

Town of View Royal

LAND USE BYLAW, 1990, NO. 35

This Bylaw has been consolidated for convenience and reference only, and is not to be relied upon in making financial or other commitments. Where applicable, capitalization, numerical order, and numbering have been altered for consistency. Copies of the original Bylaw and amendments may be viewed at the Town of View Royal Municipal Hall at 45 View Royal Avenue, Victoria, B.C.

July 31, 1990

(Consolidated for Convenience to November 2020)

BOUND SEPARATELY:

SCHEDULE A: WORKS & SERVICES GENERAL PROVISIONS

SCHEDULE B: WORKS & SERVICES DESIGN CRITERIA & STANDARDS

The Town of View Royal provides information as a public service. Information provided is merely the opinion of the Town and should not be relied upon by the recipient to the exclusion of other opinions. The recipient is encouraged to seek independent advice and opinions, as the Town of View Royal takes no responsibility for information provided by it.

Town of View Royal

LAND USE BYLAW, 1990, NO. 35 AMENDMENT BYLAWS

<u>Bylaw #</u>	<u>Description</u>		
52	Zoning Map - adopted 1/91	Schedule 1	Section 42
61	Zoning Map - adopted 7/91	Schedule 1	Section 42
66	Zoning Map - adopted 11/90	Schedule 1	Section 42
74	Completion of Works and Services	Part 8	Section 58
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75	Fee - adopted 4/91	Part 2	Section 7
	Permits and Approvals	Part 7	Section 48
	General Regulations	Part 7	Section 48
	Types	Part 7	Section 49
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80	Zoning Map - adopted 5/91	Schedule 1	Section 42
81	Zoning Map - adopted 2/92	Schedule 1	Section 42
88	General Regulations - adopted 6/91	Part 7	Section 48
96	Zoning Map - adopted 2/92	Schedule 1	Section 42
97	Undersized Existing Lots - adopted 12/91	Part 3	Section 16
99	Zone Table - adopted 12/91	Part 6	Section 43
100	Zoning Map - adopted 1/92	Schedule 1	Section 42
109	Definitions - adopted 5/92	Part 1	Section 2
	Notice of Hearings	Part 2	Section 9
	Storage	Part 6	Section 33
	Yards	Part 6	Section 35
	Special Setbacks	Part 6	Section 36
	Zone Tables	Part 6	Section 43
	Preliminary Subdivision Layout Consideration	Part 8	Section 59
110	Zoning Map - adopted 5/92	Schedule 1	Section 42
129	Zoning Map - adopted 10/92	Schedule 1	Section 42
130	Zone Tables - adopted 10/92	Part 6	Section 43
131	Zoning Map - adopted 11/92	Schedule 1	Section 42
141	Zone Tables - adopted 1/93	Part 6	Section 43
145	Application to Amend a Bylaw	Part 2	Section 6
	Fee - adopted 2/93	Part 2	Section 7
	Fees	Schedule 13	Section 7
153	Zoning Map - adopted 4/93	Schedule 1	Section 42
155	Developments Exempted - adopted 3/93	Part 6	Section 30
156	Zoning Map - 5/93	Schedule 1	Section 42
158	Zone Tables - adopted 9/93	Part 6	Section 43
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168	Zoning Map - adopted 8/83	Schedule 1	Section 42

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179	Fees - adopted 10/93	Schedule 13	
181	Definitions - adopted 12/93	Part 1	Section 2
184	Subdivision & Devt. Servicing - adopted 4/94	Part 8	
185	Zone Tables - adopted 11/94	Part 6	Section 43
189	Zoning - adopted 1/94	Part 6	Section 32
195	Zone Tables - adopted 5/94	Part 6	Section 43
196	Zone Tables - adopted 4/94	Part 6	Section 43
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210	Zone Tables - adopted 11/94	Part 6	Section 43
210	Parking Standards - adopted 11/94	Part 7	Section 45
210	Parking & Loading Schedule - adopted 11/94	Part 7	Section 47
211	Fees - adopted 10/94	Schedule 13	
212	Undersized Existing Lots Regs. - adopted 11/94	Part 3	Section 16
214	Special Setbacks - adopted 2/95	Part 6	Section 36
215	Parking & Loading Schedule - adopted 2/95	Part 7	Section 47
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222	Zone Tables - adopted 2/95	Part 6	Section 43
223	Zone Tables - adopted 2/95	Part 6	Section 43
224	Screening - adopted 2/95	Part 7	Section 54
225	Admin & Public Information - adopted 2/95	Part 2	Section 6
225	Signs - adopted 2/95	Part 7	Section 48
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292	Zoning Map - adopted 3/97	Part 6	Section 42
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401	Definitions – adopted 06/01	Part 1	Section 2
402	Subdivision & Devt. Servicing - adopted 1/01	Part 8	Section 58
403	Definitions - adopted 1/01 General Regulations	Part 1 Part 6	Section 2 Section 29
404	Definitions – adopted 09/01 Zone Tables Parking & Loading Schedule	Parts 2/6/7	Sections 2/47
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409	Subdivision & Devt. Servicing – adopted 2/01	Part 8	Sections 56/58
411	Zoning Map – adopted 04/01	Schedule 1	
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426	General Regulations – adopted 06/01	Part 2	Section 6
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433	Design and Construction Requirements- Warranty – adopted 07/02	Part 8 Division 2	Sections 68,69
434	General Regulations – adopted 09/01 Sign Schedule	Parts 1/7	Sections 48/49/50
440	Definitions – adopted 10/01 General Regulations	Parts 1/6	Sections 2/40.1

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454	Regulations to Devt. Permits – adopted 12/01	Parts 2/5 Schedules 5/13	Sections 6/21/23/ 26/27/28
458	Zone Table – adopted 06/02	Part 6	Sections 41/43
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478	Zoning Map – adopted 06/02	Schedule 1	Section 42
485	Public Notice Requirements – adopted 09/02	Part 2	Sections 6/9
497	Sign Regulations – adopted 11/02	Parts 6/7	Sections 40/48
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506	P-1 Zone, residential use – adopted 04/03	Part 6	Section 43
521	Float home restrictions – adopted 10/03	Part 1	Section 29
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603	Bare-land strata restrictions – adopted 07/05	Part 8	Section 56
622	Delete Board of Variance – adopted 02/06	Part 4	Sections 19/20
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627	Riparian Areas Regulation – adopted 03/06	Part 7	Division 5
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LAND USE BYLAW, 1990, NO. 35

PART 1 INTERPRETATION

TITLE

1. This Bylaw may be cited for all purposes as Land Use Bylaw, 1990, No. 35 and Schedules 1 to 15 and A and B are a part hereof. **(Amendment Bylaw, 1994, No. 184)**
2. The following Bylaws are hereby repealed as of the date of adoption of the Bylaw:
 - A) The Capital Regional District Bylaw, being the "View Royal Zoning Bylaw, 1979, No. 599" and all amendments thereto.
 - B) The Capital Regional District Bylaw, being the "View Royal Subdivision Bylaw, 1979, No. 651" and all amendments thereto.
 - C) The Capital Regional District Bylaw, being the "View Royal Sign Bylaw, 1988, No. 1655" and all amendments thereto.
 - D) The Town of View Royal Bylaw, being "Board of Variance Bylaw, 1988, No. 5".

READ A FIRST TIME THIS	17 TH	DAY OF	APRIL	, 1990
READ A SECOND TIME THIS	2 ND	DAY OF	JUNE	, 1990
PUBLIC HEARING HELD THIS	19 TH	DAY OF	JUNE	, 1990
READ A THIRD TIME THIS	26 TH	DAY OF	JUNE	, 1990
APPROVED BY THE MINISTER OF TRANSPORTATION AND HIGHWAYS THIS	25 TH	DAY OF	JUNE	, 1990

RECONSIDERED, FINALLY PASSED AND ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 31ST DAY OF JULY, 1990

**(ORIGINAL BYLAW SIGNED BY MARJORIE ALDERSMITH, MAYOR
AND DAVID CHRISTENSEN, CLERK/ADMINISTRATOR)**

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

"Acceptance" means the final approval of the Works acknowledged by the issuance of a written Certificate of Acceptance of the Works signed by the Approving Officer following completion and following the warranty period for the Works. **(Amendment Bylaw, 1994, No. 184)**

"Accessory" means a use which is customarily incidental, subordinate and exclusively devoted to the principal use on the lot. **(Amendment Bylaw, 2009, No. 752)**

"Accessory Building" means a building devoted to an accessory use. **(Amendment Bylaw, 2009, No. 752)**

"Adult Entertainment" means any business use in which films, movies, videos or live shows of a pornographic nature are played or performed for the public on the premises.

(Amendment Bylaw, 2001, No. 440)

"Agricultural Use" means a use providing for growing, rearing, producing and harvesting of agricultural products; includes the storage and sale on an individual farm of the products harvested, reared, or produced on that farm and the storage of farm machinery, implements and supplies, and repairs to farm machinery and implements used on that farm; specifically excludes all manufacturing, processing, storage and repairs not specifically included in this definition, livestock and poultry processing, piggery use, feed lots, and mink farms.

"Amusement Arcades" means a building or part of a building in which three or more coin or token-operated machines, games or other devices are provided for public amusement.

(Amendment Bylaw, 1996, No. 311)

"Applicant" means a person applying for the approval of a subdivision or a permit whether as the owner of the property proposed to be subdivided or developed, or as agent for the owner.

"Approval, Final" means the Approving Officer's affixing his signature to the subdivision plan pursuant to s.88 of the Land Title Act.

"Approval, Preliminary Layout Consideration" means written notification of a review of information presented to the Approving Officer previous to submission of a subdivision plan for final approval.

"Approving Officer" means the Clerk or any person duly authorized by the Municipal Council to act as Approving Officer pursuant to the provisions of the Land Title Act and Municipal Act.

"Arterial Highway" means a major highway serving as a major traffic route between areas of the Municipality.

"Assembly Use" means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, private educational purposes; includes auditoriums, youth centres, social halls, and churches.

"Assisted Living Apartment" means an apartment use where food, housekeeping, personal service and/or nursing care are provided in addition to the residential use.

(Amendment Bylaw, 2007, No. 646)

"Attic" means the space above the ceiling of the uppermost building storey. **(Amendment Bylaw, 2009, No. 752)**

"Automotive Sales, New" means the retail, fleet and lease sales and rental of new vehicles, and shall allow for the sale of used vehicles and the repair and servicing of vehicles only as accessory uses to the principal retail or rental use, provided that the number of recreational vehicles, mobile homes and boats permitted to be displayed for sale, lease or rental as an accessory use shall not exceed 10% of the total vehicles on display on the site.

(Amendment Bylaw, 1998, No. 340)

"Back-lit Sign" means any sign designed to give forth artificial light from a source either within or behind the sign structure.

(Amendment Bylaw, 1998, No. 330)

"Basement" means that portion of a building between two floor levels which is partly below grade. **(Amendment Bylaw, 2009, No. 752)**

"Bed & Breakfast" means the provision of nightly accommodation and breakfast for travellers in a private dwelling unit.

"Boarders & Lodgers" means a person who, in return for consideration has his place of residence in a separate or shared sleeping room in a dwelling unit, and who is not a member of the family.

"Boulevard" means that a portion of a highway between the curb lines or the lateral boundary lines of a roadway and the adjoining property or between curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways.

"Buffer Zone" means a natural strip of land to screen view and sound.

(Amendment Bylaw, 1994, No. 184)

"Building" means a structure located on the ground which is designed, erected or intended for the support, enclosure or protection of persons, animals or property. For the purpose of this Bylaw vehicles shall not be considered to be buildings.

"Building Bylaw" means Town of View Royal Building Bylaw, 1989, No. 18, and all amendments.

"Building Inspector" means the person duly appointed as such from time to time by the Council and includes any person designated by the Inspector to act on his behalf.

"Building Permit" means a permit issued pursuant to the Municipality's Building Bylaw.

"Building Regulations" means regulations regarding the construction of buildings by the current Building Bylaw of the Municipality and as authorized by s.694, and s.692 of the Municipal Act.

"Building Width" means the lesser of the two horizontal dimensions of a building or structure and in the case of a mobile home means the width of the mobile home exclusive of any structural additions attached thereto which were not a part or intended to be a part of the mobile home when it was manufactured.

"Café" means the use of a building or structure which is primarily engaged in the sale of coffee, tea and light refreshments, but may include a limited selection of pre-prepared or rapidly prepared food served directly to customers at a walk-up counter for consumption on or off the premises.

(Amendment Bylaw, 2000, No. 404)

"Campground" means a facility approved pursuant to the "Camp-sites Regulations" of the Health Act, for the temporary accommodation of travellers; specifically excludes a Mobile Home Park.

"Carport" means a building or structure or part thereof, more than forty (40) percent of the area of the perimeter faces of which is open and unobstructed by any wall, door, post or pier, for the parking or temporary storage of a motor vehicle.

(Amendment Bylaw, 2007, No. 657)

"Casino" means a building used for gaming activities.

(Amendment Bylaw, 2000, No. 382)

"Cellar" means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height from finished floor to finished ceiling below natural grade.

