

## Part 3 GENERAL REGULATIONS

*(Replaced by Bylaw No. 1662)*

### 3.01 Uses Permitted in Any Zone

3.01.01 Except where specifically excluded the following **uses, buildings** and **structures** are permitted in every Zone:

- (1) **Uses, buildings** and **structures** which are **accessory** to a **principal** permitted **use, building** or **structure** on the same **lot**.
- (2) **Utility** poles, underground electrical and telephone lines and telephone exchange **buildings**;
- (3) Pipelines, radio, television and transmission towers (except that transmission towers are not desirable within 150 m [492.1 ft] of any **Residential Zones** or **school** sites) and wires, traffic control devices, clock towers, and underground or submarine utility systems, which may be sited on any portion of a **lot**;
- (4) Water supply facilities including reservoirs, treatment plants, pumping stations intake structures and supply lines;
- (5) Sewage collection, treatment and supply facilities including treatment plants, sewage pumping stations, storm drainage retention ponds, and sewer mains and service lines;
- (6) Parks, playgrounds and playing fields, hiking and bicycling paths, horse riding trails and ecological reserves;
- (7) Road-side produce stands not exceeding a footprint 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) and used for the retail sale of farm products that are grown or reared on the land upon which the stand is located;
- (8) Domestic composting of organic materials originating from a **lot** and used on that same **lot**, provided that the composting use does not cover more than 1% of the total **lot area**;
- (9) Filming of motion pictures, but not including **film production studios**; and
- (10) Facilities for police, fire or ambulance services; and
- (11) **Temporary construction and real estate marketing offices**, subject to Section 3.06.

### 3.02 Prohibited Uses

3.02.01 Any **use** not expressly permitted in this Bylaw is prohibited in every **Zone** and where a particular **use** is expressly permitted in one Zone, such **use** is prohibited in every **Zone** where it is not also expressly permitted.

3.02.02 The following **uses** are prohibited in every **Zone**:

- (1) Commercial airstrips;

- (2) Helipads other than those used for emergency landing or evacuation and those **accessory** to public safety **uses** such as **hospitals** or fire stations;
- (3) Disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the *Environmental Management Act* or Regulations under that Act, or from the Capital Region Health Board;
- (4) The disposal or storage of hazardous or toxic waste;
- (5) The sale or distribution of *cannabis sativa* in any form and related drug paraphernalia, other than in a **licensed pharmacy** or as permitted in section 6.69C of this bylaw; (*Bylaw No. 1951*)
- (6) The occupancy of any trailer, **recreational vehicle**, camper, or other vehicle as a residence;
- (7) **Exotic dancing**;
- (8) **Escort service or dating service**; and
- (9) **Body rub parlours**.
- (10) Boiling of Blood, Bone, Soap, and Tripe;
- (11) Refining of Coal Oil;
- (12) Extracting Oil from Fish;
- (13) Storing Hides;
- (14) Tallow melting;
- (15) Slaughtering of animals;
- (16) Manufacturing of gas, alkali, sulphuric acid, chemical manure, nitric acid, sulphate and muriate of ammonia, chlorine or bleaching powder.

3.02.03 For clarity, any suite which is not permitted by the regulations of the applicable Zone as laid out in Part 6 of this Bylaw or which does not comply with section 3.08 of this Bylaw must be decommissioned. (*Bylaw No. 1992*)

### 3.03 Vehicle Storage

- (1) Except where specifically permitted, no **lot** with a **lot area** greater than or equal to 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) may be used for the keeping of more than one **unlicensed vehicle**, other than a farm vehicle or **recreation vehicle**, which is not completely enclosed in a **building** or **structure**; (*Bylaw No. 2126*)
- (2) Except where specifically permitted, no **lot** with a **lot area** less than 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) may be used for the keeping of any **unlicensed vehicle** which is not completely enclosed in a **building** or **structure**; (*Bylaw No. 2126*)
- (3) No **lot** may be used for the keeping of detached parts of **automobiles** or **large automobiles**, unless the parts are completely enclosed in a permanent **building**. (*Bylaw No. 2126*)

3.03.02 No **unlicensed vehicle** of any type may be stored on a lot in a location between the **abutting highway** and the **front building line**. (*Bylaw No. 2126*)

3.03.03 No vacant **lot** in any **Residential Zone** may be used for the keeping of **unlicensed vehicles, large automobiles** or **automobile** parts. (*Bylaw No. 2126*)

### **3.04 Agricultural Land Reserve**

3.04.01 Despite any regulation in this Bylaw, land designated as “Agricultural Land Reserve” pursuant to the *Agricultural Land Commission Act*, will be subject to:

- (1) The *Agricultural Land Commission Act*;
- (2) Regulations made under the *Agricultural Land Commission Act*; and
- (3) Relevant orders of the Provincial Agricultural Land Commission made under the *Agricultural Land Commission Act*.

### **3.05 Accessory Buildings and Structures**

#### **3.05.01 Every Zone**

The following regulations apply to **accessory buildings** and **structures** located in every **Zone**:

- (1) An **accessory building** or **structure** may not be used for human habitation, except as otherwise provided for in this Bylaw.
- (2) No **accessory building** may be located within 1 m (3.3 ft) of any **principal building**, or attached to any **principal building** by any means other than as provided in Article 3.05.01(3) below.
- (3) Where an **accessory building** is attached to a **principal building** by a foundation, floor, walls and roof it shall be considered part of the **principal building** and must comply in all respects with the requirements of this Bylaw applicable to a **principal building**.
- (4) Despite any **setback** requirement in any **Zone**, no **accessory building** may be located within 15 m (49.2 ft) of a **front lot line** unless it complies with the **front lot line setback** requirements applicable to the **principal building**.
- (5) A satellite dish antenna installed on the roof of a **building** may not extend above the maximum **height** permitted for the **building** upon which it is located.
- (6) A satellite dish antenna installed on the ground is subject to the **setbacks, lot coverage** and **height** regulations for **accessory buildings** and **structures** for the **Zone** in which it is located.
- (7) Metal containers designed and constructed for shipping may not be placed on any **lot** in conjunction with an existing **residential use**.
- (8) Eaves and gutters may project into the **accessory building setbacks** specified in this Section by not more than 1 m (3.3 ft), provided that a **setback** of at least 0.45 m (1.5 ft) is maintained.

3.05.02 **Agricultural, Residential, Rural Residential, Multiple Residential Zones, and Comprehensive Development Zones**

The following regulations apply to **accessory buildings** and **structures** located in **Agricultural, Residential, Rural Residential, Multiple Residential, and Comprehensive Development Zones**:

- (1) Despite any **setback** requirement in any **Zone**, no **building** or **structure** for an **agriculture use** may be located within 30 m (98.4 ft) of the **front lot line** or within 15 m (49.2 ft) of any other **lot line**.
- (2) Despite any **setback** requirement in any **Zone**, no **building** or **structure** for an **intensive agriculture use** may be located within 90 m (295.3 ft) of the **front lot line** or within 30 m (98.4 ft) of any other **lot line**.
- (3) The **height** of an **accessory building** shall not exceed the maximum **height** for a **building** or **structure** permitted in Part 6 of this Bylaw, with the exception that:
  - (a) Any **building** that is **accessory** to a **one-family dwelling** or **two-family dwelling** may not exceed a **height** equal to:
    - i. Either 4.5 m (14.8 ft) or 60% of the **height** of the **principal dwelling**, whichever is greater; or
    - ii. Two storeys, or the **height** of the **principal dwelling** where the **principal use** on the property is a **one-family dwelling** and the **lot area** is greater than or equal to 1,000 m<sup>2</sup> (0.3 ac); and
  - (b) Any **building** that is **accessory** to a multi-family residential **use** may not exceed 4.5 m (14.8 ft) in **height**.
- (4) The total floor area of all the buildings that are accessory to a residential use on any lot may not exceed 30 m<sup>2</sup> (323 ft<sup>2</sup>), except under the following circumstances.

<b>Use</b>	<b>Lot Size</b>	<b>Maximum Total Floor Area</b>
One-family residential	200 m <sup>2</sup> – 799 m <sup>2</sup>	65 m <sup>2</sup> (700 ft <sup>2</sup> )
One-family residential	800 m <sup>2</sup> – 999 m <sup>2</sup>	80 m <sup>2</sup> (861 ft <sup>2</sup> )
One-family residential	1,000 m <sup>2</sup> (10,764 ft <sup>2</sup> ) or greater	180 m <sup>2</sup> (1,937 ft <sup>2</sup> ), plus an additional 10 m <sup>2</sup> (107.6 ft <sup>2</sup> ) of floor area for each additional 100 m <sup>2</sup> (1,077 ft <sup>2</sup> ) of lot area in excess of 1,000 m <sup>2</sup>
Multi-family residential	-	10 m <sup>2</sup> (107.6 ft <sup>2</sup> ) per dwelling unit on the lot

Under no circumstance may accessory buildings and structures exceed the maximum site coverage regulations in Part 6 of this Bylaw.

- (5) Despite any **setback** requirement in any **Zone**, no **accessory building** may be located within 1 m (3.3 ft) of a **side lot line** or **rear lot line** or within 6 m (19.7 ft) of an **exterior side lot line** except in the CD3 Zone, and except where a common **garage** is erected on a common **lot line**, provided, however, that an **accessory building** in a **Multiple Residential Zone** may not be located within 3 m (9.8 ft) of a **lot line** which **abuts** an **Agricultural, Rural Residential, or Residential Zone**.

- (6) The following regulations also apply to **accessory buildings** on **corner lots** in an **Agricultural, Rural Residential, Residential, Multiple Residential, or Comprehensive Development Zone**, except the CD3 Zone:
- (a) An **accessory building** on a **corner lot** may not be located closer to the **exterior side lot line** than the minimum **setback** for the **principal building**; and
  - (b) An **accessory building** on a **corner lot** may not be located within 2 m (6.6 ft) of any **rear lot line** that **abuts** a **lot** in an **Agricultural, Rural Residential, Residential, or Multiple Residential Zone**.

### 3.05.03 Commercial, Industrial and Institutional Zones

The following regulations apply to **accessory buildings** and **structures** located in **Commercial, Industrial, Institutional, and Comprehensive Development Zones**:

- (1) An **accessory building** on a **corner lot** may not be located closer to the **exterior side lot line** than required for the **principal building**; and
- (2) An **accessory building** may not be located within 3 m (9.8 ft) of any **rear lot line** that **abuts** a **lot** in an **Agricultural, Rural Residential, Residential, or Multiple Residential Zone**.

### 3.06 Temporary Buildings

3.06.01 Temporary **buildings** or **structures** may only be erected for the following purposes: **offices** for construction or real estate marketing coordination; and

3.06.02 The permitted temporary **buildings** or **structures** are only permitted for a period not to exceed the duration of construction.

### 3.07 Two-Family Dwellings

3.07.01 The following regulations apply to **two-family dwellings** in all Zones:

- (1) A **common wall** in a **two-family dwelling** must have, at any one storey level, a horizontal dimension of at least 15% of the total perimeter wall length of the **two-family dwellings** combined, measured at the outer surface of the exterior walls and the **common wall** including enclosed **garages** or **carports**.
- (2) Both **dwelling units** must contain a minimum of 4.5 m (14.8 ft) of linear wall length of habitable space facing the **front lot line** or **exterior side lot line** except that this regulation does not apply to the CD3 Zone or to **two-family dwellings** located on **lots** within an Agricultural or Rural Residential Zone if the **lot** is 4,000 m<sup>2</sup> (1 ac) or more in **lot area**.
- (3) A **suite** is prohibited in conjunction with any **two-family dwelling**.
- (4) The keeping of more than two **boarders** per **dwelling unit** is prohibited in any **two-family dwelling**.

### **3.08 Suites**

A suite is permitted as an accessory use in a one-family dwelling, or other type of dwelling unit as permitted in Part 6 of this Bylaw. There are three types of suites – secondary suites, garden suites, and carriage suites. Only one suite is permitted per lot.

#### **3.08.01 General Regulations for all Suites**

- (1) There may only be one suite per lot;
- (2) The one-family dwelling to which a suite is accessory to must be owner-occupied;
- (3) The one-family dwelling to which a suite is accessory to must be located on a lot of not less than 550 m<sup>2</sup> (5,920 ft<sup>2</sup>) in area, except as otherwise permitted in Part 6 of this Bylaw;
- (4) An Occupancy Permit has been issued for the secondary suite;
- (5) One additional off-street parking space shall be provided for the exclusive use of the occupancy of a suite, and this space shall not be located in tandem with any parking space for the principal dwelling to which the secondary suite is accessory;
- (6) The suite and the one-family dwelling to which it is accessory must be a single real estate entity. Strata titling is not permitted.

#### **3.08.02 Additional Regulations for Secondary Suites**

- (1) The secondary suite must be completely contained within the one-family dwelling;
- (2) The secondary suite is not obtrusive so as to change the one-family nature of the one-family dwelling;
- (3) The secondary suite must have a floor area of not more than 90 m<sup>2</sup> (969 ft<sup>2</sup>) or 40% of the habitable area of the building in which it is located, whichever is less.

#### **3.08.03 Regulations for Garden suites and Carriage Suites**

- (1) Garden suites and carriage suites are not permitted on lots within the “City Centre” designation as delineated in the Official Community Plan;
- (2) Garden suites or carriage suites must be completely contained in a detached accessory building;
- (3) Garden suites or carriage suites may not be located;
  - (a) Within 3 m (9.8 ft) of the primary dwelling;
  - (b) Within 1 m (3.2 ft) of any rear lot line;
  - (c) Within 1 m (3.2 ft) of any interior side lot line;
  - (d) Within 3m (9.8ft) of any front lot line or exterior side lot line, except that no garage or carport that faces either a front or exterior side lot line may be located within 5.5 m (18 ft) of that lot line;

- (4) A garden suite or carriage suite is only permitted on a lot having a width greater than or equal to 11 m (36.1 ft) and a depth greater than or equal to 29 m (95.1 ft);
- (5) Only one driveway per lot is permitted;
- (6) Rooftop patios are not permitted;
- (7) Garden suites or carriage suites must be connected to municipal sanitary sewer or provide confirmation of adequate septic capacity prior to the issuance of a building permit;
- (8) All accessory buildings and structures on the lot including garden suites and carriage suites may not exceed the maximum footprint set out in section 3.05.02(4) or the maximum lot coverage of the applicable zone in Part 6 of this Bylaw;
- (9) If a suite already exists within the primary dwelling it must be decommissioned prior to the issuance of a building permit for the garden suite or carriage suite. The following must occur:
  - (a) Removal of **kitchen** OR removal of shower/bathtub and the plumbing lines; and (*Bylaw No. 1992*)
  - (b) Remove the exterior access OR sufficiently open access to the principal dwelling.

