

ACRD ZONING BYLAW REVIEW

BAMFIELD ADVISORY PLANNING COMMISSION



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

FEBRUARY 3, 2022

Zoning Bylaw Review (ZBR) Introduction

MEETING PURPOSE: Bamfield APC feedback on draft updated Zoning Bylaw & minor updates to Bamfield Official Community Plan (OCP)

HOW:

- Project overview
- Survey results
- Key themes discussion
- Additional feedback
- Next steps

Zoning Bylaw Introduction

- ACRD is divided into zones
- Controls the use of land in all 6 EAs
 - **Permitted uses:** what can be built or done
 - **Minimum setbacks:** distance of buildings from property lines
 - **Minimum lot size:** how small a lot can be
 - **Maximum height:** how tall a building can be
 - **Maximum density:** how many units/floor space
 - **Maximum lot coverage:** how much of lot can be covered by buildings



Why Review the Zoning Bylaw?

- Current ZB adopted in 1973, since been amended over 700 times
- Updated ZB will better align with goals & policies in OCPs
- When ZB & OCP align = more certain process & outcome for landowners & developers
- Outdated format & language difficult to understand
- Missing updated Federal & Provincial legislation



Highlights of ZBR

- Easier to read, more user-friendly format (all metric system)
- Additional & improved definitions
- Amalgamated & simplified zones:
 - Commercial & Industrial zones amalgamated for increased flexibility
 - Commercial zones reduced from 16 to 6
 - Created new Bamfield Commercial (C5) zone
- Revised general regulations
- Regulations in water zones & OCP DPA policies for private moorage facilities
- Updated zoning maps with new zones & ensure consistency with OCPs
- Clarify use of land in the ALR, based on ALC Act & Regulations
- Updated OCP land use & Development Permit Area maps
- Minor OCP updates: minimum lot size for ADUs, term of TUPs & extend DPAs

