travel often on the highways, constructed or equipped to be used as temporary living or sleeping quarters by holiday makers.
- 275 USE** means the purpose for which any lot, parcel, tract of land, building, or structure is used, occupied, or employed.

- 276 USEABLE OPEN SPACE** means a compact, unobstructed area or areas available for safe and convenient use by all the building's occupants, having no dimensions of less than 6 m (19.68 feet) and no slope greater than ten percent (10%), provided for greenery, recreational space, and other leisure activities normally carried on outdoors. Useable open space shall exclude areas used for off-street parking, off-street loading, and service driveways.
- 277 USED FOR** means constructed, reconstructed, altered, moved, extended, or occupied as or for the purpose of.
- 278 VETERINARY HOSPITAL** means animal clinic, but does not include the boarding of animals.
- 279 VILLAGE** means the Corporation of the Village of Lumby.
- 280 WAREHOUSING** means storage, distribution, and wholesaling.
- 281 YARD, FRONT** means the area of a lot bounded by the front lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the front lot line, such perpendicular distance (depth) to be as specified by the provisions of this By-law for the Zone in which the lot is located.
- 282 YARD, REAR** means the area of a lot bounded by the rear lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the rear lot line, such perpendicular distance (depth) to be as specified by the provisions of this By-law for the Zone in which the lot is located.
- 283 YARD, EXTERIOR SIDE** means the area of a lot bounded by the exterior side lot line and a line drawn perpendicularly distant from and parallel to the exterior side lot line extending from the front lot line to the rear lot line for such lot, and such perpendicular distance (depth) shall be as specified under the provisions of this By-law for the Zone in which the lot is located.
- 284 YARD, SIDE** means the area of a lot bounded by the side lot line and a line drawn perpendicularly distant from and parallel to the side lot line extending from the front lot line to the rear lot line for such lot, and such perpendicular distance (width) shall be as specified under the provisions of this By-law for the Zone in which the lot is located.
- 285 ZONE** means a zone established under Division (4) - Land Use Designation of the Municipal Act of British Columbia and this By-law.

**301 Application:**

The provisions of this By-law shall apply to the land within the boundaries of the Corporation of the Village of Lumby and to the uses, buildings, and structures thereon.

**302 Zones:**

1. The area within the boundaries of the Corporation of the Village of Lumby is hereby divided into zones with the following designations and their short form equivalents:

<u>Zone Designations</u>	<u>Short Form</u>
Commercial	
- General Commercial	C.1
- Highway Service Commercial	C.2
Industrial	
- Light Industrial	I.1
- General Industrial	I.2
Residential	
- Residential Single Family	R.1
- Residential Two Family	R.2
- Residential Apartment and Multi-Family	R.3
- Residential Mobile Home Subdivision	R.4
- Residential Mobile Home Park	R.5
- Residential Resource	R.6
Rural	
- <b>Small Holdings (B/L 454/91)</b>	<b>S.H.</b>
- Country Residential	C.R.
Special Use	
- Recreation Park	R.P.
- <b>Comprehensive Development – Senior Citizens Assisted Living Zone (Bylaw 665, 2007)</b>	<b>CD.1</b>

2. The area extent of the said zones is as shown on the attached Schedule "A", being the "Zoning Map of the Corporation of the Village of Lumby", which forms an integral part of this By-law.

3. The boundary lines of said zones shall be the centre lines of road allowances, creeks, rivers, or railways unless referenced to lot lines, Municipal boundaries, or shown otherwise on the attached Schedule "A", being the "Zoning Map of the Corporation of the Village of Lumby".

4. Where a zoning district boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the official zoning maps.

- 302 5. Metric units are used for all measurements in this By-law. The approximate equivalent of those units in currently used units of Canada measure (feet, acres, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this By-law.

**303 Permitted Uses of Land, Buildings, and Structures:**

1. The use of land, including the surface of water, of buildings, and of structures shall be in accordance with the permitted uses specified in this By-law.

**304 Siting, Size, Shape, and Dimensions of Land, Buildings, and Structures:**

1. The construction, reconstruction, alteration, moving, or extension of buildings and structures within any zone shall be in conformity with the regulations for the siting, size, and dimensions of buildings and structures specified in this By-law.
2. Buildings existing at the time of the effective date of this By-law or for which a valid building permit has been obtained which do not conform with the siting requirements of these regulations are not considered non-conforming by virtue of their siting. All external additions shall conform to the regulations of this By-law.
3. Lots existing at the time of the effective date of this By-law which do not conform with the parcel size or frontage requirements of these regulations may be used for any of the permitted uses outlined in the respective zone provided that all other requirements applicable within that zone can be met and provided that no other regulations are contravened.
4. Notwithstanding the provisions of this By-law, buildings, or structures of less than 10 m<sup>2</sup> (107.6 square feet) are exempt from the provisions of Division Four, Sections 402.4.a.ii. and iii. of this By-law.

**305 Off-Street Parking and Loading Spaces:**

1. Off-street parking spaces and off-street loading spaces shall be provided in conformity with Schedule "B" (Off-Street Parking) and Schedule "C" (Off-Street Loading) which are attached to and form part of this By-law.

**306 Agricultural Land Reserve:**

1. Notwithstanding anything in this By-law contained, land within the Village of Lumby designated as "Agricultural Land Reserve", pursuant to the Agricultural Land Commission Act, shall be subject to:
- a. the Agricultural Land Commission Act; and
  - b. regulations made under the Agricultural Land Commission Act; and
  - c. relevant orders of the Provincial Agricultural Land Commission made under the Agricultural Land Commission Act, that is to say, without limiting the generality

of the foregoing where land within an "Agricultural Land Reserve" is also within a land zone established under this By-law, the By-law shall be binding only insofar as it is not contrary to, in conflict with, inconsistent with, or repugnant to the Agricultural Land Commission Act, regulations made thereunder, and orders of the Provincial Agricultural Land Commission ***except that the uses listed under Section 3(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg 171/2002) shall not be permitted to be carried out on lands located within the Agricultural Land Reserve unless otherwise specifically regulated by provisions of this bylaw.***

**(B/L 596/02)**

2. a. Where land outside an "Agricultural Land Reserve" is zoned for an agricultural use, this By-law shall be binding without qualification.
- b. Where land presently within an "Agricultural Land Reserve" is pursuant to the Agricultural Land Commission Act, regulations made thereunder, or orders of the Provincial Agricultural Land Commission;
  - i. excluded from an Agricultural Land Reserve; or
  - ii. iexempted by the Agricultural Land Commission Act; or
  - iii. exempted by regulations made under the Agricultural Land Commission Act or an order of the Provincial Agricultural Land Commission,the provisions of this By-law shall be binding.

**307 Enforcement:**

1. Inspection: The Building Inspectors or any other employee of the Village appointed by the Council to administer or enforce this By-law, are hereby authorized to enter at all reasonable times upon any property to ascertain whether the regulations and provisions of this By-law are being or have been complied with.
2. Violation:
  - a. It is an offence for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of this By-law or otherwise to contravene or fail to comply with this By-law.
  - b. It is an offence for any person to prevent or obstruct, or attempt to prevent or obstruct the authorized entry of the Building Inspectors or other appointed employee, authorized under Section 307.1. of this By-law.
3. Penalties: Any person guilty of any infraction of this By-law (and for the purposes hereof every infraction shall be deemed to be a continuing, new, and separate offence for each day during which the same shall continue) shall, upon conviction of such

infraction or infractions before the Courts having jurisdiction within the Village on the oath or affirmation of such authority, pay a fine not exceeding the sum of one hundred dollars (\$100.00) for each day or part thereof for which any such infraction shall be continued, together with the cost for each such offence. In default of payment it shall be lawful for such Courts to commit the offender to the common gaol or any lock-up house for a period not exceeding two calendar months unless the said fine or penalty cost be paid. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

4. **Remedial Powers:** The Council may, in accordance with the provisions of the Municipal Act, authorize the demolition, the removal, or the bringing up to standard of any building, structure, or thing, in whole or in part, that is in contravention of this By-law.
5. **Severability:** If any section, subsection, sentence, clause, or phrase of this By-law is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

**308 Amendment Procedures:**

In addition to the applicable provisions of the Municipal Act, the following provisions shall apply to applications for an amendment to this By-law or for a Land Use Contract Amendment as the case may be, and to the processing of such application:

1. Where required, pursuant to the provisions of Section 957 of the Municipal Act, the Administrator shall mail or otherwise deliver the notice of Hearing on a rezoning or land use contract amendment to the owners and occupiers of all real property:
  - a. within the area that is subject to the rezoning or land use contract amendment; and
  - b. within a distance of 30.5 m (100.1 feet) from any lot line of the area that is subject to the rezoning or land use contract amendment.

**309 Repeal:**

By-law No. 307 being the "Corporation of the Village of Lumby Zoning By-law No. 307, 1981" and all amending By-laws thereto, are hereby repealed.

**310 Effective Date:**

This By-law shall come into force and take effect upon the final reading and adoption thereof.

**311 Schedules:**

Schedules "A", "B", "C", "D", and "E" are hereby attached to and form part of this By-law.

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**401 Uses of Land, Buildings, and Structures:**

1. Non-Conforming Uses:

- a. The regulations governing non-conforming use are set forth in the Municipal Act.
- b. No use shall be established so as to render any existing use on the same lot non-conforming.
- c. A use that was non-conforming or unlawful under By-law No. 307 as amended, being the "Corporation of the Village of Lumby Zoning By-law No. 307, 1981" shall continue to be non-conforming or unlawful unless it complies in every respect with the provisions of this By-law.

