

# *Islands Trust*

## **BOWYER AND PASSAGE ISLANDS**

### **LAND USE BYLAW**

### **BYLAW NO. 114, 2011**

**Consolidated Version:      November 1, 2022**

AS AMENDED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE

**BYLAWS:      146**

## CONSOLIDATED BYLAW TEXT AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 146	Amendment No. 1, 2017	October 21, 2022

**GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 114**

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**A BYLAW TO ADOPT A LAND USE BYLAW FOR THE BOWYER AND PASSAGE ISLANDS  
PORTION OF THE GAMBIER ISLAND LOCAL TRUST AREA**

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WHEREAS Section 29 of the *Islands Trust Act* gives the Gambier Island Local Trust Committee the same power and authority of a Regional District under Part 26 except sections 932 to 937 and 939 of the *Local Government Act*;

AND WHEREAS the Gambier Island Local Trust Committee wishes to adopt a Land Use Bylaw;

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

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

1. TITLE

Bylaw No, 114 may be cited for all purposes as the “Bowyer and Passage Islands Land Use Bylaw, 2011”.

2. APPLICATION

The Plan applies to the land, the water on the land and the surface of the sea adjacent to the land in the Bowyer and Passage Islands Area as shown on Schedule “D” of this Bylaw.

3. SCHEDULES

The following schedules attached to and forming part of this Bylaw, are adopted as “Bowyer and Passage Islands Land Use Bylaw, 2011”:

- SCHEDULE “A” – Land Use Bylaw Regulations
- SCHEDULE “A-1” – B&A Estates Ltd., Bowyer Island
- SCHEDULE “A-2” – Kildare Estates Ltd., Bowyer Island
- SCHEDULE “A-3” – Kildare Estates Setbacks from Natural Boundary of the Sea
- SCHEDULE “A-4” – Kildare Estates Building Areas
- SCHEDULE “A-5” – Bowyer Island Estates Ltd.
- SCHEDULE “B” – Zoning Map, Passage Island
- SCHEDULE “C” – Zoning Map, Bowyer Island
- SCHEDULE “D” – Bylaw Area Map

READ A FIRST TIME this	19th	day of	July	, 2011
PUBLIC HEARING HELD this	20th	day of	July	, 2011
READ A SECOND TIME this	27th	day of	July	, 2011
READ A THIRD TIME this	27th	day of	July	, 2011
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	16th	day of	August	, 2011
ADOPTED this	7th	day of	September	, 2011

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**SECRETARY**

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**CHAIRPERSON**

## TABLE OF CONTENTS

<b>SCHEDULE A – LAND USE BYLAW TEXT .....</b>	<b>6</b>
<b>PART 1 INTERPRETATION .....</b>	<b>6</b>
<b>1.1 Definitions .....</b>	<b>6</b>
<b>1.2 Referencing .....</b>	<b>10</b>
<b>1.3 Units of Measure .....</b>	<b>11</b>
<b>1.4 Enacting Clauses .....</b>	<b>11</b>
<b>PART 2 ADMINISTRATION.....</b>	<b>12</b>
<b>2.1 Application .....</b>	<b>12</b>
<b>2.2 Conformity.....</b>	<b>12</b>
<b>2.3 Inspection.....</b>	<b>12</b>
<b>2.4 Violation.....</b>	<b>13</b>
<b>2.5 Penalty.....</b>	<b>13</b>
<b>2.6 Covenants.....</b>	<b>13</b>
<b>2.7 Owner’s Cost.....</b>	<b>13</b>
<b>2.8 Enforcement of Siting Regulations.....</b>	<b>13</b>
<b>PART 3 GENERAL REGULATIONS .....</b>	<b>14</b>
<b>3.1 Permitted in All Zones .....</b>	<b>14</b>
<b>3.2 Prohibited in All Zones .....</b>	<b>15</b>
<b>3.3 Siting and Setback Regulations.....</b>	<b>15</b>
<b>3.4 Height Regulations .....</b>	<b>16</b>
<b>3.5 Accessory Uses, Buildings and Structures .....</b>	<b>16</b>
<b>3.6 Home Occupation Regulations .....</b>	<b>17</b>
<b>3.7 Fences .....</b>	<b>18</b>
<b>3.8 Landscape Screening .....</b>	<b>18</b>
<b>3.9 Use of Recreational Vehicles .....</b>	<b>18</b>
<b>3.10 Storage of Junk and Derelict Vehicles .....</b>	<b>19</b>
<b>3.11 Lots Divided by a Zone Boundary.....</b>	<b>19</b>
<b>3.12 Use of Common Property .....</b>	<b>19</b>
<b>PART 4 ESTABLISHMENT OF ZONES .....</b>	<b>20</b>
<b>4.1 Division into Zones .....</b>	<b>20</b>

4.2	Zone Boundaries.....	20
<b>PART 5 ZONES.....</b>		<b>22</b>
5.1	Rural Residential One – Passage Island (RR1) .....	22
5.2	Rural Residential Two – Bowyer Island (RR2).....	24
Schedule A-1 - B & A Estates Ltd Lot B Except Part In Plan 15041 District Lot 1340 Plan 10564, Group 1, New Westminster District.....		27
Schedule A-2 - Kildare Estates Ltd Lot A (Explanatory Plan 4362) District Lots 1339 and 1340, Group 1, New Westminster District.....		28
Schedule A-3 - Kildare Estates Set Backs from Natural Boundary of the Sea.....		30
Schedule A-4 - Kildare Estates Building Areas .....		31
5.3	Rural Comprehensive One– Bowyer Island (RC1) .....	32
Schedule A-5 - Bowyer Island Estates Ltd. ....		34
5.4	Forest One (F1).....	35
5.5	Community Services One (CS1).....	36
5.6	Marine General (W1) .....	37
5.7	Marine Service (W2) .....	39
5.8	Marine Protection (W3) .....	40
<b>PART 6 SIGN REGULATIONS.....</b>		<b>41</b>
6.1	Permitted Signs.....	41
6.2	Prohibited Signs.....	41
6.3	Exempt Signs .....	41
6.4	Siting and Height.....	41
6.5	Obsolete Signs .....	42
6.6	Sign Number and Area.....	42
<b>PART 7 SUBDIVISION REGULATIONS.....</b>		<b>43</b>
7.1	Lot Area Calculations .....	43
7.2	Exemptions from Average and Minimum Lot Area Requirements .....	43
7.3	Covenants Prohibiting Further Subdivision and Development .....	43
7.4	Boundary Adjustment Subdivisions.....	44
7.5	Section 946 Subdivisions (Residence for a Relative).....	44

7.6	Lot Frontage and Lot Shape.....	44
7.7	Split Zoned Lots.....	45
7.8	Split or Hooked Lots.....	45
7.9	Water Access Subdivisions.....	45
7.10	Highway Standards.....	45
7.11	Water Supply.....	45
<b>PART 8 DEVELOPMENT PERMIT AREA GUIDELINES.....</b>		<b>46</b>
8.1	DP-1 Riparian Areas.....	46
Schedule B 'Zoning Map - Passage Island' .....		46
Schedule C 'Zoning Map - Bowyer Island'.....		51
Schedule D - 'Bylaw Area Map' .....		52

## SCHEDULE A – LAND USE BYLAW TEXT

### PART 1 - INTERPRETATION

#### 1.1 Definitions

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

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

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

"boathouse" means a building or structure that is located on the land-based portion of a waterfront residential lot, and that is used to house small boats, and equipment or items associated with sports, moorage and boating activities.

"breakwater" means a protective structure, bottom-founded or floating, and extending below the foreshore, designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water and/or deposition of materials.

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

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

"commercial visitor accommodation" is a home occupation, which provides temporary overnight sleeping accommodation and meals to paying guests.

"community dock" means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or by a strata corporation, for the provision of boat moorage spaces to Bylaw Area residents, lot owners, and invitees, and for which user fees may be charged.

"community hall" means an assembly building used for recreational, social, charitable, educational, entertainment or cultural activities, and owned or operated by a non-profit group, Regional District, non-commercial organization, property cooperative corporation or a strata corporation for the benefit of the community to whom the owner or operator generally provides such functions.

“dock” means a marine-based structure, or set of structures, generally consisting of a pier or wharf, and may include a ramp, float, and supporting structures, which is used for the non-commercial mooring of vessels in association with the permitted use of the adjacent upland.

“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas having a shared single set of facilities for food preparation and eating.

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

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

“floor area” means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.2 metres (4 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch or similar projection is not fully enclosed then the floor of such projections is excluded from any calculation of floor area.

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

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure.

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

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

“horticulture” means the use of land for the purpose of growing fruits, vegetables, plants or flowers.

