

CITY OF PRINCE RUPERT

**ZONING BYLAW**

ZONING BYLAW NO 3286, 2009

(JULY 6, 2009)

# Table of Contents

Bylaw Citation.....	1
Section 1 – Definitions.....	2
Section 2 – Administration.....	6
Section 3 – General Provisions.....	7
Section 4 – Zone Designations.....	11
Section 5 – Residential Zones.....	12
Section 6 – Commercial Zones.....	20
Section 7 – Industrial Zones.....	25
Section 8 – Public Facilities.....	29
Section 9 – Off Street Parking and Off Street Loading .....	30
Section 10 – Signs.....	33

## BYLAW CITATION

The Council of City of Prince Rupert in open meeting assembled enacts as follows:

### **Title**

This bylaw may be cited as; “**City of Prince Rupert Zoning Bylaw No. 3286, 2009**”

### **Application and Schedule**

- (a) This bylaw shall be applicable to the whole of the area within the boundaries of the City of Prince Rupert including buildings and structures.
- (b) Schedule A, the zoning map forms part of this Bylaw.
- (c) This Bylaw incorporates the Downtown Urban Design Guidelines, as Schedule C, and the provision of this document are applicable to downtown sections of the City as defined on maps incorporated in the Design Guidelines.
- (d) This Bylaw incorporates the Cow Bay Development Permit Area Guidelines, as Schedule B, and the provision of this document are applicable to the Cow Bay area of the City as defined on maps incorporated within the Development Permit Area.

# SECTION 1 - DEFINITIONS

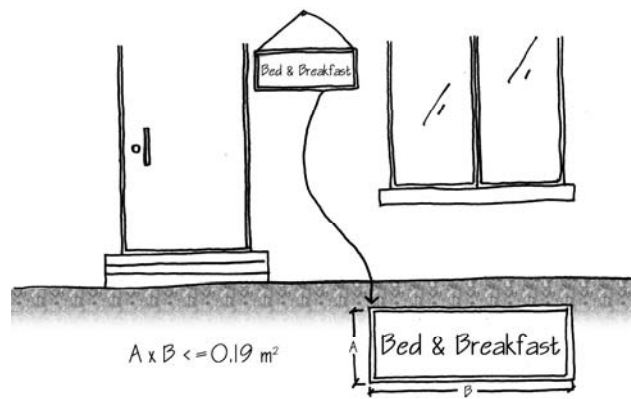
This bylaw includes a number of words that have specific meanings with respect to permitted uses and related regulatory requirements. These words and phrases are defined in this section and in some instances are augmented by illustrative drawings to provide further explanation.

**ACCESSORY BUILDING, STRUCTURE OR USE** means a building, structure or use customarily incidental and subordinate to the principal buildings, structure or use located on the same site and the definition of accessory building shall not include a building intended as a dwelling unit.

**ASSEMBLY HALL** includes any premises occupied or used by a gathering of persons for civic, political, travel, social, religious, educational, recreational or like purposes.

**AUTOMOTIVE SERVICE AND REPAIR** means a business devoted exclusively to the service, repair, and sales of automotive parts excluding the sale of vehicle fuels.

**BED & BREAKFAST ACCOMMODATION** means the use of a detached single family dwelling for the accommodation of the traveling public in guest rooms without cooking facilities where the room rate includes breakfast served on the premises, with one sign subject to a maximum size of 0.19 m.<sup>2</sup>



Permitted Sign for Bed & breakfast

**BOARDER OR LODGER** means a person who for hire occupies a sleeping room, with or without individual toilet facilities, in a dwelling unit occupied by a family to which he is not closely related by blood or marriage.

**BOARDING OR LODGING HOUSE** - means a building containing four (4) or more rooms for rental as sleeping units, with or without meals being provided for the persons living therein.

**BUFFER** means a landscaped barrier to air, noise and vibrational pollution, and visibility.

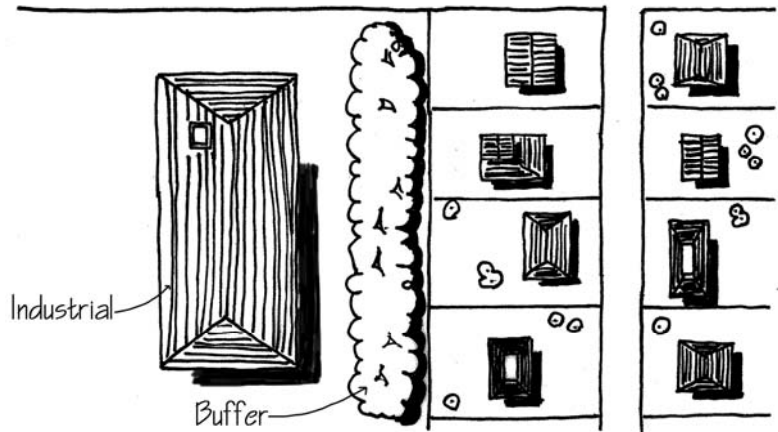
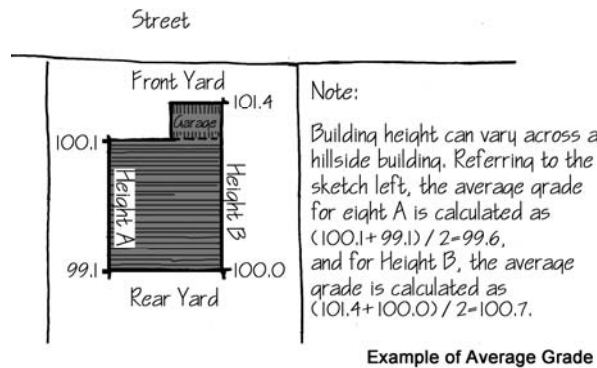


Illustration of Buffer Area

**BUILDING** means a structure having a roof supported by columns or walls and used for the shelter or accommodation of persons, animals or chattels.

**BUILDING HEIGHT** means the vertical distance from the average finished grade, measured at the perimeter of a building or structure to the highest point of the building or structure and excludes chimneys, aerials, antennae, steeples and service structures having an area of not more than 10% of the area of the principal building.



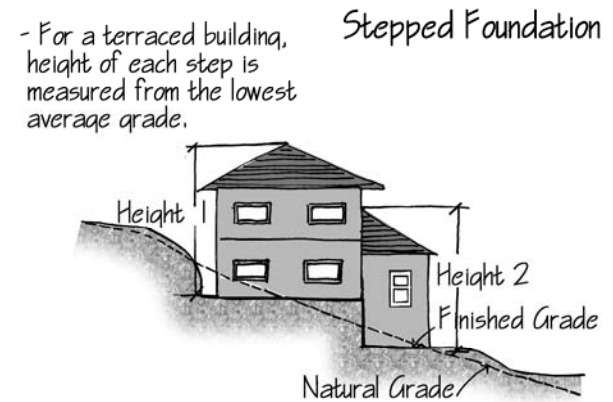
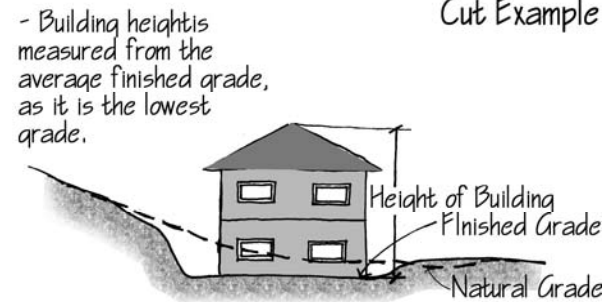
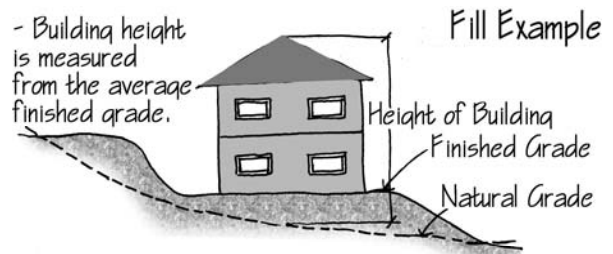
Example of Average Grade

**BUILDING TEMPORARY** means a building not having its exterior walls supported by continuous concrete or masonry foundations or walls and includes bunkhouses, skid shacks, construction skids, huts, tents, trailers or any other similar type of portable buildings or structures, whether or not the same be placed on foundations or affixed to the lot in any way, but shall not include a mobile home which is located on a mobile home park, nor a permanent prefabricated residential dwelling, industrial building or warehouse.

**CAMP SITE** means a site occupied and maintained to be occupied for the temporary accommodation of recreation vehicles and tents, including customary accessory sales.

**COMMERCIAL USE** means a use providing for the selling of goods or services, for personal services, or for the servicing and repair of goods; includes retail uses, personal service establishments, wholesaling in conjunction with retail sales, commercial and governmental offices, recreation facilities, commercial schools, household services and all associated repairs; excludes manufacturing, salvaging, warehousing, the selling, servicing and repair of heavy industrial machinery, service stations and tourist accommodation.

**DENSITY** means the number of dwelling units to be contained within a specified site



Determining from what grade the building height is measured.

**DWELLING UNIT** means any rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with cooking, eating, living, sleeping, and sanitary facilities.

**EDUCATION CENTRE** means any use dedicated to education for various age groups and needs, including elementary, secondary, post secondary, technical and vocational, and includes public and private sector education centres.

**ENTERTAINMENT CENTRE** means a building or part thereof which is used for the entertainment of the public through provision of live music and performances and includes the provision of pool tables, gaming centres, billiard tables, pinball or video game machines or other amusement-vending mechanical, electronic, automatic or computerized game machines where the number of these devices is five or greater.

**FAMILY** means persons sharing a household, consisting of: (a) two (2) or more persons related by blood, marriage, adoption, or foster parenthood, (b) three (3) or fewer unrelated persons.

**FENCE** means a hedge, railing or paling, trellis louveres or other screening forming a boundary to or enclosing some area, provided that if such fence forms a part of any principal or accessory building then it shall be regulated as part of such building.

**FIRST STOREY** means the first habitable floor accessible from a grade level entrance.

**FLOOR AREA RATIO** means the figure obtained when the gross floor area of all floors of a building on a lot is divided by the area of the lot.

**FRONT PROPERTY LINE** means the lot line facing the road, and in the event the lot flanks more than one road, the direction the building faces shall constitute the front property line.

**GENERAL INDUSTRIAL USE** means the assembly, manufacture, warehousing, processing, fabrication, repair, storage and transfer facilities for industrial commodities and includes service industrial uses.

**GROSS FLOOR AREA** means the total floor area as measured to the outer walls of the building, but excludes parking structures, swimming pools and deck, balcony and patio areas as long as such structures do not exceed 0.6m above the average ground elevation.

**HOME OCCUPATION** means any permitted business, trade or profession carried on within a dwelling unit or accessory building to a dwelling unit.

**IMPOUNDMENT YARD** means the commercial storage of vehicles and boats for an interim period of time and excludes the wrecking or sale of scrap materials.

**LANE** means a road allowance more than 6 m but less than 10 m in width used exclusively for the collection of garbage, loading and unloading of vehicles.

**LIGHT INDUSTRIAL USE** means assembly, manufacture, warehousing, process, repair and service industrial uses that have their use contained within a fully enclosed building but may include fully screened exterior storage areas.

**LOT** means an individual parcel of land registered in the Land Titles Office.

**LOT COVERAGE** means the combined footprint of all buildings on a lot, expressed as a percentage of the lot but excludes trellises, unenclosed patios, and underground parking structures as long as such structures do not exceed 6m above the average ground elevation.

**MARINE COMMERCIAL USE** means a retail and/or service use including boat and equipment sale and rentals, charter operations, chandleries, boat building and repair, water taxis, yacht clubs and moorage, seafood loading, processing and sales.

**MOBILE HOME** means a dwelling unit structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured as an individual unit or module, and intended to be moved from one place to another by being towed or carried and which is in compliance with CSA 240 specifications.

**MULTIPLE FAMILY DWELLING** means a building used for residential purposes consisting of three (3) or more dwelling units, each containing not more than one (1) set of cooking equipment, with units having private exterior access or common access and hallways.



Example of multiple housing type

**OFF STREET PARKING** means a use providing for temporary parking or storage of vehicles.

**PARCEL** means the same as lot.

**PERSONAL SERVICE ESTABLISHMENT** means a commercial service intended to serve the health, grooming, financial, recreational, athletic activities or related well being of an individual.

**PUBLIC INSTITUTIONAL FACILITY** means a publicly owned building (municipal, provincial, federal) that is intended to provide one or more of public administrative, judicial, medical, cultural, recreational, educational, and related uses.

**PUBLIC UTILITY BUILDING** means a building or structure related to the operation and maintenance of publicly owned utilities such as drainage, water supply, wastewater collection (but excluding treatment), telephone, and power.

**REAR PROPERTY LINE** means the lot line opposite the front lot line.

**RETAIL USE** means the sale and display of goods and services, including food and beverage services, to consumers; and may include wholesale warehousing and distribution.

**SECONDARY SUITE** means an accessory dwelling unit contained within a single family dwelling.

**SERVICE COMMERCIAL USE** means retail and service uses that can include ancillary exterior storage and display areas, repair facilities, vehicle and marine sales, service and repairs, transit terminals, horticultural centres, warehouses, recycling centres, wholesale and distribution outlets.

**SERVICE STATION** means an automobile fuelling station which may include the sale of accessory food and convenience items.

**SHIPPING CONTAINER** means an enclosed container designed for marine, truck, and rail transportation of freight.

**SIDE PROPERTY LINE** means an interior or exterior lot line, or series of lines of which one or both ends intersect a front lot line and rear lot line.

**SINGLE FAMILY DWELLING** means a residential use where the building on a lot is used for one (1) dwelling unit.

**SINGLE HOUSEKEEPING UNIT** means a residential use intended to accommodate one person, family or group of persons with one set of kitchen or cooking appliances.

**SITE** means an area of land or surface of water consisting of one or more lots used as a unit devoted to a common use or development, and excludes from

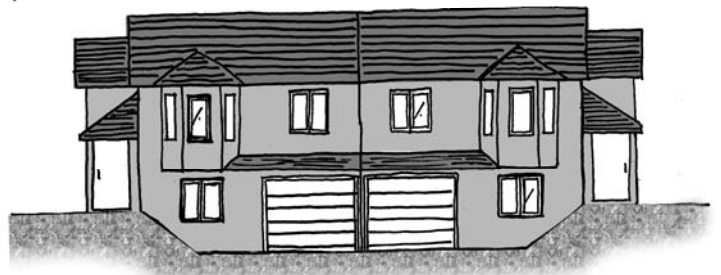
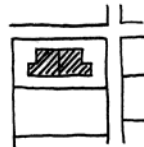
its area required environmental setbacks or unbuildable slopes.

**STRUCTURE** means any construction fixed to, supported by, or sunk into land or water.

**TEMPORARY BUILDING** means a use intended for a short period, after which the use or building is removed from a site.

**TRAVELER ACCOMMODATION** means a use providing for the accommodation of a transient public in individual dwelling units or sleeping units such as a hotel or motel, or providing space for tents, camper vehicles, or trailers for such lodging; and may include dining and beverage facilities.

**TWO FAMILY DWELLING** means a residential use where the building on a lot is used for two (2) dwelling units.



Two Family or Duplex Building

**WIND POWER PROJECT** means a project of not more than 25 wind powered electricity generating machines including associated maintenance and substation buildings, roads, and transmission lines.

**WIND POWER TURBINE** means an electric generating machine which consists of generating housing (nacelle) and wind blended rotor situated/mounted on top of a free standing tubular steel lattice or concrete tower.

## **SECTION 2 - ADMINISTRATION**

### **2.1.0 Administration**

- (a) The Building Inspector or such other person appointed by the Council of the City shall administer this Bylaw.
- (b) Persons appointed under subsection (a) are hereby authorized to enter, at all reasonable times, upon properties subject to the provisions of this Bylaw to ascertain whether the provisions of the Bylaw are being obeyed.

### **2.2.0 Prohibition**

Subject to the provisions of the Local Government Act respecting non-conforming uses, land, including the surface of water, building or structures, shall not be used, constructed, reconstructed, altered, moved or extended contrary to any provisions of this Bylaw.

### **2.3.0 Violation**

Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is guilty of an offence.

### **2.4.0 Penalty**

- (a) Any person convicted of an infraction of this Bylaw shall be liable on summary conviction to the penalties prescribed under the Summary Convictions Act.
- (b) Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
- (c) Upon conviction, the magistrate may direct that no prosecution under Subsection (b) may be made, with respect to the continuance of the violation, for such period of time as directed.

### **2.5.0 Severability**

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Bylaw.

### **2.6.0 Appeals**

The Board of Variance shall hear and determine any appeal:

- (a) by a person who is aggrieved by a decision of any official charged with the enforcement of this Bylaw insofar as that decision relates to an interpretation of the Bylaw or any portion thereof;
- (b) with respect to matters mentioned in Paragraph 2.2.0 of this Bylaw, subject to Local Government Act;
- (c) by an application for a permit who alleges that enforcement of this Zoning Bylaw with respect to siting, size, or hardship, in which case the Board may, to the extent necessary to give effect to its determination, exempt the applicant and subsequent owners of the building or structure from the applicable provisions of this Zoning Bylaw.

## SECTION 3 – General Provisions

### 3.1.0 Uses Permitted in Several Zones

The following uses are permitted as indicated, but are subject to the siting requirements as stated for the Zone in which the actual use is situated.

- (a) Churches and places of worship are permitted in all Commercial and Residential zones
- (b) Education centres, providing for education of grades 1 and higher, are permitted in all Residential, Commercial and Public Facilities Zones
- (c) Public utility buildings are permitted in all zones except for residential zones. A development variance permit is required for public utility buildings within residential zones.
- (d) Golf courses are permitted in all Residential zones.
- (e) Public parks and recreation facilities are permitted in all zones.
- (f) Government offices are permitted in all Commercial and Public Facilities Zones.
- (g) Public cemetery is permitted in all zones.
- (h) Public financed and operated hospitals, medical clinics and treatment centres are permitted in all Residential, Commercial and Public Facilities Zones, subject to the lot having a minimum area of 1100 m<sup>2</sup>

### 3.2.0 Non Conforming Uses

A lawful use of premises existing or lawfully under construction at the time of the adoption of the Zoning Bylaw, although such use does not conform to the provisions of this Bylaw, may be continued, subject to the provisions of the Local Government Act with respect to non conforming uses as outlined below:

- (a) If, at the time a bylaw under section 911 of the Local Government Act is adopted,
  - (i) land, or a building or other structure, is lawfully used, and
  - (ii) the use does not conform to the bylaw, the use may be continued as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the bylaw.
- (b) The use of land, a building or other structure, for seasonal uses or for agricultural purposes is not discontinued as

a result of normal seasonal or agricultural practices, including

- (i) seasonal, market or production cycles;
- (ii) the control of disease or pests, or
- (iii) the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.

- (c) A building or other structure that is lawfully under construction at the time of the adoption of a bylaw under this Division is deemed, for the purpose of this section,
  - (i) to be a building or other structure existing at that time, and
  - (ii) to be then in use for its intended purpose as determined from the building permit authorizing its construction.
- (d) If subsections (a) and (b) authorize a non-conforming use of part of a building or other structure to continue, the whole of that building or other structure may be used for that non-conforming use.
- (e) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901 (2) of the Local Government Act, must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.
- (f) In relation to land, subsection (a) or (d) does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the bylaw under this Division.
- (g) For the purposes of this section, a change of owners, tenants or occupants of any land, or of a building or other structure, does not, by reason only of the change, affect the use of the land or building or other structure.
- (h) If a building or other structure, the use of which does not conform to the provisions of a bylaw under this Division is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, it must not be repaired or reconstructed except for a conforming use in accordance with the bylaw. If the use of a building or structure that is on land identified in a phased development agreement under section 905.1 of the Local Government Act [*phased development agreements*] complies with a zoning bylaw provision specified under section 905.1 (3) for the phased development agreement, subsection (h) does not apply to the building or other structure while the phased development agreement is in effect, unless

- (i) the provision has been repealed or amended, and
- (ii) either
  - (a) the developer has agreed in writing under section 905.1 (5) of the Local Government Act that the changes to the zoning bylaw apply, or
  - (b) the changes to the zoning bylaw apply under section 905.1 of the Local Government Act
  - (c) without the written agreement of the developer.
- (i) If the use and density of buildings and other structures conform to a bylaw under this Division but
  - (i) the siting, size or dimensions of a building or other structure constructed before the bylaw was adopted does not conform with the bylaw, or
  - (ii) the siting, size, dimensions or number of offstreet parking or loading spaces constructed or provided before the bylaw was adopted does not conform with the bylaw, the building or other structure or spaces may be maintained, extended or altered to the extent authorized by subsection (J).
- (j) A building or other structure or spaces to which subsection (i) applies may be maintained, extended or altered only to the extent that
  - (i) the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started, and
  - (ii) in the case of protected heritage property, the repair, extension or alteration is permitted or authorized in accordance with the provisions governing the heritage protection of the property.
- (k) Subsections (e) and (h) do not apply to alterations, additions, repairs or reconstruction of a protected heritage property if the alteration, addition, repair or reconstruction is authorized by a heritage alteration permit under section 972 of the Local Government Act.

### 3.3.0 Temporary Permits and Uses

Owners of properties situated within any Commercial (C Zone), Industrial (M Zone), and P1 Zone may apply for a temporary commercial or industrial permit for uses that are seasonal in nature, or are temporary due to site construction, redevelopment, or processing of raw materials on site. Council may establish special provisions related to the permit. Prior to issuance of the permit Council will provide notice of the permit in accord with provisions in the Local Government Act.

Notwithstanding the other provisions of this Bylaw;

- (a) A temporary building or structure may be erected for construction purposes on a lot or site being developed, for a period not to exceed the duration of such construction of six (6) months whichever is the lesser, provided however, that such permit may be renewed upon written application for a further period not to exceed six (6) months.
- (b) Temporary buildings shall be subject to the following requirements:
  - (i) Application shall be made in writing to the Building Inspector for a permit to erect a temporary building or structure.
  - (ii) The proposed temporary building or structure shall not constitute or cause a public hazard or public nuisance, nor obstruct any public right of way.
  - (iii) At the expiration of the permit, such temporary building or structure shall be removed and the site restored as nearly as possible to its former conditions.

### 3.4.0 Buildings Per Lot

Unless specified otherwise, only one principal building per lot is permitted.

### 3.5.0 Siting Exceptions

- (a) Freestanding lighting poles, warning devices, antenna, masts, utility poles, wires, flag poles, signs and sign structures may be sited on any portion of a lot except as otherwise limited in other bylaws and except that television or radio earth station antennae with an antenna diameter in excess of 0.6 metres shall be sited only in the rear yard on properties used or zoned for Residential (R and RM zones) or mobile home use (RMH zone).
- (b) Except as otherwise provided in this or other Bylaws, canopies or awnings may be constructed in Commercial zones within 0.6

metres of the existing curb line within a minimum of 2.7 metres clearance from street level subject to the owner providing the City with \$2million liability insurance.

- (c) Bay windows, eaves and cornices of buildings may extend into the required minimum front and rear yard setback by 0.6 metres.
- (d) Within the Residential zones the foundations for masonry chimneys and fireplaces shall be no closer than 0.6 metres from the side lot line. Chimneys constructed with other materials must adhere to regular setback requirements.
- (e) Within the Residential zones, no part of any sidewalk, patio, sundeck, or stairs which is more than 1.2 metres above grade shall be closer to the side lot line than 0.6 metres
- (f) Notwithstanding the front setback requirements in this Bylaw for single and two family dwellings, when a single or two family dwelling is intended to be or is located upon a lot the general elevation of which is above the street level, and which has no other means of access either from the rear or from the side, a private garage may be located nearer to the street than the required setback line, if the roof of such garage will not be more than 60 cm above the general elevation of the lot.

### 3.6.0 Height Exceptions

The heights of buildings and structures permitted elsewhere in this Bylaw may be exceeded for towers, retaining walls, radio, television and communication antennae, church spires, monuments, chimney and smokestacks, flagpoles, stadium bleachers, lighting poles, apartment elevator shafts and stair towers.

### 3.7.0 Fences

No fence in the Residential Zones shall exceed 1.8 metres in height in the rear and side yard areas, and not more than 1.2 metres in height in the front yard area.

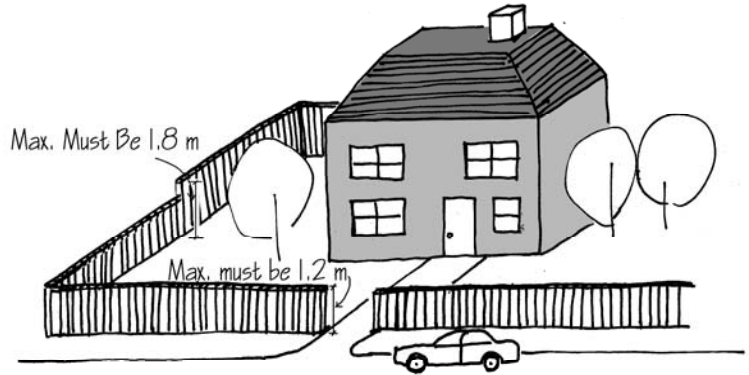


Illustration of Permitted Fence Height

### 3.8.0 Home Occupations

Where permitted, a home occupation shall be carried out according to the following conditions:

- (a) The occupation shall be carried out entirely within the dwelling unit or permitted accessory building and its function shall be subordinate to the residential nature of the premises.
- (b) A home occupation shall not cause any noise, odours, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighbourhood; and there shall be no visible signs of such occupation from the exterior, and without limiting the generality of the foregoing, the storage or display of goods, materials, the parking or storage of trucks, machinery, or equipment on or about the premises is prohibited. A home occupation shall not include automobile or machinery repairs, job welding, sheet metal, or similar work section.
- (c) A home occupation shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client's vehicles in such numbers or frequency as may be considered incompatible with a residential zone.
- (d) A home occupation shall be carried on only by the residents of the dwelling unit.

### 3.9.0 Use of Mobile Homes, Tents or Trailers

It shall be unlawful to use or occupy a mobile home, tent or trailer as a dwelling place, or living or sleeping quarters anywhere in the City of Prince Rupert save and except where such mobile home, tent or trailer is located within a mobile home park, campsite or construction camps as defined and permitted under this Bylaw and which is approved and regulated under the Health Act.

### 3.10.0 Siting of Education Centres

- (a) Minimum site area is 2500m<sup>2</sup>, except where the centre comprises part of an office building.
- (b) Parking shall be provided on site subject to parking provisions.
- (c) Screening and/or fencing shall be provided where the site abuts a parcel zoned Residential.

### 3.11.0 Bed & Breakfast Accommodation

Bed & Breakfast Accommodation, where permitted, shall comply with the following:

- (a) General Guidelines
  - (i) Regulations contained in the Food Premises Regulations and Swimming Pool Regulations pursuant to the Health Act, and in accordance with any regulations of the Office of the Fire Commissioner.
  - (ii) All Bed & Breakfast Accommodation shall be limited to no more than three (3) guest rooms.
  - (iii) The guest rooms shall be inspected and approved by the City Fire Department, the City Building Inspector and the Provincial Electrical Inspector.
  - (iv) Shall be located within a single detached single family dwelling only.
  - (v) The proprietor of a Bed & Breakfast Accommodation shall reside in the dwelling.
  - (vi) The sale of alcoholic beverages to the general public is prohibited.
  - (vii) The maximum number of guests shall be two (2) guests per guest room (exclusive of children under the age of sixteen under the care and supervision of such guests).
  - (viii) The minimum permitted floor area for any guest room is nine (9) square metres.

- (ix) The maximum permitted gross floor area for any guest room is twenty two (22) square metres.
- (x) The maximum number of Bed & Breakfast Accommodation on one building site, or lot, shall be one (1).
- (xi) The minimum lot area for a Bed & Breakfast Accommodation shall be four hundred and fifty (340) square metres.
- (xii) No cooking is permitted in any guest room.
- (xiii) All Bed & Breakfast Accommodation shall be required to hold a valid Trade or Business License with the City of Prince Rupert.
- (xiv) No boarders or lodgers shall be permitted within a dwelling where a Bed & Breakfast Accommodation is operated.

### (b) Location and Parking

- (i) shall be on a site serviced by municipal water and sewer.
- (ii) shall provide parking in the amount of one (1) space per guest room to a maximum of three (3) off street parking spaces.

### 3.12.0 Use Prohibition

- (a) All commercial fishing gear, including but not limited to crab traps, prawn, nets and any ancillary gear is not permitted in any zone other than the M2 and M3 zones and provided that a minimum 10m buffer be maintained where the abutting lot is zoned Residential.
- (b) Shipping containers are permitted only in the M2 and M3 zones and are not to be stored in any other zone.

## SECTION 4 - ZONE DESIGNATIONS

### 4.1.0 Zones

- (a) For the purpose of this Bylaw, the area incorporated into the City of Prince Rupert is classified and divided into the following zones:

<u>Short Form</u>	<u>Zone Designation</u>
R1	Single Family Residential Zone
R2	Two Family Residential Zone
RM1	Multi Family Residential Zone
RM2	Multi Family Residential Zone
RM3	Multi Family Residential Zone
RM4	Mixed Use Multi Family Residential Zone
RM5	Multi Family Residential Zone
RMH	Mobile Residential Home
C1	Core Commercial Zone
C2	General Commercial Zone
C3	Service Commercial Zone
C4	Neighbourhood Commercial Zone
C5	Marine Commercial Zone
M1	Light Industrial Zone
M2	General Industrial Zone
M3	Waterfront Industrial Zone
M4	Auto Wrecking Zone
P1	Public Facilities Zone

- (b) The extent of each zone is shown on the Zoning Map(s) which are attached to and form part of this Bylaw and which bear the words.
- (c) When the zone boundary is designated as following a road allowance or watercourse, the centre line of such road allowance or watercourse shall be the zone boundary.
- (d) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Zoning Maps referred in Subsection (b) above.
- (e) The siting, height, form and character of buildings in the downtown area must consider the provisions of the Downtown Urban Design Guidelines.

## SECTIONS 5 - 8 ZONES AND ZONING REQUIREMENTS

### 5.1.0 SINGLE FAMILY RESIDENTIAL ZONE (R1)

<b>5.1.1 Permitted Uses</b>	<ul style="list-style-type: none"> <li>(a) Single family dwellings.</li> <li>(b) Home occupation.</li> <li>(c) The keeping of not more than 2 roomers or boarders within a dwelling unit.</li> <li>(d) Accessory buildings and structures.</li> <li>(e) Bed &amp; Breakfast Accommodation.</li> </ul>
<b>5.1.2 Maximum Floor Area</b>	<p>The maximum floor area ratio is 1.0.</p>
<b>5.1.3 Maximum Building Height</b>	<ul style="list-style-type: none"> <li>(a) Principal building 9.0 metres.</li> <li>(b) For an accessory building 3.6 metres.</li> </ul>
<b>5.1.4 Building Setbacks</b>	<ul style="list-style-type: none"> <li>(a) 3.6 m from the front property line.</li> <li>(b) 3.0 m from the rear property line.</li> <li>(c) 1.2 m from a side property line.</li> <li>(d) an accessory building may be sited within a required rear yard subject to the Special Provisions.</li> </ul>
<b>5.1.5 Maximum Lot Coverage of All Buildings and Structures</b>	<p>Not more than 50% of the site.</p>
<b>5.1.6 Special Provisions</b>	<ul style="list-style-type: none"> <li>(a) The minimum lot area for a single family dwelling shall be 230 m<sup>2</sup>.</li> <li>(b) The maximum floor area for an accessory building shall be 70 m<sup>2</sup>.</li> <li>(c) The maximum floor area for a dwelling unit shall be 700m<sup>2</sup>.</li> <li>(d) No part of an accessory building shall be closer to the rear lot line than 0.3 metres where the building site abuts a public lane; and 1.2 m where the rear lot line abuts another parcel.</li> <li>(e) Where a dwelling unit has more than one kitchen, a special covenant shall be registered with the City.</li> </ul>

## 5.2.0 TWO FAMILY RESIDENTIAL ZONE (R2)

<b>5.2.1 Permitted Uses</b>	<ul style="list-style-type: none"> <li>(a) Single family dwellings.</li> <li>(b) Two family dwellings.</li> <li>(c) Keeping of not more than 2 roomers or boarders within a dwelling unit.</li> <li>(d) Home occupation.</li> <li>(e) Bed &amp; Breakfast Accommodation.</li> <li>(f) Accessory buildings and structures.</li> </ul>
<b>5.2.2 Maximum Floor Area</b>	<p>The maximum floor area ratio is 1.0.</p>
<b>5.2.3 Maximum Building Height</b>	<ul style="list-style-type: none"> <li>(a) For a principal building 9.0 meters.</li> <li>(b) For an accessory building 3.6 metres.</li> </ul>
<b>5.2.4 Building Setbacks</b>	<ul style="list-style-type: none"> <li>(a) 3.6 m from the front property line.</li> <li>(b) 3.0 m from the rear property line.</li> <li>(c) 1.2 m from a side property line.</li> <li>(d) an accessory building may be sited within a required rear yard subject to the Special Provisions.</li> </ul>
<b>5.2.5 Maximum Lot Coverage of All Buildings and Structures</b>	<p>Not more than 50% of the site.</p>
<b>5.2.6 Special Provisions</b>	<ul style="list-style-type: none"> <li>(a) The minimum lot area for a single family dwelling shall be 230 m<sup>2</sup>.</li> <li>(b) The maximum floor area for an accessory building shall be 70 m<sup>2</sup></li> <li>(c) The maximum floor area for a dwelling unit shall be 700m<sup>2</sup></li> <li>(d) No part of an accessory building shall be closer to the rear lot line than 0.3 metres where the building site abuts a public lane; and 1.2 m where the rear lot line abuts another parcel</li> <li>(e) Where a dwelling unit has more than one kitchen, a special covenant shall be registered with the City.</li> </ul>

### 5.3.0 MULTIPLE FAMILY RESIDENTIAL ZONE (RM1)

<b>5.3.1 Permitted Uses</b>	(a) Multiple family dwellings. (b) Accessory buildings and structures.
<b>5.3.2 Maximum Floor Area</b>	For multiple family dwellings the maximum density is 42 units per hectare.
<b>5.3.3 Maximum Building Height</b>	(a) For a principal building 10 metres, and in no part shall the height of a principal building exceed that of adjacent land commonly known as Totem Park. (b) For an accessory building 3.6 metres.
<b>5.3.4 Building Setbacks</b>	(a) 3.6 m from the front property line. (b) 3.0 m from the rear property line. (c) 1.2 m from a side property line, except that for a multiple family building no closer to a side lot line than 1/2 of the height of the adjoining building wall.
<b>5.3.5 Maximum Lot Coverage of All Buildings and Structures</b>	(a) Not more than 40% of the site. (b) The maximum floor area for an accessory building shall be 70 m <sup>2</sup> .
<b>5.3.6 Special Provisions</b>	(a) More than one principal building is permitted on a site developed with multiple family dwellings. (b) No part of an accessory building shall be closer to the rear lot line than 0.3 metres where the building site abuts a public lane; and 1.2 m where the rear lot line abuts another parcel.

#### 5.4.0 MULTIPLE FAMILY RESIDENTIAL ZONE (RM2)

<b>5.4.1 Permitted Uses</b>	(a) Multiple family dwellings. (b) Accessory buildings and structures.
<b>5.4.2 Maximum Floor Area</b>	For multiple family dwellings the maximum density is 75 units per net hectare.
<b>5.4.3 Maximum Building Height</b>	(a) For a dwelling 9 metres. (b) For an accessory building 3.6 metres.
<b>5.4.4 Building Setbacks</b>	(a) 3.6 m from the front property line. (b) 3.0 m from the rear property line. (c) 1.2 m from a side property line. (d) For a multiple family building no closer to a side lot line than 1/2 of the height of the adjoining building wall.
<b>5.4.5 Maximum Lot Coverage of All Buildings and Structures</b>	(a) Not more than 50% of the site. (b) For accessory buildings not more than 10% of the site.
<b>5.4.6 Special Provisions</b>	(a) More than one principal building is permitted on a site developed with multiple family dwellings. (b) No part of an accessory building shall be closer to the rear lot line than 0.3 metres where the building site abuts a public lane; and 1.2 m where the rear lot line abuts another parcel.

## 5.5.0 MULTIPLE FAMILY RESIDENTIAL ZONE (RM3)

<b>5.5.1 Permitted Uses</b>	(a) Multiple family dwellings. (b) Boarding house. (c) Accessory buildings and structures.
<b>5.5.2 Maximum Floor Area</b>	The maximum floor area ratio is 1.25.
<b>5.5.3 Maximum Building Height</b>	(a) The height of a principal building shall not exceed 4 stories. (b) The height of accessory buildings shall not exceed 3.6 metres.
<b>5.5.4 Building Setbacks</b>	(a) 6.0 m from the front property line. (b) 3.0 m from the rear property line. (c) For a multiple family building no closer to a side lot line than $\frac{1}{2}$ of the height of the adjoining building wall.
<b>5.5.5 Maximum Lot Coverage of All Buildings and Structures</b>	(a) Not more than 40% of the site. (b) For accessory buildings not more than 10% of the site.
<b>5.5.6 Special Provisions</b>	(a) More than one principal building is permitted on a site developed with multiple family dwellings. (b) The minimum lot area shall be 750 m <sup>2</sup> . (c) No part of an accessory building shall be closer to the rear lot line than 0.3 metres where the building site abuts a public lane; and 1.2 m where the rear lot line abuts another parcel.

## 5.6.0 MIXED USE MULTIPLE FAMILY RESIDENTIAL ZONE (RM4)

5.6.1 Permitted Uses	<ul style="list-style-type: none"> <li>(a) Multiple family dwellings.</li> <li>(b) Boarding house.</li> <li>(c) Retail use as part of a multiple family dwelling building.</li> <li>(d) Offices as part of a multiple family dwelling building.</li> </ul>
5.6.2 Maximum Floor Area	The maximum floor area ratio is 1.50.
5.6.3 Maximum Building Height	For a principal building 4 storeys.
5.6.4 Building Setbacks	<ul style="list-style-type: none"> <li>(a) 6.0 m from the front property line.</li> <li>(b) 3.0 m from the rear property line.</li> <li>(c) 1.2 m from a side property line.</li> <li>(d) For a multiple family building no closer to a side lot line than ½ of the height of the adjoining building wall.</li> </ul>
5.6.5 Maximum Lot Coverage of All Buildings and Structures	Not more than 40% of the site.
5.6.6 Special Provisions	<ul style="list-style-type: none"> <li>(a) More than one principal building is permitted on a site developed with multiple family dwellings.</li> <li>(b) The minimum lot area shall be 1800 m<sup>2</sup>.</li> <li>(c) Retail and office services are permitted only under that following conditions: <ul style="list-style-type: none"> <li>(i) The retail and office use shall be limited to the first floor and shall have ground level access.</li> <li>(ii) The use shall have its principal access directly to exterior of the building or, its access shall be separate and distinct from the residential entrance to the building.</li> <li>(iii) Vehicular access to the site shall not require a travel distance in excess of 125 metres from a Controlled Access Highway as measured along the legal right of way providing vehicular access.</li> <li>(iv) There shall be only one sign advertising each permitted use and said sign shall be a fascia sign placed flat against the building, not exceeding .75 square metres in area and shall be located entirely within the area of the first storey of the building.</li> </ul> </li> </ul>

## 5.7.0 MULTIPLE FAMILY RESIDENTIAL ZONE (RM5)

<b>5.7.1 Permitted Uses</b>	(a) Multiple family dwellings. (b) Accessory buildings and structures.
<b>5.7.2 Maximum Floor Area</b>	The maximum floor area ratio is 3.00
<b>5.7.3 Maximum Building Height</b>	(a) For a principal building 36 metres. (b) For an accessory building 6 metres.
<b>5.7.4 Building Setbacks</b>	(a) 6.0 m from the front property line. (b) 3.0 m from the rear property line. (c) 3.0 m from a side property line. (d) (adjusted to wider distance)
<b>5.7.5 Maximum Lot Coverage of All Buildings and Structures</b>	Not more than 35.0% of the site.
<b>5.7.6 Special Provisions</b>	(a) More than one principal building is permitted on a site developed with multiple family dwellings. (b) The minimum lot area shall be 1800 m <sup>2</sup> .

## 5.8.0 MOBILE HOME RESIDENTIAL ZONE (RMH)

<b>5.8.1 Permitted Uses</b>	(a) Mobile home parks. (b) Mobile home subdivisions. (c) A home occupation or business office. (d) Accessory buildings and structures.
<b>5.8.2 Maximum Floor Area</b>	Where mobile homes are situated in a mobile home park, the maximum number of mobile home units shall not exceed 18 units per hectare.
<b>5.8.3 Building Setbacks</b>	(a) 3.6 m from the front property line. (b) 3.1 m from the rear property line. (c) 1.2 m from a side property line.
<b>5.8.4 Maximum Lot Coverage of All Buildings and Structures</b>	Not more than 35% of the site.
<b>5.8.5 Special Provisions</b>	(a) More than one principal building is permitted on a site developed as a mobile home park (b) The minimum lot area for a mobile home shall be 232.2 m <sup>2</sup> (c) Mobile home parks shall be governed by the City of Prince Rupert Mobile Home Park Bylaw.

## 6.1.0 CORE COMMERCIAL ZONE (C1)

<b>6.1.1 Permitted Uses</b>	<ul style="list-style-type: none"> <li>(a) Retail use.</li> <li>(b) Personal service establishments.</li> <li>(c) Offices.</li> <li>(d) Entertainment centres.</li> <li>(e) Traveler accommodation.</li> <li>(f) Theaters.</li> <li>(g) Multiple family dwellings.</li> <li>(h) Assemble Halls.</li> </ul>
<b>6.1.2 Maximum Floor Area</b>	<p>Maximum floor area ratio for multiple family dwellings is 1.50.</p>
<b>6.1.3 Maximum Building Height</b>	<p>Maximum of 16 metres as measured from the sidewalk, except as otherwise provided for in specific geographic areas of the downtown as identified on Map 2, 'Building heights in the Downtown' contained in the Downtown Urban Design Guidelines.</p>
<b>6.1.4 Building Setbacks</b>	<p>For entertainment centres, traveler accommodation, theatres and multiple family dwellings the following minimums apply:</p> <ul style="list-style-type: none"> <li>(a) Front yards 2 metres, except as otherwise provided for in the Downtown Urban Design Guidelines.</li> </ul>
<b>6.1.5 Maximum Lot Coverage of Buildings and Structures</b>	<p>For multiple family dwellings 50%.</p>
<b>6.1.6 Special Provisions</b>	<ul style="list-style-type: none"> <li>(a) Offices, other than financial institutions and medical and dental clinics are permitted only on lots fronting on 3<sup>rd</sup> Avenue between 1<sup>st</sup> Street and 8<sup>th</sup> Street if such use is situated above the main floor situated at grade level.</li> <li>(b) Retail stores that specialize in the sales of alcoholic beverages and permitted only under the following conditions: <ul style="list-style-type: none"> <li>(i) A minimum lot area of 250 m<sup>2</sup>.</li> <li>(ii) Situated in an area designated in the OCP as "Business Commercial".</li> </ul> </li> <li>(c) Multiple family dwelling buildings on 3<sup>rd</sup> Avenue between 1<sup>st</sup> Street and 8<sup>th</sup> Street and 2<sup>nd</sup> Avenue between McBride to 8<sup>th</sup> Street are permitted subject to the grade level of such buildings being devoted to retail and personal service establishments.</li> <li>(d) Entertainment centres shall not be located within 200 metres of a school property line.</li> <li>(e) Windows of habitable rooms in multiple family dwellings and traveler accommodation shall have its lower edge (sill) not less than 2.1 metres above the registered grade immediately adjacent to such window, unless screened by solid fencing or landscaping not less than 2.1 metres above grade.</li> <li>(f) The form, character, siting of parking and design of buildings shall take into consideration the policies and recommendations contained in the Downtown Urban Design Guidelines.</li> </ul>

## 6.2.0 GENERAL COMMERCIAL ZONE (C2)

<b>6.2.1 Permitted Uses</b>	<ul style="list-style-type: none"> <li>(a) Retail use.</li> <li>(b) Personal service establishments.</li> <li>(c) Offices.</li> <li>(d) Entertainment centres.</li> <li>(e) Assembly hall.</li> <li>(f) Traveler accommodation.</li> <li>(g) Theaters.</li> <li>(h) Multiple family dwellings.</li> </ul>
<b>6.2.2 Maximum Floor Area</b>	<p>Maximum floor area ratio for multiple family dwellings is 1.50.</p>
<b>6.2.3 Maximum Building Height</b>	<p>20 metres, except as otherwise provided for in specific geographic areas of the downtown as identified on Map 2, 'Building heights in the Downtown' contained in the Downtown Urban Design Guidelines.</p>
<b>6.2.4 Building Setbacks</b>	<ul style="list-style-type: none"> <li>(a) For entertainment centres, traveler accommodation, theatres and multiple family dwellings the minimum front yard shall be 3 metres.</li> <li>(b) For multiple family housing the minimum rear yard shall be 3 metres.</li> <li>(c) For multiple family housing the minimum side yard shall be 1.2 metres</li> </ul>
<b>6.2.5 Maximum Lot Coverage of Buildings and Structures</b>	<p>For buildings housing multiple family dwellings 50%.</p>
<b>6.2.6 Special Provisions</b>	<ul style="list-style-type: none"> <li>(a) Retail stores that specialize in the sales of alcoholic beverages are permitted only under the following conditions: <ul style="list-style-type: none"> <li>(i) a minimum lot area of 250 m<sup>2</sup>.</li> <li>(ii) situated in an area designated in the OCP as "Business Commercial".</li> </ul> </li> <li>(b) Entertainment centres shall not be located within 200 metres of a school property line.</li> <li>(c) Windows of habitable rooms in multiple family dwellings and traveler accommodation shall have its lower edge (sill) not less than 2.1 metres above the registered grade immediately adjacent to such window, unless screened by solid fencing or landscaping not less than 2.1 metres above grade.</li> <li>(d) The form, character, parking and design of buildings shall take into consideration the policies and recommendations contained in the Downtown Urban Design Guidelines.</li> <li>(e) Multiple family dwelling buildings on 3<sup>rd</sup> Avenue between 1<sup>st</sup> Street and 8<sup>th</sup> Street and 2<sup>nd</sup> Avenue between McBride to 8<sup>th</sup> Street are permitted subject to the grade level of such buildings being devoted to retail and personal service establishments.</li> </ul>

### 6.3.0 SERVICE COMMERCIAL ZONE (C3)

<b>6.3.1 Permitted Uses</b>	(a) Retail use. (b) Personal service establishments. (c) Offices. (d) Traveler accommodation. (e) Campsite. (f) Theaters. (g) Multiple family dwellings. (h) Assembly hall. (i) Service commercial uses. (j) Service station. (k) Accessory buildings and structures.
<b>6.3.2 Maximum Building Height</b>	17 metres.
<b>6.3.3 Building Setbacks</b>	(a) Front yard 3.6 m.
<b>6.3.4 Maximum Lot Coverage of Buildings and Structures</b>	For buildings housing multiple family dwellings 50%.
<b>6.3.5 Special Provisions</b>	(a) Multiple family dwellings are limited to being contained within the same building as a retail or personal service use and must have a separate exterior entrance. (b) Where a recycling centre is established (as a service commercial use), such recycling centre shall be entirely contained within the principal building and occupy no more than 300 m <sup>2</sup> of gross floor area.

## 6.4.0 NEIGHBOURHOOD COMMERCIAL ZONE (C4)

<b>6.4.1 Permitted Uses</b>	<ul style="list-style-type: none"><li>(a) Retail use.</li><li>(b) Personal service establishments.</li><li>(c) Offices.</li><li>(d) Multiple family dwellings.</li><li>(e) Accessory buildings and structures.</li></ul>
<b>6.4.2 Maximum Building Height</b>	<ul style="list-style-type: none"><li>(a) Principal building, 10 metres.</li><li>(b) Accessory building 3.6 metres.</li></ul>
<b>6.4.3 Building Setbacks</b>	<ul style="list-style-type: none"><li>(a) Front yard 3.6 metres.</li><li>(b) Rear yard 3.6 metres.</li><li>(c) Side yard 3 metres.</li><li>(d) An accessory building and structure shall be 3 metres from rear lot line, or 0.3 metres if the accessory building abuts a public lane.</li></ul>
<b>6.4.4 Special Provisions</b>	<ul style="list-style-type: none"><li>(a) Multiple family dwellings are limited to being contained within a retail or personal service use and must be contained in the same building on the second floor and above, and have a separate exterior entrance.</li><li>(b) The maximum number of multiple family units on a site is limited to 6.</li><li>(c) All permitted retail and personal service uses shall be limited to uses that are fully contained within a building, with no permitted outdoor storage and sales.</li><li>(d) Total floor area shall not exceed 400 m<sup>2</sup>.</li><li>(e) Office use shall not exceed a floor area of 200 m<sup>2</sup>.</li></ul>

## 6.5.0 MARINE COMMERCIAL ZONE (C5)

<b>6.5.1 Permitted Uses</b>	(a) Retail use. (b) Personal service establishments. (c) Offices. (d) Service commercial use. (e) Marine commercial use. (f) Petroleum product loading and unloading. (g) Traveler accommodation. (h) Bed & breakfast. (i) Multiple family dwellings. (j) Accessory buildings and structures.
<b>6.5.2 Maximum Building Height</b>	(a) Principal building 3 storeys. (b) Accessory building 3.6 metres.
<b>6.5.3 Building Setbacks</b>	(a) An accessory building and structure shall be 3 metres from rear lot line, or 0.3 metres if the accessory building abuts a public lane.
<b>6.5.4 Special Provisions</b>	(a) Multiple family dwellings are limited to being contained within a retail or personal service use and must be contained in the same building on the second floor and above, and have a separate exterior entrance. (b) The maximum number of multiple family units on a site is limited to 6.

