



File No.: SP Minor LUB Amendments Project

DATE OF MEETING: February 14, 2025

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 – Draft Bylaw No. 129

## RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to schedule a Community Information Meeting regarding draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project.
2. That the South Pender Island Local Trust Committee amend the Minor Land Use Bylaw Amendments Project Charter as attached to reflect the project’s updated timeline and budget.

## REPORT SUMMARY

This report is to provide the South Pender Island Local Trust Committee (LTC) with a draft bylaw for the Minor Land Use Bylaw (LUB) Amendments Project and to seek direction on and updated timeline for the Project Charter.

## BACKGROUND

The Minor Land Use Bylaw (LUB) Project was initiated in November 2023 with the endorsement of the [Project Charter](#). The focus of this project is to review amendments made to the LUB by Bylaw No. 122 and to review other minor and technical LUB amendments. The South Pender LTC divided the early engagement process into three phases – the first phase started with trustee-led workshops, and the second phase involved two Community Information Meetings (CIMs) in April 2024. The third phase was to send a referral to the South Pender Advisory Planning Commission (APC) for comments on specific aspects of this project. The South Pender APC recommendations and recommendations by APC members can be found on the [project webpage](#).

At the January 17, 2025 Special Meeting, the South Pender LTC passed the following resolution:

### SP-2025-001

that South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Land Use Bylaw Amendments Project in accordance with the staff report and trustee discussions dated January 17, 2025.

**CARRIED**

Staff prepared a draft Bylaw No. 129 (attached) incorporating the direction given at the January 17, 2025 LTC meeting. The draft bylaw includes:

- Retaining the setback to the natural boundary of the sea but amending the clause by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish”
- An amendment to the height regulation for dwellings and cottages by removing the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height”
- Amendments to the shipping container regulations by changing the lot size requirements
- Amendments to the recreational vehicles regulations to add clarity
- Amendments to revert the setback from the exterior and interior side lot line for dwellings and cottages from 6 metres (20 feet) to 3 metres (10 feet)
- Amendments to the Agriculture zone to remove the floor area requirements for dwellings and cottages and agri-tourism and agri-tourist accommodation conditions of use
- Amendment to Agriculture Subsection 5.5(3) to add clarity to the existing regulation

Staff is requesting direction from the LTC on how to proceed with amendments (if any) to the total and maximum floor area regulations.

The Project Charter, previous staff reports, draft bylaw, and correspondence received to date can be found on the [South Pender Project webpage](#). A [blackline version of Bylaw No. 114](#), which includes amendments from draft Bylaw No. 129, can be found on the Minor LUB Amendments Project webpage.

## ANALYSIS

The following is additional information requested by the LTC:

### Definition of a ‘storey’

#### BC Building Code

The LTC requested staff to research how the Capital Regional District (CRD) defines ‘floor area’ and ‘storey’ in the BC Building Code. The following applicable definitions are from the BC Building Code:

- Basement means a storey or storeys of a building located below the first storey
- Building means any structure used or intended for supporting or sheltering any use or occupancy
- First storey means the uppermost storey having its floor level not more than 2 m above grade
- Floor area means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies
- Storey means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- Article 3.2.2.9 Crawl Spaces
  - 1) For the purposes of Articles 3.1.11.6., 3.2.1.4. and 3.2.1.5., a crawl space shall be considered as a basement if it is
    - a) more than 1.8 m high between the lowest part of the floor assembly and the ground or other surface below,
    - b) used for any occupancy,
    - c) used for the passage of flue pipes, or

d) used as a plenum in combustible construction

The current South Pender LUB includes the following definitions:

- **Building** means a roofed structure, wholly or partially enclosed by walls, used or intended to be used for supporting or sheltering any use or occupancy
- **Floor area** means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass

If the LTC wishes to align the LUB with the BC Building Code by excluding ‘crawl spaces’ from the calculation of ‘floor area’, the LTC could do the following:

1. Add the following definition of a crawlspace to the LUB:  
“‘crawl space’ means the area between the lowest part of the floor assembly and the ground or surface below that is less than 1.8 metres in height and is not used for human habitation.”
2. And amend the floor area definitions so it reads:  
“‘**Floor area**’ means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of **a crawl space and** all other areas of a storey having a floor and a ceiling less than 1.5 metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.”

Adding a ‘crawl space’ definition could increase interpretation issues regarding what qualifies as a crawl space and how floor area is calculated.

