



Islands Trust

**HORNBY ISLAND  
LAND USE BYLAW No.150, 2014**

As amended by the  
Hornby Island Local Trust Committee

**Consolidated Version: November 22, 2021**

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

For reference to original bylaw and amendments,  
please contact:

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

*Preserving Island communities, culture and environment*

## CONSOLIDATED BYLAW AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 152	Amendment No. 1, 2015	June 10, 2016
Bylaw No. 153	Amendment No. 1, 2016	December 2, 2016
Bylaw No. 155	Amendment No. 1, 2017	February 9, 2018
Bylaw No. 163	Amendment No. 1, 2020	November 6, 2020
Bylaw No. 162	Amendment No. 1, 2019	May 21, 2021
Bylaw No. 167	Amendment No. 1, 2021	November 8, 2021

**HORNBY ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 150**

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**A BYLAW TO ESTABLISH REGULATIONS AND REQUIREMENTS RESPECTING THE USE OF BUILDINGS AND STRUCTURES  
AND THE USE AND SUBDIVISION OF LAND**

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The Hornby Island Local Trust Committee, being 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,

The Hornby Island Local Trust Committee enacts as follows:

1. TITLE

This Bylaw may be cited as the “Hornby Island Land Use Bylaw No. 150, 2014”.

2. APPLICATION

This Bylaw applies to:

Hornby Island,  
Toby Island,  
Flora Islet,  
Norris Rocks,

and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island Local Trust Committee extends to a line mid-channel between the two Islands as shown on Schedule B.

3. ORGANIZATION

The following schedules attached to and forming part of this Bylaw, are adopted as “Hornby Island Land Use Bylaw No. 150, 2014”:

Schedule A: Bylaw Text  
Schedule B: Land Use Zoning Map

4. BYLAW REPEAL

“Hornby Island Land Use Bylaw No. 86, 1993” is repealed upon adoption of this Bylaw.

READ A FIRST TIME THIS	25 <sup>TH</sup>	DAY OF	APRIL	, 2014
PUBLIC HEARING HELD THIS	11 <sup>TH</sup>	DAY OF	JULY	, 2014
READ A SECOND TIME THIS	17 <sup>TH</sup>	DAY OF	JULY	, 2015
PUBLIC HEARING HELD THIS	14 <sup>TH</sup>	DAY OF	AUGUST	, 2015
READ A THIRD TIME THIS	14 <sup>TH</sup>	DAY OF	AUGUST	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	6 <sup>TH</sup>	DAY OF	OCTOBER	, 2015
ADOPTED THIS	12 <sup>TH</sup>	DAY OF	FEBRUARY	, 2016

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SECRETARY

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CHAIRPERSON

**HORNBY ISLAND LAND USE BYLAW**  
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# 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.

**agriculture** means the use of land, buildings or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops or livestock.

**agricultural land reserve** means a reserve of land established under the *Agricultural Land Reserve Act*.

**attached housing** means two or more dwelling units that are attached physically but are owned or occupied by different domestic units.

**bed and breakfast** means a home occupation use that provides bedrooms within a dwelling unit for the temporary accommodation of the travelling public, and the provision of breakfast meals to those guests, but does not include boarding house.

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

**boarding house** means a dwelling, or part thereof, in which furnished sleeping accommodations, with meals, are provided for consideration to four or more persons as permanent accommodation.

**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 pit toilets.

**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 or park model homes.

**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 metres (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, structure or administrative office operated by a non-profit society or local government for the benefit of the community generally and used for community events including classes, public entertainment, cultural and social events or, in the context of a community housing development, for shared amenities for the use and enjoyment of the residents of the community housing development.

**community housing** means dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under Section 483 of the LGA and are constructed for community

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residents on land that is owned by a government body or agency or a non-profit organization constituted under the *Societies Act*.

**community trades and services** means the creation of artisan products or the provision of services such as personal, business, food preparation, repair and professional services and may include retail sales.

**crafts** means original and unique works and works of art that are created by artisans and artists.

**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.

**domestic unit** means a group of not more than five unrelated individuals.

**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 or manufactured home;
- (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 4.0 metres.

**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.

**family** means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than five unrelated persons sharing a dwelling unit.

**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 metres, including, where such use is permitted, floors in a recreational vehicle used for a residential use, measured to the exterior surface of the perimeter walls or, in the case of regulations dealing with floor areas within buildings, the interior surface of the walls of the relevant building area, and includes enclosed balconies, decks, porches and similar projections; but excludes cisterns and vertical service spaces that pierce a storey.

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

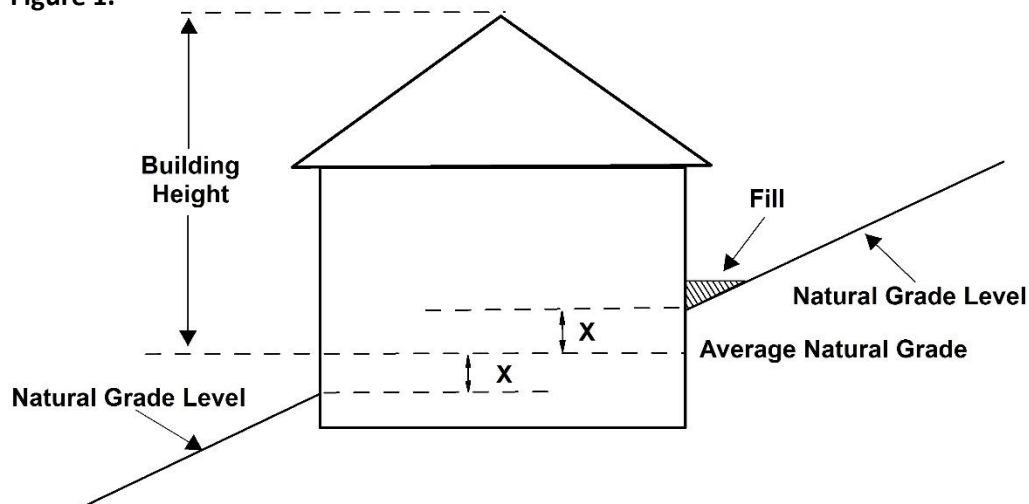
**full-time equivalent** in relation to employees for home occupations means the total number of hours that an employee would work in a year based on an 8-hour day.

**grade level, average natural** means the average natural grade level at the perimeter of a building or structure calculated by averaging the elevations at the midpoints of all the exterior walls or support points forming the building or structure's footprint.

**grade level, natural** means the level of the natural ground elevation adjoining each exterior wall of a building or structure.

**height of building or structure** 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 average natural grade level.

Figure 1.



**highway** means a public road, lane, bridge and any other way open to public use, but does not include a private right-of-way on private property.

**home occupation** means any trade, occupation, profession or craft carried on for remuneration or financial gain and which is accessory to the principal residential use of a lot.

**horticulture** means the use of land for growing fruits, vegetables, plants or flowers.

**hostel** means a building that contains shared sleeping units and common facilities for cooking, eating and washing in order to provide temporary accommodation for persons such as summer workers, displaced.

**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.

**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.

**live/work studio** means a commercial use combined with a residential use in such a manner that the residential and commercial uses constitute a single occupancy of the premises.

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

**lot** means any lot, 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 including, where such use is permitted, a recreational vehicle used for a residential use, 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 transportable dwelling unit which arrives at the site where it is to be occupied, complete and ready for occupancy except for placing on foundation supports, connections of utilities and some incidental assembly.

**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.

**mooring buoy** means a buoy marking the location of a mooring. Usually attached to an anchor by a rope, cable or chain.

**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 B.C. 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 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, showers 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 company regulated by the *Utilities Commission Act* or the *Radiocommunication Act* of Canada, serving only the Hornby Island local community.

**public use** includes the use by the general public of such things as schools, streets, highways, hospitals, government buildings, parks, water reservoirs, community housing, public theaters, bridges, utilities and numerous other purposes designated as beneficial to the public.

**pump/utility house** means a building or structure with a maximum floor area of 4.0 m<sup>2</sup> having the sole purpose of enclosing pumping equipment, valves, pipes and filtration equipment associated with a source of water, electrical power or communication connection devices.

**recreational vehicle** means any structure, trailer, or vehicle used or designed to be used for temporary living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

**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 a separate dwelling unit located wholly within a building which is a single real estate entity used for residential use and which contains only one other dwelling unit (see Section 3.8).

**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 metal transport container designed for and customarily associated with road, rail or ocean transport.

**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.

**sign, third party** means a sign that is located on a different lot from the lot on which is located the land use, occupancy or business to which the sign pertains, and for this purpose abutting lots in common ownership are considered to be a single lot.

**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, septic fields, tanks, absorption fields and related appurtenances.

**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:

- (a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily a 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 same lot while the vacation home rental is occurring; or
- (c) the owner of the lot resides seasonally in the dwelling unit 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 Section 528 of the *Local Government Act*, unless such residential use is discontinued for a continuous period of six months.

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

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

## 1.2 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, water column and 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 building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or other person such that it contravenes 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.

### **2.3      Inspection**

- (1) The Islands Trust Bylaw Enforcement 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.

### **2.4      Violation**

- (1) Any person who does any act or thing or permits any act or thing to be done in contravention 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 this Bylaw commits an offence under this Bylaw.

### **2.5      Penalty**

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

## **2.6 Covenants**

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* 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 Siting Compliance**

- (1) Every applicant for a rezoning, a development permit, a temporary use permit or a development variance permit must provide a plan, sometimes referred to as a “survey certificate”, 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.

## **2.8 Severability**

- (1) If any section, subsection, sentence, clause, phrase, plan, map, diagram, table, schedule, or other graphic material or any part thereof of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

## **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.

### **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 8:
- (a) The use of a boat, vessel, or structure over water as a residence for more than four 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) Overnight accommodation in tents or recreational vehicles accessory to or in association with vacation home rental use;
  - (e) Amusement parks, shooting ranges, water slides, go cart tracks, and commercial golf courses;
  - (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) Disposal of effluent from pumping out sewerage facilities on to land;
  - (l) Disposal of sewage by marine outfall;
  - (m) Disposal or storage of toxic or hazardous waste;
  - (n) Storage of waste and sale of salvage material unless expressly permitted in Part 8 of this Bylaw;
  - (o) Wrecking or storage of derelict automobiles, vessels or mechanical equipment;
  - (p) The rental or sale of personal watercraft, all-terrain vehicles, gas powered scooters 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 and wind generators intended to provide power to an island other than the island on which the structures are located;

- (s) Casinos;
- (t) Any use of a shipping container unless screened;
- (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 or poultry on lots having an area less than 1.0 hectare;
- (w) Exterior lights that illuminate surrounding properties or a highway.

**INFORMATION NOTE:** *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(2) no buildings or structures may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D.
- (4) Where fill is used to achieve the elevation required in Subsection 3.3(2), 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 or structure may be located within 15.0 metres of the edge of any cliff, unless 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 safe, in which case the minimum distance is 10.0 metres.
- (6) All pit toilets must be set back at least 15.0 metres from all lot lines.
- (7) Feeding troughs, manure piles, buildings and structures for housing animals and 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.
- (8) 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.
- (9) Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 15.0 metres from all lot lines.
- (10) Buildings and structures used for the commercial growing of mushrooms, the commercial raising of livestock or more than 100 birds 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.

### **3.4 Height Regulations**

- (1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres.

- (2) Buildings and structures, other than 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 10.0 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.

**INFORMATION NOTE:** *Applications for development variance permits to vary the setback or height requirements of this Bylaw can be considered by the Local Trust Committee.*

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

- (1) Unless a building 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(9), 3.6(11) and 3.6(22) inclusive are permitted as home occupations. Without limiting the generality of the foregoing the following uses are prohibited as home occupations:
  - (a) restaurant, food take-out service;
  - (b) retail store;
  - (c) salvage, junk or incineration business;
  - (d) chemical manufacturing;
  - (e) storage of toxic or flammable materials other than for use in small quantities in carrying out a home occupation;
  - (f) winery involving a lounge other than on ALR land;
  - (g) extraction and sale or delivery 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.

#### **Limited Home Occupations**

- (2) Subsections 3.6(3) to 3.6(7) inclusive apply to home occupations conducted on lots less than 0.1 hectare in area.
- (3) The following uses, and no other uses, are permitted as home occupations:
  - (a) Art and craft 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% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 65 square metres.
- (5) The home occupations must be conducted wholly within a principal dwelling unit.
- (6) The home occupations must be operated solely by residents of the property.
- (7) The noise level created by a home occupation on the lot must not be detectable at the lot line.

#### **Basic Home Occupations Tier 1**

- (8) Subsection 3.6(9) applies to home occupations conducted on lots of 0.1 hectare or larger and less than 0.4 hectares in area.
- (9) The following uses (including uses permitted in the Limited Home Occupations), and no other uses, are permitted as home occupations:
  - (a) Home occupation uses listed in Subsection 3.6(3);
  - (b) Bed and breakfast;
  - (c) Art and craft studios, including incidental sales;
  - (d) Personal service, including incidental sales.

