

VILLAGE OF PORT CLEMENTS

ZONING BYLAW

THE VILLAGE OF PORT CLEMENTS

BYLAW NO. 184

AND WHEREAS the Council pursuant to Section 954 of the Municipal Act wishes to adopt amendment procedures;

AND WHEREAS the Council pursuant to Section 963 of the Municipal Act wishes to adopt a Zoning Bylaw;

AND WHEREAS the Council pursuant to Section 964 of the Municipal Act, may require owners or occupiers of any building or structure to provide off street parking and loading spaces for the building or structure;

AND WHEREAS the Council pursuant to Section 967 of the Municipal Act may regulate the number, size, type, form, appearance and location of any signs;

AND WHEREAS the Council pursuant to Section 968 of the Municipal Act may require and regulate the provision of screening or landscaping;

AND WHEREAS the Council pursuant to Section 994 of the Municipal Act may regulate the minimum frontage of parcels created by subdivision;

NOW THEREFORE the Council of the Village of Port Clements, in open meeting, lawfully assembled, ENACTS AS FOLLOWS:

- (1) "Schedule A the text" and "Schedule B the Zoning map", both attached hereto and forming part of this bylaw are hereby together designated as the Zoning Bylaw of the Village of Port Clements.
- (2) Bylaw No. 150 cited as "The Village of Port Clements Zoning Bylaw No. 150" and Bylaws amending No. 150 are hereby repealed.
- (3) This Bylaw may be cited for all purposes as "Zoning Bylaw No. 184 of the Village of Port Clements, 1990".

READ A FIRST TIME THIS 29th DAY OF February, 1988.

READ A SECOND TIME THIS 29th DAY OF February, 1988.

RECEIVED A PUBLIC HEARING THIS 31st DAY OF August, 1990.

READ A THIRD TIME THIS 3rd DAY OF September, 1990.

The applicable provisions of this bylaw are approved pursuant to Section 969 of the Municipal Act.

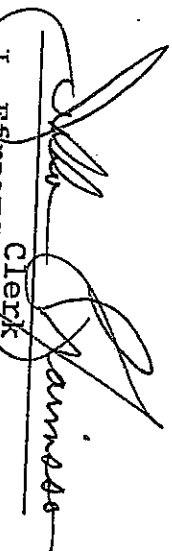
Ministry of Environment

The applicable provisions of this bylaw are approved pursuant to Section 969 of the Municipal Act.

Ministry of Transportation and Highways

RECONSIDERED AND FINALLY PASSED AND ADOPTED THIS 10th DAY OF September, 1990.


Mayor


Clerk
J. Eframsson

Certified to be a true copy

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VILLAGE OF PORT CLEMENTS

ZONING BYLAW

This is "Schedule A" to Bylaw 184

Mayor

Clerk

PART 1: INTRODUCTION

1.1 TITLE

This Bylaw may be cited as the "Village of Port Clements Zoning Bylaw No. 184", and further referred to herein as "this Bylaw".

1.2 APPLICATION

This Bylaw shall be applicable to the entire geographical area of the Municipality as shown on "Schedule B Zoning Map" and to all land, water, buildings and structures therein.

1.3 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"ACCESSORY BUILDING AND STRUCTURE" means a subordinate detached building or structure which is:

- (a) used for the better enjoyment of the building to which it is accessory, and
- (b) situated upon the lot on which the main building is, or is being erected, and shall include detached toolhouses, carports, and private garages;

"ACCESSORY USE" means a use that is ancillary and/or auxiliary to the primary use on the site and which is customarily incidental and subordinate to the primary use but specifically excludes residential uses;

"ALTERATION OR ALTERED" means a building or structure to which an addition is made or in which any structural change is made;

"APARTMENT" means a building containing three or more self-contained dwelling units, intended to be occupied as a permanent home, as distinct from a hotel, motel, autocourt or motor-hotel;

"AUTOCOURT OR MOTEL" means a building or group of buildings containing sleeping units, occupied or intended to be occupied temporarily by automobile tourists or transients, with each unit having its own individual outside access and parking space located adjacent thereto and each dwelling unit being self-contained with or without cooking facilities, having its own bathroom with a water closet, wash basin, and bath or shower;