“island” means land surrounded by water, and includes islets and rocks exposed above the natural boundary of the sea.

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

“lifting device” includes a crane, boom, davit, derrick or similar device possibly equipped with winches or windlasses, operated either manually or by mechanical or electric power, which are used to transfer objects.

“local trust committee” means the Gambier Island Local Trust Committee.

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

"lot coverage" means the total horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of a building or structure, divided by the area of the lot, and expressed as a percentage.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or is the boundary of a lot as is otherwise described as authorized by the *Land Title Act*.

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

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

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

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

“mobile home” means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried.

“moorage” means the tying or securing of a vessel to a fixed structure, float, dock or mooring buoy.

"natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil 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..

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

"panhandle lot" means a lot that fronts on a highway, or where there is no highway, that gains access at the natural boundary of the sea by means of a strip of land, known as the access strip, that is narrower than the main portion of the lot.

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

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

"pier" means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

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

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

"residential" means used for the domicile and home life of a person or persons, and for this purpose, does not include the commercial rental of a dwelling unit for a period of less than one month.

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

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

"silviculture" means the use of land for forest management activities related to timber production and harvesting including the processing and sale of timber harvested on the same lot.

"small scale wind turbine" means a structure that captures kinetic energy from the wind and converts it into energy in the form of electricity and has a nameplate rated capacity of 100 kilo Watts or less. A small wind turbine consists of the following:

- a rotor,
- a generator,
- a tower,
- foundation and associated supports such as guy wires, and
- associated control and conversion electronics.

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining walls less than 1.2 metres (4 feet) in height.

"swimfloat" means a floating non-roofed structure that is used as a platform for diving or respite from swimming and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor and is not to be used as a landing or moorage place for marine transport.

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

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

"utility shed" means an accessory building with a floor area of 10 square metres (108 sq. ft.) or less containing only equipment for pumping, processing, or storing of water or sewage, electrical generating equipment, or communication service equipment.

"watercourse" means any natural or man-made depression with well defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres or more.

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

"wharf" means a structure, usually consisting of a pier, ramp(s), and float(s), which is connected to an upland lot by a ramp or walkway

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

## **1.2 Referencing**

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

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

### **1.3 Units of Measure**

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

### **1.4 Enacting Clauses**

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

#### Information Note:

The *Interpretation Act*, being a Provincial Statute defines a number of commonly used terms (e.g. how to measure “time”) and is applicable in the interpretation of this bylaw.

## **PART 2 ADMINISTRATION**

### **2.1 Application**

- (1) This Bylaw shall apply to that part of the Gambier Island Local Trust Area as shown on Schedule D referred to as the Associated Islands Area – Bowyer and Passage Islands. Encompassed in this area of application are the entire land area of Bowyer and Passage islands and all islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

### **2.2 Conformity**

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except in accordance with this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except in accordance with this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use, construction, placing of, or maintaining of land or use, construction, placing of, or maintaining buildings or structures.
- (4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (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.

INFORMATION NOTE: The use of land, buildings or structures that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, may be continued subject to the provisions of Section 911 of the Local Government Act.

### **2.3 Inspection**

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

## **2.4 Violation**

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

## **2.5 Penalty**

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *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* delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

## **2.7 Owner's Cost**

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

## **2.8 Enforcement of Siting Regulations**

- (1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings and structures in relation to lot and zone boundaries, watercourses, 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 and structures comply with the siting requirements of this or any other Bylaw.

## **PART 3 GENERAL REGULATIONS**

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

The following uses, buildings and structures are permitted in any zone, except where noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

- (1) Conservation areas, including ecological reserves, conservation covenants and other habitat reserves, and parks, but excluding playgrounds and playing fields.
- (2) Water supply facilities, for an individual dwelling or as a community service, in any land zone for the purposes of supplying potable or non potable water on an individual island, including reservoirs, lines, treatment facilities, catchment and storage facilities and pumping and intake structures.
- (3) Buried or submerged electricity and telecommunication lines for the distribution of service within the Associated Islands Area in any zone and above-ground lines in any land zone.
- (4) Electrical or telecommunications facilities for the purposes of supplying service on an individual island.
- (5) Solar collectors and wind turbines in any land zone for the purposes of supplying power to the lot on which the structure is located.
- (6) Geothermal heating equipment for the purposes of supplying energy to the lot on which the structure is located or in the water for the purpose of supplying energy to a lot adjacent to the foreshore.
- (7) Air and marine navigational aids.
- (8) Fences in any land zone, subject to regulations established in Section 3.7 and Part 5.
- (9) Hiking, equestrian and bicycle trails.
- (10) Signs, subject to regulations established in Part 6.
- (11) Utility sheds.
- (12) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*.
- (13) Horticulture.
- (14) Lifting devices.

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

The following uses, buildings and structures are prohibited in every zone, unless expressly permitted in Part 5:

- (1) The disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation of the *Waste Management Act*.
- (2) The disposal or storage of hazardous or toxic waste.
- (3) The rental or sale of personal watercraft.
- (4) The use of a mobile home or recreational vehicle as a residence.
- (5) The use of a vessel anchored, moored, or secured as a permanent residence.
- (6) Finfish aquaculture in any water zone.
- (7) Bridges, causeways or tunnels connecting any island to the mainland.
- (8) Water utility lines connecting any one island to another island or the mainland.
- (9) Wind turbines in any water zone, and wind turbines intended to provide power to an island other than the island on which the structures are located.
- (10) Dog breeding and boarding kennels.

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

- (1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.
- (2) No building or structure, except a fence, utility line, navigational aid, at-grade steps, driveway or path, or utility shed, may be constructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) No building or structure may be constructed, moved, extended or located within 7.6 metres (25 feet) of the natural boundary of the sea except:
  - (a) boathouse, including accessory ramps
  - (b) propane tank,
  - (c) utility lines,
  - (d) stairs, ramps or walkways, required to access the foreshore or a permitted dock or other permitted marine related structure, and not exceeding a width of 2.5 metres (8.2 feet), and

- (e) decks or platforms which do not exceed a height of 1.2 metres (4 feet) above natural grade, exclusive of railings, and which do not exceed an area of 17 m<sup>2</sup> (183 ft<sup>2</sup>) per lot within the setback..
  - (f) lifting devices.
- (4) No building or structure, except a fence or utility shed, may be constructed, reconstructed, moved, extended or located within 30 metres (100 feet) of the natural boundary of any natural watercourse, wetland or lake. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.
  - (5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 0.6 metres (2 feet) into the required setback area.

### **3.4 Height Regulations**

- (1) The height regulations for buildings and structures specified in Part 5 of this Bylaw do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, and solar collectors..
- (2) The height of wind turbines shall not exceed 15 metres (50 feet).

### **3.5 Accessory Uses, Buildings and Structures**

- (1) A building or structure accessory to a dwelling may not be used as a residence.
- (2) The following accessory buildings or structures may be constructed or placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot:
  - (a) a boathouse,
  - (b) a utility shed, and
  - (c) one accessory building for the purposes of storage of building materials and personal effects.
  - (d) steps and structures accessory to and supporting a dock.
- (3) Any accessory building or structure, other than those cited in subsection 3.5(2), may only be constructed or placed on a lot prior to the construction of a principal building, or the commencement of a principal use, on the same lot provided that a valid building permit has been issued for any principal building on the same lot, and subject to the issuance and continued validity of a building permit for a principal dwelling on the same lot.

- (4) Unless a building or structure, excluding an attached deck and patio, is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

### **3.6 Home Occupation Regulations**

- (1) Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following:
  - (a) home craft,
  - (b) repairing of goods,
  - (c) professional practice,
  - (d) service to a client,
  - (e) creation of a product.

Information Note: Refer to definition of “commercial visitor accommodation” in section 1.1 of bylaw.

- (f) Commercial visitor accommodation, subject to the following additional regulations:
  - (i) not more than 4 guests may be accommodated at any one time;
  - (ii) not more than 2 bedrooms may be used to accommodate guests;
  - (iii) a commercial visitor accommodation must be conducted solely within a principal dwelling;
  - (vi) no guest shall exceed a stay of seven nights in any ninety-day period.
- (2) For certainty home occupations do not include any of the following uses:
  - (a) rental of a dwelling for less than thirty (30) continuous days;
  - (b) commercial campground;
  - (c) rentals, except rental of a dwelling for thirty (30) or more continuous days, or charters of marine vessels;
  - (d) food service or the retail or wholesale sale of goods or products unless the goods or products are produced, processed or repaired as part of the home occupation.

- (3) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where there is a permitted principal residential use.
- (4) The combined floor area used in all home occupations on a lot must not exceed 47 square metres (500 sq. ft.).
- (5) The owner or at least one employee of a home occupation must be permanently resident on the property.
- (6) Not more than one person per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.
- (7) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.
- (8) No noise resulting from any home occupation may be heard at a lot line or the natural boundary of the sea.

### **3.7 Fences**

- (1) The height of fences shall not exceed 2 metres (6.6 feet) within any required setback, subject to regulations established in Part 5.
- (2) The provision of protective netting or wire to control animal nuisances, or a landscape screen, is exempt from the provisions of Subsection 3.7(1).

### **3.8 Landscape Screening**

- (1) Where landscape screening is required by this Bylaw, it is to be provided in the form of:
  - (a) existing vegetation that is retained and is of a sufficient height to provide a complete and permanent visual screen between the uses being separated; or
  - (b) where existing vegetation is not of a sufficient height to provide a visual screen, planted and maintained indigenous, drought-tolerant evergreen vegetation that will attain a height sufficient to provide a complete and permanent visual screen between the uses being separated; or
  - (c) a wooden fence or lattice which is continuous, except for points of vehicular or pedestrian access/egress.

### **3.9 Use of Recreational Vehicles**

- (1) No portion of a lot shall be used for the parking, storage or stopping of a recreational vehicle.

### **3.10 Storage of Junk and Derelict Vehicles**

- (1) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles, campers, trailers, vessels, or parts, which are not completely enclosed in a permitted permanent building or screened in compliance with the provisions of Section 3.8 of this Bylaw.

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

- (1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and the dwellings may only be constructed on any portion of the lot if, and to the extent that, the density regulations for that portion are complied with.

### **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 density regulations but, where the strata lots and common property are in the same zone, the common property may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

## **PART 4 ESTABLISHMENT OF ZONES**

### **4.1 Division into Zones**

- (1) The Bylaw Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Maps designated as Schedules “B” and “C” that form part of this Bylaw and the regulations for which are set out in Part 5.

<u>Zone Name</u> <u>Abbreviation</u>	<u>Zone</u>
Rural Residential One – Passage Island	RR1
Rural Residential Two – Bowyer Island	RR2
Rural Comprehensive One – Bowyer Island	RC1
Forest One	F1
Community Services One	CS1
Marine General	W1
Marine Service	W2
Marine Protection	W3

### **4.2 Zone Boundaries**

- (1) Where zone boundaries on Schedules “B” and “C” coincide with lot lines, the zone boundaries are the lot lines.
- (2) Where a zone boundary is shown on Schedule “B” or “C” as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.
- (3) Where land based and water based zone boundaries shown on Schedules “B” and “C” 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” or “C” does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule “B” or “C” and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

- (5) Unless otherwise designated in Schedules “B” and “C” the surface of water within the Area of Application defined on Schedule “D” is zoned Marine Protection (W3).

## **PART 5 ZONES**

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### **5.1 Rural Residential One – Passage Island (RR1)**

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Information Note: The purpose of the Rural Residential One Zone is to provide for the regulation of the development of residential areas on Passage Island.

#### **Permitted Uses**

- (1) The following uses are permitted in the RR1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Dwelling;
  - (b) Accessory uses, buildings and structures, including but not limited to home occupations and one (1) boathouse.

#### **Density**

- (2) The maximum density in the RR1 zone is one (1) dwelling per lot.
- (3) The maximum lot coverage in the RR1 zone is 25 percent.
- (4) The maximum floor area ratio of any dwelling in the RR1 zone is 0.2.

Information Note: A floor area ratio is the ratio of the floor area of the dwelling to the lot area. A lot area of 1400 square metres (15000 sq. ft.) with a floor area ratio of 0.15 may have a dwelling of up to 210 square metres (2260 sq. ft.).

- (5) The maximum number of accessory buildings permitted in the RR1 zone is three (3) per lot, including one (1) boathouse.

#### **Siting and Size**

- (6) The minimum setback for any building or structure in the RR1 zone is:
  - (a) 7.6 metres (25 feet) from any front lot line, rear lot line or natural boundary of the sea;
  - (b) 3 metres (10 feet) from any interior or exterior side lot line;
  - (c) Despite subsection 5.1(6)(a) the minimum setback from the natural boundary of the sea of a dwelling on Lot 56 District Lot 841, Plan 12053 is 4.5 metres.
  - (d) Despite subsection 5.1(6)(b) the minimum setback of a deck from the northern interior side lot line on Lot 26 District Lot 841, Plan 12053 is 1.5 meters.
  - (e) Despite subsection 5.1(6)(b) the minimum setback of an accessory building from the interior south lot line on Lot 26 District Lot 841, Plan 12053 is 0.0 meters.
  - (f) Despite subsection 5.1(6)(a) the minimum setback of an accessory building from the front lot line on Lot 26 District Lot 841, Plan 12053 is 0.0 meters.
  - (g) Despite subsection 5.1(6)(a) the minimum setback of a deck on Lot 32 District Lot 841, Plan 12053 to the interior side lot line is 1.1 meters.

(h) Despite subsection 5.1(6)(b) the minimum setback of a dwelling on Lot 32 District Lot 841, Plan 12053 to the interior side lot line is 2.7 metres.

(i) Despite subsection 5.1(6)(a) the minimum setback of a deck on Lot 21 District Lot 841, Plan 12053 to the natural boundary of the sea is 0.0 metres. The maximum area of a deck permitted in this area is 22 m<sup>2</sup> (230 sq. ft.).

(j) Despite subsection 5.1(6)(b) the minimum setback of a landing on Lot 32 District Lot 841, Plan 12053 to the interior side lot line is 1.7 metres. The maximum area of a landing permitted in this area is 37 m<sup>2</sup> (400 sq. ft.).

(7) The maximum height for any dwelling in the RR1 zone is 9 m (29.5 ft).

(a) Despite subsection 5.1(7) the maximum height for a dwelling on Lot 9 District Lot 841, Plan 12053 is 13.2 metres.

(8) The maximum height for any accessory building or structure in the RR1 zone is 3.7 metres (12 feet) and one storey.

(a) Despite subsection 5.1(8) the maximum height for any accessory building or structure on Lot 56 District Lot 841, Plan 12053 is 7.0 metres.

(9) Despite subsection 3.7(1), the maximum height for any fence in the RR1 zone is 1 metre (3 feet).

#### **Conditions of Use**

(10) Above grade water and septic storage tanks in the RR1 zone must be screened from view of the road or an abutting residential lot by a fence or a landscape screen complying with the provisions of Section 3.8.

#### **Subdivision Lot Area Requirements**

(11) No lot in the RR1 zone having an area less than 1.6 ha (4 acres) shall be created by subdivision in the RR1 zone.

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## 5.2 Rural Residential Two – Bowyer Island (RR2)

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Information Note: The purpose of the Rural Residential Two Zone is to provide for the regulation of the development of three residential areas on Bowyer Island generally referred to as Kildare Estates, Lot C and B & A Estates.

### Permitted Uses

- (1) The following uses are permitted in the RR2 zone and in any zone labelled RR2 followed by a lower case letter, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Dwellings;
  - (b) Accessory uses, buildings and structures, including home occupations, but excluding commercial visitor accommodation.

### Density

- (2) The maximum number of dwellings for each location in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is established in subsection 5.2(14).
- (3) The maximum lot coverage in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 5 percent.

### Siting and Size

- (4) The maximum combined floor area of any dwelling and all buildings accessory to that dwelling in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 223 m<sup>2</sup> (2400ft<sup>2</sup>), exclusive of utility sheds and wood sheds, unless otherwise provided in subsection 5.2(14).
- (5) The maximum floor area of any dwelling in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 186 m<sup>2</sup> (2000 ft<sup>2</sup>) unless otherwise noted in subsection 5.2(14).
- (6) The maximum floor area of any accessory building in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 37 m<sup>2</sup> (400 ft<sup>2</sup>) unless otherwise noted in subsection 5.2(14).
- (7) The minimum setback for any building or structure in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 7.6 metres (25 feet) from any lot line.
- (8) The minimum distance between dwellings in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 6 metres (20 feet)
- (9) The maximum height for any dwelling in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 9 m (29.5 ft) unless otherwise noted in subsection 5.2(14).
- (10) The maximum height for any accessory building or structure in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 5.2 metres (17 feet) and one storey.

### Conditions of Use

- (11) Above ground water and septic storage tanks in the RR2 zone and in any zone labelled RR2 followed by a lower case letter must be screened from view from adjacent dwellings by a fence or a landscape screen complying with the provisions of Section 3.8.

### Subdivision Lot Area Requirements

- (12) The average lot size in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 15 hectares (37 acres).
- (13) The minimum lot size in the RR2 zone and in any zone labelled RR2 followed by a lower case letter is 1 ha (2.4 acres).

### Site-Specific Regulations

- (14) The following table 5.1 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 refer to the notation on the zoning map. The second column describes the location for reference, with zone boundaries defined on Schedule C, where the specific regulations cited in column three apply:

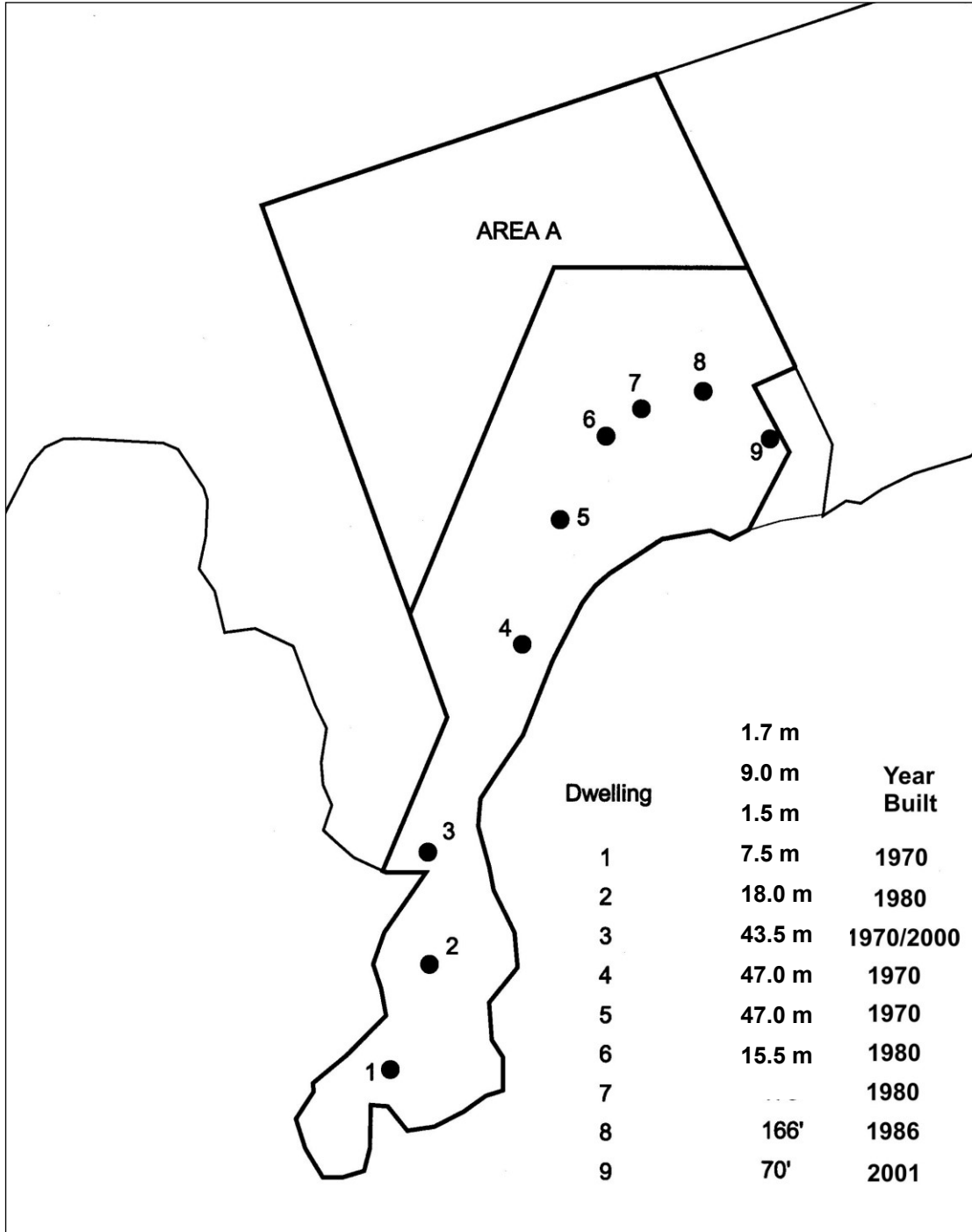
<b>Table 5.1</b>		
<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
RR2(a)	<b>B &amp; A ESTATES LTD</b>  Lot B Except Part In Plan 15041 District Lot 1340 Plan 10564, Group 1, New Westminster District	<ol style="list-style-type: none"> <li>1. The maximum number of dwellings permitted in RR2(a) zone is nine (9).</li> <li>2. Dwellings must be sited as shown on Schedule A-1.</li> <li>3. The maximum number of accessory buildings is three (3) per dwelling (exclusive of utility and wood sheds) in this location.</li> <li>4. Despite subsection 3.3(3) the minimum setback from the natural boundary of the sea for dwelling No. 1 on Schedule A-1 shall be 1.7 metres and for dwelling No. 3 on Schedule A-1 shall be 1.5 metres.</li> <li>5. Despite subsection 5.2(7) the minimum setback from the rear lot line, being the lot line shared with District Lot 1340, Group 1, New Westminster District, except portions in Plan 10564 and Explanatory Plan 4362 for dwelling No. 3 on Schedule A-1 and any accessory buildings associated with dwelling 3 shall be 3.0 metres (10 feet).</li> <li>6. Despite subsection 5.2(9), the maximum permitted height for any dwelling in this location is 11 metres.</li> </ol>

		<p>7. Despite subsection 5.2(6) the maximum combined floor area of accessory buildings can be increased from 37 m<sup>2</sup> (400 ft<sup>2</sup>) to 59 m<sup>2</sup> (640 ft<sup>2</sup>) only if the equivalent floor area increase is deducted from the maximum permitted floor area for the dwelling in subsection 5.2(4).</p> <p>Information Note: The purpose of this site specific allocation of floor area is to permit flexibility between floor area of a dwelling and an accessory building without increasing the total maximum floor area. For example, a 400 ft<sup>2</sup> accessory building would equal no reduction in the 2000 ft<sup>2</sup> maximum dwelling size. A building permit for a 640 ft<sup>2</sup> accessory building would only be issued if the principle residence dwelling size was less than 1760 ft<sup>2</sup>.</p>
RR2(b)	<p><b>B &amp; A ESTATES LTD</b></p> <p>Lot 1 Block B District Lot 1340 Plan 15041 Group 1, New Westminster District</p>	<p>1. The maximum number of dwellings permitted in the RR2(b) zone is two (2).</p> <p>2. Despite subsection 5.2(9), the maximum permitted height for any dwelling in this location is 11 metres.</p> <p>3. The maximum number of accessory buildings is three (3) per dwelling (exclusive of utility and wood sheds) in this location.</p> <p>4. Despite subsection 5.2(6) the maximum combined floor area of accessory buildings can be increased from 37 m<sup>2</sup> (400 ft<sup>2</sup>) to 59 m<sup>2</sup> (640 ft<sup>2</sup>) only if the equivalent floor area increase is deducted from the maximum permitted floor area for the dwelling in subsection 5.2(4).</p> <p>Information Note: The purpose of this site specific allocation of floor area is to permit flexibility between floor area of a dwelling and an accessory building without increasing the total maximum floor area. For example, a 400 ft<sup>2</sup> accessory building would equal no reduction in the 2000 ft<sup>2</sup> maximum dwelling size. A building permit for a 640 ft<sup>2</sup> accessory building would only be issued if the principle residence dwelling size was less than 1760 ft<sup>2</sup>.</p>
RR2(c)	<p><b>LOT C</b></p> <p>Lot C District Lot 1340 Plan 10564, Group 1, New Westminster District</p>	<p>1. The maximum number of dwellings permitted in RR2(c) zone is three (3).</p>

RR2(d)	<p><b>KILDARE ESTATES LTD</b></p> <p>Lot A (Explanatory Plan 4362) District Lots 1339 And 1340 Group 1 New Westminster District.</p>	<ol style="list-style-type: none"> <li>1. The maximum number of dwellings, referred to as Kildare Main Cabins on Schedule A-2, permitted in the RR2(d) zone is eighteen (18).</li> <li>2. Dwelling units must be sited as shown on Schedule A-2.</li> <li>3. Despite subsection 3.3(3) the buildings and structures identified on Schedule A-2 by the number shown in Column 1 of Schedule A-3 may be set back from the natural boundary of the sea by the amount shown on column 2.</li> <li>4. The maximum number of accessory buildings is three (3) per dwelling (exclusive of utility and wood sheds) in this location.</li> <li>5. One additional accessory building, not exceeding 37 m<sup>2</sup> (400ft<sup>2</sup>), solely for the storing vehicles, equipment and emergency services equipment is permitted in the RR2(d) zone.</li> <li>6. Despite subsections 5.2(4), 5.2(5) and 5.2(6) the buildings and structures identified on schedule A-2 and as referenced in Schedule A-4, may exceed the maximum permitted floor area as noted on Schedule A-4.</li> </ol>
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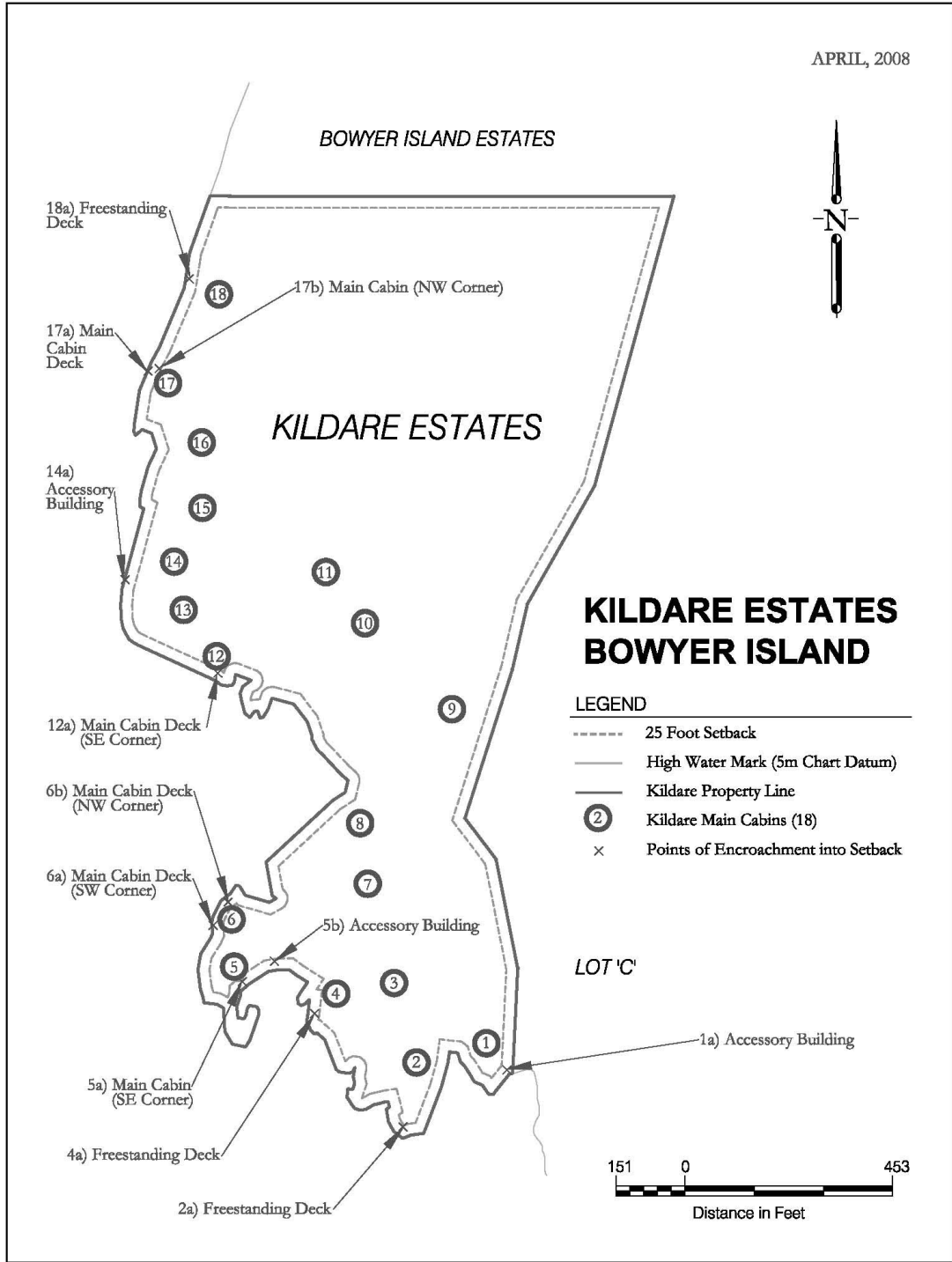
## Schedule A-1 - B & A Estates Ltd

**Lot B Except Part In Plan 15041 District Lot 1340 Plan 10564, Group 1, New  
Westminster District**



# Schedule A-2 - Kildare Estates Ltd

Lot A (Explanatory Plan 4362) District Lots 1339 and 1340, Group 1, New Westminster District



## Schedule A-3 - Kildare Estates Set Backs from Natural Boundary of the Sea

Lot A (Explanatory Plan 4362) District Lots 1339 and 1340, Group 1, New Westminster  
District

Column 1	Column 2
<b>Buildings and Structures Identified on Schedule 5.2(C)</b>	<b>Minimum setback from the Natural Boundary of the Sea</b>
Building No. 1(a) - accessory	4.5 metres
Structure No. 1(b) – freestanding deck	1.3 metres
Structure No. 2(a) - freestanding deck	3.6 metres
Structure No. 4(a) – freestanding deck	2.7 metres
Building No. 5(a) – south east corner of main cabin	4.2 metres
Building No. 5(b) – accessory	6.0 metres
Building No. 6(a) – south west corner of main cabin deck	3.3 metres
Building No. 6(b) – north west corner of main cabin deck	4.8 metres
Building No. 12(a) – south east corner of main cabin deck	4.8 metres
Building No. 14(a) – accessory	0 metres
Building No. 17(a) – main cabin deck	0.3 metres
Building No. 17(b) – north west corner of main cabin	6.7 metres
Structure No. 18(a) – freestanding deck	2.1 metres

## Schedule A-4 - Kildare Estates Building Areas

Lot A (Explanatory Plan 4362) District Lots 1339 and 1340, Group 1, New Westminster District

MAX AREA m <sup>2</sup>	186	37	37	37		223	3		
Cabin #	MAIN CABIN	ACC BLG1	ACC BLG2	ACC BLG3	TOTAL ACC BLGS	TOTAL BUILT	#ACC BLGS	DECKS	CONSTRUCTED
1	166	31	25	10 shed	66	231	3	226	1956
2	59	39			39	98	1	80	1961
3	24	22			22	46	1	52	1955
4	87	23			23	110	1	59	1960
5	111	56	12		68	179	2	102	1957
6	220				0	220	0	155	1959
7	232	45	41		85	317	2	153	1956
8	67	48			48	115	1	126	1960
9	84	11	10		21	105	2	30	1966
10	42				0	42	0	46	1956
11	42	28			28	70	1	28	1965
12	77	44	18		62	130	2	141	1957
13	47	26	26	15 shed	66	114	3	179	1959
14	72	12	12 shed		24	96	2	149	1957
15	89	11 shed			11	100	1	91	1957
16	111	70	19		88	200	2	94	1960
17	119	27			27	146	1	138	1961
18	74	28			28	102	1	59	1968
JEEP SHED	36								

\*\* shaded cells indicate floor area and building authorized to exceed subsection 5.2(4), 5.2(5) and 5.2(6) requirements

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### 5.3 Rural Comprehensive One– Bowyer Island (RC1)

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Information Note: The purpose of the Rural Comprehensive One Zone is to provide for the regulation of the development of residential areas on parts of District Lots 1339 and 1340 on Bowyer Island generally known as Bowyer Island Estates. Any land use planning application for District Lot 1339 or 1340 must conform to the maximum permitted density specified for each District Lot in the RC1 Zone.

#### Permitted Uses

- (1) The following uses are permitted in the RC1 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Dwellings;
  - (b) Accessory uses, buildings and structures, including home occupations, but excluding commercial visitor accommodation.
  - (c) Silviculture;
  - (d) Agriculture
  - (e) Informational signs and interpretive structures;
  - (f) Community hall and shelter;
  - (g) Emergency services facilities;
  - (h) Equipment storage;
- (2) The maximum number of dwellings permitted in the RC1 zone shall not exceed 30.
- (3) A maximum of 29 dwellings are permitted within District Lot 1340, Group 1, New Westminster District and a maximum of one dwelling is permitted within District Lot 1339, Group 1, New Westminster District.
- (4) Notwithstanding subsection 5.3(3) the density on District Lot 1339 may be increased by up to a maximum of five (5) additional dwellings for a total of six (6) dwellings if the property owner of District Lot 1340 grants a restrictive covenant to the Gambier Island Local Trust Committee, registered on title of both District Lot 1339 and 1340, that reduces the number of dwellings that may be built on District Lot 1340 by the equivalent number of additional dwellings that will be built on District Lot 1339 and limits the maximum total number of dwellings on District Lot 1339 to six (6).
- (5) The maximum lot coverage in the RC1 zone is 3 percent.

#### Siting and Size

- (6) The maximum combined floor area of any dwelling and all buildings accessory to that dwelling in the RC1 zone is 195 m<sup>2</sup> (2100ft<sup>2</sup>), exclusive of utility sheds and wood sheds.
- (7) The maximum floor area of any dwelling in the RC1 zone is 149 m<sup>2</sup> (1600 ft<sup>2</sup>).

- (8) The total accessory building floor area per dwelling in the RC1 zone shall not exceed 46 m<sup>2</sup> (500 ft<sup>2</sup>) with a maximum floor area of 37 m<sup>2</sup> (400 ft<sup>2</sup>) for any one accessory building.
- (9) Despite subsection 5.3 (8) the total accessory building floor area and maximum floor area for any one accessory building on site 24 of DL1340 is 60 m<sup>2</sup> (641 ft<sup>2</sup>).
- (10) The maximum number of accessory buildings in the RC1 zone is two (2) per dwelling (exclusive of utility and wood sheds).
- (11) The minimum setback for any building or structure in the RC1 zone is 7.6 metres (25 feet) from any lot line.
  
- (12) Despite subsection 5.3.(11) and subsection 3.3(3) dwellings located on sites 1 and 14 may be sited as close as 5 metres from the natural boundary of the sea.
- (13) Despite subsection 5.3(11) the minimum setback from any lot line for site 1 on Schedule A-5 is 3 metres.
- (14) The minimum distance between dwellings in the RC1 zone is 4 metres (13 feet)
- (15) The maximum height for any dwelling in the RC1 is 9 m (29.5 ft).
- (16) Despite subsection 5.3(15) the maximum height of a dwelling on site 7 on Schedule A-5 is 10.5 metres.
- (17) The maximum height for any accessory building or structure in the RC1 zone is 5.2 metres (17 feet) and one storey.

#### **Conditions of Use**

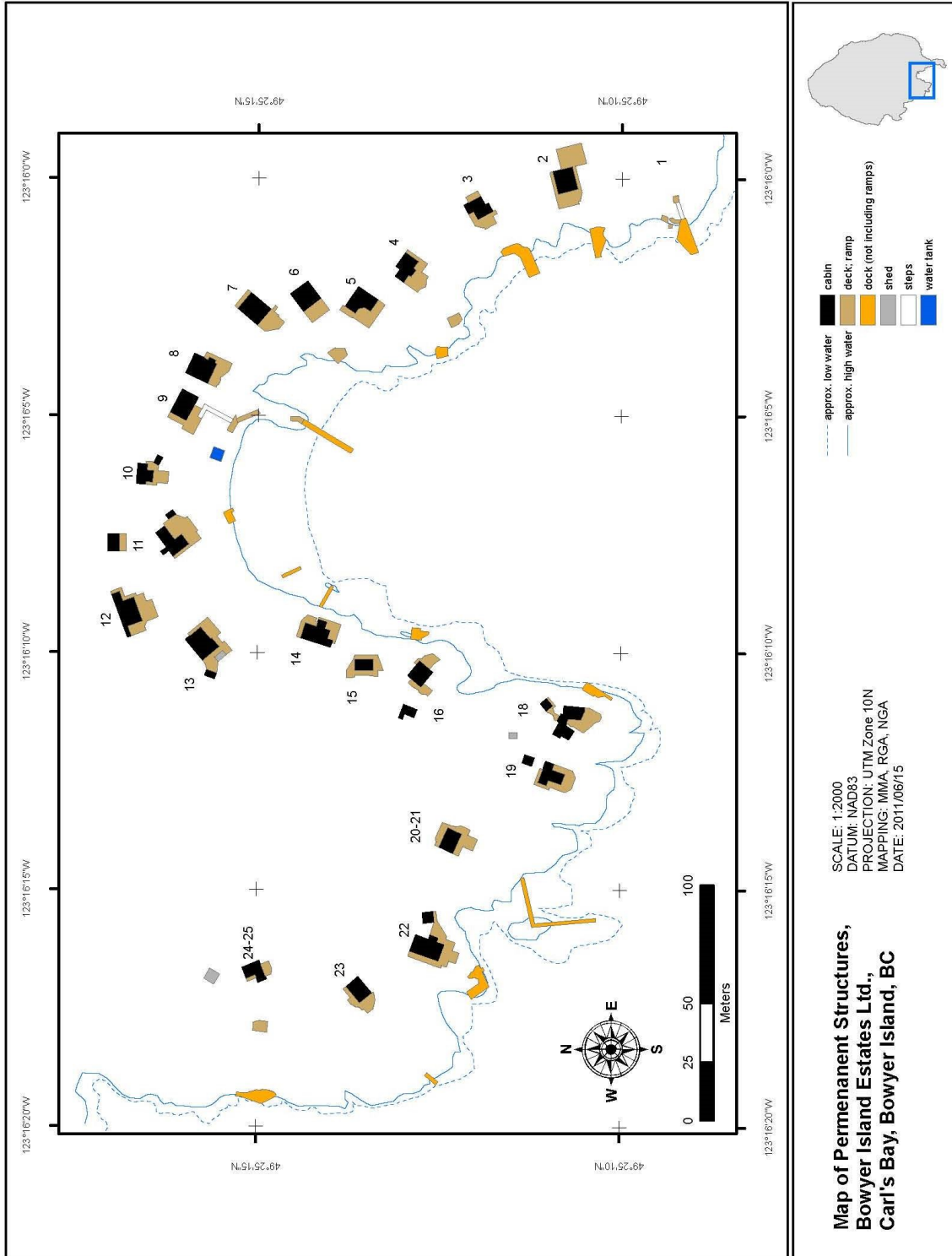
- (18) Above ground water and septic storage tanks in the RC1 zone must be screened from view from adjacent dwellings by a fence or a landscape screen complying with the provisions of Section 3.8.

#### **Subdivision Lot Area Requirements**

- (19) The average lot size in the RC1 is 4 hectares (10 acres).
- (20) The minimum lot size in the RC1 zone is 1ha (2.4 acres).

# Schedule A-5 - Bowyer Island Estates Ltd.

DISTRICT LOT 1340, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PORTIONS IN PLAN 10564 AND EXPLANATORY PLAN 4362



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## 5.4 Forest One (F1)

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Information Note: The purpose of the Forest One Zone is to provide for the regulation of the development of large parcels of land.

### Permitted Uses

- (1) The following uses are permitted in the F1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Silviculture;
  - (b) Trails, stairs and walkways;
  - (c) Informational signs and interpretive structures;
  - (d) Accessory uses, buildings and structures.
- (2) Despite subsection 5.4(1)(a) silviculture use is not permitted in the F1 zone on Lot A (Explanatory Plan 4362) District Lots 1339 and 1340 Group 1 New Westminster District.
- (3) For certainty accessory uses, buildings and structures may include *wells, pumphouses, water storage tanks or utility sheds*.

### Density

- (4) The maximum lot coverage in the F1 zone is 5 percent.

### Siting and Size

- (5) The maximum combined floor area of all buildings on any lot in the F1 zone is 46 m<sup>2</sup> (500 ft<sup>2</sup>).
- (6) The minimum setback for any building or structure in the F1 zone is 7.6 metres (25 feet) from any lot line.
- (7) The maximum height for any accessory building or structure in the F1 zone is 5.2 metres (17 feet) and one storey.

### Conditions of Use

- (8) Above grade water and septic storage tanks in the F1 zone must be screened from view by a fence or a landscape screen complying with the provisions of Section 3.8.

### Subdivision Lot Area Requirements

- (9) The minimum lot area in the F1 zone is 65 hectares (160 acres).

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## **5.5 Community Services One (CS1)**

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Information Note: The purpose of the Community Services One Zone is to provide for the regulation of the development of local community services within the road right-of-way and in compliance with any regulations or permit requirements of the Ministry of Transportation and Infrastructure.

### **Permitted Uses**

- (1) The following uses are permitted in the CS1 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Community hall and shelter;
  - (b) Emergency services facilities;
  - (c) Equipment storage;

### **Density**

- (2) The combined coverage of all buildings and structures in the CS1 zone shall not exceed 25 percent of the zoned area.
- (3) One (1) community hall is permitted on Passage Island.

### **Siting and Size**

- (4) The minimum setback for any building or structure in the CS1 zone shall be 4.5 metres (15 feet) from any lot line.
- (5) The maximum height for any building or structure in the CS1 zone shall be 9 metres (29.5 feet).

### **Subdivision**

- (6) No lot having an area less than 1.6 ha (4 acres) shall be created by subdivision in the CS1 zone.

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## 5.6 Marine General (W1)

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Information Note: The purpose of the Marine General Zone is to provide for the regulation of development in marine areas adjacent to residential islands. The W1 zone, and the other water-based zones, includes the surface of the water, up to the natural boundary of the sea.

### Permitted Uses

- (1) The following uses and structures are permitted in the W1 zone and in any zone labelled W1 followed by a lower case letter subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Mooring buoys, for the purpose of mooring a private vessel accessory to the residential use of an upland lot;
  - (b) Docks accessory to the residential use of an adjacent upland lot.

### Density

- (2) The maximum number of docks that may be constructed adjacent and accessory to any upland lot in the W1 zone shall be one unless additional docks are permitted by subsection 5.6(7).

### Siting and Size

- (3) The maximum area of any accessory dock in the W1 zone and in any zone labelled W1 followed by a lower case letter, excluding ramps and walkways, shall not exceed 65 m<sup>2</sup> (700 ft<sup>2</sup>).

### Conditions of Use

- (4) No dock in the W1 zone and in any zone labelled W1 followed by a lower case letter shall use foam floatation devices that are not completely encapsulated.
- (5) No building, including a boathouse, in the W1 zone and in any zone labelled W1 followed by a lower case letter may be constructed or erected on any dock, float or wharf.

### Site-Specific Regulations

- (6) The following table 5.2 denotes locations for reference, with zone boundaries defined on Schedule C, 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 refer to the notation on Schedule C. The second column is an information note and the third column cites the specific regulations that apply:

<b>Table 5.2</b>		
<b>Site-Specific Zone</b>	<b>Information Note: General Location</b>	<b>Site Specific Regulations</b>
W1(a)	BIE ESTATES	1. Despite subsection 5.6(2), a maximum of one (1) dock per permitted dwelling may be constructed in this location to a maximum of 21 docks.
W1(b)	B & A ESTATES	1. Despite subsection 5.6(2), a maximum of three (3) docks may be constructed in this location

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## 5.7 Marine Service (W2)

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Information Note: The purpose of the Marine Service Zone is to provide for the regulation of development, including common dock facilities, in marine areas adjacent to residential islands.

### Permitted Uses

- (1) The following uses are permitted in the W2 zone and in any zone labelled W2 followed by a lower case letter , subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Mooring buoys, for the purpose of mooring a private vessel accessory to the residential use of an upland lot;
  - (b) Community docks and wharves;
  - (c) Barge ramp;
  - (d) Breakwaters;

### Density

- (2) One community dock or wharf may be constructed in each W2-zoned location and in any zone labelled W2 followed by a lower case letter.

### Conditions of Use

- (4) No dock in the W2 zone and in any zone labelled W2 followed by a lower case letter shall use foam floatation devices that are not completely encapsulated.
- (5) No building, other than one storage building not exceeding 10 m<sup>2</sup> and 4 metres in height in the W2 zone and in any zone labelled W2 followed by a lower case letter, may be constructed or erected on any dock.
- (6) The following table 5.3 denotes locations for reference, with zone boundaries defined on Schedule C, 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 refer to the notation on Schedule C. The second column provides an information note and the third column cites the specific regulations that apply:

<b>Table 5.3</b>		
<b>Site-Specific Zone</b>	<b>Information Note: General Location</b>	<b>Site Specific Regulations</b>
W2(a)	KILDARE ESTATES LTD	1. Despite subsection 5.7 (2) a maximum of two (2) community docks with a combined maximum float area of 288 m <sup>2</sup> (3100 ft <sup>2</sup> ) and a swimfloat with a maximum area of 38 m <sup>2</sup> (400 ft <sup>2</sup> ) are permitted below the natural boundary of the sea.

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## **5.8 Marine Protection (W3)**

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Information Note: The purpose of the Marine Protection Zone is to provide for the regulation of development in marine areas outside of areas zoned for docks and moorage.

### **Permitted Uses**

- (1) The following uses are permitted in the W3 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Marine navigational aids;

## **PART 6 SIGN REGULATIONS**

### **6.1 Permitted Signs**

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

### **6.2 Prohibited Signs**

- (1) The following signs are prohibited:
  - (a) 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.
  - (h) Any sign hung from, or in any way affixed to, any other sign;

### **6.3 Exempt Signs**

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

- (1) Directional, traffic control, safety, interpretive, address and navigational signs.
- (2) Signs of candidates for elected public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed on the day following the election.
- (3) Signs pertaining to the lease, sale, name of owner or property, or the use or status of a lot or building are permitted, provided no one sign exceeds a total dimension of 0.75 metres by 0.75 metres (2.5 feet by 2.5 feet)
- (4) Signs erected and maintained by a public agency.

### **6.4 Siting and Height**

- (1) The maximum height for any sign is 6 metres (20 feet).

## 6.5 Obsolete Signs

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

## 6.6 Sign Number and Area

<b>Zone/Use</b>	<b>Number of Signs Permitted for each Lot, Premise or Use</b>	<b>Maximum Total Sign Dimension Permitted for Each Lot, Premise or Use</b>
All zones	1 per lot	0.75 metres by 0.75 metres (2.5 feet by 2.5 feet)

## **PART 7 SUBDIVISION REGULATIONS**

### **7.1 Lot Area Calculations**

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

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

The average and minimum lot areas specified in Part 5 – Zone Regulations do not apply to:

- (1) A lot being created 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) radio or television broadcasting antenna;
  - (e) telecommunication relay;
  - (f) automatic telephone exchange;
  - (g) air or marine navigation aid;
  - (h) electrical substation.
- (2) A lot being created to be used solely 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.
- (3) A lot created is the result of the consolidation of two or more lots.
- (4) The adjustment of boundaries between lots provided that 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 the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment

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

- (1) Where a subdivision is proposed that yields the maximum number of lots permitted by the applicable 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 average lot area, the owner must grant a s. 219 covenant pursuant to the *Local Government Act* in respect of every such lot prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number or size of dwellings and accessory buildings.

- (2) If a subdivision is proposed that is to yield fewer than the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw, and:
  - (a) one or more of the lots being created has an area equal to or greater than twice the applicable average lot size; and
  - (b) one or more of the lots being created has an area less than the applicable average lot size the applicant shall grant a s. 219 covenant pursuant to the *Local Government Act* complying with Section 2.6 in respect of every lot prohibiting:
    - (i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw; and
    - (ii) the construction, erection, or occupancy on the lot of dwellings and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this bylaw.
- (3) If the approval of a bare land strata plan would create common property, the applicant must grant a s. 219 covenant pursuant to the *Local Government Act* 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.

#### **7.4 Boundary Adjustment Subdivisions**

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

#### **7.5 Section 946 Subdivisions (Residence for a Relative)**

- (1) No lot having an area less than 8 hectares (20 acres) may be subdivided under the *Local Government Act* to provide a residence for a relative of the owner.

#### **7.6 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 pursuant to section 944 of the *Local Government Act*.
- (2) No lot in a proposed subdivision may have a lot depth greater than three times its lot width, excluding any panhandle access strip.

- (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.
- (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.

#### **7.7 Split Zoned Lots**

- (1) The creation of an additional lot lying within two or more zones is prohibited unless the subdivision consolidates lots or adjusts property lines.

#### **7.8 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.

#### **7.9 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.

#### **7.10 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 (now called Ministry of Transportation and Infrastructure), dated October 20, 1992 and amended July 18, 1996.*

#### **7.11 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 Infrastructure, and for proposed lots served by a community water system contact the Vancouver Coastal Health Authority.*

## PART 8 DEVELOPMENT PERMIT AREA GUIDELINES

*Information Note: Development Permit Areas are designated and described in Section 6 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.*

BL 146

### 8.1 DP-1 RIPARIAN AREAS

#### Definitions

- (1) Terms used in Section 8.1 that are defined in the Provincial *Riparian Areas Protection Regulation* (RAPR) have the same meaning as the definition given in the *Regulation*.

#### Applicability

Occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):

- (a) The addition, removal or alteration of:
  - (i) soil,
  - (ii) vegetation,
  - (iii) building, or
  - (iv) other structure;
- (b) Creation of non-structural, impervious or semi-impervious surfaces;
- (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;
- (d) Subdivision of land;
- (e) Application of artificial fertilizer, pesticides or herbicides;
- (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

#### Exempted Activities

- (3) The following activities are exempt from any requirement for a development permit in DP-1:
- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
  - b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
  - c) repair or replacement of a septic field within the same area of land as the existing septic field;
  - d) the removal of trees that have been examined by an International Society of Arboriculture Certified 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 10 metres (32.8 feet) from the stream boundary, 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) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed;
  - g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
  - 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 growing season, topping, or the pruning or removal of a structural root within the critical root zone;
  - i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
  - j) 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*.
  - k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
  - l) The construction of a private trail if all of the following apply:
    - i. The trail is 1 metre (3.28 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 (16.4 feet) away from the stream boundary.
  - m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
  - n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) 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.*

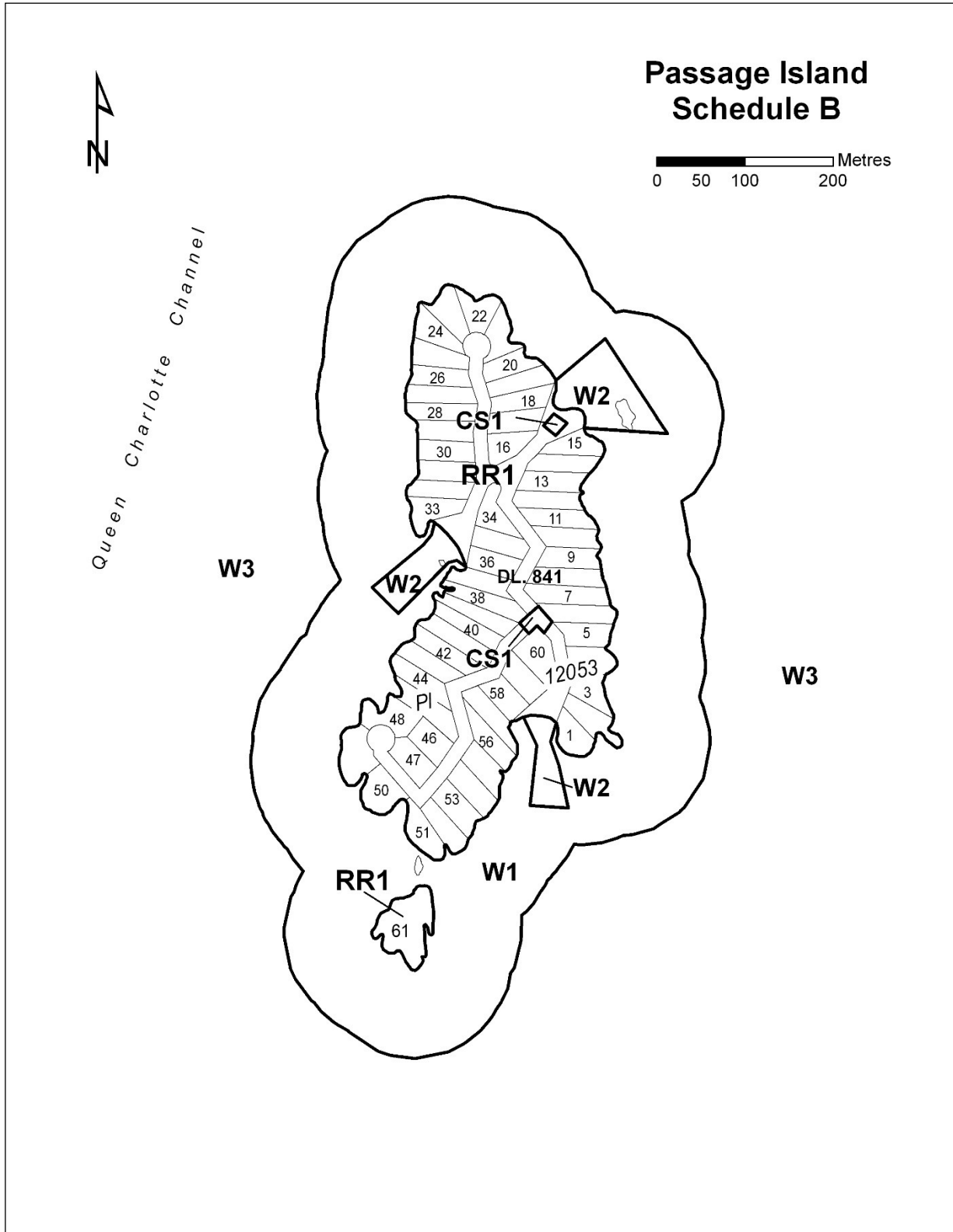
*Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.*

### **Guidelines**

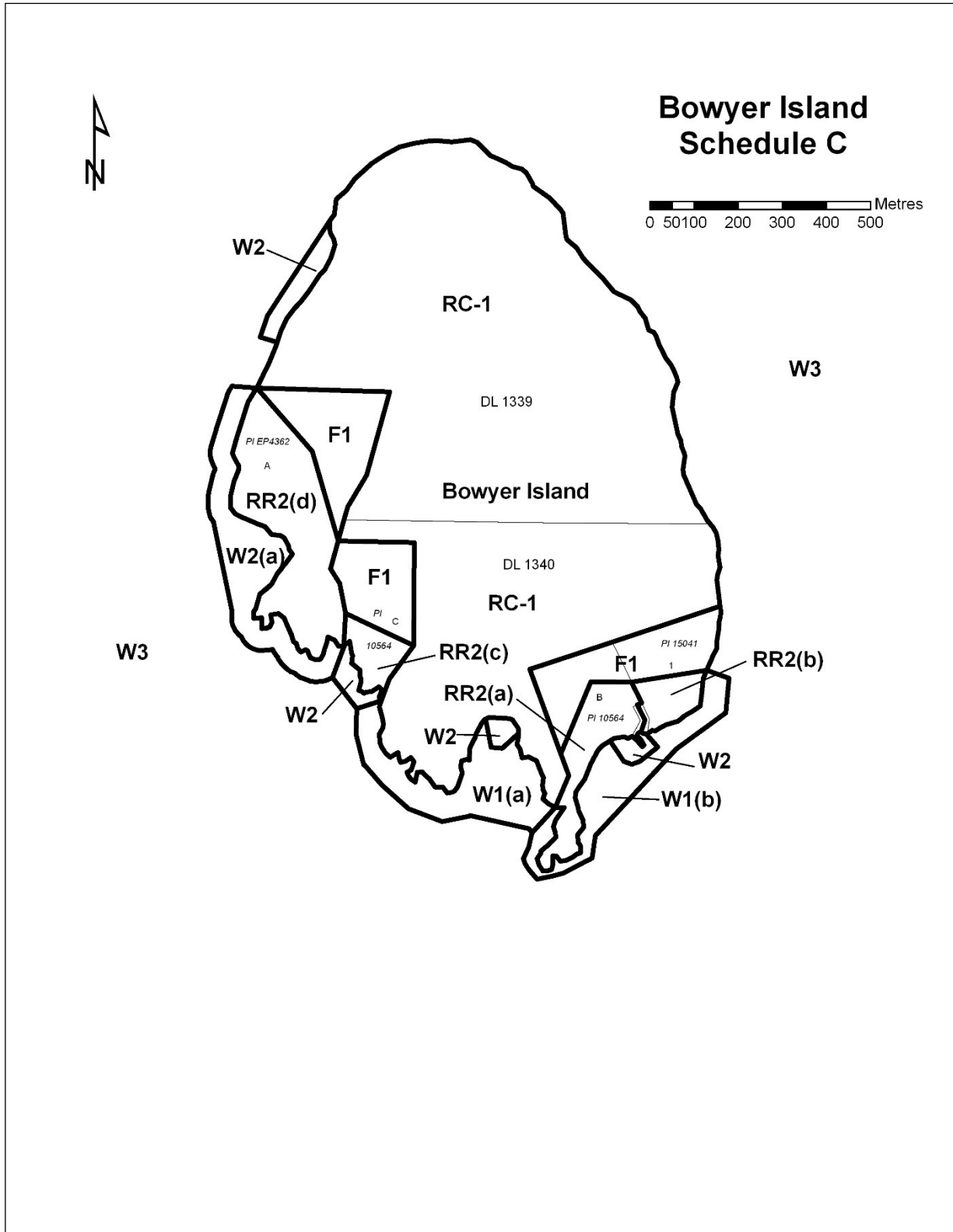
- (4) Prior to undertaking any non-exempt development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
  - a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.
  - b) In general, all development 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 QEP has, as part of the assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, 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.
  - c) 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 and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
  - d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP'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) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.

- f) 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 accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the stream boundary, unless the parcel boundary is being created for an ecological reserve under the Ecological Reserve Act for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 8.1(2) would be likely to occur within 30 metres of the stream boundary, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's assessment report.

# Schedule B 'Zoning Map - Passage Island'



# Schedule C 'Zoning Map - Bowyer Island'



# Schedule D - 'Bylaw Area Map'

