

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 184**

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:

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008” is amended as follows:

- 2.1 By attaching Plan 1, attached to and forming part of this Bylaw, as Schedule “E” – Flexible Housing Map.
- 2.2 Section 1.1 – Definitions, is amended by deleting the definition of “Recreational vehicle and replacing it with ““Recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, including a tiny home on wheels that meets the Canadian Standards Association Standard for Recreational Vehicles, but does not include a mobile home or, manufactured home”.
- 2.3 Section 1.1 – Definitions, is amended by adding ““Tiny home on wheels” means– a dwelling unit on a wheeled chassis designed to be used as a full-time residence”.
- 2.4 Subsection 3.13 (3) – Secondary Suites, is amended by inserting “in areas outside the shaded area in Schedule “E” following “constructed” in both instances.
- 2.5 Subsection 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.
- 2.6 Subsection 5.1 (2) –Settlement Residential (SR) Zone, is amended by inserting “unit” after the first instance of “dwelling” and before “per lot”
- 2.7 Section 5.1 – Settlement Residential (SR) Zone is amended by inserting a new subsection (3.1) following subsection (3):

“(3.1) Despite 5.1(2) and (3), on lots shown on Schedule E, the following density is permitted:

 - (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined floor area of all dwellings does not exceed 232 m² (2500 square feet).

- (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 325m² (3500 square feet).
 - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 436 m² (4750 square feet).
 - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule “E”, unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
 - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
 - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
 - (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6.”
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.10 Subsection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- “3.1) Despite 5.5 (2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined floor area of all dwellings does not exceed 232 m² (2500 square feet).
 - (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 325 m² (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 436 m² (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule “E”, unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6.”

2.12 Section 5.5 (7) – Rural (R) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”

2.13 Section 5.6 (7) – Upland (UP) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”

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	27 TH	DAY OF	JUNE	2022.
PUBLIC HEARING HELD THIS	25 TH	DAY OF	JULY	2022.
READ A SECOND TIME THIS	25 TH	DAY OF	JULY	2022.
READ A THIRD TIME THIS	25 TH	DAY OF	JULY	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	3 RD	DAY OF	AUGUST	2022.
ADOPTED THIS	14 TH	DAY OF	NOVEMBER	2022.

CHAIR

SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE
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Plan 1

Schedule E (Flexible Housing Areas Map)