#### **Basic Home Occupations Tier 2**

- (10) Subsections 3.6(11) to 3.6(20) inclusive apply to home occupations conducted on lots of 0.1 hectare or larger and less than 2.0 hectares in area.
- (11) The following uses, including uses permitted in the Limited Home Occupation and Basic Home Occupations Tier 1, and no other uses, are permitted as home occupations:
  - (a) Home occupation uses listed in Subsection 3.6(3);
  - (b) Bed and breakfast;
  - (c) Art and craft 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, including incidental sales;

- (k) Rental of un-motorized boats, and kayaks;
  - (l) Rental of bicycles and tools;
  - (m) Food processing and catering;
  - (n) Teaching classes limited to crafts, trades or arts;
  - (o) Sales of products grown or produced on the lot.
- (12) A maximum of two home occupations are permitted per lot.
- (13) The home occupations must be conducted wholly within a principal dwelling unit or an accessory building.
- (14) Despite Subsection 3.6(13), kilns, daycare play areas and storage, may be outdoors.
- (15) Outdoor uses permitted in Subsection 3.6(14) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.9 and 3.10.
- (16) The 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% of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.
- (17) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 80 square metres.
- (18) The home occupations must be operated by residents of the property.
- (19) The maximum number of employees, other than residents of the lot, permitted at any time is 2 full-time equivalents per lot.
- (20) The noise level created by a home occupation on the lot, must not be detectable at the lot line.

#### **Extended Home Occupations**

- (21) Subsections 3.6(22) to 3.6(30) inclusive apply to home occupations conducted on lots of 2.0 hectares or larger in area.
- (22) The following uses; including the uses permitted in the lower tiers; 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(9);
  - (b) Teaching classes for teaching crafts, trades or arts;
  - (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 hectares, including incidental sales;
  - (f) Winery with outdoor picnicking, including incidental sales.
- (23) A maximum of two home occupations are permitted per dwelling.
- (24) The home occupations may be conducted within a principal dwelling unit, an accessory building or outdoors.

- (25) Outdoor uses permitted in Subsection 3.6(22) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.9 and 3.10.
- (26) The outdoor area that may be used for a home occupation is limited to:
  - (a) a combined maximum of 105 square metres; plus
  - (b) a combined maximum of 10% of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.
- (27) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 150 square metres.
- (28) The home occupations must be operated by residents of the property.
- (29) The maximum number of employees, other than residents of the lot, permitted at any time is 6 full-time equivalents per lot.
- (30) The noise level created by a home occupation on the lot, must not be detectable at the lot line.

### **General Regulations**

- (31) Subsections 3.6(32) to 3.6(36) inclusive apply to home occupations on any size 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 of such materials must comply with any applicable provincial regulations and guidelines.
- (34) If a home occupation involves the use or storage of 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) 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.
- (36) 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**

- (37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.
- (38) 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 to guests who have been accommodated overnight.
- (39) Bed and breakfast home occupations are not permitted on lots with areas of less than 0.1 hectares.
- (40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:
- (a) one if the lot is 0.25 hectares or less in area;
  - (b) two if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;
  - (c) three if the lot is greater than 1.0 hectare in area.
- (41) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, bed and breakfast use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed bed and breakfast use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed bed and breakfast use.

### 3.7 Vacation Home Rental Uses

- (1) Vacation home rental uses must be in accordance with the following limitations:
- (a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.
  - (b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.
  - (c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.

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**INFORMATION NOTE:** *The following information is not part of the Bylaw and is for information purposes only. Regulation 3.7.1(c) permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling.*

- (d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.
- (e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

- (f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use.
- (2) A sign must be posted on the premises of each vacation home rental use while the use is occurring, clearly legible from a public road, indicating contact information including the name and telephone number of the owner of the premises or an agent of the owner who is reasonably available to deal with any impacts of the rental use on neighbouring premises.

### **3.8 Secondary Suites**

- (1) Where a secondary suite is permitted in Part 8 of this Bylaw, the suite must:
  - (a) be authorized by a Siting and Use Permit;
  - (b) meet all requirements of the British Columbia Building Code;
  - (c) contain at least one bedroom and bathroom, a separate kitchen and living area;
  - (d) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;
  - (e) be located wholly within the principle residential dwelling;
  - (f) be occupied by the owner or residential tenant; and
  - (g) be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 square metres.
- (2) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized person as defined in the Sewage System Regulations under the *Public Health Act* must state in writing to the Islands Trust that the sewage disposal system to which the building accommodating the secondary suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite.
- (3) Despite Part 8 of this Bylaw, a secondary suite is not a permitted use in a dwelling on any lot within the heavily developed – high vulnerability aquifer designation as shown on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149.

### **3.9 Fences**

- (1) Within the setbacks from any lot line as prescribed in Part 8 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 exempted from Section 3.7.

### **3.10 Screening**

- (1) Screening must be provided in the form of a wood fence of sound construction or evergreen native vegetation, of a sufficient height to provide a complete and year-round visual screen between the uses being separated:
  - (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 where the

use is carried out outdoors, by the owner of the lot on which the storage or use is occurring and on that lot, to screen the outdoor storage area or use from adjacent lots and highways;

- (b) where an industrial use is adjacent to a commercial or residential use, by the owner of the lot on which the industrial use is located and on that lot, to screen the industrial use from the commercial or residential use;
  - (c) where a commercial use is adjacent to a residential use, by the owner of the lot on which the commercial use is located and on that lot, to screen the commercial use from the residential use;
  - (d) 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 or stored on a lot, by the owner of the lot on which the parking spaces or vehicles are located, to screen the vehicles from any adjacent highway and from any adjacent residential use.
- (2) Subsection 3.10(1) need not be complied with if the use or parking area is completely screened year round from view from the adjacent highway or use or lot, as the case may be, by evergreen native vegetation at least two metres high, but those requirements must be complied with if the native vegetation is removed or damaged such that it no longer provides a complete screen.

### **3.11 Temporary Dwelling**

- (1) A recreational vehicle, mobile home, caravan, travel trailer or existing structure 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;
  - (b) The period of occupancy of the temporary dwelling does not exceed 365 days;
  - (c) The temporary dwelling is sited to permit direct discharge of effluent into an approved sewage disposal system; and
  - (d) On completion and occupancy of the principal dwelling unit, the recreational vehicle, mobile home, caravan, travel trailer or existing structure is not used as a dwelling.

**INFORMATION NOTE:** *Information guides and application forms for Siting and Use Permits can be found on the Hornby Island webpage under "Land Use Planning- Application Guides & Forms" on the Islands Trust website: (<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby.aspx>)*

### **3.12 Derelict Vehicles and Mechanical Equipment**

- (1) No parcel shall be used for the wrecking or storage of derelict automobiles, vessels or mechanical equipment.

### **3.13 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,

**3.14 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 and siting regulations for that portion are complied with.
- (2) Despite Subsection 3.14(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.

## **PART 4      SIGN REGULATIONS**

### **4.1      Permitted Signs**

- (1)      Freestanding and fascia signs affixed to a building or structure are permitted in accordance with Table 4.6 and all other signs are prohibited.

### **4.2      Prohibited Signs**

- (1)      Despite Section 4.1, the following types of freestanding and fascia signs are prohibited:
  - (a)      internally illuminated, blinking, backlit, and neon signs;
  - (b)      signs with moving parts;
  - (c)      signs that are designed to 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.

### **4.3      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 in area;
  - (c)      signs of duly nominated candidates for public office, provided that the signs are removed within 14 days after the date of the election;
  - (d)      real estate signs located on a property that is for sale, subject to the sign not exceeding 1.0 square metre in area, provided that the signs are 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 0.5 square metre in area per water lot lease or license area indicating the type of mariculture being carried out on the lease or license.

### **4.4      Siting and Height**

- (1)      A sign permitted in this part may be located anywhere on the property including within a required front yard or exterior side yard setback area.

#### 4.5 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.

#### 4.6 Sign Number and Area

- (1) Every sign, except those exempted in Section 4.3, must comply with Table 4.6.

<b>Zone/Use</b>	<b>Number of Signs Permitted for each Lot, Premises or Use</b>	<b>Maximum Total Sign Area Permitted for Each Lot, Premises or Use</b>
Vacation Home Rental Use	1 per lot or vacation home rental use	15 centimetres by 30 centimetres
R1, R2, R3, R4,	1 per lot or home occupation	1.0 m <sup>2</sup>
A1, A2, A3, A4	1 per home occupation	1.0 m <sup>2</sup>
C1, C2, C3, C4, C5, C6, C7, C8	1 per use	4.0 m <sup>2</sup>
EP1, WS	None	<i>n/a</i>
P1, P2	None	<i>n/a</i>
PU	1 per use	4.0 m <sup>2</sup>
M1, M2, M3, M4, M5	1 per tenure	<i>n/a</i>

## **PART 5      PARKING REGULATIONS**

### **5.1      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 persons with disabilities, it shall be located at the closest point as is practical to the main entrance to any building containing the use for which the parking space is required.

### **5.2      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, other than on a residential lot, 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%.

### **5.3      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 5.4, 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.

### **5.4      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 Table 5.4.

**Table 5.4 : Number of Off-Street Parking Spaces**

<b>Use of Building or Lot</b>	<b>Minimum Number of Parking Spaces</b>	<b>Minimum Number of Parking Spaces for Persons with Disabilities</b>	<b>Minimum Number of Bicycle Parking Spaces (1 rack must secure a minimum of 4 bicycles)</b>
1. dwelling unit	2 per dwelling unit	<i>n/a</i>	<i>n/a</i>
2. secondary suite	1 per secondary suite	<i>n/a</i>	<i>n/a</i>
3. restaurant, pub, cafe	1 per 2 seats	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
4. bed and breakfast home occupation and vacation home rental use	1 per bedroom used for guest accommodation	<i>n/a</i>	<i>n/a</i>
5. service stations and fire halls	4 plus 2 per service bay or fire truck bay	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
6. school	1 per employee plus 10 for visitors	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
7. marinas and boat ramps	1 per 3 berths and 4 per boat ramp or hoist	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
8. hotel, motel, lodge, resort	1 per visitor accommodation unit	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
9. community housing	1 per dwelling unit	<i>n/a</i>	<i>n/a</i>
10. home occupation other than a bed and breakfast	1 per two employees plus the number required for the relevant commercial or industrial use	<i>n/a</i>	<i>n/a</i>
11. community hall, church, social hall	1 per 4 seats of meeting assembly room maximum seating capacity	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
12. industry, equipment storage, building material supply, warehouse	1 per 40 m <sup>2</sup> of floor area	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
13. retail, financial service, personal service, office, post office, library, bakery, museum	1 per 20 m <sup>2</sup> of floor area	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces



## **PART 6 SUBDIVISION REGULATIONS**

### **6.1 Lot Area Calculations**

- (1) Subdivisions shall comply with the minimum and minimum average lot area regulations set out in Part 8. 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 minimum average lot area specified in the zone the minimum lot area shall be considered the minimum average lot area.
- (2) If an owner of land being subdivided dedicates as parkland more than 5% of the land being subdivided, the area greater than 5% may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 8, be included in the total area of lots being created.

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

- (1) The minimum and average lot size areas 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; or
  - (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.

### **6.3 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 8, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the applicant shall grant a covenant in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number 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 areas specified by this Bylaw, and:

- (a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area; and
- (b) one or more of the lots being created has an area less than the applicable minimum average lot area 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 areas 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.

#### **6.4 Boundary Adjustment Subdivisions**

- (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.

#### **6.5 Section 514 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.

#### **6.6 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 this Bylaw, the minimum width of the access strip at any point is 10.0 metres.
- (4) If a proposed panhandle lot is capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 20.0 metres.

## **6.7 Split Zoned Lots**

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

## **6.8 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.

## **6.9 Double Frontage Lots**

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

## **6.10 Highway Standards**

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

## **6.11 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.*

## **6.12 Onsite Disposal**

**INFORMATION NOTE:** *All uses of property which produce waste water require the installation of a waste disposal system installed in compliance with the Sewerage System Regulation. Contact the Vancouver Island Health Authority for information.*

## PART 7 ESTABLISHMENT OF ZONES

### 7.1 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 and the regulations for which are set out in Part 8.

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Residential 1 – Small Lot.....	R1
Residential 2 – Large Lot Residential .....	R2
Residential 3 – Community Housing.....	R3
Residential 4 – Forest .....	R4
Agriculture 1 .....	A1
Agriculture 2 – Agricultural/Land Co-operative.....	A2
Agriculture 3 – Agricultural/Land Co-operative.....	A3
Agriculture 4 – Agricultural/Land Co-operative.....	A4
Commercial 1 – Service Station Commercial.....	C1
Commercial 2 – Retail Limited Commercial.....	C2
Commercial 3 – Comprehensive Commercial.....	C3
Commercial 4 – Resort.....	C4
Commercial 5 – Resort .....	C5
Commercial 6 – Resort.....	C6
Commercial 7 – Campground .....	C7
Commercial 8 – Campground .....	C8
Ecosystem Management/Groundwater Recharge .....	EP1
Water Supply Protection Area .....	WS
Public Park .....	P1
Public Park Undeveloped.....	P2
Public Use .....	PU
Marine Conservation .....	M1
Marine Park .....	M2

Mariculture .....	M3
Marine Access.....	M4
Marine Service .....	M5
Marine Private Moorage .....	M6

**7.2 Zone Boundaries**

- (1) Where a zone boundary on Schedule B coincides with a lot line, the lot line is the zone boundary.
- (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.
- (5) Where two or more regulations within this Bylaw conflict, the more restrictive regulation shall apply.

