

CONSOLIDATED ONLY

FOR CONVENIENCE

CITY OF PARKSVILLE

ZONING AND DEVELOPMENT BYLAW NO. 2000

A BYLAW TO REGULATE THE ZONING

AND DEVELOPMENT OF REAL PROPERTY

WITHIN THE CITY

Adopted: August 22, 1994
Consolidated to: April 20, 2015

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CITY OF PARKSVILLE ZONING AND DEVELOPMENT BYLAW, 1994, NO. 2000

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CITY OF PARKSVILLE

BYLAW NO. 2000

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

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

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

NOW THEREFORE the Municipal Council of the City of Parksville in open meeting assembled enacts as follows:

DIVISION 100: SCOPE AND DEFINITIONS

101 TITLE

This Bylaw may be cited for all purposes as "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

102 PURPOSE

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

103 APPLICATION

No land, water surface, building or structure shall be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this Bylaw, except as otherwise provided for in this Bylaw or in the *Municipal Act*.

104 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

accessory building means a building or structure the use of which is accessory to the principal permitted land use(s) but specifically excludes shipping containers or moving containers (AMENDMENT BYLAW NO. 2000.84);

accessory carriage house means a dwelling unit which is contained in a building separate from a single family dwelling on the same lot and which is intended as a fixed place of accommodation and home life and excludes any tourist accommodation (AMENDMENT BYLAW NO. 2000.69);

accessory health clinic means a facility which offers medical care, treatment or consultation and may include a "virtual" health clinic (AMENDMENT BYLAW NO. 2000.19);

accessory household hen keeping means a secondary use in accordance with Division 350 of this bylaw that permits the keeping of a maximum of four (4) hens for the purpose of egg harvesting for consumption exclusively by residents of the parcel on which the hens are kept (AMENDMENT BYLAW NO. 2000.85);

accessory recreational means recreational facilities accessory to a campground use, including recreation buildings, playgrounds and trails but excluding hard-surfaced courts (except for one tennis court per campground) and rinks, mini-golf and golf courses;

accessory services means support services such as, but not limited to, cafeterias, copying facilities and book exchanges (AMENDMENT BYLAW NO. 2000.19);

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;

affordable means annual housing costs (rent or mortgage and taxes) which do not exceed 30% of a household's gross annual income (assuming home ownership costs include a down payment of 10%, mortgage principal and interest amortized over 25 years and taxes);

affordable housing means housing which, under the terms of a Housing Agreement with the City, would have a market price that would be affordable to households of low and moderate incomes. Households of low and moderate income are those which have incomes that are 80% or less than the median household income in the City of Parksville as reported by Statistics Canada (AMENDMENT BYLAW NO. 2000.62);

agricultural use means the producing, growing, rearing, or harvesting of agricultural products, including the growing of crops, grazing, fruit and berry production, growing trees and shrubs, housing livestock, poultry, fur bearing animals, bees, animals feeding in holding areas, storage of crops, the processing on an individual farm of the primary agricultural products grown, harvested, reared or produced on the farm, but does not include slaughterhouses, piggeries, mink farms, the growing of mushrooms or marihuana (AMENDMENT BYLAW NO. 2000.96);

amusement arcade or games room means any premises or place open to the public in which the proprietor keeps three or more amusement machines;

amusement machine means any electrical, manual, or other slot machine, pinball machine, video game or other device for the purpose of any game, contest or other form of amusement, operated for the purpose of gain or profit;

animal care means a building or structure used for a veterinary clinic, animal hospital, or facilities for boarding or breeding household animals or pets;

apartment means the residential use of a building which contains three or more dwelling units, with each dwelling unit having its principal access to an interior hallway;

apartment hotel means an apartment where residential units on one floor may be devoted to short term tenancy (AMENDMENT BYLAW NO. 2000.19);

applicant means a person applying for the approval of a subdivision, Board of Variance appeal, rezoning, a permit or a development, whether as the owner of the land or as the authorized agent of the owner;

aquaculture means the cultivation, rearing and harvesting of aquatic organisms on land or in the water, but specifically excludes seafood processing;

archaeological site means land containing material remains of archaeological value;

asphalt batch plant means the use of land, buildings or structures for processing of asphalt, tar, bitumen or other similar substance (AMENDMENT BYLAW NO. 2000.78);

assisted living facility means residential use which offers added support services such as housekeeping, laundry, or meals and supervision, which may be designed for and have rooms devoted to these services (AMENDMENT BYLAW NO. 2000.19);

automobile parking means the non-commercial use of land for the purpose of short-term parking for employees and the clientele of a business;

automobile services means the use of land and structures for the repair, sale and servicing of automobiles, auto parts and recreational vehicles, but specifically excludes service stations (AMENDMENT BYLAW NO. 2000.43);

bank means an establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds;

basement means that portion of a building between two floors, the lower of which is more than 0.3 metres, but less than 1.5 metres below finished grade;

bed and breakfast means the use of a single family dwelling for the accommodation of boarders, subject to the conditions established elsewhere in this Bylaw;

boarding and lodging means the provision of sleeping accommodation in a dwelling unit, with or without meals, for payment of rent;

boat building and repair means the use of land, buildings, structures or equipment for the manufacturing, servicing or repair of boats;

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;

building means any structure and portion thereof, including mechanical devices, that is used or intended to be used for the purpose of supporting or sheltering any use or occupancy;

building inspector means the Building Inspector or Assistant Building Inspector of the City of Parksville;

building setbacks means the closest distance that any exterior portion of a building or structure can be to a designated lot line;

bus depot means a facility for the boarding and disembarking of passengers from inter-city and intra-city buses and may include ancillary commercial facilities, public washrooms, rest area, bus ticket sales area and offices for building supervisory or building maintenance personnel (AMENDMENT BYLAW NO. 2000.84);

business services means businesses which produce or service specialized goods or provide specialized services to commercial or industrial customers, but not to the general public;

campground means the use of land for temporary recreational accommodation of travelling members of the public in tents and recreational vehicles;

camping space means an area within a campground used for one tent or recreational vehicle;

caretaker residence means a dwelling unit occupied only by persons employed as campground caretakers or managers and their families;

car wash means an area or structure equipped with facilities for washing automobiles or recreational vehicles;

carport means a detached accessory building used solely for the parking or temporary storage of private motor vehicles, and in which there are no facilities for repairing or servicing such vehicles;

cellar means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling, below the adjacent finished grade around the entire exterior of the building;

child care program means family day care, group day care, specialized day care, nursery school, child minding and out-of school care, established pursuant to the *Community Care Facility Act* and having a maximum capacity of eight (8) children, and which uses do not indicate from the exterior that the building is being utilized for any purpose other than residential;

city means the City of Parksville;

civic centre means all uses collectively, on the "civic centre site" (AMENDMENT BYLAW NO. 2000.19);

civic use means a use providing for public functions, including government offices, educational facilities and administration, community centres, Courts, hospital and health care facilities, emergency services, libraries, museums, galleries, parks and recreational facilities, public assemblies and including fundraising activities, trade shows and cultural events and City owned parking lots (AMENDMENT BYLAW NO. 2000.32);

cluster housing means a group of housing units built close together on a large property so as to preserve open spaces for common recreation;

coffee shop means premises where light refreshments, meals, and non-alcoholic beverages are served;

commercial communications antenna means a device that emits radio waves for commercial purposes with the intent of communicating or signaling (AMENDMENT BYLAW NO. 2000.78);

commercial entertainment means a use which, in return for consideration, the public is entertained, amused or otherwise diverted, including casino dance hall, cabaret, or movie theatre;

communication and broadcasting and video conferencing facilities includes emergency response operations, studios and facilities equipped for communication and transmissions and worldwide computer network services (AMENDMENT BYLAW NO. 2000.19);

community care facility means the use of a facility providing for the care of persons in premises licensed pursuant to the *Community Care Facility Act* and amendments thereto;

community sewer system means a system of sewerage works or a sewerage disposal system that is owned, operated and maintained by the City of Parksville, or by an improvement district or regional district;

community use means the use of a building for the provision of programs for adults and children, including child care, established by the *Community Care Facility Act*, amendments thereto, and other relevant provincial enactments;

community water system means a system of waterworks which is owned, operated and maintained by the City of Parksville, or by an improvement district or regional district, or water utility as defined in the *Water Utility Act* and amendments thereto;

comprehensive development plan means:

- (a) a site 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, streams 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 ratio, lot coverage, size and height of buildings; and
- (f) a statement of uses;

condominium means a multiple family residential strata title development consisting of individual dwelling units;

congregate care facility means a multiple family residential building which contains two or more independent or semi-independent units that are supplemented by professional medical care and/or lay supervision and care, and congregate facilities such as but not restricted to dining and laundry;

conservation area means a parcel of land and/or its buildings and structures designated for the preservation and protection of its natural qualities and/or heritage so as to encourage the planned management of the area and to prevent its exploitation, destruction or neglect;

convenience store means a retail sales outlet contained under one roof, having a floor area not exceeding 140 m², and providing for the sale of items regularly used by households, including food, beverage, books, magazines and household accessories;

corner parcel means a lot which abuts two or more public roads where the interior angle of the intersection is less than 135 degrees;

council means the Council of the City of Parksville;

cul-de-sac means a highway with only one point of intersection with another highway and which terminates in a vehicle turning area;

double frontage parcel means a parcel which is either bisected by a highway or which has opposite boundaries, both of which have frontage on a highway;

drive-through use means a land use configured to accommodate users remaining in their automobiles (AMENDMENT BYLAW NO. 2000.3);

duplex means a building that contains two dwelling units;

dwelling unit means one self-contained residential unit with a separate entrance intended for year-round occupancy, with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation, and excluding any tourist accommodation (AMENDMENT BYLAW NO. 2000.85);

emergency supplies means supplies necessary for survival during a natural disaster or similar adverse conditions (AMENDMENT BYLAW NO. 2000.54);

emergency supplies container means a shipping container or moving container used expressly for the storage of emergency supplies (AMENDMENT BYLAW NO. 2000.84);

explosives manufacturing means the use of land, buildings and structures for the manufacturing and storage of a product, substance, material or compound used for blasting purposes;

exterior lot line means the lot line or lines, other than the front lot line or rear lot line, common to the parcel and an abutting highway but specifically excludes linear pathway or lane (AMENDMENT BYLAW NO. 2000.99);

extraction use means the extraction of soil;

fairground means the use of land, buildings and structures for entertainment and recreational activity generally undertaken in an outdoor setting, where the users constitute a significant element in the activity, and includes go-cart track, waterslide, mini-golf course, and amusement park;

fast food outlet means an eating establishment providing for the sale of prepared foods and beverages that can be consumed in vehicles, and either taken off the premises for consumption or consumed on the premises;

final approval means the Approving Officer affixing his/her signature to a subdivision plan pursuant to the *Land Title Act* and *Condominium Act* and amendments thereto;

finished grade means the elevation at any point adjoining each exterior wall of a building or structure, or the elevation at any point 6 metres from each exterior wall (excluding localized depressions for vehicular or pedestrian access), whichever is the lower;

fire training structure means a building or structure designed and used only for fire training purposes and may be fabricated from shipping containers, moving containers or components thereof (AMENDMENT BYLAW NO. 2000.84);

floor area ratio means the figure obtained when the gross floor area of all buildings on a parcel is divided by the area of the parcel;

food and beverage sales means an accessory use where food and beverages are sold to the public from a concession contained within a building, a mobile food cart, or a food concession vehicle and is for immediate consumption (AMENDMENT BYLAW NO. 2000.99);

food catering facility means a business which, in return for consideration, serves prepared food to the public for consumption on or off the premises, including a coffee shop, delicatessen, restaurant, drive-through restaurant, mobile food cart or food concession vehicle but specifically excludes a neighborhood pub (AMENDMENT BYLAW NO. 2000.99);

food concession trailer means a food concession vehicle (AMENDMENT BYLAW NO. 2000.99);

food concession vehicle means the temporary use of a travel trailer, truck, van or other vehicle of not more than 10 metres in length for the preparation and sale of food or beverage in compliance with provincial health regulations for immediate consumption (AMENDMENT BYLAW NO. 2000.99);

front lot line means the property boundary line which abuts a highway, and in the case of a corner lot it shall be the shorter of the property lines which abut highways;

frontage means that length of a parcel boundary which abuts a highway along the front property line;

funeral parlour means an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of bodies, and for funerals;

government liquor store means a retail liquor outlet as established under the *Liquor Distribution Act* (AMENDMENT BYLAW 2000.10);

gross floor area means the sum total of the gross horizontal area of each floor of a building as measured to the exterior face of the exterior walls of the building excluding:

- (a) any portion of a floor used for parking purposes, unless such parking is a principle use;
- (b) any portion of a floor used for common laundry purposes, unless such laundry is a principle use;
- (c) any portion of a basement or cellar containing heating, laundry, storage facilities or recreational areas;
- (d) uncovered swimming pools and decks open to the outside;
- (e) any portion of a penthouse containing elevator or ventilating equipment;
- (f) any portion of a floor used for elevator shafts, stair shafts, service ducts or void floor space due to interconnected floors;
- (g) walkways, hallways and stairs open to the outside;
- (h) mechanical equipment rooms (AMENDMENT BYLAW NO. 2000.45);

ha means the metric measurement area of a hectare;

heavy equipment display means the use of land, buildings or structures for the display, sale or rental of mobile homes, industrial vehicles and machinery, and includes outdoor sales and accessory servicing of such equipment;

height of building means the vertical distance from the finished grade to:

- (a) the highest point of any exterior wall on a flat-roofed building; or,
- (b) the deck line of a mansard-roofed building; or,
- (c) the average height level between the eaves and a ridge of a gable, hip or gambrel-roofed building;

hen means a domesticated female chicken that is at least six (6) months old (AMENDMENT BYLAW NO. 2000.85);

high technology use means laboratories, scientific and technical research establishments, engineering testing facilities, electronic computer and communications industries, including software development and manufacturing (AMENDMENT BYLAW 2000.11);

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;

historic site means land, buildings or structures of historic or heritage significance;

home based business means an occupation, profession or handicraft conducted as a secondary use to a residential use in accordance with Division 300 of this Bylaw (AMENDMENT BYLAW NO. 2000.76);

home occupation means a home based business (AMENDMENT BYLAW NO. 2000.76);

home/work means home occupation for telecommuters and others whose employment is hi-tech related, plus hi-tech training, accessory sales of hi-tech services products (AMENDMENT BYLAW NO. 2000.19);

horticulture means the use of land for growing flowers, grass, ornamental shrubs and trees, but specifically excludes marihuana growing, packaging or production (AMENDMENT BYLAW NO. 2000.96);

hospital means a public or private institution where sick and injured people are given medical or surgical care;

hotel means a building or group of buildings providing three or more separate sleeping units with separate entrances to a common hallway. A hotel is intended to be occupied primarily by the travelling public, and may include cooking facilities, indoor and outdoor recreational facilities, restaurants and a pub/lounge, provided that the hotel contains at least 50 rooms and provides dining and meeting room facilities;

household animal means a domesticated animal kept by the members of a household for pleasure and not for sale or profit to a maximum of two animals of any one species and specifically excludes livestock, guinea fowl, poultry, pigeons, geese, ducks, or bees, and no horse, donkey, mule, hinny, goat, sheep, swine or pig shall be considered a household animal;

housing agreement means an agreement between a property owner and the City pursuant to Section 963.2 of the *Municipal Act*;

include or including means pertaining to the items listed as well as other similar items;

indoor recreation space means a building that is located on the site of a multiple family residential development and is typically used by the residents of the development for recreational, cultural, social, and leisure activities;

individual commercial unit means the distinct and separate portion of a building that may be leased or sold to an individual, and typically such buildings are occupied by commercial businesses;

industry 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. Industry includes the operation of truck terminals, docks and railways. It includes wholesale business, provided that the merchandise being sold is distributed from the site, but the classification specifically excludes retail sales. Industry also specifically excludes the research, manufacture, storage and transportation of nuclear weapons or components whose intended use is in such weapons;

interior lot line means the lot line or lines common to the parcel and another parcel or a lane, provided that such lot line is not already designated as a rear lot line;

internal access road means a private internal access allowance within a campground, mobile home park, or medium or high density housing development which is suitable for vehicular use;

internal private road means any internal road, driveway or right of way within a property's limits which is intended to give access to buildings or units on the property, but specifically excludes public highways (AMENDMENT BYLAW NO. 2000.86);

internet cafe means an eating establishment where food is sold to the public for consumption within the premises and includes the provision of computer terminals for entertainment and/or interactive discussion (AMENDMENT BYLAW NO. 2000.19);

lake means a body of water other than the sea having a surface area of at least two hectares for at least six months of the year;

land means real property without improvements, and has the same meaning as in the *Assessment Act*, and includes the surface of water;

landscaping means any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch, decorative boulders and gravel, decorative paving, planters, foundations, sculptures, decorative fences, and the like 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, sidewalks, uncleared undergrowth or weed growth;

lane means a highway more than 3 metres but not greater than 8 metres in width, intended to provide secondary access to parcels of land;

light industry means the use of land, buildings or structures for manufacturing, wholesale trade, warehousing, servicing and maintenance of an article, substance, material, fabric or compound; including tradesman shops, high technology uses and accessory retail sales and offices, but specifically excludes the following: the use of shipping containers or moving containers or components thereof, agriculture, asphalt batch plant, seafood processing, slaughter houses, marihuana growing, packaging or production, motor vehicle salvage or auto wrecking yard or similar recycling involving outdoor operations (AMENDMENT BYLAW 2000.96);

linear pathway means a linear way, established and used for recreation, walking, cycling, hiking or the like (AMENDMENT BYLAW 2000.33);

livestock means animals used for agricultural purposes, and includes any horse, donkey, mule, cow, goat, sheep, pig, or swine;

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;

log storage and sorting yard means land used for the storage, dumping, sorting, booming and trans-shipment of logs;

lot means the same as parcel;

lot coverage means the sum total horizontal areas of all buildings and structures, or parts thereof, except uncovered on grade patios, as measured from the outermost walls of a building or structure, and expressed as a percentage of the total area of the lot (AMENDMENT BYLAW NO. 2000.45);

lot line means the legally defined line or lines bounding any parcel;

m means the metric measurement distance of a metre;

maintenance building means a building for the storage and servicing of equipment and supplies required for the maintenance of a campground;

major road means a highway designated an arterial or collector road pursuant to the Official Community Plan adopted by the City of Parksville;

marina means moorage and launching facilities, including the rental and maintenance of boats and seaplanes, and which is equipped with public toilets and refuse disposal facilities located on land above the natural boundary;

marine fuel supply station means a structure used primarily for the sale of fuel directly to boaters;

marina sales means the use of land, buildings or structures for the sale and rental of boats and accessory marine equipment, but specifically excludes boat building and repair;

Medical Health Officer means the Medical Health Officer or his/her delegate appointed pursuant to the *Health Act* and amendments thereto;

medical office means a business for the purpose of medical treatment for persons requiring the maintenance of health and the prevention, alleviation or cure of disease;

medical marihuana production facility means the cultivation, production and packaging of medical marihuana wholly within a building as permitted under the *Marihuana for Medical Purposes Regulations (MMPR)*, and any subsequent regulations or acts which may be enacted henceforth, but specifically excludes sales on the premises or medical marihuana research (AMENDMENT BYLAW NO. 2000.96);

medical marihuana production and research facility means the cultivation, production, packaging, and scientific research of medical marihuana wholly within a building as permitted under the *Marihuana for Medical Purposes Regulations (MMPR)*, and any subsequent Health Canada regulations or acts which may be enacted henceforth, but specifically excludes sales on the premises (AMENDMENT BYLAW NO. 2000.96);

medical marihuana research means the testing and processing of marihuana and derivative products for medical purposes (AMENDMENT BYLAW NO. 2000.96);

medium industry means the use of land, buildings or structures for assembling, processing, manufacturing or repairing a product, article, substance, material, fabric or compound, including high technology uses and accessory retail sales and offices, and includes the use of shipping containers, moving containers or components thereof, but specifically excludes agriculture, asphalt batch plant, seafood processing, slaughter houses, marihuana growing, packaging or production, motor vehicle salvage or auto wrecking yard or similar recycling involving outdoor operations (AMENDMENT BYLAW NO. 2000.96);

metal storage container means a container which was purpose built as a shipping container (AMENDMENT BYLAW NO. 2000.54);

mini storage means a building divided into a number of separate components, each providing storage space;

miniature golf course means a facility for a novelty version of the game of golf played with golf balls and putters on a small-scale course or courses that features whimsical obstacles as part of game play (AMENDMENT BYLAW NO. 2000.70);

minimum lot size means the smallest area into which a parcel may be subdivided;

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

mixed commercial/residential use means a combination of commercial and residential uses within the same building that are otherwise permitted within the zoning district;

mobile food cart means a non-motorized mobile cart with a maximum area of 5.0 m², from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use (AMENDMENT BYLAW NO. 2000.77);

mobile 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 meets or exceeds Canadian Standards Association Z-240 Standards, but specifically excludes recreational vehicles;

mobile home park means an area of land on which are located two or more mobile homes, the development of which is subject to the "Mobile Home Park Bylaw";

mobile home sales means the use of land, buildings or structures for the sale of mobile homes;

mobile home space means an area of land within a mobile home area for installation of one mobile home with permissible additions and situated within a mobile home park;

modular home means a dwelling unit that is fully constructed and finished, then placed on its foundation on a lot;

motel means sleeping units within one or more connected or detached buildings, in which the transient public is provided, for consideration, with lodging and parking, the entrance to each of the sleeping units being from the outdoors;

moving container means a container with a volume not exceeding 35 m³ (cubic metres) which has been specifically designed and built for the purposes of housing items being moved and stored which are packed, loaded and unloaded on a short-term basis at the premises of the end user but specifically excludes shipping containers (AMENDMENT BYLAW NO. 2000.84);

multiple family residential means a building or buildings containing three or more dwelling units on a parcel and includes row housing, cluster housing, townhouses and apartment uses;

municipality means the City of Parksville;

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;

natural site means land of scenic or environmental significance;

new means subsequent to the adoption of this Bylaw;

neighbourhood pub means an establishment operating as a neighbourhood public house under a "D" type license issued pursuant to the *Liquor Control and Licensing Act* and amendments thereto;

non-conforming use means a lawful use of premises existing at the time of the adoption of this Bylaw, although such use does not conform to the provisions of this Bylaw;

nursery means the use of land principally involved in agriculture or horticulture and accessory product sales and garden supply sales, but specifically excludes the following: the sale of agricultural or horticultural machinery, or marihuana growing, packaging, production, or sale (AMENDMENT BYLAW NO. 2000.96);

office means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail trade and personal service use;

outdoor recreation means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes golf course, park or open space, playing field, botanical garden, arboretum, zoo, game farm, and outdoor exhibit;

outdoor sales means the use of land, buildings or structures for the retail sale of products that are typically displayed outdoors, and includes lumber and building products and the display, sale or rental of recreational vehicles, automobiles and boats, and accessory servicing of such equipment;

parcel means the smallest area of land and/or structure which is registered in the Land Title Office on an individual title (AMENDMENT BYLAW NO. 2000.69);

parcel area means the total horizontal area within the lot lines of a parcel;

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 deeded public land used or intended for outdoor recreation purposes, and includes an archaeological, historical or natural site;

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 storage of vehicles where such use is the principle 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, dry-cleaning shop and launderette;

pet means a household animal as defined earlier;

place of worship means a building used for religious worship and includes a church, mosque, synagogue, temple, chapel or religious meeting room;

potable water means water which meets the drinking standards in accordance with regulations of the relevant enactments;

premises means the buildings and structures located on a parcel of land;

primary processing means the use of land, buildings or structures for the moving, crushing, washing, screening, processing or storage of soil;

principle building means the building for the main use of the lot as listed under the permitted uses of the applicable zone;

private health club means recreational, fitness or exercise facility which is provided predominantly for tenants of the building in which it is contained, but which may be open to others (AMENDMENT BYLAW NO. 2000.19);

principal use means the main use of land, buildings or structures as listed under the permitted uses of the applicable zone;

private school means a privately sponsored school, kindergarten, or pre-school;

produce market means a building or structure providing for the retail sale of agricultural produce, including vegetables, fruit and seafood, but specifically excludes the retail sale of marihuana (AMENDMENT BYLAW NO. 2000.96);

produce sales means the retail sales of agricultural products as an accessory use to the principle agricultural use, but specifically excludes the retail sale of marihuana (AMENDMENT BYLAW NO. 2000.96);

produce stand means a building or structure not exceeding 100 m² in area, and providing for the retail sale of fresh agricultural produce which is produced on the same farm on which the stand is located, but specifically excludes the retail sale of marihuana (AMENDMENT BYLAW NO. 2000.96);

property line means lot line;

public administration means the management of public resources by a group of elected or appointed officials;

public assembly use means the use of land, buildings or structures to accommodate exhibits, special events or meetings and includes auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre, and senior citizens' centre;

public school means a school wholly supported by government funding;

public utility use means the use of land, buildings or structures for the provision of community water or sewer services, park, public access, pipelines, electric and telephone service, firehall, fire training facility, government office or cemetery (AMENDMENT BYLAW NO. 2000.53);

railway right of way means the land occupied by the railway for its main line and the related area;

rear lot line means the property line or lines, other than the front property line that connect the side property lines;

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

recreational building means a building used to accommodate a variety of recreational activities customarily associated with tourist recreational facilities, including but not necessarily limited to a food concession area, pro shop, games room, lockers and/or change rooms;

recreational vehicle (or RV) means any vehicle, trailer, coach, structure or conveyance permanently fitted with wheels, designed to travel or be transported on a highway and equipped to be used for recreational living and sleeping purposes without requiring continuous connection to sewage, water and electric hook ups;

refuse removal area means a designated area, directly accessible to sanitary disposal trucks, for the storage and removal of refuse containers;

remainder means that portion of a parcel being subdivided which is shown on the same Certificate of Indefeasible Title before and after the subdivision;

residential use means a fixed place of accommodation and home life, excluding any tourist accommodation, to which a person or persons in common occupancy intend to return when absent (AMENDMENT BYLAW NO. 2000.85);

resort condominium means a development subdivided pursuant to the *Condominium Act* and amendments thereto and providing accommodation on a temporary basis, but is not considered a hotel;

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 a drive-in restaurant or a fast food outlet;

retail store means a sales outlet contained under one roof, having a gross floor area not exceeding 2,000 m², and providing for the retail sale and display of goods, but specifically excludes industrial uses, gas station and service stations;

retail trade means the business of selling goods or merchandise to the ultimate consumer for personal consumption or household use, and not for resale purposes;

retail trade and services means retail trade and business services;

retaining wall means a structure erected to hold back or support a bank of earth;

roadway means the same as highway;

row housing means a series of dwelling units connected by common sidewalls and forming a continuous group;

school means privately funded, parochial and 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 accesses;

seafood processing means the storage, drying, cooking, packing, preparation and manufacturing of any aquatic organism;

secondary suite means a separate designated dwelling unit within a single family dwelling containing toilet, bathroom, sleeping and living areas and cooking facilities provided in accordance with the conditions of Section 613 of this Bylaw (AMENDMENT BYLAW NO. 2000.69);

senior citizen housing means housing units providing for the accommodation of persons 55 years of age or over, as stipulated under the terms of a Housing Agreement with the City, and can be in the form of duplexes, cluster housing, apartments, condominiums or townhouses;

service industry means the wholesale, warehousing, testing, servicing, repair or maintenance of an article or substance, including packing and crating, and artisan's shops and retail sales accessory to the principle use, but specifically excludes the following: motor vehicle salvage, auto wrecking yard, or marihuana or related articles (AMENDMENT BYLAW NO. 2000.96);

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 m², providing for the retail sales of items regularly used by households including food, beverage, books, magazines, and household accessories;
- (b) the retail sales of motor vehicle accessories;
- (c) the servicing and cleaning of motor vehicles;
- (d) but specifically excludes vehicle sales, body work, painting and third party repairs;

setback means the required minimum horizontal distance as measured from the respective lot line or natural boundary to any building or structure or part thereof, as in building setbacks;

shipping container means a container designed for storing and transporting cargo via ship, rail or truck, whether or not it is actually being used for such a purpose but specifically excluding moving containers (AMENDMENT BYLAW NO. 2000.84);

shipping yard means the use of buildings, structures or land providing for the trans-shipment of goods and includes the storage of shipping containers, moving containers and their contents (AMENDMENT BYLAW NO. 2000.84);

shopping centre means a group of sales and service outlets located on a single parcel, including retail stores, personal service establishments, offices, recreational facilities and food catering facilities, having a floor area not exceeding 3,000 m² (AMENDMENT BYLAW NO. 2000.6);

silviculture means all activities related to the development and care of forests, including the removal of harvestable timber stocks, but specifically excludes the following: the processing of wood or wood products, the growing or harvesting of marihuana (AMENDMENT BYLAW NO. 2000.96);

single family dwelling means a detached residential building consisting of one dwelling unit which is occupied or intended to be occupied as a residence of one family. It may contain, as an accessory use only, accessory household hen keeping and either bed and breakfast accommodation for a maximum of four (4) persons or accommodation for a maximum of two boarders, lodgers or roomers (AMENDMENT BYLAW NO. 2000.85);

site means an area of land or surface of water consisting of 1 or more parcels used as a unit devoted to a certain use or occupied by a building or structure or group of buildings or structures united by a common interest, use or development (AMENDMENT BYLAW NO. 2000.40);

site coverage means the sum total horizontal area of all buildings or parts thereof, as measured from the outermost perimeter of all buildings on the site, and expressed as a percentage of the total area of the site (AMENDMENT BYLAW NO. 2000.40);

siting distance means the required minimum horizontal distance that a type of building or structure must be from another specified type of building or structure (AMENDMENT BYLAW NO. 2000.85);

slope means the figure obtained when the vertical distance of an area of land is divided by the horizontal distance and is expressed as a percentage;

special needs housing means housing which, under the terms of a Housing Agreement with the City, is oriented to those with special needs relating to age, disability, physical or sexual abuse, abuse of drugs or alcohol;

specialty retail means the use of land, buildings, or structures for the purpose of selling tourist oriented items such as, but not limited to, souvenirs, art, hand crafted items, but excludes the sale of household items, hardware and the like (AMENDMENT BYLAW NO. 2000.24);

soil means sand, gravel, rock or other substance of which land is composed;

strata lot means a strata lot as defined by the *Condominium Act*;

structure means anything that is constructed or erected, and includes swimming pool, mobile home space, 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 in height, and fences under 2 metres in height;

student housing means a building in which sleeping units are provided and/or rented for occupancy by students and/or staff members affiliated with a college, private school, university or similar institution, and which is regulated by such institution. A dormitory unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units (AMENDMENT BYLAW NO. 2000.19);

studio means a place for the study of an art and includes painting, sculpting, photography, dancing, singing, acting, and the making of motion pictures and the transmission of radio and television programs;

subdivision means any change in the existing size, shape, number or arrangement of a lot or lots;

supermarket means a retail establishment, having 1000 square metres or more of gross floor area, primarily selling food as well as other convenience and household goods (AMENDMENT BYLAW NO. 2000.10);

taxi operation means a building used as a dispatch office for a taxi or limousine service and may include an area on the lot for the parking of taxis and/or limousines when not engaged in transporting persons or goods (AMENDMENT BYLAW NO. 2000.84);

technological use means scientific or technological research, development or manufacture related to computer, electronic, electrical, communications or similar equipment, devices or services and ancillary offices and ancillary product or service sales (AMENDMENT BYLAW NO. 2000.19);

technology support facility means meeting rooms, office space, training areas, computer rooms and photocopy facilities intended to provide support to home/work tenants and which must be located as an accessory use within a residential building (AMENDMENT BYLAW NO. 2000.19);

temporary means a maximum of 180 days in a calendar year;

theatre means a building or structure designed to stage public performances, including movies;

tourist accommodation means the use of land, buildings, or structures for the purpose of providing tourist-oriented accommodation, and which may include sleeping, cooking, laundry and recreational facilities, and includes resort condominiums, hotels and motels and cabins (AMENDMENT BYLAW NO. 2000.21) (AMENDMENT BYLAW NO. 2000.38);

tourist information booth means a building or structure that is used for the purpose of providing information to the travelling public and the business community;

tourist store means a retail sales outlet contained under one roof, having a gross floor area not exceeding 200 m², and providing for the retail sale of goods to the travelling public;

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;

transportation means transport of goods and commodities, livestock, passengers, by train or motor vehicle (AMENDMENT BYLAW 2000.33);

transportation terminal means the use of land, buildings, structures, shipping containers or moving containers, for taxi, bus, railway stations, airport, and the storage and maintenance of transportation equipment (AMENDMENT BYLAW NO. 2000.84);

turf management training facility means a hands on hands on golf course training facility associated with a golf course, including theoretical training, research, development construction, golf course operations, management and maintenance practices which protect and enhance the environment (AMENDMENT BYLAW NO. 2000.39);

unattended public utility use means a public utility use which generally does not require personnel on a regular basis for operation of the facility;

underground parking means parking which is under a building and/or under the ground such that the roof of the underground parking is not more than 1 metre above the adjacent finished grade (AMENDMENT BYLAW NO. 2000.19);

unit means a numerical expression used to describe a particular function;

urban food garden means the use of land on a limited scale for the growing, harvesting and wholesaling of fruits, vegetables and edible plants in accordance with Section 621 of this bylaw, but specifically excludes growing, harvesting and wholesaling of marihuana (AMENDMENT BYLAW 2000.96);

use means the same as permitted use;

useable 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 6.10 metres (20 feet) 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 Bylaw;

vehicle means a vehicle licensed pursuant to the *Motor Vehicle Act* and amendments thereto, while any vehicle which has not been licensed for a period of one year and which is not stored in a building shall be deemed to be a derelict vehicle;

watercourse means any natural or man-made depression with well defined banks and a bed of zero point six metres or more below the surrounding land serving to give direction to or containing a current of water at least six 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;

wholesale trade means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies (AMENDMENT BYLAW 2000.11);

wood processing means a building, structure or equipment operating during normal daylight hours, producing less than 20 m³ of lumber per day, including the preparation of logs, fence posts, shakes, poles or firewood;

yard means that portion of a lot that is defined by the minimum setback requirements;

zone means a zone established by the current Zoning and Development Bylaw of the City of Parksville and amendments thereto.

105 ZONING DISTRICTS

For the purpose of this Bylaw the area incorporated into the City of Parksville is hereby divided into zoning districts as shown upon the plan entitled "Zoning Map of the City of Parksville" which, with all explanatory matter on it, accompanies and forms part of this Bylaw.

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

<u>Section</u>	<u>Zoning District Name</u>	<u>Map Symbol</u>
202	Single Family Residential	RS-1
203	Medium Density Residential	RS-2
204	High Density Residential	RS-3
205	Manufactured Home Residential	MH-1
206	Industrial	I-1
207	Public Institutional	P-1
208	Private Institutional	P-2
209	Health Care	P-3
210	Agricultural	A-1
211	Local Commercial	C-1
213	Downtown Commercial	C-3
214	Highway Commercial	CS-1
215	Tourist Commercial	CS-2
216	Service Commercial	CS-3
217	Service Station Commercial	CS-4
219	Campground and Conservation Zone	E-1
221–239G	Comprehensive Development	CD-1 – CD-26
240	Civic and Technology Centre	CT-1
241	Civic Centre Townhouse Zone	RS-4
242	Civic Centre Apartment Zone	RS-5
243	Resort Area Tourist Accommodation Zone	RA-1
244	Care Housing	RC-1
245	Resort Area Tourist Accommodation	RA-2A
247	Transportation and Recreation Corridor Zone	TR-1
248	Mixed Waterfront Commercial – Residential Zone	MWC-1
249	Small Lot Residential	SLR-1

The requirements of each zoning district Section as set out in Division 200 of this Bylaw shall be applied to areas designated on the Zoning Map with the corresponding alpha-numeric symbol.

This Bylaw does not purport to alter the status of lands affected by a "Land Use Contract", and such lands shall continue to be controlled by the regulations specified in the relevant Land Use Contract in force.