



Islands Trust

**DENMAN ISLAND
LAND USE BYLAW NO. 264, 2026**

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE LAND USE BYLAW NO. 264, 2022

A bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land within the Denman Island Local Trust Area.

WHEREAS the Denman Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Denman Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS the Denman Island Local Trust Committee wishes to adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

AND WHEREAS the Denman Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Denman Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as the “Denman Island Land Use Bylaw No. 264, 2026”.
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the Denman Island Local Trust Area as shown on Schedule B:
 - (1) Schedule A (Land Use Bylaw Text)
 - (2) Schedule B (Zoning Map)
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.
4. Bylaw No. 186 cited “Denman Island Land Use Bylaw, 2008” and all of its amendments are repealed.

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READ A FIRST TIME THIS 12th DAY OF MAY, 2026.

READ A SECOND TIME THIS _____ DAY OF _____ .

PUBLIC HEARING HELD THIS _____ DAY OF _____ .

READ A THIRD TIME THIS _____ DAY OF _____ .

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ .

ADOPTED THIS _____ DAY OF _____ .

CHAIR

SECRETARY

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SCHEDULE A

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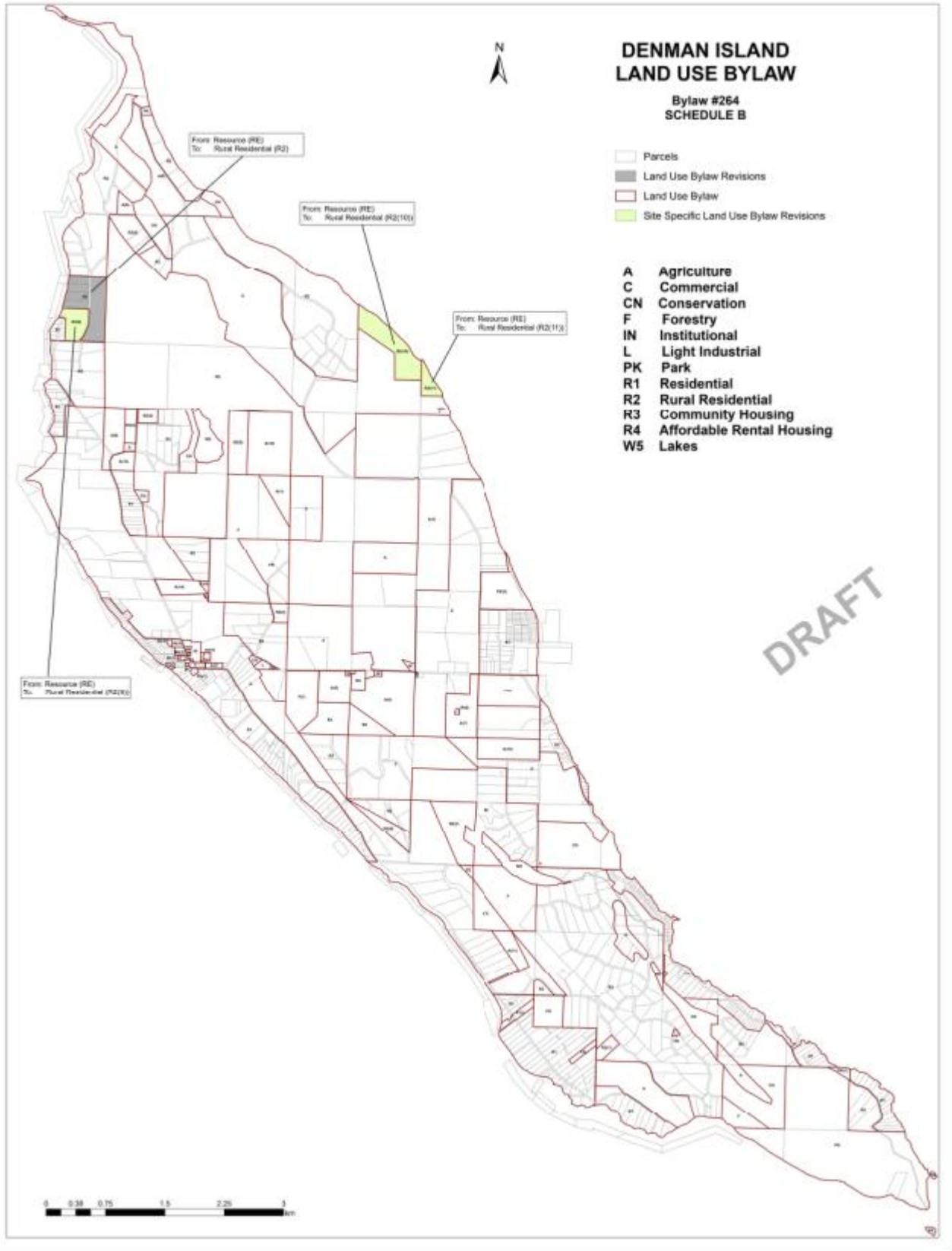
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1.1 Definitions**In this Bylaw, unless the context otherwise requires:**

accessory means a use, building or structure that is ancillary, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, where the accessory use, building or structure is located on common property in a bare land strata plan, on a strata lot in the same strata plan;

accessory residential use means a dwelling unit, either in a detached building or within a portion of a building, on the same lot as a non-residential principal use;

access stairway means an outdoor stairway and landings, provided the depth of the landing does not exceed the width of the stairway;

affordable housing dwelling unit means a deed restricted and/or rent controlled *dwelling unit* that is secured by a housing agreement, and is available to persons with medium to low income as defined by housing agreement for the dwelling unit;

agriculture means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock;

agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the *Assessment Act*, where no permanent facilities are constructed or erected, and includes all listed agri-tourism activities in Section 12.2 of the *Agricultural Land Reserve Use Regulation*;

agri-tourism accommodation means a cabin, tent, or recreational vehicle on an agri-tourism accommodation campground as defined by the *Agricultural Land Reserve Use Regulation*;

alternative dwelling unit means a self-contained structure or vehicle used or intended for residential occupancy. Includes, but is not limited to: recreational vehicles (RVs, travel trailers, tent trailers, motor homes, fifth wheels, park model trailers), tiny homes on wheels and yurts;

armoured ford means a ford of a stream that has been surfaced with material suitable to prevent the use of the ford from causing erosion or other damage to the stream channel;

boathouse means an accessory building or structure used exclusively for storing or sheltering a boat;

breast height means a point on a tree at 1.3 m above the point of germination, measured along the axis of vertical growth;

building means any roofed structure which is used or intended to be used for the shelter, habitation, assembly, or accommodation of people or animals other than wildlife, or for the storage of goods and chattels, and includes mobile homes, wood sheds, garden sheds, tool sheds and outhouses;

cliff means a sloping surface face of soil, rock or other natural material exceeding 15 metres in height, the average slope of which exceeds 48° as measured from a horizontal plane over a horizontal distance of 12 metres;

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common house means a building used for the communal daily activities of the residents of the property and includes a kitchen, meeting room, library, laundry facility, and other such facilities but does not include sleeping accommodation and must not be used for sleeping accommodation.”

community kitchen means a shared-use commercial processing area that is agency approved for preparing foods that may be sold elsewhere or for such things as catered functions;

community facility or service means a publicly accessible facility, area, or service secured for community use that supports social, cultural, recreational, educational, or civic purposes, including but not limited to community halls, recreation centres, libraries, or similar gathering places;

community water system means a system for the supply of water serving two or more customers as approved by a public authority;

constructed top width means the width of the relatively level portion of a road, measured between the insides of the ditches, shoulders, cutbanks, or fills;

constructed total width means the width of a road, including the constructed ditches, shoulders, cutbanks, or fills;

covered walkway means a structure that shelters a walking area by a roof or awning and that is connected to a building;

dangerous tree means a tree that is hazardous to human safety because of location or lean, physical damage, overhead hazards, deterioration of the limbs, stem or root system, or a combination of these;

dbh means the diameter at breast height measured outside the bark around the trunk of the tree at 1.3 m above the point of germination;

derelict vehicle means any vehicle that has been unlicensed for 12 months or more;

domestic chicken coop means a building or structure used for accommodating chickens that are used for non-commercial purposes;

detached secondary dwelling unit means a detached dwelling unit that is accessory to the permitted principal dwelling unit that is limited in floor area;

dwelling unit means a building, or set of rooms in a building, used as a residence, containing an independent cooking, sleeping, and living facilities and designed for occupancy;

engineer means a member of the Association of Professional Engineers and Geoscientists of British Columbia;

feedlot means an outdoor confined area where livestock are concentrated and fed for the purpose of growing or finishing animals for market and where feed is provided other than by grazing;

fill means uncontaminated earth, sand, gravel or any other similar material used, or capable of being used, to raise the contour of the ground surface;

food processing in regards to a home occupation means the creation of packaged food products intended for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;

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front yard means the area of a lot located between the front lot line and the front wall of the building closest to that lot line, and extending the full width of the lot;

forest fungi means naturally growing mushrooms or similar products that may be cultivated using wood products from local trees and excludes mushrooms grown on manure;

forestry means the use of land for the cultivation, management and harvesting of forest resources, including silviculture and the on-site processing of timber harvested from the same lot.

forestry sales mean the sale of lumber, timber, posts, and other similar wood products, but excludes the sale of goods manufactured from these materials;

gouge means an injury to the stem of a tree that penetrates into the sapwood or deeper;

grade means the average elevation of the ground at a distance of 1.0 metre from a building or structure determined by averaging the natural ground elevations at the midpoint of all of the exterior walls prior to any grading, excavation or filling;

gross floor area means the sum of the area of all storeys in a building or structure, measured to the outermost wall surface, excluding eaves and the areas of covered or roofed porches, terraces, decks and cisterns;

ground-based machinery means powered vehicles that move by means of wheels or tracks in contact with the ground, including trucks, skidders, loaders, excavators, backhoes, and tractors;

guest accommodation means a home occupation in which sleeping accommodation is provided to transient paying guests in individual rooms of the principal dwelling unit;

height means the vertical distance to the highest point of the upper roof of a building or structure measured from the grade;

hermitage means a spiritual retreat centre that may also offer educational programs and provides overnight accommodation and meals to guests participating in its programs and activities;

high water mark means the high water mark identified on the plan most recently registered in the Land Title Office, and where there is no such plan, means the natural boundary;

home-based assisted living means a home occupation which provides personal care, supervision, or support to residents in a dwelling;

horticulture means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot;

hydrogeologist means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the Professional Governance Act, Engineers and Geoscientists Regulation;

intensive agriculture means the use of land, buildings and structures by a commercial enterprise or an institution for:

- the confinement of poultry, livestock or fur bearing animals, excluding operations defined as feedlots; or
- the growing of mushrooms, except for forest fungi;

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lot means any parcel, block or other area in which land is held or into which it is subdivided, whether under the Land Title Act or the Bare Land Strata Regulations under the *Strata Property Act*;

lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection;

lot line means a legally defined boundary of any lot, and in the case of tenure under the Land Act, a boundary of the lease area;

lot line – edge means any lot line on a lot in the Agriculture zone that abuts a lot in another zone;

lot line – front means the lot line common to the lot and the abutting highway, or access route under the Strata Property Act, and where there is more than one lot line common to a highway or access route, the following rules apply:

- the shortest lot line abutting a highway or access route that is greater than 20.0 metres is the front lot line, except where there are no lot lines greater than 20.0 metres abutting a highway or access in route, in which case the longest line abutting a highway or access route is the front lot line;
- where there are three or more lot lines and one or more of the lot lines is a corner-cut, one of the other lot lines is the front lot line based on the preceding rule;
- where there are more than two lot lines defining a curve, including any tangents making up the curve in a highway or access route, all such lot lines defining the curve must be considered to be one lot line for the purpose of determining the front lot line; and
- where a lot is split by a highway or access road, a front lot line will be determined for each portion of the lot;

lot line - rear means the property line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting lines, it shall be the point of such intersection;

lot line – exterior side means a lot line not being the front lot line but common to a lot and an abutting highway or access route;

lot line - side means any lot line not being a front lot line, rear lot line or exterior side lot line;

mobile means, in relation to a building, not permanently affixed to the land with the ability to be moved to another location by towing or similar means;

multi-unit dwelling means a building containing two or more dwelling units (excluding a principal dwelling with a secondary suite), each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

natural boundary means:

- with reference to the sea or a lake, the visible high water mark of the lake, where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark on the soil or rock of the bed of the sea or a lake a character distinct from that of the adjoining upland, in vegetation as well as in the soil or rock;
- with reference to a stream, the normal high water mark of the stream, which is often indicated by the edges of rooted terrestrial vegetation, and a definite change in vegetation and sediment texture, above which soils and terrestrial plants appear undisturbed by recent erosion, and below which the stream banks show signs of scouring or sediment deposition or both;

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- with reference to a wetland, the boundary between the wetland and the adjacent upland, where the extent of the wetland is usually indicated by the presence of plants that normally grow in water or water-saturated soils or peat soils, and soils that are water-saturated or show evidence of prolonged water saturation (gleying) within 30 cm of the surface or are peat soils;

occasional:

- in relation to markets means no more than 52 operating days per calendar year, of which no more than 2 may be consecutive;
- in relation to fairs and festivals means no more than 45 operating days per calendar year, of which no more than 7 may be consecutive;
- in relation to woodworking and wood processing means no more than 45 operating days per calendar year, of which no more than 30 may be consecutive;
- in relation to the use of an accessory building, a travel trailer or a vessel for non-commercial accommodation means a total length of stay by an individual of not more than 45 days per calendar year, of which no more than 30 may be consecutive;

obsolete signs means signs that identify a use, building or structure that no longer exists;

panhandle lot means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;

passive recreation means non-motorized, outdoor leisure activities which can be carried out with minimal impact to the natural environment including but not limited to hiking, picnicking, horseback riding and bicycling.

permanent sawmill means a sawmill that is attached to the ground or footings or a portable sawmill that is in use on the same property for more than 45 days;

personal services means a use whereby services are provided directly to the physical person or clothing of the consumer, for example, hair cutting, massage therapy, dressmaking, clothing repair, professional health care, and includes the incidental retail sale of goods commonly associated with these uses;

portable sawmill means a sawmill that is transported and removed from the working site by attaching to a motorized vehicle;

principal in relation to use, building or structure means the main or primary use, building or structure;

produce stand means a structure used for the sale of agricultural products where the products being offered for sale have been grown or reared on Denman Island;

pruning means removal of branches in a way that does not jeopardise the vitality of the trees or woody plants being altered;

public authority means a government body that manages some activity or business on behalf of the public;

park means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the *Park Act* or the *Park (Regional) Act*, and includes playgrounds and playing fields;

pump/utility house means an accessory building or accessory structure that is used only for the purposes of housing a well head, water pumping and purifying devices, and electrical power or communication connection devices;

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Qualified wildlife/danger tree assessor means a person who has successfully completed a Wildlife/Danger Tree Assessor's course, and is certified by the Wildlife Tree Committee of British Columbia, or its successor agency, as being qualified to assess wildlife and dangerous trees;

recycling depot means a non-profit facility in which materials are separated and prepared for shipment elsewhere and eventual reuse in a new product;

Registered Professional Biologist means a person who is a professional biologist registered with the Association of Professional Biologists of British Columbia;

Registered Professional Forester means a professional forester as defined in the *Foresters Act*;

removal of vegetation means felling of trees, uprooting of plants, removal of logs, or other large-scale alteration of the plant cover but specifically excludes the pruning of trees for the purpose of: admitting sunlight to an established garden; maintaining a view; mowing or cutting of lawns; and cultivating existing gardens and orchards;

residence means:

- the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
- the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;

and residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

residential rental tenure means the granting of a right to occupy a *dwelling unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *dwelling unit* is not owned by a *dwelling unit* occupant, but where regular payments are made to the owner for the use of the *dwelling unit*;

retail sales and rentals means the selling of goods or merchandise directly to the consumer and includes bicycles, scooters, tools, equipment and home entertainment products, but excludes automobiles, recreational vehicles and heavy equipment;

riparian describes the land adjacent to the normal high water level in a stream, lake, or wetland and extending to the portion of land that is directly influenced by the presence of adjacent ponded or channeled water;

school means a school as defined by the *Schools Act* or the *Independent Schools Act* and does not include overnight accommodation or a dormitory;

seasonally flooded agricultural field means land that has been previously modified for agriculture and experiences flooding during part of the year due to its location in a low lying area with poor drainage or with a high water table;

secondary dwelling unit means an attached (secondary suite) or detached secondary dwelling unit that is accessory to a permitted principal dwelling unit and which is limited in floor area;

secondary suite means an accessory, self-contained dwelling unit within the principal dwelling unit, having equal or lesser floor area than the principal dwelling unit;

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seniors affordable housing dwelling unit means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement;

setback means the horizontal distance that a building, structure or use must be sited from a specific lot line, building, structure or other specified point;

shellfish aquaculture means the raising of any aquatic invertebrate animal having a shell (for example, oysters, clams, and crabs) for commercial purposes;

sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation;

storey means all areas of a building or structure in which the ceiling is at least one metre above the floor at its lowest point, but excludes crawl spaces;

stream means any natural depression:

- in which water exists at least seven months of the year flowing on a perennial or seasonal basis; and
- in which the continuous channel bed is 0.6 metre or more below the average elevation of the surrounding land; or if the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, in which the channel bed is scoured by water or contains observable deposits of mineral alluvium;

but excludes road side drainage ditches on a highway right-of-way;

structure means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, but excludes vehicles, floating vessels, ground-level paving for driveways and vehicle parking, ground-level sidewalks, detached ground-level patios and decks, detached access stairways and boardwalks, power-poles and telecommunication poles;

third party signs means signs advertising business, products, goods or services not provided on the lot on which the sign is located

top of the inner gorge means the boundary between a side-wall slope adjacent to a stream, that has a slope greater than or equal to 60% slope, and an adjacent upland area that has a slope of less than 60%;

utilities means water, sewer, electrical, telephone and similar services where established by a government body or by a company operating under the Utilities Commission Act, and where such use is intended for the local community;

vehicle fuel service means the retail sale of gasoline, propane and diesel fuel;

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wetland means a swamp, marsh, bog, or other low lying, poorly drained area where the water table is at, near, or above the surface, or soils are saturated for a sufficient period of time to be the principal determinant of vegetation and soil development; and that has:

- obligate hydrophytic vegetation (water loving plants that grow in standing water or soils that are saturated for all or a major part of the growing season), and
- subhydric or hydric soils, as distinguished by free water or prolonged saturation, evidenced by dull grey gleyed soils that are within 30 cm of the mineral surface or peat soils that are 40 cm or more thick; and

wildlife tree means a tree, live or dead, that has special characteristics that provide valuable habitat for the conservation or enhancement of wildlife, such as a large stem or branches, a hollow trunk, a dead, broken or deformed top, internal decay, or loose or sloughing bark.

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1.2 Referencing

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part:	1
Section:	1.1
Subsection:	1.1(1)
Article:	1.1(1)(a)
Clause	1.1(1)(a)(i)

1.3 Units of Measure

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses are approximate, are provided for convenience only, and do not form part of this Bylaw.

1.4 Information Notes

- (1) Where a paragraph or sentence in this Bylaw is preceded by the words “Information Note”, the contents of the paragraph or sentence are provided only to assist in understanding of the bylaw and do not form a part of it.

2.1 Application

- (1) This Bylaw shall apply to that part of the Denman Island Local Trust Area as shown on Schedule B. Without limiting the foregoing, this includes Denman Island and the areas seaward of its shoreline encompassing all other islands, islets, rocks and reefs, the seabed, and the sea surface, plus any other water surface areas and all air spaces within the boundary shown in Schedule B.

2.2 Conformity

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

- (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, as per policy, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.

2.4 Violation

- (1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

2.5 Penalty

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the *Offence Act* and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

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2.6 Covenants

- (1) 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 Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

2.7 Owner's Cost

- (1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs.

2.8 Enforcement of Siting Regulations

- (1) Every applicant for a development permit or a development variance 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 *Local Trust Committee* or the official assigned to provide planning services to the Local Trust Area determines that the provision of such a plan is not reasonably necessary to establish whether the proposed *buildings, structures* and sewage absorption fields comply with the siting requirements of this or any other bylaw.

2.9 Repeal and Replacement

- (1) Where this bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this bylaw must be construed as being a reference to the substituted enactment relating to the same subject matter. If there are no provisions in the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.
- (2) Where this bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter.

2.10 Applying to Make Changes to this Bylaw

- (1) The Denman Island Procedures Bylaw specifies how an application to amend this Bylaw should be made.
- (2) The Denman Island Fees Bylaw specifies the fee for making an application to amend this Bylaw.

INFORMATION NOTE: An application to amend this Bylaw can be made to the Denman Island Local Trust Committee. Copies of bylaws can be obtained by contacting the Islands Trust office. The Local Trust Committee will consider prior to and during a Public Hearing, the Official Community Plan, residents' opinions and other information in deciding whether a proposed amendment should be approved. From time to time, the Local Trust Committee may amend this Bylaw as part of the process of implementing the policies of the Official Community Plan, or where there is a specific need.

PART 3 GENERAL REGULATIONS **PROPOSED**

3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone except where specifically prohibited:

- (1) Public utilities, except in the Conservation zone;
- (2) Park, except in the Conservation zone;
- (3) Fence in any land zone;
- (4) Sign; and
- (5) Pump/utility house.

3.2 Prohibited in All Zones

The following uses, buildings and structures are prohibited in every zone:

- (1) The use of an entire dwelling unit for short-term accommodation, vacation rental or for the provision of transient lodging to paying guests is prohibited.
- (2) The construction, installation, or filling of any swimming pool using water drawn from a well or other groundwater source is prohibited.

3.3 Siting and Setback Regulations

Setbacks from Cliffs

- (1) Despite any other regulations, no building may be sited less than 15.0 metres, measured horizontally, from the edge of a cliff.

Setbacks from Streams, Lakes, and Wetlands

- (2) The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:
 - (a) 30.0 metres for sewage dispersal field;
 - (b) 30.0 metres for buildings and structures associated with agriculture, except for a fence; and
 - (c) 15.0 metres for all other buildings and structures, except for a fence.
- (3) The minimum setback from Chickadee Lake and Graham Lake is 60.0 metres for a sewage dispersal field, and all other buildings and structures, including fencing associated with agriculture or used to accommodate domesticated animals other than household pets.

INFORMATION NOTE: The riparian areas of most streams, lakes and wetlands are designated as a development permit area, as shown on Schedule E of the Official Community Plan.

Setbacks and Elevations from the Sea

- (4) The minimum setback from the natural boundary of the sea is:

PROPOSED

- (a) 30.0 metres for a sewage dispersal field;
 - (b) 15.0 metres for buildings and structures, associated with agriculture, except for a fence;
 - (c) 5.0 metres for a boathouse; and
 - (d) 30.0 metres for all other buildings and structures, except for a fence or access stairway.
- (5) The minimum difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea is 1.5 metres, except for a boathouse.
- (6) Where fill is used to attain the elevation required in Regulation 5 of this section:
- (a) the minimum setback distance required in Regulation 4 of this section is measured from the toe of the fill slope to the natural boundary of the sea; and
 - (b) the face of the fill slope must be protected against wave action from floodwaters.

Setback Exemptions

- (7) Despite setback regulations 1 through 6 in Section 3.3 and setback regulations in Part 5 of this Bylaw, the following may be located in setback areas:
- (a) cisterns for the storage of rainwater, provided they do not project more than 1.0 metre into the required setback.

