

DENMAN ISLAND LOCAL TRUST COMMITTEE**PROPOSED BYLAW NO. 186**

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, landscaping, screening, signs, and the subdivision of land within the Denman Island Local Trust Area.

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman 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 5 inclusive in Schedule A and the North Map and South Map in Schedule B, 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 Denman Island Local Trust Area, excepting Indian Reserve Areas, as shown lying within the line designated as the "Zoning Boundary" on Schedule B".
3. Denman Island Land Use Bylaw, 2002 is repealed in its entirety.
4. This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008"

READ A FIRST TIME this	26th	day of	June	, 2008
PUBLIC HEARING this	6th	day of	August	, 2008
SECOND PUBLIC HEARING this	30th	day of	September	, 2008
READ A SECOND TIME this	1st	day of	October	, 2008
AMENDED this	9th	day of	December	, 2008
THIRD PUBLIC HEARING WAIVED	9th	day of	December	, 2008
READ A THIRD TIME this	2nd	day of	January	, 2009
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this		day of		, 2009
ADOPTED this		day of		, 2009

Chairperson

Secretary

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1 ADMINISTRATION

1.1 Definitions

In this Bylaw, unless the context otherwise requires:

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

access stairway means an outdoor stairway and landings, provided the depth of the landing does not exceed the width of the stairway ;

agriculture means the use of land, buildings or structures for any of the following activities:

- growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- clearing, draining, irrigating or cultivating land;
- using farm machinery, equipment, devices, materials and structures;
- applying fertilisers, compost, manure and other growing agents;
- intensively cultivating, in plantations, speciality wood crops or speciality fibre crops prescribed by the Minister of Agriculture, Food and Fisheries;
- turf production;
- aquaculture;
- raising or keeping of game, within the meaning of the Game Farm Act, by a person licensed to do so under the Act;
- raising or keeping fur bearing animals, within the meaning of the Fur Farm Act, by a person licensed to do so under the Act;
- storage, processing or direct marketing by a farmer of farm products;
but does not include any of the following activities:
- a forest practice defined in the Forest Practices Code of British Columbia Act
- the sale of processed wood products;
- breeding pets;
- operating a kennel or equestrian stable;
- growing, producing, raising or keeping of exotic animals as defined by the Minister of Agriculture, Food and Fisheries;

armoured ford means a ford of a stream that has been surfaced with material suitable to prevent the use of the ford from causing erosion or other damage to the stream channel;

boathouse means an accessory building or structure used exclusively for storing or sheltering a boat;

breast height means a point on a tree at 1.3 m above the point of germination, measured along the axis of vertical growth;

building means any roofed structure which is used or intended to be used for the shelter, habitation, assembly, or accommodation of people or animals other than wildlife, or for the storage of goods and chattels, and includes mobile homes, wood sheds, garden sheds, tool sheds and outhouses;

cliff means a sloping surface face of soil, rock or other natural material exceeding 15 metres in height, the average slope of which exceeds 48° as measured from a horizontal plane over a horizontal distance of 12 metres;

common house means a building that may be used for the communal daily activities of the residents of the property and includes a kitchen, meeting room, library, laundry facility, and other such facilities but does not include sleeping accommodation and must not be used for sleeping accommodation.”

community kitchen means a shared-use commercial processing area that is agency approved for preparing foods that may be sold elsewhere or for such things as catered functions;

community water system means a system for the supply of water serving two or more customers as approved by a public authority;

constructed top width means the width of the relatively level portion of a road, measured between the insides of the ditches, shoulders, cutbanks, or fills;

constructed total width means the width of a road, including the constructed ditches, shoulders, cutbanks, or fills;

covered walkway means a structure that shelters a walking area by a roof or awning and that is connected to a building;

dangerous tree means a tree that is hazardous to human safety because of location or lean, physical damage, overhead hazards, deterioration of the limbs, stem or root system, or a combination of these;

dbh means the diameter at breast height measured outside the bark around the trunk of the tree at 1.3 m above the point of germination;

derelict vehicle means any vehicle that has been unlicensed for 12 months or more;

domestic chicken coop means a building or structure used for accommodating chickens that are used for non-commercial purposes;

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

Engineer means a member of the Association of Professional Engineers and Geoscientists of British Columbia;

Feedlot means commercial operation containing a fenced area where livestock, poultry or farmed game is confined solely for the purpose of growing or finishing and is sustained by means other than grazing, but excludes confinement of animals for domestic purposes;

fill means uncontaminated earth, sand, gravel or any other similar material used, or capable of being used, to raise the contour of the ground surface;

food processing in regards to a home occupation means the creation of packaged food products intended for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;

front yard means the area of a lot located between the front lot line and the front wall of the building closest to that lot line, and extending the full width of the lot;

forest fungi means naturally growing mushrooms or similar products that may be cultivated using wood products from local trees and excludes mushrooms grown on manure;

forestry sales mean the sale of lumber, timber, posts, and other similar wood products, but excludes the sale of goods manufactured from these materials;

gouge means an injury to the stem of a tree that penetrates into the sapwood or deeper;

grade means the average elevation of the ground at a distance of 1.0 metre from a building or structure determined by averaging the finished elevations at the midpoint of all of the exterior walls;

gross floor area means the sum of the area of all storeys in a building or structure, measured to the outermost wall surface, including the areas of roofed porches, roofed terraces and roofed decks;

ground-based machinery means powered vehicles that move by means of wheels or tracks in contact with the ground, including trucks, skidders, loaders, excavators, backhoes, and tractors;

guest accommodation means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year;

height means the vertical distance to the highest point of the upper roof of a building or structure measured from the grade;

high high water mark means the high water mark identified on the plan most recently registered in the Land Title Office, and where there is no such plan, means the natural boundary;

horticulture means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot;

intensive agriculture means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;

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 Bare Land Strata Regulations under the *Strata Property Act*;

lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs;

lot line means a legally defined boundary of any lot, and in the case of tenure under the Land Act, a boundary of the lease area;

lot line – front means the lot line common to the lot and the abutting highway, or access route under the Strata Property Act, and where there is more than one lot line common to a highway or access route, the following rules apply:

- the shortest lot line abutting a highway or access route that is greater than 20.0 metres is the front lot line, except where there are no lot lines greater than 20.0 metres abutting a highway or access route, in which case the longest line abutting a highway or access route is the front lot line;
- where there are three or more lot lines and one or more of the lot lines is a corner-cut, one of the other lot lines is the front lot line based on the preceding rule;
- where there are more than two lot lines defining a curve, including any tangents making up the curve in a highway or access route, all such lot lines defining the curve must be considered to be one lot line for the purpose of determining the front lot line; and
- where a lot is split by a highway or access road, a front lot line will be determined for each portion of the lot;

lot line – rear means the property line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting lines, it shall be the point of such intersection;

lot line – exterior side means a lot line not being the front lot line but common to a lot and an abutting highway or access route;

lot line – side means any lot line not being a front lot line, rear lot line or exterior side lot line;

natural boundary means:

- with reference to the sea or a lake, the visible high water mark of the lake, 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 or rock of the bed of the sea or a lake a character distinct from that of the adjoining upland, in vegetation as well as in the soil or rock;
- with reference to a stream, the normal high water mark of the stream, which is often indicated by the edges of rooted terrestrial vegetation, and a definite change in vegetation and sediment texture, above which soils and terrestrial plants appear undisturbed by recent erosion, and below which the stream banks show signs of scouring or sediment deposition or both;
- with reference to a wetland, the boundary between the wetland and the adjacent upland, where the extent of the wetland is usually indicated by the presence of plants that normally grow in water or water-saturated soils or peat soils, and soils that are water-saturated or show evidence of prolonged water saturation (gleying) within 30 cm of the surface or are peat soils;

occasional:

- in relation to markets means no more than 45 operating days per calendar year, of which no more than 2 may be consecutive;
- in relation to fairs and festivals means no more than 45 operating days per calendar year, of which no more than 7 may be consecutive;
- in relation to woodworking and wood processing means no more than 45 operating days per calendar year, of which no more than 30 may be consecutive;
- in relation to the use of an accessory building, a travel trailer or a vessel for non-commercial accommodation means a total length of stay by an individual of not more than 45 days per calendar year, of which no more than 30 may be consecutive;

open land recreation means hiking or temporary camping with no associated permanent structures, for which no fees are collected and where the maximum number of camping sites used in any 12 month period shall not exceed 1 per 5 hectares of the land;

obsolete signs means signs that identify a use, building or structure that no longer exists;

panhandle means that portion of a lot that is 20.0 metres wide or less and is used for access purposes;

permanent sawmill means a sawmill that is attached to the ground or footings or a portable sawmill that is in use on the same property for more than 45 days;

personal services means a use whereby services are provided directly to the physical person or clothing of the consumer, for example, hair cutting, massage therapy, dressmaking, clothing repair, professional health care, and includes the incidental retail sale of goods commonly associated with these uses;

portable sawmill means a sawmill that is transported and removed from the working site by attaching to a motorized vehicle;

principal in relation to use, building or structure means the main or primary use, building or structure;

pruning means removal of branches in a way that does not jeopardise the vitality of the trees or woody plants being altered;

public authority means a government body that manages some activity or business on behalf of the public;

park means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the *Park Act* or the *Park (Regional) Act*, and includes playgrounds and playing fields;

passive recreation means walking, hiking, and similar non-invasive activities

pump/utility house means an accessory building or accessory structure that is used only for the purposes of housing a well head, water pumping and purifying devices, and electrical power or communication connection devices;

Qualified professional, in relation to providing proof of potable water under Section 2.8 of this Bylaw, means a professional as defined in the British Columbia Sewerage System Regulation under the *Health Act*;

Qualified wildlife/danger tree assessor means a person who has successfully completed a Wildlife/Danger Tree Assessor's course, and is certified by the Wildlife Tree Committee of British Columbia, or its successor agency, as being qualified to assess wildlife and dangerous trees;

recycling depot means a non-profit facility in which materials are separated and prepared for shipment elsewhere and eventual reuse in a new product;

Registered Professional Biologist means a person who is a professional biologist registered with the Association of Professional Biologists of British Columbia;

Registered Professional Forester means a professional forester as defined in the *Foresters Act*;

removal of vegetation means felling of trees, uprooting of plants, removal of logs, or other large-scale alteration of the plant cover but specifically excludes the pruning of trees for the purpose of: admitting sunlight to an established garden; maintaining a view; mowing or cutting of lawns; and cultivating existing gardens and orchards;

residence means:

- the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
- the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;

and residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

retail sales and rentals means the selling of goods or merchandise directly to the consumer and includes bicycles, scooters, tools, equipment and home entertainment products, but excludes automobiles, recreational vehicles and heavy equipment;

riparian describes the land adjacent to the normal high water level in a stream, lake, or wetland and extending to the portion of land that is directly influenced by the presence of adjacent ponded or channelled water;

school means a school as defined by the *Schools Act* or the *Independent Schools Act* and does not include overnight accommodation or a dormitory;

Secondary dwelling unit means an accessory dwelling unit or secondary suite that is limited in floor area;

Secondary suite means an accessory dwelling unit that is located in the same building as the principal dwelling unit;

