



Islands Trust

**NORTH PENDER ASSOCIATED ISLANDS
LAND USE BYLAW No. 148, 2003**

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW(S): 170

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,
#200 - 1627 Fort Street, Victoria, B.C. V8R 1H8

Consolidated: July 25 2008

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Table of Amendments

Bylaw No.	Date of Adoption	Date of Bylaw Consolidation
170	June 13 2008	July 25, 2008

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**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW No. 148, 2003**

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 North Pender Associated Islands Area.

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

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

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

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

1. This Bylaw may be cited for all purposes as the “North Pender Associated Islands Land Use Bylaw No. 148, 2003.”
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 North 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. Capital Regional District Bylaw No. 103, cited as “Zoning By-law, Planning Area No. 4, 1972” and all of its amendments, applying to the North Pender Associated Islands Area, and Bylaw No. 8 cited as “North Pender Island Subdivision Control (Associated Islands) By-law, 1979”, and all of its amendments, are repealed.

READ A FIRST TIME this 18th day of December , 2003.
PUBLIC HEARING HELD this 21ST day of January , 2004.
READ A SECOND TIME this 21ST day of January , 2004.
READ A THIRD TIME this 21ST day of January , 2004.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
27th day of January , 2004
ADOPTED this 29TH day of January , 2004

Kathy Jones

SECRETARY

Gisele Rudischer

CHAIRPERSON

SCHEDULE A

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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 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.

BL#170

"accessory dwelling unit" means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, containing cooking, eating, sleeping and sanitary facilities and used exclusively as a residence by the household of an owner, operator or an employee of a permitted principal use on the same lot or in the same zone or an employee or operator engaged in providing operations or management services on the same island.

"agriculture" means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals but does not include aquaculture, intensive livestock operations, fur farming or mushroom farming.

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

"aquaculture" means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water.

"aquaculture, beach" means the culture of shellfish in or on the beach in the inter-tidal area between the low and high tide.

"aquaculture, land-based" means aquaculture conducted in a contained facility built on the upland.

"aquaculture, off-bottom" means the culture of shellfish such as oysters and scallops below the low tide using floating structures such as rafts and longlines.

"aquaculture, sub-tidal" means the culture of shellfish in areas below low tide where the culture is along the bottom and involves no rafts or surface structures other than marker buoys.

"Associated Islands Area" means that portion of the North Pender Island Local Trust Area shown on Schedule C of this Bylaw

"barge ramp" means a structure placed on the foreshore for the purpose of loading and unloading barges, launching boats, and permitting the removal of boats from the water.

"breakwater" means a protective structure, bottom-founded 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 and/or deposition of materials.

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

BL#170 "clubhouse and meeting facilities" means buildings, structures and land used for recreational, social, cultural and meeting activities and functions by individuals who are owners or residents of the island community or are guests of an owner or resident.

BL#170 "community recreational uses" means non-commercial leisure activities, performed either singly or collectively, through forms of play, amusement, or relaxation, and may include uses such as picnic areas, children's play areas, sports activities, community art studios and structures such as picnic benches, shelters, pavilion, trails, storage buildings, washroom facilities, children's play equipment and playing fields and courts.

"community water system" means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a Regional District, or a water utility.

"cottage" means a dwelling with a limited floor area 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 and includes a mobile home.

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

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

"ecological reserve" means an area of land (or water) established as an ecological reserve under *Ecological Reserves Act*.

BL#170 "emergency services" means buildings, structures and land used for the provision of fire fighting, medical and security services to the community and may include emergency vehicle and equipment storage and maintenance.

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

"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 floating non-roofed structure that is used as a landing or moorage place for marine transport or for recreational purposes 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.

"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 1.5 metres (5 feet) apart.

BL#170 "food and beverage services" means premises used for the preparation, serving and consumption of food and drink, which may be consumed within the establishment or served for consumption elsewhere, and may include the serving and consumption of alcoholic beverages on the premises.

BL#170 "freight services" means premises used in the transshipment of goods for others, and may involve transferring goods from one mode of transportation to another.

"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.

BL#170 "golf course" means land laid out in at least nine holes, used for playing golf, and improved with tees, greens, fairways and hazards. It may also include maintenance, storage and administration uses and structures, putting greens and a driving range.

"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 buildings and 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 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 rearing of plants.

"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.

"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 *Condominium 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, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof. The common property of a bare land strata plan is considered a lot for this purpose.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, and

"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;

"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;

"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.

"edge lot line" means a lot line separating a lot in the ALR from a lot that is not within the ALR.

BL#170 "marina, private" means the use of a water area for the temporary storage of boats accessory to any use permitted on the island abutting the water zone in which the marina is located, and includes the installation of floats, piers, wharves, breakwaters, ramps and walkways. This specifically excludes the provision of moorage or other commercial services to the boating public, the storage, rental or sale of personal water craft, the use of boats and vessels as live-aboards, private clubs, and roofed structures used or intended for use in sheltering or storing boats or vessels.

"mobile home" means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

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

"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 the bank, and in the case of a lot having a surveyed high water mark means the high water mark.

"natural watercourse" means a naturally formed place that perennially or periodically contains surface water, including a lake, river, creek, spring, ravine, swamp, salt water marsh, and bog, but does not include a constructed ditch or surface drain.

BL#170 "office uses" means the use of a room, group of rooms or a building for conducting the affairs of a business, profession, service or organization and may include desks, tables, files, computers and communication equipment.

"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 a publicly owned lot which is used or intended to be used for conservation or the recreation and enjoyment of the public and which may be developed with recreational facilities.

BL#170 "personal service" means a commercial use in which services are provided to the body, goods or apparel 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.

"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.

"pump/utility house" means an accessory building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

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

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

"retail sales" means the selling of goods or merchandise to the general public for personal or household consumption, but excludes the sale of liquor.

"seawall" means a structure erected parallel to and near the natural boundary of the sea for the purpose of protecting the adjacent bank or uplands from the action of waves or currents, and for this purpose includes revetments and bulkheads.

"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.

"short-term vacation accommodation" means the commercial use or provision of a single family dwelling or cottage as temporary accommodation, for periods of less than one month at a time, for households who maintain a permanent residence elsewhere.

"sleeping cabin" means a building used for non-commercial overnight accommodation and includes only sleeping quarters and washroom facilities and does not contain a kitchen or any elements of a kitchen.

BL#170 "storage and warehousing" means the storage of goods and materials, either by the owner of the goods or operated for a specific establishment, organization or group of establishments, but does not include storage of goods for the general public operated for a fee.

"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, concrete and asphalt paving or similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height.

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

"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.

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

"wave suppression device" means a floating breakwater, boom or other structure which does not rest on the sea floor and is designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water and/or deposition of materials.

"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, swamps and bogs.

"wharf" means a structure, usually consisting of a pier, ramp(s), and float(s), which is connected to an upland lot by a ramp or walkway. For this purpose, it is accessory to the public or park use of an upland lot.

"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 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 the Associated Islands Area, being that part of the North 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. No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw. 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. 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 considered as “lawful non-conforming”, and continued subject to the provisions of Section 911 of the *Local Government Act*.
- (2) 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.
- (3) 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) Pursuant to Section 268 of the *Local Government Act*, the Islands Trust Bylaw Enforcement Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time 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*. 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 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 determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures or 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 noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

- (1) Conservation areas, including ecological reserves, conservation covenants and other habitat reserves, and parks, but excluding playgrounds and playing fields.
- (2) Water supply facilities, for an individual lot or as a community service, in any land zone for the purposes of supplying potable water on an individual island, including reservoirs, lines, treatment facilities, 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 in any zone and above-ground lines in any land zone.
- (4) Electrical or telecommunications substations for the purposes of supplying service on an individual island.
- (5) Telecommunication towers, relays or antennas.
- (6) Solar collectors in any land zone for the purposes of supplying power to the island on which the structure is located.
- (7) Wind generators in any land zone for the purposes of supplying power to the island on which the structure is located.
- (8) Air and marine navigational aids.
- (9) Private helipads and unpaved airstrips in any zone except the Conservation zone, for the purpose of providing access to residential lots by aircraft flying unscheduled flights.
- (10) Farm retail sales in any zone if:
 - (a) the product offered for sale is produced on the farm where the retail sales are taking place; or
 - (b) the farm is located within the Agricultural Land Reserve.
- (11) Fences in any land zone, subject to regulations established in Section 3.8.
- (12) Hiking, equestrian and bicycle trails.

- (13) Signs, subject to regulations established in Part 6.
- (14) Pump/utility houses.
- (15) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*.
- (16) Seawalls.
- (17) Horticulture.
- (18) Buildings or structures used for an office or shelter for construction or maintenance crews, or for storage of materials to be used for the erection, construction or maintenance of any building, structure or public utility installation for which a valid building permit has been obtained, provided that such a temporary structure or building is removed within 30 days of completion of the public utility, building or structure.

3.2 Prohibited in All Zones

Only the uses, buildings and structures expressly permitted in Section 3.1 and Part 5 of this Bylaw are permitted in the relevant zones. Without limiting the generality of the foregoing and for purposes of clarity, the following uses, buildings and structures are prohibited in all zones:

- (1) Junkyards, auto-wrecking and the storage of derelict vehicles outside of a permitted and enclosed structure.
- (2) The disposal and storage of hazardous or toxic waste.
- (3) The rental, sale or storage of personal watercraft.
- (4) The use of a vessel anchored, moored, or secured as a permanent residence.
- (5) Fin fish aquaculture in any water zone.
- (6) Bridges, causeways or tunnels connecting any one island to another island or the mainland.
- (7) Water utility lines connecting any one island to another island or the mainland.
- (8) Marina, the use of which is restricted to members of a private club.
- (9) Wind generators in any water zone or wind generators intended to provide power to an island other than the island on which the structures are located.
- (10) Dog breeding and boarding kennels except where permitted by the regulations in Part 5 of this Bylaw.

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) Buildings or structures, except a fence, utility line, navigational aid, driveway or path, or pump/utility house, are not to be sited within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) **Information Note:** Buildings or structures may not be sited within 15 metres (50 feet) of the natural boundary of the sea without first obtaining a development permit pursuant to Part 7 of the “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002”, unless specifically exempted from a requirement for a permit under the provisions of subsection 701(6) of that bylaw. 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 this purpose.
- (4) Buildings or structures, except a fence or pump/utility house, are not to be sited within 15 metres (50 feet) of the natural boundary of any natural watercourse, wetland or lake. 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) No agricultural waste storage area may be sited within 15 metres (50 feet) of any lot line or the natural boundary of any natural watercourse, wetland or lake.
- (6) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre (3 feet) into the required setback area.

3.4 Height Regulations

Except as otherwise provided for in this Part, or Part 5, the following regulations apply:

- (1) No single family dwelling or cottage may exceed 9.7 metres (32 feet) in height.
- (2) No accessory building or structure may exceed 6.0 metres (20 feet) in height.
- (3) The height regulations for buildings and structures specified in Subsection 3.4(1) and (2) and elsewhere in this Bylaw 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, wind generators, farm silos and grain bins and water storage tanks.

- (4) All height measurements to determine compliance with this bylaw shall be taken from the average of the natural grade levels at the midpoints of all walls (or sides) of the building or structure in question, to the highest point of the building or structure.

3.5 Accessory Uses, Buildings and Structures

- (1) A building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.5(3) or as permitted by the zoning regulations in Part 5.
- (2) An accessory building 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, provided that a valid building permit has been issued for any principal building on the same lot.
- (3) An accessory building may be constructed or placed on a lot prior to the construction of a single family dwelling or cottage on the same lot and occupied as a temporary dwelling prior to the construction of a permitted single family dwelling or a cottage on the same lot, subject to:
 - (a) issuance of a building permit for the temporary dwelling;
 - (b) the issuance and maintenance of a building permit for a principal dwelling or cottage on the same lot;
 - (c) the provision of sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*;
 - (d) the provision of a domestic water supply;
 - (e) compliance with the use, density and siting requirements of this Bylaw for accessory buildings; and
 - (f) the residential occupancy of accessory building ceases prior to the occupancy of the principal dwelling on the property and all facilities for food preparation and eating are removed.
- (4) Unless a building or structure, excluding an attached deck and patio, 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 Occupations

- (1) Permitted accessory home occupations include any home craft, repairing of goods, professional practice, service to a client, or creation of a product, but do not include the rental of visitor accommodation (including, but not limited to, bed and breakfasts, short-term vacation accommodation and commercial campgrounds), rentals or charters, food service or the retail or wholesale sale of goods or products unless the goods or products are produced, processed or repaired as part of the home business.

- (2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where there is a permitted principal residential use.
- (3) The combined floor area used in all home occupations on a lot must not exceed 65 square metres (700 square feet).
- (4) The owner or at least one of the employees of a home occupation must reside on the property.
- (5) Not more than four persons per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.
- (6) 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.
- (7) One sign, consistent with the regulations established in Part 6, is permitted in conjunction with all home occupations on each lot.
- (8) No noise resulting from any home occupation may be heard at a lot line or the natural boundary of the sea.

3.7 Agricultural Uses, Buildings and Structures

- (1) An accessory building or structure used for agricultural purposes may exceed 6 metres (20 feet) in height where the following apply:
 - (a) the building or structure used for agricultural purposes is located in the Agricultural Land Reserve; or
 - (b) the property has farm status under the BC Assessment Act; and
 - (c) the building or structure used for agricultural purposes is sited a minimum of 7.6 metres (25 feet) from all lot lines; and
 - (d) in no case may a building or structure used for agricultural purposes exceed 9.2 metres (30 feet) in height.

3.8 Fences

- (1) The height of fences shall not exceed 3 metres (10 feet) in any required setback.
- (2) The provision of protective netting or wire to control animal nuisances, or a landscape screen, is exempt from the provisions of Subsection 3.8(1).

3.9 Screening and Landscaping

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

- (a) the retention of existing vegetation that is of a sufficient height to provide a visual screen between the uses being separated. The landscape screen shall at no point be less than 10 metres (33 feet) in width; 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 visual screen between the uses being separated. The landscape screen shall at no point be less than 10 metres (33 feet) in width, and,
that is continuous, except for points of vehicular or pedestrian entrance and exit.
- (2) Where a non-vegetative screen is required by this bylaw, it is to be provided in the form of either a solid or latticed wooden fence, or a brick or stone wall with a minimum height of 2.5 metres, which is continuous, except for points of vehicular or pedestrian entrance and exit.

3.10 Temporary Use of Recreational Vehicles

- (1) A recreational vehicle may only be used as a temporary residence prior to the construction of a permitted single family dwelling or a cottage on the same lot, subject to:
- (a) the issuance and maintenance of a building permit for a principal dwelling or cottage on the same lot;
 - (b) the connection of the recreational vehicle to sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*;
 - (c) the provision of a domestic water supply;
 - (d) compliance with the use, density and siting requirements of this Bylaw for dwellings or cottages; and
 - (e) the occupancy of the recreational vehicles ceases prior to the occupancy of the principal dwelling on the property.

Nothing in this Section prohibits the non-residential storage of recreational vehicles on a lot.

3.11 Derelict Vehicle Storage

- (1) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, stripped, non-functional or abandoned vehicles or vessels, unless the vehicles or vessels are completely enclosed within a permitted permanent building.
- (2) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, stripped, non-functional, or abandoned trailers or campers unless the trailers or campers are completely enclosed within a permitted permanent building.

- (3) Except where permitted by the regulations in Part 5, no land shall be used for the storage of partially disassembled, stripped or detached parts of motor vehicles or vessels, unless the parts are completely enclosed in a permitted permanent building.

3.12 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 the dwellings and cottages 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.
- (2) 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 but, where the strata lots and common property are in the same zone, may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

3.14 Agricultural Land Reserve Farm Use Regulations

- (1) Pursuant to Section 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (BC Reg. 171/2002), and any subsequent amendments or revisions to those regulations, the regulations in this Section apply to uses designated as Farm Uses which may be regulated but must not be prohibited by any local government bylaw.
- (2) For purposes of clarity, any building, structure, driveway, ancillary service or utility necessary for a farm use must comply with the siting and size regulations established in Parts 3 and 5.
- (3) In addition to the regulations established in Parts 3 and 5, a licensed winery or cidery and ancillary uses must comply with the following regulations:
 - (a) all retail sales shall be within an enclosed and permitted building;
 - (b) the total combined area used for retail sales may not exceed 20 square metres (215 square feet) in area;
 - (c) all buildings used for retail sales and all outdoor service areas must be setback 30 metres from any edge lot line;
 - (d) all outdoor service areas shall be screened from view from all lot lines and the sea with landscaping or fencing complying with the provisions of Section 3.9 (Landscape Screening);

- (e) all tours shall be limited to the ALR portion of the property, with the exception of providing access to and from the property.
- (4) In addition to the regulations established in Parts 3 and 5, the storage, packing, product preparation or processing of farm products shall:
 - (a) have a minimum setback of 7.5 metres (25 feet) from any edge lot line.
- (5) In addition to the regulations established in Parts 3 and 5, all agri-tourism activities shall be conducted solely on the ALR portion of the property, with the exception of providing access to and from the property.
- (6) In addition to the regulations established in Parts 3 and 5, all intensive livestock operations, mushroom production and land-based aquaculture facilities shall:
 - (a) have a minimum setback of 30 metres from any edge lot line or the natural boundary of the sea or any lake, natural watercourse or wetland.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

- (1) The North Pender Associated Islands 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	RR
	Agriculture	A
BL#170	Agriculture Two	A2
BL#170	Commercial One	C1
BL#170	Commercial Two	C2
BL#170	Commercial Three	C3
	Industrial One	I1
	Forestry One	F1
	Community Services One	S1
	Community Services Two	S2
	Community Services Three	S3
BL#170	Community Services Four	S4
	National Park	NP
	Conservation	G
	Marine General	W1
	Marine Protection	W2
	Marine Service	W3
	Marine Park	W4
	Comprehensive Development:	
	Forrest Island	CD1
	Sidney Island	CD2

4.2 Zone Boundaries

- (1) Where zone boundaries on Schedule "B" coincide with lot lines, the zone boundaries are the lot lines.
- (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 zone boundaries shown on Schedule "B" coincide, the common boundary shall be the surveyed lot line 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 common 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 ZONE REGULATIONS

5.1 Rural Residential (RR)

Permitted Uses

- (1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Single family dwelling;
 - (b) Cottage;
 - (c) Agriculture;
 - (d) Accessory uses, buildings and structures.

Density

- (2) On a lot less than 0.6 hectares (1.5 acres), one (1) single family dwelling is permitted.
- (3) On a lot 0.6 hectares (1.5 acres) or greater, one (1) single family dwelling and one (1) cottage are permitted.
- (4) The lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

- (5) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (6) Despite Subsection 5.1(5), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line.
- (7) The maximum floor area of a cottage shall be 70 square metres (754 square feet) on a lot 1.2 hectares (3 acres) or less in area.
- (8) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Conditions of Use

- (9) Any building, for which a valid building permit was issued after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision Lot Size Requirements

- (10) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the RR Zone.
- (11) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 4 hectares (10 acres).

Site – Specific Regulations

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

Site-Specific Zone	Location Description	Site Specific Regulations
RR(a)	Pym Island: Section 103, Victoria District Parcel Identifier: 006-297-561	1. Despite Subsections 5.1(3) and 5.1(8), one (1) single family dwelling and five (5) cottages are permitted in this location, with four cottages having a combined floor area of not more than 232 square metres (2497 square feet) and one cottage not exceeding 93 square metres (1001 square feet).

5.2 Agriculture (A)

Permitted Uses

- (1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Single family dwelling;
 - (b) Cottage;
 - (c) Farm Uses;
 - (d) Accessory uses, buildings and structures.

Density

- (2) On a parcel less than 0.6 hectares (1.5 acres), one (1) single family dwelling is permitted.
- (3) On a parcel 0.6 hectares (1.5 acres) or greater, one (1) single family dwelling and one (1) cottage are permitted.
- (4) The lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

- (5) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (6) Despite Subsection 5.2(5), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line.
- (7) The maximum floor area of a cottage shall be 56 square metres (603 square feet) on a lot 1.2 hectares (3 acres) or less in area.
- (8) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Conditions of Use

- (9) Farm Uses permitted by Article 5.2(1)(c) above must comply with all regulations established in relation to that use in Section 3.14.
- (10) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision Lot Size Requirements

- (11) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the A Zone.
- (12) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 8 hectares (20 acres).

5.3 Agriculture Two (A2)

Permitted Uses

- (1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Farm Uses;
 - (b) Golf Course;
 - (c) Winery;
 - (d) Trails, stairs and walkways;
 - (e) Accessory uses, buildings and structures.

Density

- (2) One (1) Golf Course is permitted in the A2 zone.
- (3) The lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (5) Despite Subsection 5.3(4), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line.
- (6) The maximum height for all buildings and structures is 9.2 metres (30 feet) in height.

Conditions of Use

- (7) Farm Uses permitted by article 5.3(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision Lot Size Requirements

- (8) No subdivision plan shall be approved in this zone, except where the land is within the common property of a bare land strata plan, unless the lots created by the subdivision have an average and minimum lot area of at least 100 hectares (248 acres), or except where, pursuant to article 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.4 Commercial One (C1)

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) Food and beverage services, including restaurants, cafes and lounges;
 - (b) Retail sales, including the sale of liquor;
 - (c) Personal services;
 - (d) Community recreational uses;
 - (e) Administrative offices;
 - (f) Clubhouse and meeting facilities;
 - (g) Emergency services;
 - (h) Storage and warehousing;
 - (i) Freight services;
 - (j) Vehicle, golf cart, and equipment storage uses and facilities;
 - (k) Accessory dwelling units;
 - (l) Accessory uses, buildings and structures.

Density

- (2) The total combined floor area of all uses in the C1, C2, and C3, zones shall not exceed 3252 m² (35,000 ft²).
- (3) The number of accessory dwelling units in the C1 zone is limited to thirteen and the maximum combined floor area of all accessory dwelling units in the zone is 905 m² (9741 ft²).

Siting and Size

- (4) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.
- (5) The maximum height for all buildings and structures is 9.7 metres (32 feet).