"Child Care Facility" means a facility licensed and used as a Child Care Facility pursuant to the Community Care Facility Act.

"Church" means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

"Civic Use" means the use of land, buildings or structures for municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

(Amendment Bylaw, 2000, No. 401)

"Clerk" means the Clerk of the Municipality.

"Club" means the premises of a social, service, or recreational club.

"Collector Highway" means a highway serving several local highways and may serve as a connector between neighbourhoods.

"Combined Commercial and Residential Use" means one commercial use combined in a building with one dwelling unit, with the commercial use having a separate outside entrance, except where the use is gasoline service station or motel, in which case the dwelling unit may be in a separate building from the commercial use.

"Commercial Crossing" means a driveway crossing which provides vehicular access to the parking and loading areas of any lot zoned and/or used for commercial, industrial or institutional purposes.

(Amendment Bylaw, 1994, No. 184)

"Common Access Road" means any private on-site roadway within a common lot strata Attached Residential and Apartment Residential development.

(Amendment Bylaw, 1996, No. 283)

"Common Amenity Area" means indoor or outdoor space designed for active or passive recreational use within the boundaries of a residential development site, and may include natural greenspace area, landscape area, patios, communal lounges, children's play area and similar uses, but does not include any area occupied at grade level by a building's service areas, parking lots, manoeuvring aisles or access driveways.

(Amendment Bylaw, 1996, No. 311)

"Common Property Access Route" means those portions of the common property in a bare land strata intended to provide vehicular access to the strata lots" **(Amendment Bylaw 2009, No. 739)**

"Community Care Facility" means a facility licensed pursuant to the Community Care Facility Act.

"Community Sewer System" means a sewage collection and disposal system that is owned and operated by a municipality or regional district.

"Community Water System" means a system of waterworks owned and operated by a water

district, municipality, regional district, improvement district or a water utility as defined in the Water Utility Act.

"Complete" or "Completion", when used with respect to the Works shall mean completion of the Works by the Developer to the standards and specifications set out in this Bylaw, as acknowledged by the issuance of a Certificate of Completion signed by the Approving Officer.

(Amendment Bylaw, 1994, No. 184)

"Concealed Parking" means any space or area that is used for the parking and movement of motor vehicles and is contained above grade entirely within a building or structure in such a manner as to ensure that the area so used is not visible from outside the building or structure.

(Amendment Bylaw, 1998, No. 340)

"Conference Centre" means a separate establishment, or an area within the premises of a principal commercial, institutional or residential building, used for the holding of conventions, seminars, workshops or similar activities, including dining facilities for the use of participants, as well as compatible accessory facilities.

(Amendment Bylaw, 2005, No. 577)

"Consulting Engineer" means a professional engineer registered in the Province of B.C. and retained by the Developer to act on the Developer's behalf.

(Amendment Bylaw, 1994, No. 184)

"Corner Lot" means a lot abutting a combination of two or more roadways and / or common property access routes where the lot lines form an interior angle of less than 135°. **(Amendment Bylaw, 2009, No. 739)**

"Council" means the Municipal Council of the Town of View Royal.

"Crawl Space" means the space immediately above the ground seal

- (a) with a ceiling not more than 1.2m (4ft) above grade; and
- (b) a floor to ceiling height, as measured from the ground seal to underside of the floor joists of the storey above, not more than 1.5m (5ft) high for at least 20% of the crawl space; and

- (c) where crawl space floor to ceiling height exceeds 1.5m (5ft) the floor must be sloping a minimum of 10% and the floor must be at natural grade.

(Amendment Bylaw, 2009, No. 752)

"Cul-de-Sac" means a highway which terminates with a vehicular turning area.

"Developer" means the subdivider or improver of land or his contractor or his agent appointed in writing.

"Development" means the improvement of land pursuant to a Building permit.

"Development Permit Area" means an area designated in the Official Community Plan which can be developed only in accordance with a development permit issued by the Council according to the special conditions and regulations for development of any property within the area.

"Driveway" means that portion of a lot that provides access to parking or loading spaces within the lot and is considered to be the extension of the lot's driveway crossing.

(Amendment Bylaw, 1994, No. 184)

"Driveway Crossing" means the improved section of a curb, sidewalk or boulevard constructed to provide vehicular access to one or more lots from any highway.

(Amendment Bylaw, 1994, No. 184)

"Drive-In Restaurant" means a restaurant or eating establishment which is designed to provide, either wholly or in part, service to customers situated outside the confines of a building in an automobile parked or momentarily stopped on the same site.

(Amendment Bylaw, 1999, No. 311)

"Dwelling Unit" means one or a self-contained set of inter-connected rooms for the use of one or more persons living together as a single domestic unit, sharing cooking, eating, living, sleeping and sanitary facilities and having only one room equipped for the preparation and cooking of food.

"Enclosed Portion of a Building" means a roofed part of a building that has more than 60% of the total perimeter enclosed by wall, door, glass,

post, pier, or screen, except a railing required by the British Columbia Building Code is not considered part of the perimeter enclosure.

(Amendment Bylaw, 2009, No. 752)

"Enclosed Underground Parking Space" means any space or area that is used or intended to be used for the parking and movement of motor vehicles and is contained entirely within a structure below natural grade.

(Amendment Bylaw, 1994, No. 196)

"Excess or Extended Services" means a portion of a highway, water, sewer or drainage system that will provide access to, or will serve, land other than the land being subdivided or developed.

"Family" means one or more persons related by blood or marriage or up to three unrelated persons jointly occupying a dwelling unit.

"Family Resource Centre" means a centre providing counselling services to the residents of the community, including offices and meeting space.

"Fence" means a railing, paling, trellis, tower, retaining wall or other screening, or combination, thereof, not being a building or vegetation, forming a boundary or enclosing some area.

(Amendment Bylaw, 2009, No. 752)

"Fill" means soil, sand, gravel, rock or other clean material free of un-decomposed organic matter.

(Amendment Bylaw, 1994, No. 184)

"First Storey" means the storey above the slab on grade, basement or crawl space of the building.

(Amendment Bylaw, 2009, No. 752)

"Float Home" means a house-like structure built on a floatation system, not primarily intended or usable for navigation on water but intended for human habitation.

