



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**COUNCIL STRATEGY COMMITTEE
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, MARCH 7, 2017 at 3:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

AGENDA

1. **Call to Order**
2. **Approval of Agenda**
3. **Public Participation**
4. **Minutes**
 - A. Council Strategy Committee Meeting – February 21, 2017 (Page 3)
THAT the Council Strategy Committee Meeting minutes of February 21, 2017 be approved as circulated.
5. **Business Arising from the Minutes**
6. **Unfinished Business**
 - A. Proposed Revisions to Draft Zoning Bylaw based on Public Information Meeting and Council Feedback – Planning Consultant, Steven Olmstead (Page 7)
7. **Reports**
8. **New Business**
9. **Public Questions & Comments**
10. **Adjournment**

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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**COUNCIL STRATEGY COMMITTEE
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, FEBRUARY 21, 2017 at 3:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

MINUTES

In Attendance:

Council: Mayor Karl Buhr
Councillor Fred Bain
Councillor Jim Hughes
Councillor Ron McLaughlin

Staff: Chief Financial Officer Pamela Rooke (Acting Corporate Officer)
Public Works Manager Nai Jaffer
Municipal Accountant Hayley Cook
Office Coordinator Shawna Gilroy (Recorder)

Public: 4

1. Call to Order
Mayor Buhr called the meeting to order at 3:00 p.m.

2. Approval of Agenda
Moved/Seconded

THAT the agenda be approved as submitted.

CARRIED

Councillor Bain joined the meeting at 3:04 p.m.

3. Public Participation
A. 2017 Municipal Grant Applications
Moved/Seconded

THAT the usual time limits be relax to allow the Municipal Grant presentations up to five minutes per presentation, not including questions from Council; and

THAT the report "2017 Municipal Grant Applications" be received for information purposes.

CARRIED

The following groups made a presentation to Council providing a brief summary of their 2017 Municipal Grant Applications and answered Council's questions:

- Ute Phillips – Lions Bay Arts Council
- Clare Greenberg – Sea to Sky Invasive Species Council
- Louis Peterson – Lions Bay Community Association

Councillor Hughes left the meeting at 3:35 p.m.

Audio: 00:43

4. Minutes

A. Council Strategy Committee Meeting – February 7, 2017

Moved/Seconded

THAT the Council Strategy Committee Meeting Minutes of February 7, 2017 be approved as circulated.

CARRIED

5. Business Arising from the Minutes

None

6. Unfinished Business

A. 2017 Municipal Grants

Moved/Seconded

THAT the Council Strategy Committee review the attached summary of 2017 Municipal Grant applications and bring forward their recommendations for approval to the February 21, 2017 Regular Council Meeting.

CARRIED

B. 2017 Supplemental Budget Requests

Council reviewed the draft 2017 budget requests with staff and made several cuts to various budget items.

Moved/Seconded

THAT the report “2017 Supplemental Budget Requests” be reviewed by the Council Strategy Committee and staff to determine which supplemental budget requests will be considered for inclusion in the 2017 Budget.

CARRIED

Audio: 01:51

7. Reports

None

8. New Business

None

9. Public Questions & Comments

None

10. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 4:51 p.m.

Mayor

Corporate Officer

Date Approved by Council:	
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DRAFT

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Type	Information Report		
Title	Proposed revisions to draft Zoning Bylaw based on Public Information Meeting and Council Feedback		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	February 27, 2017	Version	
Issued for	March 7, 2017		

Recommendations:

1. THAT the Information Report, “Proposed revisions to draft Zoning Bylaw based on Public Information Meeting and Council Feedback” be received;
2. AND THAT applications for short term rentals be considered on a case by case basis for temporary use permits;
3. AND THAT Council adopt a policy that applications for short term rental temporary use permits be evaluated for consistency with the following recommended conditions:
 - a. The short term rental unit must be the short term rental operator’s primary residence (confirmation of which is to be required annually). [Or, could be a requirement that the operator be in residence there while the business is being run.]
 - b. If the short term rental operator is not the property owner, the operator must provide the Village with the owner’s authorization to carry on the short term rental business.
 - c. No more than five guest rooms with two guests each.
 - d. Off-street parking space requirements will be determined on a case by case basis.
 - e. No signs shall be permitted.
 - f. TUP shall specify quiet times between the hours of 10 pm and 8 am.
 - g. Operator contact information must be provided to neighbours within a 50 metre radius of the subject property of the short term rental.
 - h. If within a strata unit, the bylaws of the strata corporation must permit STR’s and the strata council must provide authorization of the TUP application.
 - i. Security in the form of an irrevocable letter of credit or similar instrument in an amount (e.g. \$10,000) to be determined by Council will be required in conjunction with issuance of a TUP.
 - j. Temporary use permits for short term rentals should not exceed a period of one year, initially.
 - k. Short term rentals will not be permitted if the premises contain a child home care business.
 - l. [Other considerations such as restrictions on the rental or use of personalized watercraft, etc.]
4. AND THAT, subject to legal review, a density bonus provision be included in the new RS-1 (Residential - Single Detached) zone to allow for cottages of up to 115 m² on lots having an area of at least 1,000 m², subject to a covenant being registered on title that prohibits registration of a strata plan and restrict use of the cottage the owner, members of the owner’s family and tenants.

5. AND THAT provisions be included in the new W-1 (Water – Residential Foreshore) zone to limit overnight accommodation on vessels to three nights every 30 days,
6. AND FURTHER THAT outdoor parking or storage of one commercial or industrial vehicle or piece of equipment be permitted to a maximum of 7,000 kilograms gross vehicle or operating weight.

Attachments:

Draft Zoning Bylaw with proposed revisions.

Key Information:

A Public Information Meeting regarding the proposed new Zoning Bylaw was held in Broughton Hall the evening of January 19, 2017. Notes from that meeting were received by Council on February 7th.

This report will discuss the following issues that arose out of the public information meeting:

1. short term rentals – permit or prohibit
2. zoning to accommodate detached secondary suites
3. water zoning, houseboats in particular
4. density bonusing scheme too aggressive

The report will also discuss the above plus ongoing considerations such as outdoor storage of equipment, siting issues in Brunswick Beach and clarification of the commercial marina zoning.

Short Term Rentals - Temporary Use Permits (TUPs)

Based on the comments and “show of hands” responses at the January 19th public meeting, using temporary use permits to regulate short term rentals is recommended. This approach will allow for consideration of the technical feasibility of a proposed short term rental as well as consideration of how it will “fit” within a neighbourhood.

The following are some general considerations that should be assessed in conjunction with an application for a short term rental TUP:

Technical feasibility:

1. Capacity of on-site sewage disposal systems to handle the anticipated uses.
2. Compliance with building bylaw and other applicable Village of Lions Bay bylaws.
3. Suitability of vehicle access and parking.

Neighbourhood “fit”

4. size of lot, location and orientation of the dwelling on the lot and in relation to neighbours;
5. number of TUPs already issued for short-term rentals in the neighbourhood;

Capacity of on-site sewage systems to handle increased flows (due to increased flows resulting from more frequent use of laundry, dishwasher and bath facilities) is essential, as is compliance with applicable Building Code regulations. Lack of parking is a recognized issue in Lions Bay – but may not automatically disqualify a property if on-street guest parking is feasible and the Village is prepared to consider that option or other options such as limiting the number of rental vehicles permitted under the permit.

If technical aspects can be addressed, neighbourhood “fit” needs to be considered. Although a public hearing is not required for a temporary use permit, it is good practice to require the applicant

to arrange a public information meeting to inform neighbours of the proposal and to identify how any concerns will be addressed.

