

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS	1 ST	DAY OF	MAY	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

1. Schedule "A" of Denman Island Land Use Bylaw No. 186 cited as "Denman island Land Use Bylaw, 2008", is amended as follows:

1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*", "*feedlot*", "*intensive agriculture*" and "*panhandle*" in their entirety and replacing with:

i. "*agriculture* means the farm uses of land, buildings or structures for a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*;"

ii. "*feedlot* means a fenced area where livestock, poultry or farmed game are confined solely for the purpose of growing or finishing, and are wholly sustained by means other than grazing, but excludes confinement of animals for domestic purposes;"

iii. "*intensive agriculture* means the use of land, buildings, and other structures for the confinement of poultry, livestock, fur bearing animals, the growing of mushrooms (except forest fungi), or cannabis production, except to the extent the use is carried out solely for domestic purposes and does not involve the production of any items for sale, trade or commerce;"

iv. "*panhandle lot* means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;"

1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended to include the following new definitions in alphabetical order:

i. "*agri-tourism* means agri-tourism as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

ii. *agri-tourism accommodation* means accommodation provided for and used only by the clients, customers, guests or patrons, but not the employees, of an agri-tourism activity.

iii. *immediate family* means, with respect to an owner, the owner's
(a)parents, grandparents and great grandparents,
(b)spouse, parents of spouse and stepparents of spouse,
(c)brothers and sisters, and
(d)children or stepchildren, grandchildren and great grandchildren"

iv. *temporary secondary dwelling unit* means a building or structure used for residential accommodation, other than a building or structure located, built, or placed upon a permanent foundation."

1.3 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

1.4 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

1.5 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;
- 30.0 metres for buildings and structures, including fencing, associated with a feedlot or used to accommodate domesticated animals other than household pets; and
- 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with a feedlot or used to accommodate domesticated animals other than household pets.”

1.6 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 - Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;
- 30.0 metres for buildings and structures, including fencing, associated with a feedlot or used to accommodate domesticated animals other than household pets;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 – Setback Exemptions is amended by adding the following bullet:

- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m².”

1.8 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.

1.9 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

- 1.9.1 Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
- 1.9.2 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
- 1.9.3 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
- 1.9.4 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)

1.10 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	Agri-tourism use on a lot classified as a farm under the BC <i>Assessment Act</i> ”	✓	✓	✓
11	Agri-tourism accommodation (requires approval by a Temporary Use Permit)”	✓	✓	✓

1.11 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

1.12 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	On lots larger than 2 ha in the Agricultural Land Reserve, temporary secondary dwelling unit used only for the residential accommodation of the land owner’s immediate family	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)	✓	✓	✓
15	Agri-tourism on a lot classified as a farm under the BC <i>Assessment Act</i>	✓	✓	✓
16	Agri-tourism accommodation (requires approval by a Temporary Use Permit)”	✓	✓	✓

1.13 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

		A	F	RE
7	“On land in the Agricultural Land Reserve, the gross floor area of a temporary secondary dwelling unit for the residential accommodation of the owner’s immediate family shall not exceed 1300 square feet.”	✓		

1.14 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures

		A	F	RE
1.	Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2.	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3.	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4.	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%
5.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	n/a	n/a
7.	On land in the Agricultural Land Reserve, on a lot 2 hectares or larger, maximum number of temporary secondary dwelling units per lot.	1	n/a	n/a

1.15 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.

1.16 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 - Setbacks

		A	F	RE
“7	Minimum setback from any lot line for feedlots	50.0 m	n/a	n/a”

1.17 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 7 – Subdivision, is amended by adding a new subsection (2) as follows:

“2 Land in the Agricultural Land Reserve shall not be subdivided into panhandle lots.

1.18 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended by adding the following new guideline after “Guideline 5”:

“Guideline 6 In addition to Guidelines 1-5, for land in the Agricultural Land Reserve, subsequent to the permitted dwellings in Section 3.4, Table 2, an additional dwelling can only be considered for approval by Temporary Use Permit if:

- The lot on which the principal and secondary dwelling is to be located on must be a minimum of 2 hectares in size and classified as a farm under the *BC Assessment Act*;
- The dwelling is necessary for farm use and the Local Trust Committee is provided evidence from the applicant that the ministry responsible for agriculture and/or the Agricultural Land Commission have determined that there is a legitimate need for an additional residence for farm help accommodation;
- The dwelling will be located within an existing building or in the form of a temporary secondary dwelling unit with a maximum floor area of 1300 square feet;
- The permit contains conditions addressing the removal of the dwelling should the farm use cease or the permit lapses.

1.19 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after “Area 2”:

“Area 3

The Local Trust Committee may issue a Temporary Use Permit for agri-tourism accommodation on a lot classified as a farm under the *BC Assessment Act*.

Objective

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling do not require a Temporary Use Permit but are subject to Section 2.4.

Guidelines

Guideline 1 The agri-tourism accommodation is limited to a maximum of three sleeping units in total on the lot, either in the form of seasonal campsites, seasonal cabins and including existing home based guest accommodation units in the principal dwelling.

Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;

Guideline 3 The accommodation should be sited and designed to address:

- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;

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- The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
- The provision of accommodation which is temporary and located near existing farm buildings;
- Mitigating possible negative impacts using landscape buffers and screening;
- The provision of adequate potable water and sewage disposal. Where approvals are required from other agencies such as water licensing or septic approval, these should be obtained prior to the issuing of a Temporary Use Permit;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”