## 7.1.0 LIGHT INDUSTRIAL ZONE (M1)

<b>7.1.1 Permitted Uses</b>	<ul style="list-style-type: none"><li>(a) Automobile body and repair shops, sales and rentals.</li><li>(b) Light industrial uses.</li><li>(c) Service commercial use.</li><li>(d) Offices.</li><li>(e) Retail use.</li><li>(f) Contractor offices, shops, works and storage uses.</li><li>(g) Travel accommodation.</li><li>(h) Accessory buildings and structures.</li><li>(i) Entertainment centres.</li><li>(j) Freight and truck terminals.</li></ul>
<b>7.1.2 Maximum Building Height</b>	<ul style="list-style-type: none"><li>(a) Principal building 12 m.</li><li>(b) Accessory building 3.6 metres.</li></ul>
<b>7.1.3 Building Setbacks</b>	<ul style="list-style-type: none"><li>(a) 3 metres from any property zoned residential.</li></ul>
<b>7.1.4 Special Provisions</b>	<ul style="list-style-type: none"><li>(a) A single residence as an ancillary use for the purpose of security.</li><li>(b) All storage yards shall be effectively screened by fences, building walls or other approved means to a height of not less than 2.4 metres above grade, and such screens shall be kept in good repair.</li><li>(c) Screen planting at least 1.5 m high in a strip at least 1.5 m wide or a solid fence of at least 1.5 metres high shall be provided along all property lines separating the developed portion of the site from any residentially zoned land.</li><li>(d) A retail use shall not exceed a floor area of 1000 m<sup>2</sup>.</li></ul>

## 7.2.0 GENERAL INDUSTRIAL ZONE (M2)

<b>7.2.1 Permitted Uses</b>	<ul style="list-style-type: none"> <li>(a) Automotive body and repair shops, sales and rentals.</li> <li>(b) Light industrial uses.</li> <li>(c) Service commercial uses.</li> <li>(d) Key lock fuel installation.</li> <li>(e) Offices.</li> <li>(f) Contractor offices, shops, works and storage uses.</li> <li>(g) Retail use.</li> <li>(h) Shipping Containers.</li> <li>(i) Marine commercial use.</li> <li>(j) Fuel products storage, loading and unloading.</li> <li>(k) General industrial uses.</li> <li>(l) Log Booming and sorting.</li> <li>(m) Impoundment yard.</li> <li>(n) Accessory buildings and structures.</li> <li>(o) Fish processing.</li> <li>(p) Net lofts.</li> <li>(q) Marine commercial use.</li> <li>(r) Marine service station.</li> <li>(s) Freight and truck terminals.</li> </ul>
<b>7.2.2 Maximum Building Height</b>	<ul style="list-style-type: none"> <li>(a) Accessory building 3.6 metres.</li> </ul>
<b>7.2.3 Building Setbacks</b>	<ul style="list-style-type: none"> <li>(a) 3 metres from any property zoned Residential.</li> </ul>
<b>7.2.4 Special Provisions</b>	<ul style="list-style-type: none"> <li>(a) A single residence is permitted only as an ancillary use for the purpose of security.</li> <li>(b) All storage yards shall be effectively screened by fences, building walls or other approved means to a height of not less than 2.4 metres above grade, and such screens shall be kept in good repair.</li> <li>(c) Screen planting at least 1.5 m high in a strip at least 1.5 m wide or a solid fence of at least 1.5 metres high shall be provided along all property lines separating the developed portion of the site from any residentially zoned land.</li> <li>(d) A retail use shall not exceed a floor area of 1000 m<sup>2</sup>.</li> <li>(e) Primary processing of forest products; fuel products storage, loading and unloading; and impoundment yards shall be limited to parcels with a minimum site area of 7500 m<sup>2</sup> and shall not be situated on a parcel where any contiguous parcel is zoned Residential modified.</li> </ul>

### 7.3.0 WATERFRONT INDUSTRIAL ZONE (M3)

<b>7.3.1 Permitted Uses</b>	<ul style="list-style-type: none"> <li>(a) Fish processing, excluding reduction plants.</li> <li>(b) Netlofts.</li> <li>(c) Marine transportation uses.</li> <li>(d) Shipbuilding and repairs.</li> <li>(e) Transportation terminals.</li> <li>(f) Bulk commodity storage and terminals.</li> <li>(g) Marinas.</li> <li>(h) General industrial uses.</li> <li>(i) Marine commercial uses.</li> <li>(j) Marine fuel stations.</li> <li>(k) Automotive body and repair shops, sales and rentals.</li> <li>(l) Light industrial uses.</li> <li>(m) Log booming and sorting.</li> <li>(n) Shipping containers.</li> <li>(o) Service commercial uses.</li> <li>(p) Key lock fuel installation.</li> <li>(q) Offices.</li> <li>(r) Contractor offices, shops, works and storage uses.</li> <li>(s) Entertainment centres.</li> <li>(t) Fuel products storage, loading and unloading.</li> <li>(u) Accessory buildings and structures.</li> </ul>
<b>7.3.2 Maximum Building Height</b>	<ul style="list-style-type: none"> <li>(a) Accessory building 3.6 metres.</li> </ul>
<b>7.3.3 Building Setbacks</b>	<ul style="list-style-type: none"> <li>(a) 3 metres from any property zoned residential.</li> </ul>
<b>7.3.4 Special Provisions</b>	<ul style="list-style-type: none"> <li>(a) A single residence as an ancillary use for the purpose of security.</li> <li>(b) All storage yards shall be effectively screened by fences, building walls or other approved means to a height of not less than 2.4 metres above grade, and such screens shall be kept in good repair.</li> <li>(c) Screen planting at least 1.5 m high in a strip at least 1.5 m wide or a solid fence of at least 1.5 metres high shall be provided along all property lines separating the developed portion of the site from any residentially zoned land.</li> <li>(d) Petroleum products storage tanks shall not exceed 4.3 metres above the natural grade of the site.</li> </ul>

#### 7.4.0 AUTO WRECKING YARD (M4)

<b>7.4.1 Permitted Uses</b>	(a) Autowrecking yard. (b) Impoundment yard. (c) Storage, handling and sales of scrap materials. (d) Accessory buildings and structures including a residence for security staff.
<b>7.4.2 Maximum Building Height</b>	(a) Accessory building 3.6 metres.
<b>7.4.3 Building Setbacks</b>	(a) For an accessory building 3 meters.
<b>7.4.4 Special Provisions</b>	(a) A residence for security purposes shall not be greater than 56 m <sup>2</sup> . (b) Storage yards shall be effectively screened by fences, building walls, or other approved means to a height of not less than 2.4 meters above grade and such screens shall be kept in good repair. (c) Screen planting at least 1.5m high in a strip at least 1.5m wide or a solid fence of at least 1.5 meters high shall be provided along all property lines separating the developed portion of the site from any residential zoned land.

## 8.1.0 PUBLIC FACILITIES ZONE (P1)

<b>8.1.1 Permitted Uses</b>	(a) Park and recreation facilities. (b) Public institutional facilities. (c) Education Centre. (d) Cemeteries. (e) Resource lands and activities. (f) Accessory buildings and structures. (g) Wind power projects.
<b>8.1.2 Maximum Building Height</b>	Accessory building 3.6 metres.
<b>8.1.3 Building Setbacks</b>	3 metres from any property zoned Residential.

## SECTION 9 – OFF-STREET PARKING AND OFF-STREET LOADING

### 9.1.1 Off-Street Parking

Where off-street parking is required under the provisions of this Bylaw, it shall be provided and maintained in accordance with the following:

(a) Location of Parking

(i) Residential Zones

Every required parking space in a residential zone shall be located on the building site of the building for which the parking site is required; or where impractical on an adjacent parcel of land owned by the owner of the building for which the parking space is required.

(ii) Other than Residential Zones

Parking spaces may be provided upon a public or privately owned and operated parking lot or parking garage owned by a person other than the owner of the building for which the parking is required, provided that the owner of the building requiring the parking space submits proof (a covenant on title) to the City that such parking spaces will be available at all times during which they are required to be provided under bylaws of the City in respect of the building concerned.

(iii) In the C1 zone for parcels fronting 2nd Avenue or 3rd Avenue between McBride and 8th Street no parking is permitted to be located between the front face of the building and the street line.

(b) Size of Parking Spaces

- (i) Individual and end parking spaces shall be not less than 2.6 metres in width and not less than 5.8 metres in length.
- (ii) Parking spaces bounded on either side by other parking spaces shall be not less than 2.7 metres in width and not less than 5.8 metres in length.

(c) Construction and Maintenance of Parking Spaces

All parking spaces shall be constructed and maintained to be safe and convenient for the user thereof; and, in particular, the driveway access, maneuvering area and parking spaces shall be smooth and well drained and kept free of mud, snow, ice or other obstructions to vehicular or pedestrian traffic at all times.

(d) Layout Design and Marking Signs

The layout design of driveways, maneuvering areas, ramps and parking spaces shall be in accordance with architectural and engineering standards for such work and the marking of spaces and installation of signs shall be made to clearly indicate the proper order of parking and traffic routes.

(e) Lighting

Required parking lots in other than R1 and R2 Zones containing three or more parking spaces shall be adequately lighted in accordance with illuminating engineering standards.

