

Islands Trust

# Gabriola Island Land Use Bylaw

## Bylaw No. 177, 1999

As amended by the  
Gabriola Island Local Trust Committee

**Consolidated Version: January 31, 2023**

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

For reference to original bylaw and amendments,  
please contact:

Islands Trust - Northern Office, 700 North Road  
Gabriola Island, BC V0R 1X3  
(250) 247-2063

*Preserving Island communities, culture and environment*

## CONSOLIDATED BYLAW TEXT AMENDMENTS

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

| <u>Bylaw Number</u> | <u>Amendment Number</u> | <u>Adoption Date</u> |
|---------------------|-------------------------|----------------------|
| Bylaw No. 180       | Amendment No. 1, 2000   | June 30, 2000        |
| Bylaw No. 185       | Amendment No. 2, 2000   | October 19, 2000     |
| Bylaw No. 186       | Amendment No. 3, 2000   | October 19, 2000     |
| Bylaw No. 187       | Amendment No. 4, 2000   | October 19, 2000     |
| Bylaw No. 190       | Amendment No. 6, 2000   | January 11, 2001     |
| Bylaw No. 193       | Amendment No. 1, 2001   | June 27, 2001        |
| Bylaw No. 195       | Amendment No. 3, 2001   | June 27, 2001        |
| Bylaw No. 196       | Amendment No. 4, 2001   | February 21, 2002    |
| Bylaw No. 199       | Amendment No. 5, 2002   | September 26, 2002   |
| Bylaw No. 200       | Amendment No. 1, 2002   | September 5, 2002    |
| Bylaw No. 210       | Amendment No. 1, 2003   | August 5, 2003       |
| Bylaw No. 213       | Amendment No. 4, 2003   | August 7, 2003       |
| Bylaw No. 212       | Amendment No. 3, 2003   | May 6, 2004          |
| Bylaw No. 215       | Amendment No. 5, 2003   | December 11, 2003    |
| Bylaw No. 218       | Amendment No. 7, 2003   | May 6, 2003          |
| Bylaw No. 220       | Amendment No. 8, 2003   | May 6, 2003          |
| Bylaw No. 222       | Amendment No. 9, 2003   | May 6, 2003          |
| Bylaw No. 236       | Amendment No. 2, 2005   | September 9, 2005    |
| Bylaw No. 233       | Amendment No. 2, 2004   | December 14, 2005    |
| Bylaw No. 238       | Amendment No. 3, 2005   | March 16, 2006       |
| Bylaw No. 226       | Amendment No. 1, 2004   | October 18, 2007     |
| Bylaw No. 250       | Amendment No. 1, 2008   | October 23, 2008     |
| Bylaw No. 259       | Amendment No. 1, 2010   | January 27, 2011     |
| Bylaw No. 261       | Amendment No. 2, 2010   | July 28, 2011        |
| Bylaw No. 266       | Amendment No. 1, 2012   | May 7, 2015          |
| Bylaw No. 272       | Amendment No. 1, 2013   | May 7, 2015          |
| Bylaw No. 273       | Amendment No. 2, 2013   | May 7, 2015          |
| Bylaw No. 275       | Amendment No. 1, 2014   | May 7, 2015          |
| Bylaw No. 279       | Amendment No. 2, 2012   | October 13, 2016     |
| Bylaw No. 280       | Amendment No. 1, 2015   | September 8, 2016    |
| Bylaw No. 290       | Amendment No. 1, 2016   | September 27, 2018   |
| Bylaw No. 291       | Amendment No. 2, 2016   | May 11, 2017         |
| Bylaw No. 293       | Amendment No. 1, 2017   | June 14, 2018        |
| Bylaw No. 303       | Amendment No. 1, 2019   | October 21, 2021     |
| Bylaw No. 307       | Amendment No. 1, 2020   | October 26, 2022     |
| Bylaw No. 309       | Amendment No. 1, 2021   | June 25, 2021        |
| Bylaw No. 310       | Amendment No. 2, 2021   | November 15, 2021    |

**TABLE OF CONTENTS**

**PART A - ADMINISTRATIVE PROVISIONS..... 9**

**A.1 JURISDICTION.....9**

    A.1.1 Application.....9

**A.2 INTERPRETATION.....9**

    A.2.1 Referencing System.....9

    A.2.2 Definitions.....9

    A.2.3 Units of Measure.....9

    A.2.4 Severability.....9

    A.2.5 Covenants.....10

**A.3 COMPLIANCE.....10**

    A.3.1 Conformity.....10

    A.3.2 Inspection.....10

    A.3.3 Violation.....10

    A.3.4 Penalty.....10

    A.3.5 Enforcement of Siting Regulations.....11

**PART B – GENERAL REGULATIONS.....11**

**B.1 USES, BUILDINGS AND STRUCTURES.....11**

    B.1.1 Permitted in Any Zone.....11

    B.1.2 Prohibited Uses and Buildings.....12

    B.1.3 Use of Undersized Lots.....13

    B.1.4 Site-Specific Zones.....13

**B.2 GENERAL SITING AND HEIGHT PROVISIONS.....14**

    B.2.1 Special Setbacks and Elevations.....14

    B.2.2 Measurement of Setbacks or Spatial Separations for Buildings and Structures.....14

    B.2.3 Height.....15

    B.2.4 Fences.....15

    B.2.5 Pump/utility houses within Setback Areas.....15

    B.2.6 Retaining Walls.....15

    B.2.7 Landscape Screen.....15

    B.2.8 Conflicting Use or Siting.....16

    B.2.9 Conflicting Use or Siting.....16

    B.2.10 Bulk Transportation Containers.....16

**B.3 HOME OCCUPATIONS.....17**

    B.3.1 Home Occupations.....17

    B.3.2 Permitted Home Occupations Uses.....17

    B.3.3 General Provisions.....18

    B.3.4 Home Industry Provisions.....19

    B.3.5 Employees.....19

    B.3.6 Bed and Breakfast.....19

**B.4 SIGNS.....20**

    B.4.1 . Number and Total Sign Area.....20

    B.4.2 Exempted Signs.....21

    B.4.3 Temporary signs.....22

    B.4.4 Home Occupation signs.....22

    B.4.5 Obsolete Signs & Derelict Signs.....22

    B.4.6 Multi-Party Signs.....23

    B.4.7 Third Party Signs.....23

    B.4.8 Illuminated Signs.....23

**B.5 PARKING.....23**

    B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles.....23

    B.5.2 Interpretation of Parking Requirements.....25

    B.5.3 Dimensions and Area of Parking Spaces and Aisles.....25

    B.5.4 Location of Parking Spaces.....26

|  |           |
|--|-----------|
| <i>B.5.5 Standards for Bicycle Parking Spaces</i> .....                                  | 26        |
| <b>B.6 MISCELLANEOUS</b> .....   | <b>27</b> |
| <i>B.6.1 Boarders</i> .....  | 27        |
| <i>B.6.2 Limited Public Markets</i> .....  | 27        |
| <i>B.6.3 Commercial Vacation Rentals</i> .....   | 27        |
| <i>B.6.4 Use of Travel Trailers, Recreational Vehicles and Accessory Buildings</i> ..... | 27        |
| <i>B.6.5 Storage of Unlicensed Vehicles</i> .....  | 28        |
| <i>B.6.6 Secondary Suite Regulations</i> .....   | 28        |
| <b>PART C - ESTABLISHMENT OF ZONES</b> .....   | <b>29</b> |
| <b>C.1 DIVISION INTO ZONES</b> .....   | <b>29</b> |
| <i>C.1.1 Land Based Zones</i> .....  | 29        |
| <i>C.1.2 Water Based Zones</i> .....   | 29        |
| <b>C.2 OFFICIAL ZONING MAP</b> .....   | <b>30</b> |
| <b>C.3 INTERPRETATION OF ZONE BOUNDARIES</b> .....                                       | <b>30</b> |
| <b>PART D - ZONES</b> .....  | <b>31</b> |
| <b>D.1 RESIDENTIAL ZONES</b> .....   | <b>31</b> |
| <i>D.1.1 Small Rural Residential (SRR)</i> .....   | 31        |
| <i>D.1.2 Large Rural Residential (LRR)</i> .....   | 32        |
| <i>D.1.3 Seniors and Special Needs (SSN)</i> .....                                       | 34        |
| <i>D.1.4 Multi-dwelling Affordable Housing 1 (MAH1)</i> .....                            | 35        |
| <b>D.2 RESOURCE ZONES</b> .....  | <b>37</b> |
| <i>D.2.1 Agriculture (AG)</i> .....  | 37        |
| <i>D.2.2 Forestry (F)</i> .....  | 39        |
| <i>D.2.3 Forestry/Wilderness Recreation 1(FWR1)</i> .....                                | 41        |
| <i>D.2.4 Resource (R)</i> .....  | 42        |
| <i>D.2.5 Resource Conservation (RC)</i> .....  | 43        |
| <i>D.2.6 Resource Residential 1 (RR 1)</i> .....   | 43        |
| <i>D.2.6 (A) Resource Residential 2 (RR 2)</i> .....                                     | 45        |
| <i>D.2.7 Gravel Pit (GP)</i> .....   | 46        |
| <i>D.2.8 Gabriola Commons (GC) Comprehensive Development Zone</i> .....                  | 47        |
| <b>D.3 COMMERCIAL AND INDUSTRIAL ZONES</b> .....   | <b>49</b> |
| <i>D.3.1 Village Commercial 1 (VC1)</i> .....  | 49        |
| <i>D.3.2 Village Commercial 2 – Professional Centre (VC2)</i> .....                      | 50        |
| <i>D.3.3 District Commercial 1 (DC1)</i> .....   | 52        |
| <i>D.3.4 Local Commercial 1 – Neighbourhood Pubs (LC1)</i> .....                         | 53        |
| <i>D.3.5 Local Commercial 2 –Restaurants (LC2)</i> .....                                 | 54        |
| <i>D.3.6 Local Commercial 3 - Garden Centres (LC3)</i> .....                             | 55        |
| <i>D.3.7 Ferry Parking (FP)</i> .....  | 57        |
| <i>D.3.8 Tourist Commercial 1 (TC1)</i> .....  | 58        |
| <i>D.3.9 Tourist Commercial 2 – Campground (TC2)</i> .....                               | 59        |
| <i>D.3.10 Industrial – Light (I)</i> .....   | 61        |
| <b>D.4 RECREATION AND INSTITUTIONAL ZONES</b> .....                                      | <b>63</b> |
| <i>D.4.1 Parks 1 – Provincial and Regional Park (P1)</i> .....                           | 63        |
| <i>D.4.2 Parks 2 – Passive Recreation Community Parks (P2)</i> .....                     | 64        |
| <i>D.4.3 Parks 3 – Active Recreation Community Park (P3)</i> .....                       | 65        |
| <i>D.4.4 Institutional 1 (IN1)</i> .....   | 65        |
| <i>D.4.5 Institutional 2 (IN2)</i> .....   | 67        |
| <i>D.4.6 Institutional 3 (IN3)</i> .....   | 68        |
| <i>D.4.7 Institutional 4 (IN4)</i> .....   | 70        |
| <i>D.4.8 Yacht Club Outstation - Upland (YC)</i> .....                                   | 71        |
| <b>D.5 WATER ZONES</b> .....   | <b>73</b> |
| <i>D.5.1 Water General (WG)</i> .....  | 73        |
| <i>D.5.2 Water Commercial 1 - Marina (WC1)</i> .....                                     | 74        |
| <i>D.5.3 Water Commercial 2 - Mariculture (WC2)</i> .....                                | 75        |
| <i>D.5.4 Water Commercial 3 - Marine Transportation (WC3)</i> .....                      | 75        |
| <i>D.5.5 Water Industrial 1 - Shipyard (WI1)</i> .....                                   | 76        |
| <i>D.5.6 Water Industrial 2 - Log Storage (WI2)</i> .....                                | 77        |

|  |            |
|--|------------|
| <i>D.5.7 Water Industrial 3 – Bulk Material Transport (WI3)</i> .....          | 77         |
| <i>D.5.8 Water Protection 1 (WP1)</i> .....                                    | 78         |
| <i>D.5.9 Water Protection 2 - Park (WP2)</i> .....                             | 79         |
| <i>D.5.10 Water Protection 3 - Lake (WP3)</i> .....                            | 80         |
| <i>D.5.11 Water Yacht Club Outstation (WYC)</i> .....                          | 80         |
| <b>PART E - SUBDIVISION</b> .....  | <b>82</b>  |
| <b>E.1 GENERAL</b> .....   | <b>82</b>  |
| <i>E.1.1 Compliance with Zoning and the Minimum and Average Lot Area</i> ..... | 82         |
| <i>E.1.2 Average Lot Areas</i> .....   | 83         |
| <i>E.1.3 Covenant Against Further Subdivision and Development</i> .....        | 83         |
| <i>E.1.4 Lots Divided By Zone Boundary</i> .....                               | 84         |
| <i>E.1.5 Exceptions</i> .....  | 84         |
| <i>E.1.6 Lot Configuration Regulations</i> .....                               | 85         |
| <i>E.1.7 Disposal of Sewage</i> .....  | 85         |
| <i>E.1.8 Water Supply</i> .....  | 86         |
| <i>E.1.9 Drainage Requirements</i> .....                                       | 86         |
| <b>PART F – DEVELOPMENT PERMIT AREA GUIDELINES</b> .....                       | <b>87</b>  |
| <b>F.1 DP-1 THE TUNNEL</b> .....   | <b>87</b>  |
| <i>F.1.1 Applicability</i> .....   | 87         |
| <i>F.1.2 Guidelines</i> .....  | 87         |
| <b>F.2 DP-2 LOCK BAY AREA</b> .....  | <b>88</b>  |
| <i>F.2.1 Applicability</i> .....   | 88         |
| <i>F.2.2 Guidelines</i> .....  | 88         |
| <b>F.3 DP-3 RIPARIAN AREAS</b> .....   | <b>89</b>  |
| <i>F.3.1 Definitions</i> .....   | 89         |
| <i>F.3.2 Applicability</i> .....   | 89         |
| <i>F.3.3 Exemptions</i> .....  | 90         |
| <i>F.3.4 Guidelines</i> .....  | 91         |
| <b>F.4 DP-4 FLAT TOPS ISLANDS AREA</b> .....                                   | <b>92</b>  |
| <i>F.4.1 Applicability</i> .....   | 92         |
| <i>F.4.2 Guidelines</i> .....  | 92         |
| <b>F.5 DP-5 GABRIOLA PASS AREA</b> .....                                       | <b>92</b>  |
| <i>F.5.1 Applicability</i> .....   | 92         |
| <i>F.5.2 Guidelines</i> .....  | 93         |
| <b>F.6 DP-6 ESCARPMENT AREAS</b> .....   | <b>93</b>  |
| <i>F.6.1 Applicability</i> .....   | 93         |
| <i>F.6.2 Exemptions</i> .....  | 93         |
| <i>F.6.3 Guidelines</i> .....  | 93         |
| <b>F.7 DP-7 THE VILLAGE CENTRE</b> .....                                       | <b>94</b>  |
| <i>F.7.1 Applicability</i> .....   | 94         |
| <i>F.7.2 Exemptions</i> .....  | 94         |
| <i>F.7.3 Guidelines</i> .....  | 94         |
| <b>F.8 DP-8 MULTI-DWELLING AFFORDABLE HOUSING</b> .....                        | <b>95</b>  |
| <i>F.8.1 Applicability</i> .....   | 95         |
| <i>F.8.2 Exemptions</i> .....  | 95         |
| <i>F.8.3 Guidelines</i> .....  | 95         |
| <b>F.9 DP-9 LIGHT INDUSTRIAL USE</b> .....                                     | <b>96</b>  |
| <i>F.9.1 Applicability</i> .....   | 96         |
| <i>F.9.2 Guidelines</i> .....  | 96         |
| <b>PART G - DEFINITIONS</b> .....  | <b>100</b> |
| <b>G.1 DEFINITIONS</b> .....   | <b>100</b> |

**LIST OF TABLES**

|  |    |
|--|----|
| Table 1: <i>Sign Regulations</i> ..... | 20 |
|--|----|

---

Table 2: Parking Requirements .....23

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 177

A BYLAW TO ADOPT A LAND USE BYLAW FOR THE GABRIOLA ISLAND PORTION OF THE GABRIOLA ISLAND LOCAL TRUST AREA AND ALTER THE AREA OF APPLICATION FOR THE GABRIOLA ISLAND ZONING AND SUBDIVISION BYLAWS

The Gabriola Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area pursuant to the Islands Trust Act, enacts as follows:

A. CITATION

Gabriola Island Local Trust Committee Bylaw No. 177 shall be cited as the "Gabriola Island Land Use Bylaw, 1999".

B. APPLICATION WITHIN THE GABRIOLA ISLAND LOCAL TRUST AREA :

1) Gabriola Island Local Trust Committee Bylaw No. 177

Schedules "A" – Land Use Regulations, "B" – Zoning Map, and "C" – Specific Sites, attached to and forming part of Gabriola Island Local Trust Committee Bylaw No. 177, are adopted as the Land Use Bylaw for Gabriola, Lily, Carlos, Vance, Gaviola, Acorn, Tugboat, Sear, Bath, Saturnina, and Breakwater Islands and all other islands and islets, rocks, reefs, the seabed, and sea surface plus any other water surface area and all air spaces within that part of the Gabriola Island Local Trust Area, excepting Indian Reserve Areas, as shown lying within the line designated as the "Outer boundary of Bylaw 177" on Schedule B".

2) Gabriola Island Trust Committee Bylaw No. 7

Gabriola Island Trust Committee Bylaw No. 7, cited as "Gabriola Island Planning Area Zoning Bylaw, 1980" is amended to alter its area of application by deleting the Subsection 3.1 A. heading and text and replacing them with the following:

"A Application within the Gabriola Island Local Trust Area

This Bylaw applies to that portion of the Gabriola Island Local Trust Area shown on Schedule "A", excepting areas to which Gabriola Island Local Trust Committee Bylaw No. 177 (Gabriola Island Land Use Bylaw, 1999) applies and excepting areas within Indian Reserves. Without limiting the foregoing, this includes Mudge, Round, and Link Islands and the areas seaward of the shoreline encompassing them and all other islands, islets, rocks reefs, the seabed, and sea surface, plus any other water surface areas and all air spaces within the boundary shown in Schedule "A"."

3) Gabriola Island Trust Committee Bylaw No. 8

Gabriola Island Trust Committee Bylaw No. 8, cited as "Gabriola Island Subdivision Control Bylaw, 1980" is amended to alter its area of application by deleting the Subsection 1.2 text and replacing it with the following:

"2. This Bylaw applies to that portion of the Gabriola Island Local Trust Area shown on Schedule "A" of Gabriola Planning Area Zoning Bylaw, 1980, excepting areas to which Gabriola Island Local Trust Committee Bylaw No. 177 (Gabriola Island Land Use Bylaw, 1999) applies and excepting areas within Indian Reserves. Without limiting the foregoing, this includes Mudge, Round, and Link Islands and the areas seaward of the shoreline encompassing them and all other islands, islets, rocks reefs, the seabed, and sea surface, plus any other water surface areas and all air spaces within the boundary shown in Schedule "A" of Gabriola Planning Area Zoning Bylaw, 1980."

C. READINGS

|   |                  |        |           |    |    |
|---|------------------|--------|-----------|----|----|
| READ A FIRST TIME THIS  | 3 <sup>rd</sup>  | DAY OF | September | 19 | 99 |
| PUBLIC HEARING HELD THIS                                      | 16 <sup>th</sup> | DAY OF | October   | 19 | 99 |
| READ A SECOND TIME THIS                                       | 18 <sup>th</sup> | DAY OF | October   | 19 | 99 |
| READ A THIRD TIME THIS  | 18 <sup>th</sup> | DAY OF | October   | 19 | 99 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 20 <sup>th</sup> | DAY OF | October   | 19 | 99 |
| ADOPTED THIS  | 22 <sup>nd</sup> | DAY OF | November  | 19 | 99 |

---

**SECRETARY**

---

**CHAIRPERSON**

---

## Part A - ADMINISTRATIVE PROVISIONS

### A.1 JURISDICTION

#### A.1.1 Application

- A.1.1.1** This Bylaw applies to that portion of the Gabriola Island Local Trust Area shown on Schedule "B", excepting areas within Indian Reserves. Without limiting the foregoing, this includes Gabriola Island and the areas seaward of its shoreline encompassing all other islands, islets rocks, reefs, the seabed, and sea surface, plus any other water surface areas and all air spaces within the boundary shown in Schedule "B".

### A.2 INTERPRETATION

#### A.2.1 Referencing System

- A.2.1.1** The referencing system used in this Bylaw is:

- A Part
- A.1 Section
- A.1.1 Subsection
- A.1.1.1 Article
- a Clause
- i Item

#### A.2.2 Definitions

- A.2.2.1** Words and phrases in *Italics* are defined in Part G of this Bylaw. Definitions of words set out in sections 5 and 872 of the "Municipal Act" and Section 29 of the "Interpretation Act" also apply to this Bylaw.

#### A.2.3 Units of Measure

- A.2.3.1** Metric measurements are used in this Bylaw. Imperial equivalents provided are approximate and for convenience only.

#### A.2.4 Severability

- A.2.4.1** If any provision of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

BL187

## A.2.5 Covenants

- A.2.5.1** Where under this Bylaw an owner of land is required or authorised to grant any covenant or statutory right of way, the covenant or statutory right of way must be granted to the Gabriola Island Local Trust Committee in priority to all financial charges and delivered in registerable form satisfactory to the Gabriola Island Local Trust Committee prior to the granting of any approval or authorisation in respect of which the covenant or statutory right of way is required. The covenant must indemnify the Gabriola Island 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.

## A.3 COMPLIANCE

### A.3.1 Conformity

- BL 279
- A.3.1.1** 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.
- A.3.1.2** No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- A.3.1.3** Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- A.3.1.4** 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.
- A.3.1.5** 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

### A.3.2 Inspection

- BL 279
- A.3.2.1** 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, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.
- A.3.2.2** Enforcement

### A.3.3 Violation

- BL 279
- A.3.3.1** 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.

### A.3.4 Penalty

- BL 279
- A.3.4.1** Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the *Offence Act* 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.

BL 279

### A.3.5 Enforcement of Siting Regulations

- A.3.5.1** Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

## Part B – GENERAL REGULATIONS

### B.1 USES, *BUILDINGS AND STRUCTURES*

#### B.1.1 Permitted in Any Zone

##### B.1.1.1 Uses

- a. The following uses are permitted in any *zone* in Part D of this Bylaw:
- i public parks;
  - ii *public utilities*, except in public parks and *ecological reserves*; and
  - iii *ecological reserves*.
- b. The following use is permitted in any *zone* in Part D of this Bylaw, except Section D.5 *WATER ZONES* and in public parks and ecological reserves:
- i *community care facility*, as regulated by the “Community Care Facility Act”
- c. The following use is permitted in any zone in Part D of this Bylaw, except Section D.1.3 Seniors and Special Needs, D.2.7 Gravel Pit, D.3.7 Ferry Parking, D.3.10, Industrial, Section D.4.7 Institutional 4, and D.5 Water zones,
- i home school, on lots of 1.0 hectare (2.47 acres) or larger.

BL 279

BL 199

BL 261

##### B.1.1.2 *Buildings and Structures*

- a. The following *buildings and structures* are permitted in any *zone* in Part D of this Bylaw:
- i signs subject to Section B.4.
- b. The following *buildings and structures* are permitted in any *zone* in Part D of this Bylaw, except in Section D.5 *WATER ZONES*:
- i *fences* subject to Subsection B.2.4;
  - ii *pump/utility houses*, subject to Subsection B.2.5;
  - iii retaining walls, subject to Subsection B.2.6;
  - iv *buildings and structures* to accommodate *public utilities* serving the Gabriola Island Trust Committee Area except in public parks and ecological reserves; and
  - vi *buildings and structures* to accommodate community care facilities, except in public parks and ecological reserves
- c. The following buildings and structures are permitted in any zone in Part D of this Bylaw:
- i buildings and accessory structures to accommodate home school use referenced in Clause B.1.1.1.c; where home school use occurs in zones other than Institutional 1, those buildings and structures are considered accessory to all dwellings.

BL 199

**B.1.2 Prohibited Uses and Buildings****B.1.2.1 Prohibited Uses**

The following uses are prohibited in any *zone* in Part D of this Bylaw:

- |                     |    |   |
|---------------------|----|---|
| BL 250              | a. | use of a <i>secondary building or structure</i> , other than an <i>secondary suite</i> or <i>accessory single family dwelling</i> , for human habitation, including cooking and/or overnight accommodation, except as permitted in Article B.6.4.1; |
| BL 293<br>June/2018 | b. | rental of <i>personal water craft</i> ;   |
|                     | c. | disposal of sewage and waste originating outside of the area of application for this Bylaw;   |
|                     | d. | use of a <i>building or structure</i> sited within a water area or a <i>vessel</i> anchored, moored, or docked within a water area as a residence, except as permitted in the Water Commercial 1 (WC1) <i>Zone</i> ;                                |
|                     | e. | use of land, <i>buildings</i> and <i>structures</i> for casinos, off-track betting or other gaming activities except for social occasion casinos or free-standing bingos as permitted in the relevant <i>zone</i> ;                                 |
| BL 187              | f. | use of land for the wrecking or storage of derelict vehicles or the operation of a junkyard or garbage dump;  |
| BL 250              | g. | use of land, <i>buildings</i> or <i>structures</i> for the purpose of providing direct service to customers in their vehicles in a drive-through arrangement; and   |
|                     | h. | use of land, <i>buildings</i> or <i>structures</i> for game farming where animals are hunted in confined areas for sport.   |
| BL 275              | i. | use of land, buildings or structures to manufacture or research genetically engineered seeds, plants or animals.  |
| BL 303<br>OCT/2021  | j. | cannabis production except as permitted on land within the Agricultural Land Reserve and Agricultural Zone.   |

**B.1.2.2 Prohibited Buildings and Structures – Water Zones**

The following *buildings* and *structures* are prohibited in any zone in Section D.5 WATER ZONES of this Bylaw, excepting Subsection D.5.5 Water Industrial 1 - Shipyard (W11):

- a. Boathouses; and
- b. Buildings and structures used for the storage or shelter of boats or seaplanes.

**B.1.2.3 Additional Buildings**

- |                     |    |   |
|---------------------|----|---|
| BL 293<br>June/2018 | a. | The construction, placement, or use of more than one <i>dwelling unit</i> on a <i>lot</i> is prohibited, unless specifically permitted in the zone.   |
|                     | b. | Only one <i>building</i> accessory to all permitted <i>dwelling units</i> on a <i>lot</i> is permitted to contain a bathroom, and areas, equipment or infrastructure designed, used or intended to be used for the preparation and cooking of food. |

**B.1.3 Use of Undersized Lots**

- B.1.3.1** Where a lot exists prior to the effective date of this Bylaw, and the area of such a lot does not conform to the minimum lot area established in any bylaw of the Gabriola Island Trust Committee relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for the zone and provided the provisions of the Health Act and attendant Regulations have been met.

BL 293  
JUN/2018

**B.1.4 Site-Specific Zones**

- B.1.4.1** The Multi-dwelling Affordable Housing 1 (MAH1) zone is only applicable to the following lots:
- a. LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095); and
  - b. LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109).

BL 307  
OCT/2022

BL 250

## B.2 GENERAL SITING AND HEIGHT PROVISIONS

### B.2.1 Special *Setbacks* and Elevations

#### B.2.1.1 *Setbacks and Elevations from Watercourses and the Sea*

- BL 250 a. Despite all other siting references in this Bylaw excepting B.2.1.4c, third party signs, fences, pump/utility houses, retaining walls, ground level decks, *structures* and *buildings*, excepting *boathouses*, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream, or wetland. Where the *frontage* on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, *buildings* and *structures* must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea.
- BL 278
- BL 187 b. A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the *natural boundary* of the sea, lake, stream or wetland.
- BL 279 c. elevation requirements in B.2.2.1.a. are measured to the underside of the floor of any wooden floor system or top of a slab or *pad* of any *habitable area*.

#### B.2.1.2 Additional *Setbacks* from *Bluffs* and Ridges

- a. No *building* may be sited less than 7.5 metres (24.6 feet) from the top edge of a *bluff* or ridge in "Development Permit Area No. 6: Escarpment Areas", as delineated in the Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997.

#### B.2.1.3 *Setbacks* and Screening from Nesting Trees

- a. A protective screen of natural vegetation must be retained within a 7.5 metres (24.6 feet) radius of the trunk of a tree bearing nests of herons, eagles, ospreys, vultures, falcons, hawks and owls.
- BL 200

#### B.2.1.4 *Setbacks* from *Zone* Boundaries

- a. The minimum *setback* from a *zone* boundary for *buildings* and *structures* is 1.5 metres (4.9 feet).
- b. Where a *zone* boundary and *lot line* boundary coincide, the *lot line setback* prevails.
- BL 250 c. When the natural boundary of the sea and a lot line coincide, the following structures, with an average maximum elevated floor height of 0.3 m and a maximum width of 1.0 m, may be located within that *setback area*:
- i. walkways; and
  - ii. stairs.

### B.2.2 Measurement of *Setbacks* or Spatial Separations for *Buildings* and *Structures*

B.2.2.1 All *building* and *structure setbacks* and spatial separation requirements must be measured on the horizontal plane from the exterior finished facade of the *building* or *structure* to the *natural boundary*, *lot line* or other point specified in this Bylaw.

B.2.2.2 The following features may project into the *setback areas*:

- BL 187 a. steps, roof overhangs including eaves or gutters, cornices, sills, bay windows collectively not comprising more than 50 percent of the length of wall measured from corner to corner, balconies, awnings, and chimneys provided they do not project more

than 1.0 metre (3.3 feet) into the required setback area or in the case of a setback area requirement less than 3.0 metres (9.9 feet), not more than 0.5 metre (1.7 feet);

BL 250

### B.2.3 Height

**B.2.3.1** The *height* restrictions for permitted *buildings* and *structures* specified in this Bylaw may be exceeded for radio and television antennas, electrical service masts, chimneys, flag poles, lighting poles, lightning rods, boat launching cranes, farm silos, water towers, *church* spires and steeples, firehall hose towers and electrical transmission towers.

BL 250

**B.2.3.2** Unless specified in this Bylaw elsewhere, the maximum *height of buildings and structures* are:

- a. 9.0 metres (29.5 feet) for dwellings;
- b. 7.0 metres (23.0 feet) on lots 0.4 hectares (1 acre) or less for *buildings and structures* accessory to *dwelling units*;
- c. 9.0 metres (29.5 feet) on lots greater than 0.4 hectares (1 acre) for *buildings and structures* accessory to *dwelling units*; and,
- d. 12.0 metres (39.4 feet) for *buildings* used exclusively for *forestry and agriculture*.
- e. 15.0 metres (49 feet) for buildings used exclusively for cannabis production.

BL 280  
09/08BL 303  
OCT/2021

### B.2.4 Fences

**B.2.4.1** Within 2.0 metres (6.6 feet) of any *lot line*, the *height of fences* may not exceed 2.0 metres (6.6 feet) and, elsewhere, the *height of fences* may not exceed 3.5 metres (11.5 feet).

BL 250

**B.2.4.2** Despite all other *fence* siting references in this Bylaw, the following shall prevail: except for masonry or stone walls, freestanding *fences* more than 0.23 metres (9 inches) in width are not permitted within *setback* areas.

### B.2.5 Pump/utility houses within Setback Areas

**B.2.5.1** Within *setback* areas:

- a. The maximum *floor area* of a *pump/utility house* is 10.0 square metres (107.6 square feet); and
- b. The maximum *height* of a *pump/utility house* is 3.0 metres (9.8 feet).

### B.2.6 Retaining Walls

**B.2.6.1** Within *setback* areas:

- a. the maximum *height* on the outer face of a retaining wall at any given point is 3.0 metres (9.8 feet).

### B.2.7 Landscape Screen

**B.2.7.1** 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; and
- c. the landscape screen specified in articles B.2.7.1a and B.2.7.1b must be unbroken except for access drives or walks.

### **B.2.8 Conflicting Use or Siting**

- B.2.8.1** No building or structure may be sited in a manner that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.

BL 212

### **B.2.9 Conflicting Use or Siting**

Despite all other siting references in this Bylaw, the following shall prevail:

On a corner *lot* within the triangular space formed by the highway lines and the line joining the points on the highway lines six metres from the point of intersection of the highway lines or the centre point that forms a curve, no landscape screen, landscaping, fences, building or structure shall be planted or erected to a height greater than one metre above the established grade of the highway.

### **B.2.10 Bulk Transportation Containers**

- B.2.10.1** Bulk transportation containers, such as shipping containers and truck transportation trailers are not permitted unless completely blocked from view by a landscape screen, such that the *building* cannot be viewed from neighbouring properties, roads or the sea.

BL 250

## **B.3 HOME OCCUPATIONS**

BL 226

### **B.3.1 Home Occupations**

- B.3.1.1** Home occupation uses must be carried out by at least one permanent resident of the premises in which the home occupation is located;
- B.3.1.2** A permanent resident of the premises where the home occupation is located must be the principal worker and operator of the home occupation.

