



# COMMUNITY INFORMATION MEETING

## LUB REVIEW PROJECT

North Pender Island LTC

February/March 2022

February 10, 2022

# PROJECT OUTLINE

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- **Objective:** To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB.
- **The project is categorized into the following topic areas:**
  - Residential floor area review
  - Tourist Commercial regulation review
  - Marine shoreline regulations review
  - Agricultural regulations amendments
  - Industrial regulation review
  - Minor and technical amendments

# PROJECT STATUS

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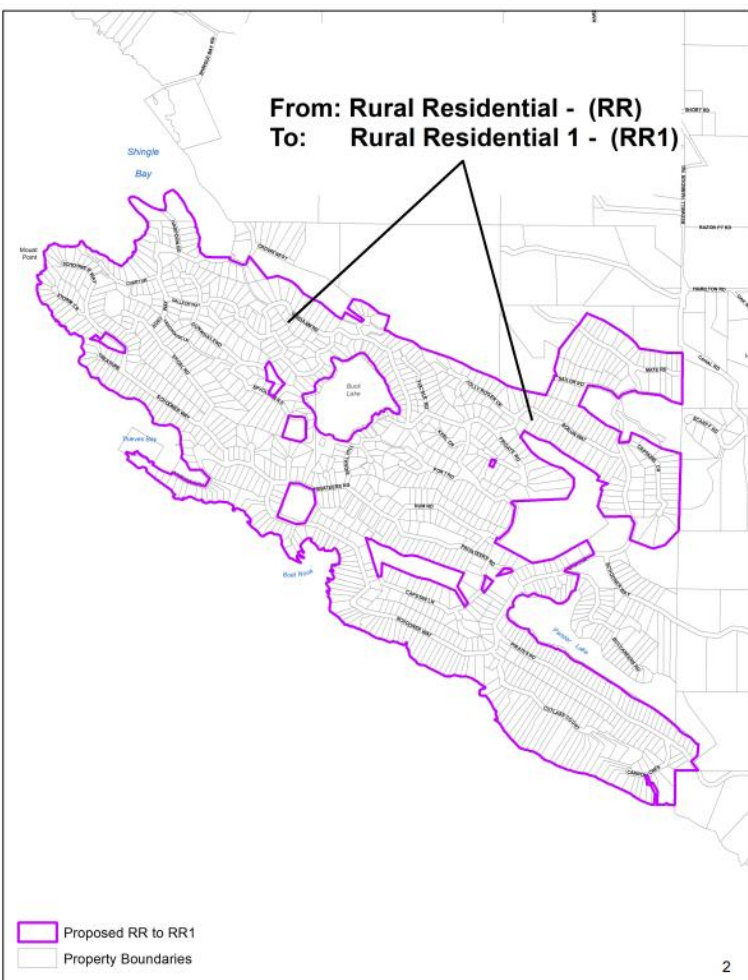
- Early engagement with First Nations
- There has been 5 CIMs to date regarding this project
- Referrals to the Special Agricultural APC
- Draft Land Use Bylaw (LUB) regulations
- Draft accompanying Official Community Plan (OCP) bylaw
  
- Next steps:
  - CIM on March 12, 2022
  - LTC finalize draft of LUB

# RURAL RESIDENTIAL 1 & 2

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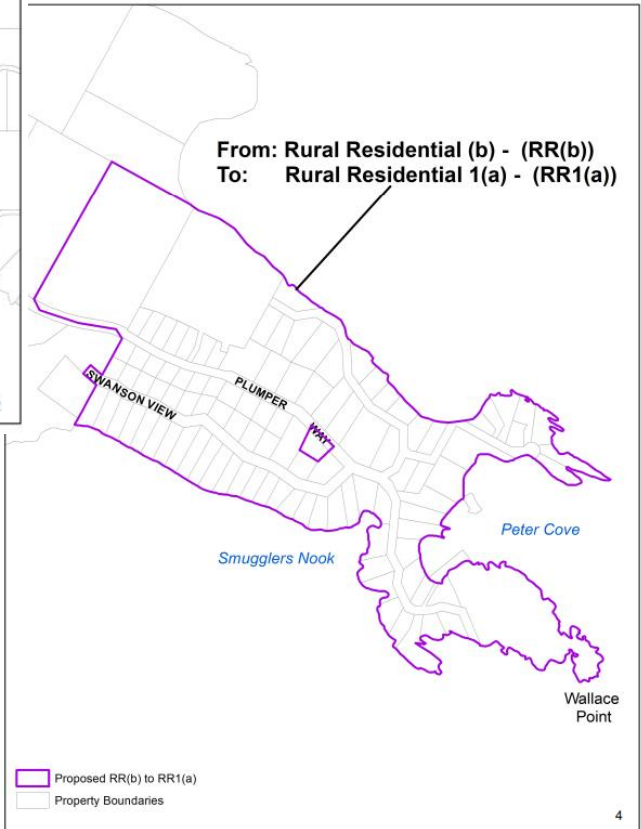
- All properties within Magic Lake and the Trincomali areas will be zoned to Rural Residential 1 (RR1)
  - Only proposed amendment to the RR1 compared to the RR zone is a maximum floor area.
  - All other amendments are technical.
- All other properties that are zoned RR will be rezoned to a new Rural Residential 2 (RR2) zone
  - Two proposed amendments to the RR2 compared to the RR zone is a maximum floor area and Agriculture as a primary permitted use.
- There is no change in density for the Rural Residential zones

**From: Rural Residential - (RR)  
To: Rural Residential 1 - (RR1)**



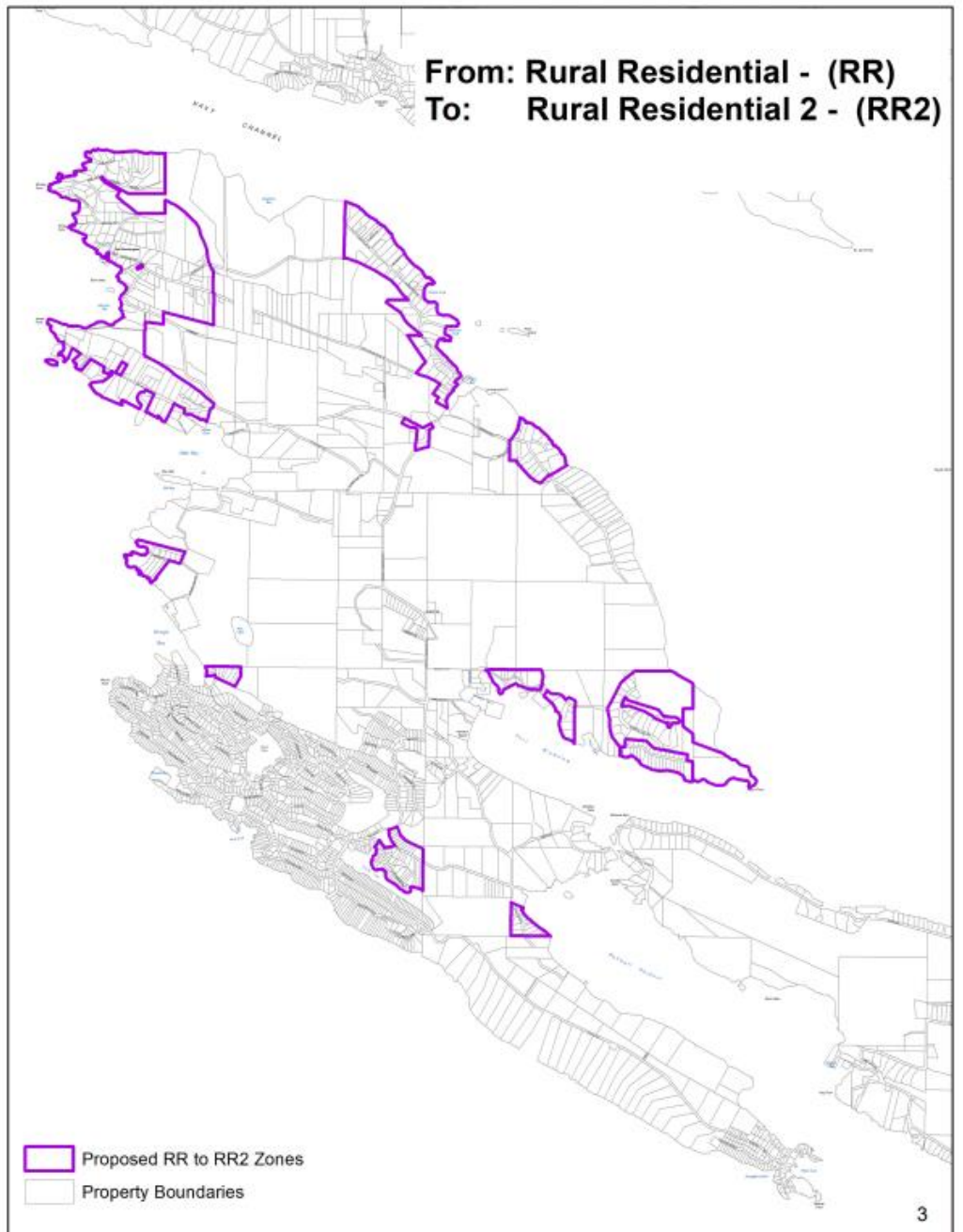
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**From: Rural Residential (b) - (RR(b))  
To: Rural Residential 1(a) - (RR1(a))**



