



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON

MONDAY, NOVEMBER 5, 2012
7:00 p.m.

A G E N D A

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CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

2.1. Minutes of the Regular Meeting of Council held October 15, 2012 7 - 11

3. PUBLIC HEARING

None

4. DELEGATIONS

4.1. Town of Ladysmith Occupational Health and Safety Committee
Presentation of Provincial Occupational Safety and Health Week Award

5. PROCLAMATIONS

5.1. Mayor Hutchins has proclaimed November 20, 2012 a "National Child Day" in the Town of Ladysmith

6. DEVELOPMENT APPLICATIONS

6.1. Rezoning Application - Malone Road (Lot A, District Lot 126, Oyster District, VIP73132) 12 - 15

6.2. Official Community Plan Amendment and Rezoning Application -1030 Oyster Bay Drive (Lt 1, District Lot 24, Oyster District, Plan VIP72824, except part in Plan VIP81529) 16 - 19

7. BYLAWS (OCP / ZONING)

None

8. COUNCIL COMMITTEE REPORTS

8.1. Mayor R. Hutchins
Cowichan Valley Regional District; Ladysmith Chamber of Commerce

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8.2. Councillor B. Drysdale Heritage Revitalization Advisory Commission; Protective Services Committee; Trolley Committee 8.2.1. Heritage Revitalization Advisory Commission – Ladysmith Community Heritage Register	20 - 21
8.3. Councillor J. Dashwood Trolley Committee; Ladysmith Early Years Partnership; Social Planning Cowichan Affordable Housing Directorate	
8.4. Councillor G. Horth Advisory Planning Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association	
8.5. Councillor D. Paterson Protective Services Committee; Parks, Recreation and Culture Commission; Festival of Lights	
8.6. Councillor G. Patterson Community Health Advisory Committee; Youth Advisory Committee; Liquid Waste Management Committee	
8.7. Councillor S. Arnett Government Services Committee; Advisory Design Panel; Parks, Recreation and Culture Commission; Vancouver Island Regional Library Board; Celebrations Committee	
9. STAFF REPORTS	
10. CORRESPONDENCE	
10.1. Mary Marcotte, Cruisemaster, Mount Brenton Power & Sail Squadron Request to advertise Christmas Lights Cruise on Town sign stations	22
<u>Staff Recommendation</u> That staff be requested to determine appropriate locations and timing for advertising the Mount Brenton Sail and Power Squadron Christmas Lights Cruise on Town sign stations.	
10.2. Toni Hall, B.C. War Memorial Project, Canadian Fallen Heroes Foundation Request for donation to create virtual memorials for six Ladysmith soldiers	23 - 24
<u>Staff Recommendation</u> That Council consider whether it wishes to donate up to \$300 to the Canadian Fallen Heroes Foundation in order to establish online memorials for Douglas Baker, Douglas Gill, Douglas Thicke, Raymond Conti, Tristen De Koninck and William Simpson, as requested by the Canadian Fallen Heroes Foundation in their recent correspondence.	

11. BYLAWS

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- 11.1. Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 38) 2012, No. 1790** **25 - 31**

May be read a first and second time, and a Public Hearing may be scheduled.

The purpose of Bylaw 1790 is to amend the Official Community Plan in order to create a new development permit area for a proposed development on Malone Road. The application is the subject of a staff report under Agenda Item 6.1.

- 11.2. Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 88) 2012, No. 1791** **32 - 37**

May be read a first and second time, and a Public Hearing may be scheduled.

The purpose of Bylaw 1791 is to amend the Zoning Bylaw to permit a proposed development on Malone Road. The application is the subject of a staff report under Agenda Item 6.1.

- 11.3. Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 39) 2012, No. 1811** **38 - 39**

May be read a first and second time, and a Public Hearing may be scheduled.

The purpose of Bylaw 1811 is to amend the Official Community Plan in order to add uses to the current light industrial land use designation for a proposed development at 1030 Oyster Bay Drive. The application is the subject of a staff report under Agenda Item 6.2.

- 11.4. Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 89) 2012, No. 1812** **40 - 41**

May be read a first and second time, and a Public Hearing may be scheduled.

The purpose of Bylaw 1812 is to amend the Zoning Bylaw to add uses to the current light industrial zone for a proposed development at 1030 Oyster Bay Drive. The rezoning application is the subject of a staff report under Agenda Item 6.2.

12. NEW BUSINESS

13. UNFINISHED BUSINESS

- 13.1. Request for Town of Ladysmith Sponsorship of a Documentary Commemorating the Vancouver Island Miners' Strike of 1913**

Council will recall that, at the Council meeting of October 15, 2012, it passed the following resolution:

That consideration of the request for Town of Ladysmith sponsorship of a documentary commemorating the 100th anniversary of the Vancouver Island Miners' Strike be referred to an upcoming meeting, in order to receive input from the Heritage Revitalization Advisory Commission and the Ladysmith Historical Society.

The following information has been provided in response to Council's request:

- The Heritage Revitalization Advisory Commission recommends that Council support the proposed documentary with a sponsorship of \$1,500.
- The Ladysmith Historical Society considered the matter at their meeting of October 23, 2012 and voted to contribute funds to the Town's sponsorship of the proposed documentary, provided that they have the opportunity to meet with the producer and to review the script.

Staff Recommendation:

That the Town of Ladysmith provide a sponsorship in the amount of \$1,500.00 for the proposed documentary about the Vancouver Island Miners' Strike, to be produced by Razmataz Productions, provided that the Town and the Ladysmith Historical Society are permitted to review and approve the script prior to production, and that the producer meet with the Ladysmith Historical Society, with the funds to be allocated in the 2013 budget.

14. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

15. EXECUTIVE SESSION

In accordance with Section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

Item One

Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

Item Two

Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

Item Three

Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

16. ARISE AND REPORT

17. ADJOURNMENT



MINUTES OF A MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, OCTOBER 15, 2012

COUNCIL MEMBERS PRESENT:

Councillor Duck Paterson
Councillor Jillian Dashwood

Councillor Steve Arnett
Councillor Gord Horth

Councillor Bill Drysdale
Councillor Glenda Patterson

COUNCIL MEMBERS ABSENT:

Mayor Rob Hutchins

STAFF PRESENT:

Ruth Malli
Erin Anderson

Sandy Bowden
John Manson

Felicity Adams
Joanna Winter

CALL TO ORDER

Deputy Mayor Paterson called the Council Meeting to order at 5:03 p.m.

AGENDA APPROVAL

Deputy Mayor Paterson requested Council's consideration of the following addition to the agenda:

10.2 Town of Ladysmith Road Closure and Dedication Removal Bylaw 2012, No. 1810 – for adoption

CS 2012-322

It was moved, seconded and carried that the agenda for the Regular Meeting of Council for October 15, 2012 be approved as amended.

EXECUTIVE SESSION

CS 2012-323

It was moved, seconded and carried at 5:05 p.m. that Council retire into Executive Session in order to consider the following items, in accordance with Section 90(1) of the *Community Charter*:

- The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality

Deputy Mayor Paterson reconvened the Regular Session of Council at 7:00 p.m.

MINUTES

CS 2012-324 It was moved, seconded and carried that the minutes of the Regular Meeting of Council held on October 2, 2012 be approved as circulated.

DELEGATIONS

Bryan Henderson Islands Celtic Festival

Bryan Henderson of the Islands Celtic Festival made a presentation regarding the Island Celtic Festival 2012, being held in Ladysmith and North Oyster from April 26 to 28, 2013, and requested support from the Town for the festival in terms of waiving or reducing rental fees for Aggie Hall and use of the community van.

Council thanked B. Henderson for his presentation and agreed to consider his request later in the meeting.

REPORTS

Government Services Committee Recommendations, Meeting of September 17, 2012

CS 2012-325 It was moved, seconded and carried that staff be directed to develop a policy for the ongoing maintenance of road boulevards for consideration by Council.

CS 2012-326 It was moved, seconded and carried that staff be directed to issue a tender for the replacement of Unit #65, Flat Deck Truck and Unit #91, Backhoe, in accordance with the Town's purchasing policy, and that the purchasing policy be waived to authorize staff to purchase this equipment up to a value of \$150,000.

