



**Islands Trust**

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 103**

As amended by the  
Salt Spring Island Local Trust Committee

Consolidated Version: July 2015

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to the original bylaw and amendments  
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*Preserving Island communities, culture and environment*

## CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only, and includes the following amendments:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 72	Amendment Bylaw No. 1, 1981	August 17, 1982
Bylaw No. 280	Amendment Bylaw No. 1, 1991	September 24, 1991
Bylaw No. 341	Amendment Bylaw No. 1, 1995	December 21, 1995
Bylaw No. 482	Amendment Bylaw No. 1, 2014	May 14, 2015

**CAPITAL REGIONAL DISTRICT**

**BY-LAW NO. 103**

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A BY-LAW TO DIVIDE THE OUTER GULF ISLANDS ELECTORAL AREA OF THE CAPITAL REGIONAL DISTRICT INTO ZONES AND TO REGULATE THE USE OF LAND, INCLUDING THE SURFACE OF WATER AND THE LOCATION, SIZE AND USE OF BUILDINGS, PURSUANT TO THE MUNICIPAL ACT, HAVING DUE REGARD TO THE CONSIDERATIONS SET OUT IN SECTION 702(2) THEREOF INCLUDING THE RESIDENTS' WAY OF LIFE AND THE PRESERVATION OF THE ISLANDS AMENITIES

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The Board of the Capital Regional District in open meeting assembled, enacts as follows:

**PART 1**

**SHORT TITLE**

- 1.1 Zoning By-law, Planning area No. 4, 1972.

**PART 2**

**DEFINITIONS**

- 2.1 "Building" means any structure (including a mobile home) which is attached to a permanent a permanent foundation embedded in the ground and which is used or intended to be used for the shelter, habitation, accommodation, assembly or storage of persons, animals, goods or chattels.

"Dwelling, one-family" means any building consisting of one self- contained dwelling unit.

"Dwelling, two-family" means any building consisting of two self- contained dwelling units.

"Dwelling, multiple family" means any building consisting of three or more self-contained dwelling units.

"Dwelling unit" means any room or suite of rooms used or intended to be used as a place of habitation by one or more persons.

"Dwelling units, self-contained" means a dwelling unit which includes the necessary kitchen, toilet and bathroom facilities.

"Floor area" means the sum of the total floor areas of each storey in a building, including exterior walls.

BL72(08/82)

"Guest cabin" means a separate residential building with a floor area of 56 square metres (602 sq. ft.) or less for the purpose of accommodating guests in conjunction with a one family dwelling.

"Height of building or structure" means the vertical distance from the average finished ground level measured outside the exterior walls of the building or structure at a point 5 feet distance from such walls to the highest point of the building and structure.

"Home occupation" means any trade, business, profession, or other occupation carried on for remuneration or gain in a self-contained dwelling unit.

"Industrial use" means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials, or things and the selling of heavy industrial equipment and includes the operation of truck terminals, docks, railways.

"Intensive agriculture use" means mushroom, poultry and poultry egg farming, piggeries, fur farming, dog breeding and boarding kennels and other similar agricultural, horticultural, poultry and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance than the uses customarily associated with a mixed farm or small holding.

"Lot line - exterior side" means the lot line or lines not being the front or rear lot line, common to the lot and a street.

"Lot line - front" means the lot line common to the lot and an abutting street, or where there is more than one lot line common to abutting streets, the shortest of these lines shall be considered as the front lot line.

"Lot line - interior side" 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" 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.

"Mobile home" means a structure manufactured as a unit, intended to be occupied in place other than that of its manufacture, and designed for dwelling purposes but does not include a travel trailer or camper.

"Natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of 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 soil itself.

"Parcel" means any lot, block or other area in which land is held or into which land is subdivided.

"Public service use" means a use providing for the essential servicing of the Outer Gulf Island Electoral Area with water, sewer, solid waste disposal, electricity, telephone, and similar services (other than microwave towers) where such use is established by the Capital Regional District, by another Governmental body, by an Improvement District operating under the Water Act or under the Municipal Act or supplied by a company operating under the jurisdiction of a Federal or Provincial government body, and includes cablevision facilities other than transmission and receiving towers.

"Residential use" means a use providing for the accommodation and home life of a person or persons.

"Storey" means the space between two floors or between the floor and the roof next above, used or occupied as the habitation, place of assembly or work area of a person or persons.

"Street" includes all highways, roads, squares, thorough fares and any other public way, but not lanes, walkways or bridges.

### **PART 3**

#### **BASIC PROVISIONS**

##### **Application**

- 3.1 This by-law shall be applicable to the Outer Gulf Islands Electoral Area of the Capital Regional District as defined in the Letters Patent and amendments thereto, incorporating the Capital Regional District.

##### **Use of land, buildings comply with this by-law**

- 3.2 In the Outer Gulf Islands Electoral Area as designated by the official zoning maps attached to this by-law, land and buildings shall be used, and buildings constructed, moved or altered in conformity with this by-law.

##### **Zones**

- 3.3 For the purpose of this by-law, the said Outer Gulf Islands Electoral Area is hereby divided into zones of the following lettered and numbered classifications:

3.3.1	Rural 1 (R1)
3.3.2	Rural 2
3.3.3	Rural 3 (R3)
3.3.4	Forest (F)
3.3.5	Multiple Family (MF)
3.3.6	Commercial 1 (C1)

3.3.7	Commercial 2 (C2)
3.3.8	Commercial 3 (C3)
3.3.9	Industrial 1 (M1)
3.3.10	Industrial 2 (M2)
3.3.11	Industrial 3 (M3)
3.3.12	Industrial 4 (M4)
3.3.13	Water A
3.3.14	Water B (WB)
3.3.15	Water C (WC)
3.3.16	Water D (WD)
3.3.17	Water A2 – Shelfish Culture Zone

BL280 (09/91)

### Zoning Maps

- 3.4 The limits of each zone shall be shown on the maps attached hereto designated as Zoning Maps 1, 2, 3, 3A, 4, 5, 6 and 7 and being maps of this by-law, and each bearing the following certification:

"This is an Official Zoning Map of the Capital Regional District as referred to in this Zoning By-law of the Capital Regional District, 1972.

Signed \_\_\_\_\_  
Chairman

Signed \_\_\_\_\_"  
Secretary-Treasurer

### Zones follow centre lines highways, rights-of-ways, creeks

- 3.5 When a zone boundary is shown as following a highway, any right-of-way or creek, the centre lines of such highway, right-of-way or creek shall be the zone boundary.

### Zone boundary

- 3.6 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 said zoning map.

### Administration

- 3.7 Persons appointed by the Capital Regional Board to administer this by-law may enter any land or business premises during normal working hours for the purpose of administering or enforcing this by-law.

## **PART 4**

### **GENERAL PROVISIONS**

#### **Uses permitted in any zone**

- 4.1 Except where specifically excluded the following uses shall be permitted in any zone:
- (1) public service uses
  - (2) uses, structures and buildings which are accessory to the principal use, and to any dwelling unit
  - (3) public utility poles, electric and transmission towers, wires, traffic control devices, and underground or submarine utility systems
  - (4) hiking and horse riding trails, bicycle paths.

#### **Clearance at intersections**

- 4.2 Vehicular access between a street and a lot shall not be permitted in any zone within 25 feet of the nearest point of intersection of the street with another street or streets.

#### **Height exceptions**

- 4.3 The heights of buildings and structures permitted elsewhere in this By-Law may be exceeded for retaining walls, radio and television antennas, spires, monuments, chimney stacks, flag poles, lightning poles, elevator shafts, stair towers, scenery lofts, barns, silos, public buildings and private water towers.
- 4.4 There shall be no obstruction in any zone to the line of vision by buildings or structures above the heights of three feet above the established grade of streets within an area bounded by the centre lines of intersecting or intercepting streets and a line joining a point on each of the centre lines eighty feet from their intersection.

#### **Home occupations**

- 4.5 Home occupations when permitted in any zone shall be subject to the following conditions:
- (1) There shall be no variation from the external residential character of the land and premises in which the home occupation is carried on.
  - (2) Not more than three persons shall be employed in any home occupation, one of which shall live on the premises in or about which such occupation is carried on.
  - (3) Except as expressly permitted in Section 4.6(2), no sign or other advertising matter shall be exhibited or displayed in or about the premises where a home occupation is carried on.
  - (4) There shall not be carried on as a home occupation any occupation which by reason of its nature or of the manner in which the same is carried on produced or emits or causes to be produced or emitted noises, dust, smoke, gas or other effluvia in such quantities or under such conditions as to be noxious or offensive to persons other than persons living in the dwelling in which the home occupation is carried on.

