



TOWN OF LADYSMITH

A PUBLIC HEARING AND SPECIAL MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD AT LADYSMITH SENIORS' CENTRE
630 SECOND AVENUE
MONDAY, JULY 14, 2014 AT 7:00 p.m.

AGENDA

CALL TO ORDER 7:00 P.M.

1. AGENDA APPROVAL

2. PUBLIC HEARING

2.1. Outline Meeting Process – Mayor Hutchins

2.2. Introduction of Bylaws and Statutory Requirements – Director of Development Services

2.3. Written Submissions.....1 - 3

2.4. Call for Submissions to Council Three Times

2.5. Declaration that the Public Hearing is Closed

3. BYLAWS

The complete set of attachments for the new and updated Zoning Bylaw and Design Guidelines for the Town of Ladysmith (Bylaws 1858, 1859, 1860 and 1861) is online at www.ladysmith.ca and will be available at the meeting. Copies are also available for review at City Hall and the Ladysmith Branch of the Vancouver Island Regional Library.

3.1. Town of Ladysmith Area G and Area H Land Use Regulations Repeal Bylaw 2014, No. 1858.....4

Subject to any matters raised at the public hearing, bylaw may be read a third time.

The purpose of Bylaw No. 1858 is to repeal land use regulations for areas formerly within Electoral Area “G” and Electoral Area “H” of the CVRD that will now be covered by the Town’s Zoning Bylaw.

3.2. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 18595 - 9

Subject to any matters raised at the public hearing, bylaw may be read a third time.

The purpose of Bylaw 1859 is to amend the Official Community Plan (OCP) Bylaw by updating the land use designation maps in the OCP and the South Ladysmith Area Plan; amending the “Parks & Open Space, Land Use & Circulation” map in the Holland Creek Area Plan by removing areas covered by the OCP Land Use map; and adding new and updated policies to the OCP about school planning, commercial land use, and detached secondary suites to support the community’s vision.

3.3. Town of Ladysmith Zoning Bylaw 2014, No. 186010

Subject to any matters raised at the public hearing, bylaw may be read a third time and referred to the Ministry of Transportation pursuant to the provisions of the Transportation Act.

The purpose of Bylaw 1860 is to adopt a new and updated Zoning Bylaw for all properties located within the Town of Ladysmith.

3.4. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 44), 2014, No. 1861 11 - 12

Subject to any matters raised at the public hearing, bylaw may be read a third time.

The purpose of Bylaw 1861 is to amend the Official Community Plan (OCP) Bylaw by adding new and updated Development Permit Areas (DPA) and guidelines and a DPA map to support the community’s vision.

4. REPORTS – None

5. ADJOURNMENT

From: The Gilroys

Sent: July 9, 2014 10:22 AM

To: Town of Ladysmith

Cc: Bill Drysdale; Duck Paterson; Glenda Patterson; Gord Horth; Jillian Dashwood; Rob Hutchins; Steve Arnett

Subject: Submission of Comments re: Zone Bylaw legislation

I appreciate the opportunity to submit my comments regarding the new Zone Bylaw.

Detached Secondary Suites- Carriage Houses, garden flats etc.

1. I believe that the Bylaw must include language regulating ownership and residency. In keeping with the spirit of enacting legislation to permit detached secondary suites, the property owner must reside in either of the two dwellings, either the detached suite or the principle dwelling. The purpose of allowing detached secondary suites is to encourage seniors to stay in their homes, to provide families with a way to purchase a home using the secondary suite as a mortgage helper, to encourage a mix of housing options and to better utilize limited infrastructure. Other jurisdictions who have not included residency by the property owner are experiencing tremendous problems and conflicts when dealing with offshore investors, absentee landlords and property developers. *
2. Clear language be should developed to instruct a property owner on decommissioning an existing suite, thereby avoided added municipal service fees (complete removal of 220 stove wiring etc.)
3. That secondary suites be permitted in all areas of town, including new neighbourhoods and not restricted to certain zones as this is clearly discriminatory legislation.
4. That the size/setback/height restrictions currently described in the Proposed Bylaw be maintained in an effort to avoid serious issues of overlook, shadowing and reduced privacy. If a property owner has reason to believe that a larger version of the described suite can be constructed comfortably with the approval of neighbours that they engage in the variance process. We all wish to encourage sensible use of detached secondary suites as long as they are modest, in keeping with the scale and character of the neighbourhood, of pleasing design and do not negatively impact neighbourhood values.

