



Alberni-Clayoquot Regional District

ELECTORAL AREA DIRECTORS COMMITTEE MEETING

THURSDAY, OCTOBER 24, 2019, 1:00 PM

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

AGENDA

	PAGE #
1. <u>CALL TO ORDER</u>	
Recognition of Territories.	
2. <u>APPROVAL OF AGENDA</u>	
<i>(motion to approve, including late items requires 2/3 majority vote)</i>	
3. <u>ADOPTION OF MINUTES</u>	
a. Electoral Area Directors Committee Meeting held October 16, 2019	2-4
<i>THAT the minutes of the Electoral Area Committee meeting held on October 16, 2019 be received.</i>	
4. <u>REQUEST FOR DECISIONS & BYLAWS</u>	
a. REQUEST FOR DECISION	5-27
Zoning Bylaw Review	
<i>THAT the Electoral Area Directors Committee provide direction on updating the draft Zoning Bylaw as outlined in the Zoning Bylaw Review report.</i>	
5. <u>LATE BUSINESS</u>	
6. <u>ADJOURN</u>	



Alberni-Clayoquot Regional District

MINUTES OF THE ELECTORAL AREA DIRECTORS COMMITTEE MEETING HELD ON WEDNESDAY, OCTOBER 16, 2019, 12:30 PM

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

DIRECTORS PRESENT: Penny Cote, Chair, Director, Electoral Area "D" (Sproat Lake)
Bob Beckett, Director, Electoral Area "A" (Bamfield) (via tele-conference)
Tanya Shannon, Director, Electoral Area "B" (Beaufort)
Kel Roberts, Director, Electoral Area "C" (Long Beach)
John McNabb, Director, Electoral Area "E" (Beaver Creek)
Dianne Bodnar, Director, Electoral Area "F" (Cherry Creek)
Josie Osborne, Mayor, District of Tofino

STAFF PRESENT: Douglas Holmes, Chief Administrative Officer
Mike Irg, Manager of Planning and Development
Wendy Thomson, Manager of Administrative Services
Alex Dyer, Planner

1. CALL TO ORDER

The Chairperson called the meeting to order at 12:34 pm.

The Chairperson recognized the meeting today is being held in the Tseshaht First Nation and the Hupacasath First Nation Territories.

2. IN-CAMERA

MOVED: Director McNabb

SECONDED: Director Shannon

*THAT the meeting be closed to the public as per the Community Charter, section:
i. 90 (1) (i): the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED

The meeting was closed to the public at 12:35 pm.

The meeting was re-opened to the public at 1:31 pm.

The Chairperson re-convened the open portion of the meeting at 1:36 pm.

3. APPROVAL OF AGENDA

MOVED: Director McNabb

SECONDED: Director Roberts

THAT the agenda be approved as circulated.

CARRIED

4. REQUEST FOR DECISION

a. Request for Decision regarding Cannabis Production Zoning Options

MOVED: Director McNabb

SECONDED: Director Shannon

THAT the Electoral Area Directors Committee recommend that the ACRD Board of Directors support option 1 - amending Bylaw P1399 to remove the minimum lot size requirement for cannabis production on properties in the ALR.

CARRIED

MOVED: Director McNabb

SECONDED: Director Roberts

THAT the Electoral Area Directors Committee recommend that the ACRD Board of Directors also move forward with option 3 – consider alternative forms of cannabis production, such as converting shipping containers and prefabricated buildings, increased setbacks and a maximum lot coverage to be incorporated into an amendment to Bylaw P1399 and FURTHER instruct staff to come back with recommendations on incorporating a 60 meter setback on non-ALR lands.

CARRIED

MOVED: Director Shannon

SECONDED: Director McNabb

THAT the Electoral Area Directors Committee recommend that the ACRD Board of Directors consider developing policies around cannabis production facilities during the upcoming Board Strategic Planning Session.

CARRIED

5. LATE BUSINESS

6. ADJOURN

MOVED: Director McNabb

SECONDED: Director Roberts

THAT this meeting be adjourned 2:40 pm.

CARRIED

Certified Correct:

Penny Cote,
Chairperson

Wendy Thomson,
Manager of Administrative Services



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

REQUEST FOR DECISION

TO: Electoral Area Directors Committee

FROM: Amy Anaka, Planner

MEETING DATE: October 24, 2019

RE: Zoning Bylaw Review

Recommendation:

THAT the Electoral Area Directors Committee provide direction on updating the draft Zoning Bylaw as outlined in the Zoning Bylaw Review report.

Background:

At the September 4, 2019 Electoral Area (EA) Directors Committee meeting ACRD staff presented a summary of the Zoning Bylaw Review public consultation undertaken between May and August 2019. The feedback received from residents, property owners and other members of the public on the proposed Zoning Bylaw and Official Community Plan (OCP) updates was summarized into eight categories.

Although most of the suggested changes to the proposed updated Zoning Bylaw and OCP's could be addressed by ACRD staff, there were several suggestions for changes that required input and direction from the Committee before moving forward. Items that staff were seeking specific Committee input and direction on how to move forward included the following:

- Private moorage facilities (dock) size for shallow waters.
- A no wake and/or slow zones on the surface of the water.
- A 15 m building setback in the Zoning Bylaw from all lakes (including Sproat Lake) and 30 m Development Permit Area (DPA) in the Sproat Lake OCP.
- A new Bamfield Commercial sub-zone (C2-A).
- Minimum lot size for Accessory Dwelling Units (ADUs).

The September 4 Electoral Area Directors Committee meeting included a discussion around the above items, as well as a request for staff to investigate the following:

- Proposed regulation for roosters as an accessory use on lots less than 2 ha.
- Increasing the proposed 4.5 m setback for a building or structure for the keeping of animals.
- Proposed dock regulation in the W4 Commercial Water Zone.
- The use of recreational vehicles as dwelling units on residential properties.

The Committee also heard comments from a Bamfield resident and property owner regarding commercial zoning setbacks and project timelines. As the Zoning Bylaw Review discussion was not completed at the September 4th Electoral Area Directors Committee before the meeting ended, the Committee continued the discussion at the September 11, 2019 EA Directors Committee meeting.

At the September 11, 2019 meeting staff re-capped the September 4 presentation to the Committee and continued the presentation on the Zoning Bylaw Review. The Committee heard from another Bamfield property owner regarding the proposed Bamfield commercial zoning, as well as a Sproat Lake resident and property owner regarding concerns of the Sproat Lake Community Association. The Committee provided input into the proposed Zoning Bylaw Review as outlined in the report, and requested staff to further research a number of items and report back at a future Committee meeting with proposed options for updates to the draft Zoning Bylaw and/or OCPs.

Items for EA Directors Committee Consideration:

As requested by the Committee at the September 11, 2019 meeting, staff have researched the following 10 items for consideration by EA Directors (refer to Appendix A: Zoning Bylaw Review Items for EA Directors Committee Consideration):

1. Keeping of animals building/structure setbacks
2. Roosters
3. Extent and size of docks
4. Extent of docks in bays
5. Water Commercial Zone (W4) – commercial moorage density
6. No wake/slow zones on Sproat Lake
7. Proposed Bamfield Commercial Zone (attached to this report as Appendix 'B')
8. Recreational vehicles
9. Accessory dwelling units
10. Bed and breakfast as a home occupation

For each of the 10 items, staff have included current and proposed Zoning Bylaw regulation, examples of other local government regulation, options for changes to the proposed Zoning Bylaw, and staff recommendations. Staff are seeking Committee input on the 10 items and direction on how to proceed with changes to the draft Zoning Bylaw.

Next Steps:

Once the EA Directors Committee recommendations are received regarding changes to the proposed Zoning Bylaw, staff will update the document and prepare for preliminary agency and First Nation referrals. Staff will also organize Advisory Planning Commission meetings for members to review and provide input on the documents that have been updated since the public open houses.

Staff are also seeking direction from the Committee regarding holding additional public consultation events before first reading of the Bylaw is considered by the Regional Board.

Additional next steps on the Zoning Bylaw Review include the following:

- Legal review: A legal review was completed for the 2016 draft Zoning Bylaw. Since the document has undergone some significant updates since this initial legal review, staff will be seeking an additional legal review before first reading of the Bylaw.
- Incorporate comments received from agency and First Nations referrals, and APC members.
- Resolve current Land Use Contracts (LUC's): The Provincial government has mandated the termination of all LUC's by June 30, 2024. LUC's are proposed to be included in the updated Zoning Bylaw as sub-zones.
- First reading of the Bylaw.
- Official agency and First Nation referrals.
- Public Hearing: This will provide another opportunity for public input, as any individual or agency can provide comments until termination of the Public Hearing.
- Second and third readings of the Bylaw.
- Adoption of the Bylaw.

Staff will provide additional updates to the EA Directors Committee and Regional Board regarding project updates and next steps until final adoption.

Prepared by: 

Amy Anaka, MCIP, RPP
Planner

Reviewed by: 

Mike Irg, MCIP, RPP
Manager of Planning and Development

Approved by: 

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

1. KEEPING OF ANIMALS BUILDING/STRUCTURE SETBACKS

Current Zoning Bylaw Regulation

- On lots over 0.4 ha: Buildings, structures, cages, pens or runs must be 9.144 m (30 ft) from lot lines or dwellings on the same lot.
- On lots in the A districts 0.8 ha to 2 ha: Buildings, structures, cages, pens or runs must be 24.384 m (80 ft) from any lot line.

Proposed Zoning Bylaw Regulation

For keeping of animals as an accessory use on properties less than 2 ha (4.94 ac):

- A building or structure for keeping household livestock shall in no case be sited within 4.5 m (14.8 ft) of any lot line or dwelling unit.
- Portable or stationary household poultry enclosure must meet minimum setback requirements of the applicable zone and can't be sited within 4.5 m of any lot line or dwelling unit (not permitted within a front yard).
- A beehive shall be located at least 7.5 m (24.6 ft) from all lot lines.

- A building or structure used for the keeping of livestock must be located at least 15 m (49.2 ft) from all lot lines, watercourses and dwelling units.
- Regulations don't apply to properties with farm status or those in the ALR.
- From a minor stream or the ocean for all buildings, structures and uses: 15 m (major stream: 30 m).

Other Local Government Regulation

Ministry of Agriculture

Setback recommendations for principal farm buildings, animal containment, and storage (for lots in the ALR):

- Beehive: 7.5 m
- Livestock, poultry barn, brooder house; livestock shelter; stable; confined livestock area: 15-30 m

City of Port Alberni	Comox Valley Regional District	Regional District of Nanaimo	City of Kamloops (Animal Control Bylaw)	Cowichan Valley Regional District (EA D - Uplands)
Single Family zones: • Building or structure for poultry: not in front yard, and 3 m from any lot line. • Beehive: minimum of 7.5 m from neighbouring property line. Agriculture and Future	• Animal kennels: 15 m (on ALR land or lots abutting a lot zoned Residential: 30 m). • Chicken enclosure: 1.5 m from side, 1.2 m from rear and 4.5 m from lot lines fronting a highway; 3 m from a	• Keeping of household poultry on lots less than 1,000 m ² (0.1 ha/0.25 ac) as an accessory use: 2 m from any lot line (not located in front or exterior side yard). • For all agriculture or farm buildings, structures and uses: 0 m setback for buildings and structures 10 m ² (108 ft ²) or less	• On lots 0.37 ha to 0.4 ha/1 ac: rear yard only; 1 m side yard; 1 m rear yard; 3 m from any door or window of any dwelling unit. • On lots 0.4 ha/1 ac or greater (in zones other than A-1) structure: 46 m from any highway; 7.5 m from any	• Buildings, structures and enclosures for hens: not in front yard, and 6 m of a side or rear parcel line. • No building or structure used for the keeping of animals, poultry or livestock: 30 m of a watercourse or well.