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

shellfish aquaculture means the raising of any aquatic invertebrate animal having a shell (for example, oysters, clams, and crabs) for commercial purposes;

storey means all areas of a building or structure in which the ceiling is at least one metre above the floor at its lowest point, but excludes crawl spaces;

stream means any natural depression:

- in which water exists at least seven months of the year flowing on a perennial or seasonal basis; and
- in which the continuous channel bed is 0.6 metre or more below the average elevation of the surrounding land; or if the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, in which the channel bed is scoured by water or contains observable deposits of mineral alluvium;

but excludes road side drainage ditches on a highway right-of-way;

structure means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, but excludes vehicles, floating vessels, ground-level paving for driveways and vehicle parking, ground-level sidewalks, detached ground-level patios and decks, detached access stairways and boardwalks, power-poles and telecommunication poles;

third party signs means signs advertising business, products, goods or services not provided on the lot on which the sign is located

top of the inner gorge means the boundary between a side-wall slope adjacent to a stream, that has a slope greater than or equal to 60% slope, and an adjacent upland area that has a slope of less than 60%;

utilities means water, sewer, electrical, telephone and similar services where established by a government body or by a company operating under the Utilities Commission Act, and where such use is intended for the local community;

vehicle fuel service means the retail sale of gasoline, propane and diesel fuel;

wetland means a swamp, marsh, bog, or other low lying, poorly drained area where the water table is at, near, or above the surface, or soils are saturated for a sufficient period of time to be the principal determinant of vegetation and soil development; and that has:

- obligate hydrophytic vegetation (water loving plants that grow in standing water or soils that are saturated for all or a major part of the growing season), and
- subhydric or hydric soils, as distinguished by free water or prolonged saturation, evidenced by dull grey gleyed soils that are within 30 cm of the mineral surface or peat soils that are 40 cm or more thick; and

wildlife tree means a tree, live or dead, that has special characteristics that provide valuable habitat for the conservation or enhancement of wildlife, such as a large stem or branches, a hollow trunk, a dead, broken or deformed top, internal decay, or loose or sloughing bark.

1.2 Jurisdiction

Application

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

Interpretation

- 2 Some words and phrases are defined in Section 1.1 of this Bylaw. Definitions of words set out in sections 5 and 872 of the Local Government Act and Section 29 of the Interpretation Act also apply to this Bylaw.
- 3 Metric dimensions are used in this Bylaw.

Covenants

- 4 Where under this Bylaw an owner of land is required or authorised to grant any covenant or statutory right of way, the covenant or statutory right of way must be granted to the Denman Island Local Trust Committee in priority to all financial charges and delivered in registerable form satisfactory to the Denman Island Local Trust Committee prior to the granting of any approval or authorisation in respect of which the covenant or statutory right of way is required. The covenant must indemnify the Denman Island Local Trust

Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

1.3 Compliance

Conformity

- 1 Any land, water surface, building or structures may be used only in accordance with this Bylaw.
- 2 Any building, structure or sign may be constructed, reconstructed, placed, altered, extended, located, relocated or maintained only as expressly permitted in this Bylaw.
- 3 The use of land, buildings or structures that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, may be continued subject to the provisions of Section 911 of the Local Government Act.
- 4 Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their undertaking.

Inspection and Enforcement

- 5 Any person doing or permitting any act or thing in contravention of this Bylaw or neglecting or refraining from doing any act or thing required to be done by this Bylaw, is deemed to have violated its provisions.
- 6 Any person violating provisions of this Bylaw is, upon summary conviction, liable to a penalty of not more than five thousand dollars (\$5,000) and the cost of prosecution. Each day of violation constitutes a separate offence.
- 7 The Bylaw **Enforcement** Officer and any other Islands Trust Officer or other person appointed in that capacity are authorised to enter, at all reasonable times, upon any property subject to the provisions of this Bylaw to ascertain whether the regulations of this Bylaw are being or have been observed.

Enforcement of Siting Regulations

- 8 Every applicant for a development permit or development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage disposal fields in relation to lot and zone boundaries, lakes, wetlands, 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 and sewage absorption fields comply with the siting requirements of this Bylaw

Severability

- 9 If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

1.4 Applying to Make Changes to this Bylaw

- 1 The Denman Island Procedures Bylaw specifies how an application to amend this Bylaw should be made.
- 2 The Denman Island Fees Bylaw specifies the fee for making an application to amend this Bylaw.

INFORMATION NOTE: An application to amend this Bylaw can be made to the Denman Island Local Trust Committee. Copies of bylaws can be obtained by contacting the Islands Trust office. The Local Trust Committee will consider prior to and during a Public Hearing, the Official Community Plan, residents' opinions and other information in deciding whether a proposed amendment should be approved. From time to time, the Local Trust Committee may amend this Bylaw as part of the process of implementing the policies of the Official Community Plan, or where there is a specific need.

1.5 Determination of Density – Lots in Two or More Zones

1. If a lot is in two or more zones, for the purposes only of the regulations in Part 3 of this Bylaw regarding units per hectare, lot coverage and minimum lot areas, the portions of the lot that have different zoning classifications must be considered as if they were separate lots.

2. Despite 1.5.1, no more than one dwelling unit is allowed on the lot, unless the zoning regulations allow more than one dwelling in the zoning classification.
3. Despite 1.5.1 on lots where the zoning classification permits more than one dwelling unit per lot, the maximum number of dwelling units is the sum of the number of dwelling units that would be permitted in each zoning classification under 1.5.1.

2 GENERAL REGULATIONS

2.1 Uses, Buildings and Structures

Limitations

- 1 Only those uses, buildings and structures listed in Part 3 of this Bylaw, and no other uses, buildings and structures are permitted.

Principal Dwelling Units

- 2 Subject to Section 2.4 (home occupations), the use of a dwelling unit for vacation rental or for the accommodation of paying guests is not permitted.
- 3 On lots where a principal dwelling unit exists and a subsequent principal dwelling unit is to be created, the landowner must provide proof of an adequate supply of water for the second or subsequent dwelling unit using the rules for proving water for a subdivision in Section 2.8.

Accessory Buildings and Structures

- 4 Accessory buildings and structures are not to be used for overnight accommodation **other than on an occasional basis**, except as permitted elsewhere in this Bylaw.

Travel Trailers

- 5 Travel trailers may be stored on the lot and used for occasional non-commercial accommodation.
- 6 A travel trailer, bus or similar vehicle may be used as a principal dwelling unit on any lot where a single family dwelling is a permitted building provided that it:
 - is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7;
 - is connected to an approved sewage disposal system;
 - is on a permanent foundation for which a siting and use permit has been issued; and
 - is considered a dwelling unit for the purpose of residential density calculations.

Water Zones

- 7 In the water zones, no building or structure may be used for overnight accommodation.
- 8 In the water zones, a vessel may be used for occasional non-commercial accommodation but shall not be used as a permanent residence.

Covered Walkways

- 9 Buildings located within 4.0 metres of each other and attached by a covered walkway are deemed to be one building.

Undersized Lots

- 10 Where a lot exists prior to the effective date of this Bylaw and the area of such a lot does not conform to the minimum lot area established in Part 3 relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for that zone and provided the provisions of the Health Act and attendant regulations have been met.

2.2 General Height Regulations

- 1 Despite any regulations in the zoning tables in Part 3, height restrictions do not apply to radio or television antennas or any accessory radio or television antennas, including satellite dishes, flag poles, lighting poles, utility poles, stairways, chimneys, or water storage tanks that are attached to and accessory to a principal use.

2.3 General Setback Regulations

Setbacks from Cliffs

- 1 Despite any zone specific regulations no building may be sited less than 15.0 metres, measured horizontally, from the edge of a cliff.

Setbacks from Streams, Lakes, and Wetlands

- 2 The minimum setback from the natural boundary of a stream, lake, or wetland
 - for buildings and structures, except for a fence, sewage disposal field or alternate sewerage system, is 15.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres
 - for a sewage disposal field or alternate sewerage system is 30.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres

INFORMATION NOTE: The riparian areas of most streams, lakes and wetlands are designated as a development permit area, as shown on Schedule E of the Official Community Plan.

Setbacks and Elevations from the Sea

- 3 The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:
 - 30.0 metres for a sewage disposal field or alternate sewerage system;
 - 30.0 metres for buildings and structures associated with intensive agriculture or used to accommodate domesticated animal other than household pets;
 - 5.0 metres for a boathouse; and
 - 15.0 metres for all other buildings and structures.
- 4 The minimum difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea is 1.5 metres, except for a boathouse.
- 5 Where fill is used to attain the elevation required in Regulation 4 of this section:
 - the minimum setback distance required in Regulation 3 of this section is measured from the toe of the fill slope to the natural boundary of the sea; and
 - the face of the fill slope must be protected against wave action from floodwaters.

Setback Exemptions

- 6 Despite setback regulations 1 through 5 in Section 2.3 and setback regulations in Part 3 of this Bylaw, the following may be located in setback areas:
 - tanks for the storage of rainwater, provided they do not project more than 1.0 metre into the required setback.

2.4 Home Occupation Regulations

- 1 A home occupation, when permitted in any zone, shall be subject to regulations 2 to 16 of this section.

Permitted Home Occupation Uses

- 2 The following uses, and no other uses, are permitted as home occupations

- home-based guest accommodation
- artist or artisan studios, including sale of products produced on site
- general business offices
- professional offices, including health services
- personal services
- welding shops, including sale of products produced on site
- manufacture, repair and assembly of goods
- sale of agricultural products produced on-site
- trades-person offices including storage of tools of the trade
- daycare
- food processing
- automobile repair and maintenance on lots larger than 2.0 hectares

General Regulations

- 3 Home occupations must be accessory to an active residential use.
- 4 The external appearance of the premises on which the home occupation is operated must retain a residential appearance.
- 5 The maximum combined floor area used for home occupations:
- on lots less than 1.0 hectare is 60 per cent of the floor area of the dwelling unit in which the home occupations are located; and
 - on lots of 1.0 hectares or larger is 60 per cent of the combined floor area of the dwelling unit and accessory buildings in which the home occupations are located.
- 6 A daycare is limited to the care at any one time of no more than seven children.
- 7 A home occupation may not produce, store or use hazardous materials, except for household goods and required materials for trades, welding, artistic or health care purposes.
- 8 Only those goods, arts, and crafts produced on the site may be sold from a home occupation.
- 9 The use of a permanent sawmill or portable sawmill as part of a home occupation is prohibited.

Location of Uses

- 10 On lots that are less than 1.0 hectares, the use shall be conducted entirely within a building containing a dwelling unit.
- 11 On lots of 1.0 hectares or larger, home occupations may be in the principal dwelling unit and in accessory buildings.

Uses Permitted Outdoors

- 12 Despite regulations 10 and 11 of this section, kilns used exclusively for the home occupation may be freestanding outside the dwelling unit, and a play area for a daycare may be permitted outside the dwelling unit.
- 13 Despite regulation 10 and 11 of this section, outdoor storage associated with home occupations involving trades, manufacture repair and assembly of goods or automobile repair and maintenance is permitted provided that the lot coverage used collectively by all home occupation activities does not exceed 10 per cent of the lot area including areas for the storage of vehicles, equipment and materials used in the home occupation.

Number of Employees

- 14 The maximum number of non-resident employees permitted per lot is:
- one on lots less than 1.0 hectare;

- two on lots of 1.0 ha and less than 2.0 hectares;
- three on lots of 2.0 ha and less than 3.0 hectares; and
- four on lots of 3.0 hectares or larger.

