



**Islands Trust**

**SOUTH PENDER ISLAND  
LOCAL TRUST COMMITTEE**

**LAND USE BYLAW No. 114, 2016**

AS AMENDED BY SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW(S) NO. 117, 120 and 121

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Land Use Bylaw are available from the Islands Trust Office,  
Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

**TABLE OF TEXT AMENDMENTS**

| <b>Bylaw No.</b> | <b>Date of Adoption</b> | <b>Date of Bylaw Consolidation</b> |
|------------------|-------------------------|------------------------------------|
| 117              | January 31, 2020        | February 11, 2020                  |
| 120              | November 5, 2021        | December 21, 2021                  |
| 121              | May 7, 2021             | June 4, 2021                       |
|                  |                         |                                    |
|                  |                         |                                    |

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
LAND USE BYLAW No. 114, 2016**

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 South Pender Island Local Trust Area.

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

1. This Bylaw may be cited for all purposes as the “South Pender Island Land Use Bylaw No. 114, 2016”
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 South Pender Island Local Trust Area as shown on Schedule C:
  - (1) Schedule A (Land Use Bylaw Text)
  - (2) Schedule B (Zoning Map)
  - (3) Schedule C (Bylaw Area 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 Bylaw No. 92 cited as “South Pender Island Land Use Bylaw No. 92, 2003” and all of its amendments are repealed.

READ A FIRST TIME this 16<sup>th</sup> day of January, 2017.

READ A SECOND TIME this 11<sup>th</sup> day of April, 2017.

PUBLIC HEARING HELD this 6<sup>th</sup> day of May, 2017.

READ A THIRD TIME this 30<sup>th</sup> day of May, 2017.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this  
19<sup>th</sup> day of July, 2017.

ADOPTED this 3<sup>rd</sup> day of October, 2017.

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SECRETARY

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CHAIRPERSON

SCHEDULE A

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## PART 1 INTERPRETATION

### 1.1 Definitions

**Information Note:** where defined terms appear in the body of the bylaw they are denoted by the use of italics.

"accessory use" means a use that is incidental, secondary and exclusively devoted to a principal use expressly permitted by this Bylaw on the same lot.

"accessory building or structure" means a building or structure that is incidental, secondary and exclusively devoted to a principal building or structure expressly permitted by this Bylaw on the same lot.

"agriculture" means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.

"agritourism" means an activity referred to in Section 12 of the Agricultural Land Reserve Use Regulation.

"agri-tourist accommodation" means a use accessory to a farm use for the purpose of accommodating commercial guests within specific structures on specific portions of a lot as referred to in Section 33 of the Agricultural Land Reserve Regulation.

"Approving Officer" means the Approving Officer for South Pender Island appointed pursuant to the *Land Title Act*.

"basement floor area" means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade.

"bed and breakfast" means a home business comprising the provision of sleeping accommodation and includes provision of only a morning meal to paying guests.

"building" means a roofed structure, wholly or partially enclosed by walls, used or intended to be used for supporting or sheltering any use or occupancy.

"buoy" means a device that is secured to the bed of the sea to mark a location or provide a moorage point.

"church" means a building or structure used for religious worship, which does not provide for overnight accommodation or residential use.

"cottage" means a dwelling with a limited floor area ~~floor area of 70m<sup>2</sup> or less~~ that is located on the same parcel as another dwelling.

"dock" means a structure or set of structures, accessory to the residential or agricultural use of an upland lot, typically consisting of a pier, ramp, and float, constructed on or over the water and connected to the shore, that is used as a landing or moorage place for private marine transport or for private recreational purposes.

"dwelling" means a building, including a mobile home used as a residence for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating.

“ecological reserve” means an area of land or water established as an ecological reserve under the *Ecological Reserve Act*.

“farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.

“farm use” means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other activity designated as farm use by the *Agricultural Land Commission Act* or its regulation and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

“farmer’s market” means an occasional or periodic temporary market held in the open air or in a building where individual sellers offer for sale to the public items such as fresh or seasonal produce, agricultural products, arts and craft items, or food or beverages.

“Farm Status” means land classified as farm pursuant to the (BC) Assessment Act.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and includes gate, screen and freestanding wall.

“fitness facility” means an indoor facility equipped and used for physical activities related to fitness, health and well-being.

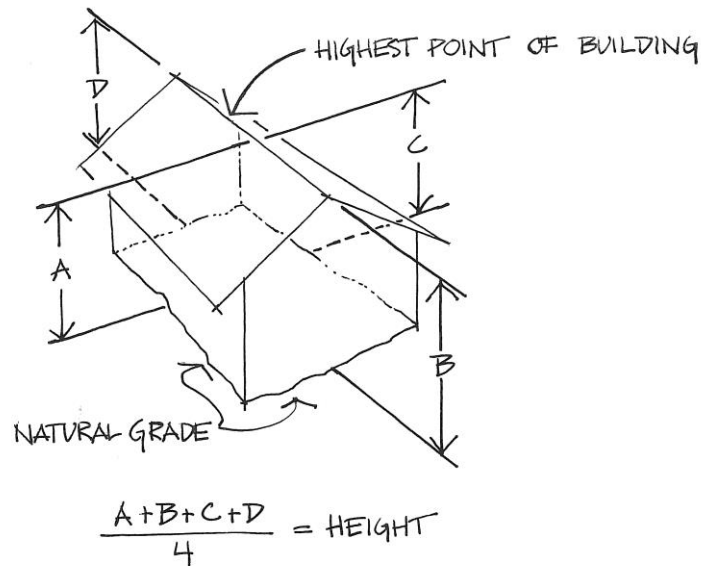
“float” means a floating non-roofed structure that is used as a landing or wharfage place for watercraft and which is free to rise and fall with sea level change and, for all tidal conditions, does not rest on the sea floor.

“floor area” means the sum of the horizontal areas of all storeys in a building, measured to the ~~outer~~inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the distance between the natural grade and the highest point of a building or structure measured at the midpoints of all the exterior walls.





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

BL 120 "home business" means a commercial use that is accessory to a permitted residential use on the same lot .

"hotel, resort" means a building, or a set of buildings, used exclusively for hotel accommodation and other uses set out in paragraphs (b) and (c) of this definition, which contains areas accessible to the public and to transient occupants for lobby check-in and registration, restaurant, licensed neighbourhood pub, café food services, lounge, beer parlour, public assembly and retail sales uses, including liquor sales, and which hotel:

- (a) may comprise hotel cottages, hotel rooms, hotel villas or a combination thereof;
- (b) may include or contain areas that are accessible to the public and to transient occupants for indoor or outdoor recreation use ;
- (c) may include or contain other uses set out in Section 11.1;
- (d) shall not include a video arcade, video lottery terminal, slot machine or any machines or devices used for games of chance;

"hotel accommodation" means the successive occupancy by different persons, whether by licence, rental, or otherwise, of a hotel villa, hotel room or hotel cottage where the same person does not occupy a sleeping unit for more than 87 days in a calendar year, except that

- (a) such occupancy in the case of any particular person is limited to not more than:
  - (i) 29 days in the period commencing June 1 and ending the following September 30, and
  - (ii) two 29 day terms in the period commencing October 1 and ending the following May 31, and
- (b) that person does not occupy a sleeping unit for 30 days prior to or after any occupancy on:
  - (i) the first or last of the 29 days during the period referred to in clause (a)(i); or
  - (ii) the first or last of either of the 29 day periods referred to in clause (a)(ii).

"hotel cottage" means a building that forms part of a resort hotel use, which building:

- (a) contains one, two or three sleeping units;

- (b) may contain cooking facilities; and
- (c) is used only for temporary accommodation.

"hotel room" means a set of one or two sleeping units that:

- (a) is not a hotel cottage and is not located in a hotel cottage;
- (b) is not a hotel villa and is not located in a building containing hotel villas;
- (c) is located with other hotel rooms in a building housing all or part of a hotel use;
- (d) has access or egress to a common hotel interior corridor, hall or lobby;
- (e) may not contain cooking facilities; and
- (f) is used only for temporary accommodation.

"hotel villa" means a set of one, two or three sleeping units that:

- (a) is not a hotel cottage and is not located in a hotel cottage;
- (b) is not a hotel room and is not located in a building containing hotel rooms;
- (c) is located with other hotel villas in a building housing all or part of a hotel use;
- (d) may have access or egress to an interior corridor, hall or lobby, and
- (e) may have a second means of access or egress to a common exterior veranda or patio;
- (f) may contain cooking facilities; and
- (g) is used only for temporary accommodation.

"landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, which may be broken solely by necessary access ways for pedestrians and vehicles and screening land uses from abutting land and highways.

"Local Trust Committee (LTC)" means the South Pender Island Local Trust Committee.

"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 *Strata Property Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, for this purpose the area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof and for the purpose of lot coverage regulations in Part 5 the common property in a bare land strata plan is a "lot" if it is used for accessory buildings or structures.

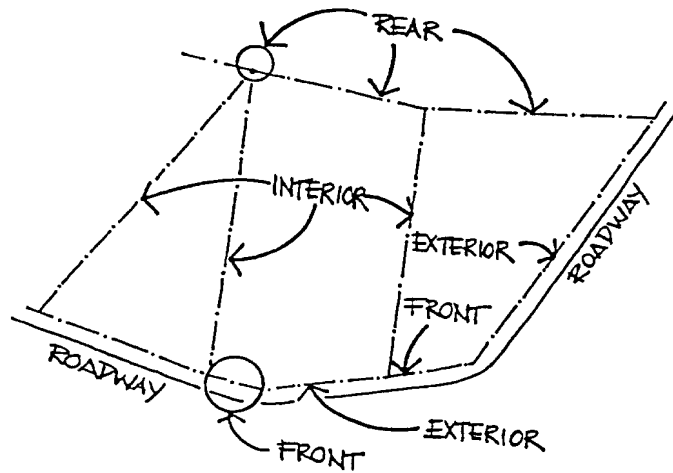
"lot line" means the boundary of a lot as shown on a plan of survey registered in the land title office, and

"front lot line" means the lot line that is common to the lot and an abutting highway or an access route in a bare land strata plan, and where there are two or more such lot lines, not including corner cuts, the shortest is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines, means the point of intersection of those lot lines;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.



