

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 194

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. Part 1, Interpretation, Section 1.1, the definition of 'home business' is amended by deleting "and cottage uses" such that it reads: ' "home business" means an accessory commercial use conducted on a residential lot and includes: bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.'
2. Part 1, Interpretation, Section 1.1, the definition of 'natural boundary' is amended by deleting "and in the case of a lot having a surveyed high water mark means the high water mark" and inserting "in vegetation, as well as in the nature of the soil itself" such that it reads: "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, in vegetation, as well as in the nature of the soil itself.'
3. Part 1, Interpretation, Section 1.1, the definition of 'lot' is amended by deleting "*Condominium Act*" and inserting "*Strata Property Act*" such that it reads: ' "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 *Strata Property Act*.'
4. Part 2, General Provisions, Subsection 2.1.1 is amended by inserting "Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces." at the end such that it reads: 'The provisions of this Bylaw apply to North Pender Island and those portions of the North Pender Island Local Trust Area shown on Schedule "A", which forms part of this Bylaw. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.'
5. Part 2, General Provisions, Subsection 2.4.1 is amended by deleting "Investigation" and inserting "Enforcement" such that it reads: 'The Islands Trust Bylaw Enforcement Officer or any other person designated by the North Pender Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.'
6. Part 2, General Provisions, Subsection 2.4.2 is deleted in its entirety
7. Part 2, General Provisions, Subsection 2.5.1 is amended by deleting "not exceeding \$5,000" and inserting "as provided in the *Offense Act*" such that it reads: 'Every person who commits an offence against this Bylaw is

liable, upon summary conviction, to a fine and penalty as provided in the *Offense Act* and the costs of prosecution.'

8. Part 3, General Regulations, Article 3.1.1(6) is amended by deleting "in the Forest Land Reserve" and inserting "under the Private Managed Forest Land Act" such that it reads: 'the use of land under the Private Managed Forest Land Act for forest management activities related to timber production or harvesting; and'
9. Part 3, General Regulations, Subsection 3.4.4 is amended by deleting "a boat house, which may not exceed 5.4 metres in height and one storey," such that it reads: 'An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.'
10. Part 3, General Regulations, Article 3.5.8(5) is amended by inserting "or cottage" at the end such that it reads: 'a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.'
11. Part 3, General Regulations, Subsection 3.7.2 is amended by inserting "anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp," such that it reads: 'Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.'
12. Part 3, General Regulations, the following Information Note be inserted after Subsection 3.7.2 "Walkways and stairs to access a dock or the foreshore are not exempt from interior or exterior side lot line setbacks or requirements for a development permit where applicable."
13. Part 3, General Regulations, Subsection 3.16.1 is deleted in its entirety
14. Part 4, Subdivision Regulations, Subsection 4.2.1 is amended by inserting at the end "unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot." such that it reads: 'The Approving Officer must not approve a boundary adjustment, which would increase the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment unless the applicant grants a covenant complying with Section 3.11 of this Bylaw in respect of every such lot, prohibiting further subdivision of the lot.'
15. Part 4, Subdivision Regulations, Subsection 4.6.3 is amended by deleting "water recharge areas identified in Schedule "D" of the North Pender Island Official Community Plan" and inserting "watershed basins" such that it reads: 'No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between watershed basins.'
16. Part 7, Establishment of Zones, Subsection 7.2.3 is amended by deleting "Water C (WC)" and inserting "Water 3 (W3)" such that it reads: 'The Water 3 (W3) Zone established by this Bylaw extends to the boundary of the North Pender Island Local Trust Area, except as shown on Schedule "A".'
17. Part 8, Zone Regulations, Subsection 8.2.8, the table of site specific regulations is amended for the R(b) zone reference by:
 - a. deleting "(DD503141)" and inserting "(DD50314-I)" in the Legal Description column such that it reads: 'That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone', and

- b. deleting “(f)” at the end and inserting “(c)” in the Site Specific Regulations column such that it reads: ‘Despite article 8.2.2(1), the only permitted uses are in this location are the uses permitted by 8.2.2(1) (a), (b), and (c).’
18. Part 8, Zone Regulations, Subsection 8.2.8, the table of site specific regulations is amended for the R(c) zone reference by deleting “8.2.2(1)(a), (c), (d), (e) and (f) and 8.2.2(2).” and inserting “8.2.2(1)(a), (b), (d) and 8.2.2(2).” in the Site Specific Regulations Column such that it reads: ‘Despite 8.2.2, the only permitted uses in this location are the uses permitted by 8.2.2(1)(a), (b), (d) and 8.2.2(2).’
 19. Part 8, Zone Regulations, Article 8.2A.3(1) is amended by deleting “(b)” and inserting “(c)” such that it reads: ‘There may not be more than one dwelling and one cottage on any lot, subject to 8.2A.2(1)(c).’
 20. Part 8, Zone Regulations, Article 8.2A.5(2) is amended by deleting “or the Forest Land Reserve,” such that it reads: ‘if a lot line adjoins the Agricultural (AG) Zone the setbacks in respect of that lot line required by clauses 8.2A.5(1)(a) and (b) must be increased by 3 metres.’
 21. Part 8, Zone Regulations, Article 8.2A.7(1) is amended by deleting “3.13” and inserting “3.13.2” such that it reads: ‘On lots 8 hectares or larger, every lot must have a landscape strip for environmental protection complying with Section 3.13.2.’
 22. Part 8, Zone Regulations, the following information note be inserted after Clause 8.3.2(1)(c) “Residential use of a cottage in the Agricultural Land Reserve is permitted by a member of the owner’s immediate family as defined in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, or where the cottage is deemed necessary for farm use by the North Pender Island Local Trust Committee, or where permitted as a non-farm use by the Agricultural Land Commission.”
 23. Part 8, Zone Regulations, Clause 8.3.2(1)(e) is amended by deleting “8.3.6” and “Land Reserve Commission” and inserting “8.3.7” and “Agricultural Land Commission” respectively such that it reads: ‘agri-tourist accommodation as an accessory use, subject to subsection 8.3.7, and as permitted by the Agricultural Land Commission.’
 24. Part 8, Zone Regulations, Article 8.3.5(3) is amended by deleting “8.3.4” and inserting “8.3.5” such that it reads: ‘The provisions of articles 8.3.5(1) and (2) in respect of front lot lines do not apply to temporary roadside stands for the sale of agricultural products.’
 25. Part 8, Zone Regulations, Subsection 8.3.8, the table of site specific regulations is amended for the AG(c) zone reference by deleting “8.3.6” in both locations and inserting “8.3.7” such that it reads: ‘Despite 8.3.7(3) and 8.3.7(5), the agri-tourist accommodation use may accommodate up to, but not exceed, 25 Guests accommodated in 17 Bedrooms in 7 buildings.’
 26. Part 8, Zone Regulations, Subsection 8.5.9, the table of site specific regulations is amended for the C2(c) zone reference by deleting the Legal Description and inserting “Lot B, Section 17, Plan VIP87395”
 27. Part 8, Zone Regulations, Subsection 8.5.9, the table of site specific regulations is amended for the C2(d) zone reference by deleting the Legal Description and inserting “Lot A, Section 17, Plan VIP87395”
 28. Part 8, Zone Regulations, Subsection 8.18.3, the table of site specific regulations is amended by deleting the ECO(a) zone reference in its entirety
 29. Part 8, Zone Regulations, Section 8.19 is amended by inserting a new subsection 8.19.7 as follows:
 - “Density”
 - (1) A maximum of one private float, wharf, ramps and walkway is permitted per abutting upland lot.
 - (2) A maximum of one boat launching ramp is permitted per abutting upland lot.”

30. Part 8, Zone Regulations, Subsection 8.19.7 Site Specific Regulations is renumbered to 8.19.8
 31. Part 8, Zone Regulations, Clause 8.22B.1(1)(c) is amended by deleting "(c)" and inserting "(b)" such that it reads: 'pilings necessary for the establishment or maintenance of uses permitted by clause 8.22B.1(b); and'
 32. Part 8, Zone Regulations, Article 8.23.9(1) is amended by deleting "8.23.2(1)(l)" and inserting "8.23.2(1)(i)" such that it reads: 'Despite Subsection 6.1.2 (Off-street Parking), the minimum number of parking spaces required in the CD1 zone for the accessory dwelling unit permitted in 8.23.2(1)(i) above is one.'
 33. Schedule A, Area Covered by Land Use Bylaw No. 103, 1996 is amended in accordance with the map attached to and forming part of this bylaw as Plan 1
 34. Schedule C, Zoning Maps for Particular Locations is deleted in its entirety
 35. Schedule D, Zoning Map for North Pender Island is amended in accordance with the maps attached to and forming part of this bylaw as Plans 2, 3, 4, 5 and 6.
- B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014".
- C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this	27 th	day of	February	, 2014
READ A SECOND TIME this	27 th	day of	March	, 2014
PUBLIC HEARING HELD this	24 th	day of	April	, 2014
READ A THIRD TIME this	24 th	day of	April	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE this	6 th	day of	May	, 2014
ADOPTED this		day of		, 20

