

A SPECIAL MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
AGENDA  
9:00 A.M.

Thursday, June 27, 2024  
City Hall Council Chambers  
410 Esplanade

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Pages

1. CALL TO ORDER AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.

Members of the public may attend this meeting in person at the City Hall Council Chambers or view the livestream on

YouTube: <https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Special Meeting of Council for Thursday, June 27, 2024.

3. REPORTS

3.1 Small-Scale Multi-Unit Housing and other Housing-Related Bylaw Amendments. 4

Recommendation

That Council:

1. Give first, second and third readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860"Amendment Bylaw No. 2186";
2. Adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860"Amendment Bylaw No. 2186";
3. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:

- a. the Stz'uminus First Nation, and School District 68 are the only entities that are appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185";
  - b. consultation should be early but need not be ongoing;
  - c. the consultation process described in the staff report to Council dated June 27, 2024 is sufficient in respect to the proposed Official Community Plan amendment; and;
  - d. staff be directed to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2185" to the Stz'uminus First Nation and School District 68 as set out in the June 27, 2024 staff report to Council;
4. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185";
  5. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185" in conjunction with the Town's Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
  6. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185" in conjunction with the Town's Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of the *Local Government Act*;
  7. Direct staff to schedule a public hearing and notice of the hearing for "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185";
  8. Pursuant to section 481.4(2) of the *Local Government Act*, direct staff to provide written notice to the Minister of Housing following the adoption of Bylaw 2186 that the following properties are exempt from section 481.3(4) and (5) of the *Local Government Act*:
    - a. the properties listed in Attachment J to the June 27, 2024 staff report to Council, under Section 481.4(1)(c) of the *Local Government Act*;
    - b. all properties in the following zones, under Section 481.4(d) of the *Local Government Act*:
      - i. Primary Agriculture (A-1);
      - ii. Agriculture and Resort Recreation (A-RR); and
    - c. The properties listed in Attachment K to the June 27, 2024 staff report to Council, under Section 481.4(1)(e) of the *Local Government Act*;

9. Pursuant to section 464(2) of the *Local Government Act* , decide not to hold a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187” and direct staff to publish notice in accordance with section 467 of the *Local Government Act*,
10. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187” to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*, following third reading;
11. Give first, second and third readings to “Council Procedure Bylaw 2009, No. 1666 Amendment Bylaw No. 2184”;
12. Give first, second and third readings to “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834 Amendment Bylaw 2183”;
13. Give first, second and third readings to “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905 Amendment Bylaw No. 2180”;
14. Give first, second and third readings to “Development Procedures Bylaw 2024, No. 2179”;
15. Give first, second and third readings to “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644 Amendment Bylaw No. 2182”.

#### 4. ADJOURNMENT

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** June 27, 2024  
**File No:** 3360-20  
**RE:** **Small-Scale Multi-Unit Housing and other Housing-Related Bylaw Amendments.**

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**RECOMMENDATION:**

That Council:

1. Give first, second and third readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860”Amendment Bylaw No. 2186”;
2. Adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860”Amendment Bylaw No. 2186”;
3. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
  - a. the Stz’uminus First Nation, and School District 68 are the only entities that are appropriate to consult in connection with “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185”;
  - b. consultation should be early but need not be ongoing;
  - c. the consultation process described in the staff report to Council dated June 27, 2024 is sufficient in respect to the proposed Official Community Plan amendment; and;
  - d. staff be directed to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2185” to the Stz’uminus First Nation and School District 68 as set out in the June 27, 2024 staff report to Council;
4. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185”;
5. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185” in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;

6. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185” in conjunction with the Town’s Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of *the Local Government Act*;
7. Direct staff to schedule a public hearing and notice of the hearing for “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2185”;
8. Pursuant to section 481.4(2) of the *Local Government Act*, direct staff to provide written notice to the Minister of Housing following the adoption of Bylaw 2186 that the following properties are exempt from section 481.3(4) and (5) of the *Local Government Act*:
  - a. the properties listed in Attachment J to the June 27, 2024 staff report to Council, under Section 481.4(1)(c) of the *Local Government Act*;
  - b. all properties in the following zones, under Section 481.4(d) of the *Local Government Act*:
    - i. Primary Agriculture (A-1);
    - ii. Agriculture and Resort Recreation (A-RR); and
  - c. The properties listed in Attachment K to the June 27, 2024 staff report to Council, under Section 481.4(1)(e) of the *Local Government Act*;
9. Pursuant to section 464(2) of the *Local Government Act* , decide not to hold a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187” and direct staff to publish notice in accordance with section 467 of the *Local Government Act*;
10. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187” to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*, following third reading;

11. Give first, second and third readings to “Council Procedure Bylaw 2009, No. 1666 Amendment Bylaw No. 2184”;
12. Give first, second and third readings to “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834 Amendment Bylaw 2183”;
13. Give first, second and third readings to “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905 Amendment Bylaw No. 2180”;
14. Give first, second and third readings to “Development Procedures Bylaw 2024, No. 2179”;
15. Give first, second and third readings to “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644 Amendment Bylaw No. 2182”.

**EXECUTIVE SUMMARY:**

The purpose of this report is to introduce zoning amendments and consequential amendments to other bylaws needed to implement the Province’s new Small Scale Multi-Unit Housing (SSMUH) requirements as well as additional bylaw changes intended to streamline housing construction and increase the supply of housing in Ladysmith.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2024-054	2024-03-19	That Council direct staff to bring forward for Council consideration: <ol style="list-style-type: none"> <li>a) zoning amendments consistent with provincial SSMUH requirements to allow duplexes in restricted zones on all lots between 280-4050m2 in size;</li> <li>b) zoning amendments consistent with provincial SSMUH requirements to allow one single- family dwelling, one secondary suite and one coach house in restricted zones on lots smaller than 280m2;</li> <li>c) OCP amendments to align development permit requirements to be consistent with new SSMUH requirements;</li> <li>d) amendments to relevant bylaws to increase fines for illegal nightly rentals, and make existing STR rules clearer and aligned with provincial terminology;</li> <li>e) an Amenity Cost Charge Bylaw;</li> <li>f) amendments to the Town’s DCC bylaw to allow for a DCC charge for a new Fire Hall and shared provincial highway projects;</li> <li>g) amendments to the applicable bylaws to delegate the approval of “minor” DVPs to staff; and</li> <li>h) amendments to the applicable bylaws to increase range of staff-issuable DPs, including DPs for residential developments of four units or less.</li> </ol>
CS 2024-099	2024-05-14	That Council direct staff to submit an application to the Minister of Housing seeking an extension until December 31, 2030, to implement the Province’s Small Scale Multi-Unit Housing requirements pursuant to section 786 of the

Resolution	Meeting Date	Resolution Details
		Local Government Act, for the areas described in the May 14, 2024, report to Council.

**INTRODUCTION/BACKGROUND:**

In the fall of 2023, the Province introduced changes to the *Local Government Act* to allow more “small-scale, multi-unit housing” (SSMUH) in zones that are otherwise restricted to single-family dwellings or duplexes (defined as “restricted zones”). Under the new legislation, the Town must amend its Zoning Bylaw by June 30, 2024 to:

- Allow either a coach house or secondary suite in restricted zones.
- Unless an exemption or an extension applies (see below), allow the “prescribed number of housing units”. Currently, this is a minimum of three units on parcels less than 280m<sup>2</sup> in size and a minimum of four units on parcels between 280 and 4,050m<sup>2</sup>.
- Align with any provincial regulations respecting the “siting, size, dimension, location or type of housing unit”. Currently, the provincial regulations do not contain any regulations to that effect.

On parcels in restricted zones that are not serviced by sewer and water, larger than 4,050m<sup>2</sup>, outside of the Town’s urban containment boundary or in a zone with a minimum lot size of 4,050m<sup>2</sup>, the Town’s Zoning Bylaw only needs to allow a secondary suite or coach house. However, if parcels in restricted zones larger than 4,050m<sup>2</sup> are subdivided into smaller, serviced lots, the SSMUH rules will apply. There are a number of these lots currently being subdivided into developable lots and this was an important consideration when developing the proposed SSMUH regulations.

Staff worked with the Town’s lawyer to identify restricted zones in the Zoning Bylaw. Table 1 lists these zones and specifies which forms of SSMUH must be allowed in each zone.

*Table 1: Restricted Zones*

Zone Name	Must allow suite or Coach House	Must allow 3 units on Lots smaller than 280m <sup>2</sup> and 4 units on lots larger than 280m <sup>2</sup>
Single Dwelling Residential (R-1)	Yes	Yes
Single Dwelling Residential – Small Lot A Zone (R-1-A)		
Single Dwelling Residential – Small Lot B Zone (R-1-B)		
Single Dwelling Residential – Small Lot C Zone (R-1-C)		
Single Dwelling Residential – Holland Creek (R-1-HCA)		
Old Town Residential (R-2)		
Bayview Residential (R-2-A)		
Oyster Cove Residential (R-2-B)		
Local Commercial (C-1)		
Rural Residential (RU-1)		

Zone Name	Must allow suite or Coach House	Must allow 3 units on Lots smaller than 280m <sup>2</sup> and 4 units on lots larger than 280m <sup>2</sup>
Tourist Service Commercial (C-4) <sup>1</sup>		
Primary Agriculture (A-1)		No
Agriculture and Resort Recreation (A-RR)		Yes
Malone Residential (CD-3)		

Section 457.1 of the *Local Government Act* prohibits the Town from using certain land use regulations (e.g. development permit designations and guidelines) to unreasonably restrict or prohibit SSMUH. Additionally, section 481.3 of the *Local Government Act* requires the Town to “consider” any provincial guidelines related to SSMUH. The Province’s guidelines are provided in Attachment I.

Shortly after the introduction of the SSMUH legislation, local governments in BC received funding to implement SSMUH requirements and accelerate housing construction. Under this program the Town received a one-time payment of \$192,000.

On March 19<sup>th</sup>, Council passed resolution CS 2024-054 which provided direction on how to implement SSMUH requirements and other opportunities under Bill 44, the *Short-Term Rental Accommodations Act* and other legislation intended to increase the supply of housing in BC. Additional opportunities (e.g. an Amenity Cost Charge Bylaw, new DCC’s, etc.) will be brought forward for Council’s consideration at a later date or are being addressed operationally by staff.

Where infrastructure is lacking, “extensions” can be granted by the Province allowing SSMUH zoning to be delayed. Council passed resolution CS2024-099 on May 14, 2024 and staff submitted the Town’s extension request package to the Province on May 17, 2024. More information on extensions and the Town’s extension request is described in the May 14, 2024 report to Council (Attachment N).

The Province’s [Policy Bulletin for extensions](#) states that: “Local governments seeking extensions will need to know the results of their extension application(s) prior to June 30th, 2024, to identify which zones they are required to bring into compliance in their SSMUH bylaw amendments (i.e., zones covered by the legislation for which no extension has been granted or sought)”. Following this guidance, staff waited for a decision from the Province on the Town’s extension applications. As the June 30 deadline (and resultant deadlines for public notice, scheduling a Council meeting, etc.) approached, staff sought a status update from the Province. The Province’s response (Attachment L), advises the Town not to wait for a decision from the Province and to advance the required SSMUH bylaw amendments for areas not covered in the Town’s extension application. Should the Province deny extensions for any of the areas included in the Town’s extension

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<sup>1</sup> There are only two properties zoned C-4 and only one of these properties is considered to be within a “restricted zone” because single-family dwellings are only permitted in this zone if built prior to June 15 ,2021. Only one of the two properties meets this condition.



request, the Town will have 90 days from the date of the Provincial decision to make further amendments to the Zoning Bylaw. The proposed zoning amendments reflect the Province's advice in Attachment L and are described in greater detail below.

**PROPOSAL:**

Eight bylaws have been drafted for Council's consideration:

1. Bylaw 2186 (Attachment A) contains zoning amendments that directly relate to SSMUH requirements.
2. Bylaw 2187 (Attachment B) contains housing-related amendments to the zoning bylaw that may not be directly related to SSMUH requirements.
3. Bylaw 2185 (Attachment C) amends the OCP.
4. Bylaw 2184 (Attachment D) amends the Council Procedures Bylaw.
5. Bylaw 2183 (Attachment E) amends the Subdivision and Development Servicing Bylaw.
6. Bylaw 2180 (Attachment F) amends the Officers and Delegation of Authority Bylaw.
7. Bylaw 2179 (Attachment G) is a new Development Procedures Bylaw.
8. Bylaw 2182 (Attachment H) amends the Fees and Charges Bylaw.

Bylaws 2186 and 2187, both contain amendments to the Zoning Bylaw. Originally, these changes were intended to be contained within a single bylaw. However, due to the above-noted delay in receiving a response on the Town's extension requests, the Town must now rely on expedited adoption procedures to meet the June 30<sup>th</sup> deadline for SSMUH changes to the Zoning Bylaw. As some of the changes, now found in Bylaw 2187, are not technically SSMUH-related, they are subject to different adoption procedures. Subsequently, the changes have been divided into two bylaws, which will proceed through separate approval processes. This is described in greater detail under 'Legal Implications'.

Each of the eight bylaws are described in detail below.

**1. Bylaw 2186: SSMUH Amendments to the Zoning Bylaw**

Bylaw 2186 will make the following changes to the Zoning Bylaw:

- Bylaw 2186 will change minimum lot size calculations to exclude Streamside Protection and Enhancement Areas (SPEAs) and areas that must remain free from development due to hazardous conditions. These rules will apply only to newly-created lots under 600 m<sup>2</sup> where a single-family dwelling is a permitted principle use (effectively only restricted zones). These changes ensure that proposed reductions in minimum lot sizes and/or the consolidation of zones (see below) account for undevelopable areas like unstable slopes and SPEA's.
- Bylaw 2186 will change height calculation methods under section 5.12. The method of calculating height for sloped roofs will change slightly to be measured to the midpoint of the roof peak and eaves. This is to align with SSMUH guidelines (which specify height regulations using this method) and to make the Zoning Bylaw more consistent throughout

and with other jurisdictions<sup>2</sup>. Height regulations have been changed, where necessary, throughout the bylaw to reflect the new method and the change is expected to have a negligible effect on building heights.

- Section 5.24 has been added to the Zoning Bylaw to reflect the extension for which the Town is awaiting approval from the Province. Under these rules, SSMUH unit allocations will be “frozen” for each extension area—which will be shown in a new Schedule B to be added to the Zoning Bylaw. The freeze will be in place until the infrastructure needed to service the area is complete, or December 31, 2030, whichever occurs first. Under these rules, property owners will be able to develop the number of units allowed under the Zoning Bylaw prior to adoption of Bylaw 2186. However, section 5.24 will not limit the *type of* units to pre-SSMUH rules. This means property owners can build newly permitted forms of SSMUH. For example, if, prior to the enactment of Bylaw 2186, a property owner could build only a single-family dwelling with a secondary suite (two units), they will be able to build a duplex (also two units), but they will not be able to build a duplex with two suites (four units) until the infrastructure needed to service their neighbourhood is complete. Staff note that if the Province denies any of the requested extensions, or prescribes an earlier expiry date for one or more of requested extensions, the Town will have to amend this section within 90 days of the Province’s decision.
- Rules for secondary suites under section 6.4 will change. Suites will no longer be prohibited on parcels where a coach house or caretaker dwelling is permitted and, by way of a definition change, will now be allowed in coach houses. A prohibition on stratifying secondary suites will be removed<sup>3</sup>. These changes align with the provincial SSMUH guidelines. Floor area limits for suites in duplexes and townhouses under subsection

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<sup>2</sup> Most jurisdictions have adopted the midpoint calculation method and currently the Zoning Bylaw specifies different height regulations for peaked and flat roofs in different zones.

<sup>3</sup> The prohibition is redundant, as stratification of a secondary suite is prohibited under the BC Building Code.

6.4(a)(i) will remain to prevent oversized/expensive dwelling units and protect rental housing stock. This is described in greater detail under 'Analysis'.

- Rules for coach houses under section 6.5 will change. Minimum lot size requirements, the one coach house per parcel limit, balcony size limits, the rooftop amenity area prohibition and rules limiting the principle use to a single-unit dwelling will be removed. Additionally, the maximum GFA and height for coach houses will increase to allow larger coach houses and accommodate secondary suites in coach houses. Setback and siting regulations for coach houses will be removed in favor of new setbacks in specific zones. All of these changes align with the SSMUH guidelines.
- An exemption for SSMUH development from landscape buffer requirements under subsection 7.2(2) will be added. This is recommended under the SSMUH guidelines.
- Residential parking standards will be changed under section 8.2. The parking standard will be changed to one space per dwelling unit to align with SSMUH guidelines
- All restricted zones will be amended to allow the minimum number of units required under the SSMUH legislation. If Bylaw 2187 is adopted, a floor area ratio of 1.3 will be added for developments in the R-2 zone with more than four dwelling units.
- A building separation requirement has been added to most restricted zones to reflect the Town's fire response times and unique building code requirements while maintaining alignment with the SSMUH guidelines. This is described in greater detail under 'Analysis'. This rule is intended to ensure the livability of SSMUH, by ensuring an adequate number of windows.
- Clauses have been added to most restricted zones, that retain floor area and/or lot coverage limits for single-family dwellings while allowing greater floor area and lot coverage for SSMUH. This is supported by the SSMUH guidelines as described under 'Analysis'.
- Most restricted zones have setback requirements for accessory buildings larger than 10 square meters. Bylaw 2186 will delete these rules and apply consistent setback rules for accessory buildings regardless of size. This rule is necessary to provide adequate room on parcels for SSMUH.

- A number of restricted zones have site-specific regulations which are no longer needed as a result of the SSMUH zoning changes (e.g. site-specific regulations that allow a coach house). Bylaw 2186 will delete these regulations.
- The RU-1 zone will be changed to:
  - Add duplex as a permitted use (with a limited floor area).
  - Increase the permitted height of a principle building to 11 meters.
  - Reduce the front and side setbacks to align with SSMUH guidelines.
- The R-1 zone will be changed to:
  - Add duplex as a permitted principle use and coach house as a permitted accessory use.
  - Increase the permitted height of a principle building to 11 meters.
  - Remove the perimeter wall regulations with companion deletions in the definitions section.
  - Reduce the side yard setback from 3 meters to 1.2 meters and the rear yard setback from 5 meters to 1.5 meters to align with recommended setbacks in the SSMUH guidelines. The existing 6-meter front yard setback will remain to accommodate future road widening which is supported under the SSMUH guidelines.
- The R-1-A zone will be changed to:
  - Allow duplex as a permitted principle use and coach house as a permitted accessory use.
  - Limit the size of a principle building to 230 square meters which reflects the small lot size and 50% lot coverage requirements recommended in the SSMUH guidelines.
  - Increase the maximum height for a principle building from 8 meters to 11 meters.
  - Reduce the minimum side yard setback to 1.2 meters and the minimum rear yard setback to 1.5 meters to align with SSMUH guidelines. The existing 4 meter front yard setback will remain to accommodate future road widening which is supported under the SSMUH guidelines.
  - Incorporate needed zoning regulations from the R-1-B zone, which will be deleted as noted below.
- The R-2 zone will be changed to:
  - Add townhouses and multi-unit dwellings as permitted principle uses.
  - Delete the 780 square meter parcel size requirement for duplex dwellings.
  - Increase the maximum height of a principle building from 9 meters to 11 meters.
  - Reduce the front yard setback to 2 meters<sup>4</sup>, side yard setback to 1.2 meters and rear yard setback to 1.5 meters. Townhouse dwellings will not require a side yard setback.
  - Delete the High Street Intensive Residential regulations as they do not align with the SSMUH guidelines.

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<sup>4</sup> The R-2 zone is generally limited to “Old Town” which already has very wide road dedications. Unlike other zones, large front yard setbacks are not needed to accommodate future road widening.

- The R-2-B zone will be amended to:
  - Add coach house dwelling as a permitted accessory use.
  - Delete the minimum lot area for duplex parcels.
  - Reduce setbacks for single family dwellings and duplexes to align with SSMUH guidelines.
  
- The C-1 zone will be amended to:
  - Permit duplex, multi-unit and townhouse dwellings as principle uses.
  - Add coach house as a permitted accessory use.
  - Delete the 0.5 floor space ratio.
  - Increase the maximum height from 9 to 11 meters and delete height requirements specific to single-unit dwellings.
  - Reduce the front yard setback to 2 meters<sup>5</sup>, side yard setback to 1.2 meters and rear yard setback to 1.5 meters. Townhouse dwellings will not require a side yard setback.
  
- The C-4 zone will be amended to add a site-specific regulation allowing SSMUH on the parcel that is considered to be within a restricted zone.
  
- The CD-3 zone will be amended to:
  - Add duplex as a permitted use under “Area A” and coach house as a permitted accessory use under Areas A and B.
  - Add a frontage requirement for single-family and duplex lots.
  - Delete the minimum lot area for duplex lots.
  - Delete requirements pertaining to stratification.
  - Increase the height of principle buildings in Areas A and B from 9 to 11 meters and remove attic/roof space requirements for accessory buildings.
  - Reduce all side yard setbacks to 1.2 meters and rear yard setbacks to 1.5 meters for principle buildings.
  - Reduce side and rear yard setbacks for accessory buildings to 1 metre.
  
- The R-1-B, R-1-C and R-1-HCA zones will be deleted and areas within these zones will be rezoned to R-1-A. The R-2-A zone will be deleted and areas within this zone will be rezoned to the R-2 zone. This is described in greater detail under ‘Analysis’.

## 2. Bylaw 2187: Other Housing Related Amendments to the Zoning Bylaw

Bylaw 2187 will make the following changes to the Zoning Bylaw:

- New regulations will be added for panhandle parcels under section 5.3. These changes import existing panhandle regulations from the Subdivision and Development

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<sup>5</sup> As with the R-2 zone future road widening is not anticipated for properties in the C-1 zone.

Servicing Bylaw and add new rules regulating the dimensions of access strips and prohibiting adjacent panhandle parcels. These rules are proposed to codify existing panhandle policies applied by the approving officer at the subdivision stage and anticipate increases in panhandle lot subdivisions resulting from SSMUH (e.g. constructing a coach house then subdividing as a panhandle lot).

- Rules for bed and breakfasts under section 6.7 will be made clearer. Using new defined terms (see below) the existing prohibition on renting dwelling units for nightly rental will be easier to understand. Additionally, new prohibitions have been added prohibiting bed and breakfasts in conjunction with coach houses, duplexes and multi-unit dwellings, to reflect SSMUH uses added to zones where bed and breakfasts are a permitted use. The prohibition on serving more than one meal per day to guests has been removed as it is difficult to enforce and the requirement to accommodate parking on site has been removed as it is redundant (i.e. required in the parking section of the bylaw). Similarly, rules allowing cooking facilities in guest rooms will be removed, as they are not needed to allow chattels like fridges and coffee makers in guest rooms, and items like hot plates are not recommended for safety reasons.
- The definitions of “accommodation unit”, “bed and breakfast”, “dwelling unit” and “tourist accommodation” will be changed and a new definition of “guest room” will be added to clearly differentiate rules for hotels and motels (which are only allowed in the C-2, C-4, A-RR and CD-7 zones) and rules for bed and breakfast use (which are allowed in most zones that allow single-family dwellings). Under the changes, bed and breakfasts will be allowed to provide “guest rooms” which are essentially bedrooms without cooking facilities, whereas tourist accommodation uses will provide “accommodation units” which now may include kitchens and cooking facilities. Additionally, tourist accommodation uses will no longer be required to provide a minimum of five accommodation units.
- In the R-1-A zone, the minimum parcel size will be reduced from 460 square meters to 300 square meters and the minimum parcel frontage will be reduced from 13.5 meters to 10 meters to reflect the consolidation of the R-1-A, R-1-B and R-1-C zones under Bylaw 2186.
- Bed and breakfasts will be added as a permitted accessory use to the R-2 zone to account for the consolidation of the R-2 and R-2-A zones. (Bed and Breakfast is currently a permitted principle use in the R-2-A).
- Additional units (i.e. beyond the SSMUH minimums) will be permitted in the R-2 zone (added by Bylaw 2186) to a maximum floor space ratio of 1.3. This exceeds minimum density requirements for SSMUH but is consistent with OCP policies for strategic infill areas and the ‘Neighbourhood Residential’ designation. Bylaw 2187 will also require any development on a parcel with five or more units to be a

townhouse or multi-unit format, to encourage densification in Old Town that aligns with OCP objectives.

- A landscape screening requirement will be added to reflect the addition of higher density multi-family development in the R-2 zone noted above. SSMUH will be exempt from this requirement under the bylaw changes proposed under Bylaw 2186.
- A new definition for “access strip” will be added and the definition of “front parcel line” will be changed to reflect the new panhandle lot rules.

### 3. Bylaw 2185: Amendments to the OCP

Bylaw 2185 will remove the Coach House Intensive Residential Development Permit Area (DPA 10) and High Street Intensive Residential Development Permit Area (DPA 9) to align with the SSMUH guidelines. Bylaw 2185 will also expand the Multi-unit Residential Development Permit Area (DPA 4) to all areas zoned R-2 (with exemptions for SSMUH). To account for the increased density to be permitted by Bylaw 2187.

A new transportation policy will be added requiring an analysis under section 5.1.4 of NFPA Standard 1141<sup>6</sup>. This regulation will apply to subdivision and rezoning applications. This rule formalizes typical evaluations that occur at the rezoning and subdivision stage and responds to increases in neighbourhood unit counts likely to result from SSMUH. This is described in greater detail under ‘Analysis’.

Bylaw 2185 will also create a new DP exemption for projects subject to a Phased Development Agreement under section 516 of the *Local Government Act* to avoid duplication of approval

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<sup>6</sup> This regulation requires two accesses for neighbourhoods with 101-600 homes and three accesses for neighbourhoods with more than 600 homes.



processes<sup>7</sup>. This amendment indirectly relates to Town and provincial housing objectives as it is expected to streamline development approvals.

#### 4. Bylaw 2184: Amendments to the Council Procedures Bylaw

Bill 44 necessitates changes to council procedures for two reasons: 1) to reflect new prohibitions on public hearings, and 2) to prevent de facto public hearings or unfair submissions to Council (e.g. during public question period) in contravention of common law and general principles of fairness. Subsequently, Bylaw 2184 will make the following changes to council procedures for this purpose:

- Subsection 19.3.1 will be amended to more clearly prohibit delegations wishing to speak to zoning or OCP amendments outside of the public hearing process. Companion amendments to section 19.4 clarify that a public hearing (if held) is the appropriate venue for making such submissions.
- Section 21 will be replaced with a more concise version and without the rule for public hearing scheduling, which will be addressed by the new sections described below.
- New sections will be added that codify the authority of the Chair to regulate public hearing procedures and existing practices. This includes allowing the applicant to make the first representation, setting time limits on representations and arranging special accommodations for anyone who may have difficulty making a representation (e.g. persons with disabilities).
- Procedures will be established that will outline the steps Council will follow when making a decision not to hold a public hearing. These procedures align with past practice which has been based on legal advice related to choosing not to hold a public hearing.
- A prohibition on receiving representations when a hearing will not be held has been added. An exemption to this rule has also been added to allow Council to ask the applicant technical questions about the proposal prior to first reading of the bylaw. This is intended to allow Council to seek clarity on the specific details of the application, while preventing the applicant from making prohibited public hearing representations.

#### 5. Bylaw 2183: Amendments to the Subdivision and Development Servicing Bylaw

These amendments (all of which are deletions) are consequential to the zoning amendments under Bylaw 2187 to move rules for the creation of panhandle parcels to the Zoning Bylaw and the changes noted below to move delegated authorities to a single bylaw.

#### 6. Bylaw 2180: Amendments to the Officers and Delegation of Authority Bylaw

Bylaw 2180 will make the following changes to the Delegation Bylaw:

- Definitions and procedures to enable staff-issued development variance permits required under section 498.1 of the *Local Government Act* will be added.

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<sup>7</sup> Phased development agreements can regulate many of the same aspects of a development as development permits (e.g. form and character), meaning the Town can choose to negotiate phased development agreements with a secondary aim of not needing to issue a development permit at a later date.

- Staff will be able to issue development permits for multi-family developments of up to four units.
- The Director of Infrastructure Services will be able to require excess or extended services pursuant to section 507 of the *Local Government Act*<sup>8</sup>.
- The Subdivision Approving Officer will be able to determine whether an applicant for subdivision must provide parkland or cash in lieu of parkland under section 510(2)(b) of the *Local Government Act*. The Approving Officer will also be able to agree to land valuations used to calculate cash in lieu of parkland.
- In conjunction with the changes under Bylaw 2183, Bylaw 2180 will resolve the existing conflicting clauses delegating the authority to exempt new parcels from minimum frontage requirements. These rules will now be found exclusively in the Delegation Bylaw.

The changes made by Bylaw 2180 are indirectly related to provincial/Town housing objectives, in that they create efficiencies in application processing and improve clarity and consistency when applying existing regulations.

#### 7. *Bylaw 2179: Amendments to the Development Procedures Bylaw*

A number of changes to the Development Procedures Bylaw were needed to reflect the Province's new prohibitions on public hearings. However, overhauling the bylaw to streamline application processes had been on the Development Service's task list for some time and a draft of a new Development Procedures Bylaw had already been prepared. Subsequently, staff revised the draft to reflect the new provincial requirements and had it reviewed by the Town's lawyer. The main features of the new bylaw are summarized below:

- The bylaw formalizes the current "file manager" approach used in the planning department to assign a planner to each application. The file manager is responsible for processing the application from start to finish and being the point of contact between the applicant and the Town.
- References and processes for amendments to land use contracts have been removed. All land use contracts in BC expire on June 30, 2024.
- Applications will be submitted to the planning department rather than the Director of Development Services. This aligns with common practice in most municipalities where applications are submitted to a front desk or monitored email to ensure applications are received, checked for completeness and processed right away.
- A clear exemption for Town-initiated applications has been added to the bylaw—i.e. the Town need not submit an application to itself to change the Town's bylaws or obtain a permit from the Town. Note this exemption doesn't exempt the town from the requirement to obtain a permit or amend bylaws.
- The *Local Government Act* requires an "owner" to apply to change a land use bylaw or for land use permit and the bylaw now contains clearer requirements in this regard.

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<sup>8</sup> Excess or extended services (sometimes referred to as “off-site improvements”) are infrastructure improvements beyond the parcel frontage that can be required as a condition of development approval.

- Prescriptive submission requirements (e.g. application forms, plans, surveys etc.) have been removed. Under the proposed bylaw the Director of Development Services can prescribe and update application requirements on an as-and-when-required basis. This translates to an ability to streamline submission requirements as and when needed without needing to amend the bylaw. This is a common practice in BC.
- A clearer process for rejecting or accepting incomplete applications has been added.
- A new requirement for a deposit for notification costs has been added to ensure fees for public notification are paid, thus reducing the amount of staff time spent trying to collect fees. Under current rules, applicants must pay public notification fees, but there is no deposit or deadline. Under the new rules, applicants will pay a deposit at time of application, which will be used by staff to pay notification costs with any surplus returned to the applicant.
- A process for refunding application fees has been added to the proposed bylaw. The refund amounts are based on the amount of work that typically occurs as an application reaches certain milestones.
- Clearer requirements for posting notification signs have been added and the period for which a sign must be posted has been changed from 14 days to 10 days. The reduction in the number of days better aligns with the Council meeting schedule (where Council meetings are usually scheduled every two weeks); providing time following the introduction of the application to Council (where it must be decided if a public hearing is required) to have the sign made and posted prior to the next Council meeting.
- Requirements for Neighbourhood Information Meetings have been changed. Under the proposed bylaw the neighbourhood information meeting must be held prior to the application proceeding to Council and within 60 days of submitting an application. More flexible reporting requirements have been added and existing processes related to mailing lists and newspaper notification have been formalized.
- A minimum intergovernmental and interdepartmental referral period has been added which can be extended where necessary. This allows Town departments to prioritize work and reduces unnecessary or premature inquiries from applicants.
- Redundant clauses that repeat (and in some cases conflict with) processes outlined in the *Local Government Act* have been removed.
- A new requirement for legal instruments (e.g. covenants, housing agreements, etc.) to be prepared or reviewed by the Town's solicitor at the cost of the applicant has been added. This is intended to streamline the preparation and review of legal documents required as conditions of approval. This outsources a substantial amount of work that was previously done by staff to the Town's lawyer, freeing up staff resources to process applications.
- A new rule has been added allowing the Director of Development Services to require a new application following significant amendments to an existing application. The rule does not apply to amendments in response to staff recommendations or public feedback or as directed by Council.
- The Director of Development Services can now specify the format of land use permits allowing improvements to be made without approval from Council. This change also

removes the existing requirement for permits to be signed by the Mayor and Corporate Officer. This procedure is not required by legislation and delays permit issuance.

- A revised and clearer process for closing inactive applications has been added. Inactive applications can be reopened in extenuating circumstances (e.g. serious illness of the applicant, death of an owner, etc.)

8. *Bylaw 2182: Amendments to the Fees and Charges Bylaw*

Bylaw 2182 will amend the Fees and Charges Bylaw to require a \$600 refundable deposit for the notification bond under the new Development Procedures Bylaw<sup>9</sup>, establish a new \$500 fee for minor variance applications and sets the cost for the Town's legal fees when preparing or reviewing documents under the new Development Procedures Bylaw. Additionally, fees for sign permits have been set at \$100 with no requirement for a damage deposit. These changes are needed to clarify the amount an applicant has to pay.

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<sup>9</sup> A review of past notification costs determined this amount is likely sufficient to cover notification costs in all but a few circumstances. Any surplus must be returned to the applicant.

## **ANALYSIS:**

### **1. Bylaw 2186 Amends the Zoning Bylaw**

As noted above, the Province requires the Town to adopt zoning amendments to enable SSMUH. Under this regulatory framework, the Zoning Bylaw must allow the specified number of units in restricted zones, remove land use regulations that “unreasonably prohibit or restrict” SSMUH and “consider” provincial SSMUH guidelines. All of these requirements have been addressed in the suite of bylaws proposed in this report. Since provincial rules for SSMUH override local government discretion on land use bylaws the typical analysis for zoning amendments (e.g. consistency with the OCP) is not appropriate and instead an analysis demonstrating that Council has “considered” the provincial guidelines is needed.

Where the SSMUH guidelines are explicit in recommending zoning rules (e.g. setbacks, heights, etc.) the zoning amendments in Bylaw 2186 have incorporated those recommended standards. As there are clear linkages between the guidelines and zoning changes in this regard, little analysis is necessary to demonstrate consideration of the SSMUH guidelines. Where the SSMUH guidelines are more discretionary, ambiguous, or offer multiple options, staff have crafted zoning rules with the best possible housing outcomes for Ladysmith in mind, and the logic behind these recommended changes warrants further description. Subsequently, the analysis below for Bylaw 2186 focuses primarily on these instances.

#### *Consolidation of Zones*

The SSMUH guidelines note that:

“Local governments can update their zoning bylaws for alignment with SSMUH by changing the permitted densities and zoning regulations for all single-family and duplex zones. An alternative approach that may be consistent with ongoing efforts to streamline zoning bylaws could be to consolidate multiple single-family and duplex zones into fewer zones with zoning regulations that align with SSMUH requirements.”

The latter approach is preferred by staff as it greatly simplifies the Zoning Bylaw and makes land use regulations easier to understand and apply for staff and the public alike. As noted below, an overabundance of suburban zones is unnecessary in the post-SSMUH context.

#### *Lot Coverage*

Bylaw 2186 will adopt the recommended 50% site coverage for most restricted zones. The exception to this is the RU-1 zone which has a minimum lot size of 0.4ha (which is only 50m<sup>2</sup> under the exemption threshold under section 484.1(d) of the *Local Government Act*). There are currently only three parcels with this zoning, with areas of 5,651m<sup>2</sup>, 1,926m<sup>2</sup> and 13,833 m<sup>2</sup>. The retained 30% lot coverage with no floor area limitation allows more than enough area to accommodate SSMUH in this zone and is needed to prevent “excessively large and relatively expensive housing units”, discouraged under the SSMUH guidelines.

### *Use and Density*

Section 483.1 of the *Local Government Act* requires the Town's Zoning Bylaw to allow a secondary suite or coach house and the types of housing listed in the Provincial regulations—of which there are none— in all restricted zones and requires the Town to “consider” provincial guidelines in developing its SSMUH regulations. These guidelines state that:

“Local governments implementing SSMUH zoning bylaw updates should be flexible in terms of permitting the full range of combinations and configurations for SSMUH buildings, up to at least the specified density or unit limit on a given lot. For example, rather than create a zone that permits a duplex, triplex, or fourplex, a zone could permit up to four housing units, without limiting the form those buildings should take.” (emphasis added)

Further, section 457.1 of the *Local Government Act* prohibits the Town from enacting a zoning (or another specified) regulation that “unreasonably prohibits or restricts the use or density” of SSMUH. The Provincial regulations prescribe the unit minimums noted above, but do not specify other density parameters (such as floor area ratios). The SSMUH guidelines generally discourage the use of floor area ratios, but also recommend them in certain circumstances.

To summarize: It is mandatory for the Town to allow either a secondary suite or coach house in restricted zones and allow the prescribed number of housing units. It is not mandatory for the Town to allow a particular list of housing types, nor is the Town prohibited from enacting restrictions on floor area.

Floor area limits (of which there are currently few) that would apply to SSMUH will be removed from restricted zones. General floor area limits for secondary suites and single-family dwellings will remain. All forms of SSMUH are permitted in the newly expanded R-2 zone and C-1 zone. In all restricted zones where a coach house and/or secondary suite must be allowed, one or both of these uses has been added as a permitted use. In the R-1, R-1-A, R-2-B and RU-1 zones, duplexes, coach houses, secondary suites, single family dwellings and combinations thereof will be permitted uses. The reasons for retaining floor area limitations and the narrower list of permitted uses in the R-1, R-1-A, R-2, R-2-B and RU-1 zones is described in greater detail below.

The Provincial SSMUH guidelines recommend that local governments “consider reducing FAR limits for single-family dwellings” to “improve the relative economic viability of multi-unit forms of housing to encourage more of them to be built” and “discourage the development of excessively large and expensive single-family dwellings that could be illegally converted to multi-unit dwellings”. The guidelines also state that:

“Local governments may also wish to retain FARs in zoning bylaw requirements on larger lots to avoid the construction of excessively large and relatively expensive housing units. However, using building footprint to limit the size of buildings and housing units instead will help achieve the same objective without the same impacts to project viability, provided building heights permit up to three stories.”



Existing zoning regulations already limit the floor area of single-family dwellings and illegal conversion of single-family dwellings is a common occurrence in Ladysmith. Subsequently, it is advisable to retain these limits. Under the proposed bylaw changes, constructing more than one unit increases the allowable lot coverage to 50%, thereby incentivizing SSMUH over single-family dwelling construction as recommended in the guidelines.

The size limits on secondary suites in duplexes and townhomes, combined with the shorter list of permitted uses in the R-1, R-1-A, R-2, R-2-B and RU-1 zones are necessary for similar reasons. Outside of Old Town, the average and median lot sizes in restricted zones are 814m<sup>2</sup> and 712m<sup>2</sup> respectively. This area also contains a large number of vacant lots and large subdividable lots. On an 814m<sup>2</sup> lot with the applicable site standards recommended in the SSMUH guidelines<sup>10</sup>; four 305m<sup>2</sup> (3,285 square foot) stratified homes could be built. By comparison, the current floor area limit for a single-family dwelling in the R-1 zone is 240m<sup>2</sup> (2,583 square feet). When combined with the large vacant lots, panoramic ocean views and cheaper land in Ladysmith's periphery, applying the baseline parameters in the SSMUH guidelines will simply replace large unaffordable single-family dwellings with large, unaffordable fourplexes or townhomes. This would conflict with the stated intention in the SSMUH guidelines: "The aim of the SSMUH legislation is to increase housing supply, create more diverse housing choices, and over time, contribute to more affordable housing across BC".

Housing needs in Ladysmith will not be met without protecting and growing Ladysmith's supply of smaller-sized rental housing stock. The Town's current rental vacancy rate is 0.7. Which is well below what is considered an appropriate vacancy rate (about 3%) and the Town's housing needs report identifies a disproportionate need for 1 bedroom units. The above-noted lists of permitted uses and floor area restrictions means developers wishing to provide four units on a property must ensure a diversity of housing types. Developers can still provide 1-2 large units in the form of a duplex or single-family dwelling, but additional units will be limited to smaller forms of (likely) rental housing in the form of suites or coach houses.

### *Height*

Proposed height regulations in restricted zones align with the recommended height regulations in the Provincial SSMUH guidelines, which is 11 meters for principal buildings and 8 meters for accessory dwelling units.

### *Setbacks and siting*

Staff have incorporated the recommended setbacks in the provincial SSMUH guidelines into the proposed zoning amendments with the exception of certain front yard setbacks. The SSMUH site standards note that "A front lot line setback of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees, or to accommodate stormwater or infrastructure or future road or right-of-way dedications". Most areas outside of Old Town have narrow roads

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<sup>10</sup> These regulations would be a 50% lot coverage, no floor area, stratification or unit type limits, a three-storey height limit, 1.2m side yard setback, 1.5m rear yard setback, and 2m front yard setback.

where future road widening may be needed or additional infrastructure is lacking. Therefore, applying this standard is necessary in these areas.

While spatial separation and form and character of buildings are briefly discussed in the provincial guidelines, there is no specific guidance for communities like Ladysmith where spatial separation requirements under the BC Building Code are larger due to slower fire department response times. Subsequently, the building separation distance that has been added to restricted zones does not directly link to a SSMUH guideline but is necessary to meet the intent of the guidelines. In Ladysmith, where walls on separate residential buildings are less than 4.8 meters apart, the walls must be free of windows or similar openings<sup>11</sup>. This distance is reduced to 2.4 meters if both buildings are sprinklered. These building code rules also apply to buildings on different parcels. Planning and Building Inspection staff explored what SSMUH in separate buildings (e.g. a duplex and two coach houses) would look like given Ladysmith's unique spatial separation requirements, typical lot dimensions and the recommended 1.2 meter side yard setbacks. It was realized that the introduction of SSMUH in multi-building formats would often result in dwellings with virtually no windows. This is expected to frequently occur even where buildings are sprinklered, which is unlikely for SSMUH developments due to the added construction cost. Typically, this issue would be addressed through form and character development permit guidelines. However, these are strongly discouraged in the SSMUH guide in favor of zoning rules or voluntary design guidelines:

“Of the (sic) all the types of DPAs allowed under the LGA, those established under sections 488(1)(e) and (f) for the purpose of managing the form and character of SSMUH development have the greatest potential to negatively impact the creation of new housing units. DPAs and the development guidelines through which they are typically exercised can introduce significant time, costs, delays, and uncertainty into projects. In the context of SSMUH housing, these factors can easily undermine the viability of projects.

...

Since SSMUH forms are sufficiently close in size to single-detached dwellings and recognizing the other factors that can impact their viability, local governments are discouraged from using DPAs to control the form and character of SSMUH developments up to six units in all but exceptional circumstances.

...

... local governments can use zoning bylaw regulations to manage what are commonly viewed as the most significant elements of a development. Rather than attempting to also manage the form and character of SSMUH development through rules, local governments could also consider producing a set of voluntary, non-regulatory design guidelines that capture good practices in SSMUH development.” (emphasis added)

Staff note that “voluntary guidelines” encouraging sprinklers or sufficient spatial separation to allow windows are unrealistic given site constraints in areas like Old

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<sup>11</sup> Wired glass or glass block windows are permitted in certain circumstances; however these types of windows are more expensive, and staff are not aware of any of these products that open, which can be a requirement for egress.

Town and the significant cost savings and unit yields that can be achieved by squeezing separate units on a single parcel.

This leaves zoning bylaw regulations as the most practical way to ensure dwelling units will have enough windows to ensure livability (which staff view as a “significant element of development”.) The proposed separation rule in restricted zones achieves this aim. It should also be noted that the separation rule has no effect on attached forms of SSMUH (e.g. a duplex with two suites) and can be varied under the new minor variance rules under Bylaw 2180, meaning landowners will have a number of alternatives if spatial separation requirements present a challenge for SSMUH in separate buildings.

### *Parking*

The SSMUH guide notes that: “Of all bylaw regulations, on-site vehicular parking requirements often have the greatest influence on the viability of SSMUH housing forms”. The site standards in the Provincial SSMUH guidelines recommend 0.5 spaces per unit in areas with frequent transit service and 1 space per unit for all other areas. However, the SSMUH guidelines note that “higher maximum parking requirements (e.g. 1.5 spaces per unit) may be appropriate” in smaller communities with limited public transportation.

The Town may be considered a smaller community with limited public transit options. However, the existing parking minimum in the Zoning Bylaw for single unit dwellings, duplexes, secondary suites and coach houses is 1 space per unit and forms of SSMUH will now be allowed as “multi-unit” and “townhouse” dwellings in the C-1 and R-2 zones.

Oddly, current parking standards for multi-unit dwellings are higher than minimum parking space requirements for single family and duplex dwellings. Multi-unit housing forms have the lowest rates of car ownership and use. Suburban neighborhoods in Ladysmith also typically have less street parking due to a larger number of driveways and parallel parking layouts as opposed to angled parking found within the Downtown. Subsequently, increasing parking requirements for SSMUH over 1 space per unit and maintaining the disjointedly high minimum parking requirements for multi-family development cannot be justified under the SSMUH guidelines or contemporary transportation and land use planning principles. A consistent 1 space per unit parking requirement is recommended.

## *2. Bylaw 2187*

### *Changes to tourist accommodation regulations*

Staff are aware that a large number of homes in Ladysmith are being rented for nightly accommodation contrary to the Town’s bylaws. Through the Province’s new Short-Term Rental (STR) Portal -data on Ladysmith’s nightly rentals listing will be available in July - the Town can issue warnings to property owners and order online platforms like AirBnB and VRBO to remove unauthorized listings. Staff are currently developing an enforcement and monitoring program using these new tools. Staff note that hotels and motels are limited to only a few zones in

Ladysmith and existing rules for bed and breakfast explicitly prohibit renting dwelling units for nightly accommodation. However, redrafting these rules with plainer language and in a way that completely separates bed and breakfast uses from uses like hotels and motels, will make it easier

for residents to understand the rules, which in turn benefits the above-noted monitoring and enforcement efforts.

The clearer separation of “tourist accommodation” and “bed and breakfast” uses also allows new rules that will help diversify tourism offerings in Ladysmith. Allowing full kitchens in hotel rooms (while continuing to prohibit them in bed and breakfasts) and allowing less than five accommodation units in tourist accommodation uses allows the Town’s small accommodation industry to develop niche offerings, while protecting housing stock. Tourist accommodation is only allowed in the C-2 and C-4 zones and in limited circumstances in the A-RR and CD-7 zones. These are strategic investment areas for tourism. Bed and breakfast accommodations are allowed in suburban areas primarily intended for residential use. The proposed rules, combined with forthcoming enforcement programs, will protect “mortgage helpers” (i.e. B&B’s in principal residences) and ensure that accommodation businesses investing in strategic growth areas are not undercut by those who are renting dwelling units contrary to zoning and other regulations.

#### *Changes to the R-2 zone*

The area covered by the R-2 zone is within a 5-10 minute walk of the Downtown and is a strategic infill area and the Neighbourhood Residential designation under the OCP. The Neighborhood Residential designation allows “limited” multi-family development with floor area ratio of 1.3. The R-2 zone is an ideal area to exceed SSMUH requirements for density and encourage infill for the following reasons:

- As noted in the May 14<sup>th</sup> report on infrastructure extensions, redevelopment of Old Town will decrease inflow and infiltration, which will decrease the demand on the Town’s sewer system.
- Many homes in Old Town are nearing the end of their useful life. Not only does this make it feasible to tear down older buildings for new housing construction, it also makes land assembly (i.e. purchasing multiple lots to create more favorable development sites) to increase the supply of housing easier.
- Most of Old Town has a traditional grid street network with lanes. This makes the neighbourhood highly walkable, and development sites can easily accommodate parking.
- Old Town is adjacent to the Downtown, which is a Core Growth Area under the OCP. Building more homes and increasing the population of Old Town, will drive the growth and economy of the Downtown as residents will likely work, shop and/or recreate in the Downtown.
- R-2 zoned areas meet the requirements for multi-family development in section 2.3(s) of the OCP. This rule states that: “Multi-family housing is supported on lots that are within a ten minute walk of all of the following: a park, a transit stop, and either a school or commercial area”.
- The Town will be required under provincial legislation to update the Zoning Bylaw and OCP to align with its Interim Housing Needs Report by December 31, 2025<sup>12</sup>. As a Strategic

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<sup>12</sup> This is a requirement of s. 481.7 of the *Local Government Act* which is expected to come into force later this year.

Infill Area adjacent to a Core Growth Area, staff see little likelihood of recommending that housing density be directed away from Old Town to meet these requirements.

- A large portion of Ladysmith will be exempt from SSMUH for an extended period of time due to infrastructure extensions, and SSMUH will not remedy the Town's housing needs on its own. The Town is still subject to the *Housing Supply Act*, and failing to align zoning with the Town's OCP could result in the Town losing its autonomy over zoning and other land use controls<sup>13</sup>.

Adding bed and breakfast as a permitted use support will add a form of "mortgage helper" to the R-2 zone without compromising the provision of housing as bed and breakfast operators must live on site. The proximity of the R-2 zone to the shopping and amenities of the Downtown makes this an ideal location for Bed and Breakfasts.

#### *Panhandle Lot Rules*

Panhandle subdivisions are likely to increase as a result of SSMUH legislation and reduced lots sizes. For example, the owner of a property with a narrow frontage could build a coach house then subdivide it off as a panhandle lot. This type of subdivision can help diversify housing options, however the Town's current panhandle lot regulations are lacking in a number of areas. Permitted access strips are too narrow, requiring the Approving Officer to require cumbersome "reciprocal access easements" that require driveways to spread over property lines. There are no limits on panhandle lengths or grades which has resulted in excessively long and challenging access for emergency responders. There are no limits on the number of adjacent panhandle lots, resulting in oddly configured lot layouts with challenging access routes and building envelopes. The proposed regulations were drafted with the help of Infrastructure Services and Protective Services to address these issues and are expected to result in safer, more efficient subdivisions.

#### *Changing Lot Size Rules in the R-1-A zone.*

Changes to lot size and frontage are not mandatory, SSMUH-related amendments and therefore must be included in Bylaw 2187 so as to proceed through a different approval process. However, these changes are reviewed below in the context of the SSMUH guidelines.

The SSMUH guidelines are unclear on recommended lot sizes. The guidelines note that the SSMUH legislation does not "establish minimum lot sizes for the purposes of subdivision" but also recommend that lot size be considered in the context of SSMUH viability, noting that "smaller sized lots can mean a more efficient use of infrastructure and services".

In any event, staff note that minimum lot sizes—which have traditionally been used as components in the categorization of low-density zones —now have little utility in the post-SSMUH planning context. Three units are now allowed on any lot in a restricted zone less than 280m<sup>2</sup> and four units are now allowed on any lot between 280 and 4,050m<sup>2</sup>. This makes above-noted diversification of "single-family" zones largely an arbitrary exercise. Reducing minimum lots sizes supports the consolidation of the Town's "small lot" zones, which greatly simplifies land

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<sup>13</sup> Under the *Housing Supply Act* the Province can set housing targets for Ladysmith, and take over zoning functions and order that permits be issued, if housing targets are not met.

use regulations making their administration and interpretation easier, and applications to amend them less frequent. Additionally, with lot coverage (expressed as a percentage of lot size) now

the primary restriction on unit size in restricted zones, smaller lot sizes means smaller buildings. These outcomes are supported under the SSMUH guidelines.

### 3. Bylaw 2185 amendments to the OCP

As noted above, section 457.1 of the *Local Government Act* prohibits the Town from unreasonably restricting SSMUH through development permit guidelines, and form and character guidelines are considered to be a significant deterrent to SSMUH under the provincial guidelines. It is appropriate to ensure SSMUH is exempted from the requirement to obtain a development permit in certain development permit areas and to delete certain development permit areas that apply only to SSMUH (such as the Coach House DPA) altogether.

Ladysmith's terrain, urban wildfire interface and geotechnical hazards necessitate adequate emergency access. SSMUH will increase unit counts substantially—in some cases, after road networks have been built under much lower unit counts—increasing the importance of access evaluations for major development proposals. Formalizing the existing review of development proposals against the NFPA standards through OCP policy provides a much-needed safeguard to ensure emergency access is properly evaluated for major development proposals.

### 4. Bylaw 2184 amendments to the Council Procedures Bylaw

The Province's changes to public hearing rules necessitate clarity, consistency and structure for staff and Council when Council chooses not to have a public hearing and especially when Council is *prohibited* from having a public hearing.

Most of the proposed regulations, including the procedures for deciding not to have a hearing and chairing a hearing, are rules formed from existing practices combining explicit rules in the *Local Government Act* with supplemental legal advice. These changes simplify council processes, reduce the risk of procedural errors, and create an easier reference for the public and staff.

Other changes establish important guardrails to ensure prohibitions on receiving representations or holding public hearings are not inadvertently or deliberately ignored. Staff note that in developing the proposed procedures with the help of the Town's lawyer, it was noted that the proposed procedures likely exceed what is required to comply with legal limitations. This was done for the following reasons:

- Rules prohibiting hearings are new and have not been reviewed by the courts.
- Without the proposed rules, many decisions on whether something is appropriate or not (e.g. an applicant addressing Council when a public hearing is prohibited) will need to be made "on-the-fly" during Council meetings, which could lead to procedural errors and legal implications.
- The *perception* of fairness is also an important consideration. For example, when a public hearing is not held, it is important to demonstrate that select parties have not been given more opportunities for their voices to be heard than others.



5. Bylaw 2183 amendments to the Subdivision and Development Servicing Bylaw

Under the current bylaw framework, subdivision regulations are split between the Zoning Bylaw, Delegation Bylaw and Subdivision and Development Servicing Bylaw. The proposed changes improve clarity and application of these bylaws by consolidating these regulations. The improved clarity will streamline development applications.

6. Bylaw 2180 amendments to the Officers and Delegation of Authority Bylaw

*Delegated Development Variance Permits*

Staff estimate that Council approval of development variance permits adds at least one month to application processing times (due to notification and Council scheduling requirements). The recent changes to the *Local Government Act* allowing staff to approve minor variances are expected to result in significant reductions in application processing times. Staff have carefully reviewed the requirements of the *Local Government Act* and commonly-varied zoning regulations to ensure that delegated variances will be minor in nature.

Delegated variances under section 498.1 of the *Local Government Act* are limited to “minor” variances which are not defined under the Act. To this end, the minor variances in the proposed bylaw can be categorized as “minor” under one or more of the following rationales:

1. They are proportionally small to the regulation to be varied: For example, the minor variances to height for principle and accessory buildings are a small fraction of the allowable height limits of the zoning bylaw.
2. The regulations to be varied may be inapplicable to the proposed development: Examples include variances to loading spaces; many businesses do not require loading spaces because of the products or services they offer, or distribution practices used. Similarly, developments may not need as much parking as required under the bylaw in cases where the on-site workforce is small, or residents or employees are unable to drive.
3. Equivalencies can be provided to achieve the same effect as the regulation to be varied: For example, a variance to landscape buffers requires an equivalent amount of landscaping to be provided elsewhere on the property.
4. The variance may relate to features of the development that are relatively minor compared to the overall development: For example, decks, balconies, signs and patios are features of much larger developments. Many small variances to these features would largely be unnoticeable given the scale of the development these features complement.
5. The intent of land use regulations can be enhanced or achieved in another way: For example, setbacks are typically used to provide separation and privacy between adjacent buildings. The allowable setback variances would allow staff to approve a variance to allow a home to be move away from a neighbouring home and closer to an undevelopable area (e.g. an undeveloped road).

6. The guidelines for considering the variances will result in variances that are easily mitigated or made negligible: This applies to all of the listed minor variances. The proposed guidelines require consideration for impacts on neighbouring properties, alignment with the intent of the bylaw and consideration of reasonable alternatives. Under these evaluation criteria, the applicant must demonstrate that the requested variance is minor in nature.

#### 7. Bylaw 2179 a new Development Procedures Bylaw

In addition to ensuring development procedures align with new provincial requirements, the new Development Procedures Bylaw will create much-needed efficiencies in processing applications. Many of the changes codify existing practices (e.g. the assignment of a file manager, having the Town's lawyer prepare agreements etc.) that have been used to significantly reduce application processing times and improve customer service. Other changes will address issues identified by staff and applicants that significantly delay or confuse the application process or divert staff resources away from essential. Examples include:

- Staff currently spend a significant amount of time trying to collect public notification fees and development permit security from applicants and the associated accounting that results. New rules for collecting development permit security and the public notification bond ensure these fees are not left outstanding and staff resources are not spent trying to collect.
- Many applications sit incomplete or inactive (e.g. missing development approval information) for months—or in some cases years. These files take resources away from active applications and make it difficult to accurately track application processing times. New rules to deal with inactive and incomplete applications will significantly reduce application volumes, allowing Development Services to focus on active applications.
- Existing deadlines in the current bylaw are misaligned with other schedules, such as newspaper publishing deadlines and the Council meeting schedule. For example, the deadline to post a notification sign on a property following a Council meeting usually means the application cannot be given further consideration by Council at the next meeting. The new deadlines for signage correct this.
- Unclear processes and rules in the current bylaw have resulted in inordinate amounts of time spent clarifying processes for applicants and managing expectations. The proposed bylaw helps address this. For example, new minimum referral timelines allow staff (especially staff outside of Development Services) to fairly and efficiently allocate time to complete application reviews. This lessens the amount of time that must be spent providing status updates and prevents “queue jumping”.

The proposed bylaw also addresses frequent concerns from the public about notification and consultation processes; specifically Neighbourhood Information Meetings. Frequent complaints include not receiving notice, the information available at Neighbourhood Information Meetings, and feedback not being collected or incorporated into the proposal. The proposed bylaw helps address these concerns by standardizing notification requirements through methods vetted by staff (e.g. Town staff will now provide mailing lists

to applicants for Neighborhood Information Meetings) and allowing the Director of Development services to put parameters on meeting and report formats. Similarly, these meetings now must occur prior to an application proceeding to Council, and within 60 days of submitting an application. This ensures public feedback is received early enough in the application process to be incorporated into the proposal. Neighbourhood Information Meetings are only required for OCP amendments and with new prohibitions on public hearings for zoning amendments, consultation for OCP amendments will have greater significance. In this context refined changes are beneficial to public engagement, with no impact on approval timelines.

Overall, in addition to aligning development application procedures with new provincial rules, the proposed procedures bylaw is a marked improvement over the existing bylaw.

#### 8. Bylaw 2182: amendments to the Fees and Charges Bylaw

These changes are needed to clarify existing fee amounts and to execute the proposed changes in the above-mentioned bylaws.

#### Summary and Conclusions

The suite of bylaws presented in this report are necessary to comply with provincial housing legislation and increase the supply of housing in Ladysmith. Staff note that while some of the changes exceed the requirements of SSMUH, they are consistent with the Town's OCP, and warranted in the current context of housing shortages. The proposed bylaws will help prevent further provincial intervention in the Town's planning functions. Subsequently, staff recommend approving the proposed bylaws as drafted.

#### **ALTERNATIVES:**

Council can choose to:

1. Make minor amendments to Bylaw 2186 and adopt the bylaw as amended; citing specific provincial guidelines for SSMUH that support the amendments;
2. Adjourn the meeting and direct staff to amend Bylaw 2186, as specified by Council, and citing specific provincial guidelines for SSMUH that support the amendments;
3. Amend the new transportation policy in Bylaw 2185 and give the bylaw first and second reading as amended;
4. Make minor amendments to Bylaw 2187, 2184, 2183, 2180, 2179, and/or 2182 and give the bylaws first, second and third reading as amended;
5. Refer Bylaw 2187, 2184, 2183, 2180, 2179, and/or 2182 back to staff for major amendments as specified by Council; or
6. Deny Bylaw 2187, 2184, 2183, 2180, 2179, and/or 2182.

#### **FINANCIAL IMPLICATIONS:**

Provincial SSMUH requirements are expected to trigger infrastructure upgrades which has financial implications for the Town. These are described in greater detail in the May 14, 2024 report to Council.

To date, approximately \$10,000 of the \$192,000 provided by the Province to support housing initiatives has been spent. The majority of these expenditures have been legal review costs and engineering studies for the purpose of evaluating infrastructure capacity. The remaining \$182,000, can be applied to other housing-related initiatives such as developing new Amenity Cost Charge (ACC) and Development Cost Charge regulations, Short-Term Rental Enforcement and further streamlining of Town regulations and processes.

**LEGAL IMPLICATIONS:**

As noted above, the *Local Government Act* and the *Local Government Zoning Bylaw Regulation* require the Town to allow up to four SSMUH units per parcel of land, “consider” the provincial guidelines provided in Attachment I and prohibit unreasonably restricting or prohibiting SSMUH through land use regulations.

Under section 787 of the *Local Government Act*, the Province may order the Town to amend its Zoning Bylaw if, in the opinion of the Minister of Housing, the Town has failed to comply with the requirements of the *Local Government Act*. Additionally, the Town is a specified municipality under the *Housing Supply Act* which grants the Province the ability to specify housing targets for the Town, appoint advisors to review the actions and progress of the Town related to such targets and give directives to the Town to change bylaws or issue permits. To date, no such targets or orders have been given to the Town. However, this remains a possibility until the Town is no longer listed in the Act.

Staff have worked closely with the Town’s solicitor to carefully review the applicable legislation and provincial guidelines and align the proposed bylaws with the requirements of the *Local Government Act*. This included a full review of the proposed bylaws by the Town’s solicitor for compliance with provincial legislation.

The legislated requirements noted above (e.g. number of units) are clear and staff are confident the proposed amendments meet these requirements. In terms of meeting the requirement under section 481.3(7) of the *Local Government Act* to consider provincial guidelines, these guidelines have been reviewed carefully. As detailed above, the proposed amendments to implement SSMUH requirements are aligned with these guidelines, and each recommended use, siting and density regulation is supported by a guideline found in Attachment I. In all cases, the proposed zoning regulations are intended to align with the intent of the legislation to increase the supply of “missing middle” housing, recognize Ladysmith’s unique circumstances in achieving this goal, and ensure that new SSMUH regulations are not counterproductive to the provision of affordable housing.

A public hearing for Bylaw 2186 is prohibited under section 464(4) of the *Local Government Act* nor is Ministry of Transportation and Infrastructure approval required prior to adoption<sup>14</sup> (see

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<sup>14</sup> Staff have confirmed that this is notwithstanding the guidance in the SSMUH guidelines stating that MOTI approval is required—i.e. Ministerial Order No. M114 overrides the SSMUH guidelines.

‘Citizen/Public Relations Implications’ and ‘Intergovernmental Referrals’). This means Bylaw 2186 can be adopted in a single meeting of Council pursuant to section 480 of the *Local Government Act*.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Section 464(4) of the *Local Government Act* prohibits holding a public hearing to adopt Bylaw 2186 and under section 464(2) of the *Local Government Act*, a public hearing is not required to adopt Bylaw 2187. Notification that a public hearing will not be held for Bylaw 2186 is required prior to first reading of the bylaw and has already occurred pursuant to the requirements of the *Local Government Act*. This included posting notice on the Town’s webpage and publishing the notice in the Ladysmith Chronicle.

However, a public hearing is required for Bylaw 2185. There are no exemptions to the requirement for a public hearing for OCP amendments; even ones to implement the Province’s SSMUH requirements. The hearing for Bylaw 2185 will be scheduled following the adoption of Bylaw 2186 and Bylaw 2187.

**INTERGOVERNMENTAL REFERRALS:**

SSMUH Bylaws need not be approved by the Ministry of Transportation under Ministerial Order No. M114. However, the Town must provide notice to the Ministry of Housing of lands exempted from SSMUH requirements under the legislation (e.g. due to size or lack of sewer or water servicing) and the adoption of bylaws to enact the SSMUH requirements. Staff are recommending authorization to carry out these notifications in accordance with the methods outlined in the Provincial Policy bulletin in Attachment M.

Section 475 of the *Local Government Act* requires Council, when considering an amendment to the OCP, to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. To meet this obligation, Council must specifically consider whether consultation should be “early and ongoing”, and specifically consider whether consultation is required with:

1. The Board of the Cowichan Valley Regional District.
2. The Board of the Regional District of Nanaimo.
3. The Council of the District of North Cowichan.
4. First Nations, including the Stz’uminus First Nation, Hul’qumi’num Treaty Group and the Snuneymuxw First Nation.
5. The Board of School District 68.
6. The Provincial and Federal Governments and their agencies.

The Naut’sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz’uminus First Nation require the Town to refer all OCP amendments to the Stz’uminus First Nation for comment. Similarly, section 476 of the *Local Government Act* requires the Town to refer the proposed OCP amendment to School District 68 for comments related to the impact on school facilities. As the changes under Bylaw 2185 are either minor in nature or needed to

implement provincial requirements to allow SSMUH, staff recommend only the mandatory consultation with the Stz'uminus First Nation and the School Board.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The proposed bylaw amendments have been developed in collaboration with Finance, Engineering, Corporate Services, Building Inspection and the Fire Department.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Core Infrastructure                    | <input type="checkbox"/> Economy        |
| <input checked="" type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership     |
| <input type="checkbox"/> Waterfront Area Plan                              | <input type="checkbox"/> Not Applicable |

***I approve the report and recommendations.***

**Allison McCarrick , Chief Administrative Officer**

**ATTACHMENTS:**

- A. Bylaw 2186
- B. Bylaw 2187
- C. Bylaw 2185
- D. Bylaw 2184
- E. Bylaw 2183
- F. Bylaw 2180
- G. Bylaw 2179
- H. Bylaw 2182
- I. SSMUH Guidelines
- J. List of properties not connected to water and sewer
- K. List of properties in restricted zones that are larger than 4,050m<sup>2</sup>
- L. Provincial response to status request for extension request
- M. Provincial bulletin on MOTI referrals and SSMUH notifications
- N. May 14, 2024 Report to Council

TOWN OF LADYSMITH

Attachment A  
BYLAW NO. 2186

A Bylaw to Amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

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The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule B Zoning Map is amended to:
  - a. Rezone all areas zoned Single Dwelling Residential – Small Lot B Zone (R-1-B), Single Dwelling Residential – Small Lot C Zone (R-1-C) and Single Dwelling Residential – Holland Creek Area (R-1-HCA) to Single Dwelling Residential – Small Lot A Zone (R-1-A); and
  - b. Rezone all areas zoned Bayview Residential (R-2-A) to Old Town Residential (R-2);
2. The Single Dwelling Residential – Small Lot B Zone (R-1-B), Single Dwelling Residential – Small Lot C Zone (R-1-C), Single Dwelling Residential – Holland Creek Area (R-1-HCA) and Bayview Residential (R-2-A) are deleted; and
3. Schedule A Zoning Bylaw text is amended as shown in Schedule A of this bylaw as follows:
  - a. Blue or red strikethrough text represents text to be deleted.
  - b. Blue or red underlined text or images represents text or images to be inserted.
  - c. Images crossed by with red or blue lines represents images to be deleted.
  - d. Tables with blue fill represent tables to be inserted.
  - e. Where all text in the column or row of the table is text under subsection (a) the entire row or column of the table is deleted as applicable.
4. The map in Schedule B of this bylaw is added to the zoning bylaw as Schedule C; and
5. All section references, section numbers table of contents and marginalia are updated accordingly.

**Citation**

6. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860"Amendment Bylaw No. 2186".

**READ A FIRST TIME** on the day of, 2024

**READ A SECOND TIME** on the day of, 2024

**PUBLIC HEARING NOT HELD PURSUANT TO SECTION 464(4) OF THE LOCAL GOVERNMENT ACT**

**READ A THIRD TIME** on the day of, 2024

**ADOPTED** on the day of, 2024

ADOPTED WITHOUT THE APPROVAL OF THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO THE APPROVAL EXEMPTION (CONTROLLED ACCESS HIGHWAY) REGULATION

# Attachment A

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Mayor (A. Stone)

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Corporate Officer (S. Bouma)



# Attachment A

## PART 1: TITLE

### 1.1. Title

- a) Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

## PART 2: APPLICATION AND COMPLIANCE

### 2.1. Application

- a) The regulations of this Bylaw shall apply to the whole of the area within the boundaries of the Town of Ladysmith.

### 2.2. Compliance

- a) No *Land* shall be subdivided, no *Land, Buildings, or Structures* shall be used or occupied, and no *Building or Structure* or any part thereof shall be maintained, constructed, reconstructed, renovated, moved, altered or extended, except in conformity with this Bylaw.

### 2.3. Illustrations, Maps and Other Graphics

- a) Illustrations provided in this Bylaw are provided for convenience only and do not form part of the Bylaw.
- b) Maps, Plans and Figures form part of this Bylaw.

## PART 3: ADMINISTRATION AND ENFORCEMENT

### 3.1. Inspection

- a) Officers and employees of the municipality and other persons authorized by *Council* may enter on property in accordance with Section 16 of the Community Charter.

### 3.2. Severability

- a) No regulation in this Bylaw depends for its validity upon any other regulation herein and any regulation found to be unenforceable or invalid by a court of competent jurisdiction for any reason may be severed without affecting the validity of the remaining regulations of this Bylaw.

### 3.3. Penalties

- a) Any person who violates the provisions of this Bylaw is liable on summary conviction to a maximum penalty of Ten Thousand Dollars (\$10,000) and costs.

Each day that such violation is caused or permitted to continue constitutes a separate offence.

# Attachment A

## PART 4: DEFINITIONS

### 4.1. Interpretation

- a) In this Bylaw, unless the context otherwise requires, the following terms shall have the following meanings:

#### A

**ACCESSORY:** means a *Use, Building or Structure* customarily ancillary, incidental, subordinate and exclusively devoted to, and located on the same *Parcel* as the *Principal Use, Building or Structure* to which it is related.

**ACCESSIBLE:** means that a person with disabilities is, without assistance, able to approach, enter, pass to and from, and make use of an area and its facilities.

**ACCOMMODATION UNIT:** means one or more habitable rooms used or intended to be temporarily used for sleeping, or sleeping and living purposes and may include a bathroom and a *Kitchenette*.

**AGRICULTURE, URBAN:** means growing or producing flowers, native and ornamental plants, edible berries, fruits, nuts and vegetables as well as the keeping of honey bees (*Apis mellifera*), excluding the cultivation of *Cannabis* for commercial purposes.

**ANIMAL DAY CARE:** means premises used for the care and supervision of *Domestic Animals* during the day or evening, not including overnight stays.

**ANIMAL, DOMESTIC:** means an animal kept for companionship and amusement rather than for practical or commercial purposes and does not include: any ungulate; poultry; fowl; bees; peacocks; non-caged pigeons; or animals used for *Farm Use* purposes.

**ANIMAL GROOMING:** means the providing of professional hygienic care and cleaning services to *Domestic Animals*.

**ANIMAL SHELTER:** means premises used for the housing and care of homeless lost or abandoned *Domestic Animals*.

**ARTIST STUDIO:** means a *Building*, or portion thereof, used for the creation, display or sale of arts and crafts.

Bylaw  
1978

**ASSEMBLY:** means the gathering of persons for religious; charitable; philanthropic; civic; cultural; political; private educational; or non-commercial purposes.

**ATTIC OR ROOF SPACE:** means the space between the roof of a *Building* and the ceiling of the top *Storey*.

**AUCTION:** means the offering for sale of new and used goods and equipment by means of a request or invitation for bids, and may include the temporary indoor storage of such goods and equipment, but does not include ordinary *Retail Sales*.

## **B**

**BARGE RAMP:** means a *Structure* placed on the *Foreshore* for the purpose of loading and unloading barges which may also be used for launching *Boats* and removing *Boats* from the water.

**BED AND BREAKFAST:** means the *Use of Accommodation Units*, whether in a *Single Unit Dwelling* or an *Accessory Building*, for the temporary accommodation of paying guests, and may include the serving of meals to those guests.

**BIG BOX STORE:** means a single retail store with a *Finished Floor Area* that exceeds 2,090 square metres.

**BIO-SWALE:** means a type of bio-filter designed to facilitate infiltration and remove silt and pollution from surface water runoff, consisting of a swaled drainage course with gently sloped sides and may be filled with vegetation or surfaced with riprap or other aggregate material.

**BIVALVE:** means an aquatic *Mollusc* which has a compressed body enclosed within a hinged shell, such as oysters, clams, mussels, and scallops.

**BOAT:** means a ship, watercraft, or other marine vessel, not including a *Personal Watercraft*, regardless of size or the method of propulsion.

**BOAT BUILDING AND REPAIR:** means the manufacture, servicing and mechanical or structural repair of *Boats* and the sale, installation or servicing of related accessories and parts, and may include the temporary storage of *Boats*.

**BOAT LAUNCH:** means a *Foreshore* area improved for the launching of pleasure *Boats* from trailers.

**BOAT SHELTER:** means a roofed *Structure* without enclosed sides or ends, used for *Boat* storage.

**BOATHOUSE:** means a roofed *Structure* enclosed on a minimum of three sides, used for *Boat* storage.

**BOTANICAL GARDEN:** means the *Use of Land, Buildings or Structures* for displaying a wide range of botanical plants, either local or from other parts of the world, identified by their

botanical names. Visitor services may include tours, educational displays, art exhibitions, or outdoor theatrical or musical performances.

**BREAKWATER:** means a barrier built or placed into the sea to protect a *Dock* in a *Marina* from the force of waves.

**BREWERY, DISTILLERY, BOTTLING AND DISTRIBUTION:** means the *Use of Land, Buildings or Structures*, for the processing, warehousing and distribution of food and beverage products, but specifically excludes the processing of livestock, fish, poultry, and other fowl.

**BUILDING:** means any *Structure*, wholly or partially enclosed by a roof or roofs, supported by walls, columns or posts and used or intended for supporting or sheltering any use of occupancy. When a *Building* is divided by party walls located upon *Lot* lines each portion of such *Building* shall be deemed a separate *Building*.

**Bylaw  
1951**

**BUILDING END:** means any *Building* elevation that is not a *Building Side*.

**BUILDING INSPECTOR:** means the person or persons appointed to that position by *Council*.

**Bylaw  
1951**

**BUILDING SIDE:** means the longer dimension of any *Building* elevation and the *Building* elevation opposite.

## C

**CANNABIS:** means cannabis as defined by the *Cannabis Act* (Canada) and any subsequent regulations or acts which may be enacted in substitution therefor.

**Bylaw  
2021**

**CANNABIS CONTROL AND LICENSING ACT:** means the Cannabis Control and Licensing Act [S.B.C. 2018] c.29, as amended or replaced from time to time;

**Bylaw  
1978**

**CANNABIS CULTIVATION:** means the cultivation of *Cannabis* as authorized by a licence for standard cultivation under the *Cannabis Act* and its regulations.

**CANNABIS MICRO-CULTIVATION:** means the cultivation of *Cannabis* as authorized by a licence for micro-cultivation or a nursery under the *Cannabis Act* and its regulations that is contained entirely within a *Building*.

**CANNABIS MICRO-PROCESSING:** means the processing of *Cannabis* as authorized by a licence for micro-processing under the *Cannabis Act* and its regulations and is contained entirely within a *Building*.

**CANNABIS PROCESSING:** means the processing of *Cannabis* as authorized by a licence for standard processing under the *Cannabis Act* and its regulations and is contained entirely within a building.

# Attachment A

**CANNABIS RESEARCH AND DEVELOPMENT:** means the cultivation, processing, production, and testing of *Cannabis* as authorized by a licence for research under the *Cannabis Act* and its regulations.

**CERTIFIED ENERGY ADVISOR:** means an energy advisor certified with a service organization licensed by the Office of Energy Efficiency of Natural Resources Canada.

**CHURCH:** means a *Building* wherein persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship and religious education.

**Bylaw 1904**  
**CIVIC USE:** means the *Use of Land, Buildings or Structures* for civic activities and operations for municipal offices, cemetery or columbarium, community centre or hall, fire hall, police station, ambulance station, or hospital, *Public Works Yard* and *Public Utility Use*.

**COFFEE SHOP:** means a premise used for the retail sale of coffee, tea or similar beverages, for take away or on-site consumption, and may include limited production, preparation and retail sale of food products.

**COMMERCIAL INDOOR STORAGE:** means the *Use* of an enclosed *Building* or series of enclosed *Buildings* for storage units, which are available for rent to the public for the storage of chattels, recreation equipment or commercial goods.

**Bylaw 1978**  
**COMMERCIAL PLANT NURSERY:** means the growing, cultivating, harvesting, storing and *Wholesale Sales* of flowers, trees, bushes, bedding plants, sod, soil, gardening tools and equipment and similar plant and landscaping products, excluding *Cannabis*, and may include *Accessory Retail Sales* to consumers not to exceed 400 square metres of *Gross Floor Area* or *Parcel Area*.

**CONCRETE BATCH PLANT:** means the *Use of Land, Buildings or Structures* for the production of concrete or asphalt.

**COMMUNITY CARE FACILITY:** means a facility for the care of more than eight (8) persons under the *Community Care and Assisted Living Act*.

**COMMUNITY GARDEN:** means the non-commercial *Use of Land* for the growing of flowers, native and ornamental plants, edible berries, fruits and vegetables.

**CONVENIENCE STORE:** means premises used for the sale of goods, wares, or merchandise required by the general public in order to meet their daily needs, including the sale of perishable items, confectionery, beverages, personal care items, books, magazines and newspapers.

**COTTAGE INDUSTRY:** means the *Manufacturing* of goods, material or articles and *Retail Sales* of such products typically visible from a public viewing area.

**COUNCIL:** means the *Council* of the Town of Ladysmith.

**CRUSTACEAN:** means any of aquatic invertebrates of the phylum arthropoda having crust-like shells and including crab and prawns.

**CULTURAL FACILITY:** means the *Use of Land, Buildings or Structures* for a museum, archives, or a maritime interpretation centre, *Nature Centre*, or *Theatre* for the performing or recorded arts.

**CURB HEIGHT:** means the elevation measured at the top of the established curb fronting a *Site* or *Parcel*, measured at the front and a point which is equal distance from the extremities of the *Site* or *Exterior Parcel Lines*. Where a curb has not been established, the *Curb Height* shall be the *Natural Grade* along the *Front Parcel Line*.

## D

**DERELICT VEHICLE:** means all or any part of a vehicle which is not registered and licensed in accordance with the *Motor Vehicle Act*, or is incapable of moving under its own power, but does not include a vehicle with collector, modified collector, or vintage status as qualified by the Insurance Corporation of BC.

**DOCK:** means a marine-based *Structure* used for mooring *Boats* or seaplanes and for providing pedestrian access to and from the moored equipment.

**DRIVE-THROUGH:** means a facility for the provision of food, drink or other commercial services to persons within a motor vehicle, without the need for such persons to exit the motor vehicle.

**DRIVEWAY ACCESS PERMIT:** means a Permit required or issued pursuant of the Building & Plumbing Bylaw No. 1119, or successor bylaw, for permission of access to a *Parcel* from a *Street*, typically considered a driveway.

**DWELLING, CARETAKER:** means a self-contained *Accessory Dwelling Unit* for the accommodation of an employee or employees working on a *Parcel*.

Bylaw  
2100

**DWELLING, COACH HOUSE:** means a self-contained *Accessory Dwelling Unit* located within a detached *Building*.

**DWELLING, FARM OPERATION EMPLOYEE:** means a second *Dwelling Unit* located on a *Parcel* in the Agricultural Land Reserve where full time employee(s) are required to operate a *Principal Farm Use* due to the intensity of farming as identified by a professional agrologist in a written report or as identified through a letter from the *Agricultural Land Commission*.

**DWELLING, MULTIPLE-UNIT:** means a *Building* containing three or more *Dwelling Units*, each having a separate entrance, which may include an entrance from a common interior corridor or an exterior entrance, but does not include *Townhouse Dwellings*.

Bylaw  
2140

**DWELLING, SECONDARY SUITE:** means a self-contained *Accessory Dwelling Unit* located within a *Single Unit Dwelling, Townhouse Dwelling, ~~or Two Unit Dwelling,~~ or Coach House Dwelling* that meets the requirements for “secondary suite” under the BC Building Code.

**DWELLING, SINGLE UNIT:** means any detached *Building* containing one *Principal Dwelling Unit* and includes a *Modular Home*, but not a *Mobile Home*.

**DWELLING, TOWNHOUSE:** means a *Building* containing more than two *Dwelling Units* and not more than six *Dwelling Units*, where each *Dwelling Unit* shares at least one party wall and has a separate exterior entrance.

Bylaw  
2140

**DWELLING, TWO UNIT:** means any detached *Building* containing two *Dwelling Units*, divided horizontally or vertically, with each *Dwelling Unit* having a separate, but not necessarily ground-level, exterior entrance but does not include a *Single Unit Dwelling* containing a *Secondary Suite*.

**DWELLING, UNIT:** means one or more habitable rooms constituting a self-contained unit with its own entrance, used or intended to be used as a residence for not more than one *Household* and containing a *Kitchen* with a sink and *Kitchen Facilities* and a bathroom with a toilet, sink and a bath or shower, but shall not include an *Accommodation Unit*.

Bylaw  
2063

**DWELLING UNIT, ADAPTABLE:** means a *Dwelling Unit* designed and constructed to facilitate modification to provide access for persons with disabilities and that meets or exceeds section 3.8.5 of the British Columbia Building Code.

## E

**ECO-EDUCATION:** means the *Use of Land, Buildings or Structures* for public education and demonstration about zero waste, recycling and related initiatives.

Bylaw  
2076

**EMERGENCY SHELTER:** means a housing facility located inside a permanent building and operated by a non-profit society or government agency which provides temporary emergency accommodation, meals and support services for individuals experiencing homelessness.

**ENERGUIDE ENERGY STANDARD:** means the energy standard created and standardized by the Office of Energy Efficiency of Natural Resources Canada that is applied to British Columbia *Buildings*.

## F

**FARM HOME PLATE:** means the portion of an *Agriculture Zoned Parcel*, located within the *Agricultural Land Reserve* that includes the *Principal Single Unit Dwelling, Farm Operation Employee Dwelling* and *Residentially-intended Accessory Buildings and Structures*.

# Attachment A

**FARM USE:** means an occupation or *Use of Land* for farm purposes, including farming of *Land*, plants and animals and any other similar activity characterized as farm use by the ALR Use, Subdivision and Procedure Regulation.

**FARMER'S MARKET:** means a *Building, Structure* or unenclosed *Land* used by vendors for the display and retail sale of primarily locally grown or prepared foods and products.

**FENCE:** means a *Structure* providing physical or visual separation or enclosure of a *Parcel* or portion of a *Parcel*, and does not include a *Retaining Wall* or *Landscaping*.

**FLOOR AREA, FINISHED:** means the floor area of any *Storey* of the *Principal Building* on a *Parcel*.

**FLOOR AREA, GROSS:** means the total floor area of all *Storeys* in a *Building* or *Structure*, other than portions of *Storeys* having a ceiling *Height* of less than or equal to 2.29 metres above the floor.

**FLOOR SPACE RATIO:** means the ratio of the *Gross Floor Area*, to the area of the *Parcel*.

**FOOD CONCESSION:** means the *Use* of a *Building* for the preparation and serving of food to the public for consumption elsewhere.

**FOOD TRUCK:** means the *Use* of a licensed vehicle with a self-contained *Kitchen* for the preparation and serving of food to the public from a temporary location, and includes a mobile food cart capable of dispensing food.

**FORESHORE:** means that *Land* in tidal areas lying below the *Natural Boundary* and that *Land* in non-tidal areas that is alternatively covered by water and exposed with the normal rise and fall of the level of the body of water.

**FRONTAGE:** means the common boundary shared by a *Front Parcel Line* and a *Street*.

**FUNERAL HOME:** means premises used for preparing human remains for burial or other end of life processes, and conducting funeral services, but excludes facilities for cremation or aquamation.

## G

**GARDEN CENTRE** means the *Use of Land, Buildings* and *Structures* for the sale of trees, plants, flowers and associated gardening and landscaping supplies and outdoor garden equipment.

**GAS BAR:** means one or more pump islands, each consisting of one or more pumps dispensing motor vehicle fuels such as gasoline, diesel, propane, or ethanol and may include an electric vehicle charging station.

**GEAR LOCKER:** means a *Building* or *Structure* used for the storage of equipment and accessories associated with boating.



# Attachment A

**GEOTHERMAL ENERGY DEVICE:** means a device or system of devices designed to collect, store and distribute thermal energy generated in the earth.

**GOLF CLUBHOUSE:** means an *Accessory Use* to a golf course operation including, but not limited to, *Restaurants*, lounges, pro shop, *Retail Sales*, and *Offices* related to the administration of the golf course.

**GOLF DRIVING RANGE:** means an unenclosed *Structure* or area of *Land* where the sport of golf is practiced from individual tees and is considered an *Accessory Use* to a Golf Course.

**GOLF MAINTENANCE AND STORAGE FACILITY:** means maintenance facilities for a golf course *Use* and the rental and repair of golf equipment.

**GRADE, AVERAGE FINISHED:** means the average elevation of the *Finished Grade* around the perimeter of a *Building*, measured at each of the four outermost exterior corners of the *Building*.

**GRADE, AVERAGE NATURAL:** means the average elevation of the *Natural Grade* around the perimeter of a *Building*, measured at each of the four outermost exterior corners of the *Building*.

**GRADE, FINISHED:** means the elevation at any point along the surface of a *Parcel* after construction, but excluding localized depressions immediately adjacent to *Building* features such as basement window wells and entranceways.

**GRADE, NATURAL:** means the surface elevation of a *Parcel* in its existing state, prior to any disturbance, alteration, excavation or filling, as determined by a registered land surveyor, or the elevations shown on the approved grading plan, subject to Part 5, Section 5.12.

## H

**HEIGHT:** means the vertical dimension of a *Building*, *Structure*, or *Landscaping*, calculated subject to Part 5, Section 5.12.

~~**HEIGHT, PERIMETER WALL:** means the vertical distance measured at the outermost *Building* face of each *Building* elevation from the *Finished Grade* to the top of the wall (not including gable ends, dormers or localized depressions such as a basement window well).~~

**HIGH WATER MARK:** means the natural boundary identified on the plan of subdivision or the plan accompanying the instrument conveying Crown Land in fee simple, which plan was most recently filed in the Land Title Office, or in the case where such information is unavailable, the *Natural Boundary* as defined in this Bylaw.

**HIGHWAY:** includes public *Streets*, roads, ways, trails, *Lanes*, bridges, and any other public way.

**HOME BASED BUSINESS:** means a commercial professional practice, service, occupation, craft or hobby carried on in a *Dwelling Unit* or *Accessory Building*.

**HOME IMPROVEMENT SERVICE INDUSTRY:** means an *Office* and associated indoor storage for a building contractor or other professional providing services for homeowners.

**HORSE RIDING ARENA:** means the *Use of Land* and/or *Structures* for the exercising or riding of horses.

**HORSE RIDING STABLE:** means the *Use of Land, Buildings* or *Structures* for the purposes of keeping horses, and may include a boarding stable and riding lessons.

**HOUSEHOLD:** means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one *Dwelling Unit* using common *Kitchen Facilities*.

**I**

**INTERMODAL SHIPPING CONTAINER:** means a portable, modular metal container used for the storage and shipment of goods and materials.

**K**

**KENNEL:** means premises used for the commercial boarding or breeding of five or more dogs of an age of six months or more.

**KITCHEN FACILITIES:** means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities, but excludes a *Kitchenette*.

**KITCHENETTE:** means that portion of a room used for the preparation of beverages and limited meals, and may contain one sink, a fridge, a microwave, coffeemaker and a raised counter. A *Kitchenette* may not contain *Kitchen Facilities*.

**L**

Bylaw  
1978

**LABORATORY:** means the *Use of Buildings* or *Structures* for scientific experiments, research, teaching, or testing of products or materials, *excluding Cannabis*, and may include an *Accessory Office Use*.

**LAND:** means real property other than improvements and includes the surface of water.

**LANDSCAPE BUFFER:** means an area of *Landscaping* used to mask or separate uses.

**LANDSCAPE SCREEN:** means an area of *Landscaping* used to buffer and visually conceal *Uses*.

# Attachment A

**LANDSCAPING:** means changing, modifying or enhancing the visual external appearance of a *Parcel* including reshaping the earth, planting or preserving vegetation, adding walks, patios, fencing or other ornamental features.

**LANE:** means a *Highway* that provides a secondary access to a *Parcel* from the side or rear of such *Parcel* and has a travelled surface less than 6.0 metres wide.

**LIVE-ABOARD:** means the *Use* of a *Boat* primarily designed for navigation for *Residential Use*, utilizing *Land* based community water and sewer services.

**LIVE/WORK UNIT:** means a *Use* within a *Dwelling Unit* that includes space for an *Artist Studio*, *Personal Service Establishment*, *Office*, *Personal Repair Service*, or a *Commercial School*.

**LOG HANDLING, SORTING AND STORAGE YARD:** means *Land* or a water area used for the storage, dumping, sorting, booming or trans-shipment of logs.

**Bylaw 2140** **LONG-TERM BICYCLE PARKING SPACE:** means a secure, weather-protected space for bicycle storage used to accommodate long-term bicycle parking, for residents or employees within a room, locker, or a covered and fenced area.

**LOT:** has the same meaning as "*Parcel*".

## M

**M<sup>2</sup>:** means square metres.

**MANUFACTURED HOME PARK:** means *Land* used for the accommodation of two or more *Mobile Homes*.

**Bylaw 1978** **MANUFACTURING:** means the production, fabrication or processing of raw materials into finished goods or products, especially with the *Use* of *Industrial* machinery or equipment and includes packaging and distribution of products created on the *Site*, excluding *Cannabis*.

**MARINA:** means docking, launching or mooring facilities where *Boats*, seaplanes, and other marine *Boats* are berthed, stored or kept for sale or rent, including *Accessory Retail Sales* facilities and wastewater pumping facilities, but excludes *Boat Building and Repair*.

**Bylaw 1961** **MARINA OFFICE:** means premises used for the administrative functions of a *Marina* including charter, rental and boat brokerage services; and marine sales and service.

**MARINE CONSERVATION:** means a marine area, including submerged *Lands*, for the protection and conservation of marine ecosystems for the benefit, education and enjoyment of the general public.

# Attachment A

**MARINE FUEL SUPPLY STATION:** means a marine-based facility with fuel storage and pumping equipment used for the retail sale of marine fuels and lubricating oils as well as a limited range of marine *Boat* parts, equipment and accessories.

**MARINE RESCUE FACILITY:** means a facility used for coordinating search and rescue activities in marine areas.

**MARSHALLING YARD:** means *Land, Buildings or Structures* used to store and maintain *Industrial* equipment, vehicles or materials.

