

Town of Ladysmith

ZONING BYLAW 2014, NO.1860

SCHEDULE A – ZONING BYLAW TEXT

Consolidated Version as on March 3, 2025

(This consolidation is authorized by "Bylaw Revision Bylaw 2022, No. 2090")

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

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	1944	1978	2040	2091	2135	2194
1897	1951	1983	2049	2099	2113	2169
1904	1953	1985	2061	2100	2138	
1912	1955	1995	2063	2103	2140	
1914	1961	1990	2066	2114	2146	
1917	1962	2012	2069	2129	2107	
1921	1963	2020	2076	2132	2150	
1938	1966	2021	2078	2064	2163	
1939	1976	2029	2088	2124	2186	
					2187	



Zoning Bylaw No. 1860 (2014)

Amendments

BYLAW	#	ADDRESS	DESCRIPTION	TYPE	DATE OF ADOPTION
1875	1	606 Farrell Rd	Max 15 residential units	Text	April 27, 2015 (Repealed by 1881)
1881	2	606 Farrell Rd	Max 15 units, townhouse and 2-unit dwellings only	Text	June 22, 2015
1897	3	934 & 940 Esplanade	Add “Motor Vehicle Sales” and conditions	Text	Dec. 21, 2015
1904	4	General	Housekeeping	Text & Map	June 20, 2016
<i>Consolidated</i>					
1912	5	Holland Creek area	Add R-1-HCA zone To R-1-HCA, R-3-A, P-2, P-3	Text & Map	June 27, 2017
1914	6	520 Jim Cram Drive	To R-1-B	Map	Sept. 19, 2016
1917	7	630 Farrell Rd	To R-1	Map	June 27, 2017
1921	8	General	Marihuana retail sales	Text	Mar. 6, 2017
<i>Consolidated</i>					
1938	9	1132,1134, 1138, 1140 & 1142 Rocky Creek Rd	To I-1	Map	Dec. 4, 2017
1939	10	R-1-B zones Holland Creek Area	Edit to R-1-B zone Edit to R-1-HCA for parcel coverage	Text	Dec. 11, 2017
1944	11	618 Farrell Rd	To R-1	Map	Sept. 17, 2018

BYLAW	#	ADDRESS	DESCRIPTION	TYPE	DATE OF ADOPTION
1951	12	The Jewel	WAP Town owned parcel to R-3 and definitions	Text & Map	June 4, 2018
1953	13	11&17 Kitchener St.	To C-2	Map	May 7, 2018
1955	14	1240 Fourth Ave.	To R-1-B	Map	Jan. 21, 2019
1961	15	1251 Rocky Creek Rd. (OBMG)	Definitions, C-4 zone edits, I-1 zone edits, zoning map adjustments	Map & Text	June 25, 2018
1962	16	1280 Rocky Creek Rd.	Marshalling yard added as site specific permitted use to I-1 zone	Text	June 25, 2018
1963	17	431 First Ave.	Amendments to C-2 zone	Text	June 25, 2018
1966	18	900 Russell Rd.	To R-1-A and P-2	Map	Oct. 15, 2018
1976	19	920 First Ave.	To C-2 (Thrift Store)	Map	Dec. 17, 2018
1978	20	General	Cannabis Micro-Cultivation/Processing, R&D	Text	Dec. 3, 2018
1983	21	314 Buller St.	Definition, CD-5 zone	Text & Map	March 18, 2019
1985	22	General	Housekeeping	Text & Map	March 18, 2019
<i>Consolidated</i>					
1995	23	379 Davis Rd.	C-5 to R-1	Text & Map	May 6, 2019
1990	24	422 First Ave.	Amends C-2 Zone	Text	July 15, 2019
2012	25	Machine Shop Arts & Heritage Hub	Amends CD-4 Zone	Text	July 8, 2019
2020	28	336 Belaire St.	New CD-6 Zone	Text & Map	January 7, 2020
2021	29	General	Cannabis Retail	Text	January 7, 2020

BYLAW	#	ADDRESS	DESCRIPTION	TYPE	DATE OF ADOPTION
2040	31	1148 Rocky Creek Rd	Cannabis Cultivation and Cannabis Processing	Text	August 18, 2020
<i>Consolidated – March 15, 2021</i>					
2029	30	202/204 Dogwood	Amends C-1 Zone	Text	March 31, 2020
2066	36	336 Belaire St.	Amends CD-6 Zone	Text	May 18, 2021
2063	34	201/203 Dogwood	New R-4 zone	Text & Map	June 1, 2021
2049	31*	Filming exceptions	Film Policies	Text	July 20, 2021
2078	40	General	Adds (existing) “Single Unit Dwellings” to C-2, C-4 and R-3	Text	Aug 3, 2021
2061	33	670 Farrell Rd	To P-2, R-1 and R-3-A	Text & Map	Sept 21, 2021
2064	35	630 Farrell Road	Adds “Two-Unit Dwellings”	Text	Sept 21, 2021
2091	45	431 1 st Ave	Increase to FSR	Text	Dec 7, 2021
2076	38	631 1 st Ave	Adds “Emergency Shelter”	Text	Feb 15, 2022
2088	44	1260 Churchill Place	To R-1, R-1-C, R-3 and P-3	Map	April 19, 2022
2114	50	606 & 626 Farrell Rd	Adds “Single Unit Dwellings”	Text	Sept 6, 2022
2069	37	1130 Rocky Creek Road	CD-5 to C-5	Text & Map	Sept 20, 2022
2103	47	1301 Rocky Creek Road	to CD-7	Text & Map	Oct 4, 2022
2129	53	1152 Rocky Creek Road	To I-1 and adds cannabis cultivation and cannabis processing site specific uses	Text & Map	March 7, 2023

BYLAW	#	ADDRESS	DESCRIPTION	TYPE	DATE OF ADOPTION
2132	55	1144 Rocky Creek Road	Adds cannabis cultivation and cannabis processing site specific uses	Text	March 7, 2023
2099		General	Removes minimum finished floor area from most zones	Text	March 21, 2023
2100	46	General	Coach House, secondary suite, accessory buildings revisions	Text	March 21, 2023
Consolidated – May 29, 2023					
2124	52	11 & 17 Warren Street	R-2-LW to R-3	Text & Map	June 6, 2023
2135	57	1141 Cloke Road	Adds coach house as a site specific use, with site specific size regulations	Text	June 6, 2023
Consolidated – June 7, 2023					
2113	49	Lot B Russell Road	R-1 to R-1-A with site specific setbacks	Text & Map	June 20, 2023
2138	58	440 1st Avenue (Island Hotel)	Site specific regulations in C-2	Text	June 20, 2023
2140	59	General	to execute consequential amendments to the zoning bylaw to follow the adoption of the new OCP	Text	July 4, 2023
Consolidated – July 17, 2023					
2146		624 John Wilson Drive	Permit a secondary suite	Text	August 1, 2023
2107		Lot 5 Holland Creek Heights		Text & Map	August 1, 2023
Consolidated – August 2, 2023					

BYLAW	#	ADDRESS	DESCRIPTION	TYPE	DATE OF ADOPTION
2150		19 Gatacre Street	Add <i>Funeral Home</i> as a permitted <i>Principal Use</i>	Text	December 19, 2023
2163		Downtown	Alignment with the OCP	Text & Map	January 23, 2024
2186				Text & Map	June 24, 2024
2187					September 3, 2024
2194					October 15, 2024
2169			Backyard Poultry		February 18, 2025
Consolidated – March 3, 2025					

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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

Bylaw
2187

ACCESS STRIP: means, in the case of a panhandle lot, the part of a panhandle lot that provides access to a street

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.

Bylaw
2187

ACCOMMODATION UNIT: means one or more habitable rooms provided as part of a tourist accommodation use to provide temporary accommodation to the travelling public and may include a bathroom, kitchen facilities or a Kitchenette but does not include a Guest Room or a Dwelling Unit.

Bylaw
1978

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*), excluding the cultivation of *Cannabis* for commercial purposes.

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

BACKYARD POULTRY: shall have the same meaning as in “Town of Ladysmith Animal Control Bylaw 2024, No. 2167” and does not include *Farm Use*.”

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 provision of *Guest Rooms*, in a *Single-Unit Dwelling* or an *Accessory Building*, for the temporary accommodation of paying guests, and may include meal service to those guests, but does not include the provision of *Accommodation Units* to paying 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*.

Bylaw
1951

BUILDING END: means any *Building* elevation that is not a *Building Side*.

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

Bylaw
1951

BUILDING SIDE: means the longer dimension of any *Building* elevation and the *Building* elevation opposite.

C

CANNABIS: means cannabis as defined by the *Cannabis Act* (Canada) and any subsequent regulations or acts which may be enacted in substitution therefor.

Bylaw
2021

CANNABIS CONTROL AND LICENSING ACT: means the Cannabis Control and Licensing Act [S.B.C. 2018] c.29, as amended or replaced from time to time;

Bylaw
1978

CANNABIS CULTIVATION: means the cultivation of *Cannabis* as authorized by a licence for standard cultivation under the *Cannabis Act* and its regulations.

CANNABIS MICRO-CULTIVATION: means the cultivation of *Cannabis* as authorized by a licence for micro-cultivation or a nursery under the *Cannabis Act* and its regulations that is contained entirely within a *Building*.

CANNABIS MICRO-PROCESSING: means the processing of *Cannabis* as authorized by a licence for micro-processing under the *Cannabis Act* and its regulations and is contained entirely within a *Building*.

CANNABIS PROCESSING: means the processing of *Cannabis* as authorized by a licence for standard processing under the *Cannabis Act* and its regulations and is contained entirely within a building.

CANNABIS RESEARCH AND DEVELOPMENT: means the cultivation, processing, production, and testing of *Cannabis* as authorized by a licence for research under the *Cannabis Act* and its regulations.

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, excluding *Cannabis*, and may include *Accessory Retail Sales* to consumers not to exceed 400 square metres of *Gross Floor Area* or *Parcel Area*.

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.

Bylaw 2169 **COOP:** shall have the same meaning as in “Town of Ladysmith Animal Control Bylaw 2024, No. 2167.

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*.

Bylaw 2100 **DWELLING, COACH HOUSE:** means a self-contained *Accessory Dwelling Unit* located within a detached *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 agrologist 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*.

Bylaw
2140

DWELLING, SECONDARY SUITE: means a self-contained *Accessory Dwelling Unit* located within a *Single Unit Dwelling*, *Townhouse Dwelling*, *Two Unit Dwelling*, or *Coach House Dwelling* that meets the requirements for “secondary suite” under the BC Building Code.

Bylaw
2186

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.

Bylaw
2140

DWELLING, TWO UNIT: means any detached *Building* containing two *Dwelling Units*, divided horizontally or vertically, with each *Dwelling Unit* having a separate, but not necessarily ground-level, exterior entrance but does not include a *Single Unit Dwelling* containing a *Secondary Suite*.

Bylaw
2187

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* or *Guest Room*.

Bylaw
2063

DWELLING UNIT, ADAPTABLE: means a *Dwelling Unit* designed and constructed to facilitate modification to provide access for persons with disabilities and that meets or exceeds section 3.8.5 of the British Columbia Building Code.

E

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

Bylaw
2076

EMERGENCY SHELTER: means a housing facility located inside a permanent building and operated by a non-profit society or government agency which provides temporary emergency accommodation, meals and support services for individuals experiencing homelessness.

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.

Bylaw
2169

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*, *Landscaping*, or *Pen*.

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*.

Bylaw
1904

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.

GUEST ROOM: means a bedroom or similar room provided as part of a Bed and Breakfast use to provide sleeping facilities to the travelling public and may include an ensuite bathroom but does not include a room with Kitchen Facilities, a Kitchen, Kitchenette or cooking facilities of any kind, or an Accommodation Unit or Dwelling Unit.

H

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

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, *excluding Cannabis*, 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.

Bylaw 2140 **LONG-TERM BICYCLE PARKING SPACE:** means a secure, weather-protected space for bicycle storage used to accommodate long-term bicycle parking, for residents or employees within a room, locker, or a covered and fenced area.

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

M

M²: means square metres.

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

Bylaw 1978 **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*, excluding *Cannabis*.

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*.

Bylaw 1961 **MARINA OFFICE:** means premises used for the administrative functions of a *Marina* including charter, rental and boat brokerage services; and marine sales and service.

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.

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.

Bylaw
1985

MOBILE HOME: means a factory manufactured *Dwelling Unit* that carries a Canadian Standards Association Certification (CSA Z240) and is transported on its own 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*.

Bylaw
1904

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*.

Bylaw
2140

OVERSIZED BICYCLE PARKING SPACE: means a bicycle parking space designed to accommodate cargo bikes, tricycles and similar bicycles and provides a secure locking point anchored to the ground or floor.

P

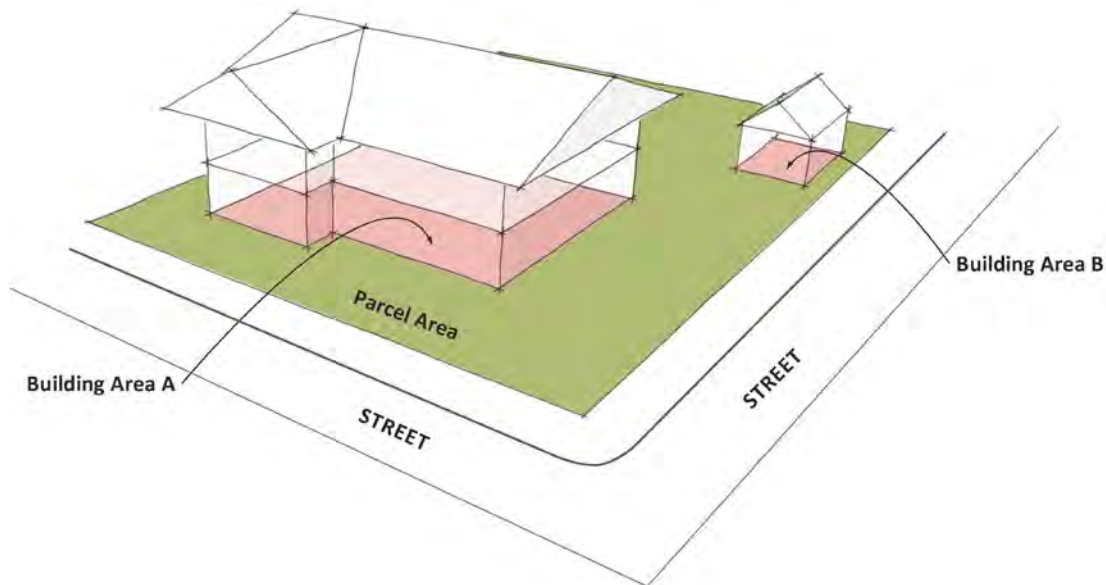
PARCEL: means any *Lot*, block or other area in which *Land* is held or into which it is subdivided, and includes a bare land strata *Lot*, as defined in the Strata Property Act, any other strata *Lot* created under the Strata Property Act larger than 300 square metres, and a pad or area held within 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.

Bylaw
2187

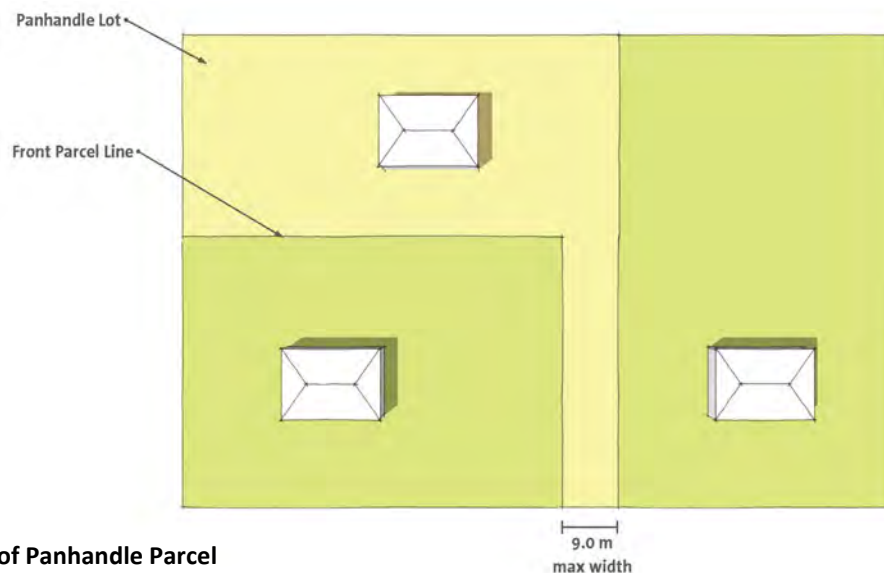
PARCEL, CORNER: means a *Parcel* which is abutted by *Highways* on two or more sides. In the case of a *Panhandle Parcel*, the Front *Parcel Line* shall be the *Parcel Line* abutting the *Parcel* between the *Street* and the *Panhandle Parcel*.

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.

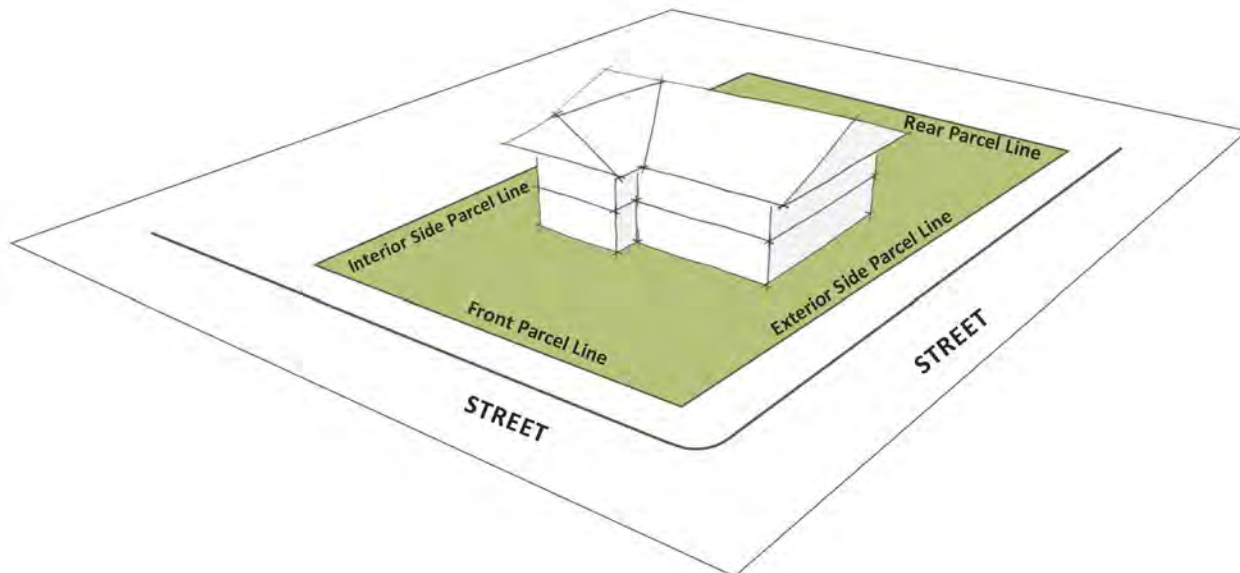
PARCEL, PANHANDLE: means any *Parcel*, the *Building* area of which is accessed by and gains *Street Frontage* through the use of a narrow strip of *Land* which is less than 9.0 metres in width and is an integral part of the *Parcel*.



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.



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

Bylaw
2186

- 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
2169

PEN: shall have the same definition as in “Town of Ladysmith Animal Control Bylaw 2024, No. 2167.

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.

Bylaw
2169

PRODUCE STAND: means a roadside *Structure* for the sale of products produced by *Backyard Poultry Use*, a *Farm Use* or *Urban Agriculture Use*, excluding *Cannabis*.

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.

Bylaw
1904
1985

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; 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*.

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.

Bylaw
2063

REMEDiated SITE: means a *Parcel* which has received a certificate of compliance pursuant to the *Environmental Management Act*.

Bylaw
1978

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

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

Bylaw
1983

RESIDENTIAL RENTAL TENURE: means the granting of a right to occupy a *Dwelling Unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *Dwelling Unit* is not owned by a *Dwelling Unit* occupant, but where regular payments are made to the owner for the use of the *Dwelling Unit*.

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.

Bylaw
2021

SALES, CANNABIS RETAIL: means the sale of Cannabis or products containing Cannabis from a retail store licensed under the Cannabis Control and Licensing Act, to persons who attend at the premises but do not consume Cannabis at the premises;

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
2021

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, Cannabis 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*.

**Bylaw
2021**

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.

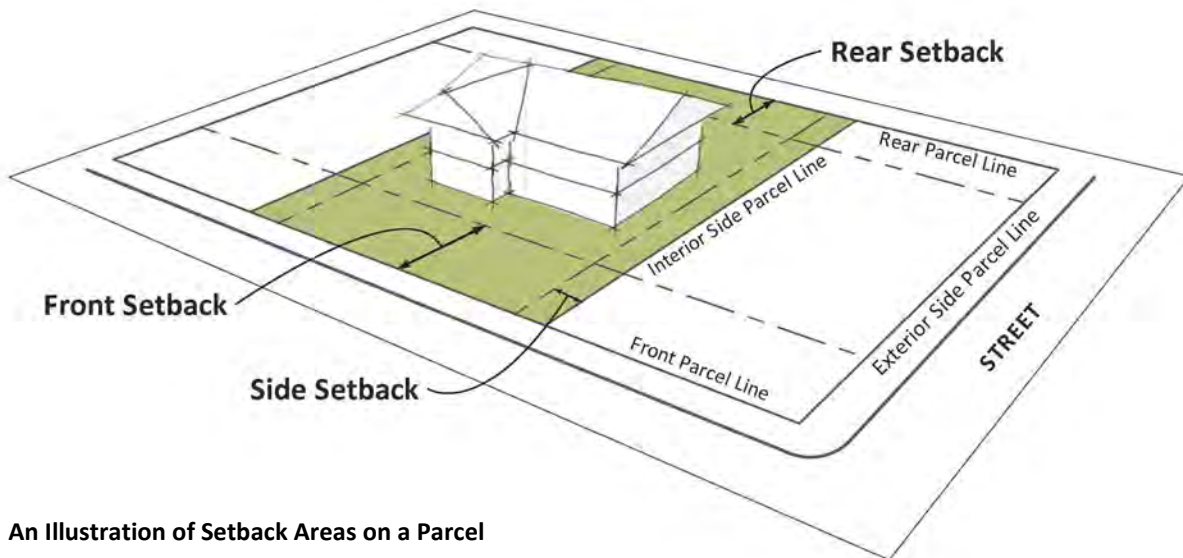
SCHOOL: means educational facilities as defined by the *School Act*.

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.

Bylaw 2140 **SHORT-TERM BICYCLE PARKING SPACE:** means a metal rack or similar structure:

- a. to which a bicycle and at least one wheel can be secured with a U-style lock; and
- b. is primarily intended to provide temporary bicycle storage to visitors.

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.

SPRINKLERED: shall have the same meaning as the BC Building Code.

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 the provision of one or more *Accommodation Units* for the temporary accommodation of the travelling public but does not include the rental of dwelling units for residential purposes for a month or more under a residential tenancy agreement pursuant to the *Residential Tenancy Act*.

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.

Bylaw
1904

Bylaw
2187

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.

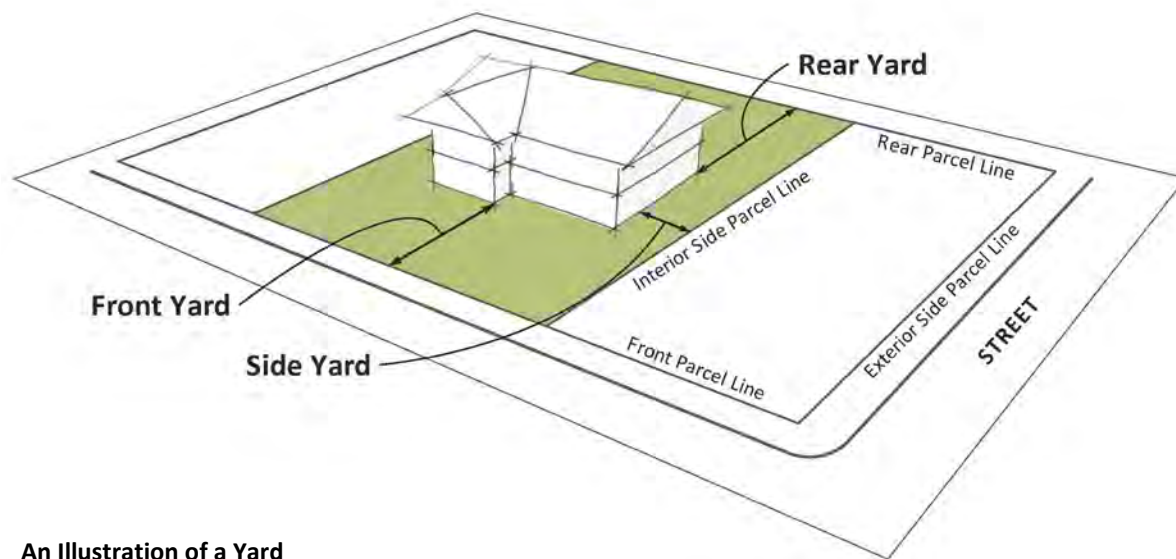
WHARF: means a marine-based *Structure* used for mooring *Boats* and seaplanes, usually comprised of a pier, ramp and floats.

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.

Bylaw 2187

5.3. Panhandle Parcels and Calculation of Minimum Parcel Size

- a) When Panhandle Parcels are created, the Parcel frontage requirement shall not be calculated for the panhandle portion of the access strip fronting on the Street, but for the front parcel line.
- b) Where a *Parcel* is a *Panhandle Parcel*, the access strip shall not be included as part of the *Parcel Area* for the purpose of determining minimum *Parcel size*.
- c) An access strip shall have:
 - i) a minimum width of 6.0 meters;
 - ii) a maximum width of 9.0 meters;
 - iii) a maximum length of 30 meters;
 - iv) a maximum grade of 12%
- d) A panhandle parcel shall not be created adjacent to another panhandle parcel.

Bylaw 2186

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*.

Bylaw 1904

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).
- 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).

Bylaw 2100

5.8. Setback and Parcel Coverage 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.*

Bylaw 2100

- b) *For a Parcel containing a Coach House Dwelling that is not more than 5.0 metres in Height, any portion of a Building used for parking purposes shall be excluded from the calculation of Parcel Coverage, to a maximum exclusion of 45 square metres per Parcel.*

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.*

Bylaw 2100

- b) *Section 5.9 and its clauses do not apply to a Coach House Dwelling except that when a two Storey Coach House Dwelling contains a self-contained Accessory space on the First Storey, the Coach House Dwelling shall be counted as one Accessory Building for the purposes of calculating the number of Accessory Buildings on a Parcel in Section 5.9(a).*

Bylaw 2100

- c) *An Accessory Building or Structure shall have a maximum Gross Floor Area of 60 square metres.*
- 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.

Bylaw 2100 f) An *Accessory Building* or *Structure* shall not be used as a *Dwelling Unit*, except as otherwise provided for in this Bylaw.

Bylaw 2186 g) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof, 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*.

Bylaw 2100 i) No *Accessory Building* or *Structure* shall include *Kitchen Facilities*.

Bylaw 2169 j) A *Coop* and *Pen* used for *Backyard Poultry* are not considered *Accessory Buildings* or *Structures*, except for the application of Sections 5.9(a), (d), (f), (h), and (i) to *Coops* and *Pens*.

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*.

Bylaw 1985 iii) Despite section 5.10 (a), a *Recreation Vehicle* may be placed on a *Parcel* for the purpose of providing a temporary *Caretaker Dwelling* during the construction of a *Public Utility Use*.

5.11. Temporary Uses

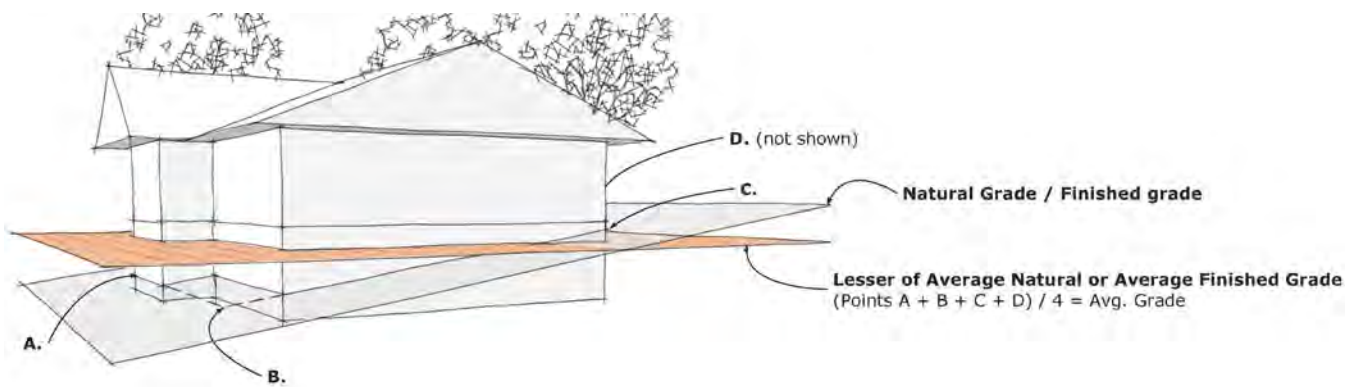
- a) A *Use* or occupancy shall be considered temporary if it is for a period of less than, but not to exceed, 30 days within a single calendar year, in which case such a temporary *Use* or occupancy shall only be permitted where expressly provided for in this Bylaw.

5.12. Height Calculation

- a) For the purposes of calculating *Height* of *Principal* and *Accessory Buildings*:

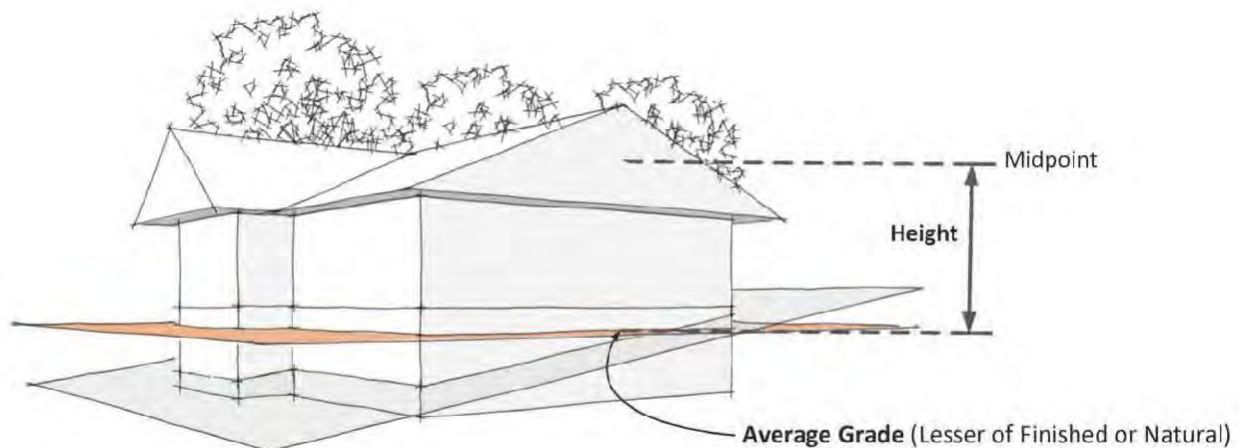
Bylaw 2186

- i) *Unless otherwise stated elsewhere in this bylaw height shall be the vertical distance as measured between the lesser of Average Natural or Average Finished Grade and:*
- 1) the highest point of a non-sloping roof; or
 - 2) the mid-point between the eaves and peak of a sloping roof; excluding dormers.
- 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.



- 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.

**Bylaw
2186**



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 Calculations and Exemptions

Bylaw 2100

- 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.

Bylaw 2138

- b) For all *Multiple-Unit Dwellings* and portions of mixed-use *Buildings* used for *Residential* use, 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.

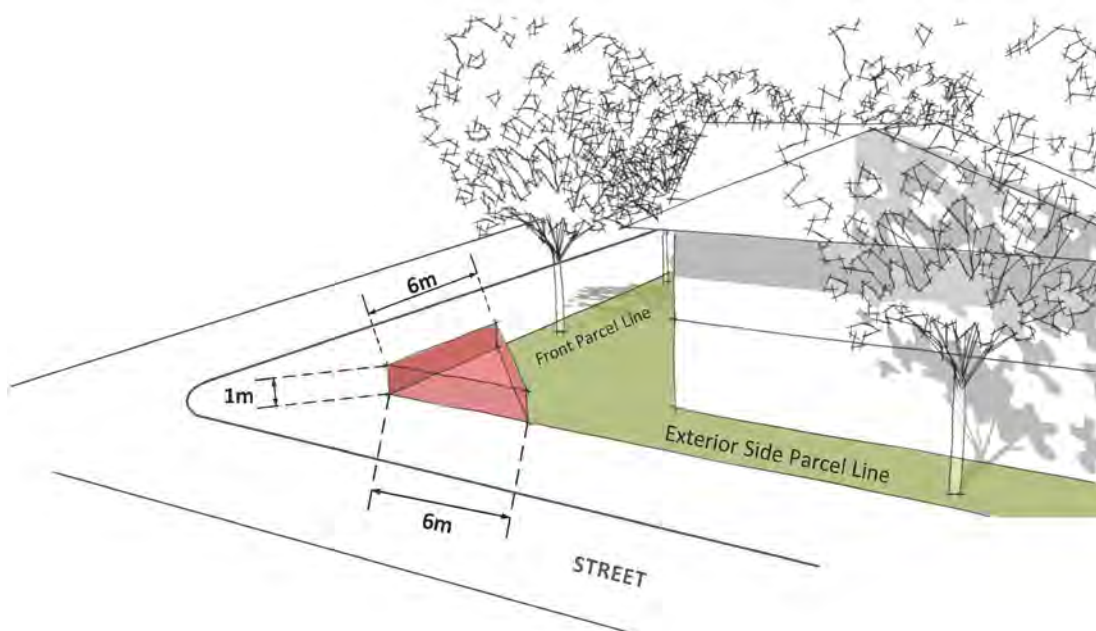
Bylaw 2100

- d) For a *Coach House Dwelling*, the *Gross Floor Area* shall be measured to the exterior surface of the exterior walls, excluding:
- i) interior staircases to a maximum exclusion of 9.0 square metres.

- ii) self-contained *Accessory* space on the *First Storey* to a maximum exclusion of 60.0 square metres.
- iii) exterior cladding and exterior solid wall systems up to a maximum thickness of 0.165 metres in an exterior insulation or weather protection system.

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.

Bylaw 1985

- b) No *Parcel* in a *Residential Zone* shall be used for the unenclosed storage of not more than one *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*.
- b) Notwithstanding Section 5.17(a), one self-contained trailer or recreational vehicle for providing temporary accommodation to a wrangler, and one animal transport vehicle for the purposes of vegetation management shall be permitted on a *Parcel* for the duration of the works, but in any case, for no more than 30 consecutive days per work site.

**Bylaw
2169**

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*.

Bylaw 1985

- iii) When sited in an institutional *Zone* shall be limited to *Accessory* storage for the *Principal Use*.
- 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:

ZONE CATEGORY	YARD	MAXIMUM HEIGHT
Residential	<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.

Bylaw 1904

- d) Despite Section 5.20(a), a pergola, trellis, gate or similar *Structure* shall not exceed 2.7 metres in *Height*.

Bylaw 2163

- e) Despite Section 5.20(a), a solid masonry style fence shall not exceed 0.8 metres in *Height* in a Commercial *Zone*.

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.

5.24. Small-Scale Multi-Unit Infrastructure Extensions

Bylaw 2186

- a) Notwithstanding anything in this bylaw, where a residential use is permitted on a parcels that is :
 - i. zoned R-1, R-1-A, R-2, R-2-B, C-1, C-4, RU-1, A-1, A-RR, or CD-3; and
 - ii. within an area shown in Schedule C;

the number of dwelling units permitted on the parcel is limited to the number of units that would otherwise be permitted under this bylaw, prior to June 27, 2024 , until:

- i. the date of completion of the corresponding infrastructure in Column B; or
- ii. the corresponding date in Column C, whichever occurs first

Bylaw 2186
Bylaw 2194

Column A: Area	Column B: Infrastructure project(s) to be completed	Column C: Date
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A	<ol style="list-style-type: none"> 1. Secondary access meeting section 5.1.4 of National Fire Protection Association (NFPA) standard 1142; and 2. Upgrade and upsizing of the sanitary main and overflow from Highway 1 to Symonds Street and 1st Avenue roundabout. 	December 31, 2030
B	<ol style="list-style-type: none"> 1. Upgrade and upsizing of the Mackie Road sanitary main; or 2. Upgrade and upsizing of, and connection to the Highway 1 sanitary trunk main . 	December 31, 2030
C	<ol style="list-style-type: none"> 1. Secondary Access meeting section 5.1.4 of NFPA standard 1142. 	December 31, 2030
D	<ol style="list-style-type: none"> 1. Upgrade and upsizing of the 4th Avenue Extension sanitary main. 	December 31, 2026
E	<ol style="list-style-type: none"> 1. Upgrade and upsizing of the Highway 1 sanitary trunk main. 	December 31, 2030

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.
- f) The temporary use of land and temporary structures for the purposes of filming for which a valid film permit has been issued pursuant to “Town of Ladysmith Film Bylaw 2021, No. 2045

Bylaw 2049

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

- Bylaw 1904**
- 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.
- Bylaw 2021**
- vi) A *Use* with a *Drive-through* service.
 - vii) Any *Use* not listed as a *Principal* or *Accessory Use* in this Part or any of the Zones.
- Bylaw 1978**
- viii) The production of *Cannabis* except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under s. 2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002 on
- Bylaw 2140**
- lands designated as Agricultural Land Reserve.