(Amendment Bylaw, 2003, No. 521)

"Floor Area" means the total area of all **basements, storeys, and half-storeys** of all enclosed portions of all buildings on a parcel as measured to the exterior of the buildings' sheathing or foundation except

a) Floor Area does not include

- (i) Any space or storage room located **within the framing of the roof** where the floor to ceiling or roof rafter height is not more than 1.5m(5ft) throughout the entire space or storage room
- (ii) Open spaces within a building that occur in association with lofts, stairways, vaulted ceilings, rooms or hallways that are open to above, or other similar open areas
- (iii) Carports, elevator shafts, rooftop stairwells or rooftop enclosures for heating, ventilation or air conditioning equipment.
- (iv) Underground parking

b) Floor Area within a half-storey is measured to the interior face of pony walls.
(Amendment Bylaw, 2009, No. 752)

"Floor Space Ratio" means the ratio which the total floor area of a building bears to the area of the lot on which the building stands.

"Food concession" means the use of building, mobile cart, mobile trailer or vehicle for the preparation and sale of food and drinks to pedestrians located outside, but does not include the sale of alcohol.
(Amendment Bylaw, 2011, No. 796)

"Frontage" means that length of a lot boundary which immediately adjoins a highway other than a lane or walkway.

"Gaming" means any banking or percentage game of chance played with cards, dice or any mechanical device or machine for money or other items of value, and located exclusively within a casino.
(Amendment Bylaw, 2000, No. 382)

"Garage" means a detached accessory building or portion of a principal building the perimeter faces of which are at least sixty (60) percent enclosed, whose intended use is for the parking or temporary storage of motor vehicles and in which there are no facilities for repairing or servicing such vehicles.
(Amendment Bylaw, 2007, No. 657)

"Gasoline Service Station" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants and may

include, as accessory uses, the servicing and minor repair of motor vehicles and the sale of automobile accessories, but shall not include motor vehicle body work, painting or major repairs.

"Grade" means the average natural grade or average finished grade, whichever is lower, immediately adjoining, or immediately below, each exterior wall of a building, except

- (a) localized natural depressions,
- (b) localized depressions no wider than 10m for vehicle entrances, or
- (c) localized depressions no wider than 5m for pedestrian entrances,

need not be considered in average grade calculations.
(Amendment Bylaw, 2009, No. 752)

"Grade, Finished" means the final elevation of the ground surface after development.
(Amendment Bylaw, 2006, No. 629)

"Grade, Natural" means the elevation of the ground surface of land prior to any disturbance, alteration, excavation or filling.
(Amendment Bylaw, 2006, No. 629)

"Greenspace, Landscaped" means any unobstructed permeable area which is suitable for the growing and maintenance of grass, flowers, shrubs and trees, but does not contain any of the following:

- buildings or structures;
- private driveways or roadways;
- off-street parking area;
- garbage pick-up or loading area;
- surface drainage facilities;
- surface material comprised of asphalt, concrete, tile, metal, wood or similar materials.

(Amendment Bylaw, 1998, No. 340)

"Greenspace, Natural" means any area retained in a natural state such that existing trees, vegetation and soil remain undisturbed by development.
(Amendment Bylaw, 1998, No. 340)

"Half Storey" means that portion of any building wholly or partly within the framing of the roof, where the floor area of the storey is not more than 70% of the floor area of the first storey.
(Amendment Bylaw, 2009, No. 752)

"Height" means the vertical distance of a building or structure measured from grade to the highest point of the building or structure having a flat roof or of a roof with a pitch less than 3:12, including a mansard roof, and to the midpoint between the eaves and ridge of a gable, hip, gambrel or other sloping roof on the building. Where a building or structure incorporates a roof exceeding a pitch of 12:12, a barrel vaulted roof structure, or in the case of a structure without a roof, height shall be measured from grade to the highest adjacent point of the structure. The measurement of height shall exclude the projection of chimneys, vents, stacks, heating, ventilation, air conditioning equipment, stairwells, and elevator lifting devices which protrude above the surrounding roof line. Notwithstanding the use of average finished grade in determining height, the height of building or structure on the down-slope side of the building shall not exceed a height more than 2.5m higher than the maximum height permitted in the zone table.

(Amendment Bylaw, 2009, No. 752)

"Highway" includes a street, road, lane, bridge, viaduct, and any other way open to public use, but does not include a private right-of-way on private property.

"Hospital" has the meaning assigned thereto by the Hospital Act.

"Hospital Hostel" means transient accommodation operated by a non-profit society available only to those persons visiting or accompanying friends or relatives receiving care and treatment at a Hospital.

"Hotel" means a building intended for the temporary accommodation of travellers, in which each sleeping unit contains its own sanitary facilities.

"Industrial Uses" means an industry that is not noxious or offensive to the public in general or to the immediate neighbourhood thereof by reason of the emission of odour, dust, smoke, gas noise, vibration, glare, or electrical disturbance, and excludes auto wrecking yards, refuse and garbage dumps.

"Kennel" means any building, structure, compound, group of pens or cages or property in which or where four or more dogs or cats are or are intended to be trained, cared for, bred,

boarded, or kept for any purpose whatsoever. A dog or cat means a member of the canine or feline species respectively which is four or more months of age.

"Laboratory Facility" means a facility used for conducting scientific or medical research, experimentation or diagnostic work

(Amendment Bylaw, 2006, No. 638)

"Landscape Screen" means an opaque visual barrier formed by a row of shrubs or trees, wood fence, masonry wall or other suitable material or combination thereof.

(Amendment Bylaw, 1994, No. 184)

"Landscaping" means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other structures and materials used in landscape architecture.

"Lane" means a highway more than 3 metres but not greater than 8 metres in width, intended to provide "secondary" access to parcels of land, but a lane is not a partial highway.

"Licensed Retail Store" means a building or part thereof where beer, wine and liquor are offered for sale and includes the enclosed storage of limited quantities of such items sufficient only to service such a store. Licensed retail stores must be operated by the holder of an existing primary liquor licence issued in accordance with the *Liquor Control and Licensing Act*.

(Amendment Bylaw, 2004, No. 540)

"Light Manufacturing" means the manufacture and assembly of finished products for retail sale to consumers and wholesale distribution to retail stores.

(Amendment Bylaw, 1998, No. 340)

"Live-aboard Vessel" means any vessel intended for use in navigation on water and used incidentally for human habitation, which may or may not be dependent on shore facilities.

(Amendment Bylaw, 2003, No. 521)

"Live/Work Studio" means a commercial use combined with a residential use in such a manner that the residential and commercial uses constitute a single occupancy of the premises, and have no employees other than persons who are residents in the premises. The commercial

use within a live/work studio shall be limited to the following uses only:

- a) Bed and breakfast facility limited to two rental rooms;
- b) Business and professional office;
- c) Craft studios, including but without limiting the generality of the foregoing: painting, printing, photography, pottery and ceramics, sculpture, carvings, ornamental or art glass, and excluding boat building and auto refurbishing;
- d) Day care providing care to not more than five children at a time;
- e) Educational tutoring;
- f) Garment making and the manufacture of small leather goods, but excluding the tanning or curing of leather;
- g) Jewellery manufacturing;
- h) Personal service establishments including, but without limiting the generality of the foregoing: optical or watch repair shop, photographic studio and shoe repair;
- i) Post office;
- j) Printing, publishing, desktop publishing and bookbinding;
- k) Repair of minor household goods, including computers; and
- l) Retail sale of goods manufactured within a live/work studio.