<p>Development zones:</p> <ul style="list-style-type: none"> • All buildings, structures, cages, pens or runs used for kennels, aviaries, or bees, cows, goats, horses, pigeons, and poultry: 25 m from all lot lines, and not less than 9 m from a dwelling situated on the same lot. • Kennels permitted on lots 2 ha or greater, and all structures and areas used in association with the kennel shall be 30 m from all property lines. 	<p>dwelling unit; not permitted in front yard.</p> <ul style="list-style-type: none"> • Any building used to accommodate domesticated, exotic or display animals, other than household pets: 30 m from the boundary of any lake, sea, watercourse or wetlands. 	<p>that house any livestock or poultry, game or other furbearing farm animals; 15 m for 50 m² (538 ft²) or less, or confined livestock area; 30 m setback for more than 50 m².</p> <ul style="list-style-type: none"> • All other agricultural buildings or structures: 8 m • All agriculture or farm buildings, structures and uses housing livestock or poultry: 30 m from well, spring, or natural boundary of a watercourse. • Kennels permitted on lots 2 ha or larger, 30 m setback for all structures and uses from all property lines. 	<p>other property line; and 9 m from any dwelling unit.</p> <ul style="list-style-type: none"> • On lots 0.4 ha/1 ac or great in A-1 (Agricultural) zones only structure: 46 m from any other property line; and 9 m from any dwelling unit. 	
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Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Add: Kennels permitted on lots 2 ha or greater, and all buildings, structures, pens, runs or cages used in association with the commercial kennel shall be 25 m from all lot lines.
- Delete: ‘3.18.7 Regulations don’t apply to properties with farm status or those in the ALR.’, as farm status can change, and to allow for consistency between all zones.
- Keep all other setbacks as proposed.

2. ROOSTERS

Current Zoning Bylaw Regulation

Roosters permitted in A districts with 0.8 ha minimum lot size.

Proposed Zoning Bylaw Regulation

- Roosters permitted on lots larger than 1 ha.
- 2 ha or greater in Rural and Resource zones any number of poultry permitted, including roosters.

Other Local Government Regulation

Comox Valley Regional District	Regional District of Nanaimo	City of Kamloops (Animal Control Bylaw)	Cowichan Valley Regional District
Roosters are not permitted as a domestic agriculture use. Permitted on ALR land and for agricultural principal uses.	On parcels less than 1,000 m ² (0.1 ha/0.25 ac) no roosters, cockerels or peacocks and the like are permitted.	<ul style="list-style-type: none"> • One and two family single family residential: Minimum 370 m² (.03 ha) up to 4,000 m² (0.4 ha/1 ac) permitted 2 to 5 hens, no roosters. • In all zones other than A-1: Minimum 0.4ha/1 ac or greater permitted up to 30 head of any poultry including roosters, but commercial poultry farming is not permitted. • In A-1 zones only: Minimum 0.4 ha/1 ac) or greater unlimited number of any poultry, including roosters. • Any residential zoned parcel less than 0.4 ha/1 ac) hens not permitted to remain outside of the fully enclosed indoor portion of the structure, pen, or enclosure during night time hours (between dusk and dawn). 	Roosters not permitted in any zone that does not permit Agriculture or Limited Agriculture.

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Update to permit roosters as an accessory use on lots between 0.4 ha (1 ac) and 2 ha (5 ac), and keep proposed building/structure setbacks as is (4.5 m, and not in front yard).
- Add: 'pens, runs or cages' to 4.5 m building/structure setback.
- Specify only 1 rooster permitted as an accessory use on lots between 0.4 ha and 2 ha.
- Any number of poultry, including roosters, are proposed to be permitted on lots 2 ha or greater in Rural and Resource zones.

3. EXTENT & SIZE OF DOCKS

Current Zoning Bylaw Regulation

- No private float or wharf shall extend any further distance from the shore than is necessary for boat access and moorage.
- Where the presence of an unlighted float or wharf is likely to constitute a navigational nuisance, the Building Inspector may require that it carry adequate lighting to alleviate the nuisance.

Proposed Zoning Bylaw Regulation

- Length of any structure including floating vessel, watercraft or boat shelter: 7.6 m
- Docks in freshwater environment: 30 m maximum extent distance into the foreshore from the natural boundary of the upland lot.
- Docks in marine environment: 60 m maximum outermost extent distance from the present natural boundary of a mobile dock located in marine waters that have seasonally fluctuating water levels.
- Width of access ramps or walkways: 1.5 m
- Width of any other portion of the dock (excluding access ramps or walkways): 3 m

Other Local Government Regulation

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNR)

General Permission for private moorage requirements:

- 42 m maximum extent in freshwater and 60 m maximum in marine environment.
- 3 m wide moorage platform or float.
- 1.5 m wide walkway connecting the platform or float to the shore.
- The bottom of floats should be a minimum of 1.5 m above the seabed during the lowest tide.

Referral response:

- Define what shallow water is (a depth) to avoid multiple interpretations of the regulation. Docks over shallow water need to be suspended or floating.
- Use MFLNR natural boundary definition (already included in draft ACRD ZB)
- The Province would not consider a variance to allow for docks longer than 42 m under a General Permission. The applicant would have to apply for a Specific Permission.

