



A NOTICE OF A BUSINESS MEETING OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE

to be held at 12:30 pm on Friday, February 1, 2013
New Horizons, 1765 Sollans Road, Hornby Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		12:30 pm
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Adopted Meeting Minutes of November 23, 2012 – <i>attached for information</i>	1-11	
3.2	Section 26 Resolutions Without Meeting - <i>none</i>		
3.3	Hornby Island Advisory Planning Commission Minutes - <i>none</i>		
4.	BUSINESS ARISING FROM MINUTES		
4.1	Follow-up Action List dated January 22, 2013 - <i>attached</i>	12-13	
4.2	Greenshores Development Workshop – <i>verbal update</i>		
4.3	Seachange Presentation – <i>for discussion</i>		
5.	CORRESPONDENCE <i>Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
6.	TRUSTEES' REPORT		
7.	CHAIR'S REPORT		
8.	DELEGATIONS		
9.	TOWN HALL SESSION		
10.	APPLICATIONS AND PERMITS		11:05 am
11.	LOCAL TRUST COMMITTEE PROJECTS		
11.1	HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review) Staff Report dated January 16, 2013 - <i>attached</i>	14-106	
11.2	HO-RZ-2012.1 (Vacation Home Rental Regulation) Communications video - <i>for discussion</i>		

12.	REPORTS		2:30 pm
12.1	Work Program		
	Top Priorities Report and Projects Report dated January 22, 2013 - <i>attached</i>	107-108	
12.2	Applications Log		
	Report dated January 22, 2013 - <i>attached</i>	109-111	
12.3	Trustee and Local Expenses		
	12.4.1 Expenses posted to November 30, 2012- <i>attached</i>	112	
	12.4.2 Expenses posted to December 31, 2012- <i>attached</i>	113	
13.	NEW BUSINESS		
14.	BYLAWS		
15.	CLOSED MEETING: The Hornby Island Local Trust Committee closes the next part of the February 1, 2013 business meeting to discuss matters pursuant to Section 90(1)(d) of the <i>Community Charter</i> to consider adoption of Closed Meeting Minutes and that Staff be invited to attend this meeting		
16.	RECALL TO ORDER		
	Rise and Report from Closed Meeting		
17.	ISLANDS TRUST WEBSITE		
17.1	Hornby Page - <i>attached</i>	114-115	
18.	NEXT MEETING DATE		
	Friday, March 15, 2013 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC		
19.	ADJOURNMENT		3:00 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 12:30 PM ON FRIDAY, NOVEMBER 23, 2012
AT NEW HORIZONS, 1765 SOLLANS ROAD
HORNBY ISLAND, BC**

PRESENT: David Graham Chair
 Alex Allen Local Trustee
 Tony Law Local Trustee
 Sonja Zupanec Island Planner
 Vicky Bockman Recorder

There were ten (10) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 12:35 pm. He welcomed the public and introduced himself, the Local Trustees, Island Planner and Recorder. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 11.3: Letter dated November 3, 2012 from Conservancy Hornby Island
- Add item 13.1: Advisory Transportation Committee Discussion

3. MINUTES

3.1 *Local Trust Committee Meeting Minutes dated September 21, 2012*

The minutes were adopted by consensus.

3.2 *Section 26 Resolutions Without Meeting Log dated November 14, 2012*

The Section 26 Resolutions Without Meeting log was reviewed.

3.3 *Hornby Island Advisory Planning Commission Minutes – None.*

4. BUSINESS ARISING FROM MINUTES

4.1 *Follow-up Action List dated November 14, 2012*

Planner Zupanec reviewed the Follow-up Action List and responded to questions that arose.

5. **CORRESPONDENCE** – None.

6. **TRUSTEES' REPORT**

Trustee Law was pleased to report that Hornby resident, Tom Knott, has become the first on this island to protect his land using the Islands Trust's Natural Area Protection Tax Exemption Program with the assistance of the Islands Trust Fund and Conservancy Hornby Island. This will result in a new conservation covenant which will permanently protect a maturing forest on the south-eastern slopes of Mount Geoffrey.

Trustee Law commented on ferry-related issues, reporting that he had received confirmation that a decision had been made to proceed with the proposed cable ferry operation. He noted that there will be public meetings on Denman and Hornby Islands with BC Ferries representatives on this issue. He reported on his meetings with the Marine Superintendent and Buckley Bay terminal management regarding the need to increase shuttle mode during the Quinitsa's absence. He advised that the BC Ferries public consultation meeting for Hornby Island will be held on December 8, 2012 and that Ferry Advisory Committee Chairs have prepared an alternative questionnaire as an option for submission by any member of the public.

Trustee Law reported that he recently attended the Community-Action-Solutions-Together forum for non-profit organizations. He also attended a meeting with RCMP representatives to discuss issues on Hornby Island, expectations and ways to improve communications. He advised that the Chair of the Agricultural Land Commission, Richard Bullock, will be at the next Trust Council meeting and he solicited input regarding any topics for this opportunity for discussion with Chair Bullock.

Trustee Allen reported that he attended a Trust Programs Committee meeting where matters relating to strategies for water stewardship and coordination between Islands Trust and other regional districts were considered. He advised that advocacy efforts will continue to address ferry and marine issues.

7. **CHAIR'S REPORT**

Chair Graham reported that the next Trust Council meeting will be held on Salt Spring Island the first week of December. He commented that the draft 2013/2014 budget initial review will be considered at that time with the final approval anticipated in March, 2013. He noted that efforts are being made to limit any increases in the budget to match the cost of living index. He reported that the Executive Committee has been active and continues to engage in advocacy work to support Local Trust Committees and communities in the provincial consultation and engagement process on the future of BC Ferries.

8. **DELEGATIONS** – None.

9. **TOWN HALL SESSION**

Betty Kennedy - expressed her objection to designating Bradsdadsland as Visitor Accommodation in the draft Official Community Plan as this suggests a commercial campground. She stated that the neighbours oppose this designation, recognize the campground as a legal non-conforming use in a Rural Residential zone, and oppose any change to that status. She expressed her support for making the right to waive public hearings more specific in the matters of rezoning as contained in the *Local Government Act*. She submitted a letter dated November 23, 2012 regarding: Submission to the Hornby Island Local Trust Committee regarding an addition to the Hornby Island Official Community Plan.

Michelle Easterly – stated that she does not support a commercial designation for Bradsdadsland.

Karen Ross, Michelle Easterly and Janet LeBlancq - expressed their concerns regarding the lack of the designation of a “Lane One” for Hornby Islanders at the Buckley Bay ferry terminal as it causes missed crossings home to Hornby and makes it more difficult for everyone including those trying to walk on. They asked for assistance to address the issue.

Trustee Law responded, advising that he had discussed the problem with the Buckley Bay Terminal Manager, however the logistical problems of designating a “Lane One” during overload situations makes it difficult. He advised that he has asked that signage be posted at both terminals to advise of shuttle status and expected times.

Joel Rietkerk – expressed his opposition to the Hornby Island Resort Ltd. development variance request, stating that the permitted height level would be adequate.

Jennifer Scott – stated that she supports the proposed Official Community Plan policy that allows subdivision of Rural Residential R(3) zones.

Michelle Easterly – stated her opposition to the Hornby Island Resorts, Ltd. request for height variance and the permitted density which she feels is excessive for that property.

A second Town Hall was requested, to be held at the end of the meeting to allow further comments on Islands Trust related items.

By general consent the Local Trust Committee added a new agenda item 16: Town Hall and renumbered subsequent items accordingly.

10. **APPLICATIONS AND PERMITS**

10.1 *HO-DP-2011.1 (Hornby Island Resort Ltd.)*

A Development Permit application regulating the form and character of a new pub/restaurant, liquor store and 15 visitor accommodation units. A Development Variance Permit application proposing to vary the exterior side yard setbacks and maximum permitted height of the visitor accommodation units.

Staff Report dated November 5, 2012

Planner Zupanec reviewed the staff report, indicating that there were no changes to the Development Permit application since last reviewed by the Committee. She summarized the Development Variance Permit application which requests a road allowance variance and a revised height variance to 6.5 and 7.0 metres for various units. She advised that this was the original height request, and noted that when the use of the vacation rental units was changed to “accessory to residential” it unintentionally subjected all units to a maximum permitted height of 6.0 meters, necessitating a Development Variance Permit application.

Discussion followed on the following points:

- the process for monitoring the sustainability covenant;
- the status and process for verification of the Ministry of Transportation and Infrastructure authorization of the road allowance variance.

HO-049-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to issue Development Variance Permit HO-DVP-2012.2 for PID 028-882-075 Lot 1, Section 4-A, Hornby Island, Nanaimo District, Plan EPP20609.

CARRIED

Before the vote, Trustee Law expressed his appreciation for the revised application as the previous application had caused him concern. He thanked the Advisory Planning Commission for their careful consideration of input received from the applicant and neighbours.

HO-050-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to issue Development Permit HO-DP-2011.1 for PID 028-882-075 Lot 1, Section 4-A, Hornby Island, Nanaimo District, Plan EPP20609.

CARRIED

Before the vote, Trustee Law observed that this marks the end of a long process and while not everyone is pleased with the decision, it represents the completion of a thorough due diligence process to ensure that this development meets the community standards for form and character.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review)

11.1.1 Staff Report dated November 7, 2012 regarding Home Occupations

Planner Zupanec presented the Staff Report regarding the proposal to expand the home occupation regulations to include subletting of an accessory building as a home occupation. She advised that the rental of a workshop or studio for home occupation is currently drafted as a permitted use on lots over two acres in size. She summarized multiple concerns with expansion of the regulations including the possible increase in plumbing that could result in it's being considered an intensification of use in vulnerable aquifer areas, and identified the possible conflicts with the Island Trust Policy Statement.

Discussion followed and included the following points:

- the impact of addressing this proposal on the timing of the Official Community Plan review;
- the possibility of hiring a consultant to provide a more thorough analysis of the current drafted permitted use on lots over two acres as well as for an expanded approach;
- the lack of connection between what is occurring in the community and what is permitted regarding this regulation was observed;
- the economic impact of this issue was acknowledged as an important consideration;
- the need for further exploration of technical issues and consultation with the community on the issue was recognized.

HO-051-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to remove the draft for provision for allowing workshop rentals as a home occupation from the draft bylaw and that the issue for permitting the rental of studio, office or workshop space on a residential lot be added to the Hornby Island Local Trust Committee Project List and that exploratory discussion of this issue be included in an upcoming Community Information Meeting.

CARRIED

HO-052-2012

It was **MOVED** and **SECONDED** that bylaw enforcement staff be requested to prepare a draft enforcement policy that would make the use of an accessory building for rental as a studio, office or workshop to a person who is not a resident of the lot as a low priority for enforcement while the Local Trust Committee is considering this issue.

CARRIED

11.1.2 Staff Report dated November 13, 2012 regarding Status of Official Community Plan/Land Use Bylaw Review

Planner Zupanec reviewed the staff report and outlined revisions to the draft Official Community Plan that are still pending. Next steps were considered.

Discussion on the draft Official Community Plan resulted in support for the following changes:

Section 1.5 The Natural Setting: add the suggested Bird Studies

Canada text;

Policy 6.5.2.5, third line: add “redesignation and” before “rezoning”;

Schedule B – no changes;

Schedule C

1. add the donation of land to Regional Park on the northern part of the Regional Nature Park;
2. add the donation of land to Regional Park in the Strachan Valley;
3. designate Mount Geoffrey Provincial Park as Park;
4. add the exchange of Agricultural Land Reserve on the Weiss property (involved an inclusion/exclusion of land);
5. add the Regional Park donation by the subdivision with respect to the Weiss property;
6. exclude the Co-op Gas Bar from Agricultural Land Reserve;
7. include the property at the end of Anderson Drive in Agricultural Land Reserve.

Trustee Law will provide the Planner with information to clarify these changes.

Schedule D1

1. replace the existing Schedule D1 map with the Islands Trust Sensitive Ecosystem mapping layer data for Hornby Island;
2. add Bird Studies Canada Important Bird Area boundaries;
3. ensure that the aquifer information is included.

Schedule D2

1. maintain the schedule map in the draft Official Community Plan at this time;
2. this map may be more useful in the Community Profile and removed from the Official Community Plan as the data will be included in the Sensitive Ecosystem mapping in more detail;
3. Trustee Law will consult informally with Conservation Hornby Island to discuss the issue;
4. a review of the data on environmentally sensitive areas might be considered with an update to the Community Profile.

HO-053-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee add to the Projects List: “Review of the Community Profile involving adding further information on environmentally sensitive areas and important habitat including the information currently displayed on Schedule D2 of the Hornby Island Official Community Plan”.

CARRIED

Schedule E: expand the Development Permit Area to reflect the inclusion of the Thatch lot on the opposite side of the lot that has provisions in place to only permit parking;

Schedule F – no changes;

Other: Consideration was given to making waiving of Public Hearing requirements more specific as requested by the public. Planner Zupanec advised that staff did not recommend this as adding specific reasons to waive would be superfluous to the *Local Government Act*. Trustees noted that a document on this subject

had been submitted at today's Town Hall and the topic will be addressed at a future time after review of that information.

HO-054-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to update the draft Official Community Plan with revisions to text and map schedules as deemed appropriate by the Local Trust Committee and post to the Hornby web page of the Islands Trust website as "December 2012 draft Official Community Plan version 5".

CARRIED

Planner Zupanec provided an update on the status of the draft Land Use Bylaw, and suggested a proposed timeline for a revised and annotated draft to be presented for Local Trust Committee review.

Discussion included the following:

Zoning of Norris Rocks, Toby Islet and Flora Islet

- consideration was given to designation of zoning of the islets from Residential to Park in draft Land Use Bylaw maps to conform with the Official Community Plan Park designations;
- consultations and dialog with Norris Rocks property owner, Trust Fund Board, and Conservancy Hornby Island regarding conservation options for the islet was addressed. Writing an exploratory letter to the property owner was recommended;
- a draft of the letter will be provided to Planner Zupanec for comment on the process.

Height and Setback of Fences

- no change to the regulations was recommended at this time; the public will have an opportunity to comment and suggest changes to the draft;
- communications to include periodic advocacy statements and information regarding best practices on fence matters was suggested.

Communication strategies to advise the community of the opportunity to review the draft Official Community Plan and to encourage comment prior to the community information meeting were considered.

11.2 HO-RZ-2012.1 (Vacation Home Rental Regulation)
Communications Strategy

Communicating the current Vacation Home Rental regulations and planning policies for the public remains at the No. 1 position of the Top Priorities.

The following approaches for communicating the information were discussed:

- Trustee Allen offered to pursue the production of a YouTube video on the subject and to provide a draft script to be reviewed at the February, 2013 Local Trust Committee meeting;

- Trustee Law provided a draft information piece: A Guide to Conducting Vacation Home Rentals on Hornby Island.

HO-055-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to review the text of the draft document: A guide to Conducting Vacation Home Rentals on Hornby Island and post the revised text on the Local Trust Committee website and make it available for use on other Hornby Island websites.

CARRIED

11.3: Letter dated November 3, 2012 from Conservancy Hornby Island

The letter dated November 3, 2012 from Conservancy Hornby Island regarding Norris Rocks was received.

12. REPORTS

12.1 Strategic Plan for Local Trust Committees

The Strategic Plan for Local Trust Committees was received.

*12.2 Work Program Reports
Top Priorities and Projects List Report dated November 14, 2012*

The Top Priorities and Projects List report was reviewed.

HO-056-2012

It was **MOVED** and **SECONDED** that the Top Priority on the Work Program be amended to make the Official Community Plan and Land Use Bylaw Review No. 1, and the Vacation Home Rentals – Regulations Review No. 2.

CARRIED

*12.3 Applications Log
Report dated November 14, 2012*

The Applications Log dated November 14, 2012 was reviewed.

12.4 Trustee and Local Expenses

12.4.1 Expenses posted to September 30, 2012

The expenses posted to September 30, 2012 were received.

12.4.2 Expenses posted to October 31, 2012

The expenses posted to October 31, 2012 were received.

13. **NEW BUSINESS**

13.1: *Advisory Transportation Committee Discussion*

Trustee Law observed that Hornby Island does not currently have an Advisory Transportation Committee and engaged discussion as to whether such a committee might be useful to address various topics including speed limits, emissions and other potential transportation issues that might arise.