Process to Date

**OPEN HOUSES
&
ENGAGEMENT**

2019-2021

**AGENCY &
FIRST NATION
PRE-
REFERRALS &
PUBLIC INPUT**

2020-2021

**ADVISORY
PLANNING
COMMISSION
& PUBLIC
INPUT**

2021-2022

Zoning Bylaw Review Survey

July to September 2021

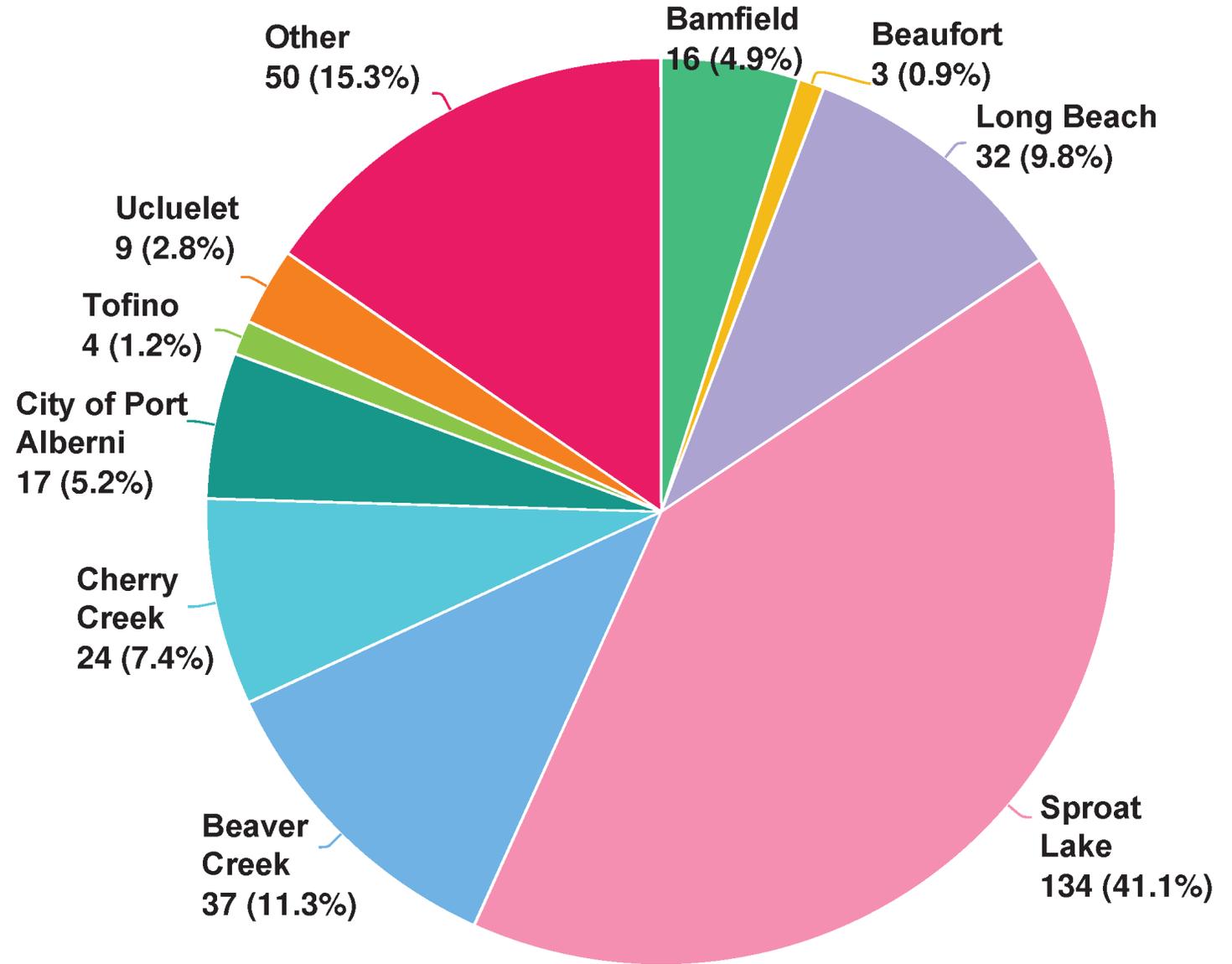
334 responses in total

30% from each age category:
30-49, 50-64, 65-84

69% 2-3 person households, 16% 4-5

94% owner households

93% single family house primary residence



Bamfield OCP Proposed Updates

Part of the Zoning Bylaw Review includes minor proposed updates to the Bamfield OCP:

Extend DPA IV: Coastal Protection **from 15 m to 30 m** (measured horizontally in both landward & seaward directions) from the natural boundary of the ocean

Add policies to permit construction of a private, commercial & group moorage facility (dock or boat lift)

- 44% of respondents support the proposed OCP updates to add DP requirements for constructing PMFs, 37% not in support & 14% not sure
- In DP include conditions & guidelines based on the Ministry:
 - Requirements for the placement of docks & ramps to protect critical fish habitat, water quality & lessen impacts on neighbours
 - Recommended construction materials
 - Commercial moorage facilities must be designed & constructed in compliance with Provincial practices

Private Moorage Facilities (Docks)(3.17)

- Introducing dock regulations: number of docks & berths, dock size (width & length), setbacks, improvements, development permit requirements
- 44% of respondents support the proposed private moorage facility regulation in the ZB, 40% do not support it & 12% are not sure
- Many comments received from the public & Alberni Valley APCs:
 - proposed dock size too small
 - need to accommodate for shallow water & docks in bays
 - need roofs & shelters
 - one size fits all approach isn't appropriate
 - challenges surrounding setbacks due to extremes in depth & land layouts, bays, points
 - review 'structure' definition to include 'land & water'; 'dock' definition to include 'on water'
 - review proposed regulations for new docks & removal of old

Private Moorage Facilities (Docks)