### **B.3.2 Permitted Home Occupations Uses**

- B.3.2.1** The following uses and no others are permitted as home occupations:
  - a. Bed and Breakfast;
  - b. Personal service, and limited associated product sales provided that not more than 5 square metres (53.8 square feet) of floor area is used for the storage and display of such products not produced on the same lot;
  - c. Construction and repair of electronic equipment, instruments, furniture, bicycles, engines and mechanical parts, small appliances and machinery, and apparel;
  - d. Business and professional offices;
  - e. Child care, with a maximum of 12 children on the lot at any given time;
  - f. Cabinet making, upholstering, picture framing, and related repairing;
  - g. Catering and food preparation for delivery elsewhere, with delivery occurring between the hours of 8 a.m. and 6 p.m.;
  - h. Animal training and grooming, not including kennels;
  - i. Veterinary clinic on lots larger than 2.0 ha (4.94 acres);
  - j. Non-motorized personal water craft rentals and bicycle rentals;
  - k. Instructional classes in personal skills such as art, music, exercise or sport with a maximum of 12 students on the lot at any given time;
  - l. Sale and production of art and craft goods produced or processed on the lot, for clarity this excludes the sale of water;
  - m. Sale of art and crafts not produced or processed on the lot is permitted in a studio or gallery, provided that not more than 9.3 square metres (100 square feet) of floor area may be used for the storage and display of such art and crafts that have not been produced on the same lot;
  - n. Sale of all other goods not produced or processed on the lot is permitted through a sales distributorship, provided persons employed in the home occupation carry out all distribution of such products off site;
  - o. Small scale wood working, shed construction and boat building, which does not involve or require the use of cranes or other heavy equipment;
  - p. Live theatre, on Lot 5, Plan 29233, Section 6, Gabriola Island, Nanaimo District [*Theatre Centre*]; and,
  - q. Home industry.
- B.3.2.2.** Despite Article B.3.2.1, the following *home* uses and no other are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:
  - a. Business and professional offices that receive no clients or visitors to the *lot*;

BL 307  
OCT/2022

- b. Catering and food preparation for sale elsewhere or delivery, with delivery occurring between the hours of 8 a.m. and 6 p.m.;
- c. Production of art and craft goods for sale elsewhere, provided no open flame is required in making the art or craft goods and no toxic fumes are produced during their creation.

### B.3.3 General Provisions

**B.3.3.1.** Despite the uses permitted in Article B.3.2.1, or any other provision in this Bylaw, the following must be complied with for a home occupation to be permitted:

- a. *Home occupations* must be accessory to the *residential* use of the property;
- b. *Home occupations* except in the Multi-dwelling Affordable Housing 1 (MAH1) zone, must be entirely enclosed within a *building*, providing the combined total floor area for *home occupation* uses on a lot do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95 acres), where the total combined floor area of *home occupation* uses may not exceed 150 square metres (1,615 square feet),
- c. There must be no exterior indication of the existence of a home occupation, either by stored materials, displays, lighting or by any other variation from the customary residential character of the lot, dwelling unit, or accessory building, with the exception of signs permitted by this Bylaw;
- d. No home occupations may produce vibration, smoke, dust, odour, litter, electrical interference, fire hazard, effluent or glare detectable outside the boundaries of the lot;
- e. No home occupation may create or permit noise which disturbs persons, or is clearly audible, off the lot on which the home occupation is conducted;
- f. No home occupation may result in contamination of any soil or surface water by solvents, glues, chemicals or other substances deleterious to human and environmental health and safety;
- g. Any paved areas used for vehicle, engine, equipment, appliance and vessel construction or repairs must have appropriate and maintained drainage and catchment mechanisms, such as oil-water separators. Any unpaved areas used for vehicle, engine, equipment, appliance and vessel construction or repairs must be protected by an impervious barrier or container to prevent any spill onto or contamination of the unpaved area.
- h. On site parking must be: (i) provided for all home occupations in accordance with Section B.5 of this Bylaw; (ii) located on the lot where the home occupation is located; and (iii) visually buffered from neighbouring properties and the road;
- i. Signage is permitted for all home occupations in accordance with Section B.4 of this Bylaw, except for those home occupation uses that occur on a lot within the Multi-dwelling Affordable Housing 1 (MAH1) zone, and then no signage is permitted.;
- j. Child care home occupations may use outdoor space for play areas, provided that the maximum combined areas of all home occupations on the lot are in accordance with Clause B.3.3.1.b.;
- k. Kilns are permitted outside of a building; and
- l. Despite B.3.3.1.b. and c., agricultural, horticultural, arts and crafts products may be sold in a produce stand permitted in the zone.
- m. In the Multi-dwelling Affordable Housing 1 (MAH1) zone, the total floor area for *home occupation* use must not exceed 30% of the total floor area of the *dwelling unit* in which the *home occupation* occurs.

BL 293  
OCT/2018

BL 307  
OCT/2022

BL 307  
OCT/2022

BL 307  
OCT/2022

BL 307  
OCT/2022

### B.3.4 Home Industry Provisions

- B.3.4.1** The following uses and no others are permitted as home industry uses:
- a. Construction and repair of heavy equipment, boats, trailers or the body of a vehicle, including the outside parking or storage of no more than a total of two pieces of heavy equipment, boats, trailers or vehicles that are being, or waiting to be, or have been constructed or repaired;
  - b. Contractor yards and related outdoor storage of equipment and materials, including the parking of a maximum of two vehicles used in the home industry; and
  - c. Water distribution, including associated equipment and storage.
- B.3.4.2** In addition to B.3.3, the following provisions must be complied with for a home industry to be permitted:
- a. Lot sizes must be greater than 2.0 ha (4.94 acre) in area;
  - b. Home industry equipment and storage areas must be visually buffered from neighbouring properties and the road;
  - c. The combined areas of all home occupations on a lot must be in accordance with the maximum size provisions Clause B.3.3.1.b.;
  - d. Home industries shall only operate from 8:00 am to 8:00 pm Monday to Saturday inclusive; and
  - e. Home industry areas and activities must be a minimum of 30 metres (98.4 feet) from any lot line.

### B.3.5 Employees

- B.3.5.1** In addition to residents participating in the home occupation, on lots:
- a. less than 2.0 hectares (4.94 acres), a maximum of two people employed or otherwise engaged in the home occupation at any given time are permitted per lot; and
  - b. 2.0 hectares (4.94 acres) or larger, a maximum of four people employed or otherwise engaged in the home occupation at any given time are permitted per lot.
- B.3.5.2** Despite Article B.3.5.1, in the Multi-dwelling Affordable Housing 1 (MAH1) zone, home occupations must be operated solely by residents of the dwelling unit in which the home occupation occurs.

### B.3.6 Bed and Breakfast

**B.3.6.1.** The following additional regulations apply to bed and breakfast home occupations:

- a. On lots:
  - i. less than 0.5 hectares (1.24 acres), a maximum number of two bedrooms may be used for bed and breakfast accommodation;
  - ii. 0.5 hectares (1.24 acres) or greater, but less than 2.0 hectares (4.94 acres), a maximum number of three bedrooms may be used for bed and breakfast accommodation; and
  - iii. 2.0 hectares (4.94 acres) or greater, a maximum number of four bedrooms may be used for bed and breakfast accommodation;

- b. Where boarding in a dwelling unit is provided, the number of bedrooms permitted for temporary overnight accommodation, including bed and breakfast use, must be reduced by one for every bedroom used for boarding;
- c. The bed and breakfast use must be in the principal single family dwelling and not in any accessory building;
- d. Breakfast is to be the only meal served;
- e. No additional set of cooking facilities may be provided for the bed and breakfast use.”

*Information Note: Home occupation use of residential buildings may also be regulated through fire, safety, and building code provisions, and Provincial health and tax regulations. Residents conducting home occupations are responsible for those facilities used and for compliance with relevant codes.*

## B.4 SIGNS

### B.4.1. Number and Total Sign Area

**B.4.1.1** Every *sign*, excepting those exempted in Subsection B.4.2, must comply with the provisions in Table 1.

| <b>Table 1: Sign Regulations</b>          |  |   |
|---|--|---|
| <b>Column 1</b>                           | <b>Column 2</b>                          | <b>Column 3</b>                                     |
| <b>Zone</b>                               | <b>Maximum Number of Signs Permitted</b> | <b>Maximum Total Sign Area Permitted</b>            |
| <b>Residential Zones</b>                  |  |   |
| MAH1                                      | 2 per <i>lot</i>                         | 4.0 sq.m (43.0 sq.ft) per <i>lot</i>                |
| SRR, LRR                                  | No maximum number                        | 1.5 sq.m (16.1 sq.ft) per <i>lot</i>                |
| SSN                                       | 2 per <i>lot</i>                         | 4.0 sq.m (43.0 sq.ft) per <i>lot</i>                |
| <b>Resource Zones</b>                     |  |   |
| AG, F, FWR1, GP, R, RC, RR1               | No maximum number                        | 1.5 sq.m (16.1 sq.ft) per <i>lot</i>                |
| GC  | No maximum number                        | 4.0 sq.m (43.0 sq.ft) per <i>lot</i>                |
| <b>Commercial and Industrial Zones</b>    |  |   |
| VC1, VC2, DC1                             | 2 per business                           | 4.0 sq.m (43.0 sq.ft) per business                  |
| LC1, LC2, LC3, FP                         | 2 per business                           | 4.0 sq.m (43.0 sq.ft) per business                  |
| TC1, TC2                                  | 2 per <i>lot</i>                         | 4.0 sq.m (43.0 sq.ft) per <i>lot</i>                |
| I   | 2 per business                           | 4.0 sq.m (43.0 sq.ft) per business                  |
| <b>Recreation and Institutional Zones</b> |  |   |
| IN1, IN2, IN3, IN4, YC                    | 2 per <i>lot</i>                         | 4.0 sq.m (43.0 sq.ft) per <i>lot</i>                |
| P1, P2, P3                                | No maximum number                        | No maximum sign area                                |
| <b>Water Zones</b>                        |  |   |
| WP1, WP2, WP3                             | No maximum number                        | No maximum sign area                                |
| WC1, WC2, WC3, WC4, WI1, WI2, WI3, WYC    | 2 per water <i>lot</i> or lease          | 4.0 sq.m (43.0 sq.ft) per water <i>lot</i> or lease |
| WG  | 1 per adjacent upland lot                | 1.5 sq.m (16.1 sq.ft) per <i>sign</i>               |

Information Note: All signs located on a public highway, access road, or road right-of-way are within the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI), and therefore must first obtain the permission of MOTI. MOTI does not grant permission for signs if they interfere with other signs, pedestrians, cyclists, or motorists' ability to see or navigate such roadways.

---

## B.4.2 Exempted Signs

B.4.2.1 Signs exempted from the provisions of this section are:

- a. *signs* sited and maintained by government agencies, including *signs* for public safety or traffic; and
- b. commemorative, historical, and interpretive *signs* in the P1, P2, and P3 zones.

### B.4.3 Temporary signs

**B.4.3.1** Notwithstanding B.4.1.1, real estate *signs* may be temporarily displayed in any *zone* except *water zones*, subject to:

- a. A maximum of two *signs* per lot, not exceeding a total of 1.1 square metres (12.0 square feet) in *sign area*;
- b. the *sign* being located on the same *lot* as where the sale is occurring; and
- c. the *sign* being removed within two weeks of sale.

**B.4.3.2** Notwithstanding B.4.1.1, *temporary signs* advertising a community event that is open to the public, or an educational course may be displayed in any *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
- b. despite clause a. above, banners must not exceed 4.0 square metres (43.0 square feet) in *sign area*;
- c. the *sign* being displayed for a maximum of three weeks prior to the event; and
- d. the *sign* being removed within 72 hours of the conclusion of the event.

**B.4.3.3** Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to a *home occupation* may be displayed only in a residential or resource *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*; and
- b. the *sign* must not be displayed for more than 12 consecutive hours.

**B.4.3.4** Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to an institution or business (other than a home occupation) may be displayed in any *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
- b. the *sign* must not be displayed for more than 12 consecutive hours; and
- c. the *sign* must be located, erected, or displayed on the same *lot* as where the business or institutional use is occurring.

### B.4.4 Home Occupation signs

**B.4.4.1** Notwithstanding B.4.1.1, *home occupation signs* are permitted, subject to:

- a. a maximum of one *sign* per lot;
- b. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*; and
- c. the *sign* must be located on the same lot in which the *home occupation* is occurring.

### B.4.5 Obsolete Signs & Derelict Signs

**B.4.5.1** *Obsolete signs* and *derelict signs* must be removed within thirty days after the *sign* becomes *obsolete* or *derelict*.

**B.4.5.2** *Obsolete signs* and *derelict signs* may be removed at the discretion of the Gabriola Island Local Trust Committee.

**B.4.6 Multi-Party Signs**

- B.4.6.1** Notwithstanding B.4.1.1, *multi-party signs* which consolidate the direction of traffic to multiple businesses shall:
- a. be limited in *sign area* to 0.2 square metres (2.15 square feet) per business, to a maximum *sign area* of 2.0 square metres (21.5 square feet);
  - b. not be located in the Small Rural Residential zone; and
  - c. not be *temporary signs*.

**B.4.7 Third Party Signs**

- B.4.7.1** Notwithstanding B.4.1.1, *third party signs* are permitted, subject to:
- a. *third party signs* shall not exceed 1.1 square metres (12.0 square feet) in *sign area*, per lot.

**B.4.8 Illuminated Signs**

- B.4.8.1** *Internally illuminated signs* are prohibited, except where they occur as *window signs* for the purpose of displaying business hours of operation and opening, or for fuel price *signs* where only the numbers and symbols are illuminated.
- B.4.8.2** *Externally illuminated signs* must have a light source which deflects light away from the sky and towards the surface of the *sign*, and which is completely shielded from view.

**B.5 PARKING**

**B.5.1 Minimum Number of *Parking Spaces* for Automobiles and Bicycles**

- B.5.1.1** *Every owner of land must provide and maintain on the lot off-road motor vehicle parking spaces* in accordance with the provisions of Table 2.

| <b>Table 2: Parking Requirements</b> |  |  |                                     |
|--------------------------------------|--|--|-------------------------------------|
| <b>Column 1</b>                      | <b>Column 2</b>                                      | <b>Column 3</b>                        | <b>Column 4</b>                     |
| <b>Use</b>                           | <b>Standard Parking Requirements</b>                 | <b>Accessible Parking Requirements</b> | <b>Bicycle parking requirements</b> |
| <b>RESIDENTIAL</b>                   |  |  |                                     |
| <i>single family dwelling</i>        | 2 per <i>dwelling unit</i> plus 1 per <i>boarder</i> | None required                          | None required                       |
| <i>secondary suite</i>               | 2 per <i>secondary suite</i>                         | None required                          | None required                       |
| two family <i>dwelling</i>           | 1.25 per unit plus<br>1 per employee                 | Greater of 1 or 1 per<br>10 units      | 1 per unit without a<br>garage      |
| <i>multiple family dwelling</i>      | 1.25 per unit plus<br>1 per employee                 | Greater of 1 or 1 per<br>10 units      | 1 per unit without a<br>garage      |
| <b>HOME OCCUPATIONS</b>              |  |  |                                     |
| galleries and live theatre           | 1 per 16 square metres (172.2                        | None Required                          | None required                       |

BL 273

BL 226

BL 273

BL 293  
June/2018

BL 307  
OCT/2022

| <b>Table 2: Parking Requirements</b>                        |   |   |   |
|---|---|---|---|
| <b>Column 1</b>   | <b>Column 2</b>   | <b>Column 3</b>   | <b>Column 4</b>   |
| <b>Use</b>  | <b>Standard Parking Requirements</b>  | <b>Accessible Parking Requirements</b>  | <b>Bicycle parking requirements</b>   |
|   | square feet) of <i>floor area</i> or performance area used  |   |   |
| teaching of arts and crafts                                 | 1 per 2 students plus 1 per employee  | None Required   | None required   |
| <i>bed and breakfast</i>                                    | 1 per rental room plus 1 per non-resident employee  | None Required   | None required   |
| Instructional classes                                       | 1 per employee and 1 per 2 clients  | None Required   | None required   |
| watercraft and bicycle rental                               | 1 per 2 rentals   | None Required   | None required   |
| other <i>home occupations</i>                               | 1 per employee  | None Required   | None required   |
| <b>COMMERCIAL</b>   |   |   |   |
| Village Commercial and District Commercial shopping centres | 1 per 16.0 square metres (172.2 square feet) of <i>leasable floor area</i> in the <i>building</i>     | 1 per 150 square metres (1614.5 square feet) of <i>leasable floor area</i> in the <i>building</i> | 1 per 150 square metres (1614.5 square feet) of <i>leasable floor area</i> in the <i>building</i> |
| restaurants and bars  | 1 per 3 seats   | Greater of 1 or 1 per 50 parking stall  | 1 per 15 seats  |
| nurseries and greenhouses                                   | 1 per 16.0 square metres (172.2 square feet) of <i>floor area</i> of the retail sales <i>building</i> | Greater of 1 or 1 per 50 parking stall  | 1 per 10 parking stalls   |
| Offices   | 1 per 35 square metres (376.7 square feet) of <i>floor area</i>                                       | Greater of 1 or 1 per 50 parking stalls   | 1 per 10 parking stalls   |
| mini-storage  | 1 per 5 mini-storage units  | Greater of 1 or 1 per 50 parking stalls   | None required   |
| tourist accommodation except campgrounds                    | 1 per sleeping unit plus 1 per 3 seats in a food or beverage area                                     | Greater of 1 or 1 per 20 accommodation units  | Greater of 1 or 1 per 10 sleeping units   |
| <i>marina</i>   | 1 per 2 boats berthed on an annual basis and 1 per employee   | Greater of 1 or 1 per 50 parking stalls   | 1 per 20 parking stalls   |
| golf course   | 50 per nine holes plus 1 per employee   | Greater of 1 or 1 per 50 parking stalls   | 1 per 20 parking stalls   |
| <i>limited public market</i>                                | 1 per vendor  | Greater of 1 or 1 per 50 parking stalls   | None required   |
| <b>INDUSTRIAL</b>   |   |   |   |
| <i>light industry</i> and shipyard use                      | 1 per 2 employees   | Greater of 1 or 1 per 50 parking stalls   | 1 per 10 employees  |
| boat building school  | 1 per 2 students and 1 per employee   | Greater of 1 or 1 per 50 parking stalls   | 1 per 10 of the total number of students and employees  |
| <b>PUBLIC SERVICE AND UTILITY</b>                           |   |   |   |
| <i>Church</i>   | 1 per 2 metres of pews  | Greater of 1 or 1 per 50 parking stalls   | 1 per 10 parking stalls   |
| community halls, auditoriums, lodges, theatres              | 1 per 4 seats   | Greater of 1 or 1 per 50 parking stalls   | 1 per 10 parking stalls   |

| Table 2: Parking Requirements |   |   |   |
|-------------------------------|---|---|---|
| Column 1                      | Column 2  | Column 3                                | Column 4                                  |
| Use                           | Standard Parking Requirements   | Accessible Parking Requirements         | Bicycle parking requirements              |
| <i>schools, elementary</i>    | 1 per 1 employee  | Greater of 1 or 1 per 50 parking stalls | 1 per 10 employees plus 1 per 10 students |
| <i>schools – secondary</i>    | 1 per employee plus 1 per 10 students                                 | Greater of 1 or 1 per 50 parking stalls | 1 per 10 employees plus 1 per 8 students  |
| library, post office          | 1 per 20.0 square metres (215.2 square metres) of <i>floor area</i>   | Greater of 1 or 1 per 50 parking stalls | 1 per 10 parking stalls                   |
| police station                | 1 plus 1 per employee   | Greater of 1 or 1 per 50 parking stalls | None required                             |
| fire hall                     | 1 per 1 employee or volunteer   | Greater of 1 or 1 per 50 parking stalls | None required                             |
| Museums                       | 1 per 30.0 square metres (322.9 square feet) of <i>floor area</i>     | Greater of 1 or 1 per 50 parking stalls | 1 per 10 parking stalls                   |
| Medical Offices and Clinics   | 1 per 20 m <sup>2</sup> (215 ft <sup>2</sup> ) of <i>floor area</i> . | Greater of 1 or 1 per 50 parking stalls | 1 per 10 parking stalls                   |

BL 261

**B.5.2 Interpretation of Parking Requirements**

**B.5.2.1** In calculating *parking spaces* required in Subsection B.5.2, one additional space must be provided in requirements for sites on which more than one use occurs are cumulative.

BL 273

**B.5.2.2** In calculating the parking spaces required in Table 2 of B.5.1.1, for commercial uses in the Village Commercial 1, Village Commercial 2, and District Commercial zones, the standard parking requirements in column 2 are to be maximum parking requirements; for all other zones and uses listed in Table 2 of B.5.1.1, standard parking requirements are to be minimum parking requirements.

BL 273

**B.5.2.3** Where parking spaces are designated for the use of motorcycles or scooters, such designated motorcycle/scooter parking spaces shall each be counted as the provision of 0.5 required vehicle parking spaces, to a maximum of 15% of required parking spaces.

**B.5.3 Dimensions and Area of *Parking Spaces* and Aisles**

**B.5.3.1** Each *parking space* must be accessible to a highway via a manoeuvring aisle not less than: 7.5 metres (24.6 feet) in width in the case of 90 degree parking; 5.5 metres (18.0 feet) in width in the case of 60 degree parking; and no *parking space* may abut a highway such that the use of the *parking space* necessitates reversing a motor vehicle onto or from a highway. If *parking space* is accessible directly from a lane the combined length of the *parking space* and width of the lane must be at least 12.5 metres (41.0 feet).

**B.5.3.2** *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 manoeuvring aisles, and have an unobstructed vertical clearance of at least 2.0 metres (6.6 feet). Parallel *parking spaces* must, despite the foregoing, have a length of 7.5 metres (24.6 feet).

BL 273

**B.5.3.3** Accessible parking spaces must be a minimum of 3.9 metres in width and 6.25 metres in length and have an unobstructed vertical clearance of at least 2.0 metres.

BL 273

**B.5.3.4** Despite B.5.3.2 parking spaces for motorcycles or scooters must be a minimum of 1.4 metres in width and 2.5 metres in length.

- BL 273      **B.5.3.5**      Despite B.5.3.2 parking spaces for small vehicles must be a minimum of 2.4 metres in width and 4.6 metres in length.
- BL 273      **B.5.3.6**      Despite Table 2 of B.5.1.1, where a building or use provides more than 10 standard parking spaces, a minimum of 20% of the total spaces must be reduced to 2.4 metres in width and 4.6 metres in length and marked with the words 'SMALL VEHICLE ONLY' on the pavement or facing wall.

#### **B.5.4 Location of *Parking Spaces***

- B.5.4.1**      All required off-road *parking spaces* must be located on the *lot* on which the use, *building* or *structure* being served is located, or on an adjoining *lot* that constitutes a part of the same site or premises and is in the same *zone*. *Parking spaces* located on a highway may not be taken into account in determining compliance with the standards in Section B.5.
- BL 273      **B.5.4.2**      All accessible parking spaces, small vehicle and motorcycle/scooter parking spaces must be located adjacent to a main entrance of a building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking. Priority location adjacent to a main entrance must be for accessible parking spaces
- B.5.4.3**      Other than properties *zoned* for principal *single family* residential use, not more than 50 percent of the *setback* area must be used for *parking spaces* and manoeuvring aisles. A *parking space* may not be located within 1.5 metres (4.9 feet) of a property boundary.

#### **B.5.5 Standards for Bicycle Parking Spaces**

- BL 273      **B.5.5.1**      Each bicycle *parking space* must be accessible to a highway or vehicle *parking lot* via an access aisle that is not less than 1.2 metres (3.9 feet) in width.
- B.5.5.2**      Bicycle *parking spaces* must be at least 0.8 metres (2.6 feet) in width and 1.8 metres (5.9 feet) in length with a minimum overhead clearance of 1.2 metres (3.9 feet).
- B.5.5.3**      Bicycle *parking spaces* must include a fixed *structure* that supports the bicycle frame in a stable position without damage to the wheels, frame or components and that enables the frame and both wheels to be locked to the *structure* by the cyclist's own locking device. Protection from precipitation must be provided for 50 per cent of all spaces required.
- B.5.5.4**      Bicycle *parking spaces* are to be located at the primary entrance to the *building* or use being served.

## B.6 MISCELLANEOUS

### B.6.1 *Boarders*

- B.6.1.1** Up to a maximum of four *boarders* are permitted in conjunction with a principal *single family* residential use.

### B.6.2 *Limited Public Markets*

- B.6.2.1** Other than during *limited public market* operating hours, tables, booths, chairs, umbrellas and other equipment associated with the *limited public market* must be enclosed, screened, or *fenced* from views available at the boundaries of the *lot* on which the *limited public market* is being conducted.
- B.6.2.2** In addition to the sign regulations in Section B.4, an additional sign, not greater than 0.75 square metres (8.0 square feet) is permitted for each vendor operating at the *limited public market*.
- B.6.2.3** No permanent *structures* used primarily for a *limited public market* are permitted.

### B.6.3 Commercial Vacation Rentals

- B.6.3.1** All *dwelling units*, including *secondary suites*, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee

### B.6.4 Use of Travel Trailers, Recreational Vehicles and Accessory Buildings

- B.6.4.1** One travel trailer, recreational vehicle or accessory building may only be used as a temporary *dwelling unit* on any *lot* where *single family* residential use is a permitted use to a maximum of two years, provided:
- a. a valid *building* permit for the *principal dwelling unit* is in effect for the property;
  - b. the trailer or recreational vehicle is enclosed or screened from adjacent land by a landscape screen or *fence* subject to subsection B.2.7 or B.2.4, respectively, not less than 2.0 metres (6.6 feet) in *height*; and
  - c. the travel trailer, recreational vehicle or accessory *building* is connected to an approved sewage disposal system.

BL 293  
June/2018

BL 212

BL 293  
June/2018

BL 212

**B.6.4.2** A combined total of two of the following: tents, tent trailers, camper vehicles, travel trailers or recreational vehicles may be used for seasonal accommodation for a period not exceeding 90 days in a calendar year and not exceeding 60 consecutive days, each except as permitted in the Agriculture (AG) zone.

**B.6.4.3** Nothing in this bylaw prevents the storage of a travel trailer or recreational vehicle on a *lot*.

### **B.6.5 Storage of Unlicensed Vehicles**

**B.6.5.1** Any vehicle unlicensed on an annual basis for two or more consecutive years may be stored outside a *building*, provided it is screened from views available at the boundaries of the *lot* by a landscape screen or *fence* subject to subsection B.2.7 or B.2.4, respectively, not less than 2.0 metres (6.6 feet) in *height*.

### **B.6.6 Secondary Suite Regulations**

*Secondary Suites*, where permitted in Part D of this bylaw, are subject to the following requirements:

**B.6.6.1** Secondary suites are a permitted accessory use on lots 2.0 hectares (4.94 acres) or larger;

**B.6.6.2** One (1) secondary suite is permitted per lot.

**B.6.6.3** Outside the Agriculture Land Reserve a secondary suite may be located within or attached to a single family dwelling or within an accessory building.

**B.6.6.4** Within the Agricultural Land Reserve a secondary suite must be located wholly within a single family dwelling.

**B.6.6.5** The maximum permitted floor area for a secondary suite located within or attached to a single family dwelling is 90 square metres (968 square feet) or 40% of the floor area of the dwelling, whichever is less;

**B.6.6.6** The maximum permitted floor area for a secondary suite located within an accessory building is 90 square metres (968 square feet);

**B.6.6.7** A secondary suite must not be located within a manufactured home;

**B.6.6.8** For lands outside of the ALR, a secondary suite shall not be permitted on a lot unless the owner of the lot has registered a restrictive covenant under Section 219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee prohibiting the registration of a strata plan under the Strata Property Act or Land Title Act which would result in the secondary suite being a separate lot.

## Part C - ESTABLISHMENT OF ZONES

### C.1 DIVISION INTO ZONES

The area included in Schedule "B" of this Bylaw is divided and designated into the following zones:

---

#### C.1.1 Land Based Zones

---

##### C.1.1.1 Residential Zones

|      |                                     |
|------|-------------------------------------|
| SRR  | Small Rural Residential             |
| LRR  | Large Rural Residential             |
| SSN  | Seniors and Special Needs           |
| MAH1 | Multi-dwelling Affordable Housing 1 |

BL 236  
OCT/26

##### C.1.1.2 Resource Zones

|      |   |
|------|---|
| AG   | <i>Agriculture</i>                      |
| F    | <i>Forestry</i>                         |
| FWR  | <i>Forestry/Wilderness Recreation*</i>  |
| FWR1 | <i>Forestry/Wilderness Recreation 1</i> |
| R    | Resource                                |
| RC   | Resource Conservation*                  |
| RR   | Resource Residential*                   |
| RR1  | Resource Residential 1                  |
| GP   | Gravel Pit                              |

BL 236

##### C.1.1.3 Commercial and *Light Industrial* Zones

|     |  |
|-----|--|
| VC1 | Village Commercial 1                       |
| VC2 | Village Commercial 2 – Professional Centre |
| DC1 | District Commercial 1                      |
| LC1 | Local Commercial 1 – Neighbourhood Pubs    |
| LC2 | Local Commercial 2 – Restaurants           |
| LC3 | Local Commercial 3 - <i>Garden Centres</i> |
| FP  | Ferry Parking                              |
| TC1 | Tourist Commercial 1                       |
| TC2 | Tourist Commercial 2 - <i>Campground</i>   |
| I   | Industrial - Light                         |

##### C.1.1.4 Recreation and Institutional Zones

|     |   |
|-----|---|
| P1  | Parks 1 – Provincial and Regional           |
| P2  | Parks 2 – Passive Recreation Community Park |
| P3  | Parks 3 – Active Recreation Community Park  |
| IN1 | Institutional 1                             |
| IN2 | Institutional 2                             |
| IN3 | Institutional 3                             |
| YC  | <i>Yacht Club Outstation - Upland</i>       |

---

#### C.1.2 Water Based Zones

---

|     |  |
|-----|--|
| WG  | Water General                                |
| WC1 | Water Commercial 1 - <i>Marina</i>           |
| WC2 | Water Commercial 2 - Mariculture             |
| WC3 | Water Commercial 3 - Marine Transportation   |
| WI1 | Water Industrial 1 – Shipyard                |
| WI2 | Water Industrial 2 – Log Storage             |
| WI3 | Water industrial 3 – Bulk Material Transport |
| WP1 | Water Protection 1                           |

|     |                                    |
|-----|------------------------------------|
| WP2 | Water Protection 2 – Park          |
| WP3 | Water Protection 3 – Lake          |
| WYC | Water <i>Yacht club outstation</i> |

\* For Information Purposes Only - As no land is yet *zoned* FWR, RC, or RR, provisions for these *zones* cannot legally be included in this Bylaw. In recognition of the Gabriola Official Community Plan Bylaw 166 Policy 5.1(d) (which contains policies relating to the establishment of these *zones*), appendixes A, B and C contain certain provisions in order that interested parties may anticipate conditions under which the density transfer allowed by Policy 5.1(c) may be realised. Appendixes A, B and C are for information purposes only.

**C.2 OFFICIAL ZONING MAP**

**C.2.1.1** The location and extent of the *zones* referred to in Section C.1 is set out on Schedule “B” attached to and forming part of this Bylaw.

**C.3 INTERPRETATION OF *ZONE* BOUNDARIES**

**C.3.1.1** Determination of *Zone* Boundaries

In the event of uncertainty regarding the location of the boundaries for any *zone* on Schedule “B”, the location must be determined by the application of the following rules:

BL 279

- a. where *zone* boundaries coincide with *lot* boundaries, the *lot* boundaries are the *zone* boundaries;
- b. where *zone* boundaries run along a highway or other public way defined under the “Highways Act”, the *zone* boundary is the centre line;
- c. where a land based *zone* and a water based *zone* boundary coincide, the boundaries must be the surveyed high water mark as shown on a plan registered in the Land Title Office; and where there is no registered survey plan, the *natural boundary* of the sea is the boundary;
- d. where the outer seaward *zone* boundary of a water based *zone* is not shown on Schedule “B”, the outer seaward *zone* boundary is the line designated as the “Outer Boundary of Bylaw 177”; and
- e. all other *zone* boundaries must be determined by scaling from Schedule “B”.

**C.3.1.2** Lots in More than One Zone

- a. When determining the *dwelling units* density and *lot* coverage for lots with area in more than one zone, each separately zoned area of the *lot* is to be considered as being a separate *lot*.
- b. Despite Clause C.3.1.2a, where a secondary suite is a permitted use in the zone, it may be located on the portion of the lot so zoned provided there is only one secondary suite located on the entire lot and that lot area is 2.0 hectares (4.94 acres) or larger.