If the LTC wishes to exclude crawlspace-like areas from the floor area calculation, it could consider amending the definition of ‘floor area’ by increasing a storey from 1.5 metres to 1.8 metres so the definition reads:

- “‘**Floor area**’ means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all other areas of a storey having a floor and a ceiling less than ~~1.5~~ **1.8** metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.”

The LTC also has the option of excluding ‘attached garages’ from the floor area calculation. However, as mentioned in a previous staff report, staff do not support this, as excluding interior spaces like attached garages could lead to their conversion into living spaces in the future.

**Total & Maximum Floor Area**

Option 1 – Increase maximum floor area by 500 ft<sup>2</sup>

At the January 17, 2025, LTC meeting, the LTC requested to review a new Rural Residential total and maximum floor areas table by increasing the maximum floor area for dwellings by 46.4 m<sup>2</sup> (500 ft<sup>2</sup>). The following table reflects this 500 ft<sup>2</sup> increase to the maximum floor area for dwellings as shown in the current LUB.

**Table 1 – Increase of 500 ft<sup>2</sup> to existing maximum floor area**

| 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> )            | <del>232 m<sup>2</sup> (2500 ft<sup>2</sup>)</del> 279 m <sup>2</sup> (3000 ft <sup>2</sup> ) |
| 0.4 ha to < 0.8 ha (1 to 2 acres) | 557 m <sup>2</sup> (6000 ft <sup>2</sup> )            | <del>279 m<sup>2</sup> (3000 ft<sup>2</sup>)</del> 325 m <sup>2</sup> (3500 ft <sup>2</sup> ) |
| 0.8 ha to < 1.6 ha (2 to 4 acres) | 743 m <sup>2</sup> (8000 ft <sup>2</sup> )            | <del>325 m<sup>2</sup> (3500 ft<sup>2</sup>)</del> 372 m <sup>2</sup> (4000 ft <sup>2</sup> ) |
| 1.6 ha to < 4 ha (4 to 10 acres)  | 836 m <sup>2</sup> (9000 ft <sup>2</sup> )            | <del>348 m<sup>2</sup> (3750 ft<sup>2</sup>)</del> 395 m <sup>2</sup> (4250 ft <sup>2</sup> ) |
| 4.0 ha (10 acres) or greater      | 1394 m <sup>2</sup> (15000 ft <sup>2</sup> )          | 372 m <sup>2</sup> (4000 ft <sup>2</sup> ) 418 m <sup>2</sup> (4500 ft <sup>2</sup> )         |

Option 2 – Revert total floor area and maximum floor area as it was prior to Bylaw No. 122

The LTC has the option to remove the current total and maximum floor areas as currently shown in the LUB and revert to the regulations in place before to the adoption of Bylaw No. 122. This option would eliminate the need for the clause.

The following table shows the maximum floor area for dwellings prior to the adoption of Bylaw No. 122.

**Table 3 – Total and Maximum Floor Area prior to adoption of Bylaw No. 122**

| <b>Siting and Size</b>           |   |  | <u>RR1</u> | <u>RR2</u> | <u>RR3</u> |
|----------------------------------|---|--|------------|------------|------------|
| (5)                              | <b>Maximum Floor Area per lot:</b>                    |  | ✓          | ✓          | ✓          |
| 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> (5000ft <sup>2</sup> )             | 353 m <sup>2</sup> (3800ft <sup>2</sup> )    |            |            |            |
| 0.4 ha to 0.79 ha (1 to 2 acres) | 557 m <sup>2</sup> (6000ft <sup>2</sup> )             | 418 m <sup>2</sup> (4500ft <sup>2</sup> )    |            |            |            |
| 0.8 ha to 1.59 ha (2 to 4 acres) | 743 m <sup>2</sup> (8000ft <sup>2</sup> )             | 520 m <sup>2</sup> (5600ft <sup>2</sup> )    |            |            |            |
| 1.6 ha to 3.9 ha (4 to 10 acres) | 836 m <sup>2</sup> (9000 ft <sup>2</sup> )            | 543 m <sup>2</sup> (5845ft <sup>2</sup> )    |            |            |            |
| 4.0 ha (10 acres) or greater     | 1858 m <sup>2</sup> (20000ft <sup>2</sup> )           | 560 m <sup>2</sup> (6030ft <sup>2</sup> )    |            |            |            |

Option 3 – Two separate total and maximum floor area tables for ‘land with dwelling’ and ‘bare land’ at the time of Bylaw No. 122 adoption.