The matter was considered and there was no further action recommended at this time.

14. **BYLAWS** – None.

15. **ISLANDS TRUST WEBSITE**

15.1 *Hornby Page*

The following changes were requested to the Hornby page of the website:

- remove the Vacation Home Rental background information and replace with the new Guide, with links to the draft Official Community Plan and Land Use Bylaw;
- remove the most recent rezoning application files;
- add the new draft Official Community Plan to the Latest News;
- remove the May, June and July Latest News items;
- add “A guide to Conducting Vacation Home Rentals on Hornby Island” to the Latest News;
- correct the typographical error in Climate Change Action “Community Information Meeting Notes – November 15, 2009

16. **TOWN HALL**

Linda Hanna – stated that deer hunting is occurring at night in her Sandpiper neighbourhood and expressed concerns about safety and the lack of ability for police to respond in a timely manner. She asked what can be done.

In response, Trustee Law encouraged reporting such incidents to the RCMP for the record, and offered to contact a Wildlife Advisory member on Denman Island to collaborate on approaches to address the problem.

Karen Ross – asked for a brief summary of the status of the Vacation Home Rental bylaw amendment.

Trustees advised that the bylaw had been adopted and provided a brief overview of the communication strategy being pursued at this time.

Sheila Farrington – suggested that the Vacation Home Rental guide be forwarded to the Renters' Association and a later dialog informed her that the Association was proposed however had not formed and some of the background was provided.

She suggested that the draft Official Community Plan include an information note with information from the *Local Government Act* on waiving of public hearing requirements to provide clarity on the topic.

Michelle Easterly – asked where she can find information on actions the Islands Trust has taken in respect to preserving and protecting as it relates to oil tankers and pipelines.

In response, she was directed to the Chair Correspondence under the Trust Council heading on the Islands Trust website for a view of some of the work that has been done.

Betty Kennedy – questioned whether adding the terminology of “redesignation” to the policy about Brandsdadsland was sufficient to protect the neighbourhood and provide the assurance that it is residential and will remain so.

In response it was noted that the text was changed to provide clarity of the legally non-conforming status of the property.

Michelle Easterly – observed that the parking lot across the street from the Thatch had been subdivided and attached to the subject property and requested confirmation that the lot was never to be used for anything other than a parking lot.

Planner Zupanec clarified that it is no longer a separate lot but is now part of the development permit area, reflecting the connection to the Thatch and providing parking for the development. She confirmed that the parking provisions have not been affected and that a change would require a rezoning and all due process involved with such a consideration.

Ross Muirhead – asked for an update on the status of the policy permitting ten-acre lots to be subdivided.

In response it was explained that the revised draft Official Community Plan provides a policy enabling that in Rural Residential (R3) zones and reviewing of the draft was encouraged.

17. NEXT BUSINESS MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, February 1, 2013 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC.

18. ADJOURNMENT

Chair Graham adjourned the meeting at 3:55 pm.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Sep-21-2011

No.	Activity	Responsibility	Target Date	Status
1	Meeting with K'omoks First Nations- reschedule.	Theresa Warren	Nov-30-2011	On Going

Theresa - Melinda Knox from K'omoks FN is working with Pam Shaw to set up meetings.

Nov-23-2012

No.	Activity	Responsibility	Target Date	Status
1	Vacation Home Rentals - Communication: Trustee Allen to bring forward a draft script for a video product to communicate VHR regulations; staff to update and post print communication material provided by Trustee Law to website.	Alex Allen Tony Law Sonja Zupanec		On Going
1	HO-DVP-2012.2 and HO-DP-2011.1 - LTC resolution to issue the DVP and DP.	Becky McErlean Sonja Zupanec	Nov-30-2012	Done
1	Update Hornby webpage by removing redundant file listings and posting most recent revised OCP and vacation home rental regulations guide.	Sonja Zupanec	Nov-30-2012	On Going
1	HO-OCP-2009.1 - Staff to update draft LUB by removing the extended home occupation provisions allowing for rental of space for use by a non-resident of property as an occupation. Add to project list for review and flag for discussion at upcoming CIM on OCP and LUB.	Miles Drew Sonja Zupanec	Dec-07-2012	On Going

RESOLUTION: bylaw enforcement staff be requested to prepare a draft enforcement policy that would make the use of an accessory building for rental as a studio/office/workshop to a person who is not a resident of the lot as a low priority for enforcement while the LTC is considering this issue.

1	HO-OCP-2009.1 - Staff to update draft OCP as per LTC direction and post as Version 5 on website. Distribute hard copies to Trustee Law for public review and work with trustees to review a flyer for the Grapevine to announce release of revised draft for early January.	Alex Allen Tony Law Sonja Zupanec	Dec-07-2012	On Going
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STAFF REPORT

Date: January 16, 2013

File No.: HO-OCP-2009.1

To: Hornby Island Local Trust Committee
For meeting of February 1, 2013

From: Sonja Zupanec
Island Planner
Northern Team

Copy: Courtney Simpson, A/Regional Planning Manager, Northern Team

Re: Hornby Official Community Plan and Land Use Bylaw Review Project

THE PROPOSAL:

The purpose of this report is to: 1) introduce the draft land use bylaw (LUB) for preliminary review by the Local Trust Committee (LTC); 2) outline revisions to the LUB that are still pending and require LTC direction; and 3) provide an overview of next steps related to the release of a revised and updated draft land use bylaw and Official Community Plan (OCP) for public review and comment.

Draft LUB:

The current LTC has not had an opportunity to review the draft LUB since the project was put on hold in 2010. The attached draft LUB is a starting point for discussion and is based on several years of previous LTC work with the community, dating back to 2005.

Over the last few months staff have reviewed the draft and annotated each section to reflect the nature of anticipated changes still pending in order to implement policies of the OCP and incorporate LTC direction. A detailed concordance listing the changes in the order of the existing LUB has been included on page ii and will be updated until the bylaw is prepared for first reading.

Select commercial and land co-operative property owners have been contacted by staff in order to solicit input on the draft zoning and feedback on proposed changes relevant to their individual properties. The attached draft LUB is annotated with staff notes to indicate where further consultation and information is required.

The draft LUB is based on the Islands Trust template and the general regulations provide a basis for the zoning of the whole plan area. A legal review of the draft LUB will be conducted prior to LTC consideration of first reading. The draft includes:

- a. Part 1 Interpretation: Definitions are common and consistent with those in recent Islands Trust bylaws.

- b. Part 2 Administration and Part 3 General regulations: Regulations are consistent with the format of the LUB template and recent LUB provisions and avoid unnecessary duplication of general regulations within each zone.
- c. Part 4 Establishment of Zones: The division of the land and water into specific zones that have been re-named and in some cases consolidated for greater clarity.
- d. Part 5 Zone Regulations: Five residential zones (Residential 1 through 5).
- e. Part 5 Zone Regulations: Three agriculture zones (Agriculture 1 through 3) for the Shire, Syzygy and Downes Point properties.
- f. Part 5 Zone Regulations: Eight commercial zones (C1 through C8) for the existing commercial areas.
- g. Part 5 Zone Regulations: Two ecosystem protection (water supply protection area) zones.
- h. Part 5 Zone Regulations: Two public park zones (Mt. Geoffrey and Tribune Bay)
- i. Part 5 Zone Regulations: One Public Use zone.
- j. Part 5 Zone Regulations: Five marine water zones for private boat anchorage/moorage; mariculture; marine ferry terminal; marinas; public wharves and breakwaters and related uses.
- k. Part 6 Sign and Part 7 Parking Regulations: Regulations are consistent with the format of the LUB template and recent LUB provisions and are separated from the general siting and use regulations to avoid cluttering Part 3 with less commonly referred to regulations.
- l. Part 8 Subdivision Regulations: are standard and consistent with those in recent Islands Trust bylaws.

Pending LUB Revisions:

The following is an overview of specific sections of the draft LUB that require additional consultation and/or LTC direction:

- Commercial Zoning
 - Secondary Suites
 - Development Permit Area Guidelines
1. Commercial Zoning – Staff has been in contact with several commercial property owners to identify targeted revisions for site specific commercial zoning regulations for LTC consideration. Each commercial zone has been annotated in the comment margins to indicate anticipated additional information in this next stage of consultation. Staff will continue to work with property owners to identify issues related to siting, size, setbacks and density regulations of site specific properties. The LTC will consider all proposed amendments and property owner input prior to staff incorporating any changes into the draft LUB.

2. Secondary Suites – Draft OCP Policy 6.3.5.13 currently states:

“A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots (in accordance with policies in section 6.3.3 (Rural Residential) of this Plan) and despite section 6.3.3 on lots larger than 3.5 hectares, in order to provide rental opportunities provided the owner or residential tenant occupies the principle residence.”

A secondary suite is an accessory dwelling unit located within the principal residential building. The BC Building Code limits the maximum size of a secondary suite to 40% of the floor area of the principal dwelling unit - to a maximum floor area of 90 m² (969 sq. ft.).

The following is a draft definition of a secondary suite for discussion, in order to implement the intent of draft OCP policy 6.3.5.13:

“secondary suite means an accessory dwelling unit located wholly within the principal residential building occupied by the owner or residential tenant; is permitted on lots 3.5 hectares or larger; and is limited in size to 40% of the floor area of the principal dwelling unit - to a maximum floor area of 90 m² (969 ft²).”

Staff has identified the following issues for the LTC to consider and provide direction on, some of which may require further analysis and subsequent staff recommendations:

- a) Number of secondary suites per lot and parking requirements;
- b) Groundwater vulnerability;
- c) Agriculture Land Reserve considerations;
- d) Use of siting and use permits for all new suites; and
- e) Building code requirements.

a) Number of Secondary Suites Per Lot:

For RR designated lots 3.5 hectares or larger, two dwellings are currently permitted per lot. Staff is requesting that the LTC clarify the intent of the draft regulations in relation to the number of secondary suites permitted per lot. The options are to allow one secondary suite per legal dwelling (to a maximum of two secondary suites per lot) or one secondary suite per lot.

Part 7 of the draft LUB has been annotated to indicate that parking requirements for secondary suites will be needed. Currently the regulations require a minimum of 2 parking spaces per dwelling. Where a secondary suite is permitted, staff recommends an additional one (1) parking space be required for a total of three parking spaces per dwelling.

b) Groundwater Vulnerability:

There are 64 lots designated under the draft Rural Residential designation on Hornby Island which are 3.5 hectares in size or larger where the secondary suites policy and associated regulations could apply. The locations of these properties are shown on the following figure and 11 properties fall within the IA (heavily developed, high vulnerability) aquifer designation shown on Schedule D1 of the OCP. The vast majority of remaining lots fall under the moderately developed, highly vulnerable aquifer designation.

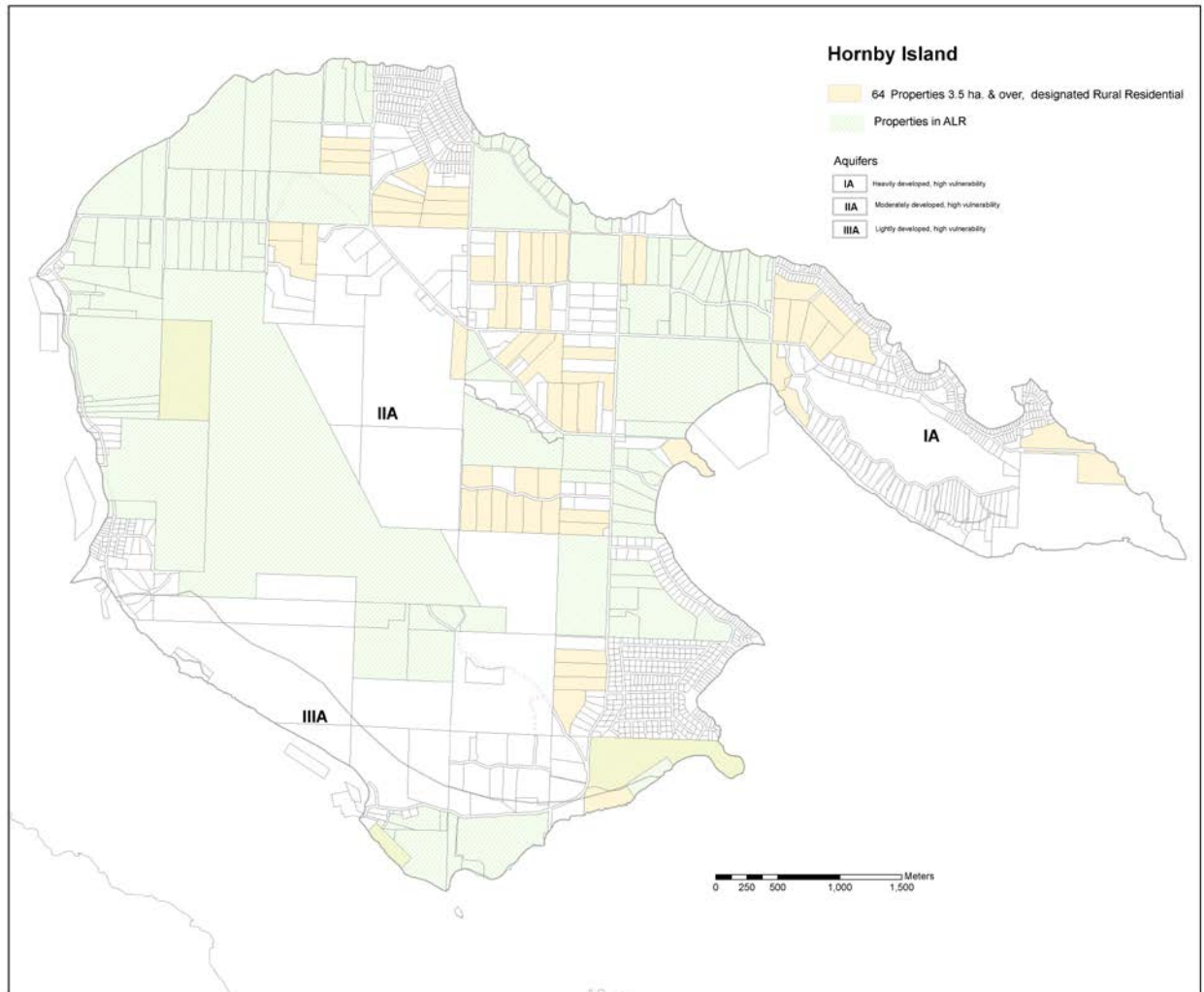


Figure 1. ‘RR’ designated lots 3.5 ha and larger; ALR parcels and aquifer designations.

As the draft OCP and LUB will need to comply with the Islands Trust Policy Statement, staff has flagged directive policy 4.4.2 for LTC consideration and discussion with regards to secondary suites, particularly for those large lots within the boundaries of the IA and IIA aquifer classification:

“4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- Neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,***
- Water quality is maintained, and***
- Existing, anticipated and seasonal demands for water are considered and allowed for.”***

Should the LTC proceed with draft regulations that permit secondary suites on all lots 3.5 hectares or larger, justification to the Islands Trust Executive Committee on how the draft LUB complies with the Islands Trust Policy Statement directive 4.4.2 may be

required. Alternately, those properties that fall at least partially within the IA designated aquifer area could be excluded from draft regulations permitting secondary suites as a means to limit further intensification of residential land use in the most vulnerable aquifer designation.

The Applied Science Technologists and Technicians of British Columbia produced a 2008 booklet entitled "Onsite Wastewater Systems for Residences in BC" which stipulates that:

"When homeowners are changing how their property or home is being used, municipal building departments may require that a Planner or a Professional provide a 'Letter of Assurance' that the intended use will not have a negative impact on the onsite system and that the system can handle the new use. A proposed bathroom addition, swimming pool, workshop or changes to the landscaping could all cause damage to a system, even potentially create a health hazard, if not checked out prior to such work. If a Private Inspector is not available in your area, it is recommend that a Planner or Professional be used as an alternative."

Staff recommend that the use of letter of assurances for onsite wastewater systems (septic) and water quality/quantity be explored further if draft zoning regulations are to be amended to allow secondary suites on lots 3.5 ha or larger.

c) Agricultural Land Commission Consideration: Currently under the regulations of the Agricultural Land Commission, one secondary suite is permitted in a dwelling on land within the Agricultural Land Reserve (ALR) on any sized lot, subject to local government restrictions. Staff spoke with Agriculture Land Commission (ALC) staff regarding local government regulations restricting secondary suites to only lots of a particular size, or not at all on ALR land and the initial feedback was that secondary suites are not critical to agriculture and such restrictions would not be problematic from the ALC's point of view. Should the LTC proceed with draft regulations either permitting or limiting secondary suites on properties with the ALR, an early referral of draft regulations to the Ministry of Agriculture and the ALC is recommended.

d) Siting and Use Permits for new suites:

Siting and Use Permit (SUP) Bylaw No. 52 currently requires and defines procedures for the application of a siting and use permit on Hornby Island. The bylaw does not require a siting and use permit for interior renovations or alterations, such as those necessary for the construction of a secondary suite. The only measure available to ensure a proposed suite complies with the regulations in terms of appropriate minimum lot size/zoning, maximum square feet and parking would be through a SUP application.

Should the LTC proceed with draft regulations that permit secondary suites, an amendment to Bylaw No. 52 requiring a SUP for a secondary suite is recommended, to coincide with the adoption of the new OCP/LUB.

e) Building Code requirements:

In several rural BC jurisdictions permitting secondary suites, building inspections are mandatory for new secondary suites to ensure basic health and safety requirements are met and the construction of the suite meets or exceeds BC Building Code regulations.

The absence of building inspection services on Denman and Hornby Islands create a situation whereby the onus is on property owners to ensure that new construction complies with the code requirements as well as the requirements of the Home Protection Office (HPO).

The LTC has indicated, through draft policy, support for a range of affordable rental and special needs housing on Hornby Island. However, without a building inspection, compliance with the code for basic health and safety requirements and homeowner protection for this type of affordable, rental housing cannot be guaranteed at the time of occupancy. Nor is there a process in place to evaluate relevant issues such as capacity in the septic system and an adequate supply of potable water.

Servicing and infrastructure to support secondary suites is typically considered by rural local governments on a case by case basis, based on the number of bedrooms and square footage of each dwelling. This is usually performed by qualified professionals at the time a building permit is applied for. A major objective of legalizing secondary suites in most communities is to have home owners bring existing suites up to health and safety standards and to ensure the servicing is adequate to support them.

Proceeding with policy and regulations to allow suites in the absence of inspection services in a community with inspection capability is not recommended by planning staff. Based on staff discussions with the Comox Valley Regional District (CVRD) Building Inspector, the provincial government has been working on a program to make building inspection mandatory for all areas of the province through their 'modern building regulatory system'. Since the CVRD has the capacity for building inspection in the district, Hornby Island should be prepared to work with the regional district or provide clear rationale as to why inspection is not required.

Staff at the Home Protection Office of BC Building have indicated a large case load of illegal construction on Hornby Island stemming from owners not applying for HPO authorization for owner-builder residences. The HPO is responsible for:

- licensing residential builders and building envelope renovators province-wide
- administering owner builder authorizations, and
- carrying out research and education which benefits the residential construction industry and consumers.

Under the current system of processing Siting and Use Permits in the northern office, HPO authorization is not required for a SUP to be issued. All SUPs are sent to HPO for monitoring after the SUP has been issued. Statistics from HPO on the numbers of unauthorized residential building construction on Hornby Island has been requested by staff should the LTC proceed with draft regulations for secondary suites.

Staff recommends that if Hornby Island is prepared to formalize affordable rental housing options in the form of secondary suites, that building inspection services through the Comox Valley Regional District (CVRD) be requested for the reasons outlined above, for all new construction on Hornby Island.

The nature of these issues related to the regulation of secondary suites requires that the LTC provide staff with direction on how to proceed. The following options may be considered:

- a) Request staff to report back on the process and costs to introduce building inspection on Hornby Island with the Comox Valley Regional District in order to advance secondary suite regulations;
- b) Maintain draft OCP policy 6.3.5.13 but proceed no further with implementation via draft LUB regulations until issues relating to building inspection, water and septic capability for secondary suites are evaluated in more detail.
- c) Insert draft regulations permitting one secondary suite per legal dwelling on lots 3.5 hectares or larger.
- d) Insert draft regulations limiting one secondary suite per lot on lots 3.5 hectares or larger.
- e) Insert a draft definition of secondary suite into the LUB for further public consultation.
- f) Amend the draft Part 7 parking regulations to require one additional parking space for each secondary suite.
- g) Add to the project list the amendment of Siting and Use Permit Bylaw No. 52 should the LUB proceed to final readings to require a SUP for all secondary suites.
- h) Request staff to explore and report back on the options available to the LTC to expand the SUP application requirements to include proof of septic capacity and adequate ground water at the time of application.
- i) Exclude properties wholly or partially within the IA aquifer designation from being permitted secondary suites.

Staff recommends that the LTC:

- Maintain draft OCP policy 6.3.5.13 regarding secondary suites but proceed no further with implementation via draft LUB regulations until issues relating to building inspection, water and septic capability for secondary suites are evaluated in more detail as a separate LTC project.
 - Request staff to add to the Projects List “Provide to the LTC supplemental information on the process and implications of building inspection services being implemented on Hornby Island prior to any further consideration of implementing draft OCP policy 6.3.5.13 regarding secondary suites into the draft Land Use Bylaw”.
 - Request staff to add to the Project List “Amend Siting and Use Permit Bylaw No. 52 should the LUB proceed with implementing secondary suites to require a SUP for all secondary suites and request staff to explore and report back on the options available to the LTC to expand the SUP application requirements to include proof of Homeowner Protection Office authorization, septic capacity and/or adequate ground water at the time of application.”
3. Relocation of Development Permit Area Guidelines – Currently the Hornby Island Development Permit Areas (DPAs) and associated guidelines are all contained within Section 6.9 of draft OCP. Section 919.1 of the *Local Government Act* provides the legislative authority for local governments to designate development permit areas and specifies that such areas must be designated in an official community plan. The official community plan must also describe the special conditions or objectives that justify the designation and must specify guidelines respecting the manner by which the special

conditions or objectives will be addressed. Section 919.1 also provides that, as an alternative, the guidelines may be specified in a zoning bylaw but that, in this case, the designation is not effective until the respective zoning bylaw has been adopted.

As the draft OCP is currently being updated and revised, there is an opportunity to consider whether or not the development permit area guidelines may be more appropriately housed in the draft Hornby LUB. In the Islands Trust Area, local trust committee bylaws adopting or amending an official community plan must be approved by the Minister of Community, Sport and Cultural Development. Land use bylaws, on the other hand, only require approval of the Executive Committee. Ministerial approval can be time-consuming, delaying the eventual adoption of OCP amendments. Given the possibility of future review of existing development permit area guidelines, staff recommends using the current OCP/LUB review to move the development permit area guidelines from the Hornby OCP to the Hornby LUB. The Denman Island LUB is structured in this manner for the same reasons outlined above.

Next Steps:

The draft OCP is in a format suitable for community review and early referrals, with the exception of any pending changes endorsed by the LTC at the close of the February 1, 2013 business meeting. A flyer notifying residents that the draft OCP is available on the website for review was distributed as an insert in the Grapevine in late January. Staff will be collecting input received from the public and reporting back to the LTC at the next regular business meeting in March.

The draft LUB is currently not ready for formal community review as many site specific zones require additional input from property owners. Staff will continue to work with commercial property owners on a site specific basis to identify areas requiring further consultation and bring forward a subsequent comprehensive list of recommended revisions to the LUB for the March regular business meeting.

Staff recommends the following adjusted work plan in order to stay within the targeted timeframe and advance the review of both the OCP and LUB within the same time period. This timeline is consistent with the project charter work plan endorsed by the LTC in April 2012 in terms of final adoption being considered no later than early 2014. This timeline removes the implementation of secondary suites from the review as staff has identified several issues possibly requiring significant staff resources which would take away from project time allotted to the targeted OCP/LUB review. The following timeline is achievable unless there are significant delays in upcoming targeted consultation or research:

March 15th 2013:

- *LTC review of preliminary public comments on the draft OCP based on January mail out.*
- *LTC review of subsequent revisions to the LUB and direction for further revisions.*
- *Send out early referrals for select agencies and solicit legal review for both the draft OCP and LUB.*

April 26th 2013:

- *LTC review of most recent LUB and OCP revisions based on legal review and early referral responses.*
- *Direction to prepare both OCP and LUB bylaws for first reading.*

June 7th 2013:

- Community information meeting and consideration of first reading of both draft bylaws.
- Send out agency and First Nations referrals.

July 12th 2013:

- LTC review of public input and referral responses received to date. Consider revisions to OCP/LUB. Amend first reading if necessary.
- LTC resolution to proceed to public hearing. Notification of public hearing posted and advertised.

August – September 2013:

- Subsequent community information meeting and public hearing.
- Consideration of amendments, second and third readings.
- Referral to Islands Trust Executive Committee for approval.
- Submission of proposed OCP bylaw to Minister for approval.

November 22nd 2013:

- Earliest possible date for consideration of final adoption of proposed bylaws (OCP and LUB).

Staff recommends the work plan be adhered to so that final consideration of proposed bylaws occurs no later than March 31, 2014.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee:

1. Provide staff with any general or specific revisions to the draft land use bylaw provisions and/or draft official community plan policies;
2. Request staff to add to the Projects List: "Review of Siting and Use Permit Bylaw No. 52 regarding applicability to the construction of a secondary suite within a dwelling and research of requirements for proof of adequate water and septic capability."
3. Request staff to add to the Projects List "Provide to the LTC supplemental information on the process and implications of building inspection services being implemented on Hornby Island prior to any further consideration of implementing draft OCP policy 6.3.5.13 regarding secondary suites into the draft Land Use Bylaw."; and
4. Request staff to move the draft OCP Development Permit Area guidelines into the draft LUB.

Prepared and Submitted by:

Sonja Zupanec

January 16, 2013

Sonja Zupanec, RPP
Island Planner

Date

Concurred in by:

Courtney Simpson

January 21, 2013

Courtney Simpson, RPP,
A/Regional Planning Manager

Date

Attachment:

1. Revised Draft Land Use Bylaw – February 2013
2. Siting and Use Permit Bylaw No. 52
3. Siting and Use Permit Application

DRAFT FOR COMMENT – VERSION 3 – February 2013



HORNBY ISLAND LAND USE BYLAW No. --, 201x

Note: Items in italics and comments in the margins are explanatory notes to the template and are not intended to form part of any LUB.

Draft for Comment
Version 3
February 2013

DRAFT FOR COMMENT – VERSION 3 – February 2013

CONCORDANCE – This concordance is included in the draft for convenience only and is not to be part of the Bylaw.

The following table contains a list of changes in order of the existing Land Use Bylaw No. 86, 1993.

Existing Land Use Bylaw Regulation		New Regulation		Comments
1	General provisions	Part 2	Administration	New sections on covenants, owner's cost, enforcement
2	Definitions	Part 1	Interpretation (1.1 definitions)	New definitions added
3	General Regulations	Part 3	General Regulations	Several revisions and expanded regulations
3.1	Uses permitted in all zones	3.1	Uses permitted in all zones	List expanded
3.2, 3.3	Uses prohibited in all zones	3.2	Uses prohibited in all zones	List expanded
3.4 – 3.8	Height Regulations	3.4	Height regulations	Definition of height now to top of roof; added the exemption of wind turbines
3.9	Lighting Regulations	-	-	Deleted
3.10	Siting Exceptions	3.3(1)	Siting and setback regulations	New height limit on exempted fences
3.11, 3.11.1	Setback from park boundaries	3.3(2)	Siting and setback regulations	Wording changed
3.12	Lot proportions	8.6(2)	Subdivision regulations	Revised.
3.13	Lot size exceptions	8.2	Exemptions from average and minimum lot area requirements	Wording changed
3.14	Lot size exceptions	-	-	Deleted
3.15	Split zoning	8.7	Split Zoned Lots	Wording changed
3.16 – 3.18	Split Zoning	3.12	Lots divided by a zone boundary	Consolidated and revised
4	Home Occupations	3.6	Home Occupations Regulations	Completely revised
5	Parking Regulations	Part 7	Parking Regulations	Added bicycling and disabled parking
6	Screening Regulations	3.8	Screening	Rewritten
7	Sign Regulations	Part 6	Sign Regulations	Rewritten
8	Drainage Regulations	-	-	Deleted
9	Zone Regulations	Part 5	Zone regulations	Revised
9.7	Small Lot Residential – R1	5.1	Residential 1 – Small Lot – R1	New zone includes compact residential
9.8	Compact Residential – R2	5.1	Residential 1 – Small Lot R1	Combined with Small Lot R1
9.9	Rural Residential – R3	5.2	Residential 2 – Large Lot R2	Revised floor areas

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Existing Land Use Bylaw Regulation		New Regulation		Comments
9.9A	Large Lot Residential/Water Resource Protection – LR/WSPA	5.3	Residential 3 – Residential Rural R3	Number of dwellings reduced to be consistent with OCP; floor areas revised
9.10	Agriculture - AG	5.6	Agriculture 1 – (A1)	Added horticulture as permitted use and exterior side setbacks
			Agriculture 2, 3 and 4 Agricultural/Residential	Site specific to Shire, Syzygy and Downes Point
9.11	Upland – UP	5.5	Residential 5 – Forest – R5	Most of the Upland zone is now park
9.12	Light industrial – LI1	-	-	Rezoned to PU
9.13	Service Light industrial – LI2	-	-	Rezoned to PU
9.14	Institutional – I1	5.28	Public Use - PU	Comprehensive list of permitted uses instead of site specific sub zones.
9.15	Institutional Residential – I2	5.7	Residential 7 – Community Housing – R7	Revised
9.16	Rural Service – C1	5.11	Commercial 2 – Limited Commercial – C2	Revised
9.17	Retail Commercial – C2	5.10	Commercial 1 – Retail – C1	Combined with Service Station – for consultation
9.17A	Service Station Commercial – C2-1	5.14	Deleted	Deleted
9.18	Comprehensive Commercial – C3			
9.19	Commercial Resort – C4	5.13	Commercial 4- Resort	For consultation - Sea Breeze
9.20	Commercial Resort – Marina – C5	5.14	Commercial 5 - Resort	For consultation – Ford Cove
			Commercial 6 - Resort	For consultation - Dive Lodge
			Residential 8 – Ford Cove	Ford Cove C5 properties
9.21	Commercial Resort Marine 1 – C5-1	5.12	Commercial 3 - Comprehensive	The Thatch – revised based on recent rezoning
9.22	Commercial Campground – C6	5.16	Commercial 7 - Campground	Tribune Bay – for consultation
9.23	Commercial Campground 1 (C6-1)			
9.24	Commercial Parking (C7)	5.12	Commercial 3(a) - Comprehensive	New subzone for parking across from Thatch
9.25	Groundwater Recharge Area/Sustainable Ecosystem Management Area – GW-EMA	5.18	Groundwater Recharge/Ecosystem Management – EP1	
9.26	Public Park – PR1	5.20	Public Park 1 – P1	
9.27	Public Park Undeveloped	5.21	Public Park 2 – P2	

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Existing Land Use Bylaw Regulation		New Regulation		Comments
– PR2				
		5.19	Water Supply Protection Area – EP2	Some lots
9.28	Marine Conservation – M1	5.23	Marine Conservation – M1	
		5.24	Marine Park – M2	
9.29	Mariculture – M2	5.25	Mariculture – M3	
9.30	Marine Access – M3	5.26	Marine Access – M4	Ferry landing, boat ramp, parking
9.31	Marine Services – M4	5.27	Marine Services – M5	Ford Cove Dock and breakwater
9.32	Private Moorage – M5	-	-	Deleted – no properties zoned

HORNBY ISLAND LOCAL TRUST COMMITTEE

LAND USE BYLAW No. --, 201x

A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land within the Hornby Island Local Trust Area.

