

BOWEN ISLAND

ZONING BYLAW NO. 36

AS AMENDED BY BOWEN ISLAND LOCAL TRUST

COMMITTEE BYLAWS: 42, 47, 51, 56, 67, 75, 76, 78, 80, 81, 98, 100, 105, 114, 123, 134, 136, 138, 141, 143, 145, 149, 154 (repealed), 158, and 159

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document. For consistency the word "bylaw" is no longer hyphenated. In addition when an act has been cited in this document, the title of said act is in italics.

Certified copies of the Zoning Bylaw are available from the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8.

Consolidated: May 28, 1999

BYLAW TEXT AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 42	Amendment No. 2, 1984	April 27, 1985
Bylaw No. 47	Amendment No. 1, 1985	April 27, 1985
Bylaw No. 51	Amendment No. 3, 1985	November 9, 1985
Bylaw No. 56	Amendment No. 1, 1986	June 6, 1986
Bylaw No. 67	Amendment No. 2, 1987	September 11, 1987
Bylaw No. 75	Amendment No. 3, 1988	May 25, 1989
Bylaw No. 76	Amendment No. 4, 1988	March 21, 1989
Bylaw No. 78	Amendment No. 2, 1989	April 20, 1989
Bylaw No. 80	Amendment No. 4, 1989	June 2, 1989
Bylaw No. 81	Amendment No. 5, 1989	April 20, 1989
Bylaw No. 98	Amendment No. 2, 1990	May 7, 1991
Bylaw No. 100	Amendment No. 1, 1991	October 5, 1991
Bylaw No. 105	Amendment No. 2, 1991	April 7, 1992
Bylaw No. 114	Amendment No. 1, 1992	November 17, 1993
Bylaw No. 123	Amendment No. 1, 1993	February 14, 1994
Bylaw No. 134	Amendment No. 2, 1996	June 27, 1996
Bylaw No. 136	Amendment No. 1, 1995	May 18, 1995
Bylaw No. 138	Amendment No. 2, 1995	October 16, 1995
Bylaw No. 141	Amendment No. 4, 1995	March 28, 1996
Bylaw No. 143	Amendment No. 1, 1996	August 12, 1996
Bylaw No. 145	Amendment No. 2, 1996	September 4, 1997
Bylaw No. 149	Amendment No. 3, 1997	July 3, 1997
Bylaw No. 154 (repealed)	Amendment No. 6, 1997	March 11, 1998
Bylaw No. 158	Amendment No. 1, 1998	May 12, 1999
Bylaw No. 159	Amendment No. 2, 1998	July 16, 1998

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BOWEN ISLAND TRUST COMMITTEE

ZONING BYLAW NO. 36, 1984

A BYLAW TO ESTABLISH ZONES AND REGULATE THE USE OF LAND, BUILDINGS AND STRUCTURES WITHIN THE ZONES

WHEREAS the Bowen Island Trust Committee is the Trust Committee having jurisdiction to establish zones and regulate the use of land, buildings and structures within the zones in respect of Bowen Island pursuant to the Islands Trust Act, R.S.B.C., 1979, Chapter 208;

AND WHEREAS the Trust Committee has given due regard to

- (a) the objectives and policies of the Islands Trust;
- (b) the promotion of health, safety, convenience and welfare of the public;
- (c) prevention of the overcrowding of land and preservation of the amenities peculiar to any zone;
- (d) the securing of adequate light, air and access;
- (e) the value of the land and the nature of its present and prospective use and occupancy;
- (f) the character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses; and
- (g) the conservation of property values;
- (h) the development of areas to promote greater efficiency and quality;
- (i) the impact of development on present and future public costs;
- (j) betterment of the environment;
- (k) fulfilment of community goals;
- (l) provision of necessary public space.

NOW THEREFORE the Bowen Island Trust Committee, in open meeting assembled, hereby enacts as follows:

PART 1

TITLE

- 1.1 This Bylaw may be cited for all purposes as "Bowen Island Zoning Bylaw No. 36, 1984".

PART 2

ZONE - SPECIFIC REGULATIONS

2.1 CREATION OF ZONES

The area of Bowen Island, including Hutt Island and Finisterre Island, and including the waters surrounding, is divided into the zones identified in Column I and briefly described in Column II, and the extent of each zone is shown on Schedule "A" attached to and forming part of this Bylaw.

	COLUMN I	COLUMN II
	R	Rural
BL51	RC-1	Rural Comprehensive-1
BL145	RC-2	Rural Comprehensive-2
	CWSP	Community Water Supply Protection
BL51	CWSC-1	Community Water Supply Comprehensive-1
	SR	Settlement Residential
	SCR	Senior Citizen Residential
BL158	GH	Guest House
	C-1	Commercial 1
BL98	C-1A	Commercial 1-A
	C-2	Commercial 2
	C-3	Commercial 3
	C-4	Commercial 4
BL76	C-4A	Commercial 4-A
	C-5	Commercial 5
BL114	C-6	Commercial 6
	I-1	Civic and Assembly Institutional
	I-2	Personal Care Institutional
	M-1	Village Fuel Storage
	M-2	Rural Industrial
	PR	Public and Recreation
	W-1	Water 1
BL134	CP-1	Commercial Parking 1

2.2 DEFINITION OF ZONES

- (1) The boundary between water and land zones shall be the surveyed lot line or where there is no survey plan, the natural boundary.
- (2) Where a zone boundary is designated as following a road allowance, creek or stream the centre line of such road allowance, creek or stream shall be the zone boundary.

