



Islands Trust

## **KEATS ISLAND**

### **LAND USE BYLAW NO. 78, 2002**

AS AMENDED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAWS: 92, 94, 98, and 108

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

**Consolidated: September 14, 2009**

## CONSOLIDATED BYLAW TEXT AMENDMENTS

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 92	Amendment No. 2, 2004	October 11, 2007
Bylaw No. 94	Amendment No. 4, 2004	October 11, 2007
Bylaw No. 98	Amendment No. 1, 2007	March 5, 2008
Bylaw No. 108	Amendment No. 1, 2008	September 9, 2009

**GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 78**

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A Bylaw to adopt a Land Use Bylaw to regulate the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land for Keats Island and surrounding area, including the surface of the sea, as a Land Use Bylaw within the Gambier Island local Trust Area.

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

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

NOW THEREFORE the Gambier Island Local Trust Committee enacts as follows:

1. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the Gambier Island Local Trust Area known as Keats Island and surrounding area as shown on Schedule B:

- .1 Schedule A (Land Use Bylaw Text)
- .2 Schedule B (Zoning Map)

2. Bylaw No. 96 cited as "The Sunshine Coast Regional District Land Use Regulation By-law No. 96, 1974" and all of its amendments as it applies to the area as shown on Schedule B are repealed.

3. Bylaw 103 cited as "The Sunshine Coast Regional District Subdivision Regulations By-law No. 103, 1975" and all of its amendments as it applies to the area as shown on Schedule B are repealed.

4. This Bylaw may be cited for all purposes as the "Keats Island Land Use Bylaw, 2002."

READ A FIRST TIME this 15th day of August, 2002.

PUBLIC HEARING HELD this 27th day of September, 2002.

READ A SECOND TIME this 28th day of September, 2002.

READ A THIRD TIME this 28th day of September, 2002.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this 8th day of October, 2002.

ADOPTED this 30th day of November, 2002.

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**SECRETARY**

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**CHAIRPERSON**

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## SCHEDULE A – LAND USE BYLAW TEXT

### PART 1 - ADMINISTRATION AND INTERPRETATION

#### 1.1 APPLICATION

1. This Bylaw shall apply to that part of the Gambier Island Local Trust Area as shown on Schedule B. Without limiting the generality of the foregoing, this includes Keats Island, Home Island, Preston Island, the larger of the two Shelter Islets and the area 1,000 metres seaward of the Keats Island shoreline. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

#### 1.2 INTERPRETATION

##### Referencing

- .1 In the system used for referencing provisions, the first reference indicates parts of the bylaw, the second indicates sections, the third indicates subsections:
- Part 1
  - Section 1.1
  - Subsection .1

##### Units of Measurement

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

##### Severability

- .3 If any provision of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

##### Covenants

- .4 Where under this bylaw an owner of land is required or authorized to grant any covenant, the covenant shall be granted to the Gambier Island Local Trust Committee (Local Trust Committee) in priority to all financial charges and all other covenants and easements (whether registered or not) and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant shall 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.

#### 1.3 COMPLIANCE

##### Conformity

- .1 No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- .2 No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- .4 Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- .5 The use of land, buildings or structures that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of Part B of this Schedule, may be considered as “legal non-conforming”, and continued subject to the provisions of Section 911 of the *Local Government Act*.

## Inspection

- .6 The Bylaw Investigations Officer and any other officer of the Islands Trust who may be appointed in that capacity, are authorized to enter, at all reasonable times, upon any property subject to the provisions of this Bylaw, to ascertain whether the regulations of this Bylaw are being or have been complied with.

## Enforcement

- .7 Violation

Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have violated the provisions of this Bylaw.

- .8 Penalty

Any person who violates any of the provisions of this Bylaw is, upon summary conviction by a court of competent jurisdiction, liable to a penalty of not more than five thousand dollars (\$5000) and the cost of prosecution. Each day that such violation continues, or is allowed to continue, constitutes a separate offence.

## 1.4 AVOIDANCE OF CONFLICTING USES OR SITING

- .1 No lot or area of land may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure non-conforming with respect to siting or density.

## 1.5 DEFINITIONS

- .1 In this Bylaw;

**access route** means an access route in a bare land strata plan.

**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.

**accessory guest cottage** means a single family residential dwelling regulated as to use, size and other conditions so as to attribute criteria that insure it is a secondary and associated use and structure to the principal dwelling on a lot.

**agriculture** means the use of land for the growing, rearing, harvesting, or production of agricultural plants, crops, livestock, and other farm animals on land-based areas.

**alternative transportation vehicle** means a golf cart or garden tractor, licensed and insured under the *Motor Vehicle Act*, or an all terrain vehicle for which a permit has been issued under the *Motor Vehicle (All Terrain) Act*.

**anchoring** means the securing of a boat or vessel to the seabed by means of apparatus normally carried on board.

**Approving Officer** means the Approving Officer for Keats Island appointed pursuant to the *Land Title Act*.

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

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

**boat house** means a building or structure that is located on the land-based portion of a waterfront residential lot, and that is used to house small boats, and equipment associated with moorage and boating activities conducted on the adjacent foreshore.

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

**building inspector** means a person appointed as building inspector by the Sunshine Coast Regional District.

**campsite** means an area intended for the temporary accommodation of travellers or visitors using tents.

**caretaker residential** means the use of a dwelling for the accommodation of a person or persons engaged in custodial or management activities associated with the lot upon which they are accommodated.

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

**commercial visitor accommodation** means a commercial enterprise that consists of the temporary rental of commercial visitor accommodation units, campsites, or bed spaces to travellers or vacationers who maintain a residence elsewhere, and includes bed and breakfast, and vacation rental uses.

**commercial visitor accommodation unit** means a dwelling, building, room, set of rooms, dwelling, accessory guest cottage, sleeping cabin, or campsite that is let as a single unit for commercial visitor accommodation.

**communal moorage** means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or by a strata corporation, for the provision of specifically allocated boat moorage spaces only to Keats Island Planning Area residents, lot owners, and invitees, and for which user fees may be charged.

**community hall** means a public assembly building used for recreational, social, charitable, educational, entertainment and cultural activities, open to the public and owned or operated by a non-profit group or Regional District for the benefit of the Keats Island community generally.

**community service** means the use of land, buildings or structures for the servicing of the Keats Island community with hydro maintenance yards, community wells and pump houses, public recreational facilities, community halls, public parking lots, and public service utility uses, but does not include any use or facility operated on a commercial basis for profit.

**community sewer system** means a system for collecting, treating and disposing of sewage from more than one lot, and which is owned, operated and maintained by an improvement district, a Regional District, a water utility, a strata corporation, or society.

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

**confectionary and gift shop** means a building or structure which is used for the selling of confectionary items such as ice cream, candy, and non-alcoholic beverages, and private institutional camp-related giftware items such as apparel and stationery to the camp patrons and the general public. A similar facility open to camp patrons only is not restricted in floor area, and is considered a permitted private institutional camp use.

**contractor's yard** means the use of land for the storage of heavy machinery or materials by a building contractor or subcontractor for use off the lot on which they are located, provided that such areas and associated structures are located on lots not less than 4 hectares (10 acres) and are screened from adjacent lots and public rights of way by a fence or a landscape screen.

**covenant** means a covenant under the *Land Title Act*.

**derelict vehicle** means a vehicle eligible for licensing under the *Motor Vehicle Act* to operate on a highway which has not been so licensed for a period of 8 months or more, and which is visible from a public roadway, or from adjacent land.



**dock** means a marine-based structure, usually comprised of a float, ramp and pier which is used for the private moorage of boats or vessels in association with a permitted residential use on the adjacent upland.

**dwelling** means a residential building used for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating.

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

**farm** means pertaining to agriculture.

**fence** means a structure used as an enclosure or separation, and includes any gates, screens and walls associated with the structure.

**fire hall** means a building or structure which is used to house a fire truck, fire fighting equipment, first aid equipment and related emergency response supplies.

**fire hut** means an accessory building or structure which is used to house fire fighting equipment, first aid equipment and related emergency response supplies.

**floating boathouse** means a floating building or structure used to house boats, or to store equipment.

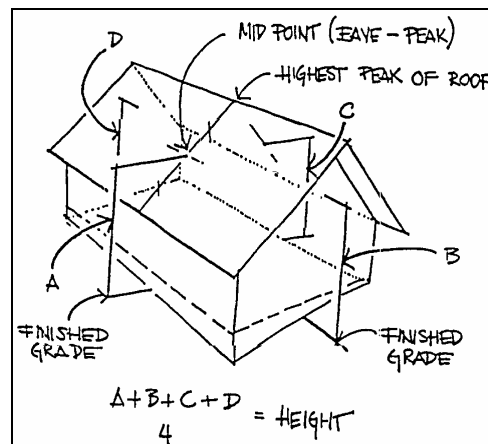
**float home** means any residential structure designed to float on water but not intended or suitable for navigation.