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

AND WHEREAS the Hornby Island Local Trust Committee wishes to adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

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

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

1. This Bylaw may be cited for all purposes as the “Hornby Island Land Use Bylaw No.--, 201X.”
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the Hornby Island Local Trust Area as shown on Schedule C:
 - (1) Schedule A (Land Use Bylaw Text)
 - (2) Schedule B (Zoning Map)
 - (3) Schedule C (Bylaw Area Map)
 - (4) Schedule D (Potential Fish Bearing Streams and Wetlands)
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.
4. Bylaw No. 86 cited as “Hornby Island Land Use Bylaw No.86, 1993” and all of its amendments are repealed.

Comment [SZ1]: To be discussed

CHAIRPERSON

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Comment [SZ2]: DPA - pending

Comment [SZ3]: Pending RAR project

SCHEDULE A: LAND USE BYLAW TEXT

PART 1 INTERPRETATION

1.1 Definitions

- (1) In this Bylaw words have their ordinary dictionary meaning except as follows:

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

Comment [SZ4]: New definition

agriculture means the use of land, buildings or structures for the growing, rearing, harvesting or production of agricultural plants, crops, livestock and other farm animals.

Comment [SZ5]: New definition – to be reviewed by ALC for early referral.

bed and breakfast means the renting of bedrooms in a dwelling unit to transient guests and the provision of meals to those guests;

Comment [s6]: CHANGED definition to include provision of all meals.

bicycle rack means a structure designed to support and to accommodate the locking of no less than four bicycles

Comment [IU7]: NEW definition

building means any structure which is used or intended to be used for the shelter, habitation, support or accommodation of people or animals, or for the storage of goods or chattels, and includes manufactured homes, wood sheds, garages, carports, garden sheds, tool sheds and all privies;

campground means the use of land for the rental, lease or cooperative ownership of camping spaces for temporary accommodation of recreational vehicles, trailers or tents for a period not exceeding four weeks for any one occupant, but does not include a manufactured home park;

camping space means an area in a campground that is used for the siting of one vehicle, trailer or tent, and for picnicking and overnight camping;

cliff means a land surface having an average slope exceeding 50 degrees measured from the horizontal plane and having a height exceeding 10 m (33 ft);

commercial kennel means a kennel used for the commercial accommodation or breeding or rearing of more than three dogs over the age of four months;

community facility means a building or structure operated by a non-profit society or local government for the benefit of the community generally and use for community events including classes, public entertainment, cultural and social events.

Comment [IU8]: NEW definition

crafts means original and unique works of art that are created by artists using original art techniques;

Comment [s9]: NEW definition

day care means a facility licensed to provide care services for no more than seven children;

derelict vehicle means any motor vehicle that has not been licensed for more than twelve months or is incapable of being driven;

dwelling unit means a room or set of rooms

- (a) used or capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit and sharing facilities contained in that unit;
- (b) contained in a single building, manufactured home, recreational vehicle or travel trailer;
- (c) containing only one kitchen; and
- (d) under one roof with any covered walkway, covered patio or hall connecting two building portions being no longer than 4 m (13 ft);

ecosystem means a functioning unit consisting of all organisms (plants, animals, microbes, and humans) in a given area and all the non living physical chemical factors of their environment linked together through nutrient recycling and energy flow;

elder housing means dwelling units constructed for elderly persons by a government body or agency or a corporation or organization constituted under the *Society Act*;

fill means earth, sand, gravel or any other similar material used to raise, lower or in any way affect the elevation or contour of the natural ground surface;

float camps means float homes, rafts or other vessels anchored or moored and used or intended to be used as residential accommodation

floor area means the total area of all floors in a building that have a floor to ceiling height greater than 1.2 m (3.94 ft), measured to the exterior surface of the perimeter walls, and includes enclosed balconies, decks, porches and similar projections; excluding cisterns

food processing and catering means in regards to a home occupation means the creation of packaged food products for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;

Comment [IU10]: NEW definition

full-time equivalent in relation to employees for home occupations means the total number of annual hours for one or more employees that does not exceed eight hours of regular time over a 24 hour period

Comment [IU11]: NEW definition

grade means the average elevation of the ground at a distance of 2.0 metres from a building or structure determined by averaging the finished elevations at the midpoints of all of the exterior walls;

height means the vertical distance to the highest point of the upper roof and in the case of a structure without a roof, to the highest point of the structure, all measured from grade;

Comment [IU12]: REVISED definition from existing LUB

home occupation means a commercial activity conducted for gain within a dwelling unit or permitted accessory building by a resident of the lot on which the building is located and includes bed and breakfast, artist or artisan studio, professional office, personal service, daycare, food processing, manufacture,

repair and assembly of goods, the incidental retail sale of goods commonly associated with these uses and the retail sale of agricultural products or articles produced or assembled on the same lot;

human habitation means the use of a building or structure by a person or persons for shelter, cooking of food or sleeping and includes temporary and transient use for these purposes;

incidental sales, in relation to a home occupation use, means the sale of products normally associated with the home occupation;

Comment [IU13]: NEW definition

kitchen means an area within a building used for preparing food and may include food storage and serving and dish washing facilities;

land includes land that is ordinarily covered by water;

laundromat means a commercial or communal establishment for the self service washing, drying or ironing of clothes or household linens;

light industry means the use of land for the processing of food, wood or electronic products, storing of goods or materials, fabricating of metal or plastic, repairing of machines, equipment, boats or automobiles, sawmilling, or for the operation of truck terminals, docks, gas stations, wrecking yards or the sorting, salvaging and storage of refuse or material to be recycled;

limited teaching class means a venue used for the teaching of crafts, trades or arts;

lodge means a building containing two or more visitor accommodation units with or without common dining facilities;

lot means any parcel, block or other area in which land is held or into which it is subdivided;

lot coverage means the proportion of the lot area that is covered by buildings and structures, expressed as a percentage of the lot area;

lot line means a legally defined line bounding any lot and

- (a) **front lot line** means a lot line common to a lot and an abutting highway, and where there is more than one such line, the shortest of them;
- (b) **rear lot line** means the lot line opposite the front lot line, and where the rear portion of the lot is bounded by intersecting lines, the point of such intersection farthest from the front lot line;
- (c) **exterior side lot line** means the lot line or lot lines not being the front lot line or rear lot line but common to a lot and an abutting highway; and
- (d) **interior side lot line** means any lot line that is not a front lot line, rear lot line or exterior side lot line;

low impact recreation means recreational activities which cause minimal disturbance to the natural environment, including but not limited to hiking, bicycling, bird watching, horseback riding, picnicking and specifically excluding the use of motorized vehicles;

manufactured home means a portable structure built on a chassis, designed to be transported or tailored to its place of use and to be used with or without a permanent foundation as a dwelling, and excludes recreational vehicles and travel trailers;

mariculture means the cultivation, rearing and harvesting of univalve or bivalve mollusca;

marina means marine docking, moorage, storage and launching facilities for the accommodation, moorage, storage, launching, maintenance and minor repair and sale of boats and similar vessels and includes yacht clubs and structures commonly associated with marine docking, moorage, storage and launching facilities, but specifically excludes all structures used or intended to be used for the shelter or storage of boats;

medical health clinic means a facility for medical diagnosis and treatment of out-patients;

natural boundary means the visible high water mark of the sea, a lake, a stream or other water body where the presence and action of water are so common and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, as defined in Section 1 of the *Land Act*, or a surveyed high watermark identified on the plan of subdivision most recently registered in the Land Title Office, or the plan accompanying the instrument conveying Crown land in fee simple. In a dispute, a new plan prepared by a BC Land Surveyor shall prevail;

natural ground surface means the ground surface of land prior to any intentional disturbance, alteration, excavation or placement of fill;

personal service means the use of land for the provision of services directly to the physical person of the consumer and includes hair cutting shops, massage therapists, medical health clinics and the incidental retail sale of goods commonly associated with these uses;

principal use means a main permitted purpose for which land, buildings or structures, as listed in the applicable zoning district in this bylaw, is used;

pub means an establishment providing primarily for the serving of alcoholic beverages, including off-premises sales, and includes premises in which food is served in conjunction with the serving of alcoholic beverages;

public park means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the *Park Act* or the *Park (Regional) Act*;

public recreation facility means playgrounds, sport facilities, clubhouses and associated meeting spaces, shower and locker rooms and related amenities operated by a non-profit society for the public and does not include a pub;

public service use means the provision of water, gas, electrical, telephone, television or emergency services by a government body or agency or by a

Comment [IU14]: Added "emergency services"

company regulated by the *Utilities Commission Act* or the *Radiocommunication Act* of Canada, serving only the Hornby Island local community;

pump/utility house means a building or structure with a maximum size of 4 m² (43 ft²) having the sole purpose of enclosing pumping equipment, valves, pipes and filtration equipment associated with a source of water and electrical power and communication connection devices;

Comment [IU15]: NEW definition

residential means a use of land providing for the home life of a person or persons in common occupancy;

restaurant means an establishment providing primarily for the preparation and sale of food for eating in the establishment or taking out, and may include the serving of alcoholic beverages in conjunction with food;

retail store means an establishment providing for the sale, rental or repair of commodities or goods to the ultimate consumer or user, and specifically excludes Laundromats and service stations;

school means a public or private education facility not including overnight or dormitory accommodation;

secondary suite means..

Comment [SZ16]: for discussion

service station means a use of land providing for the retail sale of motor fuels and lubricating oils and which may include the sale, servicing or repair of motor vehicles, the sale of motor vehicle accessories, and the rental of trailers, motor vehicles, and tools and equipment for automotive or household use;

shipping container means a detachable metal transport container designed for and customarily associated road, rail or ocean transport with a maximum dimension of 2.5 metres by 12.2 metres by 2.5 metres high.

sign means any identification, description, illustration or device which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation;

silviculture means all activities related to the growing and sustainable management of forests but does not include the processing of wood or wood products;

structure means any object or construction fixed to, supported by or embedded in land including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials or shipping containers;

studio means the working place of a painter, sculptor, photographer, musician, or other arts or crafts person;

vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

Comment [SZ17]: NEW definition based on VHR review.

- a) an owner or tenant of the lot is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or

b) the owner or tenant is residing in another lawful dwelling on the lot while the vacation home rental is occurring; or

c) the owner of the lot resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of that owner,

and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under s. 911 of the *Local Government Act*;

visitor accommodation unit means commercial accommodation sited on a property zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four (4) consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere;

Comment [SZ18]: NEW definition based on VHR review.

watercourse means any natural depression with a bed 0.6 m (2 ft) or more below the average elevation of the surrounding land, containing water at least six months of the year.

1.2 Units of Measure

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

1.3 Information Notes

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

PART 2 ADMINISTRATION

2.1 Application

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

2.2 Conformity

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

Comment [IU19]: Existing LUB section 1.0

2.3 Inspection

- (1) The Islands Trust Bylaw Investigation Officer or any officers of the Islands Trust designated to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed or to evaluate site specific circumstances for the purposes of development application processing.

Comment [IU20]: Existing LUB section 1.3

2.4 Violation

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

Comment [IU21]: Existing LUB section 1.2

2.5 Penalty

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

Comment [IU22]: NEW section

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all existing financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.7 Owner's Cost

Comment [U23]: NEW section

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

2.8 Siting Compliance

Comment [SZ24]: NEW section

- (1) Every applicant for a rezoning, siting and use permit, a development permit, a temporary commercial and industrial use 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 comply with the siting requirements of this or any other Bylaw.

PART 3 GENERAL REGULATIONS

3.1 Uses Permitted in All Zones

- (1) In addition to uses permitted in specific zones, the following uses are permitted in all zones:
- (a) Public service uses;
 - (b) Emergency heliports;
 - (c) Conservation areas, including ecological reserves and other habitat reserves and parks but excluding playgrounds and playing fields; and
 - (d) Air and marine navigation aids.

Comment [IU25]: Existing LUB section 3.1 – EXPANDED list of permitted uses in all zones

3.2 Uses Prohibited in All Zones

- (1) For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 5:
- (a) The use of a boat, vessel, or structure over water as a residence for more than 4 consecutive weeks or more than 90 days in any calendar year, except where expressly permitted;
 - (b) The use of the surface of the water for the mooring or berthing of float camps;
 - (c) The use of an accessory building or structure as a dwelling unit;
 - (d) Amusement parks, shooting ranges, water slides, go cart tracks, and commercial golf courses;
 - (e) Golf courses and marinas the use of which is restricted to members of a private club;
 - (f) Fin fish aquaculture in any water zone;
 - (g) Commercial kennels;
 - (h) Airports other than float plane bases;
 - (i) Heliports
 - (j) Wharves and breakwaters except those operated by government and those operated for commercial purposes;
 - (k) Seawater desalination plants;
 - (l) Disposal of effluent from pumping out sewerage facilities on to land
 - (m) Disposal of sewage by marine outfall;
 - (n) Disposal or storage of toxic or hazardous waste;
 - (o) Storage of waste and salvage material unless expressly permitted in Part 5 of this Bylaw;

Comment [IU26]: Existing LUB section 3.2

Comment [IU27]: Shortened from existing LUB

Comment [IU28]: Revised

Comment [IU29]: Revised

Comment [U30]: Legal check

- (p) The rental or sale of personal watercraft, all terrain vehicles or off-road motorcycles;
- (q) Water utility lines connecting any one island to another island or the mainland;
- (r) Wind generators in any water zone or wind generators intended to provide power to an island other than the island which the structures are located;
- (s) Casinos;
- (t) Any use of a shipping container unless screened or modified;
- (u) The use of a well for the extraction of ground water for transportation off the lot from which it is extracted, except where permitted through zoning regulations or Temporary Use Permit;
- (v) Commercial raising of domestic animals and poultry on lots having an area less than 1.0 hectare;
- (w) Exterior lights that intrude onto surrounding properties or a highway;

Comment [IU31]: NEW prohibited use

Comment [IU32]: NEW prohibited use complies with OCP 5.1.1

Comment [IU33]: NEW prohibited use complies with OCP 4.4.1

Comment [IU34]: NEW prohibited use – look at wording to ensure that the use of these containers is limited.

Comment [IU35]: CHANGE LUB from 2.5 ha size.

Comment [IU36]: New OCP 6.3.1.8

INFORMATION NOTE: Industrial and commercial uses that are not permitted in this Bylaw may be considered upon application for a Temporary Use Permit in accordance with Official Community Plan policies and regulations in this Bylaw pertaining to Temporary Use Permits.

3.3 Siting and Setback Regulations

- (1) The setback regulations set out in this Bylaw do not apply to any permitted sign or fence that does not exceed 2.0 metres in height.
- (2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.
- (3) Despite Subsection 3.3(3) no buildings or structures may be located within 30.0 metres of Ford Creek and Beulah Creek and wetlands as shown on Schedule D of this Bylaw.
- (4) Where fill is used to achieve the elevation required in Subsection 3.3(3), no portion of the fill slope may be less than 15.0 metres from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters.
- (5) No building structure may be located within 15.0 metres of the edge of any cliff, nor within 10.0 metres if the owner provides to the Islands Trust a certification signed by a professional engineer with experience in geotechnical engineering that the siting of the building or structure is acceptable.
- (6) Satellite dish antennas and parabolic reflectors must be set back at least 8.0 metres from all lot lines.
- (7) Sewage disposal fields must be set back at least 30.0 metres from the natural boundary of any lake, watercourse or the sea.

Comment [IU37]: Existing LUB 3.10

Comment [SZ38]: Pending RAR mapping.

Comment [IU39]: FOR DISCUSSION - CHANGE from LUB 3.8 and possibly not necessary given provincial sewage disposal regulations

- (8) All privies must be set back at least 15.0 metres from all lot lines.
- (9) Feeding troughs, manure piles, buildings and structures for animal sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.
- (10) The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15.0 metres of the natural boundary of any lake, watercourse or the sea.
- (11) Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 15.0 metres from all lot lines.
- (12) Buildings and structures used for the commercial growing of mushrooms, the commercial raising of fur bearing animals or more than 100 birds, and commercial feedlots must be set back at least 30.0 metres from any highway, lot line, and the natural boundary of any lake, watercourse or the sea.

Comment [U40]: FOR DISCUSSION CHANGE – Existing is 8 m and VIHA should be asked for early referral/comments on this.