The LTC has the option to create two separate tables. One table for lots where a dwelling existed on the property at the time of Bylaw No. 122 adoption (September 15, 2022). The second table for lots that were bare land at time of Bylaw No. 122 adoption. This option may eliminate the need for the clause.

Option 3 would require legal counsel review, which is currently not included in this phase of the project’s budget.

**Table 3 – Total and Maximum Floor Area for a lot with a legal dwelling before September 15, 2022**

Maximum *Floor Area* per *lot* for those *lots* with a legal *dwelling* before 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> (5000ft <sup>2</sup> )             | 353 m <sup>2</sup> (3800ft <sup>2</sup> )    |
| 0.4 ha to 0.79 ha (1 to 2 acres) | 557 m <sup>2</sup> (6000ft <sup>2</sup> )             | 418 m <sup>2</sup> (4500ft <sup>2</sup> )    |
| 0.8 ha to 1.59 ha (2 to 4 acres) | 743 m <sup>2</sup> (8000ft <sup>2</sup> )             | 520 m <sup>2</sup> (5600ft <sup>2</sup> )    |
| 1.6 ha to 3.9 ha (4 to 10 acres) | 836 m <sup>2</sup> (9000 ft <sup>2</sup> )            | 543 m <sup>2</sup> (5845ft <sup>2</sup> )    |
| 4.0 ha (10 acres) or greater     | 1858 m <sup>2</sup> (20000ft <sup>2</sup> )           | 560 m <sup>2</sup> (6030ft <sup>2</sup> )    |

**Table 4 – Total and Maximum Floor Area for a bare lot on or after September 15, 2022**

Maximum *Floor Area* per *lot* for those *lots* without a legal *dwelling* on or after 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> )            | 232 m <sup>2</sup> (2500 ft <sup>2</sup> )   |
| 0.4 ha to < 0.8 ha (1 to 2 acres) | 557 m <sup>2</sup> (6000 ft <sup>2</sup> )            | 279 m <sup>2</sup> (3000 ft <sup>2</sup> )   |
| 0.8 ha to < 1.6 ha (2 to 4 acres) | 743 m <sup>2</sup> (8000 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )   |
| 1.6 ha to < 4 ha (4 to 10 acres)  | 836 m <sup>2</sup> (9000 ft <sup>2</sup> )            | 348 m <sup>2</sup> (3750 ft <sup>2</sup> )   |
| 4.0 ha (10 acres) or greater      | 1394 m <sup>2</sup> (15000 ft <sup>2</sup> )          | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )   |

Draft Bylaw No. 129 currently does not include any amendments to total and maximum floor areas for Rural Residential or Forestry zones. If the LTC wishes to include such an amendment, direction to staff to revise the draft bylaw is required.

Draft Motion: *The South Pender Island Local Trust Committee gives direction to staff to amend draft Bylaw No. 122 by ....*

## Agricultural Land Reserve

The LTC requested if the *Agriculture Land Commission (ALC)* regulated total floor area of all buildings located within the *Agricultural Land Reserve*. The *ALC* only regulates floor area for a residences (a dwelling and/or cottage) as per the [Agricultural Land Reserve Regulation](#).

### STATUTORY REQUIREMENTS - PUBLIC HEARING

Recently the *Local Government Act* was amended to implement changes to public hearing procedures. Section 464(2) of the *Local Government Act (LGA)* now states that a local government is not required to hold a public hearing on a proposed land use bylaw if:

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
- (b) the bylaw is consistent with the official community plan.

If the LTC believes proposed land use bylaw amendment meets the two conditions above, then the LTC could decide not to hold a public hearing; however, notice would need to be given prior to First Reading of the draft bylaw. The LTC can also decide whether to hold a community information meeting (CIM) prior to First Reading which could in fact act as a de facto public hearing.

The decision to hold or not hold a public hearing must be made prior to first reading of the bylaw.

The process for not holding a public hearing (in compliance with Section 464(2) of the LGA) would be as follows:

1. LTC gives direction to staff to draft a LUB amending bylaw – **completed (January 17, 2025)**
2. Staff to initiate bylaw referrals to agencies and First Nations – **to be completed February 2025**
3. Staff brings forward the draft LUB for LTC’s review – **draft bylaw on Feb 14, 2025 LTC agenda**
4. LTC gives direction to staff to hold a Special Meeting for community members to speak to and ask questions about the draft bylaw – **draft motion will be presented to the LTC with the hope to schedule a Special Meeting in March or April 2025.**
5. LTC gives direction to staff to give Notice of First Reading. This notice would be placed in local newspapers and be posted to the LTC webpage and community notice boards – **motion presented at May 2, 2025 LTC meeting**
6. The LTC has the option to request staff to schedule a Community Information Meeting prior to First Reading – **motion presented at May 2, 2025 LTC meeting**
7. The LTC holds CIM and gives First, Second, Third reading, and direction to send to EC – **September 5, 2025 LTC Meeting**
8. Bylaw Adoption – **could be by Resolution Without Meeting in October 2025.**

If the LTC proceeds with giving Notice of First Reading, the following new timeline needs to be updated 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>Public engagement to identify issues – Trustee-led workshops and CIMs</i>            | <i>Jan-April 2024</i> |
| <i>APC referral</i>   | <i>May – Nov 2024</i> |
| <i>Review of APC &amp; engagement comments/LTC direction to draft bylaw</i>             | <i>Dec 2024</i>       |

|  |                                 |
|--|---------------------------------|
| <i>Review draft bylaw, referrals</i>   | <i>Feb 2025</i>                 |
| <i>Community Information Meeting(s) to gather comments on proposed bylaw</i>   | <i>Spring 2025</i>              |
| <i>LTC to give Notice of First Reading and give direction to staff for further bylaw amendments (if necessary)</i>           | <i>May 2, 2025 LTC Meeting</i>  |
| <i>Community Information Meeting, First Reading, Second Reading, Third Reading, and direction to send to EC for approval</i> | <i>Sept 5, 2025 LTC Meeting</i> |
| <i>Bylaw adoption (by RWM)</i>   | <i>Oct 2025</i>                 |

If the LTC would like to hold a public hearing then the normal public hearing statutory process will be followed:

1. LTC gives direction to staff to draft a LUB amending bylaw – **completed (January 17, 2025)**
2. Staff to initiate bylaw referrals to agencies and First Nations – **to be completed February 2025**
3. Staff brings forward the draft LUB for LTC’s review – **draft bylaw on Feb 14, 2025 LTC agenda**
4. LTC gives direction to staff to hold a Special Meeting for community members to speak to and ask questions about the draft bylaw – **draft motion will be presented to the LTC with the hope to schedule a Special Meeting in March or April 2025.**
5. LTC gives First Reading to draft Bylaw No. 129 – **potentially May 2, 2025 LTC meeting**
6. LTC gives direction to staff to schedule a Public Hearing – **motion presented at May 2, 2025 LTC meeting**
7. The LTC has the option to request staff to schedule a Community Information Meeting prior to the Public Hearing – **motion presented at May 2, 2025 LTC meeting**
8. The LTC holds CIM and Public Hearing and the LTC can give Second and Third Reading, and direction to send to EC – **September 5, 2025 LTC Meeting**
9. Bylaw Adoption – **could be by Resolution Without Meeting in October 2025.**

The following is the timeline in the [Project Charter](#) if the LTC proceeds with a Public Hearing:

| <b>Workplan Overview</b>   |                         |
|--|-------------------------|
| <b>Deliverable/Milestone</b>   | <b>Target Date</b>      |
| <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>Public engagement to identify issues – Trustee-led workshops and CIMs</i>                         | <i>Jan-April 2024</i>   |
| <i>APC referral</i>  | <i>May – Nov 2024</i>   |
| <i>Review of APC &amp; engagement comments/LTC direction to draft bylaw</i>                          | <i>Dec 2024</i>         |
| <i>Review draft bylaw, referrals</i>   | <i>Feb 2025</i>         |
| <i>Community Information Meeting(s) to gather comments on proposed bylaw</i>                         | <i>Spring 2025</i>      |
| <i>First opportunity for First Reading of draft bylaw</i>  | <i>Spring 2025</i>      |
| <i>Amendments to bylaw based on CIM comments/Opportunity of First and/or Second Reading of bylaw</i> | <i>Summer Sept 2025</i> |
| <i>Public Hearing (if necessary), Third reading &amp; EC referral</i>                                | <i>Sept 2025</i>        |
| <i>Bylaw adoption</i>  | <i>Fall 2025</i>        |

The Project Charter budget must be amended to reflect either a Public Hearing or Notice of First Reading, and to amend the fiscal year dates.

