



## Saturna Island Local Trust Committee Special Meeting Agenda

Date: October 23, 2017  
Time: 9:00 am  
Location: Islands Trust Victoria Office Boardroom  
200-1627 Fort Street, Victoria, BC

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|     |                                                       |                   | Pages  |
|-----|-------------------------------------------------------|-------------------|--------|
| 1.  | CALL TO ORDER                                         | 9:00 AM - 9:05 AM |        |
| 2.  | APPROVAL OF AGENDA                                    |                   |        |
| 3.  | BUSINESS ITEMS                                        |                   |        |
| 3.1 | First Nations OCP Amendments - Discussion             | 9:05 AM - 9:30 AM |        |
| 3.2 | Land Use Bylaw (LUB) Review - Staff Report (attached) | 9:30 AM - 1:00 PM | 2 - 76 |
| 4.  | ADJOURNMENT                                           | 1:00 PM - 1:00 PM |        |



File No.: 6500-20-LUB Technical Review

DATE OF MEETING: October 23, 2017  
TO: Saturna Island Local Trust Committee  
FROM: Gary Richardson, Island Planner  
Victoria Office  
SUBJECT: Land Use Bylaw Technical Review

## RECOMMENDATION

1. That the Saturna Island Local Trust Committee endorse the LUB amendments that it wants to proceed with.
2. That the Saturna Island Local Trust Committee endorse the amended project charter dated October 17, 2017.

## REPORT SUMMARY

The review and update of the Land Use Bylaw (LUB) is a top priority project of the Saturna Island Local Trust Committee (LTC).

This report recommends that the LTC endorse LUB amendments that are achievable in the remainder of its term. Complex amendments that require substantial staff time, further analysis and significant community consultation that are identified by the LTC as important should be put on a project list for further review when time and resources permit. Amendments that the LTC does not support will be removed from the proposed list of amendments entirely.

## BACKGROUND

The LUB has not been reviewed in its entirety since it was adopted on November 14, 2002. The LTC made the review of the LUB a top work program priority at its September 16, 2016 LTC meeting. Clear regulations assist the LTC, planning staff and the public in understanding how LUB regulations apply to the Saturna Island Planning area. Staff is proposing a comprehensive technical review of the LUB. A project charter was endorsed October 20, 2016. The project charter requires updating as some of the timelines have changed. Staff and legal counsel have reviewed the existing LUB and have provided recommended revisions, additions, and deletions of a technical nature that were identified as a result of the review. The recommended revisions involve formatting, layout, and wording. The recommended changes include but not are limited to the following:

- Revising or removal of out-of-date references
- Revisions for clarity, correctness, and consistency

- Changes to regulations that exceed the LTC's jurisdiction
- Revisions to regulations that are inconsistent with recent case law
- Review of definitions

The LTC was presented with a staff report at its April 20, 2017 meeting. The staff report contained a copy of the Saturna LUB with recommended changes highlighted. The staff report also recommended changes to specific properties that were identified as part of the review.

At its April 20, 2017 meeting the trust committee passed the following resolution:

***...that with respect to any amendment being identified that is complex and pertains to a specific property owner who is not in favour, the LTC would set aside for future consideration.***

The LTC requested staff to contact specific property owners whose properties were listed in the staff report to determine if they want the LTC to proceed with the amendment(s) being proposed for their property. Staff has contacted the affected property owners and will update the LTC at its October 23, 2017 special meeting.

At the October 23, 2017 LTC meeting various staff will go through the proposed amendments to determine which amendments will be endorsed by the LTC, which amendments will be put on a project list and which amendments will proceed no further.

The meeting is designed as a working session with staff and the LTC in the Victoria Islands Trust office. It is an open meeting and the public can attend.

#### **Rationale for Recommendations:**

Staff is recommending that the LTC proceed only with the amendments that are straightforward and that LTC supports for the following reasons:

- Complex amendments may require substantial staff time to analyse and rectify and this will slow down the LUB review possibly beyond the end of the LTCs term.
- The LTC advised staff at the April 20, 2017 LTC meeting that it does not want to proceed with property specific LUB amendments unless the property owners are in agreement.
- Complex amendments can be placed on a project list so that they are not lost and can be advanced when time and resources permit.
- Substantive amendments or changes to policy should involve more extensive community consultation and would exceed the timeline of this project.
- The project charter states that substantive amendments are out of scope for this project.

- The amendments that should be included in this review are: revising and removal of out-of-date references; revisions for clarity, correctness, and consistency; changes to regulations that exceed the LTC's jurisdiction; revisions to regulations that are inconsistent with recent case law; and review of definitions.
- Any amendments that involve substantial policy changes identified as part of the technical review will be itemized and set aside for future consideration when resources are available.
- The project charter requires updating as some of the timelines have changed.

#### Next Steps

Once the LTC has endorsed which LUB amendments it wants to proceed with staff will prepare a further report with the endorsed changes incorporated into a draft LUB for the LTC's consideration.

The next LTC meeting is scheduled for November 17, 2017 which does not leave sufficient time to prepare a draft LUB with the endorsed changes incorporated. The LTC may want to consider scheduling a meeting in early December 2017 or January 2018. This should be discussed at the Oct 23, 2017 LTC meeting.

|               |                                   |                  |
|---------------|-----------------------------------|------------------|
| Submitted By: | Gary Richardson<br>Island Planner | October 17, 2017 |
|               |                                   |                  |

#### ATTACHMENTS

- 1) Staff Report April 20, 2017
- 2) Draft Land Use Bylaw containing recommended amendments dated April 11, 2017
- 3) Project charter dated October 7, 2016
- 4) Amended project charter dated October 16, 2017



DATE OF MEETING: April 20, 2017  
TO: Saturna Island Local Trust Committee  
FROM: Gary Richardson, Island Planner  
Southern Team  
SUBJECT: Saturna Land Use Bylaw - Technical Review

## RECOMMENDATION

1. That the Saturna Island Local Trust Committee review the attached staff report containing recommended LUB amendments and provide staff direction on each proposed amendment

## REPORT SUMMARY

The review and update of the Land Use Bylaw (LUB) is a top priority project of the Saturna Island Local Trust Committee (LTC). This report provides comments on recommended amendments to the LUB based on a review carried out by staff and legal counsel.

## BACKGROUND

A project charter was endorsed at the October 20, 2016 LTC meeting.

The LUB has not been reviewed in its entirety since it was adopted on November 14, 2002. The LTC made the review of the LUB a top work program priority at its September 16, 2016 LTC meeting. Clear regulations assist the LTC, planning staff and the public in understanding how LUB regulations apply to the Saturna Island Planning area. Staff and legal counsel have reviewed the existing LUB and have prepared a list of recommended revisions, additions, or deletions of a technical nature.

The recommended amendments include:

- Revising or removal of out-of-date references
- Revisions for clarity, correctness, and consistency
- Changes to regulations that exceed the LTC's jurisdiction
- Revisions to regulations that are inconsistent with recent case law
- Review of definitions

Any amendments that involve substantive policy changes identified as part of the technical will be itemized and set aside for future consideration as a separate project(s) for the LTC to consider.

An LUB showing recommended amendments is attached for the LTCs consideration.

## **ANALYSIS**

Many of the amendments being recommended are of a general nature and should require little discussion; however others are of a more complex nature and may have a more significant impact on land use. The simple amendments that have little or no impact are identified in the draft LUB attached; some have comments in the margin explaining the reason for the amendment. The more complex amendments are identified in the draft LUB and also discussed below. It is recommended that before amendments are made to specific properties that amend land use that the property owner be consulted prior to proceeding with the amendment.

1. Food Bus Temporary Use - A temporary use permit was issued for a Food Bus/Café in 2012 and renewed for 3 years in 2015. The TUP applies to a portion of Lot B, Section 18, Plan 20198. The remainder of the lot is used for residential purposes and contains a dwelling. There are no known complaints or concerns associated with the use since it started in 2012. Staff is recommending that the LTC consider amending the zoning on the portion of Lot B that is used for commercial activity by the Café. If the LTC considers amending the zone to an appropriate commercial zone the property owner and business operator should be contacted prior to an amendment proceeding to determine if they are in support of the proposed amendment. Zoning cannot contain as detailed conditions as a temporary use permit does; however the zone could be drafted in a way to allow the existing use to carry on in a similar fashion.
2. Campground Temporary Use – a temporary use permit was issued for a small campground for three years on Lot A, Section 18, plan VIP75287 (100 East Point Road). The small campground is on an industrial zoned portion of land between the community hall and the fuel tanks by the public dock. There are no known complaints or concerns associated with the use since it started in 2016. It is recommended that the LTC consider amending the zoning to allow campgrounds on a limited basis as a permitted use on Lot A.
3. Industrial Zoned Property – the industrial zoned property listed in number two above contains uses that are not clearly permitted in the land-use bylaw for that zone. As the list of industrial uses is quite broad and any other uses that are added of a retail nature will likely have less of an impact on the surrounding area it seems reasonable to allow them provided there is sufficient parking. Staff is recommending that further research be done to determine the types of uses that are be carried out on Lot A and prepare a report for the Local Trust Committee identifying those uses and if appropriate recommending the be added to the permitted uses in the zoning for this lot.
4. Lighthouse Pub building – the pub building, Lot A Section 18, plan VIP75287, is in the CRA zone. The CRA zone only allows retail use if it is accessory to a: visitor accommodation use, restaurant use or neighbourhood pub use. Retail use should be permitted as an outright permitted use so that doesn't have to be accessory to one of the other permitted uses.

5. House on Lot by the Pub – the house next to the pub on Lot B section 18, plan VIP75287 is on a lot zoned CRA. Lot B was originally on the property associated with the pub and was likely built as the permitted caretaker’s house. Now that it has been subdivided and is on a separate lot it is recommended that the zoning be amended to an appropriate residential zone.
6. Derelict automobiles – there is no restriction on the number of derelict automobiles in the LUB. This is a common restriction as there are often properties on an island with large collections of uninsured, unscreened, derelict automobiles. This can be both an environmental hazard and a visual problem and often will lead to an unsightly premises complaint from surrounding property owners. Without specific wording in the LUB addressing numbers of permitted uninsured vehicles the bylaw enforcement officer has no ability to enforce if a complaint is received. Staff is recommending that wording be put in the land use bylaw to address numbers of derelict automobiles permitted on a lot.
7. Saturna Ecological Education Centre (SEEC School) – the school is presently operating on portion of a residential property. A site specific zoning or additional uses added to the existing zoning addressing the school use would be beneficial if the school is to be expanded or altered future. Also it would be appropriate to recognize the school use and its associated buildings and structures in zoning. It is recommended that the property owner be contacted to discuss a proposed amendment that recognizes the school and zoning. If this amendment proceeds staff will prepare a further report.
8. National Park Reserve – properties within the national park reserve still remain in the zones that applied to the properties before the park reserve was created. Staff is recommending that the zoning on the park reserve lands be amended to reflect the present use of the lands.
9. Density Clustering– there are sections in the bylaw, section 2.12 section 12.3 and others, that provide for the transfer of residential density and the transfer of subdivision within split zoned lots that contain areas in the Watershed, Farmland or Forest designations. The sections that enable these transfers to take place require clarification as to how this is to take place and whether or not it is optional or a requirement that density be transferred.

There is planning rationale for transfers like this to be supported as taking the density off of land that is less suitable for development and allowing it to be transferred to zones where development is more appropriate is beneficial. It is recommended that any sections dealing with development transfer be put under one heading in the LUB and that the wording be clarified so that it is clear how the mechanism is to be used. If this amendment proceeds staff will prepare a further report containing recommended wording.

10. Setbacks from the Sea – the present wording of the LUB allows structures to be sited within the setback from the sea. It is recommended that the LUB be amended to only allow certain structures within the setback of the sea with restrictions being put on siting and height. If the LTC directs staff to proceed with this amendment a further report will be prepared outlining the types of structures that might reasonably be permitted in the setback from the sea.

It should be noted that some of the amendments being proposed in this LUB review may make some buildings and structures nonconforming.

In some cases the amendments being proposed will generate consequential OCP amendments this will be addressed in future staff reports once it is determined which LUB amendments are proceeding.

#### **NEXT STEPS**

1. Once direction is given as to which amendments the LTC is proceeding with staff will incorporate the simple ones into an amending bylaw and provide further staff reports for the more complex amendments that require more research.
2. Community consultation should be scheduled in July or September to obtain public comment of on the proposed changes.

|               |                                            |                |
|---------------|--------------------------------------------|----------------|
| Submitted By: | Gary Richardson<br>Island Planner          | April 12, 2017 |
| Concurrence:  | Robert Kojima<br>Regional Planning Manager | April 12, 2017 |

#### **ATTACHMENTS**

1. Draft Land Use Bylaw containing recommended amendments dated April 11, 2017



LAND USE BYLAW REVIEW  
COMMENTS PROVIDED FOR  
DISCUSSION PURPOSES ONLY

First Draft

April 11, 2017

## **SATURNA ISLAND LOCAL TRUST COMMITTEE**

### **LAND USE BYLAW NO. 78, 2002**

AS AMENDED BY SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAWS: 76, 79, 81, 82, 89, 91, 94, 95, 96, 99, 100, 108 and 110

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

Certified copies of the Land Use Bylaw are available from the Islands Trust Office,  
200 - 1627 Fort Street, Victoria, B.C. V8R 1H8

Consolidated April 25, 2013

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. 76        | Amendment No. 2, 2002   | February 18, 2004    |
| Bylaw No. 79        | Amendment No. 3, 2002   | December 15, 2003    |
| Bylaw No. 81        | Amendment No. 1, 2003   | June 18, 2003        |
| Bylaw No. 82        | Amendment No. 2, 2003   | August 31, 2005      |
| Bylaw No. 89        | Amendment No. 1, 2005   | August 31, 2005      |
| Bylaw No. 91        | Amendment No. 1, 2007   | February 20, 2008    |
| Bylaw No. 94        | Amendment No. 2, 2008   | November 12, 2008    |
| Bylaw No. 95        | Amendment No. 3, 2008   | December 8, 2008     |
| Bylaw No. 96        | Amendment No. 4, 2008   | November 12, 2008    |
| Bylaw No. 99        | Amendment No. 1, 2009   | September 15, 2010   |
| Bylaw No. 100       | Amendment No. 1, 2010   | September 15, 2010   |
| Bylaw No. 108       | Amendment No. 1, 2012   | November 8, 2012     |
| Bylaw No. 110       | Amendment No. 2, 2012   | April 18, 2012       |

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**Saturna Island Local Trust Committee  
Bylaw No. 78**

A bylaw to regulate the use of land, buildings and structures, the subdivision of land, the provision of off street parking spaces, screening and landscaping, and the erection of signs in the Saturna Island Local Trust Area

The Saturna Island Local Trust Committee, being the trust committee having jurisdiction on and in respect of the Saturna Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

**PART 1**

**ADMINISTRATION**

**Comment [GR1]:** The revisions in this section incorporate wording from recent bylaws.

**1.1 Compliance**

- 1.1.1 No person may use or permit any land, water surface, *building or structure* to be used or occupied, or subdivide any land, except as permitted by this bylaw.
- 1.1.2 No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as expressly permitted by this Bylaw.
- 1.1.3 Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their undertaking their use of land, buildings or structures or the subdivision of land.
- 1.1.4 The use of land, building and structures that is lawful at the time of the adoption of this Bylaw, although not conforming to the provisions of this Bylaw may be continued subject to Section XXX of the Local Government Act.
- 1.1.5 Any existing lot that has less area than the minimum lot area specified in the applicable zone for the creation of lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- 1.1.6 No land may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders the existing use, building or structure illegal or non-conforming.

**1.2 Violation**

- 1.2.1 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 the provisions of this Bylaw, is deemed to have violated provisions of this- committed an offence under this Bylaw. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

**1.3 Penalty**

- 1.3.1 Any person who violates any of the provisions of this Bylaw is, upon summary conviction, liable to a penalty of not more than two thousand dollars (\$2000.00) and the cost of prosecution. Each day that such violation continues, or is allowed to continue, constitutes a separate offence.

Any person who commits an offense against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offense Act* and the costs of prosecution.

#### **1.4 Inspection and Enforcement**

- 1.4.1 The ~~Islands Trust Bylaw Investigations- Enforcement~~ Officer and any other ~~officer of person designated by~~ the Islands Trust ~~to administer this Bylaw who may be appointed,~~ are-is authorized to enter, at ~~any~~ reasonable times, upon any property ~~that is subject to subject to the provisions- regulation under of~~ this Bylaw, for the purpose of ~~administering or enforcing this Bylaw- Inspecting and determining whether the regualtions, prohibitions and requirements are being met.~~

## **1.5 Severability**

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

## **1.6 Metric Units of Measurement**

- 1.6.1 Metric dimensions are used in this Bylaw. Imperial equivalents provided are approximate and for convenience only, and do not form part of this Bylaw.

## **1.7 Numbering**

- 1.7.1 In the numbering system used in this Bylaw, the first number indicates parts of the Bylaw; the second indicates Sections; the third indicates Subsections; the fourth indicates Articles; and, the fifth indicates clauses as follows:

|              |            |
|--------------|------------|
| 18           | Part       |
| 18.1         | Section    |
| 18.1.1       | Subsection |
| 18.1.1(1)    | Article    |
| 18.1.1(1)(a) | Clause     |

## PART 2

### GENERAL REGULATIONS

#### 2.1 Uses Permitted in any Zone

2.1.1 The following uses are permitted in every *zone* except the Wilderness Reserve Zone:

- 2.1.1(1) *public service uses*
- 2.1.1(2) ~~approved~~ navigational aids
- 2.1.1(3) natural area parks and reserves
- 2.1.1(4) *accessory uses, buildings and structures*
- 2.1.1(5) *passive recreation*
- 2.1.1(6) roadside stands for sale of produce
- 2.1.1(7) water storage tanks

#### 2.2 Prohibited Uses

2.2.1 Only the uses, buildings and structures expressly permitted in this Bylaw are permitted in the relevant zones. Without limiting the generality of the foregoing, the following uses, buildings and structures are prohibited in all zones:

- 2.2.1(1) Except in the Farmland Zone and land within the Agricultural Land Reserve, on a *lot* having an area of less than 1.0 hectare (2.5 acres) the keeping of cattle, sheep, goats, pigs, donkeys or similar animals, bees, llamas, ostriches and emus, and more than one horse
- 2.2.1(2) Other than on land within the Agricultural Land Reserve, *intensive farm use* operations
- 2.2.1(3) Commercial airstrips and helicopter landing pads except for emergency landing sites
- 2.2.1(4) ~~Disposal of any waste matter on land and in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the Waste Management Act~~

**Comment [GR2]:** Disposal in this context not a use of land that can be regulated in a zoning bylaw.

#### 2.3 General Height Regulations

2.3.1 No *building* or *structure* used for *farm use* purposes may exceed 15 metres (50 feet) in *height* and no other *building* or *structure* may exceed 9 metres (30 feet) in *height* unless otherwise specifically permitted in the Bylaw. (Note: The Industrial Zones permit buildings up to a maximum of 15 metres in height.)

2.3.2 The *height* restrictions for *buildings* and *structures* specified in this Bylaw may be exceeded for retaining walls, wind generators, radio and television antennas, chimney stacks, flag poles, lightning poles, ~~barns~~, farm silos, water towers, electrical transmission towers, church steeples, fire hose towers and fire alarm towers, provided that the *lot coverage* of such *structures* does not exceed 1% or, if located on a *building*, they do not occupy more than 10% of the roof area of the *building*

**Comment [GR3]:** Barn height is regulated 2.3.1 and 7.2.2 to not exceed 15 metres (50 feet). This exclusion is not necessary unless barns are envisioned to exceed 15 metres in height.

## 2.4 Accessory Buildings

2.4.1 Where a *building* or *structure* is attached to the principal *building* on a *parcel* by a ~~breezeway~~ attached to both *buildings*, it is to be considered a part of the principal *building* and is not an *accessory building*. The distance of the *breezeway* between the *building* or *structure* and the principal *building* is not to exceed 5 metres (16.4 feet).

**Comment [GR4]:** For this purpose breezeway should be enclosed as its meant to be a linear room connecting one part of a house to another this should be reflected in the definition of breezeway.

2.4.2 *Accessory buildings* shall be subject to the same setback requirements as the principal *building* and no *accessory building* shall be located ~~less than~~ within 3 metres (10 ft.) ~~from~~ of any principal *building*. (Note: See Section 2.6 for setbacks between a residence and a cottage)

2.4.3 The maximum combined *floor area* of *accessory buildings* and *structures* other than *cottages* shall not exceed 140 square metres (1500 sq. ft.) in respect of each ~~permitted~~ *residence* on a lot. For clarity, the reference to *residence* in this subsection does not include a *cottage*.

**Comment [GR5]:** May want to change to per constructed residence so in the case of multiple dwellings built over a period of time that the first dwellings don't use up the permitted accessory building entitlement for the whole lot.

BL#100

2.4.4 The following buildings and structures may be constructed or placed on a lot prior to the construction of a principal residence or the commencement of a principal residential use on the same lot:

2.4.4(1) one storage building not exceeding 61 square metres (656 sq. ft.) in floor area, and

2.4.4(2) one utility building or pumphouse not exceeding 9.3 square metres (100 sq. ft.) in floor area.

Any other accessory building or structure may only be constructed where a valid building permit has been issued for the construction of a principal use building on the same lot.

## 2.5 Setbacks from Watercourses and Natural Boundaries

2.5.1 No *building* ~~except~~ a *boathouse* or *pumphouse* or marine related *structure*, nor any mobile *structure* may be located within 7.6 metres (25 ft.) of the *natural boundary* of the sea or any ~~natural~~ *watercourse*.

**Comment [GR6]:** May want to include structures in this setback from watercourses or limit the types of structures that would be reasonable to include in a setback from a watercourse.

## 2.6 Setbacks between Cottages and Other Residences

2.6.1 Notwithstanding Subsection 2.4.2, no *cottage* may be located within 5 metres (16 feet) of a *residence* or other *cottage*.

**Comment [GR7]:** Should be consistent between this and definition which includes both natural and human made watercourses.

## 2.7 Covenants Against Buildings and Subdivision

2.7.1 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 Saturna Island Local Trust Committee in priority to all financial charges. The covenant must be delivered in a form that will be accepted for registration by the Registrar of Titles and is satisfactory to the Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the ~~covenant holder~~ covenantor.

## 2.8 Enforcement of Siting Regulations - Other Permits

~~2.8.1 Unless the Saturna Island Local Trust Committee otherwise decides, every applicant for a development permit or development variance permit must provide a plan signed by a BC Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to the lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot.~~

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

## 2.9 Non-conforming Use

~~2.9.1 A lawful use of premises existing at the time of the adoption of this Bylaw, although such use does not conform to the provisions of this Bylaw, may be continued, subject to the provisions of the Section 911 of the Local Government Act respecting non-conforming uses.~~

**Comment [GR8]:** Addressed in section 2.2

## 2.10 Provisional Residence while Constructing

2.10.1 Where a valid *building* permit has been issued for the construction of a residence, one travel trailer or camper or an *accessory building* may be used for the provisional residence of the owner or builder. -However, as soon as the residence is occupied the travel trailer, camper or *accessory building* must not be used for residential purposes.

## 2.11 Cottages

2.11.1 On those *parcels* where a *residence* and a *cottage* are permitted uses, a *cottage* may be constructed prior to the construction of a *residence*.

## 2.12 Determination of Residential Density - Lots in More than One Zone

\*[Note: The determination of residential density is based on the gross acreage of the lot]

2.12.1 Where a *lot* is located in two or more *zones*, additional *residences* may only be constructed in compliance with the density regulation for the *zone* in which the *residence* is to be constructed unless otherwise called for in the OCP such as, locating *buildings* outside of arable land.

Without limiting the generality of section 2.12.1, the following provisions 2.12.2 and 2.12.3 apply:

2.12.2 Where the zoning on a *lot* contains provisions of both the Farmland and Rural *zones*, site density shall be the combined area of the Rural and Farmland portions of the *parcel* as though the sum total of the land were all in the Rural Zone provided that;

a) all *residential uses* are located on the rural *zone* portion of the *parcel*;

**Comment [GR9]:** This whole section is confusing to the reader. It's not clear if someone has the choice to transfer density or that it must be done if they have a split zoned property. It should also be made clear whether or not a rezoning is required to carry out the density transfer. The section would benefit from clear wording. Should not reference OCP. There are other sections in the bylaw that are associated with these density transfer provisions. They are sections

- b) maximum density shall be 5 primary residences and 5 *cottages*; and
- c) where necessary, a covenant is to be placed on the other *zone* areas prohibiting further residential construction.

2.12.3 Where a *lot* contains both Watershed and either Rural or Forest *zones* maximum permitted residential density shall be one primary residence per 10.12 hectares (25 acres) of Watershed; provided that:

- a) the residential density doesn't exceed the *subdivision capacity*;
- b) all *residential uses* are restricted to the Rural or Forest zoned portions of the lot; and
- c) where necessary, a covenant is to be placed on the Watershed zoned area prohibiting further development.

### 2.13 Use of Common Property

2.13.1 Land comprising the common property in a strata plan is not a "lot" for the purposes of the density regulations set out in this Bylaw, but may be used for *accessory* uses to principal uses located on strata lots in the same strata plan.

### 2.14 Use of Crown Foreshore

2.14.1 All uses of the Crown foreshore must be authorized by this Bylaw and a crown lease obtained from Land and Water BC Inc.

**Comment [GR10]:** Not necessary can leave in as information note.

### 2.15 Measurements of Setbacks

- 2.15.1 All setbacks of *buildings* and *structures* must be measured on a horizontal plane from the *building* or *structure* to the point specified in this Bylaw.
- 2.15.2 Steps, eaves, gutters, cornices, sills, chimneys, or other similar features, may project up to 1 metre into the setback area or 0.5 metres in the case of a side yard setback area less than 3 metres in width; and balconies, decks and sun shades, may project up to 1 metre into the required setback area.

### 2.16 Home Occupation Regulations

2.16.1 A *home occupation* use other than a horticultural use must be carried out wholly within a *residence* or within a permitted *accessory building*. The combined floor area of all *accessory buildings* used in ~~the~~ a *home occupation* must not exceed 140 sq. metres (1500 sq feet).

2.16.2 There shall not be carried on as a *home occupation*, any occupation which by reason of its nature, emits or causes to be produced or ~~emitted~~, noises, dust, smoke, gas or other effluents in such quantities or under such conditions as to be noxious or offensive.

**Comment [GR11]:** This appears in more than one section determine if it should be left in as its not measureable. Requires further discussion with bylaw enforcement staff.

2.16.3 There may be no exterior indication of the existence of the *home occupation* either by:

- 2.16.3(1) storage exterior to a *building* or *structure* of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a *landscape screen* or fence not less than 2 metres in *height*; or
- 2.16.3(2) displays, lighting; or
- 2.16.3(3) ~~by~~ any other variation from the residential character of the *residence* or *accessory building*, with the exception of signs permitted by this Bylaw.

BL #79

2.16.4 A *home occupation* is not permitted unless the premises on which it is conducted are concurrently occupied as a *residence*. A person or persons ~~-~~residing in the *residence* must operate the *home occupation*. Not more than two additional persons (two full time equivalent positions) not residing in the residence, may be employed in the *home occupation*.

2.16.5 The following activities are not permitted:

- 2.16.5(1) the serving of food or drink products on the premises as part of a *home occupation* except for bed and breakfast *home occupations* as noted in subsection 2.16.6; and,
- 2.16.5(2) the retail sale of liquor.

**Comment [GR12]:** Small breweries are becoming more common. Mayne Island has a brewery that runs as a home occupation on a residential lot with limited sales to the public.

2.16.6 The following additional regulations apply to bed and breakfast *home occupations*:

- 2.16.6(1) not more than 3 bedrooms may be used to accommodate guests;
- 2.16.6(2) in addition to the 2 off street parking spaces required for the residence, one additional off street parking space for each bedroom used for bed and breakfast accommodation must be provided;
- 2.16.6(3) a bed and breakfast *home occupation* must be conducted solely on the property;
- 2.16.6(4) breakfast may be served on the premises to paying guests;
- 2.16.6(5) up to twelve special events per calendar year may be catered on the premises by the bed and breakfast operator; and,
- 2.16.6(6) occasional dinners may be served on the premises to paying guests staying more than two consecutive nights.

**Comment [GR13]:** Move to parking regulation section.

**Comment [GR14]:** The reason for this is the limited restaurant facilities on Saturna; however occasional is vague.

2.16.7 The operator of every *home occupation* must comply with all licensing, health and other applicable regulations of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.

2.16.8 Sufficient off street parking spaces must be provided to accommodate customers and employees of any *home occupation*, in addition to the 2 off street parking spaces required for the residence as defined in Section 14 - Off Street Parking Regulations.

**Comment [GR15]:** Vague, a number needs to be put in parking section.

2.16.9 *Home occupations* involving retail sales of products not made or grown on the premises may have not more than 25% of the built premises (*residential and accessory buildings*), to a maximum of 30 sq metres (323 sq ft) dedicated to the presentation and sale of those products.

BL#94

2.16.10 The following additional regulations apply to the short term rental of a *cottage* as a *home occupation*:

- 2.16.10(1) no more than one *cottage* per constructed residence may be used as a short term vacation rental at any one time;
- 2.16.10(2) despite subsection 2.16.1 the total combined floor area per lot of cottages being used for short term vacation rentals under the *home occupation* regulations can exceed 140 sq. metres (1500 sq. feet).

## 2.17 Home Based Industry Regulations

BL # 79

2.17.1 A *home based industry* other than a horticultural use must be carried out wholly within a residence or within a permitted *accessory building*. The combined floor areas of all *accessory buildings* used in the *home based industry* must not exceed 140 m<sup>2</sup> (1500 ft<sup>2</sup>) per permitted residence

**Comment [GR16]:** This should be for constructed residence.

2.17.2 There shall not be carried on as a *home based industry*, any use which by reason of its nature, emits or causes to be produced or emitted, noises, dust, smoke, gas or other effluents in such quantities or under such conditions as to be noxious or offensive.

**Comment [GR17]:** Enforceable?

2.17.3 A home based industry use:

- 2.17.3(1) is not permitted on any lot less than 2 hectares (5 acres) in area;  
2.17.3(2) must ~~be sited not less than~~ not be sited within 22.5 metres (75 feet) ~~from of~~ any lot line ~~or nor be sited within~~ 7.5 metres (25 feet) ~~from of~~ the sea; and  
2.17.3(3) must be screened from view from abutting lots and from public lands and ~~public road rights-of-way public roads.~~

**Comment [GR18]:** change to not sited within throughout the bylaw for consistency.

2.17.4 The hours of operation for a home based industry use are limited to 7:00 a.m. to 7:00 p.m. Operation is permitted outside those hours when there is no discernible ~~negative impact,~~ in terms of noise, light, smell, dust, smoke, gas or other effluents, on the surrounding neighbourhood.

**Comment [GR19]:** Enforceable?

2.17.5 There may be no exterior indication of the existence of the home based industry either by:

- 2.17.5(1) storage exterior to a building or structure of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a landscape screen or fence not less than 2 metres in height; or  
2.17.5(2) displays, lighting; or  
2.17.5(3) by any other variation from the residential character of the residence or accessory building, with the exception of signs permitted by this Bylaw.

2.17.6 A home based industry is not permitted unless the premises on which it is conducted are concurrently occupied as a residence. A person or persons ~~residing in the residence~~ must operate the home based industry. Not more than two additional persons (two full time equivalent positions) not residing in the residence, may be employed in the home based industry.

2.17.7 The following activities are not permitted as part of a home based industry:

- 2.17.7(1) the serving of food or drink products on the premises; and,  
2.17.7(2) ~~the retail sale of liquor.~~

**Comment [GR20]:** as per the earlier comment regarding small breweries with limited retail sales.

2.17.8 ~~The operator of every home based industry must comply with all licensing, health and other applicable regulations of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.~~

**Comment [GR21]:** Not necessary but can leave as information note.

2.17.9 ~~Sufficient~~ off street parking spaces must be provided to accommodate customers and employees of any home based industry, in addition to the 2 off street parking spaces required for the residence as defined in Section 14 - Off Street Parking Regulations.

**Comment [GR22]:** Vague

2.17.10 Home based industries involving retail sales of products not made or grown on the premises may have not more than 25% of the built premises (residence and accessory buildings) to a maximum of 40 sq metres (430 sq ft) dedicated to the presentation and sale of those products.

BL # 99  
|

## 2.18 Water Storage

A building permit shall not be issued for any new residential building, visitor accommodation unit, or addition to a residential building or visitor accommodation unit in the water management area depicted on Schedule C unless a building on the lot is equipped with a water catchment system and cistern(s) for the storage of rainwater. Minimum cistern capacity is required as follows:

A minimum cistern capacity of 21820 litres (4800 gallons) is required for any new construction of a residence or visitor accommodation unit, or any addition to a residence or visitor accommodation unit that exceeds 11.6 square metres (125 square feet) of floor area.

## PART 3

### ESTABLISHMENT OF ZONES

#### 3.1 Division Into Zones

The Saturna Island Local Trust Area shown on Schedule A is divided into the zones identified in Column I and described in abbreviated form in Column II.

##### COLUMN I

##### COLUMN II

|        |                                         |     |
|--------|-----------------------------------------|-----|
|        | Rural Residential                       | RR  |
|        | Rural General                           | RG  |
|        | Rural Agricultural Sales                | RAS |
|        | Rural Comprehensive Development         | RCD |
|        | Multiple Family Residential             | MFR |
|        | Community Services                      | CS  |
|        | Public Utilities                        | PU  |
| BL#108 | Community Park                          | CP  |
|        | Commercial Recreation and Accommodation | CRA |
|        | Commercial                              | C   |
|        | Industrial Storage and Repairs          | ISR |
|        | Industrial Comprehensive                | IC  |
|        | Farmland                                | F   |
|        | Farm Resort                             | F1  |
| BL#82  | Farm Retreat                            | F2  |
|        | Watershed                               | W   |
|        | Forest Reserve                          | FR  |
|        | Forest General                          | FG  |
|        | Forest Residential                      | FR1 |
|        | Wilderness Reserve                      | WR  |
|        | Water                                   | WA  |
|        | Water Harvest                           | WH  |
|        | Water General Commercial                | WGC |
|        | Water Public Utility                    | WPU |
|        | Open Water                              | WO  |

#### 3.2 Zone Boundaries

- 3.2.1 The extent of each zone is shown on Schedule B and the interpretation of Schedule B is subject to Sections 3.2.2 to 3.2.4 inclusive.
- 3.2.2 The boundary between land and water zones is the surveyed lot line and where there is no survey plan the boundary is the natural boundary.
- 3.2.3 If a zone boundary follows a highway or other right of way, a creek, or a stream, the centre line of the highway, creek, or stream is the zone boundary.

**Comment [GR23]:** Need to provide clear reference to schedules A, B and C in the index.

3.2.4 If a *zone* boundary does not coincide with a *lot* boundary, *natural boundary*, or the centre line of a highway, creek, or stream, and where distances are not specifically indicated on Schedule B, the location of the *zone* boundary must be determined by scaling from Schedule B.

| 3.2.5 Unless otherwise indicated on Schedule B, marine *zones* extend from the *natural boundary* of the sea to the boundary of the Saturna Island Local Trust Area as described in Schedule A to the Islands Trust Regulation B.C. Reg. 119/90.

## 4. RURAL ZONING REGULATIONS

### 4.1 RURAL RESIDENTIAL ZONE (RR)

#### Permitted Uses

4.1.1 In the **Rural Residential (RR) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 4.1.1(1) *residential*;
- 4.1.1(2) *home occupations*.

4.1.2 In addition to the uses permitted above, the following uses shall be permitted on ~~parcels~~ lots 1.0 ha (2.5 acres) in area or larger:

- 4.1.2(1) *farm use*;
- 4.1.2(2) the harvesting of trees and the carrying out of all *silviculture* practices; and
- 4.1.2(3) portable *temporary* sawmills ~~and log~~ chippers and other similar machinery used for processing logs for the processing of logs harvested on the *parcel* only.

#### ~~Residential Site~~ Residential Density.

- 4.1.3 On a ~~parcel~~ lot having an area of 1.21 hectares (3 acres) or less the maximum density is one (1) *residence*.
- 4.1.4 On a ~~parcel~~ lot greater than 1.21 hectares (3 acres) in area the maximum density is one (1) *residence* and one (1) *cottage*.

#### Lot Coverage

- 4.1.5 On lots less than .4 hectare (one acre) in area, lot coverage for buildings and structures shall not exceed 20 %.

#### Building Setbacks

- 4.1.6 No *building* or *structure* except a fence or *pumphouse* shall be located within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 4.1.7 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be located ~~closer than~~ within a distance of 3 metres (10 ft.) measured from the *interior side lot line* to the furthest projection of the *building*, nor, ~~subject to the regulations adopted pursuant to the Highways Act, closer than~~ within 4.5 metres (15 ft.) ~~from~~ of an *exterior side lot line*.
- 4.1.8 No enclosure or *structure* for housing animals and poultry shall be ~~closer than~~ within 7.6 metres (25 ft.) ~~to~~ of any property line.

**Comment [GR24]:** Will be replacing parcel for lot everywhere it appears to be consistent.

**Comment [GR25]:** Temporary sawmills and log chippers appears in several locations. Change to this wording as it includes a more complete reference.

**Comment [GR26]:** Use this wording throughout bylaw to be consistent

**Comment [GR27]:** Put area in wherever size of lot is referenced throughout LUB.

**Comment [GR28]:** Delete wherever it appears as not necessary to reference this regulation of the Highways Act.

## Subdivision Lot Size Requirements

**Comment [GR29]:** Make consistent throughout bylaw

- 4.1.8 No *lot* having an area less than 0.81 hectares (2 acres) may be created by subdivision in the Rural Residential Zone except where a proposed *lot* fronts on the ocean, it may have an area not less than 0.4 hectares (1 acre).
- 4.1.9 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

## 4.2 RURAL GENERAL ZONE (RG)

### Permitted Uses

- 4.2.1 In the **Rural General (RG) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.
- 4.2.1(1) *residential*;
- 4.2.1(2) *home occupations and home based industry*;
- 4.2.2 In addition to the uses permitted above, the following uses shall be permitted on ~~parcels~~ lots having an area of 1.0 ha (2.5 acres) or larger:
- 4.2.2(1) *farm use*;
- 4.2.2(2) the harvesting of trees and the carrying out of all *silviculture* practices;
- 4.2.2(3) portable *temporary* sawmills, ~~and log~~ chippers and other similar machinery used for the processing of logs harvested on the ~~parcel/lot~~ only.

### Residential Site Density.

- 4.2.4 On a ~~parcel/lot~~ 1.21 hectares (3 acres) in area or less the maximum density is one (1) *residence*.
- 4.2.5 On a ~~parcel/lot~~ having an area greater than 1.21 hectares (3 acres) and less than 4.05 hectares (10 acres) the maximum density is one (1) *residence* and one (1) *cottage*.
- 4.2.6 On ~~parcels~~ lots having an area of 4.05 hectares (10 acres) or greater one (1) *residence* and one (1) *cottage* per 2.02 hectares (5 acres) are permitted up to a maximum density of five (5) *units* and five (5) *cottages* per lot ~~parcel~~.

### Lot Coverage

- 4.2.7 On lots having an area less than .4 hectare (one acre), lot coverage for buildings and structures shall not exceed 20%.

## Building Setbacks

- 4.2.8 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be located within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 4.2.9 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be ~~located~~ sited within 3 metres (10 feet) of any ~~interior side lot line~~ nor ~~subject to the regulations adopted pursuant to the Highways Act, shall be located~~ sited closer than within 4.5 metres (15 ft.) ~~from of~~ an *exterior side lot line*.
- 4.2.10 No enclosure or *structure* for housing animals and poultry shall be ~~sited closer than within~~ 7.6 metres (25 ft.) ~~teof~~ any ~~property lot~~ line.

**Comment [GR30]:** Change located to sited wherever it appears

**Comment [GR31]:** Remove wherever it appears

## Subdivision Lot Size Requirements

- 4.2.11 No *lot* having an area less than 0.81 hectares (2 acres) may be created by subdivision in the Rural General Zone .
- 4.2.12 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

## 4.3 RURAL AGRICULTURAL SALES ZONE (RAS)

### Permitted Uses

- 4.3.1 In the **Rural Agricultural Sales (RAS) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.
- 4.3.1(1) retail sales of horticultural and landscaping products;
- 4.3.1(2) *farm use*;

### Site Density. Lot Coverage

- 4.3.2 Lot coverage ~~requirement~~ for buildings and structures and parking areas shall not exceed 30 %.

**Comment [GR32]:** Change heading so lot coverage is not considered density. Want to be clear throughout bylaw that density is number of residences and cottages permitted and number of lots permitted by subdivision.

## Building Setbacks

- 4.3.3 No *building* or *structure* except a fence or *pumphouse* shall be ~~located~~ sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 4.3.4 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be sited within ~~located closer than a distance of~~ 3 metres (10 ft.) measured from the *interior side lot line* to the furthest projection of the *building*, nor, ~~subject to the regulations adopted pursuant to the Highways Act, closer than~~ sited within 4.5 metres (15 ft.) ~~from of~~ an *exterior side lot line*.

- 4.3.5 No enclosure or *structure* for housing animals ~~and or~~ poultry shall be sited closer than within 7.6 metres (25 ft.) ~~to of~~ any ~~property- lot~~ line.

#### Subdivision Lot Size Requirements

- 4.3.6 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

### 4.4 RURAL COMPREHENSIVE DEVELOPMENT ZONE (RCD)

#### Permitted Uses

- 4.4.1 In the **Rural Comprehensive Development (RCD) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

4.4.1(1) *residential*;

4.4.1(2) *home occupations and home based industry*;

4.4.1(3) *farm use*;

4.4.1(4) ~~the harvesting of trees and silvicultural practices~~;

4.4.1(5) portable *temporary* sawmills ~~and log~~ chippers and other similar machinery used for processing of logs harvested on the *lot* only.

**Comment [GR33]:** Put in lot coverage

**Comment [GR34]:** Just put silviculture in as it includes harvesting of trees. Update silviculture definition as exiting definition .

#### Residential Site Density.

- 4.4.2 One (1) *residence* is permitted per 2.02 hectares (5 acres) of *lot* area.

BL #76

- 4.4.3 On the land commonly known as "Old Point Farm" and legally described as Sections 6 and 7, Saturna Island, Cowichan District and Lot 1, Plan 11378, Section 18, Saturna Island, Cowichan District the maximum density is 28 ~~residences~~.

**Comment [GR35]:** Not consistent with 9.3.6

BL #81

- 4.4.4 On the land commonly known as "Blackbird Hill" and legally described as Lot A, Sections 17 and 18, Plan VIP74669, Saturna Island, Cowichan District the maximum density is 7 residences.

#### Building Setbacks

- 4.4.5 No *building* or *structure* except a fence or *pumphouse* shall be ~~located-sited~~ within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.

- 4.4.6 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be ~~located~~ sited closer than a distance of within 3 metres (10 ft.) measured from the *interior side lot line* to the furthest projection of the *building*, nor, ~~subject to the regulations adopted pursuant to the Highways Act, closer than sited within~~ 4.5 metres (15 ft.) ~~from of~~ an *exterior side lot line*.

- 4.4.7 No enclosure or *structure* for housing animals and poultry shall be ~~sited closer than within~~ 7.6 metres (25 ft.) to any ~~property- lot~~ line.

#### Subdivision Lot Size Requirements

4.4.8 No lot having an area less than 12.14 hectares (30 acres) may be created by subdivision. ~~in the Rural Comprehensive Development Zone~~

4.4.9 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

**Comment [GR36]:** Put this wording and structure in all other zones to be consistent.

### 4.5 MULTIPLE FAMILY RESIDENTIAL ZONE (MFR)

#### Permitted Uses

4.5.1 In the **Multiple Family Residential (MFR) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

4.5.1(1) ~~residential~~ for the purpose of providing Senior Citizen Housing sponsored by a Public or Quasi Public Society Incorporated under the *Society Act*.

**Comment [GR37]:** sponsored by public society unenforceable use or user distinction

#### Lot Coverage

4.5.2 *Buildings and structures* shall not cover more than 33 percent of the ~~parcel of land lot~~ on which they are located.

#### Setback Provisions

4.5.3 No *building or structure* or part thereof except a fence or a *pumphouse* shall be ~~located sited~~ within 7.6 metres (25 ft.) of any front or *rear lot line*.

4.5.4 No *building or structure* or part thereof except a fence or a *pumphouse* shall be ~~located sited closer than a distance of within~~ 6.1 metres (20 ft.) measured from any *interior side lot line* to the ~~farthest projection of the building~~, nor, ~~subject to regulations adopted pursuant to the Highways Act, closer than sited within~~ 7.6 metres (25 ft.) ~~from of~~ an *exterior side lot line*.

**Comment [GR38]:** remove this from all zones and put that setbacks are measured from the farthest projection of a building unless otherwise stated. Put in sec 2.15

#### Site Density

4.5.5 There shall not be more than four (4) *residential units* per 0.4 hectares (one acre) in the Multiple Family Residential Zone.

**Comment [GR39]:** other places called residential density, make consistent throughout

#### Subdivision Lot Size Requirements

4.5.6 No lot having an area less than 0.81 hectares (2 acres) may be created by subdivision.

4.5.7 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

## 4.6 COMMUNITY SERVICES ZONE (CS)

### Permitted Uses

4.6.1 In the **Community Services (CS) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 4.6.1(1) community halls
- 4.6.1(2) churches
- 4.6.1(3) ~~public schools~~ schools
- 4.6.1(4) libraries
- 4.6.1(5) fire halls, police and ambulance stations
- 4.6.1(6) cemeteries.

### Lot Coverage

4.6.2 *Buildings and structures* shall not cover more than 33 percent of the ~~parcel of land~~ lot on which they are located.

### Setback Provisions

4.6.3 No *building or structure* or part thereof except a fence or a *pumphouse* shall be ~~located~~ sited within 7.6 metres (25 ft.) of any front or rear lot line.

4.6.4 No *building or structure* or part thereof except a fence or a *pumphouse* shall be ~~located~~ sited ~~closer than a distance of~~ within 6.1 metres (20 ft.) ~~measured from~~ of any interior side lot line ~~measured from~~ to the farthest projection of the *building*, nor, ~~subject to regulations adopted pursuant to the Highways Act, closer than~~ sited within 7.6 metres (25 ft.) ~~from~~ of an exterior side lot line.

Comment [GR40]: amend this in all other areas

### Subdivision Lot Size Requirements

4.6.5 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

BL#96

### 4.6.6 Site Specific Regulations

4.6.6(1) The regulations listed in Column 3 of the following table only apply to the land listed in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

| Column 1                     | Column 2          | Column 3                  |
|------------------------------|-------------------|---------------------------|
| Site-Specific Zone Reference | Legal Description | Site Specific Regulations |

|       |                                                                                                |                                                                                                                                                                                                                                                                   |
|-------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CS(a) | Lot A, Section 8, Plan VIP67333, Saturna Island, Cowichan District. <u>(Recreation Centre)</u> | (1) Despite 4.6.5, no lot having an area of less than 0.2 ha (.5 acre) may be created by subdivision.<br><br>(2) Despite 4.6.5 no subdivision plan may be -approved unless the lots created by the subdivision have an average area of at least 0.8 ha (2 acres). |
|-------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Comment [GR41]:** identify on map

## 4.7 PUBLIC UTILITIES ZONE (PU)

### Permitted Uses

4.7.1 In the **Public Utilities (PU) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 4.7.1(1) highways maintenance yard
- 4.7.1(2) hydro maintenance yard
- 4.7.1(3) telephone maintenance yard
- 4.7.1(4) water supply facilities
- 4.7.1(5) recycling facilities

### Lot Coverage

4.7.2 *Buildings and structures* shall not cover more than 33 percent of the ~~parcel of land lot~~ on which they are located.

### Setback Provisions

- 4.7.3 No *building or structure* or part thereof except a fence or a *pumphouse* shall be ~~located~~ sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 4.7.4 No *building or structure* or part thereof except a fence or a *pumphouse* shall be ~~located~~ sited ~~closer than a distance of within~~ 6.1 metres (20 ft.) ~~measured from of~~ any interior side lot line ~~measured from to the farthest projection of the building, nor, subject to regulations adopted pursuant to the Highways Act, closer than~~ sited within 7.6 metres (25 ft.) ~~from of~~ an exterior side lot line.

### Subdivision Lot Size Requirements

4.7.5 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

**Comment [GR42]:** needs lot coverage

## 4.8 COMMUNITY PARK ZONE (CP)

BL#108

#### Permitted Uses

4.8.1 In the **Community Park Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

4.8.1(1) Playgrounds; and

4.8.1(2) Picnic facilities.

#### Permitted Structures

- 4.8.2 No buildings or structures other than playground structures, picnic tables, picnic shelters, toilets and storage buildings may be constructed."

## 5. COMMERCIAL ZONING REGULATIONS

### 5.1 COMMERCIAL RECREATION and ACCOMODATION ZONE (CRA)

#### Permitted Uses

- 5.1.1 In the **Commercial Recreation and Accommodation (CRA) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 5.1.1(1) *visitor accommodation*;
- 5.1.1(2) ~~1a~~ restaurant;
- 5.1.1(3) ~~1a~~ neighbourhood pub;
- 5.1.1(4) ~~a~~ retail use which is *accessory* to any of the above uses;
- 5.1.1(5) ~~an~~ accessory residential use together with any of the uses listed in this subsection which shall not exceed one self-contained residential unit for the caretaker, owner or operator.

**Comment [GR43]:** "1" is clearer than "a"

**Comment [GR44]:** This would allow for more than one retail use

**Comment [GR45]:** Was it the intent to have the retail uses accessory to visitor accommodation, restaurant and neighborhood pub.

- 5.1.2 Despite Subsection 5.1.1 on the CRA zoned area of the parcel legally described as **Lot 1, Section 18, Plan 14913, Cowichan District, Saturna Island** the only uses permitted in addition to those set out in Section 2.1 are: *visitor accommodation*; restaurants and cafes; neighbourhood pub; retail stores; and, an accessory residential use together with any of the uses listed in this subsection which shall not exceed one self-contained residential unit for the caretaker, owner or operator.

**Comment [GR46]:** Lighthouse Pub – update legal description.

- 5.1.3 Despite Subsection 5.1.1 and 5.1.2 on the CRA zoned area of the parcel legally described as **Section 13&14, Portion Saturna island, except plan 13357 14023 20126 20127 21418 38382 51385 VIP53200 VIP55663 VIP58068, ex VIP60837 frac s e 1/4 of sec 13 & s 1/2 of sec 14, Cowichan District, Saturna Island (commonly known as East Point Resort)** the only uses permitted in addition to those set out in Section 2.1 are: *visitor accommodation*; a restaurant; a retail use which is *accessory* to any of the above uses; boat ramp and boat rentals; and, an accessory residential use together with any of the uses listed in this subsection which shall not exceed one self-contained residential unit for the caretaker, owner or operator.

**Comment [GR47]:** Update legal description if necessary

**Comment [GR48]:** May want to list Saturna Lodge in this section to clearly list number of rooms permitted to aid with future interpretations..

#### Lot Coverage

- 5.1.4 *Buildings and structures* shall not cover more than 10 percent of the CRA zoned portion of land on which they are located.

#### Site Density

- 5.1.5 For the CRA zoned portion of a parcel of land on which *accommodation units* and *sleeping units* are permitted, the number of accommodation units shall not exceed three per 0.4 ha (1 acre) and the number of bedrooms shall not exceed six per 0.4 ha (1 acre) nor twelve per building.

(Note: These site density requirements apply to commercial accommodation establishments existing legally prior to the adoption of the Official Community Plan (OCP),

Bylaw No. 70. The density of new commercial accommodation establishments is to be consistent with policy D.1.A.3 of the OCP).

**Comment [GR49]:** Reference to OCP not required.

#### Building Setbacks

- 5.1.6 No *building* or *structure* except a fence shall be ~~located~~-sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 5.1.7 No *building* or *structure* except a fence shall be ~~located~~-sited within 3 metres (10 ft.) of any interior side lot line, nor, ~~subject to regulations adopted pursuant to the Highways Act,~~ sited within 4.6 metres (15 ft.) of an exterior side lot line.

#### Subdivision Lot Size Requirements

- 5.1.8 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

**Comment [GR50]:** Saturna Store

## 5.2 Commercial Zone (C)

#### Permitted Uses

- 5.2.1 In the **Commercial (C) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.
- 5.2.1(1) retail stores and shops;
  - 5.2.1(2) professional or business offices including medical or dental clinics;
  - 5.2.1(3) barber shops, beauty parlours, shoe repair shops, electric and electronic repair shops, launderette, laundry and dry cleaning shops;
  - 5.2.1(4) printers and publishers;
  - 5.2.1(5) restaurants, cafes, bakeries;
  - 5.2.1(6) places of indoor recreation; and
  - 5.2.1(7) *residential*.

#### Lot Coverage

- 5.2.2 *Buildings* and *structures* shall not cover more than 33 percent of the ~~parcel of land~~-lot on which they are located.

#### Building Setbacks

- 5.2.3 No *building* or *structure* except a fence shall be ~~located~~-sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 5.2.4 No *building* or *structure* except a fence shall be ~~located~~-sited within 3 metres (10 ft.) of any interior side lot line, nor, ~~subject to regulations adopted pursuant to the Highways Act,~~ sited within 4.6 metres (15 ft.) of an exterior side lot line.

#### Residential Site Density

- 5.2.5 On the Commercial zoned portion of a lot, a maximum of three self-contained residential units are permitted.

**Comment [GR51]:** Ensure this is consistent with definition

#### **Subdivision Lot Size Requirements**

- 5.2.6 No lot having an area less than 0.4 hectares (1 acre) may be created by subdivision.
- 5.2.7 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

## 6 INDUSTRIAL ZONING REGULATIONS

### 6.1 INDUSTRIAL STORAGE AND REPAIRS ZONE (ISR)

#### Uses Permitted

6.1.1 In the **Industrial Storage and Repairs (ISR) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 6.1.1(1) warehouses;
- 6.1.1(2) storage yards;
- 6.1.1(3) contractor's yards and workshops;
- 6.1.1(4) building materials and supplies sales;
- 6.1.1(5) freight service;
- 6.1.1(6) motor vehicle sales and repairs;
- 6.1.1(7) machinery and parts sales, rentals and repairs;
- 6.1.1(8) wood, metal and plastic fabricating;
- 6.1.1(9) welding and machine shops;
- 6.1.1(10) boat *building* and repairs;
- 6.1.1(11) *off street parking* lots;
- 6.1.1(12) marinas for the accommodation, maintenance and servicing of boats including refueling;
- 6.1.1(14) one *residential unit* in conjunction with an industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted.

6.1.2 In addition to the uses permitted in subsection 6.1.1, on the ISR portion of the lot legally described as **Lot 17, Plan 18592, Section 8, Cowichan District**, Saturna Island the following use is permitted: retail sale of fuels.

**Comment [GR52]:** garage

6.1.3 Despite subsection 6.1.1, on the ISR portion of the lot legally described as **Lot 1, Section 18, Plan 14515**, Cowichan District, Saturna Island the only uses permitted in addition to those set out in Section 2.1 are: boat *building* and repairs; marinas for the accommodation, maintenance and servicing of boats including refueling; service stations; bulk fuel storage tanks; off street parking lots; and, one *residential unit* in conjunction with an industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted.

**Comment [GR53]:** Update legal description. Add to list of uses permitted (campground, garden centre)? Industrial area beside the community hall

#### Height

6.1.4 No *building* shall exceed 15 metres (50 ft.) in *height*.

#### Lot Coverage

6.1.5 *Buildings* and *structures* shall not cover more than 33 percent of the ~~parcel of land~~ lot on which they are located.

### Building Setbacks

- 6.1.6 No *building* or *structure* except a fence shall be ~~located-~~ sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 6.1.7 No *building* or *structure* except a fence shall be ~~located-sited closer than within a distance of 3 metres (10 ft.) from~~ any interior side lot line, nor, ~~subject to regulations adopted pursuant to the Highways Act,~~ sited closer than within 4.6 metres (15 ft.) ~~from of~~ an exterior side lot line.

### Subdivision Lot Size Requirements

- 6.1.8 No lot having an area less than 0.4 hectares (1 acre) may be created by subdivision.
- 6.1.9 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

## 6.2 INDUSTRIAL COMPREHENSIVE ZONE (IC)

### Permitted Uses

- 6.2.1 In the **Industrial Comprehensive (IC) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.
- 6.2.1(1) All of the uses in the Industrial Storage and Repairs (ISR) Zone;
- 6.2.1(2) services stations;
- 6.2.1(3) bulk fuel storage tanks and sale of fuels
- 6.2.1(4) sawmills, and related wood products processing; and,
- 6.2.1(5) *manufacturing*.

**Comment [GR54]:** Take out and repeat list in this zone

### Height

- 6.2.2 No *building* shall exceed 15 metres (50 ft.) in *height*.

### Lot Coverage

- 6.2.3 *Buildings* and *structures* shall not cover more than 33 percent of the ~~parcel of land lot~~ on which they are located.

### Building Setbacks

- 6.2.4 No *building*, *structure* or storage of materials except a fence shall be ~~located-~~ sited within 7.6 metres (25 ft.) of any front or rear lot line.

- 6.2.5 No *building* or *structure* except a fence shall be ~~located- sited closer than a distance of~~ within 3 metres (10 ft.) ~~from of~~ any *interior side lot line*, nor, ~~subject to regulations adopted pursuant to the Highways Act, sited closer than within~~ 4.6 metres (15 ft.) ~~from of~~ an *exterior side lot line*.

#### **Subdivision Lot Size Requirements**

- 6.2.6 No lot having an area less than 0.4 hectares (1 acre) may be created by subdivision.
- 6.2.7 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

## 7. FARMLAND ZONING REGULATIONS

Comment [GR55]: Lot coverage

### 7.1 FARMLAND ZONE (F)

#### Permitted Uses

7.1.1 In the **Farmland (F) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited. Uses that are inconsistent with permitted uses under the *Agricultural Land Commission Act* or Regulations will require approval from the Agricultural Land Commission.

- 7.1.1(1) *farm use*;
- 7.1.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
- 7.1.1(3) portable wood chippers and sawmills only for the processing of logs harvested on the *parcel*;
- 7.1.1(4) *residential*;
- 7.1.1(5) *sleeping accommodation for farm employees*;
- 7.1.1(6) *fish farming*;
- 7.1.1(7) *home occupations and home based industry*.

