



File No.: SP LUB Amendments
Project

DATE OF MEETING: August 12, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Post Public Hearing Report – LUB Amendments Project – Proposed Bylaw No. 122

DRAFT MOTIONS:

The following are draft motions found throughout the staff report for the South Pender Local Trust Committee's (LTC) consideration for the Land Use Bylaw (LUB) Amendments Project:

1. **That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended:**
 - a. **By adding the following to the clause regarding maximum floor area and setback regulations: "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."**
 - b. **By adding a clause to the Agriculture, Forestry, and Natural Resource zones to allow for a replacement dwelling that would not exceed the floor area at the time of bylaw adoption.**
 - c. **By adding the following to the definition of 'floor area': "exclusion of a storey that is not fully enclosed by a floor, ceiling, and four walls."**
 - d. **By adding a definition for 'basement floor area' and amend the definition of 'floor area' to exclude basement floor areas.**
 - e. **By retaining the maximum floor area regulations for dwellings as specified in the current South Pender Island Land Use Bylaw No. 114.**
 - f. **By increasing the maximum floor area for dwellings in Sections 2.8, 2.16, 2.21, and 2.23 for:**
 - i. **Lots less than 0.4 ha (1 acre) to XX m² (XX ft²),**
 - ii. **Lots with an area of 0.4 ha (1 acre) to less than 0.8 ha (2 acres) to XX m² (XX ft²),**
 - iii. **Lots with an area of 0.8 ha (2 acres) to less than 1.6 ha (4 acres) to XX m² (XX ft²),**
 - iv. **Lots with an area of 1.6 ha (4 acres) to less than 4 ha (10 acres) to XX m² (XX ft²),**
AND/OR
 - v. **Lots greater than 4 ha (10 acres) to XX m² (XX ft²).**

- g. **By adding a clause to the setback from the natural boundary of the sea to allow the reconstruction of a dwelling within the same location as long as the dwelling is not closer to the natural boundary of the sea.**
- h. **By adding a height restriction that at no point may a dwelling exceed 12 metres in height.**
- i. **To increase the maximum floor area of a cottage in the Agriculture zone to 90 m².**

REPORT SUMMARY

The purpose of this staff report is to provide an update on proposed Bylaw No. 122, and also provide options for the South Pender Island Local Trust Committee (LTC)'s consideration after the Public hearing.

BACKGROUND

A Community Information Meeting (CIM) and Public Hearing was scheduled for the May 6, 2022 South Pender Island Local Trust Committee (LTC) regular meeting. Due to the inadequate meeting space, large number of community member attending the meeting, and lack of internet connection, the CIM and Public Hearing were to be scheduled at a later date in a larger meeting space. The following resolution was passed at the May 6, 2022 LTC meeting:

SP-2022-022

It was Moved and Seconded,

that the Public Hearing for Bylaw Nos. 122 and 123 be delayed to a later date.

CARRIED

The South Pender Island LTC held an in-person CIM on June 2, 2022 with over 50 community members in attendance. A second CIM was held online on June 17, 2022. A public hearing for proposed Bylaw No. 122 was held on July 23, 2022.

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

PROPOSED BYLAW NO. 122

Topics for Further Discussion/Direction or Clarification

Below are a list of questions or comments received over the past month from the Community Information Meetings, Public Hearing and correspondence that the LTC may wish to consider:

1. Re-building a Dwelling Clause

The LTC has included a clause in proposed Bylaw No. 122 that states:

“Despite [the new, more restrictive maximum floor area regulations], 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.”

Proposed Bylaw No. 122 also includes a similar clause for the more restrictive interior and exterior side lot line regulations. In other words, if you need to rebuild a dwelling, you may do so and rebuild it to the floor area or siting of the pre-existing dwelling at the time of bylaw adoption.

In order to add further clarity and based on legal suggestion, staff recommend adding the following to the clause: “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.” The clause would then read:

“Despite [the new, more restrictive maximum floor area regulations], 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.”

Motion ‘a’:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding the following to the clause regarding maximum floor area and setback regulations: “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.”

At the May 6th LTC meeting, the LTC added maximum floor area regulations to the Agriculture, Forestry and Natural Resource zones. Staff suggested adding the above clause to these zones.

Motion ‘b’:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding a clause to the Agriculture, Forestry, and Natural Resource zones to allow for a replacement dwelling that would not exceed the floor area at the time of bylaw adoption.

2. Definition of ‘Floor Area’

There has been confusion if the calculation of floor area includes attached garages or carports. The definition of ‘floor area’ in proposed Bylaw No. 122 reads:

“floor area” means the sum of the horizontal areas of all storeys in a building, measured to the outer 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.

The definition of ‘floor area’ could be amended to include the following to the end of the definition: “and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.”

Motion 'c':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding the following to the definition of 'floor area': "exclusion of a storey that is not fully enclosed by a floor, ceiling, and four walls."

3. Basements

The calculation of floor area currently excludes those areas that have a floor and ceiling less than 1.5 metres apart (generally crawlspaces and loft areas). Comments were received to eliminate basements from the calculation of floor area for dwellings. The issue with this approach is determining what constitutes a basement. One option the LTC may wish to consider is based on Whistler's Land Use Bylaw which includes a definition of 'basement floor area' and excludes basement floor area from the calculation of floor area. In order to achieve this, the LTC would amend proposed Bylaw No. 122 by:

1. Add a definition of 'basement floor area' similar to Whistler's:

Definition A: "'basement floor area' means the portion of the lowest story of a dwelling, at least 50% of the exterior wall height of which is below the level of natural grade adjoining the wall, and for this purpose 'wall height' means the vertical distance from the level of the finished floor to the underside of the floor system above."

OR

A definition of 'basement' based on other municipality's land use bylaws:

Definition B: "'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."

2. Amend the floor area tables in the zones where a maximum floor area for dwellings are regulated so that the header reads "the floor area of a dwelling, exclusion of basement floor area, may not exceed..."

Motion 'd':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a definition for 'basement floor area' and amend the definition of 'floor area' to exclude basement floor areas.

Each approach to excluding basements from the calculation of floor area would require detailed site plans and elevation plans to determine what would define a 'basement'. The LTC should consider which option is the easiest to interpret for the general public.

4. Increasing Maximum Floor Area for Dwellings

At the Community information Meetings, a number of community members expressed concerns with the proposed more restrictive maximum floor area regulations for dwellings. In order to address some of the concerns the LTC may wish to consider amending the proposed bylaw to alter or eliminate the contentious issues by:

- Removing the restrictions to maximum floor area (Motion 'e'); or
- Increasing the maximum floor area numbers proposed in Bylaw No. 122 (Motion 'f').

Motion 'e':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by retaining the maximum floor area regulations for dwellings as specified in the current South Pender Island Land Use Bylaw No. 114.

Motion 'f':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by increasing the maximum floor area for dwellings in Sections 2.8, 2.16, 2.21, and 2.23 for:

- *Lots less than 0.4 ha (1 acre) to XX m² (XX ft²),*
- *Lots with an area of 0.4 ha (1 acre) to less than 0.8 ha (2 acres) to XX m² (XX ft²),*
- *Lots with an area of 0.8 ha (2 acres) to less than 1.6 ha (4 acres) to XX m² (XX ft²),*
- *Lots with an area of 1.6 ha (4 acres) to less than 4 ha (10 acres) to XX m² (XX ft²), AND/OR*
- *Lots greater than 4 ha (10 acres) to XX m² (XX ft²).*

5. Setback to the NB of the Sea

The proposed Bylaw No. 122 currently does not have a clause that would allow the reconstruction of a dwelling in the same location prior to bylaw adoption. The LTC could consider the following draft motion to amend proposed Bylaw No. 122:

Motion 'g':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a clause to the natural boundary of the sea setback to allow the reconstruction of a dwelling within the same location as long as the dwelling is not closer to the natural boundary of the sea.

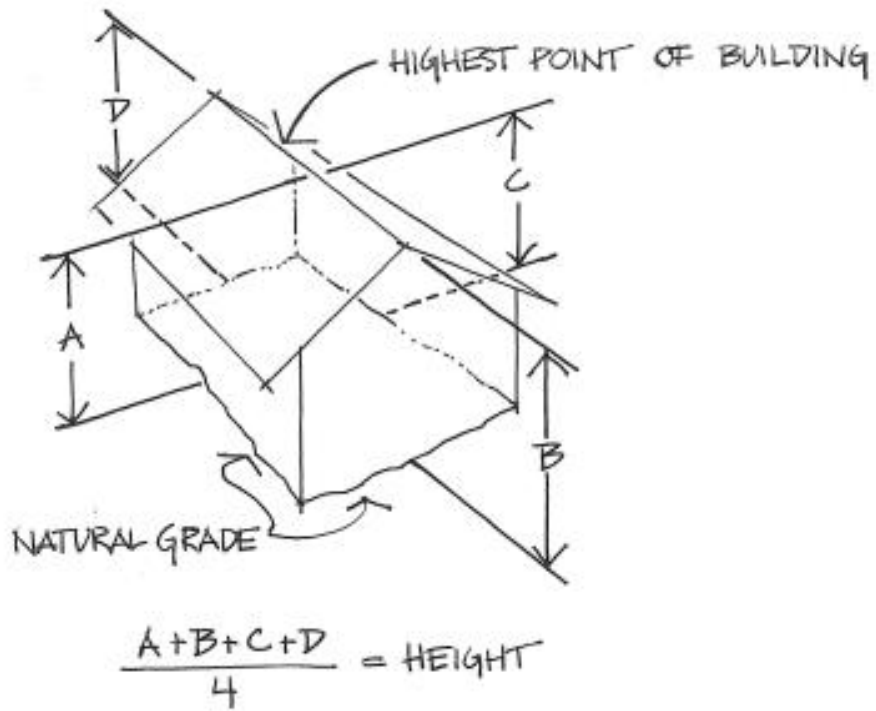
6. Height

At the May 6, 2022 meeting, the discussion on if the calculation for height in the South Pender Island LUB could be improved. Currently height is defined as:

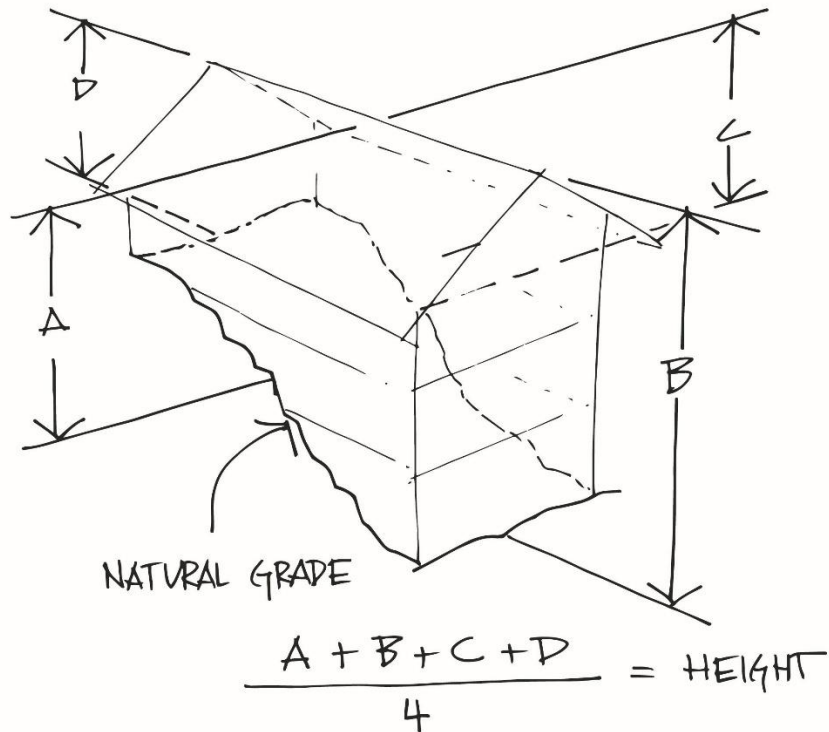
"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the distance between the natural grade and the highest point of a building or structure measured at the midpoints of all the exterior walls."

If the natural grade has a minor (or no) slope, the calculation of height is easily determined and the mass of the building is relative to the 9.2 metre (30 feet) height restriction for dwellings. In contrast, when a dwelling is constructed on a steep slope, one side of the dwelling may be only one-storey in height (see Point D in Drawing No. 2 below) and the opposite side of the house could be three or more storeys in height (see Point B in Drawing No. 2) yet the building would still comply with the maximum height of a dwelling. These types of dwellings are more evident on visible properties with a steep slope. When viewing these dwellings from the road or the water, it can give the impression that the dwelling throughout is over three storeys, not in compliance with the height restriction, and creates the appearance of large massed buildings.

Drawing No. 1 – Height Calculation with minor slope
(drawing from SP LUB)



Drawing No. 2 – Height Calculation on Steep Slope



If the LTC is concerned with the visual impact of large dwellings on steep slopes, staff suggest retaining the maximum height of 9.2 metres for dwellings, but the LTC could consider adding an additional regulation that states that at no point shall a dwelling exceed a height of X metres. Since 2018, staff have only received one building permit review where a dwelling required a height survey to confirm height. This dwelling was to be constructed on a steep slope (similar to Drawing No. 2) and the maximum building height elevation was 12.8 metres (at Point B). This allowed for a three-storey structure and small crawlspace on the elevation facing the waterfront. Based on the one BP received over the past five years for a dwelling on a steep slope, the LTC could add an additional regulation that states at no point shall a dwelling height elevation exceed 12.0 metres (40 feet) in height.

Motion 'h':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a height restriction that at no point may a dwelling exceed 12 metres in height.

7. Error in Bylaw – Agriculture Cottage Size

The South Pender LTC wished to increase the maximum floor area of a cottage in the Agriculture zone from 70 m² to 90 m² to reflect the changes of the Agricultural Land Commission regarding flexible housing options. The current version of proposed Bylaw No. 122 does not reflect things change and therefore the following motion is required to increase the maximum floor area of a cottage (as discussed at the November 5, 2021 and February 4, 2022 LTC meetings):

Motion 'i':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended to increase the maximum floor area of a cottage in the Agriculture zone to 90 m².

8. In-Stream Building Permit Applications at Bylaw Adoption/Grace Period

If a property owner is in the process of constructing, and Bylaw No. 122 is adopted during the construction, regulations would apply where an owner has initiated work to establish the use (land clearing, constructing driveway, foundation, etc.). If no work has commenced, the new, more restrictive regulations would apply, even if a Building Permit has been issued. As staff review an average of 6 South Pender building permits per year, a fraction of which are for new dwellings, the likelihood that there would be an in-stream building permit application for a new dwelling that would not comply the new regulations is small. If the bylaw advances to consideration of adoption, staff would review recent building permit reviews and advise the LTC if there were any that may not comply the new regulations.

AMENDMENTS:

The LTC has the discretion to amend the bylaw before or after the Public Hearing. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

PUBLIC HEARING

A public hearing was held on July 23, 2022. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval (Minister approval is not required for LUB amendments).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

If the Executive Committee approves proposed Bylaw No. 122, the next step for the LTC would be to adopt the bylaw.

FIRST NATIONS: At this time the recommendations comply with the Islands Trust Reconciliation Declaration and the Local Trust Committee Standing Resolutions on Reconciliation.

RATIONALE FOR RECOMMENDATION

At this time, staff are not providing the LTC with a formal recommendation based on the strong opposition from some community members. In order to address some of the concerns expressed from written communication and the CIMs, the LTC may wish to consider amending the proposed bylaw to alter or eliminate the contentious issues. The LTC also has the option to move forward with proposed Bylaw No. 122 by making amendments (noted in the staff report) and to proceed with Second and Third Reading to the bylaw, and then send it to Executive Committee for approval.

OPTIONS

1. Make amendments to the bylaw

The South Pender Island LTC may amend proposed Bylaw No. 122.

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by:...

2. Give the bylaw Second Reading

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be read a second time.

3. Give the bylaw Third Reading

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be read a third time.

4. Send the bylaw to Executive Committee for approval

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

5. Receive for information

The LTC may receive the report for information.

6. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 122.

Resolution:

That the South Pender Island Local Trust Committee proceed no further with Bylaw No. 122.

Submitted By:	Kim Stockdill, Island Planner	July 27, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 27, 2022

ATTACHMENTS

1. Proposed Bylaw No. 122

PROPOSED

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*.”

““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” in 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 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.”

2.7 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).

2.8 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)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

”

2.9 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.”

2.10 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).” ✓ ✓ ✓

2.11 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*.” ✓ ✓ ✓

2.12 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.”

2.13 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(11) to 5.5(15);”

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

“Accessory *agri-tourist* accommodation, subject to Subsections 5.5(14) to 5.5(21), and as permitted by the Agricultural Land Commission;”

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

2.16 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)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

"

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

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

2.18 By adding the following 'Information Note' after the newly created Subsection 5.5(10):

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."*

2.19 By removing the word "Rescinded" adding the following to the newly renumbered Subsection 5.5(11):

"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).

2.20 By adding the following new subsections after Subsection 5.5(11) under 'Conditions of Use' and renumber accordingly:

"5.5(12) Agri-tourism buildings or structures are not permitted.

5.5(13) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.

5.5(14) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.

5.5(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.

5.5(16) Agri-tourist accommodation must be accessory to an active agri-tourism

activity.

5.5(17) *Agri-tourist accommodation* must be *accessory to a farm use*.

5.5(18) *Agri-tourist accommodation buildings and structures* must not exceed a *floor area* of 90 m² (969 ft²).

5.5(19) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.

5.5(20) *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(21) 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.

2.21 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)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

”

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

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

2.23 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)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

..

2.24 By adding the following new subsection after Subsection 5.7(6) 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 6TH DAY OF MAY 2022.

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