

DIVISION 600

GENERAL REGULATIONS

601 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 or greater;
 - (b) setbacks are equal or greater;
 - (c) lot coverage is equal or less;
 - (d) height is equal or less;
 - (e) floor area ratio is equal or less;
 - (f) total number of units, buildings or structures is equal or less;
 - (g) total number of required parking and loading spaces is equal or greater; and
 - (h) screening and landscaping requirements are provided;than that specified for the zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.
- .3 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 Bylaw.

602 USES PERMITTED IN ALL ZONES

- .1 Notwithstanding Section 601.1, the following uses may be located in any zone:
 - (a) City parks including playgrounds and recreational facilities;
 - (b) City buildings, provided they comply with the siting, size and height limitations prescribed for the zone in which they are located;
 - (c) Public utility uses, provided that any buildings comply with the siting, size and height limitations prescribed for the zone in which they are located;
 - (d) Civic Uses; (AMENDMENT BYLAW NO. 2000.32)
 - (e) Urban food garden (AMENDMENT BYLAW NO. 2000.73).

603 AGRICULTURAL LAND RESERVE

- .1 Notwithstanding anything contained in this Bylaw, land within the municipality designated as "Agricultural Land Reserve", pursuant to the *Agricultural Land Commission Act*, shall be subject to:
- (a) the *Agricultural Land Commission Act*; and
 - (b) regulations made pursuant to the *Agricultural Land Commission Act*;
 - (c) relevant orders of the Provincial Land Commission made pursuant to the *Agricultural Land Commission Act*.
- .2 Where land outside an "Agricultural Land Reserve" is located within the A-1 zone, this Bylaw 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 Land Commission:
- (a) excluded from an Agricultural Land Reserve; or
 - (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 Land Commission;
- the provisions of this Bylaw shall be binding.

604 PROHIBITED USES OF LAND, BUILDINGS AND STRUCTURES

Without limiting the generality of any other provisions of this or any other Bylaw, the following uses shall be prohibited:

- (a) a residential use including a secondary suite involving a habitable room located in a cellar, except a recreation room or den, which is permitted;
- (b) a use located in part or in total in a tent, trailer, recreational vehicle or food concession vehicle except where such use is explicitly permitted within a zone or where permitted as a parking use or accessory parking used for the purpose of parking only (AMENDMENT BYLAW NO. 2000.99);
- (c) an advertising use, except as specifically permitted in this Bylaw;
- (d) an agricultural use involving mushroom growing, or the keeping of swine, or fur bearing animals;
- (e) any use which is exclusively accessible from a lane;
- (f) the storing on any lot within a zone for a total of 72 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;

- (iii) the restrictions in 604 (f) (i) and (ii) shall not apply to agricultural improvements;
- (g) the storing of unlicensed vehicles or detached parts thereof on a vacant lot;
- (h) the use or storage of shipping containers, moving containers or emergency supplies containers, unless expressly permitted within a permitted land use of a zone or as permitted in Section 620 (AMENDMENT BYLAW NO. 2000.84);
- (i) the storage of fireworks and/or explosives in all zones containing residential uses, excepting "accessory residential" in the I-1 Zone (AMENDMENT BYLAW NO. 2000.66);
- (j) commercial communications antennas are prohibited within 50 metres of any property containing a residential use, excluding commercial communications antennas located within the Downtown Commercial C-3, Highway Commercial CS-1, Service Commercial CS-3, Service Station Commercial CS-4, Industrial I-1 and Public Institutional-1 zones (AMENDMENT BYLAW NO. 2000.80);
- (k) the growing, harvesting, packaging, production or research of marihuana, unless expressly permitted within a permitted land use of a zone (AMENDMENT BYLAW NO. 2000.96);

605 EXCEPTIONS TO SETBACK REQUIREMENTS (AMENDMENT BYLAW NO. 2000.100)

- (a) Eaves and gutters may project not more than 0.6 metres into the minimum setback requirement as required elsewhere in this Bylaw;
- (b) Fences and retaining walls in compliance with fence heights specified within Section 501 of this bylaw, or a specific fence height provision within a zone, are exempt from lot line setbacks;
- (c) Signs under 1.0 metre in height, or signs authorized by a sign permit under "*Sign Bylaw, 2014, No. 1511*" and any amendments or successors thereto, or signs authorized by development permit under "*Plan Parksville: A Vision for Our Future, Official Community Plan Bylaw, 2013, No. 1492*" and any amendments or successors thereto are exempt from front lot line or exterior lot line setback.

606 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 Bylaw, provided that such structures occupy no more than 5% of the lot or, if situated on a building, not more than 5% of the roof area of the principal building.

607 PUMPS AND STORAGE TANKS FOR INFLAMMABLE LIQUIDS AND 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 from any lot line;
- (c) The installation of all storage tanks, pumps for inflammable liquids and gases shall meet the requirements of the *Fire Services Act* and regulations made thereto.

