



# TOWN OF LADYSMITH

A SPECIAL MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
WEDNESDAY, OCTOBER 30, 2013  
5:00 p.m.

## AGENDA

### CALL TO ORDER

Page

#### 1. AGENDA APPROVAL

#### 2. BYLAWS

Town of Ladysmith Permissive Tax Exemption Bylaw 2013, No. 1837  
May be adopted.

1 - 9

The purpose of Bylaw 1837 is to establish permissive tax exemptions giving property tax relief for 2014 for the properties listed in the bylaw.

#### 3. WORKSHOP

##### Zoning Bylaw Update Project

Presentation of "Zoning Bylaw Update Summary Report" and Council discussion facilitated by project consultant Brent Elliott

10 - 11  
&  
12 - 29

### ADJOURNMENT



# TOWN OF LADYSMITH

## BYLAW NO. 1837

A bylaw to exempt from taxation certain lands and buildings for the year 2014.

**WHEREAS** Section 224 and 225 of the *Community Charter* permits Council, by by-law, to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings;

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

### Part 1 – Church Properties Tax Exemption

All church halls and lands within the legal boundaries of those properties listed under Section 1 of Schedule ‘A’ are hereby exempted from taxation for the year 2014.

### Part 2 – Charitable, Not-for Profit and Recreational Tax Exemption

All lands and improvements within the legal boundaries of those properties listed under and to the extent described Section 2 of Schedule ‘A’ are hereby exempted from taxation for the year 2014.

### Part 3 – Partnering Exemption Authority

All lands and improvements within the legal boundaries of those properties listed under and to the extent described in Section 3 of Schedule ‘A’ are hereby exempted from taxation for the year 2014.

Schedules A through G, inclusive, which are attached hereto, form a part of this bylaw.

This bylaw may be cited as "Permissive Tax Exemption Bylaw 2013, No. 1837."

**READ A FIRST TIME** on the 7<sup>th</sup> day of October, 2013

**READ A SECOND TIME** on the 7<sup>th</sup> day of October, 2013

**READ A THIRD TIME** on the 7<sup>th</sup> day of October, 2013

**THIRD READING RESCINDED** on the 21<sup>st</sup> day of October, 2013

**READ A THIRD TIME AS AMENDED** on the 21<sup>st</sup> day of October, 2013

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

Schedule "A" attached to and forming part of  
Permissive Tax Exemption Bylaw 2013, No.1837

PROPERTY DESCRIPTION	
Part 1	
St. Mary's Catholic Church 224.2(f) Buildings for Public Worship	1135 4th Ave Remainder of DL 145, LD43 Oyster Land District except Plans 33231 & VIP72186 (Specifically the area of land and buildings outlined in red on Schedule 'B') Folio 1448.000
Pentecostal Assemblies of Canada 224.2(f) Buildings for Public Worship	1149 4th Ave Lot A, Plan 46331, DL43, Oyster District (Specifically the area of land and buildings outlined in red on Schedule 'C') Folio 1449.080
United Church of Canada 224.2(f) Buildings for Public Worship	232 High Street Lot A, Plan VIP63119, DL56 Oyster Land District Folio 327.010
Ladysmith Fellowship Baptist Church 224.2(f) Buildings for Public Worship	381 Davis Rd Lot 1, Plan 43316, DL 43, LD43 Folio 1041.500
Anglican Synod Diocese of BC 224.2(f) Buildings for Public Worship	314 Buller St Lot A, Blk 76, LD 43 Plan 703A Folio 494.000
Part 2	
Ladysmith Senior Citizens Housing Society 224.2(a) Non-Profit	101 1st Ave Lot 1, DL56, LD43, Plan 31443 Folio 1338.000
Ladysmith Senior Citizens Housing Society 224.2(a) Non-Profit	207 Jamison Rd Lot 1, DL 56, LD 43, Plan 21490 (Specifically the area of land surrounding the building footprint as shown on Schedule D) Folio 1322.300
Ladysmith Historical Society (Museum) 224.2(a) Non-Profit	721 1st Ave Lot 11, Blk 7, LD43, Plan 703 Folio 0055.000
Alcoholics Anonymous 224.2(a) Non-Profit	12 Buller St Lot 14, Blk 7, LD43, Plan 703 Folio 0058.000
Ladysmith Maritime Society 224.2(a) Non-Profit	611 Oyster Bay Dr Blk C, DL2016, LD 43. Foreshore lease for marina Lease/Permit #106431 As shown in Schedule 'G' Folio 1602.100
Ladysmith Maritime Society 224.2(a) Non-Profit	AND Unit C, I & M - 610 Oyster Bay Dr Lot 4, Plan 45800 Folio 1109.317
Ladysmith Maritime Society 224.2(a) Non-Profit	AND 616 Oyster Bay Dr Car Shop, Lot 4, Plan 45800 Parent parcel 1109.316, folio 1109.316
Ladysmith Golf Club Society 224.2(i) Recreational	380 Davis Rd DL43, LD43, except Plans 2478, 4670, 5873, 7527, 8922, 12027, 14051, 15693, 835R, 34197, 48247 & VIP57353. exc E&N R/W Pcl A (DD24404N) Pcl C (DD344431), VIP65242 Folio 1017.005

Ladysmith Festival of Lights 224.2(a) <i>Non-Profit</i>	1163 4th Ave Lot A, DL146, LD43, Plan 34438 Folio 1449.200
Arts Council of Ladysmith & District 224.2(a) <i>Non-Profit</i>	Units J, K & L - 610 Oyster Bay Rd Lot 4, 45800 Folio 1109.328
Eco-Tourism Building (mechanical room and public storage only) 224.2(a) <i>Non-Profit</i>	Transfer Beach Lot 2, Plan 36262 (Specifically the area of land and buildings outlined in red on Schedule 'E') Folio 1110.110
Ladysmith Health Care Auxiliary 224.2(a) <i>Non-Profit</i>	910 1st Ave (Thrift Shop) Lot 1, Blk 30, Plan 703A Folio 263.000
Canadian Legion Branch #171 224.2(a) <i>Non-Profit</i>	621 1st Ave Lot A, Blk 8, Plan 703 (except the section outlined in Schedule "F") Folio 70.000
<b>Part 3</b>	
St John's Masonic Temple Assoc (Leased by Town for parking lot) 225.2(a) <i>Partnering Agreement</i>	26 Gatacre St Lot 9, Blk 9, LD43, Plan 703 Folio 85.000
Ladysmith & District Historical Society archives 225.2(a) <i>Partnering Agreement</i>	1115A - 1st Ave (under Tim Horton's) Lot 1, VIS5873, DL118, LD43 Folio 1373.010
Municipal Parking lot 225.2(a) <i>Partnering Agreement</i>	17 & 25 Roberts St Lots 8 & 9, Blk 11, Plan 703A Folios 123.000 & 125.000