## 9.1.2 Parking Requirements

**Table 1: Required Parking Spaces**

Use	Parking Required
Amusement Centres	1 space for each 30 m <sup>2</sup> of gross floor area
Animal Hospital or Clinic	1 space for each 20 m <sup>2</sup> of gross floor area
Automobile Gasoline Bars and Laundries	1 space for each 5 m <sup>2</sup> of sales floor area plus 2 spaces for each service bay or car wash bay
Automotive Service & Repair	1 space for each 10 m <sup>2</sup> of sales floor area plus 1 space for each service bay
Beverage Container Return Centres	1 space for every 40 m <sup>2</sup> of gross floor area or a minimum of 6 parking spaces, whichever figure is greater.
Bus & Airline Terminals	1 space for each 10 m <sup>2</sup> of waiting or lobby area
Community & Commercial Assembly Halls	1 space for each 12 m <sup>2</sup> of gross floor space
Elementary Schools	1 space per employee
General Industrial use	1 space for each 100 m <sup>2</sup> for gross building floor area
For every 2 roomers, boarders, lodgers	1 space
Hospitals, Convalescent Homes	1 space for every four (4) patient beds
Indoor recreation use	1 off street parking space for every (2) employees, plus 1 off-street parking space for every (2) player capacity
Laundromat	3 off-street parking spaces for any laundromat
Liquor Primary Establishments	1 space for each 3 seats
Medical & Dental Offices	1 space per 18 m <sup>2</sup> of net floor area
Neighbourhood Pubs	One (1) patron parking space for every three (3) seats in the Pub and, not less than five (5) parking spaces for staff of the Pub. The required patron parking shall be available for the use of patrons during all hours when the neighbourhood public house is open and the use of these spaces for any other purpose at these times shall be deemed to be an offense under this Bylaw by the licensee of the neighbourhood house.
Offices	1 off street parking space for every 45 m <sup>2</sup> of gross leasable floor space.
Retail Use	1 space for every 20 m <sup>2</sup> of gross floor area with a minimum of 3 spaces for every retail use
Personal Service Shops	1 space for each 20 m <sup>2</sup> of gross floor area
Residential, Multiple Family (except Senior Citizens housing)	1 space for each dwelling unit
Restaurant	1 off-street parking space for every two (2) employees, plus one (1) space for each five (5) seats in the restaurant
Schools	1 space for each 20 m <sup>2</sup> (215 ft <sup>2</sup> ) of gross floor area
Secondary Schools or other adult educational facilities	1 space per 10 students
Senior Citizens Housing	1 space for every 4 living units
Service Station	1.5 spaces for every service bay.
Theatres, Assembly Hall, Churches, Funeral Homes	1 space for every ten (10) seats provided for public seating
Traveler Accommodation	1 space for each sleeping unit plus 1 space for each 3 seats in a café, restaurant, cocktail lounge, bar or beer parlour, plus 1 space for each 12 m <sup>2</sup> of meeting area
Warehousing, storage, mini storage, and similar uses	1 space for each 200 m <sup>2</sup> of gross floor area

**9.1.3 Special Parking Provisions**

The following special provisions and exemptions shall apply:

- (a) In lieu of providing the required on-site parking in the Cow Bay Development Permit Area and Downtown Development Permit Area an owner or developer shall pay to the City two thousand dollars (\$2,000.00) for every parking space he chooses not to provide in compliance with the requirements of this Bylaw.
- (b) Exceptions  
The required off-street parking shall not apply to any existing building or structure so long as the building or structure continues to be put to a use that does not require more parking or loading spaces than were required for the use existing at the time this Bylaw came into force.
- (c) Commercial Parking Lots  
Parking lots operated for gain by renting or leasing shall be governed by the regulations of (b), (c), (d), and (e) contained in Section 9.1.1 (b) – (e) of this Bylaw.

**9.1.4 Disabled Person’s Parking Spaces**

- (a) Parking spaces for the use of persons with a physical disability shall be provided according to the following cumulative ratios:

No. of Required Parking Spaces	No. of Disabled Person’s Parking Spaces
1-10	0
11-20	1
21-100	2
101-1000	2 per 100 required spaces or part thereof
1001+	1 per 100 required spaces or part thereof

- (a) Each Disabled Person’s Parking Space shall be:
  - (i) A minimum of 3.7 metres in width and a minimum of 5.8 metres in depth.
  - (ii) Clearly identified as being for use only by disabled persons.
  - (iii) Located within convenient access of an accessible building entrance or in a

central location where a parking lot serves several buildings.

- (c) The maximum grade of the parking space and access to a building or structure shall not exceed 8%.

**9.1.5 Unlawful Uses of Parking Facilities**

- (a) No area designated as a required parking area in connection with any designated building or use shall be operated as a commercial or public parking lot providing parking spaces for the general public or for the occupants, tenants, customers, clients, or residents of any other use or activity for a fee or other compensation.
- (a) Required parking facilities accessory to a residential use which are developed in accordance with the requirements of this Bylaw shall be used solely for the parking of passenger automobiles or commercial vehicles of not more than 8,600 kg gross weight owned by occupants of the dwelling structures to which such facilities are accessory, or by guests of such occupants.

**9.1.6 Off-street Loading**

- (a) Except as hereinafter provided, every owner or occupier of any building in any zone is required to provide off-street loading space for such building in which a business is or will be carried on involving the receipt or delivery of goods or materials by vehicles, and all such off-street loading spaces shall be so constructed that every vehicle involved in the loading and unloading operation will be entirely off any highway or any other public property;
- (b) In every zone where there is a registered lane at the rear or side of the building site upon which an off-street loading space or spaces, is or are required, such space or spaces shall be accessible for vehicular ingress and egress to such registered lane;
- (c) Where any off-street loading space is bounded by an building or structure, the minimum clearance shall not be less than 3.4 metres in height, 3.7 metres in width, and 6.1 metres in depth, provided that in no case shall such clearance be less than required to provide for conformity to (a) preceding.

## SECTION 10 – SIGNS

### 10.1.0 Definitions

In this section of the Bylaw, the following definitions apply:

Abandoned Sign means a sign that advertises or promotes an activity, service event or product no longer available or conducted at the premises where the sign is located.

Awning means a hood or shelter constructed of fabric on a frame which projects from the exterior wall of a building.

Awning sign means a sign which is erected in or on the surface of an awning.

Banner sign means a sign made up of fabric or other flexible material of which the attachment to a building or other support structure does not require specialized structural members or alteration to support the sign.

Billboard means an exterior structure, painting or display for publicizing or advertising a product, service or cause.

Balcony Sign means a sign affixed to the balcony of a building for purposes of advertising or promotion.

Canopy means a non-retractable, solid projection which extends from the wall of a building and includes a structure commonly known as the theatre marquee but does not include normal architectural features such as lintels, sills, and mouldings.

Canopy, Sign means a sign erected in or on a face of a canopy but does not include an under canopy sign.

Combination Sign means any sign incorporating any combination of the features of pole, projecting and roof signs.

Copy means the wording on a sign surface either in permanent or removable letter form.

Facia Sign means any sign, illuminated or unilluminated, running for its entire length parallel to the face of the wall of the structure to which it is attached to the facia.

Freestanding Sign means a sign which is entirely self-supporting, and is neither attached to nor forms part of any building, and is permanently fixed to the ground.

Illumination means a method of giving forth artificial light, either directly from a source of light incorporated in or connected with a sign, or indirectly from an artificial source.

Mural means a work of graphic art painted or applied to a building wall which contains no advertising or logos.

Marquee Sign means a sign affixed wholly beneath a permanent marquee or walkway covering, and situated perpendicular to the face of the building of which the said marquee or walkway covering is a part.

Name Plate means the display of a number or name by a self supporting device in the ground or attached to a building with a maximum area of .09 square metre per name plate.

Parapet means a wall or sloped overhang serving as a guard at the edge of a roof.

Pole Sign means a sign wholly supported by a sign structure in the ground.

Projecting Sign means a sign which is attached to and projects from the face or wall of a building, by more than 0.2m, and is normally at right angles to such building face but does not include an awning sign, canopy sign or under canopy sign.

Promotional Sign means a temporary sign made of cloth, cardboard or like material, the purpose of which is to promote sales campaigns for a period not exceeding 30 days.

Real Estate Sign means a sign advertising a lot or parcel of land or improvements. Such sign shall not have a total area of over 0.8 square metres of residential use and 3.0 square metres of commercial and industrial use. Two such signs shall be permitted per lot, parcel or structure.

Roof Line means the line delineated by the intersection of the plane of the outside face of the exterior wall of the building and the plane of the roof of the building except that in the case of a pitched roof with projecting eaves the roof line shall be at the eaves level and where the building has a continuous roof parapet or mansard the roof line shall be the line of the top of the parapet or mansard.

Roof Sign means a sign erected upon the roof or on top of the parapet of a building, the entire face of which is situated above the roof line of the building to which it is attached.

Sandwich Board Sign means a non-illuminated sign having an "A" shape which is set upon the ground and has no external support structure.

Shopping Centre means a group of retail stores in one or more buildings designed as an integral unit and having a common parking area and erected on a site of land having an area of not less than 2.0 hectares.

Sign is any medium including its structure and component parts, which is used or intended to be used, to attract attention to the subject matter for advertising or promotion purposes.

Sign Structure A sign structure is any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of the building.

Temporary Sign means a sign which is not in a permanently installed or affixed position, advertising a product or an activity on a limited basis.

Third Party Advertising means content on a sign which directs attention to products sold or services provided which cannot be considered as the principal product sold or principal services provided on the premises at which the sign is located.

Third Party Sign means a sign which directs attention to a business, profession, activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located.

Under Canopy Sign means a sign which is suspended beneath and attached to a canopy or awning and includes an under-awning sign.

Window Sign means any sign, which is erected in or on a window, which is intended to be seen from off the premises on which the premises is located and which is constructed in such a manner as intended to be of a permanent nature, but shall not include illuminated signs commonly used to advertise products sold on the premises.

