

# Town of Ladysmith

# ZONING BYLAW 2014, NO.1860

# SCHEDULE A – ZONING BYLAW TEXT

# CONSOLIDATED FOR CONVENIENCE ONLY

The amendment bylaws which are included in this consolidated version of Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” are:

1881	1914			
1897	1917			
1904	1921			
1912				

as of September 15, 2017.



This consolidation of the Town of Ladysmith Zoning Bylaw 2014, No. 1860 and amendments has been prepared exclusively for the use of the Town of Ladysmith for convenience only.

The Town of Ladysmith does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original Bylaws.

# TOWN OF LADYSMITH

## BYLAW NO. 1860

A bylaw to regulate the use of land, buildings and structures; require off-street parking and loading spaces; and establish standards for the provision of landscaping and screening.

**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to adopt a Zoning Bylaw;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to repeal "Town of Ladysmith Zoning Bylaw 1995, No. 1160" and adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) "Town of Ladysmith Zoning Bylaw 1995, No. 1160" and all its amendments are repealed.
- (2) "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as follows is adopted:
  - (a) Schedule A – Zoning Bylaw Text, and
  - (b) Schedule B - Zoning Bylaw Map.

### CITATION

- (3) This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

**READ A FIRST TIME** on the 23<sup>rd</sup> day of June, 2014

**READ A SECOND TIME** on the 23<sup>rd</sup> day of June, 2014

**PUBLIC HEARING** held pursuant to the provisions of the *Local Government Act*

on the 14<sup>th</sup> day of July, 2014

**READ A SECOND TIME, AS AMENDED,**

on the 21<sup>st</sup> day of July, 2014

**READ A THIRD TIME** on the 21<sup>st</sup> day of July, 2014

**APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE**

on the 8<sup>th</sup> day of August, 2014

**ADOPTED**

on the 18<sup>th</sup> day of August, 2014

Approved under the Transportation Act

this 8<sup>th</sup> day of August 20, 14  
*Stu Johnson*

District Development Technician  
Ministry of Transportation and Infrastructure

*R. Hutchins*  
Mayor (R. Hutchins)

*S. Bowden*

Corporate Officer (S. Bowden)



**TABLE OF CONTENTS**

**PART 1: TITLE ..... 1**

1.1. Title ..... 1

**PART 2: APPLICATION AND COMPLIANCE ..... 1**

2.1. Application .....1

2.2. Compliance.....1

2.3. Illustrations, Maps and Other Graphics.....1

**PART 3: ADMINISTRATION AND ENFORCEMENT ..... 1**

3.1. Inspection.....1

3.2. Severability.....1

3.3. Penalties.....1

**PART 4: DEFINITIONS ..... 2**

4.1. Interpretation.....2

**PART 5: GENERAL REGULATIONS..... 23**

5.1. General Application .....23

5.2. Number, Location and Siting of Buildings and Structures.....23

5.3. Panhandle Parcels.....24

5.4. Solar Energy Devices .....24

5.5. Geothermal Energy Devices.....24

5.6. Heat Pumps .....24

5.7. Wind Energy Devices.....24

5.8. Setback Exemptions .....25

5.9. Accessory Buildings, Structures and Uses.....26

5.10. Temporary Buildings and Structures During Construction.....26

5.11. Temporary Uses.....27

5.12. Height Calculation.....27

5.13. Height Exemptions.....28

5.14. Floor Area and Exemptions .....28

5.15. Visibility At Intersections .....29

5.16. Storage Regulations .....30

5.17. Commercial Vehicle, Trailer, Recreation Vehicle, Boat, or Equipment Parking or Storage ..30

5.18. Shipping Containers .....31

5.19. Retaining Walls Regulations .....31

5.20. Fence Regulations.....32

5.21. Residential Community Care Facilities .....32

5.22. Single Unit Dwelling Horizontal Dimension .....32

5.23. Community Water and Community Sewer .....32

**PART 6: SPECIFIC USE REGULATIONS ..... 33**

6.1. Uses Permitted In All Zones.....33

6.2. Buildings and Structures Permitted In All Zones.....33

6.3. Uses Prohibited In All Zones .....33

6.4. Secondary Suite Regulations .....34

6.5.	Coach House Regulations .....	34
6.6.	Caretaker Dwelling Regulations.....	35
6.7.	Bed And Breakfast Regulations.....	35
6.8.	Home Based Business Regulations.....	36
6.9.	Cottage Industry Regulations .....	37
6.10.	Produce Stand Regulations.....	37
6.11.	Keeping of Bees Regulations.....	38
<b>PART 7:</b>	<b>LANDSCAPING AND SCREENING REGULATIONS.....</b>	<b>39</b>
7.1.	Landscape Requirements .....	39
7.2.	Landscape Standards .....	39
<b>PART 8:</b>	<b>PARKING AND LOADING REGULATIONS .....</b>	<b>43</b>
8.1.	Application .....	43
8.2.	Calculation, Location and Design of Off-Street Parking and Loading Spaces .....	43
8.3	Calculation and Design of Off-Street Bicycle Parking Spaces .....	55
<b>PART 9:</b>	<b>CREATION AND DEFINITION OF ZONES .....</b>	<b>58</b>
9.1.	Creation of Zones.....	58
9.2.	Definition Of Zones .....	59
9.3.	Zone Boundaries .....	59
<b>PART 10:</b>	<b>RESIDENTIAL ZONES .....</b>	<b>60</b>
10.1.	Rural Residential (RU-1) .....	60
10.2.	Single Dwelling Residential (R-1) .....	62
10.3.	Single Dwelling Residential – Small Lot A Zone (R-1-A) .....	65
10.4.	Single Dwelling Residential – Small Lot B Zone (R-1-B).....	67
10.5.	Single Dwelling Residential – Small Lot C Zone (R-1-C).....	70
10.6.	Old Town Residential (R-2).....	73
10.7.	Bayview Residential (R-2-A) .....	77
10.8.	Oyster Cove Residential Zone (R-2-B).....	79
10.9.	Live/Work Residential (R-2-LW).....	81
10.10.	Medium Density Residential (R-3).....	83
10.11.	Low Density Residential (R-3-A) .....	87
10.12.	Manufactured Home Park (MHP-1) .....	91
10.13	Single Dwelling Residential - Holland Creek Area (R-1-HCA).....	93
<b>PART 11:</b>	<b>COMMERCIAL ZONES .....</b>	<b>95</b>
11.1.	Local Commercial (C-1).....	95
11.2.	Downtown Commercial (C-2).....	97
11.3.	Highway Service Commercial (C-3).....	101
11.4.	Tourist Service Commercial (C-4) .....	103
11.5.	Shopping Centre Commercial (C-5) .....	105
<b>PART 12:</b>	<b>INDUSTRIAL ZONES .....</b>	<b>107</b>
12.1.	Live/Work Industrial (I-1A) .....	107
12.2.	Light Industrial (I-1).....	110
12.3.	Industrial (I-2).....	113
<b>PART 13:</b>	<b>INSTITUTIONAL ZONES .....</b>	<b>116</b>

13.1.	Institutional (P-1).....	116
13.2.	Park and Recreation (P-2).....	119
13.3.	Nature Park (P-3) .....	121
13.4.	Recycling Depot (P-4) .....	123
<b>PART 14:</b>	<b>AGRICULTURE ZONES .....</b>	<b>124</b>
14.1.	Primary Agriculture (A-1) .....	124
14.2.	Agriculture and Resort Recreation (A-RR) .....	128
<b>PART 15:</b>	<b>FORESTRY ZONES .....</b>	<b>134</b>
15.1.	Forestry (F-1) .....	134
<b>PART 16:</b>	<b>MARINE ZONES .....</b>	<b>136</b>
16.1.	Marine Residential Moorage (W-1).....	136
16.2.	Marina (W-2) .....	138
16.3.	Marine Industrial (W-3).....	140
16.4.	Marine Harvesting (W-4).....	141
16.5.	Marine Conservation (W-5) .....	141
16.6.	Marine Park and Recreation (W-P) .....	142
<b>PART 17:</b>	<b>COMPREHENSIVE DEVELOPMENT ZONES.....</b>	<b>143</b>
17.1.	Comprehensive Development 1 - Tourist Service (CD-1) .....	143
17.2.	Comprehensive Development 2 - Cluster Housing (CD-2).....	146
17.3.	Comprehensive Development 3 - Malone Residential (CD-3) .....	150
17.4.	Comprehensive Development 4 - Waterfront Reserve Zone (CD-4) .....	154
<b>METRIC CONVERSION TABLE.....</b>		<b>157</b>

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## **PART 1: TITLE**

### **1.1. Title**

- a) Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

## **PART 2: APPLICATION AND COMPLIANCE**

### **2.1. Application**

- a) The regulations of this Bylaw shall apply to the whole of the area within the boundaries of the Town of Ladysmith.

### **2.2. Compliance**

- a) No *Land* shall be subdivided, no *Land, Buildings, or Structures* shall be used or occupied, and no *Building or Structure* or any part thereof shall be maintained, constructed, reconstructed, renovated, moved, altered or extended, except in conformity with this Bylaw.

### **2.3. Illustrations, Maps and Other Graphics**

- a) Illustrations provided in this Bylaw are provided for convenience only and do not form part of the Bylaw.
- b) Maps, Plans and Figures form part of this Bylaw.

## **PART 3: ADMINISTRATION AND ENFORCEMENT**

### **3.1. Inspection**

- a) Officers and employees of the municipality and other persons authorized by *Council* may enter on property in accordance with Section 16 of the Community Charter.

### **3.2. Severability**

- a) No regulation in this Bylaw depends for its validity upon any other regulation herein and any regulation found to be unenforceable or invalid by a court of competent jurisdiction for any reason may be severed without affecting the validity of the remaining regulations of this Bylaw.

### **3.3. Penalties**

- a) Any person who violates the provisions of this Bylaw is liable on summary conviction to a maximum penalty of Ten Thousand Dollars (\$10,000) and costs. Each day that such violation is caused or permitted to continue constitutes a separate offence.

## PART 4: DEFINITIONS

### 4.1. Interpretation

- a) In this Bylaw, unless the context otherwise requires, the following terms shall have the following meanings:

#### A

**ACCESSORY:** means a *Use, Building or Structure* customarily ancillary, incidental, subordinate and exclusively devoted to, and located on the same *Parcel* as the *Principal Use, Building or Structure* to which it is related.

**ACCESSIBLE:** means that a person with disabilities is, without assistance, able to approach, enter, pass to and from, and make use of an area and its facilities.

**ACCOMMODATION UNIT:** means one or more habitable rooms used or intended to be temporarily used for sleeping, or sleeping and living purposes and may include a bathroom and a *Kitchenette*.

**AGRICULTURE, URBAN:** means growing or producing flowers, native and ornamental plants, edible berries, fruits, nuts and vegetables as well as the keeping of honey bees (*Apis mellifera*).

**ANIMAL DAY CARE:** means premises used for the care and supervision of *Domestic Animals* during the day or evening, not including overnight stays.

**ANIMAL, DOMESTIC:** means an animal kept for companionship and amusement rather than for practical or commercial purposes and does not include: any ungulate; poultry; fowl; bees; peacocks; non-caged pigeons; or animals used for *Farm Use* purposes.

**ANIMAL GROOMING:** means the providing of professional hygienic care and cleaning services to *Domestic Animals*.

**ANIMAL SHELTER:** means premises used for the housing and care of homeless lost or abandoned *Domestic Animals*.

**ARTIST STUDIO:** means a *Building*, or portion thereof, used for the creation, display or sale of arts and crafts.

**ASSEMBLY:** means the gathering of persons for religious; charitable; philanthropic; civic; cultural; political; private educational; or non-commercial purposes.

**ATTIC OR ROOF SPACE:** means the space between the roof of a *Building* and the ceiling of the top *Storey*.

**AUCTION:** means the offering for sale of new and used goods and equipment by means of a request or invitation for bids, and may include the temporary indoor storage of such goods and equipment, but does not include ordinary *Retail Sales*.

## **B**

**BARGE RAMP:** means a *Structure* placed on the *Foreshore* for the purpose of loading and unloading barges which may also be used for launching *Boats* and removing *Boats* from the water.

**BED AND BREAKFAST:** means the *Use of Accommodation Units*, whether in a *Single Unit Dwelling* or an *Accessory Building*, for the temporary accommodation of paying guests, and may include the serving of meals to those guests.

**BIG BOX STORE:** means a single retail store with a *Finished Floor Area* that exceeds 2,090 square metres.

**BIO-SWALE:** means a type of bio-filter designed to facilitate infiltration and remove silt and pollution from surface water runoff, consisting of a swaled drainage course with gently sloped sides and may be filled with vegetation or surfaced with riprap or other aggregate material.

**BIVALVE:** means an aquatic *Mollusc* which has a compressed body enclosed within a hinged shell, such as oysters, clams, mussels, and scallops.

**BOAT:** means a ship, watercraft, or other marine vessel, not including a *Personal Watercraft*, regardless of size or the method of propulsion.

**BOAT BUILDING AND REPAIR:** means the manufacture, servicing and mechanical or structural repair of *Boats* and the sale, installation or servicing of related accessories and parts, and may include the temporary storage of *Boats*.

**BOAT LAUNCH:** means a *Foreshore* area improved for the launching of pleasure *Boats* from trailers.

**BOAT SHELTER:** means a roofed *Structure* without enclosed sides or ends, used for *Boat* storage.

**BOATHOUSE:** means a roofed *Structure* enclosed on a minimum of three sides, used for *Boat* storage.

**BOTANICAL GARDEN:** means the *Use of Land, Buildings or Structures* for displaying a wide range of botanical plants, either local or from other parts of the world, identified by their botanical names. Visitor services may include tours, educational displays, art exhibitions, or outdoor theatrical or musical performances.

**BREAKWATER:** means a barrier built or placed into the sea to protect a *Dock* in a *Marina* from the force of waves.

**BREWERY, DISTILLERY, BOTTLING AND DISTRIBUTION:** means the *Use of Land, Buildings or Structures*, for the processing, warehousing and distribution of food and beverage products, but specifically excludes the processing of livestock, fish, poultry, and other fowl.

**BUILDING:** means any *Structure*, wholly or partially enclosed by a roof or roofs, supported by walls, columns or posts and used or intended for supporting or sheltering any use of occupancy. When a *Building* is divided by party walls located upon *Lot* lines each portion of such *Building* shall be deemed a separate *Building*.

**BUILDING INSPECTOR:** means the person or persons appointed to that position by *Council*.

## C

**CERTIFIED ENERGY ADVISOR:** means an energy advisor certified with a service organization licensed by the Office of Energy Efficiency of Natural Resources Canada.

**CHURCH:** means a *Building* wherein persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship and religious education.

**CIVIC USE:** means the *Use of Land, Buildings or Structures* for civic activities and operations for municipal offices, cemetery or columbarium, community centre or hall, fire hall, police station, ambulance station, or hospital, *Public Works Yard* and *Public Utility Use*.

**COFFEE SHOP:** means a premise used for the retail sale of coffee, tea or similar beverages, for take away or on-site consumption, and may include limited production, preparation and retail sale of food products.

**COMMERCIAL INDOOR STORAGE:** means the *Use* of an enclosed *Building* or series of enclosed *Buildings* for storage units, which are available for rent to the public for the storage of chattels, recreation equipment or commercial goods.

**COMMERCIAL PLANT NURSERY:** means the growing, cultivating, harvesting, storing and *Wholesale Sales* of flowers, trees, bushes, bedding plants, sod, soil, gardening tools and equipment and similar plant and landscaping products, and may include *Accessory Retail Sales* to consumers not to exceed 400 square metres of *Gross Floor Area* or *Parcel Area*, but does not include *Medical Marihuana Growing and Production*.

**CONCRETE BATCH PLANT:** means the *Use of Land, Buildings or Structures* for the production of concrete or asphalt.

**COMMUNITY CARE FACILITY:** means a facility for the care of more than eight (8) persons under the *Community Care and Assisted Living Act*.

**COMMUNITY GARDEN:** means the non-commercial *Use of Land* for the growing of flowers, native and ornamental plants, edible berries, fruits and vegetables.

**CONVENIENCE STORE:** means premises used for the sale of goods, wares, or merchandise required by the general public in order to meet their daily needs, including the sale of perishable items, confectionery, beverages, personal care items, books, magazines and newspapers.

**COTTAGE INDUSTRY:** means the *Manufacturing* of goods, material or articles and *Retail Sales* of such products typically visible from a public viewing area.

**COUNCIL:** means the *Council* of the Town of Ladysmith.

**CRUSTACEAN:** means any of aquatic invertebrates of the phylum arthropoda having crust-like shells and including crab and prawns.

**CULTURAL FACILITY:** means the *Use of Land, Buildings or Structures* for a museum, archives, or a maritime interpretation centre, *Nature Centre*, or *Theatre* for the performing or recorded arts.

**CURB HEIGHT:** means the elevation measured at the top of the established curb fronting a *Site* or *Parcel*, measured at the front and a point which is equal distance from the extremities of the *Site* or *Exterior Parcel Lines*. Where a curb has not been established, the *Curb Height* shall be the *Natural Grade* along the *Front Parcel Line*.

## D

**DERELICT VEHICLE:** means all or any part of a vehicle which is not registered and licensed in accordance with the *Motor Vehicle Act*, or is incapable of moving under its own power, but does not include a vehicle with collector, modified collector, or vintage status as qualified by the Insurance Corporation of BC.

**DOCK:** means a marine-based *Structure* used for mooring *Boats* or seaplanes and for providing pedestrian access to and from the moored equipment.

**DRIVE-THROUGH:** means a facility for the provision of food, drink or other commercial services to persons within a motor vehicle, without the need for such persons to exit the motor vehicle.

**DRIVEWAY ACCESS PERMIT:** means a Permit required or issued pursuant of the Building & Plumbing Bylaw No. 1119, or successor bylaw, for permission of access to a *Parcel* from a *Street*, typically considered a driveway.

**DWELLING, CARETAKER:** means a self-contained *Accessory Dwelling Unit* for the accommodation of an employee or employees working on a *Parcel*.

**DWELLING, COACH HOUSE:** means a self-contained *Accessory Dwelling Unit* located within a detached *Accessory Building* that:

- a) is accommodated at-Grade, within a one *Storey Accessory Building*; or

b) is accommodated within the second *Storey* of a two *Storey Accessory Building*.

**DWELLING, FARM OPERATION EMPLOYEE:** means a second *Dwelling Unit* located on a *Parcel* in the Agricultural Land Reserve where full time employee(s) are required to operate a *Principal Farm Use* due to the intensity of farming as identified by a professional agrolgist in a written report or as identified through a letter from the *Agricultural Land Commission*.

**DWELLING, MULTIPLE-UNIT:** means a *Building* containing three or more *Dwelling Units*, each having a separate entrance, which may include an entrance from a common interior corridor or an exterior entrance, but does not include *Townhouse Dwellings*.

**DWELLING, SECONDARY SUITE:** means a self-contained *Accessory Dwelling Unit* located within a *Single Unit Dwelling*.

**DWELLING, SINGLE UNIT:** means any detached *Building* containing one *Principal Dwelling Unit* and includes a *Modular Home*, but not a *Mobile Home*.

**DWELLING, TOWNHOUSE:** means a *Building* containing more than two *Dwelling Units* and not more than six *Dwelling Units*, where each *Dwelling Unit* shares at least one party wall and has a separate exterior entrance.

**DWELLING, TWO UNIT:** means any detached *Building* containing two *Dwelling Units* neither of which is a *Secondary Suite*, divided horizontally or vertically, with each *Dwelling Unit* having a separate, but not necessarily ground-level, exterior entrance.

**DWELLING, UNIT:** means one or more habitable rooms constituting a self-contained unit with its own entrance, used or intended to be used as a residence for not more than one *Household* and containing a *Kitchen* with a sink and *Kitchen Facilities* and a bathroom with a toilet, sink and a bath or shower, but shall not include an *Accommodation Unit*.

## E

**ECO-EDUCATION:** means the *Use of Land, Buildings or Structures* for public education and demonstration about zero waste, recycling and related initiatives.

**ENERGUIDE ENERGY STANDARD:** means the energy standard created and standardized by the Office of Energy Efficiency of Natural Resources Canada that is applied to British Columbia *Buildings*.

## F

**FARM HOME PLATE:** means the portion of an *Agriculture Zoned Parcel*, located within the Agricultural Land Reserve that includes the *Principal Single Unit Dwelling, Farm Operation Employee Dwelling* and *Residentially-intended Accessory Buildings and Structures*.

**FARM USE:** means an occupation or *Use of Land* for farm purposes, including farming of *Land*, plants and animals and any other similar activity characterized as farm use by the ALR Use, Subdivision and Procedure Regulation.

**FARMER'S MARKET:** means a *Building, Structure* or unenclosed *Land* used by vendors for the display and retail sale of primarily locally grown or prepared foods and products.

**FENCE:** means a *Structure* providing physical or visual separation or enclosure of a *Parcel* or portion of a *Parcel*, and does not include a *Retaining Wall* or *Landscaping*.

**FLOOR AREA, FINISHED:** means the floor area of any *Storey* of the *Principal Building* on a *Parcel*.

**FLOOR AREA, GROSS:** means the total floor area of all *Storeys* in a *Building* or *Structure*, other than portions of *Storeys* having a ceiling *Height* of less than or equal to 2.29 metres above the floor.

**FLOOR SPACE RATIO:** means the ratio of the *Gross Floor Area*, to the area of the *Parcel*.

**FOOD CONCESSION:** means the *Use* of a *Building* for the preparation and serving of food to the public for consumption elsewhere.

**FOOD TRUCK:** means the *Use* of a licensed vehicle with a self-contained *Kitchen* for the preparation and serving of food to the public from a temporary location, and includes a mobile food cart capable of dispensing food.

**FORESHORE:** means that *Land* in tidal areas lying below the *Natural Boundary* and that *Land* in non-tidal areas that is alternatively covered by water and exposed with the normal rise and fall of the level of the body of water.

**FRONTAGE:** means the common boundary shared by a *Front Parcel Line* and a *Street*.

**FUNERAL HOME:** means premises used for preparing human remains for burial or other end of life processes, and conducting funeral services, but excludes facilities for cremation or aquamation.

## **G**

**GARDEN CENTRE** means the *Use of Land, Buildings* and *Structures* for the sale of trees, plants, flowers and associated gardening and landscaping supplies and outdoor garden equipment.

**GAS BAR:** means one or more pump islands, each consisting of one or more pumps dispensing motor vehicle fuels such as gasoline, diesel, propane, or ethanol and may include an electric vehicle charging station.

**GEAR LOCKER:** means a *Building* or *Structure* used for the storage of equipment and accessories associated with boating.

**GEOTHERMAL ENERGY DEVICE:** means a device or system of devices designed to collect, store and distribute thermal energy generated in the earth.

**GOLF CLUBHOUSE:** means an *Accessory Use* to a golf course operation including, but not limited to, *Restaurants*, lounges, pro shop, *Retail Sales*, and *Offices* related to the administration of the golf course.

**GOLF DRIVING RANGE:** means an unenclosed *Structure* or area of *Land* where the sport of golf is practiced from individual tees and is considered an *Accessory Use* to a Golf Course.

**GOLF MAINTENANCE AND STORAGE FACILITY:** means maintenance facilities for a golf course *Use* and the rental and repair of golf equipment.

**GRADE, AVERAGE FINISHED:** means the average elevation of the *Finished Grade* around the perimeter of a *Building*, measured at each of the four outermost exterior corners of the *Building*.

**GRADE, AVERAGE NATURAL:** means the average elevation of the *Natural Grade* around the perimeter of a *Building*, measured at each of the four outermost exterior corners of the *Building*.

**GRADE, FINISHED:** means the elevation at any point along the surface of a *Parcel* after construction, but excluding localized depressions immediately adjacent to *Building* features such as basement window wells and entranceways.

**GRADE, NATURAL:** means the surface elevation of a *Parcel* in its existing state, prior to any disturbance, alteration, excavation or filling, as determined by a registered land surveyor, or the elevations shown on the approved grading plan, subject to Part 5, Section 5.12.

## H

**HEIGHT:** means the vertical dimension of a *Building*, *Structure*, or *Landscaping*, calculated subject to Part 5, Section 5.12.

**HEIGHT, PERIMETER WALL:** means the vertical distance measured at the outermost *Building* face of each *Building* elevation from the *Finished Grade* to the top of the wall (not including gable ends, dormers or localized depressions such as a basement window well).

**HIGH WATER MARK:** means the natural boundary identified on the plan of subdivision or the plan accompanying the instrument conveying Crown Land in fee simple, which plan was most recently filed in the Land Title Office, or in the case where such information is unavailable, the *Natural Boundary* as defined in this Bylaw.

**HIGHWAY:** includes public *Streets*, roads, ways, trails, *Lanes*, bridges, and any other public way.

**HOME BASED BUSINESS:** means a commercial professional practice, service, occupation, craft or hobby carried on in a *Dwelling Unit* or *Accessory Building*.



**HOME IMPROVEMENT SERVICE INDUSTRY:** means an *Office* and associated indoor storage for a building contractor or other professional providing services for homeowners.

**HORSE RIDING ARENA:** means the *Use of Land* and/or *Structures* for the exercising or riding of horses.

**HORSE RIDING STABLE:** means the *Use of Land, Buildings* or *Structures* for the purposes of keeping horses, and may include a boarding stable and riding lessons.

**HOUSEHOLD:** means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one *Dwelling Unit* using common *Kitchen Facilities*.

## I

**INTERMODAL SHIPPING CONTAINER:** means a portable, modular metal container used for the storage and shipment of goods and materials.

## K

**KENNEL:** means premises used for the commercial boarding or breeding of five or more dogs of an age of six months or more.

**KITCHEN FACILITIES:** means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities, but excludes a *Kitchenette*.

**KITCHENETTE:** means that portion of a room used for the preparation of beverages and limited meals, and may contain one sink, a fridge, a microwave, coffeemaker and a raised counter. A *Kitchenette* may not contain *Kitchen Facilities*.

## L

**LABORATORY:** means the *Use of Buildings* or *Structures* for scientific experiments, research, teaching, or testing of products or materials and may include an *Accessory Office Use*.

**LAND:** means real property other than improvements and includes the surface of water.

**LANDSCAPE BUFFER:** means an area of *Landscaping* used to mask or separate uses.

**LANDSCAPE SCREEN:** means an area of *Landscaping* used to buffer and visually conceal *Uses*.

**LANDSCAPING:** means changing, modifying or enhancing the visual external appearance of a *Parcel* including reshaping the earth, planting or preserving vegetation, adding walks, patios, fencing or other ornamental features.

**LANE:** means a *Highway* that provides a secondary access to a *Parcel* from the side or rear of such *Parcel* and has a travelled surface less than 6.0 metres wide.

**LIVE-ABOARD:** means the *Use* of a *Boat* primarily designed for navigation for *Residential Use*, utilizing *Land* based community water and sewer services.

**LIVE/WORK UNIT:** means a *Use* within a *Dwelling Unit* that includes space for an *Artist Studio*, *Personal Service Establishment*, *Office*, *Personal Repair Service*, or a *Commercial School*.

**LOG HANDLING, SORTING AND STORAGE YARD:** means *Land* or a water area used for the storage, dumping, sorting, booming or trans-shipment of logs.

**LOT:** has the same meaning as "*Parcel*".

## **M**

**M<sup>2</sup>:** means square metres.

**MANUFACTURED HOME PARK:** means *Land* used for the accommodation of two or more *Mobile Homes*.

**MANUFACTURING:** means the production, fabrication or processing of raw materials into finished goods or products, especially with the *Use* of *Industrial* machinery or equipment and includes packaging and distribution of products created on the *Site*.

**MARINA:** means docking, launching or mooring facilities where *Boats*, seaplanes, and other marine *Boats* are berthed, stored or kept for sale or rent, including *Accessory Retail Sales* facilities and wastewater pumping facilities, but excludes *Boat Building and Repair*.

**MARINE CONSERVATION:** means a marine area, including submerged *Lands*, for the protection and conservation of marine ecosystems for the benefit, education and enjoyment of the general public.

**MARINE FUEL SUPPLY STATION:** means a marine-based facility with fuel storage and pumping equipment used for the retail sale of marine fuels and lubricating oils as well as a limited range of marine *Boat* parts, equipment and accessories.

**MARINE RESCUE FACILITY:** means a facility used for coordinating search and rescue activities in marine areas.

**MARSHALLING YARD:** means *Land*, *Buildings* or *Structures* used to store and maintain *Industrial* equipment, vehicles or materials.

**MEDIA PRODUCTION STUDIO:** means the *Use of Land, Buildings and Structures* for the production of multi-media art, motion pictures, videos, television or radio programs or sound recording.

**MEDICAL MARIHUANA GROWING AND PRODUCTION:** means the growing and production of marihuana for medical purposes, as permitted under the Marihuana for Medical Purposes Regulation, and any subsequent regulations or acts which may be enacted in substitution therefor.

**MICRO-BREWERY:** means the *Use of Land, Buildings and Structures* for the brewing, bottling and marketing of beers, ales and ciders, and may include *Accessory Retail Sales* directly to consumers, *Accessory Wholesale Sales*, and an area for beer, ale and cider tasting and consumption.

**MOBILE HOME:** means a factory manufactured *Dwelling Unit* transported on its own chassis and placed on a temporary foundation, and does not include a *Recreation Vehicle*.

**MODULAR HOME:** means a *Single Unit Dwelling* constructed in a factory to CSA A277 standards, transported to a *Building Site* and placed on a permanent foundation complying with the B.C. Building Code, and does not include a *Mobile Home* or *Recreation Vehicle*.

**MOORAGE:** means the attachment of a *Personal Watercraft, Boat*, seaplane and other marine *Boats* to a *Wharf, Dock* or float, or to a mooring buoy that is in turn anchored to the seabed.

**MOORAGE, COMMERCIAL:** means the *Use* of a *Wharf* facility for the loading, unloading, and *Moorage* of commercial fishing *Boats*, and may include *Short-term Moorage* of other vessels and *Seafood Sales* to the general public.

**MOLLUSC:** means any of the soft bodied invertebrates usually protected by a calcareous shell of one or more pieces and including clam, oyster, mussel, and scallop.

**MOTOR VEHICLE BODY SHOP:** means the *Use* of a *Building* or *Structure* for the structural repair of motor vehicles, including painting or metal plating.

**MOTOR VEHICLE SALVAGE AND WRECKING YARD:** means the *Use of Land* for the disassembly, dismantling, repurposing or junking of motor vehicles, either wholly or partially, and where *Derelict Vehicles* and motor vehicle parts intended for re-use are stored.

## **N**

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

**NATURE CENTRE:** means the *Use of Land, Buildings* or *Structures* primarily for the education and the exploration of natural and cultural heritage, and may include tours, events and exhibits.

**NEIGHBOURHOOD PUB:** means a liquor primary establishment licensed as such under the *Liquor Control and Licensing Act*, and may include a *Micro-Brewery* and a wine bar.

## O

**OFFICE:** means premises used for the provision of professional, medical and dental, health and wellness management, consulting services, financial services or municipal offices, as well as the administrative functions of a permitted *Use*.