In order to promote good neighbourliness between a short term rental property and neighbouring residents, Council could consider including standard conditions such as the following in all short term rental TUPs:

- ✓ The short term rental unit must be the short term rental operator's primary residence (confirmation of which is to be required annually). [Or, could be a requirement that the operator be in residence there while the business is being run.]
Rationale: As the STR operator's principal residence it is more likely that the operator will be present thereby resulting in adequate oversight. [Alternatively, see Operator contact information condition below.]
- ✓ If the short term rental operator is not the property owner, the operator must provide the Village with the owner's authorization to carry on the short term rental business.
Rationale: Standard practice with land use applications.
- ✓ No more than five guest rooms with two guests each.
Rationale: This is the maximum that can be accommodated without the need for a commercial kitchen if food (breakfast) is being to guests.
- ✓ Off-street parking space requirements will be determined on a case by case basis.
Rationale: The number of parking spaces required for a permit will depend upon the circumstances of each applicant, but will take into consideration whether the operator lives on site and how many vehicles they have, whether there's a monthly tenanted suite with parking needs, how many additional spaces are available on site for STR clients and that will dictate the number of vehicles permitted in total. For example, if owner/tenant requires 2 spaces and there's only 2 more, then no STR with more than 2 vehicles will be permitted under the terms of the permit.
- ✓ No signs shall be permitted.
Rationale: Consistency with regulations for home-based businesses.
- ✓ TUP to specify quiet times between the hours of 10 pm and 8 am.
Rationale: Good neighbour policy.
- ✓ Operator contact information must be provided to neighbours within a 50 metre radius of the subject property of the short term rental.
Rationale: Neighbours will have contact info in the event of a complaint.
- ✓ If within a strata unit, the bylaws of the strata corporation must permit STR's and the strata council must provide authorization of the TUP application.
Rationale: To ensure consistency between Village and Strata Council regulations.
- ✓ Security in the form of an irrevocable letter of credit or similar instrument in an amount (e.g. \$10,000) to be determined by Council will be required in conjunction with issuance of a TUP.

Rationale: Security authorized by s. 496 of the Local Government Act “to guarantee the performance of the terms of the permit.” The need for ongoing security can be assessed at the time of renewal of a TUP; if there have been few if any issues with a STR the security could be reduced or eliminated.

- ✓ Temporary use permits for short term rentals should not exceed a period of one year, initially.
Rationale: This provides an opportunity to not renew a TUP if there has been issues with the operation leading to a conclusion that the operation should cease. Again, if a STR is operated in a neighbourly manner, consideration could be given to renewals for periods of longer than a year.
- ✓ Short term rentals will not be permitted if the premises contain a child home care business.
Rationale: Safety and security. The Child Care Licensing Regulation (BC Reg. 332/2007) requires that “the licensee must not permit a person over the age of 12 to be ordinarily present on the premises of a community care facility while children are present, unless the person is of good character and the licensee has obtained a criminal record check for that person.”
- ✓ [Other considerations such as restrictions on the rental or use of personalized watercraft, etc.]

Finally, a question was asked at the public meeting about whether home exchanges were considered short term ranges. Based on some cursory research, it is recommended that home exchanges be excluded from the definition of short term rental. For the purposes of the zoning bylaw a home exchange would be defined as “the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time convenient to both parties.”

Detached Secondary Suites or “Cottages”

Council has indicated there is a need to consider additional housing options, including consideration of permitting detached secondary suites. The following table outlines a 90 m² and a 115 m² floor are option for detached secondary suites as well as duplexes in terms of off-street parking requirements and potential for stratification under the *Strata Property Act*. The 115 m² option would provide for a three bedroom detached suite or cottage.

	Max floor area	Off-street parking	Stratification	Comment
Secondary suite within dwelling	90 m ²	1	No	Building Code prohibits stratification
New detached secondary suite, existing main dwelling	90 m ²	1	Possible, local government authorization is necessary	Same as secondary suite, only detached. Servicing and parking implications should not be significantly different than a suite within a dwelling. Local government can by policy discourage strata conversions to maintain affordable rental housing
New dwelling + new detached suite (vacant lot or tear down scenario)	90 m ²	1	Yes, if "previously unoccupied"	On vacant land or where existing dwelling to be demolished, local government has no role in approval of building strata.
New detached cottage, existing main dwelling	115 m ²	2	Possible, local government authorization is necessary	Larger floor area will contribute to greater effluent flows and need for an additional parking space. Recommend this option, if considered, be subject to a 1000m ² minimum parcel area.
New dwelling + detached cottage	115 m ²	2	Yes, if "previously unoccupied"	Recommend 1000m ² minimum parcel area as above. Staff concern that stratification potential could accelerate the amount of tear downs.
Duplex	As per max floor area ratio	2 per dwelling unit	Yes, if "previously unoccupied"	Any two-unit dwelling with each unit > 90 m ² . Recommend 1000m ² minimum parcel area.

If the VoLB wishes to restrict any of the options to rental tenure only (i.e. no stratification), zoning could be made conditional on entering into a housing agreement with the municipality per s. 483 of the LGA:

Housing agreements for affordable housing and special needs housing

483 (1) A local government may, by bylaw, enter into a housing agreement under this section.

(2) A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions respecting one or more of the following:

(a) the form of tenure of the housing units; ...

However, a precondition for housing agreements is contained in s. 482(3):

(3) A zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation.

If a primary objective of the Village is to create some affordable rental housing options, this would be the (rather cumbersome) way to go. The consent requirement highlighted also prevents a broad-brush zoning approach.

Alternatively, the Village could include text in the zoning bylaw such as the following: “where an occupied dwelling exists on a lot of 1,000 m² or greater, the following use is permitted: detached secondary suite.” This option requires legal review.

Another option, also subject to legal review, would be to incorporate a density bonus provision in the new RS-1 (Residential - Single Detached) zone to allow for cottages of up to 115 m² on lots having an area of at least 1,000 m², subject to a covenant being registered on title that prohibits registration of a strata plan and restricts use of the cottage the owner, members of the owner’s family and tenants. This option, if legally feasible, is the preferred option as it fits within the overall density bonusing framework being developed; it’s probably more legally sound than the second option, and is much simpler to implement than a housing agreement.

Water Zoning

Mooring of houseboats has been identified as an issue to address in the zoning bylaw. At the public info meeting, comments representing both sides of the issue were presented. The houseboat owner questioned why the bylaw discriminated against houseboats, while neighbouring property owners/area residents expressed concern about noise and pre-emption of public space by mooring/anchoring close to shore. Others questioned the need for water zoning at all.

The second draft of the W-1 zone has been revised to more closely reflect the existing terminology and provisions under Bylaws 362 and 785. Definitions have been added where none previously were included. To distinguish between a float used for residential - recreational purposes and one used in conjunction with the marina; the terms float (in the W-1 zone) and floating dock (in the C-3 zone) have been used. To be consistent with Federal regulations, reference is explicitly made in the permitted uses section to vessels 12 metres or less in length.

With respect to houseboat moorage, the concern that the language of the draft bylaw is discriminatory is likely a valid one and the wording in section 12.1.1 with respect to permitted short term moorage/anchoring has been amended to simply refer to all vessels. Section 12.1.1 (d) as proposed would allow a vessel to arrive on the Friday of a long weekend and depart on the following Monday.

The amended section 12.1.1 now reads as follows:

12.1 In a W-1 zone the following uses and no others shall be permitted:

.1 Principal Uses, Buildings and Structures

(a) float;

- (b) public boat launching ramp;
- (c) public or private mooring system for vessels 12 metres or less in length; including overnight accommodation on the moored vessel for a period not exceeding three nights every 30 days;
- (d) short term anchoring or mooring of vessels for periods not exceeding four calendar days every 30 days, including overnight accommodation on the anchored or moored vessel for a period not exceeding three nights every 30 days. For the purpose of this section, anchoring or mooring for any part of a day shall count as one calendar day.

