



**LASQUETI ISLAND
LOCAL TRUST COMMITTEE**

LAND USE BYLAW NO. 78, 2005

AS AMENDED BY THE LASQUETI ISLAND LOCAL TRUST COMMITTEE

BYLAWS: 84,89 and 90

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

Consolidated: July, 2016

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. 84	Amendment No. 1, 2009	June 3, 2010
Bylaw No. 89	Amendment No. 1, 2014	November 20, 2014
Bylaw No. 90	Amendment No. 2, 2014	June 9, 2016

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**LASQUETI ISLAND LOCAL TRUST COMMITTEE
LAND USE BYLAW No. 78, 2005**

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 Lasqueti Island Local Trust Area.

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

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

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

1. This Bylaw may be cited for all purposes as the "Lasqueti Island Land Use Bylaw No. 78, 2005".
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 Lasqueti Island Local Trust Area as shown on Schedule C:
 - (1) Schedule A (Land Use Bylaw Document)
 - (2) Schedule B (Planning Area and Zoning Map)
 - (3) Schedule C (Subdivision District Map)
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 10th day of June, 2005.

PUBLIC HEARING HELD this 12th day of August, 2005.

READ A SECOND TIME this 12th day of August, 2005.

READ A THIRD TIME this 12th day of August, 2005.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this 4th day of October, 2005.

ADOPTED this 25th day of October, 2006.

SECRETARY

CHAIRPERSON

PART 1 INTERPRETATION

1.1. Definitions

In this bylaw, unless the context otherwise requires:

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

"agriculture" means:

- on non-Agricultural Land Reserve areas, means the use of land, buildings or structures for the growing, rearing, producing or harvesting of crops, livestock, poultry and other animals subject to Provincial Regulation and includes the processing and sale of products harvested, reared or produced on that parcel and the storage of machinery, implements and supplies for use by the agricultural operation; and
- on land within the Agriculture Land Reserve, in addition to the above, means the use of land for activities designated as farm use in terms of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and the use of land for farm operation, as defined in the Farm Practices Protection (Right to Farm) Act; and
- agricultural uses include the processing of farm products grown off the farm where at least 50% (by volume) of the inputs for the processed farm products are grown or reared on the farm;

BL 84, 2010 **"assisted living housing"** means residences for seniors and/or people with special medical needs where rooms and/or meals and/or personal care are provided;

"barge ramp" means a structure placed on the foreshore for the purpose of loading and unloading of barges and does not include a boat ramp;

"bed and breakfast" means a home enterprise which provides for the accommodation of the travelling public;

"boat charter" means a boat hired with an operator and used for transporting people for the purpose of fishing, diving, sight-seeing, or other form of recreation or as a water taxi;

"boat ramp" means a structure placed on the foreshore for the purpose of launching boats and permitting the removal of boats from the water and does not include a barge ramp;

"bottom culture of molluscs" means the establishment, raising, and harvesting of molluscs in or on the sea-bed utilizing no site alteration, structures or equipment other than clam matting or trays, and signs or markers necessary to identify and delineate a tenured area, and involves only distribution of seed, tending crop, and collection of product; for clarity, site alteration includes substrate modification or the use of metal plates or pipes;

"building" means any roofed structure used or intended to be used for the shelter, habitation, accommodation, assembly, or storage of animals, plants, goods, persons or chattels;

"dock" means a structure including ramps, floats, anchors and pilings which extend over the foreshore into the ocean and is fixed directly or indirectly to, or supported by, water or land for the purpose of providing access to and from boats, barges, and float planes which may be attached to the structure;

"dwelling" means a building containing one kitchen, sleeping and living areas, in either a self-contained room or set of habitable rooms, used or intended for use as one (1) residence; for clarity a travel trailer, mobile home, bus, vessel or other recreational vehicle actively used for long term habitation is considered a dwelling;

"ecological reserve" means an ecological reserve established under the Ecological Reserve Act; for clarity, ecological reserves under the Ecological Reserve Act apply only to Crown Land;

"fish farm" means the forms of aquaculture concerned with the growing, raising, harvesting, storage, and sale of finfish and includes the storage, repair, and servicing of finfish culture equipment, but excludes the bleeding, gutting, and other processing of fish;

"floor area" means the total area of each floor in a building where the floor to ceiling height is greater than 1.5 metres (5 feet), measured to the interior surface of the perimeter walls, and includes the floor area of lofts, balconies, decks, porches and similar projections enclosed by siding, glazing, screening or other materials;

"guest cabin" means a stand alone, detached, building used for the accommodation of non paying guests of the occupants of a dwelling on the same parcel;

BL 84, 2010

"health centre" means an establishment providing services for health maintenance, health education and the treatment of mental or physical conditions;

"highway" means the surveyed right of way for a road, street, lane, bridge, access routes in bare land strata plans, and any other way open to public use, but does not include a private right-of-way on private property;

"kitchen" means a room or area of a room in a building that is equipped for activities related to the preparation and cooking of food; for clarity bar-be-que's, hot plates and bars alone do not constitute a kitchen;

BL90, 2016

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

"living area" means rooms or areas within a dwelling that provide space for activities that typically take place in a living room, den, recreation room or similar type of room or area;

"long line culture of molluscs" means the establishment, raising, and harvesting of molluscs above the sea-bed utilizing secured lines attached to floats, and involves only seeding, tending crop, and collection of product;

"lot" means parcel as defined in this Bylaw;

BL 89, 2014

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

"mariculture" means the growing, raising, harvesting, packing, storage and sale of molluscs, crustaceans, and marine plants where there is no administration of food or chemical products and includes the storage, repair, and servicing of mariculture equipment used at the site, but specifically excludes the processing of these organisms and fish farms;

"marine navigation aid" means a structure or sign authorized by the Government of Canada to assist in safe ocean passage;

"moorage" means the securing of a boat or vessel in a location by attachment to one or more anchors but specifically excludes the securing of a boat or vessel to a dock;

"mooring buoy" means a buoy anchored to the sea floor and used for securing of a boat or vessel;

"multi use ramp" means a structure placed on the foreshore for the purpose of providing an area for land and water access for marine traffic, including, loading and unloading of barges, and launching and removing boats from the water;

"natural boundary" means the visible high water mark of any lake, river 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 on 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;

"**parcel**" means the smallest unit in which land is designated as a separate and distinct lot on a legally recorded plan or description filed in the Land Title Office, and includes a strata lot registered under the Strata Property Act, but does not include a highway;

"**park**" means public park and includes ancillary uses including park office, information centre, community organization offices, community uses, caretaker's quarters, and other uses associated with park uses;

BL 89, 2014

"**parking lot home enterprise**" means a parking lot containing an open area for two or more motor vehicles to accommodate clients, customers or residents of the private lot, which has adjacent access to permit ingress or egress of motor vehicles to a street by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted;

"**passenger ferry dock**" means a structure which extends over the foreshore into the ocean and is fixed directly or indirectly to, or supported by, water or land for the purpose of providing access to and from a foot passenger ferry which transports the general public;

"**public service**" means a use, building or structure providing for community functions and services and includes public schools, firehalls, community halls, parking areas, public boat launching ramp, telephone facilities, outpatient clinics and seniors facilities but not including nursing homes;