BL 293  
June/2018

## Part D - ZONES

### D.1 RESIDENTIAL ZONES

#### D.1.1 Small Rural Residential (SRR)

##### D.1.1.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Small Rural Residential (SRR) zone:

##### a. Permitted *Principal* Uses

- i *single family* residential
- ii horticulture, including sale of horticultural products grown on the lot

##### b. Permitted *Accessory* Uses

- i *home occupation*, subject to Section B.3
- ii *secondary suite* residential, on lots 2.0 hectares (4.94 acres) or larger, subject to Subsection B.6.3
- iii *agriculture*, including agri-tourism and the sale of agricultural products grown or raised on the lot, on lots 2.0 hectares (4.94 acres) or larger
- iv keeping of animals for the personal use of the resident or landowner

BL 293  
June/2018

##### D.1.1.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Small Rural Residential (SRR) zone:

##### a. Permitted *Buildings* and *Structures*

- i Maximum of:
  - one single family dwelling per lot;
  - one *secondary suite* per lot;
  - *Three buildings per lot excluding a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings; and*
  - one agricultural *produce stand* per lot, not exceeding 4.6 square metres (50 square feet) *floor area*.
  - Other non-residential *buildings* and *structures* to accommodate *horticulture, agriculture* and the keeping of animals for personal use.

BL 261

BL 293  
June/2018

For Information purposes only - Farm status under the BC Assessment Act is not required for the construction of *buildings* or *structures* for an agricultural use.

##### D.1.1.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Small Rural Residential (SRR) zone:

##### a. *Buildings* and *Structures* Siting Requirements

- i On lots less than 1.0 hectares (2.47 acres), except for a sign, *fence*, or *pump/utility house*, the minimum *setback* of *buildings* or *structures* is:

BL 250



**D.1.2.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Large Rural Residential (LRR) zone:

**a. Permitted buildings and Structures**

- i Maximum of:
  - one *single family dwelling* per lot;
  - one *secondary suite* per lot;
  - three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*; and
  - one *agricultural produce stand* per lot, not exceeding 20 square metres (215.3 square feet) *floor area*.
- ii Other non-residential *buildings* and *structures* to accommodate *agriculture*, *forestry*, *boarding* and *breeding kennels*, and *boarding* and *riding stables*.

For Information purposes only - Farm status under the BC Assessment Act is not required for the construction of *buildings* or *structures* for an agricultural use.

**D.1.2.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Large Rural Residential (LRR) zone:

**a. Buildings and Structures Siting Requirements**

- i On lots less than 1.0 hectare (2.47 acres), except for a sign, *fence*, or *pump/utility house*, the minimum *setback* of *buildings* or *structures* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 4.5 metres (14.8 feet) from any *exterior side lot lines*; and
  - 1.5 metres (4.9 feet) from any *interior lot lines*.
- ii On lots 1.0 hectare (2.47 acres) or larger, except for a sign, *fence*, or *pump/utility house*, the minimum *setback* of *buildings* or *structures* is:
  - 10.0 metres (32.8 feet) from any *lot line*.
- iii Despite items D.1.2.3a.i and D.1.2.3a.ii:
  - the minimum *setback* of *boarding* and *breeding kennels* is 30.0 metres (98.0 feet) from any *lot line* or *well head*;
  - on lots 1.0 hectare (2.47 acres) or larger, the minimum *setback* for *greenhouses* is 7.5 metres (24.6 feet) from any *lot line*.
  - the minimum *setback* for *agricultural waste storage* is 30.0 metres (98.4 feet) from any *lot line* or *well head*; and;
  - the minimum *setback* for an *agricultural produce stand* in the Large Rural Residential (LRR) zone is 4.5 metres (14.7 feet) from the front lot line.

**b. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 10 percent of the *lot area*

**c. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* is 4.0 hectares (9.88 acres).
- ii The minimum *lot area* is 2.0 hectares (4.94 acres).

BL 250

BL 250

BL 275

## D.1.3 Seniors and Special Needs (SSN)

### D.1.3.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Seniors and Special Needs (SSN) *zone*:

#### a. Permitted *Principal* Uses

- i seniors and special needs housing

#### b. Permitted *accessory* Uses

- i employee accommodation
- ii *horticulture, including sale of horticultural products grown on the lot.*

BL 275

### D.1.3.2 Buildings and Structures

In addition to the *buildings* and *structures* permitted in Article B.1.1.2, the following *buildings* and *structures* and no others are permitted in the Seniors and Special Needs (SNN) *zone*:

#### a. Permitted *Buildings and Structures*

- i *Single or multiple family dwellings*, to a maximum of 12 *dwelling units* per hectare (4.85 units per acre) and a maximum of 24 *dwelling units per lot*, except on lands shown on Schedule C, Map 2, in which case the maximum permitted density is 15 *dwelling units* per hectare (6 units per acre) and a maximum of 30 *dwelling units per lot*.
- ii Three *buildings per lot* that exclude a *pump/utility house*, woodshed and garden shed, and that are *accessory* to all *dwelling units*.
- iii one horticulture produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area.

BL 279

BL 275

### D.1.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Seniors and Special Needs (SSN) *zone*:

#### a. *Buildings and Structure Height Limitations*

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

#### b. *Buildings and Structures Siting Requirements*

- i The minimum *setback* of *buildings* and *structures* except for a sign, *fence*, or *pump/utility house* is 6.0 metres (19.7 feet) from any *lot line*.
- ii the minimum setback for a horticultural produce stand is 4.5 metres (14.7 feet) from the front lot line.

#### c. *Lot coverage Limitations*

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot area*

BL 212

#### d. *Lot Area Requirements for Subdivision*

- i The minimum *lot area* and minimum average *lot area* is 1.0 hectare (2.47 acres).

- ii. Despite, Item D.1.3.3.d.i, the minimum lot area and minimum average lot area is 4.0 hectares(9.88 acres), for land legally described as Strata Plan VIS5013, Section 20, Gabriola Island, Nanaimo District as shown on Schedule C Map 11.

BL 279

**e. Senior and Special Needs *Dwelling Unit* Limitations**

- i. The maximum average area of *single* or *multiple family dwellings* is 83.6 square metres (900 square feet) except on lands shown on Schedule C, Map 2, in which case the maximum average is 65.0 square metres (700 square feet).
- ii. For purposes of Item D.1.3.3.e.i in calculating average *dwelling unit* size, the interior dimensions of a *dwelling unit* must be used and the area of an enclosed deck, porch or balcony and any area intended for storage purposes, directly accessible from the *interior* of the *dwelling unit*, must be included for purpose of this calculation.
- iii. For purposes of calculating the number of permitted *dwelling units*, *dwelling units* used for employee accommodation are included in the maximum permitted number of *dwelling units* in Item D.1.3.2a

BL 307  
JUN/2022

---

## D.1.4 Multi-dwelling Affordable Housing 1 (MAH1)

---

### D.1.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

**a. Permitted *Principal* Uses**

- i. *multiple family* residential
- ii. *two family* residential

**b. Permitted *Accessory* Uses**

- i. *home occupations*, subject to Section B.3

### D.1.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

**a. Permitted *Buildings* and *Structures***

- i. *Multiple family dwellings* and *two family dwellings*, to a maximum of 12 *dwelling units* per hectare (4.85 units per acre) and a maximum of 24 *dwelling units* per *lot*.
- ii. Three *buildings* per lot that exclude a *pump/utility house*, woodshed and garden shed, and that are *accessory* to all *dwelling units*.
- iii. The average size of all dwelling units on a *lot* must not be greater than 83 square metres (900 sq.ft.).

### D.1.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

**a. Building and Structure Height Limitations**

- i. The maximum height of buildings or structures is 9.0 metres (29.5 feet).

**b. Building and Structure Siting Requirements**

- i Except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* and *structure* is:
  - 3.0 metres (9.8 feet) from the *front lot line*;
  - 10.0 metres (32.8 feet) from any *lot line* that is not a *front lot line*.
- ii Despite item D.1.4.3.b.i, the minimum *setback* of *buildings* and *structures* from a *lot line* that coincides with a *lot* in the same zone is 0.0 metres.

**c. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot* area.

**d. Subdivision Requirements**

- i The minimum lot area is 1.0 hectares (2.47 acres).

**e. Form of Tenure**

- i One hundred percent (100%) of the *dwelling units* in the Multi-dwelling Affordable Housing 1 (MAH1) zone shall be limited to *residential rental tenure*.

## D.2 RESOURCE ZONES

### D.2.1 *Agriculture (AG)*

#### D.2.1.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the *Agriculture (AG) zone*:

- |                 |   |     |  |
|-----------------|---|-----|--|
| BL 250          | <b>a. Permitted <i>Principal</i> Uses</b> | i   | <i>agriculture</i> , including the sale of agricultural products grown or raised on the <i>lot</i> |
| BL 279          |   | ii  | <i>single family</i> residential   |
| BL 275          |   | iii | golf course, on lands as shown on Schedule C, Map 3  |
| BL 280<br>09/08 |   | iv  | intensive <i>agriculture</i>   |
| BL 280<br>09/08 |   | v   | Cannabis production  |
- BL 303  
OCT/2021
- |                     |   |     |  |
|---------------------|---|-----|--|
| BL 293<br>June/2018 | <b>b. Permitted <i>Accessory</i> Uses</b> | i   | <i>home occupations</i> subject to Section B.3*;   |
| BL 275              |   | ii  | secondary suite residential on lots 2.0 hectares (4.94 acres) or larger.;  |
|                     |   | iii | boarding and breeding kennels, accessory to a residential use, on <i>lots</i> 2.0 hectares (4.94 acres) or larger; and   |
|                     |   | iv  | boarding and riding stables on <i>lots</i> 2.0 hectares (4.94 acres) or larger.  |
|                     |   | v   | agri-tourism; and  |
|                     |   | vi  | agri-tourism accommodation on lands in the Agricultural Land Reserve on lots 4.0 hectares (9.88 acres) or larger with farm classification under the <i>BC Assessment Act</i> |

\* For information purposes only - on land situated within the Agricultural Land Reserve these uses may be subject to approval of the Agricultural Land Commission under the "Agricultural Land Commission Act"

#### D.2.1.2 *Buildings and Structures*

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the *Agriculture (AG) zone*:

- |                    |   |   |  |
|--------------------|---|---|--|
| BL 293<br>JUN/2018 | <b>a. Permitted <i>Buildings and Structures</i></b> | i | Maximum of:  |
| BL 275             |   |   | <ul style="list-style-type: none"> <li>• one <i>single family dwelling</i> per <i>lot</i>;</li> <li>• one <i>secondary suite</i> per <i>lot</i>;</li> <li>• for <i>lots</i> in the Agricultural Land Reserve, one <i>secondary suite</i> AND one <i>manufactured home</i> for immediate family or <i>farm worker housing</i>;</li> <li>• three <i>buildings</i> per <i>lot</i> excluding a <i>secondary suite</i>, <i>pump/utility house</i> and woodshed and that are <i>accessory</i> to all <i>dwellings</i>;</li> <li>• one <i>produce stand</i> per <i>lot</i> accessory to an <i>agriculture principal</i> use and not exceeding 20 square metres (215.3 square feet) <i>floor area</i>; and</li> <li>• one <i>clubhouse</i> accessory to a golf course use, on lands as shown on Schedule C, Map 3*.</li> </ul> |

BL 275

- four or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or short term use of bedrooms on a farm classified as a farm under the *Assessment Act* on lots 4.0 hectares (9.88 acres) or larger. Should farm classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.
- ii On lands in the Agriculture Land Reserve where a *manufactured home* is permitted on a *lot* 2.0 hectares (4.94 acres) or larger for immediate family or *farm working housing*, the following conditions will apply:
  - The lot has farm classification under the *BC Assessment Act*; and
  - The manufactured home does not exceed 9 metres (29.5 feet) in width and 120.7 m<sup>2</sup> (1300 ft<sup>2</sup>) in floor area; and
  - The manufactured home is sited so as to not have a negative effect on the existing farm operation; and
  - The owner of the lot on which the manufactured home is located shall register on the title of that lot a restrictive covenant under section 219 of the *Land Title Act* stating that the manufactured home will be removed if it is no longer being occupied by the approved user for a period of one year; and
  - The manufactured home is occupied by immediate members of the family that currently own the property; or
  - The manufactured home is occupied by a farm employee(s) required for the farm operation and who provide a net benefit to the existing farm operation and written approval from the Agricultural Land Commission has been obtained.
- iii Other non-residential buildings and structures to accommodate:
  - *agriculture, forestry*, boarding and breeding kennels, and boarding and riding stables\*; and
  - golf course on lands as shown on Schedule C, Map 3\*.

\* For information purposes only - on land situated within the Agricultural Land Reserve these *buildings and structures* may be subject to approval of the Agricultural Land Commission under the "Agricultural Land Commission Act"

For Information purposes only - Farm status under the BC Assessment Act is not required for the construction of *buildings* or *structures* for an agricultural use.

**D.2.1.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the *Agriculture* (AG) zone:

BL 250

**a. Buildings and Structures Siting Requirements**

- i On *lots* less than 1.0 hectare (2.47 acres), except for a sign, *fence*, or *pump/utility house*:
  - the minimum *setback* for a *single family dwelling*, a manufactured home for immediate family or farm worker housing, a *secondary suite* and *buildings* and *structures* accessory to them is 6.0 metres (19.7 feet) from the *front lot line*, 4.5 metres (14.8 feet) from any *exterior side lot lines* and 1.5 metres (4.9 feet) from any *interior lot line*; and
  - the minimum *setback* for all other *buildings* or *structures* is 20.0 metres (65.6 feet) from any *lot line*.
- ii On *lots* 1.0 hectare (2.47 acres) or larger, except for a sign, *fence*, or *pump/utility house*:
  - the minimum *setback* for a *single family dwelling*, a manufactured home for immediate family or farm worker housing, a *secondary suite* and *buildings*

BL 275

BL 293  
June/2018

BL 275

and *structures accessory* to them is 10.0 metres (32.8 feet) from any *lot line*; and

- the minimum *setback* for all other *buildings* or *structures* is 20.0 metres (65.6 feet) from any *lot line*.

iii Despite items D.2.1.3a.i and D.2.1.3a.ii:

- the minimum setback of boarding and breeding kennels is 30.0 metres (98.0 feet) from any lot line or well head;
- the minimum setback for greenhouses on land in the AG zone is 7.5 metres from any lot line;
- the minimum *setback* for *intensive agriculture* is 30.0 metres (98.4 feet) from any *lot line*; and
- the minimum *setback* for agricultural waste storage is 30.0 metres (98.4 feet) from any *lot line or well head*; and
- the minimum setback for an agricultural produce stand in the Agriculture (AG) zone is 4.5 metres (14.7 feet) from the front lot line.
- the minimum setback for buildings and structures except for fences, used for cannabis production is 30 metres (98.4 feet) from any lot line and 150 metres (492.13 feet) from any school property line or P3 zone.

BL 275

BL 280  
09/08

BL 303  
OCT/2021

**b. Lot Coverage Limitations**

i On land outside the Agricultural Land Reserve:

- the maximum combined *lot coverage* of *buildings* and *structures*, is 35 percent of the *lot* area.

ii On land in the Agricultural Land Reserve:

- the maximum combined *lot coverage* of *buildings* and *structures*, excluding greenhouses, is 35 percent of the *lot* area in the Agricultural Land Reserve; and
- the maximum combined *lot coverage* of *buildings* and *structures*, including greenhouses, is 75 percent of the *lot* area.
- the maximum combined lot coverage of agri-tourism and/or agri-tourism accommodation including buildings, access and parking is one (1) percent of the lot area.
- The maximum combined lot coverage of buildings and structure used for the purpose of cannabis production is 200 square metres (2,152 square feet).

BL 275

BL 303  
OCT/2021

**c. Lot Area Requirements for Subdivision**

- The minimum average *lot* area and the minimum *lot* is 8.0 hectares (19.77 acres).

---

**D.2.2 Forestry(F)**

---

**D.2.2.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the *Forestry (F) zone*:

- BL 193
- a. Permitted *Principal Uses***
- i *forestry*
  - ii *single family residential*
- b. Permitted *Accessory Uses***
- i *home occupations* subject to Section B.3
  - ii *secondary suite residential\**, on *lots* 2.0 hectares (4.94 acres) or larger, subject to Subsection B.6.3.
  - iii *limited milling and planing* of timber grown on the same *lot*
  - iv *forestry* research and education
  - v agriculture, including agri-tourism and the sale of agricultural products grown or raised on the lot
- BL 293  
June/2018
- BL 275

**D.2.2.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the *Forestry (F) zone*:

- a. Permitted *Buildings and Structures***
- i Maximum of:
    - one *single family dwelling* per *lot*;
    - one *secondary suite* per *lot*;
    - three *buildings* per *lot* excluding a *secondary suite*, *pump/utility house* and woodshed, and that are *accessory* to all *dwellings*; and
    - one produce stand per lot accessory to an agriculture use and not exceeding 20 square metres (215.3 square feet) floor area.
  - ii Portable sawmills\*
  - iii Other non-residential *buildings* and *structures* to accommodate:
    - *forestry* and *forestry* research and education\*; and
- BL 293  
June/2018
- BL 275
- BL 279

\* For information purposes only - on land situated within the Forest Land Reserve this use and these *buildings* and *structures* may be subject to approval of the Forest Land Commission under the "Forest Land Commission Act"

**D.2.2.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the *Forestry (F) zone*:

- a. Buildings and Structures Siting Requirements**
- i On *lots* less than 1.0 hectares (2.47 acres), except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* or *structures* is:
    - 6.0 metres (19.7 feet) from any *front lot line*;
    - 4.5 metres (14.8 feet) from any *exterior side lot line*; and
    - 1.5 metres (4.9 feet) from any *interior lot line*.
  - ii On *lots* 1.0 hectares (2.47 acres) or larger, except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* or *structures* is:
    - 10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line
- BL 250
- BL 293  
June/2018
- BL 275

- iii the minimum setback for an agricultural produce stand in the Forestry (F) zone is 4.5 metres (14.7 feet) from the front lot line.

**b. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 10 percent of the *lot* area.

**c. Lot Area Requirements for Subdivision**

- i The minimum *lot* area and the minimum average *lot* area is 60.0 hectares (148.26 acres).
- ii *Despite items D.2.2.3.c.i, the Forestry zoned area of the South ½ of the Northwest ¼ of Section 19, Gabriola Island, Nanaimo District, may be subdivided from the IN4 zoned area as shown on Map 15 of Schedule C.*

BL 261

---

## D.2.3 Forestry/Wilderness Recreation 1(FWR1)

---

BL 236

### D.2.3.1 Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Forestry/Wilderness Recreation 1 (FWR1) zone:

**a. Permitted Principal Uses**

- i. forestry
- ii. forest wilderness oriented recreation
- iii. ecological reserves
- iv. environmental protection

### D.2.3.2 Buildings and Structures

The buildings and structures permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Forestry/Wilderness Recreation 1 (FWR1) zone:

**a. Permitted Buildings and Structures**

- i. Structures to accommodate passive outdoor recreational activities;
- ii. Portable sawmills; and,
- iii. Other non-residential buildings and structures to accommodate environmental protection projects, forestry and forestry research and education.

### D.2.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Forestry/Wilderness Recreation 1 (FWR1) zone:

**a. Buildings and Structure Height Limitations**

- i. The maximum height of all buildings and structures is 9.0 metres (29.5 feet);

**D.2.3.4 Buildings and Structures Siting Requirements**

- i. The minimum setback for buildings and structures, except a sign, fence, or pump/utility house, is 10.0 metres (32.8 feet) from any lot line.

**D.2.3.5 Lot Area Requirements for Subdivision**

- i. The minimum average lot area and the minimum lot area are 286 hectares (707 acres).

---

**D.2.4 Resource (R)**

---

**D.2.4.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Resource (R) zone:

BL 193

**a. Permitted *Principal* Uses**

- i. *agriculture*, including the sale of agricultural products grown or raised on the *lot but* excluding animal husbandry on *lots* less than 2.0 hectares (4.94 acres)
- ii. *forestry*
- iii. *single family* residential
- iv. shooting range, on lands as shown on Schedule C, Map 4
- v. agri-tourism

BL 272

BL 275

**b. Permitted *Accessory* Uses**

- i. *home occupations accessory* to a residential use, subject to Section B.3
- ii. *secondary suite* residential, on *lots* 2.0 hectares (4.94 acres) or larger, subject to Section B.6.3.
- iii. boarding and breeding kennels, *accessory* to a residential use, on *lots* 2.0 hectares (4.94 acres) or larger
- iv. boarding and riding stables, on *lots* greater than 2.0 hectares (4.94 acres)

BL 293  
June/2018**D.2.4.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Resource (R) zone:

**a. Permitted *Buildings* and *Structures***

- i. Maximum of:
  - one *single family dwelling* per *lot*;
  - one *secondary suite* per *lot*;
  - three *buildings* per *lot* excluding a *secondary suite*, *pump/utility house* and woodshed, and that are *accessory* to all dwellings; and
  - one *produce stand* per *lot*, not exceeding 20.0 square metres (215.3 square feet) in *floor area*, *accessory* to an agricultural use.
- ii. Other non-residential *buildings* and *structures* to accommodate:
  - *agriculture, forestry*, boarding and breeding kennels, and boarding and riding stables; and
  - shooting range, on lands as shown on Schedule C, Map 4

BL 293  
June/2018

BL 272

BL 279

For Information purposes only - Farm status under the BC Assessment Act is not required for the construction of *buildings* or *structures* for an agricultural use.

**D.2.4.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Resource (R) zone:

BL 250

**a. Buildings and Structures Siting Requirements**

- i On *lots* less than 1.0 hectare (2.47 acres), except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* or *structures* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 4.5 metres (14.8 feet) from any *exterior side lot lines*; and
  - 1.5 metres (4.9 feet) from any *interior lot lines*.

BL 275

- ii On *lots* 1.0 hectare (2.47 acres) or larger, except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* or *structures* is:

BL 250

- 10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line.

BL 275

- iii Despite items D.2.4.3a.i and D.2.4.3a.ii:
  - the minimum setback of boarding and breeding kennels is 30.0 metres (98.0 feet) from any lot line or well head;
  - the minimum *setback* for agricultural waste storage is 30.0 metres (98.4 feet) from any *lot line* or well head; and
  - the minimum setback for an agricultural produce stand in the Resource (R) zone is 4.5 metres (14.7 feet) from the front lot line.
  - *Lot Coverage Limitations*
  - The maximum combined *lot coverage* by *buildings* and *structures* is 10 percent of the *lot area*.

**b. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* is 8.0 hectares (19.77 acres).
- ii The minimum *lot area* is 2.0 hectare (4.94 acres), excepting that the minimum *lot area* is 1.0 hectare (2.47 acres) where serviced by a *community water system* and a *community sewer system*.

---

**D.2.5 Resource Conservation(RC)**

---

For Information Purposes Only - As no land is yet *zoned RC*, the provisions for this *zone* cannot legally be included in this Bylaw. In recognition of the Gabriola Official Community Plan Bylaw 166 Policy 5.1(d), relating to the establishment of such *zones*, Appendix B contains certain provisions in order that interested parties may anticipate conditions under which the density transfer allowed by Policy 5.1(c) may be realised. Appendix B is for information purposes only.

---

**D.2.6 Resource Residential 1(RR 1)**

---

BL 236

**D.2.6.1 Permitted Uses**

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Residential 1 (RR1) zone:

**a. Permitted Principal Uses**

- i. single family residential
- ii. agriculture
- iii. horticulture

**b. Permitted Accessory Uses**

- i. *home occupation, subject to Section B.3*
- ii. *secondary suite residential*
- iii. processing and sale of agricultural products, limited to those grown or raised on the lot
- iv. agri-tourism

BL 293

BL 275

**D.2.6.2 Buildings and Structures**

The buildings and structures permitted in Article B1.1.2, plus the following buildings and structures and no others are permitted in the Resource Residential 1 (RR1) zone:

**a. Permitted Buildings and Structures**

- i. Maximum of:
  - one single family dwelling per lot;
  - three *buildings* per *lot* excluding a *secondary suite, pump/utility house* and woodshed, and that are accessory to all *dwellings*;
  - one produce stand per lot, not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use; and,
  - one *secondary suite* per *lot*.
- ii. Other non-residential buildings and structures to accommodate:
  - agriculture and horticulture.

BL 293

**D.2.6.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Resource Residential 1 (RR1) zone:

**a. Buildings and Structures Siting Requirements**

- i. On lots less than 2.0 hectare (4.94 acres), except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
  - 6.0 metres (19.7 feet) from all lot lines.
- ii. On lots 2.0 hectare (4.94 acres) or larger, except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
  - 10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line.
- iii. the minimum setback for an agricultural produce stand in the Resource Residential (RR1) zone is 4.5 metres (14.7 feet) from the front lot line.

BL 250

BL 275

**b. Lot Coverage Limitations**

- i. The maximum combined lot coverage by buildings and structures is 10 percent of the lot area.

**c. Lot Area Requirements for Subdivision**

- i. The minimum average lot area is 2.35 hectares (5.81 acres), and for calculation purposes the minimum average includes roads within this zone.
- ii. The minimum lot area shall be 1 hectare (2.47 acres).

---

## D.2.6 (A) Resource Residential 2(RR 2)

---

BL 290  
Sept2018

### D. 2.6(A).1 Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Residential 2 (RR2) zone:

#### a. Permitted Principal Uses

- i. single family residential
- ii. agriculture
- iii. horticulture

#### b. Permitted Accessory Uses

- i. home occupation, subject to Section B.3  
*secondary suite residential*, on lots 2.0 hectares (4.94 acres) or larger, subject to Section B.6.3.
- ii. processing and sale of agricultural products, limited to those grown or raised on the lot
- iii. agri-tourism

### D. 2.6(A).2 Buildings and Structures

The buildings and structures permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Resource Residential 2 (RR2) zone:

#### d. Permitted Buildings and Structures

- i. Maximum of:
  2. one single family dwelling per lot which must be connected to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres (5,944 US gallons);
  3. three buildings per lot excluding a secondary suite, pump/utility house and woodshed, and that are accessory to all dwellings;
  4. one produce stand per lot, not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use; and,
  5. one secondary suite per lot, .
- ii. Other non-residential buildings and structures to accommodate:
  6. agriculture and horticulture.

### D.2.6(A).3 Regulations

The general regulations in Part B, plus the following regulations apply in the Resource Residential 2 (RR2) zone:

#### a. Buildings and Structures Siting Requirements

- i. On lots less than 2.0 hectare (4.94 acres), except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:

7. 6.0 metres (19.7 feet) from all lot lines.
  - ii. On lots 2.0 hectare (4.94 acres) or larger, except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
    8. 10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line.
  - iii. the minimum setback for an agricultural produce stand in the Resource Residential 2 (RR2) zone is 4.5 metres (14.7 feet) from the front lot line.
- b. Lot Coverage Limitations**
- i. The maximum combined lot coverage by buildings and structures is 10 percent of the lot area.
- c. Lot Area Requirements for Subdivision**
- i. The minimum average lot area is 1.9 hectares (4.7 acres);
  - ii. The minimum lot area is 1.0 hectare (2.47 acres);
  - iii. Despite any other provision of this Bylaw, the maximum number of lots permitted in the Resource Residential 2 (RR2) zone is 25.

---

## D.2.7 Gravel Pit(GP)

---

### D.2.7.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Gravel Pit (GP) *zone*:

**a. Principal Permitted Uses**

- i storage of unprocessed excavated gravel

### D.2.7.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Gravel Pit (GP) *zone*:

**a. Permitted Buildings and Structures**

- i Maximum of one *building*.
- ii Structures necessary for the gravel pit operation.

### D.2.7.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Gravel Pit (GP) *zone*:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* or *structures*, except a sign, fence, or pump/utility house, is 10.0 metres (32.8 feet) from any *lot line*.

**c. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is two percent of the *lot* area.

**d. Lot Area Requirements for Subdivision**

- i The minimum *lot* area is 25.0 hectares (61.77 acres).

BL 259

---

**D.2.8 Gabriola Commons (GC) Comprehensive Development Zone**

---

**D.2.8.1 Permitted Uses**

The uses permitted in Article B.1.1.1 plus the following uses and no others are permitted in the Gabriola Commons Comprehensive Development Zone:

**a. Permitted Principal Uses**

- i Commons agriculture
- ii Commons institutional

**b. Permitted Accessory Uses**

- i Single family residential, excluding home occupation
- ii. Commons accessory commercial
- iii. Commons accessory food depot
- iv Commons accessory public assembly
- v. Commons accessory office and storage
- vi agri-tourism

BL 275

**D.2.8.2 Buildings and Structures**

The buildings and structures permitted in Article B.1.1.2 plus the following buildings and structures and no others are permitted in the Gabriola Commons Comprehensive Development Zone:

**a. Permitted Buildings**

- i Maximum of one single family dwelling;
- ii Other non-residential buildings to accommodate the principal and accessory uses permitted, subject to a combined maximum floor area of:
- iii Commons accessory commercial to a maximum of 175 sq. m. (1,884 sq. ft.);
  - Commons accessory public assembly to a maximum of 600 sq. m. (6,458 sq. ft.);
  - Commons accessory office and storage uses to a maximum of 400 sq. m. (4,305 sq. ft.); and
  - Commons accessory food depot to a maximum of 200 sq. m. (2,152 sq. ft.)
- iv one produce stand not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use

BL 275

(For clarification, the definition of “accessory” in the Gabriola Island Land Use Bylaw is provided: “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 lot or, where the accessory use is located on common property in a bare land strata plan, on a strata lot in the same strata plan.)

**D.2.8.3 Regulations**

The general regulations in Part B plus the following regulations apply in the Gabriola Commons (GC) Comprehensive Development Zone:

**a. Building and Structures Siting Requirements**

- i. Except for a sign, fence, or pump/utility house:
  - The minimum setback for any building or structure housing a residential use is 4.5 metres (14.8 feet) from the front lot line.
- ii. Despite items D.2.8.3.a.i:
  - The minimum setback for buildings and structures except Agriculture, is 10.0 metres (32.8 feet) from any other lot line.
  - The minimum setback for all Agriculture buildings and structures is 20 metres (65.6 feet) from any lot line, except for a produce stand which has a minimum setback of 4.5 metres (14.7 feet) from the front lot line or greenhouses which have a minimum setback of 7.5 metres (24.6 feet) from any lot line.
  - The minimum setback for agriculture waste storage is 30.0 metres (98.4 feet) from any lot line or well head.

**b. Building and Structures Height Requirements**

- i. Except as regulated by Article B.2.3.2:
  - The maximum height for non-residential, non-agriculture and non- forestry building or structure is 9.0 metres (29.5 feet).

**c. Lot Coverage Limitations**

- The maximum combined lot coverage of buildings and structures, including greenhouses, is 12 percent of the lot area.

**d. Other Regulations**

- Subdivision of lands within the Gabriola Commons (GC) Comprehensive Development Zone area is prohibited.
- All other regulations, including the Regional District of Nanaimo Noise Bylaw, as it applies to Gabriola Island, apply to lands within the Gabriola Commons (GC) Comprehensive Development Zone.

BL 275

## D.3 COMMERCIAL AND INDUSTRIAL ZONES

### D.3.1 Village Commercial 1(VC1)

#### D.3.1.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Village Commercial 1 (VC1) zone:

##### a. Permitted *Principal* uses

- i retail sales and rentals
- ii offices
- iii personal services
- iv restaurants
- v *limited public markets*, subject to Subsection B.6.2
- vi medical and dental clinics
- vii bakeries
- viii repair shops
- ix *building material supply*
- x *private clubs and lodges*
- xi indoor recreation
- xii libraries
- xiii laundromats
- xiv *automotive service and auto sales*
- xv gasoline sales
- xvi *household storage*
- xvii *shopping centre* combining three or more principal uses in this zone

BL 279

##### b. Permitted *Accessory* Uses

- i *single family* residential

BL 196

##### c. Permitted Uses – Particular Locations

- i Despite Article D.3.1.1, the only permitted uses on land legally described as Lot 31, Plan 22723, Section 20, Gabriola Island, Nanaimo District, are those referred to in Items: D.3.1.1.a i, ii, iii, v, vi, viii, ix, xii, xvi and xvii.

#### D.3.1.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Village Commercial 1 (VC1) zone:

##### a. Permitted *Buildings* and *Structures*

- i Maximum of:
  - one *accessory dwelling unit per lot*; and
  - three *buildings per lot* that exclude a *pump/utility house* and woodshed, and that are *accessory to the dwelling unit*.
- ii Other non-residential *buildings* and *structures* to accommodate the permitted uses set out in this zone.

**D.3.1.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Village Commercial 1 (VC1) *zone*:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 3.0 metres (9.8 feet) from any *interior lot line*, except where the *interior lot line* abuts a commercial or industrial *zone* in which case there is no *setback* requirement from the *interior lot line*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.
- ii There is no *setback* requirement from any *exterior side lot line*\*.

**c. Lot Coverage and Floor Area Ratio Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 40 percent of the *lot area*.
- ii The maximum *floor area ratio* is 0.25

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* and the minimum *lot area* is 0.5 hectares (1.24 acres).

**e. Automotive Service, Auto Sales and Rental Limitations**

- i Not more than 10 vehicles capable of being licensed under the "Motor Vehicle Act" and offered for sale or rent may be located on any *lot* within this *zone*.

\* For Information Purposes Only - Under the Highway Act Regulation, permission is required from the Ministry of Transportation and Highways to place *buildings* within 4.5 metres (14.8 feet) of a highway right-of-way.

---

## D.3.2 Village Commercial 2 – Professional Centre(VC2)

---

**D.3.2.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Village Commercial 2 –Professional Centre (VC2) *zone*:

**a. Permitted Principal uses**

- i retail sales and rentals
- ii offices
- iii personal services
- iv restaurants
- v medical and dental clinics
- vi bakeries
- vii household storage

BL 279

**b. Permitted Accessory Uses**

- i *single family residential*

**D.3.2.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Village Commercial 2 – Professional Centre (VC2) *zone*:

**a. Permitted Buildings and Structures**

- i Maximum of:
  - one *accessory dwelling unit* per lot; and
  - three *buildings* per lot that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*.
- ii Other non-residential *buildings* and *structures* to accommodate the permitted uses set out in this *zone*.

**D.3.2.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Village Commercial 2 – Professional Centre (VC2) *zone*:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 3.0 metres (9.8 feet) from any *interior lot line*, except where the *interior lot line* abuts a commercial or industrial *zone* in which case there is no *setback* requirement from the *interior lot line*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same lot.
- ii There is no *setback* requirement from any *exterior side lot line*\*.

**c. Lot Coverage and Floor Area Ratio Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 40 percent of the *lot area*
- ii The maximum *floor area ratio* is 0.40

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* and the minimum *lot area* is 0.5 hectares (1.24 acres).

**e. Retail, Restaurants, Cafes and Bakeries Limitations**

- i The maximum combined *floor area* permitted for restaurants, cafes and bakeries is 105 square metres (1,130 square feet).
- ii The maximum combined *floor area* for retail sales and rentals, restaurants, cafes and bakeries is 25 percent of the total *floor area* of all *buildings* on the *lot*.

\* For Information Purposes Only - Under the Highway Act Regulation, permission is required from the Ministry of Transportation and Highways to place *buildings* within 4.5 metres (14.8 feet) of a highway right-of-way.

---

**D.3.3 District Commercial 1(DC1)**

---

**D.3.3.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the District Commercial 1 (DC1) *zone*:

**a. Permitted *Principal Uses***

- i retail sales and rentals
- ii *limited public markets*, subject to Subsection B.6.2
- iii personal services
- iv restaurants
- v offices
- vi medical and dental clinics
- vii bakeries
- viii repair shops
- ix *building material supply*
- x *private clubs and lodges*
- xi indoor recreation
- xii laundromats
- xiii *automotive service and auto sales*
- xiv gasoline sales
- xv *household storage*
- xvi *shopping centre* combining three or more principal uses in this *zone*

**b. Permitted *Accessory Uses***

- i *single family residential*

**D.3.3.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the District Commercial 1 (DC1) *zone*:

**a. Permitted *Buildings and Structures***

- i Maximum of:
  - one *accessory dwelling unit* per *lot*; and
  - three *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory to the dwelling unit*.
- ii Other non-residential *buildings* and *structures* to accommodate the permitted uses set out in this *zone*.

**D.3.3.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the District Commercial 1 (DC1) *zone*:

**a. Buildings and Structure Height Limitations**

- i the maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet)

BL 279

BL 218

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 3.0 metres (9.8 feet) from any *interior lot line*, except where the *interior lot line* abuts a commercial or industrial *zone* in which case there is no *setback* requirement from the *interior lot line*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.
- ii There is no *setback* requirement from any *exterior side lot line*\*.
- iii Despite Item D.3.3.3.ii, the minimum setback for buildings or structures is 14.5 metres from the exterior side lot line on Parcel E (DD 401378I) of Section 21, Gabriola Island, Nanaimo District, abutting King Road.
- iv No maneuvering aisle or access lane is permitted to be sited within the exterior side lot line of Parcel E (DD 401378I) of Section 21, Gabriola Island, Nanaimo District abutting King Road.

**c. Lot Coverage and Floor Area Ratio Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 40 percent of the *lot* area.
- ii The maximum *floor area ratio* is 0.25.

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot* area and minimum *lot* area is 0.5 hectares (1.24 acres)

**e. Automotive Service, Auto Sales and Rental Limitations**

- i Not more than 10 vehicles capable of being licensed under the “Motor Vehicle Act” and offered for sale or rent may be located on any *lot* within this *zone*.

\* For Information Purposes Only - Under the Highway Act Regulation, permission is required from the Ministry of Transportation and Highways to place *buildings* within 4.5 metres (14.8 feet) of a highway right-of-way.

---

## D.3.4 Local Commercial 1 – Neighbourhood Pubs(LC1)

---

**D.3.4.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Local Commercial 1 – Neighbourhood Pubs (LC1) *zone*:

**a. Permitted Principal Uses**

- i neighbourhood pub

**b. Permitted Accessory Uses**

- i *single family* residential

**D.3.4.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Local Commercial 1 – Neighbourhood Pubs (LC1) *zone*:

**a. Permitted *Buildings* and *Structures***

- i Maximum of:
  - one *accessory dwelling unit* per lot; and
  - three *buildings* per lot that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*.
- ii Other non-residential *buildings* and *structures* to accommodate neighbourhood pubs.

**D.3.4.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Local Commercial 1- Neighbourhood Pubs (LC1) zone:

**a. *Buildings* and *Structure Height* Limitations**

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. *Buildings* and *Structures* Siting Requirements**

- i The minimum *setback* for *buildings* or *structures* except a sign, fence, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 3.0 metres (9.8 feet) from any *interior lot lines*, except where the *interior lot line* abuts a commercial or industrial zone in which case the minimum *setback* is 1.5 metres (4.9 feet); and
  - 3.0 metres (9.8 feet) from another *building* sited on the same lot.
- ii There is no *setback* requirement from any *exterior side lot line*\*.

**c. *Lot Coverage* Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 32 percent of the *lot* area.

**d. *Lot Area* Requirements for Subdivision**

- i The minimum average *lot* area and the minimum *lot* area is 0.5 hectares (1.24 acres).

\* For Information Purposes Only - Under the Highway Act Regulation, permission is required from the Ministry of Transportation and Highways to place *buildings* within 4.5 metres (14.8 feet) of a highway right-of-way.

---

## D.3.5 Local Commercial 2 –Restaurants(LC2)

---

**D.3.5.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Local Commercial 2 – Restaurants (LC2) zone:

**a. Permitted *Principal* Uses**

- i restaurant
- ii *single family* residential

**D.3.5.2 *Buildings* and *Structures***

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Local Commercial 2 – Restaurants (LC2) zone:

**a. Permitted *Buildings and Structures***

- i Maximum of:
  - one *dwelling unit* per *lot*; and
  - three *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*.
- ii Other non-residential *buildings* and *structures* to accommodate restaurants.

**D.3.5.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Local Commercial 2 – Restaurants (LC2) *zone*:

**a. *Buildings and Structure Height Limitations***

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. *Buildings and Structures Siting Requirements***

- i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 3.0 metres (9.8 feet) from an *interior lot line*, except where an *interior lot line* abuts a commercial or industrial *zone* in which case there is no *setback* requirement from an *interior lot line*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.
- ii There is no *setback* requirement from any *exterior side lot line*\*.

**c. *Lot Coverage and Floor Area Ratio Limitations***

- i The maximum combined *lot coverage* by *buildings* and *structures* is 40 percent of the *lot area*.
- ii The maximum *floor area ratio* is 0.25.

**d. *Lot Area Requirements for Subdivision***

- i The minimum average *lot area* and the minimum *lot area* is 0.5 hectares (1.24 acres).

\* For information Purposes Only - Under the Highway Act Regulation, special permission is required from the Ministry of Transportation and Highways to place *buildings* within 4.5 metres (14.8 feet) of a highway right-of-way.

---

## **D.3.6 Local Commercial 3 - *Garden Centres*(LC3)**

---

**D.3.6.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Local Commercial 3 – *Garden Centres* (LC3) *zone*:

**a. Permitted *Principal Uses***

- i *garden centre*

**b. Permitted *Accessory Uses***

- i *single family* residential
- ii mini-storage

- iii *limited public market*, subject to Subsection B.6.2 except on lands shown on Schedule C, Map 12
- iv farm supply centre, on lands shown on Schedule C, Map 12

BL 220

**D.3.6.2 Buildings and Structures**

The uses permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Local Commercial 3 – *Garden Centres* (LC3) zone:

**a. Permitted Buildings and Structures**

- i Maximum of:
  - ii one *accessory dwelling unit* per lot;
    - three *buildings* per lot that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*; and
    - 10 *accessory* mini-storage units per lot.
  - iii Other non-residential *buildings* and *structures* to accommodate *garden centres*
  - iv Other non-residential buildings and structures to accommodate a farm supply centre on lands shown on Schedule C, Map 12

**D.3.6.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Local Commercial 3 – *Garden Centres* (LC3) zone:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet), except that the maximum *height* of mini-storage unit is 3.0 metres (9.8 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* or *structures* except for a sign, fence, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 3.0 metres (9.8 feet) from an *interior lot line*, except where an *interior lot line* abuts a commercial or industrial zone in which case there is no *setback* requirement from an *interior lot line*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same lot.
- ii There is no *setback* requirement from any *exterior side lot line*\*, except for mini-storage units in which case the minimum *setback* is 3.0 metres\*.

**c. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 50 percent of the *lot area*.

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* and the minimum *lot area* is 0.5 hectares (1.24 acres).

**e. Mini-Storage Limitations**

- i The maximum *floor area* is 9.3 square metres (100 square feet) per mini-storage unit.
- ii Mini-storage units must be separated from a highway or from land with zoning permitting a *principal* residential use by a landscape screen, subject to subsection B.2.7, not less than 2.0 metres (6.6 feet) in *height*.

\* For Information Purposes Only - under the Highway Act Regulation, permission is required from the Ministry of Transportation and Highways to place *buildings* within 4.5 metres (14.8 feet) a highway right-of-way.

---

## D.3.7 Ferry Parking(FP)

---

### D.3.7.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ferry Parking (FP) *zone*:

#### a. Permitted *Principal Uses*

- i ferry terminal parking

#### b. Permitted *Accessory Uses*

- i commercial parking , for businesses located in lots legally described as lots 2 and 3, Plan VIS 2994, Section 20, Gabriola Island, Nanaimo District

### D.3.7.2 *Buildings and Structures*

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Ferry Parking (FP) *zone*:

#### a. Permitted *Buildings and Structures*

- i Parking kiosks, not exceeding 4.0 metres (13.1 feet) in height and 5.0 square metres (53.8 square feet) combined *floor area*.
- ii Parking *lot structures*, not exceeding 1.0 metre (3.3 feet) in height, except for sign, which may not exceed 4.0 metres (13.1 feet) in height

### D.3.7.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Ferry Parking (FP) *zone*:

#### a. *Lot Coverage Limitations*

- i The maximum combined *lot coverage* by *buildings* and *structures* is 0.5 percent of the *lot area*.

#### b. *Lot Area Requirements for Subdivision*

- i The minimum average *lot area* and the minimum *lot area* is 0.5 hectares (1.24 acres).

#### c. *Additional Regulations*

- i A *parking area* must be separated from a highway or from land with zoning permitting a principal residential use by a landscape screen, subject to subsection B.2.7, not less than 2.0 metres (6.6 feet) in *height*.
- ii A *parking area* must be compacted gravel or hard-surface and adequately drained.
- iii All lighting to illuminate a *parking area* must be deflected towards the *lot surface*.

## D.3.8 Tourist Commercial 1 (TC1)

### D.3.8.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Tourist Commercial 1 (TC1) zone:

BL 220, 212

#### a. Permitted *Principal Uses*

- i *tourist accommodation*
- ii land oriented *marina* facilities
- iii restaurant
- iv tackle sales
- v general store, excluding the sale of liquor and other alcoholic goods (however, general store, including the sale of liquor and other alcoholic goods, is a permitted *principal* use on lands shown on Schedule C, Map 17)
- vi marine fuel sales
- vii boat charters and rentals
- viii retail sale of liquor and other alcoholic goods, on lands shown on Schedule C, Map 10 and Map 17

BL 309  
June/2021

BL 309  
June/2021

#### b. Permitted *Accessory Uses*

- i *single family residential*, on *lots* 0.2 hectares (0.5 acres) or larger
- ii studios for the creation and sale of arts and crafts
- iii outdoor and indoor recreation facilities *accessory* to *tourist accommodation* or *marina* facilities
- iv licensed liquor establishment *accessory* to a *principal tourist accommodation* use
- v *limited public market*, subject to Subsection B.6.2
- vi campsites

### D.3.8.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Tourist Commercial 1 (TC1) zone:

#### a. Permitted *Buildings and Structures*

BL 279

- i Hotels, motels, lodges, Inns, cabins, and *campsites* to a maximum of 13 *tourist accommodation units* or *campsites* per hectare (5.26 units per acre) and a maximum of 30 *tourist accommodation units* or *campsites* per *lot* or where there are one or more or more adjacent TC1 lots, per this group of lots; and.
- ii Maximum of:
  - one *accessory dwelling unit* per *lot*, on *lots* 0.2 hectares (0.5 acres) or larger; and
  - three *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit* on *lots* 0.2 hectares (0.5 acres) or larger.
- iii Other non-residential *buildings* and *structures* for the permitted uses set out in this *zone*

### D.3.8.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Tourist Commercial 1 (TC1) zone:

#### a. *Buildings and Structure Height Limitations*

- i The maximum *height of buildings and structures* is 9.0 metres (29.5 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback for buildings or structures, except for a sign, fence, or pump/utility house* is:
  - 6.0 metres (19.7 feet) from any *lot line*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.
- ii The minimum *setback for campsites* is 6.0 metres (19.7 feet) from any *lot line*.

**c. Lot Coverage and Floor Area Ratio Limitations**

- i The maximum combined *lot coverage by buildings and structures* is 40 percent of the *lot area*.
- ii The maximum *floor area ratio* is 0.20.

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* and the minimum *lot area* is 0.5 hectares (1.24 acres).

BL 210

**e. Other Regulations**

- i The maximum size of a *tourist accommodation unit*:
  - in a *building* containing multiple *tourist accommodation units* is 37.2 square metres (400.4 square feet) in *floor area*; and
  - in a detached *building* containing a single *tourist accommodation unit* is 65.0 square metres (699.7 square feet) in *floor area*.
- ii. Cooking facilities are only permitted in *tourist accommodation units* located in a detached *building* containing less than three *tourist accommodation units*.
- iii No *tourist accommodation unit* may be:
  - occupied by any person continuously or within a year for more than six months; or
  - occupied by a *unit owner* for more than 45 days in a calendar year and more than 29 continuous days.
- iv No *campsite* may:
  - be occupied by any person consecutively or cumulatively within a year for more than 60 days; or
  - have a tent, tent-trailer or camper vehicle on a *campsite* for more than 60 days in a calendar year.
- v Licensed liquor establishments are allowed only in conjunction with a hotel, motel, inn or lodge having a minimum of four tourist accommodation units, except on lands shown on Schedule C, Map 10.

BL 279

---

**D.3.9 Tourist Commercial 2 - Campground(TC2)**

---

**D.3.9.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Tourist Commercial 2 – *Campground (TC2) zone*:

**a. Permitted Principal Uses**

- i *campground*

BL 212

**b. Permitted Accessory Uses**

- i *single family residential*
- ii retail sales, excluding the sale of liquor
- iii *campground office use*

**D.3.9.2 Buildings and Structures**

The *buildings and structures* permitted in Article B.1.1.2, plus the following *buildings and structures* and no others are permitted in the Tourist Commercial 2 – *Campground (TC2) zone*:

**a. Permitted Buildings and Structures**

- i Maximum of
  - one *accessory dwelling unit* per *lot*; and
  - three *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*.
- ii *Buildings and structures* for retail and food sales not exceeding 200 square metres (2,152.9 square feet) of combined *floor area*.
- iii Other non-residential *buildings and structures* for the permitted uses set out in this *zone*.

**D.3.9.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Tourist Commercial 2 – *Campground (TC2) zone*:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of *buildings and structures* is 9.0 metres (29.5 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings or structures* except for a sign, *fence*, or *pump/utility house* is:
  - 6.0 metres (19.7 feet) from the *front lot line*;
  - 4.5 metres (14.8 feet) from any *exterior side lot lines*;
  - 1.5 metres (4.9 feet) from any *interior lot lines*; and
  - 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.
- ii The minimum *setback* for *campsites* is 10.0 metres (32.8 feet) from any *lot line*.

**c. Lot Coverage and Floor Area Ratio Limitations**

- i The maximum combined *lot coverage* by *buildings and structures* is two percent of the *lot area*.
- ii The maximum *floor area ratio* is 0.01.

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot area* is 16.0 hectares ( 39.5 acres).
- ii The minimum *lot area* is 2.0 hectares (4.95 acres).

**e. Campground Regulations**

- i The maximum number of *campsites* is 10 per 1.0 hectare (4 per acre).

- ii A tent, tent-trailer, camper vehicle, or recreation vehicle is only permitted on a *campsite* a maximum of 60 days in a calendar year.
- iii No *campsite* may be occupied by any person consecutively or cumulatively within a year for more than 60 days.

---

## D.3.10 Industrial - Light(I)

---

### D.3.10.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Industrial - Light (I) *zone*:

#### a. Permitted *Principal* Uses

- i *light Industry* not requiring sanitary sewer for disposal of industrial wastes
- ii warehousing and storage
- iii contractors' workshops, offices and storage area
- iv hydro-electric power generation

#### b. Permitted *Accessory* Uses

- i *single family* residential
- ii sale of products manufactured, processed, assembled or repaired on the *lot*

### D.3.10.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Industrial - Light (I) *zone*:

#### a. Permitted *Buildings and Structures*

- i Maximum of:
  - two industrial *buildings* per *lot*;
  - one *accessory dwelling unit* per *lot*; and
  - three *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*.

### D.3.10.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Industrial – Light (I) *zone*:

#### a. *Buildings and Structure Height* Limitations

- i The maximum *height* of a *single family dwelling*, and *buildings* and *structures* accessory to the dwelling unit is 9.0 metres (29.5 feet).
- ii The maximum *height* of all other *buildings* and *structures* is 12.0 metres (39.4 feet).

#### b. *Buildings and Structures Siting* Requirements

- i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is 10.0 metres (32.8 feet) from any *lot line*.

#### c. *Lot Coverage* Limitations

- i The maximum combined *lot coverage* by *buildings* and *structures* is 50 percent of the *lot area*.
- ii The maximum *floor area ratio* is 0.35.

**d. Lot Area Requirements for Subdivision**

- i The minimum average *lot* area and minimum *lot* area is 1.0 hectare (2.47 acres).

**e. Other Regulations**

- i The maximum *floor area* used for the sale of products manufactured, processed, assembled or repaired on the property is 10 percent of the total *floor area* of the *buildings* used for manufacturing, processing, assembly and repairing.
- ii All materials stored on the *lot* must be stored in *buildings* or in outdoor storage yards enclosed by a landscaped screen, subject to Subsection B.2.7, not less than 2.0 metres (6.6 feet) in *height*.
- iii No toxic, noxious, explosive, odorous or radioactive materials may be stored in an outdoor storage yard.

## D.4 RECREATION AND INSTITUTIONAL ZONES

### D.4.1 Parks 1 – Provincial and *Regional Park*(P1)

#### D.4.1.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Parks 1- Provincial and *Regional Park* (P1) zone:

##### a. Permitted *Principal* Uses

- i *provincial parks*
- ii regional parks
- iii campground, on lands shown on Schedule C, Map 16
- iv special events under permit by the Regional District of Nanaimo or BC Parks

BL 272

##### b. Permitted *Accessory* Uses

- i *caretaker residence*, on lands shown on Schedule C, Map 16
- ii retail sales and rentals, excluding the sale of liquor, on lands shown on Schedule C, Map 16
- iii *campground* office use, on lands shown on Schedule C, Map 16

BL 272

#### D.4.1.2 *Buildings and Structures*

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Parks 1 – Provincial and *Regional Park* (P1) zone:

##### a. Permitted *Buildings and Structures*

- i *Buildings and structures* to accommodate *provincial parks, regional parks* and *ecological reserves*.
- ii *Buildings and structures* to accommodate *campground* office uses, retail sales and rentals not exceeding 200 square metres (2,152.9 square feet) of combined *floor area*, on lands shown on Schedule C, Map 16
- iii Maximum of one *caretaker residence*, on lands shown on Schedule C, Map 16
- iv temporary structures for special events under permit by the Regional District of Nanaimo or BC Parks

#### D.4.1.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Parks 1 – Provincial and *Regional Park* (P1) zone:

##### a. *Buildings and Structure Height Limitations*

- i The maximum *height* of *buildings* and *structures* is 7.5 metres (24.6 feet).

##### b. *Buildings and Structures Siting Requirements*

- i The minimum *setback* for *buildings* or *structures* except for a sign, fence, or pump/utility house is 15.0 metres (49.2 feet) from any *lot line*.
- ii The minimum *setback* for *campsites* is 10.0 metres (32.8 feet) from any *lot line*.

BL 272

**c. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is two percent of the *lot area*.

**d. Other Regulations**

- i Despite Section B.6.4, a travel trailer or recreational vehicle may be used for a caretaker residence and may be used without a principal dwelling unit on the lot.
- ii The maximum number of campsites is 10 per 1.0 hectares (4 per acre).
- iii Despite section B.6.4.2, a tent, tent-trailer, camper vehicle, or recreation vehicle is only permitted on a campsite a maximum of 60 days in a calendar year.
- iv Despite section B.6.4.2, no campsite may be occupied by any person, consecutively or cumulatively within a year, for more than 60 days.

BL 272

---

## D.4.2 Parks 2 – Passive Recreation Community Parks(P2)

---

**D.4.2.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Parks 2 – Passive Recreation Community Park (P2) *zone*:

**a. Permitted Principal Uses**

- i passive outdoor recreational activities, including walking, hiking, and nature appreciation
- ii special events under permit by the Regional District of Nanaimo

BL 272

**D.4.2.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Parks 1- Passive Recreation Community Park (P2) *zone*:

**a. Permitted Structures**

- i *Structures* to accommodate passive outdoor recreational activities.

**b. Prohibited Buildings**

- i Subject to Article B.1.1.2, all *buildings* are prohibited.

**D.4.2.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Parks 2 – Passive Recreation Community Park (P2) *zone*:

**a. Buildings and Structure Height Limitations**

- i The maximum *height of building* and *structures* is 5.0 metres (16.4 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *buildings* and *setback* for *structures* except a sign, fence, or pump/utility house is 4.5 metres (14.8 feet) from any *lot line*.

**c. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is one percent of the *lot area*.

---

## D.4.3 Parks 3 – Active Recreation Community Park(P3)

---

### D.4.3.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Parks 3 - Active Recreation Community Park (P3) *zone*:

#### a. Permitted *Principal* Uses

- i active recreational activities including tot *lots*, and playground equipment
- ii outdoor sport facilities including ball diamonds, tennis and basketball courts, swimming pool and playing fields
- iii indoor sport facilities including swimming pool , gymnasium, and courts for racket sports
- iv special events under permit by the Regional District of Nanaimo

#### b. Permitted *Accessory* Uses

- i concessions
- ii offices

### D.4.3.2 *Buildings and Structures*

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Parks 3- Active Recreation Community Park (P3) *zone*:

#### a. Permitted *Buildings and Structures*

- i *Buildings* and *structures* to accommodate active recreational activities, outdoor sport facilities, indoor sport facilities, concessions and offices.

### D.4.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Parks 3 – Active Recreation Community Park (P3) *zone*:

#### a. *Buildings and Structure Height Limitations*

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

#### b. *Buildings and Structures Siting Requirements*

- i The minimum *setback* for *buildings* or *structures* except a sign, fence, or pump/utility house is 6.0 metres (19.7 feet) from any *lot line*.

#### c. *Lot Coverage Limitations*

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot area*.

---

## D.4.4 Institutional 1(IN1)

---

### D.4.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Institutional 1 (IN1) *zone*:

BL 272

BL 222

**a. Permitted *Principal Uses***

- i *public assembly and recreation*
- ii *personal care facilities*, except on land shown on Schedule C, Map 13
- iii *library*, except on land shown on Schedule C, Map 13
- iv *museum*, except on land shown on Schedule C, Map 13
- v *child day care centre and pre-schools*
- vi *recreation camp* on lands as Shown on Schedule C, Map 6
- vii *recycling centre and associated retail sale of used items* on lands as shown on Schedule C, Map 7
- viii *cemetery* on lands as shown on Schedule C, Map 8
- ix *community resource centre*

BL 279

**b. Permitted *Accessory Uses***

- i *limited public market*, subject to Subsection B.6.2

BL 310

**D.4.4.2 *Buildings and Structures***

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Institutional 1 (IN1) *zone*:

**a. Permitted *Buildings and Structures***

- i *Buildings and structures* for the permitted uses set out in this *zone*.
- ii *repair and processing of used items into usable goods for sale associated with a recycling centre*, on lands as shown on Schedule C, Map 7

**D.4.4.3 *Regulations***

The general regulations in Part B, plus the following regulations apply in the Institutional 1 (IN1) *zone*:

**a. *Buildings and Structure Height Limitations***

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. *Buildings and Structures Siting Requirements***

- i The minimum *setback* for *buildings* or *structures* except a *sign, fence, or pump/utility house* is 6.0 metres (19.7 feet) from any *lot line*.

BL 222

**c. *Lot Coverage and floor area limitations***

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot area*.
- ii On lands shown on Schedule C, Map 13, the maximum combined floor area of *buildings* and *structures* is 1, 858 square metres

**d. *Lot Area Requirements for Subdivision***

- i The minimum average *lot area* is 1.0 hectare (2.47 acres)
- ii The minimum *lot area* that is 0.5 hectares (1.24 acres)

---

**D.4.5 Institutional 2(IN2)**

---

**D.4.5.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Institutional 2 (IN2) *zone*:

**a. Permitted *Principal Uses***

- i public *schools*
- ii *emergency services*
- iii library
- iv post office
- v medical laboratory
- vi government offices
- vii highway work yards
- viii *urgent care medical clinic*
- ix child care centre and pre-*school*

**b. Permitted *Accessory Uses***

- i *limited public market*, subject to Subsection B.6.2

**D.4.5.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Institutional 2 (IN2) *zone*:

**a. Permitted *Buildings and Structures***

- i *Buildings* and *structures* for the permitted uses set out in this *zone*.

**D.4.5.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Institutional 2 (IN2) *zone*:

**a. *Buildings and Structure Height Limitations***

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. *Buildings and Structures Siting Requirements***

- i The minimum *setback* for *buildings* or *structures* except a sign, *fence*, or *pump/utility house* is 6.0 metres (19.7 feet) from any *lot line*.

**c. *Lot Coverage Limitations***

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot area*.

**d. *Lot Area Requirements for Subdivision***

- i The minimum average *lot area* is 1.0 hectare (2.47 acres).
- ii The minimum *lot area* is 0.5 hectares (1.24 acres).

---

## **D.4.6 Institutional 3(IN3)**

---

### **D.4.6.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Institutional 3 (IN3) *zone*:

**a. Permitted *Principal Uses***

- i *public assembly and recreation*
- ii *personal care facilities*
- iii *museum*
- iv *public schools*
- v *emergency services*
- vi *library*
- vii *post office*
- viii *medical laboratory*
- ix *government offices*
- x *highway work yards*
- xi *urgent care medical clinic*
- xii *child care centre and pre-school*

**b. Permitted *Accessory Uses***

- i *limited public market*, subject to Subsection B.6.2

**D.4.6.2 *Buildings and Structures***

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Institutional 3 (IN3) *zone*:

**a. Permitted *Buildings and Structures***

- i *Buildings* and *structures* for the permitted uses set out in this *zone*.

**D.4.6.3 *Regulations***

The general regulations in Part B, plus the following regulations apply in the Institutional 3 (IN3) *zone*:

**a. *Buildings and Structure Height Limitations***

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

**b. *Buildings and Structures Siting Requirements***

- i The minimum *setback* for *buildings* or *structures* except a sign, fence, or pump/utility house is 6.0 metres (19.7 feet) from any *lot line*.

**c. *Lot Coverage Limitations***

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot area*.

**d. *Lot Area Requirements for Subdivision***

- i The minimum average *lot area* is 1.0 hectare (2.47 acres).
- ii The minimum *lot area* is 0.5 hectares (1.24 acres).

---

**D.4.7 Institutional 4 (IN4)**

---

**D.4.7.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Institutional 4 (IN4) zone:

**a. Permitted Principal Uses**

- i urgent care medical clinic

**b. Permitted Accessory Uses**

- i medical office

**c. Associated Uses**

Ambulance station is a permitted use when urgent care medical clinic uses, buildings and structures are occurring, but does not have to be exclusively devoted to permitted principal uses.

*For clarification, the Gabriola Island Land Use Bylaw defines “principal” and “accessory” as:*

*“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 lot or, where the accessory use is located on common property in a bare land strata plan, on a strata lot in the same strata plan;*

*“principal” in relation to use, building, or structure means the main or primary use, building or structure;*

**D.4.7.2 Buildings and Structures**

The buildings and structures permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Institutional 4 (IN4) zone:

**a. Permitted Buildings and Structures**

- i Buildings and structures for the permitted uses set out in this zone, including an emergency helicopter pad.

**D.4.7.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Institutional 4 (IN4) zone:

**a. Buildings and Structure Height Limitations**

- i The maximum height of buildings and structures is 9.0 metres (29.5 feet).

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* or *structures* except a sign, *fence*, or *pump/utility house* is 6.0 metres (19.7 feet) from any *lot line*.

**c. Lot Coverage Limitations**

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot area*.

**d. Lot Area Requirements for Subdivision**

- i No subdivision is permitted in the Institutional 4 (IN4) zone.
- ii In spite of the above, the IN4 zoned area of the South ½ of the Northwest ¼ of Section 19, Gabriola Island, Nanaimo District may be subdivided from the Forestry zoned area as shown on Map 15, Schedule C.

**e. Additional Regulations**

- i A *parking area* must be separated from the roadway by a landscape screen, subject to subsection B.2.7, not less than 2.0 metres (6.6 feet) in *height*.

---

## D.4.8 *Yacht Club Outstation - Upland (YC)*

---

For Information Purposes Only - The marine portion of the *Yacht Club Outstation* is zoned WYC. See Subsection D.5.11 *Water Yacht Club Outstation* (WYC).

**D.4.8.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the *Yacht club outstation (YC) zone*:

**a. Permitted *Principal* Uses**

- i upland - based *yacht club outstation*

**b. Permitted *Accessory* Uses**

- i *single family residential*

**D.4.8.2 *Buildings and Structures***

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the *Yacht Club Outstation (YC) zone*:

**a. Permitted *Buildings and Structures***

- i Maximum of:
  - one *clubhouse*;
  - one *accessory dwelling unit*; and
  - three *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory* to the *dwelling unit*.
- ii Other *buildings* and *structures* for non-residential permitted uses set out in this *zone*.

**D.4.8.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the *Yacht Club Outstation (YC) zone*:

**a. *Buildings and Structure Height Limitations***

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet)

**b. *Building and Structures Siting Requirements***

- i The minimum *setback* for *buildings* or *structures* except a sign, *fence*, or *pump/utility house* is 6.0 metres (19.7 feet) from any *lot line*.

**c. *Lot Coverage Limitations***

- i The maximum combined *lot coverage* by *buildings* and *structures* is 2.5 percent of the *lot* area.

**d. *Lot Area Requirements for Subdivision***

- i The minimum average *lot* area is 8.0 hectares (19.77 acres).
- ii The minimum *lot* area that is 4.0 hectares (9.88 acres)

---

## D.5 WATER ZONES

---

### D.5.1 Water General (WG)

---

#### D.5.1.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water General (WG) zone:

##### a. Permitted *Principal Uses*

- i boat and seaplane *moorage, dockage*, and boat launching facilities used for non-commercial purposes and associated with upland residential uses on Gabriola Island
- ii marine navigation aids
- iii non-commercial boat launching facilities

BL 279

#### D.5.1.2 Structures

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water General (WG) zone:

##### a. Permitted *Structures*

- i *Moorage* buoys, floats, wharves, docks and other *structures* for the permitted uses set out in this zone.

#### D.5.1.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Water General (WG) zone:

##### a. *Structure Height Limitations*

- i The maximum *height* of:
  - floating *structures* is 3.0 metres (9.8 feet) above the water surface; and
  - *structures* fixed to the bed of the sea is 5.0 metres (16.4 feet) above the high high water mark.

##### b. *Structures Siting Requirements*

- i The minimum *setback* for *structures* is 3.0 metres (9.8 feet) from any *lot line*, lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

##### c. *Prohibitions*

- i No *buildings* are permitted in this zone
- ii No float, wharf, dock, or other *structure* permitted in this zone may be used for a commercial or industrial use.

