



NORTH PENDER ISLAND LTC COMMUNITY INFORMATION MEETING

Land Use Bylaw Review Project

Proposed Bylaw Nos. 223, 224, & 229

July 28, 2022

LAND USE BYLAW (LUB) REVIEW PROJECT



- Early 2020 - LTC initiate project
- Purpose of project: To complete a comprehensive review of the Land Use Bylaw to implement policies and initiatives in the Official Community Plan and to update the LUB for technical and minor amendments.
- LTC identified topics to be included in LUB Amendments project:
 - Residential maximum floor area;
 - Conservation subdivision;
 - Agricultural regulations;
 - Industrial regulations;
 - Tourist Accommodation (C2 zoning) review;
 - Marine and shoreline regulations; and,
 - Other minor/technical amendments.

LAND USE BYLAW (LUB) REVIEW PROJECT



- **Spring/Summer 2020 - Staff provided the LTC with discussion papers on each topic**
 - Includes background, current policy and regulations, and options for the LTC to consider.
- **Early engagement letters to First Nations**
- **Fall 2020 & January 2021 – Five online Community Information Meetings**
- **Spring 2021 – Referral to the Special Agricultural Advisory Planning Committee (AAPC)**
- **Summer/Fall 2021 – LTC narrowed scope of each topic and provided staff with direction to draft bylaws**
- **Early 2022 – Two CIMs outlining ‘hot topic’ items included in the draft bylaws.**
- **July 7, 2022 – Electronic CIM**

WHY 3 BYLAWS? 223, 224, 229??

- **Bylaw No. 224 (New LUB)**
 - Will replace the current NP Land Use Bylaw No. 103
 - Consistent with current OCP
 - Contains the majority of amendments
 - Received First Reading on May 26
 - Will require 2nd & 3rd Reading, approval by Executive Committee, and they adoption by the LTC
 - Does not need to be approved by the Minister of Municipal Affairs
- **Bylaw No. 223 (OCP Amendment Bylaw)**
 - Includes new policies regarding Development Variance Permits (DVPs) for maximum floor area, enabling wording to permit agriculture as a principal use in a rural residential zone, policies to enable multi-family rental dwelling units, private moorage rezonings conditions, and site-specific OCP re-designations.
 - Bylaw No. 223 must be approved by the Minister of Municipal Affairs

WHY 3 BYLAWS?

- **Bylaw No. 229 (smaller LUB amendment)**
 - Amendments that need enabling policies or designations in proposed OCP Bylaw No. 223
 - Bylaw No. 229 cannot be adopted until Bylaw No. 223 is adopted.
 - Rezones site specific properties
 - Adds 'Agriculture' as a principal permitted use in the RR2 zone.
 - Adds regulations to the new Rental Housing (RH) zone