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

- a. A home occupation use shall be permitted in all zones and:
  - i. except where it involves horticulture, shall be completely enclosed within the building used for residential use or accessory residential use; and
  - ii. shall not involve the sale of a commodity on the premises, unless it is produced on the premises; and
  - iii. shall occupy less than twenty percent (20%) of the floor area, not to exceed 45 m<sup>2</sup> (484.4 square feet); and
  - iv. shall in no way indicate from the exterior that the premises are being so used except for one (1) home occupation sign permitted pursuant to Section 405 of this By-law; and
  - v. shall not discharge or emit: (a) odorous, toxic, or noxious matter or vapour; (b) heat, glare, or radiation; (c) recurrently generated ground vibration; (d) noise; and
  - vi. shall have no employees other than members of the immediate family residing on the premises; and
  - vii. shall not generate excessive traffic.
- b. A temporary building or structure shall not be used as a dwelling and shall not be placed or erected on any lot, except where a permit for the placement or erection and use and occupation of such temporary building or structure has been validly issued under the provisions of the Building By-law of the Village and amendments thereto from time to time in force; provided that when such permit lapses or is revoked under the provisions of the said By-law such temporary building or structure shall be removed from the lot forthwith and the site of temporary building or structure shall be restored as nearly as is possible to the condition existing prior

401. 2. b. to the placement or erection of such temporary building or structure. In the event that the site is not so restored within a period of thirty (30) days from the date that such temporary building or structure is removed from the lot, the Council of the Village may cause such work to be done as may be necessary to restore the site as aforesaid and the costs of such work shall be paid by the owner of the lot concerned, to the Village forthwith after the bill for such costs has been rendered to such owner. In the event of default of payment of such costs by the owner as aforesaid, such costs may be collected by the Village in the same manner and with the like remedies as ordinary taxes upon land and improvements collected under the provisions of the Municipal Act, R.S.B.C. 1979, Chapter 290 and amendments thereto.
- c. A boarding use shall be completely enclosed within a building used for residential purposes and shall accommodate not more than four (4) boarders provided one (1) additional boarder may be added for each 45 m<sup>2</sup> (484.4 square feet) of lot area in excess of 1100 m<sup>2</sup> (11,840 square feet).

3. Prohibited Uses of Land, Buildings, and Structures:

The following uses shall be prohibited in all zones:

- a. Living accommodation in cellars and basements:
- i. No person shall inhabit or otherwise occupy any suite, dwelling, or sleeping unit in any cellar anywhere within the Village, except in the case of the family occupying the main floor of the building using such cellar for accommodation of his own family providing it meets the requirements of the Provincial Health Act.
  - ii. No person shall inhabit or otherwise occupy any suite, dwelling, or sleeping unit in any basement, except in those areas of the Village where the leasing, renting, or otherwise letting of a basement suite, dwelling, or sleeping units are permitted by this By-law, except and provided that this shall not prohibit the use of extra living accommodation in any basement by members of the family occupying the dwelling at such time and provided that no ***kitchen, as defined in Section 228 of this By-law, is*** installed or used therein. ***(B/L 445/91)***
- b. A use that is carried on wholly or partly in a tent, trailer, or mobile home, except as may be specifically permitted under the provisions of this By-law or under the provisions of the By-laws and regulations of the Village generally.
- c. The storage of automobiles and trucks (including parts thereof) which are in a state of disrepair, wrecked, or being dismantled for salvage or which are not licensed for the current year, except where specifically permitted under the provisions of this By-law.
- d. The incinerating or processing of fish, animal, or vegetable waste products.
- e. The manufacturing of pulp, paper, or petroleum.

4. Unenclosed Parking and Storage in Residential Zones:

- a. No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material in a Residential zone, except:
  - i. one (1) truck or commercial vehicle not exceeding 6,350 kg G.V.W. (14,000 pounds G.V.W.) rated capacity; and/or
  - ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 m (32.81 feet); and/or
  - iii. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
  - iv. one (1) boat or vessel not exceeding a length of 10 m (32.81 feet); and/or
  - v. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

5. Storage Yards in Commercial and Industrial Zones:

No storage yard or area shall be permitted in a required front yard, nor in any required yard which abuts a lot in a Residential zone, or is separated therefrom by a street or main thoroughfare.

6. Location of Driveways:

No driveway or other roadway used for the purpose of gaining vehicular ingress to or egress from a lot shall be constructed or used in any zone where such driveway or roadway or any part thereof is located closer than 8 m (26.25 feet) of the point of intersection of the exterior side lot line of such lot with the front lot line or rear lot line thereof, when such lot lines intersect at an intersection angle of 135 degrees or less.

**402 Siting, Size, and Dimensions of Buildings and Structures:**

1. Buildings Per Lot:

- a. One (1) or more buildings may be sited on one (1) lot, except as otherwise limited in this By-law.

2. Siting Exceptions:

Where under the provisions of this By-law, a yard free of all buildings and structures is required to be provided, all items of construction or other things (hereinafter called "projections") attached to such building or structure and which project out from the exterior wall of such building or structure, shall be deemed to be part of such building

or structure for the purpose of measurement of the depth or width of the required yard, provided that:

- a. where such projections are chimneys, cornices, leaders, gutters, pilasters, belt courses, bay windows or ornamental features, the depth or width of the required yard into which such projections extend may be reduced by not more than 0.6 m (1.968 feet); and
- b. ***where such projections are steps, eaves, sunlight control projections, canopies, balconies or open porches, the depth or width of the required yard into which such projections extend may be reduced by not more than 1 metre (3.281 feet).*** (B/L 449/91)
- c. an underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend above the average finished ground elevation; and
- d. free-standing light poles, warning devices, antennas, masts, utility poles, wires, flag poles, signs and sign structures, may be sited on any portion of a lot provided that the location and design thereof is not prohibited under any other By-law or regulation of the Village.
- e. ***Retaining walls may be sited in any setback area of a lot provided they are not sited less than 1 m (3.281 feet) from any front, rear or exterior side lot line.***

(B/L 682, 2008)

3. Height Exceptions:

The height of buildings and structures permitted elsewhere in this By-law may be exceeded for industrial cranes, upright silos, grain elevators, towers, tanks, bunkers, retaining walls, radio and television antennas, church spires, belfries, domes, monuments, chimneys and smoke stacks, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, apartment elevator shafts, stair towers, scenery lofts, fire and hose towers.

4. Accessory Residential Buildings and Structures in Residential Zones:

Notwithstanding the setback, building size, or height restrictions cited elsewhere in this By-law, accessory residential buildings and structures in all Residential zones of this By-law shall:

- a. be sited not less than:
  - i. 8 m (26.25 feet) from any front or exterior side lot line; and
  - ii. 1 m (3.281 feet) from any rear or side lot line; and
  - iii. 3 m (9.842 feet) from any other building or structure.

Notwithstanding the provisions of Subsection 4.a. above, a carport or garage opening onto a lane shall be sited not less than 2 m (6.562 feet) from any such lane and a

detached garage may be sited not less than 4.5 m (14.76 feet) from the front or exterior side lot lines on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot; and

- b. ***be not larger than 80.3m<sup>2</sup> (864.37 square feet) having a horizontal dimension of not more than 11 m (36.09 feet) for domestic garages and be not larger than 15m<sup>2</sup> (161.5 square feet) for all other accessory buildings and structures; and (B/L 520/95)***
- c. in the case of carports or garages, constructed so that the roof or ridge line shall not be in excess of 5 m (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 m (16.40 feet).

~~(B/L 572/99)~~ (B/L 620, 2004)

5. Special Building Line Setbacks: (B/L 620, 2004)

Notwithstanding the setback provisions cited elsewhere in this By-law, the following building lines are hereby set on lands abutting certain highways within the Village of Lumby:

- a. All buildings and structures shall be provided with a setback of not less than 12.5 m (41.01 feet) plus the required setback of the respective zone measured from the centre lines of:
  - i. Highway No. 6 (Vernon Street)
  - ii. ***Industrial Avenue***
  - iii. Maple Street
  - iv. Quesnel Road
  - v. Shuswap Avenue

(B/L 514/95)

6. Limited Agricultural Use (In Other than a Rural Zone): (B/L 620, 2004)

Where a limited agricultural use is permitted in other than a Rural Zone pursuant to the provisions cited elsewhere in this By-law, all buildings and structures used for limited agricultural purposes shall:

- a. not exceed two (2) per lot; and
- b. not exceed a height of 10 m (32.81 feet); and
- c. not exceed a site coverage of ten percent (10%); and
- d. not be sited less than:
  - i. 30 m (98.42 feet) from any front or exterior side lot line; and
  - ii. 8 m (26.25 feet) from any side or rear lot line; and

- iii. 30 m (98.42 feet) from any lot line, for all buildings and structures used for housing and feeding animals, notwithstanding the requirements of Subsection d.ii. above; and
- iv. 3 m (9.842 feet) from any other building.

7. Intensive Agricultural Use (In Other than the Country Residential Zone [C.R.]):

**(B/L 620, 2004)**

Where an intensive agricultural use is permitted in any zone other than the Country Residential Zone (C.R.) of this By-law pursuant to the provisions of Section 977 of the Municipal Act, the setback and site coverage provisions of **Section 802** of this By-law shall apply to the intensive agricultural use. **(B/L 454/91)**

**403 Screening and Landscaping:**

1. Screening:

- a. Landscape 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, or a compact evergreen hedge not less than 2 m (6.562 feet) in height, which shall be maintained in good condition at all times, 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. above, 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 when such lines form an interior angle of 135 degrees or less.

- 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. Subject to the vision clearance provisions of Subsection 1.a.iii. and 1.b. above, the following height limitations shall apply to screening:
  - i. In all zones, fences and hedges 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 hedges 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, walls, or hedges, 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.
- g. Subsection 1.f. above shall not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, elementary, or high 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).