6.4. Secondary Suite Regulations

- Bylaw 2163**
- a) Secondary Suites, where permitted in this Bylaw, shall satisfy all of the following conditions:
 - i. *Secondary Suites* in *Townhouse Dwellings* and *Two Unit Dwellings* shall not exceed a floor area of 90 square metres or 40% of the *Townhouse Dwelling* or *Two Unit Dwelling*, whichever is less.
 - ii. Shall be contained within a *Single Unit Dwelling*, *Townhouse Dwelling*, *Coach House Dwelling* or *Two Unit dwelling*.

6.5. Coach House Regulations

- Bylaw 2140**
- a) A *Coach House Dwelling*, where permitted in this Bylaw, shall satisfy all of the following conditions:
 - i) Shall not exceed a *Gross Floor Area* of 75 square metres unless the *Coach House* includes a *Secondary Suite* in which case the *Gross Floor Area* shall not exceed 150-square metres.
 - ii) Shall not exceed a *Height* of:
 - 1) 8 metres for a two *Storey Coach House Dwelling*; or
- Bylaw 2186**

- 2) 5.0 metres for a one *Storey Coach House Dwelling*.
- iii) Shall be located in the *Rear Yard* or a *Side Yard*.

6.6. Caretaker Dwelling Regulations

- Bylaw 1985**
- a) A *Caretaker Dwelling*:
 - i) Shall be limited to one such *Building* per *Parcel*, where permitted.
 - ii) May be located within the same *Building* as the *Principal Use*, an *Accessory Building* or a *Mobile Home*.
 - iii) Shall be provided with a separate at-*Grade* entrance.
- Bylaw 2099**
- iv) Shall not exceed a floor area of 90 square metres, and shall not exceed 40% of the total Gross Floor Area of the *Principal Building*.
 - v) Despite section 5.9(c), a *Caretaker Dwelling* located in an *Accessory Building* or in a *Mobile Home* may have a maximum *Gross Floor Area* of 90 square metres.
 - 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

- Bylaw 2187**
- 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. A Guest Room shall not be provided in an *Accessory Building* unless at least one Guest Room is provided in a Single Unit Dwelling.
 - iv. Shall be limited to a maximum of four (4) Guest Rooms, only one of which may be located in an Accessory Building.
 - v. For clarity, Guest Rooms shall not have Kitchen Facilities, Kitchenettes, or cooking facilities of any kind.
 - vi. Shall be permitted to offer culinary services to guests, including cooking lessons, which are separate from meals included with accommodation.

- vii. Shall not provide accommodation to the same person or persons more than 30 consecutive days, or more than 60 days within a single calendar year.
- viii. Shall be prohibited on a Parcel where a Caretaker Dwelling, Secondary Suite, Coach House Dwelling, Two-unit Dwelling or Multi-unit Dwelling is located.”

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:

- Bylaw 2012**
 - i) All of the customer operations shall be conducted within the area of the *Building* directly accessible from the fronting *Street*.
 - ii) No materials or equipment shall be stored outside the premises or the *Building*.
- Bylaw 1904**
 - iii) All preparation for shipment shall be conducted inside the premises or the *Building* and shall not be visible from the *Street*.
- Bylaw 2163**
 - iv) The maximum *Gross Floor Area* shall be 300.0 square metres.

6.10. Produce Stand Regulations

- a) A *Produce Stand*, where permitted in this Bylaw, shall satisfy all of the following conditions:

- Bylaw 2169**
 - i) Shall be limited to one such *Use* per *Parcel*, as permitted only where *Backyard Poultry Use*, a *Farm Use*, or *Urban Agriculture Use* is permitted a permitted *Use*.
- Bylaw 2169**
 - ii) Where *Urban Agriculture Use* or *Backyard Poultry Use* is permitted, the *Produce Stand Use* shall be limited to the sale of products grown and eggs laid 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;
 - vi) Shall only sell eggs from *Backyard Poultry* in accordance with “Town of Ladysmith Animal Control Bylaw 2024, No. 2167.

- 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.

6.12. Backyard Poultry

**Bylaw
2169**

- a) Where *Backyard Poultry* is a permitted *Accessory Use* on a *Residential Parcel* and where the *Principal Use* is a *Single Unit Dwelling*, a maximum of six (6) *Backyard Poultry* shall be allowed on the *Parcel* provided that the following conditions are met:
 - i. The *Residential Parcel* is outside of the *Backyard Poultry* exclusion areas identified in “Town of Ladysmith Animal Control Bylaw 2024, No. 2167” Schedule A.
 - ii. *Backyard Poultry* must be housed in a *Coop* and *Pen*.
 - iii. A *Coop* and *Pen* must be located at *Finished Grade*.
 - iv. *Backyard Poultry Use* shall meet all requirements established in the “Town of Ladysmith Animal Control Bylaw 2024, No. 2167.

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.

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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 (m²) of the unenclosed parking area divided by 4. The resulting area (m²) 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.

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- 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*.

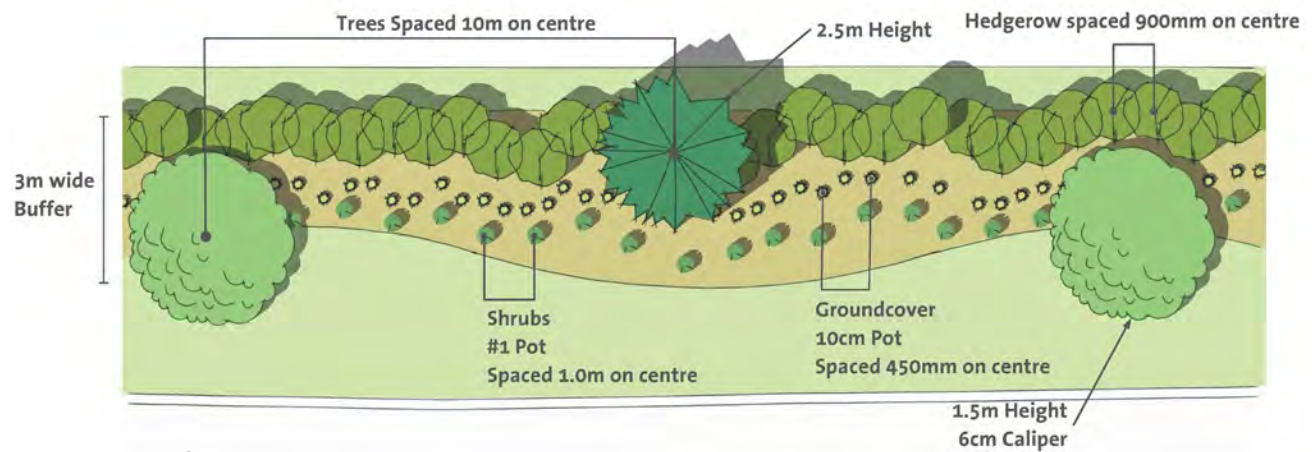
- b) Despite Section 7.2(2)(a), a *Landscape Buffer* is not required:

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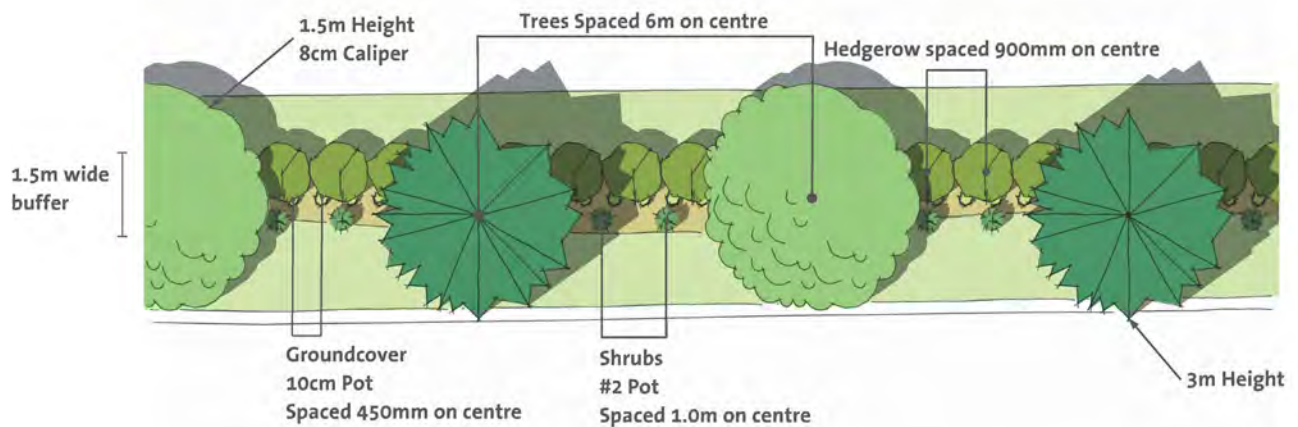
- i. in the C-2 Zone; or
- ii. for a *coach house, single-unit dwelling, two-unit dwelling, secondary suite* or combinations thereof.
- c) When a *Landscape Buffer* is required, the minimum requirements for the design of the buffer may be satisfied by fulfilling all of Option 1 or Option 2 as described 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

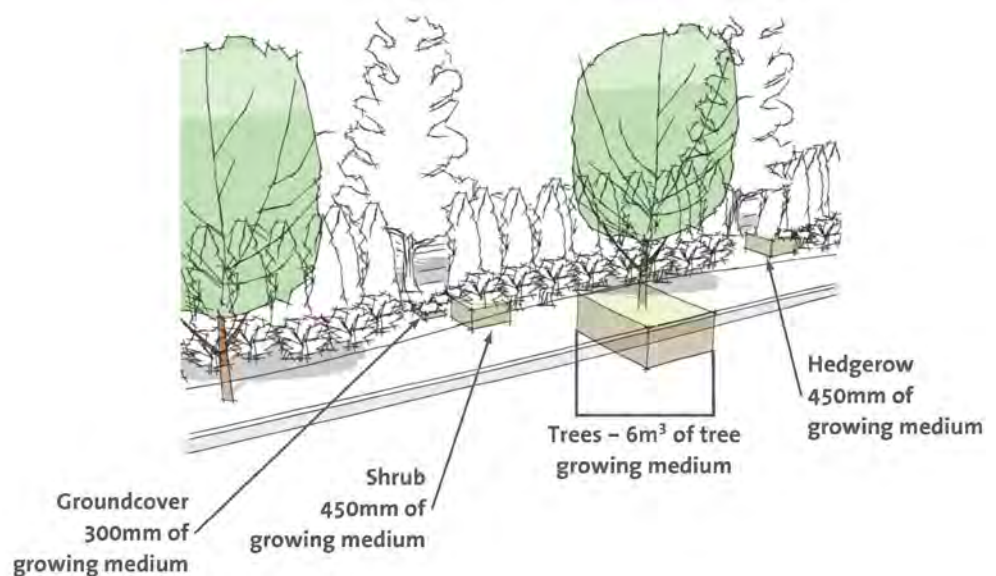
LANDSCAPE BUFFER – OPTION 1	LANDSCAPE BUFFER – OPTION 2
MINIMUM BUFFER WIDTH	
3.0 metres	1.5 metres
TREES	
Deciduous and/or Coniferous Trees spaced on average 10 metres on centre	Deciduous and/or Coniferous Trees spaced on average 6 metres on centre
Planted deciduous trees shall be a minimum of 6-centimetre 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 ³ per tree of growing medium.	
HEDGEROW AND SHRUBS	
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.	
GROUNDCOVER	
10-centimetre pot groundcover shall be spaced 450 mm maximum on centre.	
Groundcover shall have a minimum 300 mm depth of growing medium.	
TOPSOIL	
Topsoil shall be weed-free and have a minimum depth of 300 mm.	
SLOPE OF BERMS	
Slope shall not exceed 2:1 (50%) if groundcover or shrubs, and 3:1 (33%) if lawn cover.	
IRRIGATION	
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(a), and except for bicycle parking under section 8.3, off-street parking and loading is not required for non-residential uses in the downtown area shown in figure 8.1.
- e) Required off-street parking spaces shall not be used for any purpose other than the parking of motor vehicles.

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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
ASSEMBLY, INSTITUTIONAL	
<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>	1 per 20 square metres <i>Gross Floor Area</i>
<i>School</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>
Other Institutional Uses	1 per 40 square metres of <i>Gross Floor Area</i>

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COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
COMMERCIAL	
<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>Cannabis Retail Sales</i>	1 per 30 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>

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COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<i>Personal Repair Services</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<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>
INDUSTRIAL	
<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>Cannabis Cultivation, Cannabis Processing, Cannabis Micro- Cultivation, Cannabis Micro- Processing</i>	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
<i>Cannabis Research and Development</i>	1 per 30 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>

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
MARINE	
<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
<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
RECREATION	
Community Park, <i>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
<i>Indoor Recreation Facility</i>	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>
RESIDENTIAL	
<i>Bed and Breakfast</i>	1 per <i>Guest Room</i>
<i>Dwelling Unit</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:
 - i) 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.
 - ii) 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.
 - iii) Add together the resulting off-street parking requirement for each occupancy period column in Table 8.2.
 - iv) 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%
<i>Recreation</i>	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%

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3. Payment In-Lieu of Parking

- a) An owner of a *Parcel, Building or Structure* may, in lieu of providing off-street vehicle parking, pay to the Municipality:
 - i. Four thousand dollars (\$4,000) per off-street parking space for a mixed-use development containing a *Residential Use* or a development in a *Zone* where a *Residential Use* is not permitted; or
 - ii. Six thousand dollars (\$6,000) per off-street parking space for all other developments.
- b) The provision under subsection a) shall be subject to the following conditions:
 - i. The payment in-lieu of parking option may not be applied to more than 50% percent of required off-street parking spaces;
 - ii. The payment in-lieu of parking option may not be applied to required bicycle parking spaces;
 - iii. Except for uses within the downtown area shown in figure 8.1, the payment in-lieu of parking option shall not be applied to required *Residential* off-street parking spaces.
 - iv. For uses within the downtown area shown in figure 8.1, the payment in-lieu of parking may be applied to up to 50% of required *Residential* off-street parking spaces.
- c) Cash in lieu of parking shall be deposited into a reserve under Section 525(7)(a)(ii) of the *Local Government Act* for the purpose of providing transportation infrastructure that supports walking, bicycling, public transit or other sustainable forms of transportation.

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
Commercial Industrial Or any similar use	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>
Office, Assembly Civic, Institutional Public Utility 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 manoeuvring 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

Bylaw 2140

- a) The number of off-street bicycle parking spaces and end-of trip bicycle facilities required for any *Use* is calculated according to Table 8.5 in which Column 1 classifies the types of *Use*, Column 2 sets out the number and type of required off-street bicycle parking spaces, and Column 3 sets out the number and type of required end-of-trip bicycle facilities 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.

Bylaw 2140

TABLE 8.5: REQUIRED BICYCLE PARKING AND END-OF-TRIP BICYCLE FACILITIES

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES	COLUMN 3 REQUIRED END-OF-TRIP BICYCLE FACILITIES
Multiple Unit Dwellings	1.0 Long-term Bicycle Parking Space per unit, at least 10% of which shall be Oversized Bicycle Parking Spaces; and 0.25 Short-term Bicycle Parking Space per unit	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be within 1.5 metres of a 110v electric outlet for charging e-bikes.
Non-Residential	1.0 Long-term Bicycle Parking Space per 10 employees ; and Short-term Bicycle Parking Spaces equal to 10% of required off-street vehicle parking spaces	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be provided with a 110v electric outlet within 1.5 metres of the parking space. 0.5 lockers per required Long-term Bicycle Parking Space; and 1 shower per 15 required Long-term Bicycle Parking Spaces where the number of required Long-term Bicycle Parking Spaces exceeds 15.

Bylaw 2140

2. Design Standards for Bicycle Parking Spaces

- a) All required 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) All required 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.
- d) *Long-term Bicycle Parking Spaces* shall be at least 0.6 metres in width, 1.8 metres in length, and 1.9 metres in height.
- e) *Oversized Bicycle Parking Spaces* shall be at least 3.0 metres long and 0.9 metres wide, and 1.9 metres high.

- f) Except for *Long-term Bicycle Parking* under subsection (d), required *Long-term Bicycle Parking* and *Oversized Bicycle Parking Spaces* shall:
 - i. be enclosed, at a minimum, by chain-link walls and constructed of theft-resistant materials;
 - ii. be hinged from the inside unless the hinges are tamper proof;
 - iii. have a separate entry lock and key or a programmed entry system;
 - iv. where bicycle lockers are used, have lockable doors, which open to the full height and width of each locker;
 - v. be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator; and
 - vi. be separated from other storage areas and waste collection areas.
- g) Required Long-term Bicycle Parking may be provided inside a *Dwelling Unit*, or an adjacent outdoor amenity area under subsection (v), under the following conditions:
 - i) Up to one required bicycle space may be provided per *Dwelling Unit*.
 - ii. The bicycle parking space must be provided adjacent to an exterior door and situated to allow the bicycle to be stored without travelling through the living space of the *Dwelling Unit*.
 - iii. The *Dwelling Unit* and bicycle parking space must be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator.
 - iv. The flooring in the bicycle parking space and access to the bicycle parking space shall be free of carpet and constructed to withstand bicycle traffic.
 - v. The bicycle parking space shall not be provided on an exterior balcony, patio or other outdoor area, unless the parking space is provided in the form of a bicycle locker.
 - vi. At least one exterior hose connection or bike washing station must be located on the parcel and accessible to the *Dwelling Unit(s)* where the in-unit bicycle parking is provided.
- h) Required Short-term Bicycle Parking shall:
 - i. Be accessible from a 1.2 metre wide front aisle and a 0.5 metre rear aisle, separate from pedestrian access;
 - ii. located within 15.0 metres of a *Principal Building* entry in a well-lit area, clearly visible from the *Principal Building*, *Street* or both;
 - iii. accessible by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator;

- iv. be securely installed to the floor or ground;
- v. be easily identifiable as a bicycle rack; and
- vi. shall not have any sharp edges or projections and 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
<i>Bylaw 2163</i>	Old Town Residential	R-2
<i>Bylaw 2186</i>	Oyster Cove Residential	R-2-B
	Medium Density Residential	R-3
	Low Density Residential	R-3-A
<i>Bylaw 2163</i>	Manufactured Home Park	MHP-1
<i>Bylaw 1912</i>	Multi-Family Mixed-Use	R-4
<i>Bylaw 2063</i>	Local Commercial	C-1
	Downtown Commercial	C-2
	Highway Service Commercial	C-3
<i>Bylaw 1912</i>	Tourist Service Commercial	C-4
<i>Bylaw 2063</i>	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
	Primary Agriculture	A-1
	Agriculture and Resort Recreation	A-RR
	Forestry	F-1

	ZONE DESIGNATION	SHORT FORM EQUIVALENT
	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
Bylaw 2069	Cluster Residential	CD-2
	Malone Residential	CD-3
	Waterfront Reserve	CD-4
Bylaw 1983	Community Housing Zone	CD-5
Bylaw 2020	Belaire Mixed-Use	CD-6
Bylaw 2103	Rocky Creek Road Mixed-Use Residential	CD-7

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

Bylaw 2186

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

2. Accessory Uses

- c) *Secondary Suite*, subject to Part 6, Section 6.4.
- d) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- e) *Home Based Business*, subject to Part 6, Section 6.8.
- f) *Urban Agriculture*.
- g) *Bed and Breakfast*, subject to Part 6, Section 6.7.
- h) *Backyard Poultry*, subject to Part 6, Section 6.12

Bylaw 2169

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

Bylaw 2099

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
- b) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is greater than 390.0m².
- c) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

Bylaw 2186

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
4,050.0 square metres or larger	Two units
Less than 280.0 square metres	Three units
Between 280.0 square metres and 4,050.0 square metres	Four units

- d) 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 *Principal Building* shall exceed a *Height* of 11.0 metres.

