



Islands Trust

**BALLENAS-WINCHELSEA ISLANDS  
LAND USE BYLAW No. 28, 2013**

# Ballenas-Winchelsea Islands Land Use Bylaw

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**Ballenas-Winchelsea Islands Land Use Bylaw**

**ISLANDS TRUST EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST  
COMMITTEE (BALLENAS – WINCHELSEA ISLANDS)  
BALLENAS-WINCHELSEA ISLANDS LAND USE BYLAW No. 28, 2013**

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, landscaping and the subdivision of land within the Ballenas-Winchelsea Islands Area.

WHEREAS the Islands Trust Executive Committee acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) is the Local Trust Committee having jurisdiction on and in respect of the Ballenas-Winchelsea Islands Area, pursuant to the *Islands Trust Act*;

AND WHEREAS the Islands Trust Executive Committee acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) wishes to adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

AND WHEREAS the Islands Trust Executive Committee acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) has held a Public Hearing;

NOW THEREFORE the Islands Trust Executive Committee acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) enacts in open meeting assembled as follows:

1. Bylaw No. 28 may be cited for all purposes as the "Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013."
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the Ballenas-Winchelsea Islands Area as shown on Schedule "B":

SCHEDULE "A" - Land Use Bylaw Regulations  
SCHEDULE "B" - Bylaw Area Map  
SCHEDULE "C" - Zoning Map

READ A FIRST TIME this	3rd	day of	May	, 2013
READ A SECOND TIME this	6th	day of	March	, 2014
PUBLIC HEARING HELD this	14th	day of	April	, 2014
READ A THIRD TIME this	14th	day of	April	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	3rd	day of	June	, 2014
ADOPTED this	16th	day of	February	, 2016

**SECRETARY**

**CHAIRPERSON**

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**SCHEDULE A - Land Use Bylaw Regulations**

**PART 1 INTERPRETATION**

**1.1 Definitions**

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

"agriculture" means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals but does not include aquaculture, intensive livestock operations, fur farming or mushroom farming.

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

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

"custodial residential" means the residential use of a dwelling for a full or part-time on site custodian of land and amenities.

"dock" means a structure or set of structures, accessory to the residential or agricultural use of an upland lot, typically consisting of a pier, ramp, and float, constructed on or over the water that is connected to the shore and that is used as a landing or mooring place for private marine transport or for private recreational purposes.

"dwelling, single family" means a building used as a residence by a single household, containing sleeping and living areas and a single set of facilities for food preparation and eating, and includes a mobile home and a park model recreational vehicle.

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

"ecotourism" means low impact, nature-based tourism that involves education and interpretation of the natural environment, or that provides direct financial benefits to conservation through the raising of funds for environmental protection, research and education, and that is managed to be ecologically sustainable.

"Ballenas-Winchelsea Islands Area" means that portion of the Islands Trust Area shown on Schedule "B" of this Bylaw.

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

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

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and the ceiling above it are less than 1.5 metres (5 feet) apart.

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

"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 based guest accommodation" means a home occupation where a maximum of four bedrooms per lot, contained either within the principle residence or in a separate dwelling, are rented to transient paying guests.

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

"horticulture" means the use of land for the rearing of plants.

"island" means land surrounded by water, and includes islets and rocks exposed in any tidal conditions.

"Local Trust Committee (LTC)" means the Executive Committee acting as a Local Trust Committee.

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

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and the common property of a bare land strata plan is deemed to be a lot for the application of the lot coverage regulations in Part 5 if the common property is used for accessory buildings or structures.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, and

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

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

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

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

"marina" means the commercial use of a water area for the temporary moorage or storage of boats, and includes any floats, piers, wharves, breakwaters, ramps and walkways associated with such use.

"mobile home" means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

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

"mooring buoy" means a fixed buoy to which a boat is moored and that meets the Private Buoy Regulations of the *Canada Shipping Act*.

"natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all 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.

"natural watercourse" means a naturally formed depression or similar landscape feature that perennially or periodically contains surface water, including a lake, river, creek, spring, ravine, swamp, salt water marsh, and bog, but does not include a constructed ditch or surface drain.

"Ocean-loop geoexchange" means a renewable geothermal heat exchange system that utilizes the naturally occurring temperature of the ocean for heating and cooling that:

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

*Information Note: Installation of marine geoexchange systems are also required to obtain the necessary permits or approvals from provincial and federal agencies.*

"park" means a publicly owned lot which is used or intended to be used for conservation or the recreation and enjoyment of the public and which may be developed with recreational facilities.

"personal watercraft" means a vessel typically less than 5 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.

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

"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.

"pump/utility house" means an accessory building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

"recreational uses" means leisure activities, performed either individually or collectively, through forms of play, amusement, or relaxation, and may include structures such as picnic benches, shelters, storage buildings, and washroom facilities.

"residence" means a dwelling unit used for the domicile or home life of a person or persons, or the occasional or seasonal occupancy of a dwelling unit by an owner, or by a tenant under a residential tenancy agreement.

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

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

"short-term accommodation" means the use for commercial gain of overnight accommodation for periods of less than 30 days at a time.

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

"third party sign" means a sign conveying information not pertaining to the lot on which it is located.

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

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities established or licensed by a government, or government agency, excluding private radio or television antennae, and includes navigational aids.

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"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.

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

**1.2 Referencing**

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

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

**1.3 Units of Measure**

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses, are approximate, are provided for convenience only, and do not form part of this Bylaw.

**1.4 Information Notes**

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

## **PART 2 ADMINISTRATION**

### **2.1 Application**

- (1) This Bylaw shall apply to the Ballenas-Winchelsea Islands, being that part of the Islands Trust Area as shown on Schedule "B". Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, the surface and bed of the sea and the water column, and all air space above all such land and water areas.

### **2.2 Conformity**

- (1) No person may use or occupy or permit any land, water, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

### **2.3 Inspection**

- (1) Pursuant to Section 268 of the *Local Government Act*, the Islands Trust Bylaw Enforcement Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

### **2.4 Violation**

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

### **2.5 Penalty**

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

## **2.6 Covenants**

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

## **2.7 Owner's Cost**

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

## **2.8 Enforcement of Siting Regulations**

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



## **PART 3 GENERAL REGULATIONS**

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

The following uses, buildings and structures are permitted in any zone, except where specified, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

- (1) Conservation areas, including ecological reserves and other habitat reserves, and parks, but excluding playgrounds and playing fields.
- (2) Water supply facilities, for an individual lot or as a community service, in any land zone for the purposes of supplying potable water on an individual island, including reservoirs, pipes, treatment facilities, storage facilities and pumping and intake structures, but not including desalination facilities.
- (3) Buried or submerged electricity lines for the distribution of electrical power on private residential zoned property, and buried or above-ground lines in any other land use zone.
- (4) Electrical substations for the purposes of supplying electrical power on an individual island.
- (5) Solar collectors in any land zone for the purposes of supplying electrical power to the island on which the structure is located.
- (6) Wind generators in any land zone for the purposes of supplying electrical power to the island on which the structure is located.
- (7) Fences in any land zone, subject to regulations established in Section 3.5.
- (8) Hiking and bicycle trails.
- (9) Signs, subject to regulations established in Part 6.
- (10) Pump/utility houses.
- (11) Sewage disposal facilities for which all required filings have been made in accordance with the Sewerage System Regulation under the *Public Health Act*.
- (12) Horticulture.
- (13) Buildings or structures used for an office or shelter for construction or maintenance crews, or for storage of materials to be used for the erection, construction or maintenance of any building, structure or public utility installation for which a valid building permit has been obtained, provided that such a temporary structure or building is removed within 30 days of completion of the public utility, building or structure.

*Information Notes:*

*All buildings and structures must comply with the BC Building Code.*

*Water supply facilities must comply with the following BC Acts and Regulations: Water Act, Groundwater Protection Regulation, Public Health Act, Drinking Water Protection Regulation, and Health Hazard Regulation.*

**3.2 Prohibited in All Zones**

Only the uses, buildings and structures expressly permitted in Section 3.1 and Part 5 of this Bylaw are permitted in the relevant zones. Without limiting the generality of the foregoing and for purposes of clarity, the following uses, buildings and structures are prohibited in all zones:

- (1) Junkyards, auto-wrecking and the storage of derelict vehicles outside of a permitted and enclosed structure.
- (2) The disposal and storage of hazardous or toxic waste.
- (3) The rental, sale and commercial storage of personal watercraft.
- (4) The use of a vessel anchored, moored, or secured as a permanent residence.
- (5) Fin fish aquaculture in any water zone.
- (6) Bridges, causeways and tunnels connecting any one island to another island or the mainland.
- (7) Water utility lines connecting any island to another island or the mainland.
- (8) Marinas.
- (9) Wind generators in any water zone and wind generators intended to provide power to an island other than the island on which the structures are located.
- (10) Dog breeding and boarding kennels.
- (11) Storage of unusable, stripped, non-functional or abandoned vehicles, vessels, trailers or campers.
- (12) Commercial uses except home occupations or short term accommodation where permitted by the regulations in Part 5 of this Bylaw.
- (13) Industrial Uses.

**3.3 Siting and Setback Regulations**

- (1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.
- (2) Buildings or structures, except a fence, utility line, navigational aid, driveway or path, or pump/utility house, shall not be sited within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) Buildings or structures, including a fence, or a pump/utility house, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection. Ocean loop geo-

exchange systems are not considered a structure for the purposes of this subsection.

*Information Note: All construction within 30 metres (100 feet) of the natural boundary of the sea requires a Development Permit under the Shoreline Development Permit Area in the Ballenas-Winchelsea Islands Official Community Plan.*

- (4) Buildings or structures, except a fence or pump/utility house, shall not be sited within 30 metres (100 feet) of the natural boundary of any natural watercourse or wetland. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.
- (5) Steps, eaves, gutters, cornices, sills, chimneys, balconies, decks and sunshades and similar features attached to buildings, and retaining walls, may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre (3 feet) into the required setback area.

### **3.4 Height Regulations**

Except as otherwise provided for in this Part, or Part 5, the following regulations apply:

- (1) No single family dwelling may exceed 9.0 metres (29 feet) in height, except for single family dwellings within 30 meters of the natural boundary of the sea which may not exceed 8.0 metres (26 feet) in height.
- (2) No accessory building or structure may exceed 5.0 metres (16 feet) in height.
- (3) The height regulations for buildings and structures specified in Subsection 3.4(1) and (2) and elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas and towers, light stations, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, solar collectors, wind generators and water storage tanks.
- (4) All height measurements to determine compliance with this bylaw shall be taken from the average of the natural grade levels at the midpoints of all walls (or sides) of the building or structure in question, to the highest point of the building or structure.

### **3.5 Fences**

- (1) The height of fences shall not exceed 3 metres (10 feet).

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

- (1) A building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.6(4).

- (2) Accessory buildings are limited to two per lot and the total floor area of all accessory buildings may not exceed 80 square metres (860 square feet).
- (3) One non-residential building may be constructed or placed on a lot prior to the construction of a dwelling or the commencement of a residential use on the same lot.
- (4) An accessory building may be constructed or placed on a lot prior to the construction of a single family dwelling on the same lot and occupied as a temporary dwelling prior to the construction of a permitted single family dwelling on the same lot, subject to:
  - (a) the provision of sewage disposal facilities for which all required filings have been made in accordance with the Sewerage System Regulation under the *Public Health Act* ;
  - (b) the provision of a domestic water supply;
  - (c) compliance with the use, density and siting requirements of this Bylaw for accessory buildings; and
  - (d) cessation of the residential occupancy of the accessory building prior to the occupancy of the principal dwelling on the property and removal from the accessory building of all facilities for food preparation and eating.
- (5) Unless a building or structure, excluding an attached deck and patio, is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

### **3.7 Home Occupations**

- (1) Permitted accessory home occupations include any home craft, repairing of goods, professional practice, service to a client, creation of a product or home based guest accommodation but do not include short term vacation rental, commercial campgrounds, vessel or aircraft rentals or charters, food service or the retail or wholesale sale of goods or products unless the goods or products are produced, processed or repaired as part of the home business.
- (2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where there is a permitted principal residential use.
- (3) The combined floor area used in all home occupations on a lot must not exceed 65 square metres (700 square feet).
- (4) The operator or at least one of the employees of a home occupation must be present on the property while the home occupation is being conducted.
- (5) Not more than one person per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.

- (6) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.
- (7) One sign, consistent with the regulations established in Part 6, is permitted in conjunction with all home occupations on each lot.
- (8) No noise resulting from any home occupation may be produced so as to be heard at a lot line or at the natural boundary of the sea.
- (9) A home occupation providing home-based guest accommodation shall have no more than four bedrooms, with a maximum of two beds in each bedroom, which may be rented to transient paying guests.
- (10) Meals may be served to transient paying guests in a home occupation providing home-based guest accommodation.

*Information Note: The provisions of meals, other than breakfast as part of a Bed and Breakfast operation, must comply with the British Columbia Food Premises Regulation under the Public Health Act.*

**PART 4 ESTABLISHMENT OF ZONES**

**4.1 Division into Zones**

- (1) The Ballenas-Winchelsea Islands Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "C" that forms part of this Bylaw:

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Residential	R
Community Services	S
Conservation	CN
Park	P
Nature Protection	NP
Marine General	W1
Marine Protection	W2

**4.2 Zone Boundaries**

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

## **PART 5 ZONE REGULATIONS**

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### **5.1 Residential (R)**

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#### **Permitted Uses**

- (1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Single family dwelling;
  - (b) Agriculture;
  - (c) Home occupations, subject to Section 3.7;
  - (d) Accessory uses, buildings and structures.

#### **Density**

- (2) One (1) single family dwelling is permitted per 4.047 hectares (10 acres) of lot area.
- (3) The lot coverage of all buildings, structures and paving shall not exceed 10 percent.

#### **Siting and Size**

- (4) The total floor area of a single family dwelling may not exceed 232 square metres (2500 square feet).
- (5) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (6) Despite Subsection 5.1(5), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line.

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

- (7) No subdivision plan shall be approved in the R zone unless the lots created by the subdivision have a lot area of at least 20.2 hectares (49.9 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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**5.2 Community Service (S)**

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**Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) Community recreational uses;
  - (b) Light stations.

**Density**

- (2) The combined lot coverage of all buildings, structures and paving shall not exceed 25 percent.

**Siting and Size**

- (3) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.

**Subdivision**

- (4) No subdivision plan shall be approved in the S zone unless the lots created by the subdivision have a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.



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**5.3 Conservation (CN)**

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**Permitted Uses**

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
  - (a) Ecotourism;
  - (b) Short term accommodation;
  - (c) Custodial residential;
  - (d) Informational signs and interpretive structures.

**Density**

- (2) One (1) dwelling for ecotourism, short term accommodation, or custodial residential uses is permitted per lot.
- (3) The lot coverage of all buildings, structures and paving shall not exceed 10 percent.

**Subdivision**

- (4) No subdivision plan shall be approved in the CN zone unless the lots created by the subdivision have a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

**5.4 Park (P)**

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**Permitted Uses**

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
  - (a) Trails, stairs and walkways;
  - (b) Informational signs and interpretive structures;
  - (c) Wilderness camping;
  - (d) Accessory uses, buildings and structures.

**Subdivision**

- (2) No subdivision plan shall be approved in the P zone unless the lots created by the subdivision have a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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**5.5 Nature Protection (NP)**

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**Permitted Uses**

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
- (a) Ecological reserves, nature conservancies and parks;
  - (b) Research and educational activities;
  - (c) Trails, stairs and walkways;
  - (d) Wilderness camping;
  - (e) Informational signs and interpretive structures.