"marina" means the use of a water area for the temporary storage of boats and includes the use of floats, wharves, piers, ramps and walkways and the provision of wharfage services to the general boating public, but specifically excludes the rental or sale of personal water craft, the use of boats and vessels as live-aboards, and roofed structures used or intended for use in sheltering or storing boats or vessels.

"mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to CAN/CSA Z240 standards, to be moved from one place to another by being towed or carried

"mooring" means the securing of a boat to a buoy or similar object that is in turn secured to the bed of the sea.

"natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil or rock of the bed of the body of water a character distinct from that of its banks, as well as in the nature of the soil itself.

"outbuilding" means a building or structure that may be constructed or placed on a lot prior to a principal dwelling and which may be used for uses ordinarily accessory to a principal residential use.

"panhandle lot" means a lot that fronts on a highway by means of a strip of land that is narrower than the main portion of the lot.

"park" means any land dedicated as park under the *Park Act*, the *Land Title Act* or the *Local Government Act*, which is open to the general public and reserved for outdoor recreational, scenic, or nature conservation purposes.

"personal service use" means a commercial use of a building in which services are provided to the body or the clothing of a person.

"personal watercraft" means a vessel less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

"principal use" means the main or primary use conducted on a lot.

"principal building" or "principal structure" means the main or primary building or structure constructed on a lot.

"pump/utility house" means an accessory building or structure with a maximum floor area of 2.9 square metres (32 square feet) containing only equipment for pumping and processing of water or sewage, electrical equipment, or communication service equipment.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, and includes a park model recreational vehicle.

"residence" means a home, abode or place where an individual is living at a specific point in time.

"restaurant" means the use of a building for the preparation and serving of alcoholic beverages and meals.

"retail sales" means the selling of goods or merchandise other than liquor to the general public for personal or household consumption

"school" means a public or private educational institution not including residential accommodation or dormitories.

"setback" means the minimum horizontal distance by which this bylaw requires a building or structure to be separated from a specified lot line, building or other feature.

"sign" means any device or medium, including its supporting structure that is visible from any highway or lot other than the one on which it is located and used to attract attention for advertising, information or identification purposes.

"short term vacation rental" means the commercial use of a dwelling or a cottage to provide accommodation for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere.

"sleeping unit" means a room intended for sleeping, which contains not more than two beds and does not contain any facilities for cooking.

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes septic fields, septic tanks, and related appurtenances below ground, wells, landscaping, concrete and asphalt paving, and similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height at all points.

"third party sign" means a sign conveying information that does not pertain to the lot on which it is located.

"usable site area" means the total area of a lot excluding:

- (a) land below the natural boundary of the sea;
- (b) land where the natural slope exceeds 30 percent; and
- (c) land within 7.6 metres (25 ft.) of the natural boundary of the sea or 15.2 metres (50 ft.) of the natural boundary of a watercourse.

"use" means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

"utilities" mean broadcast transmission, electrical, telecommunications, sewer or water services and facilities and navigation aids and does not include private telecommunication facilities.

"watercourse" means a naturally formed area of land that usually or periodically contains surface water, including a lake, river, creek, spring, ravine, wetland, salt water marsh, and bog, but does not include a constructed ditch, or surface drain, or the sea.

"wharf" means a structure consisting of a fixed platform extending beyond the natural boundary of the sea over water which is used as a landing or wharfage place for watercraft, and includes the railings and supporting structure embedded in the sea.

"wharfage" means the tying of a boat or seaplane to a wharf, float or dock that is in turn connected to an upland lot by a ramp or walkway.

"zone" means a zone established by Part 5 of this Bylaw.

## **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)  
Article: (a)  
Clause (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.

## **PART 2 ADMINISTRATION**

### **2.1 Application**

- (1) This Bylaw shall apply to that part of the South Pender Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

### **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* or the subdivision of land.
- (4) The *use* of land, *buildings* or *structures* that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, may be continued subject to Section 528 of the *Local Government Act*.
- (5) Any existing *lot* that has less area than the minimum *lot* area specified in the applicable *zone* for the creation of *lots* by subdivision may be used for any *use* permitted in that *zone* unless otherwise specified in this Bylaw.
- (6) No land 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, at any reasonable time and after having given prior notification to the occupier, 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. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

## **2.5 Penalty**

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act* and the costs of prosecution.

## **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.



## PART 3 GENERAL REGULATIONS

### 3.1 Permitted in All Zones

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

- (1) Underground infrastructure for the provision of *utility* services and above-ground hydro and telecommunications cabling.
- (2) Hiking, equestrian and bicycle trails.
- (3) *Ecological reserves* and other habitat reserves.
- (4) Marine navigation aids.
- (5) *Parks* and public open space.
- (6) *Fences* in any land *zone*, subject to regulations under Section 3.8.
- (7) *Signs*, subject to regulations under Part 6.
- (8) *Pump/utility houses*.

### 3.2 Prohibited in All Zones

Only the *uses, buildings and structures* expressly permitted in Part 5 of this Bylaw are permitted in the relevant *zones*. Without limiting the generality of the foregoing, the following *uses, buildings and structures* are prohibited in all *zones*:

- (1) Airport and airstrip facilities and related *accessory buildings and structures*.
- (2) Heliports and helipads, other than for emergency evacuation *use*.
- (3) The *use* of the water area adjoining a residential *zone, park, ecological and other habitat reserve* for a sea plane facility, excepting those sea plane facilities associated with permitted uses in the Commercial Resort (C), Marina (W3), and Marine Transportation Service (W4) Zones.
- (4) *Marinas*, the *use* of which is restricted to members of a private club.
- (5) Disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the *Public Health Act* or the *Environmental Management Act*.
- (6) Junkyards, auto wrecking yards, and storage of derelict vehicles, subject to Section 3.11.
- (7) Landfills and areas of land used for disposal or storage of hazardous or toxic waste.

- (8) The *use* of land for motorized trail bike, motor cycle, or all- terrain vehicle paths or trails.
- (9) The rental, sale or commercial storage of *personal watercraft*.
- (10) The *use* of an anchored, moored or docked vessel as a *residence*.
- (11) The *use* of a *buoy, float, dock, wharf*, ramp or related *structure* for any commercial or industrial *use*, excepting commercial *use* of such facilities within the Marina (W3) and Marine Transportation Service (W4) Zones.
- (12) *Buildings* and *structures* for uses prohibited in this Part.
- (13) *Dwellings* and *cottages* located on land comprising common property in a strata plan.
- (14) Boathouses, on the surface of the sea or within a *building setback* area on land adjacent to the sea.
- (15) Floatplane hangars.
- (16) Retail sale or wholesaling of groundwater extracted on South Pender Island.

### 3.3 Siting and Setback Regulations

- (1) All siting measurements must be made on a horizontal plane from the *natural boundary, lot line* or other feature specified in this Bylaw to the nearest portion of the *building* or other *structure* in question.
- (2) *Buildings* or other *structures*, except a fence or *pump/utility house*, shall not be sited within 15 metres (50 feet) of the *natural boundary* of any *watercourse*, lake or other body of fresh water or within 30 metres (98 feet) of any *watercourse*, lake or other body of freshwater used as a source of domestic water supply and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".
- (3) *Buildings* or other *structures*, except a fence, ~~*pump/utility house*~~, stairway, wharf and *dock* ramps or their footings, shall not be sited within 15 metres (50 feet) ~~7.6 metres (25 feet)~~ of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".
- (4) Despite Subsection 3.3(3), *buildings* or *structures*, except a fence, stairway, wharf and *dock* ramps or their footings, legally constructed prior to [insert date of Bylaw No. 122 adoption] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".
- (5) Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to [insert date of Bylaw No. 122 adoption] a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the *natural boundary* of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the *natural boundary* of the sea to the dwelling, cottage, or accessory building on the lot on [insert date of Bylaw No.

122 adoption] and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw

- (6) An underground sewage disposal system, including all septic tanks, absorption fields and related appurtenances shall not be sited within 30 metres (98 feet) of a *watercourse*, well or source of domestic water supply.
- (75) Steps, eaves, gutters, cornices, sills, chimneys, retaining walls, balconies, decks, sunshades and similar features may project up to 1.0 metres (3 feet) into a required *setback* area.

### 3.4 Height Regulations

Except as may be otherwise provided for in any *zone*, the following regulations apply:

- (1) A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height. ~~A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height.~~
- (2) A *building* or *structure* accessory to a *dwelling* shall not exceed 7.6 metres (25 feet) in height.
- (3) An *accessory building* or *structure* used for agricultural purposes may exceed 7.6 metres (25 feet) in height where the provisions of subsection 3.7(1) apply.
- (4) The height regulations for *buildings* and *structures* specified elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas, chimneys, flag poles, lightning poles, fire and hose towers, *utility* poles, solar collectors, farm silos and grain bins or water storage tanks.