- (3) Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule "A".

2.3 RURAL (R) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the R Zone:

- i) Single family dwelling use;
- ii) Agricultural use;
- iii) Home occupation use, subject to Section 3.12;
- iv) On lots 2 hectares (5 acres) or larger, extended home occupation use, subject to Section 3.13;
- v) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the R Zone:

- i) No building or structure shall be sited within 7.5 metres (24.6 feet) of any lot line;
- ii) No building or structure shall exceed a height of 9 metres (29.5 feet);
- iii) Lot coverage shall not exceed 10 per cent.

2.3A RURAL COMPREHENSIVE-1 (RC-1) ZONE

BL #51

(1) Uses Permitted

Section 2.3(1) applies to the RC-1 Zone.

(2) Conditions of Use

Section 2.3(2) applies to the RC-1 Zone.

(3) Home Occupations and Extended Home Occupations

For the purposes of Sections 3.12(2)iv, 3.12(2)v, and 3.13(2)v each dwelling and ancillary home occupations and extended home occupations shall be considered as being on a separate lot.

(4) Number of Dwellings

One dwelling unit per 2 hectares (4.94 acres) is permitted in the RC-1 Zone."

BL145

2.3B RURAL COMPREHENSIVE-2 (RC-2) ZONE

(1) Uses Permitted

Section 2.3(1) applies to the RC-2 Zone.

(2) Conditions of Use

- i) Section 2.3(2) applies to the RC-2 Zone;
- ii) Notwithstanding Section 3.4(1) of this bylaw, no building or structure shall be sited within 7.5 metres (24.6 feet) from the natural boundary of the ocean.

(3) Home Occupations and Extended Home Occupations

For the purpose of Section 3.12(2)iv, 3.12(2)v, and 3.13(2)v each dwelling and ancillary home occupations and extend home occupations shall be considered as being on a separate lot.

(4) Number of Dwellings

One dwelling unit per 0.55 hectares (1.36 acres) is permitted in the RC-2 Zone.

2.4 COMMUNITY WATER SUPPLY PROTECTION (CWSP) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the CWSP Zone:

- i) Single family dwelling use;
- ii) Agricultural use;
- iii) Home occupation use, subject to Section 3.12;
- iv) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the CWSP Zone:

- i) No buildings or structure shall be sited within 50 metres (164 feet) of the high water mark of any stream, creek or lake in the CWSP Zone, or within 7.5 metres (24.6 feet) of any other lot line;
- ii) No storage or repair of agricultural machinery shall be permitted within 50 metres (164 feet) of the high water mark of any stream, creek or lake in the CWSP Zone.

- iii) No keeping of livestock or poultry or siting of associated structures or manure piles shall be permitted within 50 metres (164 feet) of any stream, creek or lake in the CWSP Zone;
- iv) No building or structure shall exceed a height of 9 metres (29.5 feet);
- v) Lot coverage shall not exceed 10 per cent.

[NOTE: In addition to an appeal to the Board of Variance, an owner of land may apply to the Bowen Island Trust Committee for a development permit to relax the siting provisions in this zone.]

2.4A COMMUNITY WATER SUPPLY COMPREHENSIVE-1 (CWSC-1) ZONE

BL 51

(1) Uses Permitted

Section 2.4(1) applies to the CWSC-1 Zone.

(2) Conditions of Use

Section 2.4(2) applies to the CWSC-1 Zone.

(3) Home Occupations

For the purposes of Sections 3.12(2)iv and 3.12(2)v each dwelling and ancillary home occupations shall be considered as being on a separate lot.

(4) Number of Dwellings

One dwelling unit per 2 hectares (4.94 acres) is permitted in the CWSC-1 Zone."

2.5 SETTLEMENT RESIDENTIAL (SR) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the SR Zone:

- i) Single family dwelling use;
- ii) Home occupation use, subject to Section 3.12;
- iii) Buildings and structures accessory to permitted uses;
- iv) On lots 1.0 hectare (2.47 acres) and larger, agricultural use.

(2) Conditions of Use

For any lot in the SR Zone:

- i) No building or structure shall be sited within 7.5 metres (24.6 feet) of a front, rear or exterior side lot line, or 3 metres (9.8 feet) of an interior lot line;
- ii) The keeping of livestock or poultry shall not be permitted for other than personal use;
- iii) No building or structure shall exceed a height of 7.5 metres (24.6 feet);
- iv) Lot coverage shall not exceed 33 per cent.

2.6 SENIOR CITIZEN RESIDENTIAL (SCR) ZONE

(1) Uses Permitted

- i) Senior citizen housing at a density not to exceed 10 units per 0.4 hectare (1 acre);
- ii) Personal care use;
- iii) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the SCR Zone:

- i) No building or structure shall be sited within 7.5 metres (24.6 feet) of a front lot line, or within 3 metres of any other lot line;
- ii) No building or structure shall exceed a height of 8 metres (26.2 feet);
- iii) Lot coverage shall not exceed 25 per cent.

2.6A GUEST HOUSE (GH) ZONE

(1) Lot Standards

- (i) No lot may be created by subdivision that has an area less than 0.4 hectares.
- (ii) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 1.0 hectares.

(2) Permitted Uses

The following uses and no others are permitted:

- (i) guest house;
- (ii) agriculture;
- (iii) home occupations, subject to Section 3.12, other than the keeping of boarders or lodgers;
- (iv) uses, buildings and structures accessory to permitted uses, except that no retail sales use is permitted in association with any guest house use.

