

# 3

## 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

- a. 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.
- b. 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	Summergate 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

## Permitted and Conditional Uses

Section 4, Permitted and Conditional Uses, details the permitted and conditional uses within each zone and provides them in the form of a table (for example, see below), allowing for easy comparison between zones and zoning groups.

### Types of Use - Permitted and Conditional

A permitted use is the use of a building or property which is considered appropriate for the respective zone in which it is contained. Some uses, however, although considered appropriate, may still need to meet use-specific standards in order to minimize impacts and enhance development quality. These uses are therefore considered as "conditional" and are permitted only when certain requirements as specified in this Bylaw are met.

### How Uses are Classified

Permitted and Conditional Use Tables in this Bylaw provide a 'list' of uses that are either permitted or conditional within a given zone. If a use is not provided in one zone, but appears in another, then that use is not considered as permitted in the former. For the purpose of simplicity, broad classifications of uses are provided in order to avoid long lists that vary in detail.

### Non-Conforming Use

A Legal Non-Conforming Use exists when zoning on a particular property does not permit its current use, but this use was permitted and in existence before the enactment of the current Zoning Bylaw. Section 911 of the Local Government Act of British Columbia contains regulations pertaining to legal non-conforming uses.

**Figure 1: Using the Permitted and Conditional Use Tables**

"C" indicates that a use is conditional and includes a reference to the specific condition.

Notes are colour-coded and indicate additional information that is relevant to the particular use.

**4.10.1 Sample Table**

Use	Zone 1	Zone 2
Use 1	P	P
Use 2	C (4.10.2)	P
Use 3	P (see note 1)	

**Notes:**

- 1 Notes provide a reference to other requirements or standards for the particular use.

"P" indicates that a use is permitted in that zone.

Blank cells indicate that a use is not permitted in that particular zone.



## 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 of 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.



## 4.3 Permitted and Conditional Uses: Multi-Family Residential Zones

### 4.3.1 Permitted and Conditional Uses Table: Multi-Family Residential Zones

Use	RM5	RM6	RM7	RM-C
Accessory Use, Building or Structure	P	P	P	P
Row House Dwelling	P	P	P	
Townhouse Dwelling	P	P	P	
Apartment Dwelling	P	P	P	C (4.3.4)
Abbeyfield Dwelling				P
Community Care Facility				P
Assisted Living Facility				P
Secondary Suite	C (4.3.2)	C (4.3.2)	C (4.3.2)	
Home Occupation	C (4.3.3)	C (4.3.3)	C (4.3.3)	
Single-Family Dwelling	C (4.3.5)	C (4.3.5)	C (4.3.5)	
Two-Family Dwelling	C (4.3.6)	C (4.3.6)	C (4.3.6)	

### 4.3.2 Conditional Use Regulations for Secondary Suites

- a. Either the secondary suite or the principal dwelling shall be owner occupied.
- b. Secondary suites shall:
  - i. be permitted only in a row house dwelling unit, stratified apartment dwelling unit, stratified townhouse dwelling unit or existing single-family dwelling;
  - ii. be limited to one (1) per row house dwelling unit, stratified apartment dwelling unit, stratified townhouse dwelling unit or single-family dwelling;
  - iii. not be legally stratified separately from the principal dwelling; and
  - iv. for new construction, be subject to a Section 219 covenant prohibiting such stratification.

*See Section 5.3.7 for Secondary Suite Building Regulations*

### 4.3.3 Conditional Use Regulations for Home Occupations

- a. Home occupations shall:
  - i. be conducted wholly within the principal dwelling or secondary suite;
  - ii. have only residents of the dwelling unit engaged in the business;
  - iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
    - noise;
    - fumes;
    - dust;
    - smoke;
    - vibration;
    - glare;
    - odors; or
    - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.