### 3.5 Accessory Buildings and Structures

- (1) A *building* accessory to a *dwelling*, other than a *cottage*, shall not be used for human habitation, except as provided for in Subsections 3.5(2) or as permitted by the zoning regulations in Part 5 of this Bylaw.
- (2) An *accessory building* may be constructed or placed on a *lot* and occupied as a temporary *dwelling* prior to the construction of a *dwelling* on the same *lot*, subject to:
- (a) a *building* permit being issued, and remaining in effect, for the *dwelling*;
  - (b) the connection of the *accessory building* to sewage disposal facilities complying with the *Public Health Act*;
  - (c) the provision of a domestic water supply to the *building*;
  - (d) compliance with the *use*, density and siting requirements of this Bylaw for *dwellings* and *cottages*; and
  - (e) the occupancy of the *accessory building* ceasing prior to or concurrently with occupancy of a *dwelling* on the *lot*.
- (3) One *outbuilding* may be constructed or placed on a *lot* prior to the construction of a *dwelling* on the same *lot*, subject to:

- (a) the *floor area* not exceeding 70m<sup>2</sup> (753 ft<sup>2</sup>), or in the case of an open-sided *structure*, the *lot coverage* of the *outbuilding* not exceeding 70m<sup>2</sup> (753 ft<sup>2</sup>).
  - (b) a maximum of one *outbuilding* per lot.
  - (c) the *height* not exceeding 4.6 metres (15 feet).
- (4) Unless a *building*, excluding an attached deck and patio, is attached to a *principal building* by a *structure* having walls, roof, and a floor, it is for the purposes of this Bylaw deemed not to be part of the *principal building*, but is deemed to be an *accessory building or structure*.
- (5) The *floor area* occupied by any cistern used for the storage of water for domestic, irrigation, or fire protection purposes may be excluded from the calculation of the *floor area* of any *accessory building or structure*.
- (6) Shipping containers are a permitted accessory use on a lot subject to the following:
- (a) On a lot less than 0.8 ha (2 acres) in area, a maximum of one (1) shipping container is permitted.
  - (b) On a lot 0.8 ha (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.
  - (c) On a lot with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.
- (7) Shipping containers must be screened from neighbouring lots, roads, or the sea by use of landscaping screening in compliance with Section 3.9.

### 3.6 Home Businesses

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- (1) *Home businesses* permitted by Part 5 include any home craft, repairing of goods, professional practice, services to a client, creation of a product, *bed and breakfasts*, the retail or wholesale sale of goods or products provided that at least 70% of the goods or products for sale are produced, processed or repaired as part of the *home business*, and the retail sale of articles directly related to the provision of a *personal service* provided as a *home business*.
- (2) Without limiting the generality of subsection 3.6(1), the following activities are specifically not permitted as a *home business*:
- (a) The serving of food or drink products on the premises as part of a *home business*, except for the serving of a morning meal as part of *bed and breakfast home business*;
  - (b) Commercial water bottling or sales;
  - (c) Boarding kennels, except where permitted as a *Farm use*.
- (3) *Home businesses* must be conducted entirely within an occupied *dwelling* or a permitted *accessory building* on a lot with an occupied *dwelling*, except that outdoor areas may be used for storage of articles used in the *home business* if the storage area is enclosed by a *fence* or by a *landscape screen* at least 2.0 metres (6.6 feet) in *height* conforming with the provisions of Section 3.9.

- (4) The combined *floor area* used in all *home businesses* on a *lot*, except a *bed and breakfast*, must not exceed 65 m<sup>2</sup> (700 ft<sup>2</sup>).
- (5) The business owner or operator or at least one of the employees of a *home business* must be resident on the *lot* on which the *home business* is conducted at the time the *home business* is operated.
- (6) Not more than two persons per property may be employed in any *home business* in addition to any residents of the *lot* on which such business is conducted.
- (7) Off-street parking spaces for *home business uses* are to be provided in accordance with the regulations contained in Part 7.
- (8) The following additional regulations apply to *bed and breakfast home businesses*:
  - (a) *bed and breakfast home businesses* are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones;
  - (b) part or all of a *bed and breakfast home business* may be undertaken within a permitted *cottage*;
  - (c) the total number of bedrooms used to accommodate overnight guests may not exceed three;
  - (d) despite Subsection 3.6(6) not more than one non-resident person may be engaged or employed in a *bed and breakfast home business*;
  - (e) meals may only be provided to *bed and breakfast* guests in the morning;
  - (f) off-street parking spaces for a *bed and breakfast home business use* shall be provided in accordance with the requirements contained in Part 7; and
  - (g) a *bed and breakfast home business* may not be undertaken within an *accessory building*.

### **3.7 Agricultural Buildings and Structures**

- (1) An *accessory building* or *structure* used for agricultural purposes may exceed 7.6 metres (25 feet) in height where the following apply:
  - (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 7.6 metres (25 feet) from all *lot lines*; and
  - (c) the height of the *building* or *structure* does not exceed 12.2 metres (40 feet).

### **3.8 Fences**

- (1) The height of *fences* shall not exceed 2.0 metres (6.6 feet) in any *zone*.
- (2) *Landscape screens* and protective netting or wire used to control animal nuisances are exempt from Subsection 3.8(1).

### 3.9 Landscape Screening

(1) Where vegetative *landscape screening* is required by this Bylaw, it shall be provided in the form of:

- (a) Existing vegetation of the required height that provides a complete visual screen between the uses being separated in all seasons of the year; or,
- (b) A row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete visual screen in all seasons of the year between the uses being separated;

and such screening shall be continuous, except for points of vehicular or pedestrian entrance and exit.

(2) Where a non-vegetative screen is required by this bylaw, it shall be provided in the form of either a solid or latticed wooden fence, or a brick or stone wall which is continuous, except for points of vehicular or pedestrian entrance and exit.

### 3.10 Use of Recreational Vehicles as a Dwelling

(1) The *use of a recreational vehicle* as a temporary *dwelling* prior to the construction of a *dwelling* on the same *lot* is permitted in the any *zone* where a *dwelling* is a permitted *use*, subject to:

- (a) the connection of the *recreational vehicle* to sewage disposal facilities complying with the *Public Health Act*;
- (b) the provision of a domestic water supply to the vehicle;
- (c) compliance with the *use*, density and siting requirements of this Bylaw for *dwellings* and *cottages*, as if the vehicle were a *cottage*;
- (d) the occupancy of the *recreational vehicle* ceasing prior to or concurrently with the occupancy of a *dwelling* on the property;
- (e) where a building permit has been issued for a dwelling, the building permit remain in effect and occupancy of a recreational vehicle not exceed two years; and
- (f) where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* not exceed 90 days in a calendar year.

Nothing in this Subsection prohibits the storage on a *lot* of *recreational vehicles* that are not being used as *dwellings*.

### 3.11 Derelict Vehicles

(1) A *lot* shall not be used for the storage of more than one unlicensed motor vehicle, other than farm and forestry vehicles, that is not completely enclosed in a permanent *building* or *structure* and for this purpose a motor vehicle is unlicensed if it does not display:

- (a) Motor vehicle number plates and the current licence year decal, or
- (b) An interim vehicle licence issued pursuant to the *Motor Vehicle Act* Regulations.

(2) No land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles or vessels, including but not limited to automobiles, all-

terrain vehicles, golf carts, tractors, campers, trailers, or parts of such vehicles, which are not completely enclosed in a permanent *building*.

### 3.12 Lots Divided by a Zone Boundary

- (1) If a *lot* is divided by one or more *zone* boundaries, the residential density permitted must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*, and the *dwellings* and *cottages* may only be constructed on any portion of the *lot* if and to the extent that the minimum *lot* area or density regulation for that portion is complied with.
- (2) If a *lot* is divided by one or more *zone* boundaries, *lot coverage* and *maximum floor area* must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*.
- (3) Despite Subsection 3.12(1), if one of the portions of the *lot* is in the Agricultural (A) Zone, the *dwelling* or *cottage* permitted in respect of that portion of the *lot* may be sited on another portion of the *lot*.

### 3.13 Use of Common Property

- (1) Land comprising the common property in a strata plan is not a *lot* for the purposes of the density regulations in this Bylaw but may be used for permitted *uses*, *buildings* or *structures* *accessory* to *principal uses* located on strata *lots* in the same strata plan.

### 3.14 Groundwater Protection

- (1) A building permit shall not be issued for a new building to be used as a *dwelling*, ~~excluding a *cottage*~~, on a *lot* in the RR(1), RR(2) or RR(3) zones unless a *building* on *the lot* is equipped with a ~~rainwater-freshwater~~ catchment system and cistern(s) for the storage of ~~freshwater rainwater~~ with a minimum ~~storagecistern~~ capacity of ~~9,000~~18,000 litres (~~1980-3960~~ gallons).

## PART 4 ESTABLISHMENT OF ZONES

### 4.1 Division into Zones

- (1) The South Pender 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:

| <u>Zone Name</u>                  | <u>Zone Abbreviation</u> |
|-----------------------------------|--------------------------|
| Rural Residential One             | RR1                      |
| Rural Residential Two             | RR2                      |
| Rural Residential Three           | RR3                      |
| Commercial Resort                 | C                        |
| Community Service                 | S1                       |
| Government Service                | S2                       |
| Agriculture                       | A                        |
| Forestry                          | F                        |
| Natural Resource                  | NR                       |
| Passive Recreation Community Park | P1                       |
| Heritage Community Park           | P2                       |
| Natural Area Community Park       | P3                       |
| National Park                     | NP                       |
| Conservation                      | RC                       |
| Marine General                    | W1                       |
| Marine Protection                 | W2                       |
| Marina                            | W3                       |
| Marina Transportation Service     | W4                       |
| National Park Marine              | W5                       |



## 4.2 Zone Boundaries

- (1) Where *zone* boundaries on Schedule "B" coincide with *lot* boundaries, the *lot* boundary is the *zone* boundary.
- (2) Where a *zone* boundary is shown on Schedule "B" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the *zone* boundary.
- (3) Where land based and water based *zones* shown on Schedule "B" share a boundary, the boundary shall be the surveyed boundary as shown on a plan registered in the land title office, and where there is no such plan the *natural boundary* of the sea is the boundary.
- (4) Where a *zone* boundary shown on Schedule "B" does not follow a legally defined line, no dimensions are shown by which the boundary could otherwise be located, and subsection (3) does not apply, the location of the boundary must be determined by scaling from Schedule "B" and in that case the *zone* boundary is the midpoint of the line delineating the *zone* boundary on Schedule "B".