For certainty, the guest house use permitted in this zone does not include the provision of residential accommodation other than for the operator of a guest house, or the provision of services in guest house facilities to persons other than registered overnight guests of the guest house.

(3) Siting and Size of Uses, Buildings and Structures

- (i) No building or structure may be sited within 7.5 metres of any lot line.
- (ii) No building or structure may be sited within 50 metres of the high water mark of any creek, stream or lake.
- (iii) No land shall be used for agricultural machinery storage or repair, the keeping of livestock or poultry, whether enclosed or not, or the storage of manure, within 50 metres of the high water mark of any creek, stream or lake.
- (iv) No building or structure may exceed a height of 9 metres.
- (v) The floor area of any bedroom in a guest house must not exceed 41.8 square metres (450 square feet) and the total floor area of dining facilities must not exceed 55.7 square metres (600 square feet).

(4) Density

- (i) Not more than 1 guest house may be constructed or used on any lot.
- (ii) Lot coverage shall not exceed 10 percent.
- (iii) The number of buildings and structures accessory to an agricultural or guest house use must not exceed 5.

(5) Screening

- (i) Outdoor storage and parking areas associated with a guest house use must be screened from residential uses on adjoining lots by an evergreen landscape screen not less than 1.5 metres in height, planted and maintained in accordance with sound horticultural practice so as to provide a year-round visual barrier.
- (ii) A guest house use on lands legally described as Lot I, District Lot 489, Plan LMP2262, Bowen Island, NWD must be screened from adjacent land uses to the north by an evergreen landscape screen not less than 3 metres (10 feet) in height, planted and maintained in accordance with sound horticultural practice so as to provide a year-round visual barrier, within 7.5 metres of the northerly boundary of Lot I.

2.7 COMMERCIAL 1 (C-1) ZONE

BL123

(1) Uses Permitted

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

- i) Retail use;
- ii) Financial and personal service use;
- iii) Office use;
- iv) A single family dwelling unit in conjunction with an above permitted use per lot;
- v) Home occupation use, subject to Section 3.12;
- vi) Buildings and structures accessory to permitted uses; and
- vii) Restaurant use.

(2) Conditions of Use

For any lot in the C-1 Zone:

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line;
- ii) No building or structure shall exceed a height of 7 metres (23.0 feet);
- iii) Lot coverage shall not exceed 50 per cent.

2.8 COMMERCIAL 1-A (C-1A) ZONE

BL #98,105, 141

(1) Uses Permitted

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

- i) Office use
- ii) Professional services
- iii) Bank, Trust Office or Credit Union
- iv) Buildings and structures accessory to permitted uses
- v) Public library use
- vi) Single family dwelling use accessory to a permitted use

(2) Conditions of Use

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line.
- ii) No building or structure shall exceed a height of 7 metres (23.0 feet).
- iii) Floor Space Ratios (FSR) shall not exceed 0.6 within:
 - (a) a lot created by subdivision under the Land Title Act; or

- (b) the total area comprising all the strata lots and common property that is zoned Commercial 1A (C-1A) within a plan of subdivision under the Condominium Act;
- iv) Single family dwelling use is restricted to the upper floor of any two storey building containing a permitted use.
- v) Single family dwelling use is restricted to an average of one dwelling unit per building containing a permitted use on any parcel to a maximum of two single family dwellings per parcel. Single family dwelling use in a bare land strata development pursuant to the Condominium Act is restricted to an average of one dwelling unit per strata lot which contains a building used for a permitted use to a maximum of two single family dwellings per strata lot. A building containing a permitted use may contain more than one dwelling unit.

2.9 COMMERCIAL 2 (C-2) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the C-2 Zone:

- i) Uses permitted in the C-1 Zone excluding residential use;
- ii) Gasoline sales and service station use;
- iii) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the C-2 Zone:

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line;
- ii) No gasoline pump or pump island shall be sited within 4.5 metres (14.7 feet) of any lot line;
- iii) No building or structure shall exceed a height of 7 metres (23.0 feet);
- iv) Lot coverage shall not exceed 50 per cent.

2.10 COMMERCIAL 3 (C-3) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the C-3 Zone:

- i) Tourist lodging use at a density not to exceed 10 units per .4 hectares (1 acre);
- ii) Restaurant use;

- iii) Uses permitted in the C-1 Zone excluding residential use;
- iv) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the C-3 Zone:

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line;
- ii) No building or structure shall exceed a height of 7 metres (23.0 feet);
- iii) Lot coverage shall not exceed 50 per cent.

2.11 COMMERCIAL 4 (C-4) ZONE

(1) Uses permitted

The following uses and no others are permitted in the C-4 Zone:

- i) Boat moorage rental use;
- ii) Non-commercial maintenance and repair of boats;
- iii) Marine fuel sales use;
- iv) Ferry, water taxi and boat charter use;
- v) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the C-4 Zone:

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line;
- ii) No building or structure shall exceed a height of 4 metres (13.1 feet);
- iii) No residing is permitted in the C-4 Zone.

