



***CITY OF VERNON***

# **ZONING BYLAW #5000**

***Consolidated for Convenience***

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**THE CORPORATION OF THE CITY OF VERNON**

**BYLAW NUMBER 5000**

A BYLAW TO REGULATE THE “USE OF LANDS AND PREMISES” WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF VERNON IN ACCORDANCE WITH THE PROVISION OF THE *LOCAL GOVERNMENT ACT*.

WHEREAS Division 3 of Part 26 of the *Local Government Act* and all amendments thereto provides regulations whereby the Council of a municipality may by bylaw:

- (a) Divide the whole or a portion of the area of the municipality into zones and define each zone either by map, plan or description, or any combination thereof;
- (b) Regulate the use of land, buildings and structures, including the surface of water, within such zones, and the regulations may be different for different zones and for different uses within a zone; and for the purposes of this clause, the power to regulate includes the power to prohibit any particular use or uses in any specified zone or zones;
- (c) Regulate the size, shape and siting of buildings and structures within such zones, and the regulations may be different for different zones and with respect to different uses within a zone;
- (d) Without limiting the generality of clause (b), require the owners or occupiers of any building in any zone to provide off-street parking and loading space for such buildings, and may classify buildings and differentiate and discriminate between classes with respect to the amount of space to be provided, and may exempt any class of building or any building existing at the time of adoption of the bylaw from any of the requirements of this clause.

AND WHEREAS while making regulations under the requirements of the *Local Government Act*, the Council shall have due regard to the following considerations:

- (a) The promotion of health, safety, convenience and welfare of the public;
- (b) The prevention of the overcrowding of land, and the preservation of the amenities peculiar to any zone;
- (c) The securing of adequate light, air and access;
- (d) The value of the land and the nature of its present and prospective use and occupancy;
- (e) The character of each zone, the character of the buildings already erected, and the peculiar suitability of the zone for particular uses;
- (f) The conservation of property values;

AND WHEREAS the Council must obtain approval from the Minister of Highways in the Province of British Columbia for purposes of fulfilling the requirements of the "*Highway Act*";

AND WHEREAS the Council has determined to make regulations hereinafter contained, and in accordance with the provisions of Division 7 of Part 26 of the "*Local Government Act*";

AND WHEREAS all persons who deem their interest in property affected by this bylaw have, before the passage hereof, been afforded an opportunity to be heard on the matters contained herein before the said Council, all in accordance with the requirements of the "*Local Government Act*";

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



## 1.0 General Administration

### 1.1 Title

This Bylaw shall be referred to as the "*City of Vernon Zoning Bylaw No. 5000 (2003)*".

### 1.2 Purpose

This Bylaw is to provide a clear and efficient system of land use regulation for the orderly, economic, beneficial, equitable and environmentally sensitive **use, development**, and redevelopment of the City of Vernon having regard for the provisions of the *City of Vernon's Official Community Plan*.

### 1.3 Zoning Map

1.3.1 The City of Vernon is hereby divided into the following **zones**:

- A1 : Agriculture within the ALR
- A2 : Rural - Large Holdings
- A3, A3c : Rural - Small Holdings (Bylaw 5467)
- RR : Rural Residential
- R1, R1c, R1h : Estate Lot Residential (Bylaw 5467)
- R2, R2c, R2h : Large Lot Residential (Bylaw 5467)
- R3, R3c, R3h : Medium Lot Residential (Bylaw 5467)
- R4, R4c, R4h : Small Lot Residential (Bylaw 5467)
- R5, R5c, R5h : Four-plex Residential (Bylaw 5467)
- R5A, R5Ac : Semi Detached Residential (Bylaw 5467)
- R6, R6c, R6h : Lakeshore Residential (Bylaw 5467)
- R7, R7c : Mobile Home Residential (Bylaw 5467)
- RTR, RTRc : Resort Residential (Bylaw 5467)
- RM1 : Row Housing Residential
- RM2 : Multiple Housing Residential
- RH1 : Low-Rise Apartment Residential
- RH2 : Stacked Row Housing Residential
- RH3 : High-Rise Apartment Residential
- HR1 : Hillside Residential Single and Two Family
- HR2 : Hillside Residential Multi Family
- HR3 : Hillside Residential Apartment