Comment [GR56]: Use amended wording to be consistent

Comment [GR57]: No density limit.

#### Lot Size and Site Density

7.1.2 The maximum density is one *residence* on ~~parcels~~ lots having an area of 20.24 ha (50 acres) or less and one *residence* and one *cottage* on ~~parcels~~ lots having an area greater than 20.24 ha (50 acres).

7.1.3 Notwithstanding 7.1.2, no residential *buildings* may be located on arable portions of a ~~parcel~~ lot except if the total ~~parcel~~ lot is *arable*.

Comment [GR58]: Who determines?

#### Building Setbacks

7.1.4 No *building* or *structure* except a fence or *pumphouse* shall be ~~located~~ sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.

7.1.5 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be ~~located~~ sited closer than a distance of within 6.1 metres (20 ft.) ~~measured from the~~ of an interior side lot line ~~measured from to~~ the farthest projection of the *building*, nor, ~~subject to regulations adopted pursuant to the Highways Act~~ sited closer than within 6.1 metres (20 ft.) ~~from of the~~ an exterior side lot line.

#### Special Building Setback

7.1.6 No *building* or *structure* associated with *farm uses* except a fence or a *pumphouse* shall be ~~located~~ sited within 30 metres (100 ft.) of a *front lot line*, nor sited within 15 metres (50 ft.) ~~from of an the~~ interior, exterior or *rear lot line*, measured from the *lot line* to the farthest projection of the *building*, except where the interior or rear lot line abuts the FR, FG, W or WR zones.

Comment [GR59]: Clarify what setbacks apply in this case.

## Subdivision Lot Size Requirements

- 7.1.7 No lot having an area less than 20.24 hectares (50 acres) may be created by subdivision in the zone.

## 7.2 FARM RESORT ZONE (F1)

BL #82

### Permitted Uses

- 7.2.1 In the Farm Resort (F1) Zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 7.2.1(1) farm use;
- 7.2.1(2) vinting and bottling of wines and ciders;
- 7.2.1(3) accessory to the vinting and bottling of wines and ciders, the sale of wine and cider including tasting facilities
- 7.2.1(4) accessory to the vinting and bottling of wines and ciders, a restaurant and premises licensed under the *Liquor Control and Licensing Act* for the sale and consumption of beverages on the premises;
- 7.2.1(5) accessory to the farm use, visitor accommodation of the traveling and vacationing public in accommodation units and sleeping units; and
- 7.2.1(6) ~~an accessory residential use which shall not exceed one self-contained residential unit and one cottage.~~

**Comment [GR60]:** No density limit on sleeping units.

### Height

- 7.2.2 No building shall exceed 9 metres (30 feet) in height, except a barn which shall not exceed 15 metres (49.2 ft.) in height.

**Comment [GR61]:** Also in height exclusions. Have in one spot or the other not both.

### Site Coverage

- 7.2.3 Buildings and structures and required parking areas shall not cover more than two percent (2%) of the ~~parcel of land lot~~ on which they are located.

**Comment [GR62]:** What about split zoned lots clarify in definition of lot coverage. Do this in definitions of lot coverage.

### Site Density

- 7.2.4 Visitor Accommodation use shall not exceed five accommodation units and the total number of bedrooms shall not exceed twenty nor twelve bedrooms per building.
- 7.2.5 Residential use shall not exceed one self-contained residence and one cottage.

### Siting of Uses, Buildings and Structures

- 7.2.6 No use other than farm use shall be located on any land that is south of Quarry Trail, except for three non-agricultural buildings provided that: not more than one shall contain

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a restaurant, not more than one shall contain transient accommodation and not more than one shall contain residential use.

- 7.2.7 No building or structure except a fence or pumphouse shall be ~~located~~sited within 7.6 metres (25 feet) of any front or rear lot line.
- 7.2.8 No building or structure except a fence shall be sited within 6.1 metres (20 feet) of any interior side lot line or exterior side lot line.

#### Site Area Restrictions

- 7.2.9 The minimum site area for all of the uses set out in Section 7.2.1 is 31.5 hectares (78 acres), and for the purposes of this regulation a "site" may not comprise more than one parcel."

#### Subdivision Lot Size Requirements

- 7.2.10 No lot having an area less than 31.5 hectares (78 acres) may be created by subdivision.

### 7.3 FARM RETREAT ZONE (F2)

#### Permitted Uses

- 7.3.1 In the Farm Retreat (F2) Zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited. Uses that are inconsistent with permitted uses under the *Agricultural Land Commission Act* or regulations will require approval from the Provincial Agricultural Land Commission.
  - 7.3.1(1) *Farm use;*
  - 7.3.1(2) *Educational and instructional uses;*
  - 7.3.1(3) *Residential;*
  - 7.3.1(4) *Accessory to 1 ~~and~~ or 2 above, Visitor Accommodation and special events, such as, but not limited to weddings, reunions and retreats;*
  - 7.3.1(5) *Accessory to 1, 2 or 4 above, the serving of food and drink;*
  - 7.3.1(6) *Accessory to 1, 2 or 4 above, retail and rental uses;*
  - 7.3.1(7) *Accessory to 3 above, home occupations.*

#### Lot Coverage

- 7.3.2 Buildings, structures and required parking areas associated with non-farm uses shall not cover more than two percent (2%) of the ~~parcel of land~~lot on which they are located.

#### Site Density

- 7.3.3 *Visitor accommodation* use shall not exceed 8 sleeping units and 4 campsites.

*(Information Note: Subsection 7.3.3 does not apply to rooms that may be used as part of a bed and breakfast home occupation in any of the permitted residences.)*

- 7.3.4 On the parcel of land legally described as Lot B, Plan 11380, Section 7 and Lot 1, Plan 51011, Section 8 both in Cowichan District, Saturna Island the maximum ~~residential site density on the parcel shall not exceed 7 residences and 7 cottages, number of residences is 7 and the maximum number of cottages is 7.~~

**Comment [GR63]:** Update legal description

#### Siting of Uses, Buildings and Structures

- 7.3.5 No building or structure except a fence shall be ~~located-sited~~ within 12 metres (40 ft.) of any front lot line.
- 7.3.6 No building or structure except a fence shall be ~~located-sited~~ within 3 metres (10 ft.) of any interior or rear lot line.
- 7.3.7 No building or structure associated with an intensive farm use, except a fence or pumphouse, shall be ~~located-sited~~ within 30 metres (100 ft) ~~from of~~ a front lot line.
- 7.3.8 No use other than farm use shall be ~~located-sited~~ on arable portions of the land.
- 7.3.9 Buildings, structures and uses associated with any of the uses listed in sub-sections 7.3.1 (4) through 7.3.1 (6) with the exception of campsites are restricted to that area shown as "Accommodation Area" on the attached site plan. .

**Comment [GR64]:** who determines

**Comment [GR65]:** remove, no plan attached to LUB.

#### Subdivision Lot Size Requirements

- 7.3.10 No lot having an area less than 20.24 hectares (50 acres) may be created by subdivision.

## 8. WATERSHED ZONING REGULATIONS

### 8.1 WATERSHED ZONE (W)

Comment [GR66]: Lot coverage

#### Permitted Uses

8.1.1 In the **Watershed (W) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 8.1.1(1) growing and harvesting of forest products; and,
- 8.1.1(2) accessory buildings.

#### Buildings Setbacks

8.1.2 No *building* or *structure* except a fence or a *pumphouse* shall be ~~located-sited~~ within 7.6 metres (25 ft.) of any *front lot line*, nor ~~sited~~ within 3 metres (10 ft.) of any interior side or *rear lot line*, nor ~~sited~~ within 4.6 metres (15 ft.) of any *exterior side lot line*, nor ~~sited~~ within 61 metres (200 ft.) of any *watercourse* or body of fresh water.

#### Subdivision Lot Size Requirements

8.1.3 No *lot* having an area less than 10.12 hectares (25 acres) may be created by subdivision in this *Zone*

## 9. FORESTLAND ZONING REGULATIONS

**Information Note:** Pursuant to Forest Policies in the Saturna Island Official Community Plan (Bylaw No. 70, properties may be rezoned to Forest Residential Zone providing an opportunity to cluster and concentrate permitted residential development. Every rezoning to Forest Residential Zone is to entail a simultaneous rezoning of the residual forest lands to Forest Reserve Zone. The reserve area would be for forestry and conservation purposes. All Forest Subdivision Capacity attributable to the forestlands is to be transferred to the Forest Residential zoned area, and result in the subdivision capacity of the area zoned Forest Reserve to be nil.

### 9.1 FOREST RESERVE (FR) Zone

**Comment [GR67]:** Lot coverage

#### Permitted Uses

9.1.1 In the **Forest Reserve (FR) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 9.1.1(1) green space;
- 9.1.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
- 9.1.1(3) portable wood chippers and sawmills for logs harvested on the parcel; and,
- 9.1.1(4) farm use on land within the Agricultural Land Reserve.

**Comment [GR68]:** Remove green space as its not definable.replace (1) and (2) with silviculture.

**Comment [GR69]:** Change to amended wording for consistency.

#### Lot Size Requirements.

9.1.2 Minimum lot size shall be 20.24 hectares (50 acres).

### 9.2 FOREST GENERAL ZONE (FG)

#### Permitted Uses

9.2.1 In the **Forest General (FG) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 9.2.1(1) residential;
- 9.2.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
- 9.2.1(3) grazing, accessory to the growing of trees
- 9.2.1(4) portable wood chippers and sawmills for logs harvested on the parcel;
- 9.2.1(5) television and radio antennas;
- 9.2.1(6) home occupations and home based industry; and,
- 9.2.1(7) farm use on land within the Agricultural Land Reserve.

**Comment [GR70]:** Change to be consistent

## Height

- 9.2.2 No *building* shall exceed 9 metres (30 ft.) in *height*.

## Building Setbacks

- 9.2.3 No *building* or *structure* except a fence or a *pumphouse* shall be ~~located-~~ sited within 7.6 metres (25 ft.) of any front or *rear lot line*, nor sited within 3 metres (9.8 ft.) of any *interior side lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*.

## Site Density

- 9.2.4 The permitted site density shall be one *residence* and one *cottage* per *parcel*.

## Lot Size Requirements

- 9.2.5 No *lot* having an area less than 20.24 hectares (50 acres) may be created by subdivision in this *Zone*.

Comment [GR71]: make consistent throughout

## 9.3 FOREST RESIDENTIAL ZONE (FR1)

Comment [GR72]: lot coverage

### Permitted Uses

- 9.3.1 In the **Forest Residential (FR1) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 9.3.1(1) *residential*;
- 9.3.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
- 9.3.1(3) grazing, accessory to the growing of trees
- 9.3.1(4) portable sawmills for sawing of logs harvested on the property;

## Height

- 9.3.2 No *building* shall exceed 9 metres (30 ft.) in *height*.

## Building Setbacks

- 9.3.3 No *building* or *structure* except a fence or a *pumphouse* shall be ~~located-~~ sited within 7.6 metres (25 ft.) of any front or *rear lot line*, nor sited within 3 metres (9.8 ft.) of any *interior side lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*.

## Site Density

- 9.3.4 The permitted site density shall be one *residence* on lots having an area less than 1.21 hectares (3 acres) and a maximum of one residence and one *cottage* on lots having an area of 1.21 hectares (3 acres) or more.

9.3.5 Notwithstanding Subsection 9.3.4, on the FR1 zoned portion of the land legally described as the south-west ¼ of Section 8, Plan 23285, Cowichan District, Saturna Island a maximum of 5 *residences* and 5 *cottages* is permitted. Residences are not permitted on the area of land zoned Forest Reserve.

~~9.3.6 Notwithstanding Subsection 9.3.4, on the parcel of land commonly known as "Old Point Farm" and legally described as Sections 6 and 7, Saturna Island, Cowichan District a maximum of 13 residences and 13 cottages is permitted. Residences are not permitted on the area of the parcel zoned Farmland.~~

**Comment [GR73]:** Old Point Farm is zoned RCD and F. Density is listed in the RCD zone.

**Lot Size Requirements**

9.3.7 The minimum *lot* area required for subdivision shall be 0.81 hectares (2 acres) and the maximum *lot* area required for subdivision is not to exceed 1.21 hectares (3 acres) plus 1.21 hectares (3 acres) for each additional *lot* permitted by the *parcel's* remaining *Subdivision Capacity*.

**Comment [GR74]:** Amend for consistency.

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9.3.8 Notwithstanding 9.3.7, no more than five lots (not to exceed three acres each) may be created in the Forest Residential portion of Lot 1, Section 8, Plan 23285, Saturna Island.

**Comment [GR75]:** IB

## 10. WILDERNESS RESERVE ZONING REGULATIONS

### 10.1 Wilderness Reserve (WR) Zone

#### Uses Permitted

10.1.1 In the **Wilderness Reserve (WR) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

10.1.1(1) *residential*;

10.1.1(2) *ecological reserves*

#### Building Setbacks

10.1.2 No *building* or *structure* except a fence or a *pumphouse* shall be ~~located~~sited within 7.6 metres (25 ft.) of any *front lot line*, nor sited within 3 metres (10 ft.) of any interior side or *rear lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*.

#### Site Density

10.1.3 The maximum density permitted shall be one *residence*.

#### Lot Coverage

10.1.4 *Buildings* or *structures* shall not cover more than 1% of ~~the parcel of land~~lot on which they are located.

#### Subdivision Lot Size Requirements

10.1.5 No lot having an area less than 64.7 hectares (160 acres) may be created by subdivision.

## 11. WATER ZONING REGULATIONS

(Note: All uses of the Crown foreshore must be authorized by this Bylaw and a crown lease obtained from Land and Water BC Inc.)

### 11.1 WATER ZONE (WA)

#### Permitted Uses

11.1.1 In the **Water (WA) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:

- 11.1.1(1) private or communal floats, wharves, piers and walkways *accessory to residential use* and providing access to properties adjacent to the foreshore;
- 11.1.1(2) sea walls, breakwaters, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this Section;
- 11.1.1(3) log dumping where the logs originate on the abutting upland *parcel*;
- 11.1.1(4) Ocean loop geo-exchange systems for the purpose of domestic heat and cooling *accessory to the residential use* of the upland property.

**Comment [GR76]:** Sea walls and breakwaters have been removed from most bylaws in favour of a green shores approach to protecting the shore.

#### Setbacks of Floats and Wharves

11.1.2 Floats and wharves shall be set back 3 metres (10 ft.) from the projection of any side lot line and shall be located within the boundaries of water leases and licenses of occupation.

#### Buildings Prohibited

11.1.3 Other than posts to carry lighting fixtures or safety supports, no *buildings*, including a *boathouse*, shelter or *structure* shall be erected on any float or wharf.

#### Commercial and Industrial Activity Prohibited

11.1.4 Private floats and wharves shall be used for private access only and no commercial or industrial activity or use shall be permitted.

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## Site Specific Regulations

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11.1.5 The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

| Column 1                     | Column 2                                                                                                                                                  | Column 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site-Specific Zone Reference | Legal Description                                                                                                                                         | Site Specific Regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| WA(a)                        | Portion of Unsurveyed Crown Foreshore or land covered by water being part of the beds of Breezy Bay and Plumper Sound, Saturna Island, Cowichan District. | <p>(1) Despite subsections 11.1.1 and 11.1.4 and in addition to the uses permitted in the Water Zone (WA), a float, wharf and walkway is permitted accessory to the uses permitted on Strata Lot 32, Section 5, Plan VIS3488, Saturna Island, Cowichan District.</p> <p>(2) For certainty the commercial use of the float, wharf and walkway structure is to be limited to the loading, unloading and moorage of boats, used by guests and owners of Strata Lot 32, Section 5, Plan VIS3488, Saturna Island, Cowichan District and no other commercial use of the dock is permitted."</p> |

## 11.2 WATER HARVEST ZONE (WH)

**Comment [GR77]:** There are no active leases or licences of occupation in these areas, is the zoning still required.

### Permitted Uses

11.2.1 In the **Water Harvest (WH) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:

- 11.2.1(1) accessory floats and walkways necessary for the harvesting operations permitted in this part;
- 11.2.1(2) sea walls, breakwaters, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part;
- 11.2.1(3) aquaculture, excluding fin-fish farming;
- 11.2.1(4) signs related to the marine area.

### Setbacks of Floats and Wharves

11.2.2 Floats or wharves shall be set back 3 metres (10 ft.) from the projection of any side lot line of an abutting upland property and shall be located within the boundaries of water leases or licenses of occupation.

## Permitted Buildings

- 11.2.3 One *building* not exceeding 46.5 square metres (500 sq. ft.) in total area, and not exceeding 4.5 metres (15 ft.) in *height* is permitted on a *parcel* in this zone. Such a *building* shall have non-reflective exterior covering.

**Comment [GR78]:** Not a valid zoning regulation.

## 11.3 WATER GENERAL COMMERCIAL ZONE (WGC)

### Permitted Uses

- 11.3.1 In the **Water General Commercial (WGC) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:

- 11.3.1(1) boat rentals and boat sales;
- 11.3.1(2) boat *building*, repair and sales;
- 11.3.1(3) marinas and yacht clubs;
- 11.3.1(4) *boathouses* and shelters;
- 11.3.1(5) mooring facilities for water taxis, pleasure craft, ferries, fishing boats or sea planes;
- 11.3.1(6) marine fuelling stations;
- 11.3.1(7) sea walls, breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part; and
- 11.3.1(8) log dumping, booming and storage.

### Setbacks of Floats and Wharves

- 11.3.2 Floats and wharves shall be located within the boundaries of water leases or licenses of occupation.

## 11.4 WATER PUBLIC UTILITY ZONE (WPU)

### Permitted Uses

- 11.4.1 In the **Water Public Utility (WPU) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:

- 11.4.1(1) ferry docks;
- 11.4.1(2) government wharves;
- 11.4.1(3) *boathouses* and shelters;
- 11.4.1(4) mooring facilities for water taxis, pleasure craft, ferries, fishing boats or sea planes;
- 11.4.1(5) marine fuelling stations; and,
- 11.4.1(6) sea walls, breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part;

### Setbacks of Floats and Wharves

- 11.4.2 Floats and wharves shall be located within the boundaries of water leases or licenses of occupation.

## 11.5 OPEN WATERS ZONE (WO)

### Permitted Uses

- 11.5.1 In the Open Waters (WO) Zone, the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:
- 11.5.1(1) marine navigation
  - 11.5.1(2) marine navigational aids
  - 11.5.1(3) marker buoys
  - 11.5.1(4) aquaculture, excluding fin-fish farming
  - 11.5.1(5) Ocean loop geo-exchange systems for the purpose of domestic heat and cooling *accessory* to the *residential use* of the upland property.

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## 12. SUBDIVISION REGULATIONS

### Compliance with Minimum and Average Lot Area

- 12.1 The average *lot* area of every subdivision must equal or exceed the applicable minimum and average *lot* area specified by this Bylaw and for that purpose the average *lot* area of the proposed subdivision is the sum of the areas of the proposed lots divided by the number of proposed lots.
- 12.2 ~~For the purposes of determining compliance with average lot size regulations set out in the zoning designation of this bylaw, areas of land that are designated as park on the subdivision plan may be included in the total area of lots being created, and the park is deemed not to be a lot being created:~~
- 12.2.1 where the owner of land being subdivided is providing land for a school site pursuant to an agreement under ~~s.942~~ of the *Local Government Act* as well as park land pursuant to s.941 of the *Local Government Act*, the total amount being provided as park land pursuant to the agreement and the *Local Government Act*; and
- 12.2.2 if ~~s.941(1)~~ of the *Local Government Act* applies to the subdivision, 5 percent of the land being subdivided and if the subdivision is one described in s.941(5) of the *Local Government Act* as being exempt from ~~s.941(1)~~ any area of land dedicated as park on the subdivision plan may be included in the total area of lots being created for the purposes of determining such compliance.

**Comment [GR79]:** This is not consistent with 12.2 is parkland is to be included.

**Comment [GR80]:** Contrary to how lot area required for subdivision is calculated

**Comment [GR81]:** Update LGA section

**Comment [GR82]:** Update LGA section

### Covenant Against Further Subdivision and Development

- 12.3 When a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average *lot* sizes specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable average *lot* size, the applicant must grant a covenant ~~complying in respect of every~~ complying with s.2.7 of this bylaw in respect of such *lot* prohibiting further subdivision of the *lot* and prohibiting the construction, erection, or occupancy on the *lot* of more than one *residence* and where a *cottage* is a permitted use, more than one such *cottage*.
- 12.4 When a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable average *lot* sizes specified by this Bylaw, and:
- 12.4.1 one or more of the lots being created has an area equal to or greater than twice the applicable average *lot* size; and
- 12.4.2 one or more of the lots being created has an area less than the applicable average *lot* size;
- The applicant must grant a covenant complying with s. 2.7 of this Bylaw in respect of every *lot* referred to above prohibiting:
- 12.4.3 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 average *lot* sizes specified by this Bylaw; and
- 12.4.4 the construction, erection, or occupancy on the *lot* of *residences* and, where

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permitted by this Bylaw, *cottages* so as to create a 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.

#### Undersized Parcels

- 12.5 Some *parcels* of land that are shown on a plan deposited in the Land Title Office prior to the passing of this Bylaw may have less than the minimum area required in this land use bylaw. The *lot* may be used for any of the uses permitted in the *zone* in which the *lot* is situated, subject to all the other regulations for the *zone* and sewage is disposed satisfactory to the Medical Health Officer.

**Comment [GR83]:** Better suited for general reg section

#### Parcel Size calculations

- 12.6 ~~Where a *parcel* proposed to be subdivided is subject to a registered covenant in favour of the Saturna Island Local Trust Committee limiting the number of *parcels* into which it may be subdivided the maximum number of new *parcels* that may be created by subdivision of that *parcel* is the number specified in the covenant.~~
- 12.7 For the purpose of the ~~Strata Property Bare Land Strata~~ Regulations, the average *parcel* size ~~shall be the average parcel size as~~ specified in the *zone* ~~and~~ where the *parcel* proposed to be subdivided ~~lies is located~~, within two or more *zones* the average *parcel* size shall be the area of the original *lot* divided by the number of lots authorized by the *zones*.
- 12.8 Where a *parcel* proposed to be subdivided is subject to a registered covenant in favour of the Saturna Island Local Trust Committee limiting the number of *parcels* into which it may be subdivided, the average *parcel* size for the purpose of the Strata Property Regulations shall be as specified in the covenant.

**Comment [GR84]:** Consider removing as covenants normally restrict density and don't allow more than the zoning permits.

**Comment [GR85]:** Take this out and ensure there is a current split lot provision in the bylaw.

#### Lot Size Exemptions

- 12.9 The average and minimum *lot* sizes specified in the *zones* shall not apply as described in sections 12.9.1 to 12.9.6:
- 12.9.1 Where the *parcel* being created is to be used solely for the unattended equipment necessary for the operation of:
- 12.9.1(1) a community water or sewer system;
  - 12.9.1(2) a community gas distribution system;
  - 12.9.1(3) a community radio or television receiving antenna;
  - 12.9.1(4) a telecommunication relay station;
  - 12.9.1(5) an automatic telephone exchange;
  - 12.9.1(6) an air or marine navigational aid;
  - 12.9.1(7) electrical substations or wind or hydro generating stations; and
  - 12.9.1(8) any other similar public service facility or utility.
- 12.9.2 Where the land proposed to be subdivided is entirely within a *zone* in which none of the uses permitted would generate sewage, and the owner registers a covenant in favour of the Saturna Island Local Trust Committee prohibiting any use of the land that would generate sewage;
- 12.9.3 Where a *parcel* being created is for dedicated park use only;

12.9.4 To subdivisions for the provision of a residence for a relative under Section 946 514(4) of the *Local Government Act* provided the land:

- 12.9.4(1) is not within the Agricultural Land Reserve;
- 12.9.4(2) has not been subdivided previously under ~~Section 946 of the Local Government Act~~; and
- 12.9.4(3) has a minimum *lot* size of 8.1 hectares; such a subdivision shall be subject to all the requirements of that Section.

**Comment [GR86]:** Ensure this is consistent with current wording for this provision.

12.9.5 Where the subdivision will consolidate two or more *parcels* or ~~to~~ annex a portion of a *lot* where it is separated from the main portion of the *lot* by a road, *watercourse* or topographical feature so as to render it useless to the main portion.

12.9.6 Where the subdivision:

- 12.9.6(1) adjusts the boundary between two or more *parcels*,
- 12.9.6(2) no additional *parcels* are created, and
- 12.9.6(3) no *parcel* is increased in area such that it may be further subdivided under this Bylaw.

#### Lot Width

12.10 No lot may have a width less than one third of its depth.

#### Panhandle Lots

12.11 The minimum width of the access strip of a panhandle lot is:

- 12.11.1 6 metres in the case of a lot that has insufficient area to be further subdivided under the provisions of this bylaw; and
- 12.11.2 20 metres in the case of a lot that has sufficient area to be further subdivided under the provisions of this bylaw.

#### Lots in More than One Zone

12.12 If a lot is located in two or more zones, for the purposes only of the minimum and average lots size regulations of Parts 4 through 11 of this bylaw the portions of the lot that have different zoning designations must be considered as if they were separate lots unless specific regulations pertaining to split zoned lots ~~applies~~apply.

#### Subdivision Capacity of Split Zoned Lots

12.13 **Rural together with Farmland, Forest or Watershed**

Where a lot contains areas of Rural together with any Heritage Forest, Farmland, Forest or Watershed lands as designated in the Saturna Island Official Community Plan, Bylaw No. 70, the subdivision capacity from these designations, if any, may be transferred to the Rural portion of the lot. The Saturna Island Local Trust Committee will require the placing of a restrictive covenant reflecting the reduction in subdivision capacity and residential building density on the contributing areas.

**Comment [GR87]:** This section needs to be rewritten for clarity and combined with the density transfer provisions in s. 2.12.

12.14 **Forest together with Farmland or Watershed**

Where a lot contains areas of Forest together with any Heritage Forest, Farmland, or Watershed lands as designated in the Saturna Island Official Community Plan, Bylaw No. 70, the subdivision capacity from these designations, if any, may be transferred to the Forest designated portion of the lot. The Saturna Island Local Trust Committee will require the placing of a restrictive covenant reflecting the reduction in subdivision capacity and residential building density on the contributing areas.

**Comment [GR88]:** As above

### 13. SIGN REGULATIONS

- 13.1 No signs shall be erected in any *zone* except in accordance with this Section and subject to the signs being located upon the *lot* occupied by the principal use to which they refer.
- 13.2 The maximum total area of signs per use shall be in accordance with the following table:

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| Zone                                                                     | Total sign area per use permitted                                                                      | Number of signs per use permitted |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------|
| Commercial, Community Services and Industrial zones<br>WCM and WGC zones | A lit sign of 1.8 metres (19.4 sq. ft.) <b>OR</b><br>An unlit sign of 3.7 square metres (39.8 sq. ft.) | 2                                 |
| All other zones                                                          | 1 square metre (10.7 sq.ft.)                                                                           | 1                                 |

- 13.3 Any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises shall be removed from the premises within thirty (30) days after the sign becomes obsolete.
- 13.4 Nothing in this Bylaw prohibits the erection of a sign by an agency of government for purposes of public health or safety, or by a candidate in a local, provincial or federal election during the period after nomination and prior to the election.
- 13.5 Third party signs must be removed within 30 days of the event ~~or purchase or, in the case of a sign advertising a property for sale , within 30 days of the sale.-~~

## 14. OFF STREET PARKING REGULATIONS

\*[Note: These off street parking regulations only apply to new developments and not to those developments that exist as of the date of adoption of this Bylaw]

### Off street parking

- 14.1 When any new use of *buildings* or *structures* takes place or when any *existing* use of land or *buildings* or *structures* is enlarged or increased in capacity, provisions must be made for vehicular *off street parking spaces* in accordance with the standards set out in this section.
- 14.2 The number of *off street parking spaces* required in respect of particular uses is set out in Table 1, and where a particular use is not listed, the number required for the most similar listed use applies.

| Table 1: Off street parking requirements |                                           |                                                                                                       |
|------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------|
|                                          | Use                                       | Minimum Number of Off street parking Spaces Required                                                  |
| (a)                                      | Residences and cottages                   | 2 per residential unit                                                                                |
| (b)                                      | Retail Stores, Offices                    | 1 per 23 square metres (248 sq. ft.) of floor area.                                                   |
| (c)                                      | Cafe, Restaurant, Neighbourhood Pub,      | 1 per 3 seats                                                                                         |
| (d)                                      | Visitor Accommodation                     | 1 per accommodation or sleeping unit plus 1 per 3 seats in food or beverage service area              |
| (e)                                      | Marina                                    | 1 per 2 berths used for year round moorage plus 1 per 2 employees                                     |
| (f)                                      | Campground                                | 1 per camp space plus 1 per 2 employees                                                               |
| (g)                                      | Industrial                                | 1 per 2 employees counted as total of 2 shifts but not less than 5 spaces per tenant or establishment |
| (h)                                      | Bed and Breakfast                         | 1 per room used for guest accommodation                                                               |
| (j)                                      | Community halls, churches and lodge halls | 1 per 4 seats                                                                                         |

- 14.3 Each required *off street parking space* shall be a minimum of 2.6 metres (8.5 ft.) in width, and a minimum of 5.5 metres (18 ft.) in length, exclusive of access drives or aisles, ramps, columns, or similar obstructions, and have vertical clearance of at least 2 metres (6.5 ft.).

