



Islands Trust

**SOUTH PENDER ISLAND  
LOCAL TRUST COMMITTEE**

**LAND USE BYLAW No. 92, 2003**

AS AMENDED BY SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW(S) NO. 104, 108 and 110

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

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

Consolidated: November 3, 2011

**TABLE OF TEXT AMENDMENTS**

<b>Bylaw No.</b>	<b>Date of Adoption</b>	<b>Date of Bylaw Consolidation</b>
Bylaw No. 104, Amendment No. 1, 2009	June 14, 2010	June 16, 2010
Bylaw No. 108, Amendment No. 1, 2011	October 28, 2011	November 3, 2011
Bylaw No. 110, Amendment No. 2, 2011	October 28, 2011	November 3, 2011

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
LAND USE BYLAW No. 92, 2003**

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A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land within the South Pender Island Local Trust Area.

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

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

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

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

1. This Bylaw may be cited for all purposes as the "South Pender Island Land Use Bylaw No. 92, 2003"
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the South Pender Island Local Trust Area as shown on Schedule C:
  - (1) Schedule A (Land Use Bylaw Text)
  - (2) Schedule B (Zoning Map)
  - (3) Schedule C (Bylaw Area Map)
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.
4. Bylaw No. 4 cited as "Zoning Bylaw, South Pender Island, 1980" and all of its amendments and Bylaw No. 312 cited as "South Pender Island Subdivision Bylaw No. 1, 1976." and all of its amendments are repealed.

READ A FIRST TIME this 20<sup>TH</sup> day of August , 2003.  
PUBLIC HEARING HELD this 4<sup>TH</sup> day of October , 2003.  
READ A SECOND TIME this 15<sup>th</sup> day of October , 2003.  
READ A THIRD TIME this 26<sup>th</sup> day of November , 2003.  
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this  
3<sup>rd</sup> day of December , 2003  
ADOPTED this 18<sup>th</sup> day of December , 2003

Kathy Jones

**SECRETARY**

David Essig

**CHAIRPERSON**

## SCHEDULE A

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## PART 1 INTERPRETATION

### 1.1 Definitions

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

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

"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 South Pender Island appointed pursuant to the *Land Title Act*.

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

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

"buoy" means a device fixed in place by anchoring to the seafloor and marking a position or for use as moorage.

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

BL 110 "cottage" means an accessory single family dwelling with a floor area of 56 m<sup>2</sup> (603 ft<sup>2</sup>) or less.

"dock" means a float that is connected to the shoreline by means of a ramp and is used for a landing or wharfage place for water craft.

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

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

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

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

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

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

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

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

"greenhouse" means a structure covered with clear or translucent material, and used for the purpose of growing plants, which is of sufficient size for persons to work within the structure.

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

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

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

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

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

- (a) may comprise hotel cottages, hotel rooms, hotel villas or a combination thereof;
- (b) may include or contain areas that shall be accessible to the public and to transient occupants for indoor or outdoor recreation use ;
- (c) may include or contain other uses set out in Section 11.1;
- (d) without limiting the exclusivity of paragraphs (a) to (c), shall not include a video arcade, video lottery terminal, slot machine or any machines or devices used for games of chance;

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

- (a) such occupancy in the case of any particular individual person is limited to not more than:
  - (i) 29 days in the period commencing June 1 and ending then next September 30, and
  - (ii) two 29 day terms in the period commencing October 1 and ending the next May 31, and
- (b) the person shall not occupy a hotel villa, hotel room, or hotel cottage for 30 days prior to or after any occupancy of:
  - (i) the first or last of the 29 days during the period referred to in clause (a)(i); or
  - (ii) the first or last of either of the 29 day periods referred to in clause (a)(ii).

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

- (a) contains one, two or three sleeping units;
- (b) may contain cooking facilities; and
- (c) may be used only for temporary accommodation.

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

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

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

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

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

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Condominium Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof.

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

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

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

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

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

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

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

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

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

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

"park" means a publicly owned lot which is used or intended to be used for the recreation and enjoyment of the public and may be developed with recreational facilities or may be retained in its natural state.

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

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

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

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

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

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

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

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

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

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

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

"short term vacation rental" means the use of a single family dwelling or a cottage as temporary commercial accommodation for a period of less than a month at a time by households, other than the owner or a permanent occupier, who maintain a permanent residence elsewhere. For this purpose, a cottage used as

short term vacation rental shall be considered an accessory home occupation subject to the regulations established in subsection 3.6(9).

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

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

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

"Usable Site Area" means the total area of a lot excluding:

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

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

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

"water lot" means an area of land covered by marine water, with or without foreshore, that has been assigned a lot number and appears on Schedule "B" of this Bylaw.

"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 six months of the year, or having a drainage area of two square kilometres.

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

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

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

## **1.2 Referencing**

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part: 1  
Section: 1.1  
Subsection: (1)  
Article: (a)  
Clause (i)

## **1.3 Units of Measure**

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

## **1.4 Information Notes**

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

## **PART 2 ADMINISTRATION**

### **2.1 Application**

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

### **2.2 Conformity**

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

### **2.3 Inspection**

- (1) Pursuant to Section 268 of the *Local Government Act*, the Islands Trust Bylaw Investigation Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

### **2.4 Violation**

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

### **2.5 Penalty**

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

### **2.6 Covenants**

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

## **2.7 Owner's Cost**

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

## **2.8 Enforcement of Siting Regulations**

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



## **PART 3 GENERAL REGULATIONS**

### **3.1 Permitted in All Zones**

The following uses, buildings and structures are permitted in any zone, except where noted:

- (1) Utilities, provided that all buildings are screened from highways and abutting lots by a fence or landscape screen.
- (2) Hiking, equestrian and bicycle trails.
- (3) Ecological reserves and other habitat reserves.
- (4) Marine navigation aids.
- (5) Parks and public open space.
- (6) Fences in any land zone, subject to regulations under Section 3.8.
- (7) Signs, subject to regulations under Part 6.
- (8) Pump/utility houses.

### **3.2 Prohibited in All Zones**

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

- (1) Airport and airstrip facilities and related accessory buildings and structures.
- (2) Heliport and helipad, other than for emergency evacuation use.
- (3) The use of the water area adjoining a residential zone, park, ecological and other habitat reserve for a sea plane facility, excepting those sea plane facilities associated with permitted uses in the Commercial Resort (C), Marina (W3), and Marine Transportation Service (W4) Zones.
- (4) Marina, the use of which is restricted to members of a private club.
- (5) Disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the *Health Act*, *Sewage Disposal Regulation* or the *Waste Management Act*.
- (6) Junkyard, auto wrecking yards, and storage of derelict vehicles, subject to Section 3.11.
- (7) Refuse dump and areas of land used for disposal or storage of hazardous or toxic waste.
- (8) The use of land for motorized trail bike, motor cycle, or all- terrain vehicle paths or trails.
- (9) The rental, sale or storage of personal watercraft.

- (10) The use of an anchored, moored or docked vessel as a residence.
- (11) The use of a buoy, float, dock, wharf, ramp or related structure for any commercial or industrial use, excepting commercial use of such facilities within the Marina (W3) and Marine Transportation Service (W4) Zones.
- (12) Buildings and structures for uses prohibited in this Part.
- (13) Single family dwelling or cottage located on land comprising common property in a strata plan.
- (14) Boathouses, on the surface of the sea or within a building setback area on land.
- (15) Floatplane hangers.

### **3.3 Siting and Setback Regulations**

- (1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or other structure in question.
- (2) Buildings or other structures, except a fence or pump/utility house, are not to be sited within 15.2 metres (50 feet) of the natural boundary of any watercourse, lake or other body of fresh water or within 30 metres (98 feet) of any watercourse, lake or other body of freshwater used as a source of domestic water supply and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".
- (3) Buildings or other structures, except a fence, pump/utility house, set of stairs, wharves and dock ramps or their footings, are not to be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".
- (4) An underground sewage disposal system, including all septic tanks, absorption fields and related appurtenances is not to be sited within 30 metres (98 feet) of a watercourse, well or source of domestic water supply.
- (5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, provided they do not project more than 1.0 metre (3 feet) into the required setback area.

### **3.4 Height Regulations**

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

- (1) A single family dwelling or cottage is not to exceed 9.2 metres (30 feet) in height.
- (2) A building or structure accessory to a single family dwelling is not to exceed 4.6 metres (15 feet) in height.
- (3) An accessory building or structure used for agricultural purposes may exceed 4.6 metres (15 feet) in height where the provisions of subsection 3.7(1) apply.
- (4) The height regulations for buildings and structures specified elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas, chimneys, flag poles, lightning

poles, fire and hose towers, utility poles, solar collectors, farm silos and grain bins and water storage tanks.

### 3.5 Accessory Uses, Buildings and Structures

- (1) A building accessory to a dwelling, other than a cottage, may not be used for human habitation, except as provided for in Subsection 3.5(2) or as permitted by the zoning regulations in Part 5 of this Bylaw.
- (2) An accessory building may be constructed or placed on a lot and occupied as a temporary dwelling prior to the construction of a single family dwelling on the same lot, subject to:
  - (a) a building permit being issued, and remaining in effect, for the single family dwelling;
  - (b) the connection of the accessory building to sewage disposal facilities for which a sewage disposal permit has been issued under the Health Act;
  - (c) the provision of a domestic water supply;
  - (d) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages; and
  - (e) the occupancy of the accessory building ceases prior to occupancy of a single family dwelling on the lot.
- (3) Unless a building, excluding an attached deck and patio, is attached to a principal building by a structure having walls, roof, and a floor, it is for the purposes of this Bylaw deemed not to be part of the principal building, but is deemed to be an accessory building or structure.
- (4) Subject to the density and siting provisions in Part 5, the total floor area of all accessory buildings on a lot shall not exceed the following:
  - (a) 

Lot Size	Total Floor Area
0.4 hectares (1 acre) or less	70m <sup>2</sup> (750ft <sup>2</sup> )
Greater than 0.4 hectares (1 acre) to 2 hectares (5 acres)	93m <sup>2</sup> (1000ft <sup>2</sup> )
Greater than 2 hectares (5 acres) to 4 hectares (10 acres)	186m <sup>2</sup> (2000ft <sup>2</sup> )
Greater than 4 hectares (10 acres)	372m <sup>2</sup> (4000ft <sup>2</sup> )
  - (b) Despite Article 3.5(4)(a) above, the floor area of an agricultural accessory building meeting the requirements of Subsection 3.7(1) shall be excluded from the calculation of total floor area of accessory buildings, provided the floor area of the agricultural accessory building does not exceed 700 square metres (7500 square feet).
- (5) The floor area occupied by any cistern used for domestic water or irrigation purposes may be excluded from the calculation of the floor area of any accessory building or structure.

### 3.6 Home Occupations

- (1) Permitted home occupations include any home craft, repairing of goods, professional practice, services to a client, creation of a product, short-term vacation rental of cottages, bed and breakfasts, the retail or wholesale sale of goods or products provided that at least 70% the goods or products for sale are produced, processed or repaired as part of the home occupation, and the retail sale of articles directly related to the provision of a personal service provided as a home occupation.

- (2) Without limiting the generality of subsection 3.6(1), the following activities are specifically not permitted as a home occupation:
  - (a) The serving of food or drink products on the premises as part of a home occupation, except for the serving of a morning meal as part of bed and breakfast home occupation;
  - (b) Commercial water bottling and sales;
  - (c) Boarding kennel, except where permitted as an agricultural use.
- (3) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where the permitted principal use is residential, 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 by a landscape screen at least 2.0 metres (6.5 feet) in height conforming with the provisions of Section 3.9.
- (4) The combined floor area used in all home occupations on a lot, except a bed and breakfast, must not exceed 65 m<sup>2</sup> (700 ft<sup>2</sup>).
- (5) The business owner or operator or at least one of the employees of a home occupation must be permanently resident on the property where the home occupation is conducted.
- (6) Not more than two persons per property may be employed in any home occupation in addition to any residents of the premises in which such occupation is carried on.
- (7) Off-street parking spaces for home occupation uses are to be provided in accordance with the regulations contained in Part 7.
- (8) The following additional regulations apply to bed and breakfast home occupations:
  - (a) Bed and Breakfast home occupations are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones;
  - (b) part or all of a bed and breakfast home occupation may be undertaken within a permitted cottage;
  - (c) the number of bedrooms used to accommodate overnight guests may not to exceed three;
  - (d) despite Subsection 3.6(6) the number of non-resident persons engaged or employed in a bed and breakfast home occupation may not exceed one;
  - (e) meals may only be provided to bed and breakfast guests in the morning; and,
  - (f) off-street parking spaces for a bed and breakfast home occupation use are to be provided in accordance with the requirements contained in Part 7;
  - (g) despite Subsection 3.5(2), a bed and breakfast home occupation may not be undertaken within an accessory building, other than a permitted cottage.
- (9) The following additional regulations apply to the short-term vacation rental of a cottage as a home occupation:
  - (a) Short-term vacation rental of a cottage is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only;
  - (b) a cottage is not to be used for short-term vacation rental at the same time as a single family dwelling is being used for a short-term vacation rental on the same lot; and,
  - (c) only one cottage per lot may be used for short-term vacation rental.

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### **3.7 Agricultural Uses, Buildings and Structures**

- (1) An accessory building or structure used for agricultural purposes may exceed 4.6 metres (15 feet) in height where the following apply:
  - (a) the building or structure used for agricultural purposes is located in the Agricultural Land Reserve; and
  - (b) the property has farm status under the BC Assessment Act;
  - (c) the building or structure used for agricultural purposes is sited a minimum of 7.6 metres (25 feet) from all lot lines; and
  - (d) in no case may a building or structure used for agricultural purposes exceed 12.2 metres (40 feet) in height

### **3.8 Fences**

- (1) The height of fences shall not exceed 2.0 metres (6.6 feet) in any zone; and,
- (2) The provision of protective netting, wire or vegetative landscape screens to control animal nuisances, or a landscape screen, is exempt from the provisions of Subsection 3.8(1).

### **3.9 Landscape Screening**

- (1) Where vegetative landscape screening is required by this Bylaw, it is to be provided in the form of:
  - (a) Existing vegetation of the required height that provides a complete and permanent visual screen between the uses being separated; or,
  - (b) A row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete and permanent visual screen between the uses being separated and

which is continuous, except for points of vehicular or pedestrian entrance and exit.

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

### **3.10 Use of Recreational Vehicles as a Dwelling**

- (1) The use of a recreational vehicle as a temporary dwelling prior to the construction of a single family dwelling on the same lot is permitted in the any zone where a single family dwelling is a permitted use, subject to:
  - (a) the connection of the recreational vehicle to sewage disposal facilities for which a sewage disposal permit has been issued under the Health Act;
  - (b) the provision of a domestic water supply;
  - (c) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages; and
  - (d) the occupancy of the recreational vehicles ceases prior to occupancy of a single family dwelling on the property.

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

### **3.11 Derelict Vehicles**

- (1) A lot is not to be used for the storage of more than one motor vehicle, other than farm and forestry vehicles, which are not completely enclosed in a building or structure and which do not have attached or affixed in the manner prescribed by the *Motor Vehicle Act* Regulations:
  - (a) Motor vehicle number plates for the current licence year issued in respect of those vehicles, or
  - (b) An interim vehicle licence issued in respect of those vehicles pursuant to the *Motor Vehicle Act* Regulations.
- (2) A lot is not to be used for the keeping of partially disassembled vehicles or detached parts of motor vehicles, unless the vehicles or parts are completely enclosed in a permanent building.
- (3) A lot is not to be used for the wrecking or storage of derelict or abandoned vehicles, trailers, campers or other discarded machinery or equipment.

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

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

### **3.13 Use of Common Property**

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

## PART 4 ESTABLISHMENT OF ZONES

### 4.1 Division into Zones

- (1) The South Pender Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw:

	<u>Zone Name</u>	<u>Zone Abbreviation</u>
BL 108	Rural Residential One	RR1
BL 108	Rural Residential Two	RR2
BL 108	Rural Residential Three	RR3
	Commercial Resort	C
	Community Service	S1
	Government Service	S2
	Agriculture	A
	Forestry	F
BL 108	Natural Resource	NP
	Passive Recreation Community Park	P1
	Heritage Community Park	P2
	Natural Area Community Park	P3
BL 102	National Park	NP
	Conservation	RC
	Marine General	W1
	Marine Protection	W2
	Marina	W3
	Marina Transportation Service	W4
BL 104	National Park Marine	W5

## 4.2 Zone Boundaries

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



## **PART 5 ZONE REGULATIONS**

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### **5.1 Rural Residential One (RR1)**

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BL 108

#### **Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Single family dwelling;
  - (b) Cottage;
  - (c) Agriculture;
  - (d) Short-term vacation rental of a single family dwelling;
  - (e) Accessory uses, buildings and structures, including, but not limited to, home occupations and roadside stands for the sale of produce grown on the same lot.