**3.08.04 Additional Regulations for Garden Suites**

- (1) Permitted only on lots over 550 m<sup>2</sup> (5,920 ft<sup>2</sup>) unless otherwise noted in Part 6 of this Bylaw;
- (2) Must be located behind the rear building line of the one-family dwelling;
- (3) The suite may not have a gross floor area of more than 65 m<sup>2</sup> (700 ft<sup>2</sup>);
- (4) Height maximum of 4.5 m (14.8 ft).

**3.08.05 Additional Regulations for Carriage Suites**

- (1) Permitted only on lots over 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) unless otherwise noted in Part 6 of this Bylaw;
- (2) Must be located in front of the rear building line of the one-family dwelling;
- (3) The suite may not have a gross floor area of more than 90 m<sup>2</sup> (969 ft<sup>2</sup>);
- (4) Height maximum of two storeys;
- (5) Ground floor of the carriage suite must be exclusively used for vehicle parking;
- (6) Are not permitted on panhandle lots;
- (7) On lots over 4,000 m<sup>2</sup> (1 ac);
  - (a) Section 3.08.05(2) does not apply;
  - (b) Permitted on panhandle lots, despite Section 3.08.05(6);

- (c) Ground floor may contain uses other than a garage, including but without limiting the generality of the foregoing: workshop, storage, or art studio;
- (8) Where permitted on lots less than 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) as per Part 6 of this Bylaw:
- (a) May not be located within an accessory building that has a building footprint of more than 60 m<sup>2</sup> (645 ft<sup>2</sup>);
  - (b) May not have a gross floor area of more than 60 m<sup>2</sup> (645 ft<sup>2</sup>);
  - (c) May only be located on lots with laneway access, corner lots, or on a lot that shares a driveway with an adjacent lot that benefits from a registered reciprocal access easement;
  - (d) May be located on lots with a minimum width of 9.5 m (31ft) and a minimum depth of 29 m (95 ft) provided that the lot has direct vehicle access from a highway, laneway, access route in a bare land strata plan, registered access easement, or other secondary access route;
  - (e) The one-family dwelling to which the carriage suite is accessory may not contain vehicle parking;
  - (f) Notwithstanding the definition of “height” in Part 1, Section 3.05.02(3), and 3.08.05(4), the highest point of the roof of the carriage suite may not exceed the height of 85% of the highest point of the roof of the one-family dwelling, as measured from the average finished grade of the lot.

### 3.09 Home Occupations

#### 3.09.01 All Three Types

Three types of **home occupation** are permitted depending on the type of **dwelling unit** in which the **home occupation** is conducted and the size of the **lot** on which it is located. The following regulations apply to all three types of **home occupations**.

- (1) The types of **home occupations** permitted are determined as follows:
  - (a) A **home office** is permitted as an **accessory use** in any **dwelling unit**, including **one-** and **two-family dwellings, suites, manufactured homes, and apartment** units;
  - (b) A **home business** is permitted as an **accessory use** to a **one-** or **two-family dwelling** located on a **lot** with a **lot area** less than 4,000 m<sup>2</sup> (1 ac); and
  - (c) A **home industry** is permitted as an **accessory use** to a **one-** or **two-family dwelling** located on a **lot** with a **lot area** of 4,000 m<sup>2</sup> (1 ac) or larger.
- (2) **Home occupations** may not alter the residential character of the properties on which the commercial activity takes place, and more specifically may not:
  - (a) Cause or result in any variation or alteration in the external residential appearance of the land and premises in which it is carried on;



- (b) Produce noise, vibration, smoke, dust, odour, litter, or heat, other than that normally associated with a dwelling;
  - (c) Create or cause any fire hazard, electrical interference;
  - (d) In the case of a **bed and breakfast home business**, cause an increase in demand for, or usage of, on-site parking or parking on the adjacent street beyond one vehicle per room used for guest sleeping accommodation for guests; or
  - (e) In the case of all other **home occupations**, cause an increase in demand for, or usage of, on-site parking or parking on the adjacent street beyond what would normally be associated with two visitors per hour to residential premises between the hours of 9:00 am and 6:00 pm, Monday to Friday, and one visitor per hour at other times.
- (3) The following **uses** are prohibited for all types of **home occupation**:
- (a) Dance instruction or performance area except dancing lessons for children under 16 years old in classes of six or fewer;
  - (b) Orchestra or band training;
  - (c) Restaurant;
  - (d) Manufacturing, welding, or any other **light industrial use**;
  - (e) The salvage or repair, or both, of **automobiles** or **large automobiles**;
  - (f) Business that requires the marshalling of **automobiles** or **large automobiles**;
  - (g) Storage of more than one **automobile** or **large automobile** over 8,600.0 kg GVW on lots with a **lot area** less than 4,000 m<sup>2</sup> (1 ac); and
  - (h) Retail or wholesale sale of goods except for goods manufactured or produced as part of a **home occupation**;
- (4) **Home occupations** must be conducted entirely within a **dwelling unit**, except that on **lots** with greater than or equal to 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) of **lot area**, **home occupations** may be conducted within an **accessory building** provided that minimum on-site parking requirements are satisfied.
- (5) Despite Article 3.09.01(4), **catering** must be contained within a **one-family dwelling**.
- (6) Not more than 25% of the **gross floor area** of a **dwelling unit** may be used for **home occupation** purposes.
- (7) No storage of materials, commodities, or finished products is permitted in connection with the operation of a **home occupation** other than within a permitted **building** or within a contractor's yard as provided for in article 3.09.04(1).
- (8) Except for one unilluminated **sign** not exceeding 0.2 m<sup>2</sup> (2.2 ft<sup>2</sup>) in area, no **sign** or other advertising matter may be exhibited or displayed on the premises or **lot** where a **home occupation** is conducted.

- (9) The operator of every **home occupation** must obtain a Business License issued by the City of Langford.
- (10) The operator of every **home occupation** must comply with all licencing, health and other application regulations of British Columbia and the Capital Regional District.
- (11) Any **home occupation** that is a food services establishment as defined in the Food Premises Regulation under the *Public Health Act* must be approved by the Medical Health Officer prior to operation.
- (12) A **home occupation** may not employ more than one employee who does not reside on the premises.
- (13) In addition to the off-street parking spaces required for the **dwelling unit**, parking for **home occupations** shall be provided in accordance with Part 4.
- (14) No **automobiles** that are used by the proprietor of a **home office** or by another person engaged in the business with which the **home office** is associated, may be kept or parked on the premises at which the **home office** is carried on, with the sole exception of **automobiles** used by the proprietor or any other resident of the premises for purposes unrelated to the **home office**.
- (15) A **pet grooming** business, as a **home occupation**, must be conducted entirely within a **dwelling unit** or permitted **accessory building**. Dogs or cats that are awaiting grooming or that have been groomed must be kept indoors, and must not be allowed to roam, or be leashed, penned or caged outdoors.

### 3.09.02 Home Offices

The following regulations apply to **home offices**:

- (a) A **home office** may not serve customers on the **lot** on which the **home office** is located nor cause an increase in demand for, or usage of, on-site parking or parking on the adjacent street.
- (b) Not more than 25% of the **gross floor area** of a **dwelling unit**, and not more than 65 m<sup>2</sup> (699.7 ft<sup>2</sup>) of total **gross floor area** on any **lot** may be used for **home office** purposes.

### 3.09.03 Home Businesses

The following regulations apply to **home businesses**:

- (1) The following **uses** and no others are permitted as **home businesses**:
  - (a) **Artist or craftsperson studio** and **household equipment and appliance service and repair**, but excluding boat building and refurbishing, auto refurbishing, cabinet making and furniture making;
  - (b) **Bed and breakfast** limited to two rental rooms;
  - (c) **Catering** in a **one-family dwelling**;
  - (d) **Community care facility**, subject to Section 3.26;

- (e) **Office;**
  - (f) **Personal service establishment**, limited to a single patron at any given time; **Pet grooming; and**
  - (g) The husbandry and rearing for sale of fish, amphibians, reptiles, invertebrates, or birds in enclosed **buildings** for wholesale or retail sale, but specifically excluding on-site processing for food.
- (2) A **home business** other than a **bed and breakfast, home occupation daycare** or **community care facility** must not occupy more than 25% of a **dwelling unit**, and not more than 65 m<sup>2</sup> (699.7 ft<sup>2</sup>) of **gross floor area** on any **lot**.
  - (3) A **community care facility**, for the care of not more than eight persons or as a residence for no more than 10 persons, not more than six of whom are persons in care, is permitted as an **accessory use** in a **one-family dwelling**.
  - (4) A **home occupation daycare**, for the care of not more than eight children, is permitted as an **accessory use** in a **one-family dwelling, two-family dwelling, or townhouse** unit.

#### 3.09.04 Home Industries

The following regulations apply to home **industries**:

- (1) All of the **uses** permitted in Article 3.09.03(1), the following **uses**, and no others are permitted as **home industries**:
  - (a) Small scale manufacturing which is carried on entirely within the **dwelling unit** or an **accessory building** including the fabrication of cabinets and furniture;
  - (b) Contractor's yard, provided that no more than two **automobiles** or **large automobiles** used in the **home industry** may be stored on the **lot** and no more than 500 m<sup>2</sup> (5,382 ft<sup>2</sup>) of **lot area** may be used for outdoor storage;
  - (c) **Breeding kennels** subject to Section 3.11; and
  - (d) Propagation of plants, shrubs, fruits and vegetables for sale.
- (2) A **home industry** must not occupy more than 25% of a **dwelling unit**, and not more than 90 m<sup>2</sup> (968.8 ft<sup>2</sup>) of **gross floor area** on any **lot**.
- (3) Any **accessory building** used for a **home industry** must be screened from **abutting lots** in a **Rural Residential, Residential, or Multiple Residential Zone** by a continuous **landscape and screening area** not less than 1 m (3.3 ft) in width containing a shrub, hedge, or fence screen of a minimum **height** of 1.8 m (5.9 ft) at time of planting.

#### 3.09.05 Bed and Breakfasts

The following additional regulations apply to **bed and breakfasts**:

- (1) Not more than four guests may be accommodated at any one time.

- (2) Not more than two bedrooms may be used to accommodate guests.
- (3) No rental of equipment or material is permitted except to guests.
- (4) A **bed and breakfast** may only be conducted within a **principal** dwelling or an approved **suite** and may only be operated in conjunction with the owners' concurrent residency of the property.

### 3.09.06 **Garage Sales**

The following regulations apply to **garage sales** on residential lots:

- (1) **Garage sales** are only permitted on **lots** occupied by a **one-family dwelling**, a **two-family dwelling**, or a **townhouse**.
- (2) No residential property shall be used for a **garage sale** more than three times within a twelve month period, and no single **garage sale** may be conducted for more than two consecutive days.

### 3.10 **Boarding Kennels**

3.10.01 In addition to the regulations for **home industries** in Section 3.09, the following regulations apply to **boarding kennels** in any Zone in which they are a permitted use:

- (1) A **boarding kennel** is permitted as an **accessory use** on a **lot** with a **lot area** of 4.0 hectares (9.9 ac) or larger.
- (2) The **buildings** and land associated with the **boarding kennel** use may not occupy more than 15% of the total **lot area**.
- (3) Accommodation for not more than 30 animals may be provided on the **lot**.
- (4) No **building** or land area used for dog boarding may be located:
  - (a) Within 30 m (9 .4 ft) of any **lot line**;
  - (b) Within 90 m (295.3 ft) of a residence existing at the time of construction or expansion of the **boarding kennel** facility unless such residence is occupied by the owner or a full-time employee of the **boarding kennel**;
  - (c) Within the **setback** distance from a **natural boundary** prescribed in Section 3.16 of this Bylaw; or
  - (d) In between the **front building line** of the **principal residential building** on a **lot** and the **abutting highway**.
- (5) In addition to the off-street parking spaces required by Part 4 of this Bylaw, one parking space per five dog or cat enclosures must be provided for patrons of a **boarding kennel**.
- (6) All dogs and cats must be kept within a **building** from 8:00 p.m. to 7:00 a.m. on the following day.
- (7) All **buildings** and land areas used by dogs as part of the boarding kennel must be screened from **residential uses**, institutional uses, and **highways** by a **landscape and screening area** not less

than 1 m (3.3 ft) in width containing a shrub, hedge, or fence screen of not less than 1.8 m (5.9 ft) in **height**, at the time of planting.

- (8) A **boarding kennel** and its operation must also comply with the requirements of the Langford Animal Control Bylaw.

### 3.11 Breeding Kennels

3.11.01 In addition to the regulations for **home industries** in Section 3.09, the following regulations apply to **breeding kennels** in any Zone in which they are a permitted use:

- (1) A **breeding kennel** is permitted as an **accessory use** on a **lot** with a **lot area** of 4,000 m<sup>2</sup> (1 ac) or larger.
- (2) The **buildings** and land associated with the **breeding kennel use** may not occupy more than 15% of the total **lot area**.
- (3) Accommodation for not more than six dogs or cats over the age of four months may be provided on the **lot**.
- (4) No **building** used for dog breeding may be located:
  - (a) Within 30 m (98.4 ft) of a **front lot line** or **exterior side lot line**;
  - (b) Within 10 m (32.8 ft) of an **interior side lot line** or **rear lot line**;
  - (c) Within 90 m (295.3 ft) of a residence existing at the time of construction or expansion of the **breeding kennel** facility unless such residence is occupied by the owner or a full-time employee of the **breeding kennel**;
  - (d) Within the **setback** distance from a **natural boundary** prescribed in Section 3.16 of this Bylaw; or
  - (e) In front of the **front building line** of the **principal residential building**.
- (5) In addition to the off-street parking spaces required by Part 4 of this Bylaw, one space must be provided for patrons of a **breeding kennel**.
- (6) All dogs and cats must be kept within a **building** from 8:00 p.m. to 7:00 a.m.

