

VILLAGE OF LIONS BAY

ZONING BYLAW NO. ____

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

Zoning Bylaws No. 362, 2004, No. 423, 2010 and former GVRD Electoral Area A Bylaw 785 are consolidated herein.

To residents of Lions Bay:

You are very welcome to comment on this draft “merged” Zoning bylaw for Lions Bay. As background, Lions Bay presently has one Zoning Bylaw (#362) governing the Central Lions Bay and Kelvin Grove neighborhoods, while another older GVRD bylaw #785 governs Brunswick. Ever since Brunswick merged with Lions Bay, the Official Community Plan has called for a merger of the two Zoning bylaws for administrative purposes.

A Zoning Merger Task Force worked on this merged version over the winter. The Task Force was chaired by myself and included Mayor Broughton, Councillor Gordon Taylor, members of Lions Bay’s Board of Variance Richard Mossakowski and Peter Wreglesworth, Building Inspector Dave Butler and architects Russ and Dorothy Meiklejohn who reside in Brunswick.

This draft is being sent to a professional planner for review. Depending on that review, and on residents’ input, the revised bylaw would tentatively come forward to Council in late June to receive readings, and receive a Public Hearing likely in the Fall.

The aim of this exercise was administrative, i.e. not to re-zone or change regulations. In particular, this merged version of the bylaw aims to preserve the older rules that governed the Brunswick neighborhood, which was settled over a century ago and has small lots. The Task Force worked painstakingly through the definitions and regulatory clauses to see where consolidation or simplification of the two bylaws could be done with very little or no effect. Where issues with existing zoning did come up and seemed likely to be contentious, we flagged them for future consideration. A few notes on these appear in this document.

That said, the Task Force did use its judgement and there are some proposed changes which we felt might be non-controversial – these are flagged for residents’ interest and reaction. If they do cause controversy, the default will be what exists in the two bylaws at present.

Councillor Peach Akerhielm

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 ____”.

PART II INTERPRETATION

2. In this bylaw:

accessory - means ancillary and subordinate to principal;

accessory employee accommodation use - (allowed in Brunswick B-A-2 Zone only) means a use providing accommodation in a dwelling unit for the owners and/or employees of an enterprise which is situated on the same lot as the dwelling unit.

accessory storage and garage use - means a building or structure accessory to a residential use, intended for the storage of items such as firewood, garden tools, implement and furniture, bicycles, outdoor recreational equipment and miscellaneous household belongings, and for the parking of vehicles.

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;

bay window - means a projection from the wall of a building that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor structure.

boarding use - (definition applies in Brunswick Zones Zones B-A-2, B-RS-1, B-NR only) means a use where the building or buildings on a lot contain one or more sleeping units contained within a dwelling unit and which are used for the accommodation of a total of no more than two persons other than members of the family sharing the dwelling unit.

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;

conservation use - (allowed in Brunswick B-A-2 Zone only) means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife.

cooking facilities - means equipment, devices or appliances that can be used to prepare a meal within a dwelling and includes a sink, counter-top, gas or electric range or stove, counter-top cooking unit, hot plate, wall oven, microwave oven, convection oven, toaster oven, electric frying pan, electric wok, pressure cooker, crock pot, cabinetry for the storage of food or any other such culinary facility or appliance or any combination of such culinary facilities and appliances, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities and appliances.

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;

development bylaw - means an enacted regulation of the Village of Lions Bay which affects the development of any land within its jurisdiction, including Official Community Plans, zoning bylaws, subdivision bylaws, building regulations, sanitary regulations and capital works programs.

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;

enforcement officer- means the Village Building Inspector, as well as every person designated by Council by name of office or otherwise as a bylaw enforcement officer for the Village of Lions Bay.

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;

floor space ratio – within the B-RS-1 zone only means the figure obtained when the total gross floor area of all the floors of all buildings and structures on a lot is divided by the area of that lot;

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 natural undisturbed ground level that existed at the time of the subdivision that created the parcel;

gross floor area - within zones other than Brunswick Zones B-A-2, B-RS-1, B-NR 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 sundecks, elevators, ventilating machinery and building features referred to in Section 27 of this bylaw;

gross floor area ratio - within zones other than Brunswick Zones B-A-2, B-RS-1, B-NR 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;

hedge - a line of closely planted shrubs or low-growing trees forming a fence or boundary;

height - (within zones other than Brunswick Zones B-A-2, B-RS-1, B-NR) 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;

height - (within Brunswick Zones B-A-2, B-RS-1, B-NR) (of a building or structure) means the vertical distance from the grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean

level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and 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;

hutch - means a projection from the wall of a building, including but not limited to a cantilevered projection, that does not contain a window and results in the projection of the adjacent floor structure;

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;

kitchen - means a room for the preparation, cooking or eating of food and containing Cooking Facilities.

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

lane - (within zones other than Brunswick Zones B-A-2, B-RS-1, B-NR) means a highway which:

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

lane - (within Brunswick Zones B-A-2, B-RS-1, B-NR) means a road allowance more than 3 metres but less than 10 metres in width.

lot - means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office, and includes a strata lot within a bare land strata plan under the Condominium Act.

lot coverage (definition is applicable in Brunswick Zone B-A-2, B-RS-1 and B-NR only) means the total horizontal area within the outermost walls of the buildings on a lot, expressed as a percentage of the lot area.

lot line, exterior side - (definition is applicable in Brunswick Zone B-A-2, B-RS-1 and B-NR only) means the lot line or lines not being the front or rear lot lines, common to the lot and a street.

lot line, front - (definition is applicable in Brunswick Zone B-A-2, B-RS-1 and B-NR only) means the lot line common to the lot and an abutting street, and

Where there is more than one lot line abutting a street, the shortest of these lines shall be considered the front;

Where the lot has water access only, with no abutting street, the lot line adjoining the water body which provides access shall be considered the front.

lot line, interior side - (definition is applicable in Brunswick Zone B-A-2, B-RS-1 and B-NR only) means a lot line not being a rear lot line, common to more than one lot or to the lot and a lane.

lot line, rear - (definition is applicable in Brunswick Zone B-A-2, B-RS-1 and B-NR only) means the lot line opposite to and most distant from the front lot line or, where the rear

portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection.

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

mobile home - means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and which is capable of being used as a dwelling.

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;

ornamental – means offering enhanced visual interest, rather than practical use;

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;

principal dwelling unit- means a dwelling designed or intended to be used as the Principal Place of Residence for a family.

principal place of residence - means the residence against which the owner claims or could legally apply for a BC Home Owner grant for the current year.

rear parcel line - means the parcel boundary at grade which lies the most opposite to and is not connected with the front parcel line;

recreation use - (applies only to Brunswick B-A-2 zone) means public parks, conservation, recreation and other ancillary uses; excludes commercial recreation uses.

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 included in or appended to this bylaw.

satellite dish - means an artificial device used, intended to be used or designed for the purpose of receiving satellite transmissions of television programs;

secondary suite - means a dwelling unit accessory to a Single Family Dwelling use;

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;

sewage disposal system - means any device which processes, contains or disposes of sewage, and includes:

- a) A system consisting of building sewers, septic or settling tanks or package treatment plants, discharging into a ground absorption system or other system or effluent disposal, or
- b) A temporary privy;

but does not include a dry or chemical toilet.

single family dwelling - means a building designed for use exclusively as a Principal Dwelling Unit;

sleeping unit - (definition is applicable in Brunswick Zones only) means one or more rooms used for the lodging of persons where such unit contains no cooking facilities or sink.

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 – (definition is applicable in Central Lions Bay and Kelvin Grove only) 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;

structure - (definition is applicable in Brunswick zones only) means anything constructed or erected, the use of which requires a permanent location on the ground, or its attachment to something having a permanent location on the ground;

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;

two-family residential use - (allowed in Brunswick B-A-2 Zone only) means a residential use in a single building which is used only for two dwelling units.

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; and
- c) excluding the sea;

waterworks system - means a system of water supply including its source, treatment, storage, transmission and distribution facilities where water is furnished or offered for domestic purposes, and which is approved under the Drinking Water Protection Act of British Columbia, but does not include a water supply serving only one single family residence.

PART III ADMINISTRATION

Inspection

3. Enforcement officers 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.

ENFORCEMENT

4. Enforcement officers are designated to enforce this bylaw by means of a municipal ticket information under the Community Charter or a bylaw notice under the Local Government Bylaw Notice Enforcement Act.

Offence

5. 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 Village Manager or Building Inspector on property under Section 3shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
6. Each day's continuance of an offence under Section 5 constitutes a new and distinct offence.

Penalty

7. 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.

8.

PART IV BASIC PROVISIONS

Application

8. This bylaw applies to the municipality.
9. 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

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

Accessory Uses

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

Zone Names

12. The correct name of each zone provided for in this bylaw is set out in Column I of Section 23 of this bylaw so inclusion of the names contained in Column II of Section 23 is for convenience only.

Severance

13. 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 APPLYING THROUGHOUT
LIONS BAY**

Applicability

14. Except as otherwise specified in this bylaw, Sections 15 through 22 apply throughout the Village of Lions Bay, including the Central Lions Bay, Kelvin Grove and Brunswick neighborhoods.

Flood Protection

15. 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

16. 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.
- c) A Secondary Suite is deemed to be a portion of the Principal Building.

Secondary Suite

17. A Secondary Suite must meet the following requirements:
- a) A maximum of one such use is permitted per parcel;
 - b) The Secondary Suite must not be detached from the principal building;
 - c) The Secondary Suite must not occupy a maximum floor area of more than either 90 square meters (968 square feet) or 40% of the total floor area of the building, excluding garage space, whichever is less;
 - d) A registered owner of the parcel must occupy, as their principal place of residence, either the Principal Dwelling Unit or the Secondary Suite;
 - e) The Secondary Suite must comply fully with the requirements of the BC Building Code that is current at the time the application for a building permit is made for the Secondary Suite;
 - f) The Secondary Suite must be inspected and approved for compliance with all requirements by way of a building permit application, and recorded in a Secondary Suites registry maintained by the municipality of the Village of Lions Bay;
 - g) Where a Dwelling has a septic system or field, extra demand on that system or field from the Secondary Suite must not cause its capacity to be exceeded;
 - h) The principal entrance to a Secondary Suite must be a separate exterior entrance from that of the Principal Dwelling Unit;
 - i) The Secondary Suite must not be subdivided from the Principal Dwelling Unit under the Land Title Act or the Strata Property Act;

- j) The Secondary Suite and the Principal Dwelling Unit shall not be served by separate water service lines, or separate electrical meters;
- k) The additional parking space for the Secondary Suite must be located so that any vehicle parked there may exit the parcel without the need to manoeuvre other vehicles.

Maximum Building Height – Soil Deposit

18. 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.”

Artificial Grade

19. Within the setback area of any lot, artificial grade which is contained by or within retaining walls, stacked rock walls, earth embankments or other such landscape elements shall not exceed a height of 0.6 metres above the average elevation of the existing grade below the said artificial grade.

“Green” Energy Technologies

20. Where devices designed to reduce the consumption of energy, or to augment the main energy supply, are to be installed on a property:
- a) For devices which create noise, including but not limited to heating and cooling systems, a noise mitigation design must be submitted.
 - b) For devices installed on or within a roof, the maximum height relative to the roof may not exceed the height limitations specified for the zone by more than 5 per cent of the total roof area of a building or 10 per cent of the parcel area.
 - c) No part of any device shall be placed where it may impinge on or protrude into municipal property.

Mobile Homes and Trailers

21. The following uses of land, buildings and structures are prohibited in all zones:
- a) A use located in part or in total in a tent, trailer or camping vehicle, except as specifically permitted in this or any other bylaw of the Village of Lions Bay.
 - b) A use located in a mobile home.

Temporary Structures

22. Notwithstanding any other provision of this bylaw, a temporary structure is prohibited, provided that:
- a) the Village Manager may issue a permit for a temporary structure on receipt of an application in writing requesting permission for the temporary structure;
 - b) the Village Manager 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

23. 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)
<u>B Zones</u>	<u>Brunswick Zones</u>
B-A-2	Brunswick Extensive Rural and Recreation
B-RS-1	Brunswick Single Family Residential
B-NR	Brunswick Natural Resource
B-F-1	Brunswick Foreshore

Definition of Zones

24. a) The area of each zone is defined by Schedules A and B.
- b) Where a zone boundary is shown on Schedules A and B 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 – CENTRAL LIONS BAY, KELVIN GROVE ONLY

Applicability

25. Except as otherwise specified in this bylaw, Sections 26 through 38 are general regulations applying to zones within in Central Lions Bay and Kelvin Grove.

Siting

26. 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.
27. a) Only the structure features referred to in Section 27 b) of this bylaw may encroach 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 27 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) part of a building including but not limited to the following: chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, hutches, ornamental features or heating or ventilating equipment provided the projection is no more than 0.6 metres measured horizontally beyond the face of the building.
- 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,
28. 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.
29. 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 30.
30. In a zone in which residential uses are permitted, a tool storage shed or greenhouse not attached to a principal building and 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.

Height

31. 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, aerial

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.

Fences and Retaining Walls

32. 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 32 (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

33. 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.
34. 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.
35. 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

36. 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 Single Family Dwelling without a Secondary Suite and 3 for each Single Family Dwelling with a Secondary Suite
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

37. 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.

38. Except in an M-2 Zone, no boat exceeding 7 metres in length shall be stored on a parcel.

RS-1 Zone (Single Family Residential - Large)

Permitted Uses

39. 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;
 - iv) one secondary suite

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 36 and 37 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, defined as a roof not less than 2 in 12 pitch; 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

40. Notwithstanding Section 39 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:

- 1) If an adjacent lot is vacant, its front yard depth is deemed to be the minimum front yard depth required for that zoning district.
 - 2) 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.
 - 3) 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..
 - 4) 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.
 - 5) 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.
 - 6) 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

41. 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

42. 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
<u>Type of Parcel Line</u>	<u>Principal Residential Building Uses</u>
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 36 and 37 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

43. 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 36 and 37 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

44. 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 Village Manager 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

45. 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 45 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 26, parking and loading facilities shall be provided on the parcel on which the building or structure served by the facilities are located, and Section 27 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

46. 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 Village Manager 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

47. 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

48. 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.

CU-1 Zone (Community Use)

Permitted Uses

49. 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 49 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

50. 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 ZONES – BRUNSWICK

Applicability

51. Except as otherwise specified in this bylaw, Sections 52 through 59 are general regulations applying to all zones in Brunswick.

Uses of Land, Buildings and Structures

52. a) In all zones, a use is prohibited if it provides a street access, or egress driveway that is within 7.5 metres of the point of intersection of two streets, or of a street and a lane, when such road allowances intersect at an angle of one hundred and thirty-five degrees or less.
- b) Any lot or lots that are shown on a plan deposited in the Land Title Office prior to the passing of this bylaw, which have less than the minimum SITE AREA for the zone in which that lot is situated, may be used for any use permitted in that zone, subject to all of the other regulations for that zone.

Siting, Size and Dimensions of Buildings and Structures

53. a) Siting Exceptions:
- i) No part of a building shall project more than 0.6 metres measured horizontally beyond the face of the building, including but not limited to the following: chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, hutches, ornamental features or heating or ventilating equipment.
 - ii) Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front, rear or exterior side lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.25 metres and the minimum distance to an interior lot line as permitted elsewhere in this bylaw may be reduced by 0.6 metres providing such reduction shall apply only to the projecting features.
 - iii) Freestanding light poles, warning devices, antennas, masts, utility poles, wires, and flagpoles may be sited on any portion of a lot, EXCEPT THAT, in any "R" zone, satellite receiving dishes in excess of 0.75 metres in diameter, length or width, shall:
 - 1. be enclosed or screened so as not to be visible from external view;
 - 2. be sited within the building setback lines for the zone in which they are situated;
 - 3. not exceed the allowable height for the zone in which they are situated.
 - iv) Except as otherwise provided elsewhere in this bylaw:
 - 1. landscape screens in the form of fences or walls not exceeding a height of 1.8 metres may be sited on any portion of a lot.
 - 2. landscape screens in the forms of fences or walls of a height exceeding 1.8 metres shall be sited only to the rear of the front face of a building on a lot.
 - v) Except as otherwise provided elsewhere in this bylaw, structures not exceeding an average height of 0.6 metres above existing ground elevation may be sited on any portion of a lot except within the side yards established by the required setbacks from interior side lot lines.
 - vi) No exterior structure or stair referred to in paragraphs (e) and (f) above shall be located closer than 3.0 metres to an on-site sewage disposal system, nor shall such structure or stairs impede the proper function and maintenance of an on-site sewage disposal system.
- b) Height Exception:

The height of buildings and structures permitted elsewhere in this bylaw may be exceeded for retaining walls, radio and television antennas, spires, monuments, chimney stacks, flagpoles, lighting poles, elevator shafts and stair towers.

c) Obstruction of Vision:

There shall be no obstruction to the line of vision, by buildings, structures or landscape screens between the height of 0.9 metres and 3 metres above the established grade of street within an area bounded by the centre lines of intersecting streets and a line joining a point on each of the centre lines 24.5 metres from their intersection.

d) Driveway Access

Notwithstanding Section 53 a) (v) and Section 19, vehicular access driveways may be supported on structures and/or earth fill having a height above existing ground level sufficient to accommodate an average grade of no less than ten percent sloping downward from the access street or road.

Regulations for Home Occupation Use

54. In the Zones permitted, a Home Occupation Use shall:

- e) be conducted by the resident, and shall not employ more than one person other than the resident on the premises;
- f) be completely enclosed within the interior of a building, except where it involves horticulture;
- g) be limited to an area not to exceed the lesser of 50 square metres or 20% of the floor area of the principal dwelling.
- h) not create a nuisance by reason of sound, sight or smell;
- i) not involve material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
- j) in the B-RS-1 Zone, not involve:
 - i) storage exterior to the dwelling of any material used in the processing, or resulting from the processing of any product;
 - ii) associated equipment and vehicles stored outside buildings;
 - iii) the boarding, breeding and keeping of animals;
 - iv) the salvage or repair, or both, of motor vehicles;
 - v) the assembly of more than 4 persons for any artistic, educational, religious, therapeutic or similar activity.

Regulations for Accessory Storage and Garage Use

55. No building or structure to accommodate an Accessory Storage and Garage Use shall be erected on any lot unless a principal building, to which the accessory building or structure is an incidental use, has been erected or will be erected simultaneously with such accessory building.

Regulations for Vehicle Storage

56. No lot shall be used for wrecking or storage of derelict automobiles, or as a junkyard, and any vehicle which has not been licensed for a period of one year and is not housed in a garage or carport shall be deemed to be a derelict vehicle and junk, except if such a vehicle is maintained in working order and used for work on the lot.

Regulations for Off Street Parking

57. a) Off street parking shall conform to the following requirements, or the requirements of the Ministry of Transportation and Highways, whichever is the greater.

Parking Angle in Degrees	Minimum Width of Parking Space in Metres	Minimum Length of Parking Space in Metres	Width of Aisle in Metres
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Parallel	2.75	7.0	3.6
30-45	2.75	6.0	4.6
45-60	2.75	6.0	5.5
60-75	2.75	6.0	6.1
75-90	2.75	6.0	6.7

- b) Parking areas to accommodate four or more vehicles shall have a surface which is continually dust free with all parking spaces, maneuvering aisles, entrances and exits clearly marked.
- c) Where a lot abuts a street so that it is accessible to, or may become accessible to automobiles, off street parking for each building and/or use shall be provided as follows:

<u>a) Building Use</u>	<u>Required Parking Spaces</u>
One Family Residential Use	2 per dwelling unit
Two Family Residential Use	2 per dwelling unit
Accessory Employee Accommodation Use	1 per dwelling unit
Secondary Suite	1 per dwelling unit
Boarding Use	1 per dwelling unit
Home Occupation Use	1 per dwelling unit
Boat Launching Ramp	0.4 hectares area per ramp
Boat Hoist	4 per hoist
A building for any use defined in this bylaw but not listed above	None

- d) Where a building or use on a lot falls within more than one use/designation, the required number of spaces shall be the sum of the requirements for each use/designation.
- e) Required spaces shall be provided on the same lot as the building or use for which they are required.

Regulations for Outdoor Signs

- 58. Unless otherwise provided elsewhere in this bylaw, signs and other outdoor advertising devices shall be limited to:
 - a) One sign bearing the name, address, and/or occupation of the resident, which may be illuminated but not flashing and which shall not exceed an area of 0.5 square metres;
 - b) One temporary unilluminated sign for real estate purposes, which shall not exceed an area of 0.5 square metres.

Subdivision Regulations

- 59. a) Unless otherwise provided elsewhere in this bylaw:
 - i) The Subdivision Regulations (B.C. Regulation 262/70) enacted pursuant to the Local Service Act shall apply.
 - ii) No lot shall be created in any zone having an area less than the applicable site area for that zone as specified in Parts 5 through 16 of this bylaw.
- b) No subdivision shall be approved unless the proposed method of sewage disposal has been approved by either:
 - i) The Ministry of Health pursuant to the Health Act and Regulations thereto or
 - ii) The Ministry of Environment, Lands and Parks pursuant to the Waste Management Act and Regulations thereto.

- c) The minimum size for a parcel that may be subdivided under section 996 of the Municipal Act shall be 0.4 hectares.

B-A-2 Zone (Brunswick – Extensive Rural and Recreation)

60. In the B-A-2 Zone, the following uses and no others are permitted:

- a) accessory employee accommodation
- b) accessory storage and garage
- c) boarding
- d) conservation
- e) home occupation
- f) single family residential
- g) public service
- h) recreation
- i) two family residential
- j) secondary suite

Site Area

61. A use shall not be permitted on a lot in the B-A-2 zone having an area of less 8.0 hectares, except where such lot was existing prior to the effective date of this bylaw.

Residential Buildings

62. Not more than one single family residential use, or one two-family residential use, shall be erected per 1.2 hectares of site area, to a maximum of two single family dwellings or one two-family dwelling per lot.

Siting, Size and Dimensions

63. In addition to those regulations in section 53

- a) Buildings and structures shall be sited not less than:
 - i) 7.5 metres from front and rear lot lines;
 - ii) 1.5 metres from an interior side lot line, or in accordance with the appropriate "limiting distance" provisions in the current British Columbia Building Code, whichever is the greater.
 - iii) 3.0 metres from an exterior side lot line.
- b) Buildings and structures shall not exceed a height of 8.5 metres and the highest point of any gable, hip, gambrel or other sloping roof shall not exceed a height of 10.0 metres.
- c) Dwelling units shall have a residential floor area of not less than 75 square metres.

Subdivision Regulations

64.

- a) Where a lot to be created is less than 8.0 hectares in area and is not to be served by a Waterworks System the Approving Officer shall require proof of an independent water supply to that lot, which shall:
 - i) Not involve any water distribution line within or across any land not lying within the subject lot, unless such line lies within a registered easement or a public right-of-way.

- ii) Have its source located at least 30 metres from any component of an existing or planned sewage disposal system.
- iii) In the case of a source which comes within the terms of the Water Act (RSBC Chapter 429), have a license from the Comptroller of Water Rights for a water volume of not less than 2250 litres per day;
- iv) In the case of a subsurface source (well or spring), have a supply certified in a document signed and sealed by a professional engineer registered in the Province of British Columbia as delivering a water volume of not less than 18 litres per minute over a one hour period to a minimum of 2250 litres per day;
- v) Be approved as potable by the Approving Officer in accordance with the "Criteria for Approval of a Domestic Water Supply" set forth below, EXCEPT THAT, where a water source does not meet the required standards for potability, the Approving Officer may approve the subdivision provided that the applicant covenants with the Village of Lions Bay to:
 1. include within the construction of any dwelling unit, and subsequently to maintain, such water purification devices as the Village of Lions Bay may approve, to bring the water supply within acceptable standards of potability, and
 2. indemnify and save harmless the Village of Lions Bay for any and all liabilities charged to the Village of Lions Bay from actions related to water quality within the subject lot.

b) Criteria For Approval of a Domestic Water Supply

A water sample from each source shall be collected and analyzed by sampling agencies and testing laboratories acceptable to the Village of Lions Bay, and the results provided to the Approving Officer, who shall determine if the following standards are met:

Arsenic	0.025 mg/L
Barium	1.0 mg/L
Boron	5.0 mg/L
Chromium	0.05 mg/L
Fluoride, dissolved	1.5 mg/L
Lead	0.01 mg/L
Nitrogen: Nitrate	10.0 mg/L
Nitrogen: Nitrite	1.0 mg/L
Coli form: Fecal	< 1 per 100 ml
Coliform: Total	< 1 per 100 ml

B-RS-1 Zone (Brunswick – Single Family Residential)

65. In the B-RS-1 Zone, the following uses and no others are permitted:

- a) accessory storage and garage
- b) boarding
- c) home occupation
- d) single family residential
- e) secondary suite

Site Area

66. A use in the B-RS-1 Zone shall not be permitted on a lot of less than 0.4 hectares except where such a lot was existing prior to the effective date of this bylaw.

