

Town of Port McNeill

ZONING BYLAW

Bylaw No.705, 2021

**TOWN OF PORT MCNEILL
ZONING BYLAW NO. 705, 2021**

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Zoning MapSchedule "A"

Part 1 – Repeal

Bylaw No. 705, 2021 and all amendments thereto are hereby repealed.

Read a first time the 26th day of October, 2021
Read a second time the xx day of xxxxxx, 2022
Read a third time the xx day of xxxxx, 2022

Reconsidered, finally passed and adopted the xx day of xxxx, 2022.

Mayor

Administrator

Certified to be a correct copy of Bylaw No. 705, 2021 as adopted.

Administrator

**TOWN OF PORT MCNEILL
ZONING BYLAW NO. 705, 2021**

Pursuant to the Local Government Act, the Council of the Town of Port McNeill in open meeting assembled enacts as follows:

PART 2 - TITLE

- 1.1 Title
This bylaw may be cited for all purposes as the “Town of Port McNeill Zoning Bylaw No. 705, 2021”.

PART 3 – ADMINISTRATION

- 2.1 Prohibition
- a) Subject to the provisions of the appropriate legislation respecting non-conforming uses, land shall not be used, buildings or structures constructed, altered, located, or used, contrary to this bylaw.
 - b) No land may be used for a use than what is listed in the corresponding zone as defined by this bylaw. Any use not listed in a specific zone is considered prohibited within that zone.
- 2.2 Conflicting use or siting
No parcel or area of land shall be alienated, and no use shall be initiated, and no building or structure shall be sited in a manner, which thereby renders non-conforming any existing use, building or structure on that parcel.
- 2.3 Subdivision
- a) No land shall be subdivided to render it non-conforming to the provisions of this bylaw for the zone in which it is located.
 - b) Subdivisions affecting land adjacent to a controlled access highway, as designated under section 48 of the Transportation Act, will require signature from the Designated Highways Official on the final subdivision plan.
- 2.4 Administration
The Administrator or such other municipal officer as may be appointed by Council shall administer this bylaw.
- 2.5 Violation
- a) It shall be unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended or used, or land to be occupied or
 - b) used, in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw except as provided for in the appropriate legislation.

- c) It shall be unlawful for any person to prevent or obstruct any official appointed under section 2.4 of this bylaw from the carrying out of his duties under this bylaw.

2.6 Penalty

- a) Any person who violates the provisions of this bylaw is liable on summary conviction to a penalty not exceeding five hundred dollars in addition to the cost of prosecution.
- b) Each day during which such violation is continued shall be deemed to be a new and separate offense.

2.7 Severability

If any part, 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, such decision shall not affect the validity of the remaining portions of the bylaw.

PART 4 - INTERPRETATION

4.1 Definitions

In this bylaw, unless the context otherwise requires, all definitions specified in Section 4.2 are intended to supersede definitions for the same words or term in provincial statutes that would otherwise apply to the interpretation of this Bylaw, and to supersede their normal or common meaning.

- 4.2 In this bylaw, defined uses are in bold type and the following definitions and interpretations shall apply:

AGRICULTURAL USE means a use providing for the cultivation and growing crops, producing, harvesting and sale of agricultural products; includes the processing on an individual farm of primary agricultural products harvested, reared or produced on that farm.

ACCESSORY BUILDINGS means:

1. A detached building, the use or intended use of which is ancillary to that of a principal building situated on the same lot and excludes use for residential purposes, or
2. A building which is ancillary to a principal use being made of the lot upon which such building is located, provided always that no building directly used in the practice of farming shall be construed to be an accessory building.

ACCESSORY USE means:

1. A use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or,
2. A use which is ancillary to a principal use being made of the lot upon which such accessory use is located.

AMENITY OPEN SPACE means land free of buildings, structures, roads and parking areas and intended for the amenity or recreational use of the occupants of the buildings.

AUTO BODY SHOP means a building or part thereof used for the painting or repairing of automobile, boats, and motorcycle bodies but does not include a wrecking or salvage yard.

AUTO REPAIR SHOP means a building or part thereof where the services performed or executed on motor vehicles include the installation or repair of exhaust system, electrical system, transmissions, brakes, radiators, tires and wheels, rust proofing, diagnostic services, major and minor mechanical repairs, and in conjunction with an automotive repair garage there may be a motor vehicle service station, a towing service, and an automobile rental service for the convenience of the customers while their vehicles are being repaired. Towing compounds for vehicle storage, and salvage operations are not included in this definition.

AUTOMOTIVE SALES/RENTAL means a lot or building, or combination thereof use for the sales and/or rental of vehicles including but not limited to boats, cars, motorcycles and trucks and accessory parts sales and services.

BED AND BREAKFAST means an owner-occupied single-family dwelling containing a room or rooms without cooking facilities intended primarily for the temporary sleeping accommodation of the travelling public, with breakfast meals being prepared and served to guests.

BOARDER means a person who is not a household member, but is a lodger, roomer, or person who pays for and takes regular lodging, with or without meals.

BOARDING ROOM means a room within a dwelling unit in which the owner provides sleeping accommodation for remuneration. It may or may not include meal service. It does not include hotels, motels, temporary shelter services, boarding housing, or bed and breakfasts.

BOARDING HOUSE means a building containing one or more room(s) within a dwelling unit in which the owner or manager resides and supplies sleeping unit (s) for use by persons other than individuals who permanently live in the dwelling unit. The room are provided for remuneration, and it may or may not include meal service. It does not include hotels, motels, shelters, bed and breakfast homes and boarding room.

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

BUS TERMINAL means a facility for the parking and storage of passenger taxi or buses and may include the loading and unloading of passengers or parcels.

CAMPGROUND means a site operated and occupied for part of the year only as temporary accommodation for holiday makers in tourist trailers, cabins or tents, but a campground is not a manufactured home park or motel or hotel.

CANNABIS RETAIL means a store where cannabis is sold to the public, under license by the Province of British Columbia.

CARRIAGE HOUSE means a residential unit located in an accessory building (separate from a single-family residence) containing cooking, sleeping and bathroom facilities which is occupied by a tenant or tenants, which use as a rental unit is secondary to a single-family dwelling.

CHURCH means a place of public worship. It includes but is not limited to churches, chapels, mosques, temples, and synagogues. Residential uses associated with churches shall include residences for religious order or individuals of a religious profession. It includes but is not limited to covenants, monasteries, manses, or rectories

COMMUNITY HALL or CENTRE means a building or complex or part thereof used for recreational, social, educational and cultural activities or events, and open to the public this includes places of worship.

COMMUNITY SEWER SYSTEM means a common sewer or the system of sewerage or sewage disposal within the meaning of the Health Act which is owned, operated and maintained by the Town of Port McNeill.

COMMUNITY WATER SYSTEM means a system of waterworks within the meaning of the Health Act, which is owned, operated and maintained by the Town of Port McNeill.

COTTAGE means a dwelling unit of not more than 70 m² (753.5 sq. ft.), ancillary to and separate from the principal dwelling, which may be used for residential purposes.

DAY CARE means a facility providing group day care, family day care, nursing school, child minding, out of school care, or specialized day care in accordance with the provisions of the Community Care and Assisted Living Act or any subsequent Act or Acts which may be enacted in substitution therefor.

DRIVE THRU means a business with or without indoor seating for sale of food or a service that is intended and designed to service the driving public.

DWELLING UNIT means a room or room which form a self-contained unit for the domestic use of one or more persons living as a single household and with a private entrance which is not another dwelling unit.

DWELLING, SINGLE-FAMILY means a building used for dwelling purposes and which has only one dwelling unit, this includes modular homes but excludes manufactured homes as listed under CSAZ240.

DWELLING, TWO-FAMILY (duplex) means any building used for dwelling purposes and which has two dwelling units.

DWELLING, TOWNHOUSE OR ROW HOUSE means a block of at least three side by side family dwelling units, where each family dwelling unit is separated from the other by a party (common) wall.

DWELLING, LOW-RISE APARTMENT means any building divided into not less than three dwelling units each of which is occupied as a permanent home or residence of one family as distinct from a hotel, motel, auto court or similar transient accommodation.

FAIRGROUNDS means areas and facilities for events, exhibitions, fairs, rodeos, and activities for active participation or public viewing.

reference to a structure, means the vertical distance from the average natural grade of the footprint of the structure to the highest point of the structure.

HOME OCCUPATION means any occupation or profession carried on for consideration which is clearly incidental to the use of the dwelling unit for residential purposes.

HOTEL means a building or buildings containing living units or sleeping units, or both, where payment for occupancy is usually on a daily or weekly basis to the operator of the premises but may include living units on a shared ownership basis, and which may also include ancillary services such as restaurants, meeting or conference room, recreational facilities.

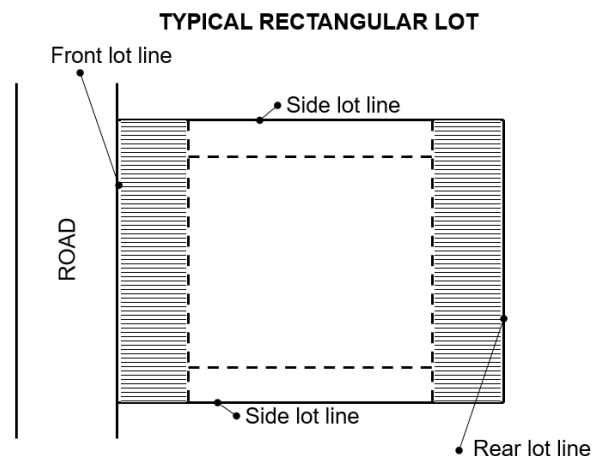
INDOOR ENTERTAINMENT OR RECREATION means the use of a building, or part thereof, for indoor entertainment activities including, but not limited to pool halls, arcades, bowling alleys, racquet sport courts, theatres, fitness clubs, and night clubs.

LIQUOR RETAIL means a store where alcoholic and liquor is sold to the public, under license by the Province of British Columbia.

LOT see "Parcel"

LOT LINE means the legal boundary of a lot that divides one lot from another lot, or from a road right-of-way, and is further defined as follows:

- a) "FRONT LOT LINE" means the line dividing the lot from the road. In the case of a lot with more than one road frontage, the shorter lot line abutting a road shall be deemed the front lot line, and the longer lot line abutting a road shall be deemed to be a lot line adjacent to road, except where abutting a controlled access highway or where access restrictions apply, in which case the lot line where access is provided shall be deemed the front lot line.
- b) "REAR LOT LINE" means, in the case of a lot having four or more lot lines, the lot line furthest from and opposite to the front lot line. Minor deflections are deemed to be part of the same lot line.
- c) "SIDE LOT LINE" means a lot line other than a front or rear lot line.



LIBRARY means a public facility where books and related materials are kept for viewing or short-term borrowing.

LUMBERYARD means a retail business for the purpose to sell building materials to both contractors and the general public but does not include bulk sales.

MARINA means a site including the surface of water which provides for the rental of mooring space and floats for boats, the sale, rental and repair of boats and engines; the sale, rental of marine fuel and marine supplies and fishing equipment and may include docks, wharves and floats for the use of commercial mooring facilities, boat rentals and the temporary residence on a boat moored at the facility.

MANUFACTURING OR PROCESSING, HEAVY means those operations which are a necessary part of, and clearly related to, the production of the articles or goods specified such as sawmills and planing mills, production of asphalt, concrete products, and ready-mix concrete, and aggregated processing and other similar uses.

MANUFACTURING OR PROCESSING, LIGHT means those operations which are a necessary part of, and clearly related to, the production of the articles or goods specified but excludes sawmills and planing mills, production of asphalt, concrete products, and ready-mix concrete, and rock, sand, and gravel. For the purposes of this Bylaw the term "manufacturing" may also include the sales and repairing of the items specified.

MANUFACTURED HOME means a structure, whether or not ordinarily equipped with wheels, that is:

- a) designed, constructed or manufactured to be moved from one place to another by being towed or carried.
- b) used or intended to be used as a living accommodation; and
- c) that conform with the CAN/CSA Z240 MH Series at the time of manufacture

MANUFACTURED HOME PARK means the parcel or parcels, as applicable, on which one or more manufactured home sites that the same landlord rents or intends to rent and common areas are located.

MANUFACTURED HOME SITE means a site in a manufactured home park, which is rented or intended to be rented to a tenant for the purpose of being occupied by a manufactured home.

MODULAR HOME (prefabricated) means finished section(s) of a complete dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, installation of cabinets, floor covering, fixtures, heating system, and exterior finishes. Modular homes conform to the National Building Code of Canada or British Columbia Building Code where mandated and may contain a CSA Modular home label.

MOTEL means a building or a group of buildings providing separate sleeping or dwelling units intended to be occupied primarily by the travelling public.

MUSEUM means an institution or establishment devoted to the procurement, care, and display of objects of lasting or historical interest or value and includes a Marine Museum.

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

NON-CONFORMING BUILDING OR USE means any building or use which does not conform with all the regulations of this bylaw, or any amendments thereto.

NURSERY and GREENHOUSES means the use of lands principally involved in agriculture and horticulture, and accessory product sales and garden supply sales, but specifically excludes the sale of agricultural or horticultural machinery.

OFFICE means that area within a building or structure or part thereof wherein business is transacted, or a service is provided, including the office of a bank, private business or corporation, or the office of a local, provincial, or federal government agency.

OUTDOOR RECREATION FACILITIES means activities and facilities for driving ranges, mini golf, facilities for canoeing, hiking skiing and similar outdoor activities excluding campgrounds and recreational complexes.

PARCEL means a parcel of land registered in the Land Titles Office.

PARKING means an open or covered area of land used for the parking of vehicles of residents, clients, customers, or employees, but does not include streets or driveways.

PERSONAL SERVICE ESTABLISHMENT means a business establishment wherein personal services are performed, including a barber shop, hair or beauty salon, shoe repairs, tailor shop, photographic studio or other similar uses that provide services to persons and households, but specifically excludes massage parlors or escort services.

PRINCIPAL BUILDING means a building containing a principal use permitted in the zone in which it is located.

PRINCIPAL USE means the primary purpose for which land, buildings or structures are ordinarily used.

PROFESSIONAL SERVICE ESTABLISHMENT means the use of buildings for the provision of professional management, administrative, consulting, financial and health services and includes but is not limited to the offices of lawyers, accountants, engineers, architects, doctors and dentists and offices for the provision of health services of a preventative, diagnostic, treatment, therapeutic or counselling nature, but does not include premises for the provision of veterinary services.

PUB means an establishment where liquor is sold to the public for consumption on the premises and includes craft breweries, under licence by the Province of British Columbia.

RECREATIONAL VEHICLE means a vehicle requiring a licence and designed to be used for temporary living and travel, recreation or vacationing and includes such vehicles commonly known as travel trailers, camper trailers, truck camper, motor homes, boats, snowmobiles or other similar vehicles but does not include a manufactured home.

RESTAURANT means a business establishment where food and beverages are prepared, served and consumed on the premises, but excludes drive-thru restaurants. A restaurant includes dining establishments issued a food primary license pursuant to the Liquor Control and Licensing Act.

RETAIL CONVENIENCE STORE means a building containing miscellaneous household and person item and groceries available for retail sale to the public but does **not include** the sale or rental of appliances, furniture, or movie rentals.

RETAIL STORE means a business establishment involved in the selling of goods and merchandise directly to the consumer for personal or household use and providing services incidental to the sale of such goods and merchandise but excludes lumberyards, contractor and building supply sales.

SCHOOL means buildings or structures or parts thereof which are designed, constructed or used for educational purposes, and includes private and public elementary, secondary and post-secondary educational facilities, as well as related ancillary facilities including areas and facilities for recreational use, auditoriums, and dormitories for the temporary residential occupation of students.

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

SETBACK OR LINE OF SETBACK means the required minimum horizontal distance measured between a building or use and each of the respective lot lines. In the case of a building, the measurement is taken from the **outer face of the foundation**.

SHORT-TERM see “Temporary”

SITE means a tract of land occupied or to be occupied by a principal building and its accessory buildings together with such open spaces and yards as are required in this bylaw, but a site need not coincide with a parcel.

SLEEPING UNIT means a room or room used as a temporary sleeping quarter for travelers.

STORAGE, COMMERCIAL means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature.

