

ZONING BYLAW

FOR THE

VILLAGE OF

MASSET

1994

ADOPTED: 9 November 1994

BYLAW NO. 422, 1994

A BYLAW TO REGULATE THE ZONING AND DEVELOPMENT

OF REAL PROPERTY

WITHIN THE MUNICIPALITY

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<p style="text-align: center;">VILLAGE OF MASSET BYLAW NO. 422, 1994</p>

**A BYLAW TO REGULATE THE ZONING AND DEVELOPMENT OF REAL PROPERTY
WITHIN THE MUNICIPALITY**

WHEREAS the Municipal Act authorizes a local government to enact bylaws respecting zoning and certain other related developmental matters;

AND WHEREAS the Municipal Act also authorizes a local government to exercise these powers in a single bylaw;

NOW THEREFORE the Municipal Council of the Village of Masset in open meeting assembled enacts as follows:

<p style="text-align: center;">DIVISION 100 _ SCOPE AND ADMINISTRATION</p>

101 _ TITLE

This Bylaw may be cited for all purposes as "Village of Masset Zoning Bylaw No. 422,1994".

102 _ PURPOSE

The principal purpose of this Bylaw is to regulate development in the municipality for the benefit of the community as a whole.

103 _ APPLICATION

No land, water surface, building or structure shall 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, except as otherwise provided for in this Bylaw or in the Municipal Act.

104 _ SEVERABILITY OF BYLAW

If any Division, Section, Subsection, Sentence, Clause or Phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

105 _ VIOLATIONS

Each person who violates or who causes or allows to be violated any of the requirements of this Bylaw shall be guilty of an offence against the Bylaw; and each day that such violation is caused or allowed to continue shall constitute a separate offence.

106 _ PENALTY

Each person who violates a requirement of this Bylaw shall be liable on summary conviction to the penalties prescribed in the Offence Act not to exceed \$2,000.00.

107 _ ENTRY

The Clerk or his/her designate may enter at all reasonable times premises or lands controlled by this Bylaw in order to ascertain whether the requirements of the Bylaw are being observed. Obstruction of the Clerk in the performance of his/her duties shall constitute an offence.

108 _ METRIC MEASUREMENT

All measurements in this Bylaw are expressed in metric units.

DIVISION 200 _ GENERAL REGULATIONS

201 _ General Operative Clauses

- (1) No land, building or structure in any zone shall be used for any purpose other than that specified for the zone in which it is located in accordance with the Zoning Map.
- (2) No building or structure shall be constructed, moved or altered unless its:
 - (a) site area is equal to or greater than;
 - (b) setbacks are equal to or greater than;
 - (c) lot coverage is equal to or less than;
 - (d) height is equal to or less than;
 - (e) floor area ratio is equal to or less than;
 - (f) total number of units, buildings or structures is equal to or less than;
 - (g) total number of parking and loading spaces is equal to or greater than that required for the zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.
- (3) No building or structure shall be moved, constructed, or altered unless its screening and landscaping requirements are provided as specified for the zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.
- (4) No parcel shall be created by subdivision unless such parcel is equal to or greater than the smallest minimum lot size specified for the zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.

202 _ Prohibited Uses of Land, Buildings and Structures and Water

- (1) The following uses shall be prohibited in all zones, except as permitted in this Bylaw.
 - (a) A tent or recreation vehicle used for habitation, except as specifically permitted in this Bylaw.
- (2) A cellar shall not be used for the purposes of a dwelling unit.

203 _ Public Service Use

- (1) A Public Service use shall be permitted in any zone provided that the floor area of any building does not exceed 5 m².

204 _ Exceptions to Height Requirements

A chimney, aerial, flagpole, receiving antenna other than satellite dish antenna or similar object not used for human occupancy is not subject to the height limitations of this bylaw, provided that such structures shall not occupy more than 10% of the roof area of a building.

205 _ Exceptions to Siting Requirements

- (1) Where chimneys, cornices, headers, gutters, pilasters, sills, bay windows or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this Bylaw may be reduced by not more than 0.6 metres providing such reduction shall only apply to the projecting feature.
- (2) Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front, rear or exterior lot line as permitted elsewhere in this Bylaw may be reduced by not more than 1.25 metres and the minimum distance to an interior side lot line as permitted in this Bylaw may be reduced by 0.6 metres provided such reduction shall apply only to the projecting feature.

206 _ Size, Shape and Siting of Buildings & Structures

- (1) No more than one (1) principal building may be sited on one (1) lot, except as otherwise specified in this Bylaw.
- (2) No building or structure shall be constructed, reconstructed, altered, or extended so as to cause any existing building or structure on the same lot to violate the provisions of this Bylaw.
- (3) The interior lot line setbacks of this Bylaw shall not apply to building Strata Lots under a registered plan pursuant to the Condominium Act where there is a common wall shared by two (2) or more units within a building.

207 _ Home Occupation Use

In any zone in which a Home Occupation or Home Occupation Office Use is permitted, the following conditions shall be satisfied:

- (1) The activities shall be conducted entirely within the principal building or accessory building except where such activity involves horticulture.
- (2) The use shall not involve the storing, exterior to the building or buildings, of any materials used directly or indirectly in the processing or resulting from the processing or any product of such craft or occupation.

- (3) The use shall only involve the display and the sale of a commodity that is produced on the premises, except where a commodity is an incidental product in the carrying out of the home occupation use, in which case the commodity may be sold, however in no case shall the selling of the commodity be the primary home occupation use.
- (4) The use within the principal building shall occupy no more than 25% of the floor area of the principal building, up to a maximum of 50 m².
- (5) The use within one (1) or more accessory buildings shall occupy a total of not more than 50 m².
- (6) In no case shall a parcel of land be used for home occupation use that exceeds 50 m².
- (7) The total display area of any outdoor advertising sign shall not exceed 0.4 m².
- (8) The use or occupation shall be solely operated by a person resident in the dwelling unit and shall not involve the employment of more than one full-time or two part-time non-resident employees on the premises.
- (9) Home crafts or occupations shall not discharge or emit the following across lot lines:
 - (a) odorous, toxic or noxious matter or vapours;
 - (b) heat, glare, electrical interference or radiation;
 - (c) recurring ground vibration;
 - (d) noise levels exceeding 45 decibels.
- (10) The home occupation use shall provide one (1) additional off-street parking space per full time, non-resident employee.
- (11) No automobile, boat, or heavy machinery servicing repair business shall be permitted as a home occupation use.

208 — Accessory Residential Use

An Accessory Residential Use shall:

- (a) be limited to one (1) dwelling per lot;
- (b) have a maximum floor area of 45 m²; and
- (c) where located within the same building as the principal use, be provided with a separate entrance.

209 — Accessory Buildings and Structures

- (1) Buildings and structures containing an accessory use are permitted in each zone, unless otherwise specified, provided that

- (a) the principal use is being carried out on the parcel;
 - (b) a building for the purpose of the principal use has been constructed on the parcel, or;
 - (c) a building for the purpose of the principal use is in the process of being constructed on the parcel.
- (2) An accessory building or structure shall not contain a dwelling unit, except as provided for in this Bylaw.

210 – Accessory Suite

- (1) Not more than one (1) Accessory Suite shall be permitted in a single-family residential dwelling.
- (2) An Accessory Suite shall not be permitted in a two-family or multiple residential dwelling.
- (3) An Accessory Suite shall have a gross floor area of not more than 30% of the gross floor area of the single-family residential dwelling in which it is situated up to a maximum of 93 m².

211 – Setbacks from Watercourses

- (1) Notwithstanding the setback requirements specified in each of the zones, no building shall be located within 15 metres of the natural boundary of a river, creek or stream, or 7.5 metres of the natural boundary of the sea;
- (2) Notwithstanding any other provisions of this Bylaw, no building or part thereof shall be constructed, reconstructed, moved or extended nor shall any manufactured home or structure be located with the underside of the floor system of any area used for habitation, business or storage of goods, damageable by floodwater, or in the case of a manufactured home or unit, the ground level on which it is located lower than 1.5 metres above the natural boundary of the sea nor lower than elevation 4.8 metre Hydrographic Chart, whichever elevation is the higher.