Okanagan-Similkameen Regional District (Okanagan Lake West/ West Bench Zoning Bylaw)	Town of Ladysmith	District of Lake Country	Town of Osoyoos
<ul style="list-style-type: none"> • Maximum extent of docks: 40 m from the natural boundary of the upland parcel. • Maximum width of walkways: 3 m. • L or T shaped dock structures 	Marine Residential Moorage (W-1) Zone <ul style="list-style-type: none"> • Maximum surface area of all Dock Structures: 20 m². • Docks, pier/walkway, floats, ramps or other similar Structures: 30 m 	Lakes Zoning Bylaw No. 900: <ul style="list-style-type: none"> • Dock platform size single family residential: 33.45 m² (recently increased from 24 m²) • Dock platform size parks: 40 m² 	W2 – Private Moorage Zone (in Foreshore and Lake Zoning Bylaw) <ul style="list-style-type: none"> • Maximum number of berths is 3 per waterfront parcel. • Fixed or removable dock

<p>permitted if maximum length of the structure parallel to the shoreline does not exceed 9 m or 1/2 the width of frontage of the upland parcel.</p> <ul style="list-style-type: none"> • Siting of the dock shall be undertaken only in a manner that is consistent with the orientation of neighbouring docks, and avoids impacts on access to existing docks and adjacent properties. • No roof or covered structures shall be placed on the dock, or used, constructed, or maintained for boat lifts. 	<p>maximum extent from the present Natural Boundary of the upland Parcel.</p> <ul style="list-style-type: none"> • No Building or Structure shall be sited within 125 m of the W-4 Zone (Marine Harvesting). • Maximum width of access ramp associated with any Docks, pier/walkway, floats or other similar Structures: 1.5 m. • Maximum width of all portions of a Dock, other than the access ramp: 3 m. • All piers/walkways and access ramps must be a minimum of 2 m above the highest High Water Mark and have a minimum clearance of 2 m above the seabed to allow unimpeded pedestrian passage along the foreshore at low tide. • The bottom of any Moorage floats must be a minimum of 1.5 m above the seabed during the lowest tide. • Moorage Accessory to upland Multiple Unit Dwelling use shall be limited to one berth per Dwelling Unit. 	<p>(recently increased from 24 m²)</p> <ul style="list-style-type: none"> • Dock platform width 3.05 m (recently increased from 3 m) • Walkway width 1.52 m (recently increased from 1.5 m) • L or T shaped dock structures are permitted if the length of the structure which is parallel to the shoreline does not exceed the lesser of 10 m or one half the width of frontage of the upland parcel. • Siting of the dock shall be undertaken only in a manner that is consistent with the orientation of neighbouring docks, and avoids impacts on access to existing docks and adjacent properties. • No roof or covered structures shall be placed on the dock. 	<p>maximum 24 m² total upward facing surface area, not including a permanent or removable walkway.</p> <ul style="list-style-type: none"> • Fixed or removable walkway surface max 1.8 m in width for any portion.
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Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Seek legal opinion during agency and First Nation referrals to determine if dock length can be varied.
- Clarify: The 30 m extent in freshwater is measured from the point where the walkway begins, measured perpendicular from the general trend of the shoreline.
- Add: Docks over shallow water need to be suspended or floating.
- Add: For mobile docks located in freshwater that have seasonally fluctuating water levels, the outermost extent of the dock must not be more than 30 m from the present natural boundary.
- Add: All piers/walkways and access ramps must be a minimum of 2 m above the highest high water mark and have a minimum clearance of 2 m above the seabed to allow unimpeded pedestrian passage along the foreshore at low tide.
- Add: The bottom of any moorage floats must be a minimum of 1.5 m above the seabed during the lowest tide.

- Update: 'Outermost extent of a mobile dock located in marine waters that have seasonally fluctuating water levels (60 m distance from the present natural boundary)' to 'Distance of a dock located in marine waters, measured perpendicular from the general trend of the shoreline (60 m distance from the present natural boundary)'.
- Update: 'Width of any other portion of the dock (excluding access ramps or walkways) is 3 m' to 'Width of moorage platform or float, or any other portion of the dock in freshwater (excluding access ramps or walkways) is 3 m'.
- Add: Width in marine waters is 3.7 m.
- Update: 'Width of access ramps or walkways is 1.5 m' to 'Width of access ramps or walkways connecting the platform or float to the shore in freshwater is 1.5 m'.
- Add width in marine waters is 1.8 m.
- Update: 'Length of any structure including floating vessel, watercraft or boat shelter' to add 'in freshwater' is 7.6 m.
- Add: Length of any structure...in marine waters is 14 m.
- Add: For group moorage, more than 3 berths with no commercial activity, must be applied for under the Provincial Residential Policy, where applicable, or on Crown land or where zoned W4.
- Add: Aside from meeting the requirements for Provincial General Permissions, applicants must obtain a tenure from the Province for a Specific Permissions dock, Commercial Marina or group moorage facility.
- Add to Water 1 zone: Specific Permission moorage requirements for Crown foreshore may be required.
- Update for Group Moorage: 'Maximum number of berths per adjacent waterfront lot is 1 berth for each unit plus a minimum of 3 visitor berths and a maximum of 1 visitor' to:
 - 'Maximum number of berths in a group moorage facility shall not exceed one per waterfront lot of each resident who is part of the group or association of residents from a surrounding area served by the facility, or shall not exceed one per two upland hotel units served by the facility.'
 - 'The maximum number of berths in a strata moorage facility shall not exceed one per two upland residential strata units.'
 - 'In a group or strata moorage facility, berths may be substituted on a one-to-one basis with boat lifts but not with private moorage buoys.'

Add to Private Moorage Facilities General Regulations:

- A private moorage facility is intended for the personal and private residential use by one or a number of individuals or a family unit for boat moorage.
- A dock may not have crib foundations or solid core structures made of cement or steel sheeting.
- No new fill or dredging may be used in the construction or maintenance of the dock.

4. EXTENT OF DOCKS IN BAYS

Current Zoning Bylaw Regulation

- No specific regulation for docks in bays.
- No private float or wharf shall extend any further distance from the shore than is necessary for boat access and moorage.
- Where the presence of an unlighted float or wharf is likely to constitute a navigational nuisance, the Building Inspector may require that it carry adequate lighting to alleviate the nuisance.

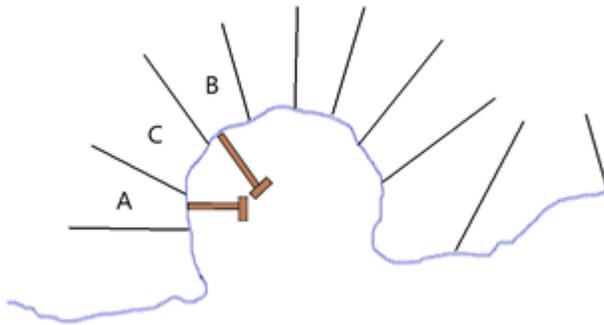
Proposed Zoning Bylaw Regulation

- Docks in freshwater environment: 30 m maximum extent distance into the foreshore from the natural boundary of the upland lot.
- Docks in marine environment: 60 m maximum outermost extent distance from the present natural boundary of a mobile dock located in marine waters that have seasonally fluctuating water levels.

Other Local Government Regulation

Ministry of Forests, Lands, Natural Resource Operations and Rural Development referral response:

Private moorage facilities cannot infringe on the adjacent property owners Riparian Rights. Especially in tight bays and other areas with spits, peninsulas, etc., consideration is required to ensure that a dock does not impede the adjacent properties Riparian Right to deep water access from anywhere along their property. See example below - dock owner A and B are infringing on the Riparian Rights of property owner C:



Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

Consider the construction of docks in bays on a case by case basis, property laws and foreshore access rights apply.

5. WATER COMMERCIAL ZONE (W4) – COMMERCIAL MOORAGE DENSITY

Current Zoning Bylaw Regulation

- All structures or floats shall be setback at least 3.048 m (10 ft) within the boundaries of a water lease or licence of occupation.
- No boathouses or boat shelters permitted, except floating boat shelters.

Proposed Zoning Bylaw Regulation

- Maximum floating dock per adjacent waterfront lot: 1 dock.
- Maximum berths per adjacent waterfront lot: 1 berth for each unit plus a minimum of 3 visitor berths and a maximum of 1 visitor berth for every 20 units.

Other Local Government Regulation

Ministry of Forests, Lands, Natural Resource Operations and Rural Development referral response:

The permitted principle uses in section 15.4 are consistent with what could be authorized as part of a Marina Tenure.

The Province does not impose a maximum or minimum requirement for the number of berths for commercial marinas; each application will be assessed on a case by case basis and tenure rent is reflective of number of berths.

District of Sicamous	Town of Osoyoos	Town of Ladysmith	Tofino
<p>Marine Zone - Wharves</p> <ul style="list-style-type: none"> • Maximum number of wharves permitted on each lot: one • Maximum distance from the upland property: Docks, Marinas, Piers, Wharves, or other structures shall not be maintained, used or constructed beyond 50 m from the 1.5 m water depth measured at low water from the upland property. • Maximum width: Docks, Marinas, Piers, Wharves, or other structures shall not exceed a width of 3 m. 	<p>W4 - Commercial Moorage Zone</p> <ul style="list-style-type: none"> • Density and Size: Piers and marinas must be designed and constructed in compliance with the applicable Best Management Practices of the Province and supported by Council. • Minimum side setback of structures 5 m. 	<p>Marina (W-2) Zone</p> <ul style="list-style-type: none"> • Access ramp maximum width: 2.4 m, except for a Barge. • Ramp maximum width: 6 m. • No Buildings or Structures, not including Docks, floats, ramps, quays, or other similar Structures, shall be closer than 10 m to the Natural Boundary of the sea. • Any Docks, floats, ramps, quays, or other similar Structures shall not be located within the seaward extension, perpendicular to the shoreline, of the boundary of a streamside protection riparian area located 30 m on either side of the Natural Boundary of a Watercourse, excluding the sea. • No Buildings or Structures shall be sited within 125 m of the boundary of the W-4 Zone (Marine Harvesting) actively used for purposes permitted in the W-4 Zone. 	<p>Waterfront Commercial District (W1)</p> <ul style="list-style-type: none"> • Usable open space shall be provided ancillary to any motel or motor hotel use in accordance with the following criteria: 9.3 m (100 ft²) per individual motel unit.

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

For maximum number of berths per adjacent waterfront lot:

- Remove: '1 berth for each unit plus a minimum of 3 visitor berths and a maximum of 1 visitor berth for every 20 units.'
- Add: Minimum or maximum number of berths is based on the licence of occupation area over Crown land and the extent of the zoned area, and will be determined on a case-by-case basis.
- Add: The Province assesses each application on a case-by-case basis and tenure is reflective of the number of berths.
- Remove maximum width of access ramps and walkways (1.5 m) and any other portion of the dock (3 m) because it is limited by the licence of occupation area and extent of zoned area. Commercial and Industrial Water zones should be consistent.
- Update: Setback from boundaries of waterlot, lease or licence of occupation area for all structures and floats from 10 m to 3 m (typo).

6. NO WAKE/SLOW ZONES ON SPROAT LAKE

Current Zoning Bylaw Regulation

None.

Proposed Zoning Bylaw Regulation

None proposed.

Other Local Government Regulation

Some Interior local governments may have some respectful boating guidelines, etc.

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Requires further research as a separate project following the ZB update to coordinate enforcement, signage, education, etc.
- Seek legal opinion during agency and First Nation referrals to determine if this is something that can be regulated through zoning.

