

**BOWEN ISLAND MUNICIPALITY**

**BYLAW NO. 123, 2004**

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A Bylaw to amend Land Use Bylaw No. 57, 2002

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WHEREAS, “Bowen Island Municipality Land Use Bylaw No. 57, 2002” establishes minimum and average lot size areas for the purpose of new subdivisions; and

WHEREAS, Council wishes to amend “Bowen Island Municipality Land Use Bylaw No. 57, 2002” to accommodate the development of a gas station;

THEREFORE be it resolved that the Council for Bowen Island Municipality in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as the “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 123, 2004.”
2. “Bowen Island Land Use Bylaw No. 57, 2002” is amended by adding Section 4.23 to the Bylaw as follows:

**“4.23 COMPREHENSIVE DEVELOPMENT 11 (CD 11) ZONE (GAS STATION)**

*Information Note: The purpose of the CD 11 Zone is to accommodate the development of a gas station that is of a size and scale that is consistent with the character of Bowen Island.*

**4.23.1 Permitted Uses of Land, Buildings and Structures**

- (1) In addition to the *uses* permitted in Section 3.2 of this Bylaw, the following *uses, buildings and structures* and no others are permitted in the Comprehensive Development 11 (Gas Station) Zone:

<b>Principal Uses of Land, Buildings and Structures</b>	
<i>Gas Station subject to Section 4.23.3 (Conditions of Use)</i>	◆
<b>Accessory Uses of Land, Buildings and Structures</b>	
<i>Uses accessory to principal uses</i>	◆
<i>Dwelling Use</i>	◆
<i>Retail Use subject to Section 4.23.3 (Conditions of Use)</i>	◆

<b>Permitted Buildings and Structures</b>	
<i>Gas Station</i>	◆
<i>Buildings and Structures accessory to permitted uses</i>	◆

#### 4.23.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

- (1) Subject to Part 3, *uses, buildings and structures* in the Comprehensive Development 11 (Gas Station) Zone must comply with the following regulations regarding size, siting and density:

<b>Lot Coverage</b>	
Maximum combined <i>lot coverage</i> of all <i>buildings and structures</i>	15%
<b>Number of Units</b>	
Maximum number of <i>accessory dwellings</i> units	1
<b>Height</b>	
Maximum <i>height</i> of a <i>building or structure</i> (metres)	7
Maximum <i>height</i> of a storage tank (metres)	3
<b>Setbacks</b>	
Minimum <i>setback</i> from all <i>lot lines</i> (metres)	7.5

#### 4.23.3 Conditions of Use

- (1) A *gas station use* shall be subject to the following conditions:
- a) Only 2 above-ground fuel tanks each having a capacity of not more than 36000 litres and 2 below ground fuel separator tank of not more than 2200 litres shall be permitted.
  - b) The placement of the tanks, installation, upkeep, as well as other provisions as included in the *Fire Services Act* and Regulations shall be adhered to, to the satisfaction of the Bowen Island Fire Chief.
  - c) The maximum size of a building shall not exceed a total of 150 square meters, with not more than 80 square meters on the ground level.
- (2) Notwithstanding the definition of *gas station use*, a convenience store shall not be permitted as part of a *gas station use*, however an *accessory retail use* typically associated with the sale of gasoline, such as engine oil and food snacks shall be permitted. The maximum amount of floor area to be used for *accessory retail use* shall not exceed 14 square meters.
- (3) An *accessory dwelling* unit shall not exceed a floor area of 70 square meters.

- (4) Off Street Parking shall be provided in accordance with the requirements for gas stations as specified in Part 5 of this Bylaw.

**4.23.4 Subdivision and Servicing Requirements**

- (1) The regulations in this Subsection apply to the *subdivision* of land under the *Land Title Act* or *Strata Property Act* for the CD 11 Zone.

Lot Areas for the Creation of New Lots through Subdivision	
Maximum number of <i>lots</i> to be created by <i>subdivision</i>	1
Minimum <i>lot area</i> (ha.)	0.1

3. “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by changing the zoning classifications for the lands shown outlined in a solid black line on Schedule 1 of this Bylaw from **Rural Residential 1 (RR1)** to **Comprehensive Development 11 (CD 11) Zone (Gas Station)**, and by making such deletions, adjustments, and consequential annotations on Schedule “B” to Bylaw No. 57, 2002 as are required to give effect to this amendment.
4. “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is further amended by making the following changes to **Comprehensive Development 1 (CD 1) Zone (Artisan Square)**:
- 1) Add “inn” and “sewage disposal facilities” to the list of permitted principal uses in Section 4.14.1(1) within Sub Area 1;
  - 2) Delete “gas station use” as a permitted use in in Section 4.14.1(1) within Sub Area 1;
  - 3) Delete the words “except for a gas station use which shall comply with Conditions of Use specified in Section 4.14.2” within Section 4.14.1(2);
  - 4) Replace “5270 square meters” with “6020 square meters” – “Maximum *floor space* for all *buildings* within CD-1 zone (m<sup>2</sup>)” within Section 4.14.2(1);
  - 5) Delete “Maximum *floor space* for all *buildings* within CD-1 zone (m<sup>2</sup>) should a multi purpose / performing arts centre be developed – 5640 square meters” within Section 4.14.2(1);
  - 6) Replace “3485 square meters” with “4235 square meters” – “Maximum non-residential *floor space* for all *buildings* – Area 1” within Section 4.14.2(1);
  - 7) Replace “1200 square meters” with “1400 square meters” – “Maximum residential *floor space* for all *buildings* – Area 1” within Section 4.14.2(1);
  - 8) Replace “ 30% of non-residential floorspace” with “1200 square meters with an inn or 30% of non-residential floorspace without an inn” – “Minimum *floor area* of *artisan industry* (m<sup>2</sup>) – Area 1” within Section 4.12.2 (1).
  - 9) Replace the word “Maximum” with “Average” – “Maximum number of *dwelling units* within a non residential building – Area 1” within

- Section 4.12.2 (1) and add the words “up to a maximum of 4 units per building.”
- 10) Delete items 5 and 6 under “Conditions of Use” within Section 4.14.1(2); and
  - 11) Replace “16” with “18 including 1 lot for sewage disposal purposes” – “Maximum number of *lots* to be created by *subdivision* within the CD 1 zone” within Section 4.14.3

**READ A FIRST TIME** this 26<sup>th</sup> day of July, 2004.

**PUBLIC HEARING HELD** this 20<sup>th</sup> day of October, 2004.

**PUBLIC HEARING HELD** this 31<sup>st</sup> day of January, 2005.

**READ A SECOND TIME** this 14<sup>th</sup> day of February, 2005.

**READ A THIRD TIME** this 14<sup>th</sup> day of February, 2005.

**RECONSIDERED, FINALLY PASSED AND ADOPTED**

this 27<sup>th</sup> day of June 2005.

(Original signed) \_\_\_\_\_  
Lisa Barrett  
Mayor

(Original signed) \_\_\_\_\_  
Isabell Hadford  
Chief Administrative Officer

Certified to be a true and correct copy of the  
“Bowen Island Municipality Bylaw No. 123,  
2004 - Bowen Island Lane Use Bylaw No.  
57, 2002, Amendment No. 123, 2004”  
adopted by the Council Bowen Island  
Municipality this 27<sup>th</sup> day of June, 2005.

(Original signed) \_\_\_\_\_  
Isabell Hadford  
Chief Administrative Officer

BOWEN ISLAND MUNICIPALITY  
SCHEDULE "1" TO BYLAW NO. 123

*RRI to CD-11*