## **Sign and notices**

- 4.6 The following signs and notices but not flashing, rotating or moving signs and notices only are permitted on any parcel of land:
- (1) A signboard not exceeding 12 square feet in area for a school, church, hospital, veterinary clinic, community hall, or any other public building.
  - (2) An identification sign not exceeding 12 square feet in area for a business, home or farm.
  - (3) One sign for rent, for sale, or indicating a professional practice or occupation or direction subject in each case to the sign not exceeding 2 square feet in area.
  - (4) Nothing in this section shall restrict the display of any signs required for public safety or for posting under the Trespass Act.

### *BL 482(05/15)* **Setbacks from Streams – Natural Environment Preservation**

- 4.7 To preserve and protect the natural environment along fish habitat or potential fish habitat:
- (1) No removal, alteration, disruption or destruction of vegetation is permitted within 30 metres of the natural boundary of any lake, stream, or any other watercourse excluding the natural boundary of the sea.
  - (2) Section 4.7 (1) applies to commercial, industrial or residential development and does not apply to agricultural activities.”

### *BL 482(05/15)* **Soil Deposit and Removal**

- 4.8 No removal or deposit of sand, gravel, or other soils is permitted within 30 metres of the natural boundary of any lake, stream, or any other watercourse excluding the natural boundary of the sea.”

## **PART 5**

### **RURAL 1 ZONE**

#### **Uses permitted**

- 5.1 In addition to uses permitted in Section 4.1 of this by-law, the following uses and no others shall be permitted in Rural 1 (R1) Zone:
- (1) horticulture, silviculture, beekeeping and aviaries
  - (2) a one-family dwelling
  - (3) schools, churches, hospitals, community halls or centres, libraries and firehalls
  - (4) travel trailer, camper, guest cabin subject to Section 5.3



- (5) parks, playgrounds, golf courses, riding stables
- (6) home occupations subject to the provisions of Section 4.5

### **Parcel size for the keeping of animals, poultry and bees but not intensive agriculture uses**

- 5.2 Notwithstanding the generality of Section 5.1(1) the keeping of animals, poultry and bees, but excluding intensive agriculture uses, is permitted on a parcel of one (1) acre or more in size.

### **Guest trailer or camper or guest cabin**

- 5.3 On a parcel of one (1) acre or more in size, one travel trailer, one camper or one guest cabin, none of which shall exceed 500 square feet in size; may be permitted in conjunction with a permitted residential use for the accommodation of guests on a seasonal non-paying basis. Nothing in this section operates to prohibit the occupier of a parcel from storing one travel trailer or camper on a parcel.

### **Undersized parcels**

- 5.4 Parcels of land in the Rural 1 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this by-law which have less than the minimum area required in any by-law of the Capital Regional District relating to subdivision control, may be used for any of the uses permitted in Section 5.1, subject to the regulations in Section 4.1 and this Part.

### **Site coverage**

- 5.5 Buildings and structures shall not cover more than 25 per centum of the parcel of land on which they are located.

### **Height**

- 5.6 No building shall exceed 30 feet in height.

### **Setbacks - residential and public use buildings**

- 5.7 (1) No buildings, travel trailer, camper or structure except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet, measured from the interior side lot line to the farthest projection of the building, nor, subject to regulations adopted pursuant to the Highways Act, closer than 15 feet from an exterior side lot line.

### **Setbacks - other**

- 5.8 No drinking or feeding trough, no manure piles and no enclosure or structure for housing animals and poultry, or for the storage of feed, bedding or other such materials shall be closer than 25 feet to any property line or dwelling.

## **PART 6**

### **RURAL 2 ZONE**

#### **Uses permitted**

6.1 In addition to uses permitted in Section 4.1 of this by-law the following uses and no others shall be permitted in Rural 2 Zone:

- (1) Agriculture, horticulture, silviculture, beekeeping and aviaries
- BL72(08/82)* (2) one-family dwellings subject to Section 6.3
- (3) schools, churches, hospitals, community halls or centres, libraries and fire halls
- BL72(08/82)* (4) travel trailer, camper or one guest cabin
- (5) parks, playgrounds, golf courses, riding stables
- (6) home occupations, subject to the provisions of Section 4.5 except Section 4.5(2)
- (7) lighthouse stations
- (8) ecological reserves.