(Amendment Bylaw, 2005, No. 590)

"Livestock" means rabbits, goats, sheep, swine, horses, cattle, poultry kept for the purpose of providing meat or eggs, or fur bearing animals as defined in the Fur Farm Act.

"Local Highway" means a highway within a residential neighbourhood and not intended to carry traffic from one neighbourhood to another.

"Lodgers and Boarders" see Boarders and Lodgers.

"Lot" means the smallest unit into which land is subdivided as shown on the records of the Land Title Office, including strata lots.

"Lot Coverage" means the percentage of the lot area covered by buildings and structures.

"Lot Line" means the legally defined limits of any lot, and in particular:

- (a) Front Lot Line mean the shortest lot line on a corner lot or any other lot that divides the lot from a roadway or common property access route which, when considering front yard setbacks, results in buildable lot area, and in the case of panhandle lot, the front lot line shall be deemed to be any lot line adjoining and approximately perpendicular to the access strip, but excluding any lot line in the access strip.
(Amendment Bylaw 2009, No. 739)
- (b) Flanking Lot Line means any lot line that divides the lot from a roadway or common property access route, other than the front lot line.
(Amendment Bylaw 2009, No. 739)
- (c) Side Lot Line means a lot line other than a front or rear lot line.
- (d) Rear Lot Line means the lot line opposite to and most distant from the front lot line or in the case of a triangular shaped lot, a line 3m (9.ft) in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
(Amendment Bylaw 2009, No. 739)

"Lot Depth" means the shortest horizontal distance between the front and rear lot lines.

"Lot Width" means the same as "frontage" under s.944 of the Municipal Act and is defined as the horizontal distance between side lot lines measured at right angles to the lot depth and 7 metres from the front lot line to the rear lot line.

(Amendment Bylaw, 1992, No. 109)

"Marina" means the use of land or surface of the water for the sale and/or rental of boats, docking berths, marine engines and marine supplies.

"Marine Business" means the sale of boats and supplies related to boats and the repair and servicing of boats.

"Marine Commercial" means commercial or mixed residential and commercial uses that are placed on the foreshore and/or water surface, either as a floating structure or fixed by way of pilings. No vessel fuelling station or other petroleum product sales shall be permitted.

Marine Commercial uses shall be limited to the following:

- a) Bed and breakfast facility limited to two rental rooms;
- b) Mixed commercial and residential;
- c) Retail commercial;
- d) Office space limited to businesses predominantly oriented to marine consulting; marine activities or marine tourism activities; and
- e) Restaurant, excluding fast-food restaurants.

(Amendment Bylaw, 2005, No. 590)

"Medical Clinic" means a building or structure where

- a) one or more members of the medical profession, including physicians, dentists, chiropractors, and veterinarians, and/or
- b) one or more members of health-related professions including physiotherapists, occupational therapists, massage therapists, acupuncturists, orthotists, prosthetists, naturopaths, homeopaths, and dietitians, provide diagnosis and treatment to the general public or household pets without overnight accommodation, and may include such ancillary uses as reception areas, offices, consultation rooms, coffee shops and pharmaceutical dispensary, providing that all such ancillary uses have access only from the interior of the clinic building.

(Amendment Bylaw 849, 2012)

"Medical Health Officer" means the Medical Health Officer appointed by the Capital Regional District for the territorial jurisdiction of the area in which a subdivision or development is located.

"Minor Residential Street" means any highway which is not an arterial, major road or collector road. **(Amendment Bylaw, 1994, No. 184)**

"Mixed Commercial and Residential Use" means one or more commercial uses combined in a building with one or more dwelling units.

"Mobile Business" means a commercial operation, including retail of food and beverages, or office use which is established at a location on a temporary basis for a period of time exceeding one hour and which may change location from time to time through the use of motorized transportation and which is not located in a permanent building or structure.

(Amendment Bylaw, 2000, No. 403)

"Mobile Home" means a single family dwelling unit equipped with a water-closet and a bath-tub or shower, waste from which shall be disposed of directly into a sewer, and manufactured as a unit or units intended to be occupied on a year-round, long term basis in a place other than where it was manufactured. It may be designed with detachable towing and touring gear and upon arrival at the site, can be completed and ready for occupancy except for placing on foundations, connections of utilities and some incidental assembly; and must meet the standards specified in the Canadian Standards Association Standard Z-240 and A-277.

"Motel or Auto Court" means a building or buildings, occupied or intended to be occupied solely by transient motorists, each sleeping unit of which has its own sanitary facilities with a water closet, wash basin and bath or shower.

"Municipal Engineer" means the Engineer of the Municipality appointed as such by the Municipal Council or such other person as may, from time to time, be duly appointed to act in his stead by the Municipal Council.

"Municipality" means the Town of View Royal or the area within the municipal boundaries thereof as the context may require.

"Natural Boundary" means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation and the nature of the soil.

"Neighbourhood Public House" means an establishment licensed as a neighbourhood pub under the *Liquor Control and Licensing Act* which provides for the sale and consumption of alcoholic beverages and accessory food products.

(Amendment Bylaw, 2005, No. 590)

"Non-Conforming Building or Use" means any building or use already existing which does not conform with all the applicable regulations of this Bylaw.

"Official Community Plan" means the plan adopted by the Town of View Royal, 1990, Bylaw No. 34.

"Owner" means the registered owner of an estate in fee simple.

"Panhandle Lot" means any lot which is serviced and gains access to a highway by means of a narrow strip of land which is an integral part of the lot (hereinafter called the "access strip").

"Parcel" has the same meaning as in the Municipal Act.

"Park and Open Space" means any park, open space, or playground which is used or intended to be used for the recreation and enjoyment of the public.

"Personal Service Establishment" means a business use within a building or structure in which services are provided that are specifically related to the clothing or body of a person or household pet, and includes, as an ancillary use only, the retailing of items ancillary to the provision of such service(s), but specifically excludes massage (unless such use is ancillary to a licensed aesthetic care facility), tattoo and escort service.

(Amendment Bylaw, No. 459, 2002)

"Potable Water" means water which is approved for drinking purposes by the Medical Health Officer.

"Principal Building" means a building which contains the chief or main use on a lot.

"Professional Engineer" means a person who is registered or duly licensed as such under the provisions of the Engineers Act.

"Proven Supply" means that a minimum of 2000 litres per day of potable water must be proven to be available to the satisfaction of the Municipal Engineer.

"Public Safety Facility" means a facility for safety and emergency services, including the provision of police, ambulance, emergency or fire protection services and related administrative, training and operational use.

(Amendment Bylaw No. 857, 2013)

"Public Utility" means the lawful distribution or distributor of electricity, gas, water, telephonic or

television signals under the Utilities Commission Act, the Municipal Act or a Statute of Canada or British Columbia.

"Recreational Facility" means a facility used and equipped for the carrying on of sports or leisure activities, specifically excluding amusement arcades, dance halls and pool halls.

(Amendment Bylaw, 1996, No. 311)

"Recreational greenways" means trails that link parks and other recreational spaces, and shall include support facilities that are integral to recreational use. Recreational trails may be single or multi-use and are intended to provide safe recreational opportunities for persons of all ages and abilities.

(Amendment Bylaw, 2002, No. 470)

"Recreational Vehicle" means a vehicular type portable structure without permanent foundation, which can be towed, hauled or primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers and self propelled motor homes.

(Amendment Bylaw, 2006, No. 599)

"Residential Apartment" means a building divided into not less than three dwelling units other than Attached Residential; specifically excludes a building used for a Hotel or Motel.

"Residential Attached" means a building (or buildings) divided into not less than three dwelling units with each dwelling unit having direct access to the outside; specifically excludes a building used for a Hotel or Motel.

(Amendment Bylaw, 1994, No. 196)

"Residential Crossing, Low Density: means a driveway crossing which provides vehicular access to the parking and loading areas of any lot zoned and/or used by single-family or two-family dwelling.

(Amendment Bylaw, 1994, No. 184)

"Residential Crossing, Medium Density" means a driveway crossing which provides vehicular access to the parking and loading areas of any lot zoned and/or used for multiple-family residential use in excess of a two-family dwelling. **(Amendment Bylaw, 1994, No. 184)**

"Residential, Linked" means one of a pair of single family residential detached dwellings which have no apparent structural connection

above grade, but which are horizontally coupled at the footing or foundation along not more than one side of each such dwelling unit, provided that for a horizontal distance of not more than 2 metres of its length, each such coupled side may have that portion of its footing or foundation which is not coupled.

(Amendment Bylaw, 1999, No. 362)

"Residential, Mixed" means development on a site which combines single family residential use with attached residential and/or linked residential uses. **(Amendment Bylaw, 1999, No. 362)**

"Residential Multiple Family" means a building consisting of two or more dwelling units each of which is occupied or intended to be occupied as a permanent home or residence.

"Residential Single Family" means a building consisting of one dwelling unit which is occupied or intended to be occupied as the permanent home or residence of one family, and containing not more than one (1) set of cooking appliances.

(Amendment Bylaw, 1992, No. 109)

"Resource Development" means to harvest, explore for, develop, and produce wood products, coal or mineral ore with related plant, equipment, storage, repair and transportation facilities and to develop and produce gravel and related material in conjunction with mining or forestry.

"Restaurant, Carry-Out" means an establishment in which the design of facilities, serving and/or packaging procedures provide solely for the purchase of prepared, ready-to-eat food, in which the vast majority of customers do not consume the food on the premises in which it was purchased/obtained. To this effect, seating within the establishment for the purpose of consumption of foods on the premises shall be limited to six seats. Consumption of foods in motor vehicles on the premises/property is not permitted. **(Amendment Bylaw, 2000, No. 404)**

"Restaurant, Drive-In" means a 'Café', 'Restaurant: Carry-Out', 'Restaurant: Drive-In', 'Restaurant: Fast-Food', or 'Restaurant: Full-Service', which provides in whole or in part, by design, physical facilities and/or service, the opportunity for customers to obtain food or beverages while remaining in their motor vehicles.

(Amendment Bylaw, 2000, No. 404)

"Restaurant, Fast-Food" means the use of a building or structure wherein the principal business is the sale of pre-prepared or rapidly prepared food which is ready for consumption by the customer, is served or provided directly to customers at a walk-up counter, and provides for its consumption within the building or structure or on the property through the provision of seating, and/or within customer vehicles parked on site.

(Amendment Bylaw, 2000, No. 404)

"Restaurant, Full-Service" means an establishment which is primarily engaged in serving food and beverages to customers seated at tables either inside or outside the building for consumption on the premises, and, as an accessory use only thereto, may also be engaged in providing customers with take-out service of food and beverages for off-site consumption. The consumption of food or beverages in motor vehicles on the premises is not permitted.

(Amendment Bylaw, 2000, No. 404)

"Retail Sales" means the selling of goods and services, excluding beer, wine and liquor, directly to the consumer.

(Amendment Bylaw, 2004, No. 540)

"Retail Store" means a building or part thereof where goods, wares, merchandise, processed foods or other articles are offered for sale at retail, and includes the enclosed storage of limited quantities of such items sufficient only to service such a store, but shall not include premises from which beer, wine and liquor are sold.

(Amendment Bylaw, 2004, No. 540)

"Roadway" means the portion of a highway that is constructed, improved, designed or used for vehicular traffic.

(Amendment Bylaw, 1994, No. 184)

"Screening" means a continuous opaque fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only for access pedestrian and motor vehicle access.

"Secondary Suite" means an additional dwelling unit that is entirely contained within a residential single family use building and is located on the same legal parcel as the residential single family

use with which it is associated, such that the building containing the secondary suite is a single real property entity.

(Amendment Bylaw, 2006, No. 599)

"Self-storage warehousing" means the provision of rental space for the storage of domestic goods of a non-offensive and non-hazardous nature where the storage space offers the following characteristics:

- a) The renting customer has exclusive use of the storage area;
- b) The storage area is secured to prevent access except by the renting customer;
- c) The storage area is in a fixed location;
- d) Access to each individual storage area shall not require the use of a ladder;
- e) The renting customer has unrestricted access to the storage area only during open hours of the facility;
- f) The transfer of goods into and out of the storage area must be possible without reliance on machinery."

(Amendment Bylaw, 2004, No. 555)

"Service Business" means a business within a building or structure engaged in providing services for the public, including, without limiting the generality of the foregoing:

- a) establishments for trade contractors involved in building, electrical, painting, plumbing, refrigeration, signs, heating and air-conditioning, including ancillary storage and administrative offices, but excluding roofing and septic system trades;
- b) repair and servicing of articles, goods and materials as well as accessory retail sales or rentals, ancillary storage and administrative offices.