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**From: Rural Residential - (RR)  
To: Rural Residential 2 - (RR2)**



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# MAXIMUM FLOOR AREA

- Maximum floor area regulations for the RR1, RR2, R, RC1, RC2, and AG zones

## Maximum Floor Area

- (1) Maximum floor area per lot:

Lot Area	The floor area of a dwelling must not exceed:
Less than 0.4 ha <i>(Less than 1 acre)</i>	232 m <sup>2</sup> (2500 ft <sup>2</sup> )
0.4 ha to < 1.2 ha <i>(1 to 3 acres)</i>	279 m <sup>2</sup> (3000 ft <sup>2</sup> )
1.2 ha to <4 ha <i>(3 to 10 acres)</i>	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
4.0 ha or greater <i>(10 acres) or greater</i>	372 m <sup>2</sup> (4000 ft <sup>2</sup> )
For dwelling located within the <i>Agricultural Land Reserve</i>	500 m <sup>2</sup> (5382 ft <sup>2</sup> )



# LEGAL NON-CONFORMING – “GRANDFATHERING”

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- Despite Article [maximum floor area regulation], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on the lot at the time of the adoption of this bylaw.

# ACCESSORY STRUCTURE ON BARE LAND

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- Current LUB only permits an accessory building/structure **prior to a house or cottage built on a property** if the accessory building is to be used as a temporary dwelling.
  
- Proposed amendment:
  - 3.4.4 One outbuilding may be constructed or placed on a lot prior to the construction of a dwelling on the same lot, subject to:
    - (1) the floor area not exceeding 10 m<sup>2</sup>;
    - (2) a maximum of one outbuilding per lot; and
    - (3) the height not exceeding 4.6 metres.



# HELICOPTERS



- May 27, 2021 – the NP LTC passed the following resolution:
  - *that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.*
- The following proposed amendment was added to the Prohibited Uses:

## 3.2 Prohibited Uses

3.2.1 The following uses, buildings and structures are prohibited in every zone:

- (8) heliports and helipad, other than for emergency evacuation use.

