

# VILLAGE OF PORT CLEMENTS ZONING BYLAW



# THE VILLAGE OF PORT CLEMENTS

## BYLAW NO. 444, 2024

AND WHEREAS the Council pursuant to the Local Government Act wishes to adopt amendment procedures;

AND WHEREAS the Council pursuant to the Local Government Act wishes to adopt a Zoning Bylaw;

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

AND WHEREAS the Council pursuant to the Local Government Act may require and regulate the provision of screening or landscaping;

AND WHEREAS the Council pursuant to the Local Government 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) The text and the Zoning Map Schedule A, 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Bylaw No. 184, 1990 cited as "The Village of Port Clements Zoning Bylaw No. 184" and Bylaws amending No. 184 are hereby repealed – being bylaws # 218, 231, 244, 261, 263, 264, 270, 271, 272, 279, 290, 292, 295, 402, and 426.

(3) This Bylaw may be cited for all purposes as "Zoning Bylaw No. 444, 2024 of the Village of Port Clements".

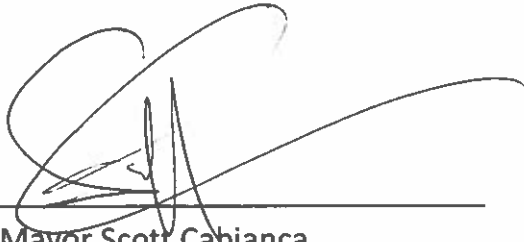
READ A FIRST TIME THIS 17<sup>TH</sup> DAY OF JUNE 2024.

RECEIVED A PUBLIC HEARING THIS 10<sup>th</sup> DAY OF SEPTEMBER 2024.

READ A SECOND TIME THIS 12<sup>th</sup> DAY OF AUGUST 2025.

READ A THIRD TIME THIS 17<sup>TH</sup> DAY OF FEBRUARY 2026

RECONSIDERED AND ADOPTED THIS 17<sup>TH</sup> DAY OF FEBRUARY 2026.

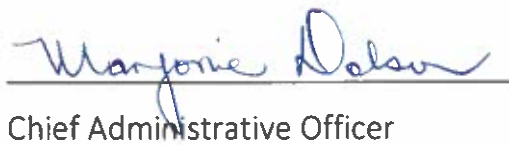


Mayor Scott Cagianca



CAO Marjorie Dobson

Certified to be a true copy.



Chief Administrative Officer

# TABLE OF CONTENTS

PART 1 INTERPRETATION .....	7
1.1. TITLE .....	7
1.2. APPLICATION .....	7
1.3. DEFINITIONS .....	7
PART 2 ADMINISTRATION .....	15
2.1. COMPLIANCE .....	15
2.2. NON-CONFORMING USE .....	15
2.3. ENFORCEMENT .....	15
2.4. PENALTY .....	16
2.5. SEVERABILITY .....	16
2.6. OTHER REGULATIONS .....	16
PART 3 AMENDMENT PROCEDURES .....	17
3.1. REZONING APPLICATIONS .....	17
3.2. BOARD OF VARIANCE .....	17
3.3. DEVELOPMENT VARIANCE PERMITS .....	17
PART 4 GENERAL PROVISIONS .....	18
4.1. APPLICATION .....	18
4.2. FLOOD DAMAGE PROTECTION .....	18
4.3. RIPARIAN AREA SETBACKS .....	19
4.4. FENCES .....	19
4.5. SCREENING AND LANDSCAPING .....	19
4.6. VISIBILITY .....	20
4.7. STORAGE OF VEHICLES .....	20
4.8. USES PERMITTED IN ALL ZONES .....	20
4.9. MINIMUM PARCEL FRONTAGE .....	21
4.10. CIRCUMSTANCES WHERE MINIMUM LOT SIZES DO NOT APPLY .....	21
4.11. PANHANDLE LOT .....	21
4.12. EXISTING LOTS .....	22
4.13. PRINCIPAL BUILDINGS AND THEIR SITING .....	22

4.14.	ACCESSORY USES, BUILDINGS AND STRUCTURES AND THEIR SITING .....	22
4.15.	HOME OCCUPATIONS.....	22
4.16.	HEIGHT OF BUILDINGS AND STRUCTURES .....	22
4.17.	MEASUREMENTS .....	23
4.18.	SECONDARY SUITE STANDARDS.....	23
4.19.	SHORT TERM RENTAL STANDARDS .....	23
4.20	DENSITY .....	24
PART 5 SIGN AND NOTICE REGULATIONS .....		24
5.1.	APPLICATIONS .....	24
5.2.	PURPOSE.....	24
5.3	SIGN PROJECTION .....	24
5.4.	ROOF SIGNS .....	24
5.5.	ILLUMINATION .....	24
5.6.	SIGN HEIGHT .....	25
5.7.	PERMITTED SIGNS.....	25
5.8.	LIMITED ADVERTISING SIGNS .....	26
PART 6 OFF-STREET PARKING AND OFF-STREET LOADING .....		27
A.	OFF-STREET PARKING .....	27
6.1.	EXISTING BUILDINGS STRUCTURES AND USES.....	27
6.2.	VOLUNTARY ESTABLISHMENT OF PARKING FACILITIES.....	27
6.3.	UNITS OF MEASUREMENT .....	27
6.4.	REQUIRED OFF-STREET PARKING SPACES .....	27
6.5.	USE OF PARKING FACILITIES .....	29
6.6.	LOCATION AND SITING OF PARKING FACILITIES .....	30
6.7.	REQUIRED BICYCLE PARKING FACILITIES.....	30
6.8.	DEVELOPMENT AND MAINTENANCE STANDARDS.....	30
B.	OFF-STREET LOADING .....	31
6.9.	EXISTING BUILDINGS, STRUCTURES AND USES.....	31
6.10.	UNITS OF MEASUREMENT .....	31
6.11.	MIXED OCCUPANCIES .....	31
6.12.	REQUIRED OFF-STREET LOADING SPACES .....	31
6.13.	LOCATION AND SITING OF LOADING FACILITIES .....	32
6.14.	DEVELOPMENT AND MAINTENANCE STANDARDS.....	32

PART 7 ZONE REQUIREMENTS.....	32
7.1. ZONE DESIGNATIONS.....	32
7.2. BOUNDARIES OF ZONES.....	33
7.3. ZONE DISTRICTS.....	34
7.3.1. RESIDENTIAL URBAN ZONE (R-1).....	34
7.3.2. RURAL RESIDENTIAL ZONE (R-2).....	36
7.3.3. MULTIPLE FAMILY RESIDENTIAL ZONE (RM-1).....	39
7.3.4. MOBILE HOME PARK ZONE (MH-2).....	41
7.3.5. COMMERCIAL CORE ZONE (C-1).....	42
7.3.6. COMMERCIAL SERVICE ZONE (C-2).....	45
7.3.7. MARINE COMMERCIAL ZONE (M-1).....	47
7.3.8. MARINE INDUSTRIAL ZONE (M-2).....	49
7.3.8.A. Marine Industrial Zone (M-2-A).....	51
7.3.9. MARINE TOURISM ZONE (M-3).....	53
7.3.10. LIGHT INDUSTRIAL ZONE (I-1).....	55
7.3.11. HEAVY INDUSTRIAL ZONE (I-2).....	57
7.3.12. PUBLIC USE AND PARK ZONE (P).....	60
7.3.13. RESOURCE AREAS ZONE (RS).....	62
7.3.14. AGRICULTURAL ZONE (A-1).....	64
ZONING MAP.....	66

## PART 1 INTERPRETATION

### 1.1. TITLE

- (1) This Bylaw may be cited as the "Village of Port Clements Zoning Bylaw No. 444, 2024", and further referred to herein as "this Bylaw".

### 1.2. APPLICATION

- (1) This Bylaw shall be applicable to the entire geographical area of the *municipality* as shown on "Schedule A Zoning Map" and to all *land*, the surface of water, *buildings*, and *structures* therein.

### 1.3. DEFINITIONS

- (1) In this Bylaw:

"*ACCESSORY BUILDING*" 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 *parcel* on which the main *building* is or is being erected, and shall include detached tool houses, carports, and *parking garages*;

"*ACCESSORY DWELLING UNIT*" means a *building*, or part of a *building*, that:

- (a) is a self-contained residential accommodation unit;
- (b) has cooking, sleeping and bathroom facilities; and
- (c) is secondary to a primary *dwelling unit* located on the same *parcel*.

"*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*;

"*AGRICULTURAL USE*" means the *use of land* for the growing, rearing, producing, harvesting of agricultural products and may include the *accessory use* of the sale of products; and in the case of *land* within the Agricultural Land Reserve (ALR), permitted activities are subject to the Agricultural Commission Act and the Farm Practices Protection (Right to Farm) Act;

"*ALTERED*" means a *building* or *structure* to which an addition is made or in which any other 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*, or motor-*hotel*, and for certainty does not contain *short term rental accommodations*;

“BED AND BREAKFAST” means the provision of nightly accommodation and breakfast for travellers in a *dwelling unit*;

“BICYCLE PARKING” means a short-term visitor *bicycle parking* facility that may offer some security, and may be partially protected from the weather such as a bike rack at a *building’s* entrance;

“BOARDING HOUSE” means a *dwelling* in which 2 or more *sleeping units* are rented to lodgers, with or without meals being provided. Not to exceed 10 persons other than members of the family of the lessee, tenant, or owner. 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 or use of persons or property;

“CAMPGROUND” means a site providing for the *seasonal* or *temporary* accommodation of travellers using tents, *travel trailers* or recreation vehicles, but specifically excludes a *mobile home park, hotel, motel*, or holiday park. This does not apply to *campgrounds* licensed under the Community Care and Assisted Facility Act, as may be amended from time to time;

“CHILDCARE” means the provision of a care program as defined in the Child Care Licensing Regulation under the Community Care and Assisted Living Act, including Group Child Care (under 36 months), Group Child Care (30 months to school age), Preschool (30 months to school age), Group Child Care (school age), Family Child Care, Occasional Child Care, Multi-Age Child Care, In-Home Multi-Age Child Care, School Age Care on School Grounds, and Recreational Care;

“CONVENIENCE STORE” means a *retail* sales outlet in a *building* contained under one roof, having a floor area not exceeding 200 m<sup>2</sup>, and providing for the *retail* sale and display of everyday household items, including food, beverages, books, magazines, or household accessories. Specifically excludes industrial *uses* and *gasoline service stations*;

“COUNCIL” means the *Council* of the Village of Port Clements;

“COVERAGE” means the percentage of *site area* of a *parcel* that may be covered by *buildings* and *structures*;

“*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 are 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, or loft spaces. Exclude those areas which are *used for parking* ancillary to the *primary use* and within the outermost walls of a *building* or underground. If *parking* is a *primary use* of the site, those areas which are *used for parking* within the outermost walls of a *building* or underground shall be counted in the calculation of the *floor area ratio*;
- (b) *Dwelling 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 containing cooking and sanitary facilities, and usually containing eating, living, and *sleeping units*;

“*DWELLING, SINGLE FAMILY*” means any detached *building* consisting of not more than 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 not more than two *dwelling units*, each of which are occupied or intended to be occupied as the permanent home or residence of not more than one *family*;

“*DWELLING, MULTIPLE FAMILY*” means any *building* which is divided into three 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*, *rowhouses*, *townhouses*, *triplexes*, *fourplexes*, and terraced housing;

“*FAMILY*” means one or more individuals,

- (a) related by blood, marriage or adoption, or
- (b) comprising not more than eight related and unrelated individuals;

“*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 a *parcel* abutting a *highway*. Where a *parcel* 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 or lubricants, which may include the minor repairing of motor vehicles and the sale of automobile accessories. Specifically excludes vehicle sales, body work or painting;

"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 deck line of a mansard roof, and to the ridge of a gable, hip, or dormer or other pitched roof. In the case of a *structure* without a roof, to the highest point of the *structure*;

"HIGHWAY" means a street, *road*, *lane*, pathway, sidewalk, bridge, or any other way that is open to the public;

"HOME OCCUPATION" means a customary *accessory use* of a *dwelling unit* or *accessory structure* by a resident of the *dwelling unit*, to conduct a business activity or occupation;

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

"LAND" means the ground, soil, or earth on, above or below the surface. Includes the surface of water, but does not include improvements, mines or minerals belong to the crown, or mines or minerals for which title has been registered in the land title office;

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

"LANE" means a *highway* that is a minor street affording only secondary means of access to a *parcel*, at the side or rear;

"LODGER" means a person who rents a *sleeping unit*, with or without individual toilet facilities in a *dwelling unit* occupied by a family to which they are not related by blood or marriage;

"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. Includes all *buildings, structures* or accessories *used* or intended to be *used* as equipment for such *mobile home park*. Excludes 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;

"MOBILE VENDORS" means any person engaged in the business of selling prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind, goods, wares, merchandise, or any other thing of value from a mobile vending unit on private or public property;

"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 or a shared bathroom with a water closet, wash basin and bath or shower. May or may not include its own cooking facilities. *Motels* may include, without limiting the generality the foregoing, an office with a public register, *restaurant*, or meeting rooms;

"MUNICIPAL SEWER SYSTEM" means a sewage collection and disposal system that is owned and operated by the *municipality* that has been approved under the Waste Management Act and the Public Health Act;

"MUNICIPAL WATER SYSTEM" means a system of waterworks which serves two or more *parcels* and which is owned, operated and maintained by the *municipality* and regulated under the Water Utilities Act;

"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 acts as an integral part of a *parcel* providing *frontage* to a *highway*;

"PARCEL" means a *lot*, block or other area in which *land* is held or into which *land* is subdivided, but does not include a *highway*;

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

"PARCEL, CORNER" means a *lot* at the intersection or junction of two or more *highways*;

"PARCEL, THROUGH" means a *lot* abutting two approximately parallel streets;

"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 for the *parking* of vehicles, exclusive of ramps, columns, and driveways;

"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, rest homes, and community care facilities as defined by the Community Care Facilities Licensing Act of BC as amended from time to time;

"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*, *building* is zoned is carried out;

"PRINCIPAL RESIDENCE" means the residence in which an individual resides for a longer period of time in a calendar year than any other place;

"RETAIL STORE" means a *retail* sales outlet contained under one roof having a gross floor area not exceeding 2,000 m<sup>2</sup>, and providing for the *retail* sale and display of goods. Specifically excludes industrial *uses* and *gasoline service stations*;

"RESTAURANT" means a public eating place with or without a liquor licence;

"ROAD" means all *municipal* public rights-of-way designed for vehicular movement and access within the *Village*;

"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*. In the case of a pitched roof with projecting eaves, the *roof line* shall be at the eaves level. 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*. Excludes a projecting *sign*;

"*SCREENING*" means a continuous fence, wall, compact evergreen hedge or combination thereof, that would effectively screen the *parcel* 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;

"*SECONDARY SUITE*" means a self-contained living unit that is contained within, and forms part of a *single family dwelling*;

"*SETBACK*" 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*;

"*SHORT TERM RENTAL ACCOMMODATION*" means the service of accommodation in the *principal residence* of a property host, in exchange for a fee, that is provided to members of the public for a period of less than 90 consecutive days or another prescribed period, if any, and does not include *hotels*, *motels*, *Bed and Breakfast*, or other limited accommodation types described in the Provincial regulations;

"*SIGN*" includes billboards, signboards, 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. If there is no floor above it, that portion

between the top of such floor and the ceiling above it;

"STRUCTURE" means artificial construction with a vertical projection of at least one metre above the ground. Excludes 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;

"TINY HOME" means a single-family dwelling not more than 56 m<sup>2</sup> in floor area including loft floor area that is site built or prefabricated. Can be *temporary* or permanently anchored to a foundation and provided with permanent utility connections, and does not include a *travel trailer*;

"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 *temporary 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* shall be separated from the other(s) by a party wall;

"TRAVEL TRAILER" means any vehicle or conveyance, designed to travel on the *highway* and equipped to be *used as temporary dwelling unit* by travellers;

"TRIPLEX" means a building comprising 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;

"VILLAGE" means the Village of Port Clements;

"VILLAGE ADMINISTRATOR" means the Chief Administrative Officer (CAO) of the *Village* of Port Clements;

"WATERCOURSE" is any natural or man-made depression with well-defined banks and a bed 0.6 m or more below the surrounding *land*, serving to give direction to a current of water at least 6 months of the year or having a drainage area of 2 km<sup>2</sup> or more upstream of the point of consideration;

"YARD, FRONT" means that portion of the *parcel* extending from one side *parcel* line to the

other, between the front line of the *parcel* and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the *parcel* and the parallel line. In the case of a *through parcel* there shall be two such *front yards*;

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

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

## PART 2 ADMINISTRATION

### 2.1. COMPLIANCE

- (1) Subject to the provisions of the Local Government Act, as may be amended from time to time, respecting nonconforming *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

- (1) The provisions of the Local Government Act, as may be amended or replaced from time to time, apply to non-conforming *uses*.

### 2.3. ENFORCEMENT

- (1) 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.
  - (c) Any person who causes, permits, or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, has committed an offence against this Bylaw and each day the offence continues must constitute a separate offence.
- (2) Inspection
- (a) Any employee of the *Village* appointed to administer or enforce this Bylaw, is hereby authorized to enter at all reasonable times upon any property under section 16 of the *Community Charter* to ascertain whether the regulations and other provisions of this Bylaw are being or have been complied with.

#### 2.4. PENALTY

- (1) Any person who violates the provisions of this Bylaw is liable, on summary conviction, to a maximum fine not exceeding \$50,000.00, 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) Nothing in this Bylaw limits the *Village* from utilizing any other remedy that is otherwise available to the *Village* by law.

#### 2.5. SEVERABILITY

- (1) 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

- (1) Nothing contained in this Bylaw shall relieve the owner or user of any *land* from compliance with all other applicable enactments.

## PART 3 AMENDMENT PROCEDURES

### 3.1. REZONING APPLICATIONS

- (1) In addition to the requirements of the Local Government Act, as may be amended or replaced from time to time, the following requirements for amendment to this Bylaw shall apply:
  - (a) Rezoning applications and fees shall be completed on the form and in the amount as set out in "The Village of Port Clements Land Development Application Procedures Bylaw No. 476, 2022" as amended or replaced and "The Village of Port Clements Land Development Application Forms Policy" as amended or replaced.
  - (b) If an application for amendment to this Bylaw has been refused by *Council* after public hearing, no reapplication for the same amendment shall be considered by the *Village* within 6 months of the date of refusal.

### 3.2. BOARD OF VARIANCE

- (1) There is a Board of Variance established for the *Village* under the Local Government Act, as may be amended from time to time.
- (2) The jurisdiction and powers of the Board of Variance are set out under Local Government Act.
- (3) Property owners can appeal Bylaw requirements to the Board of Variance where compliance with the Bylaw would cause undue hardship related to siting, dimensions, and size of *buildings*;
- (4) The procedure for appeals to the Board of Variance may be found under the regulations set out in "The Village of Port Clements Board of Variance Jurisdiction and Procedure Bylaw No. 186, 1990" as amended or replaced.

### 3.3. DEVELOPMENT VARIANCE PERMITS

- (1) Pursuant to the Local Government Act, as may be amended or replaced from time to time, *Council* may by resolution issue a Development Variance Permit that may vary the provisions of this Bylaw and other Bylaws.
- (2) A Development Variance Permit shall not vary:
  - (a) the *density* of *land* from that specified in the Bylaw; or
  - (b) a flood plain specification under the Local Government Act, as may be amended from time to time.
- (3) Subject to a decision of a Court to the contrary, the provisions of a Development Variance Permit shall 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 Land Development Application Procedures Bylaw No. 476, 2022” as amended or replaced.

## **PART 4 GENERAL PROVISIONS**

### **4.1. APPLICATION**

- (1) The regulations contained in Part 4 of this Bylaw shall apply to all zones.

### **4.2. FLOOD DAMAGE PROTECTION**

- (1) 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 30 m of the *natural boundary* of the sea, lake, swamp, *watercourse*, or pond;
  - (b) within 30 m of the *natural boundary* of Kumdis Bay and Kumdis Creek; or
  - (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 *mobile home* or unit the ground level on which it is located, lower than 1.5 m above the *natural boundary* of the sea, nor lower than elevation 4.8 m Hydrographic Chart Datum whichever elevation is higher.
- (2) Clause 4.2 (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 % of the existing *floor area*;
  - (b) that portion of a *building* or *structure* to be *used* as a carport or *parking garage*; or
  - (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 4.2(1)(c) but, if in a floodable area shall be elevated 1.0 m above the natural ground elevation. Closed-sided livestock housing shall be elevated 1.0 m 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.
- (4) No area below the required elevation shall be *used* for the installation of furnaces, heat pumps, or similar equipment susceptible to damage by floodwater.

**4.3. RIPARIAN AREA SETBACKS**

- (1) Notwithstanding any and all *setback* standards for all zones, the required *setback* for any *building* or *structure* from a *watercourse*, stream or lake is 30 m, or as mandated by the appropriate Federal or Provincial Ministry, subject to an assessment by a Qualified Environmental Professional.

**4.4. FENCES**

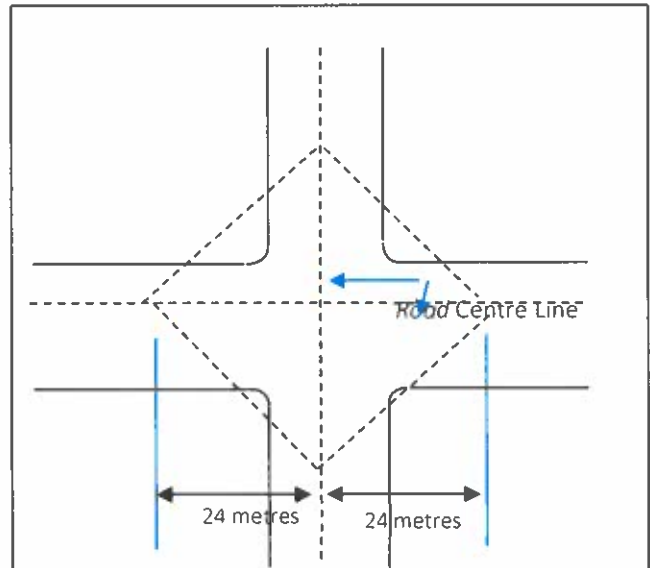
- (1) No fence at a property line shall exceed 2.0 m in *height* except where it is permitted otherwise in each zone.

**4.5. SCREENING AND LANDSCAPING**

- (1) *Screening* or *landscaping* shall be provided on a *parcel* as follows in relation to any new construction on a *parcel* that requires a building permit:
  - (a) waste disposal containers and other outdoor *storage* in the Commercial Core (C-1), Commercial Service (C-2), Marine Commercial (M-1), Residential Urban (R-1), Rural Residential (R-2) , Multiple Family Residential (RM-1), and Mobile Home Park (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 m.
- (2) If an *Industrial use* abuts any commercial or residential *use*, the owner or user of *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 m in *height* around the abutting *parcel* 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 m in *height*.

#### 4.6. VISIBILITY

- (1) 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 m and 3.0 m 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 m from their intersection as illustrated:



#### 4.7. STORAGE OF VEHICLES

- (1) In the Residential Urban (R-1), Rural Residential (R-2), Multiple Family Residential (RM-1), and Mobile Home Park (MH-2) Zones, *storage*, or *parking* ancillary to a residential *use* on the same *parcel* is permitted for not more than:
  - (a) 4 vehicles not exceeding 4,500 kilograms gross vehicle weight; and
  - (b) 1 house trailer or 1 camper; and
  - (c) 1 pleasure boat kept other than for gain or sale.
- (2) No *parcel*, 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. Any vehicle which has not been licensed for a period of one year and is not housed in a *parking garage* or carport shall be deemed to be a derelict vehicle or junk.

#### 4.8. USES PERMITTED IN ALL ZONES

- (1) The following are permitted in all zones:
  - (a) public parks and playgrounds, golf courses;
  - (b) public utilities, excluding exterior *storage* or *parking garage* used for repair and maintenance of equipment, unless expressly permitted in the zone in which the *use* is situated;
  - (c) *single family home* used for *personal care use* such as a Community Care Facility as defined by the Community Care and Assisted Living Act, as may be amended or replaced from time to time,
  - (d) *tiny homes* designed and constructed under the British Columbia Building Code as *temporary* housing, or as permanent housing where secured to a foundation, or

- (e) Churches.

#### 4.9. MINIMUM PARCEL FRONTAGE

- (1) If 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 *parcel* that fronts on the *highway*, or
  - (b) the minimum *parcel frontage* as set down in each zone.
- (2) *Council* may exempt a person from the minimum *parcel frontage* provided for in 4.9(1)(a) and (b) above.

#### 4.10. CIRCUMSTANCES WHERE MINIMUM LOT SIZES DO NOT APPLY

- (1) The minimum requirements of *parcel* size for subdivision shall not apply:
  - (a) if the *parcel* being created is to be *used* solely for the unattended equipment necessary for the operation of:
    - (i) a *municipal water system*;
    - (ii) a *municipal 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; or
    - (x) any other similar public service or quasi-public service facility or utility not including a natural gas generating facility;
  - (b) if no sewage is generated; or
  - (c) if the owner undertakes in writing to register a covenant in favour of the *Village* pursuant to the Land Title Act at the time the subdivision is registered and such condition shall be satisfactory to the Approving Officer and shall restrict or prohibit the construction of *buildings* or *structures* on, or the use of any *parcel*.

#### 4.11. PANHANDLE LOT

- (1) If a *parcel* is a *panhandle parcel*, 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.

**4.12. EXISTING PARCELS**

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

**4.13. PRINCIPAL BUILDINGS AND THEIR SITING**

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

**4.14. ACCESSORY USES, BUILDINGS AND STRUCTURES AND THEIR SITING**

- (1) *Accessory uses, buildings and structures* which are ancillary to the primary permitted *uses* located on the same *parcel*, and which are incidental and subordinate to the *primary use* are permitted in all zones except where it is designated otherwise in each zone.
- (2) No *accessory building* shall be located in a *front yard* or *side yard*, except where a zone expressly permits it.

**4.15. HOME OCCUPATIONS**

- (1) A professional practice or *home occupation*, as defined in Part 1 of this Bylaw, is permitted in all zones, subject to the following requirements:
  - (a) 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 0.75 m<sup>2</sup>.
  - (b) 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 private law nuisance by reason of sight, sound, or smell.
  - (c) Such occupation or business shall not require *parking* or loading area in excess of what is otherwise required for the residential *use* and zone in which the residence is located.

**4.16. HEIGHT OF BUILDINGS AND STRUCTURES**

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

#### 4.17. MEASUREMENTS

- (1) All dimensions and other measurements in this Bylaw are expressed in the Standard International Units (metric) system.

#### 4.18. SECONDARY SUITE STANDARDS

In all Zones that permit *secondary suites*, the following standards will apply:

- (1) *Secondary suites* shall have a separate external entry and the gross floor area shall not exceed 40 % of the *gross floor area* of the *single family dwelling*.
- (2) On *parcels* less than one hectare in size, that are not serviced by the municipal sewer system, *secondary suites* that are part of the *principal building* are permitted, but *accessory dwelling units* separate from the *principal building* are not.

#### 4.19. SHORT TERM RENTAL STANDARDS

In all Zones that permit *short term rentals*, the following standards will apply:

- (1) *Short term rentals* shall comply with the following standards:
  - (a) The maximum number of occupants over the age of 7 years allowed per dwelling unit shall not exceed 2 occupants per bedroom;
  - (b) All bedrooms must have a means of emergency egress; and
  - (c) Sufficient off-street parking must be provided.
  - (d) Applicable provincial enactments, including the BC Building Code and Fire Code.
- (2) The property owner is responsible for the following:
  - (a) Obtaining a Business License from the *Village* to operate in the municipality;
  - (b) Ensuring weekly solid waste collection is provided during all months that the accommodation is used for *short term rentals*;
  - (c) Conspicuously posting and maintaining the following information inside the *short term rental* using the template provided by the *Village* when they get their Business License:
    - (i) 24 hour contact information for the property owner or local representative;
    - (ii) A copy of the property owner's Business License;
    - (iii) The maximum occupancy of the accommodations;
    - (iv) Location of assigned off-street parking;
    - (v) Documentation of most recent annual fire safety inspection and any emergency management information provided by the *Village*;
    - (vi) Renter responsibilities, which at a minimum shall include:
      - Do not trespass on private property;
      - Do not litter;

- Do not create a noise disturbance over 50 decibels measured from the *parcel* boundary after 11:00 pm and before 7:00 am.

#### 4.20. DENSITY

In all *Zones*, a number in brackets in relation to a permitted *use* prescribes the number of *uses* of that class permitted on a *parcel* in that *Zone* [for example, “*duplex (1)*” prescribes that only one *duplex use* is permitted on a *parcel*].

### PART 5 SIGN AND NOTICE REGULATIONS

#### 5.1. APPLICATION

- (1) Subject to section 528 of the Local Government Act, as amended or replaced, and to all other provisions of this Bylaw, no *signs* or notices shall hereafter be erected or maintained except those permitted by and in conformity with the regulations of this Part 5.

#### 5.2. PURPOSE

- (1) The purposes of this Part are to:
  - (a) protect *signs* and lights erected for the direction of traffic from the effects of conflicting commercial and other *signs*;
  - (b) protect the appearance and preserve the amenity of the various zones which may be adversely affected by *signs* of inappropriate size, design, or location;
  - (c) prevent the confusion which may arise from the undue conflict of commercial and other *signs* with one another; and
  - (d) provide for *sign structures* that do not create safety issues for persons.

#### 5.3. SIGN PROJECTION

- (1) No *sign*, notice or part thereof shall project over a *highway* right-of-way, including a *road* or sidewalk, or a public property.

#### 5.4. ROOF SIGNS

- (1) No *roof signs* shall be permitted.

#### 5.5. ILLUMINATION

- (1) No flashing *signs* shall be permitted.
- (2) No *temporary sign* shall be illuminated.

- (3) No *sign* permitted by this Bylaw shall, by reason of its location, colour, or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic.

## 5.6. SIGN HEIGHT

- (1) No *sign* or notice shall exceed an overall *height* of 8.0 m.
- (2) No *sign* or notice shall project above the *roof line* to which it is attached.
- (3) No free-standing *sign* shall exceed the *height* of the *principal building* on the *parcel*.

## 5.7. PERMITTED SIGNS

- (1) Subject to the Motor Vehicle Act and the Highways Act, the following *signs* are permitted in all zones under this Bylaw conditional on the limitations set forth below:
  - (a) public *building*, community activity or political *signs*;
  - (b) traffic control *signs* as defined in the Motor Vehicle Act;
  - (c) *signs* required to be maintained or posted by law or governmental order, rule, or regulation;
  - (d) *signs* indicating a hazard;
  - (e) flags or emblems of political, civic, philanthropic, educational, or religious organizations;
  - (f) directional *signs* (on-site);
  - (g) *signs* not visible off the *parcel* upon which they are situated;
  - (h) on any *parcel* on which a residential *use building* is permitted, *signs* regarding *home occupations*, trespassing, safety, or identification not exceeding 0.75 m<sup>2</sup> in area;
  - (i) *temporary* political *signs* promoting any candidate, party or cause which may be displayed for 30 days prior to an election or referendum, provided that such *signs* are removed within 7 days following said election or referendum;
  - (j) *temporary* *signs* pertaining to campaigns, drives or events of political, civic philanthropic, education, or religious organizations;
  - (k) *temporary* *signs* advertising the sale, lease or rental of the *parcel* or premises upon which such *signs* are situated provided that the total area of such *signs* shall not exceed 0.75 m<sup>2</sup> in area per *parcel*; and
  - (l) *temporary* *signs* indicating the name and nature of a construction or demolition project, plus the names of the contractors, subcontractors, and professional advisors provided that the total area of such *signs* shall not exceed 5.5 m<sup>2</sup> in total area.
- (2) Within Multiple Family Residential (RM-1) and Mobile Home Park (MH-2) Zones it is permitted to have 1 permanent *sign* denoting the name and address of a *building* or development. The *sign* is not to exceed 2.0 m for any site. Such a *sign* may be illuminated or unilluminated.

- (3) Within Core Commercial (C-1), Commercial Service (C-2) Zones it is permitted to have a *sign* or *signs* not exceeding 5.0 m<sup>2</sup> in total on any site.
- (4) Within Marine Commercial (M-1), Marine Industrial (M-2 and M-2-A), Light Industrial (I-1), and Heavy Industrial (I-2) Zones it is permitted to have a *sign* or *signs* not exceeding 8.0 m<sup>2</sup> in total on any site.
- (5) Within a Public Use and Park (P) Zone it is permitted to have:
  - (a) 1 school, church, or hospital *sign* not exceeding 1.5 m<sup>2</sup> in area on any site;
  - (b) 1 *sign* for an arena, stadium, curling rink or recreation centre not exceeding 5.0 m<sup>2</sup>; and
  - (c) 1 unilluminated *sign* for parks and playgrounds and all other purposes not exceeding 1.0 m<sup>2</sup>.

### 5.8. LIMITED ADVERTISING SIGNS

- (1) Limited advertising *signs* are intended to allow the businesses on each *parcel* changeable advertising to promote special events, sales, goods, or services sold or manufactured on that *record parcel*.
- (2) Limited advertising *signs* promoting special events, goods or services sold or manufactured are subject to the following requirements or regulations:
  - (a) they shall have a maximum area of 3.0 m<sup>2</sup>.
  - (b) they shall not exceed a maximum overall *height* of 2.0 m,
  - (c) they shall be located on the *parcel*, so the *sign* does not obstruct vehicular or pedestrian visibility.
  - (d) each *parcel* may have 1 limited advertising *sign*.
  - (e) limited advertising *signs* may be placed on a *parcel* for a duration not exceeding 3 months and not more than 2 times during a calendar year.
  - (f) limited advertising *signs* shall not be placed on the *parcel* in a manner which will reduce the number of *parking spaces* below the number required by this Bylaw or interfere with maneuvering aisles.
  - (g) limited advertising *signs* shall not violate any provisions of this Bylaw with respect to Section 5.2, 5.3, 5.4, 5.5, and 5.7.