*This requirement should also be included in the bylaw regulating contained secondary suites.

Thank you for your consideration,

Cathy Gilroy

Ladysmith BC

From: Donna Griffiths
Sent: July 9, 2014 8:47 PM
To: Duck Paterson
Subject: proposal for Trees

Duck,

Thank you for getting back to me.. Due to a health condition I am unable to address my concerns at the public meeting.

I wish to add comments for consideration with regard to the bylaw changes being made.

1. Over the years the height of trees on private property has been an added concern to residents who wish to enjoy a view or perhaps even have sun on their property. Sometimes unfortunately neighbors may actually have altercations and as a result one or the other resorts to pay back by planting a tree or hedge that actually detracts from the other person being able to enjoy the natural surroundings of their property. This can happen to the degree that it even affects the value of their land should they wish to sell in the future for example if they once had a view. Or perhaps they have spent a great deal of time and effort landscaping only to have the sun eventually disappear from their property as their neighbor decided to plant fast growing and mature trees. It is not in the realm of impossibilities. Nor do people always think when they decide they want privacy what really may come from that innocent planting come five or ten years down the road.

Are you aware that there is a tree that actually grows up to ten feet a year and it is sold here on the island? While it flowers and looks lovely imagine when it matures in five years at fifty feet tall?

My suggestion is that many communities are now making changes so that there is a form of tree management in place for present and future plantings. It is obvious that one cannot expect too much from mature trees that could pose a danger if one was to attempt to have them topped. Think of the trees below Ryan Place and I am sure the hair on ones neck would stand up. However there are trees at the 15' to 20' level that are safely done. Keeping a tree at approx. 12' to 15' would assure a nice harvest and a comfortable hedge for the most part, (depending on the lay of the land to make a hedge level) .

I do hope Council members will consider this option now and join the many other communities who have seen fit to improve the opportunity for property owners to retain their views and property amenities.

2. My husband and I bought here when Dogwood Drive was Old Victoria Cres. The Bridge was opening soon. We live about 7 houses down from the Dogwood Apartments and have one of the oldest houses on the street #269. In other words I have seen this area in several transitions. I have real concerns about coach houses. The reason for this is that if we already have duplexes who are allowed to each have a suite that makes 4 families then you are allowing another family in a coach house and as it stands now we don't have the parking for the present people.

We are a bedroom community we do not employ most of our residents. There fore we tend to be two car families. That could be up to 10 cars in a so called property. Tell me when the last time was that a property had enough room for 6 – 10 cars and 5 families and it was not more appropriately addressed as Multi housing? I certainly think that with the way things are going that our area is going to face much

higher density down the road.. When I lobbied for 2 family dwellings it wasn't for duplexes and look what we got.. We hoped for one residence and one in-law suite nothing else on one property. There is always someone who will stretch the limit to make a buck and that is what happens. (Now we have strata lots even and I question myself how this happened with the Strata Land Title Act 242 etc...)

Traffic is a real issue on Dogwood Drive for example when it snows the driveways are too steep. Due to an increase in subdivided lots many are pan handled properties. There is little free space on the road due to not only driveways but a self designed turf of grass built with town permission across from me, which also took space away from available parking, and misplaced bus signage.. These were all poorly placed with no consideration from our residents about the parking dilemma here. We are also faced with unbearable Trans Canada like traffic on Dogwood Dr. It is to the point of no longer being able to even sit outside on our front patio enjoy the costly and many hours of work we put into our yard over the years... Instead we ended up on the back of our house just to hear ourselves.

My conclusion here Deal with what we have now. There are ancillary buildings that are huge now. Guess what people are living them? Don't make them legal abodes but start enforcing the bylaws you have. Next change the bylaws for the appropriate areas. Yes we have a height restriction in this area so yes continue on with one for ancillary buildings as well. We are unique here. No thanks to coach houses. What is the point in bylaws if you can't enforce them? Deal with the over abundance of traffic you have already given us with your present zoning in our area. Deal with the lack of parking we now have. Deal with the speeding that is so out of control I count myself lucky that I am not rear ended when I turn into my drive way. Try changing the speed to 40 K all along Dogwood until you get off of it at Davis Rd.

Above all believe me when I say anybody is welcome to this area we want to share but it is sure disheartening when people show up and simply believe we no longer count and should quietly sit back forfeiting all that ever mattered all in the name of progress and buck in their pocket..

Please consider:

- No to Coach houses. (follow through with closing existing illegal rentals down by requesting anonymous calling in)
- Reduce the size of future Ancilliary bld. in the Dogwood Dr. toward the water area (R2a)
- Reduce speed on Dogwood Drive to 40K
- Tree management plan for Ladysmith

Thank you for your time,

Donna and George Griffiths
Ladysmith BC

request this letter be placed on record please.

TOWN OF LADYSMITH

BYLAW NO. 1858

A bylaw to repeal land use regulations for areas formerly within
Electoral Area "G" and Electoral Area "H" of the Cowichan Valley Regional District

WHEREAS by the issuance of Supplementary Letters Patent, the boundaries of the Town of Ladysmith were extended to include certain areas formerly within Electoral Area "G" and Electoral Area "H" of the Cowichan Valley Regional District (Regional District);

AND WHEREAS pursuant to the Supplementary Letters Patent and the provisions of the *Local Government Act*, the Regional District's Electoral Area "G" Zoning Bylaw 1180, 1988 and Electoral Area "H" Zoning Bylaw No. 1020, 1986 continue to apply to those areas, and may be amended or repealed with respect to those areas, as if it had been enacted by the Municipal Council;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to repeal Bylaw 1180 and Bylaw 1020;

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

REPEAL OF BYLAWS

- (1) "Electoral Area "G" Zoning By-law 1180, 1988", and all its amendments, as it applies to areas within the Town of Ladysmith, are hereby repealed.
- (2) "The Cowichan Valley Regional District Electoral Area "H" Zoning Bylaw No. 1020, 1986", and all its amendments, as it applies to areas within the Town of Ladysmith, are hereby repealed.

CITATION

- (3) This Bylaw may be cited for all purposes as "Town of Ladysmith Area G and Area H Land Use Regulations Repeal Bylaw 2014, No. 1858".

READ A FIRST TIME on the 23rd day of June, 2014

READ A SECOND TIME on the 23rd day of June, 2014

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)

TOWN OF LADYSMITH

BYLAW NO. 1859

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

WHEREAS the Municipal Council has accepted the report "A community vision for a sustainable west coast town" (Community Vision);

AND WHEREAS the Municipal Council is intending to adopt a new Zoning Bylaw to implement the Official Community Plan and Community Vision which requires consequential amendments to the Official Community Plan;

AND 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) The "Official Community Plan Bylaw 2003, No. 1488" is hereby amended as set out in Schedule A to this Bylaw.

CITATION

- (2) This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.43), 2014, No. 1859".

READ A FIRST TIME on the 23rd day of June, 2014

READ A SECOND TIME on the 23rd day of June, 2014

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)

Schedule A of Bylaw 1859

(1) Schedule "A" entitled "Town of Ladysmith Community Plan" is amended as follows:

(a) Section 3.6 - Community Facilities and Services is amended by adding three new policies to section 3.6.3 as follows:

- "10. Support schools within walking and cycling distance of neighbourhoods located north and south of Holland Creek.
11. Support the provision of enhanced district learning opportunities, including French immersion education, at Ladysmith schools.
12. Encourage the design of school grade configurations that minimize the number of school transitions that students experience during their school life."

and renumber accordingly.

