



File No.: SP Minor LUB Amendments Project

DATE OF MEETING: November 10, 2023

TO: South Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: South Pender Minor LUB Amendments – Project Charter

RECOMMENDATION

1. That the South Pender Island Local Trust Committee approve the Project Charter for the LUB Amendments project.
2. That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 10, 2023 to the South Pender Advisory Planning Commission for comment.
3. That the South Pender Island Local Trust Committee request staff to schedule two Community Information Meetings for the Minor Land Use Bylaw Amendment Project.

REPORT SUMMARY

This report is intended to provide the South Pender Island Local Trust Committee (LTC) with a draft project charter for the Land Use Bylaw (LUB) Amendment project and outline options for community engagement.

BACKGROUND

At the September 1, 2023 regular meeting, the South Pender LTC passed the following resolutions:

SP-2023-038

It was Moved and Seconded, that South Pender Island Local Trust Committee amend its Work Program to identify “Minor LUB Review Project” as the minor Active Project.

CARRIED

SP-2023-039

It was Moved and Seconded, that South Pender Island Local Trust Committee request staff to draft a Project Charter and report back with options for a minor Land Use Bylaw Review Project.

CARRIED

Bylaw No. 122 Background

The previous Land Use Bylaw Amendment Project (Bylaw No. 122) was initiated in May 2021. The South Pender Local Trust Committee had a number of topics they wanted to address which included:

Z:\12 Long Range Planning\11 SP\6500 LTC Work Program\20 Projects (P)\2023 - Minor LUB Amendments\Staff reports\2023-11-10\2023-11-10_Minor-LUB-Amendments_Staff-Report.docx

- agricultural regulations to align with Agricultural Land Commission (ALC)
- reduction of maximum floor areas for dwellings
- increased setbacks for dwellings and cottages in the rural residential zones
- increased the setback from the natural boundary of the sea
- included clauses for those buildings or structures that may become legal non-conforming due to the new regulations
- other minor technical amendments

Due to a large turn-out for the initially scheduled Public Hearing in May 2022, the LTC decided to reschedule the Public Hearing to another date to a larger venue. The LTC also gave direction to staff to hold additional Community Information Meetings (one in-person and one online) prior to the Public Hearing. A Community Information Meeting and Public Hearing was on July 23, 2022.

The LTC made additional amendments to the proposed bylaw at the August 12, 2022 special meeting. This meeting was post public hearing therefore no further comments from the community were able to be received. Bylaw No. 122 was then adopted by Resolution Without Meeting on September 15, 2022.

A [blackline integration of Bylaw No. 122](#) into the current South Pender LUB Bylaw No. 114 will be posted to the Project's webpage.

ANALYSIS

Land Use Bylaw:

As discussed at the September 1, 2023 LTC meeting, staff have identified which amendments included in Bylaw No. 122 may require limited discussion and those likely requiring more detailed discussion by the LTC (see Attachment No. 2).

The major topics are:

- Increasing the setback to the natural boundary of the sea from 7.6 metres to 15 metres and other associated amendments (Section 2.4, 2.5, and 2.6)
- Height regulation for dwellings (Section 2.7)
- Total floor area and maximum floor area in the Rural Residential zones and other associated amendments (Section 2.10 and 2.11)
- Increasing side lot line setbacks for dwellings and cottages (Section 2.13 and 2.14)
- Total floor area and maximum floor area in the Agriculture zone and other associated amendments (Section 2.18 and 2.19)
- Total floor area and maximum floor area in the Forestry zone and other associated amendments (Section 2.24 and 2.25)
- Total floor area and maximum floor area in the Natural Resource zone and other associated amendments (Section 2.27 and 2.28)

Major topics could be sent to the South Pender Advisory Planning Commission (APC) for further comment. Minor topics could be discussed at future LTC meetings or all together during an online Special Meeting. These options are outlined below under 'Engagement Phase'.

Project Charter

The project charter is attached for the LTC's consideration. The scope of the project includes the establishment of a special APC (if needed), referrals to APC(s), multiple Community Information Meetings (CIMs) which can be held online and in-person, a review of amendments included in Bylaw No. 122, and the inclusion of other minor and technical LUB amendments. Below is the approximate timeline included in the project charter:

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsement</i>	<i>Nov 2023</i>
<i>LTC review of background material and consideration of public engagement options</i>	<i>Nov 2023</i>
<i>APC referral, public engagement to identify issues, and early referral to First Nations</i>	<i>Jan-March 2024</i>
<i>Review of APC & engagement comments/LTC direction to draft bylaw</i>	<i>May 2024</i>
<i>Electronic Special Meeting to review draft bylaw</i>	<i>July 2024</i>
<i>First opportunity for First Reading of draft bylaw, referrals</i>	<i>Sept 2024</i>
<i>Community Information Meeting(s) to gather comments on proposed bylaw</i>	<i>Oct & Nov 2024</i>
<i>Amendments to bylaw based on CIM comments/Opportunity of First and/or Second Reading of bylaw</i>	<i>Dec 2024</i>
<i>Public Hearing (if necessary), Third reading & EC referral</i>	<i>Feb 2025</i>
<i>Bylaw adoption</i>	<i>Spring 2025</i>

If the LTC wishes to amend the draft project charter (change the scope or milestones), an alternative recommendation is outlined below (alternative no. 2). The project charter is also a working document and can be amended by LTC resolution as the project proceeds.

Engagement Phase

The first engagement phase for the project could involve two methods. The first method would be to send the major topics to the SP APC to identify the following for each major amendment in Bylaw N. 122:

1. Identify the problem with the amendment (example. The maximum floor area regulations are too restrictive and would create numerous Development Variance Permit applications)
2. Consider the purpose of the amendment (ex. reduce the creation of mega-mansions that do not fit with South Pender's rural character)
3. How the amendment could be changed (ex. Revert floor area to the previous regulations in Bylaw No. 114 prior to the Bylaw No. 122 amendments)

There are four major topics the LTC could refer to the South Pender APC for comment: setback from the natural boundary of the sea, height regulations for dwellings, total floor area and maximum floor area for dwellings, and side lot line setbacks for Rural Residential dwellings and cottages. If the LTC feels as though the four topics would be too much work to give to the APC, an additional APC could be created for this project (a Special APC). If the LTC would like to create a special APC, there is a draft resolution under Alternative No. 3. Staff would then create a Terms of Reference for the Special APC which would be circulated to the LTC for comment.

The minor topics could be discussed with community members by hosting several CIMs, both online and in-person, early next year. The timeline in the project charter also identifies opportunities for community input after first reading of the bylaw (Fall 2024).

Statutory Requirements

In the first stage of the project (i.e. APC referrals and undertaking community engagement) there are no statutory requirements to consider. If at a later stage the LTC resolves to undertake a bylaw amendment, statutory notification requirements of the Local Government Act will need to be considered including appropriate agency and First Nation referrals, public hearing option and bylaw adoption procedures. Early engagement letters will also be sent out as the project proceeds.

Rationale for Recommendation

If the LTC is satisfied with the scope of work proposed, approval of the project charter by resolution is recommended to allow work to proceed. Alternatively the LTC could ask staff to report back with changes to the project scope and to the charter.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. 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 South Pender Island Local Trust Committee request that the staff provide further information regarding...

2. Request revisions to the draft project charter

The LTC may request revisions to the draft project charter. If selecting this alternative, the LTC should describe the specific revisions needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that staff make the following revisions to the draft Project Charter for the Minor LUB Amendments Project:...

3. Creation of a Special Advisory Planning Commission

The LTC may choose to create a Special Advisory Planning Commission:

That the South Pender Island Local Trust Committee request staff to draft a Terms of Reference for the Special Advisory Planning Commission.

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Revise project charter, if required
- Refer major topics to the South Pender APC for comment
- Early referrals to First Nations

Submitted By:	Kim Stockdill, Island Planner	November 3, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	November 3, 2023

ATTACHMENTS

1. Project Charter
2. Minor/Major Topic Table
3. Bylaw No. 122

Minor LUB Amendments - Charter v1

South Pender Island Local Trust Committee

LTC Endorsement Date: xxx

Purpose: To consider targeted amendments to the South Pender Island Land Use Bylaw (LUB).

Background: Bylaw No. 122 was adopted in September 2022 which included a number of LUB amendments including new agricultural regulations, reduction to residential dwelling maximum floor areas, increasing setbacks for new residential dwellings and cottages, increasing the setback to the natural boundary of the sea, and other minor amendments. These amendments will be reviewed to determine if they should be removed, amended, or retained in the current South Pender and to ensure multiple opportunities for community engagement throughout the project process.

Deliverables <i>A LUB Amendment bylaw.</i>	In Scope <ul style="list-style-type: none"> Establishment of a special Advisory Planning Commission (if decided) Referrals to APC(s) Community Information Meetings (online and in person) Review of amendments included in Bylaw No. 122 Other minor and technical LUB amendments 	Out of Scope <ul style="list-style-type: none"> Substantive review of the LUB OCP amendments Other regulatory or policy amendments 	IAP2 Engagement Level: <ul style="list-style-type: none"> <input type="checkbox"/> Inform <input type="checkbox"/> Consult <input checked="" type="checkbox"/> Involve <input type="checkbox"/> Collaborate
--	--	--	--

Workplan Overview

Deliverable/Milestone	Target Date
<i>Project Charter endorsement</i>	<i>Nov 2023</i>
<i>LTC review of background material and consideration of public engagement options</i>	<i>Nov 2023</i>
<i>APC referral and public engagement to identify issues</i>	<i>Jan-March 2024</i>
<i>Review of APC & engagement comments/LTC direction to draft bylaw</i>	<i>May 2024</i>
<i>Electronic Special Meeting to review draft bylaw</i>	<i>July 2024</i>
<i>First opportunity for First Reading of draft bylaw, referrals</i>	<i>Sept 2024</i>
<i>Community Information Meeting(s) to gather comments on proposed bylaw</i>	<i>Oct & Nov 2024</i>
<i>Amendments to bylaw based on CIM comments/Opportunity of First and/or Second Reading of bylaw</i>	<i>Dec 2024</i>
<i>Public Hearing (if necessary), Third reading & EC referral</i>	<i>Feb 2025</i>
<i>Bylaw adoption</i>	<i>Spring 2025</i>

Project Team

Kim Stockdill	Project Manager
Emily Bryant	Admin Support
Jas Chonk	Admin Support
Jackie O'Neil	GIS/Mapping Support
RPM Approval: <i>Robert Kojima</i> Date: November 3, 2023	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2023/24	Legal Opinion (optional)	\$2000
2023/24	APC Referral	\$500
2023/24	Public engagement (hall rental, advertising, minute taker, supplies)	\$2500
2024/25	Community Information Meetings (includes advertising)	\$1500
2024/25	Public Hearing	\$2000
	Total	\$8500

Meeting	Deliverable/Milestone
Nov 10, 2023	LTC endorsement of Project Charter
Nov 10, 2023	Preliminary staff report to the LTC outlining background of Bylaw No. 122, itemizing each amendments, and outlining options for community engagement
Dec to March 2024	Referrals to APC or Special APC
Feb & March 2024	Community Information Meetings – in person and online
Jan to March 2024	Early referrals to First Nations
May 3, 2024	Staff report summarizing community and APC comments received on suggested bylaw amendments.
July 2024	Electronic Special Meeting to review draft bylaw
Sept 6, 2024	Draft bylaw introduced to the LTC and first opportunity to consider first reading
Fall 2024	Bylaw referral to First Nations and agencies
Fall 2024	Community Information Meetings – in person and online
Dec 6, 2024	Potential amendments to proposed bylaw, and consideration of first and/or second reading
Feb 2025	Community Information Meeting and Public Hearing
Feb/March 2025	Referral to Executive Committee
Spring 2025	Bylaw adoption

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments
2.1 Definitions	<p>“agri-tourism” means an activity referred to in Section 12 of the <i>Agricultural Land Reserve Use Regulation</i>.</p> <p>“agri-tourist accommodation” means a use accessory to a <i>farm use</i> for the purpose of accommodating commercial guests within specific structures on specific portions of a <i>lot</i> as referred to in Section 33 of the <i>Agricultural Land Reserve Use Regulation</i>.</p> <p>“basement floor area” means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade.</p> <p>“farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.</p> <p>“Farm Status” means land classified as a farm pursuant to the <i>(BC) Assessment Act</i>.</p>	Minor	Definitions should be retained in Bylaw No. 114, they create consistency with ALC regulations and provide clarity in LUB interpretation
2.2 Definitions	By removing the words “floor area of 70m ² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.	Minor	This amendment should be retained in Bylaw No. 114. As definitions cannot be varied, the reference to floor area was removed and placed in each individual zone that permits a cottage.
2.3 Definitions	By removing the word “outer” and replacing it with “inner” to the definition of ‘floor area’ and by adding the words “and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass” at the end of the definition of ‘floor area’.	Minor	This amendment should be retained in Bylaw No. 114
2.4	By removing the words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” and by removing the words “pump/utility house” in Subsection 3.3(3).	Major	This amendment should be retained in Bylaw No. 114 although discussions with the community is encouraged to consider the rationale and benefits of increasing the setback.
2.5	By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:	Major	This amendment could be removed from Bylaw No. 114. The siting of buildings and structures that are

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments
	<p>“Despite Subsection 3.3(3), <i>buildings or structures</i>, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to [insert date of Bylaw No. 122 adoption] shall not be sited within 7.6 metres (25 feet) of the <i>natural boundary</i> of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “<i>structures</i>”.”</p>		<p>located within 7.6 metres to 15 metres from the natural boundary of the sea have non-conforming siting protection under the Local Government Act (Section 529).</p>
2.6	<p>By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly: “Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to the adoption of this bylaw, a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the natural boundary of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the natural boundary of the sea to the dwelling, cottage, or accessory building on the lot at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”</p>	Major	<p>Further discussion with the community and the LTC is encouraged regarding this amendment.</p>
2.7	<p>By deleting Subsection 3.4(1) and replacing it with: “A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height.”</p>	Major	<p>This regulation was added to Bylaw No. 122 after the Public Hearing therefore further discussion with the community would be beneficial.</p>
2.8	<p>By adding the following new subsections to Section 3.5 ‘Accessory Buildings and Structures’ as follows: “(6)Shipping containers are a permitted accessory use on a <i>lot</i> subject to the following: (a) On a <i>lot</i> less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted. (b) On a <i>lot</i> 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted. (c) On a <i>lot</i> with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.</p>	Minor	<p>These regulations should be retained in Bylaw No. 114 as they provide regulation of shipping containers</p>