2.12 COMMERCIAL 4A (C-4A) ZONE

(1) Uses Permitted

The following uses and no other uses shall be permitted within the C-4A Zone:

- i) Restaurant use;
- ii) Marine public house use;
- iii) Retail use;
- iv) Marina use;
- v) The following uses are accessory uses to Marina Use;
 - (a) Boat moorage and rental use;
 - (b) Marina service facility use;
 - (c) Marina administrative facility use;
 - (d) Non-commercial maintenance and repair of boats;
 - (e) Marine fuel sales;
 - (f) Water taxi and boat charter use;
 - (g) Two single family dwelling units on the surface of the water;
 - (h) Boat launching ramp;
 - (i) Marine pump-out station.
- vi) Buildings and structures accessory to a permitted use.
- vii) Four dwelling units on the land, two of which may be used for transient accommodation.

(2) Conditions of Use

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line or water lease boundary line;
- ii) No building or structure shall exceed a height of 7 metres (23 feet);
- iii) Lot coverage shall not exceed 50 percent of the upland;
- iv) No person shall reside on any boat or vessel except for short term holiday or recreation purposes;
- v) Boat houses are not permitted;
- vi) The total floor area of all buildings on the surface of the water shall not exceed 250 square metres (2691 sq. ft.) within no more than 3 buildings.

2.13 COMMERCIAL 5 (C-5) ZONE

(1) Uses Permitted

The following uses and no other uses shall be permitted within the C-5 Zone.

- i) Retail use;
- ii) Restaurant use;
- iii) Neighbourhood public house;
- iv) Marine public house;
- v) Financial and personnel service use;
- vi) A single family dwelling in conjunction with an above permitted use;
- vii) Buildings and structures accessory to a permitted use.

(2) Conditions of Use

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of any lot line;
- ii) No building or structure shall exceed a height of 7 metres (23.0 feet);
- iii) Lot coverage shall not exceed 50 percent.

2.14 COMMERCIAL 6 (C-6) ZONE

(1) Uses Permitted

- i) Cottage industry;
- ii) Single family dwelling use accessory to cottage industry;
- iii) Buildings and structures accessory to uses permitted.
- iv) Assembly use

(2) Conditions of Use

- i) No building or structure shall be sited within 1.52 metres (5 feet) of any lot line;
- ii) Every building or structure shall be limited to two and one-half storeys and no building shall exceed 9 metres (29.5 feet) in height;
- iii) No cottage industry shall occupy more than 418 sq. m. (4500 square feet) of gross floor area. No building or structure shall contain more than 571.3 sq. m. (6,150 sq. ft.) of gross floor area used for cottage industry with a maximum of 418 sq. m. (4,500 sq. ft.) of gross floor area used for

cottage industry being permitted on any one floor of the building or structure;

- iv) Cottage industry shall be conducted entirely within a building or buildings containing cottage industry floor area except for:
 - a) accessory buildings and outdoor areas that may be used for storage purposes or for purposes accessory to dwelling use; and
 - b) outdoor areas that may be used for the temporary display of finished products or for the consumption of food products.
- v) Single family dwelling use is restricted to the second storey of any building used for a cottage industry;
- vi) For purposes of the subsequent clauses "a" and "b", "Parcel" shall mean the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded plan or description filed in the Land Title Office, except that the total area of land in a Bare Land Strata Plan registered under the Condominium Act shall be considered a parcel:
 - a) The number of dwelling units per building shall not exceed two and the number of dwelling units per parcel shall not exceed one dwelling unit per 140 sq. m. (1507 sq. ft.) of gross floor area used for cottage industry.
 - b) The maximum floor space ratio for buildings on any parcel in this zone shall be 0.1.
- vii) A maximum of 30% of the gross floor area used for cottage industry may be used for retail use.
- viii) Not more than 110 square metres (1184 square feet) of gross floor area within the C-6 Zone shall be used for assembly use.

2.15 CIVIC AND ASSEMBLY INSTITUTIONAL (I-1) ZONE

BL#80, 81, 136,

154(repealed), 159(1)

Uses Permitted

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

- i) School use;
- ii) Church use;
- iii) Museum use;
- iv) Community hall use;
- v) Social hall use;
- vi) Public recreation use;
- vii) Firehall use;

- viii) Ambulance hall;
- ix) Police station;
- x) Single family dwelling use;
- xi) Buildings and structures accessory to permitted uses;

(2) Conditions of Use

For any lot in the I-1 Zone:

- i) No building or structure shall be sited within 7.5 metres (24.6 feet) of a front lot line, or within 3 metres (9.8 feet) of any other lot line;
- ii) No building or structure shall exceed a height of 7.5 metres (24.6 feet);
- iii) Lot coverage shall not exceed 40 per cent.

2.16 PERSONAL CARE INSTITUTIONAL (I-2) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the I-2 Zone:

- i) Personal care use;
- ii) One single family dwelling per lot;
- iii) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the I-2 Zone:

- i) No building or structure shall be sited within 7.5 metres (24.6 feet) of a front lot line, or within 3 metres (9.8 feet) of any other lot line;
- ii) No building or structure shall exceed a height of 7.5 metres (24.6 feet);
- iii) Lot coverage shall not exceed 40 per cent.

2.17 VILLAGE FUEL STORAGE (M-1) ZONE

(1) Use Permitted

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

- i) Petroleum storage and wholesale distribution use;
- ii) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the M-1 zone:

- i) No building or structure shall be sited within 1.5 metres (4.9 feet) of a front lot line or within 6 metres (19.7 feet) of any other lot line;
- ii) No building or structure shall exceed a height of 6 metres (19.7 feet).

2.18 RURAL INDUSTRIAL (M-2) ZONE

BL47

(1) Uses Permitted

The following uses and no others are permitted in the M-2 Zone:

- i) Fuel storage and wholesale distribution use;
- ii) Equipment storage, maintenance and repair;
- iii) Building material storage and sales;
- iv) Single family dwelling use;
- v) Buildings and structures accessory to permitted uses;
- vi) Recycling depot.

(2) Conditions of Use

- i) Lots shall be a minimum 0.8 hectares (2 acres) in size;
- ii) For any lot in the M-2 Zone:
 - a) No building or structure shall be sited within 7.5 metres (24.6 feet) of any lot line;
 - b) No buildings or structure shall exceed a height of 9 metres (29.5 feet);
 - c) Lot coverage shall not exceed 33 per cent.

2.19 PUBLIC AND RECREATION (PR) ZONE

(1) Uses Permitted

The following uses and no others are permitted in the PR Zone:

- i) Parks and park reserves;
- ii) Ecological reserves;
- iii) Watershed reserves;

- iv) Outdoor recreation;
- v) Agricultural use;
- vi) Buildings and structures accessory to permitted uses.

(2) Conditions of Use

For any lot in the PR Zone:

- i) No building or structure shall be sited within 7.5 metres (24.6 feet) of any lot line;
- ii) No building or structure shall exceed a height of 9 metres (29.5 feet).

2.20 WATER 1 (W-1) ZONE

(1) Uses Permitted

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

- i) Boat moorage use accessory to residential use;
- ii) Marine park use;
- iii) Docks, wharves, floats, piers, ramps, pilings, sea walls and breakwaters accessory to permitted uses.

(2) Conditions of Use

- i) There shall be no buildings in the W-1 Zone;
- ii) Residing on a boat, float house or other floating vessel or structure is not permitted;
- iii) Sea walls and breakwaters shall not extend further than 7 metres (23 feet) from the high water mark, except under a Development Permit subject to Section 3.14;
- iv) No structure shall be sited within 3 metres (9.8 feet) of the projection of any side lot line.

2.21 COMMERCIAL PARKING 1 (CP-1) ZONE

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

(1) Uses Permitted

- i) Off-street parking

(2) Conditions of Use

- i) For any lot in the CP-1 Zone:
 - a) No building or structure shall be sited within 7.5 metres (24.6 feet) of any lot line or within 3 metres (9.8 feet) of any other lot;
 - b) No building or structure shall exceed a height of 4 metres (13.1 feet);
 - c) Lot coverage shall not exceed 50 percent.

PART 3

GENERAL REGULATIONS

3.1 USES PERMITTED IN ANY ZONE

BL67, 134

Except where specifically excluded the following uses shall be permitted in any zone:

- (1) Public utility wires and poles, water distribution systems, traffic control devices, underground and submarine utility systems;
- (2) Public parks, roads, hiking and equestrian trails;
- (3) In those zones where permitted, a single family dwelling shall have a minimum dimension (width or length) of six metres (19.69 feet) and a floor area of not less than 55.7 square metres (600 square feet) and be permanently fixed to a site or be anchored to a permanent foundation or placed on a concrete slab and anchored in accordance with Building Code requirements;
- (4) Off-street parking accessory to a use permitted.

3.2 PROHIBITED USES OF LAND, BUILDINGS AND STRUCTURES

BL100

- (1) A use located partially or totally in a tent, trailer, mobile home, motor home, camper or building or structure not permanently fixed to a site is prohibited in all zones except the Public Recreation (PR) Zone;
- (2) Without limiting the generality of other sections of the Bylaw, feedlots; mink farming; mushroom farming; slaughter house use; use of beehive burner; refining of coal oil; extracting oil from fish; sorting hides; boiling of soap, blood, bones or tripe; tallow melting; and the manufacture of gas, alkali, sulphuric acid, chemical manure, nitric acid, sulphate and muriate of ammonia, chlorine or bleaching powder are prohibited in all zones.
- (3) A use that provides for the rental of all terrain vehicles, motorcycles, or limited speed motorcycles, as defined by the Motor Vehicle Act, is prohibited in all zones.

3.3 DWELLINGS PER PARCEL

- (1) Except as otherwise specifically permitted in this Bylaw, no more than one dwelling unit shall be permitted per parcel.

3.4 SETBACKS FROM TIDAL AND NON-TIDAL WATERS

- (1) No building shall be sited within 30 metres (98.4 feet) lineally from the high water mark of tidal waters;
- (2) No building shall be sited within 15 metres (49.2 feet) lineally from the high water mark of any creek, stream or lake, except as provided in the CWSP Zone Section 2.4(2)(i);
- (3) The keeping of livestock or poultry and the siting of associated structures and manure piles shall not be permitted within 30 metres (98.4 feet) lineally from the high water mark of any creek, stream or lake, except as provided in the CWSP Zone Section 2.4(2)(iii);
- (4) Notwithstanding any other provision of this Bylaw no building, including boat sheds, shall be sited on any water on any zone except as may be permitted by development permit in the C-4 (Commercial 4) Zone.

3.5 SETBACKS FROM STREETS

Subject to the Regulations under the Highway Act:

- (1) No building shall be sited within 4.6 metres (15 feet) of any lot line common to a street.
- (2) There shall be no obstruction to the line of vision, by buildings, structures or landscape screening between the heights of one metre (3.3 feet) and 3 metres (9.8 feet) above the established grade of roads within an area bounded by the centre lines of intersecting or intercepting roads and a line joining a point on each centre line 25 metres (82 feet) from their intersection.

3.6 EXCEPTIONS TO SETBACK REQUIREMENTS

- (1) Where gutters, cornices, sills, belt courses, bay windows chimneys, heating or ventilating equipment or other architectural features project beyond the face of a building, the setback required elsewhere in this Bylaw may be reduced by not more than 0.6 metres (1.97 feet), providing such reduction shall apply only to the projecting feature.
- (2) Where eaves, unenclosed stairwells, balconies, porches, canopies or sunshades project beyond the face of a building, the setback required elsewhere in this Bylaw from a front, rear or exterior side lot line or from the high water mark may be reduced by not more than 1.25 metres (4.10 feet) and the setback required from an interior lot line may be reduced by not more than 0.6 metres (1.97 feet), providing such reduction shall apply only to the projecting feature.
- (3) Structures which at no point extend more than 0.6 metres (1.97 feet) above the average finished ground elevation may be sited on any portion of a lot.

- (4) Fences, walkways or stairways not exceeding a height of 2 metres (6.56 feet) may be sited on any portion of a lot, subject to Section 2.4(2)(iii), Section 3.4(3) and Section 3.5.
- (5) Pumphouses and treatment plant buildings may be sited on any portion of a lot.
- (6) Storage buildings (including woodsheds), accessory to residential use not exceeding 2.5 metres (8.2 feet) in height and not exceeding 20 square metres (215 square feet) may be located 0 metres from interior lot lines and 0 metres from rear lot lines, subject to Section 3.5 and setbacks from the high water mark, creeks and lakes.

3.7 HEIGHT EXCEPTIONS

BL158

Except for structures accessory to agricultural use in the Guest House Zone, the heights of permitted buildings and structures may be exceeded for retaining walls, radio and television antennas, church spires, belfries, chimneys, flag poles, lighting poles, telephone poles, stairways, silos, structures accessory to agricultural use and water storage tanks.

3.8 TEMPORARY RESIDENCE WHILE CONSTRUCTING

Notwithstanding Section 3.2(1) where a valid building permit has been issued for the construction of a permitted use, one travel trailer or camper is permitted on the lot for the temporary accommodation of the owner or builder, for a period not to exceed one year from the date of issuance of the permit.

3.9 RELATIONSHIP OF AGRICULTURAL LAND RESERVE LANDS AND THIS BYLAW

Lands lying within an Agricultural Land Reserve pursuant to the Agricultural Land Commission Act are subject to all regulations of this Bylaw in addition to any regulations or other acts, pertaining to Agricultural Land Reserve lands. The uses and accessory buildings on Agricultural Land Reserve lands which are permitted under this Bylaw are not necessarily permitted under the regulations of the Agricultural Land Commission.

3.10 SIGN REGULATIONS

BL114

- (1) Traffic directional and public safety signs are permitted in any zone.
- (2) For any lot in a Commercial, Industrial or Institutional Zone not more than two signs with a total area not exceeding 3 square metres (32.3 square feet) are permitted, except that in the Commercial 6 (C-6) zone, one sign per artisan workshop with a total area not exceeding 2 square metres (21.4 square feet) is permitted.
- (3) One house, building or land "for sale" sign is permitted on a lot.

- (4) One sign per lot in conjunction with home occupation or extended home occupation uses - the sign not to exceed
 - (a) 0.5 square metres (5.4 square feet) where it relates to a permitted home occupation uses(s) only
 - (b) 2 square metres (21.4 square feet) where it relates to a permitted extended home occupation use(s) or both permitted home and extended home occupation uses.

BL158

- (5) In the Guest House Zone one sign not exceeding 1 square metre (10.8 square feet) in area is permitted per lot.

3.11 OFF-STREET PARKING REQUIREMENTS

BL56, 114, 149

- (1) Off-street parking spaces shall be provided in accordance with the following schedule. In cases where a use is not specifically listed the required spaces shall be the same as for a similar use.

<u>Uses of Building or Lot</u>	<u>Minimum Number of Off-Street Parking Spaces Required</u>
retail, financial service, personal service, office, fire hall, post office, library	1 per 20 square metres (215 square feet) gross floor area
school, community hall, church, social hall, museum gross floor area, assembly use	1 per 15 square metres (161 square feet)
industrial, equipment storage, building material supply, warehouse	1 per 30 square metres (323 square feet) gross floor area
artisan workshop	1 per 30 square metres (323 square feet) gross floor area
residential	1 per dwelling unit
boarding	1 per bedroom used for boarding
restaurant, cafe	1 per 3 seats
motel, lodge	1 per tourist accommodation unit
guest house	1 per bedroom used for guest accommodation plus 1 for a service vehicle and 2 for the operator's dwelling unit
personal care	1 per 3 beds
gasoline service station	4, plus 2 per service bay

marina	1 per 3 berths, plus 4 per launch ramp or hoist
home occupation	1 per home occupation
neighbourhood public house	1 per 3 seats
marine public house	1 per 3 seats

- (2) Where a building or lot is used for more than one permitted use, the required number of parking spaces shall be the sum of the requirements for each use.
- (3) If any fraction of a parking space results when calculating parking requirements a full space must be provided.
- (4) Each parking space shall be not less than 6 metres (19.7 feet) in length and not less than 2.7 metres (9 feet) in width.
- (5) The required parking spaces shall be provided on the same lot as the use for which they are required, or on a lot within 90 metres (295 feet) of such use provided that such a lot has a covenant registered pursuant to Section 215 of the Land Title Act ensuring that the required parking area will remain available for parking in conjunction with such use.
- (6) All off-site parking for a commercial, industrial or institutional use must be provided on land zoned for commercial, industrial or institutional use.
- (7) Any use which was legally in existence under the "Greater Vancouver Regional District Zoning Bylaw No. 247, 1977" (Bowen Island) which does not have the required parking at the date of adoption of this Bylaw may continue to operate without the provision of such parking and shall not be deemed to be non-conforming, however any expansion of said use must conform to the parking requirements of this Bylaw.

3.12 HOME OCCUPATION REGULATIONS

- (1) The following uses and no others are permitted home occupations:
 - i) office of an accountant, lawyer, architect, clergyman, dentist, physician, engineer, publisher or other business or professional person;
 - ii) studio of an artist, music teacher, musician, clothing maker, potter, weaver, writer or other person engaged in crafts;
 - iii) the keeping of not more than two boarders or lodgers;
 - iv) the operation of a day school or nursery for not more than five children.
- (2) Home occupation use or uses:
 - i) shall be conducted entirely within a dwelling and/or within permitted accessory buildings, except for a kiln, kindergarten or nursery school, and involve no outside storage;

- ii) shall maintain the character and appearance of a residence;
- iii) on lots 0.4 hectare (1 acre) or less
 - a) shall not be permitted in accessory buildings exceeding 93 square metres (1,000 square feet) in gross floor area;
 - b) shall not occupy more than 46.5 square metres (500 square feet) total floor area in all accessory buildings combined;
- iv) shall not occupy more than 90 square metres (968 square feet) total floor area in all buildings combined; and
- v) shall be conducted by the residents of the lot plus not more than one additional employee at any one time.

3.13 EXTENDED HOME OCCUPATION REGULATIONS

BL#75

- (1) The following uses and no others are permitted extended home occupations;
 - i) Produce sales;
 - ii) Boat building;
 - iii) Shake manufacture;
 - iv) Contractor yards;
 - v) Portable sawmill;
 - vi) Cabinet manufacture;
 - vii) Welding shops;
 - viii) Salvage yards.
- (2) Extended home occupation use or uses:
 - i) Shall not be permitted on lots less than 2 hectares (5 acres) in size;
 - ii) Shall not be conducted within 30 metres (98.4 feet) of a creek, stream or lake;
 - iii) Shall not be conducted within 25 metres (82 feet) of any lot line;
 - iv) Shall be screened from view from adjacent lots and from public lands and rights-of-way; and
 - v) Shall be conducted by the residents of the lot plus not more than two additional employees at any one time.

PART 4

BASIC PROVISIONS

4.1 APPLICABILITY

The provisions of this Bylaw shall apply to the entire areas of Bowen Island, Hutt Island and Finisterre Island including the surface of water surrounding as shown on the Bowen Island Zoning Map attached hereto as Schedule "A".

4.2 CONFORMITY

Land or the surface of water shall not be used and buildings and structures shall not be constructed, altered, located or used except as specifically permitted in this Bylaw.

4.3 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART 5

ADMINISTRATION

- 5.1 The Manager of the Islands Trust or his designate (the Building Inspector of the Greater Vancouver Regional District being one such designate) is authorized to enter on any building or premises to ascertain whether the regulations or directions under this Bylaw are being observed, subject to Section 310 of the Municipal Act.
- 5.2 Every person who
- (1) violates any of the provisions of this Bylaw;
 - (2) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - (3) neglects or omits to do anything required under this Bylaw;
 - (4) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw;
 - (5) fails to comply with an order, direction or notice given under this Bylaw; or
 - (6) Prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Manger or his designate on the property under Section 5.1
- shall be deemed to be guilty upon summary conviction of an offence under this Bylaw.
- 5.3 Each day's continuance of an offence under Section 5.2 constitutes a new and distinct offence.
- 5.4 Every person who commits an offence under this Bylaw is liable on summary conviction of a fine not exceeding \$2,000 and the costs of prosecution.

PART 6

DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"Accessory to" means subordinate to and in conjunction with a permitted use occurring on the same lot.

"Agricultural Use" means growing, harvesting and processing agricultural crops and rearing livestock and poultry, and includes selling the products produced on the site, and includes the storage and repair of farm machinery and implements used on that site, and includes nurseries, greenhouses and private and public stables.

"Boarding Use" means not more than two sleeping units with no cooking facilities, located in a single family dwelling intended to be used by persons other than members of family occupying the dwelling unit.

BL149 "Assembly Use" means a use providing for the assembly of persons for charitable, philanthropic, cultural, recreational, or private education purposes; includes private schools, play schools, day nurseries, day care schools, and social halls, and where required such use shall comply with the provisions of the Provincial Community Care Facility Act.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

BL143 "Cottage Industry" means any occupation for gain or support that demands a skill, practised ability, or apprenticeship in a trade, art, or craft that results in the assembly, processing, manufacture or preparation of physical product from other physical resources or the restoration of items of art or antiques and allows as accessory uses for office use for a trade, art or craft; the sale and repair of products that are produced or restored on site; and the incidental selling of goods not manufactured on site but directly related to other activity on the site.

"Creek" means a creek, stream or other watercourse shown on Schedule "A" attached to and forming part of this Bylaw.

"Dwelling" means a self-contained room or set of habitable rooms containing not more than one set of cooking facilities.

"Gross Floor Area" means the sum of the total area of all the floors, including lofts, enclosed porches and enclosed balconies, measured to include exterior walls.

BL158 "Guest House" means a use providing for the overnight accommodation for not more than 14 consecutive nights of not more than 16 adult guests in not more than 8 bedrooms, and the provision of meals for such guests, all in a single building providing communal dining facilities for registered guests only and living quarters for the operator of the guest home.

"Height" means the vertical distance from the average finished ground level at the perimeter of the building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or

other sloping roof and in the case of a structure without a roof, to the highest point of the structure.

"High Water Mark" means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, which plan was most recently filed in the Land Title Office, or where no plan exists, means the natural boundary.

"Lake" means a lake shown on Schedule "A" attached to and forming part of this Bylaw.

"Lot or Parcel" means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded plan or description filed in the Land Title Office, and includes a strata lot registered under the Condominium Act.

"Lot Coverage" means the total horizontal area within the outer extremes of the outermost walls of the buildings on a lot, expressed as a percentage of the total area.

"Lot Line" means a line which marks the boundary of a lot and in particular:

- (a) Front Lot Line means the lot line common to the lot and an abutting street, and where there is more than one lot line abutting a street, the shortest of these lines shall be considered the front lot line, and where a lot is split by a road each portion of the lot shall have a front lot line;
- (b) Exterior Side Lot Line means a lot line or lines not being the front or rear lot line and common to the lot and a street;
- (c) Interior Lot Line means a lot line or lines not being a front, exterior side or rear lot line;
- (d) Rear Lot Line means a lot line or lines opposite to and most distant from the front lot line or where the rear portion of the lot is bounded by intersecting exterior side or interior lot lines it shall be the point of such intersection.

BL 78 "Marina" means any installation operated under public or private ownership which provides moorage, docking, storage, launching and maintenance facilities for one or more vessels none of which may be used as living quarters at the marina and specifically excludes residential watercraft.

BL 78 "Marina service facility" means laundromat, shower, washing and restroom facilities and may include a marine supply and convenience store not to exceed 400 sq. ft. in total floor area.

"Marine Public House" means an establishment which is defined and regulated under the Liquor Control and Licensing Act as of May 17, 1986.

"Natural Boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock a character distinct from that of the bank(s) thereof.

"Neighbourhood Public House" means an establishment which is defined and regulated under the Liquor Control and Licensing Act as of May 17, 1986.

BL 78 "Non-commercial maintenance and repair of boats" means resident boats may be maintained and repaired and visitors may receive emergency repairs but no facilities may be supplied for general service to the boating public.

"Park" means public park and includes ancillary uses including park office, information centre, community organization offices, community uses, post office and caretaker's quarters and other uses associated with park use.

"Personal Care Use" means a use providing for the care, recreation and rehabilitation of the handicapped, sick, injured or aged, other than in a public hospital, and includes private hospitals, convalescent homes, nursing homes, rest homes and centres for the blind.

BL 98 "Professional Service" means a use that is engaged in by persons who have obtained specialized knowledge that conforms to the technical and/or ethical standards established by a college, society, institute or other body that is recognized by the statutes of British Columbia as being eligible to establish standards for that particular profession. A professional service can include, but is not restricted to the practice of accountancy, architecture, dentistry, engineering, medical service, pharmacy, planning and veterinary service. Retail sales are permitted to the extent that they are an essential part of the professional activity.

"Residence" means occupancy or use of a building or structure or part thereof as a dwelling.

BL 78 "Residence for short term holiday or recreational purposes" means residential use of a vessel for no longer than 15 consecutive days or a total of 30 days a calendar year.

"Residential watercraft" means any boat, hull, barge or float home which is afloat, used for human residential accommodation.

"Restaurant Use" means a use providing for the preparation and consumption of food and beverages and only includes serving alcoholic beverages to a person in conjunction with serving a meal to that person, and subject to a Class 'B' Liquor Licence under the Regulations pursuant to the Liquor Control and Licensing Act.

"Senior Citizen Housing" means a residential use providing for the accommodation of elderly persons by a corporation or organization duly constituted under the Societies Act.

"Stream" see "Creek"

"Street" means a public thoroughfare or highway having a right-of-way width of at least 9 metres (29.5 feet) or an access route under the Condominium Act having a width of at least 7.5 metres (24.6 feet).

"Structure" means any construction, fixed to, supported by or sunken into water or land, including a trailer as defined in the Motor Vehicle Act fixed to land, and excluding concrete or asphalt paving or similar surfacing of a lot.

"Tourist Lodging Use" means a use providing for the lodging of tourists and excludes the provision of food and alcoholic beverages.

"Use" means the purpose or function to which the land, water surface, buildings and structures are put.

BL 78 "Vessel" includes every description of ship, boat or craft used, or capable of being used, solely or partly for marine navigation without regard to method or lack of propulsion.

PART 7

TRANSITION

Greater Vancouver Regional District Bylaw No. 247, cited as "The Greater Vancouver Regional District Zoning Bylaw No. 247, 1977" is repealed.

READ A FIRST TIME THIS	28th	day of	July	1984
READ A SECOND TIME THIS	11th	day of	August	1984
READ A THIRD TIME THIS	11th	day of	August	1984
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	14th	day of	February	1985
RECONSIDERED AND FINALLY ADOPTED THIS	27th	day of	April	1985

Mike Humphries
Chairman

Adrian Stott
Manager