7. PROPOSED BAMFIELD COMMERCIAL ZONE

Current Zoning Bylaw Regulation

- Currently no specific Bamfield commercial zone or sub-zone. Most of the commercially zoned properties in Bamfield are currently zoned C2 (General Commercial) and C6 (Tourist Commercial).
- C2 zone regulations: 0 m front, 3 m (10 ft) rear, 0 m side setbacks, and 90% maximum lot coverage.
- C6 zone regulations: 6 m front, 6 m rear, 4.5 m side setbacks, and no maximum lot coverage.
- In all zones, no building shall be constructed within 7.62 m (25 ft) the natural boundary of a lake or within 30.48 m (100 ft) of the natural boundary of any other natural water course or source of water supply (other than a well).

Proposed Zoning Bylaw Regulation

- Current C1, C2, C2A, C3, C4 zones consolidated into C1 zone to permit a variety of retail and service uses, with hotel/lodge accommodation not permitted. A dwelling unit is permitted as an accessory use in the same building above the commercial use or in a separate building behind the commercial building.
- Current C6 zone restructured into C2 zone with the permitted principal use as hotels (defined as a commercial building, or group of buildings on the same lot, providing temporary accommodation), and accessory permitted uses include a dwelling unit, restaurants and stores (gift, liquor and cannabis retail).
- C1 and C2 zone regulations: 6 m front, 6 m rear, 1 m side setbacks, and 40% maximum lot coverage.
- In all zones, 15 m setback from the ocean for all buildings, structures and uses.
- C1 zone: 6 m setback from the front of the principal commercial building, a separate dwelling unit located behind the principal commercial building.
- C2 zone: 7 m setback from principal building, all accessory buildings, structures and uses.

Other Local Government Regulation

Comox Valley Regional District	District of Ucluelet
<ul style="list-style-type: none"> • Commercial One (C-1) zone permits tourist accommodation, retail sale, services, restaurant, etc. as a principal use: 4.5 m front, 4.5 m rear, 1.75 m side setbacks, and 50% maximum lot coverage. • Tourist Commercial One and Two (TC-1 and TC-2) zones permit tourist accommodation, RV park, campground, etc. as a principal use, and restaurant, retail, office, etc. as accessory: 4.5 m/7.5 m front, 4.5/7.5 m rear, 3.5 m side setbacks. 	<ul style="list-style-type: none"> • Tourist Commercial (CS-5) zone permits hotels, motels, restaurants, etc. outside the District’s Village Square and its residential areas as a principal use: 6 m front, 3 m rear, 3 m side setbacks, and 40% maximum lot coverage. • Tourist Commercial Waterfront (CS-6) zone permits hotel, motel, restaurant, office etc. in a waterfront context as a principal use: 3 m front, 3 m rear, 3 m side setbacks, and 70% maximum lot coverage. Minimum yard setback of 6 m applies to all lot lines abutting a residential zone or residential use in CD zone. • No building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged within 7.5 m on the upland side of the natural boundary of the ocean, and 30 m of the natural boundary of any other natural watercourse or source of water supply.

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Bamfield is an isolated service centre, focused on temporary accommodation in hotels or lodges, with a variety of accessory uses that do not fit exclusively in either the proposed C1 or C2 zones.

- Create new Commercial Bamfield Zone (C5) as this zone is a combination of proposed C1 and C2, therefore it can't be a sub-zone.
- Refer to Appendix B: Proposed Bamfield Commercial Zone (C5), which is similar to the current C2 and C6 zones, and proposed C1 and C2 zones, to permit temporary accommodation (hotels, lodges, etc.) and a wide variety of retail and service uses.
- Staff endeavor minimal changes between the current and proposed Zoning Bylaws, and will review all properties in Bamfield. Staff propose that properties with proposed C1 and C2 zoning be updated to C5.
- Change all proposed Commercial zones (C1-C4) side yard setback from 1 m to 1.5 m, as anything less would require fire wall separation.
- Include 3 m front yard setback in proposed C5 zone (currently proposed as 6 m in C1 and C2 zones).
- Include 3 m setback from principal buildings, all accessory buildings and structures in proposed C5 zone (currently proposed as 7 m in C2 zone).
- Keep proposed 15 m setback from the ocean for all buildings, structures and uses, in all zones.
- Add "Any construction needs to meet minimum flood construction level" to proposed C5 zone.
- Property owners can apply to vary horizontal building/structure setbacks, but the required minimum flood construction level can't be reduced. Environmental and natural hazard development permit areas still apply.

8. RECREATIONAL VEHICLES (RVs)

Current Zoning Bylaw Regulation

Permitted to dwell in a temporary building, structure, RV or mobile home without time limit during principal building construction, in a campground or mobile home park; or for up to 24 hours in all zones other than A, which permits dwelling up to 30 days.

Proposed Zoning Bylaw Regulation

Permitted to dwell for up to 48 hours, except during principal building construction, in a campground or mobile home park.

Other Local Government Regulation

City of Port Alberni	Comox Valley Regional District	Islands Trust - Denman Island	Town of Ladysmith	Cowichan Valley Regional District (EA D - Uplands)
A trailer or recreational vehicle may be used as a dwelling only on a transitory basis and when located in a campground.	<ul style="list-style-type: none"> • The use of a recreational vehicle for permanent/full time occupancy is prohibited in all zones. • Permitted with specific requirements during construction of a single family dwelling up to a maximum of 365 days. • In Rural 8 and 20, Rural ALR and Upland Resource zones permitted up to 60 days, consecutive or non-consecutive, in any 12 month period. • In any other zone, up to 30 days, consecutive or non-consecutive in any 12 month period. • There shall be no more than one recreational vehicle occupied on a lot. 	<ul style="list-style-type: none"> • Travel trailers may be stored on the lot and used for occasional non-commercial accommodation. • A travel trailer, bus or similar vehicle may be used as a principal dwelling unit or as a secondary dwelling unit approved by a TUP on any lot where a single family dwelling is a permitted building provided that it: is on a lot larger than 1 ha or is screened from adjacent properties; is connected to an approved sewage disposal system; and is considered a dwelling unit for the purpose of residential density calculations. 	Recreation vehicles are not occupied overnight while parked or stored, other than one Short-Term occupancy for guests within one calendar year (short-term defined as 7 days or less).	Residential use of a recreational vehicle is not permitted in any zone, except during construction of a permanent dwelling.