Comment [s41]: CHANGE to 'animal sewage disposal fields' for clarity

Comment [U42]: CHANGE - Existing is 8 m

3.4 Height Regulations

- (1) Buildings and structures other than accessory and agricultural buildings and structures must not exceed a height of 8.0 metres.
- (2) Buildings and structures, other than accessory and agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres.
- (3) Accessory buildings and structures must not exceed a height of 6.0 metres.
- (4) Agricultural buildings and structures must not exceed a height of 10 metres.
- (5) The height limits set out in this section do not apply to any radio or television antenna, flag pole, lighting pole, utility pole, water storage tank or wind turbine.

Comment [IU43]: LUB 3.7 – Refer to ALC for comment as silos and other agriculture buildings may exceed 10m

Comment [s44]: LUB 3.7 - ADDED wind turbine.

3.5 Accessory Uses, Buildings and Structures

- (1) Unless a building, excluding an attached deck or patio, is attached to a principal building by a structure having walls, roof, and a floor, it is for the purposes of this Bylaw deemed not to be part of the principal building, but is deemed to be an accessory building or structure.
- (2) The floor area occupied by a cistern used for domestic water or irrigation purposes is excluded from the calculation of the floor area of any accessory building or structure.

3.6 Home Occupation Regulations

Prohibited Uses

- (1) Only the uses expressly permitted in Subsections 3.6(3), 3.6(10) and 3.6(21) inclusive are permitted as home occupations. Without limiting the foregoing the following uses are prohibited as home occupations:

Comment [IU45]: NEW for community consultation and LTC consideration.

- (a) restaurant, food take-out;
- (b) retail store;
- (c) salvage, junk or incineration business;
- (d) chemical manufacturing;
- (e) storage of toxic or flammable materials;
- (f) winery involving lounge other than on ALR land;
- (g) extraction and sale of groundwater;
- (h) high-pressure cleaning, laundry, laundromat, shower or bathing facility or other activity that involves the use of groundwater as a primary element of the home occupation or that causes total domestic water use to exceed 350 litres per day;
- (i) any activity that creates vibration, glare, fumes, odours, electrical interference or any other nuisance ordinarily detectable off the lot on which the home occupation is operated; and
- (j) any activity that is prohibited elsewhere in this bylaw.

Comment [s46]: For discussion – based on Canadian average daily residential water consumption of 327 litres.

Limited Home Occupations

- (2) Subsections 3.6(3) to 3.6(8) inclusive apply to home occupations conducted on lots less than 0.1 hectare.
- (3) The following uses, and no other uses, are permitted as home occupations:
 - (a) Artist and Artisan studios not open to the public;
 - (b) Professional office;
 - (c) Mail order business;
- (4) The maximum total combined floor area of all home occupations conducted on the lot is 40 percent of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 80 square metres.
- (5) The home occupations must be conducted wholly within a principal dwelling unit.
- (6) The maximum total combined floor area of all home occupations conducted on the lot is 40 percent of the floor area of the dwelling unit, up to a maximum of 65 square metres.
- (7) The home occupations must be conducted by residents of the property.
- (8) The maximum noise level, created by a home occupation on the lot, detectable at the lot line must not exceed 50 db.

Comment [s47]: For discussion

Basic Home Occupations

- (9) Subsections 3.6(10) to 3.6(19) inclusive apply to home occupations conducted on lots of 0.1 hectare or larger and less than 2.0 hectares.

- (10) The following uses, and no other uses, are permitted as home occupations:
- (a) Home occupation uses listed in Subsection 3.6(3)
 - (b) Bed and breakfast
 - (c) Artist and artisan studios, including incidental sales
 - (d) Personal service, including incidental sales
 - (e) Day care
 - (f) Manufacture, assembly and repair of goods, including incidental sales
 - (g) Welding shops, including incidental sales
 - (h) Trades persons offices, including incidental sales
 - (i) Sales distributorship
 - (j) Sale of arts and crafts produced on the property, incidental sales
 - (k) Rental of unmotorised boats, and kayaks
 - (l) Rental of bicycles and tools
 - (m) Food processing and catering
 - (n) Limited teaching classes
 - (o) sales of products grown or produced on property
- (11) A maximum of two home occupations are permitted per lot.
- (12) The home occupations must be conducted wholly within a principal dwelling unit and/or an accessory building.
- (13) Despite 3.6(12), kilns, daycare play areas and storage may be outside of a dwelling unit or accessory building.
- (14) Outdoor uses permitted in 3.6(13) must be screened from adjacent lots and public right-of-ways with a vegetation screen or solid fence pursuant to Section 3.8.
- (15) The maximum outdoor area that may be used for a home occupation is limited to:
- (a) a combined maximum of 105 square metres for a kiln and daycare play area
 - (b) a combined maximum of 10 percent of the total lot area up to a maximum of 500 square metres for storage associated with home occupations
- (16) The maximum total combined floor area of all home occupations conducted on the lot is 40 percent of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 80 square metres.
- (17) The home occupations must be conducted by residents of the property.
- (18) The maximum number of employees, other than residents of the lot, permitted at any time is 2 full-time equivalents per lot.
- (19) The maximum noise level, created by a home occupation on the lot, detectable at the lot line must not exceed 50 db.

Extended Home Occupations

- (20) Subsections 3.6(21) to 3.6(29) inclusive apply to home occupations conducted on lots of 2.0 hectares or larger.
- (21) The following uses, and no other uses, are permitted as home occupations on lots of 2.0 hectares or larger:
 - (a) Home occupation uses listed in subsections 3.6(3) and 3.6(10)
 - (b) Teaching classes
 - (c) Vehicle and boat repair, including incidental sales
 - (d) Storage facilities for personal property, including incidental sales
 - (e) Sawmilling, on lots larger than 4.0 ha, including incidental sales
 - (f) Winery with outdoor picnicking
- (22) A maximum of two home occupations are permitted per dwelling.
- (23) The home occupations may be conducted within a principal dwelling unit, an accessory building and/or outdoors.
- (24) Outdoor uses permitted in 3.6(23) must be screened from adjacent lots and public right-of-ways with a vegetation screen or solid fence pursuant to Section 3.8.
- (25) The maximum outdoor area that may be used for a home occupation is limited to:
 - (c) a combined maximum of 105 square metres; plus
 - (d) a combined maximum of 10 percent of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.
- (26) The maximum total combined floor area of all home occupations conducted on the lot is 40 percent of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 150 square metres.
- (27) The home occupations must be conducted by residents of the property.
- (28) The maximum number of employees, other than residents of the lot, permitted at any time is 6 full-time equivalents per lot.
- (29) The maximum noise level, created by a home occupation on the lot, detectable at the lot line must not exceed 55 db.

Comment [IU48]: For discussion

General Regulations

- (30) Subsections 3.6(31) to 3.6(37) inclusive apply to home occupations on any size lot.
- (31) The home occupation must be operated by a person who is a resident of the lot.
- (32) A dwelling unit that is used for a home occupation must be occupied as a residence.

- (33) The home occupation must not use or store flammable or toxic materials involved in the home occupation within a dwelling unit and storage must comply with any applicable provincial regulations and guidelines.
- (34) If a home occupation involves substances that may contaminate ground or surface water, a containment system must be in place to ensure that the substances do not come into contact with the ground.

INFORMATION NOTE: The operator of a home occupation must comply with all applicable regulations of the Province of British Columbia, the Vancouver Island Health Authority and the Comox Valley Regional District with respect to buildings, public health, noise, air quality, safety, water quality and environmental protection.

- (35) A home occupation must comply with parking regulations contained in Part 7.
- (36) No changes must be made to the residential appearance of the property other than permitted signage, required provision for parking and permitted outdoor storage and activities that comply with screening regulations.
- (37) The storage and display of items for sale that are incidental to the home occupation must not take up more than 10% of the area used for the home occupation.

Bed and Breakfast

- (38) Where a bed and breakfast home occupation is permitted in any zone, in addition to subsections 3.6(1) to 3.6(37) inclusive, subsections 3.6(39) to 3.6(40) inclusive apply.
- (39) Despite subsections 3.6(1) to 3.6(37) inclusive, the operator of the bed and breakfast home occupation must:
 - (a) provide only temporary accommodation for the travelling public;
 - (b) use only rooms that are located in the dwelling unit in which the home occupation is operated, for the accommodation of the travelling public;
 - (c) provide no more than two beds per bedroom; and
 - (d) serve breakfast meals and may serve other meals only to guests who have been accommodated overnight.
- (40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:
 - (a) none if the lot is 0.1 hectares (10, 764 ft²) or less;
 - (b) one if the lot is 0.25 hectares (0.6 acres) or less in area;
 - (c) two if the lot is greater than 0.25 hectares (0.6 acres) and less than 1 hectare (2.5 acres) or less in area;
 - (d) three if the lot is 1 hectare (2.5 acres) or greater in area.

Comment [s49]: Expanded to include other meals.

3.7 Fences

- (1) Within the setbacks from any lot line as prescribed in Part 5 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fence is 3.0 metres.
- (2) The provision of a landscape screen is exempt from subsection 3.7(1).

3.8 Screening

- (1) Landscape screening must be provided:
 - (a) adjacent to all lot lines broken only by driveways, walkways necessary for access and any clearing necessary for the construction and maintenance of fencing; and
 - (b) in the form of existing vegetation that is retained and is of a sufficient height to provide a complete and year-round visual screen between the uses being separated; or
 - (c) where existing vegetation is not of a sufficient height to provide a visual screen, planted and maintained indigenous, drought-tolerant evergreen vegetation that will attain a height sufficient to provide a complete and year-round visual screen between the uses being separated..
- (2) Screening must be provided:
 - (a) where materials, tools, equipment, containers or finished products of a home occupation, commercial or industrial use are stored outside a building or enclosed structure or the where use is carried out outdoors, screen the outdoor storage area from adjacent lots and highways;
 - (b) where five or more motor vehicle parking spaces are required by this bylaw to be provided, or where one or more derelict vehicles are parked on a lot, the parking area must be screened from any adjacent highway and from any adjacent residential use; and
 - (b) in the form of a wood fence of sound construction or by evergreen native vegetation, of a sufficient height to provide a complete and year-round visual screen between the uses being separated.

Comment [IU50]: existing LUB 6.0
OCP s.6.1.13 & 6.2.10 - REVISED

3.9 Temporary Dwelling

A recreational vehicle, mobile home, caravan or travel trailer may be used as a temporary dwelling while a principal dwelling unit is under construction provided that:

- (a) a siting and use permit has been issued for the principal dwelling unit; and

Comment [IU51]: OCP 6.1.12.

- (b) on completion and occupancy of the principal dwelling unit, the recreational vehicle, mobile home, caravan or travel trailer is not used as dwelling.

3.10 Derelict Vehicles and Mechanical Equipment

- (1) Unless specifically permitted, no parcel shall be used for the wrecking or storage of derelict automobiles, vessels or mechanical equipment. If permitted, derelict automobiles, vessels and mechanical equipment must be completely enclosed within a permanent permitted building or screened from view as required in Section 3.8 of this Bylaw.

Comment [IU52]: New - OCP 3.1.7

3.11 Use of Common Property

- (1) Land comprising the common property in a strata plan is not a lot for the purposes of the provisions of this Bylaw permitting dwellings in respect of lots, but, where the strata lots and common property are in the same zone, may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

Comment [IU53]: NEW section

3.12 Lots Divided by a Zone Boundary

- (1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and dwellings may only be constructed on any portion of the lot if, and to the extent that, the density regulations for that portion are complied with.
- (2) Despite Subsection 3.12(1), if one of the portions of the lot is in the Agricultural (A1) zone, the dwelling permitted in respect of that portion of the lot may be sited on another portion of the lot.

Comment [IU54]: NEW section

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

- (1) The Hornby Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule B that forms part of this Bylaw and the regulations for which are set out in Part 5.

<u>Zone Name</u>	<u>Zone Abbreviation</u>	
Residential 1 – Small Lot	R1	Comment [IU55]: 1993 R1zone
Residential 2 – Large Lot Residential	R2	Comment [IU56]: 1993 R3 zone
Residential 3 – Rural	R3	Comment [IU57]: 1993 LR/WSPA zone
Residential 4 – Community Housing.....	R4	Comment [IU58]: 1993 R3 zone
Residential 5 – Forest	R5	Comment [s59]: 1993 UP zone
Residential 6 –Ford Cove Residential	R6	Comment [s60]: 1993 C5 and C5-1 zone to be split into residential and commercial zones – consult with property owner.
Residential 7 – Ford Cove Commercial	R7	
Agriculture 1	A1	Comment [IU61]: 1993 AG zone
Agriculture 2 – Agricultural/Land Co-operative	A2	Comment [IU62]: 1993 AG zone
Agriculture 3 – Agricultural/Land Co-operative.....	A3	
Agriculture 4 – Agricultural/Land Co-operative.....	A4	
Commercial 1 – Service Station Commercial	C1	Comment [IU63]: 1993 C2-1 zone
Commercial 2 – Retail Limited Commercial.....	C2	Comment [IU64]: 1993 C1 zone
Commercial 3 – Comprehensive Commercial	C3	Comment [IU65]: 1993 C3 zone
Commercial 4 – Resort.....	C4	Comment [IU66]: 1993 C4 zone
Commercial 5 – Resort	C5	Comment [IU67]: 1993 C5 zone
Commercial 6 – Resort.....	C6	
Commercial 7 – Campground.....	C7	Comment [IU68]: 1993 C6 zone
Commercial 8 – Campground.....	C8	Comment [IU69]: 1993 C6-1 zone
Ecosystem Management/Groundwater Recharge	EP1	Comment [IU70]: 1993 GW-EMA zone
Ecosystem Management/Water Supply Protection Area	EP2	Comment [IU71]: 1993 PR2 zone
Public Park	P1	Comment [IU72]: 1993 PR1
Public Park Undeveloped	P2	Comment [IU73]: 1993 PR2

Public Use	PU	Comment [IU74]: 1993 PU and PS
Marine Conservation	M1	Comment [IU75]: 1993 M1
Marine Park	M2	Comment [IU76]: 1993 M1
Mariculture.....	M3	Comment [IU77]: 1993 M2
Marine Access.....	M4	Comment [IU78]: 1993 M3
Marine Service.....	M5	Comment [IU79]: 1993 M4

4.2 Zone Boundaries

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

PART 5 ZONE REGULATIONS

5.1 Residential 1 – Small Lot (R1) Zone

(Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)

Comment [IU80]: Existing zoning is R1 and R2 now combined

Permitted Uses

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

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit per lot; and
 - (b) accessory buildings and structures.
- (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare (2.47 acres) or more, nor 15% of any lot having an area of less than 1.0 hectare (2.47 acres).

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line, or 6.0 metres in the case of a lot having an area less than 4000 m² (1.0 acre);
 - (c) 6.0 metres from an interior side lot line, or 3.0 metres in the case of a lot having an area less than 4000 m² (1.0 acres) and
 - (d) 8.0 metres from an exterior side lot line, or 6.0 metres in the case of a lot having an area less than 4000 m² (1.0 acres)
- (5) The floor area of a residential dwelling unit must not exceed 200 m².
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m².

Comment [IU81]: Existing LUB

Comment [IU82]: Existing LUB.

Subdivision Lot Area Requirements

- (7) No lot may be created by subdivision that has a lot area of less than 1.0 hectare.

Site Specific Regulations

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

Site-Specific Zone	Location Description	Site Specific Regulations
R1(a)	Whaling Station Bay/Anderson Drive and portion of Klaver Lot	Despite subsection 5.1.5 of this Bylaw, the floor area of a residential dwelling unit must not exceed 150 m ² , however if a rain water catchment and storage system capable of storing xxx litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot, the floor area of the residential dwelling unit must not exceed 200 m ² .
R1(b)	Shingle Spit Residences	1. Despite subsection 5.1.2 of this Bylaw: a) a maximum of one residential dwelling unit is permitted for each 0.24 hectares of lot area; b) a maximum of 14 residential dwelling units are permitted per lot; c) a maximum of one accessory building is permitted per lot not exceeding 8 m² in floor area. 2. Despite subsection 5.1(4) (c) of this Bylaw, the minimum setback for any building or structure, except for a fence or pump/utility house shall be 3.0 metres from an interior side lot line. 3. Despite subsection 5.1(5) of this Bylaw, the floor area of a residential dwelling unit must not exceed 186 m². 4. Despite subsection 5.1(7) of this Bylaw, no lot may be created by subdivision that has a lot area of less than 3.5 hectares.