## PART 6 OFF-STREET PARKING AND OFF-STREET LOADING

### A. OFF-STREET PARKING

#### 6.1. EXISTING BUILDINGS, STRUCTURES AND USES

- (1) The regulation of off-street *parking* contained in Part 6 shall not apply to *parcels* containing *buildings structures* or *uses* existing on the effective date of this Bylaw in any zone except that:
  - (a) off-street *parking* shall be provided and maintained in accordance with this Part for any addition to such existing *building* or *structure* or any change or addition to such existing *use*; and
  - (b) off-street *parking* existing on the effective date of this Bylaw shall not be reduced below the applicable off-street *parking* requirements of this Part.

#### 6.2. VOLUNTARY ESTABLISHMENT OF PARKING FACILITIES

- (1) Where off-street *parking* facilities are provided when not required the location design and operation of such facilities shall comply with all the regulations of this Part.

#### 6.3. UNITS OF MEASUREMENT

- (1) In determining the amount of off-street *parking* required:
  - (a) where *gross floor area* is used as a unit of measurement for the calculation of required *parking spaces*, it shall include the *floor area* of *accessory buildings* and basements, except where they are *used for parking, heating, or storage*;
  - (b) where seating accommodation is used as a unit of measurement and such accommodation consists of benches pews, booths and the like, each 0.2 m of width of such seating accommodation shall be counted as one seat; and
  - (c) when the calculation of *parking* requirements results in a fractional *parking space*, 1 *parking space* shall be provided to meet this fractional requirement.

#### 6.4. REQUIRED OFF-STREET PARKING SPACES

- (1) off-street vehicular *parking* or *garage* spaces shall be provided in accordance with the standards in this section. In the case of a *use* not specifically mentioned, the required off-street *parking spaces* shall be the same as for a similar *use*; and
- (2) the required off-street *parking spaces* shall be in accordance with the following schedule:

USE	PARKING REQUIREMENTS
<i>Apartments</i>	1 per <i>dwelling</i> unit
Auto Sales and Repair, Recreation vehicle sales	1 per 100 m <sup>2</sup> sales floor area plus 1 service bay
<i>Accessory dwelling unit (ADU)</i>	1 per <i>dwelling</i> unit
Bank Financial Institution	1 per 45 m <sup>2</sup> <i>gross floor area</i>
<i>Bed and Breakfast</i>	1 per <i>dwelling</i> unit plus 1 space
Boat Sales and Repair	1 per 95 m <sup>2</sup> display area (including outside)
<i>Boarding house</i>	1 per <i>sleeping unit</i>
Building materials supply	1 per 150 m <sup>2</sup> <i>gross floor area</i>
<i>Campground</i>	1 per camp space plus 2 spaces
Gas station, tire repair	2 per service bay and 1 per 30 m <sup>2</sup> <i>retail</i> floor space
Grocery, <i>convenience store</i>	1 per 30 m <sup>2</sup> <i>retail</i> floor space, minimum 4 spaces
<i>Hotel</i>	1 per <i>sleeping unit</i> and 1 per 3 seats in <i>restaurant</i> and/or bar
Church	1 per 10 seats
Cultural	1 per 35 m <sup>2</sup> <i>gross floor area</i>
Firehall	1 per 100 m <sup>2</sup> <i>gross floor area</i>
Hospital	1 per 80 m <sup>2</sup> <i>gross floor area</i>
Industrial	1 per 140 m <sup>2</sup> <i>gross floor area</i>
Police	1 per 100 m <sup>2</sup> <i>gross floor area</i>
School, elementary	1 per 150 m <sup>2</sup> <i>gross floor area</i>
School, secondary	1 per 75 m <sup>2</sup> <i>gross floor area</i>

USE	PARKING REQUIREMENTS
<i>Motel</i>	1 per <i>sleeping unit</i> and 1 per 3 seats in <i>restaurant</i>
Machinery sales	1 per 90 m <sup>2</sup> sale floor area
<i>Mobile home park</i>	2 per <i>mobile home</i> , plus visitor <i>parking</i> of 1 per every 4 units
Marina	1 per 2 berths
Offices <ul style="list-style-type: none"> <li>- business</li> <li>- professional, governmental</li> <li>- medical and clinics</li> </ul>	1 per 45 m <sup>2</sup> gross leasable area 1 per 45 m <sup>2</sup> <i>gross floor area</i> 5 per 45 m <sup>2</sup> <i>gross floor area</i>
Residential, <i>single</i> , and <i>two-family</i>	2 per <i>dwelling unit</i>
<i>Retail stores</i>	1 per 45 m <sup>2</sup> <i>gross floor area</i>
<i>Secondary suite</i>	1 per <i>secondary suite</i>
Stores, personal service	1 per 45 m <sup>2</sup> <i>gross floor area</i>
<i>Shopping centre</i>	1 per 13.5 m <sup>2</sup> leasable area
Theatre, indoor	1 per 4 seats
Warehouse	1 per 100 m <sup>2</sup> <i>gross floor area</i>
<i>Restaurants</i> , licensed public	1 per 4 seats

## 6.5. USE OF PARKING FACILITIES

- (1) All required off-street *parking spaces* shall be *used* only for the purpose of accommodating the vehicles of clients, customers, visitors, patients, employees, members, residents, or tenants who make *use* of the *principal building* or other *use* for which the *parking area* is provided or required under this Part 6. Such *parking area* shall not be *used* for access, or egress, commercial repair work display, sale, or *storage* of goods of any kind.
- (2) Except in the case of *dwellings* located in residential zones, *hotels* and *motels*, off-street *parking spaces* may be provided and *used* collectively by two or more *buildings* or *uses* provided that the total number of *parking spaces* when *used* together is not less than the sum of the requirements for the various individual *uses* under this Part 6, and that such *parking* facilities shall be located not more than 125 m from any *building* or *use* to be served.

**6.6. LOCATION AND SITING OF PARKING FACILITIES**

- (1) All required off-street *parking* shall be provided within 125 m of the *building* or *use* to be served, except for residential *uses* in the Residential Urban (R-1), Rural Residential (R-2), Multiple Family Residential (RM-1), Mobile Home Park (MH-2) Zones and *hotel* and *motels uses*, where the off-street *parking* shall be wholly provided on the same *parcel* as the *building* required to be served.
- (2) No part of any *parking area* shall be located closer than 4.0 m to any *multiple family dwelling* unless the *parking area* is included within the *principal building*.

**6.7. BICYCLE PARKING FACILITIES**

- (1) All *multiple family residential, office, retail, restaurant, medical clinics, and public facility uses* shall provide *bicycle parking* in accordance with the following Table.

USE	BICYCLING PARKING REQUIREMENTS
Multiple family residential	One 6 space rack at entrance
Office	1 space per 400 m <sup>2</sup> gross floor area
USE	BICYCLING PARKING REQUIREMENTS
Retail and <i>restaurant</i>	1 per 250 m <sup>2</sup> gross floor area, minimum 4
Medical clinics	1 per 500 m <sup>2</sup>
Public facilities such as town hall, library, community centre	One 6 space rack at entrance

**6.8. DEVELOPMENT AND MAINTENANCE STANDARDS**

- (1) The location of all points of ingress and egress to a *parking area* shall be located so as to lead directly from a *road* or *lane* to a required *parking space*, either within a *parking garage, carport, or outside, through the front yard or exterior side yard.*
- (2) Every required off-street *parking space* shall be a minimum of 18.5 m<sup>2</sup> in area.
- (3) All off-street *parking spaces* shall have:
  - (a) a clear length of not less than 5.5 m;
  - (b) a clear width of not less than 2.75 m;
  - (c) a clear *height* of not less than 2.2 m; and
  - (d) to enable the opening of vehicular doors when a *parking space* adjoins a fence or *structure* over 0.25 m in height the width of the *parking space* shall be increased by 0.25 m on the side or sides which abut such fence or *structure*.
- (4) Adequate provision, by means of unobstructed maneuvering aisles, shall be made at all times for individual vehicles to ingress or egress to all *parking spaces*.

- (5) All *parking areas* shall be provided with curbs to retain all vehicles within such permitted *parking area* and to ensure that required fences, walls, hedges, landscaped areas, or *buildings* will be protected from parked vehicles.
- (6) All *parking areas* for 3 or more vehicles shall have a surface that is durable and shall be so graded and drained as to properly dispose of all surface water.
- (7) All *parking areas* shall have individual *parking spaces*, maneuvering aisles, entrances, and exits clearly marked.
- (8) Any lighting used to illuminate any *parking area* or *parking garage* shall be so arranged that all direct rays of light are reflected upon such *parking area*, and not on any adjoining premises.

## B. OFF-STREET LOADING

### 6.9. EXISTING BUILDINGS, STRUCTURES AND USES

- (1) The regulation of off-street loading contained in this Part 6 shall not apply to *buildings, structures or uses* existing on the effective date of this Bylaw, except that:
  - (a) off-street loading shall be provided and maintained in accordance with this Part 6 where there is a change in the *primary use*, or where the total floor area is increased in excess of 10 % over the existing floor area; and
  - (b) off-street loading existing on the effective date of this Bylaw shall not be reduced below the applicable off-street loading requirements of this Part.

### 6.10. UNITS OF MEASUREMENT

- (1) When calculating off-street loading requirements, the *gross floor area* shall include the *floor area* of necessary *buildings* or basements, except where they are *used* for *parking* or heating.

### 6.11. MIXED OCCUPANCIES

- (1) In the case of mixed *uses*, the total requirements for off-street loading facilities shall be the sum of the requirements for the various *uses* computed separately.

### 6.12. REQUIRED OFF-STREET LOADING SPACES

- (1) Every owner of *land* which is the site of a *structure* or yard involved in the receipt or delivery of goods or materials by vehicles shall, on the *parcel* in question, provide and maintain 1 off-street loading space for:
  - (a) every 250 m<sup>2</sup> of floor space, or fraction thereof of *structures* involved in the receipt or delivery of goods or materials by vehicles; and
  - (b) every 250 m<sup>2</sup> or fraction thereof, of yard involved in the receipt or delivery of goods or materials by vehicles.

### 6.13. LOCATION AND SITING OF LOADING FACILITIES

- (1) Off-street loading spaces and facilities shall be located on the same *parcel* as the *use* served, but not closer than 8 m to the nearest point of intersection of any two street allowances.

### 6.14. DEVELOPMENT AND MAINTENANCE STANDARDS

- (1) The location of all points of ingress and egress to a loading area shall be subject to the approval of *Council* under the provisions of the Local Government Act, as may be amended from time to time.
- (2) All off-street loading and unloading spaces shall be of adequate size, and with adequate access to accommodate the types of vehicles which will be loading and unloading, but in no case shall be insufficient to accommodate a vehicle 9.0 m in length, 2.5 m in width, and 4.0 m in *height*.
- (3) All loading areas shall be provided with adequate curbs to retain all vehicles within such permitted loading areas, and to ensure that required fences, walls, hedges, *landscaped areas*, or *buildings*, will be protected from maneuvering vehicles.
- (4) Each loading space shall have a surface that is durable and shall be so graded and drained as to properly dispose of all surface water.
- (5) Any lighting used to illuminate any loading area shall be so arranged that all direct rays of light are reflected upon the loading area and not on any adjoining premises.