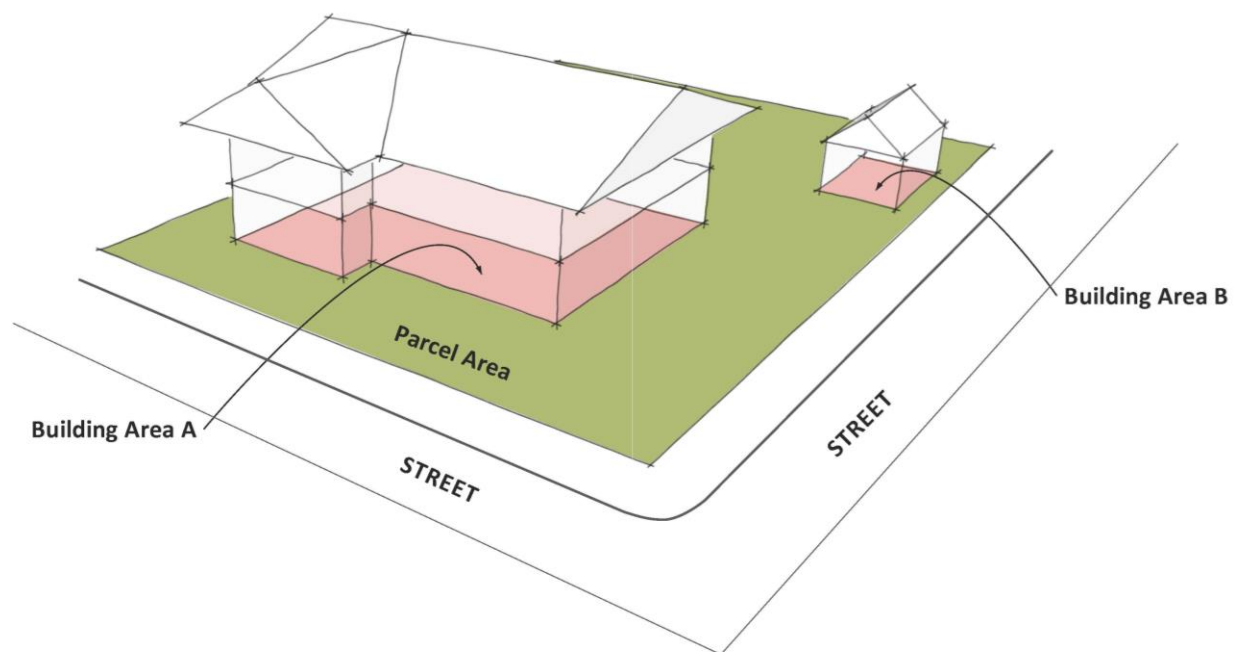
## P

**PARCEL:** means any *Lot*, block or other area in which *Land* is held or into which it is subdivided, and includes a bare land strata *Lot*, as defined in the *Strata Property Act*, any other strata *Lot* created under the *Strata Property Act* larger than 300 square metres, and a pad or area held within a *Manufactured Home Park* by a licensee or tenant, but does not include a *Highway*.

**PARCEL AREA:** means the total horizontal area within the *Parcel Lines* of a *Parcel*. In the case of a *Panhandle Parcel* the access strip shall not be included in a calculation of the area.

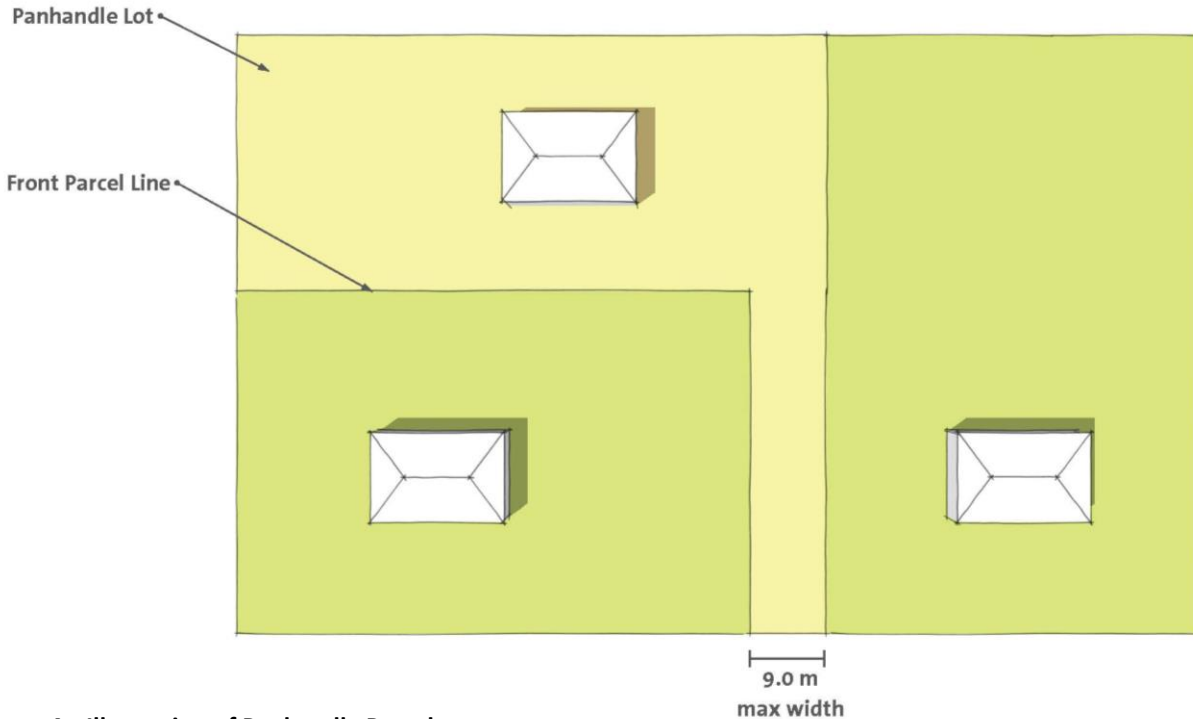
**PARCEL, CORNER:** means a *Parcel* which is abutted by *Highways* on two or more sides.

**PARCEL COVERAGE:** means the total horizontal area within the vertical projection of the outermost walls of *Principal* and *Accessory Buildings* and *Structures* on a *Parcel*, not including permitted projections into required *Setbacks*, expressed as a percentage of the *Parcel Area*.



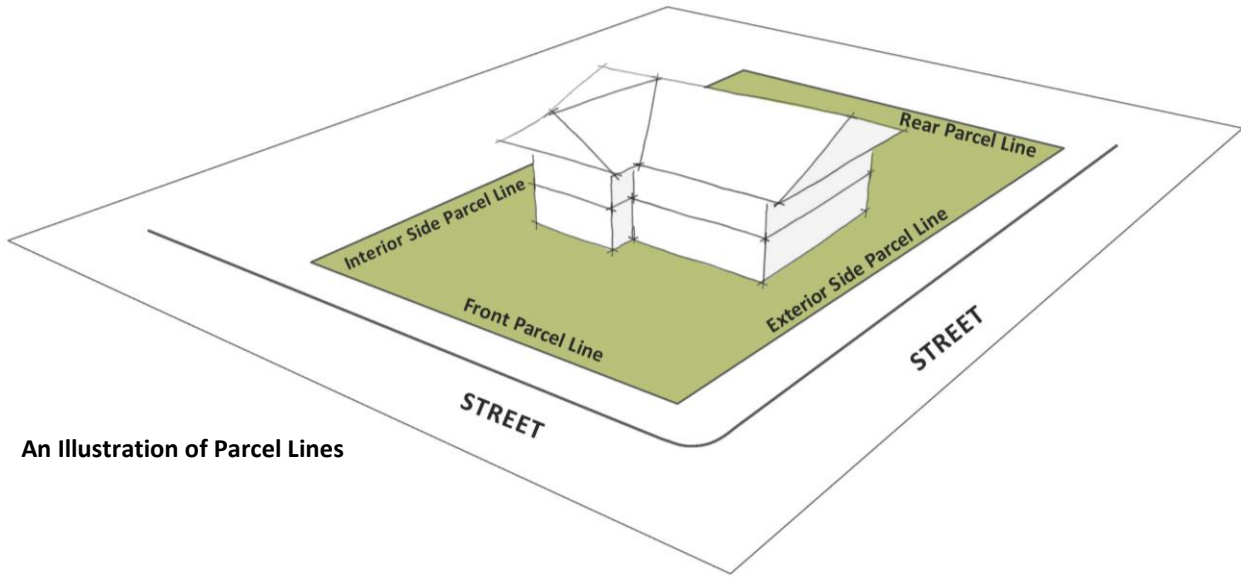
An Illustration of Parcel Coverage where Parcel Coverage is the total floor area of Building Area A and Building Area B divided by the Parcel Area.

**PARCEL, PANHANDLE:** means any *Parcel*, the *Building* area of which is accessed by and gains *Street Frontage* through the use of a narrow strip of *Land* which is less than 9.0 metres in width and is an integral part of the *Parcel*.



**An Illustration of Panhandle Parcel**

**PARCEL LINE, FRONT:** means the *Parcel Line* common to a *Parcel* and fronting *Street*, or where there is more than one fronting *Street*, the shortest *Parcel Line* common to the *Parcel* and a fronting *Street*, in which case the *Parcel Line* opposite to the *Front Parcel Line* is the *Rear Parcel Line* and the other *Parcel Line* is an *Exterior Side Parcel Line*. In the case of a through *Parcel* or a *Corner Parcel*, a *Parcel Line* abutting a *Street* which is not the shortest *Parcel Line* may be considered the *Front Parcel Line* if the adjacent *Parcels* front on the same *Street*. In the case of a *Panhandle Parcel*, the *Front Parcel Line* shall be considered the *Parcel Line* abutting the *Parcel* abutting a *Street* that forms part of the panhandle.



An Illustration of Parcel Lines

**PARCEL LINE, EXTERIOR SIDE:** means the *Parcel Lines* or Lines not being the *Front* or *Rear Parcel Line*, common to a *Parcel* and a *Street* or a *Natural Boundary*, but does not include a *Parcel Line* common to the *Parcel* and a *Lane*.

**PARCEL LINE, INTERIOR SIDE:** means the *Parcel Line* or Lines, not being the *Front* or *Rear Parcel Line*, common to more than one *Parcel*.

**PARCEL LINE, REAR:** means the *Parcel Line* furthest from and opposite to the *Front Parcel Line*, except that there shall not be more than one *Rear Parcel Line*.

**PARK AND OPEN SPACE:** means any area of *Land*, which is used or intended to be used by the public for recreation purposes, including *Outdoor Recreation Facilities*, the provision of public washrooms, or for preservation of nature.

**PARK, MARINE:** means any area of *Land* and tidal water, which is used or intended to be used, for primarily recreation purposes.

**PARK, NATURE:** means any area of *Land*, which is used or intended to be used, for the education and conservation of the natural environment, habitats, plants, wildlife, and/or species at risk and may include *Structures* such as boardwalks, trails and trail signage.

**PARKING, UNDERBUILDING:** means any enclosed space used or intended to be used for off-street parking that is:

- Accessed by a drive aisle located on the front, side or rear elevation of the *Building*; and
- Contained entirely within the *Building*; and
- Has a finished floor elevation at its entrance not greater than the average of the adjacent *Finished Grade* measured at the two most outermost exterior corners of the *Building* where the drive aisle is located.

Bylaw  
1912

**PERIMETER WALL HEIGHT:** means the vertical distance measured at the outermost *Building* face of each *Building* elevation from *Finished Grade* to the top of the wall, not including gable ends, dormers, or localized depressions such as a basement window well.

**PERMEABLE:** means a surface that rainwater can pass through, and shall not include:

- a) Surfaces covered by *Buildings* and *Structures*.
- b) Asphalt.
- c) Concrete.
- d) Grouted pavers.

**PERSONAL SERVICE ESTABLISHMENT:** means premises for the provision of individualized services to a customer including, barbering, hairdressing, tailoring, shoemaking, dry-cleaning, personal trainers, yoga studio, marital arts, nutritionists, florists, laundromats, photography, and aesthetician services.

**PERSONAL REPAIR SERVICE:** means the *Use* of a *Building* for the repair of consumer household products.

**PERSONAL WATERCRAFT:** means a vessel less than 5.0 metres in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

**PRIMARY PROCESSING OF GRAVEL:** means the *Use* of *Land*, *Buildings* or *Structures* for the moving, crushing, washing, screening, processing or storage of gravel and other *Soil* material.

**PRINCIPAL USE:** means the main purpose for which *Land*, including the surface of the water, *Buildings* or *Structures* are ordinarily used.

**PRINT SHOP:** means the *Use* of *Buildings* for printing and reproduction services.

**PRODUCE STAND:** means a seasonal roadside *Structure* for the sale of products produced through a *Farm Use* or *Urban Agriculture Use*.

**PUBLIC PARKING:** means an area of *Land* and/or a *Building* or *Structure* provided for public vehicle parking and maintained and operated by the Town of Ladysmith.

**PUBLIC UTILITY USE:** means the *Use* of *Land*, *Buildings* or *Structures* for the provision of community water services; community sewer services; community surface water drainage services; composting of municipal generated bio-solids; public access; natural gas pipeline serving the community; gas, electric and telecommunication service; district energy or heat systems; or other similar *Uses* or services.

Bylaw  
1904

**PUBLIC WORKS YARD:** means the *Use* of *Land*, *Buildings* or *Structures* for parks and municipal infrastructure operations, including municipal composting, processing or storage for use by municipal operations, community organizations, residents or for *Wholesale Sales*.

Bylaw  
1904

## R

**RAILWAY PASSENGER DEPOT:** means a facility providing arrival and departure services for the travelling public and may include other tourist services.

**RECREATION ACTIVITY SPACE:** means the common *Land* area, patio, balcony, terrace, deck area or internal *Building* space, set aside exclusively for the purpose of providing amenity space for the residents of a development of *Site*.

**RECREATION FACILITY, INDOOR:** means an enclosed *Building* used and equipped for the conduct of sports, leisure and entertainment activities, where patrons are predominantly participants, including but not limited to athletic clubs, health and fitness clubs, swimming pools, curling rinks, ice skating arenas, bowling alleys, billiard halls, rock climbing facilities, dance studios, fitness studios and indoor racquet courts.

**RECREATION FACILITY, OUTDOOR:** means the *Use of Land* for sports and active recreation conducted outdoors. Typical *Uses* include tennis courts, ball fields, lacrosse boxes, athletic tracks and fields, mini-golf courses and lawn bowling greens, but does not include a rifle range.

**RECREATION VEHICLE:** means a motor vehicle or a vehicle that is intended to be towed by a motor vehicle on a *Highway*, designed or used primarily for accommodation during travel or recreation and includes but is not limited to motor homes, campers, fifth-wheels and travel trailers.

**RECYCLING DEPOT:** means the *Use of Land, Buildings or Structures* for the collection and redistribution of primarily recyclable materials and products, including household items and contractor waste.

**RECYCLING DEPOT, REFUND CONTAINER:** means the *Use of Land, Buildings or Structures* for the collection and distribution of beverage, milk, and other refundable containers as well as electronics.

**RECYCLING PLANT:** means the *Use of Land, Buildings or Structures* for the purposes of processing recyclable materials.

**RESEARCH AND DEVELOPMENT FACILITY:** means the *Use of Land, Buildings or Structure* for scientific research, investigation, testing or experimentation.

**RESIDENTIAL:** means the accommodation of a *Household* in a *Dwelling Unit*, or part thereof, and where the minimum occupancy period is 30 consecutive days.

**RESTAURANT:** means a *Use* where the preparation, service and sale of food to the public for immediate consumption is the primary focus, occurring within the premises or delivered to



other premises, and includes a food primary establishment licensed under the *Liquor Control and Licensing Act*, except where expressly prohibited, but does not include a drive-In restaurant or a restaurant with *Drive-Through* service.

**RE-STORE:** means the *Use of Buildings or Structures* for the resale of reusable or recycled household items and building materials.

**RETAINING WALL:** means a *Structure* intended to hold back, stabilize or support an earthen bank.

## S

**SANI-DUMP STATION:** means the *Use of Land, Building or Structures* to accommodate a system of piping designed to accept waste from sanitary holding tanks or vehicles, other than septic tank trucks.

**SALES, BUILDING SUPPLY:** means the sale of *Building* supplies, lumber, plant and garden supplies, agricultural supplies, marine supplies, home improvement supplies, pre-fabricated *Modular Home* sales, furniture and appliances and camping supplies.

**SALES, LIQUOR RETAIL:** means the sale of liquor, beer or wine for consumption off premises. This includes a government *Liquor Store*, government beer store or government wine store, or an agency established under the *Liquor Distribution Act*, including an agency store, an authorized vendor, a distributor, and a licensee.

**Bylaw  
1921**

**SALES, MARIHUANA RETAIL:** means the sale of marihuana (cannabis) or products containing marihuana.

**SALES OR RENTAL, MACHINERY AND EQUIPMENT:** means the *Use* of an enclosed *Building* for the sale, rental or lease of machinery and equipment.

**SALES OR RENTAL, MOTOR VEHICLES:** means the sale, rental or lease of new or used motor vehicles that are capable of being licenced under the *Motor Vehicle Act* or as defined by the *Motor Vehicle (All Terrain) Act*.

**SALES OR RENTAL, NON-MOTORIZED RECREATIONAL EQUIPMENT:** means the sale or rental of bicycles, kayaks, paddleboards, hiking gear and similar recreation equipment.

**Bylaw  
1921**

**SALES, RETAIL:** means the sale of goods, wares, or merchandise to the general public for final consumption. Such sales do not include *Building Supply Sales, Marihuana Retail Sales, Wholesale Sales, Liquor Retail Sales, Warehouse Sales, Re-Store* sales, or the sale of motor vehicle fuels, heavy agricultural and industrial equipment or products related to a *Garden Centre Use* or an adult entertainment *Use*.

**SALES, WHOLESALE:** means the *Use of Lands, Buildings or Structures* for the storage and sale of goods and materials to retailers, other wholesale operations, contractors or manufacturers, rather than to consumers, for resale or for incorporation into other products.

**SAWMILL, SHAKE AND SHINGLE MILL:** means *Use of Land, Buildings or Structures* involving the cutting, sawing, or planing of timber, either to finished lumber, or to an intermediary step, and the temporary storage of raw or finished lumber, or sawing blocks of wood to produce shingles or splitting blocks of wood to produce shakes.

**SCALE HOUSE:** means a *Use of Land, Buildings or Structures* as part of a *Recycling Depot*, where vehicles dropping off materials are weighed.

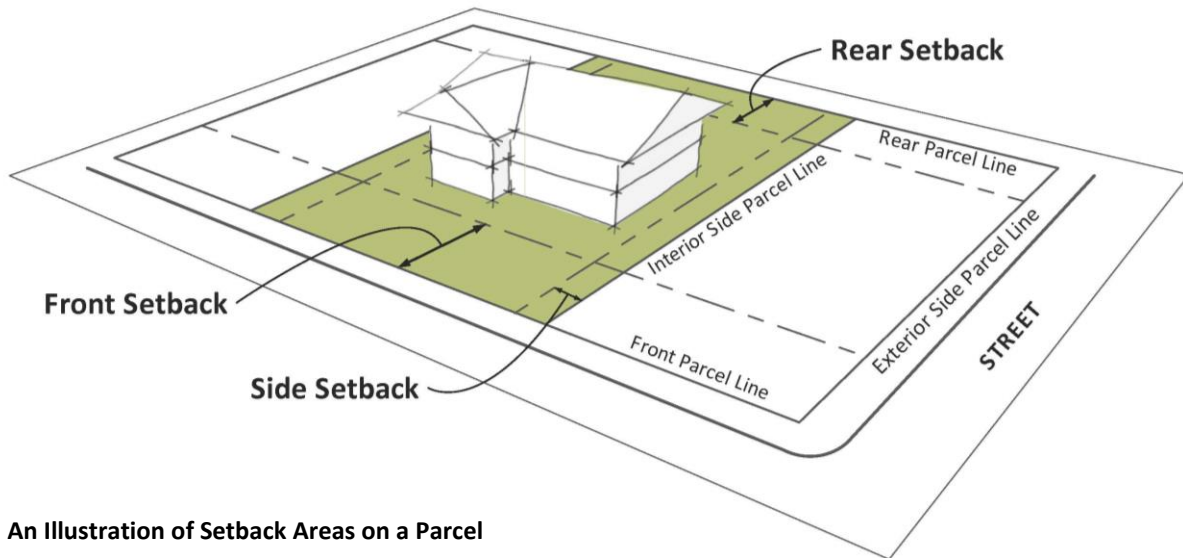
**SCHOOL:** means educational facilities as defined by the *School Act*.

**SCHOOL, COMMERCIAL:** means commercial facilities for the training, instruction and certification in a specific trade, skill or service including administrative, construction, electrical, computer, business, hairdressing, beauty, language, cultural, dancing, martial arts, *Domestic Animal* training, driving, or music skills.

**SEAFOOD SALES:** means the sale of fresh and frozen-at-sea fish and seafood, from marine-based *Wharfs, Boats*, or facilities, for purchase by the public.

**SERVICE STATION:** means premises used for the servicing, repair, washing or maintenance of motor vehicles and the *Retail Sales* of motor lubricating oils and motor vehicle parts and accessories.

**SETBACK:** means the required minimum distance prescribed by the regulations provided for in this Bylaw, between a *Use, Building or Structure* and each of the respective *Parcel Lines*.



An Illustration of Setback Areas on a Parcel

**SEWAGE PUMP-OUT:** means a device or method for removing sewage from a holding tank connected to a *Marina* toilet or from a toilet on a *Boat*.

**SHADE TREE:** means a deciduous tree that provides seasonal screening and shading to a hard surface parking area thereby reducing the surface air temperature and heat island effect.

**SHELLFISH AQUACULTURE:** means the growing, rearing, and harvesting of *Bivalves* molluscs and *Crustacean*, excluding processing.

**SHIPPING YARD:** means *Land* where goods are transhipped or transferred between different transport vehicles, for onward transportation. *Shipping Yards* may also provide storage facilities for both loaded and empty *Intermodal Shipping Containers*.

**SHORT-TERM:** means seven days or less.

**SILVICULTURE:** means all activities related to the development and care of forests, including seedling and tree nursery but excludes the processing of wood or wood products.

**SITE:** means an area of *Land* or surface of water devoted to a particular *Use* or occupied by a *Building* or *Structure* or a group of *Buildings* or *Structures* having a common *Use*.

**SOIL:** includes sand, gravel, rock or other similar substance.

**SOLAR ENERGY DEVICE:** means a device designed to collect, store and distribute solar energy.

**STOREY:** means that portion of a *Building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**STOREY, FIRST:** means the lowest *Storey* of a *Building* having its floor level not more than 2.0 metres above *Finished Grade*.

**STORAGE YARD:** means the *Use of Land* outside of an enclosed *Building* where construction materials and equipment, new *Building* materials, monuments and stone products, public utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether as a *Principal* or *Accessory Use*.

**STREAMSIDE PROTECTION AND ENHANCEMENT AREA:** means an area (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size which is determined according to the Riparian Areas Regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.

**STREET:** has the same meaning as *Highway* and includes, in the case of *Parcel Line* definitions, an access route in a bare *Land* strata plan.

**STRUCTURE:** means any construction fixed to, supported by or sunk into *Land* or water but excludes concrete or asphalt paving or similar surfacing of a *Parcel*.

## T

**TEMPORARY OVERNIGHT ACCOMMODATION:** means the *Use of Land* for *Short-Term* camping, associated with community events, in tents or *Recreation Vehicles*.

**THEATRE:** means the *Use of a Building* for the showing of dramatic, musical or other live or recorded performance arts, including cinemas.

**TOURIST ACCOMMODATION:** means a *Building* or *Buildings* in which there are five or more *Accommodation Units* for the accommodation of the travelling public.

**TOW-TRUCK DISPATCH:** means the *Use of Land, Buildings* and *Structures* for the dispatch and on-site storage of tow-trucks and associated vehicles.

**TOWN:** means the Town of Ladysmith.

**TRADE CONTRACTOR FACILITIES:** means a *Building, Structures* or *Land* used for the *Offices*, storage, or shops of trade contractors.

**TRANSFER STATION:** means the *Use of Land, Buildings* or *Structures* for the temporary storage of recyclable and non-recyclable waste and the transferring of such waste to vehicles for transportation elsewhere.

## U

**USE:** means the purpose for which any *Parcel, Land, Site, surface of water, Building or Structure* is designed, arranged or intended, or for which it is occupied or maintained.

## V

**VETERINARY CLINIC:** means premises used by one or more licensed veterinarians and associated staff to provide medical, surgical and general health care treatment of *Domestic Animals* and may include indoor boarding during the period of treatment.

**VISITOR CENTRE:** means a *Building or Structure* that provides information services to tourists.

## W

**WAREHOUSE:** means premises used for keeping or storing goods, to which the general public does not have access, and which may include facilities for distribution of commercial or *Industrial goods*.

**WATERCOURSE:** means any drainage course or source of water in a depression with defined and continuous banks, whether usually containing water or not and may include a pond, lake, river, stream, creek, brook, ditch, spring, wetland or the sea.

**WELCOME CENTRE:** means a marine-based facility providing local orientation and convenience services to boaters.

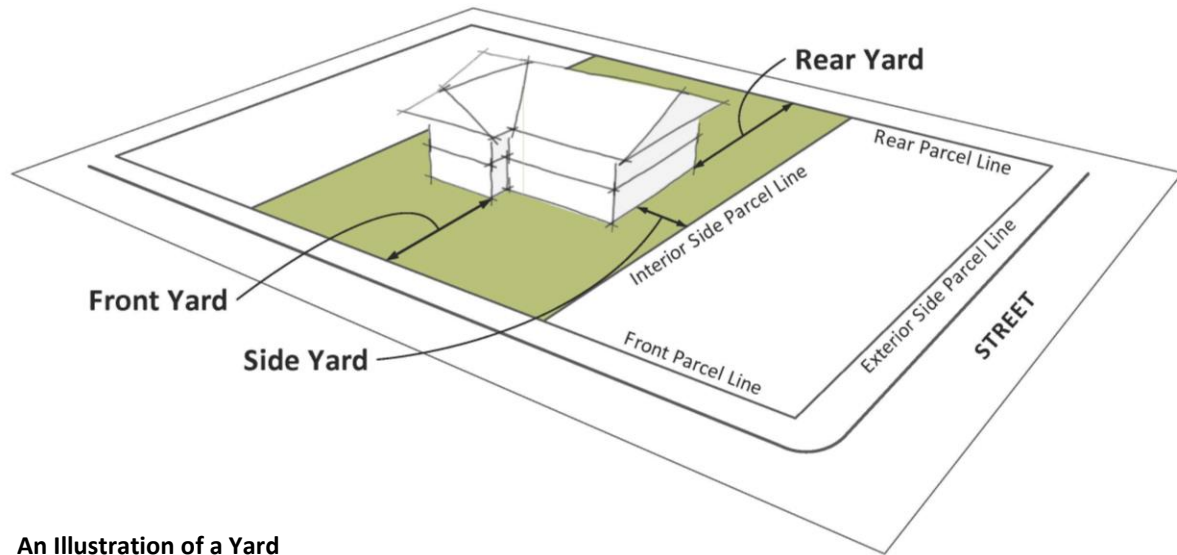
**WHARF:** means a marine-based *Structure* used for mooring *Boats* and seaplanes, usually comprised of a pier, ramp and floats.

**WIND ENERGY DEVICE:** means a device designed to collect, store and distribute wind energy.

## Y

**YACHT CLUB CLUBHOUSE:** means a *Building* used for conducting the business and social activities of an incorporated yacht club.

**YARD:** means an open space on a *Lot* unoccupied and unobstructed to the sky, except as otherwise provided for in this Bylaw.



An Illustration of a Yard

**YARD, FRONT:** means that portion of a *Parcel* between the *Front Parcel Line* and a line extending along the front face of a *Principal Building* to the *Exterior* and/or *Interior Parcel Lines*.

**YARD, REAR:** means that portion of a *Parcel* between the *Rear Parcel Line* and a line extending along the rear face of a *Principal Building* to the *Exterior* and/or *Interior Parcel Lines*.

**YARD, SIDE:** means that portion of a *Parcel* extending from the *Front Yard* to the *Rear Yard*, between the *Exterior* and/or *Interior Parcel Lines* and a line extending along the side face of a *Principal Building*.

## Z

**ZONE(S):** means the zones contained as part of this Bylaw and identified in Schedule B.

b) In this Bylaw, the following symbols shall have the following meaning:

≤: means less than or equal to.

>: means greater than.

## PART 5: GENERAL REGULATIONS

### 5.1. General Application

- a) The General Regulations set out in this Part shall apply to all *Lands, Buildings, or Structures* and the *Use* or the intended *Use* of the same unless otherwise expressly provided for in this Bylaw.
- b) Only the *Uses* and *Accessory Uses* listed in each *Zone* are permitted on *Lands*, or in relation to *Buildings* or *Structures*, in that *Zone*.

### 5.2. Number, Location and Siting of Buildings and Structures

- a) Not more than one *Principal Building for Residential Use* shall be constructed, placed or erected on a *Parcel*, except as otherwise expressly provided for in this Bylaw.
- b) No *Principal Building* or *Structure* shall be located in any required front, side or rear *Setback* for *Principal Buildings* or *Structures*.
- c) No *Accessory Building* or *Structure* shall be located in any required front, side or rear *Setback* for *Accessory Buildings* or *Structures* or in any *Front Yard*.
- d) No *Building* or *Structure* shall be permitted within 4.5 metres from the *Parcel Line* fronting on any Ministry of Transportation and Infrastructure arterial *Highway*, or within 3.0 metres where a *Lane* provides secondary access to the *Parcel*.
- e) Despite any other regulation of this Bylaw, no *Building* or *Structure* located on a *Parcel* shall be located closer than:
  - i) In the case of a *Parcel* having a slope of less than 5 percent, 15.0 metres horizontally distant from the *Natural Boundary* of a *Watercourse* or 18.0 metres horizontally distant from the centre line of the *Watercourse* whichever is the greater.
  - ii) In the case of a *Parcel* having a slope of more than 5 percent, 9.0 metres horizontally distant from the *Natural Boundary* of the *Watercourse* or 21.0 metres horizontally distant from the centre line of the *Watercourse* whichever is the greater.
  - iii) In the case of a *Parcel* adjacent to or abutting the sea, 8.0 metres horizontally distant from the *Natural Boundary* of the sea or horizontally distant inland from the top of slope on a *Parcel* with an average slope of 30 percent or more, whichever is greater.
- f) Despite Section 5.2 (e), any *Building* or *Structure* proposed to be located within 30 metres of a natural *Watercourse* or source of water supply, whether usually containing water or not, and includes a lake, river, creek, spring, swamp and gulch shall apply to the Town of Ladysmith for a Riparian Development Permit; and the owner must obtain the Riparian Development Permit prior to any alteration of *Land, Landscaping* or vegetation; disturbance of *Soils*; construction or erection of *Buildings* and *Structures*; and prior to subdivision of *Land*.

### 5.3. Panhandle Parcels

- a) When *Panhandle Parcels* are created, the *Parcel* frontage requirement shall not be calculated for the panhandle portion fronting on the *Street*, but for the width of the *Parcel Area* fronting on the extension of the panhandle.
- b) Where a *Parcel* is a *Panhandle Parcel*, the panhandle shall not be calculated as part of the *Parcel Area* for purposes of determining minimum *Parcel* size.

### 5.4. Solar Energy Devices

- a) In a *Residential* or *Commercial Zone*, *Solar Energy Devices* shall be attached to a *Principal* or *Accessory Building* and shall not extend beyond the outermost edge of the roof nor extend higher than the vertical *Building* envelope.
- b) In *Industrial* and *Institutional Zones*, *Solar Energy Devices* are permitted provided that:
  - i) The device is attached to either the *Principal* or an *Accessory Building* in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) The device is a standalone *Structure* subject to the siting requirements for *Accessory Buildings* or *Structures*.

### 5.5. Geothermal Energy Devices

- a) In all *Zones*, all above ground parts of *Geothermal Energy Devices* are subject to the siting and *Height* regulations for *Accessory Buildings* or *Structures*.
- b) In all *Zones*, the underground parts of *Geothermal Energy Devices* shall have a minimum *Setback* of 3 metres from all *Parcel Lines*.

### 5.6. Heat Pumps

- a) Heat pumps shall be located in a *Rear Yard* or *Side Yard* only and be sited a minimum of 1.0 metre from a *Parcel Line*.

### 5.7. Wind Energy Devices

- a) In the *Parks and Recreation Zone (P-2)*, *Wind Energy Devices* which generate not more than 10 kilowatts are permitted, subject to the following requirements:
  - i) Not more than one *Wind Energy Device* is permitted on each *Parcel*.
  - ii) The *Parcel* on which a *Wind Energy Device* is located shall be 2,023 square metres or greater in *Parcel Area*.
  - iii) Maximum *Height* of a *Wind Energy Device*, including to the point of a blade in a vertical position, shall be 10.5 metres as measured from the *Finished Grade*.
  - iv) A *Wind Energy Device* tower shall be located from the *Parcel Line* of an adjacent *Parcel* by no less than a distance equal to 150 percent of the total *Height* of the device (measured to the highest point of a support *Structure* and the top of a vertical blade).

Bylaw 1904



- b) In the Primary Agriculture Zone (A-1), Agriculture and Resort Recreation Zone (A-RR), Industrial Zone (I-2) or the Recycling Depot Zone (P-4) for *Parcels* that do not abut a *Residential Zone*, *Wind Energy Devices* which generate up to 20 kilowatts shall be permitted, subject to the following requirements:
  - i) Not more than one *Wind Energy Device* is permitted on each *Parcel*.
  - ii) The *Parcel* on which a *Wind Energy Device* is located shall be 4,000 square metres or greater in *Parcel Area*.
  - iii) The maximum *Height* of a *Wind Energy Device* (including the top of a blade in a vertical position) shall be 21 metres as measured from *Finished Grade*.
- c) Despite Section 5.7(b), *Wind Energy Devices* located on Industrial or Agriculture *Zoned Parcels* adjacent to *Residential Zones* are subject to Section 5.7(a).

### 5.8. Setback Exemptions

- a) Except as otherwise expressly provided for in this Bylaw, no *Building*, *Structure* or architectural feature may project into the *Setback* requirements of this Bylaw, including the separation distance between a *Principal Building* or *Structure* and a *Coach House Dwelling*, except the following:
  - i) Steps.
  - ii) Ramps, providing an *Accessible* route for persons with disabilities, with a slope greater than 1:20 but not more than 1:12 and constructed in accordance with the *British Columbia Building Code*.
  - iii) Eaves and gutters, cornices, sills, pilasters, belt courses, bay windows, chimneys, heating or ventilating equipment or other similar features provided that such projections do not exceed 1.0 metre or 50 percent of the width of the *Side Yard* in the case of a *Side Yard* of 1.5 metres or less wide.
  - iv) *Fences*, *Landscape Buffers*, *Landscape Screens*, *Retaining Walls*, arbours, trellises, or other ornamental features.
  - v) Open and uncovered terraces, decks or patios not to exceed 0.62 metres above *Finished Grade*.
  - vi) Unenclosed porches and canopies (not including carports), sunshades, unenclosed stairwells, or balconies provided that such projections do not exceed 1.5 metres into a front or side *Setback* or 2.0 metres into a rear *Setback*.
  - vii) Utilities, cisterns, storage tanks, or underground parking areas, which are constructed entirely beneath the surface of the ground, provided such underground *Structures* are covered by sufficient soil depth to accommodate *Landscaping*.
  - viii) An unenclosed swimming pool, provided that such pool not be constructed nearer than 3.0 metres to any *Parcel Line* unless the pool is constructed with its surface at *Finished Grade*, in which case, the swimming pool shall not be nearer than 1.5 metres to any *Parcel Line*.

- ix) Freestanding lighting poles, clothes line poles, warning devices, antennas, masts, utility poles, flagpoles, and children’s play equipment.

### 5.9. Accessory Buildings, Structures and Uses

- a) Not more than two *Accessory Buildings* shall be permitted on a *Parcel*, or as, otherwise expressly provided for in this Bylaw.
- b) For the purposes of calculating Section 5.9(a), a *Coach House Dwelling* constitutes one *Accessory Building*. Where a *Coach House Dwelling* is located on the second storey of an *Accessory Building*, then such a *Building* shall still only constitute one *Accessory Building*.
- c) An *Accessory Building* or *Structure* shall have a maximum *Gross Floor Area* of 60 square metres, not including the *Gross Floor Area* of a permitted *Coach House Dwelling*.
- d) All *Accessory Buildings* and *Structures* shall be located on the same *Parcel* as the *Principal Building* to which it is *Accessory*.
- e) An *Accessory Building* or *Structure* attached to the *Principal Building* shall be considered a part of the *Principal Building* and shall comply in all respects with the regulations of this Bylaw applicable to the *Principal Building*.
  - i) For the purposes of the above section 5.9(e) “attached” means heated conditioned space with a minimum internal clear width of 860mm and a minimum *Finished Floor Area* of 3.5 square metres.
- f) An *Accessory Building* or *Structure* shall not be used as a *Dwelling Unit*, except as a permitted *Coach House Dwelling*, or as otherwise provided for in this Bylaw.
- g) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres or one *Storey*, except as otherwise expressly provided for in this Bylaw.
- h) No *Accessory Building* or *Structure* shall include an *Attic* or *Roof Space* greater than 1.9 metres in *Height*, as measured from the ceiling of the *Storey* below to the highest point of the *Building* or *Structure*.
- i) No *Accessory Building* or *Structure* shall include *Kitchen Facilities* unless it is a *Coach House Dwelling*.

**Bylaw 1904**

### 5.10. Temporary Buildings and Structures During Construction

- a) During the construction of a *Principal Building* or *Structure* or any *Public Utility Use* or service, temporary *Buildings* and *Structures* may be constructed, placed or erected for the purpose of providing temporary *Office* space, shelter for construction crews, or storage of materials; provided that:
  - i) Temporary *Buildings* and *Structures* shall be removed within 30 days of the completion of the *Principal Building* or *Structure* or *Public Utility Use* or service.

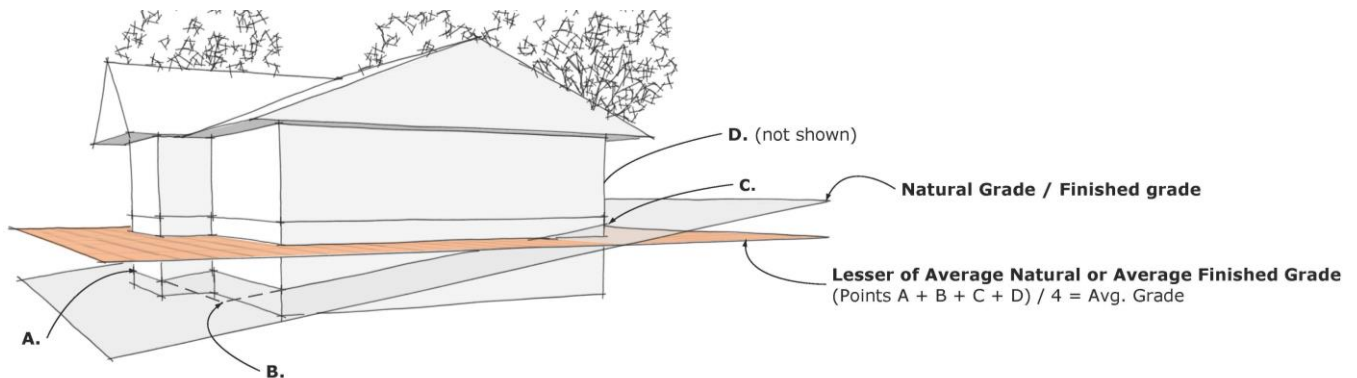
- ii) Temporary *Buildings* or *Structures* shall be limited to a maximum of two (2) per *Parcel*.

### 5.11. Temporary Uses

- a) A *Use* or occupancy shall be considered temporary if it is for a period of less than, but not to exceed, 30 days within a single calendar year, in which case such a temporary *Use* or occupancy shall only be permitted where expressly provided for in this Bylaw.

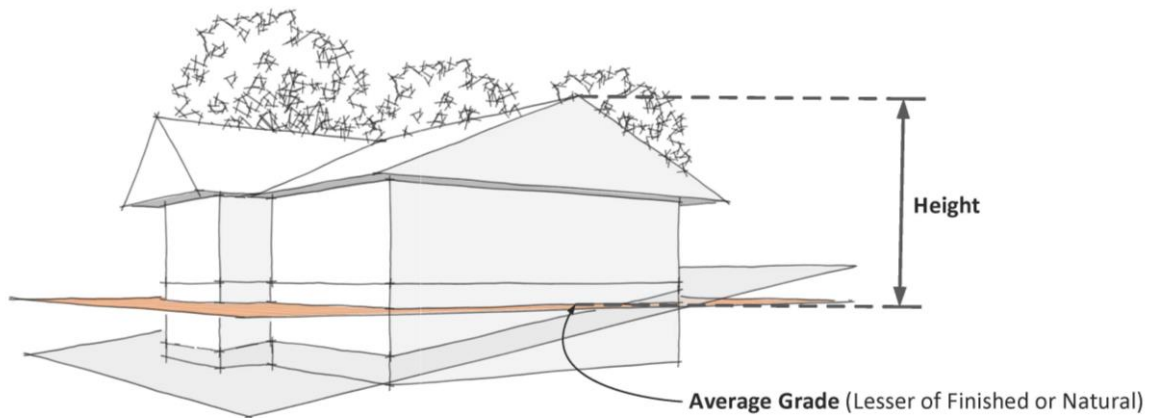
### 5.12. Height Calculation

- a) For the purposes of calculating *Height of Principal and Accessory Buildings*:
  - i) *Height* shall be the vertical distance as measured between the lesser of *Average Natural* or *Average Finished Grade* and the highest point of the roof.
  - ii) When a *Building* constructed on a *Parcel* for which a grading plan was approved by the *Town* as part of the subdivision approval process, *Height* shall be the vertical distance as measured from the elevations shown on the approved grading plan and the highest point of the roof, unless *Council*, or its delegate, has approved a development permit for the *Building* in which case *Height* shall be measured from the elevation specified in the development permit.



**An Illustration of the Calculation of Average Natural Grade or Average Finished Grade**

- b) For the purposes of measuring *Height* of a *Retaining Wall, Fence, Structure or Landscape Buffer*, *Height* shall be the vertical distance measured between the *Finished Grade* and the highest point of the *Retaining Wall, Fence, Structure, or Landscape Buffer*.
- c) For purposes of measuring *Height* of a *Building or Structure* in a *Marine Zone*, *Height* shall be measured from the surface of the water, except that the *Height* of a *Gear Locker* and any other *Structures* located on a *Dock, Wharf* or float shall be measured from the surface of the *Structure* on which it is located.



**An Illustration of Height**

### 5.13. Height Exemptions

- a) Except as otherwise provided in each particular *Zone*, no *Buildings* and *Structures* may exceed the *Height* requirements of this Bylaw, except:
  - i) *Church* spires, belfries, domes, monuments, fire and hose towers, observation towers, stadium bleachers, radio tower, television tower, satellite signal receiving apparatus, chimneys, flag poles, mast aerials, cooling towers, elevator and ventilating machinery, screening for mechanical equipment, stair towers, monuments, lighting poles, clothes line poles and *Solar Energy Devices*;
- b) The *Height* exceptions indicated in Section 5.13(a)(i) shall be limited to a *Height* of one and a half times the permitted *Height* for *Principal Buildings* in the applicable *Zone* and provided that such *Buildings* or *Structures* do not cover more than 20 percent of the *Parcel Area* or more than 10 percent of the roof area if located on a *Building* or *Structure*, except in the case of *Solar Energy Devices* which shall have no roof coverage limit.

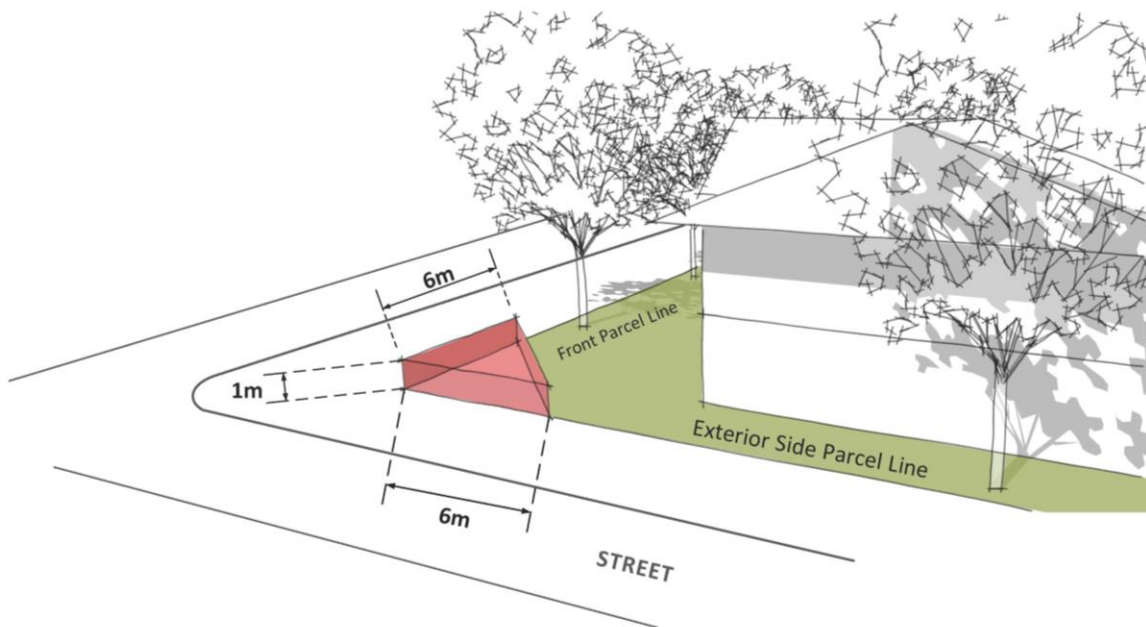
### 5.14. Floor Area and Exemptions

- a) For all *Zones* where either a *Single Unit Dwelling* or *Two Unit Dwelling* is permitted, the *Finished Floor Area* shall be measured to the exterior surface of the exterior walls, excluding:
  - i) Exterior cladding and exterior solid wall systems up to a maximum thickness of 0.165 metres in an exterior insulation or weather protection wall system.

- ii) Any portion of a *Building* used for parking purposes to a maximum floor area exclusion of 45 square metres, unless such parking is a *Principal Use* in which case no exclusion shall be permitted.
  - iii) Any portion of a *Building* used for accommodating a swimming pool.
  - iv) Unenclosed front entry porches, balconies, decks, patios, terraces, or courtyards.
  - v) That portion of a *Dwelling Unit* that is dedicated for a vertical service shaft extending from the mechanical service area to the roof for the purposes of solar hot water heating.
  - vi) Any floor space having a ceiling *Height* less than or equal to 2.29 metres.
- b) For all *Multi-Unit Dwellings*, the *Gross Floor Area* shall be measured to the exterior surface of the exterior wall, excluding:
- i) A maximum of 0.165 metres of thickness of the exterior cladding and/or exterior solid wall systems, in an exterior insulation or weather protection wall system.
  - ii) Unenclosed balconies, decks, patios, terraces, or courtyards.
  - iii) Common stairwells, entry lobby, elevator shafts, corridors, recreation facilities, garbage and recycling facilities, bicycle storage facilities, scooter storage facilities, common amenity rooms or spaces, common laundry facilities or swimming pools.
  - iv) Any portion of a *Building* used for a mechanical or electrical service room.
  - v) Any floor space having a ceiling *Height* less than or equal to 2.29 metres.
  - vi) Any non-habitable portions of the *Building* situated entirely below the *Average Finished Grade* that are used solely for parking, storage or cisterns for the collection of rainwater.
- c) For all *Produce Stands* located in the Agricultural Land Reserve, the *Finished Floor Area* shall be measured to the exterior surface of the exterior wall of all indoor space, excluding washrooms and processing areas, and all outdoor space used for the storage of products for sale.

#### **5.15. Visibility At Intersections**

- a) In all *Zones*, except as otherwise expressly provided for in this Bylaw, no *Fence*, *Landscaping*, *Retaining Wall* or other obstruction shall be erected or allowed to grow to a *Height* greater than 1.0 metre from the established *Grade* of *Streets* or *Lanes* within the sight triangle.
- b) The sight triangle is comprised of an area bounded by the intersecting *Parcel Lines* at a street corner and a line joining points on the *Parcel* measured 6.0 metres from the point of intersection of the *Parcel*.



An illustration of a Sight Triangle

#### 5.16. Storage Regulations

- a) No *Setback* areas required by this Bylaw on any *Parcel* in any *Zone* shall be used for permanent storage.
- b) No *Parcel* in a *Residential Zone* shall be used for the unenclosed storage of a *Derelict Vehicle*.
- c) In all other *Zones*, or as otherwise expressly provided for in this Bylaw, where the outdoor storage of *Derelict Vehicles* is required for the operation of a business, the *Derelict Vehicles* shall be completely enclosed within a *Building* or within a *Landscaped* or *Fenced* area so as not to be visible from a *Highway*.
- d) In all *Zones*, refuse, recycling, organics or other waste that is a wildlife attractant shall not be stored in such a manner that it is accessible to wildlife.

#### 5.17. Commercial Vehicle, Trailer, Recreation Vehicle, Boat, or Equipment Parking or Storage

- a) Only on a *Parcel* where a *Single Unit Dwelling* is the *Principal Use*, a commercial vehicle, trailer, *Recreation Vehicle*, *Boat*, contractor's equipment or any similar vehicle, conveyance, craft or equipment may be parked or stored in an unenclosed area on a *Parcel* provided that:
  - i) Not more than one commercial vehicle is parked or stored per *Parcel*, and the commercial vehicle may not exceed 5,500 kg gross vehicle weight (GVW) rated capacity.
  - ii) Not more than one *Boat* is parked or stored per *Parcel*, and the *Boat* may not exceed a length of 10 metres.

- iii) Not more than one *Recreation Vehicle* is parked or stored per *Parcel*, and the *Recreation Vehicle* may not exceed a length 11 metres.
- iv) *Recreation vehicles* are not occupied overnight while parked or stored, other than one *Short-Term* occupancy for guests within one calendar year.
- v) Any area used for parking commercial vehicles or contractor's equipment is situated not less than 1.5 metres from an *Interior Side* and *Rear Parcel Line* and is not situated in the *Front* or *Exterior Side Yards*.

#### 5.18. Shipping Containers

- a) *Intermodal Shipping Containers* shall be considered an *Accessory Structure* and shall satisfy all of the following conditions:
  - i) Shall only be permitted in I-1, I-2, W-3 and institutional *Zones*.
  - ii) Shall be limited to a maximum of three (3) intermodal shipping containers per *Parcel*.
  - iii) When sited in an institutional *Zone* shall be limited to the storage of emergency and post-disaster supplies.
  - iv) Shall be no longer than 13 metres nor wider than 2.5 metres per intermodal shipping container.
  - v) Shall be subject to the siting requirements for *Accessory Buildings* on the *Parcel* where the intermodal shipping container is located.
  - vi) May be stacked provided that the *Height* of the shipping containers combined shall not exceed the maximum *Principal Building Height* requirements on the *Parcel* where the intermodal shipping container is located.

#### 5.19. Retaining Walls Regulations

- a) A single *Retaining Wall* may not exceed 1.2 metres in *Height*.
- b) All *Retaining Walls* located within 1.2 metres of each other will be collectively considered a single *Retaining Wall* for the purposes of determining *Height*.
- c) Despite Section 5.19(a), a single engineered *Retaining Wall* used for structural purposes to create a *Yard* may exceed 1.2 metres in *Height*, provided that it:
  - i) Is stepped back 2.0 metres for every 3.0 metres in *Height*; and
  - ii) Includes a *Landscape Screen* within the stepped-back area to buffer and visually conceal the retaining wall.

**5.20. Fence Regulations**

- a) No *Fence* shall exceed the following *Height* limitations, calculated in accordance with Section 5.12: Height Calculation:

<b>ZONE CATEGORY</b>	<b>YARD</b>	<b>MAXIMUM HEIGHT</b>
	<i>Front</i>	1.2 metres
	<i>Exterior Side</i>	1.2 metres
	<i>Interior Side or Rear</i>	2.0 metres
Commercial	<i>Side or Rear</i>	2.4 metres
Industrial	<i>Front, Side or Rear</i>	2.4 metres
Institutional	<i>Front, Side or Rear</i>	2.4 metres

- b) No *Fence* in a commercial *Zone* shall be located within the *Front Yard*.
- c) *Fences* for *Outdoor Recreation Facilities* located in an institutional *Zone* shall not be limited in *Height* provided such *Fences* are constructed of material that permits visibility such as chain link.
- d) Despite Section 5.20(a), a pergola, trellis, gate or similar *Structure* shall not exceed 2.7 metres in *Height*.
- e) Despite Section 5.20(a), a solid masonry style fence shall not exceed 0.8 metres in *Height* in a Commercial *Zone* or in the Live/Work Residential (R-2-LW) *Zone*.

Bylaw 1904

**5.21. Residential Community Care Facilities**

- a) The permitted *Use* of any *Single Unit Dwelling* includes the use of the *Dwelling* as a licensed community care facility for day care of up to 8 persons or residential care of up to 6 persons with up to four live-in caregivers.

**5.22. Single Unit Dwelling Horizontal Dimension**

- a) Except as otherwise provided in this Bylaw, the minimum horizontal *Building* dimension for a *Single Unit Dwelling* is 6.5 metres.

**5.23. Community Water and Community Sewer**

- a) Except as otherwise provided in this Bylaw, all *Uses* permitted by this Bylaw are only permitted if the *Use* is connected to the Town of Ladysmith community water system and the community sanitary sewer system.



## PART 6: SPECIFIC USE REGULATIONS

### 6.1. Uses Permitted In All Zones

- a) *Park and Open Space.*
- b) *Public Utility Use.*
- c) The *Use* of a *Building* or part thereof as a polling station for government elections, referenda, or census, provided that the time period of such *Use* does not exceed sixty (60) days.
- d) The *Use* of a *Building* or part thereof as campaign headquarters for political candidates, commencing on the issuance of election writ and ceasing on polling day.
- e) *Accessory Off-Street Parking* required by this Bylaw, excluding a stand-alone surface or structured parking facility.

### 6.2. Buildings and Structures Permitted In All Zones

- a) *Accessory Buildings and Structures* customarily ancillary to a *Principal* permitted *Use*, provided they are located on the same *Parcel* or within the same strata plan as the *Principal Use*, except as otherwise provided in each particular *Zone*.

### 6.3. Uses Prohibited In All Zones

- a) No *Use of Land, Buildings or Structures*, including the surface of the water, shall be used for:
  - i) A *Big Box Store*, specifically excluding Lot A, District Lot 43, Oyster District, Plan VIP70526 (370 Davis Road) and Lot 1, District Lot 24, Oyster District, Plan VIP85193 (1020 First Avenue).
  - ii) Commercial composting, processing or storage, including production in the Agricultural Land Reserve for application off of the farm operation; except a composting facility which handles municipal generated bio-solids.
  - iii) A *Kennel Use*.
  - iv) A *Pawnshop Use*.
  - v) A *Slaughterhouse Use*, except for activities designated as *Farm Use* on *Lands* in the Agricultural Land Reserve.
  - vi) A *Use* with a *Drive-through* service.
  - vii) A *Marijuana Retail Sales Use*.
  - viii) Any *Use* not listed as a *Principal* or *Accessory Use* in this Part or any of the *Zones*.

**Bylaw 1904**

**Bylaw 1921**

#### 6.4. Secondary Suite Regulations

- a) A *Secondary Suite*:
  - i) Shall be limited to one such *Use* per *Parcel* where the *Principal Use* is a *Single Unit Dwelling*, not including *Mobile Homes*.
  - ii) Shall not exceed a *Gross Floor Area* of 90 square metres or 40 percent of the *Gross Floor Area* of the *Single Unit Dwelling*, whichever is less.
- b) *Secondary Suites*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be considered an *Accessory Use* to a *Single Unit Dwelling*.
  - ii) Shall be located with a single *Parcel* that includes the *Single Unit Dwelling*.
  - iii) Shall be prohibited on a *Parcel* where a *Coach House Dwelling* or *Caretaker Dwelling* is located.
  - iv) Shall be prohibited on a *Parcel* where a *Bed and Breakfast Use* is located, unless the *Parcel Area* is at least 1,000 square metres.

#### 6.5. Coach House Regulations

- a) A *Coach House Dwelling*, where permitted in this Bylaw, is only permitted when the *Parcel* meets the following conditions:
  - i) When a *Parcel* is located on a *Lane*, a *Coach House Dwelling* is permitted when the *Parcel Area* is 668 square metres or greater.
  - ii) When a *Parcel* is a *Corner Parcel*, a *Coach House Dwelling* is permitted when the *Parcel Area* is 668 square metres or greater and the front entry of the *Coach House Dwelling* fronts onto the *Lane* or *Exterior Side Parcel Line*.
  - iii) For all other *Parcels*, a *Coach House Dwelling* is permitted when the *Parcel Area* is 780 square metres or greater.
- b) A *Coach House Dwelling*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be limited to one such *Accessory Building* per *Parcel*.
  - ii) Shall not exceed a *Gross Floor Area* of 60 square metres.
  - iii) Shall not exceed a *Height* of:
    - 1) 6.6 metres where a *Coach House Dwelling* is located in the second storey of an *Accessory Building*; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.7 metres; or
    - 2) 5.0 metres where a *Coach House Dwelling* is located in a single storey *Accessory Building*.
  - iv) Shall be located in the *Rear Yard*.

Bylaw 1904

**Bylaw 1904**

- v) Shall not be located closer than 6.0 metres to the *Principal Dwelling*, as measured between the foundations of each.
  - vi) Shall be located within a single *Parcel* that includes the *Single Unit Dwelling*.
  - vii) Shall be prohibited on a *Parcel* where a *Secondary Suite Use* or *Caretaker Dwelling* is located.
  - viii) Shall accommodate any required parking on the *Parcel*.
  - ix) The maximum permitted size for upper level balconies and decks is 2.9 square metres. Flat roofs may not be used for deck areas.
- c) Prior to construction of a *Coach House Dwelling*, an owner of property shall apply to the Town of Ladysmith for a Coach House Intensive Residential Development Permit.

**6.6. Caretaker Dwelling Regulations**

- a) A *Caretaker Dwelling*:
- i) Shall be limited to one such *Building* per *Parcel*, where permitted.
  - ii) Shall be located within the same *Building* as the *Principal Use*, unless otherwise expressly provided for in this Bylaw.
  - iii) Shall be provided with a separate at-*Grade* entrance.
  - iv) Shall have a minimum of 37 square metres, but not more than 90 square metres, of *Gross Floor Area*, and shall not exceed 40 percent of the total *Gross Floor Area* of the *Principal Building*.
- b) A *Caretaker Dwelling*, where permitted in this Bylaw, shall satisfy all of the following conditions:
- i) Shall be located within a single *Parcel* that includes the *Principal Building*.
  - ii) Shall be prohibited on a *Parcel* where a *Secondary Suite Use*, *Coach House Dwelling* or a *Bed and Breakfast Use* is located.
  - iii) Shall accommodate on the *Parcel* any required parking.

**6.7. Bed And Breakfast Regulations**

- a) A *Bed and Breakfast*, where permitted in this Bylaw, shall satisfy all of the following conditions:
- i) Shall be operated by an owner of the *Single Unit Dwelling*, who resides on the *Parcel* on which the *Bed and Breakfast* is located.
  - ii) Shall not alter the *Principal Residential* character or external appearance of the *Dwelling*.
  - iii) Shall be limited to a maximum of four (4) *Accommodation Units*, one which may be located in an *Accessory Building*.
  - iv) Shall not provide *Kitchen Facilities* within the *Accommodation Unit*.
  - v) Shall not provide more than one meal per day to guests.

- vi) Shall be permitted to offer culinary services to guests, including cooking lessons, which are separate from meals included with accommodation.
- vii) Shall provide accommodation to the same person or persons for periods of not more than 30 consecutive days, and in no circumstances more than 60 days within a single calendar year.
- viii) Shall be prohibited on a *Parcel* where a *Caretaker Dwelling* is located or where a *Secondary Suite Use* is located, unless the *Parcel Area* is at least 1,000 square metres.
- ix) Shall accommodate on the *Parcel* any parking required for the *Use* of the *Dwelling Unit as a Bed and Breakfast*.

**6.8. Home Based Business Regulations**

- a) No more than two *Home Based Businesses* shall be permitted on a *Parcel*.
- b) *Home Based Businesses* shall be permitted in the *Principal Dwelling Unit*, a *Secondary Suite*, a *Coach House Dwelling*, and in an *Accessory Building*.
- c) A *Home Based Business*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be wholly contained within the *Principal Dwelling Unit*, *Secondary Suite*, *Coach House Dwelling* or *Accessory Building*.
  - ii) Not more than two persons may be employed on a *Parcel* at any time in a *Home Based Business*, one of whom shall be a resident of the *Dwelling Unit*, except where a *Home Based Business* occurs within a *Secondary Suite* or a *Coach House Dwelling*, in which case no non-resident employees shall be permitted.
  - iii)

**Bylaw 1904**

Dwelling Type	Home Based Business Permitted Size
<i>Dwelling Unit</i>	Shall not exceed a maximum of 40.0 square metres <i>Gross Floor Area</i> or 40 percent of the <i>Dwelling Unit Gross Floor Area</i> , whichever is less.
<i>Coach House Dwelling</i>	Shall not exceed a maximum of 40.0 square metres <i>Gross Floor Area</i> or 50 percent of the <i>Coach House Dwelling Gross Floor Area</i> , whichever is less.

- iv) Shall not involve the ancillary *Retail Sales* of a product, commodity or materials unless it is produced on the premises, except for products ancillary to telephone, internet or mail order sales, provided the customer does not enter the premises to inspect, purchase or take possession of such an item.

- v) Shall not exceed a maximum of 6.0 square metres of the maximum area of a *Home Based Business* established in Section 6.8(c)(iii) for the ancillary *Retail Sales* of a product, commodity or materials.
- vi) Shall not involve the outdoor storage of material, equipment, apparatus, tools or articles of trade used in connection with or part of a *Home Based Business*.
- vii) Despite Section 6.8(c)(vi), shall, in the case of contractors, trades people or mobile services, be limited to only *Offices* required by such operations and a maximum of 45 square metres of enclosed outdoor storage space on the *Parcel* for materials and equipment.
- viii) Shall accommodate on the *Parcel* any parking required for the *Use* of the *Dwelling Unit(s)* for a *Home Based Business*.
- ix) Shall, in the case of occupations involving instruction, be limited to a maximum of two students on the premises per instructor at any one time.
- x) Shall be operated in a manner that is *Accessory* and subordinate to the *Principal Residential Use* and does not alter the *Residential* appearance or character of the *Building* in which it is located.

#### 6.9. Cottage Industry Regulations

- a) A *Cottage Industry*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) All of the customer operations shall be conducted within the area of the *Building* fronting the *Street*.
  - ii) No materials or equipment shall be stored outside the premises or the *Building*.
  - iii) All preparation for shipment shall be conducted inside the premises or the *Building* and shall not be visible from the *Street*.
  - iv) The maximum *Gross Floor Area* shall be 300.0 square metres.
  - v) Despite Section 6.9(a)(iv), the maximum *Gross Floor Area* for a *Cottage Industry* in the Live/Work Residential (R-2-LW) Zone is 100.0 square metres.

Bylaw 1904

#### 6.10. Produce Stand Regulations

- a) A *Produce Stand*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be limited to one such *Use* per *Parcel*, as permitted only where a *Farm Use* or *Urban Agriculture Use* is a permitted *Use*.
  - ii) Where *Urban Agriculture Use* is permitted, the *Produce Stand Use* shall be limited to the sale of products grown on the *Parcel*.
  - iii) Shall be limited to a maximum *Gross Floor Area* of:

- 1) 300.0 square metres where located on *Parcel* within the Agriculture Land Reserve; or
- 2) 10.0 square metres when located in a *Residential Zone*.
- iv) Shall not exceed a *Height* of 2.5 metres;
- v) Shall be limited to one non-illuminated sign, which shall not exceed 0.4 square metres in area;
- b) A *Produce Stand* in a *Residential Zone* shall not be considered a *Home Based Business* for the purposes of calculating the number of *Home Based Businesses* on a *Parcel*.
- c) A *Produce Stand* shall be removed seasonally when not in use.

#### **6.11. Keeping of Bees Regulations**

- a) A maximum of two (2) hives shall be permitted per *Parcel*, except in the Agricultural Land Reserve.

## PART 7: LANDSCAPING AND SCREENING REGULATIONS

### 7.1. Landscape Requirements

- a) *Landscaping* and *Landscape Buffer* requirements shall be included in the Development Permit for Commercial, Industrial, and Multiple Unit Residential development.
- b) Where *Shade Trees* and/or *Landscape Buffers* are to be provided the minimum requirements are provided in this Part 7.
- c) *Shade Tree* requirements are in addition to trees provided in a *Landscape Buffer*.
- d) All *Landscaping* installations shall meet or exceed the latest editions of the BC Landscape Standard (BC Society of Landscape Architects/BC Landscape and Nursery Association) and be regularly maintained.
- e) Invasive species shall be removed.
- f) No *Fence* in any *Zone* shall be constructed using electrified wire, razor wire, ribbon wire, barbed wire, ultra-barrier wire, or any other material intended to produce any sensation or injury to any person or animal having contact with the *Fence*.
- g) Chain link *Fences* in an *Industrial Zone* shall be covered by a vinyl coating or incorporate materials that render the *Fence* opaque.
- h) Despite Section 7.1(f), barbed wire fencing is permitted in the Light Industrial (I-1) Zone and Industrial (I-2) Zone for security purposes.

Bylaw 1904

### 7.2. Landscape Standards

#### 1. Shade Trees

- a) *Shade Trees* shall be provided in unenclosed hard-surface parking areas of four or more parking spaces for Commercial, Industrial, Institutional and Multiple Unit Residential *Zones* and *Uses*.
- b) The number of required *Shade Trees* is calculated by taking the area (m<sup>2</sup>) of the unenclosed parking area divided by 4. The resulting area (m<sup>2</sup>) is divided by:
  - i) 100, if the *Shade Tree* caliper is at least 6 cm at planting, or
  - ii) 50, if the *Shade Tree* size is a minimum #5 pot size at planting.
- c) Where the *Shade Tree* calculation results in a fraction, the required number of shade trees shall be rounded to the next highest number.
- d) *Shade Trees* shall have a minimum of 6 cubic metres of growing medium for each tree.
- e) *Shade Trees* shall be protected on all sides with a minimum of 1 metre of clearance between the tree and an adjacent barrier curb, wheel stop or other protection from vehicle overhangs.

- f) *Shade Trees* shall be located within the parking area and not at or beyond the edges of the parking area in order to achieve maximum shading of parking spaces.

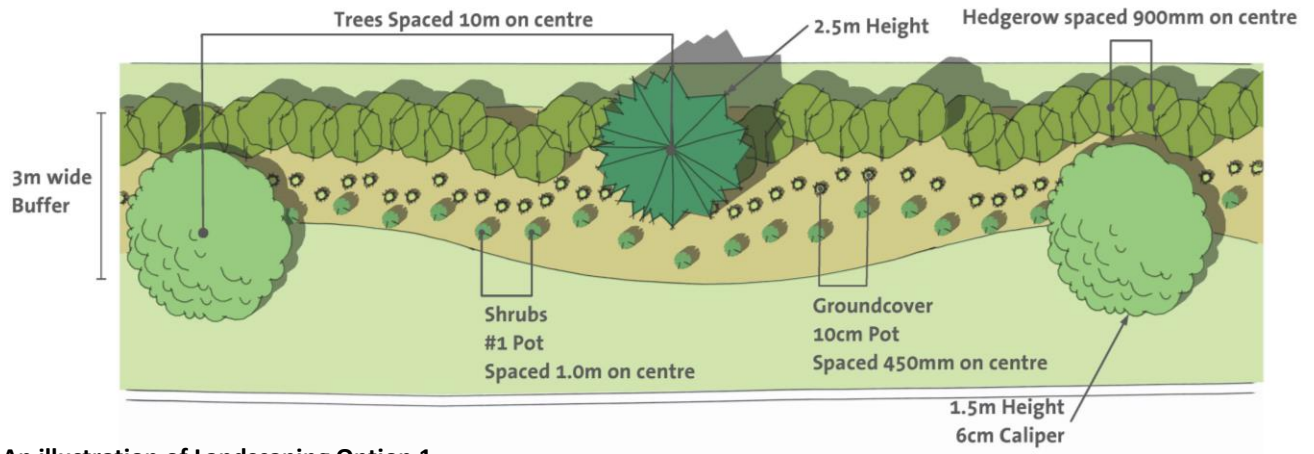
**2. Landscape Buffers**

- a) *Landscape Buffers* shall be provided on *Parcels* in Commercial, Industrial and Multiple Unit Residential *Zones* and in other *Zones* where Commercial, Industrial and *Multiple Unit Dwelling Uses* are permitted when the *Parcel* abuts a *Parcel* in a *Zone* that permits *Residential Use*.
- b) Despite Section 7.2(2)(a), a *Landscape Buffer* is not required in a C-2 *Zone* where the *Building* siting has a zero metre *Setback*.
- c) When a *Landscape Buffer* is required, the minimum requirements for the design of the buffer may be satisfied by fulfilling all of Option 1 or Option 2 as described in Table 7.1: Minimum Landscape Buffer Requirements.
- d) Despite Section 7.2(2)(c), a *Landscape Buffer* may include and incorporate existing healthy trees and shrubs that are protected during construction. A report from an arborist, at the cost of the applicant, may be required to confirm the health of existing trees and shrubs.
- e) Where existing trees and shrubs are retained, they must be protected during construction to the furthest extent of the drip line and the *Finished Grade* of the *Parcel* shall not vary from the *Natural Grade* around the drip line more than 20 centimetres vertically, unless an arborist report indicates to the satisfaction of the *Town* that a greater variance will not harm the trees and shrubs.
- f) A *Landscape Buffer* shall only be broken for openings to accommodate access drives, *Lanes* and walkways.
- g) All trees provided in a *Landscape Buffer* shall be protected on all sides with a minimum of 1 metre of clearance between the tree and an adjacent barrier curb, wheel stop or other protection from vehicle overhangs, if any.
- h) *Landscaping* requirements provided in Table 7.1 are illustrated below.

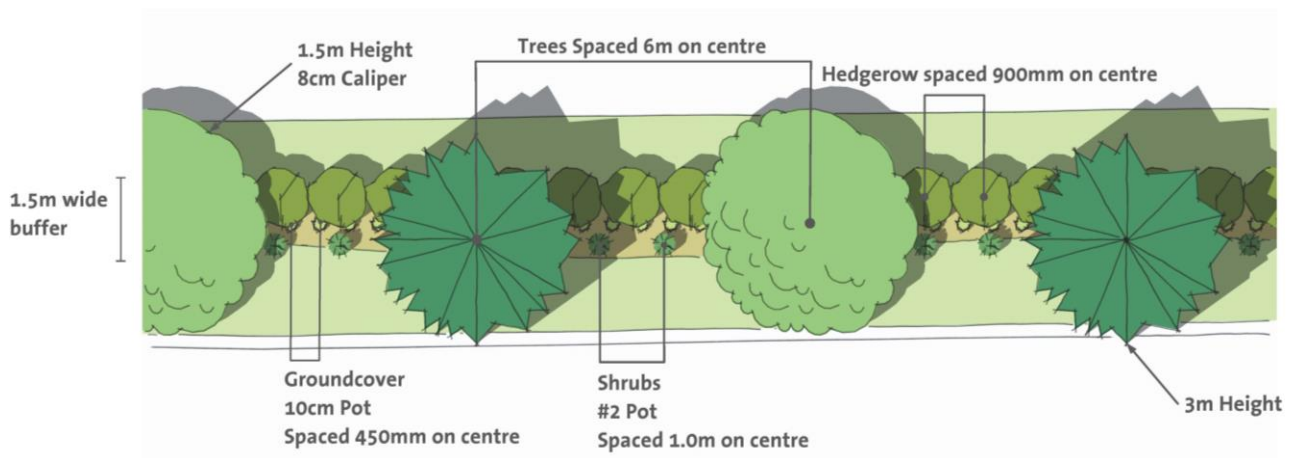


**TABLE 7.1 MINIMUM LANDSCAPE BUFFER REQUIREMENTS**

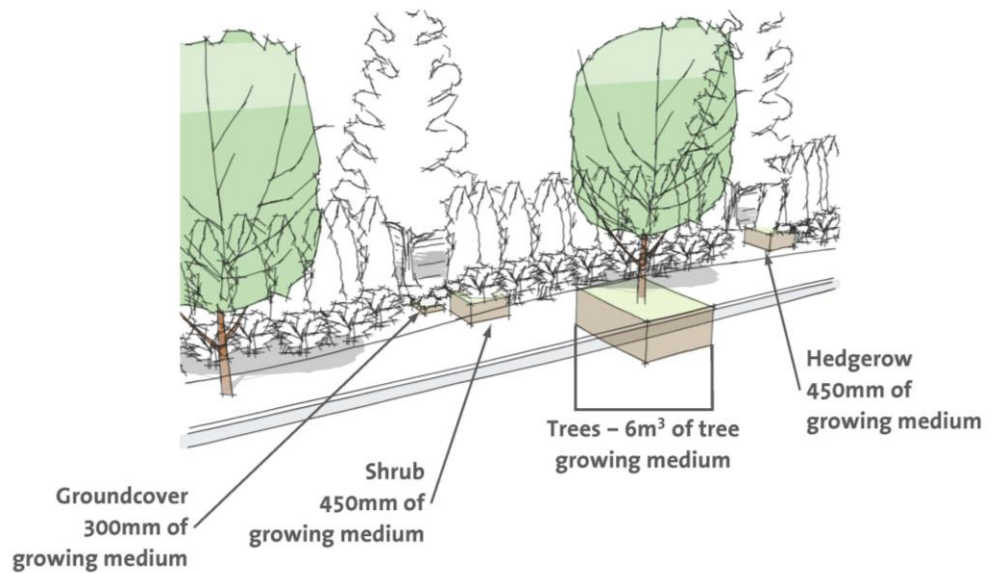
LANDSCAPE BUFFER – OPTION 1	LANDSCAPE BUFFER – OPTION 2
<b>MINIMUM BUFFER WIDTH</b>	
3.0 metres	1.5 metres
<b>TREES</b>	
Deciduous and/or Coniferous Trees spaced on average 10 metres on centre	Deciduous and/or Coniferous Trees spaced on average 6 metres on centre
Planted deciduous trees shall be a minimum of 6-centimetre caliper at installation and a minimum <i>Height</i> of 1.5 metres at installation.	Planted deciduous trees shall be a minimum of 8-centimetre caliper at installation and a minimum <i>Height</i> of 1.5 metres at installation.
Planted coniferous trees shall have a minimum <i>Height</i> of 2.5 metres at installation	Planted coniferous trees shall have a minimum <i>Height</i> of 3.0 metres at installation
Each tree shall have a minimum of 6m <sup>3</sup> per tree of growing medium.	
<b>HEDGEROW AND SHRUBS</b>	
Hedgerows or shrubs or a combination shall be planted as outlined below.	
Hedgerows shall have a minimum <i>Height</i> of 1.0 metre at installation and a maximum mature <i>Height</i> of 1.8 metres, and shall be spaced an average of 900 mm on centre.	
Hedgerows shall have a minimum 450 mm depth of growing medium.	
#1 pot shrubs shall be spaced on average 1.0 metre maximum on centre.	#2 pot shrubs shall be spaced on average 1.0 maximum on centre
Shrubs shall have a minimum 450 mm depth of growing medium.	
<b>GROUNDCOVER</b>	
10-centimetre pot groundcover shall be spaced 450 mm maximum on centre.	
Groundcover shall have a minimum 300 mm depth of growing medium.	
<b>TOPSOIL</b>	
Topsoil shall be weed-free and have a minimum depth of 300 mm.	
<b>SLOPE OF BERMS</b>	
Slope shall not exceed 2:1 (50%) if groundcover or shrubs, and 3:1 (33%) if lawn cover.	
<b>IRRIGATION</b>	
Automatic high-efficiency (drip) irrigation system.	



An illustration of Landscaping Option 1



An illustration of Landscaping Option 2



An illustration of Growing Medium

## **PART 8: PARKING AND LOADING REGULATIONS**

### **8.1. Application**

- a) Space for off-street parking and loading in respect of a *Use* permitted under this Bylaw shall be provided and maintained in accordance with this Part 8.
- b) The regulations contained in this Part 8 shall not apply to *Buildings, Structures* and *Uses* existing on the effective date of this Bylaw nor to any addition to such *Building* or *Structure*, not exceeding 10 percent of its existing *Gross Floor Area*, provided that the *Building* or *Structure* continues to be put to a *Use* that does not require more off-street parking or loading spaces than was required for the *Use* existing at the time the Bylaw came into force.
- c) Off-street parking and loading space provided prior to the adoption of this Bylaw shall not be reduced below the applicable off-street parking and loading requirements of this Part 8.
- d) Despite Section 8.1(b), in cases where there is a change of *Use* or number of seats within an existing *Building* within the Downtown Commercial Zone (C-2), off-street parking requirements will not be recalculated when:
  - i) The *Use* is permitted in the C-2 Zone in this Bylaw, and
  - ii) A development permit is not required for new construction, and
  - iii) The required number of off-street parking spaces for *Residential Use* are provided as required by this Bylaw.
- e) Required off-street parking spaces shall not be used for any purpose other than the parking of motor vehicles.

### **8.2. Calculation, Location and Design of Off-Street Parking and Loading Spaces**

#### **1. Calculation of Off-Street Parking Spaces**

- a) The number of off-street parking spaces for vehicles required for any *Use* is calculated according to Table 8.1: Required Off-Street Parking Spaces in which Column 1 classifies the types of *Uses* and Column 2 sets out the number of required off-street parking spaces that are to be provided for each *Use* in Column 1.
  - i) Where the number of employees is used as a unit of measurement, it shall mean the greatest number of persons anticipated to work at any time of the day or night in the *Building* or for a particular *Use* during any season of the year.
  - ii) Where seating is used as a unit of measurement and consists of benches, pews, booths or similar seating, each 0.5 metre of width of such seating shall be deemed to be one seat.

- iii) Where the calculation of the required off-street parking results in a fraction of 0.5 or greater, the next highest whole number shall be required, but in no instance shall less than 1 space be required.
  - iv) Where more than one standard may apply to a *Use*, the standard requiring the greatest number of parking spaces shall be used.
  - v) Where a *Use* permitted under this Bylaw is not specifically referred to in Column 1 of Table 8.1, the number of off-street parking is calculated on the basis of the requirements for the most similar *Use* that is listed in Table 8.1.
  - vi) For mixed *Use* developments incorporating *Residential Uses*, *Residential* parking requirements shall be calculated exclusive of other *Uses* to ensure that adequate parking is provided to residents.
- b) Where more than one *Building* or *Use* is located on a *Parcel*, the required number of off-street parking spaces shall be the sum of the requirements for each *Use*, unless otherwise expressly provided for in this Bylaw.

**TABLE 8.1: REQUIRED OFF-STREET PARKING SPACES**

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<b>ASSEMBLY, INSTITUTIONAL</b>	
<i>Assembly</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Civic Use</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Community Care Facility</i>	1 per 2 beds, OR 1 per employee, PLUS 2 spaces, whichever is greater
<i>Community Care Facility, Residential</i>	1 per operation, plus one per employee
<i>Cultural Facility</i>	1 per 30 square metres of <i>Gross Floor Area</i> OR 1 per 8 seats, whichever is greater
Post-Secondary Institution	8 per classroom
<i>Railway Passenger Depot</i>	Elementary or Middle: 1 per classroom
	Secondary: 3 per classroom
Other <i>Assembly, Civic</i> or <i>Cultural Uses</i>	1 per 30 square metres of <i>Gross Floor Area</i>

Bylaw  
1904

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
Other Institutional Uses	1 per 40 square metres of <i>Gross Floor Area</i>
<b>COMMERCIAL</b>	
<i>Animal Day Care, Animal Shelter, Animal Grooming, Veterinary Clinic</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Artist Studio</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Boat, Motor Vehicle, Machinery and Equipment, Non-motorized Recreation Equipment Sales or Rental</i>	1 per 40 square metres of <i>Gross Floor Area</i>
<i>Commercial Indoor Storage</i>	1 per 10 public storage units
<i>Commercial Plant Nursery</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Commercial School</i>	1 per 35 square metres of <i>Gross Floor Area</i>
<i>Convenience Store</i>	1 per 40 square metres of <i>Gross Floor Area</i>
<i>Funeral Home</i>	1 per 8 seats
<i>Garden Centre</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Gas Bar</i>	1 per 2 employees
<i>Laboratory</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Liquor Retail Sales</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Motor Vehicle Body Shop</i>	2 per service bay
<i>Office</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Personal Service Establishment</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Personal Repair Services</i>	1 per 30 square metres of <i>Gross Floor Area</i>

Bylaw  
1904

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<i>Restaurant, Coffee Shop, Neighbourhood Pub</i>	1 per 5 seats
<i>Retail Sales</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Service Station</i>	1 per 2 employees, PLUS 2 per service bay
<i>Tourist Accommodation</i>	1 per <i>Accommodation Unit</i> , PLUS 2.15 per 100 square metres of dining area
Other Commercial	1 per 40 square metres of <i>Gross Floor Area</i>
<b>INDUSTRIAL</b>	
<i>Building Supply Sales</i>	1 per 40 square metres of <i>Gross Floor Area</i>
Freight Handling or Distribution	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
<i>Manufacturing</i>	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
<i>Medical Marijuana Growing and Production</i>	1 per 100 square metres of <i>Gross Floor Area</i>
<i>Sawmills, Shake and Shingle Mill</i>	0.5 per employee, plus 1 per 150 square metres of <i>Gross Floor Area</i>
<i>Tow-Truck Dispatch</i>	0.5 per employee, plus 1 per fleet vehicle
<i>Warehouse</i>	1 per 200 square metres of <i>Gross Floor Area</i>
<i>Wholesale Sales</i>	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
Other Industrial Uses	0.5 per employee, plus 1 per 150 square metres of <i>Gross Floor Area</i>
<b>MARINE</b>	
<i>Boat Launch</i>	20 per ramp (parking space size 3m x 9 m)
<i>Marina</i>	1 per 3.0 slips, berths or stalls

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<i>Moorage, Commercial Moorage</i>	1 space per 3.0 slips, berths or stalls, plus 1 space for each 10 square metres of <i>Gross Floor Area</i> of any clubhouse space
Other Marine Uses	1 per 3.0 slips, berths or stalls, or 1 per 40 square metres of <i>Gross Floor Area</i> , whichever is greater
<b>RECREATION</b>	
<i>Community Park, Outdoor Recreation Facility</i>	1 per 200 square metres gross field area
Golf Course	1 per 5 holes
<i>Golf Driving Range</i>	1 per tee
	1 per 30 square metres of <i>Gross Floor Area</i>
	1 per 10 square metres ice or gym area
	1 per 4 square metres pool surface
Neighbourhood Park	4 per park
<i>Park and Open Space</i>	1 per 200 square metres gross field area
Other Recreation Uses	1 per 30 square metres of <i>Gross Floor Area</i>
<b>RESIDENTIAL</b>	
<i>Bed and Breakfast</i>	1 per <i>Accommodation Unit</i>
<i>Caretaker Dwelling</i>	1 per <i>Dwelling Unit</i>
<i>Farm Operation Employee Dwelling</i>	1 per <i>Dwelling Unit</i>
<i>Home Based Business</i>	1 per <i>Home Based Business</i> that attracts customers/ clients
<i>Manufactured Home Park</i>	1 per <i>Mobile Home</i> , plus 1 per 5 <i>Mobile Homes</i> to be designated and signed for visitors
	1 bedroom: 1 per <i>Dwelling Unit</i>
	2 or more bedrooms: 2 per <i>Dwelling Unit</i>

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
	Plus 1 per 5 <i>Dwelling Units</i> to be designated and signed for visitor parking
<i>Single Unit Dwelling</i>	1 per <i>Dwelling Unit</i>
<i>Secondary Suite or Coach House Dwelling</i>	1 per <i>Dwelling Unit</i>
<i>Two Unit Dwelling</i>	1 per <i>Dwelling Unit</i>



## 2. Shared Off-Street Parking Option

- a) Despite Section 8.2(1) Calculation of Off-Street Parking Spaces, where two or more non-Residential Uses are located on the same Parcel, the sharing of the off-street parking spaces shall be permitted to reduce the amount of required parking in accordance with the following method:
- Determine the off-street parking requirements for each Use separately according to Section 8.2(1) and Table 8.1: Required Off-Street Parking Spaces.
  - Apply the off-street parking requirements for each Use to the percentages in each occupancy period column in Table 8.2: Shared Parking Use Class and Occupancy Periods.
  - Add together the resulting off-street parking requirement for each occupancy period column in Table 8.2.
  - The occupancy period column with the highest total represents the new, shared off-street parking requirement for non-Residential Uses.

**TABLE 8.2: SHARED PARKING USE CLASS AND OCCUPANCY PERIODS**

CLASSES OF USE	OCCUPANCY PERIOD					
	Weekday			Weekend		
	8:00am – 5:00pm	6:00pm – 12:00am	12:00am – 6:00am	8:00am – 5:00pm	6:00pm – 12:00am	12:00am – 6:00am
<i>Assembly/Civic/Cultural</i>	10%	5%	5%	100%	50%	5%
Commercial	90%	80%	5%	100%	70%	5%
Industrial	100%	20%	5%	5%	5%	5%
Institutional	100%	20%	5%	10%	10%	5%
<i>Office</i>	100%	20%	5%	5%	5%	5%
Recreation	40%	80%	10%	80%	100%	10%
<i>Restaurant</i>	70%	100%	10%	70%	100%	100%
<i>Tourist Accommodation</i>	70%	100%	100%	70%	100%	100%

### 3. Parking Pay-In-Lieu Option

- a) An owner of a *Parcel, Building or Structure* within the area defined in Figure 8.1: Parking Pay-in-Lieu Area, may at their option, pay to the Municipality Four Thousand Dollars (\$4,000.00) per off-street parking space in-lieu of the provision of the required off-street parking space in accordance with the following conditions:
  - i) The parking pay-in-lieu option may not be applied to more than 50 percent of the required off-street parking spaces for the *Parcel*;
  - ii) *Residential* parking requirements shall be calculated exclusive of other *Uses* to ensure that adequate parking is provided to residents; *Residential* parking space requirements are not eligible for the parking pay-in-lieu option;
  - iii) The parking pay-in-lieu funds shall be deposited into the "Municipal Parking Fund"; and
  - iv) The following area shall be the defined parking pay-in-lieu area, referred to as Figure 8.1: Parking Pay-In-Lieu Area.

**FIGURE 8.1: PARKING PAY-IN-LIEU AREA**



#### **4. Small Car Parking Option**

- a) Small car parking spaces may be provided in accordance with the following conditions:
  - i) A maximum of 25 percent of the total off-street parking requirement may be designated as small car spaces;
  - ii) Small car parking spaces shall be clearly marked using a vertical sign or a sign painted on the surface of the parking space; and
  - iii) Dimensions for small car parking spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.

#### **5. Motorcycle and Scooter Parking Option**

- a) Motorcycle and scooter parking may be provided in accordance with the following conditions:
  - i) *Residential* parking space requirements are not eligible for the motorcycle and scooter parking option;
  - ii) A maximum of 5 percent of the total off-street parking requirement may be designated for the use of motorcycles or scooters;
  - iii) Each motorcycle and scooter parking space shall be counted as 0.5 of the required off-street parking space;
  - iv) Motorcycle and scooter parking spaces shall be clearly marked by a vertical sign or a sign painted on the surface of the parking space; and
  - v) Dimensions for motorcycle and scooter parking spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.

#### **6. Parking Spaces for Persons with Disabilities**

- a) Commercial, Industrial, multiple-unit *Residential*, and institutional *Uses* shall provide off-street parking spaces for persons with disabilities as follows:
  - i) One space shall be provided where 10 to 20 parking spaces are required.
  - ii) Two spaces shall be provided where 21 to 50 parking spaces are required; and
  - iii) One additional space shall be provided for each additional 30 required parking spaces.
- b) Dimensions for off-street parking spaces for persons with disabilities shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.
- c) The design of each parking space for persons with disabilities shall:
  - i) Be marked with a vertical sign high above the surface of the parking area as well as a sign painted on the surface of the parking area; and the signs shall contain the universally applied logo.

- ii) Provide a safe, level and convenient path of access and egress to the entrance of *Building, Structure* or *Use* that it is intended to serve or to a curb cut which provides access and egress to a sidewalk.
- iii) Have an adjacent access aisle, with diagonal markings, that has a minimum width of 1.2 metres.
- iv) Have a surface that is level, stable, firm, and slip-resistant in the parking space and in the access aisle.
- v) Be in accordance with the design requirements in the current edition of the British Columbia Building Code.

## **7. Off-Street Loading Spaces**

- a) The number of off-street loading spaces required for any *Use* is calculated according to Table 8.3: Required Off-Street Loading Spaces in which Column 1 classifies the types of *Uses* and Column 2 sets out the number of required off-street loading spaces that are to be provided for each *Use* in Column 1.
- b) In respect of a *Use* permitted under this Bylaw, which is not specifically referred to in Column 1 of Table 8.3, the number of off-street loading spaces is calculated on the basis of the requirements for the most similar *Use* that is listed in Table 8.3.
- c) Where more than one *Building* or *Use* is located on a *Parcel*, the required number of off-street loading spaces shall be the sum of the requirements for each *Use*.
- d) Off-street loading spaces shall not be used as off-street parking spaces.
- e) Required off-street loading spaces shall be provided on the same *Parcel* as the *Building* for which they are required.
- f) Dimensions for loading spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.
- g) The design of every off-street loading area shall:
  - i) Provide vehicular ingress and egress to a *Street* or *Lane*.
  - ii) Not be located in the *Front Yard*.
  - iii) Be sited at an elevation or elevations equivalent to a floor level in the *Building* or to a utility elevator serving each floor.
  - iv) Be provided with sufficient manoeuvring space to avoid conflicts with any pedestrian access, bike path, parking space, *Street, Lane, or Highway*.
  - v) Be graded and drained to dispose of all surface water and in no case shall drainage be allowed to cross sidewalks.
  - vi) Be constructed of a hard surface such as asphalt, concrete or other dust free material.

vii) Be clearly delineated and marked by painted lines and signing.

**TABLE 8.3: REQUIRED OFF-STREET LOADING SPACES**

USE	REQUIRED NUMBER OF SPACES
	1 per 300 to 500 square metres of <i>Gross Floor Area</i>
	2 per 501 to 2,500 square metres of <i>Gross Floor Area</i>
	Plus 1 per each additional 2,500 square metres of <i>Gross Floor Area</i>
<i>Office, Assembly</i> <i>Civic, Institutional</i> <i>Public Utility</i> Or any similar use	1 per 3,000 square metres of <i>Gross Floor Area</i> ; plus 1 per each additional 3,000 square metres of <i>Gross Floor Area</i>

**8. Location of Parking Spaces**

- a) Required off-street parking spaces shall be provided on the same *Parcel* as the *Building* for which they are required.

**9. Design Standards for Off-Street Parking and Loading Areas**

- a) Dimensions for off-street parking and loading spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.
- b) When a parking space adjoins a *Fence*, wall or *Structure* over 0.3 metres in *Height*, the width of the parking space shall be increased by 0.3 metres on the side or sides, which abut such *Fence*, wall or *Structure*.

**TABLE 8.4: DIMENSIONS OF PARKING AND LOADING SPACES**

TYPE OF SPACE	MINIMUM DIMENSIONS		
	Width	Length	Height
Standard Parking Space	2.6 metres	5.8 metres	2.2 metres
Small Car Parking Space	2.5 metres	4.9 metres	2.2 metres
Parallel Parking Space	2.5 metres	7.0 metres	2.2 metres
Motorcycles and Scooter Parking Space	1.4 metres	2.4 metres	2.2 metres
<i>Boat</i> Launch Parking Space	3.0 metres	9.0 metres	2.2 metres
Parking Space for Persons with Disabilities	2.5 metres (with adjacent aisle 1.2m in width)	5.8 metres	2.75 metres
Loading Space	3.0 metres	9.0 metres	4.0 metres

- c) An off-street parking area shall be constructed to permit unobstructed access to and egress from each space at all times.
- d) Vehicle access to all parking spaces shall be provided by means of unobstructed manoeuvring aisles, each having widths not less than:
  - i) 7.3 metres - where parking spaces are located at 90 degrees to the manoeuvring aisle providing access to the space.
  - ii) 5.2 metres - where parking spaces are located at 60 degrees to the manoeuvring aisle providing access to the space.
  - iii) 3.7 metres - where the parking spaces are located at 45 degrees or less to the manoeuvring aisle providing access to the space.
- e) Where parking spaces are located at 60 degrees, 45 degrees, or less to the manoeuvre aisle, only one-way traffic is permitted in the manoeuvring aisle.
- f) Parking spaces for *Single Unit Dwellings, Secondary Suites, Coach House Dwellings and Home Based Business* may be arranged in tandem such that one space is located behind the other space with a common or shared point of access to a *Highway*.
- g) All parking areas shall be designed with a minimum of one designated pedestrian path from each abutting *Street* to the primary entrance(s) to *Buildings* served by the parking area, with such paths being visibly and

physically distinguished from the vehicle driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped coloured concrete or other approved hardscape material.

- h) All access points to an off-street parking or loading area shall require a *Driveway Access Permit*.
- i) Signs and markers may be required to indicate access points to an off-street parking or loading area, and to indicate direction of traffic movement.
- j) All parking areas with 4 or more parking spaces shall be surfaced with a permanent hard surface of asphalt; concrete; *Permeable* or porous pavement, such as open-jointed pavers, turf or gravel grids or porous concrete or asphalt; interlocking paving stones, or similar hard surface treatment so as to provide a surface that is durable and dust free for the purpose intended. An oil/water separator shall be installed and maintained.
- k) All parking areas and loading areas shall be graded in a manner so as to contain and dispose of all surface water on-site in a manner approved by the *Town*. If on-site disposal is not possible, then all surface water must drain to a *Town* storm sewer system or other approved drainage facility.
- l) All parking areas containing more than four (4) parking spaces shall be provided with adequate curbs or wheel stops in order to retain all vehicles within the parking area and to ensure that *Fences, Retaining Walls, Landscaping*, pedestrian paths, as well as any *Buildings or Structures* are protected.
- m) The *Landscaping* and screening of all parking areas and loading areas shall be subject to Part 7: Landscaping and Screening Regulations.
- n) Any lighting used to illuminate a parking area, parking garage, or loading area shall be arranged and shielded so that all rays of light are directed on the parking area, parking garage or loading area, and not on any adjoining *Parcels*.

### 8.3 Calculation and Design of Off-Street Bicycle Parking Spaces

#### 1. Calculation of Off-Street Bicycle Parking Spaces

- a) The number of off-street bicycle parking spaces required for any *Use* is calculated according to Table 8.5: Required Bicycle Parking Spaces in which Column 1 classifies the types of *Use* and Column 2 sets out the number and type of required off-street bicycle parking spaces that are to be provided for each *Use* in Column 1.
  - i) Where the number of employees is used as a unit of measurement, it shall mean the greatest number of persons anticipated to work at any time of the day or night in the *Building* or for a particular *Use* during any season of the year.

- ii) Where the calculation of the required off-street bicycle parking results in a fraction of 0.5 or greater, the next highest whole number shall be required.

**TABLE 8.5: REQUIRED BICYCLE PARKING SPACES**

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
Multiple Unit Residential	1.0 Class A secure bicycle parking space per five units; and 0.2 Class B short-term bicycle spaces per unit
Non-Residential	1.0 Class A secure bicycle parking space per 10 employees; and 10 percent of required off-street vehicle parking spaces as Class B short-term bicycle spaces

**2. Design Standards for Class A and B Bicycle Parking Spaces**

- a) Class A and B bicycle parking spaces shall be located so as to not obstruct pedestrian movement, and must not be placed in fire zones, loading zones, or other areas where unobstructed access is required.
- b) Class A and B bicycle parking shall be provided on a 24 hour per day basis for every day or portion thereof where a *Use* is in operation, whether the *Use* is in operation in whole or in part.
- c) Class A secured bicycle parking spaces shall be provided in the form of a waterproof bicycle locker, secured bicycle room, or other secured area within a *Building* complete with bicycle racks, and shall meet the following design standards:
  - i) Bicycle rooms or other secured areas shall be enclosed at a minimum by chain-link walls and be constructed of a theft resistant material with the entry door hinged from the inside, unless the hinges are tamper-proof, and having a separate entry lock and key or a programmed entry system;
  - ii) Each bicycle space shall be 0.6 metres in width, 1.8 metres in length, and 1.9 metres in *Height*;
  - iii) Bicycle lockers shall have lockable doors, which open to the full *Height* and width of each locker, and be grouped together;
  - iv) A minimum of 50 percent of Class A bicycle parking spaces shall be sheltered from the elements;



- v) Access to the secured bicycle spaces shall be located at the same *Grade* as the sidewalk, or motor vehicle parking area, ensuring it can be reached by an *Accessible* route; and
  - vi) Bicycle rooms or other secured areas shall be separated from other storage areas and waste collection areas.
- d) Class B short-term bicycle parking spaces shall be provided in the form of bicycle racks to which the frame and at least one wheel can be secured and shall meet the following design standards:
- i) The short-term bicycle parking space shall be 0.6 metres in width and 1.8 metres in length;
  - ii) The short-term bicycle parking space shall provide a 1.2 metres wide front aisle, separate from pedestrian access, and a 0.5 metres rear aisle;
  - iii) The bicycle rack shall be placed within 15.0 metres of a *Principal Building* entry;
  - iv) The bicycle rack shall be placed in a well-lit area, clearly visible from the *Principal Building* or *Street* or both;
  - v) The bicycle rack shall be placed at the same *Grade* as the sidewalk or at a location that can be reached by an *Accessible* route;
  - vi) The bicycle rack shall support the bicycle frame (rather than the wheel) and allow both the frame and the front wheel of the bicycle to be locked to the rack with a U-style lock;
  - vii) The bicycle rack shall be securely installed to the floor or ground;
  - viii) The bicycle rack shall be easily identifiable as a bicycle rack and shall not have any sharp edges or projections; and
  - ix) The bicycle rack shall use materials and paint that are resistant to rust, corrosion and vandalism.

## PART 9: CREATION AND DEFINITION OF ZONES

### 9.1. Creation of Zones

- a) For the purpose of this Bylaw, the Town of Ladysmith is divided into the following *Zone* designations and their short form equivalents:

ZONE DESIGNATION	SHORT FORM EQUIVALENT
Rural Residential	RU-1
Single Dwelling Residential	R-1
Single Dwelling Residential – Small Lot A Zone	R-1-A
Single Dwelling Residential – Small Lot B Zone	R-1-B
Single Dwelling Residential – Small Lot C Zone	R-1-C
Old Town Residential	R-2
Bayview Residential	R-2-A
Oyster Cove Residential	R-2-B
Live/Work Residential	R-2-LW
Medium Density Residential	R-3
Low Density Residential	R-3-A
Manufactured Home Park	MHP-1
Single Dwelling Residential – Holland Creek Area	R-1-HCA
Local Commercial	C-1
Downtown Commercial	C-2
Highway Service Commercial	C-3
Tourist Service Commercial	C-4
Shopping Centre Commercial	C-5
Live/Work Industrial	I-1A
Light Industrial	I-1
Industrial	I-2
Institutional	P-1
Park and Recreation	P-2
Nature Park	P-3
Recycling Depot	P-4

**Bylaw  
1912**

ZONE DESIGNATION	SHORT FORM EQUIVALENT
Primary Agriculture	A-1
Agriculture and Resort Recreation	A-RR
Forestry	F-1
Marine Residential Moorage	W-1
Marina	W-2
Marine Industrial	W-3
Marine Harvesting	W-4
Marine Conservation	W-5
Marine Park and Recreation	W-P
Tourist Service	CD-1
Cluster Residential	CD-2
Malone Residential	CD-3
Waterfront Reserve	CD-4

## 9.2. Definition Of Zones

- a) The location and extent or area of each *Zone* established by this Bylaw and shown on Schedule B, entitled “Zoning Bylaw Map”, with all explanatory matter thereon, is hereby made and declared to be an integral part of this Bylaw and which bears the words “Zoning Bylaw Map – Schedule B to Zoning Bylaw No. 1860” as referred to in the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”.

## 9.3. Zone Boundaries

- a) When the *Zone* boundary is designated on the “Zoning Bylaw Map” as following a road allowance or *Watercourse*, the centre line of such road allowance or *Watercourse* shall be the *Zone* boundary.
- b) Where a *Zone* boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of such boundary shall be determined by scaling from the Zoning Bylaw Map.
- c) Where a *Parcel* is divided by a *Zone* boundary, such *Parcel* shall be considered as two distinct *Parcels* for the purpose of determining permitted *Uses* and density.
- d) Where *Land* that originally formed part of a *Lane* or *Street* is consolidated into a *Parcel*, such *Lane* or *Street* shall be deemed to have the same *Zone* designation as the *Parcel*.
- e) Where *Land* covered by water has accreted to the upland, it shall be deemed to have the same *Zone* designation as the upland.

## PART 10: RESIDENTIAL ZONES

### 10.1. RURAL RESIDENTIAL (RU-1)

The purpose of the Rural Residential Zone is to accommodate low density residential development on larger parcel sizes.

#### 1. Principal Uses

- a) *Single Unit Dwelling*.

#### 2. Accessory Uses

- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- d) *Home Based Business*, subject to Part 6, Section 6.8.
- e) *Urban Agriculture*.
- f) *Bed and Breakfast*, subject to Part 6, Section 6.7.

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 0.4 ha.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 30.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Single Unit Dwelling* shall exceed a *Height* of 10.0 metres except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- b) No *Accessory Building* or *Structure* for an *Urban Agriculture Use* shall exceed a *Height* of 12.0 metres.
- c) All other *Accessory Buildings* or *Structures* shall not exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.

- d) No *Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	7.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Parcel Side Line</i>	3.0 metres
<i>Rear Parcel Line</i>	4.5 metres

**6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 10.2. SINGLE DWELLING RESIDENTIAL (R-1)

The purpose of the Single Dwelling Residential Zone is to accommodate residential development within a neighbourhood setting.

### 1. Principal Uses

- a) *Single Unit Dwelling*.

### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Home Based Business*; subject to Part 6, Section 6.8.
- c) *Urban Agriculture*.
- d) *Bed and Breakfast*, subject to Part 6, Section 6.7.

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 668 square metres.
- b) Despite Section 10.2(3)(a), for the *Parcel* legally described as Lot 18, District Lot 52, Oyster District, Plan 11855 (432 Walker Avenue), the minimum *Parcel Area* is 626 square metres.
- c) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

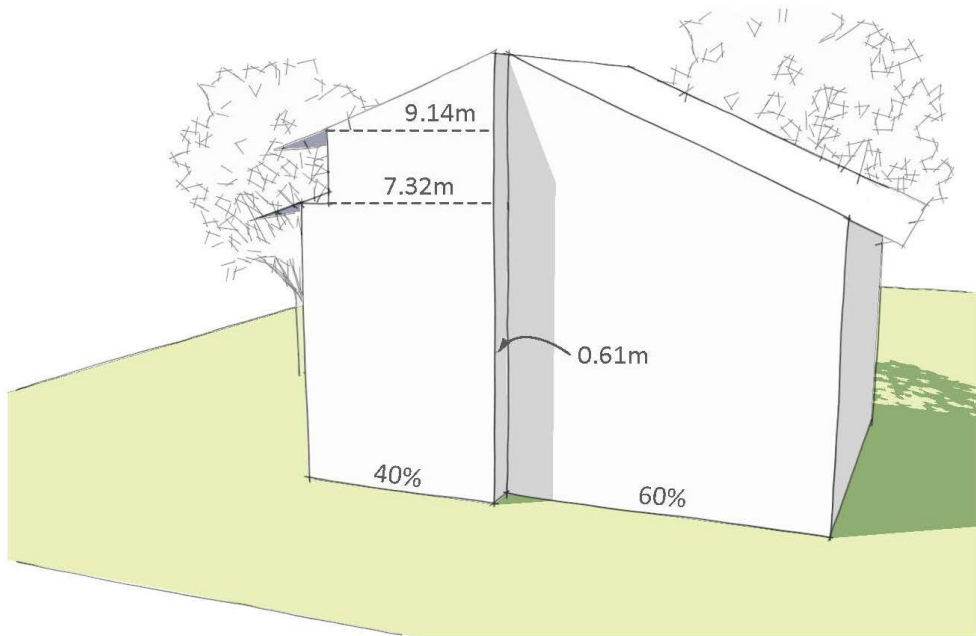
### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

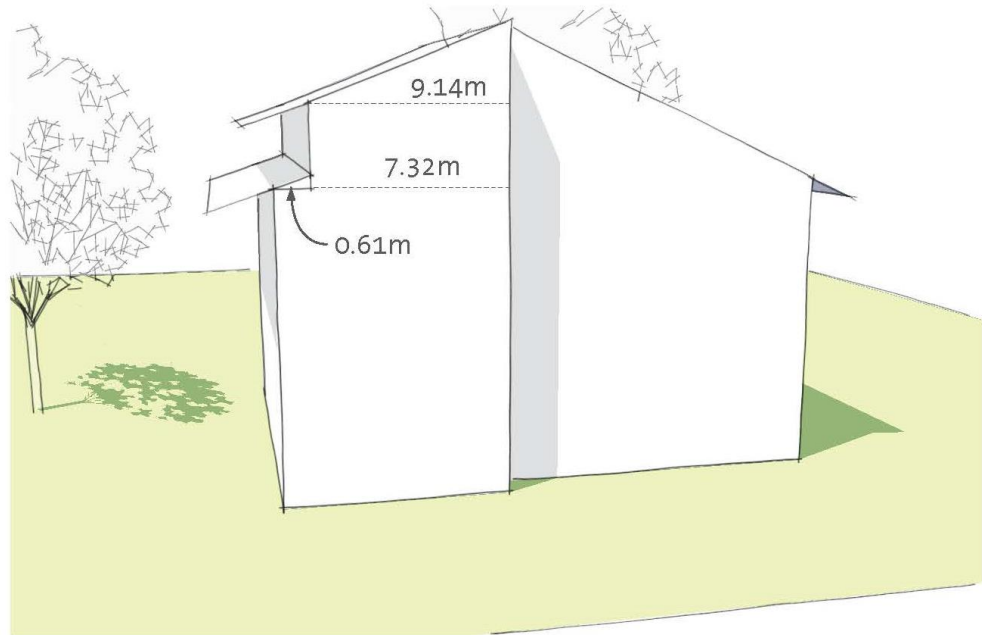
### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- c) The maximum *Perimeter Wall Height* for any wall of a *Single Unit Dwelling* is 7.32 metres.
- d) The *Perimeter Wall Height* may be increased to a maximum of 9.14 metres provided that:

- i) The portion of the wall face that is over 7.32 metres does not exceed 60% of the width of that *Building* elevation without a vertical offset of a minimum of 0.61 metres; and
- ii) The portion of the wall face that is over 7.32 metres has a horizontal offset of a minimum of 0.61 metres.



**An Illustration of Perimeter Wall Height Vertical Offset**



**An Illustration of Perimeter Wall Height Horizontal Offset**

- e) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 meters
<i>Rear Parcel Line</i>	4.5 metres

**Bylaw 1904**

- f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 7. Site Specific Regulations

- a) A *Two Unit Dwelling* is permitted as a *Principal Use* on the *Parcels* legally described as:
- i) Lot 2, District Lot 129, Oyster District, Plan 37258 (521/525 Walkem Road);
  - ii) Strata Lot 1 and Strata Lot 2, District Lot 129, Oyster District, Strata Plan 1033, Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form 1 (517/519 Short Close); and
  - iii) Strata Lot 1 and Strata Lot 2, District Lot 129, Oyster District, Strata Plan 1034, Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form 1 (521/523 Short Close).

**Bylaw 1904**



### 10.3. SINGLE DWELLING RESIDENTIAL – SMALL LOT A ZONE (R-1-A)

The purpose of the Single Dwelling Residential Small Lot A Zone is to accommodate residential development on small parcels in residential areas.

#### 1. Principal Uses

- a) *Single Unit Dwelling*.

#### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Home Based Business*, subject to Part 6, Section 6.8.
- c) *Urban Agriculture*.

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 460 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 13.5 metres.
- c) Despite Section 10.3(3)(a), a *Parcel* shall not include a *Streamside Protection and Enhancement Area* within the required minimum *Parcel Area*.

**Bylaw 1904**

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 175.0 square metres.
- c) No *Principal Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.

- c) No *Principal Building* or *Structure* located on *Parcels* where the *Principal Use* is *Single Unit Dwelling* shall be located closer to the *Parcel Line* than the minimum *Setback* show in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.0 metres
<i>Interior or Exterior Side Parcel Line</i>	2.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

**Bylaw 1904**

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## **6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

#### 10.4. SINGLE DWELLING RESIDENTIAL – SMALL LOT B ZONE (R-1-B)

The purpose of the Single Dwelling Residential Small Lot B Zone is to accommodate residential development on small parcels in residential areas.

##### 1. Principal Uses

- a) *Single Unit Dwelling*.

##### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Home Based Business*, subject to Part 6, Section 6.8.
- c) *Urban Agriculture*.

##### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 372 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 12.19 metres.
- c) Despite Section 10.4(3)(a), a *Parcel* shall not include a *Streamside Protection and Enhancement Area* within the required minimum *Parcel Area*.

Bylaw 1904

##### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 121 square metres.
- b) No *Single Unit Dwelling* shall have a *Gross Floor Area* greater than 223 square metres.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 38.0 percent.

##### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.

**Bylaw 1904**

- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

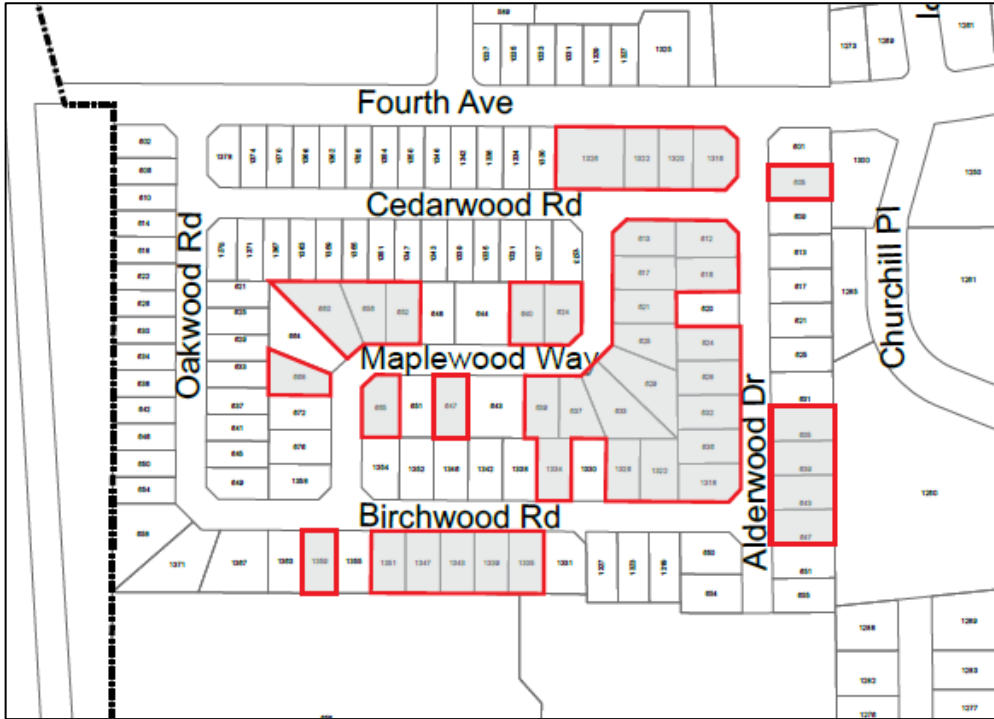
**6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**7. Other Regulations**

- a) A *Dwelling Unit* having a minimum horizontal *Building* dimension less than 6.5 metres shall be permitted on those locations identified in Figure 10.4.1: Plan of Parcels Where a Mobile Home is Permitted.

**FIGURE 10.4.1: PLAN OF PARCELS WHERE A MOBILE HOME IS PERMITTED**



## 10.5. SINGLE DWELLING RESIDENTIAL – SMALL LOT C ZONE (R-1-C)

The purpose of the Single Dwelling Residential Small Lot C Zone is to accommodate residential development on small parcels in residential areas.

### 1. Principal Uses

- a) *Single Unit Dwelling*.

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Urban Agriculture*.

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 300 square metres.
- b) No *Parcel* shall be created which has a frontage less than 10 metres.
- c) Despite Section 10.5(3)(a), a *Parcel* shall not include a *Streamside Protection and Enhancement Area* within the required minimum *Parcel Area*.

Bylaw 1904

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 121 square metres.
- b) No *Single Unit Dwelling* shall have a *Gross Floor Area* greater than 223 square metres.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 38.0 percent.

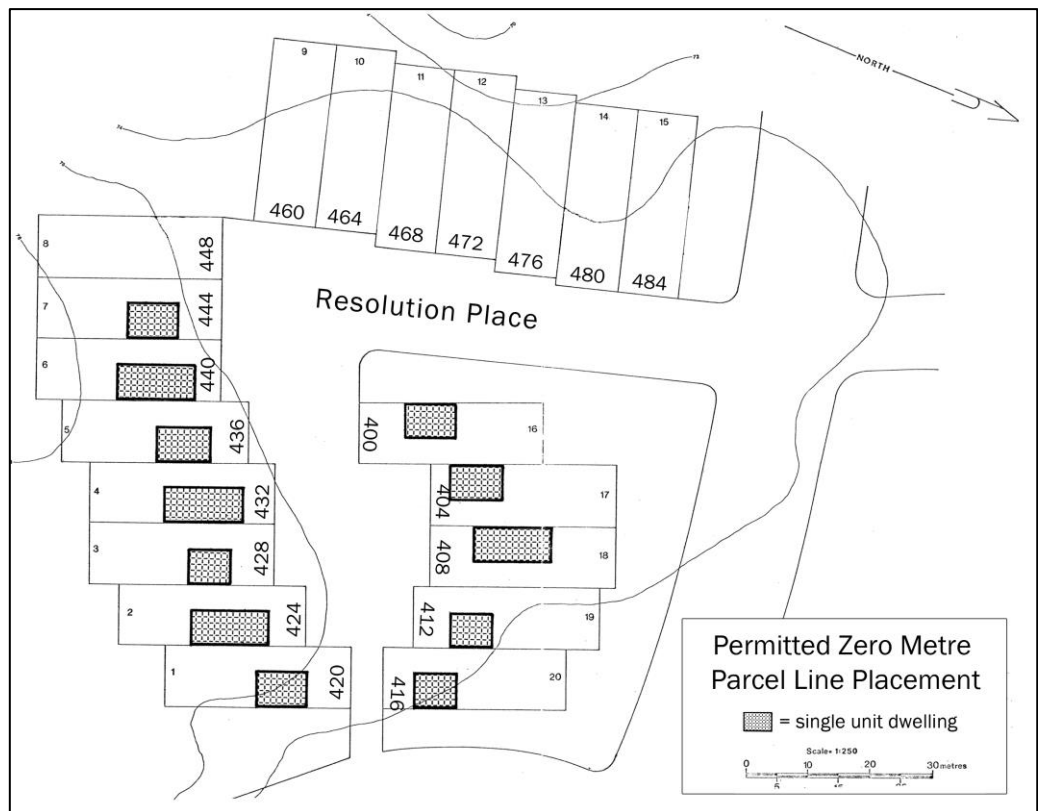
### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.

- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	3.6 metres
<i>Interior or Exterior Side Parcel Line</i> 448 to 484 Resolution Place (Lots 8 to 15, District Lot 146, Oyster District, Plan VIP31093)	0.6 metres to one <i>Parcel Line</i> and 1.2 metres to the other <i>Parcel Line</i>
<i>Interior or Exterior Side Parcel Line</i> 400 to 444 Resolution Place (Lots 1 to 7, District Lot 146, Oyster District, Plan VIP31093, and Lots 16 to 20, District Lot 146, Oyster District, Plan VIP31093)	One side <i>Parcel Line Setback</i> may be reduced to zero metres for the <i>Single Unit Dwelling</i> where the <i>Single Unit Dwelling</i> on the adjacent <i>Parcel</i> does not also have a zero metre <i>Setback</i> , as shown in Figure 10.5.1: Plan of Permitted Zero Metre Parcel Line Placement.
<i>Rear Parcel Line</i>	3.0 metres

**FIGURE 10.5.1: PLAN OF PERMITTED ZERO METRE PARCEL LINE PLACEMENT**



- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.



## 10.6. OLD TOWN RESIDENTIAL (R-2)

The purpose of the Old Town Residential Zone is to accommodate residential development in the historic Old Town. This Zone includes the potential to locate single unit dwellings on existing small parcels on High Street.

### 1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Two Unit Dwelling.*

### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- c) *Home Based Business*, subject to Part 6, Section 6.8.
- d) *Urban Agriculture.*

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* for *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 668 square metres.
- b) No *Parcel* for *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres.
- c) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less
- c) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is less than 137.0 square metres.
- d) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 50 percent of the *Parcel Area* or 390.0 square metres, whichever is less.
- e) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres.
- b) Despite Section 10.6 (5)(a), where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- c) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.

- d) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	4.5 metres

**Bylaw 1904**

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## **6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## **7. High Street Intensive Residential Area**

- a) The High Street Intensive Residential Area is defined as shown on the Plan in Section 10.6 (13).
- b) Regulations for the High Street Intensive Residential Area apply when the *Use* is located on a *Parcel* that is no less than 277 square metres in area.

## **8. Principal Uses: High Street Intensive Residential Area**

- a) *Single Unit Dwelling*.

## **9. Accessory Uses: High Street Intensive Residential Area**

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Urban Agriculture*.

**10. Size and Density of the Use of Land, Buildings and Structures: High Street Intensive Residential Area**

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 71.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

**11. Siting, Size and Dimension of Uses, Buildings and Structures: High Street Intensive Residential Area**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres.
- b) Despite Section 10.6(11)(a), where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.
- c) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- d) A *Single Unit Dwelling* having a minimum horizontal *Building* dimension of 4.5 metres is permitted.
- e) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Other Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	4.5 metres

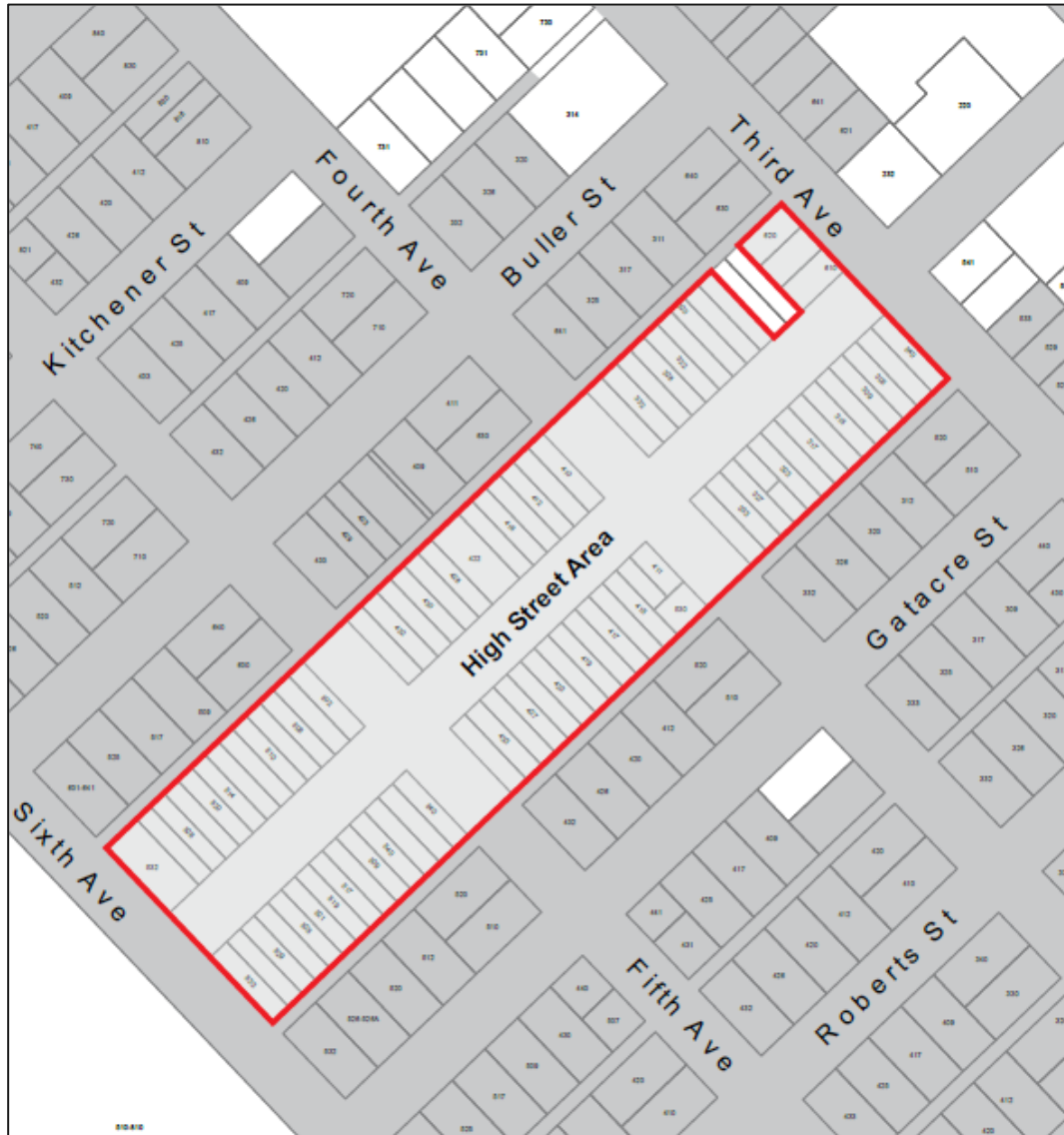
- f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	23.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.0 metres
<i>Other Interior or Exterior Side Parcel Line and Rear Parcel Line</i>	1.5 metres	1.5 metres

**12. Other Regulations: High Street Intensive Residential Area**

- a) Prior to construction of a *Dwelling* Unit on Parcels 277 square metres in size in the High Street Intensive Residential Area, an owner of property shall apply to the Town of Ladysmith for a High Street Intensive Residential Development Permit.

**13. Plan of the High Street Intensive Residential Area Plan**



## 10.7. BAYVIEW RESIDENTIAL (R-2-A)

The purpose of the Bayview Residential Zone is to accommodate *Residential* development within an established neighbourhood located near the Downtown.

### 1. Principal Uses

- a) *Single Unit Dwelling*.
- b) *Two Unit Dwelling*.

### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- c) *Home Based Business*, subject to Part 6, Section 6.8.
- d) *Bed and Breakfast*, subject to Part 6, Section 6.7.
- e) *Urban Agriculture*.

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* for *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 668 square metres.
- b) No *Parcel* for *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres.
- c) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.
- d) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is less than 137.0 square metres.
- e) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 50.0 percent of the *Parcel area* or 390.0 square metres, whichever is less.

**Bylaw 1904**

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.

- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- c) No *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line, where the parcel slopes up to the rear</i>	7.5 metres
<i>Rear Parcel Line, where the parcel slopes down to the rear</i>	1.5 metres

Bylaw 1904

- d) No *Accessory Building*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 7. Other Regulations

- a) A *Bed and Breakfast Use* shall only be permitted on a *Parcel* where a *Single Unit Dwelling* is the *Principal Use*.

## 10.8. OYSTER COVE RESIDENTIAL ZONE (R-2-B)

The purpose of the Oyster Cove Residential Zone is to accommodate residential development within an established waterfront bare land strata.

### 1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Two Unit Dwelling.*

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Bed and Breakfast*; subject to Part 6, Section 6.7.
- c) *Secondary Suite*, subject to Part 6, Section 6.4.
- d) *Recreation Activity Space.*
- e) *Urban Agriculture.*

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* for *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 668 square metres.
- b) No *Parcel* for *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres.
- c) No *Parcel* shall be created which has a frontage less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel* area or 240.0 square metres, whichever is less.
- c) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is less than 137.0 square metres.
- d) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 50 percent of the *Parcel* area or 390.0 square metres, whichever is less.
- e) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.

- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK	TWO UNIT MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres	0 metres
<i>Exterior Side Parcel Line</i>	1.5 metres	2.5 metres
<i>Rear Parcel Line</i>	7.5 metres	7.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres	8.0 metres

- d) Despite Section 10.8(5)(c), no *Principal Buildings* or *Structures* located on Strata Lot 41, Strata Lot 42, Strata Lot 43, Strata Lot 44, Strata Lot 45, District Lot 56, Oyster District, Strata Plan 2009 shall be located closer than:
- i) 1.5 metres to either the interior or exterior *Side Parcel Line* and a minimum of 1.5 metres to the other interior or exterior *Side Parcel Line*.
  - ii) 6.0 metres to the *Rear Parcel Line* for Strata Lot 41, Strata Lot 42, Strata Lot 43, District Lot 56, Oyster District, Strata Plan 2009.
  - iii) 5.5 metres to the *Rear Parcel Line* for Strata Lot 44, District Lot 56, Oyster District, Strata Plan 2009.
  - iv) 1.0 metre to the *Rear Parcel Line* for Strata Lot 45, District Lot 56, Oyster District, Strata Plan 2009
- e) No *Accessory Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	SETBACK
<i>Front Parcel Line</i>	0.6 metres
<i>Interior or Exterior Side Parcel Line</i>	0.6 metres
<i>Rear Parcel Line</i>	1.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.



## 10.9. LIVE/WORK RESIDENTIAL (R-2-LW)

The purpose of the Live/Work Residential Zone is to encourage the retention, revitalization and adaptive reuse of Downtown single unit character homes either as an alternative to, or in combination with, smaller scale commercial and service uses.

### 1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Live/Work Unit.*
- c) *Two Unit Dwelling*, subject to Part 10, Section 10.9(8)(a).
- d) *Cottage Industry*, subject to Part 6, Section 6.9.

### 2. Accessory Uses

- a) *Retail Sales*, subject to Section 10.9(8)(b)
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Coach House Dwelling*, subject to Part 6, Section 6.5
- d) *Home Based Business*, subject to Part 6, Section 6.8.
- e) *Bed and Breakfast*, subject to Part 6, Section 6.7.
- f) *Urban Agriculture.*

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 668 square metres.
- b) No *Parcel* for *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres.
- c) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Dwelling Unit* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Dwelling Unit* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.
- d) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is less than 137.0 square metres.
- e) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 50.0 percent of the *Parcel Area* or 390.0 square metres, whichever is less.

**Bylaw 1904**

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	4.5 metres

Bylaw 1904

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**6. Landscaping and Screening**

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Other Regulations**

- a) A *Two Unit Dwelling* shall not be located on the same *Parcel* as a *Live/Work Unit*.
- b) *Retail Sales* shall be limited to 45.0 square metres of *Gross Floor Area*.
- c) No outdoor storage associated with a non-*Residential Use* shall be permitted.

### 10.10. MEDIUM DENSITY RESIDENTIAL (R-3)

The purpose of the Medium Density Residential Zone is to accommodate multiple-unit developments.

#### 1. Principal Uses

- a) *Multiple-Unit Dwellings.*
- b) *Townhouse Dwelling.*

#### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*
- c) *Commercial Indoor Storage* limited only to the *Parcel* legally described as Lot A, District Lot I56, Oyster District, Plan VIP 65504 (207 Roberts Street).

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,023 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The minimum *Finished Floor Area* for each different type of *Dwelling Unit* contained in a *Multiple-Unit* or a *Townhouse Residential Building* shall be as shown in the Table below:

DWELLING UNIT TYPE	MULTI-UNIT MINIMUM FINISHED FLOOR AREA	TOWNHOUSE MINIMUM FINISHED FLOOR AREA
<i>Studio Dwelling Unit</i>	32.0 square metres	N/A
<i>One Bedroom Dwelling Unit</i>	60.0 square metres	70.0 square metres
<i>Two Bedroom Dwelling Unit</i>	70.0 square metres	70.0 square metres
<i>Three Bedroom Dwelling Unit</i>	85.0 square metres	85.0 square metres

- b) The *Floor Space Ratio* shall not exceed 2.0.
- c) The maximum number of *Dwelling Units* permitted in this *Zone* is 60 units per hectare of *Land*.

- d) No *Building* or *Structure*, excluding *Buildings* or *Structures* used exclusively for off-street parking, shall exceed a *Parcel Coverage* of 50.0 percent
- e) Where all required off-street parking is provided underground, no *Buildings* or *Structures* in this *Zone* shall exceed a maximum *Parcel Coverage* of 60.0 percent.
- f) A *Parcel* may contain more than one *Principal Building*.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.
- c) Despite Section 10.10(5)(a), for the *Parcel* legally described as Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue), the *Height* of a *Principal Building* shall not exceed 10.4 metres.
- d) No *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side or Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

- f) Despite Section 10.10(5)(d and e), for the *Parcel* legally described on Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue) no *Principal Building* or *Structure* shall be closer than:
  - i) 4.0 metres to the *Front Parcel Line*
  - ii) 1.5 metres to the *Rear Parcel Line*

**6. Landscaping and Screening**

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Site Specific Regulations**

- a) Despite Section 10.10(4)(c):
  - i) For the *Parcel* legally described as Plan VIS5995, District Lot 56, Oyster District (8 White Street), the maximum number of *Dwelling Units* permitted is 115 units per hectare.
  - ii) For the *Parcel* legally described as Lots 7 and 8, Block D, District Lot 56, Plan 6460 (109 and 117 Buller Street), the maximum number of *Dwelling Units* permitted is 93 units per hectare.
  - iii) For the *Parcel* legally described as Plan EPS728, District Lot 56, Oyster District (9 White Street), the maximum number of *Dwelling Units* permitted is 76 units per hectare.
  - iv) For the *Parcel* legally described as Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue), a density bonus may be permitted as indicated in the table below where the amenities listed in Column 1 are provided to assist the Town of Ladysmith in meeting its greenhouse gas emission reduction targets in accordance with the Official Community Plan. Where the developer provides the amenities in Column 1, a density bonus is permitted as listed in Column 2.

COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
<p>The <i>Building</i> built on the <i>Land</i> shall attain a minimum of <i>EnerGuide 80 Energy Standard</i>, and the following steps shall be completed for each <i>Building</i>:</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of a <i>Building</i> permit, provide the <i>Town</i> a copy of the energy audit from a <i>Certified Energy Advisor</i>.</li> <li>2. Prior to issuance of a <i>Building</i> permit, provide the <i>Town</i> a letter of credit for 1% of the construction costs.</li> <li>3. Prior to issuance of an occupancy permit, provide the <i>Town</i> a letter from the <i>Certified Energy Advisor</i> stating that the <i>Building</i> has complied with the <i>EnerGuide 80 Energy Standard</i>.</li> <li>4. The letter of credit will be returned once the letter from the <i>Certified Energy Advisor</i> stating that the <i>Building</i> has complied with the <i>EnerGuide 80 Energy Standard</i> has been received by the <i>Building Inspector</i>.</li> <li>5. The letter of credit will be cashed and retained by the <i>Town</i> if the <i>EnerGuide 80 Energy Standard</i> is not met.</li> </ol>	<ol style="list-style-type: none"> <li>1. A maximum of 69 <i>Dwelling Units</i> per hectare of <i>Lot</i> area (5 units).</li> <li>2. A maximum <i>Parcel Coverage</i> is 59%.</li> <li>3. A <i>Building</i> may be located 3.0 metres from the north side <i>Lot</i> line (Roberts Street) and 1.5 metres from the south side <i>Lot</i> line (<i>Lane</i>).</li> </ol>

### 10.11. LOW DENSITY RESIDENTIAL (R-3-A)

The purpose of the Low Density Residential Zone is to accommodate multiple-unit development.

#### 1. Principal Uses

- a) *Multiple-Unit Dwellings.*
- b) *Townhouse Dwelling.*
- c) *Two Unit Dwelling.*

#### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The minimum *Finished Floor Area* for each different type of *Dwelling Unit* contained in a *Multiple-Unit* or *Townhouse Residential Building* shall be as shown in the Table below:

DWELLING UNIT TYPE	MULTI-UNIT MINIMUM FINISHED FLOOR AREA	TOWNHOUSE MINIMUM FINISHED FLOOR AREA
<i>Studio Dwelling Unit</i>	32.0 square metres	N/A
<i>One Bedroom Dwelling Unit</i>	60.0 square metres	70.0 square metres
<i>Two Bedroom Dwelling Unit</i>	70.0 square metres	70.0 square metres
<i>Three Bedroom Dwelling Unit</i>	85.0 square metres	85.0 square metres

- b) The *Floor Space Ratio* shall not exceed 0.66.
- c) The maximum number of *Dwelling Units* permitted in this *Zone* is 37 *Dwelling Units* per hectare of *Land*.
- d) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.
- e) A *Parcel* may contain more than one *Principal Building*.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.
- c) Despite Section 10.11(5)(a), for the *Parcel* legally described Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608, the *Height* of an apartment *Building* shall not exceed 14.0 metres (4 *Storeys*).
- d) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

Bylaw 1904

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	4.5 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**6. Landscaping and Screening**

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.



## 8. Site Specific Regulations

- a) Despite Section 10.11(4)(c):
- i) For the *Parcel* legally described as Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608, the maximum number of *Dwelling Units* is 190 in total.
  - ii) For the *Parcel* legally described as Lot 1, District Lot 97, Oyster District, Plan VIP84065 (1237 Fourth Avenue), the maximum number of *Dwelling Units* is 48 in total.
  - iii) For the *Parcel* legally described as Lot 3 of Lot 1, District Lot 108, Oyster District, Plan VIP73133 (512 Jim Cram Drive), the maximum number of *Dwelling Units* is 48 in total.
  - iv) For the *Land* consisting of the *Parcels* legally described as:
    - Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1);
    - Strata Lot 1, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
    - Strata Lot 2, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
    - Strata Lot 3, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; and
    - Common Property Strata Plan VIS6497;The maximum number of *Dwelling Units* permitted on that *Land* is 15 in total.
- b) The maximum number of units permitted each of subsections 10.11 (8)(a)(i), (ii), (iii) and (iv) applies despite any subdivision of the *Parcel* or *Parcels* specified in the subsection.
- c) Despite Section 10.11(1), for the *Parcels* legally described as:
  - Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1);
  - Strata Lot 1, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
  - Strata Lot 2, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;

**Bylaw 1875**  
**Bylaw 1881**

**Bylaw 1875**  
**Bylaw 1881**

**Bylaw 1875**  
**Bylaw 1881**

Strata Lot 3, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; and  
Common Property Strata Plan VIS6497;

The permitted *Principal Uses* are *Townhouse Dwelling* and *Two Unit Dwelling* only.

**Bylaw 1912**

- d) For the parcel legally described as Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156:
- i) Despite Section 10.11.5(a), the *Height of a Multi-Unit Dwelling*, located in Area A located as shown on Figure 10.11.1, shall not exceed 10.0 metres, excluding *Underbuilding Parking*.
  - ii) *Single Unit Dwelling* is a permitted *Principal Use* in Area A located as shown on Figure 10.11.1, subject to Part 10, Section 10.13 Single Dwelling Residential – Holland Creek Area (R-1-HCA) and where the majority of the *Parcel* is located below the 130 geodetic elevation in metres.
  - iii) *Community Care Facility* and Assisted Living Residence licensed under the *Community Care and Assisted Living Act* are permitted *Principal Uses* in Areas B, C and D located as shown on Figure 10.11.1, subject to:
    - A) Sub-section 4 (Density of the Use of Land, Buildings and Structures) and sub-section 5 (Siting, Size and Dimension of Uses, Building and Structures) of Section 13.1 Institutional (P-1) *Zone*.
    - B) The maximum number of residential care bedrooms in a *Community Care Facility* or Assisted Living Residence is 60 residential care bedrooms per hectare of land.
  - iv) *Coffee Shop, Office and Personal Service Establishment* are permitted *Accessory Uses* to *Community Care Facility* and Assisted Living Residence in Areas B, C and D located as shown on Figure 10.11.1, subject to a maximum *Gross Floor Area* of 100 square metres for each *Accessory Use*.

FIGURE 10.11.1: PLAN OF AREAS A, B, C AND D OF THE LOW DENSITY RESIDENTIAL (R-3-A) ZONE



## 10.12. MANUFACTURED HOME PARK (MHP-1)

The purpose of the Manufactured Home Park Zone is to accommodate manufactured home park communities.

### 1. Principal Uses

- a) *Manufactured Home Park.*

### 2. Accessory Uses

- a) *Caretaker Dwelling*, subject to Part 6, Section 6.6.
- b) *Office.*
- c) *Recreation Activity Space.*
- d) *Home Based Business*, subject to Part 6, Section 6.8.

### 3. Sizing and Dimension of Sites and Parcels

- a) No *Manufactured Home Park Site* shall be created which has a *Parcel Area* less than 2.0 hectares.
- b) No individual *Parcel* shall be created which has a *Parcel Area* less than 300 square metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No individual *Manufactured Home* shall have a *Finished Floor Area* that is greater than 223 square metres.
- b) The maximum number of *Dwelling Units* in this *Zone* is 20 units per hectare of *Land*.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 38.0 percent.

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 5.0 metres.
- b) No *Recreation Activity Space*, where provided as an *Accessory Building* or *Structure*, shall exceed a maximum *Height* of 8.0 metres except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.
- c) Any other *Accessory Building* or *Structure* shall not exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- d) A *Dwelling Unit* having a minimum horizontal *Building* dimension less than 6.5 metres is permitted.

- e) No *Principal Buildings* or *Structures* located on a *Parcel* in this *Zone* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 7. Other Regulations

- a) No less than three (3) percent of the gross *Parcel Area* shall be used as common *Recreation Activity Space(s)* and shall be located so as to be connected to the internal road or path network.
- b) For every five (5) *Mobile Homes*, an area equivalent to 6.0 metres by 3.0 metres shall be provided in a maximum of two locations for the common storage of *Recreation Vehicles, Boats*, and similar equipment, subject to Part 7: Landscaping and Screening Regulations.
- c) Where common waste services (refuse, organics, recycling) are provided, an enclosed outdoor storage container shall be provided.
- d) *Mobile Homes* shall be constructed in a factory to CSA Z240MH standards.
- e) *Mobile Homes* shall comply with CSA Z240.10.1 Site Preparation, Foundation and Anchoring of Manufactured Homes.

### 10.13 SINGLE DWELLING RESIDENTIAL – HOLLAND CREEK AREA (R-1-HCA)

Bylaw 1912

The purpose of the Single Dwelling Residential – Holland Creek Area Zone is to accommodate residential development on a range of parcel sizes while respecting riparian ecosystems and park and open space amenities.

#### 1. Principal Uses

- a) *Single Unit Dwelling*.

#### 2. Accessory Uses

- a) *Secondary Suite*, subject to 10.13(3)(c) and Part 6, Section 6.4.
- b) *Home Based Business*, subject to Part 6, Section 6.8.
- c) *Urban Agriculture*.

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 460 square metres and a *Frontage* less than 13.5 metres.
- b) Despite Section 10.13 (3)(a) when any *Parcel Line* abuts a *Streamside Protection and Enhancement Area* (SPEA) or *Land* that is zoned Nature Park (P-3), no *Parcel* shall be created which has a *Parcel Area* less than 560 square metres and a *Frontage* less than 15.0 metres.
- c) Despite Sections 10.13 (3)(a) and (b), the minimum *Parcel Area* shall not include a *Streamside Protection and Enhancement Area*.
- d) Despite Section 10.13 (3)(a), no *Parcel* created or used for *Secondary Suite Use* shall have a *Parcel Area* less than 668 square metres and a *Frontage* less than 18.28 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 175.0 square metres.
- c) No *Principal Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) On a *Parcel* 560 square metres or less in size, no *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.
- b) On a *Parcel* greater than 560 square metres in size, no *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.

- c) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- d) No *Principal Building* or *Structure* located on *Parcels* where the *Principal Use* is *Single Unit Dwelling* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.0 metres
<i>Exterior Side Parcel Line</i> <i>Interior Side Parcel Line</i>	2.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres
Boundary of a <i>Streamside Protection and Enhancement Area</i>	3.0 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres
Boundary of a <i>Streamside Protection and Enhancement Area</i>	1.0 metres	1.5 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## PART 11: COMMERCIAL ZONES

### 11.1. LOCAL COMMERCIAL (C-1)

The purpose of the Local Commercial Zone is to accommodate small-scale neighbourhood commercial operations.

#### 1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Convenience Store.*
- c) *Restaurant.*
- d) *Coffee Shop.*
- e) *Personal Service Establishment.*
- f) *Office.*
- g) *Artist Studio.*

#### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Home Based Business*, subject to Part 6, Section 6.8.
- c) *Urban Agriculture.*

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 668 square metres.
- b) No *Parcel* shall be created which has a *Frontage* of less than 18.28 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* for any one commercial *Use* is 100.0 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.5 times the *Parcel Area*.
- c) No *Buildings* or *Structures* used for a commercial *Use* shall exceed a *Parcel Coverage* of 40.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* used for a commercial *Use* shall exceed a *Height* of 9.0 metres.
- b) No *Single Unit Dwelling* shall exceed a *Height* of 9.0 metres; except where a *Single Unit Dwelling* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- c) No *Accessory Buildings* or *Structures* shall exceed a *Height* of 7.5 metres.

- d) No *Principal Building* or *Structure* located on a *Parcel* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Other interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

Bylaw 1904

- e) No *Accessory Building* or *Structure* with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Other Regulations

- a) *Principal* commercial *Uses* shall only be permitted within the *First Storey* of a *Building*.

## 9. Site Specific Regulations

- a) For the *Parcel* legally described as Lot 1, District Lot 56, Land District 45, Plan 27861 (336 Belaire Street), *Convenience Store* and *Restaurant* are not permitted *Principal Uses*.



## 11.2. DOWNTOWN COMMERCIAL (C-2)

The purpose of the Downtown Commercial Zone is to accommodate a broad range of commercial and community Uses in the historic Downtown.

### 1. Principal Uses

- a) *Retail Sales.*
  - b) *Convenience Store.*
  - c) *Cultural Facility.*
  - d) *Library.*
  - e) *Restaurant.*
  - f) *Coffee Shop.*
  - g) *Bakery.*
  - h) *Office.*
  - i) *Assembly.*
  - j) *Personal Service Establishment.*
  - k) *Indoor Recreation Facility.*
  - l) *Neighbourhood Pub.*
  - m) *Liquor Retail Sales.*
  - n) *Tourist Accommodation.*
  - o) *Visitor Centre.*
  - p) *Artist Studio.*
  - q) *Commercial School.*
  - r) *Media Production Studio.*
  - s) *Garden Centre.*
- Bylaw 1904**
- t) *Veterinary Clinic.*
  - u) *Animal Grooming.*
  - v) *Personal Repair Service.*
  - w) *Print Shop.*
  - x) *Cottage Industry.*
  - y) *Public Parking.*

**2. Accessory Uses**

- a) *Dwelling Unit*, subject to Section 11.2(8).
- b) *Home Based Business*, subject to Part 6, Section 6.8.

**3. Sizing and Dimension of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 334 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 9.15 metres.

**4. Size and Density of the Use of Land, Buildings and Structures**

- a) The minimum *Finished Floor Area* for each different type of permitted *Dwelling Unit* shall be as shown in the Table below:

DWELLING UNIT TYPE	MINIMUM FINISHED FLOOR AREA
<i>Studio Dwelling Unit</i>	32.0 square metres
<i>One Bedroom Dwelling Unit</i>	50.0 square metres
<i>Two Bedroom Dwelling Unit</i>	50.0 square metres
<i>Three Bedroom Dwelling Unit</i>	50.0 square metres
<i>Live/Work Unit</i>	70.0 square metres

- b) The maximum number of *Dwelling Units* in this Zone is 75 units per hectare of *Land*.
- c) The *Floor Space Ratio* shall not exceed 1.0.
- d) No *Buildings* and *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	0.0 metres
<i>Interior or Exterior Side Parcel Line</i>	0.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking is prohibited between the *Front Parcel Line* and the front face of the *Principal Building or Structure*.
- b) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Mixed Commercial and Residential Regulations

- a) Where Commercial and *Residential Uses* are combined on the same *Parcel*, unless otherwise expressly provided for in this Bylaw, the *Residential Use* shall satisfy all of the following conditions:
- i) The *Dwelling Units* shall be contained in the same *Building* as the *Commercial Use*.
  - ii) The *Dwelling Units* shall be located over the *Commercial Use* and provide a separate outside entrance occupying no more than 25 percent of the *First Storey* commercial Frontage.
  - iii) The *Storey* on which any *Dwelling Units* are located shall be used exclusively for *Residential* purposes within all levels above the *First Storey*.
- b) Despite Section 11.2(8)(a), up to 25 percent of the *Dwelling Unit* may be located at-Grade provided that such *Dwelling Units* do not front onto the *Front Parcel Line*, but are instead located behind the commercial *Frontage*.

## 9. Other Regulations

- a) Outdoor storage areas shall not exceed 9.3 square metres.
- b) Coffee roasting is not a permitted *Cottage Industry*.

## 10. Site Specific Regulations

- a) For the properties legally described as Lot 4, Block 29, Plan 703A (840 First Avenue), *Service Station* is a permitted *Principal Use*.
- b) For the properties legally described as Lot 1, Block 29, Plan 703A (810 First Avenue), automotive and machinery valve repair service is a permitted *Principal Use*.
- c) For the *Parcel* legally described as Lot 2, District Lot 56, Plan 20434, Oyster Land District (510 Esplanade Avenue), a *Dwelling Unit* may be located within a *First Storey*.

### **Bylaw 1897**

- d) For the *Land* consisting of the *Parcels* legally described as:  
Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade); and  
Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)  
*Motor Vehicles Sales or Rental* is a permitted *Principal Use* subject to the following conditions:
  - a) A maximum of fifteen vehicles is permitted for outdoor display; and
  - b) The outdoor display area may be located between the *Exterior Side* and *Front Parcel Line* and the front face of the *Principal Building or Structure*; and
  - c) The outdoor display area is subject to the requirements of DPA 2 'Downtown' as well as the landscape guidelines in DPA 3 'Commercial' to create an attractive, welcoming view from the Trans Canada Highway.

### **Bylaw 1904**

- e) For the *Parcel* legally described as Lot 12, Block 30, District Lot 24, Oyster District, Plan 703A (112 French Street), *Funeral Home* is a permitted *Principal Use*.

### 11.3. HIGHWAY SERVICE COMMERCIAL (C-3)

The purpose of the Highway Service Commercial Zone is to accommodate commercial Uses that serve the needs of the travelling public.

#### 1. Principal Uses

- a) *Gas Bar.*
- b) *Service Station.*
- c) *Convenience Store.*

#### 2. Accessory Uses

- a) *Retail Sales, limited to motor vehicle parts and accessories.*
- b) *Motor Vehicle Sales or Rental, accessory to Service Station Use.*

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892.0 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* for any one commercial *Use* is 500.0 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.5.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 6.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- c) No *Principal Building* or *Structure* located on a *Parcel* within this *Zone* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

**Bylaw 1904**

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**6. Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Site Specific Regulations**

- a) On the *Parcel* legally described as Lot B, Plan 45624, District Lot 118, Land District 43 (26 Symonds Street), *Motor Vehicle Body Shop* is a permitted *Principal Use*.
- b) On the *Parcel* legally described as Lot 12 and 13, District Lot 139, Oyster District, Plan 7217 (1152 TransCanada Highway), *Motor Vehicle Body Shop* is permitted as an *Accessory Use* to a *Service Station Use*, provided that the *Finished Floor Area* of the shop does not exceed 33.0 percent of the *Gross Floor Area* of the *Service Station*.

#### 11.4. TOURIST SERVICE COMMERCIAL (C-4)

The purpose of the Tourist Service Commercial Zone is to accommodate tourist-oriented uses.

##### 1. Principal Uses

- a) *Tourist Accommodation.*
- b) *Restaurant.*
- c) *Coffee Shop.*
- d) *Personal Service Establishment.*
- e) *Welcome Centre.*
- f) *Indoor Recreation Facility.*

##### 2. Accessory Uses

- a) *Office.*
- b) *Retail Sales.*
- c) *Public Parking*, associated with an established *Marina Use* in the adjacent foreshore.
- d) *Yacht Club Clubhouse.*
- e) *Dwelling Unit*, subject to Section 11.4(8)(a).

##### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,000 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

##### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* of a single commercial *Use* is 500 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.5.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent

##### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 10.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.

- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**6. Landscaping and Screening**

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Other Regulations**

- a) A *Dwelling Unit Use* shall only be located on the second *Storey*.



## 11.5. SHOPPING CENTRE COMMERCIAL (C-5)

The purpose of the Shopping Centre Commercial Zone is to accommodate commercial uses and employment centres in an outdoor mall setting.

### 1. Principal Uses

- a) *Retail Sales.*
- b) *Convenience Store.*
- c) *Restaurant.*
- d) *Coffee Shop.*
- e) *Office.*
- f) *Cultural Facility.*
- g) *Assembly.*
- h) *Personal Service Establishment.*
- i) *Visitor Centre.*
- j) *Indoor Recreation Facility.*
- k) *Liquor Retail Sales.*
- l) *Commercial School.*
- m) *Personal Repair Service.*
- n) *Veterinary Clinic.*
- o) *Animal Grooming.*

### 2. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1,618 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

### 3. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* of a single commercial *Use* is 2,090 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.7.
- c) No *Buildings* and *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

### 4. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres

- c) No *Principal Building or Structure* located shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Exterior Side Parcel Line</i>	4.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	4.5 metres

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 5. Landscaping and Screening

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 7. Site Specific Regulations

- a) For the *Parcel* legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) the following *Principal Uses* are not permitted:
- i) *Indoor Recreation Facility.*
  - ii) *Theatre.*
  - iii) *Assembly.*

## **PART 12: INDUSTRIAL ZONES**

### **12.1. LIVE/WORK INDUSTRIAL (I-1A)**

The purpose of the Live/Work Industrial Zone is to accommodate smaller scale business enterprises and low-impact light industrial uses with optional second storey residential use.

#### **1. Principal Uses**

- a) *Office.*
- b) *Personal Service Establishment.*
- c) *Personal Repair Service.*
- d) *Media Production Studio.*
- e) *Artist Studio.*
- f) *Commercial School.*
- g) *Print Shop.*
- h) *Research and Development Facility.*
- i) *Machinery and Equipment Rental.*
- j) *Boat Building and Repair.*
- k) *Manufacturing.*
- l) *Trade Contractors Facilities.*
- m) *Home Improvement Service Industry.*
- n) *Warehouse.*
- o) *Wholesale Sales.*

#### **2. Accessory Uses**

- a) *Retail Sales.*
- b) *Dwelling Unit*, subject to Section 12.1(8)(c).
- c) *Home Based Business*, subject to Part 6, Section 6.8.

#### **3. Sizing and Dimension of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 600 square metres.
- b) No *Parcel* shall be created with a *Parcel Frontage* that is less than 24.38 metres.

**4. Size and Density of the Use of Land, Buildings and Structures**

- a) The minimum *Finished Floor Area* for each different type of permitted *Dwelling Unit* shall be as shown in the Table below:

DWELLING UNIT TYPE	MINIMUM FINISHED FLOOR AREA
<i>Studio Dwelling Unit</i>	32.0 square metres
<i>One Bedroom Dwelling Unit</i>	60.0 square metres
<i>Two Bedroom Dwelling Unit</i>	70.0 square metres
<i>Three Bedroom Dwelling Unit</i>	85.0 square metres
<i>Live/Work Unit</i>	70.0 square metres

- b) The maximum *Finished Floor Area* for a *Dwelling Unit* shall be 140.0 square metres.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* shall exceed a *Height* of 11.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- c) No *Building* or *Structure* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

**6. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Despite Part 8: Parking and Loading Regulations, the following provisions shall apply:
- i) A minimum of one parking space per *Dwelling Unit* is required.
  - ii) A minimum of one parking space per 100 square metres of business and Industrial *Gross Floor Area* is required.
  - iii) Every *Parcel* shall have a minimum of one shared parking and loading space.

## **8. Other Regulations**

- a) All permitted *Uses* must be conducted entirely within a *Building*.
- b) No *Uses* which create external odours, fumes, dust heat, glare or electrical interference are permitted.
- c) A *Dwelling Unit Use* shall only be located on the second *Storey*.
- d) The following *Uses* are only to be located within the *First Storey*:
  - i) *Trade Contractors Facilities*.
  - ii) *Manufacturing*.
  - iii) *Warehouse*.
  - iv) *Boat Building and Repair*.
  - v) *Wholesale Sales*.
  - vi) *Machinery and Equipment Sales or Rental*.
  - vii) *Personal Repair Service*.

## 12.2. LIGHT INDUSTRIAL (I-1)

The purpose of the Light Industrial Zone is to accommodate light industrial uses and employment centres in an Industrial Park setting.

### 1. Principal Uses

- a) *Gas Bar.*
- b) *Service Station.*
- c) *Motor Vehicle Body Shop.*
- d) *Motor Vehicle Sales or Rental.*
- e) *Boat and Personal Watercraft Sales or Rental.*
- f) *Machinery and Equipment Sales or Rental.*
- g) *Building Supply Sales.*
- h) *Re-Store.*
- i) *Boat Building and Repair.*
- j) *Servicing and repair of machinery, equipment, and appliances.*
- k) *Restaurant.*

### Bylaw 1904

- l) *Commercial Indoor Storage.*
- m) *Print Shop.*
- n) *Auction.*
- o) *Laboratory.*
- p) *Research and Development Facility.*
- q) *Media Production Studio.*
- r) *Refund Container Recycling Depot.*
- s) *Manufacturing, within an enclosed Building.*
- t) *Welding shop, machine shop and metal fabrication.*
- u) *Home Improvement Service Industry.*
- v) *Trade Contractor Facilities.*
- w) *Commercial Plant Nursery.*
- x) *Garden Centre.*
- y) *Warehouse.*
- z) *Wholesale Sales.*

- aa) *Cottage Industry.*
- bb) *Brewery, Distillery, Bottling and Distribution.*
- cc) *Tow-Truck Dispatch.*
- dd) *Animal Day Care.*

**2. Accessory Uses**

- a) *Office.*
- b) *Food Truck.*
- c) *Sani-Dump Station.*
- d) *Caretaker Dwelling*, subject to Part 6, Section 6.6 and Part 12, Section 12.2(8).

**3. Sizing and Dimension of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 600 square metres.
- b) No *Parcel* without community water and sewer services shall be created which is less than 0.8 hectares of area.
- c) No *Parcel* shall be created with a *Lot Frontage* that is less than 24.38 metres.

**4. Density of the Use of Land, Buildings and Structures**

- a) The *Floor Space Ratio* shall not exceed 0.7.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* shall exceed a *Height* of 12.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- c) No *Building* or *Structure* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

**6. Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Other Regulations**

- a) *Caretaker Dwelling Use* shall be limited to one *Dwelling Unit* per *Parcel* and shall only be located on the second *Storey*, except that the entrance to the *Caretaker Dwelling* may be located within the *First Storey*.

**9. Site Specific Regulations**

- a) For the *Parcel* described as Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in Plan VIP81529 (1030 Oyster Bay Drive), the following additional *Principal Uses* are permitted to a maximum total *Gross Floor Area* of 1,460.0 square metres, with individual units not to exceed a maximum *Gross Floor Area* of 465.0 square metres, or 700.0 square metres in the case of *Retail Sales*:

- |                             |   |
|-----------------------------|---|
| i) <i>Retail Sales</i>      | ii) <i>Office</i>                         |
| iii) <i>Coffee Shop</i>     | iv) <i>Personal Service Establishment</i> |
| v) <i>Commercial School</i> | vi) <i>Indoor Recreation Facility.</i>    |
| vii) <i>Visitor Centre.</i> | viii) <i>Veterinary Clinic.</i>           |
| ix) <i>Animal Grooming.</i> |   |



### 12.3. INDUSTRIAL (I-2)

The purpose of the Industrial Zone is to accommodate larger, heavy industrial operations and employment centres in an Industrial Park or working waterfront setting.

#### 1. Principal Uses

- a) Any *Principal Use* permitted in the I-1 Zone.
- b) *Motor Vehicle Salvage and Wrecking Yard*, subject to Section 12.3(8)(c).
- c) *Log Handling, Sorting and Storage Yard*.
- d) *Marshalling Yard*.
- e) *Storage Yard*.
- f) *Freight handling or distribution*.
- g) *Sawmill, Shake and Shingle Mill*.
- h) *Primary Processing of Soil*.
- i) *Shipping Yard*.
- j) *Concrete Batch Plant*.
- k) *Fleet and Distribution services*.
- l) *Recycling Plant*.
- m) *Animal Shelter*.
- n) *Medical Marihuana Growing and Production*, subject to Section 12.3(8)(a).

#### 2. Accessory Uses

- a) *Office*.
- b) *Food Truck*.
- c) *Sani-Dump Station*.
- d) *Caretaker Dwelling*, subject to Part 6, Section 6.6 and Part 12, Section 12.3(8)(b).
- e) *Retail Sales, accessory to Sawmill, Shake and Shingle Mill*.

#### 3. Sizes and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,023 square metres.
- b) Despite Section 12.3 (3)(a), where access to the Town of Ladysmith community water system and/or community sewer system is unavailable, no *Parcel* shall be created which has a *Parcel Area* less than 2.0 hectares.

- c) A *Parcel* shall have a minimum *Frontage* of 36.57 metres or 10.0 percent of the perimeter of the *Parcel* whichever is the greater.

**4. Density of the Use of Land, Buildings and Structures**

- a) The *Floor Space Ratio* shall not exceed 0.3.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* shall exceed a *Height* of 15.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- c) No *Building* or *Structure* with a *Height* greater than 12.0 metres, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	10.0 metres
<i>Interior or Exterior Side Parcel Line</i>	10.0 metres
<i>Rear Parcel Line</i>	10.0 metres

- d) No *Building* or *Structure* with a *Height* of 12.0 metres or less, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

**6. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Other Regulations**

- a) *Medical Marihuana Growing and Production* shall be restricted to the locations shown *Zoned I-2* as illustrated in Figure 12.3.1: Plan of Medical Marihuana Growing and Production Area.

- b) A *Caretaker Dwelling Use* shall be limited to one *Dwelling Unit per Parcel* and shall only be located on the second *Storey*, except that the entrance to the *Caretaker Dwelling* may be located within the *First Storey*.
- c) A *Motor Vehicle Salvage and Wrecking Yard* shall be completely enclosed within a *Building* or within a *Landscaped or Fenced* area so as not to be visible from a *Highway*.

**FIGURE 12.3.1: PLAN OF MEDICAL MARIHUANA GROWING AND PRODUCTION AREA**



## **PART 13: INSTITUTIONAL ZONES**

### **13.1. INSTITUTIONAL (P-1)**

The purpose of the Institutional Zone is to accommodate a range of civic and community uses.

#### **1. Principal Uses**

- a) *Cultural Facility.*
- b) *Assembly.*
- c) *Community Care Facility.*
- d) *Indoor Recreation Facility.*
- e) *Outdoor Recreation Facility.*
- f) *School.*
- g) *Post Office.*
- h) *Civic Use.*
- i) *Botanical Garden.*
- j) *Nature Centre.*
- k) *Farmer's Market.*
- l) *Public Parking.*

#### **2. Accessory Uses**

- a) *Retail Sales*, subject to Section 13.1(8)(a).
- b) *Community Garden.*
- c) *Food Truck.*

#### **3. Sizes and Dimensions of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892 square metres.
- b) Despite Section 13.1(3)(a), no *Parcel* shall be created for a *School Use* which has a *Parcel Area* less than 2.0 hectares.

#### **4. Density of the Use of Land, Buildings and Structures**

- a) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres.
- b) Despite Section 13.1(5)(a), no *Principal Building* or *Structure* used for *School Use* shall be more than one *Storey*.
- c) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- d) No *Principal Building* or *Structure* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**6. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: *Landscaping and Screening Regulations*.

**7. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: *Parking and Loading Regulations*.

**8. Other Regulations**

- a) *Retail Sales* shall be limited to 25.0 square metres of *Gross Floor Area*.

## 9. Site Specific Regulations

- a) For the *Parcel* legally described as Lot 1, District Lot 52, Oyster District, Plan VIP19565 and Lots 17 to 21, District Lot 52, Oyster District, Plan VIP6865 (444, 451, 453, 455, 457, 459 and 461 Davis Road):
  - i) Despite Section 13.1(1), *Community Care Facility Use* is not permitted.
  - ii) Despite Section 13.1(4)(a), the maximum *Parcel Coverage* is 15 percent.
  - iii) The maximum number of permanent *School Buildings and Structures* permitted on Lot 1, District Lot 52, Oyster District, Plan VIP19565 is 1.
- b) For the *Parcel* legally described as Lot 1, District Lot 96, Oyster District, Plan VIP19308 (710 Sixth Avenue):
  - i) Despite Section 13.1(4)(a), the maximum *Parcel Coverage* is 15 percent.
  - ii) The maximum number of permanent *School Buildings and Structures* is 5.
- c) For the *Parcel* legally described as Block 77 of an unnumbered portion of Oyster District, Plan 703A (317 French Street):
  - i) Despite Section 13.1(4)(a), the maximum *Parcel Coverage* is 15 percent.
  - ii) The maximum number of permanent *School Buildings and Structures* is 1.

## **13.2. PARK AND RECREATION (P-2)**

The purpose of the Park and Recreation Zone is to accommodate local parks and open spaces with a focus on active and passive recreation uses.

### **1. Principal Uses**

- a) *Nature Centre.*
- b) *Botanical Garden.*
- c) *Assembly.*
- d) *Cultural Facility.*
- e) *Indoor Recreation Facility.*
- f) *Outdoor Recreation Facility.*
- g) *Golf Course.*
- h) *Community Garden.*
- i) *Railway Passenger Depot.*

### **2. Accessory Uses**

- a) *Retail Sales*, subject to Section 13.2(8)(a).
- b) *Food Truck*, subject to Section 13.2(8)(b).
- c) *Food Concession.*
- d) *Non-Motorized Recreational Equipment Sales or Rental.*
- e) *Farmers' Market.*

### **3. Sizes and Dimensions of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892 square metres.
- b) Section 13.2(3)(a) does not apply to parkland dedicated by subdivision.

### **4. Size and Density of the Use of Land, Buildings and Structures**

- a) No *Building* or *Structure* shall exceed a *Gross Floor Area* of 200.0 square metres.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.

### **5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres.

- c) No *Principal Building or Structure* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Other Regulations

- a) *Retail Sales* shall be limited to 50.0 square metres of *Gross Floor Area*.  
 b) *Food Trucks* shall be restricted to Transfer Beach Park, Forrest Field, Aggie Ball Field, and Holland Creek Ball Field.

## 9. Site Specific Regulations

- a) For the *Community Garden* located at 525 Second Avenue, *Urban Agriculture* is a permitted *Principal Use*.

**Bylaw 1904**



### 13.3. NATURE PARK (P-3)

The purpose of the Nature Park Zone is to accommodate the conservation of nature and sensitive ecosystems.

#### 1. Principal Uses

- a) *Nature Centre.*
- b) *Nature Park.*

#### 2. Size and Density of the Use of Land, Buildings and Structures

- a) No *Building* or *Structure* shall have a *Gross Floor Area* that exceeds 100.0 square metres.
- b) No *Buildings* or *Structure* shall exceed a *Parcel Coverage* of 20.0 percent.

#### 3. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 9.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres.
- c) No *Principal Building* or *Structure* located on a *Parcel* within this *Zone* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

#### 4. Landscaping and Screening

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**5. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

#### 13.4. RECYCLING DEPOT (P-4)

The purpose of the Recycling Depot Zone is to accommodate a regional recycling drop-off and education centre.

##### 1. Principal Uses

- a) *Recycling Depot.*
- b) *Transfer Station.*

##### 2. Accessory Uses

- a) *Office.*
- b) *Scale House.*
- c) *Assembly.*
- d) *Eco-Education.*
- e) *Food Truck.*

##### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1.0 hectare.

##### 4. Density of the Use of Land, Buildings and Structures

- a) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 60.0 percent.

##### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 15.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres.
- c) No *Building* or *Structure* located on a *Parcel* within this *Zone* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	PRINCIPAL BUILDING OR STRUCTURE MINIMUM SETBACK	ACCESSORY BUILDING OR STRUCTURE MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres	1.5 metres

## PART 14: AGRICULTURE ZONES

### 14.1. PRIMARY AGRICULTURE (A-1)

The purpose of the Primary Agriculture Zone is to accommodate farm operations on parcels located within the Provincial Agricultural Land Reserve.

#### 1. Principal Uses

- a) *Farm Use.*
- b) *Single Unit Dwelling.*
- c) *Mobile Home.*
- d) *Horse Riding Stable.*
- e) *Horse Riding Arena.*

#### 2. Accessory Uses

- a) *Farm Operation Employee Dwelling*, subject to Section 14.1(8)(a) and (b).
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- d) *Home Based Business*, subject to Part 6, Section 6.8.
- e) *Bed and Breakfast*, subject to Part 6, Section 6.7.

#### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 12.0 hectares.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
- c) No *Farm Operation Employee Dwelling* shall have a *Finished Floor Area* that is greater than 110 square metres.

**Bylaw 1904**

- d) No *Building* or *Structure* shall exceed a *Parcel Coverage* of 35.0 percent.
- e) Despite Section 14.1(4)(d), no *Principal Building* or *Structure* located within a *Farm Home Plate* shall exceed coverage of 30.0 percent of the *Farm Home Plate*.

**Bylaw 1904**

- f) Despite Section 14.1(4)(d), *greenhouse Structures* shall not exceed a *Parcel Coverage* of 75.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

**Bylaw 1904**

- a) No *Principal Building* or *Structure* used for *Farm Use* shall exceed a *Height* of 15.0 metres.
- b) No *Single Unit Dwelling* shall exceed a *Height* of 9.0 metres except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- c) No *Farm Operation Employee Dwelling* shall exceed a *Height* of 7.5 metres.
- d) No *Accessory Building* or *Structure* ancillary to a *Farm Use* shall exceed a *Height* of 7.5 metres.
- e) No *Accessory Building* or *Structure* ancillary to a *Residential Use* and located within a *Farm Home Plate* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- f) No *Principal* or *Accessory Buildings* or *Structures* located within a *Farm Home Plate* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	7.5 metres
<i>Interior Side Parcel Line</i> or <i>Interior Farm Home Plate Boundary</i>	3.0 metres
<i>Exterior Side Parcel Line</i> or <i>Exterior Farm Home Plate Boundary</i>	4.5 metres
<i>Rear Parcel Line</i> or <i>Rear Farm Home Plate Boundary</i>	7.5 metres

- g) No *Principal* or *Accessory Buildings* or *Structures* for a *Farm Use* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

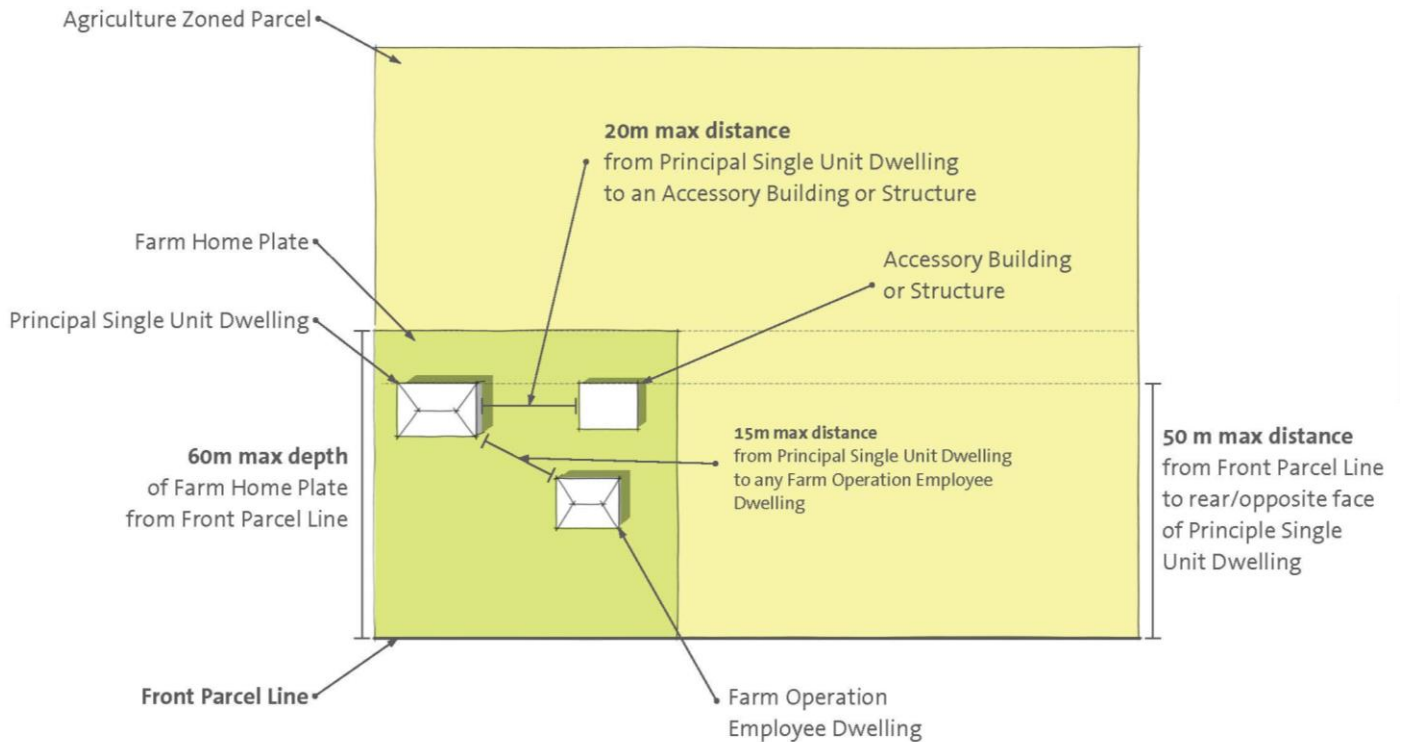
PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	30.0 metres
<i>Interior Side Parcel Line</i>	15.0 metres
<i>Exterior Side Parcel Line</i>	30.0 metres
<i>Rear Parcel Line</i>	15.0 metres

**Bylaw 1904**

- h) Despite Section 5.2(e), no *Principal* or *Accessory Building* or *Structure* for a *Farm Use* shall be located within 30.0 metres from the *Natural Boundary* of a *Watercourse*.

**6. Farm Home Plate**

- a) For *Residential Building* and *Structures* located on properties within the *Agricultural Land Reserve*, no *Buildings* or *Structures* shall be sited outside a *Farm Home Plate*.
- b) No *Farm Home Plate* shall exceed 3,000 square metres in contiguous area.
- c) No *Farm Home Plate* shall exceed a depth of 60.0 metres as measured from the *Front Parcel Line* to the rear of the *Farm Home Plate*.
- d) The distance from the *Front Parcel Line* to the rear or opposite face of the *Principal Single Unit Dwelling* shall not exceed 50.0 metres.
- e) The distance between an *Accessory Building* or *Structure* and the *Principal Single Unit Dwelling* shall not exceed 20.0 metres.
- f) The distance between any *Farm Operation Employee Dwelling* and the *Principal Single Unit Dwelling* shall not exceed 15.0 metres.



**An Illustration of a Farm Home Plate**

**7. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Other Regulations**

- a) Where the intensity of *Farm Use*, as identified by a professional agrologist in a written report or as identified through a letter from the Agricultural Land Commission, requires permanent *Farm Use* employees, one *Farm Operation Employee Dwelling per Parcel* may be constructed, located within the *Farm Home Plate*.
- b) *A Farm Operation Employee Dwelling*:
  - i) Shall be limited to a *Parcel* classified as farmland under the *Assessment Act*.
  - ii) Shall not be permitted unless there is registered in the Land Title Office a restrictive covenant restricting such *Dwelling Unit* to Use as a *Farm Operation Employee Dwelling*.
  - iii) Shall not have a basement.

## **14.2. AGRICULTURE AND RESORT RECREATION (A-RR)**

The purpose of the Agriculture and Resort Recreation Zone is to accommodate farm operations on parcels located within the Provincial Agricultural Land Reserve and those non-farm recreational uses approved by the Agricultural Land Commission.

### **1. A-RR Zone Areas**

- a) The Agriculture and Resort Recreation Zone is divided into Sub-Areas A and B, located as shown on the Plan in Section 14.2(13). The location of Sub-Areas A and B shall comply with Section 14.2(13) A-RR Zone Sub-Areas.

### **2. Principal Uses: Sub-Area A**

- a) *Farm Use.*
- b) *Single Unit Dwelling.*
- c) *Horse Riding Stable.*
- d) *Horse Riding Arena.*
- e) *Golf Course.*

### **3. Principal Uses: Sub-Area B**

- a) *Farm Use.*
- b) *Golf Clubhouse*, subject to Section 14.2(12)(c).
- c) *Tourist Accommodation.*

### **4. Accessory Uses: Sub-Area A**

- a) *Farm Operation Employee Dwelling*, subject to Section 14.2(12)(a and b).
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- d) *Golf Driving Range.*
- e) *Home Based Business*, subject to Part 6, Section 6.8.
- f) *Bed and Breakfast*, subject to Part 6, Section 6.7.

### **5. Accessory Uses: Sub-Area B**

- a) *Retail Sales*, subject to Section 14.2(12)(d).
- b) *Golf Maintenance and Storage Facility.*

### **6. Sizing and Dimensions of Parcels**

- a) No *Parcel* in Sub-Area A shall be created which has a *Parcel Area* less than 12.0 hectares.
- b) No *Parcel* in Sub-Area B shall be created which has a *Parcel Area* less than 1.5 hectares.



**7. Size and Density of the Use of Land, Buildings and Structures**

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
- c) No *Farm Operation Employee Dwelling* shall have a *Finished Floor Area* that is greater than 110 square metres.

**Bylaw 1904**

- d) No *Buildings or Structures* located in Sub-Area A shall exceed a *Parcel Coverage* of 35.0 percent.
- e) No *Principal Buildings or Structures* located within a *Farm Home Plate* in Sub-Area A shall exceed coverage of 30.0 percent of the *Farm Home Plate*.
- f) No *Buildings or Structures* located in Sub-Area B shall exceed a *Parcel Coverage* of 20.0 percent.

**Bylaw 1904**

- g) *Greenhouse Structures* shall not exceed a *Parcel Coverage* of 75.0 percent.

**8. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building or Structure* in Sub-Area A or B, except a *Single Unit Dwelling*, shall exceed a *Height* of 10.0 metres.
- b) No *Single Unit Dwelling* shall exceed a *Height* of 9.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- c) Despite Section 14.2(8)(a), no *Farm Operation Employee Dwelling* shall exceed a *Height* of 5.5 metres.
- d) No *Accessory Building or Structure* located in Sub-Area A or B shall exceed a *Height* of 7.5 metres, except those *Accessory Buildings or Structures* located within a *Farm Home Plate* in Sub-Area A which shall not exceed a *Height* of 5.0 metres or in the case where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- e) No *Principal or Accessory Buildings or Structures* located within a *Farm Home Plate* in Sub-Area A shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	30.0 metres
<i>Interior Side Parcel Line or Interior Farm Home Plate Boundary</i>	3.0 metres

PARCEL LINE	MINIMUM SETBACK
<i>Exterior Side Parcel Line or Exterior Farm Home Plate Boundary</i>	3.0 metres
<i>Rear Parcel Line or Rear Farm Home Plate Boundary</i>	7.5 metres

- f) No *Principal Building or Structure* in Sub-Area A and Sub-Area B shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	30.0 metres
<i>Interior Side Parcel Line</i>	15.0 metres
<i>Exterior Side Parcel Line</i>	30.0 metres
<i>Rear Parcel Line</i>	15.0 metres

- g) No *Accessory Building or Structure* in Sub-Area A and Sub-Area B shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	7.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	7.5 metres

- h) Despite Section 14.2(8)(f), no *Principal Building or Structure* located in Sub-Area B for *Tourist Accommodation Use* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

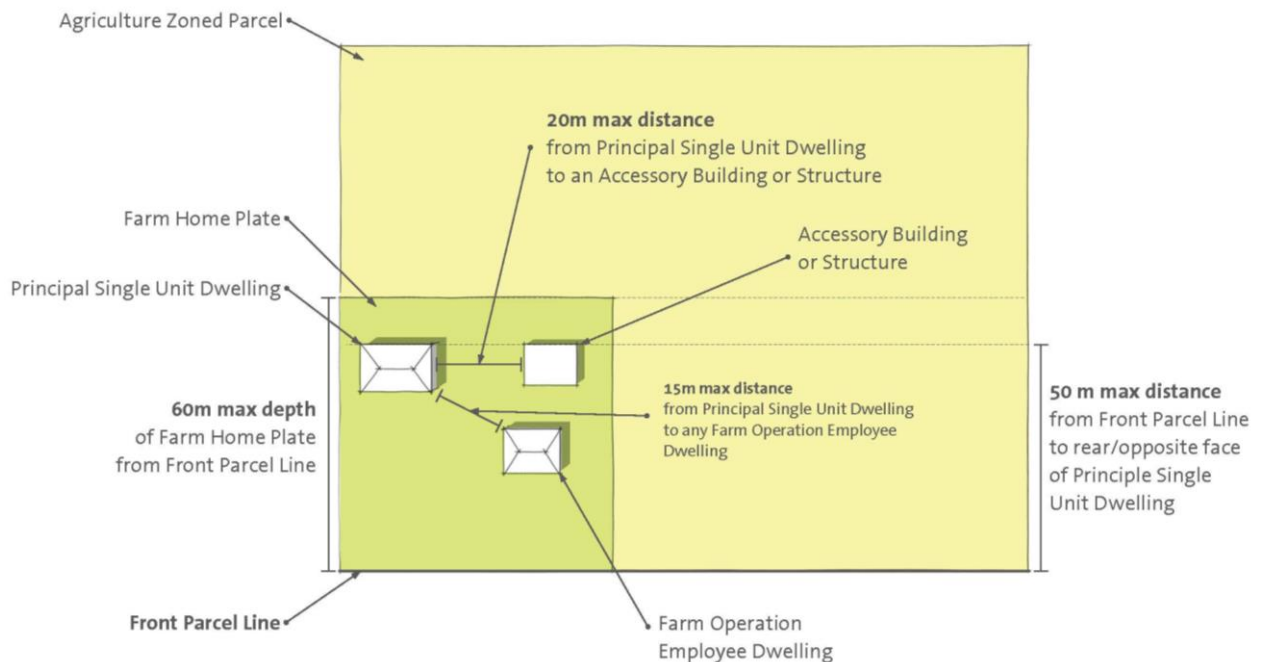
PARCEL LINE	MINIMUM SETBACK
Front Sub-Area Line	7.5 metres
Interior and Exterior Sub-Area Line	6.0 metres
Rear Sub-Area Line	6.0 metres

**Bylaw 1904**

- i) No *Principal Building or Structure* used for *Farm Use* shall exceed a *Height* of 15.0 metres.
- j) Despite Section 5.2(e), no *Principal or Accessory Building or Structure* for a *Farm Use* shall be located within 30.0 metres from the *Natural Boundary* of a *Watercourse*.

**9. Farm Home Plate**

- a) For *Residential Building and Structures* located on properties within the *Agricultural Land Reserve*, no *Buildings or Structures* shall be sited outside a *Farm Home Plate*.
- b) No *Farm Home Plate* shall exceed 3,000 square metres in contiguous area.
- c) No *Farm Home Plate* shall exceed a depth of 60.0 metres as measured from the *Front Parcel Line* to the rear of the *Farm Home Plate*.
- d) The distance from the *Front Parcel Line* to the rear or opposite face of the *Principal Single Unit Dwelling* shall not exceed 50.0 metres.
- e) The distance between an *Accessory Building or Structure* and the *Principal Single Unit Dwelling* shall not exceed 20.0 metres.
- f) The distance between any *Farm Operation Employee Dwelling* and the *Principal Single Unit Dwelling* shall not exceed 15.0 metres.



**An Illustration of a Farm Home Plate**

**10. Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

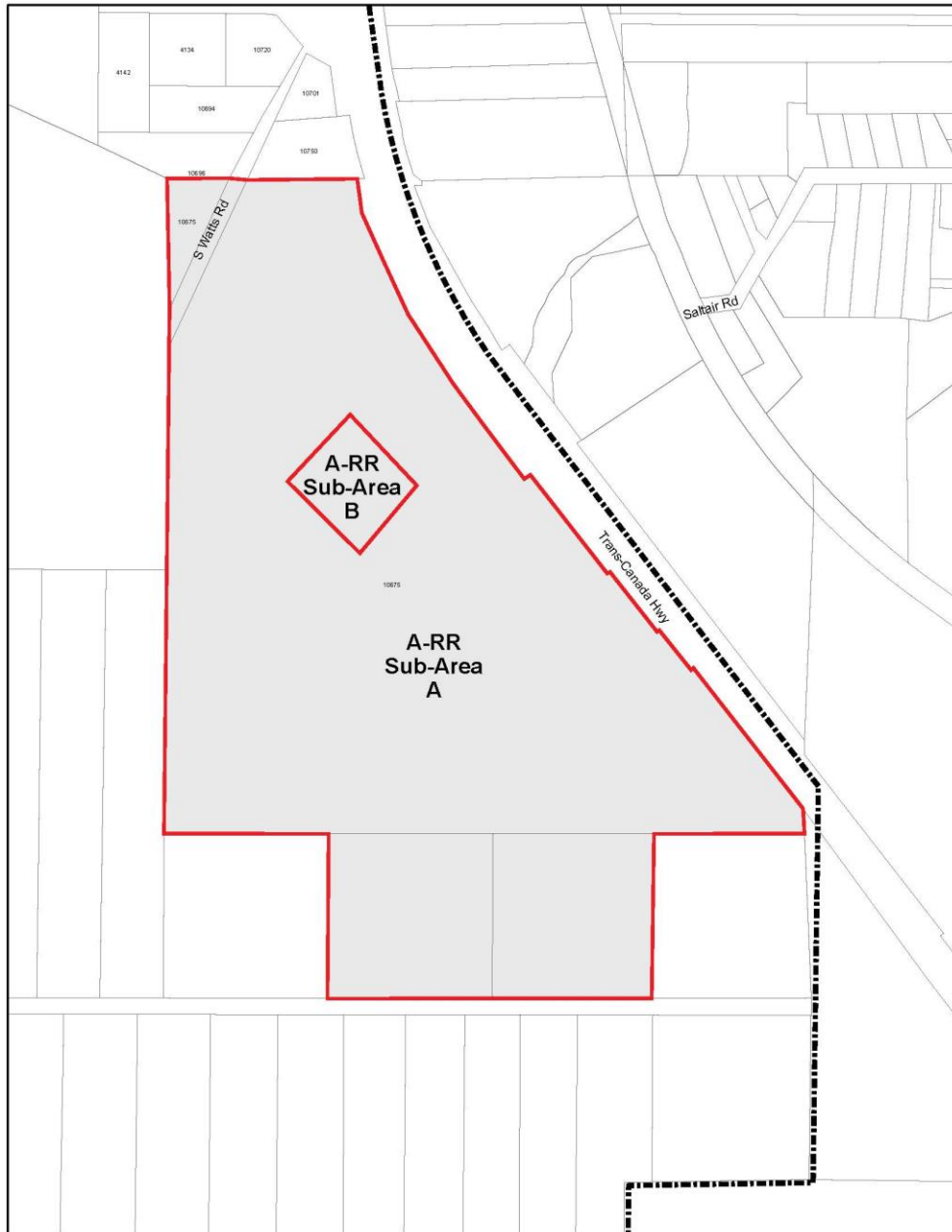
**11. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**12. Other Regulations**

- a) Where the intensity of *Farm Use* in Sub-Area A, as identified by a professional agrologist in a written report or as identified through a letter from the Agricultural Land Commission, requires permanent *Farm Use* employees, one *Farm Operation Employee Dwelling* per *Parcel* may be constructed, located within *the Farm Home Plate*.
- b) *A Farm Operation Employee Dwelling*:
  - i) Shall be located only on a *Parcel* classified as farm under the *Assessment Act*.
  - ii) Shall not be permitted unless there is registered in the Land Title Office a Section 219 covenant in favour of the *Town*, in priority over any financial charges, in respect of any *Farm Operation Employee Dwelling* restricting such *Dwelling* to *Use* as a *Farm Operation Employee Dwelling*.
- c) *A Golf Clubhouse Use* in Sub-Area B shall be subject to the active operation of a *Golf Course Use* in Sub-Area A.
- d) *Retail Sales* are limited to the sale of goods, wares, or merchandise associated with golfing to a maximum *Gross Floor Area* of 140.0 square metres.
- e) The golf course or driving range shall be situated so golf balls do not create a nuisance or a danger to adjacent *Parcels* or an abutting *Street*.
- f) Light poles shall be sited and shielded so as to direct light away from adjacent *Parcels*.
- g) Safety netting shall be setback from the *Parcel Lines* by at least 30.0 metres.

**13. Plan of the Agriculture and Resort Residential (A-RR) Zone Sub-Areas**



## PART 15: FORESTRY ZONES

### 15.1. FORESTRY (F-1)

The purpose of the Forestry Zone is to accommodate small-scale woodlot operations.

#### 1. Principal Uses

- a) *Silviculture*, excluding sawmilling and all *Manufacturing* and dry land log sorting operations.
- b) *Primary Processing of Gravel*.

#### 2. Accessory Uses

- a) *Single Unit Dwelling*.
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Caretaker Dwelling Unit*, subject Part 6, Section 6.6.
- d) *Home Based Business*, subject to Part 6, Section 6.8.

#### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 20 hectares.

#### 4. Density of the Use of Land, Buildings and Structures

- a) No *Principal* or *Accessory Buildings* or *Structures* shall exceed a *Parcel Coverage* of 30.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 15 metres.
- b) Despite Section 15.1(5)(a), no *Single Unit Dwelling* shall exceed a *Height* of 9.0 metres; except where a roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- c) A *Dwelling Unit* with a minimum horizontal *Building* dimension is permitted.
- d) No *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	30.0 metres
<i>Interior Side Parcel Line</i>	15.0 metres
<i>Exterior Side Parcel Line</i>	30.0 metres
<i>Rear Parcel Line</i>	15.0 metres

- d) No *Accessory Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	7.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	7.5 metres

**6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## PART 16: MARINE ZONES

### 16.1. MARINE RESIDENTIAL MOORAGE (W-1)

The purpose of the Marine Residential Moorage Zone is primarily to accommodate moorage associated with an established upland residential use.

#### 1. Principal Uses

- a) *Moorage, accessory to an adjacent upland Residential Use*
- b) *Short-term Moorage.*

#### 2. Permitted Buildings and Structures

- a) One *Dock* consisting of a single elevated pier/walkway, ramp, and *Moorage* float per adjacent upland *Parcel*.
- b) One *Gear Locker* per adjacent upland *Parcel*.

#### 3. Size and Density of the Use of Land, Buildings and Structures

- a) No *Gear Locker* shall have a maximum *Finished Floor Area* that is greater than 10.0 square metres.
- b) The maximum surface area of all *Dock Structures* shall be 20.0 square metres.

#### 4. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Building* or *Structure* shall exceed a *Height* of 2.0 metres.
- b) No *Gear Locker* shall be located closer than 10.0 metres to the *Natural Boundary* of the sea.
- c) *Docks*, pier/walkway, floats, ramps or other similar *Structures* shall not extend more than 30 metres from the present *Natural Boundary* of the upland *Parcel*.
- d) No *Building* or *Structure* shall be sited within 125 metres of the W-4 Zone.
- e) An access ramp associated with any *Docks*, pier/walkway, floats or other similar *Structures* shall be limited to a width of 1.5 metres.
- f) All portions of a *Dock*, other than the access ramp referred to in Section 16.1.4(e), shall be limited to a width of 3.0 metres.
- g) All piers/walkways and access ramps must be a minimum of 2.0 metres above the highest *High Water Mark* and have a minimum clearance of 2.0 metres above the seabed to allow unimpeded pedestrian passage along the foreshore at low tide.
- h) The bottom of any *Moorage* floats must have be a minimum of 1.5 m above the seabed during the lowest tide.



**5. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**6. Other Regulations**

- a) It is a condition of a *Moorage Use* that the adjacent upland *Parcel* must be used for a *Residential Use*.
- b) The surface of the water may be used for *Moorage Use* by a *Boat* with a toilet only if the *Boat* has a sewage holding tank.
- c) No *Moorage* of motorized *Boats* shall be permitted on the water *Lot* legally described as District Lot 462, Cowichan District.
- d) No fuel storage shall be permitted on any *Structure* in the W-1 Zone.
- e) *Moorage Accessory* to upland *Multiple Unit Dwelling* use shall be limited to one berth per *Dwelling Unit*.

## **16.2. MARINA (W-2)**

The purpose of the Marina Zone is to accommodate marinas, commercial moorage and related services and facilities, with the intent of maintaining a small-scale harbour character.

### **1. Principal Uses**

- a) *Marina.*
- b) *Commercial Moorage.*
- c) *Short-term Moorage.*
- d) *Boat Launch.*
- e) *Restaurant.*
- f) *Cultural Facility.*
- g) *Welcome Centre, including Assembly Use.*
- h) *Seafood Sales.*
- i) *Non-Motorized Recreational Equipment Sales or Rental.*
- j) *Boat Building and Repair.*
- k) *Marine Rescue Facility.*
- l) *Marine Fuel Supply Station.*

### **2. Accessory Uses**

- a) *Office.*
- b) *Sewage Pump-out.*
- c) *Yacht Club Clubhouse.*
- d) *Live-Aboard, on the water Lot legally described as Block C of District Lot 2016, Cowichan District, subject to Section 16.2(7)(a).*
- e) *Retail Sales, subject to Section 16.2(4)(b).*

### **3. Permitted Buildings and Structures**

- a) Piers and walkways.
- b) *Dock, floats, ramps, quays, and other similar Structures.*
- c) *Boathouse, on the water Lots legally described as Block C of District Lot 2054, Cowichan District and District Lot 2061, Cowichan District.*
- d) *Boat Shelter.*
- e) Mooring buoys.
- f) Dolphins, pilings.

- g) *Breakwater*.
- h) *Barge Ramp*.

#### **4. Size and Density of the Use of Land, Buildings and Structures**

- a) *Live-Aboards* shall be limited to a maximum of 12 and shall be connected to community water system and community sanitary sewer system.
- b) All *Retail Sales* shall be limited to 25.0 square metres of *Gross Floor Area*.

#### **5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Boathouse* shall exceed a *Height* of 9.0 metres.
- b) All other *Buildings* or *Structures* shall not exceed 7.5 metres in *Height*.
- c) An access ramp associated with any *Docks*, floats, piers/walkways or other similar *Structures* shall be limited to a width of 2.4 metres, except for a *Barge Ramp* which shall be limited to a width of 6.0 metres.
- d) No *Buildings* or *Structures*, not including *Docks*, floats, ramps, quays, or other similar *Structures*, shall be closer than 10.0 metres to the *Natural Boundary* of the sea.
- e) Any *Docks*, floats, ramps, quays, or other similar *Structures* shall not be located within the seaward extension, perpendicular to the shoreline, of the boundary of a streamside protection riparian area located 30 metres on either side of the *Natural Boundary* of a *Watercourse*, excluding the sea.
- f) No *Buildings* or *Structures* shall be sited within 125 metres of the boundary of the W-4 Zone actively used for purposes permitted in the W-4 Zone.

#### **6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

#### **7. Other Regulations**

- a) A *Marina Use* must be in existence for *Live-Aboard Use* to be permitted in the water *Lot* legally described as Block C of District Lot 2016, Cowichan District, and is only permitted if the *Marina Docks* are open to the public at all times.

### 16.3. MARINE INDUSTRIAL (W-3)

The purpose of the Marine Industrial Zone is to accommodate marine and forestry-related industrial Uses.

#### 1. Principal Uses

- a) *Log Handling, Sorting, and Storage Yard.*
- b) *Boat Building and Repair.*
- c) *Marine Park.*
- d) *Boat Launch.*

#### 2. Accessory Uses

- a) *Office.*
- b) Loading and Unloading associated with an upland *Industrial Use.*

#### 3. Permitted Building and Structures

- a) *Dock, floats, ramps, quays, and other similar Structures.*
- b) *Breakwater.*

#### 4. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building or Structure* shall exceed a *Height* of 15.0 metres.
- b) No *Accessory Building or Structure* shall exceed a *Height* of 5.0 metres.
- c) No *Buildings or Structures*, not including *Docks*, floats, ramps, quays, or other similar *Structures*, shall be closer than 5.0 metres to the *Natural Boundary* of any body of water.
- d) Any *Docks*, floats, ramps, quays, or other similar *Structures* shall not be sited within the seaward extension, perpendicular to the shoreline, of the boundary of a riparian area located 30 metres on either side of the *Natural Boundary* of a *Watercourse*.
- e) No *Principal or Accessory Buildings or Structures* shall be sited within 300 metres of the boundary of the W-4 Zone.

#### 5. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

#### **16.4. MARINE HARVESTING (W-4)**

The purpose of the Marine Harvesting Zone is to accommodate shellfish aquaculture operations.

##### **1. Principal Uses**

- a) *Shellfish Aquaculture.*

##### **2. Permitted Structures**

- a) *Structures Accessory to Shellfish Aquaculture.*

##### **3. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Structure* shall exceed a *Height* of 2.0 metres.

#### **16.5. MARINE CONSERVATION (W-5)**

The purpose of the Marine Conservation Zone is to protect and conserve estuaries and sensitive wetland ecosystems.

##### **1. Principal Uses**

- a) *Marine conservation.*

##### **2. Permitted Structures**

- a) Boardwalk.

## 16.6. MARINE PARK AND RECREATION (W-P)

The purpose of the Marine Park and Recreation Zone is to accommodate low-impact water-oriented recreation.

### 1. Principal Uses

- a) *Marine Park.*

### 2. Accessory Uses

- a) *Short-term Moorage*, subject to Section 16.6(5)(a).

### 3. Permitted Structures

- a) *Dock*, floats, ramps, piers/walkways and other similar *Structures*.
- b) *Boardwalk*.

### 4. Siting, Sizing and Dimension of Structures

- a) No *Structures* shall be sited closer than 6 metres from the seaward extension, perpendicular to the shoreline, of an adjacent upland *Side Parcel Line* or the water *Lot* boundary.

### 5. Other Regulations

- a) *Short-term Moorage* shall not include an overnight period unless the *Moorage* is required in the course of navigation.

## PART 17: COMPREHENSIVE DEVELOPMENT ZONES

### 17.1. COMPREHENSIVE DEVELOPMENT 1 - TOURIST SERVICE (CD-1)

The purpose of the Comprehensive Development One Zone is to accommodate a mix of tourist service, small-scale commercial and multiple-unit residential development as part of a comprehensive development.

#### 1. Principal Uses

- a) *Tourist Accommodation*, limited to a hotel and located primarily on Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road).
- b) *Neighbourhood Pub*, subject to Section 17.1(8)(a).
- c) *Liquor Retail Sales*, subject to Section 17.1(8)(b).
- d) *Micro-Brewery*.
- e) *Office*, not including financial institutions.
- f) *Personal Service Establishment*.
- g) *Coffee Shop*.
- h) *Non-Motorized Recreational Equipment Sales or Rental*.
- i) *Farmers' Market*.
- j) *Artist Studio*.
- k) *Dwelling Unit*, subject Section 17.1(8)(c).
- l) In addition to the Uses in Part 6, Section 6.3, the following *Uses* are not permitted in this *Zone*:
  - i) *Retail Sales*.
  - ii) *Bakery*.
  - iii) *Library*.
  - iv) *Convenience Store*.

#### 2. Accessory Uses

- a) *Uses Accessory* to the above.

#### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 600 square metres.
- b) The minimum *Parcel Width* shall not be less than 24.38 metres.

**4. Size and Density of the Use of Land, Buildings and Structures**

- a) The *Floor Space Ratio* for the *Tourist Accommodation Use* is 0.6.
- b) The maximum *Gross Floor Area* for any one commercial *Use*, excluding a *Coffee Shop Use*, is 465 square metres, not to exceed a combined *Gross Floor Area* of 1,394 square metres.
- c) The maximum *Gross Floor Area* for *Coffee Shop Use* is 50 square metres, excluding areas not open to use by the public and public washrooms.
- d) Despite Section 17.1(4)(b), 465 square metres of commercial *Gross Floor Area* may be replaced with an additional four *Dwelling Units*.
- e) The maximum number of *Dwelling Units* is 30 *Dwelling Units*.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) The *Height* of the *Tourist Accommodation Use* shall not exceed the greater of:
  - i) 20 metres above Rocky Creek Road *Curb Height*; or
  - ii) 3 *Storeys* above the Trans-Canada *Highway*;
  - iii) Excluding mechanical equipment on the roof of the *Building* or parapet to obscure mechanical equipment.
- b) The *Height* of all other *Principal Buildings* shall not exceed the greater of:
  - i) 13.5 metres above Rocky Creek Road *Curb Height*; or
  - ii) 1 *Storey* above the Trans-Canada *Highway*;
  - iii) Excluding mechanical equipment on the roof of the *Building* or parapet to obscure mechanical equipment.
- c) The *Height* of *Accessory Buildings* shall not exceed 7.5 metres.
- d) No *Buildings* or *Structures* shall be located no closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	3.0 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- e) Surface parking located on a *Parcel* in this *Zone* shall not be located closer than 1.5 metres from any *Parcel Line*, except for the *Parcel Line* along Rocky Creek Road which shall have a minimum *Setback* of 3.0 metres.



## **6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.
- b) Despite Section 17.16(a), the number of required off-street parking spaces for the development is 185 spaces.
- c) One level of underground parking shall be provided in the equivalent amount of the *Finished Floor Area* of the main floor of the *Tourist Accommodation Building* and the main *Finished Floor Areas* of the mixed-use (commercial/*Residential*) *Buildings*.

## **7. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## **8. Other Regulations**

- a) The maximum number of *Neighbourhood Pub* seats is 100 seats and the hours of operation shall not exceed 11:00 a.m. to 1:00 a.m., except for Special Occasion License events.
- b) A *Liquor Retail Sales Use* is limited to the sale of wine and beer, packaged snacks, non-alcoholic beverages, BC Lottery products, related items like glasses, bottle openers, and cork screws, and limited to the hours of 9:00 a.m. to 11:00 p.m.
- c) Where commercial *Use* is located within a *Building*, with the exception of entry lobbies and stairs, a *Dwelling Unit* is not to be located at the main floor level.

## 17.2. COMPREHENSIVE DEVELOPMENT 2 - CLUSTER HOUSING (CD-2)

The purpose of the Comprehensive Development Two zone is to accommodate low-density comprehensive residential development, with the opportunity of a density bonus for demonstrated enhanced energy efficiency.

### 1. Principal Uses

- a) *Single Unit Dwelling*.

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) Despite Part 6, Section 6.4, a *Secondary Suite* is not permitted.

### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1.0 hectare.

### 4. Density of the Use of Land, Buildings and Structures

- a) The maximum number of *Dwelling Units* in this *Zone* is 12 units.
- b) Despite Section 17.2(4)(a), a density bonus is permitted within the CD-2 Zone as indicated in the table below where amenities listed in Column 1 are provided to assist the Town of Ladysmith in meeting its greenhouse gas emission reduction targets in accordance with the Official Community Plan. Where the developer provides the amenities listed in Column 1, a density bonus is permitted as listed in Column 2.

COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
<p>Each <i>Single Unit Dwelling</i> shall attain a minimum of <i>EnerGuide 80 Energy Standard</i>, and the following steps shall be completed for each <i>Single Unit Dwelling</i>:</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of a <i>Building</i> permit, provide to the <i>Town</i> a copy of the energy audit from a <i>Certified Energy Advisor</i>.</li> <li>2. Prior to issuance of a <i>Building</i> permit, provide a letter of credit to the <i>Town</i> for 1% of the construction costs.</li> <li>3. Prior to issuance of an occupancy permit, provide to the <i>Town</i> a letter from the <i>Certified Energy Advisor</i> stating that the <i>Single Unit Dwelling</i> has complied with the <i>EnerGuide 80 Energy Standard</i>.</li> <li>4. The letter of credit will be returned once the letter from the <i>Certified Energy Advisor</i> stating that the <i>Single Unit Dwelling</i> has complied with the <i>EnerGuide 80 Energy Standard</i> has been received by the <i>Building Inspector</i>.</li> <li>5. The letter of credit will be cashed and retained by the <i>Town</i> if the <i>Energuide 80 Energy Standard</i> is not met.</li> </ol>	<p>A maximum of 20 <i>Dwelling Units</i> is permitted in the CD-2 Zone.</p>
<ol style="list-style-type: none"> <li>c) No <i>Accessory Building</i> shall have a <i>Gross Floor Area</i> that is greater than 45 square metres.</li> <li>d) No <i>Principal or Accessory Buildings or Structures</i> when combined shall exceed a total <i>Parcel Coverage</i> of 30.0 percent.</li> </ol> <p><b>5. Siting, Sizing and Dimension of Uses, Buildings and Structures</b></p> <ol style="list-style-type: none"> <li>a) No <i>Principal Building</i> shall have a horizontal <i>Building</i> dimension less than 6.5 metres.</li> <li>b) No <i>Principal Building or Structure</i> shall exceed a <i>Height</i> of 9.0 metres; except where the <i>Building</i> roof pitch is less than 4:12, in which case the maximum <i>Height</i> shall be 7.5 metres.</li> <li>c) No <i>Accessory Building or Structure</i> shall exceed a <i>Height</i> of 5.0 metres, except where the roof pitch is less than 4:12, in which case the maximum <i>Height</i> shall be 3.5 metres.</li> <li>d) No <i>Accessory Building or Structure</i> shall exceed one <i>Storey</i>.</li> </ol>	

- e) No *Principal* or *Accessory Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	6.0 metres
<i>Exterior Side Parcel Line</i>	6.0 metres
<i>Rear Parcel Line</i>	6.0 metres

- f) Despite Section 17.2(5)(e), the *Setback* from the north *Side Parcel Line* for Unit #1 may be 4.5 metres.

## 6. Landscaping and Screening

- a) Despite Part 5, Section 5.21: Fence Regulations, a continuous wooden *Fence* with a minimum *Height* of 1.2 metres shall be provided on *Parcel Lines* adjacent to neighbouring *Residential* development, as shown on Figure 17.2.1: Comprehensive Development 2 (CD-2) Zone Site Plan.
- b) Disposal of surface run-off and rain water must be managed in part through the installation of a *Bio-Swale*, generally as shown on Figure 17.2.1.
- c) A minimum of 40% of the *Parcel Area* in the CD-2 *Zone* shall remain free of coverage by impermeable surfaces.
- d) Existing vegetation within the conservation buffer area identified on Figure 17.2.1 shall be maintained and preserved to provide a protection and buffer for the steep slope and Holland Creek trail.

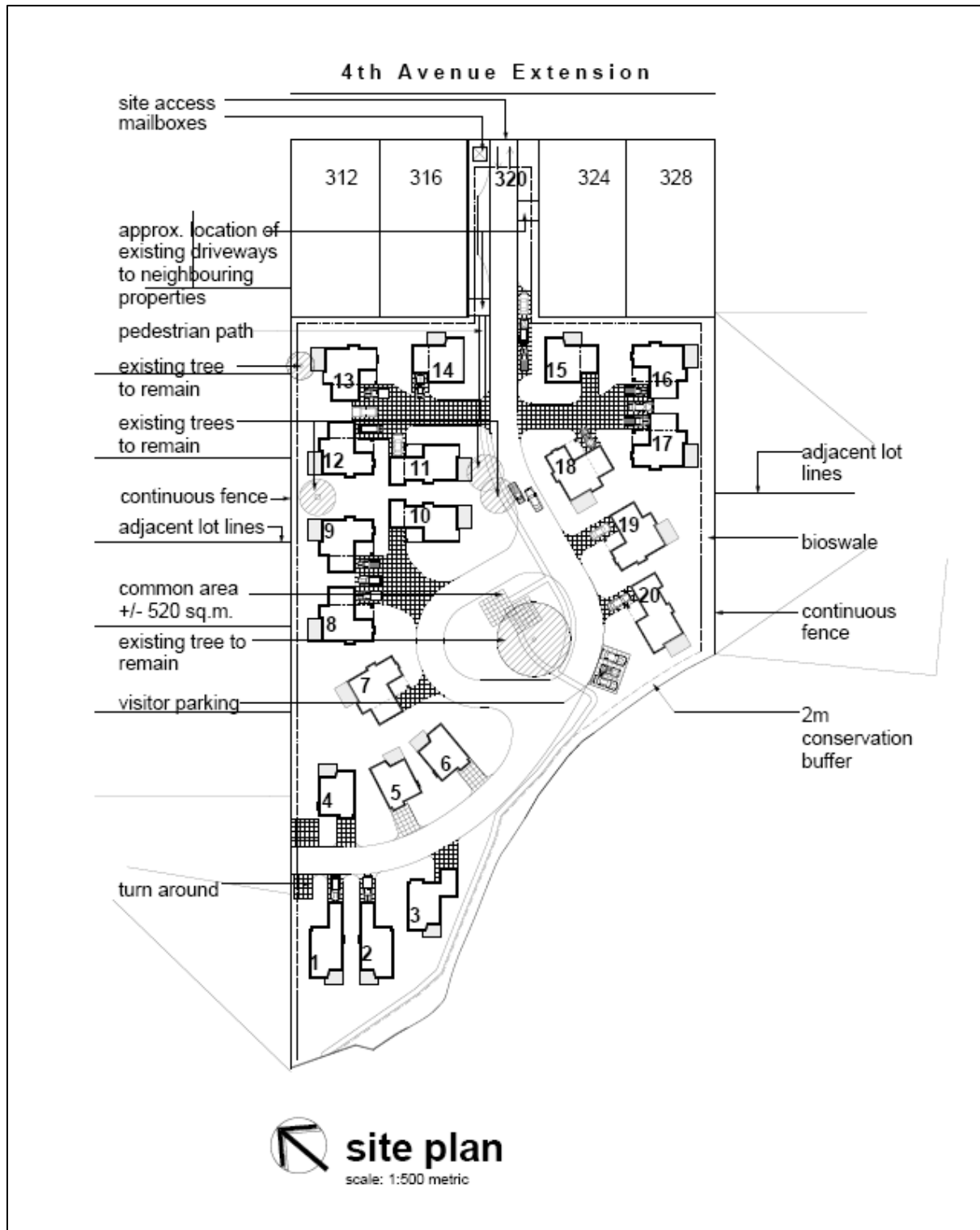
## 7. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.
- b) In addition to the parking required in accordance with Section 17.2(7)(a), a minimum of six parking stalls shall be provided for visitor parking.

## 8. Site Plan

- a) The location of *Buildings* and *Structures* shall generally comply with Figure 17.2.1: Comprehensive Development 2 (CD-2) Zone Site Plan.

**FIGURE 17.2.1: COMPREHENSIVE DEVELOPMENT 2 (CD-2) ZONE SITE PLAN**



### **17.3. COMPREHENSIVE DEVELOPMENT 3 - MALONE RESIDENTIAL (CD-3)**

The purpose of the Comprehensive Development 3 Zone is to accommodate a mixed residential neighbourhood with a range of housing options and densities. Emphasis is placed on protecting the natural ecosystems and landscape through comprehensive site planning.

#### **1. CD-3 Zone Areas**

- a) The Comprehensive Development 3 Zone is divided into Areas A, B and C, located as shown on the Plan in Section 17.3(15). The location of Areas A, B, and C shall comply with Section 17.3(15) CD-3 Zone Areas.

#### **2. Principal Uses: Area A**

- a) *Single Unit Dwelling.*

#### **3. Principal Uses: Area B**

- a) *Single Unit Dwelling.*
- b) *Two Unit Dwelling.*

#### **4. Principal Uses: Area C**

- a) *Multiple-Unit Dwellings.*

#### **5. Accessory Uses: Area A and B**

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Secondary Suite*, subject to Part 6, Section 6.4.

#### **6. Accessory Uses: Area C**

- a) *Home Based Business*, subject to Part 6, Section 6.8.

#### **7. Sizing and Dimensions of Parcels: Area A and B**

- a) No *Parcel* for *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 668 square metres in area, including a *Parcel* containing a *Single Unit Dwelling* created by subdivision under the Strata Property Act.
- b) No *Parcel* for *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres.
- c) Despite Section 17.3(7)(b), a *Parcel*, containing one *Dwelling Unit* of a *Two Unit Dwelling*, created by subdivision under the Strata Property Act may have a *Parcel Area* of 390 square metres.

#### **8. Sizing and Dimensions of Parcels: Area C**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2.5 hectares.

**9. Size and Density of the Use of Land, Buildings and Structures: Areas A and B**

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less.
- c) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 310 square metres, whichever is less.
- d) No *Building* or *Structure* shall exceed a *Parcel Coverage* of 33.0 percent.

**10. Density of the Use of Land, Buildings and Structures: Area C**

- a) The maximum number of *Dwelling Units* is 103 *Dwelling Units*.
- b) The *Floor Space Ratio* shall not exceed 0.66.
- c) No *Building* or *Structure* shall exceed a *Parcel Coverage* of 33.0 percent.
- d) A *Parcel* may contain more than one *Principal Building*.

**11. Siting, Sizing and Dimension of Uses, Buildings and Structures: Areas A and B**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres, except where the roof pitch is less than 4:12 in which case the maximum *Height* shall be 7.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, except where the roof pitch is less than 4:12 in which case the maximum *Height* shall be 3.5 metres.
- c) No *Accessory Building* or *Structure* shall exceed one *Storey* and shall not include an *Attic* or *Roof Space* greater than 1.5 metres in *Height* measured from the ceiling of the *Storey* below to the highest point of the *Building*.
- d) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	4.5 metres

**Bylaw 1904**

- e) Despite Section 17.3(11)(d), any portion of a *Building* comprising an attached garage shall be offset a minimum of 1.5 metres from the front face of the *Building*.

- f) Despite Section 17.3(11)(d), no *Buildings* or *Structures* shall be located closer than 6.0 metres to the boundary of a hydro right of way *Lot* line.
- g) No *Accessory Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	1.5 metres

- h) Despite Section 17.3(11)(g), no *Accessory Buildings* or *Structures* shall be located closer than 6.0 metres to the boundary of a hydro right of way *Lot* line.

**12. Siting, Sizing and Dimension of Uses, Buildings and Structures: Sub-Areas C**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres.
- b) No *Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- c) Despite Section 17.3(12)(b), no *Building* or *Structure* shall be located closer than 6.0 metres to the boundary of a hydro right of way *Lot* line and 6.0 metres to the boundary of Area B as shown on the plan in Section 17.3(16).
- d) No *Buildings* or *Structures* may be located within a Streamside Protection Enhancement Area as defined by the *Riparian Area Regulation, B.C. Reg. 376/2004*.

**13. Landscaping and Screening**

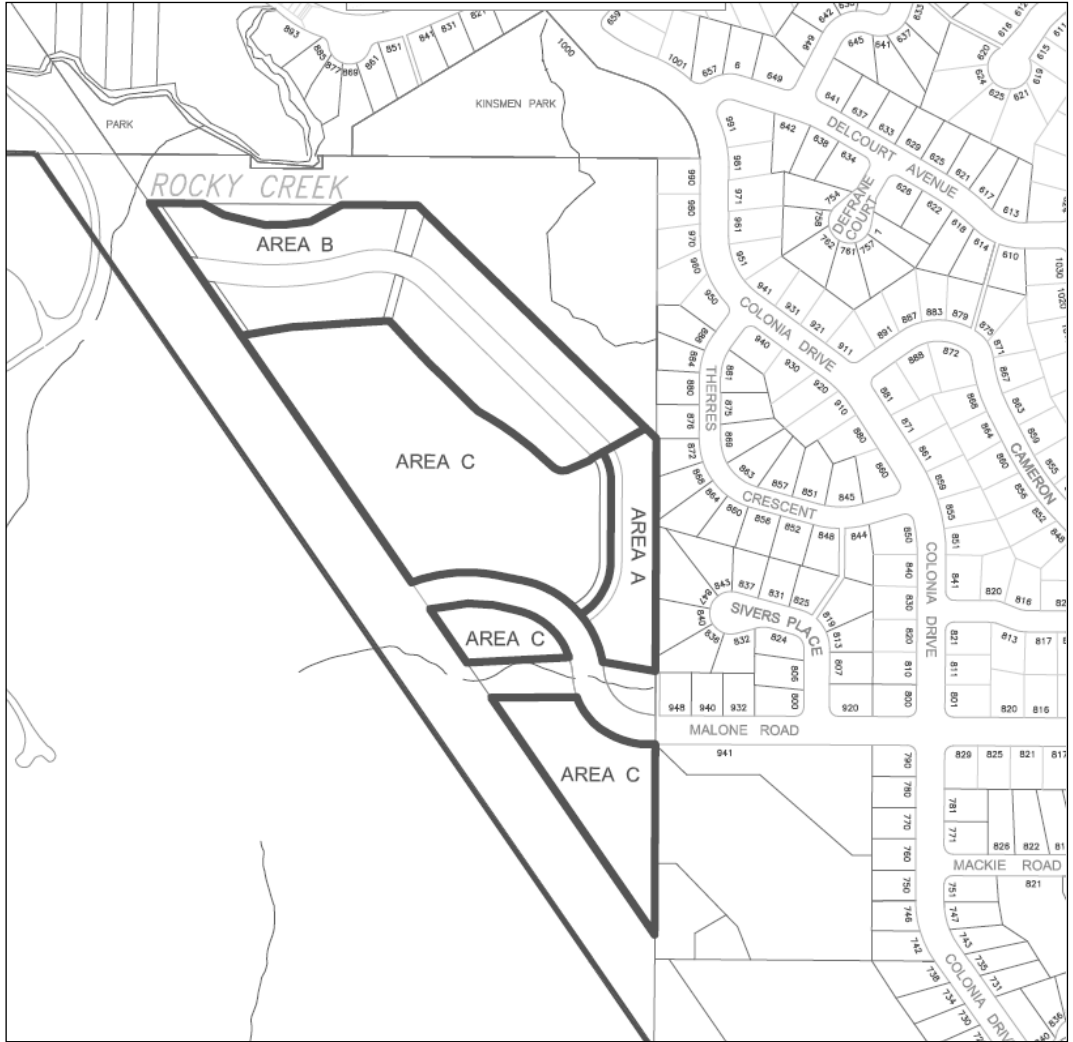
- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**14. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8 Parking and Loading Regulations.



**15. Plan of the Comprehensive Development 3 (CD-3) Zone Areas**



#### **17.4. COMPREHENSIVE DEVELOPMENT 4 - WATERFRONT RESERVE ZONE (CD-4)**

The purpose of the Comprehensive Development 4 Zone is to permit existing uses and new uses requiring limited infrastructure until further planning, analysis and consultation are completed.

##### **1. CD-4 Zone Areas**

- a) The Comprehensive Development 4 Zone is divided into Sub-Areas A and B, located as shown on the Plan in Section 17.4(11). The location of Sub-Areas A and B shall comply with Section 17.4(11) CD-4 Zone Areas.

##### **2. Principal Uses: Sub-Area A**

- a) *Nature Park.*
- b) *Outdoor Recreation Facility.*
- c) *Assembly.*
- d) *Community Garden.*
- e) *Farmer's Market.*
- f) *Railway Passenger Depot.*

##### **3. Principal Uses: Sub-Area B**

- a) *Nature Park.*
- b) *Outdoor Recreation Facility.*
- c) *Assembly.*
- d) *Community Garden.*
- e) *Farmer's Market.*
- f) *Cottage Industry.*
- g) *Cultural Facility.*
- h) *Office.*
- i) *Artist Studio.*
- j) *Visitor Centre.*
- k) *Railway Passenger Depot.*

##### **4. Accessory Uses**

- a) *Food Truck.*
- b) *Retail Sales, subject to Section 17.4(10)(a).*
- c) *Public Parking, Short-Term.*
- d) *Temporary Overnight Accommodation.*

**5. Sizing and Dimensions of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1 hectare.

**6. Size and Density of Use of Land, Buildings and Structures**

- a) Enclosed *Buildings* shall not exceed 10 square metres.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 5.0 percent.

**7. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Building* shall exceed a *Height* of 5.0 metres.
- b) No *Buildings* or *Structures* located on a *Parcel* within this *Zone* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

**Bylaw 1904**

**8. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

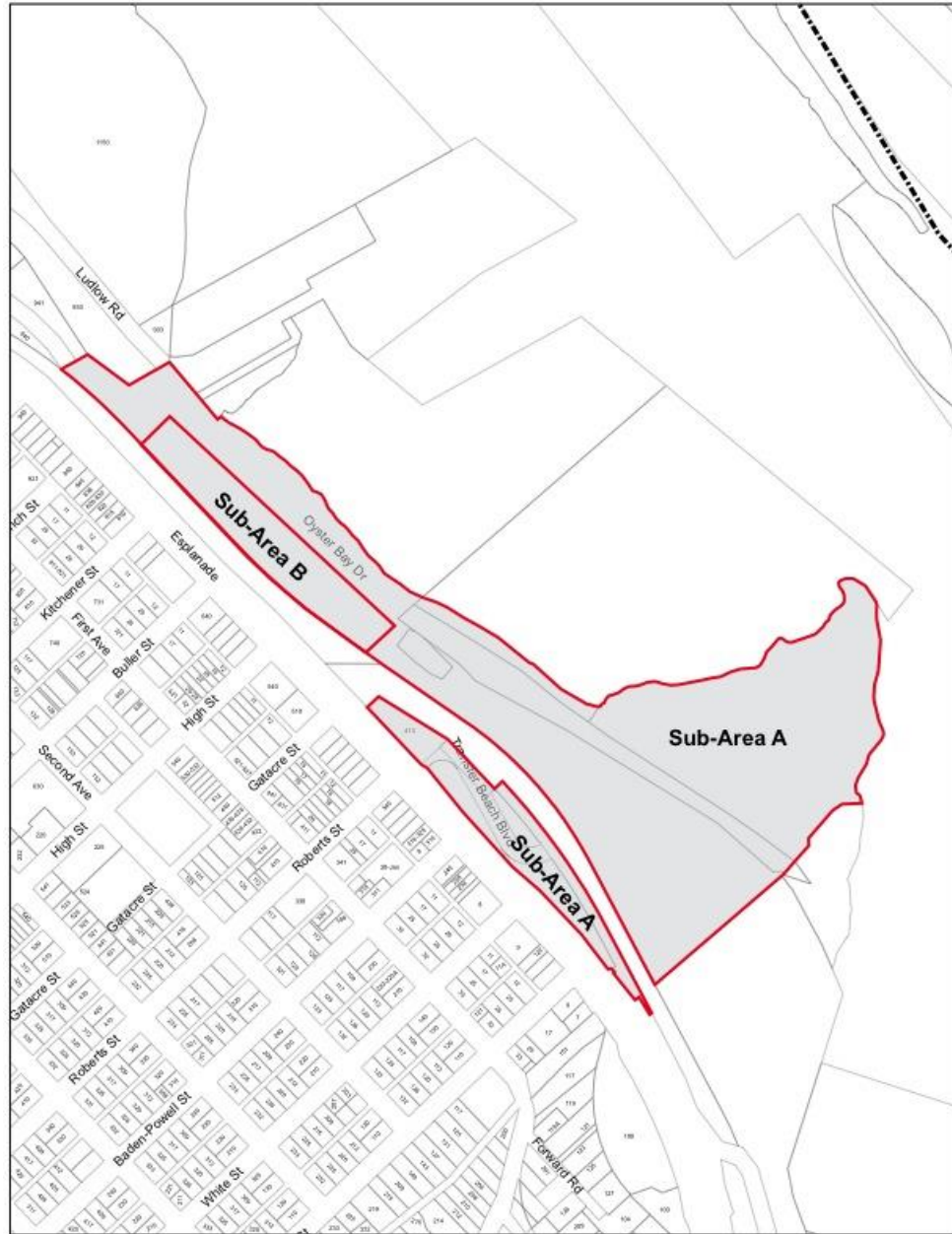
**9. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**10. Other Regulations**

- a) *Retail Sales* shall be limited to 100.0 square metres of *Gross Floor Area*.

**11. Plan of the Comprehensive Development 4 (CD-4) Zone Sub-Areas**



## METRIC CONVERSION CHART

This chart is provided for convenience only and does not form part of this Bylaw.

METRES (m)	FEET (ft)
0.1	0.3
0.165	0.5
0.2	0.7
0.3	1
0.4	1.3
0.5	1.6
0.6	2
0.7	2.3
0.8	2.6
0.9	2.9
1	3.3
1.2	3.9
1.4	4.6
1.5	4.9
1.8	5.9
1.9	6.2
2	6.6
2.1	6.9
2.2	7.2
2.29	7.5
2.4	7.9
2.5	8.2
2.6	8.5
2.7	8.9
2.75	9
3	9.8
3.5	11.5
3.6	11.8
3.7	12.1
4.5	14.8
4.9	16.1
5	16.4
5.2	17.1
5.5	18
5.7	18.7

METRES (m)	FEET (ft)
5.8	19
6	19.7
7	23
7.3	24
7.32	24
7.5	24.6
7.6	25
8	26
9	29.5
9.15	30
9.3	30.5
9.5	31.2
10	32.8
10.4	34.1
10.5	34.4
11	36.1
12	39.4
12.19	40
13.5	44.3
14	45.9
15	49.2
18	59
18.28	60
20	65.6
21	68.9
24.38	80
30	98.4
36.57	120
45	147.6
50	164
60	196.9
90	295.3
100	328
125	410.1

SQUARE METRES (m <sup>2</sup> )	SQUARE FEET (ft <sup>2</sup> )
0.4	4.3
1	10.8
2	21.5
3	32.3
3.5	37.7
4	43.1
5	53.8
6	64.6
7	75.3
8	86.1
9	96.9
9.3	100.1
10	107.6
20	215.3
25	269.1
30	322.9
32	344.4
37	398.3
40	430.6
45	484.4
50	538.2
60	645.8
70	753.5
71	764.2
83	893.4
85	914.9
90	968.8
100	1,076

SQUARE METRES (m <sup>2</sup> )	SQUARE FEET (ft <sup>2</sup> )
110	1,184
121	1,302
137	1,475
140	1,507
175	1,884
200	2,153
223	2,400
240	2,583
277	2,972
300	3,229
334	3,595
372	4,004
390	4,198
400	4,306
465	5,005
500	5,382
600	6,458
626	6,738
668	7,190
695	7,481
700	7,535
780	8,396
892	9,601
1,000	10,764
1,250	13,455
1,394	15,005
1,460	15,715

HECTARES (Ha)	ACRES
1	2.47
1.5	3.71
2	4.94
12	29.7
20	49.4

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# Town of Ladysmith

## ZONING BYLAW 2014, NO.1860

### SCHEDULE B – ZONING BYLAW MAP

The amendment bylaws which are included in this consolidated version of Schedule B – Zoning Bylaw Map of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” are:

1904				
1912				
1914				
1917				

as of September 15, 2017.





**TOWN OF LADYSMITH**  
Zoning Bylaw Map  
Schedule B to Zoning Bylaw No. 1860

- Zoning Designations**
- RESIDENTIAL ZONES**
- R-1 Single Dwelling Residential
  - R-1-A Single Dwelling Residential - Small Lot A
  - R-1-B Single Dwelling Residential - Small Lot B
  - R-1-C Single Dwelling Residential - Small Lot C
  - R-1-HCA Single Dwelling Residential - Holland Creek Area
  - R-2 Old Town Residential
  - R-2-A Bayview Residential
  - R-2-B Oyster Cove Residential
  - R-2-LW Live / Work Residential
  - R-3 Medium Density Residential
  - R-3-A Low Density Residential
  - RU-1 Rural Residential
  - MHP-1 Manufactured Home Park
- COMMERCIAL ZONES**
- C-1 Local Commercial
  - C-2 Downtown Commercial
  - C-3 Highway Service Commercial
  - C-4 Tourist Service Commercial
  - C-5 Shopping Centre Commercial
- INDUSTRIAL ZONES**
- I-1 Light Industrial
  - I-1A Live / Work Industrial
  - I-2 Industrial
- INSTITUTIONAL AND PARK ZONES**
- P-1 Institutional
  - P-2 Park and Recreation
  - P-3 Nature Park
  - P-4 Recycling Depot
- AGRICULTURAL ZONES**
- A-1 Primary Agriculture
  - A-RR Agriculture and Resort Recreation
- FORESTRY ZONES**
- F-1 Forestry
- MARINE ZONES**
- W-1 Marine Residential Moorage
  - W-2 Marina
  - W-3 Marine Industrial
  - W-4 Marine Harvesting
  - W-5 Marine Conservation
  - W-P Marine Park and Recreation
- COMPREHENSIVE DEVELOPMENT ZONES**
- CD-1 Tourist Service
  - CD-2 Cluster Residential
  - CD-3 Malone Residential
  - CD-4 Waterfront Reserve
- Town Boundary

Date of Adoption: August 18, 2014

Zoning Revision:	
Zoning Amendment Bylaws	
1984	
1912	
1914	
1917	