- Aeronautics is Federal jurisdiction and therefore the above may not be enforceable

# MACKINNON RD PROPERTIES

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- Four properties along MacKinnon Road zoned Commercial 2 (Tourist Accommodation) – C2.
- Potential full build out is 55 Commercial Guest Accommodation Units (CGAUs).
- One of the four property owners agrees to reduce density from 9 CGAUs to 3 CGAUs.
- Other two property owners are in discussions with the LTC with the possibility to register a S.219 covenant that would:
  - restrict any new development beyond the densities currently built on the property; and,
  - any new CGAUs would be reliant on proof of quality and quantity of groundwater (Groundwater Management Plan) completed by a Professional Engineer and also implement any measures recommended in the plan.

# DOCKS

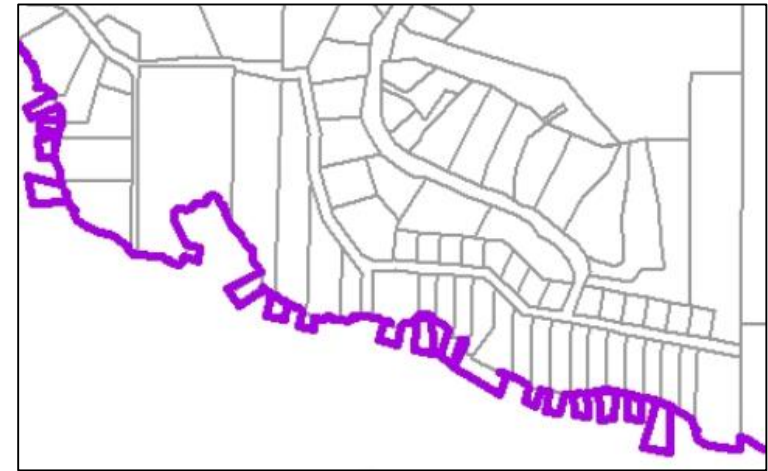
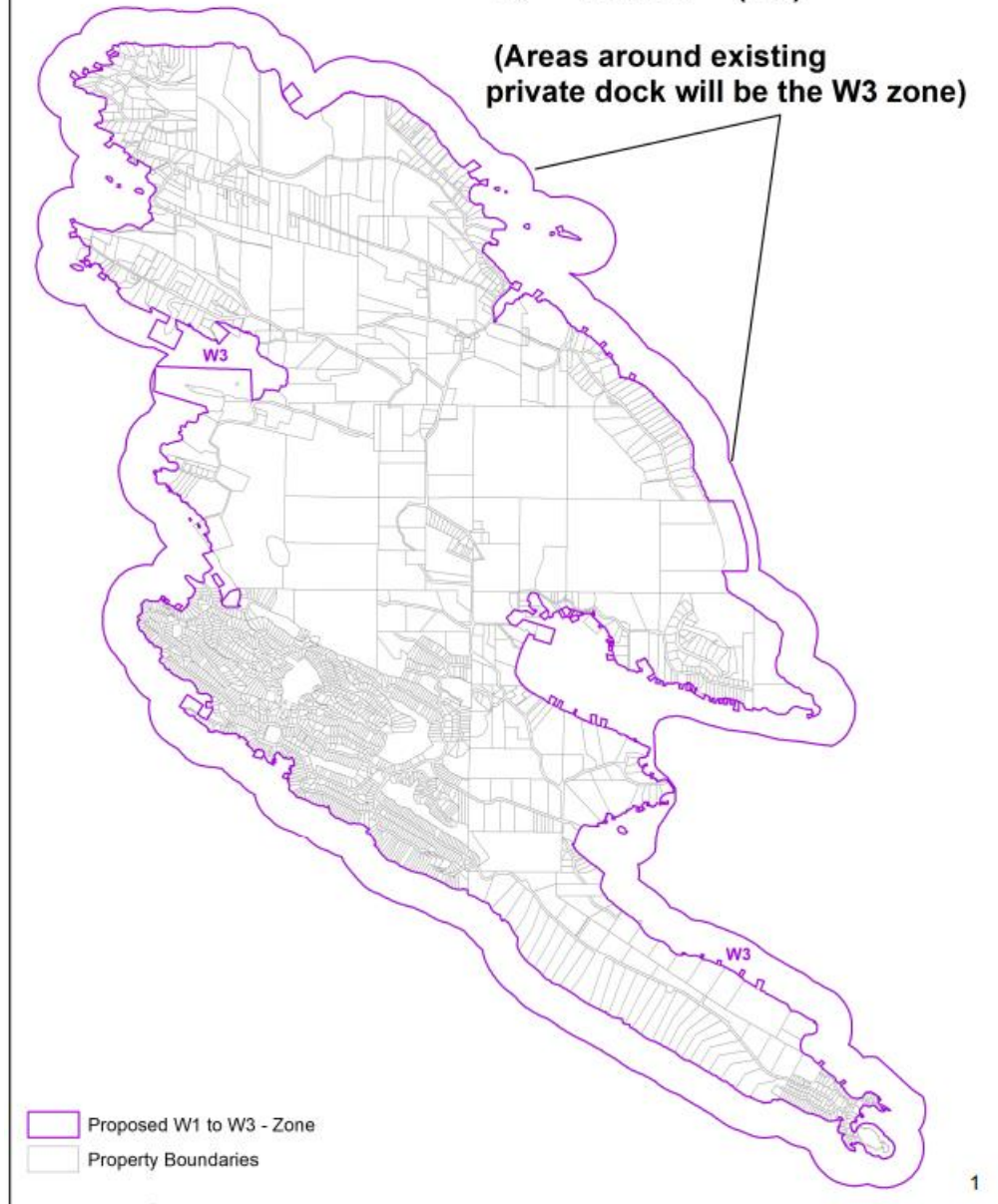
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- Currently the majority of area surrounding North Pender is zoned Water 1 (W1) which permits the use of private docks for upland residential use.
- Proposed amendments:
  - All areas with existing docks will retain W1 zoning
  - All other W1 without docks (other than marinas or federal transport) will be rezoned to Water 3 (W3) which does not permit private docks.

From: Water 1 - (W1)  
To: Water 3 - (W3)

(Areas around existing  
private dock will be the W3 zone)



# NEXT STEPS

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- Staff report to be presented at virtual LTC meeting on February 24, 2022
- CIM March 12, 2022
  
- Spring 2022
  - LTC to finalize draft LUB bylaw
  - Potential for First Reading
  
- Late Spring/Summer 2022
  - Formal referral to First Nations and agencies
  - CIM and Public Hearing (late summer or Fall)





LAWS

» BYLAW COMPLIANCE

» CONSERVE AND PROTECT LAND

» PROJECTS

» LAND USE APPLICATION GUIDES AND FORMS

» CURRENT APPLICATIONS

» APPLICATION FEES

## Island Planning

Ballenas-Winchelsea 

Bowen 

Denman 

Gabriola 

Home / Island Planning / North Pender / Projects

# Projects

## North Pender

Local trust committee community planning projects are proactive initiatives that further the preserve and protect mandate. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.



# Land Use Bylaw Review

The project will consider implementation of OCP policies through amendments to the Land Use Bylaw.

## 📁 Land Use Bylaw Review

📁 [1. About the Project](#)

📁 [2. Staff Reports](#)

📁 [3. Draft Bylaw](#)

📁 [4. Public Correspondence](#)

📁 [5. Community Consultation](#)

📁 [6. Discussion Papers](#)

[2020-05-21\\_Industrial-Discussion-Paper.pdf](#) 📄

[2020-05-21\\_Residential-Floor-Area-Discussion-Paper.pdf](#) 📄

[2020-06-03\\_Conservation-Subdivision\\_Discussion-Paper.pdf](#) 📄

[2020-07-02\\_Agricultural-Discussion-Paper.pdf](#) 📄

[2020-07-03\\_Tourist-Commercial-Discussion-Paper\\_Updated-2021-05-25.pdf](#) 📄

[2020-07-21\\_Marine-Shoreline-Discussion-Paper.pdf](#) 📄

[2021-05-05\\_Minor-Technical-Amendments-Table.pdf](#) 📄

📁 [7. Other Information](#)