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Remove: Recreational Vehicle regulation from 3.12 in general regulations and create new section in general regulations for ‘Temporary Residential Occupancy of Recreational Vehicles’.
- Add: In RU zones permitted up to 30 days, consecutive or non-consecutive, in any 12 month period.
- Add: In any other zone, up to 15 days, consecutive or non-consecutive in any 12 month period.

- Add: There shall be no more than one recreational vehicle occupied on a lot.
- Add: RVs can't be rented or for commercial use.
- Need to consider impacts of trying to regulate and enforce.

9. ACCESSORY DWELLING UNITS (ADU's)

Current Zoning Bylaw Regulation

- ADU's are permitted on lots in an OCP area and that are zoned R1, R2, RA1-RA3, A1-A4 with a minimum lot size of 0.4 ha (1 ha in Long Beach OCP area).
- All OCP areas except Long Beach maximum 80 m² if ADU is detached, or maximum of 40% of habitable floorspace within or attached to a single family dwelling, whichever is less. Long Beach maximum is 70 m².
- Septic capability and potable water must be proven and approved by the Health Authority.

Proposed Zoning Bylaw Regulation

- ADU's are permitted on lots in an OCP area and that are zoned R1-R3, RU1-RU3 with a minimum lot size of 0.4 ha, if the lot meets health requirements for sewage disposal and potable water.
- Changed minimum lot size for an ADU in Long Beach OCP from 1 ha to 0.4 ha.
- 70/80 m² maximum size updated to 90 m² to match BC Building Code.
- Permitted to be used as a short term vacation rental with a valid TUP.
- Permitted on a lot 0.4 ha or larger with only well/septic.

Other Local Government Regulation

Comox Valley Regional District	Regional District of Nanaimo	Cowichan Valley Regional District (EA D - Uplands)
<p>Residential One (R-1): 1 single detached dwelling and secondary suite, or 1 single detached dwelling and 1 carriage house, or 1 single detached dwelling and 1 secondary dwelling limited to a maximum of 90 m².</p> <p>Minimum lot area:</p> <ul style="list-style-type: none"> • Connected to community water and sewer: 600 m² (0.06 ha/0.15 ac) • Connected to either community water or sewer: 4,000 m² (0.4 ha/1 ac) • Well/septic system: 1 ha (2.5 ac) 	<ul style="list-style-type: none"> • Secondary suites must not be used for short term (less than one month) rentals. • A secondary suite may be located within an accessory building with a minimum lot area of 800 m² (0.08 ha/0.2 ac) with community water and sewer, or on lots 8,000 m² (0.8 ha/1.97 ac) in all other cases. 	<p>Minimum lot size for accessory dwellings and secondary suites:</p> <ul style="list-style-type: none"> • No minimum if principal dwelling and accessory dwelling/secondary suite are serviced by both a community water system and community sewer system. • 0.4 ha if serviced by a community water system. • 1 ha if not serviced by a community water system. <p>Gross floor area maximum for an accessory dwelling on lot less than 0.4 ha is 74 m²; 0.4 ha or greater is 90 m².</p>

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- The 0.4 ha minimum lot size for ADU's was established in the public consultation process during OCP development.
- The Local Government Act restricts varying density, therefore a Development Variance Permit can't be applied for.
- Leave regulation as proposed with 0.4 ha minimum lot size. Look at area specific options when comprehensive OCP review completed as public open houses for ZBR already completed and would need public input if minimum lot size was proposed to be changed.

10. BED & BREAKFAST

Current Zoning Bylaw Regulation

Boarding and lodging is permitted in A and R districts as a home occupation with a maximum of four boarders and lodgers.

Proposed Zoning Bylaw Regulation

- Permitted in all Residential zones except: R5 mobile home, Recreational Residential, Salmon Beach.
- B&B definition: means a home occupation use of a single family dwelling rented for the temporary accommodation of not more than 4 paying guests, excludes short term vacation rental (STR) use.
- A home occupation must be conducted within a principal dwelling unit, accessory building or combination of both.
- A home occupation shall occupy a maximum of 40 m².
- One person whom must reside in the dwelling unit may be engaged in the home occupation (maximum of three persons).
- The operation of a B&B or boarding or lodging as a home occupation shall be for a maximum of 4 boarders or lodgers, with the tenant or owner residing in the building.

