



Islands Trust

THETIS ISLAND
LAND USE BYLAW
BYLAW NO. 89, 2011

As amended by the
Thetis Island Local Trust Committee

Consolidated Version: June 2023

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

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. 97	Amendment No. 1, 2015	January 23, 2017
Bylaw No. 109	Amendment No. 1, 2020	April 18, 2023

THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 89

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

The Thetis Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Thetis Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. The regulations and guidelines contained in Parts 1 to 11 inclusive in Schedule A, Schedule B, and Schedule C attached to and forming part of this Bylaw, are adopted as a bylaw pursuant to Part 26 of the *Local Government Act* and the *Islands Trust Act*.
2. This bylaw applies to the entire area of land, all other islands and islets, rocks, reefs, the seabed, and sea surface plus any other water surface area and all air spaces within that part of the Thetis Island Local Trust Area, excepting Indian Reserve Areas, as shown lying within the line designated as the "Area of Bylaw Application" on Schedule B".
3. Thetis Island Land Use Bylaw, 1997 is repealed in its entirety.
4. This Bylaw may be cited as "Thetis Island Land Use Bylaw, 2011"

READ A FIRST TIME this	20th	day of	April	, 2011
READ A SECOND TIME this	16th	day of	July	, 2011
PUBLIC HEARING this	13th	day of	August	, 2011
READ A THIRD TIME this	7th	day of	September	, 2011
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	13th	day of	September	, 2011
ADOPTED this	5th	day of	December	, 2011

Chairperson

Secretary

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PART 1. ADMINISTRATION

1.1. DEFINITIONS

In this Bylaw:

access route means those portions of the common property in a bare land strata plan intended to provide vehicular access to the strata lots in the bare land strata plan.

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

agriculture means the use of land for the rearing of plants and animals.

anchorage means the securing of a boat or vessel to the seabed by means of an anchor, or a permanent anchor which is often called a mooring and is rarely moved.

Approving Officer means the Approving Officer for Thetis Island appointed pursuant to the *Land Title Act*.

assembly means the use of land or a building or a structure for gatherings or community events for public charitable, cultural, religious, memorial, philanthropic, recreational, or educational purposes.

bed and breakfast means a home occupation comprising the provision of sleeping accommodation and a morning meal to paying guests.

boathouse means an enclosed or partially enclosed *structure* designed for the use and storage of private watercraft and marine equipment.

boat ramp means a *structure* embedded in the foreshore and the bed of the sea for the purpose of launching boats and permitting their removal from the water.

bottom culture mariculture means the cultivation, rearing and harvesting of molluscs on the bed of the sea without the installation of devices to protect or enclose the organisms being cultivated or reared, and excludes cultivation or rearing in the water column above the bed of the sea and also excludes commercial processing of marine mammals or a transfer station for the cleaning of marine mammals.

building means a *structure* used or intended to be used for supporting or sheltering any use or occupancy.

camp facility means lands, *buildings*, and *structures* used periodically for eating, sleeping, recreation and education activities serving the needs of organizations, individuals or groups and not intended for commercial guest accommodation use by the travelling public who is not participating in the activities of the *camp facility*.

campus housing means an overnight accommodation *building* or part of a *building accessory* to a permitted *camp facility* or *college* use. This accommodation may include kitchens and bathrooms, may be a dwelling unit, may be dormitory-style accommodation, or may be a combination thereof.

cistern means a tank or reservoir used for storing rainwater or groundwater.

college means an educational facility where students and staff of the college may reside in *campus housing*, and also includes *camp facility* use.

community sewer system means a system for collecting, treating and disposing of sewage from more than one *lot*, which system is owned, operated and maintained by an improvement district, a Regional District or a sewer utility, and which complies with the *Sewerage System Regulation*.

community water system means a system of waterworks that serves more than one *lot*, is owned, operated and maintained by an improvement district, a Regional District, or a water utility, and complies with the *Drinking Water Protection Act and Regulation*.

Guest cottage means a *dwelling unit* with a *floor area* of 65.0 square metres or less excluding sleeping

lofts which are open to the floor below, do not contain any enclosed rooms, and do not cover more than 50% of the *floor area* below

derelict vehicle means a vehicle which would have to be licensed under the *Motor Vehicle Act* to operate on a *highway* and has not been so licensed for a period of 5 years and is not in a garage, carport or other *building*.

dwelling unit means a *building* containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or group of individuals living together in common occupancy.

dock means a float on the surface of the water that is connected to the shore by means of a platform and a ramp and that is used as a landing or *wharfage* place for watercraft.

engineer means a member of the Association of Professional Engineers and Geoscientists of British Columbia.

float home mean a residential *structure* designed to float on water but not intended or suitable for navigation.

floating breakwater means a float on the surface of the water intended to dissipate wave energy in order to protect waters on one side from waves and boat wake, and that is anchored to the seabed but not otherwise connected to it.

floor area means the total area of all *storeys* of a *building* measured to the outer surface of the exterior walls including the area of balconies, decks, porches or similar projections fully enclosed by siding or glazing.

frontage means the length of that lot boundary which abuts a *highway* or *access route* other than a *lane*.

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.

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*.

jetty means a *structure* projecting from the land into a body of water to protect a harbour or shoreline from the influence of current or waves, or to be used as wharf.

lane means a highway less than 10.1 metres in width open to vehicular traffic.

lodge building means a *building* for a permitted *resort* use that contains guest registration facilities, dining and food preparation facilities, employee and guest accommodation facilities, guest lounge facilities and accessory retail sale facilities not exceeding 32.5 square metres of *floor area*.

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 percentage of the area of a *lot* that is covered by *buildings* and *structures* and for this purpose 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 a survey registered with the B.C. Land Titles Office.

front lot line means the *lot line* that is common to the *lot* and an abutting *highway* or *access route* other than a *lane* and where there are two or more such *lot lines* the shortest 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 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* other than a *lane*.

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

marina means the use of a water area for the storage or *wharfage* of boats and includes the installation of floats, wharves, piers, ramps and walkways and the provision of *wharfage* services to the boating public, but does not include yacht clubs and yacht club outstations.

Medical Health Officer means the Medical Health Officer appointed pursuant to the *Public Health Act* and having jurisdiction in respect of the Thetis Island Local Trust Area.

motorized personal watercraft means a vessel less than 5.0 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

natural boundary means the visible high water mark of any lake, river or stream or other body of water where the presence and action of the water are so common and usual, and so long continued in ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

panhandle lot means any *lot* the principal portion of which is serviced and gains *highway* or *access route* frontage through a strip of land that is narrower than the main portion of the *lot*.

park means any land dedicated as park under the *Land Title Act* or the *Local Government Act*.