3.12 A **breeding kennel** and its operations must also comply with the requirements of the Langford Animal Control Bylaw. **The Keeping of Animals for Domestic Purposes**

3.12.01 The keeping of horses, cattle, sheep, and goats for domestic purposes is permitted as an **accessory use** to the **residential use** of a **one-family dwelling** on any **lot** with an area of at least 4,000 m<sup>2</sup> (1 ac) in any **Residential Zone**, subject to the following regulations:

- 1) Horses, cattle, sheep and goats are limited to one animal for each 4,000 m<sup>2</sup> (1 ac) of **lot area**;
- 2) Horses, cattle, sheep and goats must be kept in a secure, fenced enclosure;

- 3) No **building** or **structure** used for the keeping of horses, cattle, sheep or goats or **unenclosed storage** of feed or manure may be located within 30 m (98.4 ft) of any **front lot line** or within 15 m (49.2 ft) of any other **lot line**;
- 4) The **accessory use** permitted by this Subsection includes the sale of meat, milk, milk products and wool produced on the premises;
- 5) The **accessory use** permitted by this Subsection includes the sale of manure produced on the premises, provided that the manure is securely bagged, if stored or displayed for sale within 15 m (49.2 ft) of any Lot Line.

3.12.02 The keeping of domestic poultry and rabbits is permitted as an **accessory use** to the **residential use** of a **one-family dwelling** on any **lot** greater than or equal to 4,000 m<sup>2</sup> (1 ac) in **lot area** in any **Residential Zone**, subject to the following regulations:

- (1) The number of chickens, ducks, pigeons and rabbits, in total, that may be kept on any **lot** is limited to one for each 166 m<sup>2</sup> (1,786.8 ft<sup>2</sup>) of **lot area**;
- (2) Roosters are only permitted on land that is in the Agricultural Land Reserve (ALR);
- (3) Domestic poultry must be kept in a secure, fenced enclosure;
- (4) No **building** or **structure** erected for the purpose of keeping chickens, ducks, pigeons or rabbits or unenclosed storage of feed or manure may be sited within 3 m (9.8 ft) of any **rear lot line** or **side lot line**, or closer to a **front lot line** than the front face of the **principal dwelling**;
- (5) No **building** or **structure** used for the keeping of domestic poultry other than chickens, ducks or pigeons or **unenclosed storage** of feed or manure may be located within 30 m (98.4 ft) of any **front lot line** or within 15 m (49.2 ft) of any other **lot line**;
- (6) The **accessory use** permitted by this Subsection includes the sale of meat, eggs, fur and feathers produced on the premises; and
- (7) The **accessory use** permitted by this Subsection includes the sale of manure produced on the premises, provided that the manure is securely bagged, if stored or displayed for sale within 15 m (49.2 ft) of any **lot line**.

3.12.03 The keeping of chickens, ducks, pigeons and rabbits for domestic purposes is permitted as an **accessory use** to the **residential use** of a **one-family dwelling** on any **lot** with a **lot area** less than 4,000 m<sup>2</sup> (1 ac) but not less than 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) in any **Residential Zone** subject to the following conditions:

- (1) The number of chickens, ducks, pigeons and rabbits, in total, that may be kept on any **lot** is limited to four);
- (2) Chickens, ducks, pigeons and rabbits must be kept in a secure, fenced enclosure;
- (3) **Buildings** or **structures** that are erected for the purpose of keeping chickens, ducks, pigeons or rabbits may not exceed a cumulative **gross floor area** of 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) per **lot**;
- (4) The siting and size of **buildings** or **structures** that are erected for the purpose of keeping chickens, ducks, pigeons or rabbits are subject to the requirements of this Subsection 3.12.03 where the requirements are different from those contained in Section 3.05 of this Bylaw, and the

**gross floor area** of such **buildings** and **structures** may be excluded from the calculation of **accessory building** area under that Section;

- (5) No **buildings** or **structures** erected for the purpose of keeping chickens, ducks, pigeons or rabbits or any **unenclosed storage** of feed or manure may exceed a height of 2.4 m (7.9 ft);
- (6) No **building** or **structure** erected for the purpose of keeping chickens, ducks, pigeons and rabbits for domestic purposes or unenclosed storage of feed or manure may be sited within 3 m (9.8 ft) of any **rear lot line** or **side lot line**, or closer to a **front lot line** than the front face of the **principal** dwelling;
- (7) The **accessory use** permitted by this Subsection includes the sale of eggs, meat, feathers and fur produced on the premises; and
- (8) The slaughter of chickens, ducks pigeons or rabbits is prohibited on any **lot** less than 4,000 m<sup>2</sup> (1 ac) in **lot area**.

3.12.04 The keeping of bees and beehives for domestic purposes including the sale of honey produced on the premises is permitted as an **accessory use** to the **residential use** of a **one-family dwelling** on any **lot** in any **Residential Zone** with a **lot area** of at least 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) subject to the following conditions:

- (1) The number of beehives shall not exceed two for any **lot** with a **lot area** greater than or equal to 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) and less than or equal to 800 m<sup>2</sup> (8,611.1 ft<sup>2</sup>);
- (2) The number of beehives shall not exceed one per 400 m<sup>2</sup> (4,305.6 ft<sup>2</sup>) of **lot area** on **lots** greater than 800 m<sup>2</sup> (8,611.1 ft<sup>2</sup>) in **lot area**; and
- (3) All beehives must be sited to the rear of the **front building line** of any **principal building** and at least 3 m (9.8 ft) from any **lot line**.

### **3.13 Unenclosed Storage**

#### **3.13.01 Commercial, Industrial, and Business Park Zones**

Where permitted in this Bylaw, **unenclosed storage** in the Industrial and **Business Park Zones** is subject to the following regulations unless otherwise expressly permitted in this Bylaw:

- (1) The **unenclosed storage use** must not be located within 6 m (19.7 ft) of any **lot line** which does not **abut** a **lot** in a **Commercial, Business Park, or Industrial Zone**;
- (2) The **unenclosed storage use** must not discharge or emit across **lot lines**:
  - (a) Odours, toxic or noxious matter or vapour;
  - (b) Heat, glare, or radiation; or
  - (c) Recurrently generated ground vibration.
- (3) The maximum **height** of any **unenclosed storage use** may not be more than 3.5 m (11.5 ft) if the **lot abuts** any **lot** not located within an **Industrial Zone** or the BP1 Zone.

- (4) Where an **unenclosed storage use** is located on a **lot** which **abuts** any **highway** or **lot** not located within an **Industrial Zone** or the BP1 Zone, the **unenclosed storage use** must be completely screened to a **height** of at least 2.5 m (8.2 ft) by **buildings** or a solid decorative fence located within a **landscape and screening area** not less than 1.5 m (4.9 ft) in width, or both. No display or storage of materials shall exceed a **height** of 1.8 m (5.9 ft) within 6 m (19.7 ft) of the **landscape and screening area**.
- (5) Loading areas or truck yards associated with the **unenclosed storage use** must be screened as required in article 3.13.01(4).

### **3.14 Recycling Facilities**

3.14.01 Recycling facilities are permitted in the C3, CS1, CS3, BP1, BP2, BP2A, BP3, BP4, BP7, BP8, M1, M2, M3, and CD3 (Area 4) (*Bylaw No. 2000*) Zones subject to the following requirements:

- (1) The maximum area for **unenclosed storage** and sorting area is 2,000 m<sup>2</sup> (0.5 ac); and
- (2) The use must comply with the regulations for **unenclosed storage** in Section 3.13 of this Bylaw.

### **3.15 Commercial Composting Facilities**

3.15.01 In-vessel **commercial composting** of organic materials is permitted in any **Industrial Zone** or as otherwise permitted in Part 6 of this Bylaw, subject to the following requirements:

- (1) The minimum **lot area** is 1,500 m<sup>2</sup> (16,145.9 ft<sup>2</sup>); and
- (2) Despite Section 3.13 of this Bylaw, the maximum **height** of stored topsoil, measured to the uppermost point of a topsoil pile, is 5 m (16.4 ft) and the uppermost point must be located at least two times its **height** from any **lot line**.

### **3.16 Flood Control and Environmental Protection**

3.16.01 Despite any other regulation in this Bylaw, no **building** or any part thereof may be constructed, reconstructed, moved, or extended, nor may any **manufactured home** or **structure** be located:

- (1) Within 30 m (98.4 ft) of the **natural boundary** of any **watercourse**;
- (2) With the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a **mobile home** or unit, the ground level on which it is located:
  - (a) Less than 0.6 m (2 ft) above the two hundred year flood level as designated in the Official Community Plan; and
  - (b) Less than 1.5 m (4.9 ft) above the **natural boundary** of the sea or any other lake, swamp or pond; and
  - (c) Less than 1.5 m (4.9 ft) above the **natural boundary** of any other **watercourse**.



(3) Article 3.16.01(2) does not apply to:

- (a) An alteration of an existing **building** or **structure** used as a residence that does not involve an addition exceeding 25% of the **gross floor area** of the **building** or **structure** prior to the alteration; or
- (b) Farm **buildings** other than **dwelling units** and closed sided livestock housing; or
- (c) Closed-sided livestock housing, if such livestock housing is elevated 1 m (3.3 ft) above the natural ground elevation; or
- (d) An industrial **building**, if such **building** is flood proofed to an elevation equal to the two hundred year flood level as designated in the Official Community Plan.

3.16.02 No fill may be placed to support a **building** or **structure**, within 30 m (98.4 ft) of the **natural boundary** of any **watercourse**.

3.16.03 Municipal pumphouses and pump houses for irrigation purposes on either agricultural land or golf courses are exempt from Subsections 3.16.01 and 3.16.02.

### **3.17 Location and Siting of Buildings and Structures**

#### **3.17.01 Swimming Pools**

No permanent swimming pool may be located in any required **setback** from a **front lot line** or within 3 m (9.8 ft) of any **side lot line** or **rear lot line**.

#### **3.17.02 Underground Structures**

The whole or any part of a **structure** below finished ground elevation, other than a swimming pool, may be sited on any portion of a **lot**.

#### **3.17.03 Visibility at Intersections**

No person may place or permit to be placed or grow, or permit to be grown, any tree, shrub, plant, fence, or other structure within a **sight triangle** above an elevation such that an object 0.9 m (3 ft) above the surface elevation of one **highway** is obstructed if viewed from a point 0.9 m (3 ft) above the surface elevation of the other **highway**.

**3.18 Projections into Required Setbacks**

3.18.01 The following features may project into a required **setback**, to the extent specified in Table 1:

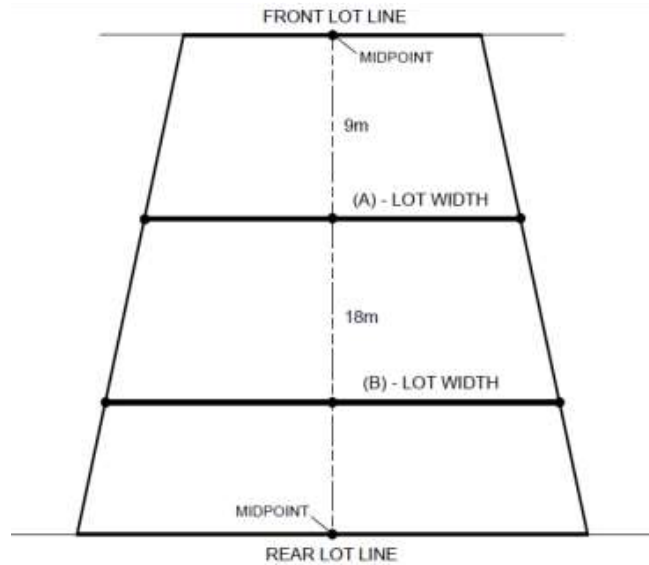
**Table 1: Permitted Projections into Required Setbacks**

<b>Feature</b>	<b>Lot Size</b>	<b>Setback Required by Part 6 of this Bylaw</b>	<b>Type of Lot Line</b>	<b>Permitted Projection</b>
<b>Principal building</b> , except those features noted separately below	All lots	From <b>exterior side lot line</b>	<b>Exterior side lot line abutting a highway</b> less than 4.5 m (14.8 ft) wide	<b>Principal building</b> may be located a minimum of 2 m (6.6 ft) from the <b>exterior side lot line</b>
Fireplaces, chimneys, eaves, gutters, bay windows, and ornamental features such as cornices, pilasters, belts courses, sills	All lots	3 m (9.8 ft) or greater	All types	<b>Setback</b> for the projecting feature only may be reduced by not more than 1 m (3.3 ft)
	All lots	Less than 3 m (9.8 ft)	<b>Interior side lot line only</b>	<b>Setback</b> for the projecting feature only may be reduced to 0.9 m (3 ft) <b>Setback</b> for projecting eaves and gutters only may be reduced to 0.45 m (1.5 ft)
Steps, sunlight control projections, canopies, balconies, decks (not including deck posts), or porches	Greater than or equal to 380 m <sup>2</sup> (4,090.3 ft <sup>2</sup> )	n/a	All types	<b>Setback</b> for the projecting feature only may be reduced by not more than 1 m (3.3 ft)
	Less than 380 m <sup>2</sup> (4,090.3 ft <sup>2</sup> )	n/a	<b>Front or rear lot line only</b>	<b>Setback</b> for the projecting feature only may be reduced by not more than 1 m (3.3 ft)

