



Zoning and Development Bylaw No. 520, 2017

Office Consolidation

This document is an office consolidation of Zoning and Development Bylaw No. 520, 2017 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Zoning and Development Bylaw No. 520, 2017, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
548	3	Replaces definition of <i>retail store, cannabis</i>	July 3, 2018
549	3	Adds subsection 6.2.3	July 3, 2018
641	1.1, 1.2, 4.6.1 4.6.2 (a) – (g), 4.6.3	Removes Short Term Rental Policy and clarifies the regulations for issuing, regulating, and renewing temporary use permits for short-term rentals, including eligibility criteria, notification requirements, operating standards, and conditions the CAO may impose. It also	December 2, 2025

	(a) – (b), 4.6.4 (a) – (i), 4.6.5 4.6.6	establishes limits on permit duration, renewal procedures, and opportunities for Council reconsideration	
650	1.1	Replaces the existing reference to parcels with “two front parcel lines” with updated language that instead refers to parcels with a “rear yard parcel line abutting the ocean or a municipal esplanade.” The amendment clarifies that setback averaging applies only to the ocean-facing parcel line, reflecting a refinement in terminology rather than a change in intent.	December 2, 2025

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. 520, 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.520, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004, as amended; 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;

Approving Officer means the person appointed by Council as the Approving Officer for the *Municipality*;

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 Official means the *Building Official* for the *Municipality*;

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 and fire department training facilities, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and *highways*;

Community Amenity Contribution Policy means the community amenity policy in the Official Community Plan of the *Municipality*;

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 *building* containing a secondary *dwelling unit*, which is separate from, and accessory to, a principal *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*;

emergency mooring means mooring for

- (a) safe harbour from inclement weather or marine conditions;
- (b) repairs to a vessel;
- (c) medical purposes;
- (d) overnight purposes; or
- (e) provisioning of supplies.

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;

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 sun decks, 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;

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 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;

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*;

mooring system has the same meaning as in the *Navigable Waters Protection Act*, as amended;

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 areas means land that is retained in its natural state for the purpose of protecting and preserving natural ecosystems, biological diversity, and steeply sloped lands;

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, off-street 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 Manager means the Public Works Manager for the *Municipality*;

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;

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 or stockpiling of 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 at which *cannabis* is packaged, stored, dispensed, distributed, traded or sold, or otherwise provided to a person with or without a medical prescription, but excludes activity or conduct that is authorized and licenced pursuant to the *Access to Cannabis for Medical Purposes Regulations*;

[Amended by Bylaw No. 548]

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 to 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:

.1 *Principal Uses, Buildings and Structures*

- (a) community garden;
- (b) *environmental conservation* activities;
- (c) parks, playgrounds and recreational trails;
- (d) *infrastructure use*;

.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*; except where authorized under a temporary *use* permit;
- .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 (a) 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;
- (b) Council delegates to the CAO the authority to grant temporary *use* permits for short term rentals in accordance with section 4.6.1.
- 4.6.1. The CAO may grant a temporary use permit for a short term rental subject to the short term rental use complying with the regulations in section 4.6.2 and having regard to the residential character of the neighbourhood in which the short term rental is located, any objections received after notice of the proposed temporary use permit for the short term rental is given in section 4.6.3, the history of prior complaints related to prior short term rental on the parcel, and the suitability of a short term rental for the dwelling units in which the use is proposed to occur.
- 4.6.2 All of the following regulations apply to a temporary use for a short term rental:
- (a) A maximum of one (1) short term rental is permitted on a parcel.
 - (b) A maximum of two (2) guests per bedroom that meets the minimum requirements of the BC Building Code may be allowed as part of a temporary short term rental use.
 - (c) A maximum of one (1) sign indicating a short term rental may be permitted if it does not vary the residential appearance of the land and premises where a short term rental is located.
 - (d) No short term rental is permitted as an accessory commercial use for a houseboat, secondary suite or on a parcel that contains a child home care business.