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PLAN 34-338

PLAN 34-339

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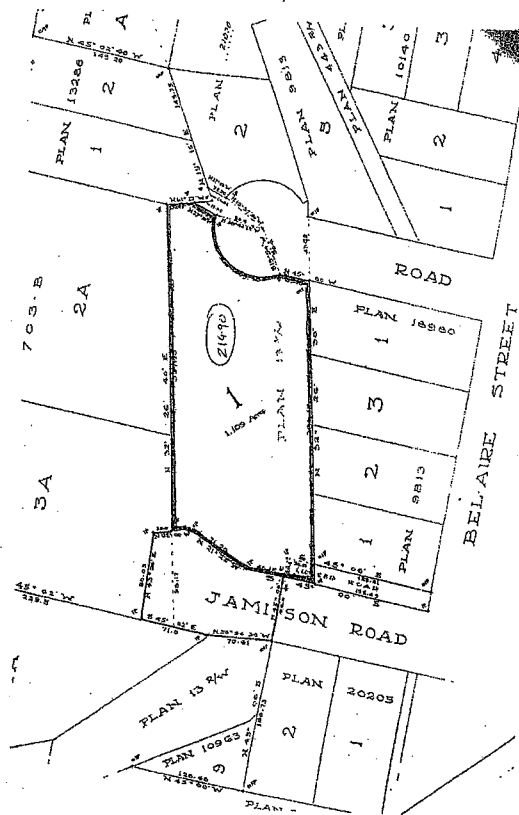
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WALKER STREET

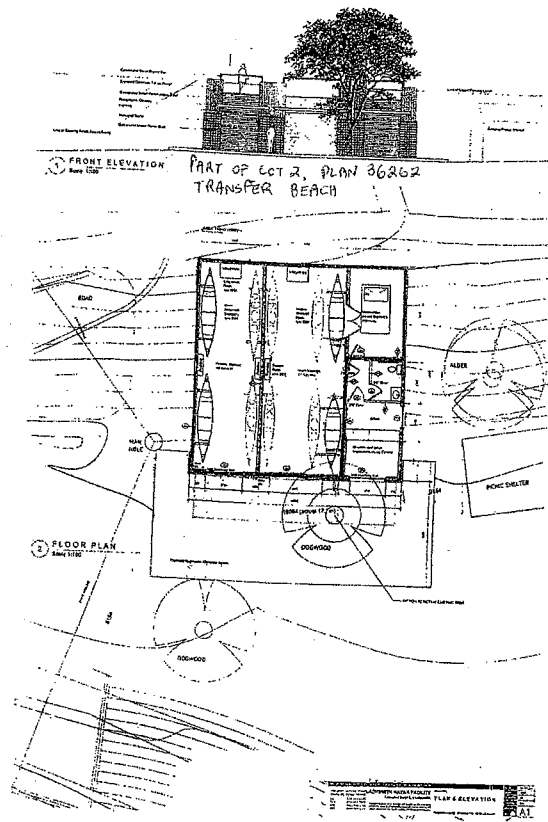
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PART OF THE N.W. 1/4 OF L. AND PART OF L. 146, DISTRICT LOT 146, OYSTER BEACH, N.C. 28031-28032

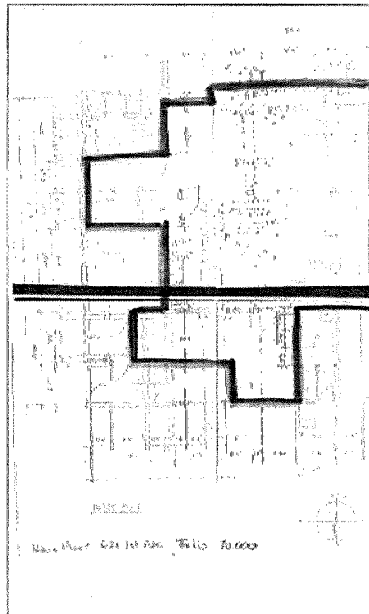
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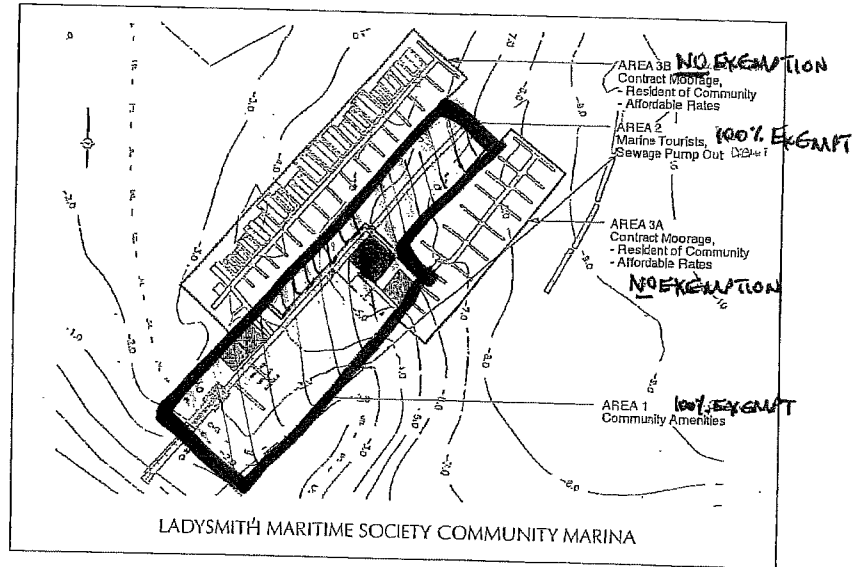
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Tax Exemption Bylaw 2013, No.1837



This is Schedule "F" attached to and forming part of  
Tax Exemption Bylaw 2013, No.1837



This is Schedule "G" attached to and forming part of  
Tax Exemption Bylaw 2013, No.1837





## Zoning Bylaw Project Overview – October 2013

As outlined in the project terms of reference, the new and updated Zoning Bylaw includes an emphasis on the key Focus Areas shown below. The report prepared by the project consultants titled **“Town of Ladysmith Zoning Bylaw Update: Summary Report”** provides further detailed discussion of how these proposed Directions support the implementation of the Town’s sustainability strategy.

The work-to-date including Council, Stakeholder and Community consultation (Phase 1), as well as extensive technical review and workshops with staff (Phase 2) has resulted in the proposed Directions which are presented for consideration by Council prior to further Stakeholder and Community consultation (Phase 3). The final Phase 4 will result in the adopted new bylaw.

Focus Areas	Proposed Directions
Consistency with the vision and language included in the Town's Official Community Plan and Community Vision and Sustainability Strategy and Community Energy Plan.	The framework for the Zoning Bylaw comes from the Land Use Designations and related policy provided in the Official Community Plan. The Visioning Report and the Community Energy Plan provide a basis for many of the sustainability directions including consideration of greater housing choice, strengthening the downtown and support for urban agriculture.
Regulations that encourage appropriate building scale, siting and uses, especially in the downtown, and create an outcome of development patterns that support a successful community-oriented public realm.	New and improved commercial zones and updated development permit area guidelines. Introduction of flexible Live-Work Zone in the Downtown.
Regulations to support appropriate residential development on hillsides.	Introduction of a highest building face regulation and retaining wall height.