**floor area** means the total area of each floor in a building where the floor to ceiling height is greater than 1.5 m (5 ft), measured to the exterior surface of the perimeter walls, and includes the floor area of balconies, decks, porches and similar projections enclosed by siding, glazing, screening or other materials.

**forestry** means all activities related to the development and care of forests, including harvesting of timber, seedling and tree nursery, and including the processing of timber harvested on the same lot.

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

**height** means the vertical distance to the highest point of the upper roof for flat roofs; to the deck line of mansard roofs and to the average height between eaves and the ridge of the upper roof of a structure for gable, hip and gambrel roofs; and in the case of a structure without a roof, to the highest point of the structure, all measured from grade.



**highway** includes a publicly owned street, road, lane, bridge and any other way open to the use of the public, but does not include private rights of way, access routes or easements on private property, or walkways or easements for public pedestrian trails.

**home occupation** means a commercial use, business, occupation, profession, or artistic endeavour that is clearly accessory and secondary to a residential use on a lot, and that meets all the provisions set forth in this Bylaw pertaining to home occupation.

**horticulture** means the use of land for the growing of fruit, vegetables, flowers, or ornamental plants.

**kitchen** means a room or area of a room that is equipped, used and intended to be used for residential activities related to the storage, preparation, and heating of food for a single household.

**land-based** means the area upland or above the natural boundary of the sea.

**landscape screen** means a visual barrier consisting of natural vegetation, trees, shrubs, wooden 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.

**legal non-conforming** with respect to buildings or structures means construction which does not conform to the provisions of this Bylaw and which existed lawfully at the time of its adoption; and with respect to use means a specific use of land.

**log dump** means the use of land and adjacent foreshore for the purposes of removing timber from the island on which it was harvested, by means of dumping logs into the sea and assembling them into floating log booms for transport.

**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 *Bare Land Strata Regulations* under the *Strata Property Act*.

**lot coverage** means the total area of those portions of a lot that are covered by buildings or structures divided by the area of the lot.

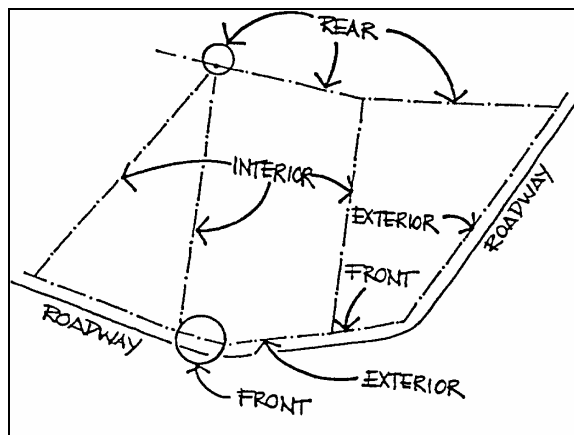
**lot line** means the boundary of a lot, and

**exterior side lot line** means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway;

**front lot line** means the lot line common to the lot and an abutting highway and where there are two or more such lot lines, the shortest line (other than corner cuts) is deemed the front lot line; in the case of a panhandle lot, the line that is generally parallel to highway and perpendicular to the lot lines that form the access strip is considered the front lot line:

**interior side lot line** means a lot line that is not a front, rear or exterior side lot line; and

**rear lot line** means the lot line that most closely parallels and is most distant from the front lot line, 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.



**marine-based** means seaward or below the natural boundary of the sea.

**Medical Health Officer** means the Medical Health Officer appointed pursuant to the *Health Act*

**moorage** means the tying of a boat or vessel:

- (a) to a wharf, dock, or float; or
- (b) to a mooring buoy that is in turn anchored to the seabed.

**mooring buoy** means a small floating device used only for the moorage of boats or vessels and for supporting the lines, cable, or chain to which it is tethered.

**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 gains frontage on a highway by means of a strip of land that is narrower than the main portion of the lot to an extent that it would not be usable for the siting residential buildings under the setback provisions of this bylaw.

**park** means any land dedicated as park under the *Park Act*, the *Land Title Act* or the *Local Government Act*, which is open to the general population and reserved for outdoor recreational, scenic, or nature conservation purposes, and may include undesignated Crown islets within the planning area covered by this Bylaw.

**parking lot** means an area not within a building used for the temporary, daily, or overnight off-street parking of more than 3 motor vehicles.

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

BL 92 **portable sawmill** means a sawmill that is attached to or carried in a vehicle or on a trailer for the purpose of moving it from property to property to mill timber grown on the lot on which the portable sawmill is located at the time of milling, and in which the operation of the portable sawmill on any one lot does not exceed 30 consecutive days or 45 days total in one calendar year.

**principal** with respect to a use of a building means primary and chief.

**private institutional camp** means a use conducted by a non-profit society or other non-commercial organization which provides for public or private assembly and overnight accommodation of persons for recreational, educational, and religious purposes, but excludes correctional and related rehabilitational uses.

**public service utility use** means a use providing for the servicing of part, or all of Keats Island with water, sewer, solid waste disposal, electricity, telephone, cablevision, fire fighting, and similar services where such use is established by a Regional District, government or other public agency.

**public wharf** means a wharf serving the general public for the purpose of loading and unloading people, goods and material, plus temporary moorage space for the boating public.

**pump/utility house** means an accessory building or structure that is used only for the purposes of housing a well head, water pumping equipment, electrical power and communication connection or service equipment and/or incidental storage of materials associated with the lot upon which the pump/utility house is located.

**residence** means:

- a) occupancy or use of a building or part thereof as a dwelling; and
- b) the dwelling occupied or used.

BL 92 **residential** means used for the domicile and home life of a person or persons, and for this purpose, does not include a vacation rental.

**restaurant** means the commercial use of a building where food and beverages are sold to the public primarily for immediate consumption.

- BL 92      **retaining wall** means the placement of riprap or a structure between lands of different elevations to protect structures and/or to prevent erosion.
- roadway** means the travelled portion of a highway.
- setback** means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.
- sleeping cabin** means an accessory dwelling unit, which despite the definition of “dwelling unit” and “residential” in this bylaw includes only sleeping quarters and washroom facilities and does not contain a kitchen and is used for the temporary accommodation of non paying guests of the occupants of a dwelling on the same lot.
- BL 92      **structure** means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes:
- fences;
  - surfaced areas of gravel, concrete, or other similar material comprising driveways and uncovered parking areas; and
  - underground sewage disposal systems including septic tanks, absorption fields and related appurtenances.
- temporary** means, in relation to a period of occupancy or use by any particular individual: not exceeding 45 days in a calendar year, not more than 30 of which are continuous.
- third party sign** means a sign conveying information not pertaining to the lot on which it is located.
- utility** means broadcast transmission, electrical, telephone, sewer or water services and facilities established or licensed by a government (excluding private radio or television towers) and includes navigation aids.
- BL 92      **vacation rental** means the act of advertising and using a dwelling unit, accessory guest cottage, sleeping cabin, building, or campsite for economic gain by renting by the day, week or any period less than one month to travellers or vacationers who maintain a residence elsewhere.
- watercourse** means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land, serving to give direction to a current of water at least part of the year, or having a drainage area of two square kilometres.
- wetland** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support aquatic life, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.
- wharf** means a marine-based structure, usually comprised of a pier, ramp(s) and float(s), which is available in association with a public use, provincial marine park, private institutional or communal moorage use.
- zone** means a zone established by this Bylaw.

## PART 2 – GENERAL LAND USE REGULATIONS

### 2.1 USES BUILDINGS, AND STRUCTURES

#### Uses in all Zones

- .1 Only the uses expressly permitted in Part 4 of this Bylaw are permitted in the relevant zones shown on Schedule B. Without limiting the generality of the foregoing the following uses are prohibited in every zone:
- airport and airstrip facility uses and related accessory buildings and structures and the use of water areas within residential zones, parks and conservation zones for permanent sea plane facilities;
  - aquaculture;
  - heliport and helipad, other than for emergency evacuation or occasional, intermittent use;
  - 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 of the *Waste Management Act*;
  - junkyard, auto wrecking yard, and storage of derelict vehicles, subject to Subsection 2.1.25;
  - storage of junk;
  - refuse dump and the disposal or storage of hazardous or toxic waste;
  - the rental or sale of personal watercraft;
  - the use of a vessel anchored, moored, or secured to a piling, dolphin, wharf, pier, or floating breakwater as a residence;,,
  - the use of a buoy, float, dock, wharf, ramp or related structure for commercial or industrial use of any kind; and
  - cell phone and telecommunication towers.