**MEDIA PRODUCTION STUDIO:** means the *Use of Land, Buildings and Structures* for the production of multi-media art, motion pictures, videos, television or radio programs or sound recording.

**MICRO-BREWERY:** means the *Use of Land, Buildings and Structures* for the brewing, bottling and marketing of beers, ales and ciders, and may include *Accessory Retail Sales* directly to consumers, *Accessory Wholesale Sales*, and an area for beer, ale and cider tasting and consumption.

Bylaw  
1985

**MOBILE HOME:** means a factory manufactured *Dwelling Unit* that carries a Canadian Standards Association Certification (CSA Z240) and is transported on its own foundation, and does not include a *Recreation Vehicle*.

**MODULAR HOME:** means a *Single Unit Dwelling* constructed in a factory to CSA A277 standards, transported to a *Building Site* and placed on a permanent foundation complying with the B.C. Building Code, and does not include a *Mobile Home or Recreation Vehicle*.

Bylaw  
1904

**MOORAGE:** means the attachment of a *Personal Watercraft, Boat*, seaplane and other marine *Boats* to a *Wharf, Dock* or float, or to a mooring buoy that is in turn anchored to the seabed.

**MOORAGE, COMMERCIAL:** means the *Use of a Wharf* facility for the loading, unloading, and *Moorage* of commercial fishing *Boats*, and may include *Short-term Moorage* of other vessels and *Seafood Sales* to the general public.

**MOLLUSC:** means any of the soft bodied invertebrates usually protected by a calcareous shell of one or more pieces and including clam, oyster, mussel, and scallop.

**MOTOR VEHICLE BODY SHOP:** means the *Use of a Building or Structure* for the structural repair of motor vehicles, including painting or metal plating.

**MOTOR VEHICLE SALVAGE AND WRECKING YARD:** means the *Use of Land* for the disassembly, dismantling, repurposing or junking of motor vehicles, either wholly or partially, and where *Derelict Vehicles* and motor vehicle parts intended for re-use are stored.

## N

**NATURAL BOUNDARY:** means the visible *High Water Mark* of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so

# Attachment A

long continued in all ordinary years, as to mark upon the *Soil* of the bed of the lake, river, stream or other body of water, a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the *Soil* itself.

**NATURE CENTRE:** means the *Use of Land, Buildings or Structures* primarily for the education and the exploration of natural and cultural heritage, and may include tours, events and exhibits.

**NEIGHBOURHOOD PUB:** means a liquor primary establishment licensed as such under the *Liquor Control and Licensing Act*, and may include a *Micro-Brewery* and a wine bar.

## O

**OFFICE:** means premises used for the provision of professional, medical and dental, health and wellness management, consulting services, financial services or municipal offices, as well as the administrative functions of a permitted *Use*.

Bylaw  
2140

**OVERSIZED BICYCLE PARKING SPACE:** means a bicycle parking space designed to accommodate cargo bikes, tricycles and similar bicycles and provides a secure locking point anchored to the ground or floor.

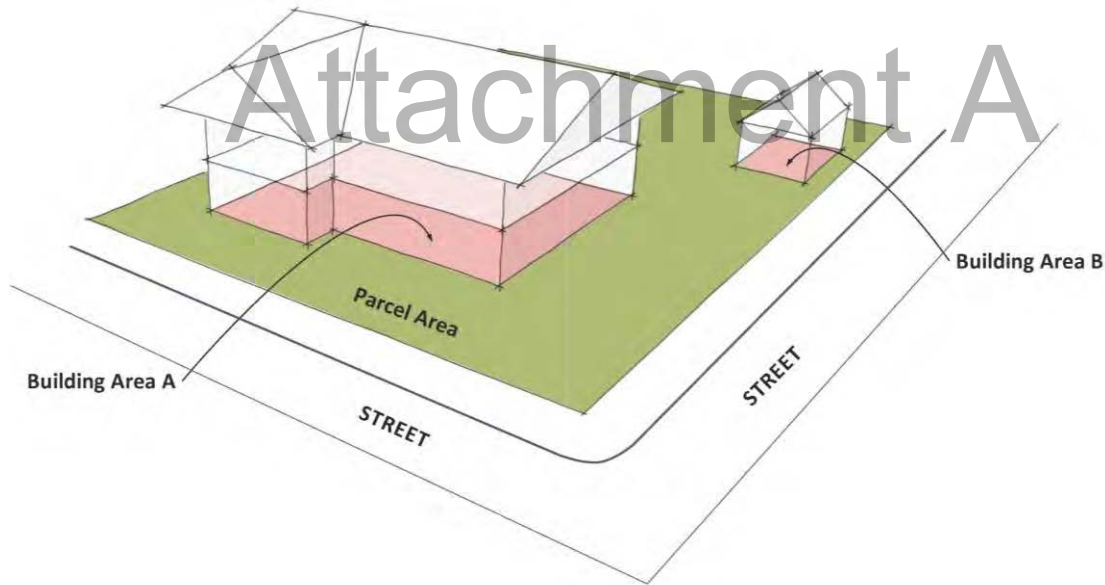
## P

**PARCEL:** means any *Lot*, block or other area in which *Land* is held or into which it is subdivided, and includes a bare land strata *Lot*, as defined in the *Strata Property Act*, any other strata *Lot* created under the *Strata Property Act* larger than 300 square metres, and a pad or area held within a *Manufactured Home Park* by a licensee or tenant, but does not include a *Highway*.

**PARCEL AREA:** means the total horizontal area within the *Parcel Lines* of a *Parcel*. In the case of a *Panhandle Parcel* the access strip shall not be included in a calculation of the area.

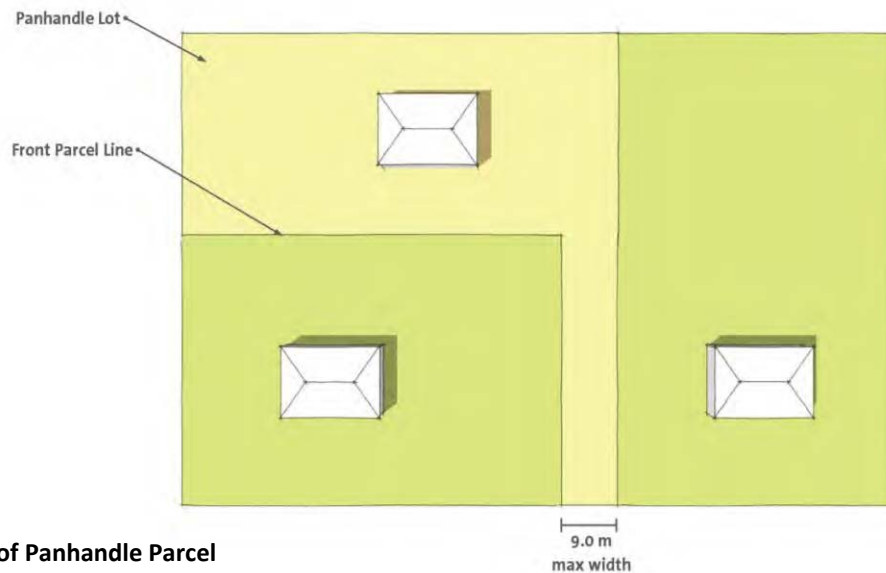
**PARCEL, CORNER:** means a *Parcel* which is abutted by *Highways* on two or more sides.

**PARCEL COVERAGE:** means the total horizontal area within the vertical projection of the outermost walls of *Principal and Accessory Buildings and Structures* on a *Parcel*, not including permitted projections into required *Setbacks*, expressed as a percentage of the *Parcel Area*.



An Illustration of Parcel Coverage where Parcel Coverage is the total floor area of Building Area A and Building Area B divided by the Parcel Area.

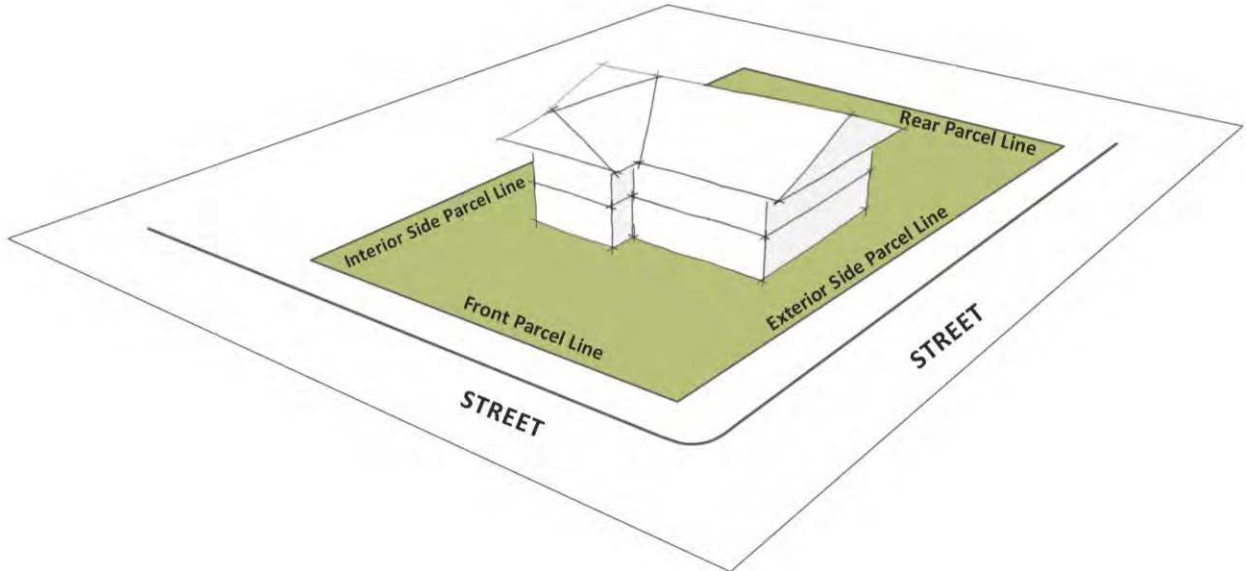
**PARCEL, PANHANDLE:** means any Parcel, the Building area of which is accessed by and gains Street Frontage through the use of a narrow strip of Land which is less than 9.0 metres in width and is an integral part of the Parcel.



An Illustration of Panhandle Parcel

**PARCEL LINE, FRONT:** means the Parcel Line common to a Parcel and fronting Street, or where there is more than one fronting Street, the shortest Parcel Line common to the Parcel and a fronting Street, in which case the Parcel Line opposite to the Front Parcel Line is the Rear Parcel Line and the other Parcel Line is an Exterior Side Parcel Line. In the case of a through Parcel or a

*Corner Parcel*, a *Parcel Line* abutting a *Street* which is not the shortest *Parcel Line* may be considered the *Front Parcel Line* if the adjacent *Parcels* front on the same *Street*. In the case of a *Panhandle Parcel*, the *Front Parcel Line* shall be considered the *Parcel Line* abutting the *Parcel* abutting a *Street* that forms part of the panhandle.



**PARCEL LINE, EXTERIOR SIDE:** means the *Parcel Lines* or *Lines* not being the *Front* or *Rear Parcel Line*, common to a *Parcel* and a *Street* or a *Natural Boundary*, but does not include a *Parcel Line* common to the *Parcel* and a *Lane*.

**PARCEL LINE, INTERIOR SIDE:** means the *Parcel Line* or *Lines*, not being the *Front* or *Rear Parcel Line*, common to more than one *Parcel*.

**PARCEL LINE, REAR:** means the *Parcel Line* furthest from and opposite to the *Front Parcel Line*, except that there shall not be more than one *Rear Parcel Line*.

**PARK AND OPEN SPACE:** means any area of *Land*, which is used or intended to be used by the public for recreation purposes, including *Outdoor Recreation Facilities*, the provision of public washrooms, or for preservation of nature.

**PARK, MARINE:** means any area of *Land* and tidal water, which is used or intended to be used, for primarily recreation purposes.

**PARK, NATURE:** means any area of *Land*, which is used or intended to be used, for the education and conservation of the natural environment, habitats, plants, wildlife, and/or species at risk and may include *Structures* such as boardwalks, trails and trail signage.

**PARKING, UNDERBUILDING:** means any enclosed space used or intended to be used for off-street parking that is:

- Accessed by a drive aisle located on the front, side or rear elevation of the *Building*; and
- Contained entirely within the *Building*; and

- Has a finished floor elevation at its entrance not greater than the average of the adjacent *Finished Grade* measured at the two most outermost exterior corners of the *Building* where the drive aisle is located.

# Attachment A

**PERIMETER WALL HEIGHT:** ~~means the vertical distance measured at the outermost *Building* face of each *Building* elevation from *Finished Grade* to the top of the wall, not including gable ends, dormers, or localized depressions such as a basement window well.~~

**PERMEABLE:** means a surface that rainwater can pass through, and shall not include:

- a) Surfaces covered by *Buildings* and *Structures*.
- b) Asphalt.
- c) Concrete.
- d) Grouted pavers.

**PERSONAL SERVICE ESTABLISHMENT:** means premises for the provision of individualized services to a customer including, barbering, hairdressing, tailoring, shoemaking, dry-cleaning, personal trainers, yoga studio, marital arts, nutritionists, florists, laundromats, photography, and aesthetician services.

**PERSONAL REPAIR SERVICE:** means the *Use* of a *Building* for the repair of consumer household products.

**PERSONAL WATERCRAFT:** means a vessel less than 5.0 metres in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

**PRIMARY PROCESSING OF GRAVEL:** means the *Use* of *Land*, *Buildings* or *Structures* for the moving, crushing, washing, screening, processing or storage of gravel and other *Soil* material.

**PRINCIPAL USE:** means the main purpose for which *Land*, including the surface of the water, *Buildings* or *Structures* are ordinarily used.

**PRINT SHOP:** means the *Use* of *Buildings* for printing and reproduction services.

**PRODUCE STAND:** means a seasonal roadside *Structure* for the sale of products produced through a *Farm Use* or *Urban Agriculture Use*, excluding *Cannabis*.

**PUBLIC PARKING:** means an area of *Land* and/or a *Building* or *Structure* provided for public vehicle parking and maintained and operated by the Town of Ladysmith.

**PUBLIC UTILITY USE:** means the *Use* of *Land*, *Buildings* or *Structures* for the provision of community water services; community sewer services; community surface water drainage services; public access; natural gas pipeline serving the community; gas, electric and telecommunication service; district energy or heat systems; or other similar *Uses* or services.

Bylaw  
1978

Bylaw  
1904  
1985



Bylaw  
1904

**PUBLIC WORKS YARD:** means the *Use of Land, Buildings or Structures* for parks and municipal infrastructure operations, including municipal composting, processing or storage for use by municipal operations, community organizations, residents or for *Wholesale Sales*.

## R

**RAILWAY PASSENGER DEPOT:** means a facility providing arrival and departure services for the travelling public and may include other tourist services.

**RECREATION ACTIVITY SPACE:** means the common *Land* area, patio, balcony, terrace, deck area or internal *Building* space, set aside exclusively for the purpose of providing amenity space for the residents of a development of *Site*.

**RECREATION FACILITY, INDOOR:** means an enclosed *Building* used and equipped for the conduct of sports, leisure and entertainment activities, where patrons are predominantly participants, including but not limited to athletic clubs, health and fitness clubs, swimming pools, curling rinks, ice skating arenas, bowling alleys, billiard halls, rock climbing facilities, dance studios, fitness studios and indoor racquet courts.

**RECREATION FACILITY, OUTDOOR:** means the *Use of Land* for sports and active recreation conducted outdoors. Typical *Uses* include tennis courts, ball fields, lacrosse boxes, athletic tracks and fields, mini-golf courses and lawn bowling greens, but does not include a rifle range.

**RECREATION VEHICLE:** means a motor vehicle or a vehicle that is intended to be towed by a motor vehicle on a *Highway*, designed or used primarily for accommodation during travel or recreation and includes but is not limited to motor homes, campers, fifth-wheels and travel trailers.

**RECYCLING DEPOT:** means the *Use of Land, Buildings or Structures* for the collection and redistribution of primarily recyclable materials and products, including household items and contractor waste.

**RECYCLING DEPOT, REFUND CONTAINER:** means the *Use of Land, Buildings or Structures* for the collection and distribution of beverage, milk, and other refundable containers as well as electronics.

**RECYCLING PLANT:** means the *Use of Land, Buildings or Structures* for the purposes of processing recyclable materials.

Bylaw  
2063

**REMEDIATED SITE:** means a *Parcel* which has received a certificate of compliance pursuant to the *Environmental Management Act*.

Bylaw  
1978

**RESEARCH AND DEVELOPMENT FACILITY:** means the *Use of Land, Buildings or Structure* for scientific research, investigation, testing or experimentation, excluding *Cannabis*.

# Attachment A

**RESIDENTIAL:** means the accommodation of a *Household* in a *Dwelling Unit*, or part thereof, and where the minimum occupancy period is 30 consecutive days.

Bylaw  
1983

**RESIDENTIAL RENTAL TENURE:** means the granting of a right to occupy a *Dwelling Unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *Dwelling Unit* is not owned by a *Dwelling Unit* occupant, but where regular payments are made to the owner for the use of the *Dwelling Unit*.

**RESTAURANT:** means a *Use* where the preparation, service and sale of food to the public for immediate consumption is the primary focus, occurring within the premises or delivered to other premises, and includes a food primary establishment licensed under the *Liquor Control and Licensing Act*, except where expressly prohibited, but does not include a drive-in restaurant or a restaurant with *Drive-Through* service.

**RE-STORE:** means the *Use of Buildings or Structures* for the resale of reusable or recycled household items and building materials.

**RETAINING WALL:** means a *Structure* intended to hold back, stabilize or support an earthen bank.

## S

**SANI-DUMP STATION:** means the *Use of Land, Building or Structures* to accommodate a system of piping designed to accept waste from sanitary holding tanks or vehicles, other than septic tank trucks.

**SALES, BUILDING SUPPLY:** means the sale of *Building* supplies, lumber, plant and garden supplies, agricultural supplies, marine supplies, home improvement supplies, pre-fabricated *Modular Home* sales, furniture and appliances and camping supplies.

Bylaw  
2021

**SALES, CANNABIS RETAIL:** means the sale of Cannabis or products containing Cannabis from a retail store licensed under the Cannabis Control and Licensing Act, to persons who attend at the premises but do not consume Cannabis at the premises;

**SALES, LIQUOR RETAIL:** means the sale of liquor, beer or wine for consumption off premises. This includes a government *Liquor Store*, government beer store or government wine store, or an agency established under the *Liquor Distribution Act*, including an agency store, an authorized vendor, a distributor, and a licensee.

Bylaw  
2021

**SALES OR RENTAL, MACHINERY AND EQUIPMENT:** means the *Use* of an enclosed *Building* for the sale, rental or lease of machinery and equipment.

**SALES OR RENTAL, MOTOR VEHICLES:** means the sale, rental or lease of new or used motor vehicles that are capable of being licenced under the *Motor Vehicle Act* or as defined by the *Motor Vehicle (All Terrain) Act*.

**SALES OR RENTAL, NON-MOTORIZED RECREATIONAL EQUIPMENT:** means the sale or rental of bicycles, kayaks, paddleboards, hiking gear and similar recreation equipment.

**SALES, RETAIL:** means the sale of goods, wares, or merchandise to the general public for final consumption. Such sales do not include *Building Supply Sales, Cannabis Retail Sales, Wholesale Sales, Liquor Retail Sales, Warehouse Sales, Re-Store sales*, or the sale of motor vehicle fuels, heavy agricultural and industrial equipment or products related to a *Garden Centre Use* or an adult entertainment *Use*.

**SALES, WHOLESALE:** means the *Use of Lands, Buildings or Structures* for the storage and sale of goods and materials to retailers, other wholesale operations, contractors or manufacturers, rather than to consumers, for resale or for incorporation into other products.

**SAWMILL, SHAKE AND SHINGLE MILL:** means *Use of Land, Buildings or Structures* involving the cutting, sawing, or planing of timber, either to finished lumber, or to an intermediary step, and the temporary storage of raw or finished lumber, or sawing blocks of wood to produce shingles or splitting blocks of wood to produce shakes.

**SCALE HOUSE:** means a *Use of Land, Buildings or Structures* as part of a *Recycling Depot*, where vehicles dropping off materials are weighed.

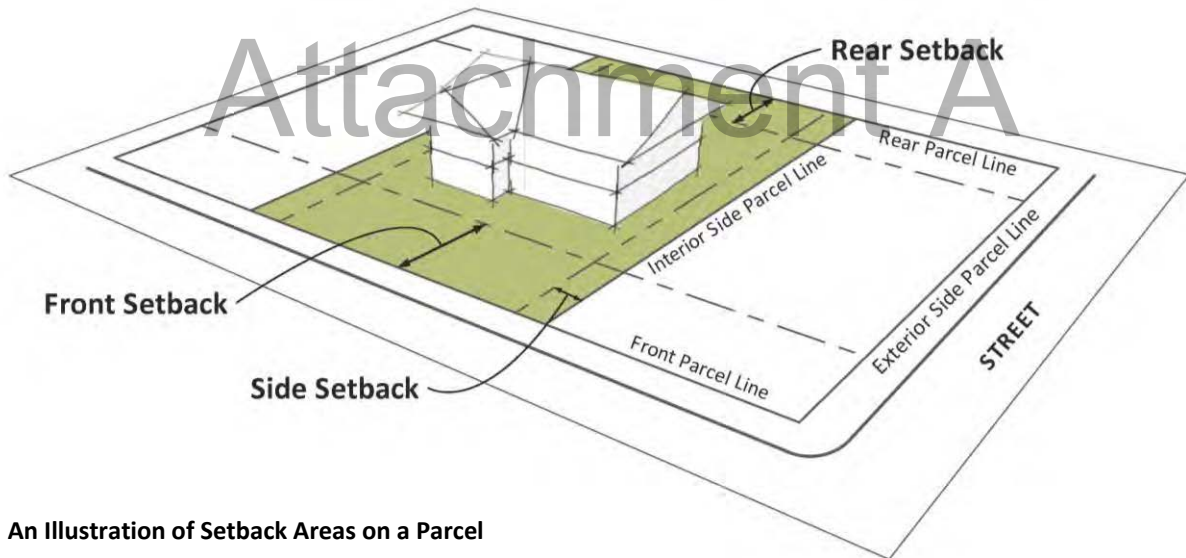
**SCHOOL:** means educational facilities as defined by the *School Act*.

**SCHOOL, COMMERCIAL:** means commercial facilities for the training, instruction and certification in a specific trade, skill or service including administrative, construction, electrical, computer, business, hairdressing, beauty, language, cultural, dancing, martial arts, *Domestic Animal* training, driving, or music skills.

**SEAFOOD SALES:** means the sale of fresh and frozen-at-sea fish and seafood, from marine-based *Wharfs, Boats*, or facilities, for purchase by the public.

**SERVICE STATION:** means premises used for the servicing, repair, washing or maintenance of motor vehicles and the *Retail Sales* of motor lubricating oils and motor vehicle parts and accessories.

**SETBACK:** means the required minimum distance prescribed by the regulations provided for in this Bylaw, between a *Use, Building or Structure* and each of the respective *Parcel Lines*.



An Illustration of Setback Areas on a Parcel

**SEWAGE PUMP-OUT:** means a device or method for removing sewage from a holding tank connected to a *Marina* toilet or from a toilet on a *Boat*.

**SHADE TREE:** means a deciduous tree that provides seasonal screening and shading to a hard surface parking area thereby reducing the surface air temperature and heat island effect.

**SHELLFISH AQUACULTURE:** means the growing, rearing, and harvesting of *Bivalves* molluscs and *Crustacean*, excluding processing.

**SHIPPING YARD:** means *Land* where goods are transhipped or transferred between different transport vehicles, for onward transportation. *Shipping Yards* may also provide storage facilities for both loaded and empty *Intermodal Shipping Containers*.

**SHORT-TERM:** means seven days or less.

**SHORT-TERM BICYCLE PARKING SPACE:** means a metal rack or similar structure:

- a. to which a bicycle and at least one wheel can be secured with a U-style lock; and
- b. is primarily intended to provide temporary bicycle storage to visitors.

**SILVICULTURE:** means all activities related to the development and care of forests, including seedling and tree nursery but excludes the processing of wood or wood products.

**SITE:** means an area of *Land* or surface of water devoted to a particular *Use* or occupied by a *Building* or *Structure* or a group of *Buildings* or *Structures* having a common *Use*.

**SOIL:** includes sand, gravel, rock or other similar substance.

**SOLAR ENERGY DEVICE:** means a device designed to collect, store and distribute solar energy.

**Bylaw  
2140**

**SPRINKLERED:** shall have the same meaning as the BC Building Code.

**STOREY:** means that portion of a *Building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**STOREY, FIRST:** means the lowest *Storey* of a *Building* having its floor level not more than 2.0 metres above *Finished Grade*.

**STORAGE YARD:** means the *Use of Land* outside of an enclosed *Building* where construction materials and equipment, new *Building* materials, monuments and stone products, public utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether as a *Principal* or *Accessory Use*.

**STREAMSIDE PROTECTION AND ENHANCEMENT AREA:** means an area (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size which is determined according to the Riparian Areas Regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.

**STREET:** has the same meaning as *Highway* and includes, in the case of *Parcel Line* definitions, an access route in a bare *Land* strata plan.

**STRUCTURE:** means any construction fixed to, supported by or sunk into *Land* or water but excludes concrete or asphalt paving or similar surfacing of a *Parcel*.

## T

**TEMPORARY OVERNIGHT ACCOMMODATION:** means the *Use of Land* for *Short-Term* camping, associated with community events, in tents or *Recreation Vehicles*.

**THEATRE:** means the *Use* of a *Building* for the showing of dramatic, musical or other live or recorded performance arts, including cinemas.

**TOURIST ACCOMMODATION:** means a *Building* or *Buildings* in which there are five or more *Accommodation Units* for the accommodation of the travelling public.

**TOW-TRUCK DISPATCH:** means the *Use of Land, Buildings* and *Structures* for the dispatch and on-site storage of tow-trucks and associated vehicles.

**TOWN:** means the Town of Ladysmith.

**TRADE CONTRACTOR FACILITIES:** means a *Building, Structures* or *Land* used for the *Offices*, storage, or shops of trade contractors.

**TRANSFER STATION:** means the *Use of Land, Buildings or Structures* for the temporary storage of recyclable and non-recyclable waste and the transferring of such waste to vehicles for transportation elsewhere.

# Attachment A

## U

**USE:** means the purpose for which any *Parcel, Land, Site, surface of water, Building or Structure* is designed, arranged or intended, or for which it is occupied or maintained.

## V

**VETERINARY CLINIC:** means premises used by one or more licensed veterinarians and associated staff to provide medical, surgical and general health care treatment of *Domestic Animals* and may include indoor boarding during the period of treatment.

**VISITOR CENTRE:** means a *Building or Structure* that provides information services to tourists.

## W

**WAREHOUSE:** means premises used for keeping or storing goods, to which the general public does not have access, and which may include facilities for distribution of commercial or *Industrial goods*.

**WATERCOURSE:** means any drainage course or source of water in a depression with defined and continuous banks, whether usually containing water or not and may include a pond, lake, river, stream, creek, brook, ditch, spring, wetland or the sea.

**WELCOME CENTRE:** means a marine-based facility providing local orientation and convenience services to boaters.

**WHARF:** means a marine-based *Structure* used for mooring *Boats* and seaplanes, usually comprised of a pier, ramp and floats.

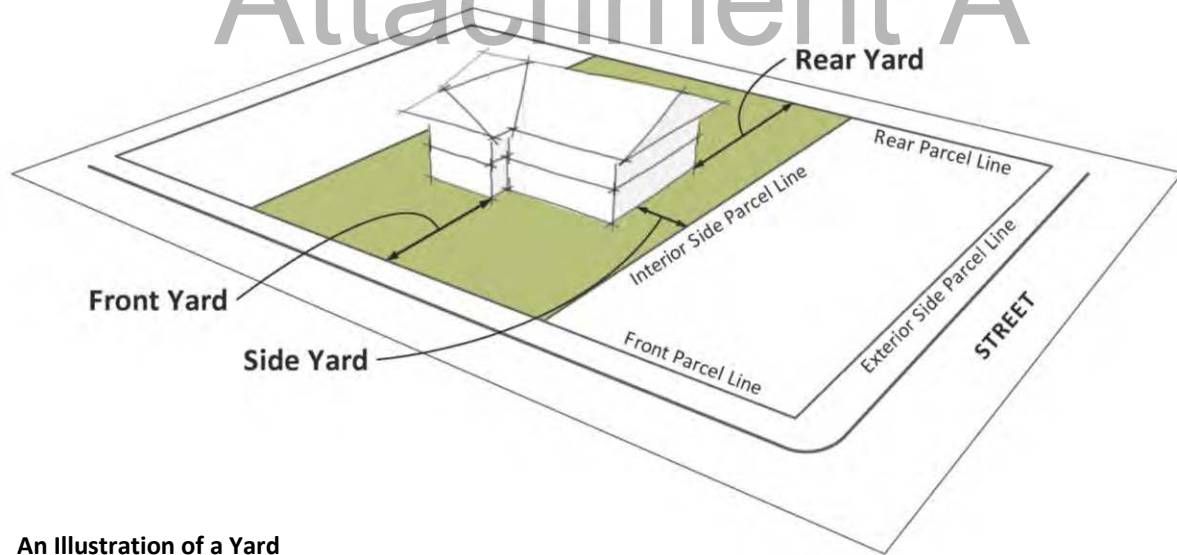
**WIND ENERGY DEVICE:** means a device designed to collect, store and distribute wind energy.

## Y

**YACHT CLUB CLUBHOUSE:** means a *Building* used for conducting the business and social activities of an incorporated yacht club.

**YARD:** means an open space on a *Lot* unoccupied and unobstructed to the sky, except as otherwise provided for in this Bylaw.

# Attachment A



An Illustration of a Yard

**YARD, FRONT:** means that portion of a *Parcel* between the *Front Parcel Line* and a line extending along the front face of a *Principal Building* to the *Exterior* and/or *Interior Parcel Lines*.

**YARD, REAR:** means that portion of a *Parcel* between the *Rear Parcel Line* and a line extending along the rear face of a *Principal Building* to the *Exterior* and/or *Interior Parcel Lines*.

**YARD, SIDE:** means that portion of a *Parcel* extending from the *Front Yard* to the *Rear Yard*, between the *Exterior* and/or *Interior Parcel Lines* and a line extending along the side face of a *Principal Building*.

## Z

**ZONE(S):** means the zones contained as part of this Bylaw and identified in Schedule B.

b) In this Bylaw, the following symbols shall have the following meaning:

≤: means less than or equal to.

>: means greater than.

## PART 5: GENERAL REGULATIONS

### 5.1. General Application

- a) The General Regulations set out in this Part shall apply to all *Lands, Buildings, or Structures* and the *Use* or the intended *Use* of the same unless otherwise expressly provided for in this Bylaw.
- b) Only the *Uses* and *Accessory Uses* listed in each *Zone* are permitted on *Lands*, or in relation to *Buildings* or *Structures*, in that *Zone*.

### 5.2. Number, Location and Siting of Buildings and Structures

- a) Not more than one *Principal Building* for *Residential Use* shall be constructed, placed or erected on a *Parcel*, except as otherwise expressly provided for in this Bylaw.
- b) No *Principal Building* or *Structure* shall be located in any required front, side or rear *Setback* for *Principal Buildings* or *Structures*.
- c) No *Accessory Building* or *Structure* shall be located in any required front, side or rear *Setback* for *Accessory Buildings* or *Structures* or in any *Front Yard*.
- d) No *Building* or *Structure* shall be permitted within 4.5 metres from the *Parcel Line* fronting on any Ministry of Transportation and Infrastructure arterial *Highway*, or within 3.0 metres where a *Lane* provides secondary access to the *Parcel*.
- e) Despite any other regulation of this Bylaw, no *Building* or *Structure* located on a *Parcel* shall be located closer than:
  - i) In the case of a *Parcel* having a slope of less than 5 percent, 15.0 metres horizontally distant from the *Natural Boundary* of a *Watercourse* or 18.0 metres horizontally distant from the centre line of the *Watercourse* whichever is the greater.
  - ii) In the case of a *Parcel* having a slope of more than 5 percent, 9.0 metres horizontally distant from the *Natural Boundary* of the *Watercourse* or 21.0 metres horizontally distant from the centre line of the *Watercourse* whichever is the greater.
  - iii) In the case of a *Parcel* adjacent to or abutting the sea, 8.0 metres horizontally distant from the *Natural Boundary* of the sea or horizontally distant inland from the top of slope on a *Parcel* with an average slope of 30 percent or more, whichever is greater.
- f) Despite Section 5.2 (e), any *Building* or *Structure* proposed to be located within 30 metres of a natural *Watercourse* or source of water supply, whether usually containing water or not, and includes a lake, river, creek, spring, swamp and gulch shall apply to the Town of Ladysmith for a Riparian Development Permit; and the owner must obtain the Riparian Development Permit prior to any alteration of *Land, Landscaping* or vegetation; disturbance of *Soils*; construction or erection of *Buildings* and *Structures*; and prior to subdivision of *Land*.



### 5.3. Panhandle Parcels and Calculation of Minimum Parcel Size

- a) When *Panhandle Parcels* are created, the *Parcel* frontage requirement shall not be calculated for the panhandle portion fronting on the *Street*, but for the width of the *Parcel Area* fronting on the extension of the panhandle.
- b) Where a *Parcel* is a *Panhandle Parcel*, the panhandle shall not be calculated as part of the *Parcel Area* for purposes of determining minimum *Parcel* size. Where a parcel is created within a zone where single-unit dwelling is a permitted principle and is less than 600 square meters in size, a minimum *Parcel Area* specified in this bylaw shall not include:
  - i) a *Streamside Protection and Enhancement Area (SPEA)*; or
  - ii) land that must remain free of development under a development permit or restrictive covenant due to a hazardous condition, including flooding, landslip, and wildfire.

### 5.4. Solar Energy Devices

- a) In a *Residential* or *Commercial Zone*, *Solar Energy Devices* shall be attached to a *Principal* or *Accessory Building* and shall not extend beyond the outermost edge of the roof nor extend higher than the vertical *Building* envelope.
- b) In *Industrial* and *Institutional Zones*, *Solar Energy Devices* are permitted provided that:
  - i) The device is attached to either the *Principal* or an *Accessory Building* in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) The device is a standalone *Structure* subject to the siting requirements for *Accessory Buildings* or *Structures*.

### 5.5. Geothermal Energy Devices

- a) In all *Zones*, all above ground parts of *Geothermal Energy Devices* are subject to the siting and *Height* regulations for *Accessory Buildings* or *Structures*.
- b) In all *Zones*, the underground parts of *Geothermal Energy Devices* shall have a minimum *Setback* of 3 metres from all *Parcel Lines*.

### 5.6. Heat Pumps

- a) Heat pumps shall be located in a *Rear Yard* or *Side Yard* only and be sited a minimum of 1.0 metre from a *Parcel Line*.

### 5.7. Wind Energy Devices

- a) In the *Parks and Recreation Zone (P-2)*, *Wind Energy Devices* which generate not more than 10 kilowatts are permitted, subject to the following requirements:
  - i) Not more than one *Wind Energy Device* is permitted on each *Parcel*.

Bylaw 1904

- ii) The *Parcel* on which a *Wind Energy Device* is located shall be 2,023 square metres or greater in *Parcel Area*.
  - iii) Maximum *Height* of a *Wind Energy Device*, including to the point of a blade in a vertical position, shall be 10.5 metres as measured from the *Finished Grade*.
  - iv) A *Wind Energy Device* tower shall be located from the *Parcel Line* of an adjacent *Parcel* by no less than a distance equal to 150 percent of the total *Height* of the device (measured to the highest point of a support *Structure* and the top of a vertical blade).
- b) In the Primary Agriculture Zone (A-1), Agriculture and Resort Recreation Zone (A-RR), Industrial Zone (I-2) or the Recycling Depot Zone (P-4) for *Parcels* that do not abut a *Residential Zone*, *Wind Energy Devices* which generate up to 20 kilowatts shall be permitted, subject to the following requirements:
- i) Not more than one *Wind Energy Device* is permitted on each *Parcel*.
  - ii) The *Parcel* on which a *Wind Energy Device* is located shall be 4,000 square metres or greater in *Parcel Area*.
  - iii) The maximum *Height* of a *Wind Energy Device* (including the top of a blade in a vertical position) shall be 21 metres as measured from *Finished Grade*.
- c) Despite Section 5.7(b), *Wind Energy Devices* located on Industrial or Agriculture *Zoned Parcels* adjacent to *Residential Zones* are subject to Section 5.7(a).

**Bylaw 2100**

**5.8. Setback and Parcel Coverage Exemptions**

- a) Except as otherwise expressly provided for in this Bylaw, no *Building, Structure* or architectural feature may project into the *Setback* requirements of this Bylaw, including the separation distance between a *Principal Building or Structure* and a *Coach House Dwelling*, except the following:
- i) Steps.
  - ii) Ramps, providing an *Accessible* route for persons with disabilities, with a slope greater than 1:20 but not more than 1:12 and constructed in accordance with the *British Columbia Building Code*.
  - iii) Eaves and gutters, cornices, sills, pilasters, belt courses, bay windows, chimneys, heating or ventilating equipment or other similar features provided that such projections do not exceed 1.0 metre or 50 percent of the width of the *Side Yard* in the case of a *Side Yard* of 1.5 metres or less wide.
  - iv) *Fences, Landscape Buffers, Landscape Screens, Retaining Walls*, arbours, trellises, or other ornamental features.
  - v) Open and uncovered terraces, decks or patios not to exceed 0.62 metres above *Finished Grade*.

- vi) Unenclosed porches and canopies (not including carports), sunshades, unenclosed stairwells, or balconies provided that such projections do not exceed 1.5 metres into a front or side *Setback* or 2.0 metres into a rear *Setback*.
- vii) Utilities, cisterns, storage tanks, or underground parking areas, which are constructed entirely beneath the surface of the ground, provided such underground *Structures* are covered by sufficient soil depth to accommodate *Landscaping*.
- viii) An unenclosed swimming pool, provided that such pool not be constructed nearer than 3.0 metres to any *Parcel Line* unless the pool is constructed with its surface at *Finished Grade*, in which case, the swimming pool shall not be nearer than 1.5 metres to any *Parcel Line*.
- ix) Freestanding lighting poles, clothes line poles, warning devices, antennas, masts, utility poles, flagpoles, and children's play equipment.

- Bylaw 2100** b) For a *Parcel* containing a *Coach House Dwelling* that is not more than 5.0 metres in *Height*, any portion of a *Building* used for parking purposes shall be excluded from the calculation of *Parcel Coverage*, to a maximum exclusion of 45 square metres per *Parcel*.

#### 5.9. Accessory Buildings, Structures and Uses

- a) Not more than two *Accessory Buildings* shall be permitted on a *Parcel*, or as, otherwise expressly provided for in this Bylaw.
- Bylaw 2100** b) Section 5.9 and its clauses do not apply to a *Coach House Dwelling* except that when a two *Storey Coach House Dwelling* contains a self-contained *Accessory* space on the *First Storey*, the *Coach House Dwelling* shall be counted as one *Accessory Building* for the purposes of calculating the number of *Accessory Buildings* on a *Parcel* in Section 5.9(a).
- Bylaw 2100** c) An *Accessory Building* or *Structure* shall have a maximum *Gross Floor Area* of 60 square metres.
- d) All *Accessory Buildings* and *Structures* shall be located on the same *Parcel* as the *Principal Building* to which it is *Accessory*.
- e) An *Accessory Building* or *Structure* attached to the *Principal Building* shall be considered a part of the *Principal Building* and shall comply in all respects with the regulations of this Bylaw applicable to the *Principal Building*.
- i) For the purposes of the above section 5.9(e) "attached" means heated conditioned space with a minimum internal clear width of 860mm and a minimum *Finished Floor Area* of 3.5 square metres.
- Bylaw 2100** f) An *Accessory Building* or *Structure* shall not be used as a *Dwelling Unit*, except as otherwise provided for in this Bylaw.

g) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof, or one *Storey*, except as otherwise expressly provided for in this Bylaw.

h) No *Accessory Building* or *Structure* shall include an *Attic* or *Roof Space* greater than 1.9 metres in *Height*, as measured from the ceiling of the *Storey* below to the highest point of the *Building* or *Structure*.

**Bylaw 2100**

i) No *Accessory Building* or *Structure* shall include *Kitchen Facilities*.

### 5.10. Temporary Buildings and Structures During Construction

a) During the construction of a *Principal Building* or *Structure* or any *Public Utility Use* or service, temporary *Buildings* and *Structures* may be constructed, placed or erected for the purpose of providing temporary *Office* space, shelter for construction crews, or storage of materials; provided that:

i) Temporary *Buildings* and *Structures* shall be removed within 30 days of the completion of the *Principal Building* or *Structure* or *Public Utility Use* or service.

ii) Temporary *Buildings* or *Structures* shall be limited to a maximum of two (2) per *Parcel*.

iii) Despite section 5.10 (a), a *Recreation Vehicle* may be placed on a *Parcel* for the purpose of providing a temporary *Caretaker Dwelling* during the construction of a *Public Utility Use*.

**Bylaw 1985**

### 5.11. Temporary Uses

a) A *Use* or occupancy shall be considered temporary if it is for a period of less than, but not to exceed, 30 days within a single calendar year, in which case such a temporary *Use* or occupancy shall only be permitted where expressly provided for in this Bylaw.

### 5.12. Height Calculation

a) For the purposes of calculating *Height* of *Principal* and *Accessory Buildings*:

i) Unless otherwise stated ~~elsewhere in this bylaw~~, height shall be the vertical distance as measured between the lesser of *Average Natural* or *Average Finished Grade* and:

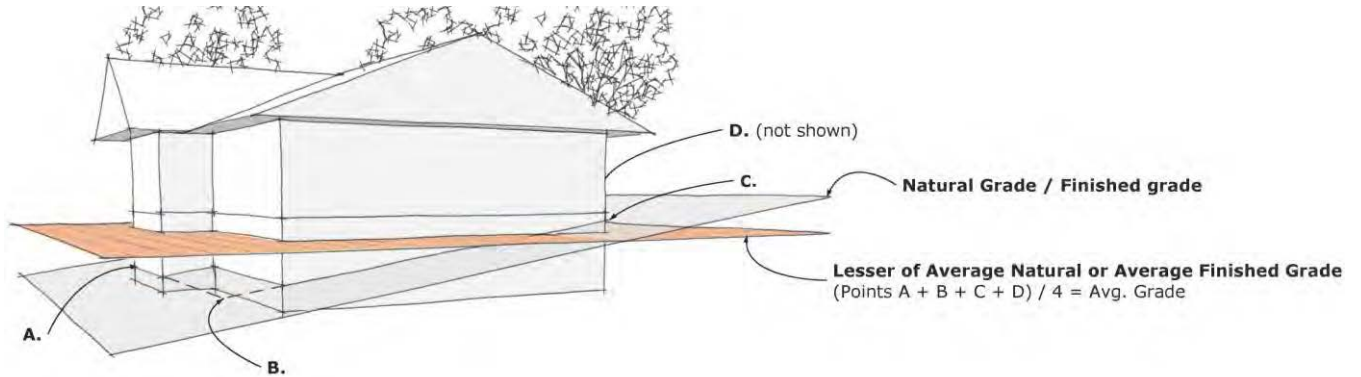
1) the highest point of a non-sloping ~~the~~ roof; or

2) the mid-point between the eaves and peak of a sloping roof, excluding dormers.

ii) When a *Building* constructed on a *Parcel* for which a grading plan was approved by the *Town* as part of the subdivision approval process, *Height* shall be the vertical distance as measured from the elevations shown on the approved grading plan and the highest point of the roof, unless *Council*, or its

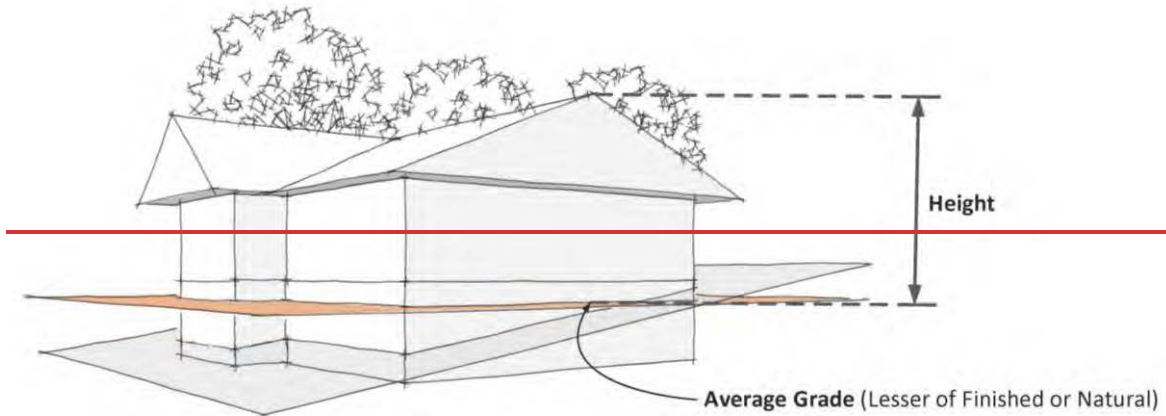
delegate, has approved a development permit for the *Building* in which case *Height* shall be measured from the elevation specified in the development permit.

# Attachment A

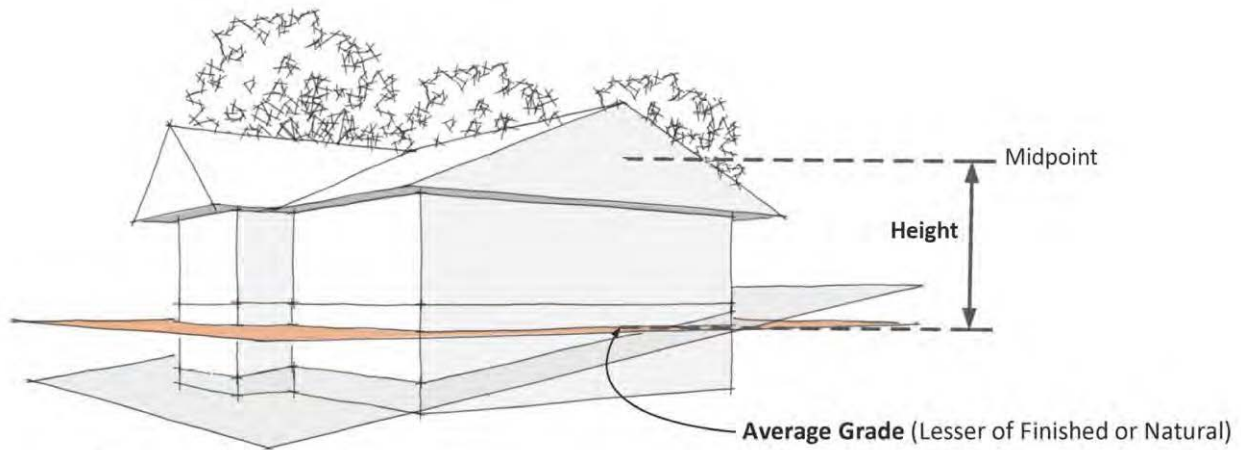


**An Illustration of the Calculation of Average Natural Grade or Average Finished Grade**

- b) For the purposes of measuring *Height* of a *Retaining Wall, Fence, Structure or Landscape Buffer*, *Height* shall be the vertical distance measured between the *Finished Grade* and the highest point of the *Retaining Wall, Fence, Structure, or Landscape Buffer*.
- c) For purposes of measuring *Height* of a *Building or Structure* in a *Marine Zone*, *Height* shall be measured from the surface of the water, except that the *Height* of a *Gear Locker* and any other *Structures* located on a *Dock, Wharf* or float shall be measured from the surface of the *Structure* on which it is located.



**An Illustration of Height**



**An Illustration of Height**

### 5.13. Height Exemptions

- a) Except as otherwise provided in each particular *Zone*, no *Buildings* and *Structures* may exceed the *Height* requirements of this Bylaw, except:
- i) *Church* spires, belfries, domes, monuments, fire and hose towers, observation towers, stadium bleachers, radio tower, television tower, satellite signal receiving apparatus, chimneys, flag poles, mast aerials, cooling towers, elevator

and ventilating machinery, screening for mechanical equipment, stair towers, monuments, lighting poles, clothes line poles and *Solar Energy Devices*;

- b) The *Height* exceptions indicated in Section 5.13(a)(i) shall be limited to a *Height* of one and a half times the permitted *Height* for *Principal Buildings* in the applicable *Zone* and provided that such *Buildings* or *Structures* do not cover more than 20 percent of the *Parcel Area* or more than 10 percent of the roof area if located on a *Building* or *Structure*, except in the case of *Solar Energy Devices* which shall have no roof coverage limit.

**Bylaw 2100**

**5.14. Floor Area Calculations and Exemptions**

- a) For all *Zones* where either a *Single Unit Dwelling* or *Two Unit Dwelling* is permitted, the *Finished Floor Area* shall be measured to the exterior surface of the exterior walls, excluding:
- i) Exterior cladding and exterior solid wall systems up to a maximum thickness of 0.165 metres in an exterior insulation or weather protection wall system.
  - ii) Any portion of a *Building* used for parking purposes to a maximum floor area exclusion of 45 square metres, unless such parking is a *Principal Use* in which case no exclusion shall be permitted.
  - iii) Any portion of a *Building* used for accommodating a swimming pool.
  - iv) Unenclosed front entry porches, balconies, decks, patios, terraces, or courtyards.
  - v) That portion of a *Dwelling Unit* that is dedicated for a vertical service shaft extending from the mechanical service area to the roof for the purposes of solar hot water heating.
  - vi) Any floor space having a ceiling *Height* less than or equal to 2.29 metres.

**Bylaw 2138**

- b) For all *Multiple-Unit Dwellings* and portions of mixed-use *Buildings* used for *Residential* use, the *Gross Floor Area* shall be measured to the exterior surface of the exterior wall, excluding:
- i) A maximum of 0.165 metres of thickness of the exterior cladding and/or exterior solid wall systems, in an exterior insulation or weather protection wall system.
  - ii) Unenclosed balconies, decks, patios, terraces, or courtyards.
  - iii) Common stairwells, entry lobby, elevator shafts, corridors, recreation facilities, garbage and recycling facilities, bicycle storage facilities, scooter storage facilities, common amenity rooms or spaces, common laundry facilities or swimming pools.
  - iv) Any portion of a *Building* used for a mechanical or electrical service room.
  - v) Any floor space having a ceiling *Height* less than or equal to 2.29 metres.
  - vi) Any non-habitable portions of the *Building* situated entirely below the *Average Finished Grade* that are used solely for parking, storage or cisterns for the collection of rainwater.

**Bylaw 2100**

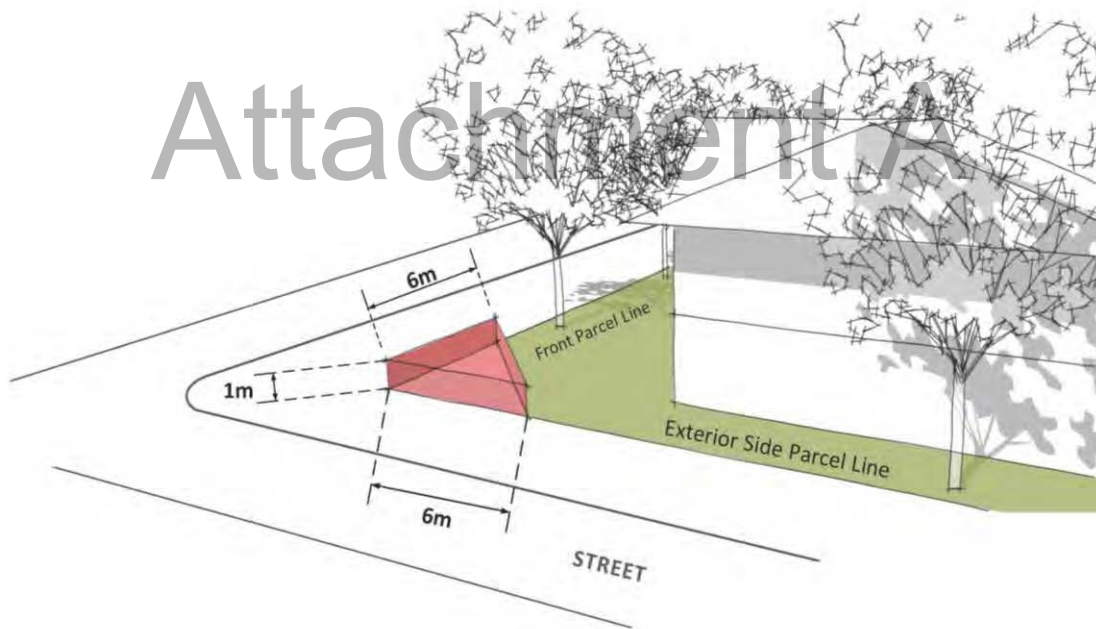
- c) For all *Produce Stands* located in the Agricultural Land Reserve, the *Finished Floor Area* shall be measured to the exterior surface of the exterior wall of all indoor space, excluding washrooms and processing areas, and all outdoor space used for the storage of products for sale.
- d) For a *Coach House Dwelling*, the *Gross Floor Area* shall be measured to the exterior surface of the exterior walls, excluding:
  - i) interior staircases to a maximum exclusion of 9.0 square metres.
  - ii) self-contained *Accessory* space on the *First Storey* to a maximum exclusion of 60.0 square metres.
  - iii) exterior cladding and exterior solid wall systems up to a maximum thickness of 0.165 metres in an exterior insulation or weather protection system.

**5.15. Visibility At Intersections**

- a) In all *Zones*, except as otherwise expressly provided for in this Bylaw, no *Fence*, *Landscaping*, *Retaining Wall* or other obstruction shall be erected or allowed to grow to a *Height* greater than 1.0 metre from the established *Grade* of *Streets* or *Lanes* within the sight triangle.
- b) The sight triangle is comprised of an area bounded by the intersecting *Parcel Lines* at a street corner and a line joining points on the *Parcel* measured 6.0 metres from the point of intersection of the *Parcel*.



# Attachment A



An illustration of a Sight Triangle

## 5.16. Storage Regulations

Bylaw 1985

- a) No *Setback* areas required by this Bylaw on any *Parcel* in any *Zone* shall be used for permanent storage.
- b) No *Parcel* in a *Residential Zone* shall be used for the unenclosed storage of not more than one *Derelict Vehicle*.
- c) In all other *Zones*, or as otherwise expressly provided for in this Bylaw, where the outdoor storage of *Derelict Vehicles* is required for the operation of a business, the *Derelict Vehicles* shall be completely enclosed within a *Building* or within a *Landscaped* or *Fenced* area so as not to be visible from a *Highway*.
- d) In all *Zones*, refuse, recycling, organics or other waste that is a wildlife attractant shall not be stored in such a manner that it is accessible to wildlife.

## 5.17. Commercial Vehicle, Trailer, Recreation Vehicle, Boat, or Equipment Parking or Storage

- a) Only on a *Parcel* where a *Single Unit Dwelling* is the *Principal Use*, a commercial vehicle, trailer, *Recreation Vehicle*, *Boat*, contractor's equipment or any similar vehicle, conveyance, craft or equipment may be parked or stored in an unenclosed area on a *Parcel* provided that:
  - i) Not more than one commercial vehicle is parked or stored per *Parcel*, and the commercial vehicle may not exceed 5,500 kg gross vehicle weight (GVW) rated capacity.
  - ii) Not more than one *Boat* is parked or stored per *Parcel*, and the *Boat* may not exceed a length of 10 metres.

- iii) Not more than one *Recreation Vehicle* is parked or stored per *Parcel*, and the *Recreation Vehicle* may not exceed a length 11 metres.
- iv) *Recreation vehicles* are not occupied overnight while parked or stored, other than one *Short-Term* occupancy for guests within one calendar year.
- v) Any area used for parking commercial vehicles or contractor's equipment is situated not less than 1.5 metres from an *Interior Side* and *Rear Parcel Line* and is not situated in the *Front* or *Exterior Side Yards*.

**5.18. Shipping Containers**

**Bylaw 1985**

- a) *Intermodal Shipping Containers* shall be considered an *Accessory Structure* and shall satisfy all of the following conditions:
  - i) Shall only be permitted in I-1, I-2, W-3 and institutional *Zones*.
  - ii) Shall be limited to a maximum of three (3) intermodal shipping containers per *Parcel*.
  - iii) When sited in an institutional *Zone* shall be limited to *Accessory* storage for the *Principal Use*.
  - iv) Shall be no longer than 13 metres nor wider than 2.5 metres per intermodal shipping container.
  - v) Shall be subject to the siting requirements for *Accessory Buildings* on the *Parcel* where the intermodal shipping container is located.
  - vi) May be stacked provided that the *Height* of the shipping containers combined shall not exceed the maximum *Principal Building Height* requirements on the *Parcel* where the intermodal shipping container is located.

**5.19. Retaining Walls Regulations**

- a) A single *Retaining Wall* may not exceed 1.2 metres in *Height*.
- b) All *Retaining Walls* located within 1.2 metres of each other will be collectively considered a single *Retaining Wall* for the purposes of determining *Height*.
- c) Despite Section 5.19(a), a single engineered *Retaining Wall* used for structural purposes to create a *Yard* may exceed 1.2 metres in *Height*, provided that it:
  - i) Is stepped back 2.0 metres for every 3.0 metres in *Height*; and
  - ii) Includes a *Landscape Screen* within the stepped-back area to buffer and visually conceal the retaining wall.

**5.20. Fence Regulations**

- a) No *Fence* shall exceed the following *Height* limitations, calculated in accordance with Section 5.12: Height Calculation:

ZONE CATEGORY	YARD	MAXIMUM HEIGHT
---------------	------	----------------

	<i>Front</i>	1.2 metres
Residential	<i>Exterior Side</i>	1.2 metres
	<i>Interior Side or Rear</i>	2.0 metres
Commercial	<i>Side or Rear</i>	2.4 metres
Industrial	<i>Front, Side or Rear</i>	2.4 metres
Institutional	<i>Front, Side or Rear</i>	2.4 metres

- b) No *Fence* in a commercial *Zone* shall be located within the *Front Yard*.
- c) *Fences* for *Outdoor Recreation Facilities* located in an institutional *Zone* shall not be limited in *Height* provided such *Fences* are constructed of material that permits visibility such as chain link.
- d) Despite Section 5.20(a), a pergola, trellis, gate or similar *Structure* shall not exceed 2.7 metres in *Height*.
- e) Despite Section 5.20(a), a solid masonry style fence shall not exceed 0.8 metres in *Height* in a Commercial *Zone*.

**Bylaw 1904**

**Bylaw 2163**

**5.21. Residential Community Care Facilities**

- a) The permitted *Use* of any *Single Unit Dwelling* includes the use of the *Dwelling* as a licensed community care facility for day care of up to 8 persons or residential care of up to 6 persons with up to four live-in caregivers.

**5.22. Single Unit Dwelling Horizontal Dimension**

- a) Except as otherwise provided in this Bylaw, the minimum horizontal *Building* dimension for a *Single Unit Dwelling* is 6.5 metres.

**5.23. Community Water and Community Sewer**

- a) Except as otherwise provided in this Bylaw, all *Uses* permitted by this Bylaw are only permitted if the *Use* is connected to the Town of Ladysmith community water system and the community sanitary sewer system.

**5.24. Small-Scale Multi-Unit Infrastructure Extensions**

a) Notwithstanding anything in this bylaw, where a residential use is permitted on a parcels that is :

- i. zoned R-1, R-1-A, R-2, R-2-B, C-1, C-4, RU-1, A-1, A-RR, or CD-3; and
- ii. within an -area shown in Schedule C;

the number of dwelling units permitted on the parcel is limited to the number of units that would otherwise be permitted under this bylaw, prior to June 27, 2024 , -until:

- i. the date of completion of the corresponding infrastructure in Column B; or

ii. the corresponding date in Column C, whichever occurs first.

# Attachment A

Column A: Area	Column B: Infrastructure project(s) to be completed	Column C: Date
<u>A</u>	<ol style="list-style-type: none"> <li>1. <u>Secondary access meeting section 5.1.4 of National Fire Protection Association (NFPA) standard 1142; and</u></li> <li>2. <u>Upgrade and upsizing of the sanitary main and overflow from Highway 1 to Symonds Street and 1<sup>st</sup> Avenue roundabout.</u></li> </ol>	<u>December 31, 2030</u>
<u>B</u>	<ol style="list-style-type: none"> <li>1. <u>Upgrade and upsizing of the Mackie Road sanitary main; or</u></li> <li>2. <u>Upgrade and upsizing of, and connection to the Highway 1 sanitary trunk main .</u></li> </ol>	<u>December 31, 2030</u>
<u>C</u>	<ol style="list-style-type: none"> <li>1. <u>Secondary Access meeting section 5.1.4 of NFPA standard 1142.</u></li> </ol>	<u>December 31, 2030</u>
<u>D</u>	<ol style="list-style-type: none"> <li>1. <u>Upgrade and upsizing of the 4<sup>th</sup> Avenue Extension sanitary main.</u></li> </ol>	<u>December 31, 2030</u>
<u>E</u>	<ol style="list-style-type: none"> <li>1. <u>Upgrade and upsizing of the Highway 1 sanitary trunk main.</u></li> </ol>	<u>December 31, 2030</u>
<u>F</u>	<ol style="list-style-type: none"> <li>1. <u>Upgrade and upsizing of the Mackie Road sanitary main or upgrade and upsizing of the sanitary main and overflow from Highway 1 to Symonds Street and 1<sup>st</sup> Avenue roundabout; and</u></li> <li>2. <u>Secondary Access meeting section 5.1.4 of NFPA standard 1142.</u></li> </ol>	<u>December 31, 2030</u>

## PART 6: SPECIFIC USE REGULATIONS

### 6.1. Uses Permitted In All Zones

- a) *Park and Open Space.*
- b) *Public Utility Use.*
- c) The *Use* of a *Building* or part thereof as a polling station for government elections, referenda, or census, provided that the time period of such *Use* does not exceed sixty (60) days.
- d) The *Use* of a *Building* or part thereof as campaign headquarters for political candidates, commencing on the issuance of election writ and ceasing on polling day.
- e) *Accessory Off-Street Parking* required by this Bylaw, excluding a stand-alone surface or structured parking facility.
- f) The temporary use of land and temporary structures for the purposes of filming for which a valid film permit has been issued pursuant to “Town of Ladysmith Film Bylaw 2021, No. 2045

**Bylaw 2049**

### 6.2. Buildings and Structures Permitted In All Zones

- a) *Accessory Buildings and Structures* customarily ancillary to a *Principal* permitted *Use*, provided they are located on the same *Parcel* or within the same strata plan as the *Principal Use*, except as otherwise provided in each particular *Zone*.

### 6.3. Uses Prohibited In All Zones

- a) No *Use* of *Land, Buildings or Structures*, including the surface of the water, shall be used for:
  - i) A *Big Box Store*, specifically excluding Lot A, District Lot 43, Oyster District, Plan VIP70526 (370 Davis Road) and Lot 1, District Lot 24, Oyster District, Plan VIP85193 (1020 First Avenue).
  - ii) Commercial composting, processing or storage, including production in the Agricultural Land Reserve for application off of the farm operation; except a composting facility which handles municipal generated bio-solids.
  - iii) A *Kennel Use*.
  - iv) A *Pawnshop Use*.
  - v) A *Slaughterhouse Use*, except for activities designated as *Farm Use* on *Lands* in the Agricultural Land Reserve.
  - vi) A *Use* with a *Drive-through* service.
  - vii) Any *Use* not listed as a *Principal* or *Accessory Use* in this Part or any of the *Zones*.
  - viii) The production of *Cannabis* except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under s. 2(2.5) of the Agricultural Land

**Bylaw 1904**

**Bylaw 2021**

**Bylaw 1978**

Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002 on lands designated as Agricultural Land Reserve.

**Bylaw 2140** 6.4.

**Secondary Suite Regulations**

- a) Secondary Suites, where permitted in this Bylaw, shall satisfy all of the following conditions:
- i. *Secondary Suites* in *Townhouse Dwellings* and *Two Unit Dwellings* shall not exceed a floor area of 90 square metres or 40% of the *Townhouse Dwelling* or *Two Unit Dwelling*, whichever is less.
  - ii. ~~*Secondary Suites* in *Single Unit Dwellings* shall not exceed a floor area of 90 square metres, except *Secondary Suites* in *Single Unit Dwellings* in the R-2 and R-2-A zones.~~
  - ii. Shall be contained within ~~considered an Accessory Use to a~~ *Single Unit Dwelling, Townhouse Dwelling, Coach House Dwelling* or *Two Unit dwelling*.
  - iii. ~~Shall not be stratified or otherwise subdivided from the *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit Dwelling* for which the *Secondary Suite* is Accessory to.~~
  - iv. ~~Shall be prohibited on a *Parcel* where a *Coach House Dwelling* or *Caretaker Dwelling* is located.~~
  - v. ~~Shall be prohibited on a *Parcel* where a *Bed and Breakfast Use* is located, unless the *Parcel Area* is at least 1,000 square metres.~~

**Bylaw 2163**

**Bylaw 2100**

6.5. **Coach House Regulations**

- ~~a) A *Coach House Dwelling*, where permitted in this Bylaw, is only permitted when the *Parcel* meets the following conditions:~~
- ~~i) When a *Parcel* is located on a *Lane*, a *Coach House Dwelling* is permitted when the *Parcel Area* is 550 square metres or greater.~~
  - ~~ii) When a *Parcel* is a *Corner Parcel* a *Coach House Dwelling* is permitted when the *Parcel Area* is 550 square metres or greater.~~
  - ~~iii) For all other *Parcels*, a *Coach House Dwelling* is permitted when the *Parcel Area* is 668 square metres or greater.~~
- b)a) A *Coach House Dwelling*, where permitted in this Bylaw, shall satisfy all of the following conditions:
- i) ~~Shall be limited to one such Use per *Parcel*.~~
  - ii) ~~Shall be located on a *Parcel* where the *Principal Use* is a *Single Unit Dwelling* or a *Live/Work Unit*.~~
  - iii)i) Shall not exceed a *Gross Floor Area* of ~~7560~~ square metres unless the *Coach House* includes a *Secondary Suite* in which case the *Gross Floor Area* shall not exceed 150120 square metres.
  - iv)ii) Shall not exceed a *Height* of:

- 1) ~~6.68~~ metres for a two Storey Coach House Dwelling; or
- 2) 5.0 metres for a one Storey Coach House Dwelling.

~~v)ii) Shall be located in the Rear Yard or a Side Yard.~~

~~vi)iv) Notwithstanding any Setback provisions of this Bylaw, no Coach House Dwelling, with a Height as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:~~

PARCEL LINE	HEIGHT not more than 5.0 M	HEIGHT more than 5.0 M
<i>Front</i>	6.0 metres	6.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres	2.0 metres
<i>Exterior Side Parcel Line</i>	1.5 metres	1.5 metres
<i>Rear Parcel Line</i>	1.5 metres	2.0 metres

~~vii) Shall not be located closer than 6.0 metres to the Single Unit Dwelling on the Parcel, as measured between the foundations of each.~~

~~viii) Shall be prohibited on a Parcel where a Secondary Suite Use or Caretaker Dwelling is located.~~

~~ix) Shall accommodate any required parking on the Parcel.~~

~~x)y) The maximum permitted size for upper level/upper level balconies and decks is 2.9 square metres.~~

~~xi)vi) Flat roofs shall not be used for deck areas.~~

**Bylaw 2140**

~~e) A Coach House Dwelling shall not be stratified or otherwise subdivided from the Single Unit Dwelling to which the Coach House Dwelling is Accessory”.~~

## 6.6. Caretaker Dwelling Regulations

**Bylaw 1985**

a) A Caretaker Dwelling:

- i) Shall be limited to one such Building per Parcel, where permitted.
- ii) May be located within the same Building as the Principal Use, an Accessory Building or a Mobile Home.
- iii) Shall be provided with a separate at-Grade entrance.

**Bylaw 2099**

- iv) Shall not exceed a floor area of 90 square metres, and shall not exceed 40% of the total Gross Floor Area of the Principal Building.
- v) Despite section 5.9(c), a Caretaker Dwelling located in an Accessory Building or in a Mobile Home may have a maximum Gross Floor Area of 90 square metres.

- b) A *Caretaker Dwelling*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be located within a single *Parcel* that includes the *Principal Building*.
  - ii) Shall be prohibited on a *Parcel* where a *Secondary Suite Use, Coach House Dwelling* or a *Bed and Breakfast Use* is located.
  - iii) Shall accommodate on the *Parcel* any required parking.

**6.7. Bed And Breakfast Regulations**

- a) A *Bed and Breakfast*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be operated by an owner of the *Single Unit Dwelling*, who resides on the *Parcel* on which the *Bed and Breakfast* is located.
  - ii) Shall not alter the *Principal Residential* character or external appearance of the *Dwelling*.
  - iii) Shall be first established in a *Single Unit Dwelling* as a condition of locating an *Accommodation Unit* in an *Accessory Building* located on the *Land*.
  - iv) Shall be limited to a maximum of four (4) *Accommodation Units*, one which may be located in an *Accessory Building*.

**Bylaw 1985**

Shall not provide *Kitchen Facilities* within the *Accommodation Unit*.

- v) Shall not provide more than one meal per day to guests.
- vi) Shall be permitted to offer culinary services to guests, including cooking lessons, which are separate from meals included with accommodation.
- vii) Shall provide accommodation to the same person or persons for periods of not more than 30 consecutive days, and in no circumstances more than 60 days within a single calendar year.
- viii) Shall be prohibited on a *Parcel* where a *Caretaker Dwelling* is located or where a *Secondary Suite Use* is located, unless the *Parcel Area* is at least 1,000 square metres. Shall accommodate on the *Parcel* any parking required for the *Use* of the *Dwelling Unit* as a *Bed and Breakfast*

**6.8. Home Based Business Regulations**

- a) No more than two *Home Based Businesses* shall be permitted on a *Parcel*.
- b) *Home Based Businesses* shall be permitted in the *Principal Dwelling Unit, a Secondary Suite, a Coach House Dwelling, and in an Accessory Building*.
- c) A *Home Based Business*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be wholly contained within the *Principal Dwelling Unit, Secondary Suite, Coach House Dwelling or Accessory Building*.



- ii) Not more than two persons may be employed on a *Parcel* at any time in a *Home Based Business*, one of whom shall be a resident of the *Dwelling Unit*, except where a *Home Based Business* occurs within a *Secondary Suite* or a *Coach House Dwelling*, in which case no non-resident employees shall be permitted.

iii)

**Bylaw 1904**

Dwelling Type	Home Based Business Permitted Size
<i>Dwelling Unit</i>	Shall not exceed a maximum of 40.0 square metres <i>Gross Floor Area</i> or 40 percent of the <i>Dwelling Unit Gross Floor Area</i> , whichever is less.
<i>Coach House Dwelling</i>	Shall not exceed a maximum of 40.0 square metres <i>Gross Floor Area</i> or 50 percent of the <i>Coach House Dwelling Gross Floor Area</i> , whichever is less.

- iv) Shall not involve the ancillary *Retail Sales* of a product, commodity or materials unless it is produced on the premises, except for products ancillary to telephone, internet or mail order sales, provided the customer does not enter the premises to inspect, purchase or take possession of such an item.
- v) Shall not exceed a maximum of 6.0 square metres of the maximum area of a *Home Based Business* established in Section 6.8(c)(iii) for the ancillary *Retail Sales* of a product, commodity or materials.
- vi) Shall not involve the outdoor storage of material, equipment, apparatus, tools or articles of trade used in connection with or part of a *Home Based Business*.
- vii) Despite Section 6.8(c)(vi), shall, in the case of contractors, trades people or mobile services, be limited to only *Offices* required by such operations and a maximum of 45 square metres of enclosed outdoor storage space on the *Parcel* for materials and equipment.
- viii) Shall accommodate on the *Parcel* any parking required for the *Use* of the *Dwelling Unit(s)* for a *Home Based Business*.
- ix) Shall, in the case of occupations involving instruction, be limited to a maximum of two students on the premises per instructor at any one time.
- x) Shall be operated in a manner that is *Accessory* and subordinate to the *Principal Residential Use* and does not alter the *Residential* appearance or character of the *Building* in which it is located.

**6.9. Cottage Industry Regulations**

- a) A *Cottage Industry*, where permitted in this Bylaw, shall satisfy all of the following conditions:

**Bylaw 2012**

- i) All of the customer operations shall be conducted within the area of the *Building* directly accessible from the fronting *Street*.

**Bylaw 1904**

**Bylaw 2163**

- ii) No materials or equipment shall be stored outside the premises or the *Building*.
- iii) All preparation for shipment shall be conducted inside the premises or the *Building* and shall not be visible from the *Street*.
- iv) The maximum *Gross Floor Area* shall be 300.0 square metres.

#### **6.10. Produce Stand Regulations**

- a) A *Produce Stand*, where permitted in this Bylaw, shall satisfy all of the following conditions:
  - i) Shall be limited to one such *Use per Parcel*, as permitted only where a *Farm Use* or *Urban Agriculture Use* is a permitted *Use*.
  - ii) Where *Urban Agriculture Use* is permitted, the *Produce Stand Use* shall be limited to the sale of products grown on the *Parcel*.
  - iii) Shall be limited to a maximum *Gross Floor Area* of:
    - 1) 300.0 square metres where located on *Parcel* within the Agriculture Land Reserve; or
    - 2) 10.0 square metres when located in a *Residential Zone*.
  - iv) Shall not exceed a *Height* of 2.5 metres;
  - v) Shall be limited to one non-illuminated sign, which shall not exceed 0.4 square metres in area;
- b) A *Produce Stand* in a *Residential Zone* shall not be considered a *Home Based Business* for the purposes of calculating the number of *Home Based Businesses* on a *Parcel*.
- c) A *Produce Stand* shall be removed seasonally when not in use.

#### **6.11. Keeping of Bees Regulations**

- a) A maximum of two (2) hives shall be permitted per *Parcel*, except in the Agricultural Land Reserve.

## PART 7: LANDSCAPING AND SCREENING REGULATIONS

### 7.1. Landscape Requirements

- a) *Landscaping* and *Landscape Buffer* requirements shall be included in the Development Permit for Commercial, Industrial, and Multiple Unit Residential development.
- b) Where *Shade Trees* and/or *Landscape Buffers* are to be provided the minimum requirements are provided in this Part 7.
- c) *Shade Tree* requirements are in addition to trees provided in a *Landscape Buffer*.
- d) All *Landscaping* installations shall meet or exceed the latest editions of the BC Landscape Standard (BC Society of Landscape Architects/BC Landscape and Nursery Association) and be regularly maintained.
- e) Invasive species shall be removed.
- f) No *Fence* in any *Zone* shall be constructed using electrified wire, razor wire, ribbon wire, barbed wire, ultra-barrier wire, or any other material intended to produce any sensation or injury to any person or animal having contact with the *Fence*.
- g) Chain link *Fences* in an *Industrial Zone* shall be covered by a vinyl coating or incorporate materials that render the *Fence* opaque.
- h) Despite Section 7.1(f), barbed wire fencing is permitted in the Light Industrial (I-1) Zone and Industrial (I-2) Zone for security purposes.

Bylaw 1904

### 7.2. Landscape Standards

#### 1. Shade Trees

- a) *Shade Trees* shall be provided in unenclosed hard-surface parking areas of four or more parking spaces for Commercial, Industrial, Institutional and Multiple Unit Residential *Zones* and *Uses*.
- b) The number of required *Shade Trees* is calculated by taking the area (m<sup>2</sup>) of the unenclosed parking area divided by 4. The resulting area (m<sup>2</sup>) is divided by:
  - i) 100, if the *Shade Tree* caliper is at least 6 cm at planting, or
  - ii) 50, if the *Shade Tree* size is a minimum #5 pot size at planting.
- c) Where the *Shade Tree* calculation results in a fraction, the required number of shade trees shall be rounded to the next highest number.
- d) *Shade Trees* shall have a minimum of 6 cubic metres of growing medium for each tree.
- e) *Shade Trees* shall be protected on all sides with a minimum of 1 metre of clearance between the tree and an adjacent barrier curb, wheel stop or other protection from vehicle overhangs.

- f) *Shade Trees* shall be located within the parking area and not at or beyond the edges of the parking area in order to achieve maximum shading of parking spaces.

## 2. Landscape Buffers

- a) *Landscape Buffers* shall be provided on *Parcels* in Commercial, Industrial and Multiple Unit Residential *Zones* and in other *Zones* where Commercial, Industrial and *Multiple Unit Dwelling Uses* are permitted when the *Parcel* abuts a *Parcel* in a *Zone* that permits *Residential Use*.

b) Despite Section 7.2(2)(a), a *Landscape Buffer* is not required:

i) in ~~the a~~ C-2 Zone ~~where the Building siting has a zero metre Setback; or~~

ii) for a coach house, single-unit dwelling, two-unit dwelling, secondary suite or combinations thereof.-

b)c) When a *Landscape Buffer* is required, the minimum requirements for the design of the buffer may be satisfied by fulfilling all of Option 1 or Option 2 as described in Table 7.1: Minimum Landscape Buffer Requirements.

e)d) Despite Section 7.2(2)(c), a *Landscape Buffer* may include and incorporate existing healthy trees and shrubs that are protected during construction. A report from an arborist, at the cost of the applicant, may be required to confirm the health of existing trees and shrubs.

d)e) Where existing trees and shrubs are retained, they must be protected during construction to the furthest extent of the drip line and the *Finished Grade* of the *Parcel* shall not vary from the *Natural Grade* around the drip line more than 20 centimetres vertically, unless an arborist report indicates to the satisfaction of the *Town* that a greater variance will not harm the trees and shrubs.

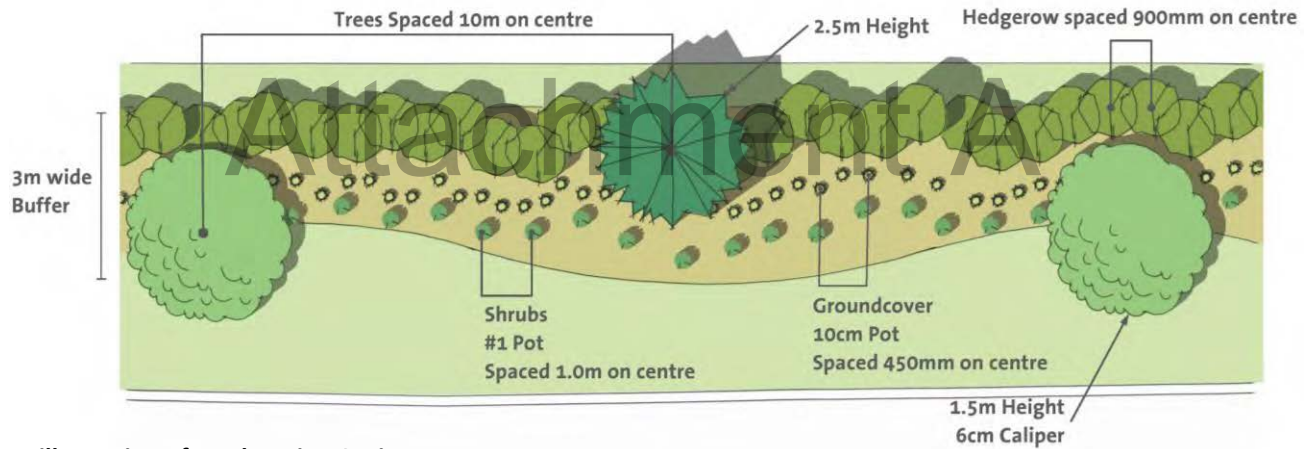
e)f) A *Landscape Buffer* shall only be broken for openings to accommodate access drives, *Lanes* and walkways.

f)g) All trees provided in a *Landscape Buffer* shall be protected on all sides with a minimum of 1 metre of clearance between the tree and an adjacent barrier curb, wheel stop or other protection from vehicle overhangs, if any.

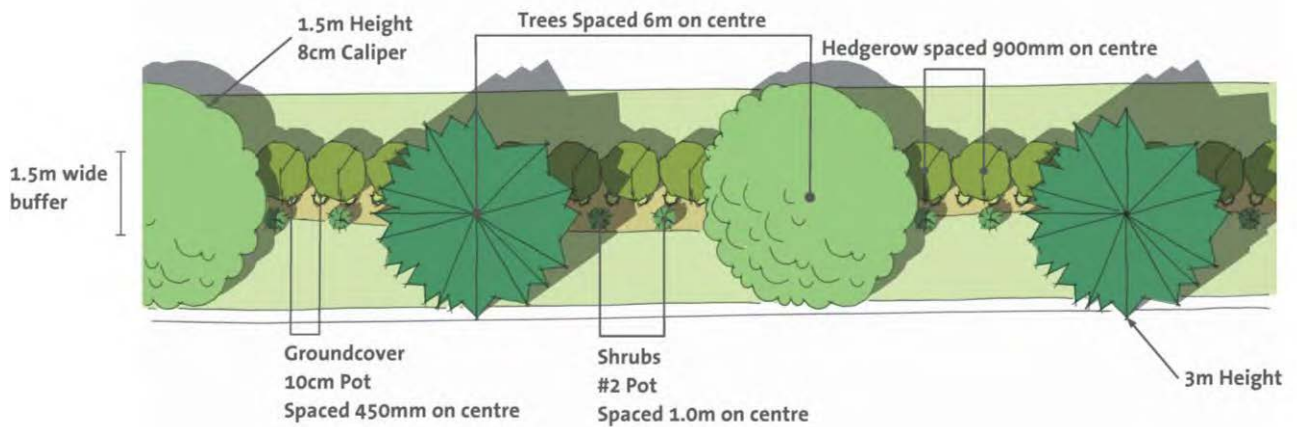
g)h) *Landscaping* requirements provided in Table 7.1 are illustrated below.

**TABLE 7.1 MINIMUM LANDSCAPE BUFFER REQUIREMENTS**

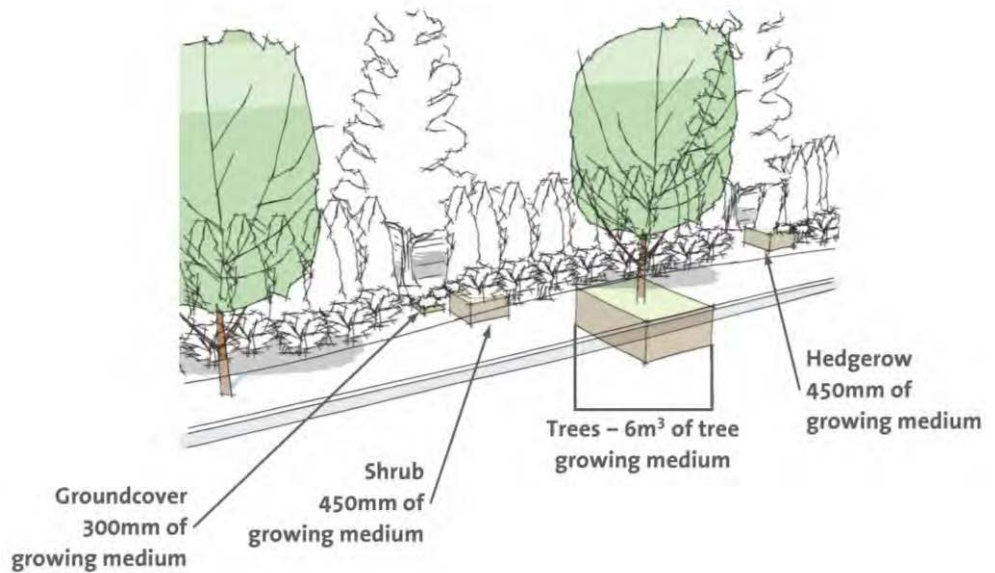
LANDSCAPE BUFFER – OPTION 1	LANDSCAPE BUFFER – OPTION 2
<b>MINIMUM BUFFER WIDTH</b>	
3.0 metres	1.5 metres
<b>TREES</b>	
Deciduous and/or Coniferous Trees spaced on average 10 metres on centre	Deciduous and/or Coniferous Trees spaced on average 6 metres on centre
Planted deciduous trees shall be a minimum of 6-centimetre caliper at installation and a minimum <i>Height</i> of 1.5 metres at installation.	Planted deciduous trees shall be a minimum of 8-centimetre caliper at installation and a minimum <i>Height</i> of 1.5 metres at installation.
Planted coniferous trees shall have a minimum <i>Height</i> of 2.5 metres at installation	Planted coniferous trees shall have a minimum <i>Height</i> of 3.0 metres at installation
Each tree shall have a minimum of 6m <sup>3</sup> per tree of growing medium.	
<b>HEDGEROW AND SHRUBS</b>	
Hedgerows or shrubs or a combination shall be planted as outlined below.	
Hedgerows shall have a minimum <i>Height</i> of 1.0 metre at installation and a maximum mature <i>Height</i> of 1.8 metres, and shall be spaced an average of 900 mm on centre.	
Hedgerows shall have a minimum 450 mm depth of growing medium.	
#1 pot shrubs shall be spaced on average 1.0 metre maximum on centre.	#2 pot shrubs shall be spaced on average 1.0 maximum on centre
Shrubs shall have a minimum 450 mm depth of growing medium.	
<b>GROUNDCOVER</b>	
10-centimetre pot groundcover shall be spaced 450 mm maximum on centre.	
Groundcover shall have a minimum 300 mm depth of growing medium.	
<b>TOPSOIL</b>	
Topsoil shall be weed-free and have a minimum depth of 300 mm.	
<b>SLOPE OF BERMS</b>	
Slope shall not exceed 2:1 (50%) if groundcover or shrubs, and 3:1 (33%) if lawn cover.	
<b>IRRIGATION</b>	
Automatic high-efficiency (drip) irrigation system.	



An illustration of Landscaping Option 1



An illustration of Landscaping Option 2



An illustration of Growing Medium

## PART 8: PARKING AND LOADING REGULATIONS

### 8.1. Application

- a) Space for off-street parking and loading in respect of a *Use* permitted under this Bylaw shall be provided and maintained in accordance with this Part 8.
- b) The regulations contained in this Part 8 shall not apply to *Buildings, Structures* and *Uses* existing on the effective date of this Bylaw nor to any addition to such *Building* or *Structure*, not exceeding 10 percent of its existing *Gross Floor Area*, provided that the *Building* or *Structure* continues to be put to a *Use* that does not require more off-street parking or loading spaces than was required for the *Use* existing at the time the Bylaw came into force.
- c) Off-street parking and loading space provided prior to the adoption of this Bylaw shall not be reduced below the applicable off-street parking and loading requirements of this Part 8.
- d) Despite section 8.1(a), and except for bicycle parking under section 8.3, off-street parking and loading is not required for non-residential uses in the downtown area shown in figure 8.1.
- e) Required off-street parking spaces shall not be used for any purpose other than the parking of motor vehicles.

**Bylaw 2140**

### 8.2. Calculation, Location and Design of Off-Street Parking and Loading Spaces

#### 1. Calculation of Off-Street Parking Spaces

- a) The number of off-street parking spaces for vehicles required for any *Use* is calculated according to Table 8.1: Required Off-Street Parking Spaces in which Column 1 classifies the types of *Uses* and Column 2 sets out the number of required off-street parking spaces that are to be provided for each *Use* in Column 1.
  - i) Where the number of employees is used as a unit of measurement, it shall mean the greatest number of persons anticipated to work at any time of the day or night in the *Building* or for a particular *Use* during any season of the year.
  - ii) Where seating is used as a unit of measurement and consists of benches, pews, booths or similar seating, each 0.5 metre of width of such seating shall be deemed to be one seat.
  - iii) Where the calculation of the required off-street parking results in a fraction of 0.5 or greater, the next highest whole number shall be required, but in no instance shall less than 1 space be required.
  - iv) Where more than one standard may apply to a *Use*, the standard requiring the greatest number of parking spaces shall be used.

# Attachment A

- v) Where a *Use* permitted under this Bylaw is not specifically referred to in Column 1 of Table 8.1, the number of off-street parking is calculated on the basis of the requirements for the most similar *Use* that is listed in Table 8.1.
- vi) For mixed *Use* developments incorporating *Residential Uses*, *Residential* parking requirements shall be calculated exclusive of other *Uses* to ensure that adequate parking is provided to residents.
- b) Where more than one *Building* or *Use* is located on a *Parcel*, the required number of off-street parking spaces shall be the sum of the requirements for each *Use*, unless otherwise expressly provided for in this Bylaw.

**TABLE 8.1: REQUIRED OFF-STREET PARKING SPACES**

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<b>ASSEMBLY, INSTITUTIONAL</b>	
<i>Assembly</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Civic Use</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Community Care Facility</i>	1 per 2 beds, OR 1 per employee, PLUS 2 spaces, whichever is greater
<i>Community Care Facility, Residential</i>	1 per operation, plus one per employee
<i>Cultural Facility</i>	1 per 30 square metres of <i>Gross Floor Area</i> OR 1 per 8 seats, whichever is greater
Post-Secondary Institution	8 per classroom
<i>Railway Passenger Depot</i>	1 per 20 square metres <i>Gross Floor Area</i>
<i>School</i>	Elementary or Middle: 1 per classroom
	Secondary: 3 per classroom
Other <i>Assembly, Civic</i> or <i>Cultural Uses</i>	1 per 30 square metres of <i>Gross Floor Area</i>
Other Institutional Uses	1 per 40 square metres of <i>Gross Floor Area</i>

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COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<b>COMMERCIAL</b>	
<i>Animal Day Care, Animal Shelter, Animal Grooming, Veterinary Clinic</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Artist Studio</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Boat, Motor Vehicle, Machinery and Equipment, Non-motorized Recreation Equipment Sales or Rental</i>	1 per 40 square metres of <i>Gross Floor Area</i>
<i>Cannabis Retail Sales</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Commercial Indoor Storage</i>	1 per 10 public storage units
<i>Commercial Plant Nursery</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Commercial School</i>	1 per 35 square metres of <i>Gross Floor Area</i>
<i>Convenience Store</i>	1 per 40 square metres of <i>Gross Floor Area</i>
<i>Funeral Home</i>	1 per 8 seats
<i>Garden Centre</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Gas Bar</i>	1 per 2 employees
<i>Laboratory</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Liquor Retail Sales</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Motor Vehicle Body Shop</i>	2 per service bay
<i>Office</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Personal Service Establishment</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Personal Repair Services</i>	1 per 30 square metres of <i>Gross Floor Area</i>

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COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<i>Restaurant, Coffee Shop, Neighbourhood Pub</i>	1 per 5 seats
<i>Retail Sales</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Service Station</i>	1 per 2 employees, PLUS 2 per service bay
<i>Tourist Accommodation</i>	1 per <i>Accommodation Unit</i> , PLUS 2.15 per 100 square metres of dining area
<i>Other Commercial</i>	1 per 40 square metres of <i>Gross Floor Area</i>
<b>INDUSTRIAL</b>	
<i>Building Supply Sales</i>	1 per 40 square metres of <i>Gross Floor Area</i>
Freight Handling or Distribution	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
<i>Manufacturing</i>	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
<i>Cannabis Cultivation, Cannabis Processing, Cannabis Micro-Cultivation, Cannabis Micro-Processing</i>	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
<i>Cannabis Research and Development</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<i>Sawmills, Shake and Shingle Mill</i>	0.5 per employee, plus 1 per 150 square metres of <i>Gross Floor Area</i>
<i>Tow-Truck Dispatch</i>	0.5 per employee, plus 1 per fleet vehicle
<i>Warehouse</i>	1 per 200 square metres of <i>Gross Floor Area</i>
<i>Wholesale Sales</i>	0.5 per employee, plus 1 per 100 square metres of <i>Gross Floor Area</i> , plus 1 per fleet vehicle
Other Industrial Uses	0.5 per employee, plus 1 per 150 square metres of <i>Gross Floor Area</i>
<b>MARINE</b>	
<i>Boat Launch</i>	20 per ramp (parking space size 3m x 9 m)

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1978

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<i>Marina</i>	1 per 3.0 slips, berths or stalls
<i>Moorage, Commercial Moorage</i>	1 space per 3.0 slips, berths or stalls, plus 1 space for each 10 square metres of <i>Gross Floor Area</i> of any clubhouse space
Other Marine Uses	1 per 3.0 slips, berths or stalls, or 1 per 40 square metres of <i>Gross Floor Area</i> , whichever is greater
<b>RECREATION</b>	
<i>Community Park, Outdoor Recreation Facility</i>	1 per 200 square metres gross field area
<i>Golf Course</i>	1 per 5 holes
<i>Golf Driving Range</i>	1 per tee
<i>Indoor Recreation Facility</i>	1 per 30 square metres of <i>Gross Floor Area</i>
	1 per 10 square metres ice or gym area
	1 per 4 square metres pool surface
<i>Neighbourhood Park</i>	4 per park
<i>Park and Open Space</i>	1 per 200 square metres gross field area
<i>Other Recreation Uses</i>	1 per 30 square metres of <i>Gross Floor Area</i>
<b>RESIDENTIAL</b>	
<i>Bed and Breakfast</i>	1 per <i>Accommodation Unit</i>
<del><i>Caretaker Dwelling Unit</i></del>	1 per <i>Dwelling Unit</i>
<del><i>Farm Operation Employee Dwelling</i></del>	<del>1 per <i>Dwelling Unit</i></del>
<del><i>Home Based Business</i></del>	<del>1 per <i>Home Based Business</i> that attracts customers/ clients</del>
<del><i>Manufactured Home Park</i></del>	<del>1 per <i>Mobile Home</i>, plus 1 per 5 <i>Mobile Homes</i> to be designated and signed for visitors</del>

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES
<del>Multiple Unit Dwelling, Townhouse Dwelling</del>	<del>1 bedroom: 1 per Dwelling Unit</del>
	<del>2 or more bedrooms: 2 per Dwelling Unit</del>
	<del>Plus 1 per 5 Dwelling Units to be designated and signed for visitor parking</del>
<del>Single Unit Dwelling</del>	<del>1 per Dwelling Unit</del>
<del>Secondary Suite or Coach House Dwelling</del>	<del>1 per Dwelling Unit</del>
<del>Two Unit Dwelling</del>	<del>1 per Dwelling Unit</del>

**2. Shared Off-Street Parking Option**

- a) Despite Section 8.2(1) Calculation of Off-Street Parking Spaces, where two or more non-Residential Uses are located on the same Parcel, the sharing of the off-street parking spaces shall be permitted to reduce the amount of required parking in accordance with the following method:
  - i) Determine the off-street parking requirements for each Use separately according to Section 8.2(1) and Table 8.1: Required Off-Street Parking Spaces.
  - ii) Apply the off-street parking requirements for each Use to the percentages in each occupancy period column in Table 8.2: Shared Parking Use Class and Occupancy Periods.
  - iii) Add together the resulting off-street parking requirement for each occupancy period column in Table 8.2.
  - iv) The occupancy period column with the highest total represents the new, shared off-street parking requirement for non-Residential Uses.

**TABLE 8.2: SHARED PARKING USE CLASS AND OCCUPANCY PERIODS**

CLASSES OF USE	OCCUPANCY PERIOD					
	Weekday			Weekend		
	8:00am – 5:00pm	6:00pm – 12:00am	12:00am – 6:00am	8:00am – 5:00pm	6:00pm – 12:00am	12:00am – 6:00am
<i>Assembly/Civic/Cultural</i>	10%	5%	5%	100%	50%	5%
Commercial	90%	80%	5%	100%	70%	5%
Industrial	100%	20%	5%	5%	5%	5%
Institutional	100%	20%	5%	10%	10%	5%
<i>Office</i>	100%	20%	5%	5%	5%	5%
Recreation	40%	80%	10%	80%	100%	10%
<i>Restaurant</i>	70%	100%	10%	70%	100%	100%
<i>Tourist Accommodation</i>	70%	100%	100%	70%	100%	100%

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**3. Payment In-Lieu of Parking**

- a) An owner of a *Parcel, Building or Structure* may, in lieu of providing off-street vehicle parking, pay to the Municipality:
  - i. Four thousand dollars (\$4,000) per off-street parking space for a mixed-use development containing a *Residential Use* or a development in a *Zone* where a *Residential Use* is not permitted;
  - ii. Six thousand dollars (\$6,000) per off-street parking space for all other developments.
- b) The provision under subsection a) shall be subject to the following conditions:
  - i. The payment in-lieu of parking option may not be applied to more than 50% percent of required off-street parking spaces;
  - ii. The payment in-lieu of parking option may not be applied to required bicycle parking spaces;
  - iii. Except for uses within the downtown area shown in figure 8.1, the payment in-lieu of parking option shall not be applied to required *Residential* off-street parking spaces.

- iv. For uses within the downtown area shown in figure 8.1, the payment in-lieu of parking may be applied to up to 50% of required *Residential* off-street parking spaces.
- c) Cash in lieu of parking shall be deposited into a reserve under Section 525(7)(a)(ii) of the *Local Government Act* for the purpose of providing transportation infrastructure that supports walking, bicycling, public transit or other sustainable forms of transportation.

**FIGURE 8.1: PARKING PAY-IN-LIEU AREA**



**4. Small Car Parking Option**

- a) Small car parking spaces may be provided in accordance with the following conditions:
  - i) A maximum of 25 percent of the total off-street parking requirement may be designated as small car spaces;
  - ii) Small car parking spaces shall be clearly marked using a vertical sign or a sign painted on the surface of the parking space; and

- iii) Dimensions for small car parking spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.

#### **5. Motorcycle and Scooter Parking Option**

- a) Motorcycle and scooter parking may be provided in accordance with the following conditions:
  - i) *Residential* parking space requirements are not eligible for the motorcycle and scooter parking option;
  - ii) A maximum of 5 percent of the total off-street parking requirement may be designated for the use of motorcycles or scooters;
  - iii) Each motorcycle and scooter parking space shall be counted as 0.5 of the required off-street parking space;
  - iv) Motorcycle and scooter parking spaces shall be clearly marked by a vertical sign or a sign painted on the surface of the parking space; and
  - v) Dimensions for motorcycle and scooter parking spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.

#### **6. Parking Spaces for Persons with Disabilities**

- a) Commercial, Industrial, multiple-unit *Residential*, and institutional *Uses* shall provide off-street parking spaces for persons with disabilities as follows:
  - i) One space shall be provided where 10 to 20 parking spaces are required.
  - ii) Two spaces shall be provided where 21 to 50 parking spaces are required; and
  - iii) One additional space shall be provided for each additional 30 required parking spaces.
- b) Dimensions for off-street parking spaces for persons with disabilities shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.
- c) The design of each parking space for persons with disabilities shall:
  - i) Be marked with a vertical sign high above the surface of the parking area as well as a sign painted on the surface of the parking area; and the signs shall contain the universally applied logo.
  - ii) Provide a safe, level and convenient path of access and egress to the entrance of *Building, Structure* or *Use* that it is intended to serve or to a curb cut which provides access and egress to a sidewalk.
  - iii) Have an adjacent access aisle, with diagonal markings, that has a minimum width of 1.2 metres.
  - iv) Have a surface that is level, stable, firm, and slip-resistant in the parking space and in the access aisle.

- v) Be in accordance with the design requirements in the current edition of the British Columbia Building Code.

## **7. Off-Street Loading Spaces**

- a) The number of off-street loading spaces required for any *Use* is calculated according to Table 8.3: Required Off-Street Loading Spaces in which Column 1 classifies the types of *Uses* and Column 2 sets out the number of required off-street loading spaces that are to be provided for each *Use* in Column 1.
- b) In respect of a *Use* permitted under this Bylaw, which is not specifically referred to in Column 1 of Table 8.3, the number of off-street loading spaces is calculated on the basis of the requirements for the most similar *Use* that is listed in Table 8.3.
- c) Where more than one *Building* or *Use* is located on a *Parcel*, the required number of off-street loading spaces shall be the sum of the requirements for each *Use*.
- d) Off-street loading spaces shall not be used as off-street parking spaces.
- e) Required off-street loading spaces shall be provided on the same *Parcel* as the *Building* for which they are required.
- f) Dimensions for loading spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.
- g) The design of every off-street loading area shall:
  - i) Provide vehicular ingress and egress to a *Street* or *Lane*.
  - ii) Not be located in the *Front Yard*.
  - iii) Be sited at an elevation or elevations equivalent to a floor level in the *Building* or to a utility elevator serving each floor.
  - iv) Be provided with sufficient manoeuvring space to avoid conflicts with any pedestrian access, bike path, parking space, *Street*, *Lane*, or *Highway*.
  - v) Be graded and drained to dispose of all surface water and in no case shall drainage be allowed to cross sidewalks.
  - vi) Be constructed of a hard surface such as asphalt, concrete or other dust free material.
  - vii) Be clearly delineated and marked by painted lines and signing.



**TABLE 8.3: REQUIRED OFF-STREET LOADING SPACES**

USE	REQUIRED NUMBER OF SPACES
Commercial Industrial Or any similar use	1 per 300 to 500 square metres of <i>Gross Floor Area</i>
	2 per 501 to 2,500 square metres of <i>Gross Floor Area</i>
	Plus 1 per each additional 2,500 square metres of <i>Gross Floor Area</i>
<i>Office, Assembly</i> <i>Civic, Institutional</i> <i>Public Utility</i> Or any similar use	1 per 3,000 square metres of <i>Gross Floor Area</i> ; plus 1 per each additional 3,000 square metres of <i>Gross Floor Area</i>

**8. Location of Parking Spaces**

- a) Required off-street parking spaces shall be provided on the same *Parcel* as the *Building* for which they are required.

**9. Design Standards for Off-Street Parking and Loading Areas**

- a) Dimensions for off-street parking and loading spaces shall satisfy the size requirements in Table 8.4: Dimensions of Parking and Loading Spaces.
- b) When a parking space adjoins a *Fence*, wall or *Structure* over 0.3 metres in *Height*, the width of the parking space shall be increased by 0.3 metres on the side or sides, which abut such *Fence*, wall or *Structure*.

**TABLE 8.4: DIMENSIONS OF PARKING AND LOADING SPACES**

TYPE OF SPACE	MINIMUM DIMENSIONS		
	Width	Length	Height
Standard Parking Space	2.6 metres	5.8 metres	2.2 metres
Small Car Parking Space	2.5 metres	4.9 metres	2.2 metres
Parallel Parking Space	2.5 metres	7.0 metres	2.2 metres
Motorcycles and Scooter Parking Space	1.4 metres	2.4 metres	2.2 metres
<i>Boat</i> Launch Parking Space	3.0 metres	9.0 metres	2.2 metres
Parking Space for Persons with Disabilities	2.5 metres (with adjacent aisle 1.2m in width)	5.8 metres	2.75 metres
Loading Space	3.0 metres	9.0 metres	4.0 metres

- c) An off-street parking area shall be constructed to permit unobstructed access to and egress from each space at all times.
- d) Vehicle access to all parking spaces shall be provided by means of unobstructed manoeuvring aisles, each having widths not less than:
  - i) 7.3 metres - where parking spaces are located at 90 degrees to the manoeuvring aisle providing access to the space.
  - ii) 5.2 metres - where parking spaces are located at 60 degrees to the manoeuvring aisle providing access to the space.
  - iii) 3.7 metres - where the parking spaces are located at 45 degrees or less to the manoeuvring aisle providing access to the space.
- e) Where parking spaces are located at 60 degrees, 45 degrees, or less to the manoeuvre aisle, only one-way traffic is permitted in the manoeuvring aisle.
- f) Parking spaces for *Single Unit Dwellings, Secondary Suites, Coach House Dwellings and Home Based Business* may be arranged in tandem such that one space is located behind the other space with a common or shared point of access to a *Highway*.
- g) All parking areas shall be designed with a minimum of one designated pedestrian path from each abutting *Street* to the primary entrance(s) to *Buildings* served by the parking area, with such paths being visibly and

physically distinguished from the vehicle driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped coloured concrete or other approved hardscape material.

- h) All access points to an off-street parking or loading area shall require a *Driveway Access Permit*.
- i) Signs and markers may be required to indicate access points to an off-street parking or loading area, and to indicate direction of traffic movement.
- j) All parking areas with 4 or more parking spaces shall be surfaced with a permanent hard surface of asphalt; concrete; *Permeable* or porous pavement, such as open-jointed pavers, turf or gravel grids or porous concrete or asphalt; interlocking paving stones, or similar hard surface treatment so as to provide a surface that is durable and dust free for the purpose intended. An oil/water separator shall be installed and maintained.
- k) All parking areas and loading areas shall be graded in a manner so as to contain and dispose of all surface water on-site in a manner approved by the *Town*. If on-site disposal is not possible, then all surface water must drain to a *Town* storm sewer system or other approved drainage facility.
- l) All parking areas containing more than four (4) parking spaces shall be provided with adequate curbs or wheel stops in order to retain all vehicles within the parking area and to ensure that *Fences, Retaining Walls, Landscaping*, pedestrian paths, as well as any *Buildings or Structures* are protected.
- m) The *Landscaping* and screening of all parking areas and loading areas shall be subject to Part 7: Landscaping and Screening Regulations.
- n) Any lighting used to illuminate a parking area, parking garage, or loading area shall be arranged and shielded so that all rays of light are directed on the parking area, parking garage or loading area, and not on any adjoining *Parcels*.

### 8.3 Calculation and Design of Off-Street Bicycle Parking Spaces

#### 1. Calculation of Off-Street Bicycle Parking Spaces

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- a) The number of off-street bicycle parking spaces and end-of trip bicycle facilities required for any *Use* is calculated according to Table 8.5 in which Column 1 classifies the types of *Use*, Column 2 sets out the number and type of required off-street bicycle parking spaces, and Column 3 sets out the number and type of required end-of-trip bicycle facilities that are to be provided for each *Use* in Column 1.
  - i) Where the number of employees is used as a unit of measurement, it shall mean the greatest number of persons anticipated to work at any time of the day or night in the *Building* or for a particular *Use* during any season of the year.

- ii) Where the calculation of the required off-street bicycle parking results in a fraction of 0.5 or greater, the next highest whole number shall be required.

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**TABLE 8.5: REQUIRED BICYCLE PARKING AND END-OF-TRIP BICYCLE FACILITIES**

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES	COLUMN 3 REQUIRED END-OF-TRIP BICYCLE FACILITIES
Multiple Unit Dwellings	1.0 Long-term Bicycle Parking Space per unit, at least 10% of which shall be Oversized Bicycle Parking Spaces; and  0.25 Short-term Bicycle Parking Space per unit	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be within 1.5 metres of a 110v electric outlet for charging e-bikes.
Non-Residential	1.0 Long-term Bicycle Parking Space per 10 employees ; and  Short-term Bicycle Parking Spaces equal to 10% of required off-street vehicle parking spaces	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be provided with a 110v electric outlet within 1.5 metres of the parking space.  0.5 lockers per required Long-term Bicycle Parking Space; and  1 shower per 15 required Long-term Bicycle Parking Spaces where the number of required Long-term Bicycle Parking Spaces exceeds 15.

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**2. Design Standards for Bicycle Parking Spaces**

- a) All required bicycle parking spaces shall be located so as to not obstruct pedestrian movement, and must not be placed in fire zones, loading zones, or other areas where unobstructed access is required.
- b) All required bicycle parking shall be provided on a 24 hour per day basis for every day or portion thereof where a Use is in operation, whether the Use is in operation in whole or in part.
- d) *Long-term Bicycle Parking Spaces* shall be at least 0.6 metres in width, 1.8 metres in length, and 1.9 metres in height.
- e) *Oversized Bicycle Parking Spaces* shall be at least 3.0 metres long and 0.9 metres wide, and 1.9 metres high.

- f) Except for *Long-term Bicycle Parking* under subsection (d), required *Long-term Bicycle Parking* and *Oversized Bicycle Parking Spaces* shall:
- i. be enclosed, at a minimum, by chain-link walls and constructed of theft-resistant materials;
  - ii. be hinged from the inside unless the hinges are tamper proof;
  - iii. have a separate entry lock and key or a programmed entry system;
  - iv. where bicycle lockers are used, have lockable doors, which open to the full height and width of each locker;
  - v. be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator; and
  - vi. be separated from other storage areas and waste collection areas.
- g) Required Long-term Bicycle Parking may be provided inside a *Dwelling Unit*, or an adjacent outdoor amenity area under subsection (v), under the following conditions:
- i) Up to one required bicycle space may be provided per *Dwelling Unit*.
  - ii. The bicycle parking space must be provided adjacent to an exterior door and situated to allow the bicycle to be stored without travelling through the living space of the *Dwelling Unit*.
  - iii. The *Dwelling Unit* and bicycle parking space must be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator.
  - iv. The flooring in the bicycle parking space and access to the bicycle parking space shall be free of carpet and constructed to withstand bicycle traffic.
  - v. The bicycle parking space shall not be provided on an exterior balcony, patio or other outdoor area, unless the parking space is provided in the form of a bicycle locker.
  - vi. At least one exterior hose connection or bike washing station must be located on the parcel and accessible to the *Dwelling Unit(s)* where the in-unit bicycle parking is provided.
- h) Required Short-term Bicycle Parking shall:
- i. Be accessible from a 1.2 metre wide front aisle and a 0.5 metre rear aisle, separate from pedestrian access;
  - ii. located within 15.0 metres of a *Principal Building* entry in a well-lit area, clearly visible from the *Principal Building, Street* or both;
  - iii. accessible by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator;
  - iv. be securely installed to the floor or ground;

- v. be easily identifiable as a bicycle rack; and
- vi. shall not have any sharp edges or projections and use materials and paint that are resistant to rust, corrosion and vandalism.

# Attachment A

## PART 9: CREATION AND DEFINITION OF ZONES

### 9.1. Creation of Zones

- a) For the purpose of this Bylaw, the Town of Ladysmith is divided into the following Zone designations and their short form equivalents:

	ZONE DESIGNATION	SHORT FORM EQUIVALENT
	Rural Residential	RU-1
	Single Dwelling Residential	R-1
	Single Dwelling Residential – Small Lot A Zone	R-1-A
	<del>Single Dwelling Residential – Small Lot B Zone</del>	<del>R-1-B</del>
	<del>Single Dwelling Residential – Small Lot C Zone</del>	<del>R-1-C</del>
	Old Town Residential	R-2
	<del>Bayview Residential</del>	<del>R-2-A</del>
<i>Bylaw 2163</i>	Oyster Cove Residential	R-2-B
	Medium Density Residential	R-3
	Low Density Residential	R-3-A
	Manufactured Home Park	MHP-1
	<del>Single Dwelling Residential – Holland Creek</del>	<del>R-1-HCA</del>
<i>Bylaw 1912</i>	Multi-Family Mixed-Use	R-4
<i>Bylaw 2063</i>	Local Commercial	C-1
	Downtown Commercial	C-2
	Highway Service Commercial	C-3
	Tourist Service Commercial	C-4
	Shopping Centre Commercial	C-5
	Live/Work Industrial	I-1A
	Light Industrial	I-1
	Industrial	I-2
	Institutional	P-1
	Park and Recreation	P-2
	Nature Park	P-3
	Recycling Depot	P-4

	ZONE DESIGNATION	SHORT FORM EQUIVALENT
	Primary Agriculture	A-1
	Agriculture and Resort Recreation	A-RR
	Forestry	F-1
	Marine Residential Moorage	W-1
	Marina	W-2
	Marine Industrial	W-3
	Marine Harvesting	W-4
	Marine Conservation	W-5
	Marine Park and Recreation	W-P
<b>Bylaw 2069</b>	Cluster Residential	CD-2
	Malone Residential	CD-3
	Waterfront Reserve	CD-4
<b>Bylaw 1983</b>	Community Housing Zone	CD-5
<b>Bylaw 2020</b>	Belaire Mixed-Use	CD-6
<b>Bylaw 2103</b>	Rocky Creek Road Mixed-Use Residential	CD-7

## 9.2. Definition Of Zones

- a) The location and extent or area of each *Zone* established by this Bylaw and shown on Schedule B, entitled “Zoning Bylaw Map”, with all explanatory matter thereon, is hereby made and declared to be an integral part of this Bylaw and which bears the words “Zoning Bylaw Map – Schedule B to Zoning Bylaw No. 1860” as referred to in the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”.

## 9.3. Zone Boundaries

- a) When the *Zone* boundary is designated on the “Zoning Bylaw Map” as following a road allowance or *Watercourse*, the centre line of such road allowance or *Watercourse* shall be the *Zone* boundary.
- b) Where a *Zone* boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of such boundary shall be determined by scaling from the Zoning Bylaw Map.
- c) Where a *Parcel* is divided by a *Zone* boundary, such *Parcel* shall be considered as two distinct *Parcels* for the purpose of determining permitted *Uses* and density.
- d) Where *Land* that originally formed part of a *Lane* or *Street* is consolidated into a *Parcel*, such *Lane* or *Street* shall be deemed to have the same *Zone* designation as the *Parcel*.



- e) Where *Land* covered by water has accreted to the upland, it shall be deemed to have the same *Zone* designation as the upland.

# Attachment A

## PART 10: RESIDENTIAL ZONES

### 10.1. RURAL RESIDENTIAL (RU-1)

The purpose of the Rural Residential Zone is to accommodate low density residential development on larger parcel sizes.

#### 1. Principal Uses

a) *Single Unit Dwelling.*

a)b) *Two Unit Dwelling*

#### 2. Accessory Uses

b)c) *Secondary Suite*, subject to Part 6, Section 6.4.

e)d) *Coach House Dwelling*, subject to Part 6, Section 6.5.

e)e) *Home Based Business*, subject to Part 6, Section 6.8.

e)f) *Urban Agriculture.*

f)g) *Bed and Breakfast*, subject to Part 6, Section 6.7.

#### 3. Sizing and Dimension of Parcels

a) No *Parcel* shall be created which has a *Parcel Area* less than 0.4 ha.

#### 4. Size and Density of the Use of Land, Buildings and Structures

a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.

b) No Two Unit Dwelling shall have a Finished Floor Area that is greater than 390.0m<sup>2</sup>.

c) The maximum number of Dwelling Units permitted per Parcel is as shown in the Table below:

<u>PARCEL AREA</u>	<u>MAXIMUM DWELLING UNITS PERMITTED</u>
<u>4,050.0 square metres or larger</u>	<u>Two units</u>
<u>Less than 280.0 square metres</u>	<u>Three units</u>
<u>Between 280.0 square metres and 4,050.0 square metres</u>	<u>Four units</u>

a)d) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 30.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

a) No Single Unit Dwelling Principal Building shall exceed a *Height* of 11.0 metres. except where a Principal Building roof pitch is less than 4:12, in which case the maximum Height shall be 7.5 metres.

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- b) No *Accessory Building* or *Structure* for an *Urban Agriculture Use* shall exceed a *Height* of 12.0 metres, measured to the highest point of the roof.
- c) All other *Accessory Buildings* or *Structures* shall not exceed a *Height* of 5.0 metres; ~~except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be~~ 3.5 metres.

- d) No *Building* or *Structure* 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>	<del>46.07.5</del> metres
<i>Interior <u>or Exterior</u> Side Parcel Line</i>	<del>1.23.0</del> metres
<del><i>Exterior Parcel Side Line</i></del>	<del>3.0</del> metres
<i>Rear Parcel Line</i>	4.5 metres

- e) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:
- i) 2.4 meters, where each building is *sprinklered*; and
  - ii) 4.8 meters, where any part of a building is not *sprinklered*.

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**10.2. SINGLE DWELLING RESIDENTIAL (R-1)**

The purpose of the Single Dwelling Residential Zone is to accommodate residential development within a neighbourhood setting.

**1. Principal Uses**

- a) Single Unit Dwelling.
- ~~a)b) Two Unit Dwelling.~~

**2. Accessory Uses**

- a) Secondary Suite, subject to Part 6, Section 6.4.
- ~~a)b) Coach House Dwelling, subject to subject to Part 6, Section 6.5.~~
- ~~b)c) Home Based Business; subject to Part 6, Section 6.8.~~
- ~~c)d) Urban Agriculture.~~
- ~~d)e) Bed and Breakfast, subject to Part 6, Section 6.7.~~

**3. Sizing and Dimension of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 668 square metres.
- ~~b) Despite Section 10.2(3)(a), for the *Parcel* legally described as Lot 18, District Lot 52, Oyster District, Plan 11855 (432 Walker Avenue), the minimum *Parcel Area* is 626 square metres.~~
- ~~c)b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.~~

**4. Size and Density of the Use of Land, Buildings and Structures**

- ~~a) Where only one dwelling unit is constructed on a parcel, no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres. No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less.~~
- b) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

<u>PARCEL AREA</u>	<u>MAXIMUM DWELLING UNITS PERMITTED</u>
<u>&gt;4,050.0 square metres or larger</u>	<u>Two units</u>
<u>Less than ≤280.0 square metres</u>	<u>Three units</u>
<u>Between &gt;280.0 square metres and ≤4,050.0 square metres</u>	<u>Four units</u>

- ~~a) —~~
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of:
  - i) 33.0 percent ~~where only one dwelling is located on a parcel; and~~

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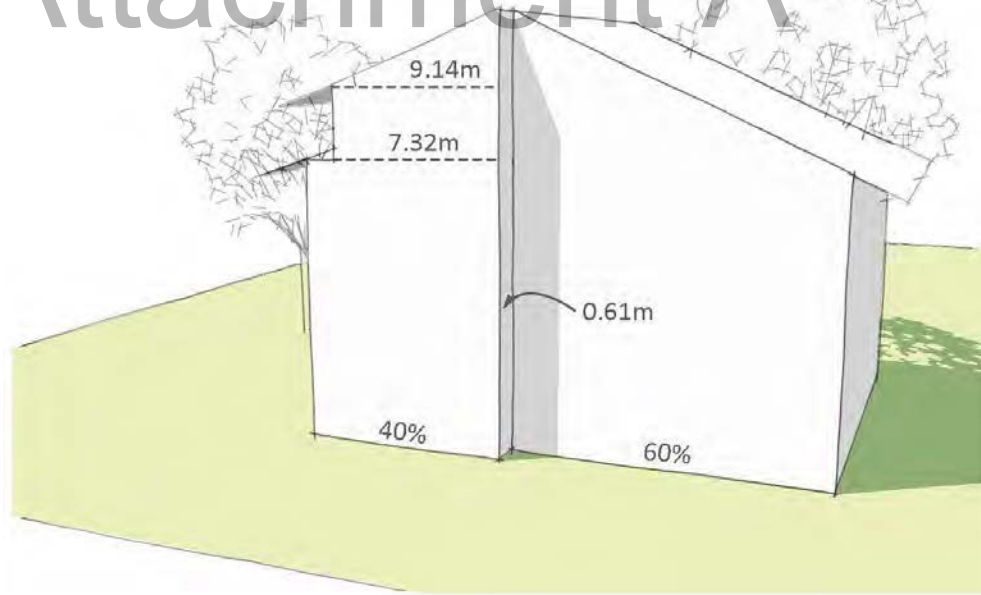
†)ii) 50.0 percent where more than one dwelling unit is located on a parcel.

## **5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

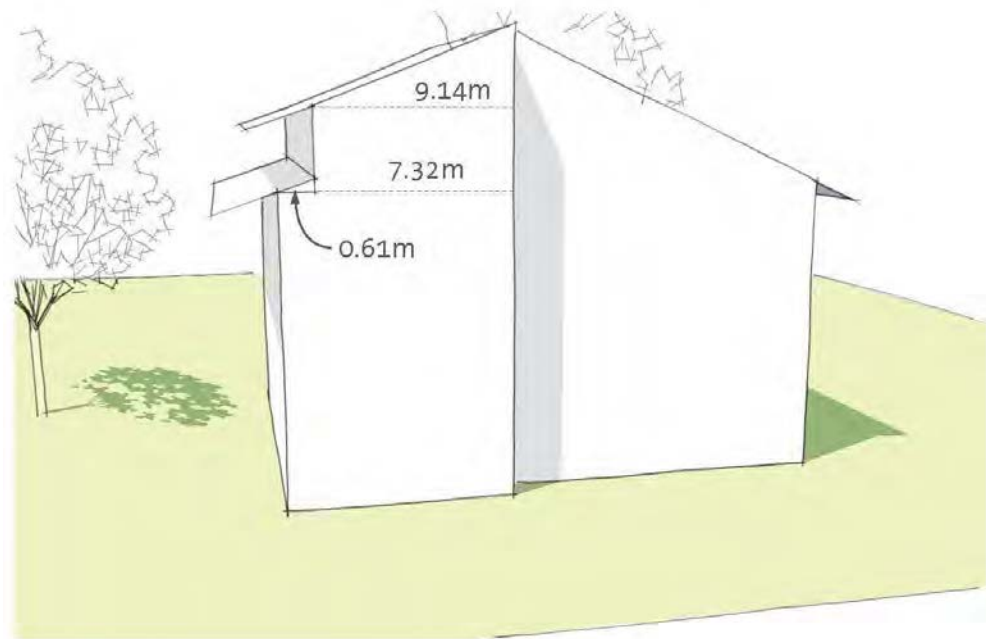
- a) No *Principal Building* or *Structure* shall exceed a *Height* of 911.0 metres;  
~~except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.~~
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except  
~~where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.~~
- c) ~~The maximum *Perimeter Wall Height* for any wall of a *Single Unit Dwelling* is 7.32 metres.~~
- d) ~~The *Perimeter Wall Height* may be increased to a maximum of 9.14 metres provided that:~~
  - i) ~~The portion of the wall face that is over 7.32 metres does not exceed 60% of the width of that *Building* elevation without a vertical offset of a minimum of 0.61 metres; and~~

ii) The portion of the wall face that is over 7.32 metres has a horizontal offset of a minimum of 0.61 metres.

# Attachment A



**An Illustration of Perimeter Wall Height Vertical-Offset**



**An Illustration of Perimeter Wall Height Horizontal-Offset**

e)c) No Principal Building or Structure or, Coach House Dwelling shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
Front Parcel Line	6.0 metres
Interior or Exterior Side Parcel Line	<del>1.23-0</del> metres
<del>Other Interior Side Parcel Line</del>	<del>1.5</del> metres
Rear Parcel Line	<del>1</del> .5 metres

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f)d) No Accessory Building or Structure ,with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
Front Parcel Line	6.0 metres	<del>6.0</del> metres
Interior or Exterior Side Parcel Line	1.0 metres	<del>1.5</del> metres
Rear Parcel Line	1.0 metres	<del>1.5</del> metres

e) Buildings containing dwelling units on the same parcel shall be separated by a minimum horizontal distance of:

- i) 2.4 meters, where each building is sprinklered; and
- ii) 4.8 meters, where any part of a building is not sprinklered.

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 7. Site Specific Regulations

- ~~a) A Two Unit Dwelling is permitted as a Principal Use on the Parcels legally described as:~~
  - ~~(i) Lot 2, District Lot 129, Oyster District, Plan 37258 (521/525 Walkem Road);~~
  - ~~(i) Strata Lot 1 and Strata Lot 2, District Lot 129, Oyster District, Strata Plan 1033, Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form 1 (517/519 Short Close); and~~
  - ~~(i) Strata Lot 1 and Strata Lot 2, District Lot 129, Oyster District, Strata Plan 1034, Together with an interest in the Common Property in Proportion to~~

Bylaw 1904



the Unit Entitlement of the Strata Lots as Shown on Form 1 (521/523 Short Close).

**Bylaw 2061**

- ~~a) For the area shown in Figure 10.2.1, Two Unit Dwelling is permitted as a Principal Use, subject to the following:~~
- ~~a) A Two Unit Dwelling Use is not permitted on parcels less than 780.0 square metres.~~
  - ~~a) No Two Unit Dwelling shall have a Finished Floor Area that is less than 137.0 square metres.~~
  - ~~a) No Two Unit Dwelling shall have a Finished Floor Area that exceeds 50 percent of the Parcel Area or 390.0 square metres, whichever is less.~~

**FIGURE 10.2.1 PLAN OF TWO UNIT DWELLING AREA**



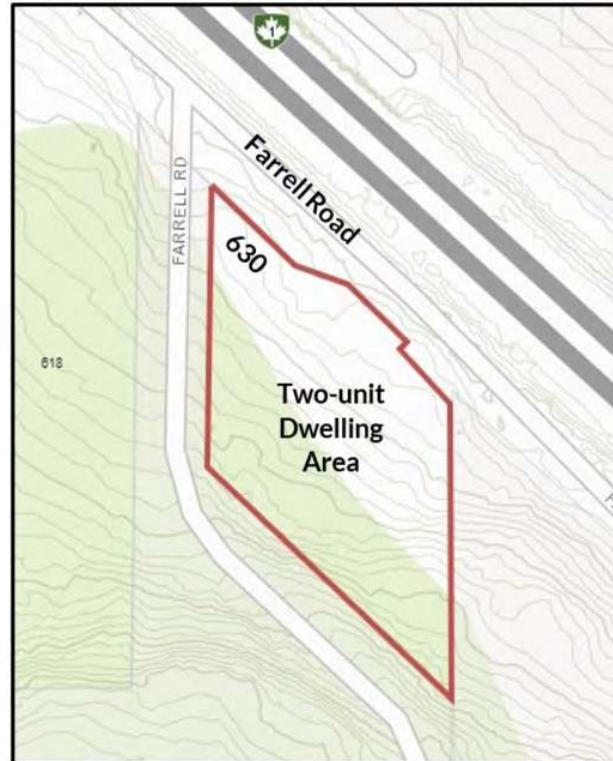
**Bylaw 2064**

- ~~b) For the area shown in Figure 10.2.2, Two Unit Dwelling is permitted as a Principal Use, subject to the following:~~

- ~~i. A Two Unit Dwelling Use is not permitted on parcels less than 780.0 square metres.~~
- ~~ii. No Two Unit Dwelling shall have a Finished Floor Area that is less than 137.0 square metres.~~  
~~No Two Unit Dwelling shall have a Finished Floor Area that exceeds 390.0 square metres.~~

# Attachment A

**FIGURE 10.2.2 PLAN OF TWO UNIT DWELLING AREA**



- Bylaw 2135** ~~e)g)~~ For the Parcel legally described as Lot A, District Lot 129, Oyster District, Plan VIP56439 (1141 Cloke Road) the following site specific regulations shall apply:
- ~~i) Coach House Dwelling is permitted as an Accessory Use subject to Part 6, Section 6.5.~~
  - ~~ii)i) Despite Section 5.14(d)(ii) the Gross Floor Area of a self-contained Accessory space on the First Storey of a Coach House Dwelling shall have a maximum exclusion of 84.0 square metres.~~
  - ~~iii) Despite Section 6.5(b)(iii) the Gross Floor Area of a Coach House Dwelling shall not exceed 70.0 square metres.~~
  - ~~iv) Despite Section 6.5(b)(iv)(1) the Height of a two Storey Coach House Dwelling shall not exceed 7.6 metres.~~

### 10.3. SINGLE DWELLING RESIDENTIAL – SMALL LOT A ZONE (R-1-A)

The purpose of the Single Dwelling Residential Small Lot A Zone is to accommodate residential development on small parcels in residential areas.

#### 1. Principal Uses

- a) Single Unit Dwelling.
- ~~a)b) Two Unit Dwelling.~~

#### 2. Accessory Uses

- a) Secondary Suite, subject to Part 6, Section 6.4.
- ~~a)b) Coach House Dwelling, subject to Part 6, Section 6.5.~~
- ~~b)c) Home Based Business, subject to Part 6, Section 6.8.~~
- ~~c)d) Urban Agriculture.~~

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 460 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 13.5 metres.

Bylaw 1904

- ~~c) Despite Section 10.3(3)(a), a *Parcel* shall not include a *Streamside Protection and Enhancement Area* within the required minimum *Parcel Area*.~~

#### 4. Size and Density of the Use of Land, Buildings and Structures

Bylaw 2099

- a) No Principal Building ~~Single Unit Dwelling~~ shall have a *Finished Floor Area* that is greater than ~~175~~230.0 square metres.
- b) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

<u>PARCEL AREA</u>	<u>MAXIMUM DWELLING UNITS PERMITTED</u>
<u>Greater than &gt;4,050.0 square metres</u>	<u>Two units</u>
<u>Less than ≤280.0 square metres</u>	<u>Three units</u>
<u>Between &gt;280.0 square metres and ≤4,050.0 square metres</u>	<u>Four units</u>

- c) No *Principal Buildings* or *Structures* shall exceed a *Parcel Coverage* of:
  - i) 33.0 percent where only one dwelling is located on a parcel; and
  - ~~ii) 50.0 percent where more than one dwelling unit is located on a parcel~~  
~~33.0 percent.~~

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of ~~811.0~~ 11.0 metres; ~~except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.~~
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~5.0~~ 3.5 metres; ~~except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.~~

- c) No *Principal Building* or *Structure* ~~located on Parcels where the Principal Use is Single Unit Dwelling~~ shall be located closer to the *Parcel Line* than the minimum *Setback* show in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.0 metres
<i>Interior or Exterior Side Parcel Line</i>	<del>1.22.0</del> metres
<del><i>Other Interior Side Parcel Line</i></del>	<del>1.5</del> metres
<i>Rear Parcel Line</i>	<del>1.53.0</del> metres

Bylaw 1904

- d) No *Accessory Building* or *Structure* ~~, with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below,~~ shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	<del>4.6</del> .0 metres	<del>6.0</del> metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	<del>1.5</del> metres
<i>Rear Parcel Line</i>	1.0 metres	<del>1.5</del> metres

- e) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:

- i) 2.4 meters, where each building is *sprinklered*; and
- ii) 4.8 meters, where any part of a building is not *sprinklered*

## 6. Parking and Loading

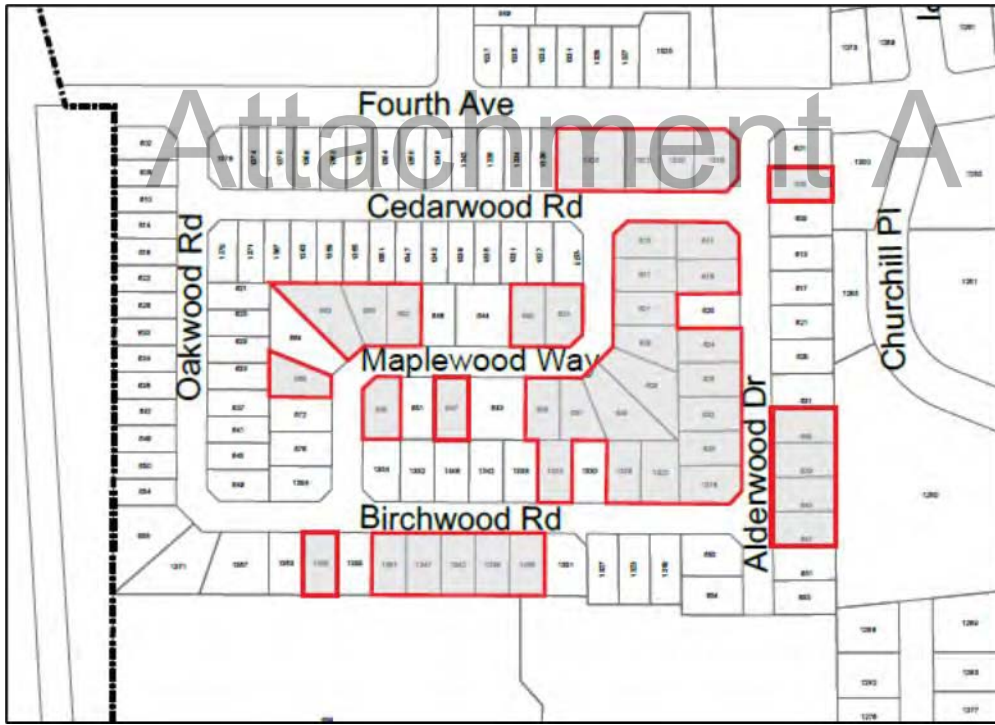
- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

Bylaw 2113

## 7. Other Regulations

- a) A *Dwelling Unit* having a minimum horizontal *Building* dimension less than 6.5 metres shall be permitted on those locations identified in Figure 10.3.1: Plan of Parcels Where a Mobile Home is Permitted.

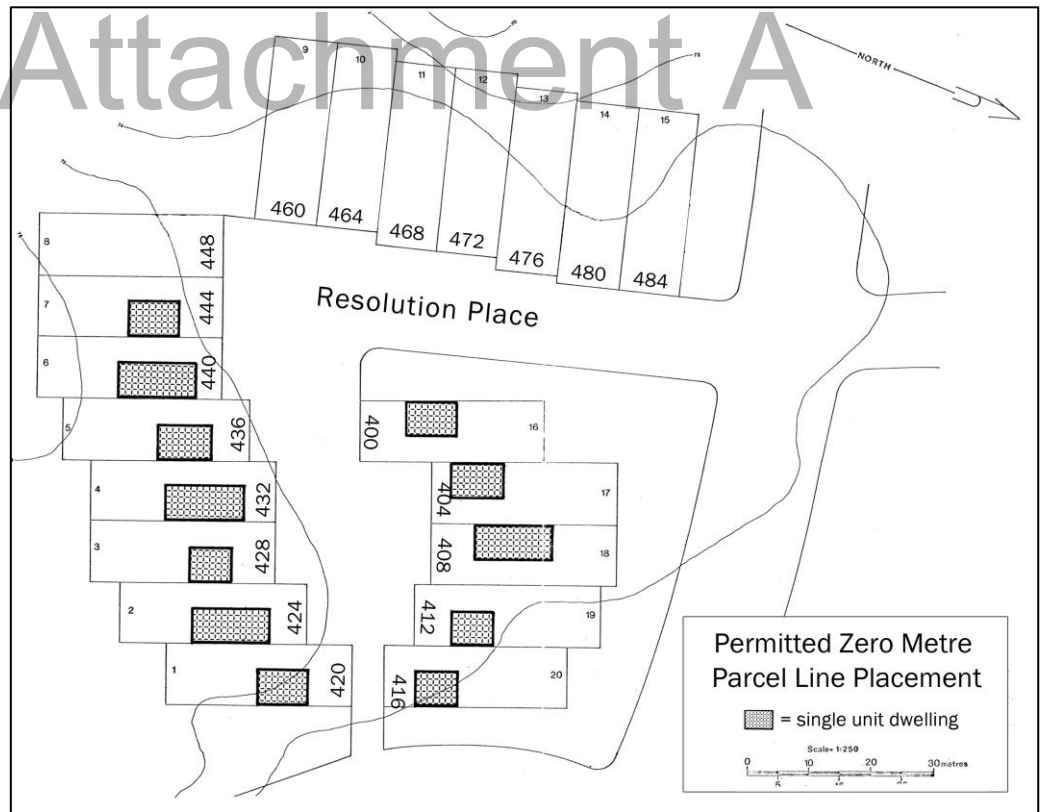
**FIGURE 10.3.1: PLAN OF PARCELS WHERE A MOBILE HOME IS PERMITTED**



b) For the *Parcels* shown in Figure 10.3.2, below, no *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

	PARCEL LINE	MINIMUM SETBACK
<b>Bylaw 2107</b>	<i>Front Parcel Line</i>	2.0 metres
	<i>Interior or Exterior Side Parcel Line</i>	0.6 metres to one <i>Parcel Line</i> and 1.2 metres to the other <i>Parcel Line</i>
	<i>Interior or Exterior Side Parcel Line</i> for 400 to 444 Resolution Place (Lots 1 to 7, District Lot 146, Oyster District, Plan VIP31093, and Lots 16 to 20, District Lot 146, Oyster District, Plan VIP31093)	One side <i>Parcel Line Setback</i> may be reduced to zero metres for the <i>Principal Building</i> where the <i>Principal Building</i> on the adjacent <i>Parcel</i> does not also have a zero metre <i>Setback</i> , as shown in Figure 10.3.2.
	<i>Rear Parcel Line</i>	1.5 metres

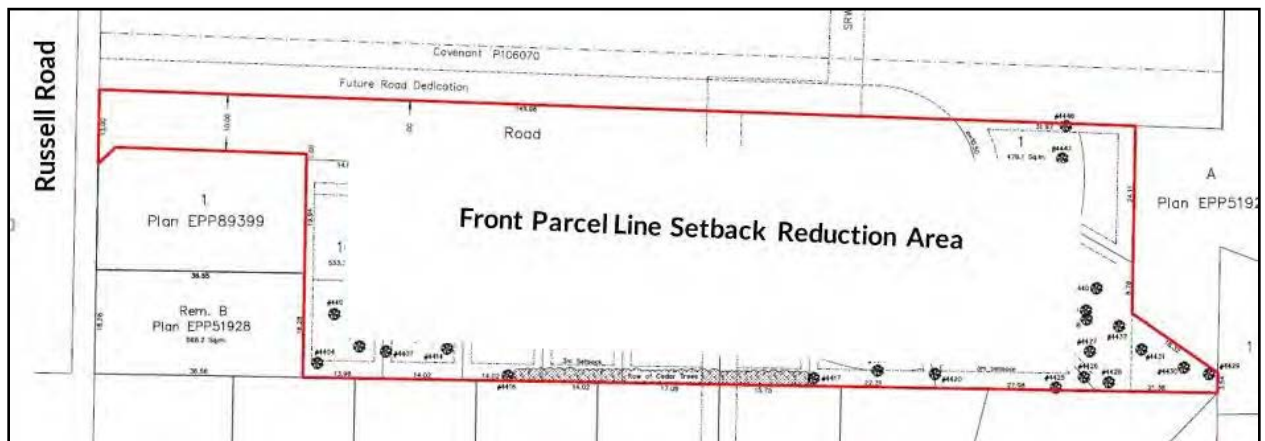
**FIGURE 10.3.2: PLAN OF REDUCED SIDE SETBACKS**



**7.8. Site Specific Regulations**

- a) Despite section 5.c) and 5.d), the *Front Parcel Line Setback* for a *Principal Building or Structure* and an *Accessory Building or Structure* is 3.0 metres, for the area shown in Figure 10.3.1

**FIGURE 10.3.1 PLAN OF FRONT PARCEL LINE SETBACK REDUCTION AREA**

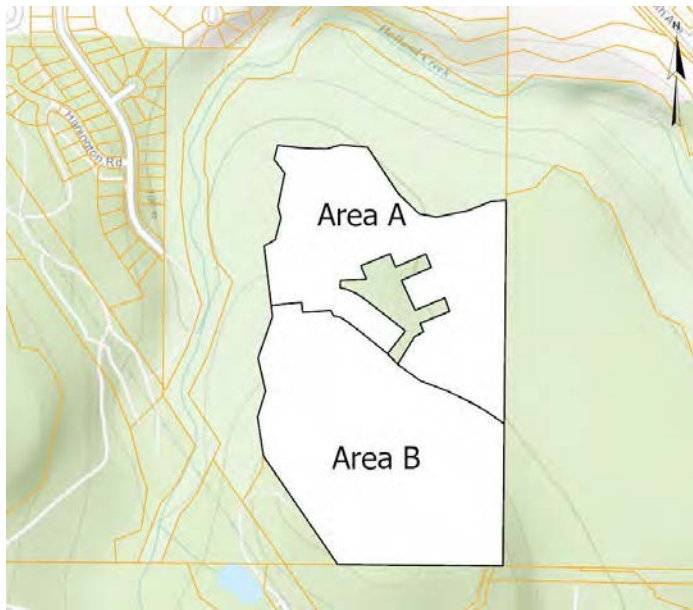


- b) For Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-A

Zone in addition to the permitted uses under sections 10.3.1 and 10.3.2, the Principal and Accessory Uses of the R-3-A zone are permitted in Area A in figure 10.3.2 and shall be subject to the regulations of the R-3-A zone.

- c) For Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-A Zone as a density benefit pursuant to section 482 of the *Local Government Act* and notwithstanding sections 10.3.3(a), 10.3.8(a) and 10.12.4(b), the maximum number *Dwelling Units*, excluding *Secondary Suites* and *Coach House Dwellings*, permitted in Area A in figure 10.3.2 shall be either:
- i) 200 units, where the entire area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*; or
  - ii) 125 units where only a portion of, or none of, the area shown as Area B in figure 10.3.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*

Figure 10.53.2: Density Benefit Area for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)





# Attachment A

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## 10.4. ~~SINGLE DWELLING RESIDENTIAL – SMALL LOT B ZONE (R-1-B)~~

~~The purpose of the Single Dwelling Residential Small Lot B Zone is to accommodate residential development on small parcels in residential areas.~~

### ~~1. Principal Uses~~

~~a) Single Unit Dwelling.~~

### ~~2. Accessory Uses~~

~~a) Secondary Suite, subject to Part 6, Section 6.4.~~

~~b) Home Based Business, subject to Part 6, Section 6.8.~~

~~c) Urban Agriculture.~~

### ~~3. Sizing and Dimension of Parcels~~

~~a) No Parcel shall be created which has a Parcel Area less than 372 square metres.~~

~~b) No Parcel shall be created which has a Frontage less than 12.19 metres.~~

~~c) Despite Section 10.4(3)(a), a Parcel shall not include a Streamside Protection and Enhancement Area within the required minimum Parcel Area.~~

### ~~4. Size and Density of the Use of Land, Buildings and Structures~~

~~a) No Single Unit Dwelling shall have a Gross Floor Area greater than 223 square metres.~~

~~b) No Buildings or Structures shall exceed a Parcel Coverage of 38.0 percent.~~

Bylaw 1904

Bylaw 1939

**5. ~~Siting, Sizing and Dimension of Uses, Buildings and Structures~~**

- a) ~~No *Principal Building or Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.~~
- b) ~~No *Accessory Building or Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.~~
- c) ~~a) *No *Principal Building or Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:*~~

**Bylaw 1904**

<del>PARCEL LINE</del>	<del>MINIMUM SETBACK</del>
<del><i>Front Parcel Line</i></del>	<del>4.5 metres</del>
<del><i>Exterior Side Parcel Line</i></del>	<del>2.0 metres</del>
<del><i>Interior Side Parcel Line</i></del>	<del>1.5 metres</del>
<del><i>Rear Parcel Line</i></del>	<del>3.0 metres</del>

- d) ~~No Accessory Building or Structure, with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:~~

<del>PARCEL LINE</del>	<del>MINIMUM SETBACK ≤ 10.0 m<sup>2</sup></del>	<del>MINIMUM SETBACK &gt;10.0 m<sup>2</sup></del>
<del>Front Parcel Line</del>	<del>6.0 metres</del>	<del>6.0 metres</del>
<del>Interior or Exterior Side Parcel Line</del>	<del>1.0 metres</del>	<del>1.5 metres</del>
<del>Rear Parcel Line</del>	<del>1.0 metres</del>	<del>1.5 metres</del>

~~6. — Parking and Loading~~

- a) ~~Off street parking and off street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.~~

~~7. — Other Regulations~~

- a) ~~A Dwelling Unit having a minimum horizontal Building dimension less than 6.5 metres shall be permitted on those locations identified in Figure 10.4.1: Plan of Parcels Where a Mobile Home is Permitted.~~

~~FIGURE 10.4.1: PLAN OF PARCELS WHERE A MOBILE HOME IS PERMITTED~~



**~~10.6. SINGLE DWELLING RESIDENTIAL – SMALL LOT C ZONE (R-1-C)~~**

~~The purpose of the Single Dwelling Residential Small Lot C Zone is to accommodate residential development on small parcels in residential areas.~~

**~~1. Principal Uses~~**

~~a) Single Unit Dwelling.~~

**~~2. Accessory Uses~~**

~~a) Home Based Business, subject to Part 6, Section 6.8.~~

~~b) Urban Agriculture.~~

**~~3. Sizing and Dimension of Parcels~~**

~~a) No Parcel shall be created which has a Parcel Area less than 300 square metres.~~

~~b) No Parcel shall be created which has a frontage less than 10 metres.~~

~~c) Despite Section 10.5(3)(a), a Parcel shall not include a Streamside Protection and Enhancement Area within the required minimum Parcel Area.~~

**~~4. Size and Density of the Use of Land, Buildings and Structures~~**

~~a) On parcels with a Frontage less than 12.9 meters and a Parcel Area less than 372 square meters, no Single Unit Dwelling shall have a Finished Floor Area that is greater than 121 square metres.~~

~~b) No Buildings or Structures shall exceed a Parcel Coverage of 38.0 percent.~~

**~~5. Siting, Sizing and Dimension of Uses, Buildings and Structures~~**

~~a) No Principal Building or Structure shall exceed a Height of 8.0 metres; except where a Principal Building roof pitch is less than 4:12, in which case the maximum Height shall be 6.5 metres.~~

~~b) No Accessory Building or Structure shall exceed a Height of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum Height shall be 3.5 metres.~~

Bylaw 1904

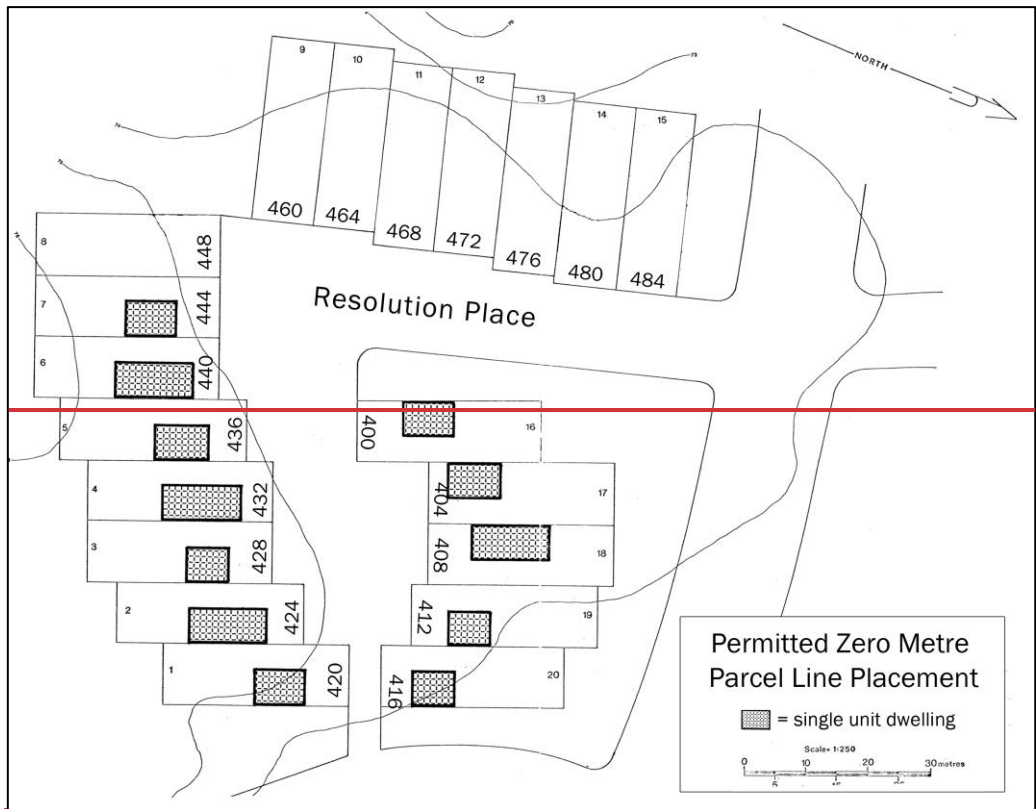
Bylaw 2107

e)a) *No Principal Building or Structure 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>	<i>3.6 metres</i>
<i>Interior or Exterior Side Parcel Line</i> <i>All other parcels</i>	<i>0.6 metres to one Parcel Line and</i> <i>1.2 metres to the other Parcel Line</i>
<i>Interior or Exterior Side Parcel Line</i> <i>400 to 444 Resolution Place</i> <i>(Lots 1 to 7, District Lot 146,</i> <i>Oyster District, Plan VIP31093, and</i> <i>Lots 16 to 20, District Lot 146,</i> <i>Oyster District, Plan VIP31093)</i>	<i>One side Parcel Line Setback may</i> <i>be reduced to zero metres for the</i> <i>Single Unit Dwelling where the</i> <i>Single Unit Dwelling on the</i> <i>adjacent Parcel does not also have</i> <i>a zero metre Setback, as shown in</i> <i>Figure 10.5.1: Plan of Permitted</i> <i>Zero Metre Parcel Line Placement.</i>
<i>Rear Parcel Line</i>	<i>3.0 metres</i>

Bylaw 2107

FIGURE 10.5.1: PLAN OF PERMITTED ZERO METRE PARCEL LINE PLACEMENT



- ~~d) Notwithstanding subsection c), where a parcel meets the minimum Frontage and Parcel Area requirements of the R-1-B zone, the setback provisions of the R-1-B zone shall apply.~~
- ~~e) No Accessory Building or Structure, with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:~~

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 m <sup>2</sup>	MINIMUM SETBACK >10.0 m <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**6.9. Parking and Loading**

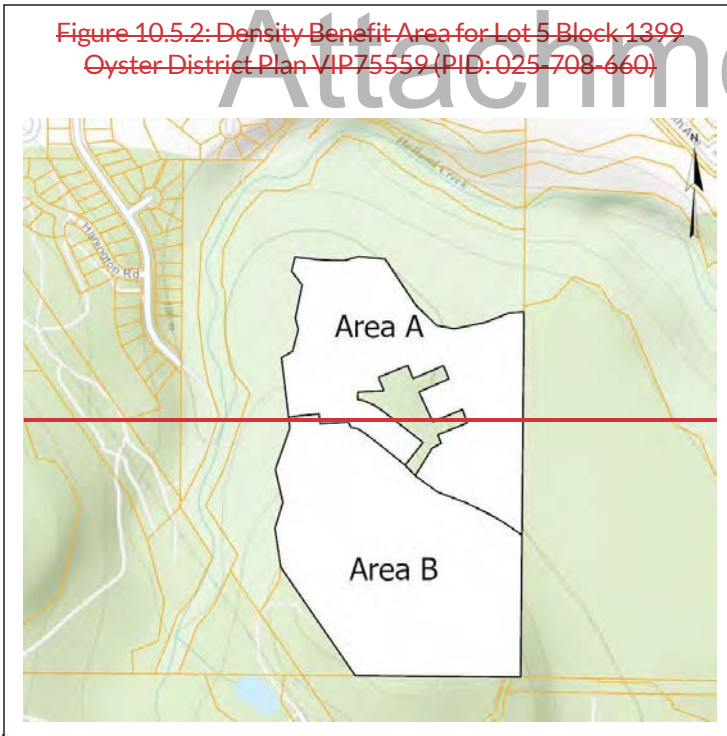
- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**7.10. Site Specific Regulations**

- ~~a) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone: when a Parcel is located on a Lane:
 
  - ~~i. Secondary Suite, is a permitted Accessory Use, subject to Part 6, section 6.4; and~~
  - ~~ii. Coach House Dwelling is a permitted Accessory Use, provided it is located on a Parcel that is 300 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)''.~~~~
- ~~b. for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone in addition to the permitted uses under sections 10.5.1 and 10.5.2, the Principal and Accessory Uses of the R-3-A zone are permitted in Area A in figure 10.5.2 and shall be subject to the regulations of the R-3-A zone.~~
- ~~c. for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone as a density benefit pursuant to section 482 of the Local Government Act and notwithstanding sections 10.5.3(a), 10.5.7(b) and 10.11.4(c), the maximum number Dwelling Units, excluding Secondary Suites and Coach House Dwellings, permitted in Area A in figure 10.5.2 shall be either:
 
  - ~~i. 200 units, where the entire area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the Community Charter; or~~
  - ~~ii. 125 units where only a portion of, or none of, the area shown as Area B~~~~

~~in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the Community Charter~~

Figure 10.5.2: Density Benefit Area for Lot 5 Block 1399  
Oyster District Plan VIP75559 (PID: 025-708-660)



Attachment A

**RESIDENTIAL (R-2)**

The purpose of the Old Town Residential Zone is to accommodate residential development in the historic Old Town. ~~This Zone includes the potential to locate single unit dwellings on existing small parcels on High Street.~~

**1. Principal Uses**

- a) *Single Unit Dwelling.*
- b) Two Unit Dwelling.
- c) Townhouse Dwelling.
- ~~b)d) Multiple Unit Dwelling.~~

**2. Accessory Uses**

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- c) *Home Based Business*, subject to Part 6, Section 6.8.
- d) *Urban Agriculture.*

**3. Sizing and Dimension of Parcels**

- a) No *Parcel* ~~for Single Unit Dwelling Use~~ shall be created which has a *Parcel Area* less than 668 square metres.
- ~~b) No Parcel for Two Unit Dwelling Use shall be created which has a Parcel Area less than 780 square metres.~~
- ~~e)b) No Parcel shall be created which has a Frontage less than 18.28 metres.~~

**4. Size and Density of the Use of Land, Buildings and Structures**

- a) Where only one dwelling unit is constructed on a parcel, no Single Unit Dwelling shall have a Finished Floor Area that exceeds 240.0 square metres  
~~No Single Unit Dwelling shall have a Finished Floor Area that exceeds 33.0 percent of the Parcel Area or 240.0 square metres, whichever is less.~~
- ~~b) No Two Unit Dwelling shall have a Finished Floor Area that exceeds 50 percent of the Parcel Area or 390.0 square metres, whichever is less.~~
- b) The maximum number of Dwelling Units permitted per Parcel is as shown in the Table below:

<u>PARCEL AREA</u>	<u>MAXIMUM DWELLING UNITS PERMITTED</u>
<u>Greater than 4,050.0 square metres</u>	<u>Two units</u>

Bylaw 2099



<u>Less than 280.0 square metres</u>	<u>Three units</u>
<u>Between 280.0 square metres and 4,050.0 square metres</u>	<u>Four units</u>

# Attachment A

- c) No Buildings or Structures shall exceed a Parcel Coverage of:
- i) 33.0 percent where only one dwelling is located on a parcel; and
  - ii) 50.0 percent where more than one dwelling unit is located on a parcel.

## 5. ~~Siting, Sizing and Dimension of Uses, Buildings and Structures~~

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 911.0 metres.
- ~~b) Despite Section 10.6 (5)(a), where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.~~
- ~~e)b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.~~
- ~~e)c) No *Principal Building* or *Structure* 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>	<u>26.0</u> metres
<i>Interior or Exterior Side Parcel Line</i>	<u>1.23.0</u> metres
<del><i>Other Interior Side Parcel Line</i></del>	<u>1.5</u> metres
<i>Rear Parcel Line</i>	<u>1.54.5</u> metres

Bylaw 1904

- ~~e) Despite section 10.4.5.d), a *Townhouse Dwelling* may be setback a minimum of 0 metres from *Interior Side Parcel Lines*.~~
- ~~e)f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:~~

PARCEL LINE	MINIMUM SETBACK <u>≤ 10.0 M<sup>2</sup></u>	MINIMUM SETBACK <u>&gt; 10.0 M<sup>2</sup></u>
<i>Front Parcel Line</i>	<u>26.0</u> metres	<u>6.0</u> metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	<u>1.5</u> metres
<i>Rear Parcel Line</i>	1.0 metres	<u>1.5</u> metres

g) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:

i) 2.4 meters, where each building is *sprinklered*; and

ii) 4.8 meters, where any part of a building is not *sprinklered*

**6. Parking and Loading**

a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

~~**7. High Street Intensive Residential Area**~~

~~Regulations for the High Street Intensive Residential Area apply when single unit the Use is located on a *Parcel* that is no less than 277 square metres in area.~~

~~**8. Principal Uses: High Street Intensive Residential Area**~~

~~a) *Single Unit Dwelling.*~~

~~**9. Accessory Uses: High Street Intensive Residential Area**~~

~~a) *Home Based Business*, subject to Part 6, Section 6.8.~~

~~b) *Urban Agriculture.*~~

**10. ~~Size and Density of the Use of Land, Buildings and Structures: High Street Intensive Residential Area~~**

- ~~a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less~~
- ~~b) No *Buildings or Structures* shall exceed a *Parcel Coverage* of 33.0 percent.~~

**11. ~~Siting, Size and Dimension of Uses, Buildings and Structures: High Street Intensive Residential Area~~**

- ~~a) No *Principal Building or Structure* shall exceed a *Height* of 8.0 metres.~~
- ~~b) Despite Section 10.6(11)(a), where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.~~
- ~~c) No *Accessory Building or Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.~~
- ~~d) A *Single Unit Dwelling* having a minimum horizontal *Building* dimension of 4.5 metres is permitted.~~
- ~~e) No *Principal Building or Structure* 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>	1.5 metres
<i>Other Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- ~~f) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:~~

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	23.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.0 metres
<i>Other Interior or Exterior Side Parcel Line and Rear Parcel Line</i>	1.5 metres	1.5 metres

**12. Other Regulations: High Street Intensive Residential Area**

- a) Prior to construction of a *Dwelling Unit* on Parcels 277 square metres in size in the High Street Intensive Residential Area, an owner of property shall apply to the Town of Ladysmith for a High Street Intensive Residential Development Permit.

**13. Plan of the High Street Intensive Residential Area Plan**



~~10.8. BAYVIEW RESIDENTIAL (R-2-A)~~

~~The purpose of the Bayview Residential Zone is to accommodate Residential development within an established neighbourhood located near the Downtown.~~

~~1. Principal Uses~~

- ~~a) Single Unit Dwelling.~~
- ~~b) Two Unit Dwelling.~~

~~2. Accessory Uses~~

- ~~a) Secondary Suite, subject to Part 6, Section 6.4.~~
- ~~b) Coach House Dwelling, subject to Part 6, Section 6.5.~~
- ~~c) Home Based Business, subject to Part 6, Section 6.8.~~
- ~~d) Bed and Breakfast, subject to Part 6, Section 6.7.~~
- ~~e) Urban Agriculture.~~

~~3. Sizing and Dimension of Parcels~~

- ~~a) No Parcel for Single Unit Dwelling Use shall be created which has a Parcel Area less than 668 square metres.~~
- ~~b) No Parcel for Two Unit Dwelling Use shall be created which has a Parcel Area less than 780 square metres.~~
- ~~c) No Parcel shall be created which has a Frontage less than 18.28 metres.~~

~~4. Size and Density of the Use of Land, Buildings and Structures~~

- ~~a) No Single Unit Dwelling shall have a Finished Floor Area that exceeds 33.0 percent of the Parcel Area or 240.0 square metres, whichever is less.~~
- ~~b) No Buildings or Structures shall exceed a Parcel Coverage of 33.0 percent.~~
- ~~c) No Two Unit Dwelling shall have a Finished Floor Area that exceeds 50.0 percent of the Parcel area or 390.0 square metres, whichever is less.~~

~~5. Siting, Sizing and Dimension of Uses, Buildings and Structures~~

- ~~a) No Principal Building or Structure shall exceed a Height of 8.0 metres; except where a Principal Building roof pitch is less than 4:12, in which case the maximum Height shall be 6.5 metres.~~
- ~~b) No Accessory Building or Structure shall exceed a Height of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum Height shall be 3.5 metres.~~

Bylaw 2099

Bylaw 2099

~~c) No Principal Buildings or Structures 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>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line, where the parcel slopes up to the rear</i>	7.5 metres
<i>Rear Parcel Line, where the parcel slopes down to the rear</i>	1.5 metres

Bylaw 1904

~~d) No Accessory Building, with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:~~

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

~~6. Parking and Loading~~

~~a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.~~

~~7. Other Regulations~~

~~a) A Bed and Breakfast Use shall only be permitted on a Parcel where a Single Unit Dwelling is the Principal Use.~~

## 10.9. OYSTER COVE RESIDENTIAL ZONE (R-2-B)

The purpose of the Oyster Cove Residential Zone is to accommodate residential development within an established waterfront bare land strata.

### 1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Two Unit Dwelling.*

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Bed and Breakfast*; subject to Part 6, Section 6.7.
- c) *Secondary Suite*, subject to Part 6, Section 6.4.
- d) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- e) *Recreation Activity Space.*
- f) *Urban Agriculture.*

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* for *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 668 square metres.
- b) ~~No *Parcel* for *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres.~~
- b) No *Parcel* shall be created which has a frontage less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) ~~Where only one dwelling unit is constructed on a parcel, no *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 240.0 square metres. No *Single Unit Dwelling* shall have a *Finished Floor Area* that exceeds 33.0 percent of the *Parcel area* or 240.0 square metres, whichever is less.~~
- b) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds ~~50 percent of the *Parcel area* or 390.0 square metres, whichever is less.~~
- c) The maximum number of *Dwelling Units* permitted per *Parcel* is as shown in the Table below:

<u>PARCEL AREA</u>	<u>MAXIMUM DWELLING UNITS PERMITTED</u>
<u>4,050.0 square metres or larger</u>	<u>Two units</u>
<u>Less than 280.0 square metres</u>	<u>Three units</u>
<u>Between 280.0 square metres and 4,050.0 square metres</u>	<u>Four units</u>

Bylaw 2099

Bylaw 2099

- d) ~~No Buildings or Structures shall exceed a Parcel Coverage of~~  
 i) ~~40.0 percent, where only one dwelling is located on a parcel; and~~  
 ii) ~~50.0 percent where more than one dwelling unit is located on a parcel~~

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres.  
 b) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~5.0 metres;~~  
~~except where the roof pitch is less than 4:12, in which case the maximum~~  
~~Height shall be~~ 3.5 metres.  
 c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK	TWO UNIT MINIMUM SETBACK
<i>Front Parcel Line</i>	<del>2.6</del> 6.0 metres	<del>2.6</del> 6.0 metres
<i>Interior Side Parcel Line</i>	<del>1.25</del> 2.5 metres	0 metres
<i>Exterior Side Parcel Line</i>	<del>1.25</del> 2.5 metres	<del>1.225</del> 2.5 metres
<i>Rear Parcel Line</i>	7.5 metres	7.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres	8.0 metres

- d) Despite Section 10.8(5)(c), no *Principal Buildings* or *Structures* located on Strata Lot 41, Strata Lot 42, Strata Lot 43, Strata Lot 44, Strata Lot 45, District Lot 56, Oyster District, Strata Plan 2009 shall be located closer than:  
 i) ~~1.5 metres to either the interior or exterior Side Parcel Line and a minimum of 1.5 metres to the other interior or exterior Side Parcel Line.~~  
 ii) 6.0 metres to the *Rear Parcel Line* for Strata Lot 41, Strata Lot 42, Strata Lot 43, District Lot 56, Oyster District, Strata Plan 2009.  
 iii) 5.5 metres to the *Rear Parcel Line* for Strata Lot 44, District Lot 56, Oyster District, Strata Plan 2009.  
 iv) 1.0 metre to the *Rear Parcel Line* for Strata Lot 45, District Lot 56, Oyster District, Strata Plan 2009  
 e) No *Accessory Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	SETBACK
-------------	---------



<i>Front Parcel Line</i>	0.6 metres
<i>Interior or Exterior Side Parcel Line</i>	0.6 metres
<i>Rear Parcel Line</i>	1.5 metres
<i>Natural Boundary of the Sea</i>	8.0 <del>8.0</del> metres

f) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:

- i) 2.4 meters, where each building is *sprinklered*; and
- ii) 4.8 meters, where any part of a building is not *sprinklered*

**6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

# Attachment A

## 10.11. MEDIUM DENSITY RESIDENTIAL (R-3)

The purpose of the Medium Density Residential Zone is to accommodate multiple-unit developments.

### 1. Principal Uses

- a) *Multiple-Unit Dwellings.*
- b) *Townhouse Dwelling.*
- c) *Single Unit Dwelling*, lawfully constructed prior to June 15, 2021

Bylaw 2078

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*
- c) *Commercial Indoor Storage* limited only to the *Parcel* legally described as Lot A, District Lot I56, Oyster District, Plan VIP 65504 (207 Roberts Street).
- d) *Secondary Suite.*

Bylaw 2140

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,023 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 2.0.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 60 units per hectare of *Land*.
- c) No *Building* or *Structure*, excluding *Buildings* or *Structures* used exclusively for off-street parking, shall exceed a *Parcel Coverage* of 50.0 percent.
- d) Where all required off-street parking is provided underground, no *Buildings* or *Structures* in this *Zone* shall exceed a maximum *Parcel Coverage* of 60.0 percent.
- e) A *Parcel* may contain more than one *Principal Building*.

Bylaw 2099

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~7.5 metres;~~ except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.
- c) Despite Section 10.10(5)(a), for the *Parcel* legally described as Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue), the

Height of a *Principal Building* shall not exceed 10.4 metres, measured to the highest point of the roof.

- d) No *Principal Buildings* or *Structures* 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 Side or Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

- f) Despite Section 10.10(5)(d and e), for the *Parcel* legally described on Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue) no *Principal Building* or *Structure* shall be closer than:

- i) 4.0 metres to the *Front Parcel Line*
- ii) 1.5 metres to the *Rear Parcel Line*

**6. Landscaping and Screening**

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Site Specific Regulations**

- a) Despite Section 10.10(4)(c):

- Attachment A
- i) For the *Parcel* legally described as Plan VIS5995, District Lot 56, Oyster District (8 White Street), the maximum number of *Dwelling Units* permitted is 115 units per hectare.
  - ii) For the *Parcel* legally described as Lots 7 and 8, Block D, District Lot 56, Plan 6460 (109 and 117 Buller Street), the maximum number of *Dwelling Units* permitted is 93 units per hectare.
  - iii) For the *Parcel* legally described as Plan EPS728, District Lot 56, Oyster District (9 White Street), the maximum number of *Dwelling Units* permitted is 76 units per hectare.
  - iv) For the *Parcel* legally described as Lot B, District Lot 56, Oyster District, Plan VIP65504 (340 Second Avenue), a density bonus may be permitted as indicated in the table below where the amenities listed in Column 1 are provided to assist the Town of Ladysmith in meeting its greenhouse gas emission reduction targets in accordance with the Official Community Plan. Where the developer provides the amenities in Column 1, a density bonus is permitted as listed in Column 2.

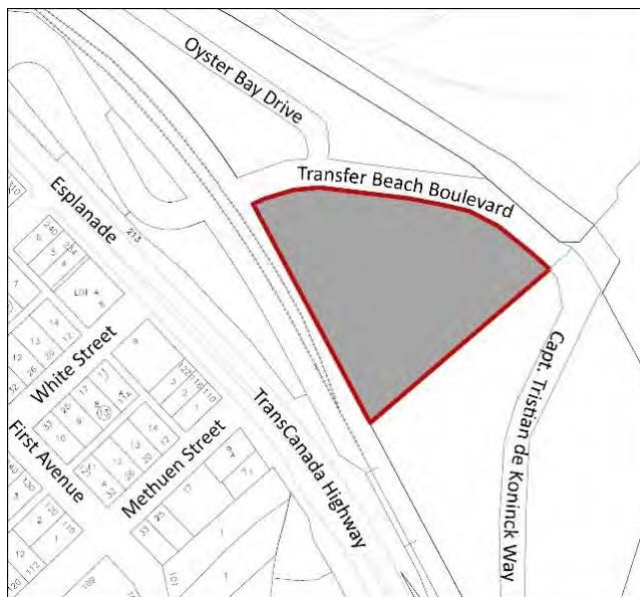
COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
<p>The <i>Building</i> built on the <i>Land</i> shall attain a minimum of <i>EnerGuide 80 Energy Standard</i>, and the following steps shall be completed for each <i>Building</i>:</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of a <i>Building</i> permit, provide the <i>Town</i> a copy of the energy audit from a <i>Certified Energy Advisor</i>.</li> <li>2. Prior to issuance of a <i>Building</i> permit, provide the <i>Town</i> a letter of credit for 1% of the construction costs.</li> <li>3. Prior to issuance of an occupancy permit, provide the <i>Town</i> a letter from the <i>Certified Energy Advisor</i> stating that the <i>Building</i> has complied with the <i>EnerGuide 80 Energy Standard</i>.</li> <li>4. The letter of credit will be returned once the letter from the <i>Certified Energy Advisor</i> stating that the <i>Building</i> has complied with the <i>EnerGuide 80 Energy Standard</i> has been received by the <i>Building Inspector</i>.</li> <li>5. The letter of credit will be cashed and retained by the <i>Town</i> if the <i>EnerGuide 80 Energy Standard</i> is not met.</li> </ol>	<ol style="list-style-type: none"> <li>1. A maximum of 69 <i>Dwelling Units</i> per hectare of <i>Lot</i> area (5 units).</li> <li>2. A maximum <i>Parcel Coverage</i> is 59%.</li> <li>3. A <i>Building</i> may be located 3.0 metres from the north side <i>Lot</i> line (Roberts Street) and 1.5 metres from the south side <i>Lot</i> line (<i>Lane</i>).</li> </ol>

**Bylaw 1951**

- b) For the *Land* area illustrated in Figure 10.10.1 (the Jewel property), being a part of the *Parcel* legally described as Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943, and VIP72131, the following site specific regulations shall apply:
- i) Despite section 10.10(4)(c), the maximum number of *Dwelling Units* permitted is 115 units per hectare of *Land* area as shown in Figure 10.10.1, subject to the required off-street parking for the residents of the development being provided underground.
  - ii) Despite section 10.10(5)(a):
    - (1) The top floor of a *Principal Building* greater than two storeys in *Height* shall be stepped back a minimum of 3.0 metres on each *Building End*, and a minimum of 1.5 metres on each *Building Side*.
    - (2) A *Principal Building* not located on Transfer Beach Boulevard may exceed a *Height* of 12.0 metres but shall not exceed a *Height* of 18.0 metres (6-Storeys). Height shall be measured to the highest point of the roof.
- c) Notwithstanding subsection 1, Townhouse Dwelling is the only permitted use in the R-3 zone on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)

**Bylaw 2107**

**(3) FIGURE 10.10.1 PLAN OF "THE JEWEL PROPERTY"**



**Bylaw 2124**

- c) For the *Parcels* legally described as Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A (17 Warren Street) and Lot 7, Block 5, District Lot 24, Oyster District, Plan 703A (11 Warren Street):
- i. Despite section 10.10(5)(d), no *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setbacks* shown in the

Table below:

# Attachment A

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	3.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

- ii. Despite section 10.10(5)(e), the minimum *Setback* for an *Accessory Building* or *Structure* from a *Front Parcel Line* is 3.0 metres.

**Bylaw 2076**

- d) Despite sections 10.10(1) and 10.10(a):
  - i. *Emergency Shelter* for up to 10 people, is a permitted use; and
  - ii. there is no minimum *Finished Floor Area* requirement for a dwelling unit in a *Multiple-Unit* or a *Townhouse Residential Building*,

on Parcel B (being a consolidation of Lots 9 & 10 see CA5603565) District Lot 56, Oyster District, Plan 703. PID 029-974-640 (631 1<sup>st</sup> Avenue).



## 10.12. LOW DENSITY RESIDENTIAL (R-3-A)

The purpose of the Low Density Residential Zone is to accommodate multiple-unit development.

### 1. Principal Uses

- a) *Multiple-Unit Dwellings.*
- b) *Townhouse Dwelling.*
- c) *Two Unit Dwelling.*

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*
- c) *Secondary Suite.*

*Bylaw 2140*

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 0.66.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 37 *Dwelling Units* per hectare of *Land*.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.
- d) A *Parcel* may contain more than one *Principal Building*.

*Bylaw 2099*

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~7.5 metres;~~ except where the roof pitch is less than 4:12, in which case the maximum Height shall be 5.0 metres.
- c) Despite Section 10.11(5)(a), for the *Parcel* legally described Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608, the *Height* of an apartment *Building* shall not exceed 14.0 metres (4 *Storeys*) measured to the highest point of the roof.

- d) No *Principal Building* or *Structure* 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>	4.5 metres

**Bylaw 1904**

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Site Specific Regulations

- a) Despite Section 10.11(4)(c):
- i) For the *Parcel* legally described as Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608, the maximum number of *Dwelling Units* is 190 in total.
  - ii) For the *Parcel* legally described as Lot 1, District Lot 97, Oyster District, Plan VIP84065 (1237 Fourth Avenue), the maximum number of *Dwelling Units* is 48 in total.
  - iii) For the *Parcel* legally described as Lot 3 of Lot 1, District Lot 108, Oyster District, Plan VIP73133 (512 Jim Cram Drive), the maximum number of *Dwelling Units* is 48 in total.

**Bylaw 2114**

iv) Despite sections 10.11(1) and 10.11(4)(c), for the *Land* shown in figure 10.11.1:

- a) The maximum number of Dwelling Units permitted on that Land is 15 in total, and
- b) The permitted Principal Uses are *Single Unit Dwelling, Townhouse Dwelling* and *Two Unit Dwelling*.

**FIGURE 10.11.1: AREA RESTRICTED TO 15 UNITS AND SINGLE UNIT, TOWNHOUSE AND TWO UNIT DWELLINGS**



**Bylaw 1875**  
**Bylaw 1881**

b) The maximum number of units permitted each of subsections 10.11 (8)(a)(i), (ii), (iii) and (iv) applies despite any subdivision of the *Parcel* or *Parcels* specified in the subsection.

# Attachment A

**Bylaw 2114**

- c) For the *Land* shown in figure 10.11.2, *Single Unit Dwelling* is a permitted *Principal Use*.

**FIGURE 10.11.2: AREA WHERE SINGLE UNIT, DWELLING IS A PERMITTED PRINCIPAL USE**



**Bylaw 1912**

- d) For the parcel legally described as Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156:
- i) Despite Section 10.11.5(a), the *Height of a Multi-Unit Dwelling*, located in Area A located as shown on Figure 10.11.1, shall not exceed 10.0 metres, measured to the highest point of the roof and excluding *Underbuilding Parking*.
  - ii) *Single Unit Dwelling* is a permitted *Principal Use* in Area A located as shown on Figure 10.11.1, subject to Part 10, Section 10.13 Single Dwelling Residential – Holland Creek Area (R-1-HCA) and where the majority of the *Parcel* is located below the 130 geodetic elevation in metres.
  - iii) *Community Care Facility* and Assisted Living Residence licensed under the *Community Care and Assisted Living Act* are permitted *Principal Uses* in Areas B, C and D located as shown on Figure 10.11.1, subject to:
    - A) Sub-section 4 (Density of the Use of Land, Buildings and Structures) and sub-section 5 (Siting, Size and Dimension of Uses, Building and Structures) of Section 13.1 Institutional (P-1) *Zone*.

B) The maximum number of residential care bedrooms in a *Community Care Facility* or Assisted Living Residence is 60 residential care bedrooms per hectare of land.

- iv) *Coffee Shop, Office and Personal Service Establishment* are permitted *Accessory Uses* to *Community Care Facility* and Assisted Living Residence in Areas B, C and D located as shown on Figure 10.11.1, subject to a maximum *Gross Floor Area* of 100 square metres for each *Accessory Use*.

**FIGURE 10.11.1: PLAN OF AREAS A, B, C AND D OF THE LOW DENSITY RESIDENTIAL (R-3-A) ZONE**



### 10.13. MANUFACTURED HOME PARK (MHP-1)

The purpose of the Manufactured Home Park Zone is to accommodate manufactured home park communities.

#### 1. Principal Uses

- a) *Manufactured Home Park.*

#### 2. Accessory Uses

- a) *Caretaker Dwelling*, subject to Part 6, Section 6.6.
- b) *Office.*
- c) *Recreation Activity Space.*
- d) *Home Based Business*, subject to Part 6, Section 6.8.

#### 3. Sizing and Dimension of Sites and Parcels

- a) No *Manufactured Home Park Site* shall be created which has a *Parcel Area* less than 2.0 hectares.
- b) No individual *Parcel* shall be created which has a *Parcel Area* less than 300 square metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) No individual *Manufactured Home* shall have a *Finished Floor Area* that is greater than 223 square metres.
- b) The maximum number of *Dwelling Units* in this *Zone* is 20 units per hectare of *Land*.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 38.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 5.0 metres measured to the highest point of the roof.
- b) No *Recreation Activity Space*, where provided as an *Accessory Building* or *Structure*, shall exceed a maximum *Height* of ~~8.0 metres except where the roof pitch is less than 4:12, in which case the maximum Height shall be~~ 5.0 metres.
- c) Any other *Accessory Building* or *Structure* shall not exceed a *Height* of ~~5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum Height shall be~~ 3.5 metres.
- d) A *Dwelling Unit* having a minimum horizontal *Building* dimension less than 6.5 metres is permitted.

- e) No *Principal Buildings* or *Structures* located on a *Parcel* in this *Zone* 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>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 7. Other Regulations

- a) No less than three (3) percent of the gross *Parcel Area* shall be used as common *Recreation Activity Space(s)* and shall be located so as to be connected to the internal road or path network.
- b) For every five (5) *Mobile Homes*, an area equivalent to 6.0 metres by 3.0 metres shall be provided in a maximum of two locations for the common storage of *Recreation Vehicles, Boats*, and similar equipment, subject to Part 7: Landscaping and Screening Regulations.
- c) Where common waste services (refuse, organics, recycling) are provided, an enclosed outdoor storage container shall be provided.
- d) *Mobile Homes* shall be constructed in a factory to CSA Z240MH standards.
- e) *Mobile Homes* shall comply with CSA Z240.10.1 Site Preparation, Foundation and Anchoring of Manufactured Homes.

### **~~10.13 SINGLE DWELLING RESIDENTIAL – HOLLAND CREEK AREA (R-1-HCA)~~**

~~The purpose of the Single Dwelling Residential – Holland Creek Area Zone is to accommodate residential development on a range of parcel sizes while respecting riparian ecosystems and park and open space amenities.~~

#### **~~1. Principal Uses~~**

- ~~a) Single Unit Dwelling.~~

#### **~~2. Accessory Uses~~**

- ~~a) Secondary Suite, subject to 10.13(3)(c) and Part 6, Section 6.4.~~
- ~~b) Home Based Business, subject to Part 6, Section 6.8.~~
- ~~c) Urban Agriculture.~~

#### **~~3. Sizing and Dimension of Parcels~~**

- ~~a) No Parcel shall be created which has a Parcel Area less than 460 square metres and a Frontage less than 13.5 metres.~~
- ~~b) Despite Section 10.13 (3)(a) when any Parcel Line abuts a Streamside Protection and Enhancement Area (SPEA) or Land that is zoned Nature Park (P-3), no Parcel shall be created which has a Parcel Area less than 560 square metres and a Frontage less than 15.0 metres.~~
- ~~c) Despite Sections 10.13 (3)(a) and (b), the minimum Parcel Area shall not include a Streamside Protection and Enhancement Area.~~
- ~~d) Despite Section 10.13 (3)(a), no Parcel created or used for Secondary Suite Use shall have a Parcel Area less than 668 square metres and a Frontage less than 18.28 metres.~~

#### **~~4. Size and Density of the Use of Land, Buildings and Structures~~**

- ~~a) No Buildings or Structures on a Parcel that is 560 square metres or less in size shall exceed a Parcel Coverage of 35.0 percent.~~

- ~~b) No Buildings or Structures on a Parcel that is greater than 560 square metres in size shall exceed a Parcel Coverage of 33.0 percent.~~

#### **~~5. Siting, Sizing and Dimension of Uses, Buildings and Structures~~**

- ~~a) On a Parcel 560 square metres or less in size, no Principal Building or Structure shall exceed a Height of 8.0 metres; except where a Principal Building roof pitch is less than 4:12, in which case the maximum Height shall be 6.5 metres.~~

- ~~b) On a Parcel greater than 560 square metres in size, no Principal Building or Structure shall exceed a Height of 9.0 metres; except where a Principal Building roof pitch is less than 4:12, in which case the maximum Height shall be 7.5 metres.~~

Bylaw 1912

Bylaw 2099

Bylaw 1939



- c) ~~No Accessory Building or Structure shall exceed a Height of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum Height shall be 3.5 metres.~~
- d) ~~No Principal Building or Structure located on Parcels where the Principal Use is Single Unit Dwelling shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:~~

<b>PARCEL LINE</b>	<b>MINIMUM SETBACK</b>
<i>Front Parcel Line</i>	4.0 metres
<i>Exterior Side Parcel Line</i>	2.0 metres
<i>Interior Side Parcel Line</i>	
<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres
<i>Boundary of a Streamside Protection and Enhancement Area</i>	3.0 metres

- e)a) ~~No Accessory Building or Structure, with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:~~

<b>PARCEL LINE</b>	<b>MINIMUM SETBACK ≤ 10.0 M<sup>2</sup></b>	<b>MINIMUM SETBACK &gt;10.0 M<sup>2</sup></b>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres
<i>Boundary of a Streamside Protection and Enhancement Area</i>	1.0 metres	1.5 metres

## **6. ~~Parking and Loading~~**

- a) ~~Off street parking and off street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.~~

**7. Site Specific Regulations**

- a) ~~Despite Section 10.13.3.d), for the *Parcel* legally described as Lot 11, District Lot 103, Oyster District, Plan EPP98461 (624 John Wilson Place), a *Secondary Suite* is a permitted *Accessory use*.~~

#### 10.14 MULTI-FAMILY MIXED USE (R-4)

Bylaw 2063

The purpose of the Multi-Family Mixed-Use zone is to accommodate multiple-unit developments and small-scale neighbourhood commercial operations.

##### 1. Principal Uses

- a) Artist Studio
- b) *Bakery*
- c) *Coffee Shop*
- d) *Commercial School*
- e) *Community Care Facility*
- f) *Convenience Store*
- g) *Cottage Industry*
- h) *Multiple-Unit Dwellings.*
- i) *Media Production Studio*
- j) *Office*
- k) *Personal Service Establishment*
- l) *Retail Sales*
- m) *Veterinary Clinic*

##### 1. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*
- c) *Urban Agriculture*

##### 2. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1336 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

##### 3. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 2.0.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 60 units per hectare of *Land*.
- c) Notwithstanding section 10.4.3.b), a density bonus may be permitted as indicated in Column 2, where the amenities listed in Column 1 are provided, as shown in the table below.

COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
1. At least 40% of the number of off-street parking spaces required in accordance with Part 8: Parking and Loading Regulations, are provided as <i>Underbuilding Parking</i> ; 2. At least 50% of the total number of <i>Dwelling Units</i> provided on a <i>Parcel</i> are <i>Adaptable Dwelling Units</i> ; 3. All <i>Principal Buildings</i> meet or exceed Step 2 of the British Columbia Energy Step Code; or 4. The development is on a <i>Parcel</i> that is a <i>Remediated Site</i> .	A maximum number of 100 <i>Dwelling Units</i> per hectare of <i>Land</i>
1. Any one of the amenities listed above (excluding number 4) in combination with development of <i>Remediated Site</i>	A maximum number of 180 <i>Dwelling Units</i> per hectare of <i>Land</i>

- d) No *Building* or *Structure*, excluding *Buildings* or *Structures* used exclusively for off-street parking, shall exceed a *Parcel Coverage* of 50.0 percent.
- e) Where all required off-street parking is provided underground, no *Buildings* or *Structures* in this *Zone* shall exceed a maximum *Parcel Coverage* of 60.0 percent.
- f) No commercial use on a parcel shall have a *Gross Floor Area* greater than 200 square metres.
- g) The combined *Floor Space Ratio* for all commercial uses on a parcel shall not exceed 0.5.
- h) Commercial uses may only be located on the First Storey of a *Building*.
- i) A *Parcel* may contain more than one *Principal Building*.

**4. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 19.0 metres measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~7.5 metres;~~ except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.
- c) No *Principal Buildings* or *Structures* 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>	2.5 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- d) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 85.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- e) The maximum *Finished Floor Area* of the fifth *Storey* of a *Principal Building* shall be not exceed 80.0 percent of the *Finished Floor Area* of the fourth *Storey*.
- f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	2.5 metres	2.5 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**5. Landscaping and Screening**

- a) *Landscaping* and screening shall be provided in accordance with Part 7: *Landscaping and Screening Regulations*.

**6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: *Parking and Loading Regulations*.

## PART 11: COMMERCIAL ZONES

### 11.1. LOCAL COMMERCIAL (C-1)

The purpose of the Local Commercial Zone is to accommodate small-scale neighbourhood commercial operations.

#### 1. Principal Uses

- a) *Single Unit Dwelling.*
- b) *Two Unit Dwelling*
- c) *Multiple Unit Dwelling*
- d) *Townhouse Dwelling*
- ~~b)e) *Convenience Store.*~~
- ~~e)f) *Restaurant.*~~
- ~~e)g) *Coffee Shop.*~~
- ~~e)h) *Personal Service Establishment.*~~
- ~~f)i) *Office.*~~
- ~~e)j) *Artist Studio.*~~

#### 2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Coach House Dwelling*, subject to subject to Part 6, Section 6.5.
- ~~a)c) *Home Based Business*, subject to Part 6, Section 6.8.~~

*Urban Agriculture.*

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 668 square metres.
- b) No *Parcel* shall be created which has a *Frontage* of less than 18.28 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) *Where only one dwelling unit is constructed on a parcel, no Single Unit Dwelling shall have a Finished Floor Area that exceeds 240.0 square metres*
- ~~a) *The Floor Space Ratio shall not exceed 0.5 times the Parcel Area.*~~
- b) The maximum *Gross Floor Area* for any one commercial *Use* is 100.0 square metres.
- c) *The maximum number of Dwelling Units permitted per Parcel is as shown in the Table below:*

PARCEL AREA	MAXIMUM DWELLING UNITS PERMITTED
<u>Greater than 4,050.0 square metres</u>	<u>Two units</u>
<u>Less than 280.0 square metres</u>	<u>Three units</u>
<u>Between 280.0 square metres and 4,050.0 square metres</u>	<u>Four units</u>

d) ~~No Buildings or Structures used for a commercial Use~~ shall exceed a Parcel Coverage of:

- i) 40 percent where only a single ~~one~~ dwelling is located on a parcel; and
- ii) 60.0 percent where more than one dwelling unit or a dwelling unit and non-residential use is located on a parcel.

e) ~~e)~~

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

a) No *Principal Building* ~~used for a commercial Use~~ shall exceed a Height of 911.0 metres.

~~b) No Single Unit Dwelling shall exceed a Height of 9.0 metres; except where a Single Unit Dwelling roof pitch is less than 4:12, in which case the maximum Height shall be 7.5 metres.~~

~~e)b)~~ No *Accessory Buildings or Structures* shall exceed a Height of 7.5 metres.

~~e)c)~~ No *Principal Building or Structure* located on a *Parcel* 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>	<u>62.0</u> metres
<i>Interior or Exterior Side Parcel Line</i>	<u>31.02</u> metres
<del><i>Other interior Side Parcel Line</i></del>	<del>1.5</del> metres
<i>Rear Parcel Line</i>	<u>31.05</u> metres

e) Despite section 11.1.5.(c), a Townhouse Dwelling may be setback a minimum of 0 metres from Interior Side Parcel Lines.

~~e)f)~~ No *Accessory Building or Structure* with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	<del>6.0</del> metres

Bylaw 1904

Interior or Exterior Side Parcel Line	1.0 metres	1.5 metres
Rear Parcel Line	1.0 metres	1.5 metres

g) Buildings containing dwelling units on the same parcel shall be separated by a minimum horizontal distance of:

- i) 2.4 meters, where each building is sprinklered; and
- ii) 4.8 meters, where any part of a building is not sprinklered

**6. Landscaping and Screening**

- a) Landscaping and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**7. Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**8. Other Regulations**

- a) Principal commercial Uses shall only be permitted within the First Storey of a Building.

**9. Site Specific Regulations**

- a) ~~For the Parcel legally described as Lot 1, District Lot 56, Land District 45, Plan 27861 (336 Belaire Street), Convenience Store and Restaurant are not permitted Principal Uses.~~

**Bylaw 2107**

- b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660), where a parcel is located on a Lane, the minimum Parcel Area is 460 square meters and the minimum Parcel Frontage is 13.5 metres e:

- ~~i. Coach House Dwelling is a permitted Accessory Use in the C-1 Zone, provided it is located on Parcel that is 460 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c);~~

- ~~ii.i. The minimum Parcel Area is 460 square meters and the minimum Parcel Frontage is 13.5 metres.~~

- c) Notwithstanding section 11.1.1(a), on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) residential use is not permitted Single Unit Dwelling is not a permitted Principal use in the C-1 zone.

- ~~d) In addition to the accessory uses listed in section 11.1.2, on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660):~~

- ~~i. Dwelling Unit is a permitted accessory use; and~~

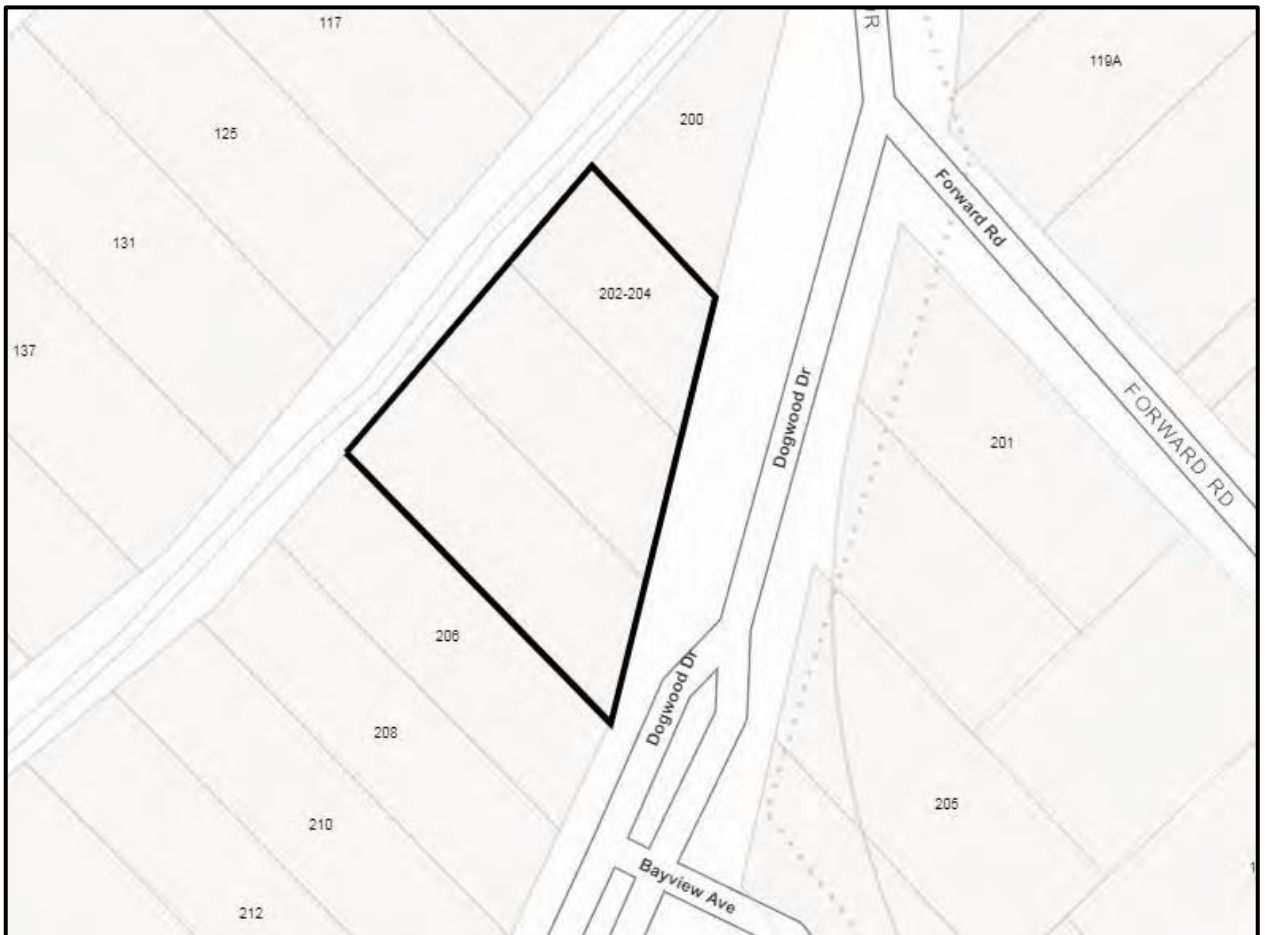
- ~~ii. Single Unit Dwelling is a permitted accessory use.~~



e)d) For the subject *Parcel* shown in Schedule I, formed by consolidation of the three parcels legally described as Lot 2 Suburban Lot 9 Oyster District Plan 1009, Lot 3 Suburban Lot 9 Oyster District Plan 1009, and Lot 4 Suburban Lot 9 Oyster District Plan 1009 (202/204 Dogwood Drive), the following **site specific** regulations shall apply:

- i) A *Neighbourhood Pub* is permitted as a *Principal Use*.
- ii) Despite Section 11.1(4)(a), the maximum *Gross Floor Area* for a *Neighbourhood Pub* use is 200 square metres.

**Schedule I – Bylaw 2029**



## 11.2. DOWNTOWN COMMERCIAL (C-2)

The purpose of the DOWNTOWN Commercial Zone is to accommodate a broad range of commercial and community Uses in the historic Downtown.

### 1. Principal Uses

- a) *Retail Sales.*
- b) *Convenience Store.*
- c) *Cultural Facility.*
- d) *Library.*
- e) *Restaurant.*
- f) *Coffee Shop.*
- g) *Bakery.*
- h) *Office.*
- i) *Assembly.*
- j) *Personal Service Establishment.*
- k) *Indoor Recreation Facility.*
- l) *Neighbourhood Pub.*
- m) *Liquor Retail Sales.*
- n) *Tourist Accommodation.*
- o) *Visitor Centre.*
- p) *Artist Studio.*
- q) *Commercial School.*
- r) *Media Production Studio.*
- s) *Garden Centre.*
- t) *Veterinary Clinic.*
- u) *Animal Grooming.*
- v) *Personal Repair Service.*
- w) *Print Shop.*
- x) *Cottage Industry.*
- y) *Public Parking.*
- z) *Cannabis Retail Sales but only in the Parcels that are zoned C-2 and contained within the shaded area identified in Figure 11.2*
- aa) *Single Unit Dwelling, lawfully constructed prior to June 15, 2021.*

**Bylaw 1904**

**Bylaw 2021**

**Bylaw 2078**

Bylaw 2163

- bb) Live/Work Unit
- cc) Two Unit Dwelling, lawfully constructed prior to December 19, 2023
- dd) Gas Bar lawfully constructed prior to December 19, 2023
- ee) Service Station lawfully constructed prior to December 19, 2023
- ff) Dwelling Unit, subject to Section 11.2(8)
- gg) Motor Vehicle Body Shop lawfully constructed prior to December 19, 2023

Bylaw 2163

## **2. Accessory Uses**

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) Secondary Suite, lawfully constructed prior to December 19, 2023 and subject to Part 6, Section 6.4.
- c) Coach House Dwelling, lawfully constructed prior to December 19, 2023 and subject to Part 6, Section 6.5.
- d) Urban Agriculture.
- e) Motor Vehicle Sales or Rental, accessory to Service Station Use and lawfully constructed prior to December 19, 2023

## **3. Sizing and Dimension of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 334 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 9.15 metres.

Bylaw 2163

## **4. Size and Density of the Use of Land, Buildings and Structures**

- a) The Floor Space Ratio shall not exceed:
  - i) 3.3 for parcels where at least one parcel line abuts a *Street* other than 1<sup>st</sup> Avenue or a *Lane*; and
  - ii) 3.0 for all other parcels
- b) Notwithstanding subsection (a), for a *Gas Bar* or *Service Station Use*, the maximum *Gross Floor Area* is 500.0 square metres and the maximum *Parcel Coverage* is 75.0 percent.
- c) No *Buildings* and *Structures* shall exceed a *Parcel Coverage* of 100 percent.

## **5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

Bylaw 2163

- a) No *Principal Building* or *Structure* shall exceed a *Height*, measured to the highest point of the roof, of:
  - i) 21 metres for parcels where at least one parcel line abuts a *Street* other than 1<sup>st</sup> Avenue or a *Lane*; and
  - ii) 18.0 metres for all other *Parcels*.

- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

Bylaw 2163

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel</i> or <i>Exterior Side Parcel Line</i> : First, Second and Third Storeys	0.0 meters
<i>Front Parcel</i> or <i>Exterior Side Parcel Line</i> : Fourth Storey	2.7 meters
<i>Front Parcel</i> or <i>Exterior Side Parcel Line</i> : Fifth Storey	5.4 meters
<i>Front Parcel</i> or <i>Exterior Side Parcel Line</i> : Sixth Storey	8.1 meters
<i>Interior Side Parcel Line</i>	0.0 meters
<i>Rear Parcel Line</i>	0.0 meters

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior</i> or <i>Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking is prohibited between the *Front Parcel Line* and the front face of the *Principal Building* or *Structure*.
- b) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Mixed Commercial and Residential Use Regulations

Bylaw 2163

a) Notwithstanding section 11.2.1, within the first *Storey* of any *Building*, *Residential Use* is prohibited, within 15 metres of a *Parcel Line* abutting 1<sup>st</sup> Avenue.

**Bylaw 2163**

b) Notwithstanding subsection (a), up to 25 percent of a *Parcel line* along 1<sup>st</sup> Avenue may be used to provide a separate outdoor entrance for a *Residential Use*.

## **9. Other Regulations**

a) Outdoor storage areas shall not exceed 9.3 square metres.

**Bylaw 1904**

b) Coffee roasting is not a permitted *Cottage Industry*.

**Bylaw 2163**

## **10. Site Specific Regulations**

a) For the properties legally described as Lot 1, Block 29, Plan 703A (810 First Avenue), automotive and machinery valve repair service is a permitted *Principal Use*.

**Bylaw 1897**

b) For the *Land* consisting of the *Parcels* legally described as:

Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade); and  
Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)

*Motor Vehicles Sales or Rental* is a permitted *Principal Use* subject to the following conditions:

a) A maximum of fifteen vehicles is permitted for outdoor display; and

b) The outdoor display area may be located between the *Exterior Side* and *Front Parcel Line* and the front face of the *Principal Building or Structure*; and

c) The outdoor display area is subject to the requirements of DPA 2 'Downtown' as well as the landscape guidelines in DPA 3 'Commercial' to create an attractive, welcoming view from the Trans Canada Highway.

**Bylaw 1904**

c) For the *Parcel* legally described as Lot 12, Block 30, District Lot 24, Oyster District, Plan 703A (112 French Street), *Funeral Home* is a permitted *Principal Use*.

**Bylaw 1990**

d) For the *Parcel* legally described as Lot A, District Lot 56, Oyster District, Plan VIP67911 (422 First Ave.) the following ~~site-specific~~ site-specific regulations shall apply:

**Bylaw 2163**

i) Despite Section 11.2(5)(c), the fourth storey of a *Principal Building* shall be setback 1.5 metres from the *Exterior Side Parcel Line*.

ii) Despite Section 11.2(7)(b), nine (9) off-street parking spaces are required to be provided on-site and shall comply with the design standards in Section 8.2(9).

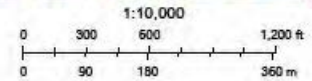
# Attachment A

Figure 11.2

Bylaw 2021



10/16/2019, 1:34:14 PM



Sources: Earl, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Cowichan Valley, Regional District of Nanaimo, Bureau of Land Management, Province of British Columbia, Earth Canada, Earth, HERE, Garmin, Intermap, USGS, METI/NASA, EPA, USDA |

Bylaw 2138

e) For the *Parcel* legally described as Lot 6, Block 27, District Lot 56, Oyster District, Plan 703 (440 1<sup>st</sup> Avenue) the following site-specific regulations apply:

- i) Despite Section 11.2.4.(b) the number of *Dwelling Units* on this *Parcel* shall not exceed 22.
- ii) Despite Section 11.2.4.(c) the *Floor Space Ratio* shall not exceed 3.1.
- iii) Despite Section 11.2.4.(d) no *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 100.0 percent.
- iv) Despite Section 11.2.5.(a) no *Buildings* or *Structures* shall exceed a *Height* of 18.0 metres, measured to the highest point of the roof.
- v) Despite Section 11.2.5.(c):
  - a. the fourth *Storey* shall be *Setback* at least 2.7 metres from the *Front Parcel Line*.

# Attachment A

b. The fifth *Storey* shall be *Setback* at least 5.4 metres from the *Front Parcel Line*.

c. The *Setback* from the *Rear Parcel Line* shall be at least 0.0 metres.

**Bylaw 2163**

vi) Despite section 11.2.7(b), a total of 4 off-street parking spaces shall be provided.

**Bylaw 2150**

f) For the *Parcel* legally described as THAT PART OF LOT 8 BLOCK 10 DISTRICT LOT 56 OYSTER DISTRICT PLAN 703 LYING SOUTH WESTERLY OF A BOUNDARY PARALLEL TO AND 30 FEET PERPENDICULARLY DISTANT NORTH EASTERLY FROM THE COMMON BOUNDARY LINE BETWEEN LOTS 8 AND 9 IN SAID BLOCK AND PLAN (19 Gatacre Street), a *Funeral Home* is a permitted *Principal Use* subject to the condition that hosting funerals or memorials is prohibited.

### 11.3. HIGHWAY SERVICE COMMERCIAL (C-3)

The purpose of the Highway Service Commercial Zone is to accommodate commercial Uses that serve the needs of the travelling public.

#### 1. Principal Uses

- a) *Gas Bar.*
- b) *Service Station.*
- c) *Convenience Store.*

#### 2. Accessory Uses

- a) *Retail Sales, limited to motor vehicle parts and accessories.*
- b) *Motor Vehicle Sales or Rental, accessory to Service Station Use.*

#### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892.0 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

#### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* for any one commercial *Use* is 500.0 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.5.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 6.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- c) No *Principal Building* or *Structure* located on a *Parcel* within this *Zone* 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>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

Bylaw 1904



# Attachment A

- d) No Accessory Building or Structure, with a Finished Floor Area (m<sup>2</sup>) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
Front Parcel Line	6.0 metres	6.0 metres
Interior or Exterior Side Parcel Line	1.0 metres	1.5 metres
Rear Parcel Line	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) Landscaping and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Site Specific Regulations

- a) On the Parcel legally described as Lot B, Plan 45624, District Lot 118, Land District 43 (26 Symonds Street), Motor Vehicle Body Shop is a permitted Principal Use.
- b) On the Parcel legally described as Lot 12 and 13, District Lot 139, Oyster District, Plan 7217 (1152 TransCanada Highway), Motor Vehicle Body Shop is permitted as an Accessory Use to a Service Station Use, provided that the Finished Floor Area of the shop does not exceed 33.0 percent of the Gross Floor Area of the Service Station.

#### 11.4. TOURIST SERVICE COMMERCIAL (C-4)

The purpose of the Tourist Service Commercial Zone is to accommodate tourist-oriented uses.

##### 1. Principal Uses

- a) *Tourist Accommodation.*
- b) *Restaurant.*
- c) *Coffee Shop.*
- d) *Personal Service Establishment.*
- e) *Welcome Centre.*
- f) *Indoor Recreation Facility.*

~~g) *Single Unit Dwelling, lawfully constructed prior to June 15, 2021*~~

##### 2. Accessory Uses

- a) *Office.*
- b) *Retail Sales.*
- c) *Public Parking, associated with an established Marina Use in the adjacent foreshore.*
- d) *Yacht Club Clubhouse.*
- e) *Dwelling Unit, subject to Section 11.4(8)(a).*

##### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,000 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

##### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* of a single commercial *Use* is 500 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.5.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent

##### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 10.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.

Bylaw 2078

# Attachment A

- c) No *Principal Building* or *Structure* 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>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Other Regulations

- a) A *Dwelling Unit Use* shall only be located on the second *Storey*.
- b) The following additional *Uses* are permitted on the C-4 zoned portion of the parcel illustrated in Figure 11.4.1: 1251 Rocky Creek Road:

1. Principal Uses
  - i) *Marina Office*, including *Assembly Use*
2. Accessory Uses
  - i) *Boat Launch*
  - ii) Marine fuel storage tanks for a *Marine Fuel Supply Station* on Block C, District Lot 2054, Cowichan District, Plan EPC721.

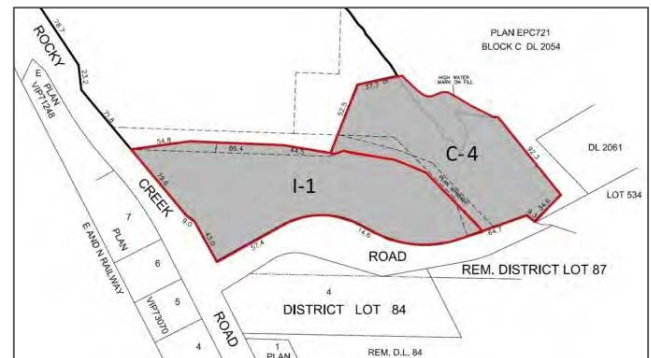


FIGURE 11.4.1: 1251 ROCKY CREEK ROAD

- c) On the C-4 zoned portion of the parcel

legally described as: THAT PART OF LOT 43, OYSTER DISTRICT, SHOWN OUTLINED IN RED ON PLAN 835-R, EXCEPT THAT PART IN PLANS 7094 AND VIP58434 (PID 005-068-002) The principle and accessory uses of the R-1 zone are permitted, subject to the requirements of the R-1 zone.

### 11.5. SHOPPING CENTRE COMMERCIAL (C-5)

The purpose of the Shopping Centre Commercial Zone is to accommodate commercial uses and employment centres in an outdoor mall setting.

#### 1. Principal Uses

- a) *Retail Sales.*
- b) *Convenience Store.*
- c) *Restaurant.*
- d) *Coffee Shop.*
- e) *Office.*
- f) *Cultural Facility.*
- g) *Assembly.*
- h) *Personal Service Establishment.*
- i) *Visitor Centre.*
- j) *Indoor Recreation Facility.*
- k) *Liquor Retail Sales.*
- l) *Commercial School.*
- m) *Personal Repair Service.*
- n) *Veterinary Clinic.*
- o) *Animal Grooming.*

Bylaw 2069

- p) *Cannabis Retail Sales but in the parcels contained within the shaded areas identified on Figures 11.5 and 11.6;*

#### c) Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1,618 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

#### d) Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* of a single commercial *Use* is 2,090 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.7.
- c) No *Buildings* and *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

#### e) Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building or Structure* shall exceed a *Height* of 12.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building or Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- c) No *Principal Building or Structure* located 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>Exterior Side Parcel Line</i>	4.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	4.5 metres

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**f) Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**g) Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**h) Site Specific Regulations**

- a) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) all *Buildings* must meet or exceed Step 1 of the British Columbia Energy Step Code.
- b) Notwithstanding section 6.3 subsection a)vi) a maximum of one *Use* with a *Drive-through* service is permitted on the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road), provided that any *Buildings* associated with the *Drive-through Use* meet or exceed Step 2 of the British Columbia Energy Step Code.

Bylaw 2069

Attachment A  
c) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) the following additional *Principal Uses* are permitted:

- i) *Animal Day Care.*
- ii) *Artist Studio.*
- iii) *Building Supply Sales.*
- iv) *Cottage Industry.*
- v) *Garden Centre.*
- vi) *Home Improvement Service Industry.*
- vii) *Micro-Brewery.*
- viii) *Laboratory.*
- ix) *Media Production Studio.*
- x) *Neighbourhood Pub.*
- xi) *Non-Motorized Recreational Equipment Sales or Rental.*
- xii) *Print Shop.*
- xiii) *Re-Store.*

**Bylaw 1995**



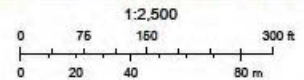
# Attachment A

Bylaw 2021

Figure 11.5



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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Cowichan Valley, Bureau of Land Management, Province of British Columbia, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA, AAFIC, NRCAN |

Figure 11.6

Bylaw 2069



## PART 12: INDUSTRIAL ZONES

### 12.1. LIVE/WORK INDUSTRIAL (I-1A)

The purpose of the Live/Work Industrial Zone is to accommodate smaller scale business enterprises and low-impact light industrial uses with optional second storey residential use.

#### 1. Principal Uses

- a) *Office.*
- b) *Personal Service Establishment.*
- c) *Personal Repair Service.*
- d) *Media Production Studio.*
- e) *Artist Studio.*
- f) *Commercial School.*
- g) *Print Shop.*
- h) *Research and Development Facility.*
- i) *Machinery and Equipment Rental.*
- j) *Boat Building and Repair.*
- k) *Manufacturing.*
- l) *Trade Contractors Facilities.*
- m) *Home Improvement Service Industry.*
- n) *Warehouse.*
- o) *Wholesale Sales.*

#### i) Accessory Uses

- a) *Retail Sales.*
- b) *Dwelling Unit, subject to Section 12.1(8)(c).*
- c) *Home Based Business, subject to Part 6, Section 6.8.*

#### j) Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 600 square metres.
- b) No *Parcel* shall be created with a *Parcel Frontage* that is less than 24.38 metres.

**k) Size and Density of the Use of Land, Buildings and Structures**

- a) The maximum *Finished Floor Area* for a *Dwelling Unit* shall be 140.0 square metres.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

**l) Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* shall exceed a *Height* of 11.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- c) No *Building* or *Structure* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

**m) Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**n) Parking and Loading**

- a) Despite Part 8: Parking and Loading Regulations, the following provisions shall apply:
  - i) A minimum of one parking space per *Dwelling Unit* is required.
  - ii) A minimum of one parking space per 100 square metres of business and *Industrial Gross Floor Area* is required.
  - iii) Every *Parcel* shall have a minimum of one shared parking and loading space.

**o) Other Regulations**

- a) All permitted *Uses* must be conducted entirely within a *Building*.
- b) No *Uses* which create external odours, fumes, dust heat, glare or electrical interference are permitted.
- c) A *Dwelling Unit Use* shall only be located on the second *Storey*.
- d) The following *Uses* are only to be located within the *First Storey*:
  - i) *Trade Contractors Facilities*.

- Attachment A
- ii) *Manufacturing.*
  - iii) *Warehouse.*
  - iv) *Boat Building and Repair.*
  - v) *Wholesale Sales.*
  - vi) *Machinery and Equipment Sales or Rental.*
  - vii) *Personal Repair Service.*

## 12.2. LIGHT INDUSTRIAL (I-1)

The purpose of the Light Industrial Zone is to accommodate light industrial uses and employment centres in an Industrial Park setting.

### 1. Principal Uses

- a) *Gas Bar.*
- b) *Service Station.*
- c) *Motor Vehicle Body Shop.*
- d) *Motor Vehicle Sales or Rental.*
- e) *Boat and Personal Watercraft Sales or Rental.*
- f) *Machinery and Equipment Sales or Rental.*
- g) *Building Supply Sales.*
- h) *Re-Store.*
- i) *Boat Building and Repair.*
- j) *Servicing and repair of machinery, equipment, and appliances.*
- k) *Restaurant.*
- l) *Commercial Indoor Storage.*
- m) *Print Shop.*
- n) *Auction.*
- o) *Laboratory.*
- p) *Research and Development Facility.*
- q) *Media Production Studio.*
- r) *Refund Container Recycling Depot.*
- s) *Manufacturing, within an enclosed Building.*
- t) *Welding shop, machine shop and metal fabrication.*
- u) *Home Improvement Service Industry.*
- v) *Trade Contractor Facilities.*
- w) *Commercial Plant Nursery.*
- x) *Garden Centre.*
- y) *Warehouse.*
- z) *Wholesale Sales.*
- aa) *Cottage Industry.*

**Bylaw 1904**

- bb) *Brewery, Distillery, Bottling and Distribution.*
- cc) *Tow-Truck Dispatch.*
- dd) *Animal Day Care.*

**Bylaw 1961**

- ee) *Marine Sales and Service.*

- ff) *Cannabis Micro-Cultivation*

**Bylaw 1978**

- gg) *Cannabis Micro-Processing*

- hh) *Cannabis Research and Development*

**Bylaw 2021**

- ii) *Cannabis Retail Sales but only in the Parcels that are zoned I-1 and contained within the shaded area identified in Figure 12.2.1.*

**p) Accessory Uses**

- a) *Office.*
- b) *Food Truck.*
- c) *Sani-Dump Station.*
- d) *Caretaker Dwelling, subject to Part 6, Section 6.6 and Part 12, Section 12.2(8).*

**q) Sizing and Dimension of Parcels**

- a) *No Parcel shall be created which has a Parcel Area less than 600 square metres.*
- b) *No Parcel without community water and sewer services shall be created which is less than 0.8 hectares of area.*
- c) *No Parcel shall be created with a Lot Frontage that is less than 24.38 metres.*

**r) Density of the Use of Land, Buildings and Structures**

- a) *The Floor Space Ratio shall not exceed 0.7.*
- b) *No Buildings or Structures shall exceed a Parcel Coverage of 75.0 percent.*

**s) Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) *No Principal Building shall exceed a Height of 12.0 metres, measured to the highest point of the roof.*
- b) *No Accessory Building or Structure shall exceed a Height of 7.5 metres, measured to the highest point of the roof.*
- c) *No Building or Structure shall be 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

Rear Parcel Line

3.0 metres

**t) Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**u) Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**v) Other Regulations**

- a) *Caretaker Dwelling Use* shall be limited to one *Dwelling Unit* per *Parcel* and shall only be located on the second *Storey*, except that the entrance to the *Caretaker Dwelling* may be located within the *First Storey*.

**w) Site Specific Regulations**

- a) For the *Parcel* described as Lot 1, District Lot 24, Oyster District, Plan VIP72824 except part in Plan VIP81529 (1030 Oyster Bay Drive), the following additional *Principal Uses* are permitted to a maximum total *Gross Floor Area* of 1,460.0 square metres, with individual units not to exceed a maximum *Gross Floor Area* of 465.0 square metres, or 700.0 square metres in the case of *Retail Sales*:

- |                             |   |
|-----------------------------|---|
| i) <i>Retail Sales</i>      | ii) <i>Office</i>                         |
| iii) <i>Coffee Shop</i>     | iv) <i>Personal Service Establishment</i> |
| v) <i>Commercial School</i> | vi) <i>Indoor Recreation Facility.</i>    |
| vii) <i>Visitor Centre.</i> | viii) <i>Veterinary Clinic.</i>           |
| ix) <i>Animal Grooming.</i> |   |

- b) The following additional *Uses* are permitted on the I-1 zoned portion of the parcel illustrated in Figure 12.1.1 1251 Rocky Creek Road:

1. Principal Uses

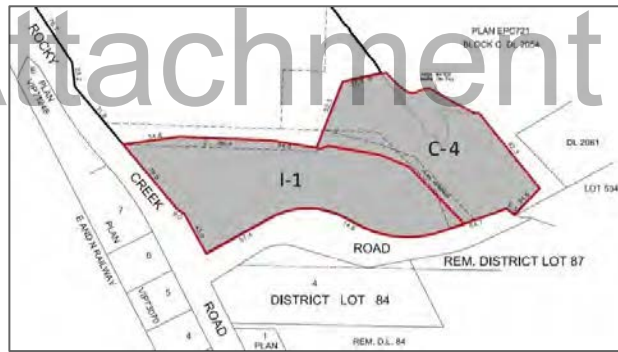
- i) Storage for *Boats* and *Boathouses*; and
- ii) *Boathouse* Construction.

2. Accessory Uses

- i) *Retail Sales*

**Bylaw 1961**

FIGURE 12.1.1: 1251 ROCKY CREEK ROAD

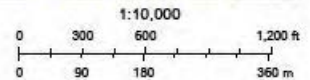


- c) For the Parcel legally described as Lot 7, District Lot 38, Oyster District, Plan VIP73070 (1280 Rocky Creek Road), *Marshalling Yard* is a permitted *Accessory Use* subject to the *Marshalling Yard* area having a hard surface of asphalt or similar and being graded to contain and dispose of surface water with an oil/water separator.

Figure 12.2.1



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Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS,

Cowichan Valley, Regional District of Nanaimo, Bureau of Land Management, Province of British Columbia, Esri Canada, Esri, HERE, Garmin, Intermap, USGS, METI/NASA, EPA, USDA, AAFC, NRC/en

Bylaw 2021

Bylaw 1962



**Bylaw 2040**

- d) For the *Parcel* legally described as Parcel E (being a consolidation of Lots A and B, see CA7024627) District Lot 38 Oyster District PLN EPP36585 (1148 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.

**Bylaw 2129**

- e) For the *Parcel* legally described as Lot 1 District Lot 38 Oyster District Plan VIP86027 Except Part in Strata Plan VIS6726 (Phases 1 and 2) and Plan EPP23810 (1152 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.

**Bylaw 2132**

- f) For the *Parcel* legally described as Lot D District Lot 38 Oyster District Plan EPP36585 (1144 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.

### 12.3. INDUSTRIAL (I-2)

The purpose of the Industrial Zone is to accommodate larger, heavy industrial operations and employment centres in an Industrial Park or working waterfront setting.

#### 1. Principal Uses

- a) Any *Principal Use* permitted in the I-1 Zone.
- b) *Motor Vehicle Salvage and Wrecking Yard*, subject to Section 12.3(8)(c).
- c) *Log Handling, Sorting and Storage Yard*.
- d) *Marshalling Yard*.
- e) *Storage Yard*.
- f) *Freight handling or distribution*.
- g) *Sawmill, Shake and Shingle Mill*.
- h) *Primary Processing of Soil*.
- i) *Shipping Yard*.
- j) *Concrete Batch Plant*.
- k) *Fleet and Distribution services*.
- l) *Recycling Plant*.
- m) *Animal Shelter*.
- n) *Cannabis Cultivation*, subject to Section 12.3(8)(a).
- o) *Cannabis Processing*, subject to Section 12.3(8)(a).

#### x) Accessory Uses

- a) *Office*.
- b) *Food Truck*.
- c) *Sani-Dump Station*.
- d) *Caretaker Dwelling*, subject to Part 6, Section 6.6 and Part 12, Section 12.3(8)(b).
- e) *Retail Sales, accessory to Sawmill, Shake and Shingle Mill*.

#### y) Sizes and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,023 square metres.

Bylaw 1978

- b) Despite Section 12.3 (3)(a), where access to the Town of Ladysmith community water system and/or community sewer system is unavailable, no *Parcel* shall be created which has a *Parcel Area* less than 2.0 hectares.
- c) A *Parcel* shall have a minimum *Frontage* of 36.57 metres or 10.0 percent of the perimeter of the *Parcel* whichever is the greater.

**z) Density of the Use of Land, Buildings and Structures**

- a) The *Floor Space Ratio* shall not exceed 0.3.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

**aa) Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- c) 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

- d) 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

**bb) Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**cc) Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

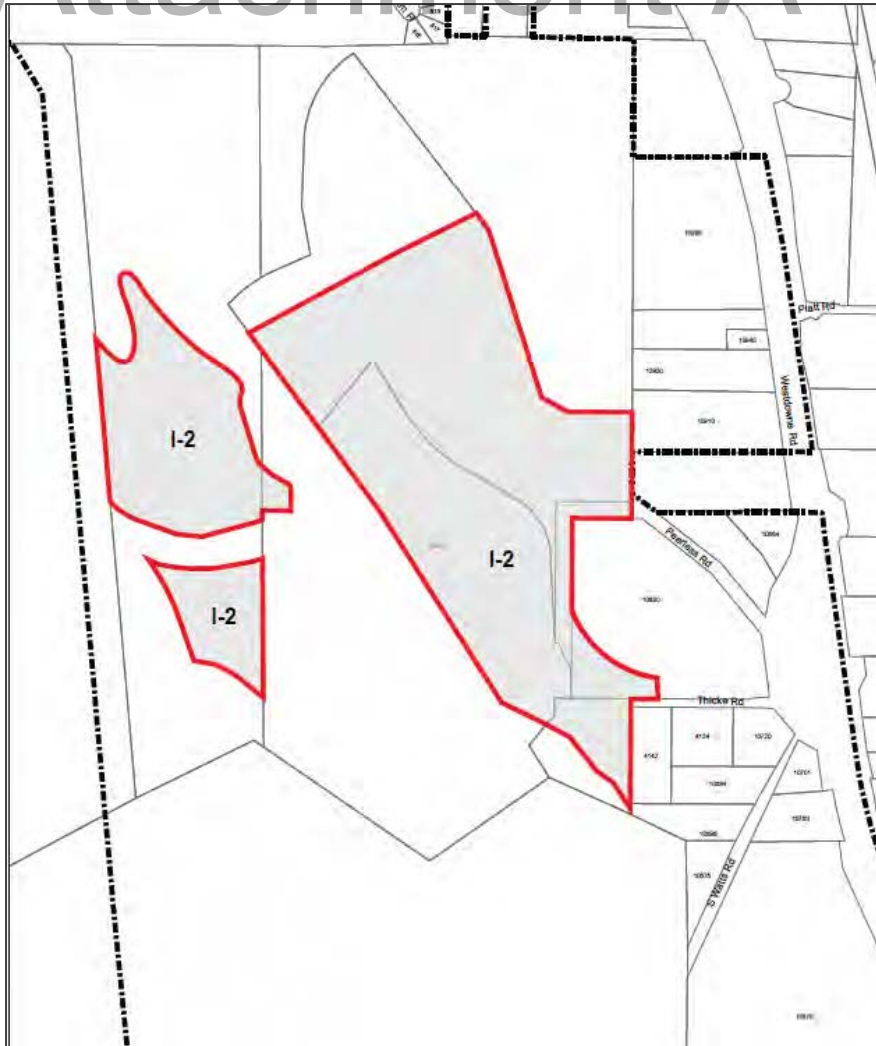
**dd) Other Regulations**

- a) *Cannabis Cultivation and Cannabis Processing* shall be restricted to the locations shown zoned I-2 as illustrated in Figure 12.3.1: Cannabis Cultivation and Cannabis Production Area.”
- b) A *Caretaker Dwelling Use* shall be limited to one *Dwelling Unit per Parcel*.
- c) A *Motor Vehicle Salvage and Wrecking Yard* shall be completely enclosed within a *Building* or within a *Landscaped or Fenced* area so as not to be visible from a *Highway*.
- d) Despite Section 12.3(1), composting of municipal generated bio-solids is a *Principal Use* on the *Parcel* legally described as Lot 3, District Lot 72, Oyster District, Plan 50979 (4142 Thicke Road).

**Bylaw  
1978  
1985**

FIGURE 12.3.1: PLAN OF CANNABIS CULTIVATION AND CANNABIS PRODUCTION AREA

Attachment A



## PART 13: INSTITUTIONAL ZONES

### 13.1. INSTITUTIONAL (P-1)

The purpose of the Institutional Zone is to accommodate a range of civic and community uses.

#### 1. Principal Uses

- a) *Cultural Facility.*
- b) *Assembly.*
- c) *Community Care Facility.*
- d) *Indoor Recreation Facility.*
- e) *Outdoor Recreation Facility.*
- f) *School.*
- g) *Post Office.*
- h) *Civic Use.*
- i) *Botanical Garden.*
- j) *Nature Centre.*
- k) *Farmer's Market.*
- l) *Public Parking.*

#### ee) Accessory Uses

- a) *Retail Sales*, subject to Section 13.1(8)(a).
- b) *Community Garden.*
- c) *Food Truck.*

#### ff) Sizes and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892 square metres.
- b) Despite Section 13.1(3)(a), no *Parcel* shall be created for a *School Use* which has a *Parcel Area* less than 2.0 hectares.

#### gg) Density of the Use of Land, Buildings and Structures

- a) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.

**hh) Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.0 metres, measured to the highest point of the roof.
- b) Despite Section 13.1(5)(a), no *Principal Building* or *Structure* used for *School Use* shall be more than one *Storey*.
- c) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- d) No *Principal Building* or *Structure* shall be 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

- e) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**ii) Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: *Landscaping and Screening Regulations*.

**jj) Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: *Parking and Loading Regulations*.

**kk) Other Regulations**

- a) *Retail Sales* shall be limited to 25.0 square metres of *Gross Floor Area*.

## II) Site Specific Regulations

- a) For the *Parcel* legally described as Lot 1, District Lot 52, Oyster District, Plan VIP19565 and Lots 17 to 21, District Lot 52, Oyster District, Plan VIP6865 (444, 451, 453, 455, 457, 459 and 461 Davis Road):
- i) Despite Section 13.1(1), *Community Care Facility Use* is not permitted.
  - ii) Despite Section 13.1(4)(a), the maximum *Parcel Coverage* is 15 percent.
  - iii) The maximum number of permanent *School Buildings and Structures* permitted on Lot 1, District Lot 52, Oyster District, Plan VIP19565 is 1.
- b) For the *Parcel* legally described as Lot 1, District Lot 96, Oyster District, Plan VIP19308 (710 Sixth Avenue):
- i) Despite Section 13.1(4)(a), the maximum *Parcel Coverage* is 15 percent.
  - ii) The maximum number of permanent *School Buildings and Structures* is 5.
- c) For the *Parcel* legally described as Block 77 of an unnumbered portion of Oyster District, Plan 703A (317 French Street):
- i) Despite Section 13.1(4)(a), the maximum *Parcel Coverage* is 15 percent.
  - ii) The maximum number of permanent *School Buildings and Structures* is 1.



### 13.2. PARK AND RECREATION (P-2)

The purpose of the Park and Recreation Zone is to accommodate local parks and open spaces with a focus on active and passive recreation uses.

#### 1. Principal Uses

- a) *Nature Centre.*
- b) *Botanical Garden.*
- c) *Assembly.*
- d) *Cultural Facility.*
- e) *Indoor Recreation Facility.*
- f) *Outdoor Recreation Facility.*
- g) *Golf Course.*
- h) *Community Garden.*
- i) *Railway Passenger Depot.*

#### mm) Accessory Uses

- a) *Retail Sales, subject to Section 13.2(8)(a).*
- b) *Food Truck, subject to Section 13.2(8)(b).*
- c) *Food Concession.*
- d) *Non-Motorized Recreational Equipment Sales or Rental.*
- e) *Farmers' Market.*

#### nn) Sizes and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892 square metres.
- b) Section 13.2(3)(a) does not apply to parkland dedicated by subdivision.

#### oo) Size and Density of the Use of Land, Buildings and Structures

- a) No *Building* or *Structure* shall exceed a *Gross Floor Area* of 200.0 square metres.
- b) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.

#### pp) Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.

- c) No *Principal Building or Structure* shall be 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

- d) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

**qq) Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**rr) Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**ss) Other Regulations**

- a) *Retail Sales* shall be limited to 50.0 square metres of *Gross Floor Area*.  
 b) *Food Trucks* shall be restricted to Transfer Beach Park, Forrest Field, Aggie Ball Field, and Holland Creek Ball Field.

**tt) Site Specific Regulations**

- a) For the *Community Garden* located at 525 Second Avenue, *Urban Agriculture* is a permitted *Principal Use*.

**Bylaw 1904**

### 13.3. NATURE PARK (P-3)

The purpose of the Nature Park Zone is to accommodate the conservation of nature and sensitive ecosystems.

#### 1. Principal Uses

- a) *Nature Centre.*
- b) *Nature Park.*

#### uu) Size and Density of the Use of Land, Buildings and Structures

- a) No *Building* or *Structure* shall have a *Gross Floor Area* that exceeds 100.0 square metres.
- b) No *Buildings* or *Structure* shall exceed a *Parcel Coverage* of 20.0 percent.

#### vv) Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 9.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.
- c) No *Principal Building* or *Structure* located on a *Parcel* within this *Zone* 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

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

#### ww) Landscaping and Screening

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**xx) Parking and Loading**

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

### 13.4. RECYCLING DEPOT (P-4)

The purpose of the Recycling Depot Zone is to accommodate a regional recycling drop-off and education centre.

#### 1. Principal Uses

- a) *Recycling Depot.*
- b) *Transfer Station.*

#### yy) Accessory Uses

- a) *Office.*
- b) *Scale House.*
- c) *Assembly.*
- d) *Eco-Education.*
- e) *Food Truck.*

#### zz) Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1.0 hectare.

#### aaa) Density of the Use of Land, Buildings and Structures

- a) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 60.0 percent.

#### bbb) Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.
- c) No *Building* or *Structure* located on a *Parcel* within this *Zone* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	PRINCIPAL BUILDING OR STRUCTURE MINIMUM SETBACK	ACCESSORY BUILDING OR STRUCTURE MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres	1.5 metres

## PART 14: AGRICULTURE ZONES

### 14.1. PRIMARY AGRICULTURE (A-1)

The purpose of the Primary Agriculture Zone is to accommodate farm operations on parcels located within the Provincial Agricultural Land Reserve.

#### 1. Principal Uses

- a) *Farm Use.*
- b) *Single Unit Dwelling.*
- c) *Mobile Home.*
- d) *Horse Riding Stable.*
- e) *Horse Riding Arena.*

#### ccc) Accessory Uses

- a) *Farm Operation Employee Dwelling*, subject to Section 14.1(8)(a) and (b).
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- d) *Home Based Business*, subject to Part 6, Section 6.8.
- e) *Bed and Breakfast*, subject to Part 6, Section 6.7.

#### ddd) Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 12.0 hectares.

#### eee) Size and Density of the Use of Land, Buildings and Structures

- Bylaw 2099**
  - a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
  - b) No *Farm Operation Employee Dwelling* shall have a *Finished Floor Area* that is greater than 110 square metres.

- Bylaw 1904**
  - c) No *Building* or *Structure* shall exceed a *Parcel Coverage* of 35.0 percent.
  - d) Despite Section 14.1(4)(d), no *Principal Building* or *Structure* located within a *Farm Home Plate* shall exceed coverage of 30.0 percent of the *Farm Home Plate*.

- Bylaw 1904**
  - e) Despite Section 14.1(4)(d), *greenhouse Structures* shall not exceed a *Parcel Coverage* of 75.0 percent.

#### fff) Siting, Sizing and Dimension of Uses, Buildings and Structures

- Bylaw 1904**
  - a) No *Principal Building* or *Structure* used for *Farm Use* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.

- b) No *Single Unit Dwelling* shall exceed a *Height* of ~~9.0 metres except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.511 metres.~~
- c) No *Farm Operation Employee Dwelling* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- d) No *Accessory Building* or *Structure* ancillary to a *Farm Use* shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof.
- e) No *Accessory Building* or *Structure* ancillary to a *Residential Use* and located within a *Farm Home Plate* shall exceed a *Height* of ~~5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.~~
- f) No *Principal* or *Accessory Buildings* or *Structures* located within a *Farm Home Plate* 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>	7.5 metres
<i>Interior Side Parcel Line</i> or <i>Interior Farm Home Plate Boundary</i>	3.0 metres
<i>Exterior Side Parcel Line</i> or <i>Exterior Farm Home Plate Boundary</i>	4.5 metres
<i>Rear Parcel Line</i> or <i>Rear Farm Home Plate Boundary</i>	7.5 metres

- g) No *Principal* or *Accessory Buildings* or *Structures* for a *Farm Use* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

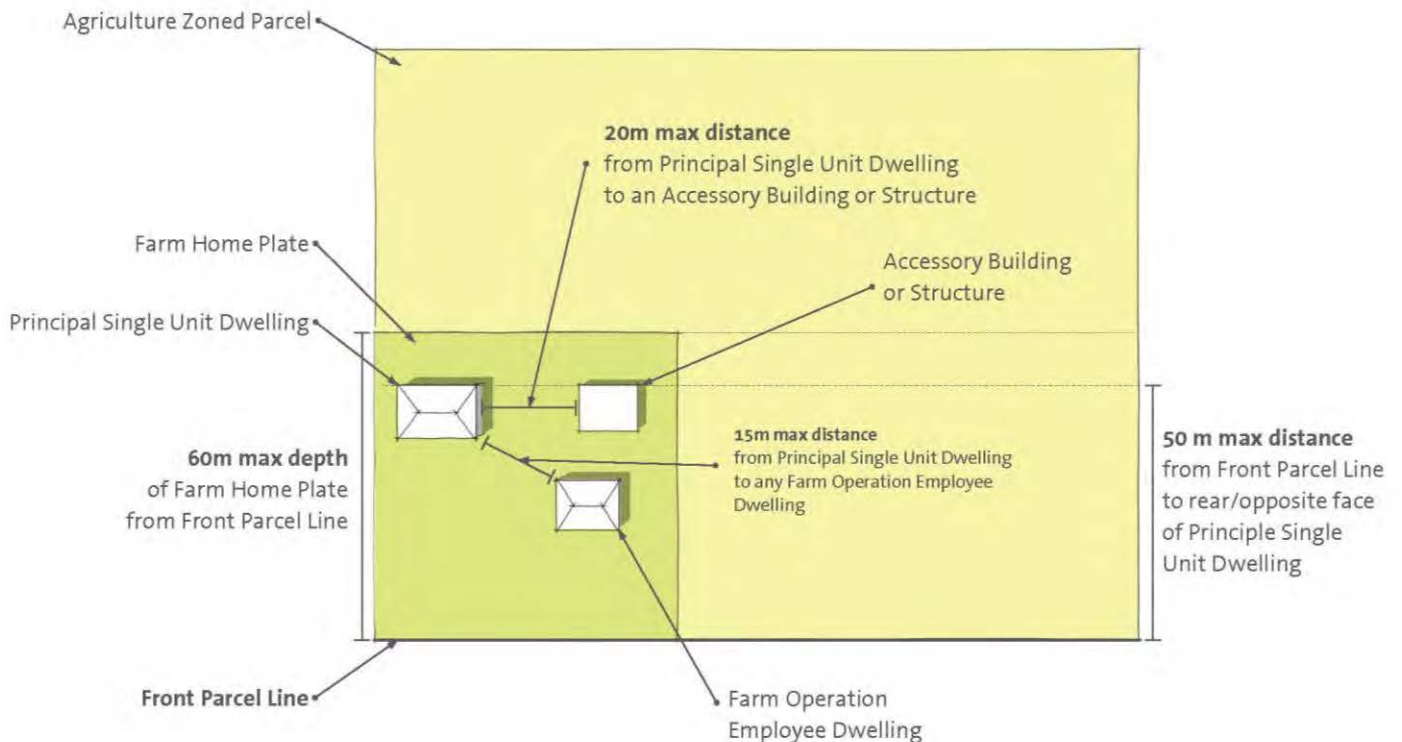
PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	30.0 metres
<i>Interior Side Parcel Line</i>	15.0 metres
<i>Exterior Side Parcel Line</i>	30.0 metres
<i>Rear Parcel Line</i>	15.0 metres

**Bylaw 1904**

- h) Despite Section 5.2(e), no *Principal* or *Accessory Building* or *Structure* for a *Farm Use* shall be located within 30.0 metres from the *Natural Boundary* of a *Watercourse*.

### ggg) Farm Home Plate

- a) For *Residential Building and Structures* located on properties within the Agricultural Land Reserve, no *Buildings or Structures* shall be sited outside a *Farm Home Plate*.
- b) No *Farm Home Plate* shall exceed 3,000 square metres in contiguous area.
- c) No *Farm Home Plate* shall exceed a depth of 60.0 metres as measured from the *Front Parcel Line* to the rear of the *Farm Home Plate*.
- d) The distance from the *Front Parcel Line* to the rear or opposite face of the *Principal Single Unit Dwelling* shall not exceed 50.0 metres.
- e) The distance between an *Accessory Building or Structure* and the *Principal Single Unit Dwelling* shall not exceed 20.0 metres.
- f) The distance between any *Farm Operation Employee Dwelling* and the *Principal Single Unit Dwelling* shall not exceed 15.0 metres.



An Illustration of a Farm Home Plate

### hhh) Parking and Loading



- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**iii) Other Regulations**

- a) Where the intensity of *Farm Use*, as identified by a professional agrologist in a written report or as identified through a letter from the Agricultural Land Commission, requires permanent *Farm Use* employees, one *Farm Operation Employee Dwelling* per *Parcel* may be constructed, located within the *Farm Home Plate*.
- b) A *Farm Operation Employee Dwelling*:
  - i) Shall be limited to a *Parcel* classified as farmland under the *Assessment Act*.
  - ii) Shall not be permitted unless there is registered in the Land Title Office a restrictive covenant restricting such *Dwelling Unit* to Use as a *Farm Operation Employee Dwelling*.
  - iii) Shall not have a basement.

## 14.2. AGRICULTURE AND RESORT RECREATION (A-RR)

The purpose of the Agriculture and Resort Recreation Zone is to accommodate farm operations on parcels located within the Provincial Agricultural Land Reserve and those non-farm recreational uses approved by the Agricultural Land Commission.

### 1. A-RR Zone Areas

- a) The Agriculture and Resort Recreation Zone is divided into Sub-Areas A and B, located as shown on the Plan in Section 14.2(13). The location of Sub-Areas A and B shall comply with Section 14.2(13) A-RR Zone Sub-Areas.

### 2. Principal Uses: Sub-Area A

- a) *Farm Use.*
- b) *Single Unit Dwelling.*
- c) *Horse Riding Stable.*
- d) *Horse Riding Arena.*
- e) *Golf Course.*

### jjj) Principal Uses: Sub-Area B

- a) *Farm Use.*
- b) *Golf Clubhouse*, subject to Section 14.2(12)(c).
- c) *Tourist Accommodation.*

### kkk) Accessory Uses: Sub-Area A

- a) *Farm Operation Employee Dwelling*, subject to Section 14.2(12)(a and b).
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Coach House Dwelling*, subject to Part 6, Section 6.5.
- d) *Golf Driving Range.*
- e) *Home Based Business*, subject to Part 6, Section 6.8.
- f) *Bed and Breakfast*, subject to Part 6, Section 6.7.

### lll) Accessory Uses: Sub-Area B

- a) *Retail Sales*, subject to Section 14.2(12)(d).
- b) *Golf Maintenance and Storage Facility.*

### mmm) Sizing and Dimensions of Parcels

- a) No *Parcel* in Sub-Area A shall be created which has a *Parcel Area* less than 12.0 hectares.
- b) No *Parcel* in Sub-Area B shall be created which has a *Parcel Area* less than 1.5 hectares.

**nnn) Size and Density of the Use of Land, Buildings and Structures**

**Bylaw 2099**

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 240.0 square metres.
- b) No *Farm Operation Employee Dwelling* shall have a *Finished Floor Area* that is greater than 110 square metres.

**Bylaw 1904**

- c) No *Buildings* or *Structures* located in Sub-Area A shall exceed a *Parcel Coverage* of 35.0 percent.
- d) No *Principal Buildings* or *Structures* located within a *Farm Home Plate* in Sub-Area A shall exceed coverage of 30.0 percent of the *Farm Home Plate*.
- e) No *Buildings* or *Structures* located in Sub-Area B shall exceed a *Parcel Coverage* of 20.0 percent.

**Bylaw 1904**

- f) *Greenhouse Structures* shall not exceed a *Parcel Coverage* of 75.0 percent.

**ooo) Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* in Sub-Area A or B, except a *Single Unit Dwelling*, shall exceed a *Height* of 10.0 metres, measured to the highest point of the roof.
- b) No *Single Unit Dwelling* shall exceed a *Height* of ~~9.0 metres; except where the roof pitch is less than 4:12, in which case the maximum Height shall be 7.511~~ metres.
- c) Despite Section 14.2(8)(a), no *Farm Operation Employee Dwelling* shall exceed a *Height* of 5.5 metres, measured to the highest point of the roof.
- d) No *Accessory Building* or *Structure* located in Sub-Area A or B shall exceed a *Height* of 7.5 metres, measured to the highest point of the roof, except those *Accessory Buildings* or *Structures* located within a *Farm Home Plate* in Sub-Area A which shall not exceed a *Height* of ~~5.0 metres or in the case where the roof pitch is less than 4:12, in which case the maximum Height shall be~~ 3.5 metres.
- e) No *Principal* or *Accessory Buildings* or *Structures* located within a *Farm Home Plate* in Sub-Area A 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>	30.0 metres
<i>Interior Side Parcel Line</i> or <i>Interior Farm Home Plate Boundary</i>	3.0 metres
<i>Exterior Side Parcel Line</i> or <i>Exterior Farm Home Plate Boundary</i>	3.0 metres

PARCEL LINE	MINIMUM SETBACK
-------------	-----------------

*Rear Parcel Line* or *Rear Farm Home Plate Boundary* 7.5 metres

- f) No *Principal Building* or *Structure* in Sub-Area A and Sub-Area B 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>	30.0 metres
<i>Interior Side Parcel Line</i>	15.0 metres
<i>Exterior Side Parcel Line</i>	30.0 metres
<i>Rear Parcel Line</i>	15.0 metres

- g) No *Accessory Building* or *Structure* in Sub-Area A and Sub-Area B 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>	7.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	7.5 metres

- h) Despite Section 14.2(8)(f), no *Principal Building* or *Structure* located in Sub-Area B for *Tourist Accommodation Use* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
Front Sub-Area Line	7.5 metres
Interior and Exterior Sub-Area Line	6.0 metres
Rear Sub-Area Line	6.0 metres

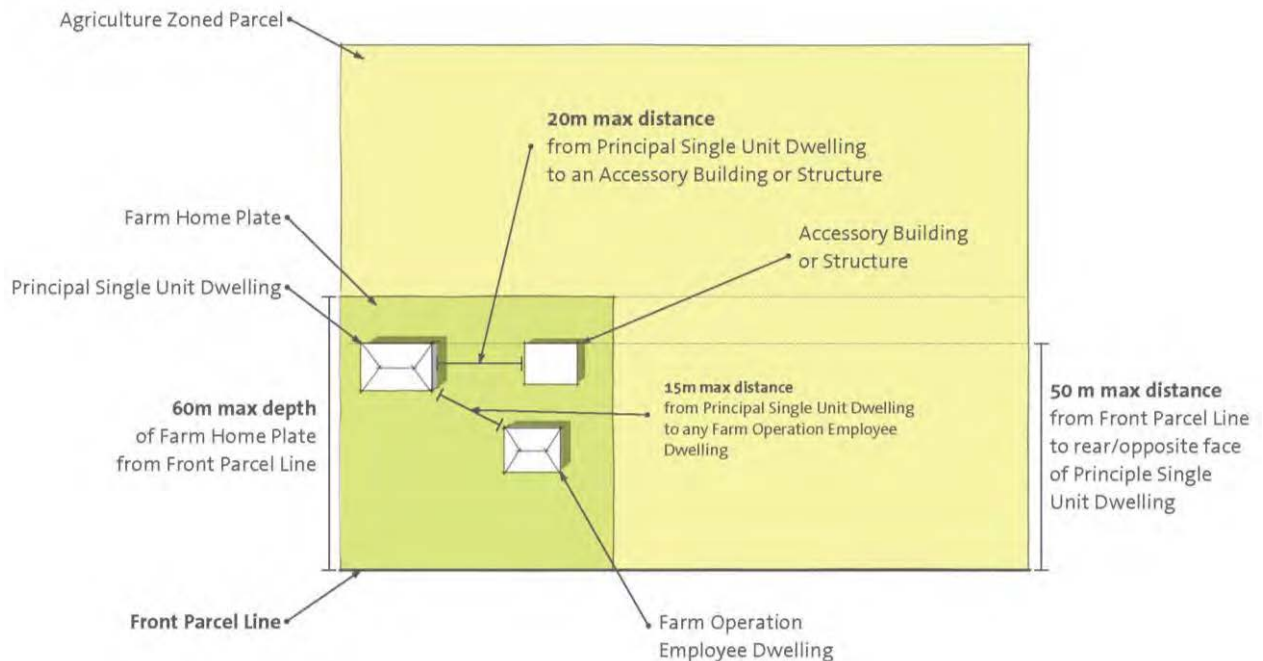
- i) No *Principal Building* or *Structure* used for *Farm Use* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.

**Bylaw 1904**

- i) Despite Section 5.2(e), no *Principal or Accessory Building or Structure* for a *Farm Use* shall be located within 30.0 metres from the *Natural Boundary* of a *Watercourse*.

**ppp) Farm Home Plate**

- a) For *Residential Building and Structures* located on properties within the *Agricultural Land Reserve*, no *Buildings or Structures* shall be sited outside a *Farm Home Plate*.
- b) No *Farm Home Plate* shall exceed 3,000 square metres in contiguous area.
- c) No *Farm Home Plate* shall exceed a depth of 60.0 metres as measured from the *Front Parcel Line* to the rear of the *Farm Home Plate*.
- d) The distance from the *Front Parcel Line* to the rear or opposite face of the *Principal Single Unit Dwelling* shall not exceed 50.0 metres.
- e) The distance between an *Accessory Building or Structure* and the *Principal Single Unit Dwelling* shall not exceed 20.0 metres.
- f) The distance between any *Farm Operation Employee Dwelling* and the *Principal Single Unit Dwelling* shall not exceed 15.0 metres.



**An Illustration of a Farm Home Plate**

**qqq) Landscaping and Screening**

- a) *Landscaping and screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**rrr) Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

**sss) Other Regulations**

- a) Where the intensity of *Farm Use* in Sub-Area A, as identified by a professional agrologist in a written report or as identified through a letter from the Agricultural Land Commission, requires permanent *Farm Use* employees, one *Farm Operation Employee Dwelling* per *Parcel* may be constructed, located within the *Farm Home Plate*.
- b) *A Farm Operation Employee Dwelling*:
- i) Shall be located only on a *Parcel* classified as farm under the *Assessment Act*.
  - ii) Shall not be permitted unless there is registered in the Land Title Office a Section 219 covenant in favour of the *Town*, in priority over any financial charges, in respect of any *Farm Operation Employee Dwelling* restricting such *Dwelling* to *Use* as a *Farm Operation Employee Dwelling*.
- c) *A Golf Clubhouse Use* in Sub-Area B shall be subject to the active operation of a *Golf Course Use* in Sub-Area A.
- d) *Retail Sales* are limited to the sale of goods, wares, or merchandise associated with golfing to a maximum *Gross Floor Area* of 140.0 square metres.
- e) The golf course or driving range shall be situated so golf balls do not create a nuisance or a danger to adjacent *Parcels* or an abutting *Street*.
- f) Light poles shall be sited and shielded so as to direct light away from adjacent *Parcels*.
- g) Safety netting shall be setback from the *Parcel Lines* by at least 30.0 metres.

ttt) Plan of the Agriculture and Resort Residential (A-RR) Zone Sub-Areas



## PART 15: FORESTRY ZONES

### 15.1. FORESTRY (F-1)

The purpose of the Forestry Zone is to accommodate small-scale woodlot operations.

#### 1. Principal Uses

- a) *Silviculture*, excluding sawmilling and all *Manufacturing* and dry land log sorting operations.
- b) *Primary Processing of Gravel*.

#### 2. Accessory Uses

- a) *Single Unit Dwelling*.
- b) *Secondary Suite*, subject to Part 6, Section 6.4.
- c) *Caretaker Dwelling Unit*, subject Part 6, Section 6.6.
- d) *Home Based Business*, subject to Part 6, Section 6.8.

#### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 20 hectares.

#### 4. Density of the Use of Land, Buildings and Structures

- a) No *Principal* or *Accessory Buildings* or *Structures* shall exceed a *Parcel Coverage* of 30.0 percent.

#### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 15 metres, measured to the highest point of the roof.
- b) Despite Section 15.1(5)(a), no *Single Unit Dwelling* shall exceed a *Height* of ~~9.0 metres; except where a roof pitch is less than 4:12, in which case the maximum Height shall be~~ 7.5 metres.
- c) A *Dwelling Unit* with a minimum horizontal *Building* dimension is permitted.
- d) No *Principal Buildings* or *Structures* 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>	30.0 metres
<i>Interior Side Parcel Line</i>	15.0 metres
<i>Exterior Side Parcel Line</i>	30.0 metres
<i>Rear Parcel Line</i>	15.0 metres



- d) No *Accessory Buildings* or *Structures* 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>	7.5 metres
<i>Interior Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	7.5 metres

**6. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## PART 16: MARINE ZONES

### 16.1. MARINE RESIDENTIAL MOORAGE (W-1)

The purpose of the Marine Residential Moorage Zone is primarily to accommodate moorage associated with an established upland residential use.

#### 1. Principal Uses

- a) *Moorage, accessory to an adjacent upland Residential Use*
- b) *Short-term Moorage.*

#### 2. Permitted Buildings and Structures

- a) One *Dock* consisting of a single elevated pier/walkway, ramp, and *Moorage* float per adjacent upland *Parcel*.
- b) One *Gear Locker* per adjacent upland *Parcel*.

#### 3. Size and Density of the Use of Land, Buildings and Structures

- a) No *Gear Locker* shall have a maximum *Finished Floor Area* that is greater than 10.0 square metres.
- b) The maximum surface area of all *Dock Structures* shall be 20.0 square metres.

#### 4. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Building* or *Structure* shall exceed a *Height* of 2.0 metres, measured to the highest point of the roof.
- b) No *Gear Locker* shall be located closer than 10.0 metres to the *Natural Boundary* of the sea.
- c) *Docks*, pier/walkway, floats, ramps or other similar *Structures* shall not extend more than 30 metres from the present *Natural Boundary* of the upland *Parcel*.
- d) No *Building* or *Structure* shall be sited within 125 metres of the W-4 Zone.
- e) An access ramp associated with any *Docks*, pier/walkway, floats or other similar *Structures* shall be limited to a width of 1.5 metres.
- f) All portions of a *Dock*, other than the access ramp referred to in Section 16.1.4(e), shall be limited to a width of 3.0 metres.
- g) All piers/walkways and access ramps must be a minimum of 2.0 metres above the highest *High Water Mark* and have a minimum clearance of 2.0 metres above the seabed to allow unimpeded pedestrian passage along the foreshore at low tide.
- h) The bottom of any *Moorage* floats must have be a minimum of 1.5 m above the seabed during the lowest tide.

## 5. **Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 6. **Other Regulations**

- a) It is a condition of a *Moorage Use* that the adjacent upland *Parcel* must be used for a *Residential Use*.
- b) The surface of the water may be used for *Moorage Use* by a *Boat* with a toilet only if the *Boat* has a sewage holding tank.
- c) No *Moorage* of motorized *Boats* shall be permitted on the water *Lot* legally described as District Lot 462, Cowichan District.
- d) No fuel storage shall be permitted on any *Structure* in the W-1 Zone.
- e) *Moorage Accessory* to upland *Multiple Unit Dwelling* use shall be limited to one berth per *Dwelling Unit*.

## 16.2. MARINA (W-2)

The purpose of the Marina Zone is to accommodate marinas, commercial moorage and related services and facilities, with the intent of maintaining a small-scale harbour character.

### 1. Principal Uses

- a) *Marina.*
- b) *Commercial Moorage.*
- c) *Short-term Moorage.*
- d) *Boat Launch.*
- e) *Restaurant.*
- f) *Cultural Facility.*
- g) *Welcome Centre, including Assembly Use.*
- h) *Seafood Sales.*
- i) *Non-Motorized Recreational Equipment Sales or Rental.*
- j) *Boat Building and Repair.*
- k) *Marine Rescue Facility.*
- l) *Marine Fuel Supply Station.*

### 2. Accessory Uses

- a) *Office.*
- b) *Sewage Pump-out.*
- c) *Yacht Club Clubhouse.*
- d) *Live-Aboard, on the water Lot legally described as Block C of District Lot 2016, Cowichan District, subject to Section 16.2(7)(a).*
- e) *Retail Sales, subject to Section 16.2(4)(b).*

### 3. Permitted Buildings and Structures

- a) Piers and walkways.
- b) *Dock, floats, ramps, quays, and other similar Structures.*
- c) *Boathouse, on the water Lots legally described as Block C of District Lot 2054, Cowichan District and District Lot 2061, Cowichan District.*
- d) *Boat Shelter.*
- e) Mooring buoys.
- f) Dolphins, pilings.

g) *Breakwater*.

h) *Barge Ramp*.

#### **4. Size and Density of the Use of Land, Buildings and Structures**

a) *Live-Aboards* shall be limited to a maximum of 12 and shall be connected to community water system and community sanitary sewer system.

b) All *Retail Sales* shall be limited to 25.0 square metres of *Gross Floor Area*.

#### **5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

a) No *Boathouse* shall exceed a *Height* of 9.0 metres, measured to the highest point of the roof.

b) All other *Buildings* or *Structures* shall not exceed 7.5 metres in *Height*, measured to the highest point of the roof.

c) An access ramp associated with any *Docks*, floats, piers/walkways or other similar *Structures* shall be limited to a width of 2.4 metres, except for a *Barge Ramp* which shall be limited to a width of 6.0 metres.

d) No *Buildings* or *Structures*, not including *Docks*, floats, ramps, quays, or other similar *Structures*, shall be closer than 10.0 metres to the *Natural Boundary* of the sea.

e) Any *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*, excluding the sea.

f) 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.

#### **6. Parking and Loading**

a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

#### **7. Other Regulations**

a) A *Marina Use* must be in existence for *Live-Aboard Use* to be permitted in the water *Lot* legally described as Block C of District Lot 2016, Cowichan District, and is only permitted if the *Marina Docks* are open to the public at all times.

### 16.3. MARINE INDUSTRIAL (W-3)

The purpose of the Marine Industrial Zone is to accommodate marine and forestry-related industrial Uses.

#### 1. Principal Uses

- a) *Log Handling, Sorting, and Storage Yard.*
- b) *Boat Building and Repair.*
- c) *Marine Park.*
- d) *Boat Launch.*

#### 2. Accessory Uses

- a) *Office.*
- b) Loading and Unloading associated with an upland *Industrial Use.*

#### 3. Permitted Building and Structures

- a) *Dock, floats, ramps, quays, and other similar Structures.*
- b) *Breakwater.*

#### 4. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building or Structure* shall exceed a *Height* of 15.0 metres, measured to the highest point of the roof.
- b) No *Accessory Building or Structure* shall exceed a *Height* of 5.0 metres, measured to the highest point of the roof.
- c) No *Buildings or Structures*, not including *Docks*, floats, ramps, quays, or other similar *Structures*, shall be closer than 5.0 metres to the *Natural Boundary* of any body of water.
- d) Any *Docks*, floats, ramps, quays, or other similar *Structures* shall not be sited within the seaward extension, perpendicular to the shoreline, of the boundary of a riparian area located 30 metres on either side of the *Natural Boundary* of a *Watercourse*.
- e) No *Principal or Accessory Buildings or Structures* shall be sited within 300 metres of the boundary of the W-4 Zone.

#### 5. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

#### 16.4. MARINE HARVESTING (W-4)

The purpose of the Marine Harvesting Zone is to accommodate shellfish aquaculture operations.

##### 1. Principal Uses

- a) *Shellfish Aquaculture.*

##### 2. Permitted Structures

- a) *Structures Accessory to Shellfish Aquaculture.*

##### 3. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Structure* shall exceed a *Height* of 2.0 metres, measured to the highest point of the roof.

#### 16.5. MARINE CONSERVATION (W-5)

The purpose of the Marine Conservation Zone is to protect and conserve estuaries and sensitive wetland ecosystems.

##### 1. Principal Uses

- a) *Marine conservation.*

##### 2. Permitted Structures

- a) Boardwalk.

## 16.6. MARINE PARK AND RECREATION (W-P)

The purpose of the Marine Park and Recreation Zone is to accommodate low-impact water-oriented recreation.

### 1. Principal Uses

- a) *Marine Park.*

### 2. Accessory Uses

- a) *Short-term Moorage*, subject to Section 16.6(5)(a).

### 3. Permitted Structures

- a) *Dock*, floats, ramps, piers/walkways and other similar *Structures*.
- b) *Boardwalk*.

### 4. Siting, Sizing and Dimension of Structures

- a) No *Structures* shall be sited closer than 6 metres from the seaward extension, perpendicular to the shoreline, of an adjacent upland *Side Parcel Line* or the water *Lot* boundary.

### 5. Other Regulations

- a) *Short-term Moorage* shall not include an overnight period unless the *Moorage* is required in the course of navigation.



**PART 17: COMPREHENSIVE DEVELOPMENT ZONES**

Attachment A

Bylaw 2069

17.1.

**COMPREHENSIVE DEVELOPMENT 1 – RESERVED FOR FUTURE USE**

## 17.2. COMPREHENSIVE DEVELOPMENT 2 - CLUSTER HOUSING (CD-2)

The purpose of the Comprehensive Development Two zone is to accommodate low-density comprehensive residential development, with the opportunity of a density bonus for demonstrated enhanced energy efficiency.

### 1. Principal Uses

- a) *Single Unit Dwelling*.

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) Despite Part 6, Section 6.4, a *Secondary Suite* is not permitted.

### 3. Sizing and Dimensions of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1.0 hectare.

### 4. Density of the Use of Land, Buildings and Structures

- a) The maximum number of *Dwelling Units* in this *Zone* is 12 units.
- b) Despite Section 17.2(4)(a), a density bonus is permitted within the CD-2 Zone as indicated in the table below where amenities listed in Column 1 are provided to assist the Town of Ladysmith in meeting its greenhouse gas emission reduction targets in accordance with the Official Community Plan. Where the developer provides the amenities listed in Column 1, a density bonus is permitted as listed in Column 2.

COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
------------------------	----------------------------

Each *Single Unit Dwelling* shall attain a minimum of *EnerGuide 80 Energy Standard*, and the following steps shall be completed for each *Single Unit Dwelling*:

1. Prior to issuance of a *Building* permit, provide to the *Town* a copy of the energy audit from a *Certified Energy Advisor*.
2. Prior to issuance of a *Building* permit, provide a letter of credit to the *Town* for 1% of the construction costs.
3. Prior to issuance of an occupancy permit, provide to the *Town* a letter from the *Certified Energy Advisor* stating that the *Single Unit Dwelling* has complied with the *EnerGuide 80 Energy Standard*.
4. The letter of credit will be returned once the letter from the *Certified Energy Advisor* stating that the *Single Unit Dwelling* has complied with the *EnerGuide 80 Energy Standard* has been received by the *Building Inspector*.
5. The letter of credit will be cashed and retained by the *Town* if the *Energuide 80 Energy Standard* is not met.

A maximum of 20 *Dwelling Units* is permitted in the CD-2 Zone.

- c) No *Accessory Building* shall have a *Gross Floor Area* that is greater than 45 square metres.
- d) No *Principal* or *Accessory Buildings* or *Structures* when combined shall exceed a total *Parcel Coverage* of 30.0 percent.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* shall have a horizontal *Building* dimension less than 6.5 metres.
- b) No *Principal Building* or *Structure* shall exceed a *Height* of ~~9.0 metres; except where the *Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be~~ 7.5 metres.
- c) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~5.0 metres, except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be~~ 3.5 metres.
- d) No *Accessory Building* or *Structure* shall exceed one *Storey*.

- e) No *Principal* or *Accessory Buildings* or *Structures* 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 Side Parcel Line</i>	6.0 metres
<i>Exterior Side Parcel Line</i>	6.0 metres
<i>Rear Parcel Line</i>	6.0 metres

- f) Despite Section 17.2(5)(e), the *Setback* from the north *Side Parcel Line* for Unit #1 may be 4.5 metres.

## 6. Landscaping and Screening

- a) Despite Part 5, Section 5.21: Fence Regulations, a continuous wooden *Fence* with a minimum *Height* of 1.2 metres shall be provided on *Parcel Lines* adjacent to neighbouring *Residential* development, as shown on Figure 17.2.1: Comprehensive Development 2 (CD-2) Zone Site Plan.
- b) Disposal of surface run-off and rain water must be managed in part through the installation of a *Bio-Swale*, generally as shown on Figure 17.2.1.
- c) A minimum of 40% of the *Parcel Area* in the CD-2 *Zone* shall remain free of coverage by impermeable surfaces.
- d) Existing vegetation within the conservation buffer area identified on Figure 17.2.1 shall be maintained and preserved to provide a protection and buffer for the steep slope and Holland Creek trail.

## 7. Parking and Loading

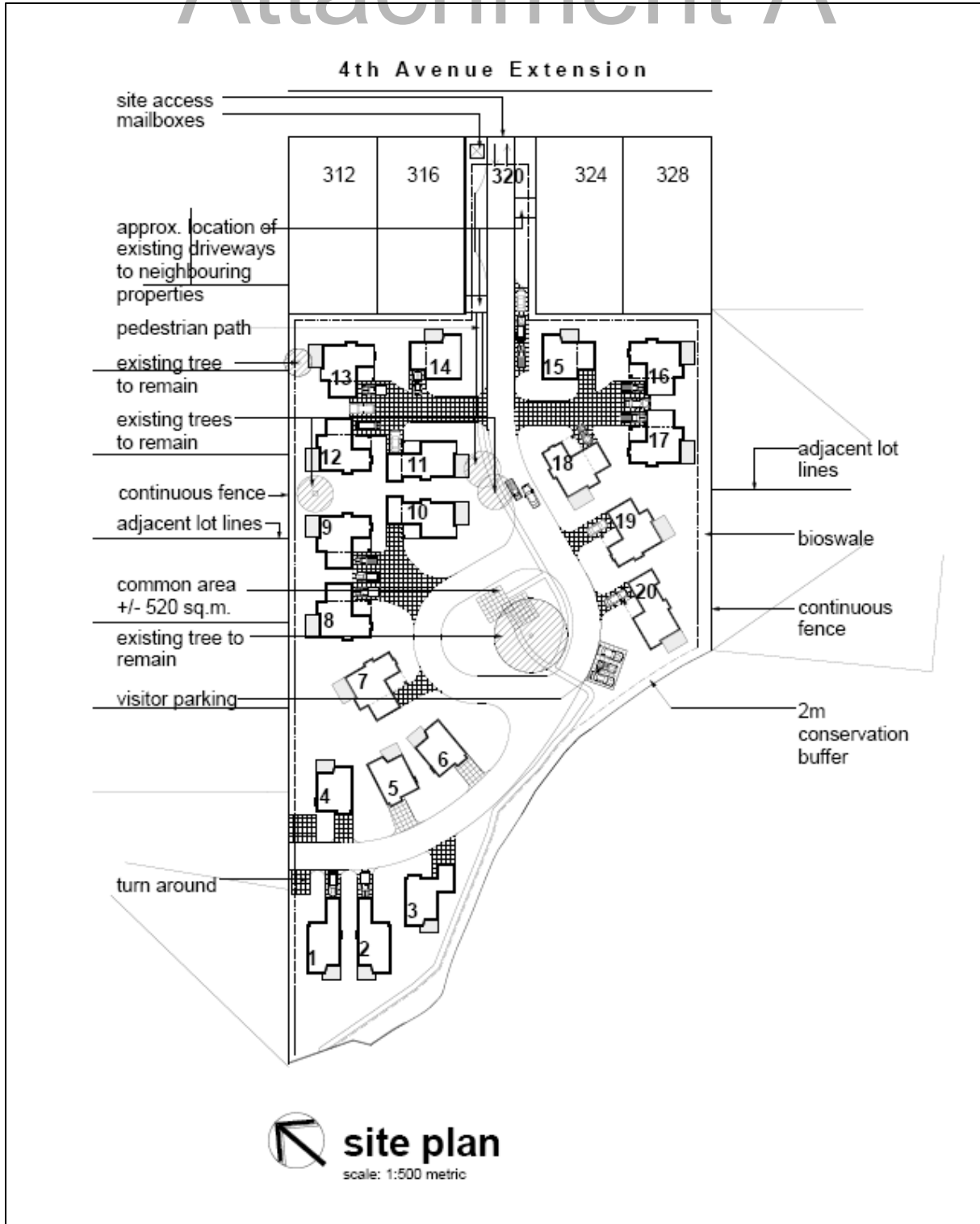
- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.
- b) In addition to the parking required in accordance with Section 17.2(7)(a), a minimum of six parking stalls shall be provided for visitor parking.

## 8. Site Plan

- a) The location of *Buildings* and *Structures* shall generally comply with Figure 17.2.1: Comprehensive Development 2 (CD-2) Zone Site Plan.

FIGURE 17.2.1: COMPREHENSIVE DEVELOPMENT 2 (CD-2) ZONE SITE PLAN

# Attachment A



### 17.3. COMPREHENSIVE DEVELOPMENT 3 - MALONE RESIDENTIAL (CD-3)

The purpose of the Comprehensive Development 3 Zone is to accommodate a mixed residential neighbourhood with a range of housing options and densities. Emphasis is placed on protecting the natural ecosystems and landscape through comprehensive site planning.

#### 1. CD-3 Zone Areas

- a) The Comprehensive Development 3 Zone is divided into Areas A, B and C, located as shown on the Plan in Section 17.3(15). The location of Areas A, B, and C shall comply with Section 17.3(15) CD-3 Zone Areas.

#### 2. Principal Uses: Area A

- a) Single Unit Dwelling.
- ~~a)b) Two Unit Dwelling~~

#### 3. Principal Uses: Area B

- a) Single Unit Dwelling.
- b) Two Unit Dwelling.

#### 4. Principal Uses: Area C

- a) Multiple-Unit Dwellings.

#### 5. Accessory Uses: Area A and B

- a) Home Based Business, subject to Part 6, Section 6.8.
- b) Secondary Suite, subject to Part 6, Section 6.4.
- ~~b)c) Coach House~~, subject to Part 6, Section 6.5

#### 6. Accessory Uses: Area C

- a) Home Based Business, subject to Part 6, Section 6.8.

#### 7. Sizing and Dimensions of Parcels: Area A and B

- ~~a) No Parcel for Single Unit Dwelling Use shall be created which has a Parcel Area less than 668 square metres in area, including a Parcel containing a Single Unit Dwelling created by subdivision under the Strata Property Act.~~
- ~~a)b) No Parcel shall be created which has a Frontage less than 12.0 metres~~
- ~~b) No Parcel for Two Unit Dwelling Use shall be created which has a Parcel Area less than 780 square metres.~~
- ~~c) Despite Section 17.3(7)(b), a Parcel, containing one Dwelling Unit of a Two Unit Dwelling, created by subdivision under the Strata Property Act may have a Parcel Area of 390 square metres.~~

**8. Sizing and Dimensions of Parcels: Area C**

- a) No Parcel shall be created which has a Parcel Area less than 2.5 hectares.

**9. Size and Density of the Use of Land, Buildings and Structures: Areas A and B**

- a) ~~Where only one dwelling unit is constructed on a parcel no Single Unit Dwelling shall have a Finished Floor Area that exceeds 240.0 square metres. No Single Unit Dwelling shall have a Finished Floor Area that exceeds 33.0 percent of the Parcel Area or 240.0 square metres, whichever is less.~~

- b) The maximum number of Dwelling Units permitted per Parcel in Areas A and B is as shown in the Table below:

<u>PARCEL AREA</u>	<u>MAXIMUM DWELLING UNITS PERMITTED</u>
<u>4,050.0 square metres or larger</u>	<u>Two units</u>
<u>Less than 280.0 square metres</u>	<u>Three units</u>
<u>Between 280.0 square metres and 4,050.0 square metres</u>	<u>Four units</u>

- ~~b) No Two Unit Dwelling shall have a Finished Floor Area that exceeds 33.0 percent of the Parcel Area or 310 square metres, whichever is less.~~

- c) No Building or Structure shall exceed a Parcel Coverage of:

i) 33.0 percent where only one dwelling is located on a parcel; and

ii) 50.0 percent where more than one dwelling unit is located on a parcel.

**10. Density of the Use of Land, Buildings and Structures: Area C**

- a) The maximum number of Dwelling Units is 103 Dwelling Units.
- b) The Floor Space Ratio shall not exceed 0.66.
- c) No Building or Structure shall exceed a Parcel Coverage of 33.0 percent.
- d) A Parcel may contain more than one Principal Building.

**11. Siting, Sizing and Dimension of Uses, Buildings and Structures: Areas A and B**

- a) ~~No Principal Building or Structure shall exceed a Height of 9.011 metres, except where the roof pitch is less than 4:12 in which case the maximum Height shall be 7.5 metres.~~

- b) ~~No Accessory Building or Structure shall exceed a Height of 5.0 metres, except where the roof pitch is less than 4:12 in which case the maximum Height shall be 3.5 metres.~~

- ~~c) No Accessory Building or Structure shall 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.~~

Bylaw 2099

~~e)c~~ No *Principal Building* or *Structure*, or *Coach House Dwelling* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

Bylaw 1904

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<u><i>Interior or Exterior Side Parcel Line</i></u>	<u>1.23.0</u> metres
<del><i>Interior Side Parcel Line</i></del>	<del>1.5 metres</del>
<i>Rear Parcel Line</i>	<u>4</u> .5 metres

~~e)d~~ Despite Section 17.3(11)(~~ec~~), any portion of a *Building* comprising an attached garage shall be offset a minimum of 1.5 metres from the front face of the *Building*.

e) Despite Section 17.3(11)(~~ec~~), no *Buildings* or *Structures* shall be located closer than 6.0 metres to the boundary of a hydro right of way *Lot* line.

f) Buildings containing *dwelling units* on the same *parcel* shall be separated by a minimum horizontal distance of:

- i) 2.4 meters, where each building is *sprinklered*; and
- ii) 4.8 meters, where any part of a building is not *sprinklered*

~~f)g~~ No *Accessory Building* or *Structure* 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>	1. <u>50</u> metres
<i>Rear Parcel Line</i>	1. <u>50</u> metres

~~g)h~~ Despite Section 17.3(11)(~~ef~~), no *Accessory Buildings* or *Structures* shall be located closer than 6.0 metres to the boundary of a hydro right of way *Lot* line.

**12. Siting, Sizing and Dimension of Uses, Buildings and Structures: Sub-Areas C**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.0 metres, measured to the highest point of the roof.
- b) No *Building* or *Structure* 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 Side Parcel Line</i>	3.0 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- c) Despite Section 17.3(12)(b), no *Building* or *Structure* shall be located 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 in Section 17.3(16).
- d) No *Buildings* or *Structures* may be located within a Streamside Protection Enhancement Area as defined by the *Riparian Area Regulation, B.C. Reg. 376/2004*.

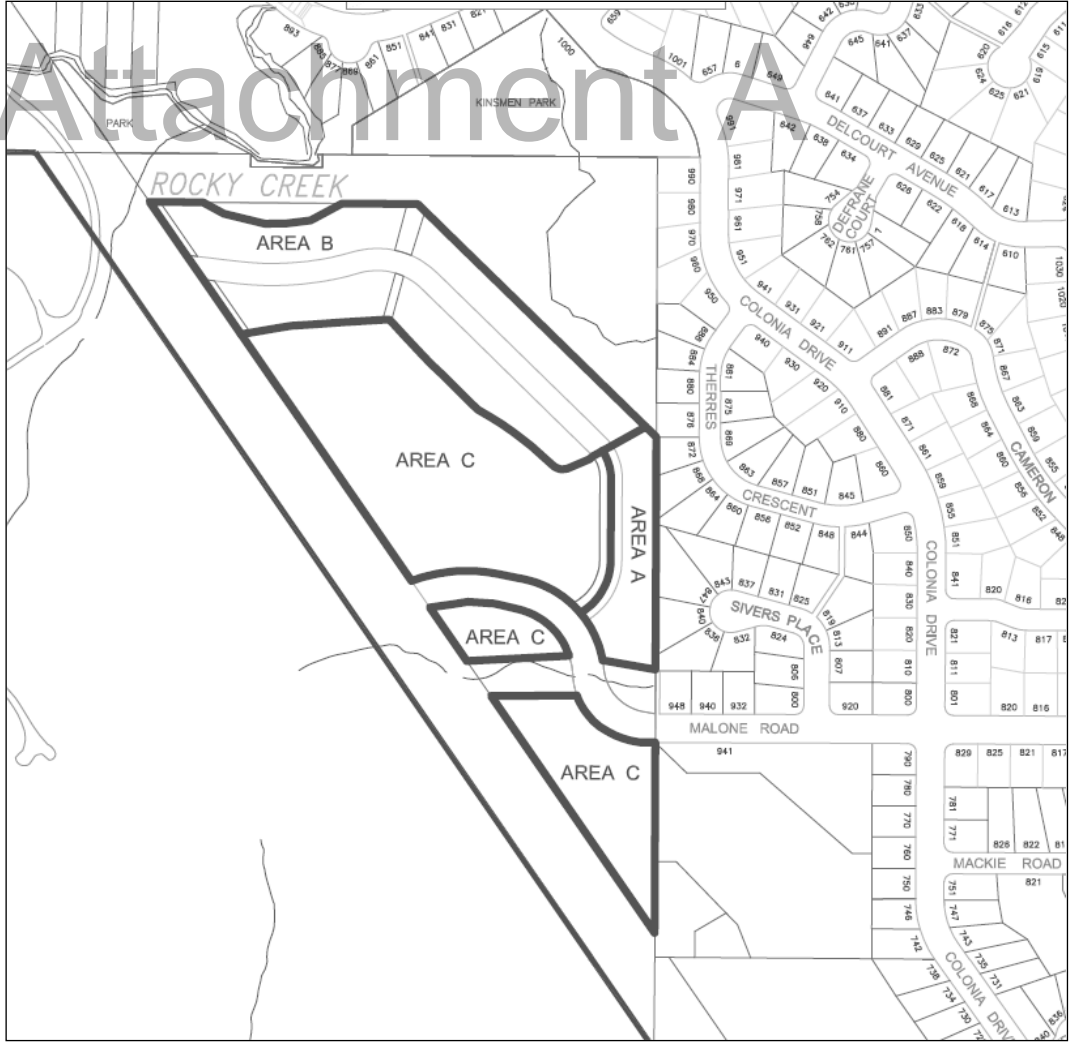
**13. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

**14. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8 Parking and Loading Regulations.

**15. Plan of the Comprehensive Development 3 (CD-3) Zone Areas**



#### **17.4. COMPREHENSIVE DEVELOPMENT 4 - WATERFRONT RESERVE ZONE (CD-4)**

The purpose of the Comprehensive Development 4 Zone is to permit existing uses and new uses requiring limited infrastructure until further planning, analysis and consultation are completed.

##### **1. CD-4 Zone Areas**

- b) The Comprehensive Development 4 Zone is divided into Sub-Areas A and B, located as shown on the Plan in Section 17.4(11). The location of Sub-Areas A and B shall comply with Section 17.4(11) CD-4 Zone Areas.

##### **2. Principal Uses: Sub-Area A**

- a) *Nature Park.*
- b) *Outdoor Recreation Facility.*
- c) *Assembly.*
- d) *Community Garden.*
- e) *Farmer's Market.*
- f) *Railway Passenger Depot.*

##### **3. Principal Uses: Sub-Area B**

- a) *Nature Park.*
- b) *Outdoor Recreation Facility.*
- c) *Assembly.*
- d) *Community Garden.*
- e) *Farmer's Market.*
- f) *Cottage Industry.*
- g) *Cultural Facility.*
- h) *Office.*
- i) *Artist Studio.*
- j) *Visitor Centre.*
- k) *Railway Passenger Depot.*
- l) *Micro-Brewery.*
- m) *Brewery, Distillery, Bottling and Distribution.*
- n) *Retail Sales.*
- o) *Coffee Shop.*
- p) *Restaurant.*
- q) *Artifact and Boat Restoration.*

**Bylaw 2012**

**4. Accessory Uses**

- a) *Food Truck.*
- b) *Retail Sales.*
- c) *Public Parking, Short-Term.*
- d) *Temporary Overnight Accommodation.*

Bylaw 2012

**5. Sizing and Dimensions of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1 hectare.

**6. Size and Density of Use of Land, Buildings and Structures**

- a) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 5.0 percent.

Bylaw 2012

**7. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Building* shall exceed a *Height* of 9.0 metres, measured to the highest point of the roof.
- b) No *Buildings* or *Structures* located on a *Parcel* within this *Zone* shall be closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

Bylaw 2012

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

Bylaw 1904

**8. Landscaping and Screening**

- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

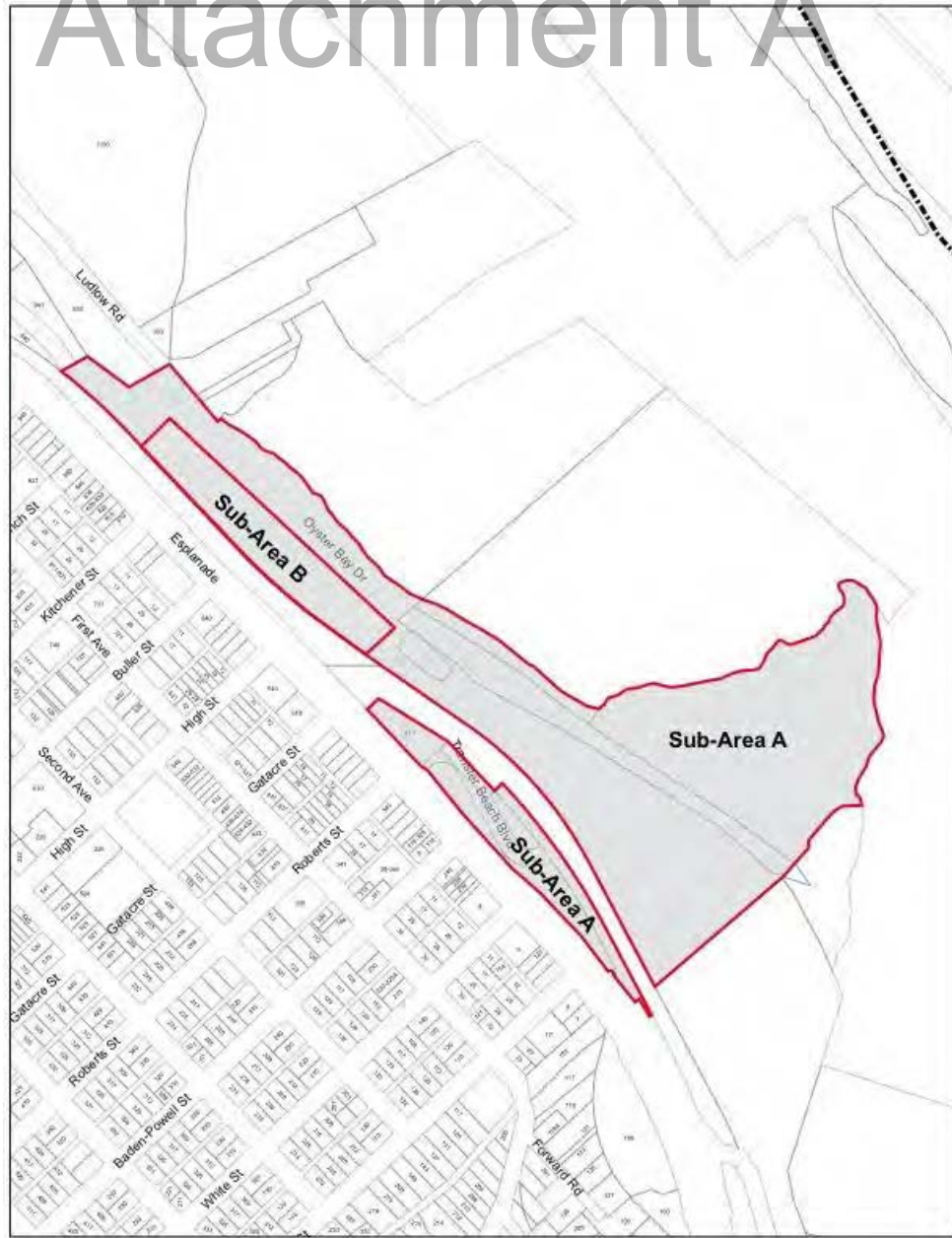
**9. Parking and Loading**

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

Bylaw 2012

10. Plan of the Comprehensive Development 4 (CD-4) Zone Sub-Areas

# Attachment A



## 17.5 COMPREHENSIVE DEVELOPMENT 5 - COMMUNITY HOUSING ZONE (CD-5)

Bylaw 1983

The purpose of the CD-5 Community Housing Zone is to accommodate multiple unit rental tenure housing to serve the community's diverse housing needs.

### 1. Principal Uses

- a) *Multiple-Unit Dwellings.*

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*
- c) *Assembly.*

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 2,023 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 1.5.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 180 units per hectare of *Land*.
- c) No *Building* or *Structures* shall exceed a *Parcel Coverage* of 50.0 percent.
- d) Despite Section 17.5 (4)(d) where all required off-street parking is provided underground, no *Buildings* or *Structures* in this *Zone* shall exceed a maximum *Parcel Coverage* of 60.0 percent.
- e) A *Parcel* may contain more than one *Principal Building*.

Bylaw 2099

### 5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 12.5 metres, measured to the highest point of the roof.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of ~~7.5 metres;~~ except where the roof pitch is less than 4:12, in which case the maximum Height shall be 5.0 metres.

- c) No *Principal Buildings* or *Structures* 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 Side or Exterior Side Parcel Line</i>	4.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

## 6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

## 8. Form of Tenure

- a) One hundred percent (100%) of the Dwelling Units in the CD-5 Zone shall be limited to *Residential Rental Tenure*.

## 17.6 COMPREHENSIVE DEVELOPMENT 6 – BELAIRE MIXED-USE (CD-6)

The purpose of the CD-6 Belaire Mixed-Use is to accommodate a four-storey mixed-use development containing ground floor commercial and second, third, and fourth floor multi-family residential development.

### 1. Principal Uses

- a) *Coffee shop*
- b) *Community care facility*
- c) *Media production studio*
- d) *Multiple-Unit Dwellings*
- e) *Neighbourhood pub*
- f) *Office*
- g) *Personal service establishment*
- h) *Restaurant*
- i) *Retail sales*
- j) *Veterinary clinic*

### 2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.

### 3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1,500 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 30 metres.

### 4. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 1.3.
- b) The maximum number of Dwelling Units permitted in this Zone is one.
- c) Notwithstanding Section 17.6(4)(b), the owner shall be entitled to a maximum residential density of 53.5 units per hectare, to a maximum of 8 units, provided that:
  - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park; and



- ii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i).
- d) Notwithstanding Section 17.6(4)(b) and (c), the owner shall be entitled to a maximum residential density of 78.5 units per hectare, to a maximum of 12 units, provided that:
  - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park;
  - ii) the owner constructs, at their cost, a public gathering space, in accordance with the standards established by the Town, in Wickham Park;
  - iii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i) and (ii);
  - iv) a minimum of 60 percent of the off-street parking spaces for the dwelling units, as required in Part 8: Parking and Loading Regulations, are provided as *Underbuilding Parking*; and
  - v) all *Principal Buildings* meet or exceed Step 1 of the British Columbia Energy Step Code.
- e) No commercial use on the parcel shall have a *Gross Floor Area* greater than 250 square metres.
- f) The combined *Floor Space Ratio* for all commercial uses on the property shall not exceed 0.5.
- g) No *Building* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.
- h) A *Parcel* may contain more than one *Principal Building*.

**5. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 14.5 metres, measured to the highest point of the roof.  
No *Accessory Building* or *Structure* shall exceed a *Height* of ~~7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be~~ 5.0 metres.

- b) No *Principal Buildings* or *Structures* 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> (Belaire Street)	2.0 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.0 metres
<i>Rear Parcel Line</i>	17.0 metres

- c) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 80.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* greater than 15 m<sup>2</sup>, 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 Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	13.0 metres

## 6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

## 7. Parking and Loading

- a) Off-street parking shall be provided in accordance with Part 8: Parking and Loading Regulations.
- b) Notwithstanding (a);
- i) the total number of on-site loading spaces required on a parcel shall be one; and
  - ii) a maximum of 50 percent of the total off-street parking requirement may be designated as small car spaces.

## 17.7 COMPREHENSIVE DEVELOPMENT 7 – ROCKY CREEK ROAD MIXED-USE RESIDENTIAL (CD-7)

The purpose of the Comprehensive Development 7 Zone is to accommodate a mixed-use residential neighbourhood with a range of housing options and densities, with flexibility in permitted uses to allow for the option of Live-Work uses adjacent to Rocky Creek Road and to provide access to local commercial services for existing and future residents.

### 1. Principal Uses

- a) *Artist Studio.*
- b) *Bakery.*
- c) *Coffee Shop.*
- d) *Commercial School.*
- e) *Community Care Facility.*
- f) *Convenience Store.*
- g) *Cottage Industry.*
- h) *Liquor Retail Sales.*
- i) *Media Production Studio.*
- j) *Micro-Brewery.*
- k) *Multiple-Unit Dwelling.*
- l) *Neighbourhood Pub.*
- m) *Non-Motorized Recreational Equipment Sales or Rental*
- n) *Office.*
- o) *Personal Service Establishment.*
- p) *Restaurant.*
- q) *Retail Sales.*
- r) *Single Unit Dwelling.*
- s) *Tourist Accommodation.*
- t) *Two Unit Dwelling.*
- u) *Townhouse Dwelling.*
- v) *Veterinary Clinic.*

## **2. Accessory Uses**

- a) *Coach House Dwelling*, as an *Accessory Use* to a *Single Unit Dwelling*, and subject to Part 6, Section 6.5.
- b) *Home Based Business*, subject to Part 6, Section 6.8.
- c) *Recreation Activity Space*.
- d) *Secondary Suite*, subject to Part 6, Section 6.4.
- e) *Urban Agriculture*.

## **3. Sizing and Dimensions of Parcels**

- a) No *Parcel* for a *Single Unit Dwelling Use* shall be created which has a *Parcel Area* less than 372 square metres in area.
- b) No *Parcel* for a *Two Unit Dwelling Use* shall be created which has a *Parcel Area* less than 780 square metres in area.
- c) No *Parcel* for a *Multiple-Unit Dwelling* or a *Townhouse Dwelling* shall be created which has a *Parcel Area* less than 2023 square metres.
- d) No *Parcel* for a commercial use shall be created which has a *Parcel Area* less than 668 square metres in area.
- e) No *Parcel* shall be created which has a *Frontage* of less than 12.19 metres.

## **4. Total Density of the Use of Land, Buildings and Structures**

- a) For the *Parcel* legally described as Lot A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), the maximum number of *Dwelling Units* is 282 in total.
- b) The maximum number of *Dwelling Units* permitted by subsection 17.7.4.a) applies despite any subdivision of the *Parcel* specified.
- c) For the purpose of calculating the maximum total density permitted by 17.7.4.a) and b), an *Accommodation Unit* for a *Tourist Accommodation Use* will be counted as a *Dwelling Unit*.

## **5. Size and Density of the Use of Land, Buildings and Structures**

- a) For a *Single Unit Dwelling* section 10.4.4. "Size and Density of the Use of Land, Buildings and Structures" of Section 10.4 "Single Dwelling Residential – Small Lot B Zone (R-1-BA)" shall apply.
- b) For a *Two Unit Dwelling* section 10.6.4. "Size and Density of the Use of Land, Buildings and Structures" of Section 10.6 "Old Town Residential (R-2)" shall apply.
- c) For a *Multiple-Unit Dwelling* or a *Townhouse Dwelling* the *Floor Space Ratio* shall not exceed 2.0.

- Attachment A
- d) For a *Parcel* created for a *Multiple-Unit Dwelling* or a *Townhouse Dwelling*, no *Building* or *Structure* shall exceed a *Parcel Coverage* of 50.0 percent.
  - e) No commercial use on a *Parcel* shall have a *Gross Floor Area* greater than 200 square metres.
  - d) Despite subsection 17.7.5.e) a maximum of one commercial use on the *Parcel* legally described as Lot A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), may have a *Gross Floor Area* of no greater than 500 square metres. The maximum of one commercial use no greater than 500 square metres applies despite any subdivision of the *Parcel* specified.
  - f) The combined *Floor Space Ratio* for all commercial uses on a *Parcel* shall not exceed 0.5.
  - g) Commercial uses may only be located on the *First Storey* of a *Building*.
  - h) Despite section 17.7.5(g) *Tourist Accommodations* may be located above the *First Storey* of a *Building*.
  - i) A *Parcel* may contain more than one *Principal Building*.
  - j) Despite section 17.7.5.(i) a *Parcel* for a *Single Unit Dwelling* shall not contain more than one *Principal Building*.

#### **6. Siting, Sizing and Dimension of Uses, Buildings and Structures**

- a) For a *Single Unit Dwelling* section 10.4.5. "Siting, Sizing and Dimension of Uses, Buildings and Structures" of Section 10.4 "Single Dwelling Residential – Small Lot B Zone (R-1-~~AB~~)" shall apply.
- b) For a *Two Unit Dwelling* section 10.6.5 "Siting, Sizing and Dimension of Uses, Buildings and Structures" of Section 10.6 "Old Town Residential (R-2)" shall apply.
- c) For a *Multiple-Unit Dwelling* or a *Townhouse Dwelling* section 10.10.5 "Siting, Sizing and Dimension of Uses, Buildings and Structures" of Section 10.10 "Medium Density Residential (R-3)" shall apply.
- d) Despite section 10.10.5.(a) a *Multiple-Unit Dwelling Building* shall not exceed a *Height* of 21.0 metres, measured to the highest point of the roof.
- e) Despite section 10.10.5.(d) no *Multiple-Unit Dwelling Building* shall be located closer than 6.0 metres from any *Parcel Line* that abuts a *Parcel* that contains a *Single Unit Dwelling* or a *Two Unit Dwelling*.

#### **7. Landscaping and Screening**

- b) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

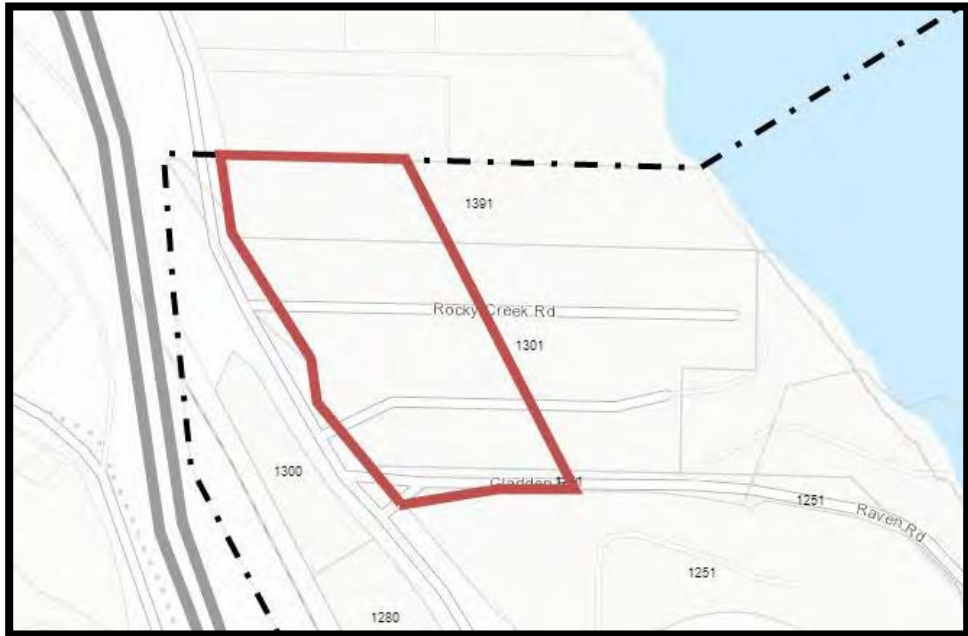
**8. Parking and Loading**

- b) Off-street parking and off-street loading shall be provided in accordance with Part 8 Parking and Loading Regulations.

**9. Additional Option for Live-Work Industrial Development**

- a) For the portion of *Parcel* legally described as Lot A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), shown in Figure 17.7, the *Uses* permitted in the I-1A Zone are permitted in addition to the *Uses* listed in section 17.7.1 and 17.7.2, subject to meeting the requirements for: sizing and dimension of parcels; size and density of the use of the land, buildings and structures; siting sizing and dimensions of uses, buildings and structures; landscaping and screening; parking and loading; and, other regulations as provided in sections 12.1.3 to 12.1.8 of Section 12.1 “Live/Work Industrial (I-1A)”.

**Figure 17.7**



## METRIC CONVERSION CHART

This chart is provided for convenience only and does not form part of this Bylaw.

METRES (m)	FEET (ft)	METRES (m)	FEET (ft)	SQUARE METRES (m <sup>2</sup> )	SQUARE FEET (ft <sup>2</sup> )	SQUARE METRES (m <sup>2</sup> )	SQUARE FEET (ft <sup>2</sup> )
0.1	0.3	5.8	19	0.4	4.3	110	1,184
0.165	0.5	6	19.7	1	10.8	121	1,302
0.2	0.7	7	23	2	21.5	137	1,475
0.3	1	7.3	24	3	32.3	140	1,507
0.4	1.3	7.32	24	3.5	37.7	175	1,884
0.5	1.6	7.5	24.6	4	43.1	200	2,153
0.6	2	7.6	25	5	53.8	223	2,400
0.7	2.3	8	26	6	64.6	240	2,583
0.8	2.6	9	29.5	7	75.3	277	2,972
0.9	2.9	9.15	30	8	86.1	300	3,229
1	3.3	9.3	30.5	9	96.9	334	3,595
1.2	3.9	9.5	31.2	9.3	100.1	372	4,004
1.4	4.6	10	32.8	10	107.6	390	4,198
1.5	4.9	10.4	34.1	20	215.3	400	4,306
1.8	5.9	10.5	34.4	25	269.1	465	5,005
1.9	6.2	11	36.1	30	322.9	500	5,382
2	6.6	12	39.4	32	344.4	600	6,458
2.1	6.9	12.19	40	37	398.3	626	6,738
2.2	7.2	13.5	44.3	40	430.6	668	7,190
2.29	7.5	14	45.9	45	484.4	695	7,481
2.4	7.9	15	49.2	50	538.2	700	7,535
2.5	8.2	18	59	60	645.8	780	8,396
2.6	8.5	18.28	60	70	753.5	892	9,601
2.7	8.9	20	65.6	71	764.2	1,000	10,764
2.75	9	21	68.9	83	893.4	1,250	13,455
3	9.8	24.38	80	85	914.9	1,394	15,005
3.5	11.5	30	98.4	90	968.8	1,460	15,715
3.6	11.8	36.57	120	100	1,076		
3.7	12.1	45	147.6				
4.5	14.8	50	164				
4.9	16.1	60	196.9				
5	16.4	90	295.3				
5.2	17.1	100	328				
5.5	18	125	410.1				
5.7	18.7						

HECTARES (Ha)	ACRES
1	2.47
1.5	3.71
2	4.94
12	29.7
20	49.4

Town of Ladysmith

Attachment A

# ZONING BYLAW 2014, NO.1860

## SCHEDULE B – ZONING BYLAW MAP

Town of Ladysmith





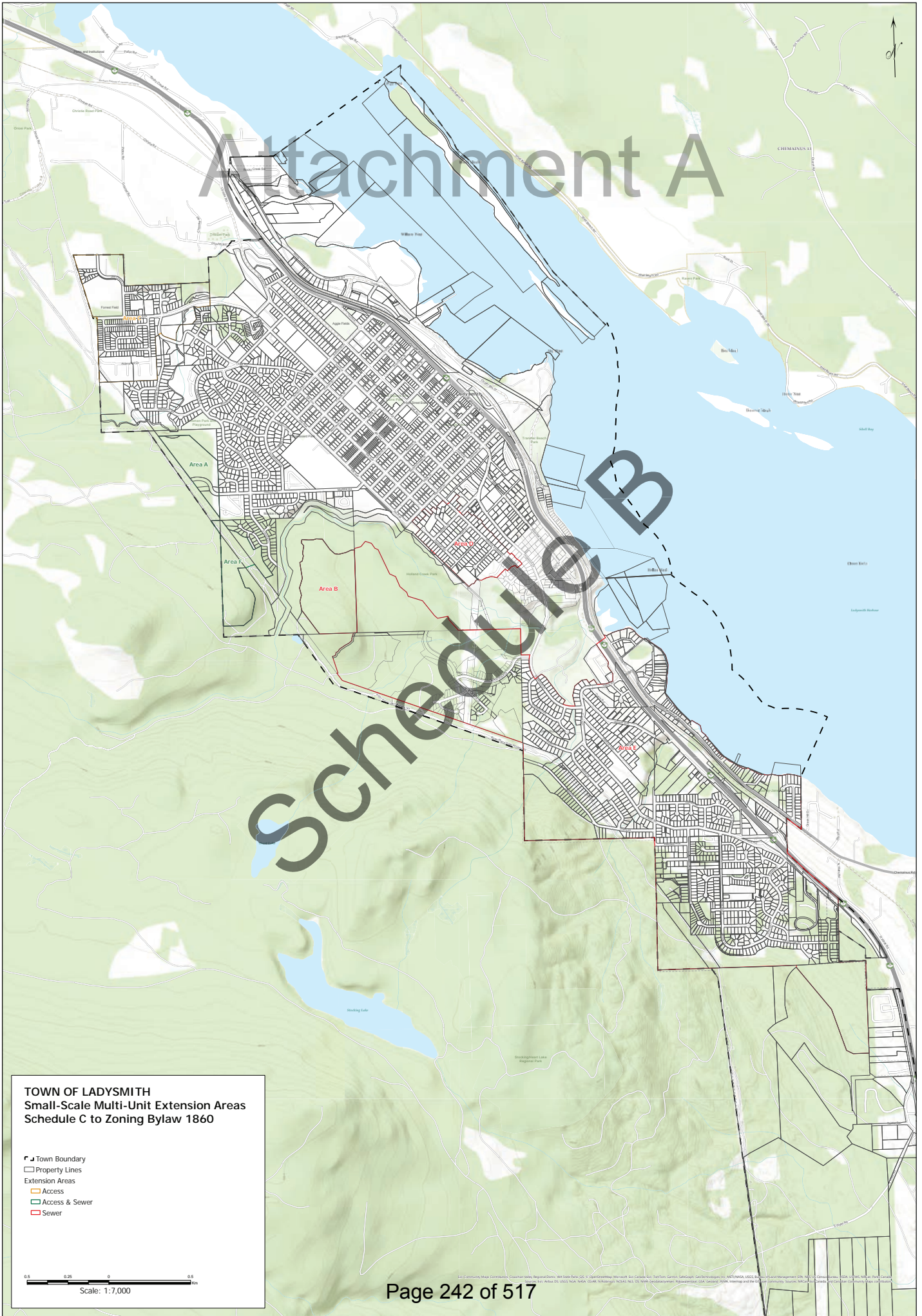
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# Attachment A

i

# Attachment A

# Schedule B



**TOWN OF LADYSMITH**  
**Small-Scale Multi-Unit Extension Areas**  
**Schedule C to Zoning Bylaw 1860**

- ▬ Town Boundary
- ▭ Property Lines
- Extension Areas
  - ▭ Access
  - ▭ Access & Sewer
  - ▭ Sewer

0.5 0.25 0 0.5  
Scale: 1:7,000

**TOWN OF LADYSMITH**

**BYLAW NO. 2187**

**A Bylaw to Amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"**

---

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. The definition of 'Access Strip' is added as follows:

"ACCESS STRIP: means, in the case of a panhandle lot, the part of a panhandle lot that provides access to a street."

2. The definition of 'Accommodation Unit' is deleted and replaced as follows:

"ACCOMMODATION UNIT: means one or more habitable rooms provided as part of a tourist accommodation use to provide temporary accommodation to the travelling public and may include a bathroom, kitchen facilities or a Kitchenette but does not include a Guest Room or a Dwelling Unit"

3. The definition of 'Bed and Breakfast' is deleted and replaced as follows:

"BED AND BREAKFAST: means the provision of *Guest Rooms*, in a *Single-Unit Dwelling* or an *Accessory Building*, for the temporary accommodation of paying guests, and may include meal service to those guests, but does not include the provision of *Accommodation Units* to paying guests"

4. The definition of 'Dwelling Unit' is amended to add the words "or Guest Room" after "Accommodation Unit"

5. The definition of 'Guest Room' is added as follows:

"GUEST ROOM: means a bedroom or similar room provided as part of a Bed and Breakfast use to provide sleeping facilities to the travelling public and may include an ensuite bathroom but does not include a room with Kitchen Facilities, a Kitchen, Kitchenette or cooking facilities of any kind, or an Accommodation Unit or Dwelling Unit."

6. The last sentence in the definition of 'Corner Parcel' is deleted and replaced as follows:

"In the case of a Panhandle Parcel, the Front Parcel Line shall be the Parcel Line abutting the Parcel between the Street and the Panhandle Parcel."

7. The definition of 'Tourist Accommodation' is deleted and replaced as follows:

"TOURIST ACCOMMODATION: means the provision of one or more *Accommodation Units* for the temporary accommodation of the travelling public but does not include the rental of dwelling units for residential purposes for a month or more under a residential tenancy agreement pursuant to the *Residential Tenancy Act*."

8. Subsections 5.3(a) and (b) are deleted and replaced as follows:

" a) When Panhandle Parcels are created, the Parcel frontage requirement shall not be calculated for the panhandle portion of the access strip fronting on the Street, but for the front parcel line.

b) Where a *Parcel* is a *Panhandle Parcel*, the access strip shall not be included as part of the *Parcel Area* for the purpose of determining minimum *Parcel size*."

9. Add the following as subsections 5.3(c) and (d):

" c) An access strip shall have:

- i) a minimum width of 6.0 meters;
- ii) a maximum width of 9.0 meters;
- iii) a maximum length of 30 meters;
- iv) a maximum grade of 12%

d) A panhandle parcel shall not be created adjacent to another panhandle parcel."

10. Subsections 6.7(a) is deleted and replaced as follows:

" a) A Bed and Breakfast, where permitted in this Bylaw, shall satisfy all of the following conditions:

- i. Shall be operated by an owner of the Single Unit Dwelling, who resides on the Parcel on which the Bed and Breakfast is located.
- ii. Shall not alter the Principal Residential character or external appearance of the Dwelling.
- iii. A Guest Room shall not be provided in an *Accessory Building* unless at least one Guest Room is provided in a Single Unit Dwelling.
- iv. Shall be limited to a maximum of four (4) Guest Rooms, only one of which may be located in an *Accessory Building*.

- v. For clarity, Guest Rooms shall not have Kitchen Facilities, Kitchenettes, or cooking facilities of any kind. :
  - vi. Shall be permitted to offer culinary services to guests, including cooking lessons, which are separate from meals included with accommodation.
  - vii. Shall not provide accommodation to the same person or persons more than 30 consecutive days, or more than 60 days within a single calendar year.
  - viii. Shall be prohibited on a Parcel where a Caretaker Dwelling, Secondary Suite, Coach House Dwelling, Two-unit Dwelling or Multi-unit Dwelling is located."
11. Table 8.1 is amended to change the parking requirement for Bed and Breakfast to replace the words "Accommodation Unit" with "Guest Room"
12. The minimum parcel size for the R-1-A zone under subsection 10.3.3(a) is reduced from 460 square meters to 300 square meters
13. The minimum parcel frontage for the R-1-A zone under subsection 10.3.3(b) is reduced from 13.5 meters to 10 meters.
14. Add 'Bed and Breakfast' as a permitted accessory use in the R-2 zone as section 10.8(2)(e)
15. Delete subsection Section 10.8(4)(b) of the R-2 zone and replace with the following: "Where more than four units are located on a *Parcel*, the maximum *Floor Space Ratio* shall be 1.3."
16. Add the following as section 10.8.6
- "6. Landscaping and Screening
    - a) Landscaping and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations."
17. Add the following as section 10.8.8
- "8. Other Regulations**
- a) Notwithstanding the permitted uses under subsection 10.4(1), the following uses are not permitted where five or more units are located on a parcel:
    - i. *Coach House Dwelling*
    - ii. *Two-unit Dwelling*
    - iii. *Single Unit Dwelling*"
18. All section references, section numbers, table of contents and marginalia are updated accordingly.

**Citation**

19. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**PUBLIC HEARING HELD PURSUANT TO SECTION 464(1)(a) of the Local Government Act** on the day of, 2024

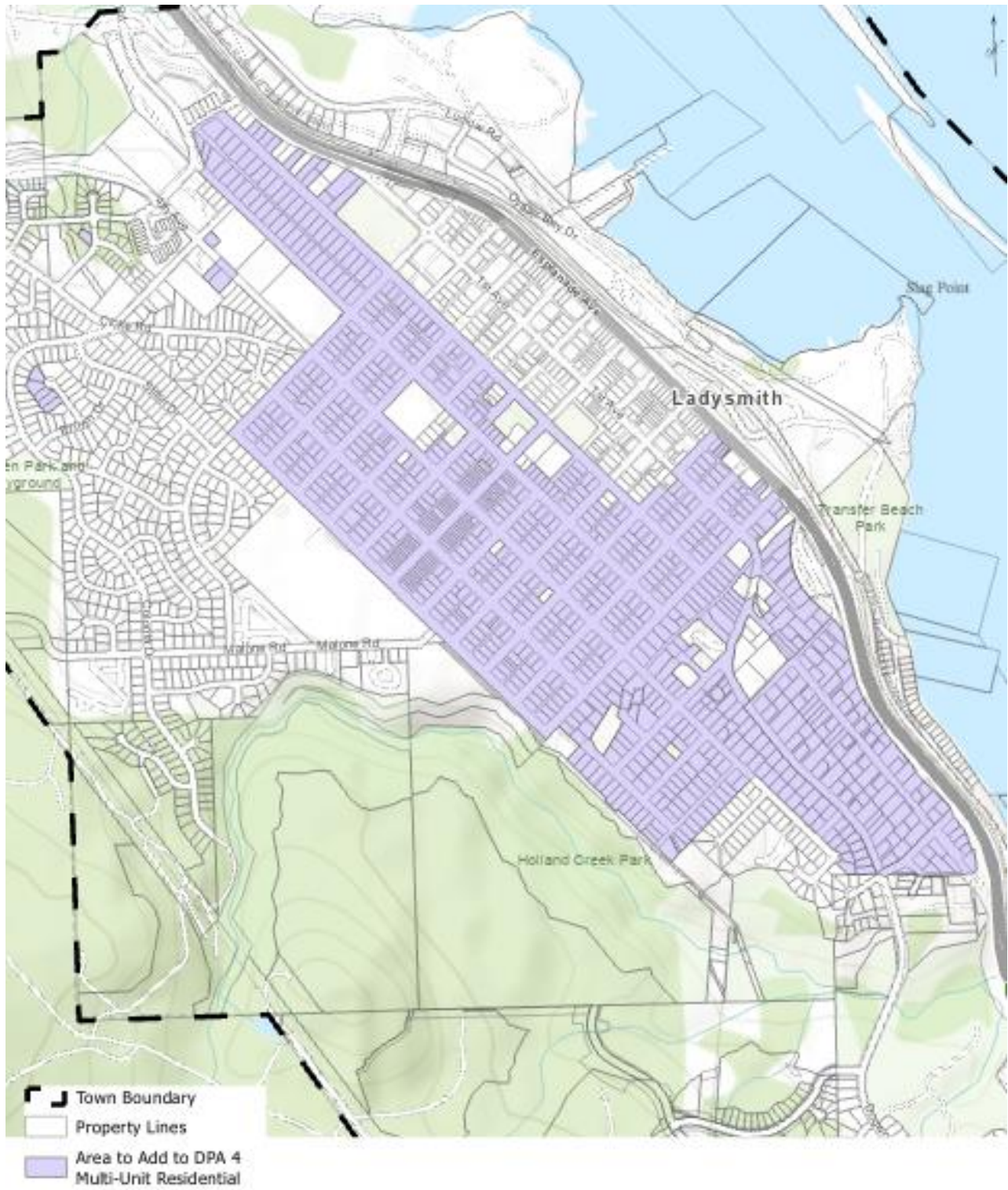
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_\_ day of, 2024

\_\_\_\_\_  
Mayor (A. Stone)

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

**Schedule A**



## TOWN OF LADYSMITH

### BYLAW NO. 2185

#### **A Bylaw to Amend "Official Community Plan Bylaw 2022, No. 2200"**

---

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Official Community Plan Bylaw 2022, No. 2200":

1. The following is added as policy 2.52 under Part 2: Transportation:

"2.52 Subdivision and rezoning applications will be evaluated to ensure that neighbourhoods meet section 5.1.4 (Means of Access) of 'National Fire Protection Association Standard 1141: Fire Protection Infrastructure for Land Development in Wildland, Rural and Suburban Areas', which requires two accesses for neighbourhoods with 101-600 homes and three accesses for neighbourhoods with more than 600 homes. More stringent requirements will be considered in the wildland urban interface and other hazard lands."

2. Map 8 is amended to:

- a. delete the Coach House Intensive Residential Development Permit Area and High Street Residential Development Permit Area;
- b. add the area shown in purple in Schedule A to Development Permit Area 4: Multi-Unit Residential

3. The development permit area guidelines are amended to:

- a. Delete the exemption in section 4(m) and replace with the following:

"(m) single-family, two-unit, secondary suite and coach house developments or R-2 zoned residential developments with four units or less in DPA 4 multi-unit residential.";

- b. add as exemption 4(o) as follows:

"(o) development that is subject to a valid Phased Development Agreement pursuant to section 516 of the *Local Government Act* in the following development permit areas: Development Permit Area 1 – Maritime (DPA 1), Development Permit Area 2 – Downtown (DPA 2), Development Permit Area 3 – Commercial (DPA 3), Development Permit Area 4 – Multi-Unit Residential (DPA 4), Development Permit Area 5 – Industrial (DPA 5)."; and

- c. Delete the guidelines for the Coach House Intensive Residential Development Permit Area and High Street Intensive Residential Development Permit Areas.

4. Amend all section numbering and references accordingly.



Attachment C

**Citation**

5. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2022, No. 2200"Amendment Bylaw No. 2185".

**READ A FIRST TIME** on \_\_\_\_\_ the day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**PUBLIC HEARING HELD PURSUANT TO SECTION 464(1)(a) of the Local Government Act** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

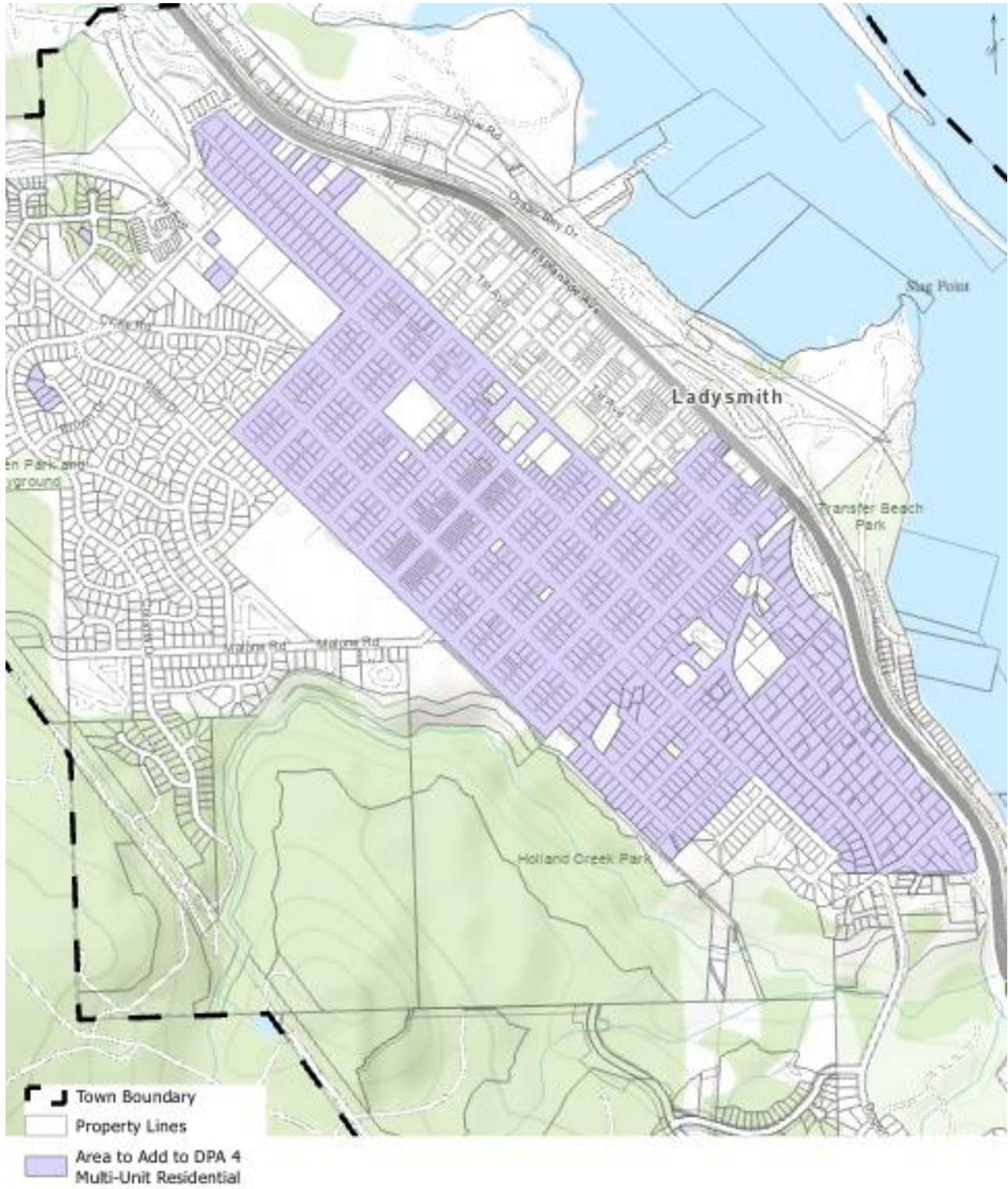
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor (A. Stone)

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

**Schedule A**



**TOWN OF LADYSMITH**

**BYLAW NO. 2184**

**A Bylaw to Amend "Council Procedure Bylaw 2009, No. 1666"**

---

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Council Procedure Bylaw 2009, No. 1666":

1. Subsection 19.3.1 is deleted and replaced as follows "19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws";
2. Subsection 19.4 is deleted and replaced as follows "19.4 for clarity, the provisions of this section do not apply to representations made as part of a public hearing convened pursuant to section 464 of the *Local Government Act*;"
3. Section 21 is deleted and replaced as follows:

**21. PROCEDURES REGARDING BYLAWS**

21.1 Except where required under another enactment:

21.1.1 every proposed bylaw, may be introduced and given first, second and third readings in one motion;

21.1.2 the introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council;

21.1.3 any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause; and

21.1.4 every proposed bylaw shall come into force and effect on the date of adoption unless, a subsequent date is specified in the bylaw.

4. The following is added as Sections 22 and 23:

**22. PUBLIC HEARINGS**

22.1 Where a public hearing is convened subject to section 464 of the *Local Government Act*:

22.1.1 the Chair may allow the applicant to make the first representation;

22.1.2 the Chair may establish time limits on representations, but shall not establish separate time limits for different speakers or limit the number of representations a person may make;

22.1.3 the Chair may:

22.1.3.1 afford special accommodations to persons wishing to make

representations who have a disability affecting their ability to make a representation, speak English as a second language, or do not speak English; and

22.1.3.4 arrange special accommodations under 22.1.3.1 in advance of the hearing without disclosing the arrangements as part of the hearing.

### 23. PUBLIC HEARINGS NOT HELD

23.1 A decision to proceed without a public hearing pursuant to section 464(2) of the *Local Government Act* :

2.3.1.1 shall be made by a resolution of Council;

2.3.1.2 shall be made prior to first reading of the bylaw; and

2.3.1.3 shall not be made at the same meeting in which the proposed bylaw receives 1<sup>st</sup> reading.

23.2 Where a public hearing is not held pursuant to section 464(2), (3) or (4) of the *Local Government Act*, no representations or written submissions shall be received by Council.

23.3 Notwithstanding subsection 23.2 the Chair may refer a question of Council to the applicant, and the applicant may address Council to answer the question if:

23.3.1 the applicant is present at a Council meeting;

23.3.2 the bylaw has not received first reading; and

23.3.3 the question and answer are limited to the technical aspects of the application.

### Citation

5. This Bylaw may be cited for all purposes as “Council Procedure Bylaw 2009, No. 1666 Amendment Bylaw No. 2184”.

**READ A FIRST TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024

**READ A THIRD TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_ day of \_\_\_\_\_, 2024

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Mayor (A. Stone)

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Attachment D

**TOWN OF LADYSMITH**

**BYLAW NO. 2183**

**A Bylaw to Amend “Town of Ladysmith Subdivision and  
Development Servicing Bylaw 2013, No. 1834”**

---

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834”:

1. The definition of “Access Strip” in Section 1.01 is deleted and replaced as follows: “Access Strip means an access strip as defined in the zoning bylaw”;
2. The definition of “Panhandle Parcel” in Section 1.01 is deleted and replaced as follows: “Panhandle Parcel means a Panhandle Parcel as defined in the zoning bylaw”; and
3. Subsection 4.03(b) is deleted and subsequent sections are renumbered accordingly.

**Citation**

4. This Bylaw may be cited for all purposes as “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834 Amendment Bylaw 2183”.

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor (A. Stone)

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

## TOWN OF LADYSMITH

### BYLAW NO. 2180

#### A Bylaw to Amend “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905”

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905”:

1. “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905” is amended to:
  - a. Add the following definition to section 2:

““Minor variance” means:

    - a. a reduction of any setback regulation of the zoning bylaw, to a maximum reduction of 75%;
    - b. an increase to any height regulation specified in the zoning bylaw for a principle building to a maximum increase of 1.5 meters;
    - c. an increase to any height regulation specified in the zoning bylaw, for any structure other than a principle building to a maximum increase of 0.25 meters;
    - d. any variance to the sign bylaw;
    - e. any variance to design standards for bicycle or automobile parking or loading spaces required by a bylaw under section 525(1)(a) of the *Local Government Act*;
    - f. a reduction in the number of required automobile parking spaces for a residential use required by a bylaw under 525(1)(a) of the *Local Government Act*, to maximum reduction of 5%;
    - g. a reduction in the number of required automobile parking spaces for a non-residential use required by a bylaw under 525(1)(a) of the *Local Government Act*, to maximum reduction of 25%;
    - h. a reduction in the number of required bicycle parking spaces for a non-residential use required by a bylaw under 525(1)(a) of the *Local Government Act*, to a maximum reduction of 5%;
    - i. any reduction in the number of required loading spaces required by a bylaw under 525(1)(a) of the *Local Government Act*;
    - j. a variance to a landscaping or screening requirement in a bylaw under section 527(1)(a) or 527(1)(b) of the *Local Government Act* where an equivalent area or type of landscaping is provided on the same site;
    - k. an increase in any maximum size restriction for a balcony, patio or deck, to a maximum increase of 25%; and
    - l. any combination of “a” through “k”;
  - b. Delete section 18 and replace with the following:



“18. Council hereby delegates to the Director of Infrastructure Services the powers, duties and functions to:

- a. approve the location, designation and control of on-street parking and loading areas, in accordance with the conditions specified in “Streets and Traffic Bylaw No. 1309”; and
- b. require excess or extended services pursuant to section 507 of the *Local Government Act.*”;
- c. delete subsection 19(d) and replace with: “d. multi-family development permits for developments consisting of four units or less”;
- d. add as subsection 19(f): “f. a development variance permit for a minor variance”;
- e. delete section 20 and replace with the following:

“20. Council hereby delegates to the Approving Officer the powers, duties, and functions to:

- a. Pursuant to section 512(2) of the Local Government Act, approve the creation of a parcel that does not meet a required minimum frontage where:
  - i. the parcel fronts a cul-de-sac; and
  - ii. the average of the front and rear parcel lines is not less than the minimum parcel frontage set out in the zoning bylaw;
- b. determine whether an owner of land being subdivided must provide parkland or money in lieu of parkland under section 510(2)(b) of the *Local Government Act.*”; and
- c. agree to the value of land being subdivided pursuant to section 510(6) of the *Local Government Act.*
- f. insert as section 20 the following:

“20. Pursuant to section 498.1(2) of the *Local Government Act* the Director of Development Services shall consider the following guidelines when deciding whether to issue a development variance permit for a minor variance:

- a. whether the proposed variance can reasonably be expected to adversely affect the use or enjoyment of neighbouring properties;
- b. whether the proposed variance would defeat the intent of

- the bylaw proposed to be varied;
- c. whether compliance with the regulation proposed to be varied would cause an undue hardship;
- d. whether practical alternatives are available to the landowner that do not require a variance;
- e. after due consideration of all available environmental impact, engineering and planning information, whether the proposed variance would adversely affect the natural environment, the conservation of heritage property or infrastructure to an unacceptable level; and
- f. whether the proposed variance supports implementation of the Official Community Plan.”; and
- g. renumber all section numbers and references accordingly.

**Citation**

- 2. This Bylaw may be cited for all purposes as “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905 Amendment Bylaw No. 2180”.

**READ A FIRST TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024

**READ A THIRD TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor (A. Stone)

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

**TOWN OF LADYSMITH**

**BYLAW NO. 2179**

**A Bylaw to establish application procedures for land use applications.**

---

Whereas, Section 460 of the *Local Government Act* by bylaw, defines procedures under which an owner of land may apply for an amendment to an official community plan or zoning bylaw, or a permit under part 14 of the *Local Government Act*;

Now therefore, the Municipal Council of the Town of Ladysmith in an open meeting assembled enacts as follows:

**Definitions**

1. In this bylaw:

“Application” means an application under section 2.

“Application fee” means a fee for an application as prescribed in the Fees and Charges Bylaw

“Committee Referral” means the referral of an application to a committee of Council, including an Advisory Planning Commission under section 461 of the *Local Government Act*;

“Delegate” means one or more persons authorized under “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905” to issue a permit under subsection 2(c), (d) or (e) of this bylaw.

“Staff report” means a report, whether in draft or final form, to:

- a) Council, or
- b) a delegate of Council who may approve an application,

and includes a report that has not been considered by Council or a delegate.

“development approval information” means development approval information under section 484 of the *Local Government Act*.

“Director” means the Director of Development Services for the Town of Ladysmith or their designate;

“extenuating circumstance” means the death, serious illness or medical issue of an applicant or member of the applicant's immediate family, or other similar circumstance beyond the control of the applicant.

“File Manager” means a staff member assigned by the Director or a senior planner to process an application in accordance with this Bylaw.

“inactive application” means:

- a) an application for which the application fee or notification bond has not been paid;
- b) an application for which development approval information has been requested and not received within 12 months of the date of the request or the deadline set by the Director, whichever is later;
- c) an application for which the deadline to hold a Neighborhood Information Meeting under section 17 has lapsed; or
- d) any other application where an applicant has failed to meet a requirement of this bylaw for a 12-month period.

“Interdepartmental referral” means the referral of an application to any Town department, other than the planning department.

“Intergovernmental referral” means the referral of an application to any local, provincial, first nations, or federal government or agencies thereof.

“legal instrument” means an agreement to which the Town is a party and includes a contract, covenant, statutory right of way, housing agreement, heritage revitalization agreement and phased development agreement, but does not include legal surveys.

“Neighbourhood Information Meeting” means a meeting hosted by the applicant that is open to the public, in a format prescribed by the Director from time to time, where the application is presented for information, and feedback about the application is received and documented.

“Notification bond” means a bond to cover notification cost in the amount prescribed in the Fees and Charges Bylaw.

“Notification costs”: means all advertising, mailing and delivery costs required to carry out any notification required under a bylaw of the Town or the *Local Government Act*.”

“Subject property” means all parcels of land subject to an application.

### Scope

2. This bylaw applies to an application for:

- a) an amendment to the Official Community Plan
  - b) an amendment to the Zoning Bylaw;
  - c) a Development Permit;
  - d) a Development Variance Permit; or
  - e) a Temporary Use Permit.
3. Notwithstanding section 2, this bylaw does not apply to applications initiated by the Town.

#### Applications

4. All Applications under section 2 shall be submitted to the Planning Department.
5. Applications shall be signed by all owners of land whose names appear on the registered title certificate or by a person authorized in writing by all such owners, to make an Application on behalf of all owners of the land.
6. All Applications shall include the supporting documentation and attachments specified in writing from time to time by the Director, which specifications the Director must make available to Applicants on request and without charge.
7. Upon receipt of an Application that does not conform to this Bylaw, the File Manager or Director may:
  - a) refuse to accept the Application and application fee; or
  - b) process the Application in accordance with this Bylaw if, in the opinion of the File Manager, or Director the content of the Application is sufficient to proceed for further consideration notwithstanding its deficiencies.
8. When refusing to accept an Application under Section 7(a), the Applicant shall be informed of the requirements that must be met for the Application to comply with this Bylaw.

#### Application and notification fees

9. All applications shall include the application fee and notification bond.
10. If the final notification costs exceed the notification bond, the additional costs shall be paid by the applicant prior to further consideration of the application.
11. If the final notification costs are less than the notification bond, the remaining amount shall be refunded to the applicant, without interest, when the permit is issued, or the bylaw is approved.
12. Application fees may only be refunded as follows:

- a) For an application where a committee referral, interdepartmental referral or Intergovernmental referral has occurred 50% of the application fee shall be refunded.
- b) For an application where a staff report has been prepared but has not been considered by Council or a delegate, 25% of the application fee shall be refunded.
- c) For any application that has been considered or presented to Council or a delegate no refund shall be granted.
- d) For applications where neither (a), (b), or (c) applies:
  - i. 75% of the application fee shall be refunded if the application is withdrawn within six months of the date the application was submitted; and
  - ii. 50% of the application fee shall be refunded if the application is withdrawn more than six months from the date the application was submitted.

#### Consideration of Applications

13. Where Council is to consider an application, Council shall be provided with the following items for consideration:
  - a) a report prepared by the File Manager or Director,
  - b) a copy of the proposed permit or amending bylaw, as applicable; and
  - c) any additional materials deemed necessary for Council’s consideration by the Director.
14. Where a delegate is to consider an application, the delegate shall be provided with the following items for consideration:
  - a) A report prepared by the File Manager, in a format acceptable to the Director
  - b) a copy of the proposed permit, and
  - c) any additional materials deemed necessary for the delegate’s consideration by the File Manager.
15. The applicant shall be notified:
  - a) when public notice is issued for a Council meeting at which the applicant’s application will be considered; and
  - b) following a decision on the application by Council or a delegate.

#### Posting Notification Signs

16. Where an application is received for an amendment to the Official Community Plan or Zoning Bylaw, or a temporary use permit, the applicant shall post notification signs on the subject property and shall:
  - a) Prepare and post the signs in accordance with the sign specifications prescribed by the Director;
  - b) Erect one sign on each street frontage of the subject property unless otherwise directed by the Director;
  - c) Provide proof satisfactory to the Director that the signs have been erected;

- d) Post the signs at least 10 days prior to:
  - i. the public hearing, if a public hearing is required, or
  - ii. first reading of the bylaw, if no public hearing is required;
- e) Maintain or replace the signs as necessary until Council gives final consideration of the application; and
- f) Remove the signs within one week of final consideration of Council.

#### Neighbourhood Information Meetings

- 17. Where an application is received to amend the Official Community Plan, the applicant shall hold a neighbourhood information meeting within 60 days of submitting an application and prior to consideration by Council.
- 18. Neighbourhood information meetings shall be advertised by the applicant, at their cost, as follows:
  - a) Notice shall be placed in two consecutive issues of the Ladysmith Chronicle, or a local newspaper approved by the Director, with the second notice being not more than 10 and not less than 3 days before the neighbourhood information meeting; and
  - b) notice shall be mailed or delivered to the addresses, as provided by the Town, of the owners and tenants of all parcels located within 60 metres of the subject property.
- 19. Following the neighbourhood information meeting, the applicant will provide a report describing the input received, in a form acceptable to the Director.

#### Application Referrals

- 20. The Director or File Manager may require interdepartmental or intergovernmental referrals.
- 21. Intergovernmental and interdepartmental referrals shall be a minimum of ten business days unless a longer minimum referral period is required under an enactment, requested by the referee, or deemed necessary by the Director due to the complexity of the application, information needed to evaluate the application, organizational capacity or other factors deemed relevant by the Director.
- 22. Applications shall be referred to Committees of Council, as and when required in the committee terms of reference approved by Council.

#### Notice Requirements

- 23. Notice, for applications shall be carried out in accordance with the requirements of the *Local Government Act*.

24. Where notice must be mailed or otherwise delivered under the *Local Government Act*, notice shall be provided to the owners and tenants of all parcels located within 60 meters of the property that is the subject of the application.

Calculation of Notification Distances

25. Notification distances under sections 18(b), and 24 shall be measured from the outermost legal boundaries of the subject property.

Attachment G



### Public Hearing Process

26. Public Hearings and notice of public hearings shall follow the procedures outlined in the Council Procedure Bylaw.

### Legal Instruments as Conditions of Approval

27. Where a legal instrument is required as a condition of approval of an application, the instrument shall either be:
  - a) prepared by the Town’s solicitor at the cost of the applicant; or
  - b) prepared by a solicitor or notary licensed to practice in British Columbia, at the cost of the applicant and reviewed by the Town’s solicitor at the cost of the applicant.
28. The Director may require a bond to cover legal costs under section 27 and the amount of the bond may be based on a quote from the Town’s solicitor, or an averaging of the typical costs to prepare a similar instrument.

### Revisions to Applications

29. The Director may require an applicant to submit a new application and application fee if, in the opinion of the Director:
  - a) the amendments are not directly attributable to staff, council or public feedback; and
  - b) the tasks and workload to process the amended application are equivalent to that of a new application.

### Security

30. A Delegate or Council may require security under section 502 of the *Local Government Act*.
31. Security under section 30 must be provided:
  - a) when an application for a building permit is made, if the permit authorizes the construction of a structure requiring a building permit, or
  - b) prior to issuance of the permit, if the permit authorizes development that does not require a Building Permit.
32. The amount of security required under section 30 shall be determined using:
  - a) price lists, software programs and manuals approved by the Director to estimate the cost of the works for which the security is required; or
  - b) an estimate or quote provided by the Applicant or obtained by the Town, prepared by a professional qualified to undertake or supervise the works for which the security is required.
33. The Applicant may be required to add a contingency amount of up to 10% to an amount of Security determined under section 32.

### Form of permits

34. Pursuant to subsection 501(4) of the *Local Government Act*, permits shall be in the form prescribed by the Director.

Inactive Applications

35. The Director may close an inactive application.
36. Applicants shall be notified at least 30 days in advance of closing an inactive application.
37. A decision to close an inactive application shall be made in writing, include the reason(s) for closing the application and advise the applicant of the right to reconsideration under section 38.
38. Where an inactive application has been closed by the Director, the applicant may, within 60 days of the date of the Director’s decision, apply to Council in writing for reconsideration.
39. Council or the Director may reopen an inactive application that has been closed under extenuating circumstances.

Reapplication

40. Subject to section 460(3) of the *Local Government Act* reapplication for an application that has been denied by Council or a delegate shall not be considered within 12 months of the date of the decision to deny the application.

Repeal

41. This bylaw repeals “**Town of Ladysmith Development Approval Procedures Bylaw 2008, No. 1667**”.

Citation

42. This bylaw may be cited for all purposes as the “**Development Procedures Bylaw 2024, No. 2179**”

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Mayor (A. Stone)

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Corporate Officer (S. Bouma)

Attachment G

**TOWN OF LADYSMITH**

**BYLAW NO. 2182**

**A Bylaw to Amend “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644”**

---

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644”:

1. Schedule 1 is amended to:
  - a. add the following fees under ‘Application Fees’; and

Notification Bond (Zoning/OCP Amendment, Temporary Use Permit, Development Variance Permit or Board of Variance Application)	\$600
Development Variance Permit: Minor Variance	\$500 plus Delivery Costs
Legal costs (legal instrument preparation or review)	At cost

- b. Change the fee for a sign permit as follows:

Sign Permit	\$100
-------------	-------

**Citation**

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644 Amendment Bylaw No. 2182”.

**READ A FIRST TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024  
**READ A SECOND TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024  
**READ A THIRD TIME** on the \_\_\_\_ day of \_\_\_\_\_, 2024  
**ADOPTED** on the \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor (A. Stone)  
\_\_\_\_\_

Attachment H

**Schedule A**

Attachment H



# Provincial Policy Manual & Site Standards

*Supporting local government  
with legislative requirements  
under the Local Government Act  
and Vancouver Charter for  
small-scale, multi-unit housing*

ATTACHMENT 1

## Small-Scale, Multi-Unit Housing

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# Introduction

## 1. Purpose of the Policy Manual

In the fall of 2023, the Province of British Columbia (BC) introduced changes to the *Local Government Act* (LGA) and *Vancouver Charter* (VC) to allow more small-scale, multi-unit housing in land use zones that are otherwise restricted to single-family dwellings or duplexes. These are referred to as *Restricted Zones* in the new legislation. The legislation applies to all municipalities and regional districts in the province.

This Policy Manual is a resource to support local governments with the implementation of zoning bylaw amendments required to comply with the changes to the LGA and VC under the Small-Scale, Multi-Unit Housing (SSMUH) legislation. It establishes provincial expectations for local government implementation of the SSMUH requirements.

In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government **must consider any applicable guidelines for SSMUH, including this Policy Manual**. Subsequent resources or information bulletins may be issued by the Province to clarify or elaborate on changes to the requirements. These resources will be available online at: [Local government housing initiatives - Province of British Columbia](#).

The content of this manual is not a substitute for legislation, nor should it be relied upon as legal advice. Users of this manual should seek legal advice as necessary.

## 2. How to use the Policy Manual

This Policy Manual is to be used by all local governments in BC to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with SSMUH legislation. Due to the differences in the numbering and legislative framework for the LGA and the VC, specific sections of the VC are referenced as a footnote where appropriate.

The specific guidance that must be considered by local governments when implementing the SSMUH legislation is in Part 4 of the Policy Manual.

### 2.1 Read the Policy Manual in its entirety

Local governments must consider the contents of this Policy Manual and should read it in its entirety. Some of the appendices may not apply to all jurisdictions. The Policy Manual is structured as follows:

- **Part 1** provides an overview of the SSMUH legislative requirements, the implementation process, and direction for interpreting both;
- **Part 2** discusses zoning bylaw updates required to comply with the legislative requirements by identifying recommended approaches based on best practices and the experiences of jurisdictions that have already implemented similar policies, common zoning bylaw requirements that are not aligned with the objectives of the SSMUH legislation, and alternative approaches;
- **Part 3** discusses other factors for local governments to consider when aligning policies and procedures with SSMUH requirements, such as using development permit areas, housing tenure, and infrastructure servicing;
- **Part 4** contains four packages of site standards, each consisting of groups of recommended technical specifications or regulations for zoning bylaws that local governments may adopt for different lots and areas to which the SSMUH requirements will apply; and
- the **appendices** contain additional information for compliance with SSMUH requirements, such as using geospatial data to support implementation and calculating anticipated changes in density resulting from zoning bylaw updates.

## 2.2 Geographic scale

Local governments are required to update their zoning bylaws to permit the prescribed minimum SSMUH densities on single-family and duplex lots. Local governments should also consider applying this manual, and updated zoning bylaw requirements to existing low-density, multi-family residential zones to improve consistency and the ease with which SSMUH can be developed.

Local governments that already have existing small-scale multi-unit zoning bylaws that cover all residential areas previously zoned for single-family or duplex are strongly encouraged to apply this information in this manual to those areas and amend their bylaws as needed. This will provide a consistent development landscape regionally and provincially, providing transparency and predictability for both developers and homeowners. The success of local bylaws will be monitored along side the implementation of the SSMUH legislation.

This policy manual recognizes the significant diversity of local governments in BC in terms of legal structure, size, geography, and historical and current land use patterns. To the extent possible this manual takes this diversity into account and outlines a range of different considerations for different contexts. Consequently, not all contents are applicable to every local government, geography, or lot within their boundaries. Some

parts of this manual refer to specific areas within communities where particular SSMUH density requirements will apply. Other content refers to considerations applicable to the whole context of a municipality or regional district electoral area.

### **2.3 Defined terms and meanings**

Except for references to legislation which are italicized, other italicized terms in the Policy Manual are defined in the SSMUH legislation (and provided on page 12 of this manual). For non-italicized terms, the conventional meaning of the word applies.

### **2.4 Additional policy material**

Additional policy material may be issued from time to time by the Province to assist local governments with implementing SSMUH legislative requirements. This information is intended to support the information contained in this Policy Manual.

### **2.5 Relationship with other provincial resources and requirements for local government land use planning**

Land use planning policies developed by local governments and the decisions they make must be consistent with SSMUH legislative requirements. The Policy Manual is intended to be complementary to other resources and policy documents published by the Province to guide local governments in specific areas of land use planning like the Flood Hazard Area Land Use Management Guidelines. Except in relation to SSMUH requirements or where the relevant legislation indicates otherwise, those other resources and policy documents take precedence over the contents of this Policy Manual.

## **3. Why is the Province introducing SSMUH requirements?**

Single-family detached homes are out of reach for many people in a growing number of BC communities. However, zoning regulations that exclusively permit single-family detached homes often cover 70-85% of the privately held residential land base in communities. Not only are less expensive multi-unit forms of housing not permitted in most areas of our communities, but they are also subjected to more layers of process and regulations like rezoning and design requirements.

These conditions make it challenging to build multi-unit housing throughout the province. Rezoning requirements add considerable costs to projects and create uncertainty for those interested in building homes in our communities. When combined with long development application processing timelines, these factors impede the supply of much-needed market housing that is more affordable than conventional single-family homes. In

most parts of the province, the supply of housing is falling further and further behind actual housing needs. The current approach to zoning regulations limits the diversity of housing supply required in BC communities.

Through the SSMUH legislation, the Province is aiming to overcome these challenges by enabling multiple units of housing (2 to 6 units depending on the location and context) to be permitted on single-family and duplex lots without the need for costly and time-consuming rezoning processes. As a result of this, local governments across the province are now required to permit a minimum of two to six units of housing on lots formerly recognized as single-family or duplex lots, which are referred to as *Restricted Zones* in the SSMUH legislation.

The aim of the SSMUH legislation is to increase housing supply, create more diverse housing choices, and over time, contribute to more affordable housing across BC. Local governments have a critical role to play in its implementation and a lot to be gained from its success. Other jurisdictions around North America and the world are discovering the potential of enabling a more diverse mix of housing forms to be established in all neighbourhoods. It is an essential component of a larger strategy to create more inclusive, affordable, and resilient communities. Both inspiration and lessons can be drawn from the experience of other jurisdictions that have already taken this step. Some of the experiences of other jurisdictions are highlighted in Appendix A.

#### 4. What is Small-Scale Multi-Unit Housing (SSMUH)?

Small-Scale Multi-Unit Housing (SSMUH) refers to a range of buildings and dwelling unit configurations that can provide more affordable and attainable housing for middle-income families. Examples of SSMUH include, but are not limited to:

- secondary suites in single-family dwellings;
- detached accessory dwelling units (ADUs), like garden suites or laneway homes;
- duplexes (side-by-side or up/down);
- triplexes and house-plexes; and
- townhomes.

SSMUH offers housing options that are ground-oriented and compatible in scale and form with established single-family and duplex neighbourhoods. These housing forms were more common prior to the introduction of zoning regulations in communities across BC, and many examples of them can still be seen in most communities. These housing forms typically offer more family-oriented units than larger-scale multi-family housing like condominium towers, and more affordable options than single-family homes. The modest increase in density resulting from these forms of housing can also produce significant benefits for neighbourhood vibrancy, inclusiveness, and sustainability.

# Part 1 – Overview of the legislation and implementation process

## 1. Where do the new requirements apply?

The SSMUH legislation identifies where the prescribed number of housing units must be permitted by local governments on single-family and duplex lots with certain characteristics.

All local governments in British Columbia are required to comply with the sections of the SSMUH legislation applicable to their situation. Secondary suites or ADUs will become permitted almost everywhere in the province, while more urban areas will be required to permit between three and six units on each single-family or duplex lot. Section 481.4 (1) of the LGA and section 565.04 of the VC identify some exemptions to the requirements based on certain lot characteristics, these exemptions are also described below in Part 1, Section 3 of this manual.

Whether the prescribed number of housing units must be permitted on a given lot is determined by a variety of factors, including:

- whether or not the lot is within an urban containment boundary established by a regional growth strategy or an official community plan,
- lot size,
- whether a lot is serviced by local government water and sewerage systems, and
- for municipalities, population size, proximity of a given lot to transit services, and the presence of specific heritage designations.

These provisions are designed to reduce sprawl, ensure new housing units are adequately and efficiently serviced by infrastructure, and protect heritage buildings and features important to communities. The section below summarizes the conditions under which the requirements to permit minimum numbers of units of housing apply.

## 2. Summary of SSMUH requirements

Areas subject to SSMUH requirements are referred to as *Restricted Zones*, defined in the legislation as follows:

*A zone that, on the date that this section comes into force, or that would, but for this section, restrict the residential use and density of use permitted in the zone to:*

- (a) For the purposes of secondary suites and /or ADUs, a zone in respect of which the permitted use would be restricted to detached single-family dwellings, or
- (b) For the purposes of three to six units, a zone in respect of which the residential use would be restricted to:
  - a. Detached single-family dwellings, or
  - b. Detached single-family dwellings and one additional housing unit located within the detached single-family dwelling or on the same parcel or parcels of land on which the detached single-family dwelling is located;
  - c. duplexes, or
  - d. duplexes with one additional housing unit located within each dwelling comprising the duplex and no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located.

*but does not include a manufactured home zone.*

This means that all zones restricted to single family or duplex dwelling as of December 7<sup>th</sup>, 2023, when the SSMUH legislation received Royal Assent are subject to the requirements in this legislation. Local governments must ensure new or amended bylaws adopted on or after June 30, 2024, comply with this legislation and must consider this policy manual when they do so. While the compliance date for zoning changes is June 30, *Restricted Zones* to which the legislative requirements apply are determined based on the zoning bylaws in effect as of Royal Assent.

Another important note is that these requirements are now in place for any zone that would, but for this legislation, be restricted to single family or duplex dwellings. That means that local governments can no longer zone for exclusively for single-family or duplex dwellings, except for in areas that are exempt from this legislation.

The requirements for the minimum number of units required to be permitted in *Restricted Zones* are presented in Table 1. Lots that are exempt from these requirements are described in the next section. Part 4 of this manual provides leading practice zoning bylaw regulations for areas and lots to which the various minimum densities (i.e., minimum number of units) apply.



**Table 1: Overview of SSMUH legislative requirements for single family and duplex zones**

Min. number of units required	Description of requirement
Secondary suites and ADUs	<p>A minimum of 1 secondary suite and/or 1 detached accessory dwelling unit (ADU) must be permitted in <i>Restricted Zones</i> in all municipalities and regional district electoral areas. Local governments may choose to do any of the following for single-family residential lots to which the higher density requirements for a minimum of 3-6 units do not apply:</p> <ul style="list-style-type: none"> <li>• permit only one secondary suite,</li> <li>• permit only one ADU,</li> <li>• allow landowners to choose either a secondary suite or an ADU, or</li> <li>• permit the construction of both a secondary suite and an ADU.</li> </ul> <p>In setting their requirements, local governments should ensure the requirements of other provincial legislation and regulations are met (e.g., the <i>Drinking Water Protection Act</i> and the <i>Sewerage System Regulation</i>). In addition, only secondary suites (not ADUs) should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government.</p>
Minimum of three units	<p>Unless an exemption applies, a minimum of 3 units must be permitted on each parcel of land 280 square metres or less in a <i>Restricted Zone</i> that is:</p> <ol style="list-style-type: none"> <li>a) wholly or partly within an urban containment boundary established by a regional growth strategy, or</li> <li>✓ b) if (a) does not apply, wholly or partly within an urban containment boundary established by an official community plan within a municipality with a population greater than 5,000 or,</li> <li>c) if neither (a) or (b) apply, in a municipality with a population greater than 5,000.</li> </ol>

<p>Minimum of four units</p>	<p>Unless an exemption applies, a minimum of 4 units must be permitted on each parcel of land greater than 280 square metres in a <i>Restricted Zone</i> that is:</p> <ul style="list-style-type: none"> <li>a) wholly or partly within an urban containment boundary established by a regional growth strategy, or</li> <li>✓ b) if (a) does not apply, wholly or partly within an urban containment boundary established by an official community plan within a municipality with a population greater than 5,000, or</li> <li>c) if neither (a) or (b) apply, on each parcel of land in a municipality with a population greater than 5,000.</li> </ul>
<p>Minimum of six units</p>	<p>Unless an exemption applies, a minimum of 6 units must be permitted on each parcel of land in a <i>Restricted Zone</i> that meets all of these conditions:</p> <ul style="list-style-type: none"> <li>✗ a) is wholly or partly within 400 metres of a prescribed bus stop as such term is defined in the Local Government Zoning Bylaw Regulation or the Vancouver Zoning Bylaw Regulation (see Appendix B for a list of communities and routes that may have prescribed bus stops and Appendix C for information on identifying impacted lots using geospatial data); and</li> <li>b) is greater in area than 281 square metres; and</li> <li>c) is wholly or partly within an urban containment boundary established by a regional growth strategy, or</li> <li>d) if (c) does not apply, is wholly or partly within an urban containment boundary established by an official community plan within a municipality with a population greater than 5,000, or</li> <li>e) if neither (c) or (d) apply, is a parcel of land within a municipality or regional district with a minimum population of 5,000 people.</li> </ul>

**Important Concepts and Terms**

**“conditional density rule”** means a density rule established under LGA section 482(1) [density benefits for amenities, affordable housing, and special needs housing] to apply for a zone only on applicable conditions being met.

**“housing unit”** means a self-contained dwelling unit

**“manufactured home zone”** means a zone in respect of which the only permitted residential use is for manufactured homes as defined in LGA section 673 [definitions in relation to Part 17]

**“restricted zone”** means a zone where, on the date this definition comes into force, the permitted residential use and density of such use would be, but for the SSMUH requirements

- (a) For the purposes of secondary suites and /or ADUs, detached single-family dwellings, or
- (b) For the purposes of three to six units, a zone in respect of which the residential use would be restricted to:
  - a. Detached single-family dwellings;
  - b. Detached single-family dwellings and one additional housing unit located within the detached single-family dwelling or on the same parcel or parcels of land on which the detached single-family dwelling is located;
  - c. duplexes; or
  - d. duplexes with one additional housing unit located within each dwelling comprising the duplex or no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located,but does not include a manufactured home zone.

**“Prescribed distance from a bus stop”** is 400 metres.

**“Prescribed bus stop”** is determined by transit frequency and timing and is considered to be a prescribed bus stop if it is served by at least one bus route that is scheduled to stop at least every 15 minutes, on average, between the hours of:

- (a) 7 am and 7 pm, Monday to Friday, and
- (b) 10 am and 6 pm on Saturdays and Sundays.

**“Transit-Oriented Area (TOA)”** means an area within a prescribed distance from a transit station.

**“transit station”** means:

- (a) A prescribed bus stop, bus exchange, passenger rail station or other transit facility; and
- (b) A planned, prescribed bus stop, bus exchange, passenger rail station or other transit facility

## 2.1 Prohibited activities

Local governments must not use certain authorities in such a way that unreasonably prohibits or restricts the use or density of use required to be permitted under SSMUH. This includes the following powers identified in the LGA:

- a) a power under s.488 [*designation of development permit areas*],
- b) a power in relation to a land use regulation bylaw or land use permit,
- c) a power under s.614 [*designation of heritage conservation areas*], or
- d) a power in relation to a heritage alteration permit, as defined in s. 586.

Furthermore, local governments must not use zoning powers to prohibit or restrict, in a *transit-oriented area*, a prescribed density of use, size or dimension of buildings where the land is zoned to permit any residential use or a prescribed use other than residential use. More information on *transit-oriented areas* is available at [Local Government Housing Initiatives](#).

The SSMUH legislation also prohibits local governments from doing the following:

- requiring off-street parking or loading spaces for the residential use of housing units required to be permitted to achieve the minimum density of six units,
- using density bonusing to achieve the minimum densities they are required to permit under SSMUH zoning (see the next section for exceptions); and
- holding a public hearing on a zoning bylaw or amendments to zoning bylaw proposed for the sole purpose of complying with the SSMUH legislation.

### What are accessory dwelling units and secondary suites?

The terms accessory dwelling unit and secondary suite are used in their ordinary meaning. An **accessory dwelling unit** or ADU is generally considered to mean a building, or part of a building, that:

- (a) is a self-contained residential accommodation unit, and
- (b) has cooking, sleeping and bathroom facilities, and
- (c) is secondary to a primary dwelling unit located on the same property.

A **secondary suite** is generally considered to mean an accessory dwelling unit that is located in and forms part of a primary dwelling unit.

## 2.2 Density Bonusing

To meet demand for community amenities, zoning bylaws can include the option of additional (bonus) density for particular lots or zones, subject to specific conditions, such as the provision of amenities (LGA, s. 482).

For SSMUH, local governments may not use density bonusing to achieve the minimum number of required housing units except in the following circumstances:

- on lots for which the requirement of a minimum of six units applies, in which case local governments may establish conditional density bonus rules for only **one** of the **six** housing units, and
- for allowable densities that exceed the minimum densities of the relevant SSMUH legislative requirements for that specific lot.

In regard to the required six-unit density, local governments may only establish conditions in accordance with Section 482 (2) (b) and (c) of the LGA, and not for other types of amenities:

- (a) relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind, and extent of the housing; and
- (b) a condition that the owner enter into a housing agreement under section 483 before a building permit is issued in relation to property to which the condition applies.

## 3. Exemptions

The SSMUH legislation sets out several conditions under which certain parcels that would otherwise meet the *Restricted Zone* definition are exempt from the requirement to amend zoning to permit three to six units, described below. These exemptions were developed through consultation with a broad range of local governments and provincial agencies that oversee various aspects of land use management in the province.

There are two circumstances under which local governments are **exempted from all SSMUH requirements**, including those for secondary suites and ADUs. Those are in relation to exercising enumerated land use and planning authorities in respect of:

- lands in a local trust area under the *Islands Trust Act*, and
- a rural land use bylaw under section 457 of the LGA.

Additionally, under the Local Government Zoning Bylaw Regulation<sup>1</sup>, lands subject to a hazardous condition where development of the land to the density of use required by sections of 481.3 (3), (4) or (5) of the LGA<sup>2</sup> can be exempted from the SSMUH legislation providing the local government has obtained a report in which a qualified professional<sup>3</sup> certifies, for the local government, that:

- increasing the density would significantly increase the threat or risk from the hazardous condition; and
- the threat or risk from the hazardous condition cannot be practically mitigated.

There are more circumstances under which local governments are **exempted from the SSMUH requirements to permit a minimum of three to six units on a lot**. Those are in relation to exercising enumerated land use and planning authorities in respect of:

- land that is protected under s. 12.1(2) of the *Heritage Conservation Act*;
- land that is, on the date the SSMUH legislation comes into force, designated as protected under a bylaw made under LGA, s. 611 [*heritage designation protection*];
- lands subject to a heritage revitalization agreement, as defined in LGA, section 586, entered into before the date this section comes into force;
- land that is not connected to a water or sewer system (parcels must be connected to both) provided as a service by a municipality or regional district;
- land that is within a zone in respect of which the minimum lot size that may be created by subdivision is 4,050 m<sup>2</sup>;
- a parcel of land that is larger than 4,050 m<sup>2</sup>; and
- by regulation<sup>4</sup>, land within a designated Transit-Oriented Area.

It is important to note that land that is within an area designated as a Transit-Oriented Area will be subject to higher density requirements in accordance with the Transit-Oriented Areas legislation and regulation to help improve transit viability and service.

Further information on relationship between the SSMUH legislation and what is permitted on a lot in the Agricultural Land Reserve can be found in section 7.1.

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<sup>1</sup> Vancouver Zoning Bylaw Regulation

<sup>2</sup> Sections 565.03 (3), (4) and (5) of the *Vancouver Charter*.

<sup>3</sup> Qualified professional as described in paragraphs (c) to (f) of section 55 (1) of the *Community Charter*.

<sup>4</sup> Vancouver Zoning Bylaw and Local Government Zoning Bylaw Regulations.

As soon as practicable after local governments update the zoning bylaw or bylaws in accordance with the SSMUH legislation and if the zones contain exempted lots, written notice must be provided to the Minister of Housing at [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)<sup>5</sup> that identifies:

- a) the land to which the exemption applies, and
- b) the provisions of the legislation under which the exemption is exercised (i.e., the section(s) of the legislation relevant to the purpose of the exemption).

### **3.1 Considerations for hazardous conditions and protection of the natural environment**

Local governments should continue to use their authorities under LGA, s. 491(2) to identify hazard areas where considerations related to health, safety, or protection of property from damage warrant land use regulations. These authorities will continue to apply for lots and areas impacted by SSMUH zoning. See Part 3, Section 1.4 for more information about development permit areas for hazard areas.

Local governments can also continue to use their authorities under LGA, s. 491(1) to specify areas of land that warrant special measures for the protection of the natural environment on lots to which SSMUH requirements apply, provided this authority does not unreasonably obstruct the intent of the SSMUH legislation. See Part 3, Section 1.3 for more information about development permit areas for environmental protection.

## **4. Extensions**

There are several circumstances under which a local government may apply for an extension to comply with the SSMUH legislation in respect of a *Restricted Zone*. Local governments may update their zoning bylaw for some areas of their jurisdiction for compliance by June 30, 2024, and request extensions for specific areas or lots within their jurisdiction. Such extensions may be granted by the Minister of Housing at the Minister's discretion based on criteria that will be detailed in a bulletin to be issued in early 2024. An application process will also be outlined at that time.

The Minister may grant one or more extensions to a local government if the Minister is satisfied that the local government is unable, by June 30, 2024, to comply with the SSMUH requirements for any of the following reasons:

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<sup>5</sup> Or mailed to: Planning & Land Use Management Branch, PO Box 9841, STN PROV GOVT, Victoria BC, V8W 9T2.

- a) the local government is in the process of upgrading infrastructure that services the specific area or specific lots for which the extension is being requested;
- b) the infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety or the environment in that area; or
- c) extraordinary circumstances exist that otherwise prevent compliance in relation to the area.

### **What is an “extraordinary circumstance”?**

An extraordinary circumstance for the purpose of an extension to comply with the requirements of the SSMUH legislation is a situation that would necessitate diversion of local government resources to the management of the circumstance and mitigation of impacts arising from the circumstance such that compliance with the legislation in the specified timeline would not be possible. Examples of extraordinary circumstances may include major wildfire or flood events.

An application for an extension must contain the information required by the Minister (for example, a report by a qualified professional attesting to the infrastructure need and risks) and must be submitted to the Minister as follows:

- a) unless paragraph (b) applies, on or before June 1, 2024; or
- b) in the case of extraordinary circumstances, on or before June 30, 2024.

Under Section 786(4)<sup>6</sup>, LGA, the Minister must give the local government written notice of an extension refusal or an extension approval that includes:

- a) in the case of an extension refusal, the date of the refusal, and
- b) in the case of an extension approval, the date by which compliance with SSMUH is required in relation to the area (which may not be later than December 31, 2030).

Extensions requested on the basis of infrastructure upgrades apply only to the specific areas impacted. Local governments still must amend their zoning bylaws for the other areas within their jurisdiction to which the SSMUH requirements apply by June 30, 2024.

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<sup>6</sup> Section 625(4) of the Vancouver Charter.



#### 4.1 Extended compliance date and notice of compliance

If a local government applies for an extension in relation to an area, the local government must adopt a zoning bylaw that complies with SSMUH in relation to the area, as follows:

- a) if the extension is granted, on or before the date set out in the notice of extension;  
or
- b) if the extension is refused, within 90 days after the date set out in the notice of refusal.

A local government must provide the Minister with written notice as soon as possible after the local government has adopted the last zoning bylaw or amendment necessary to comply with SSMUH, except for the zoning bylaw or amendments necessary to comply with SSMUH in areas for which an extension has been granted.

If an extension is granted to a local government in relation to an area, the local government must give the Minister written notice as soon as possible after the local government has adopted a zoning bylaw that complies with SSMUH in relation to that area.

### 5. Implementing SSMUH requirements

The SSMUH requirements will apply as of the date that the legislation comes into force. This means local governments must not unreasonably restrict use or density of use that must be permitted under the SSMUH legislation, nor can they avoid the application of SSMUH requirements, including by doing any of the following:

- rezone existing single-family and duplex lots to non-residential or ancillary residential uses,
- enter into new heritage revitalization agreements that vary the use or density of use authorized below the use or density of use required to be permitted pursuant to SSMUH requirements, or
- alter the location of urban containment boundaries or servicing areas.

Local governments must update their zoning bylaws to align with SSMUH legislative requirements by June 30, 2024. Figure 1 illustrates the anticipated process for local governments to implement SSMUH-compliant zoning bylaws. In doing so, local governments should consider the following.

- In some cases, local governments are prohibited from exercising authorities in the LGA related to zoning regulations, as described in Part 1, Section 2.1 of this manual.

- Typically, all bylaws enacted after the adoption of an official community plan must be consistent with LGA, s. 478 (2). However, zoning bylaws updates required to align with the SSMUH legislation are explicitly excluded from this requirement until December 31, 2025.
- Before December 31, 2025, however, local governments will need to amend their OCPs for the purpose of permitting the required uses and densities in their bylaws.
- Local governments can update their zoning bylaws for alignment with SSMUH by changing the permitted densities and zoning regulations for all single-family and duplex zones. An alternative approach that may be consistent with ongoing efforts to streamline zoning bylaws could be to consolidate multiple single-family and duplex zones into fewer zones with zoning regulations that align with SSMUH requirements.
- Local governments must not hold a public hearing for zoning bylaw updates for the sole purpose of complying with the SSMUH legislation. Consequently, notice that a public hearing will not be held must be given by local governments, according to the process set out in LGA section 467<sup>7</sup>.
- If zoning bylaw updates for SSMUH compliance are adopted using a phased approach or to accommodate in-progress applications, local governments are prohibited from holding a public hearing for each phase, if the amendment is for the sole purpose of complying with SSMUH.

After adopting the last zoning bylaw or bylaw amendment necessary to comply with SSMUH requirements, local governments must give written notice to the Minister of Housing as soon as practicable. In addition to the notice of SSMUH compliance, if there are exemptions exercised in relation to any of those bylaws, the written notice must include the location of any exempted lands and the legislative provisions (i.e., rationale) under which the exemptions are being exercised. If a local government is unable to amend its zoning bylaw within the established timeframe, it must request an extension (see Part 2, section 3).

### **5.1 Ministerial authority in the event of non-compliance by a local government**

Local governments that do not comply with the legislative requirements for SSMUH by the compliance deadline of June 30, 2024, may be subject to a ministerial order that overrides their zoning bylaw to permit the use and a minimum density of use required to be

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<sup>7</sup> Section 566.1 of the Vancouver Charter.

permitted under SSMUH. In these cases, the minister will first give notice and provide an opportunity for the local government to make the amendments.

The Local Government Zoning Bylaw Regulation<sup>8</sup> may be used to establish specific conditions to override the non-compliant single-family and duplex zoning bylaw provisions. A ministerial order will remain in place until the affected local government adopts zoning that is compliant with the SSMUH legislation.

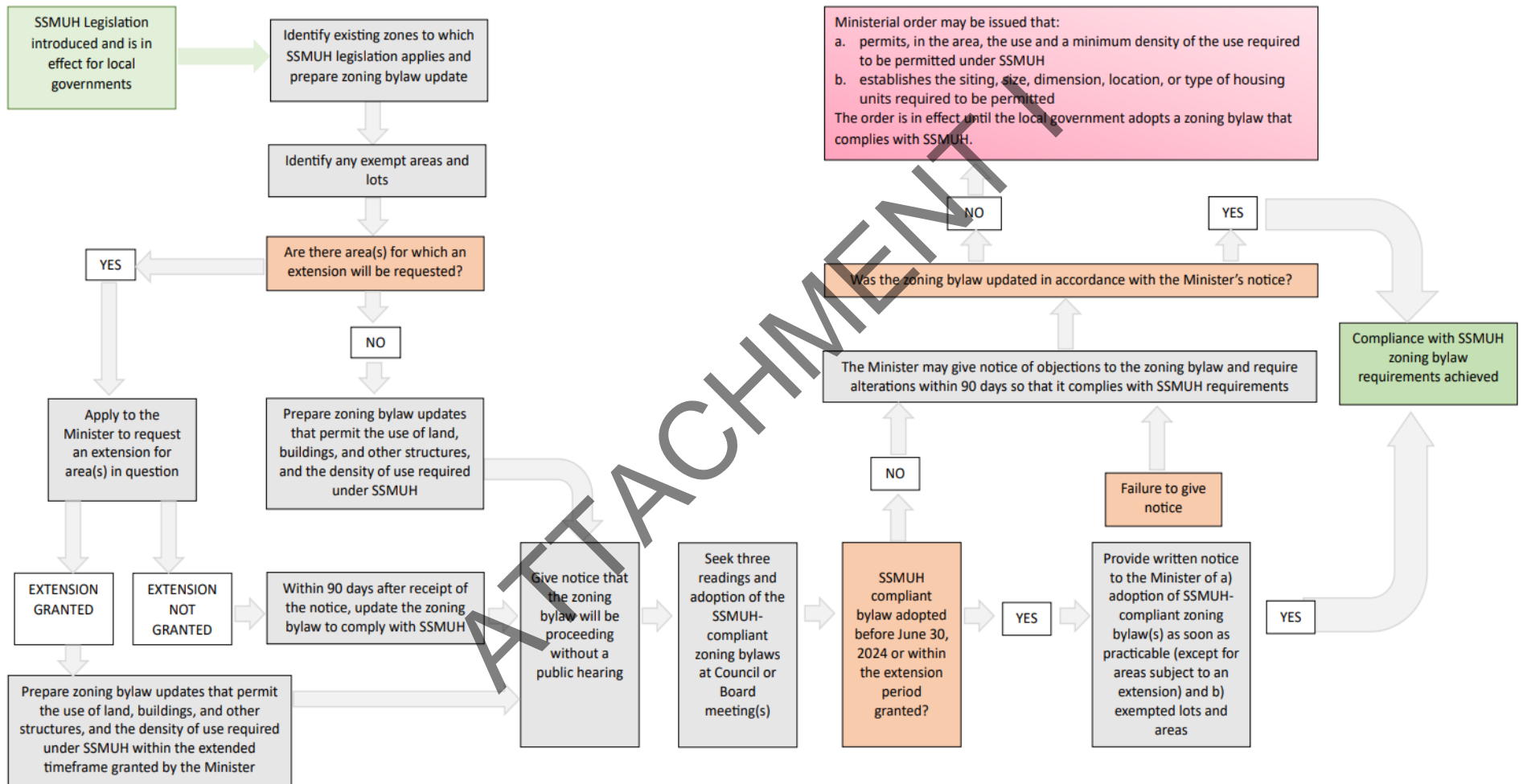
#### **How to ensure compliance with SSMUH requirements**

1. Approve a zoning bylaw or bylaws that comply with SSMUH requirements by June 30, 2024, unless an extension has been granted and not expired (see Part 2, Section 4).
2. Notify the Minister of Housing in writing that the final zoning bylaw or zoning bylaw amendment necessary for compliance with the SSMUH requirements has been adopted, the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions.
3. Update the official community plan by December 31, 2025.

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<sup>8</sup> Vancouver Zoning Bylaw Regulation.

Figure 1: Process for legislative compliance with SSMUH requirements



## 6. Development application processes and in-stream development applications

### 6.1 Development application processes

Following the adoption of zoning updates to implement the SSMUH legislation, rezoning applications can no longer be required for SSMUH in the areas where it must be permitted under the legislation. Rezoning will also no longer be required for secondary suites or accessory dwelling units in most places, depending on the manner in which the local government chooses to implement the legislation (for example, if a local government chooses to only permit secondary suites in single-family zones, rezoning applications may be required for accessory dwelling units).

