TOWN OF SIDNEY

BYLAW NO. 2275

A BYLAW TO ADOPT A ZONING BYLAW FOR THE TOWN OF SIDNEY PURSUANT TO PART 14 OF THE LOCAL GOVERNMENT ACT

WHEREAS under Part 14: Division 5 of the *Local Government Act* Council may enact zoning and other development regulations;

AND WHEREAS the Town of Sidney has enacted "Town of Sidney Zoning Bylaw No. 2015, 2012" and now wishes to repeal and replace that bylaw;

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

1. This bylaw may be cited as the Town of Sidney "Zoning Bylaw No. 2275".

2. This bylaw includes "Schedule A – Zoning Bylaw" and "Schedule B - Zoning Map", attached to and forming part of this bylaw.

3. This bylaw comes into force July 1, 2024.

4. That "Town of Sidney Zoning Bylaw No. 2015, 2012" and amendments thereto are repealed.

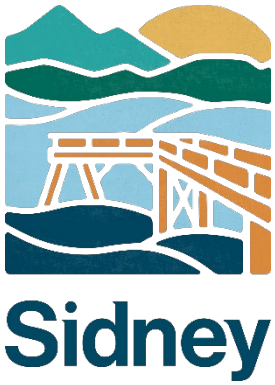
Read a first time this	10th day of June, 2024.
Read a second time this	10th day of June, 2024.
Public Hearing held this	day of , 2024.
Read a third time this	day of , 2024.
Ministry of Transportation and Infrastructure approval this	day of , 2024.
Adopted this	day of , 2024.

MAYOR

CORPORATE OFFICER

Schedule A

ZONING BYLAW



TOWN OF SIDNEY

BYLAW NUMBER 2275

The contents of this Bylaw are produced and consolidated for convenience only. Every effort has been made to ensure the accuracy and completeness of the material; however, the Town cannot guarantee its legal accuracy and does not accept responsibility for loss or inconvenience suffered by users as a result of inaccuracies. Please be advised that this material is not admissible in a court of law in accordance with the Evidence Act of British Columbia. For such purposes certified copies of Bylaws must be obtained from the Corporate Administrator.

HOW TO USE THIS DOCUMENT

This Zoning Bylaw is regulatory in nature. However, it incorporates Explanatory Notes and Figures in order to more clearly illustrate the intent of the regulations. These Explanatory Notes and Figures, which include this page, are distinguished from regulations through the use of italic text and are intended to be used for clarification purposes only (Refer to Section 1.1.7).

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

Step One: *Determine the Zoning of your property.*

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

Step Two: *Determine the Permitted Uses in your Zone.*

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

Step Three: *Determine the Building Regulations in your Zone.*

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

Step Four: *Determine the Landscape Design Regulations.*

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

Step Five: *Contact the Development Services Department.*

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

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1 ADMINISTRATION

1.1 Applicability, Scope, and Interpretation

1.1.1 Conformity with Official Community Plan

This Bylaw is consistent with and gives effect to the policies of the Town of Sidney Official Community Plan, Bylaw No. 2240. No amendment to this Bylaw shall be made which deviates from the policies of the Official Community Plan without the prior amendment of the Official Community Plan.

1.1.2 Application

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

1.1.3 Non-Conforming Buildings, Uses, and Structures

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

1.1.4 Inspection

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

1.1.5 Offence and Penalties

a. Every person who violates this bylaw; Suffers or permits any act or thing to be done in violation of this bylaw; Neglects to do or refrains from doing anything required in accordance with this bylaw; is guilty of an offence against this bylaw and is liable:
    i. To a fine set out in the Town of Sidney's Municipal Ticket Enforcement Bylaw; or
    ii. To a fine set out in the Town of Sidney's Bylaw Notice Enforcement Bylaw; or
    iii. Upon summary conviction under the Offence Act, to a penalty of not less than $500.00 and not more than $50,000.00
b. Each day that a violation continues is a separate offence against this bylaw.

1.1.6 Severability

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

1.1.7 Explanatory Notes and Figures

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

1.1.8 Conflicting Regulations

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

1.1.9 General and Specific Regulations

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

2 DEFINITIONS

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

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

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

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

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

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

Affordable Housing Unit: A dwelling unit that has a registered housing agreement specifying that no more than 30 per cent of the occupying household's gross income goes towards paying the housing costs for that unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cannabis: Has the same meaning as in the Cannabis Act, S.C. 2018.

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

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

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

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

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

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

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

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

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

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

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

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

Copy/Print Shop: The use of a building or part thereof to provide small-scale document printing or copying services directly to the consumer. Does not include sign fabrication.

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

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

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

Density: The number of residential units permitted on a Lot or Strata Lot when calculated in Units per Hectare, or the total amount of Gross Floor Area permitted on a Lot or Strata Lot when calculated in Floor Area Ratio.

Development Permit: A development permit issued under the Local Government Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

Financial Institution: The use of a building or part thereof by banks or credit unions. Does not include businesses that solely offer investment and investment counseling services.

First Storey: The storey with the lowest floor elevation in relation to grade, excluding a basement or half storey.

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

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

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

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

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

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

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

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

Grade: Refers to the natural grade of a site and is defined as the average existing elevation of the ground surface of land, at the extreme four corners of a building, prior to any alteration to the ground elevation of a site, except for alterations required by a qualified professional to establish a Flood Construction Level (FCL). Where land alteration has occurred and is unrelated to an FCL, the natural grade shall be determined by a building official on the basis of historical records or by interpolation from adjacent natural grades.

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

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

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

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

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

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

Home Occupation, High Traffic: A home occupation that receives customers or clients in a dwelling unit or accessory building as part of its regular business operations, including but not limited to daycares, personal service establishments and medical, dental, law and accounting offices.

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

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

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

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

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

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

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

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

Lane: A highway, 6 metres or less in width that provides additional access to a lot or lots.

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

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

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

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

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

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

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

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

Lot Line, Rear: The lot line or lines opposite to and most distant from the front lot line or, in the case of a triangular shaped lot, a line 3 metres in length entirely within the lot, parallel to an at a maximum distance from the front lot line.

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

m^2: Square metres.

Major Vehicle Repair: The use of a building or part thereof for the rebuilding or reconditioning of engines or vehicles, including collision service, body repair, frame straightening, painting,

upholstering, steam cleaning, undercoating, welding, major engine, transmission and differential repairs or replacement and minor vehicle repair.

Manufactured Home: A single dwelling manufactured as a unit, or in units, intended to be occupied in a place other than that of its manufacture, and constructed to the requirements of the CSA National Standard CAN/CSA -Z240MH or a preceding or replacement standard.

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

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

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

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

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

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

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

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

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

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

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

Natural Boundary: As established by a British Columbia Land Surveyor, the high water mark in the case of tidal waters and includes the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water other than tidal water, a character distinct from that of the banks thereof, in respect of the vegetation, as well as in respect of the nature of the soil itself.

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

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

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

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

Parkade: A multi-level parking structure.

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

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

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

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

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

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

Pergola: A landscape element consisting of a horizontal framework, arbor or trellis without a solid roof that is supported by vertical posts.

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

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

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

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

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

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

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

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

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

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

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

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

Rental Store: The use of a building or part of a building for the rental of items regularly used by households, including but not limited to small tools, appliances, books, sporting equipment, household accessories, games, and movies, where those items will be returned to the store to be made available again for other customers. This use may include the accessory sale of products associated with the services provided.

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

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

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

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

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

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

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

Rooftop Access Structure: Portions of a building or structure which provide rooftop access in the form of stairways, elevators, and vestibules. Does not include storage space or living areas.

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

Secondary Suite: A type of dwelling unit, built to comply with BC Building Code requirements for secondary suites.

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

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

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

Short Term Rental: Means an accessory use located within a lawful dwelling unit that has a valid and subsisting occupancy permit which provides accommodation for a period of less than 90 consecutive days to the travelling public.

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

Small Appliance Repair: The use of land, buildings, and/or structures for repairing or servicing household items including, but not limited to furniture, clothing, electronics, appliances, or other goods normally found within the home, entirely within an enclosed building. This use may include the accessory sale of products associated with the services provided, but does not include the servicing or repair of items with gas-powered engines.

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

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

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

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

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

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

Town: The municipality of the Town of Sidney.

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

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

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

Utility: See Public Utility.

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

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

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

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

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

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

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

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

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

3 ESTABLISHMENT OF ZONES

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

3.1 Establishment of Zones

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

3.2 Neighbourhood Residential Zones

3.2.1 Zoning Group Table: Neighbourhood Residential Zones

Zone	Zone Description	Intent of the Zone
R1	Intensive Ground-Oriented Residential	*To provide for intensive ground-oriented housing of all types up to 4 units on smaller lot sizes.*
R1-ESA	Intensive Ground-Oriented Residential – Environmentally Sensitive Areas	*To provide for intensive ground-oriented housing of all types up to 4 units within Environmentally Sensitive Areas.*
R2	Ground-Oriented Residential	*To provide for ground-oriented housing of all types up to 4 units on larger lot sizes.*
R2-ESA	Ground-Oriented Residential – Environmentally Sensitive Areas	*To provide for ground-oriented housing of all types up to 4 units within Environmentally Sensitive Areas.*
R3	Ground-Oriented Residential – Small Lot	*To provide for ground-oriented housing of all types up to 4 units on smaller lot sizes.*
R4	Summergate Village Residential	*A zone to permit manufactured homes within Summergate Village.*

3.3 Multi-Unit Residential Zones

3.3.1 Zoning Group Table: Multi-Unit Residential Zones

Zone	Zone Description	Intent of the Zone
RM5	Townhouse Residential	*To provide for townhouse housing at a maximum height of 2.5 storeys, and single- and two-family housing, where permitted by this Bylaw.*
RM6-R	Multi-Unit Residential – Rental	*To provide for rental multi-unit housing at a maximum height of 3 storeys.*
RM6	Multi-Unit Residential – Tier 1	*To provide for attached row housing and multi-unit housing at a maximum height of 3 storeys, and single- and two-family housing, where permitted by this Bylaw.*

RM7	Multi-Unit Residential – Tier 2	*To provide for attached row housing at a maximum height of 3 storeys, multi-unit housing at a maximum height of 4 storeys, and single- and two-family housing, where permitted by this Bylaw.*
RM7-WS	Multi-Unit Residential – West Side	*To provide for multi-unit housing in the Galaran Neighbourhood at a maximum height of 6 storeys, and single- and two-family housing, where permitted by this Bylaw.*
RM-C	Care-Oriented Residential	*To provide for Abbeyfield, congregate care and assisted living housing, with a market apartment dwelling component, where permitted by this Bylaw.*

3.4 Commercial Zones

3.4.1 Zoning Group Table: Commercial Zones

Zone	Zone Description	Intent of the Zone
C1	Downtown Commercial	*To provide for a mixture of core commercial uses with a secondary but significant multi-unit residential component.*
NC1	Neighbourhood Commercial – Tier 1	*To provide for convenient commercial uses which cater to the needs of the residents of lower-density residential neighbourhoods.*
NC2	Neighbourhood Commercial – Tier 2	*To provide for convenient commercial uses which cater to the needs of the residents of higher-density residential neighbourhoods.*
C3	Service Station	*To provide for service stations on arterial and collector roads to meet the vehicular needs of the surrounding areas.*
C4	Neighbourhood Motel	*To provide for temporary accommodation outside of the downtown to visitors to the community.*
C5	Airport Commercial	*To provide for commercial uses which are oriented to residents and the travelling public.*

3.5 Industrial Zones

3.5.1 Zoning Group Table: Industrial Zones

Zone	Zone Description	Intent of the Zone
M1	West Side Industrial	*To provide for a diversity of light and medium industrial uses.*
M2	West Sidney Mixed Use Village – Tier 1	*To provide for light industrial and commercial uses that support the industrial uses in the M1 Zone and provide local services for the residential uses in the area, as well as single- and two-family housing, where permitted by this Bylaw.*
M3	West Sidney Mixed Use Village – Tier 2	*To provide for a mixture of light industrial and commercial uses that support the industrial uses in the M1 Zone, with a secondary but significant multi-unit residential component.*

3.6 Marine Zones

3.6.1 Zoning Group Table: Marine Zones

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

3.7 Parks and Utility Zones

3.7.1 Zoning Group Table: Parks and Utility Zones

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

3.8 Institutional Zones

3.8.1 Zoning Group Table: Institutional Zones

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

3.9 Comprehensive Development Zones

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

3.9.1 Zoning Group Table: Comprehensive Development Zones

Zone	Address	Intent of the Zone
CD6	9851, 9881, 9891 Seaport Place	*To provide for marine - tourist, commercial uses along the waterfront.*
CD11	2210, 2220, 2230, 2240, 2250, 2280 Beacon Ave.	*To provide land for commercial development that is oriented to the traveling public.*
CD12	2326, 2326A, 2328 Harbour Rd.	*To provide land for a mix of housing forms and tourist accommodation.*
CD13	10030 Resthaven Dr.	*To provide land for a Seniors Centre with a Residential and Institutional component to provide assisted living.*
CD29	9805, 9809 Seaport Place 2532, 2534, 2538 Beacon Ave.	*To provide for a comprehensive waterfront development on the north side of Beacon Avenue.*
CD32	2269 Mills Rd.	*To provide for comprehensive residential with an ancillary church facility built within the same development.*
CD37	2060 White Birch Rd.	*To provide for medium density multi-family residential development with an accessory commercial office component.*
CD43	2180 Beacon Ave. W.	*To provide for multi-unit residential dwellings at a high density.*
CD44	9522 Lochside Drive	*To provide for a mixed use commercial/multi-unit residential development.*
CD45	9522 Lochside Drive	*To provide for townhouse residential dwellings.*

4 PERMITTED AND CONDITIONAL USES

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

Types of Use – Permitted and Conditional

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

How Uses are Classified

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

Non-Conforming Use

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

Figure 4.0: Using the Permitted and Conditional Use Tables

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

"P" indicates that a use is permitted in that zone.