#### **Intensive agriculture uses excluded**

6.2 Notwithstanding the generality of Section 6.1(1) nothing in this Section shall permit in Rural 2 Zone the following uses which are hereby prohibited:

mushroom and fur farming and other similar agricultural, horticultural, poultry and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance than the uses customarily associated with a mixed farm or small holding specified in Section 6.1(1).

#### **Residential buildings**

*BL72(08/82)* 6.3 Site Density

There shall be sited no more than one (1), one family dwelling per registered parcel provided that where a restrictive covenant is registered in the Land titles Office in favour of the Crown providing for the siting of not more than one (1) one family dwelling per (10) acres, a density equal to one (1) one family dwelling per ten (10) acres shall be permitted on that parcel.

### **Guest trailer or camper**

*BL72(08/82)*

- 6.4 One travel trailer or one camper or one guest cabin may be permitted in conjunction with a permitted residential use on a parcel, which may be used but not rented for the accommodation of guests or visitors. Nothing in this Section operates to prohibit the occupier of a parcel from storing one travel trailer or camper on a parcel.

### **Undersized parcels**

- 6.5 Parcels of land in the Rural 2 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-law which have less than the minimum area required in any by-law of the Capital Regional District relating to subdivision control, may be used for any of the uses permitted in Section 6.1, subject to the regulations in Section 4.1 and this Part.

### **Site coverage**

- 6.6 Buildings and structures shall not cover more than 25 per centum of the parcel of land on which they are located.

### **Height**

- 6.7 No building shall exceed 30 feet in height.

### **Setbacks - residential**

- 6.8 (1) No buildings, travel trailer, camper or structure except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet, measured from the interior side lot or rear lot line to the farthest projection of the building, nor, subject to regulations adopted pursuant to the Highways Act, closer than 15 feet from an exterior side lot line.
- BL72(08/82)*  
*BL482(05/15)* (3) No building or structure shall be located within 30 metres of the natural boundary of the sea, lake, stream or any other natural watercourse.

### **Setbacks - other**

- 6.9 No drinking or feeding trough, no manure piles, and no enclosure or structure for housing animals and poultry or for the storage of feed, bedding or other such materials shall be closer than 25 feet to any property line or dwelling.

### **Development area**

- 6.10 For the purposes of this By-law the Rural 2 Zone is hereby designated a Development Area and the provisions of Section 702A of the Municipal Act shall apply.

## **PART 7**

### **RURAL 3 ZONE**

#### **Uses permitted**

- 7.1 In addition to uses permitted in Section 4.1 of this By-law the following uses and no others shall be permitted in Rural 3 (R3) Zone:
- (1) uses specified in Section 6.1(1)
  - (2) mushroom, poultry and poultry egg farming, piggeries, fur farming and other similar agricultural, horticultural and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance than the uses customarily associated with a mixed farm or small holding specified in Section 6.1(1)
  - (3) animal hospitals and veterinary clinics
  - (4) pet boarding kennels
  - (5) rod and gun clubs
  - (6) one-family dwelling
  - (7) institutional outdoor camps

#### **Height**

- 7.2 No building shall exceed 30 feet in height.

#### **Residential building setback**

- 7.3 The setbacks of residential buildings and structures permitted in Section 7.1 shall be as specified in Section 6.8.

#### **Special building setback provisions**

- 7.4 (1) No building or structure associated with the uses specified in Section 7.1, sub-sections 2, 3, 4 and 5, except a fence shall be located within 200 feet of a front lot line.
- (2) No building or structure associated with the uses specified in Section 7.1, subsections 2, 3, 4 and 5, except a fence shall be located closer than 100 feet from the interior, exterior or rear lot lines measured from the lot line to the farthest projection of the building or structure.

## **Setbacks - other**

- 7.5 The setbacks of farm buildings, structures and uses permitted in Section 6.1(1) shall be as specified in Section 6.9.

## **PART 8**

### **FOREST ZONE**

#### **Uses permitted**

- 8.1 Subject to Section 8.2 hereof in addition to uses permitted in Section 4.1 of this by-law, the following uses and no others shall be permitted in the Forest (F) Zone:
- (1) growing and harvesting of forest crops and such improvements as are designed to facilitate the growing and harvesting of wood;
  - (2) a one family dwelling per parcel.

#### **Forest zone shall apply**

- 8.2 So long as any lands within the boundaries of the Forest Zone are designated in a tree-farm license or are included within a forest reserve pursuant to the Forest Act, or are designated in a tree-farm certificate under the Taxation Act, the provision of this part shall not apply thereto.

#### **Height**

- 8.3 No building shall exceed 30 feet in height.

#### **Setback provisions**

- 8.4 No building or structure associated with the uses specified in Section 8.1, except a fence shall be located within 25 feet of any lot line.

## **PART 9**

### **MULTIPLE FAMILY ZONE**

#### **Uses permitted**

- 9.1 In addition to uses permitted in Section 4.1 of this By-Law, the following uses and no others shall be permitted in Multiple Family (MF) Zone:
- (1) multiple family dwelling
  - (2) home occupations subject to the provisions of Section 4.5 of this By-Law

## **Undersized parcels**

9.2 Parcels in the Multiple Family Zones that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-Law, which have less than the minimum area required in any By-Law of the Regional District relating to sub-division control, may be used for any of the uses permitted in Section 9.1 subject to the regulations in Section 4.1 and this Part.

## **Height**

9.3 No building shall exceed 30 feet in height.

## **Site coverage**

9.4 Buildings and structures shall not cover more than 33 per centum of the parcel of land on which they are located.

## **Setbacks**

- 9.5 (1) No building or structure or part thereof except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet measured from any interior side lot line to the farthest projection of the building, nor, subject to regulations adopted pursuant to the Highways Act, closer than 15 feet from an exterior side lot line.

## **PART 10**

### **COMMERCIAL 1 ZONE**

## **Uses permitted**

10.1 Subject to the regulations in Section 4.1 and this Part the following uses and no others are permitted in Commercial 1 (C1) Zone:

- (1) retail stores and shops;
- (2) professional or business offices including medical or dental clinics;
- (3) barber shops, beauty parlours, shoe repair shops, electric and electronic repair shops, launderette, laundry and dry cleaning shops;
- (4) printers and publishers;
- (5) restaurants, cafes;
- (6) places of indoor recreation;
- (7) bakery;
- (8) one gas pump or two gas pumps but not service station;

- (9) a residential use combined in the same building with any of the uses listed above provided that the residential use shall be confined to one self-contained dwelling unit of not less than 400 square feet and shall have a separate entrance from outside.

### **Undersized parcels**

- 10.2 Parcels of land in Commercial 1 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this by-law, which have less than the minimum area required in any by-law of the Capital Regional District relating to subdivision control may be used for any of the uses permitted in Section 10.1, subject to the regulations in Section 4.1 and this Part.

### **Height**

- 10.3 No building shall exceed 30 feet in height.

### **Setbacks**

- 10.4 (1) No building or structure or part thereof except a fence shall be located within 25 feet of any front lot line.
- (2) Where the interior lot line or the rear lot line abuts a Rural 1 Zone, a Rural 2 Zone, or a Multiple Family Zone, no building or structure or part thereof except a fence shall be located closer than 20 feet from the interior side lot line or rear lot line as the case may be.

## **PART 11**

### **COMMERCIAL 2 ZONE**

### **Uses permitted**

- 11.1 Subject to the regulations of Section 4.1 and this Part, the following uses and no others are permitted in Commercial 2 (C2) Zone:
  - (1) service stations
  - (2) retail stores
  - (3) restaurants and cafes
  - (4) a residential use combined with any of the uses listed above provided that the residential use shall be confined to one self-contained dwelling unit of not less than 400 square feet and shall have a separate entrance from outside

### **Undersized parcels**

- 11.2 Parcels of land in the Commercial 2 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-Law which have less than the minimum area required in any By-Law of the Capital Regional District relating to subdivision control may

be used for any use permitted in Section 11.1, subject to the regulations in Section 4.1 and this Part.

### **Height**

11.3 No building shall exceed 30 feet in height.

### **Site coverage**

11.4 Buildings and structures, shall not cover more than 33 per centum of the parcel of land on which they are located.

### **Setbacks**

- 11.5 (1) No building or structure or part thereof except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet from any interior side lot line, nor subject to regulations adopted pursuant to the Highway Act, closer than 15 feet from an exterior side lot line.
- (3) Where the interior lot line or the rear lot line abuts a Rural 1 Zone, a Rural 2 Zone or a Multiple Family Zone, no building or structure or part thereof except a fence shall be located closer than 20 feet from the interior side lot line or rear lot line as the case may be.

## **PART 12**

### **COMMERCIAL 3 ZONE**

#### **Uses permitted**

- 12.1 Subject to the regulations in Section 4.1 and this Part the following uses and no others are permitted in Commercial 3 (C3) Zone:
- (1) hotels which may include public houses, inns, or lounges operated in conjunction therewith as defined in the Government Liquor Act, motels, lodges or other means of providing for the accommodation of the transient public in individual dwelling units or sleeping units
- (2) campsites for the temporary accommodation of travellers subject to the Campsite Regulations adopted pursuant to the Health Act
- (3) restaurants and cafes
- (4) marinas for the accommodation, maintenance and servicing of boats including refuelling but excluding major repairs and boat building
- (5) boat ramps and boat rentals



- (6) a retail use which is accessory to any of the above uses
- (7) a residential use with any of the uses listed above provided that the residential use shall be confined to two one-family dwellings or two self-contained dwelling units each of which shall not be less than 400 square feet and shall have a separate entrance from outside

### **Undersized parcels**

12.2 Parcels of land in the Commercial 3 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-Law which have less than the minimum area required in any By-Law of the Capital Regional District relating to subdivision control may be used for any use permitted in Section 12.1, subject to the regulations in Section 4.1 and this Part.

### **Height**

12.3 No building shall exceed 40 feet in height.

### **Site coverage**

12.4 Buildings and structures shall not cover more than 33 per centum of the parcel of land on which they are located.

### **Setbacks**

- 12.5 (1) No building or structure or part thereof except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet from any interior side lot line, nor subject to regulations adopted pursuant to the Highway Act, closer than 15 feet from an exterior side lot line.
- (3) Where the interior lot line or the rear lot line abuts a Rural 1 Zone, a Rural 2 Zone, or a Multiple Family Zone, no building or structure or part thereof except a fence shall be located closer than 20 feet from the interior side lot line or rear lot line as the case may be.

## **PART 13**

### **INDUSTRIAL 1 ZONE**

#### **Uses permitted**

- 13.1 Subject to the regulations in Section 4.1 and this Part the following uses and not others are permitted in Industrial 1 (M1) Zone:
- (1) boat building and repairs
  - (2) marinas for the accommodation, maintenance and servicing of boats, including refuelling

- (3) bulk fuel storage tanks

### **Dwelling unit**

- 13.2 One dwelling unit in conjunction with industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted. Such dwelling unit shall have a minimum floor area of 400 square feet.

### **Undersized parcels**

- 13.3 Parcels of land in the Industrial 1 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-law which have less than the minimum area required in any By-Law of the Capital Regional District relating to subdivision control may be used for any use permitted in Section 13.1, subject to the regulations in Section 4.1 and in this Part.

### **Height**

- 13.4 No building shall exceed 50 feet in height.

### **Site coverage**

- 13.5 Buildings or structures shall not cover more than 33 per centum of the parcel of land on which they are located.

### **Setbacks**

- 13.6 (1) No building or structure or part thereof except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet from any interior side lot line, nor subject to regulations adopted pursuant to the Highways Act, closer than 15 feet from an exterior side lot line.
- (3) Where the interior lot line or the rear lot line abuts a Rural 1 Zone, a Rural 2 Zone or a Multiple Family Zone, no building or structure or part thereof except a fence shall be located closer than 20 feet from the interior side lot line or rear lot line as the case may be.

## **PART 14**

### **INDUSTRIAL 2 ZONE**

### **Uses permitted**

- 14.1 Subject to the regulations in Section 4.1 and this Part the following uses and no others are permitted in Industrial 2 (M2) Zone:
  - (1) warehouses
  - (2) storage yards

- (3) contractor's yards
- (4) contractor's workshops
- (5) building materials and supplies sales
- (6) freight service
- (7) motor vehicle sales and repairs
- (8) machinery and parts sales, rentals and repairs

### **Dwelling unit**

14.2 One dwelling unit in conjunction with industrial uses for the accommodation of the owner, operator or an employee of the principal use is permitted. Such dwelling unit shall have a minimum floor area of 400 square feet.

### **Undersized parcels**

14.3 Parcels of land in the Industrial 2 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-law, which have less than the minimum area required in any By-Law of the Capital Regional District relating to subdivision control, may be used for any use permitted in Section 14.1, subject to the regulations in Section 4.1 and this Part.

### **Height**

14.4 No building shall exceed 30 feet in height.

14.5 Buildings and structures shall not cover more than 33 per centum of the parcel of land on which they are located.

### **Setbacks**

- 14.6 (1) No building or structure or part thereof except a fence shall be located within 25 feet of any front lot line.
- (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet from any interior side lot line, nor subject to regulations adopted pursuant to the Highway Act, closer than 15 feet from an exterior side lot line.
- (3) Where the interior lot line or the rear lot line abuts a Rural 1 Zone, a Rural 2 Zone or a Multiple Family Zone, no building or structure or part thereof except a fence shall be located closer than 20 feet from the interior side lot line or rear lot line as the case may be.

## **PART 15**

### **INDUSTRIAL 3 ZONE**

#### **Uses permitted**

15.1 Subject to the regulations in Section 4.1 and this Part, the following uses and no others are permitted in Industrial 3 (M3) Zone:

- (1) sawmills
- (2) any industrial processing use except any industry considered offensive under the Health Act
- (3) the manufacture of shale.

### **Dwelling unit**

15.2 One dwelling unit in conjunction with industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted. Such dwelling unit shall have a minimum floor area of 400 square feet.

### **Undersized parcels**

15.3 Parcels of land in the Industrial 3 Zone that are shown on a plan deposited in the Land Registry Office prior to the passing of this By-Law, which have less than the minimum area required in any By-Law of the Capital Regional District relating to subdivision control may be used for any use permitted in Section 15.1, subject to the regulations in Section 4.1 and in this Part.

### **Height**

15.4 No building shall exceed 50 feet in height except buildings associated with the manufacture of shale which shall not exceed 85 feet in height.

### **Site coverage**

15.5 Buildings and structures shall not cover more than 33 per centum of the parcel of land on which they are located.

### **Setbacks**

- 15.6
- (1) No building, structure or storage of materials or part thereof except a fence shall be located within 25 feet of any front lot line.
  - (2) No building or structure or part thereof except a fence shall be located closer than a distance of 10 feet from any interior side lot line, nor subject to regulations adopted pursuant to the Highway Act, closer than 15 feet from an exterior side lot line.
  - (3) Where the interior side lot line or the rear lot line abuts a Rural 1 Zone, a Rural 2 Zone or a Multiple Family Zone, no building or structure or part thereof except a fence shall be located closer than 25 feet from the interior side lot line or rear lot line as the case may be.

## **PART 16**

### **INDUSTRIAL 4 ZONE**

#### **Uses permitted**

16.2 Subject to regulations in Section 4.1 and this Part the following uses and no others are permitted in Industrial 4 (M4) Zone:

- (1) manufacture of explosives and related materials.

## **PART 17**

### **WATER A ZONE**

#### **Uses permitted**

17.1 Subject to the regulations in this Part, the following uses and no others shall be permitted in Water A Zone:

- (1) any use permitted in Section 4.1, subsections (1) and (3)

*BL341(12/95)*

- (2) private floats, wharves, piers and walkways for providing private access to uses permitted on the property immediately abutting the foreshore

*BL341(12/95)*

- (3) floating breakwaters, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this Part

- (4) oyster, clam and kelp areas

#### **Extent, floats and wharves**

*BL 341(12/95)*

- 17.2
- (1) Private floats or wharves shall be set back 3 metres (10) feet from the projection of any side lot line.
  - (2) The maximum length and width of mooring floats shall not exceed 12 metres (40) feet and 3.6 metres (12 feet) respectively, and only one mooring float shall be permitted per fixed pier.
  - (3) Docking facilities, including the fixed pier, gantry and float, shall not extend from the shoreline by any further length than that required to accommodate a 1.5 metre (5 foot) draft adjacent to the float at low tide.