## **PART 8      ZONE REGULATIONS**

### **8.1      Residential 1 – Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**

#### **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)      residential use of a recreational vehicle;
  - (c)      accessory uses, buildings and structures, including but not limited to home occupations; and
  - (d)      vacation home rental 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 residential dwelling unit or recreational vehicle used for a residential use 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 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 or recreational vehicle used for a residential use, 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 m<sup>2</sup>;
  - (c)      6.0 metres from any interior side lot line, or 3.0 metres in the case of a lot having an area less than 4000 m<sup>2</sup>; and
  - (d)      8.0 metres from any exterior side lot line, or 6.0 metres in the case of a lot having an area less than 4000 m<sup>2</sup>.
- (5)      The floor area of a residential dwelling unit must not exceed 200 m<sup>2</sup>.
- (6)      The total combined floor area of all accessory buildings on a lot must not exceed 100 m<sup>2</sup>.

#### **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 set out in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
R1(a)	<i>Whaling Station Bay/Anderson Drive and portion of LOT 11, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736; PID-002-659-026</i>	<i>Despite Subsection 8.1.5 of this Bylaw, the floor area of a residential dwelling unit must not exceed 150 m<sup>2</sup>, however if a rain water catchment and storage system capable of storing 1155 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<sup>2</sup>.</i>
R1(b)	<i>Shingle Spit Residences</i>	<ol style="list-style-type: none"> <li>1. <i>Despite Subsection 8.1.2 of this Bylaw:</i> <ol style="list-style-type: none"> <li>a) <i>a maximum of one residential dwelling unit is permitted for each 0.24 hectares of lot area;</i></li> <li>b) <i>a maximum of 12 residential dwelling units are permitted per lot;</i></li> <li>c) <i>a maximum of one accessory building is permitted per lot not exceeding 8 m<sup>2</sup> in floor area.</i></li> </ol> </li> <li>2. <i>Despite Subsection 8.1(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.</i></li> <li>3. <i>Despite Subsection 8.1(5) of this Bylaw, the floor area of a residential dwelling unit must not exceed 186 m<sup>2</sup>.</i></li> <li>4. <i>Despite Subsection 8.1(7) of this Bylaw, land in the R1(b) zone may not be subdivided.</i></li> </ol>

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## 8.2 Residential 2 – Large Lot (R2) Zone

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### 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) residential use of a recreational vehicle;
  - (c) secondary suite in a dwelling on lots 2.0 hectares or larger;
  - (d) horticulture accessory to a principal residential use;
  - (e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
  - (f) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;
  - (g) accessory uses, buildings and structures, including but not limited to home occupations; and
  - (h) vacation home rental 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 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) 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 m<sup>2</sup>.
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m<sup>2</sup>.

### Subdivision Lot Area Requirements

- (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 at least 2.0 hectares.

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### **8.3 Residential 3 – Community Housing (R3) Zone (*Elder Housing*)**

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#### **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) community 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 six community housing dwelling units per 1.0 hectare of lot area to a maximum of 20 community housing dwelling units per lot;
  - (c) accessory buildings and structures;
  - (d) a maximum of one accessory community facility; and
  - (e) a maximum of one accessory building per residential dwelling unit and one accessory building per dwelling unit in a community housing development.
- (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) 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 m<sup>2</sup>.
- (6) The floor area of a dwelling unit in a community housing development must not exceed 150 m<sup>2</sup>.
- (7) The floor area of an accessory community facility must not exceed 200 m<sup>2</sup>.
- (8) The floor area of an accessory building must not exceed 8.0 m<sup>2</sup>.
- (9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m<sup>2</sup> permitted for the accessory community facility, must not exceed 150 m<sup>2</sup>.

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

- (10) Land in the R3 zone may not be subdivided.

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### **8.3A Residential 3A – Community Housing (R3A) Zone (ISLA)**

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#### **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) community housing;
  - (c) attached housing;
  - (d) live/work studios; and
  - (e) accessory uses 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 five community housing dwelling units per 1.0 hectare of lot area to a maximum of 30 community housing dwelling units per lot;
  - (b) a maximum of four live/work studios per lot;
  - (c) accessory buildings and structures;
  - (d) a maximum of one accessory community facility; and
  - (e) a maximum of one accessory building per community dwelling unit .
- (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare, or more than 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 dwelling unit, including a live/work studio, in a community housing development must not exceed 150 m<sup>2</sup>.
- (6) The floor area of an accessory community facility must not exceed 200 m<sup>2</sup>.
- (7) The floor area of an accessory building must not exceed 10.0 m<sup>2</sup>.
- (8) The total combined floor area of all accessory buildings on a lot, including the 200 m<sup>2</sup> permitted for the accessory community facility, must not exceed 500 m<sup>2</sup>.

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## **8.4 Residential 4 – Forest (R4) Zone**

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### **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) secondary suite in a dwelling on lots 2.0 hectares or larger;
  - (c) horticulture accessory to a principal residential use;
  - (d) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
  - (e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;
  - (f) accessory uses, buildings and structures including but not limited to home occupations; and
  - (g) vacation home rental 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 residential dwelling unit 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%.

### **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 m<sup>2</sup>.
- (6) The total floor area of all accessory buildings on a lot must not exceed 100 m<sup>2</sup> per residential dwelling unit.

### **Subdivision Lot Area Requirements**

- (7) No lot may be created by subdivision that has a lot area of less than 4.0 hectares.
- (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 16.0 hectares or greater.

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## **8.5 Agriculture 1 (A1) Zone**

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### **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;
  - (d) secondary suite in a dwelling, on lots 2.0 hectares or larger;
  - (e) accessory uses, including but not limited to home occupations; and
  - (f) vacation home rental 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 4.0 hectares;
  - (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or greater; and
  - (c) accessory buildings and structures.