Conditions of Use

- (6) The occupancy of an accessory dwelling unit permitted by article 5.4(1)(k) above is limited to providing residential accommodation to the household of an owner, operator or an employee of a permitted principal use in the C1, C2, C3 or S4 zones on James Island or an employee otherwise engaged in management or operations on James Island.
- (7) All external storage areas associated with the uses permitted by Articles 5.4(1)(h) and (i) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

Subdivision

- (8) No lot may be created having an area less than 3716 square metres (40,000 square feet), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 3716 square metres (40,000 square feet) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 3716 square metres (40,000 square feet).

5.5 Commercial Two (C2)

BL#170

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) Food and beverage services, including restaurants, cafes and lounges;
 - (b) Community recreational uses;
 - (c) Administrative offices;
 - (d) Storage and warehousing;
 - (e) Freight services;
 - (f) Barge ramp and marine railway;
 - (g) Vehicle, float plane and equipment storage facilities;
 - (h) Accessory uses, buildings and structures.

Density

- (2) The total combined floor area of all uses in the C1, C2 and C3 zones shall not exceed 3252 m² (35,000 ft²).
- (3) The number of food and beverage service establishments permitted in 5.4(1)(a) above is limited to one, with a maximum floor area of 200 m² (2152 ft²).

Siting and Size

- (4) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.
- (5) The maximum height for all buildings and structures is 7 metres (23 feet).

Conditions of Use

- (6) All external storage areas and equipment associated with the uses permitted by Articles 5.5(1)(d) and (e) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

Subdivision

- (7) No lot may be created having an area less than 3716 square metres (40,000 square feet), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 3716 square metres (40,000 square feet) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 3716 square metres (40,000 square feet).

Site Specific Regulations

- (8) The regulations listed in Column 3 of the following table only apply to the land identified in column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in column 1.

Table 5.2		
Site-Specific Zone	Location Description	Site Specific Regulations
C2(a)	Portion of the water adjacent to Section 3, James Island, Cowichan District	<ol style="list-style-type: none"> 1. Despite Subsection 3.3(4) and 5.5(3) the siting, size and dimensions of all buildings in this location shall be as shown on Plan 1 of Schedule D. 2. In addition to the uses permitted in Subsection 5.5(1), a dock and associated ramps, walkways, footings and pilings are permitted in this location. 3. In addition to the uses permitted in Subsection 5.5(1), meeting facilities are permitted in this location.

5.6 Commercial Three (C3)

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) Food and beverage services, limited to café;
 - (b) Retail sales, including the sale of liquor;
 - (c) Community recreational uses;
 - (d) Administrative offices;
 - (e) Storage and warehousing;
 - (f) Freight services;
 - (g) Barge ramp and marine railway;
 - (h) Vehicle, float plane, boat and equipment storage facilities;
 - (i) Accessory dwelling units;
 - (j) Accessory uses, buildings and structures.

Density

- (2) The total combined floor area of all uses in the C1, C2 and C3 zones shall not exceed 3252 m² (35,000 ft²).
- (3) The number of food and beverage service establishments permitted in 5.6(1)(a) above is limited to one, with a maximum floor area of 55 m² (600 ft²).
- (4) The maximum floor area used for retail sales, including the sale of liquor, permitted by 5.6(1)(b) above is limited to 100 m² (1076 ft²).
- (5) The number of accessory dwelling units in the C3 zone is limited to two (2) and the maximum combined floor area of all accessory dwelling units in the zone is 190 m² (2045 ft²).

Siting and Size

- (6) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.
- (7) The maximum height for all buildings and structures is 7 metres (23 feet).

Conditions of Use

- (8) All external storage areas and equipment associated with the uses permitted by Articles 5.6(1)(e) and (f) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

- (9) The occupancy of an accessory dwelling unit permitted by article 5.6(1)(i) above is limited to providing residential accommodation to the household of an owner, operator or an employee of a permitted principal use in the C1, C2, C3 or S4 zones on James Island or an employee otherwise engaged in management or operations on James Island.

Subdivision

- (10) No lot may be created having an area less than 3716 square metres (40,000 square feet), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 3716 square metres (40,000 square feet) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 3716 square metres (40,000 square feet).

5.7 Industrial One (1)

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 uses;
 - (b) Timber production, harvesting, processing, storage, silviculture and forest protection;
 - (c) Storage and warehousing;
 - (d) Contractor's yards and workshops;
 - (e) Freight services;
 - (f) Vehicle, machinery and equipment repair, sales and maintenance;
 - (g) Accessory dwelling unit;
 - (h) Accessory uses, buildings and structures.

Density

- (2) The number of accessory dwelling units in the zone is limited to one.
- (3) The combined lot coverage of all buildings and structures shall not exceed 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (5) Despite Subsection 5.3(4), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line and 15 metres (50 feet) any edge lot line.

Conditions of Use

- (6) The occupancy of the accessory dwelling unit permitted by article 5.3(1)(g) above is limited to providing residential accommodation to the household of the owner, operator or an employee of a permitted principal use.
- (7) All external storage areas associated with the uses permitted by Articles 5.3(1)(c), (d), (e) and (f) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).
- (8) Farm Uses permitted by Article 5.3(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision

- (9) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the I1 Zone.
- (10) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 8 hectares (20 acres).

5.8 Forestry One (F1)

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 uses;
 - (b) Timber production, harvesting, processing, storage, silviculture and forest protection;
 - (c) Forestry, maintenance and storage buildings and structures;
 - (d) Accessory uses, buildings and structures.

Density

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

Siting and Size

- (5) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.
- (6) The minimum setback for any building, structure or enclosure housing animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Conditions of Use

- (7) Farm Uses permitted by Article 5.4(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.
- (8) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision

- (9) No subdivision plan shall be approved in the F1 zones unless the lots created by the subdivision have an average and minimum lot area of at least 500 hectares (1235 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.9 Community Services One (S1)

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 uses;
 - (b) Community recreational uses;
 - (c) Timber production, harvesting, processing, storage, silviculture and forest protection;
 - (d) Forestry, maintenance and storage buildings and structures;
 - (e) Community uses, consisting of emergency services buildings, community meeting hall, community office, maintenance uses and buildings, and vehicle and equipment storage uses and buildings;
 - (f) Single family dwelling;
 - (g) Sleeping cabins;
 - (h) Non-commercial short-term accommodation;
 - (i) Retail sales.

Density

- (2) The combined lot coverage of all buildings and structures shall not exceed 25 percent.
- (3) The number of community meeting halls permitted by article 5.5(1)(e) above shall not exceed one.
- (4) The number of community offices permitted by article 5.5(1)(e) above shall not exceed one.
- (5) The number of single family dwellings permitted by 5.5(1)(f) above shall not exceed one.
- (6) The number of sleeping cabins permitted in Article 5.5(1)(g) above shall not exceed a total of four and the floor area of any one sleeping cabin may not exceed 80 square metres (861 square feet).

Siting and Size

- (7) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.
- (8) The minimum setback for any building, structure or enclosure housing animals and poultry shall be 15 metres (50 feet) from any edge lot line.

- (9) The floor area of the community office building permitted in Article 5.5(1)(e) above shall not exceed 200 square metres (2153 square feet).

Conditions of Use

- (10) Farm Uses permitted by article 5.5(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.
- (11) The non-commercial short-term accommodation permitted by article 5.5(1)(h) above is limited to the use of rooms within a permitted community meeting hall, provided the use does not exceed a maximum of 10 days at any one time, totalling no more than 90 days per calendar year.
- (12) The retail sales permitted by article 5.5(1)(i) above are limited to the sale of groceries and household effects within a permitted community meeting hall, provided the use is limited to a total floor area of 30 square metres (323 square feet) or less.