4.10.1 Sample Table

Use	Zone 1	Zone 2
Use 1	P	P
Use 2	C (4.10.2)	P
Use 3	P (1)	

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

Superscript.numbers *in brackets* (1) *indicate additional information can be found below under "Notes" that is relevant to the particular use.*

4.1 General Use Regulations: All Zones

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

4.1.1 Interpretation

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

4.1.2 Use of Accessory Buildings and Structures

a. No accessory buildings or structure may be used or constructed so as to be capable of being occupied for human habitation, and without limiting the generality of that restriction no accessory building or structure may contain sleeping accommodation, be equipped or constructed so as to be capable of being equipped for household activities related to the storage, preparation and consumption of food, or be equipped or constructed so as to be capable of being equipped with a bathtub or shower.

4.1.3 Outside Storage

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

4.1.4 Temporary and Mobile Structures

a. Except as otherwise provided for in this Bylaw, no land or water shall be used for the location of any trailer, automobile, boat, houseboat, raft, scow, or other movable structure for sleeping or residential purposes.
b. Recreational vehicles are permitted on a lot for sleeping or residential purposes for a period of up to four weeks per year, in Neighbourhood Residential and Multi-Unit Residential zones only.
c. In any zone that permits marinas, transient moorage is permitted for the purpose of temporary residential accommodation, for a maximum duration of four weeks per year.
d. Except as otherwise provided for in this Bylaw, shipping containers shall only be permitted on lands designated as West Side Industrial, Harbour Road Marine, and Institutional as shown in Map 1 of the Town of Sidney Official Community Plan, with specific limitations as follows:

    i. Shipping containers shall not be permitted to be located in a front yard or an exterior side yard;

ii. On lands designated as Institutional, two shipping containers are permitted per property;
iii. On lands designated as West Side Industrial and Harbour Road Marine, one shipping container is permitted, plus one shipping container per each 1000m^2 of lot area;
iv. Shipping containers shall be screened as per **Section 6.2.g** of this bylaw;

but nothing herein contained shall be deemed to prevent the temporary placement of a container on a lot for the storage of building materials stored temporarily for use in construction of or improvements, with a valid Building Permit or Development Permit, on the said lot.

4.1.5 Additional Kitchens

a. No person being the owner or occupier of a dwelling unit shall construct, install, keep, use or occupy nor permit or suffer others to construct, install, keep, use or occupy an additional kitchen that is used or intended to be used by a separate household within the same dwelling unit.

4.1.6 Unrelated Households

a. Except for Abbeyfield dwellings, a maximum of six unrelated persons may live together in a single dwelling unit.

4.1.7 Unrestricted Housing

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

4.1.8 Temporary Construction Office

a. Temporary construction offices are permitted in all zones.
b. Temporary construction offices:
    i. must be sited on a construction site with a valid Building Permit, or on a directly adjacent property with the permission of the property owner;
    ii. removed from the site within two months of issuance of an Occupancy Permit; and
    iii. shall be limited to two per lot.

4.1.9 Outdoor Kiosk

a. Outdoor kiosks are permitted in all zones, except residential zones.
b. Outdoor kiosks shall be:
    i. located on private property;
    ii. setback a minimum of 1 metre from any lot line;
    iii. situated in locations that do not interfere with foot, bicycle or vehicle traffic, including during its loading process;
    iv. no larger than 4 cubic metres, with a maximum height of 2 metres; and
    v. limited to one kiosk per 500 square metres of lot area. All calculations shall round up to the nearest whole number.

4.1.10 Prohibited Uses

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

4.1.11 Short Term Rentals

a. In addition to permitted uses in any zone, Short Term Rental is a permitted use in any zone subject to the following conditions:
    i. The Short Term Rental is located in a dwelling unit on a lot or strata lot that is within the areas designated as Neighbourhood Residential, Intensive Neighbourhood Residential, Multi-Unit Residential, West Sidney Mixed Use Village, or Downtown Commercial in Map 1 of the Town of Sidney Official Community Plan;
    ii. The lot or strata lot in which the Short Term Rental is located is continuously occupied as a principal residence, whether it be by the owner or a tenant who has a valid and subsisting tenancy agreement;
    iii. No more than two bedrooms on a lot or strata lot shall be used for the purposes of a Short Term Rental, with no more than two adult occupants per bedroom.
    iv. No separate or additional cooking facilities or other such facilities for the keeping or preparation of food are permitted within any bedroom used or intended to be used for Short Term Rental.

4.2 Permitted and Conditional Uses: Neighbourhood Residential Zones

4.2.1 Permitted and Conditional Uses Table: Neighbourhood Residential Zones

Use	R1 [1]	R1-ESA [1]	R2	R2-ESA [1]	R3	R4 [1]
Accessory Building, Structure, or Use	P	P	P	P	P	P
Dwelling Unit	P	P	P	P	P	
Manufactured Home						P
Assembly Hall						C (4.2.3)
Home Occupation	C (4.2.2)	C (4.2.2)	C (4.2.2)	C (4.2.2)	C (4.2.2)	C (4.2.2)

Notes:

1. *May require a Development Permit (see Part 3 of the Town of Sidney Official Community Plan)*

4.2.2 Conditional Use Regulations for Home Occupations

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

ii. located in a secondary suite shall not exceed 15 square metres;

c. ‘High-traffic’ home occupations are also permitted provided that:
   i. They meet the requirements of **Sections 4.2.2.a** and **4.2.2.b** above;
   ii. They are limited to one per dwelling unit;
   iii. They are not located on a property that contains more than two dwelling units; and
   iv. They have no more than two customers or clients in the unit at one time, with the exception of daycares.

4.2.3 Conditional Use Regulations for Assembly Hall

a. One assembly hall is permitted as an accessory to the Manufactured Home uses and shall only be sited on the common property of Strata Plan VIS761.

4.3 Permitted and Conditional Uses: Multi-Unit Residential Zones

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

Use	RM5	RM6	RM6-R	RM7	RM7-WS	RM-C
Accessory Building, Structure, or Use	P	P	P	P	P	P
Row House Dwelling	P	P		P		
Townhouse Dwelling	P	P	C (4.3.6)	P	C (4.3.7)	
Apartment Dwelling		P	C (4.3.6)	P	C (4.3.7)	C (4.3.3)
Community Care Facility						P
Assisted Living Facility						P
Home Occupation	C (4.3.2)	C (4.3.2)	C (4.3.2)	C (4.3.2)	C (4.3.2)	C (4.3.2)
Single-Family Dwelling	C (4.3.4)	C (4.3.4)		C (4.3.4)	C (4.3.4)	
Two-Family Dwelling	C (4.3.5)	C (4.3.5)		C (4.3.5)	C (4.3.5)	

4.3.2 Conditional Use Regulations for Home Occupations

a. Home occupations shall:
   i. be conducted wholly within the dwelling unit
   ii. have only residents of the dwelling unit engaged in on-site business activities;
   iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
      i. noise;
      ii. fumes;
      iii. dust;
      iv. smoke;
      v. vibration;
      vi. glare;
      vii. odours; or
      viii. electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
   iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
   v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence except as permitted by the Sign Bylaw;
   vi. involve no external storage of materials, containers, finished products or equipment;
   vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
   viii. not exceed a maximum of one home occupation per dwelling unit.

b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.
c. High traffic home occupations are not permitted.

4.3.3 Conditional Use Regulations for Apartment Dwellings in a Community Care or Assisted Living Facility

a. A maximum of 20% of the total number of beds in a new Community Care Facility or Assisted Living Facility development project can be additional Apartment Dwellings. All calculations shall round up to the nearest whole number.

4.3.4 Conditional Use Regulations for Single-Family Dwellings

a. Despite any other provision contained in this bylaw, a single-family dwelling in Multi-Unit Residential Zones is only permitted where a single-family dwelling existed on May 1, 2022.
b. Notwithstanding any other section of this bylaw, secondary suites are a permitted as an accessory use to a single-family dwelling.

4.3.5 Conditional Use Regulations for Two-Family Dwellings

a. Despite any other provision contained in this bylaw, a two-family dwelling in Multi-Unit Residential Zones is only permitted where a two-family dwelling existed on May 1, 2022.

4.3.6 Conditional Use Regulations for Townhouse and Apartment Dwellings in the RM6-R Zone

a. Townhouse and Apartment Dwellings are limited to rental tenure only.

4.3.7 Conditional Use Regulations for Townhouse and Apartment Dwellings in the RM7-WS Zone

a. Townhouse and Apartment Dwelling units:
    i. shall be subject to a restrictive covenant on the title of the property expressing knowledge of surrounding industrial and airport uses; and
    ii. shall be subject to a restrictive covenant on the title of the property prohibiting the owner or strata council from passing any bylaws that may restrict occupancy of the building based on age.

4.4 Permitted and Conditional Uses: Commercial Zones

4.4.1 Permitted and Conditional Uses Table: Commercial Zones

Use	C1	NC1	NC2	C3	C4	C5
Accessory Building or Structure	P	P	P	P	P	P
Accessory Use	P	P	P	P	P	P
Artist Studio	C (4.4.2)	C (4.4.8)	C (4.4.9)			P
Assembly Hall	P					
Brew Pub	C (4.4.5)					
Broadcasting Studio	C (4.4.2)	C (4.4.8)	C (4.4.9)			
Cannabis Retail	C (4.4.21)					
Child Care Facility	C (4.4.2)	C (4.4.8)	C (4.4.9)			P
Cinema	C (4.4.5)					P
Class 1 Restaurant	P	C (4.4.5) and (4.4.8)	C (4.4.5) and (4.4.9)		C (4.4.4) and (4.4.5)	p
Class 2 Restaurant (liquor)	P	C (4.4.5) and (4.4.8)	C (4.4.5) and (4.4.9)		C (4.4.4) and (4.4.5)	P
Convenience Store	P	C (4.4.8)	C (4.4.9)	C (4.4.6)		
Copy/Print Shop	C (4.4.22)					
Drive-Through Restaurant (Class 1)						P
Dwelling Unit	C (4.4.7)	P	C (4.4.7)	C (4.4.6) and (4.4.7)	C (4.4.4)	
Education Facility	C (4.4.2)	C (4.4.8)	C (4.4.9)		P	
Emergency Services	C (4.4.2)					
Financial Institution	P					P
Fitness Centre	C (4.4.2)	C (4.4.11)	C (4.4.11)			P
Food or Beverage Manufacturing	C (4.4.3)	C (4.4.3) and (4.4.11)	C (4.4.3) and (4.4.11)			
Gas Bar				C (4.4.10)		
Home Occupation	C (4.4.11)	C (4.4.11)	C (4.4.11)	C (4.4.11)	C (4.4.11)	
Hotel	C (4.4.12)					P
Indoor Amusement	C (4.4.5)		C (4.4.9)			P
Library	P					P
Liquor Retail	P			C (4.4.20)		P
Medical Office	C (4.4.2)	C (4.4.8)	C (4.4.9)			P
Motel					C (4.4.12)	
Museum	P					P
Office	C (4.4.2)	C (4.4.8)	C (4.4.9)			
Outdoor Retail	C (4.4.18)		C (4.4.9)			
Parkade	C (4.4.13)					
Parking Lot	C (4.4.19)					

Use	C1	NC1	NC2	C3	C4	C5
Personal Service Establishment	P	C (4.4.11)	C (4.4.11)			P
Pub	C (4.4.5)	C (4.4.5), (4.4.8) and (4.4.14)	C (4.4.5), (4.4.9) and (4.4.14)			
Recreation Rental	P	C (4.4.8)	C (4.4.9)			
Rental Store	P	C (4.4.8)	C (4.4.9)			
Resale Retail	C (4.4.15)	C (4.4.8) and (4.4.15)	C (4.4.9) and (4.4.15)			
Retail Sales	P	C (4.4.8)	C (4.4.9)			P
Service Station				C (4.4.16)		
Small Appliance Repair	C (4.4.3)	C (4.4.5) and (4.4.8)	C (4.4.5) and (4.4.9)			
Temporary Outdoor Amusement	C (4.4.17)					
Travel Agency/ Tourism Office	P					
Visitor Information Centre						P

4.4.2 Conditional Use Regulations at Ground Level Along Beacon Avenue

a. For lots abutting Beacon Avenue, use is prohibited to front along the street on the first storey.

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

a. Establishments shall retail directly from the premises.

4.4.4 Conditional Use Regulations for Motel Dwelling Units/Restaurants

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

4.4.5 Conditional Use Regulations for Mitigating Noise Impacts

a. Outdoor live music is not permitted.
b. All indoor uses that include amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.
c. In the C1 zone, outdoor amplified music is only permitted between 8:00 a.m. and 9:00 p.m. and is subject to the provisions of the Town of Sidney Noise Bylaw.
d. In the NC1, NC2 and C4 zones, outdoor amplified music is not permitted.

4.4.6 Conditional Use Regulations for Dwelling Units/Convenience Stores

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

4.4.7 Conditional Use Regulations for Dwelling Units

a. Dwelling units shall not be located within a portion of the first storey of a building that fronts directly onto a street. However, dwelling units are permitted within a portion of the first storey of a building where it is abutting or directly adjacent to a lane.
b. Except as per **Section 4.4.7.a**, dwelling units shall not be located on a storey containing non-residential uses.

4.4.8 Conditional Use Regulations for Neighbourhood Commercial – Tier 1

a. Commercial uses are permitted only on the first and second floor.
b. Individual businesses are permitted a maximum gross floor area of 100 square metres.
c. A maximum of one commercial business is permitted per lot, not including home occupations.
d. Commercial units must front onto a street.

4.4.9 Conditional Use Regulations for Neighbourhood Commercial – Tier 2

a. Commercial uses are permitted only on the first and second floors.
b. Individual businesses are permitted a maximum gross floor area of 200 square metres.
c. A maximum of three commercial businesses are permitted per lot, not including home occupations.
d. Commercial units must front onto a street.

4.4.10 Conditional Use Regulations for Gas Bar Fuel Storage

a. All gasoline and diesel fuel shall be stored underground.

4.4.11 Conditional Use Regulations for Home Occupations

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

vi. glare;
vii. odours; or
viii. electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.

iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence except as permitted by the Sign Bylaw;
vi. involve no external storage of materials, containers, finished products or equipment;
vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected for the residential portion of the building; and
viii. not exceed a maximum of two home occupations per dwelling unit.

b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.
c. High traffic home occupations are not permitted.

4.4.12 Conditional Use Regulations for Motels and Hotels

a. Except for residential staff, the maximum occupancy for an individual in any motel or hotel is 182 days in any given year.

4.4.13 Conditional Use Regulations for Parkades

a. A parkade shall:
    i. not be permitted on a lot abutting Beacon Avenue; and
    ii. be permitted only if located in a building which contains another permitted use, which must be located in the first storey.
b. Excluding access aisles, the portion of the first storey used for non-parking purposes shall:
    i. be located in that portion of the building which directly faces the front or exterior side lot lines; and
    ii. extend to a minimum depth of 8 metres as measured perpendicular from the associated front or exterior side lot line.

4.4.14 Conditional Use Regulations for Pubs

a. Outdoor seating is only permitted in a front yard or exterior side yard and limited to the hours of 11:30 a.m. to 9:00 p.m.

4.4.15 Conditional Use Regulations for Resale Retail

a. Donation drop-off areas shall be located in the rear yard.
b. Outdoor donation drop-off areas are not permitted in the NC1 and NC2 zones.

4.4.16 Conditional Use Regulations for Service Stations

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

4.4.17 Conditional Use Regulations for Temporary Outdoor Amusement

a. Outdoor amusement shall not exceed seven days per event.

4.4.18 Conditional Use Regulations for Outdoor Retail

a. Outdoor retail shall not be the primary use on the property.
b. The vending area for each vendor shall not exceed an area of 20 square metres.
c. The entire vending area shall not exceed 15% of the subject lot area.
d. Hours of operation for outdoor retail shall be seven days a week between the hours of 7:00a.m. and 10:00 p.m.
e. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.

4.4.19 Conditional Use Regulations for Parking Lots

a. A Parking Lot shall be permitted only on the following properties, legally described as:
    i. Parcel 1 (DD L64107) of Lot A, North Saanich District, Plan 15203; and
    ii. Lots 1 and 2, Block 7, Section 11, Range 4 East, North Saanich District, Plan 381.

4.4.20 Conditional Use Regulations for Liquor Retail

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

4.4.21 Conditional Use Regulations for Cannabis Retail

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

4.4.22 Conditional Use Regulations for Copy/Print Shop

a. For lots abutting Beacon Avenue, use is only permitted to front along the street on the first storey if accessory to Retail Sales use.

4.5 Permitted and Conditional Uses: Industrial Zones

4.5.1 Permitted and Conditional Uses Table: Industrial Zones

Use	M1	M2	M3
Accessory Use, Building, or Structure	P	P	P
Aircraft Storage	P		
Airline Operation	P		
Assembly Hall	P	P	P
Boat Repair and Manufacturing	P		
Boat Sales and Rental	P		
Brew Pub	P	C (4.5.15)	C (4.5.15)
Broadcasting Studio		P	P
Cannabis Processing	C (4.5.11)		
Car Wash	P		
Class 1 Restaurant	P	C (4.5.15)	C (4.5.15)
Class 2 Restaurant	P	C (4.5.15)	C (4.5.15)
Commercial Laundry or Dry-Cleaning	P		
Commercial Printer or Publisher	P	P	P
Convenience Store	P	P	P
Dwelling Unit	C (4.5.2)	C (4.5.2)	C (4.5.2)
Education Facility	P	P	P
Film Studio	P	P	P
Fitness Centre	P	P	P
Funeral Service Facility	C (4.5.3)		
Gas Bar	P		
Home Occupation	C (4.5.16)	C (4.5.16)	C (4.5.16)
Impound Yard	P		
Indoor Amusement	P	C (4.5.15)	C (4.5.15)
Industrial Fueling Station	P		
Laboratory or Research Establishment	P	P	P
Landscape Supply, Plant Nursery and/or Greenhouse	P		
Mail Sorting	P	P	P
Major Vehicle Repair	P		
Manufacturing	P		
Medical Office		P	P
Motor Vehicle Sales and/or Rental	P		
Office	C (4.5.5)	P	P
Outdoor Retail	C (4.5.10)		
Outside Storage [(1)]	C (4.5.6)		C (4.5.6)
Parking Lots	P		
Parkade	P		P
Personal Service Establishment		P	P
Public Utility	P		
Recycling Depot	C (4.5.7)		
Retail Sales	C (4.5.4)	C (4.5.4)	C (4.5.4)

Use	M1	M2	M3
Sale or Rental of Machinery, Heavy Equipment or Shipping Containers	P		
Sale, Rental or Repair of Tools or Small Equipment	P	C (4.5.17)	P
Service Station	P		
Single-Family Dwelling		C (4.5.13)	
Storage Building, Workshop and/or Yard	C (4.5.8)		
Taxi Dispatch Centre	P		
Telecommunications Tower	C (4.5.9)		
Truck Terminal	P		
Two-Family Dwelling		C (4.5.14)	
Warehousing, Closed Storage, or Distribution	P	P	P
Wholesale Sales	P		

Notes:

1. *Refer to Section 6.2.b for Outside Storage landscaping requirements.*

4.5.2 Conditional Use Regulations for Dwelling Units

a. Excluding secondary suites, dwelling units shall:
   i. be subject to a restrictive covenant expressing knowledge of surrounding industrial, airport, and commercial uses; and
   ii. not be located within the first storey of a building.
b. Dwelling units in the M1 and M2 zone shall only be permitted as an accessory use.

4.5.3 Conditional Use Regulations for Funeral Service Facility

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

4.5.4 Conditional Use Regulations for Industrial-Oriented Retail

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

4.5.5 Conditional Use Regulations for Offices

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

4.5.6 Conditional Use Regulations for Outside Storage

a. Outside storage is:
   i. permitted only as an accessory use;

ii. limited to rear and interior side yards; and
iii. also permitted in the exterior side yard, providing that the property's exterior side yard directly abuts Highway 17.

4.5.7 Conditional Use Regulations for Recycling Depots

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

4.5.8 Conditional Use Regulations for Storage Buildings, Workshops, or Yards

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

4.5.9 Conditional Use Regulations for Telecommunications Towers

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

4.5.10 Conditional Use Regulations for Outdoor Retail

a. Outdoor retail shall not be the primary use on the property.
b. The vending area for each vendor shall not exceed an area of 20 square metres.
c. The entire vending area shall not exceed 15% of the subject lot area.
d. Vending areas shall be set back a minimum of 1 metre from any property line.
e. Hours of operation for outdoor retail shall be seven days a week between the hours of 7:00 a.m. and 10:00 p.m.
f. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.
g. Where outdoor retail operations utilize a parking lot, all permitted uses on the subject lot shall meet the requirements of the Town of Sidney Parking and Loading Bylaw.

4.5.11 Conditional Use Regulations for Cannabis Processing

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

4.5.12 Conditional Use Regulations for Medical Office

a. Medical offices shall not be permitted in the first storey of a building.

4.5.13 Conditional Use Regulations for Single-Family Dwellings

a. Despite any other provision contained in this bylaw, a single-family dwelling in the M2 Zone is only permitted where a single-family dwelling existed on May 1, 2022.

4.5.14 Conditional Use Regulations for Two-Family Dwellings

a. Despite any other provision contained in this bylaw, a two-family dwelling in the M2 Zone is only permitted where a two-family dwelling existed on May 1, 2022.

4.5.15 Conditional Use Regulations for Mitigating Noise Impacts

a. Outdoor live music is not permitted.
b. All indoor uses that include amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.
c. Outdoor amplified music is only permitted between 8:00 a.m. and 9:00 p.m. and is subject to the provisions of the Town of Sidney Noise Bylaw.

4.5.16 Conditional Use Regulations for Home Occupations

a. Home occupations shall:
    i. be conducted wholly within the dwelling unit or accessory building, with the exception of daycares, which may utilize the rear yard;
    ii. have only residents of the property engaged in on-site business activities, with the exception of daycares, which may have additional non-resident employees;
    iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
        i. noise;
        ii. fumes;
        iii. dust;
        iv. smoke;
        v. vibration;
        vi. glare;
        vii. odours; or
        viii. electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
    iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
    v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence except as permitted by the Sign Bylaw;
    vi. involve no external storage of materials, containers, finished products or equipment;
    vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and

viii. not exceed a maximum of two home occupations per dwelling unit.

b. All home occupations excluding daycares shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.

c. 'High-traffic' home occupations are also permitted provided that:
   i. they meet the requirements of **Sections 4.5.16.a** and **4.5.16.b** above;
   ii. they are limited to properties where the primary use is a single-family dwelling or a two-family dwelling;
   iii. they are limited to one per dwelling unit; and
   iv. they have no more than two customers or clients in the unit at one time, with the exception of daycares.

4.5.17 Conditional Use Regulations for Sale, Rental, or Repair of Tools or Small Equipment

a. Sale, Rental or Repair of Tools or Small Equipment is permitted provided that:
   i. The use is conducted entirely within a building, and does not produce any fumes, odours, smoke, or dust that is detectable outside of the building.

b. Servicing or repair of items with gas-powered engines is not permitted.

4.6 Permitted and Conditional Uses: Marine Zones

4.6.1 Permitted and Conditional Uses Table: Marine Zones

Use	W1	W1-U	W2	W3
Accessory Use, Building or Structure	P	P	P	
Artist Studio	P	P		
Boathouse			C (4.6.16)	
Boat Launch	P		P	
Boat Repair and Manufacturing	P	C (4.6.6)	C (4.6.6)	
Boat Sales and Rental	P	P	P	
Breakwater			P	P
Brew Pub	C (4.6.2) and (4.6.3)	C (4.6.2) and (4.6.3)		
Class 1 Restaurant	C (4.6.3)	C (4.6.3)	C (4.6.3)	
Class 2 Restaurant	C (4.6.3)	C (4.6.3)	C (4.6.3)	
Customs Facility	P	P	P	
Dwelling Unit	C (4.6.4)	C (4.6.4)		
Education Facility	C (4.6.7)	C (4.6.7)	C (4.6.7)	
Fishing Pier				P
Home Occupation	C (4.6.5)	C (4.6.5)	C (4.6.5)	
Liveaboard			C (4.6.14)	
Loading / Unloading of Marine Cargo	P		P	
Marina	P		P	
Marine Dry Storage	C (4.6.15)	C (4.6.15)		
Marine Fueling Station	P		P	
Marine Fuel Storage	C (4.6.11)			
Marine Rental or Charter Operation	P	P	P	
Office	C (4.6.8)	P	C (4.6.8)	
Outdoor Retail	C (4.6.17)	C (4.6.17)		
Outside Storage	C (4.6.10)	C (4.6.10)		
Pub	C (4.6.3)	C (4.6.3)	C (4.6.3)	
Recreation Rental		P	P	
Retail Sales	C (4.6.12)	C (4.6.13)	C (4.6.12)	
Warehousing, Closed Storage, or Distribution	C (4.6.9)	C (4.6.9)		

4.6.2 Conditional Use Regulations for Brew Pubs

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

4.6.3 Mitigation of Noise Impacts

a. Outdoor live or amplified music is not permitted.