(Amendment Bylaw, 1996, No. 311)

"Service Club" means the meeting place of an association of persons as a registered nonprofit society for the purposes of providing services and raising funds for community projects.

"Shopping Centre" means a group of retail stores in one or more buildings designed as an integrated unit.

"Shopping Centre, Neighbourhood" means a shopping centre having a gross leasable area of more than 100 m² (1076 sq ft), but less than 1,000 m² (10760 sq ft).

"Shopping Centre, Community" means a shopping centre having a gross leasable area of more than 1,000 m² (10760 sq ft), but less than 6,000 m² (64582 sq ft).

"Shopping Centre, Regional" means a shopping centre having a gross leasable area of 6,000 m² (64582 sq ft), or more.

"Soil" means soil, sand, gravel, rock, peat or other substance of which land is composed.

(Amendment Bylaw, 1994, No. 184)

"Staff Accommodation" means any accommodation for employees of an industrial enterprise on a temporary, seasonal, or permanent basis, and shall be considered a form of residential multi-family for the purposes of this Bylaw.

"Storage Yard" means an area outside of an enclosed building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, equipment or machinery are stored, baled, placed, piled or handled, whether a principal or an accessory use. A storage yard shall not include an automobile wrecking yard or a junk yard.

"Storage of Vehicles" means the placing of unlicensed vehicles located outside an enclosed structure. **(Amendment Bylaw, 1992, No. 109)**

"Storage of Boats" means the placing on land of a marine vessel(s) that meet any two of the following conditions; fixed for more than 18 months, has a current or expired commercial licence, or that is greater than 9.0 m long.

"Storey" means the space between a floor and the ceiling or roof above, excluding basements, crawl spaces, underground parking, attics, half-storeys, rooftop stairwells, rooftop projections of elevator lifting devices, or enclosures for rooftop heating, ventilation or air conditioning equipment.

(Amendment Bylaw, 2009, No. 752)

"Street Boundary" means any property line abutting a highway.

(Amendment Bylaw, 1994, No. 184)

"Street Line" means the outside edge of the roadway of any highway.

(Amendment Bylaw, 1994, No. 184)

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but does not include

- (a) fences,
- (b) walkways, driveways or parking lots, or
- (c) patios, decks or stairs no higher than 0.3m (1ft) above finished or natural grade, whichever is lower.

(Amendment Bylaw, 2009, No. 752)

"Subdivision" means any change in the existing size, shape, number or arrangement of a lot or lots, whether by plan, descriptive words or otherwise.

"Surveyor" means a land surveyor licensed and registered as a land surveyor in the Province of British Columbia.

"Survey Plan" means a fully dimensioned legal plan prepared by a surveyor for final approval.

"Temporary Construction Camp" means a facility used to accommodate construction workers only during the course of construction of a building to accommodate a principal use on the lot.

"Top Soil" means a mineral soil with an organic content between 10% and 20% humus by volume. **(Amendment Bylaw, 1994, No. 184)**

"Total Highway Frontage" means the sum of all those boundaries of a lot which abut a highway. **(Amendment Bylaw, 1994, No. 184)**

"T.V.R." means a device for receiving television signals for domestic purposes.

"Underground Parking" means an enclosed portion of a building used primarily for the parking of vehicles where the ceiling height is no more than 1.8m (6ft) above grade, and may include storage rooms, garbage and recycling enclosures, mechanical rooms, stairwells, elevators and hallways.

(Amendment Bylaw, 2009, No. 752)

"Unsuitable Material" means any rubbish, derelict vehicle, metals, demolition wastes, garbage or waste materials, including containers, packages, bottles, cans or parts thereof, or any abandoned or discarded article, product, or goods of manufacture, but not

including wastes of the primary processes of farming.

(Amendment Bylaw, 1994, No. 184)

"Urban Trails" means functional trails that conveniently and safely link neighbourhoods to community and cultural resources. Urban trails are intended to provide a viable alternative to motorized traffic.

(Amendment Bylaw, No. 470, 2002)

"Vehicle" means a device in, on, or by which a person or thing is or may be transported or drawn on a highway, except a device designed to be moved by human physical power.

(Amendment Bylaw, 1992, No. 109)

"Vehicles, New" means, in the case of automotive sales motor vehicles which have not been previously sold or leased. In the case of automotive rentals, "new" means vehicles which have been manufactured either in the present calendar year or in the immediately preceding two years.

(Amendment Bylaw, 1998, No. 340)

"Vehicles, Used" means motor vehicles which have been previously sold or leased.

(Amendment Bylaw, 1998, No. 340)

"Walkway" means a highway intended to carry pedestrian traffic only, except that a walkway may be designed to permit emergency vehicle use.

"Water Course" means any natural drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, ravine, swamp, gulch, or source of ground water whether or not enclosed or in a conduit.

"Works" means the works and services required to be constructed and installed pursuant to Sections 57 and 58 of Part 8 of this Bylaw and includes all things required to be done in relation to the construction and installation of the works and services.

(Amendment Bylaw, 1994, No. 184)

"Works and Services" means the highways, drainage, water and sewer systems, the sidewalks, boulevards, highway lighting and underground wiring or any other works to be required as a condition of subdivision or development of land under this Bylaw.

"Yard Front" means that portion of the lot extending across the full width of the lot from the front lot line to the face of the nearest exterior wall of the principal building on the lot but does not include that portion deemed to be the flanking side yard.

(Amendment Bylaw 2009, No. 739)

"Yard Rear" means that portion of the lot extending across the full width of the lot from the rear lot line to the face of the nearest exterior wall of the principal building on the lot, but does not include that portion deemed to be the flanking side yard. **(Amendment Bylaw, 2009, 739)**

"Yard Side" means that portion of the lot extending from the front yard to the rear yard and lying between the side lot line and the face of the nearest exterior wall of the principal building on the lot.

"Yard Side Flanking" means that portion of the lot extending across the full width of the lot from the flanking lot line to the face of the nearest exterior wall of the principal building on the lot, but does not include that portion deemed to be the front yard. **(Amendment Bylaw 2009, No. 739)**

"Youth Oriented", in relation to correctional facilities, shall have the same meaning as is derived from similar terms in the Young Offenders Act of Canada."

(Amendment Bylaw, 1993, No. 158)

"Zone" means a zone created by this Bylaw.

PART 2 ADMINISTRATION AND PUBLIC INFORMATION

APPLICATION

3. This Bylaw applies to the entire geographical area of the Municipality and to all land, buildings and structures therein.

INSPECTION

4. (1) The Building Inspectors, Municipal Engineer, and the Approving Officer ARE HEREBY AUTHORIZED to enter, at all reasonable times, upon any properties subject to this Bylaw to ascertain whether this Bylaw is being obeyed.
- (2) No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of any authorized official upon the property as authorized under this Bylaw.