- (e) No short term rental is permitted on a parcel with a property line that less than 50.0 metres from a school or daycare.
- (f) In addition to the requirements in section 4.13 for any other uses occurring on the parcel, two (2) off-street parking spaces shall be provided and maintained on the parcel for the short term rental.
- (g) No short term rental is permitted on a parcel unless it is connected to a community sewer system or has a septic disposal system that is capable of handling the demand generated by the short term rental.

4.6.3 Notice of consideration of the application for a temporary use permit for a short term rental shall be given:

- (a) When being considered by the CAO, the CAO will give notice to owners and occupants of all parcels of land within 50.0 metres from the property line of the parcel on which the short term rental will be located and will allow two weeks for owners and occupants to provide comments; and
- (b) When being considered by Council, notice shall be given in accordance with section 494 of the Local Government Act.

4.6.4 The CAO may specify conditions in a temporary use permit for a short term rental relating to:

- (a) the deposit of security of \$2,500 in the form of cash deposit, bond, irrevocable letter of credit or similar instrument as a guarantee the performance of the terms of the temporary use permit for the short term rental;
- (b) safety considerations identified as impacting guests that may stay temporarily in the short term rental, including advice from a building inspector that the parcel on which the short rental use will be located is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rockfalls, subsidence or avalanche or other considerations applicable under the BC Building Code for this type of occupancy;
- (c) the adequacy of the water and sewage systems servicing the parcel to handle any increased demand caused by the short term rental;
- (d) mitigation measures to reduce the impact of the short term rental on neighbouring parcels, public rights-of-way, beaches, parks and other public use areas;
- (e) the location of the short term rental on the parcel, including the siting of the specific dwelling unit within which the short term rental will be located;
- (f) the impact of additional traffic generated by the short term rental;
- (g) establishment of quiet hours guests of the short term rental;

- (h) the form of management of the short term rental or other measures to ensure that guests using the short term rental are not disruptive to neighbours; and
 - (i) any matter addressed in the secondary suite regulations.
- 4.6.5 A decision of the CAO to refuse or approve a temporary use permit for a short term rental, with or without conditions, may be reconsidered by Council if, within 30 days of the CAO's decision being conveyed to the Owner in writing via email, the Owner requests reconsideration in accordance with section 35 (5) of Council Procedures Bylaw No. 476, 2015, as amended.
- 4.6.6 The term of the first temporary use permit issued in respect of a parcel shall be no longer than one (1) year. Sixty (60) days prior to the expiry of the initial term of the temporary use permit, the Owner may apply for a one (1) year renewal term. Thereafter, any short term rental use beyond the original or the renewal term shall be prohibited unless the Owner applies for and receives a new temporary use permit for a short term rental. After the first two (2) years, the temporary use permit for a short term rental shall be issued for a term of up to three (3) years, which temporary use permit may be renewed for an additional term of up to three (3) years."

[Amended by Bylaw No. 641]

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, bay windows, 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) stairs not exceeding two metres, exclusive of necessary handrails or guards, above existing ground elevation;
- (d) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
- (e) sidewalks, patios and hard surfacing of the ground;
- (f) 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
- (g) 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

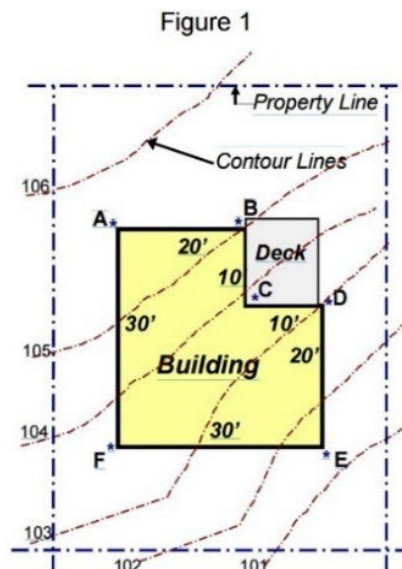
4.8 The *average grade* for a *building* or *structure* shall be calculated as follows:

- .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



- .2 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.