Home-based Guest Accommodation

- 15** Despite Regulation 11 of this section, home-based guest accommodation must be contained within the principal dwelling unit.
- 16** Unless otherwise permitted in Part 3 of this Bylaw, a home occupation providing home-based guest accommodation shall have no more than three bedrooms, with a maximum of two beds each, which may be rented to transient paying guests.
- 17** 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 *Health Act*.

2.5 Parking Regulations

General Regulations

- 1 Parking spaces are required in accordance with this Section for the establishment or expansion of any use of land, buildings or structures and for the construction of an addition to any buildings or structures.
- 2 If a use is not listed in this section, the number of parking spaces required is to be calculated on the basis of the most similar use listed.
- 3 If more than one use is located on a lot, or parking collectively serves more than one building or use, the total number of parking spaces is the sum of the various classes of uses calculated separately.
- 4 Where the calculation of total required parking spaces results in a fractional number, the nearest whole number above that calculated is the number of total required spaces.

Location

- 5 All required off-road parking spaces must be located on the lot on which the use, building or structure being served is located, or on an adjoining lot that constitutes a part of the same site or premises and is in the same zone. Parking spaces located on a highway may not be taken into account in determining compliance with the standards in this section.
- 6 Despite Regulation 5 of this section, required off-road parking spaces may be provided on a nearby lot provided it is within 100 metres of the use, building or structure being served, and provided a restrictive covenant complying with Regulation 4 of Section 1.2 is registered against the parcel on which the parking is provided ensuring that the required parking area will remain available for parking in conjunction with such use.
- 7 Where parking areas are located in the front yard they shall not exceed 40 per cent of the area of the front yard.
- 8 All automobile parking spaces for disabled persons must be located adjacent to the main entrance of the building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking.

Dimensions

- 9 Each automobile parking space must be accessible to a highway via a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree parking and 5.5 metres in width in the case of 60 degree parking; and no parking space may abut a highway such that the use of the parking space necessitates reversing a motor vehicle onto or from a highway.
- 10 Automobile parking spaces must be at least 2.75 metres in width and 6.25 metres in length, exclusive of manoeuvring aisles, and have an unobstructed vertical clearance of at least 2.0 metres. Parallel parking spaces must, despite the foregoing, must have a length of 7.5 metres.

- 11 Despite Regulation 10 of this section, automobile parking spaces for disabled persons must be a minimum of 3.7 metres in width and 6.25 metres in length, and have an unobstructed vertical clearance of at least 2.0 metres.

Design Standards

- 12 Where five or more automobile parking spaces are required
- all parking spaces are to be provided and maintained with a hard, durable surface or with gravel
 - the parking area is to be landscaped and screened from adjacent residential properties.
- 13 The slope of any automobile parking space shall not exceed 10 per cent.
- 14 Lighting fixtures for the parking area must be less than 1.0 metre in height and must be directed exclusively at the parking area at illumination levels of 11 lux or less¹.

Number of Parking Spaces Required

- 15 The minimum number of parking spaces required is as specified in accordance with regulations 16 to 18 of this section
- 16 Minimum number of automobile parking spaces is
- residential**
- one per one single family residential use
 - one per one cabin or accessory residential use
- home occupations**
- one per two non-resident employees in a home occupation
 - one per rental room in a home occupation providing home-based guest accommodation
- commercial**
- one per 20.0 square metres of gross floor area of a building or structure for a commercial use other than a restaurant, cafe, public docking facility, or vehicle fuel sales
 - one per three seats in a restaurant or café
 - one per four berths in a public docking facility, plus four per launch ramp or hoist
 - four per vehicle fuel service
- institutional**
- one per 25.0 square metres of gross floor area of a building or structure for a school, community hall, church, social hall, museum use, health care service use, recycling centre or similar use
 - one per each employee or volunteer for a fire hall, police station or ambulance station
- resource**
- one per 30.0 square metres of gross floor area for a building or structure for an industrial, equipment storage, material supply or warehouse use
 - one per 15 square metres of gross floor area for a greenhouse, a nursery, farm sales or forestry sales.
- 17 Minimum number of bicycle parking spaces is
- four, or one per 150 square metres of gross floor area for a commercial use, whichever is greatest
 - four, or one per 10 students in a school, whichever is greatest
 - four, or one per 150 square metres of gross floor area for a community hall, church, social hall, museum or other institutional use, whichever is greatest.
- 18 Of the number of automobile parking spaces required in Regulation 16 of this section for commercial or institutional uses, a minimum of one, or one per 50 required parking spaces, whichever is greatest, must be provided for disabled persons.

¹ A lux is a measure of candlepower per square metre. Ten lux is considered adequate to do most tasks.

2.6 Signs Regulations

Permitted Signs		Maximum Area of a Sign	Maximum Combined Sign Area	Maximum Number of Signs
1	Residential (R1), Rural Residential (R2) and Co-housing (R3) zones	0.5 m ²	1.0 m ² per lot	no limit
2	Agriculture (A), Forestry (F) and Resource (RE) zones	0.75 m ²	2.0 m ² per lot	no limit
3	Commercial (C) and Light Industrial (L) zones	2.0 m ²	2.0 m ² per business	2 per business
4	Institutional (IN) zone	2.0 m ²	2.0 m ² per lot	2 per lot
5	Conservation (CN) and Parks (PK) zones	1.0 m ²	1.0 m ² per lot	no limit
6	Marine Aquaculture (W3) zone	0.5 m ²	1.0 m ² per tenure	2 per tenure
7	In addition to the signs permitted in regulations 1 to 6 of this section, temporary real estate signs in all zones, which must be removed within 2 weeks of sale	1.0 m ²	2.0 m ² per lot	2 per lot
8	In addition to Regulation 3 of this section, each business in the Commercial (C) zone and Light industrial (L) zone is permitted a maximum of one additional non-flashing neon sign that advertises the business as open, and such a sign must be no larger than 0.3 square metres.			
9	In all zones, free standing signs shall not be deemed “structures” for the purposes of requiring compliance with horizontal setback regulations from lot lines or natural features.			
10	The maximum areas set out in Section 2.6, Regulations 1 to 7 refers to the area of one face of a sign.			

Height of Signs

- 11 In all zones, the maximum height of free standing signs is 3.0 metres.
- 12 In all zones, the maximum height of a sign attached to a building or structure is the same as the maximum height for the building or structure as set out in the zoning tables in Part 3.

Exempted Signs

- 13 Signs exempted from the provision of this section are:
 - those approved by a public authority such as directional signs, traffic signs, electoral signs and marine navigational signs
 - warning signs, such as private property, no trespassing, no vehicles, and no hunting signs provided that such signs are no larger than 0.2 square metres.
 - interpretative signs
 - murals, providing the mural is not advertising a product or service.

Prohibited Signs

- 14 Except as permitted in regulations 3 to 12 of this section, the following signs are expressly prohibited
 - animated signs
 - Illuminated signs
 - obsolete signs
 - third party signs larger than 0.5 square metre regardless of location

2.7 Screening Regulations

General Regulations

- 1 Where a landscape screen is required by this Bylaw, it must be provided in the form of:
 - existing vegetation of the required height or
 - a row of drought-tolerant evergreen plants that after three years of growth will attain the required height
 and provide a continuous, permanent visual screen between the uses being separated.
- 2 The minimum height of a landscape screen is 2.0 metres.
- 3 The minimum depth of a landscape screen is 1.5 metres.
- 4 Landscape screens along a front or exterior side lot line must be unbroken, except to provide for access to or from the lot.

Landscape Screens

- 5 All commercial, industrial and institutional uses must be screened from view from a lot in the Residential (R1) or Rural Residential (R2) zone by a landscape screen.
- 6 All outdoor storage or use related to a home occupation must be screened from view from an adjacent lot or highway by a landscape screen.
- 7 All works yards, commercial or industrial outdoor storage, or derelict vehicles must be screened from view from an adjacent lot or highway by a landscape screen.
- 8 All uses in the R3 zone must be screened from adjacent properties with a landscape screen located within the setback area, except that dead trees or trees that pose a safety risk may be extracted from the setback area.

2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

- 1 Except as provided for in Regulation 21 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.
- 2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.
- 3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

Total area of all proposed lots including the remainder

divided by

Number of Proposed lots including the remainder.

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum lot Area.

- 4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

Parcels Divided by a Zone Boundary

- 5 Where a lot to be subdivided is split by one or more zone boundaries, a separate calculation of the number of lots permitted shall be made for each portion, and no lot may be created in respect of any fractional areas resulting from such calculation.

Lot Configuration Regulations

- 6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act.
- 7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

INFORMATION NOTE: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation, dated October 20, 1992 and amended July 18, 1996.

INFORMATION NOTE: For information on park dedication requirements of a subdivision see Section 941 of the *Local Government Act*, and for information on the 10 per cent frontage requirements see Section 944 of the *Local Government Act*.

Proof of Potable Water - Amounts

- 8 Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 9 to 11 of this section.
- 9 In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit
- 10 In the Commercial zone, the minimum amount of potable water that must be provided per day is 3600 litres for each one hectare of lot area.
- 11 In Public zones, the minimum amount of potable water that must be provided per day is:
- 50 litres for each classroom in a school; and
 - 1200 litres per lot for all other institutional uses.

Proof of Potable Water – Well and Surface Water Certification

- 12 Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a **qualified professional**:
- that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of **potable water** on a continuous basis; and
 - that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.
- 13 Where a surface water supply is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide proof of a water license that permits the withdrawal of the required amount of water.
- 14 If the applicant proposes to provide potable water from a well or surface water supply on another lot, the applicant must concurrently with the registration of the subdivision plan, register against title on the lot on which the well is located an easement in favour of each lot to which water is provided, and a statutory right-of-way complying with Regulation 4 of Section 1.2 for water supply purposes.
- 15 If the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Regulation 12 of this section cannot be made, the applicant must:
- provide a community water system complying with the requirements of Regulation 18 of this section, or
 - grant a covenant complying with Regulation 4 of Section 1.2 restricting the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied in accordance with regulations 9 through 11 and a certification has been made under Regulation 12 of this section.

Proof of Potable Water - Cisterns

- 16 Where a cistern is required by this Bylaw, the landowner must:

- provide one or more cisterns with a combined capacity of 8400 litres of potable water; and
- provide a covenant complying with Regulation 4 of Section 1.2 prohibiting use of the property for which proof of potable water is required until cisterns are in place capable of holding the required amount of water.

Community Water System

- 17 Where a community water system is proposed to serve a subdivision:
- the community water system must comply in all respects with applicable provincial enactments;
 - the water supply for the community water system must be obtained on Denman Island; and
 - if the water system is to be supplied by a well, the immediate catchment area of the well, as defined by an Engineer, is to be protected from pollution by a covenant in accordance with Regulation 4 of Section 1.2 prohibiting the installation of sewage disposal fields or other sanitary facilities.

Waste Disposal

- 18 For any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the *Health Act*.

Exceptions

- 19 Regulations 2 to 19 of this section do not apply:
- to a lot being created solely for the purpose of locating unattended equipment necessary for the operation of a community water or sewerage system, an automatic telephone exchange, an electrical substation, or a similar public service facility or utility, and where no sewage would be generated, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
 - to a lot being created for park purposes where such parcel is to be shown as park on the plan of subdivision or for an ecological reserve that does not contain buildings, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
 - to a lot being created solely for the purpose of sale or dedication to a conservation agency for conservation purposes, provided a covenant complying with Regulation 4 of Section 1.2 restricts the use of the lot to conservation.
- 20 Minimum lot areas permitted by subdivision in Part 3 do not apply:
- to a lot resulting from a consolidation of two or more lots; or
 - to a lot resulting from a boundary adjustment between two or more lots, provided that no additional lots are created and no lot is increased in area such that it could be subdivided into more lots than would be permitted under this Bylaw, without the boundary adjustment.

INFORMATION NOTE: A lot created by subdivision for the provision of a residence for a relative under Section 946 of the Local Government Act is exempt from the minimum lot areas in Part 3 of this Bylaw.

- 21 The minimum area of a lot eligible for subdivision under Section 946 of the Local Government Act outside the Agricultural Land Reserve is 8.0 hectares.

INFORMATION NOTE: For land outside the ALR, section 946 of the Local Government Act requires that the landowner enter into a covenant with the local trust committee limiting the use of the newly created lot to a residence for a relative and prohibiting further subdivision of the lot.

Covenant Against Further Subdivision and Development

- 22 Where:
- a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
 - one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area
- the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every such lot prohibiting further subdivision of the lot.

23 Where:

- a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
- one or more of the lots being created have areas equal to or greater than twice the applicable minimum average lot area

the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every proposed lot prohibiting further subdivision of the lot so that the potential number of lots is no greater than the number of lots that would have been created if the previous subdivision had created the maximum number of lots permitted by the applicable minimum or average lot area specified in Part 3.

24 Where the approval of a bare land strata plan creates common property on which this Bylaw would permit construction of a principal building, if the common property were a lot, the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of the common property prohibiting the further subdivision of the common property, the construction of any principal buildings on the common property, and the disposition of the common property separately from the strata lots.

3 ZONE REGULATIONS

3.1 Creation of Zones

- 1 The area included in Schedule B of this Bylaw is divided and designated into the following zones:

Zone Classification	Zoning Code
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Residential Zones

Residential	R1
Rural Residential	R2
Co-housing	R3

Resource Zones

Agriculture	A
Forestry	F
Resource	RE

Commercial and Light Industrial Zones

Commercial	C
Light Industrial	L

Community Zones

Institutional	IN
Conservation	CN
Park	PK

Water Zones

Marine Conservation	W1
Marine Service	W2
Aquaculture	W3
Marine Protection	W4
Lakes	W5

3.2 Definition of Zones

Interpretation of Zone Boundaries

- 1 Except where otherwise specified the zone boundaries, together with any explanatory legends, notations and references in respect thereof, are delineated and described on a computer record compiled by means of geographic information software and a global positioning system (the "Zoning Map").
- 2 The Zoning Map is kept at the Islands Trust Victoria Office and forms part of this Bylaw.
- 3 A generalised diagrammatic representation of the Zoning Map is annexed to this Bylaw as Schedule B. In the event of any conflict or inconsistency between the Zoning Map and Schedule B, the Zoning Map shall govern.
- 4 Where and to the extent only that a zone boundary also forms a boundary of a lot delineated on a plan deposited in the Land Title Office, in the event of conflict or inconsistency between the deposited plan and the Zoning Map the zone boundary shall be conclusively determined by reference to the plan deposited in the Land Title Office.

- 5 In the event of uncertainty regarding the location of the zone boundaries shown on Schedule B, the location shall be determined by the application of the following rules
- where zone boundaries coincide with lot boundaries, the zone boundary is the lot boundary;
 - where zone boundaries run along a highway or other public way defined under the Highway Act, the zone boundary is the centre line;
 - where zone boundaries and the natural boundary of the sea coincide, the zone boundary is the natural boundary;
 - where zone boundaries coincide with Agricultural Land Reserve boundaries, the zone boundary is the Agricultural Land Reserve boundary; and
 - in all other cases, the zone boundary must be determined by scaling to the centre of the line demarking the zone boundary on the Zoning Map.

Interpretation of the Zoning Tables

- 6 In the zoning tables:
- the table titles and column headings are part of the Bylaw;
 - a check mark in a column headed by the zoning code indicates that the uses, buildings or structures listed to the left, and no other uses, buildings and structures, are permitted in that zone;
 - the absence of a check mark in a column headed by the zoning code indicates that the uses, buildings or structures listed to the left are not permitted in that zone;
 - a number or a measurement of length or area in a column headed by the zoning code indicates that the specified number, length or area applies in that zone;
 - some zoning regulations are modified for one or more lots; the modified zoning regulations are in the table entitled "Site Specific Regulations" at the end of the section and apply to the land identified on Schedule B by the site-specific zoning code listed in the left-hand column of the table;
 - the abbreviation "n/a" in a column headed by a zoning code indicates that the regulation listed to the left does not apply in that zone; and
 - regulations listed in Table 7 "Subdivision" apply to the subdivision of land under the Land Title Act or the *Strata Property Act*.

3.3 Residential Zoning Tables

Table 1 - Permitted Uses		R1	R2	R3
Principal Uses				
1	Residential	✓	✓	✓
2	Parks	✓	✓	✓
3	Utilities	✓	✓	✓
Accessory Uses				
4	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓
5	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓
6	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓
7	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓
8	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓
Table 2 - Permitted Buildings and Structures		R1	R2	R3
1	Single family dwelling units	✓	✓	✓
2	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓
3	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓
4	Buildings and structures for parks and utilities	✓	✓	✓
5	Pit privies	✓	✓	✓
6	Fences	✓	✓	✓
7	Signs, subject to Section 2.6	✓	✓	✓
8	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓
9	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓
10	Common house			✓
Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a

Some words and phrases are defined in Section 1.1

5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1
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Table 4 – Height

		R1	R2	R3
1	Maximum height of principal buildings and structures			
	located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m
	located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m
2	Maximum height of buildings and structures			
	accessory to a residential use	6.0 m	6.0 m	6.0 m
	used exclusively for agriculture	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m

Table 5 - Setbacks

		R1	R2	R3
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply				
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy			
	from the front lot line	7.5 m	7.5 m	30.0 m
	from the rear or side lot line	3.0 m	3.0 m	30.0 m
	from the exterior side lot line	4.5 m	4.5 m	30.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m

Table 6 - Floor Area

		R1	R2	R3
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²
4	Maximum gross floor area of a common house	n/a	n/a	279 m ²
5	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²

Table 7 - Subdivision

		R1	R2	R3
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha

2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha
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Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
R1(1)	1 In addition to Table 1 of this Section, accessory residential is a permitted use. 2 Despite lines 2 and 3 in Table 3 of this Section, the maximum number of accessory residential dwelling units permitted is one per lot, provided it is contained in or attached to the principal dwelling unit. 3 The maximum permitted gross floor area of an accessory residential dwelling unit is 56.0 square metres.

INFORMATION NOTE: The site specific regulations for R1(1) are to permit a use previously permitted on two specific lots.

R1(2)	1 Despite lines 4 to 7 in Table 1 of this Section, the only accessory use permitted is accessory residential. 2 Despite line 2 in Table 2 of this Section, the only accessory buildings and structures permitted are cabins. 3 Despite lines 2 and 3 in Table 3 of this Section, the maximum number of cabins permitted is six per lot. 4 Despite Table 7 of this Section, the minimum lot area permitted is 3.75 hectares. 5 The maximum gross floor area of a permitted cabin is 56.0 square metres.
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INFORMATION NOTE: The site specific regulations for R1(2) are to permit the historical use on one specific lot .

R2(1)	1 In addition to the uses listed in Table 1 of this Section, a kennel accessory to a residential use is permitted. 2 In addition to the buildings and structures listed in Table 2 of this Section, buildings or structures for a kennel use are permitted. 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a kennel is 30.0 metres.
R2(2)	1 In addition to the uses listed in Table 1 of this Section, a riding stable accessory to a residential use is permitted. 2 In addition to the building and structures listed in Table 2 of this Section, buildings or structures for a riding stable use are permitted. 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a riding stable is 30.0 metres.

3.4 Resource Zoning Tables

Table 1 - Permitted Uses		A	F	RE
Principal Uses				
1	Residential	✓	✓	✓
2	Agriculture, including Intensive agriculture	✓	✓	✓
3	Horticulture	✓	✓	✓
4	Forest fungi production	✓	✓	✓
5	Forestry	✓	✓	✓
6	Parks	✓	✓	✓
7	Utilities	✓	✓	✓
Accessory Uses				
7	Permitted home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓
8	Sale of forest products produced on-site and accessory to a principal forestry use	✓	✓	✓
9	Wood working and wood processing accessory to a principal forestry use on lots 10.0 hectares or larger	✓	✓	✓
10	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓
11	Generation of electricity from non-polluting renewable sources accessory to a principal use	✓	✓	✓

Table 2 - Permitted Buildings and Structures		A	F	RE
1	Single family dwelling units	✓	✓	✓
2	Buildings and structures to accommodate agriculture and forestry	✓	✓	✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓
4	Buildings and structures to accommodate retail sale of farm products	✓	✓	✓
5	Buildings and structures to accommodate retail sale of forestry products	✓	✓	✓
6	Permanent sawmill on lots 10.0 hectares or larger	✓	✓	✓
7	Dwelling units for full-time farm workers employed on the lot	✓		
8	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing, or accessory to a forestry use on lots larger than 10 hectares	✓	✓	✓
9	Buildings and structures for parks and utilities	✓	✓	✓
10	Pit privies	✓	✓	✓
11	Fences	✓	✓	✓

12	Signs, subject to Section 2.6	✓	✓	✓
13	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓

Table 3 - Density of Uses, Buildings and Structures

		A	F	RE
1	Minimum lot area per principal single family dwelling unit	15.0 ha	64.0 ha	15.0 ha
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%

Table 4 - Height

		A	F	RE
1	Maximum height of principal buildings and structures for residential use			
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m
	• located more than 100.0 metres from the natural boundary of the sea	9.0 m	9.0 m	9.0 m
2	Maximum height of accessory buildings and structures	6.0 m	6.0 m	6.0 m
3	Maximum height of buildings and structures used exclusively for agricultural or forestry use	15.0 m	15.0 m	15.0 m
4	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m
5	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m
6	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m

Table 5 - Setbacks

		A	F	RE
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply				
1	Minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy			
	• from the front lot line	10.0 m	10.0 m	10.0 m
	• from the rear, side and exterior side lot lines	4.5 m	4.5 m	4.5 m
2	Minimum setback for buildings and structures used for other than residential purposes, except a fence, pump/utility house or pit privy			
	• from the front or exterior side lot lines	30.0 m	30.0 m	30.0 m
	• from the rear or side lot line	15.0 m	15.0 m	15.0 m
3	Minimum setback for intensive agriculture from any lot line	30.0 m	30.0 m	30.0 m
4	Minimum setback for buildings and structures associated with a	100.0 m	100.0 m	100.0 m

Some words and phrases are defined in Section 1.1

	permanent sawmill or wood processing from any lot line			
5	Minimum setback from any lot line for a home occupation involving the manufacture, repair and assembly of goods	15.0 m	15.0 m	15.0 m
6	Minimum setback from any lot line for pit privies	8.0 m	8.0 m	8.0 m

Table 6 - Floor Area

		A	F	RE
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²
2	Maximum gross floor area of a building or structure for off-property retail sale of farm products or forestry products	300.0 m ²	200.0 m ²	200.0 m ²
3	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	30.0 m ²
4	Maximum combined lot area used for the operation of permanent sawmills, excluding storage area	200.0 m ²	200.0 m ²	200.0 m ²

Table 7 - Subdivision

		A	F	RE
1	Minimum lot area permitted by subdivision, subject to the regulations in Section 2.8	15.0 ha	64.0 ha	15.0 ha

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
A(1)	1 Despite Table 7 of this section, the minimum lot area is 64.0 hectares.
A(2)	1 In addition to the uses listed in Table 1 of this Section, a restaurant is a permitted principal use. 2 Despite Regulation 15 of Section 2.4, a maximum of five rooms may be used for home-based guest accommodation.
INFORMATION NOTE: The site specific regulations for A(2) are to permit a use previously permitted on one specific lot.	
A(3)	1 In addition to the uses listed in Table 1 of this Section, a private non-commercial burial site for the use of residents of the property is a permitted accessory use.
A(4)	1 Despite Table 3, Regulation 1, the maximum number of dwelling units is one per 15 hectares.
A(5)	1 Despite Table 1 of this section, no residential use is permitted. 2 Despite Table 2 of this section, single family dwelling units and buildings and structures accessory to a constructed single family dwelling unit are not permitted. 3 Despite Table 5 of this section, the minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy from the front, rear, side and exterior side lot lines is 30 m. 4 Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 13.0 ha.

3.5 Commercial and Light Industrial Zoning Tables

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Table 1 - Permitted Uses		C	L
Principal Uses			
1	Residential	✓	✓
2	Retail sales and rentals	✓	
3	Restaurants and cafes	✓	
4	Personal services	✓	
5	Offices	✓	
6	Occasional markets, fairs and festivals	✓	
7	Parks	✓	✓
8	Utilities	✓	
9	Confectionary manufacturing		✓
10	Generation of electricity from non-polluting renewable sources accessory to a principal residential or confectionary manufacturing use		✓
Table 2 - Permitted Buildings and Structures		C	L
1	Attached or detached single family dwelling units	✓	✓
2	Buildings and structures to accommodate permitted commercial uses	✓	
3	Buildings and structures accessory to a residential use	✓	✓
4	Structures to accommodate directories of island businesses	✓	
5	Buildings and structures for parks and utilities	✓	✓
6	Public Washrooms	✓	
7	Fences	✓	✓
8	Signs, subject to Section 2.6	✓	✓
9	Buildings and structures to accommodate permitted light industrial uses		✓
10	Buildings and structures for the generation of electricity from non-polluting renewable sources		✓
Table 3 - Density of Uses, Buildings and Structures		C	L
1	Maximum number of single family dwelling units per lot	1	1
2	Maximum combined lot coverage of buildings and structures	40%	40%
Table 4 - Height		C	L
1	Maximum height of principal buildings and structures	9.0 m	9.0 m

Some words and phrases are defined in Section 1.1

2	Maximum height of accessory buildings and structures	6.0 m	6.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m

Table 5 - Setbacks**C****L**

In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply

1	Minimum setback of buildings or structures, except for a fence or pump/utility house		
	• from the front lot line	7.5 m	7.5 m
	• from the rear or side lot line	3.0 m	3.0 m
	• from the exterior side lot line	4.5 m	4.5 m

Table 6 - Floor Area**C****L**

1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0m ²
2	Maximum floor area of a building for light industrial uses	n/a	375 m ²

Table 7 - Subdivision**C****L**

1	Minimum lot area permitted by subdivision, subject to the regulations in Section 2.8	1.0 ha	2.0 ha
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Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8).

Site Specific Zoning Code	Site Specific Regulations
C(1)	1 In addition to Table 1 of this Section the following principal uses are permitted: • vehicle fuel service • propane sales for domestic purposes. 2 In addition to Table 2 of this Section, structures for vehicle fuel service and propane sales are permitted.

3.6 Community Zoning Tables

Table 1 - Permitted Uses		IN	CN	PK
Principal Uses				
1	Parks	✓		✓
2	Public education	✓		
3	Religious assembly	✓		
4	Recycling Depot	✓		
6	Cemeteries	✓		
7	Emergency services	✓		
8	Health care services	✓		
9	Museum use	✓		
10	Public assembly	✓		
11	Occasional markets, fairs and festivals	✓		
12	Passive recreation	✓	✓	✓
13	Sports facilities	✓		
14	Utilities	✓		✓

Table 2 - Permitted Buildings and Structures		IN	CN	PK
1	Buildings for non-residential permitted uses	✓		✓
2	Structures for non-residential permitted uses	✓	✓	✓
3	Fences	✓	✓	✓
4	Signs, subject to Section 2.6	✓	✓	✓
5	Pit privies	✓		✓
6	Public washrooms	✓		✓

Table 3 - Density of Uses, Buildings and Structures		IN	CN	PK
1	Maximum combined lot coverage of buildings and structures	40%	n/a	5%

Table 4 - Height		IN	CN	PK
1	Maximum height of buildings and structures	9.0 m	7.0 m	7.0 m
2	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m
3	Maximum height of a pump/utility house located within a setback area	2.5 m	n/a	2.5 m

Table 5 - Setbacks		IN	CN	PK
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In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply

Some words and phrases are defined in Section 1.1

1	Minimum setback of principal and accessory buildings or structures, except a fence, pump/utility house or a pit privy			
	• from the front lot line	7.5 m	n/a	n/a
	• from the rear or side lot line	3.0 m	n/a	n/a
	• from the rear or exterior side lot line	4.5 m	n/a	n/a
2	Minimum setback for a pit privy from any lot line	8.0 m	n/a	8.0 m

Table 6 - Floor Area

		IN	CN	PK
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	n/a	6.0 m ²

Table 7 - Subdivision

		IN	CN	PK
1	Minimum lot area permitted by subdivision, subject to the regulations in Section 2.8	1.0 ha	64.0 ha	64.0 ha

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site specific zoning code	Site Specific Regulations
IN(1)	1 In addition to Table 1 of this Section, highway maintenance yard is a permitted use.
IN(2)	1 In addition to Table 1 of this Section, community kitchen is a permitted use. 2 In addition to Table 6 of this Section, the maximum floor area of a building that may be used for a community kitchen, including storage, is 40.0 square metres.
IN(3)	1 Despite Table 1 of this Section, only Medical Health Centre is a permitted use.
PK(1)	1 In addition to Table 1 of this Section, boat launching is a permitted use. 2 In addition to Table 2 of this Section, boat launching ramps are permitted.
PK(2)	1 In addition to Table 1 of this Section, camping is a permitted use.

INFORMATION NOTE: The site specific regulations for PK(1) and PK(2) are to permit previously permitted uses in Bill Mee Park and Fillongley Park respectively.

3.7 Water Zoning Tables

Table 1 - Permitted Uses		W1	W2	W3	W4	W5
1	Public utilities	✓	✓	✓	✓	✓
2	Non-commercial boat anchorage and moorage	✓	✓	✓	✓	
3	Commercial boat anchorage and moorage		✓			
4	Seaplane anchorage and moorage		✓			
5	Marine parks	✓	✓	✓	✓	
6	Ferry terminals		✓			
7	Boat launching		✓			
8	Boat rentals and sales		✓			
9	Marine fuel sales		✓			
10	Take-out food service		✓			
11	Shellfish aquaculture			✓		
12	Water reservoir					✓

Table 2 - Permitted Buildings and Structures		W1	W2	W3	W4	W5
1	Marine navigation aids	✓	✓	✓	✓	
2	Moorage buoys accessory to an adjacent upland residential or park use	✓	✓	✓	✓	
3	Wharves and docks		✓			
4	Buildings to accommodate permitted commercial uses, except take-out food services		✓			
5	Structures to accommodate permitted uses		✓	✓		✓
6	Breakwaters		✓			
7	Boat launching ramps		✓			
8	Ramps, floats, pilings and mooring buoys		✓			
9	Mobile trailer for take-out food service		✓			
10	signs, subject to Section 2.6	✓	✓	✓	✓	✓

Table 3 - Height		W1	W2	W3	W4	W5
1	Maximum height of floating structures above the water surface, except for a breakwater	n/a	10.0 m	n/a	n/a	n/a
2	Maximum height above the high high water mark for buildings and structures fixed to the bed of the sea, except for a breakwater	n/a	10.0 m	n/a	n/a	n/a
3	Maximum height of buildings and structures on the upland portion in this zone	n/a	9.0 m	n/a	n/a	n/a

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Table 4 - Site Specific Regulations

Some words and phrases are defined in Section 1.1

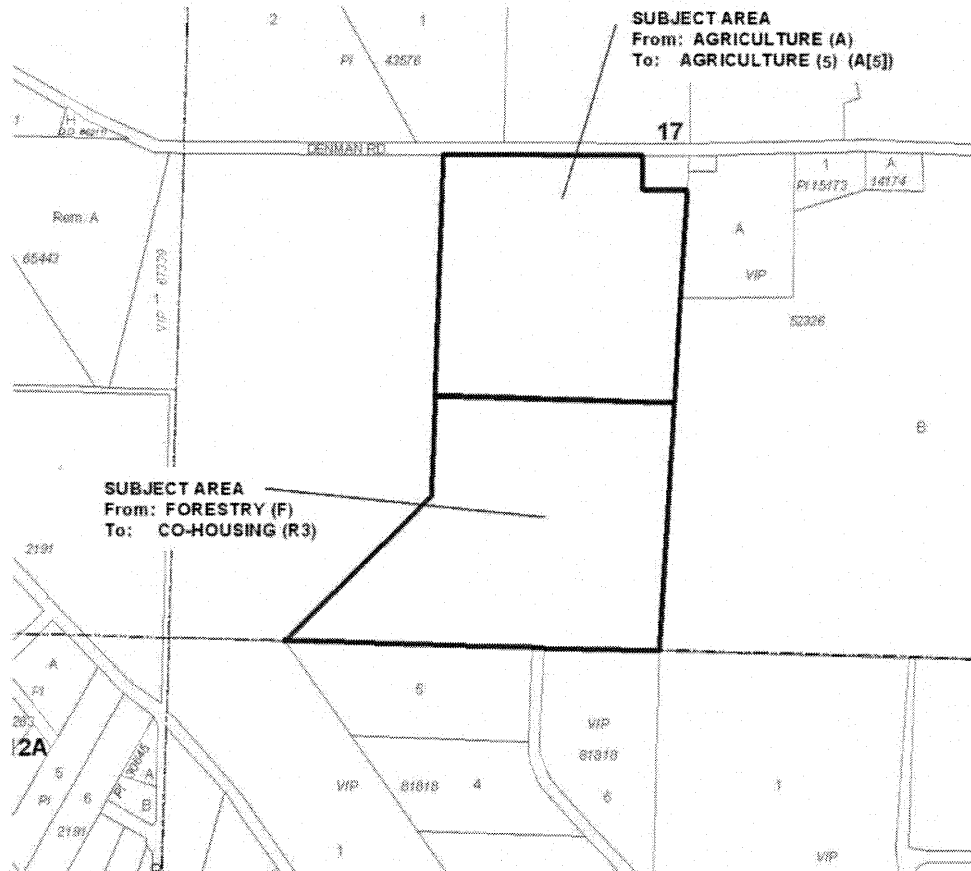
The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site specific zoning code	Site Specific Regulations
W3(1)	1 Despite Table 2 of this Section, the following structures are not permitted: • Structures to accommodate permitted uses.
W4(1)	1 In addition to Table 1 of this section, boat launching is a permitted use. 2 In addition to Table 2 of this section, breakwaters and boat launching ramps are permitted.