---

**D.5.2 Water Commercial 1 - *Marina* (WC1)**

---

**D.5.2.1 Permitted *Principal* Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Commercial 1 – *Marina* (WC1) zone:

**a. Permitted *Principal* Uses**

- i *marinas*
- ii marine fuel sales
- iii boat sales and rental
- iv *public wharves*
- v *moorage* and *dockage* for water taxis and fishing boats
- vi *moorage* and *dockage* for seaplanes on lands legally described as Crown Water Lot L. 294 and on lands as shown on Schedule C, Map 9
- vii marine navigation aids

**D.5.2.2 Buildings and Structures**

The *structures* permitted in Article B.1.1.2, plus the following *buildings and structures* and no others are permitted in the Water Commercial 1 – *Marina* (WC1) zone:

**a. Permitted *Buildings and Structures***

- i Mooring buoys, floats, wharves, docks and other *structures* for the permitted uses set out in this zone.
- ii Buildings used for marine fuel sales and for seaplane dockage

**D.5.2.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Commercial 1 – *Marina* (WC1) zone:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of:
  - floating *structures* is 3.0 metres (9.8 feet) above the water surface; and
  - *buildings and structures* fixed to the bed of the sea is 5.0 metres (16.4 feet) above the high high water mark.

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings and structures* is 3.0 metres (9.8 feet) from any *lot line* or lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

**c. Residential Use of *Vessels***

- i Not more than three *vessels* in any area within this zone or contiguous areas in this zone may be used for the purposes of a residence, subject to shore-based facilities are provided for disposal of sewage in compliance with the “Health Act” and attendant Regulations.

---

## D.5.3 Water Commercial 2 - Mariculture (WC2)

---

### D.5.3.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Commercial 2 – Mariculture (WC2) *zone*:

#### a. Permitted *Principal Uses*

- i bottom-culture mariculture
- ii marine navigation aids

### D.5.3.2 Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Commercial 2 – Mariculture (WC2) *zone*:

#### a. Permitted *Structures*

- i *Structures* required for:
  - *bottom culture mariculture*, including nets, anchor pins and sacks; and
  - public parks, *ecological reserves* and marine navigation aids.

### D.5.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Water Commercial 2 - Mariculture (WC2) *zone*:

#### a. *Structure Height Limitations*

- i The maximum *height* of:
  - floating *structures*, except signs designating *lot* or lease area boundaries, is 1.0 metre (3.3 feet) above the water surface; and
  - *structures* fixed to the bed of the sea is 1.0 metre (3.3 feet) above the high high water mark.

#### b. *Structures Siting Requirements*

- i The minimum *setback* for *structures* is 3.0 metres (9.8 feet) from any *lot line* or lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is a 7.5 metre (24.6 feet) minimum *setback*.

#### c. *Prohibitions*

- i No *buildings* are permitted in this *zone*.

---

## D.5.4 Water Commercial 3 - Marine Transportation (WC3)

---

### D.5.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Commercial 3 – Marine Transport (WC3) *zone*:

#### a. Permitted *Principal Uses*

- i ferry dock
- ii public *moorage* and *dockage*
- iii public *wharves*

- 
- iv marine navigation aids

**D.5.4.2 Structures**

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Commercial 3 – Marine Transport (WC3) *zone*:

**a. Permitted Structures**

- i *Structures* required for the permitted uses set out in this *zone*.

**D.5.4.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Commercial 3 – Marine Transport (WC3) *zone*:

**a. Structure Height Limitations**

- i The maximum *height* of:
  - floating *structures* is 10.0 metres (32.8 feet) above the water surface; and
  - *structures* fixed to the bed of the sea is 10.0 metre (32.8 feet) above the high high water mark.

**b. Structures Siting Requirements**

- i The minimum *setback* for *structures* is 3.0 metres (9.8 feet) from any *lot line* or lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

**c. Prohibitions**

- i No *buildings* are permitted in this *zone*

---

**D.5.5 Water Industrial 1 - Shipyard (WI1)**

---

**D.5.5.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Industrial 1- Shipyard (WI1) *zone*:

**a. Permitted Principal Uses**

- i boat building and repair, including a boat building *school*
- ii marine navigation aids

**D.5.5.2 Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Industrial 1 – Shipyard (WI1) *zone*:

**a. Permitted Buildings and Structures**

- i *Buildings* and *structures* for the permitted uses set out in this *zone*.

**D.5.5.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Industrial 1 – Shipyard (WI1) *zone*:

**a. Buildings and Structure Height Limitations**

- i The maximum *height* of:
  - floating *structures*, except signs designating *lot* or lease area boundaries, is 3.0 metres (9.8 feet) above the water surface; and
  - *buildings* and *structures* fixed to the bed of the sea is 10 metres (32.8 feet) above the high high water mark.

**b. Buildings and Structures Siting Requirements**

- i The minimum *setback* for *buildings* and *structures* is 3.0 metres (9.8 feet) from any *lot line* or lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

---

## D.5.6 Water Industrial 2 - Log Storage (WI2)

---

**D.5.6.1 Permitted uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Industrial 2 – Log Storage (WI2) *zone*:

**a. Permitted Principal Uses**

- i log storage
- ii marine navigation aids

**D.5.6.2 Structures**

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Industrial 2 – Log Storage (WI2) *zone*:

**a. Permitted Structures**

- i Pilings for the permitted uses set out in this *zone*.

**D.5.6.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Industrial 2 – Log Storage (WI2) *zone*:

**a. Structure Height Limitations**

- i The maximum *height* of *structures* is 5.0 metres (16.4 feet) above the high high water mark.

**b. Prohibitions**

- i No *buildings* are permitted in this *zone*

---

## D.5.7 Water Industrial 3 – Bulk Material Transport (WI3)

---

**D.5.7.1 Permitted uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Industrial 3 – Bulk Material Transport (WI3) *zone*:

**a. Permitted *Principal Uses***

- i barge unloading/loading
- ii log dump
- iii marine navigation aids

**D.5.7.2 Structures**

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Industrial 3 – Bulk Material Transport (WI3) *zone*:

**a. Permitted Structures**

- i Docks, ramps, floats, pilings and mooring buoys associated with barge unloading and loading.
- ii Pilings, dolphins, mooring buoys, floats, cribbing, and spillways associated with dumping, sorting, booming and storing of logs.

**D.5.7.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Industrial 3 – Bulk Material Transport (WI3) *zone*:

**a. Structure Height Limitations**

- i The maximum *height* of:
  - floating *structures*, except signs designating *lot* or lease area boundaries, is 3.0 metres (9.8 feet) above the water surface; and
  - *structures* fixed to the bed of the sea is 5.0 metres (16.4 feet) above the high high water mark.

**b. Structures Siting Requirements**

- i The minimum *setback* for *structures* is 3.0 metres (9.8 feet) from any *lot line* or lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

**c. Prohibitions**

- i No *buildings* are permitted in this *zone*.

---

## D.5.8 Water Protection 1(WP1)

---

**D.5.8.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Protection 1 (WP1) *zone*:

**a. Permitted *Principal Uses***

- i boat *moorage*, *dockage*, and boat launching facilities used for non-commercial purposes and associated with upland residential uses on Gabriola Island.
- ii marine navigation aids
- iii non-commercial boat launching facilities

**D.5.8.2 Structures**

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Protection 1 (WP1) *zone*:

**a. Permitted Structures**

- i Floats, wharves, docks, mooring buoys, and other *structures* for the permitted uses set out in this *zone*.

**D.5.8.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Protection 1 (WP1) *zone*:

**a. Structure Height Limitations**

- i The maximum *height* of:
  - floating *structures* is 1.0 metres (3.3 feet) above the water surface; and
  - *structures* fixed to the bed of the sea is 3.0 metres (9.8 feet) above the high high water mark.

**b. Structures Siting Requirements**

- i The minimum *setback* for *structures* is 3.0 metres (9.8 feet) from any *lot line*, lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

**c. Prohibitions**

- i No *buildings* are permitted in this *zone*.
- ii No float, wharf, dock, mooring buoys, or other *structure* permitted in this *zone* may be used for a commercial or industrial use.

---

**D.5.9 Water Protection 2 - Park (WP2)**

---

**D.5.9.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Protection 2 – Park (WP2) *zone*:

**D.5.9.2 Permitted Principal Uses**

- i boat *moorage* and boat launching facilities used for non-commercial purposes and associated with park uses
- ii marine navigation aids

**D.5.9.3 Structures**

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Protection 2 – Parks (WP2) *zone*:

**a. Permitted Structures**

- i Floats, mooring buoys and other *structures*, excluding wharves and docks, for the permitted uses set out in this *zone*.

**D.5.9.4 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Protection 2 - Park (WP2) *zone*:

**a. Structure Height Limitations**

- i The maximum *height* of:
  - floating *structures* is 1.0 metres (3.3 feet) above the water surface; and
  - *structures* fixed to the bed of the sea is 3.0 metres (9.8 feet) above the high high water mark.

**b. Structures Siting Requirements**

- i The minimum *setback* for *structure* is 3.0 metres (9.8 feet) from any *lot line*, lease line or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum *setback*.

**c. Prohibitions**

- i No *buildings* are permitted in this *zone*.
- ii No float, mooring buoys or other *structure* permitted in this *zone* may be used for a commercial or industrial use.

---

**D.5.10 Water Protection 3 - Lake (WP3)**


---

**D.5.10.1 Permitted Principal Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Protection 3 – Lake (WP3) *zone*:

**a. Permitted Principal Uses**

- i water storage

**D.5.10.2 Structures**

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water Protection 3 – Lake (WP3) *zone*:

**a. Permitted Structures**

- i Impoundment and pumping equipment.

**D.5.10.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Water Protection 3 – Lakes (WP3) *zone*:

**a. Prohibitions**

- i No *buildings* are permitted in this *zone*.

---

**D.5.11 Water Yacht Club Outstation (WYC)**


---

**D.5.11.1 Permitted uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Water Yacht Club Outstation (WYC) *zone*:

**a. Permitted *Principal Uses***

- i *moorage and dockage associated with yacht club outstation use*
- ii *marine navigation aids*

**D.5.11.2 *Structures***

The *structures* permitted in Article B.1.1.2, plus the following *structures* and no others are permitted in the Water *Yacht Club Outstation (WYC) zone*:

**a. Permitted *Structures***

- i *Mooring buoys, wharves, docks, floats, buoys and ramps for the permitted uses set out in this zone.*

**D.5.11.3 *Regulations***

The general regulations in Part B, plus the following regulations apply in the Water *Yacht Club Outstation (WYC) zone*:

**a. *Structure Height Limitations***

- i The maximum *height* of:
  - *floating structures, except signs designating lot or lease area boundaries, is 3.0 metre (9.8 feet) above the water surface; and*
  - *of structures fixed to the bed of the sea is 5.0 metre (16.4 feet) above the high high water mark.*

**b. *Structures Siting Requirements***

- i *The minimum setback for structures is 3.0 metres (9.8 feet) from any lot line, lease line or extension of an upland side lot line, with the exception of a lot line or lease line that defines the boundary between the sea and the adjacent upland in which case there is no minimum setback.*

**c. *Prohibitions***

- i *No buildings are permitted in this zone.*

## Part E - SUBDIVISION

### E.1 GENERAL

#### E.1.1 Compliance with Zoning and the Minimum and Average *Lot Area*

- E.1.1.1** Except as provided for in Section E.1.5, no *lot* may be created by subdivision that does not comply with the regulations contained in Part D of this bylaw or that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- E.1.1.2** Every subdivision must comply with applicable minimum and average *lot* areas specified by this Bylaw and for that purpose the average *lot* area of the proposed subdivision is the sum of the areas of the proposed *lots* divided by the number of proposed *lots*, as follows:

$$\frac{\text{Total Area of Lots to be Subdivided}}{\text{Number of Proposed Lots}} \text{ must equal or exceed } \text{Applicable Minimum Average Lot Area}$$

- E.1.1.3** Notwithstanding Section E.1.1.1 and in addition to any other subdivision that may be permitted pursuant to this Bylaw, the following subdivisions are permitted:
- a. any *lot* that is split by a highway or by another *lot* into portions, each of which is 0.5 hectares (1.24) or more in area and each of which was in existence on January 1, 1980, may be subdivided such that the sole effect of the subdivision is to create a single parcel from each of these portions;
  - b. any *lot* that is split by a highway or by another *lot* into portions, each of which is 1.0 hectare (2.47 acres) or more in area and each of which was in existence on July 1, 1999 may be subdivided such that the sole effect of the subdivision is to create a single parcel from each of these portions; and
  - c. parcel "A" (DD 73819I), Section 22, Gabriola Island, Nanaimo District, except Plan 45400 [PID 004-046-790], which is split by a highway into two portions, may be subdivided such that the sole effect of the subdivision is to create a total of two parcels.

BL 250

BL 250

- E.1.1.4** When a *lot* created by boundary adjustment exceeds the minimum areas required for *accessory* uses in Part D, then such *lots* created are permitted those *accessory* uses.

---

**E.1.2 Average *Lot* Areas**

---

- E.1.2.1** For the purposes of determining compliance with average *lot* area regulations set out in Part D of this Bylaw, land dedicated in excess of the maximum amount of parkland required to be dedicated under Section 941 of the "Municipal Act" may be included in the area used to calculate the number of *lots* permitted and their average area.

---

**E.1.3 Covenant Against Further Subdivision and Development**

---

- E.1.3.1** When a subdivision is proposed that yields the maximum number of lots permitted by the applicable average lot areas 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 applicant must grant a covenant complying with Subsection A.2.5 of this Bylaw and in a form complying with Appendix E, in respect of every such lot prohibiting further subdivision of the lot.
- E.1.3.2** Where a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable average lot areas 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* area; and
  - b. one or more of the *lots* being created has an area less than the applicable average *lot* area;
  - c. the applicant must grant a covenant complying with Subsection A.2.5 of this Bylaw, and in a form complying with Appendix E, in respect of every *lot* in Clause E.1.3.2a prohibiting the further subdivision of the *lot* so that a greater total number of *lots* is not created than would have been created had the previous subdivision created the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw.

BL 293  
June/2018

- E.1.3.3** Where the approval of a bare land strata plan creates common property on which this Bylaw would permit the construction of a residential dwelling unit if the common property were a lot, the applicant must grant a covenant complying with Subsection A.2.5 of this Bylaw, and under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee, in respect of the common property prohibiting the further subdivision of the common property, the construction of any dwelling unit on the common property, and the disposition of the common property separately from the strata lots.

---

## E.1.4 Lots Divided By *Zone* Boundary

---

- E.1.4.1** In the case of subdivisions where the lot being subdivided is split by a zone boundary (split-zoned), no additional lot may be created with an increased number of zones.
- E.1.4.2** Where a lot proposed to be subdivided is split by a zone boundary (split-zoned), a separate calculation of the number of permitted lots must be made for each portion and no lot may be created in respect of any fractional area resulting from such a calculation.

BL 200  
BL 215

---

## E.1.5 Exceptions

---

- E.1.5.1 The lot area requirements of Part D do not apply to:**
- a. a *lot* being created solely for the purpose of locating unattended equipment necessary for the operation of a water or sewer system, an automatic telephone exchange, an electrical substation, a *pump/utility house*, air or marine navigation aids, or similar public service facility or utility, provided a covenant complying with Subsection A.2.5 is provided restricting the use to that for which the exemption from the *lot* area requirement was based;
  - b. a *lot* being created for an *ecological reserve* or public park;
  - c. a *lot* being created by the consolidation of two or more *lots* into a single *lot*;
  - d. a *lot* being created for the provision of a residence for a relative under Section 946 of the "Municipal Act", provided that the land being subdivided (the parent *lot*) is:
    - i within the Forest (F) *zone*, and has not previously been subdivided under Section 946 of the "Municipal Act" and has a minimum *lot* area of 60 ha\*; or
    - ii within the *Agriculture (AG) zone*, is in the Agricultural Land Reserve\* and has not been subdivided under Section 946 of the "Municipal Act" within the previous 5 years; or
    - iii within the *Agriculture (AG) zone*, is not in the Agricultural Land Reserve and has not been previously subdivided under Section 946 of the "Municipal Act" and has a minimum *lot* area of 8.0 hectares (19.77 acres)\*; or
    - iv within any other *zone*, has not previously been subdivided under Section 946 of the "Municipal Act" and has a minimum *lot* area of 80 hectares (197.7 acres)\*;
  - e. a subdivision created solely for the purpose of adding natural accretion to a *lot*;
  - f. a subdivision created solely for the purpose of dedicating land to the Crown; or

BL 250

- g. a *lot* created for access purposes for *lots* not fronting on a highway under Section 11(1)(b) of BC Reg. 334/79.
- h. a *lot* being created by a boundary adjustment, provided that:
  - i no additional lots are created or any *lot* is not increased in area to an extent that more lots could be created than permitted by the minimum average lot area of this Bylaw prior to the boundary adjustment;
  - ii no *lot* already below the minimum lot area for the zone is reduced in area by more than five percent of its area; and
  - iii no *lot* at or above the minimum lot area for the zone is reduced in area by more than 10 percent of that minimum area.

For Information Purposes Only - See "Municipal Act, Section 946, Subdivision to Provide Residence for a Relative" for specific requirements

---

## **E.1.6 Lot Configuration Regulations**

---

- E.1.6.1** No panhandle lots may be created by a plan of subdivision within land zoned for commercial, industrial or multiple family use; any panhandle portion of a lot created in other zones must have a minimum width of 10.0 metres (32.8 feet).
- E.1.6.2** Additional non-contiguous (split) lots capable of further subdivision under the lot area requirements of this Bylaw may not be created.
- E.1.6.3** No lot may be created with a maximum depth exceeding five times the average width.
- E.1.6.4** Pursuant to Section 941(1) of the "Municipal Act", the highway frontage of any lot in a proposed subdivision must be at least ten percent of its perimeter unless waived by the Gabriola Island Local Trust Committee under Section 941(2) of the "Municipal Act".

For information Purposes Only - Notwithstanding other provisions of this Bylaw and in exceptional circumstances only, the Approving Officer may permit a reduction of not greater than 5 per cent in the average and minimum lot areas stated in Part D of this bylaw, provided that in other respects the subdivision complies with this Bylaw and the Approving Officer is satisfied that it would be in the public interest and not injuriously affect the established amenities of adjoining or adjacent properties.

---

## **E.1.7 Disposal of Sewage**

---

- E.1.7.1** 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 the "Heath Act - Sewage Disposal Regulations", for conventional septic tank or package treatment plant sewage disposal systems in respect of permitted buildings, structures and uses.
- E.1.7.2** No sewage may be disposed of by means of discharge to a watercourse or the sea.
- E.1.7.3** If it is proposed that sewage disposal will be located on a lot other than that on which it was generated, the applicant of the proposal must register against title on which the sewage disposal is to be allocated:
  - a. an easement in favour of each lot to which sewage is generated and disposed; and

BL 212

BL 215

- b. a statutory right-of-way in accordance with Subsection A.2.5 in favour of the Gabriola Island Local Trust Committee on lots in which sewage is to be disposed.

---

## **E.1.8 Water Supply**

---

Repealed by Bylaw 215

---

## **E.1.9 Drainage Requirements**

---

- E.1.9.1** Every subdivision must be designed and constructed to maximise the amount of natural drainage that is percolated into the ground and to minimise direct overland runoff.
- E.1.9.2** Every surface drainage system must at minimum, be connected to and conform with the design capacity of existing systems located on adjacent land in order to provide for the continued capacity of the system serving the drainage basin in which the lot to be subdivided is located.
- E.1.9.3** Every surface system must be connected to an arterial drainage system that must be located in statutory rights-of-way granted to the Crown or in dedicated highways.
- E.1.9.4** Every surface drainage system developed on the lot to be subdivided must be designed so that the inlet flow line elevations and the capacity of the system are such that it will be capable or will be capable of conveying the 100 year storm peak rate of runoff for the entire fully developed drainage basin which the lot to be subdivided is located.
- E.1.9.5** The surface drainage system must be designed and constructed so as to minimise scouring and the erosion of ditch banks.
- E.1.9.6** In the case where storm water is discharged from a surface drainage system to the sea or a watercourse on or adjacent to the lot to be subdivided, the system must be constructed and designed such that storm water is retained in storage basins for the period of time necessary to allow for the setting out of silt and other suspended solids.
- E.1.9.7** No watercourse or water body may be diverted, altered or used for the purpose of conveying storm water from the lot to be subdivided except in accordance with applicable provincial statutes.

BL 266

## Part F – DEVELOPMENT PERMIT AREA GUIDELINES

*Information Note: Development Permit Areas are designated and described in Section 9 of the Gabriola Island Official Community Plan and their locations are shown in Schedules C and D of that Plan.*

### F.1 DP-1 The Tunnel

#### F.1.1 Applicability

**F.1.1.1** The following activities shall require a development permit whenever they occur within the DPA:

- a. subdivision of land
- b. construction of, addition to, or alteration of a building or other structure
- c. alteration of land

**F.1.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

#### F.1.2 Guidelines

Prior to undertaking any applicable 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:

**F.1.2.1** A 183 metre (600 foot) wide tree canopy and shrub buffer shall be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer shall not be less than 30 metres.

**F.1.2.2** Construction within the buffer area shall be limited to:

- a. roads
- b. trails and
- c. public utility works (within a road right-of-way)

- F.1.2.3** Where a utility corridor crosses the buffer area, the alignment shall be perpendicular to North Road so as to minimize the removal or disturbance of natural vegetation.
- F.1.2.4** Roads shall alter the natural vegetation as little as possible and the number of accesses to North Road shall be limited to two on each side of North Road.
- F.1.2.5** Water supply storage, utility buildings and wells shall be located outside of the tree canopy area.
- F.1.2.6** Trees greater than 30.4cm (12") calliper, measured 5 feet from the ground, shall not be cut or damaged.
- F.1.2.7** Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

## **F.2 DP-2 Lock Bay Area**

### **F.2.1 Applicability**

- F.2.1.1** The following activities shall require a development permit whenever they occur within the DPA:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land
- F.2.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### **F.2.2 Guidelines**

Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.2.2.1** There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.
- F.2.2.2** Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
- F.2.2.3** There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.
- F.2.2.4** Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
- F.2.2.5** An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of an existing development.
- F.2.2.6** Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
- F.2.2.7** Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).
- F.2.2.8** Areas subject to flooding shall be subject to a 30 metre setback from the natural boundary of the sea, unless waived by the Ministry of Environment.
- F.2.2.9** Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

## **F.3 DP-3 Riparian Areas**

### **F.3.1 Definitions**

- F.3.1.1** Terms used in Section F.3 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.

### **F.3.2 Applicability**

- F.3.2.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. removal, alteration or destruction of vegetation
  - d. disturbance of soils
  - e. creation of non-structural, impervious or semi-impervious surfaces
  - f. application of artificial fertilizer, pesticides or herbicides
  - g. any other development, as that term is defined under the provincial *Riparian Areas Regulation*

- F.3.2.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### F.3.3 Exemptions

- F.3.3.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.
- a. for certainty, all uses that are not residential, commercial or industrial or accessory to such a use
  - b. interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint
  - c. repair or replacement of a septic field on the same spot
  - d. the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property
  - e. 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
  - f. gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land
  - g. manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices
  - h. pruning of not more than two trees in one growing season 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
  - i. ecological restoration or enhancement projects undertaken or authorized by a public body
  - j. work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*
  - k. emergency procedures to prevent, control or reduce immediate threats to life or property including:
    - i emergency actions for flood-protection and erosion protection,
    - ii clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
    - iii repairs to bridges and safety fences carried out in accordance with the *Water Act*
  - l. 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* and horticulture as defined in the Gabriola Island Land Use Bylaw 177
  - m. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas
  - n. The construction of a private trail if all of the following apply;
    - i The trail is 1 meter wide or less;
    - ii No native trees are removed;
    - iii The surface of the trail is pervious (for example, soil, gravel or wood chips)
    - 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 meters away from the high water mark of a stream.
- o. 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
- p. 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

*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.*

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

### F.3.4 Guidelines

Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.3.4.1** In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.
- F.3.4.2** The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
- F.3.4.3** Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- F.3.4.4** If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- F.3.4.5** The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

## F.4 DP-4 Flat Tops Islands Area

### F.4.1 Applicability

- F.4.1.1** The following activities shall require a development permit whenever they occur within the DPA:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land
- F.4.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### F.4.2 Guidelines

Prior to undertaking any applicable development activities within DP-4, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.4.2.1** There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.
- F.4.2.2** Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
- F.4.2.3** There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.
- F.4.2.4** Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
- F.4.2.5** Other than within existing marine lease areas, applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.
- F.4.2.6** Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
- F.4.2.7** Septic systems shall not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).
- F.4.2.8** Areas subject to flooding shall be subject to a 15 metre setback unless waived by the Ministry of Environment.
- F.4.2.9** Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

## F.5 DP-5 Gabriola Pass Area

### F.5.1 Applicability

- F.5.1.1** The following activities shall require a development permit whenever they occur within the DPA:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land

- F.5.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

## **F.5.2 Guidelines**

Prior to undertaking any applicable development activities within DP-5, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.5.2.1** Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.
- F.5.2.2** There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

## **F.6 DP-6 Escarpment Areas**

### **F.6.1 Applicability**

- F.6.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.6.2.1:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land.
- F.6.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### **F.6.2 Exemptions**

- F.6.2.1** In cases where the Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

### **F.6.3 Guidelines**

Prior to undertaking any development activities within DP-6, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.6.3.1** There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.
- F.6.3.2** There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.

## F.7 DP-7 The Village Centre

### F.7.1 Applicability

- F.7.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.7.2.1:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land
- F.7.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### F.7.2 Exemptions

- F.7.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other application local, provincial or federal requirements.
- a. building painting, structural alterations and repairs of a minor nature that do not require a building permit
  - b. building repairs and maintenance where the materials to be used are of the same type and form as the existing materials
  - c. the installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in this Bylaw
  - d. The installation of bicycle racks, bicycle or bus shelters or electric vehicle charging stations;
  - e. additions resulting in less than a 5% increase in floor area of a principal building or an accessory building where no changes to landscaping or access to the site are proposed.

BL 273

### F.7.3 Guidelines

Prior to undertaking any development activities within DP-7, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.7.3.1** The character of each development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.
- F.7.3.2** The development shall incorporate small scale building designs with such amenities as public walkways and outdoor open spaces for use by the public.
- F.7.3.3** Natural vegetation and trees shall be retained or planted and maintained for screening of parking and storage areas and to enhance the atmosphere of public open spaces. Safety and visibility shall be considered in landscape design.
- F.7.3.4** Lighting should be kept to the minimum necessary for pedestrian safety and visibility, in order to maintain a low level of light in the night-time atmosphere.
- F.7.3.5** Signs made from natural materials or incorporating material produced by local artisans and crafts people are encouraged.
- F.7.3.6** Pedestrian requirements include accessible, safe and landscaped walkways connecting the street to the businesses.
- F.7.3.7** Off-street parking shall be designed to be as unobtrusive as possible and where possible, located to the rear of the parcel away from public open spaces and eating areas and businesses should open to the street to create a greater sense of intimacy and walkability in the village core.
- F.7.3.8** On-site integrated storm water management plans prepared by a qualified professional shall be required and implemented to reduce impervious cover, promote infiltration and capture and

BL 273

BL 273

- treat storm water runoff from 90% of the average annual rainfall using acceptable best management practices.
- F.7.3.9** Where a building or use provides more than 25 parking spaces, one electric vehicle charging station capable of at least 110V and 220/240V charging must be provided and marked with a sign or symbol identifying the space is reserved for charging/parking an electric vehicle, electric scooter or electric bicycle.
- F.7.3.10** Landscaping design and maintenance shall facilitate water retention, minimize the need for irrigation and discourage the use of lawns unless for a gathering or play area.
- F.7.3.11** Landscaped islands of trees and shrubs no smaller in area than 4 square metres (43 square feet) each shall be used in parking areas located at a minimum of every 15 stalls to break up expanses of paving and parking and capture and infiltrate runoff.
- F.7.3.12** Fifteen percent of the property shall be devoted to public open space with fifty percent of that amount along the road frontage. Storm water retention areas or rain gardens may be used to meet this requirement.
- F.7.3.13** Seventy-five percent of the designated public open space shall be contiguous with no portion less than two metres in width and designated spaces shall be connected, where possible, to public pedestrian paths or access points on adjacent properties or roads.
- F.7.3.14** Exterior surfaces of local and/or natural materials such as wood, stone or brick shall be encouraged.
- F.7.3.15** Facilities for recycling shall be provided in garbage collection areas.

## **F.8 DP-8 Multi-dwelling Affordable Housing**

### **F.8.1 Applicability**

- F.8.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.8.2.1:
- a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land
- F.8.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### **F.8.2 Exemptions**

- F.8.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.
- a. building painting, structural alterations and repairs of a minor nature that do not require a building permit
  - b. building repairs and maintenance where the materials to be used are of the same type and form as the existing materials
  - c. the installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in this Bylaw

### **F.8.3 Guidelines**

Prior to undertaking any development activities within DP-8, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.8.3.1** The character of the development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.
- F.8.3.2** Natural vegetation and trees shall be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility shall be considered in landscape design.
- F.8.3.3** Landscaping shall facilitate water retention.
- F.8.3.4** Facilities for recycling shall be provided in garbage collection areas.
- F.8.3.5** Lighting is to be kept to a minimum necessary for pedestrian safety and visibility. Lighting in off-street parking areas shall be adequate for security purposes.
- F.8.3.6** Signs made from natural materials or incorporating materials produced by local artisans and craft people are encouraged.
- F.8.3.7** Off-street parking shall be designed to be as unobtrusive as possible and, where possible, located to the rear of the parcel.
- F.8.3.8** Exterior surfaces of buildings and structure shall reflect a locally crafted character and be comprised of natural local materials such as wood or stone.
- F.8.3.9** Common area amenities shall be provided prior to alteration and/or occupancy.
- F.8.3.10** A vegetation screen shall be provided within the required setback area which provides and adequate visual screen of the intended use from an adjoining residential parcel.
- F.8.3.11** Bicycle storage areas and structures, bicycle and pedestrian paths and areas for community garden space shall be provided as a means of decreasing greenhouse gas emissions.
- F.8.3.12** Where possible, water conservation measures and energy efficient building siting and design shall be provided.

## **F.9 DP-9 Light Industrial Use**

### **F.9.1 Applicability**

- F.9.1.1** The following activities shall require a development permit whenever they occur within the DPA:
  - a. subdivision of land
  - b. construction of, addition to, or alteration of a building or other structure
  - c. alteration of land
- F.9.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### **F.9.2 Guidelines**

Prior to undertaking any development activities within DP-9, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.9.2.1** The character of the development shall be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening shall be maintained along the perimeter of the property.
- F.9.2.2** No buildings shall be located closer than 30m from a watercourse of the high water mark of the sea.
- F.9.2.3** A site plan shall be provided to illustrate where on site the off-street parking and equipment storage is to be accommodated and in no case shall any equipment, materials or vehicles used in association with the industrial use be located on an adjoining parcel or a public road right-of-way.

## F.11. DP-11 Environmental Protection

### F.11.1 Applicability

**F.11.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.11.2.1:

- a. subdivision of land;
- b. construction of, addition to, or alteration of a building or other structure;
- c. alteration of land.

**F.11.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

### F.11.2 Exemptions

**F.11.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements:

- a. Activities on land in respect of which the Islands Trust has received a written statement from a registered professional biologist with relevant experience certifying the absence of a sensitive ecosystem within the area that would be affected by the proposed work;
- b. Gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- c. Manual removal of invasive species in accordance with best management practices;
- d. Manual planting of native vegetation conducted in accordance with best management practices;
- e. The construction of a trail if all of the following apply:
  - i. The trail is 1 metre wide or less;
  - ii. No native trees are removed;
  - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips);
  - iv. The trail is designed to prevent soil erosion where slopes occur; and
  - v. Where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream.
- f. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- g. Ecological restoration and enhancement projects undertaken or authorized by a public body;

- h. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation, including general repair or replacement of a septic field on the same spot;
- i. Pruning or topping 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, or the pruning or removal of a structural root within the critical root zone;
- j. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- k. The repair and maintenance of existing roads, driveways, paths and trails provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfaces;
- l. Works undertaken by a local government or a body established by a local government;
- m. An application resulting in a lot consolidation.

### **F.11.3 Guidelines**

Prior to undertaking any development activities within DP-11 that are not exempted by F.11.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.11.3.1** Minimize the area cleared and disturbed for development within the context of the permitted use and density.
- F.11.3.2** Site buildings and associated infrastructure to minimize removal of vegetation and to allow sufficient undisturbed space around retained significant mature or established trees to protect root systems.
- F.11.3.3** Native vegetation and trees shall be retained wherever possible.
- F.11.3.4** Vegetation clearing shall occur during the least risk timing window for bird species as recommended by a qualified professional. If works cannot be completed during this window, a qualified professional shall be retained to survey the area prior to clearing to rule out the presence of nesting birds or other species.
- F.11.3.5** Where this area includes trees that bear the nest of eagles or other species of birds, a buffer area around each nest tree shall be left undisturbed. The size of the buffer shall be determined prior to development by a qualified professional, with advice from the provincial ministry responsible for the environment and wildlife or the Canadian Wildlife Service.
- F.11.3.6** Avoid removal of mature and old Douglas-fir and western red cedar trees to the extent possible. Trees with unique identified wildlife habitat or unique habitat potential should be retained and incorporated into the design.

- F.11.3.7** Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures shall be in accordance with the federal Species At Risk Act (SARA) and with the provincial *Wildlife Act*.
- F.11.3.8** An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of existing development.
- F.11.3.9** Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.
- F.11.3.10** Efforts shall be made in construction and maintenance activities to source goods, supplies and services on-island to reduce greenhouse-gas emissions related to transportation.

## PART G - DEFINITIONS

|                     |                                   |  |
|---------------------|-----------------------------------|--|
| BL 266              | <b>G.1 DEFINITIONS</b>            |  |
| BL 215              |                                   | In this Bylaw:   |
|                     | <i>accessory</i>                  | in relation to a use, <i>building</i> or <i>structure</i> means ancillary, secondary and exclusively devoted to a <i>principal</i> use, <i>building</i> or <i>structure</i> , expressly permitted by this Bylaw on the same <i>lot</i> or, where the <i>accessory</i> use is located on common property in a bare land strata plan, on a strata <i>lot</i> in the same strata plan;  |
| BL 303/<br>OCT 2021 | <i>agriculture</i>                | growing, rearing producing or harvesting agricultural crops, livestock and other animals for economic gain and includes the processing on a <i>lot</i> of primary agricultural products harvested, reared or produced on that <i>lot</i> , plus the storage of machinery, implements and agricultural supplies for the farm, but excludes cannabis production;   |
| BL 275              | <i>agri-tourism</i>               | a tourist activity, service or facility which is accessory to a farm operation, as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> , and, where the farm is in active operation each year;  |
|                     | <i>automotive service</i>         | the retail sale of motor fuels, lubricating oils, automotive accessories, repair of motor vehicles, and the rental of trailers and motor vehicles;   |
|                     | <i>auto sales</i>                 | the retail sale of new or used vehicles capable of being licensed under the "Motor Vehicle Act";   |
|                     | <i>Awning</i>                     | a roof-like cover that projects from the wall of a <i>building</i> or <i>structure</i> for the purpose of sheltering a doorway or window from the elements;  |
|                     | <i>bed and breakfast</i>          | the <i>accessory</i> use of a <i>principal</i> residential <i>dwelling unit</i> for the overnight accommodation of transient paying guests in which breakfast is the only meal served;   |
|                     | <i>bluff</i>                      | means an area of land that has a minimum elevation separation of 6.0 metres (19.7 feet) and an average slope greater than 60 degrees;  |
|                     | <i>boathouse</i>                  | an <i>accessory building</i> or <i>structure</i> used exclusively for the storage or sheltering of a boat;   |
|                     | <i>boarder</i>                    | a person resident in a <i>dwelling unit</i> who receives lodging and regular meals for a fee;  |
|                     | <i>bottom culture mariculture</i> | the cultivation, rearing and harvesting of molluscs on the bed of the sea, excluding cultivation and rearing in the water column above the bed of the sea;   |
|                     | <i>building</i>                   | a roofed <i>structure</i> , including a <i>mobile home</i> , used or intended to be used for accommodating or sheltering any use or occupancy and: <ol style="list-style-type: none"> <li>1. within this Bylaw's land-based <i>zones</i>, having a <i>floor area</i> not less than 10.0 square metres (107.64 square feet);</li> <li>2. within water-based <i>zones</i>, there is no minimum <i>floor area</i> qualification; and</li> <li>3. for purposes of this Bylaw, <i>buildings</i> connected by a <i>covered walkway</i> and located no more than 3.0 metres (9.8 feet) apart are deemed to be one <i>building</i>;</li> </ol> |
| BL 180              | <i>building inspector</i>         | a <i>building inspector</i> having jurisdiction within this Bylaw's area of application;   |
|                     | <i>campground</i>                 | the use of an area for <i>campsites</i> ;  |

**Gabriola Island Land Use Bylaw No. 177 - Schedule A****Definitions**

|                     |   |   |
|---------------------|---|---|
| BL 272              | <i>campsite</i>                             | an area within a <i>campground</i> or tourist commercial zone intended for the temporary occupancy by members of the travelling public who reside elsewhere accommodated exclusively in a tent, tent-trailer, camper vehicle, or recreation vehicle;  |
| BL 303/<br>OCT 2021 | <i>cannabis</i>                             | any plant of the genus <i>Cannabis</i>  |
| BL 303/<br>OCT 2021 | <i>cannabis production</i>                  | to develop, as permitted by the Cannabis Act (Canada) and regulations under that Act a cannabis product by any method or process, including by:<br>a. manufacturing it,<br>b. synthesizing it, or<br>c. altering its chemical or physical properties by any means;<br>d. growing it or any living thing from which it may be extracted or otherwise obtained  |
| BL 303/<br>OCT 2021 | <i>cannabis product</i>                     | the plant material from cannabis and any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use;   |
|                     | <i>caretaker residence</i>                  | a single <i>family dwelling</i> limited in floor area to 65.0 square metres (699.7 square feet) that is <i>accessory to a principal regional park</i> use;  |
|                     | <i>church</i>                               | a <i>building principally</i> devoted to religious worship and instruction and may include a <i>church</i> manse;   |
| BL 279              | <i>clubhouse</i>                            | a facility used by a club that does not provide for overnight accommodation except in a permitted single family dwelling;   |
| BL 259              | <i>commons accessory commercial</i>         | commercial activity that is ancillary, secondary and exclusively devoted to a principal use, and that is intended solely for the benefit and support of community initiatives and community organizations based on the property;  |
| BL 259              | <i>commons accessory food depot</i>         | an establishment for the distribution of food produced on the property or obtained from off the property for distribution to the public at no charge;   |
| BL 259              | <i>commons accessory office and storage</i> | space identified for the management and direction of activities on the parcel and the provision of administration space for other non-profit or not for profit enterprises, including the storage of materials necessary for conducting activities on the parcel, but excludes such uses as retail sales, manufacturing, and professional services;   |
| BL 259              | <i>commons accessory public assembly</i>    | indoor and outdoor gatherings, meetings, and events and includes infrastructure necessary to support these activities, such as washroom facilities, dining hall, and institutional kitchen facilities;  |
| BL 279              | <i>commons agriculture</i>                  | community based agricultural uses that include; growing, rearing, producing or harvesting agricultural crops, livestock and other animals and includes the processing on a <i>lot</i> of primary agricultural products harvested, reared or produced on that <i>lot</i> , plus the storage of machinery, implements and agricultural supplies for the farm, and includes the sale of agricultural products grown or raised on the lot, but specifically excludes intensive agriculture; |
| BL 259              | <i>commons institutional</i>                | the provision of special purpose services including educational and interpretive activities, without the purpose of gain, provided by non-profit or not for profit enterprise for the benefit of residents of Gabriola Island, and includes skateboard park structures;   |
| BL 222              | <i>community resource centre</i>            | a building, structure, facility or use intended to support community initiatives and organizations but does not include commercial enterprise or for profit endeavours;   |
|                     | <i>community sewer system</i>               | a sewage disposal system serving two or more <i>lots</i> and that is operated by a Public Authority;  |

**Gabriola Island Land Use Bylaw No. 177 - Schedule A****Definitions**

|                     |                                   |  |
|---------------------|-----------------------------------|--|
| BL 293<br>June/2018 | <i>community water system</i>     | a water supply provided to five or more <i>lots</i> and that is operated by a Public Authority;  |
|                     | <i>covered walkway</i>            | a walkway area adjacent to an exterior <i>building</i> wall that is sheltered by a roof or <i>Awning</i> and not enclosed on its <i>exterior sides</i> except for railings and/or roof or canopy supports;   |
|                     | <i>derelict vehicle</i>           | any vehicle that has been unlicensed for two or more consecutive years that is visible from adjacent land;   |
|                     | <i>dockage</i>                    | securing of a <i>vessel</i> to a dock;   |
| BL 250              | <i>dwelling unit</i>              | one or more rooms in a <i>building</i> , designed, occupied or intended for human habitation containing one set of cooking facilities and/or the infrastructure designed, used or intended to be used for the preparation and cooking food, and used as a <i>residence</i> by a <i>single family</i> ; |
| BL 293              | <i>dwelling - single family</i>   | a detached <i>building</i> consisting of one <i>dwelling unit</i> ;  |
|                     | <i>dwelling, two family</i>       | a <i>building</i> consisting of two principle dwelling units;  |
| BL 307              | <i>dwelling - multiple family</i> | a <i>building</i> consisting of three or more principal <i>dwelling units</i> with common or individual cooking facilities;  |
|                     | <i>ecological reserve</i>         | an area of land (water) established as an <i>ecological reserve</i> under the " <i>Ecological reserves Act</i> ";  |
|                     | <i>emergency services</i>         | an emergency facility use comprising a fire hall, police station, helicopter pad or ambulance station;   |
| BL 220              | <i>farm equipment</i>             | mechanical devices used in the production of livestock or crops, including, but not limited to, harvesters, loaders, slaughter machinery, agricultural tractors, farm engines, farm trailers, farm carts and farm wagons;  |
| BL 275              | <i>farm product</i>               | a commodity that is produced from a farm use as defined in the <i>Agricultural Land Commission Act</i> ;   |
| BL 220              | <i>farm supply centre</i>         | a business for the retail sale of farm supplies, but excluding the sale of farm equipment;   |
| BL 275              | <i>farm worker housing</i>        | a manufactured home authorized by the Agricultural Land Commission and used for the residential accommodation of a full-time farm employee who is required for the farm operation;   |
|                     | <i>fence</i>                      | a <i>structure</i> used as an enclosure or separation;   |
| BL 212              | <i>floor area</i>                 | the total area of all floors for each <i>storey</i> of a <i>building</i> measured to the interior surface of the exterior walls and if there are no walls, measured to the outer edge of the drip line, and for purposes of calculating <i>floor area</i> , the following apply:                       |
| BL 273              |                                   | 1. all areas of a <i>building</i> having a floor and ceiling at least one metre apart constitute a <i>storey</i> ;   |
| BL 250              |                                   | 2. the <i>floor area</i> occupied by any cistern used for the collection of rainwater for domestic use or fire protection is excluded; and   |
|                     |                                   | 3. <i>covered walkways</i> up to 1.8 metres (5.9 feet) in width adjacent to a <i>building's</i> exterior walls in this Bylaw's Commercial and Institutional <i>zones</i> are excluded;   |
| BL 273              | BL 293<br>June/2018               | 4. a <i>sustainable energy systems utility room</i> ; in a secondary suite, up to a maximum of 2.3 square metres (25 square feet) is excluded.   |
|                     | <i>floor area ratio</i>           | the figure obtained by dividing the <i>floor area</i> of all <i>buildings</i> on the <i>lot</i> by the <i>lot</i> area;  |
| BL 279              |                                   |  |

**Gabriola Island Land Use Bylaw No. 177 - Schedule A****Definitions**

|                     |                              |  |
|---------------------|------------------------------|--|
|                     | <i>forestry</i>              | all activities related to the establishment and management of forested areas, and includes harvesting of timber and related forest cover resources, forest seed orchards and nurseries;  |
|                     | <i>frontage</i>              | a <i>lot line</i> contiguous with a highway, (road) or any other way open to public use;   |
| BL 185, BL 212      | <i>garden centre</i>         | a business for the cultivation and retail sale of plants and garden supplies;  |
| BL 186              | <i>grade</i>                 | the elevation existing at the intersection of the ground surface and a <i>building</i> or <i>structure</i> ;   |
| BL 279              | <i>habitable area</i>        | any room or space within a building or structure, which can be used for human occupancy, commercial sales, or storage of goods, possessions, or equipment (including furnaces) that would be subject to damage if flooded;   |
| BL 226              | <i>height</i>                | the vertical distance between the highest point of a <i>building</i> or <i>structure</i> <u>and the average grade of the ground at the perimeter of a building or structure</u> and is determined by finding the <i>grade</i> elevation at the midpoints of all exterior walls and if there are no walls, the supports or posts, calculating their average, and then using that average as a base <i>grade</i> from which <i>height</i> is vertically measured to the <i>building's</i> highest point; |
|                     | <i>home industry</i>         | a home occupation where the permitted uses are construction and repair of heavy equipment, boats, trailers or the body of a vehicle, contractor yards, and water distribution;   |
| BL 199              | <i>home occupation</i>       | a business, trade, profession, or the production and or sale of goods, where such activities are <i>accessory to a principal</i> residential use, and where a resident of the lot carries out, operates and is the principal worker;   |
|                     | <i>home school</i>           | a school sanctioned by School District 68 having no more than 15 students on-site at one time; no more than 30 students enrolled in the school at one time, with no buzzers or external amplified sound system;  |
| BL 303/<br>OCT 2021 | <i>horticulture</i>          | the cultivation of fruits, vegetables, or ornamental plants for economic gain, but exclude cannabis production;  |
|                     | <i>household storage</i>     | the commercial use of a <i>building</i> for the rental of individual lockers for the storage of household items, where individual lockers are accessed from within the <i>building</i> ;   |
| BL 275              | <i>immediate family</i>      | with respect to an owner, the owner's:<br><br>(a) <i>parents, grandparents and great grandparents,</i><br>(b) <i>spouse, parents of spouse and stepparents of spouse</i><br>(c) <i>brothers and sisters, and</i><br>(d) <i>children or stepchildren, grandchildren and great grandchildren</i>   |
| BL 275              | <i>intensive agriculture</i> | the use of land, buildings and other structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms;  |
| BL 266              | <i>landscaped area</i>       | an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete;"   |
|                     | <i>legal non-conforming</i>  | with respect to <i>buildings</i> or <i>structures</i> means construction which does not conform to the provisions of this Bylaw and existed lawfully at the time of its adoption; and with respect to use means a specific use of land, <i>buildings</i> or <i>structures</i> which does not conform to the provisions of this Bylaw and existed lawfully at the time of its adoption;   |

**Gabriola Island Land Use Bylaw No. 177 - Schedule A****Definitions**

|        |                                    |  |
|--------|------------------------------------|--|
|        | <i>light Industry</i>              | means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods or materials;  |
| BL 186 | <i>limited milling and planing</i> | the sawing of logs into timbers, rough lumber, or shingle or shake blocks; the planing of timbers or rough lumber; and the sawing of blocks into shingles or the splitting of blocks into shakes during the hours of 8:00 am to 5:00 pm, Monday to Saturday, inclusive   |
| BL 186 | <i>limited public market</i>       | the open air sale of goods and crafts during a maximum two days a week, between the hours of 8:00 am and 4:30 pm.;   |
|        | <i>lot</i>                         | 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 "Bare Land Strata Regulations" under the "Strata Property Act";  |
|        | <i>lot coverage</i>                | the total area covered by <i>buildings</i> and <i>structures</i> measured within the outer most walls, or if there are no walls, measured to the outer edge of the drip-line;  |
|        | <i>lot line</i>                    | the legally defined boundaries of any <i>lot</i> and in the case of tenures under the "Land Act", the boundaries of the lease area;  |
|        | <i>lot line - front</i>            | <p>the <i>lot line</i> common to the <i>lot</i> and the abutting highway, or access route under the "Strata Property Act", and where there is more than one <i>lot line</i> common to a highway or access route, the following rules must apply:</p> <ol style="list-style-type: none"><li>1. the shortest <i>lot line</i> greater than 20.0 metres (65.6 feet) is the <i>front lot line</i>, except where there are no <i>lot lines</i> greater than 20 metres (65.6 feet) abutting a highway in which case the longest <i>lot line</i> abutting a highway is the <i>front lot line</i>;</li><li>2. where there are three or more <i>lot lines</i>, and one of the lines is a corner-cut, one of the other <i>lot lines</i> is the <i>front lot line</i> based on Rule 1; and</li><li>3. where there are more than two <i>lot lines</i> defining a curve, including any tangents making up the curve in a highway or access route under the "Strata Property Act", all such <i>lot lines</i> defining the curve must be considered to be one <i>lot line</i> for the purpose of using Rule 1.</li></ol> |
|        | <i>lot line – exterior side</i>    | the property line common to the <i>lot</i> and an abutting highway, or access route under the "Strata Property Act", that is not the <i>front lot line</i> ;   |
|        | <i>lot line –interior</i>          | a <i>lot line</i> that does not abut a highway, or access route under the "Strata Property Act";   |
|        | <i>marina</i>                      | the commercial use of a water area for the accommodation of <i>vessels</i> and includes the installation of floats, wharves, piers, ramps and walkways and the provision of <i>dockage</i> services, but does not include yacht clubs or <i>yacht club outstations</i> ;   |
| BL 261 | <i>medical office</i>              | medical office means a public health care establishment that serves the needs of the Gabriola Island Local Trust Area, where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, psychologists, social workers, medical personnel or other health care professionals, and where patients are not lodged overnight, and may include space for related administrative services and meetings, treatment meetings, offices for health-related government bodies, and an associated medical laboratory; for clarity, medical care insured under the Medical Services Plan of British Columbia must be provided;   |
| BL 275 | <i>manufactured home</i>           | a single-family <i>dwelling unit</i> , suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard;   |
|        | <i>moorage</i>                     | the tying of a boat to a buoy or similar object that is in turn anchored to the bed of the sea;  |
|        | <i>natural boundary</i>            | the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so  |

|        |                                       |  |
|--------|---------------------------------------|--|
|        |                                       | long continued in all ordinary years, as to mark 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; and in the case of a legal surveyed boundary, that boundary must be deemed to be the <i>natural boundary</i> provided the legal surveyed boundary is land-ward of the <i>natural boundary</i> ;  |
|        | <i>occasional</i>                     | in relation to <i>home occupations</i> uses comprising of the sale of goods not produced on the <i>lot</i> and artistic performances means no more than 8 days per calendar year;  |
|        | <i>pad</i>                            | a surface on which blocks, posts, runners, or strip footings are placed for the purpose of supporting a manufactured home or other <i>habitable area</i> ;   |
| BL 279 | <i>panhandle</i>                      | that portion of a <i>lot</i> that is 20.0 metres (65.6 feet) wide or less and is used solely for access purposes;  |
| BL 273 | <i>parking area</i>                   | an area within a <i>building, structure</i> or an exterior area used for the parking of motor vehicles and bicycles;   |
| BL 273 | <i>parking space</i>                  | a space within a <i>parking area</i> for the parking of one motor vehicle or bicycle;  |
|        | <i>park – provincial</i>              | an area of land (water) established as <i>provincial park</i> under the “Park Act”;  |
|        | <i>park – regional</i>                | an area of land (water) established as a <i>regional park</i> under the “Park (Regional) Act”;   |
|        | <i>personal care facilities</i>       | a use providing for the care of the sick, injured or aged, other than a public hospital, and includes nursing homes, private hospitals and convalescent homes;   |
| BL 220 | <i>personal service</i>               | the commercial use of providing service assistance, rather than goods or products, in the care of a person, but excludes dry cleaning and laundry service;   |
|        | <i>personal water craft</i>           | a <i>vessel</i> less than 4.6 metres (15.0 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the <i>vessel</i> , rather than standing, kneeling or sitting inside the <i>vessel</i> ;  |
|        | <i>principal</i>                      | in relation to use, <i>building</i> , or <i>structure</i> means the main or primary use, <i>building</i> or <i>structure</i> ;   |
|        | <i>private clubs and lodges</i>       | a <i>building</i> and related facilities owned or operated by a corporation, association, or group of individuals established for fraternal, social, education, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership;   |
|        | <i>produce stand</i>                  | a <i>structures</i> used for the for the sale of agricultural products that is sited on a <i>lot</i> , or an adjacent <i>lot</i> owned by the same owner, on which the products have been grown or reared;   |
| BL 279 | <i>public assembly and recreation</i> | indoor or outdoor use associated with a hall, auditorium, <i>church</i> , or indoor recreation facility but does not include any use or facility operated on a commercial basis for profit;  |
| BL 250 | <i>public utilities</i>               | a use providing for facilities for water, sewer, electricity, telephone, and broadcast transmission provided such a use or facility does not have or require on site staff to operate the utility, and is established by one of the levels of government, a corporation or company regulated by a government commission, but excludes radio or television broadcast towers and energy generation or production for sale off the lot on which it is produced; |
|        | <i>public wharf</i>                   | a wharf serving the general public for the purposes of loading and unloading of people, goods and material plus the accommodation of <i>vessels</i> ;  |
| BL 212 | <i>pump/utility house</i>             | an <i>accessory building</i> or <i>accessory structure</i> that is used only for the purposes of housing a well head and water pumping devices and/or electrical power or communication connection and service devices, or a combination thereof;  |

|                  |                                     |   |
|------------------|-------------------------------------|---|
| BL 238           | <i>residence</i>                    | <ol style="list-style-type: none"> <li>1. the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or</li> <li>2. the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement, and for certainty, residence does not include tourist accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;</li> </ol> |
| BL 307           | <i>residential rental tenure</i>    | means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit  |
| BL 279           | <i>restaurant</i>                   | an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and many include café, delicatessen, and take-out restaurant, but specifically excludes neighbourhood pub, drive-in and drive-thru establishment;   |
|                  | <i>sales distributorship</i>        | in relation to a <i>home occupation</i> means the sale of goods not produced on the <i>lot</i> on which the <i>home occupation</i> is located, where the goods are delivered or mailed by the distributor to the customer, and where the customer at no time enters onto the <i>lot</i> to view the goods or complete the sale transaction;   |
|                  | <i>school</i>                       | a <i>school</i> as defined by the “ <i>Schools Act</i> ”, or the “ <i>Independent Schools Act</i> ” and does not include overnight accommodation;   |
| BL 275<br>BL 275 | <i>seasonal</i>                     | a use or activity in a facility or area for less than seven consecutive months of the year.   |
| BL 293           | <i>secondary suite</i>              | a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot.   |
| BL 275           | <i>setback</i>                      | the horizontal distance that a <i>building</i> or <i>structure</i> must be sited from a specified <i>lot line, building, structure</i> or other point;  |
| BL 279           | <i>shooting range</i>               | a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions, that does not operate outside the hours of 9 am and 5 pm and operates no more than 6 days a week;   |
|                  | <i>short term</i>                   | the use of bedroom accommodation for agri-tourism for a period of not more than 30 consecutive days.  |
| BL 250           | <i>single family</i>                | one or more persons living as a single household;   |
| BL 291<br>5/2017 | <i>sign</i>                         | any device or medium, including its supporting <i>structure</i> and lighting or electrical system, which is visible from any street or lot, and which is used to attract attention for advertising, direction, information, or identification purposes.   |
| BL 291<br>5/2017 | <i>sign area</i>                    | the entire area within a continuous perimeter, enclosing the extreme limits of a <i>sign</i> display, including any frame or border; and for these purposes, the area of a double-faced <i>sign</i> is considered to be the area of one face only.”   |
| BL 291<br>5/2017 | <i>sign, derelict</i>               | any <i>sign</i> which has been abandoned, discarded, or otherwise neglectfully maintained to such an extent that it has fallen into disrepair.  |
| BL 291<br>5/2017 | <i>sign, externally illuminated</i> | any <i>sign</i> lit by a separate light source that casts light directly on the face of the <i>sign</i> , and includes <i>signs</i> illuminated with reflective material.   |

**Gabriola Island Land Use Bylaw No. 177 - Schedule A****Definitions**

|                     |  |   |
|---------------------|--|---|
|                     | <i>sign, internally illuminated</i>            | any sign lit directly or indirectly by a light source located within the sign itself, and includes illumination designed to project light against the surface behind the sign lettering or graphic, commonly referred to as back-lighting or halo-lighting.   |
| BL 291<br>5/2017    | <i>sign, multi-party</i>                       | any <i>sign</i> which consolidates the direction of traffic to multiple businesses, excluding <i>home occupations</i> .   |
| BL 291<br>5/2017    | <i>sign, obsolete</i>                          | any <i>sign</i> which is no longer relevant because of the discontinuance of the business, service, activity or event which it advertises or directs attention to.  |
| BL 291<br>5/2017    | <i>sign, temporary</i>                         | any <i>sign</i> which is portable in nature and is displayed for a specified time limit.  |
|                     | <i>sign, temporary directional</i>             | any <i>sign</i> which is portable in nature, is displayed for a specified time limit, and which directs traffic to an institution or a business, including a <i>home occupation</i> .   |
| BL 291<br>5/2017    | <i>sign, third party</i>                       | a <i>sign</i> that advertises or directs attention to an occupancy of land, a use, product, location, service, or other matter at a location other than where the <i>sign</i> is located, erected, or displayed. For the purposes of this bylaw, a <i>multi-party sign</i> is not considered a <i>third party sign</i> .  |
| BL 291<br>5/2017    | <i>sign, window</i>                            | a <i>sign</i> within a building, affixed on or located within 600mm of the inside of a window.  |
| BL 275              | <i>sleeping unit</i>                           | a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.  |
|                     | <i>storey</i>                                  | all the areas of a <i>building</i> having a floor and ceiling at least one metre apart;   |
| BL 200<br>BL 279    | <i>structure</i>                               | anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, excluding vehicles except for vehicles used as a restaurant where a restaurant is a permitted use, floating vessels, paving for vehicle parking, sidewalks, and sewage absorption fields; for clarity, swimming pools, dugouts, cisterns, above ground septic tanks and detached ground level decks are considered structures;  |
| BL 275              | <i>sustainable energy systems utility room</i> | a room used for the installation and use of solar photo voltaic and solar domestic hot water conduits, electrical hardware or tanks; inverters; charge controllers; grey water treatment and/or heat pump components.   |
| BL 293<br>June/2018 |  |   |
| BL 275              | <i>temporary</i>                               | a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities, for less than seven consecutive months of the year. The building or structure may be used for other permitted uses during the course of or for the remainder of the year.   |
|                     | <i>tourist accommodation</i>                   | the use of a <i>tourist accommodation unit</i> on an overnight basis by members of the travelling public who reside elsewhere;  |
|                     | <i>tourist accommodation unit</i>              | a room or suite of rooms used by a registered party composed of one or more members of the travelling public who reside elsewhere;  |
|                     | <i>unit owner</i>                              | <ol style="list-style-type: none"><li>1. registered owner of one or more accommodation units or campsites including the spouse, children and parents of the registered owner and the parents of the registered owner's spouse;</li><li>2. where there is more than one registered owner of one or more accommodation units or <i>campsites</i> all the registered owners, including their spouses, children, parents and parents of their spouses; and</li><li>3. where the registered owner of one or more accommodation units or <i>campsites</i> is a corporation or corporations, all directors, officers, shareholders and employees of the corporation or corporations, including</li></ol> |

---

|                                   |   |
|-----------------------------------|---|
|                                   | the spouse, children and parents of each of them, together with the corporation or corporations;  |
| <i>urgent care medical clinic</i> | urgent care medical clinic means an establishment where patients are admitted for urgent acute care examination and treatment on an outpatient basis by one or more physicians, psychologists, social workers, medical personnel or other health care professionals and where patients may be lodged for one night in an emergency;   |
| <i>vessel</i>                     | an inanimate object designed for and capable of navigation on the water;  |
| <i>watercourse</i>                | 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 as required by a designated official of the Ministry of Environment of British Columbia;   |
| BL 233<br><i>water sales</i>      | the processing, bottling, storage, shipping, distribution or sale of water extracted or produced on the lot for commercial purposes, but excludes distribution of water via a community water system approved and regulated by a government agency, authority or Crown corporation and excludes the distribution of water that is extracted under a valid temporary commercial and industrial use permit and which is delivered off-site; |
| <i>yacht club outstation</i>      | the non-commercial use of land and shore-based facilities for private recreational purposes associated with the non-commercial use of adjacent waters for the temporary moorage and temporary dockage of yacht club member vessels and guest vessels; and   |
| <i>zone</i>                       | a <i>zone</i> as established by this Bylaw.   |

BL 236

## Schedule B – Zoning Map

### Legend

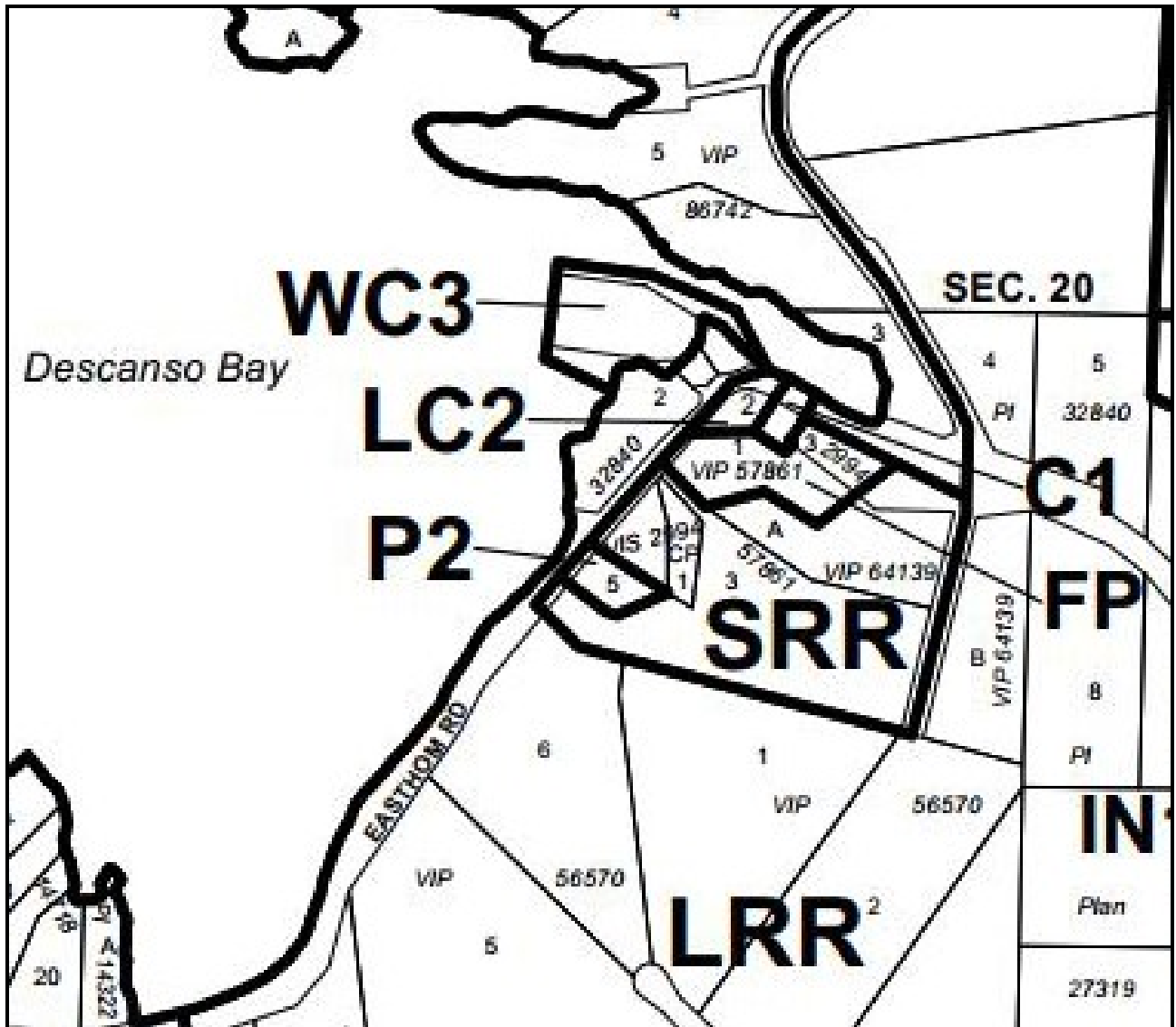
| <i>Zone</i>                               | <i>Zone Name</i>                                | <b>Schedule A<br/>Cross-Reference</b> |
|---|---|---------------------------------------|
| <b>Residential Zones</b>                  |   |                                       |
| SRR                                       | Small Rural Residential                         | D.1.1                                 |
| LRR                                       | Large Rural Residential                         | D.1.2                                 |
| SSN                                       | Seniors and Special Needs                       | D.1.3                                 |
| <b>Resource Zones</b>                     |   |                                       |
| AG  | <i>Agriculture</i>                              | D.2.1                                 |
| F   | <i>Forestry</i>                                 | D.2.2                                 |
| FWR1                                      | Forestry Wilderness/Recreation 1                | D.2.3                                 |
| R   | Resource  | D.2.4                                 |
| RR1                                       | Resource Residential 1                          | D.2.6                                 |
| GP  | Gravel Pit                                      | D.2.7                                 |
| <b>Commercial and Industrial Zones</b>    |   |                                       |
| GC  | Gabriola Commons Comprehensive Development Zone | D.2.8                                 |
| VC1                                       | Village Commercial 1                            | D.3.1                                 |
| VC2                                       | Village Commercial 2 – Professional Centre      | D.3.2                                 |
| DC1                                       | District Commercial 1                           | D.3.3                                 |
| LC1                                       | Local Commercial 1 – Neighbourhood Pubs         | D.3.4                                 |
| LC2                                       | Local Commercial 2 - Restaurants                | D.3.5                                 |
| LC3                                       | Local Commercial 3 – <i>Garden Centres</i>      | D.3.6                                 |
| FP  | Ferry Parking                                   | D.3.7                                 |
| TC1                                       | Tourist Commercial 1                            | D.3.8                                 |
| TC2                                       | Tourist Commercial 2 – <i>Campgrounds</i>       | D.3.9                                 |
| I   | Industrial – Light                              | D.3.10                                |
| <b>Recreation and Institutional Zones</b> |   |                                       |
| P1  | Parks 1 – Provincial and Regional               | D.4.1                                 |
| P2  | Parks 2 – Passive Recreation Community Park     | D.4.2                                 |
| P3  | Parks 3 – Active Recreation Community Parks     | D.4.3                                 |
| IN1                                       | Institutional 1                                 | D.4.4                                 |
| IN2                                       | Institutional 2                                 | D.4.5                                 |
| IN3                                       | Institutional 3                                 | D.4.6                                 |
| IN4                                       | Institutional 4                                 | D.4.7                                 |
| YC  | <i>Yacht Club Outstation - Upland</i>           | D.4.8                                 |
| <b>Water Zones</b>                        |   |                                       |
| WG  | Water General                                   | D.5.1                                 |
| WC1                                       | Water Commercial 1 – <i>Marina</i>              | D.5.2                                 |
| WC2                                       | Water Commercial 2 – Mariculture                | D.5.3                                 |
| WC3                                       | Water Commercial 3 - Marine Transportation      | D.5.4                                 |
| WI1                                       | Water Industrial 1 – Shipyard                   | D.5.5                                 |
| WI2                                       | Water Industrial 2 – Log Storage                | D.5.6                                 |
| WI3                                       | Water Industrial 3 – Bulk Material Transport    | D.5.7                                 |
| WP1                                       | Water Protection 1                              | D.5.8                                 |
| WP2                                       | Water Protection 2                              | D.5.9                                 |
| WP3                                       | Water Protection 3                              | D.5.10                                |
| WYC                                       | <i>Water Yacht Club Outstation</i>              | D.5.11                                |

Schedule B is in two versions, both of which are a part of this Bylaw.

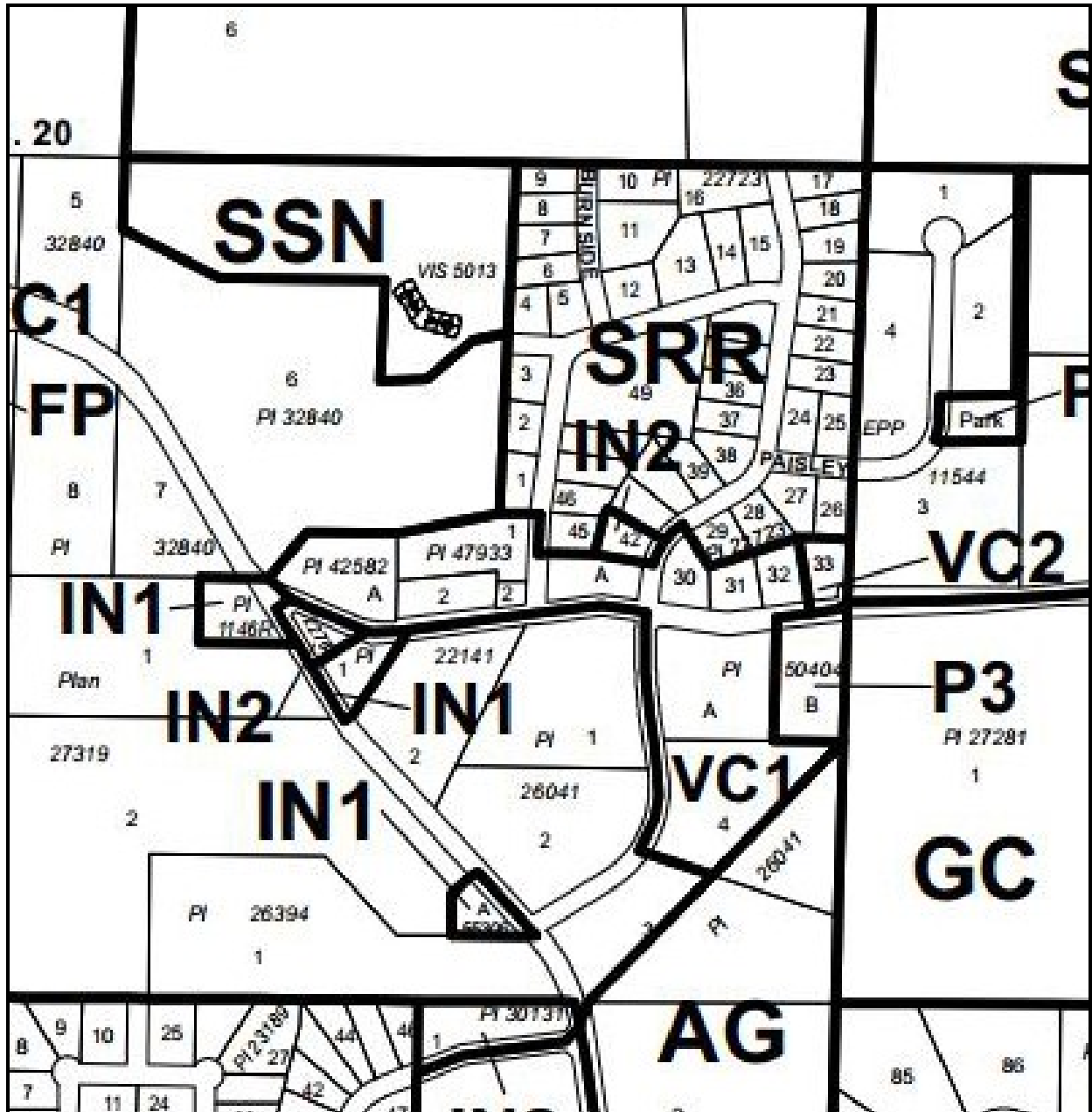
An 11 X 17 version, with four insets, is attached to this Bylaw.

A 1:10,000 version, in two sheets, is available for viewing or purchase from the Victoria office of the Islands Trust

Schedule B - Inset 1

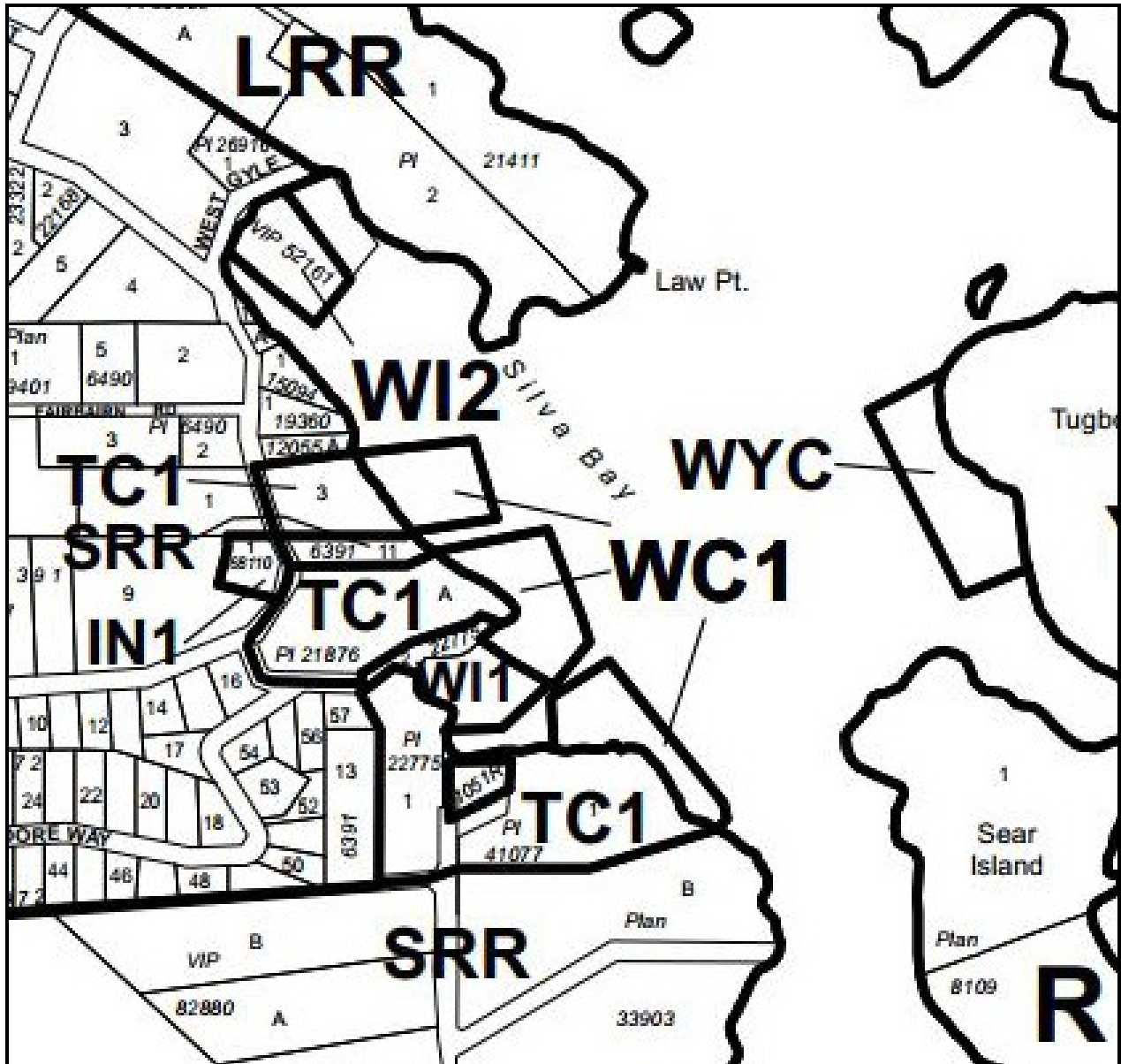


Schedule B - Inset 2

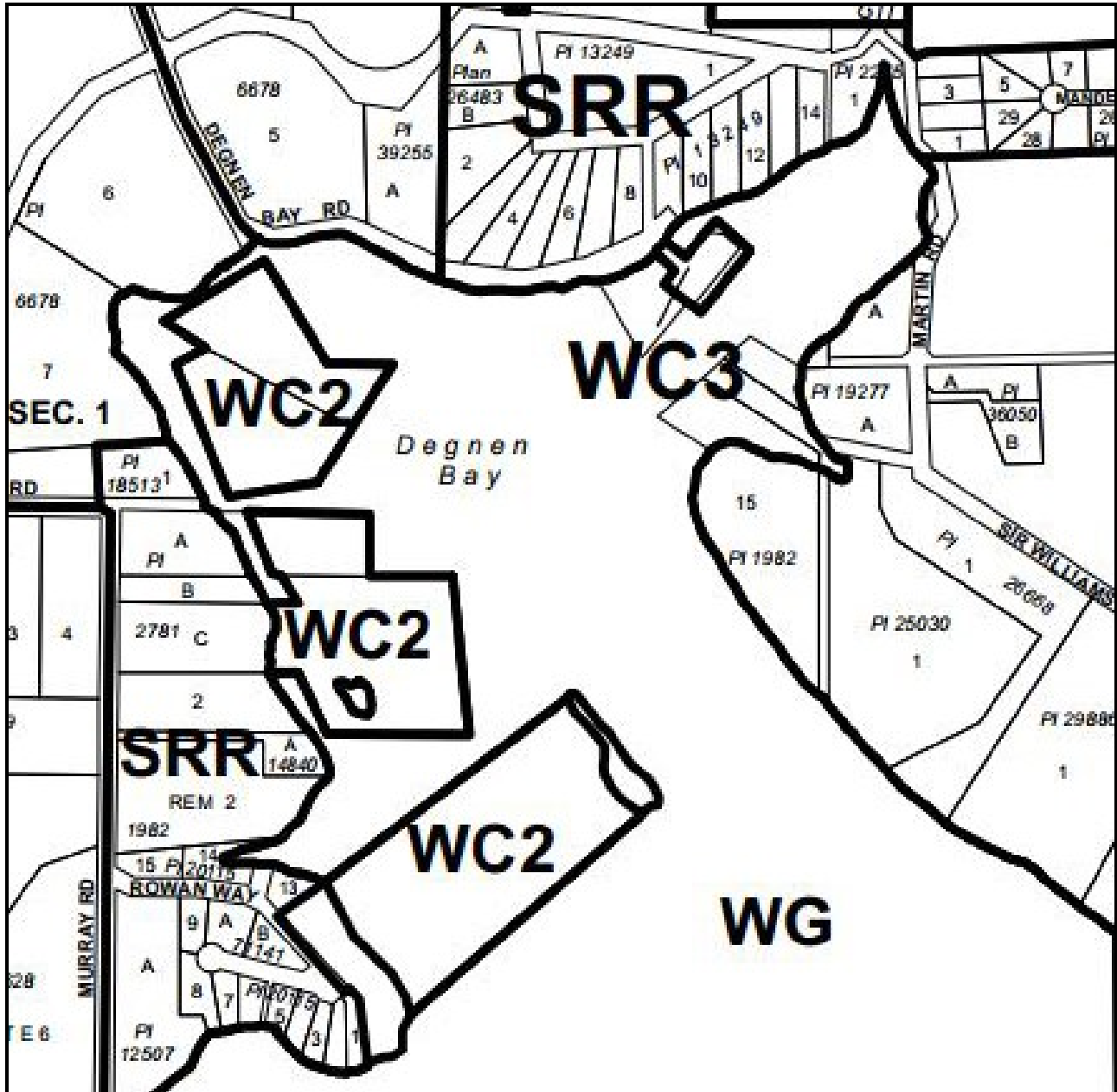


BL 250

Schedule B - Inset 3



Schedule B - Inset 4



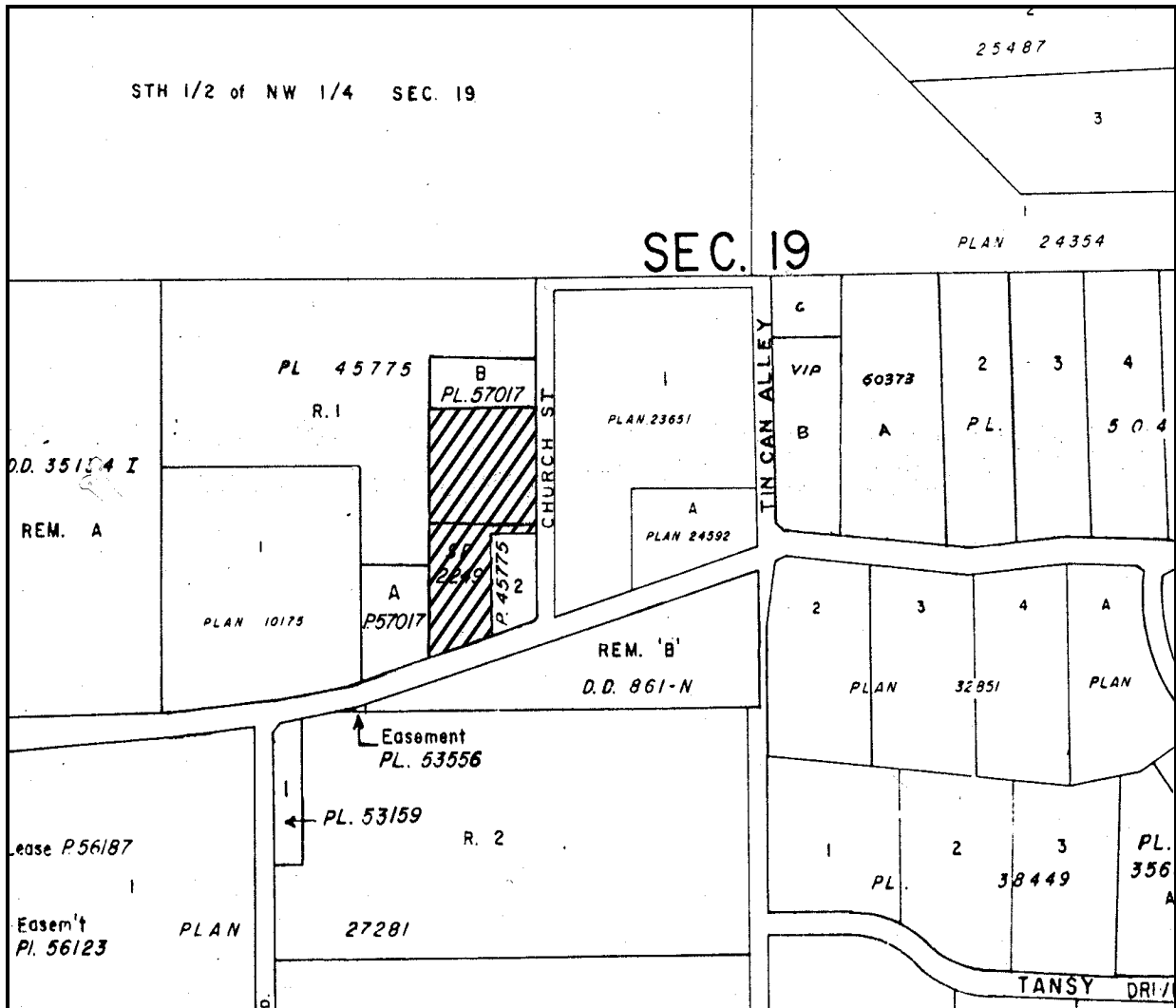
## Schedule C - Map 1

Bylaw No. 190 – Amended Map 1  
Bylaw No. 213 – REPEALED Map 1

BL 190

### Schedule C - Map 2

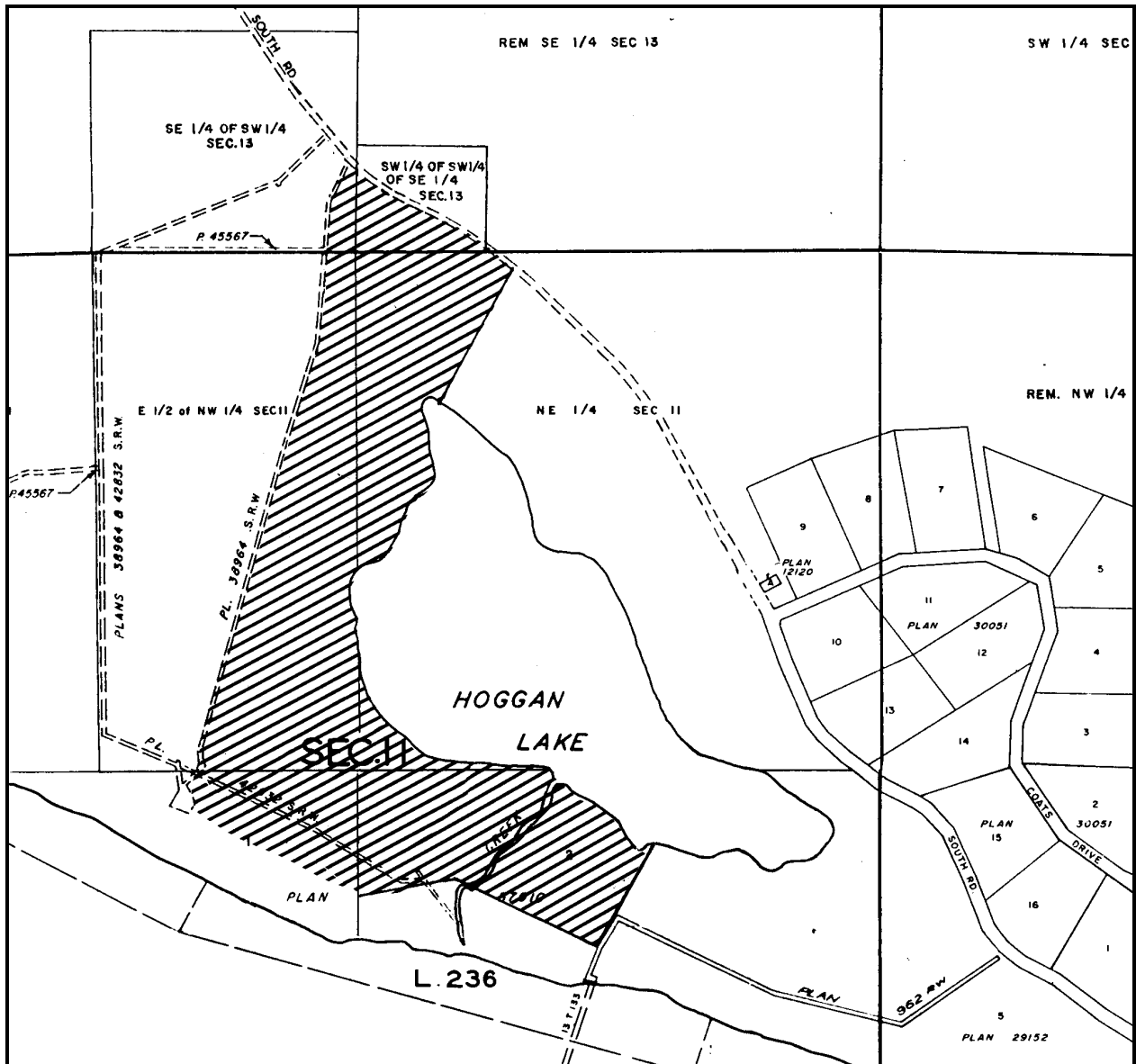
Lands referred to in Items D.1.3.2.a.i and D.1.3.3.e.i of Schedule A  
(Cross-hatched Lots 1 through 12 inclusive, Strata Plan VIS2249 and Lots 1 through 16 inclusive, Strata Plan VIS3344, Section 19, all Gabriola Island, Nanaimo District)



### Schedule C - Map 3

BL 190

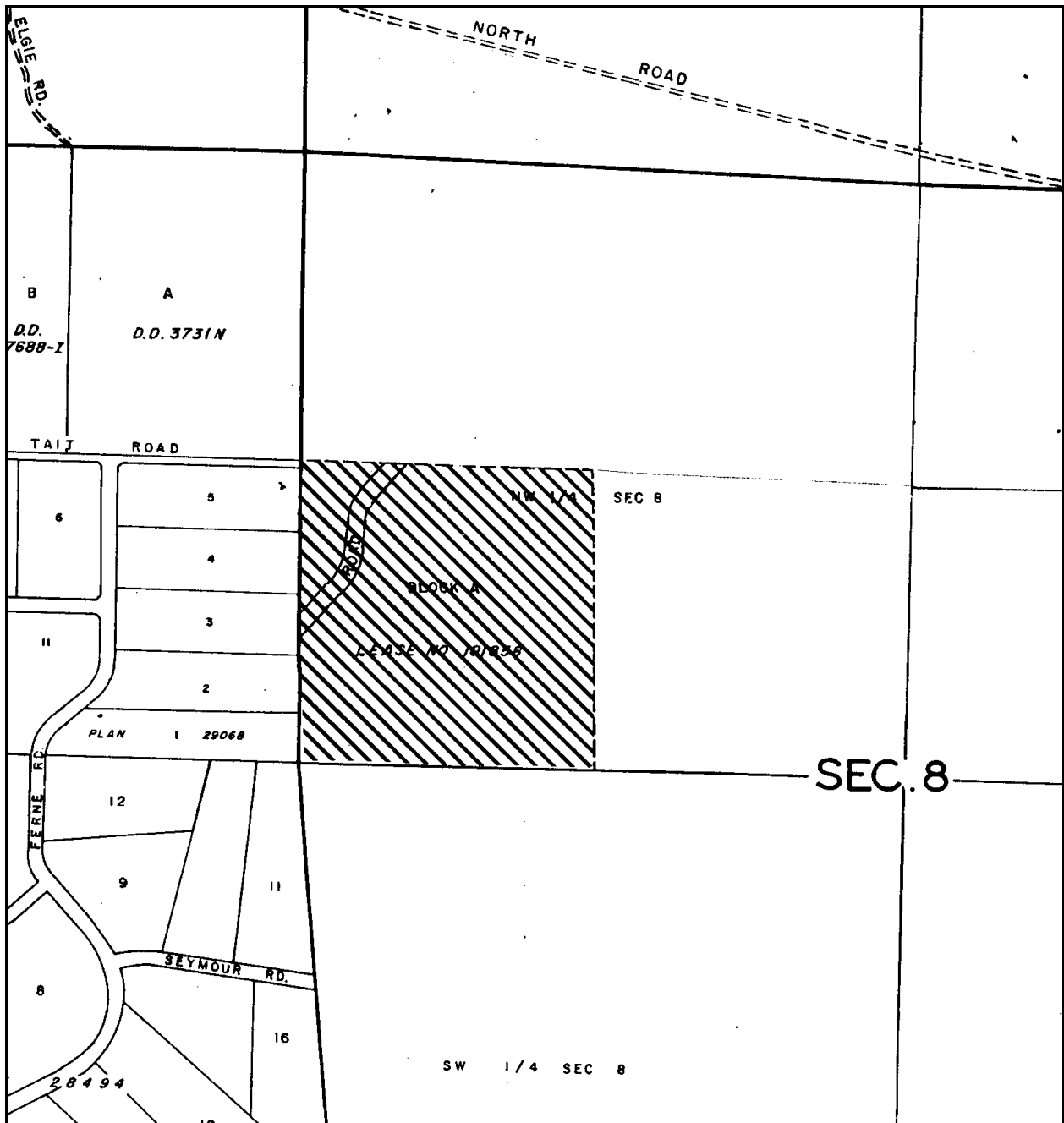
Lands referred to in Item D.2.1.1.a.iv of Schedule A  
(Cross-hatched portions of: Section 11 and 13; and, Lots 1 and 2, Plan 57010,  
Section 11, all Gabriola Island, Nanaimo District)



BL 193  
BL 190

### Schedule C - Map 4

Lands referred to in Item D.2.4.1.a.iii of Schedule A  
(Cross-hatched SW1/4 of the NW1/4 of Section 8, Gabriola Island, Nanaimo District)



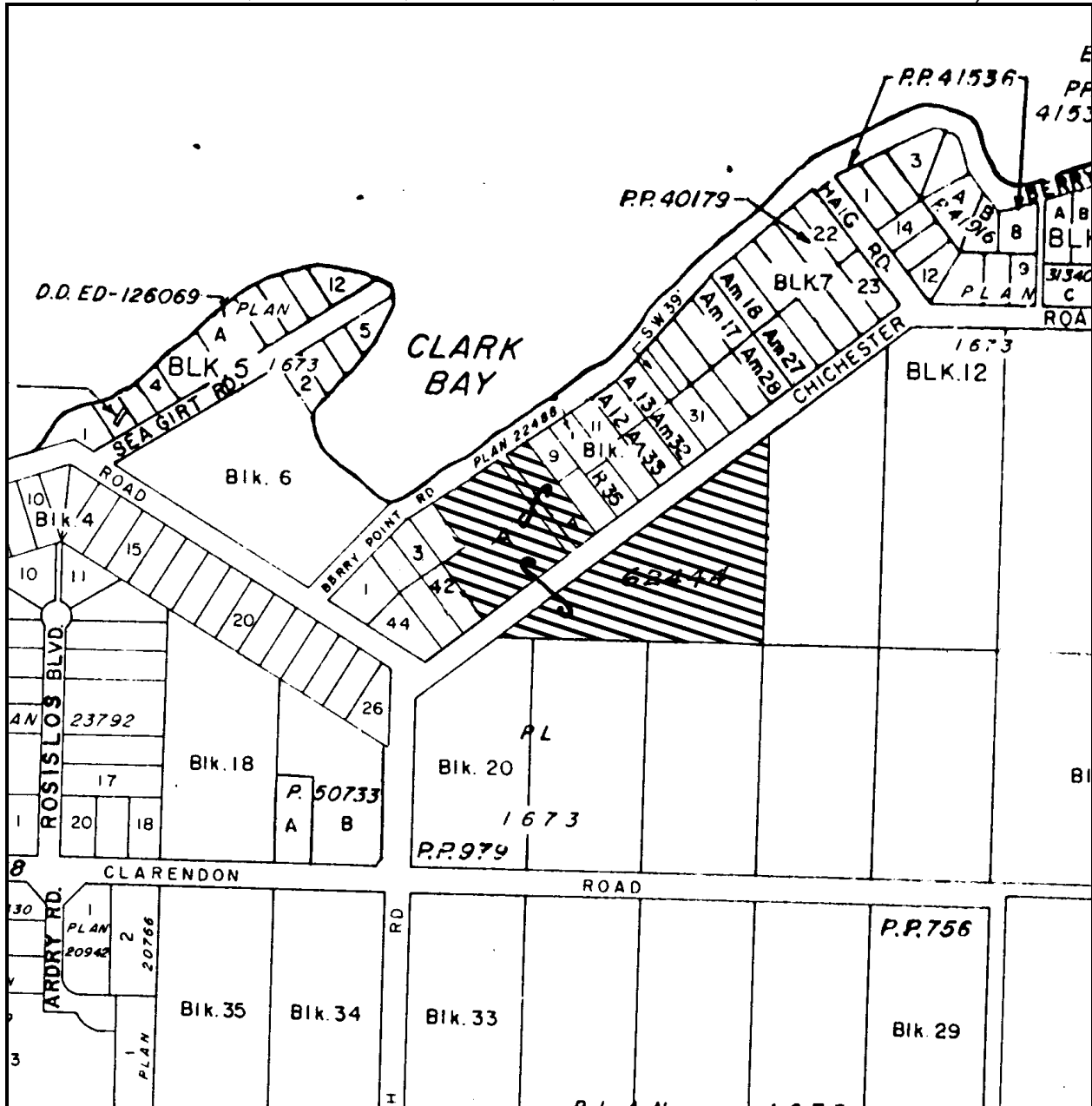
## Schedule C - Map 5

Bylaw No. 190 – Amended Map 5  
Bylaw No. 272 – REPEALED Map 5

Schedule C - Map 6

BL 190

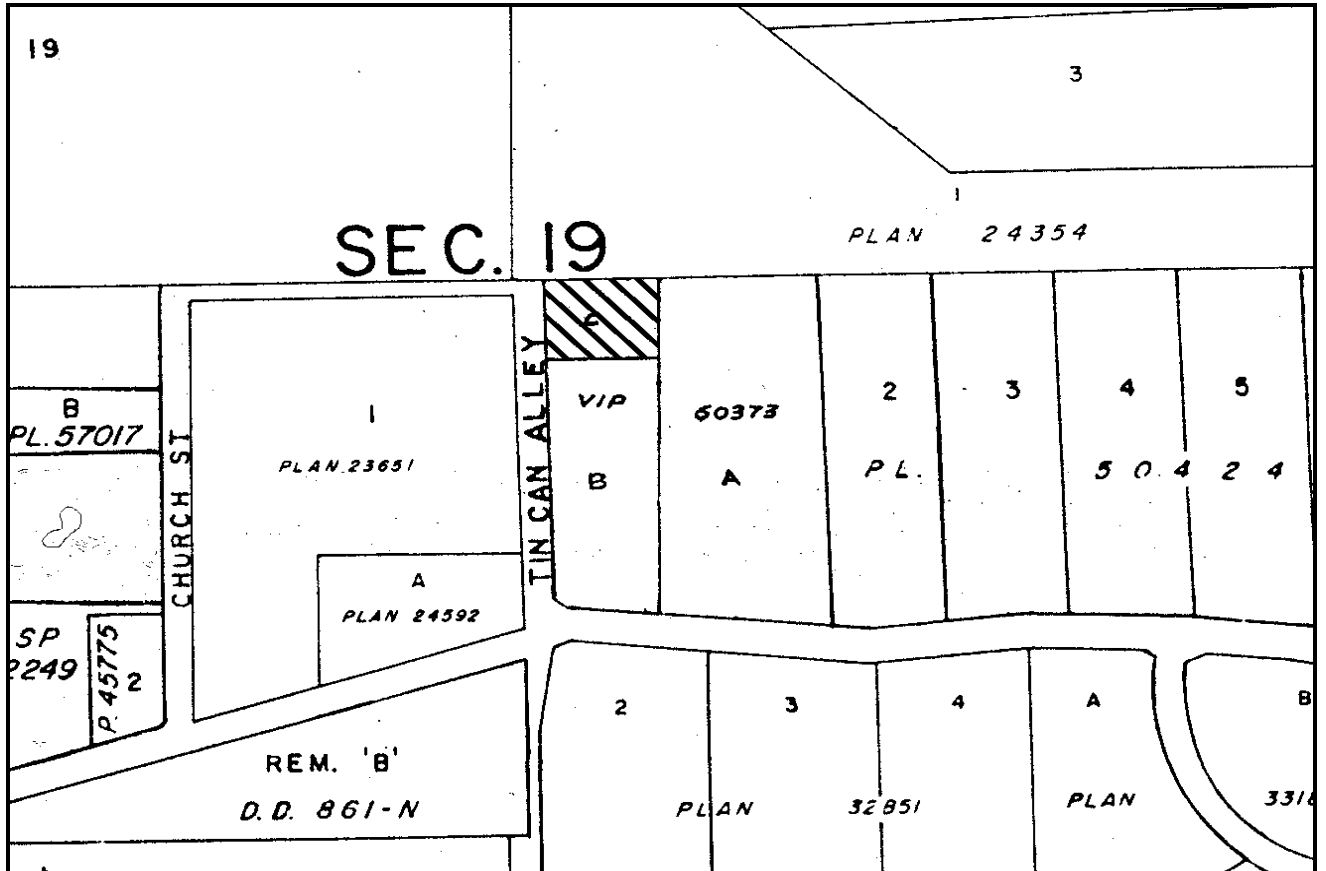
Lands referred to in Item D.4.4.1.a.vi of Schedule A  
(Cross-hatched Lot A, Plan 62444, Section 22, Gabriola Island, Nanaimo District)