212 – Satellite Dish Antennae

- (1) No satellite dish antenna shall be installed on the roof of a principal or accessory building or structure in a residential zone.
- (2) A satellite dish antenna installed on the ground shall be subject to the siting and height regulations for accessory building and structures for the zone in which it is located.

213 – Undersized Parcels

Parcels of land that are shown on a plan deposited in the Land Title Office prior to the adoption of this Bylaw, which have less than the minimum lot size requirement as established in the zone in which that parcel is situated, may be used for any use permitted in that zone, subject to:

- (a) all the other regulations for that zone;
- (b) the approval of a permit from the Medical Health Officer in cases where a private sewage disposal system (septic tank and field) is used as the method of sewage disposal.

214 _ Obstruction of Vision

On a corner parcel in any zone there shall be no obstruction to the line of vision between the heights of 1m and 3 m above the established grade of a highway within the sight triangle, being a triangular area formed by extending a 6.0 m boundary along the parcel lines from the point of the exterior corner intersection of the parcel lines and a line connecting these two points as illustrated below:

215 _ Fences and Retaining Walls

- (1) Fences shall not exceed a height of 1.8 metres in the front yard or a height of 2.4 metres to the rear of the front face of a building;
- (2) A retaining wall or berm shall not exceed a height of 1.8 metres including the case in which a retaining wall and berm are used in combination with a fence;
- (3) Notwithstanding Section 215(2), a retaining wall or berm shall not exceed a height of 1.2 metres in cases where the retaining wall or berm is located within a side or rear yard setback.

216 _ Combined Commercial and Residential Dwelling Unit

- (1) Where a lot is used for combined commercial and residential use, the residential use shall:
 - (a) be contained in the same building as the commercial use;
 - (b) be located over or behind the commercial use, and
 - (c) have a separate outside entrance,

except where a lot is used for a gasoline service station or motel, in which case a dwelling unit may be part of or contained in a separate building from the commercial use.

217 _ Storage

- (1) Except for those zones that specifically permit an auto wrecking and salvage yard, no lot shall be used for the outdoor storage of more than one derelict vehicle for a total of 72 or more consecutive hours.
- (2) Within the commercial and industrial zones, outdoor storage areas shall be bounded on all sides by a landscape screen of not less than 1.5 metres or more than 2.4 metres in height in cases where the commercial or industrial zoned property abuts a residential zoned property.
- (3) Within residential zones, the outdoor storage of marine gear and equipment will be permitted provided that the following conditions can be satisfied:
 - (a) the storage area is not located within a front or rear yard setback;
 - (b) the storage area is not located within 4.57 meters of the property line of an adjacent property that is zoned for residential use;
 - (c) the storage of marine gear and equipment does not exceed a height of 2.4 metres;
 - (d) the storage of marine gear and equipment does not produce offensive odours, nor may the storage consist of any offensive vegetable or animal matter or filth of any kind, or any dead animal; and
 - (e) the storage of marine gear and equipment is an accessory use of a parcel of land.

218 _ Keeping of Animals

- (1) The use of land for the keeping of animals shall be prohibited, except within the RR-1 zone, in which case the regulations of the Animal Control Bylaw shall apply.

219 _ Agricultural Land Reserve

- (1) Notwithstanding anything contained in this bylaw, land within the municipality designated as "Agricultural Land Reserve", pursuant to the Agricultural Land Commission Act, shall be subject to:
 - (a) the Agricultural Land Commission Act;
 - (b) regulations made pursuant to the Agricultural Land Commission Act; and
 - (c) relevant orders of the Provincial Agricultural Land Commission made pursuant to the Agricultural Land Commission Act.
- (2) Where land presently within an "Agricultural Land Reserve" is, pursuant to the Agricultural land Commission Act, regulations made thereunder, or orders of the Provincial Agricultural Land Commission:
 - (a) excluded from an Agricultural Land Reserve;
 - (b) exempted by the Agricultural Land Commission Act; or
 - (c) exempted by regulations made under the Agricultural Land Commission Act or an order of the Provincial Agricultural Land commission;

the provisions of this Bylaw shall be binding.

220 _ Accessory Boarding and Boarding House

- (1) Not more than one (1) boarder shall be permitted within any type of dwelling unit, except within a single family dwelling in which case two (2) boarders may be permitted.
- (2) Notwithstanding Section 220(1), any number of boarders up to a maximum of six (6) may be permitted within a boarding house, where the boarding house is the principal use.

221 _ Off-Street Parking Requirements

- (1) Unless exempted by this or any other Bylaw, where the terms of this Bylaw require allowance to be made for the off-street parking of motor-vehicles, every owner of land shall, upon the lot in question, provide and maintain off-street parking spaces in accordance with this Bylaw;.
- (2) Off-street parking for new and existing buildings, structures and uses shall be required to comply with the following:
 - (a) For buildings, structures and uses approved after the adoption of this Bylaw, off-street parking spaces shall be required in accordance with the regulations of this Bylaw;
 - (b) For existing buildings, structures or uses, the number of off-street parking spaces shall be the lesser of:
 - (i) the number of off-street parking spaces existing at the date of adoption of this Bylaw; or
 - (ii) the number of off-street parking spaces required by applying the regulations set out in this Bylaw to the existing buildings, structures or uses;
 - (c) For additions to existing buildings or structures, or for changes or additions to an existing use, the parking spaces required shall be determined by applying the regulations of this Bylaw to those changes or additions.
- (3) All required off-street parking spaces shall be used only for the purpose of accommodating the vehicles of clients, customers, employees, members, residents, tenants or visitors who make use of the principal building or use for which the parking area is provided, and such parking area shall not be used for off-street loading, driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.
- (4) The location of off-street parking spaces shall be required to comply with the following:

- (a) All required off-street parking spaces shall be located on the same lot as the use which they serve, unless exempted by this Bylaw.
 - (b) Notwithstanding Section 221(4)(a), off-street parking spaces required for all uses, except residential, may be located on a parcel of land within 120 metres of the use which it serves, on condition that:
 - (i) the parcel is in the same zoning district as the parcel on which the use requiring the parking spaces is located;
 - (ii) pursuant to Section 215 of the Land Title Act, a restrictive covenant shall be registered on the title to that parcel limiting the use of that parcel or a portion of that parcel to the provision of off-street parking for the benefiting parcel; and
 - (iii) off-street parking is a permitted use for that parcel.
 - (c) Required off-street parking spaces for separate uses may be provided collectively, if the total number of spaces provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing location of parking spaces in relation to the uses are met.
- (5) The minimum parking stall dimensions shall be required to comply with the following:
- (a) length of parking space -- 6 metres
 - (b) width of parking space -- 2.75 metres.
- (6) As a requirement of this Bylaw, the following parking standards shall be adhered to within the Village of Masset:

Residential:

Single Family Dwelling / Manufactured Home	2 spaces / unit
Two Family Dwelling	4 spaces
Multi-Family Dwelling	1.5 spaces / dwelling unit plus one (1) Additional space for each dwelling unit that has a floor area in excess of 60 m2
Accessory Suite	1 space
Accessory Residential	2 spaces
Bed and Breakfast	1 space / bedroom used for bed and breakfast accommodation in addition to the spaces required for the principal dwelling unit

Home Occupation	1 space / full time non-residential employee in addition to the spaces required for the principal dwelling unit
Manufactured Home Park	1 space / pad plus 1 space / 2 pads for visitor parking plus 1 space / 5 pads for the parking of recreational vehicles
Commercial:	
Retail Store / Marine Sales	1 space / 46 m2 gross floor area
Personal Service Establishment	1 space / 46 m2 gross floor area
Entertainment / Gallery	1 space / 4 seats or 1 space / 46 m2 gross floor area, whichever is greater
Restaurant /Drive-through Restaurant	1 space / 4 seats or 1 space / 46 m2 gross floor area, whichever is greater Recreation Facility 1 space / 4 seats or 1 space / 46 m2 gross floor area, whichever is greater
Office	1 space / 30 m2 gross floor area
Automobile Oriented Commercial	1 space / 46 m2 gross floor area
Gasoline Service Station	1 space / full time employee
Convenience Store	1 space / 46 m2 gross floor area
Tourist Accommodation	1.25 spaces / accommodation unit
Outdoor Recreation	1 space / 4 seats
Licensed Beverage Establishment	1 space / 4 seats
Health Club	1 space / 10 m2 gross floor area
Marina	1 space / 4 slips plus 1 space / full time employee
Industrial: (Public / Private)	
Health Clinic	1 space / 46 m2 gross floor area
Public Service	n/a