| Project Team  |   | Budget                                   |  |  |
|---|---|--|--|--|
| Island Planner  | Project Manager   | <b>Budget Sources:</b>                   |  |  |
| Planning Team Assistant   | Admin Support   | Fiscal                                   | Item   | Cost                                   |
| Legislative Clerk   | Legislative Support   | 2023/24                                  | Legal Opinion (optional)   | \$2000                                 |
| GIS Technician  | GIS/Mapping Support   | 2023/24                                  | APC Referral   | \$500                                  |
|   |   | 2023/24                                  | Public engagement (hall rental, advertising, minute taker, supplies) | \$2500                                 |
|   |   | <del>2024/25</del><br><del>2025/26</del> | Community Information Meetings (includes advertising)                | <del>\$1500</del><br><del>\$500</del>  |
|   |   | <del>2024/25</del><br><del>2025/26</del> | Public Hearing/Notice of First Reading                               | <del>\$2000</del><br><del>\$2500</del> |
|   |   |  |  |  |
|   |   |  |  |  |
| <b>RPM Approval:</b><br><i>Robert Kojima</i><br><b>Date:</b> November 3, 2023 | <b>LTC Endorsement:</b><br>Resolution #: SP-2023-045<br><b>Date:</b> Nov 10, 2023 |  |  |  |
|   |   |  | Total  | <del>\$8500</del><br><del>\$8000</del> |

### FAQ Document

The [Frequently Ask Questions \(FAQ\) document](#) is updated to reflect the question regarding the creation of legal non-conforming situations due to the adoption of Bylaw No. 122.

### Rationale for Recommendation

Staff recommends the LTC schedules a Community Information Meeting to allow the public to speak to and ask questions regarding the draft bylaw.

### ALTERNATIVES

#### 1. Schedule an electronic Special Meeting

If the LTC requires additional time prior to giving direction to staff to draft a bylaw, then a special electronic meeting could be held in the New Year.

Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee request staff to schedule an electronic special meeting for the Minor LUB Amendment Project.*

#### 2. 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...*

**3. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

Next steps include:

- Send referrals for draft Bylaw No. 129
- Schedule CIM for March/April 2025 (if direction given)
- Amend Project Charter

|               |                               |                  |
|---------------|-------------------------------|------------------|
| Submitted By: | Kim Stockdill, Island Planner | February 6, 2025 |
|---------------|-------------------------------|------------------|

Attachment:

1. Draft Bylaw No. 129

# DRAFT

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 129

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

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The South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island Local 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. 1, 2025”.

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 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(5) is amended by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish” so it reads:

“Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to September 15, 2022, 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 on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit substantive evidence to establish the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”

2.2 Section 3.4 – Height Regulations, Subsection 3.4(1) is amended by deleting the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height.” so it reads:

“A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height.”

2.3 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(b) by deleting “1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres)”.

2.4 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(c) by deleting “with an area greater than 1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres) or greater in area”.

2.5 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting Article 3.10(1)(f).

2.6 Section 3.10 – Use of Recreational Vehicles as a Dwelling, Subsection 3.10 (1) by deleting the words “on the lot” and adding them after the word “prohibits” so it reads:

“Nothing in this Subsection prohibits on a lot the storage of recreational vehicles that are not being used as dwellings.”

- 2.7 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by adding the following new Subsection 3.10(2) that reads:

“Where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* must not exceed 90 days in a calendar year.”

- 2.8 Section 5.1 – Rural Residential Zones, by deleting Subsections 5.1(9) and 5.1(10) in their entirety and by making such consequential numbering alterations to effect this change.

- 2.9 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(11) – Subdivision Lot Size Requirements by deleting the words “Subject to subsection 5.1(10),”.

- 2.10 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(12) – Site-Specific Regulations by deleting references to “5.1(10)” and replacing them with “5.1(11)”.

- 2.11 Section 5.5 Agriculture (A), by amending Article 5.5(1)(d) by deleting the words “subject to Subsections 5.5(13) to 5.5(16)and replacing them with “(as permitted by the Agricultural Land Commission)”

- 2.12 Section 5.5 Agriculture (A), by amending Article 5.5(1)(e) by deleting the words “, subject to Subsections 5.5(15) to 5.5(2), and as permitted by the Agricultural Land commission” and replacing them with “(as permitted by the Agricultural Land Commission)”

- 2.13 Section 5.5 Agriculture (A), by deleting Subsection 5.5(3) and replacing it with:

“Despite Subsection 5.5(2), one cottage or one dwelling for the housing of persons engaged in on-going agricultural activities on the lot, is permitted on each lot in addition to the dwelling permitted in Subsection 5.5(2).”

- 2.14 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) to 5.5(22) in their entirety, by making such consequential numbering alterations to effect this change, and by moving the Information Note under the newly renumbered Subsection 5.5(9).

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY