



Islands Trust

GAMBIER ASSOCIATED ISLANDS LAND USE BYLAW No.120, 2013

AS AMENDED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAWS: 132

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

Consolidated: December, 2018

*Preserving **Island** communities, culture and environment*

[Back of front cover]

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 120**

**A BYLAW TO ADOPT A LAND USE BYLAW FOR THE GAMBIER ASSOCIATED ISLANDS
PORTION OF THE GAMBIER ISLAND LOCAL TRUST AREA**

WHEREAS Section 29 of the *Islands Trust Act* gives the Gambier Island Local Trust Committee the same power and authority of a Regional District under Part 26 except sections 932 to 937 and 939 of the *Local Government Act*;

AND WHEREAS the Gambier Island Trust Committee wishes to adopt a Land Use Bylaw;

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

NOW THEREFORE the Gambier Island Trust Committee enacts as follows:

1. TITLE

Bylaw No, 120 may be cited for all purposes as the “Gambier Associated Islands Land Use Bylaw, 2013”.

2. APPLICATION

The Plan applies to the land, the water on the land and the surface of the sea adjacent to the land as shown on Schedule “C” of this Bylaw.

3. SCHEDULES

The following schedules attached to and forming part of this Bylaw, are adopted as “Gambier Associated Islands Land Use Bylaw, 2013”:

- SCHEDULE “A” – Land Use Bylaw Regulations
- SCHEDULE “A-1” – Site Plan for Buccaneer Bay
- SCHEDULE “B” – Zoning Maps A through F
- SCHEDULE “C” – Bylaw Area of Application Map

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|---|------|--------|-----------|--------|
| READ A FIRST TIME this | 31st | day of | January | , 2013 |
| PUBLIC HEARING HELD this | 10th | day of | April | , 2013 |
| READ A SECOND TIME this | 23rd | day of | May | , 2013 |
| READ A THIRD TIME this | 11th | day of | July | , 2013 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this | 20th | day of | August | , 2013 |
| ADOPTED this | 26th | day of | September | , 2013 |

SECRETARY

CHAIRPERSON

| Bylaw Number | Amendment Number | Adoption Date |
|---------------------|-------------------------|----------------------|
| 132 | Amendment No. 1 | March 8, 2018 |
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PART 1 INTERPRETATION

1.1 Definitions

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot and within the same zone, or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

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

"Approving Officer" means the Approving Officer for the Gambier Associated Islands Area appointed pursuant to the *Land Title Act*.

"boathouse" means a building or structure that is located on a waterfront residential lot, and that is used to house a small boat and equipment or items associated with sports, moorage and boating activities.

"breakwater" means a protective structure, bottom-founded or floating, and extending below the foreshore, designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water or deposition of materials.

"building" means a roofed structure, used or intended to be used for supporting or sheltering any use or occupancy.

"commercial" means occupied with or engaged in an activity or enterprise for the purposes of generating personal, professional, or business income for an individual, proprietorship, partnership, or corporation, and does not include public services or activities and enterprises engaged in by non-profit organizations, government agencies, or public service utilities.

"commercial visitor accommodation" means a home occupation comprising the provision of temporary overnight sleeping accommodation and meals to paying guests for a period not exceeding seven days.

"community dock" means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or a strata corporation, for the provision of boat moorage spaces to residents of the areas to which this Bylaw applies, lot owners, and invitees, and for which user fees may be charged.

"community water system" means a drinking water system that services more than one single family dwelling.

"dock" means a marine-based structure, or set of structures, generally consisting of a pier or wharf, that may include a ramp, float, and supporting structures, and that is used for the non-commercial mooring of vessels in association with the permitted use of the adjacent

upland.

“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas plus a single set of facilities for food preparation and eating, and does not include a mobile home or recreational vehicle.

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

“float” means a non-roofed structure that is used as a landing or moorage place for marine transport and that is free to rise and fall with sea level change and, for all conditions of tidal change, 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 surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.2 metres (4 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch or similar projection is not fully enclosed then the floor area of such projections is excluded from any calculation of floor area.

“floor area ratio” means the ratio of the floor area of a dwelling to the area of the lot on which is located.

"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.

“guest house” means a building containing sleeping and cooking facilities, which may or may not contain a toilet, sink, bathtub or shower, that is used or intended for use exclusively for the accommodation of persons who are non-paying guests of the owner of the principal residence or dwelling with which the guest house is associated .

"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 elevations at the midpoints of all the exterior walls. In the case of structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water body and the watermark of any floating building or structure.

"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.

"home occupation" means a commercial use that is accessory to a permitted principal residential use on the same lot.

“horticulture” means the use of land for the purpose of growing fruits, vegetables, plants or flowers.

“island” means land surrounded by water, and includes islets and rocks exposed above

the natural boundary of the sea.

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

"landscaped area" means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete.

"Local Trust Committee" means the Gambier 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 horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of the buildings or structures, divided by the area of the lot, and expressed as a percentage.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or the boundary of a lot as otherwise described under the *Land Title Act*; and

"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.

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line.

"interior side lot line" means a lot line that is not a front, rear or exterior side 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 the point of intersection is deemed the rear lot line.

"mobile home" means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried.

"moorage" means the tying or securing of a vessel to a fixed structure, float, dock or mooring buoy.

"natural boundary" means the visible high water mark of any lake, river, 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 of the bed of the body of

water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

“natural watercourse” means a naturally formed place that perennially 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.

"panhandle lot" means a lot that fronts on a highway, or where there is no highway that gains access at the natural boundary of the sea, by means of a strip of land, known as the access strip, 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, and may include undesignated Crown islets within the planning area covered by this Bylaw.

"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.

“pier” means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

“private institutional camp” means a use conducted by a non-profit society or other non-commercial organization which provides for public or private assembly and overnight accommodation of persons for recreational, educational and religious purposes.

"accessory recreational uses" means private leisure activities such as camping, picnicking and the playing of outdoor games, carried out on individual RR zoned lots or collectively by the owners or occupiers of neighbouring lots.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle, containing one or all of the following: sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

“residential” means used for the domicile and home life of a person or persons, and for this purpose, does not include the rental of a dwelling unit for a period of less than one month.

"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

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

“sleeping cabin” means an accessory building, which is not a dwelling unit, does not contain facilities for food preparation or eating, and is used for the temporary sleeping accommodation of non-paying guests of the occupants of a dwelling on the same lot.

“wind turbine” means a wind energy conversion system consisting of a turbine, a turbine tower, and associated equipment, machinery, structures and buildings, which has a nameplate rated capacity of not more than 50kW, and which provides power for use on-site only (grid connected or off-grid).

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, absorption fields and related appurtenances below ground and concrete and asphalt paving or similar surfacing of the land.

“swimfloat” means a floating non-roofed structure that is used as a platform for diving or respite from swimming and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor and is not to be used as a landing or moorage place for marine transport.

“temporary” means, in relation to a period of occupancy or use by any particular individual: not exceeding 45 days in a calendar year, not more than 30 of which are continuous.

“third party sign” means a sign that advertises or directs attention to a product, location, or other matter at a location other than that at which the sign is erected or displayed.

“upland lot” means any parcel, block or other land area adjacent to or inland of the natural boundary of the sea.

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

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities (excluding private radio or television towers) and includes navigation aids.

"utility shed" means an accessory building with a floor area of 10 square metres (108 sq.ft.) or less containing only equipment for pumping, processing, or storing of water or sewage, electrical generating equipment, or communication service equipment.

“watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres or more.

"stream" means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and

- (a) has a continuous channel bed that is 100 m or more in length, or
- (b) flows directly into
 - (i) a fish stream or a fish-bearing lake or wetland, or
 - (ii) a licensed waterworks intake.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a stream.

"wharf" means a structure, usually consisting of a pier, ramp, or float, which is 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: | 1.1(1) |
| Article: | 1.1(1)(a) |
| Clause: | 1.1(1)(a)(i) |

1.3 Units of Measure

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

1.4 Information Notes

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

Information Note:

The Interpretation Act, being a Provincial Statute defines a number of commonly used terms and is applicable in the interpretation of this bylaw.

PART 2 ADMINISTRATION

2.1 Application

- (1) This Bylaw shall apply to that part of the Gambier Island Local Trust Area as shown on Schedule C referred to as the Associated Islands Area. Encompassed in this area of application are the land area of all islands, islets, reefs, rocks, and the seabed, and specified surface waters.

2.2 Conformity

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

2.3 Inspection

- (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, 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 determining whether the regulations are being observed.

2.4 Violation

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

2.5 Penalty

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, not exceeding \$2,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

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 existing financial charges, 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 covenantor.

2.7 Owner's Cost

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

2.8 Siting Compliance

- (1) Every applicant for a rezoning, temporary use permit or development variance permit must provide a current plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings and structures in relation to lot and zone boundaries, watercourses, and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings and structures 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 noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this Bylaw:

- (1) Conservation areas, including ecological reserves and other habitat reserves, and parks, but excluding public playgrounds and playing fields.
- (2) Water supply facilities, for an individual dwelling or as a community service, in any land zoned for the purposes of supplying potable or grey water on an individual island, including reservoirs, pipes and valves, treatment facilities, catchment and storage facilities and pumping and intake structures.
- (3) Buried or submerged electricity and telecommunication lines for the distribution of service within the Associated Islands Area and above-ground lines in any land zone.
- (4) Electrical or telecommunications facilities for the purposes of supplying service on the same island.
- (5) Solar collectors, micro hydro generating stations and wind turbines in any land zone for the purposes of supplying power to the lot on which the structure is located.
- (6) Geothermal exchange equipment for the purposes of supplying energy to the lot on which the structure is located or to a lot adjacent to the foreshore in the case of equipment located on the foreshore.
- (7) Air and marine navigational aids.
- (8) Fences in any land zone.
- (9) Hiking and bicycle trails.
- (10) Signs, subject to regulations established in Part 6.
- (11) Utility sheds.
- (12) Sewage disposal facilities for which all required filings have been made with the health authority having jurisdiction under the *Public Health Act*.
- (13) Horticulture.