Place of Worship	1 space / 6 seats
Assembly	1 space / 10 m2 gross floor area
Hospital	1 space / 4 beds
Day Care Facility	1 space / employee
Park	n/a
Cemetery	n/a

- (a) When the calculation of the aggregate off-street parking requirements results in a fractional figure, it shall be rounded upward to the nearest whole number.
 - (b) If more than one use is located on a parcel or parking collectively serves more than one building or use, the total number of spaces shall be the sum of the requirements for the various classes of uses calculated separately, and the parking space required for one use shall not be included in calculations for any other use.
 - (c) If a use is not listed in Section 221(6), the number of spaces shall be calculated on the basis of a similar use that is listed.
- (7) As part of the off-street parking spaces that are required pursuant to this section, off-street parking spaces for disabled persons shall be provided as follows:

Required No. of Total Spaces	Required No. of Disabled Spaces
5 - 10	1
11 - 20	2

- (a) In cases where more than 20 off-street parking spaces are required by this Bylaw, one (1) space for the disabled shall be provided for every 10 required spaces.
- (b) Notwithstanding Section 221(6), one (1) off-street parking space for disabled persons shall be provided for every dwelling unit within a building that is specifically designed or intended to be occupied by disabled persons.
- (c) Each parking space for the disabled shall be:
 - (i) a minimum of 4 metres in width;
 - (ii) marked with international symbol of accessibility for the disabled; and
 - (iii) located within 10 metres of the front entry of the development, building or use that it is intended to serve, and with minimum changes in level.

DIVISION 300 _ ZONING DISTRICT SCHEDULES

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305	Residential 3	R-3	930 m2	28
306	Downtown Commercial	C-1	350 m2	29
307	Waterfront Commercial	C-2	350 m2	31
308	General Commercial	C-3	350 m2	33
309	Light Industrial	M-1	700 m2	35
310	Heavy Industrial	M-2	n/a	37
311	Utility and Service	US-1	700 m2	38
312	Park	P-1	n/a	40
313	Wildlife Sanctuary	P-2	n/a	41
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301_ INTERPRETATION

301.1 Permitted Uses

The list of uses under the heading "Permitted Uses" in each of the zoning district schedules set out in this Division shall be interpreted to mean that the uses listed in that particular schedule and no others shall be permitted in the areas designated on the zoning map of the Village of Masset as being regulated by that schedule.

301.2 Minimum Lot Size

Where a zoning district schedule includes a regulation entitled "Minimum Lot Size", the figures which follow are to be interpreted as:

- (a) the minimum size permissible for a lot which is to be used as the site of buildings for the use specified therein; and
- (b) the minimum size permissible for a lot that is to be created by subdivision.

301.3 Minimum Lot Width

Where a zoning district schedule includes a regulation entitled "Minimum Lot Width", the dimensions which follow are to be interpreted as the minimum dimensions permissible for the width of a lot, and where a percentage is specified it shall mean the percentage of the perimeter of the lot.

301.4 Maximum Number and Size

Where a zoning district schedule includes under the heading "Buildings and Structures" a regulation entitled "Maximum Number and Size of Buildings and Structures", such regulation shall be interpreted as meaning that a lot which is designated on the Zoning Map of the Village of Masset as being regulated by that schedule shall not be occupied by:

- (a) a greater number of dwellings than the number specified, and
- (b) a building or structure that exceeds the amount of floor area that is specified.

For the purposes of Section 974 of the Municipal Act, density shall be considered the number of principal buildings or dwelling units permitted per parcel of land, and shall not apply to maximum floor area or lot coverage permitted on a parcel of land.

301.5 Minimum Size

Where a zoning district schedule includes under the heading "Buildings and Structures" a regulation entitled "Minimum Size of Buildings and Structures", such regulation shall be interpreted as meaning that a lot which is designated on the Zoning Map of the Village of Masset as being regulated by that schedule shall not be occupied by a building or structure that is less than the amount of floor area that is specified.

301.6 Maximum Height

The specification of measurements for buildings, structures or accessory buildings under the general heading of "Maximum Height" in a zoning district schedule shall be interpreted as meaning the greatest height, as height is defined in this Bylaw, to which a building, structure or accessory building may be constructed on a lot which is designated on the Zoning Map as being regulated by that schedule.

301.7 Minimum and Maximum Setbacks from Property Lines

The specification of measurements for front yard, side yard and rear yard under the general heading of "Minimum Building Setbacks" in a zoning district schedule shall be interpreted as defining the minimum distance permitted for uses, buildings and structures from the front, side or rear property line and the appropriate setback line on a lot which is designated on the Zoning Map as being regulated by that schedule; such setback areas constituting the front yard, side yard and rear yard respectively.

Where a use or structure is specifically referenced with a following measurement, it shall be interpreted as meaning that the minimum setback from a property line for that use or structure shall be the measurement specified.

301.8 Maximum Lot Coverage

Where a zoning district schedule includes a regulation entitled "Maximum Lot Coverage", such regulation shall be interpreted as meaning that a lot which is designated on the Zoning Map as being regulated by that schedule may not have a lot coverage, as defined in this Bylaw, which exceeds the percentage specified.

301.9 Maximum Floor Area Ratio or Maximum Floor Area

Where a zoning district schedule includes a regulation entitled "Maximum Floor Area Ratio" or "Maximum Floor Area", it shall be interpreted to mean that a lot in an area designated as being regulated by that zoning schedule may not have buildings erected on that lot that exceed the maximum floor area or floor area ratio, as defined in this Bylaw.

301.10 The Further Requirement of the Official Community Plan

Notwithstanding the requirements and limits contained in this Bylaw, those lands which have been designated as Development Permit Areas pursuant to Section 945 of the Municipal Act are additionally subject to the guidelines and conditions specified in the current Official Community Plan Bylaw and all amendments thereto.

301.11 Zoning Map

The zoning classification for all parcels of land shall be determined based upon the Zoning Map, which is attached to this Bylaw as Schedule A and forms part of this Bylaw.

301.12 Zoning District Boundaries

- (1) Where a zone boundary is designated as following a highway or a watercourse, the centreline of the highway or the natural boundary of the watercourse shall be the zone boundary.
- (2) Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Zoning Map.
- (3) Where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate parcels for the purpose of determining the requirements of this Bylaw.

This zone is intended to accommodate uses typically located in a rural setting.

302.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Agriculture	4047 m2	40 m
Horticulture	4047 m2	40 m
Silviculture	4047 m2	40 m
Keeping of Animals	4047 m2	40 m
Kennel	4047 m2	40 m
Forestry	4047 m2	40 m
Resource Extraction(a)	4047 m2	40 m
Campsite	4047 m2	40 m
Single Family Dwelling	4047 m2	40 m
Two Family Dwelling	4047 m2	40 m
Home Occupation(b)	n/a	n/a
Bed and Breakfast	n/a	n/a
Accessory Boarding(c)	n/a	n/a
Accessory Suite(d)	n/a	n/a
Accessory Uses	n/a	n/a

- (a) Resource Extraction shall be subject to the Excavation and Regulation Bylaw.
- (b) Home Occupation shall be subject to the requirements of Section 207.
- (c) Accessory Boarding shall be subject to the requirements of Section 220.
- (d) Accessory Suite shall be subject to the requirements of Section 210.

302.2 Buildings and Structures Maximum Number Minimum Size Maximum Height

Principal Buildings	1(a)	45 m2(b)	12 m
Accessory Buildings	2(c)	n/a	6 m

- (a) Only applies to the number of principal buildings used for dwelling unit purposes.
- (b) Only applies to principal buildings used for dwelling unit purposes.
- (c) Only applies to the number of accessory buildings in cases where the principal use of the land is residential.