**INFORMATION NOTE:** *It is necessary to comply with Agriculture Land Commission Regulations regarding second dwellings, for those properties within the Agricultural Land Reserve. ALC approvals may be required for second dwellings and secondary suites in addition to compliance with Section 3.8 of this Bylaw.*

- (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) 8.0 metres from any interior side lot line; and
  - (d) 8.0 metres from any 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 m<sup>2</sup>.

#### **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**

- (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 Use 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 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.

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

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### **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) secondary suite;
  - (c) agriculture; and
  - (d) 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) 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 m<sup>2</sup>.
- (6) The floor area of an accessory building must not exceed 100 m<sup>2</sup>.

### **Subdivision Lot Area Requirements**

- (7) Land in the A2 zone may not be subdivided.

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## 8.7 Agriculture 3 - Agriculture/Residential (A3) Zone (Syzygy)

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### 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;
  - (d) secondary suite; 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 11 residential dwelling units; and
  - (b) accessory buildings and structures.
- (3) Lot coverage must not exceed 10%.

### 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 m<sup>2</sup>.
- (6) The floor area of an accessory building must not exceed 200 m<sup>2</sup>.

### Subdivision Lot Area Requirements

- (7) Land in the A3 zone may not be subdivided.
- (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	General Location Description	Site Specific Regulations
A3(a)	<i>THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 15, HORNBY ISLAND, NANAIMO DISTRICT; PID 009-649-417</i>	Despite Subsection 8.7(2)(a) of this Bylaw, a maximum of three residential dwelling units are permitted in the A3(a) zone.

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

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**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) secondary suite;
  - (c) agriculture; and
  - (d) 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 nine 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 m<sup>2</sup>.
- (6) The floor area of an accessory building must not exceed 50 m<sup>2</sup>.

**Subdivision Lot Area Requirements**

- (7) Land in the A4 zone may not be subdivided.
- (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:

<b>Site-Specific Zone</b>	<b>General Location Description</b>	<b>Site Specific Regulations</b>
A4(a)	<i>THE SOUTH 1/2 OF SECTION 1, HORNBY ISLAND, NANAIMO DISTRICT, EXCEPT PARCEL A (DD 111779I) AND EXCEPT THOSE PARTS IN PLANS 13495 AND 19601; PID 009-655-123</i>	Despite Subsection 8.8(2)(a) of this Bylaw, a maximum of one residential dwelling unit is permitted in the A4(a) zone.

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## **8.9 Commercial 1 – Retail (C1) Zone (Co-op and Service Station)**

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### **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;
  - (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%.

### **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 any interior side lot line; and
  - (d) 6.0 metres from any exterior side lot line.

### **Subdivision Lot Area Requirements**

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

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

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**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.

**Siting and Size**

- (3) 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.
- (4) The floor area of a restaurant must not exceed 46 m<sup>2</sup>.
- (5) The total seating capacity of a restaurant, including both indoor and outdoor seating must not exceed 20 seats.
- (6) The total floor area of a bakery must not exceed 46 m<sup>2</sup>.
- (7) The total floor area for accessory buildings located on a C2 zoned area must not exceed 41 m<sup>2</sup>.
- (8) Despite Section 3.4 of this Bylaw, accessory buildings or structures located on a C2 zoned area must not exceed a height of 5.0 metres or one storey.

**Subdivision Lot Area Requirements**

- (9) Land in the C2 zone may not be subdivided.

---

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

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### **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;
  - (b) pub;
  - (c) restaurant;
  - (d) office;
  - (e) accessory uses including visitor accommodation units;
  - (f) residential use of visitor accommodation units, provided the visitor accommodation unit constitutes only one dwelling unit; and
  - (g) 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 15 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 any interior side lot line; and
  - (d) 6.0 metres from any exterior side lot line.
- (5) Despite Subsection 3.3(2), 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 m<sup>2</sup>.
- (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 m<sup>2</sup>.

### **Subdivision Lot Area Requirements**

- (9) Land in the C3 zone may not be subdivided.

### 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, HORNBY ISLAND, NANAIMO DISTRICT, PLAN EPP20609; PID 028-882-075</i>	<ol style="list-style-type: none"><li data-bbox="932 464 1401 527">1. Despite Subsection 8.11(1), the only permitted use is parking.</li><li data-bbox="932 548 1401 646">2. Despite Subsection 8.11(2), no buildings or structures are permitted.</li></ol>

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## **8.12 Commercial 4 – Resort (C4) Zone (*Sea Breeze*)**

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### **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 and personal service;
  - (d) residential use accessory to visitor accommodation; and
  - (e) campground.

### **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 ten camp spaces; and
  - (d) a maximum of one residential dwelling unit is 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 any interior side lot line; and
  - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a visitor accommodation unit must not exceed 80 m<sup>2</sup>.
- (6) The floor area of a restaurant must not exceed 150 m<sup>2</sup>.
- (7) The total floor area for accessory buildings must not exceed 100 m<sup>2</sup> per lot.

### **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.

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## **8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (*Ford Cove*)**

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### **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;
  - (d) liquid fuel sales for boats; and
  - (e) 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; and
  - (c) a maximum of six visitor accommodation units are permitted per lot.
- (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 any interior side lot line; and
  - (d) 6.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 150 m<sup>2</sup>.
- (6) The floor area of a visitor accommodation unit must not exceed 80 m<sup>2</sup>.
- (7) The floor area of a restaurant must not exceed 46 m<sup>2</sup> per lot.
- (8) The floor area of a retail store must not exceed 46 m<sup>2</sup> per lot.
- (9) The total floor area for accessory buildings must not exceed 100 m<sup>2</sup> per lot.

### **Subdivision Lot Area Requirements**

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

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## **8.14 Commercial 6 – Resort (C6) Zone (*Dive Lodge*)**

---

### **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; and
  - (b) 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 one visitor accommodation lodge per lot not exceeding 12 visitor accommodation units; and
  - (c) a maximum of one accessory residential dwelling unit per lot.
- (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 any interior side lot line; and
  - (d) 6.0 metres from any exterior side lot line.
- (5) The total floor area of a visitor accommodation lodge must not exceed 325 m<sup>2</sup>.
- (6) The total floor area for accessory buildings must not exceed 100 m<sup>2</sup> per lot.
- (7) The floor area of a residential dwelling unit must not exceed 150 m<sup>2</sup>.