Comment [s83]: For discussion.

Comment [s84]: As per existing LUB

Comment [s85]: NEW floor area maximum requirement

DRAFT FOR COMMENT – VERSION 3 – February 2013

Site-Specific Zone	Location Description	Site Specific Regulations
R1(c)	Portion of Lot 11, Plan 25736 (Klaver)	1. Despite subsection 5.1(7) of this Bylaw, no lot may be created by subdivision that has an area of less than 2.0 hectares.

Comment [IU86]: The property is in a DP area; however no guidelines have yet been drafted. It is stated in OCP s. 6.8.2.2 that the guidelines will be in the LUB.

5.2 Residential 2 – Large Lot (R2) Zone

Comment [IU87]: Existing Zoning is R3 and LR/WSPA – now combined

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) horticulture accessory to a principal residential use;
 - (c) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
 - (d) silviculture accessory to a principal residential use on lots 2.0 hectares or larger; and
 - (e) accessory uses, buildings and structures, including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;
 - (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger; and
 - (c) accessory buildings and structures.
- (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 6.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m².

Comment [IU88]: NEW OCP 6.3.1.1.

Comment [IU89]: REVISED from current 200 m²

Subdivision Lot Area Requirements

Comment [IU90]: OCP s. 6.3.4.2

- (7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.

- (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 2.0 hectares.
- (9) Despite 5.2(8) for lots where two legal dwellings are permitted, a minimum lot size of one hectare is permitted with a maximum density of one dwelling per lot and no increase in density.

Comment [SZ91]: NEW

Site Specific Regulations

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

Site-Specific Zone	General Location Description	Site Specific Regulations
R2(a)	LOT 10, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736, EXCEPT THAT PART IN PLANS 48077 AND VIP83800 PID	1. Despite 5.2(4)(c) the minimum setback for any building or structure, except for a fence or pump/utility house shall be 8.0 metres from the interior side lot line adjacent to Lot 3 of Plan 48077 and 6.0 metres from any other interior side lot line. 2. Despite 5.2(5) the floor area of a residential dwelling unit must not exceed 250 m². 3. Despite 5.2(7) no lot may be created by subdivision that has a lot area less than 0.40 hectares. 4. Despite 5.2(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 1.0 hectare or greater.

Comment [s92]: Site specific provisions for existing LR/WSPA zone.

5.3 Residential 3 – Rural (R3) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) horticulture accessory to a principal residential use;
 - (c) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
 - (d) silviculture accessory to a principal residential use on lots 2.0 hectares or larger; and
 - (e) accessory uses, buildings and structures including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit per lot having an area less than 3.5 hectares;
 - (b) a maximum of two residential dwelling units per lot having an area of 3.5 hectares or larger;
 - (c) accessory buildings and structures; and
 - (d) one accessory building is permitted per residential dwelling unit.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Comment [IU93]: CHANGE - The number of dwellings has been reduced from the current LUB to be consistent with OCP.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 6.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling must not exceed 300 m².
- (6) The floor area of an accessory building must not exceed 100 m² per residential dwelling unit.

Comment [IU94]: REVISED – reduced from 200 m² in LUB 9.9.6

Subdivision Lot Area Requirements

- (7) No lot may be created by subdivision that has a lot area of less than 1.0 hectare.
- (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 4.0 hectares or greater.

Site-Specific Regulations

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

Site-Specific Zone	General Location Description	Site Specific Regulations
R3 (a)	<i>PIDs</i>	<i>Despite 5.6(2), a total of two dwelling units are permitted per lot 4.0 hectares or larger in area.</i> <i>Despite 5.6(7) the minimum lot size is 4.0 ha.</i>

Comment [IU95]: . –replaces 9.9.20 in LUB for lots within the R3(a) zone

5.4 Residential 4 – Community Housing (R4) Zone (*Village*)

Comment [IU96]: Existing zoning is I2 Institutional Residential OCP s.6.3.9

Permitted Uses

Comment [IU97]: OCP 6.3.9.5. FOR DISCUSSION with Elder Housing

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) elder housing;
 - (b) residential use of a dwelling; and
 - (c) accessory uses, buildings and structures.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit per lot;
 - (b) a maximum of five elder dwelling units are permitted per 1.0 hectare of lot area to a maximum of 20 elder dwelling units per lot;
 - (c) accessory buildings and structures;
 - (d) a maximum of one accessory communal facility; and
 - (e) a maximum of one accessory building per residential dwelling unit and one accessory building per elder dwelling unit.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Comment [IU98]: REVISED – reduced from 10% 9.13.5 of LUB

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 150 m².
- (6) The floor area of an elder dwelling unit must not exceed 150 m².
- (7) The floor area of an accessory communal facility must not exceed 200 m².
- (8) The floor area of an accessory building must not exceed 8.0 m².
- (9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m² permitted for the accessory communal facility, must not exceed 150 m².

Comment [IU99]: NEW

Comment [IU100]: NEW

Comment [s101]: LUB 9.13.4

Subdivision Lot Area Requirements

(10) No lot may be created by subdivision that has a lot area less than 2.0 hectares.

Comment [IU102]: LUB 9.13.11

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

Site-Specific Zone	General Location Description	Site Specific Regulations
R4 (a)	LOT 1 SECTION 11 HORNBY ISLAND NANAIMO DISTRICT PLAN VIP87990 PID 028-221-401	

Comment [SZ103]: Replaces 9.7.14 R1(a) zone in LUB and is pending rezoning application from ISLA.

5.5 Residential 5 – Forest (R5) Zone

Comment [IU104]: Existing zoning is UP - Upland

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) residential use of a dwelling;
 - (b) horticulture accessory to a principal residential use;
 - (c) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
 - (d) silviculture accessory to a principal residential use on lots 2.0 hectares or larger; and
 - (e) accessory uses, buildings and structures including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) a maximum of one residential dwelling units per lot having an area less than 4.0 hectares;
 - (b) a maximum of two residential dwelling units per lot having an area of 4.0 hectares or greater; and
 - (c) accessory buildings and structures.
- (3) Lot coverage must not exceed 5%.

Comment [s105]: LUB 9.11.4

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
- (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The total floor area of all accessory buildings on a lot must not exceed 100 m² per residential dwelling unit.

Comment [IU106]: NEW

Comment [s107]: REVISED from 9.11.5

Subdivision Lot Area Requirements

- (7) No lot may be created by subdivision that has a lot area of less than 4.0 hectares.

Comment [s108]: LUB 9.11.14

- (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 16.0 hectares or greater.

5.6 Agriculture 1 (A1) Zone

Comment [IU109]: Existing zoning is AG – Agriculture.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) agriculture;
 - (b) horticulture;
 - (c) silviculture;
 - (d) accessory residential use; and
 - (e) accessory uses, including but not limited to home occupations.

Comment [s110]: CHANGE – added horticulture as permitted use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one dwelling unit per lot having an area less than 4 hectares;
 - (b) a maximum of two dwelling units per lot having an area of 4 hectares or greater; and
 - (c) accessory buildings and structures.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1 hectare or more nor 15% of any lot having an area less than 1 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8 metres from a front lot line;
 - (b) 8 metres from a rear lot line;
 - (c) 8 metres from an interior side lot line; and
 - (d) 8 metres from an exterior side lot line.
- (5) The total combined floor area of all accessory buildings on a lot, excluding buildings exclusively devoted to agricultural use, must not exceed 200 m².

Comment [s111]: NEW – existing LUB does not have exterior side setbacks

Subdivision Lot Area Requirements

- (6) No lot may be created by subdivision that has a lot area less than 16.0 hectares.

Agricultural Land Reserve Farm Use Regulations

Comment [SZ112]: Pending early referral to ALC/Ministry of Agriculture.

- (7) Where land is in the Provincial Agricultural Land Reserve, farm use is a permitted use, *and*
- (a) the maximum floor area for retail sales ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.
 - (b) the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.
 - (c) an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m.
- (8) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only:
- (a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or
 - (b) if also permitted by the Agricultural Land Reserve, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.
- (9) Land uses which are permitted in the Agricultural Land Reserve unless otherwise prohibited by a local government bylaw are permitted to the extent permitted in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, except as follows:
- (a) operation of a temporary saw mill is limited to the milling of timber harvested from the lot on the lot by a portable sawmill; and
 - (b) unpaved airstrip or helipad for use of aircraft flying non-scheduled flights is prohibited, except where necessary for emergency services or to service public utilities.

Site-Specific Regulations

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

Site-Specific Zone	Location Description	Site Specific Regulations
A1(a)	PARCEL C (DD 199735) OF THE SOUTH EAST 1/4 AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT,	Despite 5.6(6), no lot may be created by subdivision that has a lot area less than 4.0 ha.

Comment [SZ113]: LTC clarity

DRAFT FOR COMMENT – VERSION 3 – February 2013

A1 (b)	<i>EXCEPT PART IN PLAN VIP79310</i> THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 15, HORNBY ISLAND, NANAIMO DISTRICT PID 009-649-417	1. Despite Section 5.6(2)(b) a maximum of three residential dwelling units are permitted on the portion of the lot within the A1(b) zone. 2. The retail sale of agricultural products grown on the lot or grown on other farms is permitted, but the retail sale area for off-site farm products is limited to a maximum of fifty percent of the retail sale area for all farm products. 3. The maximum combined floor area, both indoor and outdoor, for retail sale of agricultural products is 300 m².
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Comment [SZ114]: For AG portion of Syzygy property.

5.7 Agriculture 2 – Agricultural/Residential (A2) Zone (*Shire Property*)

Comment [IU115]: Existing zoning is AG

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) residential use of a dwelling;
 - (b) agriculture; and
 - (c) accessory uses, buildings and structures including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) a maximum of 12 residential dwelling units per lot;
 - (b) accessory buildings and structures; and
 - (c) a maximum of one accessory building per residential dwelling unit.
- (5) Lot coverage must not exceed 5 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

- (6) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
- (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (7) The floor area of a residential dwelling unit must not exceed 300 m².
- (8) The floor area of an accessory building must not exceed 50 m².

Comment [IU116]: NEW

Subdivision Lot Area Requirements

- (9) The minimum lot area is 74.0 hectares.

5.8 Agriculture 3 - Agriculture/Residential (A3) Zone (Syzygy)

Comment [IU117]: Existing zoning is LC1 – Bylaw 135

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) agriculture;
 - (c) silviculture;
 - (b) accessory uses, buildings and structures including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of 11 residential dwelling units;
 - (b) accessory buildings and structures; and
 - (c) a maximum of one accessory building per residential dwelling unit.
- (3) Lot coverage must not exceed 10%.

Comment [s118]: Additional 3 density units are within the ALR and proposed new A1 (b) site specific zone.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 6.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The floor area of an accessory building must not exceed 200 m².

Subdivision Lot Area Requirements

- (7) The minimum lot area is 30.0 hectares.

5.9 Agriculture 4 – Agricultural/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)

Comment [IU119]: Existing zoning is AG and R3 OCP 6.3.10 PENDING consultation with property owners on split zoning the lots' residential, agriculture and possibly private conservation portions.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) agriculture;
 - (c) accessory uses, buildings and structures including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of xx residential dwelling units per lot;
 - (b) a maximum of one accessory building per residential dwelling unit.
- (3) Lot coverage must not exceed 5 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The floor area of an accessory building must not exceed 50 m².

Subdivision Lot Area Requirements

- (7) The minimum lot area is xx hectares.

Comment [s120]: In consultation with Downes Pt.

5.10 Commercial 1 – Retail (C1) Zone (Co-op and Service Station)

Comment [IU121]: Existing zoning C2 and C2-1

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) retail, including liquor sales;
 - (b) restaurant;
 - (c) service station;
 - (d) personal service; and
 - (e) office.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) accessory buildings and structures; and
 - (b) a maximum of one service station per lot.
- (3) Lot coverage must not exceed 40 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 6.0 metres from a front lot line;
 - (b) 6.0 metres from a rear lot line;
 - (c) 3.0 metres from an interior side lot line; and
 - (d) 6.0 metres from an exterior side lot line.
- (5) The total floor area for accessory buildings must not exceed $x \text{ m}^2$ per lot.
- (6) The total floor area of a service station building must not exceed 112 m^2 per lot.
- (7) The total floor area for retail sales accessory to the service station use must not exceed 40 m^2 per lot.

Comment [SZ122]: For review and discussion.

Subdivision Lot Area Requirements

- (8) The minimum lot area is 1.0 hectare.

5.11 Commercial 2 – Limited Commercial (C2) Zone (*Syzygy-Cardboard House Bakery*)

Comment [IU123]: Existing zoning is C1
In consultation with property owners.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) restaurant;
 - (b) bakery; and
 - (c) sale of crafts accessory to a restaurant or bakery use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) accessory buildings and structures.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 6.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (5) The floor area of a restaurant must not exceed 46m².
- (6) The total seating capacity of a restaurant, including both indoor and outdoor seating must not exceed 20 seats.
- (7) The total floor area of a bakery must not exceed 46m².
- (8) The total floor area for accessory buildings located on a C2 zoned area must not exceed 41 m².
- (9) Despite Section 3.4 of this Bylaw accessory buildings or structures located on a C2 zoned area must not exceed a height of 5.0m or one storey.

Subdivision Lot Area Requirements

- (10) No lot may be created by subdivision that has a lot area of less than 1.0 hectare.

5.12 Commercial 3 – Comprehensive Commercial (C3) Zone
(Hornby Island Resort – *Thatch*)

Comment [SZ124]: Based on recent rezoning.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) retail, including liquor sales;
 - (b) pub;
 - (c) restaurant;
 - (d) office;
 - (g) visitor accommodation; and
 - (h) accessory uses including visitor accommodation units accessory to a pub use; residential use of visitor accommodation units, provided the visitor accommodation unit contains only one kitchen and is capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit; and residential use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of fifteen visitor accommodation units;
 - (b) a maximum of one accessory residential dwelling unit attached to a building used for a pub or restaurant.
- (3) Lot coverage must not exceed 40 %

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 6.0 metres from a front lot line;
 - (b) 6.0 metres from a rear lot line;
 - (c) 3.0 metres from an interior side lot line; and
 - (d) 6.0 metres from an exterior side lot line.
- (5) Despite 3.3(3) the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.
- (6) The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 m²
- (7) The minimum seating capacity of a pub shall be fifty (50) indoor seats.

- (8) The maximum floor area of all buildings including the area of any accessory dwelling unit and excluding the floor area of visitor accommodation units shall not exceed 465 m² (5000 ft²).

Subdivision Lot Area Requirements

- (9) No lot may be created by subdivision that has a lot area less than 1.0 hectare.

Site-Specific Regulations

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

Site-Specific Zone	Location Description	Site Specific Regulations
C3(a)	<i>Portion of LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609</i>	<i>Despite 5.12(1), the only permitted use is parking Despite 5.12(2) no buildings or structures are permitted</i>

5.13 Commercial 4 – Resort (C4) Zone (Sea Breeze)

Comment [IU125]: Existing zoning C4
In consultation with property owners.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) visitor accommodation;
 - (b) restaurant; and
 - (c) residential use accessory to visitor accommodation.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) accessory buildings and structures;
 - (b) a maximum of five visitor accommodation units are permitted for each 1.0 hectare of lot area, to a maximum of twenty visitor accommodation units per lot;
 - (c) a maximum of one residential dwelling unit is permitted per lot; and
 - (d) a maximum of ten camp sites.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Comment [s126]: ADDED NEW

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
- (a) 8.0 metres from a front lot line;
 - (b) 6.0 metres from a rear lot line;
 - (c) 3.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (5) The floor area of a visitor accommodation unit must not exceed 80 m².
- (6) The floor area of a restaurant must not exceed X m².
- (7) The total floor area for accessory buildings must not exceed 100 m² per lot.

Comment [s127]: CHANGE – increase in size from 65 to 80 m2

Comment [U128]: Determine size

Comment [IU129]: NEW

Subdivision Lot Area Requirements

- (8) The minimum lot area is 4.0 hectares.

5.14 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove.)

