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Establishment of Zones

Zones in this bylaw are organized into Zoning Groups, which are characterized by their respective uses, development patterns and built form. The following Zoning Group Tables outline each Zone, its Zone Description and specific intent.

3.1 Establishment of Zones

- The area within the boundaries of the Town of Sidney is divided into the zones identified in the "Zone" column of the tables included in Section 3 of this bylaw.
- The location of each zone is established on the Zoning Map, which is attached as Appendix A of this bylaw.

3.2 Zoning Group Table: Detached Residential Zones

Zone	Zone Description	Intent of the Zone
R1	Single-Family Low Density Residential	To provide for low density single-family housing where secondary suites are not permitted.
R1.1	Single-Family Residential	To provide for low density single-family housing with the potential for a secondary suite.
R1.2	Single-Family High Density Residential - Swiftsure Area	To provide for small-lot single-family housing and low density single-family housing with the potential for a secondary suite.
R1.3	Single-Family High Density Residential - Orchard Area	To provide for small-lot single-family housing and low density single-family housing with the potential for a secondary suite or detached secondary dwelling.
R2	Single- and Two-Family Residential	To provide for a mixture of low density single-family housing with the potential for a secondary suite and two-family housing.
R3	Single-Family and Couplet High Density Residential	To provide for attached couplet housing, small-lot single-family housing and low density single-family housing with the potential for a secondary suite or detached secondary dwelling.
R4	Summergeate Village Residential	An overlay zone that has been established pending approval by the strata council to move from a land use contract to zoning.
R5	Urban Single and Two-Family Residential	To provide for a mixture of small lot single and two-family dwellings with the potential for secondary suites and detached secondary dwellings.

3.3 Zoning Group Table: Multi-Family Residential Zones

Zone	Zone Description	Intent of the Zone
RM5	Multi-Family Low Density Residential	To provide for attached row housing and multi-family housing at a maximum height of 2.5 storeys, and single- and two-family housing where permitted by this Bylaw.
RM6	Multi-Family Medium Density Residential	To provide for attached row housing and multi-family housing at a maximum height of 3 storeys, and single- and two-family housing where permitted by this Bylaw.
RM7	Multi-Family High Density Residential	To provide for attached row housing at a maximum height of 3 storeys, high density multi-family housing at a maximum height of 4 storeys, and single- and two-family housing where permitted by this Bylaw.
RM-C	Care-Oriented Residential	To provide for Abbeyfield, congregate care and assisted living housing, with a market apartment dwelling component where permitted by this Bylaw.



4.1 General Use Regulations: All Zones

The following general use regulations apply to all properties, in all zones within the Town of Sidney:

4.1.1 Interpretation

- a. Land, buildings and structures within a zone shall be only for uses permitted in that zone under this bylaw and for no other uses.
- b. Except as otherwise provided in this bylaw, the uses permitted in a zone are those uses for which a letter "P" is shown in the applicable column for each respective zone in the Use Table.
- c. Except as otherwise provided in this bylaw, the conditional uses permitted in a zone are those uses for which a letter "C" is shown in the applicable column for each respective zone in the Use Table, providing the associated Use Conditions are complied with.
- d. Except as otherwise provided in this bylaw, a blank cell in the applicable column for each respective zone in a Use Table indicates that the associated use is not permitted within that zone.

4.1.2 Use of Accessory Buildings and Structures

- a. No accessory buildings or structures, excluding detached secondary dwellings as per Table 4.2.1 and Section 4.2.3, may be used or constructed so as to be capable of being occupied for human habitation, and without limiting the generality of that restriction no accessory building may contain sleeping accommodation, be equipped or constructed so as to be capable of being equipped for household activities related to the storage, preparation and consumption of food, or be equipped or constructed so as to be capable of being equipped with a bathtub or shower.

4.1.3 Outside Storage

- a. Except as otherwise provided for in this Bylaw, outside storage shall not be permitted, but nothing herein contained shall be deemed to prevent the storage on a lot of building materials stored temporarily for use in construction or improvements on the said lot.

4.1.4 Temporary and Mobile Structures

- a. Except as otherwise provided for in this Bylaw, no land above or below the natural boundary shall be used for the location of any trailer, automobile, boat, houseboat, raft, scow, or other movable structure for sleeping or residential purposes.
- b. Recreational vehicles are permitted on a lot for sleeping or residential purposes for a period of up to four weeks per year, in Detached Residential and Multi-Family Residential zones only.
- c. In any water zone that permits transient moorage, transient moorage is permitted for the purpose of temporary residential accommodation, for a maximum duration of 4 weeks per year.
- d. Except as otherwise provided for in this Bylaw, shipping containers shall not be permitted, but nothing herein contained shall be deemed to prevent the temporary placement of a container on a lot for the storage of building materials stored temporarily for use in construction or improvements, with a valid Building Permit or Development Permit, on the said lot.