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*.

pumphouse means an *accessory building* containing equipment for pumping water or sewage.

resort means the use of land for the temporary accommodation of travellers comprising a *lodge building* and detached cottages containing guest accommodation.

school means an institution for the provision of elementary or secondary education that is not operated for commercial gain.

setback means the minimum horizontal distance that a *building*, *structure* or use must be sited from a specific *lot line*, *building* or other specified point.

short-term vacation rental means rental of a *guest cottage* for a period of fewer than 30 days.

sign means any device or medium including its supporting structure visible from 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.

storey means all areas of a *building* or *structure* in which the ceiling is at least 1.0 metres above the floor, but excludes crawl spaces.

structure means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes vehicles, floating vessels, ground level paving for driveways and vehicle parking, ground level sidewalks, power poles, telephone poles, wells and associated pumps and pipes, and sewerage systems and their associated pumps and pipes.

swimming float means a float on the surface of the water that is not connected to the shore and is used for water recreation but not used as a landing or *wharfage* place for boats or vessels.

third party directional sign means a sign giving directions to a use on a *lot* other than the *lot* on which the *sign* is located.

watercourse means a creek, pond, lake, river, stream, or brook, whether usually containing water or not and any spring or wetland that is integral to a watercourse.

wharfage means the tying of a boat to a wharf, float or dock that is in turn connected to an upland *lot* by a ramp or walkway.

zone means a zone established by Part 3 of this Bylaw.

1.2. JURISDICTION

Application

- 1.2.1. This Bylaw applies to that part of the Thetis Island Local Trust Area shown on Schedule “B”. Without limiting the foregoing, this includes Thetis Island and the areas seaward of its shoreline encompassing all other islands, rocks and reefs, the seabed, and the sea surface, plus any other water surface areas and all air spaces within the boundary shown on Schedule “B”.

Interpretation

- 1.2.2. Metric dimensions are used in this bylaw. The following abbreviations are used in some places:

“n/a” for “not applicable”

“ha” for “hectares”

“m” for “metres”

- 1.2.3. In the numbering system used in this Bylaw, the first number indicates parts of the Bylaw, the second indicates sections and the third indicates subsections, the first bracketed letter indicates articles, as follows:

4	part
4.1	section
4.1.3	subsection
4.1.3(a)	article

Covenants

- 1.2.4. If by 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 Thetis Island Local Trust Committee in priority to all financial charges and delivered in registrable form satisfactory to the Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required.

1.3. COMPLIANCE

Conformity

- 1.3.1. No person shall use any land, water surface, seabed or structures except in accordance with this Bylaw. No person shall cause or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be subdivided, occupied or used in contravention of this Bylaw, or otherwise to contravene or fail to comply with this Bylaw, except when such construction, reconstruction, alteration, movement, extension, occupation, or use is authorized under provisions of Section 911 of the *Local Government Act*, an enactment of a board of variance, or a development variance permit.
- 1.3.2. The construction, reconstruction, alteration, moving or extension of buildings and structures including signs within any zone must be in conformity with the regulations for the size, shape, and siting of buildings and structures specified in this Bylaw.
- 1.3.3. Off-street parking spaces must be provided in conformity with the requirements of this Bylaw.

Inspection and Enforcement

- 1.3.4. The Bylaw Enforcement Officer of the Islands Trust and any other person designated by Bylaw of the Thetis Island Local Trust Committee to administer or enforce this Bylaw, may enter any property at reasonable times to ascertain whether the regulations and provisions of this Bylaw are being observed.
- 1.3.5. No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of the Bylaw Enforcement Officer or other designated person authorized by the Thetis Island Local Trust Committee to administer and enforce.
- 1.3.6. 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.
- 1.3.7. Any person who violates the provisions of this Bylaw is liable on summary conviction to a fine and penalty not exceeding \$10,000 and the cost of prosecution. Each day's continuance of a violation constitutes a new and distinct offence.

PART 2. GENERAL REGULATIONS

2.1. USES OF LAND, BUILDINGS AND STRUCTURES

- 2.1.1. Utility poles, wires, traffic controls and underground utility systems are permitted in all *zones*
- 2.1.2. Public shellfish reserves, are permitted in all of the *water zones* established by this Bylaw.
- 2.1.3. Without limiting the generality of Section 1.2.1 of this Bylaw, the following uses are prohibited in all *zones*:
 - a) campground;
 - b) disposal of waste that originates off Thetis Island;
 - c) the use of land for the wrecking or storage of derelict vehicles;
 - d) the use of a *water area* for the moorage or wharfage of *float homes*; and
 - e) the sale of or rental of *motorized personal watercraft*
- 2.1.4. A *dwelling unit* may contain a commercial kitchen in support of a *home occupation* in addition to the home kitchen if it is permitted under the *Food Premises Regulation* of the *Public Health Act*.

2.2. GENERAL SETBACK AND HEIGHT REGULATIONS

- 2.2.1. Chimneys, sills, bay-windows and ornamental architectural features projecting beyond the face of a *building* may project up to 0.6 metres into a required setback area.
- 2.2.2. Steps, eaves, awnings, canopies, balconies, decks or porches projecting beyond the face of a building, may project up to 0.6 metres into a required side setback area and 1.8 metres into any other setback area.
- 2.2.3. *Cisterns* and *buildings* or *structures* for the sole purpose of housing cisterns may project into the setback area up to one half of the setback distance for structures in the zone.
- 2.2.4. Fences, free-standing lighting poles, warning devices, antennas, masts, utility poles, wires, flagpoles, signs and sign structures may be sited on any portion of a *lot*.
- 2.2.5. The height regulations for *buildings* and *structures* specified in this Bylaw do not apply to radio and television antennas; fire hose towers; 9-1-1 system repeater towers, flag poles, and lighting poles.
- 2.2.6. No *building* other than a boathouse or pumphouse may be constructed:
 - a) within 7.6 metres of the *natural boundary* of the sea; or
 - b) within 30.5 metres of the *natural boundary* of any other natural watercourse or source of water supply.
- 2.2.7. All distances pertaining to the siting of *buildings* and *structures* shall be determined by measurements on a horizontal plane, excepting those pertaining to elevation which shall be on a vertical plane.

2.3. REGULATIONS FOR HOME OCCUPATION USE

Basic Home Occupations

- 2.3.1. Where permitted, in the R1 zone, a *home occupation* use is subject to the following regulations:
 - a) Must be operated by a resident of the *dwelling unit* to which the *home occupation* use is

accessory, and must not employ more than three additional full time equivalent persons for the *home occupation* use;

- b) Must be operated entirely within the *dwelling unit* and/or an *accessory building* with the exception of kilns and daycare play areas that may be outside of a *dwelling unit* or *accessory buildings*;
- c) Must screen outdoor uses permitted in 2.4.2(b) from adjacent *lots* and public right-of-ways with a vegetation screen or solid fence.
- d) Must provide one off-street parking stall for each full-time equivalent employee, in addition to parking for residents and for registered guests of a *bed and breakfast*.
- e) Must accommodate all parking needs related to the *home occupation* use on the *lot*.

Extended Home Occupations

2.3.2. Where permitted, on lots in the R2 zone, a *home occupation* use is subject to the following regulations:

- a) Must be operated by a resident of the *dwelling unit* to which the *home occupation* use is *accessory*, and must not employ more than four additional full time equivalent persons for the *home occupation* use;
- b) May be operated within a *dwelling unit*, *accessory building*, or outdoors;
- c) Must screen outdoor uses from adjacent *lots* and public right-of-ways with a vegetation screen or solid fence;
- d) Must provide one off-street parking stall for each full-time equivalent employee, in addition to parking for residents and for registered guests of a *bed and breakfast*.
- f) Must accommodate all parking needs related to the *home occupation* use on the *lot*.

Prohibited Uses

2.3.3. Where permitted, a *home occupation* use must not include any of the following use:

- a) storage, in excess of levels ordinarily associated with residential use of materials or products producing flammable or explosive vapours or gases under ambient temperatures; and
- b) feed lots, boarding kennels, fur farms, and restaurants or cafes.

Bed and Breakfast

2.3.4. The following additional regulations apply to *bed and breakfast home occupation* uses:

- a) breakfast only may be provided and only to guests registered for overnight accommodation;
- b) overnight accommodation must be within a *dwelling unit* and limited to a maximum of 3 bedrooms with a maximum occupancy of four people per room;
- c) one off-street parking space per room used for overnight accommodation of registered guests must be provided in addition to any spaces required in Section 2.5; and
- d) except for one *sign* not exceeding 0.7 square metres in area, no other *sign* or advertising material pertaining to *bed and breakfast* operations may be exhibited or displayed about the premises.

Short-Term Vacation Rentals

2.3.5. The following additional regulations apply to the *short-term vacation rental* of a *guest cottage* as a *home occupation*:

- a) *Short-term vacation rental* of a *guest cottage* is permitted in the R2 zone only;
- b) *Short-term vacation rental* is only permitted on a *lot* where there is both a principal *dwelling unit* and a *guest cottage*; and
- c) The operator of the *short-term vacation rental* must reside on the *lot*, in the principal *dwelling unit* while the use is being carried out.

2.4. SIGN REGULATIONS

Permitted Signs

2.4.1. The maximum area and number of signs permitted in each zone is as follows:

2.4.2.	Maximum area of a sign	Maximum number of signs
Agriculture (A-1) zone	2.0 m ²	1 per lot
R-1 and R-2 zones	2.0 m ²	1 per lot
S-1 and S-2 zones	2.5 m ²	1 per lot
I-1, I-2, I-3, and C-2 zones	2.5 m ²	2 per business
C-1 and W-1 zones	One of 2.5 m ² One of 4.5 m ²	2 per business
In addition to the <i>signs</i> permitted in this section, temporary real estate signs in all <i>zones</i> , which must be removed within 2 weeks of sale	1.0 m ²	2

Prohibited Signs

2.4.3. *Signs* containing moving parts, flashing or neon lights are prohibited in all *zones*.

Sign Location Regulations

2.4.4. Internally illuminated *signs* and floodlights illuminating *signs* must be located so as not to cast light on residential premises or towards oncoming *highway* traffic.

2.5. PARKING REGULATIONS

Number of Parking Spaces Required

- 2.5.1. Off-street automobile parking spaces for each use of land or water must be provided in accordance with subsections 2.5.2 to 2.5.4
- 2.5.2. The minimum number of off-street automobile parking spaces for any use is as follows:

Residential

- Two per *dwelling unit*

Commercial

- One per 3 berths in a dock facility or marina and one per employee for a marina use
- One per employee and one per guest bedroom or cottage for a *resort* use

Institutional

- One per 300 square metres of gross floor area for *campus housing* use.

Community Services

- One per 40 square metres of gross *floor area* for a *building* or *structure* for a community hall, medical health clinic, or church.
- One per employee plus 5 additional parking spaces for a *school*.

Agricultural

- One per 300 square metres of gross *floor area* for a *campus housing* use

2.5.3. The minimum number of bicycle parking spaces for any use is as follows:

- a) Four, or one per 150 square metres of gross *floor area* for a commercial use, whichever is greater
- b) Four, per classroom in a *school*
- c) Four, or one per 150 square metres of gross *floor area* for all uses permitted in the Community Services (S-1) zone except for a *school* use, whichever is greatest,
- d) Four, or one per 300 square metres of gross *floor area* for a *campus housing* use accessory to a *college* or *camp facility* use in an Institutional zone or an Agriculture zone, whichever is greatest.

2.5.4. Of the number of off-street automobile parking spaces required in subsection 2.5.2, a minimum of one, or one per 50 required parking spaces, whichever is greatest, must be provided for disabled persons and this parking space must be located adjacent to the main entrance of a *building*.

Standards for Parking Spaces

2.5.5. Every required automobile off-street parking space must have minimum dimensions of 2.7 metres by 6.1 metres and must have at all times convenient vehicular access to a *highway*.

2.5.6. Required off-street parking for residential and institutional uses and *resort* use must be on the *lot* on which that use is located.

2.5.7. Required off-street automobile parking for uses other than those referred to in subsection 2.5.2 must be on or within 152.5 metres of the *lot* on which the use is located.

2.6. SUBDIVISION REGULATIONS

Lot Area and Dimensions

2.6.1. Except as provided for in subsection 2.6.6 of this section, no *lot* may be created by subdivision that renders an existing use, *building* or *structure* non-conforming with respect to a siting or density provision of this Bylaw.

Parcels Divided by a Zone Boundary

2.6.2. If a *lot* lies within two or more *zones*, the minimum and average *lot* area requirements specified in this Bylaw apply to the portions of the *lot* lying within each *zone* as if the portions were separate *lots* and no new *lots* lying within two or more *zones* may be created.

Exceptions

2.6.3. The minimum and average *lot* area requirements specified in Part 3 of this Bylaw do not apply to:

- a) a *lot* described in section 11(1)(b) of B.C. Reg. 334/79, being an access *lot* for a subdivision containing *lots* not fronting on a *highway*;
- b) a *lot* being created for park use only;

- c) a *lot* being created to be used solely for the unattended equipment necessary for the operation of facilities referred to in subsection 2.1.1 or for a community water system, community sewer system, gas distribution system, radio or television antenna, telecommunication relay station, air or marine navigational aid, electrical substation or generating station; and
 - d) boundary adjustments provided no additional *lots* are created, no *lot* is increased in area such that it would be subdividable into more *lots* than would be permitted under this Bylaw without a boundary adjustment and no *lot* already at or below the minimum lot size for the *zone* is reduced in size by more than five per cent of its area.
- 2.6.4. The consolidation and resubdivision of lots smaller than those permitted by this Bylaw is permitted provided that the consolidation and resubdivision does not result in a *lot* already at or below the minimum lot size for the *zone* to be reduced in size by more than five per cent of its area.
- 2.6.5. If a *lot* is divided into two or more portions by other land other than a *highway*, the minimum and average lot area requirements specified in this Bylaw apply to the portions as if they were separate *lots* and no new *lots* divided into two or more portions may be created except when the net result of the subdivision would be a reduction in the number of lots
- 2.6.6. The minimum size for a *lot* that may be subdivided under section 946 of the *Local Government Act* is 20.2 hectares unless the *lot* is within the Agricultural Land Reserve.

Lot Configuration Regulations

- 2.6.7. The frontage of any *lot* in a proposed subdivision must be at least 10% of its perimeter.
- 2.6.8. The access strip of a panhandle *lot* must be at least 10.0 metres in width and no part of the access strip shall be included in the calculation of the area of the *lot*.

Covenant Against Further Subdivision and Development

- 2.6.9. 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 owner must grant a s. 219 covenant in respect of every such *lot* prohibiting further subdivision of the *lot* and prohibiting the construction, erection, or occupancy on the *lot* of more than the applicable *zone*'s permitted number of single family *dwelling units* and *accessory buildings*.
- 2.6.10. When a subdivision is proposed that yields fewer than the maximum number of *lots* permitted by the applicable minimum and average lot sizes specified by this Bylaw, and:
- a) one or more of the *lots* being created has an area equal to or greater than twice the applicable average lot size; and
 - b) one or more of the *lots* being created has an area less than the applicable average lot size;
- the owner must grant a s. 219 covenant in respect of every lot referred to in (a) prohibiting:
- c) the subdivision of the *lot* so as to create a greater total number of *lots* by subdivision and resubdivision 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
 - d) the construction, erection, or occupancy on the lot of single family residential *dwelling units* and *accessory buildings* 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.

2.6.11. Where the approval of a bare land strata plan creates common property on which this Bylaw would allow a residential use if the common property was a *lot*, the owner must grant a covenant in respect of the common property prohibiting such use and prohibiting further subdivision of the common property and the disposition of the common property separately from the strata lots.

PART 3. GENERAL ZONE REGULATIONS

3.1. CREATION AND EXTENT OF ZONES

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

<u>Zone Classification</u>	<u>Zoning Code</u>
Agriculture Zone	
Agriculture	A-1
Residential Zones	
Rural Residential	R-1
Rural	R-2
Commercial Zones	
Marine Commercial	C-1
Recreational Commercial	C-2
Institutional Zones	
Institutional 1	I-1
Institutional 2	I-2
Institutional 3	I-3
Community Service Zones	
Community Services	S-1
Public Utility	S-2
Marine Conservation Zone	
Marine Conservation	M-1
Water Zones	
Water 1	W-1
Water 2	W-2
Water 3	W-3
Water 4	W-4
Water 5	W-5

3.1.2. The boundaries of each zone are shown on Schedule "C" attached and forming part of this Bylaw, and any portion of the area to which this bylaw applies that is not shown on Schedule "C" is zoned W-4.

3.2. INTERPRETATION OF ZONE BOUNDARIES

3.2.1. The boundary lines of *zones* are the centre lines of road allowances or watercourses where the boundary is shown on Schedule "C" to follow a road allowance or watercourse.

3.2.2. Where a *zone* boundary does not follow a legally defined line, road or watercourse and where the distances are not specifically indicated, the location of the boundary must be determined by scaling from Schedule "C".

3.2.3. The boundary between water and land *zones* is the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no registered survey plan, the *natural boundary* of the sea is deemed to be the boundary.

PART 4. AGRICULTURE ZONE

4.1 Permitted Uses

The following uses and no others are permitted in the A-1 Zone:

Principal Uses

- a) *agriculture*
- b) *residential*
- c) *college* accessory to the Institutional 3 (I-3) zoned portion of Lot 4, Thetis Island, Cowichan District, Except Parcel A (DD77453I), and That Part in Red on DD64490I, and Except those Parts in Plans 5745, 6149, 6150, 32591, and 3593RW, only on the portion of the aforementioned lot included in this *zone*.
- d) *Intensive agriculture*

"INFORMATION NOTE: Intensive agriculture is defined in s. 915 of the *Local Government Act*."

Accessory Uses

- e) *produce sales*
- f) *home occupations*
- g) *assembly*
- h) *guest cottages*
- i) *Campus housing* on the portion of Lot 4, Thetis Island, Cowichan District, Except Parcel A (DD77453I), and That Part in Red on DD64490I, and Except those Parts in Plans 5745, 6149, 6150, 32591, and 3593RW in this *zone* accessory to the *college* use in this *zone* and the I-3 zoned portion of the aforementioned *lot*.

4.2 Permitted Buildings and Structures

The following *buildings* and *structures* and no others are permitted in the A-1 Zone:

- a) *Buildings* and *structures* for a permitted use;
- b) *Buildings* and *structures* accessory to a permitted use;

4.3 Density of Uses, Buildings and Structures

- a) Maximum number of single-family *dwelling units* per *lot* is one.
- b) Maximum number of *guest cottages* per *lot* is one.
- c) In addition to s. 4.3(a) and (b), one additional *dwelling unit* for a caretaker or an individual employed in an *agriculture* use on the same lot is permitted on each *lot*.
- d) In addition 4.3(a) and (b), on the portion of Lot 4, Thetis Island, Cowichan District, Except Parcel A (DD77453I), and That Part in Red on DD64490I, and Except those Parts in Plans 5745, 6149, 6150, 32591, and 3593RW, the maximum total *floor area* of all *buildings* and portions of *buildings* used for *campus housing* shall not exceed 2174 square metres.
- e) All *buildings* and *structures* must not exceed a *lot coverage* of 10 per cent.