	CURRENT ZB	JUNE 2021 PROPOSED	DEC 2021 PROPOSED
Length	No regulations	30 m (98 ft) freshwater 60 m (197 ft) marine	42 m (138 ft) freshwater 60 m (197 ft) marine
Width	4.8 m (16 ft)	3 m (10 ft) freshwater 3.7 m (12 ft) marine	3.7 m (12 ft) all docks
Improvements	No regulations	All roof structures, shelters, boathouses prohibited	1 roof structure permitted per dock, max 15 m ² (160 ft ²)
Development Permit Area (DPA)	DPA only applies to upland 15 m riparian area	Development Permit required for new dock structure	Development Permit required for new dock structure

Commercial Moorage Facilities (W4 Zone : 15.4)

- Size restrictions are either limited by the extent of the zoned area or regulated by the Province
 - Each licence of occupation (LoO) application is assessed on a case-by-case basis
- Maximum extent from the present natural boundary, width of access ramps or walkways & width of moorage platform or float, are all limited by LoO areas, or extent of zoned area
- Minimum setback from boundaries of a waterlot, lease or licence area for all structures & floats: 3 m
- Must be designed & constructed in compliance with the applicable best management practices of the Province
- A property owner must obtain a tenure for a Provincial Specific Permission dock, commercial marina or group moorage facility, where applicable on Crown land

Bamfield Commercial (C5) Zone (9.5)

- New Bamfield Commercial zone is being proposed:
 - Created for tourist accommodation in hotels or lodges, with a variety of accessory retail & service uses that don't fit exclusively in either the proposed C1 or C2 zones
 - Incorporate elements of both current C2 (General Commercial) & C6 (Tourist Commercial) zones
- Community & ACRD staff/Director input incorporated into June 2021 draft:
 - More restrictive proposed regulation for lot coverage, building setbacks & density for temporary accommodation
 - Updated definitions & uses to include North American Industry Classification System
 - Amalgamating Commercial zones that don't remove uses
- Comments from public & ACRD staff/Director on June 2021 draft:
 - 1.5 m side setback
 - Zoning should be more flexible & conducive to smaller developments
 - Individual property specific inquiries resulting in map updates or clarification provided

Bamfield Commercial (C5) Zone (9.5)

	CURRENT C2 ZONE	CURRENT C6 ZONE	PROPOSED C5 ZONE (MARCH 2020)	PROPOSED C5 ZONE (JUNE 2021)
Front setback	0 m (*25 ft setback from ocean)	0 m (*25 ft setback from ocean)	3 m	3 m
Rear setback	3 m	6 m	3 m	3 m
Side setback	0 m	4.5 m	1.5 m	1.5 m
Setback from the ocean	7.62 m (25 ft)	7.62 m (25 ft)	15 m	15 m
Density: maximum number of guest bedrooms for temporary accommodation			20 per ha	40 per ha
Maximum lot coverage	90%	none	40%	60%

- *Current ZB: In all zones, no building shall be constructed within 7.62 m (25 ft) of the natural boundary of a lake, or 30.48 m (100 ft) of any other natural water course or source.

Agriculture

- **Agriculture permitted in more zones:** All Residential (including Residential 6/Cottage Residential) zones
- **Greater flexibility in on-farm meat slaughter & processing:**
 - New farm-gate abattoir permitted in Rural 1 zones for less than 25 Animal Units
 - Abattoir permitted in Rural 2, Rural 3 & Resource zones for Abattoir license in excess of 25 Animal Units
- **Revised Keeping of Animals regulations:**
 - More permissive in allowing small-scale livestock, poultry & bee keeping outside of the ALR

Keeping of Animals (3.18)

- Updated to be more permissive in allowing for the keeping of livestock, poultry & bees on lands outside of the ALR based on lot size & specific zones
- Simplified or added definitions related to keeping of animals: commercial kennel, domestic pet, livestock, poultry (will review definitions before next draft released)
- 72% of respondents support the proposed keeping of animals regulation, 13% unsure & 12% not in support



Keeping of Animals (3.18)

On a lot less than 2 ha (5 ac) the keeping of domestic pets & livestock for domestic purposes is permitted as an accessory use based on lot size.