3.2 Prohibited in All Zones

For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 5:

- (1) The disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to the Sewage System Regulation of the *Public Health Act*.
- (2) The disposal or storage of hazardous or toxic waste.
- (3) The rental or sale of personal watercraft.
- (4) The use of a mobile home or recreational vehicle as a residence.
- (5) The use of a vessel anchored, moored, or secured as a permanent residence.
- (6) Finfish aquaculture in any water zone.
- (7) Bridges, causeways or tunnels connecting any island to the mainland.
- (8) Water and utility lines connecting any island to another island or the mainland (except for those lines connecting Turnagain, Tiki, Jack Tolmie and Echo Island to the mainland along established easements).
- (9) Wind turbines in any water zone, and wind turbines intended to provide power to an island other than the island on which the structures are located.
- (10) Dog breeding and boarding kennels.

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 structure in question.
- (2) No building or structure greater than 1 metre (3.28 ft.) in height , except a fence, utility line, utility pole, navigational aid, at-grade steps, driveway or path, or utility shed, may be constructed, reconstructed, moved, extended or located within the minimum setback areas established in the regulations in Part 5.
- (3) No building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea except:
 - (a) one permitted boathouse not exceeding 18.5 m² (200 ft²);
 - (b) propane tanks;
 - (c) utility lines;
 - (d) lifting devices associated with permitted marine uses, including cranes and hoists;
 - (e) stairs, ramps or walkways not exceeding a width of 2.5 metres (8.2 feet),

required to access the foreshore or a permitted dock; and

- (f) decks or platforms which do not exceed a height of 1.2 metres (4 feet) above natural grade, exclusive of railings, and which do not exceed an area of 10 m² (108 ft²) per lot within the setback area.
- (4) No building or structure, except a fence or utility shed, may be constructed, reconstructed, moved, extended or located within 30 metres (100 feet) of the natural boundary of any watercourse or wetland. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.
- (5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades and similar features may project into a required setback area, except a setback from the natural boundary of the sea, a watercourse or a wetland, provided they do not project more than 0.6 metres (2 feet) into the required setback area.
- (6) Private floats and docks shall be located within the seaward projection of the boundaries of the upland property served and shall be set back 3.0 metres (9.8 feet) from the projection of those boundaries. This setback regulation does not apply to a shared lot boundary between residential lots served by the same private float or dock.

3.4 Height Regulations

- (1) The height regulations for buildings and structures specified in Part 5 do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, solar collectors and water catchment and water storage facilities.
- (2) Despite any height regulation in Part 5, wind turbines may have a height of up to 15 metres (50 feet).

3.5 Accessory Uses, Buildings and Structures

- (1) A building or structure accessory to a dwelling may not be used as a residence but may be used as a sleeping cabin.
- (2) Accessory recreational uses are permitted on RR-zoned lot whether or not a principal residential use is occurring on the lot.
- (3) The following accessory buildings or structures may be constructed and placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot:
 - (a) a permitted boathouse;
 - (b) picnic shelters and benches and washroom facilities required for accessory recreational use of an RR-zoned lot;

- (c) a utility shed;
 - (d) one accessory building used for storage of building materials and personal effects; and
 - (e) steps and structures accessory to and supporting a dock.
- (4) Any accessory building or structure, other than those specified in subsection 3.5(2), may be constructed or placed on a lot prior to the construction of a principal building, or the commencement of a principal use, on the same lot only if a building permit has been issued for a principal building on the same lot and the building permit has not expired.
- (5) Unless a building or structure is structurally attached to a principal building by a structure having walls, a 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.

3.6 Home Occupation Regulations

- (1) Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following:
- (a) home craft;
 - (b) repairing of goods;
 - (c) professional practice;
 - (d) service to a client;
 - (e) creation of a product; and
 - (f) Commercial visitor accommodation, subject to the following additional regulations:
 - (i) not more than 4 guests may be accommodated at any one time;
 - (ii) not more than 2 bedrooms may be used to accommodate guests; and
 - (iii) a commercial visitor accommodation use must be conducted solely within a principal dwelling.
- (2) For certainty home occupations do not include any of the following uses:
- (a) commercial campgrounds;
 - (b) rentals, except rental of a dwelling for thirty (30) or more continuous days, and

- (c) food service or the sale of goods or products unless the goods or products are produced, processed or repaired as part of the home occupation.
- (3) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot on which a permitted principal residential use is occurring.
- (4) The combined floor area used in all home occupations on a lot must not exceed 47 m² (500 ft²).
- (5) The owner or at least one employee of a home occupation must reside on the property.
- (6) Not more than one person per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.
- (7) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.
- (8) No home occupation may cause any sound that is audible at a lot line of the lot on which the home occupation is conducted, including the natural boundary of the sea.

3.7 Fences

- (1) The height of fences shall not exceed 2 metres (6.6 feet) within any required setback, subject to regulations in Part 5.
- (2) The provision of protective netting, fencing or wire to control animal nuisances, or a landscape screen, is exempt from Subsection 3.7(1).

3.8 Landscape Screening

- (1) Where landscape screening is required by this Bylaw, it is to be provided in the form of:
 - (a) existing vegetation that is retained and is of a sufficient height to provide a complete and year-round visual screen between the uses being separated; or
 - (b) where existing vegetation is not of a sufficient height to provide a visual screen, planted and maintained indigenous, drought-tolerant evergreen vegetation that will attain a height sufficient to provide a complete and year-round visual screen between the uses being separated; or
 - (c) a wooden fence or lattice which is continuous, except for points of vehicular or pedestrian access/egress.

3.9 Use of Recreational Vehicles

- (1) Where recreational vehicle may not be placed on a lot, or used as a residence.

3.10 Storage of Junk and Derelict Vehicles

- (1) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles, campers, trailers, vessels, or parts, which are not completely enclosed in a permitted permanent building.

3.11 Lots Divided by a Zone Boundary

- (1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and dwellings may only be constructed on any portion of the lot if, and to the extent that, the density regulations for that portion are complied with.

3.12 Use of Common Property

Land comprising the common property in a strata plan is not a lot for the purposes of the provisions of this Bylaw permitting dwellings in respect of lots but, where the strata lots and common property are in the same zone, the common property may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

- (1) The area to which this Bylaw applies is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Maps designated as Schedule B that form part of this Bylaw and the regulations for which are set out in Part 5.

| <u>Zone Name</u> | <u>Zone Abbreviation</u> |
|---------------------------------|--------------------------|
| Small Lot Rural Residential One | SRR |
| Rural Residential One | RR1 |
| Rural Residential Two | RR2 |
| Rural Residential Three | RR3 |
| Rural Residential Four | RR4 |
| Rural Residential Five | RR5 |
| Park | P |
| Private Conservation | PC |
| Community Service | CS |
| Forestry | F |
| Private Institutional One | PI1 |
| Marine Foreshore 1 | M1 |
| Marine Foreshore 2 | M2 |
| Marine Protection | M3 |
| Marine Industrial | M4 |
| Public Wharf | M5 |

4.2 Zone Boundaries

- (1) Where zone boundaries on Schedule B maps coincide with lot lines, the zone boundaries are the lot lines.

- (2) Where a zone boundary is shown on Schedule B maps 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 zone boundaries shown on Schedule B coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.
- (4) Where a zone boundary shown on Schedule B does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, 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.

PART 5 ZONES

5.1 Small Lot Rural Residential – (SRR)

Information Note: The purpose of the Small Lot Rural Residential One Zone is to provide for the regulation of the development of small lot residential areas on North Thormanby Island.

Permitted Uses

- (1) The following uses are permitted in the SRR zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential use of a dwelling; and
 - (b) Accessory uses, buildings and structures, including but not limited to home occupations and accessory recreational uses.

Density

- (2) The maximum density in the SRR zone is one (1) dwelling per lot.
- (3) The maximum lot coverage in the SRR zone is 25 percent.
- (4) The maximum floor area ratio of any dwelling in the SRR zone is 0.20.
- (5) The maximum number of accessory buildings permitted in the SRR zone is two (2) per lot.

Siting and Size

- (6) The minimum setback for any building or structure in the SRR zone is:
 - (a) Residential 6.0 metres (19.6 feet) from any lot line abutting a highway or private road;
 - (b) 1.5 metres (5 feet) from any interior or exterior side lot line; and
 - (a) 7.5 metres (24.6 feet) from any rear lot line.
- (7) The maximum height for any dwelling in the SRR zone is 9 m (29.5 feet).
- (8) The maximum height for any accessory building or structure in the SRR zone is one storey to a maximum of 5.2 metres (17 feet).

Conditions of Use

- (9) Above grade septic storage tanks in the SRR zone must be screened from view of an abutting residential lot by a fence or a landscape screen complying with the provisions of Section 3.8.

Subdivision Lot Area Requirements

- (10) Land in the SRR zone may not be subdivided.

Site-Specific Regulations

- (11) The following table 5.1 indicates 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 refer to the notation on the zoning map. The second column describes the location for reference, with zone boundaries defined on Schedule B, where the regulations specified in the third column apply:

| Table 5.1 | | |
|---------------------------|--|--|
| Site-Specific Zone | Location Description | Site Specific Regulations |
| SRR(a) | LOTS 1 THROUGH 9 OF DISTRICT LOT 1017, PLAN 5972 | <ol style="list-style-type: none"> 1. Despite 5.1(6)(a) the minimum setback for buildings or structures is 4.0 metres from any lot line abutting a highway or private road. 2. Despite 5.1(6)(c) the minimum setback for buildings or structures is 1.0 metres from any rear lot line. |

5.2 Rural Residential One – (RR1)

Information Note: The purpose of the Rural Residential One Zone is to provide for the regulation of the development of specific residential areas on Anvil Island, North and South Thormanby Islands, Turnagain Island, Jack Tolmie Island, Echo Island, Tiki Island, Grant Island, North, East, South and West Trail Islands, Surrey Islets, Bertha Islet, Merry Island, Franklin Island, Woolridge Island, Popham Islands, Mickey Island, Ragged Island, New (Silver) Island and Hermit Island.

