



Islands Trust

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
PIERS ISLAND LAND USE BYLAW NO. 373**

**A Bylaw to replace the land use regulations of Bylaw No. 52 for Piers Island,
including those associated islets and waters lying within 300 metres
of the natural boundary of the sea surrounding Piers Island.**

ADOPTED JULY 31, 2003

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 373

A BYLAW TO ESTABLISH LAND USE REGULATIONS
FOR PIERS ISLAND, INCLUDING THOSE ASSOCIATED ISLETS AND WATERS LYING WITHIN
300 M OF THE NATURAL BOUNDARY OF THE SEA THAT SURROUNDS PIERS ISLAND

The Salt Spring Island Local Trust Committee, being the Local Trust Committee having jurisdiction within and in respect of the Salt Spring Island Local Trust Area, under the *Islands Trust Act*, enacts as follows:

PART 1
INTERPRETATION

1.1 DEFINITIONS

1.1.1 In this Bylaw:

- “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.
- “Approving Officer”** means the Approving Officer for the Salt Spring Island Local Trust Area as appointed under the Land Title Act.
- “auxiliary guest cottage”** means an *accessory dwelling unit* with a total *floor area* not exceeding 37 square metres which, despite the definitions of *“dwelling unit”* and *“residential”* in this Bylaw, is occupied or intended to be occupied by a person or persons having a permanent domicile elsewhere and who have been invited to visit at the expense of the owner for the *use* of the cottage on a non-*commercial* basis and primarily in conjunction with recreation.
- “basement”** means that portion of a *building* between two floor levels that is partly underground and that has its finished ceiling an average of less than 1.2 m above *grade*.
- “boat”** means a small *vessel* propelled on water by an engine, oars, or sails.
- “breakwater”** means a protective *structure* which may be fixed, open pile or floating, that is usually built offshore to protect harbour areas, *moorage* areas, navigation or beaches from wave action.
- “building”** means a *structure* having a roof or cover supported by columns or walls and used or intended to be used for supporting or sheltering any *use* or occupancy.

“carport”	means an <i>accessory building</i> where the total <i>floor area</i> between the roof and the ground is no more than 60 per cent enclosed by walls and that is used or intended to be used to provide a covered parking area for a vehicle.
“commercial”	means occupied with or engaged in work for the purposes of earning income.
“commercial guest accommodation”	means a <i>commercial</i> enterprise that consists of the <i>temporary</i> rental of <i>commercial guest accommodation units</i> to travellers or vacationers who maintain a residence elsewhere.
“commercial guest accommodation unit”	means a room, a set of rooms, or a <i>dwelling unit</i> that is let as a single unit for <i>commercial guest accommodation</i> .
“community hall”	means a <i>building</i> used for recreational, social, charitable, educational, entertainment and cultural activities and <i>intermittent commercial uses</i> , open to the public and owned or operated by a non-profit group or government agency.
“corner lot”	means a <i>lot</i> at the intersection of two or more <i>highways</i> .
“day care, child”	means a <i>use</i> in a <i>building</i> or <i>structure</i> where care, protection and supervision of children are provided on a regular schedule for a fee.
“derelict vehicle”	means any motor vehicle which has not been licensed for a period of one year.
“derelict vessel”	means any <i>vessel</i> which is or has been made inoperable and is not fit for its intended <i>use</i> .
“disposal”	means the final disposition of products that have no further <i>use</i> .
“dwelling, single-family”	means a <i>building</i> consisting of one <i>dwelling unit</i> that is not attached to any other <i>dwelling unit</i> by any means.
“dwelling unit”	means one or more rooms in a <i>building</i> that are used, or constructed so as to be capable of being used for the <i>residential use</i> of a single household; and containing a common access, one <i>kitchen</i> , and eating, sleeping and living areas.
“engineer”	means a member of the Association of Professional Engineers and Geoscientists of British Columbia.
“fence”	means a vertical <i>structure</i> including a wall constructed of any material or combination of materials for the purposes of enclosing or screening an area of land.
“fill”	means earth, sand, gravel, or any other material similar to the aforementioned materials used, or capable of being used, to raise, lower or in any way affect the contours of the ground.
“float”	means a floating non-roofed <i>structure</i> that is used as a landing or <i>wharfage</i> platform for water craft and which is free to rise and fall with sea level change and at all times of tidal change, does not rest on the sea floor.
“floor area”	means the sum of the horizontal areas of all <i>storeys</i> of a <i>building</i> or <i>structure</i> , excluding <i>basements</i> , measured to the outer surface of the exterior walls and

windows minus the average thickness of the walls; for this purpose all areas of a *building* having a floor and a ceiling at least 1.8 m apart constitute a *storey* and the horizontal area of all *structures* where more than 60 per cent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of *floor area*. Notwithstanding this definition the entire area below the roof of a *carport* shall be included in the calculation of *floor area*.

- “frontage”** means the length of a *lot* boundary that abuts a *highway* or an access route in a bare land strata plan, but excludes the length of a *lot* boundary that abuts a lane or a walkway.
- “grade”** means the average elevation of the ground at a distance of 2 metres from a *building* or *structure* determined by averaging the finished elevations at the midpoints of all the exterior walls.
- “height”** means the vertical distance to the highest point of a *building* or *structure* measured from *grade* or in the case of a *wharf* or other *structure* over the sea, measured from the elevation at the *natural boundary* of the sea.
- “highway”** means a publicly owned street, road, lane, bridge, viaduct, and any other way open to the *use* of the general population, but does not include a private right-of-way on a private *lot*.
- “home-based business”** means a *commercial use* that is *accessory* to a *residential use* on a *lot*.
- “indoor”** means located or carried on within a fully enclosed *building*.
- “industrial vehicle”** means a vehicle licensed under Section 9 or 10 of the Motor Vehicle Act.
- “intermittent”** means, in relation to a period of occupancy or *use* by any particular individual, organization or enterprise: starting and stopping for irregular periods.
- “kitchen”** means a room or area of a room that is equipped, used and intended to be used for *residential* activities related to the storage, preparation, and heating of food for a single household.
- “landscape screen”** means a visually opaque and continuous evergreen hedge, berm or combination thereof.
- “lot”** means the smallest unit as shown on the records of the Land Title Office in which land is held or into which it is subdivided whether under the Land Title Act or the Bare Land Strata Regulations under the Strata Property Act.
- “lot area”** means the area of the horizontal plane of a *lot* bounded by the vertical planes through the front, side and *rear lot lines* of any *lot*.
- “lot coverage”** means the total area on the horizontal plane of those portions of a *lot* that are covered by *buildings* or *structures* divided by the area of the *lot* and expressed as a percentage, and for this purpose, the area of a *lot* that is covered by a roofed *building* or *structure* is measured to the outer surface of the exterior walls and windows minus the average thickness of the walls, or in the case of roofed *structures* without walls it is measured to the edge of the eaves.

“lot depth”	means the horizontal distance between the <i>front lot line</i> and the <i>rear lot line</i> and where these are not parallel, <i>lot depth</i> is the length of a line joining the mid points of the <i>front lot line</i> and <i>rear lot line</i> .
“lot line”	means the boundary of a <i>lot</i> ; and
“exterior side lot line”	means a <i>lot line</i> that is not a front or <i>rear lot line</i> and that is common to the <i>lot</i> and an abutting <i>highway</i> or an access route in a bare land strata plan;
“front lot line”	means the <i>lot line</i> common to the <i>lot</i> and an abutting <i>highway</i> , or an abutting access route in a bare land strata plan; and where there are two or more such <i>lot lines</i> , the shortest line (other than corner cuts) is deemed the <i>front lot line</i> ; in the case of a panhandle <i>lot</i> , the line that is generally parallel to the access road or <i>highway</i> and perpendicular to the <i>lot lines</i> that form the access strip is considered the <i>front lot line</i> :
“interior side lot line”	means a <i>lot line</i> that is not a front, rear or <i>exterior side lot line</i> ; and
“rear lot line”	means the <i>lot line</i> that most closely parallels and is most distant from the <i>front lot line</i> , and where the rear portion of a <i>lot</i> is bounded by intersecting side <i>lot lines</i> the point of intersection is deemed the <i>rear lot line</i> .
“manufactured home”	means a <i>dwelling unit</i> that is manufactured in accordance with the Canadian Standards Association C277 Series of Standards, designed and intended for <i>residential</i> occupancy and manufactured either wholly or in part at an offsite location.
“mobile home”	means a transportable, single or multiple section <i>dwelling unit</i> conforming to the Canadian Standards Association Z240 Series of Standards at time of manufacture, and designed and intended for <i>residential</i> occupancy and set up in accordance with required factory installation details.
“moorage”	means the tying of a <i>boat</i> to a buoy, <i>float</i> or similar object that is in turn anchored to the bed of the sea.
“natural boundary”	means the visible high water mark of the sea, a lake, a stream or other water body where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the water body a character distinct from that of the bank in respect to the vegetation and soil.
“outdoor”	means carried on or located outside a fully enclosed <i>building</i> or <i>structure</i> .
“park”	means an area open to the general population and reserved for <i>outdoor</i> recreational, scenic or conservation purposes.
“personal service”	means a <i>commercial use</i> that is primarily engaged in providing <i>services</i>

involving the care of a person or his or her personal goods or apparel.

- “personal watercraft”** means a *vessel* less than 3 metres 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*.
- “poultry”** means all birds or fowl normally raised for food or egg production excluding roosters.
- “principal”** means, in relation to a *use* conducted or a *building* or *structure* constructed on a *lot*: primary and most important.
- “public service”** means the *use* of land, *buildings* or *structures* for the maintenance, repair or storage of vehicles, equipment or construction materials that are used solely for the provision, maintenance or repair of *public utilities* or *highways*, and for emergency response facilities that are operated for the benefit of the general population of the island on which it is located.
- “public utilities”** means a *use* of land, or of *unoccupied* works and *structures* such as pipes, wires, poles or towers, for the provision of electricity, gas, water, sewage collection, telephone, cablevision or telecommunication *services* to the public of the island on which it is located; or the *use* of land or *unoccupied structures* for navigational aids.
- “pumphouse”** means an *accessory building* not exceeding 4.5 square metres in *floor area* or 3 metres in *height* and used solely to enclose pumping equipment, valves, pipes and water treatment equipment associated with a well or another source of water; or with sewage pumping facilities.
- “recreation, active”** means recreation that is of a formal nature, often performed with specific people or teams, requires specialized equipment or prescribed places, sites or fields, but excludes recreation that primarily involves the *use* of a power-driven conveyance.
- “recreation, passive”** means recreation that is of an informal nature, performed by individuals or informal groups of individuals and usually requires little or no specialized equipment, places, sites or fields, but excludes recreation that primarily involves the *use* of a power-driven conveyance.
- “residential”** means used for the domicile and home life of a person or persons.
- “screen”** means a visually opaque and continuous fence, wall, evergreen hedge, berm or combination thereof at least 1.8 metres (6 ft.) high and which is broken only by an access driveway or sidewalk.
- “service”** means a *use* that primarily is engaged in providing assistance, as opposed to products, to individuals, business, industry, government and other enterprises; and may include personal, business, repair and professional *services*.
- “sign”** means any device or medium including its supporting *structure* visible from any *lot* other than the one on which it is located, or from a *highway* or the sea and which is used to attract attention for advertising, information or identification

purposes.

“sign area”	means the entire area within a continuous perimeter, enclosing the extreme limits of <i>sign</i> display, including any frame or border; and for these purposes, the area of a double-faced <i>sign</i> is considered to be the area of one face only.
“storey”	means that portion of a <i>building</i> , with the exception of a <i>basement</i> , included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including any space where the floor to ceiling <i>height</i> is greater than or equal to 1.8 m.
“structure”	means any material or combination of materials that are constructed for <i>use</i> , occupancy or ornamentation whether installed on, above or below the surface of land or water, but excludes paving.
“subdivision”	means a subdivision as defined in the <u>Land Title Act</u> and a subdivision under the <u>Strata Property Act</u> .
“surveyor”	means a British Columbia Land Surveyor.
“temporary”	means, in relation to a period of occupancy or <i>use</i> by any particular individual: not exceeding 45 days in any calendar year, not more than 30 of which may be consecutive.
“unoccupied”	means not used or not intended to be used for the accommodation of humans or animals.
“use”	means the purpose or activity for which land or <i>buildings</i> are designed, arranged, or intended or for which land or <i>buildings</i> are occupied or maintained.
“vessel”	means a craft designed to float on the water, including a <i>boat</i> , a barge, a float home, a float camp or a ship.
“wharf”	means a <i>structure</i> consisting of a fixed platform extending beyond the <i>natural boundary</i> of the sea over water which is used as a landing or <i>wharfage</i> place for watercraft, including the railings and supporting <i>structure</i> embedded beneath or near the sea.
“wharfage”	means the tying of a <i>boat</i> or other <i>vessel</i> to a <i>wharf</i> , float or dock.
“wharf-foot”	means that portion of a <i>wharf</i> extending upland from the <i>natural boundary</i> of the sea that is provided for access from a <i>wharf</i> to an adjoining upland property.
“zone”	means a zone established by Part 9 of this Bylaw.

1.2 NUMBERING

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

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

1.3 INFORMATION NOTES

1.3.1 Where a paragraph or sentence in this Bylaw is written in italics and is preceded by the words "Information Note", the contents of the paragraph or sentence are provided only to assist in understanding of the Bylaw and do not form a part of it.

PART 2 GENERAL PROVISIONS

2.1 APPLICATION

2.1.1 The provisions of this Bylaw shall be applicable to Piers Island of the Capital Regional District as defined in Letters Patent and amendments thereto, incorporating the Capital Regional District as shown on Schedule "A" that forms part of this Bylaw.

2.2 COMPLIANCE

2.2.1 Land or the surface of water that is covered by this bylaw must not be used, land must not be subdivided, *buildings* and *structures* on land or on the surface of water must not be constructed, altered, located or used, and *signs* must not be erected or located on any land except as specifically permitted in this Bylaw.

2.3 CONFLICTING USE OR SITING

2.3.1 No *building*, *structure*, land or water surface may be used and no *building* or *structure* may be sited in a manner which renders any existing *use*, *building* or *structure* on the same *lot* non-conforming with respect to siting or density.

2.4 VIOLATION

2.4.1 Any person who does any act or thing or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have violated the provisions of this Bylaw.

2.5 PENALTY

2.5.1 Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty not exceeding five thousand dollars and the costs of prosecution.
2.5.2 Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 ADMINISTRATION AND ENFORCEMENT

2.6.1 The Islands Trust Bylaw Investigation Officer or any other person designated by the Salt Spring Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time upon any *lot* subject to the regulations of this Bylaw, to determine whether the regulations are being observed.

2.7 SEVERABILITY

2.7.1 If any provision of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision must not affect the validity of the remaining portions of this Bylaw.

Information Note:
Variations from the regulations of the Land Use Bylaw

Under the Local Government Act, procedures are available to property owners to seek relief from the provisions of this Bylaw by making applications to the Islands Trust. For additional information, please contact the Islands Trust.

PART 3 GENERAL REGULATIONS (USES, BUILDINGS AND STRUCTURES)

3.1 USES PERMITTED IN ALL ZONES

3.1.1 The following *uses* are permitted in every *zone*:

- (1) *public utilities*
- (2) approved navigational aids
- (3) *uses, buildings and structures accessory to a principal use on the same lot that is permitted by this Bylaw*
- (4) *passive outdoor recreation*

3.2 USES PROHIBITED IN ALL ZONES

3.2.1 The following *uses, buildings and structures* are prohibited in every *zone*:

- (1) *commercial* heliports and helipads other than those used for emergency landing or evacuation;
- (2) *disposal* of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged under the Sewage Disposal Regulation, the Agricultural Waste Control Regulation or the Waste Management Act;
- (3) storage of special wastes, as defined in the Waste Management Act.

Information *The storage and handling of any waste must comply with applicable regulations under the Waste Management Act.*

- (5) storage or *disposal* of wastes on any land, if the wastes did not originate on the island;
- (6) *use of a lot, boat launching ramp, marina, wharf or float for the rental, sales, moorage, wharfage or launching of personal watercraft; and*
- (7) the *use of an anchored, moored or docked vessel as a dwelling unit.*

3.3 HEIGHT OF BUILDINGS AND STRUCTURES

3.3.1 Unless otherwise specified, the maximum *height* of a *building or structure* is 7.5 metres, provided that not more than two *storeys* are permitted in any *building or structure*.

3.3.2 The maximum *height* of any *accessory building or structure* is 4.6 metres on any *lot*.

3.3.3 The *height* restrictions for *buildings and structures* set out in this Section do not apply to a retaining wall, telecommunication antenna, chimney stack, mechanical equipment, flag pole, lightning pole, navigational equipment, headframe on a *wharf, wharf-foot, fire hose tower, fire alarm tower and water tower* provided that the *lot coverage* of such *structures* does not exceed 1 per cent or, if it is located on a *building*, the *structure* does not occupy more than 10 per cent of the roof area of the *building*.

3.3.4 Where a *structure* is floating on the surface of a water body, *height* is to be determined by measuring from the water surface.

3.3.5 Where a *structure* is located over a water body, but imbedded in the land beneath the water body, *height* is to be determined by measuring from the elevation at the

natural boundary of the water body.

3.4 OUTDOOR STORAGE

3.4.1 Storage of Vehicles and Vessels

No parcel of land shall be used for the wrecking or storage of one or more derelict vehicles or vessels, except that such vehicles or vessels may be stored inside a *building* or otherwise *screened* from view by an opaque *fence* or *landscape screen*.

3.4.2 Storage of Materials and Goods

The *outdoor* storage of equipment, goods and materials *accessory* to the *residential use* of a parcel shall be permitted except that such storage shall not exceed 5 per cent of the total *lot area* of the parcel. No parcel of land shall be used for the storage of goods or materials that are not *accessory* to the *residential use* of the parcel.

3.5 DWELLING UNITS

3.5.1 Unless otherwise specified, no more than one *dwelling unit* is permitted per *lot*.

3.5.2 *Dwelling units* are to be used only as a permanent or seasonal residence and no *dwelling unit* may be occupied or otherwise used for *commercial guest accommodation*.