### 5.3.3 Setback Regulations Table: Multi-Family Residential Zones

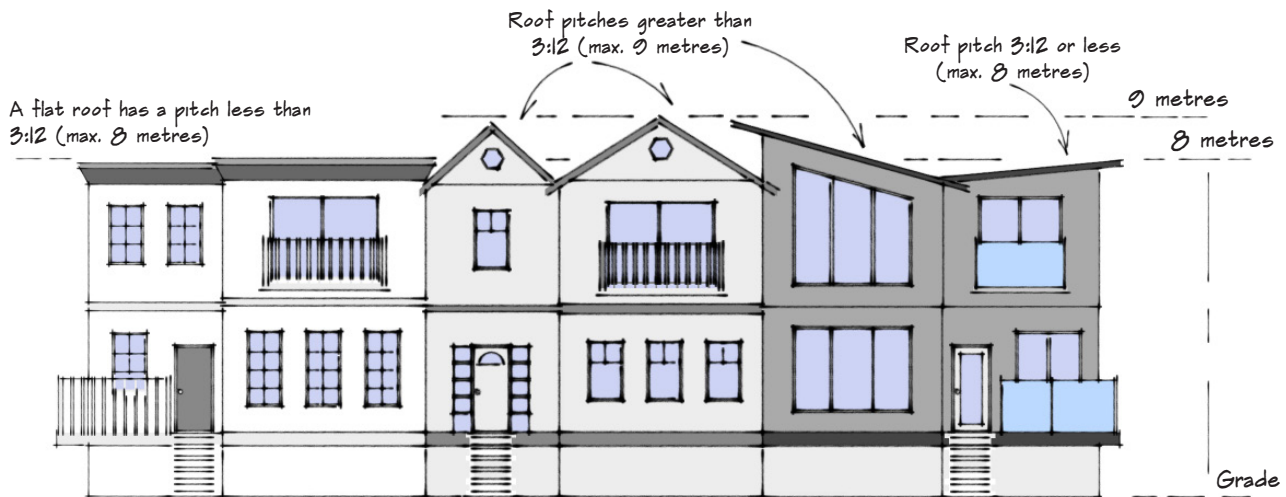
Zone	Use	Minimum Front Setback	Minimum Rear Setback <i>(see note 1)</i>		Minimum Side Interior Setback		Minimum Side Exterior Setback <i>(see note 1)</i>
						Row House Interior Lot	
RM5	Row House Dwelling	4.5m	4.5m	9m <i>(see note 2)</i>	1.5m <i>(see note 3)</i>	0m <i>(see note 4)</i>	4.5m
	Townhouse Dwelling	4.5m	4.5m		1.5m		4.5m
	Apartment Dwelling						
	Single-Family Dwelling						
Two-Family Dwelling							
RM6	Row House Dwelling	4.5m	3m	9m <i>(see note 2)</i>	3m <i>(see note 3)</i>	0m <i>(see note 4)</i>	4.5m
	Townhouse Dwelling	4.5m	5.5m		3m		4.5m
	Apartment Dwelling						
	Single-Family Dwelling						
Two-Family Dwelling							
RM7	Row House Dwelling	4.5m	3m	9m <i>(see note 2)</i>	3m <i>(see note 3)</i>	0m <i>(see note 4)</i>	3m
	Townhouse Dwelling	4.5m	5.5m		4.5m		4.5m
	Apartment Dwelling						
	Single-Family Dwelling	4.5m	5.5m		3m		4.5m
Two-Family Dwelling							
RM-C	Abbeyfield Dwelling	4.5m	5.5m		1.5m		4.5m
	Community Care Facility Apartment Dwelling	6m	7.5m		4.5m		4.5m

**Notes:**

- 1 Refer to Section 5.3.2.a for required setbacks where a lot abuts a natural boundary.
- 2 Refer to Section 5.3.6.g for minimum rear setbacks for Row House Dwellings.
- 3 Refer to Section 5.3.6.e for minimum side interior setbacks for Row House Dwellings.
- 4 Refer to Section 5.3.6.f for Row House Interior Lot setbacks.

**Figure 10: Multiple Roof Pitches in the RM5 Zone**

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. The example below is a row house development that incorporates various roof styles.







### 5.3.4 Multi-Family Building Regulations: Single-Family Dwellings

- a. In the RM5, RM6, and RM7 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 a single-family dwelling use, provided they are legally described in Section 4.3.5.a of this bylaw and that all other requirements of this Bylaw are met and no other regulations are contravened.
- b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
- c. For single-family dwellings in the RM5, RM6, and RM7 zones, the gross floor area of a second storey of a principal building shall not exceed 70% of the actual gross floor area of the first storey.

### 5.3.5 Multi-Family Building Regulations: Two-Family Dwellings

- a. In the RM5, RM6, and RM7 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 a two-family dwelling use, provided they are legally described in Section 4.3.6.a of this bylaw and that all other requirements of this Bylaw are met and no other regulations are contravened.
- b. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
- c. The regulations for Two-Family Dwellings in Section 5.2.5 of this Bylaw shall apply.

### 5.3.6 Multi-Family Building Regulations: Row House Dwellings

- a. Lot width shall be a minimum of 6 metres.
- b. A minimum of three (3) row house dwellings shall be in a series.
- c. The initial construction of all dwelling units shall occur as a single development project.
- d. Where a lot has lot lines abutting two or more streets, the shortest lot line shall be the front lot line.
- e. A lot that is the end unit of a series of row houses and does not abut a street must meet the minimum side interior setback.