Permitted Uses

- (1) The following uses are permitted in the RR1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential use of a dwelling;
 - (b) Accessory uses, buildings and structures, including but not limited to home occupations and accessory recreational uses;
 - (c) Agriculture.

Density

- (2) The maximum number of dwellings is 1 (one) dwelling for lots less than 4.0 hectares (10 acres) and 2 (two) dwellings for lots larger than 4.0 hectares (10 acres).
- (3) The maximum lot coverage in the RR1 zone is 25 percent.
- (4) The maximum number of accessory buildings permitted in the RR1 zone is three (3) per dwelling (exclusive of utility sheds and woodsheds).

Siting and Size

- (5) The minimum setback for any building or structure in the RR1 zone is 7.5 metres (24.6 feet) from any lot line.
- (6) Despite 5.2(5), for all lots on East Trail Island the minimum setback for any building or structure is 3.0 metres (10 feet) from any interior or exterior side lot line and 7.5 metres (24.6 feet) from any front or rear lot line.
- (7) The maximum height for any dwelling in the RR1 zone is 11 metres (36 feet).
- (8) The maximum height for any accessory building or structure in the RR1 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

- (9) The minimum average lot size for subdivision in the RR1 zone is 4.0 hectares (10 acres).
- (10) The minimum lot size for subdivision in the RR1 zone is 1 hectare (2.4 acres).

Site-Specific Regulations

- (11) The following table 5.2 indicates 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 refer to the notation on the zoning map. The second column describes the location for reference, with zone boundaries defined on Schedule B, where the regulations specified in the third column apply:

| Table 5.2 | | |
|---------------------------|--|---|
| Site-Specific Zone | Location Description | Site Specific Regulations |
| RR1(a) | PARCEL 12 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT, <u>Tiki Island</u> | <p>1. Despite 5.2(2) the maximum number of dwellings is three (3).</p> <p>2. Despite 5.2(3) the maximum lot coverage for each dwelling and associated accessory buildings is 6.3%.</p> <p>3. Dwellings must be separated by a minimum of 20 metres (65.6 feet) from any other dwelling on the lot.</p> |
| RR1(b) | DISTRICT LOT 4553 GROUP 1 NEW WESTMINSTER DISTRICT, <u>Echo Island</u> AND LOT 11 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT, <u>Jack Tolmie Island</u> | Despite 5.2(2) the maximum number of dwellings is one (1) unless water and sewer infrastructure connections from the island to the mainland along established easements or rights-of-way are in place at the time of issuance of a building permit(s) in which case the maximum number of dwellings is two (2). |

| | | |
|--------|---|--|
| RR1(c) | DISTRICT LOT 2081, <u>South Thormanby Island</u> , NEW WESTMINSTER DISTRICT | Despite 5.2(2) the maximum number of dwellings is ten (10). |
| RR1(d) | BLOCK B (REFERENCE PLAN 2132) DISTRICT LOT 845 GROUP 1 NEW WESTMINSTER DISTRICT <u>Anvil Island</u> | Despite 5.2(2) the maximum number of dwellings is two (2). |
| RR1(e) | DISTRICT LOT 845, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PORTIONS IN REFERENCE PLANS 622 AND 2698 <u>Anvil Island</u> | Despite 5.2(2) the maximum number of dwellings is eleven (11). |
| RR1(f) | LOT 17 DISTRICT LOT 1388 PLAN 13161 <u>East Trail Island</u> | Despite 5.2(2) the maximum number of dwellings permitted is two (2). |
| RR1(g) | LOT A DISTRICT LOT 2019 KNOWN AS SAND ISLAND GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP24738 <u>South Thormanby Island</u> | Despite 5.2(2) the maximum number of dwellings permitted is two (2). |
| RR1(h) | DISTRICT LOT 1389 GROUP 1 NEW WESTMINSTER DISTRICT <u>South Trail Island</u> | <ol style="list-style-type: none"> 1. Despite 5.2(2) the maximum number of dwellings is three (3). 2. The maximum floor area of one dwelling on the lot is not to exceed 172 m² (1850 ft²). 3. Despite 5.2(3) the maximum lot coverage is 20%. 4. Despite 5.2(4) the maximum number of accessory buildings is two (2) per dwelling (exclusive of utility sheds and woodsheds). |

5.3 Rural Residential Two – (RR2)

Information Note: The purposes of the Rural Residential Two Zone are to incorporate the provisions of the Land Use Contract authorized by Gambier Island Local Trust Committee Land Use Contract Authorization Bylaw No. 6, 1978 in relation to DISTRICT LOT 1539 and LOT 1 OF DISTRICT LOTS 1018 AND 1019 South Thormanby Island, and to provide regulations in respect of matters not addressed in the Land Use Contract.

Permitted Uses

- (1) The following uses are permitted in the RR2 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential use of a Dwelling;
 - (b) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation;

Density

- (2) The maximum number of dwellings for Lot 1 District Lot 1539, Block 1 District Lots 1018 and 1019 Plan 11122 is sixty-three (63).

Siting and Size

- (3) Dwellings must be sited as shown on Schedule A-1.
- (4) Floor area in the RR2 zone means any enclosed floor area of the main floor of the dwelling or structure but also including any floor area (exceeding 6 m²) of the second floor of any dwelling, which has an average ceiling height in excess of 1.8 metres (6.1 feet) measured from the inside walls.
- (5) The maximum floor area of a dwelling is 74.3 m² (800 ft²).
- (6) Despite section 5.3(5), for dwelling sites numbered 1A, 22 and 56 on Schedule A, the maximum floor area of a dwelling is 120.7 m² (1300 ft²).
- (7) Despite section 5.3(5) for dwelling sites numbered 3, 5, 8, 10, 15, 21, 31, 37, 39, 45 through 47, 50, 52, 62 and 68 on Schedule A the maximum floor area of a dwelling is 102.2 m² (1100 ft²).
- (8) The maximum height for any dwelling in the RR2 zone is 9.1 metres (30 feet).
- (9) The maximum height for any accessory building or structure in the RR2 zone is one storey to a maximum of 4.5 metres (15 feet).
- (10) The maximum number of accessory buildings in the RR2 zone is three (3) per dwelling, exclusive of woodsheds, with a total combined floor area per dwelling not exceeding 27.8 m² (350 ft²).
- (11) Despite subsection 5.3(10), the accessory buildings identified in Schedule A-2 may exceed the maximum permitted floor area and maximum number of accessory buildings to the extent specified on Schedule A-2.

- (12) A combined accessory building floor area of 501.6 m² (5,400 ft²) is permitted in the RR2 zone in addition to those referenced in subsections 5.3(10) and 5.3(11), for the storage of motor vehicles.
- (13) The maximum number of boat houses on Lot 1 District Lot 1539, Block 1 District Lots 1018 and 1019 is five (5) with a maximum floor area for each boathouse of 16.2 m² (175 ft²).

Subdivision Lot Area Requirements

- (14) Land in the RR2 zone may not be subdivided.

5.4 Rural Residential Three– (RR3)

Information Note: The purpose of the Rural Residential Three Zone is to provide for the regulation of the development of LOT 2 DISTRICT LOT 845 PLAN 10910 on Anvil Island.

Permitted Uses

- (1) The following uses are permitted in the RR3 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential use of a dwelling; and
 - (b) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation.

Density

- (2) The maximum number of dwellings permitted in the RR3 zone is eight (8).
- (3) The maximum lot coverage in the RR3 zone is 2 percent.

Siting and Size

- (4) The maximum number of accessory buildings in the RR3 zone is two (2) per dwelling (exclusive of utility and wood sheds).
- (5) The minimum setback for any building or structure in the RR3 zone is 7.5 metres (24.6 feet) from any lot line.
- (6) The maximum height for any dwelling in the RR3 is 11 metres (36 feet).
- (7) The maximum height for any accessory building or structure in the RR3 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

- (8) The minimum average lot size for subdivision in the RR3 zone is 4 hectares (10 acres).
- (9) The minimum lot size for subdivision in the RR3 zone is 1 hectare (2.4 acres).

5.5 Rural Residential Four– (RR4)

Information Note: The purpose of the Rural Residential Four Zone is to provide for the regulation of the development of District Lot 697, Pasley Island.

Permitted Uses

- (1) The following uses are permitted in the RR4 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential use of a dwelling;
 - (b) Guest houses;
 - (c) Caretaker Residence; and
 - (d) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation.

Density

- (2) The maximum number of dwellings, in the RR4 zone is one per 3.33 hectares to a maximum of thirty (30).
- (3) The maximum number of guest houses in the RR4 zone is one per dwelling to a maximum of thirty (30).
- (4) One caretaker residence in the RR4 zone is permitted in addition to the dwellings permitted by subsections 5.5(2) and 5.5(3).

Siting and Size

- (5) The maximum combined floor area of a dwelling, and its associated guest house and accessory buildings in the RR4 zone is 334.5 m² (3600 ft²) with no single building or structure exceeding 223 m² (2400 ft²).
- (6) The minimum setback for any building or structure in the RR4 zone is 7.5 metres (24.6 feet) from any lot line.
- (7) The maximum height for any dwelling in the RR4 zone is 11 metres (36 feet).
- (8) The maximum height for any accessory building or structure in the RR4 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

- (9) Land in the RR4 zone may not be subdivided.

5.6 Rural Residential Five– (RR5)

Information Note: The purposes of the Rural Residential Five Zone are to incorporate the provisions of the Land Use Contract authorized by Gambier Island Trust Committee Land Use Contract Authorization Bylaw No. 5, 1978 in relation to District Lot 840, Worlcombe Island, and to provide regulations in respect of matters not addressed in the Land Use Contract.

Permitted Uses

- (1) The following uses are permitted in the RR5 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential use of a Dwelling; and
 - (b) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation.

Density

- (2) The maximum number of dwellings in the RR5 zone is seven (7), one of which may be used as a lodge and for assembly purposes.
- (3) A maximum of three (3) accessory buildings is permitted for each dwelling (exclusive of utility sheds and woodsheds).

Siting and Size

- (4) The maximum floor area of a dwelling in the RR5 zone is 186 m² (2000 ft²).
- (5) The total accessory building floor area per dwelling in the RR5 zone shall not exceed 37 m² (400 ft²).
- (6) The minimum setback for any building or structure in the RR5 zone is 7.5 metres (24.6 feet) from any lot line.
- (7) The maximum height for any dwelling in the RR5 zone is 11 metres (36 feet).
- (8) The maximum height for any accessory building or structure in the RR5 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

- (9) Land in the RR5 zone may not be subdivided.

5.7 Private Institutional– (PI1)

Information Note: The purpose of the Private Institutional One Zone is to provide for the regulation of the development of the camp on DISTRICT LOT D DISTRICT LOT 845 PLAN 10910, Anvil Island (Daybreak Point Bible Camp).

Permitted Uses

- (1) The following uses are permitted in the PI1 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Private institutional camp use of land, dormitories and cabins;
 - (b) caretaker dwelling accessory to the permitted private institutional camp use; and
 - (c) permanent and seasonal employee accommodation.

Density

- (2) The maximum number of caretaker dwellings in the PI1 zone is four (4).

Siting and Size

- (3) The maximum floor area of all dwellings, dormitories, cabins and accommodation units in the PI1 zone is 2050 m² (20,066 ft²).
- (4) The total accessory building floor area per dwelling in the PI1 zone shall not exceed 4530 m² (48,760 ft²).
- (5) The minimum setback for any building or structure in the PI1 zone is 7.5 metres (24.6 feet) from any lot line.
- (6) Despite 5.7(5) the minimum setback for any building or structure in the PI1 zone is 30 metres (98.4 feet) from any lot line abutting a residential zone.
- (7) The maximum height for any building or structure in the PI1 zone is 11 metres (36 feet).

Subdivision Lot Area Requirements

- (8) The minimum lot size for subdivision in the PI1 zone is 4 hectares (10 acres).

5.8 Park (P)

Information Note: The purpose of the Park Zone is to provide for the regulation of the development of regional district or provincially owned park lands.

Permitted Uses

- (1) The following uses are permitted in the P zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Protection and maintenance of natural features and habitat;
 - (b) Nature interpretation; and
 - (c) Natural area parks and conservation.

Permitted Structures

- (2) The following structures are permitted in the P zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
 - (a) Pedestrian trails;
 - (b) Fences;
 - (c) Stairs, boardwalks; outhouses; camping platforms;
 - (d) Buildings and structures accessory to a permitted natural area protection, conservation or interpretation use; and
 - (e) Informational signs, subject to Part 6.

Siting and Size

- (3) The maximum combined floor area of all buildings on any lot in the P zone is 46 m² (500 ft²).
- (4) The minimum setback for any building or structure in the P zone is 7.6 metres (25 feet) from any lot line.
- (5) The maximum height for any accessory building or structure in the P zone is 3.0 metres (9.8 feet).

5.9 Private Conservation (PC)

Information Note: The purpose of the Private Conservation Zone is to provide for the regulation of lands reserved for privately managed conservation of local flora and fauna.

Permitted Uses

- (1) The following uses are permitted in the PC zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Protection and maintenance of natural features and habitat; and
 - (b) Conservation.

Permitted Structures

- (2) The following structures are permitted in the PC zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
 - (a) pedestrian trails;
 - (b) fences;
 - (c) stairs, boardwalks; and
 - (d) signs, subject to Part 6.

Siting and Size

- (3) The minimum setback for any structure in the PC zone shall be 7.5 metres (24.6 feet) from any lot line.

5.10 Forest (F)

Information Note: The purpose of the Forest Zone is to provide for the regulation of the development of large parcels of land.

Permitted Uses

- (1) The following uses are permitted in the F zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Silviculture;
 - (b) Trails, stairs and walkways;
 - (c) Informational signs and interpretive structures; and
 - (d) Accessory uses, buildings and structures.
- (2) For certainty accessory uses, buildings and structures may include *wells, pumphouses, water storage tanks and utility sheds.*

Density

- (3) The maximum lot coverage in the F zone is 2 percent.

Siting and Size

- (4) The maximum combined floor area of all buildings on any lot in the F zone is 46 m² (500 ft²).
- (5) The minimum setback for any building or structure in the F zone is 7.6 metres (25 feet) from any lot line.
- (6) The maximum height for any accessory building or structure in the F zone is one storey to a maximum of 5.2 metres (17 feet).

5.11 Community Service (CS)

Information Note: The purpose of the CS Zone is to provide for the regulation of the development of the Merry Island Lighthouse Station.

Permitted Uses

- (1) The following uses are permitted in the CS zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Lighthouse and caretaker dwellings,
 - (b) Helicopter landing pad,
 - (c) Trails, stairs and walkways,
 - (d) Informational signs and interpretive structures; and
 - (e) Accessory uses buildings and structures.
- (2) For certainty accessory uses, buildings and structures may include *wells, pumphouses, boathouse, boat ramp, water storage tanks and utility sheds.*

Density

- (3) Two (2) caretaker's dwellings are permitted per lot in the CS zone.

Siting and Size

- (4) The minimum setback for any building or structure in the CS zone is 7.6 metres (25 feet) from any lot line.

5.12 Marine Foreshore 1 (M1)

Information Note: The purpose of the Marine Foreshore 1 Zone is to provide for the regulation of development in marine areas adjacent to residential islands. The M1 zone, and the other water-based zones, includes the surface of the water, up the natural boundary of the sea.

Permitted Uses

- (1) The following uses and structures are permitted in the M1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Marine navigational aids;
 - (b) Mooring buoys, for the purpose of mooring a private vessel accessory to the residential use of an upland lot; and
 - (c) Docks accessory to the residential use of an adjacent upland lot.

Density

- (2) The maximum number of docks that may be constructed in the M1 zone adjacent and accessory to any upland lot in the M1 zone shall be one.

Siting and Size

- (3) The maximum area of any accessory dock in the M1 zone, excluding ramps and walkways, is 40 m² (430 ft²).

Conditions of Use

- (4) The use permitted in 5.12(1)(b) does not include any dock constructed with foamed polystyrene flotation components that are not completely encapsulated to prevent such components from escaping into the marine environment.
- (5) No building, including a boathouse may be constructed or erected on any dock in the M1 zone.

Site-Specific Regulations

- (6) The following table 5.3 indicates locations for reference, with zone boundaries defined on Schedule B, 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 refer to the notation on Schedule B. The second column is an information note and the third column specifies the regulations that apply:

| Table 5.3 | | |
|---------------------------|---|---|
| Site-Specific Zone | Information Note: General Location | Site Specific Regulations |
| M1(a) | DISTRICT LOT 697 GROUP 1 NEW WESTMINSTER DISTRICT <u>Pasley Island</u> | Despite subsection 5.12(2), a maximum of thirty (30) docks may be constructed adjacent to this lot. |
| M1(b) | PARCEL 12 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT <u>Tiki island</u> | Despite subsection 5.12(2), a maximum of three (3) docks may be constructed adjacent to this lot. |
| M1 (c) | DISTRICT LOT 4553 GROUP 1 NEW WESTMINSTER DISTRICT <u>Echo Island</u> | Despite subsection 5.12(2), a maximum of two (2) docks may be constructed adjacent to this lot. |

5.13 Marine Foreshore 2 (M2)

Information Note: The purpose of the Marine Service Zone is to provide for the regulation of development, including common dock facilities, in marine areas adjacent to residential islands.

Permitted Uses

- (1) The following uses are permitted in the M2 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Marine navigational aids;
 - (b) Mooring buoys, for the purpose of mooring a private vessel accessory to the residential use of an upland lot;
 - (c) Community docks and wharves;
 - (d) Barge ramps; and
 - (e) Breakwaters.

Density

- (2) One community dock or wharf may be constructed or installed at each M2 zoned location.

Conditions of Use

- (3) The use permitted in 5.13(1)(b) does not include any dock constructed with foamed polystyrene flotation components that are not completely encapsulated to prevent such components from escaping into the marine environment.
- (4) No building, other than one storage building not exceeding 10 m² or 4 metres in height, may be constructed or erected on any dock in the M2 zone.
- (5) The following table 5.4 indicates locations for reference, with zone boundaries defined on Schedule B, 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 refer to the notation on Schedule B. The second column provides an information note and the third column specifies the regulations that apply:

| Table 5.4 | | |
|---------------------------|--|---|
| Site-Specific Zone | Information Note: General Location | Site Specific Regulations |
| M2(a) | LOT 2 DISTRICT LOT 845 PLAN 10910 | Despite subsection 5.13 (2) one additional dock with a maximum area of 18 m ² (194 ft ²) is permitted below the natural boundary of the sea. |

| | | |
|-------|--|--|
| | <u>Anvil Island</u> | |
| M2(b) | South Thormanby Island | Despite subsection 5.13 (2) a maximum of two docks with a combined maximum area of 725 m ² (7800 ft ²) are permitted below the natural boundary of the sea. |
| M2(c) | DISTRICT LOT D DL 845 PLAN 10910 <u>Anvil Island</u> | Despite subsection 5.13 (2) a combined maximum dock area of 604 m ² (6,500 ft ²) are permitted below the natural boundary of the sea. |

5.14 Marine Protection (M3)

Information Note: The purpose of the Marine Protection Zone is to provide for the regulation of development in marine areas outside of areas zoned for docks.