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments																		
2.9	<p>By adding the words “excluding a <i>cottage</i>” after the words ‘used as a dwelling’, by deleting the word ‘rainwater’ and replacing it with “freshwater”, by deleting the word ‘cistern’ after the word ‘minimum’ and replacing it with “storage” and by deleting the words ‘9,000 litres (1980 gallons)’ and replacing it with “18,000 litres (3960 gallons)” for Subsection 3.14(1) so it reads: ‘A building permit shall not be issued for a new <i>building</i> to be used as a <i>dwelling</i>, excluding a <i>cottage</i>, on a <i>lot</i> in the RR(1), RR(2) or RR(3) zones unless a <i>building</i> on the <i>lot</i> is equipped with a freshwater catchment system and cistern(s) for the storage of freshwater with a minimum storage capacity of 18,000 litres (3960 gallons).’</p>	Minor	These regulations should be retained in Bylaw No. 114. The amendments were recommended based on updates to other LTC LUBs (Galiano and North Pender). The intent of these amendments was to increase clarity with interpretation.																		
2.10	<p>By deleting the words Table from Subsection 5.1(5) and replacing it with:</p> <table border="1" data-bbox="386 743 1163 1214"> <thead> <tr> <th data-bbox="386 743 646 850">Lot Area</th> <th data-bbox="646 743 911 850">The total floor area of all buildings may not exceed:</th> <th data-bbox="911 743 1163 850">The floor area of a dwelling may not exceed:</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 850 646 922">Less than 0.4 ha (1 acre)</td> <td data-bbox="646 850 911 922">465 m² (5000 ft²)</td> <td data-bbox="911 850 1163 922">232 m² (2500 ft²)</td> </tr> <tr> <td data-bbox="386 922 646 993">0.4 ha to < 0.8 ha (1 to 2 acres)</td> <td data-bbox="646 922 911 993">557 m² (6000 ft²)</td> <td data-bbox="911 922 1163 993">279 m² (3000 ft²)</td> </tr> <tr> <td data-bbox="386 993 646 1065">0.8 ha to < 1.6 ha (2 to 4 acres)</td> <td data-bbox="646 993 911 1065">743 m² (8000 ft²)</td> <td data-bbox="911 993 1163 1065">325 m² (3500 ft²)</td> </tr> <tr> <td data-bbox="386 1065 646 1136">1.6 ha to < 4 ha (4 to 10 acres)</td> <td data-bbox="646 1065 911 1136">836 m² (9000 ft²)</td> <td data-bbox="911 1065 1163 1136">348 m² (3750 ft²)</td> </tr> <tr> <td data-bbox="386 1136 646 1214">4.0 ha (10 acres) or greater</td> <td data-bbox="646 1136 911 1214">1394 m² (15000 ft²)</td> <td data-bbox="911 1136 1163 1214">372 m² (4000 ft²)</td> </tr> </tbody> </table>	Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)	0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)	0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)	1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)	4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)	Major	Maximum floor area for dwellings and total floor area of all buildings on a lot are identified as a ‘major topic’ where further discussion with the community and the LTC is beneficial.
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:																			
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)																			
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)																			
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)																			
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)																			
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)																			
2.11	<p>By add the following new subsection after Subsection 5.1(5): “Despite Subsection 5.1(5), on a <i>lot</i> that contains a legal <i>dwelling</i> constructed prior to the adoption of this bylaw, a replacement <i>dwelling</i> may be constructed, or the existing <i>dwelling</i> re-constructed or altered, provided the <i>floor area</i> of the replacement, re-constructed or altered <i>dwelling</i> does not exceed the <i>floor area</i> of the <i>dwelling</i> on the <i>lot</i> at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the</p>	Major	This amendment legalizes dwellings if the dwelling exceeds the more restrictive floor areas. This amendment should be removed from Bylaw No. 114 if the LTC decides to replace floor area																		