"BOARDER OR LODGER" means a person who rents a sleeping room, with or without individual toilet facilities in a dwelling unit occupied by a family to which he is not related by blood or marriage;

"BOARDING, LODGING OR ROOMING HOUSE" means a dwelling in which 2 or more sleeping units are rented, with or without meals being provided, to not exceeding 10 persons, other than members of the family of the leasee, tenant or owner, and excludes the preparation of meals within the rented units;

"BUILDING" means a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property;

"CAMPGROUND" means a site providing for the seasonal and temporary accommodation of travellers using tents, travel trailers or recreation vehicles, but specifically excludes a mobile home park, hotel, motel, autocourt or holiday park. This does not apply to campgrounds licensed under the Community Care Facility Act;

"CAMPING SITE" means an area in a campground used for one trailer, recreation vehicle, or tent;

"BED AND BREAKFAST" means the provision of nightly accommodation and breakfast for travellers in a private dwelling unit.

"COMMUNITY SEWER SYSTEM" means a sewage collection and/or disposal system that is owned and operated by the Municipality and/or Regional District that has been approved under the Waste Management Act and the Health Act;

"COMMUNITY WATER SYSTEM" means a system of waterworks which serves two or more parcels and which is owned, operated and maintained by the Municipality, or an Improvement District under the Water Act or Municipal Act, all of which is regulated under the Water Utilities Act;

"CONVENIENCE STORE" means a retail sales outlet contained under one roof, having a floor area not exceeding 200 m², and providing for the retail sale and display of everyday household items, including food, beverages, books, magazines and household accessories but specifically excludes industrial uses and gasoline service stations;

"COUNCIL" means the Council of the Village of Port Clements.

"DENSITY" means a measurement of development intensity on a site which shall be in either of the following forms:

(a) Floor Area Ratio: means the figure obtained when the area of all the floors of the buildings on a site, excluding those areas which are used for parking within the outermost walls of a building, or underground and is ancillary to the principal use, is divided by the area of the site. The area of the floor of the building shall be measured to the inside edge of the exterior walls and shall not include balconies, canopies, terraces, and loft spaces. In the event that parking is a principal use of the site, those areas which are used for parking within the outermost walls of a building or underground and is a principal use of the site shall be counted in the calculation of the floor area ratio;

(b) Unit Density: means the figure obtained when the total number of dwelling units constructed or to be constructed on a site is divided by the total area of the site;

"DWELLING UNIT" means a suite operated as a housekeeping unit, used or intended to be used as a residence and usually containing cooking, eating, living, sleeping and sanitary facilities;

"DWELLING, SINGLE FAMILY" means any detached building consisting of one dwelling unit which is occupied or intended to be occupied as the permanent home or residence of one family;

"DWELLING, TWO FAMILY OR DUPLEX" means any detached building consisting of two dwelling units each of which are occupied or intended to be occupied as the permanent home or residence of one family;

"DWELLING, MULTIPLE FAMILY" means any building which is divided into five or more dwelling units, each of which is occupied or intended to be occupied as the home or residence of one family and shall include apartments, row houses, townhouses, triplexes, fourplexes, and terraced housing;

"FOURPLEX" means a detached dwelling consisting of four dwelling units each of which are occupied or intended to be occupied as a permanent home or residence for one family;

"FRONTAGE OR FRONT LOT LINE" means the boundary of the record lot abutting a highway. Where a record lot abuts more than one highway, other than a lane, the frontage shall be that boundary having the least measurement;

"GASOLINE SERVICE STATION" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants, which may include the minor repairing of motor vehicles and the sale of automobile accessories, but specifically excludes vehicle sales, body work and painting;

"GEODETTIC DATUM" means the average level of the Pacific Ocean measured along the B.C. Coast. The measurements are taken over many tides and many seasons and the agreed sea level equals datum zero. All land elevations are measured above (or below) this point;