Subdivision

- (13) No subdivision plan shall be approved in the S1 zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.10 Community Services Two (S2)

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 uses;
 - (b) Timber production, harvesting, processing, storage, silviculture and forest protection;
 - (c) Forestry, maintenance and storage buildings and structures;
 - (d) Community recreational uses.

Density

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

Siting and Size

- (3) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.
- (4) The minimum setback for any building, structure or enclosure housing animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Conditions of Use

- (5) Farm Uses permitted by article 5.6(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision

- (6) No subdivision plan shall be approved in the S2 zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown

5.11 Community Service Three (S3)

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 uses;
 - (b) Timber production, harvesting, processing, storage, silviculture and forest protection;
 - (c) Forestry, maintenance and storage buildings and structures;
 - (d) Community recreational uses;
 - (e) Maintenance uses and buildings; and vehicle, aircraft and equipment storage uses and buildings;

Density

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

Siting and Size

- (3) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.
- (4) The minimum setback for any building, structure or enclosure housing farm animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Conditions of Use

- (5) Farm Uses permitted by article 5.7(1)(a) above must comply with all regulations established in relation to that use in Section 3.14.

Subdivision

- (6) No subdivision plan shall be approved in the S3 zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.12 Community Services Four (S4)

BL#170

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) Storage and warehousing;
 - (b) Administrative offices;
 - (c) Emergency services;
 - (d) Maintenance and repair uses and facilities;
 - (e) Vehicle, aircraft and equipment storage uses and facilities;
 - (f) Timber processing and storage, silviculture, and forest protection uses;
 - (g) Golf course storage and maintenance uses and facilities;
 - (h) Accessory dwelling units;
 - (i) Accessory uses, buildings and structures.

Density

- (2) The combined lot coverage of all buildings and structures shall not exceed 25 percent.
- (3) The number of accessory dwelling units in the S4 zone is limited to fifteen and the maximum combined floor area of all accessory dwelling units in the zone is 1050 m² (11,302 ft²).

Siting and Size

- (4) The minimum setback for any building or structure shall be 3 metres (10 feet) from any lot line.
- (5) The maximum height for all buildings and structures is 9.7 metres (32 feet) in height.

Conditions of Use

- (6) The occupancy of an accessory dwelling unit permitted by article 5.12(1)(i) above is limited to providing residential accommodation to the household of an owner, operator or an employee of a permitted principal use in C1, C2, C3 or S4 zones on James Island or an employee engaged in management or operations on James Island.
- (7) All external storage areas associated with the uses permitted by articles 5.12(1)(a), (b), (c), (d) and (e) above must be screened from view from all lot lines and from the sea by screening or fencing complying with the provisions of Section 3.9 (Landscape Screening).

Subdivision

- (8) No subdivision plan shall be approved in this zone, except where the land is within the common property of a bare land strata plan, unless the lots created by the subdivision have an average and minimum lot area of at least 100 hectares (248 acres), and except where, pursuant to article 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

Site – Specific Regulations

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

Table 5.3		
Site-Specific Zone	Location Description	Site Specific Regulations
S4(a)	Portion of Section 2, James Island, Cowichan District	Despite 5.12(1)(h) above, accessory dwelling units are not permitted in this location.

5.13 National Park (NP)

Information Note: Land held by the Federal Crown is immune from local government regulations, including zoning.

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) Trails, stairs and walkways;
 - (b) Informational signs and interpretive structures;
 - (c) Wilderness camping;
 - (d) Accessory uses, buildings and structures;
 - (e) Other uses consistent with the *Canada National Parks Act*.

Subdivision Lot Size Requirements

- (2) No subdivision plan shall be approved in the NP zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown

5.14 Conservation (G)

Permitted Uses

(1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:

- BL#170
- (a) Trails, stairs, walkways, and structured or floating walkways;
 - (b) Informational signs and interpretive structures;

Subdivision

- BL#170
- (2) No subdivision plan shall be approved in the G zones unless the lots created by the subdivision have an average and minimum lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 8.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

5.15 Marine General (W1)

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 are prohibited:
 - (a) Marine navigational aids;
 - (b) Mooring buoys;
 - (c) Buoys delineating aquaculture tenure boundaries;
 - (d) Docks;
 - (e) Barge ramps and marine railways;
 - (f) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.8(1)(d) and (e) above;
 - (g) Sub-tidal and beach shellfish aquaculture;
 - (h) Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.8(1)(d) through (f) above, or for the protection of another established use or feature.
- (2) **Information Note:** for certainty, the following uses are prohibited in the W1 zone:
 - (a) Industrial uses;
 - (b) Commercial uses;
 - (c) Marina, the use of which is restricted to members of a private club;
 - (d) Off-bottom aquaculture.

Siting and Size

- (3) No structure shall be located within 3 metres (10 feet) of the seaward projection of any side lot line of an abutting upland lot.
- (4) All mooring buoys permitted by 5.8(1)(b) above shall be located within 100 metres (328 feet) of the RR, A, CD1 or CD2 zones.
- (5) Despite Subsection 5.8(4) above, no mooring buoy shall be located within 100 metres (328 feet) of the NP zone.
- (6) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.
- (7) The maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island may not exceed 93 square metres (1001 square feet) and an additional 47 square metres (506 square feet) for each additional 4 hectares (10 acres) of land area on the upland island greater than 4 hectares (10 acres). In no instance shall the maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island exceed 465 square metres (5005 square feet).
- (8) The total linear extent of all breakwaters and wave suppression devices adjacent to any one island shall not exceed 50 metres (164 feet).

- (9) The maximum height of any breakwater shall not exceed 2 metres (6 feet) above high-high tide.
- (10) No breakwaters and wave suppression device shall connect any one island to another island.
- (11) Storage structures constructed on any part of a dock shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet).
- (12) The total linear extent of all seawalls, permitted in Section 3.1 adjacent to any one island shall not exceed 50 metres (164 feet).
- (13) The maximum height of any seawall shall not exceed 2 metres (6 feet) above high-high tide.

Conditions of Use

- (14) Mooring buoys permitted by article 5.8(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.
- (15) Docks permitted by article 5.8(1)(d) above shall be accessory to a residential or agricultural use of an upland lot, or lots, and shall provide access to that lot or lots for the residents of an upland lot.
- (16) No building or structure shall be sited, placed or erected on any float, dock, pier or breakwater in the W1 zone except:
 - (a) storage structures;
 - (b) lift cranes;
 - (c) railings;
 - (d) lights.
- (17) No dock shall use foam floatation devices that are not completely encapsulated in concrete or an equivalent material.
- (18) Barge ramps and marine railways permitted by article 5.8(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island.
- (19) Breakwaters and wave suppression devices permitted by article 5.8(1)(h) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.8(7) above.

5.16 Marine Protection (W2)

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) Marine navigational aids;
 - (b) Mooring buoys;
 - (c) Sub-tidal and beach shellfish aquaculture;
 - (d) Buoys delineating aquaculture tenure boundaries.

- (2) **Information Note:** for certainty, the following uses are prohibited in the W2 zone:
 - (a) Industrial uses;
 - (b) Commercial uses;
 - (c) Marinas and docks;
 - (d) Off-bottom aquaculture.

Conditions of Use

- (3) Mooring buoys permitted by article 5.9(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.

