



Islands Trust

**LAND USE BYLAW**  
**for**  
**Thetis Associated Islands**

**No. 94, 2014**

*Serving Ruxton, Reid, Pylades, Hudson, Scott, Dayman,  
Tree, Bute, and Dunsmuir Islands*

As amended by the  
Thetis Island Local Trust Committee

**Consolidated Version: July 2024**

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

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*Preserving Island communities, culture and environment*

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## CONSOLIDATED BYLAW TEXT AND INSERT MAP AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 114	Amendment No. 1, 2023	July 2, 2024



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## **PART 1 INTERPRETATION**

### **1.1 Definitions**

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

"accessory guest cottage" means a single family residential dwelling regulated as to use, size and other conditions so as to ensure its accessory status.

"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 the foreshore or in the water.

"boathouse" means a building or structure that is located on a waterfront residential lot, and that is used to house a boat and equipment or items associated with sports, moorage and boating activities.

"breakwater" means a protective structure, bottom-founded or floating, and extending beyond the foreshore, designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water and/or deposition of materials.

"building" means a roofed structure used or intended to be used for supporting or sheltering any use or occupancy, and includes a mobile home and a park model recreational vehicle.

"commercial" means occupied with or engaged in an activity or enterprise for the purposes of generating personal, professional, or business income for an individual, proprietorship, partnership, or corporation, and not including activities and enterprises engaged in by non-profit organizations, government agencies, public service utilities, or public services.

"commercial visitor accommodation" means a home occupation comprising the provision of temporary overnight sleeping accommodation and meals to paying guests for a period not to exceed fourteen days while the dwelling in which the accommodation is provided is occupied as a dwelling by the owner or a tenant who is conducting the home occupation.

"community dock" means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or by a strata corporation, for the provision of boat moorage spaces to residents of the island on which the dock is located, , and for which user fees may be charged.

"community hall" means a public assembly building used for recreational, social, charitable, educational, entertainment and cultural activities, open to the public and owned or operated by a non-profit group, Regional District, non-commercial organization, or a strata corporation for the benefit of the community generally.

"dock" means a marine-based structure, or set of structures, generally consisting of a pier or wharf, and may include a ramp, float, and supporting structures, which is used for the non-commercial mooring of vessels in association with the permitted use of the adjacent upland.

“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas and a single set of cooking facilities, and includes a mobile home and a park model recreational vehicle.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and may include a gate, screen or freestanding wall.

“float” means a floating non-roofed structure that is used as a landing or moorage place for marine transport and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor.

“floor area” means the sum of the horizontal areas of all storeys in a building, measured to the outer 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 a ceiling are less than 1.5 metres 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 of such projections is excluded from any calculation of floor area.

“hazardous waste” means a solid or liquid material that presents an unusual disposal problem, requires special handling, or may contain pathogenic agents that may cause disease in persons exposed to the waste, or any substance identified under the Hazardous Waste Regulation under the *Environmental Management Act* that could be harmful to people, plants, animals, or the environment.

"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 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.

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home occupation" means a commercial use that is accessory to a permitted principal residential use on the same lot.

“horticulture” means the use of land for growing fruits, vegetables, plants or flowers. Commercial medical marihuana production is not included in this definition.

“island” means land surrounded by water, and includes islets and rocks exposed above the natural boundary of the sea.

"landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

"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*.

"lot coverage" means the total horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of a building or structure, divided by the area

of the lot, and expressed as a percentage. The area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or is the boundary of a lot as is otherwise described as authorized by the *Land Title Act*.

"moorage" means the tying or securing of a vessel to a fixed structure, float, dock, pier, or mooring buoy.

"natural boundary" means the visible high water mark of any ocean, 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 or rock of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

"Ocean geothermal loop" means a heat exchange system that uses the natural occurring temperature of the ocean for the purpose of heating and cooling and that:

- a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,
- b. meets or exceeds the Canadian Standards Association (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 Geexchange Coalition, or the International Ground Source Heat Pump Association.

"park" means any land dedicated as park under the *Park Act*, the *Land Title Act* or the *Local Government Act*, which is open to the general population and reserved for outdoor recreational, scenic, or nature conservation purposes, and may include undesignated Crown islets.

"pier" means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

"platform" means a flat surface raised from the ground, abutting the shoreline to serve for the loading and offloading of materials and supplies.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

"residential" means the use of a dwelling for the domicile and home life of a person or persons, and does not include the commercial rental of a dwelling for a period of less than one month.

"setback" means the minimum distance that a building or structure must be sited from a lot line, building or other feature.

"sign" means any device or medium, including its supporting structure, visible from the sea, any highway or lot other than the one on which it is located and which is used to attract attention for advertising, information or identification purposes.

“sleeping cabin” means an accessory building, which is not a dwelling unit, does not contain facilities for food preparation or eating, and is used for the temporary sleeping accommodation of occupants of a dwelling on the same lot.

“solar collector” means a device used to collect solar energy as part of a system which converts the sun’s radiant heat energy into thermal or electrical energy for use in space heating and cooling and domestic water heating.

"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 fields, septic tanks, sewage absorption fields and related underground appurtenances and concrete and asphalt paving or similar surfacing of the land.

“upland lot” means any parcel, block or other land area adjacent to or inland of the natural boundary of the sea.

“use” means the purpose or activity for which land, buildings or structures are designed, arranged or intended, or for which land, buildings or structures are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities (excluding private radio or television towers) and includes navigation aids.

"utility shed" means an accessory building with a floor area of 10 square metres or less containing only equipment for pumping, processing, or storing of water or sewage, electrical generating equipment, or communication service equipment.

“watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water, whether or not it usually contains water.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a watercourse.

“wharf” means a structure, usually consisting of a pier, ramp, and float, which is connected to an upland lot by a ramp or walkway and used for the moorage of boats.

“wind turbine” means a wind energy conversion system consisting of a turbine, a turbine tower, and associated equipment, machinery, structures and buildings, which has a nameplate rated capacity of not more than 50kW, and which provides electricity for use on-site only.

“yacht club outstation” means the use of land and adjacent marine area for the temporary moorage of yacht club member vessels or guest vessels and for the private recreational use of marine and shore-based facilities by club members and guests.

"zone" means a zone established by Part 5 of this Bylaw.

## **1.2 Referencing**

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part:	1
Section:	1.1
Subsection:	1.1(1)
Article:	1.1(1)(a)
Clause	1.1(1)(a)(i)

## **1.3 Units of Measure**

- (1) Metric dimensions are used in this Bylaw.

## **1.4 Information Notes**

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

*Information Note: The Interpretation Act, being a Provincial Statute defines a number of commonly used terms and is applicable in the interpretation of this bylaw.*

## **PART 2 ADMINISTRATION**

### **2.1 Application**

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

### **2.2 Conformity**

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.

*Information Note: Strata Bylaws or Building Schemes (eg. Hudson Island) may contain private land use restrictions in addition to those contained in this bylaw.*

- (4) Any existing lot that has less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

### **2.3 Inspection**

- (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

### **2.4 Violation**

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

## **2.5 Penalty**

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, not exceeding \$10,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

## **2.6 Covenants**

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

## **2.7 Owner's Cost**

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

## **2.8 Enforcement of Siting Regulations**

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

## **PART 3 GENERAL REGULATIONS**

### **3.1 Permitted in All Zones**

The following uses, buildings and structures are permitted in any zone, except where prohibited, and all buildings and structures permitted by this Section are subject to siting and size regulations established for the relevant zone:

- (1) Conservation areas, including ecological reserves, parks, and areas under conservation covenants.
- (2) Water supply facilities, for an individual dwelling or as a community service, in any land zone for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures.
- (3) Utilities for the distribution of service within the Bylaw Area in any zone and above-ground cables in any land zone.
- (4) Solar collectors and wind turbines in any land zone for the purposes of supplying electrical power to the lot on which the structure is located.
- (5) Ocean geothermal loop exchange systems for the purposes of supplying energy to the lot on which the system is located or, where the system is located on the foreshore of the sea, to a lot adjacent to the foreshore.

*Information Note: Installation of marine geothermal loops also requires the necessary permits or approvals from provincial and federal agencies.*

- (6) Air and marine navigational aids.
- (7) Fences in any land zone, subject to regulations established in Section 3.7 and Part 5.
- (8) Hiking and bicycle trails.
- (9) Signs, subject to regulations established in Part 6.
- (10) Utility sheds.
- (11) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Public Health Act*.
- (12) Horticulture.

### **3.2 Prohibited in All Zones**

For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 5:

- (1) The disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Municipal Wastewater Regulation of the *Environmental Management Act*.
- (2) The disposal or storage of hazardous or toxic waste.
- (3) Breakwaters.
- (4) The use as a permanent residence of a vessel anchored, moored, or otherwise secured on the water.
- (5) Finfish aquaculture in any water zone.
- (6) Bridges, causeways, tunnels, and water utility pipes connecting any island to another island or to the mainland.
- (7) Wind turbines in any water zone, and wind turbines intended to provide power to an island other than the island on which the structures are located.

### **3.3 Siting and Setback Regulations**

- (1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.
- (2) No building or structure except a fence, utility line, navigational aid, at-grade steps, driveway or path, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) No building or structure except a fence, utility shed, boathouse, platform with a maximum area of 5 square metres, stairs and boat ramps may be constructed, reconstructed, moved, extended or located:
  - (a) within a 10 metre horizontal setback, and within 1.5 metres vertically, from the *natural boundary* of the sea; or
  - (b) within 30 metres of the natural boundary of any natural watercourse or source of water supply.

Septic tanks, sewage absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

Ocean loop geoexchange systems are not considered a structure for the purposes of this subsection.

- (4) No building or structure may be constructed, reconstructed, moved, extended or located within within 30 metres of the natural boundary of a wetland.

- (5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre into the required setback area.
- 6) Wind turbines on land must be set back from all property lines, roads, and the natural boundary of the sea a minimum distance of 1.25 times the height of the wind turbine.

### **3.4 Height Regulations**

- (1) The height regulations for buildings and structures specified in Part 5 of this Bylaw do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, and solar collectors.
- (2) Despite any height regulation in Part 5, the height of wind turbines shall not exceed 15 metres.

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

- (1) A building or structure accessory to a dwelling may not be used as a residence but may be used as a sleeping cabin.
- (2) The following accessory buildings or structures may be constructed or placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot:
  - (a) a boathouse.
  - (b) a utility shed.
  - (c) one accessory building for the storage of building materials and personal effects.
  - (d) steps and structures accessory to and supporting a permitted dock.
- (3) Any accessory building or structure, other than those specified in subsection 3.5(2), may only be constructed or placed on a lot prior to the construction of a principal building, or the commencement of a principal use, on the same lot provided that a building permit has been issued for a principal building on the same lot.
- (4) Unless a building or structure is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

### **3.6 Home Occupation Regulations**

- (1) Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following:

- (a) drawing, carving, painting, printmaking, photography and sculpture for commercial purposes.
  - (b) repairing of goods.
  - (c) professional practice.
  - (d) personal and instructional services.
  - (e) the production of craft articles for sale including without limitation ceramics, furniture, weaving, and musical instruments.
  - (f) commercial visitor accommodation, subject to the following additional regulations:
    - (i) a commercial visitor accommodation must be conducted solely within a principal dwelling;
    - (ii) not more than 2 bedrooms may be used to accommodate guests; and
    - (iii) not more than 4 guests may be accommodated at any one time.
- (2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot on which a principal residential use is occurring.
  - (3) The owner or at least one employee of a home occupation must reside in the dwelling.
  - (4) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.
  - (5) No noise resulting from any home occupation may be audible at a lot line or the natural boundary of the sea.

### **3.7 Fences**

- (1) The height of fences shall not exceed 2 metres within any required building setback, subject to regulations established in Part 5.
- (2) The provision of protective netting or wire to control animal nuisances, or a landscape screen, is exempt from Subsection 3.7(1).

### **3.8 Derelict Vehicles**

- (1) No land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles or vessels, including but not limited to automobiles, all-terrain vehicles, golf carts, tractors, campers, trailers, or parts of such vehicles, which are not completely enclosed in a permitted permanent building.

### **3.9 Use of Common Property**

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

### **3.10 Parking and Access Facilities**

- (1) The residential uses permitted by this bylaw are permitted on islands with dedicated road rights of way, regardless of the condition of the roadways, only if the owner provides adjacent to the dwelling an improved area of sufficient size to accommodate the off-road parking or storage of such vehicles as the owner or occupier intends to use to access the dwelling. For this purpose “vehicles” includes automobiles whether licensed or not, all-terrain vehicles, golf carts and similar machines.
- (2) The residential uses permitted by this bylaw are permitted in subdivisions of more than 2 lots approved after the date of adoption of this bylaw only if the subdivision provides a road right of way providing access from each lot to a location adjacent to the water that is suitable for the development of a community dock.

## PART 4 ESTABLISHMENT OF ZONES

### 4.1 Division into Zones

- (1) The area subject to this Bylaw is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Maps designated as Schedule C that forms part of this Bylaw and the regulations for which are set out in Part 5.

<u>Zone Classification</u>	<u>Zoning Designation</u>
<b>Residential Zones</b>	
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4
Residential 5	R5
<b>Institutional Zones</b>	
Park	P
Private Conservation	G
<b>Community Service Zones</b>	
Community Services	CS
<b>Water Zones</b>	
Marine General	W1
Marine Service	W2
Marine Ruxton	W3
Marine Protection	W4
Yacht Club Outstation	YCO

### 4.2 Zone Boundaries

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

## **PART 5 ZONES**

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### **5.1 Residential One – (R1)**

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*Information Note: The purpose of the Residential One Zone is to provide for the regulation of the development of residential areas on **Ruxton Island**.*

#### **Permitted Uses**

- (1) The following uses are permitted in the R1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Residential;
  - (b) Accessory uses, buildings and structures, including home occupations other than commercial visitor accommodation.

#### **Density**

- (2) The maximum density in the R1 zone is 1 dwelling per lot.
- (3) The maximum lot coverage in the R1 zone is 25 percent.

#### **Siting and Size**

- (4) The minimum setback for any building or structure in the R1 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R1 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R1 zone is 6 metres.

#### **Subdivision**

- (7) No lot in the R1 zone may be subdivided.

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## **5.2 Residential Two – (R2)**

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*Information Note: The purpose of the Residential Two Zone is to provide for the regulation of the development of residential areas on **Scott, Reid, Bute, Tree, and Dunsmuir Islands.***

### **Permitted Uses**

- (1) The following uses are permitted in the R2 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Residential;
  - (b) Accessory uses, buildings and structures, including home occupations.

### **Density**

- (2) The maximum density in the R2 zone is 1 dwelling per lot.
- (3) The maximum lot coverage in the R2 zone is 25 percent.

### **Siting and Size**

- (4) The minimum setback for any building or structure in the R2 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R2 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R2 zone is 6 metres.

### **Subdivision**

- (7) The minimum average lot area for any subdivision in the R2 zone is 4 hectares.
- (8) The minimum lot area in the R2 zone is 1 hectare.

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### 5.3 Residential Three – (R3)

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*Information Note: The purpose of the Residential Three Zone is to provide for the regulation of the development of residential areas on **Dayman and Pylades Islands**.*

#### Permitted Uses

- (1) The following uses are permitted in the R3 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Residential;
  - (b) Accessory uses, buildings and structures, including home occupations.

#### Density

- (2) The maximum density in the R3 zone is 1 dwelling for lots less than 4.0 hectares in area and 2 dwellings for lots 4.0 hectares and more in area.
- (3) The maximum lot coverage in the R3 zone is 20 percent.

#### Siting and Size

- (4) The minimum setback for any building or structure in the R3 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R2 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R2 zone is 6 metres.

#### Subdivision

- (7) The minimum average lot area for any subdivision in the R3 zone is 4 hectares.
- (8) The minimum lot area in the R3 zone is 1 hectare.

#### Site Specific Regulations

<b>Table 5.3</b>		
<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
R3(a)	LOT 8, Thetis Island (known as Dayman Island), Cowichan District	1. Despite Subsections 5.3(1) and 5.3(2), a maximum of two accessory guest cottages are also permitted with an aggregate floor area of 198 square metres, exclusive of up to an aggregate area of 30.66 square metres of loft area not including stairs providing access to the loft.

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## **5.4 Residential Four – (R4)**

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*Information Note: The purpose of the Residential Four Zone is to provide for the regulation of **South Reid Retreats on Reid Island**. (Lot 5, District Lots 35 and 36, Reid Island, Cowichan District, Plan 12807)*

### **Permitted Uses**

- (1) The following uses are permitted in the R4 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Residential;
  - (b) Accessory uses, buildings and structures, including home occupations.

### **Density**

- (2) The maximum density is 26 dwellings in the R4 zone, subject to the floor area limit in Subsection 5.4(7).
- (3) The maximum lot coverage in the R4 zone is 25 percent.

### **Siting and Size**

- (4) The minimum setback for any building or structure in the R4 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R4 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R4 zone is 6 metres.
- (7) The maximum floor area of a dwelling in the R4 zone is 81.75 square metres.

### **Subdivision**

- (8) Subdivision is not permitted in the R4 zone.

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## **5.5 Residential Five – (R5)**

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*Information Note: The purpose of the Residential Five Zone is to provide for the regulation of the development of residential areas on **Hudson Island**.*

### **Permitted Uses**

- (1) The following uses are permitted in the R5 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Residential.
  - (b) Accessory uses, not including home occupations or commercial visitor accommodation.
  - (c) One accessory building is permitted in the R5 zone, with a maximum floor area of 47 square metres.

### **Density**

- (2) The maximum density in the R5 zone is 1 dwelling per lot.
- (3) The maximum lot coverage in the R5 zone is 25 percent.

### **Siting and Size**

- (4) The minimum setback for any building or structure in the R5 zone is 15.25 metres from the exterior and interior lot lines.
- (5) The maximum height for any dwelling in the R5 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R5 zone is 6 metres.

### **Subdivision**

- (7) No lot in the R5 zone may be subdivided.

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## **5.6 Community Services (CS)**

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### **Permitted Uses**

- (1) The following uses are permitted in the CS zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Community hall and shelter;
  - (b) Emergency services facilities;
  - (c) Equipment storage;
  - (d) Cemetery on Lot 4, District Lot 35, Reid Island, Cowichan District, Plan 12807;
  - (e) Airstrip and private road on Lot 11, Hudson Island, Cowichan District, Plan 25398.

### **Density**

- (2) The maximum lot coverage in the CS zone is 25 percent.
- (3) The number of community halls in the CS zone shall not exceed one per lot.

### **Siting and Size**

- (4) The minimum setback for any building or structure in the CS zone shall be 4.5 metres from any lot line.
- (5) The maximum height for any building or structure in the CS zone shall be 9 metres.

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## **5.7 Park (P)**

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### **Permitted Uses**

- (1) The following uses are permitted in the P zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Provincial and Regional Parks and Ecological Reserves;
  - (b) Passive outdoor recreation including walking, hiking, and nature interpretation.

### **Permitted Buildings and Structures**

- (2) The following structures are permitted in the P zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
  - (a) Structures such as stairs, boardwalks, fences and roofed signs accessory to a permitted natural area protection, conservation or interpretation use;
  - (b) Outhouses; and,
  - (c) Informational signs, subject to Part 6.

### **Siting and Size**

- (3) The minimum setback for any building in the P zone is 7.6 metres from any lot line.

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## **5.8 Private Conservation (G)**

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*Information Note: The purpose of the Private Conservation Zone is to provide for the regulation of lands reserved for privately managed conservation of local flora and fauna.*

### **Permitted Uses**

- (1) The following uses are permitted in the G zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Protection and maintenance of natural features and habitat; and
  - (b) Conservation.

### **Permitted Structures**

- (2) The following structures are permitted in the G zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
  - (a) Fences;
  - (b) Stairs, boardwalks; and
  - (c) Informational signs, subject to Part 6.

### **Siting and Size**

- (3) The minimum setback for any structure in the G zone is 4.5 metres from any lot line.

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## **5.9 Marine General (W1)**

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*Information Note: The purpose of the Marine General (W1) Zone is to provide for the regulation of development, including common dock facilities, in marine areas adjacent to residential islands.*

*Information Note: The W1 zone, and the other water-based zones, includes the surface of the water, up to the natural boundary of the sea.*

### **Permitted Uses**

- (1) The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
  - (b) Docks accessory to the residential use of an adjacent upland lot;
  - (c) Community docks; and,
  - (d) Marine navigational aids.

### **Density**

- (2) Not more than one dock may be constructed adjacent and accessory to any upland lot in the W1 zone.

### **Siting and Size**

- (3) The maximum area of any accessory dock in the W1 zone, excluding ramps and walkways, is 37 m<sup>2</sup>.

### **Conditions of Use**

- (4) The use permitted in Subsection 5.9(1) does not include any dock constructed with foam flotation devices that are not completely encapsulated.
- (5) No building in the W1 zone, other than one storage building not exceeding 10 square metres in area and 4 metres in height, may be constructed or erected on any float or wharf.
- (6) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

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## **5.10 Marine Service (W2)**

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*Information Note: The purpose of the Marine Service (W2) Zone is to provide for the regulation of common dock facilities in marine areas adjacent to residential islands.*

### **Permitted Uses**

- (1) The following uses are permitted in the W2 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
  - (b) Community docks and wharves; and,
  - (c) Marine navigational aids.

### **Density**

- (2) One community dock or wharf may be constructed in each separate portion of the W2 zone.

### **Conditions of Use**

- (3) The use permitted in Subsection 5.10(1) does not include a dock constructed with foam flotation devices that are not completely encapsulated.
- (4) No building in the W2 zone, other than one storage building not exceeding 10 square metres in area and 4 metres in height, may be constructed or erected on any dock.
- (5) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

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## **5.11 Marine Ruxton (W3)**

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*Information Note: The purpose of the Marine Ruxton (W3) Zone is to provide for the regulation of development in marine areas around Ruxton Island.*

### **Permitted Uses**

- (1) The following uses are permitted in the W3 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot; and
  - (b) Marine navigational aids.

### **Permitted Structures**

- (2) Permitted structures are limited to equipment installed on land to assist in the offloading and loading of people and materials from boats but not obstructing public access along the foreshore.

### **Conditions of Use**

- (3) The mooring, docking or other storage of derelict or abandoned equipment or other debris is prohibited.

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## 5.12 Marine Protection (W4)

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*Information Note: The purpose of the Marine Protection (W4) Zone is to provide for the regulation of development in marine areas intended to be environmentally protected.*

### **Permitted Uses**

- (1) The following uses are permitted in the W4 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Marine navigational aids;
  - (b) Mooring buoys for mooring a private vessel accessory to the residential use of an upland lot;
  - (c) Signs subject to Section 6;
  - (d) Ecological reserves; and
  - (e) Research and educational activities related to the marine environment, including nature interpretation.

### **Permitted Structures**

- (2) No permanent building or structure of any kind, other than a navigational aid or mooring buoy, may be erected, constructed or placed.

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### **5.13 Marine Aquaculture (W5)**

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*Information Note: The purpose of the Marine Aquaculture Zone is to provide for the regulation of aquaculture activities in areas around Bute Island and Dunsmuir Islands.*

#### **Permitted Uses**

- (1) The following uses are permitted in the W5 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Marine navigational aids;
  - (b) Sub-tidal and beach aquaculture.

#### **Permitted Structures**

- (2) Buoys delineating aquaculture tenure boundaries.

*Information Note: Marine aquaculture tenures are under the jurisdiction of the Ministry of Forests, Lands and Natural Resources Operations and shellfish operations are under the jurisdiction of the Department of Fisheries and Oceans.*

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## 5.14 Yacht Club Outstation (YCO)

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*The purpose of the Yacht Club Outstation Zone is to provide regulations for the recreational use of the yacht club outstation located on the upland and adjacent marine waters of Ovens Island (one of the Dunsmuir Islands).*

### Permitted Uses

- (1) The following uses are permitted in the YCO zone, subject to the regulations set out in this section and general regulations, and all other uses are prohibited:
  - (a) Yacht Club Outstation;
  - (b) boat moorage to buoys associated with yacht club outstation use of the adjacent upland parcel;
  - (c) Passive recreation;
  - (d) Accessory Uses.

### Permitted Buildings, Structures and Density

- (2) Buildings and structures in the upland portion of the Yacht Club Outstation Zone are limited to:
  - (a) one yacht club clubhouse;
  - (b) one caretaker dwelling unit; and,
  - (c) stairs and ramps associated with yacht club outstation use of the adjacent marine parcel.
- (3) Structures in the marine portion of the Yacht Club Outstation Zone are limited to:
  - (a) Mooring buoys, floats, docks, wharves, ramps, and walkways providing marine access to a yacht club outstation.
  - (b) Storage sheds.

### Conditions of Use

- (4) The uses permitted in this zone do not include any dock constructed with foam flotation devices that are not completely encapsulated.
- (5) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

### Subdivision

- (6) Subdivision is not permitted in the YCO zone.

## **PART 6 SIGN REGULATIONS**

### **6.1 Permitted Signs**

- (1) All types of address and home occupation signs, excepting animated, illuminated or flashing signs;
- (2) Directional, traffic control, safety, and navigational signs;
- (3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 14 days of the date of election;
- (4) Signs pertaining to the lease, sale, name of owner or property; and,
- (5) Signs erected and maintained by a public agency.

### **6.2 Size and Height**

- (1) The maximum height for any sign is 6 metres.
- (2) The maximum size for any sign is 1 square metre.

### **6.3 Obsolete Signs**

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

## **PART 7 SUBDIVISION REGULATIONS**

### **7.1 Lot Area Calculations**

- (1) Subdivisions shall comply with the minimum and average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 5, be included in the total area of lots being created, and the park or parks are deemed not to be lots.

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

The average and minimum lot areas specified in Part 5 – Zone Regulations do not apply to:

- (1) A lot being created to be used solely for the unattended equipment necessary for the operation of any of the following services and the owner grants a covenant restricting the use of the lot to that use:
  - (a) electrical and telecommunication utilities;
  - (b) community sewer or water system facilities;
  - (c) telephone receiving antenna;
  - (d) radio or television broadcasting antenna;
  - (e) telecommunication relay;
  - (f) air or marine navigation aid.
- (2) A lot being created to be used solely for natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose.
- (3) A lot created by the consolidation of two or more lots.
- (4) The adjustment of boundaries between lots provided that the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment, and the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

### **7.3 Covenants Prohibiting Further Subdivision and Development**

- (1) Where a subdivision is proposed that yields the maximum number of lots permitted by the applicable average lot area specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the owner must grant a restrictive covenant in respect of every such lot prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number or size of dwellings and accessory buildings.

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

#### **7.4 Boundary Adjustment Subdivisions**

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

#### **7.5 Section 946 Subdivisions (Residence for a Relative)**

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

#### **7.6 Split Zoned Lots**

- (1) The creation of a lot lying within two or more zones is prohibited unless the subdivision consolidates lots or adjusts property lines.

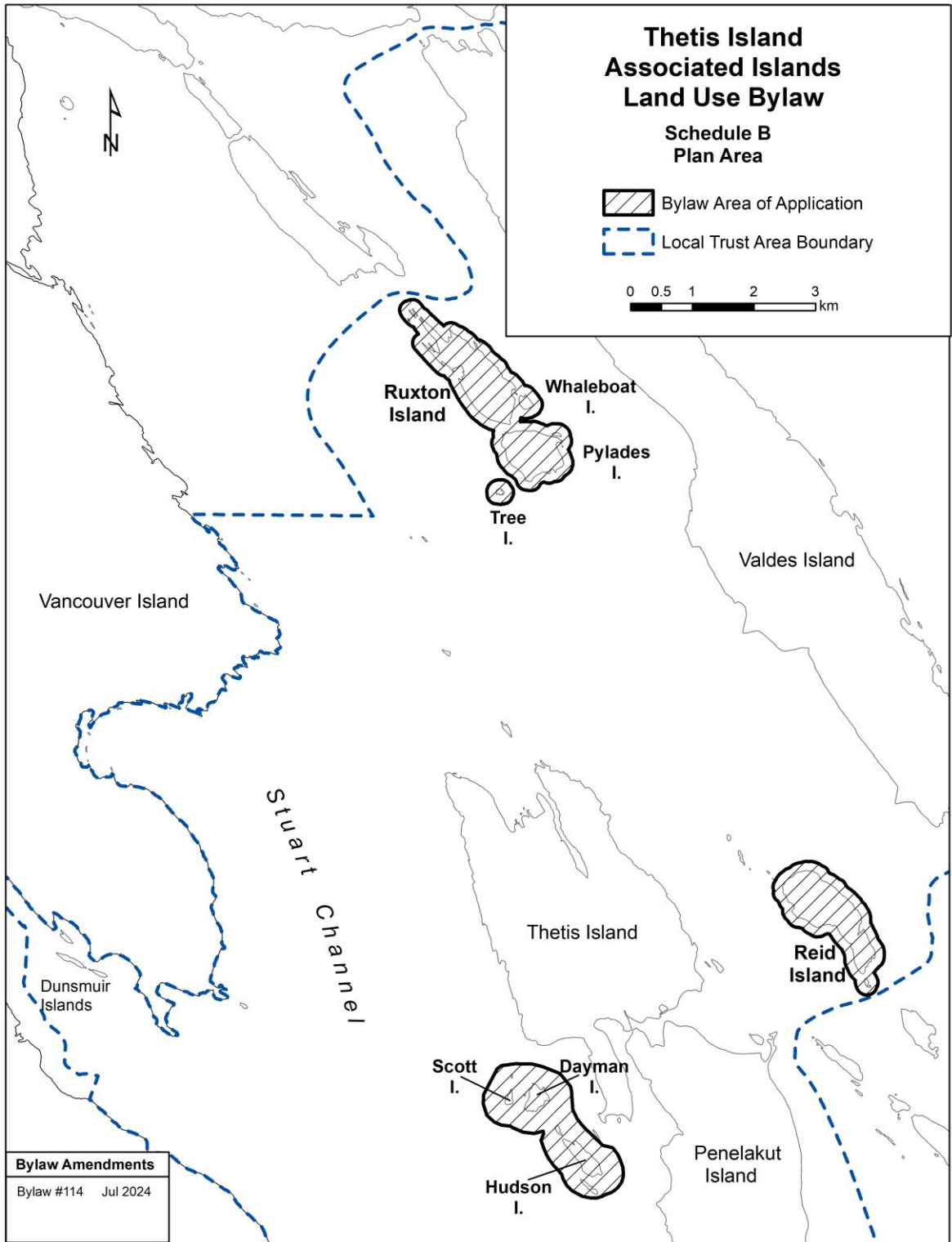
#### **7.7 Split or Hooked Lots**

- (1) No lot which is divided into two or more portions by a highway or other lot may be created by subdivision, except where required to provide highway access within a water access subdivision.
- (2) Where a part of a parcel is separated from the main portion of the parcel by a road, watercourse, marine water or topographical feature, it may be consolidated with an adjacent parcel to which it may be more properly related without meeting other provisions of this Part, as long as the main portion of the parent parcel conforms to the provisions of this Part.