However, development permits can still be required, and development variance permits may be necessary, depending on building design and site constraints. Additionally, some local governments might impose other requirements as a condition of building permit issuance, such as a business licence for secondary suites or accessory dwelling units.

Recommended approaches to development permit areas for SSMUH projects are discussed in detail in Part 3, Section 1 of this manual. Several ways local governments can make the development approval process easier for secondary suites, ADUs, and SSMUH projects are identified below.

#### **Development approval processes improvements for SSMUH**

- Emulate the approvals process used for single-detached homes (i.e., do not impose additional processes on SSMUH projects)
- If development permits are required, delegate issuing approval to staff
- Delegate issuing approval of minor development variance permits to staff (permitted under section 498.1 of the LGA)
- Eliminate requirements for a business license or covenant concerning the rental of secondary suites and ADUs
- Eliminate requirement for landowners to live on a property where a secondary suite or ADU is rented out
- Waive tree-cutting permit requirements for secondary suites, ADUs and SSMUH developments if none are required for single-detached dwellings

## 6.2 Options for in-stream development applications

The legislative amendments do not prescribe a specific process or approach for local governments to use when considering the impacts of the SSMUH legislation on in-stream development applications. In smaller jurisdictions, where applications are underway to permit uses or densities that will become permitted by-right following implementation of the SSMUH legislation, local governments may wish to consult with applicants to determine how they wish to proceed given the timelines involved.

In larger jurisdictions where there may be a number of such applications, the local government should develop a policy for how in-stream applications should be addressed. For example, local governments should consider fast-tracking the approval of in-stream applications where they would be consistent with the zoning amendments proposed to implement the SSMUH legislation. Application fees could be fully or partially refunded in accordance with the fee refund policy of the jurisdiction.

## 7. Relationship with other provincial legislation

In the course of reviewing development applications, local government staff take guidance from several provincial statutes or regulations. This section of this manual clarifies the relationship between SSMUH legislative requirements and other provincial legislation commonly referenced in land use planning.

### 7.1 Agricultural Land Commission Act

The *Agricultural Land Commission Act* (ALCA) is a provincial statute that sets out principles and broad rules for the protection and preservation of agricultural land in BC. The ALCA provides that any local government bylaws which are inconsistent with the ALCA are of no force or effect to the extent of the inconsistency. This means that any bylaw made to comply with section 481.3 (3) which has the effect of permitting a number of housing units greater than those permitted under the ALCA or permitting siting, siting or use of housing units other than as permitted under the ALCA will have no effect on the Agricultural Land Reserve (ALR) to the extent that the permissions in the bylaw exceed those restrictions.

In 2021, the ALCA and corresponding Agricultural Land Reserve Use Regulation (ALRU) were amended to allow for a greater range of residential uses on ALR land to support farming. Local governments must review their zoning bylaws to identify any *Restricted Zones* in the ALR and where s. 481.3 (3) applies, update their zoning bylaws to permit either a secondary suite or accessory dwelling unit as allowed by the ALR Use Regulation. In a limited number of communities, the three-unit density required under s. 481.3 (4) may also apply as a principal dwelling unit containing a secondary suite along with an

accessory dwelling unit is allowed by the ALRU Regulation. However, in most communities, only s. 481.3 (3) will apply as much of the ALR is zoned for agricultural use, consists of lots larger than 4050 m<sup>2</sup> and/or is outside an urban containment boundary. Further guidance and resources can be found at [Housing in the ALR](#).

## 7.2 Building Act

The *Building Act* establishes the authority of the provincial government to set technical building requirements across BC. Local authorities as defined by the Building Act may choose, but are not obliged, to administer and enforce provincial building regulations, such as the BC Building Code.

Regardless of whether a local government exercises the authority to administer and enforce the BC Building Code, SSMUH units must be built in accordance with the BC Building Code requirements for the appropriate building type. Most SSMUH buildings will likely be subject to Part 9 of the BC Building Code; however, some may fall under Part 3, depending on their size and the number of storeys.

Where a local government has been granted authority to administer and enforce technical building requirements different than those specified in the BC Building Code, SSMUH buildings must be built in accordance with the technical requirements of that jurisdiction. This may be the case for example, in jurisdictions that have adopted the higher Step Code standards.

### Secondary suites and the BC Building Code

The BC Building Code now allows secondary suites in more building types, including side by side units in duplexes and row housing. Size restrictions for secondary suites have also been removed. Further information on these changes can be found in [Technical Bulletin Number B19-05](#).

## 7.3 Community Care and Assisted Living Act

The *Community Care & Assisted Living Act* (CCALA) establishes the Province's authority to regulate and license community care facilities and assisted living residences. Licensed community care facilities are defined as those that offer care to vulnerable people in child day care, child and youth residential settings, and adult settings. Assisted living residences are defined as residences that accommodate seniors and persons with disabilities who receive housing, hospitality, personal assistance services and can direct their own care.

Section 20 of the CCALA exempts licensed in-home providers who care for eight or fewer children in a single-family dwelling from use restrictions in zoning bylaws, even if the local bylaws specifically disallow childcare in a single-family residential zone. The same section of the CCALA also exempts homes used as a residence for no more than 10 persons, not more than 6 of whom are persons in care (commonly called group homes) from land use restrictions in bylaws.

For this reason, many single-family detached zones only allow licensed in-home day care for eight or fewer children, or a group home in a single-family dwelling, provided there is no secondary suite in the home. When updating zoning bylaws to implement the SSMUH legislation, local governments are encouraged to consider allowing licensed in-home day cares and group homes in a wider range of building types in consultation with the regional health authority.

Consideration should also be given to the amount of outdoor play space available daily for each group of children, and for the total number of vehicles that will be present during morning drop off and end of day pick-up of children, to ensure that safe areas to which children do not have unsupervised access are provided.

#### **7.4 Drinking Water Protection Act**

The *Drinking Water Protection Act* (DWPA) applies to all drinking water systems other than those for single-family dwellings and systems excluded through the Drinking Water Protection Regulation. The DWPA establishes requirements for drinking water operators and suppliers to ensure the provision of safe drinking water for users. The DWPA also assigns certain duties to the Provincial Health Officer (PHO) regarding compliance, reporting, drinking water protection planning, amendments to protection planning, and reviewing decisions made by Drinking Water Officers.

The provisions of the SSMUH legislation that require local governments to update their zoning bylaws to permit a minimum density of three to six units only apply where the land is served by both a water system and sewer system provided as a service by a municipality or regional district, but not an improvement district.

The secondary suite and ADU provisions of the SSMUH legislation apply to areas not served by local government water and sewer. Single-family residences containing a secondary suite, in addition to the primary suite, may be considered exempt from permitting requirements under the DWPA. However, duplexes and lots with a detached accessory dwelling unit, in addition to the single-family residence, that are served by a well or other private water, meet the definition of a water system as defined by the DWPA. Such water systems must be designed, permitted, and operated in accordance with the



DWPA. Resources and information on these requirements can be found here: [How Drinking Water is Protected in B.C.](#)

## 7.5 Public Health Act

Under the *Public Health Act*, the Sewerage System Regulation applies to holding tanks and sewerage systems receiving less than 22,700 litres per day of sewage that serve single-family systems or duplexes. To mitigate risks related to groundwater contamination, local governments should only permit secondary suites and not accessory dwelling units on properties under one hectare in size that are not serviced by a local government sewer system.

## 7.6 Environmental Management Act

The *Environmental Management Act* (EMA) regulates industrial and municipal waste discharge, pollution, hazardous waste, and contaminated site remediation. The EMA provides the authority for introducing waste into the environment, while protecting public health and the environment. The EMA enables the use of permits, regulations, and codes of practice to authorize discharges to the environment and enforcement options, such as administrative penalties, orders, and fines to encourage compliance.

The applicable provisions of the EMA apply to the zoning bylaw updates made by local governments to implement the SSMUH legislation.

## 7.7 Heritage Conservation Act

The purpose of the *Heritage Conservation Act* (HCA) is to encourage and facilitate the protection and conservation of B.C.'s unique cultural heritage. Archaeological sites are granted automatic protection through section 12.1 of the HCA and are afforded protection whether they are recorded or as-yet unrecorded, located on public or private land, and whether they are intact or disturbed.

The HCA does not prevent local governments from amending zoning to comply with the SSMUH legislation on land with recorded or unrecorded archaeological sites. Land altering activities on such land may require a permit under the HCA, issued by the Minister of Forests or their delegate.

To determine if a proposed development overlaps with a protected archaeological site, or is in an area with high potential for as-yet unrecorded sites, it is recommended that developers submit an [Archaeological Information Request](#) for the project area. This report will indicate the presence of known archaeological sites within the project area, the potential for unrecorded archaeological sites, and recommend next steps. Obtaining this

information early may inform important project decisions and timelines for any necessary authorizations under the HCA. Entities who proceed with development of SSMUH units on parcels where zoning was amended in accordance with the SSMUH legislation who encounter a heritage object or site protected under the HCA during land altering activities must stop work immediately and cease work until appropriate HCA permits are in place.

Developers are encouraged to contact the Permit Connect team to understand provincial permitting requirements broadly and facilitate the prioritization of their multi-unit housing developments.

## 7.8 Land Title Act

Under the *Land Title Act* (LTA), a combination of the Torrens system of assured land titles and an accurate survey cadastral are used to establish the basis for real property ownership in BC. The LTA also provides the framework for the registration of charges (e.g., covenants, easements, liens on title of a property). Covenants registered against the title of a property could affect the ability to achieve the densities prescribed under the SSMUH legislation.

Covenants under section 219 of the LTA can only be registered by local governments, Islands Trust, a Crown corporation or agency, and the Crown. Local governments frequently use covenants of a positive or negative nature as a tool during rezoning processes to ensure or prevent a particular outcome once the land has been rezoned. Covenants may include provisions concerning:

- the use of land;
- the use of a building on, or to be erected on, the land;
- building on or the subdivision of the land; and
- protection of amenities like natural habitat.

Changes to, or release of, a section 219 covenant requires approval of the respective council or board, or in the case of a subdivision, the approving officer.

Existing section 219 covenants are not affected by the SSMUH legislation. However, local governments should not pursue new covenants that would prevent the prescribed residential densities required under the SSMUH legislation. Covenants can however still be requested for health, safety, and the protection of the natural environment.

Statutory building schemes are another form of restriction registered on a parcel's title that could impact the potential to achieve the residential densities prescribed by the SSMUH legislation. Statutory building schemes are generally reciprocal, in that the restrictions on each lot are imposed for the benefit of the other lots in the development.

Restrictions imposed by the building scheme run with the land and bind future owners/renters in the subdivision. Typical restrictions or requirements deal with building sizes, styles, finishes or colours, but can also restrict the use of buildings. Local governments are not generally party to, or responsible for the administration of the building scheme.

Provided the building scheme is valid, an existing statutory building scheme registered on title that limits the use of a property to one dwelling unit will take precedence over the unit densities prescribed through zoning updates made in accordance with the SSMUH legislation. This does not prevent a local government from zoning land subject to a statutory building scheme for a higher density, but the first responsibility of the owner(s) of that land is to uphold the terms of the building scheme.

### **7.9 Riparian Areas Protection Act**

The *Riparian Areas Protection Act* (RAPA) and the accompanying Riparian Areas Protection Regulation (RAPR) require local governments to protect riparian areas during residential, commercial, and industrial development. Qualified Environmental Professionals conduct riparian assessments within 30m of a stream, ditch, watercourse, wetland, or other body of water that is, or feeds into, fish habitat. These assessments are submitted to the province for review to ensure RAPR standards are met, and the Province has authority to either accept or reject reports. Upon acceptance of a riparian assessment, local governments can then issue the necessary permits.

While the RAPA and RAPR don't hinder local governments from amending zoning under the SSMUH legislation, development activities on parcels for SSMUH purposes must align with the jurisdiction's chosen approach to implementing the RAPA and RAPR, meeting or exceeding provincial standards. This often involves establishing a development permit area for riparian protection, and necessitating work in accordance with the riparian assessment report within the 30-meter riparian area. Any proposed works within this area must adhere to the riparian protection standards outlined in the RAPR. For more details, refer to the Riparian Areas Protection Regulation website or contact [RiparianAreas@Victoria1.gov.bc.ca](mailto:RiparianAreas@Victoria1.gov.bc.ca).

### **7.10 Transportation Act**

The *Transportation Act* deals with public works related to transportation, as well as the planning, design, holding, construction, use, operation, alteration, maintenance, repair, rehabilitation, and closing of provincial highways.

Under Section 52 of the *Transportation Act*, a controlled area is defined as any land and improvements within an 800-metre radius of the intersection of a controlled access highway with any other highway. A local government zoning bylaw does not apply to the controlled area unless it has been approved in writing by the Minister of Transportation and Infrastructure or delegate, or the bylaw is compliant with an agreement under the signature of that Minister's or a delegate. Zoning bylaw updates to implement the SSMUH legislation in controlled areas as defined in the *Transportation Act* will require the written approval of the Minister of Transportation and Infrastructure or delegate, unless compliant with an existing agreement.

## 8. Overview of other related Provincial initiatives

A significant number of legislative requirements were introduced in the fall of 2023 that impact planning, reporting, and development approval processes for BC local governments. These legislative changes and related programs, such as the Single Housing Application Service and the Complete Communities Program, are designed to respond to challenges communities across the province are experiencing, including a shortage of safe and affordable housing.

These legislative changes are summarized below. They were implemented in conjunction with SSMUH legislation to collectively modernize land use planning processes; improve the supply, diversity, and affordability of housing; and help equip local governments with the tools needed to sustainably manage their services and infrastructure. They support the *Homes for People Action Plan*, which strives to build more inclusive and affordable communities.

Many of the legislative changes described below originated from the Province's Development Approvals Process Review in 2019. It was undertaken with the goal of increasing the efficiency and effectiveness of local government development approvals processes. The extensive stakeholder consultation that informed the resulting report highlighted several systemic challenges these initiatives are designed to address.

### 8.1 Housing needs reports

In November 2023, the Province updated legislative requirements for local governments to prepare housing needs reports (HNR). When updating their HNR every 5 years, local governments are now required to use a standard methodology and calculate housing needs over a longer 20-year time horizon, as well as the 5-year timeline originally required. The requirements also more directly link housing needs reports to official community plans and zoning bylaws to ensure both planning and zoning align with community housing needs.

## 8.2 Linkages between official community plans and zoning bylaws

Official community plans (OCPs) describe the long-term vision of communities. They include statements of objectives, maps, and policies that guide decisions on local government planning and land use management. Zoning bylaws are intended to implement land use planning visions expressed in OCPs and regional growth strategies by regulating how land, buildings, and other structures may be used.

In practice, zoning bylaws are often not updated for alignment with OCPs to enable the vision articulated in them to be realized. This means changes to different land uses, even if desired by local governments, and supported by the broader community during the OCP's development, are often subject to onerous and time-consuming development application processes. This reduces the ability of local governments to adapt land uses to changing community needs in a timely way. It also creates a barrier to neighbourhoods and communities realizing the vision they have identified through extensive community consultation.

The fall 2023 legislative changes mean municipalities are now required to update OCPs and zoning bylaws on a regular basis for consistency with housing needs reports. Over time, this will have the effect of reducing the number of rezonings required to bring into effect land use changes that are consistent with community visions articulated through OCPs. Development permit applications may still be needed, as well as building permits. However, this will reduce administrative requirements for local governments to process land use applications, while assisting communities in realizing their vision for growth and change sooner.

## 8.3 Transit-oriented areas regulation and policy

Transit-oriented areas (TOAs) are geographic areas surrounding prescribed transit stations. Generally, TOAs encompass a 400 metre to 800 metre radii around a transit station, which constitutes a 5-minute or 10-minute average walking distance, respectively. Transit stations will be defined in the Transit-Oriented Areas Regulation and may include a bus exchange, passenger rail station (a Sky Train station), West Coast Express station, or other prescribed transit facility. This may include planned stations that are not yet in service at the time the regulation is established.

A limited set of interim TOAs will be provided by both regulation and maps to local governments with prescribed transit stations. These interim TOAs will be in effect when the Transit-Oriented Areas Regulation is established and consist only of the transit stations located in designated transit-supportive areas that municipalities have already identified in their official community plans.

Local governments must designate any TOAs in their jurisdiction by bylaw on or before June 30, 2024, using the list of transit stations and designation criteria in the Transit-Oriented Areas Regulation. This list of stations includes both interim transit stations and additional transit stations. The full list of transit stations and TOAs are exempted from the SSMUH requirements. As a first step in implementing SSMUH, local governments should review the Transit-Oriented Areas Regulation to confirm if it applies to their community and if so, to which areas.

#### **8.4 Development financing**

The SSMUH legislation is intended to help facilitate housing supply, which will likely create demand for new or expanded infrastructure from local governments. To address this demand, local governments have a range of financing tools available to acquire and construct new assets. The key development finance tools set out in legislation include subdivision servicing charges, development cost charges (DCCs) and new provisions for amenity cost charges (ACCs).

##### *Subdivision Servicing Charges*

Local governments may establish a subdivision servicing bylaw that regulates and sets out the requirements for the provision of works and services that are needed as part of the subdivision or development of land. These bylaws are used to recover the cost of local service infrastructure that will specifically serve subdivision or development.

##### *Development Cost Charges*

DCCs can be levied on new development to help pay the capital costs of new or expanded infrastructure, such as sewer, water, drainage, parks, and roads necessary to adequately service the demands of that new development. The LGA sets out the rules and requirements for using DCCs.

If a local government wishes to impose DCCs on fewer than 4 dwelling units and does not have this authority provided for within the current DCC bylaw, an amendment to the DCC bylaw would be required. This can ensure that SSMUH developments contribute towards the costs of the infrastructure that will serve them.

To provide an incentive for affordable housing, a local government may define affordable rental housing and then provide waivers and reductions of DCCs to developments that are eligible under these definitions.

A new or amended DCC bylaw will also be required if a local government wishes to collect DCCs to help pay the capital costs of fire protection facilities, police facilities and solid waste and recycling facilities, or if the updates to zoning regulations affect the

assumptions used to calculate DCCs, such as the number of residential units, housing stock mix, or occupancy rates. The same rules and requirements that exist in the DCC framework will apply to these new categories. Additional resources for DCCs include the Province's [Development Cost Charges Best Practices Guide](#).

### *Amenity Cost Charges*

Local governments can also use the new ACC financial tool to help pay the capital costs of amenities (e.g., community and recreation centers, libraries, day care facilities) needed to support growth and create liveable communities. Note that ACCs cannot be used to pay the capital costs of projects that are eligible to be funded through DCCs.

Like DCCs, ACCs must be imposed by bylaw. Local governments must determine the area or areas in their communities where they are anticipating growth and identify what amenities are needed in the area or areas. When determining the area(s) and amenities, local governments will need to consider their official community plans and other relevant planning documents, expected increases in population, and the financial plan.

ACCs can then be imposed as a set charge based on units, lots, or floorspace area on new development to help pay for amenities that benefit the development and the increased population resulting from new development. When setting their charges, local governments need to consider the capital costs of the amenities, phasing of amenities, whether the charges are excessive in relation to existing standards of services, and whether charges would deter development (e.g., they will need to undertake a land economic analysis).

Charges cannot be based solely on the capital costs of the amenities. In determining charges, local governments must follow the steps below.

- Deduct any grants or other sources of funding that are helping finance an amenity.
- Allocate the costs between future residents and businesses (i.e., the portion of costs allocated to new users/to be paid by new development) and current residents and businesses (i.e., the portion attributed to existing users). As amenities often benefit the existing population, local governments will need to fairly distribute the costs of amenities between future residents (i.e., the development) and existing residents and businesses (i.e., the existing tax base).
- Deduct from the portion of costs attributed to new development an amount that will be funded by the local government. Like DCCs, ACCs are intended to “assist” with paying the capital costs of amenities. Therefore, local governments are expected to provide a level of financial assistance to ensure that new development does not shoulder the entire costs of amenities.

There are certain circumstances in which a local government cannot impose ACCs, including on developments that have already paid an ACC, developments that do not result in an increase in population (e.g., a triplex replacing a triplex), or to cover the capital costs of the types of infrastructure for which a local government can impose DCCs. Local governments can waive or reduce ACCs for not-for-profit rental housing and for-profit affordable rental housing (like DCCs).

Unlike DCCs, ACC bylaws do not require approval by the Inspector of Municipalities. Instead, the legislation sets out specific requirements for developing the bylaw, such as a requirement to consult with affected parties (e.g., the public, neighbouring local governments, the development industry) and rules to ensure transparency and accountability about funds received (e.g., local governments must report annually on their charges). The Province has authority to establish regulations respecting specific aspects of the framework, such as to ensure that charges do not deter development and to exempt certain types of affordable housing from ACCs.

## **8.5 Upcoming Changes to the Adaptability and Seismic Provisions in the BC Building Code**

In 2025, provisions relating to the design of adaptable dwelling units will be required in many dwelling units. For Part 9 buildings, these requirements will only apply when a common entrance to the units is provided in the building design, and then only to units on ground floors or accessible by elevators. Part 9 buildings without common entrances or elevators will not be required to meet adaptability provisions. Many local governments currently allow or provide for increased floor space in dwelling units that are adaptable, with an average of 20-25 square feet allowed to compensate for the increased space requirements for the provisions.

In response to updated knowledge about the seismic risk in some parts of BC, new seismic mitigation measures will also be coming in 2025. For Part 9 buildings, little to no impact is anticipated on the overall size of a building constructed to the new seismic requirements and design measures may be able to mitigate the associated cost implications. Towards this end, the Building and Safety Branch is working with partners to support the development of guidance materials.

The setbacks and lot coverages in the four packages of site standards in Section 4 should accommodate any increase in a building's floor area resulting from the new adaptability and seismic provisions. For those local governments that do wish to limit the size of a housing unit to enhance its affordability, it is recommended that local governments allow additional floor space for adaptable units and where the seismic provisions will have demonstrable impacts on the building footprint for Part 9 buildings.



## Part 2 – Zoning bylaw amendments

Given the depth of the housing crisis and the province-wide goal of creating more homes, faster, local governments are required to put in place zoning bylaws that enable SSMUH and do not impede the creation of SSMUH. Local governments must not use other authorities in Parts 14 and 15 of the LGA<sup>9</sup> to unreasonably restrict or prohibit SSMUH projects.

This part of the manual identifies factors local governments must consider when updating their zoning bylaws to be compliant with SSMUH requirements and sets provincial expectations for compliance. It identifies recommended approaches based on best practices and the experiences of jurisdictions that have already implemented similar policy frameworks. It also identifies common zoning bylaw provisions that are not aligned with SSMUH objectives and alternative approaches that can be used.

Common provisions in zoning bylaws that will likely impede the successful creation of new and relatively affordable units of housing through SSMUH are identified in Table 2. Where relevant, alternative approaches, mitigations, or solutions are provided. It is important for local governments to note it is typically not a single zoning rule that impacts the viability of a SSMUH project, but rather the cumulative and cross-cutting impacts of several regulations combined.

The building types, density and intensity, and site conditions that will improve the economic viability of SSMUH projects are also described. Due to the high cost of land and buildings in BC, as well as extensive zoning regulations that were typically designed to regulate larger multi-family building forms, the economic viability of building SSMUH forms has been limited throughout most of the province. Creating a favourable regulatory environment for SSMUH housing to help overcome these barriers will require an openness to new building forms in areas traditionally reserved for detached single-family and duplex homes.

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<sup>9</sup> Parts XXVII and XXVIII, Vancouver Charter.

**Table 2: Common zoning bylaw requirements that will deter SSMUH housing forms**

Bylaw requirement	Potential negative impacts on SSMUH outcomes	Possible solutions(s) or mitigations
On-site parking requirements that are too high	Likely to reduce the viability of projects due to space limitations on traditional single-family and duplex lots, and also to reduce site permeability and livability.	Eliminate on-site parking requirements or adopt a modest maximum requirement (e.g., 0.5 spaces/unit) where residents have access to sustainable forms of transportation like public transportation or active transportation, and where on-street parking is available. More on-site parking may be considered (e.g., 1 space/unit) where public transportation or on-street parking is not available.
Insufficient height allowances	Limits of 1, 2 or 2.5 storeys will affect project viability or increase lot coverage to the point of reducing site permeability and livability. If height maximums are too low, it can also create challenges for evolving building technologies designed to improve sound and fire separation.	A universal maximum height limit that permits at least three stories regardless of the method of measurement, site gradient, or roof style improve the viability and diversity of SSMUH housing forms. This will also enable configurations and designs to be flexible so they can accommodate competing objectives (e.g., permeable surfaces, tree retention, open space for residents, parking spaces).  11 metres is often considered an appropriate building height limit to facilitate three storeys, based on a common approach of measuring building height from grade, which is to the midpoint of a pitched roof or the highest point of a flat roof from the average elevation of all corners of the building.
Servicing requirements triggered by additional units	Beyond the need to tie new units into existing water, sewer, and stormwater services, requiring upgrades to the distribution and collection system owned by the local government can add hundreds of thousands of dollars and render projects not financially viable.	Consider whether existing housing occupancy and consumption rates (in the case of water and sewer) align with assumptions underlying up-to-date infrastructure servicing models. Generally, occupancy and demand levels today are much lower than in past decades, meaning additional modest density in new units can be added with negligible impacts and without necessitating the need for system upgrades. Demand management measures, such as watering restrictions and on-site stormwater management features (e.g., rain gardens), can help mitigate servicing impacts.

Common zoning bylaw impediments	Potential Negative Impacts on SSMUH outcomes	Possible solutions(s) or mitigations
<p>Limitations on the visibility or positioning of entrances for non-principal dwellings</p>	<p>Regulating the positioning of doorways can significantly limit the viability of different SSMUH building forms, which are already constrained by lot size and configuration, setbacks, and geotechnical considerations.</p>	<p>Remove regulations related to the positioning of entrances on non-principal dwellings.</p> <p>Recognize the potential for internal facing entrances to improve the livability of new units (e.g., through a courtyard arrangement or shared green space) and encourage them through design.</p> <p>This approach should take into account any requirements for unit addresses to be visible for emergency response, and servicing considerations if units front onto laneways.</p>
<p>Owner-occupation requirements for secondary suites</p>	<p>This condition on the establishment and use of secondary suites unnecessarily limits the availability of rental units, is contrary to the intent of zoning bylaws to regulate use (not users) and is regarded as questionable legally<sup>10</sup>.</p>	<p>Remove owner-occupation requirements for secondary suites.</p> <p>Where they exist, address concerns about property maintenance, noise, or other nuisance directly through appropriate local government bylaws.</p>

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<sup>10</sup> See Province of British Columbia. (2003). *Suites: A guide for local governments*. Retrieved from [https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/uploads/secondary\\_suites.pdf](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/uploads/secondary_suites.pdf)

## 1. Building type

Most zoning bylaws contain use regulations in their residential zones that prescribe the building types permitted. For example, single-family residential zones generally permit one single-detached dwelling per lot. These use and density regulations have traditionally been applied to maintain a particular style of land development that creates neighbourhood consistency and are a holdover from an era of larger household sizes that are not as common as they used to be. However, they also have the effect of limiting housing diversity (as well as community diversity and inclusiveness) by restricting other housing types. Enabling more diversity in housing types will help improve housing affordability over time and better respond to the needs of changing demographics in communities.

Local governments implementing SSMUH zoning bylaw updates should be flexible in terms of permitting the full range of combinations and configurations for SSMUH buildings, up to at least the specified density or unit limit on a given lot. For example, rather than create a zone that permits a duplex, triplex, or fourplex, a zone could permit up to four housing units, without limiting the form those buildings should take.<sup>11</sup> The large number of configurations possible to accommodate four units on a lot are listed below.

### **There are many ways to combine and configure units on a lot**

Allowing the full range of combinations and configurations of SSMUH housing on lots will create more diversity in housing choices to meet the needs of households that are becoming more diverse in their composition. For example, in contrast to a zone designed to permit only fourplexes, a zone that permits four housing units of any type allows for several combinations and configurations of housing, including:

- Principal housing unit + secondary suites x 2 + one ADU
- Principal housing unit + secondary suite + detached ADUs x 2
- Duplex x 2
- Duplex with one secondary suite in each unit
- Triplex + detached ADU
- Fourplex
- Four townhouses
- Four detached housing units (e.g., a cottage court)

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<sup>11</sup> With the exception that local governments should still not permit the use of travel trailers, recreational vehicles, and other forms of housing on temporary foundations as dwelling units.

This approach will allow those who are designing and developing the housing to select a form that better aligns with the needs of the community or future residents. The flexibility created will also enable landowners to build in a way that takes into account factors like expertise and capacity in the construction industry, and important site considerations like topography, tree canopy, heritage and environmental values.

Jurisdictions that have laneways may have additional considerations to take into account in terms of the siting, configuration, and orientation of units. For example, laneways can improve the ease of incorporating onsite parking by removing the need for a driveway through the lot. However, laneways may not be maintained to the same standard as other roads, in which case local governments may prefer not to permit unit access along them.

When updating zoning bylaws to allow a wider range of housing forms, local governments should consider the implications for existing uses like single-family homes. If single-family homes are no longer allowed in a zone, it could cause all the existing single-family homes to become legal non-conforming.

## 2. Density / intensity

There are a number of “levers” that local governments have to regulate the size and number of units that can be developed on a parcel of land. Each lever has benefits and drawbacks, and the SSMUH legislation and this corresponding policy manual propose a unique suite of them to achieve more housing in BC communities. Local governments should not use any levers in zoning or design guidelines for the purpose of unreasonably restricting or prohibiting the intent of the SSMUH legislation.

Zoning bylaws typically regulate the *density* of development in residential zones by controlling the number of units per lot or units per hectare. SSMUH legislation will supersede local governments’ ability to regulate on-parcel density in *Restricted Zones* as defined in the legislation, through the introduction of a minimum number of housing units required to be permitted for lots of varying characteristics.

Local governments also often regulate the *intensity* of development in residential zones. This can be done in a number of ways, including lot coverage limits, floorplate limits, total floor area limits, and through Floor Area Ratio (FAR) or Floor Space Ratio (FSR) regulations (commonly used interchangeably). In conjunction with other regulations, FAR is a key determinant in the bulk of a building on a given parcel and extra FAR is often used as leverage in density benefit (sometimes called density bonusing) schemes whereby local governments will authorize an increased FAR in return for amenities, affordable housing, or special needs housing.

In most single-family and duplex zones, the FAR is often kept low to maintain a similar size of housing unit across neighbourhoods. To effectively implement SSMUH zoning, the typical FAR of residential zones would have to be raised. However, FAR is not necessary to regulate the maximum floor area in SSMUH zones. In combination with setbacks and parking requirements, FAR limits can undermine the viability of creating new units of housing on a lot. When combined with a limit on the number of units permitted on a given site, creating a buildable area through setbacks and height regulations instead of specifying FARs will provide greater flexibility to enable landowners and developers to build SSMUH units of an appropriate size and intensity for the lot and local market. This is the approach reflected in the accompanying Site Standards for all densities.

Local governments could consider maintaining FAR limits in SSMUH zones in circumstances where zoning could allow for more units than the unit numbers permitted under SSMUH legislation as part of a density bonusing scheme. In these circumstances, a lot could be permitted to have more units than prescribed in the legislation through an increased FAR, in return for an amenity.

Local governments may also wish to retain FARs in zoning bylaw requirements on larger lots to avoid the construction of excessively large and relatively expensive housing units. However, using building footprint to limit the size of buildings and housing units instead will help achieve the same objective without the same impacts to project viability, provided building heights permit up to three stories.

Rather than introduce FAR limits for SSMUH forms of housing, local governments should consider reducing FAR limits for single-family dwellings, as the City of Vancouver has done. This will improve the relative economic viability of multi-unit forms of housing to encourage more of them to be built. It will also discourage the development of excessively large and expensive single-family dwellings that could be illegally converted to multi-unit dwellings to avoid costs and regulatory processes.

**Floor area ratio or FAR** describes the relationship between the total amount of usable floor area that a building is permitted to have and the total area of the lot where the building sits. It is not just a measure of the footprint of the building on the land but rather the sum of all usable floor area of the building relative to the land.

### 3. Lot line setbacks

Standard setbacks from lot lines for buildings and structures serve several functions. In addition to setbacks, building code requirements for spatial separation for fire safety need to be followed to reduce the risk of fire spreading from one building to another.

Setbacks are often also designed to create a consistent look and feel on a street, mitigate concerns about adjacent uses, and define where open space on a parcel is located. However, they can also restrict opportunities to work around on-site geotechnical or environmental constraints and limit design flexibility and diversity in terms of housing forms. Reductions in setbacks, particularly rear and side yard setbacks, will likely be required to accommodate an increased number of housing units on what have traditionally been single-family residential or duplex lots.

To create a favourable development environment that encourages landowners to add additional housing units on their lots, local governments should adopt modest lot line setbacks in *Restricted Zones*. This will help ensure the viability of SSMUH housing forms and provide flexibility for the development of new units through multiple configurations.

It is particularly important that setbacks for lots proximate to transit in respect of which local governments will be required to permit a minimum of six units have minimal setbacks to improve their viability. The Site Standards for these lots recommends zero lot line setbacks, recognizing the potential of buildings of this scale to be non-combustible and built in a rowhouse or townhouse style where lot conditions are conducive to it.

Builders and developers will often use larger setbacks depending on the building type (e.g., combustibility), parking requirements (particularly for rear-yard parking and drive aisles), and the location of doors and windows. For example, larger side yard setbacks are required if the non-principal dwelling units have entrances/exits facing rear or side yards. This configuration will be likely for some forms of SSMUH housing, such as ADUs. The generous rear yard setbacks typical of single-family zones (e.g., 7 meters) will significantly limit the viability of adding additional housing units to single family lots. A reduction in rear yard setbacks will create flexibility in terms of the siting of units and open space on a lot. Lot coverage limits can be used to help mitigate some concerns related to SSMUH by ensuring an appropriate balance between open space and impermeable area.

The BC Building Code establishes spatial separation requirements for buildings to prevent the spread of fire. Depending on a number of factors, the Code does permit buildings to be constructed right up to the property line. However, the distances that a building must be from a property line for fire safety or from another building on the same property may be greater than the setbacks in a zoning bylaw. Where this is the case, changes to the design of a building or adding sprinklers may be used to align the fire safety requirements of the building code with setbacks in a zoning bylaw.

Local governments should also consider reducing their front yard setbacks to bring buildings closer to the sidewalk, which will have the effect of creating more vibrant streets through the 'eyes on the street' effect and increasing the likelihood of social interactions. A smaller front yard setback yields opportunity for a larger backyard, which can help achieve

livability or urban forest objectives. More generous front-yard setbacks in rural or semi-rural settings (e.g., 4.5m to 6m) where there is no landscaped median may still be warranted to reduce the impacts of roads in terms of noise and safety risks. Due to the larger lot sizes that are conventional in rural and semi-rural settings, this should not have a meaningful impact on the viability of adding additional units of housing to these lots.

Of all the land use regulation changes proposed in this manual, reducing customary single-family and duplex front and rear lot line setbacks may have the most profound effect on the traditional development pattern in single-family and duplex zones. It will enable buildings to be sited in what would have traditionally been a front yard or a back yard. Importantly, it will allow flexibility in terms of the location of open space and housing unit siting on lots to create a greater variety of configurations of housing units and improve on-site livability.

#### 4. Building height / storeys

Building height regulations in single-family and duplex zones often permit up to a two-storey building with a height between seven and eight metres. To accommodate additional units on a lot, permitted building heights can be increased to maintain open or permeable space on the lot and accommodate the units within the required distances from property lines and/or between buildings for compliance with the BC Building Code. Building code requirements also create a practical limitation for SSMUH housing forms in terms of height maximums. When buildings exceed three storeys, on most lots (depending on grade) they are required to have a second exit, which has a significant impact on project costs and viability. Accordingly, local governments should consider allowing at least three storeys and a height of 11 metres in *Restricted Zones* for their zoning bylaw requirements<sup>12</sup>.

Lower height limits will introduce significant trade-offs and likely negatively impact other desired outcomes for landowners and communities. For example, overly restrictive height limits could reduce the number of units that can be established on the site and consequently increase the costs to build, buy and/or rent each unit. Restrictive height limits can also have the following impacts:

- Increasing the coverage of impermeable surfaces, which could increase pressure on stormwater management systems and/or negatively impact surface and groundwater resources;

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<sup>12</sup> Local governments use various methods to measure and regulate height. This may cause slight variations in the height necessary to permit three storeys.



- Reducing open space available for use by residents, for retention or planting of on-site trees, or for protection of other environmental values;
- Potentially reducing the livability of housing units on the site as well as adjacent units by necessitating smaller side and rear-yard setbacks; and
- Reducing accessibility and livability by foregoing a ground-floor unit in favour of a below-grade unit.

## 5. Lot coverage

Similar to Floor Area Ratio (FAR), lot coverage is another metric by which the intensity of development on a parcel is regulated. Lot coverage is generally expressed as a percentage, calculated by dividing the footprint of all buildings and structures on a lot by the size of the lot (using the same unit of measurement) and multiplying by 100. In some jurisdictions, all impervious surfaces are included in lot coverage calculations. In others, ground-level paving is excluded. Lot coverage is regulated by local governments for several reasons.

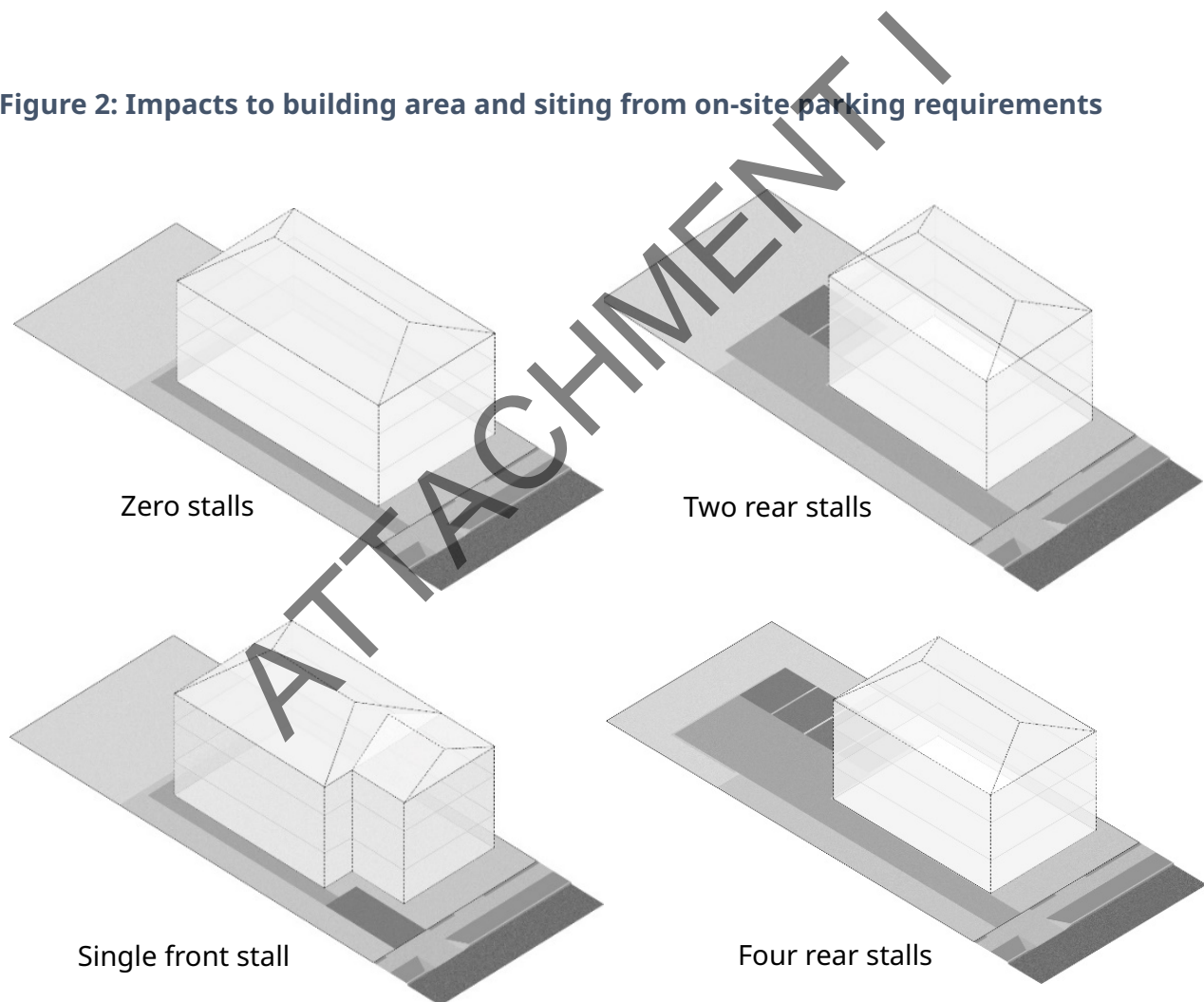
Lot coverage limits can be used to limit the size of buildings, in conjunction with setbacks, to ensure a consistent pattern of development and protect the pervious surfaces that support groundwater recharge and effective stormwater management. In most single-family and duplex zones, lot coverage ranges from between 25 and 40 percent, although it can be set below that on larger lots to control house size, or higher on smaller lots where a low lot coverage could impede development of a livable home. However, these lot coverage limitations can be an impediment to SSMUH housing forms if they do not allow a sufficiently large building footprint to accommodate development forms for multiple units that are financially viable.

The combination of the small size of single-family and duplex lots in some BC communities and the need for sufficient distance from property lines and/or between buildings to comply with the BC Building Code (particularly for combustible buildings) inherently reduces the possible lot coverage of resulting buildings, particularly if on-site parking is required. Nonetheless, setting lot coverage limits will help maintain permeability on the site to reduce impacts to stormwater management and water resources. It will also help keep the size of new homes resulting from the SSMUH zoning changes reasonable and more affordable. The Site Standards recommend different lot coverage limits for each type of lot subject to different density requirements, ranging from 60% for lots where a minimum of 6 units must be permitted, to 30% on lots for which only secondary suite and/or ADUs must be permitted.

## 6. Parking requirements

Of all bylaw regulations, on-site vehicular parking requirements often have the greatest influence on the viability of SSMUH housing forms. This is because typical single-family and duplex lots in urban and suburban settings are generally not large enough to accommodate multiple dwelling units with their required setbacks, and parking stall requirements for each unit. As illustrated by Figure 2, the inclusion of on-site parking requirements has significant consequences for the use of space, buildable area, as well as the configuration and siting of buildings on lots. Consequently, local governments should minimize parking requirements when updating their zoning bylaws, and in some cases consider removing parking requirements for residential zones altogether.

**Figure 2: Impacts to building area and siting from on-site parking requirements**



At the same time, many people (such as students and seniors) cannot, or choose not, to own or drive a car and rely on other modes. In some communities, this is a significant share of households. Local government requirements are often dated and result in parking being significantly overbuilt. A 2018 study by Metro Vancouver found that parking supply exceeded use by around 40% in various types of strata and rental apartment buildings across the region.<sup>13</sup>

There are many other advantages of adopting low or no parking requirements for residential housing developments, as described below.

**Improved affordability and equity:** Reducing parking requirements can directly reduce housing costs through avoided costs for new development (in the lower mainland and Greater Victoria, surface parking spaces commonly cost \$20,000 - \$30,000 to build while underground parking costs range from \$50,000 - \$75,000 per space). It can also indirectly reduce housing costs by making it more viable to increase the number of dwelling units on a lot, contributing to an increase in housing supply. Car ownership rates are higher among those with higher incomes, meaning requiring parking spaces creates a housing cost that disproportionately impacts lower-income residents and may add unnecessary costs.

**Increased permeable space for the environment and livability for people:** For SSMUH housing forms, low or no parking requirements can significantly increase permeable, open space to support more tree retention/planting, reduce impacts on stormwater flows and infrastructure, and improve the livability of new housing units and any principal housing units retained on the site.

**Support modal shifts and climate change mitigation efforts:** Reduction or elimination of minimum parking requirements is also a key transportation demand management strategy that can support local governments with meeting local, provincial, and federal climate change mitigation targets. Where there are viable sustainable transportation choices available beyond driving personal automobiles, such as public transit or active transportation, removal of on-site parking can encourage a reduction in vehicular use and ownership. For this reason, a reduction in parking requirements for residential housing forms is an important strategy to improve the viability (and convenience) of public transit by increasing demand for the service, and decreasing the costs and space required for infrastructure to enable individual vehicular transportation.

**Speed up construction and reduce construction impacts:** Even in smaller buildings, building parking can add significantly to construction time, which ultimately delays the

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<sup>13</sup> *The 2018 Regional Parking Study: Technical Report*, Metro Vancouver:  
<https://metrovancover.org/services/regional-planning/Documents/regional-parking-study-technical-report.pdf>

provision of housing and uses scarce construction resources that could be at work on other homes. Underground parkades are particularly impactful on neighbours, requiring excavation and sometimes blasting, and many additional heavy truck trips on local roads. Finally, the large amounts of cement and steel required for parkades are typically the single biggest sources of embodied carbon in new buildings.

**Improve community vibrancy and equity:** In urban and sub-urban contexts, a reduction of on-site parking requirements and a transition away from car-oriented street designs are important strategies to improve community vibrancy through an increased emphasis on the pedestrian environment and gathering spaces in the public realm. This approach also contributes to greater equity by ensuring that those who are unable to drive or afford personal automobiles have access to transportation choices.

For the reasons described above, more and more local governments across North America are eliminating requirements for parking in residential developments. For example, minimum parking requirements have been eliminated in Edmonton, Toronto, San Francisco, and Portland. This does not mean that no on-site parking is built with new residential developments in these cities; it means those developing the new housing units can determine – based on local market conditions and demand – how much on-site parking to provide on their properties. This can also be influenced by the surrounding transportation context and the lifestyle of future residents.

An alternative approach, and one that is often used as an interim step toward the elimination of parking minimums, is the use of requirements that, in addition to setting a minimum number of parking spaces per unit, also set a maximum number of parking spaces per unit for residential developments. This approach is particularly promising for missing middle housing forms due to the inherent challenge of fitting several parking spaces on single-family and duplex lots. This approach gives some discretion to builders/developers to incorporate parking that they anticipate aligning with the needs of future residents, but up to a limit.

In other words, parking maximums can help ensure that parking supply is not excessive and can help local governments manage stormwater impacts associated with infill housing. Parking maximums retain some of the advantages of no parking requirement approaches, such as improved affordability and encouraging a modal shift. Parking maximums are often applied to sites that are within more urban contexts (e.g., downtown, urban mixed-use village centres, etc.) or within an area that is in proximity to high-quality frequent transit service.

In rural contexts, residents may not have reasonable alternatives to using personal automobiles. Single-family and duplex lots are generally large enough that the inclusion of parking spaces is not likely to be a barrier to the creation of additional housing units

Considerations for all three approaches to parking requirements for SSMUH housing are outlined in Table 3, which also identifies recommended scenarios for their use when local governments are considering zoning bylaw updates for alignment with SSMUH.

To help ensure the viability of a minimum of 6 units of housing on lots that meet the definition of transit proximity, local governments are not permitted to set any parking requirements for those lots.

The availability of on-street parking is also an important consideration when setting parking requirements or considering the use of no parking requirements. The use of on-street parking to manage overflow from residential parking is a long-standing practice in many urban and sub-urban contexts.

**Table 3: Considerations and recommended uses of different off-street parking approaches for lots with a minimum of three or four units in *Restricted Zones***

On-site parking approach	Considerations for SSMUH	Recommended scenarios for using the approach
No parking requirements	<ul style="list-style-type: none"> <li>• Allows builders/developers/ property owners to determine how much parking space is needed (if any) based on local conditions, the surrounding transportation context, and lifestyle of future residents</li> <li>• Can increase the viability and reduce costs for SSMUH housing forms</li> <li>• May increase demand for on-street parking (can be managed if needed through permitting programs)</li> <li>• Results in a loss of local government control over transportation demand management strategies for community objectives like climate change mitigation, increasing neighbourhood vibrancy</li> <li>• Significant implications for the amount of space on lots to support other uses (e.g., gardens and outdoor living area)</li> </ul>	<ul style="list-style-type: none"> <li>• Lots in <i>Restricted Zones</i> that must permit a minimum of three or four units and where access to sustainable modes of transportation is available.</li> <li>• Neighbourhoods where the lot sizes are sufficiently large to easily accommodate both the new units and parking.</li> <li>• In rural areas, where only one secondary suite or accessory dwelling unit is permitted providing suitable on-street parking is available.</li> </ul>

On-site parking approach	Considerations for SSMUH	Recommended scenarios for using the approach
Parking maximums (per unit)	<ul style="list-style-type: none"> <li>• Allows builders/developers/ property owners to determine how much parking space is needed (if any) based on local conditions, up to a maximum</li> <li>• Likely to increase demand for on-street parking which may compete with other objectives (e.g., installation of bike lanes, increasing curbside space for commercial/passenger loading, etc.) or require management</li> <li>• Maintains some local government control over off-street parking to help align outcomes with other community goals like climate change mitigation, tree retention, and stormwater management</li> </ul>	<ul style="list-style-type: none"> <li>• Lots in <i>Restricted Zones</i> that must permit a minimum of three or four units and where access to alternative modes of transportation is available.</li> <li>• When setting a maximum parking limit, local governments must also establish a minimum number of parking spaces.</li> </ul>
Parking minimums (per unit)	<ul style="list-style-type: none"> <li>• Can decrease the viability of projects, particularly for smaller lots</li> <li>• Can increase construction costs and contribute to higher costs per unit</li> <li>• Will reduce demand for on-street parking</li> <li>• Likely to result in a high proportion of impervious surfaces on lots in <i>Restricted Zone</i> which will increase pressure on stormwater systems and reduce yard space available for resident use and trees</li> </ul>	<ul style="list-style-type: none"> <li>• No parking requirements are recommended for most SSMUH housing forms</li> <li>• Off-street parking may be necessary in rural areas where no on-street parking is available or to facilitate snow-clearing activities</li> </ul>

On-street parking manages itself in many ways, since the difficulty obtaining it or lack thereof influences behaviour and encourages users to find parking elsewhere or reduce reliance on it. However, if needed, local governments also have the ability to manage the valuable public space used for on-street parking through permitting requirements. Residential parking permit programs are used in several communities across the province of varying size, including the City of Kelowna, City of Victoria, City and Duncan, and Township of Esquimalt, among others.

In many communities around the province, snow removal practices may limit the extent to which on-street parking can be relied upon to accommodate overflow from SSMUH housing forms. In such cases, more off-street parking may be warranted than the recommended ratios in Part 4 (the Site Standards).

**Table 4: On-site and off-site transportation demand management measures**

On-site measures for developers/builders	Off-site measures for local governments
<ul style="list-style-type: none"> <li>• Ground-floor units that enable ease of access with mobility devices and strollers</li> <li>• Bike parking facilities that are generously sized, secure, and under cover to accommodate a range of bicycle types including oversized bikes (e.g., electric cargo bikes, tricycles, etc.) which are common among young families</li> <li>• The provision of bicycles or electric bicycles to residents when they move into the building to increase bike ownership and/or rebates to offset the cost of bicycle purchase</li> <li>• The provision of carsharing memberships or cash contributions in the form of driving credits for different carshare service providers</li> <li>• Provision of a BC Transit public transit pass through the EcoPASS program for a minimum five-year term for every housing unit</li> </ul>	<ul style="list-style-type: none"> <li>• Improving pedestrian facilities such as more and improved sidewalks, paths and crosswalks, and better traffic signals (e.g., longer signals or pedestrian-priority signals)</li> <li>• Implementing traffic calming measures and re-allocating public right-of-way from vehicle movement to other uses (e.g., pedestrian infrastructure or gathering places)</li> <li>• Improvements in transit stop infrastructure</li> <li>• Installing all-ages and abilities cycling infrastructure such as protected bike lane infrastructure</li> <li>• Increasing separation of pedestrians and cyclists from vehicle traffic and enhancements to the public realm (e.g., gathering spaces, benches, shade trees, landscaping buffers)</li> <li>• Reducing parking availability on private and public lands and/or charge for its use to manage demand</li> <li>• Incentivizing secure bike parking facilities at schools, workplaces, and commercial centres</li> <li>• Encouraging end-of-trip facilities such as showers and lockers in schools, universities, and workplaces to help remove barriers to active transportation</li> </ul>

## Part 3: Other considerations for implementing SSMUH requirements

### 1. Development permit areas

Development permit areas (DPAs) are an important tool available under LGA section 488 that local governments in BC can use to establish the conditions under which land alteration and new development takes place. Development permit areas are designated through official community plans and the guidelines can be specified in either the official community plan or a zoning bylaw.

#### **Eligible Uses of Development Permit Areas (DPAs)**

DPAs are used to identify locations that need special treatment for certain purposes including the protection of development from hazards, establishing objectives for form and character in specified circumstances, or revitalization of a commercial use area.

Section 488 the *Local Government Act* identifies eligible purposes of DPAs:

- (a) Protection of:
  - a. The natural environment, its ecosystems and biological diversity
  - b. Development from hazardous conditions
  - c. Farming
- (b) Revitalization of an area in which a commercial use is permitted
- (c) Establishment of objectives for the form and character of:
  - a. Intensive residential development
  - b. Commercial, industrial, or multi-family residential development
  - c. Development in a resort region
- (d) Promotion of:
  - a. Energy conservation
  - b. Water conservation
  - c. Reduction of greenhouse gas emissions



Local governments may continue to use DPAs, provided they do not unreasonably restrict the ability to use land at the use or density prescribed by the new legislation provisions (Section 457.1<sup>14</sup> of the SSMUH legislation). This section offers direction on appropriate use of DPAs in the context of SSMUH legislative requirements. It also offers alternative means to achieve similar outcomes where DPA objectives are beyond the authorities of local government or likely to be a barrier to the development of SSMUH housing.

### **1.1 Ensuring alignment between SSMUH zoning, DPAs, and OCPs**

Section 478 (2) of the LGA states that all bylaws enacted after the adoption of an OCP must be consistent with the relevant plan. Local governments may therefore find that new land uses permitted under SSMUH zoning are inconsistent with existing DPAs. For example, an environmental protection DPA guideline may discourage more than one housing unit on a lot in that area. Consequently, following adoption of zoning bylaws to enable SSMUH, local governments should review their DPAs and associated guidelines to ensure they do not unreasonably prohibit or restrict SSMUH development.

In reviewing and/or updating development permit areas, local governments should identify clear objectives and guidelines for development permit areas that are directly linked to the relevant authorities found in Division 7, Part 14 of the LGA. For example, both environmental DPAs and those designed for the protection of development from hazardous conditions may specify areas of land that must remain free of development, except in accordance with any conditions outlined in the development permit area. However, only a development permit under LGA s. 488 (1) (b) [protection from hazardous conditions] may vary land use or density as they relate to health, safety, protection of property from damage.

Local governments should also ensure they are using the most appropriate tool or bylaw for the task and desired outcome. Local governments in BC commonly use DPAs to achieve objectives that are outside the purposes prescribed in the LGA, and which can be regulated in other more appropriate ways. For example, require a business licence rather than through a business licence bylaw.

### **1.2 Development Permit Areas to Establish Objectives for Form and Character**

Of the all the types of DPAs allowed under the LGA, those established under sections 488(1)(e) and (f) for the purpose of managing the form and character of SSMUH development have the greatest potential to negatively impact the creation of new housing units. DPAs and the development guidelines through which they are typically exercised,

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<sup>14</sup> Section 559.01 of the Vancouver Charter.

can introduce significant time, costs, delays, and uncertainty into projects. In the context of SSMUH housing, these factors can easily undermine the viability of projects. Common DPA requirements that can negatively impact the viability of SSMUH are identified below.

Many local governments regulate the form and character of commercial, industrial, or multi-family development through form and character DPAs. Single-family residences generally are not subject to form and character DPAs. However, local governments have discretion over what density of housing satisfies the intent of *intensive residential* under LGA, s. 488(1)(e) and would therefore be subject to this type of DPA. Since SSMUH forms are sufficiently close in size to single-detached dwellings and recognizing the other factors that can impact their viability, local governments are discouraged from using DPAs to control the form and character of SSMUH developments up to six units in all but exceptional circumstances. To implement this approach, local governments with existing form and character development permit areas should review and amend those DPAs to ensure that definitions for “intensive residential development” and “multi-family residential development” are aligned with SSMUH requirements and do not unreasonably restrict or prohibit their intent and purpose.

As outlined through the examples of common DPA guidelines on the next page, local governments can use zoning bylaw regulations to manage what are commonly viewed as the most significant elements of a development. Rather than attempting to also manage the form and character of SSMUH development through rules, local governments could also consider producing a set of voluntary, non-regulatory design guidelines that capture good practices in SSMUH development.

Some jurisdictions have developed template plans that builders can choose to use that are consistent with zoning requirements and have positive design attributes, such as the City of Coquitlam. While this strategy may reduce diversity of SSMUH housing forms and innovation in design, it will likely result in more expedient approvals and produce building designs and forms that are consistent with community preferences.

## **Common DPA requirements that can negatively impact the viability of SSMUH**

### *Neighbourhood Character/Neighbourhood Fit (often considered 'General DPAs')*

DPA guidelines predicated on an evaluation of how a project may impact neighbouring properties prioritizes the interests of existing single-detached dwellings and detracts from the intention of the SSMUH legislation, which is to stimulate the creation of new SSMUH homes. Examples of these types of guidelines include requiring transitions through massing, height, or setbacks, as well as attempts to mitigate impacts on immediate surroundings via shadow, solar impact, views, and privacy.

### *Location of Entrances*

Some form and character DPA guidelines require buildings to have primary entrances to each residential unit that face, or are visible from, the street. Adherence to such guidelines may limit creative building design or be open to administrative misinterpretation. Guidelines that limit the number of entrances to a building are also not appropriate for SSMUH.

### *Building Height*

Guidelines that attempt to manage building height through a development permit to reduce impact on adjacent buildings or address shadow or privacy are not best practice for buildings of three storeys or less. Maximum building height is more appropriately regulated through the zoning bylaw.

### *Building Massing*

Form and character guidelines that attempt to show how a building should be massed such as step-backs from street frontage or requiring upper storeys to have less mass than lower storeys put more constraints on already-constrained sites and can be eliminated in respect of buildings three storeys or less.

### *Parking and Waste Management*

Policies that require parking areas to be completely enclosed or screened may result in more space being allocated for vehicles that could be dedicated for living. The same is true for solid waste management infrastructure.

### *Landscaping*

Policies that require landscaping plans by a qualified landscape architect or irrigation installation are discouraged. For SSMUH there may be little landscaped area and these requirements may not be necessary. Also, there are some policies that require each unit to have exterior space at-grade adjacent to each housing unit. This hinders creativity in providing amenity space on the parcel. Reasonable compromises must be considered to stimulate development of desired housing forms.

If a local government determines that the form and character of SSMUH developments must be guided by a DPA, they are encouraged to develop them in accordance with the principles outlined below.

**Principles for effective use of development permit areas**

**Provide Clear Direction and Be Specific:** DPA guidelines should be clearly articulated to remove discretion over how they are interpreted and how the intent of the guidelines can and has been met.

**Staff Delegation:** Authority to issue development permits should be delegated to staff under the provisions of LGA section 490(5) to improve consistency in the adjudication of applications and the timeliness of approvals.

**Advisory Urban Design Panels/Commissions:** Ensuring SSMUH projects are not subject to review by advisory design panels or planning commissions will help ensure expedient and consistent approvals.

**Recognize Constraints Through Permissive Requirements:** DPA guidelines should take into account the significant space-related constraints and limited financial viability for SSMUH housing forms and avoid the inclusion of requirements that are impractical due to these constraints.

**1.3 Development permit areas established for the protection of the natural environment, its ecosystems and biological diversity**

Similar to the requirements for single-family homes, SSMUH developments will be subject to environmental protection DPAs established under LGA section 488(1)(a) provided they do not unreasonably restrict the ability to realize the use and density required under the SSMUH legislation. This means that local governments can continue to direct development away from areas of a parcel determined to be of ecological significance, require mitigating measures to avoid harmful impacts, and/or require compensatory measures if impacts cannot be avoided. It would not be appropriate, however, for a local government to implement an environmental protection DPA that would have the effect of preventing SSMUH forms of housing from being developed in the absence of site conditions and objectives that legitimately warrant it.

#### **1.4 Development permit areas established for the protection of development from hazardous conditions**

As is the case for all dwelling types, SSMUH development will be subject to hazard protection DPAs established under section 488(1)(b) of the LGA to ensure that development in those areas does not pose an undue risk. Section 56 of the *Community Charter*, which allows a building official to request a report by a qualified professional confirming that the land may be used safely for its intended purpose, also applies to SSMUH homes.

Per section 491(3) of the LGA, hazard protection DPAs are the one type of development permit area where a local government can deliberately vary the use or density of land as a means to protect health, safety or protection of property from damage. Accordingly, it is recognized that there may be limited areas which, due to the risks their natural characteristics pose, or access to and from those areas, may be unsuitable for SSMUH development.

#### **1.5 Development permit areas established to promote energy conservation, water conservation, and reduction of greenhouse gas emissions**

Like single-detached dwellings, SSMUH development will be subject to DPAs established under LGA section 488(1)(h)(i) and (j) of the *Local Government Act* for the conservations of energy or water and reduction of greenhouse gas emissions.

However, local governments should consider the following in adopting and/or reviewing DPAs developed for these purposes:

- recently developed or updated regulatory requirements such as the BC Step Code or BC Building Code may already require the same or similar outcomes for developments, and
- these requirements can raise building costs (even while lowering long-term operating costs) and hamper the viability and/or affordability of SSMUH forms of housing. SSMUH housing will support local and provincial government climate change mitigation efforts by increasing density in areas with existing services and reducing sprawl.

## **2. Subdivision, lot sizes, and strata titling**

Subdivision refers to dividing land or buildings into separate real estate units. Types of subdivision that could involve SSMUH projects include, but are not limited to the:

- creation of more than one lot from one or more lots;

- creation of strata lots (can include duplexes, townhomes, and single-family homes);
- property line adjustments; and
- consolidation of lots.

In developing policies or regulations governing subdivisions, local governments should consider the relationship between the minimum lot size requirements in the various zones, including minimum lot frontage lengths, with the potential number and viability of units that could be built if the minimum lot sizes were smaller. Smaller sized lots can mean a more efficient use of infrastructure and services.

Strata subdivision of new buildings is done by the developers who must file a strata plan with the Land Title Office. Information on the process is available at the [Land Title Office](#).

The stratification of existing units requires local government approval before a strata plan can be filed in the Land Title Office. This would be the process if a landowner wished to undertake a building subdivision to create two units within the same strata corporation out of a principal dwelling like a duplex. However, local government approval is not required if none of the units have yet been occupied and are brought to lock-up stage simultaneously.

Local governments can increase strata titling or conversion of existing ADUs and duplexes by expanding the scope of existing Strata Title Conversion processes. Local governments should be aware that the BC Building Code does not allow the strata subdivision of a secondary suite from the principal dwelling unit. Side by side housing units in the same building that are built in accordance with the Code can be strata titled, however.

### 3. Considerations for the tenure of SSMUH housing

The SSMUH legislation does not presume that a specific form of tenure for SSMUH projects will be enabled through bylaw updates. The legislation does not favour ownership versus rental housing, but rather *more* housing generally in communities where housing choice has been limited by single-family and duplex zoning. However, local governments may consider regulating or incentivizing certain forms of tenure that meet the housing needs of their communities, provided the densities prescribed by the SSMUH legislation are not affected. Local governments should be aware that mandating certain tenure types through regulation may diminish the viability of some SSMUH projects and/or impact their ability to respond to changing community needs and market conditions.

### 3.1 Residential rental

Section 481.1 of the LGA and section 565 of the VC specify that local governments may limit the form of tenure in a zone or parts of a zone, if it permits multi-family residential use, to residential rental. The ability to zone for rental tenure extends to specific lots, as well as to specified numbers or percentages of units within multi-family buildings.

Local governments should consider tenure restrictions with caution, despite the significant need for secure rental housing across the province. In the City of Vancouver, where missing middle policy and regulations have recently taken effect, zoning will allow up to eight units of secure rental on what are now larger single-detached lots. However, a 2023 staff report notes that, “financial testing has demonstrated that secured rental housing is not generally viable and staff expect limited take-up of this option. Nonetheless, including it will streamline opportunities to build secured rental housing at this scale and avoid the need for individual site rezoning applications.”

Residential rental projects work under roughly the same financial equation as commercial land uses (retail/office/etc.). The rents required to cover the cost of new buildings are significant, and far exceed affordability thresholds. Many general rental projects require government subsidies in some form (grants, low interest rates, others) to be feasible.

As such, requiring residential rental of all or a portion of units permitted under SSMUH zoning could become a barrier to the construction of the types of units this legislation is intended to encourage. However, some jurisdictions that have implemented missing middle policies have used the provision of secured rental housing as a density bonus lever, wherein developers can build a significantly larger building in return for its exclusive use as secured rental housing.

Regardless of the approach, local governments are encouraged to track the outcomes of the new zoning for at least three years to assess the level of market interest in developing this housing form, with tenure determined by the developer and unit owners, and only then assess whether mandating residential rental tenure is appropriate.

Foregoing the use of residential rental tenure zoning does not preclude SSMUH units from being used for residential rental. Recent amendments to the *Strata Property Act* now prohibit strata corporations from enacting bylaws that prohibit the rental of strata units. Therefore, strata unit owners are now free to rent their units to tenants. Alternatively, some owner-developers may choose to subsidize the construction of their own housing unit by building a triplex or quadplex where they rent out the additional units. At SSMUH's small scale, and in light of the housing challenges facing both renters and prospective new owners, tenure decisions may be best left to the project developers and unit owners, except where projects have received some form of government incentive.

### 3.2 Residential rental incentives and subsidy

To encourage more rental units within SSMUH projects, local governments should consider incentivizing, rather than regulating it through some of the following approaches:

- property tax exemptions or reductions for heritage revitalization agreements,
- development cost charge waivers or reductions,
- forgivable loans in return for commitment for rental-only tenure for an appropriate duration of time<sup>15</sup>, and
- contributing government-owned land.

Local governments may wish to consider developing such an incentive program in conjunction with SSMUH zoning regulations if this is a form of tenure they wish to target and consider provincial or federal incentive programs to ensure alignment.

### 3.3 Strata ownership

Strata ownership is a form of tenure that provides exclusive use and ownership of a specific housing unit (the residential strata lot) which is contained in a larger property (the strata plan), plus shared use and ownership of the common areas. Strata owners hold title to their individual housing units and have a proportionate share of the common property, which is typically common areas such as outdoor grounds, elevators, halls, and recreational spaces. Strata ownership is the conventional ownership model in condominium buildings across the province, guided by the *Strata Property Act*. Residential strata lots can be contained in a single building or distributed across many buildings that together form the strata project.

As discussed above, SSMUH building forms, particularly in areas with higher land costs and excessive regulation, can have slim financial viability, resulting in a low likelihood of resulting units being constructed as purpose-built rental. Local governments in urban settings particularly should anticipate that most SSMUH projects will be built for market-rate strata ownership. However, there is a reasonable likelihood that many owners of strata-built SSMUH units will rent them out on a long-term basis. The possibility of future strata conversion should be a consideration for the design of SSMUH units.

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<sup>15</sup> Ten years or the life of the building are common timeframes codified through Housing Agreements in accordance with section 483 of the LGA. Agreements 'in perpetuity' should be discouraged because they reduce the flexibility of the site for future uses after the end of the building life.



### 3.4 Short-term rentals

The purpose of the SSMUH legislation is to encourage the construction of new small-scale, multi-unit housing for long-term occupancy. In the fall of 2023, the Province passed the *Short-Term Rental Accommodations Act* to support local government enforcement of short-term rental bylaws, return short-term rentals to the long-term rental market, and establish a provincial role in the regulation of short-term rentals.

In many municipalities, once the legislation comes into effect, short-term rentals can only be offered in the principal residence, a secondary suite in the principal residence, or an accessory dwelling unit on the same property as the principal residence. Forthcoming regulations will specify which areas are exempt from the principal residence requirements. Further information on this legislation is available on [BC Laws](#).

### 3.5 Affordable Housing and Special Needs Housing

To help ensure the viability of SSMUH, the legislation prevents local governments from using density benefits (described under Section 482 of the LGA) for amenities. It does however allow their use for affordable and/or special needs housing under the following circumstances:

- for lots on which the requirements for permitting a minimum of six units apply (based on proximity to a prescribed bus stop as defined in the Local Government Zoning Bylaw Regulation or Vancouver Zoning Bylaw Regulation), in which case local governments may establish conditional density rules to achieve one of the six units required to be permitted under SSMUH; and
- for housing units in excess of the minimum number of housing units required to be permitted under SSMUH.

In either of these cases, local governments may establish the following conditions for the approval of the units concerned, in accordance with the existing authorities LGA s. 482 allows:

- conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind, and extent of the housing (LGA s. 482(2)(b)); or
- a condition that the owner enter into a housing agreement under LGA section 483 before a building permit is issued in relation to property to which the condition applies (as per the provisions in LGA s. 482(2)(c)).

Local governments should confirm economic feasibility before requiring the provision of an affordable dwelling unit in six-unit buildings in proximity to bus stops. The financial viability and impact of requiring an affordable unit will vary from community to

community and even neighbourhood to neighbourhood, thereby affecting the viability of SSMUH projects. Even if a project remains viable with the inclusion of an affordable unit, it is likely to have the effect of increasing the costs of rent or purchase for the remainder of the units in the development, which could undermine the desired objective of improving housing affordability.

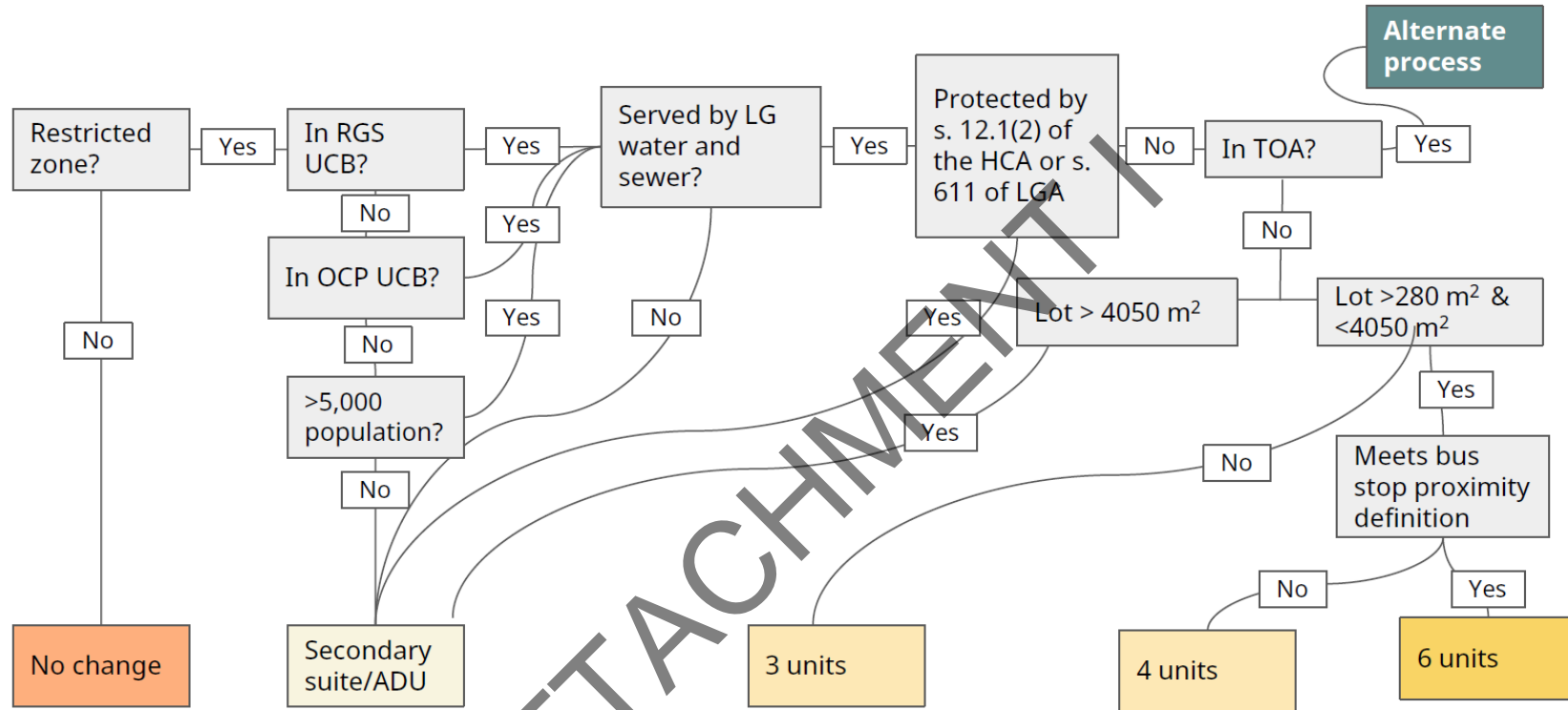
In addition to these density benefit provisions, local governments can encourage below-market affordable housing within SSMUH zones through partnerships with non-profit housing providers or by contributing publicly owned lands for housing development. However, zones permitting greater densities than SSMUH forms offer more meaningful opportunities for affordable housing.

#### 4. Using data and geospatial visualization to support implementation

Assessing the capacity of a community to provide more SSMUH units as well as modeling the possible infrastructure implications of densification will likely be accomplished through geospatial analysis. Geospatial analysis using geographic information services (GIS), or other similar digital tools will help local governments more efficiently identify the areas and individual lots to which SSMUH requirements will apply.

Local governments that do not have in-house mapping or geographic information services (GIS) expertise may need to hire a contractor to undertake the necessary analysis. Appendix C provides a detailed step-by-step procedure to help local governments identify properties to which various provisions of the SSMUH requirements apply. Figure 3 provides a high-level visual representation of the process.

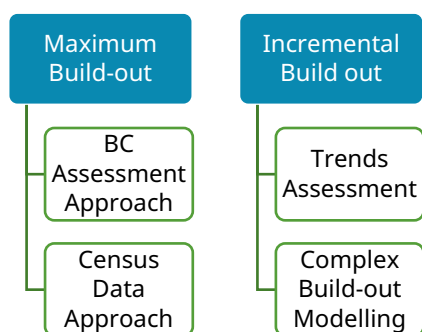
Figure 3: Process diagram for identifying impacted lots using GIS



## 5. Methods to estimate potential increases in density

There are two general ways of discussing potential density created through SSMUH zoning: the first is the maximum build-out possible under the required zoning amendments, sometimes referred to as the maximum build-out capacity (sometimes referred to as zoned capacity). The second is the incremental additional units that will actually be brought online over many years following SSMUH bylaw adoption. As illustrated by Figure 4, there are two main approaches for calculating each, which are described in detail in Appendices B and C.

**Figure 4: Methods to estimate potential increases in density**

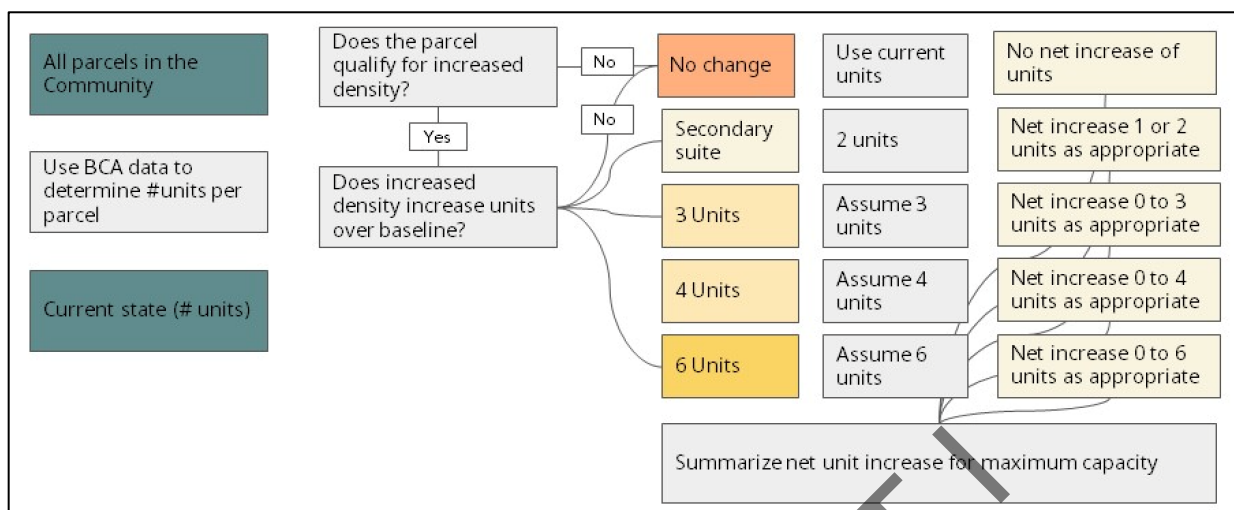


### 5.1 Maximum Build-Out Analysis

Maximum build-out of the capacity (or density) that is theoretically possible under SSMUH zoning bylaw updates is unlikely to occur due to a variety of constraints and factors discussed below. It can however be helpful for local governments to forecast the maximum build-out scenario to understand and ensure preparedness for the potential long-term implications for infrastructure.

In simple terms, this approach involves multiplying the number of lots that will be subject to the various minimum density requirements by the number of housing units permitted in that category, and then totalling the numbers for all categories, as illustrated in Figure 5. A more detailed explanation of how to calculate maximum build-out capacity using two different data sets (BC Assessment and Census data) is found in Appendix D.

**Figure 5: Process diagram for calculating maximum build-out density**



## 5.2 Incremental Build-out Analysis

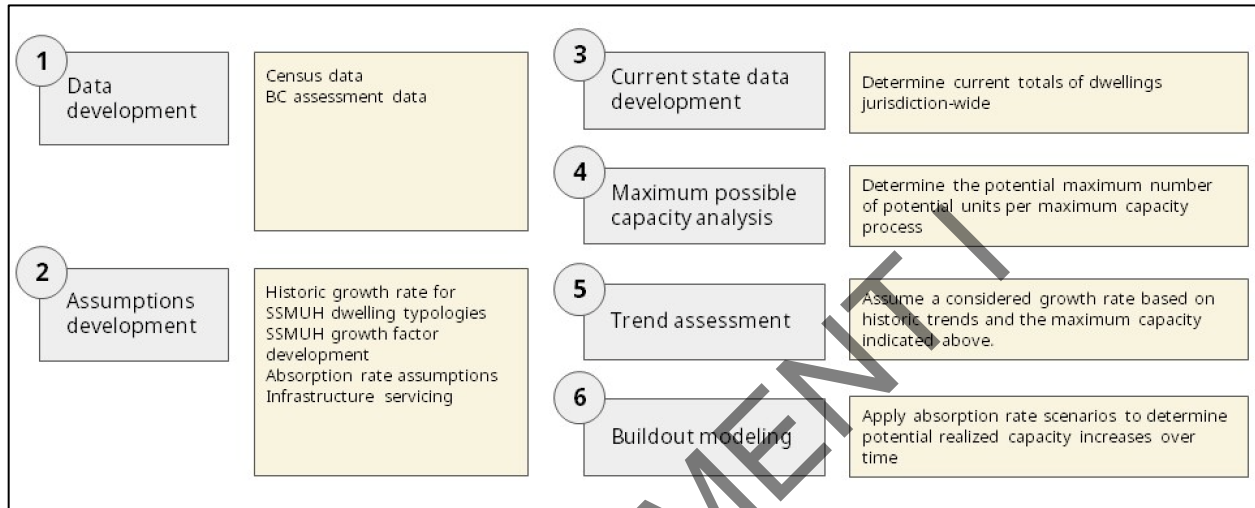
More realistic estimates of potential increases in density arising from SSMUH zoning bylaw updates should be calculated to help identify if there are any near- or medium-term infrastructure constraints that need to be addressed through capital planning, servicing bylaw changes, or development cost charge updates. As discussed in the next section on infrastructure and servicing, local governments will acquire valuable information about the rate of change or density increases resulting from the zoning bylaw updates in the first 1-2 years following implementation. This will reduce uncertainty over time and result in more reliable estimates of the rate of incremental build out.

While there are many approaches, a recognized best practice in incremental build-out analysis generally involves first developing an understanding of the current state of housing units and then determining the maximum realizable density that may occur as a result of legislation with discounts for environmental constraints, redevelopment potential and development contexts. The net of the maximum realizable density and the current state is the likely increase in dwellings units. An optional extra effort can be made to structure the incremental build-out longitudinally such that the information can be used for infrastructure impact analysis (discussed in the next section). There are two approaches for this technique, as described and illustrated below and further explained in Appendix E.

*Method #1: Trends assessment*

This is a basic method that uses readily available data to build assumptions with regards to uptake of SSMUH homes under multiple scenarios. It is anticipated that most local governments in BC will use this method pictured in Figure 6.

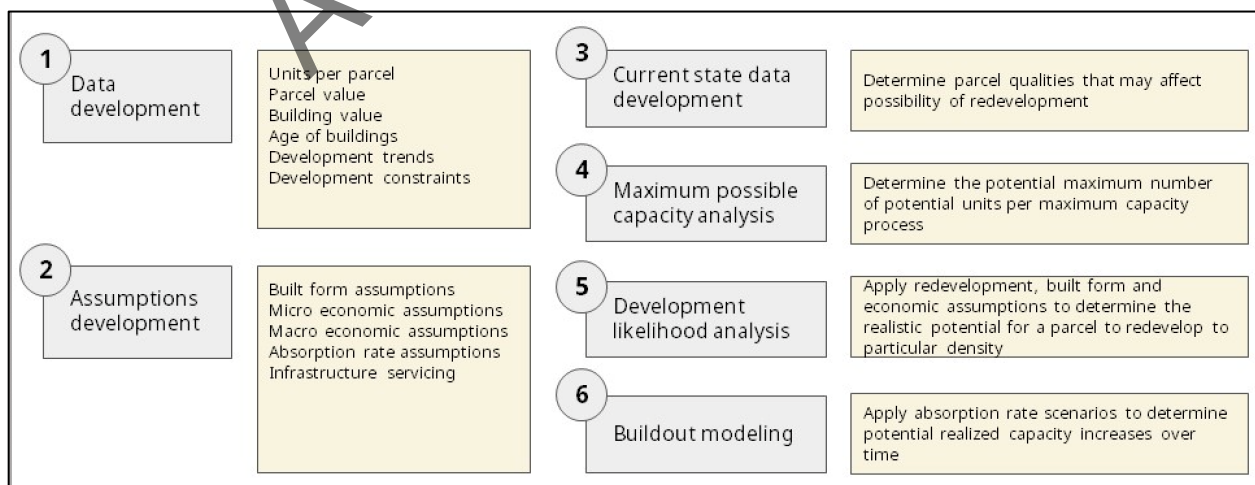
**Figure 6: The trends assessment method of estimating incremental build-out**



*Method 2: Complex build-out modelling*

This is an advanced method that uses readily available data to construct likely development scenarios under current economic conditions. Large municipalities experiencing high rates of growth may progress to complex build-out modelling to better understand both the rate of density increase arising from SSMUH zoning as well as its spatial distribution. This approach is visualized in Figure 7.

**Figure 7: The complex build-out modelling method to estimate incremental build out**



## 6. Infrastructure and servicing considerations

When full life-cycle costs are considered, infrastructure and servicing are significantly more cost-efficient at higher residential densities than lower, as represented by urban infill relative to sprawl. In addition to making better use of existing infrastructure, SSMUH housing forms will also lower the per-unit costs of any new linear infrastructure due to the smaller size of geographic area requiring servicing relative to conventional single-family home and duplex areas. Local governments can use the Province's [Community Lifecycle Infrastructure Costing Tool](#) to estimate infrastructure costs for different land use patterns.

Many factors that will determine how many new units of housing result from the SSMUH initiative in each jurisdiction, some of which are identified below. While each local government's zoning bylaw provisions (e.g., building height and setbacks) are one important determinant, many other factors are beyond the control of local governments.

### **Factors that influence the creation of new SSMUH housing units**

- Zoning bylaws & how permissive and flexible they are
- Local real estate conditions
- Historic rates of development
- Age & condition of housing stock (e.g. Demolitions of homes built after 1980 are less likely, as are homes from the 1960's - 70's that have been recently renovated)
- The age, capacity, and availability of infrastructure
- Construction costs
- Interest rates
- Local economic conditions
- Availability of skilled trades
- Sophistication of builders
- Local demand for housing
- The relevance of exemptions (e.g., predominance of Heritage Conservation Areas)

As a result, local governments may have a limited basis on which to estimate uptake or the number of new SSMUH homes when the legislative provisions initially take effect. Closely monitoring total uptake over the first 1-2 years, such as, the types of new units emerging and their geographic distribution, is recommended to better gauge medium and long-term projections, and in turn make informed assessments of impacts on infrastructure and services to adjust capital plans and projects accordingly. With the support of geospatial analysis, local governments can make educated projections about how much additional density will result from SSMUH requirements, as described in the section above.

### Infrastructure Implications

Increased residential density resulting from zoning bylaw changes intended to align with SSMUH requirements may impact utilities like water, sewer, and stormwater, as well as services like roads, parks, and garbage collection. Local governments should assess the current and planned capacity of their systems, alongside the demand generated by, and financial implications for, their infrastructure and services under the SSMUH zoning. Impacts to infrastructure should be considered using both the maximum build out as well as the incremental buildout methods described in the above section to gain a sense of the range of outcomes that may occur in the community.

In general, this would consist of using the results from incremental build-out analysis to determine the likely cadence and intensity of changes resulting from the zoning bylaw updates. This approach is illustrated in Figure 8. For the trends assessment method, this would likely be the total anticipated rate of change across the municipality or a smaller area of interest, whereas for the complex method it would likely be the combination of disaggregated data from parcel (i.e., lot-level) analysis. Two ranges can be determined from these data to describe a low range of impacts (i.e., realizable capacity from trends or detailed modeling) and the maximum possible impacts for impacted lots and areas.

**Figure 8: Estimating infrastructure impacts from anticipated changes in density**

Buildout Model	Indicates location, cadence and intensity of changes resulting from the legislation.	Low range = realizable capacity, High range = maximum capacity
Calculate Equivalent Development Units	Essentially, transform unit outcomes into population outcomes, use BC best practices for DCCs or Census Occupancy Tables, as appropriate	Water, Sewer - Use DCC BPs Storm - Use Vancouver BPs Transportation - Use Census Soft Infrastructure - Use Census
Determining Significant effects	A localized effect is significant where: Forecast population under the realizable scenario is significantly greater than historic populations or 2021 data, as appropriate	Low range exceeds historic population by 30% = significant



Under each of these ranges, unit outcomes arising should be transformed into population outcomes using BC best practices or Census occupancy data, as appropriate. For sewer and water impacts, the Province's Development Cost Charges Best Practices Guide provides detailed information about techniques to convert information about housing unit outcomes into equivalent development units as appropriate. For stormwater impacts, the City of Vancouver's Best Management Practice Toolkit offers guidance to develop conversion factors that support analysis of the implications of various development types as they pertain to stormwater impacts. For soft infrastructure, such as community and recreation centres, local governments should use Census occupancy tables, which can be used to transform unit outcomes to populations, as appropriate.

Determination of significant effects can be determined by evaluating where the forecast population under either the realizable scenario or the maximum capacity scenario significant exceeds historic populations or equivalent development units (EDUs) from either the 2021 census or historic census years (if available or appropriate). While localized significance should be determined by local government engineering staff, likely, any increase that is greater than 30% over 30 years (an average annual growth rate of 1%) can be considered significant in the context of SSMUH qualifying zones.

In assessing infrastructure impacts, local governments should consider that populations in many urban and suburban, low-density residential neighborhoods have been relatively static or declining since the 1970s due to decreased family sizes, despite increasing numbers of units per hectare. This may result in SSMUH producing negligible impacts to services such as water provision and wastewater collection and could be investigated by reviewing changes in housing occupancy rates over time. Per capita declines in water consumption in recent decades in many communities may also be an indication that existing infrastructure has excess capacity to meet demand attributed to SSMUH.

In circumstances where water supplies or system capacity is limited and/or water use is inefficient relative to benchmarks, local governments should adopt demand management measures to lower water use, which has associated benefits for wastewater systems. Examples include implementing watering restrictions and using water meters to charge for water according to use. The Water Conservation Guide for British Columbia and the American Water and Wastewater Association's technical manuals on water conservation offer guidance for planning and implementing water conservation programs.

## 6.1 Funding infrastructure upgrades

Local governments will no longer be negotiating for amenities, capital investments, or rights-of-way through rezoning processes for SSMUH projects. Consequently, they should ensure revenues necessary for core infrastructure and services are planned and budgeted for through existing tools. The following tools continue to be available for local governments to raise revenues needed for infrastructure renewal and growth: development cost charges, latecomer agreements, subdivision servicing bylaw requirements, and municipal development works agreements.

In consideration of future density resulting through SSMUH zoning bylaw updates, local governments that do not use development cost charges are encouraged to adopt them to distribute infrastructure costs more equitably between existing and future residents. It is common for development cost charges to apply only where four or more units are established; however, in response to SSMUH requirements, local governments may wish to enact a lower threshold, such as two units.

ATTACHMENT 1

## Part 4 – Site Standards

### 1. Purpose of these resources

To comply with the SSMUH legislation, local governments will be required to update their zoning bylaws by June 30, 2024, unless an extension is granted by the Minister of Housing. To support local governments with this process, a series of Site Standards have been prepared that provide technical specifications commonly found in zoning bylaws. These site standards set provincial expectations for how local governments enable financially viable SSMUH developments by providing flexibility for builders and developers. While local governments may need to make changes to the site standards based on local conditions, the Province expects they will be given full consideration for implementation.

Four site standards have been prepared based on the different SSMUH unit requirements set out in the legislation:

- Site Standards Package A sets out leading practices for jurisdictions and lots where either a secondary suite or accessory dwelling **unit** must be permitted in a single-family zone.
- Site Standards Package B sets out leading practices for jurisdictions and lots where **three or four housing units** must be permitted **and lots are generally less than 1,215m<sup>2</sup>**
- Site Standards Package C sets out leading practices for jurisdictions and single-family and duplex lots where **four housing units** must be permitted **and lots are generally between 1,215m<sup>2</sup> – 4,050m<sup>2</sup>**
- Site Standards Package D sets out leading practices for jurisdictions and lots where **six housing units** must be permitted within 400 metres from prescribed bus stops

All the Site Standards are designed to ensure alignment with the requirements of the SSMUH legislation, and additionally provide a starting point for zoning bylaw regulations for which local governments retain discretion.

Each Site Standard begins with a description of where the legislated requirement for a minimum number of housing units permitted may apply, followed by the objectives underlying the policy advice, and technical specifications for common parameters in zoning bylaws (e.g., height, setbacks). The zoning bylaw parameters are based on best and emerging practices where possible, experiences and outcomes from other jurisdictions, and SSMUH objectives.

These site standards were designed to enable viable Small Scale Multi-Unit Housing projects. There can be instances where the viability of a project may depend on varying a setback, lot coverage, or building height. For example, to build an accessory dwelling unit on a lot with rocky outcrops the distance to a lot line may need to be reduced, or to allow a third bedroom in a home, the lot coverage may need to be increased. In addition, there can be a need for variances to allow for creativity in built form, for example, green space/courtyard in the middle of the lot. Local governments are encouraged to support variances for SSMUH related developments and where possible, delegate minor decisions to staff to expedite the process. It is recognized that there can be trade-offs when considering variances in terms of stormwater management, tree retention and on-site parking while still maintaining sufficient distance from property lines and between buildings for fire safety reasons, per the BC Building Code.

The content in the Site Standards should be interpreted as non-binding policy guidance. Users of this Policy Manual should seek legal advice as necessary.

ATTACHMENT 1

## 2. Site standards package A

### 2.1 Where should it apply?

This group of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit a secondary suite and/or an accessory dwelling unit** in addition to the principal residence. Lots and jurisdictions to which this requirement applies include:

- the lands within a regional electoral area that are not identified in an urban containment boundary established by a regional growth strategy or that are wholly outside of the boundary,
- the portions of municipalities or municipalities that are wholly outside of urban containment boundaries, and
- municipalities with populations less than 5,000 that do not have urban containment boundaries.

There is no size limit for the lots to which the requirement for a secondary suite and/or accessory dwelling unit applies. (To mitigate risks related to groundwater contamination, only secondary suites, not accessory dwelling units, should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government).

Lands in the Agricultural Land Reserve that are zoned for single-family use must also permit secondary suites and/or an accessory dwelling unit, subject to the 2021 changes to the *Agricultural Land Commission Act* and Agricultural Land Reserve Use Regulation. Further information can be found at: [Housing in the ALR](#).

### 2.2 Objectives

The objectives of the benchmark zoning bylaw regulations in Table 5 include:

- recognizing and maintaining consistency with the rural and semi-rural characteristics of the lots and jurisdictions to which they will apply,
- discouraging and mitigating the impacts of sprawl, and
- providing flexibility on the lot for various building forms and configurations.

**Table 5: Recommended zoning regulations for lots requiring a minimum of 2 units**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 5 – 6 metres	This front lot line setback maintains some consistency with conditions in most rural and semi-rural areas.
Rear Lot Line Setback	Minimum of 6 metres for principal buildings Minimum of 1.5 metres for ADUs	
Side Lot Line Setbacks	Minimum of 1.2 metres	This minimum requirement will enable flexibility for a large range of lot sizes, configurations, and building types. Larger distances from property lines are likely to be used by builders or developers to meet BC Building Code requirements for combustible buildings, and to accommodate drive aisles to back of the property (if used).
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof on principal buildings At least 8 metres for accessory dwelling units	A universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style is recommended to help improve the viability and diversity of SSMUH housing forms.
Maximum Number of Storeys	3 storeys for principal dwellings 2 storeys for accessory dwelling units	In smaller lot settings, permitting 3 stories may reduce the loss of trees, green space, or farmland. In larger lot settings, large distances between adjacent dwellings mitigate relative height and privacy concerns.
Maximum Lot Coverage	25-40%	Relatively low lot coverages will help limit the size and cost of new units on large lots. 25% may be appropriate for large lots and up to 40% for smaller lots.
Off-Street Parking Requirements	One space per dwelling unit	

### 3. Site standards package B

#### 3.1 Where should it apply?

This suite of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit three or four units** and are typically sized single-family and duplex lots that are **generally less than 1,215 m<sup>2</sup> in size**. This number may vary depending on typical lot sizes in communities. An appropriate threshold should be identified at which larger setbacks and lower lot coverage limits would apply, with the objective of providing an upper limit on the size of new units to improve their affordability, while ensuring three- to four-bedroom units that could accommodate families are still possible.

SSMUH requirements specify that lots less than 280 m<sup>2</sup> must be permitted to have at least 3 housing units, while those equal to or greater than 280 m<sup>2</sup> must be permitted to have at least 4 units. The recommended zoning regulations below are appropriate for lots on which either 3 or 4 housing units are permitted.

#### 3.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 6 include:

- improving the economic and spatial viability of establishing new units on typically sized single family and duplex lots to contributed to increased housing supply and affordability;
- contributing to street, neighbourhood and urban vibrancy through smaller front yard setbacks;
- maintaining adequate pervious surfaces to reduce impacts on stormwater services and water resources, Increase opportunities for tree retention and planning, and improve onsite livability for residents;
- reducing sprawl, auto-dependency, greenhouse gas emissions from transportation, and improving the viability of transit through gentle densification in existing neighbourhoods; and
- providing flexibility on lots for various building forms and configurations, which will contribute to a greater diversity of housing types and improved project viability.

**Table 6: Recommended zoning regulations for lots requiring a minimum of 3 or 4 units that are less than 1,215m<sup>2</sup> in size**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 2 metres	A front lot line setback of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees, or to accommodate stormwater infrastructure or future road or right-of-way dedications.
Rear Lot Line Setback	Minimum of 1.5 metres for ADUs or main buildings	Actual rear lot line setbacks will approximate 5 meters if parking in rear is required due to parking requirements and lot configuration.
Side Lot Line Setbacks	Minimum of 1.2 metres	Actual side setbacks will approximate 3 meters if parking in rear is required due to parking requirements and lot configuration.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	A universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style is recommended to help improve the viability and diversity of SSMUH housing forms.
Maximum Number of Storeys	3	
Maximum Lot Coverage	50%	Onsite parking requirements will contribute significantly to impervious surface coverage on lots. Impervious coverages exceeding 60% may require on-site stormwater retention and/or treatment.
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise	Other factors that could be used to set parking requirements include proximity to services (e.g., designated village or town centres), walk scores, and the availability of on-street or other parking alternatives. Higher maximum parking requirements (e.g., 1.5 spaces/unit) may be appropriate in smaller communities with no or limited public transportation, or for example, where on-street parking is impractical due to snow removal requirements.



## 4. Site standards package C

### 4.1 Where should it apply?

This suite of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit four units** and are large lots **generally greater than 1,215 m<sup>2</sup> in size and smaller than 4,050 m<sup>2</sup>**. This lot size may vary depending on typical lot sizes in communities. An appropriate threshold should be identified at which larger setbacks and lower lot coverage limits would apply, with the objective of providing an upper limit on the size of new units to improve their affordability, while ensuring three- to four-bedroom units that could accommodate families are still possible. Lots equal to or greater than 4,050 m<sup>2</sup> are exempt from the requirements to permit a minimum of 3 or 4 units due to their potential for subdivision and higher densities in urban and sub-urban contexts. Lots identified as being in a Transit Oriented Area are also exempt from SSMUH requirements. (See Part 2, Section 8.3.)

### 4.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 7 include:

- improving the economic and spatial viability of establishing new units on large single-family and duplex lots to contribute to increased housing supply;
- enabling appropriate family-sized units whilst limiting the creation of unnecessarily large units that will not contribute to improved housing affordability;
- maintaining adequate pervious surfaces to reduce impacts on stormwater services and water resources, increase opportunities for tree retention and planting, and improve onsite livability for residents;
- recognizing and maintaining the semi-rural nature of neighbourhoods with large lots and the potential for significant public tree canopy in these areas by maintaining front yard setbacks consistent with current conditions;
- reducing sprawl, auto-dependency, greenhouse gas emissions from transportation, and improving the viability of transit through gentle densification in existing neighbourhoods; and
- providing flexibility on lots for various building forms and configurations, which will contribute to a greater diversity of housing types and improved project viability.

**Table 7: Recommended zoning regulations for lots requiring a minimum of 4 units and are more than 1,215 m<sup>2</sup> in size**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 4-6 metres	
Rear Lot Line Setback	Minimum of 6 metres for main buildings Minimum of 1.5 metres for ADUs	
Side Lot Line Setbacks	Combined minimum setback for side-yards of 3 metres	Combined side-yard setback minimums (rather than individual side yard minimums) increase flexibility to respond to site conditions, and better support use of side yards for exterior living space. Minimum distances of 1.2 – 1.5 metres from property lines may be required for building code considerations (depending on combustibility). If parking is at the rear, setbacks of approximately 3 to 4 meters will be required on the side used for vehicular access.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	Depending on how height is measured by a local government, heights greater than 11 meters may be required on sloped sites to achieve 3 storeys.
Maximum Number of Storeys	3	
Maximum Lot Coverage	40%	Off-street parking requirements will increase impervious surface coverage significantly.
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise	Other factors to set parking requirements could include proximity to services (e.g. town centres), walk scores, and the availability of on-street or other parking alternatives. Higher maximum parking requirements (e.g., 1.5 spaces/unit) may be appropriate in smaller communities with no or limited public transportation, or for example, where on-street parking is impractical due to snow removal requirements.

## 5. Site standards package D

### 5.1 Where should it apply?

This group of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit a minimum of six units**. This requirement will apply to parcels that meet all of these criteria:

- are wholly or partly within 400m of a prescribed bus stop;
- are at least 281 m<sup>2</sup> or greater in area; and
- are within a municipality with a population of 5,000 or greater

Lots equal to or greater than 4,050 m<sup>2</sup> are exempt these requirements due to their potential for subdivision. Lots identified as being in a Transit Oriented Area are also exempt from the requirements (see Part 2, Section 8.3 of this manual).

There are two legislative provisions that apply only to these lots and not the other densities that must be permitted under SSMUH zoning:

- local governments are **not permitted to set parking requirements in relation to residential uses** for lots that meet the above conditions, and
- **local governments may set a conditional density requirement for one of the six units** relating to the provision of affordable and special needs housing and/or that the owner enter into a housing agreement prior to the issuance of a building permit.

### 5.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 8 include:

- improving the economic and spatial viability of establishing a minimum of six units on single family and duplex lots to contributed to increased housing supply and affordability;
- contributing to street, neighbourhood and urban vibrancy through smaller front yard setbacks,
- situating new units of housing near existing transit services to reduce auto-dependency and greenhouse gas emissions from transportation, as well as improve the near- and long-term viability of transit services; and
- providing maximum flexibility on lots for various building forms and configurations, which will contributed to a greater diversity of housing types.

**Table 8: Recommended zoning regulations for lots requiring a minimum of 6 units**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 2 metres	A front setback of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees, or to accommodate stormwater infrastructure or future road or right-of-way dedications.
Rear Lot Line Setback	Minimum 1.5m	
Side Lot Line Setbacks	Minimum of 0 -1.2 metres	Zero side lot line setbacks are appropriate in urban settings to achieve row housing typologies, which will help improve urban/street vibrancy, and are viable spatially due to the absence of on-site parking. Side lot setbacks approximating 2.5m may be required for combustible buildings.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or to the highest point of a flat roof	Depending on how building height is measured by a local government, heights greater than 11 meters may be required on sloped sites to achieve 3 storeys.
Maximum Number of Storeys	3	On small lots, four storeys may be required to achieve a minimum of six liable units.
Maximum Lot Coverage	60%	On-site stormwater retention and/or treatment may be required. A higher lot coverage limit (e.g., 70%) may be required on small lots to achieve a sufficiently large buildable area; however, increasing height limits may be a preferable solution to maintain site permeability.
Off-Street Parking Requirements	0	Local governments are not permitted to set off-street parking requirements in relation to residential uses.

**Appendices**

ATTACHMENT I

## Appendix A: Similar initiatives in other jurisdictions

Many governments at the provincial, state, and local levels in Canada, the United States and further abroad have recognized the negative impacts that widespread single-detached zoning has had on housing availability, choice, and affordability. Increasingly, many jurisdictions are taking steps to ensure more homes can be built in existing neighbourhoods.

Through the SSMUH legislation, BC is joining other jurisdictions in acknowledging that single-detached residential zoning is a barrier to establishing and maintaining the mixed-income neighbourhoods needed for more equitable and affordable communities and a more resilient province. Similar initiatives undertaken in other jurisdictions to permit multiple housing units in formerly single-family residential zones are highlighted below.

**New Zealand** has taken national-level action to promote the development of more mixed neighbourhoods by requiring its larger urban centres to permit up to three dwelling units on single residential lots through legislation that implements country-wide medium density residential standards.

In the **United States**, several states have passed legislation to require local governments to provide greater residential density and flexibility in single-family zones.

- Oregon's Bill 2001 requires all medium-sized cities to permit duplexes on every lot where a single-detached dwelling is permitted, and large cities are required to permit a higher level of density.
- In Massachusetts, Bill 5250 incentivizes 170 municipalities served by the Massachusetts Bay Transportation Authority to permit multi-family housing zones within walking distance of public transit.
- A number of state legislatures in the United States have passed legislation that prohibits local governments from preventing the construction of accessory dwelling units in single-detached zones, and in some cases have prevented local governments from imposing minimum parking requirements to ensure the viability of additional units (such as the states of Maine and Washington).
- In 2019, the California state legislature passed legislation to override local regulatory barriers the construction of accessory dwelling units, resulting in an increase of building permits the following year of 61%.

In **British Columbia**, several municipalities of varying sizes have already started to embark on the process of permitting more units and promoting greater flexibility in single-detached zones.

- In 2022, the City of Kimberley amended its zoning regulations to permit a higher range of unit densities in what were previously single-detached residential zones. Through this amendment, Kimberley's R-1 zone now permits duplexes, its R-2 zone permits six units and up to as many as 10, subject to an affordable housing agreement.
- The District of Central Saanich has recently adopted new regulations after a comprehensive planning process to permit higher density housing in existing single-detached zones.
- The Cities of Victoria and Vancouver have adopted local land use regulations to permit and encourage construction of so-called "missing middle" housing.

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## Appendix B: List of local governments that may have prescribed bus stops

City of Burnaby  
City of Colwood  
City of Coquitlam  
City of Cranbrook  
Municipality of Esquimalt  
City of Kamloops  
City of Langford  
Township of Langley  
City of Langley  
City of Maple Ridge  
Metro Vancouver Regional District  
City of New Westminster  
District of North Vancouver  
City of North Vancouver  
District of Oak Bay  
City of Pitt Meadows  
City of Port Coquitlam  
City of Port Moody  
City of Richmond  
District of Saanich  
City of Surrey  
City of Vancouver  
City of Vernon  
City of Victoria  
Town of View Royal  
District of West Vancouver  
Resort Municipality of Whistler  
City of White Rock



## Appendix C: Using GIS to identify affected parcels

### 1. Initial data preparation and administrative boundaries

Across most local governments in BC, official community plan maps and zoning regulations are represented through digital mapping. However, if for some reason a local government does not provide this information in a digital format through a Geographic Information Systems (GIS) dataset, it will be necessary to digitize the bylaws to determine spatial relationships between OCP overlays, zoning regulations and parcels.

Each local government is responsible for the provision of parcel information. The use of province-wide geographical software (maintained by ParcelMap BC) is recommended.

Care should be taken to ensure topological accuracy of official community plan overlays including municipal and urban containment boundaries as well as zoning regulations related to each parcel/lot. In practice this means:

- removing overlapping parcels, wherever feasible;
- removing or rectifying overlapping zones, if applicable;
- rectifying of split-zoned parcels, if applicable;
- aligning zoning boundaries to parcel boundaries to reduce sliver effects wherever feasible;
- aligning urban containment boundaries to parcel boundaries, where feasible;
- aligning municipal boundaries to parcel boundaries, if necessary, and
- ensuring that all parcels in the local government are covered by at least one category in the official community plan, when required.

### 2. Exemption overlays

Care should be taken to ensure the accuracy of exemption overlays, specifically: Agricultural Land Reserve (ALR) boundaries, heritage protection areas made under LGA section 611, and local government-operated sewer and water system service areas. All of these will be used to eliminate parcels from zoning bylaw amendments permitting additional dwelling units or incorrect densities. In practice this means:

- ensuring that municipal and urban containment boundaries are current;
- ensuring that ALR boundaries are up to date from DataBC or the Ministry of Agriculture and Food;

- ensuring that the spatial boundaries or designations of heritage protection bylaws made under LGA s.611 align well with parcel boundaries, wherever feasible;
- ensuring that local government-operated water system service area boundaries align with billing records and parcel boundaries, as appropriate;
- ensuring that local government-operated sewer system service area boundaries align with billing records and parcel boundaries, as appropriate; and
- ensuring that private, strata, or onsite water or sewer systems are appropriately demarcated in the data and backed by billing records, wherever feasible.

### 3. Bus Stops

Transit frequencies are available from BC Transit for all routes in their service area and comparable data is available for routes serviced by Coast Mountain Bus Company and West Vancouver Transit in the Lower Mainland. It may be most effective to liaise directly with the appropriate transit operator to identify the bus stops that will determine density requirements under the SSMUH legislation.

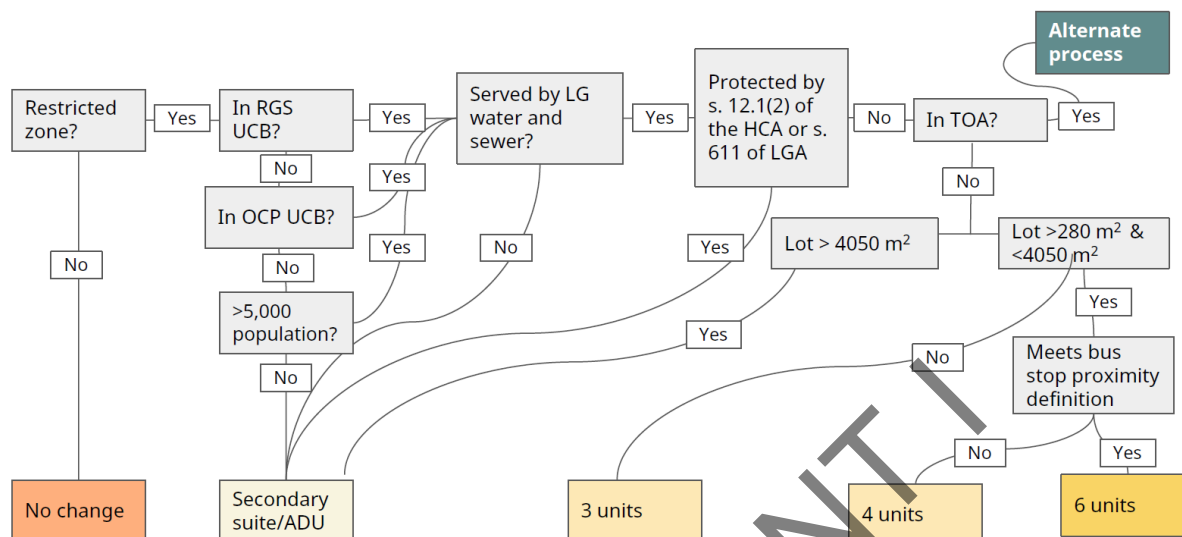
The following two sections describe the steps that local governments should take to use their GIS databases to identify:

- 1) parcels where a secondary suite and/or accessory dwelling unit (ADU) must be permitted; and
- 2) parcels where between three and six residential units must be permitted.

The process is illustrated in Figure 9.

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**Figure 9: Process flow chart to identify parcels where SSMUH must be permitted under the SSMUH legislation**



#### 4. Identifying parcels subject to secondary suite and accessory dwelling unit requirements

Unless subject to the higher densities of three to six housing units, and regardless of community size, at least one secondary suite and/or one accessory dwelling unit (ADU) must be allowed on all lots in a *Restricted Zone*, with the exception of lands in a local trust area or subject to a rural land use bylaw. Local governments should follow these steps to identify the parcels in their jurisdiction for which the SSMUH legislation requires amending bylaws to permit at least one secondary suite and/or one ADU:

- a) review the official community plan and local zoning bylaws to identify areas and zones that meet the definition of a *Restricted Zone* under the SSMUH legislation (see Part 1, Section 1 of this manual on page 7 or information on identifying zones that meet the criteria),
- b) run a GIS query to identify and isolate (highlight/select) all parcels within<sup>16</sup> those zones that have been determined to meet the definition of a *Restricted Zone*,

<sup>16</sup> “Within”, in this context can mean that a parcel is majority covered by a *Restricted Zone*. Other concepts of “within” that could be used for the purposes could include: Completely covered by a *Restricted Zone*; partially covered by a *Restricted Zone* or has the centre point of the parcel within a *Restricted Zone*.

- c) run a GIS query to identify and isolate (highlight) all parcels identified in step (b) to identify which parcels are not serviced by both water and sewer systems operated by, or on behalf of a local government,
- d) if ADUs are permitted generally, to identify lots where only secondary suites, not ADUs should be permitted, run a GIS query to identify which parcels identified in step (c) are not serviced by local government sewer systems and are under one hectare in size

Zoning of the highlighted parcels must be amended to permit at least one secondary suite or one accessory dwelling unit in addition to a principal dwelling unit unless the property is less than one hectare in size. On properties that are less than one hectare in size, only secondary suites, and not ADUS, should be permitted. Local governments can then query the number of lots that will be affected by the zoning changes.

## 5. Identifying lots subject to a minimum of three to six housing units

Except where exempted under the SSMUH legislation, land in *Restricted Zones* as defined in the legislation that meets the following criteria must be zoned to permit between three and six dwelling units, depending on the size of the lot and proximity to transit:

- a) the land is wholly or partly within an urban containment boundary established by a regional growth strategy applicable to the municipality or regional district, as the case may be; or
- b) the land is within a municipality with a population of 5,000 or greater, and is wholly or partly within an urban containment boundary established by an official community plan of the local government; or
- c) if neither (a) or (b) applies, the land is in a municipality with a population greater than 5,000.

Local governments should follow the steps below to identify the lots in their jurisdictions under which the legislation requires that zoning bylaws be amended to permit three to six dwelling units.

1. Review the local zoning bylaw to identify the zones that meet the definition of a *Restricted Zone* under the SSMUH legislation (see Part 1, Section 1 of this Manual on page 7 or information on identifying zones that meet the criteria);
2. Run a GIS query to identify and isolate (highlight) all lots in all zones that have been determined to meet the *Restricted Zone* definition.
3. Run a GIS query to identify and isolate (highlight) all lots identified in step (2) above that are wholly or partly within **any** of the following:

- a) an urban containment boundary established by a regional growth strategy applicable to the municipality or regional district, as the case may be;
- b) an urban containment boundary established by an official community plan of the municipality or regional district as the case may be; or
- c) a municipality with a population that exceeds 5,000.

At a minimum, all these lots should allow for three or four dwelling units, pending identification of land that is exempt from the legislation as follows:

- a) land that is protected under section 12.1(2) of the *Heritage Conservation Act*;
- b) land that is, on the date this section comes into force, designated as protected under a bylaw made under section 611 [*heritage designation protection*];
- c) land that is not connected to a water or sewer system provided as a service by a municipality or regional district;
- d) land that is within an area designated as a Transit-Oriented Area;
- e) land that is within a zone which has a minimum lot size of 4,050m<sup>2</sup> (or greater) for the purposes of subdivision; and
- f) a parcel of land that is larger than 4,050 m<sup>2</sup>.

## 6. Identifying the lots exempt from the minimum three to six housing units requirements

- a) Run a GIS query on all highlighted lands within the urban containment boundary to identify all lots protected under Section 12.1(2) of the *Heritage Conservation Act*. Eliminate these lots.
- b) On all remaining highlighted lands within the urban containment boundary apply, or create and apply, the GIS layer for properties with a Heritage Designation under LGA section 611 as of the date the SSMUH legislation comes into force.<sup>17</sup> Eliminate these lots.
- c) On all remaining highlighted lands, apply, or create and apply, the GIS layer for:
  - The municipal or regional district water service areas; and
  - The municipal or regional district sewer service areas.

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<sup>17</sup> Where these lots are not included as a layer within a geographic information system or digital mapping program, they can be identified from local government records and eliminated individually.

Eliminate all lots that are outside of one or both service areas.<sup>18</sup>

- d) On all remaining highlighted lands, run a GIS query to identify all parcels that fall within an area designated as a transit-oriented area as defined in the legislation. Parcels where only a portion of the lot area is within the prescribed distance are considered to be wholly within the area. Eliminate these lots.<sup>19</sup>
- e) Run a GIS query on all remaining highlighted lands to identify all parcels with a lot area greater than 4,050 m<sup>2</sup>. Remove these lots from consideration.

The remaining highlighted lots upon concluding steps 1 through 4 above are the lots that will require zoning amendments to permit between three (3) and six (6) dwelling units. The next steps will help guide local governments in identifying the parcels where at least three, four, and six units will be required.

## 7. Determining where zoning must be amended to permit three, four, or six dwelling units

1. After concluding steps 1 through 4 above, for all remaining highlighted lots, run a GIS query to identify parcels that are less than 281 m<sup>2</sup> in area. Zoning of these parcels should be amended to permit up to three (3) dwelling units.<sup>20</sup>
2. For all remaining parcels, identify all bus stops with the prescribed service level and frequency in the highlighted area. A prescribed bus stop meets the following criteria:
  - a. A least one route arrives at the bus stop on average every 15 minutes between the hours of 7 a.m. and 7 p.m. between Monday and Friday
  - b. At least one route arrives at the stop on average every 15 minutes between the hours of 10:00 a.m. and 6:00 p.m. on Saturdays and Sundays.
3. Apply, or create and apply, those routes as a layer within the highlighted area.
4. Run a GIS query to identify all lots within the highlighted area that fall within 400 metres of a bus stop that meets the specified service level and frequency criteria as measured. Parcels where only a portion of the lot area is within the prescribed distance are considered to be wholly within the area.

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<sup>18</sup> Land serviced by improvement district or strata-run water and/or sewer systems is exempt from the three-to-six-unit requirement. Land serviced by on-site water (groundwater well, etc.) or on-site sewer (septic field) is also exempt from the three-to-six-unit requirement.

<sup>19</sup> These will be subject to separate legislation about Transit-Oriented Areas.

<sup>20</sup> Local governments may permit density in zoning bylaws beyond that prescribed by the SSMUH legislation.

5. Of those parcels, run a GIS query to identify all parcels greater than 281 m<sup>2</sup> in area. Under the SSMUH legislation, municipalities must amend the zoning of all lots identified through steps 9 to 13 above to permit up to six (6) dwelling units per lot.
6. All remaining parcels which are greater than 281 m<sup>2</sup> and **not** permitted for six (6) units because they are more than 400 metres from a bus stop of the prescribed service and frequency, must be zoned to permit up to four (4) dwelling units per lot.

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## Appendix D: Calculating maximum build-out density under SSMUH zoning

Following the geospatial analysis undertaken earlier to identify the lots that must undergo zoning amendments in response to SSMUH legislation, local governments should know, or be able to easily query:

- the number of lots that must be permitted to have at least one secondary suite or one ADU;
- the number of lots that will be permitted at least three housing units;
- the number of lots that will be permitted at least four housing units; and
- the number of lots that will be permitted at least six housing units.

In all the above categories, determining the maximum potential build-out is simply a function of multiplying the number of lots in each category by the number of dwelling units permitted in that category, and then totaling the numbers for all categories.

For example, if there are 577 properties with zoning that must be amended to permit either one secondary suite or one ADU, then the maximum build-out of this zoning category is 1,154 ( $577 \times 2$ ; since the zone will allow for one principal dwelling unit plus one smaller dwelling unit). If a secondary suite and ADU is permitted on these 577 properties, then the maximum build-out density is 1,731 ( $577 \times 3$ ).

If there are 262 properties whose zoning must be amended to permit at least four dwelling units, then the ultimate build-out of this zoning category is 1,048.

Determining the maximum *net* increase in units requires some effort to align the unit calculations from the maximum build-out to counts of existing units from either the Statistics Canada Census or BC Assessment. Approaches using both data sets are outlined below.

### 1. Method 1 - BC Assessment approach

- a) BC Assessment produces a standard yearly digital dataset called the BC Building Information Report. This report is available to all local and regional governments from BC Assessment free of charge.
- b) This report can be structured to indicate the number of units at the parcel scale. This can be achieved by identifying all parcels with single detached actual use codes and assigning them a value of 1 and all parcels with secondary suite actual use codes and assigning them a value of 2.



- c) Net increase in units can be calculated by using the selections and totals generated in the section above less the values determined in step b above. These increases can be used at the disaggregate level or summarized to the municipal level as appropriate.

## 2. Method 2 - Census data approach

While lacking in spatial specificity, this technique can be used to rapidly determine the net increase in units against a 2021 baseline through the steps below.

- a) An individual jurisdiction's Census Profile can be accessed through Statistics Canada. This profile contains the number of units by jurisdiction.
- b) Total increases in units can be determined by deducting the Census value from the totals determined in the maximum build out density.

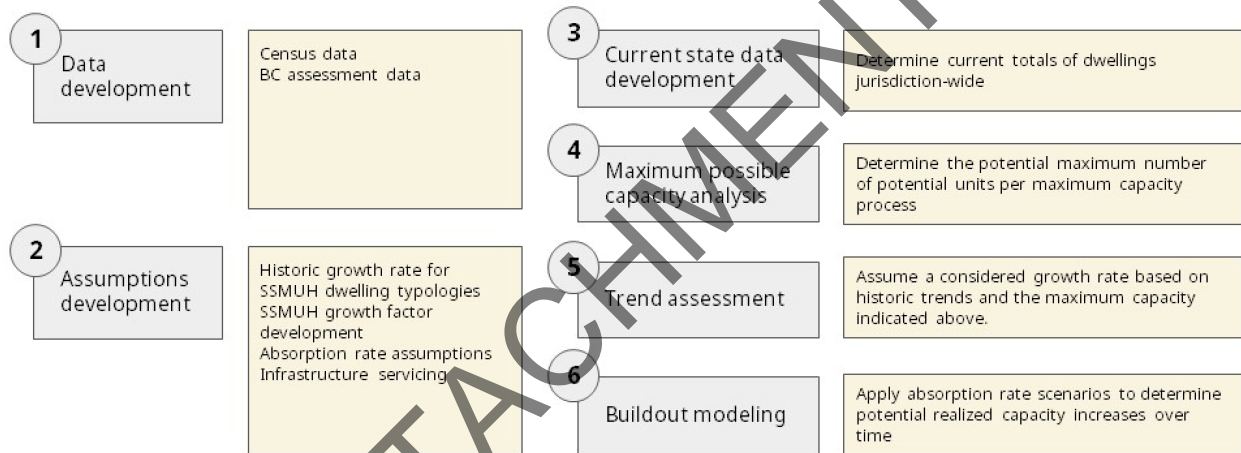
ATTACHMENT 1

# Appendix E: Calculating incremental build-out density under SSMUH zoning

## 1. Method 1: Trends assessment

The trends assessment approach is a basic method that uses readily available data to build assumptions about the uptake of SSMUH dwellings under multiple scenarios. The informational basis for this approach is tied to longitudinal information from either the Statistics Canada Census or BC Assessment data, whichever is more readily available. The approach is described below and pictured in Figure 10.

**Figure 10: The trends assessment method of estimating incremental build out**



1. Data development: detailed information with regards to the growth in dwellings allowable under SSMUH zoning are available from either the Census of Canada or BC Assessment. Each of these datasets can be structured to build assessments in the following ways.
  - a) Census data  
Census profiles from 2006, 2016, and 2021<sup>21</sup> can each be accessed from statistics Canada for any given local government. Each of these profiles will contain a report

<sup>21</sup> The Census changed its definition of dwellings in 2006 which inhibits the use of 2001 for trend analysis.

on the quantity of dwellings unit by structural type of dwelling<sup>22</sup>. Structural types of dwellings that correspond to SSMUH include:

- Semi-detached House -> Duplex can be used as a proxy for a 3- 4- or 6-plex;
- Row House -> Can be used as a proxy for a 3- 4- or 6-plex;
- Apartment or flat in a duplex -> Can be used as a proxy for a Secondary Suite<sup>23</sup>.

Each of these above dwelling types can be summarized longitudinally in order to build basic annual absorption rates by SSMUH type.

b) Assessment data

BC assessment data contains information on the quantity and type of buildings based on their year of construction. For the purposes of this exercise, it is necessary to discern how many units by type are constructed each year. This can be done by using BC Assessments Actual Use Code (AUC) and the BCA "year built" fields. Pertinent actual use codes will include:

- 32 - Residential Dwelling with Suite -> Secondary Suite;
- 33 - Duplex, Non-Strata Side-by-Side or Front / Back -> Duplex;
- 34 - Duplex, Non-Strata Up / Down -> Duplex;
- 35 - Duplex, Strata Side-by-Side -> Duplex;
- 36 - Duplex, Strata Front / Back -> Duplex (all of which can be used as proxies for a 3- 4- or 6-plex);
- 39 - Row Housing (Single Unit Ownership) -> Can be used as a proxy for a 3- 4- or 6-plex;
- 41- Duplex, Strata Up / Down 47 -> Can be used as a proxy for a 3- 4- or 6-plex;
- 48 - Triplex -> 3- 4- or 6-plex; 49 - Fourplex -> 3- 4- or 6-plex;
- 52 - Multi-Family (Garden Apartment & Row Housing) -> Can be used as a proxy for a 3- 4- or 6-plex;

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<sup>22</sup> <https://www12.statcan.gc.ca/census-recensement/2021/ref/98-500/001/98-500-x2021001-eng.cfm>

<sup>23</sup> Note that detached coach homes are treated as single detached dwellings and are therefore challenging to isolate from that grouping.

- 53 - Multi-Family (Conversion) -> Can be used a proxy for a 3- 4- or 6-plex.

Similar to the Census method above, each of the above unit types can be summarized from 2006 in order to build basic annual absorption rates by SSMUH types.

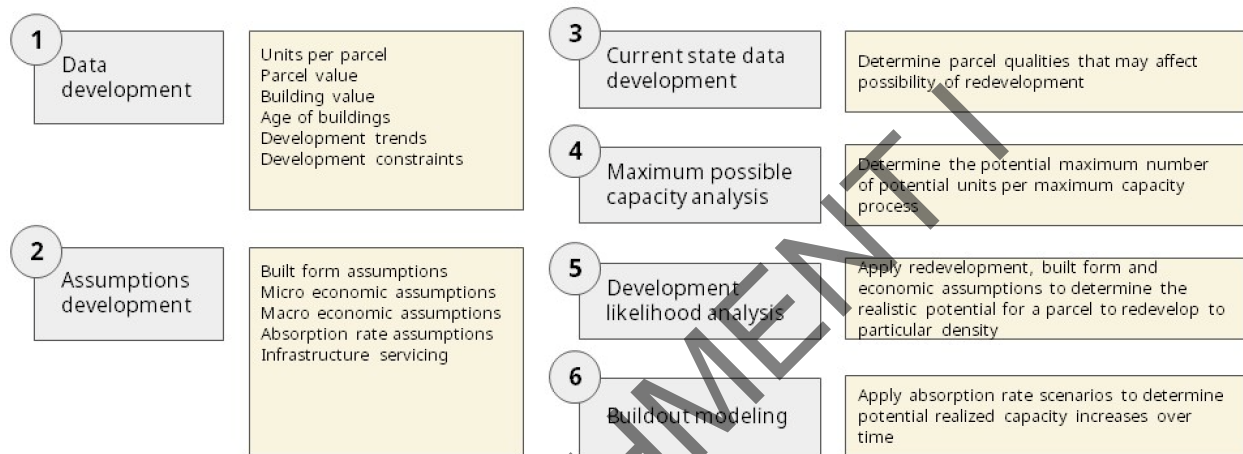
2. Assumptions development: given the data developed above, the following assumptions should be generated:
  - a) Historic absorption rates by SSMUH type -> Summarize SSMUH units and divide by 15 (regardless of method), this is the basic annual absorption rate
  - b) SSMUH growth factor -> a percent modification based on a considered review of market conditions to determine the increase in annual absorption over the baseline rate detailed above.
  - c) Other absorption rate assumptions -> additional constraining factors such as permitting times, escalating costs, declining provincial growth that can modify the growth factors detailed above
  - d) Infrastructure and servicing assumptions -> constraining factors as they relate to increased servicing requirements that may mitigate against the development of SSMUHs.
3. Current state development: based on calculations described above, the current state of units can be used to net out the incremental increase in units based on the trends to be calculated in step five (5) below.
4. Maximum possible capacity analysis: the maximum unit capacity should be determined to construct a maximum bound for the trend to be calculated in step five (5) below.
5. Trend assessment: using the information from steps 1 and 2, growth rates should be developed that reflect historic trends and mitigating factors. Growth rates should not exceed the maximum capacity of units in step four (4) nor should they be so extreme as to double or triple the number of units within a 30-year time frame.
6. Buildout modeling: growth rates should be transformed into annual absorption rates to determine the net annual number of SSMUH units that may be constructed over time. This incremental increase in capacity can be subsequently used to inform infrastructure considerations which are discussed in Part 3, Section 6 of this manual.

## 2. Method 2: Complex build-out modeling

The complex build-out modeling approach is an advanced method that uses readily available data to construct likely development scenarios under current economic

conditions. type of approach should be led by a qualified GIS expert in conjunction with a land economist and local government staff, specifically development planners and long-range planners. The effort requires significant levels of data structuring and advanced geospatial and numerical modeling. Despite the complexities of this approach, it will yield highly accurate results which can be used for infrastructure impact analyses and other value-added analyses, as appropriate. The method is illustrated in Figure 11. Each step corresponding to the numbers in the figure is described in detail below.

**Figure 11: Process to apply complex build-out modeling approach**



### 3. Data development

Data to be considered for this effort should include BCA data, BIR data, as well any information regarding conceptual, proposed or in-progress developments, environmental or infrastructural constraints to development along with local government policies and regulations pertaining to allowable uses, density and built forms. Subsequently, the BCA data should be processed such that a reasonable baseline of buildings in the community can be developed at the parcel scale.

This baseline will include information on the use of each parcel, the assessment classification code and occupancy code of the parcel, the number of units, the construction year of the structures, the total built floor area and the total land and improvement values. In addition, relevant municipal policy information, development permit data and constraints data should be extracted and applied to the parcels. The outcome of this effort will be a fully attributed baseline dataset that presents an up-to-date snapshot of all development considerations in the community at the parcel scale. This data can be used for value-added purposes in any current-state-style assessment. This information will be used to determine the potential for a parcel to redevelop under normal economic conditions (described in Step 3 below).

#### 4. Assumptions development

Given that the SSMUH zoning bylaws will suggest a discrete potential development typology for any given parcel, it is crucial to develop a representative set of modeling archetypes, each of which will act as parametric guidelines in the modeling. The archetypes will have two major components, each of which is detailed below:

- a) *Built Form Assumptions* - these are the design considerations that will guide the minimum parcel size, minimum floor-plate size, density, height, setback, and usage of a particular development. They are crucial for determining economic viability of a potential use as well as the resulting form. The key components are density, coupled with maximum or achievable FARs and setbacks all of which may impact the ultimate built form of the location, the total potential floor area of the development, and the resulting potential hypothetical profit of the development given the input land and construction costs.
- b) *Development Context Assumptions* - these assumptions relate to the contextual milieu by which a particular building type will be permitted. Typically, this forms a table of allowed uses by land use type and local plan area, but occasionally additional overlays are considered, such as development permit areas, location specific locational overrides, or other policy considerations (such as agricultural interface for instance), on a case-by-case basis. Many development context considerations will be overridden by the forthcoming SSMUH zoning implementation under the SSMUH legislation.

Secondly, absorption rate scenarios should be developed. These will be used to determine the cadence of development once redevelopment potential is evaluated. This will require the following efforts:

- a) analysis of the municipality's recent development history,
- b) interviews with municipal staff,
- c) interviews with local builders and developers, and
- d) analysis and projections of the region's relevant labour force.

These inputs will be refined into 2 to 3 scenarios which will define the cadence and volume of development in the community from the near term (3 years from SSMUH implementation under the legislation (it is assumed that projects in the current development pipeline will override any absorption scenario) out to 30 years from SSMUH zoning implementation under the legislation). As these scenarios could have a significant impact on how the community will build out, they should be tested for realism and require both input and sign-off by relevant municipal planning and engineering staff in advance of finalization.

## 5. Current state development

Using the information developed in Step 1 above, it is imperative to score all qualifying parcels in the community to determine how the urban fabric may change over time based on the SSMUH legislation. This effort is required to add a degree of realism to this incremental build out effort and should be used to evaluate development potential, which reflects a market response to the SSMUH zoning policy, land availability and costs, housing and employment demands, access to transit, as well as locational contexts more generally. The core of this modeling step is to establish a “redevelopment” score for a given location.

To establish development likelihood scores, a modeling team should consider some combination of the six following market factors. Data availability (specifically assessment-based information from BCA) as well as information determined at Steps 1 and 2 should determine which factors are ultimately considered for this effort.

- a) **Parcel improvement value to land value ratio:** This ratio is developed by dividing a parcel’s improvement value by its land value. A parcel with a low improvement-to-land ratio is more likely to be redeveloped.
- b) **Average adjacent parcel improvement value to land value ratio:** A parcel with a low improvement-to-land ratio compared to its neighbor’s is more likely to be developed.
- c) **Parcel FAR:** Floor area ratio (FAR) is the measure of the built floor area of a parcel divided by the total area of the parcel. A parcel with a low FAR is more likely to be developed.
- d) **Density Gap:** This measure evaluates the relative utilization of parcels under current policy. A parcel with a large density gap is more likely to be developed.
- e) **Effective Year:** This factor considers renovations and upgrades of a structure which serves as a better metric than year built. Generally, a parcel with an older effective year is more likely to be developed.
- f) **Locational factors:** As appropriate for higher SSMUH densities under the legislation, it may be appropriate to allocate an additional locational bonus to reflect favorable milieux for some developments (specifically transit station areas).

Regardless of factors used, the second stage of this step is to reduce or constrain the development potential of a given location using a standard set of constraints (potentially including, but not limited to flood plains, hazardous/complex terrain, potentially contaminated sites, locations of indigenous cultural significance, interface considerations etc.), which should act in three separate ways described below.

- The first should be to **reduce** the development potential score of some sites on a case-by-case basis with input from the development planners in the community.

- The second application of constraints should be to **reduce the functional size of some parcels**. This should occur mainly through environmental constraints, encumbrances, and other infrastructure requirement.
- The third should be to **remove** some parcels from consideration entirely. This should incorporate development planners' collective knowledge and should be evaluated on a parcel-by-parcel basis and may include rental housing stock retention and/or land ownership, as appropriate.

The final stage of the redevelopment model is to score all parcels based on the net of redevelopment potential and constraints. Scores are typically assigned at a sub-municipal level either by policy context, location context, or some combination thereof. This is done by design since developing a comprehensive municipal score comparing lower value outlying parcels and higher value inner-city parcels does not yield useful information.

## 6. Maximum possible capacity analysis

As detailed in earlier calculations in Appendix D, the maximum unit capacity should be determined to construct a maximum bound for the trend to be calculated in step five (5) below.

## 7. Development likelihood analysis

Once the redevelopment potential has been quantified and the development archetypes have been defined, intermediate processing of all parcels in the community should be conducted to determine which SSMUH development archetype would work best on a site-by-site basis. These efforts should include:

- a) removal of newly developed, to-be developed, illogical or highly constrained parcels from the model; and
- b) testing all parcels for qualifying development typologies using built-form, policy, and economics inputs as a guide to identify the most profitable (and/or viable) potential development typologies. For instance, in an area that allows for up to six units, due to increased construction costs, the most profitable development type for this parcel may be a four-plex as opposed to six-plex.

## 8. Build-out modeling

The result of Steps 1 to 5 above will be a preferred potential development outcome for each parcel in the community that has development potential. Theoretically, this outcome represents the maximum logical capacity of a community absent any considerations with



regards to unit absorption rates (i.e., the rate at which units sell in an area in a given time period), permitting speeds, or labour considerations. To refine this maximum capacity into a reasonable sequence of development, it is therefore necessary to apply the absorption rates scenarios as defined in step two (2) above to the preferential development outcomes in step five (5) to develop an annual build-out of the community to 30 years after the implementation of the SSMUH zoning under the legislation.

This effort will result in a numerical build-out that indicates for each qualifying SSMUH-zoned parcel, the potential year of development, the resulting development type, floor area and number of units. These units can subsequently be converted into population or equivalent development units (EDUs) as appropriate for the local government's needs using agreed-upon multipliers (either from standard BC best practices or using trended municipal data or a combination of both). Summary data can be produced for milestone years, as appropriate, and should be accompanied by maps and graphs, as appropriate, for rapid review and iteration.

The technical work should be finalized based on clear acceptance criteria from a local government that should be developed during project initiation. Specific criteria could include, but may not be limited to:

- a) Accuracy** - Does the build-out reflect the policy input parameters of the modeling? Do the buildouts indicate a smooth development cadence that mirrors historic trends?
- b) Realism** - Does the build-out reflect the experience of municipal staff with respect to historic development in the community?
- c) Plausibility** - Does the build-out portray development outcomes that seem achievable under current or forecast economic conditions?
- d) Spatial Distribution** - Does the build-out indicate a spatial pattern of development that reflects the intents of municipal planners?

Folio Number	Address	Exemption Reason
445 0049.000	No Address	No Sewer
445 0307.000	225 WARREN ST	No Water
445 0911.000	350 CHEMAINUS RD	No Water or Sewer
445 1002.190	No Address	No Sewer
445 1002.208	No Address	No Sewer
445 1002.209	No Address	No Sewer
445 1002.210	No Address	No Sewer
445 1002.211	B - 10930 WESTDOWNE RD	No Water or Sewer
445 1002.215	No Address	No Sewer
445 1002.216	No Address	No Sewer
445 1002.218	4148 THICKE RD	No Water or Sewer
445 1002.219	4134 THICKE RD	No Water or Sewer
445 1002.220	10720 SOUTH WATTS RD	No Water or Sewer
445 1002.221	10750 SOUTH WATTS RD	No Water or Sewer
445 1002.222	10701 SOUTH WATTS RD	No Water or Sewer
445 1002.224	No Address	No Sewer
445 1002.244	No Address	No Sewer
445 1002.375	4300 THICKE RD	No Water or Sewer
445 1002.376	10920 WESTDOWNE RD	No Water or Sewer
445 1002.377	10910 WESTDOWNE RD	No Water or Sewer
445 1002.500	10675 S WATTS RD	No Water or Sewer
445 1034.000	No Address	No Sewer
445 1346.555	No Address	No Sewer
445 1346.600	No Address	No Water or Sewer
445 1350.010	No Address	No Sewer
445 1350.020	No Address	No Sewer
445 1350.030	No Address	No Sewer
445 1369.025	No Address	No Water or Sewer
445 1369.100	No Address	No Water or Sewer
445 1378.050	No Address	No Water or Sewer
445 1472.000	No Address	No Water or Sewer
445 1474.000	No Address	No Water or Sewer
445 1478.015	No Address	No Sewer
445 1478.020	No Address	No Sewer
445 1478.021	No Address	No Sewer
445 1478.030	No Address	No Sewer
445 1479.005	No Address	No Water or Sewer
445 1602.102	No Address	No Water or Sewer
445 1960.020	No Address	No Water or Sewer
445 1960.025	No Address	No Water or Sewer
445 9065.500	No Address	No Water or Sewer

Plan	PID	Legal Description	Parcel Area (m2)
NO_PLAN	029-296-641	PARCEL A (BEING A CONSOLIDATION OF LOTS A & B, SEE CA3693354) DISTRICT LOT 42 OYSTER DISTRICT PLAN	14,283.51
VIP48015	013-097-334	LOT 1, DISTRICT LOT 43, OYSTER DISTRICT, PLAN 48015	6,669.38
VIP67364	024-186-384	LOT B LOT 108 OYSTER DISTRICT PLAN VIP67364	5,340.98
VIS6498	027-402-941	STRATA LOT 1 DISTRICT LOT 67 OYSTER DISTRICT STRATA PLAN VIS6498 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT	7,448.52
VIP78366	026-207-087	LOT 23 DISTRICT LOT 67 OYSTER DISTRICT PLAN VIP78366	5,820.73
VIP76127	025-798-154	LOT A DISTRICT LOT 52 OYSTER DISTRICT PLAN VIP76127	5,510.79
VIP27971	002-262-347	LOT 2, DISTRICT LOTS 96 AND 141, OYSTER DISTRICT, PLAN	5,979.13
VIP87800	028-180-674	LOT 7 DISTRICT LOT 108 OYSTER DISTRICT PLAN VIP87800	5,651.50
VIP47403	012-191-957	LOT A, DISTRICT LOT 42, OYSTER DISTRICT, PLAN 47403	10,462.53
VIP6424	005-838-622	LOT 3, DISTRICT LOT 43, OYSTER DISTRICT, PLAN 6424	6,098.50
VIP6424	005-838-606	LOT 2, DISTRICT LOT 43, OYSTER DISTRICT, PLAN 6424	6,137.79
VIP6424	005-838-631	LOT 4, DISTRICT LOT 43, OYSTER DISTRICT, PLAN 6424	7,489.31
VIP1219	007-812-647	LOT 14, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,591.05
VIP1219	007-812-442	LOT 1, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	38,026.02
VIP1219	007-812-621	LOT 13, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	38,601.73
VIP1219	004-039-637	LOT 10, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,183.60
VIP8793	005-461-774	PARCEL B (DD 9863W) OF LOT 14 DISTRICT LOT 72 OYSTER	13,833.63
VIP1219	007-768-141	LOT 12, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	34,797.95
VIP1219	007-768-168	LOT 16, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,313.29
VIP1219	007-768-184	LOT 17, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,794.78
VIP1219	007-768-192	LOT 19, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,931.47
VIP1219	007-768-214	LOT 21, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,837.54
VIP1219	007-812-094	LOT 3, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,600.41
VIP1219	007-812-493	LOT 4, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,550.06
VIP1219	007-812-515	LOT 7, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,958.96
VIP1219	007-812-531	LOT 8, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,041.11
VIP1219	007-812-558	LOT 9, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,099.12
VIP1219	007-812-582	LOT 11, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,519.66
VIP1219	007-812-671	LOT 15, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,817.90
VIP1219	007-812-701	LOT 18, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,073.05
VIP1219	007-812-736	LOT 20, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	39,320.90
VIP1219	007-812-779	LOT 22, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	39,656.51
VIP1219	007-812-817	LOT 23, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,033.60
VIP1219	007-812-833	LOT 24, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	40,458.32
VIP1219	007-812-973	LOT 25, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	38,908.48
VIP1219	007-813-619	LOT 5, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	39,811.50
VIP1219	007-813-635	LOT 6, DISTRICT LOT 88, OYSTER DISTRICT, PLAN 1219	41,143.99
VIP52168	017-313-708	LOT A, DISTRICT LOT 88, OYSTER DISTRICT, PLAN VIP52168	39,513.52
VIP86055	027-766-837	LOT 5 DISTRICT LOT 52 OYSTER DISTRICT PLAN VIP86055	4,712.32
VIP86055	027-766-799	LOT 1 DISTRICT LOT 52 OYSTER DISTRICT PLAN VIP86055	5,395.47

Plan	PID	Legal Description	Parcel Area (m2)
EPP117980	031-663-711	LOT 1 DISTRICT LOT 97 OYSTER DISTRICT PLAN EPP117980	5,828.72
VIP26836	002-442-337	LOT A, DISTRICT LOT 97, OYSTER DISTRICT, PLAN 26836	7,772.10
VIP54719	017-875-048	LOT 10, DISTRICT LOT 97, OYSTER DISTRICT, PLAN VIP54719	4,652.11
VIP60630	023-019-981	LOT 1 DISTRICT LOT 97 OYSTER DISTRICT PLAN VIP60630	7,184.66
VIS583	--	<Null>	4,873.56
VIP75559	025-708-562	LOT 1 BLOCK 1399 OYSTER DISTRICT PLAN VIP75559 EXCEPT THAT PART IN PLAN VIP84600, EPP39442 AND	20,931.65
EPP39442	029-350-883	LOT A BLOCK 1399 OYSTER DISTRICT PLAN EPP39442	6,326.83
VIP59452	018-889-107	LOT 1, BLOCK 1477 AND DISTRICT LOT 96, OYSTER	7,343.81
VIP66519	024-066-745	LOT A DISTRICT LOT 146 OYSTER DISTRICT PLAN VIP66519	48,588.02
VIP50110	015-873-129	LOT A, DISTRICT LOT 67, OYSTER DISTRICT, PLAN 50110	4,504.78
VIP75849	025-746-383	LOT A DISTRICT LOT 110 OYSTER DISTRICT PLAN VIP75849	173,882.42
VIP86054	027-765-199	LOT 3 DISTRICT LOT 52 OYSTER DISTRICT PLAN VIP86054	37,036.44
EPP90583	031-471-633	LOT 11 DISTRICT LOT 52 OYSTER DISTRICT PLAN EPP90583	4,066.02
EPP117682	031-755-046	LOT 19 BLOCK 192 DISTRICT LOT 103 OYSTER DISTRICT	15,093.32
VIP71598	024-916-676	LOT 2 BLOCK 1477 AND DISTRICT LOT 96 OYSTER DISTRICT	20,422.94
NO_PLAN	000-879-223	THAT PART OF DISTRICT LOT 96, OYSTER DISTRICT, SHOWN	28,757.42
VIP75559	025-708-635	LOT 2 BLOCK 1399 OYSTER DISTRICT PLAN VIP75559 (SEE	32,738.64
VIP86054	027-765-172	LOT 1 DISTRICT LOT 52 OYSTER DISTRICT PLAN VIP86054	111,969.39
VIP80608	026-606-224	LOT A BLOCK 1399 OYSTER DISTRICT PLAN VIP80608	71,834.60
VIP691	024-078-379	PARCEL F (DD 137599I) BLOCK 1, BRIGHT, OYSTER, CHEMAINUS AND COWICHAN LAKE DISTRICTS, PLAN 691	846,408.81
VIP45888	009-000-828	LOT 2 DISTRICT LOT 42 OYSTER DISTRICT PLAN 45888	7,539.60
EPP51928	029-799-031	LOT B DISTRICT LOT 67 OYSTER DISTRICT PLAN EPP51928	8,134.23
VIP43135	002-773-431	LOT 1, DISTRICT LOT 67, OYSTER DISTRICT, PLAN 43135	9,483.96
VIP67791	024-259-365	LOT B DISTRICT LOT 96 AND 141 OYSTER DISTRICT PLAN	7,894.01
VIP79202	026-408-180	LOT 2 DISTRICT LOT 41 OYSTER DISTRICT PLAN VIP79202	5,387.03
VIP73132	025-218-280	LOT A DISTRICT LOT 126 OYSTER DISTRICT PLAN VIP73132	66,055.76
VIP26412	002-758-644	LOT 1 DISTRICT LOT 52 OYSTER DISTRICT PLAN 26412 EXCEPT PART IN PLANS 33232 AND EPP39489	8,259.52
VIP39262	000-973-874	LOT 1, DISTRICT LOT 52, OYSTER DISTRICT, PLAN 39262	8,756.29
VIP11706	005-042-852	LOT 1, DISTRICT LOT 41, OYSTER DISTRICT, PLAN 11706, EXCEPT PART IN PLANS 43985, VIP58153 AND VIP79598	8,026.29
VIP7509	005-655-391	LOT B, DISTRICT LOT 67, OYSTER DISTRICT, PLAN 7509,	5,036.84
VIP8922	004-024-036	LOT 15 DISTRICT LOT 52 OYSTER DISTRICT PLAN 8922 EXCEPT PARTS IN PLANS 12779 AND 19565	21,265.42
VIP2478	006-464-211	LOT 2, DISTRICT LOT 43, OYSTER DISTRICT, PLAN 2478 EXCEPT PARCEL A (DD 55936-N) THEREOF AND EXCEPT	6,019.05
VIP45888	009-000-798	LOT 1, DISTRICT LOT 42, OYSTER DISTRICT, PLAN 45888,	4,357.23
VIP10133	005-461-341	LOT 9, DISTRICT LOT 52, OYSTER DISTRICT, PLAN 10133,	4,069.55
NO_PLAN	006-726-127	THAT PART OF LOT 19, OYSTER DISTRICT, LYING TO THE WEST OF THE ISLAND HIGHWAY AS SAID HIGHWAY WAS GAZETTED, SEE B.C. GAZETTE DATED JULY 29, 1948, PAGE	385,285.36

Plan	PID	Legal Description	Parcel Area (m2)
VIP8270	003-473-899	LOT 2, DISTRICT LOT 42, OYSTER DISTRICT, PLAN 8270,	15,394.36
VIP71598	024-916-650	LOT 1 BLOCK 1477 AND DISTRICT LOT 96 OYSTER DISTRICT PLAN VIP71598 EXCEPT THAT PART IN PLAN VIP81931	16,067.53
VIP8270	005-491-371	LOT 4, DISTRICT LOT 42, OYSTER DISTRICT, PLAN 8270, EXCEPT PARCEL A (DD 394370I), AND EXCEPT THAT PART IN	6,550.03
VIP36367	000-387-754	LOT 1, DISTRICT LOT 97, OYSTER DISTRICT, PLAN 36367,	7,998.64
VIP8270	005-491-215	THAT PART OF LOT 3 DISTRICT LOT 42 OYSTER DISTRICT PLAN 8270 LYING TO THE SOUTH WEST OF THE SOUTH WESTERLY BOUNDARY OF THE ISLAND HIGHWAY AS SAID	12,610.01
NO_PLAN	024-914-410	THAT PART OF DISTRICT LOT 147 OYSTER DISTRICT SHOWN	14,642.96
NO_PLAN	012-807-168	DISTRICT LOT 91 OYSTER DISTRICT EXCEPT PART IN PLAN	335,482.99
NO_PLAN	005-068-002	THAT PART OF LOT 43, OYSTER DISTRICT, SHOWN OUTLINED IN RED ON PLAN 835-R, EXCEPT THAT PART IN PLANS 7094	21,133.32
EPP63594	030-139-520	LOT A BLOCK 192 DISTRICT LOT 103 OYSTER DISTRICT PLAN EPP63594 EXCEPT PLANS EPP67741, EPP75579,	185,717.65
VIP75559	025-708-660	LOT 5 BLOCK 1399 OYSTER DISTRICT PLAN VIP75559, EXCEPT PLAN VIP82328 (SEE PLAN AS TO LIMITED ACCESS)	169,574.46

Attachment 1

**RE: Extension Request: Town of Ladysmith.**

Planning &amp; Land Use Management HOUS:EX &lt;PLUM@gov.bc.ca&gt;

Tue 6/11/2024 11:00 AM

To: Jake Belobaba &lt;jbelobaba@ladysmith.ca&gt;

Cc: Allison McCarrick &lt;AMcCarrick@ladysmith.ca&gt;; Ryan Bouma &lt;RBouma@ladysmith.ca&gt;; Erin Anderson &lt;eanderson@ladysmith.ca&gt;; Sue Bouma &lt;sbouma@ladysmith.ca&gt;

Hi Jake,

Thank you for your question. To clarify, local governments are required to amend their bylaws to comply with SSMUH for all applicable restricted zones not covered in their extension applications by the June 30<sup>th</sup>, 2024 deadline regardless of whether they have received a decision from the Minister on their extension.

For any extensions that are refused, local governments will have 90 days from the day they receive notification of their extension refusal to amend their bylaws to comply with SSMUH for the areas under their application.

I apologize that I do not have an estimated date for you on when a decision will come your way, but would recommend advancing with your SSMUH bylaw amendments for all applicable areas not covered in your extension application as soon as possible, rather than to wait for a decision.

I hope this helps to clarify things and appreciate all the work being done to bring the Town into compliance with the new legislation.

Kind regards,  
Julia

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**Julia Meyer-Macleod (she/her)***Senior Planning Analyst*

Planning &amp; Land Use Management Branch

BC Ministry of Housing

[julia.meyer-macleod@gov.bc.ca](mailto:julia.meyer-macleod@gov.bc.ca)

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**From:** Jake Belobaba <jbelobaba@ladysmith.ca>**Sent:** Tuesday, June 4, 2024 1:05 PM**To:** Planning & Land Use Management HOUS:EX <PLUM@gov.bc.ca>**Cc:** Allison McCarrick <AMcCarrick@ladysmith.ca>; Ryan Bouma <RBouma@ladysmith.ca>; eanderson <eanderson@ladysmith.ca>; Sue Bouma <sbouma@ladysmith.ca>**Subject:** RE: Extension Request: Town of Ladysmith.

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Thanks Julia

Do you have an estimated date by which the Minister will have made a decision on the extension? We note that the extensions policy bulletin states that: "Local governments seeking extensions will need to know the results of their extension application(s) prior to June 30<sup>th</sup>, 2024, to identify which zones they are required to bring into compliance in their SSMUH bylaw amendments"

The Town has only two scheduled Council meetings in June, one tonight and one on June 18<sup>th</sup>. Options for scheduling a special Council meeting between June 18<sup>th</sup> and 30<sup>th</sup> are severely limited due to Councillor absences/the ability to meet quorum. If we do not receive a response to our extension request

soon, our only option to adopt our zoning amendments will be the regularly scheduled Council meeting on July 2<sup>nd</sup>, which is after the LGA deadline to adopt.

Please let us know when we can expect a response to our extension request and/or if adoption of our SSMUH amendments on July 2<sup>nd</sup> will be acceptable

Cheers.

---

**From:** Planning & Land Use Management HOUS:EX <[PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)>

**Sent:** Wednesday, May 29, 2024 8:58 AM

**To:** Jake Belobaba <[jbelobaba@ladysmith.ca](mailto:jbelobaba@ladysmith.ca)>

**Cc:** Allison McCarrick <[AMcCarrick@ladysmith.ca](mailto:AMcCarrick@ladysmith.ca)>; Ryan Bouma <[RBouma@ladysmith.ca](mailto:RBouma@ladysmith.ca)>; Erin Anderson <[eanderson@ladysmith.ca](mailto:eanderson@ladysmith.ca)>

**Subject:** RE: Extension Request: Town of Ladysmith.

Dear Jake Belobaba,

This email confirms the Province's receipt of your application for an extension to the Small-Scale-Multi-Unit-Housing bylaw amendment deadline on behalf of the Town of Ladysmith. Our team will be in touch as your application is processed.

Please be reminded that you are still required to pass zoning bylaw amendments for all applicable restricted zones in your jurisdiction that are not covered by your extension application. The deadline for local governments to complete SSMUH-compliant zoning bylaw amendments is June 30<sup>th</sup>, 2024. Local governments must notify the Minister of Housing as soon as practicable after the amendments have been completed.

Kind regards,  
Julia

---

**Julia Meyer-MacLeod (she/her)**

Senior Planning Analyst

Planning & Land Use Management Branch

BC Ministry of Housing

[julia.meyer-macleod@gov.bc.ca](mailto:julia.meyer-macleod@gov.bc.ca)

---

**From:** Jake Belobaba <[jbelobaba@ladysmith.ca](mailto:jbelobaba@ladysmith.ca)>

**Sent:** Friday, May 17, 2024 2:58 PM

**To:** Planning & Land Use Management HOUS:EX <[PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)>

**Cc:** Allison McCarrick <[AMcCarrick@ladysmith.ca](mailto:AMcCarrick@ladysmith.ca)>; Ryan Bouma <[RBouma@ladysmith.ca](mailto:RBouma@ladysmith.ca)>; eanderson <[eanderson@ladysmith.ca](mailto:eanderson@ladysmith.ca)>

**Subject:** Extension Request: Town of Ladysmith.

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hello

Attached please find the Town's applications and supporting documents for infrastructure extensions pursuant to section 786 of the *Local Government Act*. The Town is requesting extensions for six areas. The size of these areas and, in some cases, the scale and urgency of the infrastructure upgrades needed are more significant than expected. The Town is working diligently to develop infrastructure plans and funding programs to pay for the needed upgrades. However, as a small community with a limited tax base, the prioritization, phasing and funding of the necessary infrastructure upgrades requires careful consideration. Subsequently, we are requesting an extension deadline of December 30, 2030 for all six areas to afford sufficient time for planning and construction and to raise the necessary funds.

Please don't hesitate to contact myself or Ryan Bouma if you wish to discuss the Town's application

Regards.

**Jake Belobaba, Director of Development Services**  
Town of Ladysmith

**Phone:** 250-245-6405

**Mobile:** 250-616-3755

**Web:** [www.ladysmith.ca](http://www.ladysmith.ca)

**Email:** [jbelobaba@ladysmith.ca](mailto:jbelobaba@ladysmith.ca)

132C Roberts Street. PO Box 220 Ladysmith BC V9G 1A2

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**EXTERNAL EMAIL:** The sender is external to the Town of Ladysmith. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attachment



	<p>MINISTRY OF HOUSING POLICY BULLETIN</p> <p><i>Issued: May 2024</i></p>	<p>Local Government Housing Initiatives Small Scale Multi-Unit Housing Policy Update</p> <p><b>Controlled Access Highways Referrals, and Notification of Exempted Land and Bylaw Compliance with <i>Housing Statutes (Residential Development) Amendment Act, 2023</i></b></p>
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## Background

In the fall of 2023, *Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023* was passed to support the supply of significantly more homes, faster, in BC. These amendments to the *Local Government Act* and *Vancouver Charter* require local governments to update their zoning bylaws to allow an additional unit, such as a secondary suite or detached accessory dwelling unit, in zones restricted to only single-family housing, and three to six units of Small-Scale Multi-Unit Housing (SSMUH) on some single-detached or duplex residential lots, depending on their size and locations. The [SSMUH Policy Manual & Site Standards](#) have been released to support local governments in updating their bylaws.

## SSMUH Policy Update

This policy bulletin has two parts:

- 1) Informing local governments that SSMUH-specific zoning bylaw amendments are exempt from having to receive approval from the Ministry of Transportation and Infrastructure (MOTI) before going before council or regional district board for adoption.
- 2) Recommendations on how local governments should notify the Minister of Housing of:
  - a) Lands exempted from the SSMUH legislative requirements and,
  - b) Bylaws which have been updated to be compliant with the SSMUH legislation.

## Controlled Access Highway Referrals

Under s. 52 (3) of the *Transportation Act*, local governments must receive MOTI approval for zoning bylaw amendments and proposed developments within an 800-metre radius of a controlled access highway.

To ensure that local government compliance with SSMUH is not delayed by this approval process, a **Ministerial Regulation now exempts all zoning bylaws made for the purpose of SSMUH** (Section 481.3 of the *Local Government Act*) as long as they are limited to residential use and the density does not exceed the minimum required density under the SSMUH legislation and regulations.

To be eligible for this exemption, a bylaw amendment should only include updates to ensure compliance with the SSMUH requirements. Any bylaw amendments above and beyond the unit level density requirements for SSMUH that impact properties within 800 meters of a controlled access highways, will continue to be reviewed by local MOTI staff on a first come, first served basis.

Should you have any questions please send your enquiry to MOTI at [dshousing@gov.bc.ca](mailto:dshousing@gov.bc.ca). Please see [Ministerial Regulation No. M114](#) here.

## Notification of Exempted Lands and Compliance

The SSMUH legislation requires local governments to notify the Minister of Housing in writing that the final zoning bylaw or zoning bylaw amendment necessary for compliance with the SSMUH requirements has been adopted, as soon as is practicable after the last bylaw has been adopted. **The updated zoning bylaws must be adopted by June 30, 2024.**

Communities without any restricted zones **as of December 7, 2023**, that have not created any new restricted zones since then, are not required to notify the Minister. However, an email is still recommended to inform the Minister that the community is compliant with the SSMUH requirements.

When notifying the Minister of Housing that the zoning bylaw is compliant with the SSMUH legislation, local governments should attach a copy of the bylaw or provide a hyperlink to the bylaw(s). **Local governments that have applied for an extension to the SSMUH compliance deadline for part of their community are still required to provide notice of compliance for areas of their community not included in their extension request.**

### *Exempted Lands*

Local governments must also notify the Minister of Housing of the lands in restricted zones that have been *exempted* from the SSMUH requirements. Local governments must identify the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions. Reports prepared by a qualified professional on behalf the local government should accompany exemptions based on hazardous conditions that cannot be practicably mitigated.

The recommended approach for informing the Minister of Housing of which lands have been exempted is to submit a map identifying the area or parcels, for example:

- Service area maps showing which areas of your community have and do not have access to a water or sewer system operated by a local government;
- Maps and schedules from an official community plan that identify development permit areas subject to hazardous conditions, or designated heritage properties and areas;
- Maps and/or descriptions from an engineering report identifying and describing hazardous conditions;
- Maps appended to bylaws such as those for heritage designation bylaws which identify the applicable area.

Alternatively, a list of the property addresses or parcel identification numbers of the exempted parcels can be provided.

### *How to Notify the Minister*

Notices of compliance and exemptions can be sent by email to [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca) with the subject line “[Local Government Name] SSMUH [Compliance and/or Exemption] Notification”. Alternatively, the notifications can be mailed or delivered to: Planning & Land Use Management Branch, PO Box 9841, STN PROV GOVT, Victoria BC, V8W 9T2.

For further details on the criteria for exemptions, please review pages 11-12 of the [SSMUH Provincial Policy Manual and Site Standards](#), section 481.4 of the [Local Government Act](#) and the [Local Government Zoning Bylaw Regulation](#).

ATTACHMENT M

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Jake Belobaba, Director of Development Services  
 Ryan Bouma, Director of Infrastructure Services

**Reviewed By:** Allison McCarrick, CAO

**Meeting Date:** May 14, 2024

**File No:** 3360-20

**RE:** **Infrastructure Extension Request: Small Scale Multi-Unit Housing Bylaw Amendments**

**RECOMMENDATION:**

That Council direct staff to submit an application to the Minister of Housing seeking an extension until December 31, 2030, to implement the Province’s Small Scale Multi-Unit Housing requirements pursuant to section 786 of the *Local Government Act*, for the areas described in the May 14, 2024, report to Council.

**EXECUTIVE SUMMARY:**

The purpose of this report is to identify areas where the introduction of Small Scale Multi-Unit Housing (SSMUH) is likely to exceed available infrastructure capacity and to recommend that the Town request an extension from the Province for these areas under section 786(a) and 786(b) of the *Local Government Act*.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2024-054	2024-03-19	That Council direct staff to bring forward for Council consideration: <ul style="list-style-type: none"> <li>a) zoning amendments consistent with provincial SSMUH requirements to allow duplexes in restricted zones on all lots between 280-4050m2 in size;</li> <li>b) zoning amendments consistent with provincial SSMUH requirements to allow one single- family dwelling, one secondary suite and one coach house in restricted zones on lots smaller than 280m2;</li> <li>c) OCP amendments to align development permit requirements to be consistent with new SSMUH requirements;</li> <li>d) amendments to relevant bylaws to increase fines for illegal nightly rentals, and make existing STR rules clearer and aligned with provincial terminology;</li> <li>e) an Amenity Cost Charge Bylaw;</li> <li>f) amendments to the Town’s DCC bylaw to allow for a DCC charge for a new Fire Hall and shared provincial highway projects;</li> <li>g) amendments to the applicable bylaws to delegate the approval of “minor” DVPs to staff; and</li> </ul>



## ATTACHMENT N

Resolution	Meeting Date	Resolution Details
		h) amendments to the applicable bylaws to increase range of staff-issuable DPs, including DPs for residential developments of four units or less.

### **INTRODUCTION/BACKGROUND:**

#### SSMUH Legislation

In the fall of 2023, the Province introduced changes to the *Local Government Act* to allow more SSMUH in zones that are otherwise restricted to single-family dwellings or duplexes (defined as “restricted zones”). The new legislation has the following requirements that are applicable to Ladysmith:

- The Town must amend its Zoning Bylaw by June 30, 2024, to:
  - Allow either a coach house or secondary suite in restricted zones.
  - Unless an exemption or an extension applies (see below), allow the “prescribed number of housing units” in restricted zones. Currently, this is a minimum of three units on parcels less than 280 square metres in size and a minimum of four units on parcels between 280 and 4,050 square meters in size.
  - Align with any provincial regulations respecting the “siting, size, dimension, location or type of housing unit”. Currently, there are no such regulations.
- Section 481.3 of the *Local Government Act* requires the Town to “consider” any provincial guidelines related to SSMUH. The Province has published a policy manual for this purpose which is attached as Attachment A.
- On parcels in restricted zones that are not connected to sewer and water, larger than 4,050 square meters, outside of the Town’s urban containment boundary or in a zone with a minimum lot size of 4,050m<sup>2</sup>, the Town’s Zoning Bylaw only needs to allow a secondary suite or coach house. However, if parcels in restricted zones larger than 4,050 square meters are subdivided into smaller, serviced lots, the SSMUH rules will apply. There are a number of these lots currently being subdivided into developable lots and this is an important consideration when considering infrastructure capacity for SSMUH.
- Where infrastructure upgrades are underway or in areas where infrastructure capacity cannot safely accommodate SSMUH, extensions can be granted by the Province allowing SSMUH zoning to be delayed until infrastructure upgrades are complete, a deadline given by the Ministry of Housing or December 31, 2030—whichever occurs first.
- Under section 786 of the *Local Government Act*, applications for extensions must be received no later than June 1, 2024. However, the Ministry of Housing’s bulletin on extensions (Attachment B), recommends that “extension applications be submitted to the Ministry 45 days prior to anticipated council hearings for SSMUH-related bylaw amendments”.

#### Infrastructure Analysis

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Earlier this year, the Town's Engineering Department met with Development Services and reviewed the needs for an infrastructure analysis to determine if the Town should seek extensions from the Province. The following describes the work that resulted from that discussion:

- Engineering staff requested a water modelling study from Koers & Associates Engineering Ltd. (Koers). This involved providing Koers with details of the largest wood framed building conceivable under the SSMUH requirements to assign fire flow parameters. Koers then ran the model with those parameters throughout all areas of the Town. At the time of writing, the Koers report is not yet available; however, Engineering staff have been able to review Koers' findings and discuss these findings with a Koers representative.
- Information on the Town's storm sewer collection system is relatively limited, with only pipe size and materials known. A stormwater master plan for the Old Town Area was started by WSP in early 2023 to evaluate the system, create a stormwater model, and highlight system deficiencies. The model has been mostly constructed, but not available for Engineering staff use yet. However, Engineering staff have been in discussions with WSP and have a relatively good understanding of the stormwater system capacity and deficiencies.
- WSP built the Town's sanitary sewer model in 2014 but was not available to update the model and provide a report before the Provincial deadlines noted above. Subsequently, the Engineering Department completed an analysis by using spreadsheet calculations and used results from the available sanitary sewer model augmented with field reviews for verification. The report in Attachment C provides a detailed description of this work and the Engineering Department's findings.
- Engineering, Development Services and the Fire Chief reviewed the Town's road network to identify neighborhoods that do not meet section 5.1.4 of National Fire Protection Association (NFPA) standard 1142<sup>1</sup> for emergency vehicle access. This standard has historically been applied at the rezoning and subdivision stage, using buildout potential under applicable zoning, to ensure new neighborhoods have adequate emergency access. With the introduction of SSMUH legislation, the buildout potential for some neighbourhoods could double, triple or even quadruple, triggering the need for new accesses.

Based on the analyses described above, and despite the time constraints, staff were able to objectively and thoroughly assess the Town's infrastructure capacity to accommodate SSMUH. Generally, existing water and stormwater infrastructure appears sufficient to accommodate

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<sup>1</sup> This standard requires 1 emergency access for neighbourhoods with 0-100 households, two emergency accesses for neighbourhoods with 101-600 households and 3 emergency accesses for neighbourhoods with more than 600 households. Where more than one access is required, one of them can be restricted for emergency vehicle use.

SSMUH throughout Ladysmith. However, large areas with insufficient sanitary sewer capacity were identified, and a number of smaller (and in some cases overlapping) areas with inadequate emergency access were identified.

**RECOMMENDED EXTENSION AREAS:**

Staff recommend seeking extensions for the following areas based on the findings of the infrastructure review described above:

- A. Malone Road subdivision: As a greenfield development that will create new, vacant lots, SSMUH uptake in this development is expected to be high. Sewer flows from this proposed subdivision lead to the main under the roundabout at 1<sup>st</sup> Avenue and Symonds Street. Currently this main is likely at capacity, and other major housing developments underway (e.g. the multi-unit development at 1201 Christie Road) which are not subject to SSMUH are also serviced by this main. A more thorough review of this main's capacity needs to be completed as soon as possible<sup>2</sup> and there is a high probability that this main will need to be upgraded as soon as possible.

Additionally, SSMUH is likely to increase unit counts in this subdivision to well over 100 units<sup>3</sup>. This subdivision currently lacks a secondary access meeting NFPA requirements and is adjacent to forest lands which increases the risk of interface fires. These lands are currently subject to a rezoning proposal (to increase the density) and subdivision application (for single-family/duplex lots) and staff are examining emergency access options and infrastructure as part of these proposals.

- B. "Lot 5" Holland Creek: This area was recently granted a Preliminary Layout Approval (PLA) for 112 new lots. Subsequently, as with the Malone Road development, SSMUH uptake in this area is expected to be high. This area must be serviced by either the relatively small sanitary main on Mackie Road or the main under the roundabout at 1<sup>st</sup> and Symonds noted above. The additional sanitary sewer volumes from this development with additional SSMUH development cannot be accommodated by either main. As lands to the southeast of this lot are built out, sanitary sewer flows from this area will be redirected to new larger mains in the Southeast Holland Creek Area and these upgrades are scheduled as part of existing obligations for major development sites in the Holland Creek Subdivision.

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<sup>2</sup> It is possible (but not expected) that a more detailed review of this main reveals additional capacity to accommodate SSMUH. In which case the Town would be required to update the Zoning Bylaw to allow SSMUH.

<sup>3</sup> A Preliminary Layout Approval (PLA) for a phased 32 lot subdivision of single-family/duplex lots has been issued and the CD-3 zoning for the site allows an additional 103 multi-family units on the remainder of the site. Following implementation of SSMUH regulations and final approval of subdivision, the developer can build 231 units and Malone Road will be the only access.

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- C. Forest Field area: Secondary emergency access in the area west of Rocky Creek is limited to the Ladysmith Main logging road which crosses private managed forest land. In cases where this route must be used (e.g. if the Rocky Creek crossing were to wash out again), the travel distance from the Fire Hall to Forest Field increases from 2.5 km to 5.5 km<sup>4</sup> which includes 1.5 km of logging road and two gates. SSMUH uptake in this area is expected to be low to moderate. However, currently, there are at least 414 homes in the area for which Fourth Avenue is the only means of access. There are also a number of parcels in the area with significant development potential. These include:
- One R-U-1 zoned, 5650m<sup>2</sup> lot with rezoning and subdivision potential<sup>5</sup> (approximately 26-160 units).
  - One, 13,400m<sup>2</sup>, R-3-A zoned site which, under current zoning, could be developed to provide approximately 30-190 units and under the current OCP designation could be developed to provide 60-375 units<sup>6</sup>.
  - Three R-1 zoned lots between 5,300 and 7,770m<sup>2</sup> in size with subdivision potential (approximately 25-28 lots under current lot size requirements) and a redevelopment potential under the current OCP designation of approximately 100-590 units<sup>7</sup>.

The lack of a suitable alternative access to this area was the reason 1260 Churchill Place was purchased by the Town after the Rocky Creek (aka Tyee Creek) crossing was damaged in 2018. A new road dedication through 1260 Churchill has since been registered and once a road is constructed through this road dedication to McKinley Road, the Forest Field area can safely accommodate additional development. 1260 Churchill was recently sold and the developer intends to tear down the old house (which currently sits in the road dedication) and construct the road as part of their development project. Staff will be working with the new owner to accelerate the removal of the house and the construction of an interim and/or permanent emergency access in the road dedication. However, staff recommend seeking an extension as road construction now requires the cooperation of a private housing developer and should negotiations or road construction become protracted while neighbourhood unit counts increase, public safety will be compromised. Additionally, 1260 Churchill is a housing development site with a number of site

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<sup>4</sup> These distances are virtually the same from the Ladysmith RCMP station and about 900m meters shorter from the BC Ambulance Station at the Ladysmith Health Care Centre.

<sup>5</sup> The property is designated Neighbourhood Residential Under the OCP. Maximum allowable density for residential use under this designation is a 1.3 FSR. Under Bill 44 the Town may be required to update the zoning for this site to allow the density permitted under the OCP. Further analysis will occur for this purpose following completion of the interim housing needs report which must be completed by the end of this year.

<sup>6</sup> See footnote 4

<sup>7</sup> See footnote 4



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constraints and care should be taken to ensure the accelerated provision of an emergency access does not slow construction of proposed units on the site or increase their cost<sup>8</sup>.

- D. 4<sup>th</sup> Avenue Extension – This area is limited by a sanitary sewer main from the 4<sup>th</sup> Avenue Extension to Dogwood Drive. The capacity of this main is currently exceeded under the current conditions and there has been one known backup into a property serviced from this main. Upon replacement of this main additional density from SSMUH can be accommodated in the affected catchment area.
- E. The South Area: The findings of the sewer capacity review found that the trunk main under Highway 1 is at capacity. Increasing capacity is anticipated to be difficult, costly, and will require a long period of study and planning. An extension is required to complete the planning process and budget accordingly. Unfortunately, the South Area for which an extension is recommended is a much larger area than anticipated. This is a precaution, due to the unknown variables related to sewer infrastructure in the area, the reliance on a single at-capacity main serving the area and the size and development potential (noted below) of the area. The Sanitary Sewer Capacity Review in Attachment C recommends a detailed review of the trunk main along Highway 1 and the draft water modelling report prepared by Koers noted above recommends a more detailed review of the water infrastructure in south Ladysmith. These reviews will need to be undertaken as soon as possible to plan for some of the infrastructure upgrades noted in this report and should they reveal additional capacity to accommodate SSMUH, the Town is required to allow SSMUH in areas where capacity is available.

SSMUH uptake in the south end is expected to be high to very high. A large number of new vacant lots are currently being created on greenfield sites. There are approximately 30 lots in the south end in restricted zones which are over 4,050m<sup>2</sup> in size totaling approximately 52 hectares of developable land. This equates to 750-1,500 new lots, all of which would allow a minimum of four units under SSMUH. The size of existing lots in the south end is also an important consideration. Outside of Old Town, the average and median lot sizes in restricted zones are 814m<sup>2</sup> and 714m<sup>2</sup> respectively<sup>9</sup> with low lot coverage on developed sites. These conditions increase the potential for SSMUH uptake (as there is ample room on most sites to add SSMUH).

- F. “Lot A”/Upper Hannington. This area has two large parcels of R-1 zoned land with a single access via Hannington Road/Colonia Drive to Malone Road and is adjacent to a large site zoned for Multi-family. This area does not meet NFPA requirements, and a secondary access will need to be secured as part of the subdivision and development process. Additionally, as with the “Lot 5” site, new lots created from these properties must be

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<sup>8</sup> 1260 Churchill is quite narrow and adjacent to a ravine, riparian area and an adjacent housing development. It may be more practical and economical for the project for the road to remain closed while 1260 Churchill is developed.

<sup>9</sup> Lots over 4,050m<sup>2</sup> were excluded from the average and median calculations to provide a more realistic picture of typical, developed lots.

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serviced by either the sanitary main on Mackie Road or the main under the roundabout at 1<sup>st</sup> and Symonds; neither of which have the capacity to handle additional SSMUH development at this time. SSMUH uptake in this area is expected to be high as these sites will be developed as vacant lots.

Staff note that there are 51 developed parcels in this area that rely on the same sewer mains noted above and the same single access to Malone Road via Hannington Road and Colonia Drive. An extension request for these properties was considered but is not recommended. SSMUH uptake for these parcels—all of which are developed with newer single-family homes—is expected to be slower than other areas, and by the time SSMUH development in this area reaches critical sewer or access thresholds, new access routes through Holland Creek and sewer upgrades are likely to have been completed.

The areas described above are shown on the map in Attachment D.

Engineering found sanitary and storm sewer issues in the “Old Town” area. However, most of these capacity issues relate to stormwater inflow and infiltration—i.e. an increase in sanitary sewer volumes resulting from development that predates prohibitions on directing stormwater to sanitary sewer mains and rainwater infiltrating into older sanitary sewer mains. However, SSMUH development will help rectify this condition, as old storm and sanitary services will be upgraded and separated as SSMUH is constructed. As a result, extension requests are not recommended for these areas and staff are even looking at exceeding SSMUH requirements in Old Town as a way of increasing capacity in the sanitary sewer system. This is described in greater detail under ‘Analysis’.

Staff also note that there are other areas of Town such as upper Thetis Drive and Holland Creek where road and emergency access are currently lacking. However, in these cases there are temporary accesses in place and/or covenant triggers that will require additional access routes as unit counts reach certain thresholds. SSMUH requirements will not affect these triggers (although it may accelerate them) and therefore it is not necessary to seek extensions for these areas based on emergency access.

### **ANALYSIS:**

Staff recognize that the total area for which the Town is seeking extensions is substantial. Unfortunately, however, failing to address the above-noted infrastructure deficiencies prior to implementing SSMUH would pose a significant risk to public health and safety and/or the environment.

In circumstances where sewer capacity is lacking, infrastructure is at, over or nearing capacity, and SSMUH uptake in forthcoming subdivisions will be high as builders acquire vacant lots that

allow doubled or quadrupled unit counts<sup>10</sup>. In most cases, the incremental sanitary sewer capacity to accommodate SSMUH is effectively zero for the requested exemption areas. Staff also note that if the requested sewer extension areas are not approved, the result is likely to be counterproductive to the SSMUH legislation. Incremental SSMUH development in areas with sanitary sewer limitations will likely trigger costly sanitary sewer upgrades for major housing proposals currently underway<sup>11</sup>, all of which include “missing middle” housing. Many of these projects will stall as a result.

In identifying areas for which extensions should be sought due to a lack of emergency access, staff focused on areas with identified bottlenecks, areas more likely to be impacted by interface fires and/or areas where existing or probable unit counts are likely to be well above NFPA standards. It is important to note that while the risk of interface fires was a major consideration, it is by no means the only foreseeable emergency that necessitates multiple accesses. The NFPA standards are intended to provide sufficient emergency access for all types of emergencies including earthquakes, gas leaks, chemical spills, extreme weather events and day-to-day emergency responses requiring an alternative route (e.g. when primary routes are blocked as a result of traffic accidents, inclement weather, etc.). As a small community with a paid-on-call fire department, Ladysmith’s emergency services do not have the same resources as those in urban areas and the Town has come to rely heavily on the NFPA standard (which, as noted above, has typically been imposed at the subdivision or rezoning stage) to ensure new housing development is adequately serviced by emergency services. In most cases, secondary access for the areas noted above will be triggered as part of existing development projects.

Recognizing that SSMUH development will be significantly delayed in a large part of Town if the proposed extensions are approved, staff are examining zoning options to increase allowable densities in areas like Old Town in alignment with the Town’s OCP. These changes will likely be brought forward by the June 30<sup>th</sup> deadline as part of the Province’s required zoning amendments and are expected to meet and (substantially) exceed SSMUH requirements. When combined with the Town’s sizable existing inventory of authorized and approved housing developments (much of which is described in this report), staff expect that the delays in implementing SSMUH in the requested extension areas will be offset by housing capacity in other areas—i.e. there will be no net reduction in housing construction, nor a lack of missing-middle housing resulting from the extensions.

Based on the analyses noted above, the risks of not granting the extensions far exceed the benefits of refusing them. Staff recommend seeking the requested extensions as proposed.

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<sup>10</sup> Based on existing subdivision applications, it is not expected that developers will want to create lots less than 280m<sup>2</sup> meaning the number of units that can be built on each new lot will be four. The actual “lift” resulting from SSMUH varies based on existing zoning which in most cases allows 2-4 units but, in some cases, only allows 1-2 units.

<sup>11</sup> This includes the Holland Creek Development (approximately 1,000 units), Developments on Farrell Road (approximately 267 units), and the multi-family developments on Christie Road (Approximately 66 units or more depending on the outcome of an in-process rezoning proposal)

**ALTERNATIVES:**

Council can choose to:

1. Not apply for an extension for some or all of the areas described above.
2. Direct that further review and reporting to Council be completed prior to June 1.

**FINANCIAL IMPLICATIONS:**

In many cases the infrastructure deficiencies noted above are expected to be rectified as a result of planned infrastructure upgrades or existing obligations agreed to under previous development proposals. However, in cases where this does not occur, the Town will need to complete the required upgrades by December 31, 2030; or earlier if the Ministry specifies an earlier deadline or declines the requested extensions. Given the time constraints of the SSMUH legislation, staff have yet to complete cost and funding analyses to complete the infrastructure projects noted above. This process will be initiated as soon as possible, and the costs will be included in future financial plans.

Rough estimates for some of these projects indicate that significant funding will be required. Property taxes and utility fees for existing property owners will need to increase to raise the required funds. Spreading this increase over a longer timeframe is necessary for rates to remain affordable for existing renters and owners. Staff are not aware of any planned or available provincial funding that has been allocated for Local Governments to complete infrastructure needed to accommodate SSMUH. If a 2030 deadline is granted by the Province, the Town can plan for major expenditures and stretch the cost of these upgrades out over time.

Some of the infrastructure projects described in this report can be added to the Town's DCC program. However, this will increase the cost of housing development. Section 564(4)(f) of the *Local Government Act* requires the Town to factor in the impact of DCC's on housing affordability and DCC bylaws must be approved by the Province. Additionally, projects included in a DCC program are not fully funded by DCC's. For example, under the current DCC program sewer projects are only funded at ~17% from the sewer DCC program; water at ~25% and roads at 30%. Subsequently, it should be assumed that, unless provincial funding materializes for these projects, much of the cost must be supplemented by increased taxes or fees.

**LEGAL IMPLICATIONS:**

Extensions under section 786 of the *Local Government Act* are at the discretion of the Minister of Housing. At this juncture, staff have only examined the engineering implications of allowing SSMUH in the areas described in this report. The legal implications for the Town if the Minister denies the requests recommended in this report have yet to be examined with the Town's solicitor.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERGOVERNMENTAL REFERRALS:**

As noted above, the Minister must approve an extension request. Applications must be received no later than June 1, 2024, and it is recommended that applications be received at least 45 days before considering zoning amendments to implement SSMUH requirements.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Infrastructure Services has been leading the review described in this report with input from Protective Services and Development Services.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Core Infrastructure         | <input type="checkbox"/> Economy        |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership     |
| <input type="checkbox"/> Waterfront Area Plan                   | <input type="checkbox"/> Not Applicable |

***I approve the report and recommendation(s).***

**Allison McCarrick , Chief Administrative Officer**

**ATTACHMENT(S):**

- A. SSMUH Provincial Policy Manual & Site Standards
- B. Extensions Policy Bulletin
- C. Preliminary Sanitary Sewer Capacity Review
- D. Extension Areas Map

Previously reviewed



# Provincial Policy Manual & Site Standards

*Supporting local government  
with legislative requirements  
under the Local Government Act  
and Vancouver Charter for  
small-scale, multi-unit housing*

Attachment N

## Small-Scale, Multi-Unit Housing

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**DOCUMENT TABLE OF REVISIONS**

Number	Date of Revision	Nature of Revisions
1	December 14, 2023	Typographical errors corrected, date on page 6 corrected to December 7, 2023. and missing hyperlinks added.