Focus Areas	Proposed Directions
<b>Integration of areas that have been added into the boundary of the Town since 2000, including lands in the ALR, subject to two "inherited" zoning bylaws from the Cowichan Valley Regional District.</b>	Integration of Bylaws 1020 and 1180 into the new Zoning Bylaw so that all properties within the Town are subject to the new Zoning Bylaw.
<b>Regulations to support the growth of local/regional target economic growth sectors (e.g. marine tourism, marine commercial, downtown, home-based business, green industry).</b>	The scope of commercial and industrial uses has been widened. Clarification of marine-based zoning; maintenance of three industrial zones; introduction of forestry and agriculture zones; support for home based business; introduction of flexible live-work zone.
<b>Regulations and design guidelines for secondary suites within detached buildings with attention to bulk, scale, mass and height, privacy, access, overlook, parking and livability.</b>	Coach houses introduced in specific areas of the Town with form and character built into the zone regulations.
<b>Modernized parking standards to match land use and location, less parking dominance on the streetscape, and encourage alternate forms of transit.</b>	Requirement for bicycle & scooter parking; modernized parking standards; special consideration for existing downtown development and small infill project.
<b>Landscape and screening requirements (hard and soft) designed to limit impervious surfaces, improve the landscape quality, provide a natural separation between land uses, soften existing urban infrastructure, and create an attractive streetscape.</b>	New and improved direction on landscaping requirements between uses and within parking areas for greater consistency and improved outcomes.
<b>Identification and use of innovative regulations from other municipal bylaws in British Columbia, such as encouraging green design/building elements.</b>	Specific mention of alternative energy sources and green technology and the means to accommodate it.
<b>Modernized definitions, prohibited uses and fines.</b>	Definitions have been updated and new illustrations created to make the bylaw more user-friendly. Additional prohibited uses are presented for discussion. Potential fines reflect current best practices.



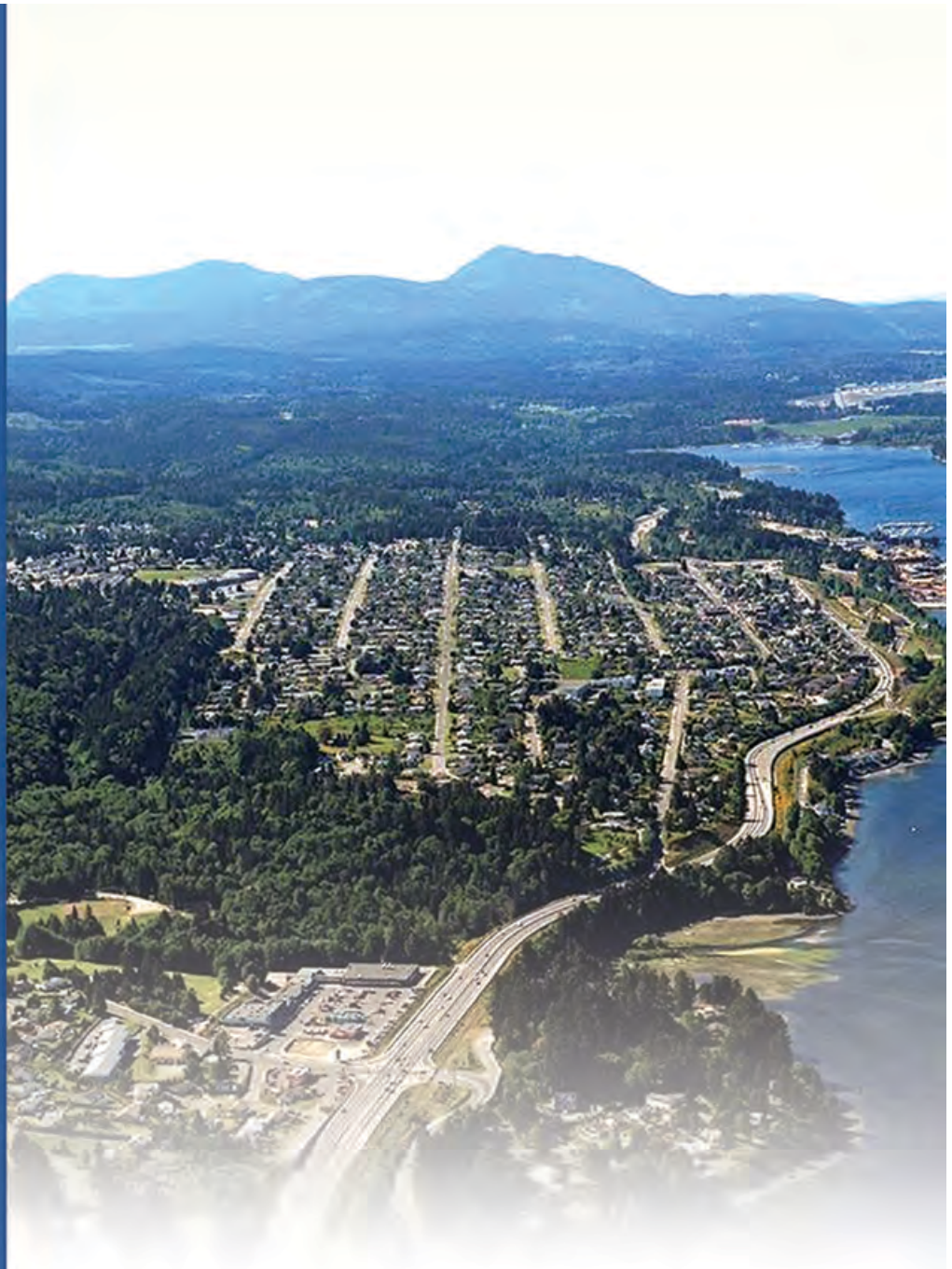
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# TOWN OF LADYSMITH ZONING BYLAW UPDATE

## ZONING BYLAW UPDATE SUMMARY REPORT TOWN OF LADYSMITH

October 30, 2013

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# LADYSMITH ZONING BYLAW UPDATE: SUMMARY DIRECTIONS

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## INTRODUCTION

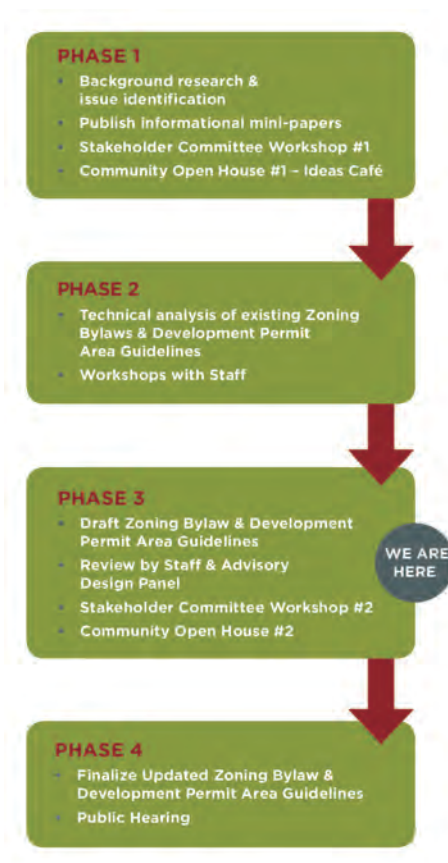
*“Ladysmith is a complete community that balances the need for economic growth with environmental protection, ensuring a diversity of housing, while maintaining and developing the necessary support facilities.”*

