



**Islands Trust**

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**LAND USE BYLAW NO. 103, 1996**

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAWS:

115, 117, 118, 121, 122, 127, 131, 132, 133, 135, 136, 137, 138, 139, 140, 149, 150,  
152, 158, 176, 174, 177, 179, 180 and 181

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: November 26, 2010

## BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following **Text Amendments only**

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 115	Amendment No. 1, 1999	April 12, 2000
Bylaw No. 117	Amendment No. 1, 2000	April 12, 2000
Bylaw No. 118	Amendment No. 2, 2000	April 12, 2000
Bylaw No. 121	Amendment No. 3, 2000	January 18, 2001
Bylaw No. 122	Amendment No. 4, 2000	December 8, 2000
Bylaw No. 127	Amendment No. 6, 2000	October 30, 2001
Bylaw No. 131	Amendment No. 2, 2001	October 30, 2001
Bylaw No. 132	Amendment No. 3, 2001	September 25, 2001
Bylaw No. 133	Amendment No. 4, 2001	September 25, 2001
Bylaw No. 135	Amendment No. 5, 2001	July 12, 2002
Bylaw No. 136	Amendment No. 6, 2001	January 11, 2002
Bylaw No. 137	Amendment No. 7, 2001	January 11, 2002
Bylaw No. 138	Amendment No. 1, 2002	December 18, 2002
Bylaw No. 139	Amendment No. 2, 2002	October 5, 2002
Bylaw No. 140	Amendment No. 3, 2002	October 5, 2002
Bylaw No. 149	Amendment No. 6, 2002	April 24, 2003
Bylaw No. 150	Amendment No. 1, 2003	July 31, 2003
Bylaw No. 152	Amendment No. 2, 2003	June 24, 2004
Bylaw No. 174	Amendment No. 1, 2007	August 27, 2009
Bylaw No. 176	Amendment No. 2, 2008	October 30, 2008
Bylaw No. 177	Amendment No. 3, 2008	May 28, 2009
Bylaw No. 179	Amendment No. 1, 2009	November 25, 2010
Bylaw No. 180	Amendment No. 2, 2009	October 28, 2010
Bylaw No. 181	Amendment No. 3, 2009	October 28, 2010

BL 176 (Deleted Information Guide)

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***Metric Conversion Table*** – This table is attached to the back of the bylaw and is provided for convenience only and does not form part of North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 103, 1996**

**A BYLAW TO ESTABLISH LAND USE REGULATIONS.**

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The North Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction within and in respect of the North Pender Island Local Trust Area, pursuant to the *Islands Trust Act*, enacts as follows:

**PART 1**

**INTERPRETATION**

**1.1 Definitions**

BL 115

"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 131

"agri-tourist accommodation" means a use accessory to a working farm operation for the purpose of accommodating commercial guests within specific structures on specific portions of a parcel of land;

BL 180

"agriculture" means the use of land, buildings or structures for a farm operation.

"animal enclosure" means a pen or fenced area used for non-grazing in which animals are confined.

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

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

BL 179

"buffer area" means an area of a campground in which no camping space, service building, parking area, recreational vehicle sewage disposal station, or recreation area other than a waterfront recreation area is located.

BL 117

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

"cafe" means a restaurant in which the service of alcoholic beverages is not provided.

"cottage" means a dwelling with a floor area of 56 m<sup>2</sup> or less.

BL 179

"camp facility" means lands, buildings, and structures used periodically for eating, sleeping, recreation and education activities serving the needs of organizations or large groups and not intended for commercial guest accommodation or use by the travelling public"

"campground" means premises developed for the provision of commercial accommodation to campers in recreational vehicles and tents, for a maximum period of 21 consecutive days at any one camping space and 3 months in any calendar year in any one campground.

"camping space" means an area of a campground developed or laid out for the accommodation of a recreational vehicle or a maximum of two tents.

"commercial guest accommodation unit" means a room or suite of rooms in a hotel, motel or lodge, not exceeding 56 m<sup>2</sup> in total floor area and containing not more than two bedrooms, used for the temporary accommodation of travellers.

"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.

BL 149 "construction trailer" means a non-residential building which is manufactured and pre-assembled, which is designed to be moved from one place to another and which is designed not to be supported on a permanent foundation.

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

"Engineer" means a member of the Association of Professional Engineers and Geoscientists of British Columbia.

BL 180 "Farm operations" means a farm use as defined under the *Agricultural Land Commission Act*.

BL 115, 179 "floor area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey.

BL 140 "floor area ratio" means the figure obtained by dividing the total floor area of all buildings and structures on a lot by the total lot area.

"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.

"Guidelines for Canadian Drinking Water Quality" means the current edition of the publication of that name published by Health Canada.

"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.

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

BL 118 "home business" means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and cottage uses and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use."

"home industry" means an accessory industrial use conducted on residential premises.

"horticulture" means the use of land for the rearing of plants.

"hotel" means a building containing commercial guest accommodation units, a restaurant and a lobby area for guest registration and access to the accommodation units.

"indoor recreation facility" means a facility used and equipped for the conduct of sports, leisure

and entertainment activities.

"Land Development Guidelines" means the Land Development Guidelines for the Protection of Aquatic Habitat published by the Department of Fisheries and Oceans and the Ministry of Environment in 1992.

"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.

"landscape strip" means natural vegetation, trees, shrubs, fencing, or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to protect the natural environment and prevent hazardous conditions.

BL 180 "livestock" means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas.

"lodge" means commercial guest accommodation units and facilities in detached buildings.

"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*.

BL 118 "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."

"lot line" means the boundary of a lot, 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 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.

"manufacturing" means an industrial use involving the fabrication or assembly of articles or materials into new products.

"marina" means the use of a water area for the temporary storage of boats and includes the installation of floats, wharves, piers, ramps and walkways and the provision of wharfage services to the boating public.

BL 117 "mobile home" means a dwelling suitable for year-round occupancy, 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 of a boat to a buoy or similar object that is in turn anchored to the bed of the sea.

"motel" means a building containing commercial guest accommodation units each of which has a

separate entrance from the exterior of the building.

"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.

"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.

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

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

"principal" 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.

"pumphouse" means an accessory building containing only equipment for pumping and processing of water and sewage, including associated electrical 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.

"recycling facilities" means facilities for the recovery, storage and shipping of discarded materials.

"restaurant" includes the use of a building for the serving of alcoholic beverages with meals;

"roadway" means the travelled portion of a highway.

"sign" means any device or medium, including its supporting structure visible from 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.

BL 115

"structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes fences, septic fields, concrete and asphalt paving, or similar surfacing of the land.

"multiple-family dwelling" means a building used as a residence for two or more households.

"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.

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

"zone" means a zone established by Part 7 of this Bylaw.

## **1.2 Commercial Guest Accommodation Uses**

BL 131

Where this Bylaw permits the use of land for commercial guest accommodation units in hotels, lodges, motels or agri-tourist accommodation facilities, the permitted use is the temporary occupancy of the units by a succession of different persons or parties and the owner of the unit may not be in continuous occupancy of the unit for more than 29 days nor in occupancy of the unit for more than 45 days in any calendar year. The intent of this provision is to ensure that commercial guest accommodation units remain reasonably available for rental by members of the public wishing to visit North Pender Island to enjoy its unique amenities and environment.

BL 118

## **1.3 Numbering**

1.3.1 In the numbering system used in this Bylaw, the first number indicates parts of the Bylaw, the second number indicates sections, the third indicates subsections, the bracketed number indicates articles, and the bracketed letter indicates clauses, as follows:

8	Part
8.1	Section
8.1.2	Subsection
8.1.2(1)	Article
8.1.2(1)(a)	Clause

## **1.4 Descriptions of Land**

1.4.1 All descriptions of particular land used in this Bylaw are descriptions of land on Pender Island, Cowichan District.

## PART 2

### GENERAL PROVISIONS

#### 2.1 Application

2.1.1 The provisions of this Bylaw apply to North Pender Island and those portions of the North Pender Island Local Trust Area shown on Schedule "A", which forms part of this Bylaw.

#### 2.2 Requirement for Compliance

2.2.1 Land or the surface of water in the North Pender Island Local Trust Area shall not be used, land shall not be subdivided, buildings and structures on land or on the surface of water shall not be constructed, altered, located or used, and signs shall not be erected or located on any land except as specifically permitted by this Bylaw.

#### 2.3 Violation

2.3.1 Every person commits an offence under this Bylaw, who, being an owner or occupier of land or of the surface of water in the North Pender Island Local Trust Area:

- (1) violates any of the provisions of this Bylaw;
- (2) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- (3) neglects or omits to do anything required under this Bylaw;
- (4) carries out, causes or permits to be carried out any development of land or the surface of water in a manner prohibited by or contrary to any of the provisions of this Bylaw;
- (5) fails to comply with an order, direction or notice given under this Bylaw; or
- (6) prevents or obstructs or attempts to prevent or obstruct a person authorized under Section 2.4 from entering on the property.

#### 2.4 Administration and Enforcement

2.4.1 The Islands Trust Bylaw Investigation Officer or any other person designated by the North Pender Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

2.4.2 No person may obstruct the Bylaw Investigation Officer or any other designated person engaged in the administration or enforcement of this Bylaw.

#### 2.5 Penalty

BL 131

2.5.1 Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty not exceeding \$5,000 and the costs of prosecution.

2.5.2 Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

#### 2.6 Units of Measurement

BL 179 2.6.1 All measurements included in this Bylaw are metric. A metric conversion table is provided as Attachment 1 for convenience only and does not form a part of this Bylaw.

## **2.7 Severability**

- 2.7.1 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.

## PART 3

### GENERAL REGULATIONS

#### 3.1 Uses Permitted in Any Zone

3.1.1 Except where specifically prohibited, the following uses, building and structures are permitted in any zone except the Ecological (ECO) Zone:

- (1) uses, buildings and structures, which are accessory to a principal permitted use, building or structure on the same lot, including accessory horticulture;
- (2) parks other than playgrounds and playing fields, hiking and bicycling paths, horse riding trails and ecological reserves;
- (3) road-side produce stands not exceeding 10 m<sup>2</sup> in floor area and used for the selling of farm products that are grown or reared on the land upon which the stand is located;
- (4) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;
- BL 121 (5) electricity and telephone lines for the distribution of service to North or South Pender Island, and water and sewer service lines;
- BL 121 (6) the use of land in the Forest Land Reserve for forest management activities related to timber production or harvesting; and
- BL 121 (7) where agriculture is permitted in any zone, farm retail sales are permitted, providing the property has farm status under the *BC. Assessment Act*.

#### 3.2 Prohibited Uses

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

- BL 179 (1) yacht clubs and marinas the use of which is restricted to members of a private club;
- (2) disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the *Waste Management Act*;
- (3) the disposal or storage of hazardous or toxic waste, other than the temporary storage of such waste in the Recycling Facility (RF) Zone and the Industrial (I1) Zone, and for the purposes of this exception "temporary" means that not more than 6 months' accumulation of such waste may be stored;
- BL 179, 180 (4) fur farming, except as permitted in the Agricultural Land Reserve by a person licensed under the *Fur Farm Act*, and
- (5) the sale and rental of personal watercraft.

3.2.2 Land within 50 metres of the natural boundary of any lake, wetland, stream, or the Ecological (ECO) Zone shall not be used for any automobile repair, commercial boat repair, or commercial boat building use.

### **3.3 Vehicle Storage**

- BL 133 3.3.1 Except as permitted in a Light Industrial (I1) or Industrial (I2) Zone, no lot may be used for:
- (1) the storage of more than two unlicensed motor vehicles (other than farm and forest equipment and vehicles), unless the vehicles are stored within a permitted building that is completely enclosed;
  - (2) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and
  - (3) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.”

### **3.4 Accessory Buildings**

- 3.4.1 A building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.4.3.
- 3.4.2 Unless a building or structure on a lot is attached to a principal building on the lot by a completely enclosed structure having walls, roof and 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.
- 3.4.3 An accessory building or structure may be constructed or placed and occupied as a temporary dwelling prior to the construction of a principal building or structure on the same lot provided that a building permit has been issued for the principal building or structure and the water supply and sewage disposal facilities for the principal building or structure have been installed.
- BL 139 3.4.4 An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a boat house, which may not exceed 5.4 metres in height and one storey, a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.

### **3.5 Home Business Regulations**

- BL 180 3.5.1 Home businesses must be conducted entirely within a dwelling or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.
- 3.5.2 The combined floor areas of all home businesses on a lot must not exceed 65 m<sup>2</sup>.
- BL 121 3.5.3 Except for the retail sale of goods produced, processed or repaired as part of a home business, and retail sale of articles directly related to a personal service provided as a home business, the following activities are not permitted:
- (1) retail or wholesale selling of any product or material; and
  - (2) the serving of food or drink products on the premises as part of a home business except for bed and breakfast home business in which case a morning meal may be served to paying guests.

- 3.5.4 Not more than four persons per lot may be employed in any home business in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home business must live on the premises.
- 3.5.5 Except for one unilluminated nameplate not exceeding 0.6 m<sup>2</sup> in area in respect of each home business, no sign or other advertising matter may be exhibited or displayed on the premises where a home business is conducted, and no exterior artificial lighting may be installed or operated on the premises for a purpose associated with a home business.
- 3.5.6 No storage of materials, commodities or finished products is permitted in connection with the operation of a home business, other than within a permitted building in which case the total floor area used for such storage must not exceed 65 m<sup>2</sup>.
- 3.5.7 In addition to the off-street parking spaces required for the dwelling, the parking spaces required by Part 6, and in no event fewer than two such additional spaces must be provided for patrons of a home business, but no such additional spaces are required if the nature of the home business is such that patrons do not call at the premises.
- 3.5.8 The following additional regulations apply to bed and breakfast home businesses:
- (1) not more than 6 guests may be accommodated at any one time;
  - (2) not more than 3 bedrooms may be used to accommodate guests;
  - (3) in addition to the 2 parking spaces required for the dwelling, one additional parking space for each bedroom used for bed and breakfast accommodation must be provided, despite Subsection 3.5.7;
  - (4) no rental of equipment or material is permitted except to registered guests; and
  - (5) a bed and breakfast home business must be conducted solely within a principal dwelling.
- 3.5.9 The operator of every home business must comply with all licensing, health and other applicable regulations of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.
- 3.5.10 No vehicle or equipment used by, or in the conduct of, a home business shall be stored in a required front yard setback or in a required side yard setback without being screened from view.

BL 132

### **3.6 Home Industry Regulations**

- 3.6.1 The following uses and no others are permitted as home industries:
- (1) boat building and repair;
  - (2) automobile repair;
  - (3) hand-split shake manufacturing;
  - (4) contractor yards providing service within the North Pender, South Pender, Saturna, Mayne, Galiano and Salt Spring Island local trust areas, provided that no more than 5 vehicles used in the home industry may be stored and no more than 930 m<sup>2</sup> of lot area may be used for outdoor storage;

- BL 127, 180
- (5) sawmilling of timber and other wood products;
  - (6) cabinet manufacturing;
  - (7) processing of raw materials of any kind harvested or extracted from within the North Pender, South Pender, Saturna, Mayne, Galiano or Salt Spring Island local trust area;
  - (8) design, fabrication and assembly of automated packaging machinery and equipment;
  - (9) welding, machining and fabrication.
- 3.6.2 Not more than one home industry may be conducted on a lot, the combined floor areas of all buildings and structures used in the home industry must not exceed 185 m<sup>2</sup>, and areas used for outdoor storage in connection with the home industry must not exceed 930 m<sup>2</sup>
- 3.6.3 A home industry use:
- (1) is not permitted on any lot less than 2 hectares in area;
  - (2) must be sited not less than 50 metres from any lot line and not less than 30 metres from any lake, wetland, stream or the sea; and
  - (3) must be screened from view by a landscape screen from abutting lots and from public lands and public road rights-of-way.
- BL 158
- (4) may only be operated between the hours of 8 am to 8 pm, Monday through Friday.
- BL 158
- (5) must not generate any noise in the course of its operations that may be heard at any lot line.
- 3.6.4 Land within 50 metres of the natural boundary of any lake, wetland, stream, the sea or the Ecological (ECO) Zone shall not be used for any automobile repair, boat repair or boat building home industry.
- BL 158, 180
- 3.6.5 Subsections 3.5.4, 3.5.5, 3.5.7, 3.5.9 and 3.5.10 apply to the conduct of a home industry and the words "home business" in those subsections must be read as "home industry",.
- 3.7 Siting**
- BL 179
- 3.7.1 No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea nor 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for this purpose paved areas of asphalt, concrete or similar material are "structures".
- BL 121, BL 179
- 3.7.2 Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.
- 3.7.3 No sewage disposal field or seepage pit used for agricultural, commercial or industrial purposes may be sited within 60 metres of the natural boundary of the sea, not within 30 metres of the natural boundary of a lake, wetland, stream or domestic water source.

- 3.7.4 No mushroom barn, or animal enclosure used or intended to be used to confine more than 4500 kilograms of livestock, poultry or farmed game, may be sited within 30 metres of any lot line.

- BL 115 3.7.5 No permanent animal enclosure use may be sited within 7.6 metres of any lot line and no agricultural waste storage area may be sited within 15 metres of any lot line.
- 3.7.6 No commercial storage of petroleum, pesticide or other chemical is permitted within 30 metres of any domestic water source or well nor within 15 metres of the natural boundary of any lake, wetland, stream or the sea, and no such substance may be stored on North Pender Island unless the storage area is bermed or otherwise equipped to contain a spill of the entire quantity of the substance stored.
- 3.7.7 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, subject to subsections 3.7.8.
- 3.7.8 Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, ornamental features, steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distances to a lot line or a natural feature specified in this Bylaw may be reduced by not more than 0.6 metres, but such reduction applies only to the projecting feature.