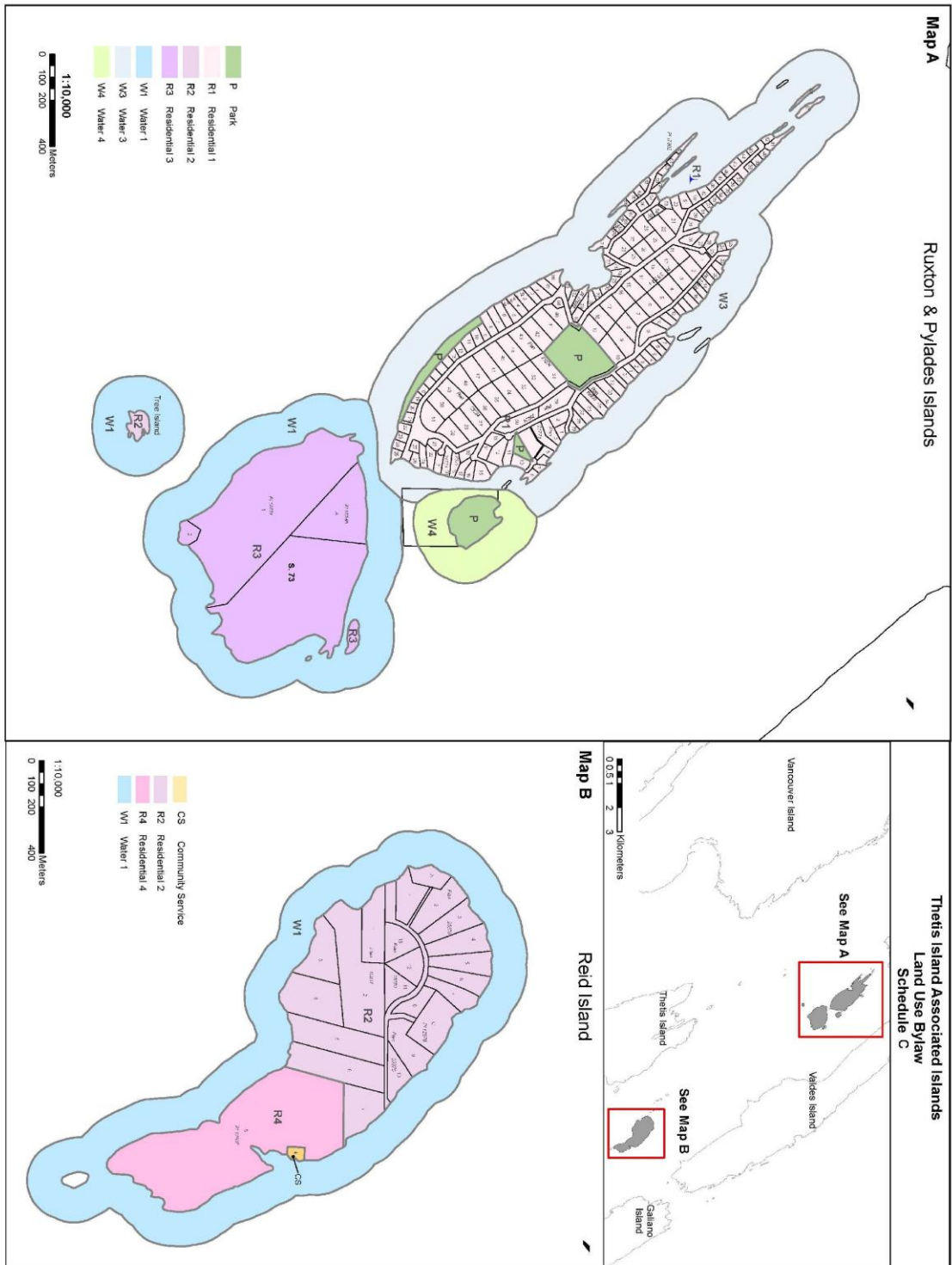
## **7.8 Water Supply**

*Information Note: For information on water quantity (volume) and quality (potability) requirements for proposed lots served by individual wells, contact the Provincial Approving Officer, Ministry of Transportation and Infrastructure, and for proposed lots served by a community water system contact the Island Health Authority. Drinking water systems that service more than one single family dwelling must comply with the Drinking Water Protection Act and Drinking Water Protection Regulation.*

SCHEDULE B – AREA OF APPLICATION



SCHEDULE C – ZONING MAPS A & B



SCHEDULE C – ZONING MAPS C & D