"**public shellfish reserve**" means an area set aside for the conservation and non-commercial harvest of molluscs;

"**residence**" means occupancy or use of a building or structure or part thereof as a place where an individual or group of individuals live together in common occupancy sharing kitchen and living areas;

BL 84, 2010

"**senior**" means any person 65 years of age and older;

"**shipyard ways**" means a marine railway or corduroy skid road and line pulley facility associated with a shipyard for the launch and retrieval of boats;

"**sleeping unit**" means a building intended for sleeping, which contains not more than one bedroom and does not contain a kitchen or living area;

"**slipway**" means a marine railway or corduroy skid road and line pulley facility for the launch and retrieval of boats;

"**structure**" means a construction of any kind, whether fixed to, supported by, or sunk into land or water, including buildings, display signs, poles and towers, platforms, breakwaters, sheds, bins, stadia, tanks, but shall not include fences and walls;

"**tenting site**" means the area in a campground used for the placing of a tent for the purposes of picnicking or overnight camping;

"**tourist accommodation**" means commercial short term rental of a guest cabin or an approved accommodation for periods of less than 30 days to accommodate tourists, visitors and the travelling public;

"**use**" means the purpose or activity for which any lot, parcel, area or tract of land, building or structure is designed, arranged, or intended or occupied or maintained;

"**utility**" means a structure in support of telecommunication, energy generation or transmission;

"**vessel**" means a boat, barge, seaplane and any other marine traffic;

"**watercourse**" means any natural depression with a bed of 0.6 metres (2 feet) or more below the average elevation of the surrounding land, which contains water at least six months of the year;

"**water taxi**" means a commercially operated boat hired with an operator and used for the purpose of transporting goods or people to and from points over water;

"**zone**" means a zone as established by this Bylaw.

1.2. Referencing

The reference system used in this Bylaw is:

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

1.3. Units of Measure

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

1.4. Information Notes

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 n understanding of the Bylaw and do not form a part of it.

PART 2 ADMINISTRATION

2.1. Administration

This Bylaw shall apply to that part of the Lasqueti Island Local Trust Area as shown on Schedule B. encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks and the seabed, and also the surface waters and air spaces.

2.2. Conformity

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure and sign except as permitted by this Bylaw.
- (3) Nothing contained in the bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing parcel that is less than the minimum lot area specified in the applicable zone for the creation of new parcels by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No parcel or area may be subdivided, no building, structure of 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) Islands Trust staff, including the Bylaw Investigations Officer and any other officer who may be appointed in that capacity, is authorized, after making efforts to make contact with the property owners or occupant or in response to any second or additional complaint, to enter upon any property subject to the provisions of this Bylaw, to ascertain whether the regulations of the Bylaw are being or have been complied with; for clarity elected trustees do not conduct investigations or have the authority provided to act as the Bylaw Investigations Officer.

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 five thousand dollars (\$5000) and the cost 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 covenanter.

2.7. Owners Costs

- (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 parcel 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 parcel, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

PART 3 GENERAL PROVISIONS

3.1. Accessory Uses, Buildings and Structures

- (1) An accessory building or structure shall not be used as a dwelling.

3.2. Landscape Screening

- (1) Where a landscape screen is required by this Bylaw, it must be provided in the form of:
- (a) existing vegetation of the required height that provides a continuous, permanent visual screen between the uses being separated; or
 - (b) a row of drought-tolerant evergreen plants that, at maturity, will attain the required height and provide a continuous, permanent visual screen between the uses being separated;
 - (c) the landscape screen must be unbroken except for access drives or walks; and
 - (d) in the case of Subsection 3.2 (b), a screen in the form of a fence shall be sited to mask between the uses being separated until vegetation has matured and provides a permanent visual screen.

3.3. Parking Requirements

(1) Location

- (a) All required off-road parking spaces must be located on the parcel on which the use, building or structure being served is located, or on an adjoining parcel that constitutes a part of the same site or premises and is in the same zone. Parking spaces located on a highway must not be taken into account in determining compliance with the standards in Subsection 3.3 (4) (a) Table 1.
- (b) All parking for disabled persons must be located adjacent to a main entrance of the building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking.

(2) Design Standards

- (a) Parking spaces must be at least 2.75 metres (9.0 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2.0 metres (6.6 feet).
- (b) Parking spaces for disabled persons must be a minimum of 3.7 metres (12.1 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2 metres (6.6 feet).
- (c) Parallel parking spaces must, despite the foregoing, have a length of 7.5 metres (24.6 feet).

(3) Calculation

- (a) In calculating parking spaces required in Article 3.3 (4)(a) Table 1, one additional space must be provided in respect of any fractional floor area, number of seats or berths or other unit of measurement, and the requirements for sites on which more than one use occurs are cumulative.

3.4. Agricultural Land Reserve Farm Use Regulations

- (1) Lands within the Agricultural Land Reserve may have additional uses permitted which may not be noted in the zone regulations of this Bylaw, subject to Section 2(2) of B.C. Reg 171/2002 - Agricultural Land Reserve Use, Subdivision, and Procedure Regulation. Appendix A lists uses permitted on lands within the Agriculture Land Reserve and is attached to the consolidated version of this bylaw for information purposes.

3.5. Siting and Setback Provisions

(1) General

- (a) All building and structure setbacks and spatial separation requirements must be measured on the horizontal plane from the exterior finished façade of the building or structure to the natural boundary, parcel line or other point specified in this Bylaw.

(2) Setbacks and Screening for Streams as Defined in the British Columbia *Riparian Areas Regulation*

(a) Terms used in Section 3.5(2) that are defined in the provincial *Riparian Areas Regulation* have the same meaning as the definition given in the Regulation, as it may be amended from time to time;

(b) The following freshwater features, located on properties designated as 'RAR Applicable' as noted on Schedule D, being:

- (i) a watercourse, whether it usually contains water or not;
- (ii) a pond, lake, river, creek or brook;
- (iii) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (i) or (ii),
must be screened from development as defined in the British Columbia *Riparian Areas Regulation*, through the retention of all existing vegetation ONLY, in the form of:

- a 30 metre strip on both sides of the stream, measured from the high water mark;
- for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank; and
- for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank;

(c) Applications to vary 3.5(2)(b) above will require a report from a qualified environmental professional conducted according to the *Riparian Areas Regulation* methodology.

(d) (d) Notwithstanding 3.5(2)(b) above, the following land use activities are permitted in the stream screening area:

- (iv) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (v) 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;
- (vi) repair or replacement of a septic field on the same spot in accordance with provincial legislation governing onsite sewage disposal;
- (iv) the removal of trees that have been examined by an arborist or registered professional forester and certified to pose a threat to life or property;
- (v) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- (vi) gardening and yard maintenance activities within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- (vii) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- (viii) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society

- of Arboriculture, and that 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;
- (ix) ecological restoration or enhancement projects undertaken or authorized by a public body;
 - (x) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
 - (xi) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - (xii) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* (see Information Note below);
 - (xiii) The construction of a fence or gate if all of the following apply:
 - a fence that does not require soil alteration (such as switchback fences);
 - a gate, if there is minor soil disturbance that does not alter the general contours of the land;
 - no native trees are removed;
 - the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence or gate, or 1.5 meters on either side of the fence or gate in agricultural areas;
 - (xiv) The construction of a private trail if all of the following apply:
 - The trail is one meter wide or less;
 - No native trees are removed;
 - The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - The trail is designed to prevent soil erosion where slopes occur; and
 - Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream.
 - (xv) Disturbance of soils more than 15 meters 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 meters squared;
 - (xvi) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters 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 meters squared;
 - (xvii) Structures used to provide micro-hydro-electricity 10kw capacity or less (see Information Note below).