*Excerpt from Town of Ladysmith Vision Statement (OCP No. 1488, 2003)*

With the Town of Ladysmith committed to becoming a more sustainable community, CitySpaces was engaged to update its current Zoning Bylaw towards the introduction of a new regulatory framework that facilitates the achievement of the community’s vision. Through Phase 3 of the update process, Town Staff and the CitySpaces team have been actively revising the Bylaw, based on insights gained from Town Staff, Council, stakeholders, and the Ladysmith community; with a focus on the original principles established for the project. These include:

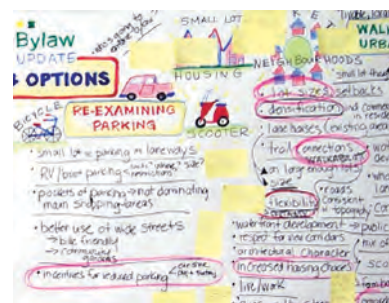
- Improving community clarity and understanding;
- Supporting the Town’s OCP, Vision and Sustainability Strategy;
- Facilitating economic development target sectors;
- Introducing affordable housing options;
- Respecting preferred character of development; and
- Integrating development permit area guidelines.

With the overall intent of bringing forward the key Zoning Bylaw updates for community discussion later in Phase 3, the purpose of this summary report is to raise for Council consideration the proposed significant regulatory shifts.



To assist in the review and discussion, a summary table of the key updates is presented below with more detail expanded upon later in the report.

PILLARS OF SUSTAINABILITY	PROPOSED NEW ZONING BYLAW DIRECTIONS
Complete Community Land Use	Introduction of Coach Houses
	Clarifying Accessory Buildings
	Clarifying Grade and Height Calculation
	Introduction of Highest Building Face Limits
	Encourage Small Lot Residential Developments
	Encourage Housing Choice
	Introduction of Waterfront Reserve Zone
Local, Diverse Economy	Clarifying Bed and Breakfast Regulations
	Clarify Home Based Business Regulations
	Introduction of a Flexible Live-Work Downtown Zone
	Reduction of OCP Commercial Floor Spaces (Requiring Future OCP Amendments)
	Restriction of Shipping Containers, Big Boxes and Drive-Throughs
Low Impact Transportation	Efficient Use of Required Parking Areas
	Reducing the Amount of Parking Required
	Increased Sustainability and Accessibility
Multi-Use Landscapes	Enhanced Landscape Requirements and Design Standards
Green Buildings	Introduction of Renewable Energy Systems
Local Food Systems	Introduction of Urban Agriculture and Produce Stand Uses



## KEY UPDATES

### COMPLETE COMMUNITY LAND USE

#### *Discussion Topic:*

With the restriction to two accessory buildings, along with the increase in accessory building floor space, will the draft regulations satisfy the needs of the community?

#### PAST VARIANCES

Variance #1	Floor Space: 72.5 m <sup>2</sup> Height: 5.3 m Attic: 1.6 m
Variance #2	Floor Space: 58 m <sup>2</sup> Attic: 1.8 m

#### *Discussion Topic:*

In consideration of the outlined coach house massing and siting directions, do the proposed regulations create an appropriate balance between accommodating greater housing choice and preservation of existing character?

#### i. CLARIFYING ACCESSORY BUILDINGS

In reviewing the existing Zoning Bylaw through the update process, it was noted that previous amendments were undertaken by the Town to address the size of its permitted accessory buildings. Noting that accessory buildings were once limited only by the allowable parcel coverage limits, in 2010 the Town introduced further restrictions; namely a maximum of 45 square metres of accessory building floor space, a height restriction of 5.0 m, and limit of 1.5 metres to the height of any accessory building attic space. Since these recent amendments, only 2 variances have been sought, both of which were approved (see side table for more information).

With this as a backdrop, and in recognition that the existing bylaw does not limit the number of accessory buildings permitted, the following additional regulations are proposed:

- It is proposed that a limit of 2 accessory buildings be introduced.
- In addition, it is proposed that the maximum floor space for each accessory building be increased to 60 square metres, resulting in a potential 120 square metres of accessory building floor space permitted per parcel.
- The increased floor area, from the previously established 45 square metre limit, was introduced to reflect the proposed addition of coach house regulations (see below).

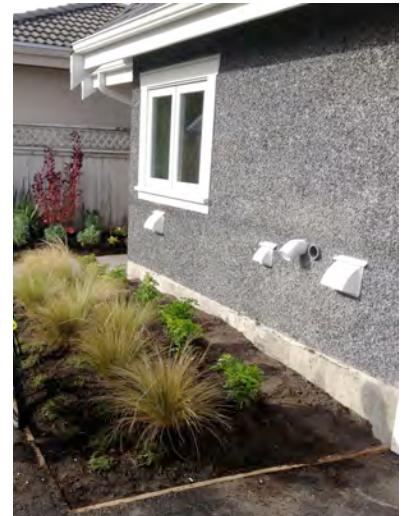
#### ii. INTRODUCTION OF COACH HOUSES

The issue of coach houses was one of the most discussed topics during our conversations with stakeholders and the public. While there was support for the introduction of such dwellings towards offering increased housing choices in the Town, there was also community concern about impacts to the surrounding residential character stemming from the resulting size of the coach house, height, off-street parking, and lot coverage. With that as a base, the below directions are proposed:

- Coach houses are proposed only for those lands zoned R-2/R-2-A given the presence of already existing lanes or on larger rural parcels (RU-1, A-1, A-RR).
- The overall size of a coach house dwelling unit is to be limited to 60 square metres.
- The coach house dwelling unit may exist as either a detached at-grade dwelling or as part of two-storey garage, in which case the dwelling unit would be limited to the second story (the 60 square metres of coach house dwelling unit floor space is exclusive of any floor space needed for the storage of vehicles within the first storey of the garage).