STORAGE CONTAINERS means a prefabricated unit not requiring any construction or assembly placed on a property for the purpose of storage and includes shipping containers and may act as an accessory building

STORAGE, OUTDOOR means the outside storage of equipment, goods, and materials. Typical uses include but are not limited to pipe yards or heavy equipment storage compounds as well as outdoor storage for building materials, vehicles or boats.

STRUCTURE means a construction of any kind whether fixed to, supported by or sunk into land, and includes, for example, sheds, fences, platform, display signs, tanks, poles, towers or pools.

SUITE, CARETAKER means an accessory dwelling unit to a principal use located on the same parcel and intended to provide accommodation for a person or persons who provide management, maintenance, and security of the principal uses on the parcel.

SUITE, SECONDARY means a residential unit within a single-family residence containing cooking, sleeping and bathroom facilities which is occupied by a tenant or tenants, which use as a rental unit is secondary to a single-family dwelling.

TEMPORARY means not greater than 30 days.

TINY HOME means a single dwelling unit intended for permanent residency that includes the basic amenities of a permanent home including a kitchen, washroom and sleeping area, is less than 47 m² and can be mobile (on wheels), or with a temporary or permanent foundation.

URBAN AGRICULTURE means the growing of fruits and vegetables, flowers, native and ornamental plants, edible berries and food perennials for beautification, education, recreation, community use, personal consumption, sales of produce grown on the lot or the donation of vegetables, fruits, edible flowers and berries only.

VETERINARY CLINIC - means any building, structure, or premises in which animals are treated for medical reasons, hospitalized or groomed.

WATERCOURSE means any natural or man-made depression with well-defined banks and a bed 0.61 m or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 1.61 km² or more as required by a designated official of the Ministry of Environment of the Province of British Columbia.

WAREHOUSING means an establishment, including buildings and structures, used for the storage and distribution of goods, wares, merchandise, materials, and commodities and may include ancillary office space but excludes retail sales unless otherwise specified herein.

WHOLESALE means a business establishment devoted to wholesale sales, being the sale of goods, commodities, and merchandise to retail distributors; to other wholesale distributors; to industrial, commercial, institutional, or professional business users; or acting as agents or brokers and buying or selling goods, commodities and merchandise for incorporation and assembly into other products.

WORKS YARD means a yard, buildings or part thereof, including office area and structures for any public works, building trade or contractor, where equipment, materials, tools and machinery are stored, and includes a shop or related assembly work, but specifically excludes the storage or repair of any industrial equipment, machinery or motor vehicles, excluding recreational vehicles, with a rated gross vehicle weight of more than 10,000 kilograms (22,045 pounds).

WRECKING YARD means the use of land, buildings or structures where boats, motor vehicles, recreational vehicles, vehicles intended to be towed by motor vehicles, machinery or equipment is disassembled, prepared for disposal or recycled, and the storage of salvaged materials where such materials are bought, sold, exchanged, baled or otherwise processed for further use.

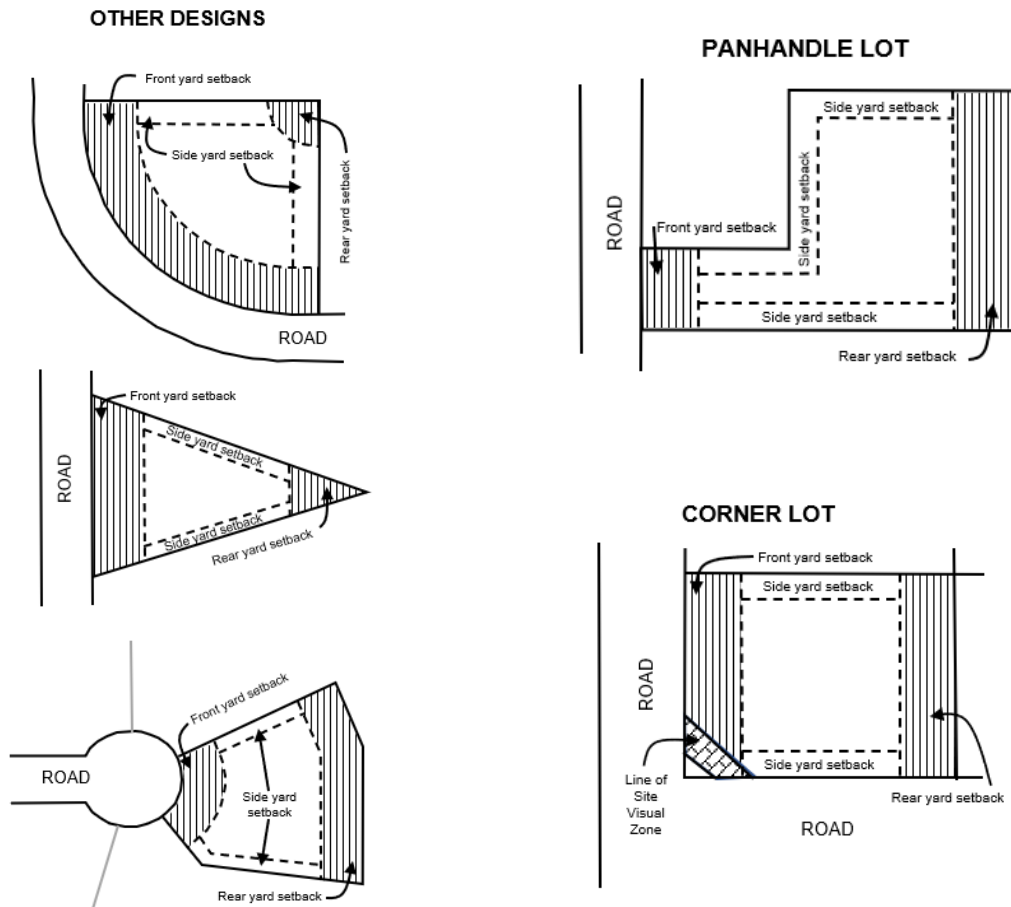
YARD means an area created by setbacks from one or more lot lines in front, behind or on the sides of the buildings or structures on the site. Yards shall be free of any buildings unless otherwise permitted in this bylaw.

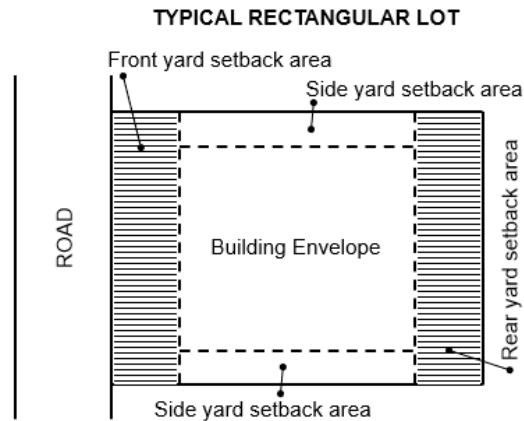
YARD, FRONT means that part of the site situated between the front lot line, extending from one side lot line to the other, and the horizontal measurement of the required setback of the zone into the site. In case of a through lot there shall be two such front yards.

YARD, REAR means that part of the site situated between the rear lot line, extending from one side lot line to the other, and the horizontal measurement of the required setback of the zone into the site.

YARD, SIDE means that part of the site extending from the front lot line to the rear lot line and situated between the side lot line and the horizontal measurement of the required setback of the zone into the site.

Figure: Yard Setbacks





PART 5 – GENERAL PROVISIONS

5.1 USES PERMITTED – GENERAL

- 5.2.1 No person shall use or occupy any buildings, structures or land, including land covered by water, except as expressly permitted by this bylaw, and everything that is not expressly permitted is prohibited.
- 5.2.2 A permitted use may only be carried on if all provisions of this bylaw are complied with.
- 5.2.3 The following uses are permitted throughout all zones:
- a) accessory uses and buildings in accordance with the regulations in this bylaw.
 - b) public parks, greenways, trails and playgrounds;
 - c) day cares and places of worship; and,
 - d) urban agriculture in accordance with the regulations in this bylaw.

5.2 PUBLIC UTILITIES

Unattended utility structures including electrical transformer stations, substations, telephone exchanges, water pumping stations, sewage lift. Pumps, reservoirs, and any other public utility structures, may be located in any zone provided that:

- a) the structure or use is necessary for the safe and efficient operations of the utility.
- b) the utility which the structure serves are available to or for service to the public.
- c) height and yard restrictions are in accordance with those provided for the zone in which the use is to be located.
- d) notwithstanding subsection c, a 7.6 m wide buffer area shall be provided on all sides of the parcel as prescribed in section 5.4 of this bylaw the outdoor storage of materials shall be screened by a landscape screen, solid fence or opaque wall, any of which shall be at least equal in height to the material stored.
- f) all driveways and temporary parking areas shall be treated with a dust-free surface.

- g) the parking of motor vehicles other than to temporarily service or maintain the utility structure shall be prohibited.
- h) where there may be a danger to any member of the public, fencing at least 1.8 m in height shall be erected.

5.3 HOME OCCUPATIONS

5.3.1 A home occupation may be carried on in any zone subject to the following provisions:

- a) it shall be carried on only by the person or persons who reside on the parcel, and no more than one person that is not a resident thereon shall be employed in it.
- b) it shall be carried on wholly within a building.
- c) it shall produce no public offence or nuisance whether by noise, vibration, smoke, odor, dust, heat, glare, electrical disturbance, or by any other means.
- d) the total display area of non-illuminated outdoor advertising media shall not exceed 0.19 m², otherwise there shall be no external indication of the existence of the occupation whether by displays, floodlighting, or any other means.
- d) no material or objects produced, repaired, treated, sold or used in the occupation shall be kept or stored out of doors.

The maximum floor area permitted of a home occupation within a building is 30% to a maximum of 83 m².

5.4 BUFFER AREAS AND LANDSCAPE REQUIREMENTS

5.4.1 Within any required landscape buffer area of a zone:

- a) no building or structure may be erected or placed.
- b) no garbage disposal area and no part of any private sewage disposal system shall be located.
- c) no vehicle parking area shall be located.
- d) no storage shall be permitted.
- e) the only roads permitted are those which cross it as close to right angles as practicable and connect directly with the road system.

5.4.2 Any Commercial lot that abuts an A-2, R-1, R-2, R-3, R-4 or RM-1 zone shall provide a screening hedge within the required yard setback adjacent to the property line.

5.4.3 Where the boundary of any commercial zoned parcel abuts an A-2, R-1, R-2, R-3, R-4 or RM-1 zone, then there shall be a landscaped buffer area a minimum of 3.0 m in depth.

5.4.4 Buffer areas shall be planted and established with suitable vegetation. Plans must be provided to the Town of Port McNeill of such landscaping before commencement.

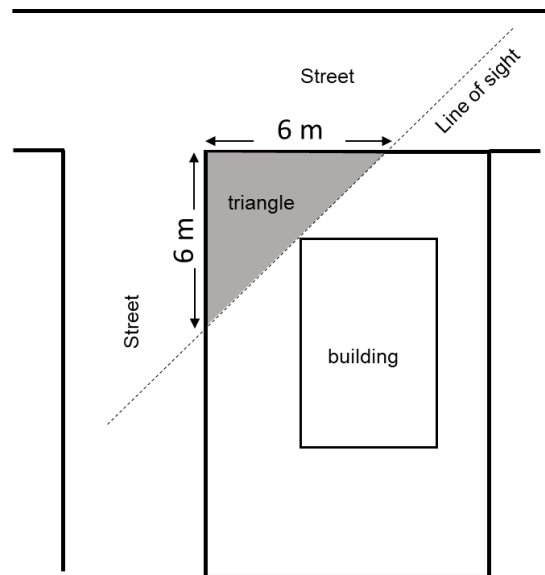
5.4.5 All outdoor storage and refuse bins located on a Commercial and Industrial zoned property shall:

- a) be enclosed by screening, such screening to consist of a solid 2.4 m high fence or opaque wall, or an evergreen hedge.
- b) not have material or goods piled higher than the screening.
- c) have a fence or wall which shall:

- I. be uniformly painted and well maintained.
 - II. not be used for advertising or display purposes, or for the posting of notices.
- d) be screen using with coniferous hedge shall be maintained and kept in good condition at all times.

5.5 CLEARANCE ON CORNERS

At any road junction on a corner lot, no person shall place or permit to be placed any permanent or temporary structure and/or fence or grow any vegetation exceeding 1.0 m in height within the triangular area as shown below.



5.6 FLOOD CONTROL

- 5.6.1 Notwithstanding any other provisions of this bylaw, no building or part thereof shall be constructed, moved, or extended, nor shall any manufactured home unit or modular home or any other structure be located:
- a) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwater, or in the case of a manufactured home or unit the ground level on which it is located, lower than 1.52 m above the natural boundary of any nearby watercourse.
 - b) within 15.24 m of the natural boundary of any nearby watercourse. If landfill is used to achieve the required elevation, no portion of the landfill slope shall be closer than the above distance from the natural boundary, and the face of the landfill slope must be adequately protected against erosion from floodwaters.
 - c) comply with Provincial Guidelines with respect to sea level rise.

5.6.2 Notwithstanding section 5.6.1, with the approval of the Province, these requirements may be reduced.

5.7 OCCUPANCY DURING CONSTRUCTION

5.7.1 A recreational vehicle may be used for occupation during the construction of a permanent dwelling on a lot provided that the occupancy shall not occur prior to the issuance of a building permit for the permanent residence, where applicable, and shall not continue beyond the commencement of the occupancy of the permanent residence or 12 months whichever, comes first.

5.7.2 In all zones, a temporary building, trailer, or accessory buildings may be used for the purposes of a construction site office, for security purposes, and for the storage of tools, equipment and materials for construction of infrastructure in a developing subdivision or for construction of a principal building(s) on a lot, provided that:

- a) the building or trailer shall be located so as not to cause a public hazard or nuisance and
- b) the building or trailer shall be located on the lot where construction is being undertaken and only for so long as is necessary for the work in progress and until the work is completed or abandoned and
- c) a building permit has been issued for the principal building, where applicable, and, at the expiration of such permit or issue of final inspection for that permit, the building or trailer shall be removed or
- d) a preliminary layout approval (PLA) has been issued for subdivision and, at the acceptance of the works for the subdivision, the building or trailer shall be removed.

5.8 SHIPPING CONTAINERS AND TEMPORARY BUILDINGS

5.8.1 A maximum of one fabric covered structure is permitted on a property and must be maintained in good condition.

5.8.2 Fabric covered structures are not permitted in the front yard and not permitted to be placed within the required setbacks of a property.

5.8.3 The use of land for the placement of shipping containers shall be prohibited in all ones, with the following exemptions:

- a) Containers shall be permitted as an accessory use for a temporary period in commercial and residential zone properties, subject to the following requirements:

Length of Temporary Use	Max. Allowable Size of Container	No. of Containers Permitted on Property
120 days within a calendar year	20 m ²	No more than 1

- b) are permitted within industrial zoned properties

5.8.4 Notwithstanding 5.8.3 a), the container shall only be used to store materials or products that are incidental to the operation of a business or facility located on the parcel and shall not be used for mini storage.

- 5.8.5 Notwithstanding 5.8.3 a), no container may be located within the front yard or setback areas, as specified within the applicable zone, and within 3m from any lot line adjoining a property zoned for residential use.
- 5.8.6 A container may be used for the temporary storage of tools and materials during the construction or maintenance of any utility, building or structure for which a required building permit has been obtained and remains active, provided the container is removed within 14 days upon completion of the construction.

5.9 BED AND BREAKFAST OPERATIONS

- 5.9.1 **Bed and Breakfast** operations may be carried out in R-1, R-2, R-3, R-4 and CD-1 Zones provided that:
- a) the provisions of **Home Occupations** Section 5.3.1 are adhered to.
 - b) A maximum of 3 rooms are permitted to be used for the lodging of the travelling public
 - c) the requirements for **off-street parking** Section 5.15 are adhered to.
 - d) the British Columbia Building Code, Fire Code and any other requirements of the Statutes of British Columbia are adhered to.

5.10 URBAN CHICKENS

The keeping of hens is permitted on all lots allowing urban agriculture use, provided that:

- a) a coop and run shall be located at least 1.5 m from all property lines and surrounded by an electric fence
- b) coops and runs shall not be located within a 4.5 m buffer of habitable structures on adjacent property(ies).
- c) runs shall not exceed 4.5 m in height.
- d) hens shall only be located in the rear yard.
- e) the maximum number of hens shall be four (4) per lot.
- f) roosters are not permitted.
- g) sales of eggs, manure and other products associated with the keeping of hens are prohibited.
- h) coops and runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.
- i) stored manure shall be kept in an enclosed structure such as a compost bin and no more than 0.5 m³ shall be stored at any one time.
- j) manure shall be disposed of in accordance with municipal bylaws; hen waste must be solid and bagged; and
- k) home slaughter of hens is prohibited, and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

5.11 ACCESSORY BUILDINGS

5.11.1 Accessory Buildings shall satisfy all the following provisions:

- a) shall not be closer to the front property line than the exposing building face of the principal building.
- b) shall not be closer than 3.0 m to the side property line on a corner lot.
- c) shall not be constructed upon statutory rights-of-way or easements.
- d) shall not be closer than:
 - i. 3.0 m from the principal building except carports sharing a common wall with the principal building.
 - ii. 1.5 m from any rear lot line which abuts a lane if the accessory building is to be constructed exiting directly onto this lane.
 - iii. 1.0 m from any other rear lot line.
 - iv. 1.0 m from any side lot line.
- e) shall not exceed 4 m in height.
- f) shall not exceed in floor area eight percent (8%) of the area of the lot to a maximum of 55 m².
- g) Notwithstanding subsection (d) accessory buildings which meet all of the following requirements shall be permitted inside and rear yards (but not side yards on a corner lot) with no setback required from property line and:
 - i. shall not exceed 13.0 m² in floor area.
 - ii. shall not exceed 3.0 m in height.
 - iii. shall not be closer than 1.5 m to a principal dwelling or an accessory building.

5.11.3 Where accessory buildings are attached to the principal building, they shall be considered part of the principal building and shall conform to the required yard setbacks of this bylaw.

5.12 YARD EXCEPTIONS

5.12.1 The following projections into the required yards are permitted:

- a) Eaves and gutters, cornices, sills, bay windows, cantilevers, chimneys, or other similar features, to a maximum of 0.6m into the setback requirement,
- b) Eaves, sunshades, decks, balconies and open porches, to a maximum of 1.5 m in the front or rear yard setback and 0.8m in a side yard.
- c) Unenclosed steps and mobile home hitches
- d) Notwithstanding the above, all projections have to comply with the minimum distance to the parcel line and separation from adjacent structures, as required by the BC Building Code.

5.13 STORAGE IN RESIDENTIAL ZONES

5.13.1 No parcel in any Residential Zone shall be used as a wrecking yard, storage yard or for the storage of derelict vehicles or more than two unlicensed motor or recreational vehicles or boats.

5.14 SECONDARY AND CARETAKERS' SUITES

5.14.1 Where permitted by the applicable zone, only one secondary or caretaker suite is permitted per parcel.

5.14.2 The following restrictions apply to secondary suites:

- a) a total floor area of not more than 90 m² in area.
- b) a floor area less than 40% of the habitable floor space of the principal building.
- c) not more than two bedrooms.
- d) located within a building of residential occupancy containing only one other dwelling unit; and
- e) located in and part of a building which is a single real estate entity and otherwise a single-family dwelling or commercial building in case of caretakers dwelling.

5.15 PARKING PROVISIONS

5.15.1 An off-street parking area shall have the following dimensions:

Angle of Parking	Stall Width	Stall Depth	Aisle Width	
			One way	Two way
Parallel	2.5 m	6.7 m	3.7 m	5.5 m
30°	3.0 m	6.1 m	3.7 m	4.6 m
45°	3.0 m	6.1 m	4.6 m	5.5 m
60°	3.0 m	6.1 m	5.5 m	6.4 m
90°	3.0 m	6.1 m	6.7 m	7.3 m

5.15.2 Where more than two parking spaces are required on a parcel, except for townhouses having a dedicated parking area for each dwelling unit, any parking area or maneuvering aisle shall be separated from any building containing a dwelling unit by a buffer area not less than 7.6 m wide. Such a buffer area is not required where an opaque wall or fence not less than 1.8 m high above the vehicle surface surrounds the parking area, except for necessary exits and access roads.

5.15.3 An off-street parking area shall have each parking space and all internal access and egress driveways surfaced with asphalt, concrete or equivalent hard surface dust free material such as brick or pavers, as approved by the Town.

5.15.4 Off-street parking spaces for each building shall be provided in accordance with the following table:

Use	Requirement
Single-family or Two-family dwelling	2 spaces per dwelling unit
Single-family dwelling with a cottage or a secondary suite	3 parking spaces
Dwelling unit above commercial facilities	1 space per dwelling unit
Townhouse or rowhouse	1.75 spaces per dwelling unit
Apartment dwelling	1.5 spaces per dwelling unit
Boarding house	2 spaces plus 1 space per each bedroom after the three
Bed & breakfast	2 spaces for primary residents plus 1 space per bedroom used in Bed and Breakfast
Motel and hotel	1 space per room and 1 space per two employees
Store, office, and restaurant	1 space per 46.5 m ² of gross floor area or fraction thereof and 1 space per employee
Medical clinic and dental office	1 space per 21.87 m ² of gross floor area or fraction thereof
Industrial	3 spaces and 1 space per employee
School	1 space per teaching area and 1 space per non-teaching employee and, in the case of a senior secondary school 1 space per 8 students
Church	1 space per 10 seats
Theatre	1 space per 4 seats and 1 space per employee
Assembly hall, auditorium, fraternal building, lodge, community hall, dance hall, public library, and funeral parlour	1 space per 10 seats or 1 space per 9.3 m ² of floor area used for assembly or dancing, whichever is greater
Hospital, nursing home, rest home	2 spaces per 3 patient beds
Retail convenience store	when combined with another separate and different business, an additional 1 parking space per 46.5 m ² of Convenience Store area

5.15.5 Off-Street loading spaces shall:

- a) be 18.6 m² (200 sq. ft.) or greater in area.
- b) have convenient vehicular access to a public thoroughfare.

5.15.6 One off-street loading space shall be provided for:

- a) every 1,858 m² (20,000 sq. ft.) of floor space, or fraction thereof, for structures involved in the receipt or delivery of goods or materials by vehicles.
- b) every 1,858 m² (20,000 sq. ft.), or fraction thereof, of yard involved in the receipt or delivery of goods or materials by vehicles.

5.15.7 Off-street parking areas shall not be considered as off-street loading space.

5.15.8 Driveways shall:

- a) be limited to one per lot
- b) be graded and drained to dispose of all surface water on site. Drainage across the surface of sidewalks, adjacent properties and abutting roads or lanes is not permitted.
- c) be surfaced with asphalt, concrete or equivalent hard surface dust free material such as brick or pavers, as approved by the Town.
- d) not cross the surface of sidewalks, curbs or gutters.
- e) shall be designed and constructed in accordance with all other requirements set out in the Town of Port McNeill bylaws, as amended from time to time.

5.15.9 Parking lots in commercial or industrial zones shall:

- a) be graded and drained to dispose of all surface water on site. Drainage across the surface of sidewalks, adjacent properties and abutting roads or lanes is not permitted.
- b) Be surfaced with asphalt, concrete or equivalent hard surface dust free material such as brick or pavers, as approved by the Town.
- c) shall be designed and constructed in accordance with all other requirements set out in the Town of Port McNeill bylaws, as amended from time to time
- d) be finished so that the individual parking spaces, maneuvering aisles, entrances and exits are clearly marked by curbs, fences, painted lines and/or signs. Such markings shall be maintained to remain legible.
- e) be adequately lit and arranged so that lighting is reflected upon the parking area and not on any adjoining properties.

5.16 URBAN BEEKEEPING AND APRIARIES

5.16.1 Beehives used for the purpose of apiculture are permitted and may not be placed within 7.5m of any adjacent property line except when the adjacent property is within the ALR, or when there are no residential, commercial, industrial or institutional buildings located within 7.5m of the location where the hives are placed.

5.16.2 Beekeepers must comply with the Bee Regulation and other applicable standards adopted by the Province of British Columbia.

5.16.3 Beekeepers or persons on whose property bees are kept have the duty to take reasonable measures to ensure that:

- a. The urban beekeeping operations does not pose a safety risk to persons on adjacent public or private property.
- b. The potential for damage to buildings and/or property located on adjacent public or private property as a result of the urban beekeeping operation is minimized.
- c. A water supply is provided on the property to prevent bees from seeking water from other sources, such as neighbourhood birdbaths, pool decks, ponds or other water sources.

5.16.4 Urban beekeeping is permitted on residential, agricultural, comprehensive development, institutional, commercial, or industrial properties.

5.16.5 Beehives shall not be located on the same property as schools or hospitals, except if the beehives are associated with a maintained community garden or educational use.

5.16.6 The number of beehives permitted on a property shall be:

- a. Up to 2 beehives on property less than or equal to 0.1 ha, and
- b. Up to 4 beehives on property greater than 0.1 ha.

5.16.7. All beehives shall be situated in the rear yard of a property.

5.16.8. Beehives shall be:

- a. Sited behind a solid fence or hedge that is at least 1.8m in height with a setback of 6m from the property line.

PART 6 – ZONES

For the purposes of this bylaw, the area incorporated into the Town of Port McNeill shall be classified and divided into the zones, as illustrated in Schedule “A” which forms part of this bylaw. The table below provides a summary of the designations with their short form equivalents as follows:

7.0 Rural Zones		
7.1 Rural Residential	Rural and agricultural	A-1
8.0 Residential Zones		
8.1 Residential One	Low density residential	R-1
8.2 Residential Two	Compact low density permanent (R-2) and manufactured home residential	R-2
8.3 Residential Three	Manufactured home residential	R-3
8.4 Residential Four	Compact low density residential	R-4
8.5 Residential Multiple One	Apartment, townhouse medium density	RM-1
8.6 Residential Manufactured Home One	Manufactured home park	MHP
8.7 Comprehensive Development Zone One	Comprehensive Development	CD-1
9.0 Commercial Zones		
9.1 Commercial One	Core commercial	C-1
9.2 Commercial Two	Service Commercial	C-2
9.3 Commercial Service One	Highway commercial	CS-1
9.4 Marine Pleasure Commercial	Marine Pleasure Commercial	MPC
10.0 Industrial Zones		
10.1 Industrial One	Light industrial area	M-1
10.2 Industrial Two	Heavy industrial area	M-2
10.3 Marine Industrial	Marine Industrial	MI
11.0 Public Zones		
11.1 Public Use	Park and public use area	P-1
11.2 Marine Recreation Pleasure	Marine recreation pleasure	MRP

6.1 Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the map referred to in Schedule A) of this bylaw.

6.2 Where a zone abuts a road or creek the zone boundary is the centerline of the features.

PART 7.0 RURAL ZONES

7.1 RURAL RESIDENTIAL: A-1 ZONE

Purpose:

Rural Residential: A-1 Zone designates land that because of relative distance to community facilities and services is best suited for non-urban types of land use.

7.1.1 Permitted Uses:

Land, buildings and structures shall be used for the following purposes only:

Principle Uses:

a) Agriculture
b) Campgrounds
c) Community hall or centre
d) Dwelling, Single Family
e) Fairgrounds
f) Manufactured home
g) Museum
h) Nursery and Greenhouses
i) Outdoor recreation facilities
j) School
lk) The extraction of raw materials from the land, provided that no further processing is permitted on the site

Accessory uses:

g) Buildings and structures accessory to the principal use

7.1.2 Lot Area:

Minimum Lot Area	2.4 ha
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7.1.3 Minimum Yard Dimensions:

The minimum depth of yard for buildings shall be as follows:

a) front yard	7.6 m
b) rear yard	7.6 m
c) side yard	3.05 m

7.1.4 Height:

Maximum Height	8.0 m
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7.1.5 Conditions of Use:

- a) On parcels not served by a community water system and on parcels adjacent to parcels not served by a community water system, the keeping and raising of animals is permitted provided that:
 - i. no drinking or feeding trough, manure pile or enclosure or structure for housing animals or for the storage of feed, bedding or similar materials shall be less than 22.9 m from any property line, or
 - ii. the Medical Health Officer is satisfied that not well would suffer contamination from either:
 - the keeping and raising of animals in such locations.
 - the disposal of sewage and the operation of septic tanks.
- b) Only one dwelling unit or one manufactured home shall be permitted per parcel
- c) The maximum height of buildings used for the keeping and raising of animals shall be no more than 8 m.

PART 8.0 RESIDENTIAL ZONES

8.1 RESIDENTIAL ONE: R-1 ZONE

Purpose:

The Residential One: R-1 Zone provides for single-family and two-family dwellings, and accessory compatible uses.

8.1.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Dwelling, Single-Family
b) Dwelling, Two-Family

Accessory uses:

c) Bed and Breakfast
d) Suite, Secondary

8.1.2 Lot Coverage:

Buildings and structures shall not cover more than 35% of the site area.

8.1.3 Lot Frontage:

The minimum **frontage** per lot shall be 18.3 m, except on curves or cul-de-sacs in which case the minimum average width shall be 11.0 m

8.1.4 Lot Area:

Minimum Lot Area	Dwelling, Single family	659.3 m ²
	Dwelling, Two-family	464.5 m ² /dwelling unit

8.1.5 Minimum Yard Dimensions:

Location	Setback
Front Yard	7.6 m
Side Yard	1.5 m
Side yard adjacent to a highway/Rd	3.0 m
Rear Yard	7.6 m

8.1.6 Height:

Maximum Height	8.0 m
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8.2 RESIDENTIAL TWO: R-2 ZONE

Purpose:

The Residential Two: R-2 Zone provides for compact low density residential uses, including a single-family dwelling unit or manufactured home and two-family dwelling unit.

8.2.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Dwelling, Single-Family
b) Dwelling, Two-Family
c) Manufactured home

Accessory uses:

a) Bed and Breakfast
b) Suite, Secondary

8.2.2 Lot Coverage:

Buildings and structures shall not cover more than 35% of the site area

8.2.3 Lot Frontage:

The minimum **frontage** per lot shall be 15.24 m except on curves or cul-de-sacs in which case the minimum average width shall be 11.0 m

8.2.4 Lot Area:

Minimum Lot Area	Dwelling, Single family	464.5 m ²
	Dwelling, Two-family	384.4 m ² /dwelling unit

8.2.5 Minimum Yard Dimensions:

Location	Setback
Front Yard	6.0 m
Side Yard	1.5 m
Side yard adjacent to a highway/Rd	3.0 m
Rear Yard	3.0 m

8.2.6 Height:

Maximum Height	8.0 m
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8.2.7 Conditions of Use:

b) Only those manufactured homes that are certified as meeting the Canadian Standards Association specification CAN/CSA Z240 MH shall be permitted.

8.3 RESIDENTIAL THREE: R-3 ZONE

Purpose:

The Residential Three: R3 Zone provides for manufactured home residential.

8.3.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Dwelling, Single-Family
b) Manufacture Home

Accessory uses:

a) Bed and Breakfast

8.3.2 Lot Coverage:

Buildings and structures shall not cover more than 35% of the site area.

8.3.3 Lot Frontage:

The minimum **frontage** per lot shall be 12.19 m except on curves or cul-de-sacs in which case the minimum **frontage** shall be 11.0 m

8.3.4 Lot Area:

Minimum Lot Area	371.6 m ²
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8.3.5 Minimum Yard Dimensions:

Location	Setback
Front Yard	4.6 m
Side Yard	1.5 m
Side yard adjacent to a highway/Rd	4.6 m
Rear Yard	1.5 m

8.3.6 Height:

Maximum Height	5.3 m
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8.3.7 Conditions of Use:

a) Only those manufactured homes that are certified as meeting the Canadian Standards Association specification CAN/CSA Z240 MH shall be permitted.

8.4 RESIDENTIAL FOUR: R-4 ZONE

Purpose:

The Residential Four: R-4 Zone provides for compact low density residential.

8.4.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Dwelling, Single-Family
b) Dwelling, Two-Family
c) Dwelling, Townhouse or Row house

Accessory uses:

a) Suite, Secondary
b) Bed and Breakfast

8.4.2 Lot Coverage:

Buildings and structures shall not cover more than 35% of the site area.

8.4.3 Lot Frontage:

The minimum frontage per lot shall be 15.24 m except on curves or cul-de-sacs in which case the minimum average width shall be 11.0 m

8.4.4 Lot Area:

Minimum Lot Area:	464.5 m ²
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8.4.5 Minimum Yard Dimensions:

Location	Setback
Front Yard	4.6 m
Side Yard	1.5 m
Side yard adjacent to a highway/Rd	4.6 m
Rear Yard	1.5 m

8.4.6 Height:

Maximum Height	8.0 m
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8.4.7 Conditions of Use:

a) Buildings for residential use shall have a minimum main floor interior area of 65.03 m²

8.5 RESIDENTIAL MULTIPLE ONE: RM-1 ZONE

Purpose:

The Residential Multiple One: RM-1 Zone provides for medium density apartment housing and townhouse residential.

8.5.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Boarding houses
b) Dwelling, Low-rise apartment
c) Dwelling, Single-family
d) Dwelling, Townhouses or rowhouses
e) Dwelling, Two Family

8.5.2 Lot Coverage:

Buildings and structures shall not cover more than 35% of the site area.

8.5.3 Density:

Maximum total floor areas of all buildings cannot exceed a **Floor Area Ratio** (FAR) of 0.90.

8.5.4 Lot Frontage:

The minimum frontage per lot shall be 15.2 m except on curves or cul-de-sacs in which case the minimum average width shall be 15.2 m

8.5.5 Lot Area:

Minimum Lot Area	464.5 m ²
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8.5.6 Minimum Yard Dimensions:

Location	Setback
Front Yard	7.6 m
Side yard adjacent to a highway/Rd	4.6 m
Side Yard	3.0 m
Rear Yard	10.7 m, except it is 1.0 m for accessory buildings

8.5.7 Height:

The maximum permitted height of any dwelling unit shall be no more than:

Townhouses	9.1 m
Low-rise apartments	12.2 m

8.5.8 Conditions of Use:

a) Single-family and two-family dwelling units shall meet the **R-1** setback and height zone requirements.

b) Parcels shall have a least 37.2 m² of **amenity open space** for each dwelling unit.

8.6 RESIDENTIAL MANUFACTURED HOME ONE: RMH-1 ZONE

Purpose:

The Manufactured Home Park: RMH-1 Zone provides for manufactured and tiny home residential use.

8.6.1 Permitted Uses

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Dwelling, Single-Family
b) Manufactured Home Parks
c) Tiny Home

8.6.2 Height:

Maximum Height	5.2 m
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8.6.3 Conditions of Use:

a) Every permanent manufactured home park shall meet the requirements of the Town of Port McNeill Manufactured Home Park Bylaw and any amendments thereto.

b) Only those manufactured homes that are certified as meeting the Canadian Standards Association specification CAN/CSA Z240 MH shall be permitted.

c) Single family dwelling units shall meet the **R-1** setback and height zone requirements

8.9 COMPREHENSIVE DEVELOPMENT ONE: CD-1 ZONE

Purpose:

The Comprehensive Development One: CD-1 Zone provides for residential uses combined with parks, trails, and playgrounds.

8.9.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Dwelling, Single-Family
b) Dwelling, Two Family

Accessory uses:

a) Bed and Breakfast
b) Suite, Secondary
c) Cottage

8.9.2 Lot Coverage:

Buildings and structures shall not cover more than 35% of the site area.

8.9.3 Lot Frontage:

Lots up to 2,000 m ² in area	12.2 m
Lots up to 2,000 m ² on curves or cul-de-sacs	12.2 m measured at the front yard setback line
Lots greater than 2,000 m ² in area	Minimum of 10% of the perimeter of the lot
Lots greater than 2,000 m ² on curves or cul-de-sacs	Minimum of 10% of the perimeter of the lot, frontage to be measured at the front yard setback line

8.9.4 Lot Area:

Dwelling, Single family	371.6 m ²
Dwelling, Two-family	606.8 m ²
Dwelling, Single family with a cottage	2,000 m ²

9.9.5 Minimum Yard Dimensions:

Location	Up to 2,000 m ²	Greater than 2,000 m ²
Front yard	4.6 m	7.5 m
Rear yard	1.5 m	5.0 m
Side yard	1.5 m	5.0 m
Side yard on corner site	4.6 m	7.5 m

8.9.6 Height:

Maximum Height - principal dwelling	10.0 m
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Maximum Height - cottage	5.0 m
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8.9.7 Conditions of Use:

a) All dwellings shall have a minimum main floor area of 92.9 m² above the basement (if any).

b) Cottage Regulations:

- I. The total floor area of the cottage must not be more than 70.0 m²
- II. The cottage must be separate from the principal dwelling.
- III. The maximum permitted height of a cottage shall be no more than 5.0 m
- IV. A cottage shall be connected to municipal water and sewer system and shall be separately metered and subject to utility billings; and
- V. **Parking requirements** for a property with a **principal dwelling** and a **cottage** shall
- VI. comply with the parking provisions of section 5.15 of this bylaw.

PART 9.0 COMMERCIAL ZONES

9.1 COMMERCIAL ONE: C-1

Purpose:

The Commercial One: C-1 Zone provides for core commercial land uses.

9.1.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Bus terminals
b) Cannabis retail
c) Community hall or centre
d) Hotels
e) Indoor Entertainment or Recreation
f) Library
g) Liquor retail
h) Marina
i) Motel
j) Office
k) Personal service establishments
l) Professional service establishments
m) Pub
n) Restaurant
o) Retail Store
p) School

Accessory uses:

a) Accessory Buildings and Use
b) Dwelling, Low-rise apartment
c) Dwelling, Townhouse or Row House
d) Offices

9.1.2 Lot Coverage:

The maximum lot coverage 100%.

9.1.3 Lot Area:

Minimum Lot Area	No minimum required
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9.1.4 Minimum Yard Dimensions

Location	Setback
Front Yard	0.0 m
Side Yard	0.0 m
Side Yard adjacent to residential uses	3.0 m
Rear Yard	0.0 m
Rear yard adjacent to residential use	3.0 m

Commercial development must conform to the requirements of section 5.4 of this bylaw.

9.1.5 Density:

Maximum density is not to exceed 1.0 floor area ratio (FAR).

9.1.6 Height:

Maximum Height	12.4 m
Maximum Height when abutting tidal waters	5.5 m

9.1.7 Conditions of Use:

All **dwelling units** shall:

- a) be on second floor or above.
- b) have a private exterior entrance separate from any commercial facilities; and
- c) contain a minimum of 18.6 m² of **amenity open space** per **dwelling unit**, but this amenity open space need not be located on the ground.

9.2 COMMERCIAL TWO: C-2 ZONE

Purpose:

The Commercial Two: C-2 Zone provides for service commercial land use.

9.2.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Automotive sales/Rental
b) Bus terminals
c) Cannabis retail
d) Community hall or centre
e) Drive thru
f) Garden centre
g) Hotels
h) Indoor Recreation and Entertainment
i) Library
j) Liquor Retail
k) Lumberyard
l) Motel
m) Offices
n) Personal service establishments
o) Pub
p) Professional service establishments
q) Restaurant
r) Retail Store
s) School
t) Veterinary Clinic

Accessory uses:

a) Accessory Buildings and Uses
b) Dwelling, Low-rise apartment
c) Dwelling, Townhouse or Row House
d) Storage, Outdoor

9.2.2 Lot Coverage:

The maximum lot coverage is 90%.

9.2.3 Lot Area:

Minimum Lot Area	No minimum required
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9.2.4 Minimum Yard Dimensions:

Location	Setback
Front Yard	7.6 m
Side Yard	0.0 m

Side yard adjacent to residential use	3.0 m
Side Yard on Corner	7.6 m
Rear Yard	0.0 m
Rear yard adjacent to residential use	3.0 m

Commercial development must conform to the requirements of section 5.4 of this bylaw.

9.2.5 Density:

Maximum density is 1.0 floor area ratio (FAR).

9.2.5 Height:

Maximum Height	12.4 m
Maximum Height when abutting tidal waters	5.5 m

9.2.6 Conditions of Use:

- a) All **dwelling**s shall:
 - i. be on second floor or above.
 - ii. have a private exterior entrance separate from any commercial facilities.
 - iii. contain a minimum of 18.6 m² of amenity open space per dwelling unit, but this amenity open space need not be located on the ground.

- b) Every business or undertaking shall be conducted within a completely enclosed building or structure except for outdoor display, rental, sales, storage, parking and loading facilities.

9.3 COMMERCIAL SERVICE ONE: CS-1 ZONE

Purpose:

The Commercial Service One: CS-1 Zone provides commercial service land use with a mixture of tourist accommodation, services, and retail commercial uses.

9.3.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Drive thru
b) Gas Service Station
c) Hotel
d) Motel
e) Restaurant
f) Retail Convenience store

Accessory uses:

a) Suite, Caretaker

9.3.2 Lot Coverage:

The maximum lot coverage is 80%.

9.3.3 Lot Area:

9.3.4	Minimum Lot Area	No minimum required
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Minimum Yard Dimensions:

Location	Setback	When fronting onto Campbell Way
Front Yard	7.6 m	15.2 m
Side Yard	3.0 m	NA
Rear Yard	7.6 m	NA

Commercial development must conform to the requirements of section 5.4 of this bylaw.

9.3.5 Density:

Maximum density is 1.0 floor area ratio (FAR).

9.3.6 Height:

Maximum Height	12.4 m
Maximum Height when abutting tidal waters	5.5 m

9.3.7 Conditions of Use:

- a) **Retail Convenience Stores** established under the regulations set out in this bylaw on property used for a gas **service station** must be included within and be a part of the principal building (service station building).

9.4 MARINE PLEASURE COMMERCIAL: MPC

Purpose

The Marine Pleasure Commercial Zone provides for use that are located within a water lot such as marinas, commercial services and compatible accessory services and uses

9.5.1 Permitted Uses:

Land, buildings, and structures shall be used for the following purposes only:

Principal Uses:

a) Pub
b) Marina
c) Restaurant

Accessory uses:

a) Personal Service Establishment
b) Retail Store
c) Suite, Caretaker
d) Offices

9.5.2 Height:

Maximum Height	5.5 m
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9.5.3 Conditions of Use:

- a) Suite, Caretaker may occur as onboard vessel living where appointed by the Town for such purposes.

PART 10.0 INDUSTRIAL ZONES

10.1 INDUSTRIAL ONE:M-1 ZONE

Purpose:

The Industrial One: M-1 Zone designates land that because of location, actual or potential large site sizes, and location in relation to the waterfront or transportation routes, is best suited for general industrial development.

10.1.1 Permitted Uses:

Land, buildings and structures shall be used for the following purposes only:

Principal Uses:

a) Auto Body Shop
b) Auto Repair Shop
c) Automotive Sales/Rental
d) Lumber yards,
e) Garden centres
f) Manufacturing or Processing, Light
g) Marinas
h) Nursery and Greenhouses
i) Restaurants
j) Storage, Commercial
k) Storage, Outdoors
l) Veterinary Clinic
m) Warehousing
n) Wholesale
o) Works Yard

Accessory uses:

a) Accessory Buildings and Uses
b) Suite, Caretaker

10.1.2 Lot Coverage:

The maximum lot coverage is 80%.

10.1.3 Lot Area:

Minimum Lot Area	No minimum required
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10.1.4 Minimum Yard Dimensions:

Location	Setback
Front yard (properties zoned M-1 located on Campbell Way-Arterial Highway)	15.2 m
Front yard (all other I-1 areas of the Town)	7.6 m
Side Yard	3.0 m
Rear Yard	3.0 m

10.1.5 Density:

Maximum density is 1.0 floor area ratio, FAR.

10.1.6 Height:

Maximum Height	10.0 m
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10.1.7 Conditions of Use:

- a) Where the boundary of any parcel abuts either an A-2, R-1, R-2, R-3, R-4, RM-1, RMH-1, C-1 or P-1 zone, then there shall be a buffer area a minimum of 15.2 m in depth. Such a buffer area shall conform to the requirements of section 5.4 of this bylaw.
- b) Every business or undertaking shall be conducted within a completely enclosed building or structure, except for outdoor display, rental, sales, servicing or storage yards, parking and loading facilities.
- c) All industrial activity and storage not contained within a building shall be enclosed by screening and such activity and storage shall not be piled higher than the screening. Where screening is required, it shall consist either of a solid 2.4 m high fence or opaque wall or of an evergreen hedge not less than 1.83 m in height.

10.2 INDUSTRIAL TWO: M-2 ZONE

Purpose:

The Industrial Two: M-2 Zone designates land that because of location, actual or potential large site sizes, and location in relation to the waterfront or transportation routes, is best suited for general industrial development.

10.2.1 Permitted Uses:

Land, buildings and structures shall be used for the following purposes only:

Principal Uses:

a) Automotive Sales/Rental
b) Lumberyard
c) Garden centres
d) Restaurants
e) Storage, Outdoors
f) Manufacturing or Processing, Heavy
g) Manufacturing or Processing, Light
h) Marinas,
i) Warehousing
j) Wholesale
k) Works Yard

Accessory uses:

a) Accessory Buildings and Uses
b) Suite, Caretaker

10.2.2 Lot Coverage:

The maximum lot coverage is 80%.

10.2.3 Lot Area:

Minimum Lot Area	No minimum required
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10.2.4 Minimum Yard Dimensions:

Location	Setback
Front yard (properties zoned M-1 located on Campbell Way-Arterial Highway)	15.2 m
Front yard (all other I-1 areas of the Town)	7.6 m
Side Yard	3.0 m
Rear Yard	3.0 m

10.2.5 Density:

Maximum density is 1.0 floor area ratio, FAR.

10.2.6 Height:

Maximum Height	14.0 m
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10.2.7 Conditions of Use:

- a) Where the boundary of any parcel abuts either an A-2, R-1, R-2, R-3, R-4, RM-1, RMH-1, C-1 or P-1 zone, then there shall be a buffer area a minimum of 15.2 m in depth. Such a buffer area shall conform to the requirements of section 5.4 of this bylaw.
- b) Every business or undertaking shall be conducted within a completely enclosed building or structure, except for outdoor display, rental, sales, servicing or storage yards, parking and loading facilities.
- c) All industrial activity and storage not contained within a building shall be enclosed by screening and such activity and storage shall not be piled higher than the screening. Where screening is required, it shall consist either of a solid 2.4 m high fence or opaque wall or of an evergreen hedge not less than 1.83 m in height.

10.3 MARINE INDUSTRIAL: MI ZONE

Purpose

The Marine Heavy Industrial: MHI Zone applies to the area of water covered by Water together with all foreshore land abutting or adjoining such Water Lots to a point 15.24 m from the high-water mark. This zoning provides for the accommodation of industries that are associated with the fishing industry, marine transportation, ship building and maintenance.

10.3.1 Permitted Uses

a) Barge operation and unloading
b) Boat salvage / decommission
c) Log dumping
d) Log sorting
e) Log storage
f) Storage of fuel oil and/or gasoline
g) Marine and aircraft fueling operations and bulk storage
h) Mooring of commercial vessels
i) Repair and maintenance shops oriented to marine use and water traffic
j) Ship building, boat building and repair
k) Warehouses, works yards, storage and loading facilities oriented to marine use and water traffic
l) Fish and seafood buying, selling, and packing
m) Water taxis, ferries, boat rental, aircraft, and amphibious vessels
n) Sales of supplies and fishing equipment
o) All uses under Marine Recreation, Pleasure: MRP Zone

PART 11.0 PUBLIC USE ZONES

11.1 Public One: P-1 ZONE

Purpose

Public Use: P-1 Zone designates land that is best suited to public uses such as civic, educational, religious, hospitals, parks, cultural and recreational facilities.

11.1.1 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

a) Assembly, cultural and recreational facilities including arenas, auditorium, swimming pools, tennis courts, community halls and similar publicly operated facilities;
b) Fire halls
c) Police stations
d) Public hospitals
e) Municipal Halls
f) Library
g) Marina
h) Medical Clinic
i) School
j) Suite, Caretaker
k) Parking
l) Buildings and structures accessory to the principal use

11.1.2 Minimum Yard Dimensions

Location	Setback
Front yard	7.6 m
Side Yard	3.0 m
Rear Yard	9.1 m

11.2 MARINE RECREATION, PLEASURE: MRP ZONE

Purpose

The Marine Recreation, Pleasure: MRP Zone covers the area of water covered by Hoy Bay within the Town Boundary outside of Water Lots L1645, L1646 and L2099, together with all foreshore land abutting or adjoining Hoy Bay outside of the Water Lots designated herein to a point 12.24 m from the high-water mark.

11.2.1 Permitted Uses

All recreational boating pursuits.

SCHEDULE A

ZONING MAP