5.17 Marine Service (W3)

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) Marine navigational aids;
 - (b) Mooring buoys;
 - (c) Private marina;
 - (d) Barge ramp and marine railway;
 - (e) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in Articles 5.10(1)(c) and (d) above;
 - (f) Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.10(1)(c) through (e) above or for the protection of an established use or feature.

- (2) **Information Note:** for certainty, the following uses are prohibited in the W3 zone:
 - (a) Industrial uses;
 - (b) Commercial uses;
 - (c) Marina, the use of which is restricted to members of a private club;
 - (d) Off-bottom aquaculture.

Density

- (3) A maximum of one private marina and associated docks, piers, floats, ramps and breakwaters is permitted per island.

- (4) A maximum of one barge ramp and one marine railway and associated structures are permitted per island.

Siting and Size

- (5) No structure may be sited outside of a water licence or lease area.

- (6) Storage structures shall have a maximum height of 3 metres (10 feet) and a maximum floor area of 10 square metres (107 square feet).

Conditions of Use

- (7) Mooring buoys permitted by article 5.10(1)(b) above shall only be used for the purpose of mooring private vessels accessory to the residential use of an upland lot on the island abutting the water zone in which the marina is located.

- (8) Private marinas permitted by article 5.10(1)(c) above shall only provide docks, floats and piers for the mooring of private vessels accessory to a permitted use of an upland lot(s) on the island abutting the water area in which the marina is located.

- (9) No building or structure may be sited, placed or erected on any float, dock, pier or breakwater in the W3 zone except:
 - (a) storage structures;
 - (b) lift cranes;
 - (c) railings;
 - (d) lights.
- (10) Barge ramps and marine railways permitted by article 5.10(1)(d) above shall be accessory to a permitted use of an upland lot(s) on the island, and shall provide access to those lots for the residents of the upland lots.

BL#170

Site – Specific Regulations

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

Table 5.4		
Site-Specific Zone	Location Description	Site Specific Regulations
W3(a)	Two portions of the water off James Island	1. Despite Subsection 5.12(3), a maximum of two private marinas may be permitted. 2. In addition to the siting and size regulations established in 5.12(5) and 5.12(6), the combined area of docks and marinas in the W3(a) zone shall not exceed 290 square metres (3122 feet ²).

5.18 Marine Park (W4)

Information Note: Land, including submerged land, held by the Federal Crown is immune from local government regulations, including zoning.

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) Marine navigational aids;
 - (b) Mooring buoys;
 - (c) Wharves;
 - (d) Docks;
 - (e) Barge ramps and marine railways;
 - (f) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.11(1)(c) and (d) above;
 - (g) Breakwaters and wave suppression devices necessary for the establishment and maintenance of the uses permitted in Articles 5.11(1)(c) through (e) above, or for the protection of another established use or feature;
 - (h) Other uses consistent with the *Canada National Parks Act*.

Siting and Size

- (2) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.
- (3) The maximum area of all dock floats and piers adjacent to any one island permitted by article 5.11(1)(d) above may not exceed 93 square metres (1001 square feet), exclusive of ramps and walkways.
- (4) The total linear extent of all breakwaters and wave suppression devices adjacent to any one island may not exceed 50 metres (164 feet).
- (5) The maximum height of any breakwater shall not exceed 1 metre (3 feet) above high-high tide.
- (6) No breakwaters and wave suppression device shall connect any one island to another island.
- (7) Storage structures constructed on any part of a dock permitted by article 5.11(1)(d) above shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet).
- (8) The total linear extent of all seawalls permitted in Section 3.1 adjacent to any one island may not exceed 50 metres (164 feet).
- (9) The maximum height of any seawall shall not exceed 1 metre (3 feet) above high-high tide.

Conditions of Use

- (10) Docks permitted by Article 5.11(1)(d) above shall be accessory to an established residential use of an upland lot, or lots, and shall provide access to that lot or lots by the residents of an upland lot on the island abutting the water area in which the dock is located.
- (11) Wharves permitted by Article 5.11(1)(c) shall be used to provide access to land in the NP zone.
- (12) No building or structure may be sited, placed or erected on any wharf, dock or breakwater in the W4 zone except:
 - (a) storage structures;
 - (b) lift cranes;
 - (c) railings;
 - (d) lights.
- (13) No dock or wharf shall use foam floatation devices that are not completely encapsulated in concrete or similar materials.
- (14) Barge ramps and marine railways permitted by article 5.11(1)(e) above shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, or uses permitted in the NP zone, and shall provide access to that lot or lots.
- (15) Breakwaters and wave suppression devices permitted by article 5.11(1)(g) above shall not be used for the mooring of vessels, except where the total area of all floats, piers, breakwaters and wave suppression devices does not exceed the total area permitted by subsection 5.11(3) above.

5.19 Forrest Island Comprehensive Development Zone (CD 1)

Permitted Uses

- (1) The following buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other buildings and structures are prohibited:
 - (a) Single family dwellings;
 - (b) Cottages;
 - (c) Agriculture;
 - (d) Accessory uses, buildings and structures.

Density

- (2) No more than 3 single family dwellings and 3 cottages may be constructed in the CD1 zone.
- (3) The lot coverage of all buildings and structures may not exceed 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure shall be 6 metres (20 feet) from all lot lines.
- (5) Despite Subsection 5.14(4), the minimum setback for any building, structure or enclosure housing animals and poultry shall be 7.6 metres (25 feet) from any lot line, except the natural boundary of the sea.
- (6) The maximum floor area of a cottage shall be 70 square metres (754 square feet) on a lot between 0.17 hectares (0.4 acres) and 1.2 hectares (3 acres) in area.
- (7) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Subdivision Lot Size Requirements

- (8) No lot having an area less than 0.17 hectares (0.4 acres) may be created by subdivision in the CD1 Zone.
- (9) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 6 hectares (15 acres).
- (10) No more than 3 lots may be created in the CD1 zone.

5.20 Sidney Island Comprehensive Development Zone (CD 2)

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) Single family dwellings;
 - (b) Accessory uses, buildings and structures.

Density

- (2) No more than 111 single family dwellings may be constructed in the CD2 zone.
- (3) For the land legally described as Strata lots 1 through 24 inclusive in Strata Plan VIS5122, the following densities apply:

Strata Lot #	Permitted Number of single family dwellings
1	6
2	6
3	5
4	6
5	5
6	8
7	9
8	8
9	5
10	4
11	5
12	4
13	5
14	4
15	3
16	4
17	4
18	3
19	2
20	2
21	2
22	2
23	2
24	7
Total	111

provided that in the event of:

- (a) the addition of a part of strata lot 1 to strata lot 24, the permitted number of single family dwellings on expanded strata lot 24 shall be seven and the permitted number of single family dwellings on the remainder of strata lot 1 shall be six;
 - (b) the consolidation of strata lot 1 and strata lot 24, the permitted number of single family dwellings on the consolidated strata lot shall be 13;
 - (c) any division of any or all of the above 24 strata lots, including those resulting under (a) or (b) above, no more than one single family dwelling may be constructed on each lot resulting from any such division.
- (4) The combined lot coverage of all buildings and structures may not exceed 25 percent.

Siting and Size

- (5) The minimum setback for any building or structure, except a fence or pump/utility house, shall be 10 metres (33 feet) from any lot line.
- (6) The minimum setback for any building or structure, except a fence or a pump/utility house, shall be 15 metres (49 feet) from the natural boundary of the sea.

Conditions of Use

- (7) Any building, for which a valid building permit was issued on or after the adoption of this bylaw, any part of which is located within 200 metres (656 feet) of the NP zone, shall be screened from view from the NP zone by vegetative landscape screening complying with the provisions of Subsection 3.9(1) (Landscape Screening).

