

BOWEN ISLAND MUNICIPALITY

BYLAW NO. 28, 2000

A Bylaw to amend Bowen Island Municipality Land Use Bylaw No. 57, 2002

WHEREAS, Bowen Island Land Use Bylaw No. 57, 2002 establishes minimum and average lot size areas for the purpose of new subdivisions; and

WHEREAS, Council wishes to amend Bowen Island Land Use Bylaw No. 57, 2002 to enable the creation of new parcels of land in return for an opportunity to enhance the protection of the riparian areas of Josephine Lake and the adjoining tributaries and wetlands in accordance with a Biophysical Review conducted for the Municipality,

THEREFORE be it resolved that the Council for Bowen Island Municipality in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as the "Bowen Island Municipality Bylaw No. 28, 2000 - Bowen Island Land Use Bylaw No. 57, 2002, Amendment No. 3, 2002."
2. Bowen Island Land Use Bylaw No. 57, 2002 is amended by:
 - a) adding the following as Section 3.18.1:

"Notwithstanding the setback requirement in Section 3.18, buildings or structures may be sited within 30 meters (100 feet) of the *natural boundary* of any *watercourse* on land previously zoned Community Water Supply Protection (CWSP) Zone in Bowen Island Zoning Bylaw 36, 1984, provided that a biophysical review prepared by a professional environmental consultant to confirm the necessary environmental protection buffers is undertaken and a covenant and a statutory right of way, pursuant to the *Land Title Act*, in a form acceptable to the Municipality, and with the Municipality as the holder of the charge, is granted based on such review and is registered on the title to the property that:

 - a) restricts the removal of vegetation within a specified area along the *watercourse*; and
 - b) restricts the siting of buildings, structures, and sewage disposal systems to a particular building envelope on the property, but in no case shall a building or structure be sited within 15 meters (49.2 feet) of the *natural boundary* of any *watercourse* so identified in the covenant."
 - b) adding the following as Section 3.19.1:

"Notwithstanding the setback requirement in Section 3.19, buildings or structures may be sited within 50 meters (164 feet) of the *natural boundary* of any *water reservoir* or lake on land previously zoned Community Water Supply Protection (CWSP) Zone in Bowen Island Zoning Bylaw 36, 1984, provided that a biophysical review prepared by a professional environmental consultant to confirm the necessary environmental protection buffers is undertaken and a covenant and a statutory right of way, pursuant to the *Land Title Act*, in a form acceptable to the Municipality, and with the Municipality as the holder of the

charge, is granted based on such review and is registered on the title to the property that:

- a) restricts the removal of vegetation within a specified area along the *water reservoir* or lake; and
- b) restricts the siting of buildings, structures, and sewage disposal systems to a particular building envelope on the property, but in no case shall a building or structure be sited within 15 meters (49.2 feet) of the *natural boundary* of any *water reservoir* or lake so identified in the covenant.”

- c) adding the following as Section 4.1.4(6):
“ (6) Zone Variation – RR 3(b)
The minimum average lot area shall not apply.”

- 3. Bowen Island Land Use Bylaw No. 57, 2002 is amended by changing the zoning classifications for the lands shown outlined in a solid black line on Schedule 1 of this Bylaw from Rural Residential 3 (RR 3) Zone to Rural Residential 3b (RR 3b) Zone, and by making such deletions, adjustments, and consequential annotations on Schedule “B” to Bylaw No. 57, 2002 as are required to give effect to this amendment.

READ A FIRST TIME this 14th day of November, 2000.

READ A FIRST TIME AS AMENDED this 8th day of January, 2001.

PUBLIC HEARING HELD this 12th day of February, 2001.

READ A SECOND TIME this 12th day of February, 2001

READ A THIRD TIME this 12th day February, 2001

READ A SECOND TIME AS AMENDED this 28th day of October, 2002

READ A THIRD TIME AS AMENDED this 28th day of October, 2002.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 28th day of October 2002.

(Original signed) _____
Lisa Barrett
Mayor

(Original signed) _____
Isabell Hadford
Clerk

Certified to be a true and correct copy of the “Bowen Island Municipality Bylaw No. 28, 2000 - Bowen Island Land Use Bylaw No. 57, 2002, Amendment No. 3, 2002 adopted by the Council Bowen Island Municipality this 28th day of October 2002.

(Original signed) _____
Isabell Hadford
Clerk

**BOWEN ISLAND MUNICIPALITY
BYLAW No.28, 2000
SCHEDULE 1**