	CURRENT ZB	JUNE 2021 PROPOSED
EXAMPLE: A PARCEL WITH A LOT SIZE BETWEEN 0.4 & 0.8 ha (1 & 2 ac)		
Domestics pets	Maximum of 4	Maximum of 6
Livestock	2 horses permitted but no livestock	Maximum of 2 (if a 0.2 ha area is provided for each)
Poultry	No poultry permitted	Maximum of 24 hens or ducks Roosters/peacocks only permitted on lots 1.2 ha+ (3 ac+) & a maximum of 1 per lot
Bees	Bees permitted	Maximum of 4 beehives
Commercial kennels	Only permitted on lots 2 ha+	Only permitted on lots 2 ha+

Fences (3.8)

- Updated fence height to allow additional height based on specific zones
- 72% of respondents support proposed updated fence heights
- Limitations don't apply to permitted agriculture/farm use, land in ALR & keeping of animals as an accessory use

	CURRENT ZB	JUNE 2021 PROPOSED
RESIDENTIAL, RECREATIONAL RESIDENTIAL, RURAL, MIXED USE, COMPREHENSIVE DEVELOPMENT ZONING		
Maximum front yard height	1.4 m (5 ft)	1.8 m (6 ft)
Maximum rear yard height	1.8 m (6 ft)	2 m (6.5 ft)
COMMERCIAL, COMMUNITY SERVICE, INDUSTRIAL, INSTITUTIONAL ZONING		
Maximum height	No fence restrictions	2.5 m
Maximum height for open-mesh/ chain-link	No fence restrictions	3.7 m

Accessory Dwelling Units (3.11)

- A secondary suite within/attached to a SFD, or a carriage house or coach home above a garage or other accessory building, or a separate cottage on the same lot as principal dwelling unit
- Additional requirements: Capability of meeting all building code requirements & health requirements for sewage disposal & potable water

RURAL & RESIDENTIAL ZONES & LAND USE	CURRENT ZB & OCP	JUNE 2021 PROPOSED
Minimum lot size	0.4 ha permits 1 ADU	0.4 ha permits 1 ADU
Maximum ADU size	<ul style="list-style-type: none">• Detached ADU: 80 m²• Within/attached to a SFD: 40% of habitable floor space	<ul style="list-style-type: none">• Detached ADU: 90 m²• Within a SFD: no change

Recreational Vehicles (RVs) (3.13)

- Updated length of stay for RVs based on zones, when used as a dwelling for temporary accommodation
- 62% of survey respondents support proposed updated RV regulation
- AV APC feedback: Clarify a SFD needs to be present to have a temporary RV, not permitted on a vacant lot; difficulty to enforce; confirm septic regulations for temporary RVs

	CURRENT ZB	JUNE 2021 PROPOSED
In Rural zones	1 RV permitted as a dwelling unit for up to 30 days	No change: 1 RV permitted as dwelling unit for up to 30 days (consecutive or non) in any 12 month period
In all other zones	RV not permitted as a dwelling for more than 24 hours	1 RV permitted as dwelling unit for up to 15 days (consecutive or non) in any 12 month period
In a campground	No time restrictions	No time restrictions

Home Occupation & Industry (3.14 & 3.15)

HOME OCCUPATION

- Updated to permit within an accessory building
- Can occupy a maximum of 40 m²
- Maximum of 3 persons engaged in home occupation (1 must reside in dwelling unit)
- Maximum of 8 children for daycare, preschool, dance school

HOME INDUSTRY

- New small-scale home industry uses on lots with a minimum lot size of 2 ha
- Permitted in an accessory building, structure or outside, but not in dwelling unit
- Maximum total lot area for use 200 m²
- Maximum 4 person engaged in home industry (2 must reside in dwelling unit)

THANK YOU & NEXT STEPS

- Incorporate APC input into updated ZB & OCPs: FEB 2022
- Public open house/information session(s): FEB/MAR 2022
- First readings of Bylaws: Spring 2022
- Official agency & First Nation referrals: Spring 2022
- Public Hearings: Spring/Summer 2022



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