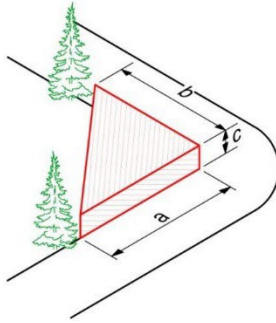
Fences and Retaining Walls

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 alteration permit, 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 business* 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, except as provided for in section 4.15;
 - .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; kennel; animal breeding; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as *home-based businesses*;

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 linear 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, except for *single detached dwellings*, *cottages* and *duplexes*, have associated *aisle space* as set out in section 4.14.

TABLE 1

COLUMN I	COLUMN II
<u>Building Class, Use or Type</u>	<u>Required Number of Off-Street Parking Spaces</u>
Single family dwelling per <i>parcel</i>	2 for each <i>Single Detached Dwelling</i> without a <i>Secondary Suite</i> and 3 for each <i>Single Detached Dwelling</i> with a <i>Secondary Suite</i>
<i>Cottage</i>	2 per <i>cottage</i>
<i>Apartment building or townhouse</i>	1.5 for each <i>dwelling unit</i>
Shopping centre and individual <i>retail store</i>	1 per 18.6 square metres of <i>gross floor area</i>

Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, <i>churches</i> , 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 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.

Parking and Storage of 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 stockpiling 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, or machinery and commercial, industrial or construction materials, implements or supplies 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, equipment, supplies, and materials:

- (c) can be demonstrated to the satisfaction of:
 - (i) the *Public Works Manager or the Building Official*, regarding site alteration permits, or
 - (ii) the *Building Official*, 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 Official* determines such vehicles, equipment, supplies, and materials 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 Official* 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.
- .6 On an appeal under section 4.15.5, the Council may uphold the determination and order of the *Public Works Manager* or *Building Official*, 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 obstruct a public right of way or easement; or contravene a Village bylaw.
 - .3 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.

- .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 60 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 in conjunction with *infrastructure uses* and *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 The maximum number of metal shipping containers on any *parcel* is 1, except on *parcels* used for fire department training facilities.

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that where attached to a *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 Where a solar energy device is not attached to a *building* or *structure*, or is attached to a pole, 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 15 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 department training facilities;
 - .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 Unit
C-1	Commercial - Neighbourhood
C-2	Commercial - Marina
C-3	Commercial - Marina Foreshore
W-1	Water - Marine Foreshore
W-2	Water – Marine Community Recreation
CU-1	Community <i>Use</i>
RU-1	<i>Resource Use</i>
OS-1	Open Space Areas

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 right of way, rail right of way or a water course, the centre line of the road right of way, rail right of way or water course shall be the zone boundary.
- .3 Where a parcel is created by road closure bylaw, it shall be deemed to be zoned RS-1 unless and until such time as this bylaw is amended in respect of the new parcel.

[Amended by Bylaw No. 549]

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 section 7.2, the maximum *density* may be increased to an average of one *parcel* per 800 m², with a 700 m² minimum *parcel* area, where amenities identified in the *Community Amenity Contribution Policy* are provided.
 - .2 Despite sections 7.2, and subject to section 7.9, the maximum *density* may be increased from one to two *principal buildings per parcel* containing dwellings to accommodate a *cottage* on *parcels* having a minimum area of 1,000 m², where a covenant and amenities identified in the *Community Amenity Contribution Policy* are provided.
 - .3 The amenities provided under sections 7.3.1 or 7.3.2 shall be subject to negotiation with the owner based on a target contribution towards amenities identified in the *Community Amenity Contribution Policy*.

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

- 7.4
- .1 Subject to section 7.3, 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.

.4 Height

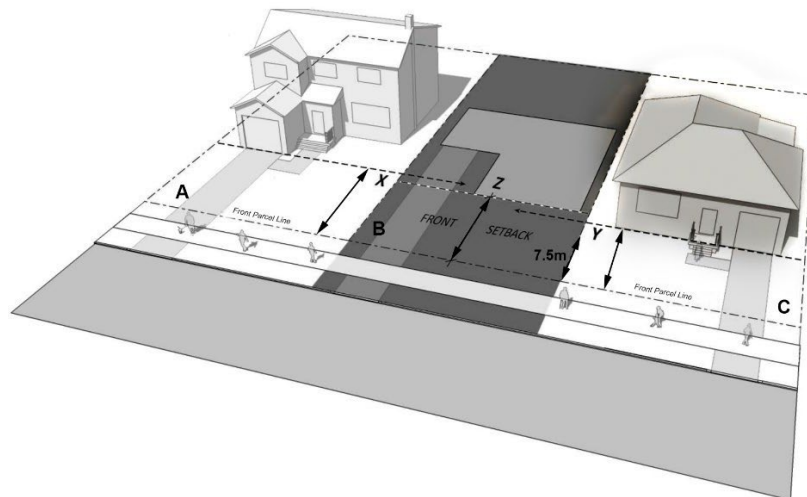
In the Brunswick Beach Overlay Area, *height* shall be measured from the *average grade* as follows:

- (a) to the highest point of the roof surface of a flat roof;
- (b) to the deck line of a mansard roof;
- (c) to the mean elevation between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof; or
- (d) for a *structure* without a roof, to the highest point of the *structure*.

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 (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a parcel has a rear yard parcel line abutting the ocean or abutting a municipal esplanade abutting the ocean, setback averaging shall apply only to the 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 one *cottage*, but not both, 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 Unit)

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 (Commercial - Neighbourhood)

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 rentals,
- (c) marine fuel sales;
- (d) marina land facilities including boat maintenance and repair, restaurant, office, outboard and inboard engine repairs, store or sales room for the sale or rental of boats, engines, or marine supplies including food and sporting goods;
- (e) 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) mooring buoy.
- .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 to a *mooring system*;
- (b) public or private *float*;
- (c) public boat launching ramp;
- (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days;
- (e) *emergency mooring*.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

12.2 .1 In a W-1 zone:

- (a) subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a floating residential structure, including but not limited to a houseboat, 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) private *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* 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).

W-2 Zone (Water - Marine Community Recreation)

Permitted Uses

13.1 In a W-2 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) public beach;
 - (b) public *float*;
 - (c) public boat launching ramp.
 - (d) *emergency mooring*.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Conditions of Use

13.2 In a W-2 zone:

- .1 No person shall operate a motorized vessel;
- .2 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.
- .3 No portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom.
- .4 No *building* or *structure* shall be erected on a *float*.

CU-1 Zone (Community Use)

Permitted Uses

14.1 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

14.2 .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

14.3 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

14.4 .1 The *height* of a *principal building* shall not exceed 7.5 m.

Off-street Parking

14.5 .1 *Off-street parking* shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

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

- .1 *Principal Uses, Buildings and Structures*
 - (a) *resource use;*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *accessory buildings and structures.*

Siting of *Buildings, Structures and Uses*

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

OS–1 (Open Space Areas)

Permitted Uses

16.1 In an OS-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) *natural areas*;
 - (c) recreation trails, including signage;
 - (d) fire department training facility.
- .2 Secondary Uses, Buildings and Structures
 - (a) parking areas.

Area of Parcels

16.2 .1 The minimum parcel area shall be 16 hectares.

READ A FIRST TIME this 21st day of March, 2017

READ A SECOND TIME this 18th day of April, 2017

PUBLIC HEARING HELD this 4th day of May, 2017

READ A THIRD TIME this 16th day of May, 2017

APPROVED BY THE MINISTER OF TRANSPORTATION PURSUANT TO S.52 OF THE
TRANSPORTATION ACT this

1st day of June, 2017

ADOPTED this 6th day of June, 2017

Mayor

Corporate Officer

Certified a true copy of Zoning and Development
Bylaw No.520, 2017.

Corporate Officer