



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

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

**ADOPTED BYLAW**



TABLE OF CONTENTS

**PART 1 INTERPRETATION ..... 2**

1.1 DEFINITIONS ..... 2

1.2 NUMBERING ..... 7

1.3 INFORMATION NOTES ..... 7

**PART 2 GENERAL PROVISIONS ..... 8**

2.1 APPLICATION ..... 8

2.2 COMPLIANCE ..... 8

2.3 CONFLICTING USE OR SITING ..... 8

2.4 VIOLATION ..... 8

2.5 PENALTY ..... 8

2.6 ADMINISTRATION AND ENFORCEMENT ..... 8

2.8 SEVERABILITY ..... 8

**PART 3 GENERAL REGULATIONS (USES, BUILDINGS AND STRUCTURES) ..... 9**

3.1 USES PERMITTED IN ALL ZONES ..... 9

3.2 USES PROHIBITED IN ALL ZONES ..... 9

3.3 HEIGHT OF BUILDINGS AND STRUCTURES ..... 9

3.4 OUTDOOR STORAGE ..... 10

3.5 DWELLING UNITS ..... 10

3.6 ACCESSORY BUILDINGS AND STRUCTURES ..... 10

3.7 HOME-BASED BUSINESSES ..... 10

3.8 AUXILLIARY GUEST COTTAGES ..... 11

**PART 4 GENERAL REGULATIONS (SITING) ..... 12**

4.1 SETBACKS FOR ACCESSORY BUILDINGS ..... 12

4.2 SETBACKS FROM LOT LINES ..... 12

4.3 SETBACKS FROM THE SEA - BUILDINGS AND STRUCTURES ..... 12

4.4 SETBACKS FROM THE SEA - SEWAGE DISPOSAL FIELDS ..... 12

4.5 MEASUREMENTS OF SETBACKS FOR BUILDINGS AND STRUCTURES ..... 13

**PART 5 GENERAL REGULATIONS (SUBDIVISION) ..... 14**

5.1 FEE SIMPLE, STRATA TITLE AND BUILDING STRATA SUBDIVISIONS ..... 14

**PART 6 SIGN REGULATIONS ..... 15**

6.1 STANDARDS FOR SIGNS ..... 15

**PART 7 ESTABLISHMENT OF ZONES ..... 16**

7.1 DIVISION INTO ZONES ..... 16

7.2 ZONE BOUNDARIES ..... 16

**PART 8 ZONE REGULATIONS ..... 17**

8.1 PIERS ISLAND LAND ZONES ..... 17

8.2 PIERS ISLAND SHORELINE ZONES ..... 18

**PART 9 BYLAW CITATION ..... 20**

**PART 10 REPEAL ..... 20**

**SCHEDULE "A" ..... 21**

**ZONING MAP ..... 21**

Legend ..... 21

ATTACHMENT 1 ..... 22

TABLE OF METRIC-IMPERIAL CONVERSIONS ..... 22

# SALT SPRING ISLAND LOCAL TRUST COMMITTEE

## BYLAW NO. 373

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

---

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

## PART 1 INTERPRETATION

### 1.1 DEFINITIONS

1.1.1 In this Bylaw:

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

“**Approving Officer**” means the Approving Officer for the Salt Spring Island Local Trust Area as appointed under the Land Title Act.

“**auxiliary guest cottage**” means an accessory dwelling unit with a total floor area not exceeding 37 square metres which, despite the definitions of “dwelling unit” and “residential” in this Bylaw, is occupied or intended to be occupied by a person or persons having a permanent domicile elsewhere and who have been invited to visit at the expense of the owner for the use of the cottage on a non-commercial basis and primarily in conjunction with recreation.

“**basement**” means that portion of a building between two floor levels that is partly underground and that has its finished ceiling an average of less than 1.2 m above grade.

“**boat**” means a small vessel propelled on water by an engine, oars, or sails.