608 SIZE, SHAPE AND SITING OF BUILDINGS AND STRUCTURES

- .1 No more than one principal building may be sited on one lot, except as otherwise specified in this Bylaw.
- .2 No building or structure shall be constructed, reconstructed, altered, or extended so as to cause any existing building or structure on the same lot to violate the provisions of this Bylaw.
- .3 The interior lot line setbacks of this Bylaw shall not apply to 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.

609 ACCESSORY BUILDINGS AND STRUCTURES

Buildings and structures accessory to the permitted use of a parcel are permitted in each zone, unless otherwise specified, provided that:

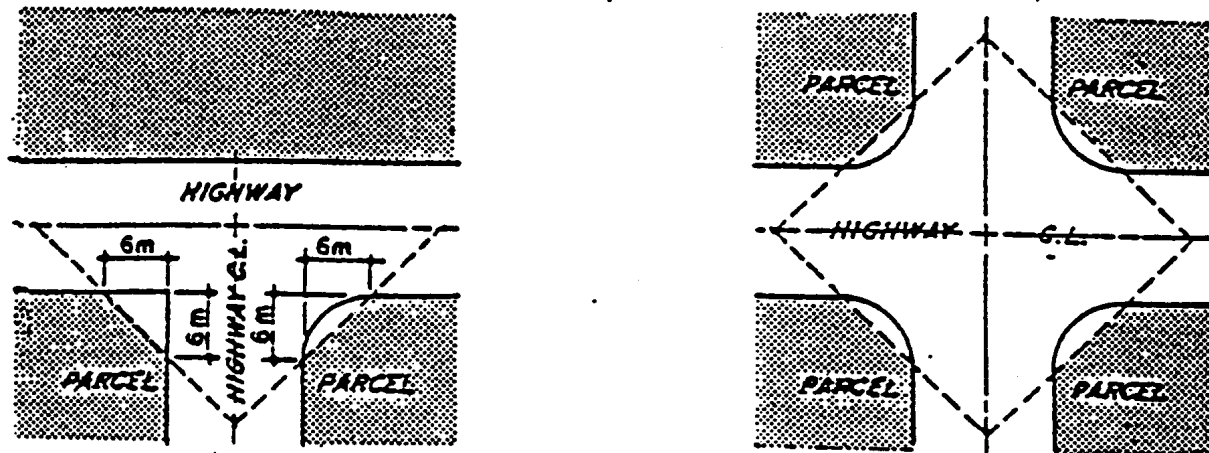
- (a) the principal use is being performed on the parcel; or,
- (b) a building for the purpose of the principal use has been constructed on the parcel; or,
- (c) a building for the purpose of the principal use is in the process of being constructed on the parcel.

610 SATELLITE DISH ANTENNAE

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

611 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 of the established grade of a highway within the sight triangle, being a triangular area formed by extending a 6.0 m boundary along the parcel lines from the point of the exterior corner intersection of the parcel lines and a line connecting these two points as illustrated below:



612 BED AND BREAKFAST ACCOMMODATION

Notwithstanding the requirements of this Bylaw, bed and breakfast accommodation shall be permitted within a permitted residential use, provided that the following conditions can be satisfied:

- (a) that it shall be limited to a maximum of 2 rooms within the residential dwelling;
- (b) that it shall be approved by the Public Health Inspector;
- (c) that it shall be operated by the owner/occupant of the dwelling;
- (d) that one additional off-street parking space shall be provided for each room to be rented;
- (e) that only breakfast shall be permitted to be served to the guests, and must be served before noon.

613 SECONDARY SUITES

Secondary suites are permitted within single family dwellings in the RS-1, RS-2 and RS-3 zones subject to the following conditions:

- (a) not more than one secondary suite shall be permitted within a dwelling unit;
- (b) the single family dwelling it is contained within must be owner occupied;

- (c) a secondary suite shall be completely contained within the principal building;
- (d) the maximum size of a secondary suite shall not exceed 40% of the gross floor area of the principal building to a maximum allowable area of 90 m² (AMENDMENT BYLAW NO. 2000.68);
- (e) the minimum allowable floorspace of a secondary suite shall be 40 m²;
- (f) a minimum of one off-street parking space shall be provided for a secondary suite use;
- (g) the keeping of boarders, lodgers, or roomers shall not be permitted within a single family dwelling containing a secondary suite;
- (h) a secondary suite shall not create noise, traffic or nuisance to any greater or more frequent extent than that usually experienced in an average single family residential district under normal circumstances wherein no secondary suite exists;
- (i) a secondary suite shall comply with all relevant requirements and standards of the British Columbia Building Code;
- (j) a valid City of Parksville Business License is required in order to register a secondary suite;
- (k) a business license for a secondary suite shall be subject to periodic review to ensure compliance with the provisions of this Bylaw.

614 CAMPGROUND USE

- a) Notwithstanding any other provisions of this bylaw, all campgrounds shall be used only in accordance with the following regulations:
 - (i) No person shall occupy any one campground, and no recreational vehicle shall be located within any one campground, for more than 180 days in each calendar year. Caretaker residences are excluded from this regulation.
 - (ii) Campsites shall be used only by tents and wheeled recreational vehicles licenced for highway use.