### **Subdivision Lot Area Requirements**

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

---

## **8.15 Commercial 7 – Campground (C7) Zone (Tribune Bay)**

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### **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 sales of camping supplies; and
  - (c) residential use accessory to campground 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;
  - (b) a maximum of 120 camping spaces in the C7 zone; and
  - (c) a maximum of one accessory residential dwelling unit in the C7 zone.
- (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 any interior side lot line; and
  - (d) 8.0 metres from any 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 m<sup>2</sup> per lot.
- (7) The total floor area of the accessory residential dwelling unit must not exceed 150 m<sup>2</sup>.

### **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.

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## **8.16 Commercial 8 – Campground (C8) Zone (Ford Cove)**

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### **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.

### **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 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 any interior side lot line; and
  - (d) 8.0 metres from any 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 m<sup>2</sup> per lot.

### **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) Land in the C8 zone may not be subdivided.

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**8.17 Ecosystem Protection/Groundwater Recharge (EP1) Zone (*Mount Geoffrey*)**

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**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) Land in the EP1 zone may not be subdivided.

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## 8.18 Water Supply Protection Area (WS) Zone

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### 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 30 m<sup>2</sup>.

### 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
WS(a)	<i>Portion of LOT 11, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736; PID 002-659-026</i>	Despite Subsection 8.18(2) above, no buildings or structure are permitted on this portion of the lot.

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

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**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 any interior side lot line; and
  - (d) 8.0 metres from any exterior side lot line.
- (4) The floor area for a public education building must not exceed 186 m<sup>2</sup>.

**Subdivision Lot Area Requirements**

- (5) Land in the P1 zone may not be subdivided.

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**8.20 Public Park 2 – Undeveloped (P2) Park Zone (Mount Geoffrey Regional Nature, Helliwell, Mount Geoffrey Escarpment and Toby, Norris Islets)**

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**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; 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 toilets; and
  - (b) benches.

**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 any interior side lot line; and
  - (d) 8.0 metres from any exterior side lot line.

**Subdivision Lot Area Requirements**

- (4) Land in the P2 zone may not be subdivided.

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## 8.21 Public Use (PU) Zone

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### 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) community trades and services;
  - (f) art galleries;
  - (g) theatre;
  - (h) police station;
  - (i) health clinic;
  - (j) museum;
  - (k) school;
  - (l) public recreation facility;
  - (m) library;
  - (n) farmer's market;
  - (o) recycling depot;
  - (p) accessory uses including accessory residential;
  - (q) radio station;
  - (r) community housing;
  - (s) hostel; and
  - (t) cemetery.

### 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 1.0 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) 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 an accessory residential dwelling unit must not exceed 150 m<sup>2</sup>.
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m<sup>2</sup>.

### 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:

Site-Specific Zone	Site Specific Regulations
PU(a)	Despite Subsection 8.21(1), the only permitted uses are: <ul style="list-style-type: none"><li>(a) Cemetery;</li><li>(b) Public utility storage yard;</li><li>(c) Highways maintenance yard; and</li><li>(d) Recycling depot.</li></ul>

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## **8.22 Marine Conservation (M1) Zone**

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### **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.

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## **8.23 Marine Park (M2) Zone**

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### **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.

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## 8.24 Mariculture (M3) Zone

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### 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 molluscs.

### Conditions of Use

- (3) Except as permitted in Subsection 8.26(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.

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

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**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;
  - (b) boat launching anchorage and moorage; and
  - (c) mobile food or take out.

**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 and 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.

**Siting and Size**

- (3) The total combined floor area of all accessory buildings on a lot must not exceed 50 m<sup>2</sup>.

---

**8.26 Marine Service (M5) Zone (Ford Cove Dock, Hornby Island Resort and Shingle Spit)**

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**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, packing and sales, excluding Hornby Island Resort;
  - (f) marine fuel sales, excluding Hornby Island Resort; and
  - (g) residential use of moored vessels excepting Shingle Spit.

**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;
  - (b) breakwaters; and
  - (c) accessory buildings and structures.

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**8.27 Marine Private Moorage (M6) Zone (*High Salal*)**

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**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 navigational aids; and
  - (b) private boat anchorage and moorage.

**Permitted Buildings, Structures and Density**

- (2) A maximum of one float is permitted in the M6 zone and all other buildings and structures are prohibited.

## **PART 9      DEVELOPMENT PERMIT GUIDELINES**

### **9.1      Commercial Centres (Retail & Visitor Accommodations) Development Permit Area—Guidelines**

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

- (1) The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
- (2) The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.
- (3) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.
- (4) In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.
- (5) Off-street automobile parking should be provided as required by Bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.
- (6) Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.
- (7) Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.
- (8) A landscape plan incorporating natural landscaping should be required.
- (9) Neon or internally lit signs should not be permitted.
- (10) All buildings should be finished in natural products such as wood or brick.
- (11) On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.
- (12) Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

### **9.2      Development Permit Area No. 1 (DPA 1): Water Supply Protection – Guidelines**

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Water Supply Protection Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

- (1) Before any residential development is permitted on a new lot created by subdivision there should be a “filing” of an on-site waste disposal plan, in compliance with the Sewerage System Regulation and provisions for water catchment and storage in the development plans.
- (2) All development that takes place within this Development Permit Area should be done in a way that minimizes the degradation of water quality in surrounding wells.
- (3) If the applicant proposes to or does remove vegetation, then a plan proposed by a professional engineer or biologist with expertise in the area of ground water conservation should be provided setting out any potential impact of the proposed development, together with any protection measures that could be included, including vegetation or trees to be planted, to control storm water drainage, and works should be constructed or natural features should be enhanced or restored to protect stormwater quality.
- (4) If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that protects the quality of drinking water supplied from surrounding wells.
- (5) If any development or alteration of land is proposed for Lot 11, Plan 25736, protection measures and drainage works should be specified and implemented, to ensure that surface water is directed away from the wells on Lot A, Plan 19879 and Lot 19, Plan 23650. This would require a ditch of sufficient capacity to carry the runoff and that it not pass within 30 metres of the community well seepage trench as defined in the study prepared by Piteau Associates Engineering Ltd. dated October 25, 2002. This system should also ensure that the area around the well on Lot 19, Plan 23650 is not flooded by any such development.

### **9.3 Development Permit Area No. 2 (DPA 2): Community Service Use - Guidelines**

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Community Service Use Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

- (1) Before any new development is permitted, there should be approval of a permitted sewage and used water system.
- (2) A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.
- (3) Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should,
  - (a) include a containment system to ensure that no contaminant enters the ground, and
  - (b) comply with any applicable Provincial environmental standards and guidelines.
- (4) A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.