INFORMATION NOTE: The site specific regulations for W4(1) is to permit a previously permitted use on the water adjacent to Bill Mee Park.

Required Mapping Amendment to Bylaw 186 to reflect the subject area map below:

- a) That the South West ¼ of Section 17, Denman Island, Nanaimo District, Except that Part in Plan 14174 and Plan VIP77481 outlined on Plan No. 1 attached to and forming part of this bylaw be rezoned from Agriculture (A) to site-specific Agriculture (A(5)); and
- b) That the South West ¼ of Section 17, Denman Island, Nanaimo District, Except that Part in Plan 14174 and Plan VIP77481 outlined on Plan No. 1 attached to and forming part of this bylaw be rezoned from Forestry (F) to Co-housing (R3).



4 DEVELOPMENT PERMIT AREA GUIDELINES

4.1 Development Permit Area 1: Komasa Bluff - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Komasa Bluff development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- | | |
|--------------|--|
| Guideline 1 | Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply. |
| Guideline 2 | In order to assist the Denman Island Local Trust Committee in determining conditions to be included in a development permit, the applicant will be required to provide, at their own expense, a geotechnical report certified by a professional engineer with experience in geotechnical engineering who is acceptable to the Trust Committee. The report must indicate that the proposed tree cutting, buildings, structures, land alteration, roads, driveways, or other proposed developments would not cause any potential erosion of soil or contribute to any land slip, rock fall, mud flow, sloughing, or water degradation. |
| Guideline 3 | No permanent building should be permitted in any area subject to sloughing or damage from sloughing. |
| Guideline 4 | No part of a septic tank, deposit field, or irrigation system should be constructed in any portion of the site that is subject to sloughing or damage from sloughing or in any area containing unstable soil or water which is subject to degradation. |
| Guideline 5 | Notwithstanding the drainage bylaw provisions or requirements, drainage facilities should be required to divert drainage away from any areas subject to sloughing or damage from sloughing. |
| Guideline 6 | Trees or other vegetation should be retained or replanted in order to control erosion along the top or the face of the bank. |
| Guideline 7 | All new lots created by subdivision should provide for suitable building sites in areas not subject to sloughing. |
| Guideline 8 | Subdivision applications should make provisions for clustering lots in areas away from the hazard area. |
| Guideline 9 | Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee. |
| Guideline 10 | On receipt of a final report or written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any unsafe conditions caused by a contravention of a condition in the development permit (see Appendix B). |
| Guideline 11 | Development permits issued in Development Permit Area No. 1: Komasa Bluff should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit. |

4.2 Development Permit Area No. 2: Steep Slopes – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Steep Slopes development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- | | |
|-------------|---|
| Guideline 1 | A development permit is required as follows: <ol style="list-style-type: none"> 1. Alteration of land by the cutting or removing of trees: <ol style="list-style-type: none"> i. on land that: <ul style="list-style-type: none"> • is not classified as managed forest land under the <i>Assessment Act</i>; and • is not the subject of a valid and subsisting woodlot license or tree farm license under the <i>Forest Act</i>; and ii. where the quantity cut or removed from the land is to exceed four trees smaller than 30 cm dbh and one tree equal to or larger than 30 cm dbh per parcel in any period of five consecutive calendar years. 2. Development of any impervious surfaces. 3. Construction of buildings or structures. |
|-------------|---|

	All other land alteration or development is exempt from the requirements of this development permit area.
Guideline 2	Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.
Guideline 3	No cutting or removal of trees shall be permitted in this development permit area unless development approval information in the form of an environmental impact assessment is provided by the applicant which indicates that the impact of the cutting or removal of trees is unlikely to have harmful effects on adjacent marine areas, surface drainage and groundwater, watercourses, uncommon or endangered plants or plant communities, and high value wildlife habitats.
Guideline 4	Cutting or removing of trees should be done in accordance with a plan certified by a Registered Professional Forester or Registered Professional Biologist to maintain, enhance, or restore a well-developed forest ecosystem that includes: 1. a diversity of native tree species, 2. presence of large old trees, 3. diverse community of native understory plants, 4. any uncommon or endangered plants or plant communities that may be present, and 5. other features that contribute to high value wildlife habitat.
Guideline 5	Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
Guideline 6	On receipt of a final report or written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the natural environment caused by a contravention of a condition in the development permit (see Appendix B).
Guideline 7	Development permits issued in Development Permit Area No. 2: Steep Slopes should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.

4.3 Development Permit Area No. 3: Lacon Road Coast - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Lacon Road Coast development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

Guideline 1	A development permit is required as follows: 1. Alteration of land by the cutting or removing of trees on land that: • is not classified as managed forest land under the <i>Assessment Act</i>; and • is not the subject of a valid and subsisting woodlot license or tree farm license under the <i>Forest Act</i>. 2. Alteration of land by the development of any impervious surfaces. 3. Alteration of land by the construction of buildings or structures. All other land alteration or development is exempt from the requirements of this development permit area.
Guideline 2	Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.
Guideline 3	In order to assist the Denman Island Local Trust Committee in determining conditions to be included in a development permit, the applicant will be required to provide, at their own expense, a geotechnical report certified by a professional engineer with experience in geotechnical engineering who is acceptable to the Trust Committee. The report must indicate that proposed tree cutting, buildings, structures, land alteration, roads, driveways, or other proposed developments do not cause any potential erosion of soil or contribute to any land slip, rock fall, mud flow, sloughing, or water degradation.
Guideline 4	No permanent buildings should be permitted in any area subject to sloughing or damage from sloughing.
Guideline 5	Notwithstanding the drainage bylaw provisions or requirements, drainage facilities should be required to divert drainage away from any areas subject to sloughing or damage from sloughing.
Guideline 6	Along the top or face of the bank, trees or other vegetation should be retained or replanted in order to control erosion.

- Guideline 7 Cutting or removing of trees should be done in accordance with a plan certified by a Registered Professional Forester or Registered Professional Biologist to maintain, enhance, or restore a well-developed forest ecosystem that includes:
1. a diversity of native tree species;
 2. presence of large old trees;
 3. diverse community of native understory plants;
 4. any uncommon or endangered plants or plant communities that may be present; and
 5. other features that contribute to high value wildlife habitat.
- Guideline 8 Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
- Guideline 9 On receipt of a written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the natural environment or unsafe conditions caused by a contravention of a condition in the development permit.
- Guideline 10 Development permits issued in Development Permit Area No. 3: Lacon Road Coast should contain a condition stating that a letter must be submitted by a time specified in the development indicating that the work has been completed in accordance with the terms and conditions of the development permit.

4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Streams, Lakes and Wetlands development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- Guideline 1 A development permit is required for the following:
1. Alteration of land by the removal of vegetation, by the construction of skid trails, roads, or stream crossings within 30 metres of the natural boundary of a major stream, lake, or major wetland or within 10 m of the natural boundary of a minor stream or minor wetland on land that:
 - is not classified as managed forest land under the *Assessment Act*; and
 - is not the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*.
 2. Development of impervious surfaces within 30 m of the natural boundary of a major stream, lake, or major wetland or within 10 m of the natural boundary of a minor stream or minor wetland.
 3. Construction of a building or structure within 30 m of the natural boundary of a major stream, lake, or major wetland or within 10 m of the natural boundary of a minor stream or minor wetland.
 4. Installation of any structures within a stream or within the natural boundary of a lake.
Despite the requirements of subsection 1 above, a development permit is not required for the emergency removal of a dangerous tree if a qualified wildlife/danger tree assessor has assessed the tree as dangerous.
- All other land alteration or development is exempt from the requirements of this development permit area.
- Guideline 2 Conformity with Riparian Area Regulations
1. When an application is made for a Streams, Lakes and Wetlands development permit for residential, commercial or industrial development, the applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense a copy to the Denman Island Local Trust Committee of the assessment report from a Qualified Environmental Professional (QEP) in accordance with the British Columbia Riparian Area Regulations under the *Fish Protection Act*.
 2. Despite Guideline 2.1 above, a report from a Qualified Environmental Professional is not required if the proposed work is authorized by Fisheries and Oceans Canada under Section 4 of the Riparian Areas Regulation.
 3. In general, all development in Streams, Lakes and Wetlands development permit area should be undertaken in a manner that minimizes impact on the riparian area. It is anticipated that a QEP may make recommendations for mitigation measures and designing subdivision

Some words and phrases are defined in Section 1.1

proposals in order to lessen the impact on the riparian area. The LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas during construction and land development phases. Conditions may include construction phase requirements for fencing, signs, timing of work and siting of fuelling facilities.

Guideline 3 Clearing for Farm Operation

1. On lands in the Agricultural Land Reserve, removal of vegetation for agricultural purposes is permitted to within 15 metres of the natural boundary of a major stream, lake, or major wetland, providing the removal of vegetation is for a normal farm practice as defined in the *Farm Practices Protection (Right to Farm) Act*.
2. A signed letter from the applicant, stating that the clearing is for expansion of a farm operation or creation of a new farm operation on land in the Agricultural Land Reserve, shall be required as a condition of the issuance of a permit under guideline 3(1).
3. The letter referred to in guideline 3(2) shall describe in general terms, the farm operation, the soils and agricultural capability of the area to be cleared, and the expected time period for preparing the site for the proposed farm operation. It is recommended that a Professional Agrologist be consulted in the preparation of this information.
4. The requirements of guidelines 4 through 6 inclusive do not apply to development permits issued under guideline 3.

Guideline 4 Riparian Reserve and Retention Areas

Subject to Guideline 2, the following guidelines apply to all riparian reserve and retention areas, except for development permits issued under guideline 2.

1. Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.
2. On lots greater than 10 ha the size of riparian reserve and retention areas described in the rest of this guideline and guidelines 4 through 7 inclusive may be reduced, and/or a limited amount of vegetation may be removed from the riparian reserve and retention areas described in the rest of this guideline and guidelines 4 through 7 inclusive, or both, if development approval information in the form of an environmental impact assessment provided by the applicant on the impact of the proposed activity or development discloses that to do so could not reasonably be expected to result in harm to the environment of the area affected in accordance with the objectives of this development permit area. An impact assessment provided under this guideline should include a report prepared by a Registered Professional Biologist that includes the following information:
 - detailed mapping identifying environmentally sensitive areas;
 - criteria used to identify the boundaries of environmentally sensitive areas;
 - inventory of fish species and related habitat classification within the site;
 - impact assessment describing affects of the proposed development on the natural environment, ecosystems and biological diversity;
 - guidelines for mitigating habitat degradation, including limits on proposed leave areas; and
 - design details of the proposed mitigating measures.
3. Roads or skid trails should not be constructed in riparian reserve areas or riparian retention areas, except as needed for crossing a stream or wetland. The number of places where roads or skid trails cross a stream or wetland should be minimised.
4. A culvert or bridge must be installed wherever a road or skid trail crosses a major stream.
5. A culvert, bridge, or armoured ford should be installed wherever a road or skid trail crosses a minor stream, including intermittent or ephemeral streams.
6. An armoured ford should only be used for a temporary crossing of a minor stream and only during the dry season, which is June through September inclusive.
7. There should be no operation of ground-based machinery in the riparian reserve or retention areas, except at stream crossings designated in the permit.
8. Ground-based machinery should not cross:
 9. a major stream, except at a place where a bridge or culvert has been constructed or installed, or
 10. a minor stream, except at a place where a bridge, culvert, or armoured ford has been constructed or installed.