3.4 Height Regulations

- (1) The maximum height of principal buildings and structures located less than 100.0 metres from the natural boundary of the sea is 7.0 metres.
- (2) The maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 9.0 metres.
- (3) A building or structure accessory to a dwelling shall not exceed 6.0 metres in height.
- (4) An accessory building or structure used for agricultural purposes may exceed 6.0 metres in height where the provisions of subsection 3.14(c) apply.
- (5) The maximum height of a pump/utility house located within a setback area is 2.5 metres.
- (6) The maximum height of a boathouse is 4.5 metres.
- (7) The height regulations for buildings and structures specified elsewhere in this Bylaw do not apply to deer fencing, netting supports, trellises, lighting poles, stairways, radio, telecommunications and television antennas, chimneys, flag poles, lightning poles, utility poles, solar collectors, or water storage tanks.

3.5 Principal Dwelling Units

- (1) On lots where a principal dwelling unit exists and a subsequent principal dwelling unit is to be created, the landowner must demonstrate an adequate supply of water for the second or subsequent dwelling unit, according to Section 8.7, proof of water for a subdivision.

3.6 Secondary Suites and Secondary Dwelling Units

PROPOSED

- (1) Secondary suites are permitted only on lots in zones where this Bylaw specifically allows them. All secondary suites in permitted zones must comply with the regulations set out below: Either the dwelling unit or secondary suite is occupied by the owner of the property; or by a person responsible for managing the property, including addressing complaints arising from the occupancy of the property;
 - (a) No more than one (1) secondary suite is permitted per principal dwelling unit;
 - (b) The secondary suite shall be contained wholly within a permitted principal dwelling unit;
 - (c) The secondary suite shall have an external access that is separate from that of the principal dwelling;
 - (d) The floor area permitted for a secondary suite is no more than 50% of the floor area of the dwelling unit to a maximum of 90 square metres;
 - (e) One off-street parking space is provided for the exclusive use of the secondary suite; and
 - (f) For lots not within the ALR, a secondary suite shall not be permitted unless the owner has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Denman Island Local Trust Committee. This covenant must prohibit the registration of a strata plan under the *Strata Property Act* or the *Land Title Act* that would result in the secondary suite becoming a separate lot.

- (2) Secondary dwelling units are permitted only on lots in zones where this Bylaw specifically allows them. The following regulations apply to secondary dwelling units where permitted:
 - (a) must have a floor area less than 140 square metres;
 - (b) Must be located no greater than 60 metres from the principal residence;
 - (c) Be connected to an approved sewerage system; and
 - (d) A written plan demonstrating an adequate supply of potable water must be submitted prior to the issuance of any permits for the use.
 - (e) Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.
 - (f) Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.

3.7 Accessory Uses, Buildings and Structures

- (1) Accessory buildings and structures may be used for seasonal accommodation for a period not exceeding 90 days in a calendar year and not exceeding 60 consecutive days, except as permitted in the Agriculture (AG).

- (2) Accessory buildings and structures are not to be permitted for overnight accommodation on a lot in the Affordable Rental Housing (R4) Zone.

3.8 Maximum Floor Area of Accessory Structures

- (a) Maximum gross floor area of a pump/utility house located within a setback area is 6.0 m², except in R4 zone where it is 10 m²;
- (b) Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea is 30.0 square metres.

PROPOSED

3.9 Use of Alternate Dwelling Units

- (1) The use of an alternative dwelling unit as a dwelling is permitted on a lot in the R1, R2, R3, A and F zones, subject to the provisions of this Section.
- (2) Travel trailers may be stored on the lot and used for occasional non-commercial accommodation except on a parcel zoned Affordable Rental Housing (R4).
- (3) A recreational vehicle or other alternative dwelling unit used as a dwelling shall:
 - (a) Be connected to an approved sewage system in accordance with the requirements of the *Public Health Act*;
 - (b) Be provided with a domestic water supply;
 - (c) Comply with the use, density, siting, and setback requirements of this Bylaw for dwellings or accessory dwelling units, as applicable;
 - (d) Not be used for vacation rental or for the accommodation of paying guests;
 - (e) Be considered as a dwelling unit for the purposes of density calculations; and
 - (f) Be on a lot larger than 1.0 hectares and screened from adjacent properties.

3.10 Cistern Requirements

- (a) A Siting and Use permit shall not be issued for a new dwelling unit larger than 90 square metres (968.8 square feet) unless a cistern (or combination of cisterns) for the storage of freshwater having a total capacity of at least 18,000 litres (3959 gallons) is located on the property;
- (b) A Siting and Use permit shall not be issued for a new dwelling unit 90 square metres (968.8 square feet) or smaller unless a cistern (or combination of cisterns) for the storage of freshwater having a total capacity of at least 13,640 litres (3000 gallons) is located on the property.

3.11 Water Zones

- (1) In the water zones, no building or structure may be used for overnight accommodation.
- (2) In the water zones, a vessel may be used for occasional non-commercial accommodation but shall not be used as a permanent residence.

3.12 Covered Walkways

- (1) Buildings located within 4.0 metres of each other and connected by a covered walkway are deemed to be one building.

3.13 Undersized Lots

- (1) Where a lot exists prior to the effective date of this Bylaw and the lot area does not conform to the minimum lot area established in Part 5 relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for that zone and provided the provisions of the Public Health Act and relevant regulations have been met.

3.14 Agriculture Buildings and Structures

- (1) An accessory building or structure used for agricultural purposes may exceed 6.0 metres in height where the following apply:

PROPOSED

- (a) the building or structure used for agricultural purposes is located in the Agricultural Land Reserve;
- (b) the building or structure used for agricultural purposes is sited a minimum of:
 - i. 10.0 metres from the front or exterior side lot lines
 - ii. 4.5 metres from the rear or side lot line; and
 - iii. 15 metres from an edge lot line.
- (c) the height of the building or structure does not exceed 15.0 metres.

3.15 Fence Regulations

- (1) The height of fences shall not exceed 2.0 metres in any zone, except the Agriculture zone.
- (2) Landscape screens and protective netting or wire used to control animal nuisances are exempt from Subsection 3.15(1).

3.16 Screening Regulations

General Regulations

- (1) Where a landscape screen is required by this Bylaw, it must be provided in the form of:
 - (a) existing vegetation of the required height or
 - (b) a row of drought-tolerant evergreen plants that after three years of growth will attain the required height and provide a continuous, permanent visual screen between the uses being separated.
- (2) The minimum height of a landscape screen is 2.0 metres.
- (3) The minimum depth of a landscape screen is 1.5 metres.
- (4) Landscape screens along a front or exterior side lot line must be unbroken, except to provide for access to or from the lot.
- (5) All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen a berm, or fencing.

Landscape Screens

- (6) All commercial, industrial and institutional uses must be screened from view from a lot in the Residential (R1) or Rural Residential (R2) zone by a landscape screen.
- (7) All outdoor storage or use related to a home occupation must be screened from view from an adjacent lot or highway by a landscape screen.
- (8) All works yards, commercial or industrial outdoor storage, or derelict vehicles must be screened from view from an adjacent lot or highway by a landscape screen.
- (9) All uses in the R3 and R4 zones must be screened from adjacent properties with a landscape screen located within the setback area, except that dead trees or trees that pose a safety risk may be extracted from the setback area.

3.17 Home Occupation Regulations

- (1) A home occupation, when permitted in any zone, shall be subject the following.

PROPOSED

Permitted Home Occupation Uses

- (2) The following uses, and no other uses, are permitted as home occupations:
 - (a) home-based guest accommodation;
 - (b) artist or artisan studios, including sale of products produced on site;
 - (c) general business offices;
 - (d) professional offices, including health services;
 - (e) personal services;
 - (f) welding shops, including sale of products produced on site;
 - (g) manufacture, repair and assembly of goods;
 - (h) sale of agricultural products produced on-site;
 - (i) trades-person offices including storage of tools of the trade;
 - (j) food processing;
 - (k) automobile repair and maintenance on lots larger than 2.0 hectares; and
 - (l) home-based assisted living.

- (3) Despite regulation 2 of this section, the following uses, and no others are permitted as home occupations in the R4 zone:
 - (a) general business offices
 - (b) professional offices, excluding health services
 - (c) artist or artisan studios

- (4) Notwithstanding 2.4 regulation 3 of this section, the following is prohibited in the R4 zone:
 - (a) on site purchase of any products or services
 - (b) on site attendance of clientele or customers
 - (c) creation of noise which disturbs persons

General Regulations

- (5) Home occupations must be accessory to an active residential use.

- (6) The external appearance of the premises on which the home occupation is operated must retain a residential appearance.

- (7) The maximum combined floor area used for home occupations:
 - (a) on lots less than 1.0 hectare is 60 per cent of the floor area of the dwelling unit in which the home occupations are located; and
 - (b) on lots of 1.0 hectares or larger is 60 per cent of the combined floor area of the dwelling unit and accessory buildings in which the home occupations are located.

- (8) Homebased assisted living is limited to a maximum of three (3) rooms used for the accommodation and care of residents at any one time.

- (9) A daycare is limited to the care at any one time of no more than seven children.

- (10) A home occupation may not produce, store or use hazardous materials, except for household goods and required materials for trades, welding, artistic or health care purposes.

- (11) Only those goods, arts, and crafts produced on the site may be sold from a home occupation.

PROPOSED

- (12) The use of a permanent sawmill or portable sawmill as part of a home occupation is prohibited.

Location of Uses

- (13) On lots that are less than 1.0 hectares, the use shall be conducted entirely within a building containing a dwelling unit.
- (14) On lots 1.0 hectares and greater, home occupations may be in the principal dwelling unit and in accessory buildings.

Uses Permitted Outdoors

- (15) Despite regulations 13 and 14 of this section, kilns used exclusively for the home occupation may be freestanding and located outside the dwelling unit.
- (16) Despite regulations 13 and 14 of this section, a play area for a daycare may be permitted outside the dwelling unit.
- (17) Despite regulations 13 and 14 of this section, outdoor storage associated with home occupations involving trades, manufacture repair and assembly of goods or automobile repair and maintenance is permitted provided that the lot coverage of all home occupation activities and related storage does not exceed 10 percent of the lot area.

Number of Employees

- (18) The maximum number of non-resident employees permitted per lot is:
- (a) one on lots less than 1.0 hectare;
 - (b) two on lots of 1.0 ha and less than 2.0 hectares;
 - (c) three on lots of 2.0 ha and less than 3.0 hectares; and
 - (d) four on lots of 3.0 hectares or larger.
- (19) Despite regulation 18 of this section, no non-resident employees are permitted in the R4 zone.

Home-based Guest Accommodation

- (20) Despite regulation 14 of this section, home-based guest accommodation must be contained within the principal dwelling unit only. No accessory buildings or detached secondary dwelling units may be used for this purpose.
- (21) Unless otherwise permitted in Part 5 of this Bylaw, a home-based guest accommodation may have a maximum of three bedrooms, with a maximum of two beds per room, available for transient paying guests.
- (22) Limited cooking facilities for transient paying guests may be provided (e.g., microwave, toaster, small refrigerator).

3.18 Lots Divided by a Zone Boundary

PROPOSED

- (1) If a lot is in two or more zones, for the purposes only of the regulations in Part 5 of this Bylaw regarding units per hectare, lot coverage and minimum lot areas, the portions of the lot that have different zoning classifications must be considered as if they were separate lots
- (2) Despite 3.18(1), no more than one dwelling unit is allowed on the lot, unless the zoning regulations allow more than one dwelling in the zoning classification.
- (3) Despite 3.18(1), on lots where the zoning classification permits more than one dwelling unit per lot, the maximum number of dwelling units is the sum of the number of dwelling units that would be permitted in each zoning classification under 3.18(1).

PART 4 ESTABLISHMENT OF ZONES **PROPOSED**

4.1 Division into Zones

- (1) The Denman Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw and the regulations for which are set out in Part 5.

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Residential	R1
Rural Residential	R2
Cohousing	R3
Affordable Rental Housing	R4
Agriculture	A
Forestry	F
Commercial	C
Light Industrial	L
Institutional	I
Conservation	CN
Park	PK
Marine Conservation	W1
Marine Service	W2
Aquaculture	W3
Marine Protection	W4
Lakes	W5

4.2 Zone Boundaries

- (1) Except where otherwise specified the zone boundaries, together with any explanatory legends, notations and references in respect thereof, are delineated and described on a computer record compiled by means of geographic information software and a global positioning system (the "Zoning Map").
- (2) The Zoning Map is kept at the Islands Trust Victoria Office and forms part of this Bylaw.

PROPOSED

- (3) A generalised diagrammatic representation of the Zoning Map is annexed to this Bylaw as Schedule B. In the event of any conflict or inconsistency between the Zoning Map and Schedule B, the Zoning Map shall govern.
- (4) Where and to the extent only that a zone boundary also forms a boundary of a lot delineated on a plan deposited in the Land Title Office, in the event of conflict or inconsistency between the deposited plan and the Zoning Map the zone boundary shall be conclusively determined by reference to the plan deposited in the Land Title Office.
- (5) In the event of uncertainty regarding the location of the zone boundaries shown on Schedule B, the location shall be determined by the application of the following rules
 - (a) where zone boundaries coincide with lot boundaries, the zone boundary is the lot boundary;
 - (b) where zone boundaries run along a highway or other public way defined under the Highway Act, the zone boundary is the centre line;
 - (c) where zone boundaries and the natural boundary of the sea coincide, the zone boundary is the natural boundary;
 - (d) where zone boundaries coincide with Agricultural Land Reserve boundaries, the zone boundary is the Agricultural Land Reserve boundary; and
 - (e) in all other cases, the zone boundary must be determined by scaling to the centre of the line demarking the zone boundary on the Zoning Map.

5.1 Residential (R1) Zone

The purpose of the Residential Zone R1 is to provide regulations for the development of low-density residential areas, characterized by single-family dwellings and accessory uses.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other principal uses are prohibited:
 - (a) Residential

Permitted Accessory Uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other accessory uses are prohibited:
 - (a) *Accessory uses*; buildings and structures;
 - (b) home occupation;
 - (c) *agriculture*;
 - (d) *intensive agriculture and forest fungi* production on lots greater than 2.0 hectares;
 - (e) *agri-tourism* use on a lot classified as a farm under the BC Assessment Act; and
 - (f) *agri-tourism accommodation* on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit.

Density

- (3) One (1) dwelling unit is permitted per hectare on each lot with an area of 1.0 hectare or larger, to a maximum of two (2) dwelling units per lot.
- (4) Despite Section 5.1(3), on a lot less than 1.0 hectare in area, one (1) dwelling unit is permitted.
- (5) One agricultural *produce stand* per lot.

Siting and Size

- (6) The minimum setback for any building or structure, except a fence or pump/utility house is:
 - (a) 7.5 metres from any front lot line;
 - (b) 3.0 metres from any rear or side lot line; and
 - (c) 4.5 metres from any exterior side lot line.
- (7) The minimum setback from all lot lines for *agri-tourism accommodation*, feeding troughs, manure piles and buildings and structures for housing animals for agriculture is 8.0 metres, except domestic chicken coops.
- (8) The minimum setback from all lot lines for a domestic chicken coop is 3.0 metres.
- (9) The minimum setback for a *produce stand* from the front lot line is 4.5 m, maximum size not exceeding 4.6 square metres (50 square feet) gross floor area.

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- (10) The maximum gross floor area of a principal dwelling unit shall not exceed 300 square metres.
- (11) The maximum lot coverage for buildings and structures shall not exceed the percentage of lot area set out below:

Lot Area	Maximum Lot Coverage
Less than 0.6 hectares	15%
0.6 hectares to less than 1.2 hectares	10%
1.2 hectares or greater	5%

Subdivision Lot Area Requirements

- (12) Minimum lot area is 64.0 hectares.

Conditions of Use

- (13) On Agricultural Land Reserve lots where a secondary dwelling unit or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 8.7(1) apply and confirmation must be provided by an authorized person, as defined in the Sewerage System Regulation, that the agri-tourism accommodation or dwelling unit is connected to an approved sewerage system.

Site Specific Regulations

- (14) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
R1(1)		One accessory dwelling unit is permitted, with a maximum gross floor area of 56.0 square meters, provided it is contained within or attached to the principal dwelling unit on the lot
R1(2)		The only accessory use permitted is residential, in cabins with a maximum gross floor area of 56 square meters, to a maximum of six cabins per lot, and a minimum lot area of 3.75 hectares.
R1(3)		Two dwelling units are permitted providing one is

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		limited to a footprint of 18.6 square metres and one storey.
R1(4)		<p>Dwelling units and buildings and structures accessory to dwelling units are not permitted and instead, one (1) affordable housing dwelling unit with a maximum gross floor area of 93 square metres and associated accessory buildings and structures are permitted.</p> <p>Travel trailers are not permitted to be stored on the lot or to be used as a principal dwelling unit. However, a travel trailer may be used on the lot for up to six months during construction of the affordable housing dwelling unit.</p> <p>Home occupation uses are permitted as an accessory use. Homebased guest accommodation, welding shops, including sale of products produced on site, daycare, and automobile repair and maintenance, are not permitted.</p>

5.2 Rural Residential (R2) Zone **PROPOSED**

The purpose of the Residential Zone R2 is to provide regulations for the development of low-density residential areas, characterized by single-family dwellings on larger lot sizes, along with accessory uses, secondary suites, and additional dwelling units.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential

Permitted Accessory Uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Accessory uses, buildings and structures;*
 - (b) *secondary suite;*
 - (c) *secondary dwelling units;*
 - (d) home occupation;
 - (e) *agriculture;*
 - (f) *agri-tourism* (on lots classified as a farm under the BC Assessment Act);
 - (g) *agri-tourism accommodation* (on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act, where permitted by a Temporary Use Permit.

Density

- (3) One (1) principal dwelling unit is permitted per 4.0 hectares of lot area, up to a maximum of four (4) principal dwelling units per lot.
- (4) Despite 5.2(3), on a lot less than 4.0 hectare in area, one (1) principal dwelling unit and secondary dwelling unit is permitted.
- (5) One secondary suite is permitted per principal dwelling unit.

Siting and Size

- (6) The minimum setback for any building or structure, except a fence or pump/utility house is:
 - (a) 7.5 metres from any front lot line;
 - (b) 3.0 metres from any rear or side lot line; and
 - (c) 4.5 metres from any exterior side lot line.
- (7) The minimum setback from all lot lines for agri-tourism accommodation, feeding troughs, manure piles and buildings and structures for housing animals for agriculture is 8.0 metres, except domestic chicken coops.
- (8) The minimum setback from all lot lines for domestic chicken coops is 3.0 metres.
- (9) The minimum setback for a *produce stand* from the front lot line is 4.5 metres, maximum size not exceeding 4.6 square metres (50 square feet) gross floor area.

PROPOSED

- (10) The combined maximum gross floor area of a principal dwelling unit and secondary suite, shall not exceed 300m².
- (11) Where an existing principal dwelling unit exceeds 300m², prior to the development of a secondary dwelling unit, the secondary dwelling unit is limited to 90m²
- (12) The maximum lot coverage for buildings and structures shall not exceed the percentage of lot area set out below:

Lot Area	Maximum Lot Coverage
Less than 0.6 hectares	15%
0.6 hectares to less than 1.2 hectares	10%
1.2 hectares or greater	5%

Subdivision Lot Area Requirements

- (13) Minimum lot area is 64.0 hectares.

Conditions of Use

- (14) On Agricultural Land Reserve lots where a secondary dwelling unit or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 8.7(1) apply and confirmation must be provided by an authorized person, as defined in the Sewerage System Regulation, that the agri-tourism accommodation or dwelling unit is connected to an approved sewerage system apply.

Site-Specific Regulations

- (15) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
R2(1)		a) A kennel accessory to a residential use is also permitted with a minimum setback from all lot lines of 30.0 metres.
R2(2)		a) A riding stable accessory to a residential use is permitted with a minimum setback from all lot lines of 30.0 metres.
R2(3)		a) Two dwelling units are permitted.

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R2(4)		a) The minimum lot area per principal dwelling unit is 1.4 hectares
R2(5)		a) The minimum lot area per principal dwelling unit is 3.33 hectares.
R2(6)		a) The maximum density permitted by subdivision is an average of one lot per 5.56ha.
R2(7)		a) The maximum number of dwellings permitted in the R2(7) zone is four.
R2(8)		<p>a) A Siting and Use Permit for a dwelling in the R2(8) zone must be accompanied by written certification from an appropriately qualified professional architect, engineer or energy advisor that the dwelling unit meets or exceeds the applicable requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.</p> <p>b) The maximum number of lots permitted by subdivision in the R2(8) zone is 5.</p> <p>c) The minimum average lot area permitted by subdivision is 2.8 ha.</p>
R2 (9)	PID: 000-457-191	<p>a) The maximum number of principal dwelling units permitted is one.</p> <p>b) One secondary suite is permitted.</p>
R2 (10)	PID: 026-826-399 (portion)	a) The maximum number of dwelling units permitted is one

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		b) One secondary suite is permitted.
R2 (11)	PID: 006-657-931 (portion)	a) The maximum number of dwelling units permitted is one b) One secondary suite is permitted.

The purpose of the Co-housing Zone R3 is to establish regulations for the development of semi-communal housing areas, consisting of a cluster of private dwellings and shared community spaces, fostering a collaborative and sustainable living environment.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Residential*

Permitted Accessory Uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Accessory uses, buildings and structures;*
 - (b) *Common House;*
 - (c) home occupation;
 - (d) *agriculture;*
 - (e) *intensive agriculture and forest fungi* production on lots greater than 2.0 hectares;
 - (f) *agri-tourism* (on lots classified as a farm under the BC Assessment Act); and
 - (g) *agri-tourism accommodation* (on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act, where permitted by a Temporary Use Permit.

Density

- (3) On a lot of 35.0 hectares or greater in area, up to fifteen dwelling units are permitted.

Siting and Size

- (4) The minimum setback for any building or structure, except a fence or pump/utility house is:
 - (a) 30.0 metres from any front lot line;
 - (b) 30.0 metres from any rear or side lot line; and
 - (c) 30.0 metres from any exterior side lot line.
- (5) The minimum setback from all lot lines for domestic chicken coops is 30.0 metres.
- (6) The minimum setback from all lot lines for agri-tourism accommodation, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops is 30.0 metres.
- (7) The minimum setback for a *produce stand* from the front lot line is 4.5 metres, maximum size not exceeding 4.6 square metres (50 square feet) gross floor area.
- (8) The maximum floor area of a dwelling unit is 139.4 square metres.
- (9) The maximum floor area of a common house is 279 square metres.
- (10) The maximum combined gross floor area of all accessory buildings and structures is 1275 square metres.

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Subdivision Lot Area Requirements

- (11) Minimum lot area is 64.0 hectares.

Conditions of Use

- (12) On Agricultural Land Reserve lots where a secondary dwelling unit or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 8.7(1) apply and confirmation must be provided by an authorized person, as defined in the Sewerage System Regulation, that the agri-tourism accommodation or dwelling unit is connected to an approved sewerage system apply.

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5.4 Affordable Rental Housing (R4) Zone

The purpose of the Affordable Rental Housing Zone R4 is to regulate higher-density residential developments in areas suitable for increased population density, with an emphasis on multi-family dwellings. Housing in this zone is designated for residential rental tenure, subject to the registration of a housing agreement.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Multi-family Residential Rental Tenure*, subject to registration of Housing Agreement.

Permitted Accessory Uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Accessory uses, buildings and structures*;
 - (b) *Common House*;
 - (c) home occupation;
 - (d) *agriculture*; and
 - (e) *intensive agriculture and forest fungi production on lots greater than 2.0 hectares*.

Density

- (3) The maximum lot coverage for buildings and structures is 10%.

Siting and Size

- (4) The minimum setback for any building or structure, except a fence or a pump/utility house is:
 - (a) 10.0 metres from any front lot line;
 - (b) 10.0 metres from any rear or side lot line; and
 - (c) 10.0 metres from any exterior side lot line.
- (5) The minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops is 30.0 metres.
- (6) The minimum setback from all lot lines for domestic chicken coops is 10.0 metres.
- (7) The maximum gross floor area of a pump/utility house located within a setback area is 10 square metres.

Site-Specific Regulations

- (8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
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Site-Specific Zone	Location Description	Site-Specific Regulations
R4(1)		<ul style="list-style-type: none"> a) The keeping of chickens or other livestock is not permitted. b) The maximum number of affordable dwelling units per lot is 20. c) The maximum combined lot coverage of buildings and structures is 25%. d) The maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 10.0 metres. e) The minimum setback of a free standing photovoltaic solar array or water cistern from any interior lot line is 1.5m. f) The minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays and water cisterns, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line. g) The maximum gross floor area of an affordable dwelling unit is 140 m². h) The minimum lot area permitted by subdivision is 1.0 hectare.

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		<p>i) The minimum number of automobile parking spaces required is 1.0 per affordable housing unit.</p> <p>j) The applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.</p>
R4(2)		<p>a) The following uses are not permitted:</p> <ul style="list-style-type: none"> • the keeping of chickens or other livestock; and • the sale of agricultural products, including their storage, processing and direct marketing. <p>b) Multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having its own entrance, which may include an entrance from a common interior corridor or an exterior entrance.</p> <p>c) A Common House is not permitted.</p> <p>d) The maximum number of seniors affordable dwelling units per lot is 8.</p> <p>e) The maximum combined lot coverage of buildings and structures is 25%.</p> <p>f) The minimum setback of buildings or structures, except for a fence or pump/utility house:</p> <ul style="list-style-type: none"> • from the front lot line is 7.5 metres; • from the rear or side lot line is 3 metres; and

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		<ul style="list-style-type: none">• from the exterior side lot line is 3 metres.g) The minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture is 8.0 metres, except for domestic chicken coops.h) The minimum setback from all lot lines for domestic chicken coops is 3 m.i) The maximum gross floor area of a seniors affordable dwelling unit is 65 square metres.j) The minimum lot area permitted by subdivision is 0.7 hectares.k) The minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit.l) The applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.
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5.5 Agriculture (A) Zone

PROPOSED

The purpose of the Agricultural Zone is to protect land for agricultural use, preserve farmland within the rural landscape, and promote sustainable food production and horticulture, while allowing for limited residential use.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Residential*;
 - (b) *Agriculture*, including intensive agriculture; and
 - (c) *Forestry*.

Permitted Accessory uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) home occupations;
 - (b) Sale of forest products produced on-site, accessory to a principal forestry use;
 - (c) *Secondary suite*;
 - (d) secondary dwelling unit consistent with the *Agricultural Land Reserve Use Regulation*.
 - (e) *agri-tourism* (on lots classified as a farm under the *BC Assessment Act*); and
 - (f) *agri-tourism accommodation* (on lots larger than 4.0 ha and classified as a farm under the *BC Assessment Act* and consistent with the *Agricultural Land Reserve Use Regulation*).

Density

- (3) The minimum lot area per principal dwelling unit outside the Agricultural Land Reserve is 15.0 hectares.
- (4) Only one (1) dwelling unit is permitted per lot, both inside and outside the Agricultural Land Reserve.
- (5) The maximum lot coverage for buildings and structures is:
 - (a) 35% excluding greenhouses;
 - (b) 75% including greenhouses.
- (6) For land within the Agricultural Land Reserve, the total developed area (including buildings, landscaping, sewage disposal, parking, and access for agri-tourism accommodation) must not exceed 1% of the total parcel area.
- (7) For land within the Agricultural Land Reserve, a maximum of one (1) secondary suite or secondary dwelling unit per lot is permitted.

Siting and Size

- (8) The minimum setback for any principal or accessory residential building or structure, except a fence or pump/utility house is:
 - (a) 10.0 metres from any front lot line; and
 - (b) 4.5 metres from any rear, side, or exterior side lot line.

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- (9) The minimum setbacks for buildings and structures used for other than residential purposes are:
 - (a) 10.0 metres from any front or exterior side lot line;
 - (b) 15.0 metres from any rear or side lot line; and
 - (c) 15.0 metres from an edge lot line.
- (10) The minimum setback for intensive agriculture from any lot line is 30.0 metres.
- (11) The minimum setback from any lot line for buildings and structures related to a permanent sawmill or wood processing is 100.0 metres.
- (12) The minimum setback from any lot line for a home occupation related to the manufacture, repair, and assembly of goods is 15.0 metres.
- (13) The minimum setback from any lot line for agri-tourism accommodation is 30.0 metres.
- (14) The minimum setback from any lot line for a *produce stand* is 0 metres with a maximum gross floor area of 10 square metres.
- (15) On land in the Agricultural Land Reserve, maximum gross floor area of a dwelling unit is 410 square metres.
- (16) The maximum gross floor area of a building or structure for off-property retail sale of farm products or forestry products is 300.0 square metres.
- (17) The maximum combined lot area used for the operation of permanent sawmills, excluding storage area, is 200.0 square metres.

Conditions of Use

- (18) On Agricultural Land Reserve lots where a secondary dwelling unit or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.19 apply and confirmation must be provided by an authorized person, as defined in the Sewerage System Regulation, that the agri-tourism accommodation or dwelling unit is connected to an approved sewerage system apply.

Subdivision Lot Area Requirements

- (19) The minimum lot area is 64.0 hectares.

Site-Specific Regulations

- 20) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
A(1)		a) The minimum lot area is 64.0 hectares.

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A(2)		<ul style="list-style-type: none"> a) In addition to the uses listed in Table 1 of this Section, a restaurant is a permitted principal use. b) A maximum of five rooms may be used for homebased guest accommodation.
A(3)		<ul style="list-style-type: none"> a) A private non-commercial burial site for the use of residents of the property is a permitted accessory use.
A(4)		<ul style="list-style-type: none"> a) The maximum number of dwelling units is one per 15 hectares.
A(5)		<ul style="list-style-type: none"> a) No residential use is permitted. b) Dwelling units and buildings and structures accessory to a constructed dwelling units are not permitted. c) The minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy from the front, rear, side and exterior side lot lines is 30 m. d) The minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 13.0 hectares.
A(6)		<ul style="list-style-type: none"> a) The minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 45.0 hectares. b) The minimum lot area per principal dwelling unit is 45.0 hectares.
A(7)		<ul style="list-style-type: none"> a) Hermitage is a permitted accessory use. b) Mobile accessory buildings for overnight accommodation of people participating in the activities or programs of a

PROPOSED

		<p>hermitage on the same lot are permitted.</p> <p>c) Up to eight mobile accessory buildings with a floor area not greater than 10m² each may be used for overnight accommodation of hermitage participants.</p>
A(8)		a) The minimum lot area per principal dwelling unit is 8.4 hectares.
A(9)		<p>a) The minimum lot area per principal dwelling unit is 7.5 hectares.</p> <p>b) If a lot in this zone is subdivided, a total of 4 dwelling units are permitted on the resulting lots.</p>
A(10)		a) The minimum lot area per principal dwelling unit is 14.91 hectares.
A(11)		a) The minimum lot area per principal dwelling unit is 5.25 hectares.
A(12)		a) the minimum lot area per principal dwelling unit is 10.45 hectares.
A(13)		a) The minimum lot area per principal dwelling unit is 1.55 hectares.
A(14)		a) the minimum lot area per principal dwelling unit is 1.55 hectares.
A(15)		a) The minimum lot area is 0.8 hectares.

5.6 Forestry (F) Zone

PROPOSED

The purpose of the Forestry Zone is to provide regulations for forestry activities in areas designated for large scale resource use, with limited residential development.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Residential*;
 - (b) *Agriculture*, including *intensive agriculture*; and
 - (c) *Forestry*.

Permitted Accessory uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) home occupations;
 - (b) Sale of forest products produced on-site, accessory to a principal forestry use;
 - (c) *Secondary suite*;
 - (d) *secondary dwelling unit*;
 - (e) *agri-tourism* (on lots classified as a farm under the *BC Assessment Act*); and
 - (f) *agri-tourism accommodation* (on lots larger than 4.0 ha and classified as a farm under the *BC Assessment Act*), requires approval by a Temporary Use Permit.

Density

- (3) The minimum lot area per principal dwelling unit outside the Agricultural Land Reserve (ALR) is 64.0 ha.
- (4) Only one (1) dwelling unit is permitted per lot, both inside and outside the Agricultural Land Reserve.
- (5) The maximum lot coverage for buildings and structures is 5%.
- (6) A maximum of one (1) secondary suite and one (1) secondary dwelling unit per lot is permitted.

Siting and Size

- (7) The minimum setback for any principal or accessory residential building or structure, except a fence or pump/utility house is:
 - (a) 10.0 metres from any front lot line;
 - (b) 4.5 metres from any rear, side, or exterior side lot line.
- (8) For buildings and structures used for other than residential purposes, except a fence or pump/utility house the minimum setbacks are:
 - (a) 30.0 metres from any front or exterior side lot line; and
 - (b) 15.0 metres from any rear or side lot line.
- (9) The minimum setback for intensive agriculture from any lot line is 30.0 metres.

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- (10) The minimum setback from any lot line for buildings and structures related to a permanent sawmill or wood processing is 100.0 metres.
- (11) The minimum setback from any lot line for a home occupation related to the manufacture, repair, and assembly of goods is 15.0 metres.
- (12) The minimum setback from any lot line for agri-tourism accommodation is 30.0 metres.
- (20) The minimum setback from any lot line for a *produce stand* is 0 metres with a maximum gross floor area of 10 square metres.
- (13) On land in the Agricultural Land Reserve, maximum gross floor area of a dwelling unit is 410 square metres.
- (14) On land outside the Agricultural Land Reserve, the maximum gross floor area of a principal dwelling unit, including any secondary suite located within it, shall not exceed 300 square metres.
- (15) The maximum gross floor area of a building or structure for off-property retail sale of farm products or forestry products is 200.0 square metres.
- (16) The maximum combined lot area used for the operation of permanent sawmills, excluding storage area, is 200.0 square metres.

Conditions of Use

- (17) On Agricultural Land Reserve lots where a secondary dwelling unit or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 8.7(1) apply and confirmation must be provided by an authorized person, as defined in the Sewerage System Regulation, that the agri-tourism accommodation or dwelling unit is connected to an approved sewerage system apply.

Subdivision Lot Area Requirements

- (18) The minimum lot area is 64.0 hectares.

Site-Specific Regulations

- (19) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
F(1)		a) The minimum lot area permitted by subdivision is 20 ha.

5.7 Commercial (C) Zone

PROPOSED

The purpose of the Commercial Zone is to establish regulations for the development of areas designated for commercial activities, ensuring that these uses are compatible with surrounding residential and other land uses.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Residential*;
 - (b) *Retail sale and rental*;
 - (c) Restaurant and cafe;
 - (d) *Personal service*;
 - (e) Office; and
 - (f) *Occasional* markets, fairs, and festivals.

Density

- (2) The maximum number of dwelling units per lot is one (1).
- (3) The maximum combined lot coverage of buildings and structures is 40%.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house is:
 - (a) 7.5 metres from the front lot line;
 - (b) 3.0 metres from the rear or side lot line; and
 - (c) 4.5 metres from the exterior side lot line.

Subdivision Lot Area Requirements

- (5) The minimum lot area is 64.0 hectares.

Site-Specific Regulations

- (6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
C(1)		a) The following principal uses are also permitted: <ul style="list-style-type: none"> • vehicle fuel service; and • propane sales for domestic purposes.

5.8 Light Industrial (L) Zone

PROPOSED

The purpose of the Light Industrial Zone is to provide regulations for areas designated for light industrial activities, including those that may produce minimal environmental impacts and are compatible with adjacent land uses.

Permitted Principal Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Residential*;
 - (b) Confectionary manufacturing.

Density

- (2) The maximum number of dwelling units per lot is one (1).
- (3) The maximum combined lot coverage of buildings and structures is 40%.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house is:
 - (a) 7.5 metres from the front lot line;
 - (b) 3.0 metres from the rear or side lot line; and
 - (c) 4.5 metres from the exterior side lot line.
- (5) The maximum gross floor area of a building for light industrial uses is 375 square metres.

Subdivision Lot Area Requirements

- (6) The minimum lot area is 64.0 hectares.

5.9 Institutional (IN) Zone

PROPOSED

The purpose of the Institutional Zone is to provide regulations for the development and use of community-oriented areas, including institutional, cultural, and recreational facilities.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Schools;
 - (b) Religious assembly;
 - (c) *Recycling depot*;
 - (d) Cemeteries;
 - (e) Emergency services;
 - (f) Health care services;
 - (g) Museums;
 - (h) Public assembly;
 - (i) *Occasional* markets, fairs, and festivals;
 - (j) *Passive recreation*;
 - (k) Sports facilities;
 - (l) Public washrooms.

Permitted Accessory Uses

- (2) The following uses are permitted accessory to a principal use on the lot, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - a) *Residential*

Density

- (3) The maximum combined lot coverage of buildings and structures is 40%.

Siting and Size

- (4) The minimum setback for any building or structure, except a fence or pump/utility house is:
 - (a) 7.5 metres from any front lot line;
 - (b) 3.0 metres from any rear or side lot line; and
 - (c) 4.5 metres from any exterior side lot line.

Subdivision Lot Area Requirements

- (5) The minimum lot area is 64.0 hectares.

Site-Specific Regulations

- (6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations

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IN(1)		a) Highway maintenance yard is a permitted use.
IN(2)		a) Community kitchen is also a permitted use. b) The maximum floor area of a building that may be used for a community kitchen, including storage, is 40.0 square metres.
IN(3)		a) Medical Health Centre is the only permitted use
IN(4)		a) Hermitage is the only permitted use.

5.10 Conservation Zone (CN) Zone

PROPOSED

The purpose of the Conservation Zone is to provide regulations for the development and use of protected areas intended for low-impact, community-oriented uses, including passive recreational, cultural, and environmental conservation activities.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Passive recreation.*

Siting and Size

- (2) The maximum height of buildings and structures is 7.0 metres.

Subdivision Lot Area Requirements

- (3) The minimum lot area is 64.0 hectares.

PROPOSED

5.11 Park (PK) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Parks;
 - (b) Passive recreation.

Density

- (2) The maximum combined lot coverage of buildings and structures is 5%.

Siting and Size

- (3) The maximum height of buildings and structures is 7.0 metres.

Subdivision Lot Area Requirements

- (4) The minimum lot area is 64.0 hectares.

Site-Specific Regulations

- (5) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
PK (1)		a) Boat launching and associated boat launching ramps are permitted.
PK(2)		a) Camping is also a permitted use.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Non-commercial boat anchorage and moorage;
 - (b) Marine parks;
 - (c) Marine navigation aids; and
 - (d) Moorage buoys accessory to an adjacent upland residential or park use;

Prohibited Uses

- (2) Despite Section 5.12(1), the use of vehicles and ground-based machinery on the foreshore is prohibited.

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5.14 Marine Service (W2) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Non-commercial boat anchorage and moorage;
 - (b) Commercial boat anchorage and moorage;
 - (c) Seaplane anchorage and moorage;
 - (d) Marine parks;
 - (e) Ferry terminals;
 - (f) Boat launching;
 - (g) Boat rentals and sales;
 - (h) Marine fuel sales;
 - (i) Take-out food service;
 - (j) Marine navigation aids; and
 - (k) Moorage buoys accessory to an adjacent upland residential or park use.

Siting and Size

- (2) The maximum height of floating structures above the water surface, except for a breakwater, is 10.0 metres.
- (3) The maximum height above the high water mark for buildings and structures fixed to the bed of the sea, except for a breakwater, is 10.0 metres.

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5.15 Aquaculture (W3) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Non-commercial boat anchorage and moorage;
 - (b) Marine parks;
 - (c) Shellfish aquaculture;
 - (d) Marine navigation aids; and
 - (e) Moorage buoys accessory to an adjacent upland residential or park use.

Prohibited Uses

- (2) Despite Section 5.15(1), the use of vehicles and ground-based machinery on the foreshore is prohibited.

Site-Specific Regulations

- (3) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
W3(1)		a) No structures are permitted.

PROPOSED

5.16 Marine Protection (W4) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Non-commercial boat anchorage and moorage;
 - (b) Marine parks;
 - (c) Marine navigation aids;
 - (d) Moorage buoys accessory to an adjacent upland residential or park use.

Prohibited Uses

- (2) Despite Section 5.16(1), the use of vehicles and ground-based machinery on the foreshore is prohibited.

Site-Specific Regulations

- (3) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site-Specific Regulations
W4(1)		a) Boat launching and boat launching ramps are permitted.

Permitted Uses

- 1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Water reservoir.

PART 6 SIGN REGULATIONS **PROPOSED**

6.1 Permitted Signs

- (1) In the Residential (R1), Rural Residential (R2), Co-housing (R3), and Affordable Rental Housing (R4) zones:
 - (a) Maximum size of any one sign: 0.5 m²;
 - (b) Maximum total sign area per lot: 1.0 m²; and
 - (c) Number of signs permitted: unlimited.
- (2) In the Agriculture (A) and Forestry (F) zones:
 - (a) Maximum size of any one sign: 0.75 m²;
 - (b) Maximum total sign area per lot: 2.0 m²; and
 - (c) Number of signs permitted: unlimited.
- (3) In the Commercial (C) and Light Industrial (L) zones:
 - (a) Maximum size of any one sign: 2.0 m²;
 - (b) Maximum total sign area per business: 2.0 m²; and
 - (c) Maximum number of signs per business: 2
- (4) In the Institutional (IN) zone:
 - (a) Maximum size of any one sign: 2.0 m²;
 - (b) Maximum total sign area per lot: 2.0 m²; and
 - (c) Maximum number of signs per lot: 2
- (5) In the Conservation (CN) and Parks (PK) zones:
 - (a) Maximum size of any one sign: 1.0 m²;
 - (b) Maximum total sign area per lot: 1.0 m²; and
 - (c) Number of signs permitted: unlimited
- (6) In the Marine Aquaculture (W3) zone:
 - (a) Maximum size of any one sign: 0.5 m²;
 - (b) Maximum total sign area per tenure: 1.0 m²; and
 - (c) Maximum number of signs per tenure: 2
- (7) Temporary Real Estate Signs (all zones)
 - (a) Maximum size of any one sign: 1.0 m²;
 - (b) Maximum total sign area per lot: 2.0 m²;
 - (c) Maximum number of signs per lot: 2; and
 - (d) Must be removed within 2 weeks of sale completion.
- (8) In all zones, free standing signs are not considered structures for the purposes of horizontal setback requirements from lot lines or natural features.
- (9) The maximum areas set out in Section 6.1(1) to 6.1(7) refer to the area of one face of a sign.

6.2 Height of Signs

- (1) In all zones, the maximum height of free-standing signs is 3.0 metres.

- (2) In all zones, the maximum height of a sign attached to a building or structure is the same as the maximum height for the building or structure in the applicable zone.

6.3 Prohibited Signs

- (1) Except as permitted in Section 6.1 and 6.2, the following signs are expressly prohibited
 - (a) animated signs;
 - (b) illuminated signs;
 - (c) obsolete signs; and
 - (d) third party signs larger than 0.5 square metre regardless of location.

6.4 Exempt Signs

- (1) This bylaw does not apply to the following:
 - (a) those approved by a public authority such as directional signs, traffic signs, electoral signs and marine navigational signs;
 - (b) warning signs, such as private property, no trespassing, no vehicles, and no hunting signs provided that such signs are no larger than 0.2 square metres;
 - (c) interpretative signs; and
 - (d) murals, providing the mural is not advertising a product or service.

PART 7 PARKING REGULATIONS **PROPOSED**

7.1 General Regulations

- (1) Parking spaces are required in accordance with this Section for the establishment or expansion of any use of land, buildings or structures and for the construction of an addition to any buildings or structures.
- (2) If a use is not listed in this section, the number of parking spaces required is to be calculated on the basis of the most similar use listed.
- (3) If more than one use is located on a lot, or parking collectively serves more than one building or use, the total number of parking spaces is the sum of the various classes of uses calculated separately.
- (4) Where the calculation of total required parking spaces results in a fractional number, the nearest whole number above that calculated is the number of total required spaces.

7.2 Location

- (1) All required off-road parking spaces must be located on the lot on which the use, building or structure being served is located, or on an adjoining lot that constitutes a part of the same site or premises and is in the same zone. Parking spaces located on a highway may not be taken into account in determining compliance with the standards in this section.
- (2) Despite Section 7.2(1), required off-road parking spaces may be provided on a nearby lot provided it is within 100 metres of the use, building or structure being served, and provided a restrictive covenant complying with Section 2.6(1) is registered against the lot on which the parking is provided ensuring that the required parking area will remain available for parking in conjunction with such use.
- (3) Where parking areas are located in the front yard they shall not exceed 40 per cent of the area of the front yard.
- (4) Where parking is required, automobile parking spaces for disabled persons must be located adjacent to the main entrance of the building and marked with a sign or symbol identifying each space reserved for such parking.

7.3 Dimensions

- (1) Each automobile parking space must be accessible to a highway by a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree angle parking and 5.5 metres in width in the case of 60 degree angle parking.
- (2) No parking space may abut a highway such that the use of the parking space necessitates reversing a motor vehicle onto or from a highway.
- (3) Automobile parking spaces must be at least 2.75 metres in width and 6.25 metres in length, exclusive of manoeuvring aisles, and have an unobstructed vertical clearance of at least 2.0 metres. Parallel parking spaces must, despite the foregoing, must have a length of 7.5 metres.

- (4) Despite Section 7.3(3), automobile parking spaces for disabled persons must be a minimum of 3.7 metres in width and 6.25 metres in length, and have an unobstructed vertical clearance of at least 2.0 metres.

7.4 Design Standards

- (1) Where five or more automobile parking spaces are required
 - (a) all parking spaces are to be provided and maintained with a hard, durable surface or with gravel
 - (b) the parking area is to be landscaped and screened from adjacent residential properties.
- (2) The slope of any automobile parking space shall not exceed 10 percent.
- (3) Lighting fixtures for the parking area must be less than 1.0 metre in height and must be directed exclusively at the parking area at illumination levels of 11 lux or less¹.

7.5 Number of Parking Spaces Required

- (1) The minimum number of parking spaces required is as specified in accordance with this section.
- (2) Minimum number of automobile parking spaces is
 - residential**
 - (a) one per one single family residential dwelling unit
 - (b) one per one cabin or accessory residential use
 - (c) two per dwelling unit in a multi-family dwelling

home occupations

- (a) one per two non-resident employees in a home occupation
- (b) one per rental room in a home occupation providing home-based guest accommodation

commercial

- (a) one per 20.0 square metres of gross floor area of a building or structure for a commercial use other than a restaurant, cafe, public docking facility, or vehicle fuel sales
- (b) one per three seats in a restaurant or café
- (c) one per four berths in a public docking facility, plus four per launch ramp or hoist
- (d) four per vehicle fuel service
- (e) one per sleeping unit of agri-tourism accommodation

institutional

- (a) one per 25.0 square metres of gross floor area of a building or structure for a school, community hall, church, social hall, museum use, health care service use, recycling centre or similar use
- (b) one per each employee or volunteer for a fire hall, police station or ambulance station

resource

- (a) one per 30.0 square metres of gross floor area for a building or structure for an industrial, equipment storage, material supply or warehouse use

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- (b) one per 15 square metres of gross floor area for a greenhouse, a nursery, farm sales or forestry sales.
- (3) Minimum number of bicycle parking spaces is
- (a) four, or one per 150 square metres of gross floor area for a commercial use, whichever is greatest
 - (b) four, or one per 10 students in a school, whichever is greatest
 - (c) four, or one per 150 square metres of gross floor area for a community hall, church, social hall, museum or other institutional use, whichever is greatest.
 - (d) One per dwelling unit in a multi-family dwelling
 - (e) Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- (4) Of the number of automobile parking spaces required in Section 7.5(2) for commercial or institutional uses, a minimum of one, or one per 50 required parking spaces, whichever is greatest, must be provided for disabled persons.