**Subdivision**

- (2) No subdivision plan shall be approved in the NP zone unless the lots created by the subdivision have an average a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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**5.6 Marine General (W1)**

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**Permitted Uses**

- (1) The following uses and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Marine navigational aids;
  - (b) Mooring buoys for the mooring of a private vessel accessory to a residential or agricultural use of an upland lot;
  - (c) Docks, accessory to a residential or agricultural use of an upland lot or lots and providing access for the residents of the upland lot or lots;
  - (d) Barge ramps and marine railways;
  - (e) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.6(1)(c) and (d).
  - (f) Ocean-loop geoexchange systems

**Density**

- (2) Docks permitted by article 5.6(1)(c) shall be limited to one (1) per island.

**Siting and Size**

- (3) No structure shall be located within 3 metres (10 feet) of the seaward projection of any side lot line of an abutting upland lot.
- (4) All mooring buoys permitted by 5.6(1)(b) shall be located within 100 metres (328 feet) of the upland lot to which they are accessory.
- (5) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.
- (6) The maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island may not exceed 40 square metres (430.6 square feet).
- (7) Storage structures constructed on any part of a dock shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet).

**Conditions of Use**

- (8) No building or structure shall be sited, placed or erected on any float, dock, pier or breakwater in the W1 zone except:
  - (a) storage structures;
  - (b) railings;
  - (c) lights.

- (9) No dock shall be constructed with foam flotation devices that are not completely encapsulated.
- (10) Barge ramps and marine railways permitted by article 5.6(1)(d) shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island.

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**5.7 Marine Protection (W2)**

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**Permitted Uses**

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

**PART 6 SIGN REGULATIONS**

**6.1 Exempt Signs**

The following signs and no others are exempt from the regulations in this part:

- (a) Directional, traffic control, safety, interpretive, address and navigational signs.
- (b) Signs of candidates for public office, who are recognized as candidates by the government in which they seek office, provided they are removed within 14 days of the date of election.
- (c) Signs pertaining to the lease, sale, name of owner or property, or the use or status of a lot or building, provided no sign exceeds a total area of 0.3 square metres (3 square feet).
- (d) Signs erected and maintained by a public agency.
- (e) Interpretive signs associated with permitted uses in Conservation (CN), Nature Protection (NP) and Parks (P) zones.

**6.2 Prohibited Signs**

- (1) The following signs are prohibited:
  - (a) Any sign that is internally illuminated;
  - (b) Any sign with moving parts;
  - (c) Any sign hung from, or in any way affixed to, any other sign;
  - (d) Any noise-making sign;
  - (e) Third party signs.

**6.3 Height**

- (1) The maximum height for any sign is 3 metres (10 feet).

**6.4 Obsolete Signs**

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

**6.5 Sign Number and Area**

<b>Table 6.1: Sign Number and Area</b>		
<b>Zone/Use</b>	<b>Number of Signs Permitted for each Lot, Premise or Use</b>	<b>Maximum Total Sign Area Permitted for Each Lot, Premise or Use</b>
All zones	1 per lot	0.3 square metres (3 square feet) in area

## **PART 7 SUBDIVISION REGULATIONS**

### **7.1 Exemptions from Minimum Lot Area Requirements**

- (1) The minimum lot sizes specified in Part 5 do not apply if:
  - (a) the lot being created is to be used solely for unattended equipment necessary for the operation of facilities referred to in Section 3.1, a community sewer or water system, electrical and telecommunication utilities, telephone receiving antenna, radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation, and the owner grants to the Local Trust Committee a Section 219 covenant under the *Land Title Act* restricting the use of the lot to one of these uses;
  - (b) the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown;
  - (c) the lot being created results from the consolidation of two or more lots, provided the area of the consolidated lot could not be subdivided into more lots than would be permitted under this bylaw without the consolidation; or
  - (d) to the adjustment of boundaries between lots, provided the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment.
  
- (2) If the approval of a bare land strata plan would create common property in the same zone as the strata lots, and this bylaw would permit the construction of a dwelling on the common property if it were a lot, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit on the common property, and the disposition of the common property separately from the strata lots.

### **7.2 Boundary Adjustment Subdivisions**

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



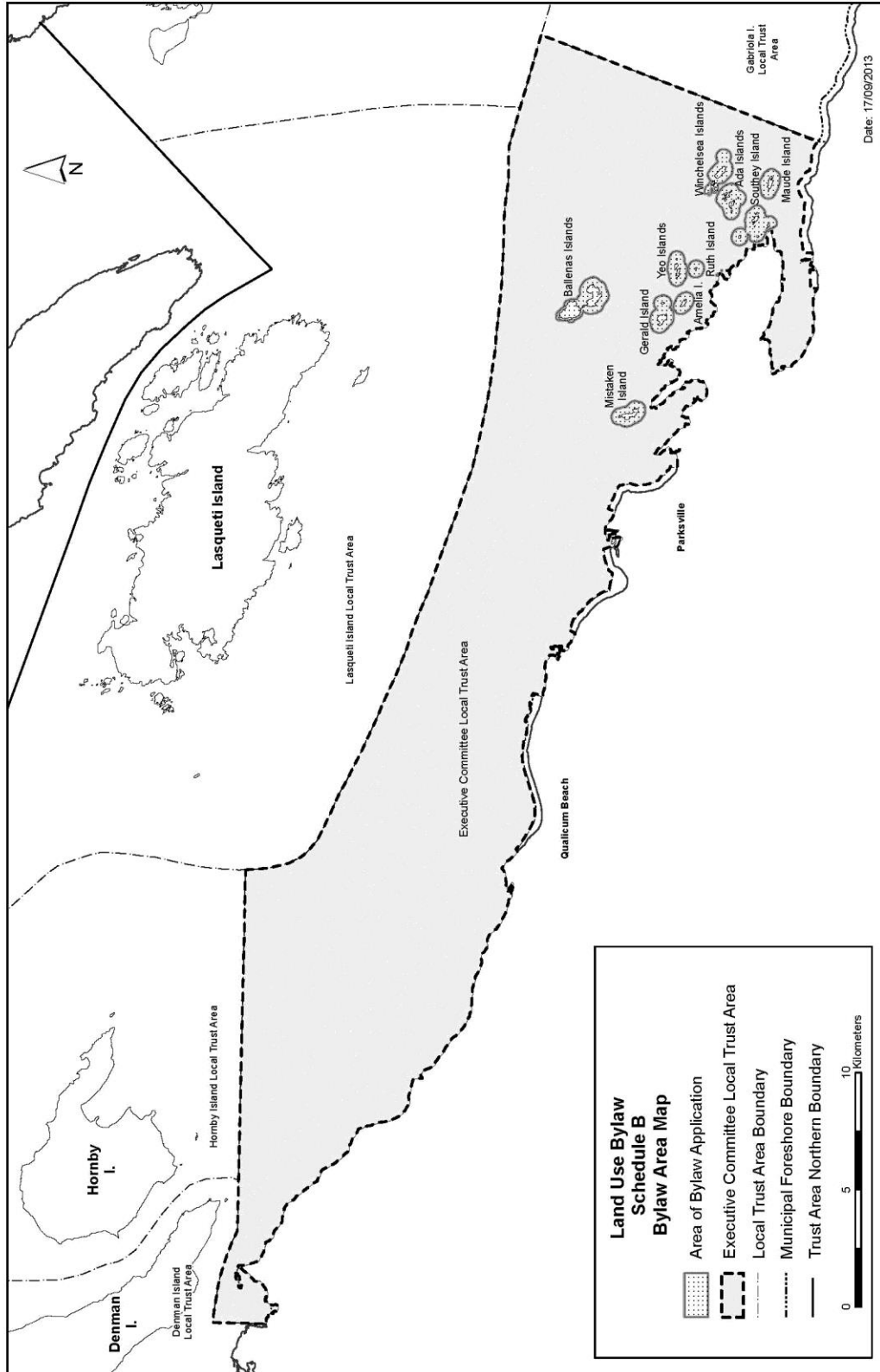
**7.3 Section 946 subdivisions (Residence for a Relative)**

- (1) No lot having an area less than 60 hectares (148.3 acres) may be subdivided under Section 946 of the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

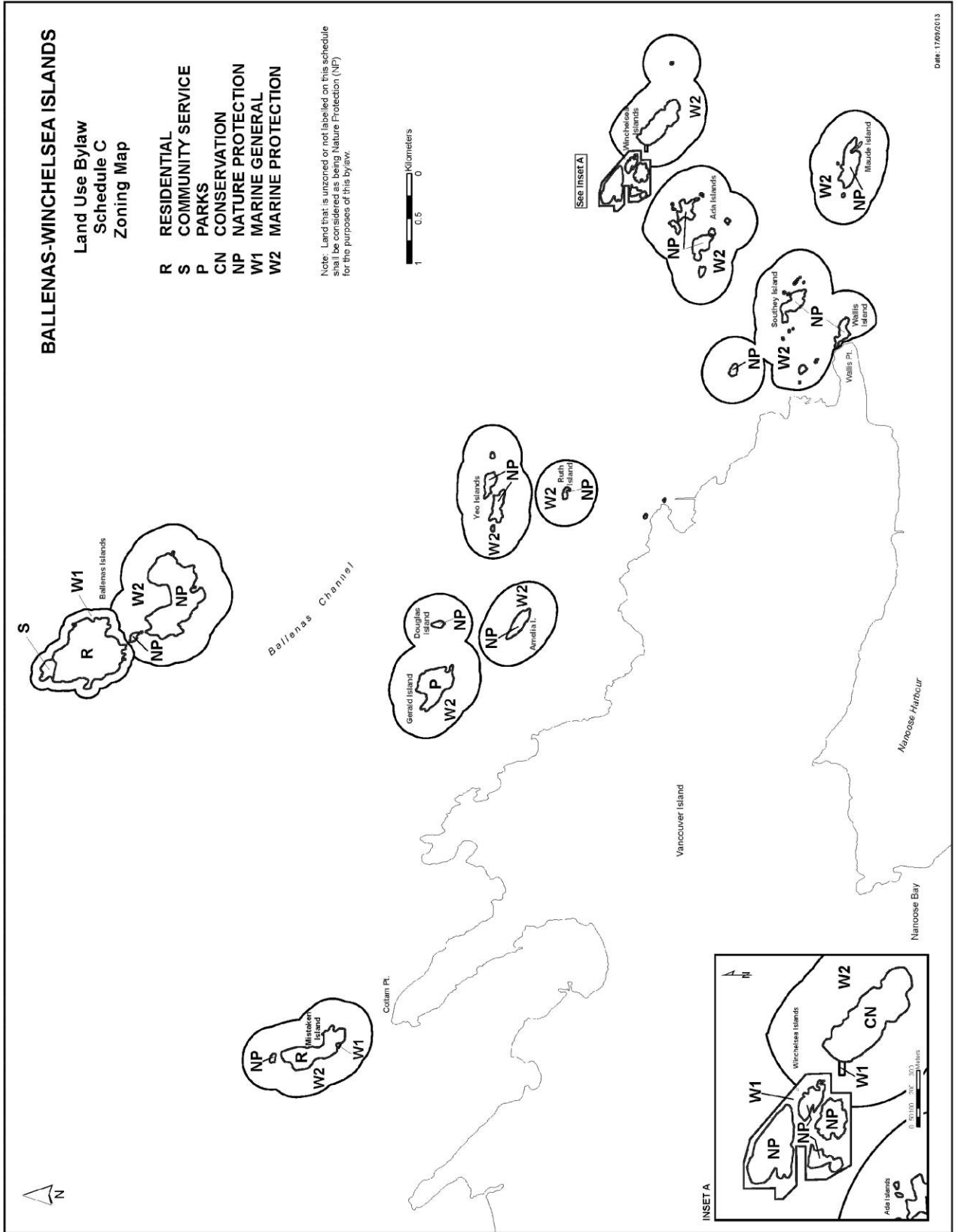
**7.4 Highway Standards**

*Information Note: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996, and as may be subsequently amended.*

SCHEDULE B - Bylaw Area Map



**SCHEDULE C – Zoning Map**



DMR-17/09/2013