



Islands Trust

GAMBIER ISLAND LAND USE BYLAW No. 86, 2004

As amended by the
Gambier Island Local Trust Committee

Consolidated Version: May 30, 2017

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

For reference to original bylaw and amendments,
please contact:
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*Preserving **Island** communities, culture and environment*

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

[Back of front cover]

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CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

Table of Amendments			
Bylaw No.	Amendment Number	Date of Adoption	Date of Bylaw Consolidation
118	Amendment No. 1, 2012	October 25, 2012	October 30, 2012
123	Amendment No. 1, 2013	November 29, 2013	January 14, 2014
125	Amendment No. 2, 2013	May 22, 2014	December 18, 2014
126	Amendment No. 1, 2014	September 25, 2014	December 22, 2014
128	Amendment No. 1, 2015	February 19, 2016	April 6, 2016
141	Amendment No. 1, 2016	April 7, 2017	May 30, 2017

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**GAMBIER ISLAND LOCAL TRUST COMMITTEE
LAND USE BYLAW NO. 86, 2004**

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 Gambier Island Local Trust Area.

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 wishes to adopt a Land Use Bylaw and other development regulations and to show by map the boundaries of the zones;

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

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

1. This Bylaw may be cited for all purposes as the “Gambier Island Land Use Bylaw No. 86, 2004.”
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 Gambier 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)
 - (4) Schedule D-1 and D-2 (CD 1 Zone Amenities)
 - (5) Schedule E (Statutory Right of Way)
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. Gambier Island Local Trust Committee Bylaw No. 12 cited as “Gambier Island Zoning Bylaw, 1979” and all of its amendments and Gambier Island Local Trust Committee Bylaw No. 11 cited as “Gambier Island Subdivision Bylaw, 1979” and all of its amendments are repealed.

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READ A FIRST TIME this 2nd day of December , 2004.

PUBLIC HEARING HELD this 6th day of March , 2005.

READ A SECOND TIME, AS AMENDED, this 6th day of March , 2005.

READ A THIRD TIME this 6th day of March , 2005.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
22nd day of March , 2005.

READ A THIRD TIME, AS AMENDED, this 1st day of September ,2005

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
14th day of September , 2005.

ADOPTED this 15th day of September , 2005.

SECRETARY

CHAIRPERSON

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SCHEDULE A (LAND USE BYLAW TEXT)

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PART 1 INTERPRETATION

Information Note: This Part of the Bylaw provides definitions for terms and references for units of measure used in the Bylaw.

1.1 Definitions

In this Bylaw:

ACCESSORY means, in relation to a use, building or structure, 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, buildings or structures for the growing, rearing, producing or harvesting of agricultural plants, crops, livestock, and other farm animals and includes the processing and sale of products harvested, reared or produced on that lot and the storage of machinery, implements and supplies for use by the agricultural operation.

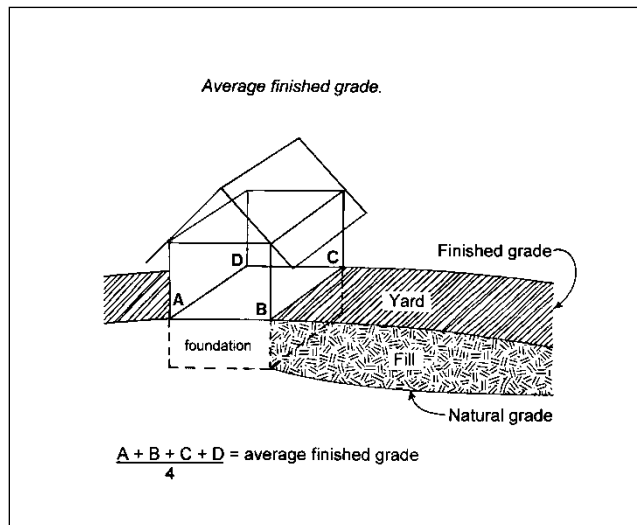
ASSEMBLY means the use of land or a building or structure for gatherings or community events for public, charitable, cultural, religious, memorial, philanthropic, recreational, education, political or entertainment purposes.

ASSOCIATED SECONDARY DWELLING means a single family residential dwelling regulated by floor area and lot area and that is secondary in use and smaller in area than the principal dwelling on the lot.

AVERAGE FINISHED GRADE means the average elevation around a building or structure's perimeter taking into account any proposed changes to natural grade due to construction, placement of fill, or removal of soil, measured as the average elevation of each point where two exterior walls of the building or structure contact each other and the ground surface. In the case of buildings and structures on the surface of water, average finished grade shall be the high watermark on a building or structure fixed to the bed of the water and the watermark of any floating building or structure. See Figure 1-1.

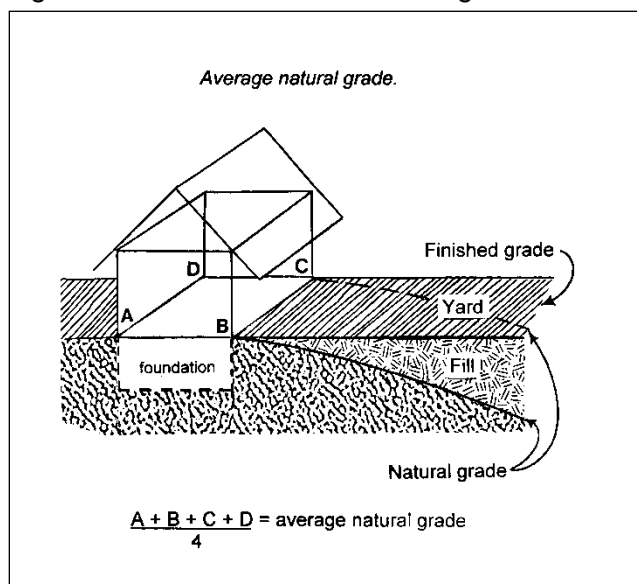
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Figure 1-1 Illustration of Average Finished Grade



AVERAGE NATURAL GRADE means the average grade elevation, prior to any re-grading or construction, calculated around the perimeter of the building or structure at or directly below its outermost exterior walls, measured as the average elevation of each point where two exterior walls of a building or structure contact each other and the ground surface. In the case of buildings and structures on the surface of water, average natural grade shall be the high watermark on a building or structure fixed to the bed of the water and the watermark of any floating building or structure. See Figure 1-2.

Figure 1-2 Illustration of Average Natural Grade



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.

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BASEMENT means that portion of a building between two floor levels which is wholly or partly underground and which has its ceiling less than 1.8 metres (6 feet) above the average finished grade, or in the case of a sloping site above the average natural grade.

BUILDING means any roofed structure used or intended to be used for supporting or sheltering any use or occupancy.

CAMPING means the temporary occupancy of persons accommodated in a tent or other form of temporary shelter outside of a recreational camp; or in a tent or other form of temporary shelter, or in cabins within a recreational camp.

COMMUNITY CENTRE use means the use of a building for assembly use.

CONSTRUCTED DITCH means a constructed depression that has no headwaters, carries water from local surface areas or subsurface drains and may be permanently or intermittently wetted and is not a modified or channelized stream, and does not flow into a watercourse.

DECK means a structure with horizontal site coverage without a roof or walls.

DERELICT VEHICLE means any vehicle which has not been licensed for a period of one year and which is not contained in a building.

DOCK means a marine-based structure, usually comprised of a ramp and float or pier.

DOMESTIC AGRICULTURE means the growing or rearing of any agricultural product, including horticultural products, at a scale that produces a supply for the personal use of the resident of the lot on which the use occurs, or as a home occupation.

DWELLING or DWELLING UNIT means one or more habitable rooms in a building that are used, or constructed so as to be capable of being used, as a residence by a single household and containing a common access, one kitchen and eating, sleeping, sanitary and living areas.

DWELLING - SINGLE FAMILY means a detached building containing one dwelling unit.

ECOLOGICAL RESERVE means a land or water area established as an ecological reserve under the *Ecological Reserve Act*.

ENCLOSED SPACE means a space with a roof and walls.

ENGINEER means a member in good standing of the Association of Professional Engineers and Geoscientists of British Columbia.

FARM USE means activities designated as farm use by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

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

FLOAT HOUSE 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 ceiling height is greater than 1.5 metres measured to the exterior surface of the perimeter walls or to the point where the ceiling height becomes less than 1.5 metres, and includes the floor area of balconies, decks, porches and similar projections enclosed by siding, glazing, screening or other materials, but excludes the floor area of any basement.

FORESHORE means the area of land between the high and low water marks of the sea.

FORESTRY means all activities related to the development and care of forests, including harvesting of timber, seedling and tree nurseries, and including the regulated processing of timber harvested on the same lot.

GENERAL STORE use means retail store providing food and household products for sale, and may include a post office, information services, and restaurant.

HEIGHT means for purposes of buildings or structures the vertical distance from the lower of average natural grade and average finished grade to the highest point of a building or structure.

HIGHWAY means the surveyed right of way for a street, road, thoroughfare and other public ways and includes access routes in bare land strata plans and access routes by way of common property, but does not include private rights-of-way, easements on private property, lanes, walkways or easements for public trails.

HIGH WATER MARK or HWM means the point at which the presence and action of water are so common and 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 banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

HOME CATERING means the baking or preparation of foods by other means for homesale or wholesale, or retail.

HOME OCCUPATION means any occupation or profession carried out for commercial gain which is clearly incidental or secondary to the use of the dwelling unit for residential purposes and meets all the provisions of this Bylaw with respect to home occupations, and includes home catering and the sale of domestic agriculture products.

INTENSIVE AGRICULTURE means for the purposes of this Bylaw the confinement of livestock and fur bearing animals, the growing of mushrooms, land-based aquaculture, hydroponic growing of plants, or growing of plants in illuminated greenhouses between dusk and dawn, whether the use is conducted outside or within a building or structure.

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JUNK means discarded material and rubbish.

LAND FILL means an area where household garbage is disposed of.

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 effectively screen land uses from abutting land and highways.**

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

LOCAL TRUST COMMITTEE means the Gambier Island Local Trust Committee.

LOG DUMP means the use of land and adjacent foreshore for the purpose of removing timber harvested on Gambier Island by means of dumping logs into the sea and assembling them into floating log booms for transport.

LOG STORAGE means the use of marine waters for storing floating log booms of timber.

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

LOT AREA means the total horizontal area within the lot lines.

LOT COVERAGE means the total area of those portions of a lot that are covered by buildings or structures (not including projections from the building or structure that do not require support on the land such as roof overhangs) whether expressed as a maximum percentage of lot area or as square metres.

LOT LINE means the legally defined boundary of a lot, and in particular:

Front lot line means the lot line common to the lot and an abutting highway and where there are two or more such 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 the highway and perpendicular to the lot lines that form the access strip is considered the front lot line;

Rear lot line means the lot line 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;

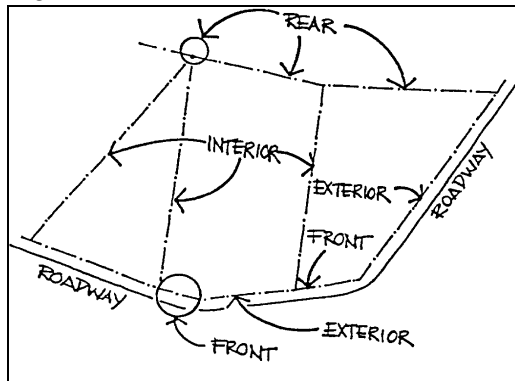
Exterior side lot line means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway;

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

Strata lot line means a lot line common to two strata lots or common to a strata lot and common property or limited common property within the same strata plan.

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Figure 1-3 Illustration of Lot Lines



MARINE AREA means a zoned area of land covered by water located seaward or below the natural boundary of the sea.

MARINE PARK means land and tidal water used for primarily recreational purposes.

MOORAGE means the tying of a boat or vessel to a wharf, dock or float, or to a mooring buoy that is in turn anchored to the seabed.

NATURAL BOUNDARY means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; and in the case of a legal surveyed boundary, that boundary must be deemed to be the natural boundary provided the legal surveyed boundary is land-ward of the natural boundary.

NATURAL OPEN SPACE means a use of the land in its natural state and includes federally and provincially designated ecological reserves and wetlands and other environmentally sensitive lands set aside for protection from human impact.

NEIGHBOURHOOD DOCK means a dock that provides access to two or more lots.

OFFENSIVE USES means all uses which introduce or produce malodorous, toxic or noxious substances, or general excessive vibration, heat, glare, noise or radiation beyond the boundaries of the lot upon which any such use is located; and the manufacture of hazardous substances.

OFFICIAL COMMUNITY PLAN means the Gambier Island Official Community Plan Bylaw No. 73, 2001, as amended.

PANHANDLE LOT means a lot that gains frontage on a highway, or where there is no highway gains frontage at the highwater mark of the sea, by means of a strip of land that is narrower than the main portion of the lot and that would not be useable for the siting of residential buildings under the setback provisions of this Bylaw.

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

PRINCIPAL means primary or dominant with respect to a use of a building or structure.

PERSONAL WATERCRAFT means a vessel less than 5.0 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.

PUBLIC WHARF means a wharf servicing the general public for the purpose of loading and unloading people, goods and material, and may include moorage.

RECREATIONAL CAMP means a use managed by a non-profit society or other non-commercial organization which provides for public or private assembly and overnight accommodation for recreational, educational and religious purposes, and may include upland area facilities for meeting, camping, sleeping and recreation and marine area facilities including moorage, boat launching facilities and swimming floats but excludes correctional and related rehabilitational uses.

RESIDENT means a person with occupation of the dwelling unit for a period of continuous or interrupted occupation of more than 183 days in a calendar year.

RESIDENTIAL CARETAKER means a person or persons engaged in custodial or management activities associated with the lot upon which they are accommodated.

RESTAURANT means a use providing table service or self-service of meals and beverages including alcoholic beverages, but excluding a licensed pub or the off-sale of alcoholic beverages.

RIPARIAN means the area of the stream bank or bank of a lake or wetland, including any side channels and associated banks, and the area of influence, which contains upland areas not normally inundated during high water conditions.

RIPARIAN AREA means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water.

ROOFED EXTERIOR SPACE means a space with horizontal site coverage with a roof but no walls including porches and verandahs.

SALVAGE YARD means the outdoor storage of unlicensed or derelict vehicles, scrap metal, vehicle parts, or building materials.

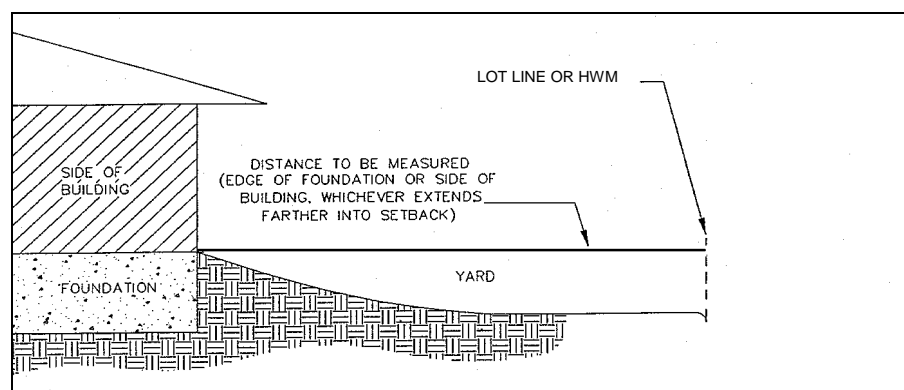
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SAW MILLING means the sawing and planing of raw logs into lumber useable for construction purposes, and the sawing of lumber into smaller dimensions.

SEASONAL FLOAT means a temporary floating raft not exceeding 50 square metres in surface area for marine access from an upland lot that may be accessed by a ramp attached to the upland.

SETBACK means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature. See Figure 1-4.

Figure 1-4 Illustration of Setback



SHIPPING CONTAINER means a non-combustible portable intermodal unit used for the storage or transporting of goods.

SHORT TERM means for a period of time less than 31 consecutive days.

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 used to attract attention for advertising, information or identification purposes.

SINGLE FAMILY RESIDENTIAL means the use of a dwelling unit as a residence for a single family.

STREAMSIDE PROTECTION AND ENHANCEMENT AREA means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts influence on the stream.

STRUCTURE means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, excluding fences, surfaced areas of gravel, concrete or other similar material comprising driveways, uncovered patios, uncovered parking areas.

TEMPORARY OVERNIGHT ACCOMMODATION means the short term accommodation of paying guests within single family residential dwellings, conducted as a home occupation, or in a community building located on common property in a bare land strata plan.

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THIRD PARTY SIGN means a sign located on a parcel whose owner or tenant is not the supplier of the goods or services advertised.

UPLAND AREA means a zoned area of land inland or above the natural boundary of the sea.

USE means the purpose for which any lot, parcel, tract of land, building or structure is designed, arranged, occupied, maintained or intended to be used.

UTILITY means broadcast transmission, electrical, telephone, internet, sewer or water services and facilities established or licensed by a government, excluding private radio or television towers and including navigation aids and geothermal and air heat exchange systems serving residential use.

VESSEL means a type of watercraft, not including personal watercraft, regardless of the method of propulsion.

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 (2) square kilometres or more upstream from the point of consideration, and excludes a constructed ditch.

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

WHARF means a marine-based structure, usually comprised of a pier, ramp and floats.

WILDERNESS means land in a relatively undisturbed state of nature, as distinguished from improved or cultivated land.

YACHT CLUB OUTSTATION means the use of land or adjacent marine area or both for the temporary moorage or temporary communal moorage of yacht club member vessels or guest vessels or both and for the private recreational use of marine and shore-based facilities by club members and guests.

YACHT CLUB OUTSTATION FACILITIES means facilities at a yacht club outstation and in particular docks, floats, buoys for moorage in a marine area, a private clubhouse, a residential caretaker dwelling unit that is part of or separate from the club house, and accessory buildings or structures on the upland.

ZONE means a zone as established by this Bylaw.

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1.2 Referencing

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

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

- (2) Any referenced provision of this Bylaw is a regulation and may be cited as a regulation in this Bylaw.

1.3 Units of Measure

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in a chart at the end of this Bylaw 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 using the bylaw and do not form a part of it.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

PART 2 ADMINISTRATION

Information Note: This Part of the Bylaw provides for how the Bylaw will be administered by the Gambier Island Local Trust Committee through regulation, inspection, enforcement and covenants

2.1 Application

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

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.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.

Information note: Legislation regarding non-conforming uses and siting can be found in the Local Government Act, s. 911.

- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing lot created prior to adoption of this Bylaw that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

- (1) The Islands Trust Bylaw Investigation Officer or any other person employed by or under contract to the Islands Trust and 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 or to evaluate site specific circumstances for the purposes of development application processing.

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.

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2.5 Penalty

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

2.6 Covenants

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the Land Title Act in priority to all 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 grantor.

Information Note: Where a registered covenant held by the Gambier Island Local Trust Committee, or the Province of British Columbia on behalf of the Local Trust Committee, provides limits with respect to the subdivision of land or the use of land, buildings or structures more restrictive than the regulations contained in this Bylaw, the provisions of the covenant continue to bind the owner despite the provisions of this Bylaw.

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 land 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.

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PART 3 GENERAL REGULATIONS

Information Note: This Part of the Bylaw provides regulations that are applicable to all land, buildings and structures regulated by the Gambier Island Land Use Bylaw in addition to the zone specific regulations found in Part 5.

3.1 Uses Permitted in All Zones

- (1) The following uses are permitted in all zones except the Nature Reserve, Marine General and Marine Conservation Zones, unless otherwise specified in this Bylaw:
 - (a) Public trails, natural open space, and public parks;
 - (b) Fish and wildlife habitat protection;
 - (c) Utility;
 - (d) Recycling bins for household tin cans, plastic containers, bottles, newspapers and mixed paper;
 - (e) Emergency water storage and fire protection uses;
 - (f) Use of a building or part thereof for a polling station for government elections, referenda, political campaign office or census providing such use does not exceed 60 days;
 - (g) Use of a building as a residence for the purpose of providing temporary shelter for the owner of a lot during the construction of a dwelling on the lot, provided that a valid building permit has been issued for the construction of the dwelling and for the building being used as the temporary residence, for a period not to exceed two years or 30 days from the date of issuance of the occupancy permit for the dwelling, whichever is earlier, or as extended by the Local Trust Committee by development variance permit.
 - (h) Use of a building for an office or shelter for construction or maintenance crews or for storage of materials to be used for the erection, construction or maintenance of any building, structure or utility installation.
 - (i) Saw milling and planing of timber harvested from the lot on the lot by a portable sawmill operating only between the hours of 9 a.m. to 4 p.m., Monday to Saturday.
 - (j) Use of private managed forest land for a forest management activity related to or carried out for the production and harvesting of forest resources.
- (2) The following buildings and structures are permitted in all zones except the Nature Reserve, Marine General and Marine Conservation Zones, unless otherwise specified in this Bylaw:
 - (a) Buildings and structures for parks, utilities, emergency water storage, fire protection, polling stations, political campaign offices, census purposes or for temporary shelter of an owner of a lot while constructing a principal dwelling on the lot or for the shelter of a permitted saw mill;
 - (b) Structures or buildings which are erected for the purpose of providing temporary office space or shelter for construction or maintenance crews or storage of materials to be used for the erection, construction or maintenance of any

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building, structure or public utility installation for which a valid building permit has been obtained provided that such a temporary structure or building is removed within 30 days of completion of such public utility, building or structure;

- (c) Fences.

3.2 Prohibited in All Zones

- (1) For clarity the following uses, as well as other uses not expressly permitted in Section 3.1 and in the specific zone regulations in Part 5, are prohibited in all zones:
 - (a) Paved or unpaved airstrip or heliport use for the use of aircraft flying non-scheduled flights, except where necessary for emergency services or to service public utilities;
 - (b) Recreational vehicle campgrounds and trailer parks;
 - (c) Manufactured home parks;
 - (d) Offensive uses;
 - (e) Rental of personal watercraft, all terrain vehicles, motorcycles or limited speed motorcycles;
 - (f) A use located partially or totally in a tent or travel trailer, motor home, or camper except when:
 - (i) a tent or travel trailer, motor home or camper is otherwise permitted by this Bylaw, or
 - (ii) a travel trailer, motor home or camper is a licensed vehicle pursuant to the *Motor Vehicle Act* and the vehicle is able to be immediately moved without having to remove it from any supporting foundation or service connection, or
 - (iii) a tent is used for recreational purposes on a lot zoned to permit residential use;
 - (g) Casinos and commercial bingo halls;
 - (h) Land fill sites;
 - (i) Salvage yard or storage of derelict vehicles and junk;
 - (j) Intensive agriculture, subject to the *Agriculture Land Commission Act*, and
 - (k) Any use of a shipping container, other than for the purposes of temporary construction shelter or storage during the period of construction of a permanent building to the lock-up stage or during the period of subdivision servicing.

3.3 Siting and Setback Regulations

- (1) No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.

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- (a) Despite regulation 3.3(1), the minimum setback for animal enclosures, pens, feeding troughs, animal runs, or manure piles is 40 metres from the natural boundary of the sea, lake, wetland or watercourse.
- (2) Unless specifically otherwise provided in Part 5, private floats and docks shall be located within the seaward projection of the side lot lines of the upland lot being served and shall be set back 3 metres from these projected lot lines.
 - (a) Regulation 3.3(2) does not apply to a lot boundary between residential lots served by a neighbourhood dock.
- (3) The minimum setback for animal enclosures, pens, feeding troughs, animal runs, or manure piles is 10 metres from any lot line or dwelling unit.
- (4) Buildings or structures accessory to residential buildings that do not exceed 2.5 metres in height and 10 square metres in floor area may be sited as close as two metres from any lot line, except where the lot line abuts a highway, in which case regulation 3.3(6) or the zone regulation, which ever is greater, shall apply.
- (5) No building shall be sited within 4.5 metres of any lot line that abuts a highway.
- (6) On a corner lot within the triangular space formed by the highway lines and a line joining points on the highway lines six metres from the point of intersection of the highway lines, no landscape screen, landscaping, building or structure shall be planted or erected to a height greater than 1 metre above the established grade of the highway.
- (7) Utility poles, traffic signs and street signs shall not be considered as structures for the purposes of regulation 3.3(6).
- (8) No dwelling unit shall be located within 10 metres of any other dwelling unit located on the same lot.

3.4 Siting and Setback Exceptions

- (1) The following projections beyond the face of a building may be located in the area of the setback required by this bylaw:
 - (a) Bay windows, chimneys, cornices, roof overhangs, eaves, gutters, heating or ventilating equipment, sills, or other similar architectural features, provided that they do not project more than 0.6 metres into the required setback, but such reduction applies only to the projecting feature; and
 - (b) Canopies, sunshades, unenclosed balconies, unenclosed stairwells, patios, porches, or terraces provided that they do not project more than 1.0 metres into the required setback, but such reduction applies only to the projecting feature; and
 - (c) Any of the projections beyond the face of a building listed in (a) and (b) above shall be located no closer than 2 metres to a side lot line.

Information Note: Permitted projections should be addressed in any development variance permit or Board of Variance order for lot line variances.

- (2) Retaining walls not exceeding a vertical dimension of 2 metres measured from grade at any point may be sited on any portion of a lot except within the setback from the natural boundary of the sea.

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- (3) Structures which at no point extend more than 0.6 metres above grade level, including wellheads and parking spaces may be sited on any portion of a lot, except that the siting of sewage disposal systems and fields shall comply with Provincial regulations.
 - (a) Despite 3.4(3) and(4), signs, arbours and trellises may be located on any portion of a lot.
- (4) Flag poles, lawn ornaments or similar landscape features may be sited as close as 1 metre from any lot line.
- (5) Where a building is used exclusively as a pump/utility house, it may be sited on any portion of a lot except within the setback from the natural boundary of the sea.
- (6) Boat houses, stairs, or walkways required for access to the foreshore or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea.

3.5 Height Regulations

- (1) Any of the following may exceed the height limitations specified for each zone of this Bylaw provided that the lot coverage of such structures does not exceed 1% or, if it is located on a building, the structure does not occupy more than 10% of the roof area of the building:
 - (a) Chimney;
 - (b) Church spire or church belfry;
 - (c) Flag pole;
 - (d) Hose and fire alarm tower;
 - (e) Lighting and power poles;
 - (f) Telephone pole;
 - (g) Water storage tanks;
 - (h) Wind generators;
 - (i) Attic vent;
 - (j) Receiving and transmission antennas;
 - (k) Barns;
 - (l) Silos.
- (2) Unless specifically otherwise provided in Part 5, the maximum height of a principal building including a dwelling unit in any zone is 10 metres.
- (3) Unless specifically otherwise provided in Part 5, the maximum height of an accessory building or structure shall be one storey and 7 metres except for a building accessory to agricultural use which shall not exceed 12 metres or a building accessory to commercial use which shall not exceed 5 metres.

3.6 Accessory Uses, Buildings and Structures

- (1) Accessory buildings must not be used for temporary overnight accommodation.

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- (2) The total maximum floor area of all accessory buildings and structures, except for buildings and structures accessory to agriculture use, on a lot shall not exceed the requirements set out in Table 3.1.

Table 3.1 Accessory Building and Structure Floor Area	
Lot Area	Maximum Total Floor Area for Accessory Buildings and Structures
Up to 0.4 ha	100 square metres
Greater than 0.4 ha to 1.0 ha	200 square metres
Greater than 1.0 ha	4% of lot area to a maximum of 1,000 square metres

3.7 Home Occupation Regulations

Information Note: Occupations or professions that extend beyond these home occupation regulations are subject to issuance of a Temporary Use Permit as outlined in Part 10 of this Bylaw or rezoning.

- (1) Where accessory use is permitted within a zone permitting residential use, a home occupation as an accessory use shall comply with the following conditions:
- (a) The home occupation may only occur if there is a single family dwelling on the lot and the home occupation is operated by a resident of a dwelling on the lot.
 - (b) The home occupation may be conducted in a dwelling, associated secondary dwelling or accessory building on the lot, except that temporary overnight accommodation must not be located within an accessory building on the lot.
 - (c) There may be more than one home occupation conducted on a lot.
 - (d) The maximum number of non-resident employees is two.
 - (e) No home occupation is permitted if the conduct of the home occupation entails or necessitates any alteration of the dwelling or accessory building that would not be made to the dwelling or accessory building in the ordinary course of its use for exclusively residential or accessory purposes.
 - (f) No outside storage of material or equipment shall be permitted unless screened from adjacent lots or streets by a landscape screen.
 - (g) Products sold on the premises shall be limited to those products produced on the lot where the home occupation is located or related to those products produced on the lot.
 - (h) The maximum number of guest bedrooms for temporary overnight accommodation is four.
- (2) The following uses shall not be permitted as home occupations:
- (a) offensive uses and uses that cause noise or dust or unsightliness or other intrusive activities that impact neighbours;

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- (b) storage of toxic or flammable materials other than those materials required for the production of articles or provision of services in a home occupation;
- (c) manufacture of toxic or hazardous chemicals;
- (d) salvage yard;
- (e) automobile repair except that:
 - (i) three motor vehicles licensed to owners other than residents of the lot where the automobile repair home occupation is located may be maintained on a property within a *building* permitted on the property for purposes of repair ; and
 - (ii) one motor vehicle, licensed or not, owned by the resident of the lot may be maintained on a property within a building permitted on the property for purposes of repair as a hobby;
- (f) restaurant;
- (g) permanent saw milling (portable or otherwise).

3.8 Fences

- (1) The maximum height of a fence is 2.5 metres on any lot that is less than 0.5 hectare in area.
- (2) On a corner lot within the triangular space formed by the highway lines and a line adjoining points on the highway lines six metres from the point of intersection of the highway lines, no fence shall be erected to a height higher than 1 metre above the established grade of the highway.
- (3) Non-agricultural use fences not exceeding a vertical dimension of 2.5 metres measured from grade at any point may be sited on any portion of a lot except within the setback from the natural boundary of the sea.