CS 2012-327 It was moved, seconded and carried that staff be requested to review the purchasing policy, particularly with respect to purchasing authority for vehicle replacement and report back to Council with proposed amendments.

CS 2012-328 It was moved, seconded and carried that the Number 11 brass bell currently housed in Council Chambers at City Hall be loaned to the Ladysmith Museum on a long-term basis, subject to staff review of ownership of Town-owned artifacts housed at the Ladysmith Museum and Ladysmith Archives.

CS 2012-329 It was moved, seconded and carried that consideration of the request for Town of Ladysmith sponsorship of a documentary commemorating the 100th anniversary of the Vancouver Island Miners' Strike be referred to an upcoming meeting of the Government Services Committee, in order to receive input from the Heritage Revitalization Advisory Commission and the

Ladysmith Historical Society.

Aggie Hall Building Signage

Fred Thatcher, Chair of the Ladysmith Air Cadets, was present to provide information to Council regarding the proposed signage for Aggie Hall.

CS 2012-330 It was moved, seconded and carried that staff be directed to proceed with signage for the Ladysmith Air Cadet Squadron on Aggie Hall, and to complete the remainder of the Aggie Hall directional and interpretive signage in the future as resources permit.

CS 2012-331 **Special Occasion Licence Request – Cowichan Cycles Cartel**
It was moved, seconded and carried that the request for a Special Occasion Licence for the Cowichan Cycles Cartel's CycloCross event that will take place on October 28, 2012 from 9:00 a.m. to 3:30 p.m. at Transfer Beach be approved.

CS 2012-332 **Janitorial Services for Town Buildings**
It was moved, seconded and carried that the contract for the provision of janitorial services for City Hall, Development Services and Public Works be awarded to Terry's Building Cleaning, and that the Town of Ladysmith enter into a three-year contract with Terry's Building Cleaning at the rate of \$1,650 per month plus applicable taxes in the first year; \$1,700 per month in the second year, and \$1,750 in the third year, commencing on November 1, 2012, with an option to renew for up to two additional years.

CORRESPONDENCE

CS 2012-333 **Kim Slater, Band Together BC**
Request for Statement of Support for Canadian Energy Strategy
It was moved, seconded and carried that the Statement of Support for a Canadian Energy Strategy be endorsed as proposed in the correspondence from Kim Slater, Campaign Organizer, Band Together BC, dated October 1, 2012.

CS 2012-334 **G.M. Odsen, Greyhound Canada Transportation**
Proposed Reduction of Minimum Route Frequency between Victoria and Nanaimo, and Victoria and Mount Washington
It was moved, seconded and carried that the British Columbia Passenger Transportation Board be advised that the Town of Ladysmith strongly opposes any reduction in service on Route T between Victoria and Nanaimo as proposed by Greyhound Canada Transportation ULC, due to the importance of a comprehensive public transit connection to Nanaimo serving all Ladysmith and all communities in the Cowichan Valley Regional District.

BYLAWS

CS 2012-335 Town of Ladysmith Permissive Tax Exemption Bylaw 2012, No. 1808
It was moved, seconded and carried that Town of Ladysmith Permissive Tax Exemption Bylaw 2012, No. 1808, be adopted.

CS 2012-336 Town of Ladysmith Road Closure and Dedication Removal Bylaw 2012, No. 1810
It was moved, seconded and carried that Town of Ladysmith Road Closure and Dedication Removal Bylaw 2012, No. 1810 be adopted.

It was noted that when the Town-owned property at 900 Russell Road is developed, a new road will be constructed to provide a connection to Russell Road.

NEW BUSINESS

CS 2012-337 Islands' Celtic Festival
It was moved, seconded and carried that staff be directed to work with the organizers of the Islands' Celtic Festival 2013 on the details of a partnership with the Town, and to bring recommendations back to Council.

QUESTION PERIOD

R. Johnson inquired about the following matters:

- The timing and nature of a transit connection to Nanaimo – it was noted that discussions are ongoing with BC Transit;
- The number of hours of service in a proposed Cowichan Valley Regional District transit service in Ladysmith – it was noted that the number of hours will be the same as current service at 3,200
- Costs and ridership on the Ladysmith Trolley
- A potential conflict of interest that had been brought to his attention. He was advised that Council had been advised of the potential of a conflict of interest before it arose and although the Town does not have a policy for this matter, a procedure has been put in place to remove areas of potential conflict of interest to Council's satisfaction

EXECUTIVE SESSION

CS 2012-338 It was moved, seconded and carried at 7:33 p.m. that the Executive Session of Council be reconvened after a five minute recess.

RISE AND REPORT

Council arose with report on the following item:

The following individuals were reappointed to Town Advisory Commissions:

The appointment of the following individuals to Town Advisory Commissions:

- Brian Bancroft (Advisory Design Panel)
- Brian Childs (Advisory Design Panel)
- Todd Hancock (Advisory Planning Commission)
- Tina Donovan (Advisory Planning Commission)
- Tamara Hutchinson (Heritage Revitalization Advisory Commission)
- Allen McDermid (Heritage Revitalization Advisory Commission)
- Glenn Popenko (Parks, Recreation and Culture Commission)
- Bryon Adams (Parks, Recreation and Culture Commission)

ADJOURNMENT

CS 2012-339

It was moved, seconded and carried that this meeting of Council be adjourned at 7:55 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: October 31, 2012
File No: 3360-11-01

Re: Rezoning Application – LANDECA Services Inc.- Malone Road
Subject Property: Lot A, District Lot 126, Oyster District, Plan VIP73132

RECOMMENDATION(S):

1. That Council has considered s. 879 of the Local Government Act (consultation during OCP development) and determines that for Official Community Plan amendment application 3360-11-01 (Malone Road) the following consultation is to be undertaken:
 - Referral to the Stz'uminus First Nation.
2. That Council give first and second reading to:
 - Bylaw 1790 cited as "Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.38) 2012, No.1790"; and
 - Bylaw 1791 cited as "Town of Ladysmith Zoning Bylaw 1995, No.1160, Amendment Bylaw (No.88) 2012, No.1791";and that a public hearing be scheduled for Bylaws 1790 and 1791.

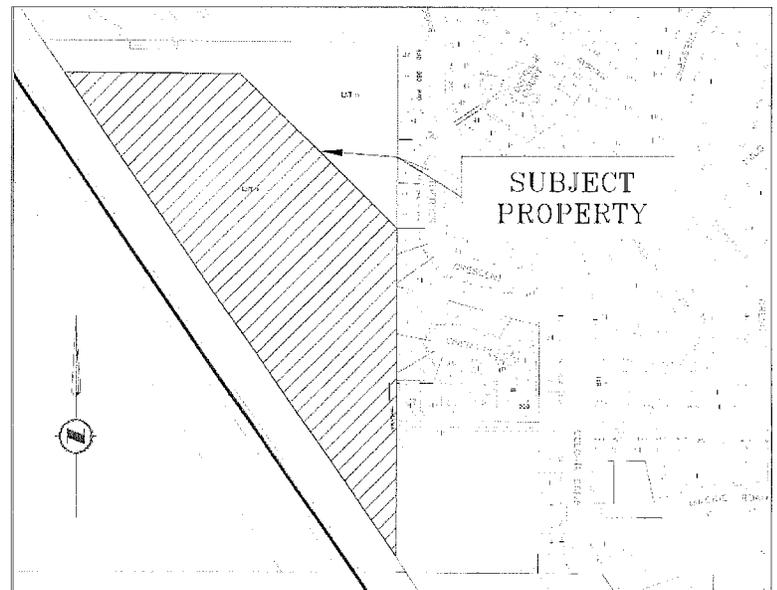
PURPOSE:

The purpose of this staff report is to present a bylaw to amend the Official Community Plan and a bylaw to amend the Zoning Bylaw to permit a mixed residential neighbourhood on the property at the end of Malone Road.

INTRODUCTION/BACKGROUND:

At the February 2012 meeting Council directed staff to prepare bylaws to amend the Official Community Plan and Zoning Bylaw No.1160 for the proposed development. Since February 2012 the following steps have been underway:

- The applicant has been



- working with the Director of Infrastructure Services to improve the alignment of Malone Road;
- Staff has worked with the applicant in the drafting of the proposed amending bylaws; and
- Staff is working with the applicant towards the land use agreement.

SCOPE OF WORK:

The current stage of this rezoning application is to present a bylaw to amend the Official Community Plan and a bylaw to amend the Zoning Bylaw.

Bylaw 1790

Bylaw 1790 proposes to amend the Official Community Plan by adding “Development Permit Area 8 – Malone Road Multi-Family Residential (DPA 8)”. The proposed DPA 8 guides the management of environmental features on the land, the provision of open space, and contains design guidelines for the multi-family portion of the development. DPA 8 contains guidelines regarding:

- the form and character of the development,
- exterior building design;
- energy conservation and building siting;
- site design and circulation;
- protection of the natural environment and sensitive ecosystems,
- landscape design;
- GHG reduction; and
- required monitoring during development.

Bylaw 1790 also designates two riparian areas as “Parks and Open Spaces”. Also, ‘Development Permit Area 6 – Riparian’ is removed from the northern portion of the property as the new DPA 8 guidelines contain riparian and sensitive ecosystem protection guidelines that are more specific to the subject property.

Bylaw 1791

Bylaw 1791 proposes a comprehensive development zone for the proposed development. The ‘Comprehensive Development Three (CD-3)’ zone divides the property into three areas:

- Area A – single family residential;
- Area B – single family and two family residential;
- Area C – multi-family residential.

For each area the CD-3 zone provides regulations regarding building height, setbacks, accessory buildings, minimum lot sizes, and density. Bylaw 1791 also places the ‘Parks (P-2)’ zone on the two riparian areas that are being dedicated to the Town.

Proposed Land Use Agreements:

Staff is currently working with the applicant to secure the following voluntary commitments:



- a) Protection of the SPEA riparian areas through dedication to the Town as park.
- b) Dedication of the Malone Road extension.
- c) Covenant registration with the following commitments:
 - No clearing of trees and vegetation of the multi-family site until the overall development permit is approved;
 - Provision of one serviced residential lot to 'Habitat for Humanity' prior to any subdivision of the land;
 - Contribution of the pedestrian pathway and park staging area/entry to the Lot B, Plan 73132 park site prior to issuance of a development permit or subdivision of the land;
 - Provision of a continuous fence at the back of the single-family / two-family area bounding Lot B;
 - A commitment to Energuide 80 energy efficient buildings; and
 - A commitment to the construction of a minimum of 10% of the multi-family units as adaptable units.
 - Road reservation covenant under section 44 of the Community Charter to address the future dedication and construction of Road A as a local public road, and the possible additional dedication that may be needed to accommodate for cuts, fills, and daylighting requirements.

The above stated voluntary commitments will be secured prior to third reading of the proposed amending bylaws.

ALTERNATIVES:

That Council not proceed with Bylaw 1790 and 1791.

FINANCIAL IMPLICATIONS: N/A

LEGAL IMPLICATIONS:

As this application proposes to amend the OCP, Council must:

1. Consider whether consultation on the OCP amendment should be early and on-going, and
2. Specifically consider whether consultation is required with:
 - (i) the boards of the CVRD and the RDN
 - (ii) the council of a municipality adjacent to Ladysmith
 - (iii) First Nations
 - (iv) the school district, great boards or improvement district boards, and
 - (v) the provincial or federal government and their agencies.

It is recommended to refer the application to the Stz'uminus First Nation consistent with the signed MOU. The application has been introduced to the Stz'uminus First Nation. The application has previously been considered by the APC and ADP.

A public hearing will be required to be held.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing would be sent to the neighbourhood and would be published in the local newspaper.



The applicant held a neighbourhood meeting in October 2011 and will hold another neighbourhood meeting prior to the public hearing. The application has been presented to the Advisory Planning Commission and Advisory Design Panel for consideration and their comments have been integrated into the development proposal.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department for review and comment. The Director of Infrastructure Services has worked with the applicant's engineers to review the alignment of the proposed Malone Road extension and the intersection with the future Road A.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The proposed development is consistent with the Visioning Report, and the following key features are noteworthy:

- Innovative development permit guidelines for the multi-family sites;
- A blend of housing options in one neighbourhood;
- A commitment to Energuide 80 energy efficient buildings;
- Providing a serviced residential lot to Habitat for Humanity;
- 10% of the multi-family units will be adaptable units;
- Protection of the riparian areas;
- Road linkages to lands beyond; and
- Pedestrian linkages to existing parks.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a Council strategic direction.

SUMMARY:

It is recommended to refer the development proposal to the Stz'uminus First Nation; to give first and second reading to Bylaw 1790 and 1791; and to schedule a public hearing.

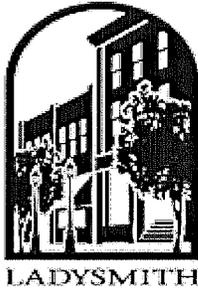
I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1790
Bylaw 1791



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: October 31, 2012
File No: 3360-12-02

Re: Official Community Plan (OCP) Amendment and Rezoning Application - Wall Lot 1, District Lot 24, Oyster District, Plan VIP72824, except part in Plan VIP81529 (1030 Oyster Bay Drive)

RECOMMENDATION(S):

That Council give first and second readings to:

- a) Bylaw 1811 cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.39) 2012, No. 1811”; and
- b) Bylaw 1812 cited as “Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.90), 2012 No. 1812”;

and that Council direct that a public hearing be scheduled for Bylaw No. 1811 and Bylaw No. 1812.

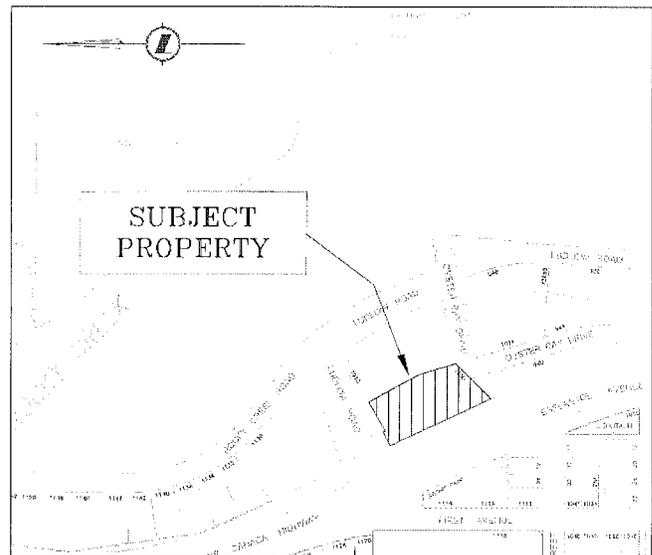
PURPOSE:

The purpose of this staff report is to present a bylaw to amend the Official Community Plan and a bylaw to amend the Zoning Bylaw to permit limited service commercial uses in addition to light industrial uses at 1030 Oyster Bay Drive.

INTRODUCTION/BACKGROUND:

At the October 2, 2012 meeting Council passed two motions regarding the application:

- Directing staff to work with the applicant to ensure the proposed uses for 1030 Oyster Bay Drive do not deter from the viability of the downtown commercial district; and
- To refer the proposal to the APC, Stz’uminus First Nation, and the applicant is to hold a neighbourhood information meeting.



SCOPE OF WORK:

The current stage of this OCP amendment and rezoning application is to present a bylaw to amend the OCP and a bylaw to amend the Zoning Bylaw. To assist with maintaining the viability of the downtown core staff has worked with the applicant to draft site specific amending bylaws (Bylaw 1811 and 1812) that:

- only add service commercial uses that are complementary to the Rocky Creek Road area;
- limit the permitted commercial uses to no more than one-half of the light industrial gross floor area; and
- limit the size of the commercial units within the building.

Bylaw 1811

The subject property is designated for 'light industrial' land use in the Waterfront Area Plan. Bylaw 1811 proposes to amend the 'Waterfront Area Plan' by adding the following clause specific to 1030 Oyster Bay Drive:

"The property located at 1030 Oyster Bay Drive (Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in plan VIP81529) is designated as **Light Industrial** and will continue to provide significant floor area for light industrial uses. Additional service commercial uses are permitted at 1030 Oyster Bay Drive to take advantage of the visibility to the highway and to complement other land uses in the industrial and commercial areas. Permitted uses may include limited retail, offices, and complimentary commercial services. The maximum gross floor area for individual service commercial units shall not exceed 465 square metres (5,000 sq. ft.) and the total service commercial use may comprise no more than one-half of the light industrial gross floor area."