403 2. 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 street, a landscaped buffer area shall be provided with a width equal to the required front or exterior side yard setback of the respective 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 of 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 accepted landscape materials may be utilized under the supervision of a competent landscape contractor or landscape architect.

**404 General Lot Area, Frontage, and Design Requirements:**

- 1. Panhandle Lots:
  - a. Where a parcel is a panhandle lot capable of further subdivision into two (2) or more lots, the panhandle shall be adequate with respect to grade, alignment, etc. to provide a future highway.
  - b. Where a parcel is a panhandle lot that cannot be further subdivided, the panhandle shall have a width of not less than 10 m (32.81 feet) and be suitable for entrance roadway standards of 4 m (13.12 feet) width and fifteen percent (15%) maximum grade.
  - c. Where a parcel is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.
- 2. Notwithstanding the frontage requirements cited elsewhere in this By-law:
  - a. The frontage of a parcel fronting a highway shall be not less than one-tenth of the perimeter of the parcel.
  - b. Lot frontages of "pie-shaped" lots or other irregularly shaped or asymmetrical lots located in residential zones may be reduced to not less than 12 m (39.37 feet) in width, provided that the average lot width throughout a depth of 30 m (98.42 feet) measured along a perpendicular line on the center of the property on the frontage street complies with the required minimum lot width.
- 3. The Council may, upon application by the owner, exempt the owner from any frontage requirement of this By-law except that the frontage required for a panhandle lot shall, in no case be less than:
  - a. 10 m (32.81 feet) where the panhandle lot cannot be further subdivided; or
  - b. 20 m (65.62 feet) where the panhandle lot can be further subdivided into two (2) or more lots.

**405**    **Signs:**

1.    Interpretation:

For the purposes of this Section and unless the context otherwise requires:

- a.    **ANIMATED SIGN** means a sign which includes sound, action, or motion.
- b.    **BILLBOARD** means a sign of a permanent or semi-permanent nature intended for the display thereon of advertising messages which can be readily changed or altered.
- c.    **COMMUNITY SIGN** means a sign that is sponsored by the Lumby Chamber of Commerce or the Village of Lumby that is used to either identify a community, provide information about the community or is used for the purpose of identifying and promoting individual businesses within the community. This includes Area Promotional Signs as permitted by the Ministry of Transportation. **(B/L 605/03)**
- d.    **COPY** means the wording on a sign surface.
- e.    **COPY AREA** means the area(s) of the smallest geometric figure(s) which would enclose the copy of a sign.
- f.    **DIRECTIONAL SIGN** means a sign intended solely to give direction (i.e. direction to an "Entrance", "Exit", "Handicapped Access", etc.)
- g.    **FLASHING SIGN** means a sign which is partially or wholly illuminated by an intermittent light source and specifically excludes public service signs displaying time, temperature, etc.
- h.    **FREE STANDING SIGN** means a sign which is supported independent of a building.
- i.    **HEIGHT OF SIGN** means the greatest vertical distance from the average finished ground elevation at the base of the sign to the highest point on the sign.
- j.    **HOME OCCUPATION SIGN** means a sign that advertises a home occupation as defined in Section 236 of this By-law.
- k.    **ILLUMINATED SIGN** means a sign which emanates or reflects artificial light.
- l.    **OFF PREMISE SIGN** means a sign which advertises or directs attention to a product, service, place, activity, person, institution, or business not sited on the same lot.
- m.    **POLITICAL SIGN** means a sign promoting a political candidate, party, or issue.

- n. **PORTABLE/TEMPORARY SIGN** means a sign not permanently attached to the ground, building, or structure and includes banners, pennants, flags, vehicles, search lights, balloons, and other similar devices.
  - o. **PROJECTING SIGN** means a sign attached to the wall of any building or to any ground or roof structure and projecting therefrom with a sign face or faces forming an angle greater than thirty (30) degrees with the plane of the wall or structure.
  - p. **PROJECTION** means the distance that a sign extends out from a wall, or from the ground or roof structure to which it is attached.
  - q. **REAL ESTATE SIGN** means a temporary sign pertaining to the sale, lease, or rental of real estate.
  - r. **ROOF SIGN** means a sign erected upon or above the roof of a building or structure.
  - s. **SANDWICH BOARD SIGN** means a non-illuminated sign consisting of two flat surfaces/faces joined at one end with no more than 0.75 m<sup>2</sup> (8.07 ft<sup>2</sup>) per face and 1.3 m (4.26 ft) in height. **(B/L 609/03)**
  - t. **SEASONAL OR HOLIDAY SIGN** means a sign or decoration installed temporarily for the celebration of a religious, civic, or other holiday and which does not contain any advertising.
  - u. **SIGN** means an identification, description, illustration, contrivance, or device visible from a public place which is intended to direct attention to a product, service, place, activity, person, institution, business, or solicitation.
  - v. **SIGN AREA** means the area of the sign(s) within a perimeter which forms the outside shape including any frame which forms an integral part of the display. **(B/L 539/96)**
  - w. **WALL AREA** means the area of all external, vertical wall surfaces, fascias, and trim bands making up any single face of a building facing a public road.
  - x. **WALL SIGN** means a sign that is painted on or incorporated into a building's awning, canopy, wall, fascia, or trim band surface.
2. a. Permit Application, Fees, and Inspection:

***With the exception of flag poles, signs that are painted on the side of a building, and those signs identified in Section 405.3.a.ii. of this Bylaw, a Building Permit for a sign structure shall be obtained from the Building Inspector for the Village of Lumby.***

***Application for a permit shall be made to the Chief Building Inspector, in approved form, as cited in the Building Bylaw of the Village of Lumby, in force from time to time.*** **(B/L 539/96)**

b. Fees:

the time of application for a sign permit, the applicant shall pay ***the fees required to be paid by the Building Bylaw of the Village of Lumby, in force from time to time.*** (B/L 539/96)

3. General Regulations:

a. Permitted Signs:

*i.* Subject to the provisions of this By-law, signs shall be permitted to be located on a parcel of land only if they advertise a product, service, place, activity, person, institution, or business located on the same parcel.

*ii.* Notwithstanding the provisions of Subsection 3.a.i. above and subject to the regulations contained elsewhere in this By-law, the following signs shall be permitted to be located on any parcel of land:

- construction signs
- ***community signs*** (B/L 605/03)
- directional signs
- government signs
- home occupation signs
- "neighbourhood watch" signs
- political signs
- real estate signs
- seasonal and holiday signs

b. Prohibited Signs:

Notwithstanding the provisions of Subsection 3.a. above, the location of the following signs on any parcel of land is expressly prohibited:

- animated signs
- billboards
- flashing signs
- off premise signs (***except as otherwise specified in Section 405.3.I. Off Premises Signs***) (B/L 606/03)
- portable/temporary signs
- roof signs

c. Design Standards:

- i.* ***All signage shall be professionally prepared***
- ii.* ***All signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colours and details of the buildings, as well as with other signs used on the building or its vicinity;***

- iii. All signs should be mounted so that the method of installation is hidden – including all services to the sign.*
- iv. All signs shall be visible, legible and readable and located with consideration to street appearance, traffic and pedestrian safety, and in accordance to general regulations as set within Section 405.*
- v. Design standards for signs in the downtown commercial area shall recognize and adopt the guidelines stipulated within the Lumby Downtown Design Guidelines.*
- vi. Any signage that is non-conforming and not approved by permit must comply upon adoption of this bylaw within one hundred and twenty (120) days.* (B/L 610/03)

d. Sign Area:

The sign area shall be not greater than:

- i. 0.4 m<sup>2</sup> (4.306 square feet) for home occupation and directional signs; or
- ii. m<sup>2</sup> (10.76 square feet) for directional signs and for real estate and political signs located in a residential zone; or
- iii. 3.0 m<sup>2</sup> (32.29 square feet) for real estate and political signs located in other than a residential zone.

e. Number of Signs:

There shall be no more than one (1) home occupation, real estate, or political sign located on a parcel of land.

f. Illumination:

Home occupation, real estate, and political signs shall not be illuminated.

g. Setbacks:

- i. The setback of free standing signs from all property lines shall be not less than 1 m (3.281 feet).
- ii. Notwithstanding the setback requirements of Subsection 3.f.i. above, no free standing sign shall be permitted to be located within a distance of 6 m (19.68 feet) from:
  - a. a lot corner adjacent to the intersection of two public highways; and
  - b. a lot corner adjacent to a public highway and common to two lots.