4.1.5 Additional Kitchens

- a. No person being the owner or occupier of a dwelling unit shall construct, install, keep, use or occupy nor permit or suffer others to construct, install, keep, use or occupy an additional kitchen.

4.1.6 Unrelated Households

- a. Except for Abbeyfield dwellings, a maximum of four (4) unrelated persons may live together in a single dwelling unit.



4.1.7 Unrestricted Housing

- a. No residential complex shall restrict or prohibit occupancy by any household.

4.1.8 Temporary Construction Office

- a. Temporary construction offices are permitted in all zones.
- b. A temporary construction office:
 - i. must be sited on an existing construction site with a valid Building Permit; and
 - ii. shall be removed from the site within two months of issuance of an Occupancy Permit.

4.1.9 Outdoor Kiosk

- a. Outdoor kiosks are permitted in all zones, except Detached Residential, Multi-Family Residential and Institutional zones.
- b. Outdoor kiosks shall be:
 - i. located on private property;
 - ii. setback a minimum of 2 metres from any lot line;
 - iii. situated in locations that do not interfere with foot, bicycle or vehicle traffic, including during its loading process;
 - iv. no larger than 4 cubic metres, with a maximum height of 2 metres; and
 - v. limited to one (1) kiosk per 1000 square metres of lot area. All calculations shall round up to the nearest whole number.

4.1.10 Prohibited Uses

- a. The following uses are prohibited in all zones throughout Sidney:
 - i. pawn shop;
 - ii. weapon store;
 - iii. video lottery terminals; and
 - iv. casino/games of chance.

4.2 Permitted and Conditional Uses: Detached Residential Zones

4.2.1 Permitted and Conditional Uses Table: Detached Residential Zones

Zone	R1	R1.1	R1.2		R1.3		R2	R3	R4	R5
			Lot area of 400m ² or less (see note 1)	Lot area greater than 400m ²	Lot area of 400m ² or less (see note 1)	Lot area greater than 400m ²				
Accessory Building, Structure, or Use	P	P	P	P	P	P	P	P	P	P
Couplet House Dwelling								P		
Single-Family Dwelling	P	P	P	P	P	P	P	P	P	P
Two-Family Dwelling							P (see note 2)			P
Secondary Suite		C (4.2.2)		C (4.2.2)	C (4.2.2)	C (4.2.2)	C (4.2.2)	C (4.2.2)		C (4.2.2)
Detached Secondary Dwelling						C (4.2.3)		C (4.2.3)		C (4.2.3)
Bed and Breakfast	C (4.2.4)	C (4.2.4)		C (4.2.4)		C (4.2.4)	C (4.2.4)	C (4.2.4)		C (4.2.4)
Boarding	C (4.2.5)	C (4.2.5)		C (4.2.5)		C (4.2.5)	C (4.2.5)	C (4.2.5)		C (4.2.5)
Home Occupation	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)	C (4.2.6)

Notes:

¹ Requires Development Permit (see Town of Sidney Official Community Plan, Section 19.2.1).

² Refer to Section 5.2.1 for minimum lot area regulations for Two-Family Dwellings.

5.2 Building and Structures in Detached Residential Zones

5.2.1 General Spatial Regulations Table: Detached Residential Zones

Zone	Minimum Lot Area		Maximum Lot Coverage (see note 1)		Maximum Height (see note 2)		Maximum Storeys
	Single-Family Dwelling	Two-Family Dwelling	1 Storey	2 and 2.5 Storeys	Roof pitch greater than 3:12 (see note 3)	Roof pitch 3:12 or less (see note 3)	
R1	930m ² (see note 4)		40%	30%	9.0m		2.5
R1.1	500m ² (see note 4)		40%	30%	9.0m	8.0m	2.5
R1.2	Lot area of 400m ² or less	255m ²	40%	30%	8.0m		2.5
	Lot area greater than 400m ²	400m ²	40%	30%	9.0m	8.0m	2.5
R1.3	Lot area of 400m ² or less	255m ²	40%	30%	8.0m		2.5
	Lot area greater than 400m ²	400m ²	40%	30%	9.0m	8.0m	2.5
R2	500m ² (see note 4)	715m ²	40%	30%	9.0m	8.0m	2.5
R3	Single-Family Dwelling with a lot area of 400m ² or less	255m ²	40%	30%	8.0m		2.5
	Single-Family Dwelling with lot area greater than 400m ²	400m ²	40%	30%	9.0m	8.0m	2.5
	Couplet House Dwelling	255m ²	35%		9.0m	8.0m	2.5
R4	248m ²		35% (see note 5)	35% (see note 5)	7.0m	7.0m	2
R5	270m ²	400m ²	75%		9.5m		2.5