## PART 7 ZONE REQUIREMENTS

### 7.1. ZONE DESIGNATIONS

- (1) For the purpose of this Bylaw, the whole of the area within the boundary of the *municipality* is hereby divided into the following zones and their short-title abbreviations:

<b>ZONE</b>	<b>SHORT TITLE</b>
1. Residential Urban	R-1
2. Rural Residential	R-2
3. Multi-Family Residential	RM-1
4. Mobile Home Park	MH-2
5. Commercial Core	C-1
6. Commercial Service	C-2
7. Marine Commercial	M-1
8. Marine Industrial	M-2

a. Marine Industrial	M-2-A
9. Marine Tourist	M-3
10. Light Industrial	I-1
11. Heavy Industrial	I-2
12. Public Use and Parks	P
13. Resource Areas	RS
14. Agricultural	A-1

**7.2. BOUNDARIES OF ZONES**

- (1) The extent of each zone is shown on the "Schedule B Zoning Map", which is signed by the Mayor and the *Village Administrator* and is attached to, and forms part of this Bylaw hereinafter referred to as the "Zoning Map".
- (2) When the zone boundary is designated as following a *road* allowance or creek, the centre line of such *road* allowance or creek shall be the zone boundary.
- (3) Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, location of the boundary shall be determined by scaling from the Zoning Map.

7.3. ZONE DISTRICTS

7.3.1. RESIDENTIAL URBAN ZONE (R-1)

A. INTENT

(1) This zone is intended for one and *two-family dwellings* on an urban *parcel*.

B. PERMITTED USES

(1) In the Residential Urban Zone (R-1) *land and structures* may be used only for the following *uses* and densities:

- (a) *accessory buildings and structures*;
- (b) *accessory dwelling unit (1)* on *parcels* serviced by the *municipal sewer system*;
- (c) *bed and breakfast establishment (1)*;
- (d) *boarding house (1)*;
- (e) *childcare program (1)*;
- (f) *secondary suite (1)*;
- (g) *short term rental (1)*;
- (h) *single family dwellings (2)* subject to minimum *parcel size* and maximum *parcel coverage*; and
- (i) *two-family dwelling or duplex (1)*.

C. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

(1) In the Residential Urban Zone (R-1) the minimum *parcel size* for a *parcel* created under this Bylaw shall be:

- (a) 370 m<sup>2</sup> for a *single family dwelling*;
- (b) 558 m<sup>2</sup> for two *single family dwellings, two-family dwelling, duplex, or boarding house*; and
- (c) 12 m *frontage* for the portion of the *parcel* that fronts on the *highway*.

D. SITE COVERAGE

(1) In the Residential Urban Zone (R-1) the *site coverage*, including *buildings, structures* and *accessory buildings*, shall not exceed 50 % of the *site area*.

E. MINIMUM SETBACKS

(1) In the Residential Urban Zone (R-1) the following *setbacks* apply to

- (a) *Principal buildings*:
  - (i) *front setback* from a *road* 6.0 m;
  - (ii) *rear setback* from a *road* 6.0 m; and
  - (iii) *side setback* from an adjacent *parcel* 1.5 m, except where the *side setback* flanks a *road*, the *side setback* shall be 3.0 m.

- (b) *Accessory buildings and structures:*
  - (i) front *setback* from a *road* 12.0 m;
  - (ii) rear *setback* from a *road* 1.5 m; and
  - (iii) side *setback* from an adjacent *parcel* 1.5 m, provided that where the *setback* flanks a *road*, the side *setback* shall be 3.0 m.

F. **BUILDING HEIGHT**

- (1) In the Residential Urban Zone (R-1) the *height* of:
  - (a) *Principal buildings* shall not exceed three *stories* to a maximum of 11.0 m; and
  - (b) *Accessory buildings* shall not exceed 3.5 m.

G. **MINIMUM FLOOR AREA**

- (1) In the Residential Urban Zone (R-1) the total *floor area* of all *accessory buildings* on a *parcel* shall not exceed 10 % of the *parcel area*.

### 7.3.2. RURAL RESIDENTIAL ZONE (R-2)

#### A. INTENT

(1) This zone is intended for one and *two-family dwellings* on rural *parcels*.

#### B. PERMITTED USES

- (1) In the Rural Residential Zone (R-2) *land and structures* may be *used* only for the following *uses* and densities:
- (a) *accessory buildings and structures*;
  - (b) *accessory dwelling unit (1)* on *parcels* serviced by the *municipal sewer system*;
  - (c) *agricultural and horticultural use*;
  - (d) *bed and breakfast establishment (1)*;
  - (e) *boarding house (1)*;
  - (f) *childcare program (1)*;
  - (g) *forestry and logging*;
  - (h) *sale of produce grown on site* provided that the sales area does not exceed 46.5 m<sup>2</sup> and is not located within 5.0 m of any property line;
  - (i) *secondary suite (1)*;
  - (j) *short term rental (1)*;
  - (k) *single family dwelling units (2)*;
  - (l) *two-family dwelling or duplex (1)*; and
  - (m) *veterinary hospitals and kennels*.

#### C. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Rural Residential Zone (R-2) the minimum *parcel* size for a *parcel* created under this Bylaw shall be:
- (a) 5,000 m<sup>2</sup> *parcel* size.
  - (b) 50 m *frontage* for the portion of the *parcel* that fronts on the *highway*.

#### D. SITE COVERAGE

(1) In the Rural Residential Zone (R-2) the *site coverage* including *buildings, structures* and *accessory building* shall not exceed 33 % of the *site area*.

#### E. MINIMUM SETBACKS

- (1) In the Rural Residential Zone (R-2) the following *setbacks* apply to:
- (a) *Principal buildings*:
    - (i) *front setback* from a *road* 7.5 m;
    - (ii) *rear setback* from a *road* 7.5 m; and
    - (iii) *side setback* from an adjacent *parcel* or *road* 3.0 m.

- (b) *Accessory buildings and structures:*
  - (i) not permitted within front *setback* of *principal building*;
  - (ii) rear *setback* from a *road* 1.5 m; and
  - (iii) not permitted within side *setback* of *principal building*.

F. **BUILDING HEIGHT**

- (1) In the Rural Residential Zone (R-2) the *height* of:
  - (a) *Principal buildings* shall not exceed three *stories* to a maximum of 11.0 m; and
  - (b) *Accessory building* shall not exceed 7.5 m.



### 7.3.3. MULTIPLE FAMILY RESIDENTIAL ZONE (RM-1)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of low-rise *multiple family* housing on a residential *parcel*.

#### B. PERMITTED USES

- (1) In the Multiple Family Residential Zone (RM-1) *land* and *structures* may be *used* only for the following *uses* and densities:
  - (a) *accessory buildings* and *structures*;
  - (b) *apartments*;
  - (c) *childcare* program;
  - (d) *single family* and *two-family dwellings*, *triplexes*, or *fourplexes*; and
  - (e) *townhouses* or *rowhouses*.

#### C. DENSITY

- (1) In the Multiple Family Residential Zone (RM-1) the *density* permitted shall be 40 units per hectare (16 units per acre).

#### D. MINIMUM SITE AREA

- (1) In the Multiple Family Residential Zone (RM-1) the *site area* shall be:
  - (a) 270 m<sup>2</sup> for *single family dwellings*;
  - (b) 558 m<sup>2</sup> for *two-family dwellings*;
  - (c) 1,116 m<sup>2</sup> for *triplexes* or *fourplexes*; and
  - (d) 2,232 m<sup>2</sup> for *apartment buildings* and *townhouses*.

#### E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Multiple Family Residential Zone (RM-1) the minimum *parcel* size created under this Bylaw shall be:
  - (a) 558 m<sup>2</sup> *parcel* size; and
  - (a) 15 m *frontage* for the portion of the *parcel* that fronts on the *highway*.

#### F. SITE COVERAGE

- (1) In the Multiple Family Residential Zone (RM-1) the *site coverage* including all *buildings*, *structures* and *accessory buildings* shall not exceed 40 % of the *site area*.

#### G. MINIMUM SETBACKS

- (1) In the Multiple Family Residential Zone (RM-1) the following *setbacks* apply:

- (a) *Principal buildings:*
  - (i) front *setback* from a *road* 6.0 m;
  - (ii) rear *setback* from a *road* 6.0 m; and
  - (iii) side *setback* from an adjacent *parcel* or *road* 1.5 m.
- (b) *Accessory buildings and structures:*
  - (i) not permitted within front *setback* of *principal building*;
  - (ii) rear *setback* from a *road* 1.5 m; and
  - (iii) side *setback* from an adjacent *parcel* or *road* 1.5 m.

## H. BUILDING HEIGHT

- (1) In the Multiple Family Residential Zone (RM-1) the *height* of:
  - (a) *Principal building:*
    - (i) for *two-family dwellings, triplexes, fourplexes, and townhouses*, the *height* of any *principal building* shall not exceed three *stories* to a maximum of 11.0 m; and
    - (ii) for *apartments*, the *height* of any *principal building* shall not exceed three *stories* to a maximum of 12.0 m.
  - (b) *Accessory buildings* shall not exceed a height of 4.0 m.

## I. MINIMUM FLOOR AREA

- (1) In the Multiple Family Residential Zone (RM-1) the *floor area* of all *accessory buildings* shall not exceed 10 % of the *parcel area* except where the *building* serves as a *parking structure* in which case the *floor area* should not exceed 20 % of the *parcel area*.

#### 7.3.4. MOBILE HOME PARK ZONE (MH-2)

##### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of *mobile home parks* on a residential *parcel*.

##### B. PERMITTED USES

- (1) In the Mobile Home Park Zone (MH-2) *land* and *structures* may be *used* only for the following *uses* and densities:
  - (a) *bed and breakfast* establishment (1);
  - (b) *boarding house* (1);
  - (c) *childcare* program;
  - (d) *mobile home used as a single family dwelling* (1);
  - (e) *mobile home park*;
  - (f) *short term rental* (1); and
  - (g) *tourist trailer park* and *campground*.

##### C. CONDITIONS OF USE

- (1) In the Mobile Home Park Zone (MH-2):
  - (a) no more than 25% of a site shall be *used* for tourist accommodation and such tourist accommodation shall be an incidental *use* to the *mobile home park*.
  - (b) *mobile home park*, *tourist trailer park* and *campground* development shall comply with the standards and provisions of the "Village of Port Clements Mobile Home Park, Tourist Trailer Park and Campground Regulation Bylaw No. 196, 1988"; and
  - (c) the minimum *site area* for each *mobile home space* shall be 150 m<sup>2</sup>.

##### D. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Mobile Home Park Zone (MH-2) the minimum *parcel* size of a *parcel* created this Bylaw shall be:
  - (b) 4,000 m<sup>2</sup> *parcel* size;
  - (c) 4,000 m<sup>2</sup> for a *mobile home park*, *tourist trailer park* or *campground*; and
  - (d) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the *highway*.

##### E. BUILDING HEIGHT

- (1) In the Mobile Home Park Zone (MH-2) the maximum *height* of any *building* or *structure* shall be 7.5 m.

### 7.3.5. COMMERCIAL CORE ZONE (C-1)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of small-scale *retail* commercial and personal service facilities on commercial *parcels*.