#### Buildings and Structures in all Zones

- .2 Only the buildings and structures expressly permitted in Part 4 of this Bylaw are permitted in the relevant zones shown on Schedule B. Without limiting the generality of the foregoing the following buildings and structures are prohibited in every zone:
- buildings and structures for uses prohibited in Subsection 2.1.1;
  - float home; and
  - float plane hangar.

#### Temporary Residence while Constructing

- BL 92 .3 While a valid building permit for a single family residential dwelling remains in effect, a maximum of one of the following may be used as a temporary dwelling subject to subsections 2.1.4 and 2.1.4(1):
- accessory building
  - structure
  - sleeping cabin
  - guest cottage
  - travel trailer
  - recreation vehicle
- .4 The use of a travel trailer or recreation vehicle as a temporary dwelling in subsection 2.1.3 is subject to:
- the provision of a domestic water supply and sewage disposal facility satisfactory to the Medical Health Officer;
  - the travel trailer or recreation vehicle being located on the same lot as the dwelling subject to the valid building permit; and
  - the travel trailer or recreation vehicle meeting the setback regulations in Part 4 of this Bylaw

- .4(1) The use of an accessory building, structure, sleeping cabin, or guest cottage as a temporary dwelling in subsection 2.1.3 is subject to:
- the use and density regulations in Part 4 of this Bylaw permitting the placement or construction of an accessory building, structure, sleeping cabin or guest cottage;
  - the provision of a domestic water supply and sewage disposal facility satisfactory to the Medical Health Officer; and
  - the accessory building, structure, sleeping cabin or guest cottage being located on the same lot as the dwelling subject to the valid building permit.
- .4(2) For the purpose of interpretation of subsections 2.1.3, 2.1.4 and 2.1.4(1) a building permit is deemed to be valid if it has been issued by an authorized building inspector and a temporary or permanent occupancy permit has not been issued or the building inspector has not revoked the building permit for any reason or the building permit has not lapsed.

**Accessory Buildings and Structures**

- .5 A building or structure accessory to a dwelling may not be used for human habitation, except:
- as provided for in Part 4, or
  - as specifically permitted in a zone.
- BL 108 .6 In the COMMUNITY RESIDENTIAL 1 (CR1) ZONE, buildings or structures accessory to residential uses and dwellings but not including sleeping cabins are prohibited from containing toilets, bathtubs or showers. Sinks are permitted.
- .7 Pump/utility houses and fire huts in all zones may have the necessary plumbing fixtures for those permitted uses.
- .8 For purposes of Subsection 2.1.5, unless a building or structure, excluding an attached deck and patio, is attached to a principal building 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.
- .9 A boathouse is not an accessory building.

**Use of Common Property**

- .10 Land comprising the common property in a strata plan is not a lot for the purposes of the density regulations set out in Part 4 but may be used for permitted accessory uses to principal uses located on strata lots in the same strata plan.

**2.2 HOME OCCUPATIONS**

- .1 A home occupation when permitted in any zone shall be subject to subsections 2.2.2 to 2.2.11.
- .2 The home occupation must be operated by a resident of a dwelling on the lot.
- .3 The home occupation use must not alter the residential character or appearance of the land or premises in which the home occupation is located, with the exception of a permitted sign and any required parking spaces and screening.
- .4 Every home occupation other than horticulture or agricultural use shall be carried out wholly within a permitted dwelling or accessory building, except that outdoor areas may be used for storage of articles used in the home occupation if the storage area is enclosed by a fence or landscape screen.
- .5 The area used for a home occupation use, including floor area within a building and any outdoor storage area, shall not exceed 65 square metres (700 square feet) of which not more than 14 square metres (150 square feet) may be used for display or storage of goods or articles offered for sale that are grown, produced, manufactured or processed on the premises.
- .6 Storage of heavy machinery or building material storage (that is not for use exclusively on the site where it is stored) and contractor's yards are not permitted as part of a home occupation on lots less than 4.0 hectares (10 acres).
- BL 92 .7 A business in which an operator takes a portable sawmill to other properties for the purpose of milling timber grown on the lot is permitted as a home occupation.

- .7(1) Home Occupations involving the business of operating a portable sawmill may maintain a business office for the portable sawmill home occupation and the portable sawmill(s) may be stored on the same lot as the business office, provided the portable sawmill(s) is screened from view or stored inside an accessory building. Timber may not be brought onto the lot for milling for commercial gain.
- .7(2) For the purpose setback regulations in Part 4 of this Bylaw, portable sawmills are considered a structure.
- .8 Sale of goods or articles produced, manufactured or processed on the lot is permitted.
- .9 The home occupation must not produce any persistent noise, vibration, glare, smoke, fumes, odours, litter, fire hazard, electrical interference, or any other nuisance ordinarily detectable off the lot on which the home occupation is operated.
- .10 Not more than two full-time equivalent persons may be employed or engaged on the premises in any home occupation, of which at least one shall reside on the premises where the home occupation is conducted. The number of employees engaged in the home occupation off the lot where the home occupation is located is not restricted.
- BL 92 .11 Except as expressly permitted in Part 4 of this Bylaw, the following are prohibited as home occupations:
- restaurant;
  - retail store;
  - commercial visitor accommodation use including bed and breakfast and vacation rental use;
  - salvage or junk business;
  - commercial retail or service business uses; and
  - any use prohibited by Subsection 2.1.1 of this Bylaw.

## **2.3 RESIDENTIAL DENSITY FOR LOTS IN MORE THAN ONE ZONE**

- .1 Where a lot is located in two or more zones, additional dwelling units may only be constructed if and to the extent that the density regulation for the zone in which the dwelling is to be constructed is complied with.

## **2.4 FENCES AND LANDSCAPE SCREENS**

- .1 The maximum height of a fence is 2.5 metres (8 feet) on any lot that is less than 0.5 hectares (1.25 acres).
- .2 The provision of protective netting reasonably required to control animal nuisances, or a landscaping screen is exempt from the provisions of Section 2.4 of this Bylaw.
- .3 All outdoor storage related to home occupation use, including contractor's yards, and all derelict vehicles must be screened from view from an adjacent lot or roadway by a landscape screen.
- .4 Where a landscape screen is required by this bylaw, it shall be provided in the form of:
- existing vegetation of the required height that provides a complete and permanent visual screen between the uses being separated;
  - a row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete and permanent visual screen between the uses being separated; or
  - a solid wooden fence which is continuous, except for points of vehicular or pedestrian access/egress.

## **2.5 STORAGE OF JUNK**

- .1 No lot may be used for the storage or wrecking of derelict vehicles or junk which is not completely enclosed in a building or structure, or which is visible from adjoining lots or public rights of way.

## **2.6 COMPLIANCE WITH DENSITY REGULATIONS**

- .1 Where a development variance permit for a dwelling, accessory guest cottage or sleeping cabin is made in respect of a lot on which this bylaw permits the construction of more than one dwelling, the applicant

shall provide a plan showing the location on the lot of all existing dwellings and accessory guest cottages or sleeping cabins and indicate the area of the lot.

## 2.7 MEASUREMENT OF SETBACKS

### Buildings and Structures

- .1 All setbacks of buildings and structures shall be measured on a horizontal plane from the building or structure to the natural boundary, lot line or other point specified in this Bylaw.
- .2 The following features may project into a required setback area:
- steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;
  - balconies, decks and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
  - retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.
- BL 92 .3 No building or structure except platforms not exceeding a combined floor area of 10 square metres, a permitted boathouse, pump/utility house, or stairs, or walkways required to access the foreshore or a permitted float, dock, wharf, or other permitted marine related structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.
- .4 Unless a greater minimum setback is specified in respect of a zone, no building or structure except a fence, pump/utility house, or fire hut may be located:
- within 5.0 metres (16.4 feet) of any front lot line;
  - within 1.5 metres (5 feet) of any rear lot line;
  - within 1.5 metres (5 feet) of any interior side lot line; or
  - within 3.0 metres (10 feet) of any exterior side lot line.
- BL 92 .5 Private floats and docks shall be located within the seaward boundary of the upland property served and shall be setback 3.0 metres from the projection of those lot lines. This setback regulation does not apply to a shared lot boundary between residential lots served by the same private float and dock.

### Sewage Disposal Fields

- BL 92 .6 No underground sewage disposal system, including all septic tanks, absorption fields and related appurtenances may be sited within 30.0 metres (100 feet) of a watercourse, well or source of domestic water supply.

## 2.8 HEIGHT

- .1 Unless specified elsewhere in the bylaw, no part of any building or structure may exceed 11.0 metres (36.10 feet) in height unless otherwise specified in this bylaw.
- .2 The height restrictions in this Bylaw do not apply to water towers, fire alarm towers, bell towers, farm silos, wind generators, radio and television antennae, chimney stacks, flag poles.
- .3 All height measurements to determine compliance with this Bylaw shall be taken from the average of the natural grade levels at the midpoints of all of the walls of the building or structure in question, to the highest point of the building or structure.

## 2.9 SITING COMPLIANCE

- .1 Every applicant for a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage disposal fields in relation to lot and zone boundaries, lakes, wetlands, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage adsorption fields comply with the siting requirements of the Bylaw.



## PART 3 - ESTABLISHMENT OF ZONES

### 3.1 DIVISION INTO ZONES

- .1 For purposes of this Bylaw, the area included in Schedule B is divided and designated into the following zones:

Community Residential 1	CR1
Community Residential 2	CR2
Comprehensive Development 1	CD1
Rural Residential	RR
Rural Comprehensive	RC
Private Institutional 1	PI1
Private Institutional 2	PI2
Private Conservation	PC
Community Service 1	CS1
Community Service 2	CS2
Natural Area Community Park	P1
Provincial Marine Park	P2
Marine 1 – Public Wharf	M1
Marine 2 – Communal Moorage	M2
Marine 3 – Public Barge Ramp	M3
Marine 4 – Private Log Dump	M4
Marine Conservation	MC
Marine General	MG

### 3.2 INTERPRETATION

- BL 92 .1 Determination of Zone Boundaries on Schedule B:
- Where zone boundaries coincide with lot boundaries, the boundaries are common.
  - Where a zone boundary is shown as following any highway, right-of-way, or stream, the centre line of such highway right-of-way, or stream is the zone boundary.
  - Where land-based and marine-based zone boundaries coincide, the common boundary shall be the natural boundary of the sea.
  - Where a zone boundary includes both land and marine-based areas, the marine-based portion of the zone shall be deemed to extend 150 metres beyond the natural boundary of the sea.
  - Where a zone boundary 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 shall be determined by scaling from Schedule “B”, Land Use Designation and Zoning Map.
- .3 In Part 4, the headings are part of the bylaw and must be included in the interpretation of the Bylaw

#### **Lots with Area in More than One Zone.**

- .4 In the circumstance of a split zoned lot, a separate calculation of the number of dwellings, sleeping cabins, accessory guest cottages or other buildings or structures permitted on the lot shall be made for each area within a zone and dwellings, sleeping cabins, accessory guest cottages or other buildings and structures may only be sited and constructed in full accordance with the density regulation for the applicable zone.

## PART 4 - ZONE REGULATIONS

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### 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE

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#### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- single family residential;
  - home occupation, subject to Section 2.2;
  - horticulture;
  - public service utility uses; and
  - natural area parks and conservation.
- .2 The following uses of land and structures are permitted in the marine-based area:
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted residential use on the adjacent upland.

#### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- single family dwelling;
  - buildings and structures accessory to a permitted use subject to Section 2.1.6 and 2.1.7;
  - community sewer system facilities;
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Section 5.
- .4 The following structures are permitted in the marine-based area:
- mooring buoys, floats, docks and stairs providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Section 5.

#### Marine-Based Structures Limitations

- .5 No building of any kind may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 65 square metres (700 square feet).
- .7 Despite Subsection 4.1.6, the maximum float area may be increased by 47 square metres (500 square feet) per residential dwelling served up to a maximum float size of 158 square metres (1,700 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.
- .8 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

#### Density

- .9 One single family residential dwelling and one sleeping cabin are permitted per lot.

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- .10 A maximum of one dock is permitted in the marine-area abutting each water front lot.

**Floor Area**

- .11 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).  
.12 The maximum floor area of a sleeping cabin is 18.6 square metres (200 square feet),

**Setbacks**

- .13 The setback requirements of Section 2.7 apply.

**Height**

- .14 The height requirements of Section 2.8 apply to single family dwellings.  
.15 The maximum height of buildings and structures accessory to single family dwellings is 4.6 metres (15.0 feet).

**Lot Coverage**

- .16 The maximum combined lot coverage of buildings and structures is 33 per cent of the lot area.

**Subdivision Lot Area Requirements**

- .17 The minimum lot area permitted by subdivision is 4.0 hectares (10 acres).

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## 4.2 COMMUNITY RESIDENTIAL 2 (CR2) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- single family residential;
  - home occupation, subject to Section 2.2;
  - horticulture;
  - uses, buildings and structures accessory to a permitted use;
  - public service utility uses; and
  - natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based areas:
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted residential use on the adjacent upland.

### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- single family dwelling
  - buildings and structures accessory to a permitted use
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - community sewer system facilities;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.
- .4 The following structures are permitted in the marine-based area:
- mooring buoys, floats, docks, dock ramps, stairs and piers providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Part 5.

### Marine-Based Structures Limitations

- .5 No building may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 65 square metres (700 square feet).
- .7 Despite Subsection 4.2.6, the maximum float area may be increased by 47 square metres (500 square feet) per residential lot served up to a maximum float size of 158 square metres (1,700 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.
- .8 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

### Density

- .9 One single family residential dwelling is permitted per lot.

- .10 No more than a total of 110 bare land strata residential lots may exist within the Community Residential 2 zone in accordance with the Gambier Island Trust Committee Land Use Contract Authorization By-Law No. 4, 1978 (Convention of Baptist Churches of British Columbia).
- .11 A maximum of one dock is permitted in the marine-area abutting each water front lot.

**Floor Area**

- .12 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).

**Setbacks**

- .13 The setback requirements of Section 2.7 apply.

**Height**

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- .14 The height requirements of Section 2.8 apply to single family dwellings.
- .15 The maximum height of buildings and structures accessory to single family dwellings is 4.6 metres (15.0 feet).

**Lot Coverage**

- .16 The maximum combined lot coverage of buildings and structures is 33 per cent of the lot area.

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### 4.3 COMPREHENSIVE DEVELOPMENT 1 (CD1) ZONE

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#### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- single family residential;
  - home occupation, subject to Section 2.2;
  - horticulture;
  - uses, buildings and structures accessory to a permitted use;
  - public service utility uses; and
  - natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area:
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted residential use on the adjacent upland.

#### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- single family dwelling;
  - buildings and structures accessory to a permitted use;
  - community sewer system facilities;
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.
- .4 The following structures are permitted in the marine-based area:
- mooring buoys, floats, docks, dock ramps, stairs and piers providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone.
  - marine navigational aids; and
  - signs, subject to Part 5.

#### Marine Based Structures Limitations

- .5 No building may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 65 square metres (700 square feet).
- .7 Despite Subsection 4.3.6, the maximum float area may be increased by 47 square metres (500 square feet) per residential dwelling served up to a maximum float size of 158 square metres (1,700 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.
- .8 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

#### Density

- .9 A maximum of one single family residential dwelling is permitted on lots less than 2.0 hectares (5 acres).

- .10 A maximum of nine single family residential dwelling units are permitted on lots of 2.0 hectares (5 acres) or larger.
- .11 A maximum of one dock is permitted in the marine-area abutting each water front lot.

**Floor Area**

- .12 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).

**Setbacks**

- .13 The setback requirements of Section 2.7 apply.

**Height**

- .14 The height requirements of Section 2.8 apply to land-based areas.

**Lot Coverage**

- .15 The maximum combined lot coverage of buildings and structures is 25 per cent of the lot area.

**Subdivision Lot Area Requirements**

- .16 The minimum lot area permitted by subdivision is 4.0 hectares (10 acres).

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## 4.4 RURAL RESIDENTIAL (RR) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- single family residential;
  - home occupation, subject to Section 2.2;
  - horticulture;
  - agriculture on lots larger than 2.0 hectares;
  - public service utility uses; and
  - natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area:
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted residential use on the adjacent upland.

### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- single family dwelling;
  - buildings and structures accessory to a permitted use;
  - boathouse, on lots larger than 2.0 hectares;
  - community water storage and distribution;
  - community sewer system facilities;
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.
- .4 The following structures are permitted in the marine-based area:
- mooring buoys, floats, docks, dock ramps, stairs, and piers providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Part 5.

### Marine-Based Structures Limitations

- .5 No building may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 65 square metres (700 square feet).
- .7 Despite Subsection 4.4.6, the maximum float area may be increased by 47 square metres (500 square feet) per residential lot served up to a maximum float size of 158 square metres (1,700 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.
- .8 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

### Density

- .9 A maximum of:



- one single family residential dwelling and one sleeping cabin per lot are permitted on lots smaller than 0.8 hectares (2 acres);
  - one single family residential dwelling and one accessory guest cottage are permitted on lots of 0.8 hectares (2 acres) or larger but less than 8.0 hectares (20 acres); and
  - two single family residential dwellings are permitted on lots of 8.0 hectares (20 acres) or larger.
- .10 Despite Subsection 4.4.9:
- one additional single family residential dwelling per lot is permitted lots of 2.0 hectares (5 acres) or larger in which a conservation covenant or pedestrian trail right of way has been dedicated to satisfaction of the Gambier Island Local Trust Committee; and
  - two single family residential dwellings are permitted per strata lot on bare land strata developments where the average overall lot area density is at least 4.0 hectares (10 acres) (including common property) and the lot area is at least 1.0 hectare (2.5 acres) or larger in which a conservation covenant or pedestrian trail right of way has been dedicated to the satisfaction of the Gambier Island Local Trust Committee.
- .11 A maximum of one dock is permitted in the marine-area abutting each waterfront lot.
- .12 A maximum of one boat house is permitted per lot.

**Floor Area**

- .13 The maximum floor area of an accessory guest cottage is 95 square metres (1027 square feet).
- .14 The maximum floor area of a boat house is 25 square metres (269 square feet).
- .15 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).
- .16 The maximum floor area of a sleeping cabin is 37.2 square metres (400 square feet),

**Setbacks**

- .17 The setback requirements of Section 2.7 apply.

**Height**

- .18 The height requirements of Section 2.8 apply except to boathouses which are restricted to a maximum height of 4.6 metres (15.0 feet).

**Lot Coverage**

- .19 The maximum combined lot coverage of buildings and structures is 25 per cent of the lot area.

**Subdivision Lot Area Requirements**

- .20 The minimum lot area permitted by subdivision is 1.0 hectare (2.5 acres).
- .21 the minimum average lot area permitted by subdivision is 4.0 hectares (10 acres);

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## 4.5 RURAL COMPREHENSIVE (RC) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- single family residential;
  - home occupation, subject to Section 2.2;
  - horticulture;
  - public service utility uses;
  - agriculture on lots larger than 2.0 hectares (5 acres);
  - forestry on lots larger than 20.0 hectares (50 acres);
  - natural area parks and conservation; and
  - gravel storage and processing on District Lot 1829, Group 1, New Westminster District.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area:
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted use on the adjacent upland.

### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- buildings and structures accessory to a permitted use;
  - community sewer system facilities;
  - electrical and telecommunication utilities;
  - pedestrian trails
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.
- .4 The following buildings and structures are permitted in the marine-based area:
- mooring buoys, floats, docks, dock ramps, stairs and piers providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone.
  - marine navigational aids; and
  - signs, subject to Part 5.

### Marine-Based Structures Limitations

- .5 No building may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 65 square metres (700 square feet).
- .7 Despite Article 6 of this subsection, the maximum float area may be increased by 47 square metres (500 square feet) per residential dwelling served up to a maximum float size of 158 square metres (1,700 square feet).
- .8 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

### Density

- .9 A maximum of:

- one single family residential dwelling per lot is permitted on lots smaller than 1.0 hectares (2.5 acres);
  - one single family residential dwelling and one guest cottage are permitted on lots of 1.0 hectares (2.5 acres) or larger but less than 16.0 hectares (40 acres); and
  - one single family residential dwelling per 8.0 hectares is permitted on lots of 16.0 hectares (40 acres) or larger.
- .10 Despite Subsection 4.5.9:
- one additional single family residential dwelling per 4.0 hectares (10 acres) is permitted on lots of 8.0 hectares (20 acres) or larger in which a conservation covenant or pedestrian trail right of way has been dedicated to satisfaction of the Gambier Island Local Trust Committee; and
- .11 A maximum of one dock is permitted in the marine-area abutting each waterfront lot for each principal residential dwelling unit on the lot.
- .12 maximum of one boat house is permitted for each principal residential dwelling unit located on a lot larger than 16.0 hectares (40 acres).

**Floor Area**

- .13 The maximum floor area of a boat house is 25 square metres (269 square feet).
- .14 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).

**Setbacks**

- .15 The setback requirements of Section 2.7 apply.

**Height**

- .16 The height requirements of Section 2.8 apply except to boathouses which are restricted to a maximum height of 4.6 metres (15.0 feet).

**Lot Coverage**

- .17 The maximum combined lot coverage of buildings and structures is 20 per cent of the lot area.

**Subdivision Lot Area Requirements**

- .18 The minimum lot area permitted by subdivision is 1.5 hectare (3.75 acres).
- .19 The minimum average lot area permitted by subdivision is 8.0 hectares (20 acres).
- .20 Despite subsections 4.5.18 and 4.5.19, in the case where an area of not less than 20 per cent of a lot's land area has been dedicated for conservation purposes, community park, trail, greenbelt, public access easement, or pedestrian trail right-of-way to satisfaction of the Gambier Island Local Trust Committee, for subdivision of land within this zone:
- the minimum lot area permitted by subdivision is 1.0 hectare (2.5 acres); and
  - the minimum average lot area is 4.0 hectares (10.0 acres).
- .21 For the purpose of calculating the average lot size under Subsection 4.5.20, the area of any land dedicated shall be used and any density which is transferred from another lot shall be used.

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## 4.6 PRIVATE INSTITUTIONAL 1 (P11) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- private institutional camp;
  - caretaker residential that is accessory to a permitted private institutional camp use and located in the area identified on Schedule B as P11(a);
  - non-commercial confectionary and gift shop that is accessory to a permitted private institutional camp use and located in the area identified on Schedule B as P11(a);
  - public service utility uses; and
  - natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area:
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted use on the adjacent upland; and
  - recreational activities accessory to a permitted private institutional camp use.

### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- caretakers dwelling accessory to a private institutional camp and located in the area identified on Schedule B as P11(a);
  - overnight accommodation buildings, structures, and campground that are accessory to a permitted private institutional camp use and located in the area identified on Schedule B as P11(a);
  - non-residential buildings and structures accessory to a permitted private institutional camp use;
  - boat house accessory to a permitted private institutional camp use;
  - community sewer system facilities;
  - electrical and telecommunication utilities;
  - pedestrian trails
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.
- .4 The following buildings and structures are permitted in the marine-based area:
- floating boathouse accessory to a permitted marine-based use;
  - swimming floats accessory to a permitted use;
  - buoys, floats, wharves, stairs, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a private institutional camp use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Part 5.

### Marine-Based Structures Limitations

- .5 The maximum area that may be covered by any structure in the marine-based area, including wharf floats and connecting ramps and piers is 3,000 square metres (32,970 square feet).

- .6 The maximum height of a building or structure on a float or wharf in the marine-based area is 5.0 metres (16.5 feet) measured from the surface of the float or wharf.

**Density**

- .7 A maximum of one private institutional camp, which includes:
- a maximum of five caretaker residential dwellings are permitted per lot.
  - a maximum of one non-commercial confectionary gift shop is permitted per lot.
  - a maximum of one boat house for each marine-based private institutional wharf is permitted in the land-based area.
- .8 A maximum of three private institutional camp wharves are permitted in the marine-area.

**Floor Area**

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- .9 The maximum combined floor area of dormitories and cabins is 1,755 square metres;
- .10 The maximum combined floor area of permanent and seasonal employee accommodation is 2,440 square metres;
- .11 The maximum combined floor area of non-accommodation buildings and structures is 3231.1 square metres; the following types of non-accommodation buildings are further limited;
- to a maximum floor area of 60 square metres for a boathouse;
  - to a maximum floor area of 200 square metres for a confectionary and gift shop;
  - to a maximum floor area of 100.0 square metres for a fire hut; and
  - to a maximum floor area of 100.0 square metres for pump/utility house.

**Building Setbacks**

- .12 The minimum setback in the land-based area for buildings or structures except a fence, pump/utility house, fire hut, permitted marine related structure, or boat house is 10.0 metres (33 feet) from any lot line.
- .13 The setback requirements of Section 2.7 apply to caretaker residential dwellings and buildings and structures accessory to a permitted caretaker residential use.

**Height**

BL 108

- .14 The maximum height of buildings or structures is 13.0 metres (40 feet) except for boathouses which are restricted to a maximum height of 4.6 metres (15.0 feet).

**Lot Coverage**

- .15 The maximum combined lot coverage of buildings and structures is 5.0 per cent of the lot area.

**Subdivision Lot Area Requirements**

- .16 The minimum lot area permitted by subdivision is 80.0 hectare (200.0 acres).

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## 4.7 PRIVATE INSTITUTIONAL 2 (PI2) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- single family residential;
  - home occupation, subject to Section 2.2;
  - horticulture;
  - private institutional camp;
  - caretaker residential accessory to a permitted private institutional camp use located in the area identified on Schedule B as PI2(a);
  - non-commercial confectionary and gift shop accessory to a permitted private institutional camp use and located in the area identified on Schedule B as PI2(a);
  - public service utility uses;
  - agriculture, on lot larger than 2.0 hectares (5 acres);
  - forestry, on lots having larger than 20.0 hectares (50 acres); and
  - natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area
- non-commercial anchorage and moorage of private vessels, where such use is accessory to a permitted use on the adjacent upland; and
  - recreational activities accessory to a permitted private institutional camp use.

### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- single family dwelling
  - caretaker dwelling accessory to a private institutional camp use and located in the area identified on Schedule B as PI2(a);
  - buildings and structures accessory to a permitted residential, horticulture, agricultural or forestry use;
  - overnight accommodation buildings, structures, and campground accessory to a permitted private institutional camp use and located in the area identified on Schedule B as PI2(a);
  - non-residential buildings and structures accessory to a permitted private institutional camp use and located in the area identified on Schedule B as PI2(a);
  - community sewer system facilities;
  - boathouse accessory to a residential use on lots larger than 2.0 hectares
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.
- .4 The following buildings and structures are permitted in the marine-based area:
- floating boathouse accessory to a permitted marine-based use;
  - swimming floats accessory to a permitted marine-based use;

- buoys, floats, docks, wharves, stairs, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a use permitted in this zone or a principal residential use permitted in Section 4.5 (Rural Comprehensive (RC) Zone);
- barge ramp;
- marine navigational aids; and
- signs, subject to Part 5.

### **Marine-Based Structures Limitations**

- .5 The maximum area that may be covered by structures in the marine-based area:
- that are accessory to a private institutional use on the adjacent upland lot, including wharf floats and connecting ramps and piers is 3,000 square metres (32,970 square feet).
  - that are accessory to a residential dwelling unit located on the adjacent upland lot is 150 square metres per permitted residential dwelling unit, provided the lot on which the dwelling units are located is larger than 16.0 hectares (40 acres).
- .6 The maximum height of a building or structure on a float or wharf in the marine-based area is 5.0 metres (16.5 feet) measured from the surface of the float or wharf.
- .7 The height restrictions in subsection 4.7.6 do not apply to wharf cranes, lights and signs.

### **Density**

- .8 A maximum of one private institutional camp is permitted per area zoned Private institutional 2, which includes:
- a maximum of one caretaker residential dwelling accessory to a permitted private institutional camp; and
  - a maximum of one non-commercial confectionary and gift shop accessory to a permitted private institutional camp.
- .9 A maximum of:
- one single family dwelling and one accessory guest cottage are permitted on lots that are 0.8 hectares (2.0 acres) or larger and less than 24.0 hectares (30 acres).
  - one single family dwelling is permitted in respect of each full 12.0 hectares (30 acres) of lot area on lots of 24.0 hectares (60 acres) or more,.
- .10 Despite Subsection 4.7.9, a maximum one single family dwelling is permitted in respect of each full 6.0 hectares (15 acres) of lot area on lots that are 12.0 hectares (30 acres) or larger and on which a conservation covenant, or pedestrian trail right of way has been dedicated to the satisfaction of the Gambier Island Local Trust Committee.
- .11 A maximum of one boat house is permitted on the land-based area per marine-based private institutional wharf.
- .12 Despite Subsection 4.7.11:
- maximum of one additional boat house is permitted on lots larger than 2.0 hectares (5 acres) and less than 24.0 hectares (60 acres); and
  - a maximum of one additional boat house for each single family dwelling located on the lot is permitted on lots that are 24.0 hectares (60 acres) or larger.
- .13 A maximum of three private institutional camp wharves are permitted in the water area.

### **Floor Area**

- .14 The maximum combined floor area of all buildings and structures used for private institutional camp and overnight accommodation of persons is 11,000 square metres (118500 square feet) per lot.
- .15 The maximum combined total area used for private institutional camp tent sites is 0.2 hectares (21500 square feet) per lot.
- .16 The maximum floor area of a boat house is 30.0 square metres (322.5 square feet).

- .17 The maximum combined floor area of a confectionary and gift shop is 200 square metres (2153 square feet.).
- .18 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).
- .19 The maximum floor area of a pump/utility house is 9.3 square metres (100 square feet).

**Setbacks**

- .20 The minimum setback for private institutional camp buildings or structures except a fence, pump/utility house, fire hut, permitted marine related structure, or boat house is 10.0 metres (33 feet) from any lot line.
- .21 The setback requirements of Section 2.7 apply to residential dwellings, caretaker residential dwellings and buildings and structures accessory to a permitted residential or caretaker residential use.

**Height**

BL 108

- .22 The maximum height of buildings or structures is 13.0 metres (40 feet) except for boathouses which are restricted to a maximum height of 4.6 metres (15.0 feet).

**Lot Coverage**

- .23 The maximum combined lot coverage of buildings and structures is 5.0 per cent of the lot area.

**Subdivision Lot Area Requirements**

- .24 The minimum lot area permitted by subdivision is 12.0 hectare (30.0 acres).
- .25 Despite Subsection 4.7.24, in the case where an area of not less than 20 percent of a lot area has been dedicated for conservation purposes, community park, trail, greenbelt, public access, easement or pedestrian trail right-of-way or other form of betterment to the satisfaction of the Gambier Island Local Trust Committee, for subdivision of land within this zone:
  - the minimum lot size is 1.5 hectares (3.75 acres); and
  - the minimum average lot area shall is 6.0 hectares (15.0 acres).
- .26 For the purpose of calculating the average lot size under Subsection 4.7.25, the area of any land dedicated shall be used and any density which is transferred from another lot shall be used.



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## 4.8 PRIVATE CONSERVATION (PC) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted:
- protection and maintenance of natural features and habitat;
  - public service utility uses; and
  - natural area parks and conservation.

### Permitted Structures

- .2 The following structures are permitted:
- electrical and telecommunication utilities;
  - pedestrian trails
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.

### Floor Area

- .3 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).
- .4 The maximum floor area of a pump/utility house is 9.3 square metres (100 square feet).

### Setbacks

- .5 The minimum setback for structures except a fence, pump/utility house, or fire hut is 1.5 metres (5 feet) of any lot line.

### Height

- .6 The maximum height of structures is 5.0 metres (16.5 feet).

### Lot Coverage

- .7 The maximum combined lot coverage of buildings and structures is 1.0 per cent of the lot area.

### Subdivision Lot Area Requirements

- .8 The minimum lot area permitted by subdivision is 40.0 hectare (100.0 acres).

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## 4.9 COMMUNITY SERVICE 1 (CS1) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted:
- community service uses;
  - outdoor recreation; and
  - natural area parks and conservation.

### Permitted Buildings and Structures

- .2 The following buildings and structures are permitted:
- fire hall;
  - community recreational playing field;
  - buildings and structures, accessory to a permitted use;
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.

### Floor Area

- .3 The maximum floor area of fire hall is 37 square metres (400 square feet).  
.4 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).  
.5 The maximum floor area of a pump/utility house is 9.3 square metres (100 square feet).

### Setbacks

- .6 The minimum setback for structures except a fence, pump/utility house, or fire hut is 1.5 metres (5 feet) of any lot line.

### Height

- .7 The maximum height of structures is 4.6 metres (15.0 feet).

### Lot Coverage

- .8 The maximum combined lot coverage of buildings and structures is 10.0 per cent of the lot area.

### Subdivision Lot Area Requirements

- .9 The minimum lot area permitted by subdivision is 4.0 hectare (10.0 acres).

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## 4.10 COMMUNITY SERVICE 2 (CS2) ZONE

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### Permitted Uses

- .1 The following uses of land, building and structures are permitted:
- community service uses.

### Permitted Buildings and Structures

- .2 The following buildings and structures are permitted:
- fire hall;
  - public parking lot;
  - buildings and structures accessory to a permitted use.
  - electrical and telecommunication utilities;
  - pedestrian trails
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.

### Floor Area

- .3 The maximum floor area of fire hall is 37 square metres (400 square feet).  
.4 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).  
.5 The maximum floor area of a pump/utility house is 9.3 square metres (100 square feet).

### Setbacks

- .6 The minimum setback for structures except a fence, pump/utility house, or fire hut is 1.5 metres (5 feet) of any lot line.

### Height

- .7 The maximum height of structures is 4.6 metres (15.0 feet).

### Lot Coverage

- .8 The maximum combined lot coverage of buildings and structures is 10.0 per cent of the lot area.

### Subdivision Lot Area Requirements

- .9 The minimum lot area permitted by subdivision is 4.0 hectare (10.0 acres).

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## 4.11 NATURAL AREA COMMUNITY PARK (P1) ZONE

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### Permitted Uses

- .1 The following uses of land and structures are permitted:
- protection and maintenance of natural features and habitat;
  - nature interpretation; and
  - natural area parks and conservation.

### Permitted Buildings and Structures

- .2 The following buildings and structures are permitted:
- structures accessory to a permitted use
  - electrical and telecommunication utilities;
  - pedestrian trails
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility house;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.

### Floor Area

- .3 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).
- .4 The maximum floor area of a pump/utility house is 9.3 square metres (100 square feet).

### Setbacks

- .5 The minimum setback for structures except a fence, pump/utility house, or fire hut is 4.6 metres (15 feet) from any lot line.

### Height

- .6 The maximum height of structures is 3.0 metres (20.0 feet).

### Lot Coverage

- .7 The maximum combined lot coverage of buildings and structures is 1.0 per cent of the lot area.

### Subdivision Lot Area Requirements

- .8 The minimum lot area permitted by subdivision is 12.0 hectare (30.0 acres).

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## 4.12 PROVINCIAL MARINE PARK (P2) ZONE

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**INFORMATION NOTE:** Section 14 of the *Interpretation Act* exempts the Province from being constrained by the regulations of local bylaws; therefore, the zoning regulations in this Bylaw have no effect on the Provincial Park. The zoning would come into effect, however, should the Province decide to lease or otherwise dispose of all or portions of the Provincial Park.

### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
- park use;
  - caretaker residential;
  - campground; and
  - natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area:
- park use;
  - public boat anchorages and moorage associated with park use;
  - electrical and telecommunication utilities;
  - pedestrian trails;
  - fences, subject to Section 2.4;
  - fire huts;
  - pump/ utility houses;
  - utility poles, wires, traffic controls and underground utility systems; and
  - signs, subject to Part 5.

### Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
- caretaker dwelling; and
  - uses and structures accessory to a permitted use.
- .4 The following buildings and structures are permitted in the marine-based area:
- public wharf
  - marine navigational aids; and
  - signs, subject to Part 5.

### Marine Based Structures Limitations

- .5 No building of any kind may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 600 square metres (6,458 square feet).
- .7 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

### Density

- .8 A maximum of one caretaker's residence is permitted per lot.
- .9 A maximum of one tenting site per one hectare is permitted up to a maximum of 33 sites per lot.
- .10 A maximum of one public wharf is permitted in the marine-area.

### Floor Area

- .11 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).

.12 The maximum floor area of a pump/utility house is 9.3 square metres (100 square feet).

**Setbacks**

.13 The minimum setback for structures except a fence, pump/utility house, fire hut or marine related structure is 7.6 metres (25 feet) from any lot line.

**Height**

.14 The maximum height of structures is 4.6 metres (15.0 feet).

**Lot Coverage**

.15 The maximum combined lot coverage of buildings and structures is 5.0 per cent of the lot area.

**Subdivision Lot Area Requirements**

.16 The minimum lot area permitted by subdivision is 40.0 hectare (100.0 acres).

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## 4.13 MARINE 1 – PUBLIC WHARF (M1) ZONE

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### Permitted Uses

- .1 The following uses of land, buildings and structures are permitted:
- navigational uses;
  - public service utility uses;
  - loading, unloading and temporary storage of freight;
  - temporary mooring facilities for passenger ferry, charter vessels, water taxis, pleasure craft, fishing boats and sea planes; and
  - non-commercial boat moorage.

### Permitted Buildings and Structures

- .2 The following buildings and structures are permitted:
- buoys, floats, wharves, wharf ramps, walkways, piers, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Part 5.

### Height

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

### Floor Area

- .4 The maximum combined floor area for buildings and structures is 14.0 square metres (150 square feet).

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#### 4.14 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE

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##### **Permitted Uses**

- .1 The following uses of land and structures are permitted:
- non-commercial anchorage and moorage of private vessels serving only single family uses on any Keats Island upland lot, and for which user fees may be charged; and
  - boat and seaplane loading and unloading associated with single family uses on any Keats Island upland lot.

##### **Permitted Buildings and Structures**

- .2 The following buildings and structures are permitted:
- buoys, floats, wharves, walkways, floating breakwaters, dolphins and pilings necessary for the establishment or operation of a use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Part 5.

##### **Marine Based Structures Limitations**

- .3 No building of any kind may be erected, constructed or placed on any float, pier, ramp, or walkway.
- .4 The maximum area that may be covered by dock floats in the marine-area is 600 square metres ( 6,458 square feet).
- .5 The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).



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## 4.15 MARINE 3 – PUBLIC BARGE RAMP (M3) ZONE

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### Permitted Uses

- .1 The following uses of land and structures are permitted:
- barge loading and unloading; and
  - navigational uses.

### Permitted Buildings and Structures

- .2 The following buildings and structures are permitted:
- public barge ramp;
  - marine navigational aids; and
  - signs, subject to Part 5.

### Marine Based Structures Limitations

- .3 The maximum width of a ramp is 7.0 metres (22 feet).
- .4 Ramps shall not be sited or extend toward the sea beyond 20.0 metres (66 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea;
- .5 Signs or markers, other than those required by government agencies, shall not have placards exceeding 3.0 square metres (32.3 square feet); and

### Height

- .6 The maximum height of a ramp is 1.5 metres (4.5 feet) above the natural elevation of the foreshore.

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## 4.16 MARINE 4 – PRIVATE LOG DUMP (M4) ZONE

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### Permitted Uses

- .1 The following uses of land and structures are permitted:
- private log dump; and
  - log storage, including movement of log booms.

### Permitted Buildings and Structures

- .2 The following buildings and structures are permitted:
- buoys, floats, dolphins and pilings, necessary for the establishment or operation of a use permitted in this zone;
  - marine navigational aids; and
  - signs, subject to Part 5.

### Height

- .3 The maximum height of a structure associated with a log dump use is 10.0 metres (33 feet) measured from the surface of the water

### Area

- .4 The maximum combined area of structures associated with a log dump use is 60.0 square metres (648 square feet).

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## 4.17 MARINE CONSERVATION (MC) ZONE

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### Permitted Uses

- .1 The following uses of land and structures are permitted:
- ecological reserve; and
  - research and educational activities related to the marine environment, including nature interpretation.

### Structures

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

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## 4.18 MARINE GENERAL (MG) ZONE

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### Permitted Uses

- .1 The following uses of land and structures are permitted:
- research and educational activities related to the marine environment, including nature interpretation; and
  - navigational uses.

### Structures

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

## PART 5 – SIGN REGULATIONS

### 5.1 NUMBER AND TOTAL AREA OF SIGNS

- .1 Every sign shall comply with the provisions pertaining to number of signs and maximum total area of signs set out in Table 1 in respect of the zone in which the sign is proposed to be located:

<b>TABLE 1: Sign Regulations</b>		
<b>Zone</b>	<b>Number of Signs Permitted on Each Lot</b>	<b>Maximum Total Sign Area Permitted on Each Lot</b>
CR1 CR2 CD1 RR RC	no limit	3 m <sup>2</sup> (32.3 square feet) per residential lot
PI1 PI2	no limit	20 m <sup>2</sup> (216 square feet)
PC CS1 CS2	no limit	3 m <sup>2</sup> (32.3 square feet)
P1 P2 M1 MC	None, excepting those that are approved by a Public Authority	Non-applicable
M2 M3 M4	2 per water lot or licence area	3 m <sup>2</sup> (32.3 square feet)

- .2 Real estate signs on properties for sale may be displayed in any zone, subject to the sign not exceeding 1.0 square metre (10.8 square feet) in area and being located on the subject property. Such signs shall be removed within 14 days of property sale.

### 5.2 EXEMPT SIGNS

- .1 Signs exempted from the provisions of Subsection 5.1.1 are:
- Directional signs, traffic signs, marine navigational signs, and those approved by a government agency or public authority;
  - Warning signs, such as private property signs, no trespassing, no vehicles, and no hunting signs;
  - Interpretive signs, and public notice boards.

### 5.3 PROHIBITED SIGNS

- .1 Any sign that is internally illuminated; any sign with moving parts or flashing lights; any sign hung from, or in any way affixed to, any other sign; and any noise-making sign is prohibited.
- .2 Any sign that refers or directs attention to a home occupation or service no longer in operation shall be removed within 30 days after the operation of the business or service ends.
- .3 Third Party signs are prohibited on lands subject to this bylaw.

## PART 6 - PARKING REGULATIONS

### 6.1 REQUIREMENT FOR PARKING SPACES

- .1 Every owner or occupier of land which is accessible by constructed public road shall provide and maintain off-road motor vehicle or alternative transportation vehicle parking spaces in conformity with the standards set out in Table 2 in respect of the use or occupancy that is applicable to the owner's land.

<b>TABLE 2: Off-Street Parking Requirements</b>	
<b>Use of Building or Lot</b>	<b>Number of Standard and Disabled Parking Spaces Required</b>
Residential (CR1, CD1, RR, RC Zones)	1 per dwelling
Private Institutional (PI1, PI2 Zones)	1 per dwelling
Public Parking Lot (CS2 Zone)	15 Parking Spaces
Public Wharf (M1 Zone)	2 Disabled Parking Spaces 2 Temporary Loading Parking Spaces
Home Occupation (CR1, CD1, RR, RC Zones)	1 per non-resident employee

### 6.2 STANDARDS FOR PARKING SPACES

- .1 Parking spaces shall be at least 2.75 metres in width and 6.25 metres in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2.0 metres.
- .2 All required off-road parking spaces shall be located on the lot on which the use, building or structure being served is located and in the same zone, or on an adjoining lot that constitutes a part of the same site or premises. Parking spaces located on a highway shall not be taken into account in determining compliance with the standards in this part.
- .3 In the case of a parking space for the disabled, it shall be located in the closest point as is practical to the use for which the disabled parking space is required.

## PART 7- SUBDIVISION

### 7.1 COMPLIANCE WITH MINIMUM AND AVERAGE LOT SIZES

- .1 Subdivisions shall comply with the minimum and average lot area regulations set out in Part 4. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.
- .2 If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average lot area regulations set out in Part 4, be included in the total area of lots being created, and the park or parks are deemed not to be lots.

### 7.2 EXEMPTIONS FROM MINIMUM AND AVERAGE LOT SIZES

- .1 The average and minimum lot sizes specified in Part 4 do not apply if the lot being created is to be used solely for unattended equipment necessary for the operation of
  - electrical and telecommunication utilities; or
  - community sewer water or system; or
  - telephone receiving antenna; or
  - radio or television antenna; or
  - telecommunication relay; or
  - automatic telephone exchange; or
  - air or marine navigational aid; or
  - electrical substation.and the owner grants to the Gambier Island Local Trust Committee a covenant under the *Land Title Act* restricting the use of the lot to that use.
- .2 The average and minimum lot sizes specified in Part 4 do not apply:
  - if the lot being created is for park use, pedestrian trails, a conservation area, or dedication to the Crown; or
  - if the lot being created results from the consolidation of two or more lots; or
  - to the adjustment of boundaries between lots, provided the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment.

### 7.3 RESIDENCE FOR A RELATIVE

- .1 No lot having an area of less than 20.0 hectares (50 acres) may be subdivided under the *Local Government Act* to provide a residence for a relative of the owner.

**INFORMATION NOTE:** No land on Keats Island is in the Agricultural Land Reserve.

### 7.4 LOT CONFIGURATION

- .1 The frontage of any lot in a proposed subdivision shall be at least 10% of its perimeter, and in no case may the frontage be less than 30.0 metres (100 feet).
- .2 No lot in a proposed subdivision may have a depth greater than five times its width.

### 7.5 PANHANDLE LOTS

- .1 If a panhandle lot proposed to be created has sufficient area to be further subdivided under the provisions of this bylaw, the minimum width of the access strip of land is 20.0 metres (66 feet).
- .2 If a panhandle lot proposed to be created has insufficient area to be further subdivided, the minimum width of the access strip of land is 10.0 metres (33 feet).

## 7.6 COVENANTS AGAINST FURTHER SUBDIVISION AND DEVELOPMENT

- .1 If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 4, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant shall grant a covenant complying with Subsection 1.2.4 in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number of single family residential dwelling units and, if an accessory guest cottage or sleeping cabin is a permitted use of the lot, more than that zone's permitted number of such accessory guest cottages or sleeping cabins.
- .2 If a subdivision is proposed that is to yield fewer than the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw, and:
- one or more of the lots being created has an area equal to or greater than twice the applicable average lot size; and
  - one or more of the lots being created has an area less than the applicable average lot size;
- the applicant shall grant a covenant complying with Subsection 1.2.4 prohibiting:
- the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw; and
  - the construction, erection, or occupancy on the lot of single family residential dwelling units and, if permitted by this bylaw, sleeping cabins or accessory guest cottages so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this bylaw.
- .3 If the approval of a bare land strata plan would create common property on which this bylaw would permit the construction of a residential dwelling unit, sleeping cabin or accessory guest cottage if the common property were a lot, the applicant shall grant a covenant complying with Subsection 1.2.4 in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit, sleeping cabin or accessory guest cottage on the common property, and the disposition of the common property separately from the strata lots.

## 7.7 WATER SUPPLY

- .1 Where a community water supply system is proposed to serve a subdivision:
- the water system must comply in all respects with provincial enactments;
  - no community water supply system must be supplied with water that is not obtained on the island on which the system is located; and
  - if the community water system is to be supplied by a well, the immediate catchment area of the well, as defined by an engineer, is to be protected from pollution by a covenant complying with Subsection 1.2.4 prohibiting the installation of sewage disposal fields or other sanitary facilities.

## 7.8 SEWAGE DISPOSAL

- .1 Each lot that is proposed to be created by subdivision shall 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.
- .2 No sewage may be disposed of by means of discharge to a watercourse or the sea or on a lot other than that on which it was generated, except where that lot is used only for the purpose of sewage disposal, then sewage may be disposed of on that lot, provided that there is no discharge to a watercourse or the sea.



## **7.9 LOTS DIVIDED BY A ZONE BOUNDARY**

- .1 If a lot proposed to be subdivided is divided by a zone boundary, a separate calculation of the number of lots permitted shall be made for each portion, and no lot may be created in respect of any fractional area resulting from such calculation.
- .2 The creation of an additional lot lying within two or more zones is prohibited unless part of a lot is within a Private Conservation Zone. If lots lying within two or more zones are subdivided, lot boundaries should correspond with zone boundaries.

## **7.10 SPLIT LOTS**

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

## **7.11 DOUBLE FRONTED LOTS**

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

## **7.12 CHARACTERISTICS OF PUBLIC ACCESS TO WATER BODIES**

**INFORMATION NOTE:** 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 may require that such a highway be located in an area of high recreational value or so as to provide access to such an area, or in an area where the average gradient to the water body does not exceed 30 percent.

## **7.13 ROADWAY STANDARDS**

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

## PART 8 – PERMITS

### 8.1 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS

BL 94 .1 The Local Trust Committee may issue a Temporary Commercial and Industrial Use Permit for “commercial sawmill” on the upland portion of any lot zoned Community Residential 1 (CR1), Community Residential 2 (CR2), Comprehensive Development 1 (CD1), Rural Comprehensive (RC), Rural Residential (RR), Private Institutional 1 (PI1) and Private Institutional 2 (PI2) subject to the following guidelines:

- the proposed sawmill, raw logs and milled timber is located as close to the centre of the lot as possible
- the proposed sawmill, raw logs and milled timber is screened from adjacent lots and public rights-of-way
- the proposed sawmill operates during daylight hours only
- the proposed sawmill should be screened and/or enclosed in such a way that the noise at the property line does not exceed 50 decibels

## **SCHEDULE B – ZONING MAP**

(See the fold-out map attached to the end of this document)