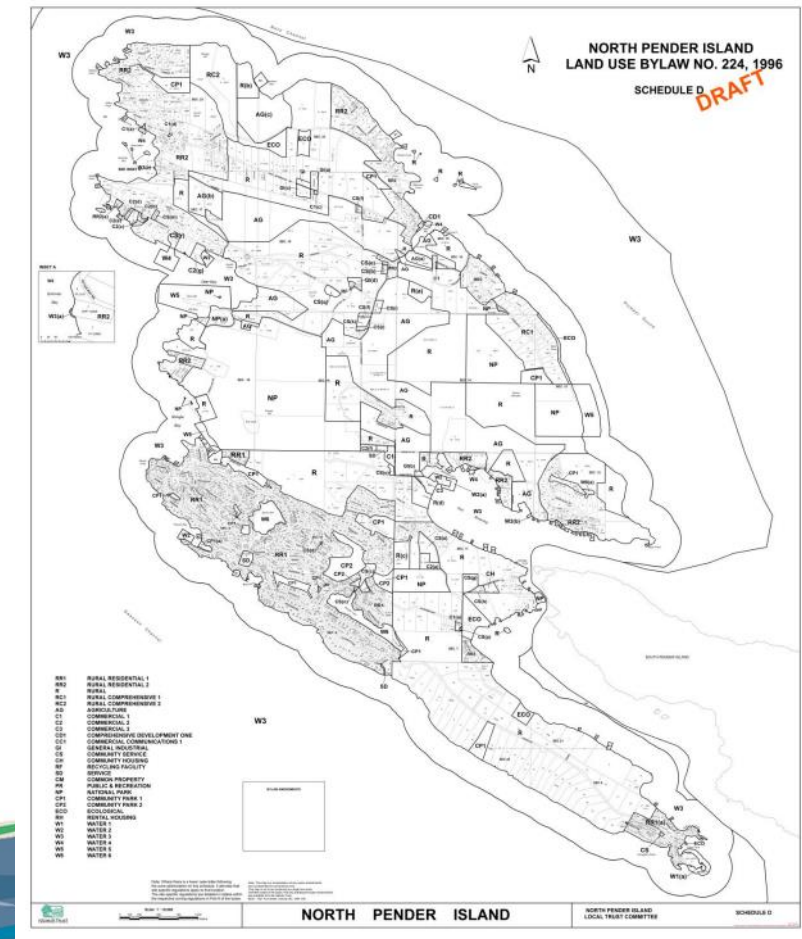
LAND USE BYLAW (LUB) REVIEW PROJECT



- May 26, 2022 – Regular LTC Meeting
 - LTC received Bylaw Nos. 223, 224, and 229
 - First Reading was given to all three bylaws



SCHEDULE B (ZONING MAP)





North Pender

Advisory Commissions & Board of Variance

Application Fees

Bylaw Compliance and Enforcement

Bylaws

Current Applications

Land Use Application Guides & Forms

Meetings and Minutes

North Pender Island Local Trust Area Trustee Corner

Projects

Salt Spring

Saturna

South Pender

Thetis

[3. Proposed Bylaws - None](#)

[4. Public correspondence](#)

[5. Community Consultation - None](#)

[6. Other Information - None](#)

Land Use Bylaw Review

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

[1. About the Project](#)

[2. Staff Reports](#)

[3. Proposed Bylaws](#)

[2022-05-26 NP-BL-223 OCP_AMD_1st-Reading.pdf](#)

[2022-05-26 NP-BL-224 LUB_BASE_1st-Reading.pdf](#)

[2022-05-26 NP-BL-224 LUB_MAP_1st_Reading.pdf](#)

[2022-05-26 NP-BL-229 LUB_AMD_1st-Reading.pdf](#)

[4. Public Correspondence](#)

[5. Community Consultation](#)

[6. Discussion Papers](#)

[7. Other Information](#)

Soil Bylaw Review

HOT TOPICS



- RR 1 and RR2 zones
- Maximum Floor Area
- Legal Non-Conforming
- Accessory structures on bare land
- Helicopters
- MacKinnon Rd (C2 zoned) Properties
- Docks

RURAL RESIDENTIAL 1 & 2

- 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 total and 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 total and maximum floor area and Agriculture as a primary permitted use.
- There is no change in density for the Rural Residential zones

MAXIMUM FLOOR AREA – BYLAW NO. 224



- Maximum floor area regulations for the RR1 zone

The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)

MAXIMUM FLOOR AREA – BYLAW NO. 224

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

The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

LEGAL NON-CONFORMING – “GRANDFATHERING”



- Local Government Act (LGA) Section 529
- 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 be 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

- 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 for BARE LAND:

- (4) One *outbuilding* and one *pump/utility shed* may be constructed or placed on a *lot* prior to the construction of a *dwelling* on the same *lot*, subject to:
- (a) the *floor area* not exceeding 10 m²;
 - (b) a maximum of one *outbuilding* per *lot*; and
 - (c) the *height* not exceeding 4.6 metres.

- Definition of an 'Outbuilding': *a building or structure that may be constructed or placed on a lot prior to a principal dwelling and which may be used for uses ordinarily accessory to a principal residential use.*

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 – C2 ZONE

- Four properties along MacKinnon Road zoned Commercial 2 (Tourist Accommodation).
- Potential full build out is 55 Tourist Accommodation Units.
- Proposed Bylaw No. 224 is proposing the following reduction in density:

Property	Current Density	Proposed Density
1325 MacKinnon Rd	9	3
1329 MacKinnon Rd	26	15
1333 MacKinnon Rd	10	5
1349 MacKinnon Rd	10	8

- Potential reduction of 24 Tourist Accommodation Units.