Residential Buildings

67. Not more than one Dwelling Unit shall be erected on one lot.

Siting, Size and Dimensions

68. In addition to those regulations in Section 53:

- a) All buildings and structures in the B-RS-1 Zone:
 - i) together shall not exceed a lot coverage of 180 square metres plus 0.125 multiplied by the lot area in square metres; EXCEPT THAT a floor area not to exceed 40 square metres to accommodate an Accessory Storage and Garage Use may be excluded from the calculation of lot coverage.
 - ii) together shall not exceed a total floor area of 240 square metres plus 0.25 multiplied by the lot area in square metres; EXCEPT THAT
 - 1. a floor area not to exceed 40 square metres to accommodate an Accessory Storage and Garage Use may be excluded from the calculation of total floor area;
 - 2. where the vertical height from one floor to the floor above (or, where there is no floor above, to the top of the roof joists) exceeds 3.7 metres, then the computation of floor area shall include an additional area equal to that of the floor directly below the excess height.
 - iii) shall not exceed a height of 7.5 metres, and the highest point of any gable, hip, gambrel or other sloping roof shall not exceed a height of 9.0 metres.
- b) All buildings and structures shall be sited not less than:
 - i) 4.5 metres from a front lot line or a rear lot line common to a public right-of-way whose opposite side adjoins the sea;
 - ii) the lesser of 7.5 metres or 20% of the lot depth, to a minimum of 4.5 metres, from any other front lot line;
 - iii) 7.5 metres from any other rear lot line;
 - iv) 3.0 metres from an exterior side lot line;

- iv) 1.5 metres from an interior side lot line; or in accordance with the or in accordance with the appropriate "limiting distance" provisions in the current British Columbia Building Code, whichever is the greater.
- c) Dwelling units shall have a residential floor area of not less than 75 square metres.

Landscape Screens

- 69. Notwithstanding Section 53. (1)(d), landscape screens in the form of fences or walls shall not exceed a height of 1.8 metres.

B-NR Zone (Brunswick – Natural Resource)

70. In the B-NR Zone, the following uses and no others are permitted:
- a) conservation
 - b) forestry and lumbering
 - c) resource
 - d) water resource
 - e) such other uses as may be established by a Provincial agency or by a person operating under a license or permit issued by a Provincial regulatory authority

Site Area

71. The regulation of site area in the Brunswick Natural Resource Zone is under the exclusive jurisdiction of the Provincial Government.

Siting, Size and Dimensions

72. The regulation of buildings and structures in the Brunswick Natural Resource Zone is under the exclusive jurisdiction of the Provincial Government.

Storage, Parking and Advertising

73. The storage of materials, the parking of vehicles and the erection of signs in the Brunswick Natural Resource Zone are under the exclusive jurisdiction of the Provincial Government.

B-F-1 Zone (Brunswick – Foreshore)

74. In the B-F-1 Zone, the following uses and no others are permitted:
- a) private floats, wharves and piers;
 - b) walkways necessary for access from floats, wharves and piers to property abutting the foreshore;
 - c) mooring of boats to anchored buoys;
 - d) anchored floats for swimming.

Site Restrictions

75. No private float, wharf, pier or walkway shall be located within the B-F-1 Zone without the prior approval of the Provincial Ministry of Environment, Lands and Parks, or of Ports Canada.

Siting, Size and Dimensions

76. a) No section of any float or wharf shall exceed a width of 2.5 metres.
- b) No building, shed or structure may be erected on any private float or wharf other than necessary posts to carry lighting fixtures and the necessary wiring thereto, together with such other posts, rails and supports as may be necessary for safety

PART VIII DEVELOPMENT PERMITS

Development Permits

77. 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 77 c).

Development Permit Areas

78. 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 77 a) to k) of this bylaw.

READ A FIRST TIME this _____ day of _____

READ A SECOND TIME this _____ day of _____

PUBLIC HEARING HELD this _____ day of _____

READ A THIRD TIME this _____ day of _____

ADOPTED this _____ day of _____

Mayor

Village Manager

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

Village Manager

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
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Hectares to Acres

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