405 3. h. Construction Standards:

**(B/L 539/96)**

- i. Wall signs more than 8 cm (3.150 inches) thick shall be attached to the wall at a height of not less than 2.5 m (8.202 feet) above the finished grade of any sidewalk or ground surface immediately thereunder and not less than 4.5 m (14.76 feet) above the finished grade of any driveway, lane, or parking space immediately thereunder.
- ii. Projecting signs shall:
  - a. located only within the center one-third portion of the building facade; and
  - b. not project beyond any wall surface more than 5 cm (1.968 inches) for each 0.3 m (0.984 feet) of building frontage to a maximum projection of 2 m (6.562 feet); and
  - c. be located at a height of not less than 3 m (9.842 feet) above the finished grade of any sidewalk or ground surface immediately thereunder and not less than 4.5 m (14.76 feet) above the finished grade of any driveway, lane, or parking space immediately thereunder; and
  - d. not encroach on any space immediately above a public roadway.

i. Maintenance:

All signs shall be properly maintained and any sign located on a property which becomes vacant and unoccupied for a period of six (6) months, and any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned, and shall be removed by the owner of the land within thirty (30) days of receipt of written notification by the **Clerk**. **(B/L 539/96)**

j. Controlled Sign Permits:

Notwithstanding any other requirements of this By-law, Council by special resolution, may issue a "controlled sign permit" for the following:

- i. Seasonal or holiday signs located on or above public land including highways.
- ii. One (1) portable/temporary sign including sidewalk and curb signs, banners, pennants, and streamers intended to advertise a special event such as the opening of a business, sale, fund raising drive, etc., provided that the sign is removed from the property within thirty (30) days of the issue of the permit.

k. Penalty

***Notwithstanding the provisions of Section 307 of this bylaw, the penalty for contravention of any portion of Section 405 of this bylaw shall be \$500 per offence.*** **(B/L 607/03)**

**I. Off Premise Signs:**

- i. Off premise signs shall only be permitted in Commercial, Industrial and Country Residential zones. Further, the erection of new off premise advertising sign structures shall not commence until a permit has been issued by the Village of Lumby. In reviewing the sign permit application, the Village of Lumby shall consider the following factors:***
  - a. Evidence of written permission from the property owner, to the applicant of the desired off premise sign location.***
  - b. The number, size and location of advertisement in relationship to visual clutter, visibility, legibility and readability. Submissions therefore must include drawings, site plans and professional creative design.***
  - c. The need to encourage street appeal and appearance to ensure traffic and/or pedestrian safety.***
  - d. All off premise signs must conform to all other signage regulations outlined in the zoning bylaw.***
  - e. Off premise signs in the Country Residential Zone shall be restricted to one (1) sign per parcel, and shall not exceed a maximum height of 6 m (19.60 feet) and a maximum size of 5.94 m<sup>2</sup> (64 ft<sup>2</sup>).***
- ii. Permits will be valid for a one-year period.***
- iii. Failure to obtain an approving permit from the Village of Lumby shall result in a fine of \$500 and costs incurred to remove offending signage shall be the responsibility of the owner of the property on which the sign is located.***
- iv. For any off premise sign that is currently non-conforming, an application for a sign permit and/or development variance permit must be made upon adoption of this bylaw within sixty (60) days. (B/L 606/03)***

**m. Sandwich Board Signs**

***Sandwich Board signs shall be permitted subject to the following provisions:***

- located in Commercial or Industrial zones only;***
- shall be limited to (1) one Sign for each business premises;***
- shall be displayed only during the hours of operation of the business premises to which it pertains;***
- shall not be placed in a manner as to be a nuisance or restrict pedestrian movement or vehicle visibility, and shall allow at least 0.45 m (1.47 ft) from the curb and be situated as to allow a minimum 2.0 m (6.56 ft) wide unobstructed pedestrian corridor between the sandwich board sign and adjacent street appurtenance, landscaping feature, building or any other***

***structure;***

- ***shall meet the requirements of Section 405.4;***
- ***shall be constructed so that it has a base that can be weighted to prevent the sign from being blown or knocked over;***
- ***shall consist of lettering that is fixed to the surface of the sign and is kept in clean and good repair; and***
- ***any deviation or variation to the aforementioned zoning bylaw must meet with approval by the Village of Lumby Council. (B/L 609/03)***

4. **Specific Regulations - Assembly and Private Hospital, Commercial and Industrial Zones:** (B/L 539/96)

a. **Sign Area:**

The maximum sign area shall be not greater than:

- i.*** the square root of (the total wall area x 10) - for wall signs and projecting signs;  
or
- ii.*** the square root of (the total wall area x 2) - for free standing signs.
- iii. 1.5 m<sup>2</sup> (16.15 square feet) for free standing signs for assembly and private hospital use. (B/L 539/96)***

Double sided free standing signs need only consider one face in determining the maximum sign area.

b. **Copy Area:**

The maximum copy area shall be not greater than forty-five percent (45%) of the sign area.

c. **Height of Signs:**

The height of free standing signs shall not exceed 6 m (19.68 feet) ***except that the height of free standing signs for assembly and private hospital use shall not exceed 2m (6.562 feet).*** (B/L 539/96)

d. **Illumination:**

Internal and external illumination of signs shall be permitted provided that the light source does not cause undue glare to ***adjacent properties or*** persons travelling on adjacent public highways or in any way obstruct or interfere with the function of a traffic signal light or sign. (B/L 539/96)

e. **Landscaping:**

Free standing signs shall be placed in and co-ordinated with the landscaped areas of the parcel.

f. Number of Signs:

- i.* The maximum number of free standing signs permitted on a parcel of land zoned ***assembly and private hospital***, commercial or industrial shall be one (1) except that one (1) additional free standing sign may be permitted for lot frontages exceeding 100 m (328.1 feet). **(B/L 539/96)**
- ii.* The number of wall signs shall not be restricted.
- iii.* The number of projecting signs shall be limited to one (1) per building.

g. Design:

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**(B/L 610/03)**

5. Liability

- a.* ***Where permitted in this bylaw, a sign to be installed wholly or partly on public property, or which will overhang a sidewalk or other Village property, the owner of the sign will be required to do the following as conditions precedent to the issuance of a sign permit:***
  - i.* ***enter into an encroachment agreement with the Village of Lumby; and***
  - ii.* ***indemnify and save harmless the Village of Lumby and the Regional District of North Okanagan for any claim relating to the construction and maintenance of the sign by way of a save harmless covenant; and***
  - iii.* ***provide a public liability insurance policy in the amount of \$1,000,000 naming the Village of Lumby and the Regional District of North Okanagan as additional named insured for as long as the sign remains on or over public property. In the event that the sign owner allows such insurance to lapse without renewal, the sign permit will be deemed revoked, requiring such sign to be removed immediately.*** **(B/L 608/03)**

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**501 GENERAL COMMERCIAL ZONE (C.1)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the General Commercial Zone (C.1):

- a. Accessory buildings and structures
- b. Accommodation including apartments, hotels, motels, and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Civic use
- d. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, cabarets, fraternal lodges, health spas, museums, neighbourhood pubs, night clubs, social clubs, sport clubs, sports facilities, and theatres
- f. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants (excluding drive-in restaurants)
- g. Office and commerce facilities accommodating appraisers, architects, banks, bookkeepers, brokers, chartered accountants, credit unions, dentists, dental labs, engineers, finance companies, funeral homes, insurance agents, lawyers, management companies; medical offices, labs, and clinics; mortuaries, newspapers, notaries, **pawnbrokers**, publishers, real estate agents, surveyors, travel agents, and veterinarians **(B/L 514/95)**
- h. Public service use
- i. Retail sales (including parts and accessories) of appliances, automobiles, (including service **but excluding body and paint shops**), beverages, bicycles, boats (including service **but excluding body and paint shops**), books, candy, clothing, computers, draperies, drugs, electronic equipment, fabric, flowers, food (including meat and fish), fruit, furniture, garden supplies, **gasoline and motor oil (subject to the provisions of Section 501.11.c. of this By-law)**, glass, gifts, groceries, hardware, hobby equipment, jewellery, liquor, **lumber (subject to the provisions of Section 501.11.c. of this By-law)**, medical supplies, motorcycles (including service **but excluding body and paint shops**), musical supplies, novelties, office equipment and supplies, optical supplies, paint, pets, pet food, photographic supplies, plants, produce, sporting goods (including rental), stationery, tools and small equipment, toys, and watches **(B/L 514/95)**
- j. Service and repair including animal beauty parlours, appliance repair, automobile service stations (excluding body and paint shops and subject to the provisions of Section 501.11.c. of this by-law), automobile rental, barber shops, bottle depots subject to the provisions of Section 501.11.g. of this bylaw, car wash facilities, costume rental, dry cleaners, greenhouses, hairdressers, interior decorators, laundromats, locksmith, shops, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops **(B/L 514/95) (B/L 445/91) (B/L 580/2000) (B/L 583/2000)**
- k. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices \_\_\_\_\_ **(B/L 514/95)**

- I. ***Upholstery shops*** \_\_\_\_\_ **(B/L 441/90) (B/L 514/95)**
2. **Buildings Per Lot:**

**Except for motel use**, there shall be not more than one (1) principal building allowed per lot. **(B/L 514/95)**
3. **Floor Area:**
  - a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 m<sup>2</sup> (645.8 square feet).
  - b. The floor area for apartment use shall be not less than:
    - i. 27 m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or
    - ii. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or
    - iii. 45 m<sup>2</sup> (484.4 square feet) within each two-bedroom dwelling unit; or
    - iv. 55 m<sup>2</sup> (592.0 square feet) within each three-bedroom dwelling unit.
  - c. The floor area for bakeries shall be not greater than 100 m<sup>2</sup> (1,076 square feet).
  - d. The floor area for hotel and motel use shall be not less than:
    - i. 20 m<sup>2</sup> (215.3 square feet) within each sleeping unit; or
    - ii. 30 m<sup>2</sup> (322.9 square feet) within each kitchenette unit; or;
    - iii. 35 m<sup>2</sup> (376.7 square feet) within each one-bedroom unit; or
    - iv. 55 m<sup>2</sup> (592.0 square feet) within each two-bedroom or larger units.
4. **Height of Buildings and Structures:**

The height of buildings and structures shall not exceed the lesser of 12 m (39.37 feet) or three (3) storeys.
5. **Lot Area:**

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than 300 m<sup>2</sup> (3,229 square feet) except that lots for hotel and motel use shall have an area of not less than 2,000 m<sup>2</sup> (21,528 square feet).

6. Lot Coverage:

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

7. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 10 m (32.81 feet) except that lots for hotel and motel use shall have a road frontage of not less than 20 m (65.62 feet).

8. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this By-law.