- 14.4 For parallel *off street parking spaces*, the length of the *off street parking spaces* must be increased to 7.3 metres (24. feet) except end spaces, which must be a minimum length of 5.5 metres (18 feet).
- 14.5 Maneuvering aisles must be a minimum of 7.3 metres (24 feet) wide for 90 degree off street parking; 5.5 metres (18 feet) wide for 60 degree off street parking; and 3.6 metres (12 feet) wide for 45 degree and parallel off street parking. Where *off street parking spaces* are directly off a lane, the lane may be considered part of the aisle and in such cases the combined width of the aisle and *off street parking spaces* must be a minimum of 12.8 metres (42 feet).

## 15. INTERPRETATION

### Definitions

15.1 In this bylaw,

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15.1.1 **"accessory"** in relation to a use, *building* or *structure* means incidental and secondary to a principal use, *building* or *structure*, expressly permitted by this bylaw on the same *lot* or, where the *accessory* use is located on the common property in a bare land strata plan, or a strata *lot* in the same strata plan.

15.1.2 **"accommodation unit"** means a rental unit with a kitchen and a bathroom and no more than two bedrooms with a total combined floor area of not more than 92.9 square metres (1,000 sq. ft.) used exclusively for temporary commercial accommodation of the **public**.

15.1.3 ~~**"aquaculture"** means marine based culturing of uni and bivalves~~

~~**"aquaculture"** means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water column.~~

15.1.4 **"arable land"** means land that, due to topography and soil conditions, is suitable for cultivation by plowing or tillage.

15.1.5 **"basement"** means that portion of a *building* between two floor levels which is partly underground and which has its ceiling less than 1.8 metres (6 ft.) above average *building* grade.

15.1.6 **"boathouse"** means a one storey *structure* to house a boat or boats. ~~In the Water zones, a boathouse is a one storey floating structure to house a boat or boats.~~

15.1.7 **"breezeway"** means a covered passageway without walls between two buildings constructed of permanent building materials and architecturally attached to each **building**.

15.1.8 ~~**"building"** means any structure (including a manufactured home) which is attached to a permanent foundation embedded in the ground and which is used or intended to be used for the shelter, habitation, accommodation, assembly, or storage of persons, animals, goods or chattels. In the Water zones, building means any structure which is used or intended to be used for the shelter, habitation, accommodation, assembly, or storage of persons, animals, goods or chattels.~~

~~**"building"** means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.~~

15.1.9 **"cottage"** means a building accessory to a residence that shall not be greater than 92.9 square metres (1,000 sq. ft.) in total floor area, excluding a basement that does not exceed the footprint of the main **floor**.

15.1.10 ~~**"comprehensive development"** means a development involving the construction, erection or placement of more than two (2) self-contained residential units on a single parcel and which does not involve the subdivision of land.~~

**Comment [GR89]:** This definition and some others contain floor area limits and height restrictions. If a floor area limit or maximum height is contained in a definition it cannot be varied. Could amend all definitions containing specific measurements of floor area and/or height and place limits in zones or general regulations so that if need be a variance could be considered.

**Comment [GR90]:** Natural grade or finished grade, should be consistent with definition of height

**Comment [GR91]:** Unnecessary duplication

**Comment [GR92]:** Put in new def of breezeway see if its used in bylaw and put a length limit or take def from other bylaw with length limit. Needs more work see how its used in bylaw then make this consistent with it and put in length

**Comment [GR93]:** May want to consider putting cottage size somewhere else so it can be varied if necessary. Allows for a 2000 ft<sup>2</sup> cottage

**Comment [GR94]:** Unnecessary to define

15.1.11 **"depth of a parcel"** means the mean distance between front and rear parcel boundaries, excluding the access strip of panhandle ~~lots~~.

**Comment [GR95]:** helps with s. 12.10

15.1.12 **"Ecological Reserve"** means a land or water area established as an *ecological reserve* under the *Ecological Reserves Act*.

15.1.13 **"existing"** means at the date of adoption of this Bylaw.

**Comment [GR96]:** consider removing or amending as not all uses of existing mean existing at adoption of bylaw. .

15.1.14 ~~**"farm use"** means the use of land, buildings or structures for: the growing, producing, raising or keeping animals or plants, or the primary products of those plants or animals; bee keeping; aquaculture; and, the storage, processing or direct marketing by a farmer of the agricultural products.~~

**"farm use"** means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other activity designated as farm use by the *Agricultural Land Commission Act* or its regulation and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

15.1.15 ~~**"floor area"** means the sum of the total floor areas of each storey in a building measured to the interior walls, excluding the area between two floors or between the floor and the roof next above that is less than 1.5 metres (5 feet) in height.~~

**"floor area"** means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and the ceiling above it are less than 1.5 metres (5 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch or similar projection is not fully enclosed then the floor area of such projections is excluded from any calculation of floor area.

**Comment [GR97]:** more complete definition. Excludes areas occupied by cisterns. Ensure this is addressed and consistent with pumphouse definition.

15.1.16 ~~**"height of building or structure"** means the vertical distance from the average finished ground level measured outside the exterior walls of the building or structure at a point 1.5 metres (5 ft.) distant from such walls to the highest point of the building or structure.~~

**"height"** means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of buildings and structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure. In the case of a fence, height means the vertical distance between the top of the fence and the grade at any point along the fence.

**Comment [GR98]:** Presently finished grade – discuss the differences between the two.

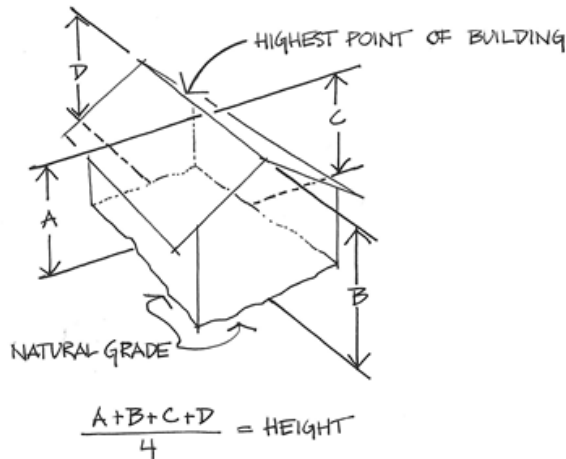


Figure XX – Illustration of calculation of height

BL #79

15.1.17 **"home based industry"** means ~~typically~~ a manufacturing, maintenance or repair or similar enterprise carried on for gain, which due to the noise, dust, etc. generated by the use is conducted on a larger property, and is clearly incidental and secondary to the use of the *residence*.

15.1.18 **"home occupation"** means an occupation or profession carried on ~~for gain which is clearly as an~~ incidental and secondary ~~to the use of a the residence~~ and meets all the provisions set forth in this Bylaw pertaining to *home occupations*.

**Comment [GR99]:** This allows home occupations that are not carried on for gain to be subject to the home occupation regulations

15.1.19 **"intensive farm use"** means the use of the land, buildings or structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur-bearing animals or the growing of mushrooms.

15.1.20 **"landscape screen"** means a visual barrier which may be a compact evergreen hedge, or trees, or a fence, or a brick, stone or concrete wall incorporating suitable plant material, terracing or grassed area and broken only for access drives or walks.

15.1.21 **"lot"** means a *lot*, block, or other area in which land is held or into which land is subdivided and registered in the land title office or held under the *Strata Title Act*.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

15.1.22 **"lot coverage"** means the total area of a *lot* covered by buildings and structures expressed as a percentage of the total *lot* area

"lot coverage" means the total area of those portions of a *lot* that are covered by buildings and structures, divided by the area of the *lot*, and for this purpose the area of a *lot* that is covered by a building or structure is measured to the drip line of the roof and the common property of a bare land strata plan is deemed to be a *lot* for the application of lot coverage regulations if the common property is used for accessory buildings or structures.

**Comment [GR100]:** Put where a lot is in two or more zones a separate calculation is made for each zone as if it were a separate lot.

15.1.23 "~~lot line – exterior side~~" means the *lot* line or lines not being the front or rear *lot* line, common to the *lot* and a street.

15.1.24 "~~lot line – front~~" means the *lot* line common to the *lot* and an abutting street, or where there is more than one *lot* line common to abutting streets, the shortest of these lines shall be considered as the *front lot line*.

15.1.25 "~~lot line – interior side~~" means a *lot* line not being a rear *lot* line, common to more than one *lot* or to the *lot* and a lane.

15.1.26 "~~lot line – rear~~" means the *lot* line opposite to and most distant from the *front lot line* or where the rear portion of the *lot* is bounded by intersecting side *lot* lines it shall be the point of such intersection.

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

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four or more sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

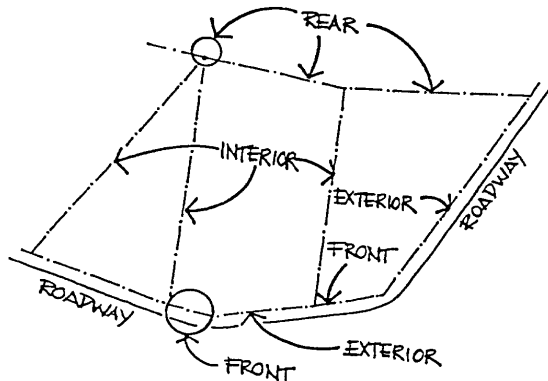


Figure XX - Illustration of lot lines

15.1.27 "**manufacturing**" means an industrial use involving the fabrication or assembly of articles or materials into new products.

15.1.28 "~~manufactured home~~" means a ~~structure~~ manufactured as a unit, intended to be

~~occupied in place other than that of its manufacture and designed for residential purposes but does not include a travel trailer or camper.~~

**Comment [GR101]:** Not necessary as manufactured homes are just dwellings, they need to meet building code requirements.

15.1.29 **"natural boundary"** means the visible high water mark of the sea a lake, river, stream or other body of water where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the ~~sea, a lake, river, stream or other~~ body of water a character distinct from that of the banks thereof in respect to vegetation as well as in respect to the soil itself.

BL 110

15.1.30 **"ocean loop geo-exchange system"** means a renewable geo-exchange system (geothermal heat exchange) utilizing the natural occurring temperature of the ocean for the purpose of heating and cooling that:

- (a) is a closed-loop system using only water or a combination of water and propylene glycol as the circulating heat transfer fluid,
- (b) meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
- (c) is designed and installed by a Registered System Designer accredited by the Canadian Geoexchange Coalition, or the International Ground Source Heat Pump Association.

15.1.31 **"off street parking space"** means an area for motor vehicle off street parking other than a public highway.

15.1.32 **"panhandle lot"** means any parcel, the building area of which is serviced and gains road frontage through the use of a relatively narrow strip of land which is an integral part of the parcel (hereinafter called the "access strip").

15.1.33 **"parcel"** means the same as a lot.

15.1.34 **"passive recreation"** means recreation that is of an informal nature, performed by individuals or informal groups of individuals and usually requires little or no specialized equipment, places or fields, but excludes recreation that primarily involves the use of a power driven conveyance.

15.1.35 **"public service uses"** means a use providing for the essential servicing of Saturna Island with water, sewer, solid waste disposal, electricity, telephone, cablevision, and similar services, ~~where such use is established by a government or other public agency.~~

**Comment [GR102]:** public/private distinction is invalid

15.1.36 **"pumphouse"** means a subordinate *building or structure* not exceeding 9.3 square metres (100 sq. ft.) in area, separated from and located on the same *parcel* as the main *building*, that is used for water or sewage pumping ~~facilities~~.

**Comment [GR103]:** amend with direction from enforcement office.

15.1.37 **"residence"** means a building used by an individual, or group of individuals living together in common occupancy, as a single household and containing only one kitchen.

15.1.38 **"residential"** means a use providing for the accommodation and home life of a person or persons.

15.1.39 **"residential unit"** means that part of a building designed for use by an individual, or a group of individuals living together in common occupancy, as a single household, which includes a kitchen and bathroom for the exclusive use of the unit's ~~household~~.

**Comment [GR104]:** Ensure this works with the one area its used.

~~15.1.40 **"residential unit, self-contained"** means a *residential unit*, which includes kitchen, toilet and bathroom *facilities*.~~

**Comment [GR105]:** redundant, residential unit provides full definition

BL#94

15.1.41 “short term vacation rental” means the use of a *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in section 2.16.

15.1.42 “**silviculture**” means the theory and practice of controlling forest establishment, composition and growth.

**Comment [GR106]:** put in more complete definition

15.1.43 “**sleeping unit**” means a bedroom with or without an attached bathroom and containing no cooking or dining facilities.

15.1.44 “**storey**” means the space between two floors or between the floor and the roof next above, used or occupied as the habitation, place of assembly or work area of a person or persons, or place of business or storage area, but excludes a *basement*.

15.1.45 “**street**” includes all public thoroughfares except lanes, walkways or bridges.

BL#99

15.1.46 “**structure**” means ~~any construction fixed to, supported by, or sunk into land or water, but excludes concrete and asphalt paving and similar surfacing, septic tanks, sewage disposal fields, and buried water tanks.~~

“structure” means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic tanks and fields, buried water tanks, wells, and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height at all points.

**Comment [GR107]:** includes more complete explanation of what is excluded and exclusion of retaining structures is consistent with building bylaw requirements for engineering of retaining wall.

15.1.47 “**subdivision capacity**” means the maximum permitted number of lots that can be created from a parcel of land or, the maximum number of permitted lots which can be created with respect to that portion of a parcel lying within a particular zone

15.1.48 “**temporary**” in respect of the use of an *accommodation unit*, *sleeping unit* or campsite means use by a succession of different persons, whether by license, rental or otherwise, and excludes the personal use of an *accommodation unit* or *sleeping unit* by the *Unit Owner* for more than 45 days in a calendar year ~~and or~~ more than 29 continuous days. In the case of sawmills, chippers, and other similar equipment and machinery used for processing logs, For uses such as sawmills and log chippers, temporary means not more than 45 days of use in a calendar year.

15.1.49 “**unit owner**” means:

- (a) the registered owner of one or more *accommodation units* or *sleeping units* located on a Commercial Recreation zoned *parcel*, and includes the spouse, children and parents of the registered owner and the parents of the registered owner’s spouse;
- (b) where there is more than one registered owner of one or more *accommodation units* or *sleeping units* located on a Commercial Recreation zoned *parcel*, all the registered owners, and includes their spouses, children, parents and parents of their spouses; and
- (c) where the registered owner of one or more *accommodation units* or *sleeping units* located on a Commercial Recreation zoned *parcel* is a corporation or corporations, all directors, officers, shareholders and employees of the corporation or corporations, and includes the spouse, children and parents of each of them, together with the corporation or corporations.”