Bylaw 1812

The subject property is zoned for light industrial use in the Zoning Bylaw. Bylaw 1812 proposes to amend the Zoning Bylaw by adding the following uses to the "Light Industrial Zone" for the subject property:

- i) retail store;
- ii) coffee shop;
- iii) business or professional office;
- iv) personal service establishment;
- v) financial institution;
- vi) business or commercial school;
- vii) recreation facility;
- viii) visitor centre or tourist bureau;
- ix) animal hospital, animal grooming;
- x) custom workshop; and
- xi) wholesale.

The bylaw proposes that the uses listed above are limited to a maximum total gross floor area of 1460m² (15,715ft²) and that individual units shall not exceed a

maximum gross floor area of 465 m² (5000ft²), except retail stores which may be a maximum total gross floor area of 700m² (7,535ft²). Also, a definition for 'custom workshop' and 'wholesale' is proposed to be added to the Zoning Bylaw.

Parking and Access

The approved development permit plans show that 48 parking spaces are provided for office/retail use and 23 parking spaces are provided for industrial use. The applicant is pursuing a new driveway access from Ludlow Road. Staff have requested that the applicant provide a parking analysis that incorporates the proposed new uses and that this analysis be presented at the Public Hearing.

ALTERNATIVES:

That Council not proceed with Bylaw 1811 and Bylaw 1812.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

A public hearing will be required to be held. Due to the property's proximity to a controlled access highway intersection the zoning amendment bylaw must be approved by the Minister of Transportation.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At their meeting on October 10, 2012 the Advisory Planning Commission (APC) passed the following motion regarding the application for 1030 Oyster Bay Drive:

It was moved, seconded and carried that the Advisory Planning Commission recommends approval of adding the additional uses listed for this site and this site only (3360-12-02) with the following concerns:

- *Industrial zoning should be protected*
- *Parking shortages*
- *Diminishing downtown*
- *Road access; and*
- *Drive thru fast food is not supported.*

The APC's concerns have been considered in the drafting of Bylaw 1811 and 1812 by ensuring that half of the building is reserved for I-1 zone uses, by requesting a parking analysis from the applicant, and by limiting the permitted commercial gross floor area and unit size. A drive thru is not permitted.

The application has been referred to the Stz'uminus First Nation consistent with the signed MOU. Also, the applicant will be hosting a neighbourhood information meeting as required by the Development Procedures Bylaw.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department and Building Inspector for review and comment. The Building Inspector has no concerns regarding the proposed new uses for the building.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Vision Report suggests that the waterfront industrial area should include office areas and small retail areas to bring goods and services to the public as well as to support workers.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a Council strategic direction.

SUMMARY:

It is recommended to give first and second reading to Bylaw 1811 and 1812 and to schedule a public hearing.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1811

Bylaw 1812



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Heritage Revitalization Advisory Commission
Date: October 30, 2012
File No: 6800-02-20

Re: LADYSMITH COMMUNITY HERITAGE REGISTER

RECOMMENDATION:

That Council support the recommendation of the Heritage Revitalization Advisory Commission to update the Town of Ladysmith Community Heritage Register by adding all existing buildings listed in the Ladysmith Heritage Inventory (R. Goodacre, 1990).

BACKGROUND / HISTORY:

At its meeting held July 12, 2012, the Heritage Revitalization Advisory Commission (HRAC) made the following recommendation to Council.

It was moved, seconded and carried that the Heritage Revitalization Advisory Commission support an update to the Ladysmith Community Heritage Register by adding all existing buildings listed in the Ladysmith Heritage Inventory.

The HRAC is scheduled to consider its priority projects for 2013 at its November meeting.

ANALYSIS:

The Heritage Revitalization Advisory Committee reviewed the recommendations made in the "Heritage Building Condition Inventory" prepared by HRAC members Peter Blumel and Brian McLaurin. This inventory is divided into "Phase 1: Current Heritage Buildings" which are those included in the Ladysmith Heritage Inventory (R. Goodacre, 1990), and "Phase 2: Future Heritage Buildings" which are downtown heritage buildings currently not included in the Ladysmith Heritage Inventory.

The "Heritage Building Condition Inventory" recommended that all buildings contained in Phase 1 (all buildings in the Ladysmith Heritage Inventory) be accepted into the Ladysmith Community Heritage Register. Members discussed the benefit of having more buildings on the Community Heritage Register, including ease of determining eligibility for heritage grants.

STAFF COMMENTS:

Staff have discussed the scope of work with Christine Meutzner, the archivist at the Ladysmith Community Archives. The buildings in the Ladysmith Heritage Inventory could be added to the Community Heritage Register by creating a statement for each building from the information contained in the Heritage Inventory.

This statement must include the reasons why property included in a Community Heritage Register is considered to have heritage value or heritage character. As the Heritage Inventory references more of the cultural history of the building and does not include reference to “the character defining elements of the building”, it has been recommended that this work also be done.

The Community Heritage Register currently contains nine records. Including buildings on the Community Heritage Register does not provide heritage protection, but rather identifies historic buildings that are important to the community. Owners must be notified by the Town.

If this project is prioritized by the HRAC for 2013, funding for it would be allocated within the heritage project budget. To keep the project within an achievable scope, staff would work with the HRAC to identify the first buildings to have this additional work completed (which would not be at the level of a Statement of Significance and thus not eligible to be included on the provincial or national registers) but would provide suitable information for use in heritage revitalization programs. The work would be completed by a heritage consultant.

ATTACHMENTS:

“None”.



Mount Brenton Power & Sail Squadron
Volunteers Teaching Safe Boating
Box 250
Ladysmith, B. C. V9G 1A2

October 24, 2012

Mayor and Council
Town of Ladysmith
PO Box 220, 410 Esplanade
Ladysmith, British Columbia V9G 1A2

(via: email)

Dear Mayor Hutchins and Town Council:

Re: Mount Brenton Power & Sail Squadron Annual Christmas Lights Cruise

As you may be aware, every December for about twenty-five years or so, the Ladysmith based Power & Sail Squadron has been decorating their boats with Christmas lights, and cruising down Ladysmith Harbour. Vessels come from all over the Island waters, and put on quite an impressive show. This year's cruise is scheduled for December 8, 2012.

The Ladysmith Kinsmen provide the ideal viewing point for those on shore. The large gathering of enthusiastic people at the bonfire at Slag Point, with hot chocolate and hot dogs, encourages the boaters to decorate more elaborately each year. And the flashing lights from the homes by the shore also add greatly to the Christmas Cruise spirit.

Like the Town's "Festival of Lights", this event has become a tradition with local boaters and residents. However, the number of participating boats has declined in the past few years, and the Squadron would greatly appreciate your assistance in getting the word out. You can help us by advertising the event on your sign boards that are visible from the highway. We recognize that you are of course, advertising the "Festival of Lights" in this same time frame, but perhaps after the "Light Up", you could display information about our Christmas Lights Cruise.

On behalf of the Mount Brenton Power & Sail Squadron, I thank you for considering this request. If you have any questions, please feel free to contact me at 250-245-8339 or marym@island.net. And if you would like to join us on the cruise, the Squadron will make every effort to find a place for you on one of the vessels.

Sincerely yours,

Mary Marcotte, Cruisemaster
Mount Brenton Power & Sail Squadron

Town of Ladysmith

Box 220

Ladysmith, BC

Attn: Mayor

Dear Mayor and Council:

Canada has a rich history of military service and sacrifice. Among those who served, close to 117,000 soldiers never came home, often buried overseas, at or near the place of their final battle. Lost was the opportunity to have children, grandchildren, to live a full life. The Canadian Fallen Heroes Foundation is a registered charitable organization committed to honoring these soldiers with a lasting tribute.

Memorials are being created to help provide a glimpse into the lives led and aspirations of our soldiers prior to enlistment. The memorials feature a photograph, brief biography including military service details, age and date of death, and relevant historical information. These Memorials testify to the sacrifice made by citizens of various communities and every effort is being made to place soldiers in their proper home town so that all records can be readily accessed by members of the community and local educators.

Existing memorials can be viewed at www.canadianfallenheroes.com and searched by name, community or province under Virtual Memorials. Cemeteries can also be visited if underlined. Over 3000 Memorials have been created and placed for soldiers from over 200 communities in Manitoba and Alberta. Memorials are being added for Saskatchewan and British Columbia communities this fall as information is gathered and verified.

Memorials for Douglas Baker, Douglas Gill, Douglas Thicke, Raymond Conti, Tristen De Koninck and William Simpson from Ladysmith are ready to be created and placed once funds permit. Enlistment records and biographies often mention more than one community and make placement on the War Memorial difficult. We are inviting communities to help ensure that all soldiers from their area are included. Please feel free to pass along our contact information to anyone who may be able to help in this regard.

Should the council wish to support, a Memorial will be placed with each donation of \$50.00 and all donors will receive an official tax receipt. Should you have any questions please feel to call me at 250-367-2236.

Regards,

Toni Hall

Project Manager

British Columbia War Memorial Project

Canadian Fallen Heroes Foundation

CHARITY TAX # 86563 9447 RR0001

PO Box 293

Fruitvale, BC V0G 1L0

Email: cfhfoffice@gmail.com

<http://www.canadianfallenheroes.com>

TOWN OF LADYSMITH

BYLAW NO. 1790

A bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488".

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Schedule "A" – "Town of Ladysmith Community Plan" is hereby amended as set out in Schedule I, II and III, and IV to this Bylaw.

CITATION

2. This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 38) 2012, No. 1790".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1790 – Schedule I

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:

(a) Section 3.8.5 “Development Permit Areas” is amended by adding:

“Development Permit Area 8 – Malone Road Multi-Family Residential (DPA 8)”

The DPA 8 areas shown on *Official Community Plan Map 2 – Development Permit Areas* are designated pursuant to the *Local Government Act* Section 919.1 (a), (f), (h), (i) and (j) to:

- Protect the natural environment, its ecosystems and biological diversity;
- Establish objectives for the form and character of multi-family residential development; and
- Establish objectives to promote energy conservation, water conservation and the reduction of greenhouse gas emissions.

Justification

The *Ladysmith Vision for a Sustainable West Coast Town* provides a guide and reference for development in Ladysmith, and calls for complete community land use, low impact transportation, green buildings, multi-use landscapes, innovative infrastructure and a healthy community. The Town has completed a Community Energy Plan and has established in the Official Community Plan targets, actions and strategies to reduce its greenhouse gas emissions. DPA 8 provides guidelines for the detailed site design of a comprehensive multi-family residential development with the objective to achieve a high level of design for multi-family residential development and livability for future residents that is consistent with the Ladysmith Vision, while incorporating energy conservation building placement; energy and water conservation, capture and reuse features; complete-streets circulation to increase opportunities for non-vehicle mode share; and innovative infrastructure.

The lands included within DPA 8 include a young Douglas Fir forest ecosystem with intact continuous forest stands; dry, rocky outcrops; and tributaries to Rocky Creek. Integration of the site’s natural topography, the protection of its natural features, and the identification of areas that must remain free of development or managed in order to protect the natural environment and sensitive ecosystems are important objectives of the DPA 8. The application of these guidelines to this land should result in a detailed development plan that protects the natural environment, its ecosystems and biological diversity by designing a comprehensive multi-family residential development that works with the natural environment and promotes energy and water conservation, and reduces greenhouse gas emissions.

The guidelines are to be considered and a development permit secured prior to subdivision of land, the construction or alteration of a building or structure, or the alteration of land.

Guidelines

The following guidelines specify the manner in which the special conditions and objectives of DPA 8 will be met.

A. MULTI-FAMILY RESIDENTIAL DEVELOPMENT – FORM, CHARACTER AND EXTERIOR DESIGN

- i) Building design shall be prepared by a design professional with knowledge of hillside design, natural area conservation, and multi-family building design.
- ii) The design of buildings shall be contemporary west coast and should also be reflective of Ladysmith’s built heritage.
- iii) Buildings shall be of a human scale and provide a sense of neighbourhood identity through a coherent architectural language and form.
- iv) Building massing shall respond to the site’s topography and natural setting to depict a series of buildings nestled into the forest, rather than a single, uniform building mass.
- v) Where buildings are located on steep or sloping grades, the design of the building shall step with the topography, rather than benching across the

- change in elevation.
- vi) Building and window placement shall capitalize on the surrounding scenic amenities to help create a sense of place. Buildings shall be located to afford view corridors. Consideration of views to the building(s) from other vantages in Ladysmith shall also be considered.
 - vii) Building facades shall be articulated through the use of varied materials and projections to break-up the overall scale of the building and create varied and visually interesting buildings. Considerations include façade modulations, window patterning, roofline changes, alternating dormers, gables, stepped roofs, and building plane material and colour changes.
 - viii) Building exteriors shall be constructed from high quality, durable materials including concrete, brick, wood, stone and metal panel products. Bold detailing shall also use natural elements such as rock and wood. Stucco, vinyl, and aluminum siding are not acceptable materials.
 - ix) Indoor common spaces for use by the residents shall be provided for social and other activities.
 - x) All residential units shall be provided with private outdoor space. This space can take the form of a balcony, deck, or garden patio that is oriented to permit sunlight and views. Where the space is located on the ground level, patios should be provided with adequate screening to afford privacy for the residents.
 - xi) The majority of the parking for the residential units should be located in underground parking areas. Limited under-building and in-unit garages may also be considered when set back from the building face and adequately screened with architectural elements and landscaping.
 - xii) Parking garage entries shall not dominate the streetscape. They shall be designed and sited to complement the pedestrian entry (this applies to all forms of parking garage entries).
 - xiii) Short term (outdoor) and long-term (indoor) bicycle parking facilities shall be provided. Longer term indoor bicycle storage areas shall be located close to elevators and/or access points.

B. ENERGY CONSERVATION AND BUILDING SITING

- i) The siting of buildings, roofs, windows and walls shall be toward the south, where possible, to maximize passive solar gain and create opportunities for solar energy collection.
- ii) Buildings shall be designed to maximize opportunities for natural ventilation and cooling.
- iii) The incorporation of resource and energy efficiency into building design, construction and systems is highly encouraged.

C. SITE DESIGN AND CIRCULATION

- i) Multi-family buildings shall be oriented towards streets (public or strata). Specifically, building entrances shall face the street and be clearly visible from the street. Buildings shall also provide windows that face the street to provide “eyes on the street”. Building entries that face onto common open space that is oriented to the street may also be considered.
- ii) Multi-family buildings shall incorporate a front yard transitional space between the adjacent street(s) and the building(s) to create a semi-public space that divides the public space (the street) from the private space (the building). This may include a landscaped front yard and/or landscaped entry court.
- iii) Outdoor common space for use by residents shall be provided for social and other activities. This space shall include both hard and soft landscaping and may include benches and picnic tables, active play area, and natural landscaped areas.
- iv) Where surface parking is provided for visitors and short-term/loading purposes, such parking areas shall be located to the side or rear of buildings and shall be designed to accommodate clustered parking with

landscape buffering/screening included in the landscape plan. Parking areas shall not be located adjacent to street corners.

- v) An on-site pedestrian circulation system shall be provided that is clearly defined and designed to be separated from driveways, parking/loading areas, through the use of raised curbs, elevation changes, bollards, landscaping, different paving materials, and/or similar method.
- vi) Pedestrian linkages from parking areas to building entrances, site amenities, and the street shall be provided.
- vii) Strata roads shall be designed to incorporate pedestrian pathways, cyclist facilities, boulevard trees, and alternative stormwater management strategies.
- viii) Short term (outdoor) and long-term (indoor) bicycle parking facilities shall be provided. Short term bicycle parking should be in well-lit locations and clearly visible from a main building entrance. Bicycle racks shall be made of sturdy, theft resistant material that is securely anchored to the floor or ground.

D. NATURAL ENVIRONMENT AND SENSITIVE ECOSYSTEMS

- i) Land clearing shall not take place prior to the issuance of a development permit. Danger trees identified by an appropriately certified arborist may be removed when authorized by the Town.
- ii) A qualified professional Biologist shall identify appropriate green space to be protected, maintained and managed such as forested stands, rocky outcrops and/or additional areas adjacent to riparian features as identified in the "Ecological Assessment – Malone Road" (2010) prepared by Madrone Environmental Services Ltd.. A covenant may be required to protect sensitive ecosystems.
- iii) No development activities are permitted within the Streamside Protection and Enhancement Area (SPEA) including construction of permanent/non-permanent structures; clearing/disturbing vegetation; dumping of yard waste; and limbing/pruning of trees unless deemed to be danger trees by an appropriately certified Arborist overseen by a Qualified Environmental Professional. The location of the SPEA is subject to the provincial *Riparian Area Regulation*.
- iv) Any development (buildings or land clearing) within the Riparian Assessment Area (RAA) shall be subject to the development of detailed measures consistent with the Riparian Development Permit Area guidelines (DPA 6). The location of the RAA is subject to the Provincial *Riparian Area Regulation*.
- v) Identify the SPEA edge on site plans and in the field through the use of flagging or high visibility, temporary snow fencing to prevent encroachment.
- vi) A detailed site-specific sediment and erosion control plan shall be prepared by a qualified professional prior to development. The sediment and erosion control plan shall include the following requirements:
 - a) Minimize areas to be cleared;
 - b) Maintain vegetation cover for as long as possible;
 - c) Carry out site preparation work in the summer months and suspend operations during periods of wet weather;
 - d) Install silt fencing where appropriate;
 - e) Cover exposed areas with geotextiles or tarps to prevent rain splash mobilization of sediment; and
 - f) Use mulch and/or seeding to stabilize exposed ground and decrease the potential for mobilization of sediment.
- vii) If vegetation clearing (grasses, shrubs and/or trees) is proposed to occur during the bird breeding season (April 15 to July 31) a nest survey shall be completed by a qualified professional Biologist prior to site disturbance.
- viii) A tree preservation plan shall be prepared and supplied by an appropriately certified Arborist. The following general measures shall be addressed:

- a) Retention and replacement of tree cover as strategies for carbon storage and groundwater management;
- b) Management of tree cover to maximize solar radiation in winter months.
- c) Maintenance of continuous forest stands where possible to sustain connectivity and wildlife use.
- d) Identification of the rooting zone of trees in construction areas to avoid damage to roots (e.g. through trenching);
- e) Management of the soil around the trees so that it is not compacted (e.g. through the action of heavy machinery) so as to maintain drainage conditions;
- f) Management of pollutants to ensure that they do not enter the rooting zones of trees;
- g) Management of the site to avoid damage to tree limbs and bark;
- h) Provision for on-site monitoring during site clearing and construction.

E. *LANDSCAPING - SITE DESIGN, ENERGY & WATER CONSERVATION, AND GHG EMISSION REDUCTION*

- i) The site landscape plan shall be prepared by a registered professional Landscape Architect in collaboration with the registered professional Biologist.
- ii) A 6.0 metre landscaped buffer shall be provided and maintained along the west property line (B.C. Hydro right of way) as an additional area of landscaping between the transmission lines and the development site. Vegetated bio-swales may be considered within this buffer area.
- iii) On-site landscaping shall consist of native and drought tolerant plants to reduce water consumption and to contribute to natural habitat
- iv) Surface parking areas shall be designed to incorporate alternative stormwater management strategies such as bio-swales, wherever possible.
- v) Stormwater run-off shall be reduced by utilizing vegetative filter strips, infiltration galleries, permeable surfaces, rain gardens, and retention ponds.
- vi) Permeable paving materials shall be utilized extensively for sidewalks, courtyards, driveways, internal roads, and parking areas. Non-permeable surfaces shall be minimized to facilitate on-site rainwater infiltration. Pollution/water separators shall be installed and a maintenance plan prepared.
- vii) Consideration shall be given to installing rainwater collection systems to capture, store, and re-use rainwater to irrigate plants and landscaping.
- viii) The exterior refuse, recycling, and organics collection (compost) storage bins shall be adequately sized and securely enclosed and covered utilizing materials that are compatible with the design of the primary structures on the site, using similar building materials and/or detailing.
- ix) Exterior lighting on the site shall be downcast and shall be directed away from adjacent residential areas and park areas. Pedestrian corridors shall be lit with pedestrian scaled lighting.

F. *MONITORING*

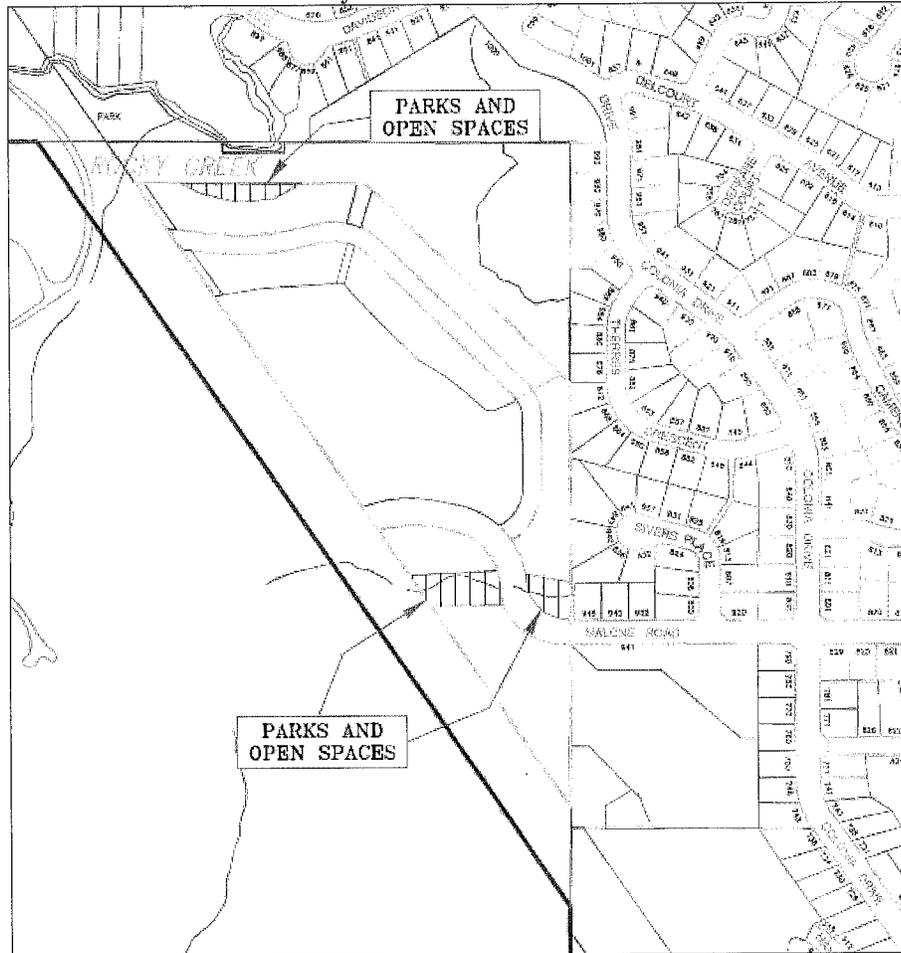
- i) Conditions regarding monitoring and reporting shall be included in the Development Permit.
- ii) On-site monitoring shall be undertaken by the registered professional Biologist during site clearing and throughout the construction of the development.
- iii) On-site monitoring shall be undertaken the by an appropriately certified

Arborist during site clearing.

