

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 317

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2023”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999”, is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS	14TH	DAY OF	SEPTEMBER	2023
READ A SECOND TIME THIS	_____	DAY OF	_____	202x
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	202x
READ A THIRD TIME THIS	_____	DAY OF	_____	202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	202x
ADOPTED THIS	_____	DAY OF	_____	202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 317**

Schedule "1"

1. **Schedule "A"** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 **Part B GENERAL REGULATIONS**, Section B.1 **USES, BUILDINGS AND STRUCTURES**, Subsection **B.1.2 Prohibited Uses and Buildings**, Article B.1.2.2 Prohibited *Buildings* and *Structures*, is amended by replacing "Subsection D.5.5" with "Subsection D.5.6."

1.2 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.1 Number and Total Sign Area**, Article **B.4.1.1 Table 1: Sign Regulations**, is amended by adding the following under "**Water Zones**":

Column 1	Column 2	Column 3
Zone	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
FT	No maximum number. Despite subsection B.4.8.1, one electronic ground oriented reader board sign to provide ferry schedule information and advertising shall be permitted at the terminal.	4.0 sq.m. (43 sq.ft.) per water <i>lot</i> or lease and 4.0 sq.m (43 sq.ft.) in the upland portion of the zone.

1.3 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.2 Exempted Signs**, Article **B.4.2.1 b.**, is amended by adding "FT," immediately after the words "interpretive signs in the".

1.4 **Part B GENERAL REGULATIONS**, Section B.5 **PARKING**, Subsection **B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles**, Article B.5.1.1 **Table 2: Parking Requirements, COMMERCIAL** is amended by adding the following:

Column 1	Column 2	Column 3	Column 4
Use	Standard Parking Requirements	Accessible Parking Requirements	Bicycle parking requirements
<i>Ferry terminal</i>	A minimum of 7 <i>parking spaces</i> for public use, plus 6 motorcycle and/or scooter <i>parking</i>	2 per 7 <i>parking spaces</i> for public use.	A minimum of 12 covered bicycle <i>parking spaces</i> .

	<i>spaces for public use</i>		
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- 1.5 **Part GENERAL REGULATIONS**, Section B.5 **PARKING**, Subsection **B.5.4 Location of Parking Spaces**, is amended by adding the following:

“B.5.4.4 Despite Article B.5.4.1, parking spaces for Ferry Terminal *use* may be permitted on a lot within the Ferry Parking (FP) *zone*.”

- 1.6 **Part C ESTABLISHMENT OF ZONES**, Section C.1 **DIVISION INTO ZONES**, Subsection **C.1.2 Water Based Zones**, insert new zone “FT Ferry Terminal” after “WG Water General” and before “WC1 Water Commercial 1 – *Marina*”.

- 1.7 **Part D ZONES**, Section D.5 **WATER ZONES**, insert new Subsection D.5.2 Ferry Terminal (FT) after Subsection **D.5.1 Water General (WG)** as shown on **Appendix 1** attached to and forming part of this bylaw; and renumber all subsequent subsections chronologically.

- 1.8 **Part F DEVELOPMENT PERMIT AREA GUIDELINES** is amended by adding a new Subsection **F.10 DP 10-Ferry Terminal** as shown on **Appendix 2** attached to and forming part of this bylaw.

- 1.9 **Part G DEFINITIONS**, Section G.1 **DEFINITIONS**, is amended by adding the following definition in alphabetical order:

“*ferry terminal* a marine and land-based facility that can include buildings and structures for the transportation of passengers, vehicles and goods; including passenger waiting room and amenities, storage areas, loading and unloading areas, and small scale commercial retail uses oriented to ferry users.”

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:

- 2.1 Schedule “B” – North Sheet, is amended by changing the zoning classification of DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

- 2.2 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

- 2.3 Schedule “B” – North Sheet, is amended by changing the zoning classification on those land areas as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

- 2.4 Schedule “B” – North Sheet, is amended by changing the zoning classification on those marine areas as shown on Plan No. 2 attached to and forming part of this bylaw, and by

making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

3. **Schedule “C”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:

3.1 Schedule “C” - Map 9, is amended by replacing “Item D.5.2.1.a.vi” with “Item D.5.3.1.a.vi.”

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Appendix 1

D.5.2 Ferry Terminal (FT)

D.5.2.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ferry Terminal (FT) zone:

a. Permitted *Principal* Uses

- i *ferry terminal*
- ii *ferry terminal parking*
- iii *emergency dock*
- iv *marine navigation aids*

b. Permitted *Accessory* Uses

- i *retail sales, excluding the sale of liquor*
- ii *limited public market*

D.5.2.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Ferry Terminal (FT) zone:

a. Permitted Land-Based *Buildings* and *Structures*

- i Buildings and structures for *ferry terminal* use.

b. Permitted Marine-Based *Buildings* and *Structures*

- i Marine-based structures for *ferry terminal* use.
- li No *buildings* are permitted in the marine-based area of this zone, except for mechanical, electrical, and other similar uses that are required for the operation of the ferry terminal.