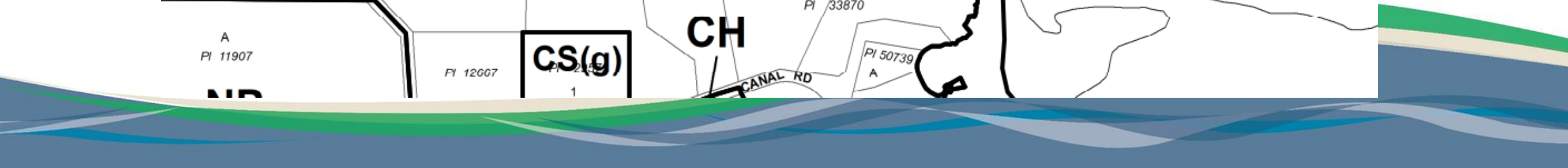
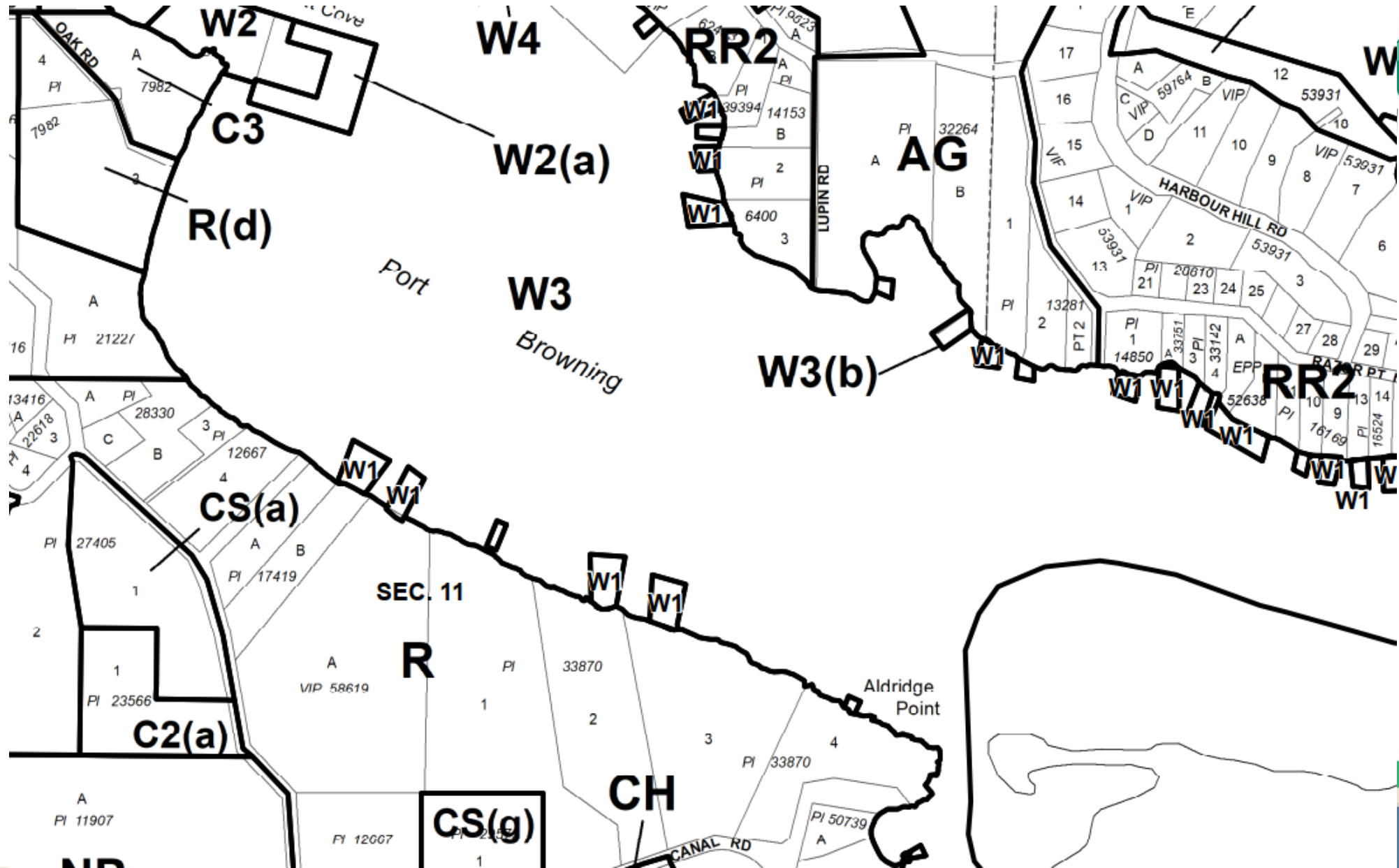
DOCKS



- 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 or with an existing or in-progress private dock license application with the Province.
 - All other W1 without docks (other than marinas or federal transport) will be rezoned to Water 3 (W3) which does not permit private docks.