- RST1 : Residential Single and Two Family
- RST2 : Residential Single and Two Family (Bylaw 5473)
- C1 : Neighbourhood Commercial
- C2 : Transitional Commercial
- C3 : Mixed-Use Commercial
- C4 : Street-Oriented Commercial
- C5 : Community Commercial
- C6 : Village Commercial
- C7 : Heritage Business District
- C8 : Central Business District
- C9 : Regional Commercial
- C10 : Tourist Commercial
- C10A : Tourist Commercial and Residential (Bylaw 5440)
- C11 : Service Commercial
- C12 : Convention Hotel Commercial
- RTC : Resort Commercial
- RTCA : Resort Commercial and Residential (Bylaw 5440)
- I1 : Light Industrial
- I2 : Airport Industrial
- I3 : Heavy Industrial
- I4 : Business Park
- I5 : Extraction Industrial
- P1 : Parks and Open Space
- P2 : Public Institutional
- P3 : Private Institutional
- P4 : Utilities
- P5 : Private Park
- W1 : Recreational Water Use
- CD1 : Comprehensive Development Area
- CD2 : Comprehensive Development Area 2
- CD3 : Comprehensive Development Area 3
- CD4 : Comprehensive Development Area 4
- CD5 : Comprehensive Development Area 5 (Bylaw 5440)
- CD6 : Comprehensive Development Area 6 (Bylaw 5704)

1.3.2 The **zone** boundaries are shown on the Zoning Map, which is attached as Schedule A.1 to this Bylaw.

1.3.3 In this Bylaw, reference to **zones** as listed by letters and numbers shall be deemed to mean and be the same as the **zone** listed by its full title and the words and numbers shall be deemed to be interchangeable where the context of the Bylaw otherwise requires.

1.3.4 The Zoning Map does not apply to those lands within the boundaries of Indian Reserve 6.

#### 1.4 Uses and Regulations

1.4.1 Except for legal non-conforming **uses** or **development** approved by a Development Variance **Permit** or a **Board of Variance** ruling, or another agreement or permit as authorized by the *Local Government Act*, the **use** and **development** in each **zone** or area shall be in accordance with the **uses** listed in the **zone** and all the appropriate regulations and requirements of this Bylaw.

1.4.2 No land, **building**, or **structure**, within the City of Vernon shall be **developed**, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformity with the provisions of this Bylaw.

1.4.3 This Bylaw does not apply to the following **developments**:

- alterations, maintenance and repair to any **building** or **structure**, provided that such work does not involve structural **alterations**, nor significant façade **alterations**; and does not change the **use** or intensity of **use** of the **building** or **structure**;
- the **use** of a **building** or part thereof as a temporary polling station, election official's headquarters, candidate's campaign **office**, and any other official temporary **use** in connection with a federal, provincial, or municipal election, referendum or census;
- a temporary **structure** which is incidental to the erection, maintenance, alteration, or sales of a **building**, **structure** or utility for which a **building** or **development** permit has been issued provided that they are removed within 30 days of project completion or one year following the issuance of a **building permit**;
- **landscaping**, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts, except where required by Section 6;

- the **use** of non-residential or non-agricultural **zones** for activities such as **carnivals**, religious gatherings, and music festivals for less than 7 days provided a valid license has been issued under the *City of Vernon Business License Bylaw No. 3272* or a Special Event Permit issued by Council;
- the **use** of a **building**, or part thereof, as a constituency **office** for a Federal Member of Parliament or a Provincial Member of the Legislative Assembly when located in a **commercial, industrial or institutional zone**. Any signage for the constituency office will be required to meet the requirements of the *Sign Bylaw No. 4489* for the existing zoning of the property.
- railways, except private sidings, pipelines, and irrigation ditches, conduits, flumes, and pump houses;
- **utility services** underground or within statutory rights-of-way and utility poles and anchors; and,
- **construction**, maintenance and repair of private **walkways**, pathways and driveways.

