



DATE OF MEETING: July 29, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to schedule two Special Meetings in the Fall 2021 to present the draft bylaws for the Land Use Bylaw Review Project.

REPORT SUMMARY

The purpose of this report is to introduce bylaw amendments for the agricultural, tourist accommodation, and marine and shoreline regulations and to schedule Community Information Meetings (CIMs) in the fall.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses the following topic areas:

1. Residential floor area review.
2. Tourist Commercial regulation review.
3. Marine shoreline regulations review.
4. Agricultural regulations amendments.
5. Industrial regulation review.
6. Minor and technical amendments

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

[https://islandstrust.bc.ca/island-planning/north-pender/projects/.](https://islandstrust.bc.ca/island-planning/north-pender/projects/)

At the June 24, 2021 LTC Special Meeting, the LTC passed the following resolutions:

NP-2021-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff

Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.

CARRIED

NP-2021-074

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.

CARRIED

NP-2021-075

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve the updated Project Charter for the Land Use Bylaw Review Project dated June 24, 2021.

CARRIED

Staff have incorporated the items outlined in the NP LTC resolution chart (attachment no. 1) in a blacklined version of the draft bylaw for the following topic areas: industrial, agricultural, tourist accommodation, and marine/shoreline. Due to the size of the draft bylaw, it will not be attached to the staff report but can be found on the [Project's webpage](#) under "LUB Review Project – 8. Draft Bylaws": Blackline Draft Bylaw. The blackline version of the draft bylaw will be updated on the website prior to each subsequent LTC meeting (if changes have been made).

ANLYSIS

Agriculture LUB Amendments

At the April 29, 2021 Special Meeting, the LTC gave direction to staff to draft bylaw amendments based on the recommendations found in the attached table to the staff report dated [May 12, 2021](#) with the following amendments:

- Table Item 1 – Divide the Rural Residential zone into two zones:
 - Rural Residential A (properties located within Magic Lake Estates Water District and the Trincomali Water District).
 - Rural Residential B (all other RR zoned properties).
- Table Item 2 – Agriculture as a primary permitted use in the new RR2 zone.
- Table Item 21 – Amend LUB to require a Bylaw Enforcement Officer to give notification to the occupiermay prior to entering onto a property.

The North Pender LTC also requested the North Pender Agricultural Advisory Planning Commission (AAPC) meet to review the staff report dated April 29, 2021 and provide written feedback. The AAPC provided the following additional comments:

- Rural Residential B zoning be created for areas of North Pender Island excluding those within a water works district. Further that agriculture be a permitted primary use within the Rural Residential B zone.
- Rural Residential B zoning table. The AAPC outlined regulations that should be included in the RRB zone. These regulations would mirror the agriculture regulations in the Rural zone. Staff will include these recommendations in the draft bylaw.
- Shipping containers are a form of farm equipment and should be permitted on properties having farm tax status, irrespective of zoning.
- Farm worker accommodation be permitted on all lots having farm tax status and demonstrated need as appropriate to lot size and that the AAPC will provide further details on this recommendation after researching the subject further.

- Temporary Use Permit system be assessed to provide a mechanism that could facilitate temporary accommodation for farm workers on farm land. Further that the Commission requests Staff to provide an assessment of the Temporary Use Permit requirements in this area, and specifically where flexibility and new innovative processes may be possible.

The comments and recommendations from the AAPC and direction given by the LTC have been included in the draft bylaw amendment. The following items are for the LTC's information and further consideration:

1. New Rural Residential 2 (RR2) Zone

The new RR2 zone has been added to the draft bylaw amendment based on recommendations from the AAPC. All current Rural Residential (RR) zoned properties not connected to a water system except for those lots connected to the Razor Point water system, will be rezoned to the new RR2 zone. Current RR zoned properties connected to the Magic Lake water system and the Trincomali water system will retain the RR zoning which will be referred to as the RR1 zone (and agriculture will not be a primary permitted use on these lots). The AAPC provided a table outlining the recommended uses and regulations for the new RR2 zone (see Attachment 2). The new RR2 zone will differ from the RR1 zone in the following ways: allows agriculture as a primary permitted use, and allows agri-tourism and agri-tourist accommodation as an accessory use.

Amendments are required to the Official Community Plan (OCP) as allowing agriculture as a primary permitted use in the Rural Residential zone does not align with the following Rural Residential:

2.1.1.1 The principal use shall be residential. Accessory uses shall not detract from the rural character of the island.

2.1.1.9 Larger lots and/or increased setback requirements shall be required where Rural Residential areas abut areas suitable for agriculture as a means to minimize conflicts between rural residential and agricultural land use activity.