Comment [IU130]: Existing zoning is C5
LUB 9.19 In consultation with property owners.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) visitor accommodation;
 - (b) restaurant;
 - (c) retail, excluding liquor sales;
 - (e) liquid fuel sales for boats; and
 - (f) accessory residential.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) accessory buildings and structures;
 - (b) a maximum of one accessory residential dwelling unit is permitted per lot;
 - (c) a maximum of six visitor accommodation units are permitted per lot; and
- (3) Lot coverage must not exceed 40%.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 6.0 metres from a front lot line;
 - (b) 6.0 metres from a rear lot line;
 - (c) 3.0 metres from an interior side lot line; and
 - (d) 6.0 metres from an exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The floor area of a visitor accommodation unit must not exceed 80m².
- (7) The floor area of a restaurant must not exceed 46m² per lot.
- (8) The floor area of a retail stores must not exceed 46m² per lot.
- (9) The total floor area for accessory buildings must not exceed 100 m² per lot.

Comment [s131]: NEW increased floor area.

Comment [IU132]: NEW

Subdivision Lot Area Requirements

- (11) The minimum lot area is 1.0 hectare.

5.15 Commercial 6 – Resort (C6) Zone (Dive Lodge)

Comment [SZ133]: In consultation with property owners.

Permitted Uses

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

Comment [IU134]: CHANGED

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) accessory buildings and structures; and
- (b) a maximum of one visitor accommodation lodge per lot not exceeding xx visitor accommodation units.
- (3) Lot coverage must not exceed 40 %

Comment [s135]: To be determined

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
- (a) 6.0 metres from a front lot line;
- (b) 6.0 metres from a rear lot line;
- (c) 3.0 metres from an interior side lot line; and
- (d) 6.0 metres from an exterior side lot line.
- (5) Visitor accommodation lodge must not exceed X m²
- (6) The total floor area for accessory buildings must not exceed 100 m² per lot.

Comment [IU136]: To be determined

Comment [IU137]: NEW

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.0 hectare.

5.16 Commercial 7 – Campground (C7) Zone (Tribune Bay)

Comment [IU138]:
In consultation with property owner
Ensure LUB mapping shows entire
campground area covered by this zone.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) campground;
 - (b) accessory retail; and
 - (c) accessory residential uses.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) accessory buildings and structures; and
 - (b) a maximum of 120 camping spaces per lot.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Comment [IU139]: NEW

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 6.0 metres from a rear lot line;
 - (c) 3.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (5) Camping spaces must be setback 15.0 metres from all lot lines.
- (6) The total floor area for accessory buildings must not exceed 100 m² per lot.
- (7) The total floor area of the accessory residential dwelling unit must not exceed 150m².

Comment [IU140]: NEW

Conditions of Use

- (8) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.
- (9) Each camping space must accommodate not more than one vehicle.
- (10) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

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

5.17 Commercial 8 – Campground (C8) Zone (*Ford Cove*)

Permitted Uses

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

Comment [IU141]: NEW

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) accessory Buildings and structures; and
 - (b) eight camping spaces are permitted per lot.
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 6.0 metres from a rear lot line;
 - (c) 3.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (5) Camping spaces must be setback a minimum of 15.0 metres from all lot lines.
- (6) The total floor area for accessory buildings must not exceed 50 m² per lot.

Comment [IU142]: NEW

Conditions of Use

- (7) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.
- (8) Each camping space must accommodate not more than one vehicle.
- (9) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

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

5.18 Ecosystem Protection/Groundwater Recharge (EP1) Zone (*Mount Geoffrey and Gravel Pit*)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) low impact recreation; and
 - (b) sustainable ecosystem management.

Permitted Buildings, Structures and Density

- (2) No buildings or structures may be constructed or erected.

Subdivision Lot Area Requirements

- (3) The minimum lot area is 400 hectares.

Site-Specific Regulations

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

Site-Specific Zone	Location Description	Site Specific Regulations
EP1(a)	Portion of Lot X	<i>In addition to the permitted uses listed in Subsection 5.22(1) gravel extraction is a permitted use.</i>

Comment [SZ143]: Insert legal description – LTC check.

5.19 Ecosystem Protection/Water Supply Protection Area (EP2) Zone**Permitted Uses**

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

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) accessory buildings and structures.

Siting and Size

- (3) Buildings and structures must be set back 6.0 metres from all lot lines.
- (4) The total floor area of accessory buildings on a lot must not exceed 30m².

Subdivision Lot Area Requirements

- (5) The minimum lot area is 1.0 hectares.

Site-Specific Regulations

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

Site-Specific Zone	Location Description	Site Specific Regulations
EP2a	Portion of Lot...	Despite 5.23(2) above, no buildings or structure are permitted on this portion of the Lot.

Comment [SZ144]: Insert legal

5.20 Public Park 1 (P1) Zone (*Tribune Bay*)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) low impact public recreation and education.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) one public education building; and
 - (b) other buildings and structures necessary for park and outdoor education use.

Siting and Size

- (3) The minimum setback for any building or structure shall be:
- (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (4) The floor area for a public education building must not exceed 186m².

Subdivision Lot Area Requirements

- (5) The minimum lot area is 64 hectares.

5.21 Public Park 2 – Undeveloped (P2) Zone (Mount Geoffrey Regional Nature, Heliwell, Mount Geoffrey Escarpment and others)

Permitted Uses

Comment [IU145]: REVISED

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) low impact public recreation and education; and
 - (b) accessory uses.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) pit privies; and
 - (b) benches.

Comment [U146]: Structures for park use?

Siting and Size

- (3) The minimum setback for any building or structure shall be:
- (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.

Subdivision Lot Area Requirements

- (4) The minimum lot area is 64.0 hectares.

5.22 Public Use (PU) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
- (a) fire hall
 - (b) office of a non-profit society;
 - (c) community facility;
 - (d) public use facility;
 - (e) art galleries;
 - (f) theatre;
 - (g) police station;
 - (h) health clinic;
 - (i) museum;
 - (j) school;
 - (k) public recreation facility;
 - (l) library;
 - (m) farmer's market;
 - (n) recycling depot; and
 - (c) accessory uses including accessory residential.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) buildings and structure for the principal permitted uses;
 - (b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; and
 - (c) accessory buildings and structures.
- (3) Lot coverage must not exceed 10% of any lot having an area of 1 hectare or more, nor 15% of any lot having an area of less than 1 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
- (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;

- (c) 8.0 metres from an interior side lot line; and
- (d) 8.0 metres from an exterior side lot line.
- (5) The floor area of an accessory residential dwelling unit must not exceed 200 m².
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m².

Conditions of Use

- (7) In this zone the sale of alcoholic beverages in a public recreation facility building shall be limited to “Special Occasion” liquor licences only.

Subdivision Lot Area Requirements

- (8) The minimum lot area is 1.0 hectare.

Site-Specific Regulations

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

5.23 Marine Conservation (M1) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) private boat anchorage and moorage.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) mooring buoys chains and anchors.

5.24 Marine Park (M2) Zone

Comment [IU147]: - NEW

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) boat anchorage and moorage associated with park use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) mooring buoys, chains and anchors.

5.25 Mariculture (M3) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) mariculture; and
 - (b) private boat anchorage and moorage.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) mooring buoys, chains and anchors;
 - (b) markers and signs identifying mariculture lease areas; and
 - (c) sacks holding molluska.

Conditions of Use

- (3) Except as permitted in subsection 5.29 (2) of this Bylaw no building or structure of any kind, including docks, floats, piers, wharves, breakwaters, fences or any other devices on or embedded into the beach, nor any structure that would impede the free and ready access by pedestrians across the beach are permitted.

Comment [IU148]: New

5.26 Marine Access (M4) Zone (Ferry landing, boat ramp and parking area)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) marine ferry terminal; and
 - (b) boat launching anchorage and moorage.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) mooring buoys, chains and anchors;
 - (b) Buildings structures necessary for the loading and unloading of motor vehicles and passengers from a marine ferry;
 - (c) boat ramps; and
 - (d) accessory buildings and structures.

Comment [IU149]: REVISED

Comment [IU150]: NEW

Comment [IU151]: NEW

Comment [IU152]: NEW

5.27 Marine Service (M5) Zone (Ford Cove Dock and breakwater)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) marina;
 - (b) seaplane moorage and anchorage;
 - (c) government wharves and breakwaters;
 - (d) boat rentals and sales;
 - (e) fish buying and packing;
 - (f) marine fuel sales; and
 - (g) temporary residential use of moored vessels

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
- (a) floats, docks and wharves; and
 - (b) breakwaters.

Comment [IU153]: NEW

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

- (1) Freestanding and facia signs affixed to a building or structure are permitted in accordance with table 6-6 and all other signs are prohibited.

6.2 Prohibited Signs

Comment [IU154]: REVISED

- (1) Despite Section 6.1, the following signs are prohibited:
- (a) internally illuminated, blinking, backlit, or neon signs;
 - (b) signs with moving parts;
 - (c) signs that make noise;
 - (d) third party signs;
 - (e) signs painted on a natural rock face;
 - (f) signs illuminated by a floodlight or spotlight;
 - (g) signs that project over a highway or other public property; and
 - (h) signs that are sited or otherwise placed in a location seaward of the natural boundary of the sea.

6.3 Exempt Signs

- (1) The following signs are exempt from the regulations in this part:
- (a) directional, traffic control, informational, interpretive and navigational signs sited and maintained by a public authority, agency or their authorized agents;
 - (b) warning signs such as private property signs prohibiting trespassing, vehicles, overnight camping or hunting, subject to the sign not exceeding 1.0 square metre;
 - (c) signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided that they are removed within 14 days after the date of the election;
 - (d) real estate signs may be located on a property that is for sale, subject to the sign not exceeding 1.0 square metre in area. Such signs are to be removed within 14 days after the sale of the property;
 - (e) temporary notices posted for less than 60 days; and
 - (f) In the mariculture (M3) zone, up to two signs each not exceeding 0.5m² are permitted per water lot lease area indicating type of mariculture being carried out on the lease.

Comment [s155]: New

6.4 Siting and Height

- (1) A sign permitted in this part may be located in a required front yard or exterior side yard setback area.

6.5 Obsolete Signs

- (1) Any sign which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed within 30 days after the sign becomes obsolete.

6.6 Sign Number and Area

- (1) Every sign, except those exempted in Section 6.3, must comply with the provision of Table 6.6.

Table 6.6: Sign Number and Area		
Zone/Use	Number of Signs Permitted for each Lot, Premise or Use	Maximum Total Sign Area Permitted for Each Lot
R1, R2, R3, R4, R5,	1 per lot 1 per home occupation	1.0 m ²
A1, A2, A3, A4	2 per lot	1.0 m ²
C1, C2, C3, C4, C5, C6, C7, C8	1 per use	4.0 m ²
EP1, EP2	None other than permitted in 6.3	n/a
P1, P2	None other than permitted in 6.3	n/a
PU	1 per use	4.0 m ²
M1, M2, M3, M4, M5	1 per tenure	n/a

PART 7 PARKING REGULATIONS

7.1 Location

- (1) All required off-road parking spaces shall be located on the lot on which the use or occupancy in respect of which they are required is located, or on a lot within 100 metres, with appropriate zoning.
- (2) In the case of a parking space for the disabled, it shall be located at the closest point as is practical to the main entrance to any building containing the use for which the disabled parking space is required.

Comment [IU156]: REVISED

7.2 Design Standards

- (1) Each parking space shall be accessible to a highway via a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree parking; 5.5 metres in width in the case of 60 degree parking; and 3.5 metres in width in the case of 45 degree and parallel parking; and no parking space may abut a highway such that the use of the parking space necessitates reversing a motor vehicle from or onto the highway. If a parking space is accessible directly from a lane the combined length of the parking space and width of the lane shall be at least 12.5 metres.
- (2) Parking spaces shall be at least 2.5 metres in width and 5.5 metres in length, exclusive of manoeuvring aisles, and have unobstructed vertical clearance of at least 2 metres. Parallel parking spaces shall notwithstanding the foregoing have a length of 7.5 metres.
- (3) Where more than four parking spaces are provided the parking area must have a hard, permeable, durable surface such as interlocking bricks or well packed gravel that does not produce dust.
- (4) Parking spaces in setback areas must not cover more than 40% of that area.
- (5) No parking area may have a gradient in any direction of more than 10%.

Comment [IU157]: REVISED

Comment [IU158]: REVISED

Comment [IU159]: REVISED

7.3 Calculation

- (1) Where more than one use is located on a lot, the total number of parking spaces required is the sum of the requirements for the uses calculated separately.
- (2) Where a particular use is not specifically listed in Table 7.5, the number of parking spaces required for the most similar listed use applies.
- (3) Where the number of spaces required includes a fraction, the owner or occupier must provide the next highest whole number of parking spaces.

7.4 Number of Off-Street Parking Spaces

- (1) Every owner of land must provide and maintain on the lot off-road vehicle parking spaces in accordance with the provisions of Table 7.4.

Table 7.4 : Number of Off-Street Parking Spaces

Use of Building or Lot	Minimum Number of Parking Spaces	Minimum number of Parking Spaces for disabled	Minimum Number of Bicycle Parking Spaces
(1) dwelling unit	2 per dwelling unit	n/a	n/a
(2) restaurant, pub, cafe	1 per 2 seats	1 per 50 parking spaces	1 bicycle rack per 50 parking spaces
(3) bed and breakfast home occupation	1 per bedroom used for guest accommodation	n/a	n/a
(4) service stations and fire halls	4 plus 2 per service bay or fire truck bay	1 per 50 parking spaces	1 bicycle rack per 50 parking spaces
(5) school	1 per employee plus 10 for visitors	1 per 50 parking spaces	1 bicycle rack per 25 parking spaces
(6) marinas and boat ramps	1 per 3 berths and 4 per boat ramp or hoist	1 per 50 parking spaces	1 bicycle rack per 50 parking spaces
(7) hotel, motel, lodge, resort	1 per visitor accommodation unit	1 per 50 parking spaces	1 bicycle rack per 50 parking spaces
(8) community housing	1 per dwelling unit	n/a	n/a
(9) home occupation other than a bed and breakfast	1 per two employees plus the number required for the relevant commercial or industrial use	n/a	n/a
(10) community hall, church, social hall	1 per 4 seats of meeting assembly	1 per 50 parking spaces	1 bicycle rack per 50 parking

Comment [IU160]: NEW

Comment [SZ161]: Parking requirements for dwellings with secondary suites – FOR DISCUSSION

Comment [IU162]: NEW

DRAFT FOR COMMENT – VERSION 3 – February 2013

Use of Building or Lot	Minimum Number of Parking Spaces	Minimum number of Parking Spaces for disabled	Minimum Number of Bicycle Parking Spaces
	room maximum seating capacity		spaces
(11) industry, equipment storage, building material supply, warehouse	1 per 40 m ² of floor area	1 per 50 parking spaces	1 rack per 50 parking spaces
(12) retail, financial service, personal service, office, post office, library, bakery, museum	1 per 20 m ² of floor area	1 per 50 parking spaces	1 bicycle rack per 50 parking spaces

Comment [IU160]: NEW

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

Comment [IU163]: NEW

- (1) Subdivisions shall comply with the minimum and minimum average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots. Where there is no average lot area specified in the zone the minimum lot area shall be considered the average.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 5, be included in the total area of lots being created.

8.2 Exemptions from Average and Minimum Lot Area Requirements

Comment [SZ164]: REVISED

- (1) The minimum and average lot sizes specified in this bylaw do not apply:
 - (a) where the lot is being created for the purpose of accommodating unattended equipment necessary for the operation of a community water or sewer system, telephone exchange, electrical substation, or similar public service facility, and the use of the lot will generate no sewage;
 - (b) where the lot being created is to be used solely for park use or natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose;
 - (c) where a lot is created by the consolidation of two or more lots; and
 - (d) to the adjustment of boundaries between lots provided that:
 - (i) the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment; and
 - (ii) the area of the new lot is not less than the minimum lot area specified for that zone; or
 - (iii) the area of the new lot is not less than the existing minimum lot area; and
 - (iv) the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

8.3 Covenants Prohibiting Further Subdivision and Development

- (1) If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 5, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot size, the applicant shall grant a covenant in respect of

Comment [IU165]: NEW

every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number of residential dwelling units and accessory buildings.

