

DISTRICT OF NORTH SAANICH



BY-LAW NO. 750

CONSOLIDATED FOR CONVENIENCE ONLY

A BY-LAW TO REGULATE THE ZONING AND DEVELOPMENT OF REAL PROPERTY WITHIN THE MUNICIPALITY

The amending by-laws which have been consolidated into “District of North Saanich Zoning By-law No. 750, 1993, “A by-law to regulate development in the municipality of North Saanich” are as follows:

759, 774, 775, 796, 800, 812, 824, 825, 827, 857, 880, 915, 923, 947, 960, 980, 988, 989, 995, 1008, 1024, 1027, 1034, 1054, 1051, 1055, 1066, 1076, 1077, 1087, 1098, 1102, 1103, 1105, 1118, 1127, 1132, 1163, 1171, 1181, 1182

as of August 11, 2008

ALL TERMS WHICH ARE DEFINED IN DIVISION 104 OF THIS BYLAW ARE ITALICIZED IN THE REMAINDER OF THE DOCUMENT.

DISTRICT OF NORTH SAANICH ZONING BY-LAW NO. 750 CONSOLIDATION

This consolidation of the District of North Saanich Zoning By-law and amendments has been prepared exclusively for the use of the District of North Saanich for convenience only.

The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original By-laws.

DISTRICT OF NORTH SAANICH

ZONING BY-LAW NO. 750, 1993

**A BY-LAW TO REGULATE THE ZONING AND DEVELOPMENT
OF REAL PROPERTY
WITHIN THE MUNICIPALITY**

DISTRICT OF NORTH SAANICH ZONING BY-LAW NO. 750, 1993

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DISTRICT OF NORTH SAANICH

BY-LAW NO. 750,1993

**A BY-LAW TO REGULATE THE ZONING AND *DEVELOPMENT* OF
REAL PROPERTY WITHIN THE *MUNICIPALITY***

WHEREAS the Municipal Act authorizes a local government to enact by-laws 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 by-law;

NOW THEREFORE the *Municipal Council* of the District of North Saanich in open meeting assembled enacts as follows:

DIVISION 100 • SCOPE AND DEFINITIONS

101 • TITLE

This by-law may be cited for all purposes as “District of North Saanich Zoning By-law No. 750, 1993.”

102 • PURPOSE

The principal purpose of this by-law 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 by-law, except as otherwise provided for in this by-law or in the Municipal Act.

DEFINITIONS

In this by-law:

- ◆ **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 use** means a *use* combined with, but clearly incidental and ancillary to the principal permitted *uses of land*, *buildings* or *structures* located on the same *parcel*;
- ◆ **advertising use** means the *use* of a *parcel* for a *structure* located on a *parcel* that does not contain a *principal building* and is used solely for advertising purposes, and includes a *sign*;
- ◆ **Agricultural Land Reserve** means those *lands* designated pursuant to the Agricultural Land Commission Act;
- ◆ **agricultural research facility** means a facility that is used to conduct research and experiments pertaining to agricultural activities and operations;
- ◆ **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, including auditoriums, *youth centres*, social halls, group camps, private *schools*, kindergartens, play *schools*, day nurseries, day care *schools* and churches;
- ◆ **Aviation business** means a commercial operation that is directly related to the *aviation business* or to the activities at the Victoria International Airport, but specifically excludes tourist accommodation;
- ◆ **basement** means that portion of a *building* between two floor levels, the lower floor of which is more than 0.5 metres (1.64 ft), but less than 1.5 metres (4.92 ft) below *finished grade*;
- ◆ **boarding and lodging** means the provision of sleeping accommodation in a *dwelling unit*, with or without meals, for payment of rent, and in the case where meals are provided, the *dwelling unit* shall contain only one common food preparation area;
- ◆ **boat building and repair** means the *use of land*, *buildings*, *structures* or equipment for the manufacturing, servicing or repair of boats;
- ◆ **boat moorage** means the securing of a boat to a buoy;

- ◆ **boat ramp** means a *structure* located on a shoreline to accommodate vehicles or trailers for the purpose of launching and hauling boats out of the water;
- ◆ **breakwater** means a wall built into the sea to protect a shore area, harbour, anchorage or basin from the action of waves;
- ◆ **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 setback** means the minimum horizontal distance from any portion of a *building* or *structure* to a designated *lot* line;
- ◆ **caretaker's unit** means a *dwelling unit*, accessory to any non-residential *building* or *structure*, for the accommodation of an owner, operator, manager or caretaker of *land* or of *buildings* and *structures* situated on the same *lot*;
- ◆ **cellar** means that portion of a *building* between two floor levels, the lower floor of which is 1.5 metres (4.92 ft) or more below *finished grade*;
- ◆ **commercial vehicle** means a van or truck that is actually used for business purposes;
- ◆ **community care facility** means the *premises* licensed pursuant to the Community Care Facility Act;
- ◆ **community sewer system** means a system of sewerage works or a sewage disposal system that is owned, operated and maintained by the District of North Saanich, or by an improvement district or regional district;
- ◆ **community water system** means a system of waterworks which is owned, operated and maintained by the District of North Saanich, or by an improvement district or regional district, or water *utility* as defined in the Water Utility Act;
- ◆ **Comprehensive development plan** means:
 - (a) a site plan or plans, including the legal description of the area to be developed, showing the location of all existing and proposed *buildings*, streets, *lanes*, *highways*, driveways, *parking* and *loading areas*, sidewalks, street lighting, utilities and *utility* easements, vegetation cover, *watercourses* and other geographical features of the site;
 - (b) architectural plans, including information on exterior finishes for any proposed *buildings* or *structures*;
 - (c) *landscaping* plans, including plant specifications for all portions of the site not covered by *buildings*, *structures* and circulation spaces;
 - (d) The location, size, *height*, colour, lighting and orientation of all *signs*, if applicable;
 - (e) maximum density, *floor area ration*, *lot coverage*, size and *height* of *buildings*; and
 - (f) a statement of the proposed *uses* of all *land* and *buildings*;
- ◆ **convenience store** means a *retail sales outlet* contained under one roof, having

a *floor area* not exceeding 350 m² (3766 sq ft) and providing for the sale of items regularly used by households, including food, beverage, books and magazines;

- ◆ **corner lot** means a *lot* which abuts two or more *roads* where the interior angle of the intersection is less than 135 degrees;
- ◆ **council** means the *council* of the District of North Saanich;
- ◆ **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*;
- ◆ **Director of Services** means the *Director of Services* or his/her designate of the District of North Saanich as appointed by the *Council*;
- ◆ **dwelling unit** means one self-contained *unit* with a separate entrance designed for year-round occupancy, and the *principal use* of such *dwelling unit* is residential, with complete living facilities for one or more persons, including permanent provision for living, sleeping, cooking and sanitation;
- ◆ **exterior lot line** means the *lot* line or lines common to the *parcel* and an abutting *highway*, other than the *front lot line*;
- ◆ **family** means one or more persons living together communally a single household and domestic *unit*, and in the case of persons unrelated by blood, marriage or adoption shall not exceed four in number, provided that in the case of two or more persons related by blood, marriage or adoption living together as aforesaid, the number of unrelated persons living together communally as a single household and domestic *unit* with them shall be limited to two.
- ◆ **farm building** means a *building* used for a *farming use*;

BL 1182

- ◆ **Farmers' Market** means a food establishment operated in a fixed location on a temporary basis in connection with a farmers market or other event of a similar nature
- ◆ **Farming** means the growing, rearing, producing and harvesting of agricultural products; includes the processing on an individual farm of the primary agricultural produce, harvested, reared or produced on that farm and the storage of farm machinery, implements and agricultural supplies, and repairs to farm machinery and implements used on that farm, and the keeping of dogs, horses, cattle, sheep, pigs, poultry, pigeons, doves, bees, rabbits or other livestock; and excludes all manufacturing, processing, storage and repairs not specifically included in this definition;

BL 824

- ◆ **fence** means a *structure* that is used to form a boundary to enclose or screen an area, but does not include a *retaining wall*; a *fence* under 2 metres (6.56 ft) in *height* is not considered to be a *structure*;

BL 824, BL 960

- ◆ **Finished grade** means for the purpose of determining the maximum *height* of a *building* or *structure*, the average elevation of *natural grade*, calculated from the four corners of the smallest rectangle that will encompass the building or structure;

BL 1181

- ◆ **Firehall** means lands and buildings used for the storage, parking, maintenance and operation of vehicles and equipment actively used for fire protection activities (as defined in District of North Saanich Bylaw No. 877 North Saanich Fire Department) and includes only the following accessory uses:
 - (a) accommodation of fire protection professionals and volunteers and parking of their personal vehicles;
 - (b) education and training of fire protection professionals and volunteers;
 - (c) administrative functions, and
 - (d) non-commercial social hall (with liquor use) only on the property legally described as Lot 1, Section 19, Range 2 West, North Saanich District, Plan 22148 (986 Wain Road).
- ◆ **Float** means a floating *structure* which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor;
- ◆ **floor area or gross floor area** means the total of the gross horizontal area of each floor of a *building* as measured from the outermost perimeter of the *building*, excluding:
 - BL800, BL824** (a) the first 65 square metres (700 square feet) of any portion of a floor used for parking purposes in principal buildings only; and
 - BL989** (b) open sun decks, exterior stairs and uncovered swimming pools.
- ◆ **floor area ratio** means the figure obtained when the *floor area* of all *buildings* on a *parcel* is divided by the area of the *parcel*;

BL960

- ◆ **front lot line** means the *lot line* that divides the lot from the street, provided that, in the case of a corner lot in a residential *zone*, the shorter *lot line* that abuts a street shall be deemed to be the *front lot line*. In the case of a corner *lot* in a commercial or industrial *zone*, the *front lone line* shall be established by the location of the major access point to the building;
- ◆ **frontage** means that length of a *parcel* boundary which abuts a *road* at the *front lot line*;
- ◆ **golf course** means an area of *land* laid out for the game of golf with a series of 9 or 18 holes, including tee, fairway and putting green; and may include ancillary facilities such as a *clubhouse*, curing rink, racquet sports and fitness centres;

- ◆ **groin** means a barrier that projects directly seaward from the shore for the primary purpose of trapping a portion of the littoral drift to add to an existing beach that would otherwise be eroded;
- ◆ **gross leasable floor area** means the total area of all floors designated for tenant occupancy;
- ◆ **guest/caretaker's cottage** shall mean a self-contained *dwelling unit* accessory to a principal *dwelling unit* situated on the same *parcel* and used only for the purpose of:
 - (a) providing accommodation for visiting guests of the owner, and for which no rent is charged, or;
 - (b) providing accommodation for individuals employed by the owner for the sole purpose of maintaining the property in the presence of absence of the owner;
- ◆ **Ha** means the metric measurement area of a hectare;
- ◆ **Heat pump** means a device used for transferring heat from the air outside of a *building* into the *building* by means of a compressible refrigerant, and for the purpose of this by-law includes a *heat pump* for an air conditioning *unit* or a swimming pool;

BL 960

- ◆ **height** means the vertical distance of a structure measured from finished grade to the highest point of a structure of a flat roof; to the deck line of a mansard roof; and to the weighted mean level between the eaves and ridges of all gable hip, gambrel or other sloping roofs. In the case of a structure without a roof, height will be measured to the highest point of the structure. Where a structure incorporates a roof exceeding a pitch of 12:12 (45 degree slope), height shall be measured to the highest point of the structure. The measurement of height shall exclude the projection of chimneys, vents, stacks, heating, ventilation, air conditioning equipment, stairwells and elevator lifting devices which protrude above the surrounding roof line;

BL 980

- ◆ **high technology manufacturing** means a use providing for the production or assembly of computer software, computer hardware, electrical, electronic communications, telecommunications, fibre optic or pharmaceutical, biotechnological medical or scientific equipment, and similar products and includes copying, packaging, storing and;
- ◆ **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 an occupation or profession carried on by an occupant of the *dwelling unit* for consideration which is clearly incidental and accessory to the *use* of the *parcel* for residential purposes, and shall be subject to the provisions of Section 208;

- ◆ **horticulture** means the *use of land* for growing grass, flowers, ornamental shrubs and trees;
- ◆ **industrial use** means a *use* providing for the manufacturing, processing, assembling, fabricating, storing, transporting, distributing, testing, servicing or repairing of goods, materials or things, with or without an ancillary *office* to administer the *industrial use* on the site;
- ◆ **In-law suite** means a second *dwelling unit* within a *single family dwelling*;
- ◆ **Interior lot line** means the *lot line or lines common to the parcel and another parcel or common to the parcel and a lane*;
- ◆ **jetty** means a rigid horizontal *structure* raised above water level and supported by a solid base of rock or concrete;
- ◆ **land** means real property without improvements, has the same meaning as in the Assessment Act, and includes the surface of water;

BL960

- ◆ **landscaping** means any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch, boulders, gravel, paving, planters, sculptures and *fences*, arranged and maintained so as to enhance and embellish the appearance of a property, or where necessary, to effectively screen a *lot*, site or storage yard, but does not include *parking areas*;
- ◆ **lane** means a *highway* more than 3 metres (9.84 ft) but not greater than 8 metres (26.24 ft) in width, intended to provide secondary access to *parcels* of *land*;
- ◆ **light industry** means the wholesale, warehousing, assembling, testing, service, repair or maintenance of an article, substance, material, fabric or compound, undertaken entirely within a *building*, including the storage of such articles, substances, material, fabrics or compounds;
- ◆ **loading space** means a space for the loading or unloading of a vehicle, either outside or inside a *building* or *structure*, but specifically excludes maneuvering aisles and other areas providing access to the space;
- ◆ **lot** means the same as *parcel*;
- ◆ **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 size** means the same as *site area*;
- ◆ **lot width** means the mean distance between *side lot lines*, excluding access strips of *panhandle lots*;
- ◆ **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;

BL 824

- ◆ **marina class “A”** means any site or installation including the surface of water, operated under public or private ownership, which provides moorage for watercraft, and such watercraft may not be used as living quarters at the marina except for a manager or watchperson, and may include a lounge, dining room or coffee shop, a chandlery, bait and tackle shop, an area for boat and engine repairs, boat shelters, a marine fuelling station, administrative facilities and *park* and passive recreational areas, as well as boat launching;
- ◆ **marina class “B”** means any site or installation including the surface of water, operated under public or private ownership, which provides moorage for watercraft, and such watercraft may be used as living quarters at the marina, and may include a lounge dining room or coffee shop, a chandlery, bait and tackle shop, an area for boat and engine repairs, boat shelters, a marine fuelling station, administrative facilities and *park* and passive recreational areas as well as boat dry storage and boat launching;

BL 824

- ◆ **marina class “C”** means any site or installation including the surface of water, operated under public or private ownership, which provides moorage for watercraft, and such watercraft may not be used as living quarters at the marina except for a manager or watchperson, and may include a chandlery, bait and tackle shop, an area for boat and engine repairs, a marine fuelling station, administrative facilities, and *park* and passive recreational areas as well as boat launching, but excludes boat shelters;
- ◆ **marina sales** means the *use of land, buildings or structures* for the sale and rental of boats and accessory marine equipment;
- ◆ **marine fuel supply station** means a *structure* used primarily for the sale of fuel directly to boaters;
- ◆ **marine pub** means an establishment licensed under the Liquor Control and Licensing Act that may provide facilities for the consumption of food and beverages and support services for the boating public.
- ◆ **marine recreation** means marine activities such as fishing, swimming, boating and water skiing that are not carried on for commercial purposes;
- ◆ **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 by law for the *development* of one permitted *use*;
- ◆ **mini storage** means a *building* divided into a number of separate components, each providing storage space that is completely enclosed by walls and covered by a roof;
- ◆ **motel** means a *building* or group of *buildings* containing detached or interconnected *units* used as individual sleeping or housekeeping *units*, designed for the temporary *use* of tourists or travelers, with each *unit* having its own *parking space* conveniently located on the *lot*;
- ◆ **municipality** means the District of North Saanich;
- ◆ **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;
- ◆ **new** means subsequent to the adoption of this by-law;
- ◆ **off-street parking** means the *use of land* for the parking of vehicles other than on a *highway* including the *parking spaces* and the maneuvering aisle;
- ◆ **office** means the occupancy of *use* of a *building* for the purpose of carrying out business or professional activities, but specifically excludes retail trade and personal service *use*;
- ◆ **open area recreation facility** means the *use of land* for recreation activities that are carried on entirely outdoors and specifically excludes the construction of a *building*;
- ◆ **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*;
- ◆ **parcel depth** means the distance between the *front lot line* and the most distant part of the *rear lot line* of a *parcel*;
- ◆ **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 vehicle either outside or inside a *building* or *structure*, but excludes maneuvering aisles and other areas providing access to the space;
- ◆ **parking use** means providing *parking spaces* for the temporary parking of vehicles where such *use* is the *principal use* of the *parcel* or *building*;
- ◆ **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 services** means a *use* whereby professional or *personal services* are provided 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 and launderette;
- ◆ **pier** means any rigid horizontal *structure* raised above the water level at the foreshore and supported on legs or pilings;
- ◆ **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*;
- ◆ **private 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 material, 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;
- ◆ **produce sales** means the retail sales of agricultural products as an *accessory use* to the principal agricultural *use*;

BL1118

- ◆ **professional office** means the business premises of an individual, partnership or corporation employing no more than four persons where professional services are provided by persons qualified to practice a licensed profession and includes doctors, lawyers, accountants, veterinarians, engineers, architects and other similar professions but does not include hairdressers and beauticians or persons who provide similar services.
- ◆ **property line** means *lot line*;
- ◆ **public administration** means a *use* involving the management of public resources by a group of elected or appointed officials;
- ◆ **ramp** means a semi-rigid *structure* which connects a *pier* to a *float*;

BL960

- ◆ **Rear lot line** means the lot line opposite the *front line*;
- ◆ **recreation facility** means a facility used and equipped for the conduct of sports and leisure activities and includes bowling alley, games court, curling and roller rink, health club, spa, swimming pool, but specifically excludes amusement arcade, fairground and pool hall.

BL 980

- ◆ **research facility** means *a building* where the investigation, research and development in the natural, physical and social sciences is undertaken;
- ◆ **residential use** means the accommodation and home life of a person or persons in common occupancy, and shall only be conducted within a *dwelling unit*;
- ◆ **restaurant** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, but excludes facilities for the consumption of food in motor vehicles parked on the site and drive-through take out facilities, and in establishments that have a neighbourhood pub liquor license;
- ◆ **retail sales outlet** means the business of selling goods or merchandise to the ultimate consumer for personal consumption or household *use*, and not for resale purposes;

BL 824

- ◆ **retaining wall** means a wall erected to hold back or support a bank of earth;
- ◆ **Road** means the portion of a *highway* that is improved, designed, and ordinarily used for vehicular traffic;
- ◆ **school** includes privately funded, parochial or public *schools*;

- ◆ **screening** means a continuous fencing, wall, compact hedge or combination thereof, supplemented with landscape plantings that effectively provides a visual separation or enclosure for the site, and is broken only by limited access;
- ◆ **service station** means the *use of land and structures* for gasoline pumping stations and may have *premises* under one roof for;
 - (a) a sales outlet, having a *gross floor area* not exceeding 60 *m*² (645.6 sq ft) providing for the retail sales of items regularly used by households including food, beverages, books, magazines, and household accessories;
 - (b) the retail sales of motor vehicle accessories;
 - (c) the minor servicing and cleaning of motor vehicles;

And specifically excludes vehicle sales, body work, painting and major repairs;

- ◆ **setback** means the minimum horizontal distance measured from the respective *lot line or natural boundary* to any *building or structure* or part thereof, as in *building setbacks*;
- ◆ **side lot line** means an interior or *exterior lot line*;
- ◆ **sign** means a letter, numeral, picture or attention drawing device displayed out of doors in such manner as to be visible from a *highway*;
- ◆ **single family dwelling** means a detached residential *building* consisting of one *dwelling unit* with one food preparation area, which is occupied or intended to be occupied as a residence for one *family*. It may utilize two bedrooms for either bed and breakfast accommodation for a maximum of four persons, or accommodation for a maximum of two boarders, lodgers, or roomers;
- ◆ **site area** means that contiguous portion of a single *lot* that is required by this by-law for the development of one permitted principal *land use*;
- ◆ **staff accommodation** means a *single family dwelling* for the accommodation of a farm worker in the course of employ on a farm;
- ◆ **strata lot** means a *strata lot* as defined by the Condominium Act.
- ◆ **structure** means anything that is constructed or erected on *land* or water, and includes a wharf, *float*, buoy, swimming pool, seawall of any *height*, camping space and major improvements accessory to the *principal use of land*, but specifically excludes *landscaping*, paving improvements, *retaining walls* and *signs* under 1 metre (3.28 ft) in *height* and *fences* under 2 metres (6.56 ft) in *height*;
- ◆ **subdivision** means the division of *land* into 2 or more *parcels*, whether by plan, apt description, words, or otherwise;

- ◆ **townhouse** means the *residential use* of a *building* or *buildings* which contain three or more *dwelling units*, with each *dwelling unit* having its principal access from a separate ground oriented entrance;

BL 1076

- ◆ **townhouse apartment** means the residential use of a building which contains three or more dwelling units with each dwelling unit having its principal access from an entrance or hallway common to other dwelling units and specifically excludes a building used for a motel;
- ◆ **unit** means a numerical expression used to describe a particular function;
- ◆ **use** means the same as permitted *use*;
- ◆ **usable open space** means a compact, level, unobstructed area or areas available for *use* by all of a *building's* occupants, having no dimension less than 6.1 metres (20 ft) and no slope greater than 10 percent, providing for greenery, recreational space, and other leisure activities normally carried on outdoors; excludes areas used for *off-street parking*, off-street loading, service driveways and required front *yards*, and roof areas unless otherwise permitted in this by-law
- ◆ **utility** means the provision and maintenance of water, sewer, electrical, telephone, cable and other similar public services;
- ◆ **watercourse** means any natural or man-made depression with well defined banks and a bed of 0.6 metres (1.97 ft) or more below the surrounding *land* serving to give direction to or containing a current of water at least 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;

BL1024

- ◆ **wholesale use** means the use of a floor area, or part thereof, of a building for the purpose of selling or offering for sale to retailers, businesses, institutions or government agencies, merchandise for their own use or for resale to an end user, and such activity is to be undertaken entirely within a building.
- ◆ **year** means that portion of a *parcel* that may not be built upon as defined by the minimum *setback* requirements;
- ◆ **youth centre** means a *building* or facility that is used for the delivery of recreational, social and cultural programs primarily for young children and teenagers operated by a government agency or a non profit organization;
- ◆ **zone** mans a *zone* established by the current Zoning By-law of the District of north Saanich and amendments thereto.

For the purpose of this by-law the area incorporated into the District of North Saanich is hereby divided into zoning districts as shown upon the plan entitled “Zoning Map of the District of North Saanich” which, with all explanatory matter on it, accompanies and forms part of this by-law as Schedule “A”.

The zoning districts, as shown on the Zoning Map, are as follows:

Section	Zoning District Name	Short Form
	Single <i>Family</i> Residential 1	R-1
	Single <i>Family</i> Residential 2	R-2
	Single <i>Family</i> Residential 3	R-3
	Multiple <i>Family</i> Residential 1	RM-1
	Multiple <i>Family</i> Residential 2	RM-2
	Local Commercial	C-1
	<i>Restaurant</i> Commercial	C-2
	<i>Motel</i> Commercial	C-3
	<i>Golf Course</i> Commercial	C-4
	Light Industrial	CS-1
	Commercial Wharf	M-1
	Commercial Marina 1	M-2
	Commercial Waterfront	M-3
	Commercial Marina 2	M-4
	Non-Commercial Marine 1	M-5
	Non-Commercial Marine 2	M-6
	<i>Marine Pub</i>	M-7
	Institutional	P-1
	Public Assembly	P-2
	Education and <i>Research Facility</i>	P-3
	<i>Park</i>	P-4
	Private Common Area/Open Space	P-5
	Exhibition	P-6
BL 980	324.A Light Industrial/Education and Research Facility	P-7
BL 1024	324.B Public Assembly Mixed Use	P-8
	Rural 1	A-1
	Rural 2	A-2
	Rural 3	A-3
	Rural 4	A-4
	Rural 5	A-5
	Airport	AP-1
	Comprehensive <i>Development</i>	CD
BL 1055	332 Comprehensive <i>Development 1</i>	CD-1
BL 1066	333 Comprehensive <i>Development 2</i>	CD-2
BL1087	334 Rural 6	A-6
BL1105	335 Multiple Family Residential 3	RM-3
BL1118	336 Professional Office	C-5

The requirements of each Zoning District Schedule as set out in Division 300 of this by-law shall be applied to areas designated on the Zoning Map with the corresponding alpha-numeric symbol.

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 required *parking and loading spaces* is equal to or greater than;that specified for the *zone* in which it is located in accordance with the Zoning Map, unless otherwise specified in this by-law.
- (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 is located in accordance with the Zoning Map, unless otherwise specified in this by-law.
- (4) No *parcel* shall be created by *subdivision* unless such *parcel* is equal to or greater than the *minimum lot size* specified for the *zone* in which it is located in accordance with the Zoning Map, unless otherwise specified in this by-law.

202

• **AGRICULTURAL LAND RESERVE**

- (1) Notwithstanding anything contained in this by-law, *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; and
 - (b) regulations made pursuant to the Agricultural Land Commission Act;
 - (c) relevant orders of the Provincial Agricultural Land Commission made pursuant to the Agricultural Land Commission Act;
- (2) Where *land* outside an “*Agricultural Land Reserve*” is located within the A-1, A-2, A-3 or A-4 *zones*, this by-law shall be binding without qualification.
- (3) 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 by-law shall be binding.

203
BL960

• **PROHIBITED USES OF LAND, BUILDINGS AND STRUCTURES AND WATER**

- (1) The following *uses* shall be prohibited in all *zones*, except as permitted in this or any other by-law:
 - (a) A tent trailer or *manufactured home* used for habitation.
 - (b) An *advertising use* or an accessory *advertising use*.
 - (c) More than one *dwelling unit* in a *single family dwelling*.

(d) The storing on any *lot* within a *zone* for a total of 72 or more consecutive hours of:

(i) more than one unlicensed vehicle which is not in a garage or carport;

(ii) detached parts of a vehicle unless within a *building*;

and the restrictions in 203(1) (d) (i) and (ii) shall not apply to agricultural implements stored in the Rural (A) *zones*.

(e) The storing of unlicensed vehicles or detached parts thereof on a vacant *lot*.

BL 824

(f) The reference to detached parts of vehicles in subsections (d) and (e) above specifically excludes truck campers and canopies.

(g) Any *use* not permitted elsewhere in this by-law.

204 • UTILITY INSTALLATIONS

(1) Installations for the *use* of a *utility* including freestanding lighting poles, warning devices, antennas, masts, *utility* poles, wires, flagpoles, *sign* and *sign structures* may be sited on any portion of a *lot*.

(2) Notwithstanding Section 319.1, a *Utility use* shall be permitted in any *zone* provided that:

(a) the *Utility use* is a *structure*, or

(b) The *Utility use* is a *building* with a *floor area* that does not exceed 5 m² (53.8 sq ft).

(3) A *Utility use* shall comply with all the *height* and *setback* regulations of the *zone* in which it is located.

205 • EXCEPTIONS TO HEIGHT REQUIREMENTS

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

206 • PUMPS AND STORAGE TANKS FOR INFLAMMABLE LIQUIDS & GASES

The following regulations, requirements and prohibitions shall apply to the *use of land* the zoning of which permits the construction above ground of facilities not located within a *building* for the storage of petroleum products and other inflammable liquids or gases:

- (a) The facilities shall not be installed within the front *yard*.
- (b) The facilities shall be installed not less than 6 *m* (19.68 ft) from any *lot* line.
- (c) The installation of all storage tanks and pumps for inflammable liquids and gases shall meet the requirements of the Fire Services Act, Gas Safety Act, and regulations made thereto.

207 • SIZE, SHAPE AND SITING OF BUILDINGS & STRUCTURES

- (1) No more than one *principal building* may be sited on one *lot*, except as otherwise specified in this by-law.
- (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 by-law.
- (3) The *interior lot line setbacks* of this by-law shall not apply to *strata lots* under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more *units* within a *building*.

208 • HOME OCCUPATION USE

In any *zone* in which a *Home Occupation 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 20% of the *floor area* of the *principal building*, up to a maximum of 46 *m*² (494.96 sq ft).
- (5) The *use* within one or more accessory *buildings* shall occupy a total of not more than 46 *m*² (494.96 sq ft).
- BL 824** (6) In no case shall the total *floor area* utilized for a *home occupation use* exceed 46 *m*² (494.96 sq ft) on any *parcel*.
- (7) The total display area of any outdoor advertising *sign* shall not exceed 0.2 *m*² (2.15 sq ft) and complies with the requirements of the Municipal *Sign* By-law.
- (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 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 *use* shall provide parking in accordance with Division 400.
- (11) No automobile, boat, or other machinery servicing repair is permitted as a *home occupation use*.

209 • **GUEST/CARETAKER'S COTTAGE**

In any *zone* in which a *guest/caretaker's cottage* is permitted, the following conditions shall be satisfied:

- (1) No person shall keep boarders or lodgers in a *guest/caretaker's cottage* unless the boarder or lodger is employed by the owner in the sole capacity of caretaker of the property on which the cottage is situated.
- (2) No *guest/caretaker's cottage* shall be permitted unless a principal dwelling has already been constructed on the property.
- (3) Not more than one *guest/caretaker's cottage* shall be permitted on a *parcel*.
- (4) The construction, *use* and occupation of a *guest/caretaker's cottage* shall be subject to all of the provisions of this by-law and of all health, fire and *building* by-laws and other regulations in force in the *municipality*.
- (5) No *guest/caretaker's cottage* shall have a *gross floor* area of less than 79 *m*² (850.04 sq ft) nor more than 92 *m*² (989.92 sq ft).
- (6) The *guest/caretaker's cottage* shall be situated on the *parcel* such that it could comply with current *subdivision* requirements in order to accommodate the *parcel* being subdivided at a future date. The Building Inspector may require the owner to supply a survey indicating that the proposed *building* would meet this requirement.
- (7) No *guest/caretaker's cottage* shall be permitted on a *parcel* that is less than 0.5 *ha* (1.24 ac).

210 • **CARETAKER'S UNIT**

In any *zone* in which a *Caretaker's Unit* is permitted, the following conditions shall be satisfied:

- (1) The *Caretaker's Unit* shall be on the same *parcel* as the *principal building* or *structure*.
- (2) The *Caretaker's Unit* shall not exceed 75 *m*² (807 sq. ft) in floor area.
- (3) A maximum of 1 *Caretaker's Unit* per *principal building* or *structure* shall be permitted.

- 211 • **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*, or;
- (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*.
- 212 • **IN-LAW SUITE**
- No In-Law Suite shall be permitted within any principal or accessory *building*.
- 213 • **SETBACKS FROM SHORELINE**
- (1) Notwithstanding the *setback* requirements specified in each of the *zones*,
- (a) no *building* shall be located within 15 *metres* (49.2 ft) of the *natural boundary* of the marine shoreline.
- (2) This regulation shall not apply to *buildings* in the M *zones*.
- 214 • **SATELLITE DISH ANTENNAE**
- (1) No satellite dish antenna shall be installed on the roof of a principal or *accessory building* or *structure* in the R, RM, CD and A *zones*.
- (2) A satellite dish antenna installed on the ground shall be subject to the siting and *height* regulations for *accessory building* or *structures* for the *zone* in which it is located.
- 215 • **UNLICENSED VEHICLES AND COMMERCIAL VEHICLES**
- (1) Only one *commercial vehicle* may be either parked or stored on a *parcel* that is zoned Residential 1 (R-1), Residential 2 (R-2), or Residential 3 (R-3). In no case shall the gross vehicle weight of the *commercial vehicle* exceed 4200 kg (9259 lbs).

- (2) An unlicensed vehicle stored on a *parcel* shall be located on a driveway within the front *yard*, rear *yard*, or side *yard* behind the front *setback* line.

216 • **UNDERSIZED PARCELS**

Parcels of land that are shown on a plan deposited in the Land Title Office prior to the adoption of this by-law, 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 all the regulations for that *zone*.

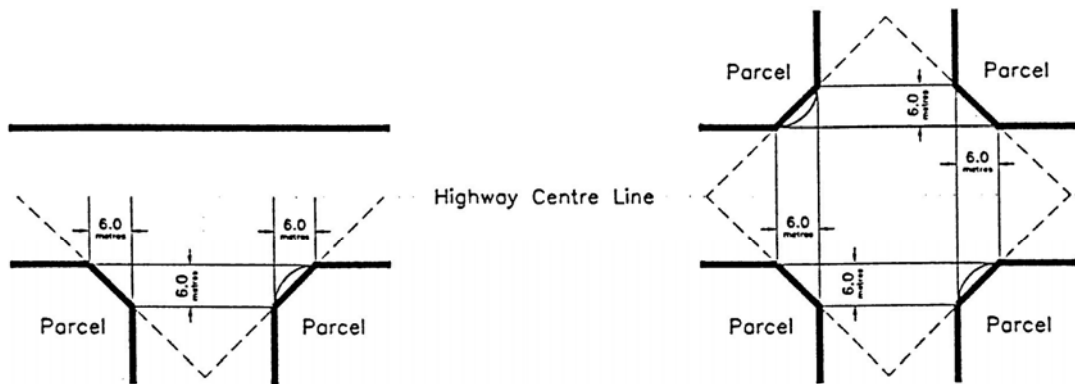
217 • **HEAT PUMPS**

BL 824

Where a *heat pump* is located on a property which abuts a property with a *residential use*, the *heat pumps* shall be located not less than 7.6 metres (25 ft) from a front or *rear lot line*, and not less than 6 metres (19.68 ft) from a *side lot line*.

218 • **SETBACKS – SIGHT TRIANGLE**

On a corner *parcel* in any *zone* there shall be no obstruction to the line of vision above the *height* of 0.5 m (1.64 ft) of the established *grade* of a *highway* within the sight triangle, being a triangular area formed by extending a 6.0 m (19.68 ft) 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:



219 • **BREEDING AND BOARDING FACILITIES**

Subject to the Animal Control By-law, breeding and boarding facilities for dogs and cats are permitted as an *accessory use* in the following *zones*:

R-2, R-3, A-1, A-2, A-3, A-4 and A-5

220 • **PROJECTIONS INTO REQUIRED *SETBACKS***

BL 915 The following features are permitted in *setback* areas:

- (a) Eaves, cornices, sills, belt courses and other similar decorative and ornamental features provided such projects do not project more than 0.65 metres (2.13 ft) measured horizontally. For lots less than 20 metres (65.6 ft) in *lot width*, the aforementioned projections are limited to 0.50 metres (1.64 ft).

BL 1182

221 • **TEMPORARY USE PERMITS**

- (a) In accordance with section 921 of the *Local Government Act*, Farmers' Markets are permitted as a temporary use in any Commercial or Rural Zone providing that a temporary use permit is issued by Council.
- (b) Farmers' Markets are not permitted in private parking lots and school grounds.
- (c) Permanent signs advertising Farmers' Markets are prohibited.
- (d) All Farmers' Markets require Health Authority approval.
- (e) All sellers must currently have and display at the market all appropriate permits, and comply with all applicable regulations.