BL 190

### Schedule C - Map 7

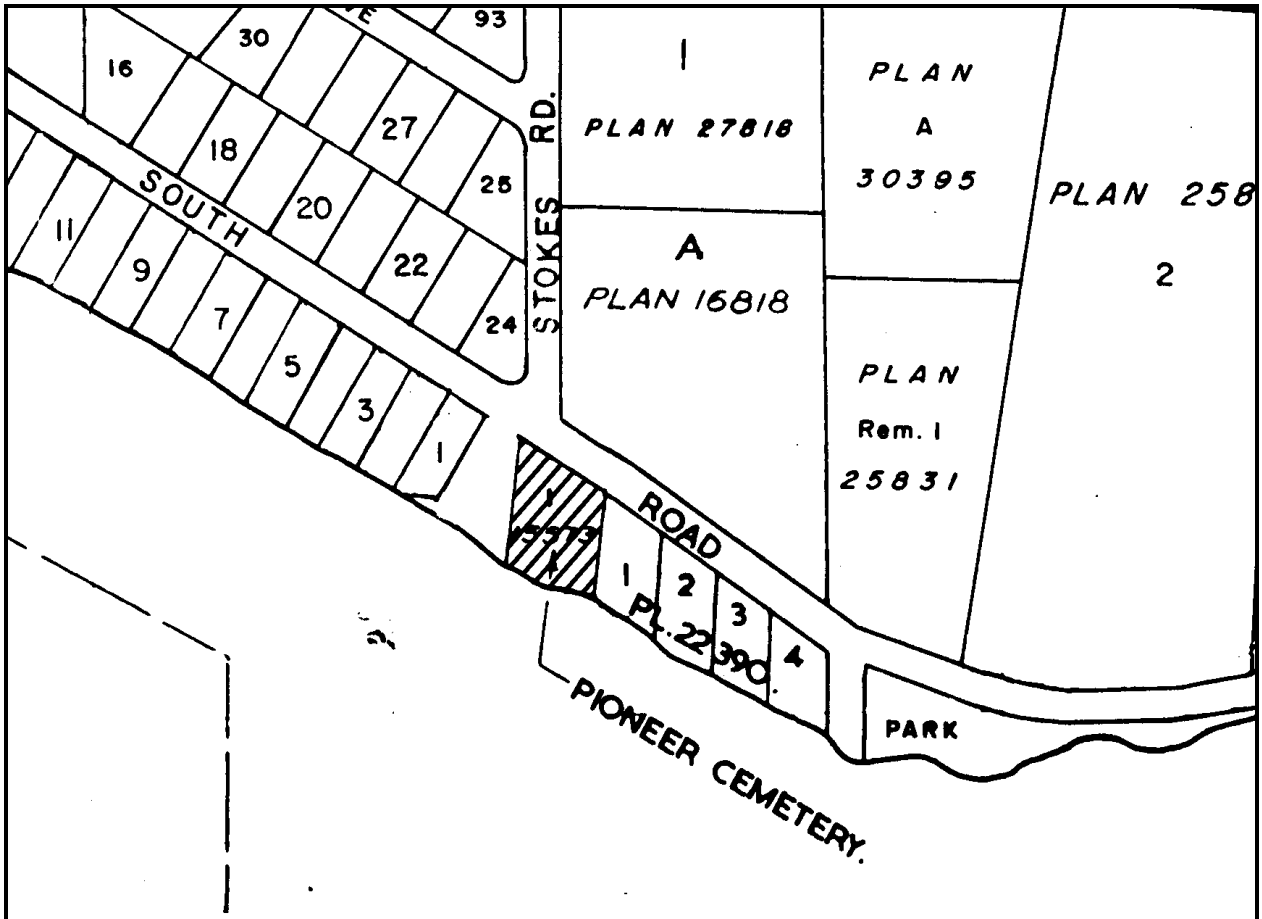
Lands referred to in Item D.4.4.1.a.vii of Schedule A  
(Cross-hatched Lot C, Plan 60373, Section 19, Gabriola Island, Nanaimo District)



Schedule C - Map 8

BL 190

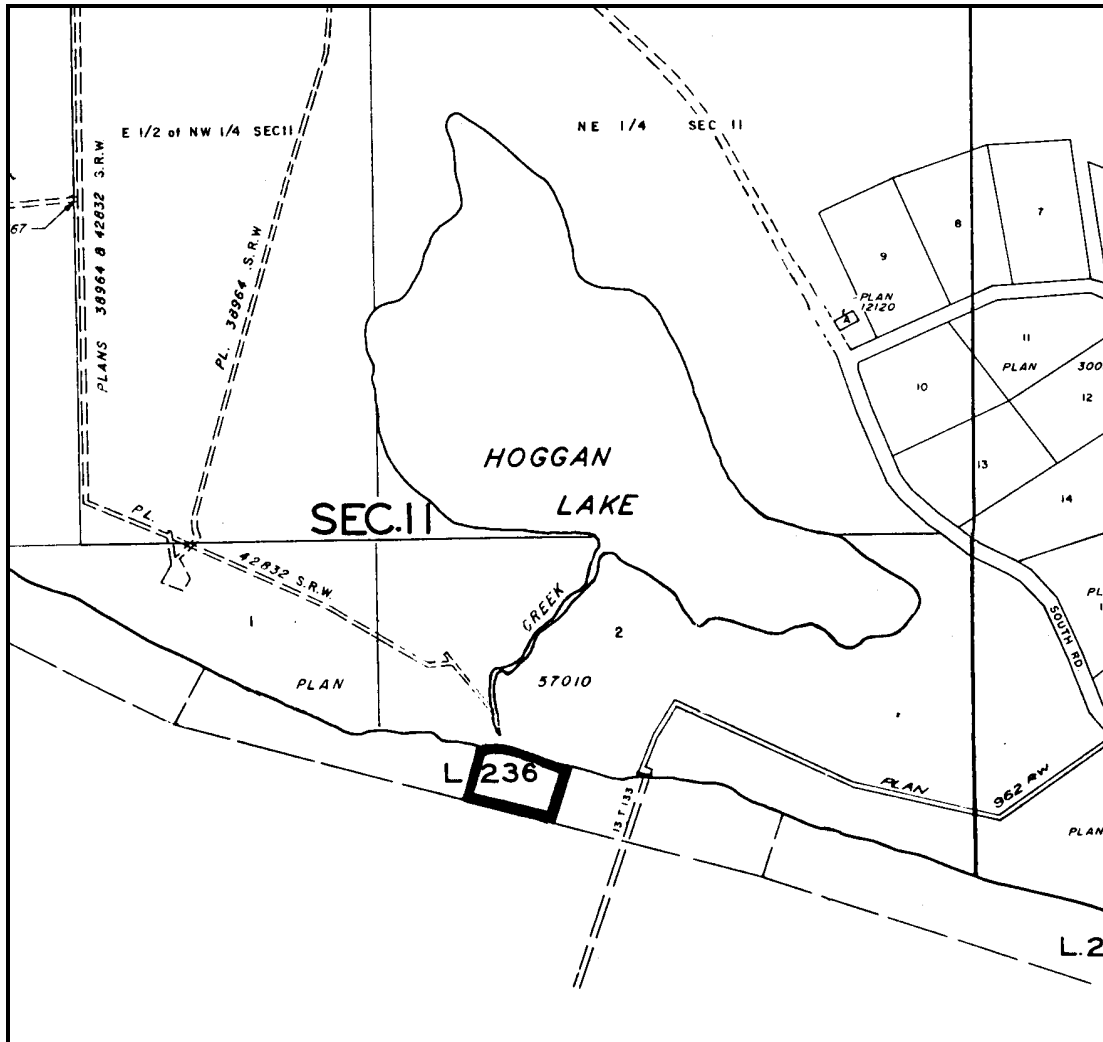
Lands referred to in Item D.4.4.1.a.viii of Schedule A  
(Cross-hatched Lot 1, Plan 15573, Section 3, Gabriola Island, Nanaimo District)



BL 190

### Schedule C - Map 9

Lands referred to in Item D.5.2.1.a.vi of Schedule A  
(Bold outlined portion of Water Lot 236, Northumberland Channel, Nanaimo District)

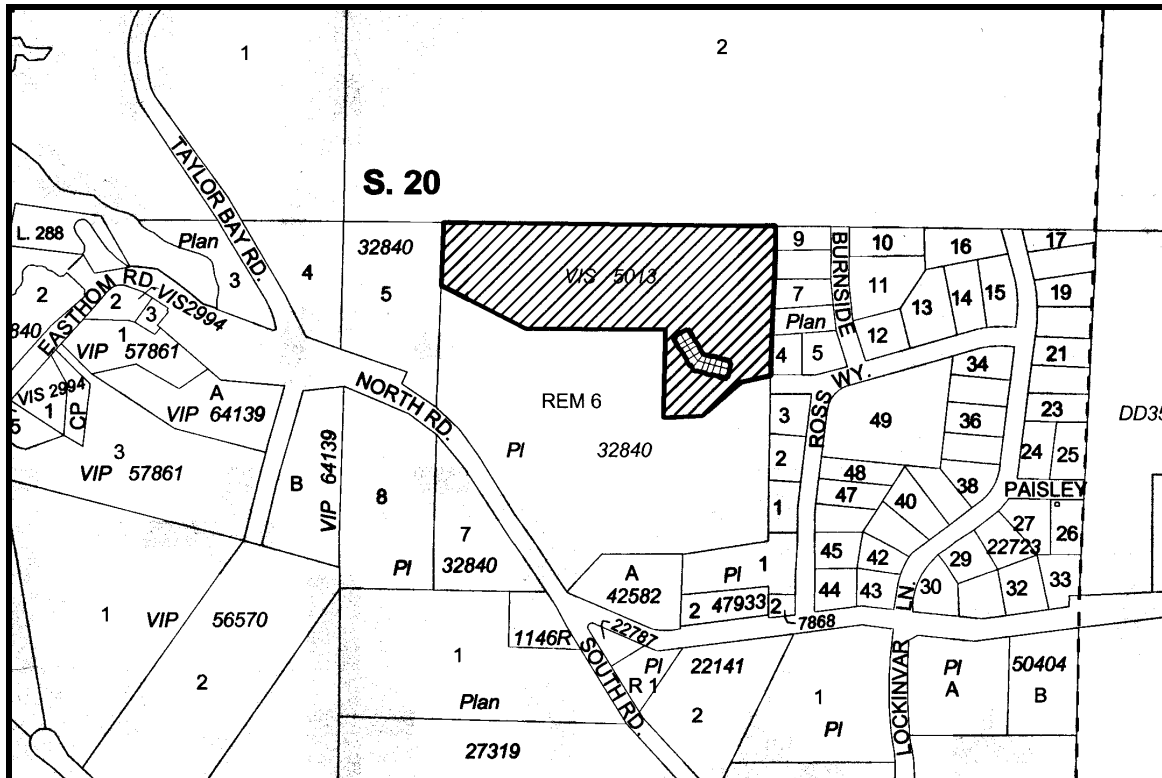




### Schedule C – Map 11

BL 212

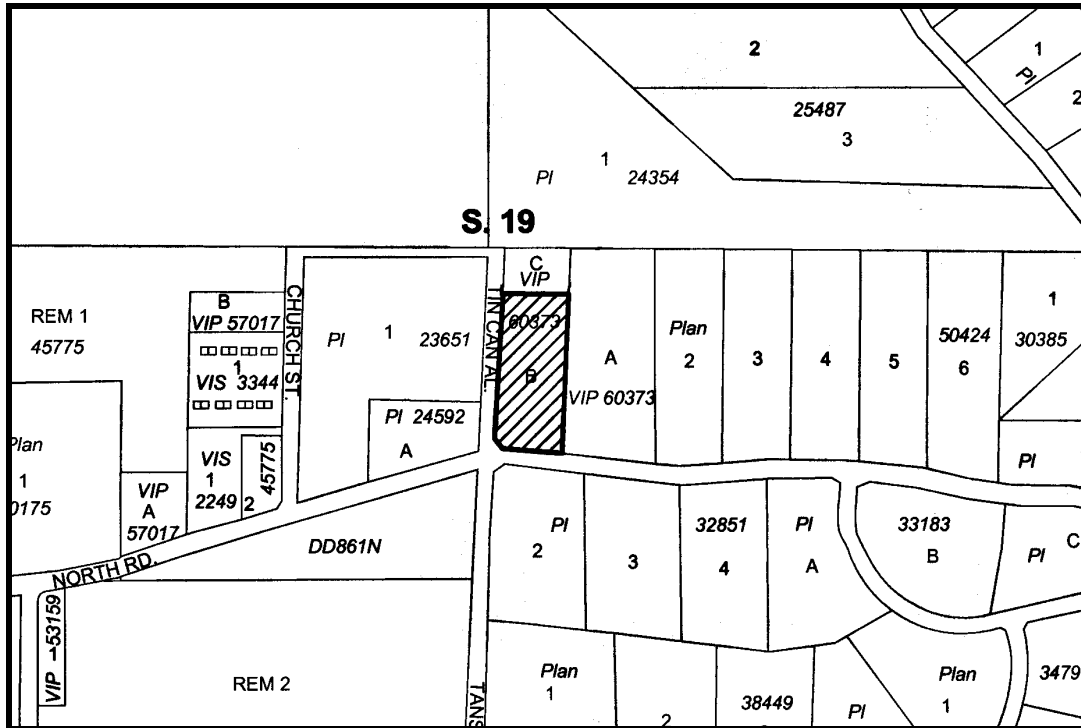
Lands referred to in Item D.1.3.3.d.i of Schedule A  
(Cross-hatched Strata Plan VIS5013, Section 20, Gabriola Island, Nanaimo District)



### Schedule C – Map 12

BL 220

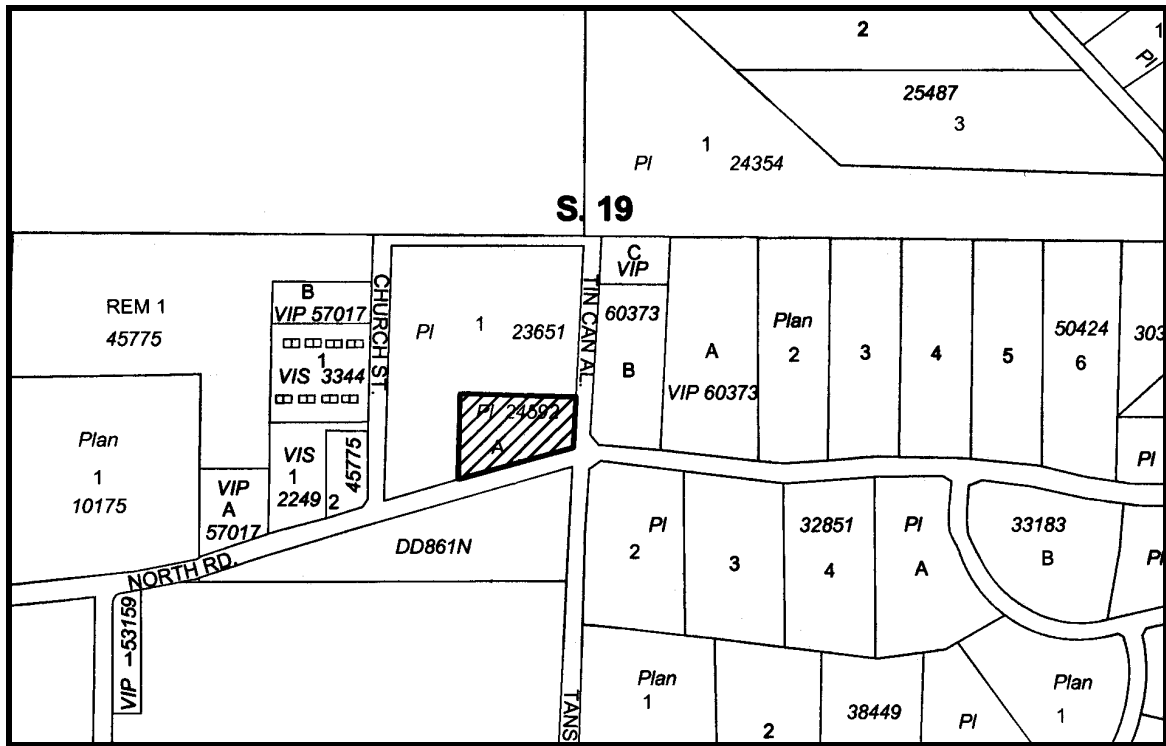
Lands referred to in Subsection D.3.6 of Schedule A  
(Cross-hatched Lot B, Plan VIP60373, Section 19, Gabriola Island, Nanaimo District)



### Schedule C – Map 13

BL 222

Lands referred to in Section D.4.4 of Schedule A  
(Cross hatched Lot A, Plan 24592, Section 19, Gabriola Island, Nanaimo District)



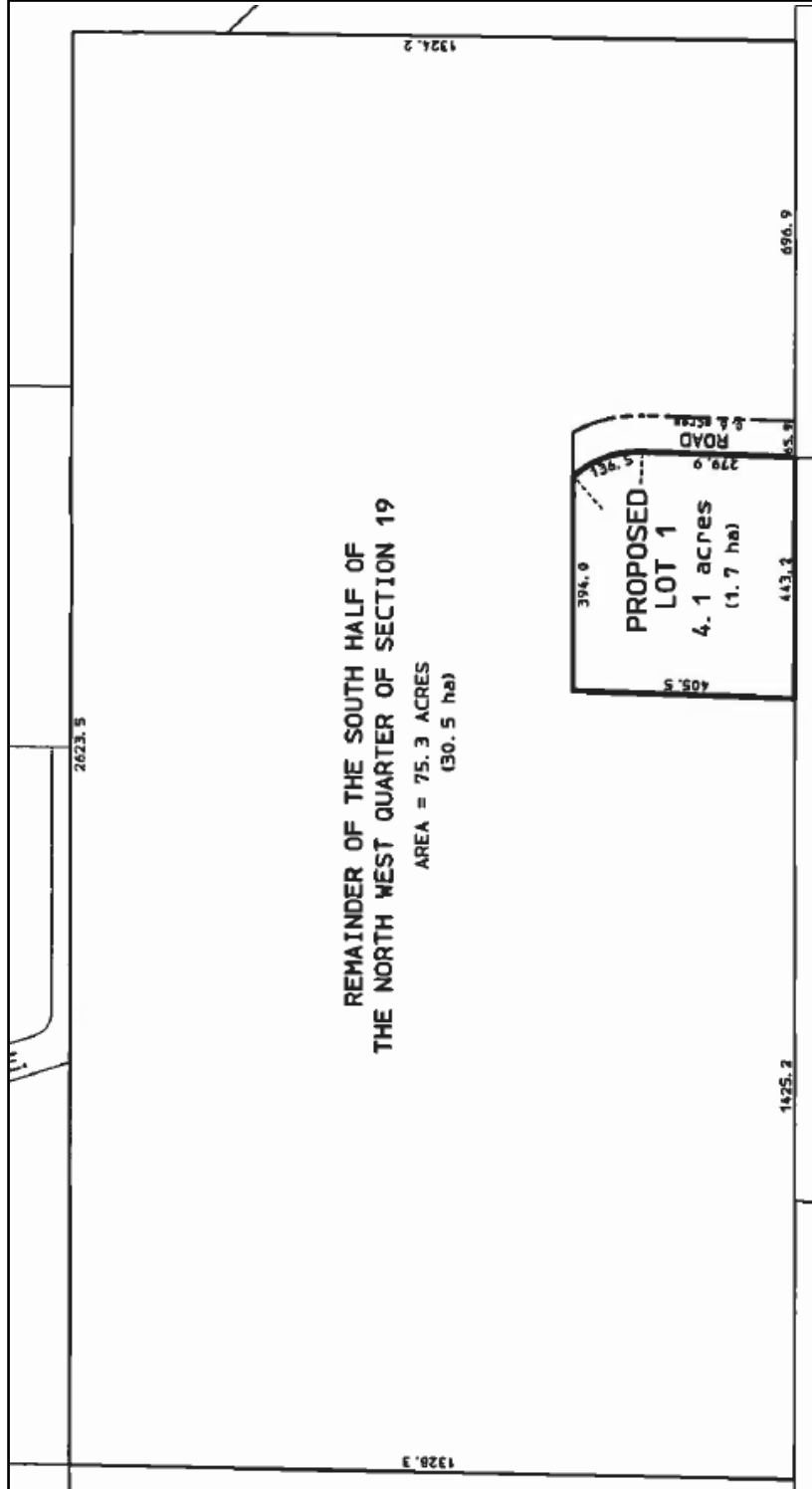
**Schedule C – Map 14**

BL 293  
June/2018

**DELETED**

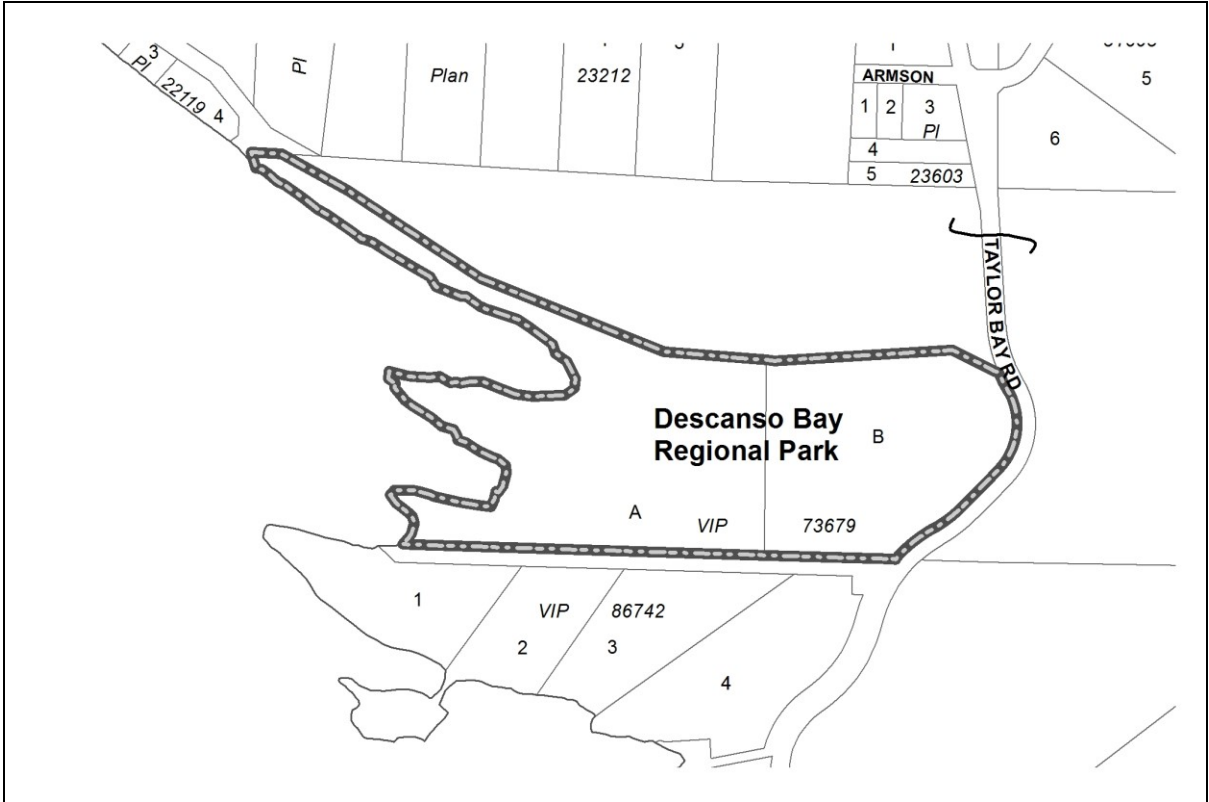
BL 236

### Schedule C – Map 15



Schedule C – Map 16

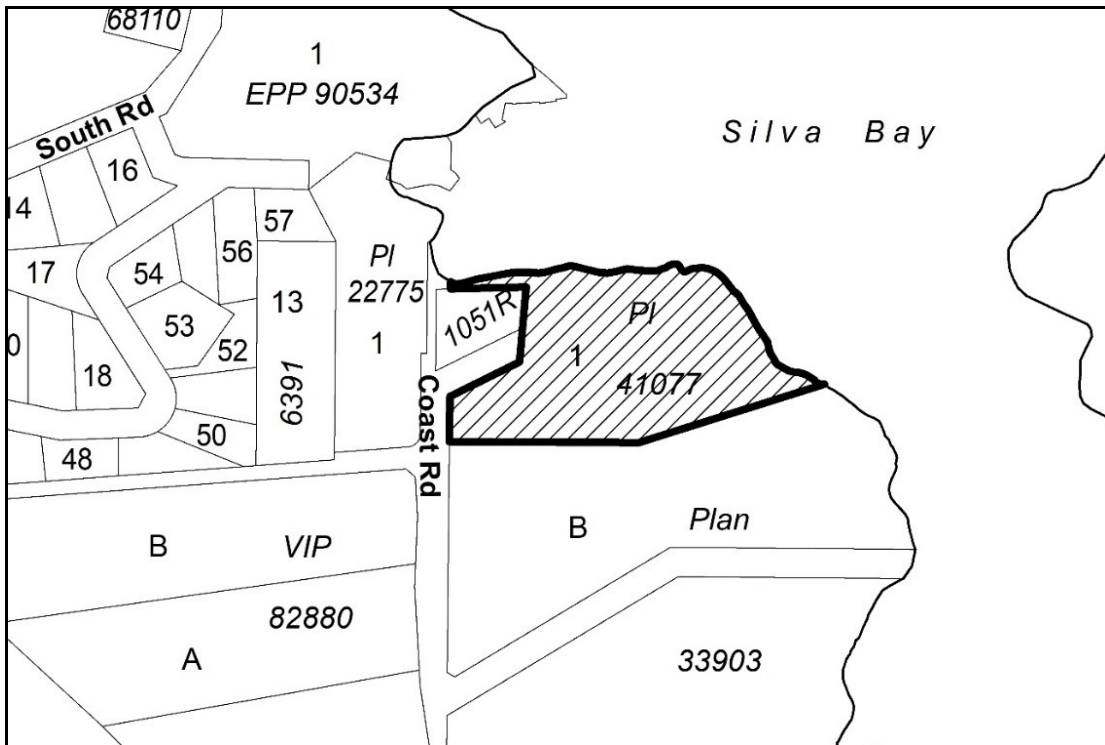
BL 272



**Schedule C – Map 17**

Lands referred to in Items D.3.8.1.a.v and D.3.8.1.a.viii of Schedule A  
(Lot 1, Plan VIP41077, Section 5, Land District 32, Gabriola Island; PID 000-462-357)

BL 309  
June/2021



## **APPENDIX A - *Forestry/Wilderness Recreation(FWR) Zone Example***

This appendix is for information purposes only.

### **Permitted Uses**

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the *Forestry/Wilderness Recreation (FWR) zone*:

### **Permitted *Principal Uses***

- ii *forestry*
- iii forest wilderness oriented recreation
- iv *ecological reserves*
- v environmental protection

### ***Buildings and Structures***

**Specific *buildings and structures* regulations will be determined at the time of rezoning**

### **Regulations**

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

The minimum *lot* area is the *lot* area at the time of rezoning to *Forestry/Wilderness Recreation*. *Lots* in this zone have no subdivision potential.

**Specific regulations will be determined at the time of rezoning.**

## **APPENDIX B - Resource Conservation(RC) Zone Example**

This appendix is for information purposes only.

### **Permitted Uses**

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Conservation (RC) *zone*:

### **Permitted *Principal* Uses**

*wilderness recreation*

*forestry*

*environmental protection*

*ecological reserve*

### ***Buildings and Structures***

**Specific *buildings* and *structures* regulations will be determined at the time of rezoning**

### **Regulations**

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

The minimum *lot* area is the *lot* area at the time of rezoning to Resource Conservation. *Lots* in this *zone* have no subdivision potential.

**Specific regulations will be determined at the time of rezoning**

## APPENDIX C – Resource Residential (RR) Zone Example

This appendix is for information purposes only.

### Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Residential (RR) zone:

#### Permitted *principal* uses

*single family residential*

*agriculture*

*horticulture*

#### Permitted *Accessory* Uses

*home occupation*, subject to Section B.3

processing and sale of agricultural products, limited to those grown or raised on the *lot*

#### **Buildings and Structures**

**Specific *buildings* and *structures* regulations will be determined at the time of rezoning**

#### Regulations

#### **Buildings and Structures Permitted Numbers and Area**

maximum of one *single family dwelling* per *lot*

BL 236

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

The minimum *lot* area is 2.0 hectares (4.94 acres) and may be reduced to a minimum of 1.0 hectares (2.47 acres) on a site specific basis in which community sewer and community water systems may be required..

The minimum average *lot* area is 8.0 hectares (19.76 acres)\*

\*Note for Information Purposes Only - The minimum average lot area may be reduced to not less than 2.0 hectares (4.94 acres) to the extent necessary to accommodate the transfer of residential density. See OCP Policy 5.1(g).

**Specific regulations will be determined at the time of rezoning**

## **APPENDIX D – Well Testing Guidelines**

Repealed by Bylaw 215

## APPENDIX E – Subdivision Restrictive Covenant

### TERMS OF INSTRUMENT-PART 2

THIS AGREEMENT dated for reference [insert month, day, year] is

BETWEEN:

[Insert as applicable name(s) of Landowner(s), company(s), the name of the Act the company is incorporated under, full address]

(the "Owner")

AND:

**Gabriola Island Local Trust Committee**, a corporation under the Islands Trust Act (British Columbia), having an office at 200 – 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the "Local Trust Committee")

WHEREAS Gabriola Island Land Use Bylaw, 1999 permits the subdivision of land into lots having an area equal to or greater than the specified minimum lot area for the relevant zone where the average area of all lots created by subdivision is at least equal to the minimum average lot area specified for that relevant zone;

WHEREAS the Owner is the owner in fee simple of [insert legal description and parcel identity number] in the Gabriola Island Local Trust Area, and the Owner wishes to subdivide the land into [insert the number of proposed lots including the remainder parcel] lots of which lots [insert lot numbers to be covenanted] (the "Land") are further subdividable; and

WHEREAS the Gabriola Island Land Use Bylaw, 1999 requires the Owner to grant to the Local Trust Committee a covenant pursuant to s.219 of the Land Title Act prohibiting [restricting] the further subdivision of the Land.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Local Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with s.219 of the Land Title Act as follows:

#### Covenant

Bylaw No. 236

1. The Land shall not be subdivided by subdivision plan, strata plan, leasehold subdivision Section 946 (subdivision to provide residence for a relative) of the *Local Government Act* or otherwise howsoever.

[OR]

1. [Insert new legal description of lots to be covenanted] shall not be subdivided into more than [insert number of possible lots here] lot(s). [repeat for other lot(s) only if their subdivision potential differs]

#### Obligations

2. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any

## **Gabriola Island Land Use Bylaw No. 177 - Appendixes**

---

kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.

### **Indemnify**

3. The Owner releases, and must indemnify and save harmless, the Local Trust Committee, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

### **No Effect on Laws or Power**

4. Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.
5. This Agreement does not
  - (a) affect or limit the discretion, rights or powers of the Local Trust Committee under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
  - (b) affect or limit any enactment relating to the use or subdivision of the Land, or
  - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

### **Covenant Runs with the Land**

6. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s. 219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors of title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

### **Waiver**

7. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

### **Severance**

8. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

### **Entire Agreement**

9. This Agreement is the entire agreement between the parties regarding its subject.

## **Gabriola Island Land Use Bylaw No. 177 - Appendixes**

---

### **Enurement**

10. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

### **Deed and Contract**

11. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

### **Further Assurances**

12. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
13. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

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

**Consent and Priority Agreement**

[The lender who consents or grants priority under this agreement must not join in the covenants above.]

GIVEN THAT [insert name of Chargeholder] (the "Chargeholder") is the holder of a [describe charges] registered against land legally described as [insert legal description] (the "Land") in the s. 219 covenant to which this Agreement is attached (the "Covenant"), which [insert charge] is registered in the Victoria land title office under instrument number [insert number] (the "Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the transferee described in item 6 of Part 1 of the Form C to which this Agreement is attached (the "Transferee"), the Chargeholder agrees with the Transferee as follows:

1. The Chargeholder consents to the granting and registration of the Covenant and the Chargeholder agrees that the Covenant binds its interest in and to the Land.
2. The Chargeholder grants to the Transferee priority for the Covenant over the Chargeholder's Title, title and interest in and to the Land and the Chargeholder postpones the Charge, and all of its right, title and interest thereunder, to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

As evidence of its agreement with the Transferee to be bound by this Consent and Priority Agreement, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

**END OF DOCUMENT**