

# ADOPTED

## South Pender Island Advisory Planning Commission MINUTES

**Date:** October 21, 2024  
**Location:** In-person, South Pender Island Fire Hall

**Members Present:** Gordie Duncan, Chair  
Rodney Kirkwood, Vice-Chair  
Audrey Green, Member  
Paul Petrie, Member  
Donna Spalding, Member

**Staff Present:** Carly Bilney, APC Secretary

There were 4 members of the public present.

### 1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:30 a.m.

### 2. APPROVAL OF AGENDA

It was noted that discussion of secondary suites were originally on the agenda. Commission members agreed to discuss Secondary Suites if time permits.

**By general consent**, the agenda was approved as amended.

### 3. ADVISORY PLANNING COMMISSION MEETING MINUTES DATED OCTOBER 4, 2024 (FOR ADOPTION)

Change Item 4.1 (page 3 of the Minutes): *It was suggested that 39 properties are under 1 acre and most of them are along the shoreline to: It was suggested that 39 properties are under 1 acre and many of them are along the shoreline.*

**By general consent**, the Advisory Planning Commission meeting minutes of October 4, 2024 were adopted.

### 4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

Chair Duncan noted that Commission members have been exchanging emails to consider various proposed solutions in advance of the meeting.

**4.1 Total floor area and maximum floor area for dwellings for zones:**

**4.1.1 Rural Residential (Commissioner Kirkwood to present a concept of using “dwelling footprint” and its inclusion in determining maximum allowable dwelling square footage)**

Commissioner Kirkwood outlined a proposal to regulate dwelling area by both the total floor area and by a maximum footprint area based on lot size as per the following table:

Lot Size (Acres)	Dwelling Area			
	Bylaw 114	Bylaw 122	Proposed	
	Max Flr. Area	Max Flr. Area	Max Flr. Area	Max Footprint
<1	3800	2500	3000	1800
1 - 2	4500	3000	3500	2100
2 - 4	5600	3500	4000	2400
4 - 10	5845	3750	4500	2700
> 10	6030	4000	5000	3000

Discussion was held and the following comments were made:

- Support was expressed for the proposal laid out in the table above
- Support was expressed for building multi-generational dwellings that accommodate people who want to age in place and/or are increasingly working from home
- A house needs to be slightly larger (at least 12%) to accommodate wheelchair accessibility
- The cost of building is exorbitant and that will put pressure on how people build
- A question was raised about how the proposal would be implemented and whether it would only apply to new dwellings going forward
- A question was raised about whether the Commission should return to the motion raised and deferred at the previous meeting: *that the South Pender Advisory Planning Commission recommends that the Local Trust Committee requests staff to consider including the concept of a footprint in the determination of maximum dwelling size.*
- A suggestion was made to focus on the issue of dwelling size; comments were made that lot size is an integral part of this
- The current bylaw would be amended to have larger square footages

**SP-APC-2024-014**

**It was Moved and Seconded,**

that the South Pender Advisory Planning Commission recommends that the Local Trust Committee adopt a new table under Siting and Size Section 5.1(5) "Maximum Floor Area per Lot" for all Rural Residential Zones as shown in Table 1 effective after Bylaw Amendment Date MM/DD/YY, and a second table under Siting and Size Section 5.1(x) "Maximum Floor Area per Lot" for all Rural Residential Zones as shown in Table 2 for all legal dwellings built prior to the Bylaw Amendment Date September 15, 2022.

**CARRIED**

Paul Petrie Opposed

**Table 1**

**5.1.(5) Maximum Floor Area per Lot After Bylaw Amendment Date MM/DD/YY**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
		After Bylaw Amendment Date MM/DD/YY
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 <sup>2</sup> (5000 ft <sup>2</sup> )	<b>279 m<sup>2</sup> (3000 ft<sup>2</sup>)</b>
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m <sup>2</sup> (6000 ft <sup>2</sup> )	<b>325 m<sup>2</sup> (3500 ft<sup>2</sup>)</b>
0.8 ha to < 1.6 ha (2-4 acres)	743 m <sup>2</sup> (8000 ft <sup>2</sup> )	<b>372 m<sup>2</sup> (4000 ft<sup>2</sup>)</b>
1.6 ha to < 4 ha (4-10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )	<b>418 m<sup>2</sup> (4500 ft<sup>2</sup>)</b>
4.0 ha (10 acres) or greater	1394 m <sup>2</sup> (15000 ft <sup>2</sup> )	<b>465 m<sup>2</sup> (5000 ft<sup>2</sup>)</b>

**Table 2**

**5.1.(6) Maximum Floor Area per Lot Prior to Bylaw Amendment Sept 15, 2022**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
		Prior Bylaw Amendment Date September 15, 2022
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 <sup>2</sup> (5000 ft <sup>2</sup> )	<b>353 m<sup>2</sup> (3800 ft<sup>2</sup>)</b>
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m <sup>2</sup> (6000 ft <sup>2</sup> )	<b>418 m<sup>2</sup> (4500 ft<sup>2</sup>)</b>
0.8 ha to < 1.6 ha (2-4 acres)	743 m <sup>2</sup> (8000 ft <sup>2</sup> )	<b>520 m<sup>2</sup> (5600 ft<sup>2</sup>)</b>
1.6 ha to < 4 ha (4-10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )	<b>543 m<sup>2</sup> (5845 ft<sup>2</sup>)</b>
4.0 ha (10 acres) or greater	1394 m <sup>2</sup> (15000 ft <sup>2</sup> )	<b>560 m<sup>2</sup> (6030 ft<sup>2</sup>)</b>

Discussion continued and the following comments were made:

- It was suggested that an increase in the maximum dwelling size in the proposal relates to a decrease in the overall allowance for accessory buildings if the maximum floor area of a lot includes accessory buildings
- It was suggested that the motion refers to dwelling sizes only and not to lot coverage
- A suggestion was made to have another motion that deals with total lot coverage

It was moved and seconded that Table 2 be amended to reduce the total floor areas of all buildings by 1,000 square feet for each of the five categories for the reasons outlined in the October 20 note to Advisory Planning Commission colleagues regarding what would be left over for accessory buildings.

Discussion on the motion was held and the following comments were made:

- The intent of the motion is to balance the increase in house size in Column 2 of Table 1 by reducing the accessory building allowance
- A suggestion was made that amendments be recommended for the actual bylaw rather than the proposed table
- Support was expressed for reducing the total floor areas of all buildings, but not for doing so by 1,000 square feet; reducing by 500 square feet was recommended instead
- Concern was expressed about how the footprint of accessory buildings would affect the ecological continuity of a lot

**SP-APC-2024-015**

**It was Moved and Seconded,**

that the total floor area of all buildings in Bylaw 114 be reduced by 1,000 square feet for each of the five lot area categories.

**DEFEATED**

Paul Petrie in Favour

Discussion continued and the following comments were made:

- Support was expressed for assuring that dwellings cannot be built larger than the current bylaw
- Support was expressed for reducing the number of legally built dwellings that were rendered non-conforming by Bylaw 122
- Different interpretations of how the Local Government Act handles conforming or non-conforming were shared
- Different opinions on whether or not the Local Government Act trumps local bylaws were expressed
- A suggestion was made to defer the motion until the Planner could weigh in on the proposal; opposition to the amendment was expressed

**SP-APC-2024-016**

**It was Moved and Seconded,**

that the APC recommends that the LTC replace Clause 5.1.(6) under Siting and Size - Section (5) with the following clause: *Despite Subsection 5.1(6) on a lot that contains a legal dwelling constructed prior to September 15, 2022 a replacement dwelling may be constructed or the existing dwelling reconstructed or altered, provided the floor area of the replaced, reconstructed or altered dwelling does not exceed the floor area of the dwelling on the lot on September 15, 2022 OR the floor area permitted on such lot by Subsection 5.1(5), whichever size is greater. For this purpose, the Local Trust Committee may require an owner to submit substantive evidence to establish the floor area of the dwelling at the time of the adoption of this bylaw.*

**CARRIED**

Paul Petrie Opposed

**4.1.2 Agricultural**

Discussion was held about what to recommend for dwelling sizes in the Agricultural zone. The following comments were made:

- The Local Trust Committee may have had discussions about making the bylaw conform to whatever the Agricultural Land Reserve decides
- If the bylaw is different from the Agricultural Land Reserve (ALR) and the ALR makes a change then there will be an issue

A motion was made and seconded that the Advisory Planning Committee recommend the Local Trust Committee review maximum dwelling size for the agricultural zones recognizing requirements by the Agricultural Land Reserve, and that those can change from time to time, and that they should be cognizant of not getting out of step.

Opposition to the motion was expressed on the basis that the current bylaw addresses existing land.

**SP-APC-2024-017**

**It was Moved and Seconded,**

that the Advisory Planning Committee recommend the Local Trust Committee review maximum dwelling size for the agricultural zones recognizing requirements by the Agricultural Land Reserve and that those can change from time to time and that they should be cognizant of not getting out of step.

**CARRIED**

Rodney Kirkwood and Paul Petrie Opposed

**4.1.3 Forestry**

**4.1.4 Natural Resource**

Comments were raised that if changes were made to the Rural Residential zone, the other zones should also be changed to maintain consistency. Discussion ensued about whether or not the same table can be applied across zones.

**SP-APC-2024-018**

**It was Moved and Seconded,**

that the Advisory Planning Committee recommend the Local Trust Committee use the same tables that the Advisory Planning Commission recommended for Rural Residential zones for Forestry and Natural Resources zones.

**CARRIED**

Paul Petrie Opposed

**5. NEXT MEETING**

Discussion ensued about whether an additional meeting was needed. It was recommended that the Chair follow up with the Planner for feedback on motions that have been made.

Next meeting tentatively scheduled for Wednesday, **October 30 at 10:30am**

**6. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:36 p.m.

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Gordie Duncan, Chair

Certified Correct:

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Carly Bilney, Recorder