PART 8 SUBDIVISION REGULATIONS **PROPOSED**

8.1 General

- (1) Subdivision of land is permitted as authorized under Section 8.2.
- (2) Subdivision permitted under Section 8.2 must not create additional residential lots or increase residential subdivision on any lot, except as explicitly authorized by this Bylaw.
- (3) All subdivision must comply with conditions set out in Section 8.4.
- (4) The minimum lot area for all zones is 64.0 hectares.
- (5) Nothing in this Section prevents the Local Trust Committee from permitting subdivision through a bylaw amendment.

8.2 Permitted Subdivision

- (1) Subdivision is permitted only for the following purposes:
 - (a) Boundary Adjustment
 - i. Realignment of existing lot boundaries where no additional lots are created and the subdivision potential of any lot is not increased.
 - (b) Lot Consolidation
 - i. Consolidation of two or more lots into a single lot
 - (c) Transfer to an Indigenous Governing Body for heritage conservation
 - i. Creation of a lot for transfer to a recognized Indigenous governing body for heritage conservation purpose;
 - (d) Park Dedication
 - i. Creation of a lot to be transferred or dedicated to a local government or public authority for park or public open space purposes;
 - (e) Conservation land Dedication
 - i. Creation of a lot to be transferred or dedicated for environmental conservation, to one of the following:
 - Islands Trust Conservancy;
 - A local government, regional district, provincial or federal park; or
 - A registered charity whose primary purpose is land conservation.
 - (f) Community Use
 - i. Creation of a lot to be transferred to a local government, public authority, or non-profit organization for a community facility or community service.
 - (g) Transfer to an Indigenous Governing Body for housing
 - i. Creation of a lot for transfer to a recognized Indigenous governing body for the purpose of housing.
 - (h) Affordable Housing (Restricted-Use Parcel)
 - i. Creation of a lot to be transferred to a local government, housing authority, or non-profit housing provider for affordable housing purposes, subject to a housing agreement, covenant or other legal mechanism that restricts the lot to affordable housing use.

8.3 Minimum Lot Size Exemption

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- (1) The minimum lot size requirements of this Bylaw do not apply to lots newly created or the parent lot under Sections 8.2(c) through 8.2(f).
- (2) Lots created under Sections 8.2(g) and (h) for the purpose of housing must have a minimum lot size of 1 hectare.
- (3) Conditions on Permitted Subdivision
 - (a) No Additional Fee Simple Privately Owned Residential Lots
 - i. Subdivision under Section 8.2 must not create any additional lots intended for market-rate residential use.
 - (b) Securing Intended Use
 - ii. All lots created under Section 8.2 must be secured through a covenant, restrictive covenant, housing agreement, or other legal instrument registered against the parent lot prior to final subdivision approval.
 - iii. The covenant must ensure that the lot is used only for its intended purpose, in accordance with Section 2.6(1).
 - (c) Compliance with Other Regulations
 - i. Subdivision must comply with all other applicable Bylaw regulations, except where a specific exemption is granted under Section 8.3.

8.4 Exceptions

- (1) Regulations 8.5(2) to 8.11 of this section do not apply:
 - (a) to a lot being created solely for the purpose of locating unattended equipment necessary for the operation of a community water or sewerage system, an automatic telephone exchange, an electrical substation, or a similar public service facility or utility, and where no sewage would be generated, provided a covenant complying with Section 2.6(1) restricts the uses on this lot; or
 - (b) to a lot being created for park purposes where such parcel is to be shown as park on the plan of subdivision or for an ecological reserve that does not contain buildings, provided a covenant complying with Section 2.6(1) restricts the uses on this lot; or
 - (c) to a lot being created solely for the purpose of sale or dedication to a conservation agency for conservation purposes, provided a covenant complying with Section 2.6(1) restricts the use of the lot to conservation.
 - (d) to a lot being created for transfer to a recognized Indigenous Governing Body for heritage conservation purposes, provided a covenant complying with Section 2.6(1) restricts the use of the lot to heritage conservation.
 - (e) to a lot being created solely for the purpose of a cemetery
- (2) The minimum area of a lot eligible for subdivision under Section 946 of the Local Government Act outside the Agricultural Land Reserve is 8.0 hectares.

8.5 Compliance with Minimum Lot Area and Minimum Average Lot Area

- (1) Except as provided for in Section 8.12(3), no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- (2) Except as provided for in regulations 8.12(2) and 8.12(3) of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 5.

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- (3) Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by
- $$\frac{\text{Total area of all proposed lots including the remainder}}{\text{Number of Proposed lots including the remainder}}$$

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum lot Area.

- (4) No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

8.6 Parcels Divided by a Zone Boundary

- (3) Where a lot to be subdivided is split by one or more zone boundaries, a separate calculation of the number of lots permitted shall be made for each portion, and no lot may be created in respect of any fractional areas resulting from such calculation.

8.7 Lot Configuration Regulations

- (1) For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act.
- (2) For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

8.8 Proof of Potable Water – Amounts

- (1) Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 8.7(2) to 8.7(4) of this section.
- (2) In Residential and Agriculture zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, secondary dwelling unit or agri-tourism accommodation unless a cistern, subject to Regulation 8.10 of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit
- (3) In the Commercial zone, the minimum amount of potable water that must be provided per day is 3600 litres for each one hectare of lot area.
- (4) In Public zones, the minimum amount of potable water that must be provided per day is:
- 50 litres for each classroom in a school; and

- **PROPOSED** 1200 litres per lot for all other institutional uses.

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8.9 Proof of Potable Water – Well and Surface Water Certification

- (1) Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a professional legally authorized in British Columbia to conduct hydrogeological or water quality assessments, such as a hydrogeologist, geoscientist or engineer:
 - (a) that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of potable water on a continuous basis; and
 - (b) that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.
- (2) Where a surface water supply is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide proof of a water license that permits the withdrawal of the required amount of water.
- (3) If the applicant proposes to provide potable water from a well or surface water supply on another lot, the applicant must concurrently with the registration of the subdivision plan, register against title on the lot on which the well is located an easement in favour of each lot to which water is provided, and a statutory right-of-way complying with Regulation of Section 2.6 for water supply purposes
- (4) If the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Regulation 8.8(1) of this section cannot be made, the applicant must:
 - (a) provide a community water system complying with the requirements of Regulation 8.11 of this section, or
 - (b) grant a covenant complying with Regulation of Section 2.6(1) restricting the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied in accordance with regulations 8.7(2) through 8.7(4) and a certification has been made under Regulation 8.8(1) of this section

8.10 Proof of Potable Water – Cisterns

- (1) Where a cistern is required by this Bylaw, the landowner must:
 - (a) provide one or more cisterns with a combined capacity of 18,000 litres of potable water; and
 - (b) provide a covenant complying with Regulation of Section 2.6(1) prohibiting use of the property for which proof of potable water is required until cisterns are in place capable of holding the required amount of water.

8.11 Community Water System

- (1) Where a community water system is proposed to serve a subdivision:
 - (a) the community water system must comply in all respects with applicable provincial enactments;
 - (b) the water supply for the community water system must be obtained on Denman Island; and
 - (c) if the water system is to be supplied by a well, the immediate catchment area of the well, as defined by an Engineer, is to be protected from pollution by a covenant in

accordance with Section 2.6(1) prohibiting the installation of sewage dispersal fields or other sanitary facilities.

8.12 Waste Disposal

- (1) For any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage dispersal system with the characteristics required by the Sewerage System Regulation under the Public Health Act.

9.1 Development Permit Area 1: Komasa Bluff - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Komasa Bluff development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- Guideline 1 Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.
- Guideline 2 In order to assist the Denman Island Local Trust Committee in determining conditions to be included in a development permit, the applicant will be required to provide, at their own expense, a geotechnical report certified by a professional engineer with experience in geotechnical engineering who is acceptable to the Trust Committee. The report must indicate that the proposed tree cutting, buildings, structures, land alteration, roads, driveways, or other proposed developments would not cause any potential erosion of soil or contribute to any land slip, rock fall, mud flow, sloughing, or water degradation.
- Guideline 3 No permanent building should be permitted in any area subject to sloughing or damage from sloughing.
- Guideline 4 No part of a septic tank, deposit field, or irrigation system should be constructed in any portion of the site that is subject to sloughing or damage from sloughing or in any area containing unstable soil or water which is subject to degradation.
- Guideline 5 Notwithstanding the drainage bylaw provisions or requirements, drainage facilities should be required to divert drainage away from any areas subject to sloughing or damage from sloughing.
- Guideline 6 Trees or other vegetation should be retained or replanted in order to control erosion along the top or the face of the bank.
- Guideline 7 All new lots created by subdivision should provide for suitable building sites in areas not subject to sloughing.
- Guideline 8 Subdivision applications should make provisions for clustering lots in areas away from the hazard area.
- Guideline 9 Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
- Guideline 10 On receipt of a final report or written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any unsafe conditions caused by a contravention of a condition in the development permit (see Appendix B).
- Guideline 11 Development permits issued in Development Permit Area No. 1: Komasa Bluff should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.

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9.2 Development Permit Area No. 2: Steep Slopes – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Steep Slopes development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- Guideline 1 A development permit is required as follows:
- (1) Alteration of land by the cutting or removing of trees:
 - (a) on land that:
 - i. is not classified as managed forest land under the *Assessment Act*; and
 - ii. is not the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*; and
 - (b) where the quantity cut or removed from the land is to exceed four trees smaller than 30 cm dbh and one tree equal to or larger than 30 cm dbh per parcel in any period of five consecutive calendar years.
 - (2) Development of any impervious surfaces.
 - (3) Construction of buildings or structures.
- All other land alteration or development is exempt from the requirements of this development permit area.
- Guideline 2 Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.
- Guideline 3 No cutting or removal of trees shall be permitted in this development permit area unless development approval information in the form of an environmental impact assessment is provided by the applicant which indicates that the impact of the cutting or removal of trees is unlikely to have harmful effects on adjacent marine areas, surface drainage and groundwater, watercourses, uncommon or endangered plants or plant communities, and high value wildlife habitats.
- Guideline 4 Cutting or removing of trees should be done in accordance with a plan certified by a Registered Professional Forester or Registered Professional Biologist to maintain, enhance, or restore a well-developed forest ecosystem that includes:
- (1) a diversity of native tree species,
 - (2) presence of large old trees,
 - (3) diverse community of native understory plants,
 - (4) any uncommon or endangered plants or plant communities that may be present, and
 - (5) other features that contribute to high value wildlife habitat.
- Guideline 5 Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
- Guideline 6 On receipt of a final report or written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the natural environment caused by a contravention of a condition in the development permit (see Appendix B).
- Guideline 7 Development permits issued in Development Permit Area No. 2: Steep Slopes should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.

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9.3 Development Permit Area No. 3: Lacon Road Coast – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Lacon Road Coast development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- Guideline 1 A development permit is required as follows:
- (1) Alteration of land by the cutting or removing of trees on land that:
 - (a) is not classified as managed forest land under the *Assessment Act*; and
 - (b) is not the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*.
 - (2) Alteration of land by the development of any impervious surfaces.
 - (3) Alteration of land by the construction of buildings or structures.
- All other land alteration or development is exempt from the requirements of this development permit area.
- Guideline 2 Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.
- Guideline 3 In order to assist the Denman Island Local Trust Committee in determining conditions to be included in a development permit, the applicant will be required to provide, at their own expense, a geotechnical report certified by a professional engineer with experience in geotechnical engineering who is acceptable to the Trust Committee. The report must indicate that proposed tree cutting, buildings, structures, land alteration, roads, driveways, or other proposed developments do not cause any potential erosion of soil or contribute to any land slip, rock fall, mud flow, sloughing, or water degradation.
- Guideline 4 No permanent buildings should be permitted in any area subject to sloughing or damage from sloughing.
- Guideline 5 Notwithstanding the drainage bylaw provisions or requirements, drainage facilities should be required to divert drainage away from any areas subject to sloughing or damage from sloughing.
- Guideline 6 Along the top or face of the bank, trees or other vegetation should be retained or replanted in order to control erosion.
- Guideline 7 Cutting or removing of trees should be done in accordance with a plan certified by a Registered Professional Forester or Registered Professional Biologist to maintain, enhance, or restore a well-developed forest ecosystem that includes:
- (1) a diversity of native tree species;
 - (2) presence of large old trees;
 - (3) diverse community of native understory plants;
 - (4) any uncommon or endangered plants or plant communities that may be present; and
 - (5) other features that contribute to high value wildlife habitat.
- Guideline 8 Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
- Guideline 9 On receipt of a written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the natural environment or unsafe conditions caused by a contravention of a condition in the development permit.
- Guideline 10 Development permits issued in Development Permit Area No. 3: Lacon Road Coast should contain a condition stating that a letter must be submitted by a time specified in the development indicating that the work has been completed in accordance with the terms and conditions of the development permit.

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9.4 Development Permit Area No. 4: Streams, Lakes and Wetlands – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Streams, Lakes and Wetlands development permit area shall apply to the Denman Island Local Trust Committee for a development permit.

9.4.1 Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land;
- d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
- e) Installation of any structures within a stream or within the natural boundary of a lake.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

9.4.2. Exemptions

The following activities are exempt from any requirement for a development permit:

- a) works undertaken by a local government or a body established by a local government;
- b) agricultural activities within a seasonally flooded agricultural field that is in the Agricultural Land Reserve as long as it can be determined by site inspection and/or by current orthophoto interpretation that it has been previously modified for agriculture. If it is not possible to make the determination by these means, other historical evidence that agricultural activities have occurred in the subject area within the last 50 years from the date of the application may be acceptable;
- c) the following properties are recognized as containing seasonally flooded agricultural fields and are exempt from requiring a development permit for agricultural activities as long as they remain in the Agricultural Land Reserve:
Lot A, Section 32, Denman Island, Nanaimo District, Plan VIP 61295;
Lot 1, Section 17, Denman Island, Nanaimo District, Plan 43576;
Lot 2, Section 17, Denman Island, Nanaimo District, Plan 43576;
The South East ¼ of Section 26, Denman Island, Nanaimo District;
The North West ¼ of the North West ¼ of Section 22, Denman Island, Nanaimo District; and
The South West ¼ of Section 13, Denman Island, Nanaimo District;
- d) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- e) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- f) repair or replacement of a septic field on the same spot;
- g) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;

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- h) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- i) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- j) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- k) ecological restoration or enhancement projects undertaken or authorized by a public body;
- l) changes in or about a stream authorized under Section 9 of the Water Act;
- m) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- n) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection,
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- o) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Denman Island Land Use Bylaw 177;
- p) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- q) The construction of a private trail if all of the following apply:
 - i. The trail is 1 meter wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips)
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- r) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and
- s) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared.

Information Note: For best management practices or manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

9.4.3 Guidelines

Prior to undertaking any development activities within the Streams, Lake and Wetlands DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Guideline 1

In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

Guideline 2

The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.

Guideline 3

Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

Guideline 4

The following guidelines are applicable to floats and associated structures within the development permit area:

- i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;
- ii) a ramp or float should not rest on the bed of the water body;
- iii) the use of treated wood in the water body should be avoided;
- iv) floatation material should be contained within a durable shell to prevent disintegration;
- v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
- vi) any areas disturbed during installation should be restored;

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vii) where a float is being replaced, all old materials should be removed from the riparian area.

Guideline 5

If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional’s assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant’s expense and DP conditions may be amended accordingly.

Guideline 6

The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional’s report.”

9.5 Development Permit Area No. 5: Village – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Village development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

Guideline 1

A development permit is required for the following:

- (1) construction or alteration to existing structures if the size of the alteration adds any floor area to the building or structure, or if additional off-street parking is required (according to the Land Use Bylaw);
- (2) modifications to existing buildings and structures that involve replacing the siding or roofing using a different material.

All other land alteration or development including subdivision is exempt from the requirements of this development permit area.

Guideline 2

General

- (1) Building heights should be in keeping with local bylaws and surrounding structures. Minor height variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities.
- (2) Building setbacks should be in keeping with local bylaws. Setback variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities; however, setback relaxations will not be considered for property lines abutting the Rural Residential 1 (R1), Rural Residential 2 (R2) and Agriculture (A) zones

INFORMATION NOTE: Setback relaxations from the highway right-of-way resulting in a setback of less than 4.5 metres will be subject to approval by the Ministry of Transportation

- (3) The use of natural materials, such as wood and stone, is encouraged for building finishes and such materials should be capable of blending in with the aesthetic qualities of the natural surrounding.
- (4) The form of the development should incorporate low, small scale building designs with such amenities as public walkways and outdoor open spaces for use by visitors.
- (5) All rooftop mechanical equipment, including but not limited to air conditioning units, communication devices and vents, should be screened from view.

PROPOSED

- (6) Vending machines or other product storage areas located outside the building should be screened in such a way that they are not visible from a public right-of-way or an adjacent property.

Guideline 3 Landscaping

- (1) Natural vegetation and trees should be maintained for screening of parking, storage and loading areas and to enhance the privacy and rural character of public open spaces.
- (2) Developments on lots adjacent to residential properties should contain a vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking. Fences may be considered, but only if it can be demonstrated that a vegetation buffer is not suitable.
- (3) Fencing should be constructed of natural materials and designed to blend with the overall character of the development.
- (4) Landscaping next to the Dora Drinkwater Creek should be left natural.
- (5) If lighting is desirable, it should be designed to illuminate walkway and parking areas for safety purposes. Light fixtures should be low to the ground, incorporate devices to reduce light leakage and designed in such a way so as to not illuminate an adjacent property or right-of-way.

Guideline 4 Signs

- (1) Signage should be grouped and made of materials and be of a character that match the natural materials of the development.
- (2) Neon or internally lit signs should not be permitted, except that a small neon sign that advertises a business as open or closed may be permitted.
- (3) Signs should be located in such a way that they enhance the appearance of the development and are of a scale and height suitable for a pedestrian environment.

Guideline 5 Parking

- (1) Off-street automobile parking should be located away from public open spaces. Parking requirements may be reduced to permit landscaping to meet the objectives of this development permit area.
- (2) Parking access onto any road should be approved by the Ministry of Transportation.
- (3) Parking access should be directed away from non-commercial areas and onto major roads only.
- (4) The use of impermeable parking surfaces is not encouraged to reduce surface water run-off and enhance the appearance of the Village.

PROPOSED

9.6 Development Permit Area No. 6: Community Boat Launch – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Community Boat Launch development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- Guideline 1 The number of access points from the road shall be limited to one to access the community boat launch parking area.
- Guideline 2 The number of access points to the beach area shall be limited to one to access the community boat launch.
- Guideline 3 A 15-metre-wide tree canopy and shrub buffer shall be retained along the shoreline and along property lines fronting road right-of-ways.
- Guideline 4 Construction in this buffer and tree canopy shall be limited to access to the community boat launch.
- Guideline 5 Eagle nesting trees and perch trees shall be protected.
- Guideline 6 Prior to any community boat launch or parking improvements a site plan showing traffic circulation, boat launch parking layout, drainage works and tree canopy and shrub buffer strips should be attached to the development permit application.

9.7 Development Permit Area No. 7: Light Industrial – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Light Industrial development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

Guideline 1 A development permit is required for the following:

- (1) construction or alteration to existing structures if the size of the alteration adds any floor area to the building or structure, or if additional off-street parking is required (according to the Land Use Bylaw);
- (2) modifications to existing buildings and structures that involve replacing the siding or roofing using a different material.

All other land alteration or development including subdivision is exempt from the requirements of this development permit area.

Guideline 2 General

- (1) Building heights should be in keeping with local bylaws and surrounding structures. Minor height variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities.
- (2) Building setbacks should be in keeping with local bylaws. Setback variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities; however, setback relaxations will not be considered for property lines abutting the Rural or Sustainable Resource designation.

INFORMATION NOTE: Setback relaxations from the highway right-of-way resulting in a setback of less than 4.5 metres will be subject to approval by the Ministry of Transportation and Highways.

- (3) The use of natural materials, such as wood and stone, is encouraged for building finishes and such materials should be capable of blending in with the aesthetic qualities of the natural surrounding.
- (4) The form of the development should incorporate low, small scale building designs with such amenities as public walkways and outdoor open spaces for use by employees and visitors to the business.
- (5) All rooftop mechanical equipment, including but not limited to air conditioning units, communication devices and vents, should be screened from view.
- (6) Storage areas located outside the building should be screened in such a way that they are not visible from a public right-of-way or an adjacent property.

Guideline 3 Landscaping

- (1) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.
- (2) Developments on lots adjacent to residential properties should contain a vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking. Fences may be considered, but only if it can be demonstrated that a vegetation buffer is not suitable.
- (3) Fencing should be constructed of natural materials and designed to blend with the overall character of the development.
- (4) Landscaping next to a stream, lake or wetland should be left natural. Landscaping should be consistent with the guidelines in Development Permit Area No. 4: Streams, Lakes and Wetlands.

PROPOSED

- (5) If lighting is desirable, it should be designed to illuminate walkway and parking areas for safety purposes. Light fixtures should be low to the ground, incorporate devices to reduce light leakage and designed in such a way so as to not illuminate an adjacent property or right-of-way.

Guideline 4 Signs

- (1) Signage should be grouped and made of materials and be of a character that match the natural materials of the development.
- (2) Neon or internally lit signs should not be permitted, except that a small neon sign that advertises a business as open or closed may be permitted in the building.
- (3) Signs should be located in such a way that they enhance the appearance of the development and are of a scale and height suitable for a rural environment.

Guideline 5 Parking

- (1) Off-street automobile parking should be located away from public open spaces. Parking requirements may be reduced to permit landscaping to meet the objectives of this development permit area.
- (2) Parking access onto any road should be approved by the Ministry of Transportation.
- (3) Parking access should be directed away from residential areas and onto major roads only.
- (4) The use of permeable parking surfaces is encouraged to reduce surface water run-off and enhance the rural appearance.

PART 10 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS

Area 1

The Local Trust Committee may issue Temporary Use Permits for barge loading and unloading in only the following **designations shown on Schedule C:**

Water

Residential

Rural

Sustainable Resource.

Objectives

Objective 1 To permit temporary barge loading and unloading

Guidelines

Conditions in the Permit should follow the guidelines below:

Guideline 1 Permits should be issued only to permit barge loading and unloading.

Guideline 2 Permits should be issued for a maximum of 30 days.

Guideline 3 Permits should not be issued for locations that are environmentally sensitive or are located within the vicinity of a wildlife nesting tree.

Guideline 4 Permits should contain conditions addressing the operational plan, including hours and days of operation, to ensure compatibility with neighbouring residences.

Guideline 5 Permits may include, as a condition, the provision of an undertaking by the owner of the affected land to remove and restore land to a condition specified in the permit by a date specified in the permit.

Guideline 6 Permits may include, as a condition, the provision of security to guarantee the performance of the terms of the permit.

Guideline 7 Permits should not be issued without evidence of valid approval from the British Columbia Assets and Land Corporation and the Federal Department of Fisheries and Oceans.

Area 2

The Local Trust Committee may issue Temporary Use Permits for *agri-tourism accommodation* on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for *agri-tourism accommodation* within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

Objective

To permit flexibility for the provision of small scale *agri-tourism accommodation* in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. *Agri-tourism accommodation* in the form of home-based guest accommodation units in the principal dwelling are subject to Section 2.4.

Guidelines

Guideline 1 *Agri-tourism accommodation* is limited to four (4) or fewer *sleeping units* in the form of either seasonal campsites and/or a maximum of one (1) cabin.

PROPOSED

Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;

Guideline 3 The accommodation should be sited and designed to address:

- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;
- The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
- Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
- The provision of adequate potable water and sewage disposal;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.

PROPOSED SCHEDULE B (ZONING MAP)