Notes:

- 1 Refer to Section 5.1.5 for exemptions to lot coverage regulations.
- 2 Refer to Section 5.1.8 for exemptions to maximum height regulations.
- 3 Refer to Section 5.2.3.c for regulations regarding combination roof pitches.
- 4 Refer to Section 5.2.4.a for exemptions to minimum lot area.
- 5 Refer to Section 5.2.4.d.v for exemptions to maximum lot coverage.

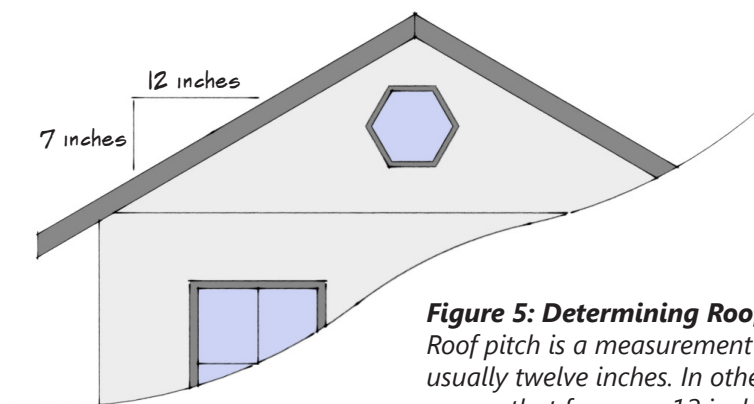


Figure 5: Determining Roof Pitch

Roof pitch is a measurement of the amount of rise in a roof over a given length, usually twelve inches. In other words, the roof shown here with a pitch of 7:12 means that for every 12 inches in length, the roof rises by 7 inches.



5.2.2 Setback Regulations Table: Detached Residential Zones

Zone	Minimum Front Setback	Minimum Rear Setback (see note 1)		Minimum Side Interior Setback	Minimum Side Exterior Setback (see note 1)
		Single-Family Dwelling	Two-Family Dwelling		
R1	7.5m	5.5m		2.0m	3.0m
R1.1	7.5m	5.5m		1.5m	3.0m
R1.2	Lot area of 400m ² or less	4.5m	3.0m	1.5m	3.0m
	Lot area greater than 400m ²	4.5m	5.5m	1.5m	3.0m
R1.3	Lot area of 400m ² or less	4.5m	3.0m	1.2m	3.0m
	Lot area greater than 400m ²	4.5m	5.5m	1.5m	3.0m
R2	7.5m	5.5m	33% lot depth (see note 2)	1.5m	3.0m
R3	Single-Family Dwelling with a lot area of 400m ² or less	4.5m	3.0m	1.2m	3.0m
	Single-Family Dwelling with lot area greater than 400m ²	4.5m	5.5m	1.5m	3.0m
	Couplet House Dwelling	4.5m	4.5m (see note 3) 9.0m (see note 3)	1.5m	3.0m
R4	3.0m	1.5m		1.5m	3.0m
R5	1.2m	1.2m		1.2m	1.2m

Notes:

- 1 Refer to Section 5.2.3.a for required setbacks where a lot abuts a natural boundary.
- 2 Refer to Section 5.2.5.b for rear setbacks for Two-Family Dwellings.
- 3 Refer to Section 5.2.6.f for minimum rear setbacks for Couplet House Dwellings.

5.2.3 Detached Residential Zones Building Regulations: All Structures

- a. On all properties abutting a natural boundary, regardless of the required setbacks specified elsewhere in this Bylaw, no building or structure shall be constructed within 7.6 metres of the natural boundary, as established by a British Columbia Land Surveyor, of the sea or other body of water. Retaining walls and seawalls are exempt.
- b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line, except as per 5.2.4.c.v.
- c. Each element of a roof shall be constructed no higher than the stated maximum for its pitch. (See Figure 6)
- d. No more than one principal building shall be permitted on a lot.



Figure 6: Multiple Roof Pitches in Detached Residential Zones
Where a building or development has more than one pitch of roof, each section of roof with its own pitch cannot be higher than the stated maximum in the relevant building regulation table. This example shows a detached single-family dwelling with a peaked roof and a later addition with a shed roof.