Other Local Government Regulation

City of Port Alberni	Comox Valley Regional District	Regional District of Nanaimo	Cowichan Valley Regional District (EA D - Uplands)
<ul style="list-style-type: none"> • Must be in a single family dwelling and conducted by permanent residents of the dwelling (permitted to use a maximum of 2 non-resident employees). • B&B maximum of 2 bedrooms and 2 guests per room. 	<ul style="list-style-type: none"> • B&B permitted in Residential zones in a maximum of 3 bedrooms, 3 bedrooms in Rural/Resources and Comprehensive Development zones, 4 bedrooms in the ALR. • All rooms must be located in the principal dwelling unit. • No cooking facilities beyond the one set permitted per dwelling unit shall be permitted unless specifically required by a provincial health agency. • Persons employed as part of a B&B are limited to those residing in the dwelling unit in which the B&B is located. • Any person intending to operate a B&B shall obtain prior written approval from the Regional District and the Health Authority regarding water and sewer servicing. 	<ul style="list-style-type: none"> • Where home based business is a permitted use, B&B is contained wholly within the dwelling unit to a maximum of 2 bedrooms in Residential 1 and 3 zones, and a maximum of 4 bedrooms in all other zones where permitted. • Must be conducted by the permanent residents of the parcel on which the home based business activity is located. • Home Based Business shall not be permitted within a secondary suite nor by the occupants of a secondary suite elsewhere on the subject property. • Bed and Breakfast shall not be permitted on a parcel that contains a suite. 	<ul style="list-style-type: none"> • Be contained entirely within a single detached dwelling, except on a parcel that is 0.4 ha or greater in area, where sleeping units may be contained within one accessory building which has a GFA that is not more than 40% of the GFA of the principal single detached dwelling on the parcel. • Not be located on a parcel of land that has a secondary suite or accessory dwelling. • Not involve more than 3 sleeping units on parcels that are less than 0.4 ha in area; or more than 4 sleeping units on parcels that are 0.4 ha or larger.

Options for Changes to Proposed Zoning Bylaw / Staff Recommendations

- Added to list to review with EA Directors as many potential STR operators which ACRD sent letters to are responding that they are operating a B&B and not a STR. Many are requiring further clarification and/or site visits.
- Add: All rooms must be located in the principal dwelling unit.
- Specify a maximum number of 2 bedrooms with a maximum of 2 guests per bedroom.

9.5 Bamfield Commercial Zone | C5

C5

This zone is intended to provide for local shopping, services, hotels and recreational rental accommodation facilities in the Bamfield OCP area. This zone is not intended for full-time residential use except to support temporary accommodation or commercial uses.

9.5.1 Permitted Principal Uses:

- 1) Hotels
- 2) Retail uses excluding vehicle dealerships
- 3) Offices
- 4) Restaurants, bistros, cafes and other eateries
- 5) Gift stores
- 6) Liquor stores
- 7) Cannabis retail store
- 8) Health, welfare and medical services
- 9) Facilities for personal services
- 10) Facilities for health and fitness including but not restricted to:
 - i. yoga and dance studios
 - ii. spas
 - iii. fitness clubs and similar facilities
- 11) Transportation-related services
- 12) Entertainment and recreational services

9.5.2 Permitted Accessory Uses:

- 1) Dwelling unit
- 2) Caretaker use
- 3) Accessory buildings, structures and uses

9.5.3 Lot Regulations:

- | | |
|--|---------|
| 1) Minimum lot area | 0.24 ha |
| 2) Minimum lot area with communal or community water and sewer system in Bamfield OCP area | 0.1 ha |
| 3) Minimum lot width | 15 m |

9.5.4 Density:

- | | |
|---|-----|
| 1) Maximum number of residential units | 2 |
| 2) Maximum total number of guest bedrooms for temporary accommodation | 40 |
| 3) Maximum number of guest bedrooms for temporary accommodation per hectare | 20 |
| 4) Maximum lot coverage | 40% |

9.5.5	Maximum Size (Gross Floor Area):	N/A
9.5.6	Maximum Height:	
	1) Principal building	12 m
	2) Accessory buildings and structures	10 m
	3) Graduated height, accessory buildings and structures	0.3 m for each additional 1.2 m in side and rear setbacks
9.5.7	Minimum Setbacks:	
	1) Front for all buildings, structures and uses	3 m
	2) Rear for all buildings, structures and uses	6 m
	3) Side for all buildings, structures and uses	1.5 m
	4) From minor stream for all buildings, structures and uses	15 m
	5) From major stream for all buildings, structures and uses	30 m
	6) From the ocean for all buildings, structures and uses	15 m
	7) From the front of the principal commercial building, a separate dwelling unit located behind the principal commercial building	6 m
	8) From principal building, all accessory buildings and structures	3 m
9.5.8	Conditions of Use:	
	1) The dwelling unit may be located in the same building above the commercial use or in a separate building located behind the commercial building.	
	2) Dwelling unit located above commercial uses shall comply with the following requirements:	
	i. The ground floor of the building shall be used only for commercial uses.	
	ii. Any dwelling unit(s) accessory to the commercial use shall be provided with an entrance that is entirely separate from the commercial use and that accesses directly onto the street.	
	iii. All dwelling units shall be entirely self-contained.	
	3) All commercial uses shall be conducted within a building except for permitted outdoor display, rental, sales, storage yards, parking and loading facilities.	

- 4) All guest bedrooms for temporary accommodation shall be entirely self-contained and shall comply with the following requirements:
 - i. A maximum of one guest bedroom may have more than one bedroom.
 - ii. Each unit shall be provided with a private balcony of minimum floor area of 4,645 m² and minimum width of 1.5 m opening off the living-room.
 - iii. One off-street parking space shall be provided for each unit, located so as not to impair or interfere with access to the commercial premises or the use of off-street loading facilities.
- 5) Any part of a lot used or intended to be used as a storage yard shall be enclosed by screening on all sides not facing directly upon the principal building on the lot, and no material shall be piled or stacked to extend above such screening.
- 6) Parking may be provided within the required front yard, provided that the total landscaped area between the front lot line and the front of the building is not less than that which otherwise would be required if parking were not permitted in the required front yard.
- 7) All those portions of the required front yard not used for permitted parking shall be fully and suitably landscaped and properly maintained.
- 8) Parking for any dwelling unit or units shall be located so that it does not impede access to the commercial premises or use of off-street loading facilities.
- 9) All business and uses shall be conducted within a building except for parking, loading and display facilities.
- 10) Any construction needs to meet minimum flood construction level.