(b) Section 3.8.1 - Land Use Designations is amended as follows:

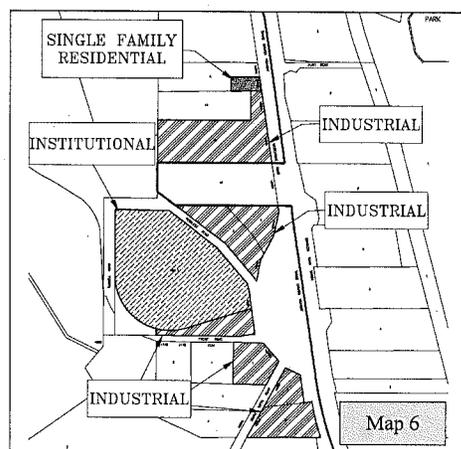
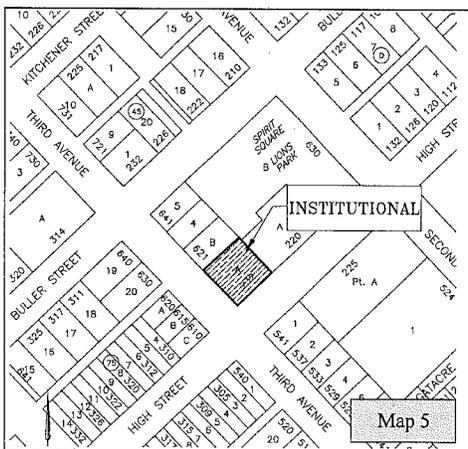
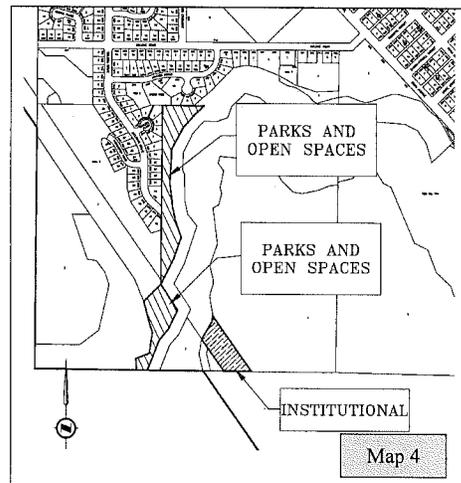
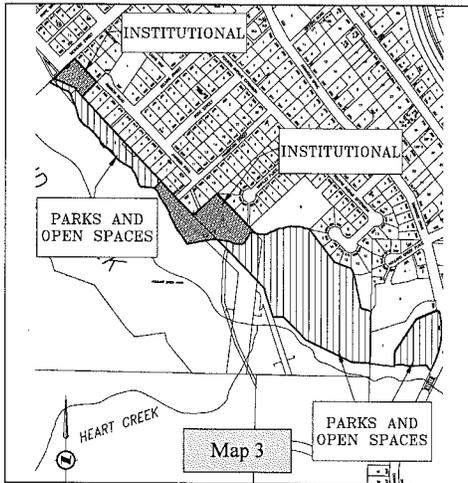
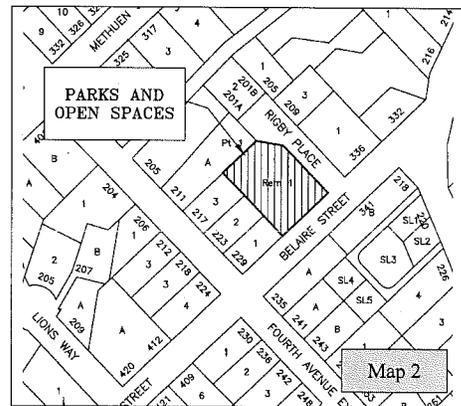
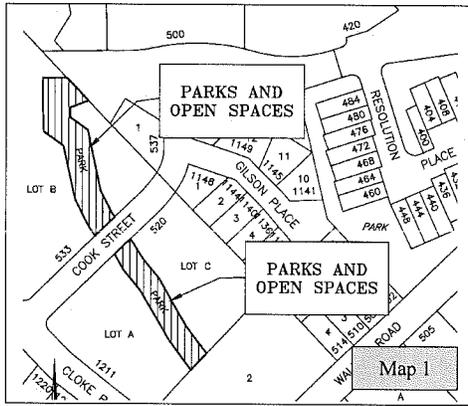
- i) In the paragraph titled General Commercial, replace "4,000 square metres" with "2,090 square metres" as the maximum floor area for any one commercial use;
- ii) In the paragraph titled Highway Commercial, replace "2,000 square metres" with "500 square metres" as the maximum floor area for any one commercial use;
- iii) In the paragraph titled Local Commercial, replace "500 square metres" with "200 square metres" as the maximum floor area for any one commercial use; and
- iv) In the paragraph titled "Single Family Residential", add reference to secondary housing (e.g. detached secondary suite) following the sentence "Secondary suites and home-based business uses are also permitted when located within a single family dwelling." as follows:

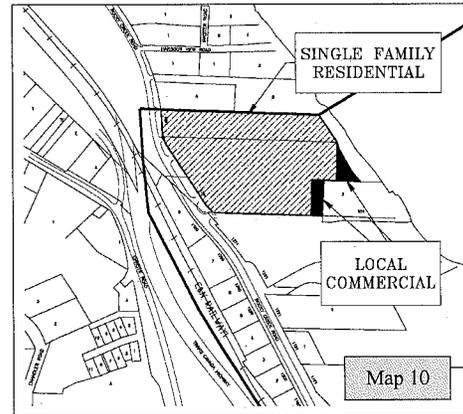
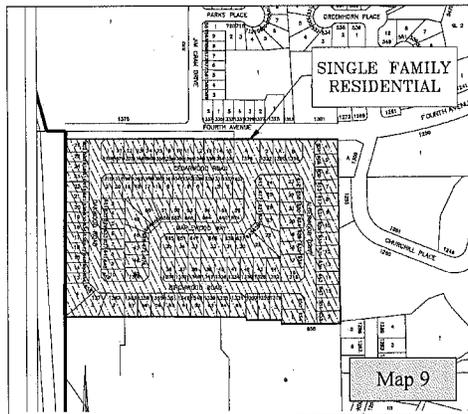
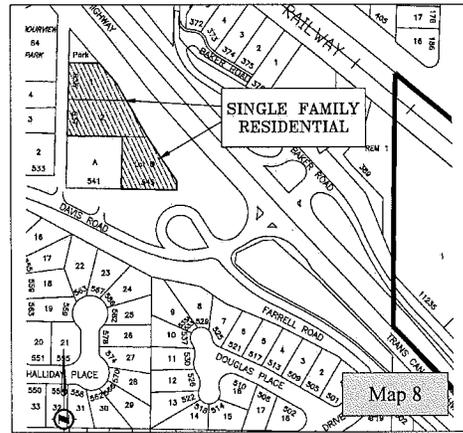
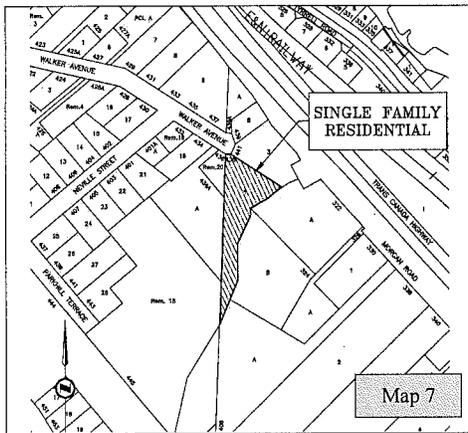
"Secondary housing is permitted in the Single Family Residential designation. Criteria for secondary suites, secondary housing and home-based business uses are contained in the Zoning Bylaw."

(c) Table 8 – Density Summary is amended by deleting Note 5 in its entirety.

(d) "Map 1 - Land Use" is amended by:

- i) Placing the Parks and Open Space Land Use Designation on the properties as shown on Maps 1 to 4 below.
- ii) Placing the Institutional Land Use Designation on the properties as shown on Maps 3 to 6 below.
- iii) Placing the Industrial Land Use Designation on the properties as shown on Map 6 below.
- iv) Placing the Single Family Residential Land Use Designation on the properties as shown on Maps 6 to 10 below.
- v) Placing the Local Commercial Land Use Designation on the properties as shown on Map 10 below.