D.5.2.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Ferry Terminal (FT) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of land-based *buildings* or *structures* is 5.0 metres (16.4 feet).
- ii The maximum *height* of marine-based *structures* is:
 - 10.0 metres (32.8 feet) above the water surface for floating *structures*;
 - and
 - 10.0 metres (32.8 feet) above the high water mark for *structures* fixed to the bed of the sea.

b. *Building* and *Structure* Siting Requirements

- i The minimum *setback* for *buildings* and *structures* is 1.5 metres (4.9 feet) from any *lot line* or lease or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and adjacent upland in which case there is no minimum *setback*.
- ii Despite B.1.1.2.b, pump/utility houses are permitted on the land-based portion of the Ferry Terminal zone, subject to Subsection B.2.5.
- iii Despite B.1.1.2.b, retaining walls are permitted on the land-based portion of the Ferry Terminal zone, subject to Subsection B.2.6.
- iv Despite B.2.1.1.a, *buildings* and *structures* for the purpose of *ferry terminal use*, may be sited a minimum of 0.0 metres from and at a height above the *natural boundary* of the sea at a level certified appropriate by a professional engineer.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by marine and land-based *buildings* and *structures* is 60%.

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Appendix 2

F.10 DP-10 Ferry Terminal

F.10.1 Applicability

- F.10.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.10.2.1:
- a. subdivision of land;
 - b. construction of, addition to, or alteration of a building or other structure; and
 - c. alteration of land.

F.10.2 Exemptions

- F.10.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements.
- a. temporary emergency repairs or emergency structural alterations;
 - b. building or structure painting, repairs, maintenance or structural alterations of a minor nature that do not require a building permit;
 - c. building interior renovations with no change to the external appearance of the premises;
 - d. installation of directional or interpretative signage; bicycle racks, bicycle or bus shelters, public art, or electric vehicle charging stations;
 - e. an application resulting in a lot consolidation; and
 - f. marine infrastructure necessary for the docking of ferry vessels.

F.10.3 Guidelines

Prior to undertaking any development activities within DP-10 that are not exempted by F.10.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Protection of the Natural Environment:

- F.10.3.1** Docks, piers, ramps and marine based structures should be designed and constructed to avoid or minimize and mitigate impacts to environmentally sensitive marine areas such as critical habitat of Species at Risk, eelgrass beds and fish habitat. Enhancement or restoration measures, such as creation of new habitat, are encouraged as a compensation tool.
- F.10.3.2** Minimize shading of the water by incorporating perforations, using large spacing between deck planks or by using an alternative deck surface such as metal mesh or grating.
- F.10.3.3** Exterior lights should be directed and/or shielded to illuminate the ground only and to prevent unnecessary light pollution in the vicinity.

- F.10.3.4 Native vegetation should be retained wherever possible. If not possible, then ecological restoration should be incorporated into the development.
- F.10.3.5 All landscaping plans for new development must be prepared by a member of the B.C. Society of Landscape Architects or other qualified professional. All plant materials and contractor's work must meet or exceed the standards of the B.C. Nursery Trades Association or the B.C. Society of Landscape Architects.
- F.10.3.6 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.

Protection of Development from Hazardous Conditions:

- F.10.3.7 Development should be supported by a specific flood construction level study prepared and stamped by a qualified professional engineer with demonstrated experience in coastal engineering.

Promotion of Energy and Water Conservation and Greenhouse Gas Emission Reduction:

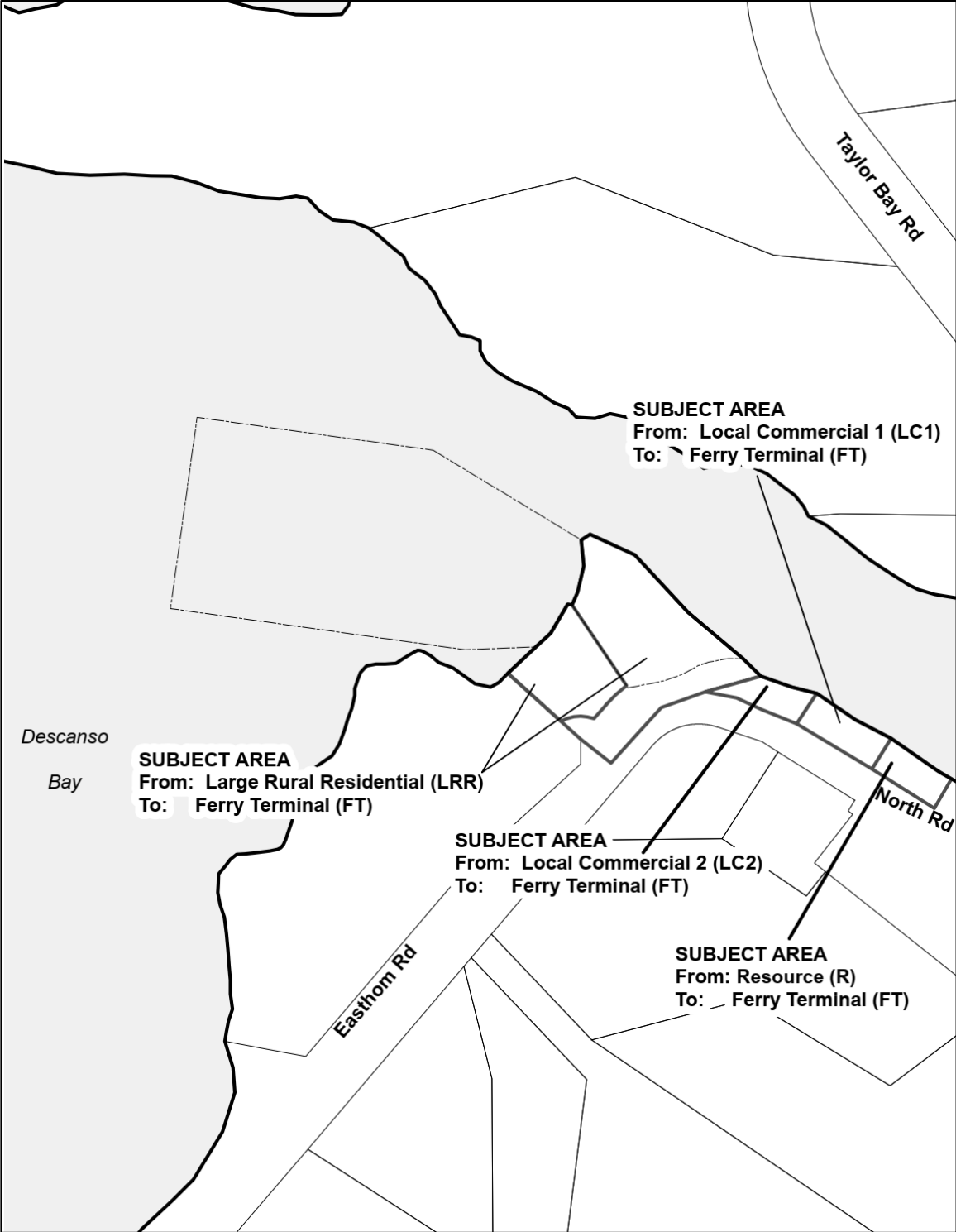
- F.10.3.8 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed measures incorporated in the proposed development that address energy and water conservation.
- F.10.3.9 An integrated design process should be utilized to identify opportunities to reduce a building's energy and water consumption.
- F.10.3.10 Overall building energy performance and interior thermal comfort should be maximized through a combination of passive design strategies.
- F.10.3.11 The ferry terminal waiting room should include a potable water bottle filling station.
- F.10.3.12 An on-site integrated stormwater management plan prepared by a qualified professional should be required and implemented to reduce impervious surfaces, promote infiltration and capture and treat stormwater runoff from 90% of the average annual rainfall using acceptable best management practices. The plan should incorporate strategies for rainwater and storm water capture and reuse.
- F.10.3.13 Site design should minimize vehicle and pedestrian conflicts and clearly delineate pedestrian walkways throughout the site.
- F.10.3.14 Bicycle parking should be provided in a sheltered location and include a bike repair stand.
- F.10.3.15 Site design should prioritize safe and efficient public bus and school bus loading and off-loading at the terminal.

Form and Character

- F.10.3.16 Public access to the waterfront should be provided only in a location where it is safe and appropriate to do so. New waiting room and areas should be oriented to the waterfront providing good sightlines to arriving ferries and a sense of arrival to ferries arriving at Descanso Bay.
- F.10.3.17 Interpretive signage in the English and Hul'qumi'num languages pertaining to the ecological and cultural significance of Descanso Bay should be incorporated into the site design where possible.
- F.10.3.18 The ferry terminal waiting room should be universally accessible with a minimum indoor seating capacity for 16 occupants.
- F.10.3.19 Chain link fencing is discouraged.
- F.10.3.20 Public art including interpretation panels, welcoming poles, and other opportunities should be incorporated into terminal design where possible.
- F.10.3.21 Large expanses of blank or unimproved walls lacking building details are discouraged. Building facades should be articulated and broken into smaller distinct visual units. A variety of materials, textures and scales including art, vegetation or other screening should be utilized to provide visual interest.

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Plan No. 1



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Plan No. 2