11. Logs should not be yarded across a stream, except at a stream crossing designated in the permit, and should be yarded in a way that does not contribute to de-stabilization of the stream bank or mobilization of sediment into the stream.
12. There should be no deposition of slash, debris, or erodible soil into the stream, lake or wetland.
13. Alterations of the natural drainage or areas within the designated permit area should be minimized.
14. Trees or other vegetation should be retained or replanted in order to control erosion or protect banks and fish habitat.

Guideline 5. Riparian Areas - Major Streams:

Subject to Guideline 2, In addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to the streams shown on Schedule E as major streams:

1. A riparian reserve area shall be maintained, in accordance with the rest of this guideline, from the outermost of:
 - the natural boundary of the stream,
 - the outer edge of any active floodplain adjacent to the stream, or
 - the natural boundary of any wetland adjacent to the stream to the greater of:
 - the top of the inner gorge of the stream, or
 - 30 m measured up the slope.
2. Except as permitted in guideline 4(3), there should be no removal of vegetation within the riparian reserve area, except for stream crossings or construction of footpaths.
3. On lots less than or equal to 10 ha the riparian reserve area may be reduced in consideration of site constraints providing the relaxation is necessary and is not reasonably expected to have a harmful effect on fish or fish habitat or the stream environment. Applications that do not meet the criteria set out in the *Land Development Guidelines for the Protection of Aquatic Habitat* (see Appendix C) should be accompanied by letters of support from the Department of Fisheries and Oceans and the Ministry of Environment, Lands and Parks.

Guideline 6. Riparian Areas - Lakes and Major Wetlands

Subject to Guideline 2, In addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to those lakes and major wetlands shown on Schedule E as lakes and major wetlands:

1. A riparian reserve area shall be maintained for 30 m from:
 - i. the natural boundary of the lake or major wetland, or
 - ii. the natural boundary of any wetland that is adjacent to a lake
2. Except as permitted in Guideline 4(3), there should be no removal of vegetation within the riparian reserve area, except for the construction of footpaths.
3. On lots less than or equal to 10 ha the riparian reserve area may be reduced in consideration of site constraints providing the relaxation is necessary and is not reasonably expected to have a harmful effect on the natural environment. Applications that do not meet the criteria set out in the *Land Development Guidelines for the Protection of Aquatic Habitat* (see appendix C) should be accompanied by letters of support from the Department of Fisheries and Oceans and the Ministry of Environment, Lands and Parks.

Guideline 7. Riparian Areas - Minor Streams

Subject to Guideline 2, In addition to the Farm Operation requirements in guideline 1, and in addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to the streams shown on Schedule E as minor streams:

1. A riparian retention area shall be maintained from the outermost of:
 - the natural boundary of the stream, or
 - the outer edge of any active floodplain adjacent to the stream, or
 - the natural boundary of any wetland adjacent to the stream to the greater of:
 - the top of the inner gorge of the stream, or
 - 10 m measured up the slope.

2. Shrubs, herbs, deciduous trees, wildlife trees, and any tree with roots in the stream bank should be retained.
3. For every 100 m of bank length, at least 20 trees larger than 30 cm dbh (if not available, the 20 largest trees) should be retained on both sides.

Guideline 8. Riparian Areas - Minor Wetlands

Subject to Guideline 2, In addition to the Farm Operation requirements in guideline 1, and in addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to wetlands shown on Schedule E as minor wetland:

1. A riparian retention area shall be maintained for 10 m from the natural boundary of the minor wetland.
2. For every 100 m of bank length, at least 20 trees greater than 30 cm dbh (if not available, the 20 largest trees) should be retained within 10 m of the wetland.
3. Shrubs, herbs, deciduous trees, and wildlife trees should be retained.

Guideline 9. Wetlands

Subject to Guideline 2, the following guidelines apply to all wetlands shown on Schedule E as major wetlands and minor wetlands:

1. There should be no operation of ground-based machinery in the wetland.
2. There should be no cutting of live or dead trees within the wetland, except as required for an approved stream crossing.

Guideline 10. Security

1. Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
2. On receipt of a written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the environment caused by a contravention of a condition in the development permit (see Appendix B).
3. Development permits issued in Development Permit Area No. 4: Streams, Lakes, and Wetlands should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.

4.5 Development Permit Area No. 5: Village - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Village development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

Guideline 1 A development permit is required for the following:

1. construction or alteration to existing structures if the size of the alteration adds any floor area to the building or structure, or if additional off-street parking is required (according to the Land Use Bylaw);
2. modifications to existing buildings and structures that involve replacing the siding or roofing using a different material.

All other land alteration or development including subdivision is exempt from the requirements of this development permit area.

Guideline 2 General

1. Building heights should be in keeping with local bylaws and surrounding structures. Minor height variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities.
2. Building setbacks should be in keeping with local bylaws. Setback variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities; however, setback relaxations will not be considered for property lines abutting the Rural Residential 1 (R1), Rural Residential 2 (R2) and Agriculture (A) zones

INFORMATION NOTE: Setback relaxations from the highway right-of-way resulting in a setback of less than 4.5 metres will be subject to approval by the Ministry of Transportation

3. The use of natural materials, such as wood and stone, is encouraged for building finishes and such materials should be capable of blending in with the aesthetic qualities of the natural surrounding.
4. The form of the development should incorporate low, small scale building designs with such amenities as public walkways and outdoor open spaces for use by visitors.
5. All rooftop mechanical equipment, including but not limited to air conditioning units, communication devices and vents, should be screened from view.
6. Vending machines or other product storage areas located outside the building should be screened in such a way that they are not visible from a public right-of-way or an adjacent property.

Guideline 3 Landscaping

1. Natural vegetation and trees should be maintained for screening of parking, storage and loading areas and to enhance the privacy and rural character of public open spaces.
2. Developments on lots adjacent to residential properties should contain a vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking. Fences may be considered, but only if it can be demonstrated that a vegetation buffer is not suitable.
3. Fencing should be constructed of natural materials and designed to blend with the overall character of the development.
4. Landscaping next to the Dora Drinkwater Creek should be left natural.
5. If lighting is desirable, it should be designed to illuminate walkway and parking areas for safety purposes. Light fixtures should be low to the ground, incorporate devices to reduce light leakage and designed in such a way so as to not illuminate an adjacent property or right-of-way.

Guideline 4 Signs

1. Signage should be grouped and made of materials and be of a character that match the natural materials of the development.
2. Neon or internally lit signs should not be permitted, except that a small neon sign that advertises a business as open or closed may be permitted.
3. Signs should be located in such a way that they enhance the appearance of the development and are of a scale and height suitable for a pedestrian environment.

Guideline 5 Parking

1. Off-street automobile parking should be located away from public open spaces. Parking requirements may be reduced to permit landscaping to meet the objectives of this development permit area.
2. Parking access onto any road should be approved by the Ministry of Transportation.
3. Parking access should be directed away from non-commercial areas and onto major roads only.
4. The use of impermeable parking surfaces is not encouraged to reduce surface water run-off and enhance the appearance of the Village.

4.6 Development Permit Area No. 6: Community Boat Launch – guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Community Boat Launch development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

Guideline 1 The number of access points from the road shall be limited to one to access the community boat launch parking area.

Guideline 2 The number of access points to the beach area shall be limited to one to access the community boat launch.

- Guideline 3 A 15 metre wide tree canopy and shrub buffer shall be retained along the shoreline and along property lines fronting road right-of-ways.
- Guideline 4 Construction in this buffer and tree canopy shall be limited to access to the community boat launch.
- Guideline 5 Eagle nesting trees and perch trees shall be protected.
- Guideline 6 Prior to any community boat launch or parking improvements a site plan showing traffic circulation, boat launch parking layout, drainage works and tree canopy and shrub buffer strips should be attached to the development permit application.

4.7 Development Permit Area No. 7: Light Industrial – guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Light Industrial development permit area shall apply to the Denman Island Local Trust Committee for a development permit, and the following guidelines apply.

- Guideline 1 A development permit is required for the following:
1. construction or alteration to existing structures if the size of the alteration adds any floor area to the building or structure, or if additional off-street parking is required (according to the Land Use Bylaw);
 2. modifications to existing buildings and structures that involve replacing the siding or roofing using a different material.
- All other land alteration or development including subdivision is exempt from the requirements of this development permit area.
- Guideline 2 General
1. Building heights should be in keeping with local bylaws and surrounding structures. Minor height variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities.
 2. Building setbacks should be in keeping with local bylaws. Setback variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities; however, setback relaxations will not be considered for property lines abutting the Rural or Sustainable Resource designation.

INFORMATION NOTE: Setback relaxations from the highway right-of-way resulting in a setback of less than 4.5 metres will be subject to approval by the Ministry of Transportation and Highways.

3. The use of natural materials, such as wood and stone, is encouraged for building finishes and such materials should be capable of blending in with the aesthetic qualities of the natural surrounding.
 4. The form of the development should incorporate low, small scale building designs with such amenities as public walkways and outdoor open spaces for use by employees and visitors to the business.
 5. All rooftop mechanical equipment, including but not limited to air conditioning units, communication devices and vents, should be screened from view.
 6. Storage areas located outside the building should be screened in such a way that they are not visible from a public right-of-way or an adjacent property.
- Guideline 3 Landscaping
1. Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.
 2. Developments on lots adjacent to residential properties should contain a vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking. Fences may be considered, but only if it can be demonstrated that a vegetation buffer is not suitable.
 3. Fencing should be constructed of natural materials and designed to blend with the overall character of the development.

4. Landscaping next to a stream, lake or wetland should be left natural. Landscaping should be consistent with the guidelines in Development Permit Area No. 4: Streams, Lakes and Wetlands.
5. If lighting is desirable, it should be designed to illuminate walkway and parking areas for safety purposes. Light fixtures should be low to the ground, incorporate devices to reduce light leakage and designed in such a way so as to not illuminate an adjacent property or right-of-way.

Guideline 4 Signs

1. Signage should be grouped and made of materials and be of a character that match the natural materials of the development.
2. Neon or internally lit signs should not be permitted, except that a small neon sign that advertises a business as open or closed may be permitted in the building.
3. Signs should be located in such a way that they enhance the appearance of the development and are of a scale and height suitable for a rural environment.

Guideline 5 Parking

1. Off-street automobile parking should be located away from public open spaces. Parking requirements may be reduced to permit landscaping to meet the objectives of this development permit area.
2. Parking access onto any road should be approved by the Ministry of Transportation.
3. Parking access should be directed away from residential areas and onto major roads only.
4. The use of permeable parking surfaces is encouraged to reduce surface water run-off and enhance the rural appearance.

5. TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS

Area

The Local Trust Committee may issue Temporary Commercial and Industrial Use Permits for barge loading and unloading in only the following designations shown on Schedule C:

- Water
- Residential
- Rural
- Sustainable Resource.

Objectives

Objective 1 To permit temporary barge loading and unloading

Guidelines

Conditions in the Permit should follow the guidelines below:

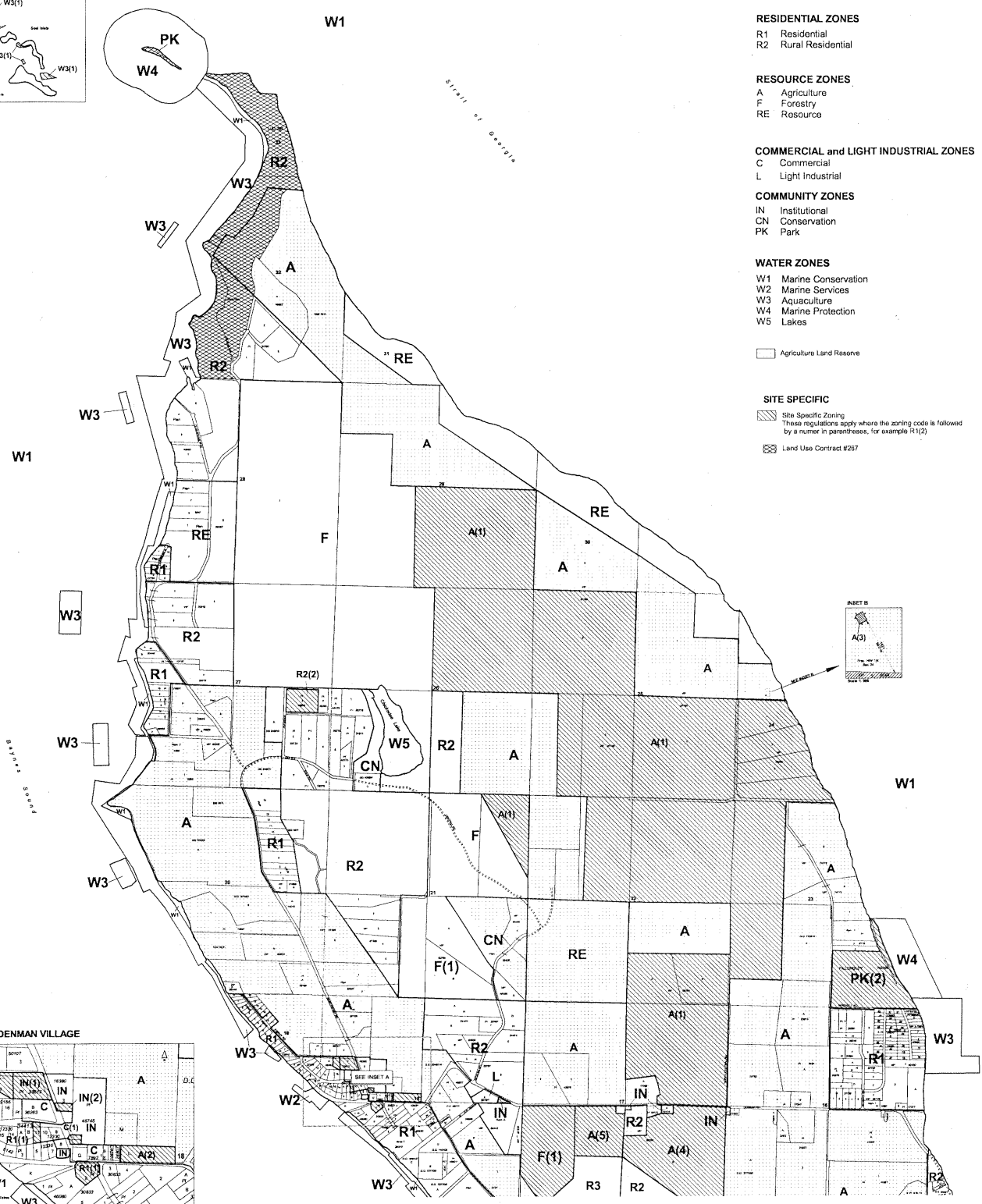
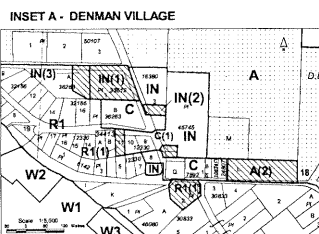
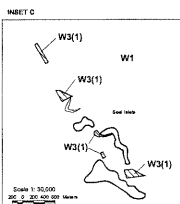
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|-------------|---|
| Guideline 1 | Permits should be issued only to permit barge loading and unloading. |
| Guideline 2 | Permits should be issued for a maximum of 30 days. |
| Guideline 3 | Permits should not be issued for locations that are environmentally sensitive or are located within the vicinity of a wildlife nesting tree. |
| Guideline 4 | Permits should contain conditions addressing the operational plan, including hours and days of operation, to ensure compatibility with neighbouring residences. |
| Guideline 5 | Permits may include, as a condition, the provision of an undertaking by the owner of the affected land to remove and restore land to a condition specified in the permit by a date specified in the permit. |
| Guideline 6 | Permits may include, as a condition, the provision of security to guarantee the performance of the terms of the permit. |

Guideline 7	Permits should not be issued without evidence of valid approval from the British Columbia Assets and Land Corporation and the Federal Department of Fisheries and Oceans.
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DENMAN ISLAND LAND USE BYLAW

Bylaw 186
SCHEDULE B - NORTH SHEET

PROPOSED



RESIDENTIAL ZONES

- R1 Residential
- R2 Rural Residential

RESOURCE ZONES

- A Agriculture
- F Forestry
- RE Resource

COMMERCIAL and LIGHT INDUSTRIAL ZONES

- C Commercial
- L Light Industrial

COMMUNITY ZONES

- IN Institutional
- CN Conservation
- PK Park

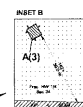
WATER ZONES

- W1 Marine Conservation
- W2 Marine Services
- W3 Aquaculture
- W4 Marine Protection
- W5 Lakes

□ Agriculture Land Reserve

SITE SPECIFIC

- ▨ Site Specific Zoning
These regulations apply where the zoning code is followed by a number in parentheses, for example R1(2)
- ▨ Land Use Contract #287



DENMAN ISLAND

DENMAN ISLAND
LOCAL TRUST COMMITTEE

SHEET 1 of 2
LAND USE BYLAW

DENMAN ISLAND LAND USE BYLAW

Bylaw 186

SCHEDULE B - SOUTH SHEET

PROPOSED

RESIDENTIAL ZONES

R1 Residential
R2 Rural Residential

RESOURCE ZONES

A Agriculture
F Forestry
RE Resource

COMMERCIAL AND LIGHT INDUSTRIAL ZONES

C Commercial
L Light Industrial

COMMUNITY ZONES

IN Institutional
CN Conservation
PK Park

WATER ZONES

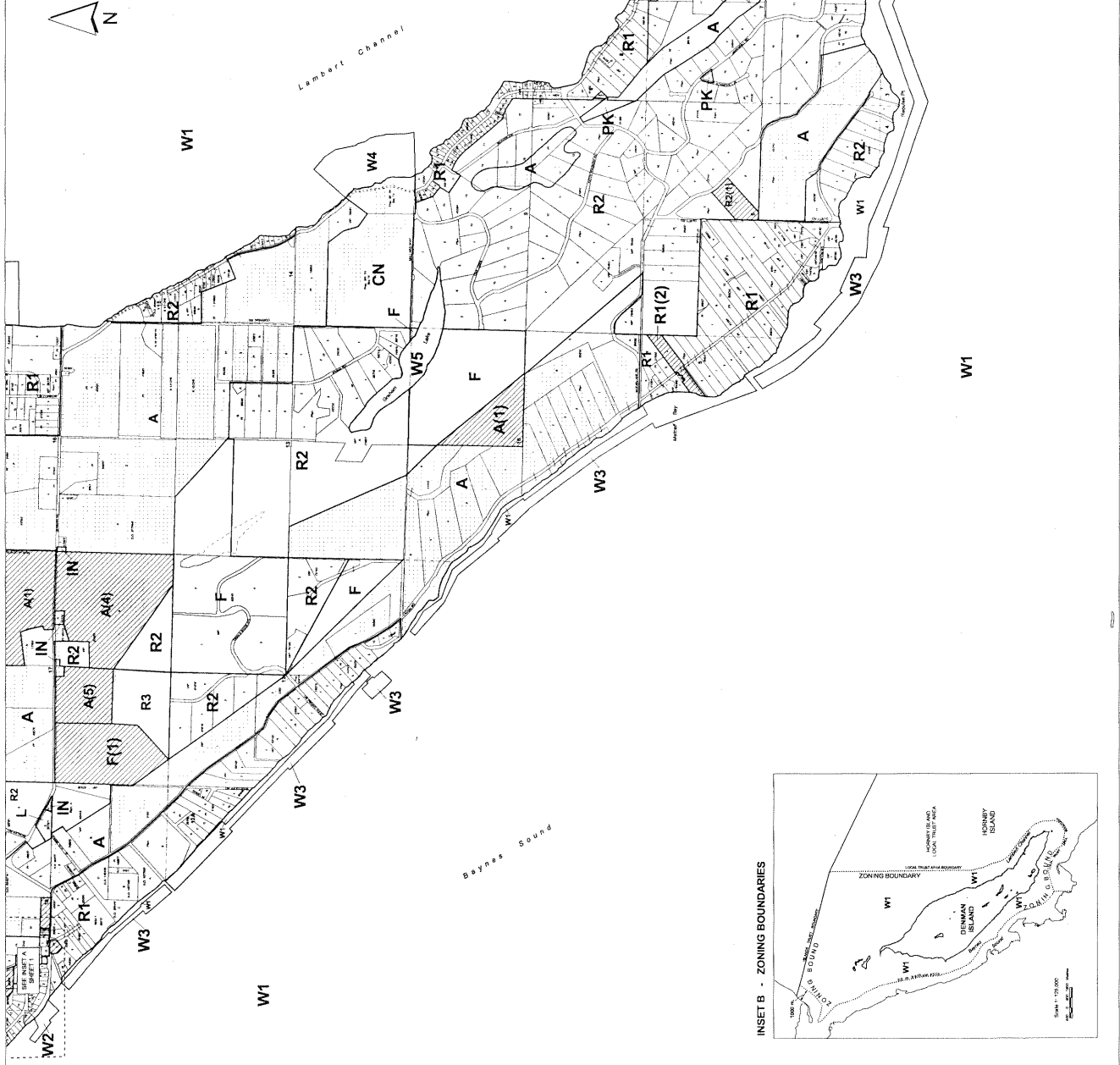
W1 Marine Conservation
W2 Marine Services
W3 Aquaculture
W4 Marine Protection
W5 Lakes

Agriculture Land Reserve

SITE SPECIFIC

Site Specific Zoning
This zoning code is used to designate a specific site for a particular use. The site is identified by a number in parentheses, for example R1(1).

Land Use Control #27



INSET B - ZONING BOUNDARIES