(3) Setbacks for Other Streams, Creeks, Lakes, Wetlands, and Watercourses

(a) The minimum setback for buildings and structures for any other streams, creeks, lakes, wetlands, and watercourses is 30 metres, except for the following:

- (i) fence if it does not require soil alteration (such as switchback fences), gate if there is minor soil disturbance that does not alter the general contours of the land, or access stairway if it is pervious and not chemically treated;
- (ii) 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;
- (iii) repair or replacement of a septic field on the same spot in accordance with provincial legislation governing onsite sewage disposal;
- (iv) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (v) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters 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 meters squared
- (vi) Structures used to provide micro-hydro-electricity 10kw capacity or less (see Information Note below).

(4) Minimum Setback for Buildings and Structures from the Natural Boundary of the Sea

(a) The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:

- (i) 5.0 metres (16.4 feet) for a boathouse;
- (ii) 15 metres (49.2 feet) for all other buildings and structures;
- (iii) despite Clause 3.5(4)(a)(ii), where the frontage on the sea is adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and structures may be sited as close as 7.5 metres (24.6 feet) from the natural boundary of the sea.

(b) The minimum allowable difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea must be 1.5 metres, except for a boathouse.

(c) Where fill is used to attain the elevation required in this section:

- (i) the minimum setback distance required shall be measured from the toe of the fill slope to the natural boundary of the sea; and
- (ii) the face of the fill slope must be protected against wave action from floodwaters.

Information Notes:

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.

For best management practices on building setback standards from watercourses and wetlands in farming areas, and on conservation of riparian habitat in agricultural areas, property owners should contact the British Columbia Ministry of Agriculture.

Micro-hydro-electrical projects may require a licence from the province.

BL90, 2016

(5) Setbacks and Screening from Nesting Trees

- (a) A protective screen of natural vegetation must be retained within a 30 metres (98.4 feet) radius of the trunk of a tree bearing nests of herons, eagles, ospreys, vultures, falcons, hawks and owls.”

3.6. Home Enterprise Provisions

- (a) Where permitted, home enterprises shall be subject to the following regulations:
- (i) The home enterprise use must be accessory to the principal residential use of the property
 - (ii) The home enterprise use must be conducted by a minimum of one resident
 - (iii) A home enterprise may produce no consistent noise, vibration, smoke, dust, odour, litter, electrical interference, fire hazard, or glare detectable outside the boundaries of the parcel containing the home enterprise.
 - (iv) Not more than four motor vehicles that are waiting, undergoing, or having been repaired may be stored external to the building in which the home enterprise is operated.
 - (v) The external appearance of the premises on which the home enterprise is operated must retain a residential appearance.
 - (vi) A home enterprise may involve storage areas exterior to the building or structure for materials used in or resulting from the processing or repair of any product, provided such storage areas are screened from adjacent land views by a landscape screen or fence, not less than 2.0 metres (6.6 feet) in height, subject to Section 3.2.
- (b) In addition to subsection 3.6 (a), the following regulations apply to Bed and Breakfast home enterprise:
- (i) Bed and breakfast use is to provide visitor overnight accommodation only,
 - (ii) Not more than three (3) bedrooms shall be used to accommodate tourists,
 - (iii) Bed and breakfast must be accommodated within the owners or occupiers permanent residence, and
 - (iv) No more than one bed and breakfast use per dwelling is permitted; in cases where there is more than one dwelling permitted per lot, each dwelling on this lot shall be permitted to operate as a bed and breakfast;

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- (c) In addition to subsection 3.6 (a), the following regulations apply to Parking Lot home enterprise:
- (i) no part of the parking lot area may be a paved surface;
 - (ii) the maximum combined lot coverage of the parking lot home enterprise is 5 percent of the lot area;
 - (iii) the entirety of the parking area must be setback as follows:
 - 3 metres from interior side and rear lot lines;
 - 3 metres from front and exterior lot lines;
 - 30 metres from a watercourse;
 - 30 metres from the natural boundary of the sea.

3.7. Commercial and Industrial Temporary Use Permits

- (1) Temporary use permits may be considered in any zone and must be consistent with the objectives and policy's set out in Lasqueti Island Official Community Plan, 2005.
- (2) Temporary use permits for temporary log dumps in the Marine General (M2) zone shall be considered based upon the following criteria:
 - (a) the logged area is inaccessible by public road or registered easement or the geographic location would make the environmental and social effects of road construction unacceptable;
 - (b) the existing log dump, located on Lot 320, Nanaimo Land District, is determined to be unsuitable and/or closed to public use;
 - (c) the applicant addresses environmental and social effects; and
 - (d) where suitable conditions exist, shipping of logs by means of a barge is encouraged as an alternative to watering logs.

3.8. Guest Cabins and Temporary Use of Recreational Vehicles

- (1) Storage of a travel trailer, mobile home, bus, vessel or other recreation vehicle on a lot, provided such is not actively used for human habitation or any overnight accommodation is permitted.
- (2) A travel trailer, mobile home, bus, vessel or other recreation vehicle is considered and may be used as a dwelling unit on any lot where a single family dwelling is a permitted building provided that it complies with residential density calculations in accordance with section 3.9
- (3) Where permitted, a travel trailer, mobile home, bus, vessel or other recreation vehicle may be used in place of a guest cabin on a lot for non-commercial accommodation provided that the floor area does not exceed 56 square metres (602.7 square feet).
- (4) A guest cabin shall not exceed 56 square metres (602.7 square feet) in floor area.
- (5) A guest cabin is not a dwelling and not to be actively used for long term rental accommodation purposes.
- (6) A guest cabin may only be used as a commercial short-term rental of less than 30 days provided the appropriate Commercial 3 zoning is in place.

3.9. Dwellings and Guest Cabins Per Lot

- (1) Unless otherwise regulated in this Bylaw, any upland lot is permitted to have one dwelling.
- (2) Unless otherwise regulated in this Bylaw, the following number of dwellings are permitted per lot:
 - (a) Subdivision District A: one (1) dwelling per four (4) hectares (9.88 acres) of lot area.
 - (b) Subdivision District B: one (1) dwelling per eight (8) hectares (19.76 acres) of lot area.
 - (c) Subdivision District C: one (1) dwelling per 65 hectares (160.61 acres) of lot area.
- (3) For each permitted dwelling, a guest cabin not exceeding 56 square metres (602.7 square feet) in floor area is permitted.
- (4) For the purpose of calculating density, six (6) tenting sites are considered equivalent to one dwelling density.

3.10. Lots Divided by a Zone Boundary

- (1) On a lot located within more than one zone, the dwelling density shall not exceed one dwelling or six (6) tenting sites per four (4) hectares (9.88 acres) of land area.

3.11. Subdivision Regulations

(1) Minimum Lot Size

The minimum and minimum average parcel size for each lot created by subdivision shall be:

- (a) Subdivision District A: one (1) parcel per four (4) hectares (9.88 acres) of lot area.
- (b) Subdivision District B: one (1) parcel per eight (8) hectares (19.76 acres) of lot area.
- (c) Subdivision District C: one (1) parcel per 65 hectares (160.61 acres) of lot area.

(2) Exception to Minimum Lot Size Requirements

The minimum lot size requirement provision shall not apply:

- (a) To lot consolidations;

- (b) Where boundary adjustments between lots are being made, provided no lot complying with the minimum lot size requirement is altered so that it is unable to conform with the minimum lot requirement;
- (c) Where the lot being created is to be used solely for the unattended equipment necessary for the operation of:
 - (i) a community water system;
 - (ii) a community sewer system;
 - (iii) a community gas distribution system;
 - (iv) a community radio or television receiving antenna;
 - (v) a radio or television broadcasting antenna;
 - (vi) a telecommunication relay station;
 - (vii) an automatic telephone exchange;
 - (viii) an air or marine navigational aid;
 - (ix) electrical substations or generating stations;
 - (x) any other similar public service or quasi-public service facility or utility; or
- (d) Where the lot is created solely for access purposes pursuant to B.C. Reg. 334/79;
- (e) To churches, chapels, and parks;
- (f) Where no sewage is generated, subject to registration of a covenant, held by the Local Trust Committee, that restricts all other uses on the property;
- (g) To lots within the Institutional 1 zone;
- (h) To subdivisions for the provision of a residence for a relative under Section 946 of the Local Government Act provided the land is not within the Agricultural Land Reserve, has not been subdivided previously under Section 946 of the Local Government Act and has a minimum lot size of eight (8) hectares (19.77 acres); and such a subdivision shall be subject to all the requirements of that Section; and,
- (i) To subdivisions for the provision of a residence for a relative under Section 946 of the Local Government Act, provided the land is within the Agricultural Land Reserve and has not been subdivided under Section 946 of the Local Government Act within the previous five (5) year period.

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(3) Sewage Disposal

- (a) For each lot proposed to be created by subdivision, the applicant must demonstrate an area of land having sufficient area and appropriate characteristics to satisfy Vancouver Island Health Authority's Subdivision Standards.
- (b) No sewage may be disposed of by means of discharge to a watercourse or the sea.
- (c) Sewage generated in the IN1 zone may be disposed of on an adjacent lot.

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(4) Minimum Frontage

Pursuant to Section 944 of the Local Government Act, the highway frontage of any lot in a proposed subdivision must be at least ten percent of its perimeter unless waived by the Lasqueti Island Local Trust Committee.

(5) Lot Width

No lot may be created that has an average depth greater than five (5) times its average width.

PART 4 ZONE PROVISIONS

4.1. CREATION OF ZONES

BL 84, 2010 The Lasqueti Island Local Trust Area is divided into the following zones which are shown on Schedule B:

LAND BASED	LB
INSTITUTIONAL 1	IN1
COMMERCIAL 1	C1
COMMERCIAL 2	C2
COMMERCIAL 3	C3
INDUSTRIAL 1	I1
INDUSTRIAL 2	I2
INDUSTRIAL 3	I3
INDUSTRIAL 4	I4
INDUSTRIAL 5	I5
WATERSHED PROTECTION	WP
MARINE CONSERVATION	M-1
MARINE GENERAL	M-2
MARINE COMMERCIAL	M-3
MARINE MARICULTURE	M-4
MARINE INDUSTRIAL	M-5
MARINE TRANSPORTATION	M-6
MARINE BOAT RAMP	M-7
MARINE BARGE RAMP	M-8
MARINE MULTI USE RAMP	M-9

4.2. LAND BASED (LB)

(1) Permitted Uses

Except where otherwise regulated in this Bylaw, the following uses and no others shall be permitted on any parcel of land:

- (a) Residential;
- (b) Agriculture;
- (c) Forestry;
- (d) Mariculture facilities;
- (e) Home enterprise, subject to Subsection 3.6;
- (f) Slipways.

(2) Maximum Number and Size of Buildings and Structures

Except where otherwise regulated in this Bylaw, the following buildings and structures and no others are permitted on any parcel of land.

- (a) Dwellings, subject to Subsection 3.9;
- (b) Agricultural accessory buildings and structures necessary for the operation of a farm, including accessory buildings that contain temporary living quarters for transient agricultural workers;
- (c) Accessory buildings and structures;
- (d) Other non-residential buildings and structures to accommodate the permitted uses set out in this zone.

(3) Regulations

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Sewage generated in the Institutional1 zone may be disposed of on an adjacent Land Based zoned lot.

4.3. Institutional 1 (IN1)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Institutional 1 zone:

(a) Permitted Principal Uses

- (i) Nurses Station
- (ii) Health Centre
- (iii) Assisted Living Housing

(b) Permitted Accessory Uses

- (i) Employee Accommodation

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2, plus the following buildings and structures and no others are permitted in the Institutional 1 zone:

- (a) One assisted living building, with a maximum of 15 bedrooms;
- (b) Six senior and/or assisted living units which may be connected to other senior and/or assisted living units but are separate and detached from the assisted living building, provided that each unit does not contain more than one bedroom and one kitchen per unit;
- (c) Other buildings to accommodate the permitted uses set out in this zone, including but not limited to a dining hall, kitchen, recreation and administrative offices, all of which may be within one or more of the buildings noted in (a) and (b) above; and,
- (d) Accessory buildings, such as woodsheds, and pump/utility sheds.

(3) Minimum Setback Requirements for Buildings and Structures

The minimum setback for buildings or structures except for a sign, fence, or pump/utility house is:

- (a) 5 metres (16.4 feet) from any parcel line.

(4) Regulations Pertaining to the Institutional 1 Zone

- (a) Access to and from the Institutional 1 zone shall be permitted by easement over an adjacent titled property;
- (b) A maximum of 5 bedrooms may be occupied by health centre and assisted living staff at any one time;
- (c) The maximum combined floor area of all buildings shall not exceed 1393 square metres (15,000 square feet);
- (d) Home enterprise uses must be conducted entirely indoors; and,
- (e) Bed and Breakfast home enterprise uses are not permitted."

4.4. COMMERCIAL 1 (C1)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Commercial 1 zone:

- (a) Retail sales,
- (b) Restaurant,
- (c) Licensed lounge,
- (d) Hotel sleeping units,

- (e) Retail fuel sales,
- (f) Fuel storage,
- (g) Laundromat

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Commercial 1 zone:

- (a) The maximum number of hotel sleeping units shall not exceed 12 units;
- (b) The floor area of all buildings shall not exceed 810 square metres (8719 square feet).
- (c) Accessory commercial buildings and structures;
- (d) Other non-residential buildings and structures to accommodate the permitted uses set out in this zone.

4.5. COMMERCIAL 2 (C2)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Commercial 2 zone:

- (a) Retail sales,
- (b) Bakery,
- (c) Restaurant,

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Commercial 2 zone:

- (a) One (1) principal commercial use building not to exceed 93 square metres (1001 square feet),
- (b) Density of one retail business per parcel of land or one for every four (4) hectares,
- (c) Maximum restaurant seating capacity of 40 persons,
- (d) Accessory commercial buildings and structures not exceeding 93 square metres (1001 square feet) of floor area to accommodate the permitted uses set out in this zone,
- (e) One (1) dwelling per parcel of land,
- (f) On split zoned parcels of land equal to or greater than 4 hectares of land area, residential density provisions are subject to Section 3.10,
- (g) Despite Section 3.9 two (2) dwellings are permitted on Lot 2, Plan 16760, Section 31, Lasqueti Island.

(3) Minimum Setback Requirements for Buildings and Structures

The minimum setback for commercial use buildings or structures except for a sign, fence, or pump/utility house is:

- (a) 5 metres (16.4 feet) from any lot line.

4.6. COMMERCIAL 3 - TOURIST ACCOMODATION (C3)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Commercial 3 zone:

- (a) Tourist accommodation, for accommodating tourists, visitors and the traveling public.

(2) Maximum Number and Size of Buildings and Structures

The following buildings and structures and no others are permitted in the Commercial 3 zone:

- (a) Buildings and structures permitted in Section 4.2;
- (b) Despite Section 3.9, the following density of dwellings and guest cabins apply to land in the Commercial 3 zone:
 - (i) One residential dwelling and one guest cabin is permitted per parcel, and

- (ii) One additional dwelling and one additional guest cabin is permitted for each 4 hectares (9.88) of parcel area over 4 hectares (9.88).
- (c) A guest cabin shall not exceed 56 square metres (602.7 square feet) in floor area.
- (d) Despite Section 3.8 one (1) guest cabin of a maximum size of 70 square metres (753 square feet) is permitted on Lot A, Plan VIP69547 Section 4, Lasqueti Island, Nanaimo District.

4.7. INDUSTRIAL 1 (I1)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Industrial 1 zone:

- (a) Maintenance, repair and construction of boats,
- (b) Storage of gear and equipment.

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Industrial 1 zone:

- (a) Accessory industrial buildings and structures;
- (b) Other industrial buildings and structures to accommodate the permitted uses set out in this zone.

4.8. INDUSTRIAL 2 (I2)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Industrial 2 zone:

- (a) Shucking of shellfish

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Industrial 2 zone:

- (a) One (1) principal industrial use building not exceeding 59 square metres (635 square feet) in floor area.
- (b) Accessory industrial buildings and structures not exceeding 59 square metres (635 square feet) of floor area to accommodate the permitted uses set out in this zone.

(3) Minimum Setback Requirements for Buildings and Structures

The minimum setback for industrial use buildings or structures except for a sign, fence, or pump/utility house is:

- (a) 60 metres (196.9 feet) from any parcel line.

(4) Regulations Pertaining to the Industrial 2 Zone

- (a) All industrial buildings and structures shall be screened from road frontage and adjacent land.

4.9. INDUSTRIAL 3 (I3)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Industrial 3 zone:

- (a) Value added manufacturing of wood products
- (b) Material storage related to value added manufacturing of wood products

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Industrial 3 zone:

- (a) One (1) principal industrial use building not exceeding 185 square metres (1991 square feet) in floor area.
- (b) Accessory industrial buildings and structures not exceeding 185 square metres (1991 square feet) of floor area to accommodate the permitted uses set out in this zone.

(3) Regulations Pertaining to the Industrial 3 Zone

- (a) The minimum setback for industrial use buildings or structures except for a sign, fence, or pump/utility house is 50 metres (164 feet) from any parcel line.
- (b) All industrial buildings and structures shall be screened from road frontage and adjacent land.

4.10. INDUSTRIAL 4 (I4)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Industrial 4 zone:

- (a) Mechanical repairs,
- (b) Retail sales of parts accessory to mechanical repairs,
- (c) Storage of used motor oil,
- (d) Accessory buildings and structures.

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Industrial 4 zone:

- (a) One (1) principal industrial building a maximum of 70 square metres (753 square feet) of floor area.
- (b) Accessory industrial buildings and structures not exceeding 70 square metres (753 square feet) of floor area to accommodate the permitted uses set out in this zone.

(3) Minimum Setback Requirements for Buildings and Structures

The minimum setback for industrial use buildings or structures except for a sign, fence, or pump/utility house is:

- (a) 25 metres (82 feet) from any parcel line, except a property line that abuts a highway;
- (b) 6 metres (19.7 feet) from a parcel line that abuts a highway.

(4) Regulations Pertaining to the Industrial 4 Zone

- (a) All industrial buildings and structures shall be screened from road frontage and adjacent land.
- (b) All vehicles being serviced or stored shall be screened from road frontage and adjacent land.
- (c) All unlicensed or licensed vehicles may be stored on the property with an area no larger than 167 square metres (1800 square feet).

4.11. INDUSTRIAL 5 (I5)

(1) Permitted Uses

The uses permitted in Section 4.2 plus the following uses and no others are permitted in the Industrial 5 zone:

- (a) Extraction, processing, sorting and storage of construction aggregates.

(2) Maximum Number and Size of Buildings and Structures

The buildings and structures permitted in Section 4.2 plus the following buildings and structures and no others are permitted in the Industrial 5 zone:

- (a) Accessory industrial buildings and structures;
(b) Other industrial buildings and structures to accommodate the permitted uses set out in this zone.

4.12. WATERSHED PROTECTION 1 (WP1)

(1) Permitted Uses

The following uses, and no others, are permitted in areas zoned Watershed Protection 1 zone:

- (a) Low Impact Recreation.

(2) Maximum Number and Size of Buildings and Structures

- (a) No buildings or structures of any kind may be constructed or erected.

4.13. MARINE BASED USES – GENERAL REGULATIONS

(1) General Regulations

The following general regulations shall apply in the following marine zones: M1, M2, M3, M4, M5, M6, M7, M8, and M9;

- (a) The location of any permitted structures on the foreshore shall not block access to water by an owner of adjacent upland or impede foot passage along the foreshore.
- (b) Despite any other provision of this Bylaw, one (1) dock per contiguous upland parcel that abuts the foreshore on Lasqueti Island is permitted where the dock is providing access to a parcel abutting the foreshore which parcel is not accessible by a dedicated public right-of-way or registered easement and where no valid tenure for a dock exists on the date of the enactment of this regulation; such docks shall be located in a manner that minimizes visual and environmental effects and does not restrict access to shellfish sites as shown on Schedule B structures shall not be sited or extended towards the sea beyond 37 metres from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.
- (c) Despite any other provision of this Bylaw, one (1) dock per island or islet within the Lasqueti Local Trust Committee Planning Area is permitted where the dock is providing access to an island or islet where no valid tenure for a dock exists on the date of enactment of this regulation; such docks shall be located in a manner that minimizes visual and environmental effects and does not restrict access to shellfish sites as shown on Schedule B structures shall not be sited or extended towards the sea beyond 37 metres from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.
- (d) Despite any other provision of this Bylaw, one slipway per contiguous upland parcel that abuts the foreshore or one slipway for every 16 hectares (39.5 acres) contained in a contiguous upland parcel that abuts the foreshore is permitted. Slipways shall not be constructed in a way that alters the natural elevation of the foreshore or impedes foot passage along the foreshore.

- (e) Mooring buoys shall not be permitted to interfere with public navigation or commercial, mariculture, or industrial activity.
- (f) It is recognized that use of the coastal area for general water related activities including fishing, temporary anchoring, boating, and diving shall be permitted in the Marine Conservation (M1) zone and in the Marine General (M2) zone.
- (g) Nothing in this Bylaw prohibits the use of water areas for the temporary relocation of mariculture products that are threatened by pollution at their permanent location, to an area in which such uses are not expressly permitted, provided that the mariculture products are not so relocated for a period of time in excess of 14 consecutive days. Written consent may be required from Provincial and Federal Departments for such activities on the foreshore.
- (h) Fish farms are not permitted in any area.

4.14. MARINE CONSERVATION (M1)

(1) Permitted Uses

The following uses and no others are permitted in the Marine Conservation zone:

- (a) Ecological reserves and other reserves designated for protection of marine ecosystems and habitat;
- (b) Public shellfish reserves;
- (c) Underwater Conservancy;
- (d) Marine Protected Areas;
- (e) Marine navigation aids; and
- (f) Emergency log boom tie ups at the following locations only:
 - (i) That part of the foreshore covered by water located at Bull Passage off the southern coastline of Paul Island, Parcel 33, Nanaimo Land District (B.C. Lands File Number 1400644); and
 - (ii) That part of the foreshore covered by water located at Bull Passage abutting the North West Quarter of Section 7 (seven), Lasqueti Island, Nanaimo Land District and indicated in the license of occupation (B.C. Lands File Number 1401400).

(2) Permitted Structures

The following structures and no others are permitted in the Marine Conservation zone:

- (a) Signs, markers and structures necessary to accommodate the needs of marine navigation aids, underwater conservancies and habitat protection reserves.

4.15. MARINE GENERAL (M2)

(1) Permitted Uses

The uses permitted in Section 4.14 plus the following uses and no others are permitted in the Marine General zone:

- (a) Moorage for non-commercial purposes,
- (b) Slipways,
- (c) Private docks of the sizes specified at the following locations only:
 - (i) A dock extending towards the sea not more than 26 metres (85.3 feet) from the natural boundary of the sea, including a float of not more than 65 square metres (700 square feet); all within an area of approximately 0.21 hectares (0.52 acres) commencing at a point approximately 710 metres (2330 feet) from the North West corner of Parcel 128, Bull Island on a bearing 116°, thence 47 metres (154 feet) on a bearing 90°, thence 38 metres (125 feet) on a bearing 180°, thence 95 metres (310 feet) on a bearing 270°, thence following the natural boundary of Bull Island in a northerly, then easterly, then northerly direction to the point of commencement (B.C. Lands File Number 1406897);

(ii) A dock extending towards the sea not more than 14.5 metres (48 feet) from the natural boundary of the sea, including a float of not more than 65 square metres (700 square feet); all within an area of approximately 0.06 hectares (0.15 acres) commencing at Hub 27 as shown on October 1919 Shoreline Traverse of Jenkins Island, Parcel 130, Nanaimo Land District thence 22.85 metres (75 feet) at 290°, thence 26.25 metres (86 feet) at 200°, thence 22.85 m (75 feet) at 110°, thence 26.25 metres (86 feet) at 20° (B.C. Lands File Number 1407233);

(iii) A dock extending towards the sea not more than 40 metres (132 feet) from the natural boundary of the sea, including a float of not more than 105 square metres (1130 square feet); all within an area of approximately 0.92 hectares (2.27 acres) commencing approximately 127 metres (417 feet) South/South West of the iron pin marking the North West corner of Parcel 1, Section 31, Plan 23625, Lasqueti Island, Nanaimo Land District, thence 50 metres (164 feet) at 313°, thence 20 metres (67 feet) at 223°, thence 42 metres (138 feet) at 133°, thence approximately 25 metres (82 feet) along the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1407511);

(iv) A dock extending towards the sea not more than 36 metres (118 feet) from the natural boundary of the sea, including a float of not more than 18 square metres (194 square feet); all within an area of approximately 0.06 hectares (0.14 acres) commencing 50 metres (164 feet) west of the North East corner of Parcel 1, Plan 20814, the fractional South East One Quarter of Section 13, Lasqueti Island, Nanaimo Land District, then 36 metres (118 feet) North, then 15 metres (49.2 feet) West, then 40 metres (131.2 feet) south, then 15 metres (49.2 feet) east to the point of commencement (B.C. Lands File Number 1407969);

(v) A dock extending towards the sea not more than 36 metres (118 feet) from the natural boundary of the sea, including floats of not more than 70 square metres (750 square feet) with a covered boat docking area of 130 square metres (1400 square feet); all within an area of approximately 0.2 hectares (0.49 acres); that being an unsurveyed portion of Parcel 75, Nanaimo Land District, located adjacent to the South West shore of Boho Island, Parcel 134, Nanaimo Land District (B.C. Lands File Number 0272657);

(vi) A dock extending towards the sea not more than 26 metres (85 feet) from the natural boundary of the sea, including a float of not more than 18 square metres (195 square feet); all within an area of approximately 0.11 hectares (0.27 acres) commencing at the South East corner of Parcel 1, Plan 9112, Lasqueti Island, Nanaimo Land District, thence 7.6 metres (25 feet) at 201°, thence 61 metres (200 feet) at 270°, thence 30.5 metres (100 feet) at 21°, thence approximately 30.5 metres (100 feet) at 90° to the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1406481);

(vii) A dock extending towards the sea not more than 20 metres (66 feet) from the natural boundary of the sea, including a float of 49 square metres (527 square feet); all within an area commencing at a post planted 590 metres (1936 feet) at 365' from the South West corner and 625 metres (2051 feet) at 42.5° from the South East corner of the Fractional North West One Quarter of Section 6, Lasqueti Island, Nanaimo Land District, then 26 metres (85.3 feet) at 344°, then 20 metres (66 feet) at 74°, then 26 metres (85.3 feet) at 164°, then following the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1407276);

(viii) A dock extending towards the sea not more than 32 metres (105 feet) from the natural boundary of the sea, including a float of not more than 60 square metres (646 square feet); all within an area of approximately 544.4 square metres (5860 square feet) located approximately 3750 metres (12303 feet) east and 3250 metres (10663 feet) north of a survey marker located adjacent to the point where the West Boundary of Section 20, Lasqueti Island, Nanaimo Land District, intersects the natural boundary of the sea (B.C. Lands File Number 1405903);

(ix) A dock extending towards the sea not more than 30 metres (98 feet) from the natural boundary of the sea; all within an area of approximately 0.4 hectares (0.99 acres) located adjacent to the northeast shore of Parcel 2, Section 29, Sangster Island, Nanaimo Land District, (B.C. Lands File Number 0354968);

(x) A dock extending towards the sea not more than 42.7 metres (140 feet) from the natural boundary of the sea; including a float of not more than 30.5 square metres (328 square feet); all within an area of approximately 600 square metres (6458.6 square feet) that being an unsurveyed portion of the foreshore fronting the northerly boundary of the South West One Quarter of Section 31, Lasqueti Island, Nanaimo Land District, located approximately 3000 metres (9843 feet) East and 2500 metres (8202 feet) North of the point where the Southern boundary of the South West One Quarter of Section 31, Lasqueti Island, Nanaimo Land District, intersects the natural boundary of the sea (B.C. Lands File Number 1406022); and

(xi) For certainty, the permitted dock use in this land use area does not include docks providing docking space only to members of a yacht club or similar organization.

(2) Permitted Buildings and Structures

The buildings and structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Water General zone:

- (a) Moorage buoys and floats
- (b) Slipways;
- (c) Private docks only at the locations specified in Clause 4.15(1)(c);
- (d) Signs, markers and structures necessary to accommodate the needs of marine navigational aids and public shellfish reserves; and
- (e) Covered boat docking area of the size specified and at the location specified in Clause 4.15(1)(c)(v).

(3) Regulations

- (a) Structures below the highwater mark shall not impede foot passage along foreshore;
- (b) Mooring buoys, private docks, or slipways shall not be used for commercial, utility or industrial purposes; for clarity, a commercial, utility or industrial vessel may use these structures for residential use only to access an adjacent residential upland property;
- (c) Private docks and slipways shall be located within the boundaries of water leases or licenses of occupation;
- (d) Slipways shall have a maximum total width of 3 metres (9.8 feet), maximum height of 0.3 metres (.98 feet) above the natural elevation of the foreshore and any concrete or cement surface is limited to a maximum combined width of 0.6 metres (1.96 feet). No dredging or filling shall take place in the construction of a slipway;
- (e) No structures other than a moveable cradle shall be constructed to travel on the slipway;
- (f) Slipway cradles shall be stored above the high tide or removed when not in use; and
- (g) Signs and markers other than those required by government agencies shall not have placards exceeding 0.91 metres (2.99 feet) in width or 0.61 metres (2 feet) in height.

4.16. MARINE COMMERCIAL (M3)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Marine Commercial zone:

- (a) Fuel sales;
- (b) Boat charters and water taxis;
- (c) Passenger ferry dock;
- (d) Docks are permitted on the condition that docking space is available to members of the boating public; for certainty, the permitted dock use in this zone does not include docks providing moorage space only to members of a yacht club or similar organization.

(2) Permitted Buildings and Structures

The buildings and structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Marine Commercial zone:

- (a) Docks and signs;

- (b) Pilings and dolphins;
- (c) Storage sheds;
- (d) Passenger ferry dock; and

(3) Regulations

- (a) Docks or structures below the high water mark shall not impede foot passage along the foreshore;
- (b) Signs and markers other than those required by government agencies shall not have placards exceeding 0.91 metres (2.99 feet) in width or 0.61 metres (2 feet) in height; and
- (c) No storage shed shall exceed 4.5 metres (14.8 feet) in height and the total floor area shall not exceed 27.9 square metres (300 square feet).

4.17. MARINE MARICULTURE (M4)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Marine Mariculture zone:

- (a) Bottom culture of molluscs;
- (b) Long-line culture of molluscs;
- (c) Private dock, work sheds and covered docking area of the sizes specified at the following location only:
 - (i) A dock, work sheds and covered docking area extending towards the sea not more than 37 metres (120 feet) from the natural boundary of the sea including floats totaling not more than 202 square metres (2175 square feet), a covered docking area of not more than 144 square metres (1550 square feet), and work sheds of not more than 410 square metres (4410 square feet) all contained within Parcel 401, Lasqueti Island, Nanaimo Land District located adjacent to the east one half of Section 36 Lasqueti Island, Nanaimo Land District (B.C. Lands File No. 1403371).
 - (ii) A walkway extending towards the sea not more than 12 metres (40 feet) from the natural boundary of the sea, totaling not more than 11 square metres (120 square feet); a work float extending towards the sea not more than 21 metres (71 feet) from the natural boundary of the sea including floats totaling not more than 15 square metres (161 square feet); and a dock extending towards the sea not more than 12 metres (38 feet) from the natural boundary of the sea including floats totaling not more than 18 square metres (192 square feet) all contained within Licences of Occupation for shellfish tenure (B.C. Lands file numbers 1400132 and 1401370) located adjacent to the northeast one quarter of Section 32, Lasqueti Island, Nanaimo Land District and the southeast quarter of Section 31, Lasqueti Island, Nanaimo Land District.
- (d) Commercial harvesting of shellfish from the lease area in Maple Bay of Scottie Bay, north of Lindbergh Island, as shown on Map 1 of Schedule A.

(2) Permitted Buildings and Structures

The buildings and structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Marine Mariculture zone:

- (a) Structures and signs accessory to permitted uses;
- (b) Storage sheds;
- (c) Mooring Buoys; and
- (d) Private dock, work sheds, covered docking area, walkways and work floats of the sizes specified at the location specified in Clause 4.17(c)(i) and (ii).
- (e) No netting, buildings or structures associated with 4.17 (1)(d) are permitted.

(3) Regulation

- (a) Structures below the high water mark shall not impede foot passage along the foreshore;

- (b) Private floats, mooring buoys, docks, or wharves shall not be used for commercial, utility or industrial purposes other than mariculture;
- (c) Tenures shall be at least 30 metres (98 feet) from the nearest point of the next closest tenure;
- (d) Total area of any bay covered by any number of tenures shall not exceed 50 percent;
- (e) Signs and markers other than those required by government agencies shall not have placards exceeding 0.91 metres (2.98 feet) in width or 0.61 metres (2 feet) in height; and
- (f) Trays associated with marine mariculture use and placed on the sea bed shall not exceed 20 centimetres (8 inches) in height above the sea bed or cover more than 10% of the tenured area.

4.18. MARINE INDUSTRIAL (M5)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Marine Industrial zone:

- (a) Storage and repair of gear and equipment;
- (b) Shipyard ways and industrial docks; and
- (c) Boat repair and construction.

(2) Permitted Buildings and Structures

The buildings and structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Marine Industrial zone:

- (a) Shipyard ways;
- (b) Pilings, dolphins, mooring buoys, signs, industrial docks and storage sheds;
- (c) Storage sheds; and
- (d) Floating work sheds of the size specified at the following location only:
 - (i) A floating work shed of not more than 344 square metres (3700 square feet) all within an area of approximately 0.17 hectares (0.41 acres): that being Parcel 457, Lasqueti Island, Nanaimo Land District, located adjacent to Parcel 1, Plan 36182, Section 28, Lasqueti Island, Nanaimo Land District (B.C. Lands File No. 1400900).

(3) Regulations

- (a) Docks or structures below the high water mark shall not impede foot passage along the foreshore;
- (b) Signs and markers other than those required by government agencies shall not have placards exceeding 0.91 metres (2.98 feet) in width or 0.61 metres (2 feet) in height;
- (c) Docks shall not be sited or extend towards the sea beyond 67.4 metres (222 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea. Floats other than the floating work shed referred to in Section 4.18(2)(d)(i) shall not exceed 104 square metres (1120 square feet); and
- (d) Storage sheds shall not exceed 15 feet in height and the total floor area shall not exceed (400 square feet).

4.19. MARINE TRANSPORTATION (M6)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Marine Transportation zone:

- (a) Boat charters and water taxis;
- (b) Docks are permitted on the condition that docking space is available to members of the boating public. For certainty, the permitted dock use in this zone does not include docks providing moorage space only to members of a yacht club or similar organization.

(2) Permitted Buildings and Structures

The structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Marine Industrial zone:

- (a) Docks and signs;
- (b) Pilings and dolphins; and

(3) Regulations

- (a) Docks or structures below the high water mark shall not impede foot passage along the foreshore; and
- (b) Signs and markers other than those required by government agencies shall not have placards exceeding 0.91 metres (2.99 feet) in width or 0.61 metres (2 feet) in height.

4.20. MARINE BOAT RAMP (M7)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Marine Boat Ramp zone:

- (a) Boat ramps are permitted on the condition that use of the boat launching ramps is available to members of the general public; for certainty, the permitted boat ramp use in this zone does not include boat ramps providing service only to members of a yacht club, boat owners association or similar organization; and

(2) Permitted Buildings and Structures

The structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Marine Industrial zone:

- (a) Boat ramps; and
- (b) Signs, markers and structures necessary to accommodate the needs of marine navigational aids and public boat ramps.

(3) Regulations

- (a) Structures below the high water mark shall not impede foot passage along the foreshore;
- (b) Ramps shall have a maximum total width of 5 metres (16 feet) and a maximum height of 15 centimetres (6 inches) above the natural elevation of the foreshore;
- (c) Ramps shall not be sited or extend toward the sea beyond 21 metres (70 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea; and
- (d) Signs or markers, other than those required by government agencies, shall not have placards exceeding 0.9 metres (3 feet) in width or 0.6 metres (2 feet) in height.

4.21. MARINE BARGE RAMP (M8)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Marine Barge Ramp zone:

- (a) Barge ramps are permitted on the condition that use of the barge ramp is accessible to all barge operators; for certainty, the permitted barge ramp use in this zone does not include barge ramps providing service only to members of a yacht club, boat owners association or similar organization;

(2) Permitted Buildings and Structures

The structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Marine Barge Ramp zone:

- (a) Barge ramps; and
- (b) Signs, markers and structures necessary to accommodate the needs of marine navigational aids and public barge ramps.

(3) Regulations

- (a) Structures below the high water mark shall not impede foot passage along the foreshore;
- (b) Ramps shall have a maximum total width of 5 metres (16 feet) and a maximum height of 1 metre (3 feet) above the natural elevation of the foreshore;
- (c) Ramps shall not be sited or extend toward the sea beyond 12 metres (40 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea; and
- (d) Signs or markers, other than those required by government agencies, shall not have placards exceeding 0.9 metres (3 feet) in width or 0.6 metres (2 feet) in height.

4.22. MULTI USE RAMP (M9)

(1) Permitted Uses

The uses permitted in Section 4.14, plus the following uses and no others are permitted in the Multi Use Ramp zone:

- (a) Multi use ramp

(2) Permitted Buildings and Structures

The structures permitted in Section 4.14, plus the following buildings and structures and no others are permitted in the Multi Use Ramp zone:

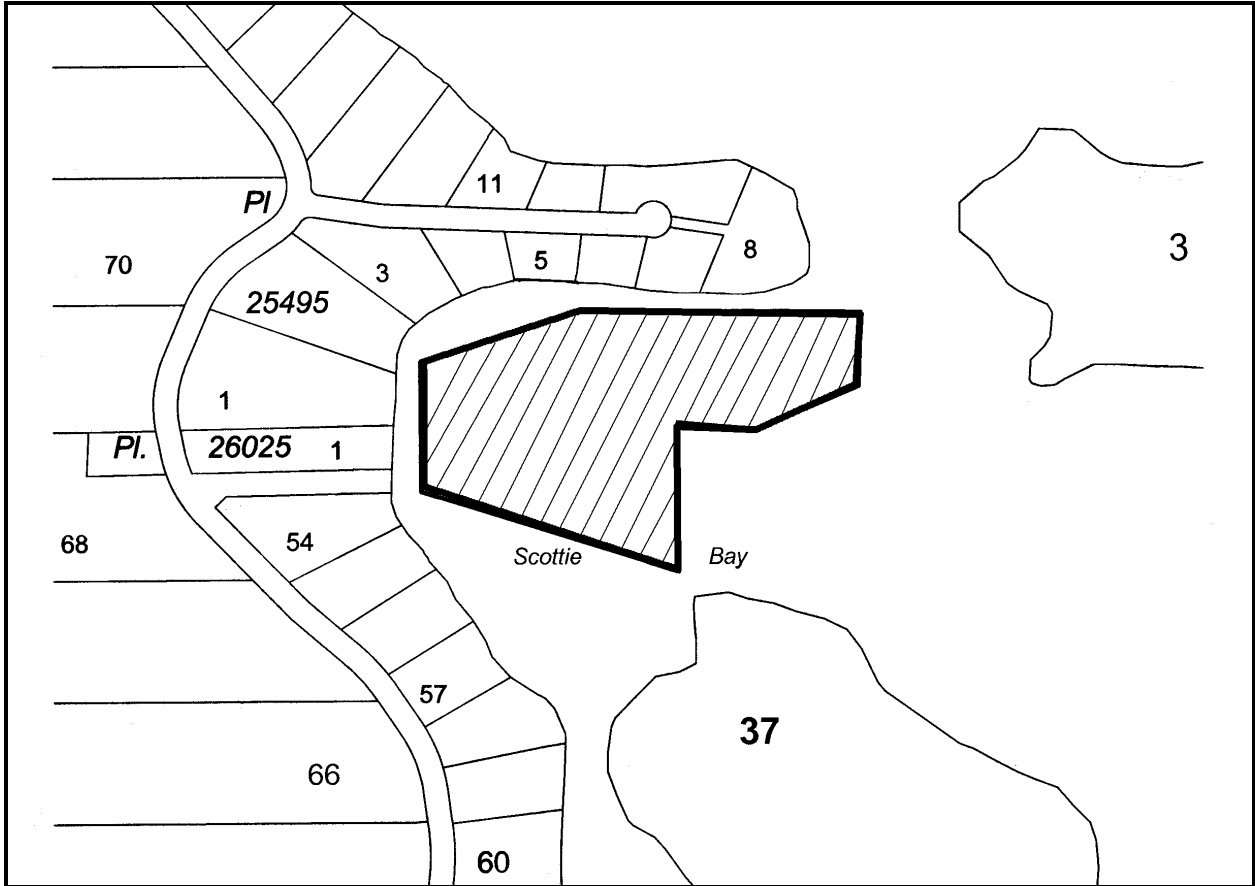
- (a) Multi use ramp; and
- (b) Signs, markers and structures necessary to accommodate the needs of marine navigational aids, and multi use ramps.

(3) Regulations

- (a) Structures below the high water mark shall not impede foot passage along the foreshore;
- (b) Ramps shall have a maximum total width of 6 metres (19.6 feet) and a maximum height of 1 metre (3 feet) above the natural elevation of the foreshore; and
- (c) Signs or markers, other than those required by government agencies, shall not have placards exceeding 0.9 metres (3 feet) in width or 0.6 metres (2 feet) in height.

Schedule A - Map 1

Lands referred to in Clause 4.17 (1) (d) of Schedule A (Cross-hatched portions illustrated below in a portion of Scottie Bay, of which that portion is also referred to as Maple Bay)



SCHEDULE B PLANNING AREA and ZONING MAP

SCHEDULE C SUBDIVISION DISTRICT MAP

SCHEDULE D RIPARIAN AREAS REGULATION WATERSHED DESIGNATION

BL90, 2016