#### B. PERMITTED USES

- (1) In the Commercial Core Zone (C-1) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*;
  - (b) *accessory dwelling unit* (1) on *parcels* serviced by the *municipal sewer system*;
  - (c) banks and financial institutions;
  - (d) *bed and breakfast* establishment (1);
  - (e) *boarding house* (1);
  - (f) business and professional offices;
  - (g) *childcare* program;
  - (h) combined commercial and residential complexes;
  - (i) community halls, libraries, art galleries, theatres, and other cultural *buildings*, but excluding drive-in theatres;
  - (j) government offices;
  - (k) health and fitness clubs, excluding rifle ranges;
  - (l) *hotels* and *motels*;
  - (m) licensed premises;
  - (n) medical and dental clinics;
  - (o) *mobile vendors*;
  - (p) *personal service* establishments (i.e. barbers, beauty salons shoe repair, travel agent, dry cleaner, laundry, photo studios);
  - (q) printing and publishing;
  - (r) public transit depot;
  - (s) public utility *buildings* and *structures* necessary for public service, excluding *storage* repair and manufacturing facilities;
  - (t) *restaurants*, cafes, bistros excluding drive-in *restaurants*;
  - (u) shops and *retail stores* provided that there shall be no outside *storage* or display areas and no sale or service of automobiles;
  - (v) *short term rental* (1);
  - (w) *single family dwelling* (1) as a part of commercial activity and in accordance with the requirements under the Residential Urban Zone (R-1);
  - (x) undertaking parlours and funeral homes; and
  - (y) veterinary hospitals.

C. CONDITIONS OF USE

- (1) In the Commercial Core Zone (C-1) the following conditions apply to combined commercial and residential complexes:
  - (a) the residential *use* shall be contained in the *principal building*;
  - (b) the residential *use* shall be located on the upper floors or behind the commercial *use*;
  - (c) the residential *use* shall have a separate private entrance leading directly to the street; and
  - (d) the Commercial *use* shall provide outdoor recreational space equal to 5.5 m<sup>2</sup> for each *dwelling unit*.

D. DENSITY

- (1) In the Commercial Core Zone (C-1) the *density* including commercial residential and *accessory uses* shall not exceed a *floor area ratio* of 1:1.

E. MINIMUM SITE AREA

- (1) In the Commercial Core Zone (C-1) the *site area* shall be:
  - (a) 1,115 m<sup>2</sup> for *hotels* and *motels*; and
  - (b) 368 m<sup>2</sup> for combined commercial and residential complexes.

F. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Commercial Core Zone (C-1) the minimum *parcel* size for a *parcel* created under this Bylaw shall be:
  - (a) 225 m<sup>2</sup> *parcel* size; and
  - (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the *highway*.

G. SITE COVERAGE

- (1) In the Commercial Core Zone (C-1) the *site coverage* including all *buildings*, *structures* and *accessory buildings* may be 100 %.
- (2) *Uses* which require outdoor recreation space may include this space in the *site coverage* calculation.

H. MINIMUM SETBACKS

- (1) In the Commercial Core Zone (C-1) the following *setbacks* apply:
  - (a) *rear setback* from a *road* 3.0 m where there is a *road*, measured from the centre of that *road*; and
  - (b) *side setback* from an adjacent *parcel* 3.0 m only where the abutting *parcel* is zoned for residential *uses*.

I. **BUILDING HEIGHT**

- (1) In the Commercial Core Zone (C-1) the following heights apply:
- (a) *Principal building* shall not exceed three *stories* or 12 m; and
  - (b) *Accessory building* shall not exceed 3.5 m.

J. **MINIMUM FLOOR AREA**

- (1) In the Commercial Core Zone (C-1) the minimum *floor area* for each *use* shall be 55 m<sup>2</sup>.

### 7.3.6. COMMERCIAL SERVICE ZONE (C-2)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of *retail* commercial and *personal service* facilities, including automotive *uses* on commercial *parcels*.

#### B. PERMITTED USES

- (1) In the Commercial Service Zone (C-2) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*;
  - (b) *accessory dwelling unit* (1) on *parcels* serviced by the *municipal sewer system*;
  - (c) *bed and breakfast* establishment (1);
  - (d) *boarding house* (1);
  - (e) *childcare* program;
  - (f) combined commercial and residential complexes;
  - (g) contractor's offices provided that there shall be no outside *storage* of materials or equipment;
  - (h) *convenience stores*;
  - (i) *gasoline service stations*;
  - (j) general automotive repair services;
  - (k) *hotels* and *motels*;
  - (l) *mobile vendors*;
  - (m) neighbourhood *shopping centre*;
  - (n) personal service establishments (i.e. barbers, beauty salons, shoe repair, travel agent, dry cleaner, laundry, photo studio);
  - (o) printing and publishing;
  - (p) *restaurants*;
  - (q) *retail* sales of *building* supplies;
  - (r) *retail* sales of garden supplies, nursery items, and greenhouses;
  - (s) sale, rental, or lease of motor vehicles;
  - (t) *short term rental* (1);
  - (u) *single family dwelling* (1), according to requirements under Residential Urban Zone (R-1); and
  - (v) undertaking parlor or funeral home.

#### C. CONDITIONS OF USE

- (1) In the Commercial Service Zone (C-2) the following conditions apply to combined commercial and residential complexes:
  - (a) the residential *use* shall be contained in the *principal building*;

- (b) the residential *use* shall be located on the upper floors or behind the commercial *use*;
- (c) the residential *use* shall have a separate, private entrance leading directly to the street; and
- (d) the Commercial *use* shall provide outdoor recreational space equal to 5.5 m<sup>2</sup> for each *dwelling unit*.

**D. DENSITY**

- (1) In the Commercial Service Zone (C-2) the *density* shall not exceed a *floor area ratio* of 1:1.

**E. MINIMUM SITE AREA**

- (1) In the Commercial Service Zone (C-2) the *site area* shall be 558 m<sup>2</sup>.

**F. SITE AREA AND PARCEL SIZE FOR SUBDIVISION**

- (1) In the Commercial Service Zone (C-2) the minimum parcel size for a parcel created under this Bylaw shall be:
  - (a) 558 m<sup>2</sup> *parcel size*; and
  - (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the *highway*.

**G. SITE COVERAGE**

- (1) In the Commercial Service Zone (C-2) the *site coverage* including *buildings, structures* and *accessory buildings* shall not exceed 60 % of the site.
- (2) *Uses* which require outdoor recreational space may include the square footage of the recreational space in the *site coverage* calculation.

**H. MINIMUM SETBACKS**

- (1) In the Commercial Service Zone (C-2) the *setbacks* shall be:
  - (a) *front setback* from a *road* 7.5 m;
  - (b) *rear setback* from a *road* 6.0 m; and
  - (c) *side setback* from an adjacent *parcel* or *road* 3.0 m except where the abutting *parcel* is zoned for residential *uses* in which case the *side setback* shall be 6.0 m.

**I. BUILDING HEIGHT**

- (1) In the Commercial Service Zone (C-2) the following heights apply:
  - (a) *Principal building* shall not exceed 9.0 m; and
  - (b) *Accessory buildings* or *structures* shall not exceed 3.6 m.

**J. MINIMUM FLOOR AREA**

- (1) In the Commercial Service Zone (C-2) the floor area for each *use* shall be 55 m<sup>2</sup>.

### 7.3.7. MARINE COMMERCIAL ZONE (M-1)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of marinas, including commercial *uses* to service boaters on commercial *parcels*.

#### B. PERMITTED USES

- (1) In the Marine Commercial Zone (M-1) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*.
  - (b) *bed and breakfast* establishment (1);
  - (c) *boarding house* (1);
  - (d) *childcare* program;
  - (e) combined commercial residential complexes;
  - (f) *hotels* and *motels*;
  - (g) licensed public houses;
  - (h) marinas, including marine service stations;
  - (i) marine freight and salvage;
  - (j) *retail stores*;
  - (k) *restaurants*, excluding drive-ins;
  - (l) *short term rental* (1);
  - (m) *single family dwelling* (1), according to requirements under Residential Urban Zone (R-1); and
  - (n) wharfage, anchorage, dry-docking launching ramps and similar facilities in connection with harbouring and servicing marine craft, including float planes.

#### C. CONDITIONS OF USE

- (1) In the Marine Commercial Zone (M-1) the following conditions apply to combined commercial and residential complexes:
  - (a) the residential *use* shall be contained in the *principal building*;
  - (b) the residential *use* shall be located on the upper floors or behind the commercial *use*;
  - (c) the residential *use* shall have a separate, private entrance leading directly to the street; and
  - (d) the Marine Commercial *use* shall provide outdoor recreational space equal to 5.5 m<sup>2</sup> for each *dwelling unit*.

#### D. DENSITY

- (1) In the Marine Commercial Zone (M-1) the *density* shall not exceed a *floor area* ratio of 0.5:1.

**E. MINIMUM SITE AREA**

- (1) In the Marine Commercial Zone (M-1) the *site area* shall be:
- (a) 368 m<sup>2</sup> for *retail stores*, licensed public houses and *restaurants*;
  - (b) 1,115 m<sup>2</sup> for *hotels* and *motels*; and
  - (c) 500 m<sup>2</sup> for all other *uses*.

**F. SITE AREA AND PARCEL SIZE FOR SUBDIVISION**

- (1) In the Marine Commercial Zone. (M-1) the minimum *parcel* size for a *parcel* created under this Bylaw shall be:
- (a) 368 m<sup>2</sup> *parcel* size; and
  - (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the *highway*.

**G. SITE COVERAGE**

- (1) In the Marine Commercial Zone (M-1) the *site coverage*, including all *buildings*, *structures* and *parking areas* shall not exceed 80 % of the *site area*.

**H. MINIMUM SETBACKS**

- (1) In the Marine Commercial Zone (M-1) the *setbacks* shall be:
- (a) rear *setback* from a *road* 3.0 m except where the *natural boundary* of the sea is the rear *lot* line, the provision of this Bylaw Section 4.2 Flood Damage Protection shall apply for all *buildings* and *structures* except those *structures* required for construction of wharves, floats, launching ramps and dry docks, which are exempt from this rear *setback*; and
  - (b) side *setback* from an adjacent *parcel* 3.0 m where the abutting *parcel* is zoned for residential *use*.

**I. BUILDING HEIGHT**

- (1) In the Marine Commercial Zone (M-1) the following heights apply:
- (a) *Principal building* shall not exceed 9.0 m; and
  - (b) *Accessory buildings* or *structures* shall not exceed 3.5 m.

### 7.3.8. MARINE INDUSTRIAL ZONE (M-2)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of marine and foreshore activities of an industrial nature on an industrial *parcel*.

#### B. PERMITTED USES

- (1) In the Marine Industrial Zone (M-2) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*;
  - (b) *boat building*, *marine ways*, and *boat repairs*;
  - (c) *caretaker* or *management staff accommodation*;
  - (d) *food processing*;
  - (e) *fuel installations* including *bulk fuel storage*, *marine* and *aircraft fueling*;
  - (f) *industrial port facilities*, including *barge loading*, *roll-on-roll off truck facilities*, *storage*, and *warehousing facilities*;
  - (g) *log booming*, *dumping*, *dryland sorting* and *de-watering facilities*;
  - (h) *marine freight* and *salvage*;
  - (i) *restaurants*;
  - (j) *sawmill*, *shake mill*, *lumber processing* and other *wood industries* requiring *water access*;
  - (k) *single family dwelling* (1) as an *accessory use*; and
  - (l) *wharves*, *launching ramps*, *anchoring dry-docking*, and similar *facilities* in connection with *harbouring* and *servicing marine craft*, including *float planes*.

