

4.4 Permitted and Conditional Uses: Commercial Zones

4.4.1 Permitted and Conditional Uses Table: Commercial Zones

Use	C1	C2	C2.1	C3	C4	C5
Accessory Use, Building or Structure	P	P	P	P	P	P
Artist Studio	C (4.4.2)					P
Assembly Hall	P					
Bank / Financial Institution	P					P
Brew Pub	C (4.4.7)					
Broadcasting Studio	P					
Cannabis Retail	C (4.4.25)					
Child Care Facility	C (4.4.2)	C (4.4.11)				P
Cinema	C (4.4.7)					P
Class 1 Restaurant	P	C (4.4.7) and (4.4.11)	C (4.4.11)		C (4.4.6)	P
Class 2 Restaurant (liquor)	P	C (4.4.7) and (4.4.11)	C (4.4.7) and (4.4.11)		C (4.4.6) and (4.4.7)	P
Convenience Store	P	C (4.4.8) and (4.4.11)	C (4.4.8) and (4.4.11)	C (4.4.9)		
Copy/Print Establishment	P					
Dwelling Unit	C (4.4.10)	C (4.4.10)	C (4.4.10)	C (4.4.9) and (4.4.10)	C (4.4.6)	
Education Facility	C (4.4.2)					P
Emergency Services	C (4.4.2)					
Fitness Centre	P					P
Food or Beverage Manufacturing	C (4.4.5)	C (4.4.5) and (4.4.11)				
Gas Bar				C (4.4.12)		
Home Occupation	C (4.4.13)	C (4.4.13)	C (4.4.13)	C (4.4.13)	C (4.4.13)	
Hotel	C (4.4.14)					P
Indoor Amusement	C (4.4.7)					P
Library	P					P
Liquor Retail	P			C (4.4.24)		P
Medical Office	C (4.4.2)					P
Motel					C (4.4.14)	
Museum	P					P
Office	C (4.4.2)					P
Outdoor Retail	C (4.4.20)					
Parkade	C (4.4.15)					
Parking Lot	C (4.4.23)					
Personal Service Establishment	P	C (4.4.11)	C(4.4.11)			P
Pub	C (4.4.7)	C (4.4.7), (4.4.11) and (4.4.16)	C (4.4.7), (4.4.11) and (4.4.16)			
Recreation Rental	P					
Retail Sales	P					P
Resale Retail	C (4.4.17)					



4.4.1 Permitted and Conditional Uses Table: Commercial Zones (con't)

Use	C1	C2	C2.1	C3	C4	C5
Service Station				C (4.4.18)		
Small Appliance Repair	C (4.4.5)					
Temporary Outdoor Amusement	C (4.4.19)					
Temporary Boat/Motor Vehicle Sales	C (4.4.21)					
Video Rental Store	P	C (4.4.11)	C (4.4.11)			
Visitor Information Centre						P
Drive-Through Restaurant (Class 1)						P

4.4.2 Conditional Use Regulations at Ground Level Along Beacon Avenue

- a. For lots abutting Beacon Avenue, excluding real estate offices and travel agencies, use is prohibited to front along the street on the first storey.

4.4.5 Conditional Use Regulations for Small Appliance Repair/Food or Beverage Manufacturing

- a. Establishments shall retail directly from the premises.

4.4.6 Conditional Use Regulations for Motel Dwelling Units/Restaurants

- a. A dwelling unit and/or restaurant (Class 1 or 2) shall only be permitted on a lot on which is also located a motel.
- b. Only one (1) dwelling unit, and/or one (1) restaurant (Class 1 or 2) is permitted per lot.

4.4.7 Conditional Use Regulations for Mitigating Noise Impacts

- a. Outdoor live music is not permitted.
- b. All indoor uses that include amplified sound as part of their regular operations shall be soundproofed so that the sounds created by such use are not audible on any private property beyond the boundaries of the property on which the use is operated.
- c. In the C2, C2.1 and C4 zones, outdoor amplified music is not permitted.

4.4.8 Conditional Use Regulations for Convenience Stores

- a. Use shall only be permitted on properties along arterial and/or collector roads as designated by the Town of Sidney Official Community Plan.

4.4.9 Conditional Use Regulations for Dwelling Units/Convenience Stores

- a. A dwelling unit or convenience store shall only be permitted on a lot on which is also located a service station or gas bar.
- b. Only one (1) dwelling unit is permitted per lot.
- c. A dwelling unit is not permitted in areas designated as 'COM-1' under the Town of Sidney Official Community Plan.
- d. The gross floor area of the convenience store component shall not exceed 100 square metres.

4.4.10 Conditional Use Regulations for Dwelling Units

- a. Dwelling units shall not be located within a portion of the first storey of a building that fronts directly onto a street. However, dwelling units are permitted within a portion of the first storey of a building where it is abutting or directly adjacent to a lane.
- b. Except as per 4.4.10.a, dwelling units shall not be located on a storey containing non-residential uses.