Subdivision Lot Size Requirements

- (8) No more than 111 lots may be created in the CD2 zone.
- (9) No lot may be created having an area less than 1 hectare (2.5 acres), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 1 hectares (2.5 acres) so long as the total area of land in the amended strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 1 hectares (2.5 acres).
- (10) No lot referred to in Subsection 5.13(3) above may be subdivided into more lots than the maximum number of one-family dwellings permitted on the respective lot referred to in Subsection 5.13(3).

Site Specific Regulations

- (11) The regulations listed in Column 3 of the following table only apply to the land identified in column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in column 1.

Table 5.3		
Site-Specific Zone	Location Description	Site Specific Regulations
CD2(a)	Portion of strata lots 6, 7, 8 and 19 Plan VIS5122.	(1) Despite Subsection 5.15(5) above, the required interior side and rear lot line setbacks are 3 metres (10 feet), except where a lot line is contiguous with the NP zone, the setback from that lot line is 10 metres (33 feet).

5.21 James Island Comprehensive Development Zone (CD 3)

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) Single family dwellings;
 - (b) Cottages;
 - (c) Agriculture;
 - (d) Community recreational uses;
 - (e) Accessory uses, buildings and structures.

Density

- (2) No more than one single family dwelling and one cottage may be constructed on any lot.
- (3) No more than 80 lots may be created by subdivision in the CD3 zone
- (4) The combined lot coverage of all buildings and structures shall not exceed 25 percent, except in the instance where a lot has been created pursuant to the *Bare Land Strata Regulations* and the area of a lot is 465 m² (5000 ft² or less, in which instance the combined lot coverage of all buildings and structures shall not exceed 75%.

Siting and Size

- (5) The minimum setback for any building or structure, except a fence or pump/utility house, shall be 3 metres (10 feet) from any lot line.
- (6) The minimum setback for any building or structure, except a fence or a pump/utility house, shall be 15 metres (49 feet) from the natural boundary of the sea.
- (7) The maximum floor area of a single family dwelling shall be 465 square metres (5005 square feet).
- (8) The maximum floor area of a cottage shall be 70 square metres (754 square feet) on a lot 1.2 hectares (3 acres) or less in area.
- (9) The maximum floor area of a cottage shall be 93 square metres (1002 square feet) on a lot greater than 1.2 hectares (3 acres) in area.

Subdivision Lot Size Requirements

- (10) No lot may be created having an area less than 1.25 hectare (3.1 acres), provided that, pursuant to section 2(2)(a) of the *Bare Land Strata Regulations*, a strata subdivision may result in strata lots of less than 1.25 hectares (3.1 acres) so long as the total area of land in the strata plan (exclusive of access routes) divided by the number of strata lots would not be less than 1.25 hectares (3.1 acres).

Site Specific Regulations

- (11) The regulations listed in Column 3 of the following table only apply to the land identified in column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in column 1.

Table 5.6		
Site-Specific Zone	Location Description	Site Specific Regulations
CD3(a)	Portion of Section 4, James Island, Cowichan District.	The minimum setback for any building or structure shall be 50 metres (164 feet) from the natural boundary of the sea.

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

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

6.2 Prohibited Signs

- (1) The following signs are prohibited:
 - (a) Any sign that is internally illuminated;
 - (b) Any sign with moving parts;
 - (c) Any sign hung from, or in any way affixed to, any other sign;
 - (d) Any noise-making sign;
 - (e) Third party signs.

6.3 Exempt Signs

The following signs are exempt from the regulations in this part:

- (1) Directional, traffic control, safety, interpretive, address and navigational signs.
- (2) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 14 days of the date of election.
- (3) Signs pertaining to the lease, sale, name of owner or property, or the use or status of a lot or building are permitted, provided no one sign exceeds a total area of 1.2 square metres (13 square feet).
- (4) Signs erected and maintained by a public agency.

6.4 Siting and Height

- (1) No signs permitted by this Part may be sited within a setback area and no sign may be sited within 15 metres (49 feet) upland of the natural boundary of the sea without first obtaining a development permit pursuant to Part 7 of the "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002".
- (2) 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 which it advertises 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, Premise or Use	Maximum Total Sign Area Permitted for Each Lot, Premise or Use
All zones	1 per lot	1.2 square metres (13 square feet) in area

PART 7 PARKING REGULATIONS

7.1 Location

- (1) All required off-road 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 the disabled, it shall be located in the closest point as is practical to the main entrance to any building containing the use for which the disabled parking space is required.
- (3) A parking space may not be located within a required setback area

7.2 Design Standards

- (1) 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.
- (2) Each parking space shall be at least 2.75 metres (9 feet) in width and 6.25 metres (21 feet) in length, exclusive of manoeuvring aisles or driveways, and have unobstructed vertical clearance of at least 2 metres (6.6 feet).
- (3) A required parking space may be open or enclosed, and may be outside, under, or within a building.

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 1, 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 which is accessed via a highway shall provide and maintain off-street parking stalls 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:

Table 7.1 : Off-Street Parking Requirements	
Use of Building or Lot	Minimum Number of Parking Spaces Required
Residential	Two per single family dwelling and one per cottage
Home Occupation	One per business

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

- (1) Subdivisions shall comply with the minimum and 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 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, a separate calculation of the number of lots permitted shall be made for each portion, and no lot is to be created in respect of any fractional area resulting from such a calculation.

8.2 Exemptions from Minimum and Average 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 and 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 under the *Land Title Act* restricting the use of the lot to one of these uses;
 - (b) the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown;
 - (c) the lot being created results from the consolidation of two or more lots, provided the area of the consolidated lot could not 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 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 is to yield 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 size, 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 single family dwellings and, if a cottage is a permitted use of the lot, more than that zone's permitted number of such cottages.

- (2) If a subdivision is proposed that is to yield 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 size; and
 - (b) one or more of the lots being created has an area less than the applicable average lot size the applicant shall grant a Section 219 covenant complying with Section 2.6 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 average lot sizes specified by this bylaw; and
 - (ii) the construction, erection, or occupancy on the lot of single family dwellings 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 developed to the greatest density permitted by this bylaw.
- (3) If the approval of a bare land strata plan would create common property in the same zone as the strata lots, and this bylaw would permit the construction of a dwelling or cottage on the common property if it 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 residential dwelling unit 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 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 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 under Section 946 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 Shape

- (1) The frontage of any lot in a proposed subdivision must not be less than 20 metres (66 feet). Section 944 of the *Local Government Act* establishes that the minimum frontage on a highway must be the greater of 10% of the perimeter of the lot and the minimum frontage established by bylaw; however, the requirement for 10% lot frontage may be exempted by resolution of the Local Trust Committee.
- (2) No lot in a proposed subdivision may have a depth greater than three times its width, exclusive of any panhandle access strip.
- (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 must be 10 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 must be 20 metres (66 feet).

8.7 Split Zoned Lots

- (1) Subject to Subsection 8.4(2), 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 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

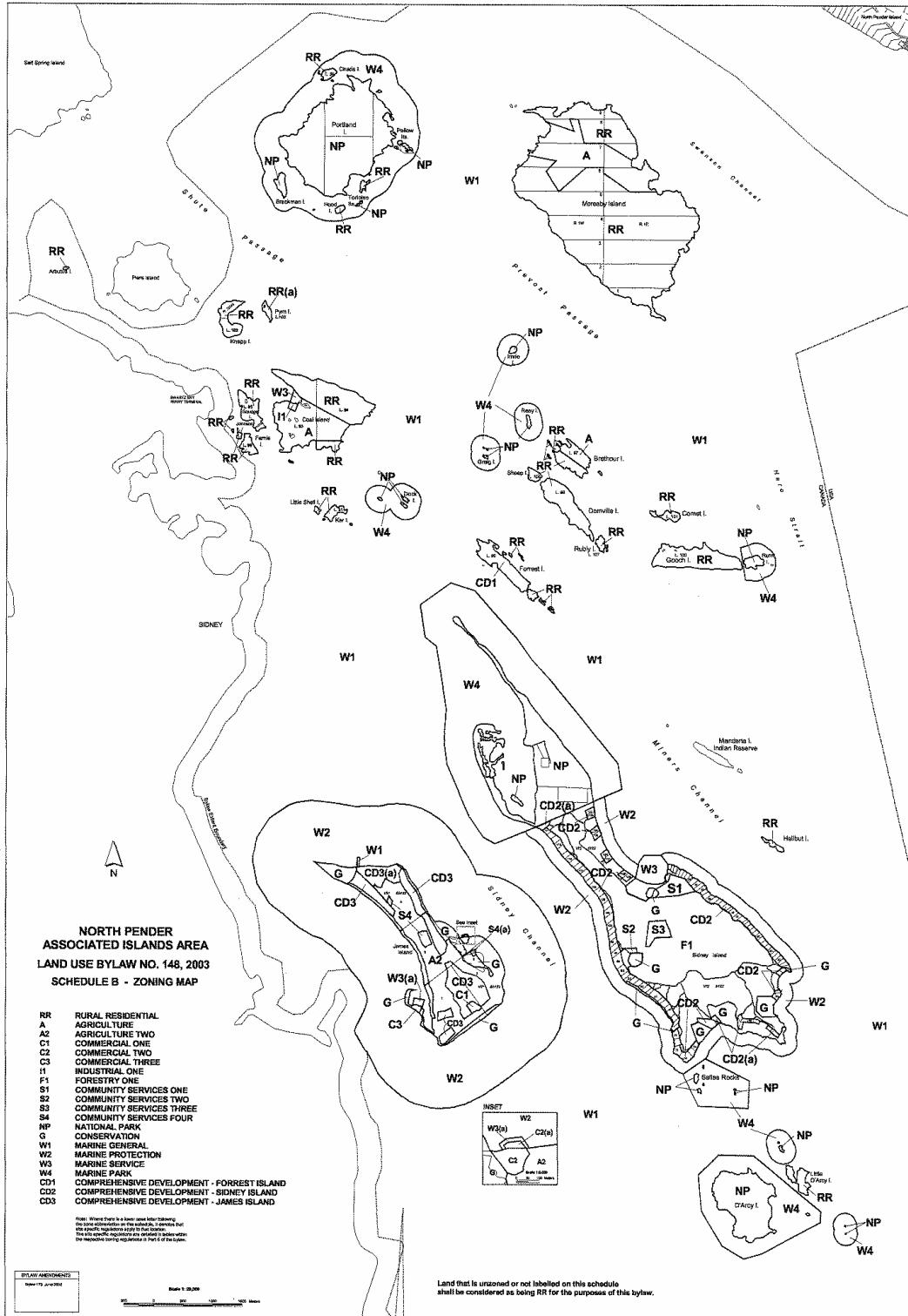
- (1) No lot having frontage on more than one highway other than a corner lot may be created by subdivision.

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, dated October 20, 1992 and amended July 18, 1996, and as may be subsequently amended.

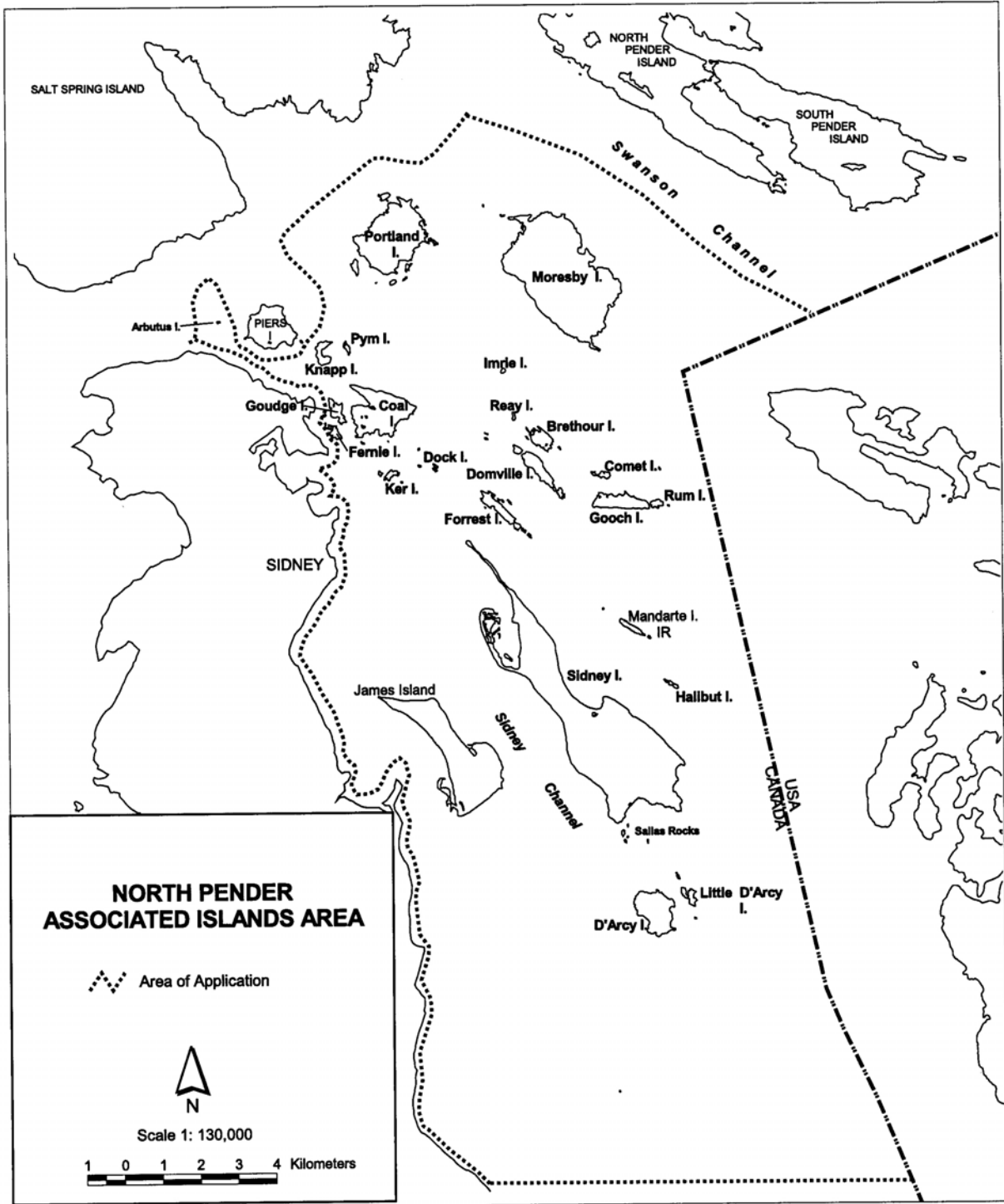
SCHEDULE B (ZONING MAP)

BL#170



SCHEDULE C (BYLAW AREA MAP)

BL 170



SCHEDULE D (SITE PLANS)