4.4 Size, Setbacks and Height of Buildings and Structures

- a) *Buildings and structures* for intensive agricultural use and mushroom cultivation must be sited not less than:
 - i. 30 metres from *front* and *exterior side lot lines*;
 - ii. 15 metres from *rear* and *interior side lot lines*;
 - iii. 30 metres from all wells and streams; and
 - iv. 15 metres from all *dwelling units, campus housing, and guest cottages*
- b) *Buildings and structures* for produce sales must not exceed a total *floor area* of 32.5 square metres and must not be sited not less than:
 - i. 4.5 metres from *front* and *rear lot lines*;
 - ii. 3.0 metres from an *interior side lot line*; and
 - iii. 4.5 metres from an *exterior side lot line*.
- c) *Buildings and structures* for *agriculture* use that is not intensive agriculture must be sited not less than:
 - i. 10 metres from *front* and *exterior side lot lines*;
 - ii. 4.5 metres from *rear* or *side lot lines*; and
 - iii. 4.5 metres from all wells and streams.
- d) All other *buildings and structures* not mentioned in 4.4(a), (b) and (c) if this section must not be sited less than:
 - i. 7.5 metres from *front* and *rear lot lines*;
 - ii. 3.0 metres from an *interior side lot line*; and
 - iii. 4.5 metres from an *exterior side lot line*.
- e) The maximum *height* of principal and *accessory buildings and structures* must not exceed 12.5 metres.

4.5 Lot Area

- a) No *lot* may be created by subdivision that has an area less than 12.1 hectares.

PART 5. RESIDENTIAL ZONES

5.1. Permitted Uses	R-1	R-2
The following uses and no others are permitted in the <i>zones</i> indicated by checkmarks in the column to the right.		
Principal Uses		
a) residential	✓	✓
Accessory Uses		
b) <i>home occupation</i> ;	✓	✓
c) the keeping of livestock and poultry for the personal use of the owner;	✓	
d) <i>agriculture</i> ; and		✓
e) <i>guest cottages</i> on 0.8 hectares or more provided that, in the R1 zone on lots less than 1.6 hectares, the guest cottage is only used on an occasional basis meaning that the accommodation is not used as a residence.	✓	✓
5.2. Permitted Buildings and Structures	R-1	R-2
The following <i>buildings</i> and structures and no others are permitted in the <i>zones</i> indicated by checkmarks in the columns to the right:		
a) <i>Buildings</i> and <i>structures</i> for a permitted use; and	✓	✓
b) <i>Buildings</i> and <i>structures</i> accessory to a permitted use.	✓	✓
5.3. Density of Uses, Buildings and Structures	R-1	R-2
a) Maximum number of single family <i>dwelling units</i> per <i>lot</i>	1	n/a
b) Maximum number of <i>guest cottages</i> per <i>lot</i>	1	n/a
c) In the R-2 zone, only one <i>dwelling unit</i> is permitted on <i>lots</i> having an area of less than 8.0 hectares.		
d) In the R-2 zone on <i>lots</i> having an area of 8.0 hectares or more, one <i>dwelling unit</i> other than a <i>guest cottage</i> is permitted in respect to each full 4.0 hectares of <i>lot</i> area if the owner grants a covenant prohibiting subdivision of the <i>lot</i> . If the owner does not provide a covenant prohibiting subdivision of the <i>lot</i> , the maximum number of <i>dwelling units</i> is one.		
e) In the R-2 zone one <i>guest cottage</i> is permitted on <i>lots</i> having an area of between 0.8 and 8.0 hectares.		
f) In the R-2 zone on <i>lots</i> having an area of 8.0 hectares or more one <i>guest cottage</i> is permitted in respect of every <i>dwelling unit</i> permitted under article 5.1.3 (d).		
g) Maximum combined <i>lot coverage</i> of <i>buildings</i> and <i>structure</i>	35%	10%
5.4. Height, Setbacks, and Siting of Buildings, Structures and Uses	R-1	R-2
a) Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i>	11.0 m	11.0 m
b) Minimum setback of <i>buildings</i> or <i>structures</i>		
• From the <i>front lot line</i> ;	7.5 m	7.5 m
• From an <i>interior side lot line</i> ;	3.0 m	3.0m
• From an <i>exterior side lot line</i> ; and	4.5m	4.5m
• From a <i>rear lot line</i> .	6.0m	6.0 m

- c) In the R-2 zone, no solid waste disposal site or garbage dump may be located and no grazing of livestock may occur within an area designated as a Water Resources Area shown on Schedule "A" Zoning Map of this Bylaw.

5.5. Lot Area	R-1	R-2
a) Minimum lot area permitted by subdivision	0.8 ha	2.0 ha
b) Minimum average lot area permitted by subdivision	n/a	4.0 ha

PART 6. COMMERCIAL ZONES

6.1. Permitted Uses	C-1	C-2
The following uses and no others are permitted in the <i>zones</i> indicated by checkmarks in the column to the right.		
Principal Uses		
a) residential;	✓	✓
b) shore-based marina operations comprising marina offices, ships chandlery and related retail sales;	✓	
c) <i>resort</i> , on lots 2.0 hectares or greater in area;		✓
d) marine fuel storage;	✓	
e) restaurants;	✓	
f) marine pubs;	✓	
g) post offices;	✓	
Accessory Uses		
h) <i>home occupation</i> ;	✓	✓
i) <i>guest cottages</i> ;		✓
j) <i>lodge building</i>		✓
k) horticulture; and		✓
l) the keeping of livestock and poultry for the personal use of the owner.		✓
6.2. Permitted Buildings and Structures	C-1	C-2
The following <i>buildings</i> and <i>structures</i> and no others are permitted in the <i>zones</i> indicated by checkmarks in the columns to the right:		
a) <i>Buildings</i> and <i>structures</i> for a permitted use; and	✓	✓
b) <i>Buildings</i> and <i>structures</i> accessory to a permitted use.	✓	✓
6.3. Density of Uses, Buildings and Structures	C-1	C-2
a) Maximum number of single family <i>dwelling units</i>	1	1
b) Maximum number of single family <i>dwelling units</i> for individuals employed for a <i>resort</i> use	n/a	1
c) Maximum number of single-family <i>dwelling units</i> for individuals employed for a marina use	1	n/a
d) Minimum lot area per <i>guest cottage</i>	n/a	0.4 ha
e) Maximum number of <i>guest cottages</i> per lot	n/a	10
f) Maximum number of <i>lodge buildings</i> per lot	n/a	1
g) Maximum combined <i>lot coverage</i> of <i>buildings</i> and <i>structures</i>	40%	25%
6.4. Size, Setbacks and Height of Buildings and Structures	C-1	C-2
a) Maximum average <i>floor area</i> of <i>guest cottages</i>	n/a	65.0 m ²
b) Maximum number of guest bedrooms per <i>lodge building</i>	n/a	7
c) Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i> except for a <i>lodge building</i> where permitted	8.0 m	8.0 m
d) Maximum <i>height</i> of a <i>lodge building</i>	n/a	11.0 m

e) Minimum setbacks of *buildings and structures*

- | | | |
|-------------------------------------|-------|-------|
| • From the <i>front lot line</i> ; | 9.0 m | 9.0 m |
| • From a <i>rear lot line</i> ; and | 3.0 m | 3.0 m |
| • From a <i>side lot line</i> . | 6.0 m | 6.0 m |

6.5. Lot Area

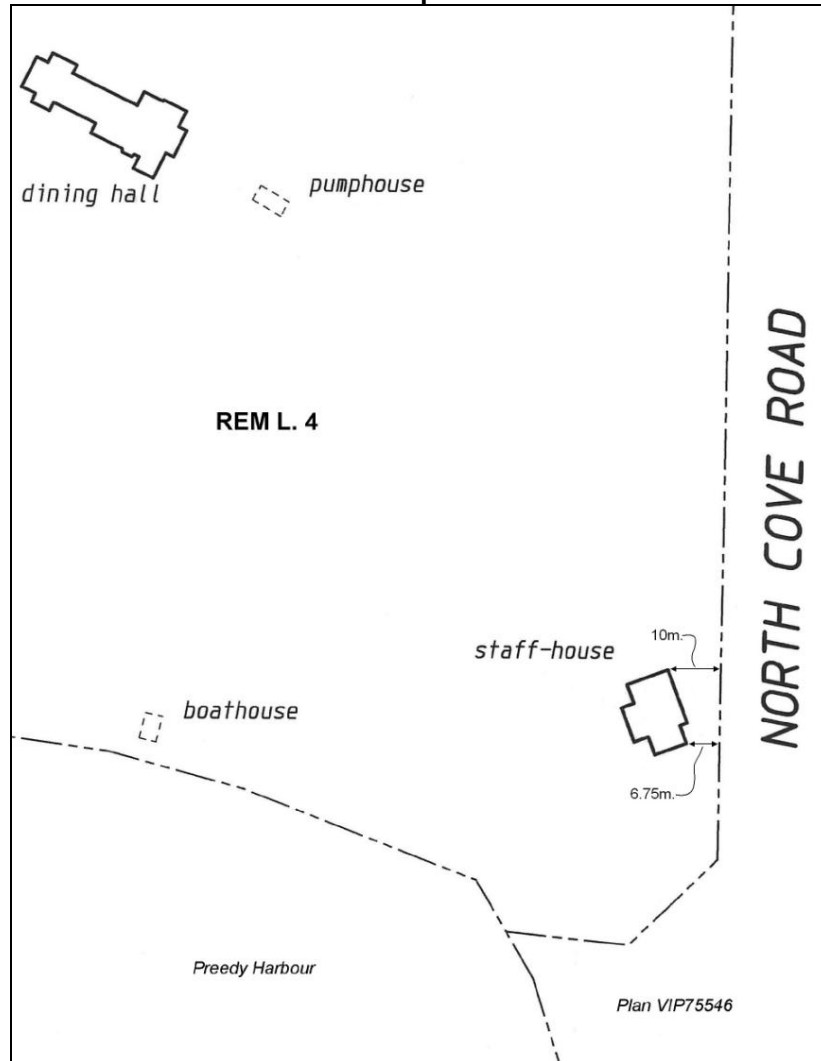
a) Minimum lot area permitted by subdivision

C-1	C-2
0.8 ha	4.0 ha

PART 7. INSTITUTIONAL ZONES

7.1. Permitted Uses	I-1	I-2	I-3
The following uses and no others are permitted in the zones indicated by checkmarks in the columns to the right:			
Principal Uses			
a) <i>camp facility</i>	✓	✓	
b) <i>college</i>			✓
Accessory Uses			
c) <i>assembly</i>	✓	✓	✓
d) <i>agriculture</i>	✓	✓	✓
e) <i>campus housing</i>	✓	✓	✓
7.2. Permitted Buildings and Structures	I-1	I-2	I-3
The following buildings and structures and no others are permitted in the zones indicated by checkmarks in the columns to the right:			
a) <i>Buildings and structures</i> for a permitted use; and	✓	✓	✓
b) <i>Buildings and structures accessory</i> to a permitted use.	✓	✓	✓
7.3. Density of Uses, Buildings and Structures	I-1	I-2	I-3
a) Maximum number of <i>colleges</i> per <i>lot</i>	0	0	1
b) Maximum number of <i>camp facilities</i> per <i>lot</i>	1	1	0
c) Maximum combined <i>lot coverage</i> of <i>buildings</i> and <i>structures</i>	7.5%	7.5%	7.5%
7.4. Size, Setbacks and Height of Buildings and Structures	I-1	I-2	I-3
a) Maximum combined <i>floor area</i> of all permitted <i>buildings</i> used for overnight accommodation, or the portion of the <i>building</i> used for this purpose. For clarity this includes <i>dwelling units</i> , <i>campus housing</i> and other <i>buildings</i> used for either permanent or temporary overnight accommodation.	2586 m ²	3968 m ²	575 m ²
b) Minimum setback for buildings and structures, except for a fence, from all <i>lot lines</i> , and excepting the existing <i>dwelling unit</i> in the I-3 zone situated closest to the most southeasterly corner of Lot 4, Thetis Island, Cowichan District, Except Parcel A (DD77453I), and That Part in Red on DD64490I, and Except those Parts in Plans 5745, 6149, 6150, 32591, and 3593RW, as shown in Map 1.	15.0 m	15.0 m	15.0 m
c) Maximum <i>height</i> of principal and accessory <i>buildings</i> and <i>structures</i>	12.5 m	12.5 m	12.5 m
7.5. Lot Area			
a) Minimum lot area permitted by subdivision	16.2 ha	16.2 ha	2.7 ha

Map 1



PART 8. COMMUNITY SERVICES ZONES

8.1. Permitted Principal Uses	S-1	S-2
The following uses and no others are permitted in the <i>zones</i> indicated by checkmarks in the columns to the right:		
a) <i>schools</i> , not including overnight accommodation or dormitories;	✓	
b) community halls;	✓	
c) playing fields;	✓	
d) firehalls;	✓	
e) outdoor sport courts;	✓	
f) cemeteries;	✓	
g) medical health clinics;	✓	
h) churches;	✓	
i) 9-1-1 system repeater towers;		✓
j) waste transfer stations;		✓
k) telephone exchange buildings;		✓
l) highway maintenance yards; and		✓
m) <i>agriculture</i> only on land legally described as Lot 1, Plan 38730, District Lot 2, Thetis Island Cowichan District.		✓
n) Parks and trails		
8.2. Permitted Buildings and Structures	S-1	S-2
The following <i>buildings</i> and <i>structures</i> and no others are permitted in the <i>zones</i> indicated by checkmarks in the columns to the right:		
a) <i>Buildings</i> and <i>structures</i> for a permitted use; and	✓	✓
b) <i>Buildings</i> and <i>structures</i> accessory to a permitted use.	✓	✓
8.3. Density of Uses, Buildings and Structures	S-1	S-2
a) Maximum combined <i>lot coverage</i> of <i>buildings</i> and <i>structures</i> except for firehalls	40%	n/a
8.4. Size, Setbacks and Height of Buildings and Structures	S-1	S-2
a) Minimum setback for <i>buildings</i> and <i>structures</i> except for firehalls, from all <i>lot lines</i>	6.0 m	6.0 m
b) Maximum <i>height</i> of all <i>buildings</i> and <i>structures</i> , except for firehalls	12.5 m	12.5 m

PART 9. MARINE CONSERVATION ZONE

9.1. Permitted Uses

In the M-1 zone the use of land is restricted to ecological reserves, research and educational activities and marine navigational aids and no *buildings* or *structures* other than marine navigational aids are permitted.

PART 10. WATER ZONES

10.1. Permitted Uses

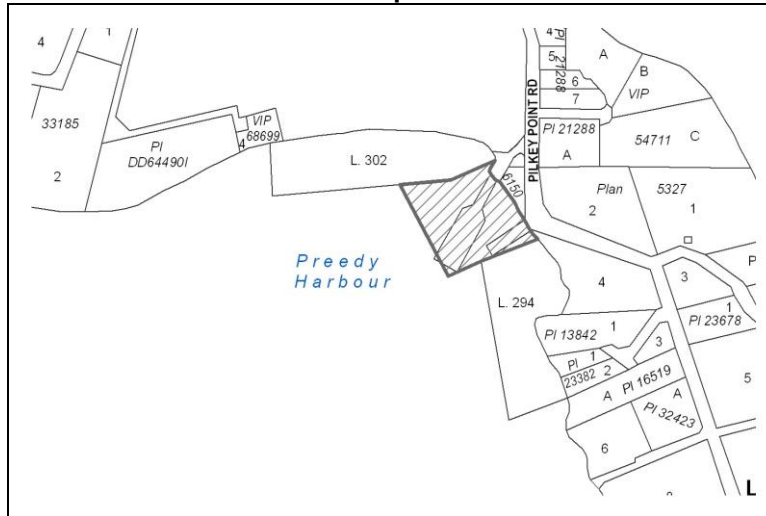
	W-1	W-2	W-3	W-4	W-5
The following uses and no others are permitted in the <i>zones</i> indicated by checkmarks in the columns to the right:					
a) marinas including boat sales, boat or vessel rentals excluding charters;	✓				
b) marine fuel sales	✓				
c) commercial boat, vessel or float plane <i>anchorage</i> and <i>wharfage</i>	✓				
d) non-commercial boat or vessel <i>anchorage</i>		✓	✓	✓	
e) non-commercial boat or vessel <i>wharfage</i>		✓	✓		✓
f) bottom culture mariculture.					✓
g) docks, which in the W-2, W-4 and W-5 zones must be accessory to the residential use of an abutting upland lot and may include gear lockers;	✓	✓		✓	✓
h) boat ramps, except on that portion of the W-4 zone lying between Water Lots 294 and 302 within 152.5 metres of the natural boundary of the sea, as shown in the shaded area of Map 2 below, known locally as Preedy Harbour;		✓		✓	
i) <i>swimming floats</i> ;			✓	✓	✓
j) stairways and walkways accessory to the residential use of an abutting upland <i>lot</i> ;			✓		✓
k) Public docks and ferry slips only on that portion of the W-4 zone lying between Water Lots 294 and 302 within 152.5 metres of the natural boundary of the sea, as shown in the shaded area of Map 2 below, known locally as Preedy Harbour				✓	
l) <i>floating breakwater</i>	✓	✓			

INFORMATION NOTE: Any structure or on the foreshore (ie below the high water mark which is the line between private property and Crown land), mariculture use requires a lease from the Integrated Land Management Bureau.

10.2. Permitted Buildings and Structures

	W-1	W-2	W-3	W-4	W-5
The following <i>buildings</i> and <i>structures</i> and no others are permitted in the <i>zones</i> indicated by checkmarks in the columns to the right:					
a) <i>Buildings</i> and <i>structures</i> for a permitted use; and	✓	✓	✓	✓	✓
b) <i>Buildings</i> and <i>structures</i> accessory to a permitted use.	✓	✓	✓	✓	✓

Map 2



10.3. Density of Uses, Buildings and Structures	W-1	W-2	W-3	W-4	W-5
a) Percentage of the capacity of a marina that may be used for wharfage of boats or vessels used as residences, and for this purpose every 10.5 metres of dock space is deemed to accommodate one boat or vessel.	10%	n/a	n/a	n/a	n/a
10.4. Height and Siting of Buildings and Structures	W-1	W-2	W-3	W-4	W-5
a) Maximum <i>height of structures</i> measured from the surface of any dock on which it is constructed or placed.	n/a	1.0m	n/a	1.0m	n/a
b) Maximum seaward extension of a floating dock structure from the surveyed high water mark or, where there is no such survey, from the <i>natural boundary</i> of the sea.	n/a	30.5m	n/a		n/a
c) Maximum seaward extension of any stairway or walkway from the <i>natural boundary</i> of the sea.	n/a	n/a	3.0	n/a	n/a

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PART 11. DEVELOPMENT PERMIT AREA GUIDELINES

11.1 Development Permit Area No. 1 – Riparian Areas

11.1.1 Definitions

Unless otherwise defined in this bylaw, Terms used in Section 11.1 that are defined in the *Riparian Areas Protection Regulation (RAPR)* of the *Riparian Areas Protection Act* have the same meaning as the definition given in the Regulation (e.g. stream, stream boundary, area of human disturbance), as it may be amended from time to time. Italicized terms (other than legislation) are defined in this bylaw.