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments
	floor area of the dwelling at the time of the adoption of this bylaw.”		regulations to what they were prior to the adoption of Bylaw No. 122.
2.12	By adding the following new subsection after the newly created Subsection 5.1(6) and renumbering accordingly: “The maximum <i>floor area</i> of a <i>cottage</i> must not exceed 70 m ² (753 ft ²).”	Minor	This amendment should be retained in Bylaw No. 114.
2.13	By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly: “Despite Subsection 5.1(8), the setback for a <i>dwelling</i> or <i>cottage</i> shall be 6.0 metres (20 ft.) from any interior or exterior side <i>lot line</i> .”	Major	Further discussion with the community and the LTC is required regarding increasing side lot line setbacks for dwellings or cottages.
2.14	By add the following new subsection after Subsection 5.1(9): “Despite Subsection 5.1.(9), on a <i>lot</i> that contains a legal <i>dwelling</i> or <i>cottage</i> constructed prior to the adoption of this bylaw, a replacement <i>dwelling</i> or <i>cottage</i> may be constructed, or the existing <i>dwelling</i> or <i>cottage</i> re-constructed or altered, provided the distance from the interior or exterior side <i>lot line</i> to the replacement, re-constructed or altered <i>dwelling</i> or <i>cottage</i> is not less than the distance from the interior or exterior side <i>lot line</i> to the <i>dwelling</i> or <i>cottage</i> on the <i>lot</i> at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”	Major	This amendment legalizes the siting of a dwelling if the dwelling located within 3 metres to 6 metres. This amendment should be removed from Bylaw No. 114 if the LTC decides to reduce the setback for dwellings and cottages back to 3.0 metres.
2.15	By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory <i>agri-tourism</i> subject to Subsections 5.5(13) to 5.5(16);”	Minor	This amendment should be retained in Bylaw No. 114 as it aligns with the Agricultural Land Commission (ALC) Act, regulations, and policies.
2.16	By adding the following new article after Article 5.5(1)(d) and renumber accordingly: “Accessory <i>agri-tourist</i> accommodation, subject to Subsections 5.5(15) to 5.5(22), and as permitted by the Agricultural Land Commission;”	Minor	This amendment should be retained in Bylaw No. 114 as it aligns with the ALC Act, regulations, and policies.

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments																		
2.17	By adding the words “and <i>farm retail sales.</i> ” after the words ‘on the same lot’ in Article 5.5(1)(f).	Minor	This amendment should be retained in Bylaw No. 114 as it aligns with the ALC Act, regulations, and policies.																		
2.18	<p>By deleting Subsection 5.5(9) and replacing it with: “Maximum <i>Floor Area</i> per lot:</p> <table border="1" data-bbox="386 558 1274 1029"> <thead> <tr> <th data-bbox="386 558 646 667">Lot Area</th> <th data-bbox="646 558 940 667">The total floor area of all buildings may not exceed:</th> <th data-bbox="940 558 1274 667">The floor area of a dwelling may not exceed:</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 667 646 737">Less than 0.4 ha (1 acre)</td> <td data-bbox="646 667 940 737">465 m² (5000 ft²)</td> <td data-bbox="940 667 1274 737">232 m² (2500 ft²)</td> </tr> <tr> <td data-bbox="386 737 646 807">0.4 ha to < 0.8 ha (1 to 2 acres)</td> <td data-bbox="646 737 940 807">557 m² (6000 ft²)</td> <td data-bbox="940 737 1274 807">279 m² (3000 ft²)</td> </tr> <tr> <td data-bbox="386 807 646 876">0.8 ha to < 1.6 ha (2 to 4 acres)</td> <td data-bbox="646 807 940 876">743 m² (8000 ft²)</td> <td data-bbox="940 807 1274 876">325 m² (3500 ft²)</td> </tr> <tr> <td data-bbox="386 876 646 946">1.6 ha to < 4 ha (4 to 10 acres)</td> <td data-bbox="646 876 940 946">836 m² (9000 ft²)</td> <td data-bbox="940 876 1274 946">348 m² (3750 ft²)</td> </tr> <tr> <td data-bbox="386 946 646 1029">4.0 ha (10 acres) or greater</td> <td data-bbox="646 946 940 1029">1394 m² (15000 ft²)</td> <td data-bbox="940 946 1274 1029">372 m² (4000 ft²)</td> </tr> </tbody> </table>	Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)	0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)	0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)	1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)	4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)	Major	Maximum floor area for dwellings and total floor area of all buildings on a lot are identified as a ‘major topic’ where further discussion with the community and the LTC is beneficial.
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:																			
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)																			
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)																			
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)																			
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)																			
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)																			
2.19	<p>By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly: Despite Subsection 5.5(9), on a <i>lot</i> that contains a legal <i>dwelling</i> constructed prior to the adoption of this bylaw, a replacement <i>dwelling</i> may be constructed, or the existing <i>dwelling</i> re-constructed or altered, provided the <i>floor area</i> of the replacement, re-constructed or altered <i>dwelling</i> does not exceed the <i>floor area</i> of the <i>dwelling</i> on the <i>lot</i> at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”</p>	Major	This amendment legalizes the floor area of a dwelling if the dwelling exceeds the more restrictive floor areas. This amendment should be removed from Bylaw No. 114 if the LTC decides to replace floor area regulations to what they were prior to the adoption of Bylaw No. 122.																		
2.20	<p>By adding the following new subsection after the new Subsection 5.5(10) and renumbering accordingly: “The maximum <i>floor area</i> of a <i>cottage</i> must not exceed 90 m² (969 ft²).”</p>	Minor	This amendment should be retained in Bylaw No. 114.																		

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments
2.21	<p>By adding the following 'Information Note' after the newly created Subsection 5.5(11):</p> <p><i>Information Note: The maximum floor area of a dwelling or cottage located within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.</i></p>	Minor	This information note should be retained in Bylaw No. 114.
2.22	<p>By removing the word "Rescinded" adding the following to the newly renumbered Subsection 5.5(12):</p> <p><i>"Farm retail sales are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the farm retail sales shall not exceed 47 m² (500 ft²).</i></p>	Minor	This amendment should be retained in Bylaw No. 114 as it aligns with the ALC Act, regulations, and policies.
2.23	<p>By adding the following new subsections after Subsection 5.5(12) under 'Conditions of Use' and renumber accordingly:</p> <p><i>5.5(13) Agri-tourism buildings or structures are not permitted.</i></p> <p><i>5.5(14) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.</i></p> <p><i>5.5(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.</i></p> <p><i>5.5(16) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.</i></p> <p><i>5.5(17) Agri-tourist accommodation must be accessory to an active agri-tourism activity.</i></p> <p><i>5.5(18) Agri-tourist accommodation must be accessory to a farm use.</i></p> <p><i>5.5(19) Agri-tourist accommodation buildings and structures must not exceed a floor area of 90 m² (969 ft²).</i></p> <p><i>5.5(20) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.</i></p> <p><i>5.5(21) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the agri-tourism accommodation unit, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.</i></p> <p><i>5.5(22) The maximum number of guests that may be accommodated in any</i></p>	Minor	This amendment should be retained in Bylaw No. 114 as they align with the ALC Act, regulations, and policies.

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments																		
	<i>agri-tourist accommodation</i> at any one time, either alone or in combination with a <i>bed and breakfast</i> , is not to exceed 10 guests or 5 bedrooms.																				
2.24	<p>By deleting Subsection 5.6(7) and replacing it with: “Maximum <i>Floor Area</i> per lot:</p> <table border="1" data-bbox="388 500 1163 971"> <thead> <tr> <th data-bbox="388 500 646 609">Lot Area</th> <th data-bbox="646 500 911 609">The total floor area of all buildings may not exceed:</th> <th data-bbox="911 500 1163 609">The floor area of a dwelling may not exceed:</th> </tr> </thead> <tbody> <tr> <td data-bbox="388 609 646 678">Less than 0.4 ha (1 acre)</td> <td data-bbox="646 609 911 678">465 m² (5000 ft²)</td> <td data-bbox="911 609 1163 678">232 m² (2500 ft²)</td> </tr> <tr> <td data-bbox="388 678 646 748">0.4 ha to < 0.8 ha (1 to 2 acres)</td> <td data-bbox="646 678 911 748">557 m² (6000 ft²)</td> <td data-bbox="911 678 1163 748">279 m² (3000 ft²)</td> </tr> <tr> <td data-bbox="388 748 646 818">0.8 ha to < 1.6 ha (2 to 4 acres)</td> <td data-bbox="646 748 911 818">743 m² (8000 ft²)</td> <td data-bbox="911 748 1163 818">325 m² (3500 ft²)</td> </tr> <tr> <td data-bbox="388 818 646 888">1.6 ha to < 4 ha (4 to 10 acres)</td> <td data-bbox="646 818 911 888">836 m² (9000 ft²)</td> <td data-bbox="911 818 1163 888">348 m² (3750 ft²)</td> </tr> <tr> <td data-bbox="388 888 646 971">4.0 ha (10 acres) or greater</td> <td data-bbox="646 888 911 971">1394 m² (15000 ft²)</td> <td data-bbox="911 888 1163 971">372 m² (4000 ft²)</td> </tr> </tbody> </table>	Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)	0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)	0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)	1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)	4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)	Major	Maximum floor area for dwellings and total floor area of all buildings on a lot are identified as a ‘major topic’ where further discussion with the community and the LTC is beneficial.
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:																			
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)																			
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)																			
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)																			
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)																			
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)																			
2.25	<p>By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly: “Despite Subsection 5.6(7), on a <i>lot</i> that contains a legal <i>dwelling</i> constructed prior to the adoption of this bylaw, a replacement <i>dwelling</i> may be constructed, or the existing <i>dwelling</i> re-constructed or altered, provided the <i>floor area</i> of the replacement, re-constructed or altered <i>dwelling</i> does not exceed the <i>floor area</i> of the <i>dwelling</i> on the <i>lot</i> at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”</p>	Major	This amendment legalizes dwellings if the dwelling exceeds the more restrictive floor areas. This amendment should be removed from Bylaw No. 114 if the LTC decides to replace floor area regulations to what they were prior to the adoption of Bylaw No. 122.																		
2.26	<p>By adding the following new subsection after Subsection 5.6(8) and renumbering accordingly: “The maximum <i>floor area</i> of a <i>cottage</i> must not exceed 70 m² (753 ft²).”</p>	Minor	This amendment should be retained in Bylaw No. 114.																		

Bylaw No. 122 Amendment Table

Bylaw Section Number & Topic	Bylaw Amendment Wording	Minor/Major Discussion Topics	Staff Comments																		
2.27	<p>By deleting Subsection 5.7(6) and replacing it with: “Maximum <i>Floor Area</i> per lot:</p> <table border="1" data-bbox="388 418 1163 889"> <thead> <tr> <th data-bbox="388 418 646 527">Lot Area</th> <th data-bbox="646 418 911 527">The total floor area of all buildings may not exceed:</th> <th data-bbox="911 418 1163 527">The floor area of a dwelling may not exceed:</th> </tr> </thead> <tbody> <tr> <td data-bbox="388 527 646 597">Less than 0.4 ha (1 acre)</td> <td data-bbox="646 527 911 597">465 m² (5000 ft²)</td> <td data-bbox="911 527 1163 597">232 m² (2500 ft²)</td> </tr> <tr> <td data-bbox="388 597 646 667">0.4 ha to < 0.8 ha (1 to 2 acres)</td> <td data-bbox="646 597 911 667">557 m² (6000 ft²)</td> <td data-bbox="911 597 1163 667">279 m² (3000 ft²)</td> </tr> <tr> <td data-bbox="388 667 646 737">0.8 ha to < 1.6 ha (2 to 4 acres)</td> <td data-bbox="646 667 911 737">743 m² (8000 ft²)</td> <td data-bbox="911 667 1163 737">325 m² (3500 ft²)</td> </tr> <tr> <td data-bbox="388 737 646 807">1.6 ha to < 4 ha (4 to 10 acres)</td> <td data-bbox="646 737 911 807">836 m² (9000 ft²)</td> <td data-bbox="911 737 1163 807">348 m² (3750 ft²)</td> </tr> <tr> <td data-bbox="388 807 646 889">4.0 ha (10 acres) or greater</td> <td data-bbox="646 807 911 889">1394 m² (15000 ft²)</td> <td data-bbox="911 807 1163 889">372 m² (4000 ft²)</td> </tr> </tbody> </table>	Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)	0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)	0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)	1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)	4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)	Major	Maximum floor area for dwellings and total floor area of all buildings on a lot are identified as a ‘major topic’ where further discussion with the community and the LTC is beneficial.
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:																			
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)																			
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)																			
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)																			
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)																			
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)																			
2.28	<p>By adding the following new subsection after Subsection 5.7(7) and renumbering accordingly: “Despite Subsection 5.7(7), on a <i>lot</i> that contains a legal <i>dwelling</i> constructed prior to the adoption of this bylaw, a replacement <i>dwelling</i> may be constructed, or the existing <i>dwelling</i> re-constructed or altered, provided the <i>floor area</i> of the replacement, re-constructed or altered <i>dwelling</i> does not exceed the <i>floor area</i> of the <i>dwelling</i> on the <i>lot</i> at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”</p>	Major	This amendment legalizes dwellings if the dwelling exceeds the more restrictive floor areas. This amendment should be removed from Bylaw No. 114 if the LTC decides to replace floor area regulations to what they were prior to the adoption of Bylaw No. 122.																		
2.29	<p>By adding the following new subsection after Subsection 5.7(8) and renumbering accordingly: “The maximum <i>floor area</i> of a <i>cottage</i> must not exceed 70 m² (753 ft²).”</p>	Minor	This amendment should be retained in Bylaw No. 114.																		

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 122**

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016” is amended as follows:

2.1 By adding the following new definitions to Section 1.1 ‘Definitions’:

““agri-tourism” means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.”

““agri-tourist accommodation” means a use accessory to a *farm use* for the purpose of accommodating commercial guests within specific structures on specific portions of a *lot* as referred to in Section 33 of the *Agricultural Land Reserve Use Regulation*.”

““basement floor area” means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade.”

““farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.”

““Farm Status” means land classified as a farm pursuant to the *(BC) Assessment Act*.”

2.2 By removing the words “floor area of 70m² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.

2.3 By removing the word “outer” and replacing it with “inner” to the definition of ‘floor area’ and by adding the words “and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass” at the end of the definition of ‘floor area’.

2.4 By removing the words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” and by removing the words “pump/utility house” in Subsection 3.3(3).

- 2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), *buildings or structures*, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to [*insert date of Bylaw No. 122 adoption*] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “*structures*”.”

- 2.6 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to the adoption of this bylaw, a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the natural boundary of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the natural boundary of the sea to the dwelling, cottage, or accessory building on the lot at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”

- 2.7 By deleting Subsection 3.4(1) and replacing it with: “A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height.”.

- 2.8 By adding the following new subsections to Section 3.5 ‘Accessory Buildings and Structures’ as follows:

- “(6) Shipping containers are a permitted accessory use on a *lot* subject to the following:
- (a) On a *lot* less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.
 - (b) On a *lot* 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.
 - (c) On a *lot* with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.
- (7) Shipping containers must be screened from neighbouring *lots*, roads, or the sea by use of landscaping screening in compliance with Section 3.9.”

2.9 By adding the words “excluding a *cottage*” after the words ‘used as a dwelling’, by deleting the word ‘rainwater’ and replacing it with “freshwater”, by deleting the word ‘cistern’ after the word ‘minimum’ and replacing it with “storage” and by deleting the words ‘9,000 litres (1980 gallons)’ and replacing it with “18,000 litres (3960 gallons)” for Subsection 3.14(1) so it reads:

‘A building permit shall not be issued for a new *building* to be used as a *dwelling*, excluding a *cottage*, on a *lot* in the RR(1), RR(2) or RR(3) zones unless a *building* on the *lot* is equipped with a freshwater catchment system and cistern(s) for the storage of freshwater with a minimum storage capacity of 18,000 litres (3960 gallons).

2.10 By deleting the words Table from Subsection 5.1(5) and replacing it with “

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.11 By add the following new subsection after Subsection 5.1(5):

“Despite Subsection 5.1(5), 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 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.12 By adding the following new subsection after the newly created Subsection 5.1(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).” ✓ ✓ ✓

2.13 By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly:

“Despite Subsection 5.1(8), the setback for a *dwelling or cottage* shall be 6.0 metres (20 ft.) from any interior or exterior side *lot line*.” ✓ ✓ ✓

2.14 By add the following new subsection after Subsection 5.1(9):

“Despite Subsection 5.1.(9), on a *lot* that contains a legal *dwelling or cottage* constructed prior to the adoption of this bylaw, a replacement *dwelling or cottage* may be constructed, or the existing *dwelling or cottage* re-constructed or altered, provided the distance from the interior or exterior side *lot line* to the replacement, re-constructed or altered *dwelling or cottage* is not less than the distance from the interior or exterior side *lot line* to the *dwelling or cottage* on the *lot* at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.15 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(13) to 5.5(16);”

2.16 By adding the following new article after Article 5.5(1)(d) and renumber accordingly:

“Accessory agri-tourist accommodation, subject to Subsections 5.5(15) to 5.5(22), and as permitted by the Agricultural Land Commission;”

2.17 By adding the words “and *farm retail sales*.” after the words ‘on the same lot’ in Article 5.5(1)(f).

2.18 By deleting Subsection 5.5(9) and replacing it with:

“Maximum *Floor Area* per lot:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.19 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly:

Despite Subsection 5.5(9), 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 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.20 By adding the following new subsection after the new Subsection 5.5(10) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 90 m² (969 ft²).”

2.21 By adding the following ‘Information Note’ after the newly created Subsection 5.5(11):

“Information Note: *The maximum floor area of a dwelling or cottage located within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.*”

2.22 By removing the word “Rescinded” adding the following to the newly renumbered Subsection 5.5(12):

“Farm retail sales are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the farm retail sales shall not exceed 47 m² (500 ft²).

2.23 By adding the following new subsections after Subsection 5.5(12) under ‘Conditions of Use’ and renumber accordingly:

“5.5(13) Agri-tourism buildings or structures are not permitted.

5.5(14) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.

5.5(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.

5.5(16) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.

5.5(17) Agri-tourist accommodation must be accessory to an active agri-tourism activity.

5.5(18) Agri-tourist accommodation must be accessory to a farm use.

5.5(19) Agri-tourist accommodation buildings and structures must not exceed a floor area of 90 m² (969 ft²).

5.5(20) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.

5.5(21) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the agri-tourism accommodation unit, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

5.5(22) The maximum number of guests that may be accommodated in any agri-tourist accommodation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 10 guests or 5 bedrooms.

2.24 By deleting Subsection 5.6(7) and replacing it with:

“Maximum *Floor Area* per lot:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.25 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly:

Despite Subsection 5.6(7), 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 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.26 By adding the following new subsection after Subsection 5.6(8) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

2.27 By deleting Subsection 5.7(6) and replacing it with:

“Maximum *Floor Area* per lot:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.28 By adding the following new subsection after Subsection 5.7(7) and renumbering accordingly:

Despite Subsection 5.7(7), 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 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.29 By adding the following new subsection after Subsection 5.7(8) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

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	6 TH	DAY OF	MAY	2022.
PUBLIC HEARING HELD THIS	23 RD	DAY OF	JULY	2022.
READ A SECOND TIME THIS	12 TH	DAY OF	AUGUST	2022.
READ A THIRD TIME THIS	12 TH	DAY OF	AUGUST	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	7 TH	DAY OF	SEPTEMBER	2022.
ADOPTED THIS	15 TH	DAY OF	SEPTEMBER	2022.

CHAIR

SECRETARY