15.1.50 “**visitor accommodation**” means the temporary use by any person of an

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*accommodation unit or sleeping unit exclusively for accommodation while traveling or vacationing, and where permitted by the bylaws of the Trust Committee includes such subordinate and incidental uses as are customarily accessory to the use of the accommodation unit or sleeping unit.*

- 15.1.51 ~~"watercourse" is any natural or man-made depression with well defined banks and a bed .61 metres (2 ft.) or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2.59 square kilometers (1 sq. mi.) or more or as required by a designated Water Resources Official of the Province of British Columbia.~~

"watercourse" means a naturally formed area of land that usually or periodically contains surface water, including a lake, river, creek, spring, ravine, wetland, salt water march, and a bog, but does not include a constructed ditch, or surface drain, or the sea.

- 15.1.52 "width of a parcel" means the mean distance, measured perpendicularly between the two boundaries intersecting a highway, or a parcel fronting on a highway, but excluding access strips.
- 15.1.53 "zone" means the use and the regulation of the use as established in a district by this Bylaw and the Zoning Map attached hereto.

## 16. SHORT TITLE AND REPEAL

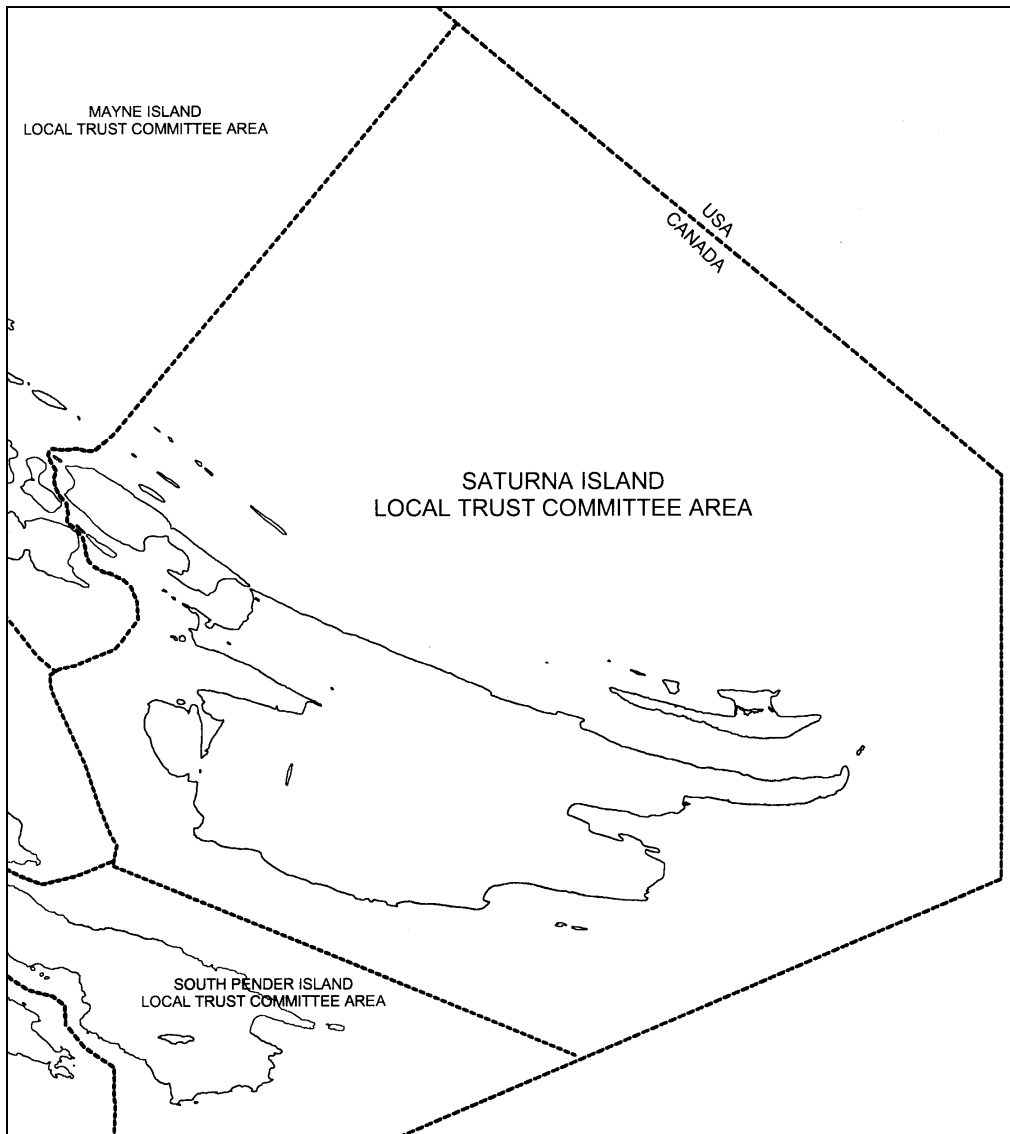
- 16.1 This Bylaw may be cited as "Saturna Island Land Use Bylaw No. 78, 2002"
- 16.2 "Saturna Island Zoning Bylaw No. 8, 1981" and "Saturna Island Subdivision Bylaw No. 1, 1976" are repealed.

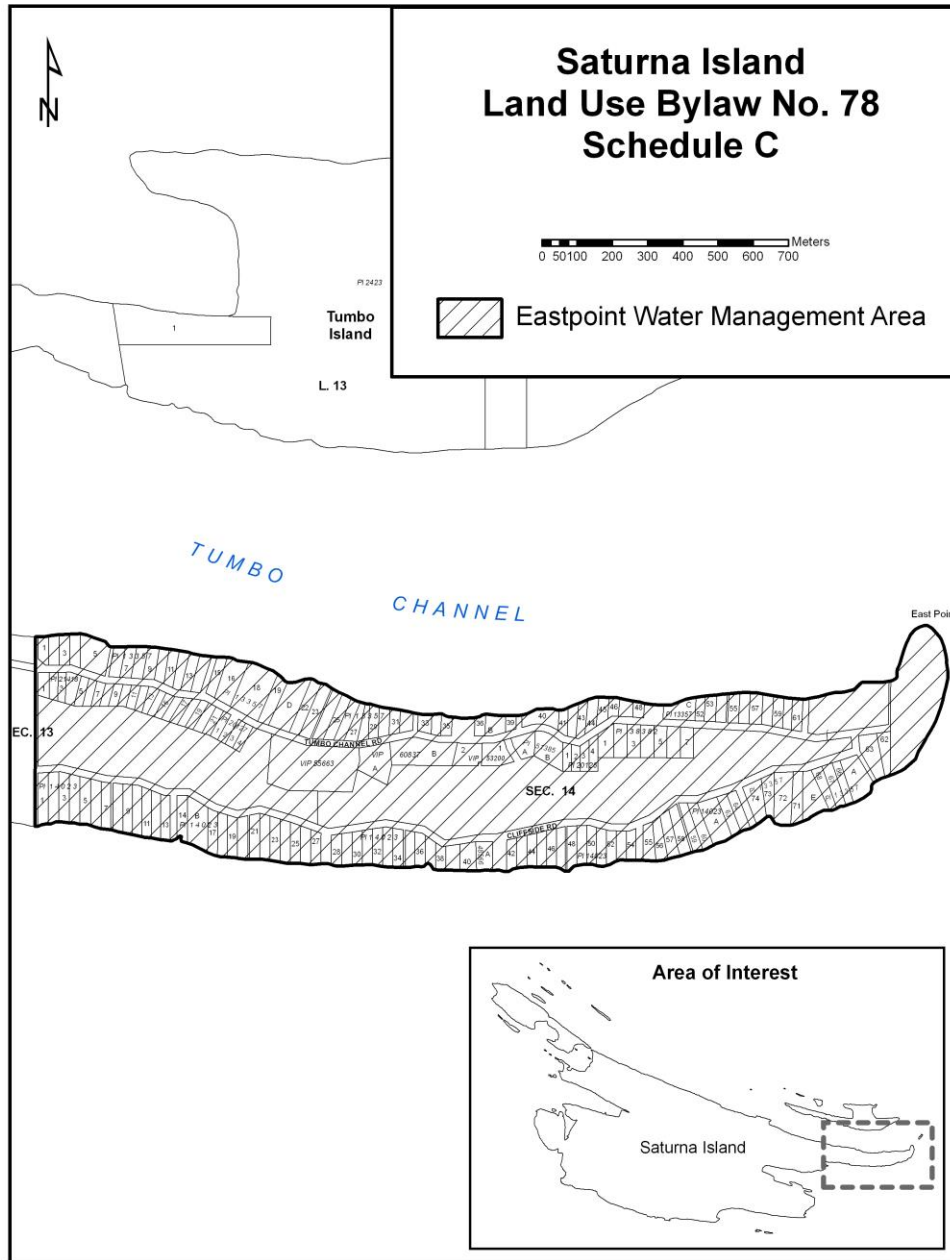
|                                                               |      |        |          |      |
|---------------------------------------------------------------|------|--------|----------|------|
| READ A FIRST TIME THIS                                        | 29th | DAY OF | October  | 2002 |
| PUBLIC HEARING HELD THIS                                      | 13th | DAY OF | November | 2002 |
| READ A SECOND TIME THIS                                       | 13th | DAY OF | November | 2002 |
| READ A THIRD TIME THIS                                        | 13th | DAY OF | November | 2002 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 14th | DAY OF | November | 2002 |
| ADOPTED THIS                                                  | 14th | DAY OF | November | 2002 |

\_\_\_\_\_  
Kathy Jones  
SECRETARY

\_\_\_\_\_  
David Essig  
CHAIRPERSON

**SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 78  
SCHEDULE "A"**





K:\LTC\Saturna\Bylaws\OCP and LUB Base Bylaws\LUB\Current LUB\LUB No. 78 2002\_con September 16, 2010.doc

# Land Use Bylaw Review - Charter v1 October 7, 2016

Saturna Island Local Trust Committee

**Purpose** *The project is intended to provide a comprehensive technical review of Saturna Island Land Use Bylaw No. 78, 2002 (LUB).*

**Background** *The project was initiated by the Saturna Island Local Trust Committee (LTC) at its September 16, 2016 LTC meeting. The project was recommended by staff as the LUB has not been reviewed since it was adopted on November 14, 2002. The amended LUB will provide more certainty and assist the LTC, planning staff and the public in understanding how LUB regulations apply to the Saturna Island Planning area*

## Objectives

- To provide a comprehensive review of the LUB
- To consider amendments to the LUB

## In Scope

- Staff Review of the LUB
- Legal Review of the LUB
- Community consultation

## Out of Scope

- Substantive amendments to regulations in the LUB
- Activities unrelated to the LUB review
- Significant review of Official Community Plan (OCP) Policies

## Workplan Overview

| Deliverable/Milestone                                           | Date                     |
|-----------------------------------------------------------------|--------------------------|
| Project confirmed as a top priority                             | September 16, 2016       |
| Review of project charter and timeline                          | October 20, 2016         |
| Staff report on staff and legal review of technical amendments  | February 2017            |
| Community information meeting                                   | March 2017               |
| Review of community input, direction on draft changes           | May 2017                 |
| Draft bylaws for review by LTC, referral, and community comment | July 2017                |
| Review of draft bylaws and potential revisions                  | September 2017           |
| Commencement of legislative process to amend LUB.               | October 2017— March 2018 |

## Project Team

|                                         |                 |
|-----------------------------------------|-----------------|
| Gary Richardson                         | Project Manager |
| Regina Robinson, Sharon Lloyd-deRosario | Admin Support   |
| Barb Dashwood                           | GIS Support     |
|                                         |                 |

### RPM Approval:

**Robert Kojima**

**Date:** Oct 7/16

### LTC Endorsement:

Resolution #:

**Date:**

## Budget

### Budget Source:

| Fiscal    | Item                               | Cost    |
|-----------|------------------------------------|---------|
| 2016-17   | Legal Review                       | 2000.00 |
| 2016-17   | Contingency                        | 500.00  |
| 2016-17   | Community Information Meeting      | 500.00  |
| 2017-2018 | Legislative Process                | 3000.00 |
|           | Communications, Legal, Contingency | 3000.00 |
|           | <b>Total</b>                       | 9000.00 |



# Land Use Bylaw Review - Charter v2 October 17, 2017

Saturna Island Local Trust Committee

**Purpose** *The project is intended to provide a comprehensive technical review of Saturna Island Land Use Bylaw No. 78, 2002 (LUB).*

**Background** *The project was initiated by the Saturna Island Local Trust Committee (LTC) at its September 16, 2016 LTC meeting. The project was recommended by staff as the LUB has not been reviewed since it was adopted on November 14, 2002. The amended LUB will provide more certainty and assist the LTC, planning staff and the public in understanding how LUB regulations apply to the Saturna Island Planning area*

## Objectives

- To provide a comprehensive review of the LUB
- To consider amendments to the LUB

## In Scope

- Staff Review of the LUB
- Legal Review of the LUB
- Community consultation

## Out of Scope

- Substantive amendments to regulations in the LUB
- Activities unrelated to the LUB review
- Significant review of Official Community Plan (OCP) Policies

## Workplan Overview

| Deliverable/Milestone                                                              | Date                       |
|------------------------------------------------------------------------------------|----------------------------|
| Project charter endorsed/Staff review and legal review carried out                 | October 2016—February 2017 |
| Staff report with recommended amendments prepared                                  | March/April 2017           |
| Special LTC meeting to review recommended amendments                               | October 2017               |
| Draft LUB prepared showing LTC endorsed amendments                                 | December 2017/January 2018 |
| Community Information Meeting                                                      | February 2018              |
| Preparation of amending bylaw(s) for review by LTC, referral and community comment | March 2018                 |
| Review of bylaw(s) and potential revisions                                         | April/May 2018             |
| Commencement of legislative process to amend LUB                                   | May—August 2018            |

## Project Team

|                                     |                 |
|-------------------------------------|-----------------|
| Gary Richardson                     | Project Manager |
| Lori Foster, Sharon Lloyd-deRosario | Admin Support   |
| Barb Dashwood/Nigel Hughes          | GIS Support     |
|                                     |                 |

### RPM Approval:

**Robert Kojima**  
**Date:**

### LTC Endorsement:

Resolution #:  
**Date:**

## Budget

### Budget Source:

| Fiscal    | Item                               | Cost              |
|-----------|------------------------------------|-------------------|
| 2017-18   | Community Information Meeting      | 500.00            |
| 2017-2018 | Legislative Process                | 3000.00           |
| 2017-2018 | Communications, Legal, Contingency | 2500.00           |
|           |                                    |                   |
|           |                                    |                   |
|           | <b>Total</b>                       | 6000.00 <b>75</b> |