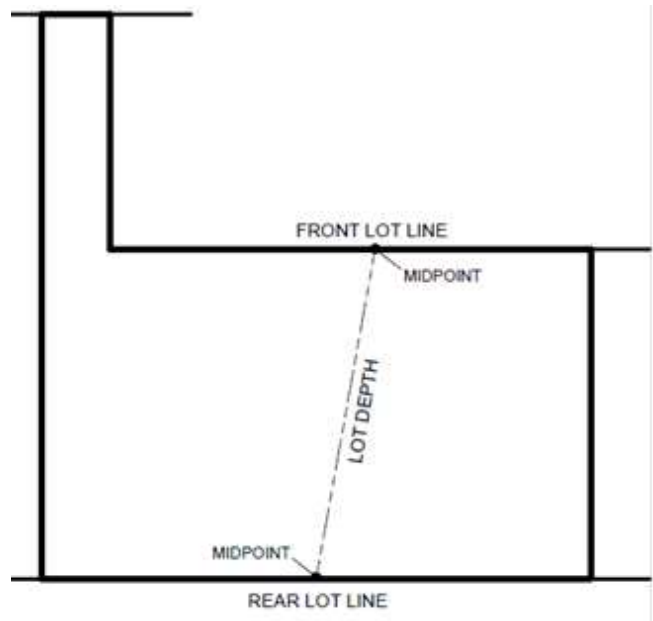
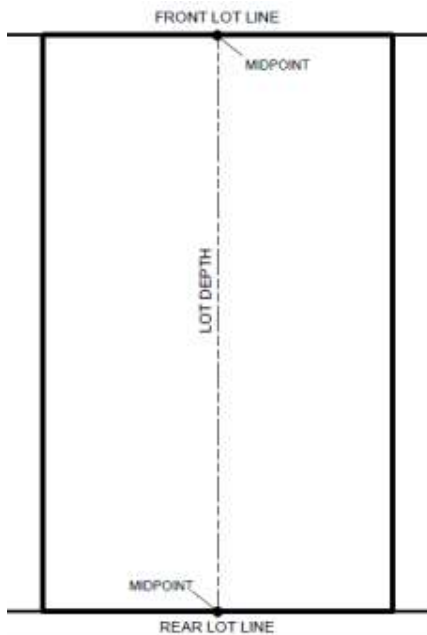
**3.19 Calculation of Lot Width and Depth**

3.19.01 Dimensions of **lots** are calculated as follows except where otherwise specified in Part 6 of this Bylaw.

- (1) **Lot width** will be the lesser of the following measurements:
  - (a) The length of a line perpendicular to a line connecting the midpoints of the **front lot line** and **rear lot line** and 9 m (29.5 ft) to the rear of the **front lot line**; and
  - (b) The length of a line perpendicular to a line connecting the midpoints of the **front lot line** and **rear lot line** and 18 m (59.1 ft) to the rear of the **front lot line**.



- (2) **Lot depth** will be the length of a line connecting the mid-points of the **front lot line** and **rear lot line**.



### 3.20 Height Exceptions

- 3.20.01 The **height** regulations specified elsewhere in this Bylaw do not apply to church spires, church belfries, church domes, fire and hose towers, public observation towers, transmission towers, chimneys, radio towers, or elevator and ventilating machinery penthouses provided that no such **structure** covers more than 20% of the **lot** or, if located on a **building**, not more than 10% of the roof area of the **principal building** on that **lot**, or to stadiums, utility poles, flag poles bearing the flag of Canada or British Columbia, or **drive-in theatre** projection screens.

### 3.21 Landscaping and Screening

#### 3.21.01 All Zones

The regulations in this Subsection apply to the provision and maintenance of screening and landscaping to mask or separate **uses**, or to enhance the natural environment, in every Zone except as otherwise expressly required or permitted in this Bylaw.

- (1) The minimum width for **landscape and screening areas** required by this Bylaw is 1 m (3.3 ft).
- (2) Wherever possible, **landscape and screening areas** shall retain existing trees and natural vegetation, other than invasive species, and add planting that enhances the natural environment.
- (3) Required **landscape and screening areas** must not be located on septic fields, and a septic field must not be located in a required **landscape and screening area**, unless approved in writing by the Vancouver Island Health Authority.
- (4) Where a landscape plan is required to be submitted as part of a Development Permit application, the provisions of this Bylaw will apply in addition to those contained in the City of Langford Landscape Policy No. 6630-00 and the applicable Development Permit guidelines.
- (5) All portions of a **lot** that are not covered by a **building** or **structure** or used for off-street parking must be landscaped. (*Bylaw No. 1904*)

#### 3.21.02 Residential, Multiple Residential, Commercial, Industrial, and Institutional Zones

The regulations in this Subsection apply to the provision and maintenance of screening and landscaping to mask or separate **uses**, or to enhance the natural environment in **Multiple Residential, Commercial, Industrial** and **Institutional Zones** except as otherwise expressly required or permitted in this Bylaw.

- (1) All planted areas (trees, shrubs, groundcover, lawn, raised beds and planters in a **landscape and screening area** must be serviced and maintained by an underground automatic irrigation system.
- (2) On **lots** within a **Multiple Residential Zone**, a landscape screen must be provided along any **interior side lot line** extending back from the **front building line** of the **principal building** to the **rear lot line**, and along the **rear lot line**. It must consist of a continuous **landscape and screening area** of at least 1 m (3.3 ft) in width containing a decorative fence of a minimum **height** of 1.8 m (5.9 ft) and decorative planting.
- (3) **Landscape and screening areas** between vehicle parking areas and **highways** must be provided with a low hardy shrub or hedge at a minimum **height** of 1.2 m (3.9 ft) at the time of planting that effectively screen vehicle headlights.

### 3.21.03 Fences

- (1) The **height** of a fence is, for the purposes of this Bylaw, the vertical distance from the average finished ground level at any point along the fence to the highest part of the fence directly above.
- (2) Fences may be constructed within any required **setback**, other than that portion of a **lot** that is within a **sight triangle**, and that portion of a **lot** that is within a designated Interface Fire Hazard or Riparian Development Permit Area unless either authorized by a Development Permit or specifically exempted from the requirements of a Development Permit.
- (3) Fences **abutting** a **highway** within the required **setback** from a **front lot line** in all **zones** shall not exceed a **height** of 1.2 m (3.9 ft) and shall be constructed of wrought iron, picket or similar style providing less than complete visual screening.
- (4) The following regulations apply to fences on **lots** containing **one-family dwellings, two-family dwellings** or **townhouse uses**:
  - (a) Fences along **interior side lot lines** and **rear lot lines** (where not **abutting** a **highway**) shall not exceed a **height** of 1.8 m (5.9 ft);
  - (b) Despite Article 3.21.03(3), that portion of a fence **abutting** a **highway** that is at least 1.8 m (5.9 ft) to the rear of the **front building line** may exceed 1.2 m (3.9 ft) in **height** but shall not exceed a **height** of 1.8 m (5.9 ft) and may be constructed with a solid style.
- (5) Ornamental features such as arbours or gates are exempt from the **height** restrictions of this Subsection.
- (6) Fences on **lots** containing Institutional uses are exempt from the height restrictions of this subsection. (*Bylaw No. 2126*)

### 3.22 Compliance with Lot Area Regulations

3.22.01 **Lots** created by subdivision must comply with the minimum and average **lot area** regulations set out in Part 6 of this Bylaw except that a park to be dedicated upon deposit of the subdivision plan need not comply with those regulations.

3.22.02 For the purposes of this Bylaw, average **lot area** is the sum of the **lot areas** of the proposed **lots** divided by the number of proposed **lots**:

3.22.03 The average and minimum **lot** sizes in Part 6 of this Bylaw do not apply:

- (1) If the **lot** being created is to be used solely for the unattended equipment necessary for the operation of facilities referred to in articles 3.01.01(2) and (3) of this Bylaw or for a community water or sewer system, a community gas distribution system, a community radio or telephone receiving antenna, a radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, an electrical substation, transportation corridor, or generating station road access, and any other similar public service or utility and the owner grants to the City of Langford a covenant under the Land Title Act restricting the **use** of the **lot** to that **use** and prohibiting the disposal of that **lot** except through dedication to the City of Langford.
- (2) If the **lot** being created is for park **use**, an ecological reserve, or dedication to the Crown.