3.9 Landscape Screening

- (1) Where a landscape screen is required by this Bylaw, the landscape screen shall be:
 - (a) a continuous planted area not less than 1.5 metres wide, planted with drought resistant, evergreen shrubs or trees at least 1 metre in height at the time of planting and planted not more than 1 metre apart ; or
 - (b) a continuous solid wall or fence at least 1.5 metres in height.

3.10 Derelict Vehicles and Junk

- (1) Unless specifically permitted, no parcel shall be used for the wrecking or storage of derelict automobiles or junk.

3.11 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 portion of the lot lying within each zone, and the dwellings may only be constructed on any portion of the lot if and to the extent that the minimum lot area or density regulations for that portion of the lot are met.

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3.12 Use of Common Property

- (1) Land comprising the common property in a strata plan is not a lot for the purposes of the zone specific density regulations set out in Part 5, but the common property may be used for permitted accessory uses to principal uses located on strata lots in the same strata plan, except as otherwise permitted by this Bylaw.

3.13 Agricultural Land Reserve Farm Use Regulations

- (1) Where land is in the Provincial Agricultural Land Reserve, farm use is a permitted use, and
 - (a) the maximum floor area for retail sales ancillary to a British Columbia licensed winery or cidery use is 20 square metres.
 - (b) the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20 square metres.
 - (c) an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m.
- (2) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only:
 - (a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or
 - (b) if also permitted by the Agricultural Land Reserve, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.
- (3) Land uses which are permitted in the Agricultural Land Reserve unless otherwise prohibited by a local government bylaw are permitted to the extent permitted in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, except as follows:
 - (a) Operation of a temporary saw mill is limited to the milling of timber harvested from the lot on the lot by a portable sawmill provided the milling occurs between the hours of 9 a.m. to 4 p.m., Monday to Saturday;
 - (b) Unpaved airstrip or helipad for use of aircraft flying non-scheduled flights is prohibited, except where necessary for emergency services or to service public utilities.

3.14 Associated Secondary Dwelling Floor Area

- (1) Associated secondary dwellings are permitted in zones where associated secondary dwelling use is a permitted use based on the following regulations.
 - (a) Lots with a minimum lot area of 0.4 hectare in area are permitted an associated secondary dwelling with a maximum floor area of 60 square metres.
 - (b) For lots greater than 0.4 hectare in area, for each additional 0.2 hectare in lot area beyond 0.4 hectare an additional 8 square metres floor area may be added to the permitted 60 square metres floor area to a maximum floor area of:
 - (i) 120 square metres on lots less than 2 hectare in area; and

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- (ii) 200 square metres on lots 2 hectare and greater in area.
- (c) Despite 3.14 (1)(a) in those instances where the lot is less than 0.4 hectare in area and a dwelling unit with an occupancy permit from the Sunshine Coast Regional District issued prior to November 15, 1996 has been constructed on the lot, an associated secondary dwelling with a maximum floor area of 60 square metres shall be permitted.

Information Note: Refer to the definitions of floor area and basement to determine the area of each floor that is to be included in the calculation of floor area.

Information Note: Sunshine Coast Regional District records show that building permits for Gambier Island were being issued as of February 11, 1974.

3.15 Water Supply and Sewage Disposal

Information Note: Water supply and sewage disposal requirements for land use activity permitted in this Bylaw are regulated by the Ministry of Health, Vancouver Coastal Health Authority (Coast Garibaldi), Sunshine Coast Regional District and Ministry of Transportation.

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PART 4 ESTABLISHMENT OF ZONES

Information Note: This Part of the Bylaw provides the names and extent of the zones.

4.1 Division into Zones

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

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Settlement Residential	SR
Rural Residential	RR
Agriculture	A
Forest	F
Local Commercial	C1
Industrial	I
Community Service	S1
Local Service	S2
Recreation Service	S3
Community Nature Park	P1
Community Park	P2
Marine Park and Recreation	P3
Provincial Park	PP
Wilderness Conservation	G1
Nature Reserve	G2
Marine General	W1
Marine Transportation	W2
Marine Log Storage	W3
Marine Conservation	W4

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Yacht Club Outstation	YCO
Water Brigade Bay	WBB
Gambier Island Sea Ranch Comprehensive Development 1	CD 1

4.2 Zone Boundaries

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

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PART 5 ZONE REGULATIONS

5.1 Settlement Residential (SR) Zone

The purpose of the Settlement Residential Zone is to provide regulations for the development of residential neighbourhoods in settlement nodes.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Single family residential use;
 - (b) Associated secondary dwelling use;
 - (c) Domestic agriculture;
 - (d) Agriculture;
 - (e) Accessory uses including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) On a lot less than 0.4 hectares in area, one single family dwelling is permitted, in addition to buildings and structures accessory to residential and domestic agriculture use.
 - (a) Despite 5.1(2), one (1) associated secondary dwelling is permitted subject to regulation 3.14(1)(c).
- (3) On a lot 0.4 hectares or greater in area, one single family dwelling and one associated secondary dwelling are permitted, in addition to buildings and structures accessory to residential and domestic agriculture use.
- (4) Despite regulation 5.1(3), on lots 2.0 hectares or greater in area buildings and structures accessory to agriculture use are also permitted.
- (5) Maximum lot coverage for all buildings and structures:
 - (a) Lots less than 1 hectare in area: 25%;
 - (b) Lots 1 hectare to less than 2 hectare in area: 20%;
 - (c) Lots 2 hectares to less than 3 hectares in area: 18%;
 - (d) Lots 3 hectares to less than 4 hectare in area: 15%;
 - (e) Lots 4 hectares to less than 10 hectares in area: 12%
 - (f) Lots 10 hectares and greater in area: 10%.
- (6) Despite 5.1(3), on a lot more than 2 hectares and less than 4 hectares in area, one single family dwelling not to exceed 74.3 square metres total floor area is permitted in respect of each owner registered on title prior to 1969 providing that the site density of the parcel does not exceed one dwelling unit per 0.75 hectares, and no associated secondary dwelling use is permitted.

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- (7) Despite 5.1(3) and (6), where the title to a lot has a registered restrictive covenant in favour of the Crown or the Gambier Island Local Trust Committee providing for the siting on that lot of not more than one single family dwelling per two hectares, a density equal to one single family dwelling per two hectares shall be permitted without the creation of individual lots, and no associated secondary dwelling use is permitted.
- (8) Despite 5.1(3), (6) and (7) a density equal to one single family dwelling and one associated secondary dwelling per two hectares shall be permitted without the creation of individual lots through the registration of a restrictive covenant providing for the siting on that lot of not more than one single family dwelling and one associated secondary dwelling per two hectares with the provision of the following amenities:
- (a) registration of a covenant providing for the dedication of land up to 5% of the total lot area for purposes of parkland or trail in an amount and location specified in the covenant acceptable to the Local Trust Committee, such dedication to be at the time of subdivision; and
 - (b) registration of a covenant providing for the dedication by road of access for trail purposes at distances not greater than 400 metres on lots fronting a body of water, including watercourses, lakes and the sea at a location specified in the covenant acceptable to the Local Trust Committee, such dedication to be at the time of subdivision.

Siting and Size

- (9) The minimum setback for any building or structure:
- (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (10) The maximum height of an accessory building and structure is 7 metres.

Conditions of Use

- (11) Domestic agriculture use is only permitted in conjunction with single family residential use.
- (12) The keeping of livestock as part of domestic agriculture use is only permitted on lots greater than 0.4 hectare in area.
- (13) Agriculture use is only permitted on lots 2.0 hectare or greater in area.

Subdivision Lot Area Requirements

- (14) The minimum lot area is 0.5 hectares.
- (15) The minimum average lot area is 2 hectares.

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5.2 Rural Residential (RR) Zone

The purpose of the Rural Residential Zone is to provide regulations for the development of low density single family residential areas and agriculture and forestry on larger lots.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Single family residential use;
 - (b) Associated secondary dwelling use;
 - (c) Domestic agriculture;
 - (d) Agriculture;
 - (e) Forestry;
 - (f) Accessory uses including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) On a lot less than 0.4 hectares in area, one single family dwelling is permitted, in addition to buildings and structures accessory to residential use and domestic agriculture use.
 - (a) Despite 5.2(2), one (1) associated secondary dwelling is permitted subject to regulation 3.14(1)(c).
- (3) On a parcel 0.4 hectares or greater in area, one single family dwelling and one associated secondary dwelling are permitted, in addition to buildings and structures accessory to residential use and domestic agriculture use.
- (4) Buildings and structures accessory to agriculture use and forestry use are permitted.
- (5) Maximum lot coverage for all buildings and structures:
 - (a) Lots less than 1 hectare in area: 25%;
 - (b) Lots 1 hectare to less than 2 hectare in area: 20%;
 - (c) Lots 2 hectares to less than 3 hectares in area: 18%;
 - (d) Lots 3 hectares to less than 4 hectare in area: 15%;
 - (e) Lots 4 hectares to less than 10 hectares in area: 12%
 - (f) Lots 10 hectares and greater in area: 10%.
- (6) Despite 5.2(3), where the title to a lot has a registered restrictive covenant in favour of the Crown providing for the siting on that lot of not more than one single family dwelling per 4 hectares, a density equal to one single family dwelling per 4 hectares is permitted without the creation of individual lots, and no associated secondary dwelling use is permitted.
- (7) Despite 5.2(3) and (6), a density equal to one single family dwelling and one associated secondary dwelling per 4 hectares shall be permitted without the creation of individual lots through the registration of a restrictive covenant providing for the siting on that lot of

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not more than one single family dwelling and one associated secondary dwelling per 4 hectares with the provision of the following amenities:

- (a) registration of a covenant providing for the dedication of land up to 5% of the total lot area for purposes of parkland or trail in an amount and location specified in the covenant acceptable to the Local Trust Committee, such dedication to be at the time of subdivision; and
- (b) registration of a covenant providing for the dedication by road of access for trail purposes at distances not greater than 400 metres on lots fronting a body of water, including watercourses, lakes and the sea at a location specified in the covenant acceptable to the Local Trust Committee, such dedication to be at the time of subdivision.

Siting and Size

- (8) The minimum setback for any building or structure:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (9) The maximum height of accessory buildings and structures is 7 metres.
- (10) The maximum height of an agricultural building is 12 metres.

Conditions of Use

- (11) The keeping of livestock is only permitted on lots 0.5 hectare and greater in area.
- (12) Agriculture use is only permitted on lots greater than 1 hectare in area.

Subdivision Lot Area Requirements

- (13) The minimum lot area is 0.5 hectares.
- (14) The minimum average lot area is 4 hectares.

Site-Specific Regulations

- (15) 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:

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Table 5.2

Site-Specific Zone	Location Description	Site Specific Regulations
RR(a)	District Lot 1256	Despite regulations (3) and (6) where the title to a lot has a registered restrictive covenant in favour of the Crown providing for the siting on that lot of not more than one single family dwelling per 2 hectares, a density equal to one single family dwelling per 2 hectares is permitted without the creation of individual lots, and no associated secondary dwelling use is permitted.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.3 Agriculture (A) Zone

The purpose of the Agriculture Zone is to provide for regulations to support the retention of small-scale farming on Gambier Island in areas with agriculture potential and on lands in the Provincial Agricultural Land Reserve.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Agriculture use;
 - (b) Single family residential use;
 - (c) Associated secondary dwelling use;
 - (d) Accessory uses including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) Buildings and structures accessory to agriculture use are permitted.
- (3) On a lot less than 0.4 hectares in area, one single family dwelling is permitted, in addition to buildings and structures accessory to residential use.
- (4) On a parcel 0.4 hectares or greater in area, one single family dwelling and one associated secondary dwelling are permitted, in addition to buildings and structures accessory to residential use.
 - (a) Where the parcel is located in the Provincial Agricultural Land Reserve the associated secondary dwelling must be necessary for farm use based on the size and type of operation.
- (5) The maximum total lot coverage by all buildings and structures is 10%.

Siting and Size

- (6) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 6 metres from any interior side lot line;
 - (c) 6 metres from any exterior side lot line.
- (7) Despite regulations 3.3(3) and 5.3(6), the minimum setback for any building or structure for agriculture use is:
 - (a) 30 metres from any front lot line;
 - (b) 15 metres from any rear, interior side or exterior side lot line.
- (8) The maximum height of an agricultural building is 12 metres.
- (9) The maximum height of an accessory building or structure is 7 metres.

Subdivision Lot Area Requirements

- (10) The minimum lot area is 4 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

(11) The minimum average lot area is 4 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.4 Forest (F) Zone

The purpose of the Forest Zone is to provide regulations to support small-scale forestry such as community forestry and woodlot use, and coastal log storage and handling use in the marine area adjacent to upland Forest zoned lots.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Forestry;
 - (b) Single family residential use;
 - (c) Wilderness outdoor recreation;
 - (d) Nature and heritage appreciation;
 - (e) Fish and wildlife habitat protection;
 - (f) Research and education;
 - (g) Accessory uses to forestry including but not limited to log dumping, log storage and fire suppression.

Permitted Buildings, Structures and Density

- (2) One single family dwelling is permitted.
- (3) Buildings and structures accessory to permitted uses are permitted.
- (4) The maximum total lot coverage for all buildings and structures is 5% of the total lot area.

Siting and Size

- (5) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 6 metres from any interior side lot line;
 - (c) 6 metres from any exterior side lot line;
- (6) Despite regulation 3.3(1), the minimum setback for any building or structure from a lake or stream is 40 metres.
- (7) The maximum height of accessory buildings and structures is 7 metres.

Conditions of Use

- (8) Accessory log booming and log storage use is limited to the marine area of the Forest Zone.
- (9) Forest use in the marine area, including accessory log booming and storage, shall not use the natural rock face of the adjacent upland as a sign.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Subdivision Lot Area Requirements

- (10) The minimum lot area is 20 hectares in the upland area.
- (11) The minimum average lot area is 20 hectares in the upland area.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.5 Local Commercial (C1) Zone

The purpose of the Local Commercial Zone is to provide regulations for commercial uses serving the resident population and visitors to the Island beyond what is permitted as a home occupation.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) General store use;
 - (b) Retail arts and crafts use;
 - (c) Accessory uses, including but not limited to single family residential use.

Permitted Buildings, Structures and Density

- (2) The number of principal buildings permitted on a lot shall not exceed:
 - (a) One building containing a general store and one building containing a retail arts and crafts use, or
 - (b) One building containing a general store and a dwelling unit and one building containing a retail arts and crafts use, or
 - (c) One single family dwelling unit and one building containing a general store and one building containing a retail arts and crafts use.
- (3) The number of accessory buildings shall not exceed three.
- (4) The maximum lot coverage for all buildings and structures is 25%.

Siting and Size

- (5) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (6) The maximum floor area of a general store is 93 square metres.
- (7) The maximum floor area of a retail arts and crafts use is 10 square metres.
- (8) The maximum height for a principal building is 7 metres.
- (9) The maximum height for a single family dwelling and any other accessory building or structure is 5 metres.

Conditions of Use

- (10) Single family residential use is only permitted in conjunction with general store use.

Subdivision Lot Area Requirements

- (11) The minimum lot area is 0.3 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

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A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.6 Industrial (I) Zone

The purpose of the Industrial Zone is to provide regulations for industrial development on existing industrial sites at Andy's Bay and the gravel pit.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Processing, crushing and storage of gravel;
 - (b) Sawmilling;
 - (c) Accessory uses including but not limited to single family residential use.

Permitted Buildings, Structures and Density

- (2) Buildings and structures accessory to gravel processing, crushing and the storage of gravel are permitted.
- (3) One accessory dwelling unit for the accommodation of the owner, operator or employee of the principal use.
- (4) The maximum lot coverage is 25%.

Siting and Size

- (5) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (6) The maximum floor area of an accessory dwelling unit is 60 square metres.

Conditions of Use

- (7) Single family residential use is only permitted in conjunction with a principal use.
- (8) Industrial equipment and vehicles must be screened from view from a public road or adjacent property by a fence or a landscape screen complying with the provisions of regulation 3.9(1).

Subdivision Lot Area Requirements

- (9) The minimum lot area is 2.0 hectares.
- (10) The minimum average lot area is 2.0 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.7 Community Service (S1) Zone

The purpose of the Community Service Zone is to provide regulations for the use of community and public institutional land on Gambier Island.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Community Centre use;
 - (b) Assembly use;
 - (c) Outdoor recreation use;
 - (d) Accessory uses including but not limited to public health services.

Permitted Buildings, Structures and Density

- (2) Building and structures accessory to permitted uses are permitted.
- (3) The maximum lot coverage is 50%.

Siting and Size

- (4) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.

Subdivision Lot Area Requirements

- (5) The minimum lot area is 1.0 hectare.
- (6) The minimum average lot area is 1.0 hectare.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.8 Local Service (S2) Zone

The purpose of the Local Service Zone is to provide regulations for local services associated with water access only residential neighbourhoods.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Fire protection facilities;
 - (b) Storage facilities, including open boat storage;
 - (c) Parking for neighbourhood dock;
 - (d) Ramp access to neighbourhood dock;
 - (e) Barge ramp access;
 - (f) Boat launching.

Permitted Buildings, Structures and Density

- (2) The following structures and no others are permitted:
 - (a) Storage sheds;
 - (b) Fire fighting facilities;
 - (c) Barge ramp;
 - (d) Boat launch ramp.
- (3) The maximum number of storage facilities other than boat storage is three.
- (4) The maximum number of fire fighting facilities is one.
- (5) The maximum number of boat storage facilities is one.
- (6) The maximum lot coverage is 2%.

Siting and Size

- (7) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (8) The maximum height of buildings and structures is 7 metres.
- (9) The maximum height of boat storage facilities is 10 metres.

Subdivision Lot Area Requirements

- (10) There is no minimum lot size requirement.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Site-Specific Regulations

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

Table 5.8		
Site-Specific Zone	General Location	Site Specific Regulations
S2(a)	Cotton Bay - DL 477, Group 1, NWD Plan BCP 41717	Despite 5.8(1) the only permitted uses in the S2(a) zone are: (a) Fire Protection Facilities; and (b) Ramp access to neighbourhood dock.”

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.9 Recreation Service (S3) Zone

The purpose of the Recreation Service Zone is to provide regulations for facility-based recreational uses that are low environmental impact, nature-based, and complementary to their natural setting.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Recreational camp use;
 - (b) Assembly use;
 - (c) Moorage;
 - (d) Accessory use.

Permitted Buildings, Structures and Density

- (2) Buildings and structures accessory to permitted uses are permitted.
- (3) One residential caretaker dwelling unit accessory to recreational camp use is permitted.
- (4) The maximum lot coverage for all buildings and structures is 20%.

Siting and Size

- (5) The minimum setback for any building or structure is:
 - (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (6) The maximum height of any building or structure:
 - (a) 10 metres in the upland area;
 - (b) 5.0 metres in the marine area.
- (7) The maximum marine area that may be covered by mooring floats and swimming floats is 500 square metres.

Conditions of Use

- (8) Recreational camp use and assembly use are limited to the upland area of the Recreation Service Zone.
- (9) Moorage use is limited to the marine area of the Recreation Service Zone.

Subdivision Lot Area Requirements

- (10) The minimum lot area is 4.0 hectares.
- (11) The minimum average lot area is 4.0 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Site Specific Regulations

- BL118 (12) The following table denotes a location where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.9

Site Specific Zone	Location Description	Site Specific Regulations
S3(a)	Lot B, District Lot 836, Plan 21550, Halkett Bay, Gambier Island PID: 009-393-358	(1) Despite 5.9(1) recreation camp, assembly and accessory uses are the only permitted uses. (2) Despite 5.9(3) no residential caretaker dwelling unit accessory to recreational camp use is permitted. (3) Despite 5.9(4) the maximum lot coverage for all buildings and structures is 5%. (4) Despite 5.9(7) and 5.9(9) moorage is not permitted in the foreshore area adjacent to the S3(a) zone. (5) Despite 5.9(10) and (11) the minimum lot area and minimum average lot area created by subdivision is 24 hectares.

Information Note: Some words and phrases are defined in Part 1. A chart at the end of the Bylaw provides approximate imperial equivalents.

5.10 Community Nature Park (P1) Zone

The purpose of the Community Nature Park Zone is to provide regulations for development in community parks focused on conservation and low impact use.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Pedestrian trails;
 - (b) Nature appreciation, protection and maintenance;
 - (c) Heritage appreciation, protection and maintenance;
 - (d) Fish and wildlife habitat protection;
 - (e) Accessory parking and docks.

Permitted Buildings, Structures and Density

- (2) No buildings except for public toilet facilities and protective shelters are permitted.
- (3) Structures are limited to:
 - (a) Pedestrian trail bridges, stairs, boardwalks, rails and culverts;
 - (b) Signs and sign shelters;
 - (c) Railings and fencing;
 - (d) Benches;
 - (e) Dock facilities for public access.
- (4) The maximum lot coverage for all buildings and structures is 10%.
- (5) The maximum marine area that may be covered by wharf floats and piers in the marine area is 37 square metres.
- (6) The width of any ramp or walkway, including handrails, used to access any float or wharf shall not exceed 1.5 metres.

Siting and Size

- (7) The minimum setback for any building or structure is 7.5 metres from all lot lines.
- (8) The maximum height for all buildings and structures is 7 metres.

Conditions of Use

- (9) Parking use shall only be permitted in conjunction with principal permitted uses.
- (10) Parking areas must be finished with a permeable surface and located at the lot boundary closest to the park entry.
- (11) Protective shelters shall be open on at least one side.
- (12) Pedestrian trail use is limited to non-vehicular pedestrian trail use except for emergency service.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (13) Dock use shall not be located within the seaward extension of the boundaries of a 30 metres riparian area measured from the top of bank on either side of a watercourse.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.11 Community Park (P2) Zone

The purpose of the Community Park Zone is to provide regulations for development in community parks focused on active recreation use.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Recreation including pedestrian trail use, nature appreciation and heritage and culture appreciation;
 - (b) Assembly;
 - (c) Accessory parking.

Permitted Buildings, Structures and Density

- (2) Buildings and structures accessory to park and recreational uses are permitted.
- (3) The maximum lot coverage for all buildings and structures is 25%.

Siting and Size

- (4) The minimum setback for all buildings and structures is 3 metres from all lot lines.
- (5) The maximum height for all buildings and structures is 7 metres.

Conditions of Use

- (6) Parking use shall only be permitted in conjunction with principal permitted uses.
- (7) A parking area must be finished with a permeable surface and located at the lot boundary closest to the park entry.
 - (a) Despite 5.11(7), where the park is a waterfront park with constructed public road access the parking area must be located at the lot boundary farthest from the sea.
- (8) Pedestrian trail use is limited to non-vehicular pedestrian trail use except for emergency service.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.12 Marine Park and Recreation (P3) Zone

The purpose of the Marine Park and Recreation Zone is to provide regulations for the use of marine waters with park and recreation values.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Marine parks;
 - (b) Marine recreation areas and reserves;
 - (c) Accessory dock use.

Permitted Buildings, Structures and Density

- (2) Structures are limited to:
 - (a) Structures accessory to park and recreation uses;
 - (b) Moorage facilities for public access to marine parks.

Siting and Size

- (3) All structures shall be located within the seaward projection of the side lot lines of the upland lot being served and shall be set back 6 metres from these projected lot lines, except where the side lot line is common to lots subject to a no separate sale agreement.
- (4) The maximum marine area that may be covered by dock floats and piers is 37 square metres.

Conditions of Use

- (5) Dock use shall not be located within the seaward extension of the boundaries of a 30 metres riparian area measured from the top of bank on either side of a watercourse.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.13 Provincial Park (PP) Zone

The purpose of the Provincial Park Zone is to provide regulations for the low impact use of marine access parks.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Wilderness camping use;
 - (b) Trail use;
 - (c) Nature appreciation use;
 - (d) Accessory uses including but not limited to temporary moorage use.

Permitted Buildings, Structures and Density

- (2) No buildings except for on-shore toilet facilities and protective shelters are permitted.
- (3) Structures are limited to:
 - (a) Pedestrian trail bridges, stairs, boardwalks, rails and culverts;
 - (b) Signs and sign shelters;
 - (c) Railings and fencing;
 - (d) Benches;
 - (e) Moorage facilities for public access.
- (4) The maximum lot coverage is 10%.
- (5) The maximum marine area that may be covered by dock floats is 56 square metres.
- (6) The width of any ramp or walkway, including handrails, used to access any float or wharf shall not exceed 1.5 metres.

Siting and Size

- (7) The minimum setback for all buildings or structures is 7.5 metres from all lot lines.
- (8) The maximum height for all buildings and structures is 5 metres.

Conditions of Use

- (9) Dock use is only permitted in conjunction with a principal permitted use.
- (10) Wilderness camping use, trail use and dock use are not permitted in areas that have been identified in the Official Community Plan, Schedules C and F, as environmentally sensitive.
- (11) Dock use shall not be located within the seaward extension of the boundaries of a 30 metres riparian area measured from the top of bank on either side of a watercourse.
- (12) Picnic shelters shall be at least 50% open sided.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Site-Specific Regulations

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

Table 5.13		
Site-Specific Zone	General Location	Site Specific Regulations
PP(a)	Halkett Bay (south of water Lot 6680)	<i>The regulations in the Marine General (W1) Zone apply to temporary moorage of private vessels associated with an upland residential lot.</i>

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.14 Wilderness Conservation (G1) Zone

The purpose of the Wilderness Conservation Zone is to provide regulations to maintain wilderness and ecological values, ecosystems and unique areas of undisturbed large parcels.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Natural open space use;
 - (b) Water recharge use;
 - (c) Park use;
 - (d) Trail use;
 - (e) Wilderness camping;
 - (f) Woodlot use and timber harvesting use;
 - (g) Accessory uses including but not limited to fire protection.

Permitted, Buildings, Structures and Density

- (2) No buildings except for outhouses, protective shelters and fire protection and fire fighting facilities are permitted.
- (3) Structures are limited to:
 - (a) Pedestrian trail bridges, stairs, boardwalks, rails and culverts;
 - (b) Signs and sign shelters;
 - (c) Railings and fencing;
 - (d) Benches;
 - (e) Fire protection and firefighting facilities.
- (4) The maximum lot coverage for all buildings and structures is 1% of the total lot area.

Siting and Size

- (5) The minimum setback for any building or structure is 7.5 metres from all lot lines.
- (6) The maximum height for all buildings and structures is 5 metres.

Conditions of Use

- (7) Wilderness camping and trail use are not permitted in areas that have been identified in the Official Community Plan, Schedules C and F, as environmentally sensitive.
- (8) Protective shelters shall be open on at least one side.
- (9) Pedestrian trail use is limited to non-vehicular pedestrian trail use except for emergency service.

Subdivision Lot Area Requirements

- (10) The minimum lot area is 20.0 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

(11) The minimum average lot area is 20.0 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.15 Nature Reserve (G2) Zone

The purpose of the Nature Reserve Zone is to provide regulations to maintain and enhance the ecological values, ecosystems and unique areas of nature reserves and sanctuaries.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Ecosystem preservation use;
 - (b) Water recharge use;
 - (c) Trail use;
 - (d) Fish and wildlife habitat protection use;
 - (e) Accessory uses including but not limited to fire protection.

Permitted, Buildings, Structures and Density

- (2) No buildings except for outhouses, protective shelters and fire protection and fire fighting facilities are permitted.
- (3) Structures are limited to:
 - (a) Pedestrian trail bridges, stairs, boardwalks, rails and culverts;
 - (b) Signs and sign shelters;
 - (c) Railings and fencing;
 - (d) Benches;
 - (e) Fire protection and firefighting facilities.
- (4) The maximum lot coverage for all buildings and structures is 1% of the total lot area.

Siting and Size

- (5) The minimum setback for any building or structure is 7.5 metres from all lot lines.
- (6) The maximum height for all buildings and structures is 5 metres.

Conditions of Use

- (7) Protective shelters shall be open on at least one side.
- (8) Trail use is limited to non-vehicular trail use except for emergency service.

Subdivision Lot Area Requirements

- (9) There is no minimum lot area requirement.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.16 Marine General (W1) Zone

The purpose of the Marine General Zone is to provide regulations for the use of the foreshore and marine areas for private docks that provide access to upland residential lots.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and Part 3, and all other uses are prohibited:
 - (a) Non commercial anchorage and moorage of private vessels.
 - (b) Accessory use to upland residential use.
 - (c) Utilities.

Permitted Buildings, Structures and Density

- (2) Permitted buildings are limited to one gear locker.
- (3) Permitted structures are:
 - (a) mooring buoys, floats, docks, wharves, ramps, and walkways providing marine access to upland residential uses; including dolphins and pilings necessary for the establishment or operation of the permitted use;
 - (b) neighbourhood dock;
 - (c) swimming floats;
 - (d) structures for utilities.

Siting and Size

- (4) The maximum area that may be covered by dock floats is:
 - (a) 65 square metres for a dock serving one lot;
 - (b) 65 square metres plus 47 square metres per lot served up to a maximum float size of 159 square metres, provided a restrictive covenant is registered on the title of the benefiting parcels to limit the total number of private docks.
- (5) Despite regulation 5.16(4), where the upland parcel has not been subdivided but subdivision potential exists based on the minimum average lot area for the applicable zone of the upland parcel, and a neighbourhood dock cannot be provided through regulation 5.16(4)(b) the maximum area that may be covered by dock floats may be increased by 47 square metres per potential lot to a maximum float size of 159 square metres, provided a restrictive covenant is registered on the title of the benefiting parcels to limit the total number of private docks.
- (6) The maximum area that may be covered by seasonal floats is 50 square metres surface area.
- (7) The width of any ramp or walkway, including handrails, used to access any float or wharf shall not exceed 1.5 metres.
 - (a) Despite 5.16(7), in areas outside the W1 (a) zone, the maximum width of any ramp or walkway, including handrails, used to access any float or wharf shall not exceed 2.4 metres.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (8) Ramps shall have a minimum clearance of 0.5 metres above the natural boundary of the sea.
- (9) The maximum height of gear lockers is 2 metres.

Conditions of Use

- (10) The permitted anchorage and moorage use is only permitted in conjunction with a permitted upland residential use.
- (11) Docks shall not be located such that they physically divide a beach identified on Schedule D of the Official Community Plan.
- (12) Structures associated with anchorage and moorage:
 - (a) shall be located such that they will not negatively impact eelgrass meadows, kelp beds, or shellfish beds;
 - (b) made of newly treated wood shall bear the BMP certification mark ensuring that appropriate treatment and post-treatment measures have been employed in producing the preserved wood;
 - (c) shall not restrict the movement of aquatic life requiring shallow water.
- (13) The placement of structures associated with anchorage and moorage shall not involve the excavation or filling of the seabed, intertidal foreshore or adjacent upland.
- (14) Bulkheads for docks shall not be located on the foreshore.
- (15) Lights on docks that shine into a lot not served by the dock are not permitted.

Site-Specific Regulations

- (16) 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:

BL128 (04/16)

Table 5.16		
Site-Specific Zone	General Location	Site Specific Regulations
W1(b)	Waterfront adjacent to Cotton Bay – DL477, Group 1, NWD Plan BCP 41717	Despite 5.16(8), the permitted structures also include 4 square metres of existing rock wall.

Information Note: Some words and phrases are defined in Part 1. A chart at the end of the Bylaw provides approximate imperial equivalents.

5.17 Marine Transportation (W2) Zone

The purpose of the Marine Transportation Zone is to provide regulations for the use of the foreshore and marine area for public wharves and barge ramps.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and Part 3, and all other uses are prohibited:
 - (a) Temporary mooring use for passenger ferry, charter vessels, water taxis, pleasure craft, fishing boats and sea planes;
 - (b) Non-commercial overnight boat moorage;
 - (c) Vessel and barge loading and unloading;
 - (d) Accessory public service use, including but not limited to the collection of household recyclables and garbage;
 - (e) Commercial overnight boat moorage specifically providing services to Gambier Island in the W2 (a) Zone.

Permitted Buildings, Structures and Density

- (2) Buildings are limited to one shed.
- (3) Structures are limited to:
 - (a) one public wharf including approach, wharfhead, floats, gangway;
 - (b) one crane;
 - (c) one barge ramp.

Siting and Size

- (4) The maximum total area of dock floats at a public wharf is:
 - (a) 385 square metres in the W2 (a) Zone (New Brighton L5087)
 - (b) 154 square metres in the W2 (b) Zone (Gambier Harbour L6373);
 - (c) 44 square metres in the W2 (c) Zone (Port Graves L.7929);
 - (d) 82.5 square metres in the W2 (d) Zone (Fircom Bay L6122);
 - (e) 66 square metres in the W2 (e) Zone (West Bay DL5085).
- (5) No wharfhead may exceed 200 square metres in area.
- (6) The maximum width of a barge ramp is 6 metres.
- (7) The maximum floor area of a building is 30.5 square metres.
- (8) The maximum height of a building is 7 metres.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.18 Marine Log Storage (W3) Zone

The purpose of the Marine Log Storage Zone is to provide regulations for the use of the marine area for coastal log storage and handling.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and Part 3, and all other uses are prohibited:
 - (a) Log storage, including movement of log booms;
 - (b) Moorage accessory to log storage and log transport operations;
 - (c) Moorage accessory to single family residential use on the adjacent upland.

Permitted Buildings, Structures, Density

- (2) Gearlockers are the only permitted building.
- (3) The following structures and no others are permitted:
 - (a) Pilings, dolphins, mooring buoys, mooring pillars used for log storage;
 - (b) Docks, floats, gangways and mooring buoys accessory to adjacent upland residential use.

Siting and Size

- (4) The maximum area that may be covered by dock floats serving upland residential use is subject to the siting and size regulations of the Marine General Zone.
- (5) The width of any ramp or walkway, including handrails, used to access any float or wharf accessory to upland residential use shall not exceed 2.4 metres.
- (6) The maximum height of a gearlocker is 2 metres.

Conditions of Use

- (7) No building or structure, including a boathouse, may be constructed or erected on any float or wharf.
- (8) The natural rock face of the adjacent upland shall not be used as a sign.
- (9) Dock use serving upland residential use is subject to the conditions of use regulations of the Marine General Zone.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.19 Marine Conservation (W4) Zone

The purpose of the Marine Conservation Zone is to provide regulations for the use of ecologically significant marine and foreshore areas.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and Part 3, and all other uses are prohibited:
 - (a) Ecological reserves and other reserves designated for protection of habitat or recreational qualities;
 - (b) Marine conservation;
 - (c) Marine parks.

Permitted Buildings, Structures and Density

- (2) Structures accessory to principal permitted uses are permitted.

Siting and Size

- (3) The maximum height of structures is 5 metres.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.20 Yacht Club Outstation (YCO) Zone

The purpose of the Yacht Club Outstation Zone is to provide regulations for yacht club outstations located on the upland and adjacent marine waters of Gambier Island as outdoor recreational uses for yachters.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Yacht Club Outstation use;
 - (b) Accessory use.

Permitted Buildings, Structures and Density

- (2) No more than one yacht club outstation use is permitted within an area zoned Yacht Club Outstation.
- (3) Buildings in the upland area of the Yacht Club Outstation Zone are limited to the following yacht club outstation facilities:
 - (a) One clubhouse;
 - (b) One dwelling unit;
 - (c) Three equipment storage sheds;
 - (d) Water tanks;
 - (e) Toilet buildings.
- (4) Structures in the upland area of the Yacht Club Outstation Zone are limited to:
 - (a) One dinghy storage structure;
 - (b) Flagpoles;
 - (c) Decks and railings;
 - (d) Water distribution systems.
- (5) Structures in the marine area of the Yacht Club Outstation Zone are limited to:
 - (a) Mooring buoys, floats, docks, wharves, ramps, and walkways providing marine access to a yacht club outstation, including dolphins and pilings accessory to yacht club outstation use.
 - (b) Gear lockers.

Siting and Size

- (6) The maximum width of a dock float is 12.5 metres.
- (7) The width of any ramp or walkway, including handrails, used to access any float shall not exceed 2.4 metres.
- (8) All structures located in the marine area of the Yacht Club Outstation Zone shall be located within the seaward projection of the side lot lines of the upland lot being served and shall be set back a minimum 6 metres from these projected lot lines.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (9) The minimum setback for any building or structure in the upland area of the Yacht Club Outstation Zone, except for a dinghy storage shed, is 7.5 metres from any lot line.
- (10) The maximum height of buildings and structures in the upland area of the Yacht Club Outstation Zone is 10 metres.
- (11) The maximum height of gear lockers is 2 metres.
- (12) The maximum total lot coverage for all buildings and structures in the upland area of the Yacht Club Outstation Zone is 2% of the total upland lot area zoned Yacht Club Outstation Zone.

Conditions of Use

- (13) No building or structure, including a boathouse, may be constructed or erected on any float or wharf, other than gear lockers.
- (14) A dwelling unit must only be located within the upland area of the Yacht Club Outstation Zone, and it may be located within the clubhouse.
- (15) Overnight accommodation within the upland area of the Yacht Club Outstation Zone is limited to dwelling unit for a residential caretaker.
- (16) Yacht clubs shall encourage their members to have their boats fitted with holding tanks which shall be discharged at approved sewage disposal facilities, or in deep water away from the bays and inlets of Gambier Island.

Site-Specific Regulations

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

Table 5.20		
Site-Specific Zone	Location Description	Site Specific Regulations
YCO(a)	Ekins Point – Burrard Yacht Club	The maximum length of a dock float is 67 metres.
YCO(b)	Alexandra Island (DL2459) – Royal Vancouver Yacht Club	Despite 5.20(1), temporary moorage use is the only permitted use. Despite 5.20(3), accessory buildings to temporary moorage use only are permitted.
YCO(a)	Ekins Point – Burrard Yacht Club (Breakwater)	Despite 5.20 (5) and (13), floating breakwaters are the only permitted structures. The maximum height of a breakwater is 1 metre measured from the surface of the water. The total combined maximum area covered by breakwaters is 1280 square metres.

BL 125, 2014

Subdivision Lot Area Requirements

- (18) The minimum lot area in the upland area of the Yacht Club Outstation Zone is 4 hectare.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (19) The minimum average lot area in the upland area of the Yacht Club Outstation Zone is 8 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.21 Water Brigade Bay (WBB) Zone

The purpose of the Water Brigade Bay Zone is to provide regulations for seasonal float and neighbourhood dock use in two separate areas adjacent to the upland of the Brigade Bay subdivision.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Area 1:
 - (i) Moorage;
 - (b) Area 2:
 - (i) Moorage;
 - (ii) Boat launching;
 - (iii) Barge loading and unloading.

Permitted Buildings, Structures and Density

- (2) The following structures and no others are permitted in areas designated by this Bylaw as:
 - (a) Area 1:
 - (i) One seasonal float per adjacent upland lot;
 - (ii) One pedestrian ramp affixed only to the adjacent upland;
 - (iii) Swimming floats.
 - (b) Area 2:
 - (i) Neighbourhood dock;
 - (ii) Barge ramp;
 - (iii) Breakwater.

Siting and Size

- (3) The minimum setback for any seasonal or neighbourhood dock is 3 metres from the seaward extension of any side lot line.
- (4) The maximum width of any ramp or walkway, including handrails, used to access any float or dock providing access to a:
 - (a) neighbourhood dock shall not exceed 2.5 metres;
 - (b) seasonal float shall not exceed 1.5 metres.

Conditions of Use

- (5) No building or structure shall be constructed or placed on any seasonal float.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (6) Seasonal floats shall not be permanently affixed and may only be accessible from the upland by a pedestrian ramp affixed to the upland.
- (7) Seasonal floats shall be removed and stored from October to March.
- (8) No building or structure shall be constructed or placed on any neighbourhood dock other than gear lockers that are not more than 2 metres in height.
- (9) Neighbourhood dock use shall be linked through a binding legal agreement that addresses rights of access by the property owners attached to the residential use of an upland lot, requirements for any upland supporting services and continuity of use by any current or future owners of the lots so served.
- (10) No float houses are permitted.
- (11) No person shall occupy any boat or vessel moored, docked or beached for a continuous period of more than 31 consecutive days or for an interrupted period of more than 183 days in a calendar year.
- (12) Seasonal or neighbourhood docks shall not be used for commercial, industrial or institutional uses.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

5.22 Gambier Island Sea Ranch Comprehensive Development 1 (CD1) Zone

The purpose of the Gambier Island Sea Ranch Comprehensive Development 1 Zone is to provide site specific regulations for the Sea Ranch development: a water access only strata-titled clustered residential community established in 1980. Gambier Island Sea Ranch has the potential for 66 dwellings and an active farm operates on the common land. The development is serviced by shared infrastructure and community services including community water and sewer systems, community fire system, community dock, multi-purpose building, and manager's residence.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:

Area 1:

- (a) Single family residential use;
- (b) Associated secondary dwelling use;
- (c) Assembly use;
- (d) Recreation use;
- (e) Temporary overnight accommodation use;
- (f) Agriculture use;
- (g) Accessory uses including but not limited to home occupation use.

Area 2:

- (h) Farm use;
- (i) Single family residential use;
- (j) Accessory uses including but not limited to home occupation use.

Area 3:

- (k) Recreation use.

Permitted Buildings, Structures and Density

Area 1:

- BL 126, 2014 (2) Despite regulation 3.14, one single family dwelling unit and one associated secondary dwelling and accessory buildings and structures are permitted on each of Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793.
- BL 126, 2014 (3) Despite 5.22(2) two single family dwelling units and accessory buildings and structures are permitted on each of Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 and no associated secondary dwelling is permitted, subject to the provision of the following amenities before issuance of the first building permit in respect of a Strata Lot following the adoption of this Bylaw
- BL 126, 2014 (a) granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as

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parkland that portion of the common property of Strata Plan VR793 being 3.8 hectares located generally as shown and noted on Schedule D-1 to this Bylaw, and,

- (b) granting and registration of a statutory right-of-way substantially in the form annexed to this Bylaw as Schedule E in the favour of Sunshine Coast Regional District for public trail purposes providing a minimum trail width of 5 metres to allow for a buildable all-weather pedestrian trail to Bert's Bluff generally as shown and marked on Schedule D-1, and
- (c) granting and registration of a statutory right-of-way substantially in the form annexed to this Bylaw as Schedule E in the favour of Sunshine Coast Regional District for public trail purposes providing a minimum trail width of 5.5 metres to allow for a buildable all-weather pedestrian trail to Lost Lake generally as shown and marked on Schedule D-2.

BL 126, 2014 (4) Despite 5.22 (3) one single family dwelling unit and accessory buildings and structures are permitted on each Strata Lot created by subdivision of any or all of Strata Lots 1 to 33 District Lots 1258, 1653 and 3201 Strata Plan VR 793 or by a new strata plan which creates 66 Strata Lots as permitted by regulations 5.22(20), and no associated secondary dwelling is permitted, subject to the provision of the following amenities at the earlier of the time of issuance of the first building permit in respect of a Strata Lot or a strata lot created by a new Strata Lot following the adoption of this Bylaw:

- (a) granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland that portion of the common property of Strata Plan VR793 being 3.8 hectares generally located as shown and noted on Schedule D-1 to this Bylaw, and
- (b) granting and registration of a statutory right-of-way substantially in the form annexed to this Bylaw as Schedule E in the favour of Sunshine Coast Regional District for public trail purposes providing a minimum trail width of 5 metres to allow for a buildable all-weather pedestrian trail to Bert's Bluff generally as shown and marked on Schedule D-1, and
- (c) granting and registration of a statutory right-of-way substantially in the form annexed to this Bylaw as Schedule E in the favour of Sunshine Coast Regional District for public trail purposes providing a minimum trail width of 5.5 metres to allow for a buildable all-weather pedestrian trail to Lost Lake generally as shown and marked on Schedule D-2.

(5) The maximum lot coverage for a single family dwelling is:

- (a) 200 square metres including all enclosed spaces, roofed exterior spaces, and decks more than 2 metres above grade; or
- (b) 225 square metres per strata lot including all enclosed spaces, roofed exterior spaces, decks more than 2 metres above grade, and decks 2 metres or less above grade; or
- (c) 275 square metres per strata lot including all enclosed spaces, roofed exterior spaces, decks more than 2 metres above grade, decks 2 metres or less above

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grade, and patios built on grade from stone, concrete, pavers or other similar materials.