## 4.3 Zoning Tables

- (1) The table titles and column headings are part of the bylaw.
- (2) A check mark in a column headed by the zoning code indicates that the *uses* listed to the left, and no others, are permitted in that *zone*.
- (3) The absence of a check mark in a column headed by the zoning code indicates that the *use* listed to the left is not permitted in that *zone*.
- (4) A check mark in a column headed by the zoning code indicates that the density, siting or size, or other conditions apply within that zone.
- (5) Regulations listed under the heading "Subdivision Lot Size Requirements" apply to subdivision of land under the *Land Title Act* or the *Strata Property Act*.

**PART 5 ZONE REGULATIONS**

**5.1 Rural Residential Zones**

**Permitted Uses**

|  | RR1 | RR2 | RR3 |
|--|-----|-----|-----|
| (1) The following <i>uses</i> are permitted, subject to the regulations set out in this Section and the general regulations, and all other <i>uses</i> are prohibited:                 |     |     |     |
| (a) <i>Dwelling</i> ;  | ✓   | ✓   | ✓   |
| (b) <i>Cottage</i> ;   | ✓   | ✓   | ✓   |
| (c) <i>Agriculture</i> ;   | ✓   | ✓   | ✓   |
| (d) <i>Rescinded</i> ;   | ✓   | ✓   | ✓   |
| (e) <i>Accessory uses, buildings and structures</i> , including, but not limited to, <i>home businesses</i> and roadside stands for the sale of produce grown on the same <i>lot</i> . | ✓   | ✓   | ✓   |

**Density**

|   | RR1 | RR2 | RR3 |
|---|-----|-----|-----|
| (2) On a parcel less than 0.8 hectares (2 acres) in area, one (1) <i>dwelling</i> is permitted and no <i>cottage</i> is permitted.                                    | ✓   | ✓   | ✓   |
| (3) On a parcel 0.8 hectares (2 acres) or greater in area, but less than 4.0 ha (10 acres) in area, one (1) <i>dwelling</i> and one (1) <i>cottage</i> are permitted. | ✓   | ✓   | ✓   |
| (4) On a parcel 4 hectares (10 acres) or greater in area, two (2) <i>dwelling</i> s and two (2) <i>cottage</i> s are permitted.                                       | ✓   | ✓   | ✓   |

**Siting and Size**

|  | RR1 | RR2 | RR3 |
|--|-----|-----|-----|
| (5) <u>Maximum Floor Area per lot:</u> | ✓   | ✓   | ✓   |

| <u>Lot Area</u>                             | <u>The total floor area of all buildings may not exceed:</u> | <u>The floor area of a dwelling may not exceed:</u> |
|---|--|---|
| <u>Less than 0.4 ha (1 acre)</u>            | <u>465 m<sup>2</sup> (5000 ft<sup>2</sup>)</u>               | <u>232 m<sup>2</sup> (2500 ft<sup>2</sup>)</u>      |
| <u>0.4 ha to &lt; 0.8 ha (1 to 2 acres)</u> | <u>557 m<sup>2</sup> (6000 ft<sup>2</sup>)</u>               | <u>279 m<sup>2</sup> (3000 ft<sup>2</sup>)</u>      |
| <u>0.8 ha to &lt; 1.6 ha (2 to 4 acres)</u> | <u>743 m<sup>2</sup> (8000 ft<sup>2</sup>)</u>               | <u>325 m<sup>2</sup> (3500 ft<sup>2</sup>)</u>      |
| <u>1.6 ha to &lt; 4 ha (4 to 10 acres)</u>  | <u>836 m<sup>2</sup> (9000 ft<sup>2</sup>)</u>               | <u>348 m<sup>2</sup> (3750 ft<sup>2</sup>)</u>      |
| <u>4 ha (10 acres) or greater</u>           | <u>1394 m<sup>2</sup> (15000 ft<sup>2</sup>)</u>             | <u>372 m<sup>2</sup> (4000 ft<sup>2</sup>)</u>      |

|   |   |   |   |
|---|---|---|---|
| (6) <u>Despite Subsection 5.1(5), on a lot that contains a legal dwelling constructed prior to [insert date of Bylaw No. 122 adoption], a replacement dwelling may be constructed, or the</u> | ✓ | ✓ | ✓ |
|---|---|---|---|

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existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on [insert date of Bylaw No. 122 adoption] and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.

(7) The maximum floor area of a cottage must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>). ✓ ✓ ✓

(8) The minimum *setback* for any *building* or *structure*, except a fence or *pump/utility house*, shall be:

- (a) 7.6 metres (25 ft.) from any front or rear *lot line*;
- (b) 3.0 metres (10 ft.) from any interior side *lot line*; ✓ ✓ ✓
- (c) 4.5 metres (15 ft.) from any exterior side *lot line*. ✓ ✓ ✓

(9) Despite Subsection 5.1(8), the setback for a dwelling or cottage shall be 6.0 metres (20 ft.) from any interior or exterior side lot line. ✓ ✓ ✓

(10) Despite Subsection 5.1(9), on a lot that contains a legal dwelling or cottage constructed prior to [insert date of Bylaw No. 122 adoption], a replacement dwelling or cottage may be constructed, or the existing dwelling or cottage re-constructed or altered, provided the distance from the interior or exterior side lot line to the replacement, re-constructed or altered dwelling or cottage is not less than the distance from the interior or exterior side lot line to the dwelling or cottage on the lot on [insert date of Bylaw No. 122 adoption] and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw. ✓ ✓ ✓

(11) The *floor area* of any *accessory building* may not exceed 140 m<sup>2</sup> (1507 ft<sup>2</sup>). ✓ ✓ ✓

**Conditions of Use**

(12) Rescinded. RR1   RR2   RR3  
✓   ✓   ✓

**Subdivision Lot Size Requirements**

|   | RR1    | RR2    | RR3    |
|---|--------|--------|--------|
| (13) Subject to subsection 5.1(10), the minimum and average <i>lot</i> area requirements for any <i>lot</i> created by subdivision are: | 0.4 ha | 0.8 ha | 4.0 ha |

**Site-Specific Regulations**

(143) 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 set out in the third column apply:

| Site-Specific Zone | Location Description   | Site Specific Regulations   |
|--------------------|--|---|
| RR1(a)             | <i>Lots 1 through 7, inclusive, of Plan VIP53829, Section 21, Pender Island, Cowichan District</i> | (a) Despite 5.1(13), the minimum <i>lot</i> area is 0.76 hectares (1.90 acres) and the average <i>lot</i> area is 1.05 hectares (2.6 acres) |
| RR1(b)             | <i>Lots 8 and 9 of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>                 | (a) Despite 5.1(13) the minimum <i>lot</i> area is 0.8 hectares (2 acres) and the average <i>lot</i> area is 2.3 hectares (5.7 acres)       |

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## 5.2 Commercial Resort (C)

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### 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) *Resort hotel*;
  - (b) Boat ramp, boat, bicycle and sport equipment rental, resort activity centre, *fitness facility*; and,
  - (c) *Uses accessory* to the *principal use* permitted under 5.2(1)(a) and (b): *retail sales*, administrative offices and business facilities, child care and service, maintenance, laundry, shower and housekeeping facilities, marine related sales and service, cold beer and wine *retail sales*; accommodation of individual persons employed at the resort by the hotel operator for wages or salary, in respect of permitted uses, in a dormitory *building accessory* to the hotel *use*.

### Density

- (2) All *buildings* and *structures* are not to cover more than 33% of the *usable site area* of all *lots* in the C Zone.
- (3) A *building* or *structure* is not to cover more than 33% of the *usable site area* of the *lot* on which it is located.

### Siting and Size

- (4) The minimum *setback* for any *building* or *structure*, except a fence, shall be:
  - (a) 7.6 metres (25 ft.) from any front or rear *lot line*;
  - (b) 3.1 metres (10 ft.) from any interior side *lot line*;
  - (c) 4.6 metres (15 ft.) from any exterior side *lot line*.
- (5) Despite Section 3.4, the maximum *height* of any *building* or *structure* is 9.15 metres (30 ft.).

### Resort Hotel Conditions of Use

- (6) In respect of a *resort hotel* in the C Zone:
  - (a) The total *floor area* of a *hotel cottage* is to:
    - (i) In the case of a *hotel cottage* containing two *sleeping units* not exceed 78.5 square metres (845 sq. ft.); and,
    - (ii) In the case of a *hotel cottage* containing three *sleeping units* not exceed 88 square metres (947 sq. ft.).
  - (b) The total *floor area* of a *hotel room* is to:
    - (i) In the case of one *sleeping unit* not exceed, 37 square metres (400 sq. ft.); and,
    - (ii) In the case of two *sleeping units* not exceed 65 square metres (700 sq. ft.).
  - (c) The total *floor area* of a hotel villa shall not exceed 197 square metres (2,120 sq. ft.) and the average *floor area* of hotel villas shall not exceed 130 square metres (1405 sq. ft.);

- (d) Nothing in this bylaw prohibits a permitted *hotel cottage* from being physically attached in one *building* to not more than one other allowed *hotel cottage*;
- (e) Nothing in this bylaw prohibits an allowed *hotel room* containing one *sleeping unit* from being physically accessible internally to not more than one other allowed *hotel room* containing one *sleeping unit*;
- (f) Each *hotel cottage* and each hotel villa is to contain not more than one set of cooking facilities;
- (g) The density of hotel temporary accommodation *use* in the C Zone is not to exceed:
  - (i) Eight hotel villas, each containing no more than two *sleeping units*;
  - (ii) One hotel villa, containing no more than three *sleeping units*;
  - (iii) Eleven *hotel rooms*, each containing no more than two *sleeping units*;
  - (iv) Twelve *hotel cottages*, each containing no more than two *sleeping units*; and
  - (v) Three *hotel cottages*, each containing no more than three *sleeping units*.
- (h) The total *floor area* of employee dormitory accommodation shall not exceed 372 square metres (4,004 sq. ft.). An accommodation *building* is not to be used for other purposes, except hotel administrative offices and service areas.

#### **Subdivision Lot Size Requirements**

- (7) The minimum and average *lot* area requirements are 0.20 hectares (0.5 acres) for any *lot* created by subdivision.

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### 5.3 Community Service (S1)

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#### 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) Community halls, fire halls, libraries, museums, schools, and *churches*;
  - (b) Cemeteries;
  - (c) *Farmer's Market*;
  - (d) *Accessory uses, buildings and structures, other than dwellings.*

#### Density

- (2) The *lot coverage* of all *buildings and structures* may not exceed 25 percent.

#### Siting and Size

- (3) The minimum *setback* for any *building or structure*, except a fence or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (4) Despite Section 3.4, the maximum height of any *building or structure* is 9.2 metres (30 ft.).

#### Subdivision Lot Size Requirements

- (5) Minimum and average *lot* area requirements are 0.4 hectares (1.0 acre) for any *lot* created by subdivision.

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## 5.4 Government Service (S2)

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### 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) Customs agency employee housing;
  - (b) *Accessory uses, buildings, and structures.*

### Density

- (2) The *lot coverage* of all *buildings and structures* may not exceed 25 percent.

### Siting and Size

- (3) The minimum *setback* for any *building or structure*, except a fence or *pump/utility house*, shall be 7.6 metres (25 ft) from any *lot line*.
- (4) Despite Section 3.4, the maximum height of any *building or structure* is 9.2 metres (30 ft.).

### Subdivision Lot Size Requirements

- (5) Minimum and average *lot* area requirements are 0.4 hectares (1.0 acre) for any *lot* created by subdivision.



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## 5.5 Agriculture (A)

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### 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) *Farm Use*;
  - (b) *Dwelling*;
  - (c) *Cottage* or other *dwelling* for the housing of persons engaged in on-going agricultural activities;
  - (d) ~~Rescinded~~ Accessory agri-tourism subject to Subsections 5.5(13) to 5.5(16);;
  - (e) Accessory agri-tourist accommodation subject to Subsections 5.5(15) to 5.5(22) and as permitted by the Agricultural Land Commission;
  - (fe) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses* and roadside stands for the sale of produce grown on the same *lot* and farm retail sales.

### Density

- (2) Only one (1) *dwelling* is permitted on each *lot*.
- (3) One *cottage* or other *dwelling* is permitted on each *lot* for the housing of persons engaged in on-going agricultural activities on the *lot*.
- (4) For a parcel less than 4.0 ha (10 acres) in area, the *lot coverage* of all *buildings and structures* may not exceed 8 percent.
- (5) For a parcel 4.0 ha (10 acres) or greater in area, the *lot coverage* of all *buildings and structures* may not exceed 3 percent.

### Siting and Size

- (6) The minimum *setback* for any *building or structure*, except a *fence* or *pump/utility house*, shall be:
- (a) 7.6 metres (25 ft.) from any front or rear *lot line*;
  - (b) 6.1 metres (20 feet) of any side *lot line*.
- (7) Despite Subsection 5.7(6), *buildings or structures* used for housing livestock, poultry or for manure storage may not be located within 30 metres (98 feet) of:
- (a) a front *lot* or exterior side *lot line*;
  - (b) an interior side *lot line* or rear *lot line* abutting a residential, *park* or institutional *use*;
  - (c) a lake or natural *watercourse*; or
  - (d) a well or source of domestic water supply.
- (8) Despite Article 5.5(6)(a), roadside stands for *accessory* sale of farm products may be sited within the setback from a front *lot line* or exterior side *lot line*.

~~(9) (9) The floor area of a dwelling may not exceed 560 m<sup>2</sup> (6028 ft<sup>2</sup>). Maximum Floor Area per lot:~~

|                 |  |   |
|-----------------|--|---|
| <u>Lot Area</u> | <u>The total floor area of all buildings may not exceed:</u> | <u>The floor area of a dwelling may not exceed:</u> |
|-----------------|--|---|

|   |  |  |
|---|--|--|
| <u>Less than 0.4 ha (1 acre)</u>            | <u>465 m<sup>2</sup> (5000 ft<sup>2</sup>)</u>   | <u>232 m<sup>2</sup> (2500 ft<sup>2</sup>)</u> |
| <u>0.4 ha to &lt; 0.8 ha (1 to 2 acres)</u> | <u>557 m<sup>2</sup> (6000 ft<sup>2</sup>)</u>   | <u>279 m<sup>2</sup> (3000 ft<sup>2</sup>)</u> |
| <u>0.8 ha to &lt; 1.6 ha (2 to 4 acres)</u> | <u>743 m<sup>2</sup> (8000 ft<sup>2</sup>)</u>   | <u>325 m<sup>2</sup> (3500 ft<sup>2</sup>)</u> |
| <u>1.6 ha to &lt; 4 ha (4 to 10 acres)</u>  | <u>836 m<sup>2</sup> (9000 ft<sup>2</sup>)</u>   | <u>348 m<sup>2</sup> (3750 ft<sup>2</sup>)</u> |
| <u>4 ha (10 acres) or greater</u>           | <u>1394 m<sup>2</sup> (15000 ft<sup>2</sup>)</u> | <u>372 m<sup>2</sup> (4000 ft<sup>2</sup>)</u> |

(10) Despite Subsection 5.5(9), on a lot that contains a legal dwelling constructed prior to [insert date of Bylaw No. 122 adoption], a replacement dwelling may be constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on [insert date of Bylaw No. 122 adoption] and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.

(11) The maximum floor area of a cottage must not exceed 90 m<sup>2</sup> (969 ft<sup>2</sup>).

**Information Note:** The maximum floor area of a dwelling or cottage location within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.

### **Conditions of Use**

(12) ~~Rescinded~~ Farm retail sales are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the farm retail sales shall not exceed 47 m<sup>2</sup> (500 ft<sup>2</sup>).

(13) Agri-tourism buildings or structures are not permitted.

(14) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.

(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.

(16) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.

(17) Agri-tourist accommodation must be accessory to an active agri-tourism activity.

(18) Agri-tourist accommodation must be accessory to a farm use.

(19) Agri-tourist accommodation buildings and structures must not exceed a floor area of 90 m<sup>2</sup> (969 ft<sup>2</sup>).

(20) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.

(21) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the agri-tourism accommodation unit,

but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

(22) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests or 5 bedrooms.

### **Subdivision Lot Size Requirements**

(2211) Minimum and average *lot* area requirements are 4 hectares (10 acres) for any *lot* created by subdivision.

---

## 5.6 Forestry (F)

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### 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) Timber production, harvesting, silviculture and forest protection;
  - (b) Portable sawmills;
  - (c) *Dwelling*;
  - (d) *Cottage*;
  - (e) *Rescinded*;
  - (f) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses*.

BL 117

### Density

- (2) One (1) *dwelling* and one *cottage* is permitted on each *lot*.
- (3) For a parcel less than 4.0 ha (10 acres) in area, the area of a *lot* covered by *buildings and structures* shall not exceed 4 percent.
- (4) For a parcel 4.0 ha (10 acres) and greater in area, the area of a *lot* covered by *buildings and structures* shall not exceed 2.5 percent.

### Siting and Size

- (5) The minimum *setback* for any *building or structure*, except a *fence or pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (6) Despite Section 3.4, the maximum height of any *building or structure* is 9.2 metres (30 ft.).

~~(7)~~ (7) — Maximum Floor Area per lot:

| <u>Lot Area</u>                             | <u>The total floor area of all buildings may not exceed:</u> | <u>The floor area of a dwelling may not exceed:</u> |
|---|--|---|
| <u>Less than 0.4 ha (1 acre)</u>            | <u>465 m<sup>2</sup> (5000 ft<sup>2</sup>)</u>               | <u>232 m<sup>2</sup> (2500 ft<sup>2</sup>)</u>      |
| <u>0.4 ha to &lt; 0.8 ha (1 to 2 acres)</u> | <u>557 m<sup>2</sup> (6000 ft<sup>2</sup>)</u>               | <u>279 m<sup>2</sup> (3000 ft<sup>2</sup>)</u>      |
| <u>0.8 ha to &lt; 1.6 ha (2 to 4 acres)</u> | <u>743 m<sup>2</sup> (8000 ft<sup>2</sup>)</u>               | <u>325 m<sup>2</sup> (3500 ft<sup>2</sup>)</u>      |
| <u>1.6 ha to &lt; 4 ha (4 to 10 acres)</u>  | <u>836 m<sup>2</sup> (9000 ft<sup>2</sup>)</u>               | <u>348 m<sup>2</sup> (3750 ft<sup>2</sup>)</u>      |
| <u>4 ha (10 acres) or greater</u>           | <u>1394 m<sup>2</sup> (15000 ft<sup>2</sup>)</u>             | <u>372 m<sup>2</sup> (4000 ft<sup>2</sup>)</u>      |

~~The floor area of a dwelling may not exceed 560 m<sup>2</sup> (6028 ft<sup>2</sup>).~~

(8) Despite Subsection 5.6(7), on a lot that contains a legal dwelling constructed prior to [insert date of Bylaw No. 122 adoption], a replacement dwelling may be constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on [insert date of Bylaw No. 122 adoption]

and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.

(9) The maximum *floor area* of a *cottage* must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>).

#### **Conditions of Use**

BL 117

(108) Rescinded.

(911) Despite 5.6(5) above, the minimum *setback* for a portable sawmill permitted by 5.6(1)(b) above shall be 20 metres (66 feet).

#### **Subdivision Lot Size Requirements**

(102) Minimum and average *lot* area requirements are 4 hectares (10 acres) for any *lot* created by subdivision.

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## 5.7 Natural Resource (NR)

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### 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) *Dwelling*;
  - (b) *Cottage*;
  - (c) *Rescinded*;
  - (d) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses*.

BL 117

### Density

- (2) One (1) *dwelling* is permitted on each *lot*.
- (3) For a parcel 8 ha (20 acres) and greater in area, one (1) *dwelling* and one (1) *cottage* is permitted on each *lot*.
- (4) The area of a *lot* covered by *buildings and structures* shall not exceed 1.5 percent.

### Siting and Size

- (5) The minimum *setback* for any *building or structure*, except a *fence or pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.

~~(6)~~ ~~(6)~~ The floor area of a dwelling may not exceed 560 m<sup>2</sup> (6028 ft<sup>2</sup>). Maximum Floor Area per lot:

| <u>Lot Area</u>                             | <u>The total floor area of all buildings may not exceed:</u> | <u>The floor area of a dwelling may not exceed:</u> |
|---|--|---|
| <u>Less than 0.4 ha (1 acre)</u>            | <u>465 m<sup>2</sup> (5000 ft<sup>2</sup>)</u>               | <u>232 m<sup>2</sup> (2500 ft<sup>2</sup>)</u>      |
| <u>0.4 ha to &lt; 0.8 ha (1 to 2 acres)</u> | <u>557 m<sup>2</sup> (6000 ft<sup>2</sup>)</u>               | <u>279 m<sup>2</sup> (3000 ft<sup>2</sup>)</u>      |
| <u>0.8 ha to &lt; 1.6 ha (2 to 4 acres)</u> | <u>743 m<sup>2</sup> (8000 ft<sup>2</sup>)</u>               | <u>325 m<sup>2</sup> (3500 ft<sup>2</sup>)</u>      |
| <u>1.6 ha to &lt; 4 ha (4 to 10 acres)</u>  | <u>836 m<sup>2</sup> (9000 ft<sup>2</sup>)</u>               | <u>348 m<sup>2</sup> (3750 ft<sup>2</sup>)</u>      |
| <u>4 ha (10 acres) or greater</u>           | <u>1394 m<sup>2</sup> (15000 ft<sup>2</sup>)</u>             | <u>372 m<sup>2</sup> (4000 ft<sup>2</sup>)</u>      |

~~(7)~~ Despite Subsection 5.7(6), on a lot that contains a legal dwelling constructed prior to [insert date of Bylaw No. 122 adoption], a replacement dwelling may be constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on [insert date of Bylaw No. 122 adoption] and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.

~~(8)~~ The maximum floor area of a cottage must not exceed 70 m<sup>2</sup> (753 ft<sup>2</sup>).

### Conditions of Use

BL 117

| (~~97~~) Rescinded.

**Subdivision Lot Size Requirements**

| (~~108~~) Minimum and average *lot* area requirements are 12 hectares (30 acres) for any *lot* created by subdivision.

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**5.8 Community Park Zones**

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| <b>Permitted Uses</b>  | <u>P1</u> | <u>P2</u> | <u>P3</u> |
|--|-----------|-----------|-----------|
| (1) The following <i>uses</i> are permitted, and including the uses set out in 3.1, all other <i>uses</i> are prohibited:  |           |           |           |
| (a) Pedestrian trails, open space areas  | ✓         | ✓         | ✓         |
| (b) Preservation, display and interpretation of sites, <i>buildings</i> and <i>structures</i> and items or features of historical significance                       |           | ✓         |           |
| (c) Protection, maintenance, display and interpretation of sites with flora, fauna or other innate features of natural significance                                  |           |           | ✓         |
| (d) <i>Accessory uses</i> and <i>structures</i> .  | ✓         | ✓         | ✓         |
| <b>Density</b>   | <u>P1</u> | <u>P2</u> | <u>P3</u> |
| (2) The area of a <i>lot</i> covered by <i>buildings</i> and <i>structures</i> shall not exceed:   | 1.0%      | 1.0%      | 1.0%      |
| <b>Siting and Size</b>   | <u>P1</u> | <u>P2</u> | <u>P3</u> |
| (3) The minimum <i>setback</i> for any <i>building</i> or <i>structure</i> from any <i>lot line</i> , except a <i>fence</i> or <i>pump/utility house</i> , shall be: | 7.6 m     | 7.6 m     | 7.6 m     |
| (4) Despite Section 3.4, the maximum <i>height</i> of any <i>building</i> or <i>structure</i> is:  | 4.6 m     | 4.6 m     | 4.6 m     |



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## 5.9 National Park (NP)

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**Information Note:** *The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.*

### Permitted Uses

- (1) The following *uses* are permitted, and including the *uses* specified in 3.1, all other *uses* are prohibited:
  - (a) Informational, interpretive, cultural, and historical *uses* and facilities;
  - (b) Natural and cultural resource management and protection;
  - (c) Backcountry camping and picnicking areas;
  - (d) Park operations and maintenance facilities.

### Density

- (2) The area of a *lot* covered by *buildings* and *structures* shall not exceed 1.0 percent.

### Siting and Size

- (3) The minimum *setback* for any *building* or *structure*, except a *fence* or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (4) Despite Section 3.4, the maximum *height* of any *building* or *structure* is 4.6 metres.

### Subdivision Lot Size Requirements

- (5) Minimum and average *lot* area requirements are 65 hectares for any *lot* created by subdivision.

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## 5.10 Conservation (RC)

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### Permitted Uses

- (1) The following *uses* are permitted, and including the *uses* specified in 3.1, all other *uses* are prohibited:
  - (a) Bird watching station;
  - (b) Wildlife interpretation centre.

### Density

- (2) The area of a *lot* covered by *buildings* and *structures* shall not exceed 1.0 percent.
- (3) No *building* or *structure* shall be constructed or erected on land within the RC zone, except for a *building* or *structure* not exceeding a total combined *floor area* of 9.3 square metres (100 square feet), for a *use* permitted in Subsection 5.10(1).

### Siting and Size

- (4) The minimum *setback* for any *structure*, except a *fence* or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (5) Despite Subsection 3.4, the maximum permitted *height* for any *structure* is 4.6 metres (15 ft.).

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## 5.11 Marine General (W1)

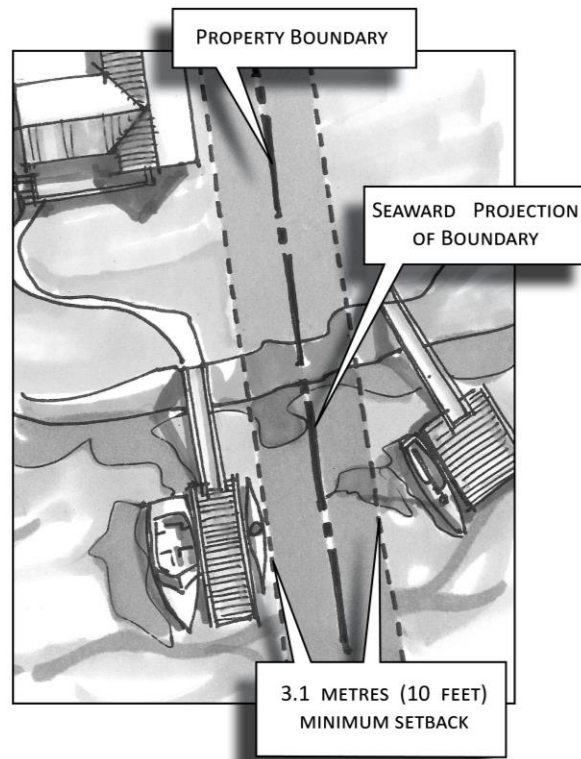
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### Permitted Uses

- (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) Anchorage and mooring of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;
  - (b) Floats, docks, wharves, ramps, walkways accessory to the residential use of an abutting upland lot, or adjacent upland lots, and providing access to that lot or lots.

### Siting and Size

- (2) No building, including a boathouse, may be constructed or erected on any float or wharf.
- (3) The maximum combined area of any float and wharf, accessory to a principal residential use of one or more upland lots, shall not exceed 46.5 square metres (500 square feet), exclusive of ramps and walkways.
- (4) The width of any ramp or walkway, including handrails, used to access any float or wharf permitted in Article 5.15(1)(b) shall not exceed 1.5 metres (5 feet).
- (5) The minimum setback for any structure shall be 3.1 metres (10 feet) from the seaward projection of the lateral boundaries of the abutting upland lot



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## 5.12 Marine Protection (W2)

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### Permitted Uses

- (1) The following uses and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses and structures are prohibited:
  - (a) Anchorage and mooring of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;
  - (b) For certainty, floats, docks, wharves, ramps, and walkways are not permitted in this zone.

### Siting and Size

- (2) The minimum setback for any structure shall be 3.1 metres (10 feet) from the seaward projection of the lateral boundaries of the abutting upland lot.

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## 5.13 Marina (W3)

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### 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) Marinas;
  - (b) Boat rentals, excluding rentals of personal watercraft;
  - (c) Marine fuelling stations;
  - (d) Facilities for the temporary mooring of water taxis, pleasure craft, fishing boats and sea planes;
  - (e) Buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, boat launching ramps, dolphins and pilings and buildings necessary for the establishment or operation of uses permitted in this zone.
- (2) For certainty, a vessel anchored, moored or secured to a piling, dolphin, dock, wharf or pier shall not be used as a residence.

### Siting and Size

- (3) Signs, boat launching ramps, buoys, floats, wharves, docks, ramps, walkways, slips, pilings and dolphins necessary for the establishment and operation of uses allowed in the W3 zone shall be sited entirely within the boundaries of the W3 zone.
- (4) The maximum floor area of any building is 14 metres<sup>2</sup> (150 ft<sup>2</sup>).
- (5) Despite Subsection 3.4, the maximum permitted height for any structure is 5 metres (16.5 ft.) measured from the surface of the water.

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## 5.14 Marine Transportation Service (W4)

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### 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) Government wharf;
  - (b) Customs building;
  - (c) Signs, boat launching ramps, buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, dolphins and pilings and buildings necessary for the establishment or operation of uses permitted in this zone.

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## 5.15 National Park Marine (W5)

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**Information Note:** *The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands, including submerged lands, in the National Park Reserve.*

### Permitted Uses

- (1) The following uses and no others are permitted in the W5 zone:
  - (a) Marine navigational aids;
  - (b) Natural resource management and protection;
  - (c) Docks, wharfage, and moorage accessory to the upland National Park lands.

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## PART 6 SIGN REGULATIONS

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### 6.1 Permitted Signs

- (1) All *sign* types except those prohibited in Section 6.2 are permitted.

### 6.2 Prohibited Signs

- (1) Any *sign* that is internally illuminated; any *sign* with moving parts; any *sign* hung from, or in any way affixed to, any other *sign*; and any noise-making *sign* is prohibited.
- (2) *Third party signs* are prohibited.
- (3) *Signs* illuminated in any way which are sited or otherwise placed in a location seaward of the *natural boundary* of the sea are prohibited.

### 6.3 Exempt Signs

The following *signs* are exempt from the regulations in this Part:

- (1) Directional, traffic control, informational, interpretive and navigational *signs* sited and maintained by a Public Authority, agency or their authorized agents.
- (2) Real estate *signs* on properties that are for sale or lease may be displayed in any *zone*, subject to the *sign* not exceeding 1.0 square metre (10.8 sq. ft.) in area and being located on the property being sold or leased. Such *signs* are to be removed within 14 days of sale or lease.
- (3) *Signs* of duly nominated candidates for public office, , provided they are removed within 14 days of the date of voting.

### 6.4 Siting and Height

- (1) A *sign* permitted in this Part may be located only in a front yard or exterior side yard *setback* area.

### 6.5 Obsolete Signs

- (1) Any *sign* which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the *sign* becomes obsolete.

## 6.6 Sign Number and Area

- (1) Every *sign* must comply with the restrictions on the number of *signs* and the maximum total area of *signs* set out in Table 6.1 in respect of the *zone* in which the *sign* is proposed to be located.

| <b>TABLE 6.1: Sign Regulations</b> |   |  |
|------------------------------------|---|--|
| <b>Zone</b>                        | <b>Number of Signs Permitted on Each Lot</b>                  | <b>Maximum Total Sign Area Permitted on Each Lot</b>                     |
| RR1<br>RR2<br>RR3<br>NR            | 1 per <i>lot</i> plus<br>1 per <i>home business</i>           | 1.0 m <sup>2</sup> (10.7 square feet)                                    |
| C                                  | 1 per business premises                                       | <i>Note: Development permit area established in Part VII of the OCP.</i> |
| A<br>F                             | 2 per <i>lot</i> plus<br>1 per <i>home business</i>           | 1.0 m <sup>2</sup> (10.7 square feet)                                    |
| S1<br>S2                           | 2 per <i>lot</i>  | 4.0 m <sup>2</sup> (43.1) square feet)                                   |
| W2                                 | 1 per water <i>lot</i> or licence area                        | 1.0 m <sup>2</sup> (10.7 square feet)                                    |
| W3                                 | 1 per water <i>lot</i> or licence area                        | 1.0 m <sup>2</sup> (10.7 square feet)                                    |
| All other zones                    | Only those <i>signs</i> exempted by Section 6.3 are permitted |  |

## **PART 7 PARKING REGULATIONS**

### **7.1 Location**

- (1) All required off-street parking spaces shall be located on the *lot* on which the *use, building* or *structure* being served is located and in the same *zone*. Parking spaces located on a highway may not be taken into account in determining compliance with the standards in this Part.
- (2) In the case of a parking space for persons with disabilities, it shall be located at the closest point as is practical to the main entrance to any *building* containing the *use* for which the parking space is required.

### **7.2 Design Standards**

- (1) Each parking space shall be accessible to a highway via a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree parking; 5.5 metres in width in the case of 60 degree parking; and 3.5 metres in width in the case of 45 degree and parallel parking; and no parking space may abut a highway such that the *use* of the parking space necessitates reversing a motor vehicle from or onto the highway. If a parking space is accessible directly from a lane the combined length of the parking space and width of the lane shall be at least 12.5 metres.
- (2) Parking spaces shall be at least 2.7 metres in width and 6.2 metres in length, exclusive of manoeuvring aisles, and have unobstructed vertical clearance of at least 2 metres. Parallel parking spaces shall notwithstanding the foregoing have a length of 7.5 metres.

### **7.3 Calculation**

- (1) In the calculation of parking required spaces, one additional space shall be provided in respect of any fractional *floor area*, number of seats or berths or other unit of measurement and the requirements for sites on which more than one *use* occurs are cumulative.
- (2) Where a particular *use* is not listed in Table 2, the number required for the most similar listed *use* applies.



#### 7.4 Number of Off-Street Parking Spaces

- (1) Every owner or occupier of land shall provide and maintain off-street parking spaces in conformity with the standards set out in Table 7.1 in respect of the *use* or occupancy that is applicable to the owner's land.

| <b>Table 7.1 : Number of Off-Street Parking Spaces</b>                                  |  |
|---|--|
| <b><i>Use of Building or Lot</i></b>  | <b>Minimum Number of Parking Spaces Required</b>   |
| Residential   | 2 per <i>dwelling</i> and one per <i>cottage</i>   |
| Retail Stores<br>Offices  | 1 per 23 m <sup>2</sup> <i>floor area</i> plus 1 for persons with disabilities   |
| <i>Restaurants, Cafes, Premises licensed under the Liquor Control and Licensing Act</i> | 1 per 3 seats plus 1 accessible parking space for persons with disabilities  |
| <i>Churches</i>   | 1 per 23 m <sup>2</sup> <i>floor area</i>  |
| Hotels  | 1 per <i>sleeping unit</i> and 1 per employee plus 1 for persons with disabilities   |
| Staff <i>Dwelling</i> Unit in Commercial zone   | 1 per 2 employees  |
| <i>Marina</i>   | 1 per 3 boats berthed on annual basis and 1 per employee   |
| <i>Bed and Breakfast</i>  | 1 per room used for or intended to be used for patron overnight accommodation and one per non-resident employee            |
| Other Home Businesses   | 1 per non-resident employee and 1 per business where the nature of the business is such that patrons call at the premises. |
| Fire Hall   | 5 spaces   |

## **PART 8 SUBDIVISION REGULATIONS**

### **8.1 Lot Area Calculations**

- (1) *Lots* created by subdivision shall have an area at least equal to the minimum *lot* area specified in Part 5 for the *zone* in which the parent parcel is located, and shall have an average area at least equal to any average *lot* area so specified.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average *lot* area regulations set out in Part 5, be included in the total area of *lots* being created, and the *park* or *parks* are deemed not to be *lots*.
- (3) If a *lot* proposed to be subdivided is divided by a *zone* boundary and the *lot* cannot be subdivided without creating new split zoned *lots*, each split zoned *lot* must comply with the largest minimum and average *lot* size specified in Part 5 for any *zone* in which the *lot* is located.

### **8.2 Exemptions from Average and Minimum Lot Area Requirements**

- (1) The average and minimum *lot* sizes specified in Part 5 do not apply if:
  - (a) the *lot* being created is to be used solely for unattended equipment necessary for the operation of facilities referred to in Section 3.1, a community sewer or water system, electrical or telecommunication *utilities*, telephone receiving antenna, radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation, and the owner grants to the *Local Trust Committee* a Section 219 covenant complying with Section 2.6 restricting the *use* of the *lot* to one or more of these uses;
  - (b) the *lot* being created is for *park use*, an *ecological reserve* or dedication to the Crown;
  - (c) the *lot* being created results from the consolidation of two or more *lots*, provided that the consolidated *lot* does not have sufficient area that it could be subdivided into more *lots* than would be permitted under this bylaw without the consolidation; or
  - (d) to the adjustment of boundaries between *lots*, provided that the area of any *lot* would not be increased to an extent that it could be subdivided into more *lots* than would be permitted under this bylaw without the boundary adjustment.

### **8.3 Covenants Prohibiting Further Subdivision and Development**

- (1) If a proposed subdivision yields the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified in Part 5, and one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every such *lot*, prohibiting further subdivision of the *lot* and prohibiting construction, erection, or occupancy on the *lot* of more than the applicable *zone's* permitted number of *dwellings*

and, if a *cottage* is a permitted *use* of the *lot*, more than that *zone's* permitted number of *cottages*.

- (2) If a subdivision is proposed that yields fewer than the maximum number of *lots* permitted by the applicable minimum and average *lot* sizes specified by this bylaw, and:
  - (a) one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area; and
  - (b) one or more of the *lots* being created has an area less than the applicable average *lot* area, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every *lot* described in Article 8.3(2)(a) prohibiting:
  - (c) the further subdivision of the *lot* so as to create a greater total number of *lots* by subdivision and re-subdivision of the original *lot* than would have been created had the first subdivision created the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this bylaw; and
  - (d) the construction, erection, or occupancy on the *lot* of *dwelling*s and, if permitted by this bylaw, *cottages* so as to create greater density of such development on the original *lot* than would have been created had the original *lot* been subdivided into the greatest number of *lots* permitted by this bylaw.
- (3) If the approval of a bare land strata plan would create common property on which this bylaw would permit the construction of a *dwelling* or *cottage* if the common property were a *lot*, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of the common property prohibiting the further subdivision of the common property, the construction of any *dwelling* or *cottage* on the common property, and the disposition of the common property separately from the strata *lots*.

#### **8.4 Boundary Adjustment Subdivisions**

- (1) A boundary adjustment subdivision that would result in the increase of the area of any *lot* to the point where the new *lots* created could collectively be subdivided into more *lots* than would be permitted under this bylaw without the boundary adjustment is prohibited.
- (2) A boundary adjustment subdivision resulting in a *lot* lying in two or more *zones* is prohibited, except where one of the *lots* being subdivided is located in two or more *zones*.

#### **8.5 Section 514 subdivisions (Residence for a Relative)**

- (1) No *lot* having an area less than 8 hectares (20 acres) may be subdivided under Section 514 of the *Local Government Act* to provide a *residence* for a relative of the owner unless the *lot* is entirely within the Agricultural Land Reserve.

#### **8.6 Lot Frontage and Lot Configuration**

- (1) The *frontage* of any *lot* in a proposed subdivision must not be less than 20.12 metres (66 feet) or the minimum *frontage* established in Section 512 of the *Local Government Act*.

**Information Note:** *The minimum frontage established in Section 512 of the Local Government Act is 10% of the perimeter of the lot. The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from this requirement.*

- (2) No *lot* in a proposed subdivision may have a depth greater than three times its width, and for this purpose the width of a *panhandle lot* shall be measured at the point where the panhandle connects with the main portion of the *lot*.
- (3) If a proposed *panhandle lot* is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point is 10.06 metres (33 feet).
- (4) If a proposed *panhandle lot* is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point is 20.12 metres (66 feet).

#### **8.7 Split Zoned Lots**

- (1) Subject to Subsection 8.1(3), a subdivision resulting in the creation of a new *lot* lying in two or more *zones* is prohibited.

#### **8.8 Split or Hooked Lots**

- (1) No additional *lot* which is divided into two or more portions by a highway or another *lot* may be created by subdivision.

#### **8.9 Double Frontage Lots**

- (1) No additional *lot* having *frontage* on more than one highway other than a corner *lot* may be created by subdivision.

#### **8.10 Water Access Subdivisions**

- (1) *Highway* access must be provided to every *lot* created by subdivision on South Pender Island.
- (2) If a subdivision with water access only is approved on an island other than South Pender Island within the South Pender Island Local Trust Area, the owner of land being subdivided must provide motor vehicle parking spaces in accordance with Part 7 of this Bylaw for each *dwelling* and *cottage* permitted by this Bylaw in respect of each *lot* being created. Such parking spaces must be located at the most reasonable location giving access by water to the subdivision.

#### **8.11 Highway Standards**

**Information Note:** For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996.

## 8.12 Water Supply

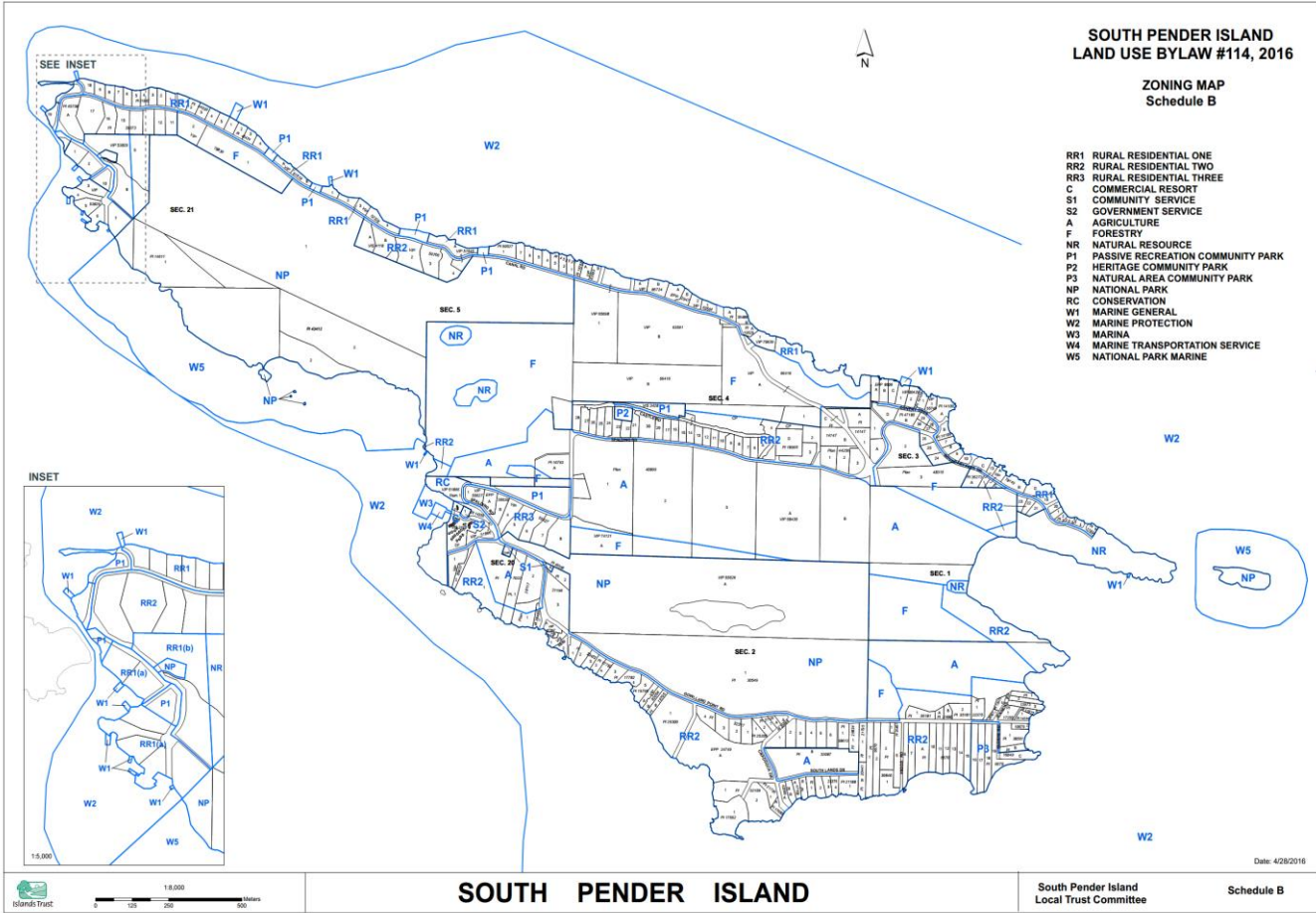
- (1) Where a subdivision is not served by a community water system, each proposed lot must be proven by the applicant to have a source of potable water of sufficient quantity in accordance with Table 1 in Subsection 8.12(3).
- (2) A community water system must be provided for subdivisions where there is not a proven source of potable water of sufficient quantity in respect of each lot.
- (3) Where a well is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide written certification under seal of an Professional Engineer or Hydrogeologist with experience in groundwater hydrology that there is, in respect of each building, structure, or use of land permitted by this Bylaw, on or to each proposed lot, an available supply of potable water that meets or exceeds the Guidelines for Canadian Drinking Water Quality in the amounts set out in Table 1, and that the extraction from the groundwater table of that amount of water in respect of each permitted building, structure or use will not adversely affect the quantity or quality of water obtainable from any existing well or surface water then used as a source of potable water. The extraction and treatment of saline ground water (as outlined in the Guidelines for Canadian Drinking Water Quality) into potable water is not permitted.

| TABLE 8.1: Potable Water Supply Standards |                                      |
|---|--------------------------------------|
| Use                                       | Volume<br>(per day per lot)          |
| Residential                               | 2275 litres (per permitted dwelling) |
| Agricultural                              | 3640 litres                          |
| Commercial                                | 3640 litres                          |
| Commercial Guest<br>Accommodation         | 6000 litres                          |
| Industrial                                | 3640 litres                          |
| All other uses                            | 2275 litres                          |

- (4) If the certification referred to in Subsection 8.12(3) cannot be made, the *Approving Officer* may nonetheless approve the subdivision in the following circumstances:
  - (a) if the applicant provides a community water system complying with the requirements of this Bylaw; or
  - (b) if the applicant grants a covenant restricting the development of the subdivision to the buildings, structures and uses in respect of which a certification has been made under Subsection 4.4.3.
- (5) Where applicant has provided a report by a Professional Engineer or Hydrogeologist with experience in groundwater hydrology, and the report indicates that the water from a well does not meet the standards of potability as set in 8.12(3) and the report states that with specific treatment systems the well can be certified as to potability, the *Approving Officer* may nonetheless approve the subdivision provided that:

- (a) the applicant grants a s. 219 covenant to the LTC and to the CRD restricting use and occupancy of the land and any building or structure on the land until the owner installs a water treatment system which is effective in making the water from the well potable to no less a standard than that specified in this Bylaw.
- (6) For the purposes of the certification referred to in Subsection 8.12(3), the Professional Engineer or Hydrogeologist must supply supporting documentation, and if a pump test has been conducted, the Professional Engineer or Hydrogeologist must indicate that the test was of sufficient duration to establish in accordance with generally accepted hydrological engineering practice the long term reliability of the water supply.
- (7) If a Professional Engineer or Hydrogeologist provides a certification under Subsection 8.12(3) as to the quality of a proposed source of potable water, the certificate must include a plan of the proposed subdivision indicating the location where each water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
- (8) If a community water system is proposed, the water system must comply with applicable provincial enactments and must be designed with sufficient capacity to serve all the lots that may be created by further subdivision. No community water system may be supplied with water other than that which is obtained on the island on which the system is located. The water intake of a community water system must not be closer than 300 metres to public accesses to lakes.
- (9) An applicant is not required to fulfil the requirements of subsections 8.12(1), 8.12(2) and 8.12(3) for boundary adjustment subdivisions provided that: there would be no increase in density or intensity of use beyond what was permitted before the boundary adjustment took place; and that all of the lots subject to the boundary adjustment have an established supply of water.

**SCHEDULE B (ZONING MAP)**



SCHEDULE C (BYLAW AREA MAP)