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

a. Exterior Side Yard:

No exterior side yard shall be required.

b. Front Yard:

No front yard shall be required.

c. Rear Yard:

No rear yard shall be required except that where a lot abuts a lot in a Residential zone, a rear yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) or where a lot is serviced by a lane, a rear yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet).

d. Side Yards:

No side yards shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 2 m (6.562 feet); and

- ii. where the parcel is not served by a lane, there shall be a minimum of 5 m (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

11. Other Requirements:

- f. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this By-law applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the Trade Licence Act of British Columbia or the provisions of such other applicable Statutes, By-laws, and regulations in force from time to time.
- g. Every business or undertaking shall be conducted within a completely enclosed building, except for parking and loading facilities and outdoor garden shops.
- h. Screening and landscaping shall be provided in accordance with the requirements of Section 403 of this By-law.
- i. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- j. *An apartment use:***
  - i. *shall include one (1) or more dwelling units each of which is occupied or intended to be occupied as a permanent home or residence of one (1) family as distinct from a hotel or motel; and***
  - ii. *shall be limited exclusively to storeys above the first storey of a building and shall be located entirely above any commercial use of the same building; and***
  - iii. *shall not exceed a gross density of thirty (30) units per hectare (12.14 units per acre). (B/L 432/90)***

- f. With respect to gasoline sales or service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway. (B/L 514/95)***
- g. Bottle depots shall be contained wholly within a building and outside storage shall not be permitted. Loading and unloading facilities shall be provided from a lane located at the rear or side of the building, to provide access to the bottle depot facility. Off-lane loading spaces shall be provided at the loading/unloading area sufficient to accommodate two vehicles and off-street parking shall not be permitted within this area. (B/L 580, 2000)***

**502 HIGHWAY SERVICE COMMERCIAL ZONE (C.2)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Highway Service Commercial Zone (C.2):

- a. Retail sales, service and repair of new or used tires or tubes subject to the provisions of Section 502.11.b. of this By-law.
- b. Sales, service and repair of small equipment and appliances subject to the provisions of Section 502.11.b. of this By-law.
- c. Manufacture and distribution of hydraulic cylinders subject to the provisions of Section 502.11.b. of this By-law.
- d. Car washes subject to the provisions of Section 502.11.b. of this By-law.

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\_\_\_\_\_ **(B/L 514/95)**

2. Buildings Per Lot:

\_\_\_\_\_ There shall be not more than one (1) principal building allowed per lot. **(B/L 514/95)**

3. Floor Area:

- a. The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for hotel and motel use shall be not less than:
  - i. 20 m<sup>2</sup> (215.3 square feet) within each sleeping unit; or
  - ii. 30 m<sup>2</sup> (322.9 square feet) within each kitchenette unit; or
  - iii. 35 m<sup>2</sup> (376.7 square feet) within each one-bedroom unit; or
  - iv. 55 m<sup>2</sup> (592.0 square feet) within each two-bedroom or larger units.
- c. The total floor area for retail sales of flowers, food (including meat and fish), fruit, groceries, plants, and produce shall be not greater than 150 m<sup>2</sup> (1,615 square feet).

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. the lesser of 10 m (32.81 feet) or two (2) storeys for motel use; or
- b. the lesser of 12 m (39.37 feet) or three (3) storeys for hotel use; or
- c. 10 m (32.81 feet) for all other uses.

5. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than:

- a. 1,100 m<sup>2</sup> (11,840 square feet) for service station use; or
- b. 2,000 m<sup>2</sup> (21,528 square feet) for hotel and motel use; or
- c. 0.4 ha (0.988 acres) for campground use; or
- d. 560 m<sup>2</sup> (6,028 square feet) for all other uses.

6. Lot Coverage:

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

7. Lot Frontage:

Subject to the provisions of Sections 404 of this By-law, each lot shall have a road frontage of not less than 15 m (49.21 feet).

8. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this By-law.

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

a. Exterior Side Yard:

No exterior side yard shall be required.

b. Front Yard:

No front yard shall be required.

c. Rear Yard:

No rear yard shall be required except that where a lot abuts a lot in a Residential zone, a rear yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) or where a lot is serviced by a lane, a rear yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet).

d. Side Yards:

No side yards shall be required, except that:

- i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 2 m (6.562 feet); and
- ii. where the parcel is not served by a lane, there shall be a minimum of 5 m (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

11. Other Requirements:

- f. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this By-law applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the Trade Licence Act of British Columbia or the provisions of such other applicable Statutes, By-laws, and regulations in force from time to time.

- g. Screening and landscaping shall be provided in accordance with the requirements of Section 403 of this By-law.
- h. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.

\_\_\_\_\_ (B/L 514/95)

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**601 LIGHT INDUSTRIAL ZONE (I.1)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Light Industrial Zone (I.1):

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Civic use
- d. Food service including bakeries and coffee shops
- e. Livestock and farm equipment auctions
- f. Public service use
- g. Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), heavy equipment and machinery, irrigation equipment (including service), lumber, mobile homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site
- h. Service and repair including ***auction marts***, automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants ***and depots***, car wash, ***cheese factory***, crematoriums, cold storage plants, frozen food lockers, ***glass shops***, greenhouses, ***hatcheries***, heavy equipment and machinery, laboratories, machine shops, manufacturing and processing provided that they do not create fire, explosion, or safety hazards; noise in excess of average intensity of street and traffic noise in the area in question; emit smoke, dust, dirt, toxic, or offensive odours or gas; and there is no production of heat or glare perceptible from any lot line of the site on which the use is located, mini storage facilities, ***nurseries***, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops  
(B/L 514/95) (B/L 516/04)
- i. Transportation facilities including passenger transportation depots and taxi dispatch offices
- j. ***Manufacture, repair and distribution of hydraulic cylinders.*** (B/L 514/95)

2. Floor Area:

The dwelling unit shall have a minimum floor area of 60 m<sup>2</sup> (645.8 square feet) and shall be an integral part of the principal building.

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed 12 m (39.37 feet).

4. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than 650 m<sup>2</sup> (6,997 square feet).

4. Lot Coverage:

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

5. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 20 m (65.62 feet).

6. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this By-law.

7. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

8. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, a front yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

c. Rear Yard:

No rear yard shall be required, except where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

d. Side Yards:

No side yard shall be required, except that where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 m (19.68 feet).

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

9. Other Requirements:

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this By-law applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the Trade Licence Act of British Columbia or the provisions of such other applicable Statutes, By-laws, and regulations in force from time to time.
- b. All permitted uses shall be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards, parking and loading facilities, and restricted agricultural use.
- c. 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, or explosion hazard, electrical interference, or undue traffic congestion.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- e. Screening and landscaping shall be provided in accordance with the requirements of Section 403 of this By-law.
- f. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway.

**602 GENERAL INDUSTRIAL ZONE (I.2)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the General Industrial Zone (I.2):

- a. Retail sales (including parts and accessories) of heavy equipment and machinery
- b. Service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair, and the manufacturing, processing, and storage of:
  - chemical and allied products including compressed gases, disinfectants, gum and wood chemicals, insecticides, primer and plastics, and rubber
  - food products including feed, flour, fruit, and grain
  - machinery and transportation equipment or other products of like character and kind such as agricultural implements, boats, compressors, electrical machinery, engines, pumps, and turbines
  - metal products including boilers and plates, fabricated and structural metals, and pipe tubing
  - non-metallic mineral products or other products of like character and kind such as abrasive products, asbestos products; cement, plaster, lime, gypsum, and associated products; clay and clay products; concrete products or ready mix concrete; fibreglas products; rock, sand, and gravel; and stone products
  - petroleum and coal products including asphalt, coal and tar products, coke, creosote, paving and roofing materials, and petroleum products
  - synthetic fibres
  - wood products including lumber and building materials, millwork products, plywood and veneer, poles, prefabricated and structural wood products, shingles, and wood preserving
- c. Uses permitted in the Light Industrial Zone (I.1)

2. Floor Area:

The dwelling unit shall have a minimum floor area of 60 m<sup>2</sup> (645.8 square feet) and shall be an integral part of the principal building.

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed 18 m (59.05 feet).

4. Lot Area:

Subject to the provisions of Section 404 of this by-law, each lot shall have an area of not less than 650 m<sup>2</sup> (6,997 square feet).

602 5. Lot Coverage:

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

6. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 20 m (65.62 feet).

7. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this By-law.

8. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

9. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

e. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

f. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, a front yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

g. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet), except where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

602 9. d. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 3 m (9.842 feet), except that:

- i. a side yard not flanked by a street, lane, or Residential or Rural zone may be reduced to nil, provided that the other side yard has a width of not less than 6 m (19.68 feet); and
- ii. where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 m (19.68 feet).

e. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

10. Other Requirements:

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this By-law applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the Trade Licence Act of British Columbia or the provisions of such other applicable Statutes, By-laws, and regulations in force from time to time.
- b. Where practical, all permitted uses shall be housed completely within an enclosed building.
- c. 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, smoke, vibration, noise or glare; nor shall any activity be carried out which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- d. Screening and landscaping shall be provided in accordance with the requirements of Section 403 of this By-law.
- e. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.

602. 10. f. A limited agricultural use shall conform with the provisions of Section 402.7. of this By-law and shall not be permitted on lots smaller than 1 ha (2.471 acres).
- g. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway.

**701 RESIDENTIAL SINGLE FAMILY ZONE (R.1)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Residential Single Family Zone (R.1):

- a. Accessory residential
- b. Public parks
- c. Single family dwellings
  - a. ***Assembly uses licensed pursuant to the Community Care Facility Act of B.C. (B/L 444/91)***

2. Accessory Buildings:

The siting, size, and dimensions of accessory buildings and structures shall be in accordance with Section 402.4. of this By-law.

3. 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.

4. Floor Area:

- a. The floor area for a single family dwelling shall be not less than 85 m<sup>2</sup> (914.9 square feet) on one (1) floor, except that the floor area on one (1) floor may be reduced to 60 m<sup>2</sup> (645.8 square feet) where there are two (2) floor levels exclusive of the basement floor.