- b) No *Accessory Building* or *Structure* for an *Urban Agriculture Use* shall exceed a *Height* of 12.0 metres, measured to the highest point of the roof.
- c) All other *Accessory Buildings* or *Structures* shall not exceed a *Height* of 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:

Bylaw 2186

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	46 metres
<i>Interior or Exterior Side Parcel Line</i>	1.2 metres
<i>Rear Parcel Line</i>	4.5 metres

- e) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
 - i. 2.4 meters, where each building is *sprinklered*; and
 - ii. 4.8 meters, where any part of a building is not *sprinklered*.

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.*
- b) *Two Unit Dwelling.*

2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Coach House Dwelling*, subject to subject to Part 6, Section 6.5.
- c) *Home Based Business*; subject to Part 6, Section 6.8.
- d) *Urban Agriculture.*
- e) *Bed and Breakfast*, subject to Part 6, Section 6.7.
- f) *Backyard Poultry*, subject to Part 6, Section 6.12

Bylaw 2169

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* less than 18.28 metres.

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

Bylaw 2186

- a) Where only one dwelling unit is constructed on a parcel, no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres.
- b) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

Bylaw 2186

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
4,050.0 square metres or larger	Two units
Less than 280.0 square metres	Three units
Between 280.0 square metres and 4,050.0 square metres	Four units

- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of:
 - i. 33.0 percent where only one dwelling is located on a parcel; and
 - ii. 50.0 percent where more than one dwelling unit is located on a parcel.

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

- a) No *Principal Building or Structure* shall exceed a *Height* of 11.0 metres.
- b) No *Accessory Building or Structure* shall exceed a *Height* of 3.5 metres.
- c) No *Principal Building or Structure or, Coach House Dwelling* 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>	1.2 metres
	<i>Rear Parcel Line</i>	1.5 metres

- d) 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 ≤ 10.0 M ²
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres
<i>Rear Parcel Line</i>	1.0 metres

- e) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
 - i. 2.4 meters, where each building is *sprinklered*; and
 - ii. 4.8 meters, where any part of a building is not *sprinklered*.

~~Bylaw 1904~~

~~Bylaw 2061~~

~~Bylaw 2064~~

~~Bylaw 2135~~

~~Bylaw 2186~~

6. Parking and Loading

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

7. Site Specific Regulations

- g) For the *Parcel* legally described as Lot A, District Lot 129, Oyster District, Plan VIP56439 (1141 Cloke Road) the following site specific regulations shall apply:
 - i) Despite Section 5.14(d)(ii) the *Gross Floor Area* of a self-contained *Accessory* space on the *First Storey* of a *Coach House Dwelling* shall have a maximum exclusion of 84.0 square metres.

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

Bylaw 2186

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

2. Accessory Uses

Bylaw 2169

- 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.*
- e) *Backyard Poultry, subject to Part 6, Section 6.12*

3. Sizing and Dimension of Parcels

Bylaw 2187

- 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.

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

~~*Bylaw 1904*~~

~~*Bylaw 2099*~~

Bylaw 2186

- a) No *Principal Building* shall have a *Finished Floor Area* that is greater than 230.0 square metres.
- b) The maximum number of Dwelling Units permitted per Parcel is as shown in the Table below:

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
Greater than 4,050.0 square metres	Two units
Less than 280.0 square metres	Three units
Between 280.0 square metres and ≤4,050.0 square metres	Four units

- c) No *Principal Buildings* or *Structures* shall exceed a *Parcel Coverage* of:
 - i. 33.0 percent where only one dwelling is located on a parcel; and
 - ii. 50.0 percent where more than one dwelling unit is located on a parcel.

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

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 11.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 3.5 metres.

- c) No *Principal Building or Structure* 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>	1.2 metres
<i>Rear Parcel Line</i>	1.5 metres

- d) 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 ≤ 10.0 M ²
<i>Front Parcel Line</i>	4.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres
<i>Rear Parcel Line</i>	1.0 metres

- e) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
- i. 2.4 meters, where each building is *sprinklered*; and
 - ii. 4.8 meters, where any part of a building is not *sprinklered*

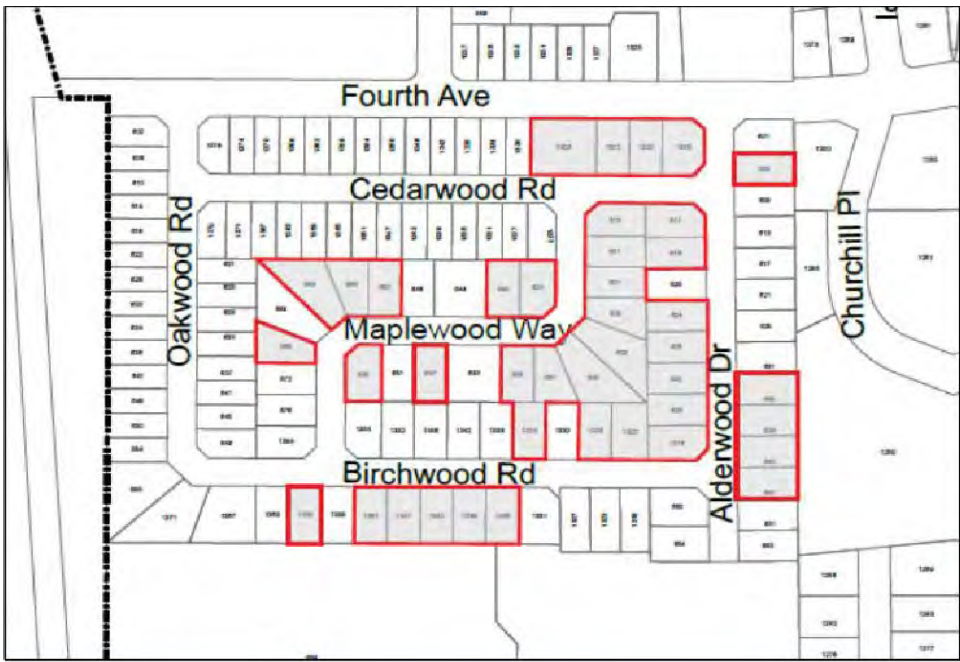
6. Parking and Loading

- 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 10.3.1: Plan of Parcels Where a Mobile Home is Permitted.

FIGURE 10.3.1: PLAN OF PARCELS WHERE A MOBILE HOME IS PERMITTED



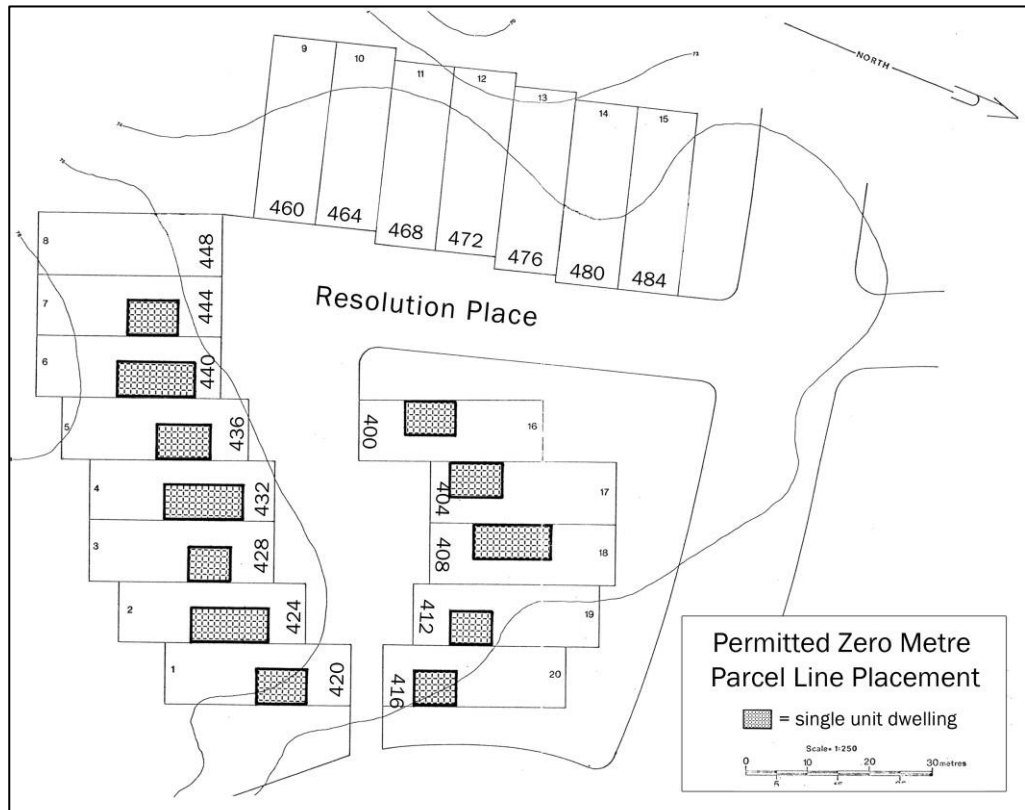
b) For the *Parcels* shown in Figure 10.3.2, below, no *Principal Building or Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

Bylaw 2107

Bylaw 2186

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	2.0 metres
<i>Interior or Exterior Side Parcel Line</i>	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> for 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>Principal Building</i> where the <i>Principal Building</i> on the adjacent <i>Parcel</i> does not also have a zero metre <i>Setback</i> , as shown in Figure 10.3.2.
<i>Rear Parcel Line</i>	1.5 metres

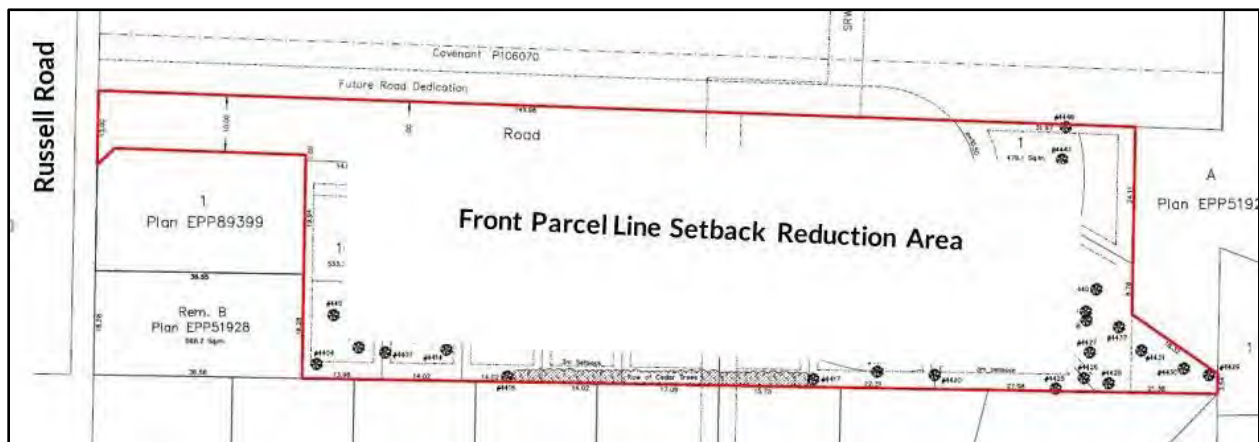
FIGURE 10.3.2: PLAN OF REDUCED SIDE SETBACKS



8. Site Specific Regulations

a) Despite section 5.c) and 5.d), the *Front Parcel Line Setback* for a *Principal Building or Structure* and an *Accessory Building or Structure* is 3.0 metres, for the area shown in Figure 10.3.3

FIGURE 10.3.3 PLAN OF FRONT PARCEL LINE SETBACK REDUCTION AREA



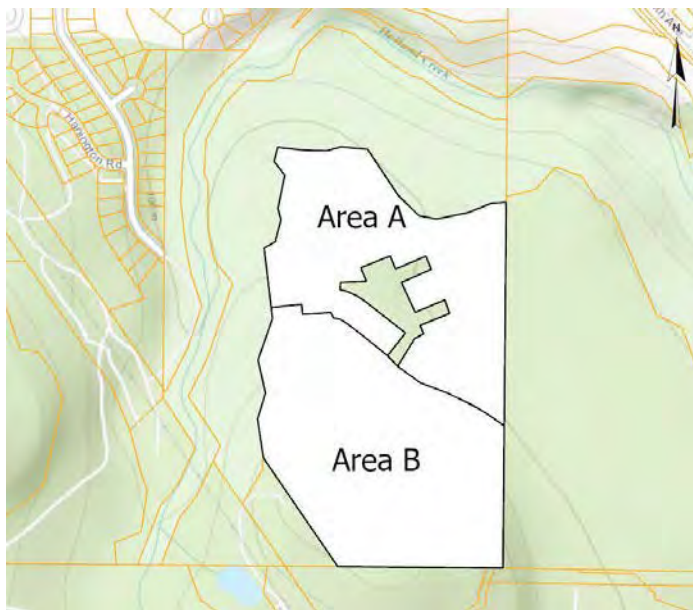
b) For Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-A

Zone in addition to the permitted uses under sections 10.3.1 and 10.3.2, the Principal and Accessory Uses of the R-3-A zone are permitted in Area A in figure 10.3.4 and shall be subject to the regulations of the R-3-A zone.

c) For Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-A Zone as a density benefit pursuant to section 482 of the Local Government Act and notwithstanding sections 10.3.3(a), 10.3.8(a) and 10.8.4(b), the maximum number Dwelling Units, excluding Secondary Suites and Coach House Dwellings, permitted in Area A in figure 10.3.4 shall be either:

- i) 200 units, where the entire area shown as Area B in figure 10.3.4 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*; or
- ii) 125 units where only a portion of, or none of, the area shown as Area B in figure 10.3.4 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*

Figure 10.3.4: Density Benefit Area for Lot 5 Block 1399
Oyster District Plan VIP75559 (PID: 025-708-660)



10.4. OLD TOWN RESIDENTIAL (R-2)

Bylaw 2187

The purpose of the Old Town Residential Zone is to accommodate residential development in the historic Old Town.

1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Two Unit Dwelling.*
- c) *Townhouse Dwelling*
- d) *Multiple 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.*
- e) *Bed and Breakfast*
- f) *Backyard Poultry*, subject to Part 6, Section 6.12

Bylaw 2169

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* less than 18.28 metres.

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

Bylaw 2099

- a) Where only one dwelling unit is constructed on a parcel, no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres

Bylaw 2186

- b) Where more than four units are located on a Parcel, the maximum Floor Space Ratio shall be 1.3.

Bylaw 2187

- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of:
 - i) 33.0 percent where only one dwelling is located on a parcel; and
 - ii) 50.0 percent where more than one dwelling unit is located on a parcel

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

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 11.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 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>	2.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.2 metres
<i>Rear Parcel Line</i>	1.5 metres

- e) Despite section 10.4.5.d), a *Townhouse Dwelling* may be setback a minimum of 0 metres from *Interior Side Parcel Lines*.
- f) 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>	2.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres
<i>Rear Parcel Line</i>	1.0 metres

- g) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
 - i) 2.4 meters, where each building is *sprinklered*; and
 - ii) 4.8 meters, where any part of a building is not *sprinklered*

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) Notwithstanding the permitted uses under subsection 10.4(1), the following uses are not permitted where five or more units are located on a parcel:
 - i. *Coach House Dwelling*
 - ii. *Two-unit Dwelling*
 - iii. *Single Unit Dwelling*

10.5. 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.

Bylaw 2186

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) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- e) *Recreation Activity Space.*
- f) *Urban Agriculture.*

Bylaw 2169

- g) *Backyard Poultry*, subject to Part 6, Section 6.12

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 less than 18.28 metres.

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

Bylaw 2099

- a) Where only one dwelling unit is constructed on a parcel, no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres.

Bylaw 2099

- b) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 390.0 square metres.
- c) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

Bylaw 2186

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
4,050.0 square metres or larger	Two units
Less than 280.0 square metres	Three units
Between 280.0 square metres and 4,050.0 square metres	Four units

- d) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of

- i) 40.0 percent where only one dwelling is located on a parcel; and
- ii) 50.0 percent where more than one dwelling unit is located on a parcel

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 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>	2.0 metres	2.0 metres
<i>Interior Side Parcel Line</i>	1.2 metres	0 metres
<i>Exterior Side Parcel Line</i>	1.2 metres	1.2 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 10.5(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) 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.
 - ii) 5.5 metres to the *Rear Parcel Line* for Strata Lot 44, District Lot 56, Oyster District, Strata Plan 2009.
 - iii) 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

Bylaw 2186

- f) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
 - i) 2.4 meters, where each building is *sprinklered*; and
 - ii) 4.8 meters, where any part of a building is not *sprinklered*

6. Parking and Loading

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

Bylaw 2163 10.6. RESIDENTIAL D (R-2-D2) – RESERVED FOR FUTURE USE

10.7. 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.*
- c) *Single Unit Dwelling*, lawfully constructed prior to June 15, 2021

Bylaw 2078

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).
- d) *Secondary Suite.*
- e) *Backyard Poultry*, subject to Part 6, Section 6.12

Bylaw 2140

Bylaw 2169

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 *Floor Space Ratio* shall not exceed 2.0.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 60 units per hectare of *Land*.
- c) No *Building* or *Structure*, excluding *Buildings* or *Structures* used exclusively for off-street parking, shall exceed a *Parcel Coverage* of 50.0 percent.
- d) 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.
- e) A *Parcel* may contain more than one *Principal Building*.

Bylaw 2099

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

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres.
- c) Despite Section 10.7(5)(a), for the *Parcel* legally described as Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue), the

Bylaw 2186

Height of a Principal Building shall not exceed 10.4 metres, measured to the highest point of the roof.

- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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 10.7(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"> 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>. 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. 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>. 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>. 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. 	<ol style="list-style-type: none"> 1. A maximum of 69 <i>Dwelling Units</i> per hectare of <i>Lot</i> area (5 units). 2. A maximum <i>Parcel Coverage</i> is 59%. 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>).

Bylaw 1951

- b) For the *Land* area illustrated in Figure 10.7.1 (the Jewel property), being a part of the *Parcel* legally described as Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943, and VIP72131, the following site specific regulations shall apply:

- i) Despite section 10.10(4)(c), the maximum number of *Dwelling Units* permitted is 115 units per hectare of *Land* area as shown in Figure 10.7.1, subject to the required off-street parking for the residents of the development being provided underground.
- ii) Despite section 10.7(5)(a):
- (1) The top floor of a *Principal Building* greater than two storeys in *Height* shall be stepped back a minimum of 3.0 metres on each *Building End*, and a minimum of 1.5 metres on each *Building Side*.
 - (2) A *Principal Building* not located on Transfer Beach Boulevard may exceed a *Height* of 12.0 metres but shall not exceed a *Height* of 18.0 metres (6-Storeys). Height shall be measured to the highest point of the roof.

Bylaw 2186

Bylaw 2107

- c) Notwithstanding subsection 1, *Townhouse Dwelling* is the only permitted use in the R-3 zone on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)

(3) FIGURE 10.7.1 PLAN OF "THE JEWEL PROPERTY"



Bylaw 2124

- d) For the *Parcels* legally described as Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A (17 Warren Street) and Lot 7, Block 5, District Lot 24, Oyster District, Plan 703A (11 Warren Street):
- i. Despite section 10.7(5)(d), no *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setbacks* shown in the Table below:

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

- ii. Despite section 10.7(5)(e), the minimum *Setback* for an *Accessory Building* or *Structure* from a *Front Parcel Line* is 3.0 metres.

Bylaw 2076

- e) Despite sections 10.7(1) and 10.7(a):
 - i. *Emergency Shelter* for up to 10 people, is a permitted use; and
 - ii. there is no minimum *Finished Floor Area* requirement for a dwelling unit in a *Multiple-Unit* or a *Townhouse Residential Building*,

on Parcel B (being a consolidation of Lots 9 & 10 see CA5603565) District Lot 56, Oyster District, Plan 703. PID 029-974-640 (631 1st Avenue).

10.8. 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.*
- c) *Secondary Suite.*

Bylaw 2140

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

Bylaw 2099

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

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres measured to the highest pint of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 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*) measured to the highest point of the roof.
- d) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

Bylaw 2186

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres

Bylaw 1904

<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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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 10.8(4)(b):
- 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) Despite sections 10.8(1) and 10.8(4)(c), for the *Land* shown in figure 10.8.1:
- a) The maximum number of *Dwelling Units* permitted on that *Land* is 15 in total, and
 - b) The permitted Principal Uses are *Single Unit Dwelling*, *Townhouse Dwelling* and *Two Unit Dwelling*.

Bylaw 2114

FIGURE 10.8.1: AREA RESTRICTED TO 15 UNITS AND SINGLE UNIT, TOWNHOUSE AND TWO UNIT DWELLINGS



Bylaw 1875
Bylaw 1881

- c) The maximum number of units permitted each of subsections 10.8 (8)(a)(i), (ii), (iii) and (iv) applies despite any subdivision of the *Parcel* or *Parcels* specified in the subsection.

Bylaw 2114

- d) For the *Land* shown in figure 10.8.2, *Single Unit Dwelling* is a permitted *Principal Use*.

FIGURE 10.8.2: AREA WHERE SINGLE UNIT, DWELLING IS A PERMITTED PRINCIPAL USE



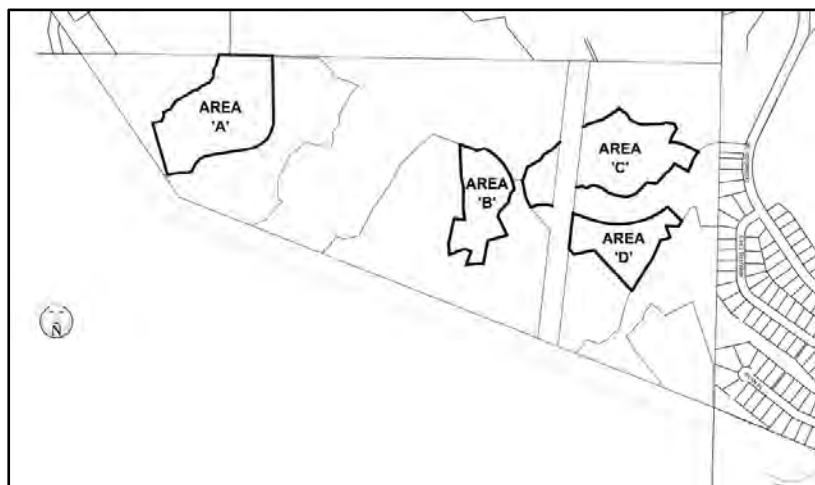
Bylaw 1912

e) For the parcel legally described as Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156:

Bylaw 2186

- i) Despite Section 10.8.5(a), the *Height* of a *Multi-Unit Dwelling*, located in Area A located as shown on Figure 10.8.1, shall not exceed 10.0 metres, measured to the highest point of the roof and excluding *Underbuilding Parking*.
- ii) *Single Unit Dwelling* is a permitted *Principal Use* in Area A located as shown on Figure 10.8.1, 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 10.8.1, 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 10.8.1, subject to a maximum *Gross Floor Area* of 100 square metres for each *Accessory Use*.

FIGURE 10.8.1: PLAN OF AREAS A, B, C AND D OF THE LOW DENSITY RESIDENTIAL (R-3-A) ZONE



10.9. 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 measured to the highest point of the roof.
- b) No *Recreation Activity Space*, where provided as an *Accessory Building* or *Structure*, shall exceed a maximum *Height* 5.0 metres.
- c) Any other *Accessory Building* or *Structure* shall not exceed a *Height* of 3.5 metres.
- d) A *Dwelling Unit* having a minimum horizontal *Building* dimension less than 6.5 metres is permitted.

Bylaw 2186

- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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.

10.10 MULTI-FAMILY MIXED USE (R-4)

Bylaw 2063

The purpose of the Multi-Family Mixed-Use zone is to accommodate multiple-unit developments and small-scale neighbourhood commercial operations.

1. Principal Uses

- a) Artist Studio
- b) *Bakery*
- c) *Coffee Shop*
- d) *Commercial School*
- e) *Community Care Facility*
- f) *Convenience Store*
- g) Cottage Industry
- h) *Multiple-Unit Dwellings.*
- i) *Media Production Studio*
- j) *Office*
- k) *Personal Service Establishment*
- l) *Retail Sales*
- m) *Veterinary Clinic*

1. Accessory Uses

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

2. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1336 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

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

- a) The *Floor Space Ratio* shall not exceed 2.0.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 60 units per hectare of *Land*.
- c) Notwithstanding section 10.10.3.b), a density bonus may be permitted as indicated in Column 2, where the amenities listed in Column 1 are provided, as shown in the table below.

COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
1. At least 40% of the number of off-street parking spaces required in accordance with Part 8: Parking and Loading Regulations, are provided as <i>Underbuilding Parking</i> ; 2. At least 50% of the total number of <i>Dwelling Units</i> provided on a <i>Parcel</i> are <i>Adaptable Dwelling Units</i> ; 3. All <i>Principal Buildings</i> meet or exceed Step 2 of the British Columbia Energy Step Code; or 4. The development is on a <i>Parcel</i> that is a <i>Remediated Site</i> .	A maximum number of 100 <i>Dwelling Units</i> per hectare of <i>Land</i>
1. Any one of the amenities listed above (excluding number 4) in combination with development of <i>Remediated Site</i>	A maximum number of 180 <i>Dwelling Units</i> per hectare of <i>Land</i>

- 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) No commercial use on a parcel shall have a *Gross Floor Area* greater than 200 square metres.
- g) The combined *Floor Space Ratio* for all commercial uses on a parcel shall not exceed 0.5.
- h) Commercial uses may only be located on the First Storey of a *Building*.
- i) A *Parcel* may contain more than one *Principal Building*.

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

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 19.0 metres measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres.

Bylaw 2186

- 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>	2.5 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- d) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 85.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- e) The maximum *Finished Floor Area* of the fifth *Storey* of a *Principal Building* shall be not exceed 80.0 percent of the *Finished Floor Area* of the fourth *Storey*.
- f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<i>Front Parcel Line</i>	2.5 metres	2.5 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*.

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.

Bylaw 2186

1. Principal Uses

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

2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Coach House Dwelling*, subject to 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* 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) Where only one dwelling unit is constructed on a parcel, no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres.
- b) The maximum *Gross Floor Area* for any one commercial *Use* is 100.0 square metres.
- c) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
Greater than 4,050.0 square metres	Two units
Less than 280.0 square metres	Three units
Between 280.0 square metres and 4,050.0 square metres	Four units

- d) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of:
- i) 40 percent where only a single-dwelling is located on a parcel; and
 - ii) 60.0 percent where more than one dwelling unit or a dwelling unit and non-residential use is located on a parcel.

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

Bylaw 2186

- a) No *Principal Building* shall exceed a *Height* of 11.0 metres.
- b) No *Accessory Buildings* or *Structures* shall exceed a *Height* of 7.5 metres.
- c) 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>	2.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.2 metres
<i>Rear Parcel Line</i>	1.5 metres

Bylaw 1904

- e) Despite section 11.1.5.(c), a *Townhouse Dwelling* may be setback a minimum of 0 metres from *Interior Side Parcel Lines*.
- f) No *Accessory Building* or *Structure* with a *Finished Floor Area* (m²) 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 ²
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres
<i>Rear Parcel Line</i>	1.0 metres

- g) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:

- i) 2.4 meters, where each building is *sprinklered*; and
- ii) 4.8 meters, where any part of a building is not *sprinklered*

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

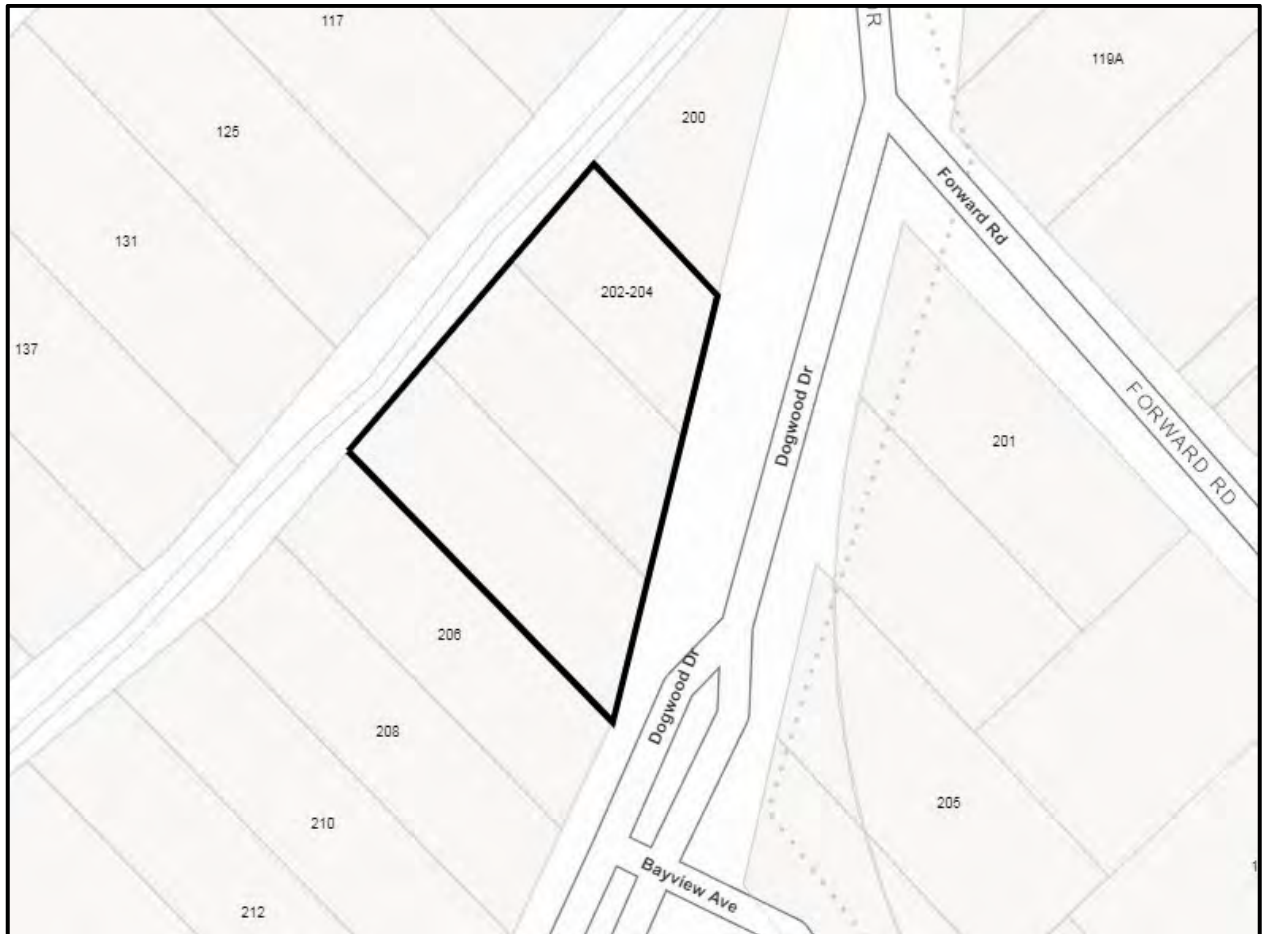
- a) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660), where a parcel is located on a Lane, the minimum Parcel Area is 460 square metres and the minimum Parcel Frontage is 13.5 metres.
- b) Notwithstanding section 11.1.1, on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) residential use is not permitted.
- c) For the subject *Parcel* shown in Schedule I, formed by consolidation of the three parcels legally described as Lot 2 Suburban Lot 9 Oyster District Plan 1009, Lot 3 Suburban Lot 9 Oyster District Plan 1009, and Lot 4 Suburban Lot 9 Oyster District Plan 1009 (202/204 Dogwood Drive), the following site-specific regulations shall apply:
 - i) A *Neighbourhood Pub* is permitted as a *Principal Use*.
 - ii) Despite Section 11.1(4)(a), the maximum *Gross Floor Area* for a *Neighbourhood Pub* use is 200 square metres.

Bylaw 2107

Bylaw 2029

Bylaw 2186

Schedule I – Bylaw 2029



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.*
- t) *Veterinary Clinic.*
- u) *Animal Grooming.*
- v) *Personal Repair Service.*
- w) *Print Shop.*
- x) *Cottage Industry.*
- y) *Public Parking.*

Bylaw 1904

- z) *Cannabis Retail Sales but only in the Parcels that are zoned C-2 and contained within the shaded area identified in Figure 11.2*

Bylaw 2021

Bylaw 2078

- aa) *Single Unit Dwelling, lawfully constructed prior to June 15, 2021.*

Bylaw 2163

- bb) Live/Work Unit
- cc) Two Unit Dwelling, lawfully constructed prior to December 19, 2023
- dd) Gas Bar lawfully constructed prior to December 19, 2023
- ee) Service Station lawfully constructed prior to December 19, 2023
- ff) Dwelling Unit, subject to Section 11.2(8)
- gg) Motor Vehicle Body Shop lawfully constructed prior to December 19, 2023

Bylaw 2163

2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) Secondary Suite, lawfully constructed prior to December 19, 2023 and subject to Part 6, Section 6.4.
- c) Coach House Dwelling, lawfully constructed prior to December 19, 2023 and subject to Part 6, Section 6.5.
- d) Urban Agriculture.
- e) Motor Vehicle Sales or Rental, accessory to Service Station Use and lawfully constructed prior to December 19, 2023

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.

Bylaw 2163

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

- a) The Floor Space Ratio shall not exceed:
 - i) 3.3 for parcels where at least one parcel line abuts a *Street* other than 1st Avenue or a *Lane*; and
 - ii) 3.0 for all other parcels
- b) Notwithstanding subsection (a), for a *Gas Bar* or *Service Station Use*, the maximum *Gross Floor Area* is 500.0 square metres and the maximum *Parcel Coverage* is 75.0 percent.
- c) No *Buildings* and *Structures* shall exceed a *Parcel Coverage* of 100 percent.

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

Bylaw 2163

- a) No *Principal Building* or *Structure* shall exceed a *Height*, measured to the highest point of the roof, of:

Bylaw 2186

- i) 21 metres for parcels where at least one parcel line abuts a *Street* other than 1st Avenue or a *Lane*; and
- ii) 18.0 metres for all other *Parcels*.

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

Bylaw 2163

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel or Exterior Side Parcel Line: First, Second and Third Storeys</i>	0.0 meters
<i>Front Parcel or Exterior Side Parcel Line: Fourth Storey</i>	2.7 meters
<i>Front Parcel or Exterior Side Parcel Line: Fifth Storey</i>	5.4 meters
<i>Front Parcel or Exterior Side Parcel Line: Sixth Storey</i>	8.1 meters
<i>Interior Side Parcel Line</i>	0.0 meters
<i>Rear Parcel Line</i>	0.0 meters

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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.

Bylaw 2163	8. Mixed Commercial and Residential Use Regulations
Bylaw 2186	a) Notwithstanding section 11.2.1, within the first <i>Storey</i> of any <i>Building</i> , <i>Residential Use</i> is prohibited, within 15 metres of a <i>Parcel Line</i> abutting 1 st Avenue.
Bylaw 2163	b) Notwithstanding subsection (a), up to 25 percent of a <i>Parcel line</i> along 1 st Avenue may be used to provide a separate outdoor entrance for a <i>Residential Use</i> .
	9. Other Regulations
	a) Outdoor storage areas shall not exceed 9.3 square metres.
Bylaw 1904	b) Coffee roasting is not a permitted <i>Cottage Industry</i> .
Bylaw 2163	10. Site Specific Regulations
	a) For the properties legally described as Lot 1, Block 29, Plan 703A (810 First Avenue), automotive and machinery valve repair service is a permitted <i>Principal Use</i> .
Bylaw 1897	b) For the <i>Land</i> consisting of the <i>Parcels</i> 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) <i>Motor Vehicles Sales or Rental</i> is a permitted <i>Principal Use</i> subject to the following conditions: <ul style="list-style-type: none"> a) A maximum of fifteen vehicles is permitted for outdoor display; and b) The outdoor display area may be located between the <i>Exterior Side</i> and <i>Front Parcel Line</i> and the front face of the <i>Principal Building or Structure</i>; 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	c) For the <i>Parcel</i> legally described as Lot 12, Block 30, District Lot 24, Oyster District, Plan 703A (112 French Street), <i>Funeral Home</i> is a permitted <i>Principal Use</i> .
Bylaw 1990	d) For the <i>Parcel</i> legally described as Lot A, District Lot 56, Oyster District, Plan VIP67911 (422 First Ave.) the following site-specific regulations shall apply: <ul style="list-style-type: none"> i) Despite Section 11.2(5)(c), the fourth storey of a <i>Principal Building</i> shall be setback 1.5 metres from the <i>Exterior Side Parcel Line</i>.
Bylaw 2186	
Bylaw 2163	

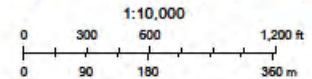
- ii) Despite Section 11.2(7)(b), nine (9) off-street parking spaces are required to be provided on-site and shall comply with the design standards in Section 8.2(9).

Figure 11.2

Bylaw 2021



10/16/2019, 1:34:14 PM



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Cowichan Valley, Regional District of Nanaimo, Bureau of Land Management, Province of British Columbia, Esri Canada, Esri, HERE, Garmin, Intermap, USGS, MET/NASA, EPA, USDA |

Bylaw 2138

- e) For the *Parcel* legally described as Lot 6, Block 27, District Lot 56, Oyster District, Plan 703 (440 1st Avenue) the following site-specific regulations apply:

Bylaw 2186

- i) Despite Section 11.2.4.(b) the number of *Dwelling Units* on this *Parcel* shall not exceed 22.
- ii) Despite Section 11.2.4.(c) the *Floor Space Ratio* shall not exceed 3.1.
- iii) Despite Section 11.2.4.(d) no *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 100.0 percent.
- iv) Despite Section 11.2.5.(a) no *Buildings* or *Structures* shall exceed a *Height* of 18.0 metres, measured to the highest point of the roof.
- v) Despite Section 11.2.5.(c):
 - a. the fourth *Storey* shall be *Setback* at least 2.7 metres from the *Front Parcel Line*.

b. The fifth *Storey* shall be *Setback* at least 5.4 metres from the *Front Parcel Line*.

c. The *Setback* from the *Rear Parcel Line* shall be at least 0.0 metres.

Bylaw 2163

vi) Despite section 11.2.7(b), a total of 4 off-street parking spaces shall be provided.

Bylaw 2150

f) For the *Parcel* legally described as THAT PART OF LOT 8 BLOCK 10 DISTRICT LOT 56 OYSTER DISTRICT PLAN 703 LYING SOUTH WESTERLY OF A BOUNDARY PARALLEL TO AND 30 FEET PERPENDICULARLY DISTANT NORTH EASTERLY FROM THE COMMON BOUNDARY LINE BETWEEN LOTS 8 AND 9 IN SAID BLOCK AND PLAN (19 Gatacre Street), a *Funeral Home* is a permitted *Principal Use* subject to the condition that hosting funerals or memorials is prohibited.

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, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres measured to the highest point of the roof.
- 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~~

Bylaw 2186

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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.*

~~Bylaw 2078~~

Bylaw 2186

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, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.

Bylaw 2186

- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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*.
- b) The following additional *Uses* are permitted on the C-4 zoned portion of the parcel illustrated in Figure 11.4.1: 1251 Rocky Creek Road:

1. Principal Uses
 - i) *Marina Office*, including *Assembly Use*
2. Accessory Uses
 - i) *Boat Launch*
 - ii) Marine fuel storage tanks for a *Marine Fuel Supply Station* on Block C, District Lot 2054, Cowichan District, Plan EPC721.

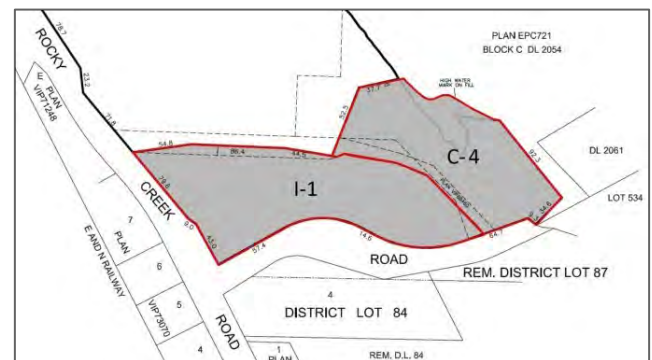


FIGURE 11.4.1: 1251 ROCKY CREEK ROAD

~~Bylaw 1961~~

Bylaw 2186

- c) On the C-4 zoned portion of the parcel legally described as: THAT PART OF LOT 43, OYSTER DISTRICT, SHOWN OUTLINED IN RED ON PLAN 835-R, EXCEPT THAT PART IN PLANS 7094 AND VIP58434 (PID 005-068-002) The principle and accessory uses of the R-1 zone are permitted, subject to the requirements of the R-1 zone.

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.*

Bylaw 2069

- p) *Cannabis Retail Sales but in the parcels contained within the shaded areas identified on Figures 11.5 and 11.6;*

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, measured to the highest point of the roof.
- b) No *Accessory Building or Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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 Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) all *Buildings* must meet or exceed Step 1 of the British Columbia Energy Step Code.
- b) Notwithstanding section 6.3 subsection a)vi) a maximum of one *Use* with a *Drive-through* service is permitted on the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road),

provided that any *Buildings* associated with the *Drive-through Use* meet or exceed Step 2 of the British Columbia Energy Step Code.

c) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) the following additional *Principal Uses* are permitted:

- i) *Animal Day Care.*
- ii) *Artist Studio.*
- iii) *Building Supply Sales.*
- iv) *Cottage Industry.*
- v) *Garden Centre.*
- vi) *Home Improvement Service Industry.*
- vii) *Micro-Brewery.*
- viii) *Laboratory.*
- ix) *Media Production Studio.*
- x) *Neighbourhood Pub.*
- xi) *Non-Motorized Recreational Equipment Sales or Rental.*
- xii) *Print Shop.*
- xiii) *Re-Store.*

Bylaw 1995

Bylaw 2021

Figure 11.5

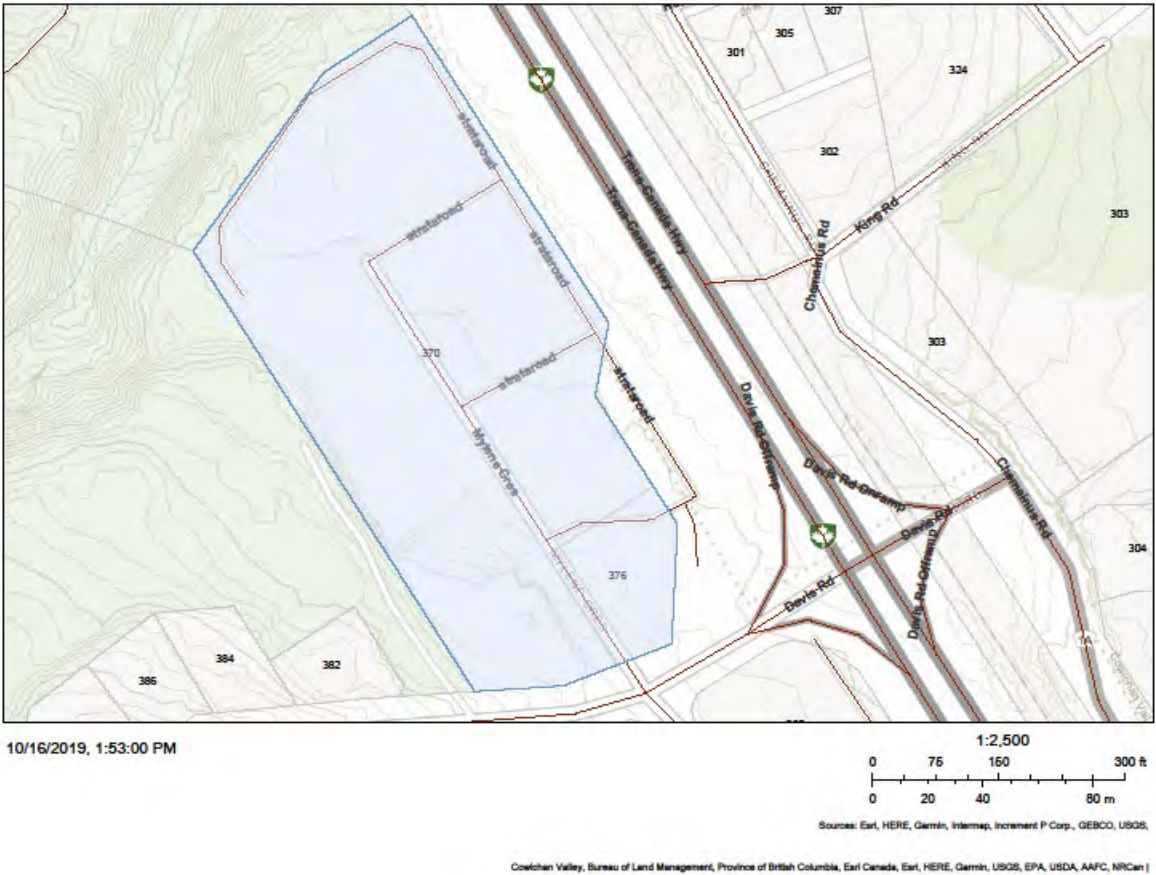
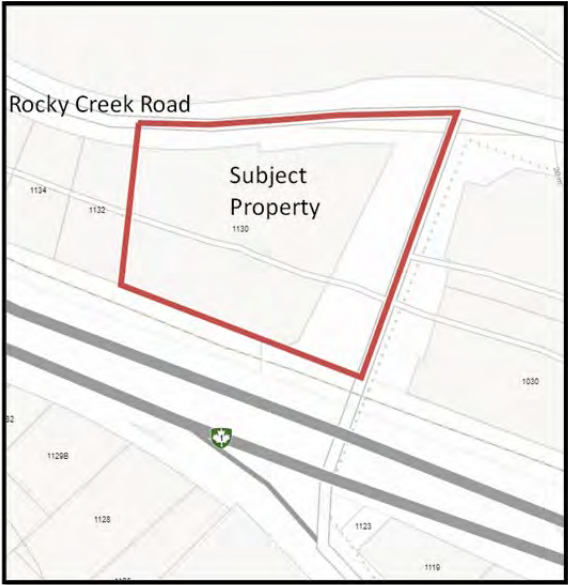


Figure 11.6

Bylaw 2069



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

Bylaw 2099

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

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

Bylaw 2186

- a) No *Principal Building* shall exceed a *Height* of 11.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- 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.*
- 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.*

Bylaw 1904

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

Bylaw 1961

- ee) *Marine Sales and Service.*
- ff) *Cannabis Micro-Cultivation*

Bylaw 1978

- gg) *Cannabis Micro-Processing*
- hh) *Cannabis Research and Development*

Bylaw 2021

- ii) *Cannabis Retail Sales but only in the Parcels that are zoned I-1 and contained within the shaded area identified in Figure 12.2.1.*

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

Bylaw 2186

- a) No *Principal Building* shall exceed a *Height* of 12.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- 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

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> | |

- b) The following additional *Uses* are permitted on the I-1 zoned portion of the parcel illustrated in Figure 12.1.1 1251 Rocky Creek Road:

1. Principal Uses

- i) Storage for *Boats* and *Boathouses*; and
 - ii) *Boathouse* Construction.

2. Accessory Uses

- i) *Retail Sales*

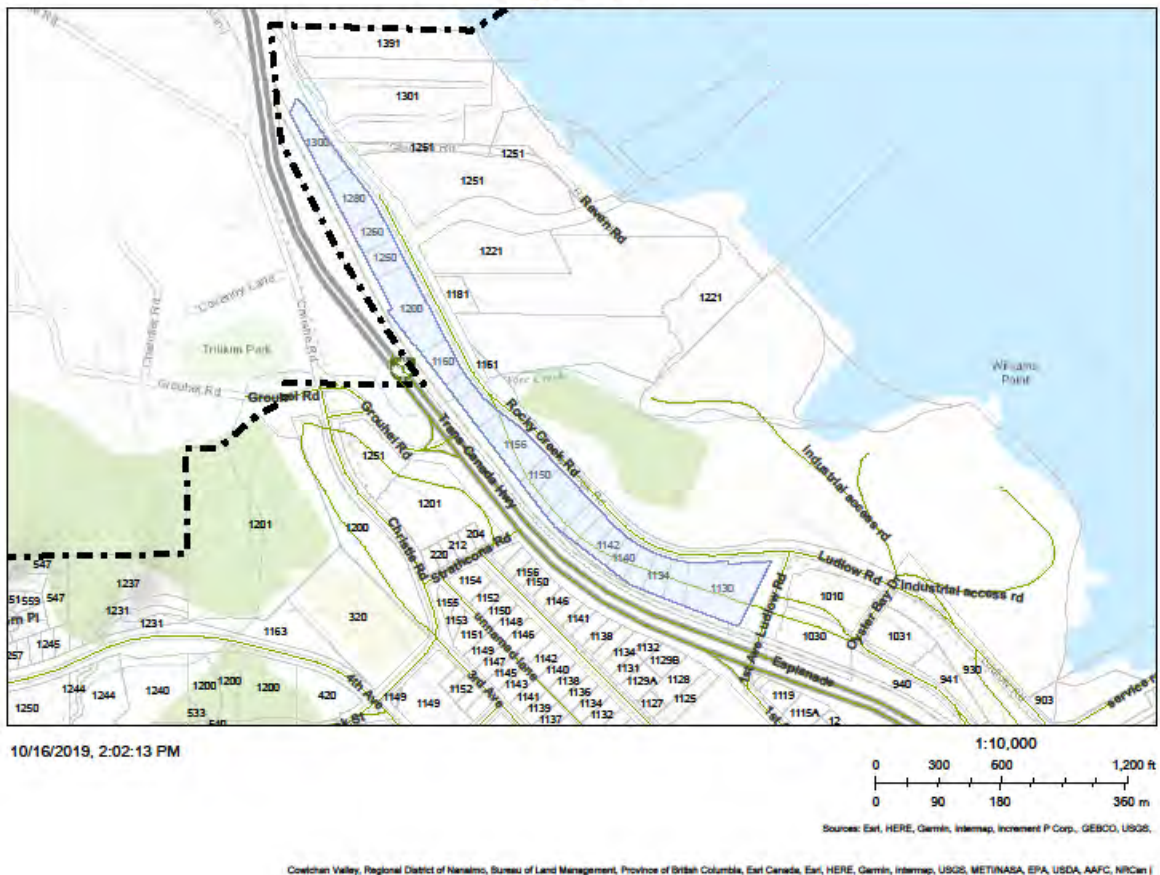
Bylaw 1961

FIGURE 12.1.1: 1251 ROCKY CREEK ROAD



- c) For the *Parcel* legally described as Lot 7, District Lot 38, Oyster District, Plan VIP73070 (1280 Rocky Creek Road), *Marshalling Yard* is a permitted *Accessory Use* subject to the *Marshalling Yard* area having a hard surface of asphalt or similar and being graded to contain and dispose of surface water with an oil/water separator.

Figure 12.2.1



Bylaw 2021

Bylaw 1962

- Bylaw 2040** d) For the *Parcel* legally described as Parcel E (being a consolidation of Lots A and B, see CA7024627) District Lot 38 Oyster District PLN EPP36585 (1148 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.
- Bylaw 2129** e) For the *Parcel* legally described as Lot 1 District Lot 38 Oyster District Plan VIP86027 Except Part in Strata Plan VIS6726 (Phases 1 and 2) and Plan EPP23810 (1152 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.
- Bylaw 2132** f) For the *Parcel* legally described as Lot D District Lot 38 Oyster District Plan EPP36585 (1144 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.

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) *Cannabis Cultivation*, subject to Section 12.3(8)(a).
- o) *Cannabis Processing*, subject to Section 12.3(8)(a).

Bylaw 1978

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

Bylaw 2186

- a) No *Principal Building* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- 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.

Bylaw
1978
1985

8. Other Regulations

- a) *Cannabis Cultivation and Cannabis Processing* shall be restricted to the locations shown zoned I-2 as illustrated in Figure 12.3.1: Cannabis Cultivation and Cannabis Production Area.”
- b) A *Caretaker Dwelling Use* shall be limited to one *Dwelling Unit* per *Parcel*.
- 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*.
- d) Despite Section 12.3(1), composting of municipal generated bio-solids is a *Principal Use* on the *Parcel* legally described as Lot 3, District Lot 72, Oyster District, Plan 50979 (4142 Thicke Road).

FIGURE 12.3.1: PLAN OF CANNABIS CULTIVATION AND CANNABIS PRODUCTION AREA

Bylaw 1978



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, measured to the highest point of the roof.
- 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, measured to the highest point of the roof.
- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.

Bylaw 2186

- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.
- 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* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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.

Bylaw 2186

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, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.
- 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

- Bylaw 2099*
 - a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
 - b) No *Farm Operation Employee Dwelling* shall have a *Finished Floor Area* that is greater than 110 square metres.

- Bylaw 1904*
 - c) No *Building* or *Structure* shall exceed a *Parcel Coverage* of 35.0 percent.
 - d) 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*
 - e) 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, measured to the highest point of the roof.
- Bylaw 2186*
 - b) No *Single Unit Dwelling* shall exceed a *Height* of 11 metres.

- c) No *Farm Operation Employee Dwelling* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- d) No *Accessory Building* or *Structure* ancillary to a *Farm Use* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- e) No *Accessory Building* or *Structure* ancillary to a *Residential Use* and located within a *Farm Home Plate* shall exceed a *Height* of 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

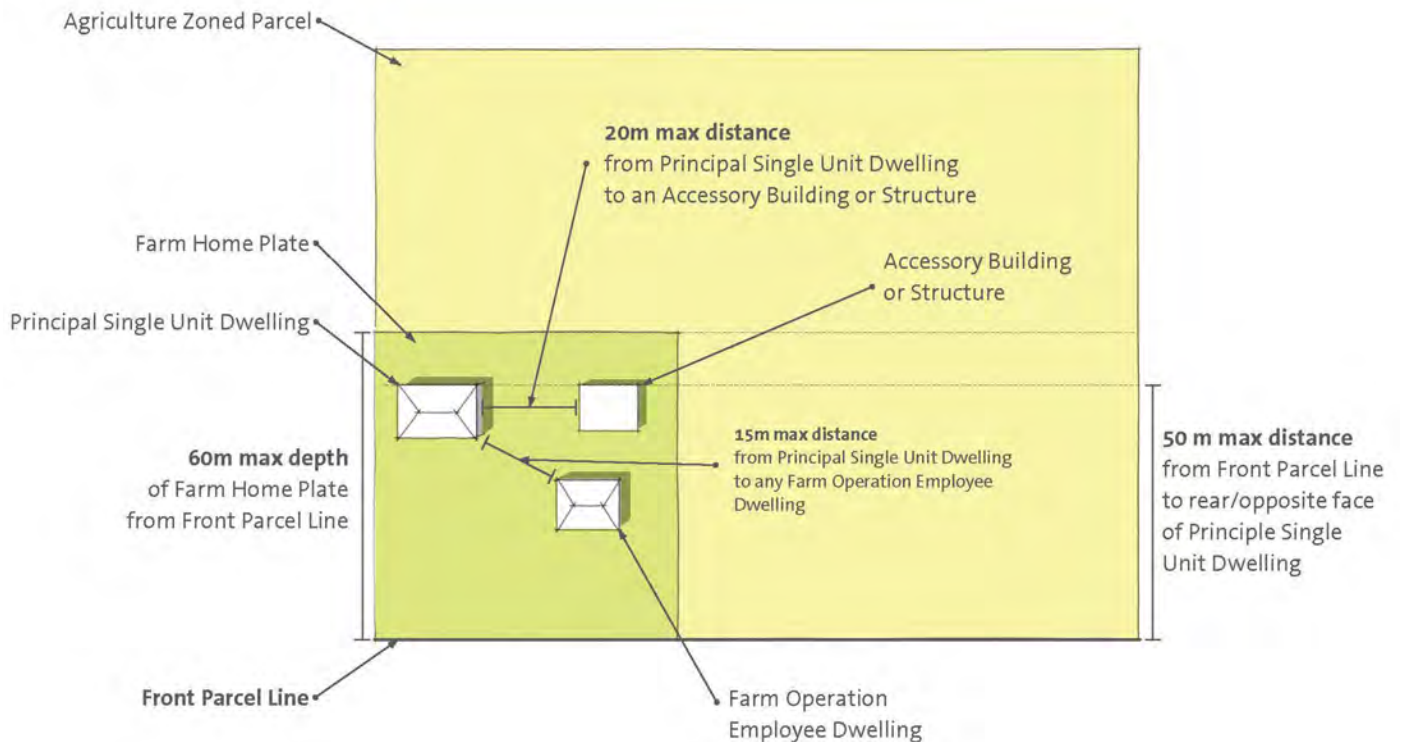
Bylaw 1904

- 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

Bylaw 2099 a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.

b) No *Farm Operation Employee Dwelling* shall have a *Finished Floor Area* that is greater than 110 square metres.

Bylaw 1904 c) No *Buildings or Structures* located in Sub-Area A shall exceed a *Parcel Coverage* of 35.0 percent.

d) 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*.

e) No *Buildings or Structures* located in Sub-Area B shall exceed a *Parcel Coverage* of 20.0 percent.

Bylaw 1904 f) *Greenhouse Structures* shall not exceed a *Parcel Coverage* of 75.0 percent.

8. Siting, Sizing and Dimension of Uses, Buildings and Structures

Bylaw 2186 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, measured to the highest point of the roof.

b) No *Single Unit Dwelling* shall exceed a *Height* of 11.0 metres.

c) Despite Section 14.2(8)(a), no *Farm Operation Employee Dwelling* shall exceed a *Height* of 5.5 metres, measured to the highest point of the roof.

d) No *Accessory Building or Structure* located in Sub-Area A or B shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof, except those *Accessory Buildings or Structures* located within a *Farm Home Plate* in Sub-Area A which shall not exceed a *Height* of 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</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>	3.0 metres
<i>Rear Parcel Line</i> or <i>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

- 9. 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:

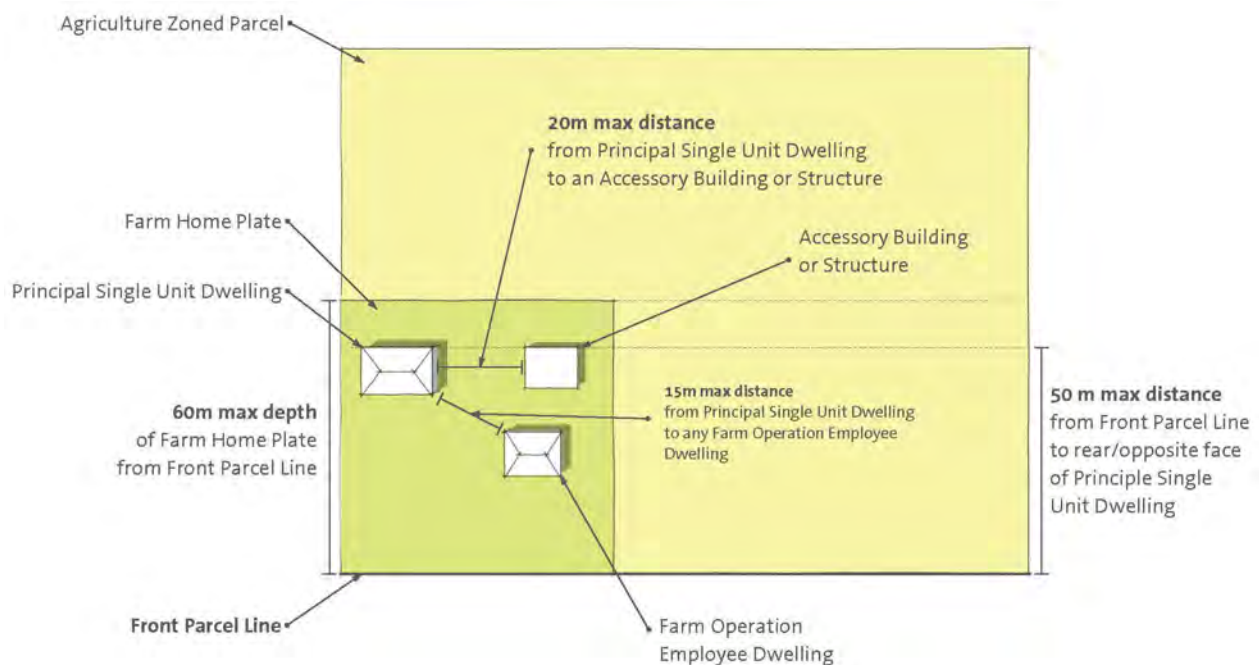
PARCEL LINE	MINIMUM SETBACK
Front Sub-Area Line	7.5 metres
Interior and Exterior Sub-Area Line	6.0 metres
Rear Sub-Area Line	6.0 metres

- Bylaw 1904** b) No *Principal Building* or *Structure* used for *Farm Use* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.

- Bylaw 2186** i) 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*.

10. 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

11. Landscaping and Screening

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

12. Parking and Loading

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

13. 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.

14. 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, measured to the highest point of the roof.
- b) Despite Section 15.1(5)(a), no *Single Unit Dwelling* shall exceed a *Height* of 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

Bylaw 2186

- 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, measured to the highest point of the roof.
- 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.

Bylaw 2186

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

Bylaw 2186

- a) No *Boathouse* shall exceed a *Height* of 9.0 metres, measured to the highest point of the roof.
- b) All other *Buildings* or *Structures* shall not exceed 7.5 metres in *Height*, measured to the highest point of the roof.
- 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, measured to the highest point of the roof.
- b) No *Accessory Building or Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.
- 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.

Bylaw 2186

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, measured to the highest point of the roof.

Bylaw 2186

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

Bylaw 2069 17.1. COMPREHENSIVE DEVELOPMENT 1 – RESERVED FOR FUTURE USE

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"> 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>. 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. 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>. 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>. 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. 	<p>A maximum of 20 <i>Dwelling Units</i> is permitted in the CD-2 Zone.</p>
<ol style="list-style-type: none"> c) No <i>Accessory Building</i> shall have a <i>Gross Floor Area</i> that is greater than 45 square metres. d) No <i>Principal</i> or <i>Accessory Buildings</i> or <i>Structures</i> when combined shall exceed a total <i>Parcel Coverage</i> of 30.0 percent. 	
<p>5. Siting, Sizing and Dimension of Uses, Buildings and Structures</p>	
<ol style="list-style-type: none"> a) No <i>Principal Building</i> shall have a horizontal <i>Building</i> dimension less than 6.5 metres. b) No <i>Principal Building</i> or <i>Structure</i> shall exceed a <i>Height</i> of 7.5 metres. c) No <i>Accessory Building</i> or <i>Structure</i> shall exceed a <i>Height</i> of 3.5 metres. d) No <i>Accessory Building</i> or <i>Structure</i> shall exceed one <i>Storey</i>. 	

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- 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

- 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.
- 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.
- A minimum of 40% of the *Parcel Area* in the CD-2 *Zone* shall remain free of coverage by impermeable surfaces.
- 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.

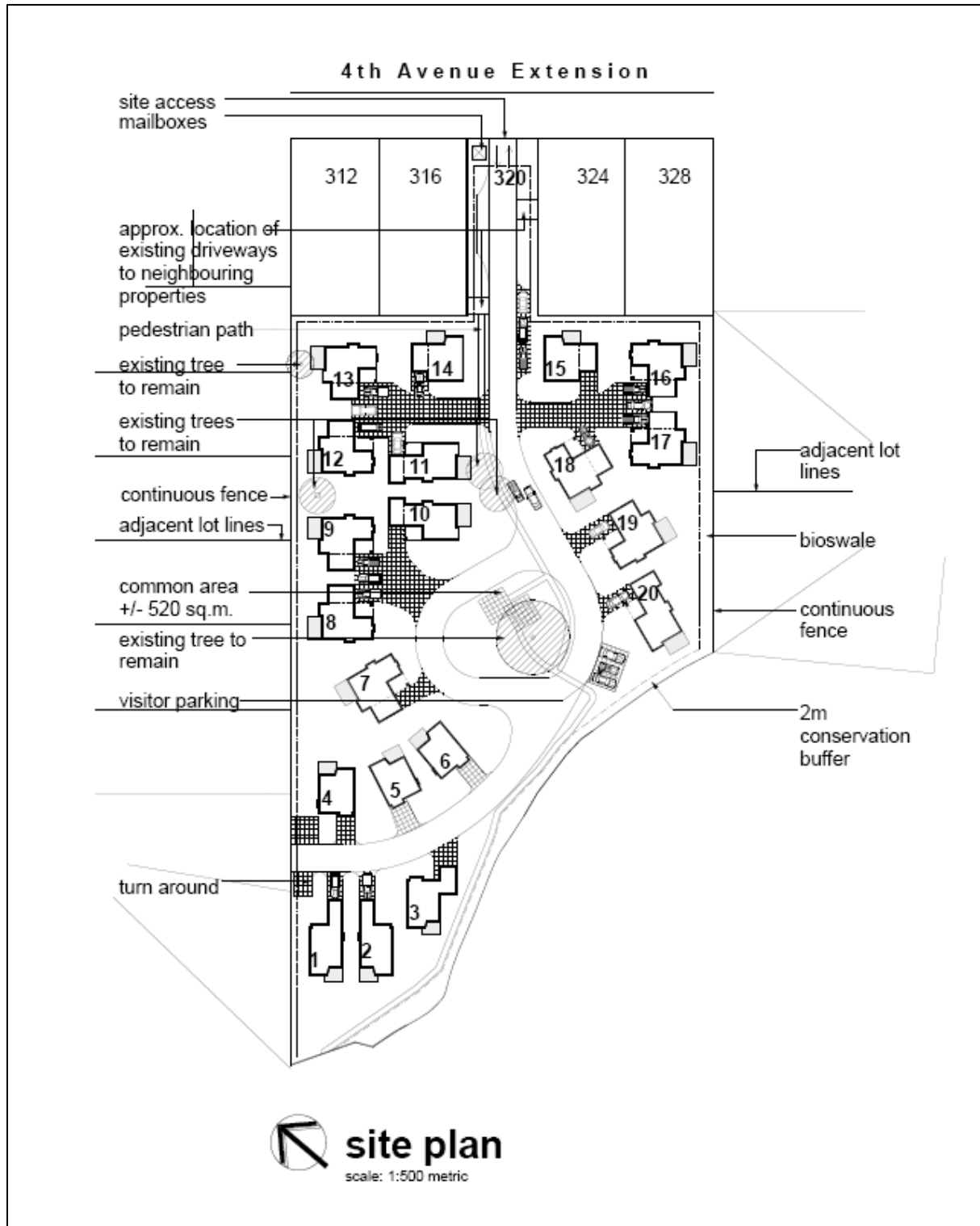
7. Parking and Loading

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

- 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.*
- b) *Two 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.
- c) *Coach House*, subject to Part 6, Section 6.5.

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* shall be created which has a *Parcel Area* less than 668 square metres in area.
- b) No *Parcel* shall be created which has a frontage less than 12.0 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.

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9. Size and Density of the Use of Land, Buildings and Structures: Areas A and B

Bylaw 2099

- a) Where only one dwelling unit is constructed on a parcel no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres.

Bylaw 2186

- b) The maximum number of *Dwelling Units* permitted per *Parcel* in Areas A and B is as shown in the Table below:

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
4,050.0 square metres or larger	Two units
Less than 280.0 square metres	Three units
Between 280.0 square metres and 4,050.0 square metres	Four units

- c) No *Building* or *Structure* shall exceed a *Parcel Coverage* of:
- i) 33.0 percent where only one dwelling is located on a parcel; and
 - ii) 50.0 percent where more than one dwelling unit is located on a parcel. -

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 11.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 3.5 metres.
- c) No *Principal Building* or *Structure*, or *Coach House Dwelling* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

	PARCEL LINE	MINIMUM SETBACK
Bylaw 2186	<i>Front Parcel Line</i>	4.5 metres
Bylaw 1904	<i>Interior or Exterior Side Parcel Line</i>	1.2 metres
	<i>Rear Parcel Line</i>	1.5 metres

- d) Despite Section 17.3(11)(c), 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*.

- e) Despite Section 17.3(11)(c), no *Buildings* or *Structures* shall be located closer than 6.0 metres to the boundary of a hydro right of way *Lot* line.
- f) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
 - i) 2.4 meters, where each building is *sprinklered*; and
 - ii) 4.8 meters, where any part of a building is not *sprinklered*
- 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>	1.0 metres
<i>Rear Parcel Line</i>	1.0 metres

- h) Despite Section 17.3(11)(f), 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

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- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres, measured to the highest point of the roof.
- 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*.

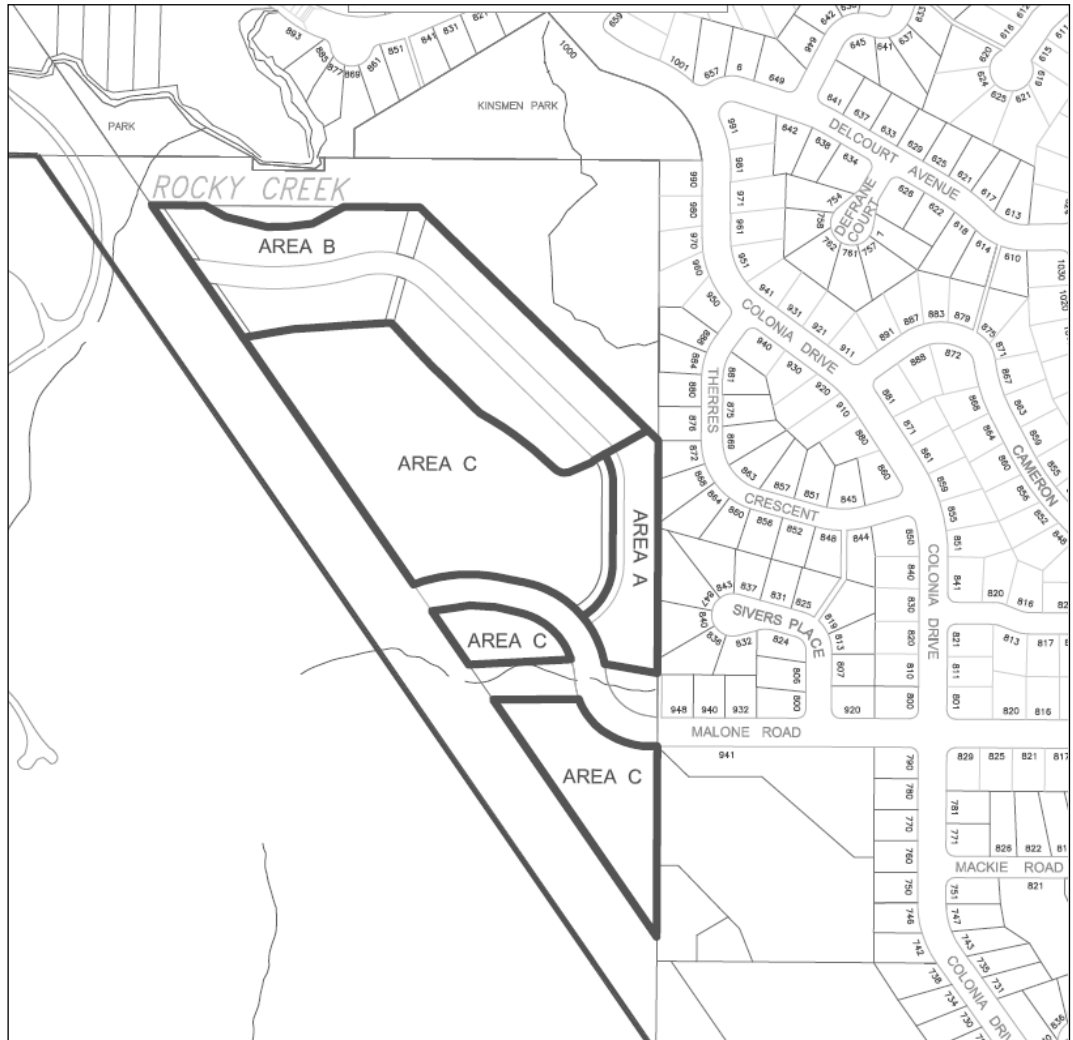
13. Landscaping and Screening

- 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

- b) 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.*
- l) *Micro-Brewery.*
- m) *Brewery, Distillery, Bottling and Distribution.*
- n) *Retail Sales.*
- o) *Coffee Shop.*
- p) *Restaurant.*
- q) *Artifact and Boat Restoration.*

Bylaw 2012

4. Accessory Uses

Bylaw 2012

- a) *Food Truck.*
- b) *Retail Sales.*
- 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

Bylaw 2012

- a) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 5.0 percent.

7. Siting, Sizing and Dimension of Uses, Buildings and Structures

Bylaw 2012

- a) No *Building* shall exceed a *Height* of 9.0 metres, measured to the highest point of the roof.

Bylaw 2186

- 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

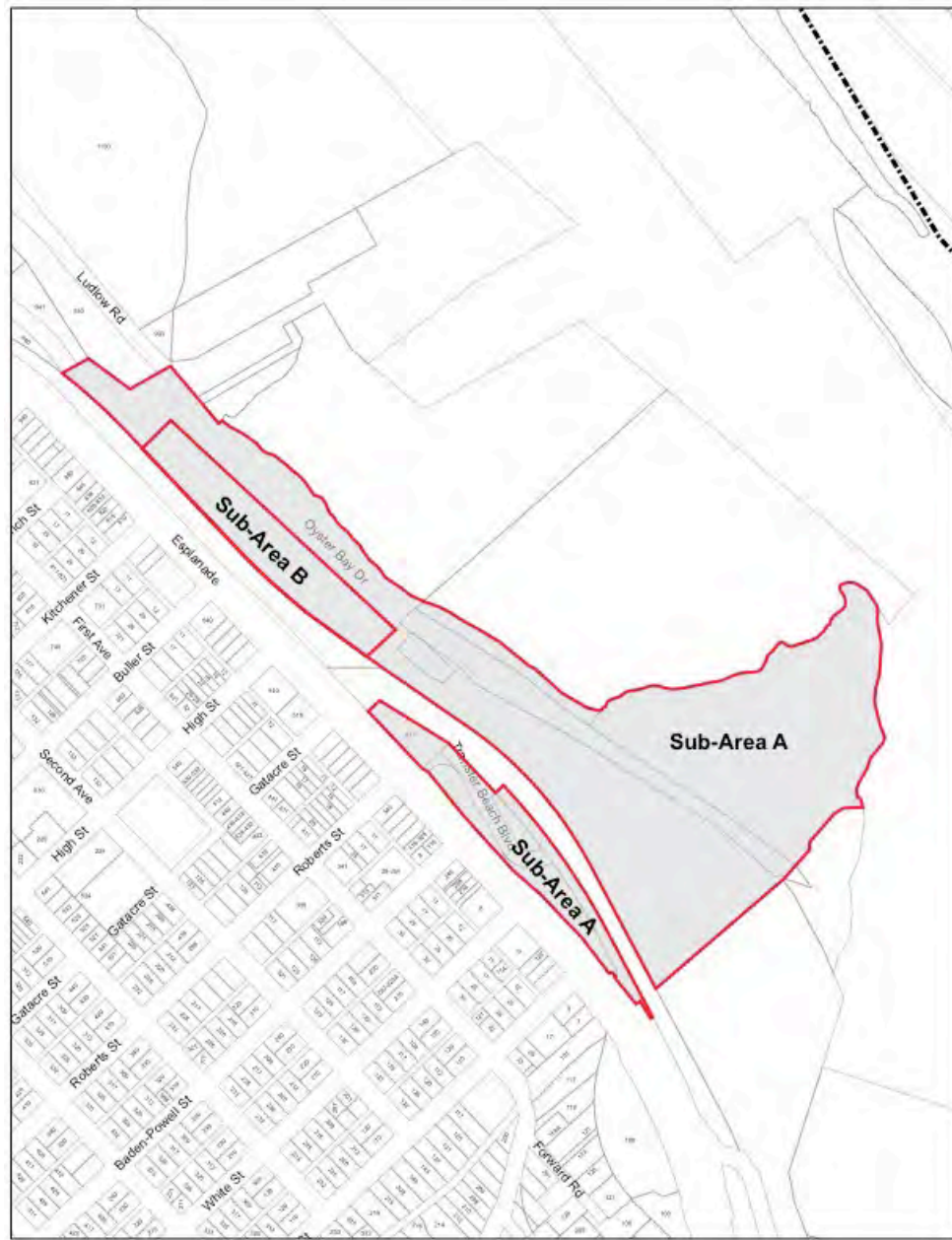
- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

9. Parking and Loading

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

Bylaw 2012

10. Plan of the Comprehensive Development 4 (CD-4) Zone Sub-Areas



17.5 COMPREHENSIVE DEVELOPMENT 5 - COMMUNITY HOUSING ZONE (CD-5)

Bylaw 1983

The purpose of the CD-5 Community Housing Zone is to accommodate multiple unit rental tenure housing to serve the community’s diverse housing needs.

1. Principal Uses

- a) Multiple-Unit Dwellings.

2. Accessory Uses

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

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

Bylaw 2099

- a) The Floor Space Ratio shall not exceed 1.5.
- b) The maximum number of Dwelling Units permitted in this Zone is 180 units per hectare of Land.
- c) No Building or Structures shall exceed a Parcel Coverage of 50.0 percent.
- d) Despite Section 17.5 (4)(d) 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.
- e) A Parcel may contain more than one Principal Building.

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

Bylaw 2186

- a) No Principal Building or Structure shall exceed a Height of 12.5 metres, measured to the highest point of the roof.
- b) No Accessory Building or Structure shall exceed a Height of 5.0 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
Front Parcel Line	6.0 metres
Interior Side or Exterior Side Parcel Line	4.5 metres

Rear Parcel Line

4.5 metres

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m²) 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 ²	MINIMUM SETBACK >10.0 M ²
<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. Form of Tenure

- a) One hundred percent (100%) of the Dwelling Units in the CD-5 Zone shall be limited to *Residential Rental Tenure*.

17.6 COMPREHENSIVE DEVELOPMENT 6 – BELAIRE MIXED-USE (CD-6)

The purpose of the CD-6 Belaire Mixed-Use is to accommodate a four-storey mixed-use development containing ground floor commercial and second, third, and fourth floor multi-family residential development.

1. Principal Uses

- a) *Coffee shop*
- b) *Community care facility*
- c) *Media production studio*
- d) *Multiple-Unit Dwellings*
- e) *Neighbourhood pub*
- f) *Office*
- g) *Personal service establishment*
- h) *Restaurant*
- i) *Retail sales*
- j) *Veterinary clinic*

2. Accessory Uses

- a) *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 1,500 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 30 metres.

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

- a) The *Floor Space Ratio* shall not exceed 1.3.
- b) The maximum number of Dwelling Units permitted in this Zone is one.
- c) Notwithstanding Section 17.6(4)(b), the owner shall be entitled to a maximum residential density of 53.5 units per hectare, to a maximum of 8 units, provided that:
 - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park; and

- ii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i).
- d) Notwithstanding Section 17.6(4)(b) and (c), the owner shall be entitled to a maximum residential density of 78.5 units per hectare, to a maximum of 12 units, provided that:
 - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park;
 - ii) the owner constructs, at their cost, a public gathering space, in accordance with the standards established by the Town, in Wickham Park;
 - iii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i) and (ii);
 - iv) a minimum of 60 percent of the off-street parking spaces for the dwelling units, as required in Part 8: Parking and Loading Regulations, are provided as *Underbuilding Parking*; and
 - v) all *Principal Buildings* meet or exceed Step 1 of the British Columbia Energy Step Code.
- e) No commercial use on the parcel shall have a *Gross Floor Area* greater than 250 square metres.
- f) The combined *Floor Space Ratio* for all commercial uses on the property shall not exceed 0.5.
- g) No *Building* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.
- h) A *Parcel* may contain more than one *Principal Building*.

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

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- a) No *Principal Building* or *Structure* shall exceed a *Height* of 14.5 metres, measured to the highest point of the roof.

No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres.

- b) 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 (Belair Street)</i>	2.0 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.0 metres
<i>Rear Parcel Line</i>	17.0 metres

- c) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 80.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* greater than 15 m², 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>	4.5 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	13.0 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 shall be provided in accordance with Part 8: Parking and Loading Regulations.
- b) Notwithstanding (a);
- the total number of on-site loading spaces required on a parcel shall be one; and
 - a maximum of 50 percent of the total off-street parking requirement may be designated as small car spaces.

17.7 COMPREHENSIVE DEVELOPMENT 7 – ROCKY CREEK ROAD MIXED-USE RESIDENTIAL (CD-7)

The purpose of the Comprehensive Development 7 Zone is to accommodate a mixed-use residential neighbourhood with a range of housing options and densities, with flexibility in permitted uses to allow for the option of Live-Work uses adjacent to Rocky Creek Road and to provide access to local commercial services for existing and future residents.

1. Principal Uses

- a) *Artist Studio.*
- b) *Bakery.*
- c) *Coffee Shop.*
- d) *Commercial School.*
- e) *Community Care Facility.*
- f) *Convenience Store.*
- g) *Cottage Industry.*
- h) *Liquor Retail Sales.*
- i) *Media Production Studio.*
- j) *Micro-Brewery.*
- k) *Multiple-Unit Dwelling.*
- l) *Neighbourhood Pub.*
- m) *Non-Motorized Recreational Equipment Sales or Rental*
- n) *Office.*
- o) *Personal Service Establishment.*
- p) *Restaurant.*
- q) *Retail Sales.*
- r) *Single Unit Dwelling.*
- s) *Tourist Accommodation.*
- t) *Two Unit Dwelling.*
- u) *Townhouse Dwelling.*
- v) *Veterinary Clinic.*

2. Accessory Uses

- a) *Coach House Dwelling*, as an *Accessory Use* to a *Single Unit Dwelling*, and subject to Part 6, Section 6.5.
- b) *Home Based Business*, subject to Part 6, Section 6.8.
- c) *Recreation Activity Space*.
- d) *Secondary Suite*, subject to Part 6, Section 6.4.
- e) *Urban Agriculture*.

3. Sizing and Dimensions of Parcels

- a) No *Parcel* for a *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 372 square metres in area.
- b) No *Parcel* for a *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres in area.
- c) No *Parcel* for a *Multiple-Unit Dwelling* or a *Townhouse Dwelling* shall be created which has a *Parcel Area* less than 2023 square metres.
- d) No *Parcel* for a commercial use shall be created which has a *Parcel Area* less than 668 square metres in area.
- e) No *Parcel* shall be created which has a *Frontage* of less than 12.19 metres.

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

- a) For the *Parcel* legally described as Lot A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), the maximum number of *Dwelling Units* is 282 in total.
- b) The maximum number of *Dwelling Units* permitted by subsection 17.7.4.a) applies despite any subdivision of the *Parcel* specified.
- c) For the purpose of calculating the maximum total density permitted by 17.7.4.a) and b), an *Accommodation Unit* for a *Tourist Accommodation Use* will be counted as a *Dwelling Unit*.

5. Size and Density of the Use of Land, Buildings and Structures

- a) For a *Single Unit Dwelling* section 10.4.4. "Size and Density of the Use of Land, Buildings and Structures" of Section 10.4 "Single Dwelling Residential – Small Lot B Zone (R-1-A)" shall apply.
- b) For a *Two Unit Dwelling* section 10.6.4. "Size and Density of the Use of Land, Buildings and Structures" of Section 10.6 "Old Town Residential (R-2)" shall apply.
- c) For a *Multiple-Unit Dwelling* or a *Townhouse Dwelling* the *Floor Space Ratio* shall not exceed 2.0.

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- d) For a *Parcel* created for a *Multiple-Unit Dwelling* or a *Townhouse Dwelling*, no *Building* or *Structure* shall exceed a *Parcel Coverage* of 50.0 percent.
- e) No commercial use on a *Parcel* shall have a *Gross Floor Area* greater than 200 square metres.
- d) Despite subsection 17.7.5.e) a maximum of one commercial use on the *Parcel* legally described as Lot A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), may have a *Gross Floor Area* of no greater than 500 square metres. The maximum of one commercial use no greater than 500 square metres applies despite any subdivision of the *Parcel* specified.
- f) The combined *Floor Space Ratio* for all commercial uses on a *Parcel* shall not exceed 0.5.
- g) Commercial uses may only be located on the *First Storey* of a *Building*.
- h) Despite section 17.7.5(g) *Tourist Accommodations* may be located above the *First Storey* of a *Building*.
- i) A *Parcel* may contain more than one *Principal Building*.
- j) Despite section 17.7.5.(i) a *Parcel* for a *Single Unit Dwelling* shall not contain more than one *Principal Building*.

6. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) For a *Single Unit Dwelling* section 10.4.5. "Siting, Sizing and Dimension of Uses, Buildings and Structures" of Section 10.4 "Single Dwelling Residential – Small Lot B Zone (R-1-A)" shall apply.
- b) For a *Two Unit Dwelling* section 10.6.5 "Siting, Sizing and Dimension of Uses, Buildings and Structures" of Section 10.6 "Old Town Residential (R-2)" shall apply.
- c) For a *Multiple-Unit Dwelling* or a *Townhouse Dwelling* section 10.10.5 "Siting, Sizing and Dimension of Uses, Buildings and Structures" of Section 10.10 "Medium Density Residential (R-3)" shall apply.
- d) Despite section 10.10.5.(a) a *Multiple-Unit Dwelling Building* shall not exceed a *Height* of 21.0 metres, measured to the highest point of the roof.
- e) Despite section 10.10.5.(d) no *Multiple-Unit Dwelling Building* shall be located closer than 6.0 metres from any *Parcel Line* that abuts a *Parcel* that contains a *Single Unit Dwelling* or a *Two Unit Dwelling*.

7. Landscaping and Screening

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

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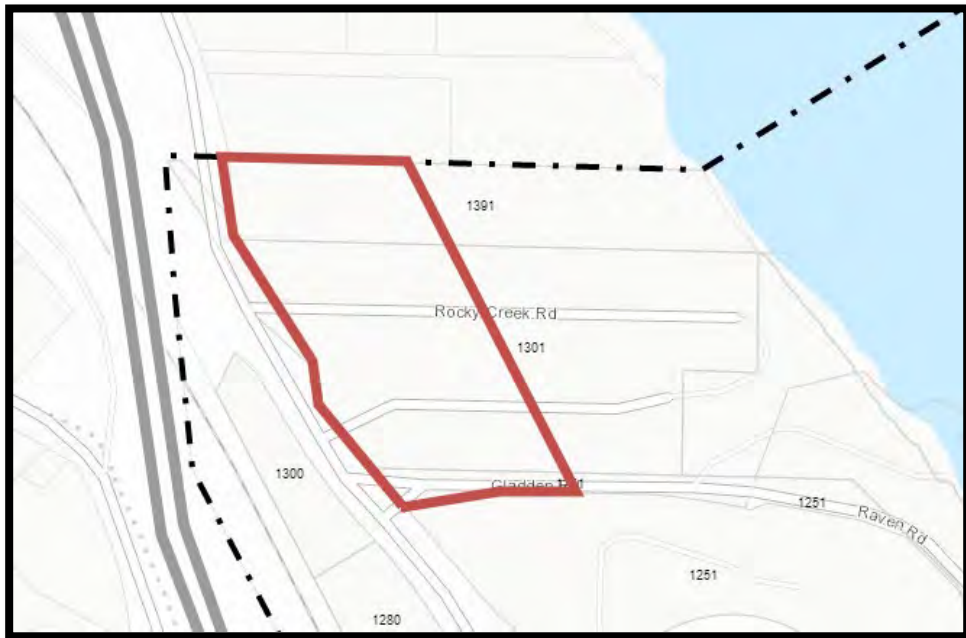
8. Parking and Loading

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

9. Additional Option for Live-Work Industrial Development

- a) For the portion of *Parcel* legally described as Lot A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), shown in Figure 17.7, the *Uses* permitted in the I-1A Zone are permitted in addition to the *Uses* listed in section 17.7.1 and 17.7.2, subject to meeting the requirements for: sizing and dimension of parcels; size and density of the use of the land, buildings and structures; siting sizing and dimensions of uses, buildings and structures; landscaping and screening; parking and loading; and, other regulations as provided in sections 12.1.3 to 12.1.8 of Section 12.1 “Live/Work Industrial (I-1A)”.

Figure 17.7



METRIC CONVERSION CHART

This chart is provided for convenience only and does not form part of this Bylaw.

METRES (m)	FEET (ft)	METRES (m)	FEET (ft)	SQUARE METRES (m ²)	SQUARE FEET (ft ²)	SQUARE METRES (m ²)	SQUARE FEET (ft ²)
0.1	0.3	5.8	19	0.4	4.3	110	1,184
0.165	0.5	6	19.7	1	10.8	121	1,302
0.2	0.7	7	23	2	21.5	137	1,475
0.3	1	7.3	24	3	32.3	140	1,507
0.4	1.3	7.32	24	3.5	37.7	175	1,884
0.5	1.6	7.5	24.6	4	43.1	200	2,153
0.6	2	7.6	25	5	53.8	223	2,400
0.7	2.3	8	26	6	64.6	240	2,583
0.8	2.6	9	29.5	7	75.3	277	2,972
0.9	2.9	9.15	30	8	86.1	300	3,229
1	3.3	9.3	30.5	9	96.9	334	3,595
1.2	3.9	9.5	31.2	9.3	100.1	372	4,004
1.4	4.6	10	32.8	10	107.6	390	4,198
1.5	4.9	10.4	34.1	20	215.3	400	4,306
1.8	5.9	10.5	34.4	25	269.1	465	5,005
1.9	6.2	11	36.1	30	322.9	500	5,382
2	6.6	12	39.4	32	344.4	600	6,458
2.1	6.9	12.19	40	37	398.3	626	6,738
2.2	7.2	13.5	44.3	40	430.6	668	7,190
2.29	7.5	14	45.9	45	484.4	695	7,481
2.4	7.9	15	49.2	50	538.2	700	7,535
2.5	8.2	18	59	60	645.8	780	8,396
2.6	8.5	18.28	60	70	753.5	892	9,601
2.7	8.9	20	65.6	71	764.2	1,000	10,764
2.75	9	21	68.9	83	893.4	1,250	13,455
3	9.8	24.38	80	85	914.9	1,394	15,005
3.5	11.5	30	98.4	90	968.8	1,460	15,715
3.6	11.8	36.57	120	100	1,076		
3.7	12.1	45	147.6				
4.5	14.8	50	164				
4.9	16.1	60	196.9				
5	16.4	90	295.3				
5.2	17.1	100	328				
5.5	18	125	410.1				
5.7	18.7						

HECTARES (Ha)	ACRES
1	2.47
1.5	3.71
2	4.94
12	29.7
20	49.4

Town of Ladysmith

ZONING BYLAW 2014, NO.1860

SCHEDULE B – ZONING BYLAW MAP

Town of Ladysmith



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