Comments were made regarding the difficulties enforcing the overnight accommodation provision. To a certain degree this is true; however it is our intent that the overnight accommodation relates to accommodation within the area covered by the W-1 zone, not a specific anchoring or mooring place. A provision has also been incorporated into the draft bylaw to address attempts to avoid enforcement by moving a vessel within the zone based on how parking bylaws are sometimes enforced. Section 12.2.1 has been amended by adding clause (h) as follows:

- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d).



Density Bonusing

Village staff are developing an approach to density bonusing that takes into account comments voiced at the public information meeting that the “75 percent of lift” approach would be too aggressive. Staff hope to present a revised density bonus framework soon.

Storage of Commercial and Industrial Vehicles and Equipment

Council was of the opinion that the 4,600 kilogram gross vehicle weight rating proposed in the first draft of the zoning bylaw was too limiting in terms of the type of vehicle that may be prohibited from parking on a residential lot.

To guide Council, a range of vehicle and equipment gross vehicle and operating weights was obtained from various web sources with a view to providing examples of the type of equipment that would be permitted if the maximum permitted weight was either 5,000 or 7,000 kilograms as follows:

5000 kg GVWR/operating weight or less	7000 kg GVWR/operating weight or less
<p data-bbox="203 1614 641 1646">Ford Transit 350HD – 4699 kg GVWR</p> 	<p data-bbox="828 1614 1291 1646">Ford E450 6578 kg GVWR; 6.6m length</p> 

<p>John Deere 5100R utility tractor 4450 kg length 3.75m</p> 	<p>Kubota M7-171 Tractor (6848 kg) length 4.8m</p> 
<p>Bobcat E45 Compact Excavator (4571 kg operating weight)</p> 	<p>Bobcat E63 Mini Excavator (6250 kg operating weight)</p> 
<p>Cat Multi Terrain Loader 297D2 XHP (4952 kg)</p> 	<p>Bobcat T870 Compact Track Loader (5863 kg)</p> 

Either of the above categories would be a relatively generous provision in a single detached residential zone for outdoor storage/parking of commercial vehicles or equipment, As there were a number of types of equipment (and probably vehicles) just marginally over 5,000 kg GVW noted while researching this matter, it is recommended that the allowance be 7,000 kg.

The Planning Consultant met with the owner of the Lions Bay Marina as well as the Brunswick Beach residents who had questions about the siting provisions for small lots. With respect to the Lions Bay Marina, the owner provided a history of the business and how it has evolved over the years. A survey plan of the site was made available. The owner plans to relocate the store in the future and requested that the zoning bylaw accommodate a maximum setback from Rundle Creek of 50 m (presently it's 24 m). This would not affect any neighbouring properties and there is no objection to this from a technical perspective.

As a result of the discussion about Brunswick Beach, the existing (and proposed) zoning was reviewed and it was discovered that there is presently no minimum building width in Brunswick

Beach and that an exemption for garages and storage of up to 40 m² had been omitted from the draft bylaw. This has been corrected and the draft zoning now should be essentially the same as the existing Brunswick Beach residential zoning.

Finally, a number of minor changes to improve clarity



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Zoning and Development Bylaw No. ---, 2017

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. ---, 2017

A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

PART I TITLE

1.1 This bylaw may be cited for all purposes as "Zoning and Development Bylaw No.---, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004; and
- .2 Greater Vancouver Regional District Electoral Area C Zoning Bylaw No. 785, 1995, as amended, to the extent the bylaw applied within the Municipality, through Supplementary Letters Patent or otherwise.

PART II INTERPRETATION

Definitions

2.1 In this bylaw:

accessory use, building or structure means a use, building or structure that is subordinate, incidental and exclusively devoted to a principal use, building or structure on the same parcel as the accessory use, building or structure, or, in the case of common property in a strata plan, a principal use, building or structure on a strata lot within the same strata plan;

aisle space means the area of a parcel which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

apartment means a multi-unit dwelling which has its principal access from a common entrance;

building means a structure used or intended for supporting or sheltering a use or occupancy;

building or structure, accessory means a building or structure that is subordinate to and serves a principal building or use;

building, principal means a building in which is conducted the principal use of the parcel on which it is located;

cannabis means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

CAO means the Chief Administrative Officer of the Municipality;

carport means a structure which shelters an area used for the parking of one or more motor vehicles and is open at least 50 percent on all sides;

church means an assembly building used for religious but not commercial or residential purposes;

civic use means a use providing for public functions, including but not limited to government offices, public schools, colleges, and hospitals, community centres, courts, police stations, firehalls, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and highways;

community care use means a use providing for the care of persons in premises licensed or registered under the *Community Care and Assisted Living Act*;

community watershed means a community watershed as defined under the *Forest Planning and Practices Regulation*;

conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

convenience store means a retail store where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such household items are sold in small quantities, and may include the retail sale of alcoholic beverages;

cottage means a secondary dwelling unit, separate from and accessory to, a single detached dwelling on the same lot;

density means any of the following: the number of dwelling units per hectare of parcel area, the floor area ratio, or the number of parcels per hectare;

dwelling unit means a set of habitable rooms within a building, used as a residence by not more than one household, that contains:

- (a) a separate entrance from the outdoors; and
- (b) a gas range or stove or electric range or stove with 240 volt wiring;

dwelling, duplex means a building containing two dwelling units, neither of which is a secondary suite, divided horizontally or vertically, with each dwelling unit having a separate exterior entrance;

dwelling, multi-unit means a building containing three or more dwelling units;

dwelling, single detached means a building containing only one dwelling unit;

dwelling with secondary suite means a building containing two dwelling units, a larger principal dwelling unit and a smaller secondary suite;

Enforcement Officer means the Building Official, as well as any officer or employee or any other person designated by Council by name of office or otherwise as a bylaw enforcement officer for the Municipality;

environmental conservation means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

fence includes arbor, archway, gate, pergola, screen, trellis and wall;

float means a buoyant platform structure, affixed on the surface of water by a rope, chain or wire connected to an anchor located beneath the low water mark and which is customarily used for recreational purposes, such as swimming or diving, or for mooring;

floating dock means a platform or ramp supported by pontoons usually joined to the shore with a gangway and usually held in place by vertical pilings which are embedded in the seafloor or by anchored cables.

floor area, gross means the total floor area of all buildings on a parcel measured to the outer limits of the buildings including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding unenclosed swimming pools, balconies or sundecks, elevators, up to 40 square metres of garage or carport area, ventilating machinery;

floor area ratio means the gross floor area divided by the area of a parcel;

garage means an accessory building or a portion of a principal building that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, walls, and one or more doors;

grade, average is measured around the perimeter of a building or structure at or directly above or below the outermost projection of the exterior walls or the posts of carports, as described in section 4.8. A deck attached to a building is not considered in determining the building perimeter;

grade, finished means the ground level created by human action, excluding created localized depressions such as for vehicles or pedestrian entrances;

grade, natural means the undisturbed ground level formed without human intervention;

height means the vertical distance from the average grade of a structure to the highest point of the roof surface, in the case of a structure without a roof, to the highest point of the structure;

highway includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

home-based business means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed building or structure so that the business use is not evident to passersby, and which is accessory to the principal residential use of the property;

home exchange for the purpose of this bylaw means the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time or times convenient to both parties;

houseboat means a special type of vessel that has been designed or modified for recreational residential use;

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 3 unrelated persons; all of whom are living together in one dwelling using common kitchen facilities.

infrastructure use means a use providing for the servicing of all or a portion of the Municipality with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such use is established by the Municipality, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes public works yard, maintenance buildings and offices;

kitchen means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities;

landscape screen means a visual barrier formed by a row of evergreen shrubs and/or trees, a wooden fence or a masonry wall;

lane means a highway which is greater than 3 metres and less than 10 metres in width and which provides secondary access to a parcel

main floor means the floor of the storey which is nearest to the finished grade of the parcel;

marina use means a dock or basin providing moorage, or dry land storage, for the commercial accommodation, maintenance and servicing of boats, and other such

functions associated with the operation of a marina for the needs of marina customers including an administrative office, canteen, grocery and marine supplies retailing;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel;