3.6 ACCESSORY BUILDINGS AND STRUCTURES

3.6.1 Before occupation of a *principal building* or *structure* on a *lot*, the *use* of all *accessory buildings* and *structures* on the *lot* must comply with the regulations of this Bylaw.

3.6.2 Except where specifically permitted by this Bylaw, an *accessory building* or *structure* may not be used for *residential* or guest accommodation *use*.

3.6.3 No *accessory building* except an *auxiliary guest cottage* may contain a shower enclosure, a bathtub, a *kitchen*, or more than three separate rooms except that a *sauna building* or pool house may contain a shower enclosure.

3.6.4 With the exception of an *auxiliary guest cottage* and *accessory buildings* and *structures* in the Community and Recreation (CR) Zone, the total *floor area* of all *accessory buildings* and *structures* on a *lot* must not exceed 37 square metres.

3.6.5 No *accessory building* may be located within 3 metres of another *building* on the *lot*.

3.7 HOME-BASED BUSINESSES

3.7.1 *Home-based businesses* are *accessory* to *residential use* of a *lot* and must be carried out *indoors* within a permitted *dwelling unit*, *auxiliary guest cottage* or other fully enclosed *accessory building*.

3.7.2 The total *floor area* used for *home-based business use* on any *lot* must not exceed 30 per cent of the total *floor area* of the *principal dwelling unit* on the *lot*, up to a maximum of 50 square metres.

- 3.7.3 A *home-based business* must be operated by a person residing on the premises on which the *home-based business* is conducted. Not more than one person (or one full-time equivalency) not residing on the premises may be employed in *home-based business uses* on any *lot*.
- 3.7.4 There must be no exterior indication of the existence of the *home-based business*, either by stored materials, parking, displays, lighting or by any other variation from the customary *residential* character of the *lot, dwelling unit, auxiliary guest cottage* or *accessory building*, with the exception of *signs* permitted by this Bylaw. Parking spaces, where required for *home-based businesses*, must be located on the *lot* where the *home-based business* is located, be visually *screened* from neighbouring properties and the road, and be located at least 3 m from any side *lot line* and 7.5 m from the *rear lot line* and the *front lot line*.
- 3.7.5 No person shall carry on any activity from a *home-based business* which will create any vibration, noise, heat, glare, odour or electrical interference which is detectable from outside the premises or which will discharge smoke, fumes or any toxic or other noxious matter into the atmosphere or create noise that exceeds 40 dB beyond the *lot* on which the *home-based business* takes place.
- 3.7.6 Only the following occupations may be conducted as a *home-based business*:
- (a) Production of arts, crafts, music, fabric items, jewellery, food and drink items and other comparable products.
 - (b) Sales of products produced on the same *lot*.
 - (c) Sales of products manufactured elsewhere, provided persons employed in the *home-based business* carry out all distribution of such products off-site.
 - (d) Instructional classes in personal skills including art, music, and exercise.
 - (e) *Personal services* and the sale of products *accessory to personal services*, provided that not more than 5 square metres of *floor area* may be used for the storage and display of such products, if they have not been produced on the same *lot*.
 - (f) Repair of small appliances, electronic equipment, instruments, furniture and bicycles.
 - (g) Business and professional offices.
 - (h) Cabinet making, furniture making, upholstery and picture framing.
 - (i) *Boat building* and repair contained within a *building* approved for that purpose under the *building code*.

3.8 AUXILIARY GUEST COTTAGES

- 3.8.1 The *floor area* of an *auxiliary guest cottage* shall not exceed 37 square metres.
- 3.8.2 An *auxiliary guest cottage* is to be physically detached from any other *building* or *structure*.
- 3.8.3 An *auxiliary guest cottage* may only be used for *temporary* occupation by a person or persons having a permanent residence elsewhere and using the cottage for recreational or vacation purposes and no *auxiliary guest cottage* may be occupied or otherwise used for *commercial guest accommodation*.
- 3.8.4 An *auxiliary guest cottage* may be a *mobile home* or a *manufactured home*.

3.9 USE OF WATER SURFACES

- 3.9.1 No *building* or *structure* located over the surface of the sea may be used as a dwelling or for the *wharfage* of a *vessel* used as a dwelling, except this restriction does not apply to *temporary wharfage* of transient *boats*.

PART 4 GENERAL REGULATIONS (SITING)

4.1 SETBACKS FOR ACCESSORY BUILDINGS

4.1.1 No *accessory building* with the exception of a *carport* may be located within 3 m of another *building* on a *lot*. For the purposes of this regulation, the distance between *buildings* is to be measured between their closest points, including any structural features such as raised decks or stairs which are physically attached to the exterior walls or that function as a part of any *building*.