3.22.04 The **Approving Officer** may approve a subdivision consolidation containing **lots** with **lot areas** or **lot widths** less than the requirements in this Bylaw if:

- (1) The subdivision consolidation creates a lesser number of **lots**; and
- (2) The smallest **lot** created is larger than the smallest of the **lots** being consolidated.

3.22.05 The **Approving Officer** may approve a boundary adjustment subdivision which creates **lots with lot areas** less than the requirements in this Bylaw, if: (*Bylaw No. 1920*)

- (1) The subject lots are adjoining;
- (2) No additional lots are created;
- (3) Where the proposed lots are under 6,000 m<sup>2</sup> (1.5 ac) in area, the boundary adjustment does not result in the reduction of any lot by more than 20% of its original size; and
- (4) The requirements of this Bylaw respecting siting of buildings and structures an minimum lot width are complied with.

### **3.23 Enforcement of Siting Regulations**

3.23.01 Every application for a Building Permit must provide a plan signed by a B.C. Land Surveyor showing the location on the **lot** of all existing and proposed **buildings, structures** and sewage absorption fields in relation to **lot** and **Zone** boundaries, **watercourses**, wells and the sea, and in relation to other **buildings** on the **lot**, unless the Building Inspector determines that the provision of such plan is not reasonably necessary to establish whether proposed **buildings, structures** and sewage absorption fields comply with the siting requirements of this Bylaw.

3.23.02 Every applicant for a Development Permit or a Development Variance Permit must provide a plan as described in Subsection 3.23.01 unless the City of Langford Council makes the determination referred to in that Section.

### **3.24 Conversion of Building Use**

3.24.01 **Buildings** may be converted, altered, or remodeled for another **use**, provided that the converted **building** conforms to all the provisions and regulations prescribed in this Bylaw for the **Zone** in which it is located, as well as any applicable provisions and regulations of the BC Building Code and the City of Langford Building and Plumbing Bylaw.

### **3.25 Covenants Against Building and Subdivision**

3.25.01 Where, under this Bylaw, an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the City of Langford in priority to all financial charges and delivered in registerable form satisfactory to the City prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the City of Langford in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

### 3.26 Community Care Facilities and Group Daycares

3.26.01 In addition to, and despite any other regulations for **community care facilities** in any **Zone** in this Bylaw, the following regulations apply to **community care facilities** in any **Zone** in which they are a permitted use:

- (1) A **community care facility** may not exist in conjunction with any other permitted use on the same property;
- (2) With the sole exception of a **home occupation daycare**, a **community care facility** is not permitted as a **home occupation** in a **two-family dwelling**, a **townhouse**, an **apartment**, or a **mobile home**;
- (3) Despite Article 3.26.01(1), a **community care facility** may be operated as a **home occupation**, subject to Section 3.09, provided that the **one-family dwelling** in which the **community care facility** is operated is occupied by the caretaker or proprietor of the **community care facility**;
- (4) Despite Article 3.26.01(1), a **community care facility** may be operated as a **home occupation**, subject to Section 3.09, in conjunction with a **home office use** within the same **one-family dwelling**;
- (5) Despite Article 3.26.01(1), a **community care facility** may be operated on the same **lot** as any institutional use; and
- (6) Despite Article 3.26.01(1), a **community care facility** may be operated on the same **lot** as any other use in the CT3 Zone.

3.26.02 The following regulations apply to **group daycares** in any **Zone** in which they are a permitted use:

- (1) In **Residential Zones**, a **group daycare** is permitted only where the **dwelling unit** is occupied by the proprietor of the **group daycare**, and only in a **one-family dwelling** or a permitted **accessory building** associated with a **one-family dwelling**;
- (2) In **Commercial** and **Institutional Zones**, a **group daycare** is permitted as a stand-alone use;
- (3) In the C8, C8A, MU1, and MU1A Zones, a **group daycare** is only permitted within commercially designated space on the ground floor;
- (4) A **group daycare** limited to a capacity of 20 children is permitted on **lots** with **lot areas** less than or equal to 1,099 m<sup>2</sup> (11,829.5 ft<sup>2</sup>);
- (5) A **group daycare** limited to a capacity of 36 children is permitted on **lots** with **lot areas** greater than 1,099 m<sup>2</sup> (11,829.5 ft<sup>2</sup>);
- (6) **Group daycares** permitted by Article 3.26.02(5) must not be sited within 15 m (49.2 ft) of any **lot line abutting a lot** occupied by a **one-family dwelling** or **two-family dwelling**;
- (7) **Group daycares** in a **Residential Zone** and **home occupation daycares** are not permitted in conjunction with a suite;
- (8) Despite any provision of Section 3.09 of this Bylaw, and in addition to the off-street parking spaces required for the **dwelling unit** by Part 4 of this Bylaw, a **group daycare** in a **Residential**

**Zone** shall provide two off-street parking spaces for pick-up and drop-off and one additional parking space per non-resident employee;

- (9) Despite Article 3.26.02(4), a **group daycare** with a capacity of up to 28 children is permitted on the lot legally described as Lot 11, Section 5, Esquimalt District, Plan 7165 (2758 Peatt Road); and
- (10) Despite Section 3.05, children’s play equipment associated with a **group daycare** in non-**residential zones** may be located a minimum of 1 m (3.3 ft) from any **lot line**;
- (11) Despite Article 3.26.02(4), a **group daycare** with a capacity of up to 255 children is permitted on the lot legally described as Lot A, Section 115, Esquimalt District, Plan EPP106119; and (*Bylaw No. 1937*)
- (12) Despite Article 3.26.02(4) a **group daycare** with a capacity of up to 44 children is permitted on the lot legally described as Strata Lot E, Section 83, Esquimalt District, Strata Plan VIS2240, Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V, PID No. 028-468-864 (2619 Sooke Road). (*Bylaw No. 1998*)

3.26.03 A **group daycare** or **community care facility** shall provide a 1.8 m (5.9 ft) high decorative solid wood fence along all **lot lines abutting a lot** containing a **one-family dwelling** or **two-family dwelling**.

### **3.27 Temporary Commercial Use and Temporary Industrial Use Permit Areas**

- 3.27.01 All land within the City of Langford as shown on Schedule “A” (Zoning Map) is designated as an area where Temporary Commercial Use Permits may be issued in accordance with Section 921 of the *Local Government Act*.
- 3.27.02 All land within the City of Langford as shown on Schedule “A” (Zoning Map) is designated as an area where Temporary Industrial Use Permits may be issued in accordance with Section 921 of the *Local Government Act*.
- 3.27.03 Council may require, as a condition of issuance of a Temporary Use Permit, that development meet the current requirements of the applicable Development Permit Area.
- 3.27.04 Council may require the following information in regards to the land for which a Temporary Use Permit is being sought either as a condition of issuance, or prior to issuance of a Temporary Use Permit:
  - (1) A geotechnical evaluation;
  - (2) An environmental impact assessment;
  - (3) A wildfire hazard assessment;
  - (4) A stormwater management and drainage plan;
  - (5) A groundwater management plan;
  - (6) A soil removal plan;
  - (7) An acoustical analysis and sound attenuation plan;
  - (8) A traffic analysis and traffic impact mitigation plan;
  - (9) A parking study and parking plan;
  - (10) A site lighting plan; and
  - (11) An analysis of the impact of the proposal on the visual quality of the site from surrounding properties.