#### C. CONDITIONS OF USE

- (1) In the Marine Industrial Zone (M-2) one *single family dwelling unit* is permitted providing the *dwelling unit*:
  - (a) is *setback* 7.5 m from the *industrial use*;
  - (b) has a *separate entrance* from the *outside*; and
  - (c) has a *minimum floor area* of 55 m<sup>2</sup>.

#### D. MINIMUM SITE AREA

- (1) In the Marine Industrial zone (M-2) the *site area* shall be 1,000 m<sup>2</sup>.

#### E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Marine Industrial Zone (M-2) the *minimum parcel size* for a *parcel* created under this Bylaw shall be:
  - (a) 1,000 m<sup>2</sup> *parcel size*; and
  - (b) *frontage* of 1/10 of the *perimeter* of the *parcel* that fronts on the *highway*.

F. SITE COVERAGE

- (1) In the Marine Industrial Zone (M-2) the *site coverage*, including all *buildings structures* and *parking areas*, shall not exceed 80 % of the *site area*.

G. MINIMUM SETBACKS

- (1) In the Marine Industrial Zone (M-2) the *setbacks* shall be:
- (a) front *setback* from a *road* 6.0 m;
  - (b) rear and side *setback* from an adjacent *parcel* 6.0 m where the abutting *parcel* is zoned for residential *use*; and
  - (c) where the *natural boundary* of the sea is the rear or side *lot* line the provisions of this Bylaw Section 4.2 Flood Damage Protection shall apply to all *buildings* except those *structures* required for construction of wharves floats, launching ramps and marine ways, which are exempt from this *setback*.

H. BUILDING HEIGHT

- (1) In the Marine Industrial Zone (M-2) the *height* of any *building* or *structure* shall not exceed 12 m.

### 7.3.8.A. Marine Industrial Zone (M-2-A)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of marine and foreshore activities of an industrial nature on an industrial *parcel*.

#### B. PERMITTED USES

- (1) In the Marine Industrial Zone (M-2-A) *land and structures* may be *used* only for the following *uses and densities*:
  - (a) *accessory buildings and structures*;
  - (b) *boat building, marine ways, and boat repairs*;
  - (c) *dryland log sorting*;
  - (d) *fuel installations including bulk fuel storage, marine and aircraft fueling*;
  - (e) *food processing*;
  - (f) *industrial port facilities, including barge loading, roll-on-roll-off truck facilities, storage, and warehousing facilities*;
  - (g) *limited staff accommodation*;
  - (h) *marine freight and salvage*;
  - (i) *restaurants*;
  - (j) *sawmill, shake mill, lumber processing and other wood industries requiring water access*;
  - (k) *single family dwelling (1)*; and
  - (l) *wharves, launching ramps, anchoring, dry-docking and similar facilities in connection with harbouring and servicing marine craft, including floatplanes.*

#### C. CONDITIONS OF USE

- (1) In the Marine Industrial Zone (M-2-A) a *single family dwelling unit* is permitted providing the *dwelling unit*:
  - (a) *is setback 7.5 m from the industrial use*;
  - (b) *has a separate entrance from the outside; and*
  - (c) *has a minimum floor area of 55 m<sup>2</sup>.*

#### D. MINIMUM SITE AREA

- (1) In the Marine Industrial Zone (M-2-A) the *site area* shall be 1,000 m<sup>2</sup>.

#### E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Marine Industrial Zone (M-2) the minimum *parcel size* of a *parcel* created by this Bylaw shall be:
  - (a) *1,000 m<sup>2</sup> parcel size; and*
  - (b) *frontage of 1/10 of the perimeter of the parcel that fronts on the highway.*

**F. SITE COVERAGE**

- (1) In the Marine Industrial Zone (M-2-A) the *site coverage*, including all *buildings*, *structures*, and *parking areas*, shall not exceed 80 % of the *site area*.

**G. MINIMUM SETBACKS**

- (1) In the Marine Industrial Zone (M-2-A) the *setbacks* shall be:
- (a) front *setback* from a *road* 6.0 m;
  - (b) rear and side *setback* from an adjacent *parcel* 6.0 m where the abutting *parcel* is zoned for residential *use*; and
  - (c) where the *natural boundary* of the sea is the rear or side *lot line*, the provisions of this Bylaw Section 4.2 Flood Damage Protection shall apply to all *buildings*, except those *structures* required for construction of wharves, floats, launching ramps and marine ways, which are exempt from this *setback*.

**H. BUILDING HEIGHT**

- (1) In the Marine Industrial Zone (M-2-A) the *height* of any *building* or *structure* shall not exceed 18 m.

**I. SCREENING REQUIREMENTS**

- (1) In the Marine Industrial Zone (M-2-A) in addition to the *screening* requirements in this Bylaw Section 4.4 Fences, the following *screening* is required along the *natural boundary* of the sea, except for that portion containing an inland berth:
- (a) 10 m buffer containing natural vegetation; and
  - (b) a berm containing natural vegetation on the upland side of the buffer not less than 2.5 m in elevation above the buffer.

**J. RESTRICTIONS**

- (1) Watering and dewatering of wood are prohibited in this zone.

### 7.3.9. MARINE TOURISM ZONE (M-3)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of marine *uses* and recreational activities associated with coastal locations on a waterfront *parcel*.

#### B. PERMITTED USES:

- (1) In the Marine Tourism Zone (M- 3) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *bed and breakfast* establishment (1);
  - (b) *boarding house* (1);
  - (c) boating boat rentals, boat charters and boat leasing;
  - (d) *childcare* program;
  - (e) fishing lodge;
  - (f) float plane docks and helicopters;
  - (g) marinas, boat launching, and boat *storage*;
  - (h) marine freight and salvage;
  - (i) marine gas barge;
  - (j) *mobile vendors*;
  - (k) private recreation facilities;
  - (l) *restaurant*;
  - (m) *short term rental* (1);
  - (n) *single family dwelling* (1) provided such accommodation is for a caretaker and *family* and is necessary for the protection of the business or industry;
  - (o) *single family dwelling unit* (1) for the owners or manager of the fishing lodge;
  - (p) *temporary storage* of fish camp and logging camp equipment; and
  - (q) wilderness retreat.
- (2) No other *accessory uses* of *buildings* and *structures* is permitted.

#### C. MINIMUM SITE AREA

- (1) In the Marine Tourism Zone (M-3) *site areas* shall be:
  - (a) 930 m<sup>2</sup> for sites with *municipal water* and *sewer services*;
  - (b) 1,350 m<sup>2</sup> for sites with *municipal water services* but no *municipal sewer service*; and
  - (c) 2,000 m<sup>2</sup> for sites with no *municipal water* and *sewer services*.

#### D. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Marine Tourism Zone (M-3) the minimum *parcel* size of a *parcel* created under this bylaw shall be:

- (a) 2,000 m<sup>2</sup>, provided:
  - (i) where *municipal water* service is available, the *parcel* size shall not be less than 1,350 m<sup>2</sup>;
  - (ii) where *municipal water* and *sewer* services are available, the *parcel* shall not be less than 930 m<sup>2</sup>; and
- (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the highway.

E. **SITE COVERAGE**

- (1) In the Marine Tourism Zone (M-3) the *site coverage*, including *building*, *structures*, *storage*, and outdoor operation areas shall not exceed 80 % of the *site area*.

F. **MINIMUM SETBACKS**

- (1) In the Marine Tourism Zone (M-3) the *setbacks* shall be:
  - (a) *front setback* from a *road* 7.5 m; and
  - (b) *side setback* from an adjacent *parcel* 4.0 m.

G. **BUILDING HEIGHT**

- (1) In the Marine Tourism Zone (M-3) the *height* of any *building* or *structure* shall not exceed 12 m.

### 7.3.10. LIGHT INDUSTRIAL ZONE (I-1)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of light industrial activities and commercial *uses* where such commercial *uses* are an integral part of the industrial operation on an industrial *parcel*.

#### B. PERMITTED USES

- (1) In the Light Industrial Zone (I-1) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*;
  - (b) automobile and recreation vehicle sales services and body shops excluding auto wreckers and junk yards;
  - (c) *building* supply and lumber yards;
  - (d) *childcare* program;
  - (e) contractor offices, shops, and yards;
  - (f) *fuel storage* and wholesale distribution;
  - (g) *gasoline service stations*;
  - (h) industrial and agricultural equipment sales, rentals, and *storage yards*;
  - (i) light manufacturing and assembly, including food processing, machine shops, woodworking shops;
  - (j) mobile and prefabricated home manufacturing, display, and sales;
  - (k) printing and other reproduction processes;
  - (l) public utilities *buildings*, *parking garages*, *storage yards*, repair facilities;
  - (m) *restaurants*;
  - (n) *single family dwelling* (1) as an *accessory use*;
  - (o) transportation depots and facilities including airports;
  - (p) veterinary hospital and kennel; and
  - (q) warehousing, moving and wholesale establishments.

#### C. CONDITIONS OF USE

- (1) In the Light Industrial Zone (I-1):
  - (a) all industrial activity and *storage* not contained within a *building* shall be enclosed by a wall or solid board fence not less than 2.0 m in *height*; and
  - (b) industrial *uses* that require *storage* of bulk fuels, chemicals, explosives, radioactive material, or other hazardous materials shall not be located in close proximity to adjacent residential, commercial, institutional, recreational, or sensitive environmental areas;

- (c) what constitutes “close proximity” to adjacent *uses* will be determined on a case by case basis following the provincial *Hazardous Waste Regulation* or other legislation, and may vary depending on the adjacent *use*;
  - (d) no *use* shall be permitted which will become an annoyance or nuisance to surrounding *lands* by reason of unsightliness odor, emission, liquid effluents, dust, noise, fumes, or smoke; and
  - (e) *uses* considered offensive under the Public Health Act are strictly prohibited.
- (2) A *single family dwelling* (1) is permitted provided that the *dwelling unit*:
- (a) is *setback* 7.5 m from the Industrial *uses*; and
  - (b) has a separate entrance from the outside.

**D. MINIMUM SITE AREA**

- (1) In the Light Industrial Zone (I-1) the *site area* is subject to health regulations and inspections and shall be:
- (a) 930 m<sup>2</sup> for sites with *municipal water* and *sewer* services;
  - (b) 1,350 m<sup>2</sup> for sites with *municipal water* services but no *municipal sewer* service; and
  - (c) 2,000 m<sup>2</sup> for sites with no *municipal water* and *sewer* services.

**E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION**

- (1) In the Light Industrial Zone (I-1) the minimum *parcel* size of a *parcel* created under this bylaw shall be:
- (a) 10,000 m<sup>2</sup> provided that: (was 2,000 m<sup>2</sup>)
    - (i) 2,000 m<sup>2</sup> where *municipal water* service is available;
    - (ii) 930 m<sup>2</sup> where *municipal water* and *sewer* services are available; and
  - (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the highway.

**F. SITE COVERAGE**

- (1) In the Light Industrial Zone (I-1) the *site coverage* including all *buildings* and *structures*, shall not exceed 75 % of the *site area*.

**G. MINIMUM SETBACKS**

- (1) In the Light Industrial Zone (I-1) the *setbacks* shall be:
- (a) front *setback* from a *road* 7.5 m; and
  - (b) rear and side *setback* from an adjacent *parcel* or *road* 5.0 m, except where the abutting *parcel* is zoned for residential *uses* in which case the minimum *setback* shall be 7.5 m.