5. Height of Buildings and Structures:

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***The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) stories except where the average natural slope of the lot exceeds seven percent (7%), in which case the height of residential dwellings located on the downhill side of a road shall not exceed a height of 7 metres (22.96 feet) above the centerline of the road immediately adjacent to the centre of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 metres above the mid-point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed 7% natural slope.***

***(B/L 626, 2004)***

701 6. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet), except that corner lots shall have an area of not less than 650 m<sup>2</sup> (6,997 square feet).

7. Lot Coverage:

Lot coverage shall be not greater than thirty-five percent (35%) of the lot area for all buildings and structures.

8. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 18 m (59.06 feet), except that corner lots shall have a road frontage of not less than 21 m (68.90 feet).

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

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 8 m (26.25 feet) for single family dwellings.

c. Other Buildings:

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

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) for single family dwellings.

701 10. e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 2 m (6.562 feet) for the least side yard and 5 m (16.40 feet) for the sum of both side yards for single family dwellings.

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

**702 RESIDENTIAL TWO FAMILY ZONE (R.2)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Residential Two Family Zone (R.2):

- a. Accessory residential
- b. Assembly, public service, and civic use
- c. Boarding, lodging, or rooming houses
- d. Convalescent, nursing, and personal care homes subject to the provisions of Section 702.11.a. of this By-law
- e. Single family dwellings
- f. Two family dwellings

2. Accessory Buildings:

The siting, size, and dimensions of accessory buildings and structures shall be in accordance with Section 402.4. of this By-law.

3. Buildings Per Lot:

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling; and
- b. two (2) accessory residential buildings per dwelling unit.

4. Floor Area:

- a. The floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.

5. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. ***The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) stories except where the average natural slope of the lot exceeds seven percent (7%), in which case the height of residential dwellings located on the downhill side of a road shall not exceed a height of 7 metres (22.96 feet) above the centerline of the road***

**702. 5. a. immediately adjacent to the centre of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 metres above the mid-point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed 7% natural slope.**

**(B/L 626, 2004)**

- b. 10 m (32.81 feet) for all other uses.
6. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than:

- a. 450 m<sup>2</sup> (4,844 square feet) for single family dwellings, assembly, public service, and civic use, except that corner lots shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet); or
  - b. 700 m<sup>2</sup> (7,535 square feet) for two family dwellings, except that corner lots shall have an area of not less than 790 m<sup>2</sup> (8,503 square feet); or
  - c. 560 m<sup>2</sup> (6,028 square feet) for convalescent, nursing, and personal care home use; or
  - d. 350 m<sup>2</sup> (3,767 square feet) for each half of an existing two family dwelling subdivided pursuant to Section 702.10.e.ii. of this By-law.
7. Lot Coverage:

Lot coverage shall be not greater than thirty-five percent (35%) of the lot area for all buildings and structures.

8. Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than:

- a. 15 m (49.21 feet) for single family dwellings, assembly, public service, and civic use, except that corner lots shall have a road frontage of not less than 18 m (59.06 feet); or
- b. 23 m (75.46 feet) for two family dwellings, except that corner lots shall have a road frontage of not less than 26 m (85.30 feet); or
- c. 18 m (59.06 feet) for convalescent, nursing, and personal care homes; or
- d. 10.5 m (34.45 feet) for each half of an existing two family dwelling subdivided pursuant to Section 702.10.e.ii. of this By-law.

702 9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

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:

- i. 8 m (26.25 feet) for single family dwellings, two family dwellings, and assembly, public service, and civic use; and
- ii. 10 m (32.81 feet) for convalescent, nursing, and personal care home use.

c. Other Buildings:

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

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) for single family dwellings, two family dwellings, convalescent, nursing, and personal care home use, and assembly, public service, and civic use.

e. Side Yards:

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

- i. 2 m (6.562 feet) for the least side yard and 5 m (16.40 feet) for the sum of both side yards for single family dwellings; and
- ii. 3 m (9.842 feet) for two family dwellings, except that a two family dwelling shall be allowed to straddle a property line provided that the property line coincides with the party wall and provided that all other requirements of this By-law are met; and

702 10. e. iii. 8 m (26.25 feet) for convalescent, nursing, and personal care home use, and for assembly, public service, and civic use.

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

11. Other Requirements:

- a. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Personal Care Licensing Branch of the Province of British Columbia and the Provincial Fire Marshal.

**703 RESIDENTIAL APARTMENT AND MULTI-FAMILY ZONE (R.3)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Residential Apartment and Multi-Family Zone (R.3):

- a. Apartment and multi-family residential
- b. Four family dwellings
- c. Row housing
- d. Three family dwellings
- e. Uses permitted in the R.2 zone
- f. ***Adult retirement housing (one, two, three and four family dwellings)***  
***(B/L 475/92)***

2. Accessory Buildings:

The siting, size, and dimensions of accessory buildings and structures shall be in accordance with Section 402.4. of this By-law.

3. Buildings Per Lot:

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) three family dwelling or one (1) four family dwelling or one (1) row housing unit; and
- b. two (2) accessory residential buildings per dwelling unit (one and two family only); and
- c. one (1) accessory residential building per dwelling unit (three and four family only).

The number of buildings for apartment and multi-family use ***and adult retirement housing use*** shall not be restricted. ***(B/L 475/92)***

4. Floor Area:

- a. The floor area for a single family dwelling, or row housing unit shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two, three, and four family dwelling unit shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.

703. 4. c. The floor area for apartment and multi-family use shall be not less than:
- i. 27 m<sup>2</sup> (290.6 square feet) within each senior citizen dwelling unit; or
  - ii. 27 m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or
  - iii. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or
  - iv. 45 m<sup>2</sup> (484.4 square feet) within each two-bedroom dwelling unit; or
  - v. 55 m<sup>2</sup> (592.0 square feet) within each three-bedroom or larger dwelling unit.

5. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. ***The height of residential dwellings shall not exceed the lesser of 9 metres (29.53 feet) or two (2) stories except where the average natural slope of the lot exceeds seven percent (7%), in which case the height of residential dwellings located on the downhill side of a road shall not exceed a height of 7 metres (22.96 feet) above the centerline of the road immediately adjacent to the centre of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 metres above the mid-point of the rear property line on which the residence is located. In no case shall the height of residential dwellings exceed a height of 11 metres (36.09 feet) on lots that exceed 7% natural slope. (B/L 626, 2004)***
- b. the lesser of 12 m (39.37 feet) or three (3) storeys for apartment and multi-family use; or
- c. 10 m (32.81 feet) for all other uses.

6. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than:

- a. 450 m<sup>2</sup> (4,844 square feet) for single family dwellings, assembly, public service, and civic use, except that corner lots shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet); or
- b. 700 m<sup>2</sup> (7,535 square feet) for two family dwellings, except that corner lots shall have an area of not less than 790 m<sup>2</sup> (8,503 square feet); or
- c. 1,000 m<sup>2</sup> (10,764 square feet) for three family dwellings; or
- d. 1,300 m<sup>2</sup> (13,993 square feet) for four family dwellings; or

- 703 6. e. 1,900 m<sup>2</sup> (20,451 square feet) for apartment and multi-family use; or
- f. 220 m<sup>2</sup> (2,368 square feet) for each unit of a row housing development, except that the end unit shall have an area of not less than 330 m<sup>2</sup> (3,552 square feet); or
- g. 560 m<sup>2</sup> (6,028 square feet) for convalescent, nursing, and personal care home use; or
- h. 350 m<sup>2</sup> (3,767 square feet) for each half of an existing two family dwelling subdivided pursuant to Section 703.10.e.ii. of this By-law.
- i. **400 m<sup>2</sup> (4305 square feet) per adult retirement housing unit where the individual units are to be sited on their own lot.** (B/L 475/92)

7. Lot Coverage:

Lot coverage shall be not greater than forty percent (40%) of the lot area for all buildings and structures **except that the lot coverage shall be not greater than fifty percent (50%) of the lot area for adult retirement housing.** (B/L 475/92)

8. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than:

- a. 15 m (49.21 feet) for single family dwellings, assembly, public service and civic use, except that corner lots shall have a road frontage of not less than 18 m (59.06 feet); or
- b. 23 m (75.46 feet) for two family dwellings, except that corner lots shall have a road frontage of not less than 26 m (85.30 feet); or
- c. 30 m (98.42 feet) for three and four family dwellings; or
- d. 35 m (114.83 feet) for apartment and multi-family dwellings; or
- e. 7.5m (24.61 feet) for each unit of a row housing development, except that the end unit shall have a road frontage of not less than 11 m (36.09 feet); or
- f. 18 m (59.06 feet) for convalescent, nursing, and personal care homes; or
- g. 10.5 m (34.45 feet) for each half of an existing two family dwelling subdivided pursuant to Section 703.10.e.ii. of this By-law.
- h. **12 m (39.37 feet) per adult retirement housing unit where the individual units are to be sited on their own lot.** (B/L 475/92)

703 9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 5 m (16.40 feet) except that an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) for apartment and multi-family use.

b. Front Yard:

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

- i. 8 m (26.25 feet) for single family dwellings and two family dwellings; or
- ii. 10 m (32.81 feet) for apartment and multi-family use; or
- iii. 6 m (19.68 feet) for row housing **and adult retirement housing**; or  
(B/L 475/92)
- iv. 8 m (26.25 feet) for convalescent, nursing, and personal care home use, three and four family dwellings, and for assembly, public service, and civic use.

c. Other Buildings:

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

d. Rear Yard:

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

- i. 8 m (26.25 feet) for single family dwellings, two, three, and four family dwellings, convalescent, nursing, and personal care home use, and for assembly, public service, and civic use; or
- ii. 10 m (32.81 feet) for apartment and multi-family use; or
- iii. 6 m (19.68 feet) for row housing **and adult retirement housing**. (B/L 475/92)

703. 10. e Side Yards:

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

- i. 2 m (6.562 feet) for the least side yard and 5 m (16.40 feet) for the sum of both side yards for single family dwellings and for assembly, public service, and civic use; or
- ii. 3 m (9.842 feet) for two, three, and four family dwellings and apartment and multi-family use for a wall without a window or with a window to a non-habitable room, except that a two family dwelling **and adult retirement housing** shall be allowed to straddle a property line provided that the property line coincides with the party wall and provided that all other requirements of this By-law are met; or **(B/L 475/92)**
- iii. 8 m (26.25 feet) for apartment and multi-family use with a wall with a balcony or with a window to a habitable room; or
- iv. 4 m (13.12 feet) for the outside wall of the end unit of a row housing project; or
- v. 8 m (26.25 feet) for convalescent, nursing, and personal care home use.
- vi. **1.5 m (4.921 feet) for adult retirement housing. (B/L 475/92)**

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

11. Other Requirements:

- a. The maximum permitted gross density for apartments or multi-family use shall not exceed sixty (60) units per hectare (24.28 units per acre) **and the maximum permitted gross density for adult retirement housing shall not exceed 22 units per hectare (8.903 units per acres). (B/L 475/92)**
- b. Useable open space shall be provided on the lot for each dwelling unit contained in an apartment or multi-family building based on the following ratio:
  - i. 45 m<sup>2</sup> (484.4 square feet) for each three-bedroom unit; and
  - ii. 35 m<sup>2</sup> (376.7 square feet) for each two-bedroom unit; and
  - iii. 25 m<sup>2</sup> (269.1 square feet) for each one-bedroom unit or bachelor unit.

- c. A convalescent, nursing, and personal care home use shall not be permitted on lots smaller than 0.4 ha (0.988 acres) and shall be in conformity with the regulations of the Personal Care Licensing Branch of the Province of British Columbia and the Provincial Fire Marshal.
703. 11. d. A row housing development shall be designed in such a manner so as to stagger each pair of dwelling units, with a minimum of 1 m (3.281 feet) offset.
- e. Each dwelling unit contained in a row housing project shall be provided with a rear yard having access to a lane.
  - f. Each row housing structure shall contain a minimum of four (4) and a maximum of eight (8) side-by-side family dwelling units.
  - g. Screening shall be provided in accordance with the requirements of Section 403 of this By-law.
  - h. ***Adult retirement housing shall not be permitted on lots smaller than 0.4 ha (0.988 acres)*** ***(B/L 475/92)***

**704 RESIDENTIAL MOBILE HOME SUBDIVISION ZONE (R.4)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Residential Mobile Home Subdivision Zone (R.4):

- a. Accessory residential
- b. Mobile homes
- c. Single family dwellings
- d. ***Assembly uses licensed pursuant to the Community Care Facility Act of B.C. (B/L 444/91)***

2. Accessory Buildings:

The siting, size, and dimensions of accessory buildings and structures shall be in accordance with Section 402.4. of this By-law.

3. Buildings Per Lot:

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

- a. one (1) mobile home or one (1) single family dwelling; and
- b. two (2) accessory residential buildings.

4. Floor Area:

The floor area for a mobile home shall be not less than 45 m<sup>2</sup> (484.4 square feet) and the floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).

5. Height of Buildings and Structures:

The height of buildings and structures shall not exceed 8 m (26.25 feet).

6. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet), except that corner lots shall have an area of not less than 650 m<sup>2</sup> (6,997 square feet).

7. Lot Coverage:

Lot coverage shall be not greater than thirty-five percent (35%) of the lot area for all buildings and structures.

704 8. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 18 m (59.06 feet), except that corner lots shall have a road frontage of not less than 21 m (68.90 feet).

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

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 8 m (26.25 feet) for mobile homes and single family dwellings.

c. Other Buildings:

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

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) for mobile homes and single family dwellings.

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 2 m (6.562 feet) for mobile homes and single family dwellings.

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

11. Other Requirements:

- a. The use of a mobile home as a dwelling shall be permitted provided that the mobile home is certified by the Canadian Standards Association to conform with the CSA Standard Z240.

**705 RESIDENTIAL MOBILE HOME PARK ZONE (R.5)**

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

Subject to the provisions of By-law No. 309, 1981 being the "Corporation of the Village of Lumby Mobile Home Park By-law No. 309, 1981", the following uses and no others shall be permitted in the Residential Mobile Home Park Zone (R.5):

- a. Accessory buildings and structures
- b. Campgrounds ancillary to the mobile home park
- c. Identification signs
- d. Mobile homes
- e. One (1) dwelling unit for the accommodation of the owner/ operator
- f. Recreation areas
- g. Utility service buildings
- h. ***Assembly uses licensed pursuant to the Community Care Facility Act of B.C. (B/L 444/91)***

**706 RESIDENTIAL RESOURCE ZONE (R.6)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Residential Resource Zone (R.6):

- a. Accessory residential
- b. Assembly, public service, and civic use
- c. Boarding, lodging, or rooming houses
- d. Convalescent, nursing, and personal care homes subject to the provisions of Section 706.11.a. of this By-law
- e. Single family dwellings
- f. Two family dwellings

2. Accessory Buildings:

The siting, size, and dimensions of accessory buildings and structures shall be in accordance with the provisions of this Section.

3. Buildings Per Lot (Density):

There shall be not more than one (1) accessory residential building per dwelling unit and there shall be not more than one (1) dwelling unit per 1,900 m<sup>2</sup> (20,452 square feet) of gross lot area.

4. Floor Area:

- a. The floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.
- c. The floor area for accessory residential buildings shall be not greater than 110 m<sup>2</sup> (1,184 square feet).

5. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. the lesser of 8 m (26.25 feet) or two (2) storeys for residential dwellings; and
- b. 10 m (32.81 feet) for all other uses.

706 6. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than **0.18 ha (0.445 acres)**. (B/L 598, 2003)

7. Lot Coverage:

Lot coverage shall be not greater than thirty-five percent (35%) of the lot area for all buildings and structures.

8. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 45 m (147.6 feet).

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

f. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) where applicable.

g. Front Yard:

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

- i. 8 m (26.25 feet) for accessory buildings, single family dwellings, two family dwellings, and assembly, public service, and civic use; and
- ii. 10 m (32.81 feet) for convalescent, nursing, and personal care home use.

h. Other Buildings:

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

i. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

706 10. e. Side Yards:

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

- i. 2 m (6.562 feet) for single family dwellings; and
- ii. 3 m (9.842 feet) for accessory buildings and two family dwellings; and
- iii. 8 m (26.25 feet) for convalescent, nursing, and personal care home use, and for assembly, public service, and civic use.

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

11. Other Requirements:

- a. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Personal Care Licensing Branch of the Province of British Columbia and the Provincial Fire Marshal.

**801 SMALL HOLDING ZONE (S.H.)**

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

*Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Small Holding Zone (S.H.):*

- a. Accessory residential*
- b. Boarding, lodging, or rooming houses*
- c. Convalescent, nursing, and personal care homes subject to the provisions of Section 801.10.d. of this By-law*
- d. Restricted agricultural use subject to the provisions of Section 801.10.a. of this By-law*
- e. Single family dwellings*

**2. Buildings Per Lot:**

*The number of buildings allowed per lot for each of the following uses shall be not more than:*

- a. one (1) single family dwelling; and*
- b. two (2) accessory residential buildings; and*
- c. two (2) restricted agricultural buildings.*

**3. Floor Area:**

- a. The floor area for a single family dwelling shall be not less than 85 m (914.9 square feet).*
- b. The floor area for an accessory residential building shall be not greater than 65 m (699.7 square feet) with no horizontal dimension exceeding 9 m (29.53 feet).*

**4. Height of Building and Structures:**

*The height of buildings and structures shall not exceed:*

- a. 5 m (16.40 feet) for accessory residential use; or*
- b. 8 m (26.25 feet) for residential use; or*
- c. 10 m (32.81 feet) for restricted agricultural use.*

801 5. **Lot Area:**

*Subject to the provisions of Section 404.1.c. of this By-law, each lot shall have an area of not less than 1 ha (2.471 acres).*

6. **Lot Coverage:**

*Lot coverage shall be not greater than thirty percent (30%) of the lot area.*

7. **Lot Frontage:**

*Subject to the provisions of Sections 404.2. and 3. of this By-law, each lot shall have a road frontage of not less than 45 m (147.6 feet).*

8. **Off-Street Parking:**

*Off-Street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law and the number of parking spaces 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.*

9. **Setbacks:** *[Subject to the special building line setback provisions of Section 402.6. of this By-law]*

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:**

*front yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).*

c. **Other Buildings:**

*Buildings shall not be sited within 3 m (9.842 feet) of any other building, except that buildings for restricted agricultural use involving the keeping of animals shall not be sited within 30 m (98.42 feet) of any residential building not sited on the same lot.*

d. **Rear Yard:**

*A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet), except that rear yards free of buildings and structures used for keeping of animals shall be provided with a depth of not less than 30 m (98.42 feet) where the use abuts a Residential Zone.*

**801 9. e. Side Yards:**

*Side yards free of all buildings and structures shall be provided with a width of not less than 3 m (9.842 feet), except that side yards free of buildings and structures used for keeping animals shall be provided with a width of not less than 30 m (98.42 feet) where the use abuts a Residential zone.*

**f. Water Bodies:**

*Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.*

**10. Other Requirements:**

- a. *Notwithstanding any other provisions of this By-law a restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres) and shall only permit the keeping of three (3) horses per 1 ha (2.471 acres) of land area.***
- b. *A convalescent, nursing and personal care home use shall be in conformity with the regulations of the Personal Care Licensing Branch of the Province of British Columbia and the Provincial Fire Marshal. (B/L 454/91)***

**802 COUNTRY RESIDENTIAL ZONE (C.R.)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Country Residential Zone (C.R.):

- a. Accessory employee residential use subject to the provisions of Section 802.10.b. of this By-law
- b. Accessory produce and fruit sales
- c. Accessory residential
- d. Assembly use
- e. Boarding, lodging, or rooming houses
- f. Civic use
- g. Convalescent, nursing, and personal care homes
- h. Fruit and produce pickers' cabins
- i. Intensive agricultural use subject to the provisions of Section 802.10.a. of this By-law
- j. Limited agricultural use
- k. Mobile homes
- l. Single family dwellings
- m. Two family dwellings

***(B/L 454/91)***

2. Buildings Per Lot:

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) mobile home; and
- b. one (1) accessory employee residential dwelling; and
- c. one (1) accessory produce and fruit sales.