Wall Sign means any sign attached to or erected against the wall of any building or structure or painted on a wall, with the exposed face of the sign in a plane parallel to the plane of the said wall.

### 10.1.1 General Sign Provisions

- (a) No person shall erect, alter, or maintain a sign except in the areas permitted and in compliance with this Bylaw.
- (b) The design and construction of signs within the downtown area of the City shall adhere to mandatory requirements and be in accord with the guidelines and recommendations embodied in the Downtown Urban Design guidelines and the Cow Bay Development Permit Area Design Guidelines. Where there is a conflict between this section of the Zoning Bylaw and a mandatory (e.g. a 'shall' requirement) in the Design Guidelines, the Design Guideline provisions take precedence.

### 10.1.2 Prohibited Signs

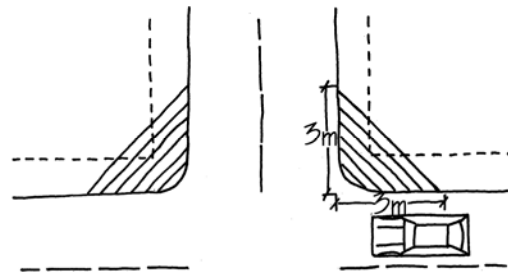
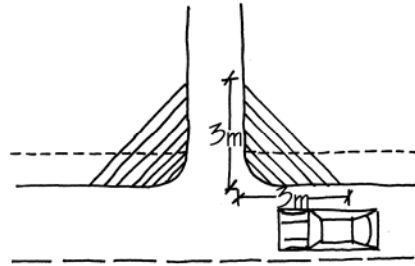
No person shall erect, or alter on a premise any of the following types of signs:

- (a) a billboard;
- (b) a sign which by reason of size, location, content, colouring or manner of illumination obstructs the vision, or movement, of drivers or pedestrians or obstructs or detracts from the visibility or effectiveness of any traffic sign, traffic control device, warning or instructional sign on highways;
- (c) a sign painted on, attached to, or supported by a tree or other living vegetation, stone, or other natural object, or utility pole;
- (d) a sign which no longer advertise a business conducted, or a product sold on the premises (abandoned sign);
- (e) a sign that is not in a safe condition;
- (f) a sign contrary to the Building Bylaw and accepted good engineering practice;
- (g) a third party sign or a sign which includes a third party advertising message that exceeds one-third of the allowable sign area;
- (h) a roof sign or any other sign including support structures that extends or projects above the roof line of the building on which it is erected;
- (i) a sign erected on a motor vehicle or trailer and parked, on public or private premises, with the primary purpose of providing sign not otherwise allowed by this Bylaw.

### 10.1.3 Exempt Signs

The following signs shall be permitted in all Zones and shall be exempted from the requirements of a Sign Permit subject to the provisions specified:

- (a) public information signs;
- (b) home improvement signs provided there shall be only one (1) such sign not exceeding 0.6m<sup>2</sup> in sign area and 1.0m height for each site. Such sign shall be located on the site of the described activity and the sign shall be displayed only until approval of the final inspection or the project is substantially completed, but in no event longer than thirty (30) days;
- (c) one sandwich board sign, not already incorporated in permitted freestanding signs, provided such signs are non-illuminated and that the total sign area of all such signs on a site is less than 2.3m<sup>2</sup>.
- (d) temporary sign such as a real estate sign, subject to a maximum of 2 per lot or structure



### 10.1.4 Construction

All signs and sign structures shall be designed and constructed to withstand wind pressure, dead loads, snow loads and lateral forces as required by the Building Code.

### 10.1.5 Vision Clearance Area

- (a) No Sign may be located within a vision clearance area as defined below.
- (b) Support structures for a sign may only be located in a vision clearance area if the combined total width is .3m or less and the combined total depth is .3m or less.
- (c) Vision Clearance areas are triangular-shaped areas located at the intersection of any combination of highways or driveways. The sides of the triangle extend 8.0 m from the intersection of the curb lines or the vehicle travel areas where there are no curb lines. See drawings.



### 10.1.6 Awning Signs

Awning Signs are permitted as follows:

- (a) awning signs are permitted in the C-commercial zones, M-industrial zones; and P zones.
- (b) the maximum sign area is limited to 30 percent of the awning face area on which the sign is erected.

### 10.1.7 Banner Signs

Banner Signs are permitted as follows:

- (a) banner signs are permitted in the C-commercial zones, M-industrial zones; and P zones.
- (b) a sign permit shall not be required if the sign area does not exceed 10m<sup>2</sup>, the maximum height is 7.62 m, it is installed for a maximum 30 day period and it conforms to all specification set out in this Bylaw;
- (c) no banner sign shall be installed for a period exceeding 30 consecutive days.

### 10.1.8 Canopy Signs

Canopy Signs are permitted as follows:

- (a) canopy signs are permitted in the C-commercial zones, M-industrial zones; and P zones.
- (b) The maximum canopy sign area shall be 0.75m<sup>2</sup> per lineal metre of the canopy frontage to which it is affixed, except that for theatres and cinemas this ratio may be increased to 1.5m<sup>2</sup> per lineal metre (3.3ft).

### 10.1.9 Electronic Message Centres

Electronic message centres are permitted as follows:

- (a) electronic message centres are permitted in the C-commercial zones, M-industrial zones; and P zones.
- (b) the electronic message centre of a freestanding sign shall be located a minimum of 2.4m above grade or in a secure enclosure.

### 10.1.10 Fascia Signs

Fascia Signs are permitted as follows:

- (a) one fascia sign per building, for the purpose of identification only, on each frontage in the RM zones and shall not exceed 0.7m<sup>2</sup> in area;
- (b) one fascia sign per business for every wall facing a highway or yard in the C-commercial zones, M-industrial zones; and P zones.
- (c) the area of all fascia signs shall not exceed 25 percent of the façade of a building to which they are affixed;
- (d) where more than one business occupies a building, provision shall be made where feasible to provide sign space on the fascia of each such business by limiting each sign to the portion of the frontage and the area of the façade containing the business referred to;
- (e) businesses located in portions of the premises not on frontage shall be permitted signage on the frontage of the premises, provided that the signs are located in conformity with other signage on the premises, and the maximum allowable sign area for each building façade is not exceeded.

### 10.1.11 Freestanding Signs

Freestanding Signs are permitted as follows:

- (a) In the C-commercial zones, M-industrial zones; and P zones.
- (b) in the RM zones one freestanding sign per frontage of a site is permitted only as an identification sign, and the maximum sign area shall be 1.5m<sup>2</sup> and the maximum sign height shall not exceed 2.0 m<sup>2</sup>;
- (c) where two or more signs are permitted on a site, such signs must be separated by a distance of not less than 50m, measured along the frontages;
- (d) freestanding signs shall not exceed a height of 7.62 m;
- (e) the sign area of any freestanding sign on any site shall not exceed 0.30m<sup>2</sup> per metre of frontage to a maximum of 9.3m<sup>2</sup>.

### 10.1.12 Painted Wall Signs

Painted Wall Signs are permitted as follows:

- (a) Painted wall signs are permitted in the C-commercial zones, M-industrial zones; and P zones;
- (b) one painted wall sign shall be permitted per business for every wall facing a highway or yard;
- (c) for each wall the maximum area permitted for painted signs shall not exceed 25 percent of the façade upon which the sign or signs have been painted.

### 10.1.13 Pedestal Signs

Pedestal Signs are permitted as follows:

- (a) are permitted in the C-commercial zones, M-industrial zones; and P zones;
- (b) the sign area of any pedestal sign on any site shall not exceed 0.30m<sup>2</sup> per metre of frontage to a maximum of 9.3m<sup>2</sup>.

### 10.1.14 Portable Signs

Portable Signs are permitted as follows:

- (a) portable signs shall be permitted in all Zones except Residential, Multiple Family Residential, and Mobile Home Park Zones;
- (b) the sign shall not exceed 3m<sup>2</sup> in area per side;

- (c) portable signs are permitted to be located on a site for a maximum of 90 days per business per year.

#### **10.1.15 Under Canopy Signs**

Under Canopy Signs are permitted as follows:

- (a) under canopy signs are permitted in the C-commercial zones, M-industrial zones; and P zones;
- (b) one under canopy sign shall be permitted for each business within a building or for each entry to a large business which might have more than one frontage entrance;
- (c) the maximum vertical dimension of an under canopy sign shall be 0.3m;
- (d) under canopy signs shall generally be at right angles to the supporting wall;

#### **10.1.16 Sandwich Board Signs**

Sandwich board Signs are permitted as follows:

- (a) Shall be of a painted finish, be neat and clean, and be maintained in such condition;
- (b) be of a size not exceeding 0.6m wide by 1m high, and not less than 0.30m wide by 0.6m high.

#### **10.1.17 Window Signs**

Window Signs are permitted as follows:

- (a) Signs within a retail display window or attached thereto shall occupy a maximum of thirty percent (30%) of each retail display window.

#### **10.1.18 Abandoned, Dangerous or Defective Signs**

- (a) Except as otherwise provided in the Bylaw, any sign which pertains to a time, event or purpose which no longer applies or no longer fulfills its function under the terms of a Sign permit shall be deemed to have been abandoned.
- (b) The Building Inspector may order the removal of an abandoned sign by giving written notice to the property owner who shall remove the sign and related structural components within 30 days of the date of the notice of removal. The property owner shall bear all costs related to such removal.

- (c) Where, in the opinion of the Building Inspector, any sign is in a dangerous or defective condition, the Building Inspector shall notify the owner, lessee, or agent of the premises upon which such sign is located, to remove at once such sign or place the same in a proper state of repair within such time as the Building Inspector specifies.

- (d) Upon receipt of such notice from the Building Inspector, the owner, lessee, or agent of such premises shall at once proceed to repair or remove such sign.

#### **10.1.19 Liability For Damages**

The provisions of this Bylaw shall not be constructed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such sign or resulting from the negligence or willful acts of such person, his agents or employees, erection, alteration maintenance or removal of any sign erected in accordance with a permit issued hereunder. Nor can it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any signs, materials or sign structures under provisions of this Bylaw.

