



Islands Trust

MAYNE ISLAND LOCAL TRUST COMMITTEE

LAND USE BYLAW NO. 94, 1996

AS AMENDED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAWS:
98, 101, 102, 113, 116, 121, 131, 136, 142 and 143

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

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

Consolidated: February 6, 2007

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.98	Amendment No. 1, 1997	October 3,1997
Bylaw No. 101	Amendment No. 1, 1998	August 7, 1998
Bylaw No. 102	Amendment No. 1, 2000	May 11, 2000
Bylaw No. 113	Amendment No. 5, 2000	August 1, 2001
Bylaw No. 116	Amendment No. 2, 2001	March 4, 2002
Bylaw No. 121	Amendment No. 1, 2002	June 3, 2003
Bylaw No. 131	Amendment No. 2, 2004	November 3, 2004
Bylaw No. 136	Amendment No. 6, 2004	February 7, 2005
Bylaw No. 142	Amendment No. 1, 2006	February 5, 2007
Bylaw No. 143	Amendment No. 2, 2006	February 5, 2007

INFORMATION GUIDE

This guide is provided for convenience only and does not form part of the Bylaw. It is intended to provide a general introduction to the land use bylaw and to provide an understanding of related regulations and regulatory bodies. For more detailed information, please contact the Islands Trust staff at 250-405-5151.

WHAT IS THE ISLANDS TRUST?

The original Islands Trust Act was passed in 1974 establishing a shared Provincial and local responsibility for the islands in the Islands Trust area. Effective April 1, 1990, the Act was amended to establish the Trust as a local government with land use planning and regulatory authority similar to that of a regional district and to authorize broad coordination with other agencies, organizations and groups to carry out the object of the Act.

The object of the Islands Trust is stated in the Act as being "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province."

The Islands Trust Act further authorizes an Islands Trust Fund and the establishment of a Board to administer the fund to further the object of the Trust. This allows the Islands Trust to receive land and money to further carry out its mandate by preserving, for future generations, some of the special features of the Trust Area.

STRUCTURE AND FUNCTION

The Islands Trust has three levels of decision making.

The first level is the Trust Council which is comprised of all local and municipal trustees. There are two local trustees elected for each Local Trust Area. In addition, any municipal council within the Trust area must appoint two of its members to be municipal trustees for the Islands Trust. Currently, there are 13 local trust areas and no municipalities within the Trust area, so council is made up of 26 trustees.

The Council appoints staff and auditors, and adopts the annual budget. In addition, Trust Council has adopted the *Islands Trust Policy Statement* applicable to the whole Trust area. All local bylaws approved must comply with the *Islands Trust Policy Statement*.

The second level is the Executive Committee which is comprised of one Chairperson and three Vice-Chairpersons elected for a three year term by the Council from amongst its members. The Executive Committee carries out the daily business of the Islands Trust, reviews the activities of the Local Trust Committees and acts as a Local Trust Committee for that part of the Trust area that is not within a Local Trust Area or municipality. All local bylaws must be approved by the Executive Committee and any community plan bylaw in a municipality, all or part of which is in the Trust area, must be approved by the Executive Committee. If the Executive Committee either returns a bylaw or refuses to approve a bylaw, a Local Trust Committee or Municipality may request the bylaw be submitted to the Council for approval and, in the case of a municipality only, if Council does not approve the bylaw either, it may be submitted to the Minister for approval.

The third and final level is local government land use planning and regulation carried out by the Mayne Island Local Trust Committee in the Mayne Island Local Trust Area. The Committee has three members, two locally elected Trustees and one member of the Executive Committee appointed by the Chairperson of

the Islands Trust. Responsibility for the preparation of official plans and preparation and enforcement of land use regulations is vested in the Mayne Island Local Trust Committee. In addition, the Trust Committee makes recommendations to other government agencies concerning applications affecting land use such as subdivision of land, applications pursuant to the Agricultural Land Commission Act, use of Crown Land and aquaculture practices on the Island.

The Local Trust Committee may establish standing advisory committees, such as an Advisory Planning Commission, which is provided for in legislation. If the Committee chooses to appoint an Advisory Planning Commission it must satisfy the requirements of the Municipal Act which specifies criteria for membership, funding and the matters the Commission may be asked to consider. Although meetings do not have to be public, minutes of meetings of the Commission must be available to the public and applicants must be invited to attend at the meeting where the application is to be considered. The size of the Commission, the way in which candidates are selected for appointment by the Trust Committee and the procedures for conducting the business of the Commission are specified in a bylaw of the Trust Committee.

Land use decisions under the *Islands Trust Act* must be made by the Local Trust Committee. While the Trust Committee holds public hearings in connection with some of its decisions, it cannot delegate its authority to make decisions to members of the public.

PROVINCIAL INTERESTS

The Islands Trust is authorized to consult with Provincial agencies and, subject to approval of the Minister of Municipal Affairs, enter into agreements. Such issues as special road standards for application to islands in the Islands Trust are agreed to between the appropriate Minister and the Islands Trust.

WHAT IS A LAND USE BYLAW?

A Land Use Bylaw is a legal document which establishes regulations on how land can be used, subdivided and built upon. In deciding which regulations are most appropriate, many factors are considered, including:

- the mandate of the Islands Trust;
- the preservation of the amenities and environment of the area;
- the conservation of property values;
- the unique character of particular areas and the suitability of particular uses and densities in each area;
- the promotion of health, safety and well being of the community;
- the capability of the land base and the available natural resources, such as fresh water, to support the proposed use or density; and
- the public and provincial interests, including that of future generations.

The Land Use Bylaw must comply with the Mayne Island Official Community Plan which contains policies and maps indicating future land uses and densities. The Plan gives guidance to the Committee on individual development proposals and ensures that decisions are consistent with the longer term plan for the community and the objectives of the Islands Trust.

SUBDIVISION APPROVAL

The process of the subdivision of land is regulated by the Land Title Act with approval of the Regional Approving Officer required for each subdivision. Any decision by the Approving Officer on a subdivision application must comply with the subdivision regulations established by the Mayne Island Local Trust Committee. The Approving Officer for Mayne Island is a Ministry of Transportation and Highways employee in the Nanaimo Regional Office. Applications for subdivision are referred to the Local Trust Committee for comment.

UNDER WHAT CONDITIONS CAN THE LAND USE BYLAW BE AMENDED?

An application to amend the Land Use Bylaw can be made to the Mayne Island Local Trust Committee. The Trust Committee will consider prior to and during a Public Hearing, the Community Plan, residents' opinions and other information in deciding whether a proposed amendment should be approved. From time to time, the Committee will initiate an amendment as part of the process of implementing the policies of the Community Plan, or where there is a specific local need.

The Mayne Island Procedures Bylaw specifies how application to amend the bylaw should be made.

WHEN IS A PUBLIC HEARING REQUIRED?

Under the Municipal Act, Section 956, a public hearing is required for any proposed amendment to a zoning bylaw which is proceeding beyond First Reading by the Mayne Island Local Trust Committee. In the Land Use Bylaw, where zoning regulations are combined with non-zoning regulations, a public hearing is required only for amendments to the zoning portions, specifically for any amendment to Parts 3, 4 and 9 any amendment to Schedule "B" maps, and for those amendments to Part 2 definitions which involve a definition of a term used in the zoning regulations.

Where a proposed zoning amendment is consistent with the Mayne Island Official Community Plan the Trust Committee has the option to waive the holding of a public hearing, provided it gives notice as specified in Section 958 of the Municipal Act.

REQUESTING A VARIANCE FROM THE LAND USE BYLAW REGULATIONS

Development Variance Permits may be issued by the Mayne Island Local Trust Committee on the application of the landowner. They allow some refinement of the regulations of the bylaw according to the specifics of the particular parcel. Neighbours are notified and given an opportunity to comment to the Trust Committee prior to its decision on whether to issue a variance or not. Such permits can deal with all regulations other than use and density including siting requirements, parking requirements, sign regulations, screening and landscaping regulations, panhandle lots, depth/width ratios, subdivision servicing requirements and drainage requirements.

The Board of Variance consists of three appointed, unpaid citizens who are given authority under Section 962 of the Municipal Act to hear applications and grant variances of the Land Use Bylaw, particularly from certain building size and siting provisions, but only in cases of "undue hardship". The Board also hears applications on altering a non-conforming building or structure and rebuilding a damaged non-conforming building or structure.

DEVELOPMENT PERMITS

Due to their special nature, portions of Mayne Island have been designated in the Mayne Island Official Community Plan as Development Permit Areas. A development permit is required before undertaking development in these areas. The Official Community Plan describes the special conditions which justify these designations and specifies guidelines on how development can proceed. The development permits can only address the issues identified specifically in the Plan and only in the way described in the Plan.

Within the designated development permit areas the development permit may be used to vary and supplement the regulations and requirements of the Land Use Bylaw. Development permits cannot vary use or density except when protecting against damage from natural hazards.

All existing development permits are registered against the title and continue even if the owner changes. Development permits must be amended by application to the Trust Committee prior to the initiation of any new development, addition or alterations to a building or structure or subdivision of land.

EXISTING NON-CONFORMING USES, BUILDINGS AND STRUCTURES

Section 970 of the Municipal Act allows existing use of land, buildings and structures to continue even though land use regulations are changed. Structural alterations or additions, however, must comply with the new regulations unless special permission is granted by the Board of Variance.

BYLAW ENFORCEMENT

Staff are authorized to investigate alleged bylaw infractions when complaints are received, or when the Mayne Island Local Trust Committee so requests. For all investigations, staff will notify the property owner or resident and will investigate at reasonable times. Many investigations prove the complaint is not an infraction and for those that are, the intent of all further activity is to seek compliance. The property owner is requested to comply and frequently has simply been unaware of the requirements. If compliance is not achieved voluntarily then legal enforcement may be requested to pursue the matter with the offender and, in a very few cases, may prosecute in Provincial Court or seek an injunction to enforce the bylaw in the Supreme Court.

AGRICULTURAL LAND RESERVE

Where land is deemed to have agriculture potential, it has been placed in the Agricultural Land Reserve (ALR). In effect, the ALR is a special kind of Provincial government zoning which limits the use of land within the Reserve to farm uses or approved uses that do not permanently remove farming potential. Any development or construction is subject to local zoning regulations but also to the approval of the Provincial Agricultural Land Commission. Applications are processed through the Islands Trust office.

SEWAGE DISPOSAL PERMITS

Sewage disposal permits are issued by Capital Regional District Health Protection and Environment in Victoria, B.C. for all sewage disposal systems including residential septic systems.

HIGHWAY ACCESS PERMITS

Highway access permits and permission to construct works, driveway accesses and signs on the highway rights-of-way must be obtained from the South Island District Highways Office in Victoria, B.C.

BUILDING PERMITS

The Building Inspection Division of Capital Regional District Municipal Services is responsible for approving building permits, inspecting and approving all phases of development for Mayne Island properties. If you are about to undertake any building construction, repairs or alterations, please contact the Capital Regional District office in Victoria at 475-1581 or their office on Pender Island (from which all Mayne Island inspections originate) at 629-3424, to determine which permits and approvals are required.

ADDITIONAL INFORMATION

If you wish to purchase copies of bylaws or obtain further information please contact either the Local Trustees on Mayne Island or contact the Islands Trust office in Victoria at:

Islands Trust
200 - 1627 Fort St.
Victoria, B.C. V8R 1H8

Telephone: (250)-405-5151 or Toll Free access, request a transfer via Enquiry
BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867
Fax: (250)-405-5155

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 94

*

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 and screening, and the subdivision of land within the Mayne Island local trust area.

**

The Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area pursuant to the *Islands Trust Act*, enacts as follows:

1. The regulations contained in Parts 1 to 9 inclusive of Schedules A, B and C attached to and forming part of this Bylaw are adopted as a bylaw pursuant to Part 29 of the *Municipal Act* and the *Islands Trust Act*.
2. This Bylaw applies to the entire area of land, including the surface of water, as shown on Schedule B.
3. Mayne Island Planning Area Zoning Bylaw, 1980 is repealed.
4. This Bylaw may be cited for all purposes as the Mayne Island Land Use Bylaw, 1996.

READ A FIRST TIME THIS 2nd DAY OF October, 1996

READ A FIRST TIME AS AMENDED THIS 8th DAY OF January, 1997

READ A FIRST TIME AS AMENDED THIS 24th DAY OF February, 1997

READ A FIRST TIME AS AMENDED THIS 25th DAY OF March, 1997

PUBLIC HEARING HELD THIS 16th DAY OF April, 1997

READ A SECOND TIME THIS 16th DAY OF April, 1997

READ A THIRD TIME THIS 16th DAY OF April, 1997

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS 22nd DAY OF April, 1997

ADOPTED THIS 11th DAY OF June, 1997

Gordon McIntosh
SECRETARY

David Essig
CHAIRPERSON

TABLE OF CONTENTS

PART 1	1
DEFINITIONS	1
1.1 Definitions	1
PART 2	5
GENERAL PROVISIONS PART GENERAL PROVISIONS	5
2.1 Application	5
2.2 Compliance	5
2.3 Violation	5
2.4 Penalty	5
2.5 Inspection and Enforcement	5
2.6 Conflicting Use or Siting	6
2.7 Severability	6
2.8 Metric Units of Measurement	6
2.9 Covenants Against Building and Subdivision	6
2.10 Enforcement of Density Regulations	6
2.11 Enforcement of Siting Regulations - Building Permits	6
2.12 Enforcement of Siting Regulations - Other Permits	7
2.13 Numbering	7
PART 3	8
GENERAL REGULATIONS - USES, BUILDINGS AND STRUCTURES	8
3.1 Permitted Uses	8
3.2 Prohibited Uses	8
3.3 Height Exceptions	8
3.4 Fences and Landscape Screens	8
3.5 Home Occupations	9
3.6 Use of Travel Trailers and Recreational Vehicles	10
3.7 Determination of Residential Density - Lots in More than One Zone	10
3.8 Height of Buildings and Structures	10
3.9 Use of Common Property	10
3.10 Accessory Buildings and Uses	10
PART 4	11
GENERAL REGULATIONS - SITING	11
4.1 Setbacks from Watercourses	11
4.2 Setbacks between Cottages and Other Dwelling Units	11
4.3 Visibility at Intersections	11
4.4 Measurements of Setbacks for Buildings and Structures	12
PART 5	13
GENERAL REGULATIONS - SUBDIVISION	13
5.1 Compliance with Minimum and Average Lot Area	13
5.3 Covenant Against Further Subdivision and Development	13
5.4 Lots Divided by a Zone Boundary	14
5.6 Lot Size Exceptions	14
5.7 Lot Configuration	14
5.8 Side Lot Lines	15
5.9 Split Lots	15
5.10 Double Frontage Lots	15
5.11 Section 946 Subdivisions	15
5.12 Characteristics of Public Access to Water Bodies	15
5.13 Roadway Standards	15
5.14 Water Access Subdivisions	16
5.15 Disposal of Sewage	16
5.16 Water Supply	17
5.17 Drainage Requirements	18
5.18 Pedestrian Paths - Miners Bay	19
PART 6	20
SIGN REGULATIONS	20

6.1	Number and Total Area	20
6.2	Prohibited Signs	20
PART 7	.....	21
PARKING REGULATIONS	.....	21
7.1	Requirement for Parking Spaces	21
7.2	Required Number of Parking Spaces.....	21
7.3	Dimensions and Area of Parking Spaces and Aisles	22
7.4	Location of Parking Spaces.....	22
7.5	Off-Site Parking	22
7.6	Interpretation.....	23
PART 8	.....	24
ESTABLISHMENT OF ZONES	.....	24
8.1	Division Into Zones	24
8.2	Official Zoning Map.....	24
8.3	Interpretation of Zone Boundaries.....	24
PART 9	.....	26
ZONE REGULATIONS	.....	26
9.1	SETTLEMENT RESIDENTIAL ZONE - SR.....	26
9.2	SENIOR CITIZENS HOUSING ZONE - SCH.....	27
9.3	COMPREHENSIVE SETTLEMENT ZONE - CS.....	28
9.4	RURAL RESIDENTIAL ZONE - RR	29
9.5	MINERS BAY RURAL COMPREHENSIVE ZONE - MBRC	30
9.6	RURAL ZONE - R.....	32
9.6.A	RURAL 1 ZONE - R1	35
9.7	UPLAND ZONE - UP	37
9.8	AGRICULTURAL ZONE - AG	38
9.9	SETTLEMENT COMMERCIAL ZONE - C1	40
9.10	COMMERCIAL ACCOMMODATION ZONE - C2.....	42
9.11	SERVICE COMMERCIAL ZONE - C3.....	44
9.12	AUTOMOTIVE COMMERCIAL ZONE - C4.....	46
9.13	INDUSTRIAL ZONE - I	48
9.13.A	INDUSTRIAL FABRICATION ZONE - I1	50
9.14	LOCAL COMMUNITY SERVICE ZONE - LCS.....	52
9.15	RECREATION ZONE - REC	54
9.16	COUNTRY GUEST HOUSE ZONE - CGH	55
9.17	COUNTRY GUEST HOUSE B ZONE - CGH-B	57
9.18	WATER CONSERVATION ZONE - W1	59
9.19	WATER MOORAGE ZONE - W2	60
9.20	WATER COMMERCIAL ZONE - W3.....	61
9.21	WATER INDUSTRIAL ZONE - W4.....	62
9.22	RESOURCE CONSERVATION ZONE - RC	63
SCHEDULE B	.....	64
ZONING MAP	.....	64
SCHEDULE C	.....	65
TABLE OF IMPERIAL EQUIVALENTS (APPROXIMATE)	.....	65
SCHEDULE D	.....	66
Community Water Storage Statutory Right of Way	.....	66

SCHEDULE A

PART 1

DEFINITIONS

1.1 Definitions

In this Bylaw,

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

"Agriculture use" means the raising of animals or terrestrial plants.

"Algae culture" means the cultivation, rearing and harvesting of marine plants.

"Bed and breakfast" means a home occupation comprising the provision of sleeping accommodation and a morning meal to paying guests.

"Berth" means a space at a marina, wharf or dock for the wharfage of a boat.

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

"Building grade" means the average elevation of the ground at the perimeter of a building or structure calculated by averaging the elevation at the midpoints of all of the exterior walls.

"Cottage" means an accessory building with a floor area of less than 60 square metres that is used as a dwelling.

BL#98

"Concrete" means all products manufactured from Portland Cement, sand and gravel including ready mix".

"Contractor's yard" means the use of land for the storage of materials and equipment used by a building contractor or subcontractor.

"Club" means an association of persons united by a common interest, meeting periodically for co-operation or conviviality or, where the context requires, premises in which such meetings occur.

"Dwelling unit" means a building used as a residence for a single household and containing eating, sleeping and living facilities and a single set of facilities for food preparation .

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

"Floor area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, exclusive of the floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection and for this purpose all areas of a building having a floor and ceiling at least 1 metre apart constitute a storey.

"Floor space ratio" means the figure obtained by dividing the floor area of all buildings on a lot divided by the lot area.

"Frontage" means the length of that lot boundary which abuts a highway or access route in a bare land strata plan.

BL#116

"Guest House" means a building containing tourist accommodation units and which may contain other permitted accessory uses.

BL#102

"Height" in respect of a building or structure means the vertical distance between the building grade and the highest point of the building or structure.

"Highway" means the surveyed right of way for a street, road, lane or other way open to public use but does not include a private right of way on private property.

"Home occupation" means an accessory commercial use conducted on residential premises.

"Industrial use" means the use of land for processing, fabricating, assembling, storing, distributing, servicing or repairing goods or materials.

"Land Development Guidelines" means the Land Development Guidelines for the Protection of Aquatic Habitat published by the Department of Fisheries and Oceans of Canada and the Ministry of Environment, Lands and Parks of British Columbia in May 1992.

"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.

"Lot coverage" means the total area of those portions of a lot that are covered by buildings or structures divided by the area of the lot, exclusive of the floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose the area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof.

"Lot line" means the boundary of a lot, and

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

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

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

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

"Marina" means the use of a water area for the temporary storage of boats and includes the installation of floats, wharves, piers, ramps and walkways and the provision of wharfage services to the boating public.

"Mayne Island Official Community Plan" means Mayne Island Official Community Plan Bylaw No. 86, 1994.

"Moorage" means the tying of a boat to a buoy 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 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 of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.

BL#102

"Personal service use" means a commercial use of a building in which services are provided to the body or the clothing of a person.

"Potable water" means water which is safe to drink and fit for domestic purposes.

"Public service use" means public schools, churches, medical dispensaries and emergency facilities, post offices, public libraries, fire halls, police stations, government offices, community halls and cemeteries but does not include any use or facility operated on a commercial basis for profit.

"Pumphouse" means an accessory building containing equipment for pumping water or sewage.

"Residential use" means the use of land for the construction and occupancy of one or more dwelling units.

"Roadway" means the constructed surface installed in a highway for the passage of vehicular traffic.

"Senior citizen residential use" means a residential use in which at least one person aged 55 years or older occupies each dwelling unit.

"Setback area" means an area required by siting regulations set out in this Bylaw to be free of buildings and structures except to the extent permitted by subsection 4.4.2.

"Sign" means any device or medium visible from any highway or lot other than the one on which it is located and which is used primarily to attract attention for advertising, information or identification purposes, and

"Animated sign" means a sign that contains moving parts

"Flashing sign" means a sign that is illuminated and equipped with a device that causes the illumination to be interrupted so as to attract attention to the sign.

"Third party sign" means a sign that attracts attention to a use or occupancy of land other than the land on which the sign is located.

"Silviculture" means the use of land for forest management activities related to timber production and harvesting including the processing and sale of timber harvested on the same lot.

BL#116

"Structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but does not include sewage absorption fields, wells and paved parking areas or similar surfacing.

"Tourist accommodation unit" means a detached cabin, room or suite of rooms providing accommodation for travellers.

"Wharfage" means the tying of a boat or seaplane to a wharf, float or dock that is in turn connected to an upland lot by a ramp or walkway.

"Zone" means a zone established by Part 8 of this bylaw.

PART 2

GENERAL PROVISIONS PART GENERAL PROVISIONS

2.1 Application

This Bylaw applies to the entire area of land, including the surface of water, within the boundaries of the Mayne Island local trust area and within a zone designated on the Mayne Island Local Trust Area Zoning Map being Schedule B attached to and forming part of this Bylaw.

2.2 Compliance

2.2.1 No person may use or permit any land, water surface, building or structure to be used except as permitted by this Bylaw.

2.2.2 No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as expressly permitted by this Bylaw.

2.2.3 Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their undertaking.

2.3 Violation

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.

2.4 Penalty

Any person who violates any of the provisions of this Bylaw is, upon summary conviction, liable to a penalty of not more than two thousand dollars (\$2000) and the cost of prosecution. Each day that such violation continues, or is allowed to continue, constitutes a separate offence.

2.5 Inspection and Enforcement

The Bylaw Enforcement Officer and any other officer of the Islands Trust who may be appointed in that capacity, are authorized 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.

2.6 Conflicting Use or Siting

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

2.7 Severability

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 shall not affect the validity of the remaining portions of this Bylaw.

2.8 Metric Units of Measurement

Metric dimensions are used in this Bylaw. Imperial equivalents provided in Schedule C are approximate and for convenience only, and do not form part of this Bylaw.

2.9 Covenants Against Building and Subdivision

Where under this bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Mayne Island Local Trust Committee in priority to all financial charges and delivered in registrable form satisfactory to the Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.10 Enforcement of Density Regulations

Where a building permit application for a dwelling or cottage is made in respect of a lot on which this bylaw permits the construction of more than one dwelling or cottage, the applicant must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing dwellings and cottages and indicating the area of the lot.

2.11 Enforcement of Siting Regulations - Building Permits

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

2.12 Enforcement of Siting Regulations - Other Permits

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 absorption fields in relation to the lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Mayne Island Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether proposed buildings, structures and sewage absorption fields comply with the siting requirements of this Bylaw.

2.13 Numbering

In the decimal numbering system used in this bylaw, the first number indicates parts of the bylaw, the second indicates sections, the third indicates subsections and the fourth indicates articles, as follows:

18	Part
18.1	Section
18.1.1	Subsection
18.1.1(1)	Article

PART 3

GENERAL REGULATIONS - USES, BUILDINGS AND STRUCTURES

3.1 Permitted Uses

The uses listed in Part 9 are the only uses that are permitted in the zones established by this bylaw.

3.2 Prohibited Uses

Without limiting the generality of section 3.1, the following uses are prohibited:

- 3.2.1 in all zones except the R and AG zones, the keeping on a lot having an area of less than 2000 m² of cattle, sheep, goats, pigs, donkeys, bees, llamas, ostriches and emus and more than one horse
- 3.2.2 in all zones, commercial airstrips
- 3.2.3 in all zones, helipads except for emergency helipad sites
- 3.2.4 in all zones, marinas the use of which is restricted to members of a private club
- 3.2.5 in all zones, disposal of any waste matter on land and in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the *Waste Management Act*.

3.3 Height Exceptions

The height restrictions for buildings and structures specified in this Bylaw may be exceeded for radio and television antennas, chimney stacks, flag poles, lightning poles, farm silos, water towers, electrical transmission towers, church steeples, fire hose towers and fire alarm towers, provided that the lot coverage of such structures does not exceed 1% or, if located on a building, they do not occupy more than 10% of the roof area of the building.

3.4 Fences and Landscape Screens

- 3.4.1 The height of fences must not exceed 2 metres in any zone with the exception of protective netting or screening reasonably required to control animal nuisances.
- 3.4.2 If a landscape screen is required by this bylaw, it must be provided in the form of:
 - (1) existing vegetation of the required height that provides a complete and permanent visual screen between the uses being separated;

- (2) a row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete and permanent visual screen between the uses being separated; or
- (3) a solid wood fence or brick or stone wall

broken only for access drives or walks.

3.5 Home Occupations

Home occupations, where permitted by this Bylaw, must comply with the following regulations:

- 3.5.1 A home occupation other than a horticultural or agricultural use must be carried out wholly within a dwelling unit or within a permitted accessory building.
- 3.5.2 Home occupations must not occupy a floor area in excess of 95 m².
- 3.5.3 There may be no exterior indication of the existence of the home occupation either by stored materials, displays, lighting or by any other variation from the residential character of the dwelling unit or accessory building, with the exception of signs permitted by this Bylaw.
- 3.5.4 The home occupation must be operated by a person permanently residing in the dwelling unit. Not more than two additional persons not residing in the dwelling unit may be employed in the home occupation.
- 3.5.5 Home occupations involving food preparation, personal services, and kindergarten and day care facilities must conform with relevant Provincial regulations.
- 3.5.6 The home occupation must not involve storage exterior to a building or structure of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a landscape screen or fence not less than 2 metres in height.
- 3.5.7 Bed and breakfast home occupation operations must not utilize more than 3 bedrooms allowing for a maximum of 8 guests. Breakfast may be served, and recreational equipment may be rented, only to guests who have been provided overnight accommodation.
- 3.5.8 That portion of a dwelling unit used for preparing and serving food or drink in connection with a bed and breakfast home occupation must not occupy a floor area in excess of 25 m².

3.5.9 A manufacturing or processing home occupation may include retail sales of articles manufactured or processed on the premises. The floor area used for sales and storage of goods and articles for sale, not manufactured or processed on the premises, must not exceed 5 m².

3.6 Use of Travel Trailers and Recreational Vehicles

The use of a travel trailer or a recreational vehicle as a dwelling or cottage is permitted on a lot in the SR, CS, MBRC, RR, R, UP and AG zones, subject to the provision of a domestic water supply and sewage disposal satisfactory to the Medical Health Officer and compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages.

3.7 Determination of Residential Density - Lots in More than One Zone

Where a lot is located in two or more zones, additional dwelling units may only be constructed if and to the extent that the density regulation for the zone in which the dwelling is to be constructed is complied with.

3.8 Height of Buildings and Structures

3.8.1 No dwelling unit or cottage may exceed 9 metres in height.

3.8.2 No building or structure accessory to a dwelling unit may exceed 5 metres in height.

3.8.3 No building or structure used for agriculture or utility purposes may exceed 15 metres in height.

3.9 Use of Common Property

Land comprising the common property in a strata plan is not a "lot" for the purposes of the density regulations set out in Part 9, but may be used for accessory uses to principal uses located on strata lots in the same strata plan.

3.10 Accessory Buildings and Uses

3.10.1 An accessory building or structure may not be used as a dwelling unit except where expressly permitted in this bylaw.

BL#116

PART 4

GENERAL REGULATIONS - SITING

4.1 Setbacks from Watercourses

BL#116

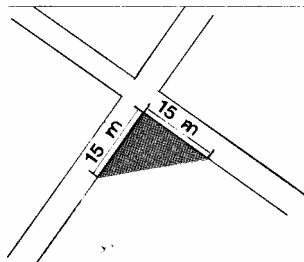
- 4.1.1 No building except a boathouse, pumphouse, stairs or walkways required to access a permitted float, wharf or pier or the foreshore, may be constructed, reconstructed, moved or extended nor any mobile or modular home or structure located within 7.5 metres of the natural boundary of the sea or any natural watercourse.
- 4.1.2 No sewage disposal field, septage pit or manure pile may be located within 30 metres of a source of domestic water supply or the natural boundary of the sea or any natural watercourse.
- 4.1.3 No building or structure, except a boathouse, pumphouse or stairs or walkways required to access a permitted float, wharf or pier, may be constructed, reconstructed, moved, located or extended with the underside of the floor system of any area used for habitation, business or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level on which it is located, lower than 1.5 metres (4.92 ft.) above the natural boundary of the sea or any natural watercourse in an immediate flood hazard area.

4.2 Setbacks between Cottages and Other Dwelling Units

No cottage may be located within 5 metres of a dwelling unit or another cottage.

4.3 Visibility at Intersections

No building or structure exceeding 0.75 metres in height may be sited within the triangle formed by the boundaries of two intersecting highways and a line joining points on those boundaries 15 metres from their point of intersection, as illustrated in the following sketch:



BL#116

4.4 Measurements of Setbacks for Buildings and Structures

4.4.1 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.

4.4.2 The following features may project into a required setback area:

- (1) steps, eaves and gutters, cornices, sills, chimneys, or other similar features, provided that they do not project more than 1 metre into the required setback area or 0.5 metres in the case of a side yard setback area less than 3 metres in width;
- (2) balconies, decks and sun shades, provided that they do not project more than 1 metre into the required setback area;
- (3) retaining walls may be located in any required setback, except the setback from the natural boundary of the sea, with a maximum exposed height of 1 metre within the setback.

PART 5

GENERAL REGULATIONS - SUBDIVISION

5.1 Compliance with Minimum and Average Lot Area

The average lot area of every subdivision must equal or exceed the applicable minimum and average lot area specified by this Bylaw and for that purpose the average lot area of the proposed subdivision is the sum of the areas of the proposed lots divided by the number of proposed lots.

BL 116

5.2 For the purposes of determining compliance with average lot size regulations set out in Part 9 of this bylaw, areas of land in excess of 5 percent of the land being subdivided that are designated as park on the subdivision plan may be included in the total area of lots being created, and the park is deemed not to be a lot being created.

5.3 Covenant Against Further Subdivision and Development

5.3.1 When a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant must grant a covenant complying with s.2.9 of this bylaw in respect of every such lot prohibiting further subdivision of the lot and prohibiting the construction, erection, or occupancy on the lot of more than one single family residential dwelling unit and where a cottage is a permitted use, more than one such cottage.

5.3.2 When a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this Bylaw, and:

- (a) one or more of the lots being created has an area equal to or greater than twice the applicable average lot size; and
- (b) one or more of the lots being created has an area less than the applicable average lot size;

the applicant must grant a covenant complying with s.2.9 of this bylaw in respect of every lot referred to in article (a) prohibiting:

- (c) the subdivision of the lot so as to create a greater total number of lots by subdivision and resubdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this Bylaw; and
- (d) the construction, erection, or occupancy on the lot of single family residential dwelling units and, where permitted by this Bylaw, cottages

so as to create a greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw.

- 5.3.3 Where the approval of a bare land strata plan creates common property on which this bylaw would permit the construction of a residential dwelling unit or cottage if the common property were a lot, the applicant must grant a covenant complying with s.2.9 of this bylaw in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit or cottage on the common property, and the disposition of the common property separately from the strata lots.

5.4 Lots Divided by a Zone Boundary

Where a lot proposed to be subdivided is split by a zone boundary, a separate calculation of the number of lots permitted must be made for each portion, and no lot may be created in respect of any fractional area resulting from such calculation.

- 5.5 The creation of a lot lying within two or more zones must be avoided wherever possible. Where lots lying within two or more zones are subdivided, lot boundaries should correspond with zone boundaries.

5.6 Lot Size Exceptions

The lot size requirements of Part 9 do not apply:

- 5.6.1 to a lot being created solely for the purpose of locating equipment necessary for the operation of a community water or sewer system, an automatic telephone exchange, an electrical substation, or a similar public service facility or utility;
- 5.6.2 to a lot being created for an ecological reserve;
- 5.6.3 to the consolidation of 2 or more lots into a single lot;
- 5.6.4 to lot boundary adjustments, provided that no additional lots are created and no lot area deficiency is increased by the subdivision;
- 5.6.5 to subdivision solely for the purpose of adding natural accretion to a lot; or
- 5.6.6 to subdivision solely for the purpose of dedicating land to the Crown.

BL102

5.7 Lot Configuration

- 5.7.1 No lot may be created which has a frontage less than ten percent of its perimeter.
- 5.7.2 No lot may have an average depth greater than five times its average width.

5.8 Side Lot Lines

No lot may be created having side lot lines which are not at right angles or radial to the boundaries of the highway on which the lot fronts.

5.9 Split Lots

No lot may be created which is divided into two or more portions by a highway or other lot.

5.10 Double Frontage Lots

No lot having frontage on more than one highway that is not a corner lot may be created.

5.11 Section 946 Subdivisions

BL#116

No lot having an area less than 10 ha may be subdivided under section 946 of the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

5.12 Characteristics of Public Access to Water Bodies

The Approving Officer may require that highways giving access to the shore of any body of water, dedicated to the Crown at the time of subdivision, be consolidated into one or more larger areas and may require that such a highway be located in an area of high recreational value or so as to provide access to such an area.

5.13 Roadway Standards

5.13.1 The purpose of the standards set out in subsections 5.13.2 through 5.13.11 is to ensure that the construction of roadways in connection with the subdivision of land does not result in the alteration of the land to an extent that is inconsistent with the object of the Islands Trust under the *Islands Trust Act*, the *Islands Trust Policy Statement*, or the Mayne Island Official Community Plan.

5.13.2 Proposed roadway centreline and pedestrian path locations must be surveyed and flagged at maximum 15 metre intervals prior to subdivision application to facilitate inspection by the Approving Officer. No trees or other vegetation may be removed from the highway right of way prior to application and inspection by the Approving Officer.

5.13.3 No trees or other vegetation may be removed from the right of way without written permission of the Approving Officer, and in no case may trees or vegetation be removed beyond the extent of earthworks directly required for the construction of the roadway.

5.13.4 No obstructions of any kind, including utility poles and hydrants, may be located within 1.5 metres measured horizontally of the edge of the shoulder of the roadway.

- 5.13.5 All culverts must be provided with local rock head walls to the height of adjacent shoulders. Head walls may be dry stone or set in mortar provided sufficient stability under water runoff is assured. Culverts must be adequately sized to carry 20 year estimated flows with a minimum diameter of 300mm at driveways and 400mm under intersecting roads.
- 5.13.6 Fragmentation of land in the Agriculture (AG) zone by roads or other service corridors is prohibited.
- 5.13.7 No roadway may be located or constructed so as to connect Mayne Island to any other island.
- 5.13.8 No roadway may be located through any fresh water, marsh or swamp sensitive natural feature identified in Schedule "F" of the Mayne Island Official Community Plan and environmental impact must be minimized in the areas identified as vegetation, aesthetic, marine and geographic location sensitive natural features in Schedule "F" of the Mayne Island Official Community Plan.
- 5.13.9 No roadway may be located so as to divert the flow of a surface watercourse or divert or contaminate in any way a groundwater aquifer, but this subsection does not prohibit the culverting of a surface watercourse for a roadway crossing or the construction of a stormwater retention facility provided that such culverting or construction is in accordance with the Land Development Guidelines.
- 5.13.10 The design of roadways must to the greatest extent possible follow the natural contours of the land so as to minimize the extent of cutting and filling required to construct the roadway.
- 5.13.11 Native vegetation must be reinstated in all portions of a highway not comprising the roadway, following the completion of construction of a roadway and any associated utilities.

5.14 Water Access Subdivisions

If a subdivision with water access only is approved on an island other than Mayne Island within the Mayne Island Local Trust Area, the owner of land being subdivided must provide motor vehicle parking spaces in accordance with Part 7 of this bylaw in respect of each dwelling and cottage permitted in this bylaw in respect of each lot being created. Such parking spaces must be located at the most reasonable location on Mayne Island giving access by water to the subdivision. Highway access must be provided to every lot created by subdivision on Mayne Island.

5.15 Disposal of Sewage

- 5.15.1 Each lot that is proposed to be created by subdivision must be demonstrated by the applicant to contain an area or areas of sufficient size and appropriate characteristics to satisfy the requirements of the Sewage Disposal Regulation under the *Health Act* for conventional septic tank or package treatment plant sewage disposal systems in respect of the buildings, structures and uses that are permitted on the lot by this bylaw.

5.15.2 The information referred to in subsection 5.15.1 must be provided to the building inspector where an application for a building permit is made and the information has not previously been provided in respect of the subdivision of the lot on which the building is proposed to be constructed, except that the information need only be provided in respect of the building or structure that is the subject of the permit application.

5.15.3 No sewage may be disposed of by means of discharge to a watercourse or the sea or, in the case of a residential zone, on a lot other than that on which it was generated, except where that lot is used only for the purpose of sewage disposal.

5.16 Water Supply

BL#102

5.16.1 Where a well is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide the written certification under seal of an Engineer with experience in groundwater hydrology that there is in respect of each building, structure, or use of land permitted by this bylaw on or to each proposed lot an available supply of potable water in the amounts set out in Table 2.

TABLE 2: Potable Water Supply Standards	
<u>Use</u>	<u>Volume</u>
Residential	2275 litres
Agricultural	2275 litres
Commercial	3640 litres
Industrial	3640 litres
Country Guest House	5000 litres
All other uses	2275 litres

If it is proposed to provide potable water to a lot from a well on another lot, the applicant must concurrently with the registration of the subdivision plan register against title to the lot on which the well is located:

- (1) an easement in favour of each lot to which water is provided; and
- (2) a statutory right of way in favour of the Mayne Island Local Trust Committee for water supply purposes,

each of which must be in terms satisfactory to the Mayne Island Local Trust Committee.

5.16.2 Where the certification referred to in subsection 5.16.1 cannot be made, the approving officer may nonetheless approve the subdivision in the following circumstances:

- (1) where the applicant provides a community water system complying with the requirements of this bylaw; or
- (2) where the applicant grants a covenant restricting the development of the subdivision to the buildings, structures and uses in respect of which a certification has been made under subsection 5.16.1.

- 5.16.3 For the purposes of the certification referred to in subsection 5.16.1, the Engineer must supply supporting documentation and if a pump test has been conducted the Engineer must indicate that the test was of sufficient duration to establish in accordance with generally accepted hydrological engineering practice the long term reliability of the water supply.
- 5.16.4 Where an Engineer provides a certification under subsection 5.16.1 as to the quality of a proposed source of potable water, the certification must include a plan of the proposed subdivision indicating the location where each water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
- 5.16.5 Where a community water system is proposed, the water system must comply in all respects with applicable provincial enactments. No community water system may be supplied with water other than that which is obtained on the island on which the system is located.
- 5.16.6 The certification referred to in subsection 5.16.5 must be provided to the building inspector where an application for a building permit is made and the certification has not previously been provided in respect of the subdivision of the lot on which the building is proposed to be constructed, the provisions of subsections 5.16.2 through 5.16.4 apply with the necessary changes, except that the certification need only be provided in respect of the building that is the subject of the permit application.

5.17 Drainage Requirements

- 5.17.1 Every subdivision must be designed and constructed so as to maximize the amount of natural drainage which is percolated into the ground and to minimize direct overland runoff.
- 5.17.2 Every surface drainage system must conform in design to the design of existing systems located on adjacent and upstream lands in order to provide for the continuity of the system serving the drainage basin in which the lot to be subdivided is located.
- 5.17.3 No watercourse or water body may be diverted, altered or used so as to transfer water between water recharge areas identified in Schedule "E" of the Mayne Island Official Community Plan.
- 5.17.4 Every surface drainage system developed on the lot to be subdivided must be designed so that the inlet flow line elevations and the capacity of the system are such that it is capable or will be capable of conveying the peak rate of runoff from a 10 year storm for the entire drainage basin within which the lot to be subdivided is located when such basin is fully developed.
- 5.17.5 The surface drainage system must be designed and constructed so as to minimize scouring and the erosion of ditch banks.
- 5.17.6 All drainage works, ditches, culverts and appurtenances must be located in statutory rights-of-way granted to the Crown or in dedicated highways.

5.17.7 In the case where storm water is discharged from a surface drainage system to the sea or a watercourse on or adjacent to the lot to be subdivided, the system must be constructed and designed such that storm water is retained in storage basins for the period of time necessary to allow for the settling out of silt and other suspended solids.

5.17.8 No watercourse or water body may be diverted, altered or used for the purpose of conveying storm water from the lot to be subdivided except in accordance with applicable provincial law.

5.18 Pedestrian Paths - Miners Bay

5.18.1 On Village Bay Road between Naylor Road and Fernhill Road and on Fernhill Road between the Miners Bay dock and Minty Drive the roadway must include on at least one side a pedestrian path constructed in accordance with sound civil engineering standards so as to support pedestrian traffic in all weather conditions.

PART 6

SIGN REGULATIONS

6.1 Number and Total Area

Every sign must comply with the provisions pertaining to number of signs and maximum total area of signs set out in the table below in respect of the zone in which the sign is proposed to be located:

BL#98, 101

Table 3: Sign Regulations		
Zone	Number of Signs Permitted	Maximum Total Sign Area Permitted on Each Lot
SR CS RR MBRC R R1 UP AG CGH CGH-B	1 Per Lot	1 m ²
SCH	1 per lot plus 1 per dwelling unit	1 m ² plus 0.2 m ² per dwelling unit
C1 C2 C3 C4 W3	2 Per Tenant	4 m ²
I I1 W4 REC	1 Per Tenant	4 m ²
WP W1 W2	None	not applicable

6.2 Prohibited Signs

No animated sign, flashing sign, third party sign or sign that projects over or is erected on a highway or other public property is permitted in any zone.

PART 7

PARKING REGULATIONS

7.1 Requirement for Parking Spaces

Where the provisions of this Bylaw require facilities for the off-road parking of motor vehicles, every owner or occupier of land must provide and maintain off-road motor vehicle parking spaces in conformity with the standards set forth in this Part.

7.2 Required Number of Parking Spaces

The number of off-road parking spaces for any use of land, buildings or structures must conform to the following table, and where a particular use is not listed the number required for the most similar listed use applies.

TABLE 4: Parking Standards	
Use of Building or Lot	Minimum Number of Parking Spaces Required
Single Family Residential	2 per Dwelling Unit
Senior Citizens' Housing	1 per Dwelling Unit plus 1 per 4 Dwelling Unit for guest parking
Retail Stores, Offices, Banks	1 per 15 m ² of Floor Area
Garden Supply, Nurseries	1 per 15 m ² of Floor Area
Gasoline Service Station	2 per Service Bay
Personal Services	1 per 15 m ² of Floor Area
Motels, Hotels, Lodge, Inns	1 per Tourist Accommodation Unit
Restaurants, Cafes, Premises licensed under the <i>Liquor Control and Licensing Act</i>	1 per 3 Seats
Marinas, Fish Buying Stations, Wharfage for Sea Planes, Water Taxis and Fishing Boats, Marine Fuel Sales	1 per Berth
Boat Building and Repair	1 per 30 m ² of Floor Area
Storage and Sale of Petroleum Fuels	1
Ferry Docking Facilities	100
Log Storage and Handling	3
Repair Shops	1 per 15 m ² of Floor Area
Building Material and Supply Sales	1 per 15 m ² of Floor Area

Bed & Breakfast, Home Occupations, Guest Houses	1 per Room used for or intended to be used for Guest Accommodation
Home Occupation other than Bed and Breakfast	2
Industrial Uses	1 per 30 m ² of Floor Area
Community Halls, Lodge Halls, Churches, Private Clubs	1 per 2 Seats
Schools, including Kindergarten and Day Care Centres	20 spaces
Firehalls, Post Offices, Libraries, Public Health Centres	1 per 15 m ² of Floor Area
Golf Courses	2 per Tee
Indoor Recreation Facilities	1 per 15 m ² of Floor Area

7.3 Dimensions and Area of Parking Spaces and Aisles

7.3.1 Each 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; 5.5 metres in width in the case of 60 degree parking; and 3.5 metres in width in the case of 45 degree and parallel parking; and no parking space may abut a highway such that the use of the parking space necessitates reversing a motor vehicle from or onto the highway. If a parking space is accessible directly from a lane the combined length of the parking space and width of the lane must be at least 12.5 metres.

7.3.2 Parking spaces must be at least 2.75 metres in width and 6.25 metres in length, exclusive of manoeuvring aisles, and have unobstructed vertical clearance of at least 2 metres. Parallel parking spaces must despite the foregoing have a length of 7.5 metres.

7.4 Location of Parking Spaces

Except as provided by s.7.5, 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. Parking spaces located on a highway may not be taken into account in determining compliance with the standards in this part.

7.5 Off-Site Parking

Off-road parking spaces may be located on a site reasonably near the use, building or structure being served provided that access to the parking spaces is secured by way of a registered easement and a statutory right of way in favour of the Mayne Island Local Trust Committee.

7.6 Interpretation

In the calculation of parking spaces required in s.7.2, one additional space must be provided in respect of any fractional floor area, number of seats or berths or other unit of measurement and the requirements for sites on which more than one use occurs are cumulative.

PART 8

ESTABLISHMENT OF ZONES

8.1 Division Into Zones

For the purpose of this Bylaw, the Mayne Island Local Trust Area is divided into the following zones:

	Zone	Short Form
	Settlement Residential	SR
	Comprehensive Settlement	CS
	Rural Residential	RR
	Miners Bay Rural Comprehensive	MBRC
	Rural	R
BL#101	Rural 1	R1
	Upland	UP
	Agriculture	AG
	Senior Citizens' Housing	SCH
	Settlement Commercial	C1
	Commercial Accommodation	C2
	Service Commercial	C3
	Automotive Commercial	C4
	Industrial	I
BL#98	Industrial Fabrication	I1
	Local Community Service	LCS
	Recreation	REC
	Country Guest House	CGH
	Country Guest House - B	CGH-B
	Water Conservation	W1
	Water Moorage	W2
	Water Commercial	W3
	Water Industrial	W4
BL#121	Resource Conservation	RC

8.2 Official Zoning Map

The location of the zones established by this Bylaw are as shown on Schedule B, which forms part of this Bylaw.

8.3 Interpretation of Zone Boundaries

In the event of uncertainty regarding the location of the boundaries of any zone on Schedule B, the location shall be determined by the application of the following rules:

- 8.3.1 the zone boundary is designated as following a road allowance or watercourse, the centre line of such a road allowance or watercourse is the zone boundary.

- 8.3.2 a zone boundary is designated as following the boundary of a lot, the lot boundary is the zone boundary.
- 8.3.3 When a zone boundary is designated as following the shoreline of the sea, the ordinary high water mark of the sea is the zone boundary.
- 8.3.4 Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the zone boundary must be determined by scaling from Schedule B.
- 8.3.5 Unless otherwise indicated on Schedule B, marine zones extend from the natural boundary of the sea to the boundary of the Mayne Island Local Trust Area as described in Schedule A of the Islands Trust Regulation B.C. Reg. 119/90.

PART 9

ZONE REGULATIONS

9.1 SETTLEMENT RESIDENTIAL ZONE - SR

9.1.1 Permitted Uses

The following uses and no others are permitted in areas designated as Settlement Residential SR:

- (1) Residential use
- (2) Parks
- (3) Utility lines and poles
- (4) Home occupations, subject to section 3.5
- (5) Cottages
- (6) Accessory uses, buildings and structures.

9.1.2 Density

- (1) One dwelling unit is permitted per lot and one additional dwelling unit is permitted in respect of each 0.6 hectares of lot area over 0.6 hectares.
- (2) One cottage is permitted on lots having an area of 0.6 hectares or more.
- (3) The maximum number of buildings other than cottages accessory to dwelling units is two for lots having an area of 2,000 m² and less; three for lots having an area greater than 2,000 m² and less than 4,000 m²; and four for lots having an area of 4,000 m² or more.

9.1.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 20% of the lot area.

BL 136

9.1.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front or rear lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) No building or structure except a sign, fence or pumphouse may be sited within 4.5 metres of any exterior side lot line.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

- 9.1.5 Subdivision Requirements
- (1) No lot having an area less than 0.4 hectares may be created by subdivision.
 - (2) The average lot area must not be less than 0.6 hectares.
- 9.2 SENIOR CITIZENS HOUSING ZONE - SCH
- 9.2.1 Permitted Uses
- The following uses and no others are permitted in areas designated as Senior Citizens Housing SCH:
- (1) Senior citizen residential use
 - (2) One accessory building which may contain the office for the management of the senior citizens' housing development, a utility area, workshop area, community library, and meeting area for residents and their guests
 - (3) Pumphouse
- 9.2.2 Density
- (1) Up to eight duplexes containing two dwelling units each are permitted on lots having an area of at least 1.8 hectares.
 - (2) The floor area of each dwelling unit must not exceed 90 m².
 - (3) One attached carport not exceeding a floor area of 25 m² is permitted in respect of each dwelling unit.
 - (4) The total floor area of accessory buildings on a lot must not exceed 235 m².
- 9.2.3 Siting of Buildings, Structures and Uses
- (1) No building, structure or stored materials may be sited within 6 metres of any SR zone or 3 metres of any front, rear, or side lot line.
- 9.2.4 Subdivision Requirements
- (1) No lot having an area less than 1.8 hectares may be created by subdivision.
- 9.2.5 Screening
- (1) Accessory buildings and structures and parking areas must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 meters in height.

9.3 COMPREHENSIVE SETTLEMENT ZONE - CS

9.3.1 Permitted Uses

The following uses and no others are permitted in areas designated as Comprehensive Settlement CS:

- (1) Residential use
- (2) Parks
- (3) Utility lines and poles
- (4) Home occupations, subject to section 3.5
- (5) Accessory uses, buildings and structures.

9.3.2 Density

- (1) One dwelling unit is permitted for each 1.62 hectares of lot area.
- (2) The maximum number of buildings accessory to dwelling units is two for lots having an area of 2,000 m² and less; three for lots having an area greater than 2,000 m² and less than 4,000 m²; and four for lots having an area of 4,000 m² or more.

9.3.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.3.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.3.5 Subdivision Requirements

- (1) No lot having an area less than 6.5 hectares may be created by subdivision.

9.3.6 Purpose

This is a special designation for Georgeson Island that acknowledges historical development rights under the old Capital Regional District subdivision bylaw in place from 1972 to 1994. The bylaw permitted the construction of 4 dwellings on parcels from 10 to 40 acres with densities varying from 1 dwelling per 2.5 acres to 1 dwelling per 10 acres. Georgeson Island is 16 acres and the resulting density is 1 dwelling per 4 acres. This density is not consistent with the designations that apply to any other land in the Mayne Island Local Trust Area.

9.4 RURAL RESIDENTIAL ZONE - RR

9.4.1 Permitted Uses

The following uses and no others are permitted in areas designated as Rural Residential RR:

- (1) Residential use
- (2) Parks
- (3) Utility lines and poles
- (4) Home occupations, subject to section 3.5
- (5) Cottages
- (6) Accessory uses, buildings and structures.

9.4.2 Density

- (1) One dwelling unit is permitted on each lot and one additional dwelling unit is permitted in respect of each 2.8 hectares of lot area over 2.8 hectares.
- (2) One cottage is permitted in respect of each permitted dwelling unit on lots having an area of at least 2.8 hectares.
- (3) The maximum number of buildings other than cottages accessory to dwelling units is two for lots having an area of 2,000 m² and less; three for lots having an area greater than 2,000 m² and less than 4,000 m²; and four for lots having an area of 4,000 m² or more.

9.4.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.4.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.4.5 Subdivision Requirements

- (1) No lot having an area less than 2.8 hectares may be created by subdivision.

9.4.6 Purpose

This is a special transitional designation of limited application used for acknowledging historical situations of multiple land owners. In two areas identified on the Mayne Island Official Community Plan map, individuals bought land cooperatively as a company expecting that each share holder could build a dwelling and guest cottage. This designation permits zoning to accommodate this expectation.

9.5 MINERS BAY RURAL COMPREHENSIVE ZONE - MBRC

9.5.1 Permitted Uses

The following uses and no others are permitted in areas designated as Miners Bay Rural Comprehensive (MBRC):

- (1) Residential use
- (2) Parks
- (3) Public service use
- (4) Utility lines and poles
- (5) Agriculture
- (6) Home occupations, subject to Section 3.5
- (7) Cottages
- (8) Accessory uses, buildings and structures
- (9) Silviculture

9.5.2 Permitted Density

- (1) One dwelling unit is permitted on each lot.
- (2) One cottage is permitted in respect of each permitted dwelling unit.
- (3) The maximum number of buildings other than cottages accessory to dwelling units is four.
- (4) Despite article (3), the number of non-residential buildings used exclusively for the purposes of agriculture is unrestricted.

9.5.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.5.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) Feeding troughs and manure piles must be sited not less than 8 metres from all lot lines.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.5.5 Subdivision Requirements

- (1) No lot having an area less than 1.2 hectares may be created by subdivision. The average lot area must not be less than 2.3 hectares.

BL#116

9.5.6 Purpose

This is a special designation which acknowledges a 20 lot subdivision that provided the following community benefits: one community centre site (2 ha), one park (15.7 ha), two drilled and capped potable water wells, and a road bypass for the Miners Bay area.

9.6.1 Permitted Uses

The following uses and no others are permitted in areas designated as Rural R:

- (1) Residential use
- (2) Parks
- (3) Utility lines and poles
- (4) Home occupations including boarding and breeding of animals, riding stables, veterinary clinics and animal hospitals, subject to section 3.5
- (5) Cottages
- (6) Agriculture and silviculture
- (7) Accessory uses, buildings and structures
- (8) On the lot legally described as the remainder of Section 12, Mayne Island, Cowichan District a campground accessory to residential use is permitted as follows:
 - a) A maximum of 15 campsites for walk-in tenting only.
 - b) Despite 9.6.1(8) a), a maximum of two sites may be used for recreational vehicles, provided that the total number of sites (tenting sites together with recreational vehicle sites) must not exceed 15.
 - c) Recreational vehicles are not permitted to stay longer than 4 days in any 2 week period.
 - d) The following are prohibited:
 - i) fifth wheels;
 - ii) tent trailers;
 - iii) travel trailers; and,
 - iv) recreational vehicles exceeding 5.85 metres (19 feet) in length.
 - e) Power and water hook-ups to all campsites are prohibited.
 - f) No campsite may be sited closer than 30 meters from any lot line. For clarity, this setback provision does not include the natural boundary of the sea.
- (9) On the lot legally described as the North East ¼ of the North West ¼ of Section 2, Cowichan District, Mayne Island a campground accessory to residential use is permitted as follows:
 - a) A maximum of 10 campsites for walk-in tenting only.
 - b) Despite 9.6.1(9) a), a maximum of two sites may be used for recreational vehicles, provided that the total number of sites (tenting sites together with recreational vehicle sites) must not exceed 10.
 - c) Recreational vehicles are not permitted to stay longer than 4 days in any 2 week period.
 - d) The following are prohibited:
 - i) fifth wheels;
 - ii) tent trailers;
 - iii) travel trailers; and,
 - iv) recreational vehicles exceeding 5.85 metres (19 feet) in length.
 - e) Power and water hook-ups to all campsites are prohibited.
 - f) No campsite may be sited closer than 30 meters from any lot line. For clarity, this setback provision does not include the natural boundary of the sea.

BL#142

BL#143

9.6.2 Density

- (1) One dwelling unit is permitted on each lot and one additional dwelling unit is permitted in respect of each 4 hectares of lot area over 4 hectares.
- (2) One cottage is permitted in respect of each permitted dwelling unit on lots having an area of at least 1 hectare.
- (3) Despite article 9.6.2(2) one cottage is permitted in respect of each permitted dwelling unit on those lots whose legal descriptions are set out below:

Lot 1, Section 2, Mayne Island, Cowichan District, Plan VIP 55242

Lot 1, Section 3, Mayne Island, Cowichan District, Plan VIP 56718

Strata Lot 1, Section 11, Mayne Island, Cowichan District, Strata Plan 1276, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 2, Section 11, Mayne Island, Cowichan District, Strata Plan 1276, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 5, Section 11, Mayne Island, Cowichan District, Strata Plan 1276, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 7, Section 11, Mayne Island, Cowichan District, Strata Plan 1276, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 8, Section 11, Mayne Island, Cowichan District, Strata Plan 1276, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Lot 1, Section 14, Mayne Island, Cowichan District, Plan 2227

Strata Lot 1, Section 14, Mayne Island, Cowichan District, Strata Plan 400, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 2, Section 14, Mayne Island, Cowichan District, Strata Plan 400, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 3, Section 14, Mayne Island, Cowichan District, Strata Plan 400, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

Strata Lot 4, Section 14, Mayne Island, Cowichan District, Strata Plan 400, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

- (4) The maximum number of buildings other than cottages accessory to dwelling units is two for lots having an area of 2,000 m² and less; three for lots having an area greater than 2,000 m² and less than 4,000 m²; and four for lots having an area of 4,000 m² or more.
- (5) Despite article (3), the number of non-residential buildings used exclusively for the purposes of agriculture is unrestricted.

9.6.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.6.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) Feeding troughs and manure piles must be sited not less than 8 metres from all lot lines.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.6.5 Subdivision Requirements

- (1) No lot having an area less than 1 hectare may be created by subdivision. The average lot area must not be less than 4 hectares.

RURAL 1 ZONE - R1

9.6.A.1 Permitted Uses

The following uses and no others are permitted in areas designated as Rural 1 R1:

- (1) Residential use
- (2) Parks
- (3) Utility lines and poles
- (4) Home occupations, subject to section 3.5
- (5) Cottages
- (6) Agriculture and silviculture
- (7) Accessory uses, buildings and structures
- (8) Community water storage and distribution facilities.

9.6.A.2 Density

- (1) One dwelling unit is permitted on each lot and one additional dwelling unit is permitted in respect of each 4 hectares of lot area over 4 hectares.
- (2) One cottage is permitted in respect of each permitted dwelling unit on lots having an area of at least 1 hectare.
- (3) The maximum number of buildings other than cottages accessory to dwelling units is two for lots having an area of 2,000 m² and less; three for lots having an area greater than 2,000 m² and less than 4,000 m²; and four for lots having an area of 4,000 m² or more.

9.6.A.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.6.A.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) Feeding troughs and manure piles must be sited not less than 8 metres from all lot lines.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.6.A.5 Subdivision Requirements

- (1) No lot having an area less than 1 hectare may be created by subdivision. The average lot area must not be less than 4 hectares.

- (2) Despite article 9.6.A.5 (1), the minimum lot area in respect of a proposed subdivision must not be less than 1 hectare and the average lot area must not be less than 2.5 hectares, provided that the owner grants to the Mayne Island Local Trust Committee a statutory right of way substantially in the form attached to this bylaw as Schedule D, over substantially that area shown in the plan of statutory right of way which is attached to Schedule D as Appendix 1, for the purpose of siting community water storage and distribution works.

9.7 UPLAND ZONE - UP

9.7.1 Permitted Uses

The following uses and no others are permitted in areas designated as Upland UP:

- (1) Residential use
- (2) Agriculture and silviculture
- (3) Parks
- (4) Utility lines and poles
- (5) Home occupations subject to section 3.5
- (6) Cottages
- (7) Accessory uses, building and structures.

9.7.2 Density

- (1) One dwelling unit is permitted on each lot and one additional dwelling unit is permitted in respect of each 10 hectares of lot area over 10 hectares.
- (2) One cottage is permitted in respect of each permitted dwelling unit on lots having an area of at least 1 hectare.
- (3) The maximum number of buildings other than cottages accessory to dwelling units is four per dwelling unit.

9.7.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.7.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) Feeding troughs and manure piles must be sited not less than 8 metres from all lot lines.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.7.5 Subdivision Requirements

- (1) No lot having an area less than 1 hectare may be created by subdivision. The average lot area must not be less than 10 hectares.

9.8 AGRICULTURAL ZONE - AG

9.8.1 Permitted Uses

The following uses and no others are permitted in areas designated as Agricultural AG:

- (1) Residential use
- (2) Agriculture and silviculture
- (3) Parks
- (4) Utility lines and poles
- (5) Home occupations including boarding and breeding of animals, riding stables, veterinary clinics and animal hospitals, subject to section 3.5
- (6) Cottages
- (7) Processing and sale of agricultural and forest products produced on the lot
- (8) Accessory uses, buildings and structures

BL 131

9.8.2 Density

- (1) One dwelling unit is permitted on each lot.
- (2) One cottage is permitted on each lot.
- (3) Despite articles (1) and (2), one dwelling unit and one cottage are permitted per 8 hectares of lot area provided that the owner grants a covenant to use for agricultural use only every 8 hectares of lot area in respect of which a building permit is issued for a dwelling unit or cottage, and not to subdivide the Agricultural zoned portion of the lot.
- (4) The maximum number of buildings other than cottages accessory to dwelling units is 4.
- (5) The number of non-residential buildings used exclusively for the purposes of agriculture is unrestricted, and the number of residential buildings accessory to an agricultural use is limited to the number reasonably necessary to accommodate employees of a farm business who are engaged exclusively in the farm business on the same lot.

BL102

9.8.3 Lot Coverage

Lot coverage by buildings and structures must not exceed 20% of the lot area.

9.8.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 6 metres of any interior side lot line.
- (3) Feeding troughs and manure piles must be sited not less than 8 metres from all lot lines.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.8.5 Subdivision Requirements

- (1) No lot having an area less than 8 hectares may be created by subdivision.

9.9 SETTLEMENT COMMERCIAL ZONE - C1

9.9.1 Permitted Uses

The following uses and no others are permitted in areas designated as Settlement Commercial C1:

- (1) Restaurants
- (2) Retail stores
- (3) Offices including banks and travel agencies
- (4) Medical and dental clinics
- (5) Printers and publishers
- (6) Personal services
- (7) Appliance repair and servicing
- (8) Clubs and halls
- (9) Freight depots
- (10) Utility lines and poles
- (11) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted principal use
- (12) Accessory uses, buildings and structures
- (13) Parks
- (14) Public services uses.

9.9.2 Permitted Uses - Particular Locations

BL 116

- (1) Despite subsection 9.9.1, the only uses permitted on lands legally described as Part of Lot 4, Section 8, Mayne Island, Cowichan District, Plan 15263 are those referred to in articles 9.9.1(5), (10), (12), (13), and (14).
- (2) Despite subsection 9.9.1, the only uses permitted on lands legally described as Lot 36, Section 6, Mayne Island Cowichan District, Plan 22057 are those referred to in articles 9.9.1(10), (12), (13) and (14) and professional and business offices.
- (3) Despite subsection 9.9.1, the only uses permitted on lands legally described as Lot 3, Section 12, Mayne Island, Cowichan District, Plan 715 are those referred to in articles 9.9.1(1), (10), (11), (12), (13) and (14).

9.9.3 Density

BL 116

- (1) The floor space ratio must not exceed 0.25.
- (2) Despite article (1), the floor space ratio on land referred to in article 9.9.2(3) must not exceed 0.15.
- (3) The maximum number of accessory buildings is two for lots having an area of 2,000 m² and less; three for lots having an area greater than 2,000 m² and less than 4,000 m²; and four for lots having an area of 4,000 m² or more.
- (4) On lands referred to in articles 9.9.2(1) and 9.9.2(2), no more than one principal building containing premises for two separate businesses may be constructed or used, and the maximum number of accessory buildings is one for lots having an area of 2,000 m² and less; two for lots having an area greater than 2,000 m² and less than 4,000 m²; and three for lots having an area of 4,000 m² or more.

9.9.4 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 35% of the lot area.

9.9.5 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 6 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.9.6 Height of Buildings and Structures

- (1) No principal building or dwelling unit may exceed 9 metres in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.9.7 Subdivision Requirements

- (1) No lot having an area less than 2000 m² may be created by subdivision.

9.9.8 Screening

- (1) Lots on which commercial uses are carried on must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.10 COMMERCIAL ACCOMMODATION ZONE - C2

9.10.1 Permitted Uses

The following uses and no others are permitted in areas designated as Commercial Accommodation C2:

- (1) Tourist accommodation in hotels, motels, lodges and inns
- (2) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted tourist accommodation use
- (3) Accessory restaurant, cafe, and premises licensed under the *Liquor Control and Licensing Act*
- (4) Retail sales uses in connection with a permitted tourist accommodation use
- (5) Public service uses
- (6) Parks
- (7) Utility lines and poles
- (8) Accessory uses, buildings and structures

9.10.2 Despite subsection 9.10.1, the only uses permitted on lands legally described as:

- (1) Lot 14, Section 9, Mayne Island, Cowichan District, Plan 15114
- (2) Lot 15, Section 9, Mayne Island, Cowichan District, Plan 15114
- (3) Lot A, Section 9, Mayne Island, Cowichan District, Plan 6587
- (4) Part of the East 10 Chains of the Fractional South West $\frac{1}{4}$, Section 12, Mayne Island, Cowichan District, Except Part in Plans 13929, 15136, 21821, and 44664

are those referred to in articles 9.10.1(1), (2), (4), (5), (6), (7) and (8).

9.10.3 Density

- (1) One accessory dwelling unit is permitted per lot.
- (2) The total floor space for all purposes must not exceed 2,500 m² per hectare of lot area, of which not more than 1,630 m² may be tourist accommodation use and not more than 20 m² accessory retail sales area.
- (3) Despite article (2) the total floor space for all purposes on lands referred to in subsection 9.10.2 is 1,630 m² per hectare of lot area of which not more than 70 m² may be accessory retail sales area.
- (4) The total number of tourist accommodation units must not exceed 37 per hectare in respect of the first hectare of any lot and 27 per hectare in respect of any additional lot area over 1 hectare.
- (5) Individual tourist accommodation units must not exceed 61 m² in floor area.
- (6) The maximum number of buildings accessory to a permitted tourist accommodation use is 4.
- (7) The floor space ratio must not exceed 0.25.

BL 116

- 9.10.4 Lot Coverage
- (1) Lot coverage by buildings and structures must not exceed 20% of the lot area.
- 9.10.5 Siting of Buildings, Structures and Uses
- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any lot line.
 - (2) The general siting provisions in Part 4 apply in addition to those contained in this subsection.
- 9.10.6 Height of Buildings and Structures
- (1) No principal building, dwelling unit, restaurant, cafe or premises licensed under the *Liquor Control and Licensing Act* may exceed 9 metres nor 2 storeys in height.
 - (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.
- 9.10.7 Subdivision Requirements
- (1) No lot having an area less than 4000 m² may be created by subdivision.

9.11 SERVICE COMMERCIAL ZONE - C3

9.11.1 Permitted Uses

The following uses and no others are permitted in areas designated as Service Commercial C3:

- (1) Sale of hardware and building materials and supplies
- (2) Rental of tools and garden equipment
- (3) Contractor's yard and offices
- (4) Freight depots
- (5) Repair shops
- (6) Rental storage
- (7) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted service commercial use
- (8) Public service uses
- (9) Parks
- (10) Utility lines and poles
- (11) Accessory uses, buildings and structures

9.11.2 Permitted Uses - Particular Locations

- (1) Despite subsection 9.11.1, the only uses permitted on lands legally described as Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070 and Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 are repair shops including auto body repairs, machine shops, accessory retail sales and those uses referred to in articles 9.11.1(7), (8), (9), (10) and (11).

9.11.3 Density

- (1) One principal building accommodating one principal use and one accessory dwelling unit are permitted per lot.
- (2) On lands referred to in article 9.11.2(1), the floor area of buildings and for repair shops and machine shops must not exceed 140 m² of which not more than 5 m² may be used for the retail sale of articles not used directly in the repair of vehicles and machines.
- (3) The maximum number of buildings accessory to a permitted service commercial use is 4.
- (4) The floor space ratio must not exceed 0.25.

9.11.4 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 35% of the lot area.

9.11.5 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 5 metres of any interior side lot line.

BL 116

- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.11.6 Height of Buildings and Structures

- (1) No principal building or dwelling unit may exceed 9 metres in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.11.7 Subdivision Requirements

- (1) No lot having an area less than 2000 m² may be created by subdivision.

9.11.8 Storage of Materials

- (1) All materials stored on a lot must be located within buildings or enclosed storage areas.
- (2) The storage of toxic, noxious, explosive, odorous or radioactive material is prohibited.

9.11.9 Screening

- (1) Lots on which commercial uses are carried on must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.12 AUTOMOTIVE COMMERCIAL ZONE - C4

9.12.1 Permitted Uses

The following uses and no others are permitted in areas designated as Automotive Commercial C4:

- (1) Gasoline service stations including accessory propane sales
- (2) Auto body repairs
- (3) Retail stores
- (4) Rental of tools and garden equipment
- (5) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted automotive commercial use
- (6) Public service uses
- (7) Parks
- (8) Utility lines and poles
- (9) Accessory uses, buildings and structures

9.12.2 Density

- (1) The maximum number of buildings accessory to a principal commercial use is 4.
- (2) One principal building accommodating one principal use and one accessory dwelling unit are permitted per lot.
- (3) The floor space ratio must not exceed 0.25.

9.12.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 35% of the lot area.

9.12.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 5 metres of any interior side lot line.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.12.5 Height of Buildings and Structures

- (1) No principal building or dwelling unit may exceed 9 metres in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.12.6 Subdivision Requirements

- (1) No lot having an area less than 2000 m² may be created by subdivision. For the purposes of the Bare Land Strata Regulations the average lot size must not be less than 2000 m².

9.12.7 Storage of Materials

- (1) All materials including unlicensed motor vehicles stored on a lot must be located within buildings or enclosed storage areas.

9.12.8 Screening

- (1) Lots on which commercial uses are carried on must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.13 INDUSTRIAL ZONE - I

9.13.1 Permitted Uses

The following uses and no others are permitted in areas designated as Industrial I:

- (1) Industrial use
- (2) Warehousing and storage
- (3) Highway maintenance yards
- (4) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted industrial use
- (5) Public service uses
- (6) Parks
- (7) Utility lines and poles
- (8) Accessory uses, buildings and structures

BL98

9.13.2 Density

- (1) The floor space ratio must not exceed 0.25.
- (2) The maximum number of buildings accessory to an industrial use is 4.
- (3) One principal building accommodating one principal use and one accessory dwelling unit are permitted per lot.

9.13.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 35% of the lot area.

9.13.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 5 metres of any interior side lot line, or 3 metres in the case of a building containing only an accessory dwelling unit.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.13.5 Height of Buildings and Structures

- (1) No principal building or dwelling unit may exceed 9 metres in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.13.6 Subdivision Requirements

- (1) No lot having an area less than 4000 m² may be created by subdivision.

9.13.7 Storage of Materials

- (1) All materials stored on a lot must be located within buildings or enclosed storage areas.
- (2) The storage of toxic, noxious, explosive, odorous or radioactive material is prohibited.

9.13.8 Screening

- (1) Lots on which industrial, warehousing, storage or highway maintenance yard uses are carried on must be screened from residential and commercial uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.13.9 Particular Locations

- (1) Lot A, Section 12, Mayne Island, Cowichan District, Plan 43041:

Uses: despite subsection 9.13.1, the only uses permitted are the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of public utilities and those uses referred to in articles 9.13.1 (5), (6), (7) and (8).

Lot Coverage: despite subsection 9.13.3, lot coverage by buildings and structures must not exceed 20% of the lot area.

BL #113

9.13.A INDUSTRIAL FABRICATION ZONE - I1

9.13.A.1 Permitted Uses

The following uses and no others are permitted in areas designated as Industrial Fabrication I1:

- (1) Industrial use
- (2) Warehousing and storage
- (3) Sale of soil, gravel and concrete
- (4) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted industrial use
- (5) Public service uses
- (6) Parks
- (7) Utility lines and poles
- (8) Accessory uses, buildings and structures

9.13.A.2 Density

- (1) The floor space ratio must not exceed 0.25.
- (2) The maximum number of buildings accessory to an industrial use is 4.
- (3) One principal building accommodating one principal use and one accessory dwelling unit are permitted per lot.

9.13.A.3 Lot Coverage

- (1) Lot coverage by industrial buildings and structures must not exceed 50% of the lot area.

9.13.A.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 7.5 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 5 metres of any interior side lot line, or 3 metres in the case of a building containing only an accessory dwelling unit.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.13.A.5 Height of Buildings and Structures

- (1) No principal building or dwelling unit may exceed 9 metres in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.13.A.6 Subdivision Requirements

- (1) No lot having an area of less than 1 ha may be created by subdivision

9.13.A.7 Storage of Materials

- (1) All materials stored on a lot must be located within buildings or enclosed storage areas.
- (2) The storage of toxic, noxious, explosive, odorous or radioactive material is prohibited.

9.13.A.8 Screening

- (1) Lots on which industrial, warehousing or storage are carried on must be screened from residential and commercial uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.14 LOCAL COMMUNITY SERVICE ZONE - LCS

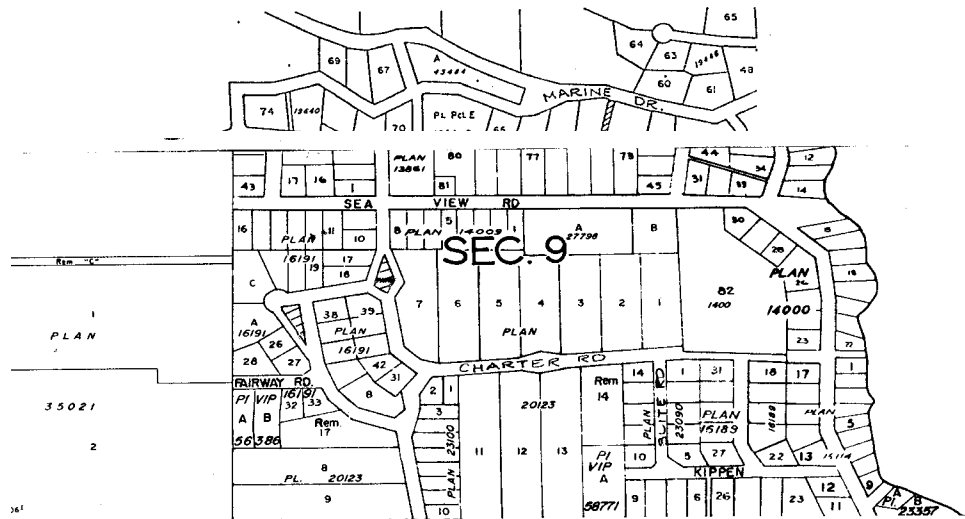
9.14.1 Permitted Uses

The following uses and no others are permitted in areas designated as Local Community Service LCS:

- (1) Community water supply facilities and associated utility lines and poles
- (2) Community sewage treatment facilities and associated utility lines and poles
- (3) Outdoor recreation uses
- (4) Parks

BL 116

9.14.2 Despite subsection 9.14.1, on lands designated as "Park" on Plan 21991 and shown hatched on the sketch below the only use permitted is community water supply facilities and associated utility lines and poles



BL 116

9.14.3 Despite subsection 9.14.1, on lands designated as "Park" on Plan 16191, and shown hatched on the sketch below the only use permitted is community water supply facilities and associated utility lines and poles.

9.14.4 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.14.5 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 5 metres of any interior side lot line.

- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.14.6 Height of Buildings and Structures

- (1) No building or structure may exceed 9 metres in height.

9.14.7 Subdivision Requirements

- (1) No lot having an area less than 10 hectares may be created by subdivision.

9.15 RECREATION ZONE - REC

BL 116

9.15.1 Permitted Uses

The following uses and no others are permitted in areas designated as Recreational REC:

- (1) Golf courses on sites having an area greater than 4 hectares
- (2) Institutional outdoor camps on sites having an area greater than 4 hectares
- (3) Clubs and halls
- (4) Recreation facilities
- (5) Public service uses
- (6) Parks
- (7) Utility lines and poles
- (8) Accessory uses, buildings and structures

BL 116

9.15.2 Permitted Uses - Particular Locations

- (1) Despite subsection 9.15.1, the only uses permitted on lands legally described as Lot 10, Section 8, Mayne Island, Cowichan District, Plan 8200 are clubs and halls and recreation facilities.

9.15.3 Density

- (1) The number of campsites in an outdoor camp use must not exceed 7.5 per hectare (3 per acre) of lot area.

9.15.4 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 35% of the lot area.

9.15.5 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 5 metres of any interior side lot line.
- (2) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.15.6 Height of Buildings and Structures

- (1) No building or structure may exceed 9 metres in height.

9.15.7 Subdivision Requirements

- (1) No lot having an area less than 4000 m² may be created by subdivision.

9.16 COUNTRY GUEST HOUSE ZONE - CGH

9.16.1 Permitted Uses

The following uses and no others are permitted in areas designated as Country Guest House CGH:

- (1) Guest house
- (2) Agricultural use
- (3) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted guest house use
- (4) Accessory restaurants
- (5) Utility lines and poles
- (6) Accessory uses, buildings and structures

9.16.2 Density

- (1) One guest house containing not more than 8 tourist accommodation units and one restaurant are permitted per lot having an area of 8 hectares or more.
- (2) The floor area of a guest house must not exceed 557 m²
- (3) The floor area of a restaurant must not exceed 37 m²
- (4) The maximum number of buildings and structures accessory to a permitted principal use is 4 per lot.

9.16.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.16.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) Feeding troughs, manure piles and buildings and structures including pens and other enclosures for the keeping of livestock or other farm animals must be sited not less than 8 metres from all lot lines.
- (4) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.16.5 Height of Buildings and Structures

- (1) No guest house or dwelling unit may exceed 9 metres in height.
- (2) No building or structure used for agriculture may exceed 15 metres in height.
- (3) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.16.6 Subdivision Requirements

- (1) No lot having an area less than 2 hectares may be created by subdivision.

9.16.7 Screening

- (1) Outdoor storage areas and tourist accommodation facilities including restaurants and parking areas must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.17 COUNTRY GUEST HOUSE B ZONE - CGH-B

9.17.1 Permitted Uses

The following uses and no others are permitted in areas designated as Country Guest House B CGH-B:

- (1) Guest house
- (2) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted guest house use
- (3) Agriculture
- (4) Riding stables
- (5) Accessory restaurants
- (6) Utility lines and poles
- (7) Accessory uses, buildings and structures

9.17.2 Density

- (1) One dwelling unit with a floor area not exceeding 140 m² is permitted per lot.
- (2) One guest house containing not more than 12 tourist accommodation units and one restaurant are permitted per lot having an area of 4 hectares or more.
- (3) The floor area of a guest house must not exceed 836 m².
- (4) The floor area of a restaurant must not exceed 56 m².
- (5) The maximum number of buildings and structures accessory to a permitted principal use is 4 per lot.

9.17.3 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 10% of the lot area.

9.17.4 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any front, rear or exterior side lot line.
- (2) No building or structure except a sign, fence or pumphouse may be sited within 3 metres of any interior side lot line.
- (3) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.17.5 Height of Buildings and Structures

- (1) No guest house or dwelling unit may exceed 9 metres in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.
- (3) No building or structure used for agriculture or public utility purposes may exceed 15 metres in height.

9.17.6 Subdivision Requirements

- (1) No lot having an area less than 4 hectares may be created by subdivision.

9.17.7 Screening

- (1) Outdoor storage areas and tourist accommodation facilities including restaurants and parking areas must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height.

9.18 WATER CONSERVATION ZONE - W1

9.18.1 Permitted Uses

The following uses and no others are permitted in areas designated as Water Conservation W1:

- (1) Marine navigational aids
- (2) Marine recreational uses not involving buildings or structures.

9.19 WATER MOORAGE ZONE - W2

9.19.1 Permitted Uses

The following uses and no others are permitted in areas designated as Water Moorage W2:

- (1) Marine navigational aids
- (2) Marine recreational uses
- (3) Private floats, wharves, piers and walkways accessory to the residential use of an upland lot or lots abutting the natural boundary of the sea
- (4) Moorage of boats accessory to the residential use of a lot within the Mayne Island Local Trust Area

BL98

9.19.2 Buildings and Structures

No building including a boathouse or shelter may be constructed or erected on and no commercial or industrial use may be conducted on any float, wharf, pier or walkway.

9.19.3 Height of Structures

- (1) No structure may exceed 5 metres in height, measured from the ordinary high water mark.

9.20 WATER COMMERCIAL ZONE - W3

9.20.1 Permitted Uses

The following uses and no others are permitted in areas designated as Water Commercial W3:

- (1) Marine navigational aids
- (2) Marinas
- (3) Wharfage for sea planes, water taxis and fishing boats
- (4) Fish buying stations
- (5) Docks, wharves, piers, floats, ramps, signs and similar structures accessory to a permitted principal use
- (6) Marine fuel sales and boat sales and rentals accessory to a principal marina use.

9.20.2 Buildings and Structures

One building with a floor area no greater than 9 m² is permitted on each water lot lease or license area.

9.20.3 Height of Buildings and Structures

- (1) No building or structure constructed on a wharf, dock or float may exceed 4 metres in height, measured from the surface of the wharf, dock or float.

9.20.4 Off-Road Parking

- (1) Off-road parking must be provided in accordance with Part 7 of this Bylaw and must be located on an adjacent upland lot.

9.21 WATER INDUSTRIAL ZONE - W4

9.21.1 Permitted Uses

The following uses and no others are permitted in areas designated as Water Industrial W4:

- (1) Boat building and repair
- (2) Storage and sale of petroleum fuels
- (3) Ferry docking facilities
- (4) Log storage and handling
- (5) Docks, wharves, piers, floats, ramps, signs and similar structures accessory to a permitted principal use
- (6) Wharfage of sea planes, water taxis and fishing boats
- (7) Fish buying stations

9.21.2 Height and Floor Area of Buildings and Structures

- (1) No building or structure constructed on a wharf, dock or float, with the exception of ferry docking facilities, may exceed 4 metres in height, measured from the surface of the wharf, dock or float.
- (2) The floor area of a building or structure must not exceed 20% of the area of any dock, wharf, pier, float or ramp on which it is constructed or placed.

9.21.3 Off-Road Parking

- (1) Off-road parking must be provided in accordance with Part 7 of this Bylaw and must be located on an adjacent upland lot.

9.22 RESOURCE CONSERVATION ZONE - RC

9.22.1 Permitted Uses

The following uses and structures and no others are permitted in locations zoned as Resource Conservation RC:

- (1) Conservation areas and ecological reserves
- (2) Stairs, walkways, footbridges, fences, signs, pumphouses and utility buildings
- (3) Utility lines and poles

9.22.2 Lot coverage

- (1) The maximum combined lot coverage of all structures must not exceed 5% of the lot area.

9.22.3 Subdivision Requirements

- (1) No lot having an area less than 0.6 hectares may be created by subdivision

SCHEDULE B

ZONING MAP

(see back pocket)

SCHEDULE C

TABLE OF IMPERIAL EQUIVALENTS (APPROXIMATE)

AREA

Metric (m ²)	Imperial (sq. ft.)
1	10.76
4	43.06
5	53.82
9	96.88
15	161.46
20	215.29
25	269.11
30	322.93
37	398.28
56	602.8
60	645.9
61	656.62
70	753.5
90	968.78
95	1,022.6
140	1,507
235	2,529.6
557	5,995.69
836	8,998.92

Metric (m ²)	Imperial (acres)
1,630	0.4
2,000	0.49
2,500	0.62
4,000	0.98

Metric (ha)	Imperial (acres)
0.4	0.98
0.6	1.48
1	2.47
1.2	2.96
1.62	4
1.8	4.45
2	4.94
2.28	5.63
2.8	6.92
3.2	7.9
4	9.88
6.5	16
8	19.76
10	24.7
15.7	38.79

HEIGHT/DISTANCE

Metric (metres)	Imperial (ft.)
0.5	1.64
0.75	2.46
1	3.28
1.5	4.92
2	6.56
3	9.8
4	13.12
5	16.4
6	19.69
7.5	24.6
8	26.25
9	29.53
12.5	41
15	49.21
25	82
30	98.43

Metric (mm)	Imperial (inches)
300	0.12
400	0.16

VOLUME

Metric (litres)	Imperial (gallons)
2275	500.44
3640	800.7
5000	1099.87

SCHEDULE D

Community Water Storage Statutory Right of Way

TERMS OF INSTRUMENT - PART 2

STATUTORY RIGHT OF WAY AGREEMENT

This Agreement dated for reference _____, 1998 is

BETWEEN:

(the "Grantor")

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at 2nd Floor, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the "Grantee")

GIVEN THAT:

A. The Grantor owns the lands ("Lands"), legally described as:

Parcel Identifier: 009-628-789
Parcel A (DD 598651) of Sections 8 and 11
Mayne Island
Cowichan District
Except Parts in Plans 17069, 17070, 21209,
39069, VIP59267 and VIP66124.

B. The Grantor has agreed to grant to the Grantee a statutory right of way under s.218 of the *Land Title Act* over part of the Lands to allow the construction, installation, erection, operation, maintenance, repair and replacement of water storage and distribution facilities including all pipes, valves, fittings and other ancillary and incidental things (the "Water Storage Works");

C. The statutory right of way granted in this Agreement is necessary for the operation and maintenance of the Grantee's undertaking; and

THIS AGREEMENT IS EVIDENCE that in consideration of \$1.00 now paid by the Grantee to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which the Grantor hereby acknowledges), and of the mutual covenants and agreements set out in this Agreement, the Grantor covenants and agrees as follows with the Grantee in accordance with s.218 of the *Land Title Act* (British Columbia) as follows in accordance with s.207 of the *Land Title Act* (British Columbia):

1. The Grantor hereby grants, conveys and confirms to the Grantee, in perpetuity, the full, free and uninterrupted right, liberty and easement for the Grantee and its invitees, licensees, employees

and contractors at all times hereafter, by day and by night at their will and pleasure, to enter, go, be on, pass and re-pass, with or without vehicles, personal property or equipment, upon, over, under and across that portion of the Lands outlined in heavy black on the reference or explanatory plan of statutory right of way in respect of the Lands prepared by _____, B.C.L.S., a reduced copy of which forms Appendix 1 hereto ("Right of Way"), to:

- (a) construct, install, use, erect and have access to upon the Right of Way and to use, repair, operate, maintain, alter, remove, or replace the Water Storage Works upon the Right of Way from time to time in the Grantee's discretion;
- (b) have unobstructed access over and along the Right of Way at any and all times necessary to carry out the activities referred to in section 1(a);
- (c) store on the Right of Way all personal property (including equipment) necessary to carry out the activities referred to in section 1(a), the duration and location of such storage to be limited to the time and place reasonably necessary to complete the work for which it is needed;
- (d) remove from the Right of Way structures, improvements and fixtures to the extent necessary, in the Grantee's reasonable opinion, to enable it carry out the activities referred to in section 1(a); and
- (e) do all other things on the Right of Way as may be reasonably required in connection with the foregoing.

2. The Grantor shall:

- (a) not do or permit to be done on the Right of Way any act or thing which in the opinion of the Grantee may interfere with, injure, impair the operating efficiency of, or obstruct access to, or the use of, the Right of Way or the Water Storage Works;
- (b) permit the Grantee to peaceably hold and enjoy the rights hereby granted;
- (c) not diminish or increase the soil cover over any of the Water Storage Works in the Right of Way.

3. In exercising its rights hereunder, the Grantee shall not construct or install on the Right of Way any building, structure, fixture or improvement except to the extent necessary to store and distribute water.

4. The Grantee upon performing its obligations hereunder shall and may peaceably hold and enjoy the rights, liberties, and easement hereby granted without hindrance, molestation, or interruption by the Grantor or any person, firm, or corporation claiming by, through, under, or in trust for the Grantor subject, however, to any prior registered non-financial encumbrance.

5. The Grantor, on every reasonable request and at the Grantee's cost, must do or execute or cause to be done or executed all such further and other lawful acts, deeds, things, conveyances and assurances in law whatsoever for better assuring to the Grantee the rights, liberties, easement and statutory right of way hereby granted.

6. Any water supply works installed by the Grantee in, on, or under the Right of Way remain chattels and the property of the Grantee, despite the fact that the same may be annexed or affixed to the freehold, and water supply works may at any time be removed in whole or in part by the Grantee in its discretion.

7. The Grantee must do all things authorized under this Agreement to be done by it over, through, under, and upon the Right of Way in a good and workmanlike manner so as to cause no unnecessary damage or disturbance to the Right of Way or to any improvements thereon and in the exercise of its rights under this Agreement the Grantee shall so far as possible, and subject to sections 1 and 2, restore the Right of Way to substantially its original condition, so far as is reasonably practicable, promptly after exercising such rights. Without limiting the generality of the foregoing, the Grantee shall take all reasonable steps to ensure that trees and other vegetation on the surface of the Right of Way are not damaged or cut down except to the extent necessary for the Grantee to exercise its rights under this Agreement and the Grantee shall promptly, at its expense, make good any damage to trees or other vegetation to the extent that such damage is not necessary for the exercise of the rights of the Grantee under this Agreement.

8. Nothing in this Agreement restricts the Grantor from using the Right of Way in any manner which does not materially interfere with the activities referred to in section 1, but the Grantor shall not do anything on the Right of Way that will injure, interfere with or obstruct the Water Storage Works or prevent reasonable access to the Water Storage Works by the Grantee.

9. By this section, the Grantor grants to the Grantee a statutory right of way under s.218 of the *Land Title Act* (British Columbia) on the terms and conditions set out in this Agreement, including sections 1 through 8.

10. Nothing in this Agreement creates any legal or equitable obligation for the Grantee to exercise any rights or remedies created by this Agreement, and nothing in this Agreement creates any duty of care or other legal or equitable duty for the Grantee to exercise those rights or remedies or to enforce this Agreement. Nothing in this Agreement makes the Grantee an occupier of the Right of Way.

11. This Agreement is to be construed as running with the Lands but no part of the fee of the soil passes to or is vested in the Grantee under or by this Agreement and the Grantor may fully use the Right of Way subject only to the rights and restrictions as set forth in this Agreement.

12. Waiver of any default by either party is not to be deemed to be a waiver of any subsequent default by that party.

13. This Agreement runs with the Lands and every part or parts thereof and attaches to and runs with the Lands and each and every part to which either may be divided or subdivided, whether by subdivision plan, strata plan or otherwise.

14. Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

15. The Grantee may assign its rights under this Agreement to an improvement district, water user's community, or other entity established to operate a water supply system on Mayne Island.

16. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party wherever the context so requires or allows.

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

18. This Agreement enures to the benefit of and is binding on the parties hereto notwithstanding any rule of law or equity to the contrary.

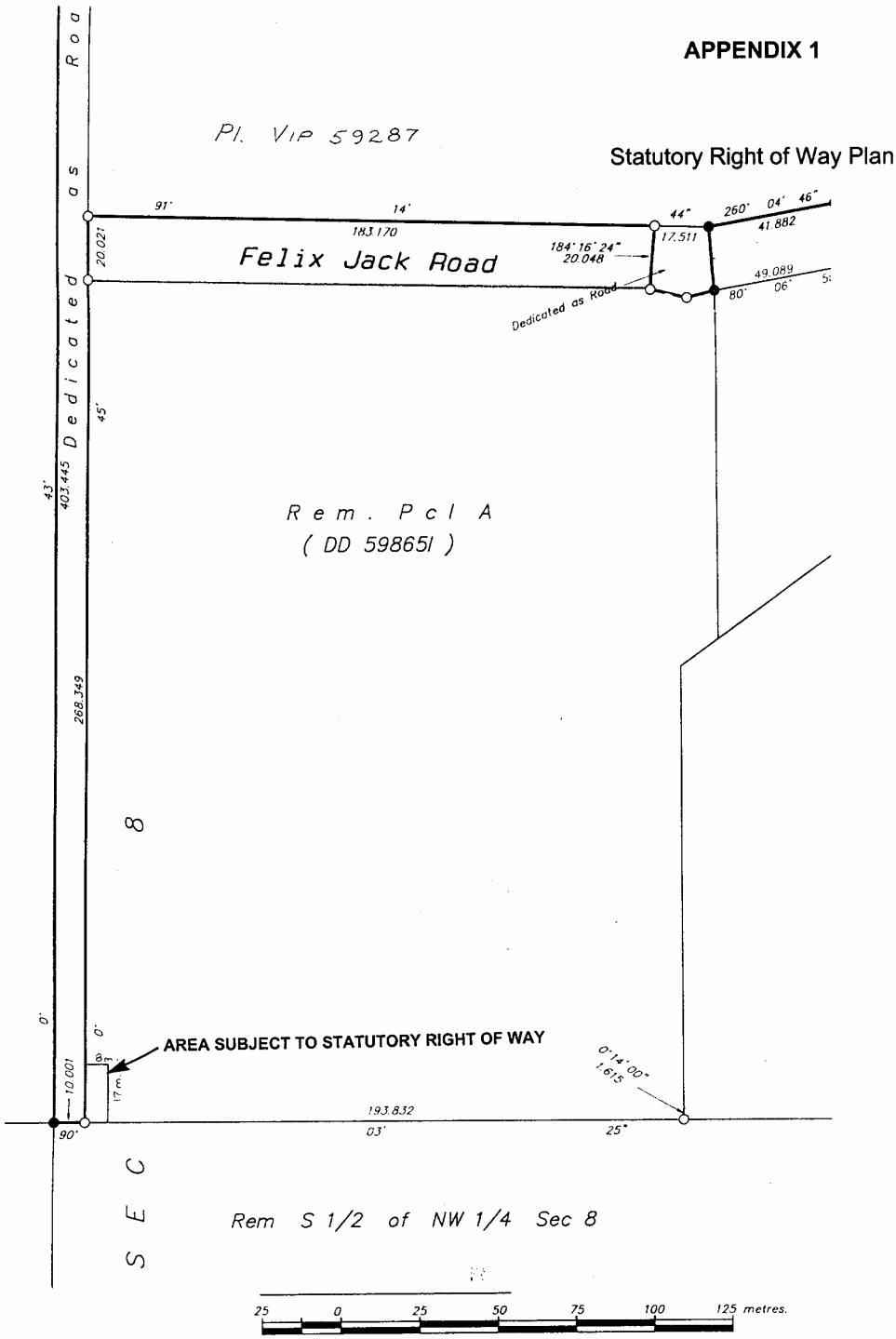
19. Despite anything contained in this Agreement, neither the Grantor named in this Agreement nor any future owner of the Lands or any portion thereof is liable under any of the covenants and agreements contained in this Agreement where such liability arises by reason of an act or omission occurring after the Grantor named in this Agreement or any future owner ceases to have a further interest in the Lands and shall only have liability to the extent of its interest.

20. Wherever this Agreement creates a power or obligation of the Grantee to make a decision or to exercise any contractual right or remedy, the Grantee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

21. This Agreement is to be governed and construed according to the laws of the Province of British Columbia.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.

APPENDIX 1



END OF DOCUMENT