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

4.6.4 Conditional Use Regulations for Dwelling Units

a. Dwelling units:
    i. are subject to a restrictive covenant expressing knowledge of surrounding marine industrial and commercial uses;
    ii. are permitted only on land lots above the natural boundary;
    iii. are only permitted in conjunction with another permitted or conditional use; and
    iv. in the W1-U zone, are not permitted within the first storey of a building.

4.6.5 Conditional Use Regulations for Home Occupations

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

4.6.6 Conditional Use Regulations for Boat Repair and Manufacturing

a. Outdoor boat repair and manufacturing shall not use any equipment or process which creates excessive levels of noise, odour, fumes, dust and/or smoke that are detectable beyond the boundaries of the lot on which the use is operated.

4.6.7 Conditional Use Regulations for Marine-Oriented Education

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

4.6.8 Conditional Use Regulations for Offices

a. Office uses in this zone shall be limited to marine-related businesses or organizations.

4.6.9 Conditional Use Regulations for Warehousing, Closed Storage, or Distribution

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

4.6.10 Conditional Use Regulations for Outside Storage

a. Outside storage shall be:
    i. shall be screened as per **Section 6.2.b**; and
    ii. permitted only as an accessory use to maintenance facilities for the manufacturing, sale, repair, and maintenance of boats.

4.6.11 Conditional Use Regulations for Fuel Storage

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

4.6.12 Conditional Use Regulations for Retail Sales

a. Retail sales area shall:
    i. be located in the first storey only; and
    ii. be restricted to the sale of marine-related goods only.

4.6.13 Conditional Use Regulations for Orientation of Retail Sales

a. Retail sales area shall:
    i. front directly onto a street; and
    ii. be located in the first storey only.

4.6.14 Conditional Use Regulations for Liveaboards

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

4.6.15 Conditional Use Regulations for Marine Dry Storage

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

4.6.16 Conditional Use Regulations for Boathouses

a. Boathouses shall only be permitted in areas designated as Harbour Road Marine by the Town of Sidney Official Community Plan.

4.6.17 Conditional Use Regulations for Outdoor Retail

a. Outdoor retail shall not be the primary use on the property.
b. The vending area for each vendor shall not exceed an area of 20 square metres.
c. The entire vending area shall not exceed 15% of the subject lot area.
d. Hours of operation for outdoor retail shall be seven days a week between the hours of 7:00a.m. and 9:00 p.m.
e. Outdoor retail operations shall be removed from the lot between the hours of 10:00 p.m. and 6:00 a.m.

4.7 Permitted and Conditional Uses: Parks and Utility Zones

4.7.1 Permitted and Conditional Uses Table: Parks and Utility Zones

Use	P1	U1	U2	U3
Accessory, Building, Structure, or Use	P	P	P	P
Airport Runway and Lighting			P	
Assembly Hall	P			P
Boat Launch	P			P
Breakwater				P
Cemetery			P	
Class 1 Restaurant	C (4.7.2)		C (4.7.2)	C (4.7.2)
Class 2 Restaurant	(4.7.2)		C (4.7.2)	C (4.7.2)
Emergency Services			C (4.7.11)	
Ferry Terminal				P
Fish Processing	C (4.7.3)			P
Food Bank	C (4.7.5)			
Loading / Unloading of Marine Cargo	C (4.7.4)			P
Marine Moorage				C (4.7.6)
Marine Rental or Charter Operation				P
Outdoor Retail	C (4.7.8)		C (4.7.8)	C (4.7.8)
Outside Storage		C (4.7.9)	C (4.7.10)	
Park	P			
Parking Lot			P	
Playground	P			
Public Works Facility		P	C (4.7.10)	
Retail Sales	P		P	P
Sports Field and Facility	P			
Telecommunications Tower		C (4.7.7)		
Visitor Information Centre	P		P	

4.7.2 Conditional Use Regulations for Mitigating Noise Impacts

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

4.7.3 Conditional Use Regulations for Fish Processing

a. Shall be only permitted for recreational sport fishing.

4.7.4 Conditional Use Regulations for Loading / Unloading of Marine Cargo

a. Shall only be permitted at the Tulista Park boat launch.

4.7.5 Conditional Use Regulations for Food Banks

a. Shall only be permitted at Iroquois Park.

4.7.6 Conditional Use Regulations for Marine Moorage

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

4.7.7 Conditional Use Regulations for Telecommunications Towers

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

4.7.8 Conditional Use Regulations for Outdoor Retail

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

4.7.9 Conditional Use Regulations for Outside Storage

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

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

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

4.8 Permitted and Conditional Uses: Institutional Zones

4.8.1 Permitted and Conditional Uses Table: Institutional Zones

Use	I1	I2
Accessory Use, Building, or Structure	P	P
Artist Studio	C (4.8.4)	
Education Facility	P	P
Assembly Hall	P	P
Broadcasting Studio	P	
Child Care Facility	C (4.8.2)	P
Community Centre	P	
Emergency Services	P	
Food Bank	P	P
Government Law Courts	P	
Hospital	P	
Library	P	
Museum	P	
Office	P	
Outdoor Retail	C (4.8.3) and (4.8.4)	
Parking Lot	C (4.8.4)	
Place of Worship	P	P
Recreation Facility	P	
Sports Fields and Facility	P	
Temporary Boat/Motor Vehicle Sales	C (4.8.4)	
Temporary Outdoor Amusement	C (4.8.4)	

4.8.2 Conditional Use Regulations for Child Care Facilities

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

4.8.3 Conditional Use Regulations for Outdoor Retail

a. Outdoor retail shall not be the primary use on the property.
b. Hours of operation for outdoor retail shall be seven days a week between the hours of 7:00a.m. and 10:00 p.m.

4.8.4 Conditional Use Regulations for Mary Winspear Centre Uses

a. Use is only permitted on lots legally described as Lots 1 and 2, Section 10 And 11, Range 3 East, North Saanich District, Plan VIP74500 (Mary Winspear Centre and Parking Lot).

4.9 Permitted and Conditional Uses: Comprehensive Development Zones

4.9.1 Permitted and Conditional Uses Table: Comprehensive Development Zones

Use	CD6	CD11	CD12	CD13	CD29	CD32	CD37	CD43	CD44	CD45
Accessory Use, Building or Structure	P	P	P	P	P	P	P	P	P	P
Assembly Hall		P								
Single-Family Dwelling			C (4.9.3)							
Apartment Dwelling			C (4.9.4)	P	P		C (4.9.9)	P	P	
Townhouse Dwelling										P
Home Occupation			C (4.9.12)	C (4.9.11)	C (4.9.11)		C (4.9.11)	C (4.9.11)	C (4.9.11)	C (4.9.11)
Parkade					P					
Artist Studio	P								C (4.9.15)	
Office	P	P		P			C (4.9.10)		C (4.9.15)	
Class 1 Restaurant	C (4.9.7)	P	C (4.9.5) and (4.9.7)		C (4.9.7)				C (4.9.7) and (4.9.15)	
Class 2 Restaurant	C (4.9.7)	P	C (4.9.5) and (4.9.7)	P	C (4.9.7)				C (4.9.7) and (4.9.15)	
Drive-Thru Restaurant (Class 1)		P								
Pub	C (4.9.7)	P			C (4.9.7)				C (4.9.7), (4.9.15) and (4.9.17)	
Brew Pub	P	P								
Retail Sales	P	P			P				C (4.9.15)	
Liquor Retail		P								
Personal Service Establishment	P				P				C (4.9.15)	
Senior's Recreation Facility				P						
Intermediate Care Facility				P						

Use	CD6	CD11	CD12	CD13	CD29	CD32	CD37	CD43	CD44	CD45
Assisted Living Unit						P				
Extended Care Unit						P				
Child Care Facility						P			C (4.9.15)	
Place of Worship				P		P				
Medical Office				P					C (4.9.15)	
Museum	P				P					
Hotel		C (4.9.2)	C (4.9.6)		C (4.9.2)					
Assembly Hall	P			P	P					
Fitness Centre					P				C (4.9.15)	
Gas Bar										
Convenience Store									C (4.9.15)	
Marine Rental or Charter Operations	P									
Recreation Rental	P								C (4.9.15)	
Playground	P									
Outdoor Retail	C (4.9.13)	C (4.9.13)			C (4.9.13)					
Food or Beverage Manufacturing	C (4.9.14)								C (4.9.14) and (4.9.15)	
Broadcasting Studio	P									
Resale Retail									C (4.9.15) and (4.9.16)	

4.9.2 Conditional Use Regulations for Hotels

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

4.9.3 Conditional Use Regulations for Miraloma Class Single-Family Dwellings

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

4.9.4 Conditional Use Regulations for Miraloma Apartment Dwellings

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

4.9.5 Conditional Use Regulations for Miraloma Restaurants

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

4.9.6 Conditional Use Regulations for Miraloma Hotel

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

4.9.7 Conditional Use Regulations for Mitigating Noise Impacts

a. Outdoor live music is not permitted.
b. All indoor uses that include amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.
c. Outdoor amplified music is only permitted between 8:00 a.m. and 9:00 p.m. and is subject to the provisions of the Town of Sidney Noise Bylaw.

4.9.8 Conditional Use Regulations for Convenience Stores

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

4.9.9 Conditional Use Regulations for Dwelling Units: Unrestricted and Adaptable

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

4.9.10 Conditional Use Regulations for Offices

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

4.9.11 Conditional Use Regulations for Home Occupations

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

viii. electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.

iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;

v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence except as permitted by the Sign Bylaw;

vi. involve no external storage of materials, containers, finished products or equipment;

vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and

viii. not exceed a maximum of one home occupation per dwelling unit.

b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.

c. High traffic home occupations are not permitted.

4.9.12 Conditional Use Regulations for Home Occupations in CD Zone 12

a. Home occupations are permitted as per the requirements of **Section 4.9.11** only on Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766 and Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678.

4.9.13 Conditional Use Regulations for Outdoor Retail

a. Outdoor retail shall not be the primary use on the property.

b. The vending area for each vendor shall not exceed an area of 20 square metres.

c. The entire vending area shall not exceed 15% of the subject lot area.

d. Hours of operation for outdoor retail shall be seven days a week between the hours of 7:00 a.m. and 10:00 p.m.

e. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.

4.9.14 Conditional Use Regulations for Food and Beverage Manufacturing

a. Establishments shall retail directly from the premises.

4.9.15 Conditional Use Regulations for Neighbourhood Commercial

a. Commercial uses are permitted only in the first storey.

b. Individual businesses are permitted a maximum gross floor area of 200 square metres.

c. A maximum of three commercial businesses are permitted per lot.

4.9.16 Conditional Use Regulations for Resale Retail

a. Outdoor donation drop-off areas are not permitted.

4.9.17 Conditional Use Regulations for Pub

a. Outdoor seating is only permitted in a front yard and/or exterior side yard and use is limited to the hours of 11:30 a.m. to 9:00 p.m.

5 BUILDINGS AND STRUCTURES

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

Figure 5.0: Using the Buildings and Structures Tables

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

***Blank cells** indicate that there are no regulations for, or that the provision does not apply in, the particular zone.*

5.10.1 Sample Table

Zone	Front Setback	Minimum Lot Area
Zone 1	4m	400m2
Zone 2	5m	400m2
Zone 3		255m2 (1)

***Superscript numbers** in brackets (1) indicate additional information can be found below under "Notes" that is relevant to the particular use.*

5.1 General Building and Structure Regulations: All Zones

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

5.1.1 Interpretation

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

5.1.2 Minimum Lot Area for Subdivision

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

5.1.3 Highway 17 Setback

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

5.1.4 Defining the Front Lot Line

a. If a property abuts two different streets, but is not a corner lot, and those lot lines that abut the streets are of equal dimension, then either lot line that abuts a street can be determined

as the front lot line at the time of subdivision or new construction, unless otherwise stated elsewhere in the bylaw.

5.1.5 Permitted Exemptions to Lot Coverage

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

5.1.6 Permitted Projections into Setbacks

a. The following building elements, or portions thereof, may project into the required setbacks provided the projections do not exceed 0.6 metres:
    i. gutters;
    ii. eaves;
    iii. horizontal cross-members of a pergola;
    iv. chimneys and fireplaces; and
    v. unenclosed porches, notwithstanding **Sections 5.3.6.i.ii** and **5.3.7.b.ii**.
b. Provided they do not exceed a height of 1.2 metres in height above grade, unenclosed and uncovered stairs, ramps, and landings above or below grade may project into a required front, exterior side, or rear yard, provided that such projections do not exceed:
    i. 1.5 metres in the case of a yard setback requirement less than 4.5 metres;
    ii. 3.0 metres in the case of a yard setback requirement of 4.5 metres or greater; and
    iii. that a minimum setback of 1.5 metres from any lot line is maintained.
c. Exterior cladding may project into the required setback, provided the projections do not exceed 0.15 metres.
d. Bay windows may project into the required setback, provided that any portion of any bay window projecting into the setback does not exceed 1.1 square metres.
e. Awnings and canopies may project only into the required front and exterior-side setback provided the projection does not exceed 1 metre.
f. Lighting standards, flag poles and utility poles are exempt from setbacks.
g. Signs may project into the required setback provided that they meet the provisions of the Town of Sidney Sign Bylaw.

5.1.7 Determining the Number of Storeys

a. Except as per the requirements of the C1 zone *(See Section 5.4.1)*, buildings may be constructed in half storey increments up to the maximum number of storeys permitted within their respective zone, where:
    i. the ceiling elevation of a basement does not exceed 0.6 metres above grade;
    ii. the ceiling elevation of a half storey is greater than 0.6 metres and does not exceed 1.2 metres above grade; and a full storey has its ceiling elevation greater than 1.2 metres above grade.

5.1.8 General Height Regulations and Exemptions

a. Chimneys shall not project more than 0.9 metres above the highest point of the building.
b. Mechanical equipment, renewable energy apparatuses, and screening thereof shall not project more than 1.5 metres above the highest point of a building.
c. Elevator shafts for direct elevator access to rooftop common areas shall not project more than 4 metres above the highest point of a building.
d. Elevator shafts that do not provide direct access to rooftop common areas, and all non-elevator rooftop access structures shall not project more than 3 metres above the highest point of a building.
e. Elevator shafts, rooftop access structures, rooftop pergolas, and any rooftop projection over 0.5 meters in height shall be set back a minimum distance equal to 25% of the corresponding horizontal dimension of the building from each building face of the storey below.
f. The combined area of all rooftop access structures shall not exceed 10% of the total roof area or 20 square meters, whichever is less.
g. Flag poles shall not exceed 6 metres in height.
h. Airport runway lights shall not exceed 9 metres in height.
i. Telecommunication apparatuses shall not project more than 1 metre above the highest point of a building.
j. Guard rails for rooftop patios shall not project more than 1.1 metres above the floor of the rooftop patio and, where located above the third storey, must be set back 1.5 metres from the building face below.

5.1.9 Accessory Buildings and Structures

a. Notwithstanding any other regulation in this bylaw, excluding utility kiosks, fences and signs, each accessory building and structure shall:
    i. be located only at ground level;
    ii. not exceed a height of 5 metres;
    iii. not be located within a front or exterior side yard;
    iv. be located no less than 1.2 metres from any lot line.
    v. not exceed a gross floor area greater than 25% of the rear yard area of the subject lot; and
    vi. have a width that does not exceed 50% of the width of the rear lot line.

5.1.10 Lot Area Regulations for Panhandle Lots

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

5.1.11 Floor Area Exclusions

a. The following parts or areas shall be excluded when calculating the Gross Floor Area of a building or structure for the purposes of determining its Floor Area Ratio:
    i. All open balconies, sundecks, porches, or similar projections;
    ii. All patios and rooftop patios and gardens;

iii. Any floor area used for off-street parking and loading located within the principal building envelope in the first storey, half-storey or below grade, or within an accessory building situated in the rear yard;
iv. Any floor area used for bicycle storage or accessory uses that support modes of active transportation located within the principal building envelope in the first storey, half-storey or below grade, or within an accessory building situated in the rear yard, as required by the Town of Sidney Off-Street Parking and Loading Bylaw;
v. Any floor area used for heating and cooling, electrical, or mechanical equipment that is located below grade or in a half storey;
vi. Any amenity areas that are accessory to a residential use such as meeting rooms or recreational or exercise facilities, up to a maximum of 10% of the total permitted floor area;
vii. Any floor area dedicated to public use that has a social, cultural or recreational nature, where the floor area is secured by a registered agreement on the title of the property, or where the title of the property is transferred to the Town of Sidney;
viii. All undeveloped floor areas which are located above the highest storey or half storey and to which there is no permanent means of access other than a hatch; or adjacent to a storey or half storey with a ceiling height of less than 1.2 metres;
ix. Any floor area dedicated to residential storage located below grade, or residential storage areas located above grade to a maximum of 3.7 square metres per dwelling unit. Any area above 3.7 square metres per dwelling unit above grade shall count towards the Floor Area calculation;
x. Any floor area dedicated to the use of a Renewable Energy Apparatus or its supporting equipment to a maximum of 1% of the total permitted floor area;
xi. Any additional wall thickness above that required by the Building Code that is dedicated toward increasing the energy efficiency of the building.

5.1.12 Heat Pumps

a. When placed at grade or when wall- or balcony- mounted, heat pumps and central air conditioning units shall:
    i. not be located in a front yard or exterior side yard; and,
    ii. not be closer than 1 metre from any lot line.
b. Heat pumps must be screened as per **Section 6.b.h** of this bylaw.

5.2 Buildings and Structures: Neighbourhood Residential Zones

5.2.1 General Spatial Regulations Table: Neighbourhood Residential Zones

Zone	Minimum Lot Area (4)	Maximum Dwelling Units		Maximum Lot Coverage (1)	Maximum Height (2)		Maximum Storeys
		Lot area 280m² or less	Lot area greater than 280m²		Roof pitch 3:12 or less (3)	Roof pitch greater than 3:12 (3)	
R1	250m²	3	4	50%	10.5m	12.0m	3
R1-ESA	500m²	3	4	35%	10.5m	12.0m	3
R2	500m²	3	4	45%	10.5m	12.0m	3
R2-ESA	4000m²	3	4	Lot area 1000m² or less: 30% Lot area greater than 1000m²: 20%	10.5m	12.0m	3
R3	350m²	3	4	50%	10.5m	12.0m	3
R4	270m²	1 Manufactured Home		40%	7m		1

Notes:

1. *Refer to Section 5.1.5 for exemptions to lot coverage regulations.*
2. *Refer to Section 5.1.8 for exemptions to maximum height regulations.*
3. *Refer to Section 5.2.3.f for regulations regarding combination roof pitches.*
4. *Refer to Section 5.2.3.a for exemptions to minimum lot area.*

5.2.2 Setback Regulations Table: Neighbourhood Residential Zones

Zone		Minimum Front Setback	Minimum Rear Setback (1)	Minimum Interior Side Setback	Minimum Exterior Side Setback
R1	Lot area 400m² or less	3.0m	3.0m	1.2m	3.0m
	Lot area greater than 400m²	4.5m	3.0m	2.0m	3.0m
R1-ESA		3.0m	5.5m	2.0m	3.0m
R2		4.5m	4.5m	2.0m	3.0m
R2-ESA	Lot area 1000m² or less	4.5m	5.5m	2.0m	3.0m
	Lot area greater than 1000m²	4.5m	7.5m	3.0m	4.5m
R3		3.0m	3.0m	1.5m	3.0m
R4		3.0m	1.5m	1.5m	3.0m

Notes:

1. *Refer to Section 5.2.3.b for required setbacks where a lot abuts a natural boundary.*

5.2.3 Neighbourhood Residential Zones Building Regulations

a. Lots existing on the effective date of this Bylaw which do not conform with the minimum lot area requirement of this zone may be used for any of the permitted uses, provided that all other requirements of this Bylaw are met, and no other regulations are contravened.
b. On all properties abutting a natural boundary, regardless of the required setbacks specified elsewhere in this Bylaw, no building or structure shall be constructed within 15 metres of the natural boundary, as established by a British Columbia Land Surveyor, of the sea or other body of water. Retaining walls and seawalls are exempt.
c. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line, except as per **Section 5.2.3.g.iv**.
d. For all buildings and structures except for accessory buildings, the gross floor area of a third storey shall not exceed 70% of the actual gross floor area of the second storey.
e. Rooftop access structures are not permitted above the third storey level in Neighbourhood Residential Zones.
f. Each element of a roof shall be constructed no higher than the stated maximum for its pitch.
g. The following regulations apply to the R1, R3, and R1-ESA zones:
    i. Notwithstanding **Section 5.1.6.b**, on properties that are 400 square metres or less in area, unenclosed and uncovered stairs and landings are permitted in the front or rear setback;
    ii. No lot shall have a lot width of less than 7.5m;
    iii. No principal building on a lot with a lot width less than 10 metres shall have garage doors facing the street; and
    iv. On properties that are 400 square metres or less in area and which are bounded by two streets, the front property line may be considered as either the longest or the shortest property line.
h. The following regulations apply to the R4 Zone:
    i. No strata lot fronting on a cul-de-sac or in a panhandle configuration shall have a front lot line dimension that is less than 4.5 metres; and
    ii. Notwithstanding **Section 5.2.3.h.i**, no bareland strata lot shall have a front lot line dimension that is less than 6 metres.
    iii. Notwithstanding **Section 5.1.9.a.ii**, accessory buildings and structures may not exceed 2.4 metres in height.

5.3 Buildings and Structures: Multi-Unit Residential Zones

5.3.1 General Spatial Regulations Table: Multi-Unit Residential Zones

Zone	Use	Minimum Lot Area	Maximum Residential Density		Maximum Lot Coverage[1]	Maximum Height[2]		Maximum Storeys
			Base Density	Bonus Density[5]		Roof pitch greater than 3:12 [3]	Roof pitch 3:12 or less [3]	
RM5	Row House Dwelling	155m^2	1 dwelling unit per lot		50%	9m	8m	2.5
	Townhouse Dwelling	750m^2	0.75 FAR	1.3 FAR				
	Single-Family Dwelling	500m^2	2 dwelling units [6]		1 storey: 40% 2 and 2.5 storeys: 30%			
	Two-Family Dwelling	715m^2	2 dwelling units					
RM-6	Row House Dwelling	155m^2	1 dwelling unit per lot		55%	12m		3
	Townhouse Dwelling Apartment Dwelling	750m^2	0.9 FAR	1.75 FAR	45-55% [4]			
	Single-Family Dwelling	500m^2	2 dwelling units [6]		1 storey: 40% 2 and 2.5 storeys: 30%	9m	8m	2.5
	Two-Family Dwelling	715m^2	2 dwelling units					
RM6-R	Townhouse Dwelling Apartment Dwelling	750m^2	1.0 FAR	None	50%	12m		3
RM7	Row House Dwelling	155m^2	1 dwelling unit per lot		55%	12m		3
	Townhouse Dwelling	750m^2	1.3 FAR	2.0 FAR	45-55% [4]			
	Apartment Dwelling	750m^2	1.3 FAR	2.0 FAR	45-55% [4]	16m		4
	Single-Family Dwelling	500m^2	2 dwelling units [6]		1 storey: 40% 2 and 2.5 storeys: 30%	9m	8m	2.5
	Two-Family Dwelling	715m^2	2 dwelling units					
RM7-WS	Townhouse Dwelling Apartment Dwelling	1200m^2	0.5 FAR	2.2 FAR	50-60% [4]	16m		4
	Single-Family Dwelling	500m^2	2 dwelling units [6]		1 storey: 40% 2 and 2.5 storeys: 30%	9m	8m	2.5
	Two-Family Dwelling	715m^2	2 dwelling units					
RM-C	Assisted Living Facility Community Care Facility Apartment Dwelling	900m^2	1.3 FAR	None	40%	12m		3

Notes:

1. *Refer to Section 5.1.5 for exemptions to lot coverage regulations.*
2. *Refer to Section 5.1.8 for exemptions to maximum height regulations.*
3. *Refer to Section 5.3.2.b for regulations relating to multiple roof pitches.*
4. *Refer to Section 5.3.7.d for increased lot coverage with the provision of underground parking.*
5. *Refer to Section 5.3.8 for Bonus Density Amenity Requirements.*
6. *Refer to Section 5.3.4 for Secondary Suite Permission.*

5.3.2 Multi-Unit Residential Building Regulations: All Structures

a. On all properties abutting a natural boundary, regardless of the required setbacks specified elsewhere in this Bylaw, no building or structure shall be constructed within 15 metres of the natural boundary, as established by a British Columbia Land Surveyor, of the sea or other body of water. Retaining walls and seawalls are exempt.
b. Each element of a roof shall be constructed no higher than the stated maximum for its pitch.
c. Where a lot has lot lines abutting two or more streets, the longest lot line shall be the front lot line, except as per **Sections 5.3.4.b**, **5.3.5.b**, and **5.3.6.d**.
d. Notwithstanding **Section 5.3.2.c**, if a property abuts:
    i. two different streets, but is not a corner lot, then both lot lines abutting the streets are considered to be front lot lines. In these instances, the property does not have a rear lot line.