615 OUTDOOR STORAGE AREA

No display or storage of materials shall be piled up to a height exceeding 2.5 metres within 5 metres of the said fence or landscaping strip, nor within 90 metres of a residential zone.

616 SETBACKS FROM WATERCOURSE

Notwithstanding the minimum building setbacks specified in each of the zoning districts, no building or structure shall be constructed, moved or extended (AMENDMENT BYLAW NO. 2000.78):

- (a) within 15.0 metres horizontal distance from the natural boundary of the sea or lake; or 7.5 metres horizontal distance from the top of a slope of 30% or more, whichever is greater (AMENDMENT BYLAW NO. 2000.78);
- (b) within 30 metres horizontal distance of the natural boundary of any other natural watercourse or source of water supply. (AMENDMENT BYLAW NO. 2000.78)

617 SWIMMING POOLS

Swimming pools must be provided with fencing or equivalent barrier of not less than 1.5 metres in height, and gate closure and latch shall be provided.

618 SUBDIVISION PARCEL REQUIREMENTS (AMENDMENT BYLAW NO. 2000.9)

Applications for subdivision shall satisfy the following parcel requirements.

.1 GENERAL REQUIREMENTS

- (a) All lots created under any proposed plan of subdivision shall be adequate in area and logical in shape and dimensions for the intended use.
- (b) Triangular or otherwise irregularly shaped lots shall be avoided wherever practicable.
- (c) Panhandle lots or other parcels having a frontage less than 10% of their total perimeter dimensions shall not be permitted.
- (d) Property lines of lots which intersect a highway shall be at right angles or radial to the highway wherever practicable.

.2 MINIMUM LOT SIZE

- (a) For the purposes of subdivision the largest specified Minimum Lot Size is required for the applicable zoning district. (AMENDMENT BYLAW NO. 2000.78)
- (b) The Approving Officer may not exempt any lot from the Minimum Lot Size provisions established in Division 200 of this Bylaw.

.3 MINIMUM LOT DIMENSIONS

- (a) No lot shall be created having dimensions less than the following:
 - i) Width: 18.0 metres*

22.0 metres for corner lots*

- * On curved streets or cul-de-sacs the minimum width shall be measured at a point 7.5 metres back from the front lot line radial from the street centre of curvature
 - ii) Depth: 30.0 metres
 - iii) Frontage: 18.0 metres or 9.0 metres on curved streets or cul de sacs
- (b) The Approving Officer may exempt a lot or lots in a subdivision from the requirements of 618.3 (a) if,
- i) the lot or lots created provide a minimum building envelope of 12.9 metres wide by 19.5 metres deep, taking into consideration the minimum setback requirements for the zone in question, and;
 - ii) in his/her opinion, the exemption serves the public interest.

619 UNDERSIZED LOTS

Parcels of land that are shown on a plan deposited in the Land Registry Office prior to the adoption of this bylaw, which have less than the minimum site area requirements as established in the zone in which that parcel is situated, may be used for any use permitted in that zone, subject to all of the other regulations for that zone.

620 SHIPPING CONTAINERS AND MOVING CONTAINERS (AMENDMENT BYLAW NO. 2000.84)

- .1 One (1) shipping container or moving container may be utilized for temporary storage on a property in any zone only during construction for a 6 month period commencing on the date of building permit issuance.
 - (a) An extension to this time limit may be granted by the Building Inspector where construction remains active under a valid City of Parksville building permit.
- .2 Moving containers may be present on a property within any zone only for the purposes of packing, loading and unloading for a period not to exceed 14 days per calendar year.

621 URBAN FOOD GARDEN (AMENDMENT BYLAW NO. 2000.73)

- .1 Urban food gardens shall be conducted in accordance with the following:
 - (a) Production shall be limited to the growing and harvesting of fruits, vegetables and edible plants, but specifically excludes the growing or harvesting of mushrooms or marihuana (AMENDMENT BYLAW NO. 2000.96);

- (b) The total area which may be under cultivation on any given parcel shall not exceed 20% of the parcel area;
- (c) Fruits or vegetables produced for sale or exchange are not available on the parcel for retail sale to the general public;
- (d) No artificial lighting shall be used;
- (e) No pesticides or herbicides shall be used;
- (f) Production shall not occur within a building except where a principal building exists on a parcel there may be one greenhouse or accessory building with a floor area of less than 10 m² that may be used;
- (g) Composting shall be contained and limited only to organic plant matter generated on the parcel and shall not create odour detectable off the property or generate nuisance;
- (h) Shall not create noise, dust, vibration, odour, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in the zoning district in question under normal circumstances wherein no urban food garden exists;
- (i) Shall not occur within 7.5 metres of the natural boundary of the sea or lake; or within 30 metres of the natural boundary of any other watercourse or source of potable water supply.
- (j) Shall be subject to "Tree Management Bylaw, 2006, No. 1415" and subsequent amendments thereto;