"HEIGHT" means the vertical distance from the average finished ground level at the perimeter of the building structure to the highest point of the roof surface of a flat roof, to the decline of a mansard roof, and to the ridge of a gable, hip, or dormer or other pitched roof, and in the case of a structure without a roof, to the highest point of the structure;

"HIGHWAY" means a street, road, land, pathway, sidewalk, bridge, or any other public way;

"HOME OCCUPATION" means a customary accessory use of a gainful nature carried on within a dwelling unit or accessory structure by the person or persons residing therein;

"HOTEL" means a building in which there are sleeping units for transient lodgers, with or without a public dining area or cafe;

"LAND" includes the surface of water;

"LANDSCAPING" means the planting of lawns, shrubs and trees, and the addition of fencing, walks, lights, ponds, pools, or other structures and materials as used in landscape architecture;

"LANE" means a public way or minor street affording only secondary means of access to a lot, at the side or rear;

"LOT or RECORD LOT" means a parcel, block, or other area of land that has been registered as such in the Land Title Office or developed pursuant to the Condominium Act;

"LOT AREA" means the total horizontal area within the lot lines of a lot;

"LOT, CORNER" means a lot at the intersection or junction of two or more streets;

"LOT DEPTH" means the mean horizontal distance between the front and rear lot lines. For non rectangular lots it shall be the average distance between the front lot line and the rear lot line;

"LOT, INTERIOR" means a lot other than a corner lot;

"LOT LINE, FRONT" means the lot line common to the lot and an abutting highway, where there is only one such common lot line; where the front and rear boundaries of a lot each abut on a highway, Front Lot Line means the lot line common to the lot and the highway towards which the majority of the adjacent buildings are faced; and where a lot is situated at the junction or intersection of highways, Front Lot Line means the shorter of the lines in common to the lot and a highway;

"LOT, THROUGH" means a lot abutting two parallel or approximately parallel streets;

295, 1999

"MOTEL" means a building or buildings containing sleeping units primarily for the temporary accommodation of the travelling public where each sleeping unit contains its own bathroom with a water closet, wash basin and bath or shower and may or may not include its own cooking facilities. MOTEL may include, without limiting the generality of the foregoing, an office with a public register, restaurant and meeting rooms.

"MOBILE HOME" means a dwelling unit especially designed to be moved along the highway from time to time, and which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation and supports, and connection of utilities;

"MOBILE HOME PARK" means any parcel of land upon which two or more mobile homes occupied for dwelling purposes, are located, including all buildings, structures or accessories used or intended to be used as equipment for such Mobile Home Park; but shall not include vehicle sales, or other lands on which mobile homes are manufactured or placed solely for the purposes of storage or inspection and sale;

"MOBILE HOME SPACE" means an area of land within a mobile home park for the installation of one mobile home with permissible additions;

"MUNICIPALITY" means the Village of Port Clements or the area within the municipal boundaries as the context requires;

"NATURAL BOUNDARY" means the visible high water mark of any lake, river, stream, or other body of water where the presence of action of the water is so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream or other body of water, a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself;

"PANHANDLE" means a narrow strip of land which, as an integral part of a parcel, provides frontage to a highway;

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

"PARCEL COVERAGE" means the percentage of site area of a parcel that is to be covered by buildings and structures;

"PARKING AREA OR PARKING LOT" means an open area of land, other than a street, used for the parking of vehicles of clients, customers, employees, members, residents or tenants;

"PARKING GARAGE" means a building the primary use of which is the parking or storage of vehicles and which is available to the public or as an accommodation to clients, customers or employees;

"PARKING SPACE" means a space within a building or a parking area, for the parking of one vehicle, excluding driveways, ramps, columns, office and work area;

"PERSONAL CARE USE" means a use providing for the care of the sick, injured, or aged, other than in a public hospital; includes private hospitals, convalescent homes, nursing homes, resthomes, and community care facilities as defined by the Community Care Facilities Licensing Act of British Columbia and amendments thereto;

"PRIMARY USE" means the main purpose for which land, buildings or structures is used;

"PRINCIPAL BUILDING" means the building or structure in which the primary use for which the land, buildings, or structures is zoned is carried out;