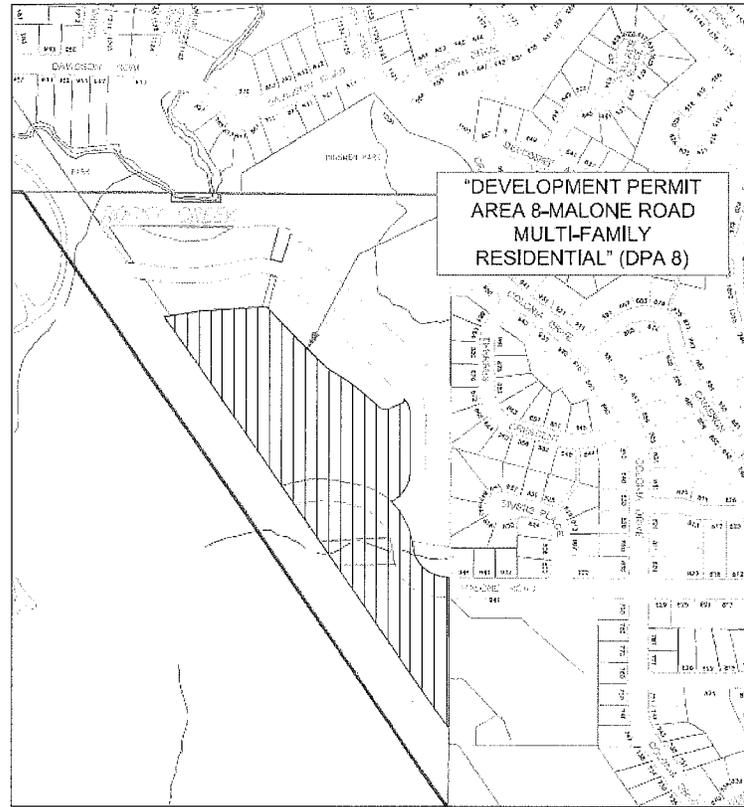
iv) On-site monitoring shall be undertaken by a registered professional Landscape Architect during landscape installation. Any request for release of a landscape bond shall be accompanied by a report from the Landscape Architect. “

- 2. “Map 1 – Land Use” is amended by adding “Parks and Open Spaces” to the Streamside Protection and Enhancement Areas (SPEA) established on Lot B, District Lot 126, Oyster District Plan VIP73132 as shown on **Schedule II**.
- 3. “Map 2 – Development Permit Areas” is amended by:
 - (a) adding “DPA 8 – Malone Road Multi-Family Residential” to the ‘Legend’;
 - (b) placing “DPA 8” on a portion of Lot A, District Lot 126, Oyster District, Plan VIP73132 as shown on **Schedule III** to this Bylaw;
 - (c) removing “DPA 6 – Riparian Development Permit Area” from a portion of Lot A, District Lot 126, Oyster District, Plan VIP73132 as shown in **Schedule IV** to this Bylaw.
 - (d) removing “DPA 4 – Multi-Family Residential Development Permit Area” from Lot A, District Lot 126, Oyster District, Plan VIP73132.

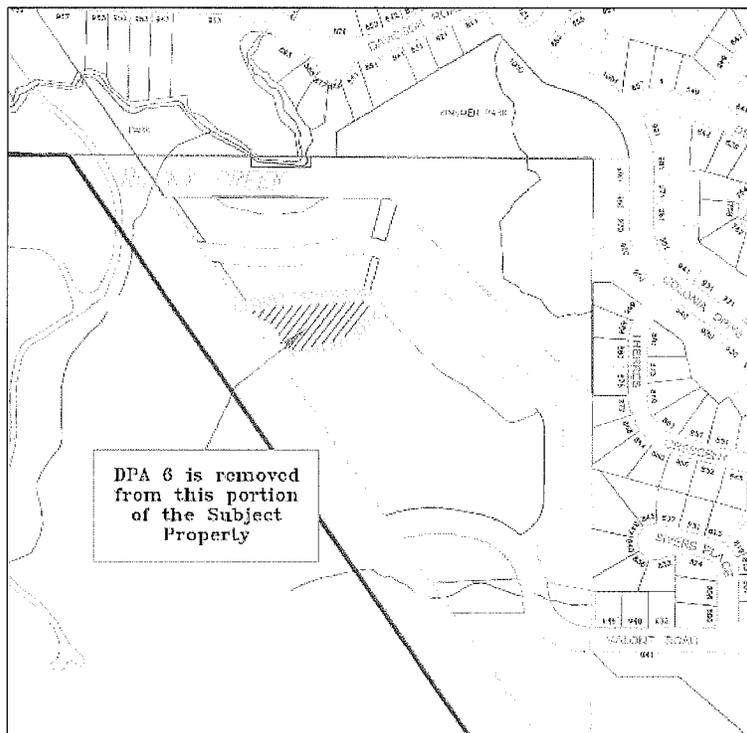
Bylaw 1790 – Schedule II



Bylaw 1790 – Schedule III



Bylaw 1790 – Schedule IV



TOWN OF LADYSMITH

BYLAW NO. 1791

A bylaw to amend the "Town of Ladysmith Zoning Bylaw 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended, is hereby further amended as follows:
 - a) Add to the list in section 6.1(1): "Comprehensive Development 3 (CD-3)";
 - b) Add a new section "35.0 Comprehensive Development 3 (CD-3)" as shown on 'Schedule I' attached to and forming a part of this Bylaw.
2. The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by:
 - (a) Adding "CD-3 Comprehensive Development 3" to the list of zones on page 26;
 - (b) Designating that part of Lot A, District Lot 126, Oyster District, Plan VIP73132 as CD-3 - Comprehensive Development 3 as shown on **Schedule II** attached to and forming part of this Bylaw; and
 - (c) Designating as P-2 - Parks and Recreational those areas of Lot A, District Lot 126, Oyster District, Plan VIP73132 as shown as P-2 on **Schedule II** attached to and forming part of this Bylaw.

CITATION

3. This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 88) 2012, No. 1791".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1791 - Schedule I

35.0 COMPREHENSIVE DEVELOPMENT THREE (CD-3)

The Comprehensive Development Three zone is to provide for a mixed residential neighbourhood with a range of housing options and densities. Emphasis is placed on protecting the adjacent riparian areas and sensitive natural ecosystems through comprehensive site planning.

35.1 The Comprehensive Development Three zone is divided into areas A, B, and C, located as shown on the Plan in Section 35.11. The location of areas A, B and C shall comply with Section 35.11 CD-3 Zone Areas.

35.2 Permitted Uses: Areas A, B, and C

The following uses are permitted in Areas A, B and C:

- (a) residential use; and
- (b) home occupation (accessory to residential use).

35.3 Area A: Permitted Buildings and Structures

The following buildings and structures are permitted in Area A:

- (a) single family dwelling;
- (b) accessory building or structure.

35.4 Area B: Permitted Buildings and Structures

The following buildings and structures are permitted in Area B:

- (a) single family dwelling;
- (b) two family dwelling;
- (c) accessory building or structure.

35.5 Area C: Permitted Buildings and Structures

The following buildings and structures are permitted in Area C:

- (a) multi-family dwelling;
- (b) accessory building or structure.

35.6 Conditions of Use: Areas A and B

The following regulations and prohibitions apply to the use of land, buildings and structures in Areas A and B:

- (a) The maximum permitted lot coverage shall not exceed 33.0 percent.
- (b) The height of a principal building shall not exceed 9.0 metres; except where the roof pitch is less than 4:12 then the maximum height shall be 7.5 metres.
- (c) No building or structure shall be situated closer than:
 - i) 4.5 metres to the front lot line;
 - ii) 3.0 metres to one side lot line and 1.5 metres to the other side lot line;
 - iii) 4.5 metres to the rear lot line.
 - iv) Despite section 35.6 (c)(i) any portion of a building comprising an attached garage shall have a setback of a minimum of 1.5 metres from the front face of the building.
 - v) Despite section 35.6 (c)(ii), closer than 6.0 metres to the boundary of a hydro right of way lot line.
- (d) The minimum finished floor area for a single family dwelling shall be 83.0 square metres and the maximum finished floor area shall be the lesser of 33.0 percent of the parcel area or 240.0 square metres.

- (e) The maximum finished floor area for a two family dwelling shall be the lesser of 33% of the lot area or 310 square metres.
- (f) A secondary suite may not exceed 40 percent of the gross floor area of the single family dwelling or 90 square metres, whichever is less.
- (g) A bed and breakfast use is not permitted in a single family dwelling containing a secondary suite.
- (h) No lot having an area less than 390.0 square metres may be created by subdivision under the *Strata Property Act*.
- (i) Without limiting section 35.6(h) a secondary suite cannot be stratified, subdivided or otherwise legally separated from the single family dwelling wherein it is located.
- (j) Off-street parking must be provided as required by the Municipality's parking regulations.

35.7 Accessory Buildings: Areas A and B

- (a) The height of an accessory building or structure within Areas A and B shall not exceed 5.0 metres; except where the roof pitch is less than 4:12 then the maximum height shall be 3.5 metres.
- (b) The height of an accessory building or structure within Areas A and B shall not exceed one storey and shall not include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.
- (c) Despite section 35.6(c) accessory buildings shall be sited no closer than:
 - (i) 6.0 metres to the front lot line;
 - (ii) 1.5 metres to either side lot line;
 - (iii) 1.5 metres to the rear lot line;
 - (iv) Despite section 35.7(c)(ii) accessory buildings shall be sited no closer than 6.0 metres to the boundary of a hydro right of way lot line.

35.8 Minimum Lot Size: Areas A and B

Within Areas A and B:

- (a) The minimum lot size permitted for a single family dwelling shall not be less than 668 square metres, including a lot containing a single family dwelling created by subdivision under the *Strata Property Act*.
- (b) The minimum lot size permitted for a two family dwelling shall not be less than 780 square metres.
- (c) Despite 35.8(b) a lot including one dwelling unit of a two family dwelling created by subdivision under the *Strata Property Act*, may be 390.0 square metres.
- (d) All development must be connected to public water and sewer systems.

35.9 Conditions of Use: Area C

The following regulations and requirements apply to the use of land, buildings and structures in Area C:

- (a) A maximum of 103 dwelling units are permitted in Area C.
- (b) The maximum permitted lot coverage shall not exceed 33.0 percent.
- (c) The maximum permitted floor space ratio is 0.66.
- (d) The height of a principal building shall not exceed 10.0 metres.
- (e) No building or structure shall be closer than:
 - (i) 6.0 metres to the front lot line;
 - (ii) 3.0 metres to a side lot line;
 - (iii) 3.0 meters to a rear lot line;
 - (iv) Despite section 35.9(e)(ii) no building or structure shall be closer than 6.0 metres to the boundary of a hydro right of way lot line and

6.0 metres to the boundary of Area B (as shown on the Plan included in section 35.11).

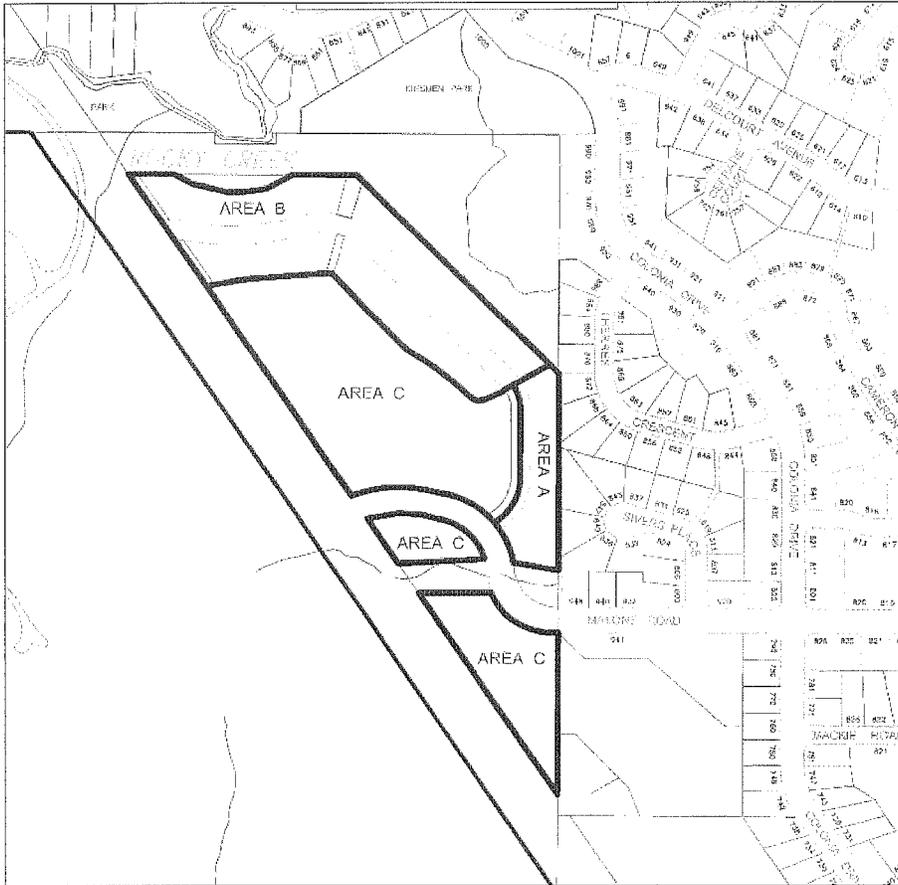
- (f) No building or structure may be located within a 'Streamside Protection Enhancement Area' as defined by the *Riparian Area Regulation, B.C. Reg. 376/2004*.
- (g) Off-street parking and loading must be provided as required by the Municipality's parking regulations.

35.10 Minimum Lot Size: Area C

Within Area C:

- (a) The minimum lot size permitted shall not be less than 2.5 hectares.
- (b) All development must be connected to water and sewer.

35.11 Comprehensive Development Three (CD-3) Zone Areas



TOWN OF LADYSMITH

BYLAW NO. 1811

A bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488".

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Schedule "B" – "Waterfront Area Plan" is hereby amended as set out in Schedule I to this Bylaw.

CITATION

2. This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 39) 2012, No. 1811".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1811 – Schedule I

1. Section 4.3 “Industrial” is amended by adding the following paragraph to the end of policy 4.3.2.2 as follows:

“The property located at 1030 Oyster Bay Drive (Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in plan VIP81529) is designated as **Light Industrial** and will continue to provide significant floor area for light industrial uses. Additional service commercial uses are permitted at 1030 Oyster Bay Drive to take advantage of the visibility to the highway and to complement other land uses in the industrial and commercial areas. Permitted uses may include limited retail, offices, and complimentary commercial services. The maximum gross floor area for individual service commercial units shall not exceed 465 square metres (5,000 sq. ft.) and the total service commercial use may comprise no more than one-half of the light industrial gross floor area.”

TOWN OF LADYSMITH

BYLAW NO. 1812

A bylaw to amend the "Town of Ladysmith Zoning Bylaw 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

A. The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended, is hereby further amended as follows:

(1) Section 4.0 "Definitions" is amended by adding the following:

(a) Adding a new definition immediately following the definition of 'curb level':

"Custom workshop: means a workshop within a building where the production, sales and serving of specialized goods or services, including home cabinets, signs, window coverings and furniture, occurs."

(b) Adding a new definition immediately following the definition of 'watercourse':

"Wholesale: means the use of land, building or structures by establishments or businesses engaged in selling merchandise to retail dealers, or to other wholesale dealers, or to contractors or to manufacturers, for resale or for use in their business."

(2) Section 26.0 "Light Industrial Zone (I-1)" is hereby amended by:

(a) Adding the following site specific regulation to 26.1 "Permitted Uses" following sub-section (v):

"(w) For the property described as Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in plan VIP81529 (1030 Oyster Bay Drive), the following additional uses are permitted:

- i) retail store;
- ii) coffee shop;
- iii) business or professional office;
- iv) personal service establishment;
- v) financial institution;
- vi) business or commercial school;
- vii) recreation facility;
- viii) visitor centre or tourist bureau;
- ix) animal hospital, animal grooming;

- x) custom workshop; and
 - xi) wholesale.”
- (b) Adding the following site specific regulations to 26.2 “Conditions of Use” following sub-section (4):
- “(5) For the property described as Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in plan VIP81529 (1030 Oyster Bay Drive) the following uses are limited to a total maximum gross floor area of 1460 square metres (15,715ft²) and individual units shall not exceed a maximum gross floor area of 465 square metres (5,000ft²): retail store, coffee shop, business or professional office, personal service establishment, financial institution, business or commercial school, recreation facility, visitor centre or tourist bureau, animal hospital, animal grooming.
- (6) Despite section 26.2 (5), for the property described as Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in plan VIP81529 (1030 Oyster Bay Drive), the retail store use is limited to a total maximum gross floor area of 700 square metres (7,535 sq.ft.)”

CITATION

B. This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 90) 2012, No. 1812”.

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

APPROVED UNDER THE TRANSPORTATION ACT

on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)