DIRECT ENFORCEMENT

5. (1) Whenever a person is directed by this Bylaw to carry out a matter or thing, on default by that person, the matter or thing shall be done at the expense of the person in default, and the Municipality may recover the expense, with interest at the rate of six percent a year (6%), with costs, in the same manner as municipal taxes.
- (2) The Municipality shall give 30 days written notice to the owner, by double registered mail, (i) of intent to enforce under this section, and (ii) to attend before Council.

BYLAW AMENDMENT AND PERMIT APPLICATIONS

6. *(Deleted by Amendment Bylaw, 2009, No. 729)*

FEES

7. *(Deleted by Amendment Bylaw, 2009, No. 729)*

PUBLIC HEARING

8. *(Deleted by Amendment Bylaw, 2009, No. 729)*

NOTICE OF HEARINGS

9. *(Deleted by Amendment Bylaw, 2009, No. 729)*

SEVERABILITY

10. 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, it shall be severed from this Bylaw without affecting the validity of the remaining portions of this Bylaw.

PART 3 COMPLIANCE

PERMITTED USES

11. No land, the surface of water, buildings or structures in any zone shall be used by the owner, occupier or other person for any uses except those specifically permitted in Part 6 of this Bylaw for the zone in which it is located.

SITING, SIZE AND DIMENSION OF BUILDING AND STRUCTURES

12. No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or any other person so that it contravenes the requirements in Part 6 of this Bylaw for the zone in which it is located.

OFF-STREET PARKING AND LOADING

13. No land, water, building or structure shall be used by the owner, occupier or any other person for any use unless the off-street parking and off-street loading requirements for that use have been provided in accordance with Part 7, Division 1 of this Bylaw.

PERMITTED NUMBER OF BUILDINGS

14. No lot shall have constructed or placed upon it by the owner, occupier or any other person more buildings or structures of any kind than that specified in Part 6 of this Bylaw for the zone in which it is located.

SUBDIVISION AND DEVELOPMENT OF LAND

15. No owner, occupier or other person shall subdivide or develop any land, except in compliance with the provisions of Part 8 of this Bylaw.

UNDERSIZED EXISTING LOTS REGULATIONS

16. Where a residential or rural lot exists prior to the effective date of this Bylaw and the area or frontage of the rural or residential lot does not conform to the provisions of this Bylaw, such lot may be developed in accordance with the following regulations:
 - (1) All existing lots less than 650 m² (7000 sq ft) in area may be developed only in accordance with the provisions and regulations of the R-1A Zone.
 - (2) All existing lots less than 1000 m² (10760 sq ft) in area may be developed in accordance with the provisions and regulations of the R-1 Zone. **(Amendment Bylaw, 1991, No. 97)**
 - (3) All existing lots greater than 1800 m² (19375 sq ft) in area may be developed in accordance with the provisions and regulations of the Zone in which it is located.
 - (4) All existing lots designated R-C or R-D in Schedule "B" of the OCP which are less than 1,500 m² (16,146 sq. ft.) in area, and which have no opportunity to consolidate with adjacent parcels of land, may be developed in accordance with the provisions of the RM-1 or RM-2 zones upon being rezoned to the applicable zoning category and having a development permit approved.

For the purposes of this Section, "no opportunity to consolidate" shall mean that all adjacent parcels have been developed to their full potential in accordance with their Official Community Plan land use designation and development on the subject property cannot be practically integrated with such existing adjacent development.

(Amendment Bylaw, 1994, No. 212)

REBUILDING OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES

16A. Where a single-family residential building or accessory building within the R-1 or R-1A Zones:

- (a) was lawfully constructed prior to the adoption of "Land Use Bylaw, 1990, No. 35, Amendment Bylaw, 1994, No. 195";
- (b) does not meet the regulations for size and siting of buildings and structures set out for the applicable zone; and
- (c) is destroyed or damaged by any accidental or insurable cause,

the building may be repaired or rebuilt, but only to the extent that the repair or rebuilding would, upon completion, result in no further contravention than existed before the loss.

(Amendment Bylaw, 1994, No. 195)

VIOLATIONS

17. 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 by any of the provisions of this Bylaw, commits an offence.

PENALTY

18. Any person who commits an offence against this Bylaw shall, upon summary conviction, be liable to a minimum penalty of \$100.00 and the maximum penalty provided in the Offence Act, and, in addition to a maximum penalty of \$500.00 for each day the offence continues, all costs and any other penalties provided by the Municipal Act and the Offence Act.

PART 4 BOARD OF VARIANCE

19. This section is intentionally left blank

20. This section is intentionally left blank

(Amendment Bylaw 2006, No. 622)

Refer to Board of Variance Bylaw 623

PART 5 PERMITS

DIVISION 1 DEVELOPMENT PERMITS

(Deleted by Amendment Bylaw, 2009, No. 729)

DIVISION 2 DEVELOPMENT VARIANCE PERMITS

(Deleted by Amendment Bylaw, 2009, No. 729)

DIVISION 3 TREE CUTTING PERMITS

(Deleted by Amendment Bylaw No. 894, 2014)

DIVISION 4 PERMIT PROCEDURES

(Deleted by Amendment Bylaw, 2009, No. 729)

PART 6 ZONING

DIVISION 1 GENERAL REGULATIONS

(Deleted by Amendment Bylaw No. 894, 2014)

DIVISION 2 ZONE CATEGORIES

(Deleted by Amendment Bylaw No. 894, 2014)

PART 7 PARKING, SIGNS, SCREENING AND FLOOD PLAIN

DIVISION 1 PARKING

(Deleted by Amendment Bylaw No. 894, 2014)

DIVISION 2 SIGNS

(Deleted by Amendment Bylaw No. 992, 2018)

DIVISION 3 SCREENING

(Deleted by Amendment Bylaw No. 1057, 2020)

DIVISION 4 FLOOD PLAIN

(Deleted by Amendment Bylaw No. 894, 2014)

DIVISION 5 – RIPARIAN AREAS REGULATION

(Deleted by Amendment Bylaw No. 894, 2014)

PART 8 SUBDIVISION AND DEVELOPMENT

(Deleted by Bylaw No. 985, 2017)

(Deleted by Amendment Bylaw, 2009, No. 729)

(Deleted by Amendment Bylaw No. 845, 2012)

DEVELOPMENT PROCESSING FEES

Schedule 13

(Deleted by Amendment Bylaw No. 958, 2016)

Schedule 15 (i)

(Deleted by Amendment Bylaw No. 894, 2014)