#### **Buildings prohibited**

17.3 No building, including boat shed or shelter, shall be erected on any private float or wharf other than posts to carry lighting fixtures, or supports for safety.

#### **Commercial and industrial activity prohibited**

17.4 Private floats and wharves shall be used for private access only and no commercial or industrial activity or use shall be permitted.

**PART 17.A2**

**WATER A2 SHELLFISH CULTURE ZONE**

**Uses permitted**

17.A2.1 Subject to the regulations in this Part, the following uses and no others shall be permitted in the Water A Shellfish Culture Zone.

- (1) Shellfish Culture.

Shellfish culture means the cultivation, rearing and harvesting of molluscs and crustaceans and specifically excludes processing of these organisms and the cultivating, rearing and harvesting of finfish.

- (2) Floats necessary for the farming of shellfish culture.

**Extent of Floats and Anchors**

17.A2.2 Floats and anchors shall be located within the boundaries of a water lease or a licence of occupation granted by the Ministry of Crown Lands.

**PART 18**

**WATER B ZONE**

**Uses permitted**

18.1 Subject to the regulations in this Part, the following uses and no others shall be permitted in Water B (WB) Zone:

- (1) any use permitted in Part 17
- (2) sales and rentals of boats and sporting equipment
- (3) marinas
- (4) yacht clubs
- (5) boat sheds or shelters
- (6) mooring facilities for water taxis, ferries, fishing boats, sea planes or similar commercial uses
- (7) marine fuelling stations
- (8) fish buying stations
- (9) sea walls, breakwaters, slips, docks, ramps, dolphins, and pilings necessary for the establishment or maintenance of the uses permitted in this Part

### **Float and wharves to be contained**

18.2 Floats and wharves shall be located within the boundaries of water leases or licences of occupation granted or approved by the Director of Lands, Department of Lands, Forests and Water Recreation.

### **Areas and height limits, buildings**

18.3 Buildings including boat shelters shall be of non-reflective material and shall not exceed 15 feet in height.

## **PART 19**

### **WATER C ZONE**

#### **Uses permitted**

19.1 Subject to the regulations in this Part, the following uses and no others shall be permitted in Water C (WC) Zone:

- (1) any use permitted in Part 18
- (2) boat building, repairs or sales
- (3) wharves, docks, floats, piers, slips or storage areas for the trans-shipment, loading, unloading, or storage of freight, including logs and petroleum products
- (4) commercial mooring facilities for sea planes
- (5) sea walls, breakwaters, slips, docks, ramps, establishment or maintenance of the uses permitted in this Part

### **Floats and wharves to be contained**

19.2 Floats and wharves shall be located within the boundaries of water leases or licences of occupation granted or approved by the Director of Lands, Department of Lands, Forests and Water Resources.

### **Area and height limits, buildings**

19.3 Buildings including boat shelters shall be of non-reflective material and shall not exceed 15 feet in height.

**PART 20**

**WATER D ZONE**

**Uses permitted**

20.1 Subject to the regulations in this Part, the following uses and no others shall be permitted in Water D (WD) Zone:

- (1) wharves, docks, piers, slips, railway areas for the trans-shipment, loading, unloading of products related to the manufacture of volatile products
- (2) sea walls, breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of use permitted in this Part.

**Floats and wharves to be contained**

20.2 Floats and wharves shall be located within the boundaries of water leases or licences of occupation granted or approved by the Director of Lands, Department of Lands, Forests and Water Resources.

READ A FIRST TIME THE 27TH DAY OF OCTOBER , 1971

READ A SECOND TIME THE 27TH DAY OF OCTOBER , 1971

READ A THIRD TIME THE 26TH DAY OF APRIL , 1972

PUBLIC HEARING HELD THE 15TH DAY OF APRIL , 1972

APPROVED BY THE LIEUTENANT-GOVERNOR-IN-COUNCIL THE  
27TH DAY OF JUNE , 1972

RECONSIDERED AND FINALLY ADOPTED THE  
28TH DAY OF JUNE , 1972

\_\_\_\_\_  
Chairman  
(L.S.)

\_\_\_\_\_  
Secretary-Treasurer