

Village of Tahsis

Zoning Bylaw No. 176, 1981

**CONSOLIDATED VERSION**

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**2010**

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# Village of Tahsis

## Zoning Bylaw No. 176, 1981

### CONSOLIDATED

The Council of the Village of Tahsis, in open meeting assembled, enacts as follows:

#### PART ONE PURPOSE AND TITLE

##### 1.1 Purpose

A bylaw to divide the Village of Tahsis into zones, to regulate the use of land, buildings and structures, including the surface of water, and to regulate the location, size and shape of buildings and structures erected thereon pursuant to **Section** of the **Community Charter**.

##### 1.2 Title

This bylaw may be cited for all purposes as ``Village of Tahsis Zoning Bylaw No.176, 1981``.

#### PART TWO APPLICATION AND INTERPRETATION

##### 2.1 Application

The regulations of this bylaw shall apply to the whole of the area within the boundaries of the Village of Tahsis.

##### 2.2 Definitions

``ACCESSORY USE OR STRUCTURE``: means a building or use which is ancillary to that of a principal building or use on the same lot.

``AGRICULTURAL USE``: means providing for the growing, rearing, producing, harvesting and sale of agricultural products; includes the storage and sale on an individual farm of the products harvested, reared or produced on that farm; and, the storage of farm implements and supplies; and, repairs to farm machinery and implements used on that farm; and specifically excludes all manufacturing,

processing, storage and repairs not specifically included in this definition, livestock and poultry processing, piggery use, feed lots and mink farms.

``APARTMENT``: means any building divided into not less than three dwelling units, each of which is occupied or intended to be occupied as a permanent home or residence of one family as distinct from a hotel, motel, auto court, or similar transient accommodation.

``BOARDING USE``: means a use where the building or buildings on a lot contain one or more sleeping units contained within a dwelling unit and which are used by persons other than members of the family sharing the dwelling unit.

``BUILDING``: means a structure which is designated, erected or intended for the support, enclosure or protection of persons or property. The term is inclusive of any part thereof.

``CHURCH``: means a building, not ordinarily used for residential purposes, wherein persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship.

``COUNCIL``: means the municipal council of the Village of Tahsis.

``DENSITY``: means the quotient of the total number of dwelling units divided by the base area of a site.

``DUPLEX``: means any dwelling divided into two units each of which is occupied or intended to be occupied as the permanent home or residence of one family as distinct from a hotel, motel, auto court or similar transient accommodation.

``DWELLING``: means any building or portion thereof that is designated or used for residential purposes.

``DWELLING UNIT``: means one or more rooms for the use of one family to be occupied as a home, residence or sleeping place, but shall not include motels, hotels, or similar transient accommodation.

``FAMILY``: means

- a) An individual
- b) Two or more persons who by reason of heredity, marriage, or adoption normally live together
- c) A group of not more than 5 unrelated non-transient persons living together in a dwelling unit and includes servants living on the premises.

``FLOOR AREA``: means the total area of all floors measured to the extreme outer limits of the building. The floor area of a building includes the basement floor area only if the basement area is deemed to be habitable by the building inspector.

``GASOLINE SERVICE STATION``: means premises used primarily for the retail sale of gasoline, lubricating oil and motor vehicle accessories and the servicing of motor vehicles but does not include body works and painting.

``HEIGHT OF BUILDINGS``: means the vertical distance of the mean grade level to the highest point of a roof surface on 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.

``HIGHWAY``: includes a street, road, lane, bridge, viaduct, and any other way open to the use of the public, but doesn't not include a private right of way on private property.

``HOME OCCUPATION``: means an occupation, profession or craft which is clearly incidental to the use of a dwelling unit for residential purposes or to the residential use of a lot occupied by a dwelling and does not change the essential residential character or appearance of such.

``JUNKYARD``: means the use of any land, building or structure for a salvaging operation, including but not limited to the storage and/or sale of waste wood products, paper, scrap metal, and any discarded materials and the collection, dismantlement, storage and salvage of any vehicle or boat, subject to the provisions of section 6.6.

``LANE``: means a public thoroughfare not exceeding 10 meters in width, which provides a secondary means of access to a site.

``LIGHT INDUSTRIAL USE``: means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing or repairing of goods, materials or things, but shall not include those uses similar to or

including: wood processing and log storage, except as permitted under Permitted Uses, auto wrecking, refuse disposal grounds, gravel extraction, manufacture of concrete products, fish or shellfish processing, or bulk fuel depots.

``LOADING SPACE``: means an area used to provide free access for vehicles to a loading door, platform or bay.

``LOT``: means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Titles Office.

``LOT AREA``: means the area of the land within the boundaries of a lot but excludes the area of the panhandle.

``LOT COVERAGE``: means the total horizontal area within the outermost walls of the buildings on a lot, expressed as a percentage of the lot area.

``LOT LINE``: means a line in which marks the boundary of a lot and in particular:

- a) front lot line means the lot line that divides the lot from the highway. In the case of a corner lot the shorter lot line that abuts the highway shall be deemed to be the front lot line but shall not include a radial or straight line corner cut created for the purpose of highway intersection widening.
- b) rear lot line mean the lot line opposite to and most distant from the front lot line. Where the rear portion of the lot is bounded by two intersecting side lot lines, it shall be the point of such intersection.
- c) side lot line means a lot line other than a front or rear lot line.

``MOBILE HOME``: means any structure, whether or not ordinarily equipped with wheels, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and to provide a dwelling, house, or premises, that is registered or capable of being registered in the Manufactured Home Registry established under the Manufactured Home Act, and that complies with the specifications for manufactured homes set out in the Manufactured Home Standards Regulation B.C. Regulation 186/92.

``MOTEL OR AUTOCOURT``: means a use where the building or groups of buildings provide separate sleeping or dwelling units having direct access to the outside, intended to be occupied primarily by the travelling public.



``NATURAL BOUNDARY``: means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water is so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinctive from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself.

``NON-CONFORMING BUILDING OR USE``: means any building or use which does not conform with all the regulations of the Bylaw or amendments made thereto, for the zoning district in which such building or use is located.

``PANHANDLE LOT``: is a lot which has a minimum frontage on a public street, which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all bylaw requirements.

``PARCEL``: see ``LOT``.

``PARKING AREA``: means an area of land used for the parking of vehicles of clients, customers or employees, but does not include streets or driveways.

``PRINCIPAL BUILDING``: means the main building or structure on a parcel of land which reflects the primary use of that land.

``PUBLIC SERVICE USE``: means a use providing water, sewer, electrical, telephone, and similar services where such use is established or authorized by the Village of Tahsis or by another government body.

``PUBLIC USE``: means a use providing parks, playgrounds, highways, schools, day care centers, churches, medical health facilities, and shall include government and institutions receiving substantial government funding.

``ROAD``: see ``HIGHWAY``.

``SCREENING``: means continuous opaque fence, wall, compact evergreen hedge or combination thereof of sufficient height, supplemented with landscape planting, that would effectively screen the property which it encloses and is broken only by access drives and walks.

``SITE AREA``: means the same as lot area where any one lot is involved, and means the total horizontal area within the lot lines of all the lots to be covered by a use. In the

case of a strata title lot, site area shall mean the area of the parent lot prior to the creation of strata lots.

``STRATA LOT``: means a strata lot as defined by the Strata Titles Act and amendments thereto, of the province of British Columbia.

``STRUCTURE``: means an erection or construction of any kind whether fixed to, supported by, or sunk into land or water, but does not include fences or walls that are less than or equal to the permitted height.

``TOWNHOUSE``: means a building or buildings divided into not less than three dwelling units with each dwelling unit having direct access to the outside and intended to be occupied as a permanent home or residence of one family as distinct from a hotel, motel, autocourt or similar transient accommodation.

``USE``: means the purpose for which any lot, site, building or structure is designed, arranged or intended.

``WATERCOURSE``: means any natural or man-made depression with well-defined a bed zero point six (0.6) metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 200 hectares or more, or as required by a designated official of the Ministry of Environment of the Province of British Columbia.

``YARD, FRONT``: means that portion of the lot between the side lot lines in width and between the front lot line and a line drawn equidistant to it in depth. In the case of a through lot, (a lot with road frontage at opposite ends) there shall be two front yards. In the case of a lot with the panhandle access, the front yard is defined as the narrowest or panhandle portion of the lot with road frontage.

``YARD, REAR``: means that portion of the lot between the side lot lines in width and between the rear lot line and a line drawn equidistant to it in depth.

``YARD, SIDE``: means that portion of the lot extending from the front yard to the rear yard in depth, and between the side lot line and a line drawn equidistant to it in width. Where the rear yard is not required, the side yard shall extend to the rear lot line in depth.

## PART 3 BASIC PROVISIONS

### 3.1 Prohibition-

- 1) Subject to the provisions of the Municipal Act respecting non-conforming uses, land shall not be used, buildings and structures constructed, altered, located or used, contrary to this Bylaw.
- 2) No use shall be permitted except as otherwise provided for in this Bylaw.

### 3.2 Non-Conforming Use-

- 1) A building or structure lawfully under construction at the time of the coming into force of this zoning bylaw shall, for the purpose of the bylaw, be deemed to be a building or structure existing at that time.
- 2) A lawful use of premises existing at the time of the adoption of this zoning bylaw, although the use does not conform to the bylaw, may be continued; but if the non-conforming use is discontinued for a period of one calendar month any future use of the premises shall conform, subject to this section, to this zoning bylaw.
- 3) A lawful use of a building or structure existing at the time of the adoption of this zoning bylaw, although the use does not conform to this zoning bylaw, may be extended throughout the building or structure, but no structural alterations except those required by statute or bylaw or those allowed by the Board of Variance shall be made in or to it.
- 4) Where a building or structure the use of which does not conform to this zoning bylaw is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, whose decision shall be subject to review by the Board of Variance, it shall not be repaired or reconstructed, except for a conforming use in accordance with this zoning bylaw.

- 5) A change of tenants or occupants of the building or structure shall not be deemed to affect the use of the building or structure within the meaning of this section.

3.3 Conflicting Use or Siting-

No parcel or area of land shall be alienated, and no use shall be initiated, and no building or structure shall be sited in a manner which thereby renders non-conforming any existing use or building or structure on that parcel.

3.4 Administration-

- 1) The building inspector and such other persons as may be appointed by the Council, shall administer this Bylaw.
- 2) Persons appointed under sub-section (1) may enter any building or premises at all reasonable times for the purpose of administering or enforcing this Bylaw.

3.5 Violation-

- 1) It shall be unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended or used, or land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw except as provided for under Section 722, sub-section 3 of the Municipal Act.
- 2) It shall be unlawful for any person to prevent or obstruct an official appointed under sub-section (1) of section 3.4 of this Bylaw from carrying out of his duties under this Bylaw.

3.6 Penalty-

- 1) Any person who violates the provisions of this Bylaw is liable on summary conviction to a penalty not exceeding five hundred (\$500.00) dollars.
- 2) Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
- 3) Upon conviction, the Provincial Court Judge may direct that no prosecution under sub-section (2) may be made, with respect to the continuance of the violation, for such period of time as he directs.

3.7 Amendment-

- 1) This Bylaw may not be amended or repealed except after a Public Hearing held under Section 720 of the Municipal Act.
- 2) Any person wishing to have this Bylaw amended shall apply in writing to the Village Clerk describing the proposed change and furnishing reasons in support of the application. The application shall include a legal description, location, and proposed development details. If the applicant is not the owner of the property to be rezoned, it

shall also include a statement from the owner of the property authorizing the applicant's involvement.

- 3) Where an application for amendment to this Bylaw has been refused, no re-application for what Council deems to be a substantially similar amendment shall be considered within twelve (12) months of the date of rejection of the previous application.