4.2 SETBACKS FROM LOT LINES

4.2.1 Unless otherwise specified, no *building* or *structure* except a *fence*, *pumphouse*, *wharf-foot*, stairs, public utility *structure* or underground utility may be constructed within the following setbacks from *lot* lines

- | | | |
|-----|--|--------|
| (1) | Setback from <i>front lot line</i> | 7.5 m |
| (2) | Setback from <i>rear lot line</i> | 7.5 m |
| (3) | Setback from <i>interior side lot line</i> | 3.0 m |
| (4) | Setback from <i>exterior side lot line</i> | 4.5 m; |

4.2.2 Despite Subsection 4.3.1, where a *structure* was built prior to June 28, 1972, but now lies within a required setback from a *lot* line, its siting will be considered to be in conformance with the siting requirements of Section 4.3.1 of this bylaw.

4.2.3 The minimum setbacks for a drinking and feeding trough, area for the storage of agricultural waste or a confined livestock shall be as follows:

- | | | |
|-----|--|-------|
| (1) | Setback from <i>front lot line</i> | 23 m |
| (2) | Setback from <i>rear lot line</i> | 23 m |
| (3) | Setback from <i>interior side lot line</i> | 7.5 m |
| (4) | Setback from <i>exterior side lot line</i> | 7.5 m |

4.3 SETBACKS FROM THE SEA – BUILDINGS AND STRUCTURES

4.3.1 No *building* or *structure* except a *fence*, *wharf-foot* or stairs may be sited within 7.5 metres of the *natural boundary* of the sea. If the land is lower than 3.0 metres vertical elevation above the *natural boundary* of the sea, the minimum setback shall be 15.0 metres.

4.3.2 No *fill* used to support a *building* or *structure* may be placed within the distances set out in Subsection 4.3.1.

4.3.3 The underside of the floor system of any portion of a *building* used for habitation, or for the storage of goods damageable by floodwaters, must be at least 1.5 m higher in vertical elevation than the elevation at the *natural boundary* of any waterbody that lies within 30 m of the *building*.

4.4 SETBACKS FROM THE SEA - SEWAGE DISPOSAL FIELDS

- 4.4.1 No sewage *disposal* field or septage pit may be located within 16.5 m of the *natural boundary* of the sea.

Information Note: *Where sewage disposal fields and septic pits were legally sited prior to the adoption of this bylaw, this bylaw would not limit the owner's ability to use, maintain and alter the facilities in place, provided that maintenance and alterations do not cause them to be any closer to the natural boundary of a water body than they already are. However, the Medical Health Officer of the Capital Health Region may impose conditions to ensure proper functioning of sewage disposal facilities.*

4.5 MEASUREMENTS OF SETBACKS FOR BUILDINGS AND STRUCTURES

- 4.5.1 All setbacks of *buildings* and *structures* must be measured on a horizontal plane from the *building* or *structure* to the *natural boundary*, *lot* line or other point specified in this Bylaw.
- 4.5.2 The following features may project into all required setback areas, except that no features are permitted within the required setback from the *natural boundary* of the sea;
- (1) chimneys, cornices, gutters, pilasters, sills, bay windows or ornamental features, provided that they do not project more than 0.6 metres into the required setback area;
 - (2) eaves, sunlight control projections, canopies, balconies, decks and porches, provided that they do not project more than 1.3 metres into the required setback area for a front, rear or *exterior side lot line*, or more than 0.6 metres into the required setback area for an *interior side lot line*.; and
 - (3) steps provided that they do not project more than 2.5 metres into the required setback area.

PART 5 GENERAL REGULATIONS (SUBDIVISION)

5.1 FEE SIMPLE, STRATA TITLE AND BUILDING STRATA SUBDIVISIONS

5.1.1 *Subdivision* applications must comply with the regulations for minimum *lot area* and minimum *service* levels set out in Part 5 of this Bylaw.

5.2 MINIMUM LOT AREA AND SERVICING REQUIREMENTS

5.2.1 The following regulations apply to the *subdivision* of land under the Land Title Act or the Strata Property Act for the Residential (R), Rural Residential (RR), Community and Recreation (CR) and Park and Reserve (PR) Zones indicated.

	R	RR	CR	PR
Lot Areas and Minimum Service Levels				
Minimum area of an individual <i>lot</i> that may be created through <i>subdivision</i> , provided each <i>lot</i> has an individual on-site sewage treatment system and connection to a community water supply (hectares)	0.5	0.8	60	60

5.3 BOUNDARY ADJUSTMENTS

5.3.1 The *Approving Officer* must not approve a boundary adjustment that would increase 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.