- The overall height of the coach house dwelling unit is 6.6 metres.
- The footprint of the coach house dwelling unit when located at-grade or the footprint of the garage when a coach house dwelling unit is located within the second storey, is not to exceed 15% of the total permitted parcel coverage.
- To encourage respectful siting of a coach house or a garage containing a coach house, a separation distance between it and the primary dwelling unit is proposed at 6.0 metres.
- To help foster greater privacy between properties adjacent to a parcel containing a coach house, it is proposed that a continuous arc of at least 6.0 metres be established, unobstructed by neighbouring buildings, from each transparent coach house window facing an interior side parcel line.
- A private space of 7.5 square metres is to be provided for the use by the coach house resident, clear of any surface parking area.
- Landscaping requirements have also been added along the rear parcel line, except for driveways, to help screen/buffer the coach house.
- For safety and visibility purposes, a clear path is to be provided from the front parcel line (assumably adjoining the fronting street) to the coach house. The address of the coach house is also to be clearly posted and seen from the street.
- Consistent with the parking requirements for a secondary suite, one off-street parking space is to be provided for the coach house.
- Coach house dwelling units are intended as rental housing or housing options for family members of the principal dwelling. They cannot exist as a real estate entity separate from the principal dwelling.
- The above mentioned allocation of the total accessory building floor space relates to the proposed coach house provisions, noting that when a coach house dwelling unit is located at-grade, its floor space will be “counted” as one of the permitted accessory buildings with its permitted 60 square metres; but when the coach house dwelling unit is located above a garage, only the floor space of the first-storey garage would be included in the permitted accessory building floor space.



### iii. CLARIFYING GRADE AND HEIGHT CALCULATION

While the height of a building or structure is still measured to the highest point of the building or structure, further clarification has been added to the new Bylaw to better inform the basis for determining grade and height. Specifically it is proposed that:

- The starting point for measuring the height of a building now uses the lesser of the average natural (existing) and average finished grade, where it meets the building.
- In addition, it has been clarified that should a building or structure be proposed in a newly subdivided area, the determination of grade as the starting point for calculating height will be based on the grades established in the grading plan previously approved by the Town for that subdivision. (Note: this would require an amendment to the Subdivision and Development Servicing Bylaw.)

#### *Discussion Topic:*

Knowing the local development industry and market, how well do the proposed regulations explain the determination of grade and height, noting the many possible types of applicable development scenarios?



- The Bylaw also proposes new requirements for the determination of height for structures such as retaining walls and fences as well as for landscaping screens.

#### *Discussion Topic:*

In reflection of the aspiration to minimize the massing and “bulk” of residential dwellings, towards maintaining existing residential character, how beneficial will the proposed provisions be, given their inherent complexity, in limiting the size of building facades?

#### **iv. INTRODUCTION OF HIGHEST BUILDING FACE LIMITS**

The Town has undertaken Bylaw amendments in the past to help mitigate the massing of single unit dwellings; namely in 2006, the height of single unit dwellings was reduced from 10.0 m to a typical height of 9.0 m. Yet resident comments regarding the “bulk” of infill or newly constructed houses still remain. As a result, highest building face provisions have been proposed to further help break-up or constrain the massing of new single unit dwellings.

In other words, limiting the height of a building wall (not just the overall building), results in the introduction of more angled and articulated roof features as well as more variation introduced into the plane of the wall itself. The various highest building face provisions proposed include:

- A maximum building face height limit of 7 metres has been added. This is determined through the extension of 7 metre vertical lines from finished grade along the highest building face. At the 7 metre limit the vertical lines are to be angled inwards at a 45 degree angle, forming an envelope in which the highest building face must be contained.
- There are exemptions proposed along the highest building face to encourage articulation and variation, such that up to 40% of the wall face can be higher than the 7 metre limit.
- Other building elements such as roof eaves, decks, decorative features, the pitched roof portion of either gable ends or dormers, and any portion of the roof can also extend beyond the created envelope so long as the top of the wall is within the 7 metre limit.

#### **v. ENCOURAGE SMALL LOT RESIDENTIAL DEVELOPMENTS**

Efficient use of the Town’s residential land and existing infrastructure investments is a proven strategy for fostering a more sustainable community, especially where more intensive settlement patterns already exist in the surrounding urban structure.

Specifically, within the Old Town there exist a number of parcels along High Street which are considerably smaller on title than the 668 square metre parcels typically found in the area. As part of a revised R-2 Old Town Residential Zone, provisions have been added to allow residents the option to take advantage/maintain these existing opportunities.

This new direction adds to an overall focus during the review of providing a broader range of choices of parcel size in the Town and the facilitation of smaller more intensive lot sizes.

- The revised Bylaw introduces a sub-area to the R-2 zone that supports the retention of the pre-existing 277 square metre lot sizes for a designated area along High Street.

#### *Discussion Topic:*

How well do the small lot options, available in the revised R-2 Zone and other specific locations, respond to the interest of providing greater housing options in Ladysmith?

Should such smaller parcel opportunities be extended to other areas in the Town to accommodate additional land use efficiencies?



- Reductions to building height and side setbacks have been also added to the sub-area regulations in light of the smaller lot size. In addition, it is proposed to introduce Development Permit Area Guidelines to ensure the design is well articulated and supportive of neighbouring character.
- As well, the previous MP-1 Mobile Home Park Zone has been renamed R-1-B Single Dwelling Residential – Small Lot B in reflection of the small lot single unit dwellings that currently exist within those areas (Note: existing mobile home parks would be rezoned rezoned MHP-1 Mobile Home Park).
- With these changes, the new Zoning Bylaw now outlines a clear hierarchy of small lot options, specific to certain areas within the Town. This serves to provide residents more intensive alternatives to Ladysmith’s typical 668 square metre single unit residential parcel size.

SMALL LOT ZONE	MINIMUM LOT SIZE
R-1-A Single Dwelling Residential – Small Lot A	460 square metres
R-1-B Single Dwelling Residential – Small Lot B	372 square metres
R-2 Old Town Residential – Intensive Sub Area	277 square metres



## vi. ENCOURAGE HOUSING CHOICE

In addition to offer a variety of parcel size options, it is proposed through the updated Bylaw that an expanded array of housing choices also be made available. Specifically, aside from the single unit dwelling:

- New housing forms are now permitted including coach houses and live/work dwelling, complementing the already existing options of multi-unit, townhouse, secondary suite, and two-unit dwellings.
- Updating the definition of “Family” to “Household” clarifies that 5 or less non-related individuals may share a single unit dwelling, regardless of tenure form.

## vii. INTRODUCTION OF WATERFRONT RESERVE ZONE

A reserve zone is proposed for the Town’s waterfront, noting the future planning work that is anticipated in order to identify the community’s preferred land use future for the area consistent with the 2008 Vision. As well, recent reports have identified remediation efforts are needed given the area’s historically industrial past.

Given that, and until greater land use certainty can be provided in the future, a set of base regulations have been outlined for the area that allow those uses currently in place as well as a limited number of civic-oriented uses that can be established without new infrastructure.