Areas 1 and 2:

- BL 126, 2014 (6) The following buildings and structures and no others are permitted on the Common Property Strata Plan VR793:
- (a) One single family dwelling for the residential caretaker;
 - (b) One community building containing one temporary overnight accommodation unit;
 - (c) Accessory buildings and structures to single family dwelling use;
 - (d) Accessory buildings and structures to recreation use;
 - (e) Accessory buildings and structures to agriculture use; and
 - (f) Accessory buildings and structures to property maintenance use.
- (7) The maximum lot coverage of all buildings and structures on the total common property is 3000 square metres.

Siting and Size

Area 1:

- (8) The minimum setback for any building or structure from a strata lot line is:
- (a) 7.5 metres from any front or rear strata lot line;
 - (b) 2.5 metres from any interior side strata lot line;
 - (c) 4.5 metres from any exterior side strata lot line.
- (9) The maximum floor area for a single family dwelling is:
- (a) 225 square metres, excluding roofed exterior spaces and areas less than 1.5 metres in height between floor and ceiling; or
 - (b) 250 square metres, including roofed exterior spaces; and excluding areas less than 1.5 metres in height between floor and ceiling; or
 - (c) 275 square metres, including roofed exterior spaces and decks and balconies more than 2.0 metres above grade, and excluding areas less than 1.5 metres in height between floor and ceiling.
- (10) Despite regulation 3.14, the maximum floor area for an associated secondary dwelling is 60 square metres.
- (11) The floor area of the uppermost floor in a two-storey or three-storey building must not exceed 67 percent of the floor area of the floor immediately below it.
- (12) The uppermost floor or a building shall be integrated into the roof form so that eave height is no more than 90 centimetres above the uppermost floor level.
- (13) No dwelling unit shall be located within 5 metres of any other dwelling unit on the same lot.

Areas 1, 2 and 3:

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (14) The minimum setback for any building or structure from a lot line other than a strata lot line is:
 - (a) 7.5 metres from a front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (15) The minimum setback for any building or structure accessory to farm use from any lot line, including a strata lot line, is 15 metres.
- (16) Despite 3.3(3), the minimum setback for any animal enclosure, pens, feeding troughs, animal runs or manure piles is 3 metres from any lot line, including a strata lot line, or dwelling unit.

Conditions of Use

Area 1:

- (17) Temporary overnight accommodation use is only permitted in the community building.

Area 2:

- (18) Farm use and permitted buildings, structures and density are subject to regulation 3.13.

Subdivision Requirements

Area 1:

- (19) The maximum number of lots that may be created is 33 as shown on Strata Plan VR793.

BL 126, 2014

- (20) Despite 5.22(19), one additional lot may be created within each of Strata Lot 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 or created by a new strata plan for a total of 33 additional strata lots subject to the provision of the following amenities at the time of deposit of a subdivision plan creating the first such additional lot:

BL 126, 2014

- (a) granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland in the amount of 3.8 hectares generally located as shown and noted on Schedule D-1 to this Bylaw as new park, and
- (b) granting and registration of a statutory right-of-way substantially in the form annexed to this Bylaw as Schedule E in the favour of Sunshine Coast Regional District for public trail purposes providing a minimum trail width of 5 metres to allow for a buildable all-weather pedestrian trail to Bert's Bluff generally as shown and marked on Schedule D-1 to this Bylaw, and
- (c) granting and registration of a statutory right-of-way substantially in the form annexed to this Bylaw as Schedule E in the favour of Sunshine Coast Regional District for public trail purposes providing a minimum trail width of 5.5 metres to allow for a buildable all-weather pedestrian trail to Lost Lake generally as shown and marked on Schedule D-2 to this Bylaw, and
- (d) building the trails shown and marked on Schedules D-1 and D-2 to this Bylaw to an all-weather pedestrian trail standard.

- (21) Except as provided in 5.22 (20), the minimum area of any lot created shall be no less than 26 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Areas 2 and 3:

- (22) The minimum area of any lot created shall be no less than 80 hectares.
- (23) All those lands legally described as Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 and shown marked as CD-1 included within Area 1, Area 2 and Area 3 on the plan annexed to this Bylaw as Schedule B are hereby rezoned Gambier Island Sea Ranch Comprehensive Development (CD1) Zone.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

PART 6 SIGN REGULATIONS

Information Note: This part of the Bylaw provides regulations about the types of signs that can be used to provide information on Gambier Island.

6.1 Permitted Signs

- (1) Freestanding and fascia signs affixed to a building or structure are permitted in accordance with Table 6.1 and all other signs are prohibited.

6.2 Prohibited Signs

- (1) Without limiting the generality of regulation 6.1, the following types of signs are prohibited in all zones:
 - (a) Blinking, backlit or neon signs
 - (b) Signs with moving parts.
 - (c) Signs that make noise to attract attention to the sign.
 - (d) Signs illuminated by a floodlight or spotlight such that the light from the floodlight or spotlight shines directly into the path of on-coming motor vehicle traffic.
 - (e) Signs that project over a highway or other public property.
 - (f) Third party signs.
 - (g) Signs painted on natural rock face.

6.3 Exempt Signs

- (1) Signs exempted from the provisions of Table 6.1 are:
 - (a) Traffic signs, directional signs, marine navigation signs.
 - (b) Warning signs, such as private property signs prohibiting trespassing, vehicles, overnight camping and hunting.
 - (c) Interpretive signs and public notice boards.
 - (d) Election signs.
- (2) Exempt signs listed in regulation 6.3(1) shall be no greater than 3 square metres in area.
- (3) Real estate signs on properties for sale or lease may be displayed in any zone, subject to the sign not exceeding 1.0 square metre in area and being located on the subject property. Such signs shall be removed within 14 days of property sale or lease.

6.4 Obsolete Signs

- (1) 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.

6.5 Sign Number and Area

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

- (1) Identical signs back to back on two sides of a sign and facing opposite directions are considered to be one sign and total sign area is calculated for one side of the sign only.

Table 6.1: Sign Number and Area		
Zone Abbreviation	Number of Signs Permitted on each Lot	Maximum Total Sign Area Permitted for Each Lot
SR, RR	1 per home occupation, 1 house sign and 1 name sign per dwelling.	0.5 square metres per sign to a total of 3 square metres
S1, S2	No limit	3 square metres per sign
S3	No limit	3 square metres per sign to a total of 20 square metres
C1	2 per use	3 square metres
I	1 per use	3 square metres
A, F	1 per use	3 square metres
W1	1 per dock	0.5 square metres
W3	2 per log storage ground	3 square metres
YCO	No limit	3 square metres per sign to a total of 20 square metres
WBB	1 per home occupation 1 per dock	0.5 square metres per sign to a total of 3 square metres
CD1	1 per home occupation, 1 house sign and 1 name sign per dwelling. 1 per dock	0.5 square metres per sign to a total of 3 square metres
P1, P2, P3, PP, W2, W4, G1, G2	None, except those that are approved by a Public Authority	No maximum.

*Information Note: Some words and phrases are defined in Part 1.
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PART 7 PARKING REGULATIONS

Information Note: This Part of the Bylaw provides the regulations for off-street parking spaces where the building or lot is accessible by a constructed public road.

7.1 Location

- (1) All required off-street parking spaces shall be located on the lot on which the use or occupancy in respect of which they are required is located, or an adjacent lot.

7.2 Design Standards

- (1) Parking spaces shall be designed to be at least 2.75 metres in width and 6.25 metres in length.
- (2) Where more than one parking space is required, access to the parking spaces shall be by a manoeuvring aisle and not directly from the adjacent highway.
- (3) Parking spaces shall have a hard but permeable surface.
- (4) Any lighting must be arranged so as to not direct or reflect light onto an adjacent residential use.
- (5) Vehicles associated with a contractor's business or industrial use shall be screened from a residential use by a landscape screen.
- (6) Bicycle parking shall accommodate at least three bicycles.

7.3 Calculation

- (1) Every owner or occupier of land which is accessible by a constructed public road shall provide and maintain off-street motor vehicle parking spaces in conformity with the standards set out in Table 7.1 in respect of the use or occupancy that is applicable to the land.
- (2) Where more than one use is located on a lot, the total number of parking spaces to be provided is the total of the requirements for each use.
- (3) Where a fraction of a parking space results from the calculation of required parking spaces, the required number of parking spaces shall be rounded down to the next lowest number.

7.4 Bicycle Parking

- (1) Vehicular parking for community uses, except public wharf use, may be replaced by bicycle parking, except that no fewer than one motor vehicle parking space per use is to be provided.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

7.5 Number of Off-Street Parking Spaces

Table 7.1 : Number of Off-Street Parking Spaces	
Use of Building or Lot	Minimum Number of Parking Spaces Required When Building or Lot is Accessible by a Constructed Public Road
Residential	2 per dwelling unit in all Zones
Home Occupation, except contractor's business	1 per non-resident employee
Contractor's Business	1 per vehicle
Community Hall/Assembly	1 per 37 square metres of assembly floor area
General Store	1 per 37 square metres of retail floor area
Public Wharf	5 spaces
Industrial	1 per 37 square metres of floor area

*Information Note: Some words and phrases are defined in Part 1.
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PART 8 SUBDIVISION REGULATIONS

Information Note: This Part of the Bylaw provides the regulations of the Gambier Island Local Trust Committee for creating new lots by subdivision. Other agencies' regulations will also apply. The subdivision approval process on Gambier Island is managed through the Ministry of Transportation and subdivisions are approved by a Provincial Approving Officer.

8.1 Lot Area Calculations

- (1) Subdivisions shall comply with the minimum average and minimum lot area regulations set out in Part 5 – Zone Regulations.
- (2) The minimum average lot area specified in the zone is to be used to calculate the total number of lots that may be created by subdivision.
 - (a) Where there is no minimum average, the minimum lot area is to be used for the calculation in 8.1(3).
- (3) The total number of lots that can be created by subdivision is determined by dividing the total area of the parent parcel including any area of dedicated park land, less the required area for highway dedication or access routes in a bare land strata plan, by the minimum average lot area specified in the zone.
- (4) The smallest lot that can be created is to be no less than the minimum lot area specified in the zone.

8.2 Exemptions from Minimum Average and Minimum Lot Area Requirements

- (1) The minimum average and minimum lot areas specified in Part 5 – Zone Regulations do not apply if the lot being created is to be used solely for the unattended equipment necessary for the operation of any of the following services and the owner grants a covenant restricting the use of the lot to that use:
 - (a) electrical and telecommunication utilities;
 - (b) community sewer or water system facilities;
 - (c) telephone receiving antenna;
 - (d) telecommunication relay;
 - (e) automatic telephone exchange;
 - (f) air or marine navigation aid;
 - (g) electrical substation.
- (2) The minimum average and minimum lot areas specified in Part 5 – Zone Regulations do not apply if the lot being created is to be used for park use or natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose.

8.3 Covenants Prohibiting Further Subdivision and Development

- (1) Where a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum

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average lot area, the owner must grant a covenant in respect of every such lot prohibiting further subdivision of the lot.

- (2) Where a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum average lot area specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the owner must grant a covenant in respect of every such lot prohibiting the further subdivision of the lot beyond the maximum number of lots that could have been created under the first subdivision, so that a greater number of lots is not created than could have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum average lot area specified by this Bylaw.
- (3) If the approval of a bare land strata plan would create common property, the applicant must grant a covenant in respect of the common property prohibiting the further subdivision of the common property and the disposition of the common property separately from the strata lots.

8.4 Boundary Adjustment Subdivisions

- (1) The minimum average and minimum lot areas specified in Part 5 – Zone Regulations do not apply to:
 - (a) a lot created as a result of the consolidation of two or more lots; or
 - (b) the adjustment of boundaries between lots provided that:
 - (i) 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; and
 - (ii) the area of the new lot is not less than the minimum lot area specified for that zone; or
 - (iii) the area of the new lot is not less than the existing minimum lot area; and
 - (iv) the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

8.5 Section 946 Subdivisions (Residence for a Relative)

- (1) No lot having an area less than 8 hectares may be subdivided under the Local Government Act to provide a residence for a relative of the owner.
- (2) Regulation 8.5 (1) does not apply to land in the Provincial Agricultural Land Reserve.

8.6 Lot Frontage and Lot Shape

- (1) The frontage on a highway of any lot in a proposed subdivision shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee.
- (2) No lot in a proposed subdivision may have a lot depth greater than five times its lot width, excluding panhandle strips.
- (3) 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 shall be 20 metres.

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- (4) If a panhandle lot proposed to be created has insufficient area to be further subdivided, the minimum width of the access strip of land shall be 10 metres.

8.7 Split Zoned Lots

- (1) The creation of a lot lying within two or more zones is prohibited unless part of a lot is within a Park, Wilderness Conservation or Nature Reserve zone, or the subdivision consolidates lots or readjusts property lines.

8.8 Split or Hooked Lots

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

8.9 Water Access Subdivisions

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

8.10 Highway Standards

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

8.11 Water Supply

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

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PART 9 DEVELOPMENT PERMIT AREA GUIDELINES AND EXEMPTIONS

Information Note: This Part of the Bylaw provides the guidelines and exemptions for development permit areas that are defined in the Gambier Island Official Community Plan. Many sources of mapped information are available regarding the location of environmentally sensitive areas on Gambier Island including the Official Community Plan, Sunshine Coast Habitat Atlas, Islands Trust Ecosystem Maps and Gambier Island Conservancy and Streamkeepers.

9.1 Development Permit Area No. 1 (Watershed and Streamside Protection and Enhancement Areas)

Guidelines

- (1) Land within this area, as designated in the Official Community Plan as amended, and shown on Schedule I of that Bylaw must not be subdivided or altered and construction of, addition to and alteration of a building or structure must not be started, except in accordance with conditions of the development permit which are determined from the following guidelines.
 - (a) In order to assist the Local Trust Committee in determining conditions or requirements to be included in a development permit, the applicant may be required to provide a report prepared by a registered professional with experience in the fields of biology or watershed management or both.
 - (b) The application shall include details of proposed mitigation measures to meet these guidelines.
 - (c) Applications should include a vegetation management plan indicating the extent of the riparian area and any proposed management of the vegetation in this area. Clearing, grubbing or altering of grades or removal of trees or undergrowth from the riparian area is not permitted, unless approved in writing by the Ministry of Water, Land and Air Protection and Fisheries and Oceans Canada.
 - (d) Instream work, stream crossings and timing of works in and about a stream shall meet the requirements of the Ministry of Water, Land and Air Protection and written approval shall be submitted with the application.
 - (e) Access shall be restricted or fencing provided to protect environmentally sensitive areas during construction.
 - (f) An erosion and sedimentation plan shall be provided as part of the application.
 - (g) Disturbance to wetlands and watercourses and their riparian and streamside protection and enhancement areas must be avoided or mitigated. Where wetlands or watercourses are disturbed, subject to approval of other agencies having jurisdiction, compensation equal to 100% of the disturbed area shall be provided.
 - (h) Development of impervious surfaces, such as paved roads, buildings or the compaction of soil from vehicle and pedestrian use should be avoided.
 - (i) Land clearing and development at higher elevations (slope greater than 35%) should be avoided or mitigated wherever possible.
 - (j) Buildings or structures should not create any impacts that contravene the Federal *Fisheries Act* and nothing in the issue of a development permit by the Local Trust

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Committee shall remove any liability on the part of the owner arising from any contravention of the *Fisheries Act*.