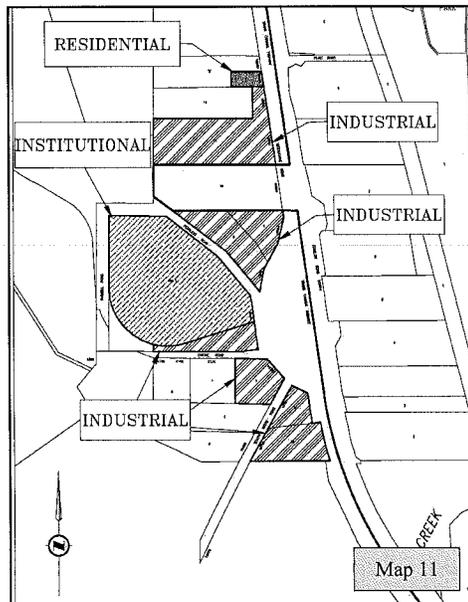


(2) Schedule “C”, entitled Holland Creek Area Plan, is amended as follows:

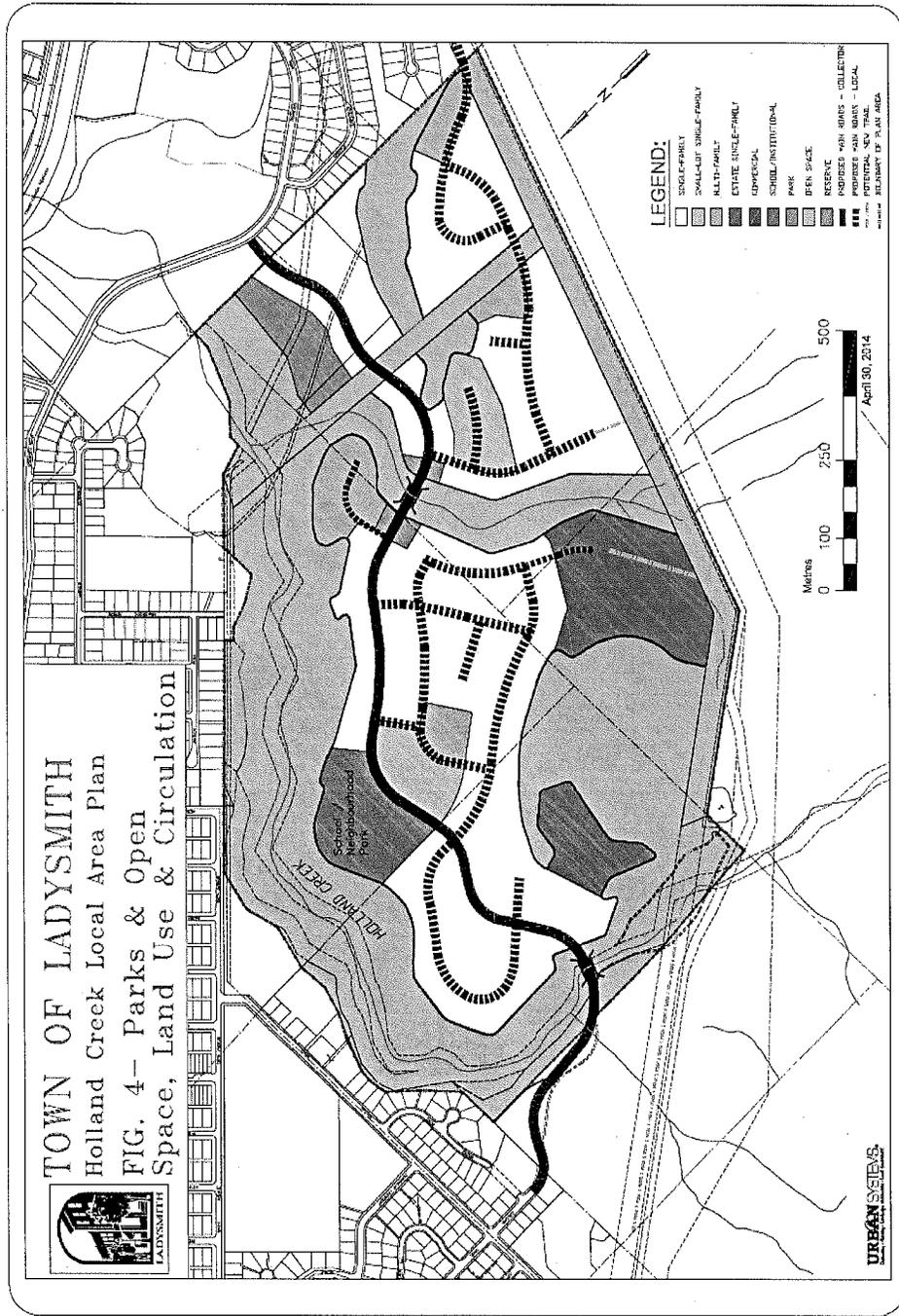
(a) Figure 4 – Parks & Open Space, Land Use & Circulation is deleted in its entirety and replaced with “Figure 4 – Parks & Open Space, Land Use & Circulation” which is attached to and forms part of this Bylaw.

(3) Schedule “D”, entitled “South Ladysmith Area Plan” is amended as follows:

(a) Map 2 - Land Use & Transportation is amended by:
 i) Adding “Institutional” to the Legend, and
 ii) Replacing land use designations as show on Map 11 below.



“Figure 4 – Parks & Open Space, Land Use & Circulation”



TOWN OF LADYSMITH

BYLAW NO. 1860

A bylaw to regulate the use of land, buildings and structures; require off-street parking and loading spaces; and establish standards for the provision of landscaping and screening.

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to adopt a 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 repeal "Town of Ladysmith Zoning Bylaw 1995, No. 1160" and adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) "Town of Ladysmith Zoning Bylaw 1995, No. 1160" and all its amendments are repealed.
- (2) "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as follows is adopted:
 - (a) Schedule A – Zoning Bylaw Text, and
 - (b) Schedule B - Zoning Bylaw Map.

CITATION

- (3) This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

READ A FIRST TIME on the 23rd day of June, 2014

READ A SECOND TIME on the 23rd day of June, 2014

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 BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1861

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

WHEREAS the Municipal Council has accepted the report "A community vision for a sustainable west coast town" (Community Vision);

AND WHEREAS the Municipal Council wishes to implement the form and character preferences of the Ladysmith community as expressed through the Community Vision which requires amendments to the Official Community Plan;

AND WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to designate Development Permit Areas, describe special conditions or objectives to justify the designation and to specify guidelines;

AND 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) The "Official Community Plan Bylaw 2003, No. 1488" is hereby amended as set out in Schedule A to this Bylaw.

CITATION

- (2) This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.44), 2014, No. 1861".

READ A FIRST TIME on the 23rd day of June, 2014

READ A SECOND TIME on the 23rd day of June, 2014

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)

Schedule A of Bylaw 1861

- (1) Schedule "A" entitled "Town of Ladysmith Community Plan" is amended as follows:
 - (a) Section 3.8.5 - Development Permit Areas is deleted in its entirety and replaced with the following:

"3.8.5 Development Permits

Development Permits may be required as authorized by the Local Government Act and designated by this Plan. Development Permit Areas are designated on OCP Map 2 – Development Permit Areas. Special Conditions, objectives and guidelines are provided in Schedule A.1 of this Plan. Development Permits may vary other Bylaw requirements as permitted by the Local Government Act and provided for in the Guidelines."
 - (b) Map 2 - Development Permit Areas is deleted in its entirety and replaced with "Map 2 - Development Permit Areas" which is attached to and forms part of this Bylaw.
- (2) Schedule "A.1" entitled "Development Permit Areas" as attached to and forming part of this Bylaw is added in its entirety following "Schedule "A" entitled "Town of Ladysmith Community Plan" and renumber accordingly.