The LTC has the following options to address the above noted OCP policies:

- a. Amend or add a new policy to the Rural Residential designation section in the OCP that supports agriculture on RR zoned lots not connected to a water system with the exception to those lots connected to the Razor Point Water System.
- b. Allow agriculture on RR2 lots either as an accessory use or on lots over a certain size. Although OCP amendments may still be required, the intent of Policies 2.1.1.1 and 2.1.1.9 will be met.

2. Farm Worker Housing

The AAPC recommends allowing farm worker housing on all lots having farm tax status and where there is a demonstrated need and appropriate lot size. The difficulty with this approach is that the only mechanisms for the Local Trust Committee to use that would require a property owner to demonstrate need is by Temporary Use Permit (TUP) or rezoning application. In addition, the North Pender OCP Agriculture policy 2.2.5 states that the LTC may consider temporary farm worker accommodation only when it is necessary for farm purposes and when it is consistent with recommendations from the Regional Agrologist.

2.2.5 The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agrologist.

The LTC has the following options to address the need for farm worker accommodation:

- a. Reduce TUP application fees for farm worker accommodation. The current application fee for a TUP application is \$1,100 and could be reduced to provide a more affordable option for farmers. However, the LTC will shortly be asked to consider amendments to the fees bylaw to increase fees generally, in line with the model fees bylaw recently endorsed by Trust Council. Reducing the TUP application would require a bylaw amendment to the North Pender Fees Bylaw No. 173 and would require approval from the Executive Committee. If the LTC does approve a TUP application for temporary farm worker accommodation, permission from the Agricultural Land Commission (ALC) would still be required.
- b. Permit one farm worker accommodation unit outright in the Agriculture zone for those lots with Farm Status and located within the Agricultural Land Reserve (ALR) in the Agriculture zone. This option is not consistent with OCP Policy 2.2.5 as there is no mechanism for the Islands Trust to ensure the use is for farm purposes, there is a demonstrated need nor confirmation the proposal is consistent with the recommendations of the Regional Agrologist. If the LTC does amend the LUB to permit one farm worker accommodation, the new regulation must meet the OCP Policy 2.2.5; specifically that the accommodation is temporary in nature. The OCP policy is not specific as to if the dwelling itself must be temporary or if the occupancy is temporary (to be used for seasonal workers only). An amendment to the OCP may be required.

Although the LUB could permit farm worker accommodation outright, ALC approval is still required. An application for a Non-Adhering Residential Use (NARU) to the ALC would provide some opportunity for the LTC to request the above mentioned information from the application (ensuring it is necessary for farm purposes, that it meets the recommendations of an Agrologist, etc.). There is a potential risk with this option as the ALC has the ability to change their regulations and requirements in the future to not require applications for farm worker accommodation and permit them outright. If this were to happen, the LTC would have no mechanism to ensure the farm worker accommodation would meet the OCP policies.

Commercial Tourist Accommodation

Staff have provided amendments to the Commercial 2 (C2) zone from the direction give to staff by the LTC at the May 12, 2021 LTC meeting and as outlined in Attachment 1 of the [staff report](#) dated May 12, 2021. The following points require further direction from the LTC:

1. MacKinnon Road Properties (1325, 1329, 1333, & 1349)

At the May 12, 2021 LTC meeting, the LTC requested staff to contact C2 zoned property owners on MacKinnon Road to notify them of the potential zoning changes to their properties. The LTC has received written comments from three of the MacKinnon property owners, while the fourth property (1333 MacKinnon Road) is currently for sale.

The draft amendments include density changes to 1325 MacKinnon Road (reduction of 9 Commercial Accommodation Units to 3) as they were the only property owners expressing support to reduce the density. As outlined in Table 1, property owners for 1329 and 1349 MacKinnon Road have requested to retain the CGAU density.

The LTC has the following options for consideration:

- a) Make no changes to the density for the four MacKinnon Road properties;
- b) Only reduce the CGAU density for 1325 MacKinnon Rd and retain the density for the three other MacKinnon Road lots (as shown the draft bylaw); or
- c) Reduce the density for all four properties.