### 3.8 Appeal – Board of Variance-

The Board of Variance established under the Board of Variance Bylaw of the Village of Tahsis shall hear and determine any appeal pursuant to Section 727 of the Municipal Act.

### 3.9 Severability-

If any provision of this Bylaw is found invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

## PART 4 ESTABLISHMENT OF ZONES AND SCHEDULES

- 4.1 For the purpose of this Bylaw, the Village of Tahsis shall be classified and defined into the following zone designations and their short form equivalents:

RESIDENTIAL ZONE ONE (R-1) -Single family residential zone.

RESIDENTIAL ZONE TWO (R-2) -Low density residential zone.

RESIDENTIAL MULTIPLE ZONE ONE (RM-1) -High Density residential zone.

RESIDENTIAL MULTIPLE ZONE TWO (RM-2) -Mobile home zone.

COMMERCIAL ZONE ONE (C-1) -General business zone.

COMMERCIAL ZONE TWO (C-2) -Service commercial zone.

COMMERCIAL ZONE THREE (C-3) –Rental accommodation zone

INDUSTRIAL ZONE ONE (I-1) -Light industrial zone.

INDUSTRIAL ZONE TWO (I-2) -Heavy industrial zone.

RURAL ZONE ONE (RU-1) -Rural and agricultural zone.

FIRE HALL ZONE ONE (FH-1) –Institutional emergency buildings zone

PUBLIC ASSEMBLY ZONE ONE (PA-1) –Public assembly and utility zone

## TOURIST-CAMPGROUND ZONE ONE (TC-1) –Tourist commercial campground zone

- 4.2 The extent of each zone is shown on Schedule A which is attached to and forms part of this Bylaw.
- 4.3 When the zone boundary is designated as following a road allowance or creek, the center line of such road allowance or creek shall be the zone boundary.
- 4.4 Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule A or as determined by the building inspector or other such persons appointed by Council.

### PART 5 DEVELOPMENT PERMITS

- 5.1 Where, in the opinion of the Council, special conditions prevail with respect to the physical environment or with respect to design or siting considerations, the Council may, by an amendment to this Zoning Bylaw, designate areas of land within a zone as development permit area shall , prior to the commencement of a development other than the development of three or less self-contained dwelling units, obtain or hold a development permit which may regulate or require any or all of the matters referred to in Section 5.3(1) to (11).
- 5.2 The Council, by resolution, may issue a development permit.
- 5.3 In the case of lands not designated as a development permit area, a property owner may request a development permit which varies or supplements the provision of this Bylaw; excluding those provisions affecting density or permitted uses provided that the development permit is intended to do one or more of the following:
- 1) regulate the dimensions and siting of buildings and structures on land;
  - 2) regulate the siting and design of off-street parking and loading facilities in accordance with the standards set out in the permit;
  - 3) require that landscaping or screening be established around different uses in accordance with the standards set out in the permit;
  - 4) require the pavement of roads and parking areas in accordance with the standards set out in the permit;
  - 5) require that the land be developed, including:
    - a) the provisions of sewerage, water and drainage facilities;

- b) the construction of highways, street lighting, underground wiring and sidewalks.
- 6) subject to Section 740 of the Municipal Act, require the construction of buildings and structures in accordance with the specifications, terms and conditions specified in the permit;
- 7) require the preservation or dedication of natural water courses and the construction of works to preserve and beautify them in accordance with the terms and conditions specified in the permit;
- 8) require that an area of land specified in the permit above the natural boundary of streams, rivers, lakes or the ocean remain free of development, except that specified in the permit;
- 9) require the provision of areas for play and recreation;
- 10) limit the number, size and type and specify the form, appearance and construction of signs, and
- 11) require the exterior finishing of buildings for other than residential purposes in accordance with the specifications, terms and conditions set out in the permit.

#### 5.4 Procedure for Development Permit Application

Application for a development permit shall be made in accord with the procedures established below:

- 1) Form: Development permits shall be generally in the form of the permit attached hereto as Schedule “B”.
- 2) Application: Applications for development permits shall be made to the building inspector or person authorized by Council on a form of application to be determined by resolution of Council.
- 3) Process: The application shall be processed by Village staff who shall present a report to Council for consideration. The report shall:
  - a) contain a copy of the application;
  - b) contain a copy of the proposed development permit;
  - c) specify what provisions of the zoning bylaw are to be varied or supplemented;
  - d) state the amount of the fee collected;
  - e) state the proposed security to be posted by the permittee, if any.
- 4) Resolution: The Council may, upon receipt of the staff report, by resolution:
  - a) authorize the issuance of the development permit;

- b) authorize the issuance of the proposed development permit as amended by Council in its resolution;
  - c) refuse to authorize the issuance of the development permit.
- 5) Availability: A copy of all development permits issued by Council shall be retained by the building inspector who shall make the same available for perusal by any member of the public upon request during normal business hours during which the Village office is open to public.
- 6) Notification: Council, by resolution, may at its discretion require immediately adjacent properties affected by a development permit application, to be notified in writing.
- 7) Fees:
- a) The fee for processing a development permit application shall be determined by resolution of Council.
  - b) The fee shall be paid to the Village of Tahsis at the time of application for a development permit. No processing of the application shall take place until the fee has been paid in full.

#### 5.5 Development Permit Security

The council may, as a condition of the issue of a development permit, require that the holder provide a performance bond or other security in the amount and form prescribed in the development permit to ensure that the development is carried out in accordance with the terms and conditions set out in the permit and any other interest earned on the bond or other security shall accrue to the holder of the permit and be paid to the holder forthwith on return of the bond or security, or to the Village of Tahsis in the event of default of the permit holder's obligations.

### Part 6 SUPPLEMENTARY REGULATIONS

#### 6.1 Occupations Permitted in a Residential Zone

- 1) Home Occupations: A home occupation is permitted as an accessory use in any zone and shall be in conformity with the definition of "Home Occupation" in Section 2.2 and with the following regulations:
- a) no external indication shall exist that any building is utilized for any purpose other than normally associated with a residential building except for a single sign not exceeding 3600 cm squared (.36 m squared);
  - b) no use shall create any off-site parking, excessive customer or service traffic nor shall it become or create a nuisance to the surrounding area by reason of unsightliness, odour emission, creation of litter, liquid effluent, dust, noise, fumes, smoke or glare;
  - c) all uses shall be conducted entirely within a completely enclosed building permitted in this Bylaw and there shall be no external storage of materials, equipment, containers, or finished products;



d) persons employed in a home occupation or practice are limited to those residing on the property on which that home occupation or practice is located plus one non-resident employee;

2) Professional Occupations: The following professions are permitted in any residential zone:

- a) Doctor
- b) Dentist
- c) Chiropractor
- d) Veterinary Surgeon
- e) Lawyer
- f) Accountant

Regulations a), b) and c) of 6.1 shall apply to Section 6.1 (2).

## 6.2 Height of Buildings and Structures

1) The maximum height of all buildings and structures shall not exceed 10 metres, except for public uses and industrial zoned uses;

2) The maximum height of all fences shall not exceed 2 metres except where provided for in other parts of this Bylaw;

3) The following shall not be subject to the height requirements of this Bylaw unless otherwise specified on the zoning maps; church spires, windmills, chimneys, flagpoles, masts, aerials, water tanks, domes, belfrys, monuments, observation towers, transmission towers, elevators and ventilation machinery, solar panels, farm buildings including silos provided that such structures occupy no more than 20% of the lot, or if situated on a building, not more than 15% of the roof area of the principal building.

4) Swimming pools shall be enclosed within a non-penetrable fence of not less than 1.5 metres in height with no openings greater than 10mm in their maximum dimension. Access through the fence enclosing the swimming pool shall be equipped with a self-closing gate. For the purpose of this section, the words "swimming pool" shall include any constructed or prefabricated pool used or intended to be used for swimming, bathing or wading, having either a surface area exceeding 15 square metres or a depth of more than 500mm or both.

## 6.3 Principal Building and Siting of Buildings

1) No residential use building shall be located on the same lot as any other residential use building, except as otherwise provided for in this Bylaw;

2) No accessory use building shall be located on any lot where a principal building has not been constructed or under construction, except where allowed as a temporary building;

3) Except within an Industrial zone, any public use or public service use building exceeding 10 metres in height shall not be sited within 12 metres of any property line;

4) No building or structure other than accessory buildings shall be located in any required yard in which case the accessory building shall not be located in any required front yard and if

located in a required side or rear yard it must be a minimum of 1 metre from the property boundary;

5) Where a parcel of land has 2 or more designates, each zoning designation shall be considered as if it were a separate parcel for the purpose of determining principal uses;

6) No building or structure shall be erected upon a registered right-of-way.

#### 6.4 Siting Exceptions

1) Where chimneys, cornices, leaders, gutters, pilasters, belt courses, 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 that such reduction shall apply only to the projecting feature and except for a zero lot line in which case no feature shall project over the lot line;

2) Where steps, eaves, sunlight controls, canopies, balconies, or open porches project beyond the face of a building, the minimum distance to an abutting front, rear and side lot line abutting a road as permitted elsewhere in this Bylaw, may be reduced by not more than 2 metres and the minimum distance to an abutting side lot line not abutting a road as permitted elsewhere in this Bylaw may be reduced by not more than 50% of such minimum distance, provided that such reduction shall apply only to the projecting feature except for zero sideyard, in which case no feature shall project over the lot line.

#### 6.5 Siting of Buildings Adjacent to Lakes and Watercourses

1) Notwithstanding any other provisions of this Bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located:

a) within 7.5 metres of the natural boundary of the sea, a lake, swamp or pond;

b) within 30 metres of the natural boundaries of the Leiner River and the Tahsis River, nor within 15 metres of the natural boundary of any other nearby watercourse;

c) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit, the ground level on which it is located:

(1) lower than one point five (1.5) metres above the extreme high water mark of the sea.

(2) not lower than zero point six (0.6) metres above the two hundred year flood level where it has been determined to the satisfaction of the Ministry of Environment, or if not, not lower than three (3) metres above the natural boundary of the Tahsis River or Leiner River.

(3) not lower than one point five (1.5) metres above the natural boundary of any other watercourse, lake, swamp or pond in the immediate flood hazard area.

2) Part 6.5 (1) (c) shall not apply to:

a) a renovation of an existing building or structure used as a residence that does not involve an addition thereto;

b) that portion of a building or structure to be used as a carport or garage;

c) farm buildings other than dwelling units and closed-sided livestock housing. Closed-sided livestock housing shall also be elevated one (1) metre above the natural ground elevation;

d) light or heavy industrial development which is required to flood-proof to an elevation zero point six (0.6) metres less than the flood construction level to be determined by the Ministry of Environment.

3) a) The required elevation may be achieved by structural elevation of the said habitable business or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home located, or by a combination of both structural elevation and landfill;

b) Where landfill is used to achieve required elevations, no portion of the landfill slope shall be closer than the distances in Section 6.5 (1) (a) and (b) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.

4) Provided that with the approval of the Deputy Minister of Environment, or his designate, these requirements may be reduced.

#### 6.6 Storage

In all zones except as provided for in the Industrial Zone Two:

No parcel shall be used for the wrecking or storage of derelict automobiles or as a junk yard and any vehicle which has not been licensed for over one (1) year and which is not housed in a garage or carport shall be deemed to be a derelict vehicle or junk.

#### 6.7 Off-Street Parking

1) Off-street parking shall be provided on the site in accordance with the following schedule:

Auto sales and repair	1 per 70 m squared sales floor + 1 per service bay + 1 per 2 employees
Animal hospital/kennels	1 per 2 employees + 3 per veterinarian
Auction	1 per 10 m squared auction floor
Bank	1 per 20 m squared per gross floor area
Beach, swimming	1 per 10 m squared developed beach above HWM
Bowling Alley	3 per alley

Boat sales and repair	1 per 2 employees + 1 per 90 m squared display area (covered and outside)
Building materials supply	1 per 2 employees + 1 per 185 m squared covered sales and storage
Campground, overnight trailers	1 per space plus 2
Café, dining room etc.	1 per 3 seats
Café, drive-in	Nil. But requires some approach storage
Café, take-out only	15
Church	Rural 1 per 4 seats, urban 1 per 10 seats
Clubs, lodges	1 per 4 seats
College	1 per employee + 1 per 5 students
Contractors yard	1 per 2 employees
Cultural facility (art, gallery, etc.)	1 per 40 m squared gross floor area
Gas station	1 per 2 employees on duty + 2 per service bay
Golf driving range	1 per tee plus 1 per 2 employees
Health salon	1 per 10 m squared gross floor plan
Hospital, public	1 per 2 employees plus 1 per 5 beds
Hotel	1 per 2 rooms + 1 per 3 seats bar, café, etc.
Ice Cream Stand	7 per sales clerk
Laboratory	1 per 2 employees
Laundry, dry cleaning	1 per 2 employees counted as total of 2 shifts
Laundromat	1 per 3 washing machines
Motel	1 per unit + 1 per 3 seats in café, etc.
Machinery Sales	1 per 2 employees + 1 per 90 m squared sales floor
Manufacture/Industrial	1 per 2 employees counted as total of 2 shifts
Marina	1 per 2 boat spaces + 1 per 2 employees
Nurseries/Greenhouses	1 per 15 m squared gross floor area retail sales building

Offices, medical	3 stalls per doctor or dentist
Offices, single tenant	1 stall per 30 m squared gross floor area
Offices, multi-tenant	1 per 30 m squared gross floor area
Police Office	1 per 2 employees counted as a total of 2 shifts
Pool, swimming	1 per 4 m squared pool water surface
Post Office	1 per 2 employees counted as total of 2 shifts
Public Bus Depot	1 per 20 m squared waiting room + 1 per 2 employees counted as total of 2 shifts
Residential, single family & Duplex, including mobile homes	2 per dwelling unit
Residential, multi-family	1.5 per dwelling unit + 1 per 90m squared floor area of building exceeding 55 m squared times # of dwelling units
Recreation Center	1 per 10 m squared ice area + 1 per 4 m squared pool surface + 1 per 4 player capacity other sp_____?
School, elementary	1 per employee
School, secondary	1 per employee + 1 per 10 students
Shopping centre, Neighbourhood	7 per 90 m squared gross leasable area
Shopping centre, Community	6 per 90 m squared gross leasable area
Retail store, supermarket/ liquor, other retail/ personal service	1 per 15 m squared gross floor area
Theatre, not drive-in	1 per 4 seats
Taxi stand	1 per taxi + 1 per office employee
Tire repair	1 per 2 employees + 1 bay
Vegetable, produce stand	4 per sales clerk

Warehouse

1 per 2 employees as total of 2 shifts

- 2) Only the following shall be parked or stored, in the open of any Residential, or Mobile Home Zone for each dwelling unit on a site:
  - a) automobiles
  - b) one commercial vehicle not exceeding 907 kilograms rate capacity;
  - c) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises
  - d) any dismantled or wrecked vehicle for a period of not more than 30 successive days
  - e) recreational boats and vehicles for the personal use of the occupant
- 3)
  - a) Off-street parking may be provided collectively in a parking area provided that the total number of parking spaces when used together is not less than the sum of the requirements for the various individual uses and also provided that the nearest of such parking spaces shall be within 50 metres of the building or uses for which they are required and that such parking spaces be contiguous and further that the parking area shall be protected by a Restrictive Covenant registered in favour of the Municipality.
  - b) All off-street parking spaces shall have a clear length of not less than 6 metres, a clear width of not less than 2.8 meters and a clear height of not less than 2.1 meters except in the case of parallel parking where each space shall be a minimum of 6.7 metres in length.
  - c) All parking spaces shall be marked and provided with adequate curbs in order to retain all vehicles and to ensure that fences, hedges or landscape areas, as well as any buildings, will be protected from parking vehicles.
  - d) All parking areas for more than four vehicles shall be provided with a surface that is durable and dust free and shall be so graded and drained as to properly dispose of all surface water.
  - e) All parking areas shall be provided with adequate driveways to facilitate vehicular movement to and from all parking spaces.
  - f) No parking space in a parking area shall gain access directly from a street.
- 4) Required parking aisle widths:
  - a) For 90 degree parking – 6 metres
  - b) For 60 degree parking – 5 metres
  - c) For 45 degree parking – 4 metres

## 6.8 Visibility at Intersections

On any corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of one metre and three metres above the centre line grade of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines ten metres from the point of the street intersection.

## 6.9 Temporary Buildings

- 1) A temporary building or structure may include all building types but it shall not be used as a dwelling except in the case of a trailer when located in any authorized motel or autocourt on a transitory basis with the following exceptions:
  - a) Where a residence is under construction, one temporary building or mobile home may be occupied as a dwelling for a period not to exceed the duration of such construction, provided that the building inspector certifies that such temporary building or mobile home is and continues to be habitable. Such temporary building or mobile home shall be removed upon completion of such construction or upon the expiry and non-renewal of the building permit for the residence under construction;
  - b) Residence shall be permitted in an accessory building upon application to the building inspector for a temporary residence permit and provided that the building inspector certifies that such accessory building is and continues to be habitable. Residence shall be terminated upon completion of the principal dwelling or expiry of the temporary residence permit.
- 2) Temporary building or structure may be erected for a period not to exceed the duration of twelve (12) months. A temporary residence permit shall not be issued for a period of more than twelve (12) months.
- 3) In all cases, temporary buildings or structures shall be subject to the following requirements:
  - a) Application shall be made in writing to the building inspector for a permit to erect a temporary building or structure;
  - b) If the building inspector is satisfied that the proposed temporary building or structure would not constitute or cause a public hazard or public nuisance, nor obstruct any public right-of-way, he shall grant a permit for a period of not more than twelve (12) months;
  - c) No temporary building or structure shall be located in any required front or side yard;

- d) At the expiration of a permit such temporary building or structure shall be removed and the site thereof restored as nearly as possible to its former condition;
  - e) The temporary building or structure shall conform to Ministry of Health requirements.
- 4) Permits for temporary buildings or for temporary residence are renewable upon application to Council. Such applications for permit renewal shall clearly indicate why renewal is necessary. Permits may be renewed for a period not to exceed six (6) months.

#### 6.10 Lot sizes

The size of all lots in residential, commercial and industrial zones shall conform to the requirements of the Village of Tahsis Subdivision Bylaw.

### Part 7 Zones

#### 7.1 General Provisions: Uses Permitted in all Zones

- 1) On any parcel, the use of land, buildings and structures for the following principal uses:
  - a) public use;
  - b) public service use;
  - c) one single family residential dwelling;
  - d) home occupationsand any accessory building(s) or structure(s).
- 2) On a parcel of land with an area of 4000 square metres or more, the use of land, buildings and structures for agricultural use including the keeping of livestock for domestic purposes only.

#### 7.2 Residential Zone One (R-1)

- 1) Permitted Uses: One single family dwelling per lot, or
- 2) Siting of Structures:
  - a) Front yard minimum – 6 metres
  - b) Rear yard minimum – 2 metres
  - c) Side yard minimum – 1.5 metres except where the side yard flanks a street in which case the minimum yard distance shall be 3 metres.



- 3) Lot Coverage: The maximum lot coverage of all buildings and structures shall not exceed 35%.

### 7.3 Residential Zone Two (R-2)

- 1) Permitted uses:

- a) One single family dwelling per lot, or
- b) One duplex per lot, or
- c) One boarding home per lot restricted to not more than 4 boarders or lodgers

- 2) Siting of Structures:

- a) Front yard minimum – 6 metres
- b) Rear yard minimum – 2 metres
- c) Side yard minimum – 1.5 metres except where the side yard flanks a street in which case the minimum yard distance shall be 3 metres.

- 3) Lot Coverage: The maximum lot coverage of all buildings and structures shall not exceed 35%.

### 7.4 Residential Multiple Zone One (RM-1)

- 1) Permitted Uses:

- a) Single family dwellings
- b) Duplexes
- c) Boarding houses
- d) Townhouses
- e) Apartments
- f) Bunkhouses

- 1) Siting of Structures:

- a) Front yard minimum – 6 metres
- b) Rear yard minimum – 10.5 metres
- c) Side yard minimum – 4.5 metres

- 2) Density:

a) The maximum density of single family dwellings, duplexes and boarding houses shall not exceed 18 dwelling units per hectare.

b) The maximum density of townhouses, apartments and bunkhouses shall not exceed 50 dwelling units per hectare.

3) Lot Coverage:

a) The maximum lot coverage of all buildings and structures shall not exceed 40%.

b) The maximum lot coverage of all buildings and structures, driveway and parking areas shall not exceed 60%.

4) Siting of Parking Areas:

a) Parking spaces shall be located at least 6 metres away from windows of habitable rooms at or below grade, or less than 1.75 metres above grade.

b) Parking spaces shall be located at least 2.5 metres away from windows of habitable rooms where the sill is 1.75 metres or more above grade.

c) No parking space or area shall be located within 1.5 metres of any property line.

d) No parking space or area or driveway shall be located within 7.5 metres of any playground.

5) Playground: A minimum landscaped area of 50 m squared shall be provided for each 4 units of 3 bedrooms or more for the purpose of providing a playground.

6) Landscaping:

a) Landscaping in the form of grass, shrubs, plants, flowers and/or decorative boulders shall cover all portions of the site not developed with buildings, parking and driveway areas. The type and extent of landscaping and recreation areas shall be clearly indicated on plans submitted for a building permit.

b) Parking, playground and open storage areas shall be screened along all property lines except where road is vision may be impaired, by a landscape hedge and/or fence not less than 1.75 metres in height.

7.5 Residential Multiple Zone Two (RM 2)

1) Permitted Uses: Land and structures shall be used for mobile homes, including:

a) mobile homes

b) accessory structures and service buildings

2) Siting of Structures:

- a) A 7.5 metre minimum yard shall be maintained along all exterior property lines in a mobile home park.
- b) No mobile home shall be located within 7 metres of another mobile home.
- c) No part of any mobile home, any addition or accessory building shall be located:
  - (1) within 2 metres of internal access road right-of-way or common parking area; or
  - (2) within 2 metres of rear and side mobile home space lines.

3) Access to Park: One access leading from a mobile home park to a public road shall be required for every 50 mobile homes or portion thereof, up to a maximum of three access points.

4) Density: In any mobile home park the maximum density of mobile home units shall not exceed 20 dwelling units per hectare and shall comply with standards and regulations of other appropriate agencies as well as with all other applicable bylaws of the Village of Tahsis.

5) Mobile Home Space/Lot:

- a) The minimum area for a mobile home space shall be 325 m squared.
- b) The minimum frontage of each mobile home space abutting an internal roadway right-of-way shall be 12 metres except in the case of a mobile home space abutting a cul-de-sac or panhandle mobile home space in which case minimum frontage shall be 6 metres unless otherwise approved by Council.
- c) Each mobile home space shall be clearly marked off by suitable means.
- d) All mobile home spaces shall:
  - (1) be properly drained;
  - (2) be clearly numbered;
  - (3) have a clearly discernible mobile home pad of compacted gravel or be surfaced with asphalt or concrete pavement.

e) No more than one mobile home shall be located on a mobile home space.

6) Site Coverage:

- a) The mobile home and additions to it, exclusive of a carport, shall not cover more than 35% of the mobile home space upon which it is situated.

b) The addition to a mobile home, exclusive of a carport and/or patio, shall be not larger in area than 20% of the floor area of the mobile home.

7) Off-Street Parking:

a) Two parking stall shall be provided for each mobile home space.

b) In addition, one stall for every 5 mobile home spaces shall be provided in the mobile home park for common guest parking.

8) General Provisions:

a) The owner of a mobile home park shall provide within the mobile home park one or more recreation areas, protected from automobile traffic and having a total area of not less than 10% of the mobile home park. The buffer strip and street right-of-way shall not be included in calculating the recreation area to be provided.

b) At least one open communal storage site having a surface area of a minimum average of 20 m squared for each mobile home site will be located within each mobile home park. The communal storage site shall be located in a section of the park where it will not create a nuisance, as to sight, sound or smell, be adequately landscaped, provide adequate security, and not be located in any buffer or recreation area. No structures will be constructed in open communal storage sites.

c) All ancillary structures such as patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the mobile home. The undercarriage of each mobile home shall be screened from the view by skirting or such other means satisfactory to the building inspector.

7.6 Commercial Zone One (C-1)

1) Permitted Uses:

a) retail stores

b) Offices

c) Entertainment establishments (excluding drive-in theatres)

d) Banks, credit unions, loan and trust companies, pawnshops

e) Coffee shops and restaurants, excluding drive-in restaurants

f) Hotels, motels, lodges, pubs

- g) Personal service establishments such as beauty shops, barber shops, dry-cleaning shops, medical and dental facilities
- h) Private clubs
- i) Repair establishments such as shoe repair and small appliance repair
- j) Printing and publishing shops
- k) One single family dwelling either as part of or distinct from each commercial use
- l) Boat sales and service
- m) Telephone Exchanges
- n) retail sale of motor vehicle fuels (gasoline, diesel fuel, gasohol, marine gasoline) and lubricating oils, including, as ancillary activities, the sale of products ancillary to motor vehicle fuel sales.

2) Conditions of Use:

- a) Nothing shall be permitted which is or can become an annoyance or nuisance to surrounding areas by reason of unsightliness, odour emissions, liquid effluents, dust, noise, fumes, smoke or glare.
- b) No parking, loading or storage areas shall be located in any required yards where the abutting property is zoned Residential or Residential Multiple.

3) Siting of Structures: Side yard setback is not required except where the abutting property is zoned Residential or Residential

Multiple, in which case a minimum side yard of 3.5 metres shall be maintained. Rear yard setback is not required except where abutting property is zoned Residential or Residential Multiple, in which case a minimum rear yard of 2.0 metres shall be maintained. Front yard setback is not required.

7.7 Commercial Zone Two (C-2)

1) Permitted Uses:

- a) Building supply and lumber yards
- b) Automobile sales and service
- c) Mobile home and recreational vehicle sales
- d) Plumbing, sheet metal, welding and machine shops
- e) Gasoline service stations

- f) Auto body repair
- g) Warehousing
- h) Open-air recreation and entertainment establishments including drive-in theatres
- i) Restaurants and coffee shops including drive-in restaurants
- j) One single family dwelling either as part of or distinct from each commercial use.

2) Conditions of Use:

a) Nothing shall be permitted which is or can become an annoyance or nuisance to surrounding areas by reason of unsightliness, odour emission, liquid effluent, dust, noise, fumes, smoke or glare.

b) No parking, loading, or storage areas shall be located in any required yards where the abutting property is zoned Residential or Residential Multiple.

3) Siting of Structures: Side yard setback is not required except where the abutting property is zoned Residential or Residential Multiple in which case a minimum side yard of 3.5 metres shall be maintained.

7.7A Commercial Zone Three (C-3)

1) Permitted Uses

- a) Apartments;
- b) Hotels, motels, lodges, pubs:
- c) Offices;
- d) Private clubs.

2) Conditions of Use:

a) Nothing shall be permitted which is or can become an annoyance or nuisance to surrounding areas by reason of unsightliness, odour emissions, liquid effluents, dust, noise, fumes, smoke or glare.

b) No customer parking or loading areas shall be located within 1.5 metres (4.92 feet) to any property line.

c) All outdoor storage and supply yards shall be screened from any abutting property zoned Residential One (R-1), Mobile Home Park (RM-2) or any Residential zone to a depth of 7.5 metres (24.6 feet) from any property line

d) All recreation facilities shall be housed within a completely enclosed building.

3) Siting of Structures:

Side yard setback is not required except where the abutting property is zoned Residential or Residential Multiple, in which case a minimum side yard of 3.5 metres shall be maintained. Front yard setback is not required.

#### 7.8 Industrial Zone One (I-1)

##### 1) Permitted Uses:

- a) All light industrial uses, not including those listed in Section 7.9 (1) but including lumber storage, lumber dry kilns, lumber remanufacturing, and shake and shingle manufacturing.
- b) All uses permitted in the Commercial Two (C-2) zone.

##### 2) Conditions of Use:

- a) No parking, loading, or storage areas shall be located in any required side yard or in any other required yard where the abutting property is zoned Residential or Residential Multiple
- b) All manufacturing shall be housed within a completely enclosed building
- c) All outdoor storage or supply yards shall be screened from any abutting property by solid fencing or screening not less than 1.75 metres or greater than 2 metres in height
- d) Nothing shall be permitted which is or can become an annoyance or nuisance to surrounding areas by reason of unsightliness, odour emission, liquid effluent, dust, noise, fumes, smoke or glare.

3) Siting of Structures: Side yard setback not required except where the abutting property is zoned Residential, Residential Multiple, or Rural, in which case the side yard minimum shall be 7.5 metres.

#### 7.9 Industrial Zone Two (I-2)

##### 1) Permitted Uses:

- a) Wood processing including sawmills, shakemills, pulp and paper
- b) Bulk fuel storage
- c) Auto wrecking
- d) Refuse disposal
- e) Fish and shellfish processing
- f) Barge loading and freight handling facilities
- g) Commercial marina facilities
- h) Manufacture of concrete products.

2) Conditions of Use:

- a) All outdoor storage or supply yards shall be screened from any abutting property which is zoned Residential or Residential Multiple by solid fencing or screening not less than 2 metres in height
- b) Auto wrecking yards shall be screened along all property lines by solid fencing not less than 2.5 metres in height.
- 3) Site Area: The minimum site area for all upland uses shall be 4000 square metres.
- 4) Siting of Structures: Side yard setback not required except where the abutting property is zoned Residential, Residential Multiple, or Rural, in which case the side yard minimum shall be 7.5 metres.

7.10 Rural Zone One (RU-1)

1) Permitted Uses:

- a) One single family dwelling including a mobile home;
- b) Agricultural use including the sale of products grown on the property;
- c) Animal kennels and shelters;
- d) Silviculture and commercial nurseries;
- e) Airports, heliports and associated uses;
- f) Campsite and tenting sites subject to a maximum density of 25 units per hectare;
- g) A single fully enclosed building to house a maximum of three (3) people being employed and subject to the following conditions:
  - (1) no outdoor storage whatsoever
  - (2) building height limitation of 4.5 metres
  - (3) minimum yard clearance along all property lines of 7.5 metres
  - (4) maximum gross floor area of 75 square metres.

2) Siting of Structures:

- a) Front yard minimum – 7.5 metres
- b) Rear yard minimum – 7.5 metres
- c) Side yard minimum – 3.5 metres except where the width of a lot is 30 metres or less at the required front yard set-back and where there is no street flanking the side yard, this requirement may be reduced to 1.75 metres.



3) Lot Coverage: The maximum lot coverage of all buildings and structures excluding commercial greenhouses shall not exceed 15% except on any lot equal to or less than 1625 m squared in area, in which case the maximum lot coverage shall not exceed 35%.

7.11 Fire Hall Zone One (FH-1)

1) Permitted Uses:

- a) fire halls;
- b) emergency response operations centre;
- c) one single family residential dwelling.

2) Conditions of Use:

Nothing shall be permitted which is or can become an annoyance or nuisance to surrounding areas by reason of unsightliness, odour emissions, liquid effluents, dust, fumes, smoke or glare.

3) Siting of Structure:

Side yard setback is not required except where the abutting property is zoned Residential or Residential Multiple, in which case a minimum sideyard of 3.5 metres shall be maintained.

Rear yard minimum setback: 1.0 metres

Front yard minimum setback: 1.0 metres

4) Site Area:

No minimum lot area or frontage requirement shall apply in this zone.

7.11.0 Residential Zone Three (R-3)

Permitted Uses and Accessory Uses

Residential Use-One single family dwelling per lot

One accessory storage building and one garage

Height and Siting of Structures

The setbacks required for buildings and structures within the Residential Three zone are as set out in the table below.

7.12 Public Assembly Zone 1 (PA-1)

1) Permitted Principal Uses

- a) On any lot:

1) Public Assembly Use;

2) Public Utility Use;

3) Park Use.

2) Permitted Accessory Uses:

a) On any lot:

1) Residential use limited to one single family residential dwelling.

3) Siting of Buildings and Structures:

a) Except when the otherwise specified in this bylaw, no building or structure shall be located within:

1) 6 metres of that portion of a front lot line

2) 1.5 metres of that portion of a side lot line except where the side yard flanks a street in which case the minimum yard distance shall be 3 metres

3) 2 metres of that portion of a rear lot line

4) 3.5 metres of an accessory building on the same lot.

4) Lot Coverage:

a) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

#### 7.13 Tourist-Campground Zone One (TC-1):

1) Permitted uses:

a) campground

b) caretaker residence

c) nature park

d) accessory store

e) accessory

f) accessory storage of recreational vehicles

2) Density

a) No buildings other than one caretaker residence, one accessory store building, one accessory campground office building, accessory washrooms and one storage and maintenance building permitted on a lot.

b) The maximum number of camping spaces per hectare is 70.

c) The maximum number of campsites per parcel is 140.

3) Size, Shape and Siting of Lots, Buildings and Structures:

a) Lot size

The minimum permitted lot area is 0.40 hectares

b) Maximum building and storage area sizes

i) The caretakers residence shall have a maximum gross floor area of 125 square metres

ii) an accessory store shall have a maximum gross floor area of 50 square metres

iii) a campground office shall have a maximum gross floor area of 50 square metres

v) any other accessory building shall have a maximum gross floor area of 75 square metres

v) the area for storage of recreational vehicles shall not exceed 10% of the total area of the parcel.

c) Structure area

i) A structure or system of structures to support a parked recreational vehicle including concrete, asphalt or other impervious pads shall not exceed an area of 20 square metres

ii) one accessory unenclosed deck or patio may be constructed adjacent to each recreational vehicle provided that such structures shall not exceed a maximum area of 14 square metres and no canopy over such a structure shall exceed the height of the adjacent recreational vehicle.

d) Accessory storage area

The perimeter of an accessory storage area for recreational vehicles shall be screened by a solid fence or landscaping hedge.

e) Minimum building setbacks

i) from front and exterior lot lines – 5.0 metres

ii) from rear and interior lot lines – 3.0 metres except where the lot line abuts a residential zone in which case the setback shall not be less than 5.0 metres

4. Site Coverage and Open Site Area Requirements

a) The maximum lot coverage of all buildings shall not exceed 10%

b) Not less than 55% of the area of each lot shall be open site area. Areas occupied by buildings, structures, concrete, and other impervious surfacing are not included in open site areas.

READ for the first time this 13<sup>th</sup> day of January, 1981

READ for the second time this 13<sup>th</sup> day of January, 1981

PUBLIC HEARING concluded this 10<sup>th</sup> day of November, 1981

READ for the third time this 1<sup>st</sup> day of December, 1981

Reconsidered, finally passed and adopted this 3<sup>rd</sup> day of December, 1981

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 176, 1981 duly passed by the Council of the Village of Tahsis on the 3<sup>rd</sup> day of December, 1981.

\_\_\_\_\_  
MUNICIPAL CLERK