Municipality means the municipality of the Village of Lions Bay or the area within the Lions Bay municipal boundaries as the context may require;

natural boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil;

panhandle lot means a parcel which gains access to a public street through a strip of land narrower than the typical frontage dimensions required for the parcel;

parcel means a lot, block, or other area in which land is held or into which land is subdivided;

parcel, through means a parcel that abuts two generally parallel highways;

parcel coverage means the total horizontal area within the outermost walls of the buildings on a parcel, expressed as a percentage of the parcel area;

parcel line, exterior side means the parcel line or lines not being the front or rear parcel line, common to the parcel and a highway;

parcel line, front means the parcel line common to the parcel and:

- (a) an abutting highway, and
- (b) where there is more than one parcel line abutting a highway, the shortest of these lines shall be the front;

parcel line, rear means the parcel line opposite to and most distant from the front parcel line or where the rear portion of the parcel is bounded by intersecting side parcel lines, it shall be the point of such intersection;

parcel line, side means a parcel line, other than a front or rear parcel line, common to two or more parcels;

parking space means an area on a parcel identified for the parking of one motor vehicle and does not include aisle space;

personal services establishment means use of a building or portion thereof to provide: (a) grooming services to a person including but not limited to hairstylists, aestheticians and

spa services; or (b) clothing related services including shoe repairs, tailor or dressmaker and other similar services;

principal use means the main purpose for which land, buildings or structures are ordinarily used;

public works yard means premises operated by, or on behalf of, the municipality, for the storage, manufacture, maintenance or repair of buildings, infrastructure, materials or equipment including machine shop, paint shop, sign shop, woodworking shop, fuel storage, and repair garage used in connection with public works;

recreation use means park, conservation, recreation and accessory uses excluding commercial recreation uses;

residential use means the occupancy or use of a dwelling unit for the permanent domicile of a person or persons, or the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner - this use does not include short term rentals;

resource use means a use providing for the extraction of primary forest, mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition;

retail store means a place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own use;

retail store, cannabis means premises where cannabis is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

retaining wall means a vertical structure used to retain soil for the construction of an artificial grade by either excavating from or adding fill to the natural grade;

secondary suite means a dwelling unit completely contained within what would otherwise be a single detached dwelling and having:

- (a) a total floor area of not more than 90m² in area, and
- (b) having a floor area less than 40 percent of the habitable floor area of the building, used only for residential use consistent with the provisions of the *Residential Tenancy Act*;

secondary use, building or structure means one or more uses, buildings or structures that are used in conjunction with a principal use, building or structure on the same parcel;

setback means the minimum permitted distance between a building or structure and a specified parcel line or natural boundary;

short term rental means the use of a dwelling unit for the temporary commercial accommodation of paying guests for a period of less than one month and excludes home exchanges;

street means a highway 10 metres or more in width;

storey means the portion of a building that is situated between the top of any floor and

- a) the top of the floor next above it; or
- b) if there is no floor above it, that portion between the top of such floor and the ceiling above it;

structure means any construction fixed to, supported by or sunk into land or water but excludes a fence less than 1.9 metres and a retaining wall less than 1.2 metres, and includes a building;

temporary structure means a structure which is:

- a) not a fixture fixed to or sunk into land; or
- b) not attached to land other than by its weight;

townhouse means a multi-unit dwelling not more than three storeys high with dwelling units located side by side under one roof, with private exits or entrances to each dwelling and with each dwelling sharing common walls or party walls;

use, includes actual use, intended use or designed for a particular use;

wall means any vertical structure used as an enclosure or screen where the thickness is greater than 8 centimetres, excluding rails and posts. Thinner structures are considered fences;

watercourse means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more.

Illustrations

- 2.2 Illustrations provided in this bylaw are provided for convenience only and do not form part of the bylaw. If a conflict exists between an illustration and the text, the text will prevail.

Rounding

- 2.3 Where calculation of maximum number of dwelling units or parcels per hectare, minimum number of parking spaces per specified gross floor area or similar calculation of permitted or

required units results in a fraction, the required or permitted number of units shall be rounded to the next lower whole number.

PART III APPLICATION, ADMINISTRATION AND ENFORCEMENT

Application

3.1 This bylaw applies to all land within the Municipality, including the surface of water.

Compliance

3.2 Land shall not be used and buildings and structures shall not be constructed, altered, located or used except as specifically permitted by this bylaw.

Inspection

3.3 Officers or employees of the Municipality, or other persons authorized by Council, may enter on property, and enter into property, at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property, and complying with any other requirements of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to this bylaw.

Offence

- 3.4
- .1 Any person who violates, or causes or permits an act to be done in violation of a provision of this bylaw shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
 - .2 Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.
 - .3 Notwithstanding the foregoing, where the Municipality elects enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, any bylaw contraventions under this zoning bylaw shall not constitute the creation of an offence.

Penalty

- 3.5 Every person who contravenes this bylaw is liable:
- .1 to a penalty for contravention as set out in Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended;
 - .2 on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution; or
 - .3 both a penalty under subsection 3.5.1 and a fine under subsection 3.5.2.

Severability

3.6 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART IV GENERAL REGULATIONS

Application

- 4.1 Except as otherwise specified in this bylaw, Part IV applies to all zones established under this bylaw.

Uses Permitted in All Zones

- 4.2 The following uses and structures are permitted in all zones, except the NA/W Natural Areas/Watershed zone:
- .1 Principal Uses, Buildings and Structures
 - (a) community garden;
 - (b) environmental conservation activities;
 - (c) parks, playgrounds and recreational trails;
 - (d) infrastructure use;
 - (e) community care facility, licensed under the *Community Care and Assisted Living Act*, that is being, or is to be, used as a day care for no more than 8 persons in care, or as a residence for no more than 10 persons, not more than 6 of whom are persons in care.
 - .2 Secondary Uses, Buildings and Structures
 - (a) temporary construction and project sales offices authorized by building permit as temporary buildings;

Uses Prohibited in All Zones

- 4.3 The following uses are expressly prohibited in all zones:
- .1 residential use of a mobile home, tent, trailer or recreation vehicle;
 - .2 storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones;
 - .3 animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that household pets, other than poultry, may be kept;
 - .4 a use with a drive-through service;
 - .5 cannabis retail store.
 - .6 cannabis production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*;
 - .7 short term rentals;
 - .8 any use not listed as a principal or secondary use in this Part or any of the zones.

Principal Uses, Buildings and Structures

- 4.4 Except where specifically permitted, not more than one principal building shall be located on a parcel.

Accessory Uses, Buildings and Structures

- 4.5 .1 Principal uses permitted by this bylaw do not include, except where specifically permitted, accessory uses, buildings or structures.
- .2 All accessory buildings and structures shall be located on the same parcel as the principal building to which it is accessory.
- .3 An accessory building or structure attached to the principal building shall be considered a part of the principal building and shall comply in all respects with the regulations of this bylaw applicable to the principal building.
- .4 For the purposes of section 4.5.3 “attached” means heated space with a minimum internal clear width of 860mm and a minimum finished floor area of 3.5 square metres.
- .5 An accessory building or structure shall not be used as a dwelling unit.
- .6 No accessory building or structure shall include kitchen facilities.

Temporary Use Permits

- 4.6 Pursuant to the *Local Government Act*, all lands within the Municipality are designated as areas where temporary uses may be allowed under a temporary use permit.