Table 1 – MacKinnon Rd C2 zoned properties

Property	Zoning	Property Information	Comments
1325 MacKinnon Rd	C2(e) – permits 9 CGAUs.	-1 dwelling unit and 1 trailer 0.56 ha (1.4 acres) with the intent to eventually have one dwelling unit and 3 CGAUs on the property.	Property owners have stated that they have no object with reducing the permitted CGAUs from 9 to 3.
1329 MacKinnon Rd – The Tides	C2(d) – permits 26 CGAUs.	-Currently 6 CGAUs on the property with the intent to expand the commercial accommodation business. -Property was recently purchased in Fall 2020. -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density. -1.2 ha	The property owner has indicated a desire to retain the current density as permitted in the zone (26 CGAUs).
1333 MacKinnon Rd	C2(b) – permits 10 CGAUs.	-1 Dwelling Unit -0.57 ha (1.4 acres) -Property for sale	Property is currently for sale.
1349 MacKinnon Rd – Otter Shores	C2(c) – permits 10 CGAUs	-5 CGAUs currently on property. -Property owner plans to construct 4 more CGAUs (fourplex building) -Property owners recently purchased property -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density. -0.75 ha	Property owner has indicated a desire to retain the current density as permitted in the zone (10 CGAUs).

2. Driftwood Centre

At the May 12, 2021 LTC meeting, the LTC gave direction to staff to reduce the CGAUs to the number currently established on the property. The Driftwood Centre property is permitted to operate 27 CGAUs and two accessory dwelling units and to date there are no CGAUs or dwelling units constructed on the portion of the property zoned Commercial 2. The LTC has the following options:

- a) Reduce the number of permitted CGAUs;
- b) Retain the current permitted 27 CGAUs; or
- c) Rezone the property to a Commercial 1 (C1) use (or another zone).

At the time of writing the staff report, staff have not received comments from the property owner (letter sent to property owner in February 2021). Staff will contact the owner and provide a verbal update at the July 29, 2021 meeting regarding the property owner’s intent and recommendations for zoning.

3. Employee Housing Options

At the May 12, 2021 meeting the LTC asked staff review and provide options for higher density developments to require employee accommodation. Staff added Article 8.5.3(3) which permits an employee to occupy one of the two permitted accessory dwellings. The LTC could further revise this to require tourist accommodation operations to provide additional employee housing in the second dwelling:

- a) Add a provision that requires the allocation of one of the two accessory dwelling units to be used for employee housing for those lots where tourist accommodation units exceed 20 units.

Marine & Shoreline Amendments

At the May 12, 2021 LTC special meeting, the LTC passed the following resolutions regarding the marine and shoreline regulations:

NP-2021-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.

CARRIED

NP-2021-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.

CARRIED

Staff have incorporated the options outlined in Table 1 attached to the [staff report](#) dated May 12, 2021 for the marine and shoreline regulations. In addition, staff have removed stairs as an exemption from the natural boundary of the sea setback. As outlined in the draft bylaw, the amended Subsection 3.7.2 (buildings and structures that are exempt from the setback to the sea) is as follows:

“3.7.2 The following buildings or structures are exempt from Subsection 3.7.1:

- (1) anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland,*
- (2) a dock walkway or ramp not exceeding 3 metres in length, and*
- (3) pumphouses.”*

The LTC may want to consider removing all structures required to access a dock (proposed 3.7.2(2) as outlined above) to be consistent with the direction to not permit stairways within the setback from the natural boundary of the sea, and to be consistent with the direction to require rezoning applications for all future docks.

Upland structures (stairways, or walkways to access a dock) constructed prior to the adoption of the LUB amendment bylaw would be protected by Section 529 of the *Local Government Act*. The property owner would then have the ability to maintain, extend or alter the structure(s) as long as there is no increase to the non-conformity (in other words the structure does not project even more into the setback to the natural boundary of the sea). If the property owner would like to increase the non-conformity, or for those property owners who would like to construct these structures within the setback to the sea after bylaw adoption, a Development Variance Permit would be required.

Project Charter

Staff recommend scheduling two Community Information Meetings (by Special Meetings) over the fall and early winter months to gather comments from North Pender community members. The CIMs can be scheduled on Saturdays (one on October 16 or 23, 2021) and the second in November or December. This would allow community members to review the draft bylaw prior to first reading (the October CIM), and also after amendments have been made by the LTC over the fall months (second CIM November or December).

A draft resolution is outlined on Page 1 of the staff report for the LTC’s consideration.

Table 6 – Project Charter v.2 Timeline

Workplan Overview	
Deliverable/Milestone	Date
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – July 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>July - Sept 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>Sept - Nov 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Nov ‘21 – April ‘22</i>

Agencies

A list of referral agencies and First Nations will be provided to the LTC at a subsequent meeting when a draft bylaw is in process.

First Nations

Staff will work with the Islands Trust Senior Intergovernmental Policy Advisor to organize early bylaw referrals to First Nations.