"RETAIL STORE" means a retail sales outlet contained under one roof having a gross floor area not exceeding 2,000 m², and providing for the retail sale and display of goods; but specifically excludes industrial uses and gasoline service stations;

RESTAURANT: Means a public eating place with or without a liquor licence. (# 295, 1999)

"ROOF LINE" means the line delineated by the intersection of the plane of the outside face of the exterior wall of the building and the plane of the roof of the building except that in the case of a pitched roof with projecting eaves the roof line shall be at the eaves level, and where the building has a continuous roof parapet or mansard the roof line shall be the line of the top of the parapet or mansard;

"ROOF SIGN" means a sign erected upon or above a roof or parapet of a building, or a sign affixed to a building and extending above the roof line of the building, but shall not include a projecting sign;

"SCREENING" means a continuous fence, wall, compact evergreen hedge or combination thereof, that would effectively screen the property which it encloses, and is broken only by access drives and walks;

"SEASONAL, OR TEMPORARY" means a campground, recreational vehicle park, or fishing lodge which is not intended for permanent year round occupancy;

"SETPBACK" means the required minimum distance between a building or structure of use and each of the respective lot lines;

"SHOPPING CENTRE" means a group of retail stores in one or more buildings designed as an integrated unit, and located on a single parcel;

"SIGN" includes billboards, signboard, advertisements or advertising devices;

"SITE AREA" means the area required to carry on a particular use;

"SLEEPING UNIT" means one or more habitable rooms used for the lodging of a person or persons when such unit contains no cooking facilities;

"STORAGE YARD" means an area outside of an enclosed building where materials and equipment are stored, baled, piled, handled, sold or distributed. A storage yard shall not be construed to include an automobile wrecking yard, a sales yard, or a junk yard;

"STOREY" means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it; that portion between the top of such floor and the ceiling above it.

"STRUCTURE" means anything with a vertical projection of at least one metre above the ground; but shall not include fences and freestanding walls that are less than the maximum permitted height for their respective zones;

"TEMPORARY STORAGE" means not permanent and does not exceed a period of six (6) months;

"TOURIST TRAILER PARK" means a parcel of land which has been planned and improved for the placement of transient travel trailers and other transient recreation vehicles for transient use;

"TOWNHOUSE" means a block of at least three dwelling units located on a single parcel, each dwelling unit shall have a direct ground oriented entrance, shall be attached to its neighbour at its side and each dwelling unit being separated from each other by a party wall;

"TRAVEL TRAILER" means any vehicle, coach, house-car or conveyance, designed to travel on the highways, constructed or equipped to be used as temporary living or sleeping quarters by travellers, recreational or vacation users;

"TRIPLEX" means a detached dwelling consisting of three dwelling units each of which are occupied or intended to be occupied as a permanent home or residence for one family;

"USE" means the purpose for which any lot, parcel, tract of land, building or structure or part thereof is designed, arranged or intended, or for which it is occupied or maintained;

"USEABLE LOT AREA, USEABLE OPEN SPACE" means the area of a lot taken in a horizontal plane between the lot boundaries, excluding land in excess of 50% slope and natural bodies of water comprising in excess of 10% of the total lot area;

"VILLAGE" means the Village of Port Clements;

"VILLAGE CLERK" means the Clerk/Administrator of the Village of Port Clements;

"WATERCOURSE" is any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres or more below the surrounding land, serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres or more upstream of the point of consideration;

"YARD, FRONT" means that portion of the lot, extending from one side lot line to the other, between the front line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line. In the case of a through lot there shall be two such front yards;

"YARD, REAR" means that portion of the lot, extending from one side lot line to the other, between the rear line of the lot and a line drawn parallel thereto. The depth of such yard means the perpendicular distance between the rear line of the lot and the parallel line;

"YARD, SIDE" means that portion of the lot, extending from the front yard to the rear yard, between the side line of the lot and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line;

PART 2: ADMINISTRATION

2.1 COMPLIANCE

Subject to the provisions of the Municipal Act respecting non-conforming uses, development variance permits, temporary use permits, development permits, and board of variance decisions, no person shall erect, construct, locate, alter, reconstruct or maintain any building, or locate or carry on any industrial, business trade or calling or use any land or building or structure or surface of water or air space contrary to the provisions of this Bylaw.