3. Floor Area:

- a. The floor area for a single family dwelling or accessory employee residential dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.
- c. The floor area for a fruit and produce pickers' cabin shall not exceed 25 m<sup>2</sup> (269.1 square feet).

802. 3. d. The floor area for a mobile home shall be not less than 45 m<sup>2</sup> (484.4 square feet).

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. 8 m (26.25 feet) for accessory residential use; or
- b. 10 m (32.81 feet) for residential, assembly, and civic use; or
- c. 20 m (65.62 feet) for agricultural use.

5. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot shall have an area of not less than 2 ha (4.942 acres).

6. Lot Coverage:

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures and not greater than ten percent (10%) for feed lot and piggery use.

7. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Section 404 of this By-law.

8. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

9. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

a. Exterior Side Yard:

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

- i. 30 m (98.42 feet) for limited agricultural use; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or

- 802 9. a. iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.

b. Front Yard:

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

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

c. Other Buildings:

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

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

d. Rear Yard:

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

- i. 30 m (98.42 feet) for limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or

802. 9. d. ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
  - iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
  - v. 8 m (26.25 feet) for all other uses.

e. Side Yards:

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

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

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

10. Other Requirements:

- a. An intensive agricultural use shall not be permitted on lots smaller than 0.8094 ha (2.000 acres) and shall only be permitted on lands that are located within the Agricultural Land Reserve.
- b. An accessory employee residential use shall not be permitted on a lot of less than 4 ha (9.884 acres).
- c. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Personal Care Licensing Branch of the Province of British Columbia and the Provincial Fire Marshal.

802. 10. d. The use of a mobile home as a dwelling shall be permitted provided that the mobile home is certified by the Canadian Standards Association to conform with the CSA Standard Z240.
- e. An accessory produce and fruit sales use shall not allow the sales of any product, produce, or fruit other than those vegetables or fruits grown on the same parcel.
- f. Fruit and produce pickers' cabin use:
- i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 ha (9.884 acres), unless such use existed prior to the adoption of this By-law.
- ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.
- g. Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing at the effective date of this By-law, the provisions of Section 701.10. of this By-law shall apply.

**901 RECREATION PARK ZONE (R.P.)**

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

Subject to the provisions of Divisions Three and Four of this By-law, the following uses and no others shall be permitted in the Recreation Park Zone (R.P.):

- a. Accessory buildings and structures
- b. Accommodation including campgrounds (including rental cabins), and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Assembly use
- d. Civic use
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, ski hills, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos
- f. Public service use
- g. Retail sales of sporting goods (including rental)

2. Floor Area:

- a. The floor area for a dwelling unit for a caretaker or watchman shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The total floor area for retail sales of sporting goods (including rental) shall be not greater than 150 m<sup>2</sup> (1,615 square feet).

3. Lot Area:

Subject to the provisions of Section 404 of this By-law, each lot, excluding lots for park and playground use, shall have an area of not less than 0.5 ha (1.235 acres), except that lots for campgrounds shall have an area of not less than 0.4 ha (0.9884 acres).

4. Lot Coverage:

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures.

5. Lot Frontage:

Subject to the provisions of Section 404 of this By-law, each lot shall have a road frontage of not less than 40 m (131.3 feet).

901 6. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this By-law.

7. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law 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 on such lot or lots from time to time.

8. Setbacks: [Subject to the special building line setback provisions of Section 402.6. of this By-law]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

c. Other Buildings:

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

d. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

e. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 2 m (6.562 feet).

f. Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5. of this By-law.

9. Other Requirements:

a. Campgrounds shall conform with the requirements of Schedule "E" of this By-law.

- 901 9. b. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
- i. The off-street parking requirements of Schedule "B" to this By-law applicable to the business or undertaking proposed to be carried on, are met.
  - ii. The proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of the Trade Licence Act of British Columbia or the provisions of such other applicable Statutes, By-laws, and regulations in force from time to time.

**902 COMPREHENSIVE DEVELOPMENT - SENIOR CITIZENS ASSISTED LIVING ZONE (CD.1)**

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

*Subject to the provisions of Divisions Three and Four of this Bylaw, the following uses and no others shall be permitted in the Comprehensive Development - Senior Citizens Assisted Living Zone (CD.1):*

- a. Apartment and multi-family residential*
- b. Common facilities including dining room, kitchen, lounge, games room and other amenities for residents*
- c. Convalescent, nursing, and personal care use shall in accordance with the regulations of the Community Care and Assisted Living Act*

**2. Floor Area:**

*a. The floor area for apartment and multi-family use shall be not less than:*

- i. 27 m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or*
- ii. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or*
- iii. 55 m<sup>2</sup> (592.0 square feet) within each two-bedroom dwelling unit.*

**3. Height of Buildings and Structures:**

*The height of buildings and structures shall not exceed the lesser of 12 m (39.37 feet) or 3 stories for apartment and multi-family use; or*

**4. Lot Area:**

*Subject to the provisions of Section 404 of this bylaw, each lot shall have an area of not less than ~~0.776 ha (1.92 acres)~~ 0.21 ha (0.52 acres).*

*(B/L 707,2010)*

**5. Lot Coverage:**

*Lot coverage shall not be greater than forty percent (40%) of the lot area for all buildings and structures.*

**6. Lot Frontage:**

*Subject to the provisions of Section 404 of this Bylaw, each lot shall have a road frontage of not less than 35 m (114.83 feet).*

902. 7. **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.*

8. **Setbacks:** *[Subject to the special building line setback provisions of Section 402.6 of this bylaw]*

a. **Exterior Side Yard:**

*An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than 8 m (26.25 feet).*

b. **Front Yard:**

*A front yard free of buildings and structures shall be provided with a depth of not less than 10 m (32.8 feet).*

c. **Other Buildings:**

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

d. **Rear Yard:**

*A rear yard free of buildings and structures shall be provided with a depth of not less than 10 m (32.8 feet).*

e. **Side Yards:**

*Side yards free of buildings and structures shall be provided with a width of not less than 8 m (26.25 feet).*

f. **Water Bodies:**

*Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 402.5 of this bylaw.*

9. **Other Requirements:**

- a. *The maximum permitted gross density for senior citizen assisted living housing shall not exceed ninety-six (96) units per hectare (thirty-nine (39) units per acre).*

9. **b. Useable open space shall be provided on the lot for each dwelling unit contained in a senior citizen assisted living building based on the following ratio:**
  - i. **35 m<sup>2</sup> (376.7 square feet) for each two bedroom unit; and**
  - ii. **25 m<sup>2</sup> (269. square feet) for each one bedroom unit.**
- c. **Screening shall be provided in accordance with the requirements of Section 403 of this Bylaw.**
- d. ~~**Building design and site development including landscaping and parking shall be in accordance with the site plan which is attached to this bylaw.**~~

**(Bylaw 665, 2007)**  
**(B/L 707,2010)**

This By-law shall apply to the Corporation of the Village of Lumby as defined in the Letters Patent and amendments thereto. The area to be zoned is indicated on the attached Schedule "A".

READ A FIRST TIME this 27th day of April, 1987.

READ A SECOND TIME this 27th day of April, 1987.

READ A THIRD TIME this 19th day of May, 1987.

Advertised on the 6th day of May, 1987 and the 13th day of May, 1987, and a Public Hearing held pursuant to the provisions of Section 956 of the Municipal Act on the 19th day of May, 1987.

Received the approval of the Ministry of Transportation and Highways this 23rd day of June, 1987.

"W.P. Puhallo"  
\_\_\_\_\_  
Approving Officer, Ministry of  
Transportation and Highways

RECONSIDERED AND ADOPTED this 25th day of June, 1987.

"L.W. Anderson"  
\_\_\_\_\_  
CLERK/ADMINISTRATOR

"David L. Simpson"  
\_\_\_\_\_  
MAYOR

I hereby certify the foregoing to be a true and correct copy of By-law No. 395 being the "Corporation of the Village of Lumby Zoning By-law No. 395, 1986" as read a third time by the Village Council on the 11th day of May, 1987.

"L.W. Anderson"  
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CLERK/ADMINISTRATOR

I hereby certify the foregoing to be a true and correct copy of By-law No. 395 being the "Corporation of the Village of Lumby Zoning By-law No. 395, 1986" as reconsidered and adopted by the Village Council on the 25th day of June, 19 87.

"L.W. Anderson"

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CLERK/ADMINISTRATOR

A true copy of By-law No. 395 registered in the office of the Inspector of Municipalities this 6th day of July, 19 87.

"H.G. Topham"

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INSPECTOR OF MUNICIPALITIES