### **3.8 Height Exceptions**

- BL 179 3.8.1 The height regulations for buildings and structures specified elsewhere in this Bylaw do not apply to radio and television antennas for reception of signals by individual households, church spires, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, farm silos and grain bins, and water storage tanks in the Community Service (CS) Zone.

### **3.9 Construction Trailers**

BL 139, 149

- 3.9.1 Construction trailers are permitted in all zones solely for construction purposes, on a lot being developed, and for a period not to exceed the duration of such construction or for one year, whichever is less.

### **3.10 Deleted by Bylaw No. 179**

BL 118, 121, 179

### **3.11 Covenants Against Building and Subdivision**

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

### **3.12 Enforcement of Siting Regulations**

- 3.12.1 Every applicant for a building 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 Building Inspector determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this Bylaw.

- 3.12.2 Every applicant for a development permit or a development variance permit must provide a plan as described in Subsection 3.12.1 unless the North Pender Island Local Trust Committee makes the determination referred to in that section.

### **3.13 Landscape Screening and Landscape Strips**

BL 140

#### **3.13.1 Landscape Screening**

- (1) If this Bylaw requires landscape screening of outdoor storage areas or other uses or structures, the screening may be broken only by necessary access, and must be provided in the form of:
- (a) existing indigenous vegetation that provides a complete and permanent visual screen around the uses or structures; or
  - (b) a fence or brick, masonry or stone wall at least 2.5 metres in height that provides a complete and permanent visual screen around the uses or structures; or
  - (c) a row of drought tolerant evergreen plants that will attain a sufficient height and density to provide a complete and permanent visual screen around the uses or structures, planted and maintained continuously.
- (2) If this Bylaw requires landscape screening separating uses, the screening must be provided along the required lot lines, broken only by driveways or walkways necessary for access, in the form of:
- (a) existing indigenous vegetation that provides a complete and permanent visual screen between the uses being separated, to a width of at least 1.5 metres on lots less than 0.4 ha in area and to a width of at least 3 metres on lots equal to or greater than 0.4 ha in area; or
  - (b) a fence or brick, masonry or stone wall at least 2.5 metres in height; or
  - (c) a row of drought tolerant evergreen plants that will attain a sufficient height and density to screen the use or structure, planted and maintained continuously so as to provide a complete and permanent visual screen between the lot being screened and the adjacent lots.

#### **3.13.2 Landscape Strips for Environmental Protection**

- (1) If this Bylaw requires a landscape strip to be provided, existing indigenous vegetation, at least 3 metres in width, adjacent to at least two of the lot lines, other than the rear lot line, must be retained as a landscape strip so as to provide environmental protection, broken only by driveways or walkways necessary for access and any clearing necessary for the construction and maintenance of fencing.

### **3.14 Use of Common Property**

- 3.14.1 Land comprising the common property in a strata plan is not a "lot" for the purposes of the use and density regulations set out in Part 8, but may be used for uses accessory to principal uses located on strata lots in the same strata plan, other than home occupations and home industries.

### **3.15 Lots Divided by a Zone Boundary**

3.15.1 If a lot is divided by one or more zone boundaries, the number of dwellings and cottages permitted must be calculated by reference to the areas of the portions of the lot lying within each zone, and the dwellings and cottages may only be constructed on any portion of the lot if and to the extent that the minimum lot area or density regulation for that portion is complied with.

3.15.2 Despite Subsection 3.15.1, if one of the portions of the lot is in the Agricultural (AG) Zone, the dwelling or cottage permitted in respect of that portion of the lot may be sited on another portion of the lot.

### **3.16 Campground Regulations**

#### **3.16.1 Campground Permits**

- (1) No person may construct or lay out any campground except in accordance with a permit issued for that purpose by the Islands Trust in a form prescribed for that purpose by the Executive Director.
- (2) An application for a permit must be made on a form prescribed for that purpose (by the Executive Director) and an applicant must provide all of the information required by the form.
- (3) The Executive Director need not consider any permit application unless the applicant has provided evidence of the issuance of permits for water supply or sewage disposal by authorities having jurisdiction in those matters.
- (4) The Executive Director must issue a campground permit if the proposed campground complies in all respects with the requirements of this Bylaw.
- (5) Every campground permit lapses if the holder of the permit does not commence construction or laying out of the campground within 6 months of the date of issuance of the permit, and all construction authorized by a campground permit must be completed within two years of that date.
- (6) Nothing in this section relieves any person from any requirement to obtain any permit required under a bylaw of the Capital Regional District.

#### **3.16.2 Campground Standards - Zoning**

- (1) The minimum lot area for a campground is 1.2 hectares.
- (2) Camping spaces must not cover more than 22 percent of the lot and no campground may have more than 50 camping spaces.
- (3) No area of a campground other than a camping space complying with the requirements of this section may be occupied by a tent or recreational vehicle.
- (4) Accessory retail sales uses in a campground may not exceed 18.6 m<sup>2</sup> in floor area.

### 3.16.3 Campground Building Standards

- (1) Every campground must have access to a highway by way of a single hard-surfaced or gravelled driveway access route at least 6.7metres in width, on which motor vehicle parking is not allowed.
- (2) All camping spaces and service buildings must have direct driveway access to the driveway referred to in Clause 3.16.3(1), except that tent spaces may have access by trails not exceeding 2 metres in width and such driveways must be hard-surfaced or gravelled to a width of at least 3 metres in the case of one-way roadways, 4.3 metres in the case of two-way driveways, and 12 metres in the case of a turning circle at the end of a cul-de-sac.
- (3) Every campground must have a buffer area at least 30 metres wide adjacent to the front lot line and 15 metres wide adjacent to every other lot line, and driveways in the buffer area must be of the shortest length practicable.
- (4) Every campground must have an outdoor recreation area for playground, sports and games uses, comprising at least 5 percent of the area of the campground, and such area must be exclusive of any buffer or parking area, camping space, or other campground facility.
- (5) One camping space may, despite any other provision of this Bylaw, be occupied for up to 6 months in any 12 month period by a campground owner or operator, and such space may include office and retail sales facilities.
- (6) Every camping space must be clearly identified as a space for a recreational vehicle or tents or as a space for tents only.
- (7) Camping spaces must have an area of at least 110 m<sup>2</sup> , or 84m<sup>2</sup> in the case of spaces for tents only, and must be clearly identified by a unique number or other identification.
- (8) Camping spaces for recreational vehicles or tents may be occupied by only one recreational vehicle and up to two tents, and camping spaces for tents only may be occupied by up to two tents.
- (9) One motor vehicle parking space must be provided in respect of each camping space, located adjacent to the driveway giving access to the space, except in the case of camping spaces for tents only in which case the parking space may be in a common parking area from which access is provided to the camping spaces by trails.
- (10) No camping space may be located less than 30 metres from a front lot line, 15 metres from any other lot line, or 3 metres from any driveway.
- (11) Every camping space must be equipped with a garbage container that is durable, watertight, insect-proof and rodent-proof.
- (12) Every campground must be furnished with a constant supply of fresh water in compliance with the *Health Act*.
- (13) Every campground must be equipped with sewage disposal facilities in the form of a connection to a community sewer system or an on-site sewage disposal system, as defined in the Sewage Disposal Regulation under the *Health Act*, but no individual camping space may be connected to a community sewer system or

sewage disposal system.

- (14) Every campground must be provided with a service building equipped with flush type toilet and urinal fixtures, washbasins and showers as follows:

Number of Camping Spaces	Toilets		Urinals	Washbasins		Showers	
	Men	Women	Men	Men	Women	Men	Women
1 to 15	1	1	1	1	1	1	1
16 to 30	1	2	1	2	2	1	1
31 to 45	2	2	1	3	3	1	1
46 to 50	2	2	2	3	3	2	2

- (15) Every service building must be equipped with a conveniently located kitchen - type sink for the disposal of dishwashing water and similar water wastes.
- (16) Every service building must be of permanent construction and comply with the following requirements:
- (a) all rooms must be adequately lighted and ventilated, and all ventilation openings adequately screened;
  - (b) all walls, floors and partitions must be constructed of materials that are easily cleaned and not subject to damage from frequent cleaning or disinfecting;
  - (c) all showers and toilets must be installed in separate compartments and facilities designated for males and females separated by tight partitions; and
  - (d) all such buildings must be located at least 4.5 metres from any camping space, but not more than 150 metres from any camping space except such camping spaces as may be designated and used exclusively by recreational vehicles equipped with a toilet and facilities for washing.
- (17) Campgrounds providing camping spaces for recreational vehicles must be furnished with a sewage disposal station adjacent to a driveway in compliance with B.C. Sewage Disposal Regulation 411/85 administered by the Capital Health Region.

### 3.17 Fencing

- 3.17.1 Fences shall be permitted in any zone and shall not exceed 3 metres in height within the required setback area.

## PART 4

### SUBDIVISION REGULATIONS

#### 4.1 Lot Area

4.1.1 The average and minimum lot sizes specified in Part 8 do not apply:

- (1) if the lot being created is to be used solely for the unattended equipment necessary for the operation of facilities referred to in Article 3.1.1(4) or (5) of this Bylaw or for ambulance or fire protection facilities, a community sewer system, a community gas distribution system, a community radio or telephone receiving antenna, a radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation or generating station, and the owner grants a covenant complying with Section 3.11 of this Bylaw restricting the use of the lot to that use and prohibiting residential and manufacturing uses on that lot;
- BL 139 (2) if the lot being created is for park use, and ecological reserve, or dedication to the Crown;
- BL 139 (3) to the consolidation of two or more lots into a single parcel; or
- BL 139 (4) to a boundary adjustment subdivision, provided that the subdivision would not increase 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.

#### 4.2 Boundary Adjustments

4.2.1 The Approving Officer must not approve a boundary adjustment, which would increase 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.

#### 4.3 Lot Frontage

4.3.1 The frontage of any lot in a proposed subdivision must be at least 10 percent of its perimeter, provided that in no case may the frontage be less than 20 metres .

#### 4.4 Potable Water

- 4.4.1 Where a subdivision is not served by a community water system, each proposed lot must be proven by the applicant to have a source of potable water of sufficient quantity in accordance with Table 1 in Subsection 4.4.3.
- 4.4.2 A community water system must be provided for subdivisions where there is not a proven source of potable water of sufficient quantity in respect of each lot.
- BL176 4.4.3 If a well is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide the written certification under seal of an Engineer or Professional Hydrogeologist with experience in groundwater hydrology that there is, in respect of each building, structure, or use of land permitted by this Bylaw, on or to each proposed lot, an available supply of potable water that meets or exceeds the Guidelines for Canadian Drinking Water Quality in the amounts set out in Table 1, and that the extraction from the groundwater table of that amount of water in respect of each permitted building, structure or use will not adversely affect the quantity or quality of

water obtainable from any existing well or surface water then used as a source of potable water. The extraction and treatment of saline ground water (as outlined in the Guidelines for Canadian Drinking Water Quality) into potable water is not permitted.

<b>TABLE 1: Potable Water Supply Standards</b>	
<b>Use</b>	<b>Volume (per day per lot)</b>
Residential	2275 litres
Agricultural	3640 litres
Commercial	3640 litres
Commercial Guest Accommodation	6000 litres
Industrial	3640 litres
All other uses	2275 litres

4.4.4 If the certification referred to in Subsection 4.4.3 cannot be made, the Approving Officer may nonetheless approve the subdivision in the following circumstances:

- (1) if the applicant provides a community water system complying with the requirements of this Bylaw; or
- (2) if the applicant grants a covenant restricting the development of the subdivision to the buildings, structures and uses in respect of which a certification has been made under Subsection 4.4.3.

BL176 4.4.5 For the purposes of the certification referred to in Subsection 4.4.3, the Engineer or Professional Hydrogeologist must supply supporting documentation, and if a pump test has been conducted, the Engineer must indicate that the test was of sufficient duration to establish in accordance with generally accepted hydrological engineering practice the long term reliability of the water supply.

BL176 4.4.6 If an Engineer or Professional Hydrogeologist provides a certification under Subsection 4.4.3 as to the quality of a proposed source of potable water, the certificate must include a plan of the proposed subdivision indicating the location where each water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.

4.4.7 If a community water system is proposed, the water system must comply with applicable provincial enactments and must be designed with sufficient capacity to serve all the lots that may be created by further subdivision. No community water system may be supplied with water other than that which is obtained on the island on which the system is located. The water intake of a community water system must not be closer than 300 metres to public accesses to lakes.

BL 140 4.4.8 *(Repealed)*

BL 176 4.4.9 An applicant is not required to fulfil the requirements of subsections 4.4.1, 4.4.2 and 4.4.3 for boundary adjustment subdivisions provided that: there would be no increase in density or intensity of use beyond what was permitted before the boundary adjustment took place; and that all of the lots subject to the boundary adjustment have an established supply of water.

## **4.5 Sewage Disposal**

- 4.5.1 Each lot that is proposed to be created by subdivision must be demonstrated by the applicant to contain an area or areas of sufficient size and appropriate characteristics to satisfy the requirements of the Sewage Disposal Regulation under the *Health Act* for conventional septic tank or package treatment plan sewage disposal systems in respect of the buildings, structures and uses that are permitted on the lot by this Bylaw, if no other acceptable septic system is available.
- 4.5.2 The information referred to in Subsection 4.5.1 must be provided to the Building Inspector where an application for a building permit is made and the information has not previously been provided in respect of the subdivision of the lot on which the building is proposed to be constructed, except that the information need only be provided in respect of the building or structure that is the subject of the permit application.
- 4.5.3 No sewage may be disposed of by means of discharge to a watercourse or the sea or, in the case of a residential zone, on a lot other than that on which it was generated, except where that lot is used only for the purpose of sewage disposal.

## **4.6 Storm Drainage**

- 4.6.1 Every subdivision must be designed and constructed so as to maximize the proportion of precipitation, which is percolated into the ground and to minimize direct overland runoff.
- 4.6.2 Every surface drainage system must be designed to provide for the continuity of any existing surface drainage system serving the drainage basin in which the lot to be subdivided is located.
- 4.6.3 No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between water recharge areas identified in Schedule "D" of the North Pender Island Official Community Plan.
- 4.6.4 Every surface drainage system must be designed so that the system is capable of conveying the peak rate of runoff from a 10 year storm for the entire drainage basin within which the subdivision or development is located when such basin is fully developed.
- 4.6.5 Every surface drainage system must be designed and constructed so as to minimize scouring and erosion of ditch banks.
- 4.6.6 All drainage works, ditches, culverts and appurtenances must be located in statutory rights of way granted to the Crown, or in dedicated highways.
- 4.6.7 If storm water is discharged from a surface drainage system to the sea or a watercourse on or adjacent to the land being subdivided or developed, the system must be constructed and designed to retain storm water for the period of time necessary to allow for the settling of silt and other suspended solids.
- 4.6.8 To the extent that is practicable, surface drainage systems must be designed so as to permit withdrawal of water for fire suppression from storm water retention facilities and drainage ditches, and the use of storm water to recharge fire protection cisterns.
- 4.6.9 Every applicant for subdivision must provide the written certification under seal of an Engineer with experience in storm water management that the drainage system for the subdivision has been designed in accordance with subsections 4.6.1 to 4.6.8.

- 4.6.10 The certification required in Subsection 4.6.9 must be provided to the Building Inspector if an application for a building permit is made and the certification has not previously been provided in respect of the subdivision of the lot on which the building is proposed to be constructed, and the provisions of subsections 4.6.1 through 4.6.8 apply with the necessary changes, except that the certification need only be provided in respect of the lot that is the subject of the permit application.
- 4.6.11 In addition to the matters referred to in Subsection 4.6.10, if the building permit application indicates that more than 185 m<sup>2</sup> of impervious surfaces excluding roof areas are proposed to be developed on the lot, the Engineer must certify that neither the annual volume of runoff from the lot, nor the pattern of runoff, will be altered as a result of the development.

#### **4.7 Compliance with Minimum and Average Lot Sizes**

- 4.7.1 Subdivisions must comply with the minimum and average lot area regulations set out in Part 8 of this Bylaw except that a park to be dedicated upon deposit of the subdivision plan need not comply with those regulations and the Approving Officer may approve a subdivision creating a single lot not complying with those regulations if the owner grants to the North Pender Island Local Trust Committee a covenant restricting the use of the lot to park use. For the purposes of this Bylaw, the average lot area is the sum of the gross areas of the proposed lots divided by the number of proposed lots, subject to Subsection 4.7.2.
- 4.7.2 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 8 of this Bylaw, be included in the total area of lots being created, and the park or parks are deemed not to be lots.
- 4.7.3 No lot having an area of less than 16 hectares may be subdivided under the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

#### **4.8 Covenant Against Further Subdivision and Development**

- 4.8.1 If a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average lot areas specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot area, the applicant must grant a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than one single family residential dwelling unit and, if a cottage is a permitted use of the lot, more than one such cottage.
- 4.8.2 If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and average lot areas specified by this Bylaw, and:
- (1) one or more of the lots being created has an area equal to or greater than twice the applicable average lot area; and
  - (2) one or more of the lots being created has an area less than the applicable average lot area;

the applicant must grant a covenant complying with Section 3.11 of this Bylaw in respect of every lot referred to in article (1) prohibiting:

- (3) 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 areas specified by this Bylaw; and
- (4) the construction, erection, or occupancy on the lot of single family residential dwelling units 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.

4.8.3 If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a residential dwelling unit or cottage if the common property were a lot, the applicant must grant a covenant complying with Section 3.11 of this Bylaw 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.

#### **4.9 Lots Divided by a Zone Boundary**

4.9.1 If a lot proposed to be subdivided is divided by a zone boundary, a separate calculation of the number of lots permitted must be made for each portion, and no lot may be created in respect of any fractional area resulting from such calculation.

4.9.2 The creation of an additional lot lying within two or more zones is prohibited.

BL 115, 139 4.9.3 A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited except where the lot being subdivided is located in two or more zones.

#### **4.10 Lot Shape**

4.10.1 If a 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 .

4.10.2 If a 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.

BL 138 4.10.3 No lot shall have an average depth greater than three times its average width, except where otherwise specified in the zone regulations.

#### **4.11 Split Lots**

4.11.1 No lot that is divided into two or more portions by a highway or other lot may be created by subdivision.

#### **4.12 Double Frontage Lots**

4.12.1 No lot having frontage on more than one highway may be created by subdivision, unless it is a corner lot.

#### **4.13 Water Access Subdivision**

4.13.1 Highway access must be provided to every lot created by subdivision on North Pender Island.

4.13.2 If a subdivision with water access only is approved on an island other than North Pender Island within the North Pender Island Local Trust Area, the owner of land being subdivided must provide motor vehicle parking spaces in accordance with Part 6 of this Bylaw for each dwelling and cottage permitted by this Bylaw in respect of each lot being created. Such parking spaces must be located at the most reasonable location giving access by water to the subdivision.

#### **4.14 Characteristics of Public Access to Water Bodies**

4.14.1 The Approving Officer may require that highways giving access to the shore of any body of water, dedicated to the Crown at the time of subdivision, be consolidated into one or more larger areas and should require that such a highway be located in an area of high recreational value or so as to provide access to such an area.

#### **4.15 Roadway Standards**

4.15.1 The purpose of the standards set out in subsections 4.15.2 through 4.15.10 is to ensure that the construction of roadways in connection with the subdivision of land does not result in the alteration of the land to an extent that is inconsistent with the object of the Islands Trust under the *Islands Trust Act*, the Islands Trust Policy Statement, or the North Pender Island Official Community Plan.

4.15.2 Proposed roadway centreline and pedestrian path locations must be surveyed and flagged at maximum 15 metre intervals prior to subdivision application to facilitate inspection by the Approving Officer. No trees or other vegetation may be removed from the highway right-of-way prior to application and inspection by the Approving Officer.

4.15.3 No trees or other vegetation may be removed from the right-of-way without written permission of the Approving Officer, and in no case may trees or other vegetation be removed beyond the extent of earthworks directly required for the construction of the roadway.

4.15.4 No obstructions of any kind, including utility poles and hydrants, may be located within 1.5 metres measured horizontally of the edge of the shoulder of the roadway.

4.15.5 All culverts must be provided with local rock head walls to the height of adjacent shoulders. Head walls may be dry stone or set in mortar provided sufficient stability under water runoff is assured. Culverts must be adequately sized to carry 20 year estimated flows with a minimum diameter of 300 mm at driveways and 400 mm under intersecting roads.

4.15.6 Fragmentation of land in any Agriculture (AG) Zone by roads or other service corridors is prohibited.

4.15.7 No roadway may be located or constructed so as to connect North Pender Island to any other island except South Pender Island.

4.15.8 No roadway may be located so as to divert the flow of a surface watercourse or divert or contaminate in any way a groundwater aquifer, but this subsection does not prohibit the culverting of a surface watercourse for a roadway crossing or the construction of a stormwater retention facility provided that such culverting or construction is in accordance with the "Land Development Guidelines for the Protection of Aquatic Habitat".

- 4.15.9 The design of roadways must to the greatest extent possible follow the natural contours of the land so as to minimize the extent of cutting and filling required to construct the roadway.
- 4.15.10 Native vegetation must be reinstated in all portions of a highway not comprising the roadway, following the completion of construction of a roadway and any associated utilities.

## PART 5

### SIGN REGULATIONS

#### 5.1 Rural Residential (RR) and Rural (R) Zones

5.1.1 In any Rural Residential (RR) Zone or Rural (R) Zone, no sign may be erected on any premises or affixed to the outside of any structure except a single sign in respect of any home business or home industry or combination of them, and a single sign pertaining to the lease, sale, name of owner or property or use of a lot or building on which they are placed, and none may exceed a total area of 0.6 m<sup>2</sup>.

#### 5.2 Commercial and Industrial Zones

BL 139 5.2.1 In any Commercial, Agricultural, Institutional or Industrial zones, no signs of any kind or nature may be erected on any premises or affixed to the outside of any structure, except for one sign not exceeding a total area of 1.1 m<sup>2</sup> within 7.5 metres of the front or side lot line and one such sign on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal produce or service sold, and one sign not exceeding the area specified in Subsection 5.1.1 in respect of any accessory dwelling permitted on the lot. For the purpose of this subsection, two identical signs, back to back and facing opposite directions, are considered to be one sign.

#### 5.3 Prohibited Signs

5.3.1 Any sign that is internally illuminated; any sign with moving parts; and any noise-making sign is prohibited.

#### 5.4 Lighting of Signs

5.4.1 Any light illuminating a sign must be controlled so as not to cast light onto neighbouring property or into the eyes of oncoming motorists.

#### 5.5 Obsolete Signs

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

#### 5.6 Public Service Signs

5.6.1 Nothing in this Bylaw prohibits the erection of a sign by an agency of government for purposes of public health or safety, or by a candidate in a municipal, provincial or federal election during the period prior to the election.

## PART 6

### PARKING REGULATIONS

#### 6.1 Off-street Parking

6.1.1 When any new use of land or buildings or structures takes place or when any existing use of land or buildings or structures is enlarged or increased in capacity, provision must be made for off-street vehicular parking spaces in accordance with the standards set out in this section.

BL 179

6.1.2 The number of off-street parking spaces required in respect of particular uses is set out in Table 2, and where a particular use is not listed the number required for the most similar listed use applies.

TABLE 2: Off-Street Parking Requirements		
	Use	Minimum Number of Parking Spaces Required
(a)	Single Family Residential	2 per Dwelling Unit
(b)	Senior Citizen Housing	1 per Dwelling Unit 1 per Dwellings Unit for lodge-type accommodation
(c)	Retail Stores Personal Services Banks Repair Shops in commercial zones	1 per 35 m <sup>2</sup> of floor area
(d)	Medical Office Single Tenant Office	1 per 35 m <sup>2</sup> of floor area
(e)	Multi-Tenant Office	1 per 30 m <sup>2</sup> of floor area
(f)	Restaurants Cafes Premises licensed under the <i>Liquor Control and Licensing Act</i>	1 per 3 seats
(g)	Hotels Motels Lodges Inns	1 per Commercial Guest Accommodation Unit
(h)	Home Business other than Bed and Breakfast Home Industry	2
(i)	Bed and Breakfast Guest Houses	1 per room used or intended to be used for Guest Accommodation

<b>TABLE 2: Off-Street Parking Requirements Continued</b>		
	<b>Use</b>	<b>Minimum Number of Parking Spaces Required</b>
(j)	Campgrounds	2 plus 1 per camping space
(k)	Private Clubs Churches Libraries Museums Fire Hall	1 per 35 m <sup>2</sup> of floor area
(l)	Community Halls Lodge Halls Churches	1 per 4 seats
(m)	Indoor Recreation Facilities	1 per 35 m <sup>2</sup> of floor area
(n)	Industrial Use Warehouses Wholesale and Storage Buildings Servicing and Repair - Industrial zones Recycling Facilities Printing and Publishing	1 per 35 m <sup>2</sup> of floor area
(o)	Ferry Docking Facilities	100
(p)	Marinas Yacht Clubs	1 per 5 Berths
(q)	Fish Buying Stations Wharfage of Sea Planes Water Taxis and Fishing Boats Marine Fuel Sales	1 per Berth
(r)	Storage and Sale of Petroleum Fuels	1
(s)	Cemeteries	15
(t)	Golf Courses	2 per Tee

## **6.2 Size of Spaces and Aisles**

- 6.2.1 Each required off-street parking space must be a minimum of 2.6 metres in width, and a minimum of 5.5 metres in length, exclusive of access drives or aisles, ramps, columns, or similar obstructions, and have vertical clearance of at least 2 metres. For parallel parking, the length of the parking spaces must be increased to 7.3 metres except end spaces, which must be a minimum length of 5.5 metres.
- 6.2.2 Manoeuvring aisles must be a minimum of 7.3 metres wide for 90 degree parking; 5.5 metres wide for 60 degree parking; and 3.6 metres wide for 45 degree and parallel parking. Where parking is directly off a lane, the lane may be considered part of the aisle and in such cases the combined width of the aisle and parking spaces must be a minimum of 12.8 metres.

### **6.3 Access to Spaces**

6.3.1 Adequate access to and exit from individual parking spaces must be provided at all times by means of unobstructed manoeuvring aisles.

### **6.4 Location of Parking Facilities**

6.4.1 Any parking space must be wholly provided on the same lot as the building or use in respect of which it is required.

6.4.2 Despite Subsection 6.4.1, if required parking spaces cannot physically be accommodated on the same lot as the building or use in respect of which they are required, they may be provided on a different lot within 100 metres, if that lot is in the same zone or another zone in which parking is a permitted principal use.

6.4.3 If, under Subsection 6.4.2, parking spaces are provided on a lot other than the one on which is located the use in respect of which they are required, the owner of the lot must grant a covenant restricting the use of the lot or a portion of the lot to motor vehicle parking spaces for the lot on which the use is located.

### **6.5 Parking for Disabled Persons**

6.5.1 If a use requires more than 30 parking spaces, one additional parking space for persons with physical disabilities and one space for a pick up/drop off area must be provided.

6.5.2 Each parking space provided under Subsection 6.5.1 must have a width of at least 3.7 metres; be clearly identified for use only by disabled persons; and be located so as to provide the most convenient access to an accessible building entrance or, if the parking area serves several premises, so as to provide equally convenient access to all such premises.

### **6.6 Development and Maintenance Requirements for Parking Areas**

6.6.1 No parking area may be located within the required front yard setback area for the zone within which the lot is located, except where Subsection 6.6.2 applies.

6.6.2 If a parking area is located on a lot, it must be sited at least 3 metres from any side lot line.

6.6.3 If a parking area is provided in respect of a home business or industry and the parking area abuts a lot on which a residential use is permitted, the parking area must be screened by a landscape screen complying with Section 3.13.

6.6.4 If a parking area is located on the same lot as a dwelling but not within the dwelling, it must be sited at least 1.5 metres from the dwelling.

6.6.5 Every off-street parking area provided or required on any lot located in an industrial zone and the access to such area must have a hard surface, if such area is between the principal building on the lot and the street giving access to the lot. Any area at the rear or the side of the principal building provided or required for off-street parking need not be hard-surfaced, but must be surfaced so as to minimize the carrying of dirt or foreign matter onto the street.

6.6.6 For the purpose of Subsection 6.6.5 the term "hard surface" means a durable, dust free surface constructed of concrete block, compacted crushed gravel, or similar material, and permeable by water.

6.6.7 Any lighting must be so arranged as to direct or reflect the light exclusively on the parking area at illumination levels of 11 Lux or less.

## PART 7

### ESTABLISHMENT OF ZONES

#### 7.1 Division into Zones

7.1.1 The North Pender Island Local Trust Area is divided into the zones the geographic boundaries of which are as shown on the Zoning Maps designated as Schedule "D" that forms part of this Bylaw.

#### 7.2 Zone Boundaries

7.2.1 Where a zone boundary is shown on Schedule "D" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.

BL 179

7.2.2 Where a zone boundary shown on Schedule "D" 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 reference to the digital records stored and maintained in a geographical information system (GIS) at the offices of the Islands Trust.

7.2.3 The Water C (WC) Zone established by this Bylaw extends to the boundary of the North Pender Island Local Trust Area, except as shown on Schedule "A".

BL 179

7.2.4 Where land based and water based zone boundaries shown on Schedule "D" coincide, the present natural boundary of the water body is the zone boundary.

## PART 8

### ZONE REGULATIONS

#### 8.1 Rural Residential (RR) Zone

##### 8.1.1 Subdivision Requirements

- BL 180 (1) No lot having an area less than 0.4 hectares, or in the case where a community water or community sewage system is provided, an area less than 0.25 hectares may be created by subdivision in the Rural Residential (RR) Zone.
- BL 122 (2) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 0.6 hectares.

##### 8.1.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural Residential (RR) Zone:
- (a) dwelling;
  - (b) on lots 1.2 hectares in area and larger, one cottage;
  - (c) accessory home business, subject to Section 3.5;
  - BL176 (d) on lots that do not abut a lake or reservoir used as a source of potable water supply, accessory rabbit and poultry raising; and
  - BL176, 180 (e) on lots greater than 0.4 hectares in area that do not abut a lake or reservoir used as a source of potable water supply, or a wetland, the keeping of livestock as an accessory use .
- (2) Pig farming, dog breeding and boarding kennels are not permitted as accessory uses on lots less than 1.2 hectares in area.

##### 8.1.3 Residential Density

- (1) There may not be more than one dwelling and one cottage on any lot.
- BL 122 (2) Despite Article 8.1.3(1) in those instances where a dwelling of 56.0 square metres or less in floor area existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional principle dwelling is permitted.

##### 8.1.4 Lot Coverage

- (1) Lot coverage may not exceed 25 percent.

##### 8.1.5 Setbacks

- (1) No building or structure may be located:
- BL 121 (a) within 7.6 metres of any front or rear lot line; or

BL 121

(b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.

(2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.1.5(1)(a) and (b) must be increased by 3 metres.

8.1.6 Height and Size of Buildings

(1) No building or structure may exceed 9.7 metres in height.

BL 140

8.1.7 Landscape Strips for Environmental Protection

(1) On lots 2.4 hectares or larger, every lot must have a landscape strip for environmental protection complying with subsection 3.13.2

BL 150

8.1.8 Site Specific Regulations

(1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
RR(a)	That Part of Amended Lot 7 (DD 90604-I) of Section 17, Pender Island, Cowichan District, Plan 2111, lying to the South East of a boundary extending South 24 degrees West from a point on the North East boundary of said amended lot, distant 7.242 chains along the said north east boundary from the most easterly corner of said amended lot, except that part in Plan 20481. PID: 006-646-981	(1) Despite 8.1.2(1)(a) and despite 8.1.3(1), the only permitted uses are 2 (two) dwellings, and the uses permitted by 8.1.2(1)(c), (d) and (e).  (2) Despite 8.1.5(1)(a), no building or structure may be located within 5 metres of a front lot line.

## 8.2 Rural (R) Zone

### BL 180 8.2.1 Subdivision Requirements

- (1) No lot having an area less than 0.6 hectares may be created by subdivision in the Rural (R) Zone.
- (2) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 4 hectares

### BL 176, 180 8.2.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural (R) Zone:
  - (a) dwelling;
  - (b) agriculture;
  - (c) on lots 1.2 hectares in area and larger, one cottage; and
  - (d) accessory home business, subject to Section 3.5, and on lots greater than 2 hectares in area accessory home industry, subject to Section 3.6.
- (2) Pig farming, dog breeding and boarding kennels are not permitted as agricultural or accessory uses on lots less than 1.2 hectares in area.

### BL 127, 136, 137, 139 8.2.3

#### Residential Density

- (1) There may not be more than one dwelling and one cottage on any lot.
- (2) Despite Article 8.2.3(1) in those instances where a dwelling of 56.0 square metres or less in floor area existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional principle dwelling is permitted.

### 8.2.4 Lot Coverage

- (1) Lot coverage may not exceed 25 percent.

### 8.2.5 Setbacks

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or
  - (b) within 6.1 metres of any interior or exterior side lot line.

BL 179

- (2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.2.5(1)(a) and (b) must be increased by 3 metres.

### 8.2.6 Height and Size of Buildings

- (1) No building or structure may exceed 9.7 metres in height.

BL 140

8.2.7 Landscape Strips for Environmental Protection

- (1) On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with subsection 3.13.2.

BL 139

8.2.8 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
R(a)	A Portion of Lot 2, Sections 18 and 19, Pender Island, Cowichan District, Plan 14577 except that part in Plan VIP65874.	<p>(1) In addition to the uses permitted by 8.2.2 the following are permitted home industries:</p> <ul style="list-style-type: none"> <li>(a) the design, fabrication and assembly of automated packaging machinery and equipment; and</li> <li>(b) welding, machining and fabrication, provided that (b) is occasional, secondary to and operates in conjunction with (a).</li> </ul> <p>(2) The uses permitted in 1(a) and 1(b) above are limited to the existing 417m<sup>2</sup> floor area and 139m<sup>2</sup> storage area, employing at this location no more than 10 persons not residing on the property.</p>
R(b)	That Part of Parcel K, (DD503141), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone	<p>(1) Despite Article 8.2.1(1), no lot having an area less than 6 hectares may be created by subdivision in the portion of the property zoned Rural (R).</p> <p>(2) Despite article 8.2.2(1), the only permitted uses are in this location are the uses permitted by 8.2.2(1) (a), (b), and (f).</p>
R(c)	That part of the South West ¼ of Section 11, Pender Island, Cowichan District, lying to the west of the westerly limit of Canal Road as said road was gazetted 22 <sup>nd</sup> June, 1955; except parts in plans 11907, 13416, 22618, 23566 and 27405. PID 009-674-292	<p>(1) Despite 4.3.1, in no case may the frontage of any lot be less than 15 metres.</p> <p>(2) Despite 8.2.2, the only permitted uses in this location are the uses permitted by 8.2.2(1)(a), (c), (d), (e) and (f) and 8.2.2(2).</p> <p>(3) Despite 8.2.1(1), no lot having an area of less than 2.8 hectares may be created by subdivision.</p>

## **8.2A Rural Comprehensive One (RC1) Zone**

BL 138

### **8.2A.1 Subdivision Requirements**

- (1) No lot having an area less than 0.85 hectares may be created by subdivision in the Rural Comprehensive One (RC1) Zone.
- (2) No more than 26 lots may be created by subdivision in the Rural Comprehensive One (RC1) zone.
- (3) Despite Subsection 4.10.3, no lot in this zone shall have an average depth greater than five times its average width.

BL 176, 180

### **8.2A.2 Permitted Uses**

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural Comprehensive One (RC1) Zone:
  - (a) dwelling;
  - (b) agriculture;
  - (c) on lots 1.2 hectares in area and larger, one cottage; and
  - (d) accessory home business, subject to Section 3.5, and on lots greater than 2 hectares in area accessory home industry, subject to Section 3.6.
- (2) Pig farming, dog breeding and boarding kennels are not permitted as agricultural or accessory uses on lots less than 1.2 hectares in area.

### **8.2A.3 Residential Density**

- (1) There may not be more than one dwelling and one cottage on any lot, subject to 8.2A.2(1)(b).

### **8.2A.4 Lot Coverage**

- (1) Lot coverage may not exceed 25 percent.

### **8.2A.5 Setbacks**

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or
  - (b) within 6.1 metres of any interior or exterior side lot line.
- (2) If a lot line adjoins the Agricultural (AG) Zone or the Forest Land Reserve, the setbacks in respect of that lot line required by clauses 8.2A.5(1)(a) and (b) must be increased by 3 metres.

### **8.2A.6 Height and Size of Buildings**

- (1) No building or structure may exceed 9.7 metres in height.

#### 8.2A.7 Environmental Protection

- (1) On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Section 3.13.

### **8.2B Rural Comprehensive Two (RC2) Zone**

BL 174

The Rural Comprehensive Two (RC2) zone applies to the parcels legally described as Lot A, of Section 23, Pender Island, Cowichan District, Plan 28410 and of Parcel D (DD 21950F) of Section 23, Pender Island, Cowichan District, Except Part in Plan 28410 at the time of adoption of the bylaw.

#### 8.2B.1 Subdivision Requirements

- (1) No lot having an area less than 0.3 hectares may be created by subdivision in Rural Comprehensive Two (RC2) zone.
- (2) No subdivision plan may be approved in the RC2 zone unless the lots created by the subdivision have an average area of at least 3.26 hectares.
- (3) No subdivision may result in the creation of more than 10 lots in the RC2 zone.
- (4) No subdivision may result in the creation of additional lots within the Agricultural Land Reserve.

BL 180

#### 8.2B.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural Comprehensive Two (RC2) Zone:
  - (a) dwellings;
  - (b) agriculture; and
  - (b) accessory home business, subject to Section 3.5, and on lots greater than 2 hectares in area accessory home industry, subject to Section 3.6.

#### 8.2B.3 Residential Density

- (1) There may not be more than ten dwellings in the Rural Comprehensive Two (RC2) zone.
- (2) In the event of the subdivision of Lot A, of Section 23, Pender Island, Cowichan District, Plan 28410 or of Parcel D (DD 21950F) of Section 23, Pender Island, Cowichan District, Except Part in Plan 28410, the maximum density shall be one dwelling per lot.

#### 8.2B.4 Lot Coverage

- (1) Lot coverage may not exceed 25 percent.

#### 8.2B.5 Setbacks

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or

(b) within 6.1 metres of any interior or exterior side lot line.

(2) If a lot line adjoins the Agricultural Land Reserve, the setbacks in respect of that lot line required by clauses 8.2B.5(1)(a) and (b) must be increased by 3 metres.

#### 8.2B.6 Height and Size of Buildings

(1) No building or structure may exceed 9.7 metres in height.

#### 8.2B.7 Environmental Protection

(1) On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Subsection 3.13.2

### **8.3 Agricultural (AG) Zone**

#### 8.3.1 Subdivision Requirements

(1) No lot having an area less than 16 hectares may be created by subdivision in the Agricultural (AG) Zone.

BL 135, 149

#### 8.3.2 Permitted Uses

(1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Agricultural (AG) Zone:

BL 115, 180

(a) Agriculture;

(b) one dwelling per lot;

(c) on lots 1.2 ha in area and larger, one cottage;

(d) accessory home business and accessory home industry; and

BL 131

(e) agri-tourist accommodation as an accessory use, subject to subsection 8.3.6, and as permitted by the Land Reserve Commission.

BL 117, 121, 136, 139

#### 8.3.3 Lot Coverage

(1) Lot coverage for building or structures may not exceed 35 percent, plus an additional 40 percent for commercial greenhouses only.

BL 180

#### 8.3.4 Height and Size of Buildings

(1) No building or structure may exceed 9.7 metres in height.

#### 8.3.5 Setbacks

(1) No building or structure may be located:

(a) within 7.6 metres of any front lot line or rear lot line; or

(b) within 6.1 metres of any interior or exterior side lot line.

- (2) No building or structure associated with an agricultural use, other than an animal enclosure, may be located within 7.5 metres of any lot line.
- (3) The provisions of articles 8.3.4(1) and (2) in respect of front lot lines do not apply to temporary roadside stands for the sale of agricultural products.

BL 140 8.3.6 Landscape Screening

- (1) Every commercial greenhouse must be screened from view by a landscape screen complying with article 3.13.1(1).

BL 131 8.3.7 Agri-tourist Accommodation

- (1) agri-tourist accommodation must be accessory to a working farm operation;
- (2) agri-tourist accommodation must be situated on land that is in the AG (Agricultural) zone and the Agricultural Land Reserve;
- (3) agri-tourist accommodation must be situated in a permitted dwelling or cottage.
- (4) agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agricultural (AG) Zone;
- (5) the maximum number of guests that may be accommodated in any agri-tourist operation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 6 guests and 3 bedrooms.

BL 139, 149, 179 8.3.8 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
AG(a)	Parcel C, DD67638I, Section 19	Despite 8.3.2(1), the only permitted uses in this location are camp facility and the uses permitted by 8.3.2 (1) (a) and (b).
AG(b)	Lot A, Plan VIP52327, Section 17 and that Portion of Parcel F, DD78736I, Section 17	Despite 8.3.2(1), the only uses permitted in this location are those permitted by 8.3.2(1)(a) and Golf course, including an accessory golf club house containing an accessory restaurant and pro shop and five (5) accessory golf course buildings, including one equipment shed, one maintenance building, two golf cart storage sheds and one pump shed.
AG(c)	That Part of Parcel K, Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the	Despite 8.3.2(1), the only permitted uses in this location are those uses permitted by 8.3.2(1)(a), 8.3.2(1)(b) and 8.3.2(1)(e). Despite 8.3.6(3) and 8.3.6(5), the agri-tourist accommodation use may accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.

## 8.4 Commercial One (C1) Zone

### 8.4.1 Subdivision Requirements

- (1) No lot having an area less than 0.8 hectares may be created by subdivision in the Commercial One (C1) Zone.

### 8.4.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Commercial One (C1) Zone:
  - (a) retail sales;
  - (b) motor vehicle and machinery sales;
  - (c) offices, including banks;
  - (d) personal services;
  - (e) home appliance repairs;
  - (f) restaurants;
  - (g) cafes;
  - (h) bakeries;
  - (i) printing and publishing business;
  - (j) automobile service stations; and
  - (k) accessory dwelling for the caretaker, owner or operator of a permitted principal use, subject to Subsection 8.4.3.

BL 139

### 8.4.3 Accessory Dwellings

- (1) On lots having an area of less than 0.7 hectares an accessory dwelling must be located in the same building as the principal commercial use and have a separate outside entrance.
- (2) On lots having an area of 0.7 hectares or more, an accessory dwelling may be located in a separate building from that accommodating the principal commercial use.
- (3) No accessory dwelling may have a floor area greater than 140 m<sup>2</sup>.

### 8.4.4 Lot Coverage

- (1) Lot coverage may not exceed 25 percent.

### 8.4.5 Setbacks

- (1) No building or structure may be located:

BL 121

- (a) within 7.6 metres of any front lot line or rear lot line; or
- (b) within 6.1 metres of any interior or exterior side lot line.

(2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.4.5(1)(a) and (b) must be increased by 3 metres .

8.4.6 Height

(1) No building or structure may exceed 9.7 metres in height.

BL 140

8.4.7 Landscape Screening

- (1) Every external storage area must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every commercial use must be screened from adjacent residential uses. The screening must be provided along lot lines abutting parcels zoned Rural Residential and Rural, complying with article 3.13.1(2).

BL 139, 152,  
179

8.4.8 Site Specific Regulations

(1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
C1(a)	Lot 1, Plan 3658 and Lot 1, Plan 73194, Section 23	Despite 8.4.2(1), the only uses permitted in this location are those permitted by 8.4.2(1)(a) (c) and (g)
C1(b) <i>(repealed)</i>		
C1(c)	Portion of Part C, DD69864I, Section 18 lying to the south of the main highway from Hope Bay to Port Washington	Despite 8.4.2(1), the only uses permitted in this location are those permitted by 8.4.2(1)(a) (g) and (h)
C1(d)	A portion of Lot B, Plan 23183, Section 23	Despite 8.4.2(1), the only uses permitted in this location are those permitted by 8.4.2(1)(a) and (d), excluding laundromats and drycleaners
C1(e)	A portion of Lot 6, Plan 1695, Section 7 lying east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot	Despite 8.4.2(1), the only uses permitted in this location are those permitted by 8.4.2(1)(a) (c) (f) (g) and (h)

## 8.5 Commercial Two (C2) Zone

### 8.5.1 Subdivision Requirements

- (1) No lot having an area less than 0.6 hectares may be created by subdivision in the Commercial Two (C2) Zone.

### 8.5.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Commercial Two (C2) Zone:

- (a) hotel, motel, and lodge;

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- (b) campground in compliance with Subsection 3.16;

- (c) marina;

- (d) boat launching ramps;

BL 140

- (e) retail sales;

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- (f) accessory laundromat, restaurant, café, recreation facility, boat rental, and premises, other than a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*, subject to subsection 8.5.3; and

BL 140

- (g) up to two accessory dwelling units for the caretaker, owner, operator or employees of a permitted principal use, subject to Subsection 8.5.3.

BL 140

### 8.5.3 Density

- (1) The Floor Area Ratio on any lot in the C2 zone may not exceed 0.25.
- (2) The aggregate floor area devoted exclusively to the accessory uses permitted by clause 8.5.2(1(f) must not exceed the aggregate floor area devoted exclusively to the principal uses on the property.
- (3) If two accessory dwelling units are constructed on a lot, the floor area of one must not exceed 140 m<sup>2</sup>.
- (4) The floor area devoted exclusively to the principal use permitted by 8.5.2(1)(e) must not exceed 140m<sup>2</sup>.

### 8.5.4 Commercial Guest Accommodation

- (1) No hotel, motel or lodge building may contain more than 18 commercial guest accommodation units.

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- (2) Subject to subsection 8.5.9, the number of commercial guest accommodation units on a lot may not exceed:

- (a) in the case of a lot 2 hectares in area or less, 17.4 units per hectare rounded to the nearest whole number; nor

- (b) in the case of lot having an area greater than 2 hectares , 35 units plus 12.39 units per hectare in excess of 2 hectares, rounded to the nearest whole number, but no lot may have more than 60 commercial guest accommodation units.

BL 140 8.5.5 *(Repealed)*

8.5.6 Setbacks

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or
  - (b) within 6.1 metres of any interior or exterior side lot line.
- (2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.5.6(1)(a) and (b) must be increased by 3 metres.

8.5.7 Height

- (1) No building or structure may exceed 9.7 metres in height.

BL 140 8.5.8 Landscape Screening

- (1) Every external storage area must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every commercial use must be screened from adjacent residential uses. The screening must be provided along lot lines abutting parcels zoned Rural Residential and Rural, complying with article 3.13.1(2).

BL 139 8.5.9 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
C2(a)	Lot 1, Plan 23566, Section 11	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is 46
C2(b)	Lot 1, Plan 4750, Section 17 excluding Plan 20404	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is 10
C2(c)	Lot 2, Plan 4750, Section 17	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is 10
C2(d)	Lot 5 (DD861461), Plan 2111 Section 17	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is 26
C2(e)	Lot 2, Plan 8439, Section 17 excluding Plan 20404	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is

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C2(f)	Portion of Lot 1, VIP 59811, Section 15	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is 27
C2(g)	Parcel C, DD82824I, Section 17 and a portion of Lot A VIP52864 Section 17	Despite 8.5.4(2), the maximum number of commercial guest accommodation units permitted in this location is 35

## 8.6 Commercial Three (C3) Zone

### 8.6.1 Subdivision Requirements

- (1) No lot having an area less than 0.6 hectares may be created by subdivision in the Commercial Three (C3) Zone.

### 8.6.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Commercial Three (C3) Zone:
  - (a) hotel, motel, and lodge;
  - (b) campground in compliance with Subsection 3.16;
  - (c) marina;
  - (d) boat launching ramps;
  - (e) accessory laundromat, restaurant, recreation facility, retail sales facility up to 140 m<sup>2</sup> in floor area, boat rental, and premises, including a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*; and
  - (f) accessory dwelling unit for the caretaker, owner or operator of a permitted principal use, subject to Subsection 8.6.3.

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### 8.6.3 Accessory Dwellings

- (1) No more than two accessory dwellings may be located on a lot, of which one must be occupied by the owner of the principal commercial use and one may be occupied by employees of that commercial use.
- (2) No accessory dwelling may have a floor area greater than 140 m<sup>2</sup>.

### 8.6.4 Commercial Guest Accommodation

- (1) No hotel, motel or lodge building may contain more than 18 commercial guest accommodation units.
- (2) Subject to subsection 8.6.9, the number of commercial guest accommodation units on a lot may not exceed
  - (a) in the case of a lot 2 hectares in area or less, 17.4 units per hectare, rounded to the nearest whole number; nor
  - (b) in the case of lot having an area greater than 2 hectares, 35 units plus

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12.39 units per hectare in excess of 2 hectares, rounded to the nearest whole number, but no lot may have more than 60 commercial guest accommodation units.

8.6.5 Lot Coverage

- (1) Lot coverage may not exceed 25 percent, nor 8 percent in the case of lots on which guest accommodation units are located.

8.6.6 Setbacks

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or
  - (b) within 6.1 metres of any interior or exterior side lot line.
- (2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.6.6(1)(a) and (b) must be increased by 3 metres .

8.6.7 Height

- (1) No building or structure may exceed 9.7 metres in height.

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8.6.8 Landscape Screening

- (1) Every external storage area must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every commercial use must be screened from adjacent residential uses. The screening must be provided along lot lines abutting parcels zoned Rural Residential and Rural, complying with article 3.13.1(2).

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8.6.9 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
C3(a)	Portion of Lot A, Plan 7982 (G54184), Section 11	Despite 8.6.4(2), the maximum number of commercial guest accommodation units permitted in this location is 39

8.7 - deleted by Bylaw 179

## 8.8 Light Industrial (I1) Zone

### 8.8.1 Subdivision Requirements

- (1) No lot having an area less than 1.2 hectares may be created by subdivision in the Light Industrial (I1) Zone.

### 8.8.2 Permitted Uses

- (1) In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Light Industrial (I1) Zone:
  - (a) storage of goods, materials and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts and scrap;
  - (b) retail sale of building, gardening and landscaping materials and supplies;
  - (c) small engine repair;
  - (d) storage of motor vehicles, recreational vehicles, boats and trailers;
  - (e) manufacturing; and
  - (f) accessory dwellings.

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### 8.8.3 Accessory Dwelling

- (1) No more than one accessory dwelling may be located on a lot, and the dwelling must be occupied by an operator or employee of the principal industrial use located on the same lot.
- (2) No accessory dwelling may have a floor area greater than 140 m<sup>2</sup>.

### 8.8.4 Lot Coverage

- (1) Lot coverage may not exceed 33 percent.

### 8.8.5 Setbacks

- (1) No building or structure may be located
  - (a) within 9.2 metres of any front lot line or rear lot line; or
  - (b) within 15 metres of any interior or exterior side lot line.

### 8.8.6 Height

- (1) No building or structure may exceed 9.7 metres in height.

BL 140

### 8.8.7 Landscape Screening

- (1) Every external storage area and works yard must be screened from view by a landscape screen complying with article 3.13.1(1).

- (2) Every industrial use must be screened from adjacent residential, commercial and institutional uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the non-industrial uses.

BL 139 8.8.8 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
I1(a)	Parcel C, DD68964I, Section 18, except that part thereof lying south of the main highway from Hope Bay to Port Washington	Despite 8.8.2(1), the only uses permitted in this location are those permitted by 8.8.2(1)(a) and (b) and propane sales.
I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite 8.8.2(1), the only use permitted in this location is boat storage.

**8.9 Industrial (I2) Zone**

8.9.1 Subdivision Requirements

- (1) No lot having an area less than 1.2 hectares may be created by subdivision in the Industrial Zone.

8.9.2 Permitted Uses

- (1) In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Industrial Zone:
- (a) storage of dangerous or hazardous materials, salvaged motor vehicle parts and scrap;
  - (b) processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment;
  - (c) auto body repair shop;
  - (d) motor vehicle wrecking, crushing and salvaging;

- (e) processing, crushing and storage of gravel; and
- (f) accessory dwelling.

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### 8.9.3 Accessory Dwelling

- (1) No more than one accessory dwelling may be located on a lot, and the dwelling must be occupied by an operator or employee of the principal industrial use located on the same lot.
- (2) No accessory dwelling may have a floor area greater than 140 m<sup>2</sup>.

### 8.9.4 Lot Coverage

- (1) Lot coverage may not exceed 33 percent.

### 8.9.5 Setbacks

- (1) No building or structure may be located
  - (a) within 9.2 metres of any front lot line or rear lot line; or
  - (b) within 15 metres of any interior or exterior side lot line.

### 8.9.6 Height

- (1) No building or structure may exceed 9.7 metres in height.

BL 140

### 8.9.7 Landscape Screening

- (1) Every external storage area and works yard must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every industrial use must be screened from adjacent residential, commercial and institutional uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the non-industrial uses.

BL 139

### 8.9.8 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
I2(a)	Portion of Lot 9, Plan 6294, Section 18	Despite 8.9.2(1), the only uses permitted in this location are the storage of dangerous or hazardous materials, servicing and repairing of goods, materials and equipment, and the processing, crushing and storage of gravel
I2(b)	Westerly portion of land legally described as a portion of Parcel G, DD47659I excluding Plans 2648, 9912 and 37908 and VIP54314	Despite 8.9.2(1), the only uses permitted in this location are the processing, crushing and storage of gravel
I2(c)	Portion of Parcel G, DD47659I, excluding Plans 2648, 9912 and 37908 and VIP54314	Despite 8.9.2(1), the only uses permitted in this location are the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment

## 8.10 Community Service (CS) Zone

### 8.10.1 Subdivision Requirements

- (1) No lot having an area less than 2 hectares may be created by subdivision in the Community Service (CS) Zone.

### 8.10.2 Permitted Uses

The uses permitted in the CS zone are established by site specific regulation in subsection 8.10.7.

### 8.10.3 Lot Coverage

- (1) Lot coverage may not exceed 25 percent.

### 8.10.4 Setbacks

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or
  - (b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.
- (2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.10.4(1)(a) and (b) must be increased by 3 metres.

### 8.10.5 Height

- (1) No building or structure may exceed 9.7 metres in height.

BL 139

8.10.6 Landscape Screening

- (1) Every external storage area and works yard must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every community service use must be screened from adjacent residential uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the other uses.

BL 139, 179 8.10.7 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
CS(a)	Lot 1, Section 11, Plan 27405	The only use permitted in this location is church
CS(b)	Lot A, Section 18, Plan 14409	The only uses permitted in this location are library, preschool and charity retail stores
CS(c)	Lot 8, Section 10, Plan 24778	The only uses permitted in this location are public emergency services and public works yard
CS(d)	Lot 20, Section 10, Plan 24777	The only use permitted in this location is water tank
CS(e)	Lot 1, Section 18, Plan 31782	The only use permitted in this location is church
CS(f)	Lot A, Section 18 Plan 22835	The only uses permitted in this location are public utility
CS(g)	Lot 1, Plan 29572, Section 11	The only use permitted in this location is school
CS(h)	Lot A, Plan 40871, Section 11	The only uses permitted in this location are health clinic, public emergency services
CS(i)	Lot A, Plan 65874, Section 18	The only use permitted in this location is community hall
CS(j)	Lots 1, Plan 30765, Section 15	The only uses permitted in this location are public emergency and protection services, accessory dwelling
CS(k)	Lot 2, Plan 30765, Section 15	The only uses permitted in this location are public emergency services
CS(l)	Lot 2, Plan 18611, Section 15	The only use permitted in this location is cemetery
CS(m)	Parcel A (DD47774W) of Lot 6 Plan 7196 Section 17	(1) The only uses permitted in this location are private clubs including club hall rentals. (2) The gross floor area of the uses permitted in (1) may not exceed 483 m <sup>2</sup> .
CS(n)	Lot 131, Sections 8 and 10, Pender Island, Cowichan	The only use permitted in this location is church

## **8.11 Special Needs Housing (SNH) Zone**

### **8.11.1 Subdivision Requirements**

- (1) No lot having an area less than 2 hectares may be created by subdivision in the Special Needs Housing (SNH) Zone.

### **8.11.2 Permitted Uses**

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Special Needs Housing (SNH) Zone:
  - (a) two-family dwellings managed by a non-profit society.

### **8.11.3 Residential Density**

- (1) There may not be more than one dwelling unit per 0.1 hectares of lot area, to a maximum of 20 dwelling units per lot.

### **8.11.4 Lot Coverage**

- (1) Lot coverage may not exceed 25 percent.

### **8.11.5 Setbacks**

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front lot line or rear lot line; or
  - (b) within 3 metres of any interior side lot line, nor within 4.5 metres of any exterior side lot line.
- (2) If a lot line adjoins the Agricultural (AG) Zone, the setbacks in respect of that lot line required by clauses 8.11.5(1)(a) and (b) must be increased by 3 metres .

### **8.11.6 Height**

- (1) No building or structure may exceed 9.7 metres in height.

BL 140

### **8.11.7 Landscape Screening**

- (1) Every external storage area must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every multiple family dwelling must be screened from adjacent residential, commercial and institutional uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the other uses.

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## **8.12 Recycling Facility (RF) Zone**

### **8.12.1 Subdivision Requirements**

- (1) No lot having an area less than 0.2 hectares may be created by subdivision in the Recycling Facility (RF) Zone.

#### 8.12.2 Permitted Uses

- (1) In addition to the uses permitted in section 3.1 of this Bylaw, the following uses and no others are permitted in the Recycling Facility (RF) Zone:
  - (a) community or local non-profit society owned recovery, storage, processing and shipping of discarded materials.

#### 8.12.3 Lot Coverage

- (1) Lot coverage may not exceed 80 percent.

#### 8.12.4 Setbacks

- (1) No building or structure may be located
  - (a) within 7 metres of any front lot line; or
  - (b) within 3 metres of any rear lot line, interior or exterior side lot line.

#### 8.12.5 Height

- (1) No building or structure may exceed 9.7 metres in height.

BL 140

#### 8.12.6 Landscape Screening

- (1) Every external storage area and works yard must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every use must be screened from adjacent residential, commercial and institutional uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the other uses.

### **8.13 Service (SD) Zone**

#### 8.13.1 Subdivision Requirements

- (1) No lot having an area less than 0.4 hectares may be created by subdivision in the Service (SD) Zone.

#### 8.13.2 Permitted Uses

- (1) The following uses and no others are permitted in the Service (SD) Zone:
  - (a) treatment and disposal of sewage.

BL 139

#### 8.13.3 Setbacks

- (1) No building or structure may be located:
  - (a) within 7.6 metres of any front or rear lot line, or
  - (b) within 6.1 metres of any side lot line.

#### 8.13.4 Height of Buildings

- (1) No building or structure may exceed 4.6 metres and one storey in height.

BL 140

#### 8.13.5 Landscape Screening

- (1) Every sewage treatment system located above ground must be screened from view by a landscape screen complying with article 3.13.1(1).

BL 139

#### 8.13.6 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
SD(a)	Part of Lot 3, Section 11, Plan 7982 except Part in Plan 21227	Despite 8.13.2(1), the only use permitted in this location is the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982

BL 138

### 8.14 **National Park (NP) Zone**

BL177

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

#### 8.14.1 Subdivision Requirements

- (1) The minimum lot size is 65 hectares.

#### 8.14.2 Permitted Uses

- (1) In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the National Park (NP) Zone:
  - (a) informational, interpretive, cultural, and historical uses and facilities;
  - (b) natural and cultural resource management and protection;
  - (c) camping and picnicking areas;
  - (d) park operations and maintenance facilities;

#### 8.14.3 Lot Coverage

- (1) Lot coverage may not exceed 10 percent.

8.14.4 Setbacks

- (1) No building or structure may be located within 7.6 metres of any lot line.

8.14.5 Height

- (1) No building or structure may exceed 9 metres in height.

8.14.6 Site Specific Regulations

- (1) 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
NP(a)	Lot 1, Plan 15769, Section 16	(1) Despite 8.14.2, one dwelling unit is permitted in this location.  (2) The gross floor area of the dwelling unit may not exceed 140 m <sup>2</sup> .

BL 177

**8.15 – deleted by Bylaw 177**

**8.16 Community Park 1 (CP1) Zone**

8.16.1 Subdivision Requirements

- (1) No lot may be subdivided in the Community Park 1 (CP1) Zone.

8.16.2 Permitted Uses and Structures

- (1) In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Community Park 1 (CP1) Zone:
  - (a) playgrounds and playing fields; and
  - (b) picnic facilities.
- (2) No buildings or structures other than playground structures, playing field fences and goalposts, picnic tables and toilets may be constructed.

8.16.3 Lot Coverage

- (1) Lot coverage may not exceed 5 percent.

**8.17 Community Park 2 (CP2) Zone**

8.17.1 Subdivision Requirements

- (1) No lot may be subdivided in the Community Park 2 (CP2) Zone.

8.17.2 Permitted Uses and Structures

- (1) In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Community Park 2 (CP2) Zone:
  - (a) playgrounds and playing fields; and
  - (b) picnic facilities.
- (2) No buildings or structures other than playground structures, playing field fences and goalposts, picnic tables, toilets and buildings and structures accessory to sports events may be constructed.

8.17.3 Lot Coverage

- (1) Lot coverage may not exceed 5 percent.

**8.18 Ecological (ECO) Zone**

8.18.1 Subdivision Requirements

- (1) No lot may be subdivided in the Ecological (ECO) Zone.

8.18.2 Permitted Uses and Structures

- (1) Ecological reserves and nature reserves and no other uses are permitted in the Ecological (ECO) Zone.
- (2) All buildings and structures, including those listed in Section 3.1 of this Bylaw, are prohibited.

8.18.3 Site Specific Regulations

- (1) 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.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
ECO(a)	Lot 1, Plan 15769, Section 16	(1) Despite 8.18.2(2), one accessory dwelling unit (for a caretaker) is a permitted use in this location. (2) The gross floor area of the accessory dwelling unit may not exceed 140 m <sup>2</sup> .

## **8.19 Water 1 (W1) Zone**

BL 139

### **8.19.1 Permitted Uses**

- (1) The following uses and no others are permitted in the Water 1 (W1) Zone:
  - (a) private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea, and providing access to that lot or those lots;
  - (b) pilings necessary for the establishment or maintenance of the uses permitted by Clause 8.19.1(1)(a);
  - (c) boat launching ramps; and
  - (d) marine navigation, marine navigation aids and marker buoys.

### **8.19.2 Buildings Prohibited**

- (1) No building, including a boat house, may be constructed or erected on any float or wharf in the Water 1 (W1) Zone.

### **8.19.3 Commercial and Industrial Activity Prohibited**

- (1) For certainty, no commercial or industrial activity or use is permitted in the Water 1 (W1) Zone.

### **8.19.4 Residential Use Prohibited**

- (1) No person may reside on any structure or on any boat or vessel moored or wharfed in the Water 1 (W1) Zone.

### **8.19.5 Setbacks**

- (1) No structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot.

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### **8.19.6 Size of Structures**

- (1) The maximum water area that may be covered by floats and wharves is 37 m<sup>2</sup>.
- (2) The width of any ramp or walkway, including handrails, used to access any float or wharf permitted in clause 8.19.1(1)(a) shall not exceed 1.5 metres .

## **8.20 Water 2 (W2) Zone**

BL 139

### **8.20.1 Permitted Uses**

- (1) The following uses and no others are permitted in the Water 2 (W2) Zone:
  - (a) sale and rental of boats and sporting equipment, except personal watercraft;
  - (b) marinas;
  - (c) yacht clubs;

- (d) wharfage facilities for water taxis, ferries, fishing boats, sea planes and similar craft;
- (e) marine fuelling stations;
- (f) seawalls, breakwaters, slips, docks, piers, dolphins and pilings necessary for the establishment or maintenance of any use permitted in this zone;
- (g) private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lot or those lots;
- (h) boat launching ramps; and
- (i) marine navigation, marine navigation aids and marker buoys.

#### 8.20.2 Residential Use Prohibited

- (1) No person may reside on any structure or on any boat or vessel moored or wharfed in the Water 2 (W2) Zone.

#### 8.20.3 Siting

- (1) No float, wharf, ramp, walkway or other structure may be located outside the boundaries of a water lease or licence of occupation.

#### 8.20.4 Height

- (1) No building or structure may exceed 4.5 metres in height.

### 8.21 **Water 3 (W3) Zone**

BL 139

#### 8.21.1 Permitted Uses

- (1) Marine navigation, marine navigational aids and marker buoys and no other uses are permitted in the Water 3 (W3) Zone.

### 8.22 **Water 4 (W4) Zone**

BL 139

#### 8.22.1 Permitted Uses

- (1) Marine navigation, marine navigation aids, marker buoys, ferry dock, public port facilities, and seawalls, breakwaters, ships, docks, piers, dolphins, and pilings necessary for the establishment or maintenance of such port facilities are permitted in the Water 4(W4) Zone and all other uses are prohibited.

### 8.22A **Water 5 (W5) Zone**

BL177

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

#### 8.22.A.1 Permitted Uses

- (1) The following uses and no others are permitted in the Water 5 (W5) Zone:

- (a) marine navigational aids;
- (b) natural resource management and protection;
- (c) docks, wharfage, and moorage accessory to the upland National Park lands.

## **8.22B Water 6 (W6) Zone**

BL 180

### **8.22B.1 Permitted Uses**

- (1) The following uses and no others are permitted in the Water 6 (W6) Zone:
  - (a) community water supply facilities, including reservoirs, treatment plants, pumping stations, intake structures, water and sewer lines;
  - (b) private floats and ramps accessory to the residential use of an abutting upland lot;
  - (c) pilings necessary for the establishment or maintenance of uses permitted by clause 8.22B.1(c); and
  - (d) navigation aids and marker buoys.

### **8.22B.2 Buildings Prohibited**

- (1) No building, including a boat house, may be constructed or erected on a private float in the Water 6 (W6) zone.
- (2) Derelict or abandoned floats, ramps or walkways.

### **8.22B.3 Commercial and Industrial Activity Prohibited**

- (1) For certainty, no commercial or industrial activity or use is permitted in the Water 6 (W6) Zone.

### **8.22B.4 Residential Use Prohibited**

- (1) No person may reside on any structure, boat or vessel in the Water 6 (W6) Zone.

### **8.22B.5 Setbacks**

- (1) No structure may be located within 3 metres of any side lot line.
- (2) Where the structure cannot be constructed entirely within the property boundaries of the residential lot, no structure may be located within 3 metres of the projection of any side lot line of the abutting upland lot and must receive written authorization from the Capital Regional District.

### **8.22B.6 Size of Structures**

- (1) Only one float shall be constructed per upland lot.
- (2) The maximum water area that may be covered by a float is 15m<sup>2</sup>.
- (3) The maximum size of any float is 6 m in any dimension.
- (4) The maximum length of any ramp is 6 m and shall be constructed in compliance with Subsection 3.7.2 of this Bylaw.

### 8.22B.7 Height

- (1) No building or structure may exceed 4.5 metres in height.

### 8.22B.8 Site Specific Regulations

- (1) 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.

<i>Column 1</i> Site- Specific Zone Reference	<i>Column 2</i> Water Body	<i>Column 3</i> Site Specific Regulations
W6(a)	Gardom Pond	Despite 8.22B.6(2) the maximum water area that may be covered by a float is 3m <sup>2</sup>

## 8.23 **Comprehensive Development One (CD1) Zone**

BL 152

### 8.23.1 Subdivision Requirements

- (1) No lot having an area less than 0.4 hectares may be created by subdivision in the Comprehensive Development One (CD1) Zone.

### 8.23.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Comprehensive Development One (CD1) Zone:
  - (a) retail sales;
  - (b) offices, including financial institutions;
  - (c) personal services;
  - (d) home appliance repairs;
  - (e) restaurants;
  - (f) cafes;
  - (g) bakeries;
  - (h) printing and publishing businesses;
  - (i) accessory dwelling unit for a caretaker, owner or operator of a permitted principal use;
  - (j) sale and rental of boats and sporting equipment, except personal watercraft;
  - (k) uses accessory to any permitted principle use; and
  - (l) seawalls and pilings necessary for the establishment or maintenance of any use permitted in this zone;

### 8.23.3 Accessory Dwellings

- (1) The number of accessory dwelling units is limited to one.
- (2) An accessory dwelling unit must be located in the same building as a principal commercial use and have a separate outside entrance.
- (3) The maximum floor area of an accessory dwelling unit is 140m<sup>2</sup>

#### 8.23.4 Lot Coverage

- (1) Lot coverage on the upland lots shall not exceed 25%.

#### 8.23.5 Setbacks

- (1) The setbacks from all lot lines and the natural boundary of the sea for the building and for the surfaced courtyard and pathway shown on Plan CD1(a) of Schedule E shall be those shown on Plan CD1(a) of Schedule E, exclusive of roof overhangs, stairs, landings, ramps and septic disposal systems.
- (2) Roof overhangs may in no case project more than 0.8 metres into the setbacks shown on Plan CD1(a) of Schedule E. Stairs, landings and ramps may in no case be sited closer than 2.5 metres to a lot line.
- (3) Portions of the sewage treatment system consisting of a contained package treatment plant, grease interceptors, emergency overflow tank and the associated utility lines may be sited as close as 1 metre to a lot line.
- (4) Despite Subsection 3.7.3, portions of the sewage treatment system consisting of a contained package treatment plant, grease interceptors, emergency overflow tank and the associated utility lines may be sited as close as 1 metre upland from the natural boundary of the sea.
- (5) The setbacks for any buildings or structures not shown on Plan CD1(a) of Schedule E shall be those for the C1 zone on any upland lot and those for the W2 zone within a water lease or license of occupation.

#### 8.23.6 Height

- (1) The maximum height above the natural boundary of the sea for the building shown on Plan CD1(a) of Schedule E shall be 12 metres;
- (2) The maximum height of any buildings or structures not shown on Plan CD1(a) of Schedule E shall be those for the C1 zone on the upland lots and those for the W2 zone within a water lease or license of occupation.
- (3) The number of storeys of any building shall not exceed two above finished grade.

#### 8.23.7 Landscape Screening

- (1) Every external storage area on the upland lots must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every commercial building must be screened from view from adjacent residential lots. The screening must be provided along lot lines abutting parcels zoned Rural Residential, complying with article 3.13.1(2).

#### 8.23.8 Signs

- (1) Despite Section 5.2 (Sign Regulations – Commercial and Industrial Zones) no signs may be erected, or affixed to the outside of any structure, except:
  - (a) One wall sign, provided that:
    - (i) the area covered by the sign does not exceed 8m<sup>2</sup>;

- (ii) the top edge of the sign does not project above the top of the building;
  - (iii) the sign is placed flush against the side of the building.
- (b) One freestanding sign, not exceeding a total area of 1.1m<sup>2</sup>.
  - (c) One sign, not exceeding a total area of 1.1m<sup>2</sup>, on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal product or service sold.
  - (d) One sign, not exceeding a total area of 0.6m<sup>2</sup>, pertaining to the lease, sale, name of owner, name of property or use of the accessory dwelling unit permitted in 8.23.2(i).

#### 8.23.9 Parking

- (1) Despite Subsection 6.1.2 (Off-street Parking), the minimum number of parking spaces required in the CD1 zone for the accessory dwelling unit permitted in 8.23.2(1)(l) above is one.
- (2) In addition to the parking spaces provided, a minimum of 5 bicycle parking spaces must be provided in the form of a fixed structure that supports the bicycle frame and permits the bicycle wheels to be locked to the frame.
- (3) Despite Section 6.2 (Size of Spaces and Aisles) and Section 6.3 (Access to Spaces) the required off-street parking spaces may be accessed directly from a highway.
- (4) Despite Subsection 6.6.1 (Development and Maintenance Requirements for Parking Areas), a parking area may be located within the required front yard setback area.
- (5) Despite Subsection 6.6.2 (Development and Maintenance Requirements for Parking Areas), a parking area may be sited 0 metres from a side lot line.
- (6) Despite Subsection 3.7.1 structures and paved areas associated with a parking area may be sited as close as 7.0 metres upland from the natural boundary of the sea.

**PART 9**

**BYLAW CITATION**

9.1 This Bylaw may be cited for all purposes as "North Pender Island Land Use Bylaw 103, 1996".

**PART 10**

**REPEAL**

10.1 The following bylaws are repealed except to the extent that they repeal any bylaws:

- (1) Zoning Bylaw, North Pender Island, 1978.
- (2) North Pender Island Campground Bylaw, 1992.
- (3) North Pender Island Subdivision Control Bylaw, 1978.
- (4) That portion of Capital Regional District Bylaw No. 103 that applies to the North Pender Island Local Trust Area, as defined by the area boundary lines outlined in Schedule A.

READ A FIRST TIME this 10th day of June , 1999

PUBLIC HEARING held this 14th and 21st day of August , 1999

READ A SECOND TIME as amended this 11th day of September , 1999

READ A THIRD TIME this 11th day of September , 1999

APPROVED by the Executive Committee of the Islands Trust this 15th day of September , 1999

ADOPTED this 23rd day of September , 1999

Robyn Addison

David Essig

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

## **LIST OF SCHEDULES**

**Schedule A**  
**(Subsection 2.1.1 refers)**  
**AREA COVERED BY LAND USE BYLAW NO. 103, 1996**

**Schedule B**  
***(Repealed)***

**Schedule C**  
**ZONING MAPS FOR PARTICULAR LOCATIONS**

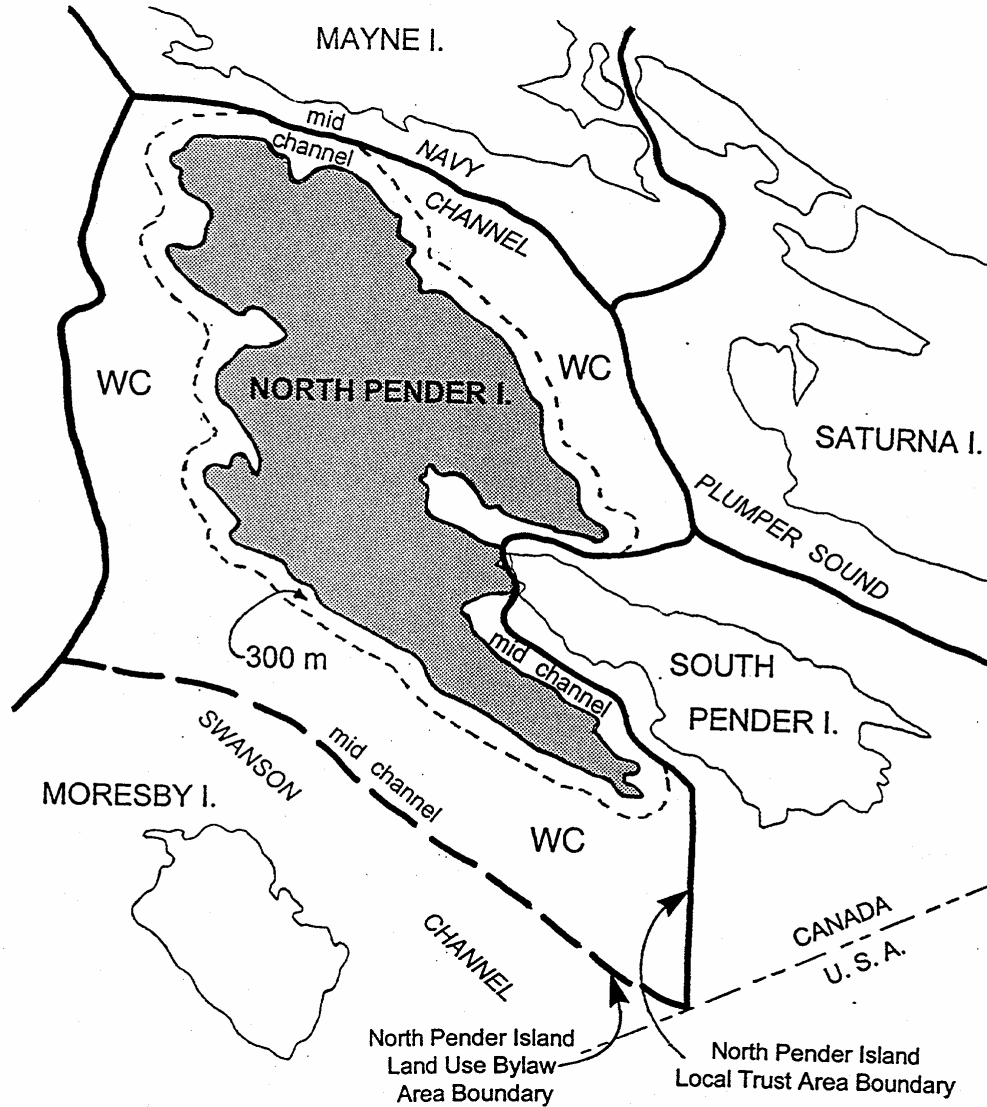
**Schedule D**  
**ZONING MAP FOR NORTH PENDER ISLAND**  
**(Subsection 7.2.1 refers)**

**Schedule E**  
**COMPREHENSIVE DEVELOPMENT ZONES**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW #103

**Schedule A**  
**AREA COVERED BY LAND USE BYLAW NO. 103, 1996**  
(Subsection 2.1.1 refers)



**Schedule "B" – (Repealed)**

BL 127, 136, 137, 139

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

**Schedule "C"**

**ZONING MAPS FOR PARTICULAR LOCATIONS**

**Map A - this is deleted by Bylaw No. 121**

x-ref: c.8.3.2 (3)(a)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW #103

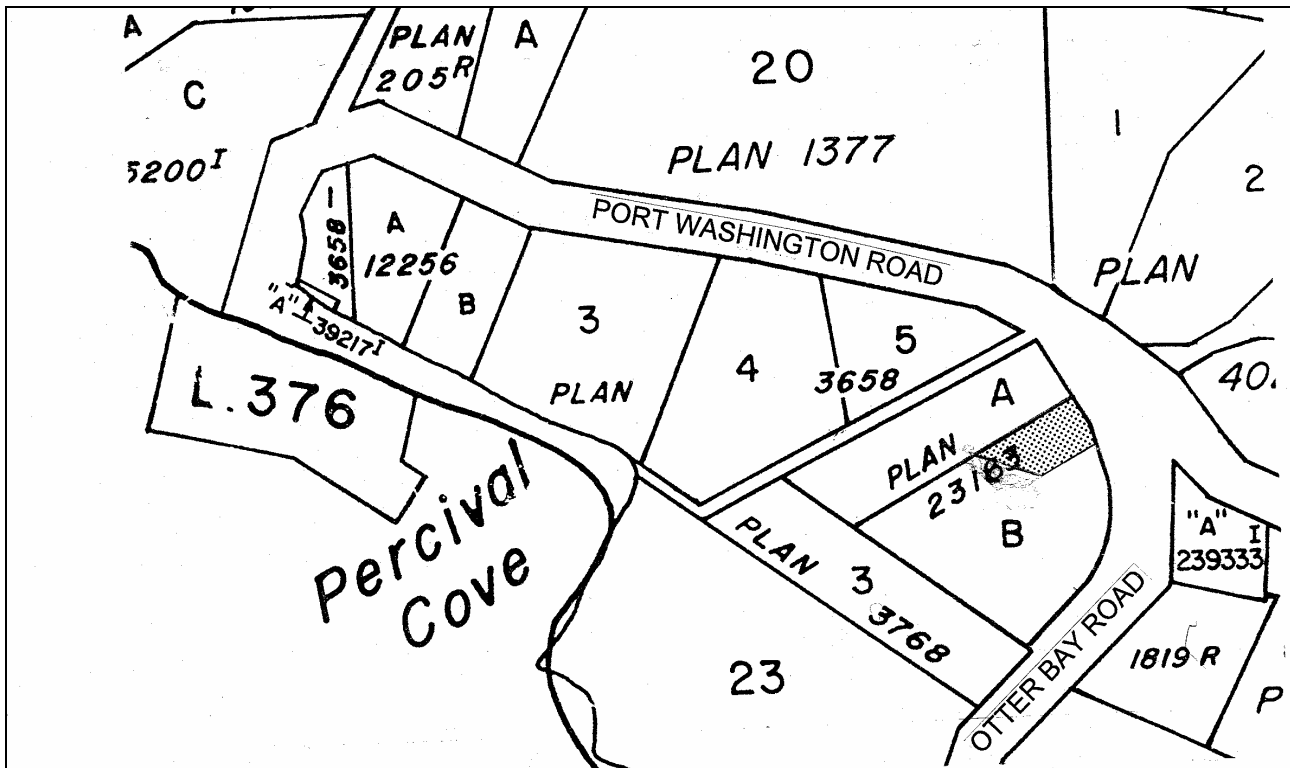
Schedule C

Zoning Maps for Particular Locations

Map C

x-ref: c.8.4.2(3)(b)

Portion of Lot B, Plan 23183, Section 23



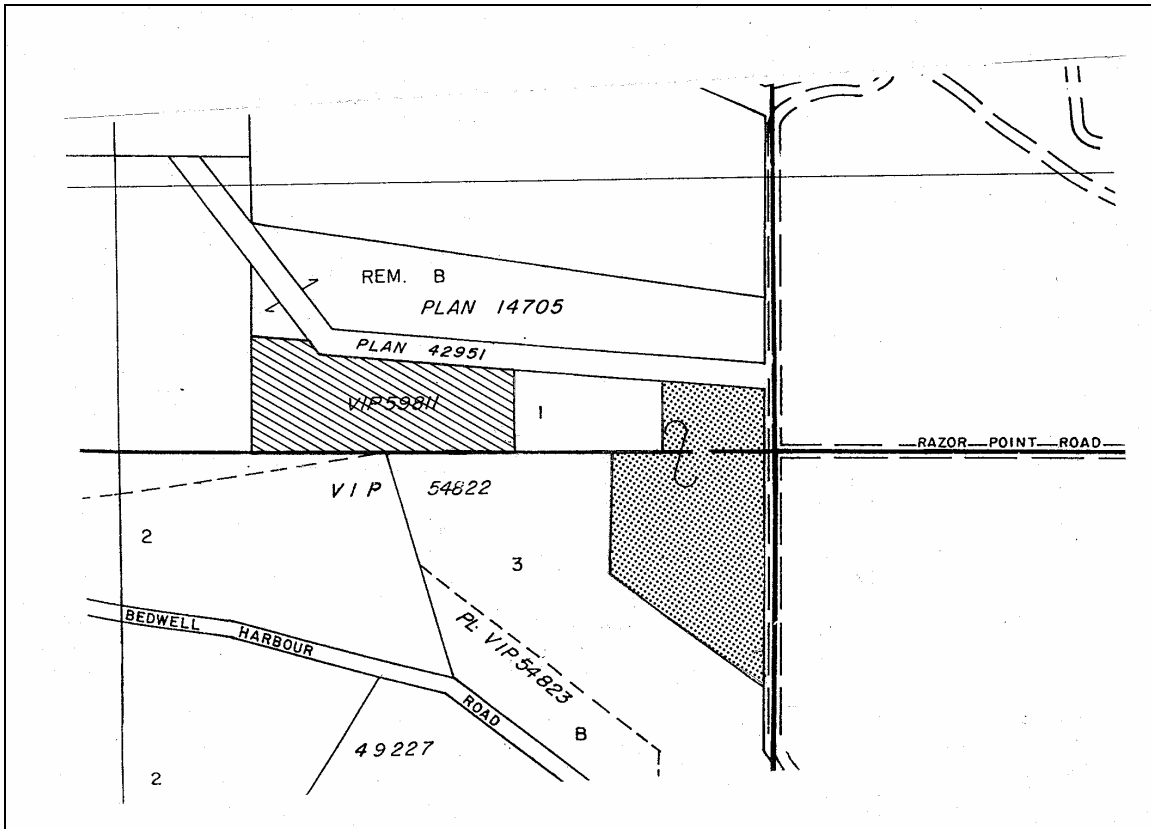
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW #103

Schedule C  
Zoning Maps for Particular Locations

Map D  
x-ref: c.8.4.2(3)(c) & c.8.5.4(4)(a)

Portion of Lot 1, Plan VIP59811, Sections 10 & 15



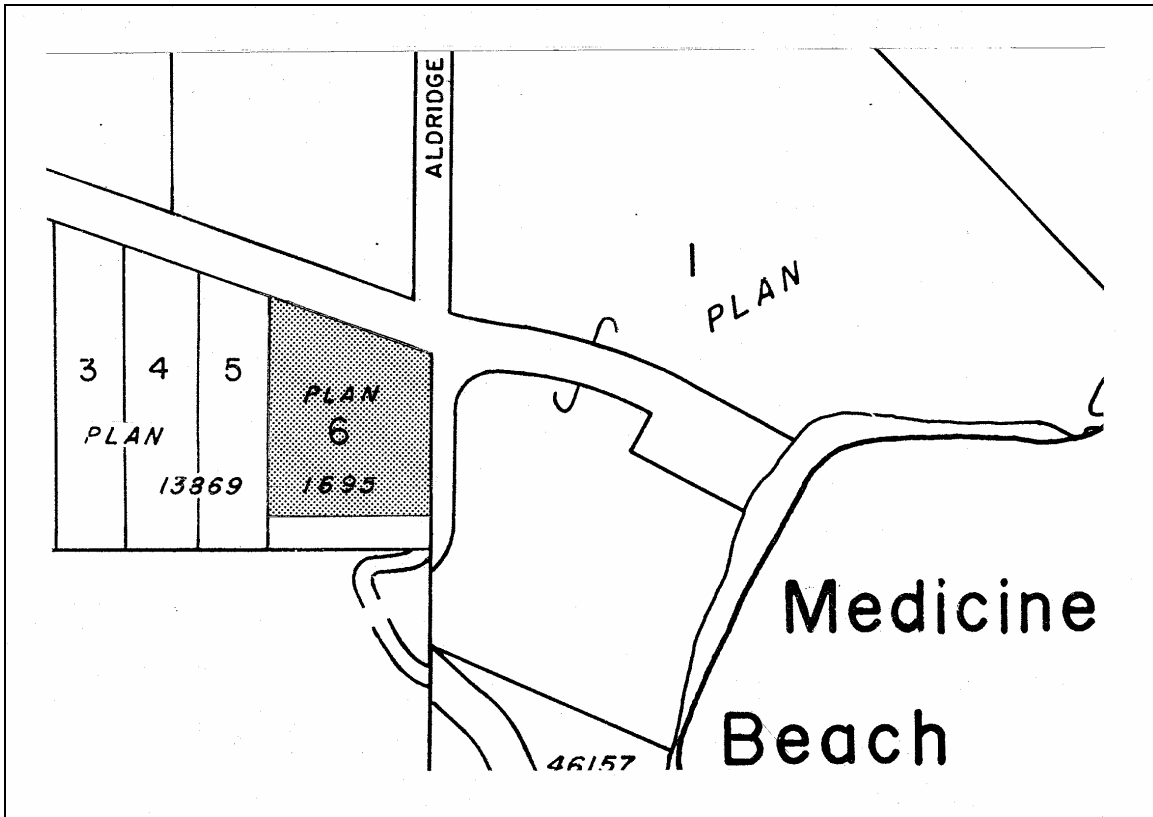
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

**Schedule C  
Zoning Maps for Particular Locations**

**Map E  
x-ref: c.8.4.2(3)(d)**

A portion of Lot 6, Plan 1695, Section 7 lying east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot.



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

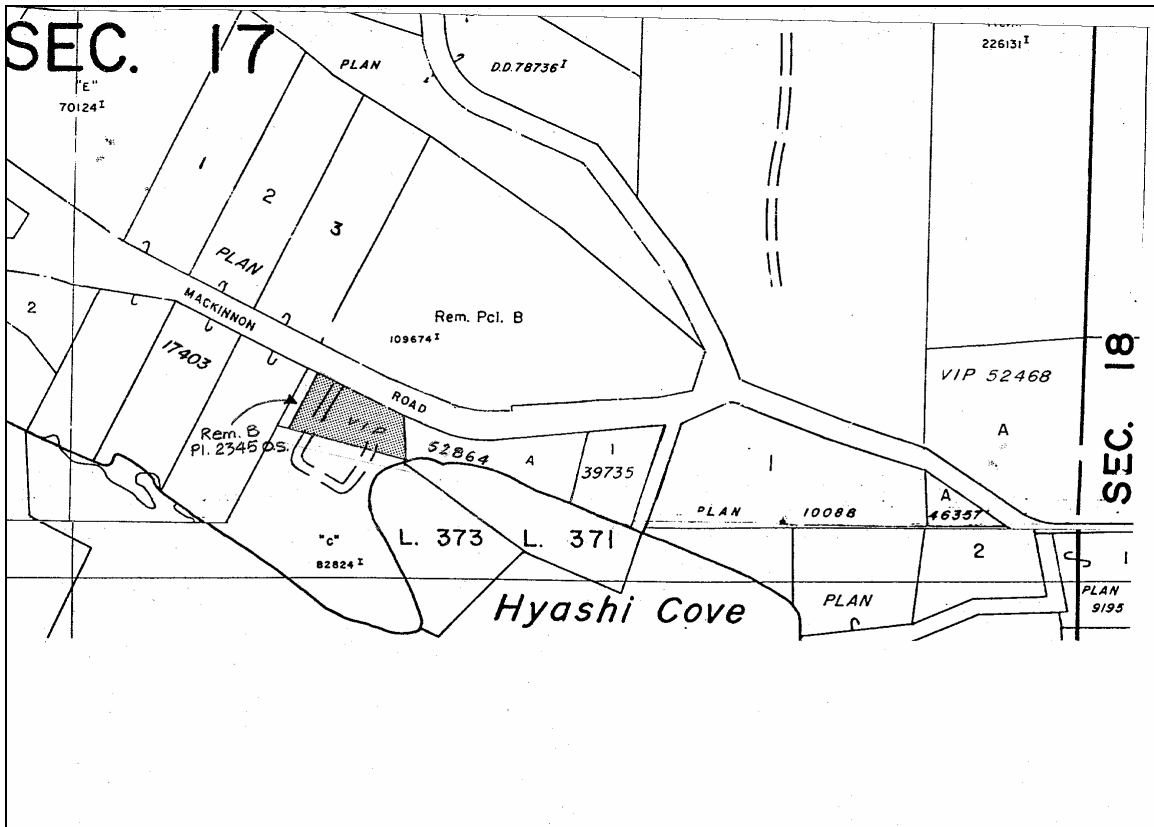
**Schedule C**

**Zoning Maps for Particular Locations**

**Map F**

**x-ref: c.8.5.4(4)(b)**

Parcel C, DD82824I, Section 17 and a portion of Lot A, VIP52864, Section 17



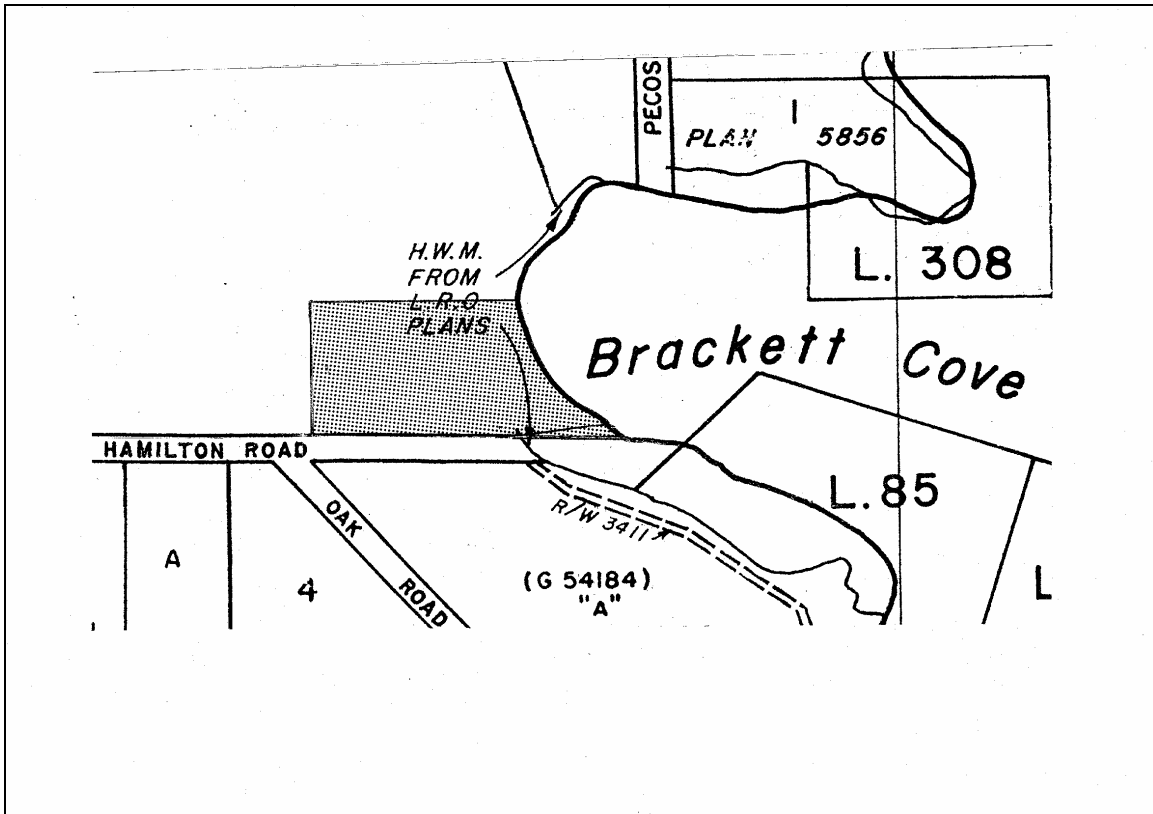
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

**Schedule C  
Zoning Maps for Particular Locations**

**Map G  
x-ref: c.8.8.2 (3)(a)**

Portion of the NW ¼ of Section 11, except the south 26.364 chains and except Parcel A (DD143808) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898.



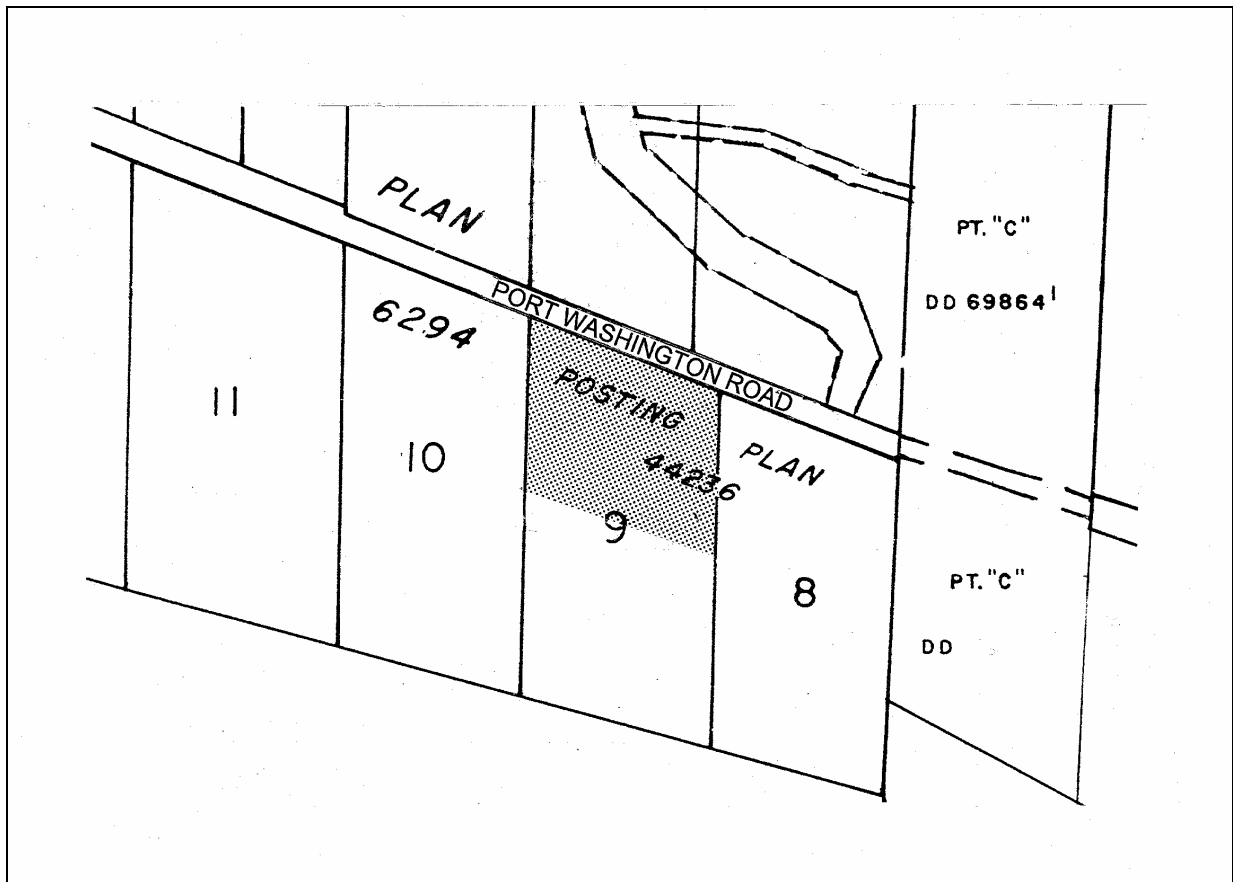
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW #103

Schedule C  
Zoning Maps for Particular Locations

Map H  
x-ref: c.8.9.2 (2)(a)

Portion of Lot 9, Plan 6294, Section 18



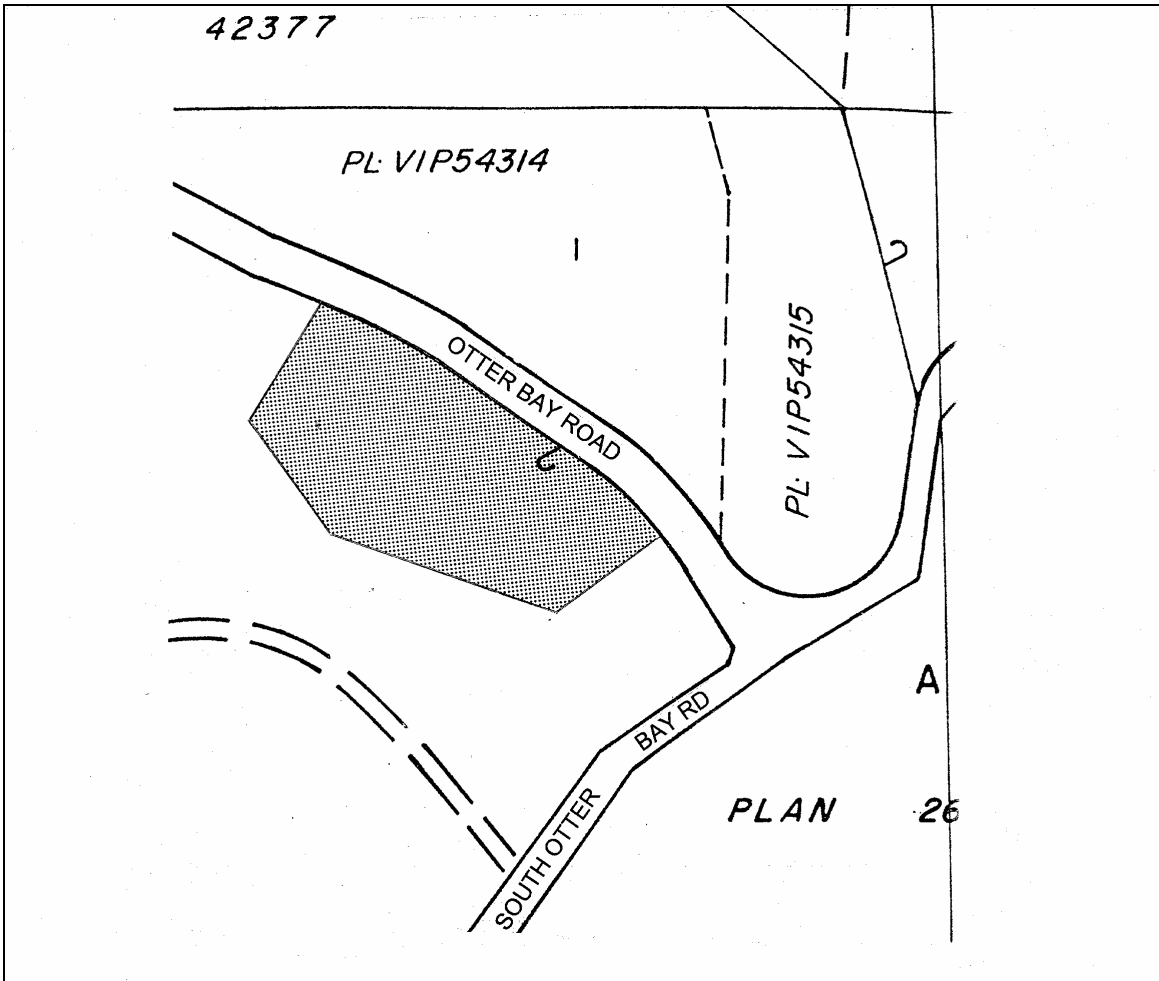
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

**Schedule C  
Zoning Maps for Particular Locations**

**Map I  
x-ref: c.8.9.2 (2)(b)**

Westerly portion of Parcel G, DD47659I, excluding Plans 2648, 9912, 37908 and VIP 54314



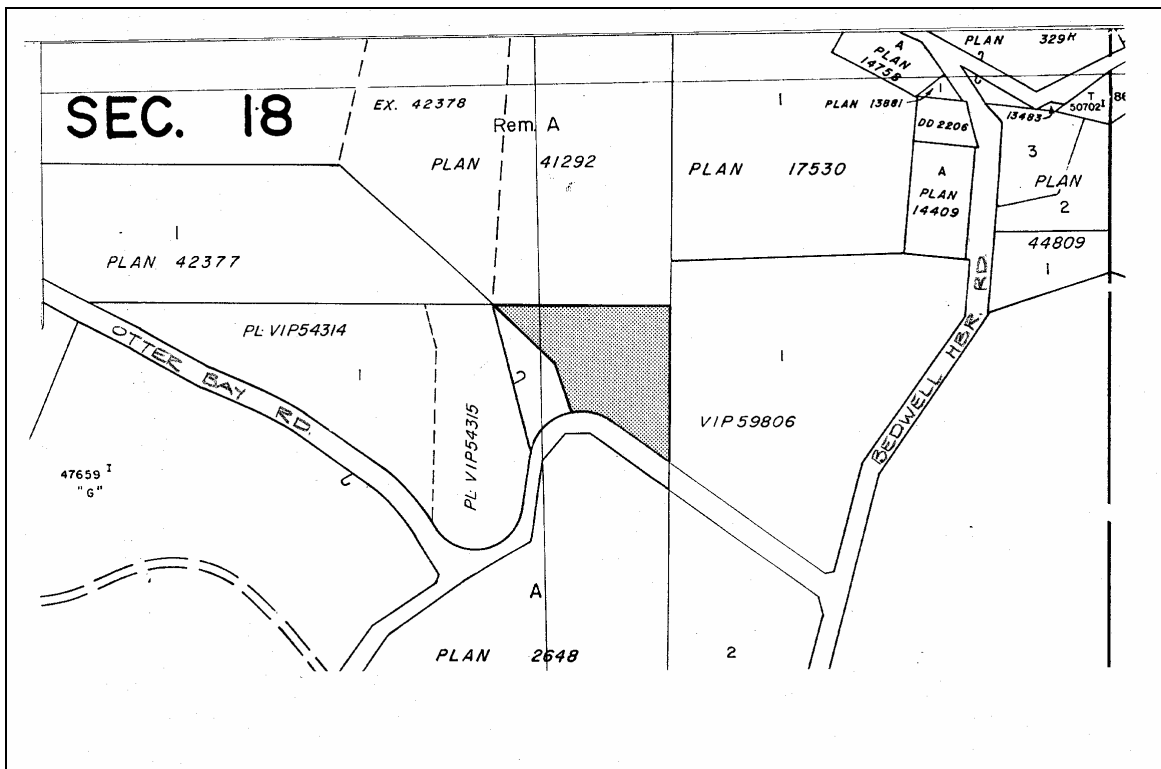
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

**Schedule C  
Zoning Maps for Particular Locations**

**Map J  
x-ref: a.8.9.2 (2)(c)**

Easterly portion of Parcel G, DD47659I, excluding Plans 2648, 9912, 37908 and VIP 54314



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW #103

BYLAW #103

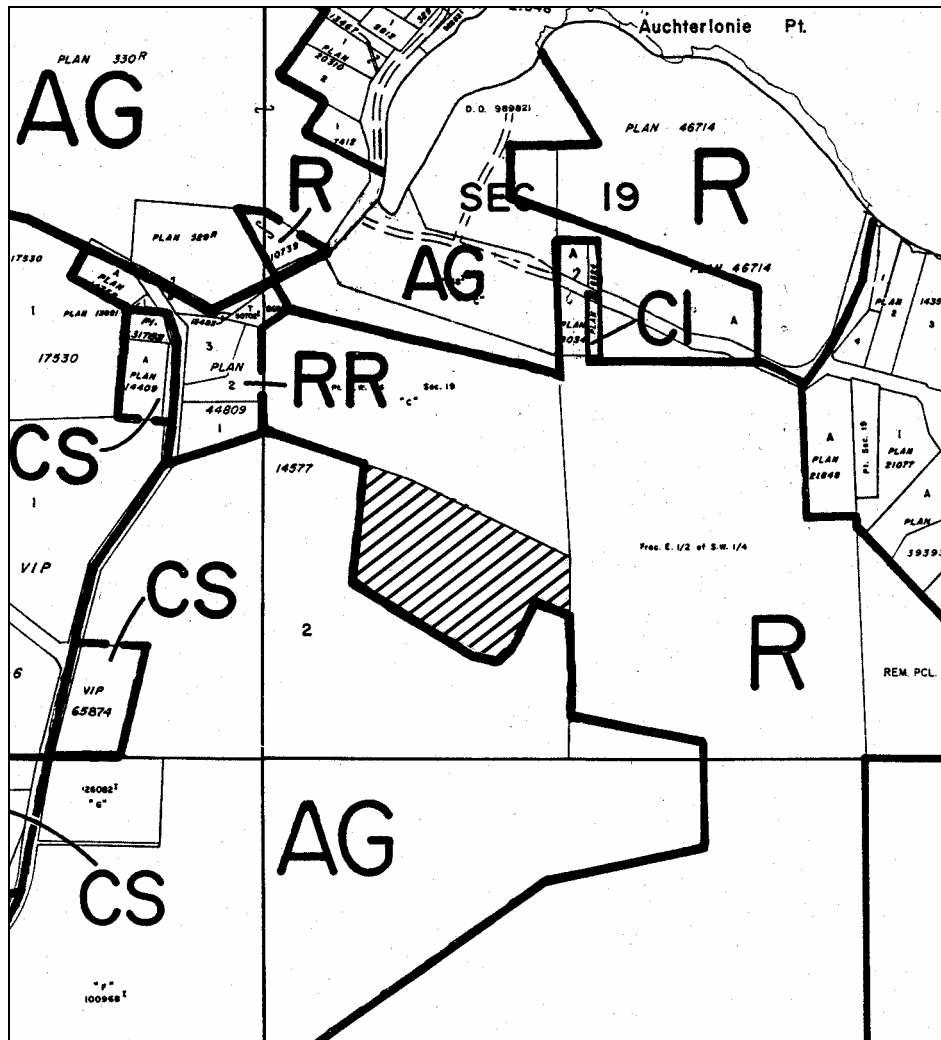
Schedule C

Zoning Maps for Particular Locations

Map K

x-ref: c.8.2.2(3)(1)

BL 127











NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW #103

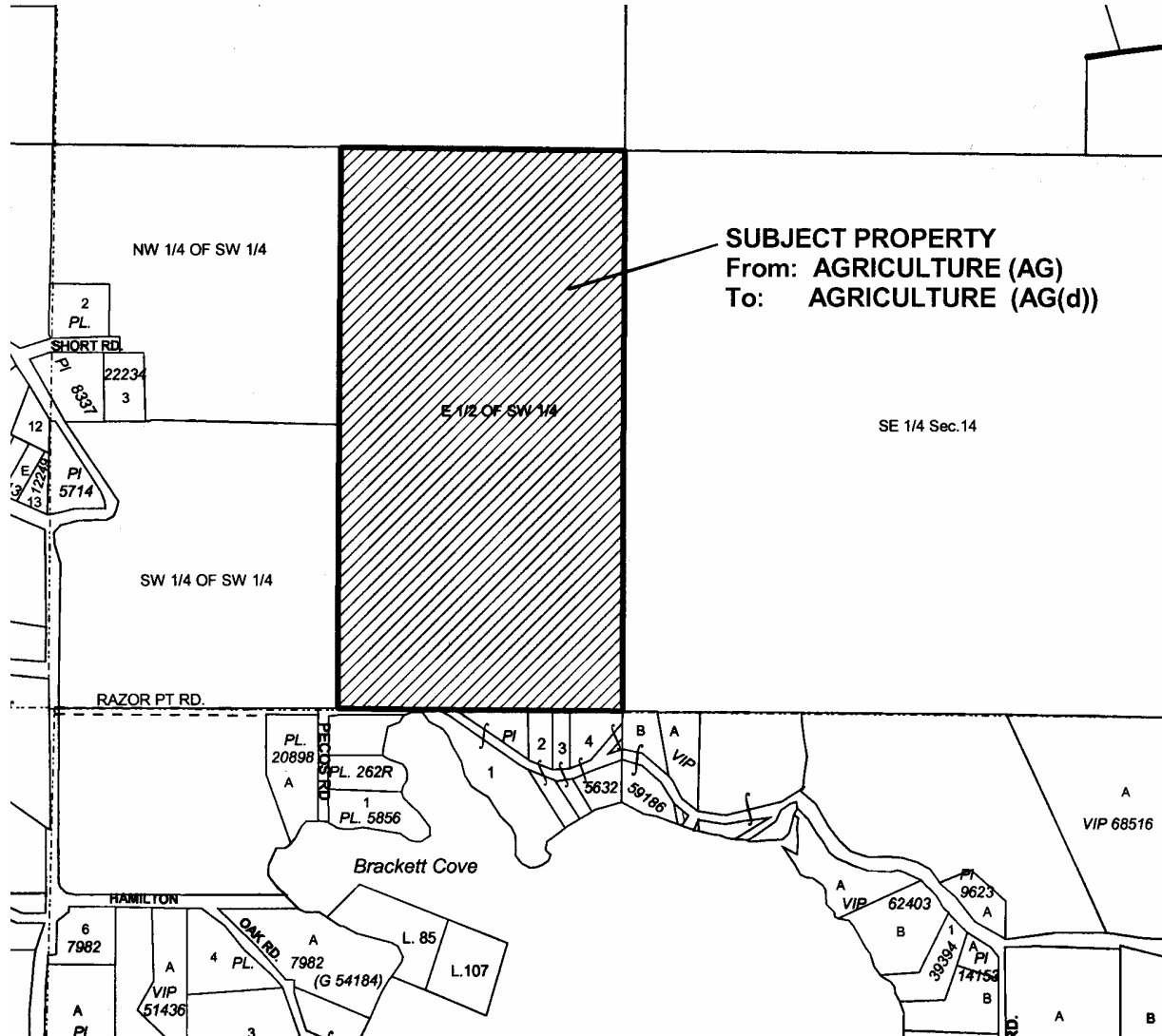
Schedule C

Zoning Maps for Particular Locations

Map P

x-ref: 8.3.7

The East 1/2 of the SW 1/4, Section 14





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW #103**

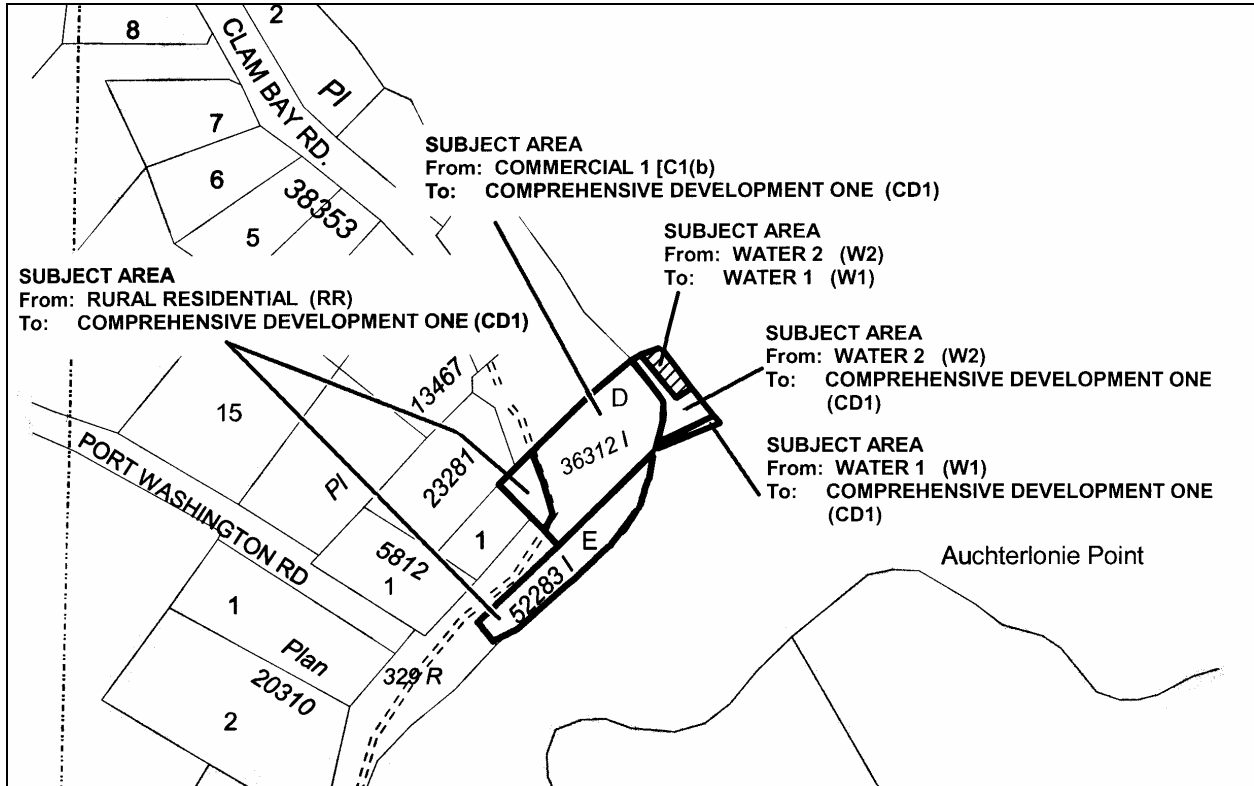
**Schedule C**

**Zoning Maps for Particular Locations**

**Map R**

**x-ref: 8.4.8**

BL 152





**SCHEDULE “D”**

**ZONING MAP FOR NORTH PENDER ISLAND  
(Subsection 7.2.1 refers)**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

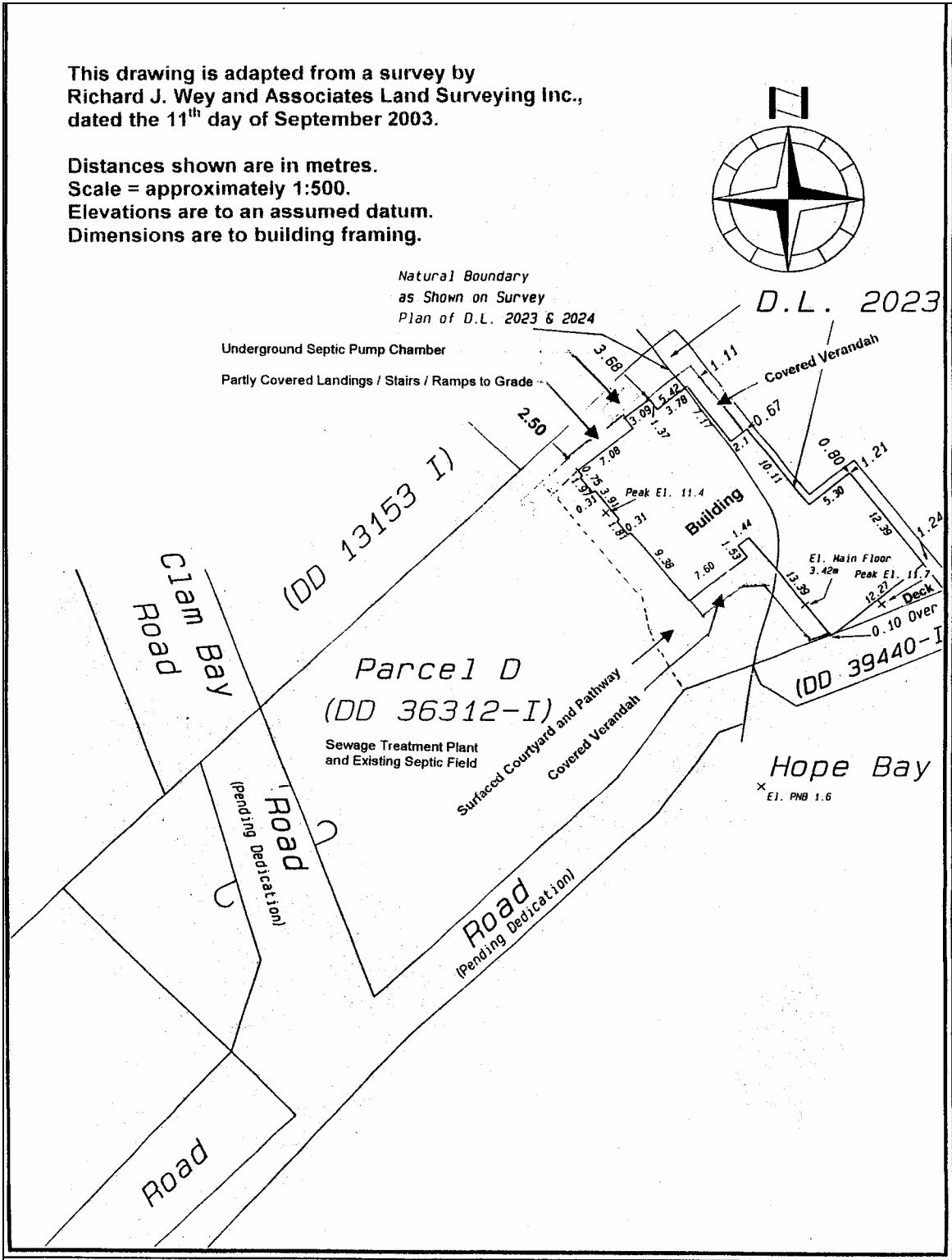
BYLAW #103

Schedule E

COMPREHENSIVE DEVELOPMENT ZONES

BL 152

"Plan CD1(a)"



**Metric Conversion Table**

This table is provided for convenience only and does not form part of North Pender Island Local Trust Committee Land Use Bylaw No. 103, 1996

**LENGTH  
CONVERSION**

millimetres	inches
1	0.0394
300	11.81
400	15.75
metres	feet
0.6	1.97
1	3.2808
1.2	3.94
1.5	4.92
2	6.56
2.5	8.20
2.6	8.53
3	9.84
3.6	11.81
3.7	12.14
4.3	14.11
4.5	14.76
4.6	15.09
5	16.40
5.4	17.72
5.5	18.04
6.1	20.01
6.7	21.98
7	22.97
7.3	23.95
7.6	24.93
9	29.53
9.2	30.18
9.7	31.82
10	32.81
12	39.37
12.8	41.99
15	49.21
20	65.62
30	98.43
49	160.76
50	164.04
60	196.85
100	328.08
150	492.13
300	984.25

**AREA CONVERSION**

square metres	square feet
0.6	6.46
1	10.7639
1.1	11.84
8	86.11
10	107.64
18.6	200.21
22.3	240.04
37	398.26
56	602.78
65	699.65
84	904.17
110	1184.03
139	1496.18
140	1506.95
185	1991.32
417	4488.55
483	5198.97
930	10010.44
hectares	acres
0.1	0.25
0.2	0.49
0.25	0.62
0.3	0.74
0.4	0.99
0.6	1.48
0.7	1.73
0.8	1.98
0.85	2.10
1	2.4711
1.2	2.97
2	4.94
2.4	5.93
2.8	6.92
3.26	8.06
4	9.88
6	14.83
8	19.77
9	22.24
16	39.54
65	160.62