2.2 NON-CONFORMING USE

The provisions of Section 920 of the Municipal Act apply to non-conforming uses.

2.3 ENFORCEMENT

(1) Inspection

The Building Inspector or any employee of the Municipality appointed to administer or enforce this Bylaw, is hereby authorized to enter at all reasonable times upon any property to ascertain whether the regulations and provisions of this Bylaw are being or have been complied with.

(2) Violation

(a) It is unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.

(b) It is unlawful for any person to prevent or obstruct, or attempt to prevent or obstruct, the authorized entry of the building inspector or other appointed employee, authorized under this Section of this Bylaw.

2.4 PENALTY

(1) Any person who violates the provision of this Bylaw is liable on summary conviction to a penalty not exceeding one thousand (\$1,000.00) dollars and not less than five hundred (\$500.00) dollars, and also the cost of prosecution.

(2) Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

(3) Upon conviction, the magistrate may direct that no prosecution under subsection (2) may be made, with respect to the continuance of the violation, for such a period as he directs.

2.5 SEVERABILITY

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, such decision shall not affect the validity of the remaining portions of this Bylaw.

2.6 OTHER REGULATIONS

Nothing contained in the regulations contained in the zones in this Bylaw shall relieve the owner or developer of any land from the responsibility to seek out and comply with all the legislation or regulations applicable to his undertaking.

PART 3: AMENDMENT PROCEDURES

3.1 REZONING APPLICATIONS

In addition to the requirements of the Municipal Act the following requirements for amendment to this Bylaw shall apply:

(1) Rezoning applications and fees shall be completed on the form and the amount as set out in "The Village of Port Clements Rezoning, and Amendments to the Official Community Plan Procedures, Form, and Application Fee Bylaw No. 185, 1990".

(2) Where an application for amendment to this Bylaw has been refused, by Council after public hearing no reapplication for the same amendment shall be considered within six (6) months of the date of refusal.

3.2 BOARD OF VARIANCE

(1) There is a Board of Variance established for the Village of Port Clements under Section 961 of the Municipal Act and appeal shall be to the Board of Variance.

(2) The jurisdiction and powers of the Board of Variance are set out under Section 962 of the Municipal Act.

(3) The procedure and notice of appeal may be made under the regulations set out in "The Village of Port Clements Board of Variance Jurisdiction and Procedure Bylaw No. 186, 1990".

3.3 DEVELOPMENT VARIANCE PERMITS

(1) Pursuant of Section 974 of the Municipal Act Council may by resolution issue a Development Variance Permit that may vary the provisions of this Bylaw and other Bylaws as referred to in Divisions 4 to 7 of Part 29 of the Municipal Act.

(2) A Development Variance Permit shall not vary:

- (a) the use or density of land from that specified in the Bylaw, or
- (b) a flood plain specification under Section 969 (2) of the Municipal Act.

(3) The provisions of a Development Variance Permit prevail over any provision of this bylaw in the event of conflict.

(4) Jurisdiction, application procedure and fees shall be as set out in "The Village of Port Clements Permit Form Procedures and Application Fee Bylaw No. 194, 1990".

PART 4: GENERAL PROVISIONS

4.1 APPLICATION

The regulations contained in Sections 4.1 to 4.19 of this Bylaw shall apply to all zones.