Siting Exemptions

- 4.7 .1 Interior side parcel line requirements shall not apply to strata parcels under the *Strata Property Act* where a common wall is shared by two or more dwelling units within a building.
- .2 The following features may project into the setback area required by this bylaw between a building and front, rear or side parcel lines:
- (a) gutters, cornices, sills, belt courses, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres;
 - (b) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - (i) 1.5 metres for front and rear parcel lines, or
 - (ii) 0.6 metres for side parcel lines
- provided that the foundation or supports for them do not encroach into any required front, side or rear setback area.
- .3 The following are exempted from the siting regulations:
- (a) fences,
 - (b) retaining walls not exceeding 1.2 metres in height;

- (c) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
 - (d) sidewalks, patios and hard surfacing of the ground;
 - (e) uncovered swimming pools or tennis courts provided that the pool or tennis court is:
 - i. not within the required minimum siting distance from the front parcel line; and
 - ii. a minimum of 1.0 metre from any other parcel line; and
 - (e) underground structures that do not extend above the surface of the parcel.
- .4 In a zone in which residential uses are permitted, a free standing tool storage shed or greenhouse not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the setback area between the principal building and rear parcel line.

Calculation of Average Grade

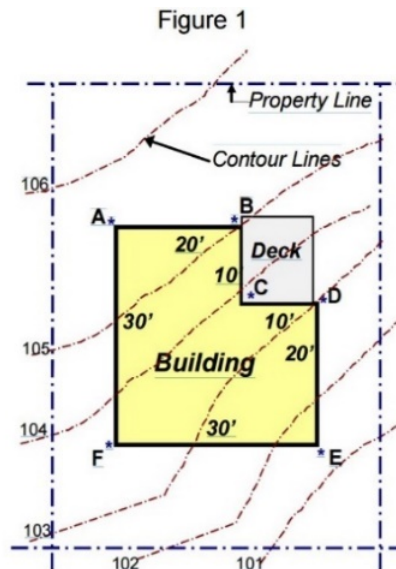
4.8 The average grade for a building or structure shall be calculated as follows:

- .1 (a) measure the ground elevation at each corner of the building; then
- (b) total the elevations of all corners; then
- (c) divide by the number of corners.

The result is average grade for the building, the reference point from which height will be measured.

Example:

Corner	Elevation
A	105.5 m
B	105.0 m
C	104.0 m
D	103.0 m
E	101.5 m
F	104.0 m
Total	623.0 m
÷ 6	103.8 m



- .3 Where the natural grade cannot be ascertained because of existing landscaping, buildings or structures, and appears to have been significantly altered, the level of natural grade shall be determined by the Building Official, who may rely on the professional opinion of a British Columbia Land Surveyor, at the cost of the property owner.

Height Exemptions

- 4.9 Any of the following may exceed the height limitations specified for each zone of this Bylaw provided that the parcel coverage of such structures does not exceed 1 percent or, if it is located on a building, the structure does not occupy more than 5 percent of the roof area of the building:

- .1 dome or cupola;
- .2 monument;
- .3 chimney;
- .4 spire, belfry;
- .5 mast or antenna for any purpose other than the domestic reception of radio and television signals;
- .6 mechanical appurtenance screened from view from a highway
- .7 observation tower; or
- .8 flagpole, mast, aerial.

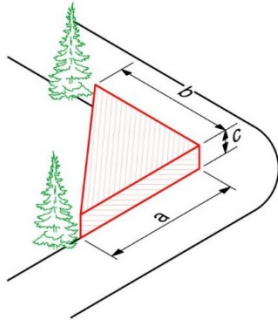
Fences and Retaining Walls

- 4.10 Except as otherwise specifically stated in this bylaw:

- .1 the height of a fence or wall shall be determined by measurement from the average finished grade within 0.9 metres of both sides of the fence or wall;
- .2 no fence shall exceed 1.9 metres in height;
- .3 a site plan, geotechnical report, and engineer's Letters of Assurance shall be required for retaining walls with heights greater than 1.2 metres or for any wall slope greater than 45 degrees. The Building Official may require an engineer's Letters of Assurance , for a series of terraced retaining walls with a combined height of greater than 1.2 metres;
- .4 confirmation of siting by a British Columbia Land Surveyor (BCLS) is required where a fence or wall will be located within one metre of a property line;
- .5 a registered professional shall supervise the design and construction of a retaining wall greater than or equal to 1.2 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining walls greater than or equal to 1.2 metres in height shall be submitted to the Building Official prior to commencement of the work.

Visibility

- 4.11 Despite section 4.10.2, on a parcel contiguous to a street intersection in any zone, no fence, retaining wall, wall, hedge or other obstruction to the line of vision shall be allowed at a greater height than 0.9 metres above the established elevation of the centre point of the intersecting streets, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the streets.



a = 4.5 metres

b = 4.5 metres

c = 0.9 metres

Home-based business

- 4.12 Home-based businesses, where permitted as a secondary use in a zone, shall be subject to the following conditions:
- .1 the home-based business shall be carried on by persons resident on the parcel;
 - .2 all home-based businesses shall be conducted entirely within a completely enclosed building permitted under this bylaw;
 - .3 there shall be no signs or other variations from a primarily residential appearance of the land and premises where a home-based business is located;
 - .4 the gross floor area of the home-based business shall not exceed 100 m² or 40% of the gross floor area of the principal dwelling in which the home-based business use is located, whichever is less
 - .5 outdoor storage of materials or equipment is prohibited;
 - .6 any use which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence or emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, electrical interference, refuse matter or water carried wastes is prohibited;
 - .7 for clarity, automobile body shop, automobile service, automobile salvage or wrecking yard; brewery; distillery; making of any food product that involves a commercial kitchen; kennel; animal breeding for commercial purposes; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as home-based businesses;

- .8 a home-based business shall not involve the parking or storage of more than one commercial vehicle and trailer, on the parcel or an adjacent parcel, provided that the gross vehicle weight does not exceed 7,000 kg,;

Off-street Parking

- 4.13 .1 Except as otherwise specified in this bylaw, space for the off street parking and loading of motor vehicles for a class of building permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.
- .2 The number of off street parking spaces for motor vehicles required for any class of building shall be calculated according to Table 1 of this bylaw in which Column I classifies the types of buildings and Column II sets out the number of required off street parking and loading spaces that are to be provided for each use in Column I.
- .3 Where a class of building permitted under this bylaw is not specifically referred to in Column I of Table 1, the number of off street parking spaces shall be calculated using the requirements for a similar class of building that is listed in Table 1.
- .4 Where the calculation of the required off street parking space results in a fraction, the number of required parking spaces shall be rounded down.
- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 square metres of seating shall be deemed to be one seat.
- .6 Off street parking spaces shall be located on the same parcel as the building they serve and must have associated aisle space as set out in section 4.14.

Parking and Aisle Space Dimensions

- 4.14 .1 An off street parking space shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- .2 Aisle space shall be a minimum of:
- (a) 6 metres wide where the angle of the parking space to the aisle space is 61 degrees to 90 degrees;
 - (b) 5 metres wide where the angle of the parking space to the aisle space is 46 degrees to 60 degrees; or
 - (c) 4 metres wide where the angle of the parking space to the aisle space is 1 degree to 45 degrees.

TABLE 1

COLUMN I	COLUMN II
<u>Building Class, Use or Type</u>	<u>Required Number of Spaces</u>
Single family dwelling per parcel	2 for each Single Detached Dwelling without a Secondary Suite and 3 for each Single Detached Dwelling with a Secondary Suite
Cottage	2 per cottage
Apartment building or townhouse	1.5 for each dwelling unit
Shopping centre and individual retail store	1 per 18.6 square metres of gross floor area
Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, churches, auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Parking and Storage of Heavy Commercial and Industrial Vehicles and Equipment

- 4.15 .1 The outdoor storage or parking of commercial or industrial vehicles, equipment, or machinery with a primary function other than the transportation of passengers, including but not limited to excavators, dump trucks, forklifts, backhoes, tractors, trailers and similar types of vehicles, equipment or machinery is prohibited in all Residential zones.
- .2 Outdoor storage or parking of any commercial, industrial or construction materials, implements or supplies is prohibited in all Residential zones.
- .3 Despite clause 4.15.1, one commercial or industrial vehicle or piece of equipment per parcel may be parked or stored outdoors on a lot in a Residential zone provided that the vehicle or equipment:

- (a) has a gross vehicle weight rating (or manufacturer's specified operating weight in the case of equipment) of not more than 7,000 kilograms and
 - (b) is operated by a resident of the parcel.
- .4 Despite clauses 4.15.1 and 4.15.2, commercial and industrial vehicles, equipment, machinery supplies, and materials, may be stored on a parcel for which the alteration of the land or the construction of a building or structure has been authorized by the Village through:
- (a) a site alteration permit, or
 - (b) a building permit,
- provided that all such vehicles, supplies, materials and equipment:
- (c) can be demonstrated to the satisfaction of:
 - (i) the Public Works Manager, regarding site alteration permits, or
 - (ii) the Building Inspector, regarding building permits,to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village, and
 - (d) are removed within 30 days of final inspection related to the site alteration permit or the building permit, or such earlier date as the Public Works Manager or Building Inspector determines such construction vehicles, materials and equipment are no longer needed to fulfill the scope of the applicable permit.
- .5 A person may appeal the determination of the Public Works Manager or the Building Inspector under section 4.15.4 to the Council by submitting a request and the detailed reasons for appeal and any supporting documentation to the Corporate Officer, who shall add the matter to an upcoming Council meeting agenda.
- On an appeal under section 4.15.5, the Council may uphold the determination and order of the Public Works Manager or Building Inspector, or may vary such order as it determines is reasonable in the circumstances.

Temporary Structures

- 4.16 Notwithstanding any other provision of this bylaw, a temporary structure is prohibited, except that:
- .1 the CAO may issue a permit for a temporary structure on receipt of an application in writing requesting permission for the temporary structure;
 - .2 the CAO shall not issue a permit for a temporary structure if it would:
 - (a) obstruct a public right of way or easement; or
 - (b) contravene a Village bylaw; and

- (c) a temporary structure permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

Metal Shipping Containers

- 4.17 .1 A metal shipping container shall only be used for storage purposes.
- .2 A metal shipping container shall not be accessible to the general public, or rented or leased as part of a commercial storage facility.
- .3 Metal shipping containers are permitted only in the C-2, CU-1 and RU-1 zones, and shall not be stacked, except in the RU-1 zone for fire department training purposes.
- .4 Despite Section 4.17.3:
 - (a) where a site alteration or building permit has been issued for construction on a parcel in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of:
 - (i) final inspection of the building or structure for which the building permit has been issued;
 - (ii) expiry of the building permit;
 - (iii) completion of a site alteration for which a site alteration permit has been issued; or
 - (iv) a determination by the Public Works Manager or the Building Official that the shipping container is no longer needed to fulfill the scope of the applicable permit, in which case the provisions of sections 4.15.5 and 4.15.6 apply.
 - (b) metal shipping containers may be used for moving provided that they are not located on any parcel for longer than 30 days;
 - (c) metal shipping containers may be used for emergency purposes on a parcel in any zone provided they are not located on any parcel for longer than 90 days; and
 - (d) metal shipping containers may be used for civic uses on a parcel in any zone
- .5 Despite section 4.17.4, a metal shipping container is not permitted to remain on an RS-1 parcel longer than two years.
- 6. Metal shipping containers shall not be sited between the principal building or structure and the front parcel line.
- .7 The maximum number of metal shipping containers on any parcel is 1, other than in the RU-1 zone for fire department training purposes...

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that when attached to a principal building or structure or an accessory building or structure:
- (a) the device does not extend beyond the outermost edge of the roof or structure;
 - (b) the device does not extend above the highest point of the roof or structure; and
 - (c) roof connection details have been approved by a structural engineer.
- .2 That when the solar energy device is a standalone structure, it shall comply with the siting requirements for the principal building or structure on the parcel on which the device is located.

Flood Protection

- 4.19 No building or structure shall be constructed, erected or placed;
- .1 within 17 metres of the natural boundary of a watercourse;
 - .2 on ground surface less than:
 - (a) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment;
 - (b) 3.1 metres above the natural boundary of a watercourse where the 200 year flood level has not been established; and
 - (c) 1.6 metres above the natural boundary of the sea.

PART V GENERAL SUBDIVISION PROVISIONS AND REGULATIONS

Minimum Frontage Waiver

- 5.1 The Approving Officer may exempt, where a parcel of land fronts on a highway, a person proposing to subdivide land from the limitation provided under Section 512 of the *Local Government Act* after duly considering whether:
- .1 the proposed lot is capable of being further subdivided under existing regulations;
 - .2 an attempt is being made to assemble land which conforms substantially with the Official Community Plan;
 - .3 the lot with insufficient frontage is for municipal or public use; and
 - .4 unusual soil conditions exist or may develop as a result of the proposed subdivision.

Panhandle Lots

- 5.2 The area within the access strip of a panhandle lot in a residential zone shall not be included in the calculation of the area of the lot.

Minimum Parcel Area Exceptions

- 5.3 Minimum parcel area regulations required by the applicable zone shall not apply where:
- .1 a covenant is registered restricting the use of the parcel to non-sewage generating uses prohibiting the construction of buildings and structures;
 - .2 the parcel is intended for infrastructure uses, parks, fire halls, or fire training areas;
 - .3 an adjustment of lot lines dividing contiguous parcels to facilitate an existing development or improve a subdivision pattern does not create, or make it possible to create, additional parcels to those existing at the time of application; or
 - .4 a crown non-residential upland lease or aquatic lease is granted.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

6.1. The area of the municipality is divided into the zones identified in Column I and each zone is briefly described in Column II:

COLUMN I	COLUMN II
RS-1	Residential - Single Detached
RM-1	Residential Multiple - Townhouse
C-1	Neighbourhood Commercial
C-2	Commercial Marina
C-3	Commercial Marina Foreshore
W-1	Water - Marine Foreshore
CU-1	Community Use
RU-1	Resource Use
NAC-1	Natural Area Conservation

Definition of Zones

- 6.2 .1 The area of each zone is defined by Schedule A.
- .2 Where a zone boundary is shown on Schedule A as following a road allowance, rail right of way or a water course, the centre line of the road allowance, rail right of way or water course shall be the zone boundary.

PART VII ZONES

RS-1 Zone (Residential – Single Detached)

Permitted Uses

7.1 The following uses and no others are permitted in the RS-1 zone:

- .1 Principal Uses, Buildings and Structures
- (a) residential use in a single detached dwelling;
 - (b) residential use in a dwelling with secondary suite;
- .2 Secondary Uses, Buildings and Structures
- (a) home-based business;
 - (b) accessory buildings and structures.

Density and Area of Parcels

- 7.2 .1 The base density for existing parcels shall be a maximum of one dwelling unit per parcel, not including secondary suites.
- .2 The base density for parcels created by subdivision shall be a maximum of one parcel per 8000 m² of existing parcel area.
- .3 The minimum parcel area shall be 8000 m².

Density Benefits for Amenities

- 7.3 .1 Despite sections 7.2.1 and 7.2.2, the maximum density may be increased to one parcel per 800 m², with a 700 m² minimum parcel area, where amenities identified in the Official Community Plan are provided.
- .2 The amenities provided under section 7.3.1 shall be subject to negotiation with the owner based on a target financial contribution towards amenities of TBC.
- .3 In *lieu* of a financial contribution as identified in section 7.3.2, the Village may require the provision of an amenity outlined in the Official Community Plan equivalent in value to the financial contribution for the additional density allowed.
- .4 Despite section 7.4.1, the maximum density may be increased to two principal buildings per parcel to allow a cottage of up to 115 m² on lots having a minimum area of 1,000m², subject to a covenant being registered on title that prohibits registration of a strata plan and restrict use of the cottage to the owner, members of the owner's family and tenants.