Woodslands Trust



GROUNDWATER – NEW & UPDATED REGULATIONS



- New groundwater-related definitions
- Updated the 'Water Supply Standards' subdivision requirements
- New cistern regulation:

3.11 Cistern Requirements

- (1) 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*, 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) The *floor area* occupied by any cistern located in a *building* and the housing provided for such cistern is excluded from the calculation of the *floor area* of the *building* and the *lot coverage* of the *lot* on which it is located.

THE LTC WANTS TO HEAR FROM YOU!

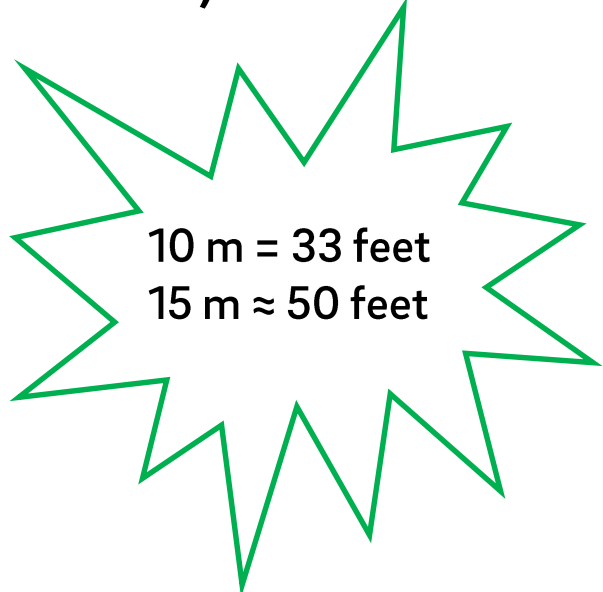


RR2 ZONE – AGRICULTURE BUILDINGS

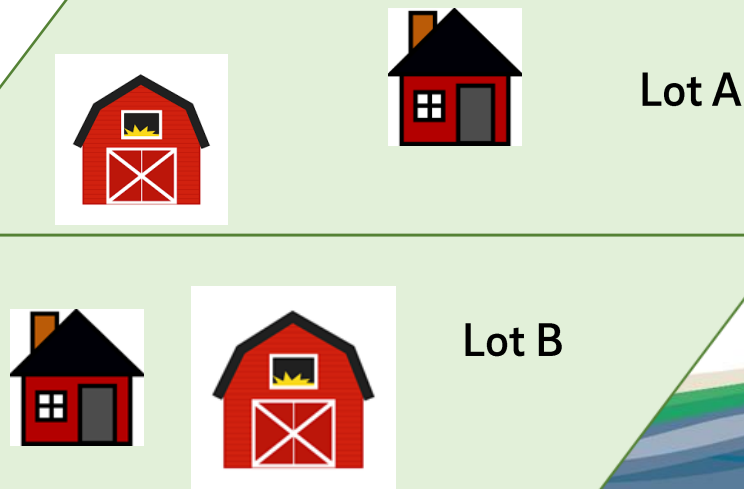
- RR2 zone will allow agriculture as a principal permitted use (Bylaw No. 229)