5.3.3 Setback Regulations Table: Multi-Unit Residential Zones

<table>
<tr><th rowspan="2">Zone</th><th rowspan="2">Use</th><th rowspan="2">Minimum Front Setback</th><th colspan="2" rowspan="2">Minimum Rear Setback(1)</th><th colspan="2">Minimum Interior Side Setback</th><th rowspan="2">Minimum Exterior Side Setback</th></tr>
<tr><th>All others</th><th>Where abutting another Row House</th></tr>
<tr><td rowspan="2">RM5</td><td>Row House Dwelling</td><td>4.5m</td><td>4.5m</td><td>9.0m (2)</td><td>1.5m (3)</td><td>0m (4)</td><td>4.5m</td></tr>
<tr><td>Townhouse Dwelling
Single-Family Dwelling
Two-Family Dwelling</td><td>4.5m</td><td colspan="2">4.5m</td><td colspan="2">2.0m</td><td>4.5m</td></tr>
<tr><td rowspan="2">RM6</td><td>Row House Dwelling</td><td>4.5m</td><td>3.0m</td><td>9.0m (2)</td><td>3.0m (3)</td><td>0m (4)</td><td>4.5m</td></tr>
<tr><td>Townhouse Dwelling
Apartment Dwelling
Single-Family Dwelling
Two-Family Dwelling</td><td>5.0m</td><td colspan="2">5.5m</td><td colspan="2">3.0m</td><td>4.5m</td></tr>
<tr><td>RM6-R</td><td>Townhouse Dwelling
Apartment Dwelling</td><td>6.0m</td><td colspan="2">6.0m</td><td colspan="2">3.0m</td><td>4.5m</td></tr>
<tr><td rowspan="3">RM7</td><td>Row House Dwelling</td><td>4.5m</td><td>3.0m</td><td>9.0m (2)</td><td>3.0m (3)</td><td>0m (4)</td><td>3.0m</td></tr>
<tr><td>Townhouse Dwelling
Apartment Dwelling</td><td>6.0m</td><td colspan="2">6.0m</td><td colspan="2">4.5m</td><td>4.5m</td></tr>
<tr><td>Single-Family Dwelling
Two-Family Dwelling</td><td>4.5m</td><td colspan="2">5.5m</td><td colspan="2">3.0m</td><td>4.5m</td></tr>
</table>

Zone	Use	Minimum Front Setback	Minimum Rear Setback[1]	Minimum Interior Side Setback		Minimum Exterior Side Setback
				All others	Where abutting another Row House	
RM7-WS	Townhouse Dwelling Apartment Dwelling	4.5m	5.5m	4.5m		4.5m
	Single-Family Dwelling Two-Family Dwelling	4.5m	5.5m	3.0m		4.5m
RM-C	Assisted Living Facility Community Care Facility Apartment Dwelling	6.0m	7.5m	4.5m		4.5m

Notes:

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

5.3.4 Multi-Unit Residential Building Regulations: Single-Family Dwellings

a. In the RM5, RM6, RM7, and RM7-WS zones, lots existing on the effective date of this bylaw which do not conform with the minimum lot area requirement of this zone may be used for a single-family dwelling use and a secondary suite, provided they meet the requirements of **Section 4.3.4.a** of this bylaw and that all other requirements of this Bylaw are met and no other regulations are contravened.
b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.

5.3.5 Multi-Unit Residential Building Regulations: Two-Family Dwellings

a. In the RM5, RM6, RM7, and RM7-WS zones, lots existing on the effective date of this bylaw which do not conform with the minimum lot area requirement of this zone may be used for a two-family dwelling use, provided they meet the requirements of **Section 4.3.5.a** of this bylaw and that all other requirements of this Bylaw are met and no other regulations are contravened.
b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.

5.3.6 Multi-Unit Residential Building Regulations: Row House Dwellings

a. Lot width shall be a minimum of 6 metres.
b. A minimum of three row house dwellings shall be in a series.
c. The initial construction of all dwelling units shall occur as a single development project.
d. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.

e. A lot that is the end unit of a series of row houses and does not abut a street must meet the minimum interior side setback.
f. The principal building may be sited directly against an interior side lot line only when it abuts the adjacent lot's principal building.
g. Where a lane already exists for rear vehicle access, the rear setback shall be a minimum of 4.5 metres in the RM5 zone, and 3 metres in the RM6 and RM7 zones. Where no lane exists, row house dwellings in the RM5, RM6 and RM7 zones shall have a minimum rear setback of 9 metres, of which a minimum of 6 metres shall consist of an access aisle extending along the rear of the properties.
h. Vehicle parking shall be located in the rear yard, or enclosed within the rear of the principal building, accessed from the rear yard.
i. Covered porches, entranceways and stairs not exceeding 1.2 metres in height:
    i. notwithstanding **Section 5.1.5.a**, that are located in the front and exterior side yards shall not be included in lot coverage; and
    ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
j. 20% of all new row house dwellings in a development project shall be adaptable units as per **Section 7**. All calculations shall round up to the nearest whole number.

5.3.7 Multi-Unit Residential Building Regulations: Townhouse Dwellings and Apartment Dwellings

a. A minimum of three dwelling units per building shall be attached.
b. Covered porches and entranceways, including stairs not exceeding 1.2 metres in height:
    i. notwithstanding **Section 5.1.5.a**, that are located in the front and exterior side yards shall not be included in lot coverage; and
    ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
c. 20% of all new dwelling units in a development project shall be adaptable units as per **Section 7**. All calculations shall round up to the nearest whole number.
d. In the RM6 and RM7 zones, maximum lot coverage shall be 45% and in the RM7-WS zone, maximum lot coverage shall be 50%; however, where all required off-street parking spaces are provided underground or within the first or half storey of the principal building, lot coverage may be increased by 10%. If only a proportion of the required underground, first, or half storey parking is provided, an equal proportion of the additional 10% lot coverage shall be permitted.
e. A minimum of 10% of the units in a development must meet all of the following requirements. All calculations shall round up to the nearest whole number.
    i. have a minimum of three bedrooms;
    ii. have a minimum gross floor area of 100 square metres; and
    iii. 50% of the required units shall be located only within the first or second storey of the building.

5.3.8 Bonus Density Amenity Requirements

a. In the RM5, RM6, RM7, and RM7-WS Zones, the maximum residential density on a property may not exceed the level specified in the Maximum Residential Density: Base Density column of **Section 5.3.1**.

b. Notwithstanding **Section 5.3.8.a**, the Floor Area Ratio on a property in the RM5, RM6, and RM7 Zones may be increased up to the maximum specified in the Maximum Residential Density: Bonus Density column of **Section 5.3.1** subject to the provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy.

c. Notwithstanding **Section 5.3.8.a**, the Floor Area Ratio on a property in the RM7-WS Zone may be increased up to the maximum specified in the Maximum Residential Density: Bonus Density column of **Section 5.3.1** subject to the provision of the following amenities prior to the issuance of a Building Permit:

    i. The provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy;

    ii. For properties with road frontage on Jahn Place, Skylark Lane, and Airedale Place, up to 2.5 metres of road dedication provided along the entire length of the frontage, with the final amount of dedication to be determined by the Director of Engineering, having regard to specific site conditions, topography, and relevant Town of Sidney objectives. Density shall be calculated based on the lot area prior to dedication;

    iii. For properties with road frontage on Beacon Avenue West, up to 3 metres of road dedication provided along the entire length of the frontage, with the final amount of dedication to be determined by the Director of Engineering, having regard to specific site conditions, topography, and relevant Town of Sidney objectives. Density shall be calculated based on the lot area prior to dedication;

    iv. A parks contribution of $23.50 per square metre of gross floor area of all habitable buildings on the lot, less any floor area exemptions permitted in **Section 5.1.11**, or a tangible parks amenity approved by Council through resolution;

    v. A statutory right-of-way along the entire length of one property line registered in favour of the Town of Sidney and finished to the Town of Sidney standard, for a public greenway with an ultimate width of up to 3 metres, to be determined by the Director of Engineering, having regard to specific site conditions, topography, and relevant Town of Sidney policies.

d. In the RM7-WS Zone, instead of providing the required amenities in **Section 5.3.8.c.i**, the maximum density may be increased up to 3.0 FAR, building storeys may be increased up to six storeys, and building heights may be increased up to 22 metres with the provision of the following amenities, in addition to the amenities required in **Sections 5.3.8.c.ii** through **5.3.8.c.v**:

    i. A covenant registered on the title of the land to provide in the building prior to occupancy a minimum of 20% of total units in the building rounded up to the nearest whole number as affordable housing units; and

    ii. Enter into a housing agreement with respect to the affordable housing units and have a notice filed in the Land Title Office.

5.4 Buildings and Structures: Commercial Zones

5.4.1 General Spatial Regulations Table: Commercial Zones

Zone		Maximum Principal Buildings Per Lot	Maximum Density		Minimum Lot Area (2)	Maximum Lot Coverage	Maximum Height	Minimum Storeys	Maximum Storeys
			Base Density	Bonus Density (1)					
C1	Abutting Beacon Avenue		2.3 FAR	2.7 FAR	250m^2		12.0m	2	3
	Abutting all other streets		2.4 FAR	3.0 FAR	250m^2		15.0m	2	4
NC1		1	2 dwelling units per lot		750m^2	50%	9.0m		2
NC2			1.3 FAR		750m^2	65%	12.0m	2	3
C3		1	1 dwelling unit per lot		1000m^2		7.5m		2
C4			1 dwelling unit per lot		1000m^2	45%	9.0m		2
C5					1000m^2		12.0m		3

Notes:

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

5.4.2 Setback Regulations Table: Commercial Zones

Zone		Front Setback	Rear Setback		Interior Side Setback		Exterior Side Setback
			Rear lot line abutting Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential, as designated by the OCP	All Others	Interior Side lot line abutting Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential, as designated by the OCP	All Others	
C1	Minimum Setback	1.0m (1)	4.5m		4.5m	(1)	1.0m (1)
	Maximum Setback	4.5m				(1)	4.5m
NC1	Minimum Setback	6.0m	5.5m		3.0m		6.0m
NC2	Minimum Setback	4.5m	5.5m		3.0m		4.5m
C3	Minimum Setback	5.5m	3.0m		4.5m		4.5m
C4	Minimum Setback	6.0m	4.5m		4.5m		6.0m
C5	Minimum Setback	4.5m	4.5m		4.5m		4.5m

Notes:

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

5.4.3 Commercial Building Regulations Table: All Structures

a. Lots existing on the effective date of this Bylaw which do not conform with the minimum lot area requirement of this zone may be used for any of the permitted uses provided that all other requirements of this Bylaw are met and provided that no other regulations are contravened.
b. No portion of the first storey of any building shall be located in the area bounded by the intersecting:
    i. front and exterior side lots lines of a lot and a line joining points along the lot lines 4.5 metres from their point of intersection if adjoining a street; or
    ii. the front and interior side lot lines of a lot and a line joining points along the lot lines 3 metres from their point of intersection if adjoining a lane.
c. Awnings and canopies are exempt from setbacks in areas designated as Downtown Commercial under the Town of Sidney Official Community Plan.
d. 20% of all dwelling units in a new development shall be adaptable units as per **Section 7**. All calculations shall round up to the nearest whole number.
e. Where a corner lot abuts two streets, the shortest lot line is the front lot line.
f. Notwithstanding **Section 5.4.3.e**, if a property abuts:
    i. two different streets, but is not a corner lot, then both lot lines abutting the streets are considered to be front lot lines. In these instances, the property does not have a rear lot line; or
    ii. three different streets, then the two lot lines that are abutting streets that are most parallel and opposite to each other shall both be considered to be front lot lines, while the lot line that connects those two shall be considered an exterior side lot line.
g. Where residential units are included in a building, a minimum of 10% of the units must meet all of the following requirements. All calculations shall round up to the nearest whole number.
    i. have a minimum of three bedrooms;
    ii. have a minimum gross floor area of 100 square metres; and
    iii. 50% of the required units shall be located only within the first or second storey of the building.

5.4.4 Bonus Density Amenity Requirements

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

5.5 Buildings and Structures: Industrial Zones

5.5.1 General Spatial Regulations Table: Industrial Zones

Zone		Maximum Density		Minimum Lot Area	Maximum Lot Coverage	Maximum Height			Maximum Storeys
		Base Density	Bonus Density			Buildings	Containers and Outside Storage	Telecom-munica-tion Towers	
M1		1 dwelling unit per lot		2000m²		15.0m	9.0m	22.0m	
M2		2 dwelling units per lot		500m²	50%	12.0m	9.0m		2
M3	Lot area 1400m² or less	0.9 FAR	1.5 FAR	1000m²	55%	12.0m			3
	Lot area greater than 1400m²	1.2 FAR	2.0 FAR	1400m²	65%	20.0m			5

5.5.2 Setbacks Regulations Table: Industrial Zones

Zone		Minimum Front Setback	Minimum Rear Setback	Minimum Interior Side Setback		Minimum Exterior Side Setback
				Interior Property (two interior side lot lines)	Corner Property (one interior side lot line)	
M1		7.5m		6.0m (1)		7.5m
M2		2.0m	10.0m	3.0m	3.0m	2.0m
M3	Lot area 1400m² or less	2.0m	10.0m	3.0m	3.0m	2.0m
	Lot area greater than 1400m²	2.0m	12.0m	3.0m from an interior side lot line, provided the sum of both setbacks is not less than 9.0m	4.5m	2.0m

Notes:

1. *Refer to Section 5.5.3.b for minimum interior side setbacks.*

5.5.3 Industrial Building Regulations: All Structures

a. Where a lot has lot lines abutting two or more streets, the longest lot line shall be the front lot line.

b. In the M1 Zone, where a lot has two interior side lot lines, one interior side setback shall be a minimum of 6 metres.

c. For single-family dwellings and two-family dwellings in the M2 zone, the spatial regulations in **Section 5.3.1** and setback regulations in **Section 5.3.3** for single-family dwellings and two-family dwellings in the RM7-WS Zone shall apply.

d. No portion of the first storey of any building shall be located in the area bounded by the intersecting:
    i. front and exterior side lots lines of a lot and a line joining points along the lot lines 4.5 metres from their point of intersection if adjoining a street; or
    ii. the front and interior side lot lines of a lot and a line joining points along the lot lines 3 metres from their point of intersection if adjoining a lane.
e. Awnings and canopies are exempt from setbacks in the M2 and M3 zones.
f. In the M3 zone, 20% of all dwelling units in a new development shall be adaptable units as per **Section 7**. All calculations shall round up to the nearest whole number.
g. In the M3 zone, where residential units are included in a building, a minimum of 10% of the units must meet all of the following requirements. All calculations shall round up to the nearest whole number.
    i. have a minimum of three bedrooms;
    ii. have a minimum gross floor area of 100 square metres; and
    iii. 50% of the required units shall be located only within the first or second storey of the building.

5.5.4 Bonus Density Amenity Requirements

a. In the M3 Zone, the maximum density on a property may not exceed the level specified in the Maximum Density: Base Density column of **Section 5.5.1**.
b. Notwithstanding **Section 5.5.4.a**, the Floor Area Ratio on a property may be increased to the maximum specified in the Maximum Density: Bonus Density column of **Section 5.5.1** subject to the provision of amenities as described in **Section 5.5.5**.

5.5.5 Bonus Density Amenity Requirements Table

Bylaw No.	Property Legal Description	Amenities Required for Bonus Density [1]

Notes:

1. *Required amenities will be recorded in this table following a site-specific rezoning.*

5.6 Buildings and Structures: Marine Zones

5.6.1 General Spatial Regulations: Marine Zones

Zone	Maximum Residential Density	Minimum Lot Area	Maximum Lot Coverage	Maximum Height	Maximum Storeys
W1	1 dwelling unit per lot	2000m^2	70%	9.5m above the crown of Harbour Road	
W1-U	1 dwelling unit per lot	2000m^2	70%	12.0m	3
W2				5.0m above the natural boundary	1
W3					

5.6.2 Setbacks Regulations Table: Marine Zones

Zone	Minimum Front Setback	Minimum Rear Setback	Minimum Interior Side Setback where lot line abuts land designated as Neighbourhood Residential or Multi-Unit Residential in the OCP	Minimum Exterior Side Setback
W1	1.0m		3.0m (2)	1.0m
W1-U	1.0m	5.5m	3.0m (2)	4.5m
W2 (1)				
W3				

Notes:

1. *Refer to Section 5.6.3.b for water lot setbacks.*
2. *Refer to Section 5.6.3.c for minimum interior side setbacks on land abutting OCP designated residential areas.*

5.6.3 Marine Building Regulations: All Structures

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

5.7 Buildings and Structures: Parks and Utility Zones

5.7.1 General Spatial Regulations Table: Parks and Utility Zones

Zone	Maximum Residential Density	Minimum Lot Area	Maximum Lot Coverage	Maximum Height	Maximum Storeys
P1				8.0m	2
U1				9.0m	
U2				9.0m	
U3				8.0m above the crown of adjacent street	

5.7.2 Setback Regulations Table: Parks and Utility Zones

Zone	Minimum Front Setback		Minimum Rear Setback		Minimum Interior Side Setback		Minimum Exterior Side Setback	
	An interior side lot line directly abutting lands designated Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential by the OCP	All others	A rear or interior side lot line directly abutting lands designated Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential by the OCP	All others	A rear or interior side lot line directly abutting lands designated Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential by the OCP	All others	A rear lot line directly abutting lands designated Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential by the OCP	All others
P1								
U1	6.0m	1.0m	7.5m		4.5m		4.5m	
U2	6.0m		7.5m		4.5m		4.5m	
U3								

5.7.3 Parks and Utility Building Regulations

a. No building regulations in Parks and Utility Zones.

5.8 Buildings and Structures: Institutional Zones

5.8.1 General Spatial Regulations Table: Institutional Zones

Zone	Maximum Residential Density	Minimum Lot Area	Maximum Lot Coverage	Maximum Height		Maximum Storeys
				Fire Hall or School Gymnasium	All others	
I1				13.0m	12.0m	3
I2		1000m^2	40%	9.5m (1)		2.5

Notes:

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

5.8.2 Setback Regulations Table: Institutional Zones

Zone	Minimum Front Setback	Minimum Rear Setback		Minimum Interior Side Setback		Minimum Exterior Side Setback
		A rear or interior side lot line directly abutting lands designated Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential by the OCP	All others	A rear or interior side lot line directly abutting lands designated Neighbourhood Residential, Intensive Neighbourhood Residential, and Multi-Unit Residential by the OCP	All others	
I1	2.0m	6.0m		4.5m		2.0m
I2	6.0m	5.5m		3.0m		6.0m

5.8.3 Institutional Building Regulations

a. Towers in conjunction with places of worship shall not exceed a height of 15m.

5.9 Buildings and Structures: Comprehensive Development Zones

5.9.1 General Spatial Regulations: Comprehensive Development Zones

Zone		Maximum Density		Minimum Lot Area	Maximum Lot Coverage	Maximum Height	Maximum Storeys
CD6					50%	10.8m	3
CD11				1050m^2	30%	14.5m	4
CD 12	Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766	55 uph		4000m^2	24%	13.2m	3
	Lot 1, Section 15, Range 3 East, North Saanich District, Plan VIP78678			1400m^2	25%	13.2m	3
	Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678	1 dwelling unit per property		650m^2	26%	9.0m	2
CD13		112 uph [(1)]		5050m^2	55%	14.0m	4
CD29		126 uph		3500m^2	80%	23.0m	
CD32				4800m^2	50%	11.6m	3
CD37		Base Density	Bonus Density	900m^2	30%	15.4m	4
		0.75 FAR	1.3 FAR				
CD43		1.7 FAR		6000m^2	37%	19m	5
CD44		1.42 FAR		3950m^2	59%	12.6m	3
CD45		0.75 FAR		8775m^2	43%	10.0m	2.5

Notes:

1. *Refer to Section 5.9.3.a for exemptions to maximum residential density.*

5.9.2 Setback Regulations Table: Comprehensive Development Zones

Zone		Minimum Front Setback	Minimum Rear Setback	Minimum Interior Side Setback	Minimum Exterior Side Setback
CD6		1.0m			
CD11		1.0m	7.7m		16.0m
CD 12	Lots 1-23, Section 15, Range 3 East, North Saanich District, Plan VIS5766		25.7m	1.5m	34.5m
	Lot 1, Section 15, Range 3 East, North Saanich District, Plan VIP78678	7.5m	5.7m	4.8m	
CD 12	Lot 3, Section 15, Range 3 East, North Saanich District, Plan VIP78678	4.0m	1.5m	1.5m	

Zone	Minimum Front Setback	Minimum Rear Setback	Minimum Interior Side Setback	Minimum Exterior Side Setback
CD13		3.0m	4.5m	10.0m
CD29 (1)	3.0m	3.0m	3.4m	3.8m
CD32	7.6m	7.0m	3.9m	
CD37	6.0m	7.5m	6.0m	
CD43	4.5m	4.5m	9.0m	4.5m
CD44	4.5m	4.5m	0.3m	4.5m
CD45	4.5m	2.5m	2.5m	

Notes:

1. *Refer to Section 5.9.4.a for setback requirements in CD Zone 29.*

5.9.3 Comprehensive Development Zone 13 Regulations

a. In CD Zone 13, the maximum residential density of 112 units per hectare does not apply to the Community Care Facility component.

5.9.4 Comprehensive Development Zone 29 Regulations

a. In CD Zone 29, front setbacks in all storeys above the first storey shall be no less than 1.5 metres and awnings may project into the front, rear and exterior side setbacks.

5.9.5 Comprehensive Development Zone 37 Regulations

a. the Floor Area Ratio on a property may be increased to the maximum bonus density specified in the Maximum Residential Density column of **Section 5.9.1** subject to the provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy.

b. Prior to the issuance of Building Permit, the property owner shall:

   i. enter into a statutory right of way agreement with the Town, to be registered at the Land Title Office, to secure a 3 metres wide portion of land along the northern property line of the subject property for a public pedestrian walkway, and

   ii. provide security in the amount of 120% of the value to construct off-site works and services to improve the full road right-of-way width of the eastern terminus of White Birch Road.

5.9.6 Comprehensive Development Zone 43 Regulations

a. In CD Zone 43:

   i. 20% of all apartment units shall be adaptable as per Section 7. All calculations shall round up to the nearest whole number.

   ii. Prior to the issuance of a Building Permit, the property owner shall:

      i. Enter into a Housing Agreement with the Town to secure all units within the development as rental for a minimum time period of 30 years from the date of occupancy, and to secure 20% of the total number of units as below market rentals for a minimum time period of 20 years from the date of occupancy;

ii. Install off-site works and frontage improvements on Beacon Avenue West and Jahn Place to the satisfaction of the Director of Engineering, or pay bonding to secure the installation of the required works;
iii. Install surfacing and drainage improvements on the pedestrian connection between Jahn Place and Beacon Avenue West;
iv. Install a water main connection across the subject property connecting the Jahn Place main to the Beacon Avenue West main, or pay bonding to secure the installation of this work;
v. Register a statutory right of way on title for construction, operations and maintenance of the new water main between Jahn Place and Beacon Avenue West, and a future water main between Jahn Place and Skylark Lane;
vi. Pay a parks contribution of $242,276 less any payable Parks DCC amount, to be used for parkland acquisition;
vii. Register a restrictive covenant on the title of the property prohibiting the future owner or strata council from passing any bylaws that may restrict occupancy of the building based on age;
viii. Register a noise covenant acknowledging industrial, airport, and highway noise and activity;
ix. Register a restrictive covenant on title acknowledging the details and maintenance schedule required for the on-site storm water management system;
x. Provide a 2-metre-wide road dedication along the Beacon Avenue West frontage for the purpose of road widening and improvements;
xi. Register a 1-metre-wide statutory right of way along the Beacon Avenue West frontage for installation of frontage improvements;
xii. Register a statutory right of way for underground water main infrastructure from the Beacon Avenue west frontage to the north property line and connecting to the Jahn Place frontage; and
xiii. Register a statutory right of way for public access across the property from the Jahn Place frontage on the west lot line to the north lot line and east connecting to the public multi-use pathway adjacent to Highway 17.

5.9.7 Comprehensive Development Zone 44 Regulations

a. 20% of all dwelling units in a new development shall be adaptable units as per **Section 7**. All calculations shall round up to the nearest whole number.
b. A minimum of 10% of dwelling units must meet all of the following requirements. All calculations shall round up to the nearest whole number.
    i. Have a minimum of three bedrooms;
    ii. Have a minimum gross floor area of 100 square metres; and
    iii. 50% of the required units shall be located only within the first or second storey of the building.
c. Prior to the issuance of Building Permit, the property owner shall:

i. Register a restrictive covenant on title for the property prohibiting the future owner or strata council from passing any bylaws that may restrict occupancy of the building based on age;
ii. Register a flood hazard covenant on the title of the property referencing the submitted Engineer's report;
iii. Pay a parks contribution of $52,021 less any payable Parks Development Cost Charge amount, to be used for parkland acquisition and improvement; and
iv. Pay an amenity contribution of $33,786 based on the increase in floor area ratio from the density currently permitted by the Neighbourhood Motel (C4) zone.

5.9.8 Comprehensive Development Zone 45 Regulations

a. Three of the dwelling units in a new development shall be adaptable units as per **Section 7**.
b. Prior to the issuance of Building Permit, the property owner shall:
    i. Register a restrictive covenant on title for the property prohibiting the future owner or strata council from passing any bylaws that may restrict occupancy of the building based on age;
    ii. Register a flood hazard covenant on the title of the property referencing the submitted Engineer's report;
    iii. Pay a parks contribution of $115,789 less any payable Parks Development Cost Charge amount, to be used for parkland acquisition and improvement; and
    iv. Pay an amenity contribution of $75,201 based on the increase in floor area ratio from the density currently permitted by the Neighbourhood Motel (C4) zone.

6 LANDSCAPE DESIGN

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

6.1 Fencing

a. No fence or gate shall exceed 1.8 metres in height above grade.
b. Notwithstanding **Section 6.1.a**, no fence or gate in a front or exterior side yard shall exceed a height of 1.2 metres.
c. On a panhandle lot, no fence or gate in a front yard shall exceed 1.8 metres, however, fencing and gates along the panhandle shall be subject to the fence height requirements of the properties abutting the panhandle.
d. Notwithstanding **Section 6.1.b**, no fence or gate shall exceed 1.8 metres along the entire length of a property line that abuts Highway 17.
e. Notwithstanding **Section 6.1.a**, no fence or gate in a natural boundary setback shall exceed a height of 1.2 metres.
f. Where a fence, gate, or retaining wall is constructed on land where fill has been placed on top of existing grade, the calculation of height shall be measured from the original grade at the site directly below where the fence or retaining wall meets the ground.
g. Where a fence is constructed on top of a retaining wall, the combined height of the retaining wall and fence shall not exceed the maximum permitted height of a fence in that location.
h. Private swimming pools shall be enclosed by a fence conforming to the following specifications:
    i. The fence shall completely surround the swimming pool;
    ii. The fence shall be of closed boarded lumber, solid masonry, plywood of 9 millimetres thickness or greater, chain link wire with openings not exceeding 5 centimetres in any dimension or material and design that will reasonably prevent children from climbing over or through it to gain access to the pool;
    iii. Gates shall be latched with a self-closing and self-locking device located at the top of and inside the gate and fence, and such gates shall be kept locked when the pool is not in use;
    iv. The exterior surface shall be free from projections, rails or bracing that would facilitate climbing; and
    v. The fence and gate shall be not less than 1.2 metres nor more than 1.8 metres in height above the ground at any point and with a clearance from the ground of not greater than 10 millimetres at any point.
i. Fences and gates are not permitted in the R4 zone.

6.2 Landscaping and Screening

a. Plant Variety and Size:
    i. Selection of plant varieties shall be based on local climatic conditions, constraints of location, resistance to disease and insect attack, drought resistance, cleanliness, and ease of maintenance; and

ii. Plant materials shall be installed of such a size as to grow to the minimum dimensions required within two growing seasons.

b. Outside storage areas and fencing thereof shall be screened along its perimeter in accordance with the following requirements:
   i. Materials: Landscape material, hedge, or combination thereof so as to form a year-round opaque visual barrier; and
   ii. Height: Not less than 1.8 metres above finished grade.
c. Recycling and garbage containers shall be screened along their perimeter on at least three sides in accordance with the following requirements:
   i. Materials: Fence, or combination of fence and landscape material, so as to form a year round opaque visual barrier, and
   ii. Height: Not less than 1.8 metres above finished grade.
d. In all zones except for Neighbourhood Residential zones, off-street parking and loading areas shall be screened along the perimeter in accordance with the following requirements:
   i. Materials: Landscape material, hedge, fence or combination thereof which will form a year-round visual barrier; and
   ii. Height: Not less than 1 metres above finished grade.
e. In all zones, utility kiosks shall be screened along the perimeter in accordance with the following requirements:
   i. Materials: a decorative UV and graffiti resistant laminated wrap, or fencing, soft landscaping or combination thereof which will form a year-round visual barrier;
   ii. Fencing or landscaping screens: shall have a height of not less than 1.2 metres above finished grade; and
   iii. Horizontal Clearance: There must be a minimum 2.5 metres of clearance in front of the doors. All other sides must have a minimum 1 metre clearance.
f. Where required, landscape buffers shall:
   i. be planted at existing grade or on a berm;
   ii. consist of soft landscaping only; and
   iii. be located behind fencing, if applicable.
g. Where they abut an area zoned for residential use, shipping containers shall be screened along any side facing the residential use with the following requirements:
   i. Materials: Landscape material, hedge, fencing, or combination thereof so as to form a year-round opaque visual barrier; and
   ii. Height: Not less than 1.8 metres above finished grade.
h. Where required to be screened, mechanical equipment, including heat pumps, shall be screened with a year-round opaque visual barrier.
i. In all Neighbourhood Residential and Multi-Unit Residential zones, every lot with an area of 500 square metres or greater is required to have sufficient space for the root zone of a large canopy tree, which corresponds to an area of 24 square metres, with no side less than 4 metres in length, which cannot be paved or have any building, structures, or utilities above or below it, including underground parking.

6.3 Pergolas

a. Pergolas shall:
    i. not exceed 3 metres in height; and
    ii. be permitted in the front yard, exterior side yard, interior side yard and rear yard, provided that a minimum setback of 1.2 metres from any lot line is maintained.

6.4 Visual Clearance at Intersections

a. Notwithstanding **Section 6.1**, in the area bounded by the intersecting lot lines at a street corner and a line joining points along the lot lines:
    i. 7 metres from their point of intersection; or
    ii. where one or both abutting streets are lanes, 6 metres from their point of intersection;

    no structure other than a principal building or a fence shall be within 1 metres to 3 metres above the crown of the abutting streets, and no vegetation shall be maintained or allowed to grow so as to obstruct the zone of visual clearance between 1 metres and 3 metres above the crown of the abutting streets.

6.5 Lighting

a. All lighting shall be downcast.
b. A lighted pathway is required from the entrances of all dwelling units on a lot to the on-site parking space(s) and to the fronting street.

6.6 Retaining Walls, Sea Walls, and Artificial Waterfront Structures

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

7 ADAPTABLE HOUSING

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

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

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

7.1 Adaptable Housing Design Standards

7.1.1 Paths of Travel

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

7.1.2 Location of Adaptable Units

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

7.1.3 Notice of Adaptable Features

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

7.1.4 Corridor Widths

a. Corridors shall be not less than 1 metre wide for all interior routes.

7.1.5 Floor Surfaces

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

7.1.6 Doors

a. Doors shall have a clear width when open of not less than 0.8 metres.
b. Thresholds shall not exceed 0.013 metres high.
c. Operating devices such as handles, pulls, latches, and locks shall:
   i. be operable by one hand;

ii. not require fine finger control, tight grasping, pinching or twisting of the wrist to operate; and
iii. be mounted not more than 1.2 metres from the floor.

d. A power-operated door is required in multi-family developments with a common entrance.

7.1.7 Maneuvering Space at Doors

a. When the door swing is towards the maneuvering space, the space shall be not less than 1.5 metres long by a width equal to the door assembly width plus not less than 0.6 metres clear space beside the latching jamb of the door.
b. When the door swing is away from the maneuvering space, the space shall be not less than 1.2 metres long by a width equal to the door assembly width plus not less than 0.3 metres clear space beside the latching jamb of the door.

7.1.8 Controls and Outlets

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

7.1.9 Alarms

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

7.1.10 Windows

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

7.1.11 Kitchens

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

7.1.12 Bathrooms

a. At least one toilet compartment shall:

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

7.1.13 Bedrooms

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

7.1.14 Base Cabinets for Kitchens and Bathrooms

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

7.1.15 Clothes Storage

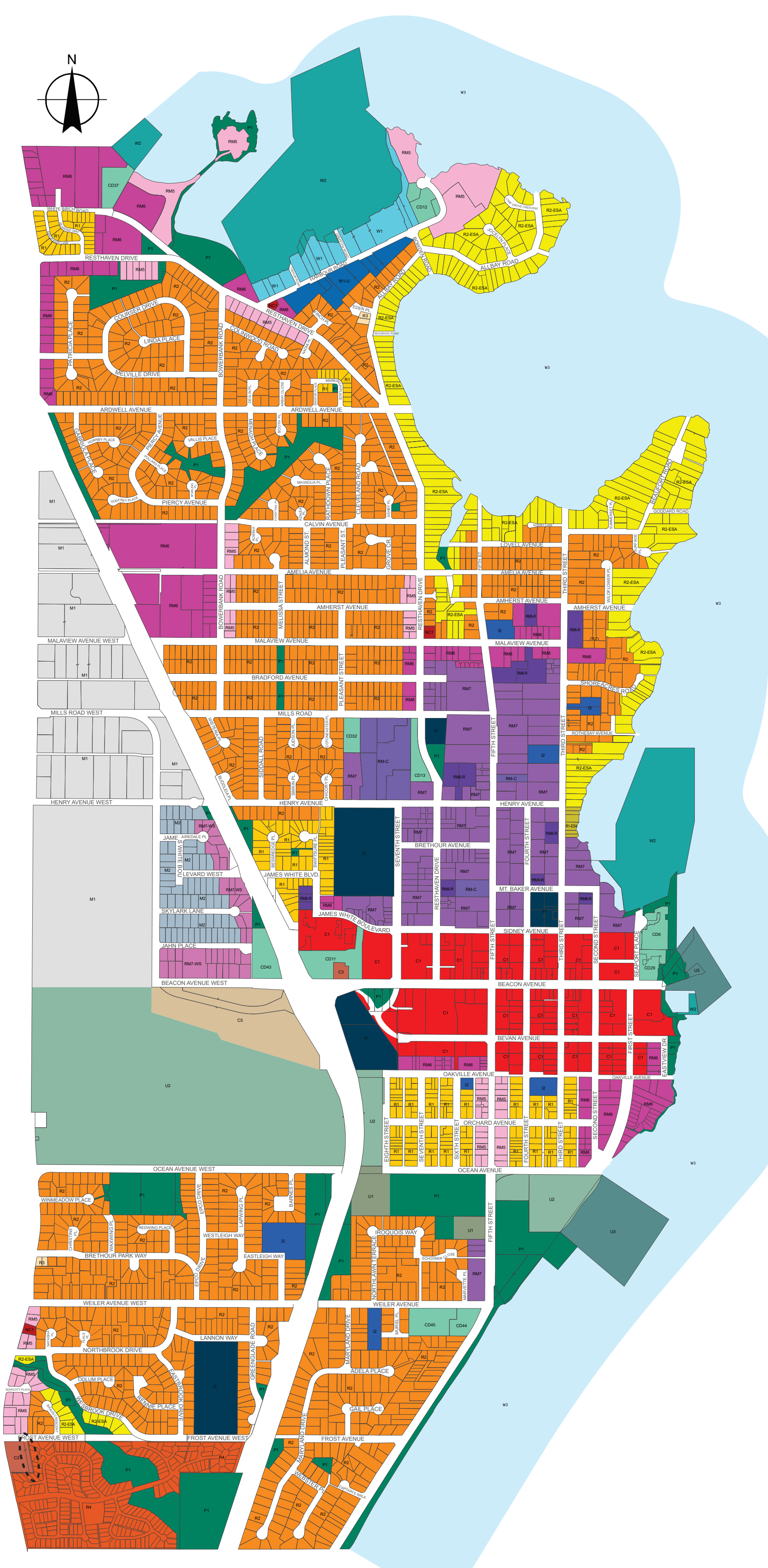
a. Where provided, one hall closet and one bedroom closet shall have:
    i. A clear floor space of not less than 1.5 metres diameter in front of the storage area; and
    ii. A clear opening of not less than 0.9 metres.

7.1.16 Laundry Facilities

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

7.1.17 Living Areas

a. Complete living facilities, including a kitchen, bathroom and bedroom, shall be provided on one level to avoid the need for lifts or elevators. However, where living areas are provided on two or more levels, closet or foyer space not less than 0.915 metres wide by 1.2 metres long shall be positioned one above the other on each level to provide space to accommodate the future installation of a residential elevator or lift.



The area covered by this map outside the Town of Sidney is within the District of North Saanich.

Town of Sidney
Zoning Bylaw No. 2275
Schedule B - Zoning Map

RESIDENTIAL ZONES

- **R1** *Intensive Ground-Oriented Residential*
- **R1-ESA** *Intensive Ground-Oriented Residential - Environmentally Sensitive Areas*
- **R2** *Ground-Oriented Residential*
- **R2-ESA** *Ground-Oriented Residential - Environmentally Sensitive Areas*
- **R3** *Ground-Oriented Residential - Small Lot*
- **R4** *Summergate Village Residential*
- **RM5** *Townhouse Residential*
- **RM6-R** *Multi-Unit Residential - Rental*
- **RM6** *Multi-Unit Residential – Tier 1*
- **RM7** *Multi-Unit Residential – Tier 2*
- **RM7-WS** *Multi-Unit Residential – West Side*
- **RM-C** *Care-Oriented Residential*

COMMERCIAL ZONES

- **C1** *Downtown Commercial*
- **NC1** *Neighbourhood Commercial – Tier 1*
- **NC2** *Neighbourhood Commercial – Tier 2*
- **C3** *Service Station*
- **C4** *Neighbourhood Motel*
- **C5** *Airport Commercial*

INDUSTRIAL ZONES

- **M1** *West Side Industrial*
- **M2** *West Sidney Mixed Use Village – Tier 1*
- **M3** *West Sidney Mixed Use Village – Tier 2*

MARINE ZONES

- **W1** *Marine Industrial*
- **W1-U** *Marine Industrial – Upland*
- **W2** *Marina*
- **W3** *Open Water*

INSTITUTIONAL AND PARK ZONES

- **P1** *Park and Open Space*
- **U1** *Public Utility*
- **U2** *Regional Transportation (Land)*
- **U3** *Regional Transportation (Water)*
- **I1** *Public Facilities*
- **I2** *Private Facilities*

COMPREHENSIVE DEVELOPMENT ZONES

- **CD** *Comprehensive Development*

Date of Adoption: Month, DD, YYYY

Zoning Revisions Amendment Bylaws			

Map updated as of Month, DD, YYYY

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The contents on this map are produced and consolidated for convenience only. Every effort has been made to ensure the accuracy and completeness of the material, however, the Town cannot guarantee its legal accuracy and does not accept responsibility for loss or inconvenience suffered by users as a result of inaccuracies. Please be advised that this material is not admissible in a court of law in accordance with the Evidence Act of British Columbia. For such purposes certified copies of Bylaws must be obtained from the Municipal Clerk.

NOTE: The information shown is not necessarily correct; for precise dimensions refer to a registered plan.