Size and Density of the Use of Land, Buildings and Structures

- 7.4 .1 No more than one principal building shall be located on a parcel.
- .2 The floor area ratio shall not exceed 0.35.
- .3 Parcel coverage shall not exceed 30 percent.
- .4 The minimum floor area of the main floor of a principal building shall be 93 m².

Siting

- 7.5 The minimum setback for a building or structure shall be:
- .1 7.5 metres from a front or rear parcel line; or
- .2 2.4 metres from a side parcel line.

Brunswick Beach Overlay Area

- 7.6 Despite sections 7.4, 7.5 and 7.8.2, the following regulations apply to the area outlined in a heavy black line on Schedule A (the Brunswick Beach Overlay Area):
- .1 *Size and Density of the Use of Land, Buildings and Structures*
- (a) No more than one principal building shall be located on a parcel.
- (b) The floor area ratio shall not exceed 0.25 plus 240 m².
- (c) Parcel coverage shall not exceed 12.5 percent plus 180 m².
- (d) The minimum gross floor area of a principal building shall be 75 m².

- e) A floor area of up to 40 m² to accommodate accessory storage and a garage may be excluded from the floor area ratio and parcel coverage calculations in (b) and (c) above.

.2 *Siting*

No building or structure shall be located within:

- (a) 4.5 metres from a front or rear parcel line common to a public right of way whose opposite side adjoins the sea;
- (b) the lesser of 7.5 metres or 20 percent of the parcel depth, to a minimum of 4.5 metres from any other front parcel line;
- (c) 7.5 metres from any other rear parcel line;
- (d) 1.5 metres of an interior side parcel line; or
- (e) 3.0 metres of an exterior side parcel line.

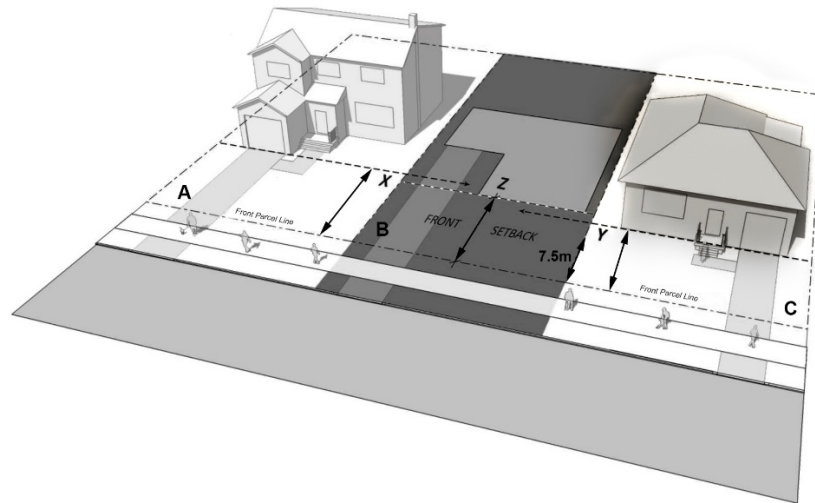
.3 Minimum Width

There shall be no minimum width provision for principal buildings in the Brunswick Beach Overlay Area.

Front Setback Averaging

- 7.7 .1 Despite sections 7.5 and 7.6.2, where the average front setback of existing principal buildings on the adjacent parcels on each side of a subject parcel is more than the required front setback by at least 1.5 m, the front setback of the subject parcel shall be the average of the front setbacks on the adjacent parcels.

Example: Parcel B shares interior parcel lines with Parcels A and C and is not within the Brunswick Beach Overlay Area. The principal buildings on Parcel A and C are sited X metres and Y metres from the front parcel line respectively. The minimum front setback (Z) for Parcel B is calculated as follows: $(X + Y)/2 = Z$ and will apply if Z is greater than or equal to 9.0 metres metres (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a parcel has two front parcel lines, one facing a highway and one facing the ocean, front setback averaging shall apply only to the front parcel line facing the ocean.
- .3 Where a parcel is a through parcel, front setback averaging shall apply only to the front parcel line facing the highway which provides primary access to the parcel.

Height and Width of Buildings

- 7.8 .1 The height of a principal building shall not exceed 9.0 metres for a sloping roof or 7.5 metres for a flat roof.
- .2 The minimum width of a principal building shall be 5.1 metres.

Secondary Suites and Cottages

- 7.9 .1 No more than one secondary suite or cottage shall be located on a parcel.
- .2 A secondary suite shall not exceed a gross floor area of 90 m² or 40 percent of the gross floor area of the single detached dwelling, whichever is less.
- .3 A cottage shall not exceed the floor area ratio in section 7.4.2 or 115m², whichever is less or a height of 9.0 metres for a sloping roof or 7.5 metres for a flat roof.

Accessory Buildings and Structures

- 7.10 .1 No more than two accessory buildings or structures shall be located on a parcel.
- .2 The height of an accessory building or structure shall not exceed 3.65 metres or, where the slope of the roof is greater than or equal to 3 in 12, 4.65 m.
- .3 The maximum combined floor area of all accessory buildings shall not exceed 77 m².

Off-street Parking

- 7.11 .1 Off-street parking shall be provided in accordance with sections 4.13 and 4.14 .

RM-1 Zone (Residential Multiple – Townhouse)

Permitted Uses

8.1 The following uses and no others shall be permitted in the RM-1 zone:

- .1 Principal Uses, Buildings and Structures
 - (a) residential use in townhouses;
 - (b) residential use in duplex dwellings.
- .2 Secondary Uses, Buildings and Structures
 - (a) accessory buildings and structures.

Size and Density of the Use of Land, Buildings and Structures

- 8.2
- .1 More than one principal building may be located on a parcel.
 - .2 The floor area ratio shall not exceed 0.65.
 - .3 Parcel coverage shall not exceed 30 percent.
 - .4 The maximum density shall be 40 dwelling units per hectare of parcel area.

Siting of Principal Buildings

8.3 The minimum setback for a principal building shall be:

- .1 7.5 metres from a front or rear parcel line; or
- .2 the greater of 3 m, or 50 percent of the height of a principal building on the parcel, from a side parcel line.

Height of Principal Buildings

- 8.4
- .1 The height of a principal building shall not exceed 9.0 m

Accessory Buildings and Structures

- 8.5
- .1 The height of an accessory building or structure shall not exceed 4.9 m.
 - .2 The minimum setback for an accessory building or structure shall be:
 - (a) 7.5 metres from a front or exterior side parcel line; or
 - (b) 2.4 metres from a side or rear parcel line.

Off-street Parking

- 8.6
- .1 Off-street parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 The minimum setback for an off-street parking space shall be 1.5 metres from a parcel line.

C-1 Zone (Neighbourhood Commercial)

Permitted Uses

9.1 The following uses and no others shall be permitted in a C-1 zone:

- .1 Principal Uses, Buildings and Structures
 - (a) convenience store;
 - (b) retail store;
 - (c) office, bank;
 - (d) personal services establishment;
 - (e) restaurant, excluding drive-in restaurant;
 - (f) apartment.
- .2 Secondary Uses, Buildings and Structures
 - (a) none permitted.

Size and Density of the Use of Land, Buildings and Structures

- 9.2
- .1 No more than one principal building shall be located on a parcel.
 - .2 Parcel coverage shall not exceed 60 percent.
 - .3 The maximum gross floor area for a convenience store shall be 340 m².

Siting of Principal Buildings

- 9.3 The minimum setback for a principal building shall be:
- .1 7.5 metres from a front or rear parcel line; or
 - .2 3.0 metres from a side parcel line.