**Exemptions:**

- (5) A Development Permit will not be required for additions to existing buildings or for accessory buildings or other structures where the addition:
  - (a) Does not involve alteration of the ground;
  - (b) Does not involve any removal of vegetation; and
  - (c) Does not result in any additional activities or uses of the building or structure, or increased levels of water or sewage use in the building or structure.

**9.4 Development Permit Area No. 3 (DPA 3): Water Resource Protection – Guidelines**

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Water Resource Protection Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

- (1) If any vegetation is to be removed then protection measures should be provided including vegetation or trees to be planted, to control storm water drainage and works should be constructed or natural features should be enhanced or restored to protect surface water and groundwater quality.
- (2) Any new roads, building sites, driveways and septic fields should be located and constructed in a way that will minimize interference with the hydrological regime (including the natural flow of water on or below the surface of the land) and will not cause the deterioration of surface water or groundwater quality on the subject land or adjacent lands.

**Exemptions:**

- (3) A development permit will not be required for: accessory buildings or subdivisions where all of the lots being created are greater than 4 hectares in area.

**9.5 Development Permit Area No. 4 (DPA 4): Mt. Geoffrey Escarpment – Guidelines**

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Mt. Geoffrey Escarpment Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in these areas should be in accordance with the following guidelines:

- (1) No permanent buildings or structures should be permitted in the area subject to flooding or sloughing.
- (2) No septic tank or deposit field should be constructed in the portion of the site that drains into the wetlands.
- (3) Alteration of the natural drainage of areas within the permit areas should be minimized and scrutinized for impact and prohibited if such alteration would have a negative impact on the area being protected.
- (4) Where the Ministry of Environment & Climate Change Strategy has requested it, vegetation should be retained or planted to control erosion or protect banks.
- (5) Areas of 30% slope or greater should remain free of development except in accordance with any conditions contained in the Permit.

## 9.6 Development Permit Area No. 6 (DPA 6): Riparian Areas – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Subsection 9.6.2.

### 9.6.1 Applicability

The following activities shall require a development permit whenever they occur within the Development Permit Area, unless specifically exempted below:

- (a) Subdivision of land;
- (b) Construction of, addition to or alteration of a building or other structure;
- (c) Alteration of land;
- (d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
- (e) Installation of any structures within a stream or within the natural boundary of a lake.

**INFORMATION NOTE:** *The installation of a culvert and construction of a driveway access from a highway is exempt from the requirement to obtain a development permit.*

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another Development Permit Area designated in this plan.

### 9.6.2 Exemptions

The following activities are exempt from any requirement for a development permit:

- (a) works undertaken by a local government or a body established by a local government;
- (b) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (c) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (d) repair or replacement of a septic field on the same spot;
- (e) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- (f) with the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15.0 metres from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- (g) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- (h) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- (i) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less

- than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (j) ecological restoration or enhancement projects undertaken or authorized by a public body;
  - (k) changes in or about a stream authorized under Section 11 of the *Water Sustainability Act*;
  - (l) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
  - (m) emergency procedures to prevent, control or reduce immediate threats to life or property including:
    - i. emergency actions for flood-protection and erosion protection,
    - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
    - iii. repairs to bridges and safety fences carried out in accordance with the *Water Sustainability Act*;
  - (n) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Part 2 of the Agricultural Land Reserve Use Regulation and horticulture as defined in the Hornby Island Land Use Bylaw 150;
  - (o) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;
  - (p) The construction of a private trail if all of the following apply:
    - i. The trail is 1.0 metre wide or less,
    - ii. No native trees are removed,
    - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips),
    - iv. The trail is designed to prevent soil erosion where slopes occur, and
    - v. Where the trail parallels the stream, the trail is more than 5.0 metres away from the high water mark of a stream;
  - (q) Disturbance of soils more than 15.0 metres from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5.0 metres squared;
  - (r) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15.0 metres from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10.0 metres squared;
  - (s) Any development more than 8.0 metres from a stream that is a roadside ditch which does not contain instream habitat for fish according to the Stream Identification Reports prepared for Hornby Island by Madrone Environmental Services (January 2014) and Mimulus Biological Consultants (March 2012).

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

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

### 9.6.3 Guidelines

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

- (a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.
- (b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
- (c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- (d) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- (e) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

## **PART 10      TEMPORARY USE PERMIT AREAS**

### **10.1      Temporary Use Permits**

Section 492 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in a zoning bylaw. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

## 10.2 Objectives

The objectives of this subsection are:

- (1) to consider allowing a temporary event as per OCP Policy 6.5.1.10;
- (2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per OCP Policy 6.5.1.10;
- (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per OCP Policy 6.5.1.10;
- (4) to consider allowing transport of ground water off a lot where the water is extracted as per OCP Policy 5.1.4;
- (5) to consider allowing temporary seasonal or emergency accommodations as per OCP policies 6.3.5.18 and 6.3.5.19;
- (6) to consider allowing detached housing for a relative or caregiver of occupants of the residence as per OCP Policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;
- (7) to consider allowing temporary non-agricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per OCP Policy 6.4.2.5;
- (8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per OCP Policy 6.5.5.9; and
- (9) to allow vacation home rental use that does not comply with limitations imposed by land use regulation.

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## 10.3 Guidelines

- (1) Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:
  - (a) properties less than one quarter of a hectare except when the application is for vacation home rental use;
  - (b) land zoned as public park, ecosystem management area or water supply protection, as shown on Schedule B; and
  - (c) a parcel identified as an environmentally sensitive area, as shown on Schedule D1 or D2 of the Hornby Island Official Community Plan Bylaw No. 149, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.
- (2) Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- (3) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.
- (4) A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed.

- (5) Where approvals are required from other agencies, these should be obtained prior to the issuance of a Temporary Use Permit.
- (6) The general conditions for issuing a Temporary Use Permit are as follows:
- (a) adequate off-road parking should be provided;
  - (b) confirmation that site conditions allow for adequate provisions for approved waste disposal;
  - (c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;
  - (d) industrial uses should be screened from adjacent properties and roads;
  - (e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;
  - (f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;
  - (g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;
  - (h) water supply should be addressed so as to not create negative impacts upon existing common water sources;
  - (i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;
  - (j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and
  - (k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.
- (7) Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.
- (8) Light industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.
- (9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.
- (10) In consideration of applications for vacation home rentals the Local Trust Committee may consider the following:
- (a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals;
  - (b) limitations on any signage that may be placed on the property;
  - (c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control

of pets (if pets are permitted) in accordance with standards applicable by regional district bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;

- (d) the proposed maximum number of occupants;
- (e) the proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and
- (f) other considerations the LTC considers appropriate.