5.3.2 The *Approving Officer* must not approve a boundary adjustment where one of the *lots* subject to adjustment is of such an area or shape that it does not have a useable *building* envelope that is at least 7.5 metres in width and 7.5 metres in depth, given the applicable *lot* line setbacks.

PART 6 SIGN REGULATIONS

6.1 STANDARDS FOR SIGNS

- 6.1.1 Every *sign* permanently positioned on any *lot* or affixed to the outside of any *structure* must comply with the provisions pertaining to number of *signs* and maximum total *sign area* set out in Table 2 for the *zone* in which the *sign* is placed.
- 6.1.2 *Signs* must be located on the *lot* occupied by the *use* to which they refer and shall be restricted to:
- (1) Nameplates of persons resident on a property.
 - (2) *Signs* erected for public safety or information.
 - (3) Notification of a home based business on the *lot*.
- 6.1.3 Any *sign* that refers or directs attention to a business or *service* that is no longer in operation must be removed within 30 days after the operation of the business or *service* ends.
- 6.1.4 Any *sign* that has moving parts or that is lighted, animated or flashing to give the appearance of movement; and any noise-making *sign*, is prohibited.
- 6.1.5 No illuminated *signs* are permitted.
- 6.1.6 Double-faced *signs* are to be constructed so that the perimeters of both faces are congruent and are parallel and not more than 4 cm apart.
- 6.1.7 Nothing in this Bylaw prohibits the erection of a *sign* by an agency of government for purposes of public health, safety or direction, or by a candidate in a local, provincial, or federal election, during the period prior to the election.

TABLE 2 – SIGN REGULATIONS		
ZONE	MAXIMUM NUMBER OF SIGNS PER PRINCIPAL USE	MAXIMUM TOTAL SIGN AREA
Residential Rural Residential	1	0.4 square metre per <i>lot</i>
Community and Recreation	2	1.8 square metres per <i>use</i>

PART 7 ESTABLISHMENT OF ZONES

7.1 DIVISION INTO ZONES

- 7.1.1 Piers Island and the surrounding islets and waters shown on Schedule “A” are divided into the *zones* depicted on Schedule “A”.

7.2 ZONE BOUNDARIES

- 7.2.1 Where a *zone* boundary is shown on Schedule “A” as following any *highway*, right-of-way or stream, the centre line of such *highway*, right-of-way or stream is the *zone* boundary.
- 7.2.2 The boundary between land and shoreline *zones* is the *lot* line as determined by a *surveyor* and where there is no survey plan the boundary is the *natural boundary* of the water body.
- 7.2.3 Where a *zone* boundary shown on Schedule “A” 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 “A”.
- 7.2.4 Unless otherwise indicated on Schedule “A”, shoreline *zones* extend from the *natural boundary* of the sea on Piers Island to a point 300 m seaward of the *natural boundary* of the sea on Piers Island.

7.3 ZONING MAP

- 7.3.1 Schedule “A”, the Zoning Map, attached hereto, forms part of this bylaw.

PART 8 ZONE REGULATIONS

In the interpretation of tables in this Part, a diamond symbol (◆) at the intersection of a particular row and column indicates that the zoning regulation described in that row applies to the *zone* indicated at the head of the column.

8.1 PIERS ISLAND LAND ZONES

The regulations in the tables in this Section apply to land in Community and Recreation (CR), Park and Reserves (PR), Residential (R), and Rural Residential (RR) Zones, as indicated by the column headings.

8.1.1 Permitted Uses of Land, Buildings and Structures

- (1) In addition to the *uses* permitted in Subsection 3.1.1 of this Bylaw, the following *uses*, *buildings* and *structures* and no others are permitted in *zones* indicated in the following table:

	CR	PR	R	RR
Principal Uses, Buildings and Structures				
<i>One single-family dwelling per lot</i>			◆	◆
<i>Public services</i>	◆			
<i>Community halls</i>	◆			
<i>Active outdoor recreation</i>	◆			
<i>Passive outdoor recreation</i>	◆	◆		
Accessory Uses				
<i>One auxiliary guest cottage per lot</i>			◆	◆
<i>Home-based businesses</i> subject to Section 3.7			◆	◆
<i>Accessory buildings and structures</i>	◆		◆	◆
The growing and harvesting of vegetable and fruit crops for <i>commercial</i> purposes				◆
The keeping and rearing of horses and other equine animals, cattle, goats, sheep and <i>poultry</i> within a <i>fenced</i> livestock area				◆
The retail sale of crop, cattle, goat, sheep and <i>poultry</i> products produced on the <i>lot</i>				◆

Density of Permitted Uses, Buildings and Structures

- (1) Subject to Part 4, *uses*, *buildings* and *structures* in the CR, R and RR *zones* must comply with the following regulations regarding size, siting and density.

	CR	PR	R	RR
Lot Coverage				
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> (percent)	1	N/A	20	20

8.1.2 Special Provisions

- (1) The retail sale of crop, cattle, goat, sheep and *poultry* products produced on a *lot* within the Rural Residential (RR) Zone shall be limited to a total *lot area* or *floor area* not to exceed 10 square metres.
- (2) Not more than 60% of the *lot area* of a *lot* within the Rural Residential (RR) Zone shall be devoted to the keeping and rearing of horses and other equine animals, cattle, goats, sheep and *poultry* and this area shall be *fenced* to separate it from the remainder of the *lot*.

8.2 PIERS ISLAND SHORELINE ZONES

The regulations in the tables in this Section apply to land in Shoreline 1 (S1) and Shoreline 2 (S2) Zones, as indicated by the column headings.

8.2.1 Permitted Uses of Land, Buildings and Structures

In addition to the *uses* permitted in Subsection 3.1.1 of this Bylaw, the following *uses, buildings* and *structures* and no others are permitted in *zones* indicated in the following table:

	S1	S2
Principal Uses and Structures		
<i>Navigational uses</i>	◆	◆
<i>Non-commercial boat moorage</i>	◆	◆
<i>Non-commercial boat wharfage accessory to a permitted use on the adjacent upland.</i>	◆	◆
<i>Public utilities</i>	◆	◆
<i>Loading and unloading of passengers and freight</i>	◆	◆
<i>Commercial boat wharfage</i>		◆
Accessory Structures		
<i>float, buoy, wharf, wharf-foot, ramp, dolphin, piling, seawall and walkway accessory to a permitted use</i>	◆	◆

Size and Siting of Permitted Buildings and Structures

Subject to Part 4, *uses, buildings* and *structures* in the S1 and S2 *zones* must comply with the following regulations regarding size, siting and density.

	S1	S2
Maximum Area		
Maximum area of a permitted <i>float</i> (square metres)	60	230
Maximum width of a <i>wharf, walkway, wharf-foot</i> or ramp (metres)	3.0	6.0
Maximum <i>height</i> of <i>structures</i> (metres)	4.0	4.0

8.2.2 Special Provisions

- (1) No *structure* may interrupt continuous pedestrian access along the shoreline.
- (2) No *wharf* or *float* in the Shoreline 1 *zone* may extend any further from the shore than necessary to accommodate a minimum water depth of 3.0 metres.
- (3) No *building* or *structure*, including a *boat* shed or shelter shall be erected on any private *float* or *wharf* other than posts to carry lighting fixtures or supports for safety.
- (4) No *wharf-foot* shall have a maximum width greater than 3.0 metres or maximum length greater than 21 metres.

**PART 9
BYLAW CITATION**

This Bylaw may be cited for all purposes as “Piers Island Land Use Bylaw, 2001”.

**PART 10
REPEAL**

Piers Island Zoning Bylaw No. 52, cited as “Piers Island Zoning Bylaw, 1985”, is repealed by this Bylaw.

READ A FIRST TIME THIS	3rd	DAY OF	October,	2002
PUBLIC HEARING HELD THIS	9th	DAY OF	November,	2002
READ A SECOND TIME THIS	28th	DAY OF	November,	2002
READ A THIRD TIME THIS	22nd	DAY OF	February,	2003
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	25th	DAY OF	March,	2003
APPROVED BY THE MINISTER OF COMMUNITY, ABORIGINAL AND WOMEN’S SERVICES THIS	26th	DAY OF	May,	2003
ADOPTED THIS	31st	DAY OF	July,	2003

Secretary

Chairperson

SCHEDULE "A"

ZONING MAP

Legend

Zone Name	Zone Abbreviation
Community and Recreation	CR
Residential	R
Rural Residential	RR
Park and Reserves	PR
Shoreline 1	S1
Shoreline 2	S2

ATTACHMENT 1

TABLE OF METRIC-IMPERIAL CONVERSIONS

THESE TABLES ARE PROVIDED FOR CONVENIENCE ONLY. THEY ARE NOT A PART OF BYLAW 373

LENGTH CONVERSIONS

METRES TO FEET

Metres	Feet
0.6	2.0
1.3	4.3
1.8	5.9
2.0	6.5
3.0	9.8
4.5	14.7
6.0	19.6
7.5	24.5
15.0	49.1
16.5	54.0
23.0	75.2
30.0	98.1

AREA CONVERSIONS

SQUARE METRES TO SQUARE FEET

Square metres	Square feet
1.0	10.7
1.8	19.3
4.5	48.1
5.0	53.5
35.0	374.4
37.0	395.8