- (2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum average lot sizes specified by this bylaw, and:
- (a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot size; and
 - (b) one or more of the lots being created has an area less than the applicable minimum average lot size the applicant shall grant a covenant in respect of every lot prohibiting:
 - (i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and minimum average lot sizes specified by this bylaw; and
 - (ii) the construction, erection, or occupancy on the lot of residential dwelling units and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this bylaw without subdivision.
- (3) If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a residential dwelling unit, if the common property were a lot, the applicant shall grant a covenant in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit on the common property, and the disposition of the common property separately from the strata lots.

Comment [IU166]: NEW

Comment [IU167]: NEW

8.4 Boundary Adjustment Subdivisions

Comment [SZ168]: NEW

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

8.5 Section 946 Subdivisions (Residence for a Relative)

- (1) No lot having an area less than 8 hectares may be subdivided pursuant to the *Local Government Act* to provide a residence for the relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

Comment [IU169]: NEW

8.6 Lot Frontage and Lot Shape

- (1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the *Local Government Act*.
- (2) No lot in a proposed subdivision may have a depth greater than three times its width, excluding the width of any panhandle access strip.
- (3) If a proposed panhandle lot is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 10.0 metres.
- (4) If a proposed panhandle lot is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 20.0 metres.

Comment [SZ170]: REVISED

8.7 Split Zoned Lots

- (1) The creation of additional lots lying within two or more zones is prohibited.

8.8 Split or Hooked Lots

- (1) No additional lot which is divided into two or more portions by a highway or another lot may be created by subdivision.

8.9 Double Frontage Lots

- (1) No additional lot having frontage on more than one highway other than a corner lot may be created by subdivision.

8.11 Highway Standards

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

8.12 Water Supply Standards

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

Comment [SZ171]: NEW

PART 9 DEVELOPMENT PERMIT GUIDELINES

Comment [SZ172]: For discussion. The LTC may wish to remove the DP guidelines from the DRAFT OCP and insert them into the LUB. Justification for the DP areas would remain in the OCP.

The Development Permit Guidelines for the Form and Character of Commercial Development

Water Supply Protection Development Permit Area

Community Service Use Development Permit Area

Water Resource Protection Development Permit Area

Mt. Geoffrey Escarpment Development Permit Area

SCHEDULE B: ZONING MAP

Schedule B is a 1:10,000 map showing the zoning classifications for all lots and water surfaces in the Hornby Island Local Trust Committee area. Schedule B is part of the Land Use Bylaw, but is published separately.

SCHEDULE C: BYLAW AREA MAP

Schedule C shows the area covered by the Land Use Bylaw. Schedule C will cover the same areas as the Hornby Island Official Community Plan Bylaw 104, 2002. Schedule C is part of the Land Use Bylaw.

SCHEDULE D: POTENTIAL FISH BEARING STREAMS AND WETLANDS

Comment [SZ173]: For LTC discussion.

Schedule D can show the location of known potential fish bearing streams and wetlands in the area covered by the Land Use Bylaw. Schedule D is part of the Land Use Bylaw.

Attachment No. 2

HORNBY ISLAND SITING AND USE PERMIT BYLAW NO. 52

AS AMENDED BY HORNBY ISLAND TRUST COMMITTEE BYLAW NO. 54 and 122

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

Certified copies of the Siting and Use Permit Bylaw are available from the Islands Trust Office, 2nd Floor, 1627 Fort Street, Victoria, BC V8R 1H8

February, 2005

BYLAW AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 54	Amendment No. 1, 1990	February 7, 1991
Bylaw No. 122	Amendment No. 1, 2004	January 17, 2005

HORNBY ISLAND TRUST COMMITTEE

BYLAW NO. 52

A Bylaw to Require and Define Procedures for Application for Siting and Use Permits in compliance with Hornby Island Official Community Plan Bylaw, 1976 and Hornby Island Land Use Bylaw No. 37, 1988.

WHEREAS the Hornby Island Local Trust Area is not subject to a requirement established under Part 21 of the *Municipal Act* that building permits be obtained for construction;

AND WHEREAS the Hornby Island Local Trust Area is subject to Land Use Bylaw No. 37, 1988 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Hornby Island Trust Committee being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C. 1989, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "**Hornby Island Trust Committee Siting and Use Permit Bylaw No. 52, 1990**".

2. Requirement

HO-122

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit for new construction of a building or structure exceeding 9.3 metres (100 square feet) in gross floor area or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit in accordance with this bylaw before beginning construction on the land.

3. Application

This bylaw shall apply to Hornby Island, Toby Island, Flora Islet, Norris Rocks, and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

4. Interpretation

HO-122

In this bylaw, definitions contained in the Hornby Island Land Use Bylaw apply with the addition of the following:

"Approval" means approval in writing from the person specified in Section 5 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

5. Administration

- HO-54 5.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.
- 5.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.
- 5.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than \$1000.00.

6. Application Procedures

- 6.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.
- 6.2 An application for a permit shall:
- (a) be submitted to the Islands Trust office on the form prescribed in Appendix 1 of this bylaw;
- (b) not be considered a valid application until it contains all the information required by the form; and
- HO-122 (c) include the fees required by Hornby Island Trust Committee Fees Bylaw.
- 6.3 A permit may be issued only if the construction and use of land and structures to which it relates does comply with the applicable land use bylaw.

7. Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

READ A FIRST TIME THIS 5th day of May , 1990

READ A SECOND TIME THIS 5th day of May , 1990

READ A THIRD TIME THIS 5th day of May , 1990

RECONSIDERED, AND FINALLY PASSED AND ADOPTED THIS 17th day of May , 1990

Jim Windsor
SECRETARY

Nick Gilbert
CHAIRPERSON



Islands Trust

Preserving island communities, culture and environment

Victoria Office

200 - 1627 Fort Street
 Victoria, BC V8R 1H8
 Telephone: 250.405.5151
 Fax: 250.405.5155
 information@islandstrust.bc.ca
 North Pender, South Pender, Galiano,
 Mayne, Saturna, Executive

Salt Spring Office

1 - 500 Lower Ganges Road
 Salt Spring Island, BC V8K 2N8
 Telephone: 250.537.9144
 Fax: 250.537.9116
 ssinfo@islandstrust.bc.ca
 Salt Spring

Northern Office

700 North Road
 Gabriola Island, BC V0R 1X3
 Telephone: 250.247.2063
 Fax: 250.247.7514
 northinfo@islandstrust.bc.ca
 Denman, Gabriola, Gambier,
 Hornby, Lasqueti, Thetis

www.islandstrust.bc.ca

Toll Free via Enquiry BC in Vancouver 660-2421 Elsewhere in BC 1.800.663.7867

Siting and Use Permit Application Form

Office Use Only

Fee Paid: _____ Receipt No.: _____ File No.: _____

Have previous Siting and Use Permits been issued for the property subject to this application? ☐ Yes ☐ No

If "yes", please list the permit numbers: _____

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel _____ Plan _____ Block _____ District Lot/Section _____
 Range _____ Other Description _____
 Street Address or General Location _____
 Jurisdiction and Folio Number _____ (From Property Assessment/Tax Notice)
 Parcel Identifier (PID) _____ (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information**Second Owner Information**

Name _____
 Street Address _____
 City _____ Region _____
 Postal/Zip Code _____
 Telephone _____
 Fax _____
 E-mail _____

Name _____
 Street Address _____
 City _____ Region _____
 Postal/Zip Code _____
 Telephone _____
 Fax _____
 E-mail _____

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name _____ Street Address _____
 City _____ Region _____ Postal/Zip Code _____
 Telephone _____ Fax _____ E-mail _____

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Describe the present use of the property, including a description of any home occupation:

SECTION 5: Describe any existing building(s) on the property and their present use:

SECTION 6: Describe the proposed use of the property including a description of any home occupations:

SECTION 7: Describe the type, number and height of all proposed buildings and structures:

SECTION 8: Provide three copies of a site plan (8.5 x 11) with this application, drawn to a suitable scale, showing lot dimensions as shown on the Land Title Office Plan including the following:

- ☐ the location, dimensions, floor area and uses of existing buildings and structures
- ☐ existing uses of the land and buildings
- ☐ proposed uses of land and proposed buildings
- ☐ height of proposed buildings
- ☐ the location of any existing and proposed septic tanks and fields, and of any existing and proposed wells and water lines on *both* the subject property and all neighbouring properties (if applicable)
- ☐ the locations, dimensions and uses of the proposed buildings
- ☐ the locations of all watercourses, ponds, lakes and wetlands
- ☐ the minimum setback distances from each existing and proposed building or structure to any wells, disposal fields, property lines and natural features such as a cliff edge or the natural boundary of the sea, lake, creek etc.
- ☐ setback of all existing and proposed septic field from the natural boundaries of lakes, watercourses, and the sea, where applicable, and from the edge of any cliffs on the property
- ☐ setback of privy from property lines (where applicable)
- ☐ setbacks of all existing and proposed buildings from any park boundary (where applicable)
- ☐ setbacks of agricultural uses from the natural boundaries of lakes, watercourses, the sea, and from all property lines (where applicable)
- ☐ existing and proposed driveways, off street parking, loading and outdoor storage areas

SECTION 9: APPLICATION COMPLETION CHECKLIST

- ☐ I have completed all sections of this application form
- ☐ I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- ☐ I have included recent State of Title Certificate (not more than 30 days old)
- ☐ I have included copies of all covenants registered against this title
- ☐ All owners listed on the title have signed the application
- ☐ I have included the correct fee (Contact Islands Trust staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 10: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization

Consent and Authorization Signature

Date

Second Consent and Authorization

Consent and Authorization Signature

Date

COMPLETED APPLICATIONS SHOULD BE SUBMITTED TO:

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
Telephone: 250.247.2063
Fax: 250.247.7514
northinfo@islandstrust.bc.ca
*Denman, Gabriola, Gambier,
Hornby, Lasqueti, Thetis*

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.



Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Feb-03-2012	Sonja Zupanec		On Going
2	Vacation Home Rentals - Regulations Review	Print and video communications products to clarify the new vacation home rental regulations.	Feb-03-2012	Sonja Zupanec	May-30-2013	On Going
3	Riparian Areas Regulation mapping and implementation.		Feb-03-2012	Sonja Zupanec	Dec-31-2012	On Going



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012	On Going
1	Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.			On Going
2	Continue relationship building with K'omoks First Nations.		Feb-03-2012	On Going
3	GHG Emissions Reduction	<i>Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012	On Going
4	Communications strategy for revised OCP and LUB		Feb-03-2012	On Going
5	Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.		Nov-23-2012	On Going



Applications w/ Status - Hornby Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2012.4	Calvin & Angela Read Planner: Linda Prowse	Dec-13-2012	Vary setbacks from the sea and exterior side lot line

Planning Status

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.2	Ron Tuele Planner: Marnie Eggen	Apr-29-2010	

Planning Status

Status Date: May-03-2012

MOTI extenstion granted

Status Date: Jun-21-2011

Forwarded covenant to applicant for acceptance

Status Date: Jun-16-2011

Rcv'd reviewed covenant from legal counsel

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.2	Toby Krell Planner: Sonja Zupanec	Apr-05-2012	4330 Central Road, Hornby Is, BC 2 lot subdivision

Planning Status

Status Date: Jun-19-2012

Status Date: Jun-19-2012

asefsdf

Status Date: May-14-2012

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.3	Peter Mason	Apr-26-2012	1410 Carmichael Road (Gustein & Burrows) 2 lot subdivision under Section 946 Local Government Act

Planner: Linda Prowse

Planning Status

Status Date: Dec-20-2012

Still awaiting RAR report and DVP application from applicant

Status Date: May-18-2012

Referral response sent to the Ministry of Transportation and Infrastructure

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.11	Hornby Island Resorts Ltd. (The Thatch)	Sep-22-2011	Commercial Building, Triplex and Duplexes, Pump House and Water Cistern

Planner: Marnie Eggen

Planning Status

Status Date: Oct-03-2011

Pending outcome of DP and DVP.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.13	5405 Jerow Road	Dec-06-2011	construct a cottage

Planner: Marnie Eggen

Planning Status

Status Date: Dec-06-2011

Requested further information

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2012.10	Nick McGowan	Dec-06-2012	5160 Central Road single family residence

Planner: Marnie Eggen

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2012.12	Calvin & Anglea Read	Dec-13-2012	see DVP HO-DVP-2012.14
Planner: Linda Prowse			

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2012.9	Sally & David Englund	Nov-27-2012	
Planner: Linda Prowse			

Planning Status

Nicole Ranger
Finance Clerk
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155

 Please consider the environment before printing this email

From: Nicole Ranger
Sent: November-28-12 11:18 AM
To: Alex Allen; David Graham; Sonja Zupanec; Tony Law; Theresa Warren; Becky McErlean
Cc: Nancy Roggers
Subject: Hornby Expense Report Nov/12

Islands Trust

LTC EXP SUMMARY REPORT F2012

Invoices posted to November 30, 2012

635 Hornby		Invoices posted to November 30, 2012	Budget	Spent	Balance
	65000 635	LTC "Trustee Expenses"	1,300.00	499.72	800.28
	65200 635	LTC Local Exp LTC Meeting Expenses	3,200.00	1,723.32	1,476.68
	65210 635	LTC Local Exp APC Meeting Expenses	300.00	293.94	6.06
	65220 635	LTC Local Exp Communications	400.00	200.00	200.00
	65230 635	LTC Local Exp Special Projects	500.00	-	500.00
	65240 635	LTC Local Exp Miscellaneous	200.00	-	200.00
	TOTAL LTC Local Expense		4,600.00	2,217.26	2,382.74
	73001 635 2004	Hornby OCP/LUB	8,000.00	1,478.63	6,521.37
	TOTAL Project Expense		8,000.00	1,478.63	6,521.37

Nicole Ranger

Finance Clerk
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8
 Phone: (250) 405-5152
 Fax: (250) 405-5155

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Islands Trust

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Population (2011):

Approximately 958

Size:

2,990 hectares (7,388 acres)

Location:

31 kilometres south-east of Courtenay on Vancouver Island.

[Land Use Planning](#)
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[Related Resources](#)
[Trust Area Mapping](#)
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Hornby Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

December 2012

- [A Guide to Vacation Home Rentals - 2012](#)
- [December 2012 v.6 DRAFT Official Community Plan - for public review](#)

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Hornby Island Work Program

1. Targeted Official Community Plan and Land Use Bylaw Review
2. Vacation Home Rental Regulation Review
3. Riparian Areas Regulation Implementation

Hornby Island Local Trust Committee Projects

Official Community Plan and Land Use Bylaw Review

- [DECEMBER 2012 v.6 DRAFT OCP](#)
- [JULY 2012 DRAFT OCP](#)
- [Project Charter - April 2012](#)
- [Communications Plan - April 2012](#)
- [OCP/LUB Project Newsletter - May 2012](#)
- **Discussion Documents for April, 2011 Community Information Meeting:**
 - [Draft Hornby OCP Revisions April 2011](#)
 - [Draft Schedule B \(April 2011\) - Land Use Designations](#)
 - [Schedule C - Land Status and Road Designations](#)
 - [Schedule D2 - Environmentally Sensitive Areas](#)
 - [Draft Schedule E \(April 2011\) - Development Permit Areas](#)
 - [Schedule F - Hazard Areas](#)
- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - November 2012](#)
- [Staff Report - Home Occupations - November 2012](#)
- [Staff Report - September 2012](#)
- [Staff Report - March 2011](#)
- [Staff Report - December 2010](#)
- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

Hornby Island Community Profile

- [Community Profile 2010](#)

Riparian Areas Regulation Implementation

- [March 2012 Mimulus Biological Consultants Stream Mapping Report](#)

Committee Links

[Committee Home](#)
[Trustee Membership](#)
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[Planning Bylaws](#)
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[Meetings Schedule](#)
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[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

- [November 2011 RAR Factsheet](#)

Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(May 2012\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

Ecosystem Mapping

- [Hornby Island Ecosystem Map 2001](#)

Advisory Planning Commission - Minutes

- [April 17, 2012](#)
- [April 24, 2012](#)
- [May 1, 2012](#)
- [May 3, 2012](#)
- [June 21, 2012](#)

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Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

K'omoks First Nation

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation, September 2008](#)

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