

## HORNBY ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 168

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#### A BYLAW TO REQUIRE AND DEFINE PROCEDURES FOR APPLICATION FOR SITING AND USE PERMITS IN COMPLIANCE WITH HORNBY ISLAND OFFICIAL COMMUNITY PLAN NO. 149, 2014 AND HORNBY ISLAND LAND USE BYLAW NO. 150, 2014.

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WHEREAS the Hornby Island Local Trust Area is not subject to a requirement established under Division 1 of Part 9 of the *Local Government Act* that building permits be obtained for construction;

AND WHEREAS the Hornby Island Local Trust Area is subject to Land Use Bylaw No. 150, 2014 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Hornby Island Trust Committee being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C. 1996, enacts as follows:

**1. Title**

This bylaw may be cited for all purposes as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw No. 168, 2021".

**2. Bylaw Repeal**

Bylaw No. 52 cited as "Hornby Island Siting and Use Permit Bylaw No. 52, 1990" and all of its amendments are repealed.

**3. Requirement**

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit for the construction of a freestanding building or structure with a gross floor area of ten square metres or more or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

**4. Application**

This bylaw shall apply to Hornby Island, Toby Island, Flora Islet, Norris Rocks, and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

**5. Interpretation**

In this bylaw definitions contained in Section 1.1 of the Land Use Bylaw apply, with the addition of the following:

"Approval" means approval in writing from the person specified in Section 6 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

**6. Administration**

- 6.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.
- 6.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.
- 6.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than \$1000.00.

**7. Application Procedures**

- 7.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.
- 7.2 An application for a permit shall include a site plan prepared by a British Columbia land surveyor and be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.
- 7.3 The requirement for a site plan prepared by a British Columbia land surveyor under section 7.2 is waived where the proposed location of the building or structure is more than one metre beyond all minimum setbacks where the Hornby Island Local Trust Committee land use regulations establish siting requirements related to setbacks.
- 7.4 A permit may be issued only if the construction and use of land and structures to which it relates complies with the applicable land use bylaw.

**8. Severability**

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

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| READ A FIRST TIME THIS  | 6 <sup>TH</sup>  | DAY OF | MAY  | , 2022 |
| READ A SECOND TIME THIS                                       | 6 <sup>TH</sup>  | DAY OF | MAY  | , 2022 |
| READ A THIRD TIME THIS  | 6 <sup>TH</sup>  | DAY OF | MAY  | , 2022 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 25 <sup>TH</sup> | DAY OF | MAY  | , 2022 |
| ADOPTED THIS  | 10 <sup>TH</sup> | DAY OF | JUNE | , 2022 |

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SECRETARY

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CHAIRPERSON