4.4.11 Conditional Use Regulations for Neighbourhood Commercial

- a. Commercial uses are permitted only on the ground floor.
- b. Individual businesses are permitted a maximum gross floor area of 100 square metres.
- c. A maximum of three (3) commercial businesses are permitted per lot.
- d. Commercial units must front onto a street.

4.4.12 Conditional Use Regulations for Gas Bar Fuel Storage

- e. All fuel shall be stored underground.

4.4.13 Conditional Use Regulations for Home Occupations

- a. Home occupations shall:
 - i. be conducted wholly within the principal dwelling unit or secondary suite;
 - ii. have only residents of the dwelling unit engaged in the business;
 - iii. not use any equipment or process which creates impacts that are detectable outside of the dwelling unit to the normal senses, including, but not limited to:
 - noise;
 - fumes;
 - dust;
 - smoke;
 - vibration;
 - glare;
 - odors; or
 - electrical interference which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage outside of the dwelling unit.
 - iv. not involve the display or retail sale of goods, wares, merchandise or foodstuffs from the property;
 - v. not change the outside appearance of the dwelling unit, or create other visible evidence of their existence other than a sign;
 - vi. involve no external storage of materials, containers, finished products or equipment;
 - vii. not generate vehicle traffic, parking or loading in greater volumes than would normally be expected in a residential neighbourhood; and
 - viii. not exceed a maximum of one home occupation per dwelling unit.
- b. All home occupations shall be clearly incidental and subordinate to the dwelling unit, such that a home occupation shall not exceed 30% of the gross floor area of the dwelling unit or 50 square metres, whichever is less.
- c. High traffic home occupations are not permitted.

4.4.14 Conditional Use Regulations for Motels and Hotels

- a. Except for residential staff, the maximum occupancy for an individual in any motel or hotel is 186 days in any given year.

4.4.15 Conditional Use Regulations for Parkades

- a. A parkade shall:
 - i. not be permitted on a lot abutting Beacon Avenue; and
 - ii. be permitted only if located in a building which contains another permitted use, which must be located on the ground floor.
- b. Excluding access aisles, the portion of the ground floor used for non-parking purposes shall:
 - i. be located in that portion of the building which directly faces the front or exterior side lot lines; and



- ii. extend to a minimum depth of 8.0 metres as measured perpendicular from the associated front or exterior side lot line.

4.4.16 Conditional Use Regulations for Pubs

- a. Outdoor seating is not permitted.
- b. A dance floor is not permitted.

4.4.17 Conditional Use Regulations for Resale Retail

- a. Donation drop-off areas shall be located in the rear yard.

4.4.18 Conditional Use Regulations for Service Stations

- a. Use is only permitted on properties along arterial and/or collector roads, as designated by the Town of Sidney Official Community Plan.

4.4.19 Conditional Use Regulations for Temporary Outdoor Amusement

- a. Outdoor amusement shall not exceed seven (7) days per event.

4.4.20 Conditional Use Regulations for Outdoor Retail

- a. Outdoor retail shall not be the primary use on the property.
- b. The vending area for each vendor shall not exceed an area of 10 square metres.
- c. The entire vending area shall not exceed 15% of the subject lot area.
- d. Vending areas shall be set back a minimum of one (1) metre from any property line.
- e. Hours of operation for outdoor retail shall be seven (7) days a week between the hours of 7:00 a.m. and 10:00 p.m.
- f. Outdoor retail operations shall be removed from the lot between the hours of 11:00 p.m. and 6:00 a.m.
- g. Where outdoor retail operations utilize a parking lot, all permitted uses on the subject lot shall meet the requirements of the Town of Sidney Parking and Loading Bylaw.
- h. Notwithstanding the regulations contained in Sections 4.4.20.a,b,c,f and g, on the property legally described as Lot 2, Section 10 And 11, Range 3 East, North Saanich District, Plan VIP74500, only Sections 4.4.20.d and 4.4.20.e shall apply.

4.4.21 Conditional Use Regulations for Temporary Boat/Motor Vehicle Sales

- a. Temporary Boat/Motor Vehicle Sales shall:
 - i. be permitted only on the property legally described as Lot 2, Section 10 And 11, Range 3 East, North Saanich District, Plan VIP74500 Exempt Under 224(4) & 227 CC 10 Years Expires 2014;
 - ii. only be permitted a maximum of thirty (30) days per calendar year;
 - iii. be set back a minimum of one (1) metre from any property line; and
 - iv. have hours of operation only between the hours of 7:00 a.m. and 10:00 p.m.

4.4.22 DELETED

4.4.23 Conditional Use Regulations for Parking Lots

- a. A Parking Lot shall be permitted only on the property legally described as Lot 2, Section 10 and 11, Range 3 East, North Saanich District, Plan VIP74500.

4.4.24 Conditional Use Regulations for Liquor Retail

- a. Liquor Retail shall be permitted only on the property legally described as Lot 1, Section 8, Range 3 East, North Saanich District, Plan 13891.



4.4.25 Conditional Use Regulations for Cannabis Retail

- a. Cannabis Retail is not permitted within premises having a main or principal entrance opening on to Sidney Avenue or James White Boulevard, or on any property located south of the centerline of Bevan Avenue.