3.4 Height Regulations

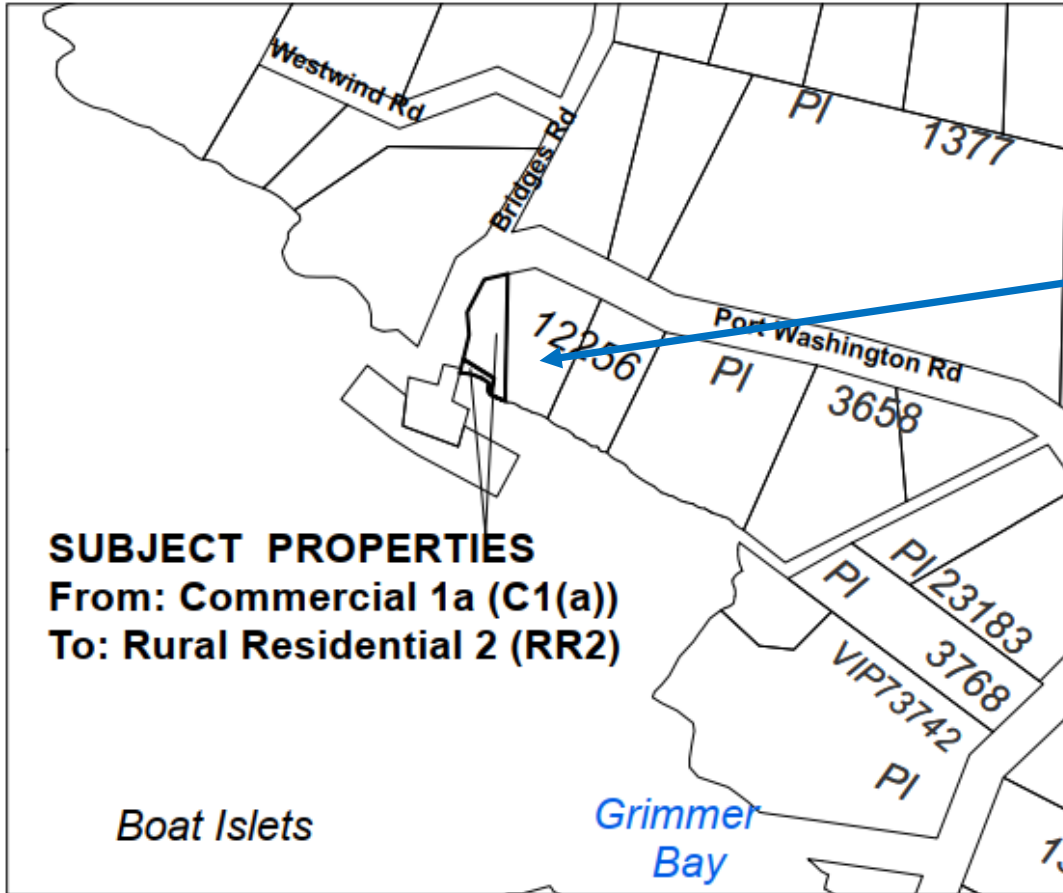
- (1) *A dwelling or cottage must not exceed 9.7 metres in height.*
- (2) *Agriculture buildings and structures located in a zone where Agriculture is a principal use must not exceed:*
 - (a) *10 metres in height and two storeys if located 30 metres or less from any lot line; or*
 - (b) *15 metres in height and two storeys if located greater than 30 metres from any lot line.*



10 m = 33 feet
15 m ≈ 50 feet



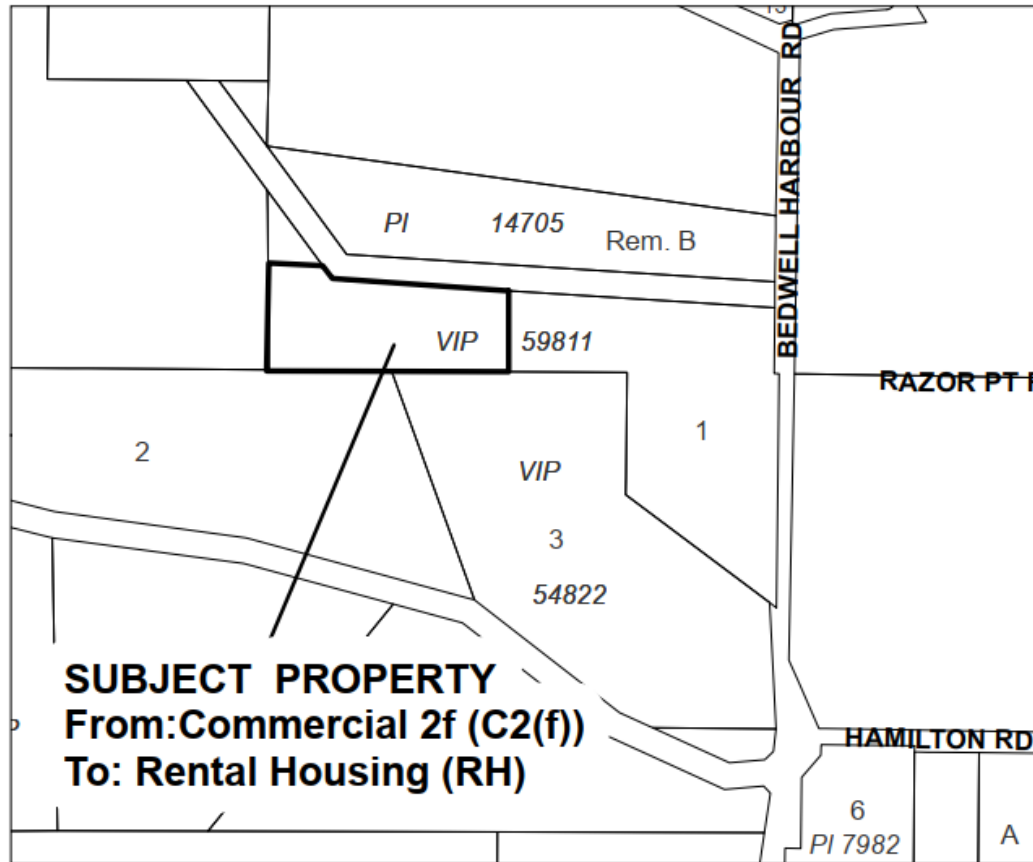
PORT WASHINGTON STORE PROPERTY



Rezone from Commercial 1a to Rural Residential 2
(via Bylaw No. 229)

Re-designation from Commercial to Rural Residential
(via Bylaw No. 224)

PORTION OF DRIFTWOOD CENTRE

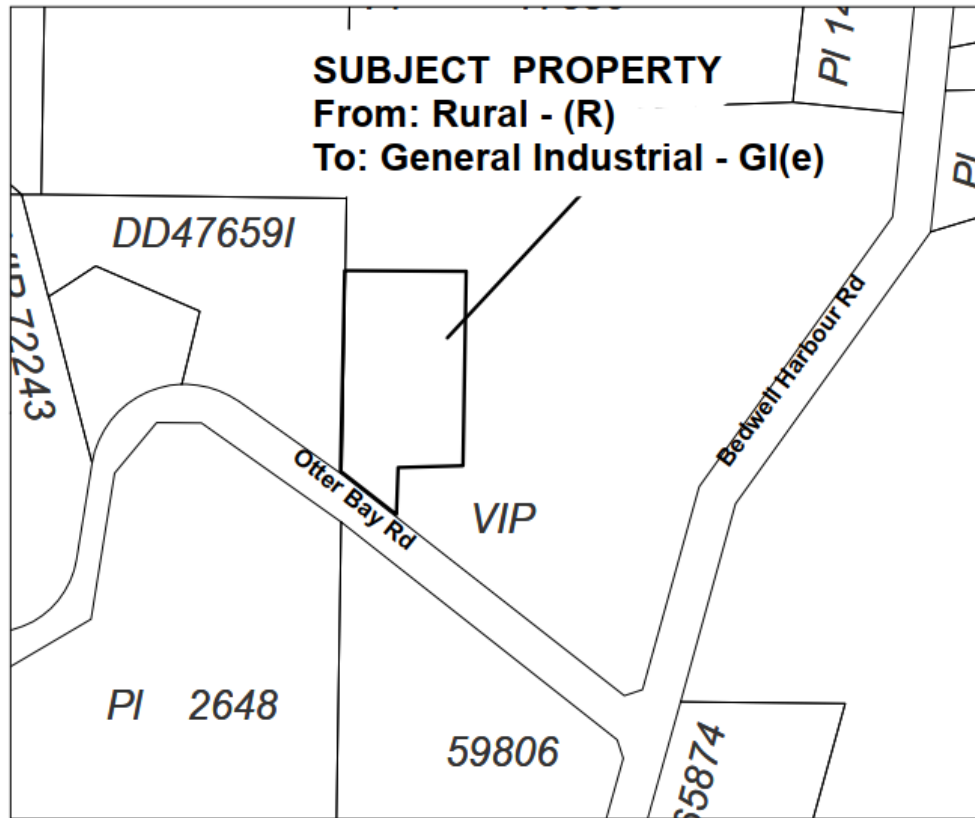


Rezone from Commercial 2f to Rental Housing
(via Bylaw No. 229)

Re-designation from Commercial to Rental Housing
(via Bylaw No. 224)

- The C2(f) zone currently allows 27 Tourist Accommodation Units.
- The Rental Housing zone would permit 16 multi-family rental dwelling units.

LEGALIZE TUP FOR WASTE TRANSFER 4415 BEDWELL HARBOUR RD



Rezone from Rural to site specific General Industrial GI(e) zone that would only allow the following uses:

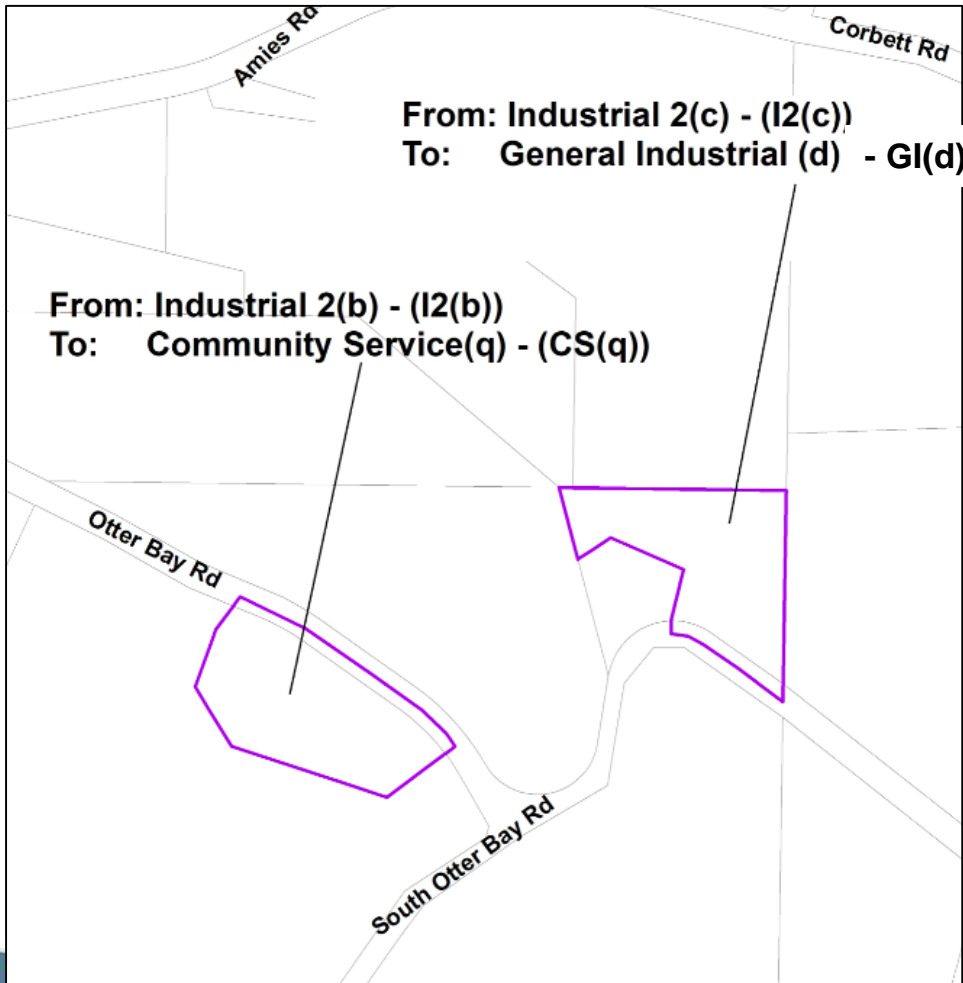
- Waste transfer facility;
- Commercial composting;
- Commercial recycling; and
- Accessory storage of a maximum of five (5) motorized or non-motorized trucks; and five (5) construction containers.

(via Bylaw No. 229)

Re-designation from Rural to Industrial

(via Bylaw No. 223)

WASTE TRANSFER USE ON PORTIONS OF 3418 SOUTH OTTER BAY RD

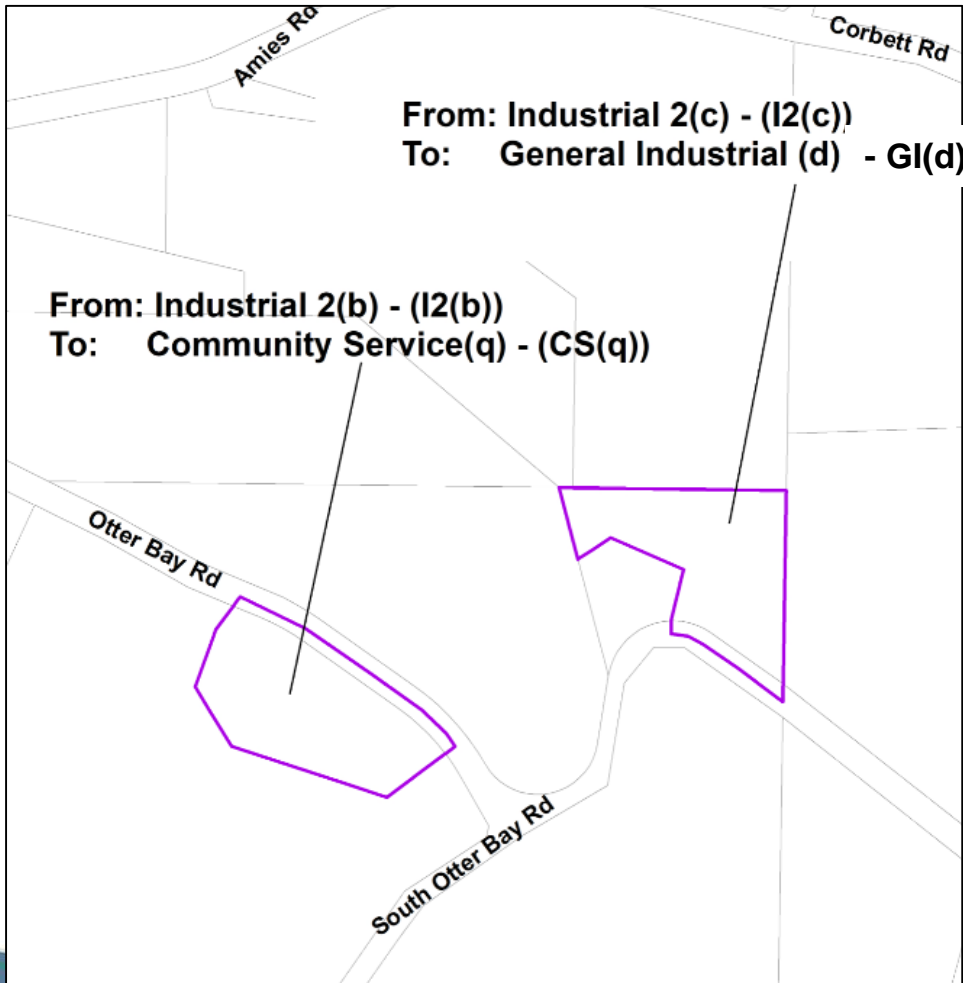


Gulf Excavating/Old Batch Plant Site (purple above)
Rezone from Industrial 2(b) to Community Service (q) and only permit:

- Waste transfer facility;
- Commercial composting; and
- Recycling and reuse facility;

(via Bylaw No. 224)

WASTE TRANSFER USE ON PORTIONS OF 3418 SOUTH OTTER BAY RD



Site east of Recycling Depot (orange above)
Rezone from Industrial 2(c) to General Industrial (d) and permit all
uses in the GI zone and the following uses:

- Waste transfer facility;
- Commercial composting; and
- Recycling and reuse facility;

(via Bylaw No. 224)

NEXT STEPS

- **Community Information Meeting:**
 - Saturday, August 13, 11 AM, In-Person at the Anglican Hall
- **August 11, Regular LTC Meetings**
 - LTC may make more amendments to the bylaws or give direction to schedule a Public Hearing.
- **Fall 2022**
 - Public Hearing(s)?
 - Adoption of Bylaw No. 224?
- **Late Fall 2022/2023**
 - Adoption of Bylaw Nos. 223 & 229



QUESTIONS/COMMENTS



Please send all correspondence regarding the LUB Amendments project to:

southinfo@islandstrust.bc.ca