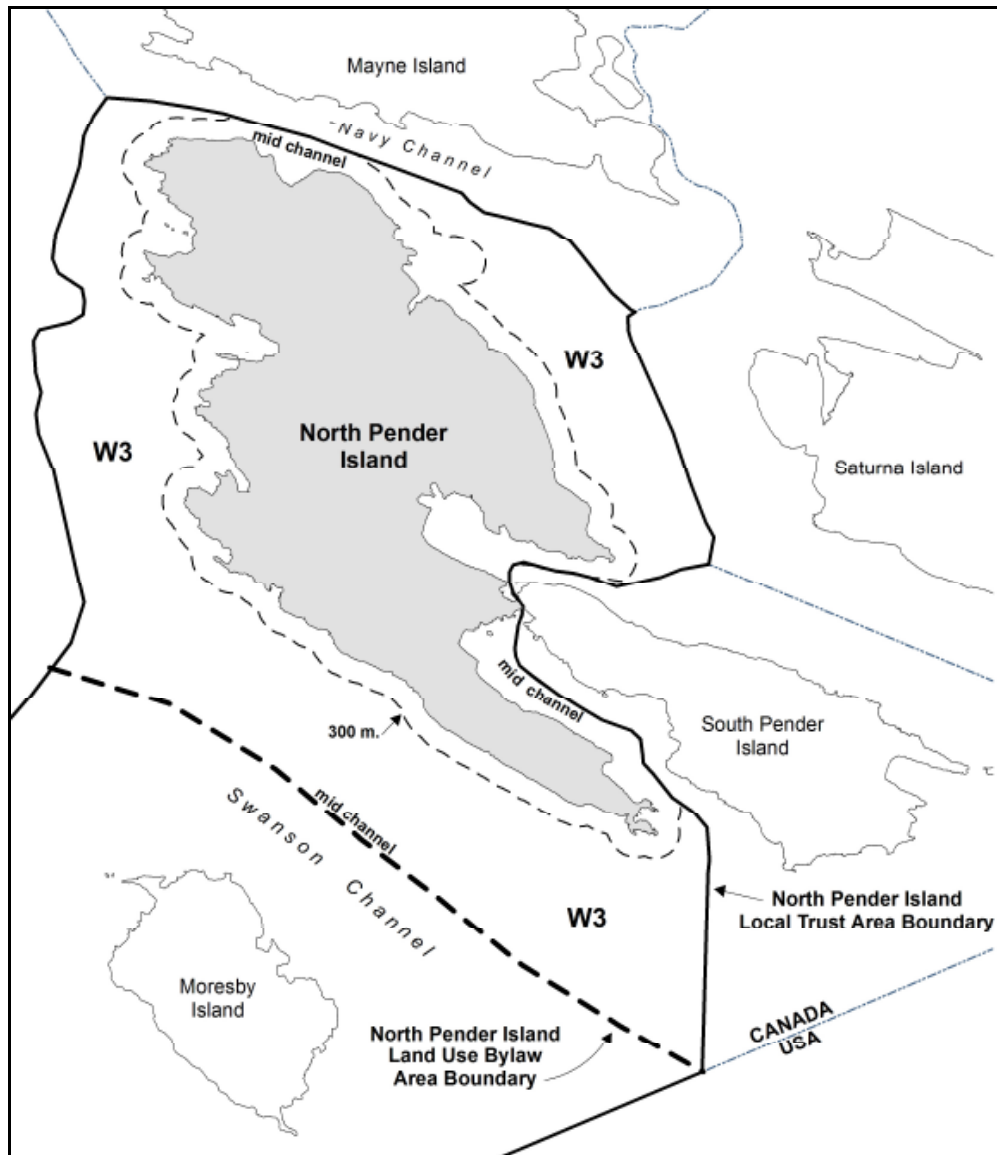
Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

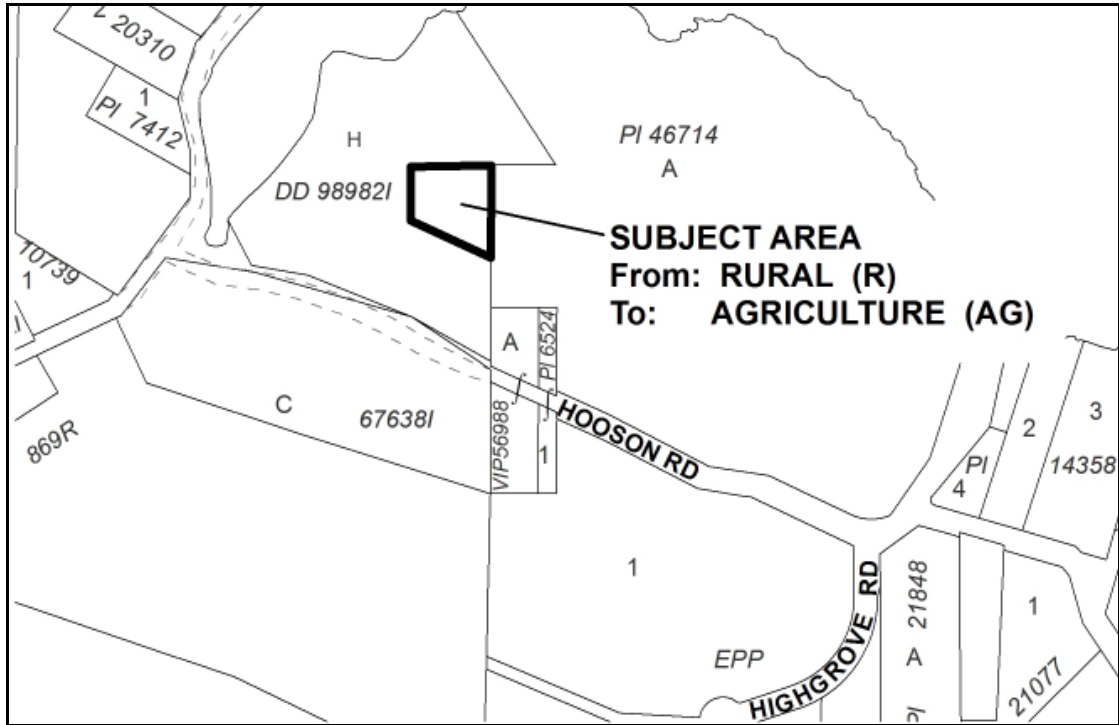
PLAN No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

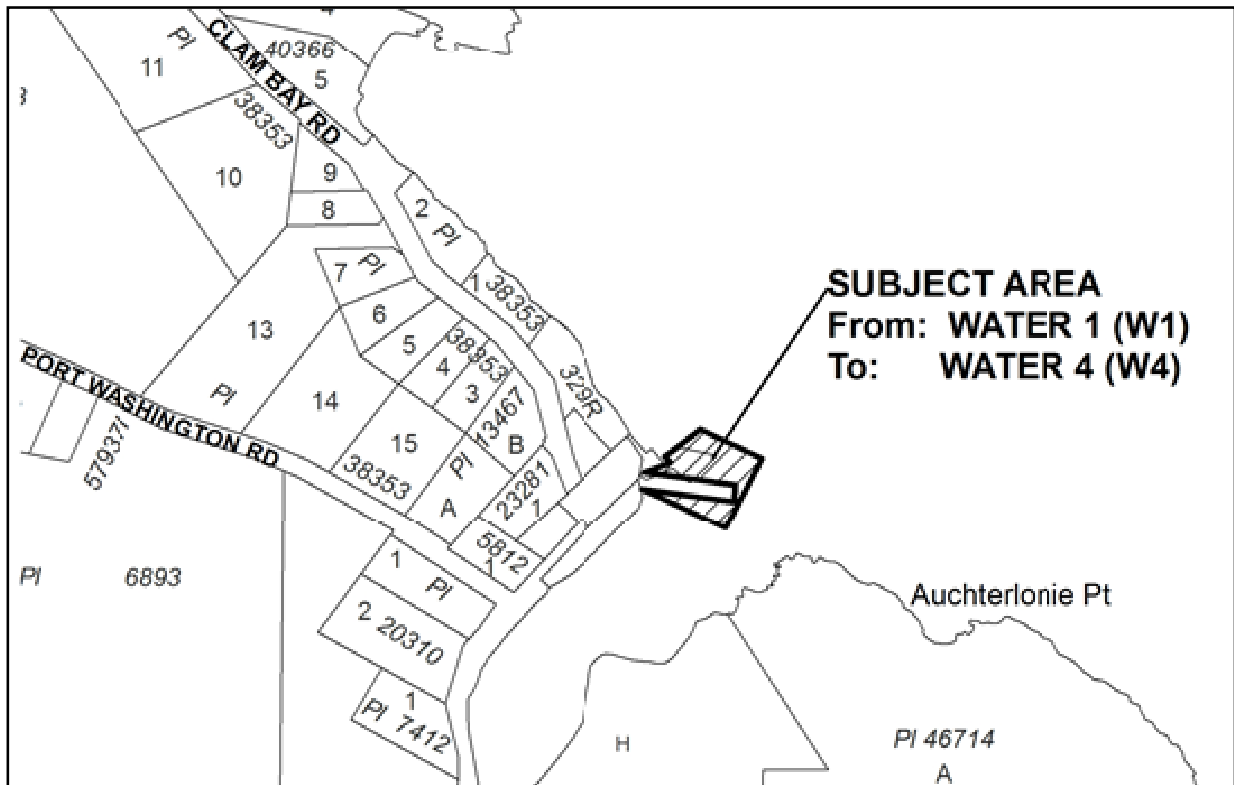
Plan No. 2



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

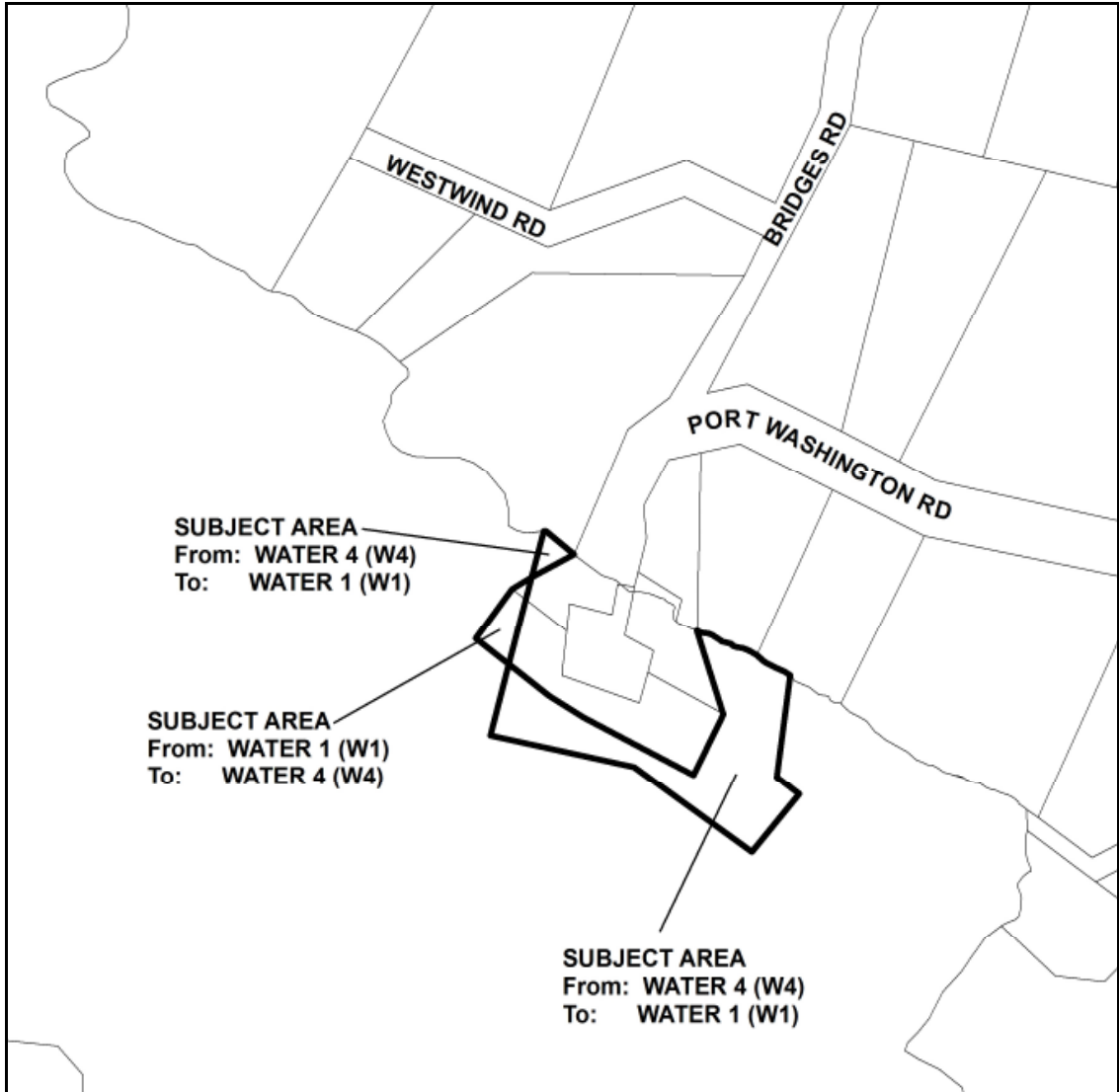
Plan No. 3



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

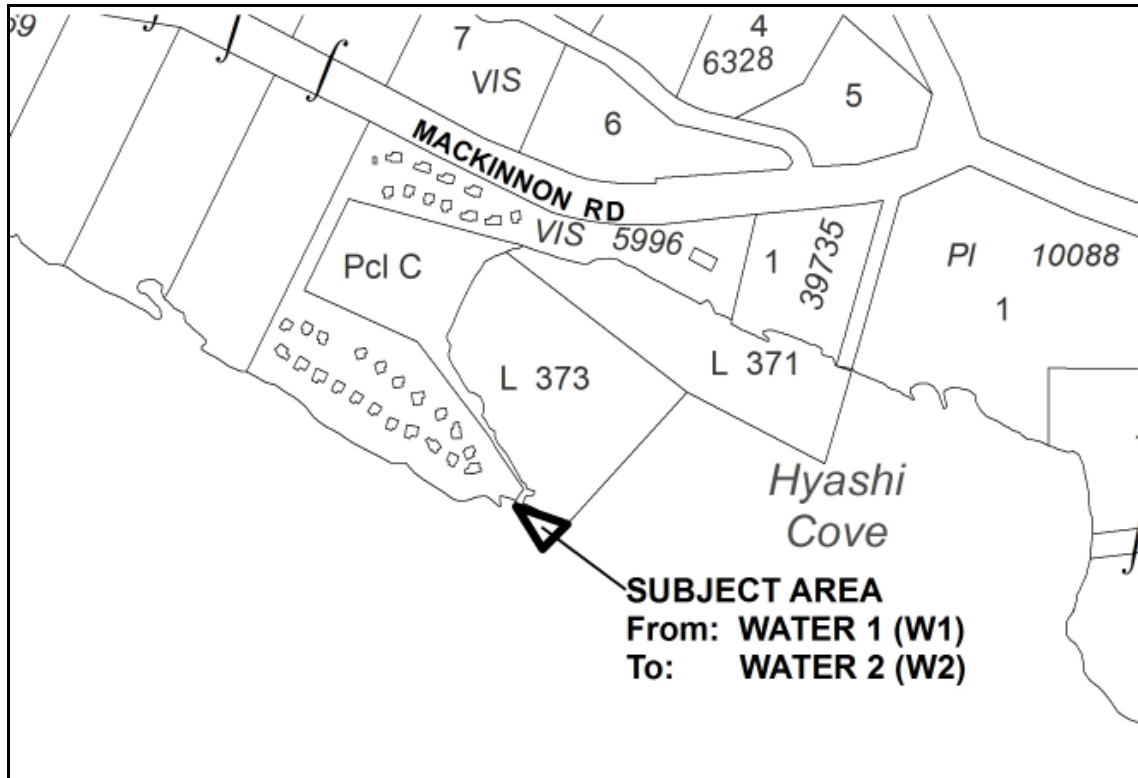
Plan No. 4



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

Plan No. 5



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 194

Plan No. 6