11.1.2 Applicability

The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 11.1.3:

- The addition, removal or alteration of soil, vegetation or building or other *structure*;
- Creation of non-structural, impervious or semi-impervious surfaces;
- Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [*subdivision servicing requirements*] of the *Local Government Act*,

- d) Subdivision as defined in section 455 of the *Local Government Act*;
- e) Application of artificial fertilizer, pesticides or herbicides;
- f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

11.1.3 Exempted Activities

The following activities are exempt from any requirement for a development permit in Development Permit Area No. 1:

- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- b) work authorized by Fisheries and Oceans Canada under section 35 of the *Fisheries Act*;
- c) repairs or other non-structural alterations or additions to a pre-existing *building* or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
- d) the maintenance of an area of human disturbance, other than a *building* or other structure, if the area is not extended and the type of disturbance is not changed and does not involve the application of artificial fertilizer, pesticides or herbicides;
- e) repair or replacement of a septic field within the same area of land as the existing septic field;
- f) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
- g) manual removal of invasive species and manual planting of native vegetation in accordance with best management practices;
- h) pruning of not more than two trees in one growing season which does not involve the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - (i) emergency actions for flood-protection and erosion protection;
 - (ii) clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow;
 - (iii) repairs to bridges and safety fences carried out in accordance with the *Water Act*; and
 - (iv) creation of a fire break in accordance with the *Wildfire Act*;
- j) The construction of a trail if all of the following apply:
 - (i) The trail is 1 metre wide or less;
 - (ii) No trees are removed;
 - (iii) The surface of the trail is pervious;
 - (iv) The trail is designed and constructed to prevent soil erosion where slopes occur; and
 - (v) Where the trail parallels the stream, the trail is more than 5 metres away from the stream boundary.

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

11.1.4 Guidelines

Prior to undertaking any non-exempt development activities within the Development Permit Area No. 1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods

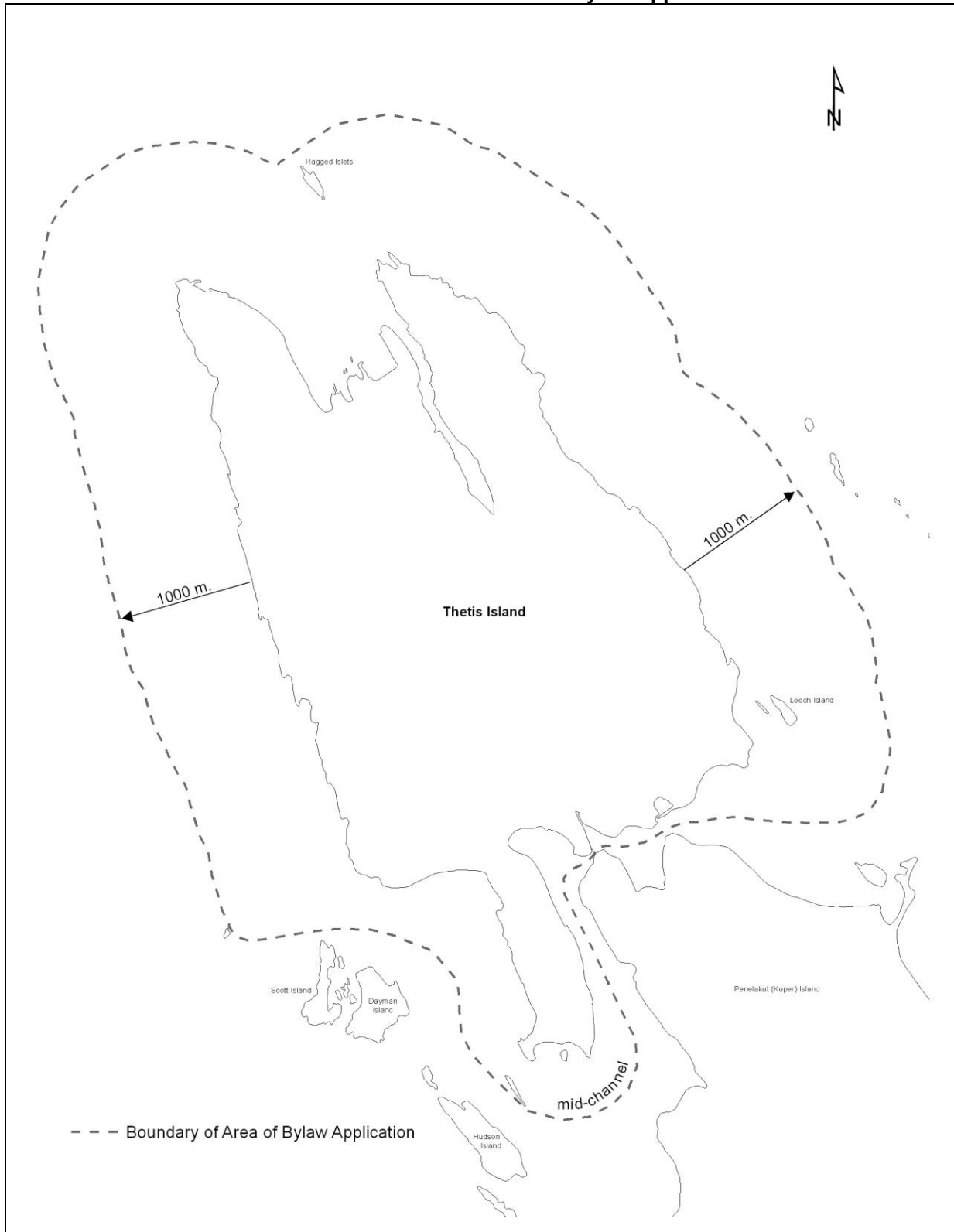
described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.

- b) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- c) In general, all development in this Development Permit Area should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report or condition and impact assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the QEP's report.
- d) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the QEP's report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- e) Where a QEP report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- g) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in the QEP's report.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the stream boundary, unless the parcel boundary is being created for an ecological reserve under the *Ecological Reserve Act* for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with the recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 11.1.2 would be likely to occur within 30 metres of the stream boundary, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's report.

PART 12. SEVERABILITY

If any part, section, subsection, article or clause of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

SCHEDULE "B" – Area of Bylaw Application



SCHEDULE "C" – Zoning Map

