

BYLAW NO. 162

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

- A. Schedule A of Bylaw No.146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended as follows:
1. Part 1, Interpretation, Section 1.1, is amended by deleting “use” from the definition “Agriculture use” such that it reads: “Agriculture” means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.’
 2. Part 1, Interpretation, Section 1.1, is amended by deleting “Bare Land Strata Regulations” from the definition of ‘Lot’ 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*.”
 3. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Horticulture’ in alphabetical order such that it reads: “Horticulture” means the use of land for the rearing of plants.’
 4. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Mobile Home’ in alphabetical order such that it reads: “Mobile Home” means a dwelling designed, constructed, or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.’
 5. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Moorage’ in alphabetical order such that it reads: “Moorage” means the tying or securing of a vessel to a fixed structure or mooring buoy.’
 6. Part 1, Interpretation, Section 1.1, is amended by deleting “and in the case of a lot having a surveyed high water mark means the high water mark” from the definition of ‘Natural boundary’ 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.’
 7. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Waste Transfer Facility’ in alphabetical order such that it reads: “Waste transfer facility” means the use of a site, buildings and structures for receiving, collecting, storing, sorting, and transferring solid waste and recyclable waste that originate from residential, commercial, institutional, demolition or construction sources. ’
 8. Part 2, Administration, Subsection 2.3(1), is amended by deleting the subsection in its entirety and replaced with the following: “The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.”
 9. Part 2, Administration, Subsection 2.5(1), is amended by deleting “, not exceeding \$2,000” such that it reads: ‘Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act* and the costs of

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

10. Part 2, Administration, is amended by adding a new Section 2.9 (Repeal and Replacement) such that it reads:

"2.9 Repeal and Replacement

- (1) Where this Bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this Bylaw must be construed as being a reference to the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.
- (2) Where this Bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this Bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter."
11. Part 3, General Regulations, Subsection 3.2(1), is amended by deleting "AG" and inserting "A" such that it reads: 'In all zones except the R and A zones, the keeping on a lot having an area of less than 2000 m² (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;'
12. Part 3, General Regulations, Article 3.9(1)(a), is amended by inserting "Public" in front of 'Health Act' and to italicize 'Public Health Act' such that it reads: 'The connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the *Public Health Act*.'
13. Part 5, Zone Regulations, Subsection 5.2(4), is amended by deleting the subsection in its entirety and replaced with the following: "The maximum number of accessory buildings, other than utility sheds or woodsheds, is four per permitted dwelling unit."
14. Part 5, Zone Regulations, Subsection 5.5(13) - R(d) Zone Site Specific Regulations, is amended by deleting "5.5(4)" in Column 3 and inserting "5.5(3)" such that it reads: '(1) Despite 5.5(3) above, one cottage is permitted in respect of each permitted dwelling unit in these locations.'
15. Part 5, Zone Regulations, Subsection 5.8(5), is amended by deleting "5.8(1)(j)" and inserting "5.8(1)(k)" such that it reads: 'The apartment residential use permitted by 5.8(1)(k) shall.'
16. Part 5, Zone Regulations, Subsection 5.8(11) - C1(c) Zone Site Specific Regulations, is amended by deleting "5.8(1)(b), l and m" and inserting "5.8(1)(b), (l), and (m)" such that it reads: '(1) Despite 5.8(1), the only uses permitted in this location are those permitted in 5.8(1)(b), (l), and (m).'
17. Part 5, Zone Regulations, Subsection 5.13(14) - I1(a) Zone Site Specific Regulations, is amended by deleting "locations" and inserting "location" such that it reads: 'Despite 5.13(1) the only permitted uses at this location are those permitted by 5.13(1)(a), (b), (d), and (e) and ready-mix concrete plant, and the sale of soil, gravel, dry cement and ready-mix concrete.'
18. Part 5, Zone Regulations, Subsection 5.13(14) - I1(b) Zone Site Specific Regulations, is amended by deleting "5(13(1)" and inserting "5.13(1)" such that it reads: 'Despite 5.13(1) the only permitted uses in this location are the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of utilities and accessory uses, buildings and structures.'
19. Subsection 5.14(6) is renumbered to 5.14(7).
20. Subsection 5.14(5) is renumbered to 5.14(6).

21. Part 5, Zone Regulations, Section 5.14, is amended by adding the following new Subsection 5.14(5) under 'Siting and Size':

“(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).”
22. Subsection 5.15(6) is renumbered to 5.15(7).
23. Subsection 5.15(5) is renumbered to 5.15(6).
24. Part 5, Zone Regulations, Section 5.15, is amended by adding the following new Subsection 5.15(5) under 'Siting and Size':

“(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).”
25. Subsection 5.16(6) is renumbered to 5.16(7).
26. Part 5, Zone Regulations,, Section 5.16, is amended by adding the following new Subsection 5.16(6) under 'Siting and Size':

“(6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).”
27. Part 5, Zone Regulations, Subsection 5.17(4), is amended by deleting “principal” such that it reads: ‘The maximum height for any building or structure is 9 metres (29.5 feet).’
28. Part 5, Zone Regulations, Section 5.19, is amended by inserting “Conservation” such that it reads: ‘The purpose of the Resource Conservation Zone is to provide for and regulate lands reserved and protected for conservation purposes.’
29. Part 5, Zone Regulations, Section 5.20, is amended by deleting “protection” and inserting “Protection” such that it reads: ‘The purpose of the Water Protection Zone is to regulate uses of and impacts on the marine environment and foreshore.’
30. Part 5, Zone Regulations, Article 5.20(1)(a), is amended by deleting “aides” and inserting “aids” such that it reads: ‘Marine navigational aids;’
31. Part 5, Zone Regulations, Article 5.21(1)(a), is amended by deleting “aides” and inserting “aids” such that it reads: ‘Marine navigational aids;’
32. Part 5, Zone Regulations, Article 5.22(1)(a), is amended by deleting “aides” and inserting “aids” such that it reads: ‘Marine navigational aids;’
33. Part 5, Zone Regulations, Subsection 5.22(3), is amended by adding “.” at the end of the sentence such that it reads: ‘The maximum height of any building or structure constructed on a dock is 4 metres (13 feet), as measured from surface of the dock.’
34. Part 5, Zone Regulations, Article 5.23(1)(a), is amended by deleting “aides” and inserting “aids” such that it reads: ‘Marine navigational aids;’
35. Part 7, Parking Regulations, Subsection 7.1(2), is amended by deleting “7.1(2)” and inserting “7.1(1)” such that it reads: ‘Despite, 7.1(1), off-street parking spaces may be located on a lot within 100 metres (328) feet of the use, building, or structure being served, provided that access to the parking spaces is secured by means of registered easement and a s. 219 covenant in favour of the Local Trust Committee.’
36. Part 7, Parking Regulations, Subsection 7.3(2), is amended by deleting “Table 2” and inserting “Table 7.1” such as it reads: ‘Where a particular use is not listed in Table 7.1, the number required for the most similar listed use applies.’

37. Part 5, Zone Regulations, Subsection 5.13(1) is amended by adding “(f) waste transfer station” to the list of permitted uses.’
 38. Part 5, Zone Regulations, Section 5.13, is amended by inserting a new subsection (7) as follows: “(7) waste transfer station uses must be sited no less than 15 metres from any lot in the Settlement Residential Zone, Rural Residential One and Two Zones, Rural Zone, Upland Zone and Agricultural Zone.” The existing subsection (7) and following subsections to be renumbered accordingly.
 39. Part 5, Zone Regulations, Section 5.13, is amended by inserting a new subsection (14) as follows: “14 Waste Transfer Station use is only permitted on lots larger than 0.4 hectare in area.”. The existing subsection (14) and following subsections to be renumbered accordingly.
 40. Part 5, Zone Regulations, Subsection 5.13(14) , Site-Specific Zone I1(a), Column 3, (1) is amended by deleting “and (e)” and replacing it with “, (e) and (f)”
 41. Part 5, Zone Regulations, Subsection 5.13(14), Site-Specific Zone I1(b), Column 3, (1) is amended by adding the words “waste transfer stations,” immediately following the words “this location are”.
- B. This bylaw may be cited for all purposes as the “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2014”.

READ A FIRST TIME THIS	30 th	DAY OF	July	20	14
READ A SECOND TIME THIS	23 rd	DAY OF	February	20	15
PUBLIC HEARING HELD THIS		DAY OF		20	
READ A THIRD TIME THIS		DAY OF		20	
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20	
ADOPTED THIS		DAY OF		20	

DEPUTY SECRETARY

CHAIRPERSON