H. BUILDING HEIGHT

- (1) In the Light Industrial Zone (I-1) the *height* of any *building* or *structure* shall not exceed 12 m.

### 7.3.11. HEAVY INDUSTRIAL ZONE (I-2)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the development of those industries which may have a significant impact on other *land uses* on industrial *parcels*.

#### B. PERMITTED USES

- (1) In the Heavy Industrial Zone (I-2) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*;
  - (b) all *uses* permitted in the Light Industrial Zone (I-1);
  - (c) all manufacturing, processing and assembly industries which are not offensive within the meaning of the Health Act, including but not limited to:
    - (i) gravel extraction, *storage*, and processing;
    - (ii) junk yards, auto wreckers;
    - (iii) sawmills and shake mills, lumber processing; and
    - (iv) *storage yard*.
  - (d) clean electrical energy projects such as tidal, geothermal, wind, biomass, and solar;
  - (e) *single family dwelling* (1) as an *accessory use*.

#### C. CONDITIONS OF USE

- (1) In the Heavy Industrial Zone (I-2):
  - (a) where the Heavy Industrial *use* abuts any zone other than industrial, the Heavy Industrial *use* shall provide a wall or tight board *fence* which provides a complete visual screen not less than 2.0 m in *height*;
  - (b) industrial *uses* that require *storage* of bulk fuels, chemicals, explosives, radioactive material, or other hazardous materials shall not be located in close proximity to adjacent residential, commercial, institutional, recreational, or sensitive environmental areas;
  - (c) what constitutes “close proximity” to adjacent *uses* will be determined on a case by case basis following the provincial *Hazardous Waste Regulation* or other legislation, and may vary depending on the adjacent use;
  - (d) junk yards or auto wreckers:
    - (i) all industrial activity not contained within a *building* shall be enclosed by a wall or tight board *fence* which provides a complete visual screen not less than 2.0 m in *height*;

- (ii) junk yard material not contained within a *building* shall not be piled higher than the enclosing wall or *fence*; and
- (e) a *single family dwelling* (1) is permitted provided that the *dwelling unit*:
  - (i) is *setback* 7.5 m from the industrial use; and
  - (ii) has a separate entrance from the outside.

D. **MINIMUM SITE AREA**

- (1) In the Heavy Industrial Zone (I-2) the *site area* for all permitted uses shall be 2,000 m<sup>2</sup>.

E. **SITE AREA AND PARCEL SIZE FOR SUBDIVISION**

- (1) In the Heavy Industrial Zone (I-2) the minimum *parcel* size of a *parcel* created under this bylaw shall be:
  - (a) 2,000 m<sup>2</sup> *parcel* size; and
  - (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the *highway*.

F. **SITE COVERAGE**

- (1) In the Heavy Industrial Zone (I-2) the *site coverage* including all *buildings, structures, storage* areas and outdoor operations shall not exceed 80 % of the *site area*.

G. **MINIMUM SETBACKS**

- (1) In the Heavy Industrial Zone (I-2) the following *setbacks* apply:
  - (a) no *building* or *structure*, except a fence or visual screen shall be located in the following *setbacks*:
    - (i) front *setback* from a *road* 7.5 m; and
    - (ii) rear and side *setbacks* from an adjacent *parcel* or *road* 6.0 m except where the abutting *parcel* is not zoned for industrial uses in which case the rear and side *setbacks* shall be 10 m.

H. **BUILDING HEIGHT**

- (1) In the Heavy Industrial Zone (I-2) the *height* of any *building* or *structure* shall not exceed 12 m.

### 7.3.12. PUBLIC USE AND PARK (P)

#### A. INTENT

- (1) This zone is intended to accommodate and regulate the location and development of public institutions and facilities to serve the educational, cultural, and recreational needs of the community on public use *parcels*.

#### B. PERMITTED USES

- (1) In the Public Use and Park Zone (P) *land* and *structures* may be *used* only for the following *uses* and *densities*:
  - (a) *accessory buildings* and *structures*;
  - (b) *campground* and *tourist trailer park*;
  - (c) *cemeteries*;
  - (d) *childcare* program;
  - (e) *community centres*, *libraries*, and *public recreation facilities*;
  - (f) *float plane docks*, and *storage* for *fish camps*, *fishing lodges*, and *wilderness retreats*;
  - (g) *government offices*;
  - (h) *halls* and *auditoriums*;
  - (i) *helipads*;
  - (j) *hospitals* and *related facilities*, *nursing homes*;
  - (k) *mobile vendors*;
  - (l) *parks* and *playgrounds*, including *tot parcels* and *accessible exercise equipment*;
  - (m) *schools* and *colleges*; and
  - (n) *walking trails* or *board walks* connecting *neighborhoods* to *schools*, *parks*, and *community facilities*.

#### C. MINIMUM SITE AREA

- (1) In the Public Use and Parks Zone (P) the *site area* for all permitted *uses* shall be 368 m<sup>2</sup>.

#### D. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Public Use and Park Zone (P) the minimum *parcel* size of a *parcel* created under this bylaw shall be:
  - (a) 368 m<sup>2</sup> *parcel* size; and
  - (b) *frontage* of 1/10 of the *perimeter* of the *parcel* that fronts on the *highway*.

**E. DENSITY**

- (1) In the Public Use and Park Zone (P):
  - (a) the maximum site *coverage* for all *principal buildings* and *structures* shall not exceed 40 % of the *site area*; and
  - (b) the maximum site *coverage* for all *accessory buildings* and *structures* shall not exceed 20 % of the *site area*.

**F. MINIMUM SETBACKS**

- (1) In the Public Use and Park Zone (P) the *setbacks* are:
  - (a) front *setback* from the *road* 7.5 m, except where the abutting *parcel* is a school or hospital, in which case:
    - (i) front *setback* from the *road* 15 m; and
    - (ii) rear and side *setbacks* from an adjacent *parcel* or *road* 3.0 m.

**G. BUILDING HEIGHT**

- (1) In the Public Use and Park Zone (P) the following *heights* apply:
  - (a) *Principal building* shall not exceed 12 m; and
  - (b) *Accessory building* or *structure* shall not exceed 3.6 m.

### 7.3.13. RESOURCE AREAS ZONE (RS)

#### A. INTENT

- (1) This zone is intended for outdoor recreation *use*, the protection of natural areas and agriculture on resource area *parcels*.

#### B. PERMITTED USES

- (1) In the Resource Areas Zone (RS) *land and structures* may be *used* only for the following *uses and densities*:
  - (a) *accessory buildings and structures*;
  - (b) *agricultural uses* including field crops, horticulture, silviculture, poultry, other stock raising and beekeeping;
  - (c) *childcare* program;
  - (d) forestry and logging, but no manufacturing except by a small mill for on-site domestic *use*, provided such operation does not involve outside employees and is not located within 15 m of any property line;
  - (e) gravel extraction, *storage*, and processing;
  - (f) professional practice or *home occupation*;
  - (g) sale of produce grown on the premises provided the sales area does not exceed 46.5 m<sup>2</sup>;
  - (h) *single-family dwellings* (2) or a *two-family dwelling* (1);
  - (i) *tourist trailer park and campground*; and
  - (j) veterinary hospital and kennels.

#### C. CONDITIONS OF USE

- (1) In the Resource Areas Zone (RS):
  - (a) Resource extraction and logging activities shall provide a buffer to avoid windthrow in areas outside of the harvested area as determined by the public consultation in (c) below; and
  - (b) Resource extraction and logging activities shall only be undertaken after suitable potential impacts of the proposed activity on terrain, water quality and fish habitat, air quality, noise levels, visual landscapes, and recreation assessments have been completed; and
  - (c) Public consultation must occur prior to any new developments in these areas.

#### D. MINIMUM SITE AREA

- (1) In the Resource Areas Zone (RS) the *site area* shall be 40,000 m<sup>2</sup>.

#### E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

- (1) In the Resource Areas Zone (RS) the minimum *parcel size* of a *parcdel* created under this Bylaw shall be:

- (a) 40,000 m<sup>2</sup> *parcel* size; and
- (b) *frontage* of 1/10 of the perimeter of the *parcel* that fronts on the *highway*.

F. **SITE COVERAGE**

- (1) In the Resource Areas Zone (RS) the *site coverage* for all *buildings* and *structures* shall not exceed 10 % of the *site area*.

G. **MINIMUM SETBACKS**

- (1) In the Resource Areas Zone (RS) the following *setbacks* apply:
  - (a) *front setback* from a *road* 7.5 m; and
  - (b) *rear and side setbacks* from an adjacent *parcel* or *road* 4.5 m.

H. **BUILDING HEIGHT**

- (1) In the Resource Areas Zone (RS) the *height* of any *building* or *structure* shall not exceed 12 m.

### 7.3.14. AGRICULTURAL (A-1)

#### A. INTENT

- (1) This zone is intended for increasing the amount of food that is produced and consumed locally, thereby increasing food security, and reducing dependency on off island food sources on agricultural *parcels*.

#### B. PERMITTED USES

- (1) In the Agricultural Zone (A-1) *land and structures* may be used only for the following *uses and densities*:
  - (a) *accessory buildings and structures*;
  - (b) *agricultural uses* including field crops, horticulture, silviculture, poultry, other stock raising and beekeeping;
  - (c) farmers market and *seasonal mobile vendors* of fruit, vegetables, and aquaculture products;
  - (d) green waste and composting;
  - (e) group gardening, gardening cooperatives, community and neighborhood gardens, and greenhouses;
  - (f) professional practice or *home occupation*;
  - (g) sale of produce grown on the premises provided the sales area does not exceed 46.5 m<sup>2</sup>;
  - (h) seed bank and goods *storage* facilities;
  - (i) *secondary suite* (1); and
  - (j) *single-family dwelling* (1) as an accessory to *agricultural uses*.

#### C. CONDITIONS OF USE

- (1) In the Agricultural Zone (A-1):
  - (a) water used for large scale commercial agricultural purposes must be from a source other than the municipal domestic water supply; and
  - (b) where proposed development abuts the Agricultural Zone (A-1) agricultural activity shall be protected from negative urban influences through buffers and restrictive covenants.

#### D. MINIMUM SITE AREA

- (1) If the *parcel* has only one residence, a second residence may be built under *certain* circumstances:
  - (a) if the *parcel* is 40 hectares or less, two residences: one that is 500 m<sup>2</sup> or less in total floor area, and one that is 90 m<sup>2</sup> or less in total floor area; or

- (b) if the *parcel* is larger than 40 hectares, two residences: one that is of any size permitted by the Agricultural Land Commission Act at the time it was built, and one that is up to 186 m<sup>2</sup> in total floor area.

**E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION**

- (1) Neither exclusion of *land* from the Agricultural Land Reserve (ALR) nor subdivision of *land* within the ALR is supported.

**F. SITE COVERAGE**

- (1) In the Agricultural Zone (A-1) the *site coverage* for all *buildings* and *structures* shall not exceed 80% of the *site area*.

**G. MINIMUM SETBACKS**

- (1) In the Agricultural Zone (A-1) the following *setbacks* apply:
  - (a) front *setback* from a *road* 7.5 m; and
  - (b) rear and side *setbacks* from an adjacent *parcel* or *road* 4.5 m.

**H. BUILDING HEIGHT**

- (1) In the Agricultural Zone (A-1) the *height* of any *building* or *structure* shall not exceed 12 m.



# Ferguson Bay -Light Industrial