Permitted Uses

- (1) The following uses are permitted in the M3 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Marine navigational aids;
 - (b) Mooring buoys for the purpose of mooring a private vessel accessory to the residential use of an upland lot;
 - (c) Signs subject to Section 6;
 - (d) Ecological reserves; and
 - (e) Research and educational activities related to the marine environment, including nature interpretation.

Permitted Structures

- (2) No permanent building or structure of any kind, other than a navigational aid or mooring buoy, may be erected, constructed or placed.

5.15 Marine Industrial (M4)

Information Note: The purpose of the Marine Industrial Zone is to provide for the regulation of development in marine areas outside of areas zoned for docks and moorage.

Permitted Uses

- (1) The following uses are permitted in the M4 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) log handling, sorting and storage.

Permitted Structures

- (2) The following structures are permitted in the M4 zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
 - (a) Buoys, floats, dolphins and pilings necessary for the establishment or operation of a log handling, sorting or storage use;
 - (b) Marine navigational aids; and
 - (c) Signs, subject to Part 6.

5.16 Public Wharf (M5)

Information Note: The purpose of the Public Wharf Zone is to provide for the regulation of development of the public wharf on North Thormanby Island.

Permitted Uses

- (1) The following uses are permitted in the M5 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Public service utility uses;
 - (b) Loading, unloading and temporary storage of freight;
 - (c) Temporary docking and mooring facilities for passenger ferries, charter vessels, water taxis, pleasure craft, fishing boats and sea planes; and
 - (d) Non-commercial boat moorage.

Permitted Structures

- (2) The following structures are permitted in the M5 zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
 - (a) Public wharf or barge;
 - (b) Buoys, floats, wharves, wharf ramps, walkways, piers, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a use permitted in this zone;
 - (c) Marine navigational aids; and
 - (d) Signs, subject to Part 6.

Height

- (3) The maximum height of buildings and structures located on a public wharf is 5.0 metres (16.5 feet) measured from the surface of the wharf.

Floor Area

- (4) The maximum combined floor area for buildings and structures is 14.0 m² (150 ft²).

PART 6 SIGN REGULATIONS

6.1 Permitted Sign Types

- (1) All types of signs, except those prohibited in Section 6.2, are permitted.

6.2 Prohibited Signs

- (1) The following sign types are prohibited:
 - (a) Blinking, backlit or neon signs;
 - (b) Signs with moving parts;
 - (c) Signs that make noise to attract attention to the sign;
 - (d) Signs illuminated by a floodlight or spotlight such that the light from the floodlight or spotlight shines directly into the path of on-coming motor vehicle, marine or aviation traffic;
 - (e) Signs that project over a highway or other public property;
 - (f) Third party signs;
 - (g) Signs painted on a natural rock face; and
 - (h) Any sign hung from, or in any way affixed to, any other sign.

6.3 Exempt Signs

- (1) The following signs are exempt from the regulations in this Part:
 - (a) Directional, traffic control, safety, interpretive, address and navigational signs;
 - (b) Signs of duly nominated candidates for public office, provided they are removed within 14 days of the date of election;
 - (c) Signs pertaining to the lease, sale, or name of owner or property, or the use or status of a lot or building, provided that no sign exceeds a dimension of 0.75 metres by 0.75 metres (2.5 feet by 2.5 feet); and
 - (d) Signs erected and maintained by a public agency.

6.4 Siting and Height

- (1) The maximum height for any sign is 6 metres (20 feet).

6.5 Obsolete Signs

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

6.6 Sign Number and Area

Table 6.1: Sign Number and Area

| Zone/Use | Number of Signs Permitted for each Lot, Premises or Use | Maximum Total Sign Dimension Permitted for Each Lot, Premises or Use |
|-----------------|--|---|
| All zones | 1 per lot | 0.75 metres by 0.75 metres (2.5 feet by 2.5 feet) |

PART 7 PARKING REGULATIONS

7.1 Application

- (1) Parking requirements shall not apply to any island unless there is a highway right of way on the island and one or more motor vehicles, as defined by the *Motor Vehicle Act* are located on that island.
- (2) There shall be one off-street parking space available for each motor vehicle on an island, of at least 2.75 metres (9 feet) in width and 6.25 metres (21 feet) in length, exclusive of manoeuvring aisles or driveways, and having unobstructed vertical clearance of at least 2 metres (6.6 feet).
- (3) Each parking space shall be accessible to a highway via a driveway or manoeuvring aisle not less than 6 metres (20 feet) in width at the junction with the highway.

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

- (1) Subdivisions shall comply with the minimum and minimum average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.
- (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 minimum average lot area regulations set out in Part 5, be included in the total area of lots being created.

8.2 Exemptions from Average and Minimum Lot Area Requirements

The average and minimum lot areas specified in Part 5 do not apply to:

- (1) A lot being created to be used solely for the unattended equipment necessary for the operation of any of the following services, provided that the owner grants a covenant restricting the use of the lot to that use:
 - (a) Electrical and telecommunication utilities;
 - (b) Community sewer or water system facilities;
 - (c) Telephone receiving antenna;
 - (d) Radio or television broadcasting antenna;
 - (e) Telecommunication relay;
 - (f) Automatic telephone exchange;
 - (g) Firefighting services;
 - (h) Air or marine navigation aid; and
 - (i) Electrical substation.
- (2) A lot being created to be used solely for park use or natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose.
- (3) A lot created by the consolidation of two or more lots.
- (4) The adjustment of boundaries between lots provided that the area of any lot would not be increased to an extent that the land that comprised the parent lots could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment, and the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

8.3 Covenants Prohibiting Further Subdivision and Development

- (1) Where a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the owner must grant a restrictive covenant 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 or size of dwellings, guest houses and accessory buildings.

- (2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum 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 minimum average lot size; and
 - (b) one or more of the lots being created has an area less than the applicable minimum average lot size the applicant shall grant a restrictive covenant in respect of every lot prohibiting:
 - (i) the 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 minimum average lot sizes specified by this Bylaw; and
 - (ii) the construction, erection, or occupancy on the lot of dwellings, guest houses and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw without subdivision.
- (3) If the approval of a bare land strata plan would create common property, the applicant must grant a restrictive covenant in respect of the common property prohibiting the further subdivision of 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 is prohibited if it would result in the increase of the area of any lot to the point where the new lots created could together be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment.
- (2) A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited, except where all of the lots being subdivided are located in two or more zones.

8.5 Section 946 Subdivisions (Residence for a Relative)

- (1) No lot having an area less than 8 hectares (20 acres) may be subdivided pursuant to the *Local Government Act* to provide a residence for a relative of the owner.

8.6 Lot Frontage and Lot Shape

- (1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the *Local Government Act*.

- (2) No lot in a proposed subdivision may have a lot depth greater than three times its lot width excluding the width of any panhandle access strip.
- (3) If a panhandle lot proposed to be created has sufficient area to be further subdivided under this Bylaw, the minimum width of the access strip shall be 20 metres.
- (4) If a panhandle lot proposed to be created has insufficient area to be further subdivided, the minimum width of the access strip shall be 10 metres.

8.7 Split Zoned Lots

- (1) The creation of an additional lot lying within two or more zones is prohibited unless the subdivision consolidates lots or adjusts property lines.
- (2) Where a lot lying within two or more zones is subdivided, each proposed lot must comply with the largest minimum lot area specified in Part 5 for any zone in which the proposed lot lies, and with the largest of any minimum average lot areas specified for each such zone.

8.8 Split or Hooked Lots

- (1) No lot which is divided into two or more portions by a highway or other lot may be created by subdivision, except where required to provide highway access within a water access subdivision.
- (2) Where a part of a lot is separated from the main portion of the lot by a road, watercourse, marine water or topographical feature, it may be consolidated with an adjacent lot to which it may be more properly related without meeting other provisions of this Part, as long as the main portion of the parent lot conforms to the provisions of this Part.

8.9 Water Access Subdivisions

- (1) Subdivisions that propose access by water only shall be provided with access by highway dedication to a location suitable for the establishment of a neighbourhood dock for use by the owners and occupiers of the subdivision.

8.10 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 (now called Ministry of Transportation and Infrastructure), dated October 20, 1992 and amended July 18, 1996.

8.11 Water Supply

Information Note: For information on water quantity (volume) and quality (potability) requirements for proposed lots served by individual wells, contact the Provincial Approving Officer, Ministry of Transportation and Infrastructure, and for proposed lots served by a community water system contact the Vancouver Coastal Health Authority. Drinking water

systems that service more than one single family dwelling must comply with the Drinking Water Protection Act and Drinking Water Protection Regulation.

PART 9 DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 6 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

9.1 DP-1 RIPARIAN AREAS

Definitions

- (1) Terms used in Section 9.1 that are defined in the Provincial *Riparian Areas Regulation* have the same meaning as the definition given in the *Regulation*.

