



TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF COUNCIL
MONDAY, JULY 14, 2014
LADYSMITH SENIORS CENTRE
7:00 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins

Councillor Bill Drysdale

Councillor Steve Arnett

Councillor Gord Horth

Councillor Jillian Dashwood

COUNCIL MEMBERS ABSENT:

Councillor Duck Paterson

Councillor Glenda Patterson

STAFF PRESENT:

Ruth Malli

Sue Bouma

Felicity Adams

Joanna Winter

CALL TO ORDER

Mayor Hutchins called this Special Meeting of Council to order at 7:05 p.m.

AGENDA APPROVAL

CS 2014-256

Moved and seconded:

That the agenda for this Special Council Meeting of July 14, 2014 be approved.

Motion carried.

PUBLIC HEARING

NEW AND UPDATED ZONING BYLAW

Members of the public present: 82

Mayor Hutchins welcomed the members of the public and outlined the process for the Public Hearing as follows:

Meeting Process – Mayor Hutchins

- There are four Bylaws on the Public Hearing Agenda tonight.
- At this Public Hearing you have the opportunity to provide your comments about the content of these Bylaws to Council.
- Staff will introduce each of the Bylaws.
- Everyone who wishes to speak to Council will have the opportunity to be heard. Once everyone has had the opportunity to speak to Council, those who wish to speak again may do so. Please keep in mind that if you choose to speak again, you should be introducing new points, not

repeating what you have already stated.

- Written submissions may be submitted at this time.

Written submissions received prior to 12 Noon on Wednesday, July 9, 2014 have been distributed to Council with the Public Hearing Agenda package. Written submissions received after this time have been provided to Council tonight.

Following the close of the Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of Council.

Overview of Bylaws and Statutory Requirements – Felicity Adams, Director of Development Services

A new and updated **ZONING BYLAW** is proposed for the Town. The four Bylaws that are on this Public Hearing Agenda are related to the implementation of this new and updated Zoning Bylaw.

Bylaw 1858 cited as “Town of Ladysmith Area G and Area H Land Use Regulations Repeal Bylaw 2014, No. 1858”

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.

Bylaw 1859 cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 1859”

The purpose of **Bylaw No. 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 to the OCP new and updated policies about school planning, commercial land use, and detached secondary suites to support the community’s vision.

Bylaw 1860 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860”

The purpose of **Bylaw No. 1860** is to adopt a new and updated **Zoning Bylaw** for all properties located within the Town of Ladysmith.

If approved Bylaw No. 1860 will replace the current Town of Ladysmith Zoning Bylaw 1995, No. 1160, as amended, with a new and updated Zoning Bylaw. This Bylaw affects all properties in the Town by establishing zones and regulations for the use and the density of use of land, building and structures; regulating the siting, size and dimensions of uses, building and structures; and regulating parcel sizes, off-street parking and loading and screening and landscaping. The Zoning Bylaw contains text and a map.

In general terms, the Zoning Bylaw introduces new regulations affecting accessory buildings, coach house use, perimeter wall height, home-based business use, flexible live-work options in the downtown, urban agriculture, food trucks, shipping containers, large format retail, drive-through service access, bicycle parking, and landscaping and screening. New zones are introduced for residential use, natural parks, marine harvesting, marine conservation, agriculture and forestry uses.

Bylaw 1861 cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 44), 2014, No. 1861”

The purpose of **Bylaw No. 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.

Public Hearing Notice:

The **Public Hearing Notice** was printed in the Ladysmith & District Chronicle newspaper on July 2, 2014 and July 8, 2014 and posted on community notice boards throughout Town, as well as on the Town’s website. The Notice was mailed to all property owners in the Town.

A copy of the Notice, the proposed Bylaws and background information considered by Council was made available at the front counter at City Hall for the Notice period. In addition to background information on the Town’s website, there was also a drop-in opportunity provided for the public and interested persons to request further information from Development Services staff prior to the Public Hearing. A display was also available at FJCC.

Four written submissions were received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for comments and written submissions from the audience.

Martin Paish, Oak Bay Marine Group

Delivered a written submission and requested amendments to the W-2 Marina zone.

Pam Fraser, 750 Colonia

Expressed concern with legalizing two-storey coach houses and requested clear and limited criteria for granting variances. She delivered a written submission.

Rob Johnson, 246 Bayview Avenue

Questioned the origin of the introduction of produce stands.

Penelope Allan, 1359 Birchwood Road

Expressed concern that Ladysmith lacks the infrastructure to support greater expansion and higher density.

Rob Johnson, 246 Bayview Avenue

Expressed concern with the restriction on types of permitted businesses when the downtown core needs businesses to fill store fronts.

Jim Russell, 626 Farrell Road

Requested that the Town follow the explicit requirements of the Planning and Environment Act with respect to variance application.

Jackie Estabrooks, 1130 Sharp Place

Expressed concern that property values would be reduced by the introduction of coach homes and noted that stricter restrictions and guidelines must be implemented with home-based businesses.

Carol Henderson, 806 Mackie Road

Expressed concern about on-street parking impacts from accessory buildings.

Rob Johnson, 246 Bayview Avenue

Expressed concern that Wood Island's ecologically sensitive habitat would be compromised.

Myfawnwy Plecas, Diamond, Area H, CVRD

Suggested that the audience express their opposition to the Zoning Bylaw.