4.2 FLOOD DAMAGE PROTECTION

- (1) Notwithstanding any other regulations of this Bylaw, no building or any part thereof, except small outbuildings such as garden sheds, shall be constructed, reconstructed, moved or extended nor shall any mobile home unit, modular home or structure be located:
- (a) within 7.5 metres (25 ft.) of the natural boundary of the sea, a lake, swamp or pond.
 - (b) within 20.0 metres (66.0 ft.) of the natural boundary of Kumdīs Bay and Kumdīs Creek.
 - (c) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level on which it is located, lower than 1.5 m (5 ft.) above the natural boundary of the sea, nor lower than elevation 4.8 metres (15.75 ft.) Hydrographic Chart Datum, whichever elevation is higher.
- (2) Clause 1.c. shall not apply to:
- (a) a renovation of an existing building or structure used as a residence that does not involve an addition thereto; or an addition to a building or structure for residential use that would increase the size of the building or structure by less than 25 percent of the floor area existing at September 9, 1985 the date of adoption of Bylaw No. 150, 1985;
 - (b) that portion of a building or structure to be used as a carport or garage;
 - (c) farm buildings other than dwelling units and closed-sided livestock housing. Farm dwelling units on parcel sizes 8.1 hectares or greater and within the Agricultural Land Reserve are exempted from the requirements of Clause 1.c. but if in a floodable area shall be elevated one (1) metre above the natural ground elevation. Closed-sided livestock housing shall be elevated one (1) metre above the natural ground elevation.
- (3) The required elevation may be achieved by structural elevation of the said habitable, business, or storage area, by adequately compacted landfill on which any building is to be constructed or mobile home unit located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.

4.3 FENCES

- (1) No fence at a property line shall exceed 2.0 metres in height except for public safety and security reasons, except where it is designated otherwise in each zone.

4.4 SCREENING AND LANDSCAPING

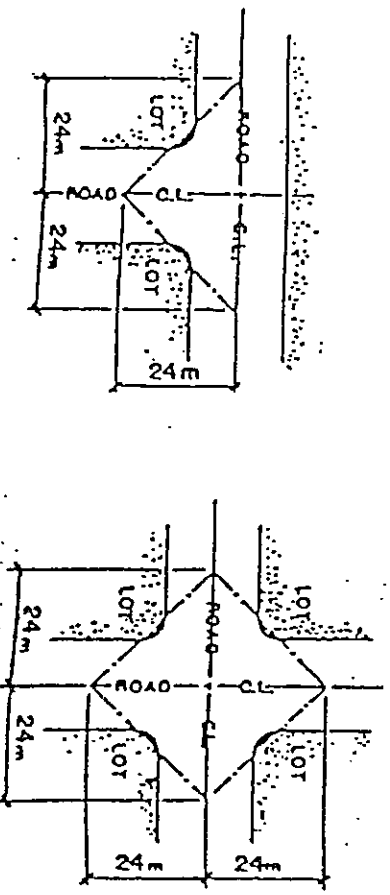
Pursuant to Section 968 of the Municipal Act Council may require and regulate the provision of screening or landscaping to mask or separate different uses. Screening or landscaping shall be provided as follows:

- (1) Waste disposal containers and other outdoor storage in the C-1, C-2, M-1, R-1, R-2, RM-1, MH-1, and MH-2 Zones shall be suitably screened by a tight board fence or solid wall or solid hedge at least as high as the containers or stored material to a maximum height of 2.0 metres.
- (2) Where an Industrial use abuts any commercial or residential use, the Industrial use shall provide a solid wall, tight board fence, or solid landscape screen which provides a complete visual screen not less than 2.0 metres in height around the abutting lot lines.
- (3) In the Light Industrial (I-1) zone all outdoor storage shall be enclosed by a wall, fence or screening which provides a complete permanent visual screen not less than 2.0 metres in height.

4.5 VISIBILITY

On a corner lot in any zone there shall be no obstruction to the line of vision by buildings or structures between the height of 1.0 metres and 3.0 metres above the established grade of streets within an area bounded by the centre lines of intersecting or intercepting streets and a line joining a point on each of the centre lines 24.0 metres from their intersection, as illustrated below:

SIGHT TRIANGLE



4.6 STORAGE OF VEHICLES

- (1) In the R-1, R-2, RM-1, MH-1 and MH2 zones, storage or parking ancillary to a residential use on the same lot of not more than:
 - (a) four vehicles not exceeding 4500 kilograms gross vehicle weight; and
 - (b) one house trailer or one camper; and
 - (c) one pleasure boat kept for other than gain or sale is permitted.
- (2) No site, except as otherwise provided in this Bylaw, shall be used for the wrecking or storage of derelict vehicles or equipment or materials or as a junkyard and any vehicle which has not been licensed for a period of one year and not housed in a garage or carport shall be deemed to be a derelict vehicle or junk.