302.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	10 m	10 m	10 m	10 m
Accessory Buildings	10 m	10 m	10 m	10 m

302.4 Maximum Lot Coverage: n/a

302.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

This zone is intended to accommodate single family and two family dwellings on small lots.

303.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Single Family Dwelling	465 m2(a)	15.5 m
Two Family Dwelling	700 m2(b)	18.5 m
Bed and Breakfast	n/a	n/a
Home Occupation(c)	n/a	n/a
Accessory Boarding(d)	n/a	n/a
Accessory Suite(e)	n/a	n/a
Accessory Use	n/a	n/a

- (a) Shall be increased to 1000 m2 where community water only is available, and 4047 m2 where neither community water nor community sewer is available.
- (b) Shall be increased to 2023 m2 where community water only is available, and 4047 m2 where neither community water nor community sewer is available.
- (c) Home Occupation shall be subject to the requirements of Section 207.
- (d) Accessory Boarding shall be subject to the requirements of Section 220.
- (e) Accessory Suite shall be subject to the requirements of Section 210.

303.2 Buildings and Structures Maximum Number Max. / Min. Size Maximum Height

Principal Buildings	1	74 m2 unit(a)	11 m
Accessory Buildings	2	50 m2(b)	4 m

- (a) A minimum floor area of 74 m2 per dwelling unit.
- (b) A maximum size of 50 m2, except for a garage or carport which may have a maximum floor area of 65 m2.

303.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	6 m(a)(b)	9 m	3 m	1.5 m
Accessory Buildings and Structures	6 m	0.5 m	3 m	0.5 m

- (a) May be reduced to 2.75 metres for Lots 3, 4, and 5, Plan 6212, D.L. 7, Q.C.D.
- (b) May be reduced to 1.5 metres for Lots 7 - 10 inclusive of Block 21, D.L. 7, Q.C.D.

303.4 Maximum Lot Coverage: 33%

303.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

This zone is intended to accommodate single family, two family dwellings and manufactured homes.

304.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Single Family Dwelling	440 m2(a)	14.6 m
Manufactured Home	440 m2(a)	14.6 m
Two Family Dwelling	700 m2(b)	18.5 m
Manufactured Home Park(c)	440 m2	14.6 m
Bed and Breakfast	n/a	n/a
Home Occupation(d)	n/a	n/a
Boarding House(e)	n/a	n/a
Accessory Suite(f)	n/a	n/a
Accessory Use	n/a	n/a

- (a) Shall be increased to 1000 m2 where community water only is available, and 4047 m2 where neither community water nor community sewer is available.
- (b) Shall be increased to 2023 m2 where community water only is available, and 4047 m2 where neither community water nor community sewer are available.
- (c) Manufactured Home Park use shall be subject to the Manufactured Home Park Bylaw.
- (d) Home Occupation shall be subject to the requirements of Section 207.
- (e) Accessory Boarding shall be subject to the requirements of Section 220.
- (f) Accessory Suite shall be subject to the requirements of Section 210.

304.2 Buildings and Structures Maximum Number Max. / Min. Size Maximum Height

Principal Buildings	1	45 m2 unit(a)	12 m
Accessory Buildings	2	50 m2(b)	4 m

- (a) A minimum floor area of 45 m2 per dwelling unit.
- (b) A maximum size of 50 m2, except for a garage or carport which may have a maximum floor area of 65 m2.

304.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	4.6 m	3 m	3 m	1.5 m
Accessory Buildings and Structures	4.6 m	0.5 m	3 m	0.5 m

304.4 Maximum Lot Coverage: 33%

304.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

305 _ RESIDENTIAL 3

R-3

This zone is intended to accommodate multiple family dwellings.

305.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Uses permitted in R-1 zone	As per R-1 zone	As per R-1 zone
Multiple Family Dwelling(a)	930 m ²	18.5 m
Home Occupation(b)	n/a	n/a
Boarding House(c)	n/a	n/a
Accessory Use	n/a	n/a

- (a) Subject to availability of community water and community sewer service.
- (b) Home Occupation shall be limited to offices only and shall be subject to the requirements of Section 207.
- (c) Boarding House shall be subject to the requirements of Section 220.

305.2 Buildings and Structures Maximum Number Max. / Min. Size Maximum Height

Principal Buildings	n/a	37 m ² unit(a)	12 m
Accessory Buildings	2	n/a	4 m

- (a) A dwelling unit shall have a minimum floor area of 37 m².

305.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	6 m	9 m	3 m	1.5 m
Accessory Buildings and Structures	6 m	0.5 m	3 m	0.5 m

305.4 Maximum Lot Coverage: 50%

305.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

306 _ DOWNTOWN COMMERCIAL**C-1**

This zone is intended to accommodate development typically located within a town centre.

306.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Retail Store	350 m2	10 m
Entertainment	350 m2	10 m
Business and Professional Office	350 m2	10 m
Hotel	350 m2	10 m
Personal Service Establishment	350 m2	10 m
Restaurant	350 m2	10 m
Place of Worship	350 m2	10 m
Off-Street Parking	350 m2	10 m
Funeral Home	350 m2	10 m
Gasoline Service Station(a)	350 m2	10 m
Residential(b)	350 m2	n/a
Accessory Residential(c)	n/a	n/a
Accessory Uses	n/a	n/a

(a) A Gasoline Service Station use shall be restricted to the following parcels of land:

- (i) Lots 29-32, Block 5, D.L. 7, Plan 946; and
- (ii) Lots 15-17, Block 15, D.L. 7, Plan 946.

(b) Combined residential and commercial use shall be subject to the requirements of Section 216.

(c) Accessory Residential shall be subject to the requirements of Section 208.

306.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m
Accessory Buildings	1	n/a	4 m

306.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	0 m	3 m	0 m	0 m
Accessory Buildings	0 m	0 m	0 m	0 m

306.4 Maximum Lot Coverage: 75%

306.5 Screening

Where a lot zoned Downtown Commercial abuts a lot zoned for residential use, a landscape screen not less than 2 metres high shall be erected and maintained on the commercial side of the shared property line by the owner of the commercial lot.

306.6 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

307 _ WATERFRONT COMMERCIAL**C-2**

This zone is intended to accommodate commercial uses typically located on, in close proximity to, or that rely upon the waterfront.

307.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Marina	350 m2	15.5 m
Marine Sales	350 m2	15.5 m
Boat Building and Repair	350 m2	15.5 m
Restaurant	350 m2	15.5 m
Gallery	350 m2	15.5 m
Seaplane Terminal and Repair	350 m2	15.5 m
Hotel	350 m2	15.5 m
Motel	350 m2	15.5 m
Business and Professional Office	350 m2	15.5 m
Marine Recreation	350 m2	15.5 m
Accessory Residential(a)	n/a	n/a
Home Occupation(b)	n/a	n/a
Single Family Dwelling(c)	465 m2	15.5 m
Accessory Uses	n/a	n/a

- (a) Accessory Residential shall be subject to the requirements of Section 208.
- (b) Home Occupation shall be subject to the requirements of Section 207.
- (c) The use of a parcel for a Single Family Dwelling shall be restricted to Block 9, Block 10, and Lot 6, Block 21, D.L. 7, Q.C.D.

307.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	n/a(a)	n/a(a)	12 m(a)
Accessory Buildings	n/a(a)	n/a(a)	4 m(a)

- (a) Except in the case where the principal use of the property is for a single family residential dwelling, in which case the requirements of Section 303.2 shall apply.

307.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	3 m(a)	0 m(a)	3 m(a)	0 m(a)
Accessory Buildings	3 m(a)	0 m(a)	3 m(a)	0 m(a)

- (a) Except in the case where the principal use of the property is for a single family residential dwelling, in which case the requirements of Section 303.3 shall apply.

307.4 Maximum Lot Coverage

75%, except in the case where the principal use of the property is for a single family residential dwelling, in which case the requirements of Section 303.4 shall apply.

307.5 Screening

Where a lot zoned Waterfront Commercial abuts a lot zoned for residential use, a landscape screen not less than 2 metres high shall be erected and maintained on the commercial side of the shared property line by the owner of the commercial lot.

307.6 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

308 _ GENERAL COMMERCIAL

C-3

This zone is intended to accommodate commercial uses that require large sites for outdoor display, are not pedestrian-oriented, may require a highway location, and may create impacts that are not compatible with residential use.

308.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Automobile-Oriented		
Commercial	350 m2	15.5 m
Building Supply Outlets	350 m2	15.5 m
Nurseries	350 m2	15.5 m
Gasoline Service Station	350 m2	15.5 m
Entertainment	350 m2	15.5 m
Restaurant	350 m2	15.5 m
Automobile Repair Shop	350 m2	15.5 m
Hotel	350 m2	15.5 m
Motel	350 m2	15.5 m
Retail Store	350 m2	15.5 m
Accessory Residential(a)	n/a	n/a
Accessory Uses	n/a	n/a

(a) Accessory Residential shall be subject to the requirements of Section 208.

308.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m
Accessory Buildings	n/a	n/a	4 m

308.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	7 m	3 m	3 m	3 m
Accessory Buildings	7 m	0.5 m	3 m	0.5 m

308.4 Maximum Lot Coverage: 50%

308.5 Screening

Where a lot zoned General Commercial abuts a lot zoned for residential use, a landscape screen not less than 2 metres high shall be erected and maintained on the commercial side of the shared property line by the owner of the commercial lot.

308.6 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

309 _ LIGHT INDUSTRIAL

M-1

This zone is intended to accommodate industrial activities that are largely carried out within a building.

309.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Light Industrial	700 m2(c)	18.5 m
Automobile Repair Shop	700 m2(c)	18.5 m
Building Supply Outlet	700 m2(c)	18.5 m
Warehouse	700 m2(c)	18.5 m
Trade/Contractor Facilities	700 m2(c)	18.5 m
Accessory Residential(a)	n/a	n/a
Accessory Retail Sales(b)	n/a	n/a
Accessory Uses	n/a	n/a

- (a) Accessory Residential shall be subject to the requirements of Section 208.
- (b) Accessory Retail Sales shall be subject to the requirements of Section 309.5.
- (c) Shall be increased to 1000 m2 where community water only is available, and 4047 m2 where neither community water nor community sewer is available.

309.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m
Accessory Buildings	n/a	n/a	4 m

309.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	3 m	3 m(a)	3 m	0 m(a)
Accessory Buildings	3 m	0 m(a)	3 m	0 m(a)

- (a) Shall be increased to 6 m in cases where the abutting property is zoned for residential use.

309.4 Maximum Lot Coverage: 75%

309.5 Conditions for an Accessory Retail Sales Use

An accessory retail sales use shall be limited to 20% of the gross floor area of any permitted principal use, but shall not exceed 100 m2.

309.6 Screening

Where a lot zoned Light Industrial abuts a lot zoned for residential use, a landscape screen not less than 2 metres high shall be erected and maintained on the industrial side of the shared property line by the owner of the industrial lot.

309.6 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

310 _ HEAVY INDUSTRIAL

M-2

This zone is intended to accommodate industrial activities that are primarily oriented to intensive manufacturing, resource extraction, and shipment of goods, typically requiring large sites for storage and operational needs.

310.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Heavy Industrial	n/a	n/a
Accessory Residential(a)	n/a	n/a
Accessory Uses	n/a	n/a

(a) Accessory Residential shall be subject to the requirements of Section 208.

310.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	n/a	n/a	12 m
Accessory Buildings	n/a	n/a	4 m

310.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	3 m	3 m(a)	3 m	0 m(a)
Accessory Buildings	3 m	0 m(a)	3 m	0 m(a)

(a) Shall be increased to 6 m in cases where the abutting property is zoned for residential use.

310.4 Maximum Lot Coverage: 75%

310.5 Screening

Where a lot zoned Heavy Industrial abuts a lot zoned for residential use, a landscape screen not less than 2 metres high shall be erected and maintained on the industrial side of the shared property line by the owner of the industrial lot.

310.6 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

311 _ UTILITY AND SERVICE

US-1

This zone is intended to accommodate public utilities, infrastructure and services.

309.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Assembly	700 m2(b)	18 m
Ambulance Station	700 m2(b)	18 m
Cemeteries	700 m2(b)	18 m
Fire Hall	700 m2(b)	18 m
Public Service	700 m2(b)	18 m
Police Station	700 m2(b)	18 m
Group Day Care	700 m2(b)	18 m
School	700 m2(b)	18 m
Health Clinic	700 m2(b)	18 m
Hospital	700 m2(b)	18 m
Itinerant Vendors & Peddlers(c)	700 m2(b)	18 m
Accessory Residential(a)	n/a	n/a
Accessory Uses	n/a	n/a

- (a) Accessory Residential shall be subject to the requirements of Section 208.
- (b) Shall be increased to 1000 m2 where community water only is available, and 4047 m2 where neither community water nor community sewer is available.
- (c) The use of land for Itinerant Vendors and Peddlers shall only be permitted on the site of the community hall - Lots 13 - 16, Block 13, D.L. 7, Q.C.D.

311.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m
Accessory Buildings	n/a	n/a	4 m

311.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	3 m	3 m(a)	3 m	0 m(a)
Accessory Buildings	3 m	0 m(a)	3 m	0 m(a)

- (a) Shall be increased to 6 m in cases where the abutting property is zoned for residential use.

309.4 Maximum Lot Coverage: 75%

309.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

312 _ PARK

P-1

This zone is intended to accommodate the use of land for recreation purposes.

312.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Park	n/a	n/a
Campsite	n/a	n/a
Accessory Residential(a)	n/a	n/a
Accessory Uses	n/a	n/a

(a) Accessory Residential shall be subject to the requirements of Section 208.

312.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m
Accessory Buildings	n/a	n/a	4 m

312.3 Minimum Building Setbacks

Use	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	3 m	3 m(a)	3 m	0 m(a)
Accessory Buildings	3 m	0 m(a)	3 m	0 m(a)

(a) Shall be increased to 6 m in cases where the abutting property is zoned for residential use.

312.4 Maximum Lot Coverage: 25%

312.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

313 _ WILDLIFE SANCTUARY

P-2

This zone is intended to protect the Delkatla Wildlife Sanctuary.

313.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Natural Park	n/a	n/a
Accessory Uses	n/a	n/a

313.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	n/a	n/a	n/a
Accessory Buildings	n/a	n/a	n/a

313.3 Minimum Building Setbacks: n/a

313.4 Maximum Lot Coverage: n/a

**314 _ DEPARTMENT OF NATIONAL DEFENCE
1**

D.N.D-

This zone is intended to accommodate the use of land and buildings required for the operation of CFS Masset.

314.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

D.N.D. Facilities	n/a	n/a
Agricultural	n/a	n/a
Golf Course	n/a	n/a
Accessory Uses	n/a	n/a

314.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m(a)
Accessory Buildings	n/a	n/a	4 m(a)

(a) May be increased for navigational and communication equipment.

314.3 Minimum Building Setbacks

	Front	Rear	Exterior	Interior
Use	Lot Line	Lot Line	Lot Line	Lot Line
	Setback	Setback	Setback	Setback
Principal Building	6 m	9 m	3 m	1.5 m
Accessory Buildings	6 m	0.5 m	3 m	0.5 m

314.4 Maximum Lot Coverage: 50%

314.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

315 _ AIRPORT

AP-1

This zone is intended to accommodate the use of land for the operation of the airport.

315.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Airport, Air Field and Landing Strips	n/a	n/a
Outdoor Recreation	n/a	n/a
Agriculture	n/a	n/a
Accessory Residential(a)	n/a	n/a
Accessory Uses	n/a	n/a

(a) Accessory Residential shall be subject to the requirement of Section 208.

315.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	12 m
Accessory Buildings	n/a	n/a	4.5 m
Accessory Structures	n/a	n/a	20 m

315.3 Minimum Building Setbacks

From all property lines: 7.6 m, except where the property abuts a residential or rural zone, in which case, no building shall be located within 12 metres of that property line.

315.4 Maximum Lot Coverage: n/a

315.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 221.

316 _ WATER

W-1

This zone is intended to regulate the use of the surface of water that is adjacent to non-industrial or non-commercial upland sites.

316.1 Permitted Land Uses Minimum Lot Size Minimum Lot Width

Marine Recreation	n/a	n/a
Boat Moorage	n/a	n/a
Moorage Facility(a)	n/a	n/a
Accessory Uses	n/a	n/a

- (a) A Moorage Facility shall be subject to the requirements of Section 316.5.

316.2 Buildings and Structures Maximum Number Maximum Size Maximum Height

Principal Buildings	1	n/a	n/a
Accessory Buildings/Structures	0	n/a	n/a

316.3 Minimum Building Setbacks

From all property lines: 2 metres (land and water), except for a structure on the water which provides a physical connection with land, in which case there shall be no required setback.

316.4 Maximum Lot Coverage: n/a

316.5 Conditions for Moorage Facility Use

- (1) Breakwaters and other similar structures that impede the natural flow of water or the natural transport of beach material, shall not be permitted.
- (2) (a) Piers, ramps and floats must not exceed the following dimensions:
Piers or Jetties: width, 1.5 metres and length, 10.0 metres extending seaward from the natural boundary.
Ramps: width, 1.5 metres and length, 10.0 metres extending seaward from extremity of pier.
Floats: maximum area of 40.0 square metres and not to extend more than 10.0 metres from a fixed pier or ramp.
- (b) No more than one float shall be attached to a pier or a ramp.
- (3) The area for a float on a moorage facility shall not exceed 40 m².
- (4) The length of a moorage facility shall not exceed 30 metres.

- (5) A moorage facility shall not be permitted where the horizontal distance between the mean high water level and mean low water level exceeds 20 metres.
- (6) Petroleum products or other toxic materials shall not be stored on a moorage facility.
- (7) Moorage facilities shall be constructed so as not to impede pedestrian access along the foreshore.
- (8) Buoys sites on or affixed to land covered by water shall be permitted provided such buoys shall not at any time protrude above the water line more than one (1) metre or shall not be of a volume greater than one (1) m³.

DIVISION 400 _ SUBDIVISION OF LAND

401 _ REGULATION OF SUBDIVISION

The purpose of this Division is to regulate the minimum dimensions and area of parcels of land which may be created by subdivision.

402 _ MINIMUM LOT SIZE AND WIDTH

- (1) The size and width of a parcel to be created by subdivision and which may lawfully be used as the site for a building shall not be less than the minimum dimensions and area for the construction of buildings or dwellings, as set out in the minimum lot size and width statement in the applicable zoning district schedule, where such minimum area and width have been specified.
- (2) The access strip of a panhandle lot shall not be considered part of a lot for the purpose of calculating lot size.

403 _ MINIMUM FRONTAGE

- (1) For all zoning districts, no parcel of land in any proposed subdivision shall have less than 10% of its perimeter fronting on a public street.
- (2) Notwithstanding Section 403(1), the minimum frontage for parcels of land in a proposed cul de sac subdivision may be less than 10% of the perimeter of the parcel, provided that the minimum frontage is not less than 13 metres and the width of the lot is not less than 18 metres measured 10 metres back in a perpendicular manner from the front lot line.

404 _ PARCELS EXEMPT FROM MINIMUM LOT SIZE REQUIREMENTS

- (1) The consolidation of two or more parcels into a single parcel may be permitted, notwithstanding that the consolidated parcel may not comply with the minimum parcel size requirement as specified in the zoning district in which the new parcel is situated.
- (2) The realignment of property lines to create new parcels may be permitted provided that:
 - (a) the number of new parcels created by subdivision would be equal to or less than the number of parcels that existed prior to the subdivision, and;
 - (b) the boundary change would not result in the creation of a parcel having less than 80% of the area of any of the original parcels.

405 _ PARCEL SHAPE

- (1) The lot depth of each parcel of land in a subdivision shall not exceed 40% of the perimeter of the parcel, except in the case of a panhandle lot where the access strip is not included in the calculation of the lot depth or the perimeter of the lot.

- (2) Unless the pattern of existing subdivision precludes it, and unless it is impracticable, side lot lines shall be perpendicular or radial to the adjoining highway.
- (3) No panhandle lot shall be created:
 - (a) Where the access strip is narrower than 15.0 m and where further subdivision of the parcel is possible under the provisions of this Bylaw; or
 - (b) Where the access strip is narrower than 7.5 m .

406 _ BARE LAND STRATA SUBDIVISION

- (1) Any parcel created under a Bare Land Strata Plan pursuant to the Condominium Act shall be subject to the provisions of this Bylaw.

DIVISION 500 _ DEFINITIONS

501 _ In this Bylaw:

- **accessory boarding use** means an accessory use where the building or buildings on a lot contain one or more sleeping units contained within a dwelling unit and which are used for the accommodation of persons other than members of the family sharing the dwelling unit.
- **accessory building and structure** means a building or structure located on a parcel, the use of which building or structure is incidental and ancillary to the principal permitted use of the land, buildings or structures located on the same parcel.
- **accessory residential use** means a use accessory to a commercial, industrial, recreational or public service use, where a building is used for one dwelling unit for the accommodation of an owner, operator, manager or employee on the same lot as that on which the use occurs.
- **accessory retail sales** means a use accessory to the principal commercial or industrial use for limited retail sales, rental, or display of goods, manufactured, assembled, repaired, or warehoused on the lot, where such use is entirely contained within a building, and shall be physically separated from the principal use.
- **accessory suite** means a separate dwelling unit which is completely contained within the principal building, the principal use of which is a single-family residential dwelling.
- **accessory use** means a use combined with, but incidental and ancillary to, the principal permitted use of land, buildings or structures located on the same parcel.
- **accommodation unit** means a self-contained room within a hotel or motel containing facilities for living and sleeping and occupied or intended to be occupied by transient guests.
- **agricultural use** means a use providing for the growth, rearing, producing and the harvesting of agricultural products; includes the processing on an individual farm of the primary agricultural products harvested, reared or produced on that farm, the storage of farm machinery, implements and agricultural supplies, repairs to farm machinery and implements used on that farm, and the retail sale of produce grown on that farm, but specifically excludes dog kennels, the keeping of mink, the growing of mushrooms, and all manufacturing, processing, storage and repairs not specifically included in this definition.
- **animal** see the definition of "keeping of animals".
- **Approving Officer** means the Approving Officer pursuant to the Land Title Act and the Condominium Act.

- **assembly use** means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, private recreational or private education purposes; includes churches, auditoriums, youth centres, social halls, group camps, private schools, kindergartens, play schools, day nurseries and day care schools.
- **auto wrecking or salvaging yard** means any building or land used for the wrecking, salvaging, dismantling or disassembly of vehicles, vehicle parts, vehicle frames or vehicle bodies or where vehicles not in operable condition, or used parts of motor vehicles are stored. Also means any building or land where a wrecked vehicle, junk, waste, used building materials, scrap metal, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, dismantled or handled.
- **automobile-oriented commercial** means a use providing for the retail sale of automobiles, trucks, and automobile parts and accessories, and includes facilities to service, wash or repair automobiles.
- **automobile repair shop** means a building used or intended to be used for repairs of motor vehicles.
- **basement** means a storey or storeys of a building located below the first storey.
- **bed and breakfast** means the accessory use of a dwelling unit for temporary lodging of paying guests, limited to a maximum of two (2) bedrooms and common areas, including a dining room. A bed and breakfast use is not considered a home occupation use for the purpose of this Bylaw.
- **boarding house** means the use of a building in which more than two (2) but fewer than 10 sleeping units are rented, with or without meals being provided, to persons other than members of the family of the lessee, tenant or owner.
- **boat building and repair** means the use of land, buildings, and structures equipped for the manufacturing, servicing or repair of boats.
- **boat moorage** means the securing of a boat to a buoy or to a moorage facility.
- **building** means any structure and portion thereof, including mechanical devices, that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy.
- **building, front face of** means the extended line of the wall of a building (or of any projecting portion of the building, except balconies, steps, sills, belt courses, cornices, eaves, fire escapes and unroofed porches) which faces the front lot line.
- **building setback** means the minimum horizontal distance from any portion of a building or structure to a designated lot line.

- **business and professional offices** means the use of a building for the purpose of carrying out business or professional activities in an office environment.
- **campsite** means a use providing designated sites for the accommodation of the travelling public in tents, camper vehicles or travel trailers; and may include personal service facilities to accommodate the needs of the occupants; but specifically excludes the retail sale of the trailers, campers and tents.
- **carport** means an open structure that is attached to the principal building or is a separate accessory building for the use of parking one or more motor vehicles.
- **car wash** means an automatic or manual facility for the washing or cleaning of motor vehicles, being the principal use of the property it occupies, and which may or may not use automatic brushes, blowers or conveyor systems.
- **cellar** means a space between two floors, the lower of which is placed 1.5 metres or more below the average finished grade of the adjoining ground.
- **community sewer system** means a system of sewerage works or a sewage disposal system that is owned, operated and maintained by the Village of Masset.
- **community water system** means a system of waterworks which is owned, operated and maintained by the Village of Masset, or water utility as defined in the Water Utility Act.
- **council** means the Council of the Village of Masset.
- **daycare, family** means the use of a dwelling unit for the care of not more than seven (7) children licensed under the Community Care Facility Act.
- **daycare, group** means a use or facility providing for the care of at least seven (7) children in a group setting licensed under the Community Care Facility Act, and includes a nursery school and pre-school.
- **derelict vehicle** means a motor vehicle which does not bear license plates validly issued under the Motor Vehicle Act for the current year, and which is not parked in a garage or carport.
- **development** means a change in the use of any land, building or structure and shall include the carrying out of any building, engineering, construction or other operation in, on, over or under land or water, or the construction, addition or alteration of any building or structure.
- **DND facilities** means the use of land or buildings for the operation of CFS Masset, including but not limited to communication equipment, office support facilities, recreation amenities, and health care.

- **dwelling unit** means one or more habitable rooms used or intended to be used for the residential accommodation of one family when such room or rooms together contain or provide for only one set of cooking facilities.
- **entertainment** means a commercial use that is contained within a building and provides recreational opportunities to the general public, and specifically includes arcades, bowling alleys, billiard and pool halls, cinemas, lodges, neighbourhood pubs, any stand-alone facility licensed under the Liquor Control and Licensing Act, and similar uses.
- **family** means:
 - (a) one (1) or more persons related by blood, marriage (including common law), adoption, or foster parenthood sharing one dwelling unit;
 - (b) not more than three (3) unrelated persons sharing one dwelling unit; or
 - (c) not more than six (6) residents in a group home.
- **floor area, gross** means the total area of all the floors of a building(s), measured to the extreme outer limits of a building(s).
- **forestry** means a use providing for the extraction of primary forest resources on a lot, and in addition, includes only the preliminary grading and/or cutting of such material for shipment and for consumption on the same lot but specifically excludes all manufacturing and retail sales of products and any processing not specifically included in this definition.
- **frontage** means the length of a lot boundary which immediately adjoins a public street.
- **garage** means an accessory building or that portion of a principal building, that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, walls, and one or more doors.
- **gasoline service station** means a building used principally for the retail sale of fuels (including propane and diesel), lubricating oils and accessories for motor vehicles and the servicing and repairing of motor vehicles, and includes an accessory car wash, but excludes all body repairs and painting of motor vehicles.
- **grade (as applying to the determination of building height)** means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.
- **ground surface** means the underside of the floor system of any area used for habitation, business, or the storage of goods damageable by flood water, or in the case of a manufactured home, the ground level or top of concrete or asphalt pad on which it is located.

- **group home** means a residential care home which provides care, food and lodging and an opportunity for the social, emotional, physical and intellectual growth of children under the age of nineteen years living apart from their parents or guardians under the continuing guidance and supervision of group home parents or other qualified persons.
- **height (of a building or structure)** means the vertical distance from the average finished grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof, to the highest point of the structure.
- **high water mark** means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown Land in fee simple, most recently filed in a Land Title Office before the adoption of this Bylaw.
- **highway** includes a public street, road, path, lane, walkway, trail, bridge, viaduct, thoroughfare and any other way, but specifically excludes private rights of way on private property.
- **home occupation** means any occupation carried on for financial gain or otherwise, in or from a dwelling unit, or accessory building, which use is separate and subordinate to the use of the dwelling unit for residential purpose, shall not alter the residential character of the area, shall be subject to the provisions of Section 207 of this Bylaw, includes a home occupation office and a family day care, and excludes commercial food storage, preparation or service.
- **horticulture** means the use of land for growing grass, flowers, ornamental shrubs and trees.
- **hotel** means a building in which accommodation units are provided and offered to the public for compensation and which is open to transient guests but does not incorporate dwelling units, and may include accessory uses such as a restaurant, health club, lounge, and retail stores limited to 186 square metres (2,000 square feet) in total.
- **heavy industrial use** means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods or materials, unenclosed storage of goods and the selling of heavy industrial equipment and trucks, and offices incidental to the industrial use; includes truck terminals, docks, and bulk loading facilities.
- **itinerant vendors and peddlers** means the use of land for the sale of goods on a temporary basis, said activity to be regulated by separate Bylaw.
- **keeping of animals** means owning, possessing, having the care, custody or control of, or harbouring of a horse, sheep, goat, mule, ass, swine, rabbit, poultry, llama, cow or other animal of the bovine species and any other fur-bearing animals, but does not apply to cats, dogs, and household pets.

- **kennel** means any building, structure, compound, group of pens or cages or property in which or where three (3) or more dogs or cats are, or are intended to be, trained, cared for, bred, boarded or kept for any purpose whatsoever, and shall specifically include any building or part thereof in which two (2) or more dogs are kept for breeding purposes. A dog or cat means a member of the canine or feline species which is two (2) or more months in age.
- **land** means real property without improvements, has the same meaning as in the Assessment Act, and includes the surface of water.
- **landscape screen** means a visual barrier formed by a row of evergreen shrubs and/or trees, a wooden fence, a masonry wall, or combination thereof.
- **lane** means a road allowance more than 4.75 metres but less than 7.5 metres in width, intended to provide secondary access to parcels of land.
- **light industrial** means a use providing for the processing, fabricating, assembling, leasing, warehousing, transporting, distributing, wholesaling, testing, servicing, or repairing of goods or materials, where the primary activity of such a use is carried out wholly within a building.
- **loading space** means a space for the loading or unloading of a vehicle, either outside or inside a building or structure, but specifically excludes manoeuvring aisles and other areas providing access to the space.
- **lot** means the same as parcel.
- **lot, corner** means a lot at the intersection of two (2) or more public streets.
- **lot coverage** means the total horizontal area of all buildings or parts thereof, as measured from the outermost perimeter of all buildings on the lot, and expressed as a percentage of the total area of the lot.
- **lot depth** means the mean distance between the front and rear lot lines.
- **lot line** means the boundary line of a lot.
- **lot line, exterior side** means the lot line or lines not being the front or rear lot line, common to the lot and a public street.
- **lot line, front** means the lot line common to the lot and an abutting public street, and where there is more than one lot line abutting a public street, the shortest of these lines shall be considered the front.
- **lot line, interior side** means a lot line not being a rear lot line, common to more than one lot or to the lot and a lane.

— **lot line, rear** means the lot line opposite to and most distant from the front lot line or where the rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection.

— **lot size** means the same as site area.

— **lot width** means the distance between side lot lines at the front setback line, measured at right angles to the lot depth, or in the case where the side lot line and front lot line do not meet at a 900 angle, measured at a 4.57 metre (15 feet) setback from the front property lot line.

— **m** means the metric measurement distance of a metre.

— **m2** means square metres.

— **manufactured home** means a dwelling unit designed to be moved from time to time, which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connection of utilities, and some incidental assembly, and complies with the Manufactured Home Standards Regulations of the Manufactured Home Act, but specifically excludes recreational vehicles.

— **manufactured home park** means land used or occupied by any person for the purposes of providing spaces for the accommodation of two or more manufactured homes and for imposing a charge or rental for the use of such space, and other uses associated with the accommodation of manufactured homes including recreational areas, identification signs, common storage areas for the storage of recreational vehicles, boats and other property of residents, and buildings or structures ancillary to the above as permitted and/or required by the Village of Masset Manufactured Home Park Bylaw.

— **marina** means a use providing moorage space for watercraft either free of charge or for payment of a fee, but excludes use of any watercraft as living quarters, except for a caretaker.

— **marine gear and equipment** means gear and equipment typically associated with commercial fishing, but does not include boats and vessels.

— **marine sales** means the use of land, buildings, or structures for the sale and rental of boats and accessory marine equipment.

— **marine recreation** means the use of land, buildings, or water for recreational activities that depend upon a water location.

— **minimum lot size** means the smallest area into which a parcel may be subdivided.

— **minimum site area** means the smallest contiguous portion of a parcel that is required for the development of one permitted use.

- **moorage facility** means a floating structure or a structure affixed to piles used for practical access to and from boats which does not impede the flow of water or the littoral transport of beach materials, and may be composed of a private pier, ramp, and float, but shall exclude storage sheds, lockers and repair facilities, and shall not be used for commercial purposes.
- **motel** means a building or group of buildings containing accommodation units, occupied or intended to be occupied temporarily by automobile tourists or transients, with each unit having its own individual outside access and parking space conveniently located on the site and each dwelling unit being self-contained having its own bathroom, and with or without cooking facilities.
- **multiple family residential dwelling** means a building divided into not less than three (3) residential dwelling units.
- **municipality** means the Village of Masset.
- **n/a** means not applicable to this category.
- **natural boundary** means the visible high water mark on any watercourse 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 watercourse a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself, and in cases where there is no visible high water mark shall mean the average high water mark.
- **natural grade** means the elevation of the ground surface of a site prior to the commencement of development, excavation, filling, or relocation of on-site materials.
- **natural park** means the use of public land and water for passive recreational purposes and leisure activities reflecting the natural attributes and biological diversity of the land and water, including walking, bird watching, picnicking, and similar activities.
- **new** means subsequent to the adoption of this Bylaw.
- **off-street parking** means the use of land for the parking of vehicles other than on a highway including the parking spaces and the manoeuvring aisle.
- **office** means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail trade and personal service establishment use.
- **outdoor recreation** means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes golf course, park or open space, playing field, botanical garden, and arboretum.

- **panhandle lot** means any lot, the building area of which is serviced and gains street frontage through the use of a relatively narrow strip of land which is an integral part of the lot, called "the access strip".
- **parcel** means any lot, block, or other area in which land is held or into which it is subdivided, but does not include a highway.
- **parent parcel** means the original parcel of land that was or is proposed to be the subject of a plan of subdivision.
- **park** means public land used or intended for outdoor recreation purposes, and includes an archaeological, historical or natural site.
- **parking area** means a portion of a lot that is used to accommodate off-street parking.
- **parking space** means the space for the parking of one (1) vehicle either outside or inside a building or structure, but excludes manoeuvring aisles and other areas providing access to the space.
- **permitted density** means the maximum number of dwelling units permitted per hectare of land area.
- **permitted land use** means the principal permissible purpose for which land, buildings or structures may be used.
- **personal service establishment** means a use involving the provision of professional or personal services and the sale of goods, wares, merchandise, articles or things accessory to the provision of such services, and includes barber shop, beauty salon, shoe repair shop, drycleaning shop, launderette, the repair of household goods; and similar establishments.
- **place of worship** means the use of land or a building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
- **premises** means the buildings and structures located on a parcel of land.
- **principal building** means the building for the principal use of the lot as listed under the permitted uses of the applicable zone.
- **principal use** means the primary use of land, buildings or structures as listed under the permitted uses of the applicable zone.
- **property line** means lot line.

- **public service use** means a use providing for the essential servicing of the Village of Masset with water, sewer, electrical, telephone and similar services where such use is established by the Village, by another governmental body or by a company operating under the Utilities Commission Act; includes broadcast transmission facilities.
- **public street** means a highway that provides primary access to parcels of land and excludes a lane.
- **resource extraction** means the use of land and buildings for the extracting and processing of sand and gravel deposits mined on site.
- **restaurant** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, or the consumption of food in motor vehicles parked on the site, or with drive-through takeout facilities.
- **retail store** means a building or portion of a building where goods are offered to the general public for retail sale.
- **roadway** means the portion of a highway that is improved, designed, or ordinarily used for vehicular traffic.
- **screening** means a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting.
- **setback** means the required minimum horizontal distance between a building or use and a lot line, measured perpendicular to the property lines.
- **silviculture** means the use of land for the growing and harvesting of forest crops.
- **single-family residential use** means a residential use in a building which is used for only one (1) dwelling unit, may contain an Accessory Suite, and includes a double-wide manufactured home.
- **sleeping unit** means one (1) or more habitable rooms containing facilities for living and sleeping, but not including facilities for cooking or eating, and is occupied or intended to be occupied by boarders.
- **storey** means the space between a floor level and the ceiling above it, excluding a basement.
- **strata lot** means a strata lot as defined by the Condominium Act.
- **structure** means anything constructed or erected, the use of which requires its permanent location on the ground, or its attachment to something having a permanent location on the ground.

- **subdivision** means the division of land into two (2) or more parcels, whether by plan, apt description, words, or otherwise.
- **trade contractor facilities** means a building or land used for the offices, storage, or shops of trade contractors.
- **two-family residential use** means a residential use in a single building which is used only for two (2) dwelling units, the two (2) dwelling units to be situated either side by side, sharing a common wall that is at minimum 10 metres in length, or one on top of the other.
- **village** means the Village of Masset.
- **warehouse** means a building used for the receiving and storage of goods or personal property for compensation and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations, but excludes retail sales from the site.
- **watercourse** means any natural or man-made depression with well-defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to or containing a current of water at least six (6) months of the year and includes the sea or any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply, whether enclosed or in a conduit.
- **yard** means that portion of a parcel that may not be built upon as defined by the minimum setback requirements.
- **zone** means a zone established by the current Zoning Bylaw of the Village of Masset and amendments thereto.

DIVISION 600 _ REPEAL AND EFFECTIVE DATE

601 _ REPEAL OF PREVIOUS BYLAW

"Village of Masset Zoning Bylaw No. 242 (1982)" and all amendments thereto are hereby repealed.

READ A FIRST TIME this 28TH day of FEBRUARY 1994.

READ A SECOND TIME this 28TH day of FEBRUARY 1994.

PUBLIC HEARING HELD this 28TH day of MARCH 1994.

RESCINDED AT THIRD READING this 11TH day of APRIL 1994.

PUBLIC HEARING HELD this 11TH day of JULY 1994.

APPROVED UNDER THE
HIGHWAY ACT this 9TH day of AUGUST 1994.

READ A THIRD TIME this 22ND day of AUGUST 1994.

RECONSIDERED AND
FINALLY ADOPTED this 24TH day of AUGUST 1994.

Clerk

Mayor

Certified a true copy of Zoning Bylaw
No. 422, 1994.

DIVISION 700 _ METRIC CONVERSIONS
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The following metric conversions are provided for the convenience of the reader of this Bylaw:

1 metre	=	3.28 feet	1 foot	=	0.30 metre
1 sq. metre (m ²)	=	10.76 sq. ft.	1 sq. ft.	=	.093 sq. m
1 hectare (ha)	=	2.47 acres	1 acre	=	4047sq. m or 0.405 ha

The following specific metric conversions are provided as they occur quite frequently in this Bylaw:

1.5 metres	=	4.92 feet
3 metres	=	9.84 feet
4.5 metres	=	14.76 feet
7.6 metres	=	24.92 feet
1400 sq. m	=	15,064 sq. ft. or 0.34 acres
2000 sq. m	=	21,520 sq. ft. or 0.49 acres
4047 sq. m	=	43,560 sq. ft. or 1 acre
2 ha	=	4.94 acres
4 ha	=	9.88 acres
20 ha	=	49.4 acres