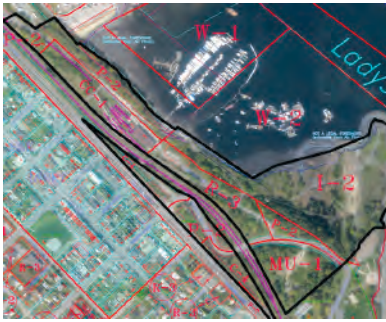
### Discussion Topic:

How well does the widened array of dwelling types support the directions of the Community Vision towards the creation of increased housing choice?

### Discussion Topics:

The proposed reserve zone encompasses mostly public land, however one parcel (Lot 5 which is zoned I-2) is owned privately. With that, does this approach accommodate both public and private land use interests, while sufficiently limiting future development until a clear Plan for the lands is created with the community? And in light of possible seaplane moorage, are there limits that should be considered?





#### Discussion Topics:

How well do the proposed regulations support the maintenance of small scaled bed and breakfast operations while concurrently serving to distinguish them from larger tourist accommodation uses?

Further, and in relation to the inclusion of coach houses, should a B&B be permitted to have a separate cottage on a 1,000m<sup>2</sup> parcel as per the current requirement for a secondary suite?

Should a B&B be permitted to serve more than breakfast? Does this apply to offering cooking lessons?

- The purpose statement of the newly created zone outlines specifically the interim nature of the zone as a rationale for the limited range of permitted uses.
- The new reserve zone incorporates the former CC and MU-1 zones and lands zoned I-2, P-2, R-3, and C-4.
- Permitted uses include: outdoor assembly, natural parks, playfields, outdoor festivals and events, community gardens, farmers market (outdoor), cottage industries, cultural uses (i.e. museum, art gallery, etc.), office, artist studios, railway passenger depot, short term parking, etc.
- Enclosed buildings and structures will be limited to 10 square metres in floor area and an overall parcel coverage of 5%.

## LOCAL, DIVERSE ECONOMY

### i. CLARIFYING BED AND BREAKFAST REGULATIONS

The current Bylaw distinguishes between a Bed and Breakfast operation which may operate in a single unit dwelling (and having a maximum of 3 sleeping units) and a Bed and Breakfast “Inn” which is more akin to a hotel/motel, allowing not less than 4 but not more than 20 sleeping units. In an effort to provide a broader distinction between the two types of Bed and Breakfast operations, and given the likely interest in pursuing a coach house as part of an operation, it is proposed that:

- Bed and breakfast operations that are within a single unit dwelling, and are small in scale appropriate for a surrounding residential neighbourhood, be limited to 4 sleeping units, an increase from the currently permitted 3 sleeping units allowing for inclusion of a coach house.
- Further, any accommodation use greater than 4 sleeping units will be considered a tourist accommodation use and be permitted through commercial zoning, noting that such larger operations essentially become a hotel/motel.
- Clarity has also been added that such sleeping units in a Bed and Breakfast do not contain cooking facilities (i.e. kitchenettes) and that the length of stay is limited to no more than 30 days.

### ii. CLARIFYING HOME BASED BUSINESS REGULATIONS

From current business license information, there are currently over 150 home based businesses currently permitted in Ladysmith. Given their wide-spread presence in the community, it was felt through the review that the existing limits of one home based business use per dwelling unit and that no more than 2 persons (one of which must be the resident) can be employed in a home based business should remain.

However, new regulations have been added to ensure that such operations remain a vibrant part of the local economy without introducing unintended competition for other businesses located in commercially zoned areas.

- A widening of the number of permitted home based businesses, per parcel, is proposed such that a maximum of 2 home based businesses will be allowed either within the single unit dwelling, secondary suite, coach house or in an accessory building. However, only 1 home based business can be accommodated in a secondary suite, coach house or other accessory building.
- A limit of 40 square metres per home based business, not to exceed 40% of a principal dwelling or 50% of a coach house dwelling unit, has been proposed. One exception is the operation of a residential daycare, in which case no limit has been proposed.
- A further limit of 6 square metres (15% of the 40 square metres total floor space) is proposed for any retail sales, either of products made on site or product that may be incidental to services offered through the business.
- It is proposed that all parking related to the operation be contained on the parcel on which the home based business is located.
- Further, that deliveries to the home based business be limited to one per week.
- Other provisions have been added prohibiting the outdoor storage of goods and materials and in general limiting the impact of such operations on the surrounding residential character.

### iii. INTRODUCTION OF FLEXIBLE LIVE-WORK DOWNTOWN ZONE

The Downtown, as identified in policy and through the Zoning Map, is intended to be a vibrant, commercial precinct that contributes and preserves the Town's heritage aesthetic. Noting that, it was observed through the analysis undertaken in the previous Phase, that many residential properties exist within those boundaries, properties that emphasize the character and charm that residents value.

As a result, the updated Bylaw proposes a new zone, premised from the R-2 Old Town Residential Zone, that encourages the retention of single and two unit dwelling forms while offering the owners of such properties the flexibility to pursue commercial operations greater than a home based business.

- Retaining the same minimum parcel size, parcel coverage, height and setbacks limits as those of the adjacent R-2 zoned properties, the new zone is distinguished by its continued emphasis on the single unit dwelling building form, while concurrently allowing for a variety of commercial uses, including:
  - Artist Studio, Personal Service Establishment, Office, Personal Repair Service, or a Commercial School, all as part of a Live/Work Dwelling Unit.
  - Both large daycares (8+ children) and smaller residentially-based daycares.
  - Bed and Breakfast.
  - Community Care Facility.

#### *Discussion Topic:*

How successfully do the proposed regulations balance the facilitation of home based business while maintaining the downtown as the core retail area for the Town, as well as the viability of the Town's other commercial areas?

#### *Discussion Topic:*

With a focus on detached, lower density forms of development (i.e. not apartments), how well does the proposed new zone accommodate both commercial and heritage preservation interests?





#### Discussion Topic:

Noting the vagueness of the OCP commercial floor space policy, is Council supportive of the proposed interpretation and draft regulations, towards the reduction of the maximum commercial floor space permitted?

- Cottage Industry (i.e. small-scale manufacturing of goods, materials or articles).
- Home Based Business.
- Urban Agriculture.
- Accessory Retail, limited to 45m<sup>2</sup>.
- To further distinguish such operations from home based businesses, no maximum number of employees or cap on commercially-related floor space is proposed.
- Two unit dwellings would continued to be encouraged as a housing choice, but such housing forms would be restricted from concurrently accommodating the proposed commercial uses.

#### iv. REDUCTION OF OCP COMMERCIAL FLOOR SPACES

Currently, the Ladysmith's OCP provides policy direction on the maximum amount of commercial floor space that should be permitted in the realization of commercial development in the Town. However, in the drafting of the revised Zoning Bylaw, questions arose regarding the interpretation of the OCP policies; namely whether the identified floor space limits represent a per use or a per development threshold.

Given the scale described by the OCP, Town Staff and the CitySpaces team have opted to interpret the policy directions as commercial floor space maximum for a development as a whole. However, even with that interpretation and in light of the 2008 Community Vision which speaks to the desire for more boutique and intimate shopping experiences, it was felt that existing policy sets out overly large floor space limits.