“**breakwater**” means a protective structure which may be fixed, open pile or floating, that is usually built offshore to protect harbour areas, moorage areas, navigation or beaches from wave action.

“**building**” means a structure having a roof or cover supported by columns or walls and used or intended to be used for supporting or sheltering any use or occupancy.

“**carport**” means an accessory building where the total floor area between the roof and the ground is no more than 60 per cent enclosed by walls and that is used or intended to be used to provide a covered parking area for a vehicle.

**“commercial”** means occupied with or engaged in work for the purposes of earning income.

**“commercial guest accommodation”** means a commercial enterprise that consists of the temporary rental of commercial guest accommodation units to travellers or vacationers who maintain a residence elsewhere.

**“commercial guest accommodation unit”** means a room, a set of rooms, or a dwelling unit that is let as a single unit for commercial guest accommodation.

**“community hall”** means a building used for recreational, social, charitable, educational, entertainment and cultural activities and intermittent commercial uses, open to the public and owned or operated by a non-profit group or government agency.

**“corner lot”** means a lot at the intersection of two or more highways.

**“day care, child”** means a use in a building or structure where care, protection and supervision of children are provided on a regular schedule for a fee.

**“derelict vehicle”** means any motor vehicle which has not been licensed for a period of one year.

**“derelict vessel”** means any vessel which is or has been made inoperable and is not fit for its intended use.

**“disposal”** means the final disposition of products that have no further use.

**“dwelling, single-family”** means a building consisting of one dwelling unit that is not attached to any other dwelling unit by any means.

**“dwelling unit”** means one or more rooms in a building that are used, or constructed so as to be capable of being used for the residential use of a single household; and containing a common access, one kitchen, and eating, sleeping and living areas.

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

**“fence”** means a vertical structure including a wall constructed of any material or combination of materials for the purposes of enclosing or screening an area of land.

**“fill”** means earth, sand, gravel, or any other material similar to the aforementioned materials used, or capable of being used, to raise, lower or in any way affect the contours of the ground.

**“float”** means a floating non-roofed structure that is used as a landing or wharfage platform for water craft and which is free to rise and fall with sea level change and at all times of tidal change, does not rest on the sea floor.

**“floor area”** means the sum of the horizontal areas of all storeys of a building or structure, excluding basements, measured to the outer surface of the exterior walls and windows minus the average thickness of the walls; for this purpose all areas of a building having a floor and a ceiling at least 1.8 m apart constitute a storey and the horizontal area of all structures where more than 60 per cent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of floor area. Notwithstanding this definition the entire area below the roof of a carport shall be included in the calculation of floor area.

**“frontage”** means the length of a lot boundary that abuts a highway or an access route in a bare land strata plan, but excludes the length of a lot boundary that abuts a lane or a walkway.

**“grade”** means the average elevation of the ground at a distance of 2 metres from a building or structure determined by averaging the finished elevations at the midpoints of all the exterior walls.

**“height”** means the vertical distance to the highest point of a building or structure measured from grade or in the case of a wharf or other structure over the sea, measured from the elevation at the natural boundary of the sea.

**“highway”** means a publicly owned street, road, lane, bridge, viaduct, and any other way open to the use of the general population, but does not include a private right-of-way on a private lot.

**“home-based business”** means a commercial use that is accessory to a residential use on a lot.

**“indoor”** means located or carried on within a fully enclosed building.

**“industrial vehicle”** means a vehicle licensed under Section 9 or 10 of the Motor Vehicle Act.

**“intermittent”** means, in relation to a period of occupancy or use by any particular individual, organization or enterprise: starting and stopping for irregular periods.

**“kitchen”** means a room or area of a room that is equipped, used and intended to be used for residential activities related to the storage, preparation, and heating of food for a single household.

**“landscape screen”** means a visually opaque and continuous evergreen hedge, berm or combination thereof.

**“lot”** means the smallest unit as shown on the records of the Land Title Office in which land is held or into which it is subdivided whether under the Land Title Act or the Bare Land Strata Regulations under the Strata Property Act.

**“lot area”** means the area of the horizontal plane of a lot bounded by the vertical planes through the front, side and rear lot lines of any lot.

**“lot coverage”** means the total area on the horizontal plane of those portions of a lot that are covered by buildings or structures divided by the area of the lot and expressed as a percentage, and for this purpose, the area of a lot that is covered by a roofed building or structure is measured to the outer surface of the exterior walls and windows minus the average thickness of the walls, or in the case of roofed structures without walls it is measured to the edge of the eaves.

**“lot depth”** means the horizontal distance between the front lot line and the rear lot line and where these are not parallel, lot depth is the length of a line joining the mid points of the front lot line and rear lot line.

**“lot line”** means the boundary of a lot; and

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

**“front lot line”** means the lot line common to the lot and an abutting highway, or an abutting access route in a bare land strata plan; and where there are two or more such lot lines, the shortest line (other than corner cuts) is deemed the front lot line; in the case of a panhandle lot, the line that is generally parallel to the access road or highway and perpendicular to the lot lines that form the access strip is considered the front lot line:

**“interior side lot line”** means a lot line that is not a front, rear or exterior side lot line; and

**“rear lot line”** means the lot line that most closely parallels and is most distant from the front lot line, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line.

**“manufactured home”** means a dwelling unit that is manufactured in accordance with the Canadian Standards Association C277 Series of Standards, designed and intended for residential occupancy and manufactured either wholly or in part at an offsite location.

**“mobile home”** means a transportable, single or multiple section dwelling unit conforming to the Canadian Standards Association Z240 Series of Standards at time of manufacture, and designed and intended for residential occupancy and set up in accordance with required factory installation details.

**“moorage”** means the tying of a boat to a buoy, float or similar object that is in turn anchored to the bed of the sea.

**“natural boundary”** means the visible high water mark of the sea, a lake, a stream or other water body where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the water body a character distinct from that of the bank in respect to the vegetation and soil.

**“outdoor”** means carried on or located outside a fully enclosed building or structure.

**“park”** means an area open to the general population and reserved for outdoors recreational, scenic or conservation purposes.

**“personal service”** means a commercial use that is primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

**“personal watercraft”** means a vessel less than 3 metres in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel, rather than standing or sitting inside the vessel.

**“poultry”** means all birds or fowl normally raised for food or egg production excluding roosters.

**“principal”** means, in relation to a use conducted or a building or structure constructed on a lot: primary and most important.

**“public service”** means the use of land, buildings or structures for the maintenance, repair or storage of vehicles, equipment or construction materials that are used solely for the provision, maintenance or repair of public utilities or highways, and for emergency response facilities that are operated for the benefit of the general population of the island on which it is located.

**“public utilities”** means a use of land, or of unoccupied works and structures such as pipes, wires, poles or towers, for the provision of electricity, gas, water, sewage collection, telephone, cablevision or telecommunication services to the public of the island on which it is located; or the use of land or unoccupied structures for navigational aids.

**“pumphouse”** means an accessory building not exceeding 4.5 square metres in floor area or 3 metres in height and used solely to enclose pumping equipment, valves, pipes and water treatment equipment associated with a well or another source of water; or with sewage pumping facilities.

**“recreation, active”** means recreation that is of a formal nature, often performed with specific people or teams, requires specialized equipment or prescribed places, sites or fields, but excludes recreation that primarily involves the use of a power-driven conveyance.

**“recreation, passive”** means recreation that is of an informal nature, performed by individuals or informal groups of individuals and usually requires little or no specialized equipment, places, sites or fields, but excludes recreation that primarily involves the use of a power-driven conveyance.

**“residential”** means used for the domicile and home life of a person or persons.

**“screen”** means a visually opaque and continuous fence, wall, evergreen hedge, berm or combination thereof at least 1.8 metres (6 ft.) high and which is broken only by an access driveway or sidewalk.

**“service”** means a use that primarily is engaged in providing assistance, as opposed to products, to individuals, business, industry, government and other enterprises; and may include personal, business, repair and professional services.

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

**“sign area”** means the entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border; and for these purposes, the area of a double-faced sign is considered to be the area of one face only.

**“storey”** means that portion of a building, with the exception of a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including any space where the floor to ceiling height is greater than or equal to 1.8 m.

**“structure”** means any material or combination of materials that are constructed for use, occupancy or ornamentation whether installed on, above or below the surface of land or water, but excludes paving.

**“subdivision”** means a subdivision as defined in the Land Title Act and a subdivision under the Strata Property Act.

**“surveyor”** means a British Columbia Land Surveyor.

**“temporary”** means, in relation to a period of occupancy or use by any particular individual: not exceeding 45 days in any calendar year, not more than 30 of which may be consecutive.

**“unoccupied”** means not used or not intended to be used for the accommodation of humans or animals.

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



“**vessel**” means a craft designed to float on the water, including a boat, a barge, a float home, a float camp or a ship.

“**wharf**” means a structure consisting of a fixed platform extending beyond the natural boundary of the sea over water which is used as a landing or wharfage place for watercraft, including the railings and supporting structure embedded beneath or near the sea.

“**wharfage**” means the tying of a boat or other vessel to a wharf, float or dock.

“**wharf-foot**” means that portion of a wharf extending upland from the natural boundary of the sea that is provided for access from a wharf to an adjoining upland property.

“**zone**” means a zone established by Part 9 of this Bylaw.

## **1.2 NUMBERING**

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

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

## **1.3 INFORMATION NOTES**

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



## PART 2 GENERAL PROVISIONS

### 2.1 APPLICATION

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

### 2.2 COMPLIANCE

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

### 2.3 CONFLICTING USE OR SITING

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

### 2.4 VIOLATION

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

### 2.5 PENALTY

2.5.1 Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty not exceeding five thousand dollars and the costs of prosecution.

2.5.2 Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

### 2.6 ADMINISTRATION AND ENFORCEMENT

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

### 2.7 SEVERABILITY

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

***Information Note: Variances from the regulations of the Land Use Bylaw***

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



## PART 3 GENERAL REGULATIONS (USES, BUILDINGS AND STRUCTURES)

### 3.1 USES PERMITTED IN ALL ZONES

3.1.1 The following uses are permitted in every zone:

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

### 3.2 USES PROHIBITED IN ALL ZONES

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

- (1) commercial heliports and helipads other than those used for emergency landing or evacuation;
- (2) disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged under the Sewage Disposal Regulation, the Agricultural Waste Control Regulation or the Waste Management Act;
- (3) storage of special wastes, as defined in the Waste Management Act.  
Information Note: The storage and handling of any waste must comply with applicable regulations under the Waste Management Act;
- (5) storage or disposal of wastes on any land, if the wastes did not originate on the island;
- (6) use of a lot, boat launching ramp, marina, wharf or float for the rental, sales, moorage, wharfage or launching of personal watercraft; and
- (7) the use of an anchored, moored or docked vessel as a dwelling unit..

### 3.3 HEIGHT OF BUILDINGS AND STRUCTURES

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

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

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

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

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

### **3.4 OUTDOOR STORAGE**

#### **3.4.1 Storage of Vehicles and Vessels**

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

#### **3.4.2 Storage of Materials and Goods**

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

### **3.5 DWELLING UNITS**

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

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

### **3.6 ACCESSORY BUILDINGS AND STRUCTURES**

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

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

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

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

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

### **3.7 HOME-BASED BUSINESSES**

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

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

3.7.3 A home-based business must be operated by a person residing on the premises on which the home-based business is conducted. Not more than one person (or

one full-time equivalency) not residing on the premises may be employed in home-based business uses on any lot.

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

### **3.8 AUXILIARY GUEST COTTAGES**

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

### **3.9 USE OF WATER SURFACES**

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

## **PART 4 GENERAL REGULATIONS (SITING)**

### **4.1 SETBACKS FOR ACCESSORY BUILDINGS**

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

### **4.2 SETBACKS FROM LOT LINES**

- 4.2.1 Unless otherwise specified, no building or structure except a fence, pumphouse, wharf-foot, stairs, public utility structure or underground utility may be constructed

within the following setbacks from lot lines

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

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

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

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

### **4.3 SETBACKS FROM THE SEA – BUILDINGS AND STRUCTURES**

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

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

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

### **4.4 SETBACKS FROM THE SEA - SEWAGE DISPOSAL FIELDS**

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

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

#### **4.5 MEASUREMENTS OF SETBACKS FOR BUILDINGS AND STRUCTURES**

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

## PART 5 GENERAL REGULATIONS (SUBDIVISION)

### 5.1 FEE SIMPLE. STRATA TITLE AND BUILDING STRATA SUBDIVISIONS

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

### 5.2 MINIMUM LOT AREA AND SERVICING REQUIREMENTS

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

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

### 5.3 BOUNDARY ADJUSTMENTS

- 5.3.1 The Approving Officer must not approve a boundary adjustment that would increase the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment.
- 5.3.2 The Approving Officer must not approve a boundary adjustment where one of the lots subject to adjustment is of such an area or shape that it does not have a useable building envelope that is at least 7.5 metres in width and 7.5 metres in depth, given the applicable lot line setbacks.



## PART 6 SIGN REGULATIONS

### 6.1 STANDARDS FOR SIGNS

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

**TABLE 2 – SIGN REGULATIONS**

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

## **PART 7 ESTABLISHMENT OF ZONES**

### **7.1 DIVISION INTO ZONES**

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

### **7.2 ZONE BOUNDARIES**

- 7.2.1 Where a zone boundary is shown on Schedule "A" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way or stream is the zone boundary.
- 7.2.2 The boundary between land and shoreline zones is the lot line as determined by a surveyor and where there is no survey plan the boundary is the natural boundary of the water body.
- 7.2.3 Where a zone boundary shown on Schedule "A" does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule "A".
- 7.2.4 Unless otherwise indicated on Schedule "A", shoreline zones extend from the natural boundary of the sea on Piers Island to a point 300 m seaward of the natural boundary of the sea on Piers Island.

### **7.3 ZONING MAP**

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

## PART 8 ZONE REGULATIONS

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

### 8.1 PIERS ISLAND LAND ZONES

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

#### 8.1.1 Permitted Uses of Land, Buildings and Structures

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

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

#### Density of Permitted Uses, Buildings and Structures

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

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

### 8.1.2 Special Provisions

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

## 8.2 PIERS ISLAND SHORELINE ZONES

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

### 8.2.1 Permitted Uses of Land, Buildings and Structures

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

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

### Size and Siting of Permitted Buildings and Structures

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

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

**8.2.2 Special Provisions**

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



**PART 9  
BYLAW CITATION**

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

**PART 10  
REPEAL**

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

READ A FIRST TIME THIS 3rd DAY OF October , 2002

PUBLIC HEARING HELD THIS 9th DAY OF November , 2002

READ A SECOND TIME THIS 28th DAY OF November , 2002

READ A THIRD TIME THIS 22nd DAY OF February , 2003

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST  
THIS 25th DAY OF March , 2003

APPROVED BY THE MINISTER OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES  
THIS 26th DAY OF May , 2003

ADOPTED THIS 31st DAY OF July , 2003

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



**SCHEDULE "A"**

**ZONING MAP**

**Legend**

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

## ATTACHMENT 1

## TABLE OF METRIC-IMPERIAL CONVERSIONS

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

**LENGTH CONVERSIONS****METRES TO FEET**

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

**AREA CONVERSIONS****SQUARE METRES TO SQUARE FEET**

<b>Square metres</b>	<b>Square feet</b>
1.0	10.7
1.8	19.3
4.5	48.1
5.0	53.5
35.0	374.4
37.0	395.8