4.7 USES PERMITTED IN ALL ZONES

The following are permitted in all zones:

- (1) Public parks and playgrounds, golf courses;
- (2) Day care centres;
- (3) Public utilities and unless permitted in the zone in which the use is situated there may be no exterior storage and no garage for repair and maintenance of equipment; and
- (4) Churches.

4.8 MINIMUM PARCEL FRONTAGE

- (1) Where a parcel is being created by subdivision the minimum frontage on the Highway shall be the greater of:
 - (a) 1/10 of the perimeter of the lot that fronts on the highway, or
 - (b) the minimum parcel frontage as set down in each zone.
- (2) The Council may exempt a person from the minimum parcel frontage provided for in (1)(a) and (b) above.

4.9 CIRCUMSTANCE WHERE MINIMUM LOT SIZES DO NOT APPLY

The minimum requirements of site area and parcel size for subdivision shall not apply:

- (a) where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
 - i) a community water system;
 - ii) a community sewer system;
 - iii) a community gas distribution system;
 - iv) a community radio or television receiving antenna;
 - v) a radio or television broadcasting antenna;
 - vi) a telecommunication relay station;
 - vii) an automatic telephone exchange;
 - viii) an air or marine navigational aid;
 - ix) electrical substations or generating stations;
 - x) any other similar public service or quasi - public service facility or utility; or
- (b) where no sewage is generated; and
- (c) where the owner agrees, in writing to registering a condition or covenant pursuant to Section 215 of the Land Title Act in favour of the Municipality at the time the subdivision is registered and such condition or covenant shall be satisfactory to the Approving Officer and shall restrict or prohibit the construction of buildings or structures on, and (or) the use of any parcel.

4.10 PANHANDLE LOT

Where a parcel is a panhandle lot, the area of the access strip or panhandle shall not be included as part of the parcel size for subdivision or minimum site area purposes.

4.11 EXISTING LOTS

The lot area and lot frontage requirements of this Bylaw shall not apply to any lot in any zone which has an area or frontage less than that required by this Bylaw, if such a lot was described in the official records on file in the Land Title Office on or before the effective date of this Bylaw.

4.12 PRINCIPAL BUILDINGS AND THEIR SITING

- (1) No principal building shall be located in any required yard or setback.
- (2) Except as otherwise provided in this Bylaw, not more than one principal building shall be located on any lot.

4.13 ACCESSORY USES, BUILDINGS AND STRUCTURES, AND THEIR SITING

- (1) Accessory uses, buildings and structures which serve the needs of the primary permitted uses, are located on the same lot and which are customarily incidental and subordinate to the primary use, are permitted in all zones.
- (2) No accessory building shall be located in any required front yard or side yard, except where a zone specifically permits it.

4.14 HOME OCCUPATIONS

A professional practice or home occupation, as defined in Part 1 of this Bylaw, is permitted in all zones except the multiple-family (RM-1) zone, subject to the following requirements:

- (1) No external indication exists that the building is utilized for any purpose other than the dwelling except for a single wall mounted sign not exceeding .75 m².
- (2) Such occupation shall not involve the use of mechanical equipment save as it is ordinarily employed in purely private domestic and household use or for recreational hobbies and does not create a nuisance by reason of sight, sound or smell.
- (3) Such occupation or business shall not require parking or loading area in excess of what is normally required for the residential use and zone in which the residence is located.

4.15 HEIGHT OF BUILDINGS AND STRUCTURES

The following shall not be subject to the height requirements of this Bylaw; church spires, belfrys, domes, transmission towers, chimneys, flagpoles, masts, aerials, water tanks, elevators and ventilation machinery penthouses, provided that such structure occupies no more than 20% of the lot, or if situated on a building, not more than 15% of the roof area of the building.

4.16 MEASUREMENTS

All dimensions and other measurements in this Bylaw are expressed in the Standard International Units (Metric) system. Equivalents in the Imperial (foot, pound, etc.) system shown in brackets are included for convenience only, and do not form part of this Bylaw.