Rationale for Recommendation

If the LTC provides staff with clear direction with how to proceed with the above mentioned topics, staff will continue with drafting the bylaws and schedule two Community Information Meetings over the fall/early winter.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Schedule additional Special Meetings

The LTC may wish to hold additional Special Meetings in order to gather further information on one or more of the topic areas. Recommended working for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss [insert topic area].

3. Referral to the Advisory Planning Commission

The LTC may opt to refer one or more Discussion Papers, or a table or chart to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to proceed no further with the project.

NEXT STEPS

Staff to continue with bylaw drafting and present the final draft bylaw (including maximum floor area and the technical amendments) at the September LTC meeting. Staff will also prepare for the CIMs in the fall.

Submitted By:	Kim Stockdill, Island Planner	July 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	July 21, 2021

ATTACHMENTS

1. NP LTC Resolutions Chart
2. SPAAPC Table for new RR Zone

LTC Resolutions/Direction to Staff

NP LUB Amendment Project

Date	Topic	Resolution or Informal Direction	Motion/Direction	Staff Comments
January 28, 2021	Marine & Shoreline	Direction	LTC supports removing docks as a permitted use and to grandfather existing docks by zoning tenures.	-Staff will recommend LTC makes this a resolution at the next LTC meeting.
March 18/21	Max Floor Area	Resolution	NP-2021-030 It was Moved and Seconded, that the North Pender Islands Local Trust Committee direct staff to create a report reflecting the discussion on floor area review on March 18, 2021.	-comments regarding floor area definition (to internal side of external walls), lot coverage and impermeable surfaces, and South Pender maximum floor area.
March 18/21	Agriculture Regulations	Resolution	-Invite SAAPC to April 29 th NP LTC meeting to discussion the SAAPC recommendations.	-Give SAAPC a specific time of discussion (10am?) -Highlight question regarding RR zoning and potential Ag regs.
March 18/21	Industrial Regulations	Direction	LTC supports the removal of Industrial designations and and industrial zoning from steep slope areas, specifically Port Washington area and steep slope adjacent to recycling centre.	Chart 7 -Organize with mapping
		Direction	LTC supports amending OCP designation for 005-773-954 to Industrial (lot east of home hardware), level portion only	Chart 9 -Map amendment
		Direction	Amend the OCP and Zoning for portions of 3418 Otter Bay Rd currently zoned I2(b) and I2(c). New OCP designation – Community Service. New zoning for I2(b) would be Community Service that permits waste transfer and new LUB zoning for I2(c) would permit waste transfer, composting and recycling.	
		Resolution	NP-2021-032 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee</i>	Chart 10

			<i>Official Community Plan Implementation Options</i> dated March 18, 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone. CARRIED	
		Direction	Review and update the industrial permitted uses and to allow basic, light industrial uses (including contractor yards and storage).	Chart 11
		Direction	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	Chart 13
		Decision on hold	Rezone 3338 Port Washington (Home Hardware) to commercial	Chart 14
		Direction	Keep site specific zoning for boat storage on Hamilton Road	Chart 15
		Resolution	NP-2021-033 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.	Chart 16 - Rezone 3323 Port Washington (Mainroad) to the general industrial zone.
		Direction	Rezone 3334Port Washington (TUP) to the general industrial zone.	Chart 17
April 29, 2021	AG	Resolution	NP-2021-042 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.	-Focus on scale of agriculture in terms of new RR zone (RR2) -RR2 to be all areas outside of Magic Lake and Trincomali water districts.
	AG	Resolution	It was Moved and Seconded, that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback	

May 12, 2021	C2 zone	Resolution	<p>Staff to contact four MacKinnon Rd owners/operators and notify them the LTC is considering reducing the permitted Commercial Guest Accommodation units for each property, and is considering rezoning the properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses.</p> <p>NP-2021-050 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee’s intent to either reduce the number of tourism units or rezone to Rural Residential. By general consent, the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.</p>	<p>-Staff to provide comments from each property owner in next staff report. -Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).</p>
		Resolution	<p>NP-2021-051 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property</p>	Reduce the number of permitted Commercial Guest Accommodation Units to the existing density on each property.
		Direction	Add provision that requires employee accommodation for higher density developments.	
		Direction	Staff to provide options for requiring onsite operators 24/7.	
	Minor Amendments	Direction	By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use	Add generator use (restriction of) to campground regulations.
May 12, 2021	Marine/ Shoreline	Resolution	<p>NP-2021-053 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.</p>	Draft bylaws based on recommendations found in Table 1 attached to May 12, 2021 staff report.

		Resolution	NP-2021-052 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.	Stairs not to be exempt from the setback to the natural boundary of the sea.
May 12, 2021	Minor Amendments	Direction	Remove 'fencing' from option for Landscape Screening. Screening should be planning/vegetation only.	-“a” in Table of Minor & Tech Amendments
		Direction	Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection.	-“f” in Table of Minor & Tech Amendments.
		Direction	Add regulation to allow one accessory building/structure with a maximum floor area of 10m ² .	-“l” in Table of Minor & Tech Amendments
		Direction	Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.	-“m” in Table of Minor & Tech Amendments
		Resolution	NP-2021-054 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.	Add minor/technical amendments to draft bylaw.
May 27, 2021	Minor Amendments	Resolution	NP-2021-068 It was Moved and Seconded, that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.	-This item has been added to the technical amendment list.
June 24, 2021	Max Floor Area	Resolution	NP-2021-073 It was Moved and Seconded, that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the	-include options to regulation total maximum floor area for all buildings and structures.

			Staff Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.	
		Resolution	NP-2021-074 It was Moved and Seconded, that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.	

Agriculture Advisory Planning Committee
Land Use By-law Review

Proposed Rural Residential (B) Zone – Permitted Agricultural Uses and Limitations

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
subdivision	Min 0.25 - 0.40 ha No subdivision unless average lot size is >0.6 ha	Only 5 RR have farm status – Old Orchard Farm, 2 on Port Wash, 2 on Clam Bay Rd NTD – as density increases the potential for impacts and conflicts between agriculture and residential use will increase	Min lot size 0.6 ha No subdivision unless average lot size is >4 ha 32 rural or split zoned rural have farm status	No lot <16 ha may be created by subdivision Note – 16 ha is excessively restrictive today 23 parcels with farm status, 15 don't (some with a little ALR on a split zoned rural property)
Residential density	Max one dwelling, one secondary suite and one cottage on any lot		Max one dwelling, one secondary suite and one cottage on any lot	Max one dwelling, one secondary suite and one cottage on any lot
Permitted	1 Dwelling / lot	(subject to farm worker accommodation)	1 dwelling / lot	1 dwelling / lot
Permitted	+ cottage if >1.2 ha		+ one cottage if > 1.2 ha	+ 1 cottage if >1.2 ha
Permitted	Secondary suite		Secondary suite	Secondary suite
Permitted		agriculture	agriculture	agriculture
Lot coverage	<25%		<25%	<35%

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
				+40% for commercial greenhouses
Accessory Uses	home business		home business	home business
Accessory Use			home industry if > 2 ha	home industry
Accessory Use			Agriculture [Move to permitted use]	Agriculture [Move to permitted use]
Accessory Use	horticulture		horticulture	Horticulture
Accessory Use	Road side produce stands <10m2	Road side produce stands <10m2	Road side produce stands <10m2	Road side produce stands <10m2
Accessory Use		Farm retail sales	Farm retail sales	Farm retail sales
Accessory Use	rabbit and poultry raising			
Accessory Use	livestock on lot >0.4 ha			
Accessory Use		Agri-tourism	Agri-tourism	Agri-tourism Existing Only on ALR land in AG zone Must be in a permitted dwelling or cottage

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
				May include meeting rooms and dining facilities May not include a restaurant or any commercial or retail goods and services Max # of guests 6 guests in 3 bedrooms [enter proposed]
Accessory Use		Farm worker accommodation	Farm worker accommodation	Farm Worker accommodation
Not permitted on lots <1.2 ha	Pig farming Dog breeding Boarding kennels	Pig farming Dog breeding Boarding kennels	Pig farming Dog breeding Boarding kennels	
Front & Rear lot line setbacks	7.6 m from front or rear lot line		7.6 m from front or rear lot line	7.6 m from front or rear lot line
Side lot line setbacks	3.0 – 4.5 m on side lot lines		6.1 m on side lot lines	6.1 m on side lot lines
Building height	Max 9.7 m		Max 9.7 m	Max 9.7 m
Landscape strips	Lots >2.4 ha must have landscape strip for environmental protection		Lots >8 ha must have landscape strip	Commercial greenhouse must have landscape screen

	Rural Res RR (A)	RR (B) – Proposed	Rural	Agricultural
Siting Restrictions		No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line	No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line	No mushroom barn, or animal enclosure housing more than 4500 kg of livestock / poultry may be sited within 30 m of any lot line
Siting Restrictions		No animal enclosure within 7.6 m of any lot line	No animal enclosure within 7.6 m of any lot line	No animal enclosure within 7.6 m of any lot line
Fencing Height	<3m	<4 m	<3m <4 m	<3m <4m