



Zoning Bylaw



TOWN OF SIDNEY

Bylaw Number 2015

June 11, 2012

Bylaw Number 2015

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Consolidated for Convenience August 12, 2019

List of Amending Bylaws:

- Amendment 1* Bylaw 2025 - To amend sections of the Bylaw to allow for single-family residential use within the Multi-Family Low Density Residential (RM5) zone, Multi-Family Medium Density Residential (RM6) zone and Multi-Family High Density Residential (RM7) zone.
- Amendment 2* Bylaw 2033 - To amend the text of the Single-Family High Density Residential – Orchard Area (R1.3) zone to allow secondary suites on properties less than 400 square metres in area.
- Amendment 3* Bylaw 2036 - To amend the text of the Comprehensive Development 40 (CD40) zone to clarify the provision regarding bonus density and to add information on maximum bonus density.
- Amendment 4* Bylaw 2037 - 9818 Third Street - (Map Change and Text - CD40)
- Amendment 5* Bylaw 2044 - To amend sections of the Bylaw to allow for two-family residential use within the Multi-Family Low Density Residential (RM5) zone, Multi-Family Medium Density Residential (RM6) zone and Multi-Family High Density Residential (RM7) zone and to incorporate several housekeeping amendments.
- Amendment 6* Bylaw 2050 - Map amendment for 9969, 9977, 9985, 9995 and 9997 Third Street, from Single- and Two-Family Residential (R2) to Single-Family High Density Residential – Orchard Area (R1.3).
- Amendment 7* Bylaw 2052 - To amend sections of the Bylaw related to daycares in detached residential zones.
- Amendment 8* Bylaw 2055 - 9717 and 9725 First Street - (Map Change and Text - CD40)
- Amendment 9* Bylaw 2057 - 10475 McDonald Park Road - Text and map amendments to add the Urban Single and Two-Family Residential (R5) zone to the Bylaw to allow for small lot single and two-family dwellings with the potential for secondary suites and detached secondary dwellings.
- Amendment 10* Bylaw 2070 - 9818 Third Street - (Text Amendment - CD40)
- Amendment 11* Bylaw 2075 - Housekeeping amendment to improve definitions and correct errors and omissions.
- Amendment 12* Bylaw 2078 - 9733 and 9741 Fifth Street (Map Change and Text - CD40)
- Amendment 13* Bylaw 2079 - 10230 Bowerbank Road (Text Amendment - CD7)
- Amendment 15* Bylaw 2081 - 9667 First Street - (Map Change and Text - RM5-B)
- Amendment 16* Bylaw 2084 - 2531 Goddard Road - (Map Change - R1.1)
- Amendment 17* Bylaw 2088 - Text amendment to add Parking Lot as a permitted use in the U2 zone, and as a conditional permitted use in the C1 zone.
- Amendment 18* Bylaw 2097 - Text amendment to add Liquor Retail as a conditional permitted use in the C3 zone.
- Amendment 19* Bylaw 2101 - 9700 and 9708 Fourth Street (Map Change and Text - CD40)
- Amendment 20* Bylaw 2104 - 2248 Ardwell Avenue and 10364 Resthaven Drive (Map Change and Text - CD41)
- Amendment 21* Bylaw 2103 - 10420 Allbay Road (Map Change and Text - CD42)
- Amendment 22* Bylaw 2106 - 9819 Fifth Street, 9818 and 9830 Fourth Street (Map Change and Text - CD40)

- Amendment 23* Bylaw 2113 - 2475 & 2477 Mt. Baker Avenue (Map Change and Text - RM7-B)
- Amendment 24* Bylaw 2116 - 2125 Beacon Avenue West (Gateway Development) (Map Change and Text - C5)
- Amendment 25* Bylaw 2117 - 9565 Canora Road (Map Change and Text - CD42)
- Amendment 26* Bylaw 2120 - 9660 Eighth Street (Text Amendment - U2)
- Amendment 27* Bylaw 2121 - 10215 Resthaven Drive (Map Change - R2)
- Amendment 28* Bylaw 2123 - 9716 Third Street (Bylaw Defeated)
- Amendment 29* Bylaw 2125 - 2447 Henry Avenue - Road Portion (Map Change - RM7)
- Amendment 30* Bylaw 2132 - To amend sections of the Bylaw to change the way that density is regulated, including switching from Units per Hectare to Floor Area Ratio with a specified Base and Bonus Density and by adding additional requirements for family-sized housing. The amendments also remove the RM5-B, RM7-B and most of the CD40 zones from the bylaw.
- Amendment 31* Bylaw 2135 - 2447 Henry Avenue (Map Change and Text - RM7-B)
- Amendment 32* Bylaw 2142 - 2211, 2213 and 2215 James White Boulevard (Map Change - RM6)
- Amendment 33* Bylaw 2144 - 2268 & 2270 Henry Avenue (Map Change - RM6)
- Amendment 34* Bylaw 2152 - 9830, 9832, 9838, 9842 & 9844 Third Street (Text Change - Floor Area Exclusion)
- Amendment 35* Bylaw 2155 - To regulate cannabis within the Town of Sidney.
- Amendment 36* Bylaw 2161 - To add Broadcasting Studio as a permitted use to the C1, M1, I1 and certain CD zones.
- Amendment 37* Bylaw 2163 - To add Short Term Rentals as a defined term and permitted use to the bylaw.
- Amendment 38* Bylaw 2174 - To add regulations related to cannabis retail sales and processing to the bylaw.

How to Use This Document

This zoning bylaw is regulatory in nature. However, it incorporates Explanatory Notes and Figures in order to more clearly illustrate the intent of the regulations. These Explanatory Notes and Figures, which include this page, are distinguished from regulations through the use of italic text and are intended to be used for clarification purposes only. (Refer to Section 1.1.8)

This zoning bylaw contains provisions that regulate the use, size, height, density and location of buildings on properties within the Town of Sidney. Using this document to determine the uses and structures that are permitted on a specific property is a five step process:

Step One

Determine the Zoning of Your Property

- What zone is your property located in?
- Use the Zoning Map to determine what your property is zoned, and reference **Section 3: Establishment of Zones** for a description of the intent of that particular zone.

Step Two

Determine the Permitted Uses in Your Zone

- What uses are permitted in your zone?
- Reference **Section 4: Permitted and Conditional Uses** to determine what your property can be used for.
- Some uses are conditional on certain requirements being fulfilled.
- **Section 4.1** covers Permitted and Conditional Uses that apply to all zones throughout the Town of Sidney.
- Permitted and Conditional Uses for specific zones are located in subsequent sections of **Section 4**.

Step Three

Determine the Building Regulations in Your Zone

- What can be built on property in your zone?
- **Section 5: Buildings and Structures** provides information on the siting and construction requirements for buildings and structures on a property.
- This includes information on allowable densities, heights and storeys, setbacks and other spatial regulations.
- **Section 5.1** covers regulations for buildings and structures that apply to all zones, while regulations for specific zones are covered in subsequent sections.

Step Four

Determine the Landscape Design Regulations

- What other zoning-related regulations apply to properties in Sidney?
- **Section 6: Landscape Design** provides information on various additional elements of development, such as fencing and landscaping.

Step Five

Contact the Development Services Department

- What permits are required?
- Contact the Town of Sidney Development Services Department to confirm the zoning regulations for your property, and to discuss the appropriate next steps, including any Building Permits and Development Permits that may be required.

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TOWN OF SIDNEY

BYLAW NO. 2015

A BYLAW TO ADOPT A ZONING BYLAW FOR THE TOWN OF SIDNEY PURSUANT TO PART 26 OF THE LOCAL GOVERNMENT ACT.

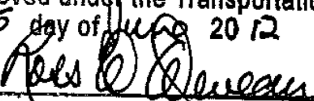
WHEREAS under Part 26: Division 7 of the Local Government Act Council may enact zoning and other development regulations;

AND WHEREAS the Town of Sidney has enacted "Town of Sidney Zoning Bylaw No. 1660, 2001" and now wishes to repeal and replace that bylaw;

NOW THEREFORE the Council of the Town of Sidney in open meeting assembled, enacts as follows:

1. That this bylaw includes Appendix A - Zoning Map, attached to and forming an integral part of this bylaw.
2. That "Town of Sidney Zoning Bylaw No. 1660, 2001" and amendments thereto are hereby repealed.
3. That "Town of Sidney Screening Bylaw No. 1662, 2001" and amendments thereto are hereby repealed.
4. That this bylaw may be cited as "**Zoning Bylaw No. 2015**".

| | |
|---|--------------------------------------|
| Read a first time this | 23 rd day of April, 2012. |
| Read a second time this | 23 rd day of April, 2012. |
| Considered at a Public Hearing held this | 28 th day of May, 2012. |
| Read a third time this | 28 th day of May, 2012. |
| Ministry of Transportation and Infrastructure approval this | 5 th day of June, 2012. |
| Adopted this | 11 th day of June, 2012. |

Approved under the Transportation Act
this 5 day of June 2012

Development Technician

MAYOR

CORPORATE ADMINISTRATOR

1.1 Applicability, Scope and Interpretation

1.1.1 Conformity with Official Community Plan

This Bylaw is consistent with and gives effect to the policies of the Town of Sidney Official Community Plan, Bylaw No. 1920. No amendment to this Bylaw shall be made which deviates from the policies of the Official Community Plan without the prior amendment of the Official Community Plan.

1.1.2 Application

Within the Town of Sidney, no land, buildings or structures including the surface of water shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, altered or enlarged unless in conformity with this Bylaw or authorized under the provisions of the Local Government Act of British Columbia.

1.1.3 Non-Conforming Buildings, Uses and Structures

A continuation of a non-conforming use, building or structure shall be subject to the provisions of Section 911 of the Local Government Act of British Columbia.

1.1.4 Inspection

The Building Official, Bylaw Enforcement Officer, or any other official of the Town of Sidney appointed by Council, is hereby authorized to enter, at all reasonable times, upon any lot or premises to ascertain whether the provisions of this Bylaw are being obeyed.

1.1.5 Violation

- a. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done or neglects to do any act or thing in contravention of this Bylaw, shall be deemed guilty of an offence of this Bylaw and shall be liable to the penalties herein imposed.
- b. Each day that an offence of this Bylaw is caused to continue, or allowed to continue, constitutes a separate offence.

1.1.6 Penalties

Any person guilty of an offence is punishable in accordance with the Offence Act of British Columbia.

1.1.7 Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

1.1.8 Explanatory Notes and Figures

All text in this bylaw which is italicized, as well as all figures, are included as explanatory notes and are for clarification purposes only and have no legal effect. Where a conflict between explanatory notes and figures and a regulation in this bylaw occurs, the regulation shall be taken as correct.

1.1.9 Conflicting Regulations

Where this bylaw contains two or more regulations that could apply to a situation, the most restrictive regulation shall apply to the extent of any conflict.

1.1.10 General and Specific Regulations

Where this bylaw contains both general and specific regulations that could apply to a situation, the more specific regulation shall apply to the extent of any conflict.

2

Definitions

In this Bylaw, unless otherwise stated, the following definitions shall apply:

Abbeyfield Dwelling: A dwelling unit (1) operated by a non-profit society or co-operative association, (2) where elderly people and a live-in caretaker live together as a co-operative household, and (3) where each resident has a private bed-sitting room and shares common facilities.

Access Aisle: That part of a lot or lots forming a corridor not exceeding seven metres in width used to provide access to a street for more than one lot.

Accessory Building or Structure: A building or structure (1) used or intended to be used for an accessory use, (2) subordinate in area, extent and purpose to the principal building served, and (3) located on the same lot as the principal building served.

Accessory Use: A use on a lot that is customarily incidental to, subordinate to and exclusively devoted to the principal use of the same lot.

Adaptable Housing: A building or part thereof designed and constructed to be convertible for accessibility for people with disabilities in accordance with the design standards under this Bylaw.

Apartment Dwelling: A multi-family dwelling where all dwelling units have access only through common (1) corridors, (2) stairways and (3) lobbies.

Artist Studio: The use of a building or part thereof for the production or instruction of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, none of which involves amplified sound, welding or the use of fiberglass, epoxy or other toxic or hazardous materials.

Assembly Hall: The use of a building or part thereof for the gathering together of groups of persons for a specific function (such as a public meeting).

Assisted Living Residence: The use of a building or part thereof, other than a community care facility, in which housing, hospitality services and other health-care related services to three or more adult residing within the premises who are not related by blood or marriage to the operator of the premises. Assisted living residences may include independent living, assisted living and long-term care facilities.

Awning: A shelter projecting from and supported by the exterior wall of the building designed to be collapsible or retractable and usually constructed of fabric or similar non-rigid material.

Bank: See Financial Institution.

Bareland Strata Lot: A strata lot under the Strata Property Act created by deposit of a bareland strata plan under that Act.

Base Density: The maximum Floor Area Ratio permitted on a lot, except where the requirements for Bonus Density have been satisfied.

Basement: A level or levels of a building located below the first storey and having a ceiling elevation of no more than 0.6 metres above grade.

Bed and Breakfast: The use of a single-family dwelling for the provision of lodging or lodging and meals to the travelling public for compensation where the single-family dwelling is occupied by the owner and no more than two bedrooms within the dwelling are used or intended to be used for such lodging.

Boarding: The use of a single family dwelling for the provision of residential lodging, with or without meals, for compensation where the rooms used for such lodging do not include a separate kitchen and no more than two bedrooms within the dwelling are used for such lodging.



Boathouse: A building constructed on or over water and used for the storage of boats.

Boat Sales and Rental: The use of land or a building or structure, or a part thereof, for the sale or rental of boats and boating equipment including booking, registration and outfitting.

Boat Repair and Manufacturing: The use of use of land or a building or structure or part thereof, for the repair or manufacture of boats and boating equipment.

Bonus Density: The maximum additional Floor Area Ratio permitted on a lot above the Base Density, subject to the provision of amenities as required by this bylaw and the Town of Sidney Bonus Density and Community Amenity Contribution Policy, as amended from time to time.

Breakwater: A protective structure of stone or concrete that extends from or near the shore into the water for the purpose of protecting a harbour or shore from the full impact of waves.

Brew Pub: A pub that includes facilities for the manufacturing of alcoholic beverages, excluding spirits.

Broadcasting Studio: means a studio which records and broadcasts a radio or television signal intended to be received by the general public for information, entertainment or educational purposes.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Face: That part of the exterior wall of a building which faces one direction and is located between ground level and the ceiling of its top storey.

Building Supply and Lumber Outlet: The use of land or a building or structure or part thereof for the wholesale and retail sale of building, construction and home improvement materials.

Cannabis: has the same meaning as in the Cannabis Act, S.C. 2018, chapter 16.

Cannabis Retail: The use of a building or part thereof for the retail sale of Cannabis.

Cannabis Processing: The processing of raw cannabis plant material into value added and refined cannabis products for the purpose of wholesale distribution.

Canopy: A permanently fixed, non-retractable structure supported solely by the building and which projects from the face of the building used or intended to be used for the purpose of affording protection or shelter from the weather.

Car Wash: The use of a building or part thereof for the washing of vehicles using mechanical equipment.

Carport: An open-sided structure used or intended to be used for the storage of vehicles and attached to the principal building on no more than two sides.

Cellar: The portion of a building partially below grade and having a ceiling height of no more than 0.6 metres above grade and a height from floor to ceiling of less than 2.1 metres.

Cemetery: The use of land or a building or structure or part thereof as a place of interment for human remains or to memorialize the deceased, or both.

Child Care Facility: A community care facility where eight or more children under the age of thirteen, including members of the household occupying the premises, are cared for.

Cinema: The use of a building or part thereof for showing motion pictures to the public.

Community Centre: The use of land or a building or structure or part thereof for the provision of recreational, social and cultural activities to the community.

Commercial Printer or Publisher: The use of a building or part thereof to provide large-scale bulk printing and reproduction services to other persons for the purpose of distribution or sale by such persons.



Community Care Facility: The use of a building or part thereof to provide care to three or more persons residing within the premises who are not related by blood or marriage to the person providing such care is pursuant to a license under the Community Care and Assisted Living Act.

Copy/Print Shop: The use of a building or part thereof to provide small-scale printing or copying services directly to the consumer.

Convenience Store: The use of a building or part thereof for the retail sale of groceries primarily for the convenience of the surrounding neighbourhood.

Couplet House Dwelling: A building consisting of two dwelling units, located side by side, and joined by a party wall and where each dwelling unit is situated on a separate fee simple lot.

Customs Facility: The use of land or a building or structure or part thereof for the administration of international cross-border traffic.

Daycare: The use of a building or part thereof for the care of eight or fewer children under the age of twelve, including children who are members of the household occupying the premises.

Density: The number of residential units permitted on a Lot or Strata Lot when calculated in Units per Hectare, not including Secondary Suites or Detached Secondary Dwellings, or the total amount of Gross Floor Area permitted on a Lot or Strata Lot when calculated in Floor Area Ratio.

Development Permit: A development permit under Section 920 of the Local Government Act.

Detached Secondary Dwelling: A secondary dwelling located in an accessory building.

Drive-Thru Restaurant: A restaurant where persons may order, pay for and pick up food while remaining in their vehicles.

Duplex: See Two-Family Dwelling.

Dwelling Unit: A housekeeping unit, used or intended to be used as a domicile or separate living quarters by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities.

Education Facility: The use of a building or part thereof that is not also used or intended to be used as a residence, for the purpose of providing a curriculum of academic instruction up to the completion of grade 12 or for the purpose of providing training or instruction in a trade, art, or occupation, including, but not limited to beauty schools, dance schools and trade or vocational schools.

Emergency Services: Police, fire, ambulance or other services providing assistance in an emergency situation.

Exterior Cladding: The exterior wall surfaces of a building including windows, doors, trim and flashing. Also known as a building facade.

Exterior Side Lot Line: A lot line that is not the front or rear lot line and is common to the lot and the street.

Exterior Side Yard: That portion of a lot extending from the front yard to the rear yard and extending from the exterior side lot line to the closest portion of the building face.

Ferry Terminal: The use of land or a building or structure or part thereof for the loading and unloading passengers, vehicles and cargo from a ferry.

Financial Institution: The use of a building or part thereof for the provision of banking, investing, investment counseling and similar services.

First Storey: The storey with the lowest floor elevation in relation to grade.

Fitness Centre: The use of a building or part thereof for the development of physical health or fitness.

Float Home: A dwelling unit built on a floatation system that is not self-propelled.



Floor Area Ratio (FAR): The total gross floor area of all buildings and structures on a Lot or Strata Lot divided by the total Lot Area, not including any exclusions to Gross Floor Area as permitted elsewhere in this bylaw.

Fish Processing: The use of a building or part thereof for the processing of fish and other seafood for the purposes of on-site retail and wholesale sales.

Food Bank: The use of a building or part thereof for the purpose of receiving and distributing food items for charity.

Food or Beverage Manufacturing: The use of a building or part thereof for the processing and/or packaging of food and/or beverages.

Front Lot Line: A lot line separating a lot from a street except where it is an exterior side lot line.

Front Yard: A yard extending across the full width of a lot between the front lot line and the principal use, or adjoining walls or supporting members of the principal building.

Funeral Service Facility: The use of a building or part thereof for the storage of deceased human bodies prior to burial or cremation or for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, but in either case excluding the process of cremation.

Gas Bar: The use of land or a building or structure or part thereof for the sale of vehicle fuel or lubricants.

GFA: Gross Floor Area.

Grade, Finished: The average elevation of the final ground surface prepared for development at the extreme four corners of a building.

Grade, Natural: The average elevation of the natural ground level at the extreme four corners of a building.

Gross Floor Area: The sum of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls, and exposed supporting columns.

Habitable Room: A room used or intended to be used for sleeping or human occupancy, excluding workshops, furnace rooms, storage rooms, garages and carports.

Half Storey: A storey having its ceiling elevation greater than 0.6 metres and less than 1.2 metres above grade.

Height: The vertical distance measured from finished grade to the highest point of a building or structure.

Holding Tank: A container for storing sewage in vehicles or boats equipped with toilets.

Home Occupation: A business carried out by one or more persons residing in a dwelling unit in an office, studio or workroom contained in the dwelling unit or in an accessory building to the dwelling unit.

Hospital: The use of a building or a part of a building for inpatient medical diagnosis and care and treatment of human illness, injury and disease (physical or mental). Outpatient care may also be provided.

Hotel: The use of a building or part thereof having common enclosed entrances and corridors, for the provision of transient lodging accommodations on a daily rate to the general public; does not include a Motel.

Impound Yard: The use of land or a building or structure or part thereof for the impoundment of vehicles or other mobile equipment.

Indoor Amusement: The use of land or a building or structure or part thereof for the provision of indoor games to the public, including but not limited to billiards, bowling and arcade games.

Industrial Fueling Station: The use of land or a building or structure or part thereof for the storage and distribution of fuels, oils, propane and other petroleum gases for industrial and commercial use.



Interior Side Lot Line: A lot line other than a front, rear or exterior side lot line which is common to another lot or lane.

Interior Side Yard: That portion of a lot extending from the front yard to the rear yard and extending from the interior side lot line to the closest portion of the building face.

Kitchen: An area or room which contains kitchen equipment, devices and appliances, or facilities for their installation, including a sink, any cooking or warming device, cabinetry for the storage of food or any other cooking facility or any combination of such cooking facilities, and includes the arrangement of electrical wiring which provides the energy source and plumbing being used or intended to be used to service such facilities.

Laboratory: The use of a building or part thereof for scientific research, experiments and measurement.

Landscape Supply, Plant Nursery and/or Greenhouse: The use of a land or a building or structure or part thereof for the wholesale and retail sale of plants, soils and landscaping materials.

Lane: A highway, 6.0 metres or less in width, that provides secondary vehicular access to a lot or lot.

Liquor Retail: The use of a building or part thereof for the retail sale of alcoholic beverages.

Liveaboard: A boat designed primarily for the purpose of navigating in open water and used for residential purposes; does not include float homes.

Lot: An area of land designated as a separate and distinct parcel, legally recorded on a plan or by description filed in the Land Titles Office; does not include a strata lot or water lot.

Lot Area: The total horizontal area contained within the front, rear, interior side and exterior side lot lines of a lot.

Lot Coverage: The area of a lot covered by all buildings and structures on a lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane.

m²: Square metres.

Major Vehicle Repair: The use of a building or part thereof for the rebuilding or reconditioning of engines or vehicles, including collision service, body repair, frame straightening, painting, upholstery, steam cleaning, undercoating, welding, major engine, transmission and differential repairs or replacement and minor vehicle repair.

Marina: The use of land or a building or structure or part thereof for the provision of marine docks, berths and moorings.

Marine Moorage: The secure attachment of a boat to a berth, dock or wharf.

Marine Fuel Storage: The use of land or a building or structure or part thereof for the storage of marine fuel or lubricants.

Marine Dry Storage: The use of land for the outside storage of boats, boat trailers and ancillary equipment, excluding tools and maintenance equipment.

Marine Fueling Station: The use of land or a building or structure or part thereof for the sale of fuels and lubricants for boats and marine equipment.

Marine Rental or Charter Operation: The use of land or a building or structure or part thereof for the booking, registration, outfitting and commercial transactions for marine tours, diving expeditions, kayaking, sailing and other boat excursions.



Medical Office: The use of a building or part thereof for the provision of medical services including, but not limited to medical clinic, veterinary clinic, dentist, chiropractor, massage therapist, acupuncturist, holistic medical practitioner, optometrist/optomologist and medical lab.

Minor Vehicle Repair: Repair involving incidental replacement of parts or motor service to vehicles not exceeding 4.4 tonnes in capacity, including tune-ups, wheel alignment and brake repairs.

Motel: The use of a building or part thereof to provide transient lodging accommodations on a daily rate to the general public, where access to each accommodation unit is directly from the outside; does not include a Hotel.

Motor Vehicle Sales and/or Rental: The use of a building or part of a building for the display and sale or rental of new or used vehicles, where no repair work is done except minor incidental repair to vehicles to be displayed, sold or rented on the lot.

Multi-Family Dwelling: A building containing three or more dwelling units.

Museum: The use of a building or part thereof to house and care for a collection of artifacts or other objects of scientific, artistic or historical importance and make them available for public viewing through exhibits that may be permanent or temporary.

Natural Boundary: As established by a British Columbia Land Surveyor, the high water mark in the case of tidal waters and includes 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 other than tidal water, a character distinct from that of the banks thereof, in respect of the vegetation, as well as in respect of the nature of the soil itself.

Office: A building or part thereof used primarily for conducting the affairs of a business, profession, service, industry, government or like activity.

Outdoor Kiosk: A container or receptacle that receives, holds or sells goods and remains or is intended to remain on a lot beyond normal business hours, such as vending machines, news boxes and charity drop-off boxes.

Outdoor Retail: The use of land for the sale of goods and services outside of a building.

Outside Storage: The use of land for storage outside of a building and not enclosed by a structure having exterior walls and a roof.

Parkade: A multi-level parking structure.

Parking Lot: A lot, the principal use of which is an area used for the temporary parking of vehicles.

Party Wall: A wall, jointly used under easement agreement or by right in law, and erected at or upon a line separating two fee simple lots.

Patio: A structure or part thereof (1) with no roof or walls except for visual partitions and railings, (2) abutting a dwelling unit, (3) constructed on piers or on a foundation less than 0.6 metres above the adjacent natural ground level, and (4) used as an outdoor living area.

Place of Worship: The use of a building or part thereof for religious assembly.

Panhandle Lot: A lot which requires a relatively narrow strip of land, or panhandle, which is an integral part of the lot, to provide the principal vehicular access to a street.

Park: Land that has been dedicated or reserved for the general public for active or passive recreational use.



Pawn Shop: The use of land or a building or structure or part thereof for the lending of money on security of personal property left in pawn and pledged as collateral for the loan.

Pergola: A landscape element consisting of a horizontal framework, arbor or trellis that is supported by vertical posts.

Personal Service Establishment: The use of a building or part thereof for the provision of personal grooming services or the cleaning and repair of personal effects, including barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, laundries and pet grooming, but excluding health services, pet daycare or boarding.

Porch: An open area with a floor and a roof, attached to the lower level of a house accessible from grade.

Principal Building: A building inside of which the principal use of a lot occurs.

Principal Dwelling: The dwelling which is the primary dwelling on the property, as distinguished from a Secondary Suite or Detached Secondary Dwelling.

Principal Use: The primary or predominant use of a lot or water lot.

Pub: The use of a building or part thereof for an establishment licensed pursuant to the Liquor Control Act, and which serves alcoholic beverages as well as food.

Public Utility: The use of land, structures, a building or part thereof for the purpose of providing electric, gas, steam, sewer, communication, transportation or water services and infrastructure to the public.

Public Works Facility: Land, buildings, structures and associated uses that are used to accommodate the Town's public works yard.

Rear Lot Line: The lot line or lines opposite to and most distant from the front lot line or, in the case of a triangular shaped lot, a line 3.0 metres in length entirely within the lot, parallel to an at a maximum distance from the front lot line.

Rear Yard: A yard extending across the full width of a lot between a rear lot line and the principal use, or adjoining walls or supporting members of the principal building.

Research Establishment: The use of a building or part of a building for scientific research, investigation, testing, experimentation and product development.

Recreation Rental: The use of land or a building or part of a building or structure for renting equipment for to outdoor activities, including bicycles, scooters, kayaks, scuba diving equipment and roller blades.

Recreation Facility: The use of land or a building or part of a building or structure for sports, leisure time activities, special events including shows, craft fairs and trade exhibitions and other recreational activities.

Recycling Depot: The use of land or a building or part of a building or structure for the collection, sorting and shipping of recyclable materials.

Resale Retail: The use of a building or part of a building for the sale of second hand goods. Typical goods may include antiques, books, jewelry, clothing and other household items.

Restaurant, Class 1: The use of a building or part of a building for the sale of food and non-alcoholic beverages that is prepared on the premises for public consumption either on or off the lot, but not in a vehicle on the lot; does not include a drive-thru restaurant.

Restaurant, Class 2: A Class 1 restaurant licensed for the sale and service of alcoholic beverages.

Renewable Energy Apparatus: Equipment or infrastructure which uses energy from renewable resources, such as sunlight, wind, rain, tides and geothermal heat.



Retail Sales: The use of a building or part of a building for the retail sale or rental of goods, wares, articles and other merchandise to the general public.

Retail Sales Area: An area within a building used for the sale and/or display of goods and services to the consumer but does not include areas used for wholesale and wholesale distribution.

Retaining Wall: A structure used or intended to be used to hold secure or intact existing ground or imported fill materials located against it.

Roof Pitch: A ratio that describes the slope of the roof line expressed in inches of vertical rise per 12 inches of horizontal distance or run. For example, a 3:12 pitch equates to a 3 inch rise per 12 inch run.

Rooftop Access: Portions of a building or structure which provide rooftop access.

Row House Dwelling: A multi-family dwelling consisting of attached dwelling units, each of which is situated on its own fee-simple lot and constructed in a side-by-side series, where each unit shares either one or two party walls with its neighbour, depending on its position in the series (end units share only one party wall) and where each lot is individually serviced with respect to utilities.

Sea Wall: A retaining wall used or intended to be used to prevent erosion of the natural boundary.

Secondary Suite: A self contained set of one or more habitable rooms used as an additional dwelling unit on a lot subordinate to the principal dwelling unit on the lot.

Self Contained: A dwelling unit that has its own entrances, electrical meters, heating systems, kitchen, bathroom facilities and access to mechanical appliances (eg. hot water heaters, furnaces).

Setback: The required minimum distance between a building or use and each of the respective lot lines.

Service Station: The use of land or a building or structure or part of a building or structure for the retail sale of motor fuels and lubricants; may also include minor vehicle repair and the sale of automobile products and accessories.

Shipping Container: A steel container used for the purpose of intermodal shipment and storage.

Short Term Rental: Means a commercial accessory use located in a dwelling unit which provides accommodation for a period of less than 31 days to the travelling public.

Side Lot Line: A lot line intersecting with the front lot line and marking the boundary between two lots, or in the case of a corner lot, between a lot and the street.

Side Yard: A yard located between the side lot line and a side building face and extending from the front wall or supporting columns to the rear wall or supporting columns of the building.

Single-Family Dwelling: A detached building containing one dwelling unit. May also include an additional dwelling unit in the form of a secondary suite, where permitted under this Bylaw.

Small Lot: A residential lot that is 400 square metres or less in area.

Strata Conversion: The deposit of a strata plan under the Strata Property Act that includes a previously occupied building.

Storey: That portion of a building situated between the top of any floor and the top of the floor directly above it, and if there is no floor above it, that portion between the top of the floor and the lowest point of the ceiling above; does not include a cellar or basement.

Street: A highway, excluding a lane, which is open to use by the public for the purpose of vehicular traffic.



Structure: Anything that is erected or constructed and is attached to, supported by or sunk into land or water; does not include landscaping, fencing, pergolas, surfacing improvements and retaining walls less than 1.2 metres in height.

Telecommunications Tower: A monopole or scaffolding tower structure used for receiving or sending an electronic signal for the purpose of telecommunications.

Temporary Construction Office: An office, located in a temporary building or structure, on or near a development site which is under construction and has an active Building Permit.

Temporary Outdoor Amusement: The use of land for amusements not contained within a building and made available to the public on a short-term basis such as fairs, carnivals, markets and exhibitions.

Town: The municipality of the Town of Sidney.

Townhouse Dwelling: A multi-family dwelling, where three or more units are attached and where each unit has a separate access at grade.

Two-Family Dwelling: A building consisting of two self-contained dwelling units, either stacked or side by side, and that share a common roof.

Units per hectare (uph): An established level of residential dwelling units permitted per hectare of land, used to determine the Density of a Lot or Strata Lot, calculated as follows:

Units per Hectare x Lot Area (in hectares) = Density

Use: The purpose for which land, buildings or structures are used or intended to be used.

Utility: See Public Utility.

Video Lottery Terminal: A machine that incorporates chance-gaming into a video game.

Warehousing, Closed Storage or Distribution: The use of a building or part of a building for the indoor storage of materials, products, goods or merchandise.

Water lot: An area of land covered by water below the historical high water mark designated as a separate and distinct parcel on a legal water lot lease issued by the authority having jurisdiction.

Wholesale Sales: The use of a building or part of a building for the selling of goods to be retailed by others.

Zero-Lot Line: The absence of a setback, permitting uses, buildings and structures to abut directly against a respective lot line.

3

Establishment of Zones

Zones in this bylaw are organized into Zoning Groups, which are characterized by their respective uses, development patterns and built form. The following Zoning Group Tables outline each Zone, its Zone Description and specific intent.

3.1 Establishment of Zones

- The area within the boundaries of the Town of Sidney is divided into the zones identified in the "Zone" column of the tables included in Section 3 of this bylaw.
- The location of each zone is established on the Zoning Map, which is attached as Appendix A of this bylaw.

3.2 Zoning Group Table: Detached Residential Zones

| Zone | Zone Description | Intent of the Zone |
|------|---|---|
| R1 | Single-Family Low Density Residential | To provide for low density single-family housing where secondary suites are not permitted. |
| R1.1 | Single-Family Residential | To provide for low density single-family housing with the potential for a secondary suite. |
| R1.2 | Single-Family High Density Residential - Swiftsure Area | To provide for small-lot single-family housing and low density single-family housing with the potential for a secondary suite. |
| R1.3 | Single-Family High Density Residential - Orchard Area | To provide for small-lot single-family housing and low density single-family housing with the potential for a secondary suite or detached secondary dwelling. |
| R2 | Single- and Two-Family Residential | To provide for a mixture of low density single-family housing with the potential for a secondary suite and two-family housing. |
| R3 | Single-Family and Couplet High Density Residential | To provide for attached couplet housing, small-lot single-family housing and low density single-family housing with the potential for a secondary suite or detached secondary dwelling. |
| R4 | Summergeate Village Residential | An overlay zone that has been established pending approval by the strata council to move from a land use contract to zoning. |
| R5 | Urban Single and Two-Family Residential | To provide for a mixture of small lot single and two-family dwellings with the potential for secondary suites and detached secondary dwellings. |

3.3 Zoning Group Table: Multi-Family Residential Zones

| Zone | Zone Description | Intent of the Zone |
|------|---|---|
| RM5 | Multi-Family Low Density Residential | To provide for attached row housing and multi-family housing at a maximum height of 2.5 storeys, and single- and two-family housing where permitted by this Bylaw. |
| RM6 | Multi-Family Medium Density Residential | To provide for attached row housing and multi-family housing at a maximum height of 3 storeys, and single- and two-family housing where permitted by this Bylaw. |
| RM7 | Multi-Family High Density Residential | To provide for attached row housing at a maximum height of 3 storeys, high density multi-family housing at a maximum height of 4 storeys, and single- and two-family housing where permitted by this Bylaw. |
| RM-C | Care-Oriented Residential | To provide for Abbeyfield, congregate care and assisted living housing, with a market apartment dwelling component where permitted by this Bylaw. |



3.4 Zoning Group Table: Commercial Zones

| Zone | Zone Description | Intent of the Zone |
|------|------------------------------------|---|
| C1 | Downtown Commercial | To provide for a mixture of core commercial uses with a secondary but significant multi-family residential component. |
| C2 | Neighbourhood Commercial | To provide for convenient commercial uses which cater to the needs of the residents of higher-density residential neighbourhoods, as designated by the OCP as having a density greater than 28 units per hectare. |
| C2.1 | Neighbourhood Commercial - Level 1 | To provide for convenient commercial uses which cater to the needs of the residents of lower-density residential neighbourhoods, as designated by the OCP as having a maximum density of 28 units per hectare. |
| C3 | Service Station | To provide for service stations on arterial and collector roads to meet the vehicular needs of the surrounding areas. |
| C4 | Neighbourhood Motel | To provide for temporary accommodation outside of the downtown to visitors to the community. |
| C5 | West Sidney Commercial | To provide for commercial uses which are oriented to residents and the travelling public. |

3.5 Zoning Group Table: Industrial Zones

| Zone | Zone Description | Intent of the Zone |
|------|------------------|---|
| M1 | Industrial | To provide for a diversity of light and medium industrial uses. |

3.6 Zoning Group Table: Marine Zones

| Zone | Zone Description | Intent of the Zone |
|------|---------------------------------|---|
| W1 | Marine Industrial | To provide for a unique mix of industrial, commercial and marine uses to complement the marine nature of the area. |
| W1.2 | Neighbourhood Marine Industrial | To provide an area of transition between marine industrial uses on Harbour Road and neighbouring residential areas. |
| W2 | Marina | To provide for water-based marine uses of a commercial-recreational nature. This zone applies to water lots. |
| W3 | Open Water | To provide for recreational uses of the intertidal areas and ocean, and the navigation of commercial and recreational vessels to the extent that uses are of a nature that will not affect the tranquility of the area. |



3.7 Zoning Group Table: Parks and Utility Zones

| Zone | Zone Description | Intent of the Zone |
|------|---------------------------------|---|
| P1 | Park and Open Space | To provide land for outdoor recreational uses to serve the needs of the general public. |
| U1 | Public Utility | To provide land for public utility uses and government works yards. |
| U2 | Regional Transportation (Land) | To provide land for transportation facilities that serve the needs of the region. |
| U3 | Regional Transportation (Water) | To provide water for marine transportation facilities that serve the needs of the region. |

3.8 Zoning Group Table: Institutional Zones

| Zone | Zone Description | Intent of the Zone |
|------|--------------------|--|
| I1 | Public Facilities | To provide land for public institutional facilities and services to meet the needs of the general public. |
| I2 | Private Facilities | To provide land for private institutional facilities and services to meet the needs of the general public. |

3.9 Zoning Group Table: Comprehensive Development Zones

Comprehensive Development (CD) Zones are specialized zones that are created to reflect specific developments. CD Zones provide a degree of flexibility to establish an individual zone that addresses the specific aspects of unique, usually single-site developments, providing that other existing zones do not address those elements.

| Zone | Address | Intent of the Zone |
|------|--|---|
| CD1 | 2550 Bevan Ave. | To provide for high density multi-family residential uses on the waterfront. |
| CD2 | 2350, 2360, 2366 Oakville Ave. 10140 Fifth St. 9906 Resthaven Dr. | To provide for single-family dwellings and single-family dwellings with secondary suites at a high density. |
| CD3 | 2250, 2254, 2258, 2262, 2270, 2274, 2278, 2280 A and B James White Blvd. 9860, 9864, 9872, 9874, 9876, 9882 Seventh St. | To provide for a mix of housing forms at a medium density. |
| CD4 | 9655 First St. | To provide for single-family dwellings and single-family dwellings with secondary suites at a high density. |
| CD6 | 9851, 9881, 9891 Seaport Place | To provide for marine - tourist, commercial uses along the waterfront. |
| CD7 | 10210, 10230 Bowerbank Rd. | To provide for a mix of housing forms at varying levels of affordability. |
| CD11 | 2210, 2220, 2230, 2240, 2250, 2280 Beacon Ave. | To provide land for commercial development that is oriented to the traveling public. |



| Zone | Address | Intent of the Zone |
|-------------|--|---|
| CD12 | 2326, 2326A, 2328 Harbour Rd. | <i>To provide land for a mix of housing forms and tourist accommodation.</i> |
| CD13 | 10030 Resthaven Dr. | <i>To provide land for a Seniors Centre with a Residential and Institutional component to provide assisted living.</i> |
| CD15 | 10175, 10177, 10179, 10181, 10183, 10185 Resthaven Dr. | <i>To provide for single-family dwellings and two-family dwellings at a high density.</i> |
| CD16 | 9871 Resthaven Dr. | <i>To provide for single-family dwellings at a high density.</i> |
| CD17 | 9494 Lochside Dr. | <i>To provide for single-family dwellings at a high density.</i> |
| CD18 | 9840 Fifth St. | <i>To provide for mixed-use commercial / residential developments with a high- density multi-family residential component.</i> |
| CD19 | 10051 Third St. | <i>To provide for single-family dwellings at a high density.</i> |
| CD20 | 2325 Henry Ave. | <i>To provide for single-family dwellings at a high density.</i> |
| CD21 | 9830 Second St. | <i>To provide for parking lots, parkades and mixed-use commercial / residential developments.</i> |
| CD23 | 2180 Beacon Ave. W. | <i>To provide land for commercial development that is oriented to the traveling public.</i> |
| CD24 | 9650, 9652, 9654, 9656, Fifth St. | <i>To provide for modest single-family dwellings at a high density.</i> |
| CD25 | 10134 Third St. | <i>To provide for modest single-family dwellings at a high density.</i> |
| CD26 | 2323 Henry Ave. | <i>To provide for townhouse dwellings consisting of a single storey.</i> |
| CD27 | 2341, 2343 Bradford Avenue | <i>To provide for small lot single-family dwellings.</i> |
| CD28 | 10036 Fifth St. | <i>To provide for modest single-family dwellings at a high density.</i> |
| CD29 | 9805, 9809 Seaport Place 2532, 2534, 2538 Beacon Ave. | <i>To provide for a comprehensive waterfront development on the north side of Beacon Avenue.</i> |
| CD30 | 9949, 9959 Third St. | <i>To provide for a comprehensive waterfront apartment and two-family dwelling development over two lots.</i> |
| CD32 | 2269 Mills Rd. | <i>To provide for comprehensive residential with an ancillary church facility built within the same development.</i> |
| CD33 | 2321, 2322, 2323, 2324 Malaview Ave. | <i>To provide for modest single-family dwellings at a high density.</i> |
| CD34 | 10421 Resthaven Dr. | <i>To provide for high density multi-family residential development.</i> |
| CD35 | 2380 Brethour Ave. | <i>To provide for high density multi-family residential development.</i> |
| CD37 | 2060 White Birch Rd. | <i>To provide for medium density multi-family residential development with an accessory commercial office component.</i> |
| CD38 | 2318, 2324 Oakville Ave. | <i>To provide for medium density multi-family residential development with the potential for secondary suites within multi-family dwelling units.</i> |
| CD39 | 9616 Second St. | <i>To accommodate a non-side-by-side two-family dwelling in a predominantly multi-family residential area.</i> |
| CD40 | 9818 Fourth St. | <i>To provide for a mixed-use development that includes a minimum of 51% of the dwelling units in the building to be dedicated in perpetuity as attainable rental residential dwelling units.</i> |
| CD41 | Varies | <i>To provide for modest single-family and two-family dwellings at a medium density.</i> |
| CD42 | Varies | <i>To provide for single-family dwellings with the potential for secondary suites.</i> |

4

Permitted and Conditional Uses

Section 4, *Permitted and Conditional Uses*, details the permitted and conditional uses within each zone and provides them in the form of a table (for example, see below), allowing for easy comparison between zones and zoning groups.

Types of Use - Permitted and Conditional

A permitted use is the use of a building or property which is considered appropriate for the respective zone in which it is contained. Some uses, however, although considered appropriate, may still need to meet use-specific standards in order to minimize impacts and enhance development quality. These uses are therefore considered as “conditional” and are permitted only when certain requirements as specified in this Bylaw are met.

How Uses are Classified

Permitted and Conditional Use Tables in this Bylaw provide a ‘list’ of uses that are either permitted or conditional within a given zone. If a use is not provided in one zone, but appears in another, then that use is not considered as permitted in the former. For the purpose of simplicity, broad classifications of uses are provided in order to avoid long lists that vary in detail.

Non-Conforming Use

A Legal Non-Conforming Use exists when zoning on a particular property does not permit its current use, but this use was permitted and in existence before the enactment of the current Zoning Bylaw. Section 911 of the Local Government Act of British Columbia contains regulations pertaining to legal non-conforming uses.

Figure 1: Using the Permitted and Conditional Use Tables

“C” indicates that a use is conditional and includes a reference to the specific condition.

Notes are colour-coded and indicate additional information that is relevant to the particular use.

4.10.1 Sample Table

| Use | Zone 1 | Zone 2 |
|-------|-------------------|--------|
| Use 1 | P | P |
| Use 2 | C (4.10.2) | P |
| Use 3 | P (see note 1) | |

Notes:

- Notes provide a reference to other requirements or standards for the particular use.

“P” indicates that a use is permitted in that zone.

Blank cells indicate that a use is not permitted in that particular zone.



4.1 General Use Regulations: All Zones

The following general use regulations apply to all properties, in all zones within the Town of Sidney:

4.1.1 Interpretation

- a. Land, buildings and structures within a zone shall be only for uses permitted in that zone under this bylaw and for no other uses.
- b. Except as otherwise provided in this bylaw, the uses permitted in a zone are those uses for which a letter "P" is shown in the applicable column for each respective zone in the Use Table.
- c. Except as otherwise provided in this bylaw, the conditional uses permitted in a zone are those uses for which a letter "C" is shown in the applicable column for each respective zone in the Use Table, providing the associated Use Conditions are complied with.
- d. Except as otherwise provided in this bylaw, a blank cell in the applicable column for each respective zone in a Use Table indicates that the associated use is not permitted within that zone.

4.1.2 Use of Accessory Buildings and Structures

- a. No accessory buildings or structures, excluding detached secondary dwellings as per Table 4.2.1 and Section 4.2.3, may be used or constructed so as to be capable of being occupied for human habitation, and without limiting the generality of that restriction no accessory building may contain sleeping accommodation, be equipped or constructed so as to be capable of being equipped for household activities related to the storage, preparation and consumption of food, or be equipped or constructed so as to be capable of being equipped with a bathtub or shower.

4.1.3 Outside Storage

- a. Except as otherwise provided for in this Bylaw, outside storage shall not be permitted, but nothing herein contained shall be deemed to prevent the storage on a lot of building materials stored temporarily for use in construction or improvements on the said lot.

4.1.4 Temporary and Mobile Structures

- a. Except as otherwise provided for in this Bylaw, no land above or below the natural boundary shall be used for the location of any trailer, automobile, boat, houseboat, raft, scow, or other movable structure for sleeping or residential purposes.
- b. Recreational vehicles are permitted on a lot for sleeping or residential purposes for a period of up to four weeks per year, in Detached Residential and Multi-Family Residential zones only.
- c. In any water zone that permits transient moorage, transient moorage is permitted for the purpose of temporary residential accommodation, for a maximum duration of 4 weeks per year.
- d. Except as otherwise provided for in this Bylaw, shipping containers shall not be permitted, but nothing herein contained shall be deemed to prevent the temporary placement of a container on a lot for the storage of building materials stored temporarily for use in construction of or improvements, with a valid Building Permit or Development Permit, on the said lot.

4.1.5 Additional Kitchens

- a. No person being the owner or occupier of a dwelling unit shall construct, install, keep, use or occupy nor permit or suffer others to construct, install, keep, use or occupy an additional kitchen.

4.1.6 Unrelated Households

- a. Except for Abbeyfield dwellings, a maximum of four (4) unrelated persons may live together in a single dwelling unit.



4.1.7 Unrestricted Housing

- a. No residential complex shall restrict or prohibit occupancy by any household.

4.1.8 Temporary Construction Office

- a. Temporary construction offices are permitted in all zones.
- b. A temporary construction office:
 - i. must be sited on an existing construction site with a valid Building Permit; and
 - ii. shall be removed from the site within two months of issuance of an Occupancy Permit.

4.1.9 Outdoor Kiosk

- a. Outdoor kiosks are permitted in all zones, except Detached Residential, Multi-Family Residential and Institutional zones.
- b. Outdoor kiosks shall be:
 - i. located on private property;
 - ii. setback a minimum of 2 metres from any lot line;
 - iii. situated in locations that do not interfere with foot, bicycle or vehicle traffic, including during its loading process;
 - iv. no larger than 4 cubic metres, with a maximum height of 2 metres; and
 - v. limited to one (1) kiosk per 1000 square metres of lot area. All calculations shall round up to the nearest whole number.

4.1.10 Prohibited Uses

- a. The following uses are prohibited in all zones throughout Sidney:
 - i. pawn shop;
 - ii. weapon store;
 - iii. video lottery terminals;
 - iv. casino/games of chance; and
 - v. The cultivation of Cannabis, or any other form or method of producing Cannabis, except that an individual residing within a dwelling unit may cultivate up to a maximum of four (4) Cannabis plants in that dwelling unit or on the lot where that dwelling unit is situated, provided the plants are not publicly visible, and for clarity, Cannabis Processing does not alone qualify as the production of cannabis.

4.1.11 Short Term Rentals

- a. Notwithstanding any other section of this bylaw, one (1) Short Term Rental is permitted on a lot or a strata lot, subject to the following:
 - i. The Short Term Rental use is located in a dwelling unit on a lot or strata lot that is within the areas designated as Neighbourhood Residential (RES-1), Intensive Single-Family Residential (RES-2), Multi-Family Residential (RES-3) and Downtown Commercial (COM-1) in Schedule C of the Town of Sidney Official Community Plan, and also the area bounded by Beacon Avenue West, Galaran Road, Henry Avenue West and Highway 17;
 - ii. The lot or strata lot in which the Short Term Rental use is located is continuously occupied by a permanent resident, whether it be the owner or a tenant who has a valid and subsisting tenancy agreement;
 - iii. A Short Term Rental is not permitted on a lot or strata lot where any of the following are located on the same lot: a secondary suite or detached secondary dwelling occupied by a long-term tenant, or an active boarding or bed and breakfast use.
 - iv. No more than two bedrooms in a dwelling unit shall be used for the purposes of a Short Term Rental; and
 - v. No separate or additional cooking facilities or other such facilities for the keeping or preparation of food are provided within any bedroom intended for Short Term Rental use.



4.2 Permitted and Conditional Uses: Detached Residential Zones

4.2.1 Permitted and Conditional Uses Table: Detached Residential Zones

| Zone | R1 | R1.1 | R1.2 | | R1.3 | | R2 | R3 | R4 | R5 |
|---------------------------------------|-----------|-----------|---|---|---|---|-------------------|-----------|-----------|-----------|
| | | | Lot area of 400m ² or less (see note 1) | Lot area greater than 400m ² | Lot area of 400m ² or less (see note 1) | Lot area greater than 400m ² | | | | |
| Accessory Building, Structure, or Use | P | P | P | P | P | P | P | P | P | P |
| Couplet House Dwelling | | | | | | | | P | | |
| Single-Family Dwelling | P | P | P | P | P | P | P | P | P | P |
| Two-Family Dwelling | | | | | | | P (see note 2) | | | P |
| Secondary Suite | | C (4.2.2) | | C (4.2.2) | C (4.2.2) | C (4.2.2) | C (4.2.2) | C (4.2.2) | | C (4.2.2) |
| Detached Secondary Dwelling | | | | | | C (4.2.3) | | C (4.2.3) | | C (4.2.3) |
| Bed and Breakfast | C (4.2.4) | C (4.2.4) | | C (4.2.4) | | C (4.2.4) | C (4.2.4) | C (4.2.4) | | C (4.2.4) |
| Boarding | C (4.2.5) | C (4.2.5) | | C (4.2.5) | | C (4.2.5) | C (4.2.5) | C (4.2.5) | | C (4.2.5) |
| Home Occupation | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) | C (4.2.6) |

Notes:

¹ Requires Development Permit (see Town of Sidney Official Community Plan, Section 19.2.1).

² Refer to Section 5.2.1 for minimum lot area regulations for Two-Family Dwellings.

4.2.2 Conditional Use Regulations for Secondary Suites

- a. Either the secondary suite or the principal dwelling shall be owner occupied.
- b. Secondary suites shall:
 - i. be only located in or on properties with single-family dwellings;
 - ii. be limited to one (1) per single-family dwelling;
 - iii. not be legally stratified separately from the principal dwelling; and
 - iv. for new construction, be subject to a Section 219 covenant prohibiting such stratification.

See Section 5.2.7 for Secondary Suite Building Regulations

4.2.3 Conditional Use Regulations for Detached Secondary Dwellings

- a. Either the detached secondary dwelling or the principal dwelling shall be owner occupied.
- b. Detached secondary dwellings shall:
 - i. be only located on properties with single-family dwellings;
 - ii. not be permitted on properties with a secondary suite, boarding or a bed and breakfast;
 - iii. be limited to one (1) per single-family dwelling;

See Section 5.2.8 for Detached Secondary Dwelling Building Regulations

4.2.4 Conditional Use Regulations for Bed and Breakfasts

- a. Bed and Breakfasts shall:
 - i. only be permitted in single-family dwellings which do not contain a secondary suite, detached secondary dwelling, or boarding;
 - ii. be limited to two bedrooms within a dwelling; and
 - iii. not be located within a detached secondary dwelling.



4.2.5 Conditional Use Regulations for Boarding

- a. No more than two bedrooms within a dwelling unit shall be used for boarding.
- b. Boarding shall only be permitted in single-family dwellings which do not contain a secondary suite, detached secondary dwelling, or a bed and breakfast.

4.2.6 Conditional Use Regulations for Home Occupations

- a. Home occupations are permitted provided that:
 - i. they are conducted wholly within the principal dwelling, secondary suite, detached secondary dwelling or accessory building, with the exception of daycares, which may utilize the rear yard;
 - ii. they have only residents of the property engaged in the business, with the exception of daycares, which may have additional non-resident employees;
 - iii. they do not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;
 - glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
 - iv. they do not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
 - v. they do not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
 - vi. they involve no external storage of materials, containers, finished products or equipment;
 - vii. they do not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
 - viii. be limited to a maximum of two home occupations in a dwelling unit.
- b. All home occupations shall be clearly incidental and subordinate to the residential use of the property or dwelling unit. Excluding daycares, home occupation(s) that are:
 - i. located in single- or two-family dwellings shall not exceed 20% of the gross floor area of the principal dwelling or 50 square metres, whichever is less;
 - ii. located in a secondary suite shall not exceed 15 square metres;
 - iii. located in a detached secondary dwelling shall not exceed 13 square metres; and
 - iv. located in an accessory building shall not exceed 35 square metres.
- c. 'High-traffic' home occupations, including, but not restricted to personal service establishments and offices/businesses that receive clients (e.g. medical, dental, daycares, law and accounting offices), are also permitted provided that:
 - i. they meet the requirements of Sections 4.2.6.a and 4.2.6.b above;
 - ii. they are not located:
 - in a secondary suite or detached secondary dwelling;
 - in a single-family dwelling that contains boarding, bed and breakfast or a secondary suite;
 - on small-lot properties 400 square metres or less;
 - iii. they have an entrance separate from that of the residential component of the dwelling unit; and
 - iv. they have no more than two customers or clients in the unit at one time, with the exception of daycares.



4.3 Permitted and Conditional Uses: Multi-Family Residential Zones

4.3.1 Permitted and Conditional Uses Table: Multi-Family Residential Zones

| Use | RM5 | RM5-B | RM6 | RM7 | RM7-B | RM-C |
|--------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Accessory Use, Building or Structure | P | P | P | P | P | P |
| Row House Dwelling | P | | P | P | | |
| Townhouse Dwelling | P | P | P | P | P | |
| Apartment Dwelling | P | P | P | P | P | C (4.3.4) |
| Abbeyfield Dwelling | | | | | | P |
| Community Care Facility | | | | | | P |
| Assisted Living Facility | | | | | | P |
| Secondary Suite | C (4.3.2) | C (4.3.2) | C (4.3.2) | C (4.3.2) | C (4.3.2) | |
| Home Occupation | C (4.3.3) | C (4.3.3) | C (4.3.3) | C (4.3.3) | C (4.3.3) | |
| Single-Family Dwelling | C (4.3.5) | | C (4.3.5) | C (4.3.5) | | |
| Two-Family Dwelling | C (4.3.6) | | C (4.3.6) | C (4.3.6) | | |

4.3.2 Conditional Use Regulations for Secondary Suites

- a. Either the secondary suite or the principal dwelling shall be owner occupied.
- b. Secondary suites shall:
 - i. be permitted only in a row house dwelling unit, stratified apartment dwelling unit, stratified townhouse dwelling unit or existing single-family dwelling;
 - ii. be limited to one (1) per row house dwelling unit, stratified apartment dwelling unit, stratified townhouse dwelling unit or single-family dwelling;
 - iii. not be legally stratified separately from the principal dwelling; and
 - iv. for new construction, be subject to a Section 219 covenant prohibiting such stratification.

See Section 5.3.7 for Secondary Suite Building Regulations

4.3.3 Conditional Use Regulations for Home Occupations

- a. Home occupations shall:
 - i. be conducted wholly within the principal dwelling or secondary suite;
 - ii. have only residents of the dwelling unit engaged in the business;
 - iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;
 - glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.



- iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
- v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
- vi. involve no external storage of materials, containers, finished products or equipment;
- vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
- viii. shall be limited to one home occupation per dwelling unit.
- b. All home occupations shall be clearly incidental and subordinate to the residential use of the lot, such that a home occupation:
 - i. located within the principal dwelling of a townhouse or row house shall not exceed 20% of the gross floor area of the principal dwelling or 50 square metres, whichever is less; and
 - ii. located within a secondary suite shall not exceed 15 square metres.
- c. 'High-traffic' home occupations, including but not restricted to, personal service establishments and offices/businesses that receive clients (e.g. medical, daycares, dental, law and accounting offices) are not permitted.

4.3.4 Conditional Use Regulations for Apartment Dwellings in an Community Care or Assisted Living Facility

- a. A maximum of 20% of the total number of beds in a new Community Care or Assisted Living Facility development project can be additional Apartment Dwellings. All calculations shall round up to the nearest whole number.
- b. Apartment Dwellings shall not be permitted within an Abbeyfield development.

4.3.5 Conditional Use Regulations for Single-Family Dwellings

- a. Single-Family dwellings are a permitted use only on the following properties in the RM5, RM6, and RM7 zones:

| Unit | House | Street | Legal |
|------|-------|--------------|--|
| 2012 | 2010 | ARDWELL AVE | LOT 27, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 21967 |
| | 10148 | BOWERBANK RD | LOT F, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 26470 |
| | 10156 | BOWERBANK RD | LOT E, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 26470 |
| | 10166 | BOWERBANK RD | PART OF SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, SHOWN INCLUDED IN PLAN 47019 |
| | 10176 | BOWERBANK RD | LOT D, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 26470 |
| | 10182 | BOWERBANK RD | LOT C, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 26470 |
| | 10188 | BOWERBANK RD | LOT B, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 26470 |
| | 10194 | BOWERBANK RD | LOT A, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 26470 |
| | 2345 | BRADFORD AVE | LOT 21, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2347 | BRADFORD AVE | LOT 22, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2312 | BRETHOUR AVE | LOT 4, BLOCK 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2318 | BRETHOUR AVE | LOT 3, BLOCK 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2319 | BRETHOUR AVE | LOT 3, BLOCK 4, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2324 | BRETHOUR AVE | LOT 2, BLOCK 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2325 | BRETHOUR AVE | LOT A, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 19222 |
| | 2332 | BRETHOUR AVE | LOT 1, BLOCK 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2355 | BRETHOUR AVE | LOT 8, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |



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| | 2359 | BRETHOUR AVE | LOT 7, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2363 | BRETHOUR AVE | LOT 6, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2371 | BRETHOUR AVE | LOT 5, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2379 | BRETHOUR AVE | LOT 4, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2389 | BRETHOUR AVE | LOT 1, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9704 | EASTVIEW DR | LOT 7/8, BLOCK 19, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |
| | 9740 | EASTVIEW DR | LOT 12, BLOCK 19, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |
| | 9566 | FIFTH ST | LOT 34, SECTION 9, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 35388 |
| | 9570 | FIFTH ST | LOT 35, SECTION 9, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 35388 |
| | 9574 | FIFTH ST | LOT 36, SECTION 9, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 35388 |
| | 9601 | FIFTH ST | LOT 2, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 29142 |
| | 9609 | FIFTH ST | LOT 1, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 29142 |
| | 9616 | FIFTH ST | LOT 10, BLOCK 21, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9626 | FIFTH ST | LOT 11, BLOCK 21, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9632 | FIFTH ST | LOT 12, BLOCK 21, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9640 | FIFTH ST | LOT B, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 16028 |
| | 9646 | FIFTH ST | LOT A, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 16028 |
| | 9647 | FIFTH ST | LOT 1, BLOCK 22, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9651 | FIFTH ST | LOT B, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 7137 |
| | 9667 | FIFTH ST | LOT A, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 7137 |
| | 9674 | FIFTH ST | LOT 11, BLOCK 4, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9675 | FIFTH ST | LOT 4, BLOCK 3, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9682 | FIFTH ST | LOT 12, BLOCK 4, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9683 | FIFTH ST | LOT 3, BLOCK 3, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9690 | FIFTH ST | LOT B, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 8467 |
| | 9691 | FIFTH ST | LOT 2, BLOCK 3, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9932 | FIFTH ST | LOT 3, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9940 | FIFTH ST | LOT 2, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9989 | FIFTH ST | AMENDED LOT 26 (DD 238979I), BLOCK 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 470 |
| | 10012 | FIFTH ST | LOT A, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS4236 |
| | 10014 | FIFTH ST | LOT B, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS4236 |
| | 10018 | FIFTH ST | LOT 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 6443 |
| | 10130 | FIFTH ST | LOT 1, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 18421 |
| | 10137 | FIFTH ST | AMENDED LOT 4 (DD 309874I), SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2424 |
| 10147 | 10145 | FIFTH ST | LOT 1, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2424 |
| | 10146 | FIFTH ST | LOT 1, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10150 | FIFTH ST | LOT 2, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 9625 | FIRST ST | LOT 11, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 5315 |
| | 9637 | FIRST ST | LOT A, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIP59022 |
| | 9647 | FIRST ST | LOT 9, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 5315 |
| | 9667 | FIRST ST | LOT 4, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 5315 INCLUDING THE AREA DESIGNATED ON SRW PLAN VIP69656 |
| | 9690 | FIRST ST | LOT 2, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS1640 |
| | 9692 | FIRST ST | LOT 1, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS1640 |
| | 9850 | FOURTH ST | LOT 7, BLOCK 1, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |



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| 9862 | 9858 | FOURTH ST | LOT 8, BLOCK 1, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |
| 9868 | 9866 | FOURTH ST | LOT 9, BLOCK 1, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |
| | 9981 | FOURTH ST | LOT 24, BLOCK 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 470 |
| | 2341 | HENRY AVE | LOT 14, BLOCK 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2345 | HENRY AVE | LOT 13, BLOCK 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2353 | HENRY AVE | LOT 12, BLOCK 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 2374 | HENRY AVE | LOT 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 13943 |
| | 2375 | HENRY AVE | LOT 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS6368 |
| A | 2376 | HENRY AVE | LOT A, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS2474 |
| B | 2376 | HENRY AVE | LOT B, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS2474 |
| | 2377 | HENRY AVE | LOT 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS6368 |
| 2380 | 2378 | HENRY AVE | LOT 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 21962 |
| | 2428 | HENRY AVE | LOT 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 11305 |
| | 2434 | HENRY AVE | LOT 4, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 11305 |
| | 2232 | JAMES WHITE BLVD | LOT 29, SECTION 11, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 11746 |
| | 2236 | JAMES WHITE BLVD | LOT 30, SECTION 11, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 11746 |
| | 2240 | JAMES WHITE BLVD | LOT 31, SECTION 11, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 11746 |
| | 2308 | JAMES WHITE BLVD | LOT 7, SECTION 11, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1340 |
| | 2312 | JAMES WHITE BLVD | LOT 8, SECTION 11, RANGES 3E AND 4E NORTH SAANICH DISTRICT, PLAN 1340 |
| | 2150 | MALAVIEW AVE | LOT 4, BLOCK 4, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 1672 |
| | 2156 | MALAVIEW AVE | LOT 3, BLOCK 4, SECTION 13, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 1672 |
| | 2333 | MALAVIEW AVE | LOT 9, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2345 | MALAVIEW AVE | LOT 8, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2351 | MALAVIEW AVE | LOT 7, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2357 | MALAVIEW AVE | LOT 6, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2363 | MALAVIEW AVE | LOT 5, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2369 | MALAVIEW AVE | LOT 4, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2373 | MALAVIEW AVE | LOT 3, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2411 | MALAVIEW AVE | LOT 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2424 |
| | 2419 | MALAVIEW AVE | AMENDED LOT 3 (DD 309873I), SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2424 |
| | 2420 | MALAVIEW AVE | LOT 8, BLOCK 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2423 | MALAVIEW AVE | LOT 1, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 7505 |
| | 2424 | MALAVIEW AVE | LOT 7, BLOCK 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2427 | MALAVIEW AVE | LOT 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 7505 |
| | 2432 | MALAVIEW AVE | LOT 6, BLOCK 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2436 | MALAVIEW AVE | LOT 5, BLOCK 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2440 | MALAVIEW AVE | LOT 4, BLOCK 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2441 | MALAVIEW AVE | LOT 1, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS5143 |
| | 2443 | MALAVIEW AVE | LOT 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS5143 |
| | 2444 | MALAVIEW AVE | LOT 3, BLOCK 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2445 | MALAVIEW AVE | LOT 8, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2424 |
| | 10345 | MCDONALD PARK RD | LOT 26, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 21967 |
| | 10349 | MCDONALD PARK RD | LOT 25, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 21967 |
| | 10351 | MCDONALD PARK RD | LOT 24, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 21967 |
| 10365 | 10363 | MCDONALD PARK RD | LOT 2, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |



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| 10369 | 10367 | MCDONALD PARK RD | LOT 3, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10373 | 10371 | MCDONALD PARK RD | LOT 4, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10377 | 10375 | MCDONALD PARK RD | LOT 5, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10381 | 10379 | MCDONALD PARK RD | LOT 6, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10385 | 10383 | MCDONALD PARK RD | LOT 7, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10389 | 10387 | MCDONALD PARK RD | LOT 8, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| | 10391 | MCDONALD PARK RD | LOT 9, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| | 10529 | MCDONALD PARK RD | LOT B, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 35904 |
| | 10533 | MCDONALD PARK RD | LOT A, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 35904 |
| | 10559 | MCDONALD PARK RD | LOT A, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 45367 |
| | 10561 | MCDONALD PARK RD | LOT B, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 45367 |
| | 2001 | MELVILLE DR | LOT 1, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| | 2002 | MELVILLE DR | LOT 1, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS2430 |
| | 2004 | MELVILLE DR | LOT 2, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS2430 |
| | 2344 | MILLS RD | LOT 19, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 2350 | MILLS RD | LOT 20, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| 2477 | 2475 | MT BAKER AVE | LOT A (DD 3360451), BLOCK 9, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 AND LOT 7, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2348 |
| | 2336 | OAKVILLE AVE | LOT 3, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 10057 |
| | 2342 | OAKVILLE AVE | LOT 4, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 10057 |
| | 2370 | OAKVILLE AVE | LOT 1, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 16050 |
| | 2372 | OAKVILLE AVE | LOT 2, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 16050 |
| | 2374 | OAKVILLE AVE | LOT 3, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 16050 |
| | 2377 | OAKVILLE AVE | LOT 1, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIP83561 |
| | 2379 | OAKVILLE AVE | LOT 2, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIP83561 |
| | 2411 | OAKVILLE AVE | LOT A, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIP73627 |
| | 2413 | OAKVILLE AVE | LOT B, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIP73627 |
| | 2535 | OAKVILLE AVE | THAT PART OF LOT B, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 10108, LYING TO THE WEST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 62 FEET FROM THE WESTERLY BOUNDARY OF SAID LOT |
| | 2380 | OCEAN AVE | LOT 8, BLOCK 21, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 2384 | OCEAN AVE | LOT 9, BLOCK 21, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 2384 | ORCHARD AVE | LOT 8, BLOCK 4, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 2413 | ORCHARD AVE | LOT 2, BLOCK 22, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 2485 | ORCHARD AVE | LOT 13, BLOCK 24, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 2491 | ORCHARD AVE | LOT 14, BLOCK 24, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| | 9870 | RETHAVEN DR | LOT 2, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1340 |
| | 9880 | RETHAVEN DR | LOT 11, BLOCK 4, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9890 | RETHAVEN DR | LOT 10, BLOCK 4, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9898 | RETHAVEN DR | LOT 9, BLOCK 4, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9917 | RETHAVEN DR | LOT 10, BLOCK 3, SECTIONS 11 AND 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9933 | RETHAVEN DR | LOT 9, BLOCK 3, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9968 | RETHAVEN DR | LOT 6, BLOCK 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9971 | RETHAVEN DR | LOT 10, BLOCK 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9973 | RETHAVEN DR | LOT 11, BLOCK 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1015 |



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| | 10103 | RESTHAVEN DR | LOT 18, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10106 | RESTHAVEN DR | LOT 1, BLOCK 5, SECTION 13, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1197E |
| | 10108 | RESTHAVEN DR | LOT 2, BLOCK 5, SECTION 13, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1197E |
| | 10109 | RESTHAVEN DR | LOT 17, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10113 | RESTHAVEN DR | LOT 16, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10128 | RESTHAVEN DR | LOT B, SECTION 13, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 34595 |
| | 10131 | RESTHAVEN DR | LOT 12, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10139 | RESTHAVEN DR | LOT 11, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10143 | RESTHAVEN DR | LOT 10, BLOCK 3, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1197F |
| | 10474 | RESTHAVEN DR | LOT 9, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 10478 | RESTHAVEN DR | LOT 8, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 10482 | RESTHAVEN DR | LOT 7, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 10486 | RESTHAVEN DR | LOT A, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS949 |
| | 10488 | RESTHAVEN DR | LOT B, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS949 |
| | 10490 | RESTHAVEN DR | LOT 5, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 10494 | RESTHAVEN DR | LOT 4, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 10498 | RESTHAVEN DR | LOT 3, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 10502 | RESTHAVEN DR | LOT A, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS3490 |
| | 10504 | RESTHAVEN DR | LOT B, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS3490 |
| | 10506 | RESTHAVEN DR | LOT 1, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 19515 |
| | 9600 | SECOND ST | LOT 8 AND 9, BLOCK 24, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 1552 |
| 1 | 9628 | SECOND ST | LOT 1, SECTION 10, RANGE 4 EAST, NORTH SAANICH DISTRICT, PLAN VIP82006 |
| 2 | 9628 | SECOND ST | LOT 2, SECTION 10, RANGE 4 EAST, NORTH SAANICH DISTRICT, PLAN VIP82006 |
| 3 | 9628 | SECOND ST | LOT 3, SECTION 10, RANGE 4 EAST, NORTH SAANICH DISTRICT, PLAN VIP82006 |
| 4 | 9628 | SECOND ST | LOT 4, SECTION 10, RANGE 4 EAST, NORTH SAANICH DISTRICT, PLAN VIP82006 |
| | 9883 | SEVENTH ST | LOT 1, SECTION 11, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1340 |
| | 9889 | SEVENTH ST | LOT 17, BLOCK 4, SECTION 11, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9895 | SEVENTH ST | LOT 16, BLOCK 4, SECTION 11, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9899 | SEVENTH ST | LOT 15, BLOCK 4, SECTION 11, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9903 | SEVENTH ST | LOT 14, BLOCK 4, SECTION 11, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| 9949 | 9947 | SEVENTH ST | LOT 5, BLOCK 1, SECTION 12, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9967 | SEVENTH ST | LOT 14, BLOCK 1, SECTION 12, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 9971 | SEVENTH ST | LOT 13, BLOCK 1, SECTION 12, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 10126 | THIRD ST | LOT A, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS3062 |
| | 10128 | THIRD ST | LOT B, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS3062 |
| | 2004 | WHITE BIRCH RD | LOT B, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 40983 |
| | 2008 | WHITE BIRCH RD | LOT A, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 40983 |
| | 2012 | WHITE BIRCH RD | LOT A, SECTION 16, RANGE 2E, NORTH SAANICH DISTRICT, PLAN 20853 |



4.3.6 Conditional Use Regulations for Two-Family Dwellings

- a. Two-Family dwellings are a permitted use only on the following properties in the RM5, RM6, and RM7 zones:

| Unit | House | Street | Legal |
|-------|-------|------------------|--|
| 2012 | 2010 | ARDWELL AVE | LOT 27, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 21967 |
| | 10012 | FIFTH ST | LOT A, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS4236 |
| | 10014 | FIFTH ST | LOT B, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS4236 |
| 10147 | 10145 | FIFTH ST | LOT 1, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2424 |
| | 9690 | FIRST ST | LOT 2, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS1640 |
| | 9692 | FIRST ST | LOT 1, SECTION 10, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS1640 |
| 9862 | 9858 | FOURTH ST | LOT 8, BLOCK 1, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |
| 9868 | 9866 | FOURTH ST | LOT 9, BLOCK 1, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 |
| | 2375 | HENRY AVE | LOT 1, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS6368 |
| A | 2376 | HENRY AVE | LOT A, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS2474 |
| B | 2376 | HENRY AVE | LOT B, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS2474 |
| | 2377 | HENRY AVE | LOT 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS6368 |
| 2380 | 2378 | HENRY AVE | LOT 2, SECTION 12, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 21962 |
| | 2441 | MALAVIEW AVE | LOT 1, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS5143 |
| | 2443 | MALAVIEW AVE | LOT 2, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS5143 |
| 10365 | 10363 | MCDONALD PARK RD | LOT 2, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10369 | 10367 | MCDONALD PARK RD | LOT 3, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10373 | 10371 | MCDONALD PARK RD | LOT 4, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10377 | 10375 | MCDONALD PARK RD | LOT 5, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10381 | 10379 | MCDONALD PARK RD | LOT 6, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10385 | 10383 | MCDONALD PARK RD | LOT 7, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| 10389 | 10387 | MCDONALD PARK RD | LOT 8, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN 20528 |
| | 2002 | MELVILLE DR | LOT 1, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS2430 |
| | 2004 | MELVILLE DR | LOT 2, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS2430 |
| 2477 | 2475 | MT BAKER AVE | LOT A (DD 3360451), BLOCK 9, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 381 AND LOT 7, SECTION 11, RANGE 4E, NORTH SAANICH DISTRICT, PLAN 2348 |
| | 10486 | RETHAVEN DR | LOT A, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS949 |
| | 10488 | RETHAVEN DR | LOT B, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS949 |
| | 10502 | RETHAVEN DR | LOT A, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS3490 |
| | 10504 | RETHAVEN DR | LOT B, SECTION 15, RANGE 3E, NORTH SAANICH DISTRICT, PLAN VIS3490 |
| 9949 | 9947 | SEVENTH ST | LOT 5, BLOCK 1, SECTION 12, RANGES 3E AND 4E, NORTH SAANICH DISTRICT, PLAN 1015 |
| | 10126 | THIRD ST | LOT A, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS3062 |
| | 10128 | THIRD ST | LOT B, SECTION 13, RANGE 4E, NORTH SAANICH DISTRICT, PLAN VIS3062 |



4.4 Permitted and Conditional Uses: Commercial Zones

4.4.1 Permitted and Conditional Uses Table: Commercial Zones

| Use | C1 | C2 | C2.1 | C3 | C4 | C5 |
|--------------------------------------|------------|----------------------------------|----------------------------------|------------------------|-----------------------|----|
| Accessory Use, Building or Structure | P | P | P | P | P | P |
| Artist Studio | C (4.4.2) | | | | | P |
| Assembly Hall | P | | | | | |
| Bank / Financial Institution | P | | | | | P |
| Brew Pub | C (4.4.7) | | | | | |
| Broadcasting Studio | P | | | | | |
| Cannabis Retail | C (4.4.25) | | | | | |
| Child Care Facility | C (4.4.2) | C (4.4.11) | | | | P |
| Cinema | C (4.4.7) | | | | | P |
| Class 1 Restaurant | P | C (4.4.7) and (4.4.11) | C (4.4.11) | | C (4.4.6) | P |
| Class 2 Restaurant (liquor) | P | C (4.4.7) and (4.4.11) | C (4.4.7) and (4.4.11) | | C (4.4.6) and (4.4.7) | P |
| Convenience Store | P | C (4.4.8) and (4.4.11) | C (4.4.8) and (4.4.11) | C (4.4.9) | | |
| Copy/Print Establishment | P | | | | | |
| Dwelling Unit | C (4.4.10) | C (4.4.10) | C (4.4.10) | C (4.4.9) and (4.4.10) | C (4.4.6) | |
| Education Facility | C (4.4.2) | | | | | P |
| Emergency Services | C (4.4.2) | | | | | |
| Fitness Centre | P | | | | | P |
| Food or Beverage Manufacturing | C (4.4.5) | C (4.4.5) and (4.4.11) | | | | |
| Gas Bar | | | | C (4.4.12) | | |
| Home Occupation | C (4.4.13) | C (4.4.13) | C (4.4.13) | C (4.4.13) | C (4.4.13) | |
| Hotel | C (4.4.14) | | | | | P |
| Indoor Amusement | C (4.4.7) | | | | | P |
| Library | P | | | | | P |
| Liquor Retail | P | | | C (4.4.24) | | P |
| Medical Office | C (4.4.2) | | | | | P |
| Motel | | | | | C (4.4.14) | |
| Museum | P | | | | | P |
| Office | C (4.4.2) | | | | | P |
| Outdoor Retail | C (4.4.20) | | | | | |
| Parkade | C (4.4.15) | | | | | |
| Parking Lot | C (4.4.23) | | | | | |
| Personal Service Establishment | P | C (4.4.11) | C(4.4.11) | | | P |
| Pub | C (4.4.7) | C (4.4.7), (4.4.11) and (4.4.16) | C (4.4.7), (4.4.11) and (4.4.16) | | | |
| Recreation Rental | P | | | | | |
| Retail Sales | P | | | | | P |
| Resale Retail | C (4.4.17) | | | | | |



4.4.1 Permitted and Conditional Uses Table: Commercial Zones (con't)

| Use | C1 | C2 | C2.1 | C3 | C4 | C5 |
|------------------------------------|------------|------------|------------|------------|----|----|
| Service Station | | | | C (4.4.18) | | |
| Small Appliance Repair | C (4.4.5) | | | | | |
| Temporary Outdoor Amusement | C (4.4.19) | | | | | |
| Temporary Boat/Motor Vehicle Sales | C (4.4.21) | | | | | |
| Video Rental Store | P | C (4.4.11) | C (4.4.11) | | | |
| Visitor Information Centre | | | | | | P |
| Secondary Suite | C (4.4.22) | | | | | |
| Drive-Through Restaurant (Class 1) | | | | | | P |

4.4.2 Conditional Use Regulations at Ground Level Along Beacon Avenue

- a. For lots abutting Beacon Avenue, excluding real estate offices and travel agencies, use is prohibited to front along the street on the first storey.

4.4.5 Conditional Use Regulations for Small Appliance Repair/Food or Beverage Manufacturing

- a. Establishments shall retail directly from the premises.

4.4.6 Conditional Use Regulations for Motel Dwelling Units/Restaurants

- a. A dwelling unit and/or restaurant (Class 1 or 2) shall only be permitted on a lot on which is also located a motel.
- b. Only one (1) dwelling unit, and/or one (1) restaurant (Class 1 or 2) is permitted per lot.

4.4.7 Conditional Use Regulations for Mitigating Noise Impacts

- a. Outdoor live music is not permitted.
- b. All indoor uses that include amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.
- c. In the C2, C2.1 and C4 zones, outdoor amplified music is not permitted.

4.4.8 Conditional Use Regulations for Convenience Stores

- a. Use shall only be permitted on properties along arterial and/or collector roads as designated by the Town of Sidney Official Community Plan.

4.4.9 Conditional Use Regulations for Dwelling Units/Convenience Stores

- a. A dwelling unit or convenience store shall only be permitted on a lot on which is also located a service station or gas bar.
- b. Only one (1) dwelling unit is permitted per lot.
- c. A dwelling unit is not permitted in areas designated as 'COM-1' under the Town of Sidney Official Community Plan.
- d. The gross floor area of the convenience store component shall not exceed 100 square metres.

4.4.10 Conditional Use Regulations for Dwelling Units

- a. Dwelling units shall not be located within a portion of the first storey of a building that fronts directly onto a street. However, dwelling units are permitted within a portion of the first storey of a building where it is abutting or directly adjacent to a lane.
- b. Except as per 4.4.10.a, dwelling units shall not be located on a storey containing non-residential uses.



4.4.11 Conditional Use Regulations for Neighbourhood Commercial

- a. Commercial uses are permitted only on the ground floor.
- b. Individual businesses are permitted a maximum gross floor area of 100 square metres.
- c. A maximum of three (3) commercial businesses are permitted per lot.
- d. Commercial units must front onto a street.

4.4.12 Conditional Use Regulations for Gas Bar Fuel Storage

- e. All fuel shall be stored underground.

4.4.13 Conditional Use Regulations for Home Occupations


- a. Home occupations shall:
 - i. be conducted wholly within the principal dwelling unit or secondary suite;
 - ii. have only residents of the dwelling unit engaged in the business;
 - iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;
 - glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
 - iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
 - v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
 - vi. involve no external storage of materials, containers, finished products or equipment;
 - vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
 - viii. not exceed a maximum of one home occupation per dwelling unit.
- b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.
- c. 'High-traffic' home occupations, including but not restricted to personal service establishments and offices/businesses that receive clients (e.g. medical, daycares, dental, law and accounting offices) are not permitted.

4.4.14 Conditional Use Regulations for Motels and Hotels

- a. Except for residential staff, the maximum occupancy for an individual in any motel or hotel is 186 days in any given year.

4.4.15 Conditional Use Regulations for Parkades

- a. A parkade shall:
 - i. not be permitted on a lot abutting Beacon Avenue; and
 - ii. be permitted only if located in a building which contains another permitted use, which must be located on the ground floor.
- b. Excluding access aisles, the portion of the ground floor used for non-parking purposes shall:

- 
- i. be located in that portion of the building which directly faces the front or exterior side lot lines; and
 - ii. extend to a minimum depth of 8.0 metres as measured perpendicular from the associated front or exterior side lot line.

4.4.16 Conditional Use Regulations for Pubs

- a. Outdoor seating is not permitted.
- b. A dance floor is not permitted.

4.4.17 Conditional Use Regulations for Resale Retail

- a. Donation drop-off areas shall be located in the rear yard.

4.4.18 Conditional Use Regulations for Service Stations

- a. Use is only permitted on properties along arterial and/or collector roads, as designated by the Town of Sidney Official Community Plan.

4.4.19 Conditional Use Regulations for Temporary Outdoor Amusement

- a. Outdoor amusement shall not exceed seven (7) days per event.

4.4.20 Conditional Use Regulations for Outdoor Retail

- a. Outdoor retail shall not be the primary use on the property.
- b. The vending area for each vendor shall not exceed an area of 10 square metres.
- c. The entire vending area shall not exceed 15% of the subject lot area.
- d. Vending areas shall be set back a minimum of one (1) metre from any property line.
- e. Hours of operation for outdoor retail shall be seven (7) days a week between the hours of 7:00 a.m. and 10:00 p.m.
- f. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.
- g. Where outdoor retail operations utilize a parking lot, all permitted uses on the subject lot shall meet the requirements of the Town of Sidney Parking and Loading Bylaw.
- h. Notwithstanding the regulations contained in Sections 4.4.20.a,b,c,f and g, on the property legally described as Lot 2, Section 10 And 11, Range 3 East, North Saanich District, Plan VIP74500, only Sections 4.4.20.d and 4.4.20.e shall apply.

4.4.21 Conditional Use Regulations for Temporary Boat/Motor Vehicle Sales

- a. Temporary Boat/Motor Vehicle Sales shall:
 - i. be permitted only on the property legally described as Lot 2, Section 10 And 11, Range 3 East, North Saanich District, Plan VIP74500 Exempt Under 224(4) & 227 CC 10 Years Expires 2014;
 - ii. only be permitted a maximum of thirty (30) days per calendar year;
 - iii. be set back a minimum of one (1) metre from any property line; and
 - iv. have hours of operation only between the hours of 7:00 a.m. and 10:00 p.m.

4.4.22 Conditional Use Regulations for Secondary Suites

- a. Either the secondary suite or the principal dwelling shall be owner occupied.
- b. Secondary suites shall:
 - i. be permitted only in a stratified dwelling unit or existing single-family dwelling;
 - ii. be limited to one (1) per stratified dwelling unit or single-family dwelling;
 - iii. not be legally stratified separately from the principal dwelling; and
 - iv. for new construction, be subject to a Section 219 covenant prohibiting such stratification.



4.4.23 Conditional Use Regulations for Parking Lots

- a. A Parking Lot shall be permitted only on the property legally described as Lot 2, Section 10 and 11, Range 3 East, North Saanich District, Plan VIP74500.

4.4.24 Conditional Use Regulations for Liquor Retail

- a. Liquor Retail shall be permitted only on the property legally described as Lot 1, Section 8, Range 3 East, North Saanich District, Plan 13891.

4.4.25 Conditional Use Regulations for Cannabis Retail

- a. Cannabis Retail is not permitted within premises having a main or principal entrance opening on to Sidney Avenue or James White Boulevard, or on any property located south of the centerline of Bevan Avenue.



4.5 Permitted and Conditional Uses: Industrial Zones

4.5.1 Permitted and Conditional Uses Table: Industrial Zones

| Use | M1 |
|--------------------------------------|------------|
| Accessory Use, Building or Structure | P |
| Aircraft Storage | P |
| Airline Operation | P |
| Assembly Hall | P |
| Boat Repair and Manufacturing | P |
| Boat Sales and Rental | P |
| Brew Pub | P |
| Broadcasting Studio | P |
| Cannabis Processing | C (4.5.11) |
| Car Wash | P |
| Class 1 Restaurant | P |
| Class 2 Restaurant | P |
| Commercial Laundry or Dry-Cleaning | P |
| Commercial Printer or Publisher | P |
| Convenience Store | P |
| Dwelling Unit | C (4.5.2) |
| Film Studio | P |
| Fitness Centre | P |
| Funeral Service Facility | C (4.5.3) |
| Gas Bar | P |
| Impound Yard | P |
| Indoor Amusement | P |
| Industrial Fueling Station | P |
| Laboratory or Research Establishment | P |

Notes:

¹ Refer to Section 6.2.b for landscaping requirements.

| Use | M1 |
|---|------------|
| Landscape Supply, Plant Nursery and/or Greenhouse | P |
| Mail Sorting | P |
| Education Facility | P |
| Manufacturing | P |
| Major Vehicle Repair | P |
| Motor Vehicle Sales and/or Rental | P |
| Office | C (4.5.5) |
| Outside Storage <i>(see note 1)</i> | C (4.5.6) |
| Parking Lots | P |
| Parking Structure | P |
| Public Utility Installation | P |
| Recycling Depot | C (4.5.7) |
| Retail Sales | C (4.5.4) |
| Sale or Rental of Machinery, Heavy Equipment or Shipping Containers | P |
| Sale, Rental or Repair of Tools or Small Equipment | P |
| Service Station | P |
| Storage Building, Workshop and/or Yard | C (4.5.8) |
| Taxi Dispatch Centre | P |
| Telecommunications Tower | C (4.5.9) |
| Truck Terminal | P |
| Warehousing or Closed Storage | P |
| Wholesale Sales | P |
| Outdoor Retail | C (4.5.10) |

4.5.2 Conditional Use Regulations for Dwelling Units

- a. Dwelling units shall:
 - i. only be permitted as an accessory use; and
 - ii. not be located on the ground floor.

4.5.3 Conditional Use Regulations for Funeral Service Facility

- a. Funeral service facilities shall not include the use of crematoriums, or any such process involving cremations. Assembly/chapel use as an accessory use must comply with the requirements of the Parking and Loading Bylaw.

4.5.4 Conditional Use Regulations for Industrial-Oriented Retail

- a. Shall be limited to the sale of:
 - i. livestock feed or pet food;
 - ii. vehicle parts;
 - iii. security equipment including alarms, keys or locks;
 - iv. food or beverages, providing it is processed on-site;
 - v. sports equipment, provided it is manufactured on-site;
 - vi. furniture, provided it is manufactured on-site; and



- vii. building supply or lumber outlet.

4.5.5 Conditional Use Regulations for Offices

- a. Office uses in this zone excludes medical, dental, real estate offices and travel agencies.

4.5.6 Conditional Use Regulations for Outside Storage

- a. Outside storage is:
 - i. permitted only as an accessory use;
 - ii. limited to rear and interior side yards; and
 - iii. also permitted in the exterior side yard, providing that the property's exterior side yard directly abuts Highway 17.

4.5.7 Conditional Use Regulations for Recycling Depots

- a. Materials collected at a recycling depot shall be:
 - i. fully enclosed within a building or in containers if stored outside of a building; and
 - ii. limited to the following items: glass, aluminum cans, metals, plastic, appliances, electronics, batteries, drywall, paper, cardboard, rubber, waste oil, and waste paint.

4.5.8 Conditional Use Regulations for Storage Buildings, Workshops or Yards

- a. A storage building, workshop or yard shall be limited to use by the following contractors:
 - i. building;
 - ii. electrical;
 - iii. fumigation;
 - iv. heating and air conditioning;
 - v. painting;
 - vi. plumbing;
 - vii. masonry;
 - viii. moving;
 - ix. refrigeration;
 - x. roofing;
 - xi. general and heavy construction;
 - xii. landscaping; and
 - xiii. sanitary.

4.5.9 Conditional Use Regulations for Telecommunications Towers

- a. Shall not have a diameter greater than 1 metre.

4.5.10 Conditional Use Regulations for Outdoor Retail

- a. Outdoor retail shall not be the primary use on the property.
- b. The vending area for each vendor shall not exceed an area of 10 square metres.
- c. The entire vending area shall not exceed 15% of the subject lot area.
- d. Vending areas shall be set back a minimum of one (1) metre from any property line.
- e. Hours of operation for outdoor retail shall be seven (7) days a week between the hours of 7:00 a.m. and 10:00 p.m.
- f. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.
- g. Where outdoor retail operations utilize a parking lot, all permitted uses on the subject lot shall meet the requirements of the Town of Sidney Parking and Loading Bylaw.

4.5.11 Conditional Use Regulations for Cannabis Processing

- a. Cannabis Processing shall be conducted entirely within a building and may not produce any fumes, odors, smoke or dust that is detectable outside of a building.



4.6 Permitted and Conditional Uses: Marine Zones

4.6.1 Permitted and Conditional Uses Table: Marine Zones

| Use | W1 | W1.2 | W2 | W3 |
|--|-----------------------|-----------------------|------------|----|
| Accessory Use, Building or Structure | P | P | P | |
| Artist Studio | P | P | | |
| Boathouse | | | C (4.6.16) | |
| Boat Launch | P | | P | |
| Breakwater | | | P | P |
| Brew Pub | C (4.6.2) and (4.6.3) | C (4.6.2) and (4.6.3) | | |
| Class 1 Restaurant | P | P | P | |
| Class 2 Restaurant | C (4.6.3) | C (4.6.3) | C (4.6.3) | |
| Customs Facility | | | P | |
| Townhouse Dwelling | | C (4.6.4) | | |
| Apartment Dwelling | C (4.6.4) | C (4.6.4) | | |
| Education Facility | C (4.6.7) | C (4.6.7) | C (4.6.7) | |
| Fishing Pier | | | | P |
| Home Occupation | C (4.6.5) | C (4.6.5) | C (4.6.5) | |
| Liveaboard | | | C (4.6.14) | |
| Manufacturing, Sale, Repair, or Maintenance of Boats or Marine Equipment | P | C (4.6.6) | C (4.6.6) | |
| Marina | P | | P | |
| Marine Dry Storage | C (4.6.15) | C (4.6.15) | | |
| Marine Fueling Station | P | | P | |
| Marine Fuel Storage | C (4.6.11) | | | |
| Loading / Unloading of Marine Cargo | P | | | |
| Marine Rental or Charter Operation | P | | P | |
| Office | C (4.6.8) | P | C (4.6.8) | |
| Outside Storage | C (4.6.10) | C (4.6.10) | | |
| Personal Service Establishment | | P | | |
| Pub | C (4.6.3) | C (4.6.3) | C (4.6.3) | |
| Recreation Rental | | P | P | |
| Retail Sales | C (4.6.12) | C (4.6.13) | C (4.6.12) | |
| Warehousing, Closed Storage or Distribution | C (4.6.9) | C (4.6.9) | | |

4.6.2 Conditional Use Regulations for Brew Pubs

- a. The floor area of the brewing component shall not exceed 200 square metres.

4.6.3 Mitigation of Noise Impacts

- a. Outdoor live or amplified music is not permitted.
- b. All indoor service uses that includes amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.



4.6.4 Conditional Use Regulations for Residential Uses

- a. Residential uses:
 - i. are subject to a restrictive covenant expressing knowledge of surrounding marine industrial and commercial uses; and
 - ii. are permitted only on land lots above the natural boundary.

4.6.5 Conditional Use Regulations for Home Occupations

- a. Home occupations shall:
 - i. be conducted wholly within the dwelling unit;
 - ii. have only residents of the dwelling unit engaged in the business;
 - iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;
 - glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
 - iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
 - v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
 - vi. involve no external storage of materials, containers, finished products or equipment;
 - vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a neighbourhood; and
 - viii. not exceed a maximum of one home occupation per dwelling unit.
- b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.
- c. 'High-traffic' home occupations, including but not restricted to personal service establishments and offices/businesses that receive clients (e.g. medical, daycares, dental, law and accounting offices) are not permitted.

4.6.6 Conditional Use Regulations for Light Marine Industrial

- a. Industrial activity shall not use any equipment or process which creates excessive levels of odour, fumes, dust and/or smoke that are detectable beyond the boundaries of the property on which the use is operated.

4.6.7 Conditional Use Regulations for Marine-Oriented Education

- a. Education shall be limited to marine-related training.

4.6.8 Conditional Use Regulations for Offices

- a. Office uses in this zone exclude medical, dental or real estate offices.



4.6.9 Conditional Use Regulations for Warehousing, Closed Storage or Distribution

- a. Warehousing, closed storage or distribution shall be permitted only for boats or marine equipment and shall be in conjunction with the following uses:
 - i. manufacturing, sale, repair or maintenance of boats or marine equipment; and/or
 - ii. loading and unloading of marine cargo.

4.6.10 Conditional Use Regulations for Outside Storage

- a. Outside storage shall be:
 - i. limited to boat storage; and/or
 - ii. permitted only as an accessory use to maintenance facilities for the manufacturing, sale, repair and maintenance of boats.

4.6.11 Conditional Use Regulations for Fuel Storage

- a. Fuel storage shall be underground and shall be utilized for the purpose of the distribution of boat fuel only.

4.6.12 Conditional Use Regulations for Retail Sales

- a. Retail sales area shall:
 - i. be located on the ground floor only; and/or
 - ii. be restricted to the sale of marine-related goods only.

4.6.13 Conditional Use Regulations for Orientation of Retail Sales

- a. Retail sales area shall:
 - i. front directly onto a street; and
 - ii. be located on the ground floor only.

4.6.14 Conditional Use Regulations for Liveaboards

- a. Liveaboards shall:
 - i. be permitted only in marinas;
 - ii. take up no more than 15% of the moorage capacity of a marina at any one time. Moorage capacity shall be the number of berths, as noted in the marina business licence issued by the Town for the appropriate year; and
 - iii. be required to utilize holding tanks.

4.6.15 Conditional Use Regulations for Marine Dry Storage

- a. Shall be screened as per Section 6.2.b.

4.6.16 Conditional Use Regulations for Boathouses

- a. Boathouses shall only be permitted on Water Lot 649.



4.7 Permitted and Conditional Uses: Parks and Utility Zones

4.7.1 Permitted and Conditional Uses Table: Parks and Utility Zones

| Use | P1 | U1 | U2 | U3 |
|---------------------------------------|-----------|-----------|-----------|-----------|
| Accessory Use, Building, or Structure | P | P | P | P |
| Airport Runway and Lighting | | | P | |
| Assembly Hall | P | | | |
| Boat Launch | | | | P |
| Breakwater | | | | P |
| Cemetery | | | P | |
| Class 1 Restaurant | C (4.7.2) | | | P |
| Class 2 Restaurant | | | | C (4.7.3) |
| Emergency Services | | | C (4.7.9) | |
| Ferry Terminal | | | | P |
| Fish Processing | | | | P |
| Food Bank | C (4.7.4) | | | |
| Loading / Unloading of Marine Cargo | | | | P |
| Marine Moorage | | | | C (4.7.5) |
| Marine Rental or Charter Operation | | | | P |
| Outdoor Retail | C (4.7.7) | | C (4.7.7) | C (4.7.7) |
| Outside Storage | | C (4.7.8) | C (4.7.9) | |
| Park | P | | | |
| Parking Lot | | | P | |
| Playground | P | | | |
| Public Works Facility | | P | C (4.7.9) | |
| Retail Sales | P | | P | P |
| Sports Field and Facility | P | P | | |
| Telecommunications Tower | | C (4.7.6) | | |
| Visitor Information Centre | P | | P | |

4.7.2 Conditional Use Regulations for Class 1 Restaurants

- Shall only be permitted at Iroquois Park and Tulista Park.

4.7.3 Conditional Use Regulations for Mitigating Noise Impacts

- Outdoor live music is not permitted.
- All indoor uses that include amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.
- Outdoor amplified music is not permitted.

4.7.4 Conditional Use Regulations for Food Banks

- Shall only be permitted at Iroquois Park.

4.7.5 Conditional Use Regulations for Marine Moorage

- No vessel shall be moored longer than 24 consecutive hours.



4.7.6 Conditional Use Regulations for Telecommunications Towers

- a. Shall not have a diameter greater than 1 metre at a vertical distance of 1.5 metres from the ground.

4.7.7 Conditional Use Regulations for Outdoor Retail

- a. Outdoor retail shall not be the primary use on the property.
- b. The vending area for each vendor shall not exceed an area of 10 square metres.
- c. The entire vending area shall not exceed 15% of the subject lot area.
- d. Vending areas shall be set back a minimum of 1 metre from any property line.

4.7.8 Conditional Use Regulations for Outside Storage

- a. Outside storage is:
 - i. permitted only as an accessory use;
 - ii. limited to rear and interior side yards; and
 - iii. also permitted in the exterior side yard, providing that the property's exterior side yard directly abuts Highway 17.

4.7.9 Conditional Use Regulations for Emergency Services, Public Works Facility, and Outside Storage

- a. Shall only be permitted on the property legally described as Lot B, Section 10, Range 3 East, North Saanich District, Plan 38759 (9660 Eighth Street).

4.8 Permitted and Conditional Uses: Institutional Zones

4.8.1 Permitted and Conditional Uses Table: Institutional Zones

| Use | I1 | I2 |
|---------------------------------------|-----------|----|
| Accessory Use, Building, or Structure | P | P |
| Education Facility | P | P |
| Assembly Hall | P | P |
| Broadcasting Studio | P | |
| Child Care Facility | C (4.8.2) | P |
| Community Centre | P | |
| Emergency Services | P | |
| Government Law Courts | P | |
| Hospital | P | |
| Library | P | |
| Museum | P | |
| Office | P | |
| Place of Worship | | P |
| Recreation Facility | P | |
| Sports Fields and Facility | P | |

4.8.2 Conditional Use Regulations for Child Care Facilities

- a. Child care facilities shall be provided only in conjunction with another permitted use.



4.9 Permitted and Conditional Uses: Comprehensive Development Zones

4.9.1 Permitted and Conditional Uses Table: Comprehensive Development Zones 1 through 15

| Use | CD1 | CD2 | CD3 | CD4 | CD6 | CD7 | CD11 | CD12 | CD13 | CD15 |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|------|---------------|
| Accessory Use, Building, or Structure | P | P | P | P | P | P | P | P | P | P |
| Assembly Hall | | | | | | | P | | | |
| Single-family Dwelling | | P | P | P | | | | C (4.9.6) | | P |
| Two-Family Dwelling | | | P | | | | | | | C (4.9.11) |
| Apartment Dwelling | P | | P | | | | | C (4.9.7) | P | |
| Townhouse Dwelling | | | P | | | P | | | | |
| Secondary Suite | | P | P | C (4.9.2) | | C (4.9.4) | | | | |
| Home Occupation | C (4.9.19) | C (4.9.20) | C (4.9.19) | C (4.9.19) | | C (4.9.19) | | C (4.9.21) | P | C (4.9.20) |
| Office | | | | | P | | P | | P | |
| Professional Space | | | | | | | | | | |
| Class 1 Restaurant | | | | | P | | P | C (4.9.9) | | |
| Class 2 Restaurant | | | | | P | | P | C (4.9.9) | P | |
| Drive-Thru Restaurant (Class 1) | | | | | | | P | | | |
| Pub | | | | | P | | P | | | |
| Brew Pub | | | | | P | | P | | | |
| Retail Sales | | | | | P | | P | | | |
| Liquor Retail | | | | | | | P | | | |
| Personal Service Establishment | | | | | P | | | | | |
| Senior's Recreation Facility | | | | | | | | | P | |
| (Intermediate Care Facility) | | | | | | | | | P | |
| Place of Worship | | | | | | | | | P | |
| Museum | | | | | P | | | | | |
| Hotel | | | | | | | C (4.9.5) | C (4.9.10) | | |
| Assembly Hall | | | | | P | | | | P | |
| Marine Rental or Charter Operation | | | | | P | | | | | |
| Recreation Rental | | | | | P | | | | | |
| Playground | | | | | P | | | | | |
| Outdoor Retail | C (4.9.22) | | | | C (4.9.22) | | C (4.9.22) | | | |
| Food or Beverage Manufacturing | | | | | C (4.9.23) | | C (4.9.23) | | | |
| Broadcasting Studio | | | | | P | | | | | |



4.9.3 Permitted and Conditional Uses Table: Comprehensive Development Zones 16 through 28

| Use | CD16 | CD17 | CD18 | CD19 | CD20 | CD21 | CD23 | CD24 | CD25 | CD27 | CD28 |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Accessory Use, Building, or Structure | P | P | P | P | P | P | P | P | P | P | P |
| Apartment Dwelling | | | C (4.9.12) | | | C (4.9.14) | | | | | |
| Single-Family Dwelling | P | P | | P | P | | | P | P | P | P |
| Home Occupation | C (4.9.20) | C (4.9.20) | C (4.9.19) | C (4.9.20) | C (4.9.20) | C (4.9.19) | | C (4.9.20) | C (4.9.20) | C (4.9.20) | C (4.9.20) |
| Education Facility | | | P | | | P | | | | | |
| Artist Studio | | | P | | | P | | | | | |
| Bank/ Financial Institution | | | P | | | P | | | | | |
| Office | | | P | | | P | | | | | |
| Class 1 Restaurant | | | P | | | P | | | | | |
| Class 2 Restaurant | | | P | | | P | | | | | |
| Drive-Thru Restaurant (Class 1) | | | | | | | P | | | | |
| Personal Service Establishment | | | P | | | P | | | | | |
| Retail Sales | | | P | | | P | | | | | |
| Copy/Print Establishment | | | P | | | P | | | | | |
| Small Appliance Repair | | | C (4.9.13) | | | C (4.9.13) | | | | | |
| Video Rental Store | | | P | | | P | | | | | |
| Medical Office | | | P | | | P | | | | | |
| Assembly Hall | | | P | | | P | | | | | |
| Gas Bar | | | | | | | P | | | | |
| Convenience Store | | | | | | | C (4.9.15) | | | | |
| Outdoor Retail | | | C (4.9.22) | | | C (4.9.22) | | | | | |
| Broadcasting Studio | | | P | | | P | | | | | |

4.9.2 Conditional Use Regulations for Secondary Suites

- A secondary suite is permitted on Lot 4, and is mandatory on Lot 5 of the property at Section 10, Range 4 East, North Saanich, Plan VIS3692.

4.9.4 Conditional Use Regulations for Secondary Suites

- Not more than eleven (11) secondary suites shall be permitted within the Townhouse Dwellings.

4.9.5 Conditional Use Regulations for Hotels

- Hotel rooms are only permitted on storeys above the first storey.
- The maximum occupancy for an individual in a hotel is 120 days in any given year.

4.9.6 Conditional Use Regulations for Miraloma Class Single-Family Dwellings

- Single-Family Dwelling is permitted only on land legally described as Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678.

4.9.7 Conditional Use Regulations for Miraloma Apartment Dwellings

- Apartment Dwellings are permitted only on land legally described as Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766.



4.9.8 Permitted and Conditional Use Table: Comprehensive Development Zones 29 through 42

| Use | CD29 | CD30 | CD32 | CD33 | CD34 | CD35 | CD37 | CD38 | CD39 | CD40 | CD41 | CD42 |
|--|---------------|---------------|------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------|---------------|
| Accessory Use, Building, or Structure | P | P | P | P | P | P | P | P | P | | P | P |
| Single-Family Dwelling | | | | P | | | | | | | P | P |
| Apartment Dwelling | P | P | | | C (4.9.16) | C (4.9.16) | C (4.9.16) | | | | | |
| Townhouse Dwelling | | | | | C (4.9.16) | | | C (4.9.16) | | | | |
| Two-Family Dwelling | | P | | | | | | | P | | P | |
| Secondary Suite | | | | | | | | C (4.9.18) | | | | C (4.9.24) |
| Secondary Suite in an Accessory Building | | | | | | | | C (4.9.18) | | | | |
| Home Occupation | P | C (4.9.20) | | C (4.9.20) | C (4.9.19) | C (4.9.19) | C (4.9.19) | C (4.9.19) | C (4.9.20) | P | C (4.9.20) | C (4.9.20) |
| Parkade | P | | | | | | | | | | | |
| Office | | | | | | | C (4.9.17) | | | | | |
| Class 1 Restaurant | P | | | | | | | | | | | |
| Class 2 Restaurant | P | | | | | | | | | | | |
| Pub | P | | | | | | | | | | | |
| Personal Service Establishment | P | | | | | | | | | | | |
| Retail Sales | P | | | | | | | | | | | |
| Museum | P | | | | | | | | | | | |
| Hotel | C (4.9.5) | | | | | | | | | | | |
| Assembly Hall | P | | | | | | | | | | | |
| Fitness Centre | P | | | | | | | | | | | |
| Place of Worship | | | P | | | | | | | | | |
| Child Care Facility | | | P | | | | | | | | | |
| Assisted Living Unit | | | P | | | | | | | | | |
| Extended Care Unit | | | P | | | | | | | | | |
| All uses as per the C1 Zone | | | | | | | | | | P (see note 1) | | |
| Outdoor Retail | C (4.9.22) | | | | | | | | | C (4.9.22) | | |
| Boarding | | | | | | | | | | | C (4.9.25) | C (4.9.25) |
| Bed and Breakfast | | | | | | | | | | | | C (4.9.26) |
| Broadcasting Studio | P | | | | | | | | | P | | |

Notes:

1 Refer to Section 4.4 for permitted uses in the C1 Zone.



4.9.9 Conditional Use Regulations for Miraloma Class 2 Restaurant

- a. Class 2 Restaurant is permitted only on land legally described as Lot 1, Section 15, Range 3 East, North Saanich District, Plan VIP78678.

4.9.10 Conditional Use Regulations for Miraloma Hotel

- a. Hotels are permitted only on land legally described as Lot 1, Section 15, Range 3 East, North Saanich District, Plan VIP78678; and on land legally described as Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766.

4.9.11 Conditional Use Regulations for Two-Family Dwellings

- a. Shall only be permitted on Lot 1, Section 13, Range 4, North Saanich District, Plan VIS6339.

4.9.12 Conditional Use Regulations for Dwelling Units

- a. Shall be subject to a Restrictive Covenant expressing knowledge of the existing transit bus pull-out along James White Boulevard.

4.9.13 Conditional Use Regulations for Small Appliance Repair

- a. Establishments shall:
 - i. have a total non-retail floor area not in excess of 200 square metres;
 - ii. retail directly from the premises; and
 - iii. have the retail area extending the full width of the premises along that portion which abuts the front lot line.

4.9.14 Conditional Use Regulations for Dwelling Units

- a. Residential dwelling units shall not be located on the ground floor.
- b. Dwelling units shall only be permitted on Lots 1-19, Section 11, Range 4 East, North Saanich District, Plan VIS5902.

4.9.15 Conditional Use Regulations for Convenience Stores

- a. Shall only be permitted on a lot on which a gas bar is located.

4.9.16 Conditional Use Regulations for Dwelling Units: Unrestricted and Adaptable

- a. Shall be unrestricted.
- b. 20% of the units shall be adaptable units as stipulated under Section 7. All calculations shall round up to the nearest whole number.

4.9.17 Conditional Use Regulations for Offices

- a. Shall be restricted as accessory to the marina at (water) Lot 110, Cowichan District.
- b. Shall not exceed 200 square metres.

4.9.18 Conditional Use Regulations for Secondary Suites

- a. Not more than five (5) secondary suites shall be permitted within this zone.

4.9.19 Conditional Use Regulations for Home Occupations

- a. Home occupations shall:
 - i. be conducted wholly within the dwelling unit;
 - ii. have only residents of the dwelling unit engaged in the business;
 - iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;



- glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
- iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
- v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
- vi. involve no external storage of materials, containers, finished products or equipment;
- vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
- viii. not exceed a maximum of one home occupation per dwelling unit.
- b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.
- c. 'High-traffic' home occupations, including but not restricted to personal service establishments and offices/businesses that receive clients (e.g. medical, daycares, dental, law and accounting offices) are not permitted.

4.9.20 Conditional Use Regulations for Home Occupations

- a. Home occupations are permitted provided that:
 - i. they are conducted wholly within the principal dwelling, secondary suite, detached secondary dwelling or accessory building;
 - ii. they have only residents of the dwelling unit engaged in the business;
 - iii. they do not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;
 - glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
 - iv. they do not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
 - v. they do not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
 - vi. they involve no external storage of materials, containers, finished products or equipment;
 - vii. they do not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
 - viii. be limited to a maximum of two home occupations on a property.
- b. All home occupations shall be clearly incidental and subordinate to the residential use of the lot, such that the home occupation(s):
 - i. located in the principal dwelling of a single- or two-family dwelling shall not exceed 20% of the gross floor area of the principal dwelling or 50 square metres, whichever is less;



- ii. located in a secondary suite shall not exceed 15 square metres;
- iii. located in a detached secondary dwelling shall not exceed 13 square metres; and
- iv. located in a accessory building shall not exceed 35 square metres;
- c. 'High-traffic' home occupations, including but not restricted to, personal service establishments and offices/businesses that receive clients (e.g. medical, daycares, dental, law and accounting offices) are also permitted provided that:
 - i. they meet the requirements of Sections 4.9.20.a and 4.9.20.b above;
 - ii. they are not located in:
 - a secondary suite or detached secondary dwelling;
 - a single-family dwelling that contains boarding, bed and breakfast or secondary suite; and
 - on small-lot properties 400 square metres or less.
 - iii. they have an entrance separate from that of the residential component of the dwelling unit; and
 - iv. they have no more than two customers or clients in the unit at one time.

4.9.21 Conditional Use Regulations for Home Occupations in CD Zone 12

- a. Home occupations are permitted as per the requirements of Section 4.9.19 only on Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766 and Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678.

4.9.22 Conditional Use Regulations for Outdoor Retail

- a. Outdoor retail shall not be the primary use on the property.
- b. The vending area for each vendor shall not exceed an area of 10 square metres.
- c. The entire vending area shall not exceed 15% of the subject lot area.
- d. Vending areas shall be set back a minimum of one (1) metre from any property line.
- e. Hours of operation for outdoor retail shall be seven (7) days a week between the hours of 7:00 a.m. and 10:00 p.m.
- f. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.
- g. Where outdoor retail operations utilize a parking lot, all permitted uses on the subject lot shall meet the requirements of the Town of Sidney Parking and Loading Bylaw.

4.9.23 Conditional Use Regulations for Food and Beverage Manufacturing

- a. Establishments shall retail directly from the premises.

4.9.24 Conditional Use Regulations for Secondary Suite

- a. Either the secondary suite or principal dwelling shall be owner occupied.
- b. Secondary suites shall:
 - i. Be limited to one (1) per single family dwelling; and
 - ii. Not be legally stratified from the principal dwelling.

4.9.25 Conditional Use Regulations for Boarding

- a. No more than two bedrooms within a dwelling unit shall be used for boarding.
- b. Boarding shall only be permitted in single-family dwellings which do not contain a secondary suite, detached secondary dwelling, or bed and breakfast.

4.9.26 Conditional Use Regulations for Bed and Breakfast

- a. No more than two bedrooms within a dwelling unit shall be used for bed and breakfast.
- b. Bed and Breakfasts shall only be permitted in single-family dwellings which do not contain a secondary suite, detached secondary dwelling, or boarding.
- c. Bed and Breakfasts shall not be located in a detached secondary dwelling.

5

Buildings and Structures

This section deals with the siting, size and height of buildings as well as the density of residential dwelling units on lots within the Town of Sidney. Tables in this section provide general regulations for each zone, which are further defined by additional zone-specific regulations. Illustrations in this section provide an additional level of explanation on selected regulations, however are for illustrative purposes only; in cases where a discrepancy arises between the regulations and an illustration, the former shall be taken as correct.

Figure 2: Using the Buildings and Structures Tables

5.10.1 Sample Table

Reference the row containing your zone to see what regulations apply in the particular zone.

A blank cell indicates that there are no regulations for, or that the provision does not apply in, the particular zone.

| Zone | Front Setback | Minimum Lot Area |
|--------|--------------------|-----------------------------------|
| Zone 1 | 4m | 400m ² |
| Zone 2 | 5m (see note 1) | 400m ² |
| Zone 3 | | 255m ² (see note 2) |

Notes are colour-coded and provide references to additional information or regulations that are relevant to the particular zone.

Notes:

- 1 Refers to a specific setback regulation in the bylaw.
- 2 Refers to a specific lot area requirement in the bylaw.

5.1 General Building and Structure Regulations: All Zones

The following regulations apply to all buildings and structures and in all zones within the Town of Sidney:

5.1.1 Interpretation

- a. Except as otherwise provided in this bylaw, a blank cell contained within a Table in Section 5 of this bylaw indicates that there are no regulations for, or that the provision does not apply in, the particular zone.
- b. On a lot within a zone, no building or other structure shall be constructed, located or altered in a way that contravenes the regulations of the applicable zone under a Table contained within Section 5 of this bylaw.

5.1.2 Minimum Lot Area for Subdivision

- a. No lot shall be created by subdivision that does not meet the minimum lot area for the zone in which the lot is to be located as indicated in the "Minimum Lot Area" column of a Table contained within Section 5 of this bylaw.

5.1.3 Highway 17 Setback

- a. In all properties abutting Highway 17, all buildings and/or structures shall be no closer than 4.5 metres from the lot line abutting the highway.

5.1.4 Defining the Front Lot Line

- a. If a property abuts two different streets, but is not a corner lot, and those lot lines that abut the streets are of equal dimension, then either lot line that abuts a street can be determined as the front lot line at the time of subdivision or new construction, unless otherwise stated elsewhere in the bylaw.

5.1.5 Permitted Exemptions to Lot Coverage

- a. The following building elements do not contribute to lot coverage:
 - i. patios;
 - ii. unenclosed swimming pools;
 - iii. parking areas that are underground, or unenclosed and uncovered, unless parking is the principal use of the property;
 - iv. the initial 0.6 metres of an overhang, including eaves. Any portion of an overhang that extends beyond 0.6 metres does contribute to lot coverage; and
 - v. unenclosed and uncovered stairs and landings.

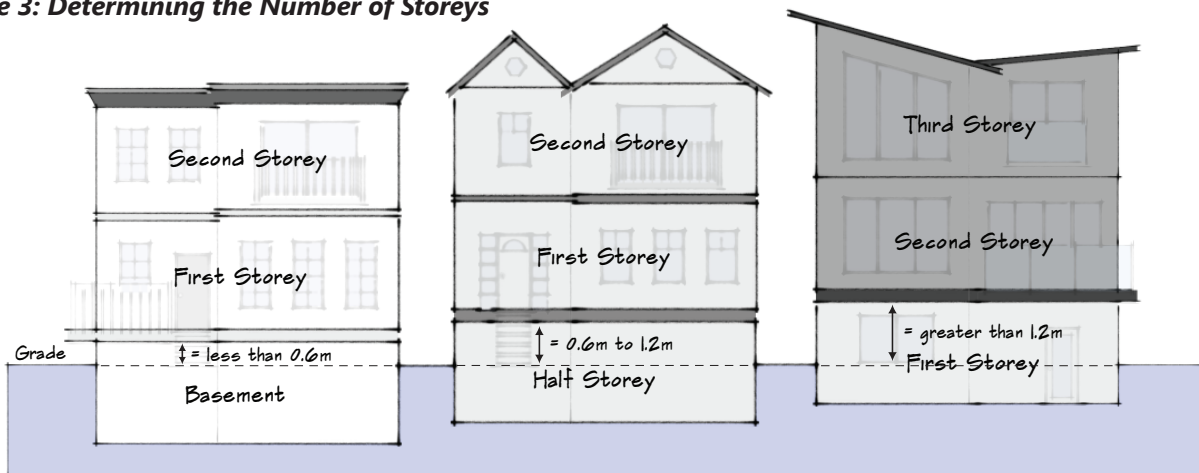
5.1.6 Permitted Projections into Setback

- a. The following building elements, or portions thereof, may project into the required setbacks provided the projections do not exceed 0.6 metres:
 - i. gutters;
 - ii. eaves;
 - iii. chimneys;
 - iv. unenclosed porches, notwithstanding Sections 5.2.6.e.ii, 5.3.6.i.ii and 5.3.8.b.ii; and
 - v. unenclosed and uncovered stairs and landings.
- b. Exterior cladding may project into the required setback, provided the projections do not exceed 0.15 metres.
- c. Bay windows may project into the required setback, provided that any portion of any bay window projecting into the setback does not exceed 1.1 square metres.
- d. Awnings and canopies may project only into the required front and exterior-side setback provided the projection does not exceed 1 metre.
- e. Pergolas are permitted in the front, exterior-side and rear yard setbacks, provided that a minimum setback of 1.5 metres from any lot line is maintained.
- f. Lighting standards, flag poles and utility poles are exempt from setbacks.
- g. Signs may project into the required setback provided that they meet the provisions of the Town of Sidney Sign Bylaw.

5.1.7 Determining the Number of Storeys

- a. Except as per the requirements of the C1 zone, (*See Section 5.4.1*) buildings may be constructed in half storey increments up to the maximum number of storeys permitted within their respective zone, where:
 - i. the ceiling elevation of a basement is less than 0.6 metres above grade;
 - ii. the ceiling elevation of a half storey is greater than 0.6 metres and less than 1.2 metres above grade; and
 - iii. a full storey has its ceiling elevation greater than 1.2 metres above grade. (*See Figure 3*)

Figure 3: Determining the Number of Storeys



5.1.8 General Height Regulations and Exemptions

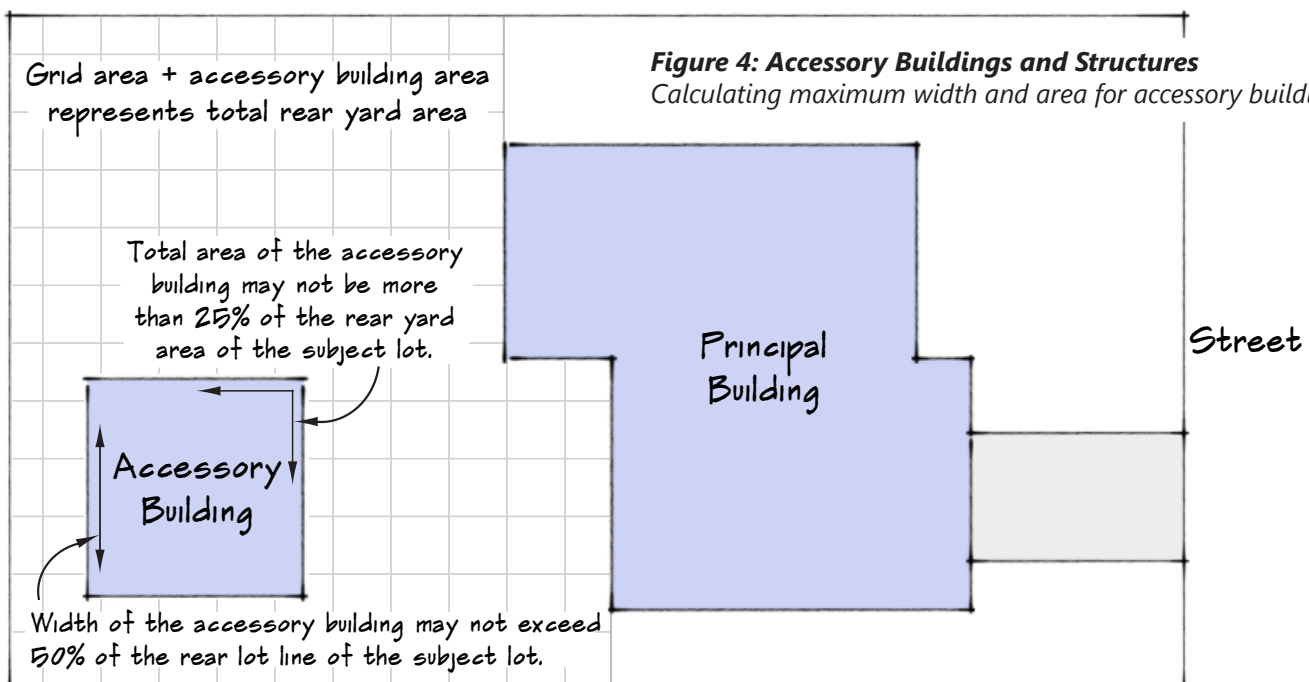
- a. Chimneys shall not project more than 0.9 metres above the highest point of the building.
- b. Renewable energy apparatuses shall not project more than 1.5 metres above the highest point of a building.
- c. Elevator shafts for direct elevator access to rooftop common areas shall not project more than 4 metres above the highest point of a building.
- d. Elevator shafts that do not provide direct access to rooftop common areas, and all non-elevator rooftop access structures shall not project more than 3 metres above the highest point of a building.
- e. Any rooftop access structure shall be set back a minimum distance equal to 25% of the corresponding horizontal dimension of the building from each building face of the storey below. (See Figure 13)
- f. The combined area of all rooftop access structures shall not exceed 50 square metres.
- g. Pergolas shall not exceed 3 metres in height.
- h. Flag poles shall not exceed 6 metres in height.
- i. Airport runway lights shall not exceed 9 metres in height.
- j. Telecommunication apparatuses shall not project more than 1 metre above the highest point of a building.
- k. Guard rails for rooftop patios shall not project more than 1.1 metres above the floor of the rooftop patio.

5.1.9 Accessory Buildings and Structures

- a. Excluding utility kiosks, fences and signs, accessory buildings and structures shall:
 - i. not exceed a height of 5.0 metres;
 - ii. not be located within a front or exterior side yard;
 - iii. be located no less than 1.2 metres from any lot line.
- b. In all zones except the R5 zone, accessory buildings and structures shall:
 - i. not exceed a gross floor area greater than 25% of the rear yard area of the subject lot; and
 - ii. have a width that does not exceed 50% of the width of the rear lot line.. (See Figure 4)

5.1.10 Lot Area Regulations for Panhandle Lots

- a. The area of the panhandle shall not be included in the calculation of spatial regulations and setback regulations contained within a Table in Section 5 of this bylaw.





5.1.11 Floor Area Exclusions

- a. The following parts or areas shall be excluded when calculating the Gross Floor Area of a building or structure for the purposes of determining its Floor Area Ratio:
 - i. All open balconies, sun decks, porches, or similar projections;
 - ii. All patios and rooftop patios and gardens;
 - iii. Any floor area used for off-street parking and loading located within the principal building envelope in the first storey, half-storey or below grade, or within an accessory building situated in the rear yard;
 - iv. Any floor area used for bicycle storage or accessory uses that support modes of active transportation located within the principal building envelope in the first storey, half-storey or below grade, or within an accessory building situated in the rear yard, as required by the Town of Sidney Off-Street Parking and Loading Bylaw;
 - v. Any floor area used for heating or mechanical equipment that is located below grade or in a half storey;
 - vi. Any amenity areas that are accessory to a residential use such as meeting rooms or recreational or exercise facilities, up to a maximum of 10 percent of the total permitted floor area;
 - vii. Any floor area dedicated to public use that has a social, cultural or recreational nature, where the floor area is secured in the public domain by a registered agreement on the title of the property, or where the title of the property is transferred to the Town of Sidney;
 - viii. All undeveloped floor areas which are located above the highest storey or half storey and to which there is no permanent means of access other than a hatch; or adjacent to a storey or half storey with a ceiling height of less than 1.2 metres;
 - ix. Any floor area dedicated to residential storage located below grade, or residential storage areas located above grade to a maximum of 3.7 square metres per dwelling unit. Any area above 3.7 square metres per dwelling unit above grade shall count towards the Floor Area calculation;
 - x. Any floor area dedicated to the use of a Renewable Energy Apparatus or its supporting equipment to a maximum of 1 percent of the total permitted floor area;
 - xi. Any additional wall thickness above that required by the Building Code that is dedicated toward increasing the energy efficiency of the building.
- b. The following areas shall be excluded when calculating the Gross Floor Area for a specific building or structure for the purposes of determining its Floor Area Ratio:
 - i. The 674 m² area designated as Movie Theatre on the ground floor of the building on the property known as Lot 1, Section 11, Range 4 East, North Saanich District, Plan EPP79638 (9830, 9832, 9838, 9842 & 9844 Third Street).

5.2 Building and Structures in Detached Residential Zones

5.2.1 General Spatial Regulations Table: Detached Residential Zones

| Zone | Minimum Lot Area | | Maximum Lot Coverage (see note 1) | | Maximum Height (see note 2) | | Maximum Storeys |
|------|---|---------------------|--------------------------------------|---------------------|--|---|-----------------|
| | Single-Family Dwelling | Two-Family Dwelling | 1 Storey | 2 and 2.5 Storeys | Roof pitch greater than 3:12 (see note 3) | Roof pitch 3:12 or less (see note 3) | |
| R1 | 930m ² (see note 4) | | 40% | 30% | 9.0m | | 2.5 |
| R1.1 | 500m ² (see note 4) | | 40% | 30% | 9.0m | 8.0m | 2.5 |
| R1.2 | Lot area of 400m ² or less | 255m ² | 40% | 30% | 8.0m | | 2.5 |
| | Lot area greater than 400m ² | 400m ² | 40% | 30% | 9.0m | 8.0m | 2.5 |
| R1.3 | Lot area of 400m ² or less | 255m ² | 40% | 30% | 8.0m | | 2.5 |
| | Lot area greater than 400m ² | 400m ² | 40% | 30% | 9.0m | 8.0m | 2.5 |
| R2 | 500m ² (see note 4) | 715m ² | 40% | 30% | 9.0m | 8.0m | 2.5 |
| R3 | Single-Family Dwelling with a lot area of 400m ² or less | 255m ² | 40% | 30% | 8.0m | | 2.5 |
| | Single-Family Dwelling with lot area greater than 400m ² | 400m ² | 40% | 30% | 9.0m | 8.0m | 2.5 |
| | Couplet House Dwelling | 255m ² | 35% | | 9.0m | 8.0m | 2.5 |
| R4 | 248m ² | | 35% (see note 5) | 35% (see note 5) | 7.0m | 7.0m | 2 |
| R5 | 270m ² | 400m ² | 75% | | 9.5m | | 2.5 |

Notes:

- 1 Refer to Section 5.1.5 for exemptions to lot coverage regulations.
- 2 Refer to Section 5.1.8 for exemptions to maximum height regulations.
- 3 Refer to Section 5.2.3.c for regulations regarding combination roof pitches.
- 4 Refer to Section 5.2.4.a for exemptions to minimum lot area.
- 5 Refer to Section 5.2.4.d.v for exemptions to maximum lot coverage.

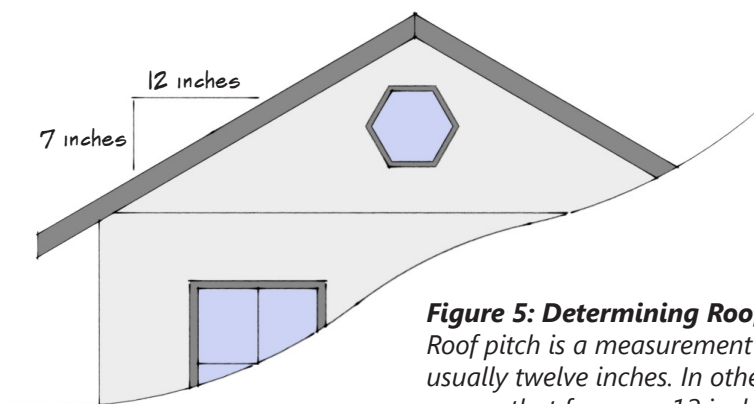


Figure 5: Determining Roof Pitch

Roof pitch is a measurement of the amount of rise in a roof over a given length, usually twelve inches. In other words, the roof shown here with a pitch of 7:12 means that for every 12 inches in length, the roof rises by 7 inches.



5.2.2 Setback Regulations Table: Detached Residential Zones

| Zone | Minimum Front Setback | Minimum Rear Setback (see note 1) | | Minimum Side Interior Setback | Minimum Side Exterior Setback (see note 1) |
|------|---|--------------------------------------|-------------------------------------|-------------------------------|---|
| | | Single-Family Dwelling | Two-Family Dwelling | | |
| R1 | 7.5m | 5.5m | | 2.0m | 3.0m |
| R1.1 | 7.5m | 5.5m | | 1.5m | 3.0m |
| R1.2 | Lot area of 400m ² or less | 4.5m | 3.0m | 1.5m | 3.0m |
| | Lot area greater than 400m ² | 4.5m | 5.5m | 1.5m | 3.0m |
| R1.3 | Lot area of 400m ² or less | 4.5m | 3.0m | 1.2m | 3.0m |
| | Lot area greater than 400m ² | 4.5m | 5.5m | 1.5m | 3.0m |
| R2 | 7.5m | 5.5m | 33% lot depth (see note 2) | 1.5m | 3.0m |
| R3 | Single-Family Dwelling with a lot area of 400m ² or less | 4.5m | 3.0m | 1.2m | 3.0m |
| | Single-Family Dwelling with lot area greater than 400m ² | 4.5m | 5.5m | 1.5m | 3.0m |
| | Couplet House Dwelling | 4.5m | 4.5m (see note 3) 9.0m (see note 3) | 1.5m | 3.0m |
| R4 | 3.0m | 1.5m | | 1.5m | 3.0m |
| R5 | 1.2m | 1.2m | | 1.2m | 1.2m |

Notes:

- 1 Refer to Section 5.2.3.a for required setbacks where a lot abuts a natural boundary.
- 2 Refer to Section 5.2.5.b for rear setbacks for Two-Family Dwellings.
- 3 Refer to Section 5.2.6.f for minimum rear setbacks for Couplet House Dwellings.

5.2.3 Detached Residential Zones Building Regulations: All Structures

- a. On all properties abutting a natural boundary, regardless of the required setbacks specified elsewhere in this Bylaw, no building or structure shall be constructed within 7.6 metres of the natural boundary, as established by a British Columbia Land Surveyor, of the sea or other body of water. Retaining walls and seawalls are exempt.
- b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line, except as per 5.2.4.c.v.
- c. Each element of a roof shall be constructed no higher than the stated maximum for its pitch. (See Figure 6)
- d. No more than one principal building shall be permitted on a lot.



Figure 6: Multiple Roof Pitches in Detached Residential Zones
Where a building or development has more than one pitch of roof, each section of roof with its own pitch cannot be higher than the stated maximum in the relevant building regulation table. This example shows a detached single-family dwelling with a peaked roof and a later addition with a shed roof.



5.2.4 Detached Residential Building Regulations: Single-Family Dwellings

- a. In the R1, R1.1 and R2 zones, lots existing on the effective date of this Bylaw which do not conform with the minimum lot area requirement of this zone may be used for any of the permitted uses, provided that all other requirements of this Bylaw are met and no other regulations are contravened.
- b. Notwithstanding Sections 5.2.1 and 5.3.1, for single-family dwellings in the R1.1, R1.2, R1.3, R2, R3, RM5, RM6 and RM7 zones, lot coverage for 2 and 2.5 storey buildings may be increased beyond 30% up to a maximum of 35%, provided that any gross floor area over 30% lot coverage be entirely contained within the first storey level of the principal building.
- c. The following regulations apply to the R1.2, R1.3 and R3 zones:
 - i. Notwithstanding Section 5.1.6.a.v, on properties that are 400 square metres or less in area, unenclosed and uncovered stairs and landings are permitted in the front or rear setback;
 - ii. In the R1.2 zone, no lot shall have a lot width of less than 10 metres;
 - iii. In the R1.3 and R3 zones, no lot shall have a lot width of less than 7.5 metres;
 - iv. In the R1.3 zone, no principal building on a lot with a lot width less than 10 metres shall have garage doors facing the street; and
 - v. On those properties that are 400 square metres or less in area and which are bounded by two streets, the front property line may be considered as either the longest or the shortest property line.
- d. The following regulations apply to the R4 zone:
 - i. No bareland strata lot fronting on a cul-de-sac or in a panhandle configuration shall have a front lot line that is less than 4.5 metres;
 - ii. Notwithstanding 5.2.4.d.i, no bareland strata lot shall have a front lot line that is less than 6 metres;
 - iii. No principal building shall be sited less than 3 metres from any other principal building; and
 - iv. No part of the principal building shall be sited less than 3 metres from any other principal building.
 - v. Sundecks and carports are exempt when calculating maximum lot coverage.
- e. The following regulations shall apply to the R5 zone:
 - i. The total width of all garage doors which front on to a street shall not exceed 2.75 metres, except on those lots noted as lots 6, 7, 8, 9, 13, 14, 15, and 16 on the site plan for Development Permit No. 100571, where the total width of all garage doors may not exceed 4.9 metres in width;
 - ii. Dwellings with vehicle access from a lane shall not have a garage fronting on to or accessed from a street; and
 - iii. Carports shall not front on to a street.

5.2.5 Detached Residential Building Regulations: Two-Family Dwellings in the R2 Zone

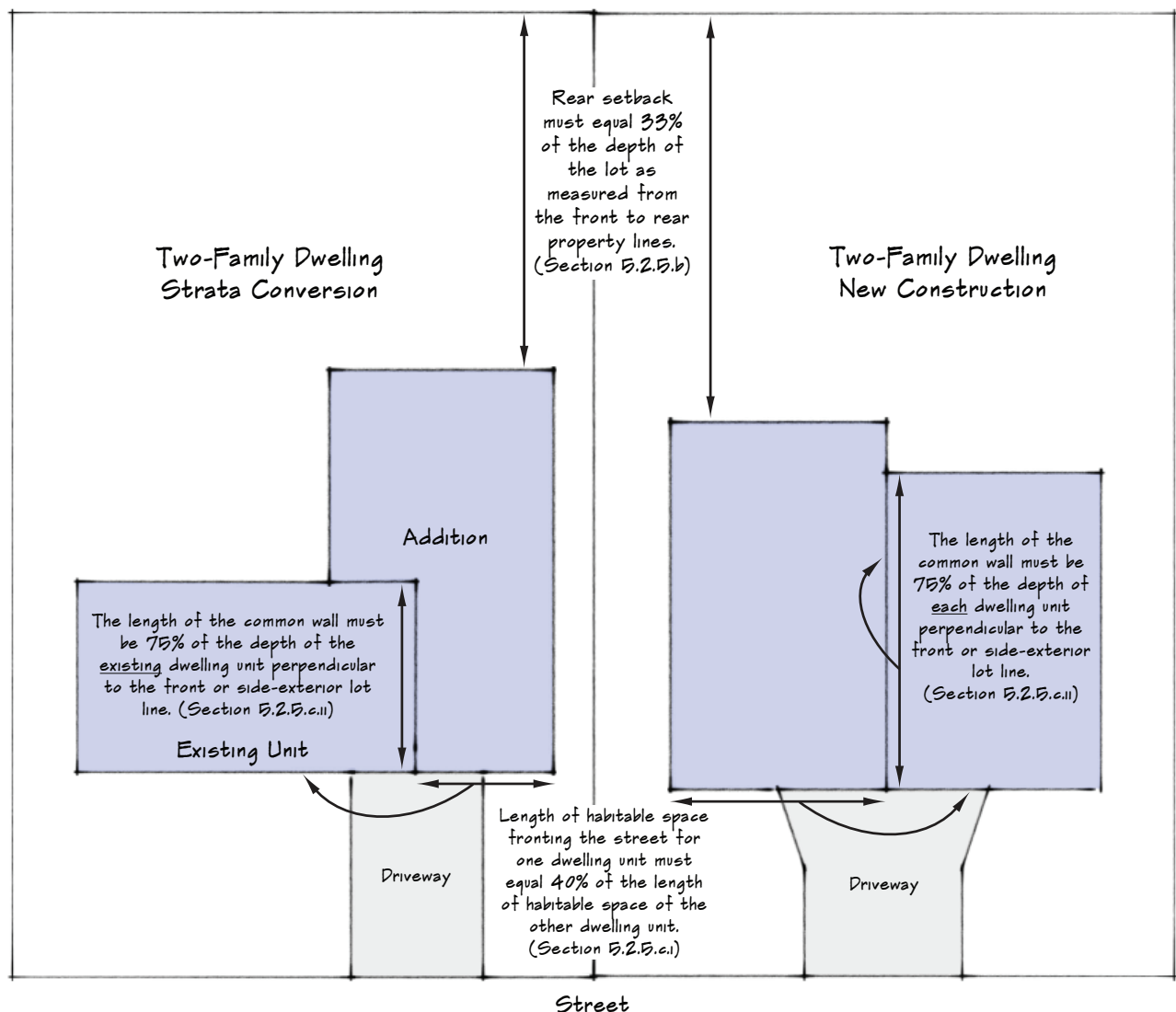
- a. Notwithstanding Sections 5.2.1 and 5.3.1, for two-family dwellings lot coverage for 2 and 2.5 storey buildings may be increased beyond 30% up to a maximum of 35%, provided that any gross floor area over 30% lot coverage be entirely contained within the first storey level of the principal building.
- b. Rear setback shall not be less than 33% of the depth of the lot as measured from the front to rear property lines.
- c. The following regulations apply to side-by-side two-family dwellings only:
 - i. The minimum wall length of habitable space of a dwelling unit fronting onto a street at the front or exterior side lot line shall not be less than 40% of the wall length of habitable space of the other dwelling unit facing the same front or exterior side lot line;
 - ii. A common wall:
 - in a two-family strata conversion shall have a minimum horizontal dimension equal to 75% of the depth (side wall length) of the existing dwelling unit, and the common

wall shall be a side wall perpendicular to the front or exterior-side lot line.

- in a new two-family dwelling shall have a minimum horizontal dimension equal to 75% of the depth (side wall length) of each dwelling unit, and the common wall shall be a side wall perpendicular to the front or exterior-side lot line; and
- iii. The footprint of one dwelling unit shall equal a minimum area of 85% of the footprint of the second dwelling unit. (See Figure 7)
- d. The following regulations apply to stacked two-family dwellings only:
 - i. The floor area of one dwelling unit shall equal a minimum area of 85% of the floor area of the second dwelling unit;
 - ii. At least 80% of the upper dwelling unit's floor area shall be directly above of the lower dwelling unit; and
 - iii. Both dwelling units shall have habitable space facing the street.

Figure 7: Two-Family Dwellings

Two-family dwellings, also known as duplexes, allow for two households to live on a single, stratified property, in a single building that is separated by a common wall. Two-family dwellings can be built as a new development, or be developed by converting an existing single-family dwelling, called a strata conversion. The configuration of a two-family dwelling may be side-by-side, with both units having relatively equal frontage facing the street, or stacked, with one unit primarily on the second floor and the other unit on the ground floor. Front-to-back two-family dwellings are not permitted in Sidney in order to preserve the privacy and sense of rear-yard openness for the surrounding neighbourhood.



5.2.6 Detached Residential Building Regulations: Couplet House Dwellings

- a. The initial construction of both dwelling units shall occur as a single development project.
- b. Vehicle access from a street is prohibited on properties with direct lane access.
- c. Garages, garage doors and carports shall not face a street.
- d. Actual gross floor area of a second storey of a principal building shall not exceed 70% of the actual gross floor area of the first storey.
- e. Covered porches and entranceways, including stairs not exceeding 1.2 metres in height:
 - i. notwithstanding Section 5.1.5.a, that are located in the front and exterior side yards shall not be included in lot coverage; and
 - ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
- f. Where a lane already exists for rear vehicle access, the rear setback shall be a minimum of 4.5 metres. Where no lane exists, both couplet house dwellings shall have a minimum rear setback of 9.0 metres, of which a minimum of 6.0 metres shall consist of an access aisle extending along the rear of the properties.

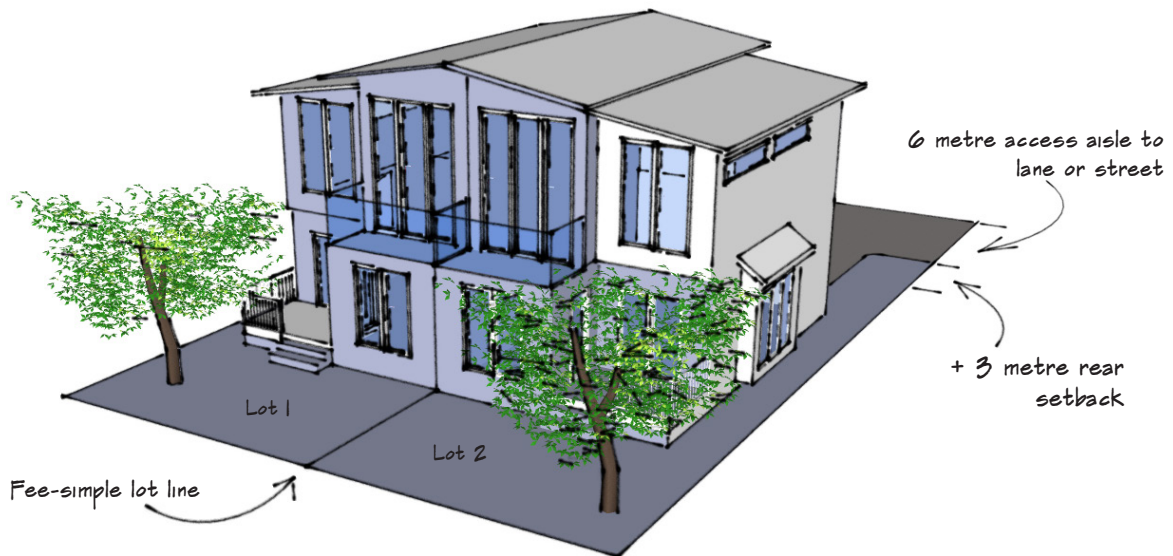


Figure 8: Couplet House Dwellings

Couplet House Dwellings are dwellings that occur in pairs, where each unit shares a common party wall with the other but is located on its own fee-simple lot. The buildings are similar to two-family dwellings, except that each lot is owned in fee-simple with no strata. Vehicle access to both units is by an access aisle at the rear of the property.

5.2.7 Detached Residential Building Regulations: Secondary Suites

- a. Secondary suites shall:
 - i. be completely contained within the principal building;
 - ii. not exceed a gross floor area of 90 square metres;
 - iii. have their own entrance separate from that of the other dwelling unit; and
 - iv. be self-contained. Electrical panels and laundry facilities can be shared between the principal dwelling and the secondary suite if they are located in a common area, providing that common area meets the requirements of the current B.C. Building Code.

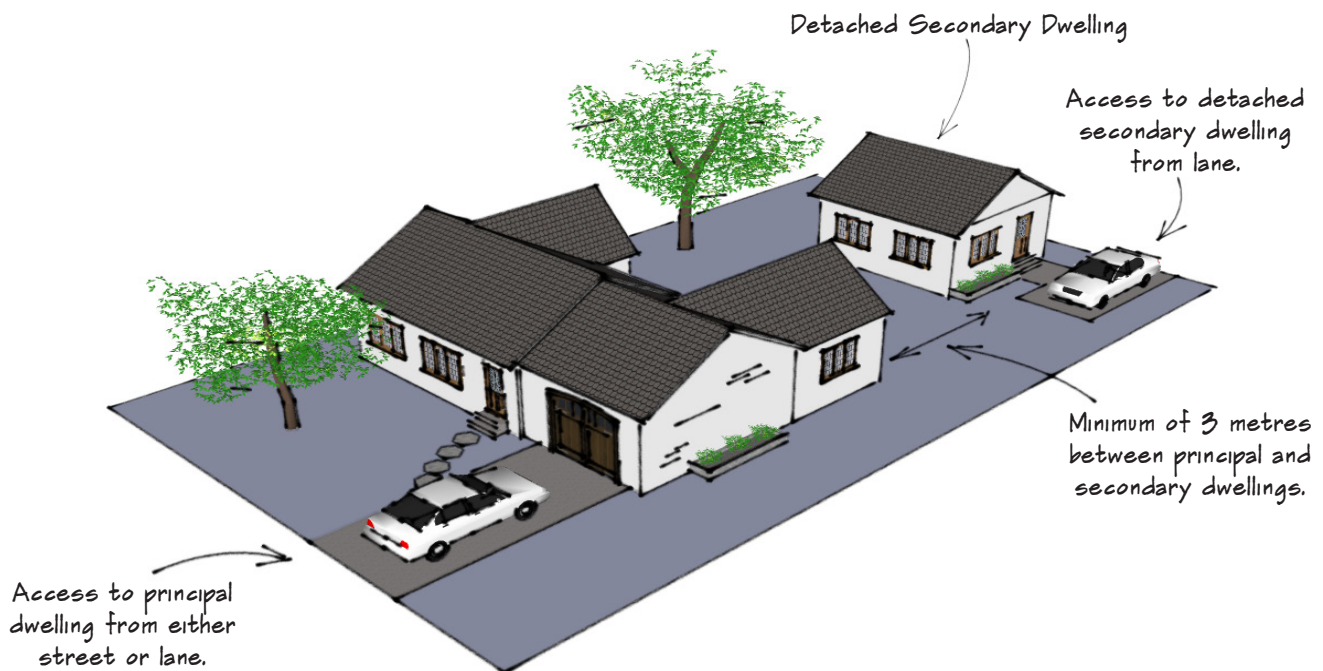
See Section 4.2.2 Conditional Use Regulations for Secondary Suites

5.2.8 Detached Residential Building Regulations: Detached Secondary Dwellings

- a. Detached Secondary Dwellings in the R1.3 and R3 Zones shall:
 - i. not be located on lots smaller than 400 square metres, nor on lots with a width of less than 10 metres;
 - ii. only be located in the rear yard;
 - iii. have a minimum 1.5 metre setback from any lot line;
 - iv. have a minimum of 3 metres setback, at any point, from the principal dwelling;
 - v. not exceed 30% coverage of the rear yard area of the subject lot;
 - vi. not exceed a building width over 50% of the rear lot line width;
 - vii. not exceed a height of 85% of the principal dwelling height, or 6 metres, whichever is lesser; and
 - viii. not exceed two storeys.
- b. In the R1.3 and R3 zones, outdoor private space for use by occupants of the Detached Secondary Dwelling shall be a minimum of 25% of the same building's habitable floor area, or greater.

Figure 9: Detached Secondary Dwellings

Detached secondary dwellings (also known as coach houses, carriage houses or laneway houses) are accessory residential units located in the rear yard of a single-family dwelling. Detached secondary dwellings cannot be legally stratified from the main dwelling, and therefore provide an additional stock of rental housing in the community similar to secondary suites, with an added benefit of increased privacy due to their separation from the main dwelling unit.



See Section 4.2.3 Conditional Use Regulations for Detached Secondary Dwellings



5.3 Buildings and Structures: Multi-Family Residential Zones

5.3.1 General Spatial Regulations Table: Multi-Family Residential Zones

| Zone | Use | Minimum Lot Area | Maximum Residential Density | | Maximum Lot Coverage <i>(see note 1)</i> | Maximum Height <i>(see note 2)</i> | | Maximum Storeys |
|------|--|-------------------|-----------------------------|---------------|---|---|--|-----------------|
| | | | Base Density | Bonus Density | | Roof pitch greater than 3:12 <i>(see note 3)</i> | Roof pitch 3:12 or less <i>(see note 3)</i> | |
| RM5 | Row House Dwelling | 155m ² | 1 dwelling unit per lot | | 55% | 9m | 8m | 2.5 |
| | Townhouse Dwelling Apartment Dwelling | 670m ² | 0.75 FAR | 1.30 FAR | | | | |
| | Single-Family Dwelling | 500m ² | 1 dwelling unit per lot | | 1 Storey: 40% 2 and 2.5 storeys: 30% | | | |
| | Two-Family Dwelling | 715m ² | 1 dwelling per lot | | 1 Storey: 40% 2 and 2.5 storeys: 30% | | | |
| RM6 | Row House Dwelling | 155m ² | 1 dwelling unit per lot | | 55% | 12m | | 3 |
| | Townhouse Dwelling Apartment Dwelling | 670m ² | 0.90 FAR | 1.75 FAR | 55% - 65% <i>(see note 4)</i> | | | |
| | Single-Family Dwelling | 500m ² | 1 dwelling unit per lot | | 1 Storey: 40% 2 and 2.5 storeys: 30% | 9m | 8m | 2.5 |
| | Two-Family Dwelling | 715m ² | 1 dwelling per lot | | 1 Storey: 40% 2 and 2.5 storeys: 30% | | | |
| RM7 | Row House Dwelling | 155m ² | 1 dwelling unit per lot | | 55% | 12m | | 3 |
| | Townhouse Dwelling | 670m ² | 1.30 FAR | 2.00 FAR | 55% - 65% <i>(see note 4)</i> | | | |
| | Apartment Dwelling | 670m ² | 1.30 FAR | 2.00 FAR | 55% - 65% <i>(see note 4)</i> | 16m | | 4 |
| | Single-Family Dwelling | 500m ² | 1 dwelling unit per lot | | 1 Storey: 40% 2 and 2.5 storeys: 30% | 9m | 8m | 2.5 |
| | Two-Family Dwelling | 715m ² | 1 dwelling per lot | | 1 Storey: 40% 2 and 2.5 storeys: 30% | | | |
| RM-C | Abbeyfield Dwelling | 500m ² | 10 residents maximum | | 40% | 9m | | 2.5 |
| | Community Care Facility | 900m ² | 1.30 FAR | None | 40% | 12m | | 3 |
| | Apartment Dwelling | 900m ² | | | 40% | 12m | | 3 |

Notes:

- 1 Refer to Section 5.1.5 for exemptions to lot coverage regulations.
- 2 Refer to Section 5.1.8 for exemptions to maximum height regulations.
- 3 Refer to Section 5.3.2.c for regulations relating to multiple roof pitches.
- 4 Refer to Sections 5.3.8.d and 5.3.9.e for increased lot coverage with the provision of underground parking.
- 5 Refer to Section 5.3.10 for Bonus Density Amenity Requirements.

5.3.2 Multi-Family Building Regulations: All Structures

- a. On all properties abutting a natural boundary, regardless of the required setbacks specified elsewhere in this Bylaw, no building or structure shall be constructed within 7.6 metres of the natural boundary, as established by a British Columbia Land Surveyor, of the sea or other body of water. Retaining walls and seawalls are exempt.
- b. Where a lot has lot lines abutting two or more streets, the longest lot line shall be the front lot line, except as per 5.3.4.b and 5.3.6.d. and 5.3.5.b.
- c. Each element of a roof shall be constructed no higher than the stated maximum for its pitch. (See Figure 10)

5.3.3 Setback Regulations Table: Multi-Family Residential Zones

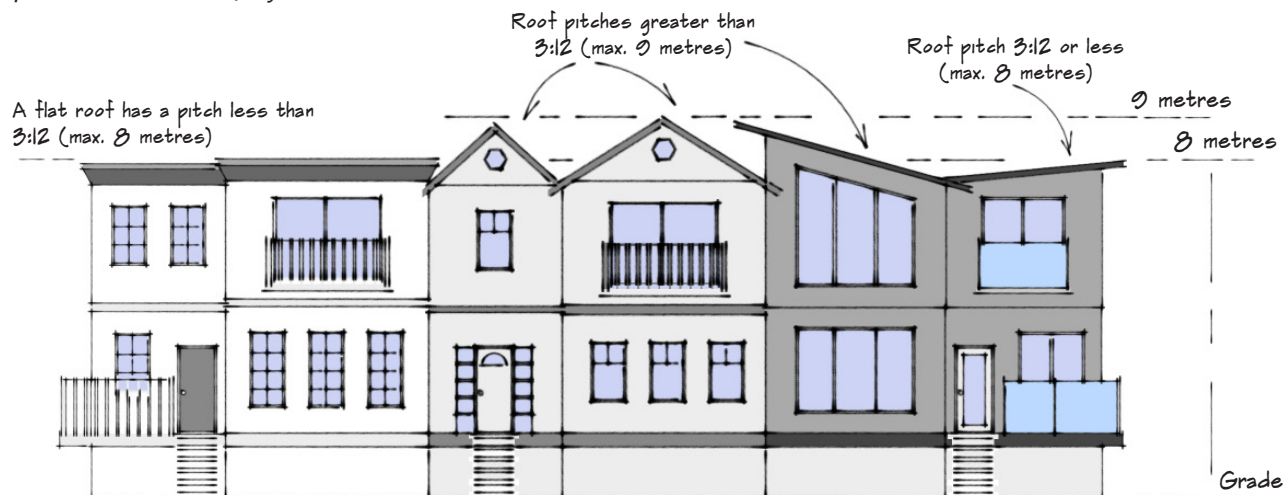
| Zone | Use | Minimum Front Setback | Minimum Rear Setback (see note 1) | | Minimum Side Interior Setback | | Minimum Side Exterior Setback (see note 1) |
|-------|-------------------------|-----------------------|--------------------------------------|--------------------|-------------------------------|------------------------|---|
| | | | | | | Row House Interior Lot | |
| RM5 | Row House Dwelling | 4.5m | 4.5m | 9m (see note 2) | 1.5m (see note 3) | 0m (see note 4) | 4.5m |
| | Townhouse Dwelling | 4.5m | 4.5m | | 1.5m | | 4.5m |
| | Apartment Dwelling | | | | | | |
| | Single-Family Dwelling | | | | | | |
| RM5-B | Two-Family Dwelling | | | | | | |
| | Townhouse Dwelling | 4.5m | 4.5m | | 1.5m | | 4.5m |
| | Apartment Dwelling | 4.5m | 4.5m | | 1.5m | | 4.5m |
| | | 4.5m | 4.5m | | 1.5m | | 4.5m |
| RM6 | Row House Dwelling | 4.5m | 3m | 9m (see note 2) | 3m (see note 3) | 0m (see note 4) | 4.5m |
| | Townhouse Dwelling | 4.5m | 5.5m | | 3m | | 4.5m |
| | Apartment Dwelling | | | | | | |
| | Single-Family Dwelling | | | | | | |
| RM6-B | Two-Family Dwelling | | | | | | |
| | Row House Dwelling | 4.5m | 3m | 9m (see note 2) | 3m (see note 3) | 0m (see note 4) | 3m |
| | Townhouse Dwelling | 4.5m | 5.5m | | 4.5m | | 4.5m |
| | Apartment Dwelling | 4.5m | 5.5m | | 3m | | 4.5m |
| RM7 | Single-Family Dwelling | 4.5m | 5.5m | | 3m | | 4.5m |
| | Two-Family Dwelling | 4.5m | 5.5m | | 3m | | 4.5m |
| | Townhouse Dwelling | 4.5m | 5.5m | | 4.5m | | 4.5m |
| | Apartment Dwelling | 4.5m | 5.5m | | 4.5m | | 4.5m |
| RM7-B | Townhouse Dwelling | 4.5m | 5.5m | | 4.5m | | 4.5m |
| | Apartment Dwelling | 4.5m | 5.5m | | 4.5m | | 4.5m |
| RM-C | Abbeyfield Dwelling | 4.5m | 5.5m | | 1.5m | | 4.5m |
| | Community Care Facility | 6m | 7.5m | | 4.5m | | 4.5m |
| RM-C | Apartment Dwelling | 6m | 7.5m | | 4.5m | | 4.5m |
| | | 6m | 7.5m | | 4.5m | | 4.5m |

Notes:

- 1 Refer to Section 5.3.2.a for required setbacks where a lot abuts a natural boundary.
- 2 Refer to Section 5.3.6.g for minimum rear setbacks for Row House Dwellings.
- 3 Refer to Section 5.3.6.e for minimum side interior setbacks for Row House Dwellings.
- 4 Refer to Section 5.3.6.f for Row House Interior Lot setbacks.

Figure 10: Multiple Roof Pitches in the RM5 Zone

Where a building or development has more than one pitch of roof, each section of roof with its own pitch cannot be higher than the stated maximum in the relevant building regulation table. The example below is a row house development that incorporates various roof styles.



5.3.4 Multi-Family Building Regulations: Single-Family Dwellings

- a. In the RM5, RM6, and RM7 zones, lots existing on the effective date of this bylaw which do not conform with the minimum lot area requirement of this zone may be used for a single-family dwelling use, provided they are legally described in Section 4.3.5.a of this bylaw and that all other requirements of this Bylaw are met and no other regulations are contravened.
- b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
- c. For single-family dwellings in the RM5, RM6, and RM7 zones, the gross floor area of a second storey of a principal building shall not exceed 70% of the actual gross floor area of the first storey.

5.3.5 Multi-Family Building Regulations: Two-Family Dwellings

- a. In the RM5, RM6, and RM7 zones, lots existing on the effective date of this bylaw which do not conform with the minimum lot area requirement of this zone may be used for a two-family dwelling use, provided they are legally described in Section 4.3.6.a of this bylaw and that all other requirements of this Bylaw are met and no other regulations are contravened.
- b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
- c. The regulations for Two-Family Dwellings in Section 5.2.5 of this Bylaw shall apply.

5.3.6 Multi-Family Building Regulations: Row House Dwellings

- a. Lot width shall be a minimum of 6 metres.
- b. A minimum of three (3) row house dwellings shall be in a series.
- c. The initial construction of all dwelling units shall occur as a single development project.
- d. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
- e. A lot that is the end unit of a series of row houses and does not abut a street must meet the minimum side interior setback.

Figure 11: Row House Dwellings

Row houses are dwellings that occur in a side-by-side series with each dwelling sharing either one or two party walls with its neighbors, depending on its position in the series (end units will share only one party wall). Each row house is on a fee-simple lot, which means the property is wholly owned by the owner (i.e. no strata ownership).



- f. The principal building may be sited directly against a side-interior lot line only when it abuts the adjacent lot's principal building at the zero-lot line.
- g. Where a lane already exists for rear vehicle access, the rear setback shall be a minimum of 4.5 metres in the RM5 zone, and 3.0 metres in the RM6 and RM7 zones. Where no lane exists, row house dwellings in the RM5, RM6 and RM7 zones shall have a minimum rear setback of 9.0 metres, of which a minimum of 6.0 metres shall consist of an access aisle extending along the rear of the properties.
- h. Vehicle parking shall be located in the rear yard, or enclosed within the rear of the principal building, accessed from the rear yard.
- i. Covered porches, entranceways and stairs not exceeding 1.2 metres in height:
 - i. notwithstanding Section 5.1.5.a, that are located in the front and exterior side yards shall not be included in lot coverage; and
 - ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
- j. 20% of all new row house dwellings in a development project shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.

5.3.7 Multi-Family Building Regulations: Secondary Suites

- a. A secondary suite in a multi-family zone shall:
 - i. be completely contained within a principal building;
 - ii. not exceed 40% of the gross floor area of its respective principal dwelling unit, including the suite's floor area, or 90 square metres, whichever is less;
 - iii. have its own entrance separate from that of its respective principal dwelling unit; and
 - iv. be self-contained. Electrical panels and laundry facilities can be shared between the secondary suite and its respective principal dwelling unit if they are located in a common area, providing that common area meets the requirements of the current B.C. Building Code.
- b. 20% of all secondary suites in new development projects shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.

See Section 4.3.2 Conditional Use Regulations for Secondary Suites

Figure 12: Calculating Additional Lot Coverage in the RM6 and RM7 Zones

When calculating the additional percentage of lot coverage permitted over the baseline of 55%, first divide the number of parking spaces provided underground or within the first or half storey into the total spaces required (round to two decimal places), then multiply this number by 10 and add it to 55. The resulting number is the maximum percentage of lot coverage permitted, and may not exceed 65%.

Example 1

20 off-street parking spaces required
8 spaces provided underground

8 divided by 20 = 0.4

0.4 multiplied by 10 = 4

55 plus 4 = 59% max. lot coverage

Example 2

27 off-street parking spaces required
24 spaces provided within first storey

24 divided by 27 = 0.89

0.89 multiplied by 10 = 8.9

55 plus 8.9 = 63.9% max. lot coverage



5.3.8 Multi-Family Building Regulations: Townhouse Dwellings

- a. A minimum of three (3) dwelling units per building shall be attached.
- b. Covered porches and entranceways, including stairs not exceeding 1.2 metres in height:
 - i. notwithstanding Section 5.1.5.a, that are located in the front and exterior side yards shall not be included in lot coverage; and
 - ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
- c. 20% of all new townhouse dwellings in a development project shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.
- d. In the RM6 and RM7 zones, maximum lot coverage shall be 55%; however, where all required off-street parking spaces are provided underground or within the first or half storey of the principal building, lot coverage may be increased by 10%. If only a proportion of the required underground, first, or half storey parking is provided, an equal proportion of the additional 10% lot coverage shall be permitted (*See Figure 12*).
- e. Townhouse dwellings must be a minimum of two (2) storeys, with the second storey having a minimum floor area of 25 square metres of finished habitable space.

5.3.9 Multi-Family Building Regulations: Apartment Dwellings

- a. A minimum of three (3) dwelling units per building shall be attached.
- b. 20% of all new Apartment Dwellings in a development project shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.
- c. In the RM6 and RM7 zones, maximum lot coverage shall be 55%; however, where all required off-street parking spaces are provided underground or within the first or half storey of the principal building, lot coverage may be increased by 10%. If only a proportion of the required underground, first, or half storey parking is provided, an equal proportion of the additional 10% lot coverage shall be permitted (*See Figure 12*).
- d. A minimum of 10% of the units in each building must:
 - i. have a minimum of three (3) bedrooms. All calculations shall round up to the nearest whole number; and
 - ii. have a minimum gross floor area of 100 square metres; and
 - iii. be located only within the first or second storey of the building.

5.3.10 Bonus Density Amenity Requirements

- a. In the RM5, RM6, and RM7 Zones, the maximum residential density on a property may not exceed the level specified in the Maximum Residential Density: Base Density column of Section 5.3.1.
- b. Notwithstanding Section 5.3.10.a, the Floor Area Ratio on a property may be increased up to the maximum specified in the Maximum Residential Density: Bonus Density column of Section 5.3.1 subject to the provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy.
- c. Notwithstanding Sections 5.3.10.a and 5.3.10.b, on the property legally described as Lots 1-8, Section 12, Range 4 East, North Saanich District, Plan VIS844, and That Part of Road Dedication on Plan 470, Section 12, Range 4 East, North Saanich District, as shown on Plan EPP64080 (2447 Henry Avenue), the maximum residential density may be increased to 168 units per hectare provided that prior to the issuance of Building Permit, the property owner shall have
 - a) provided Building Permit application drawings that indicate all vehicle parking for the development is to be contained in an underground parking area; and
 - b) provided \$75,000 towards streetscape improvements.

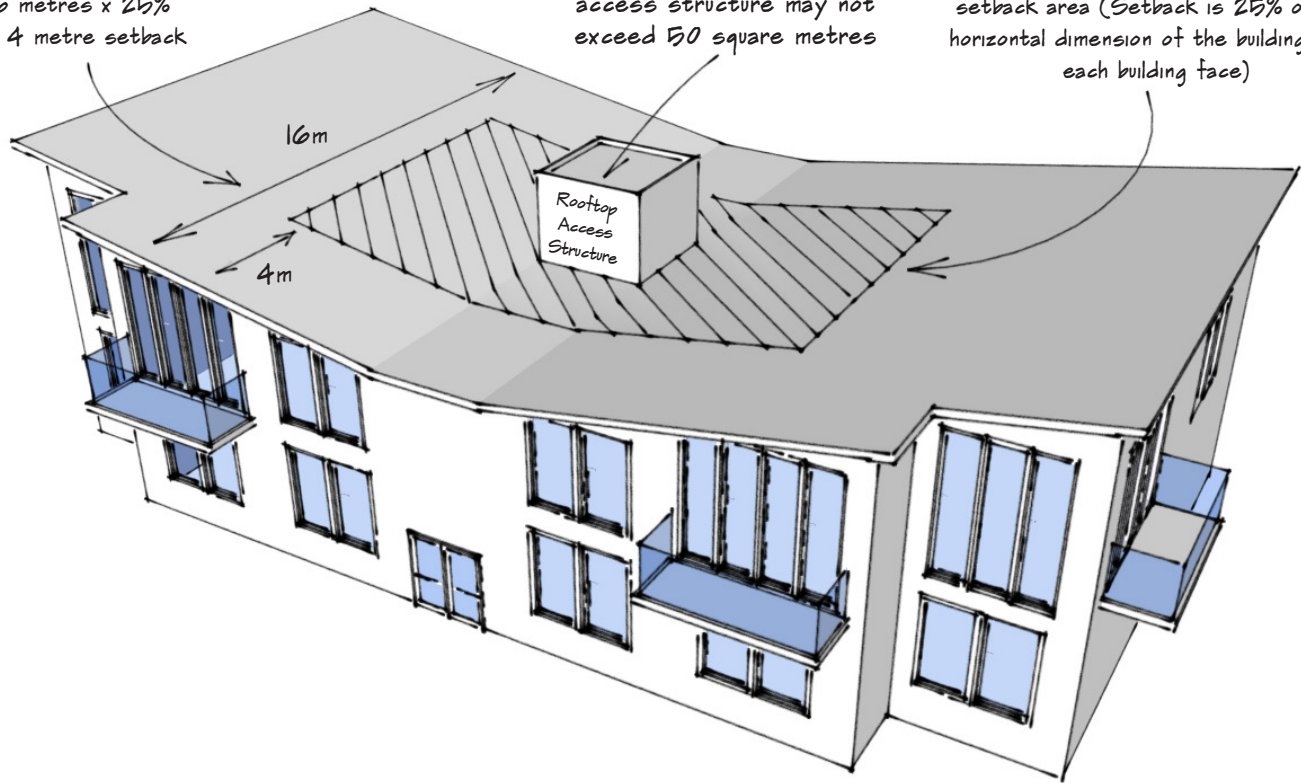


Figure 13: Setbacks for Rooftop Access Structures

Setback example:
16 metres x 25%
= 4 metre setback

Total area of the rooftop
access structure may not
exceed 50 square metres

Structure must be placed inside this
setback area (Setback is 25% of the
horizontal dimension of the building from
each building face)





5.4 Buildings and Structures: Commercial Zones

5.4.1 General Spatial Regulations Table: Commercial Zones

| Zone | | Maximum Principle Buildings per Lot | Maximum Density | | Minimum Lot Area (see note 1) | Maximum Lot Coverage | Maximum Height | Minimum Storeys | Maximum Storeys |
|------|----------------------------|-------------------------------------|--------------------------|---------------|----------------------------------|----------------------|----------------|-----------------|-----------------|
| | | | Base Density | Bonus Density | | | | | |
| C1 | Abutting Beacon Avenue | | 2.30 FAR | 2.70 FAR | 250m ² | | 12m | 2 | 3 |
| | Abutting all other streets | | 2.40 FAR | 3.00 FAR | 250m ² | | 15m | 2 | 4 |
| C2 | | | 1.30 FAR | None | 900m ² | 65% | 12m | 2 | 3 |
| C2.1 | | 1 | 2 dwelling units per lot | | 500m ² | 50% | 9m | | 2 |
| C3 | Principal building | 1 | 1 dwelling unit per lot | | 1000m ² | | 7.5m | | 2 |
| | Pump islands and canopy | 1 | 1 dwelling unit per lot | | 1000m ² | | 5.5m | | 2 |
| C4 | | | 1 dwelling unit per lot | | 4000m ² | 45% | 9m | | 2 |
| C5 | | | | | 1000m ² | | 10m | | 2 |

Notes:

- 1 Refer to Section 5.4.3.a for exemptions to minimum lot area.
- 2 Refer to Section 5.4.4 for Bonus Density Amenity Requirements.

5.4.2 Setback Regulations Table: Commercial Zones

| Zone | | Front Setback | Rear Setback | | Side Interior Setback | | Side Exterior Setback |
|----------------------|-------------------------|--------------------|--|------------|---|--------------|-----------------------|
| | | | Rear lot line abutting RES-1, RES-2 or RES-3, as designated by the OCP | All Others | Side-interior lot line abutting RES-1, RES-2 or RES-3, as designated by the OCP | All Others | |
| C1 | Minimum setback | 1m (see note 1) | 3m | | 3m | (see note 1) | 1m (see note 1) |
| | Maximum setback | 4.5m | | | | (see note 1) | 4.5m |
| C2 Minimum setback | | 4.5m | 5.5m | | 3m | | 4.5m |
| C2.1 Minimum setback | | 6m | 5.5m | | 3m | | 6m |
| C3 Minimum setback | Principal building | 10m | 3m | | 4.5m | | 10m |
| | Pump islands and canopy | 5.5m | 3m | | 4.5m | | 4.5m |
| C4 Minimum setback | | 7.5m | 4.5m | | 2.5m | | 7.5m |
| C5 | | 4.5m | 4.5m | | 4.5m | | 4.5m |

Notes:

- 1 Refer to Section 5.4.3.b for corner setback regulations on corner properties.

5.4.3 Commercial Building Regulations: All Structures

- a. Lots existing on the effective date of this Bylaw which do not conform with the minimum lot area requirement of this zone may be used for any of the permitted uses provided that all other requirements of this Bylaw are met and provided that no other regulations are contravened.



- b. No portion of the first storey of any building shall be located in the area bounded by the intersecting:
 - i. front and exterior side lots lines of a lot and a line joining points along the lot lines 4.5 metres from their point of intersection if adjoining a street; or
 - ii. the front and interior side lot lines of a lot and a line joining points along the lot lines 3.0 metres from their point of intersection if adjoining a lane. (*See Figure 14*)
- c. Awnings and canopies are exempt from setbacks in areas designated as 'COM-1' under the Town of Sidney Official Community Plan.
- d. 20% of all dwelling units in a new development shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.
- e. Where a corner lot abuts two streets, the shortest lot line is the front lot line.
- f. Notwithstanding Section 5.4.3.e, if a property abuts:
 - i. two different streets, but is not a corner lot, then both lot lines abutting the streets are considered to be front lot lines. In these instances, the property does not have a rear lot line (*See Figure 15*); or
 - ii. three different streets, then the two lot lines that are abutting streets that are most parallel and opposite to each other shall both be considered to be front lot lines, while the lot line that connects those two shall be considered a side-exterior lot line. (*See Figure 16*)
- g. Where residential units are included in a building, a minimum of 10% of the units must:
 - i. have a minimum of three (3) bedrooms. All calculations shall round up to the nearest whole number; and
 - ii. have a minimum gross floor area of 100 square metres; and
 - iii. be located only within the first or second storey of the building.

5.4.4 Bonus Density Amenity Requirements

- a. In the C1 Zone, the maximum density on a property may not exceed the level specified in the Maximum Density: Base Density column of Section 5.4.1.
- b. Notwithstanding Section 5.4.4.a, the Floor Area Ratio on a property may be increased to the maximum specified in the Maximum Density: Bonus Density column of Section 5.4.1 subject to the provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy.



Figure 14: Corner Setbacks for Buildings in Commercial Zones

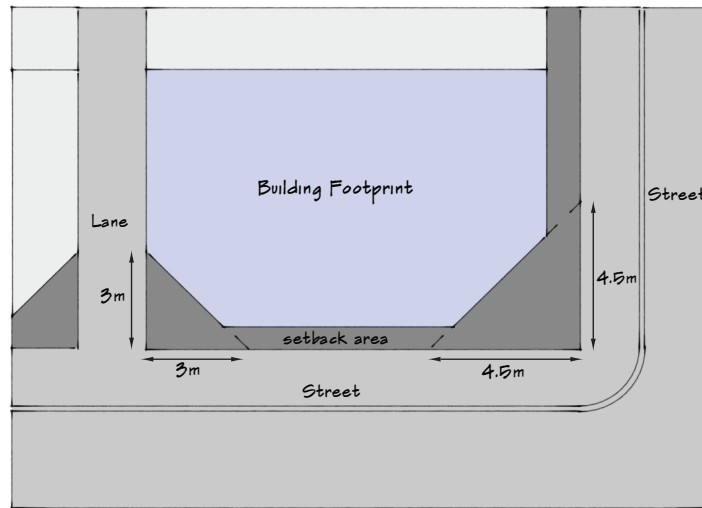


Figure 15: Determining the Front Lot Line in Commercial Zones

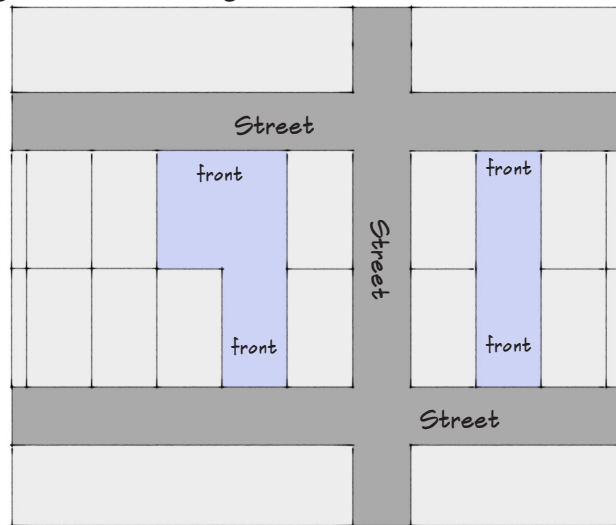
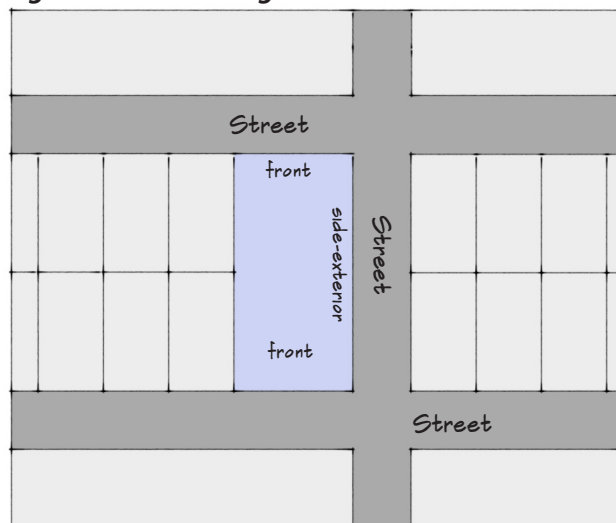


Figure 16: Determining Lot Lines in Commercial Zones





5.5 Buildings and Structures: Industrial Zones

5.5.1 General Spatial Regulations Table: Industrial Zones

| Zone | Maximum Residential Density | Minimum Lot Area | Maximum Lot Coverage | Maximum Height | | | Maximum Storeys |
|------|-----------------------------|--------------------|----------------------|----------------|--------------------------------|--------------------------|-----------------|
| | | | | Buildings | Containers and Outside Storage | Telecommunication Towers | |
| M1 | 1 dwelling unit per lot | 2000m ² | | 15m | 9m | 22m | |

5.5.2 Setback Regulations Table: Industrial Zones

| Zone | Minimum Front Setback | Minimum Rear Setback | Minimum Side Interior Setback | | Minimum Side Exterior Setback |
|------|-----------------------|----------------------|---|--|-------------------------------|
| | | | Interior Property (two interior side lot lines) | Corner Property (one interior side lot line) | |
| M1 | 10m | | 6m (see note 1) | | 7.5m |

Notes:

¹ Refer to Section 6.5.3.b for minimum side interior setbacks.

6.5.3 Industrial Building Regulations: All Structures

- Where a lot has lot lines abutting two or more streets, the longest lot line shall be the front lot line.
- Where a lot has two interior side lot lines, one interior side setback shall be a minimum of 6.0 metres.

5.6 Buildings and Structures: Marine Zones

5.6.1 General Spatial Regulations Table: Marine Zones

| Zone | Maximum Residential Density | Minimum Lot Area | Lot Coverage | Maximum Height | Maximum Storeys |
|------|-----------------------------|--------------------|--------------|--------------------------------------|-----------------|
| W1 | 2 dwelling units per lot | 1000m ² | | 9.5m above the crown of Harbour Road | |
| W1.2 | 38 uph | 900m ² | 70% | 10.5m | |
| W2 | | | | 5m above the natural boundary | |
| W3 | | | | | |



5.6.2 Setback Regulations Table: Marine Zones

| Zone | Minimum Front Setback | Minimum Rear Setback | Minimum Side Interior Setback | | Minimum Side Exterior Setback |
|---------------------------|-----------------------|----------------------|-------------------------------|---------------------------|-------------------------------|
| W1 | 1m | | | 3m <i>(see note 2)</i> | 1m |
| W1.2 | 1m | 5.5m | | 3m <i>(see note 2)</i> | 4.5m |
| W2 <i>(see note 1)</i> | | | | | |
| W3 | | | | | |

Notes:

1 Refer to Section 5.6.3.b for water lot setbacks.

2 Refer to Section 5.6.3.c for minimum side interior setbacks on land abutting OCP designated residential areas.

5.6.3 Marine Building Regulations: All structures

- Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line, unless the lot abuts Harbour Road in which case the lot line abutting Harbour Road shall be the front lot line.
- Water lots are exempt from setbacks.
- Where an interior side lot line abuts land designated as RES-1 or RES-3 by the Town of Sidney Official Community Plan, a minimum side interior setback of 3 metres is required.



5.7 Buildings and Structures: Parks and Utility Zones

5.7.1 General Spatial Regulations Table: Parks and Utility Zones

| Zone | Maximum Residential Density | Minimum Lot Area | Maximum Lot Coverage | Maximum Height | Maximum Storeys |
|------|-----------------------------|------------------|----------------------|---------------------------------------|-----------------|
| P1 | | | | 8m | 2 |
| U1 | | | | 9m | |
| U2 | | | | 9m | |
| U3 | | | | 8m above the crown of adjacent street | |

5.7.2 Setback Regulations Table: Parks and Utility Zones

| Zone | Minimum Front Setback | | Minimum Rear Setback | | Minimum Side Interior Setback | | Minimum Side Exterior Setback | |
|------|--|------------|--|------------|--|------------|---|------------|
| | A side interior lot line directly abutting lands designated RES-1, RES-2 or RES-3 by the OCP | All others | A rear or side interior lot line directly abutting lands designated RES-1, RES-2 or RES-3 by the OCP | All others | A rear or side interior lot line directly abutting lands designated RES-1, RES-2 or RES-3 by the OCP | All others | A rear lot line directly abutting lands designated RES-1, RES-2 or RES-3 by the OCP | All others |
| P1 | | | | | | | | |
| U1 | 6m | 1m | 7.5m | | 4.5m | | 4.5m | |
| U2 | 6m | | 7.5m | | 4.5m | | 4.5m | |
| U3 | | | | | | | | |

5.7.3 Parks and Utilities Building Regulations

No building regulations in Parks and Utilities Zones.



5.8 Buildings and Structures: Institutional Zones

5.8.1 General Spatial Regulations Table: Institutional Zones

| Zone | Maximum Residential Density | Minimum Lot Area | Maximum Lot Coverage | Maximum Height | | Maximum Storeys |
|------|-----------------------------|--------------------|----------------------|-------------------------------|------------|-----------------|
| | | | | Fire Hall or School Gymnasium | All others | |
| I1 | | | | 13m | 12m | 3 |
| I2 | | 1000m ² | 40% | 9.5m (see note 1) | | 2.5 |

Notes:

¹ Refer to Section 5.8.3.a for exemptions to maximum height regulation.

5.8.2 Setback Regulations Table: Institutional Zones

| Zone | Minimum Front Setback | Minimum Rear Setback | | Minimum Side Interior Setback | | Minimum Side Exterior Setback |
|------|-----------------------|---|------------|---|------------|-------------------------------|
| | | Rear or side interior lot line directly abutting lands designated RES-1, RES-2 or RES-3 by the OCP. | All others | Rear or side interior lot line directly abutting lands designated RES-1, RES-2 or RES-3 by the OCP. | All others | |
| I1 | 2m | 6m | | 4.5m | | 2m |
| I2 | 6m | 5.5m | | 3m | | 6m |

5.8.3 Institutional Building Regulations

- a. Church steeples in conjunction with places of worship shall not exceed a height of 15m.



5.9 Buildings and Structures: Comprehensive Development Zones

5.9.1 General Spatial Regulations Table: Comprehensive Development Zones 1 through 40

| Zone | | Maximum Residential Density | Minimum Lot Area | Maximum Lot Coverage | Maximum Height | Maximum Storeys |
|-------------------|---|------------------------------|-----------------------------------|----------------------|----------------|-----------------|
| CD1 | | 90 uph | 4560m ² | 50% | 15.25m | 4 |
| CD2 (see note 1) | | 44 uph | 150m ² | 38% | 8.5m | 2 |
| CD3 | Single-Family Dwelling | 38 uph (see note 2) | 195m ² | 46% | 8.5m | 2.5 |
| | Apartment Dwelling | 91 uph (see note 2) | 2600m ² | 42% | 12.5m | 4 |
| | Townhouse Dwelling | 81 uph (see note 2) | 740m ² | 36% | 7.5m | 2 |
| CD4 (see note 1) | | 27 uph | 286m ² (see note 4) | 40% | 8m | |
| CD6 | | | | 50% | 10.8m | 3 |
| CD7 | | 84 uph | 6000m ² | 40% | 15.3m | 4 |
| CD11 | | | 1050 | 30% | 14.5m | 4 |
| CD12 | Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766 | 55 uph | 4000m ² | 24% | 13.2m | 3 |
| | Lot 1, Section 15, Range 3 East, North Saanich District, Plan VIP78678 | | 1400m ² | 25% | 13.2m | 3 |
| | Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678 | 1 dwelling unit per property | 650m ² | 26% | 9m | 2 |
| CD13 | | 112 uph (see note 3) | 5050m ² | 55% | 14m | 4 |
| CD15 | | 30 uph | 255m ² | 30% | 8m | 2 |
| CD16 (see note 1) | | 38 uph | 255m ² | 64% | 7.5m | 2 |
| CD17 (see note 1) | | 38 uph | 270m ² | 53% | 7.2m | 2 |
| CD18 | | 168 uph | 2100m ² | 65% | 16m | 4 |
| CD19 (see note 1) | | 38 uph | 380m ² | 46% | 9m | 2 |
| CD20 (see note 1) | | 44 uph | 195m ² | 56% | 6.5m | 2 |
| CD21 | | 16 units | 1000m ² | | 14m | 4 |
| CD23 | | | 2000m ² | 15% | 12m | 1 |
| CD24 (see note 1) | | 38 uph | 165m ² | 63% | 7.5m | 2 |
| CD25 (see note 1) | | 38 uph | 200m ² | 60% | 8m | 2 |
| CD26 | | 39 uph | 670m ² | 60% | 9m | 2.5 |
| CD27 | | 38 uph | 255m ² | 44% | 8m | 2 |
| CD28 (see note 1) | | 38 uph | 255m ² | 50% | 8m | 2 |
| CD29 | | 126 uph | 3500m ² | 80% | 23m | |
| CD30 | | 35 uph | 730m ² | 50% | 12m | 4 |
| CD32 | | | 4800m ² | 50% | 11.6m | 3 |
| CD33 | | 38 uph | 255m ² | 44% | 8m | 2 |
| CD34 | | 80 uph | 900m ² | 50% | 9m | 2 |
| CD35 | | 106 uph | 900m ² | 56% | 12.2m | 3 |



5.9.1 General Spatial Regulations Table: Comprehensive Development Zones 1 through 40 (con't)

| Zone | | Maximum Residential Density | Minimum Lot Area | Maximum Lot Coverage | Maximum Height | Maximum Storeys |
|-------------------|------------------------|-----------------------------|---------------------|--------------------------------------|---|-----------------|
| CD37 | | 53 uph | 900m ² | 26% | 15.4m | 4 |
| CD38 (see note 5) | | 65 uph | 900m ² | 45% | 10m 7.5m (see note 5) | 2.5 |
| CD39 | | 40 uph | 511m ² | 43% | 9m | 2 |
| CD40 | | 336 uph | 250m ² | | 15m | 4 |
| CD41 | Single-Family Dwelling | One dwelling per property | 270m ² | 50% | Roof pitch greater than 3:12: 9.0m metres; Roof pitch 3:12 or less: 8.0 metres | 2.5 |
| | Two-Family Dwelling | Two dwellings per property | 400m ² | | | |
| CD42 | | 1 dwelling per property | 357.5m ² | Single storey: 45% Two-Storey 40% | Roof pitch greater than 3:12: 9.0 metres; Roof pitch 3:12 or less: 8.0 metres | 2.5 |

Notes:

- 1 Refer to Section 5.9.3.a for building regulation calculations based upon bareland strata lots or partial bareland strata lots.
- 2 Refer to Section 5.9.3.b for additional density subject to Housing Agreement.
- 3 Refer to Section 5.9.3.c for exemptions to maximum residential density.
- 4 Refer to Section 5.9.3.d for maximum lot area.
- 5 Refer to Section 5.9.3.e for Building Regulations in CD Zone 38.

5.9.2 Setback Regulations Table: Comprehensive Development Zones

| Zone | | Minimum Front Setback | Minimum Rear Setback | Minimum Side Interior Setback | Minimum Side Exterior Setback |
|------------------|---|-----------------------|----------------------|-------------------------------|-------------------------------|
| CD1 | | 0.9m | | 0.9m | 13m |
| CD2 (see note 1) | | 1.8m | 1.5m | 1.5m | |
| CD3 | | 0.3m | 0.9m | | 1m |
| CD4 (see note 2) | | 4.5m (see note 3) | 4.5m | 1.5m | 1.5m |
| CD6 | | 1m | | | |
| CD7 | | 5.1m | 2.7m | | 5.1m |
| CD11 | | 1m | 7.7m | | 16m |
| CD12 | Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766 | | 25.7m | 1.5m | 34.5m |
| | Lot 1, Section 15, Range 3 East, North Saanich District, Plan VIP78678 | 7.5m | 5.7m | 4.8m | |
| | Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678 | 4m | 1.5m | 1.5m | |



5.9.2 Setback Regulations Table: Comprehensive Development Zones (con't)

| Zone | | Minimum Front Setback | Minimum Rear Setback | Minimum Side Interior Setback | | Minimum Side Exterior Setback |
|-------------------|--------------------|--|----------------------------|----------------------------------|------------|-------------------------------------|
| CD13 | | | 3m | 4.5m | | 10m |
| CD15 | | 4m | 4.5m | 1.5m | | 2m |
| CD16 (see note 1) | | 4m | 3m | 1.5m | | |
| CD17 (see note 2) | | | 4.5m | | | |
| CD18 | | 0.7m | | | | 1m |
| CD19 (see note 2) | | 4.2m | 3m | 1m | | 4.2m |
| CD20 (see note 2) | | 0.8m | 1.5m | 1.2m | | 3m |
| CD21 | | 1m | | | | |
| CD23 | | 3m | 47.6m | 0.8m | | 19.2m |
| CD24 (see note 1) | | 4.5m | 1.5m | 1.5m | | 3m |
| CD25 (see note 1) | | 5m | 2.4m | 1.5m | | |
| CD26 | | 3m | 3m | 3m | | 3m |
| CD27 | | 3m | 2.44m | 1.3m | | 6m |
| CD28 (see note 1) | | 5m | 4.2m | 1.5m | | |
| CD29 (see note 4) | | 3m | 3m | 3.4m | | 3.8m |
| CD30 | | 4.5m | 7.5m | 1.5m | | |
| CD32 | | 7.6m | 7m | 3.9m | | |
| CD33 | | 3m | 2.4m | 1.3m | | 6m |
| CD34 (see note 5) | | 5m | 4.5m | 3m | | 1.5m |
| CD35 | | 5.8m | 5.5m | 1.5m | | 3.3m |
| CD37 | | 6m | 7.5m | 6m | | |
| CD38 | Principal Building | 5.1m | 13.7m | East: 1.5m | West: 6.7m | |
| | Accessory Building | | 1.5m | East: 14.6m | West: 5m | |
| CD39 | | 6m | 4.5m | 1.5m | | 3m |
| CD40 | | All Required Setbacks as per the C1 Zone | | | | |
| CD41 | | 3m | 5m | 1.2m | | 3m |
| CD42 | | 5.0m | 5.5m | 1.5m | | 3.0m |

Notes:

- 1 Refer to Section 5.9.4.a for setback requirements in these zones.
- 2 Refer to Section 5.9.4.b for setback requirements in these zones.
- 3 Refer to Section 5.9.4.c for setback requirements in this zone.
- 4 Refer to Section 5.9.4.d for setback requirements in CD Zone 29.
- 5 Refer to Section 5.9.4.e for setback requirements in CD Zone 34.

5.9.3 Comprehensive Development Building Regulations

- a. In CD Zones 2, 4, 16, 17, 19, 20, 24, 25 and 28, the spatial regulations are calculated based upon individual bareland strata lots and their individual bareland strata lot lines.
- b. In CD Zone 3, a density not exceeding 73 units per hectare shall be permitted if 100% of the units are unrestricted housing and 20% of the units are adaptable housing as defined in this Bylaw and the owner enters into a housing agreement with the Town ensuring that the unrestricted housing units comply with the definition.
- c. In CD Zone 13, the maximum residential density of 112 units per hectare does not apply to the Community Care Facility component.
- d. In CD Zone 4, the maximum lot area shall be 375 square metres.



- e. In CD Zone 38:
 - i. the maximum height of the accessory building shall not exceed 7.5 metres.
 - ii. Covered porches, entranceways and stairs not exceeding 1.55 metres in height:
 - that are located in the front and exterior side yards shall not be included in lot coverage; and
 - shall be permitted to project an additional 3 metres into the front and exterior side yards.
- f. In CD Zone 40, prior to the issuance of Building Permit, the owner shall register a Housing Agreement on the title of the lands to secure a minimum of 51% of the dwelling units in the building as attainable rental residential dwellings in perpetuity.
- g. In CD Zone 42:
 - i. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
 - ii. Each element of a roof shall be constructed no higher than the stated maximum for its pitch (*See Figure 6*).
 - iii. No lot shall have a lot width of less than 10 metres.
 - iv. Secondary suites shall
 - be completely contained within the principal building;
 - not exceed a gross floor area of 90 square metres;
 - have their own entrance separate from that of the other dwelling unit; and
 - be self-contained. Electrical panels and laundry facilities can be shared between the principal dwelling and the secondary suite if they are located in a common area, provided that common area meets the requirements of the current B.C. Building Code.
- h. In CD Zone 41:
 - i. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
 - ii. Each element of a roof shall be constructed no higher than the stated maximum for its pitch (*See Figure 6*).
 - iii. No lot shall have a lot width of less than 10 metres.

5.9.4 Comprehensive Development Setback Regulations

- a. In CD Zones 2, 16, 24, 25 and 28, setbacks are measured from the fee-simple lot lines, not from bareland strata lot lines.
- b. In CD Zones 4, 17, 19 and 20, setbacks are measured from bareland strata lot lines, not from fee-simple lot lines.
- c. In CD Zone 4, waterfront bareland strata lot's front lot lines are those abutting the common driveway.
- d. In CD Zone 29, front setbacks in all storeys above the first storey shall be no less than 1.5m and awnings may project into the front, rear and side-exterior setbacks.
- e. In CD Zone 34, the Townhouse unit shall have a rear setbacks of 0 metres.

6

Landscape Design

This section covers aspects of a development that are ancillary to the uses and structures on a property. Landscape Design includes a variety of improvements to a property, including fencing, landscaping and lighting.

6.1 Fencing

- a. No fence shall exceed 1.8 metres in height above grade.
- b. Notwithstanding Section 6.1.a, no fence in a front or exterior side yard shall exceed a height of 1.2 metres.
- c. On a panhandle lot, no fence in a front yard shall exceed 1.8 metres, however, fencing along the panhandle shall be subject to the fence height requirements of the properties abutting the panhandle.
- d. Notwithstanding Section 6.1.b, no fence shall exceed 1.8 metres along the entire length of a property line that abuts Highway 17.
- e. Notwithstanding Section 6.1.a, no fence in a natural boundary setback shall exceed a height of 1.2 metres.
- f. Where a fence or retaining wall is constructed on land where fill has been placed on top of existing grade, the calculation of height shall be measured from the original grade at the site directly below where the fence or retaining wall meets the ground.
- g. Where a fence is constructed on top of a retaining wall, the combined height of the retaining wall and fence shall not exceed the maximum permitted height of a fence in that location.
- h. Private swimming pools shall be enclosed by a fence conforming to the following specifications:
 - i. The fence shall completely surround the swimming pool;
 - ii. The fence shall be of closed boarded lumber, solid masonry, plywood of 9 millimetres thickness or greater, chain link wire with openings not exceeding 5 centimetres in any dimension or material and design that will reasonably prevent children from climbing over or through it to gain access to the pool;
 - iii. Gates shall be latched with a self-closing and self-locking device located at the top of and inside the gate and fence, and such gates shall be kept locked when the pool is not in use;
 - iv. The exterior surface shall be free from projections, rails or bracing that would facilitate climbing; and
 - v. The fence and gate shall be not less than 1.2 metres nor more than 1.8 metres in height above the ground at any point and with a clearance from the ground of not greater than 10 millimetres at any point.

6.2 Landscaping

- a. Plant Variety and Size:
 - i. Selection of plant varieties shall be based on local climatic conditions, constraints of location, resistance to disease and insect attack, drought resistance, cleanliness and ease of maintenance; and
 - ii. Plant materials shall be installed of such a size as to grow to the minimum dimensions required within two growing seasons.
- b. Outside storage areas and fencing thereof shall be masked along its perimeter in accordance with the following requirements:
 - i. Materials: Landscape material, hedge or combination thereof so as to form a year-round opaque visual barrier; and



- ii. Height: Not less than 1.8 metres above finished grade.
- c. Recycling and garbage containers shall be screened along their perimeter on at least three sides in accordance with the following requirements:
 - i. Materials: Fence, or combination of fence and landscape material, so as to form a year round opaque visual barrier, and
 - ii. Height: Not less than 1.8 metres above finished grade.
- d. In all zones except for Detached Residential zones, off-street parking and loading areas shall be screened along the perimeter in accordance with the following requirements:
 - i. Materials: Landscape material, hedge, fence or combination thereof which will form a year-round visual barrier; and
 - ii. Height: Not less than 1.0 metres above finished grade.
- e. In all zones, utility kiosks shall be screened along the perimeter in accordance with the following requirements:
 - i. Materials: Landscape material, hedge or combination thereof which will form a year-round visual barrier;
 - ii. Height: Not less than 1.2 metres in height above finished grade; and
 - iii. Horizontal Clearance: Screening materials shall not be permitted within:
 - 2.5 metres of utility kiosk doors; or
 - 0.3 metres of any other part of a utility kiosk.
- f. Where required, landscape buffers shall:
 - i. be planted at existing grade or on a berm;
 - ii. consist of soft landscaping only; and
 - iii. be located behind fencing, if applicable.

6.3 Pergolas

- a. Pergolas shall:
 - i. not exceed 3 metres in height; and
 - ii. be limited to the front, exterior side and rear yard setbacks, provided that a minimum setback of 1.5 metres from any lot line is maintained.

6.4 Visual Clearance at Intersections

- a. Notwithstanding Section 6.1, in the area bounded by the intersecting lot lines at a street corner and a line joining points along the lot lines:
 - i. 7.0 metres from their point of intersection; or
 - ii. where one or both abutting streets are lanes, 6.0 metres from their point of intersection; no structure other than a principal building or a fence shall be within 1.0 metres to 3.0 metres above the crown of the abutting streets, and no vegetation shall be maintained or allowed to grow so as to obstruct the zone of visual clearance between 1.0 metres and 3.0 metres above the crown of the abutting streets.

6.5 Lighting

- a. All lighting shall be downcast.

6.6 Retaining Walls, Sea Walls and Artificial Waterfront Structures

- a. Sea walls and retaining walls shall:
 - i. be located entirely on private property; and
 - ii. not project more than 1.2 metres above grade, unless otherwise required by a professional engineer.

Adaptable Housing is an approach to residential design and construction in which dwelling units can be modified, at minimal cost, to meet occupants' changing needs over time. Such elements include:

- basic accessibility features such as corridors, doorways, bathrooms and kitchens that facilitate access for people with mobility limitations;
- design and construction features to support future installation of grab bars in the bathroom; and
- purpose-built features that are incorporated during initial construction, such as accessible positioning of electrical outlets and switches and design of door and faucet handles.

This section provides the design standards for adaptable housing in Sidney.

7.1 Adaptable Housing Design Standards

7.1.1 Paths of Travel

- a. Exterior walkways to at least one main entrance shall:
 - i. be provided by means of a continuous plane not interrupted by steps or abrupt changes in level;
 - ii. have a permanent, firm and slip resistant surface such as asphalt, concrete pavers, well compacted crushed stone, or lumber with the planks across the direction of travel; and
 - iii. have an uninterrupted width of not less than 1.5 metres, and a gradient not steeper than 1 in 20.

7.1.2 Location of Adaptable Units

- a. Where possible, all adaptable units shall be located on the ground floor, however, if located above the main floor, those units must provide an area of refuge.

7.1.3 Notice of Adaptable Features

- a. A permanent information sheet on the location and type of adaptable features included in the unit shall be posted on, beside or inside the electrical panel.

7.1.4 Corridor Widths

- a. Corridors shall be not less than 1.0 metre wide for all interior routes.

7.1.5 Floor Surfaces

- a. Floor surfaces shall have no changes in level greater than 0.013 metres.

7.1.6 Doors

- a. Doors shall have a clear width when open of not less than 0.8 metres.
- b. Thresholds shall not exceed 0.013 metres high.
- c. Operating devices such as handles, pulls, latches, and locks shall:
 - i. be operable by one hand;
 - ii. not require fine finger control, tight grasping, pinching or twisting of the wrist to operate; and
 - iii. be mounted not more than 1.2 metres from the floor.
- d. A power-operated door is required in multi-family developments with a common entrance.



7.1.7 Maneuvering Space at Doors

- a. When the door swing is towards the maneuvering space, the space shall be not less than 1.5 metres long by a width equal to the door assembly width plus not less than 0.6 metres clear space beside the latching jamb of the door.
- b. When the door swing is away from the maneuvering space, the space shall be not less than 1.2 metres long by a width equal to the door assembly width plus not less than 0.30 metres clear space beside the latching jamb of the door.

7.1.8 Controls and Outlets

- a. Light switches, circuit breakers, locks, and intercom buttons shall be located at a height between 0.4 metres and 1.2 metres from the floor.
- b. Electrical receptacle outlets shall be located between 0.4 metres and 1.2 metres above the floor.
- c. Thermostats shall be located between 0.4 metres and 1.2 metres above the floor.
- d. The operable part of controls, such as thermostats, electrical switches, circuit breakers, locks and intercom buttons, microphones, and electrical and communication wall outlets shall be:
 - i. located adjacent to a clear floor space that has a width of not less than 0.75 metres;
 - ii. operable with one hand; and
 - iii. of a type that does not require tight grasping, pinching, or twisting of the wrist.
- e. At least one switched electrical outlet shall be provided in the master bedroom and living room.

7.1.9 Alarms

- a. An electrical receptacle shall be provided above the main entrance to allow for the connection of a personal visual or auditory signal.

7.1.10 Windows

- a. Opening and locking mechanisms shall be:
 - i. located adjacent to a clear floor space that has a width of not less than 0.75 metres;
 - ii. operable with one hand; and
 - iii. of a type that does not require tight grasping, pinching or twisting of the wrist.

7.1.11 Kitchens

- a. The clearance between counters and all opposing base cabinets, counter tops, appliances or walls shall be not less than 1.5 metres.

7.1.12 Bathrooms

- a. At least one toilet compartment shall:
 - i. have a space not less than 1.5 metres by 1.5 metres for access to the toilet and the fixture itself, and this access space may overlap access space for other fixtures;
 - ii. have a distance between the centre line of the toilet fixture and the adjacent wall of between 0.46 metres and 0.48 metres; and
 - iii. have wall structural support provided behind a toilet, shower or bathtub to allow the installation of grab bars.

7.1.13 Bedrooms

- a. At least one bedroom shall provide sufficient space for a turning area of not less than 1.5 metres diameter on one side of a standard-size double bed.



7.1.14 Base Cabinets for Kitchens and Bathrooms

- a. The base cabinets under a kitchen or bathroom sink shall be removable.
- b. At least one section of the kitchen counter shall have a work surface that is:
 - i. Not less than 0.75 metres wide x 0.6 metres deep; and
 - ii. Adjustable in height from 0.71 metres to 0.86 metres.

7.1.15 Clothes Storage

- a. Where provided, one hall closet and one bedroom closet shall have:
 - i. A clear floor space of not less than 1.5 metres diameter in front of the storage area; and
 - ii. A clear opening of not less than 0.9 metres.

7.1.16 Laundry Facilities

- a. A clear floor space of not less than 1.5 metres diameter shall be provided in front of clothes washing or drying equipment.

7.1.17 Living Areas

- a. Complete living facilities, including a kitchen, bathroom and bedroom, shall be provided on one level to avoid the need for lifts or elevators. However, where living areas are provided on two or more levels, closet or foyer space not less than 0.915 metres wide by 1.20 metres long shall be positioned one above the other on each level to provide space to accommodate the future installation of an residential elevator or lift.

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