As a result, the draft Bylaw proposed maximum commercial floor space limits, that if approved, would require the OCP to be amended concurrently. Specifically, the below table sets out the divergence between the draft regulations and the existing OCP policy direction:

OFFICIAL COMMUNITY PLAN DIRECTION		DRAFT ZONING BYLAW DIRECTION	
General Commercial	4,000 sq. m.	C-5 General Commercial (i.e. Coronation Mall)	2,000 sq. m.
Highway Commercial	2,000 sq. m.	C-3 Highway Commercial (i.e. the Petro Canada or Shell station with a convenience store)	500 sq. m
Local Commercial	500 sq. m	C-1 Local Commercial (i.e. Taylor's Grocery)	200 sq. m.

## **v. RESTRICTION OF SHIPPING CONTAINERS, BIG BOXES AND DRIVE-THROUGHS**

The increased presence of intermodal shipping containers has become an issue for many communities across the province. While such storage options may be consistent with industrial operations, they are often viewed as inappropriate for residential or highly visible/publicly active commercial uses. With that, the following restrictions are proposed:

- The siting of shipping containers will be limited to the I-1 Light Industrial, I-2 Heavy Industrial, and W-3 Marine Industrial zones as well as emergency kiosks in the Institutional zones (one per Institutional parcel).
- The size of the containers is further restricted to no more than 13 metres long by 2.5 metres wide. As well, the containers are allowed to be stacked, but the total combined height of any stacked containers cannot exceed the principal building on the same parcel.
- Overall, the containers will be sited and regulated similar to other accessory buildings.

Further, through the update process, discussion about the maximum floor space for a single commercial operation raised notions about restricting “big box” retail operations in Ladysmith. Specifically:

- It is proposed that a definition of “Big Box” retail be added; namely as a single retail store with a gross floor area that exceed 2,090 square metres.
- Further, that such a use be then prohibited with the Town.

Similarly, and with an interest in minimizing emissions related to transportation and idling cars, a further prohibition is proposed for drive-through operations:

- Drive-throughs, or facilities intended for the provision of food, beverages or services, be added to the Town’s list of prohibited uses.

## **LOW IMPACT TRANSPORTATION**

### **i. EFFICIENT USE OF REQUIRED PARKING AREAS**

With a policy focus to reduce local reliance on private vehicles, many new provisions have been included to minimize the emphasis of the car while also ensuring that those areas required for off-street parking are utilized to the maximum extent possible. This has resulted in newly proposed means to calculate parking spaces at the time a use is changed and the introduction of provisions that allow for the shared use of required parking spaces.

- It is proposed that within the Downtown area no re-calculation of the number of required parking spaces will be needed during either a change of commercial use or for infill development (i.e. on parcels of 668 square metres or smaller) of a new commercial building. The intent of the proposed changes is to encourage new commercial businesses that might otherwise be challenging for an applicant to accommodate within the

#### *Discussion Topics:*

Do the proposed regulations appropriately reflect the interest in limiting shipping containers, while still facilitating their inherent storage and industrial/transportation purpose ?

How does the prohibition of Big-Box retail stores relate to the above discussion involving the establishment of total commercial floor space limits?

What is the level of Council support for prohibiting drive-throughs?

#### *Discussion Topics:*

Given the dynamic and potentially more complex nature (and related staff review time) that stems from the proposed regulations, is there support for maximizing the use of the Town’s off-street parking areas?



#### *Discussion Topics:*

As well, how does the relaxing of the calculation requirements used in determining the amount of required commercial parking spaces impact the pursuit of the Town's pay-in-lieu option?

#### *Discussion Topic:*

With a focus on minimizing the area required for off-street parking while concurrently adding incentives to explore parking alternatives, how well do the proposed regulations satisfy community interests and perceptions about parking, especially related to the Downtown?

Downtown's smaller lot sizes as the business might have a different (and potentially higher) parking requirement. (Note: such provisions do not apply to the residential portions of mixed-use development).

- As well, provisions have been added allowing for the sharing of parking requirements between two or more uses located on the same parcel or within the same building. Using a table inserted into the new Bylaw, which sets out various percentages of the parking requirements that are needed at peak periods throughout the day, applicants figure out for each proposed use the amount of parking that will be demanded or needed daily by the use. The various demands for each proposed use are then summed to determine a revised parking requirement for the site or development as a whole.
- In short, this shared approach proposes a more dynamic approach to calculating parking than applying static requirements that do not take into consideration the patterns of demand of other uses.

## **ii. REDUCING THE AMOUNT OF PARKING REQUIRED**

Through the discussions with community stakeholders, it was raised that the historic settlement pattern and resulting lot sizes of the Downtown can pose challenges for development to accommodate parking on-site. In response, and in an effort to minimize the presence of the private vehicle both in the Downtown and throughout the Town, the following revisions are proposed:

- Minor changes were made to the existing parking requirements, a reflection of that in comparison with peer municipalities, Ladysmith already has an inherently less auto-focused set of requirements. That said, a few reductions are proposed, namely:
  - Hotels and motels were reduced from 1.5 spaces per sleeping unit to 1 space per sleeping unit;
  - Medical, dental offices was altered from a 1 space per 5 doctors requirement to 1 space per 30 square metres.
- The accommodation of small car parking spaces has been increased from 25% of the total number of required parking spaces to 30%. As well, further provisions have been added specific to the Downtown that allow in that area up to 75% of the total parking spaces required to be designated as small car spaces (and designed accordingly).
- With the intent of offering applicants an opportunity to reduce their total commercial parking requirements, regulations have been proposed that encourage the provision of motorcycle and scooter (either motorized/ electric 2-wheeled or electric 4-wheeled scooters) parking spaces. Specifically, such spaces count as 0.5 spaces towards the total number of required commercial parking spaces, so long as the motorcycle and scooter spaces do not exceed 5% of the total.
- Further, and in reflection of the Town's existing pay-in-lieu option (to provide \$4,000 in lieu of providing a space on site - which remains unchanged), it is proposed specifically for commercial infill development in the Downtown area (on parcels of 668 square metres or smaller) that each space provided through pay-in-lieu shall count as the provision of 1.5 required off-street parking spaces.



### iii. INCREASED SUSTAINABILITY AND ACCESSIBILITY

Stemming from the policy direction that encourages the creation of an innovative and low-impact transportation/parking network, the updated regulations focus on providing environmentally friendly and more accessible parking solutions.

- The number of spaces allocated for persons with disabilities has been increased. Under the existing Bylaw, it is required that one space be provided where the number of parking spaces required ranges from 10 to 50 spaces, with one additional space required for every 50 more spaces provided.
- Through the new Bylaw it is proposed that one space be provided for every 10-20 parking spaces required, an additional space be provided for the next 21-50 spaces provided and then an additional space for every 30 spaces provided thereafter.
- The existing incentive to provide bicycle parking, through the reduction of the total number of parking spaces required of a development, has been removed, noting the limited uptake. Instead, the provision of bicycle parking spaces is now an outright requirement, similar to the practice of requiring vehicle parking spaces.
- The updated Bylaw places greater emphasis on pedestrian safety within parking areas through the requirement that pedestrian areas be visibly and physically distinguished from vehicle areas within off-street parking areas through the use of raised sidewalks, special pavers, bricks, or scored/stamped coloured concrete.
- As well, parking regulations have been added that require the provision of electric vehicle charging stations for at least 5% of all off-street parking spaces (excluding visitor spaces) for multi-unit residential developments of 15 spaces or more.
- Within commercial, multi-unit residential and institutional parking areas, the revised Bylaw allows for surface treatments that provide greater infiltration through the encouragement of permeable or porous pavements, such as open-jointed pavers, turf or gravel grids, porous asphalt or concrete, interlocking paving stones, or other similar permeable treatments.

#### *Discussion Topics:*

In reflection of the parking realities facing all municipalities, how will the proposed regulations improve the sustainability and accessibility of the Town's off-street parking areas?

And in light of the proposed shift to require bicycle parking much as we currently do with vehicle parking, what is Council's view of the move away from the previous incentive-based approach?

## MULTI-USE LANDSCAPES

### i. ENHANCED LANDSCAPE REQUIREMENTS AND DESIGN STANDARDS

Currently, the Town is reliant upon the directions set out in its Development Permit Areas for landscape design, and the general softening (i.e. mitigating possible adjacent impacts, preserving privacy, etc.) of local development. The proposed regulations of the updated Bylaw are intended to provide a standard set of landscape requirements, effectively establishing the Town expectations for landscape performance. Based on best practice and with the intent of introducing more sustainable and multi-functional landscapes, the below requirements are proposed:

#### *Discussion Topic:*

In reflection of the current development community, do the new landscape requirements and design standards achieve a workable balance between enhancing the public realm and being mindful of local development cost sensitivities?



- New landscape screening and buffering provisions have been added with a focus on the instances where more intensive uses (such as multi-unit residential, commercial, industrial), abut a less intensive residential use.
- The proposed regulations require more robust landscape design standards for developments and off-street parking areas, focusing on the provision of:
  - Native and/or water conserving plant species.
  - Deciduous trees with a minimum 6-8 cm caliper size.
  - Evergreen trees of a minimum 3 m height.
  - Shrubs with minimum #1-#2 pot sizes.
  - Groundcover with minimum 10 cm pot sizes.
  - Minimum spacing requirements for trees, shrubs & groundcover.
  - Minimum area limits placed on the use of groundcover only.
  - Minimum depth of growing medium.
- New requirements have been established for within off-street parking areas greater than 4 parking spaces, towards enhanced landscape design and to further stem the creation of urban heat islands in the Town. The new regulations seek the shading of a minimum of 25% of the parking area through the provision of shade trees and landscape islands or strips.
- Noting the hillside topography of the Town, retaining wall restrictions have been added, setting out a maximum height of 1.2 metres and a minimum separation of walls of 1.2 metres.

## GREEN BUILDINGS

### *Discussion Topic:*

The permitting of various renewable energy systems offers opportunities to create a higher performing building stock and reduce building-related GHG emissions. That said, what are the possible implications of such structures to the concurrent maintenance of the Town's character and existing views?

### i. INTRODUCTION OF RENEWABLE ENERGY SYSTEMS

As identified in the Community Vision, the following additions to the draft Zoning Bylaw are intended to support the Town's commitment to encourage and promote the development of green buildings, as part of its strategy to reduce building related greenhouse gas emission as well as minimize overall impacts to the surrounding environment.

- Regulations for renewable energy devices and systems have been added, including siting, height, size and zone restrictions, for solar, geothermal/heat pump, and wind technologies.
- Specifically, solar collection devices are to be located only on the roof of residential buildings and structures, but can exist as stand alone structures in industrial zones.
- Geothermal systems, including the underground elements, are required to be setback 3 metres from any parcel line.
- Heat pumps, due to their associated noise levels, are to be sited only in the rear yard and must maintain a 3 metre distance from side parcel lines.

- Wind energy systems under 10 kw are limited in all zones to one per parcel, so long as the parcel is a minimum of 1,250 square metres in size, and shall not be higher than 10.5 metres.
- If however the system exceeds 10 kw, such systems can only be located on industrial, institutional, and commercial zoned parcels, so long as such parcels are a minimum of 560 square metres in size and do not abut a parcel in a residential zone. Further, such systems may reach a height of 21 metres.

## LOCAL FOOD SYSTEMS

### i. INTRODUCTION OF URBAN AGRICULTURE AND PRODUCE STAND USES

With a focus on expanding upon the efforts made by the Town to foster a locally focused and sustainable food network, the updated Zoning Bylaw seeks to permit the growing of food in locations not currently anticipated by existing regulations.

Further, new regulations provide opportunities to sell food grown locally, offering further economic benefits to the Town and local residents while also raising awareness of sustainable food production systems.

- Urban agriculture is introduced as a permitted use in the single unit and two unit residential zones as well as the institutional zones. Specific to its definition is the inherent retail sale of products from the urban agricultural use on the same parcel.
- Further, and for clarity, general agriculture use is only permitted on lands within the Agriculture Land Reserve which are located in South Ladysmith. Within the Agriculture Land Reserve, the sale of agricultural products is also permitted.
- Related, therefore, is the further introduction of a produce stand use which is limited to one per parcel where an urban agriculture or agriculture use is present, so long as at least 50% of the products for sale were produced through either the urban agriculture or agriculture use.
- As well, it is necessary to establish separate floor space limits for produce stands within the Agricultural Land Reserve, compared to those proposed for other locations in the town.
- Regulations for agricultural operations within the Agricultural Land Reserve permit produce stands up to 300 square metres in size.
- This scale is considered too large for the rest of the Town, especially as the more residentially-oriented produce stands are more envisioned as small driveway stands. Noting that, a separate maximum floor space of 10 square metres has been proposed for driveway produce stands not within the Agricultural Land Reserve.

#### *Discussion Topic:*

Noting the focus of the draft regulations to increase awareness of local food systems, what are the possible implications to an increased presence of local food retail activities in the Town, including within the residential neighbourhoods?



## NEXT STEPS

Based on the ensuing discussion with Council on the above key regulatory shifts proposed through the draft and updated Zoning Bylaw, Town Staff and the CitySpaces team will continue to incorporate any revision required, prior to ultimately preparing draft consultation materials for the anticipated continued public dialogue.

The next series of community engagement events are expected to occur in the month of November, at such time, the draft Zoning Bylaw will be shared with stakeholders and community residents with the intent of gathering further public feedback.

With Phase 3 then complete, Town Staff and the CitySpaces team will work to finalize the new Zoning Bylaw for Phase 4; namely the Public Hearing process.





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