5.2.4 Detached Residential Building Regulations: Single-Family Dwellings

- a. In the R1, R1.1 and R2 zones, lots existing on the effective date of this Bylaw which do not conform with the minimum lot area requirement of this zone may be used for any of the permitted uses, provided that all other requirements of this Bylaw are met and no other regulations are contravened.
- b. Notwithstanding Sections 5.2.1 and 5.3.1, for single-family dwellings in the R1.1, R1.2, R1.3, R2, R3, RM5, RM6 and RM7 zones, lot coverage for 2 and 2.5 storey buildings may be increased beyond 30% up to a maximum of 35%, provided that any gross floor area over 30% lot coverage be entirely contained within the first storey level of the principal building.
- c. The following regulations apply to the R1.2, R1.3 and R3 zones:
 - i. Notwithstanding Section 5.1.6.a.v, on properties that are 400 square metres or less in area, unenclosed and uncovered stairs and landings are permitted in the front or rear setback;
 - ii. In the R1.2 zone, no lot shall have a lot width of less than 10 metres;
 - iii. In the R1.3 and R3 zones, no lot shall have a lot width of less than 7.5 metres;
 - iv. In the R1.3 zone, no principal building on a lot with a lot width less than 10 metres shall have garage doors facing the street; and
 - v. On those properties that are 400 square metres or less in area and which are bounded by two streets, the front property line may be considered as either the longest or the shortest property line.
- d. The following regulations apply to the R4 zone:
 - i. No bareland strata lot fronting on a cul-de-sac or in a panhandle configuration shall have a front lot line that is less than 4.5 metres;
 - ii. Notwithstanding 5.2.4.d.i, no bareland strata lot shall have a front lot line that is less than 6 metres;
 - iii. No principal building shall be sited less than 3 metres from any other principal building; and
 - iv. No part of the principal building shall be sited less than 3 metres from any other principal building.
 - v. Sundecks and carports are exempt when calculating maximum lot coverage.
- e. The following regulations shall apply to the R5 zone:
 - i. The total width of all garage doors which front on to a street shall not exceed 2.75 metres, except on those lots noted as lots 6, 7, 8, 9, 13, 14, 15, and 16 on the site plan for Development Permit No. 100571, where the total width of all garage doors may not exceed 4.9 metres in width;
 - ii. Dwellings with vehicle access from a lane shall not have a garage fronting on to or accessed from a street; and
 - iii. Carports shall not front on to a street.

5.2.5 Detached Residential Building Regulations: Two-Family Dwellings in the R2 Zone

- a. Notwithstanding Sections 5.2.1 and 5.3.1, for two-family dwellings lot coverage for 2 and 2.5 storey buildings may be increased beyond 30% up to a maximum of 35%, provided that any gross floor area over 30% lot coverage be entirely contained within the first storey level of the principal building.
- b. Rear setback shall not be less than 33% of the depth of the lot as measured from the front to rear property lines.
- c. The following regulations apply to side-by-side two-family dwellings only:
 - i. The minimum wall length of habitable space of a dwelling unit fronting onto a street at the front or exterior side lot line shall not be less than 40% of the wall length of habitable space of the other dwelling unit facing the same front or exterior side lot line;
 - ii. A common wall:
 - in a two-family strata conversion shall have a minimum horizontal dimension equal to 75% of the depth (side wall length) of the existing dwelling unit, and the common

wall shall be a side wall perpendicular to the front or exterior-side lot line.

- in a new two-family dwelling shall have a minimum horizontal dimension equal to 75% of the depth (side wall length) of each dwelling unit, and the common wall shall be a side wall perpendicular to the front or exterior-side lot line; and
- iii. The footprint of one dwelling unit shall equal a minimum area of 85% of the footprint of the second dwelling unit. (See Figure 7)
- d. The following regulations apply to stacked two-family dwellings only:
 - i. The floor area of one dwelling unit shall equal a minimum area of 85% of the floor area of the second dwelling unit;
 - ii. At least 80% of the upper dwelling unit's floor area shall be directly above of the lower dwelling unit; and
 - iii. Both dwelling units shall have habitable space facing the street.

Figure 7: Two-Family Dwellings

Two-family dwellings, also known as duplexes, allow for two households to live on a single, stratified property, in a single building that is separated by a common wall. Two-family dwellings can be built as a new development, or be developed by converting an existing single-family dwelling, called a strata conversion. The configuration of a two-family dwelling may be side-by-side, with both units having relatively equal frontage facing the street, or stacked, with one unit primarily on the second floor and the other unit on the ground floor. Front-to-back two-family dwellings are not permitted in Sidney in order to preserve the privacy and sense of rear-yard openness for the surrounding neighbourhood.