#### **Figure 11: Row House Dwellings**

Row houses are dwellings that occur in a side-by-side series with each dwelling sharing either one or two party walls with its neighbors, depending on its position in the series (end units will share only one party wall). Each row house is on a fee-simple lot, which means the property is wholly owned by the owner (i.e. no strata ownership).



- f. The principal building may be sited directly against a side-interior lot line only when it abuts the adjacent lot's principal building at the zero-lot line.
- g. Where a lane already exists for rear vehicle access, the rear setback shall be a minimum of 4.5 metres in the RM5 zone, and 3.0 metres in the RM6 and RM7 zones. Where no lane exists, row house dwellings in the RM5, RM6 and RM7 zones shall have a minimum rear setback of 9.0 metres, of which a minimum of 6.0 metres shall consist of an access aisle extending along the rear of the properties.
- h. Vehicle parking shall be located in the rear yard, or enclosed within the rear of the principal building, accessed from the rear yard.
- i. Covered porches, entranceways and stairs not exceeding 1.2 metres in height:
  - i. notwithstanding Section 5.1.5.a, that are located in the front and exterior side yards shall not be included in lot coverage; and
  - ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
- j. 20% of all new row house dwellings in a development project shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.

### 5.3.7 Multi-Family Building Regulations: Secondary Suites

- a. A secondary suite in a multi-family zone shall:
  - i. be completely contained within a principal building;
  - ii. not exceed 40% of the gross floor area of its respective principal dwelling unit, including the suite's floor area, or 90 square metres, whichever is less;
  - iii. have its own entrance separate from that of its respective principal dwelling unit; and
  - iv. be self-contained. Electrical panels and laundry facilities can be shared between the secondary suite and its respective principal dwelling unit if they are located in a common area, providing that common area meets the requirements of the current B.C. Building Code.
- b. 20% of all secondary suites in new development projects shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.

*See Section 4.3.2 Conditional Use Regulations for Secondary Suites*

#### **Figure 12: Calculating Additional Lot Coverage in the RM6 and RM7 Zones**

*When calculating the additional percentage of lot coverage permitted over the baseline of 55%, first divide the number of parking spaces provided underground or within the first or half storey into the total spaces required (round to two decimal places), then multiply this number by 10 and add it to 55. The resulting number is the maximum percentage of lot coverage permitted, and may not exceed 65%.*

Example 1	Example 2
<p>20 off-street parking spaces required 8 spaces provided underground</p> <p>8 divided by 20 = 0.4</p> <p>0.4 multiplied by 10 = 4</p> <p>55 plus 4 = 59% max. lot coverage</p>	<p>27 off-street parking spaces required 24 spaces provided within first storey</p> <p>24 divided by 27 = 0.89</p> <p>0.89 multiplied by 10 = 8.9</p> <p>55 plus 8.9 = 63.9% max. lot coverage</p>



### 5.3.8 Multi-Family Building Regulations: Townhouse Dwellings

- a. A minimum of three (3) dwelling units per building shall be attached.
- b. Covered porches and entranceways, including stairs not exceeding 1.2 metres in height:
  - i. notwithstanding Section 5.1.5.a, that are located in the front and exterior side yards shall not be included in lot coverage; and
  - ii. shall be permitted to project an additional 3 metres into the front and exterior side yards.
- c. 20% of all new townhouse dwellings in a development project shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.
- d. In the RM6 and RM7 zones, maximum lot coverage shall be 55%; however, where all required off-street parking spaces are provided underground or within the first or half storey of the principal building, lot coverage may be increased by 10%. If only a proportion of the required underground, first, or half storey parking is provided, an equal proportion of the additional 10% lot coverage shall be permitted (See Figure 12).

### 5.3.9 Multi-Family Building Regulations: Apartment Dwellings

- a. A minimum of three (3) dwelling units per building shall be attached.
- b. 20% of all new Apartment Dwellings in a development project shall be adaptable units as per Section 7. All calculations shall round up to the nearest whole number.
- c. In the RM6 and RM7 zones, maximum lot coverage shall be 55%; however, where all required off-street parking spaces are provided underground or within the first or half storey of the principal building, lot coverage may be increased by 10%. If only a proportion of the required underground, first, or half storey parking is provided, an equal proportion of the additional 10% lot coverage shall be permitted (See Figure 12).

**Figure 13: Setbacks for Rooftop Access Structures**