## 1.5 Compliance with other Legislation

- 1.5.1 In addition to this Bylaw, a person is responsible for ascertaining and complying with the requirements of all other applicable municipal bylaws, or Provincial or Federal statutes and regulations.
- 1.5.2 The requirements of the Development Permit Areas included within the *Official Community Plan* apply in addition to the regulations in this Bylaw.
- 1.5.3 The provisions of this bylaw are subject to the provisions of the *City of Vernon Regional Airport Zoning Regulation Bylaw No. 4578 (2000)*, as amended from time to time.

## 1.6 Repeal

- 1.6.1 The *City of Vernon Zoning Bylaw No. 2458 (1976)*, as amended, is hereby repealed.

## 1.7 Non-conforming Uses

- 1.7.1 With reference to Section 911(1) of the *Local Government Act*, any land, building or structure that is legally used in terms of the repealed *City of Vernon Zoning Bylaw No. 2458 (1976)* before the adoption of the *City of Vernon Zoning Bylaw No. 5000 (2004)* and does not conform to this bylaw,

shall continue as a legal **non-conforming use**. If the non-conforming use is discontinued for a period of more than 6 months, any subsequent use of the land, building or structure becomes subject to the *City of Vernon Zoning Bylaw No. 5000 (2004)*.

## 1.8 Undersized Lots

1.8.1 Where a **lot** is reduced in size as a result of a taking for public **use** by the **City**, *Provincial or Federal Government*, an *Improvement or Irrigation District*, the *Board of School Trustees*, or a Public Utility by dedication, expropriation, or purchase, the **lot** and **buildings** and **structures** thereon are deemed to conform with the provisions of this Bylaw.

The **lot** shall be considered to exist as it did prior to the taking for the purpose of further **development** upon the **lot** under its existing zoning regulations, providing such taking:

- does not exceed 20% of the original **lot area** except where parcels are in the A1, A2, A3 or RR **zones** in which case the taking shall not reduce the parcel to less than 0.2 hectare (0.5 ac) in size;
- does not reduce a minimum **front, side or rear yard** below 1.5 m unless this Bylaw does not require such **yard**;
- the utility installation does not endanger the continuing **use** of the property as permitted by this Bylaw; and,
- does not result in the parcel being rendered unsuitable for any of the **uses** permitted in the **zone** in which the **lot** is located.

1.8.2 A **primary** or **secondary use** is permitted on a **lot** less than the minimum **lot** size in that **zone**, provided that the **lot** was created before adoption of this Bylaw and the **development** otherwise complies with all the regulations of this Bylaw.

## 1.9 Applications in Process

1.9.1 With reference to Section 943(b) of the *Local Government Act, 1996*, a completed application for a **building permit** that is received prior to the effective date of this Bylaw shall be processed in accordance with the *City of Vernon Zoning Bylaw No. 2458 (1976)*, as amended. Such applications shall be approved or rejected within 12 months of this Bylaw coming into effect and, if rejected, any future **development** must comply with this Bylaw.

1.9.2 A Preliminary Layout Approval that is granted prior to the effective date of this bylaw shall be processed in accordance with the *City of Vernon Zoning Bylaw No. 2458 (1976)*, as amended. Notwithstanding re-approval periods specified in the *City of Vernon Subdivision and Development Servicing Bylaw*, such applications shall be approved or rejected within 12 months of

this Bylaw coming into effect and, if rejected, any future **development** must comply with this Bylaw.

## **1.10 General Interpretation**

1.10.1 Any enactments referred to herein are a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Vernon, as amended, revised, consolidated or replaced from time to time.

1.10.2 The headings given to sections, paragraphs, and sub-sections in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.

1.10.3 The Schedules attached to this bylaw form part of this bylaw.

## **1.11 Severability**

1.11.1 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

## **1.12 Bylaw Amendments**

1.12.1 Any person applying to have any provision of this bylaw amended shall apply in writing to the **Corporate Officer**, describing the proposed change and furnishing reasons in support of the application. In addition, if such application is for amendments to the official Zoning Map, it shall include a legal description and the location of the property sought to be rezoned, name and address of the property owners, and if the applicant is not the owner, a statement as to the applicant's interest in the property to be rezoned and a letter of authorization from the property owner.