- (k) Every subdivision shall be designed and constructed so as to maximize the proportion of precipitation which is percolated into the ground and to minimize direct overland runoff and the erosion of ditch banks.
- (l) Every surface drainage system shall be designed to provide for the continuity of any existing surface drainage system serving the drainage basin in which the lot to be subdivided is located.
- (m) If storm water is discharged from the surface drainage system to the ocean or a watercourse on or adjacent to the land being subdivided or developed, the system shall be constructed and designed to retain storm water for the period of time necessary to allow for the settling of silt and other suspended solids through the use of surge tanks, dry well, holding ponds or other similar engineered devices to meet Provincial and Federal regulations to a standard approved by a Professional Engineer.
- (n) Watercourse and wetland siting variances may be included in a development permit subject to submission of a written review of the proposed variance by a Registered Professional with experience in the fields of biology, watershed management or fish habitat enhancement and the approval of the Local Trust Committee.

Exemptions

- (2) A development permit shall not be required in Development Permit Area No. 1 for the following land use activities.
 - (a) A proposed subdivision that consolidates lots or is for a boundary adjustment between lots.
 - (b) A proposed subdivision that is subject to a covenant to which the Local Trust Committee is a grantee that establishes that there shall be no alteration of the land from that which existed prior to the subdivision.
 - (c) Any alteration of the interior of a building or structure
 - (d) The reconstruction or repair of a permanent structure on its existing foundation.
 - (e) Where the Health Region directs that an existing sewage disposal system shall be upgraded, altered or repaired to remedy a health hazard as defined by the Sewage Disposal Regulation or *Health Act*.
 - (f) Where the Health Region supervises the digging of a soil percolation test pit to determine in-ground sewage disposal system capacity.
 - (g) Use of private managed forest land for a forest management activity relating to timber production and harvesting.

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9.2 Development Permit Area No. 2 (Brigade Bay Area)

Guidelines

- (1) The Local Government Act prohibits construction of buildings and structures and the alteration of land in Development Permit Area No. 2, as designated in the Official Community Plan as amended, unless the owner first obtains a development permit. For the most part, the Gambier Island Land Use Bylaw prohibits the siting of buildings and structures within 15 metres of the natural boundary of the sea, and the construction of only minor structures is permitted under the bylaw throughout most of the shoreline. The following guidelines will be applied in the consideration of development permit applications in Development Permit Area No. 2.
 - (a) Shoreline areas should not be filled.
 - (b) Structures should not be located over shellfish, kelp or eel grass beds.
 - (c) Structures should be located and designed to avoid the need for dredging, shore defense works or breakwaters. Bulkheads for docks should not be located on the foreshore.
 - (d) Structures should not restrict the movement of aquatic life requiring shallow water and should allow for thorough flushing of enclosed marine areas.
 - (e) Structures should be constructed of materials that will not impair water quality and should not be treated with preservative chemicals that are toxic or harmful to aquatic life.
 - (f) The number of pilings used to stabilize structures should be minimized, with preference given to large spans over additional pilings.
 - (g) Docks should include features to prevent floats from resting on the foreshore at low water levels and ramps should have a minimum clearance of 0.5 metres above the natural boundary of the sea.
 - (h) Disturbance of areas upland of the natural boundary of the sea should be kept to a minimum and design of structures and the access to them should be of a manner that prevents any increase in erosion or instability of the shoreline or movement of silt onto the foreshore.
 - (i) Structures or works should not create any impacts that contravene the Federal *Fisheries Act* and nothing in the issue of the development permit by the Local Trust Committee shall remove any liability on the part of the owner arising from any contravention of the *Fisheries Act*.

Exemptions

- (1) The following land use activities are exempt from the development permit requirement:
 - (a) Construction or reconstruction of gear lockers located on a permitted neighbourhood dock.

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9.3 Development Permit Area No. 3 (Riparian Areas)

Definitions

- (1) Terms used in Section 9.3 that are defined in the Provincial *Riparian Areas Regulation* have the same meaning as the definition given in the *Regulation*.

Applicability

- (2) The following activities shall require a development permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3(3):
 - (a) subdivision of land
 - (b) construction of, addition to, or alteration of a building or other structure
 - (c) removal, alteration or destruction of vegetation
 - (d) disturbance of soils
 - (e) creation of non-structural, impervious or semi-impervious surfaces
 - (f) application of artificial fertilizer, pesticides or herbicides
 - (g) any other development, as that term is defined under the Provincial *Riparian Areas Regulation*

Exemptions

- (3) The following activities are exempt from any requirement for a Development Permit No. 3 development permit:
 - (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - (b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - (c) repair or replacement of a septic field in situ;
 - (d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - (e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 20 metres from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - (f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - (g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - (h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one

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- growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (i) ecological restoration or enhancement projects undertaken or authorized by a public body;
 - (j) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
 - (k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
 - (l) The construction of a fence if no trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;
 - (m) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (1.6 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres away from the high water mark of a stream.
 - (n) Disturbance of soils more than 20 metres from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres squared;
 - (o) The constructing of a small accessory building more than 20 metres from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres squared.

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

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

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

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Guidelines

- (4) Prior to undertaking any applicable development activities within Development Permit Area No. 3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
- (a) In general, all development in this Development Permit Area (DPA) should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).
 - (b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
 - (c) Where a QEP's RAR assessment report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the RAR assessment report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
 - (d) If the nature of the proposed project within the DPA changes after the RAR assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
 - (e) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

Information Note: While recommendations from more than one professional may be required to establish comprehensive mitigation measures (as QEPs must act in their area of expertise), an assessment report as defined in the RAR must be submitted to the provincial RAR Notification System (RARNS) by a QEP.

Information Note: Development of a permitted use can be limited but not sterilized by the Riparian Areas Regulation.

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PART 10 TEMPORARY USE PERMIT AREAS AND CONDITIONS

Information Note: The issuance of a Temporary Use Permit requires public notice and a decision of the Local Trust Committee. The Local Government Act specifies the term of a Temporary Use Permit to be a maximum of 2 years, and it can be renewed for a further two year period.

10.1 Temporary Use Permit Area No. 1

1. The foreshore and adjacent waters in the Marine General (W1) Zone are designated a temporary industrial use permit area for log dumps for logs originating from Gambier Island, log handling and storage.
2. The general conditions regarding the issue of temporary use permits in this area are:
 - (a) An environmental assessment should be prepared by a qualified professional for temporary industrial uses proposed in areas shown on Schedule C of the Gambier Island Official Community Plan.
 - (b) Temporary industrial uses should not be located next to estuaries of watercourses located on Gambier Island.
 - (c) Temporary industrial uses should be avoided in areas used for safe moorage by the boating public.
 - (d) Applications should be referred to the Gambier Island Advisory Planning Commission for development of recommendations to the Local Trust Committee.
 - (e) Approvals required from other agencies should be obtained prior to issuance of a temporary industrial use permit.

10.2 Temporary Use Permit Area No. 2

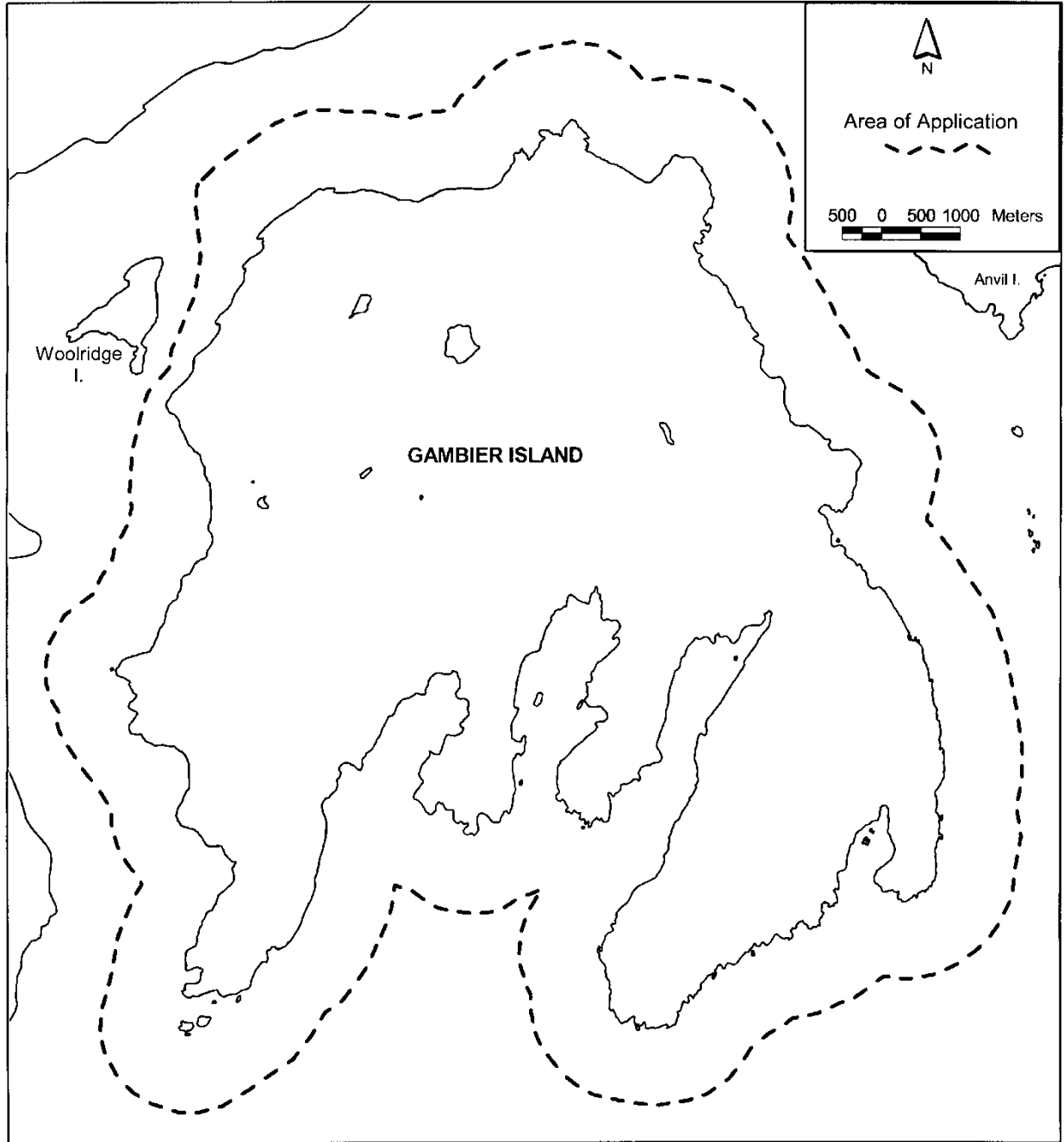
1. Land located in the Settlement Residential (SR) and Rural Residential (RR) Zones is designated a temporary use permit area for short-term commercial use and short-term light industrial use that:
 - (a) is related to public road or public building construction or maintenance projects, or
 - (b) exceeds the regulations for home occupations and is for the benefit of the Gambier Island community.
2. The general conditions regarding the issue of temporary use permits in this area are:
 - (a) Temporary light industrial uses should be avoided in environmentally sensitive areas shown on Schedules C and F of the Official Community Plan.
 - (b) Where a temporary use is proposed in an environmentally sensitive area an environmental assessment prepared by a qualified professional should be provided, including any recommended mitigation measures.
 - (c) For temporary uses accessed by a constructed public road, driveway access and on-site parking should be provided in accordance with the provisions of this Bylaw and the requirements of other agencies.

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- (d) Impacts on adjacent properties and neighbours should be reviewed and mitigated where necessary.
- (e) Applications should be referred to the Gambier Island Advisory Planning Commission for development of recommendations to the Local Trust Committee.
- (f) Approvals required from other agencies should be obtained prior to issuance of a temporary industrial use permit.

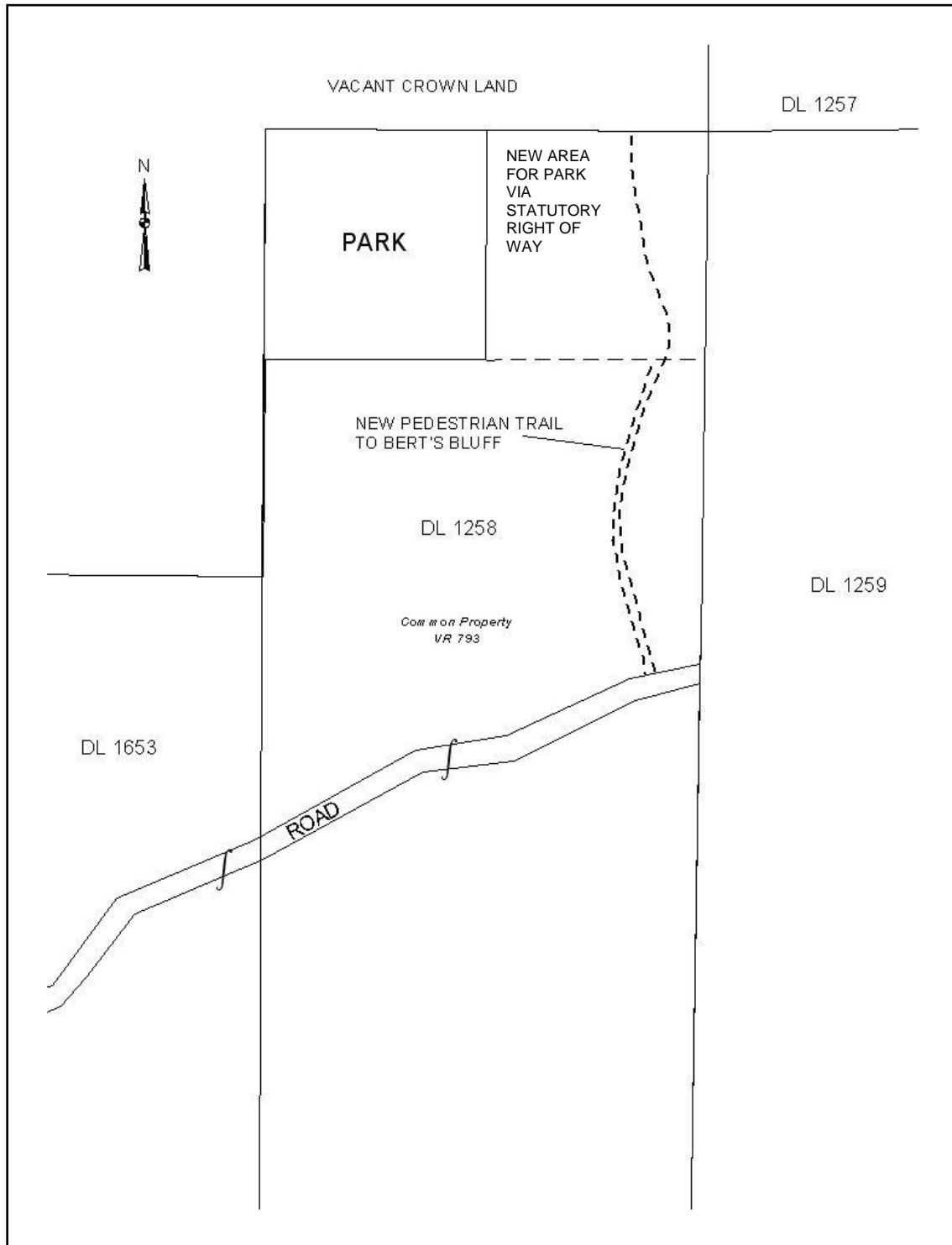
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SCHEDULE B (ZONING MAP)
SCHEDULE C (BYLAW AREA MAP)



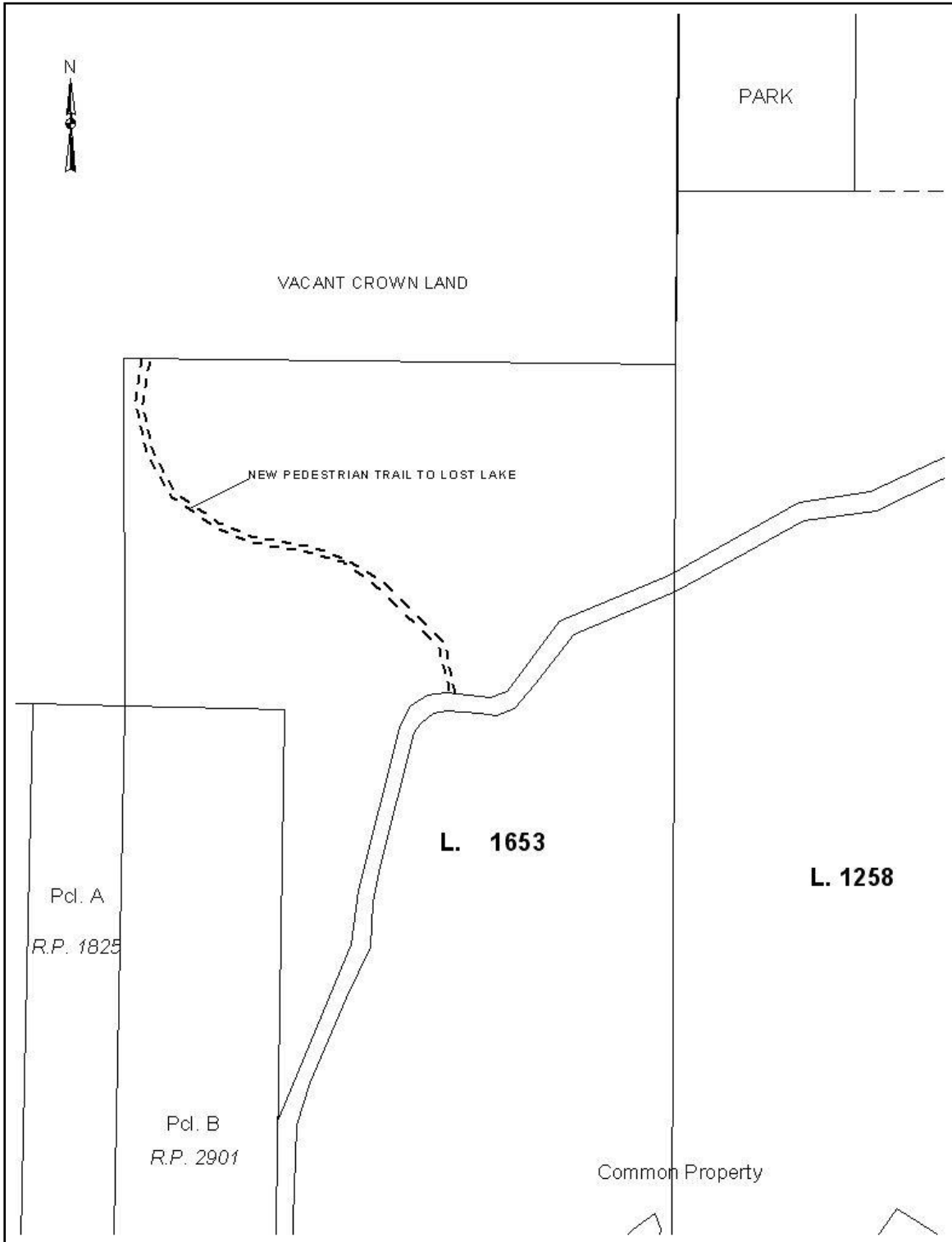
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SCHEDULE D-1 (CD 1 ZONE AMENITIES)



*Information Note: Some words and phrases are defined in Part 1.
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SCHEDULE D-2 (CD 1 ZONE AMENITIES)



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SCHEDULE E (STATUTORY RIGHT OF WAY)

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

Page 1 of 9 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

~~

~~
Applicant's Solicitor

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*(PID) (LEGAL DESCRIPTION)

~~

~~

~~

~~

3. NATURE OF INTEREST:*(Description)

Document Reference
(page and paragraph)

Person Entitled to Interest

~~

~~

~~

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

—

D.F. No.

(b) Express Charge Terms

X

Annexed as Part 2

(c) Release

—

There is no Part 2 of this Instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

~~

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

~~

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GENERAL INSTRUMENT-PART 1

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

Execution Date

Transferor Signature

Y M D

_____ 2017 ____

~~ by its authorized signatory(ies):

Name:

Name:

(as to both signatures)

Transferee Signature

~~ by its authorized signatory(ies):

_____ 2017 ____

~~, Mayor

~~, Clerk

(as to both signatures)

OFFICER CERTIFICATION

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

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TERMS OF INSTRUMENT – PART 2

STATUTORY RIGHT OF WAY AGREEMENT

THIS AGREEMENT dated for reference the ____ day of _____, 2004
BETWEEN:

~~

(the “Grantor”)

AND:

~~

(the “Grantee”)

WHEREAS:

- A. The Grantor owns certain lands and premises (the "Lands") on Gambier Island, British Columbia, legally described as:**

- B. The Grantor has agreed to grant to the Grantee as an amenity pursuant to Gambier Island Land Use Bylaw No. 86 200_ (the “Bylaw”), a statutory right of way to facilitate the construction, installation, improvement, repair, maintenance and operation of an all weather public path and trail, together with any drainage, signage, rails, fencing, bridges, waste receptacles and such other appurtenances customary and convenient for the pedestrian passage of the public (the “Works”).**

- C. The grant of Statutory Right of Way is over a portion of the Lands substantially as shown on Schedule D-1 and D-2 to the Bylaw and specifically located on Schedule “A” to this Statutory Right of Way Agreement.**

- D. This Statutory Right of Way is necessary for the operation and maintenance of the Grantee's undertaking.**

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THIS AGREEMENT is evidence that in consideration of payment of \$2.00 by the Grantee to the Grantor and other and valuable consideration, the receipts of which is acknowledged by the Grantor, the Grantor covenants and agrees with the Grantee in accordance with Section 219 of the *Land Title Act* as follows:

Grants

Right of Way

- 1. The Grantor for the purposes recited, hereby grants, conveys and confirms to the Grantee in perpetuity the full, free and uninterrupted right, liberty, easement and statutory right of way for the Grantee, its officers, employees and contractors, and subject to such rules and limitations as the Grantee deems necessary or desirable to the Grantee's licensees, agents, invitees, including all members of the public and others of the Grantee at all times hereafter from time to time at their will and pleasure without specific authorization or invitation or licence "to enter, go, be on, pass and repass, without vehicles, and with or without personal property and equipment, upon, over, under and across that portion of the Lands outlined in heavy black on the [reference or explanatory] plan of statutory right of way deposited in the New Westminster Land Title Office under number _____ (the "Right of Way") a reduced paper print copy of which plan is attached hereto as Schedule "A" to:**
 - (a) construct and install the Works upon the Right of Way and to remove, replace, repair, maintain and operate the Works as a public way open to the public from time to time in the Grantee's discretion and subject to rules and regulations of the Grantee;**
 - (b) to have unobstructed access to and from the Right of Way at any and all times;**
 - (c) make surveys and tests;**
 - (d) establish grades and levels;**
 - (e) excavate or otherwise alter the contours of the Right of Way and to backfill trenches;**
 - (f) store all personal property (including equipment) necessary to install, remove, repair, maintain or replace the Works, provided that the Grantee shall consult the Grantor as to the duration and location of such storage;**
 - (g) remove from the Right of Way such structures, improvements, fixtures, fences, gates, cattle guards, trees, shrubs, plants and other obstructions whatsoever as, in the Grantee's opinion, is necessary in order to construct, install, remove, repair, operate, maintain or replace the Works;**
 - (h) do all other things on the Right of Way as may be reasonably required in connection with the foregoing."**

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Grantor's Obligations

2. The Grantor must:

- (a) not do or permit to be done any act or thing which in the opinion of the Grantee may interfere with, injure or impair the operating efficiency of, or obstruct access to or the use of, the Right of Way or the Works;**
- (b) permit the Grantee to peaceably hold and enjoy the rights hereby granted;**
- (c) not place, erect or construct any building, structure or other improvement on the Right of Way;**
- (d) at its own expense, do or cause to be done all acts necessary to grant priority to this Agreement over all charges and encumbrances which are registered, or pending registration, against title to the Lands in the Land Title Office, save and except those as have been approved by the Grantee or have been granted in favour of the Grantee;**
- (e) upon every reasonable request and at its own expense, do or execute or cause to be done or executed all such further and other lawful acts, deeds, things, conveyances and assurances in law whatsoever for better assuring to the Grantee the rights, liberties and statutory right of way hereby granted.**

Grantee's Obligations

- 3. The Grantee shall do all Works and other things hereby authorized to be done by it over, through, under and upon the Right of Way in a good and workmanlike manner so as to cause no unnecessary damage or disturbance to the Right of Way or to any improvements thereon.**
- 4. No right herein granted to or reserved by the Grantee shall require the Grantee to clean, repair, or maintain the Works or the Right of Way unless the Grantee is expressly required herein to perform such cleaning, repairing or maintenance.**

Grantee's Rights

- 5. The Grantee shall and may peaceably hold and enjoy the rights, liberties and right of way hereby granted without hindrance, molestation or interruption by the Grantor or any person, firm or corporation claiming by, through, under or in trust for the Grantor.**
- 6. The Works installed by the Grantee in, upon or under the Right of Way remain chattels and the property of the Grantee, notwithstanding that the same may be annexed or affixed to the freehold, and the Works may at any time be removed in whole or in part by the Grantee in its discretion.**

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

Miscellaneous

No Waiver

7. **No waiver of default by either party shall be effective unless expressed in writing by the party waiving default, and no condoning, overlooking or excusing by either party of a previous default of the other shall be taken to operate as a waiver of any subsequent default or continuing default, or to in any way defeat or affect the rights and remedies of the non-defaulting party.**

Discretion

8. **Wherever in this Statutory Right of Way the approval of the Grantee is required, or some act or thing is to be done to the Grantee's satisfaction, or the Grantee is entitled to form an opinion:**
- (a) **such provisions shall not be deemed to have been fulfilled or waived unless the approval, opinion or expression of satisfaction is in writing signed by the Grantee's Director of Operations (the "Director");**
 - (b) **such approval, opinion or satisfaction shall be at the discretion of the Director acting reasonably in accordance with sound municipal engineering practice; and**
 - (c) **any discretion of the Director shall not be subject to public law duties, and the principles of procedural fairness and the rules of natural justice shall have no application.**

No Derogation

9. **This Statutory Right of Way Agreement does not:**
- (a) **affect or limit the discretion, rights, duties or powers of the Grantee under any statute, bylaw, or other enactment;**
 - (b) **affect or limit any statute, bylaw or other enactment applying to the Lands; or**
 - (c) **relieve the Grantor from complying with any statute, bylaw or other enactment.**

Notice

10. **Any notice to be given pursuant to this Right of Way Agreement shall be in writing, and may be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice shall be the addresses hereinbefore set out. If notice is delivered personally it may be left at the addresses in the same manner as ordinary mail is left by Canada Post and shall be deemed received when delivered. If notice is mailed it shall be deemed received five (5) days after mailing. Any party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the address therein specified shall be deemed to be the address of such party for the giving of notice.**

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Severance

11. **If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.**

Entire Agreement

12. **This Statutory Right of Way Agreement is the entire agreement between the parties, and neither the Grantee nor the Grantor has made representations, warranties, guarantees, promises, covenants or agreements to the other except those expressed in writing in this Statutory Right of Way Agreement, and no amendment of this Statutory Right of Way Agreement is valid or binding unless in writing and executed by the parties.**

Headings

13. **The headings in this Statutory Right of Way Agreement are inserted for reference and convenience only and must not be used to construe or interpret the provisions hereof.**

Schedules

14. **Schedule "A" being a reduced copy of the plan delineating the Right of Way forms part of this Agreement.**

Interpretation

15. **Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.**

Parties

16. **Every reference to a party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party wherever the context so requires or allows.**

Interest In Land and Enurement

17. **This Agreement runs with the land, but no part of the fee of the soil thereof passes to or is vested in the Grantee under or by this Agreement, and the Grantor may fully use the Right of Way subject only to the rights and restrictions herein set forth.**
18. **This Agreement shall enure to the benefit of and be binding on the parties hereto notwithstanding any rule of law or equity to the contrary.**

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A chart at the end of the Bylaw provides approximate imperial equivalents.*

Execution

- 19. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.**

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A chart at the end of the Bylaw provides approximate imperial equivalents.*

SCHEDULE "A"

Explanatory Plan

END OF DOCUMENT

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A chart at the end of the Bylaw provides approximate imperial equivalents.*

METRIC CONVERSION CHART

This chart is provided for convenience only and does not form part of this Bylaw. Imperial equivalents are approximate.

Hectare	Acre
20	49.4
4	9.88
2	4.94
1	2.47
0.75	1.85
0.5	1.24
0.4	0.988
0.3	0.74
0.2	0.49

Metres	Feet
40	131.2
30	98.4
15	49.2
12	39.4
10	32.8
7.5	24.6
7	23
6.25	20.5
6	19.7
5	16.4
4.5	14.8
3	9.8
2.75	9
2.5	8.2
2	6.6
1.5	4.9
1.25	4.1

Metres	Feet
1	3.3
0.6	1.96
0.5	1.64

Square Metres	Square Feet
2000	21528.5
1250	13455.3
1000	10764.3
500	5382
200	2152.9
159	1711.5
120	1291.7
100	1076.4
93	1001
74.3	800
65	699.7
60	645.8
50	538
48	516.7
47	506
37.	398
30.5	328
20	215
10	107.6
8	86
3	32.3
1	10.7
0.5	5.4