

VILLAGE OF LIONS BAY

ZONING BYLAW NO. 362, 2004

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

Zoning Bylaws No. 139, 158, 187, 192, 235, 334 and 352 are hereby repealed.

WHEREAS Council has given due regard to:

- a) the promotion of health, safety, convenience and welfare of the public;
- b) prevention of the overcrowding of land and preservation of the amenities peculiar to any zone;
- c) the securing of adequate light, air and access;
- d) the value of the land and the nature of its present and prospective use and occupancy;
- e) the character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses; and
- f) the conservation of property values;
- g) the development of areas to promote greater efficiency and quality;
- h) the impact of development on present and future public costs;
- i) betterment of the environment;
- j) fulfillment of community goals; and
- k) provision of necessary public space;

NOW THEREFORE the Council of the Village of Lions Bay in open meeting assembled HEREBY ENACTS AS FOLLOWS:

PART I TITLE

1. This bylaw may be cited for all purposes as "Zoning Bylaw No. 362, 2004".

PART II INTERPRETATION

2. In this bylaw:

accessory - means ancillary and subordinate to principal;

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

apartment building - means a building other than a townhouse containing three or more dwellings which has its principal access from an entrance common to the dwellings;

assembly - means the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes;

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

carport - means that portion of a principal building which shelters an area used, intended to be used or designed for the parking of two (2) motor vehicles, the parking space in which shall be not less than 5.5 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres;

church - means an assembly building set apart and used for religious but not commercial or residential purposes;

commerce - means the selling, servicing and repair of goods, the provision of services and commercial office functions;

convenience store - means a retail sales outlet located in a building having a maximum gross floor area of 340m²;

density - means the maximum permitted number of dwellings on a parcel, expressed per hectare;

duplex - means two attached dwellings, each of which has a separate entrance;

dwelling - means a self-contained set of habitable rooms containing not more than one set of cooking facilities and located in a building;

exterior side parcel line - means a parcel boundary at grade between a parcel and a highway, other than a front or rear parcel line;

family - means

- a) two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling; or
- b) not more than five unrelated persons sharing one dwelling;

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

front parcel line - means the parcel boundary located at grade between a parcel and a highway other than a lane, provided that where two intersecting highways other than lanes form boundaries of a parcel, the front parcel line shall be the shorter of the parcel boundaries located at grade between the parcel and the highways;

front yard - means that portion of the lot, extending from one side lot line to another, between the front parcel line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front parcel line of the lot and the parallel line located at the foundation wall or supporting posts nearest the front parcel line. In the case of a through lot or ocean front lot, there shall be two such front yards. For corner lots, the front yard is facing the same street as the front yard of an adjacent lot.

garage - means a carport surrounded by four (4) walls, one of which walls contains a door used, intended to be used or designed to permit motor vehicle access;

grade - means the ground level that existed at the time of the subdivision that created the parcel;

gross floor area - means the total floor area of all buildings on a parcel measured to the outer limits of the buildings including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding auxiliary parking, unenclosed swimming pools, balconies or sun decks, elevators, ventilating machinery and building features referred to in Section 15 of this bylaw;

gross floor area ratio - means the total floor area of the principal building on a parcel measured to the outer limits of the building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, and enclosed swimming pools, (but not including accessory structures as permitted by this by-law with a combined floor area not exceeding 77 square metres, nor carports or garages attached to the principal building) divided by the area of the parcel.

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

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

home occupation - means an occupation or profession carried on as an auxiliary use in a dwelling or auxiliary building and does not include a commercial stable, kennel, animal breeding for commercial purposes, restaurant or the parking or storage of industrial or construction equipment or materials;

infill housing - means the process of building a new house, or building an addition on to an existing house, in an already established neighborhood.

institution- includes an arena, armoury, art gallery, college, court of law, community centre, federal office, fire hall, jail, library, municipal office, museum, park, playground, police station, provincial office, hospital, school, stadium or swimming pool and excludes a public storage yard or works yard;

interior side parcel line - means a parcel boundary at grade between two or more parcels other than a front or rear parcel line;

lane - means a highway which:

- a) provides a second access to a parcel; and
- b) is less than 10m wide as dedicated;

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

mobile home - means a towed or self-propelled trailer structure manufactured as a unit capable of movement from place to place which contains one dwelling unit with toilet and bath or shower cabinet facilities;

motor vehicle - means a device in or by which a person or thing is or may be transported on a highway, except a device designed to be moved by human power or used exclusively on stationery rails or tracks, that is designed to be self-propelled;

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

natural boundary - means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, which plan was most recently registered in a Land Title Office before the first publication of notice for hearing in respect of this bylaw;

parcel - means any lot, including a strata lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

parcel coverage - means the gross floor area of buildings on a parcel expressed as a percentage of parcel area;

-
- parking space** - means an area on a parcel identified for the parking of one motor vehicle and does not include aisle space;
- rear parcel line** - means the parcel boundary at grade which lies the most opposite to and is not connected with the front parcel line;
- residence** - means occupancy or use of a building or part thereof as a dwelling and includes the dwelling occupied or used;
- retail** - means used for the purposes of buying commodities for resale to the general public;
- retaining wall** - means a vertical structure used to retain soil for the construction of an artificial grade by either excavating from or adding fill to natural grade. The construction of artificial grade, whether by a retaining wall or otherwise, is governed by the regulations listed below.
- satellite dish** - means an artificial device used, intended to be used or designed for the purpose of receiving satellite transmissions of television programs;
- service station** - means premises used for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and the servicing of motor vehicles, but not other retail sales, wholesale sales or motor vehicle structural or body repairs or painting;
- setback** - means the minimum permitted distance between a class of building or structure use specified in this bylaw and a specified parcel line;
- storey** - means the portion of a building that is situated between the top of any floor and
- a) the top of the floor next above it; or
 - b) the ceiling above it where there is no floor above the ceiling;
- structure** - means any construction fixed to, supported by or sunk into land or water but excludes a fence and a retaining wall less than 1.2 metres, and includes a building;
- temporary structure** - means a structure which is:
- a) not a fixture fixed to or sunk into land; or
 - b) not attached to land other than by its weight;
- townhouse** - means a building not more than three storeys high divided into three or more dwelling units located side by side under one roof with private exits or entrances to each dwelling, with each dwelling sharing common walls or party walls;
- usable parcel area** - means the gross area of a parcel excluding:
- a) bodies of water including swamps, ditches or waterways, as measured from the high water mark; and
 - b) private roads exceeding 14 metres in length or 7 metres in width;
- utility** - describes broadcast transmission, electrical, telephone, sewer or water services established by a government or a company and does not include oil or gas storage tanks or a public storage and works yard;
- wall** - means any vertical structure used as an enclosure or screen where the thickness is greater than 3 inches, excluding rails and posts. Thinner structures are considered fences,
- watercourse** - means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:
- a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
 - b) having a drainage area of 2 square kilometres or more.

PART III ADMINISTRATION

Inspection

3. The Administrator, being an officer, and the Building Inspector, being authorized to act in the place of the Administrator for the purposes of this section, are authorized, between 0900 hours and 1700 hours, Monday to Friday of any week, to enter on property that is subject to regulation under this bylaw to ascertain whether the regulations or directions under this bylaw are being observed.

Offence

4. Every person who
 - a) violates any of the provisions of this bylaw;
 - b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
 - c) neglects or omits to do anything required under this bylaw;
 - d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
 - e) fails to comply with an order, direction or notice given under this bylaw; or
 - f) prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Administrator or Building Inspector on property under Section 3

shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

5. Each day's continuance of an offence under Section 4 constitutes a new and distinct offence.

Penalty

6. Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution.

PART IV BASIC PROVISIONS

Application

7. This bylaw applies to the municipality.
8. Land shall not be used and buildings and structures in the municipality shall not be constructed, altered, located or used except as specifically, permitted by this bylaw.

Utilities

9. A utility use excluding public storage or works yard is permitted in every zone.

Accessory Uses

10. Uses permitted by this bylaw do not include except where otherwise specifically stated uses accessory to the permitted principal uses.

Zone Names

11. The correct name of each zone provided for in this bylaw is set out in Column I of Section 30 of this bylaw so inclusion of the names contained in Column II of Section 30 is for convenience only.

Severance

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

PART V GENERAL REGULATIONS

Applicability

13. Except as otherwise specified in this bylaw, Sections 14 to 29 apply to all zones established under this bylaw.

Siting

14. The interior side parcel line requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more dwellings within a building.
15. a) Encroachment of only the structure features referred to in Section 15 b) of this bylaw into a required set back area of a parcel on which the structure is located is permitted subject to specific provisions for particular zones and subject to Section 15 b).
- b) In respect of a parcel, the following and no other features may project into the area required by this bylaw between any principal building and front, rear or side parcel lines.
- i) gutters, cornices, sills, belt courses, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres, measured horizontally;
- ii) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed
- A. 1.5 metres in the case of front and rear yards, or
- B. 0.6 metres in the case of side yards if the foundation or supports for them do not encroach into any required front yard, side yard or back yard,
16. No setback area required by this bylaw between a parcel line and structure or use shall provide any portion of setback area for any other structure or use.
17. No portion of setback area required by this bylaw around a principal building shall be used for parking or an auxiliary building or structure, including, notwithstanding the generality of the foregoing, a temporary structure or satellite dish, other than a fence, swimming pool or tennis court, except as provided in Section 18.
18. In a zone in which residential uses are permitted, tool storage shed or greenhouse not attached to a principal building not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the setback area between the principal building and rear parcel line.

Flood Protection

19. No building or structure shall be constructed, erected or placed;
- a) within 17 metres of the natural boundary of a watercourse
- b) on ground surface less than:
- i) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment of the Province of British Columbia prior to the date of the publication of the notice for the public hearing in respect of this bylaw;
- ii) 3.1 metres above the natural boundary of a watercourse where the 200 year flood level has not been established; and

- iii) 1.6 metres above the natural boundary of the sea.

Principal Building

- 20. a) A garage or a carport attached to a principal building is deemed to be a portion of the principal building.
- b) Not more than one principal building shall be located on any one parcel.

Height

- 21. a) A
 - i) dome or cupola;
 - ii) monument;
 - iii) chimney;
 - iv) spire, belfry;
 - v) mast or antenna for any purpose other than the domestic reception of radio and television signals and other than a satellite dish;
 - vi) mechanical appurtenance screened from view from a highway
 - vii) observation tower; or
 - viii) flagpole, mast, serial

constituting not more than 5 per cent of the total roof area of a building or 10 per cent of the parcel area may exceed the height limitations in this bylaw.

Maximum Building Height – Soil Deposit

- b) Notwithstanding any other provision of this by-law, where soil or other material has been deposited on a parcel, the maximum permitted height of a building or structure shall be measured from the mean elevation of the permitted building site prior to deposit of the soil or other material, as determined by the Building Inspector pursuant to “Lions Bay Soil and Material Deposit By-law No. 157, 1987.”

Fences and Retaining Walls

- 22. Except as otherwise specifically stated in this bylaw
 - a) the height of a fence, wall or hedge shall be determined by measurement from the ground level at the average finished grade level within 0.9 metres of both sides of the fence, wall or hedge;
 - b) on a corner site contiguous to a street intersection, no fence, retaining wall, wall, hedge or other vegetation shall be allowed at a greater height than 0.9 metres above the established elevation of the centre point of intersecting streets, at or within a distance of 4.5 metres from the corner of the site at the intersection of the streets; and
 - c) subject to Section 22 (b), no fence shall exceed 1.9 metres in height.
 - d) for retaining wall heights greater than 1.2 metres, and for wall slopes greater than 45°, a site plan, geotechnical report, and engineer’s Letters of Assurance are required. If the structure is built within one metre of a property line, a British Columbia Land Surveyor (BCLS) positional plan will also be required.
 - e) a registered professional shall supervise the design and construction of a retaining wall greater than or equal to 1.2 metres in height. Sealed copies of the design plan and field

review reports prepared by the registered professional for all retaining walls greater than or equal to 1.2 metres in height shall be submitted to the Building Inspector prior to commencement of the work.

- f) the maximum exposed height of a retaining wall on a fill slope shall be 2.5 metres and on a cut slope no greater than 3 metres.

Home Occupation

- 23. Home occupation uses where permitted in a zone, shall be
 - a) located on a parcel containing a detached one family dwelling unit and on no other parcel; and
 - b) carried on wholly within a principal building; and
 - c) carried on by persons resident on the site.
- 24. In respect of home occupation uses:
 - a) outdoor storage of materials or equipment is prohibited;
 - b) any use which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence of omission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter or water carried wastes is prohibited; and
 - c) any signs in respect of home occupation uses are prohibited.
- 25. For daycare home occupation uses no more than seven children, including the operator's own children, may use the daycare home occupation's facility at any one time.

Parking

- 26. a) Except as otherwise specified in this bylaw, space for the off street parking and loading of motor vehicles in respect of a class of building permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.

Number

- b) The number of off street parking spaces for motor vehicles required for any class of building is calculated according to Table 1 of this bylaw in which Column I classifies the types of buildings and Column II sets out the number of required off street parking and loading spaces that are to be provided for each use in Column I.
- c) In respect of a class of building permitted under this bylaw which is not specifically referred to in Column I of Table 1, the number of off street parking spaces is calculated on the basis of the requirements for a similar class of building that is listed in Table 1.
- d) Where the calculation of the required off street parking space results in a fraction, one parking space shall be provided in respect of the fraction.
- e) Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 square metres of seating shall be deemed to be one seat.

Location

- f) Off street parking spaces shall be located on the same parcel as the building they serve.

Standards

- g) Each off street parking space required hereby shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- h) Aisle space shall be:
 - i) 6 metres wide where the angle of the parking space to the aisle space is 61 degrees to 90 degrees;
 - ii) 5 metres wide where the angle of the parking space to the aisle space is 46 degrees to 60 degrees; or
 - iii) 4 metres wide where the angle of the parking space to the aisle space is 1 degree to 45 degrees.

TABLE 1

COLUMN I	COLUMN II
<u>Building Class, Use or Type</u>	<u>Required Number of Spaces</u>
Single family dwelling per parcel	2 for each dwelling
Apartment building or townhouse	1.5 for each dwelling unit
Shopping centre and individual retail store	1 per 18.6 square metres of gross floor area
Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, churches, auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Derelict Vehicles

- 27. No wrecked, derelict, abandoned or unlicensed motor vehicle as defined in the Motor Vehicle Act, or part thereof shall be stored, parked or otherwise placed on a parcel unless completely enclosed within a building.
- 28. Except in an M-2 Zone, no boat exceeding 7 metres in length shall be stored on a parcel.

Temporary Structures

- 29. Notwithstanding any other provision of this bylaw, a temporary structure is prohibited, provided that:
 - a) the Village Administrator may issue a permit for a temporary structure on receipt of an application in writing requesting permission for the temporary structure;
 - b) the Village Administrator shall not issue a permit for a temporary structure if it would:
 - i) obstruct a public right of way or easement; or
 - ii) contravene a Village bylaw; and
 - c) a temporary structure permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

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

<u>COLUMN I</u>	<u>COLUMN II</u>
<u>R Zones</u>	<u>Residential Zones</u>
RS-1	Single Family Residential
RM-1	Multiple Residential (High Density)
<u>C Zones</u>	<u>Commercial Zones</u>
C-1	Neighbourhood Commercial
<u>M Zones</u>	<u>Marine</u>
M-1	Marina - Private
M-2	Marine - Commercial
M-3	Marine – Residential
M-4	Marine - Low Boat Storage
M-5	Marine - High Boat Storage
<u>CU Zones</u>	<u>Community Use Zone</u>
CU-1	Community Use
CU-2	Community Use (Municipal)

Definition of Zones

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

PART VII ZONES

RS-1 Zone (Single Family Residential - Large)

Permitted Uses

32. a) The following uses and no others are permitted in the RS-1 zone:
- i) not more than one single family dwelling per parcel;
 - ii) accessory building or structure;
 - iii) home occupation.

Conditions of Use

- b) In respect of a parcel in an RS-1 zone:
- i) the parcel coverage shall not exceed 30 percent for all buildings and structures;
 - ii) the setbacks for the types of parcel lines set out in Column I of this section are set out for principal residential building and accessory structures uses in Column II:

COLUMN I	COLUMN II
Type of Parcel Line	Principal Residential Building and Accessory Structures Uses
Front	7.6 metres
Side	2.4 metres
Rear	7.6 metres
 - iii) off-street parking shall be provided pursuant to Sections 26 and 27 of this by-law.
 - iv) the height of a principal building shall not exceed
 - a) 9.0 metres for a building with a sloping roof, or
 - b) 7.4 metres for a building with a flat roofas measured from the average grade at the perimeter of the structure to the highest point of the structure.
 - v) the main floor of a principal building shall exceed 93 square metres in area;
 - vi) every principal building shall exceed 5.1 metres in width;
 - vii) not more than one principal building shall be located on the parcel;
 - viii) the Gross Floor Area Ratio shall not exceed 35 percent;
 - ix) accessory structures shall:
 - A. not exceed two in number per parcel;
 - B. not exceed a height of 3.65 metres except where the slope of the roof is equal to or greater to 3 and 12 in which case the maximum allowable height may be increased by 1 metre; and
 - C. have a combined floor area not exceeding 77 square metres.

- x) all parcels shall have a garage or carport whether contained in the principal building or constituting an accessory structure.

Front Yard Averaging

- c) i) Notwithstanding Section 32 b) ii), in cases where infill housing is taking place, the front yard setback will be determined by averaging the front yard setbacks of one adjacent lot on either side of the subject lot, subject to the following conditions:
- If an adjacent lot is vacant, its front yard depth is deemed to be the minimum front yard depth required for that zoning district.
 - If one or more of the adjacent lots front on a different street, then such adjacent lots are not included. The average is determined using one adjacent lot and the minimum front yard depth required for that zoning district.
 - If one or more of the adjacent lots are separated by a street or lane, then such adjacent lots are not included. The average is to be determined using one adjacent lot and the minimum front yard depth required for that zoning district..
 - When the subject lot is abutting lots zoned other than RS-1 (Residential), then the front yard setback of the subject lot will be determined by averaging the adjacent lot zoned RS-1 (Residential) and the minimum front yard depth required for that zoning district.
 - In the case of a through lot (double frontage), front yard averaging applies to one of the front yards, usually the one facing the ocean.
 - In the case of a corner lot, the front yard setback is determined by averaging the setback of the one adjacent lot on the side not abutting the street.
- ii) Front yard averaging will then define the required front yard setback. The front yard shall never be less than the minimum required for RS-1 Zone. However, the front yard may be greater than the minimum required by front yard averaging.
- iii) Front yard averaging may be appealed to the Board of Variance.

Parcel Size

33. a) No subdivision is permitted in an RS-1 zone that would create a parcel with an area less than 0.81 hectares (8.092 square metres).
- b) Notwithstanding that the size of a new parcel created by subdivision may not satisfy the minimum parcel size requirements of a particular zone, a subdivision that involves the realignment of property lines to create such undersized parcels may be permitted provided that:
- i) the number of new parcels would be equal to or less than the number of parcels that existed prior to the subdivision; and
 - ii) the size of the newly created parcel would not be greater than 20% of its original size.

RM-1 Zone (Multiple Residential - High Density)

Permitted Uses

34. a) The following uses and no others are permitted in an RM-1 zone:

- i) townhouse;
- ii) accessory building or structure.

Conditions of Use

- b) i) the parcel coverage shall not exceed 30 percent for all buildings and structures and the gross floor area ratio shall not exceed 65 percent.
- ii) the setbacks for the types of parcel lines set out in Column I of this section are set out for principal residential building uses in Column II:

COLUMN I

COLUMN II

Type of Parcel Line

Principal Residential Building Uses

Front

7.6 metres

Side

the lesser of 3 metres or 50 per cent of the height of a principal building on the parcel

Rear

7.6 metres

- iii) off-street parking shall be provided pursuant to Sections 26 and 27 of this bylaw and no parking space shall be within 1.5 metres of a parcel line;
- iv) the height of a principal building shall not exceed 9 metres;
- v) not more than one principal building shall be located on the parcel;
- vi) the maximum density is 40 dwellings per hectare of parcel area; and
- vii) accessory structures shall not:
 - A. exceed 4.9 metres in height;
 - B. be located in the required front setback area; and
 - C. be located within 2.4 metres of a side and rear parcel line except in respect of an exterior side parcel line in which case the minimum setback distance shall be 7.6 metres.

C-1 Zone (Neighbourhood Commercial)

Permitted Uses

35. a) The following uses and no others are permitted in a C-1 zone:
- i) convenience store;
 - ii) shopping centre;
 - iii) office, bank;
 - iv) hair styling, drug store sales, drycleaning, florist sales, tailoring, dressmaking, shoe repair;
 - v) restaurant, excluding drive-in restaurant;
 - vi) apartment building.

Conditions of Use

- b) In respect of a parcel in a C-1 zone:
- i) the parcel coverage shall not exceed 60 per cent for all buildings and structures;
 - ii) the setbacks for the types of parcel lines set out in Column I of this section are set out for principal buildings in Column II:

COLUMN I	COLUMN II
<u>Type of Parcel Line</u>	<u>Principal Building Uses</u>
Front	7.6 metres
Side	3.0 metres
Rear	7.6 metres

- iii) off-street parking shall be provided pursuant to Sections 26 and 27 of this bylaw.
- iv) loading space shall be provided on the parcel on which the building served is located, provided that loading space is prohibited in the required setback area between a side parcel line and a building; and
- v) no structure shall exceed the lesser of 7.6 metres or two storeys in height.

M-1 Zone (Marina - Water/Commercial - Private)

Permitted Uses

36. a) In an M-1 zone the following uses and no others are permitted:
- i) float;
 - ii) fuel float;
 - iii) launching ramp;
 - iv) buoy for the mooring of vessels.

and, notwithstanding the generality of the foregoing, the use of wharves is prohibited.

Conditions of Use

- b) In an M-1 zone:
- i) a float or launching ramp shall be located within the boundaries of a water lease or licence of the occupation granted or approved by the Province;
 - ii) the location, shape, size and type of construction of a proposed float or launching ramp shall be clearly shown on a plan and drawing submitted to the Administrator before construction or installation;
 - iii) no portion of a float, other than a fuel float, shall exceed a width of three metres or a height above sea level of one metre, save and except for hand railings.
 - iv) no portion of a fuel float shall exceed five metres in width, twelve metres in length or one metre above sea level, save and except for hand railings.
 - v) no portion of a launching ramp shall exceed five metres in width or one metre from the natural ocean bottom;
 - vi) no building, shed or structure may be erected on a float other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
 - vii) marina fueling facilities may be erected on a fuel float; and
 - viii) no person shall reside on a float or vessel moored.

M-2 Zone (Marine - Land/Commercial)

Permitted Uses

37. a) In an M-2 zone the following uses and no others are permitted:
- i) boat storage;
 - ii) boat rental operations, marine fuel installations;
 - iii) marine land facilities;
 - iv) boat hoists and launching ramps;
 - v) not more than one accessory dwelling per parcel.

Conditions of Use

- b) On a parcel in an M-2 zone:
- i) the parcel coverage shall not exceed 60 per cent;
 - ii) the setbacks for the types of parcel lines set out in Column I of this section are set out for principal building uses in Column II:

COLUMN I	COLUMN II
<u>Type of Parcel Line</u>	<u>Principal Building Uses</u>
Front	7.6 metres
Side	3 metres
Rear	7.6 metres

- iii) notwithstanding Section 35 b) ii) , where the rear setback area would but for this Sub-section abut the high water mark, no rear setback area shall be required, provided that where a sewage disposal system or public utility service is located in the rear setback area, a rear setback area of not less than 7.6 metres shall be provided;
- iv) except in respect of boat hoists and gantries for stepping masts, the height of buildings and structure shall not exceed the lesser of 9.0 metres or two storeys;
- v) notwithstanding Section 27, parking and loading facilities shall be provided on the parcel on which the building or structure served by the facilities are located, and Section 26 applies;
- vi) no person shall reside on a vessel moored;
- vii) the sale or rental of boats and, except as hereinafter provided, the storage of boats and boat cradles, shall not be carried on from areas required for parking;
- viii) boats and boat cradles may be stored in parking areas between October 1 in any year and March 31 of the next ensuing year.

M-3 Zone (Marine - Residential)

Permitted Uses

38. a) In an M-3 zone the following uses and no others are permitted:
- i) float or buoy;
 - ii) launching ramp;
 - iii) wharf.

Conditions of Use

- b) In an M-3 zone:
- i) floats, wharves and launching ramps shall be located within the boundaries of a water lease or licence of occupation granted or approved by the Province;
 - ii) the location, shape, size and type of construction of a proposed float, wharf or launching ramp shall be clearly shown on a plan and drawing submitted to the Administrator before construction or installation;
 - iii) no portion of a float shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, save and except for hand railings.
 - iv) no portion of a wharf shall exceed 3 metres in width, 3 metres in length or 1.5 metres above high tide, save and except for hand railings.
 - v) no portion of a launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;
 - vi) no wharf is permitted unless it is on or contiguous to a parcel on which a principal building is located;
 - vii) no building, shed or structure may be erected on a float or wharf other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails, and supports; and
 - viii) no person shall reside on a vessel moored.

M-4 Zone (Marine - Low Boat Storage)

Permitted Uses

39. a) In an M-4 Zone, the following uses and no others are permitted:
- i) boat storage;
 - ii) parking; and
 - iii) office building.

Conditions of Use

- b) In an M-4 Zone
- i) the maximum permitted height of an office building is the lesser of 7.6 metres or 2 storeys, but the maximum permitted height of all other buildings and structures is 3 metres.
 - ii) the maximum permitted floor area of an office building is 500 square feet per storey, provided that a building may also have a deck with a maximum floor area of 500 square feet.
 - iii) in the case of an office building, the furthest part of a building away from Rundle Creek shall be no more than 80 feet away from Rundle Creek.

M-5 Zone (Marine - High Boat Storage)

Permitted Uses

40. a) In an M-5 Zone, the following uses and no others are permitted;
- i) boat storage; and
 - ii) parking

Conditions of Use

- b) In an M-5 Zone the maximum permitted height of a building or structure is 9 metres.
- c) The lands to the North of Rundle Creek and to the West of the Boundary of Lot 30 as shown on Plan 15000 and as shown more particularly in heavy outline on the sketch plan attached as Schedule I to this by-law are hereby rezoned M-4 and Schedule "A" to By-law 139 is amended accordingly.
- d) The lands to the South of Rundle Creek and to the West of the Boundary of Lot 30 as shown on Plan 15000 and as shown more particularly cross-hatched on the sketch plan attached as Schedule I to this by-law are hereby rezoned M-5 and Schedule "A" to By-law 139 is amended accordingly.
- e) The lands coloured in yellow and the lands coloured in orange as shown on sketch plan attached as Schedule 1 to this By-law are hereby rezoned M-1 Marina Private, Commercial Water and M-3, Marine residential and Schedule A to By-law No. 139 is amended accordingly.

CU-1 Zone (Community Use)

Permitted Uses

41. a) In a CU-1 zone the following uses and no others are permitted:
- i) park;
 - ii) church;
 - iii) school;
 - iv) public, non-commercial recreational activities and community centre;
 - v) fire hall;
 - vi) hospital, medical institution;
 - vii) municipal building;
 - viii) library, museum;
 - ix) public utility installation, excluding commercial or industrial use;
 - x) community care, day care, each limited to five persons per parcel.

Conditions of Use

- b) On a parcel in a CU-1 zone:
- i) A. a school or recreation building shall be located not less than 10.7 metres from a front parcel line;
 - B. other than in respect of a school or recreation building, a building shall be located not less than 7.6 metres from a front parcel line;
 - C. a building shall be located not less than:
 - 1. 7.6 metres from a rear parcel line; or
 - 2. the greater of 2.4 metres or 10 per cent of the front parcel line, from a side parcel line;
 - ii) the height of a building shall not exceed 7.6 metres;
 - iii) the maximum permitted parcel coverage is 50 per cent.
- c) The uses referred to in Section 40 are prohibited in respect of a parcel in a CU-1 zone where the parcel does not abut a public constructed roadway, in which case only agriculture other than the husbandry, raising or keeping of animals is permitted.

CU-2 Zone (Community Use - Municipal)

Permitted Uses

42. In a CU-2 zone the following uses and no others are permitted:
- i) park;
 - ii) church;
 - iii) school;
 - iv) public, non-commercial recreational activities and community centre;
 - v) fire hall;
 - vi) hospital, medical institution;
 - vii) municipal building;
 - viii) library, museum;
 - ix) public utility installation, excluding commercial or industrial use;
 - x) community care, day care, each limited to five persons per parcel.

PART VIII DEVELOPMENT PERMITS

Development Permits

43. Council may by resolution issue development permits which may regulate or require any or all of the following:
- a) regulate the dimensions and siting of buildings and structures on the land;
 - b) regulate the siting and design of off-street parking and loading facilities in accordance with the permit;
 - c) require that landscaping or screening be established around different uses in accordance with the standards set out in the permit;
 - d) require the pavement of roads and parking areas in accordance with the standards set out in the permit;
 - e) require that the land be developed, including
 - i) the provision of sewerage, water, and drainage facilities; and
 - ii) the construction of highways, street underground wiring, sidewalks and transit service facilities;
 - f) subject to Section 740 of the Municipal Act, require the construction of buildings and structures in accordance with the specifications, terms and conditions of the permit;
 - g) require the preservation or dedication of natural water courses and the construction of works to preserve and beautify them in accordance with the terms and conditions specified in the permit;
 - h) require that an area of land specified in the permit above the natural boundary of streams, rivers, or lakes remain free of development, except that specified in the permit;
 - i) require the provision of areas for play and recreation;
 - j) limit the number, size and type and specify the form, appearance and construction of signs; and
 - k) regulate the exterior finishing of buildings other than residential buildings containing three or less self-contained dwelling units, having due regard for requirements made under Section 43 c).

Development Permit Areas

44. Council believes that special conditions prevail in the physical environment or in design or siting considerations of those areas of land within a zone which are either shown in Schedule B as development permit areas or are so described and so an owner of land within a development permit area shall, prior to the commencement of a development other than of three or less self-contained dwelling units, obtain or hold a development permit, which may regulate or require any or all of the matters referred to in Sections 43 a) to k) of this bylaw.

READ A SECOND TIME this 18th day of October, 2004

PUBLIC HEARING HELD this 15th day of November, 2004

READ A THIRD TIME this 15th day of November, 2004

ADOPTED this 15th day of November, 2004

Mayor

Administrator

Certified a true copy of
Bylaw No. 362 as adopted.

Administrator

METRIC CONVERSION SHEET

Metres to Feet

0.6	metres	=	1.97	feet
0.76	metres	=	2.49	feet
0.9	metres	=	2.95	feet
1.0	metres	=	3.28	feet
1.2	metres	=	3.94	feet
1.3	metres	=	4.27	feet
1.5	metres	=	4.92	feet
1.9	metres	=	6.23	feet
2.1	metres	=	6.89	feet
2.4	metres	=	7.87	feet
2.8	metres	=	9.19	feet
3.0	metres	=	9.84	feet
3.5	metres	=	11.48	feet
3.7	metres	=	12.14	feet
4.6	metres	=	15.09	feet
6.0	metres	=	19.69	feet
7.0	metres	=	22.97	feet
7.6	metres	=	24.94	feet
7.7	metres	=	25.26	feet
9.0	metres	=	29.53	feet
9.2	metres	=	30.19	feet
10.7	metres	=	35.11	feet
13.7	metres	=	44.95	feet
13.8	metres	=	45.28	feet
15.0	metres	=	49.22	feet
36.5	metres	=	119.76	feet
45.7	metres	=	149.94	feet

Square metres to square feet

0.19	square metres	=	2.04	square feet
1.0	square metres	=	10.76	square feet
9.3	square metres	=	100.07	square feet
37.2	square metres	=	400.27	square feet
48.8	square metres	=	525.09	square feet
55.0	square metres	=	591.80	square feet
65.0	square metres	=	699.40	square feet
83.6	square metres	=	899.54	square feet
93.0	square metres	=	1,000.68	square feet
186.0	square metres	=	2,001.36	square feet
222.0	square metres	=	2,388.72	square feet
465.0	square metres	=	5,003.4	square feet
740.0	square metres	=	7,962.4	square feet
743.3	square metres	=	7,997.9	square feet
1,115.0	square metres	=	11,997.4	square feet
1,390.0	square metres	=	14,956.4	square feet
2,325.0	square metres	=	25,017.0	square feet
2,800.0	square metres	=	30,128.0	square feet
4,650.0	square metres	=	50,034.0	square feet
5,600.0	square metres	=	60,256.0	square feet

Kilograms to Tons

907.0	kilograms	=	0.99997	tons
-------	-----------	---	---------	------

Hectares to Acres

0.405	hectares	=	1.0	acres
0.81	hectares	=	2.007	acres
4.0	hectares	=	9.884	acres