Height of Principal Buildings

- 9.4
- .1 The height of a principal building shall not exceed 7.5 metres or two storeys, whichever is greater.

Off-street Parking and Loading

- 9.5
- .1 Off-street parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 One off-street loading space shall be provided on the parcel.
 - .3 An off-street loading space shall be prohibited in the required side parcel line setback area.

C-2 Zone (Commercial Marina)

10.1 The following uses and no others shall be permitted in a C-2 zone:

- .1 Principal Uses, Buildings and Structures
 - (a) boat storage;
 - (b) boat rental operations, marine fuel installations;
 - (c) marine land facilities;
 - (d) boat hoists and launching ramps;
- .2 Secondary Uses, Buildings and Structures
 - (a) not more than one accessory dwelling per parcel.

Site Specific Uses

10.2 Despite section 10.1, in the area delineated as **C-2A**:

Permitted Uses

- .1 The following uses and no others shall be permitted
 - (a) boat storage;
 - (b) parking;
 - (c) office.

Conditions of Use

- .2
 - (a) The height of an office building shall not exceed the lesser of 7.5 metres or two storeys.
 - (b) The height of all other buildings and structures shall not exceed 3 m.
 - (c) The maximum gross floor area for an office building shall not exceed 47 m² per storey plus a deck area of 47 m².
 - (d) No part of an office building shall be located more than 24 metres from the natural boundary of Rundle Creek

10.3 Despite section 10.1, in the area delineated as **C-2B**:

Permitted Uses

- .1 The following uses and no others shall be permitted
 - (a) boat storage;
 - (b) parking.

Conditions of Use

- .2 The height of a building or structure shall not exceed 9 m.

Size and Density of the Use of Land, Buildings and Structures

- 10.2 .1 Parcel coverage shall not exceed 60 percent.

Siting of Buildings, Structures and Uses

- 10.3 The minimum setback for a principal building shall be:
 - .1 7.5 metres from a front or rear parcel line;
 - .2 3.0 metres from a side parcel line;
 - .3 0 metres from the natural boundary of the ocean, except the minimum setback for sewage disposal systems and public utility uses shall be 7.5 metres from the natural boundary of the ocean.

Height of Buildings and Structures

- 10.4 .1 The height of a principal building or structure, except boat hoists and gantries for stepping masts, shall not exceed 9.0 m.

Off-street Parking and Loading

- 10.5 .1 Off-street parking shall be provided in accordance with sections 4.13 and 4.14 .
- .2 Areas required for parking shall not be used for the sale or rental of boats.
- .3 Areas required for parking may only be used for the storage of boats and boat cradles between October 1st in any year and March 31st of the next year.
- .4 No person shall reside in a vessel stored in the C-2 zone.

C-3 Zone (Commercial Marina Foreshore)

Permitted Uses

- 11.1 The following uses and no others shall be permitted in a C-3 zone:
 - .1 Principal Uses, Buildings and Structures
 - (a) floating dock;
 - (b) fuel sales;
 - (c) launching ramp;
 - (d) buoy for the mooring of vessels.
 - .2 Secondary Uses, Buildings and Structures
 - (a) none permitted.

Conditions of Use

11.2 In a C-3 zone:

- .1 a floating dock or launching ramp shall be located within the boundaries of a water lease or license of the occupation granted or approved by the Province;
- .2 the location, shape, size and type of construction of a proposed floating dock or launching ramp shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- .3 no portion of a floating dock, other than a floating dock for fuel sales, shall exceed a width of 3 metres or a height above sea level of 1 m, except for hand railings;
- .4 no portion of a fuel floating dock shall exceed a width of 5 m, a length of 12 metres or a height of 1 metres above sea level, except for hand railings;
- .5 no portion of a launching ramp shall exceed a width of 5 metres or be located within 1 metre from the natural ocean bottom;
- .6 no building, shed or structure may be erected on a floating dock other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
- .7 marina fueling facilities may be erected on a floating dock; and
- .8 no person shall reside on a floating dock or vessel moored in the C-3 zone.

W-1 Zone (Water - Marine Foreshore)

Permitted Uses

12.1 In a W-1 zone the following uses and no others shall be permitted:

- .1 Principal Uses, Buildings and Structures
 - (a) public or private mooring system for vessels 12 metres or less in length;
 - (b) float;
 - (c) public boat launching ramp;
 - (d) short term anchoring or mooring of vessels for periods not exceeding four calendar days every 30 days; including overnight accommodation on the anchored or moored vessel for a period not exceeding three nights every 30

days. For the purpose of this section, anchoring or mooring for any part of a day shall count as one calendar day.

.2 Secondary Uses, Buildings and Structures

- (a) None permitted.

Conditions of Use

12.2 .1 In a W-1 zone:

- (a) no person shall anchor, moor, or permit the mooring, of a vessel that is more than 12 metres in length for periods greater than 72 hours every 30 days;
- (b) all mooring systems shall meet the requirements, standards and guidelines of the “Order Amending the Minor Works and Waters (Navigable Waters Protection Act) Order”, the Private Buoy Regulations under the *Canada Shipping Act* and any other Transport Canada regulation, order or directive as applicable;
- (c) floats shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- (d) no portion of a float shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings;
- (e) the location, shape, size and type of construction of a proposed float shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- (f) no portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;
- (g) no building, shed or structure shall be erected on a float; and
- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d) or 12.2.1(a).

CU-1 Zone (Community Use)

Permitted Uses

13.1 In a CU-1 zone the following uses and no others shall be permitted:

.1 Principal Uses, Buildings and Structures

- (a) civic use;
 - (b) church;
 - (c) community care use.
- .2 Secondary Uses, Buildings and Structures
- (a) None permitted.

Size and Density of the Use of Land, Buildings and Structures

- 13.2 .1 Parcel coverage shall not exceed 50 percent, except there shall be no maximum parcel coverage for firehalls, ambulance stations or other civic or infrastructure uses.

Siting of Buildings, Structures and Uses

- 13.3 The minimum setback for a principal building shall be:
- .1 7.5 metres from a front parcel line; except a school shall have a minimum setback of 10 metres from a front parcel line;
 - .2 7.5 metres from a rear parcel line;
 - .3 the greater of 2.4 metres or 10 percent of the length of the front parcel line, from a side parcel line.

Height of Buildings and Structures

- 13.4 .1 The height of a principal building shall not exceed 7.5 m.

Off-street Parking

- 13.5 .1 Off-street parking shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

14.1 In a RU-1 zone the following uses and no others shall be permitted:

- .1 Principal Uses, Buildings and Structures
 - (a) resource use;
 - (b) fire department training facility.
- .2 Secondary Uses, Buildings and Structures
 - (a) accessory buildings and structures.

Siting of Buildings, Structures and Uses

14.2 The minimum setback for a principal building shall be 7.5 metres from a parcel line.

NAC-1 (Natural Areas Conservation)

Permitted Uses

15.1 In a NAC-1 zone the following uses and no others shall be permitted:

- .1 Principal Uses, Buildings and Structures
 - (a) community watershed management for protection of domestic water supplies;
 - (b) environmental conservation activities;
 - (c) recreation trails, including signage.
- .2 Secondary Uses, Buildings and Structures
 - (a) parking areas finished with a permeable surface.

Area of Parcels

15.2 .1 The minimum parcel area shall be 16 hectares.

Siting of Buildings, Structures and Uses

15.3 The minimum setback for a principal building shall be 7.5 metres from a parcel line.

READ A FIRST TIME this _____ day of _____, 2017

READ A SECOND TIME this _____ day of _____, 2017

PUBLIC HEARING HELD this _____ day of _____, 2017

APPROVED PURSUANT TO S.52 OF THE TRANSPORTATION ACT this _____ day of _____, 2017

READ A THIRD TIME this _____ day of _____, 2017

ADOPTED this _____ day of _____, 2017

Mayor

Corporate Officer

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