#### **Density**

- (2) On a parcel less than 0.8 hectares (2 acres), only one (1) single family dwelling is permitted.
- (3) On a parcel 0.8 hectares (2 acres) or greater, but less than 4.0 ha (10 acres), one (1) single family dwelling and one (1) cottage are permitted.
- (4) On a parcel 4 hectares (10 acres) or greater, two (2) single family dwellings and two (2) cottages are permitted.
- (5) The lot coverage of all buildings and structures may not exceed 25 percent of the total lot area.

#### **Siting and Size**

- (6) The minimum setback for any building or structure, except a fence or pump/utility house, shall be:
  - (a) 7.6 metres (25 ft.) from any front or rear lot line;
  - (b) 3.1 metres (10 ft.) from any interior side lot line;
  - (c) 4.6 metres (15 ft.) from any exterior side lot line.

#### **Conditions of Use**

- (7) Only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.

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

- BL108 (8) Subject to subsection 5.1(9), the minimum and average lot area requirements are 0.4 hectares (1.0 acres) for any lot created by subdivision.

## Site-Specific Regulations

BL108 (9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

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

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## 5.2 Rural Residential Two (RR2)

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BL 108

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Single family dwelling;
  - (b) Cottage;
  - (c) Agriculture;
  - (d) Short-term vacation rental of a single family dwelling;
  - (e) Accessory uses, buildings and structures, including, but not limited to, home occupations and roadside stands for the sale of produce grown on the same lot.

### Density

- (2) On a parcel less than 0.8 hectares (2 acres), only one (1) single family dwelling is permitted.
- (3) On a parcel 0.8 hectares (2 acres) or greater, but less than 4.0 ha (10 acres), one (1) single family dwelling and one (1) cottage are permitted.
- (4) On a parcel 4 hectares (10 acres) or greater, two (2) single family dwellings and two (2) cottages are permitted.
- (5) The lot coverage of all buildings and structures may not exceed 25 percent of the total lot area.

### Siting and Size

- (6) The minimum setback for any building or structure, except a fence or pump/utility house, shall be:
  - (a) 7.6 metres (25 ft.) from any front or rear lot line;
  - (b) 3.1 metres (10 ft.) from any interior side lot line;
  - (c) 4.6 metres (15 ft.) from any exterior side lot line.

### Conditions of Use

- (7) Only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.

### Subdivision Lot Size Requirements

- (8) The minimum and average lot area requirements are 0.8 hectares (2.0 acres) for any lot created by subdivision.

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### **5.3 Rural Residential Three (RR3)**

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BL 108

#### **Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Single family dwelling;
  - (b) Cottage;
  - (c) Agriculture;
  - (d) Short-term vacation rental of a single family dwelling;
  - (e) Accessory uses, buildings and structures, including, but not limited to, home occupations and roadside stands for the sale of produce grown on the same lot.

#### **Density**

- (2) On a parcel less than 0.8 hectares (2 acres), only one (1) single family dwelling is permitted.
- (3) On a parcel 0.8 hectares (2 acres) or greater, but less than 4.0 ha (10 acres), one (1) single family dwelling and one (1) cottage are permitted.
- (4) On a parcel 4 hectares (10 acres) or greater, two (2) single family dwellings and two (2) cottages are permitted.
- (5) The lot coverage of all buildings and structures may not exceed 25 percent of the total lot area.

#### **Siting and Size**

- (6) The minimum setback for any building or structure, except a fence or pump/utility house, shall be:
  - (a) 7.6 metres (25 ft.) from any front or rear lot line;
  - (b) 3.1 metres (10 ft.) from any interior side lot line;
  - (c) 4.6 metres (15 ft.) from any exterior side lot line.

#### **Conditions of Use**

- (7) Only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.

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

- (8) The minimum and average lot area requirements are 4.0 hectares (9.88 acres) for any lot created by subdivision.

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## 5.4 Commercial Resort (C)

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BL 108

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Resort Hotel;
  - (b) Boat ramp, boat, bicycle and sport equipment rental, resort activity centre, fitness facility; and,
  - BL 108 (c) Uses accessory to the principal use permitted under 5.4(1)(a) and (b): retail sales, administrative offices and business facilities, child care and service, maintenance, laundry, shower and housekeeping facilities, marine related sales and service, cold beer and wine retail sales; accommodation of individual persons employed at the resort by the hotel operator for wages or salary, in respect of permitted uses, in a dormitory building accessory to the hotel use.

### Density

- (2) All buildings and structures are not to cover more than 33% of the usable site area of all lots in the C1 Zone.
- (3) A building or structure is not to cover more than 33% of the usable site area of the lot on which it is located.

### Siting and Size

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

### Resort Hotel Conditions of Use

- (6) In respect of a resort hotel in the CR Zone:
- (a) The total floor area of a hotel cottage is to:
    - (i) In the case of a hotel cottage containing two sleeping units not exceed 78.5 square metres (845 sq. ft.); and,
    - (ii) In the case of a hotel cottage containing three sleeping units not exceed 88 square metres (947 sq. ft.).
  - (b) The total floor area of a hotel room is to:
    - (i) In the case of one sleeping unit not exceed, 37 square metres (400 sq. ft.); and,
    - (ii) In the case of two sleeping units not exceed 65 square metres (700 sq. ft.).
  - (c) The total floor area of a hotel villa shall not exceed 197 square metres (2,120 sq. ft.) and the average floor area of hotel villas shall not exceed 130 square metres (1405 sq. ft.);
  - (d) Nothing in this bylaw prohibits a permitted hotel cottage from being physically attached in one building to not more than one other allowed hotel cottage;

- (e) Nothing in this bylaw prohibits an allowed hotel room containing one sleeping unit from being physically accessible internally to not more than one other allowed hotel room containing one sleeping unit;
- (f) Each hotel cottage and each hotel villa is to contain not more than one set of cooking facilities;
- (g) The density of hotel temporary accommodation use in the C1 Zone is not to exceed:
  - (i) Eight hotel villas, each containing no more than two sleeping units;
  - (ii) One hotel villa, containing no more than three sleeping units;
  - (iii) Eleven hotel rooms, each containing no more than two sleeping units;
  - (iv) Twelve hotel cottages, each containing no more than two sleeping units; and
  - (v) Three hotel cottages, each containing no more than three sleeping units.
- h) The total floor area of the employee dormitory accommodation shall not exceed 372 square metres (4,004 sq. ft.). The accommodation building is not to be used for other purposes, except hotel administrative offices and service areas.

### **Subdivision Lot Size Requirements**

- (7) The minimum and average lot area requirements are 0.20 hectares (0.5 acres).

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## **5.5 Community Service (S1)**

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BL 108

### **Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Community halls, fire halls, libraries, museums, schools, and churches;
  - (b) Cemeteries;
  - (c) Accessory uses, buildings and structures, other than dwellings.

### **Density**

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

### **Siting and Size**

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

### **Subdivision Lot Size Requirements**

- (5) Minimum and average lot area requirements are 0.4 hectares (1.0 acre).

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## **5.6 Government Service (S2)**

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BL 108

### **Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Customs agency employee housing;
  - (b) Accessory uses, buildings, and structures.

### **Density**

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

### **Siting and Size**

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

### **Subdivision Lot Size Requirements**

- (5) Minimum and average lot area requirements are 0.4 hectares (1.0 acre).



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## 5.7 Agriculture (A)

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BL 108

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Farm Use;
  - (b) Single family dwelling;
  - (c) Cottage or other dwelling for the housing of persons engaged in on-going agricultural activities;
  - (d) Short-term vacation rental of a single family dwelling;
  - (e) Accessory uses, buildings and structures, including, but not limited to, home occupations and roadside stands for the sale of produce grown on the same lot.

### Density

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

### Siting and Size

- (6) The minimum setback for any building or structure, except a fence or pump/utility house, shall be:
  - (a) 7.6 metres (25 ft.) from any front or rear lot line;
  - (b) 6.1 metres (20 feet) of any side lot line.
- BL108(7) Despite Subsection 5.7(6), buildings or structures used for housing livestock, poultry or for manure storage may not be located within 30 metres (98 feet) of:
  - (a) a front lot or exterior side lot line;
  - (b) an interior side lot line or rear lot line abutting a residential, park or institutional use;
  - (c) a lake or natural watercourse;
  - (d) a well or source of domestic water supply.
- BL108(8) Despite Article 5.7(6)(a), roadside stands for accessory sale of farm products may be sited not less than 4.6 metres (15 feet) from a front lot line or exterior side lot line.

### Conditions of Use

- (9) Only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.

### Subdivision Lot Size Requirements

- (10) Minimum and average lot area requirements are 4 hectares (10 acres).

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## 5.8 Forestry (F)

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### Permitted Uses

BL 108

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Timber production, harvesting, silviculture and forest protection;
  - (b) Portable sawmills;
  - (c) Single family dwelling;
  - (d) Cottage;
  - (e) Short-term vacation rental of a single family dwelling;
  - (f) Accessory uses, buildings and structures, including, but not limited to, home occupations.

### Density

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

### Siting and Size

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

### Conditions of Use

- (7) Only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.
- BL108(8) Despite 5.8(5)(a) above, the minimum setback for a portable sawmill permitted by 5.8(1)(b) above shall be 20 metres (66 feet).

### Subdivision Lot Size Requirements

- (9) Minimum and average lot area requirements are 4 hectares (10 acres).

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## **5.9 Natural Resource (NR)**

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BL 108

### **Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Single family dwelling;
  - (b) Cottage;
  - (c) Short term vacation rental of a single family dwelling;
  - (d) Accessory uses, buildings and structures, including, but not limited to, home occupations.

### **Density**

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

### **Siting and Size**

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

### **Conditions of Use**

- (6) Only one single family dwelling or cottage may be used for short-term vacation rental on a lot at the same time.

### **Subdivision Lot Size Requirements**

- (7) Minimum and average lot area requirements are 12 hectares (30 acres).

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## **5.10 Passive Recreation Community Park (P1)**

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BL 108

### **Permitted Uses**

- (1) The following uses are permitted, and notwithstanding the uses permitted in 3.1, all other uses are prohibited:
  - (a) Pedestrian trails, open space areas;
  - (b) Accessory uses, buildings and structures.

### **Density**

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

### **Siting and Size**

- (3) The minimum setback for any building or structure, except a fence or pump/utility house, shall be:
  - (a) 7.6 metres (25 ft.) from any lot line.
  
- (4) Despite Section 3.4, the maximum height of any building or structure is 4.6 metres (15 ft.).

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## **5.11 Heritage Community Park (P2)**

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BL 108

### **Permitted Uses**

- (1) The following uses are permitted, and notwithstanding the uses permitted in 3.1, all other uses are prohibited:
  - (a) Preservation, display and interpretation of sites, buildings and structures and items or features of historical significance;
  - (b) Pedestrian trails, open space areas;
  - (c) Accessory uses and structures.

### **Density**

- (2) The area of a lot covered by buildings and structures shall not exceed 25 percent of the lot area.

### **Siting and Size**

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

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## 5.12 Natural Area Community Park (P3)

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BL 108

### Permitted Uses

- (1) The following uses are permitted, and notwithstanding the uses permitted in 3.1, all other uses are prohibited:
  - (a) Protection, maintenance, display and interpretation of sites with flora, fauna or other innate features of natural significance;
  - (b) Pedestrian trails, open space areas;
  - (c) Accessory uses and structures.

### Density

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

### Siting and Size

- (3) The minimum setback for any building or structure, except a fence or pump/utility house, shall be:
  - (a) 7.6 metres (25 ft.) from any lot line.
- (4) Despite Section 3.4, the maximum height of any building or structure is 4.6 metres (15 ft.).

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## 5.13 National Park (NP)

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BL 104; 108

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

### Permitted Uses

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

### Density

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

### Siting and Size

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

### Subdivision Lot Size Requirements

- (5) Minimum and average lot area requirements are 65 hectares.

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## 5.14 Conservation (RC)

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BL 108

### Permitted Uses

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

### Density

- (2) The area of a lot covered by buildings and structures shall not exceed 1.0 percent of the lot area.
- BL108(3) A building or structure is not to be located on land within the RC zone, except for a building or structure not exceeding a total combined floor area of 9.3 square metres (100 square feet), for a use permitted in Subsection 5.14(1).

### Siting and Size

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



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## 5.15 Marine General (W1)

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BL 108

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Anchorage and moorage of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;
  - (b) Floats, docks, wharves, ramps, walkways accessory to the residential use of an abutting upland lot, or adjacent upland lots, and providing access to that lot or lots.

### Siting and Size

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

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## 5.16 Marine Protection (W2)

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BL 108

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Anchorage and moorage of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;
  - (b) The only structures permitted are anchorage apparatus, buoys, stairs adjacent to designated public accesses or temporary floats.

### Siting and Size

- (2) The minimum setback for any structure shall be:
  - (a) 3.1 metres (10 ft.) from the seaward projection of either end of the oceanfront boundary of the immediately abutting upland lot.

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## 5.17 Marina (W3)

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BL 108

### Permitted Uses

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

### Siting and Size

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

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## **5.18 Marine Transportation Service (W4)**

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BL 108

### **Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Government wharf;
  - (b) Customs building;
  - (c) Signs, boat launching ramps, buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, dolphins and pilings and buildings necessary for the establishment or operation of uses permitted in this zone.

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## 5.19 National Park Marine (W5)

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BL 104, 108

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

### Permitted Uses

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

## **PART 6 SIGN REGULATIONS**

### **6.1 Permitted Signs**

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

### **6.2 Prohibited Signs**

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

### **6.3 Exempt Signs**

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

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

### **6.4 Siting and Height**

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

### **6.5 Obsolete Signs**

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

## 6.6 Sign Number and Area

- BL108 (1) Every sign is to comply with the provisions pertaining to the number of signs and the maximum total area of signs set out in Table 6.1 in respect of the zone in which the sign is proposed to be located.

<b>TABLE 6.1: Sign Regulations</b>		
<b>Zone</b>	<b>Number of Signs Permitted on Each Lot</b>	<b>Maximum Total Sign Area Permitted on Each Lot</b>
RR1 RR2 RR3 NR	1 per lot plus 1 per home occupation	1.0 m <sup>2</sup> (10.7 square feet)
C	1 per business premise	<i>Note: Development permit area established in Part VII of the OCP.</i>
A F	2 per lot plus 1 per home occupation	1.0 m <sup>2</sup> (10.7 square feet)
S1 S2	2 per lot	4.0 m <sup>2</sup> (43.1) square feet)
W2	1 per water lot or licence area	1.0 m <sup>2</sup> (10.7 square feet)
W3	1 per water lot or licence area	1.0 m <sup>2</sup> (10.7 square feet)
All other zones	Only those signs exempted by Section 6.2 are permitted	

## **PART 7 PARKING REGULATIONS**

### **7.1 Location**

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

### **7.2 Design Standards**

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

### **7.3 Calculation**

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



## 7.4 Number of Off-Street Parking Spaces

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

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

## **PART 8 SUBDIVISION REGULATIONS**

### **8.1 Lot Area Calculations**

- (1) Subdivisions shall comply with the minimum and average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average lot area regulations set out in Part 5, be included in the total area of lots being created, and the park or parks are deemed not to be lots.
- (3) If a lot proposed to be subdivided is divided by a zone boundary, a separate calculation of the number of lots permitted shall be made for each portion, and no lot is to be created in respect of any fractional area resulting from such a calculation.

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

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

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

- (1) If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 5, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number of single family residential dwelling units and, if a cottage is a permitted use of the lot, more than that zone's permitted number of such accessory cottages.
- (2) If a subdivision is proposed that is to yield fewer than the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw, and:
  - (a) one or more of the lots being created has an area equal to or greater than twice the applicable average lot size; and

- (b) one or more of the lots being created has an area less than the applicable average lot size the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every lot prohibiting:
  - (i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw; and
  - (ii) the construction, erection, or occupancy on the lot of single family residential dwelling units and, if permitted by this bylaw, cottages so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this bylaw.
- (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 Section 219 covenant complying with Section 2.6 in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit or cottage on the common property, and the disposition of the common property separately from the strata lots.

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

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

#### **8.5 Section 946 subdivisions (Residence for a Relative)**

- (1) No lot having an area less than 8 hectares (20 acres) may be subdivided under Section 946 of the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

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

- (1) The frontage of any lot in a proposed subdivision must not be less than 20.12 metres (66 feet). Section 944 of the *Local Government Act* establishes that the minimum frontage on a highway must be the greater of 10% of the perimeter of the lot and the minimum frontage established by bylaw; however, the requirement for 10% lot frontage may be exempted by resolution of the Local Trust Committee.
- (2) No lot in a proposed subdivision may have a depth greater than three times its width, excluding a panhandle access.
- (3) If a proposed panhandle lot is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 10.06 metres (33 feet).
- (4) If a proposed panhandle lot is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 20.12 metres (66 feet).

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

- (1) Subject to Subsection 8.3(2), a subdivision resulting in the creation of a new lot lying in two or more zones is prohibited.

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

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

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

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

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

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

#### **8.11 Highway Standards**

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

**SCHEDULE B (ZONING MAP)**

**SCHEDULE C (BYLAW AREA MAP)**