Penelope Allen, 1359 Birchwood Road

Suggested that the audience should give a general vote of accordance or opposition.

Eve Vincent, 731 Colonia Drive

Expressed opposition to two-storey coach houses outside of Old Town.

Katherine Turner, 133 Baden-Powell Street

Expressed opposition to two-level coach houses.

Rob Johnson, 246 Bayview Avenue

Expressed concern that live-aboards at the Ladysmith Maritime Society Community Marina do not support the services of the community through property tax.

Deanna McAloney, 509 Roberts Street

Expressed opposition to two-storey coach houses.

Rob Samolka, 539 Louise Road

Requested clarification regarding parkland OCP changes.

Irene Telford, 881 Dunsmuir Crescent
Expressed concern about boulevard gardens.

Alana Newton, 10980 Westdowne Road
Requested clarification about Map 6 of Bylaw 1859.

Dan Marple, 248 Bayview Avenue
Expressed interest in the procedure for resolving conflicting views regarding coach houses.

Mayor Hutchins called for submissions a second time.

Rob Johnson, 246 Bayview Avenue
Urged that Council deliberate carefully over its decisions on the Zoning Bylaw.

Debby Drew, 529 Louise Road
Opposed home-based businesses without more stringent restrictions, and questioned the need for coach houses and additional suites when so much property is available.

Mayor Hutchins called for submissions a third time.

Dave Millgian, 487 Louise Road
Requested clarification regarding road access on Map 7 of Bylaw 1859.

Jackie Estabrooks, 1130 Sharp Place
Requested an informal vote on the issue of coach houses.

Deanna McAloney, 509 Roberts Street
Commented on the first coach house on Roberts Street.

Mayor Hutchins called for submissions again.

Lorne Gait, 10930 Chemainus Road
Expressed the need to provide lower cost housing for the youth and young families and commented that densification makes good use of existing services.

Carol Henderson, 806 Mackie Road
Expressed preference for densification.

Laurie Hamilton, 1127 Cloke Road
Requested reconsideration of garage height to accomodate recreational vehicles.

Bob Hayes, 132 Methuen Street

Expressed concern regarding the ability of water and sewer infrastructure to support the introduction of carriage houses.

Lisa Smolka, 539 Louise Road

Recognized the difficulty of balancing needs for vibrancy with character of the Town, and asked Council to consider parkland in the vicinity of Louise Road.

Janice Patrick, 239 Dogwood Drive

Expressed concern about home-based business without stringent restrictions, and cautioned that character housing is disappearing with new development.

Lorne Gait, 10930 Chemainus Road

Requested relaxation of Development Cost Charges for developers of low cost housing.

Don Harrison, 1137 Stillin Drive

Requested clarification and restrictions regarding parking associated with home-based businesses.

Mayor Hutchins called a final time for comments and written submissions.

Additional written submissions were received from the following:

Wendy Waage, 409 Gatacre Street

Cathy Gilroy, 220 3rd Avenue

Hearing no more comments, Mayor Hutchins declared the Public Hearing for Town of Ladysmith Bylaws 1858, 1859, 1860 and 1861 closed at 8:13 p.m., and explained that Council may not receive further submissions on the Bylaws. He then called a short recess.

The meeting resumed at 8:23 p.m.

BYLAWS

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

Moved and seconded:

CS 2014-257

That Town of Ladysmith Area G and Area H Land Use Regulations Repeal Bylaw 2014, No. 1858 be read a third time.

Motion carried.

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 1859

Moved and seconded:

CS 2014-258

That Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 1859 be read a third

time.

Motion carried.

Town of Ladysmith Zoning Bylaw 2014, No. 1860

Felicity Adams, Director of Development Services presented recommended amendments to W-2 and I-2 zones

CS 2014-259

Moved and seconded:

That staff be directed to include the following amendments in Town of Ladysmith Zoning Bylaw 2014, No. 1860:

Amend Section 12.3, Clause 4(c) to read:

- No *Building* or *Structure* with a *Height* greater than 12.0 metres, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table Below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	10.0 metres
<i>Interior or Exterior Side Parcel Line</i>	10.0 metres
<i>Rear Parcel Line</i>	10.0 metres

Add a new Clause 12.3 4(d) to read:

- No *Building* or *Structure* with a *Height* of 12.0 metres or less, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

Motion carried.

CS 2014-260

Moved and seconded:

That staff be directed to include the following amendments in Town of Ladysmith Zoning Bylaw 2014, No. 1860:

- Amend Section 16.2, Clause 4(e) to read:
And *Docks*, floats, ramps, quays or other similar *Structures* shall not be located within the seaward extension, perpendicular to the shoreline, of the boundary of a streamside protection riparian area located 30 metres on either side of the *Natural Boundary* of a Watercourse, including the sea.
- Amend Section 16.2, Clause 4(f) to read:
No *Buildings* or *Structures* shall be sited within 125 metres of the boundary of the W-4 Zone actively used for purposes permitted in the W-4 Zone.

Motion carried.

CS 2014-261

Moved and seconded:

That further consideration of Town of Ladysmith Zoning Bylaw 2014, No. 1860 be referred to a future meeting of Council.

Motion carried.

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 44), 2014, No. 1861

Moved and seconded:

CS 2014-262

That Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 44), 2014, No. 1861 be read a third time.

Motion carried.

ADJOURNMENT

Moved and seconded:

CS 2014-263

That this meeting of Council adjourn at 8:37 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)