

# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 241

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### A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 224, 2022

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2025”.

2. North Pender Island Local Trust Committee Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022,” is amended as follows:

2.1. Section 1.1 – Interpretation, is amended by inserting the definition ‘accessory dwelling unit’:

““accessory dwelling unit” means an additional detached dwelling on a residential parcel with a limited floor area.”

2.2. Section 1.1 – Interpretation, is amended by revising the definition of ‘cottage’:

"cottage" means a detached dwelling with a limited floor area that is located on the same parcel as another dwelling.

2.3. Section 1.1 – Interpretation, is amended by inserting the definition ‘dwelling unit’:

““dwelling unit” means a building or portion of a building including a principal or additional dwelling, cottage, secondary suite, and accessory dwelling unit, which is used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.”

2.4. Section 1.1 – Interpretation, is amended by inserting the definition ‘rental housing’:

““Rental housing” means residential use of dwelling units that are limited to residential rental tenure.”

2.5. Section 3.4 – Height Regulations, Subsection 3.4(3) is amended by inserting the words ‘including an accessory dwelling unit’ such that it reads:

“An *accessory building* or *structure* including an *accessory dwelling unit* may not exceed 4.6 metres in *height* and one storey, except for:”

- 2.6. Section 3.7 – Home Business Regulations, Subsection 3.7(1) is amended by inserting the words ‘, *accessory dwelling unit*’ such that it reads:

“*Home businesses* must be conducted entirely within a *dwelling, cottage, accessory dwelling unit* or permitted *accessory building* except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or *horticulture*.”

- 2.7. Section 3.10 – Secondary Suite Regulations, Subsection 3.10(3) is amended by deleting the words ‘and it must not exceed 40 per cent of the *floor area* of the *principal dwelling*’ such that it reads:

“The maximum *floor area* for a *secondary suite* is 90m<sup>2</sup> (968 ft<sup>2</sup>).”

- 2.8. Section 3.11 – Cistern Requirements, Subsection 3.11(1) is amended by inserting the words ‘or accessory dwelling unit’ such that it reads:

“A building permit for a *lot* outside a *community water system* shall not be issued for a new *building* to be used as a *dwelling*, including a *cottage* or *accessory dwelling unit*, unless a cistern (or combination of cisterns) is located on the *lot* for the storage of freshwater having a total capacity of at least 18,000 litres.”

- 2.9. Part 3 – General Regulations, is amended by inserting a new Section 3.16 ‘Accessory Dwelling Units’ immediately after Section 3.15 that reads:

### 3.16 Accessory Dwelling Units

- (1) The maximum *floor area* for an *accessory dwelling unit* is 60m<sup>2</sup> (645 ft<sup>2</sup>).
- (2) An accessory dwelling unit must not be subdivided from the principal dwelling under the *Land Title Act* or the *Strata Property Act*.
- (3) An *accessory dwelling unit* may not be used as a *short term vacation rental* or a *bed and breakfast home business*.
- (4) A building permit for a lot outside a community water system shall not be issued for an accessory dwelling unit unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the lot.

- 2.10. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.1 is amended by inserting a new Article 5.1.1(c.1) immediately after Article 5.1(c) such that it reads:

“(c) *Secondary Suite*;

(c.1) *Accessory dwelling unit*.”

- 2.11. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.2 is amended by inserting the words ‘or *accessory dwelling unit*’ such that it reads:

“There may not be more than one (1) *dwelling*, one (1) *secondary suite* or *accessory dwelling unit*, and one (1) *cottage* on any lot.”

- 2.12. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.9 is amended by deleting the existing table and replacing it with the following table:

Lot Area	The total floor area of all buildings may not exceed:	The total floor area of all dwelling units per lot may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.2 ha or greater (3 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )

- 2.13. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.16 is amended by deleting the existing Table 5.1 and replacing it with the following Table 5.1:

<b>Table 5.1</b>			
	1	2	3
	<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
1	RR1(a)	Trincomali Improvement District	Despite 5.1(1)(c) and 5.1(1)(c.1), <i>secondary suites</i> and <i>accessory dwelling units</i> are not permitted.

- 2.14. Section 5.2, Rural Residential 2 (RR2) Zone, Subsection 5.2.1 is amended by inserting a new Article 5.2.1(c.1) immediately after Article 5.2(c) such that it reads:

“(c) *Secondary Suite*;

(c.1) *Accessory dwelling unit*;

- 2.15. Section 5.2, Rural Residential 1 (RR2) Zone, Subsection 5.2.9 is amended by deleting the existing table and replacing it with the following table:

Lot Area	The total floor area of all buildings may not exceed:	The total floor area of all dwelling units per lot may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.2 ha or greater (3 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )

- 2.16. Section 5.3, Rural (R) Zone, Subsection 5.3.1 is amended by inserting a new Article 5.3.1(d.1) immediately after Subsection 5.3.1(d) and numbered as (d.1) such that it reads:

“(d) *Secondary Suite*;

(d.1) *Accessory dwelling unit*.”

- 2.17. Section 5.3, Rural (R) Zone, Subsection 5.3.8 is amended by deleting the existing table and replacing it with the following table:

Lot Area	The total floor area of all buildings may not exceed:	The total floor area of all dwelling units may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.2 ha or greater (3 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
16 ha or greater (40 acres or greater)		500 m <sup>2</sup> (5382 ft <sup>2</sup> )

- 2.18. Section 5.4, Rural Comprehensive 1 (RC1) Zone, Subsection 5.4.7 is amended by deleting the existing table and replacing it with the following table:

Lot Area	The total floor area of all buildings may not exceed:	The total floor area of all dwelling units may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.2 ha or greater (3 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
For dwelling located within the Agricultural Land Reserve		500 m <sup>2</sup> (5382 ft <sup>2</sup> )

- 2.19. Section 5.5, Rural Comprehensive 2 (RC2) Zone, Subsection 5.5.7 is amended by deleting the existing table and replacing it with the following table:

Lot Area	The total floor area of all buildings may not exceed:	The total floor area of all dwelling units may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.2 ha or greater (3 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
For dwelling located within the Agricultural Land Reserve		500 m <sup>2</sup> (5382 ft <sup>2</sup> )

- 2.20. Section 5.6, Rural Agricultural (AG) Zone, Subsection 5.6.8 is amended by deleting the existing table and replacing it with the following table:

Lot Area	The total floor area of all buildings may not exceed:	The total floor area of all dwelling units may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m <sup>2</sup> (5382 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
1.2 ha or greater (3 acres or greater)	3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
For dwelling located within the Agricultural Land Reserve		500 m <sup>2</sup> (5382 ft <sup>2</sup> )

- 2.21. Section 5.7, Commercial 1 (C1) Zone, Subsection 5.7.1 is amended by inserting a new Article 5.7.1(k.1) immediately after Article 5.1(k) such that it reads:

“(k) *Accessory dwelling;*

(k.1) *Rental housing; and*”

- 2.22. Section 5.7, Commercial 1 (C1) Zone, is amended by inserting a new Subsection 5.7.2.1 immediately after Subsection 5.7.2 such that it reads:

“(2) Only one (1) *accessory dwelling* permitted per lot.

(2.1) Up to three units of second-storey rental housing is permitted per lot with a maximum floor area of 80 m<sup>2</sup> per unit.”

- 2.23. Section 5.7, Commercial 1 (C1) Zone, Subsection 5.7.14, Table 5.7 is amended by deleting the existing Row 2 in Table 5.7 and replacing it with the following Row 2:

<b>Table 5.7</b>			
	<b>1</b>	<b>2</b>	<b>3</b>
	<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
2	C1(b)	Portion of Part C, DD69864I, Section 18 lying to the south of the main highway from Hope Bay to Port Washington.	Rescinded

- 2.24. Section 5.11, Community Service Zone, Subsection 5.11(8), Table 5.11 is amended by deleting the existing Table 5.11 and replacing it with the following Table 5.11:

<b>Table 5.11</b>			
	<b>1</b>	<b>2</b>	<b>3</b>
	<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
1	CS(a)	Lot 1, Section 11, Plan 27405.	The only <i>uses</i> permitted in this location are church and <i>affordable housing</i> up to a maximum of 20 units.
2	CS(b)	Lot A, Section 18, Plan 14409.	The only <i>uses</i> permitted in this location are library, preschool and charity retail stores.
3	CS(c)	Lot 8, Section 10, Plan 24778.	The only <i>uses</i> permitted in this location are public emergency services, public works yard and employee housing up to a maximum of two (2) units.
4	CS(d)	Lot 20, Section 10, Plan 24777.	The only <i>use</i> permitted in this location is water tank.
5	CS(e)	Lot 20, Section 10, Plan 24777.	The only <i>use</i> permitted in this location is church.
6	CS(f)	Lot A, Section 18 Plan 22835.	The only <i>uses</i> permitted in this location are public utility and employee housing up to a maximum of two (2) units.
7	CS(g)	Lot 1, Plan 29572, Section 11.	The only <i>uses</i> permitted in this location are <i>school</i> and <i>employee housing</i> up to a maximum of two (2) units.
8	CS(h)	Lot A, Plan 40871, Section 11.	The only <i>uses</i> permitted in this location are health clinic, public emergency services.
10	CS(i)	Lot A, Plan 65874, Section 18.	The only <i>use</i> permitted in this location is community hall.
11	CS(j)	Lots 1, Plan 30765, Section 15.	The only <i>uses</i> permitted in this location are public emergency and protection services, and one (1) <i>accessory dwelling</i> .

12	CS(k)	Lot 2, Plan 30765, Section 15.	The only <i>uses</i> permitted in this location are public emergency services and employee housing up to a maximum of two (2) units.
13	CS(l)	Lot 2, Plan 18611, Section 15.	The only <i>use</i> permitted in this location is cemetery.
14	CS(m)	Parcel A (DD47774W) of Lot 6 Plan 7196 Section 17.	(1) The only uses permitted in this location are private clubs including club hall rentals. (2) The <i>gross floor area</i> of the <i>uses</i> permitted in (1) may not exceed 483 m <sup>2</sup> .
15	CS(n)	Lot 131, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181	The only <i>use</i> permitted in this location is church.
16	CS(o)	A portion of Lot 3, Section 2, Pender Island, Cowichan District, Plan VIP54822.	(1) The only <i>uses</i> permitted in this area is the <i>retail sale</i> of used goods where all proceeds from sales are donated to community organizations and projects on North Pender Island. (2) Despite Subsection 5.11(7), no lot having an area less than 0.6 hectares may be created by subdivision in the Community Service CS (o) zone.
17	CS(p)	Portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary.	The only <i>use</i> permitted in this area is: the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.
18	CS(q)	Lot A, Section 17, Pender Island, Cowichan District, Plan VIP75211 and Lot 2, Section 17, Pender Island, Cowichan District, Plan 31869.	The only permitted <i>use</i> in this location is <i>ferry terminal</i> .

- 2.25. Part 7 – Parking Regulations, Subsection 7.4(4), Table 7.1 is amended by deleting the existing Table 7.1 and replacing it with the following Table 7.1:

<b>Table 7.1 : Number of Off-Street Parking Spaces</b>	
<b>Use of Building or Lot</b>	<b>Minimum Number of Parking Spaces Required</b>
Dwelling	2 per principal <i>dwelling</i> , 1 per additional dwelling
Cottage	1 per <i>cottage</i>
Secondary Suite	1
Accessory dwelling unit	1 per unit
Home Business (other than Bed & Breakfast) Home Industry	2
Bed & Breakfast	1 per room
Community Housing Rental Housing	1 per
Retail Stores Personal Services Banks Repair Shops in commercial zones Medical Office Single Tenant Office	1 per 35 m <sup>2</sup> of <i>floor area</i>
Multi-Tenant Office	1 per 30 m <sup>2</sup> of <i>floor area</i>
Restaurants Cafes Premises licensed under the <i>Liquor Control and Licensing Act</i>	1 per 3 seats
Tourist Accommodation	1 per <i>Tourist Accommodation Unit</i>
Campground	2 plus 1 per camping space
Private Clubs Churches Libraries Museums Fire Hall	1 per 35 m <sup>2</sup> of <i>floor area</i>
Community Halls Lodge Halls Churches	1 per 4 seats
Indoor Recreation Facilities	1 per 35 m <sup>2</sup> of <i>floor area</i>
Industrial Use Warehouses Wholesale and Storage Buildings Servicing and Repair - Industrial zones Recycling Facilities Printing and Publishing	1 per 35 m <sup>2</sup> of <i>floor area</i>
Ferry Dock Facilities	100
Marinas Yacht Clubs	1 per 5 Berths
Fish Buying Stations Wharfage of Sea Planes Water Taxis and Fishing Boats Marine Fuel Sales	1 per Berth
Storage and Sale of Petroleum Fuels	1
Cemeteries	15
Golf Courses	2 per Tee

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME 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\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY