

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 203

**A BYLAW TO AMEND THE NORTH PENDER ISLAND
OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007**

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 Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*,

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

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:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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 30th day of June , 2016.

READ A SECOND TIME this 22nd day of September , 2016.

| PUBLIC HEARING HELD this 5th day of November , 2016.

READ A THIRD TIME this 24th day of November , 2016.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this 18th day of January , 2017.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this 13th day of March , 2017.

ADOPTED this 6th day of April , 2017.

SECRETARY

CHAIRPERSON

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 203**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007 is amended as follows:

1. Amending Policy 2.1.1.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
2. Inserting a new policy after Policy 2.1.1.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
3. Amending Policy 2.1.2.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
4. Inserting a new policy after 2.1.2.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
5. Amending Section 6: Temporary Use Permits as follows:
 1. Delete the preamble in its entirety and replace with the following:

“An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.”
 2. Add a new Policy 6.4 as follows:
 - 6.4 “In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.
 - 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.
 - 6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a

condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.

- 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.
- 6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.
- 6.4.10 The permit should require the landowner post the following information for guests:
 - a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency service contact information, and to provide a means for contacting them;
- 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.
- 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may:
 - a) Limit the number of bedrooms that can be used for short term vacation rentals;
 - b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - c) require the landowner/operator to post contact information and permit information at the entrance to the property;
 - d) prohibit camping or occupancy of RVs on the property;
 - e) prohibit the rental or provision of motorized personal watercraft;

- f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- g) prohibit outdoor fires; and
- h) establish the dates during which the use may occur.

6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”