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(3):

- (a) subdivision of land
- (b) construction of, addition to, or alteration of a building or other structure
- (c) removal, alteration or destruction of vegetation
- (d) disturbance of soils
- (e) creation of non-structural, impervious or semi-impervious surfaces
- (f) application of artificial fertilizer, pesticides or herbicides
- (g) any other development, as that term is defined under the Provincial *Riparian Areas Regulation*

Exemptions

- (3) The following activities are exempt from any requirement for a DP-1 development permit:
 - (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - (b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - (c) repair or replacement of a septic field in situ;
 - (d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - (e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - (f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - (g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;

- (h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (i) ecological restoration or enhancement projects undertaken or authorized by a public body;
- (j) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- (k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- (l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (16.4 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- (m) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (1.6 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- (n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- (o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

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

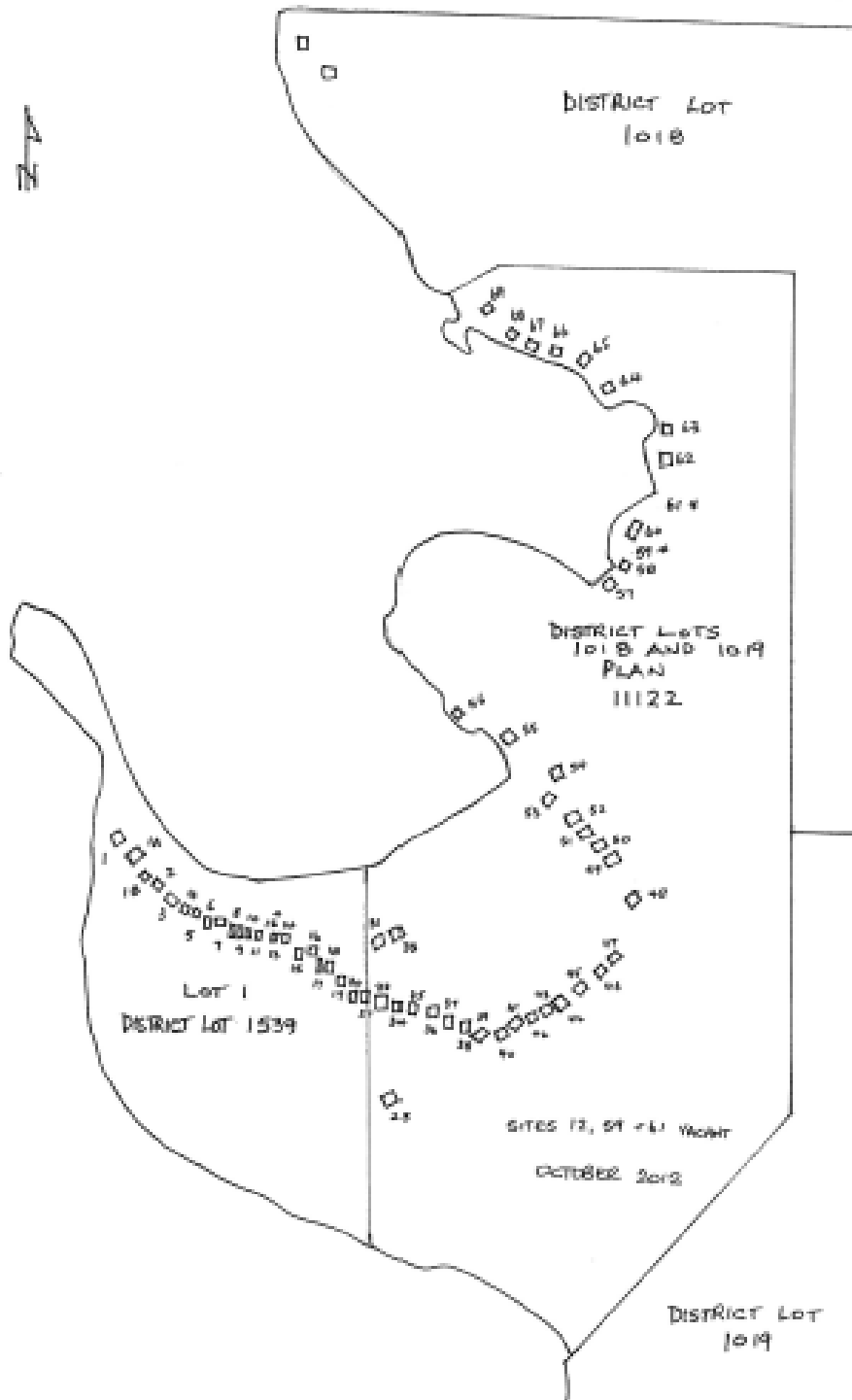
Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- (4) Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
- (a) In general, all development in this Development Permit Area (DPA) should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).
 - (b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
 - (c) Where a QEP's RAR assessment report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the RAR assessment report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
 - (d) If the nature of the proposed project within the DPA changes after the RAR assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
 - (e) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

Schedule A-1

Site Plan for District Lot 1539, Lot 1 of District Lot 1018 and 1019, South Thormanby Island



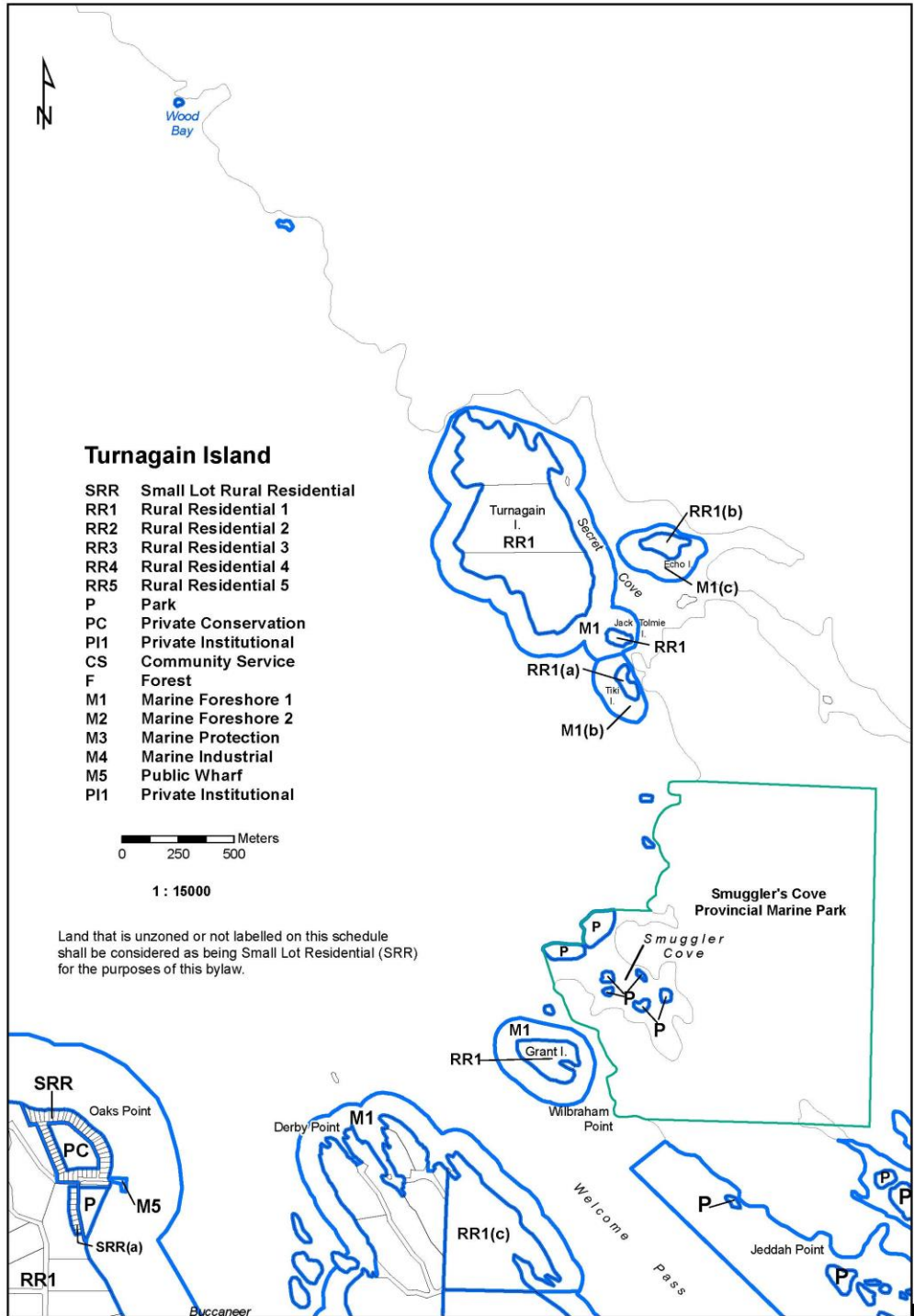
Schedule A-2 -Accessory Buildings in Buccaneer Bay

District Lot 1539, Lot 1 of District Lot 1018 and 1019, South Thormanby Island

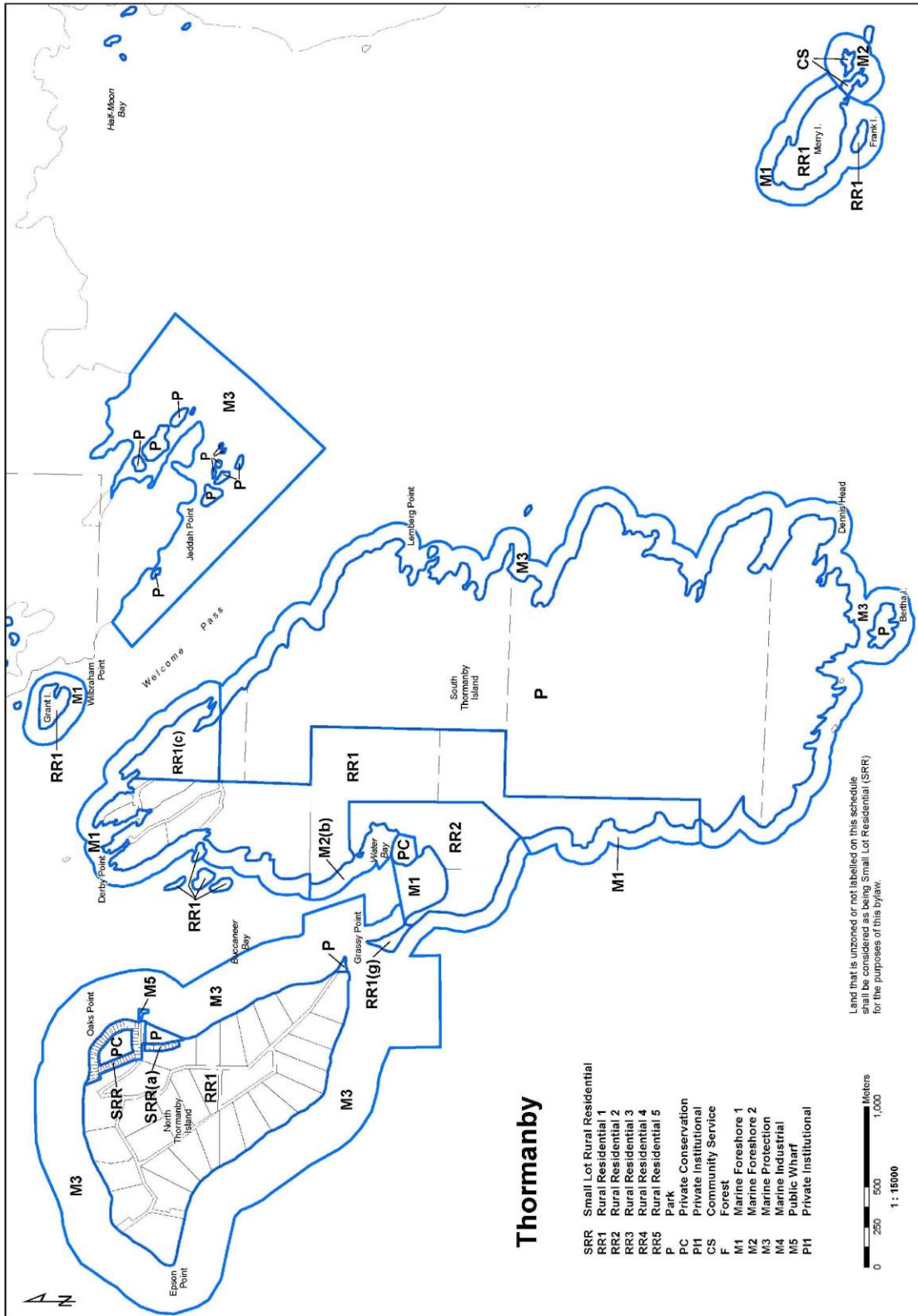
Principal dwellings with accessory buildings in the RR2 zone numbering more than three (3) and/or whose total square footage is more than 32.5 m² (350 ft²).

| Table A.2: Accessory Building Build Out – Buccaneer Bay | | |
|---|---------------------|---|
| Site No. | Number of Buildings | Total Floor Area |
| 3 | 3 | 61.3 m ² (660 ft ²) |
| 5 | 4 | 43.2 m ² (465 ft ²) |
| 8 | 3 | 62.4 m ² (672 ft ²) |
| 14 | 3 | 46.7 m ² (503 ft ²) |
| 16 | 3 | 38.2 m ² (411 ft ²) |
| 19 | 3 | 37.2 m ² (400 ft ²) |
| 22 | 2 | 60.2 m ² (648 ft ²) |
| 23 | 1 | 34.4 m ² (370 ft ²) |
| 45 | 3 | 40.5 m ² (436 ft ²) |
| 54 | 3 | 41.7 m ² (449 ft ²) |
| 62 | 5 | 86.8 m ² (934 ft ²) |
| 63 | 4 | 33.4 m ² (360 ft ²) |
| 64 | 2 | 83 m ² (893 ft ²) |

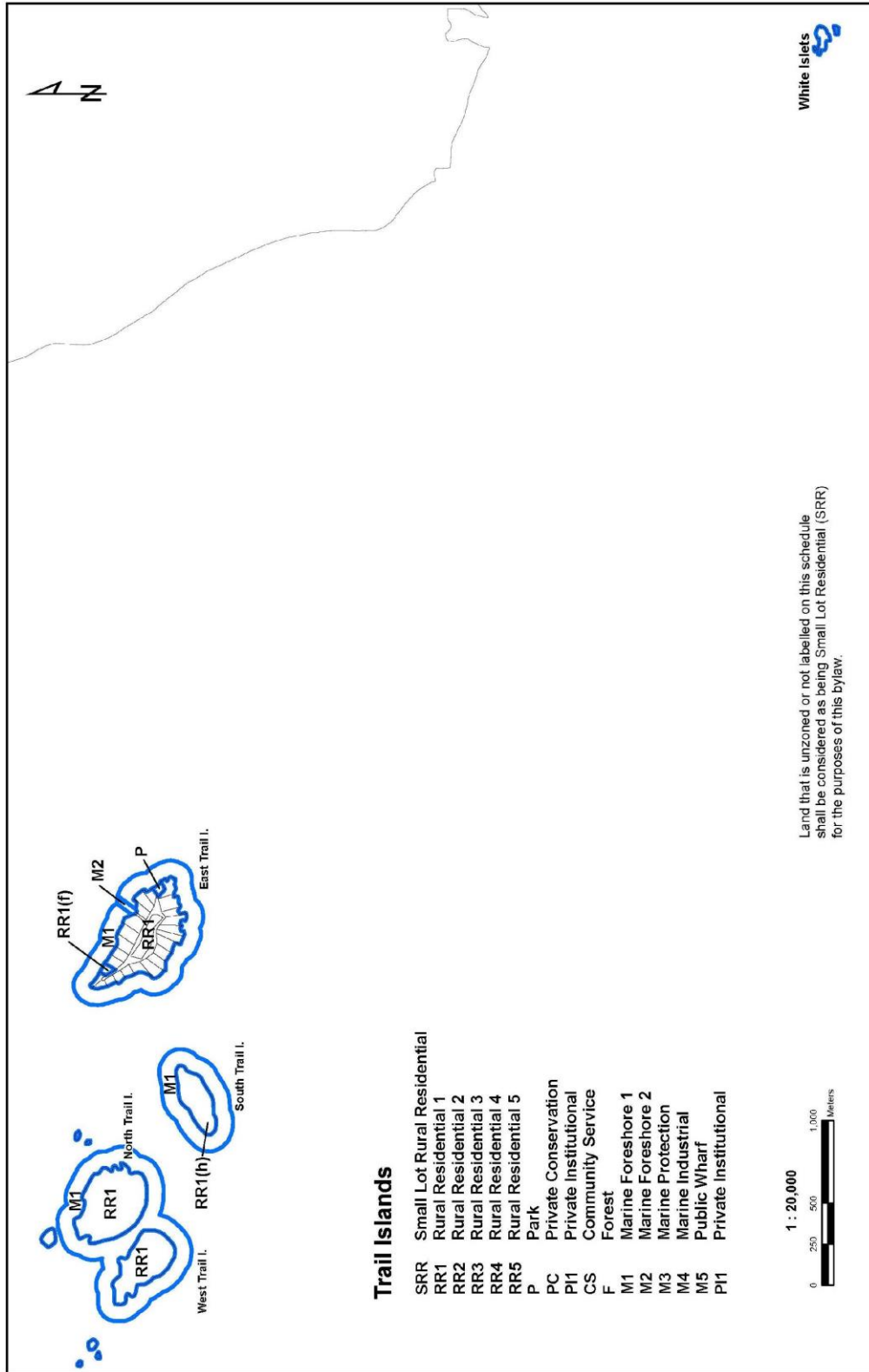
Schedule B - Zoning Map A



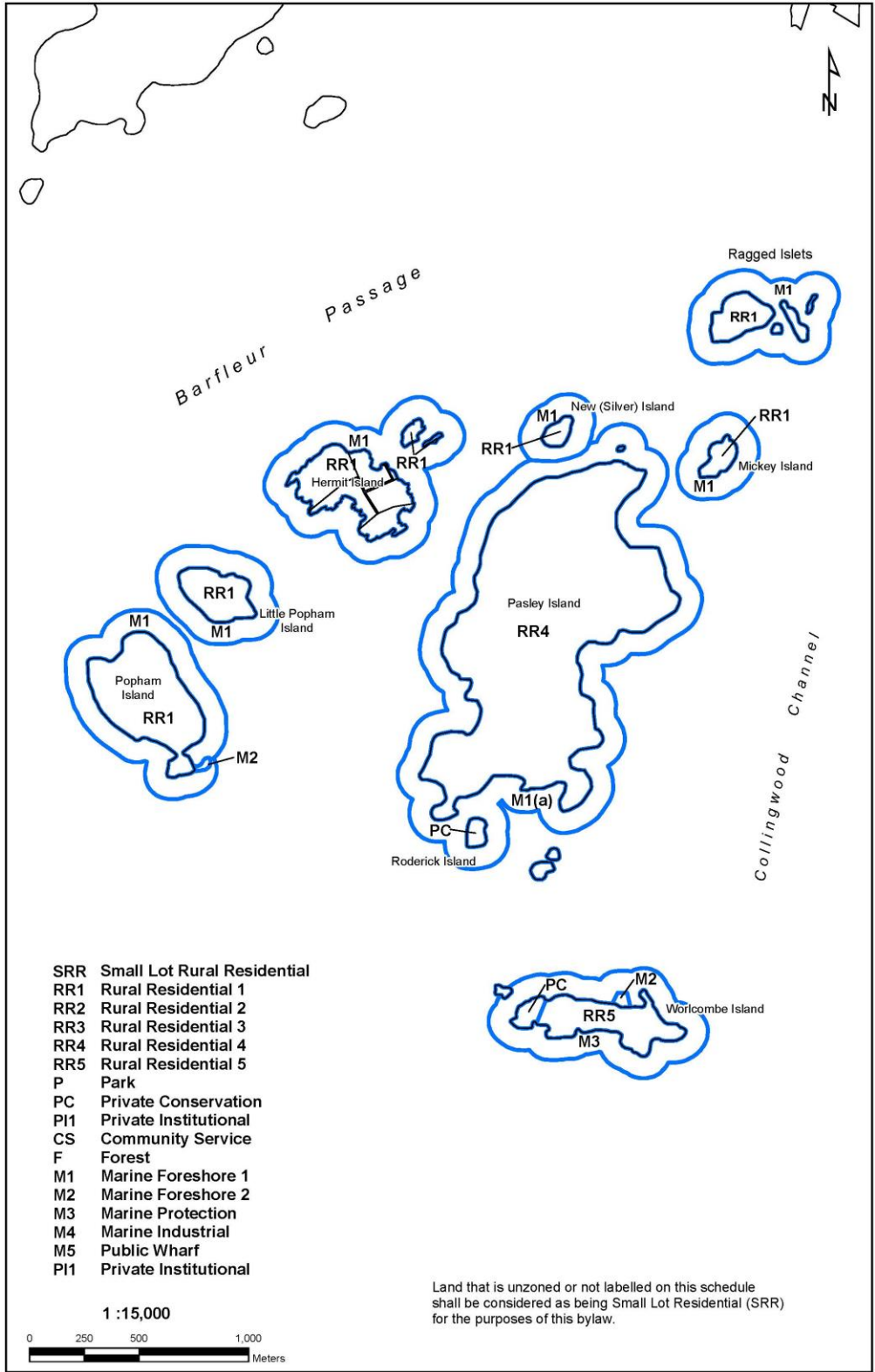
Schedule B - Zoning Map B



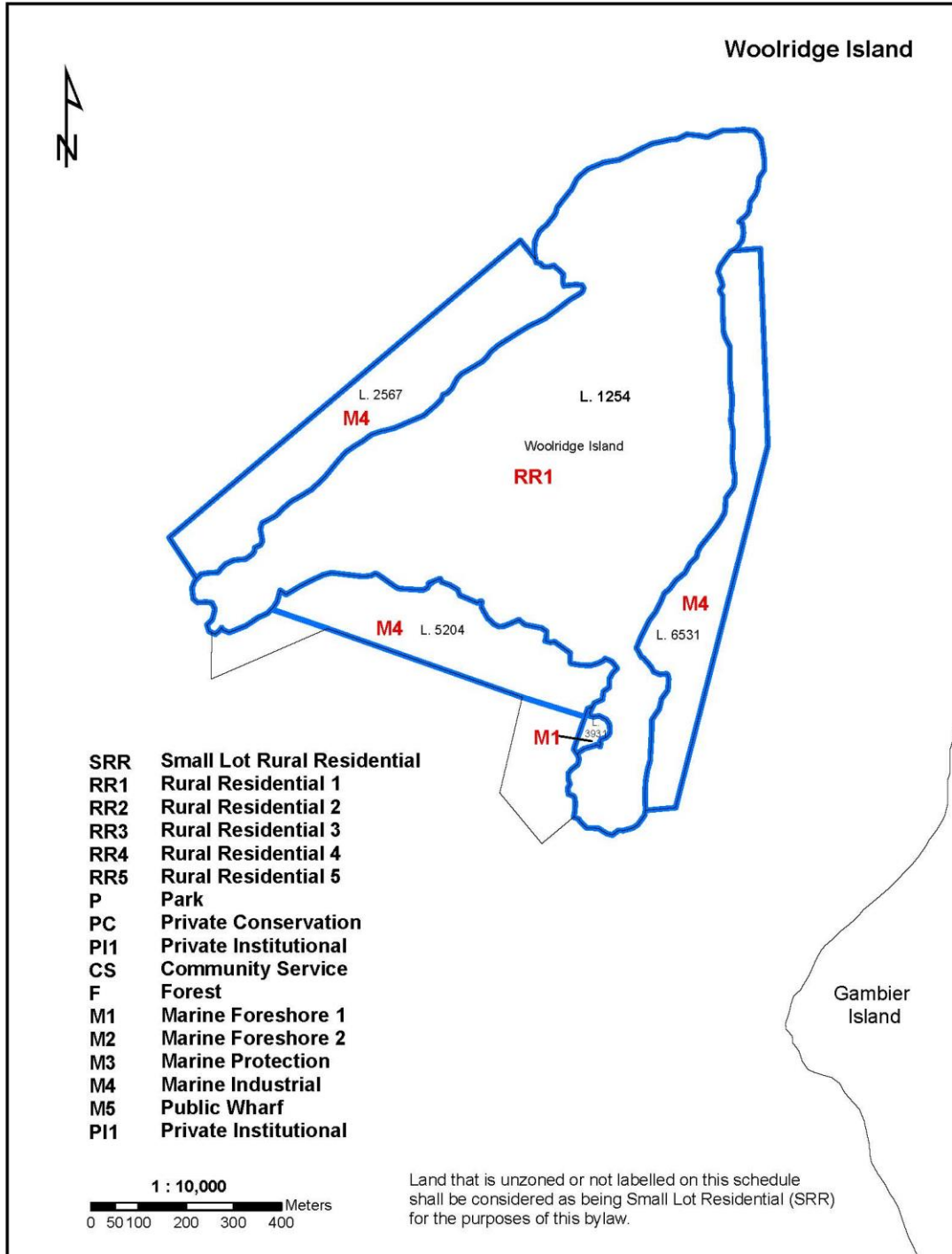
Schedule B - Zoning Map C



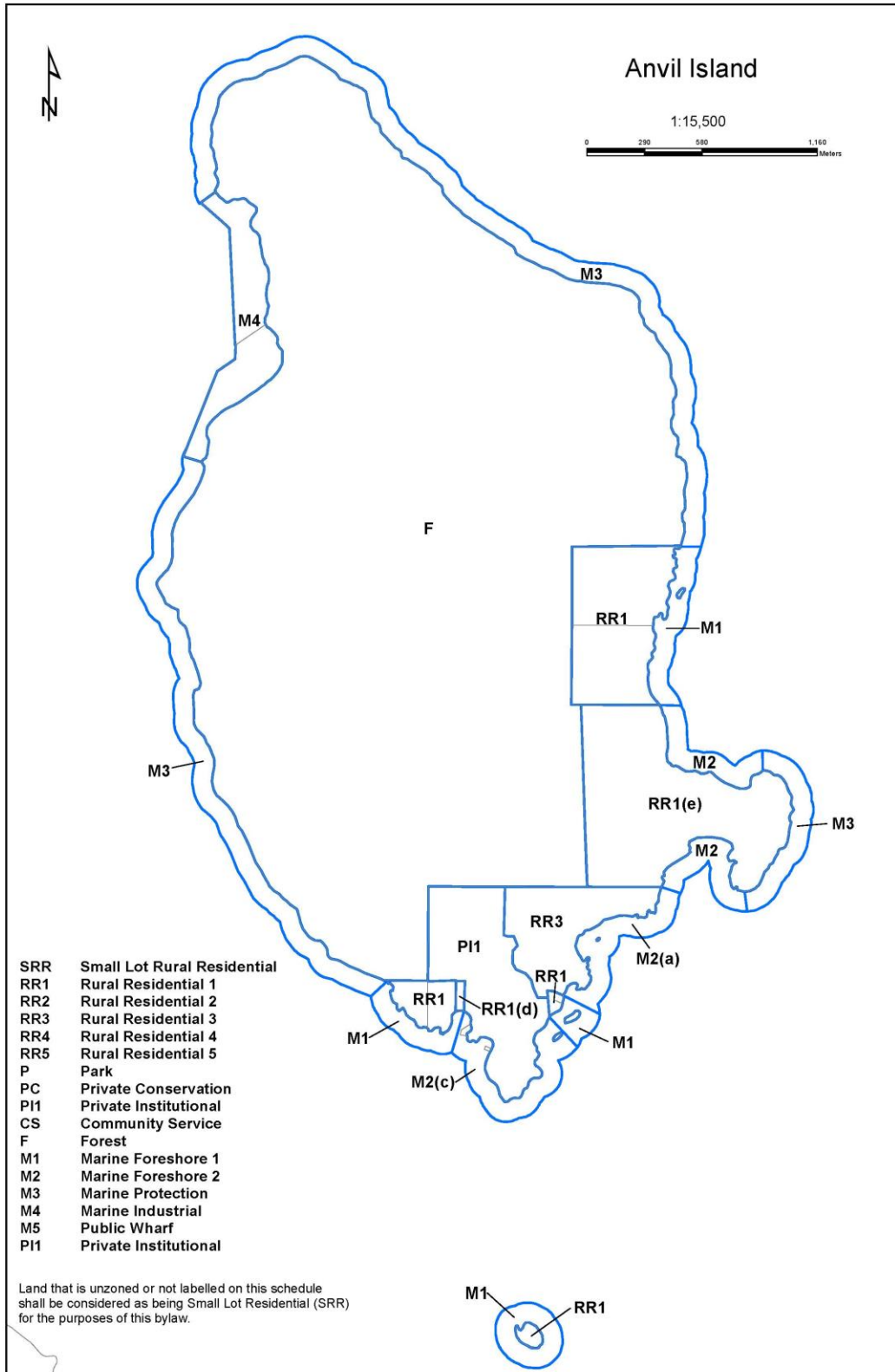
Schedule B - Zoning Map D



Schedule B - Zoning Map E



Schedule B - Zoning Map F



Schedule C – Bylaw Area of Application Map