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# Introduction

## 1. Purpose of the Policy Manual

In the fall of 2023, the Province of British Columbia (BC) introduced changes to the *Local Government Act* (LGA) and *Vancouver Charter* (VC) to allow more small-scale, multi-unit housing in land use zones that are otherwise restricted to single-family dwellings or duplexes. These are referred to as *Restricted Zones* in the new legislation. The legislation applies to all municipalities and regional districts in the province.

This Policy Manual is a resource to support local governments with the implementation of zoning bylaw amendments required to comply with the changes to the LGA and VC under the Small-Scale, Multi-Unit Housing (SSMUH) legislation. It establishes provincial expectations for local government implementation of the SSMUH requirements.

In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government **must consider any applicable guidelines for SSMUH, including this Policy Manual**. Subsequent resources or information bulletins may be issued by the Province to clarify or elaborate on changes to the requirements. These resources will be available online at: [Local government housing initiatives - Province of British Columbia](#).

The content of this manual is not a substitute for legislation, nor should it be relied upon as legal advice. Users of this manual should seek legal advice as necessary.

## 2. How to use the Policy Manual

This Policy Manual is to be used by all local governments in BC to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with SSMUH legislation. Due to the differences in the numbering and legislative framework for the LGA and the VC, specific sections of the VC are referenced as a footnote where appropriate.

The specific guidance that must be considered by local governments when implementing the SSMUH legislation is in Part 4 of the Policy Manual.

### 2.1 Read the Policy Manual in its entirety

Local governments must consider the contents of this Policy Manual and should read it in its entirety. Some of the appendices may not apply to all jurisdictions. The Policy Manual is structured as follows:

- **Part 1** provides an overview of the SSMUH legislative requirements, the implementation process, and direction for interpreting both;
- **Part 2** discusses zoning bylaw updates required to comply with the legislative requirements by identifying recommended approaches based on best practices and the experiences of jurisdictions that have already implemented similar policies, common zoning bylaw requirements that are not aligned with the objectives of the SSMUH legislation, and alternative approaches;
- **Part 3** discusses other factors for local governments to consider when aligning policies and procedures with SSMUH requirements, such as using development permit areas, housing tenure, and infrastructure servicing;
- **Part 4** contains four packages of site standards, each consisting of groups of recommended technical specifications or regulations for zoning bylaws that local governments may adopt for different lots and areas to which the SSMUH requirements will apply; and
- the **appendices** contain additional information for compliance with SSMUH requirements, such as using geospatial data to support implementation and calculating anticipated changes in density resulting from zoning bylaw updates.

## 2.2 Geographic scale

Local governments are required to update their zoning bylaws to permit the prescribed minimum SSMUH densities on single-family and duplex lots. Local governments should also consider applying this manual, and updated zoning bylaw requirements to existing low-density, multi-family residential zones to improve consistency and the ease with which SSMUH can be developed.

Local governments that already have existing small-scale multi-unit zoning bylaws that cover all residential areas previously zoned for single-family or duplex are strongly encouraged to apply this information in this manual to those areas and amend their bylaws as needed. This will provide a consistent development landscape regionally and provincially, providing transparency and predictability for both developers and homeowners. The success of local bylaws will be monitored along side the implementation of the SSMUH legislation.

This policy manual recognizes the significant diversity of local governments in BC in terms of legal structure, size, geography, and historical and current land use patterns. To the extent possible this manual takes this diversity into account and outlines a range of different considerations for different contexts. Consequently, not all contents are applicable to every local government, geography, or lot within their boundaries. Some

parts of this manual refer to specific areas within communities where particular SSMUH density requirements will apply. Other content refers to considerations applicable to the whole context of a municipality or regional district electoral area.

### **2.3 Defined terms and meanings**

Except for references to legislation which are italicized, other italicized terms in the Policy Manual are defined in the SSMUH legislation (and provided on page 12 of this manual). For non-italicized terms, the conventional meaning of the word applies.

### **2.4 Additional policy material**

Additional policy material may be issued from time to time by the Province to assist local governments with implementing SSMUH legislative requirements. This information is intended to support the information contained in this Policy Manual.

### **2.5 Relationship with other provincial resources and requirements for local government land use planning**

Land use planning policies developed by local governments and the decisions they make must be consistent with SSMUH legislative requirements. The Policy Manual is intended to be complementary to other resources and policy documents published by the Province to guide local governments in specific areas of land use planning like the Flood Hazard Area Land Use Management Guidelines. Except in relation to SSMUH requirements or where the relevant legislation indicates otherwise, those other resources and policy documents take precedence over the contents of this Policy Manual.

## **3. Why is the Province introducing SSMUH requirements?**

Single-family detached homes are out of reach for many people in a growing number of BC communities. However, zoning regulations that exclusively permit single-family detached homes often cover 70-85% of the privately held residential land base in communities. Not only are less expensive multi-unit forms of housing not permitted in most areas of our communities, but they are also subjected to more layers of process and regulations like rezoning and design requirements.

These conditions make it challenging to build multi-unit housing throughout the province. Rezoning requirements add considerable costs to projects and create uncertainty for those interested in building homes in our communities. When combined with long development application processing timelines, these factors impede the supply of much-needed market housing that is more affordable than conventional single-family homes. In

most parts of the province, the supply of housing is falling further and further behind actual housing needs. The current approach to zoning regulations limits the diversity of housing supply required in BC communities.

Through the SSMUH legislation, the Province is aiming to overcome these challenges by enabling multiple units of housing (2 to 6 units depending on the location and context) to be permitted on single-family and duplex lots without the need for costly and time-consuming rezoning processes. As a result of this, local governments across the province are now required to permit a minimum of two to six units of housing on lots formerly recognized as single-family or duplex lots, which are referred to as *Restricted Zones* in the SSMUH legislation.

The aim of the SSMUH legislation is to increase housing supply, create more diverse housing choices, and over time, contribute to more affordable housing across BC. Local governments have a critical role to play in its implementation and a lot to be gained from its success. Other jurisdictions around North America and the world are discovering the potential of enabling a more diverse mix of housing forms to be established in all neighbourhoods. It is an essential component of a larger strategy to create more inclusive, affordable, and resilient communities. Both inspiration and lessons can be drawn from the experience of other jurisdictions that have already taken this step. Some of the experiences of other jurisdictions are highlighted in Appendix A.

#### 4. What is Small-Scale Multi-Unit Housing (SSMUH)?

Small-Scale Multi-Unit Housing (SSMUH) refers to a range of buildings and dwelling unit configurations that can provide more affordable and attainable housing for middle-income families. Examples of SSMUH include, but are not limited to:

- secondary suites in single-family dwellings;
- detached accessory dwelling units (ADUs), like garden suites or laneway homes;
- duplexes (side-by-side or up/down);
- triplexes and house-plexes; and
- townhomes.

SSMUH offers housing options that are ground-oriented and compatible in scale and form with established single-family and duplex neighbourhoods. These housing forms were more common prior to the introduction of zoning regulations in communities across BC, and many examples of them can still be seen in most communities. These housing forms typically offer more family-oriented units than larger-scale multi-family housing like condominium towers, and more affordable options than single-family homes. The modest increase in density resulting from these forms of housing can also produce significant benefits for neighbourhood vibrancy, inclusiveness, and sustainability.

# Part 1 – Overview of the legislation and implementation process

## 1. Where do the new requirements apply?

The SSMUH legislation identifies where the prescribed number of housing units must be permitted by local governments on single-family and duplex lots with certain characteristics.

All local governments in British Columbia are required to comply with the sections of the SSMUH legislation applicable to their situation. Secondary suites or ADUs will become permitted almost everywhere in the province, while more urban areas will be required to permit between three and six units on each single-family or duplex lot. Section 481.4 (1) of the LGA and section 565.04 of the VC identify some exemptions to the requirements based on certain lot characteristics, these exemptions are also described below in Part 1, Section 3 of this manual.

Whether the prescribed number of housing units must be permitted on a given lot is determined by a variety of factors, including:

- whether or not the lot is within an urban containment boundary established by a regional growth strategy or an official community plan,
- lot size,
- whether a lot is serviced by local government water and sewerage systems, and
- for municipalities: population size, proximity of a given lot to transit services, and the presence of specific heritage designations.

These provisions are designed to reduce sprawl, ensure new housing units are adequately and efficiently serviced by infrastructure, and protect heritage buildings and features important to communities. The section below summarizes the conditions under which the requirements to permit minimum numbers of units of housing apply.

## 2. Summary of SSMUH requirements

Areas subject to SSMUH requirements are referred to as *Restricted Zones*, defined in the legislation as follows:

*A zone that, on the date that this section comes into force, or that would, but for this section, restrict the residential use and density of use permitted in the zone to:*

- (a) For the purposes of secondary suites and /or ADUs, a zone in respect of which the permitted use would be restricted to detached single-family dwellings, or
- (b) For the purposes of three to six units, a zone in respect of which the residential use would be restricted to:
  - a. Detached single-family dwellings, or
  - b. Detached single-family dwellings and one additional housing unit located within the detached single-family dwelling or on the same parcel or parcels of land on which the detached single-family dwelling is located;
  - c. duplexes, or
  - d. duplexes with one additional housing unit located within each dwelling comprising the duplex and no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located.

*but does not include a manufactured home zone.*

This means that all zones restricted to single family or duplex dwelling as of December 7<sup>th</sup>, 2023, when the SSMUH legislation received Royal Assent are subject to the requirements in this legislation. Local governments must ensure new or amended bylaws adopted on or after June 30, 2024, comply with this legislation and must consider this policy manual when they do so. While the compliance date for zoning changes is June 30, *Restricted Zones* to which the legislative requirements apply are determined based on the zoning bylaws in effect as of Royal Assent.

Another important note is that these requirements are now in place for any zone that would, but for this legislation, be restricted to single family or duplex dwellings. That means that local governments can no longer zone for exclusively for single-family or duplex dwellings, except for in areas that are exempt from this legislation.

The requirements for the minimum number of units required to be permitted in *Restricted Zones* are presented in Table 1. Lots that are exempt from these requirements are described in the next section. Part 4 of this manual provides leading practice zoning bylaw regulations for areas and lots to which the various minimum densities (i.e., minimum number of units) apply.

**Table 1: Overview of SSMUH legislative requirements for single family and duplex zones**

Min. number of units required	Description of requirement
Secondary suites and ADUs	<p>A minimum of 1 secondary suite and/or 1 detached accessory dwelling unit (ADU) must be permitted in <i>Restricted Zones</i> in all municipalities and regional district electoral areas. Local governments may choose to do any of the following for single-family residential lots to which the higher density requirements for a minimum of 3-6 units do not apply:</p> <ul style="list-style-type: none"> <li>• permit only one secondary suite,</li> <li>• permit only one ADU,</li> <li>• allow landowners to choose either a secondary suite or an ADU, or</li> <li>• permit the construction of both a secondary suite and an ADU.</li> </ul> <p>In setting their requirements, local governments should ensure the requirements of other provincial legislation and regulations are met (e.g., the <i>Drinking Water Protection Act</i> and the <i>Sewerage System Regulation</i>). In addition, only secondary suites (not ADUs) should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government.</p>
Minimum of three units	<p>Unless an exemption applies, a minimum of 3 units must be permitted on each parcel of land 280 square metres or less in a <i>Restricted Zone</i> that is:</p> <ol style="list-style-type: none"> <li>a) wholly or partly within an urban containment boundary established by a regional growth strategy, or</li> <li>✓ b) if (a) does not apply, wholly or partly within an urban containment boundary established by an official community plan within a municipality with a population greater than 5,000 or,</li> <li>c) if neither (a) or (b) apply, in a municipality with a population greater than 5,000.</li> </ol>



<p>Minimum of four units</p>	<p>Unless an exemption applies, a minimum of 4 units must be permitted on each parcel of land greater than 280 square metres in a <i>Restricted Zone</i> that is:</p> <ul style="list-style-type: none"> <li>a) wholly or partly within an urban containment boundary established by a regional growth strategy, or</li> <li>✓ b) if (a) does not apply, wholly or partly within an urban containment boundary established by an official community plan within a municipality with a population greater than 5,000, or</li> <li>c) if neither (a) or (b) apply, on each parcel of land in a municipality with a population greater than 5,000.</li> </ul>
<p>Minimum of six units</p>	<p>Unless an exemption applies, a minimum of 6 units must be permitted on each parcel of land in a <i>Restricted Zone</i> that meets all of these conditions:</p> <ul style="list-style-type: none"> <li>✗ a) is wholly or partly within 400 metres of a prescribed bus stop as such term is defined in the Local Government Zoning Bylaw Regulation or the Vancouver Zoning Bylaw Regulation (see Appendix B for a list of communities and routes that may have prescribed bus stops and Appendix C for information on identifying impacted lots using geospatial data); and</li> <li>b) is greater in area than 281 square metres; and</li> <li>c) is wholly or partly within an urban containment boundary established by a regional growth strategy, or</li> <li>d) if (c) does not apply, is wholly or partly within an urban containment boundary established by an official community plan within a municipality with a population greater than 5,000, or</li> <li>e) if neither (c) or (d) apply, is a parcel of land within a municipality or regional district with a minimum population of 5,000 people.</li> </ul>

**Important Concepts and Terms**

**“conditional density rule”** means a density rule established under LGA section 482(1) [*density benefits for amenities, affordable housing, and special needs housing*] to apply for a zone only on applicable conditions being met.

**“housing unit”** means a self-contained dwelling unit

**“manufactured home zone”** means a zone in respect of which the only permitted residential use is for manufactured homes as defined in LGA section 673 [*definitions in relation to Part 17*]

**“restricted zone”** means a zone where, on the date this definition comes into force, the permitted residential use and density of such use would be, but for the SSMUH requirements

- (a) For the purposes of secondary suites and /or ADUs, detached single-family dwellings, or
- (b) For the purposes of three to six units, a zone in respect of which the residential use would be restricted to:
  - a. Detached single-family dwellings;
  - b. Detached single-family dwellings and one additional housing unit located within the detached single-family dwelling or on the same parcel or parcels of land on which the detached single-family dwelling is located;
  - c. duplexes; or
  - d. duplexes with one additional housing unit located within each dwelling comprising the duplex or no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located,
 but does not include a manufactured home zone.

**“Prescribed distance from a bus stop”** is 400 metres.

**“Prescribed bus stop”** is determined by transit frequency and timing and is considered to be a prescribed bus stop if it is served by at least one bus route that is scheduled to stop at least every 15 minutes, on average, between the hours of:

- (a) 7 am and 7 pm, Monday to Friday, and
- (b) 10 am and 6 pm on Saturdays and Sundays.

**“Transit-Oriented Area (TOA)”** means an area within a prescribed distance from a transit station.

**“transit station”** means:

- (a) A prescribed bus stop, bus exchange, passenger rail station or other transit facility; and
- (b) A planned, prescribed bus stop, bus exchange, passenger rail station or other transit facility

## 2.1 Prohibited activities

Local governments must not use certain authorities in such a way that unreasonably prohibits or restricts the use or density of use required to be permitted under SSMUH. This includes the following powers identified in the LGA:

- a) a power under s.488 [*designation of development permit areas*],
- b) a power in relation to a land use regulation bylaw or land use permit,
- c) a power under s.614 [*designation of heritage conservation areas*], or
- d) a power in relation to a heritage alteration permit, as defined in s. 586.

Furthermore, local governments must not use zoning powers to prohibit or restrict, in a *transit-oriented area*, a prescribed density of use, size or dimension of buildings where the land is zoned to permit any residential use or a prescribed use other than residential use. More information on *transit-oriented areas* is available at [Local Government Housing Initiatives](#).

The SSMUH legislation also prohibits local governments from doing the following:

- requiring off-street parking or loading spaces for the residential use of housing units required to be permitted to achieve the minimum density of six units,
- using density bonusing to achieve the minimum densities they are required to permit under SSMUH zoning (see the next section for exceptions); and
- holding a public hearing on a zoning bylaw or amendments to zoning bylaw proposed for the sole purpose of complying with the SSMUH legislation.

### What are accessory dwelling units and secondary suites?

The terms accessory dwelling unit and secondary suite are used in their ordinary meaning. An **accessory dwelling unit** or ADU is generally considered to mean a building, or part of a building, that:

- (a) is a self-contained residential accommodation unit, and
- (b) has cooking, sleeping and bathroom facilities, and
- (c) is secondary to a primary dwelling unit located on the same property.

A **secondary suite** is generally considered to mean an accessory dwelling unit that is located in and forms part of a primary dwelling unit.

## 2.2 Density Bonusing

To meet demand for community amenities, zoning bylaws can include the option of additional (bonus) density for particular lots or zones, subject to specific conditions, such as the provision of amenities (LGA, s. 482).

For SSMUH, local governments may not use density bonusing to achieve the minimum number of required housing units except in the following circumstances:

- on lots for which the requirement of a minimum of six units applies, in which case local governments may establish conditional density bonus rules for only **one** of the **six** housing units, and
- for allowable densities that exceed the minimum densities of the relevant SSMUH legislative requirements for that specific lot.

In regard to the required six-unit density, local governments may only establish conditions in accordance with Section 482 (2) (b) and (c) of the LGA, and not for other types of amenities:

- (a) relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind, and extent of the housing; and
- (b) a condition that the owner enter into a housing agreement under section 483 before a building permit is issued in relation to property to which the condition applies.

## 3. Exemptions

The SSMUH legislation sets out several conditions under which certain parcels that would otherwise meet the *Restricted Zone* definition are exempt from the requirement to amend zoning to permit three to six units, described below. These exemptions were developed through consultation with a broad range of local governments and provincial agencies that oversee various aspects of land use management in the province.

There are two circumstances under which local governments are **exempted from all SSMUH requirements**, including those for secondary suites and ADUs. Those are in relation to exercising enumerated land use and planning authorities in respect of:

- lands in a local trust area under the *Islands Trust Act*, and
- a rural land use bylaw under section 457 of the LGA.

Additionally, under the Local Government Zoning Bylaw Regulation<sup>1</sup>, lands subject to a hazardous condition where development of the land to the density of use required by sections of 481.3 (3), (4) or (5) of the LGA<sup>2</sup> can be exempted from the SSMUH legislation providing the local government has obtained a report in which a qualified professional<sup>3</sup> certifies, for the local government, that:

- increasing the density would significantly increase the threat or risk from the hazardous condition; and
- the threat or risk from the hazardous condition cannot be practically mitigated.

There are more circumstances under which local governments are **exempted from the SSMUH requirements to permit a minimum of three to six units on a lot**. Those are in relation to exercising enumerated land use and planning authorities in respect of:

- land that is protected under s. 12.1(2) of the *Heritage Conservation Act*;
- land that is, on the date the SSMUH legislation comes into force, designated as protected under a bylaw made under LGA, s. 611 [*heritage designation protection*];
- lands subject to a heritage revitalization agreement, as defined in LGA, section 586, entered into before the date this section comes into force;
- land that is not connected to a water or sewer system (parcels must be connected to both) provided as a service by a municipality or regional district;
- land that is within a zone in respect of which the minimum lot size that may be created by subdivision is 4,050 m<sup>2</sup>;
- a parcel of land that is larger than 4,050 m<sup>2</sup>; and
- by regulation<sup>4</sup>, land within a designated Transit-Oriented Area.

It is important to note that land that is within an area designated as a Transit-Oriented Area will be subject to higher density requirements in accordance with the Transit-Oriented Areas legislation and regulation to help improve transit viability and service.

Further information on relationship between the SSMUH legislation and what is permitted on a lot in the Agricultural Land Reserve can be found in section 7.1.

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<sup>1</sup> Vancouver Zoning Bylaw Regulation

<sup>2</sup> Sections 565.03 (3), (4) and (5) of the *Vancouver Charter*.

<sup>3</sup> Qualified professional as described in paragraphs (c) to (f) of section 55 (1) of the *Community Charter*.

<sup>4</sup> Vancouver Zoning Bylaw and Local Government Zoning Bylaw Regulations.

As soon as practicable after local governments update the zoning bylaw or bylaws in accordance with the SSMUH legislation and if the zones contain exempted lots, written notice must be provided to the Minister of Housing at [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)<sup>5</sup> that identifies:

- a) the land to which the exemption applies, and
- b) the provisions of the legislation under which the exemption is exercised (i.e., the section(s) of the legislation relevant to the purpose of the exemption).

### 3.1 Considerations for hazardous conditions and protection of the natural environment

Local governments should continue to use their authorities under LGA, s. 491(2) to identify hazard areas where considerations related to health, safety, or protection of property from damage warrant land use regulations. These authorities will continue to apply for lots and areas impacted by SSMUH zoning. See Part 3, Section 1.4 for more information about development permit areas for hazard areas.

Local governments can also continue to use their authorities under LGA, s. 491(1) to specify areas of land that warrant special measures for the protection of the natural environment on lots to which SSMUH requirements apply, provided this authority does not unreasonably obstruct the intent of the SSMUH legislation. See Part 3, Section 1.3 for more information about development permit areas for environmental protection.

## 4. Extensions

There are several circumstances under which a local government may apply for an extension to comply with the SSMUH legislation in respect of a *Restricted Zone*. Local governments may update their zoning bylaw for some areas of their jurisdiction for compliance by June 30, 2024, and request extensions for specific areas or lots within their jurisdiction. Such extensions may be granted by the Minister of Housing at the Minister's discretion based on criteria that will be detailed in a bulletin to be issued in early 2024. An application process will also be outlined at that time.

The Minister may grant one or more extensions to a local government if the Minister is satisfied that the local government is unable, by June 30, 2024, to comply with the SSMUH requirements for any of the following reasons:

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<sup>5</sup> Or mailed to: Planning & Land Use Management Branch, PO Box 9841, STN PROV GOVT, Victoria BC, V8W 9T2.

- a) the local government is in the process of upgrading infrastructure that services the specific area or specific lots for which the extension is being requested;
- b) the infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety or the environment in that area; or
- c) extraordinary circumstances exist that otherwise prevent compliance in relation to the area.

### What is an “extraordinary circumstance”?

An extraordinary circumstance for the purpose of an extension to comply with the requirements of the SSMUH legislation is a situation that would necessitate diversion of local government resources to the management of the circumstance and mitigation of impacts arising from the circumstance such that compliance with the legislation in the specified timeline would not be possible. Examples of extraordinary circumstances may include major wildfire or flood events.

An application for an extension must contain the information required by the Minister (for example, a report by a qualified professional attesting to the infrastructure need and risks) and must be submitted to the Minister as follows:

- a) unless paragraph (b) applies, on or before June 1, 2024; or
- b) in the case of extraordinary circumstances, on or before June 30, 2024.

Under Section 786(4)<sup>6</sup>, LGA, the Minister must give the local government written notice of an extension refusal or an extension approval that includes:

- a) in the case of an extension refusal, the date of the refusal, and
- b) in the case of an extension approval, the date by which compliance with SSMUH is required in relation to the area (which may not be later than December 31, 2030).

Extensions requested on the basis of infrastructure upgrades apply only to the specific areas impacted. Local governments still must amend their zoning bylaws for the other areas within their jurisdiction to which the SSMUH requirements apply by June 30, 2024.

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<sup>6</sup> Section 625(4) of the Vancouver Charter.

#### 4.1 Extended compliance date and notice of compliance

If a local government applies for an extension in relation to an area, the local government must adopt a zoning bylaw that complies with SSMUH in relation to the area, as follows:

- a) if the extension is granted, on or before the date set out in the notice of extension; or
- b) if the extension is refused, within 90 days after the date set out in the notice of refusal.

A local government must provide the Minister with written notice as soon as possible after the local government has adopted the last zoning bylaw or amendment necessary to comply with SSMUH, except for the zoning bylaw or amendments necessary to comply with SSMUH in areas for which an extension has been granted.

If an extension is granted to a local government in relation to an area, the local government must give the Minister written notice as soon as possible after the local government has adopted a zoning bylaw that complies with SSMUH in relation to that area.

### 5. Implementing SSMUH requirements

The SSMUH requirements will apply as of the date that the legislation comes into force. This means local governments must not unreasonably restrict use or density of use that must be permitted under the SSMUH legislation, nor can they avoid the application of SSMUH requirements, including by doing any of the following:

- rezone existing single-family and duplex lots to non-residential or ancillary residential uses,
- enter into new heritage revitalization agreements that vary the use or density of use authorized below the use or density of use required to be permitted pursuant to SSMUH requirements, or
- alter the location of urban containment boundaries or servicing areas.

Local governments must update their zoning bylaws to align with SSMUH legislative requirements by June 30, 2024. Figure 1 illustrates the anticipated process for local governments to implement SSMUH-compliant zoning bylaws. In doing so, local governments should consider the following.

- In some cases, local governments are prohibited from exercising authorities in the LGA related to zoning regulations, as described in Part 1, Section 2.1 of this manual.



- Typically, all bylaws enacted after the adoption of an official community plan must be consistent with LGA, s. 478 (2). However, zoning bylaws updates required to align with the SSMUH legislation are explicitly excluded from this requirement until December 31, 2025.
- Before December 31, 2025, however, local governments will need to amend their OCPs for the purpose of permitting the required uses and densities in their bylaws.
- Local governments can update their zoning bylaws for alignment with SSMUH by changing the permitted densities and zoning regulations for all single-family and duplex zones. An alternative approach that may be consistent with ongoing efforts to streamline zoning bylaws could be to consolidate multiple single-family and duplex zones into fewer zones with zoning regulations that align with SSMUH requirements.
- Local governments must not hold a public hearing for zoning bylaw updates for the sole purpose of complying with the SSMUH legislation. Consequently, notice that a public hearing will not be held must be given by local governments, according to the process set out in LGA section 467<sup>7</sup>.
- If zoning bylaw updates for SSMUH compliance are adopted using a phased approach or to accommodate in-progress applications, local governments are prohibited from holding a public hearing for each phase, if the amendment is for the sole purpose of complying with SSMUH.

After adopting the last zoning bylaw or bylaw amendment necessary to comply with SSMUH requirements, local governments must give written notice to the Minister of Housing as soon as practicable. In addition to the notice of SSMUH compliance, if there are exemptions exercised in relation to any of those bylaws, the written notice must include the location of any exempted lands and the legislative provisions (i.e., rationale) under which the exemptions are being exercised. If a local government is unable to amend its zoning bylaw within the established timeframe, it must request an extension (see Part 2, section 3).

### 5.1 Ministerial authority in the event of non-compliance by a local government

Local governments that do not comply with the legislative requirements for SSMUH by the compliance deadline of June 30, 2024, may be subject to a ministerial order that overrides their zoning bylaw to permit the use and a minimum density of use required to be

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<sup>7</sup> Section 566.1 of the Vancouver Charter.

permitted under SSMUH. In these cases, the minister will first give notice and provide an opportunity for the local government to make the amendments.

The Local Government Zoning Bylaw Regulation<sup>8</sup> may be used to establish specific conditions to override the non-compliant single-family and duplex zoning bylaw provisions. A ministerial order will remain in place until the affected local government adopts zoning that is compliant with the SSMUH legislation.

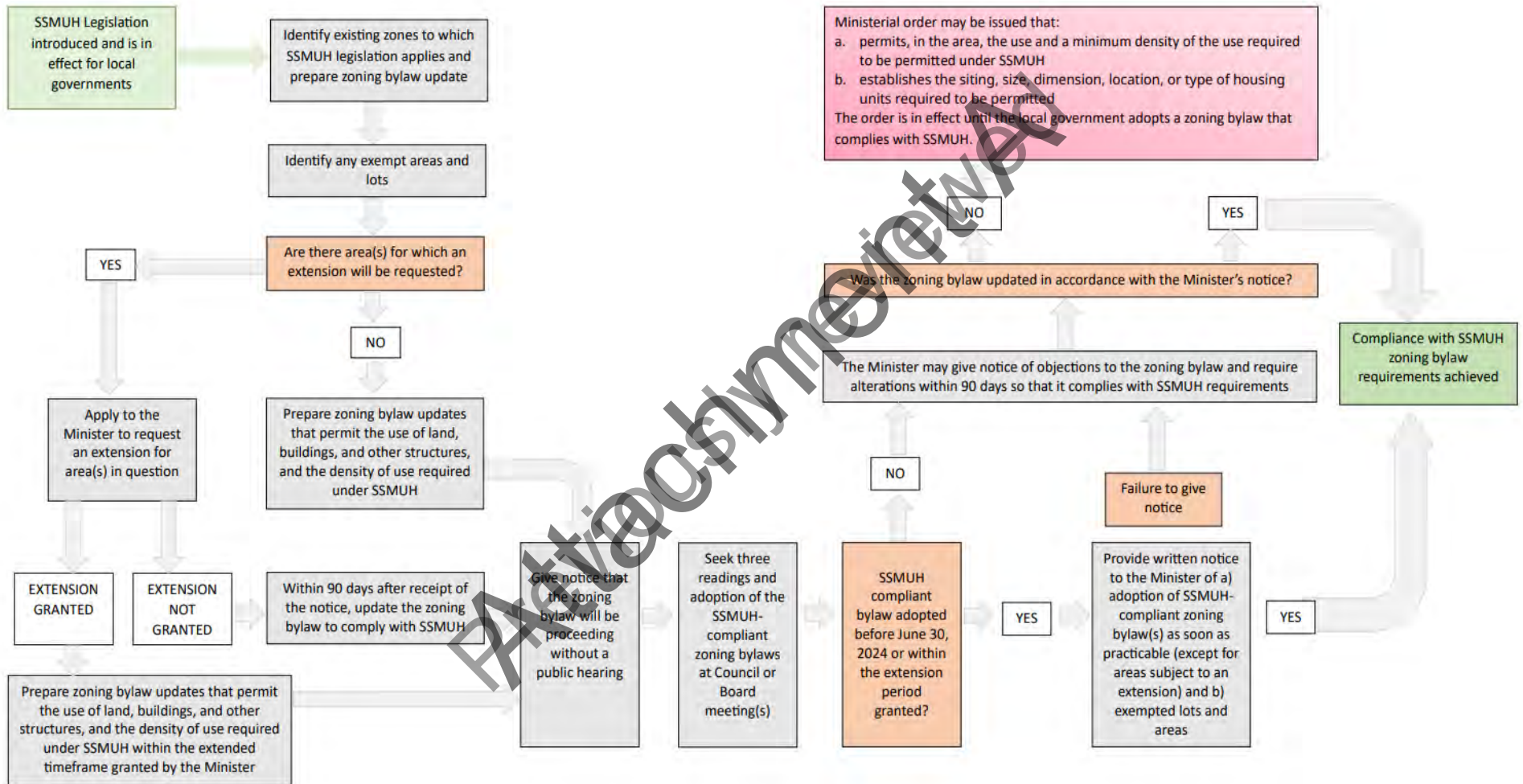
**How to ensure compliance with SSMUH requirements**

1. Approve a zoning bylaw or bylaws that comply with SSMUH requirements by June 30, 2024, unless an extension has been granted and not expired (see Part 2, Section 4).
2. Notify the Minister of Housing in writing that the final zoning bylaw or zoning bylaw amendment necessary for compliance with the SSMUH requirements has been adopted, the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions.
3. Update the official community plan by December 31, 2025.

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<sup>8</sup> Vancouver Zoning Bylaw Regulation.

Figure 1: Process for legislative compliance with SSMUH requirements



## 6. Development application processes and in-stream development applications

### 6.1 Development application processes

Following the adoption of zoning updates to implement the SSMUH legislation, rezoning applications can no longer be required for SSMUH in the areas where it must be permitted under the legislation. Rezoning will also no longer be required for secondary suites or accessory dwelling units in most places, depending on the manner in which the local government chooses to implement the legislation (for example, if a local government chooses to only permit secondary suites in single-family zones, rezoning applications may be required for accessory dwelling units).

However, development permits can still be required, and development variance permits may be necessary, depending on building design and site constraints. Additionally, some local governments might impose other requirements as a condition of building permit issuance, such as a business licence for secondary suites or accessory dwelling units.

Recommended approaches to development permit areas for SSMUH projects are discussed in detail in Part 3, Section 1 of this manual. Several ways local governments can make the development approval process easier for secondary suites, ADUs, and SSMUH projects are identified below.

#### **Development approval processes improvements for SSMUH**

- Emulate the approvals process used for single-detached homes (i.e., do not impose additional processes on SSMUH projects)
- If development permits are required, delegate issuing approval to staff
- Delegate issuing approval of minor development variance permits to staff (permitted under section 498.1 of the LGA)
- Eliminate requirements for a business license or covenant concerning the rental of secondary suites and ADUs
- Eliminate requirement for landowners to live on a property where a secondary suite or ADU is rented out
- Waive tree-cutting permit requirements for secondary suites, ADUs and SSMUH developments if none are required for single-detached dwellings

## 6.2 Options for in-stream development applications

The legislative amendments do not prescribe a specific process or approach for local governments to use when considering the impacts of the SSMUH legislation on in-stream development applications. In smaller jurisdictions, where applications are underway to permit uses or densities that will become permitted by-right following implementation of the SSMUH legislation, local governments may wish to consult with applicants to determine how they wish to proceed given the timelines involved.

In larger jurisdictions where there may be a number of such applications, the local government should develop a policy for how in-stream applications should be addressed. For example, local governments should consider fast-tracking the approval of in-stream applications where they would be consistent with the zoning amendments proposed to implement the SSMUH legislation. Application fees could be fully or partially refunded in accordance with the fee refund policy of the jurisdiction.

## 7. Relationship with other provincial legislation

In the course of reviewing development applications, local government staff take guidance from several provincial statutes or regulations. This section of this manual clarifies the relationship between SSMUH legislative requirements and other provincial legislation commonly referenced in land use planning.

### 7.1 Agricultural Land Commission Act

The *Agricultural Land Commission Act* (ALCA) is a provincial statute that sets out principles and broad rules for the protection and preservation of agricultural land in BC. The ALCA provides that any local government bylaws which are inconsistent with the ALCA are of no force or effect to the extent of the inconsistency. This means that any bylaw made to comply with section 481.3 (3) which has the effect of permitting a number of housing units greater than those permitted under the ALCA or permitting siting, siting or use of housing units other than as permitted under the ALCA will have no effect on the Agricultural Land Reserve (ALR) to the extent that the permissions in the bylaw exceed those restrictions.

In 2021, the ALCA and corresponding Agricultural Land Reserve Use Regulation (ALRU) were amended to allow for a greater range of residential uses on ALR land to support farming. Local governments must review their zoning bylaws to identify any *Restricted Zones* in the ALR and where s. 481.3 (3) applies, update their zoning bylaws to permit either a secondary suite or accessory dwelling unit as allowed by the ALR Use Regulation. In a limited number of communities, the three-unit density required under s. 481.3 (4) may also apply as a principal dwelling unit containing a secondary suite along with an

accessory dwelling unit is allowed by the ALRU Regulation. However, in most communities, only s. 481.3 (3) will apply as much of the ALR is zoned for agricultural use, consists of lots larger than 4050 m<sup>2</sup> and/or is outside an urban containment boundary. Further guidance and resources can be found at [Housing in the ALR](#).

## 7.2 Building Act

The *Building Act* establishes the authority of the provincial government to set technical building requirements across BC. Local authorities as defined by the Building Act may choose, but are not obliged, to administer and enforce provincial building regulations, such as the BC Building Code.

Regardless of whether a local government exercises the authority to administer and enforce the BC Building Code, SSMUH units must be built in accordance with the BC Building Code requirements for the appropriate building type. Most SSMUH buildings will likely be subject to Part 9 of the BC Building Code; however, some may fall under Part 3, depending on their size and the number of storeys.

Where a local government has been granted authority to administer and enforce technical building requirements different than those specified in the BC Building Code, SSMUH buildings must be built in accordance with the technical requirements of that jurisdiction. This may be the case for example, in jurisdictions that have adopted the higher Step Code standards.

### Secondary suites and the BC Building Code

The BC Building Code now allows secondary suites in more building types, including side by side units in duplexes and row housing. Size restrictions for secondary suites have also been removed. Further information on these changes can be found in [Technical Bulletin Number B19-05](#).

## 7.3 Community Care and Assisted Living Act

The *Community Care & Assisted Living Act* (CCALA) establishes the Province's authority to regulate and license community care facilities and assisted living residences. Licensed community care facilities are defined as those that offer care to vulnerable people in child day care, child and youth residential settings, and adult settings. Assisted living residences are defined as residences that accommodate seniors and persons with disabilities who receive housing, hospitality, personal assistance services and can direct their own care.

Section 20 of the CCALA exempts licensed in-home providers who care for eight or fewer children in a single-family dwelling from use restrictions in zoning bylaws, even if the local bylaws specifically disallow childcare in a single-family residential zone. The same section of the CCALA also exempts homes used as a residence for no more than 10 persons, not more than 6 of whom are persons in care (commonly called group homes) from land use restrictions in bylaws.

For this reason, many single-family detached zones only allow licensed in-home day care for eight or fewer children, or a group home in a single-family dwelling, provided there is no secondary suite in the home. When updating zoning bylaws to implement the SSMUH legislation, local governments are encouraged to consider allowing licensed in-home day cares and group homes in a wider range of building types in consultation with the regional health authority.

Consideration should also be given to the amount of outdoor play space available daily for each group of children, and for the total number of vehicles that will be present during morning drop off and end of day pick-up of children, to ensure that safe areas to which children do not have unsupervised access are provided.

#### **7.4 Drinking Water Protection Act**

The *Drinking Water Protection Act* (DWPA) applies to all drinking water systems other than those for single-family dwellings and systems excluded through the Drinking Water Protection Regulation. The DWPA establishes requirements for drinking water operators and suppliers to ensure the provision of safe drinking water for users. The DWPA also assigns certain duties to the Provincial Health Officer (PHO) regarding compliance, reporting, drinking water protection planning, amendments to protection planning, and reviewing decisions made by Drinking Water Officers.

The provisions of the SSMUH legislation that require local governments to update their zoning bylaws to permit a minimum density of three to six units only apply where the land is served by both a water system and sewer system provided as a service by a municipality or regional district, but not an improvement district.

The secondary suite and ADU provisions of the SSMUH legislation apply to areas not served by local government water and sewer. Single-family residences containing a secondary suite, in addition to the primary suite, may be considered exempt from permitting requirements under the DWPA. However, duplexes and lots with a detached accessory dwelling unit, in addition to the single-family residence, that are served by a well or other private water, meet the definition of a water system as defined by the DWPA. Such water systems must be designed, permitted, and operated in accordance with the

DWPA. Resources and information on these requirements can be found here: [How Drinking Water is Protected in B.C.](#)

## 7.5 Public Health Act

Under the *Public Health Act*, the Sewerage System Regulation applies to holding tanks and sewerage systems receiving less than 22,700 litres per day of sewage that serve single-family systems or duplexes. To mitigate risks related to groundwater contamination, local governments should only permit secondary suites and not accessory dwelling units on properties under one hectare in size that are not serviced by a local government sewer system.

## 7.6 Environmental Management Act

The *Environmental Management Act* (EMA) regulates industrial and municipal waste discharge, pollution, hazardous waste, and contaminated site remediation. The EMA provides the authority for introducing waste into the environment, while protecting public health and the environment. The EMA enables the use of permits, regulations, and codes of practice to authorize discharges to the environment and enforcement options, such as administrative penalties, orders, and fines to encourage compliance.

The applicable provisions of the EMA apply to the zoning bylaw updates made by local governments to implement the SSMUH legislation.

## 7.7 Heritage Conservation Act

The purpose of the *Heritage Conservation Act* (HCA) is to encourage and facilitate the protection and conservation of B.C.'s unique cultural heritage. Archaeological sites are granted automatic protection through section 12.1 of the HCA and are afforded protection whether they are recorded or as-yet unrecorded, located on public or private land, and whether they are intact or disturbed.

The HCA does not prevent local governments from amending zoning to comply with the SSMUH legislation on land with recorded or unrecorded archaeological sites. Land altering activities on such land may require a permit under the HCA, issued by the Minister of Forests or their delegate.

To determine if a proposed development overlaps with a protected archaeological site, or is in an area with high potential for as-yet unrecorded sites, it is recommended that developers submit an [Archaeological Information Request](#) for the project area. This report will indicate the presence of known archaeological sites within the project area, the potential for unrecorded archaeological sites, and recommend next steps. Obtaining this



information early may inform important project decisions and timelines for any necessary authorizations under the HCA. Entities who proceed with development of SSMUH units on parcels where zoning was amended in accordance with the SSMUH legislation who encounter a heritage object or site protected under the HCA during land altering activities must stop work immediately and cease work until appropriate HCA permits are in place.

Developers are encouraged to contact the Permit Connect team to understand provincial permitting requirements broadly and facilitate the prioritization of their multi-unit housing developments.

## 7.8 Land Title Act

Under the *Land Title Act* (LTA), a combination of the Torrens system of assured land titles and an accurate survey cadastral are used to establish the basis for real property ownership in BC. The LTA also provides the framework for the registration of charges (e.g., covenants, easements, liens on title of a property). Covenants registered against the title of a property could affect the ability to achieve the densities prescribed under the SSMUH legislation.

Covenants under section 219 of the LTA can only be registered by local governments, Islands Trust, a Crown corporation or agency, and the Crown. Local governments frequently use covenants of a positive or negative nature as a tool during rezoning processes to ensure or prevent a particular outcome once the land has been rezoned. Covenants may include provisions concerning:

- the use of land;
- the use of a building on, or to be erected on, the land;
- building on or the subdivision of the land; and
- protection of amenities like natural habitat.

Changes to, or release of, a section 219 covenant requires approval of the respective council or board, or in the case of a subdivision, the approving officer.

Existing section 219 covenants are not affected by the SSMUH legislation. However, local governments should not pursue new covenants that would prevent the prescribed residential densities required under the SSMUH legislation. Covenants can however still be requested for health, safety, and the protection of the natural environment.

Statutory building schemes are another form of restriction registered on a parcel's title that could impact the potential to achieve the residential densities prescribed by the SSMUH legislation. Statutory building schemes are generally reciprocal, in that the restrictions on each lot are imposed for the benefit of the other lots in the development.

Restrictions imposed by the building scheme run with the land and bind future owners/renters in the subdivision. Typical restrictions or requirements deal with building sizes, styles, finishes or colours, but can also restrict the use of buildings. Local governments are not generally party to, or responsible for the administration of the building scheme.

Provided the building scheme is valid, an existing statutory building scheme registered on title that limits the use of a property to one dwelling unit will take precedence over the unit densities prescribed through zoning updates made in accordance with the SSMUH legislation. This does not prevent a local government from zoning land subject to a statutory building scheme for a higher density, but the first responsibility of the owner(s) of that land is to uphold the terms of the building scheme.

### **7.9 Riparian Areas Protection Act**

The *Riparian Areas Protection Act* (RAPA) and the accompanying Riparian Areas Protection Regulation (RAPR) require local governments to protect riparian areas during residential, commercial, and industrial development. Qualified Environmental Professionals conduct riparian assessments within 30m of a stream, ditch, watercourse, wetland, or other body of water that is, or feeds into, fish habitat. These assessments are submitted to the province for review to ensure RAPR standards are met, and the Province has authority to either accept or reject reports. Upon acceptance of a riparian assessment, local governments can then issue the necessary permits.

While the RAPA and RAPR don't hinder local governments from amending zoning under the SSMUH legislation, development activities on parcels for SSMUH purposes must align with the jurisdiction's chosen approach to implementing the RAPA and RAPR, meeting or exceeding provincial standards. This often involves establishing a development permit area for riparian protection, and necessitating work in accordance with the riparian assessment report within the 30-meter riparian area. Any proposed works within this area must adhere to the riparian protection standards outlined in the RAPR. For more details, refer to the Riparian Areas Protection Regulation website or contact [RiparianAreas@Victoria1.gov.bc.ca](mailto:RiparianAreas@Victoria1.gov.bc.ca).

### **7.10 Transportation Act**

The *Transportation Act* deals with public works related to transportation, as well as the planning, design, holding, construction, use, operation, alteration, maintenance, repair, rehabilitation, and closing of provincial highways.

Under Section 52 of the *Transportation Act*, a controlled area is defined as any land and improvements within an 800-metre radius of the intersection of a controlled access highway with any other highway. A local government zoning bylaw does not apply to the controlled area unless it has been approved in writing by the Minister of Transportation and Infrastructure or delegate, or the bylaw is compliant with an agreement under the signature of that Minister's or a delegate. Zoning bylaw updates to implement the SSMUH legislation in controlled areas as defined in the *Transportation Act* will require the written approval of the Minister of Transportation and Infrastructure or delegate, unless compliant with an existing agreement.

## 8. Overview of other related Provincial initiatives

A significant number of legislative requirements were introduced in the fall of 2023 that impact planning, reporting, and development approval processes for BC local governments. These legislative changes and related programs, such as the [Single Housing Application Service](#) and the [Complete Communities Program](#), are designed to respond to challenges communities across the province are experiencing, including a shortage of safe and affordable housing.

These legislative changes are summarized below. They were implemented in conjunction with SSMUH legislation to collectively modernize land use planning processes; improve the supply, diversity, and affordability of housing; and help equip local governments with the tools needed to sustainably manage their services and infrastructure. They support the *Homes for People Action Plan*, which strives to build more inclusive and affordable communities.

Many of the legislative changes described below originated from the Province's [Development Approvals Process Review](#) in 2019. It was undertaken with the goal of increasing the efficiency and effectiveness of local government development approvals processes. The extensive stakeholder consultation that informed the resulting report highlighted several systemic challenges these initiatives are designed to address.

### 8.1 Housing needs reports

In November 2023, the Province updated legislative requirements for local governments to prepare housing needs reports (HNR). When updating their HNR every 5 years, local governments are now required to use a standard methodology and calculate housing needs over a longer 20-year time horizon, as well as the 5-year timeline originally required. The requirements also more directly link housing needs reports to official community plans and zoning bylaws to ensure both planning and zoning align with community housing needs.

## 8.2 Linkages between official community plans and zoning bylaws

Official community plans (OCPs) describe the long-term vision of communities. They include statements of objectives, maps, and policies that guide decisions on local government planning and land use management. Zoning bylaws are intended to implement land use planning visions expressed in OCPs and regional growth strategies by regulating how land, buildings, and other structures may be used.

In practice, zoning bylaws are often not updated for alignment with OCPs to enable the vision articulated in them to be realized. This means changes to different land uses, even if desired by local governments, and supported by the broader community during the OCP's development, are often subject to onerous and time-consuming development application processes. This reduces the ability of local governments to adapt land uses to changing community needs in a timely way. It also creates a barrier to neighbourhoods and communities realizing the vision they have identified through extensive community consultation.

The fall 2023 legislative changes mean municipalities are now required to update OCPs and zoning bylaws on a regular basis for consistency with housing needs reports. Over time, this will have the effect of reducing the number of rezonings required to bring into effect land use changes that are consistent with community visions articulated through OCPs. Development permit applications may still be needed, as well as building permits. However, this will reduce administrative requirements for local governments to process land use applications, while assisting communities in realizing their vision for growth and change sooner.

## 8.3 Transit-oriented areas regulation and policy

Transit-oriented areas (TOAs) are geographic areas surrounding prescribed transit stations. Generally, TOAs encompass a 400 metre to 800 metre radii around a transit station, which constitutes a 5-minute or 10-minute average walking distance, respectively. Transit stations will be defined in the Transit-Oriented Areas Regulation and may include a bus exchange, passenger rail station (a Sky Train station), West Coast Express station, or other prescribed transit facility. This may include planned stations that are not yet in service at the time the regulation is established.

A limited set of interim TOAs will be provided by both regulation and maps to local governments with prescribed transit stations. These interim TOAs will be in effect when the Transit-Oriented Areas Regulation is established and consist only of the transit stations located in designated transit-supportive areas that municipalities have already identified in their official community plans.

Local governments must designate any TOAs in their jurisdiction by bylaw on or before June 30, 2024, using the list of transit stations and designation criteria in the Transit-Oriented Areas Regulation. This list of stations includes both interim transit stations and additional transit stations. The full list of transit stations and TOAs are exempted from the SSMUH requirements. As a first step in implementing SSMUH, local governments should review the Transit-Oriented Areas Regulation to confirm if it applies to their community and if so, to which areas.

#### **8.4 Development financing**

The SSMUH legislation is intended to help facilitate housing supply, which will likely create demand for new or expanded infrastructure from local governments. To address this demand, local governments have a range of financing tools available to acquire and construct new assets. The key development finance tools set out in legislation include subdivision servicing charges, development cost charges (DCCs) and new provisions for amenity cost charges (ACCs).

##### *Subdivision Servicing Charges*

Local governments may establish a subdivision servicing bylaw that regulates and sets out the requirements for the provision of works and services that are needed as part of the subdivision or development of land. These bylaws are used to recover the cost of local service infrastructure that will specifically serve subdivision or development.

##### *Development Cost Charges*

DCCs can be levied on new development to help pay the capital costs of new or expanded infrastructure, such as sewer, water, drainage, parks, and roads necessary to adequately service the demands of that new development. The LGA sets out the rules and requirements for using DCCs.

If a local government wishes to impose DCCs on fewer than 4 dwelling units and does not have this authority provided for within the current DCC bylaw, an amendment to the DCC bylaw would be required. This can ensure that SSMUH developments contribute towards the costs of the infrastructure that will serve them.

To provide an incentive for affordable housing, a local government may define affordable rental housing and then provide waivers and reductions of DCCs to developments that are eligible under these definitions.

A new or amended DCC bylaw will also be required if a local government wishes to collect DCCs to help pay the capital costs of fire protection facilities, police facilities and solid waste and recycling facilities, or if the updates to zoning regulations affect the

assumptions used to calculate DCCs, such as the number of residential units, housing stock mix, or occupancy rates. The same rules and requirements that exist in the DCC framework will apply to these new categories. Additional resources for DCCs include the Province's Development Cost Charges Best Practices Guide.

### *Amenity Cost Charges*

Local governments can also use the new ACC financial tool to help pay the capital costs of amenities (e.g., community and recreation centers, libraries, day care facilities) needed to support growth and create liveable communities. Note that ACCs cannot be used to pay the capital costs of projects that are eligible to be funded through DCCs.

Like DCCs, ACCs must be imposed by bylaw. Local governments must determine the area or areas in their communities where they are anticipating growth and identify what amenities are needed in the area or areas. When determining the area(s) and amenities, local governments will need to consider their official community plans and other relevant planning documents, expected increases in population, and the financial plan.

ACCs can then be imposed as a set charge based on units, lots, or floorspace area on new development to help pay for amenities that benefit the development and the increased population resulting from new development. When setting their charges, local governments need to consider the capital costs of the amenities, phasing of amenities, whether the charges are excessive in relation to existing standards of services, and whether charges would deter development (e.g., they will need to undertake a land economic analysis).

Charges cannot be based solely on the capital costs of the amenities. In determining charges, local governments must follow the steps below.

- Deduct any grants or other sources of funding that are helping finance an amenity.
- Allocate the costs between future residents and businesses (i.e., the portion of costs allocated to new users/to be paid by new development) and current residents and businesses (i.e., the portion attributed to existing users). As amenities often benefit the existing population, local governments will need to fairly distribute the costs of amenities between future residents (i.e., the development) and existing residents and businesses (i.e., the existing tax base).
- Deduct from the portion of costs attributed to new development an amount that will be funded by the local government. Like DCCs, ACCs are intended to “assist” with paying the capital costs of amenities. Therefore, local governments are expected to provide a level of financial assistance to ensure that new development does not shoulder the entire costs of amenities.

There are certain circumstances in which a local government cannot impose ACCs, including on developments that have already paid an ACC, developments that do not result in an increase in population (e.g., a triplex replacing a triplex), or to cover the capital costs of the types of infrastructure for which a local government can impose DCCs. Local governments can waive or reduce ACCs for not-for-profit rental housing and for-profit affordable rental housing (like DCCs).

Unlike DCCs, ACC bylaws do not require approval by the Inspector of Municipalities. Instead, the legislation sets out specific requirements for developing the bylaw, such as a requirement to consult with affected parties (e.g., the public, neighbouring local governments, the development industry) and rules to ensure transparency and accountability about funds received (e.g., local governments must report annually on their charges). The Province has authority to establish regulations respecting specific aspects of the framework, such as to ensure that charges do not deter development and to exempt certain types of affordable housing from ACCs.

### **8.5 Upcoming Changes to the Adaptability and Seismic Provisions in the BC Building Code**

In 2025, provisions relating to the design of adaptable dwelling units will be required in many dwelling units. For Part 9 buildings, these requirements will only apply when a common entrance to the units is provided in the building design, and then only to units on ground floors or accessible by elevators. Part 9 buildings without common entrances or elevators will not be required to meet adaptability provisions. Many local governments currently allow or provide for increased floor space in dwelling units that are adaptable, with an average of 20-25 square feet allowed to compensate for the increased space requirements for the provisions.

In response to updated knowledge about the seismic risk in some parts of BC, new seismic mitigation measures will also be coming in 2025. For Part 9 buildings, little to no impact is anticipated on the overall size of a building constructed to the new seismic requirements and design measures may be able to mitigate the associated cost implications. Towards this end, the Building and Safety Branch is working with partners to support the development of guidance materials.

The setbacks and lot coverages in the four packages of site standards in Section 4 should accommodate any increase in a building's floor area resulting from the new adaptability and seismic provisions. For those local governments that do wish to limit the size of a housing unit to enhance its affordability, it is recommended that local governments allow additional floor space for adaptable units and where the seismic provisions will have demonstrable impacts on the building footprint for Part 9 buildings.

## Part 2 – Zoning bylaw amendments

Given the depth of the housing crisis and the province-wide goal of creating more homes, faster, local governments are required to put in place zoning bylaws that enable SSMUH and do not impede the creation of SSMUH. Local governments must not use other authorities in Parts 14 and 15 of the LGA<sup>9</sup> to unreasonably restrict or prohibit SSMUH projects.

This part of the manual identifies factors local governments must consider when updating their zoning bylaws to be compliant with SSMUH requirements and sets provincial expectations for compliance. It identifies recommended approaches based on best practices and the experiences of jurisdictions that have already implemented similar policy frameworks. It also identifies common zoning bylaw provisions that are not aligned with SSMUH objectives and alternative approaches that can be used.

Common provisions in zoning bylaws that will likely impede the successful creation of new and relatively affordable units of housing through SSMUH are identified in Table 2. Where relevant, alternative approaches, mitigations, or solutions are provided. It is important for local governments to note it is typically not a single zoning rule that impacts the viability of a SSMUH project, but rather the cumulative and cross-cutting impacts of several regulations combined.

The building types, density and intensity, and site conditions that will improve the economic viability of SSMUH projects are also described. Due to the high cost of land and buildings in BC, as well as extensive zoning regulations that were typically designed to regulate larger multi-family building forms, the economic viability of building SSMUH forms has been limited throughout most of the province. Creating a favourable regulatory environment for SSMUH housing to help overcome these barriers will require an openness to new building forms in areas traditionally reserved for detached single-family and duplex homes.

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<sup>9</sup> Parts XXVII and XXVIII, Vancouver Charter.



**Table 2: Common zoning bylaw requirements that will deter SSMUH housing forms**

Bylaw requirement	Potential negative impacts on SSMUH outcomes	Possible solutions(s) or mitigations
On-site parking requirements that are too high	Likely to reduce the viability of projects due to space limitations on traditional single-family and duplex lots, and also to reduce site permeability and livability.	Eliminate on-site parking requirements or adopt a modest maximum requirement (e.g., 0.5 spaces/unit) where residents have access to sustainable forms of transportation like public transportation or active transportation, and where on-street parking is available. More on-site parking may be considered (e.g., 1 space/unit) where public transportation or on-street parking is not available.
Insufficient height allowances	Limits of 1, 2 or 2.5 storeys will affect project viability or increase lot coverage to the point of reducing site permeability and livability. If height maximums are too low, it can also create challenges for evolving building technologies designed to improve sound and fire separation.	A universal maximum height limit that permits at least three stories regardless of the method of measurement, site gradient, or roof style improve the viability and diversity of SSMUH housing forms. This will also enable configurations and designs to be flexible so they can accommodate competing objectives (e.g., permeable surfaces, tree retention, open space for residents, parking spaces). 11 metres is often considered an appropriate building height limit to facilitate three storeys, based on a common approach of measuring building height from grade, which is to the midpoint of a pitched roof or the highest point of a flat roof from the average elevation of all corners of the building.
Servicing requirements triggered by additional units	Beyond the need to tie new units into existing water, sewer, and stormwater services, requiring upgrades to the distribution and collection system owned by the local government can add hundreds of thousands of dollars and render projects not financially viable.	Consider whether existing housing occupancy and consumption rates (in the case of water and sewer) align with assumptions underlying up-to-date infrastructure servicing models. Generally, occupancy and demand levels today are much lower than in past decades, meaning additional modest density in new units can be added with negligible impacts and without necessitating the need for system upgrades. Demand management measures, such as watering restrictions and on-site stormwater management features (e.g., rain gardens), can help mitigate servicing impacts.

Common zoning bylaw impediments	Potential Negative Impacts on SSMUH outcomes	Possible solutions(s) or mitigations
<p>Limitations on the visibility or positioning of entrances for non-principal dwellings</p>	<p>Regulating the positioning of doorways can significantly limit the viability of different SSMUH building forms, which are already constrained by lot size and configuration, setbacks, and geotechnical considerations.</p>	<p>Remove regulations related to the positioning of entrances on non-principal dwellings.</p> <p>Recognize the potential for internal facing entrances to improve the livability of new units (e.g., through a courtyard arrangement or shared green space) and encourage them through design.</p> <p>This approach should take into account any requirements for unit addresses to be visible for emergency response, and servicing considerations if units front onto laneways.</p>
<p>Owner-occupation requirements for secondary suites</p>	<p>This condition on the establishment and use of secondary suites unnecessarily limits the availability of rental units, is contrary to the intent of zoning bylaws to regulate use (not users) and is regarded as questionable legally<sup>10</sup>.</p>	<p>Remove owner-occupation requirements for secondary suites.</p> <p>Where they exist, address concerns about property maintenance, noise, or other nuisance directly through appropriate local government bylaws.</p>

<sup>10</sup> See Province of British Columbia. (2003). *Suites: A guide for local governments*. Retrieved from [https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/uploads/secondary\\_suites.pdf](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/uploads/secondary_suites.pdf)

## 1. Building type

Most zoning bylaws contain use regulations in their residential zones that prescribe the building types permitted. For example, single-family residential zones generally permit one single-detached dwelling per lot. These use and density regulations have traditionally been applied to maintain a particular style of land development that creates neighbourhood consistency and are a holdover from an era of larger household sizes that are not as common as they used to be. However, they also have the effect of limiting housing diversity (as well as community diversity and inclusiveness) by restricting other housing types. Enabling more diversity in housing types will help improve housing affordability over time and better respond to the needs of changing demographics in communities.

Local governments implementing SSMUH zoning bylaw updates should be flexible in terms of permitting the full range of combinations and configurations for SSMUH buildings, up to at least the specified density or unit limit on a given lot. For example, rather than create a zone that permits a duplex, triplex, or fourplex, a zone could permit up to four housing units, without limiting the form those buildings should take.<sup>11</sup> The large number of configurations possible to accommodate four units on a lot are listed below.

### **There are many ways to combine and configure units on a lot**

Allowing the full range of combinations and configurations of SSMUH housing on lots will create more diversity in housing choices to meet the needs of households that are becoming more diverse in their composition. For example, in contrast to a zone designed to permit only fourplexes, a zone that permits four housing units of any type allows for several combinations and configurations of housing, including:

- Principal housing unit + secondary suites x 2 + one ADU
- Principal housing unit + secondary suite + detached ADUs x 2
- Duplex x 2
- Duplex with one secondary suite in each unit
- Triplex + detached ADU
- Fourplex
- Four townhouses
- Four detached housing units (e.g., a cottage court)

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<sup>11</sup> With the exception that local governments should still not permit the use of travel trailers, recreational vehicles, and other forms of housing on temporary foundations as dwelling units.

This approach will allow those who are designing and developing the housing to select a form that better aligns with the needs of the community or future residents. The flexibility created will also enable landowners to build in a way that takes into account factors like expertise and capacity in the construction industry, and important site considerations like topography, tree canopy, heritage and environmental values.

Jurisdictions that have laneways may have additional considerations to take into account in terms of the siting, configuration, and orientation of units. For example, laneways can improve the ease of incorporating onsite parking by removing the need for a driveway through the lot. However, laneways may not be maintained to the same standard as other roads, in which case local governments may prefer not to permit unit access along them.

When updating zoning bylaws to allow a wider range of housing forms, local governments should consider the implications for existing uses like single-family homes. If single-family homes are no longer allowed in a zone, it could cause all the existing single-family homes to become legal non-conforming.

## 2. Density / intensity

There are a number of “levers” that local governments have to regulate the size and number of units that can be developed on a parcel of land. Each lever has benefits and drawbacks, and the SSMUH legislation and this corresponding policy manual propose a unique suite of them to achieve more housing in BC communities. Local governments should not use any levers in zoning or design guidelines for the purpose of unreasonably restricting or prohibiting the intent of the SSMUH legislation.

Zoning bylaws typically regulate the *density* of development in residential zones by controlling the number of units per lot or units per hectare. SSMUH legislation will supersede local governments’ ability to regulate on-parcel density in *Restricted Zones* as defined in the legislation, through the introduction of a minimum number of housing units required to be permitted for lots of varying characteristics.

Local governments also often regulate the *intensity* of development in residential zones. This can be done in a number of ways, including lot coverage limits, floorplate limits, total floor area limits, and through Floor Area Ratio (FAR) or Floor Space Ratio (FSR) regulations (commonly used interchangeably). In conjunction with other regulations, FAR is a key determinant in the bulk of a building on a given parcel and extra FAR is often used as leverage in density benefit (sometimes called density bonusing) schemes whereby local governments will authorize an increased FAR in return for amenities, affordable housing, or special needs housing.

In most single-family and duplex zones, the FAR is often kept low to maintain a similar size of housing unit across neighbourhoods. To effectively implement SSMUH zoning, the typical FAR of residential zones would have to be raised. However, FAR is not necessary to regulate the maximum floor area in SSMUH zones. In combination with setbacks and parking requirements, FAR limits can undermine the viability of creating new units of housing on a lot. When combined with a limit on the number of units permitted on a given site, creating a buildable area through setbacks and height regulations instead of specifying FARs will provide greater flexibility to enable landowners and developers to build SSMUH units of an appropriate size and intensity for the lot and local market. This is the approach reflected in the accompanying Site Standards for all densities.

Local governments could consider maintaining FAR limits in SSMUH zones in circumstances where zoning could allow for more units than the unit numbers permitted under SSMUH legislation as part of a density bonusing scheme. In these circumstances, a lot could be permitted to have more units than prescribed in the legislation through an increased FAR, in return for an amenity.

Local governments may also wish to retain FARs in zoning bylaw requirements on larger lots to avoid the construction of excessively large and relatively expensive housing units. However, using building footprint to limit the size of buildings and housing units instead will help achieve the same objective without the same impacts to project viability, provided building heights permit up to three stories.

Rather than introduce FAR limits for SSMUH forms of housing, local governments should consider reducing FAR limits for single-family dwellings, as the City of Vancouver has done. This will improve the relative economic viability of multi-unit forms of housing to encourage more of them to be built. It will also discourage the development of excessively large and expensive single-family dwellings that could be illegally converted to multi-unit dwellings to avoid costs and regulatory processes.

**Floor area ratio or FAR** describes the relationship between the total amount of usable floor area that a building is permitted to have and the total area of the lot where the building sits. It is not just a measure of the footprint of the building on the land but rather the sum of all usable floor area of the building relative to the land.

### 3. Lot line setbacks

Standard setbacks from lot lines for buildings and structures serve several functions. In addition to setbacks, building code requirements for spatial separation for fire safety need to be followed to reduce the risk of fire spreading from one building to another.

Setbacks are often also designed to create a consistent look and feel on a street, mitigate concerns about adjacent uses, and define where open space on a parcel is located. However, they can also restrict opportunities to work around on-site geotechnical or environmental constraints and limit design flexibility and diversity in terms of housing forms. Reductions in setbacks, particularly rear and side yard setbacks, will likely be required to accommodate an increased number of housing units on what have traditionally been single-family residential or duplex lots.

To create a favourable development environment that encourages landowners to add additional housing units on their lots, local governments should adopt modest lot line setbacks in *Restricted Zones*. This will help ensure the viability of SSMUH housing forms and provide flexibility for the development of new units through multiple configurations.

It is particularly important that setbacks for lots proximate to transit in respect of which local governments will be required to permit a minimum of six units have minimal setbacks to improve their viability. The Site Standards for these lots recommends zero lot line setbacks, recognizing the potential of buildings of this scale to be non-combustible and built in a rowhouse or townhouse style where lot conditions are conducive to it.

Builders and developers will often use larger setbacks depending on the building type (e.g., combustibility), parking requirements (particularly for rear-yard parking and drive aisles), and the location of doors and windows. For example, larger side yard setbacks are required if the non-principal dwelling units have entrances/exits facing rear or side yards. This configuration will be likely for some forms of SSMUH housing, such as ADUs. The generous rear yard setbacks typical of single-family zones (e.g., 7 meters) will significantly limit the viability of adding additional housing units to single family lots. A reduction in rear yard setbacks will create flexibility in terms of the siting of units and open space on a lot. Lot coverage limits can be used to help mitigate some concerns related to SSMUH by ensuring an appropriate balance between open space and impermeable area.

The BC Building Code establishes spatial separation requirements for buildings to prevent the spread of fire. Depending on a number of factors, the Code does permit buildings to be constructed right up to the property line. However, the distances that a building must be from a property line for fire safety or from another building on the same property may be greater than the setbacks in a zoning bylaw. Where this is the case, changes to the design of a building or adding sprinklers may be used to align the fire safety requirements of the building code with setbacks in a zoning bylaw.

Local governments should also consider reducing their front yard setbacks to bring buildings closer to the sidewalk, which will have the effect of creating more vibrant streets through the 'eyes on the street' effect and increasing the likelihood of social interactions. A smaller front yard setback yields opportunity for a larger backyard, which can help achieve

livability or urban forest objectives. More generous front-yard setbacks in rural or semi-rural settings (e.g., 4.5m to 6m) where there is no landscaped median may still be warranted to reduce the impacts of roads in terms of noise and safety risks. Due to the larger lot sizes that are conventional in rural and semi-rural settings, this should not have a meaningful impact on the viability of adding additional units of housing to these lots.

Of all the land use regulation changes proposed in this manual, reducing customary single-family and duplex front and rear lot line setbacks may have the most profound effect on the traditional development pattern in single-family and duplex zones. It will enable buildings to be sited in what would have traditionally been a front yard or a back yard. Importantly, it will allow flexibility in terms of the location of open space and housing unit siting on lots to create a greater variety of configurations of housing units and improve on-site livability.

#### 4. Building height / storeys

Building height regulations in single-family and duplex zones often permit up to a two-storey building with a height between seven and eight metres. To accommodate additional units on a lot, permitted building heights can be increased to maintain open or permeable space on the lot and accommodate the units within the required distances from property lines and/or between buildings for compliance with the BC Building Code. Building code requirements also create a practical limitation for SSMUH housing forms in terms of height maximums. When buildings exceed three storeys, on most lots (depending on grade) they are required to have a second exit, which has a significant impact on project costs and viability. Accordingly, local governments should consider allowing at least three storeys and a height of 11 metres in *Restricted Zones* for their zoning bylaw requirements<sup>12</sup>.

Lower height limits will introduce significant trade-offs and likely negatively impact other desired outcomes for landowners and communities. For example, overly restrictive height limits could reduce the number of units that can be established on the site and consequently increase the costs to build, buy and/or rent each unit. Restrictive height limits can also have the following impacts:

- Increasing the coverage of impermeable surfaces, which could increase pressure on stormwater management systems and/or negatively impact surface and groundwater resources;

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<sup>12</sup> Local governments use various methods to measure and regulate height. This may cause slight variations in the height necessary to permit three storeys.

- Reducing open space available for use by residents, for retention or planting of on-site trees, or for protection of other environmental values;
- Potentially reducing the livability of housing units on the site as well as adjacent units by necessitating smaller side and rear-yard setbacks; and
- Reducing accessibility and livability by foregoing a ground-floor unit in favour of a below-grade unit.

## 5. Lot coverage

Similar to Floor Area Ratio (FAR), lot coverage is another metric by which the intensity of development on a parcel is regulated. Lot coverage is generally expressed as a percentage, calculated by dividing the footprint of all buildings and structures on a lot by the size of the lot (using the same unit of measurement) and multiplying by 100. In some jurisdictions, all impervious surfaces are included in lot coverage calculations. In others, ground-level paving is excluded. Lot coverage is regulated by local governments for several reasons.

Lot coverage limits can be used to limit the size of buildings, in conjunction with setbacks, to ensure a consistent pattern of development and protect the pervious surfaces that support groundwater recharge and effective stormwater management. In most single-family and duplex zones, lot coverage ranges from between 25 and 40 percent, although it can be set below that on larger lots to control house size, or higher on smaller lots where a low lot coverage could impede development of a livable home. However, these lot coverage limitations can be an impediment to SSMUH housing forms if they do not allow a sufficiently large building footprint to accommodate development forms for multiple units that are financially viable.

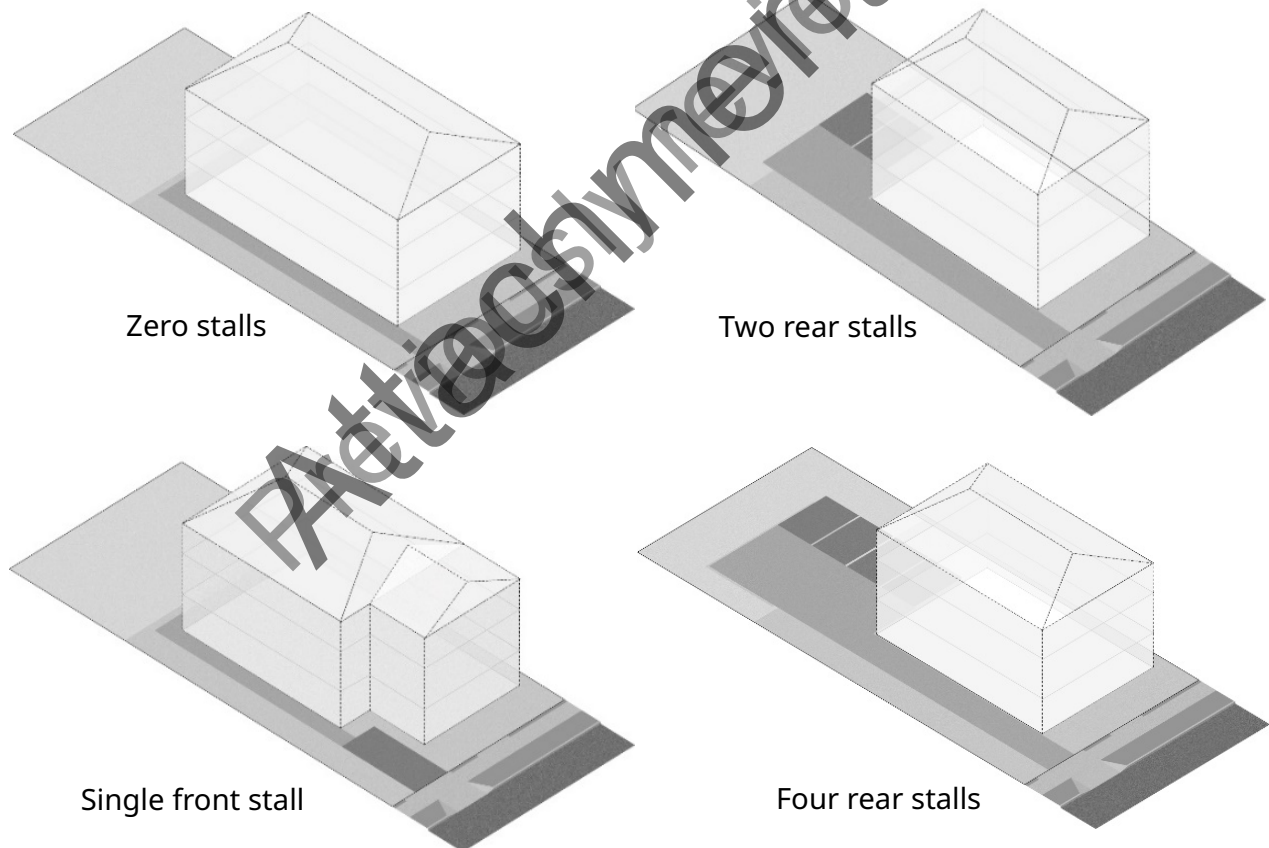
The combination of the small size of single-family and duplex lots in some BC communities and the need for sufficient distance from property lines and/or between buildings to comply with the BC Building Code (particularly for combustible buildings) inherently reduces the possible lot coverage of resulting buildings, particularly if on-site parking is required. Nonetheless, setting lot coverage limits will help maintain permeability on the site to reduce impacts to stormwater management and water resources. It will also help keep the size of new homes resulting from the SSMUH zoning changes reasonable and more affordable. The Site Standards recommend different lot coverage limits for each type of lot subject to different density requirements, ranging from 60% for lots where a minimum of 6 units must be permitted, to 30% on lots for which only secondary suite and/or ADUs must be permitted.



## 6. Parking requirements

Of all bylaw regulations, on-site vehicular parking requirements often have the greatest influence on the viability of SSMUH housing forms. This is because typical single-family and duplex lots in urban and suburban settings are generally not large enough to accommodate multiple dwelling units with their required setbacks, and parking stall requirements for each unit. As illustrated by Figure 2, the inclusion of on-site parking requirements has significant consequences for the use of space, buildable area, as well as the configuration and siting of buildings on lots. Consequently, local governments should minimize parking requirements when updating their zoning bylaws, and in some cases consider removing parking requirements for residential zones altogether.

Figure 2: Impacts to building area and siting from on-site parking requirements



At the same time, many people (such as students and seniors) cannot, or choose not, to own or drive a car and rely on other modes. In some communities, this is a significant share of households. Local government requirements are often dated and result in parking being significantly overbuilt. A 2018 study by Metro Vancouver found that parking supply exceeded use by around 40% in various types of strata and rental apartment buildings across the region.<sup>13</sup>

There are many other advantages of adopting low or no parking requirements for residential housing developments, as described below.

**Improved affordability and equity:** Reducing parking requirements can directly reduce housing costs through avoided costs for new development (in the lower mainland and Greater Victoria, surface parking spaces commonly cost \$20,000 - \$30,000 to build while underground parking costs range from \$50,000 - \$75,000 per space). It can also indirectly reduce housing costs by making it more viable to increase the number of dwelling units on a lot, contributing to an increase in housing supply. Car ownership rates are higher among those with higher incomes, meaning requiring parking spaces creates a housing cost that disproportionately impacts lower-income residents and may add unnecessary costs.

**Increased permeable space for the environment and livability for people:** For SSMUH housing forms, low or no parking requirements can significantly increase permeable, open space to support more tree retention/planting, reduce impacts on stormwater flows and infrastructure, and improve the livability of new housing units and any principal housing units retained on the site.

**Support modal shifts and climate change mitigation efforts:** Reduction or elimination of minimum parking requirements is also a key transportation demand management strategy that can support local governments with meeting local, provincial, and federal climate change mitigation targets. Where there are viable sustainable transportation choices available beyond driving personal automobiles, such as public transit or active transportation, removal of on-site parking can encourage a reduction in vehicular use and ownership. For this reason, a reduction in parking requirements for residential housing forms is an important strategy to improve the viability (and convenience) of public transit by increasing demand for the service, and decreasing the costs and space required for infrastructure to enable individual vehicular transportation.

**Speed up construction and reduce construction impacts:** Even in smaller buildings, building parking can add significantly to construction time, which ultimately delays the

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<sup>13</sup> *The 2018 Regional Parking Study: Technical Report*, Metro Vancouver:  
<https://metrovancover.org/services/regional-planning/Documents/regional-parking-study-technical-report.pdf>

provision of housing and uses scarce construction resources that could be at work on other homes. Underground parkades are particularly impactful on neighbours, requiring excavation and sometimes blasting, and many additional heavy truck trips on local roads. Finally, the large amounts of cement and steel required for parkades are typically the single biggest sources of embodied carbon in new buildings.

**Improve community vibrancy and equity:** In urban and sub-urban contexts, a reduction of on-site parking requirements and a transition away from car-oriented street designs are important strategies to improve community vibrancy through an increased emphasis on the pedestrian environment and gathering spaces in the public realm. This approach also contributes to greater equity by ensuring that those who are unable to drive or afford personal automobiles have access to transportation choices.

For the reasons described above, more and more local governments across North America are eliminating requirements for parking in residential developments. For example, minimum parking requirements have been eliminated in Edmonton, Toronto, San Francisco, and Portland. This does not mean that no on-site parking is built with new residential developments in these cities; it means those developing the new housing units can determine – based on local market conditions and demand – how much on-site parking to provide on their properties. This can also be influenced by the surrounding transportation context and the lifestyle of future residents.

An alternative approach, and one that is often used as an interim step toward the elimination of parking minimums, is the use of requirements that, in addition to setting a minimum number of parking spaces per unit, also set a maximum number of parking spaces per unit for residential developments. This approach is particularly promising for missing middle housing forms due to the inherent challenge of fitting several parking spaces on single-family and duplex lots. This approach gives some discretion to builders/developers to incorporate parking that they anticipate aligning with the needs of future residents, but up to a limit.

In other words, parking maximums can help ensure that parking supply is not excessive and can help local governments manage stormwater impacts associated with infill housing. Parking maximums retain some of the advantages of no parking requirement approaches, such as improved affordability and encouraging a modal shift. Parking maximums are often applied to sites that are within more urban contexts (e.g., downtown, urban mixed-use village centres, etc.) or within an area that is in proximity to high-quality frequent transit service.

In rural contexts, residents may not have reasonable alternatives to using personal automobiles. Single-family and duplex lots are generally large enough that the inclusion of parking spaces is not likely to be a barrier to the creation of additional housing units

Considerations for all three approaches to parking requirements for SSMUH housing are outlined in Table 3, which also identifies recommended scenarios for their use when local governments are considering zoning bylaw updates for alignment with SSMUH.

To help ensure the viability of a minimum of 6 units of housing on lots that meet the definition of transit proximity, local governments are not permitted to set any parking requirements for those lots.

The availability of on-street parking is also an important consideration when setting parking requirements or considering the use of no parking requirements. The use of on-street parking to manage overflow from residential parking is a long-standing practice in many urban and sub-urban contexts.

**Table 3: Considerations and recommended uses of different off-street parking approaches for lots with a minimum of three or four units in *Restricted Zones***

On-site parking approach	Considerations for SSMUH	Recommended scenarios for using the approach
No parking requirements	<ul style="list-style-type: none"> <li>• Allows builders/developers/ property owners to determine how much parking space is needed (if any) based on local conditions, the surrounding transportation context, and lifestyle of future residents</li> <li>• Can increase the viability and reduce costs for SSMUH housing forms</li> <li>• May increase demand for on-street parking (can be managed if needed through permitting programs)</li> <li>• Results in a loss of local government control over transportation demand management strategies for community objectives like climate change mitigation, increasing neighbourhood vibrancy</li> <li>• Significant implications for the amount of space on lots to support other uses (e.g., gardens and outdoor living area)</li> </ul>	<ul style="list-style-type: none"> <li>• Lots in <i>Restricted Zones</i> that must permit a minimum of three or four units and where access to sustainable modes of transportation is available.</li> <li>• Neighbourhoods where the lot sizes are sufficiently large to easily accommodate both the new units and parking.</li> <li>• In rural areas, where only one secondary suite or accessory dwelling unit is permitted providing suitable on-street parking is available.</li> </ul>

On-site parking approach	Considerations for SSMUH	Recommended scenarios for using the approach
Parking maximums (per unit)	<ul style="list-style-type: none"> <li>Allows builders/developers/ property owners to determine how much parking space is needed (if any) based on local conditions, up to a maximum</li> <li>Likely to increase demand for on-street parking which may compete with other objectives (e.g., installation of bike lanes, increasing curbside space for commercial/passenger loading, etc.) or require management</li> <li>Maintains some local government control over off-street parking to help align outcomes with other community goals like climate change mitigation, tree retention, and stormwater management</li> </ul>	<ul style="list-style-type: none"> <li>Lots in <i>Restricted Zones</i> that must permit a minimum of three or four units and where access to alternative modes of transportation is available.</li> <li>When setting a maximum parking limit, local governments must also establish a minimum number of parking spaces.</li> </ul>
Parking minimums (per unit)	<ul style="list-style-type: none"> <li>Can decrease the viability of projects, particularly for smaller lots</li> <li>Can increase construction costs and contribute to higher costs per unit</li> <li>Will reduce demand for on-street parking</li> <li>Likely to result in a high proportion of impervious surfaces on lots in <i>Restricted Zone</i> which will increase pressure on stormwater systems and reduce yard space available for resident use and trees</li> </ul>	<ul style="list-style-type: none"> <li>No parking requirements are recommended for most SSMUH housing forms</li> <li>Off-street parking may be necessary in rural areas where no on-street parking is available or to facilitate snow-clearing activities</li> </ul>

On-street parking manages itself in many ways, since the difficulty obtaining it or lack thereof influences behaviour and encourages users to find parking elsewhere or reduce reliance on it. However, if needed, local governments also have the ability to manage the valuable public space used for on-street parking through permitting requirements. Residential parking permit programs are used in several communities across the province of varying size, including the City of Kelowna, City of Victoria, City and Duncan, and Township of Esquimalt, among others.

In many communities around the province, snow removal practices may limit the extent to which on-street parking can be relied upon to accommodate overflow from SSMUH housing forms. In such cases, more off-street parking may be warranted than the recommended ratios in Part 4 (the Site Standards).

**Table 4: On-site and off-site transportation demand management measures**

On-site measures for developers/builders	Off-site measures for local governments
<ul style="list-style-type: none"> <li>• Ground-floor units that enable ease of access with mobility devices and strollers</li> <li>• Bike parking facilities that are generously sized, secure, and under cover to accommodate a range of bicycle types including oversized bikes (e.g., electric cargo bikes, tricycles, etc.) which are common among young families</li> <li>• The provision of bicycles or electric bicycles to residents when they move into the building to increase bike ownership and/or rebates to offset the cost of bicycle purchase</li> <li>• The provision of carsharing memberships or cash contributions in the form of driving credits for different carshare service providers</li> <li>• Provision of a BC Transit public transit pass through the EcoPASS program for a minimum five-year term for every housing unit</li> </ul>	<ul style="list-style-type: none"> <li>• Improving pedestrian facilities such as more and improved sidewalks, paths and crosswalks, and better traffic signals (e.g., longer signals or pedestrian-priority signals)</li> <li>• Implementing traffic calming measures and re-allocating public right-of-way from vehicle movement to other uses (e.g., pedestrian infrastructure or gathering places)</li> <li>• Improvements in transit stop infrastructure</li> <li>• Installing all-ages and abilities cycling infrastructure such as protected bike lane infrastructure</li> <li>• Increasing separation of pedestrians and cyclists from vehicle traffic and enhancements to the public realm (e.g., gathering spaces, benches, shade trees, landscaping buffers)</li> <li>• Reducing parking availability on private and public lands and/or charge for its use to manage demand</li> <li>• Incentivizing secure bike parking facilities at schools, workplaces, and commercial centres</li> <li>• Encouraging end-of-trip facilities such as showers and lockers in schools, universities, and workplaces to help remove barriers to active transportation</li> </ul>

## Part 3: Other considerations for implementing SSMUH requirements

### 1. Development permit areas

Development permit areas (DPAs) are an important tool available under LGA section 488 that local governments in BC can use to establish the conditions under which land alteration and new development takes place. Development permit areas are designated through official community plans and the guidelines can be specified in either the official community plan or a zoning bylaw.

#### Eligible Uses of Development Permit Areas (DPAs)

DPAs are used to identify locations that need special treatment for certain purposes including the protection of development from hazards, establishing objectives for form and character in specified circumstances, or revitalization of a commercial use area.

Section 488 the *Local Government Act* identifies eligible purposes of DPAs:

- (a) Protection of:
  - a. The natural environment, its ecosystems and biological diversity
  - b. Development from hazardous conditions
  - c. Farming
- (b) Revitalization of an area in which a commercial use is permitted
- (c) Establishment of objectives for the form and character of:
  - a. Intensive residential development
  - b. Commercial, industrial, or multi-family residential development
  - c. Development in a resort region
- (d) Promotion of:
  - a. Energy conservation
  - b. Water conservation
  - c. Reduction of greenhouse gas emissions

Local governments may continue to use DPAs, provided they do not unreasonably restrict the ability to use land at the use or density prescribed by the new legislation provisions (Section 457.1<sup>14</sup> of the SSMUH legislation). This section offers direction on appropriate use of DPAs in the context of SSMUH legislative requirements. It also offers alternative means to achieve similar outcomes where DPA objectives are beyond the authorities of local government or likely to be a barrier to the development of SSMUH housing.

### 1.1 Ensuring alignment between SSMUH zoning, DPAs, and OCPs

Section 478 (2) of the LGA states that all bylaws enacted after the adoption of an OCP must be consistent with the relevant plan. Local governments may therefore find that new land uses permitted under SSMUH zoning are inconsistent with existing DPAs. For example, an environmental protection DPA guideline may discourage more than one housing unit on a lot in that area. Consequently, following adoption of zoning bylaws to enable SSMUH, local governments should review their DPAs and associated guidelines to ensure they do not unreasonably prohibit or restrict SSMUH development.

In reviewing and/or updating development permit areas, local governments should identify clear objectives and guidelines for development permit areas that are directly linked to the relevant authorities found in Division 7, Part 14 of the LGA. For example, both environmental DPAs and those designed for the protection of development from hazardous conditions may specify areas of land that must remain free of development, except in accordance with any conditions outlined in the development permit area. However, only a development permit under LGA s. 488 (1) (b) [protection from hazardous conditions] may vary land use or density as they relate to health, safety, protection of property from damage.

Local governments should also ensure they are using the most appropriate tool or bylaw for the task and desired outcome. Local governments in BC commonly use DPAs to achieve objectives that are outside the purposes prescribed in the LGA, and which can be regulated in other more appropriate ways. For example, require a business licence rather than through a business licence bylaw.

### 1.2 Development Permit Areas to Establish Objectives for Form and Character

Of the all the types of DPAs allowed under the LGA, those established under sections 488(1)(e) and (f) for the purpose of managing the form and character of SSMUH development have the greatest potential to negatively impact the creation of new housing units. DPAs and the development guidelines through which they are typically exercised,

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<sup>14</sup> Section 559.01 of the Vancouver Charter.



can introduce significant time, costs, delays, and uncertainty into projects. In the context of SSMUH housing, these factors can easily undermine the viability of projects. Common DPA requirements that can negatively impact the viability of SSMUH are identified below.

Many local governments regulate the form and character of commercial, industrial, or multi-family development through form and character DPAs. Single-family residences generally are not subject to form and character DPAs. However, local governments have discretion over what density of housing satisfies the intent of *intensive residential* under LGA, s. 488(1)(e) and would therefore be subject to this type of DPA. Since SSMUH forms are sufficiently close in size to single-detached dwellings and recognizing the other factors that can impact their viability, local governments are discouraged from using DPAs to control the form and character of SSMUH developments up to six units in all but exceptional circumstances. To implement this approach, local governments with existing form and character development permit areas should review and amend those DPAs to ensure that definitions for “intensive residential development” and “multi-family residential development” are aligned with SSMUH requirements and do not unreasonably restrict or prohibit their intent and purpose.

As outlined through the examples of common DPA guidelines on the next page, local governments can use zoning bylaw regulations to manage what are commonly viewed as the most significant elements of a development. Rather than attempting to also manage the form and character of SSMUH development through rules, local governments could also consider producing a set of voluntary, non-regulatory design guidelines that capture good practices in SSMUH development.

Some jurisdictions have developed template plans that builders can choose to use that are consistent with zoning regulation requirements and have positive design attributes, such as the City of Coquitlam. While this strategy may reduce diversity of SSMUH housing forms and innovation in design, it will likely result in more expedient approvals and produce building designs and forms that are consistent with community preferences.

**Common DPA requirements that can negatively impact the viability of SSMUH***Neighbourhood Character/Neighbourhood Fit (often considered 'General DPAs')*

DPA guidelines predicated on an evaluation of how a project may impact neighbouring properties prioritizes the interests of existing single-detached dwellings and detracts from the intention of the SSMUH legislation, which is to stimulate the creation of new SSMUH homes. Examples of these types of guidelines include requiring transitions through massing, height, or setbacks, as well as attempts to mitigate impacts on immediate surroundings via shadow, solar impact, views, and privacy.

*Location of Entrances*

Some form and character DPA guidelines require buildings to have primary entrances to each residential unit that face, or are visible from, the street. Adherence to such guidelines may limit creative building design or be open to administrative misinterpretation. Guidelines that limit the number of entrances to a building are also not appropriate for SSMUH.

*Building Height*

Guidelines that attempt to manage building height through a development permit to reduce impact on adjacent buildings or address shadow or privacy are not best practice for buildings of three storeys or less. Maximum building height is more appropriately regulated through the zoning bylaw.

*Building Massing*

Form and character guidelines that attempt to show how a building should be massed such as step-backs from street frontage or requiring upper storeys to have less mass than lower storeys put more constraints on already-constrained sites and can be eliminated in respect of buildings three storeys or less.

*Parking and Waste Management*

Policies that require parking areas to be completely enclosed or screened may result in more space being allocated for vehicles that could be dedicated for living. The same is true for solid waste management infrastructure.

*Landscaping*

Policies that require landscaping plans by a qualified landscape architect or irrigation installation are discouraged. For SSMUH there may be little landscaped area and these requirements may not be necessary. Also, there are some policies that require each unit to have exterior space at-grade adjacent to each housing unit. This hinders creativity in providing amenity space on the parcel. Reasonable compromises must be considered to stimulate development of desired housing forms.

If a local government determines that the form and character of SSMUH developments must be guided by a DPA, they are encouraged to develop them in accordance with the principles outlined below.

### **Principles for effective use of development permit areas**

**Provide Clear Direction and Be Specific:** DPA guidelines should be clearly articulated to remove discretion over how they are interpreted and how the intent of the guidelines can and has been met.

**Staff Delegation:** Authority to issue development permits should be delegated to staff under the provisions of LGA section 490(5) to improve consistency in the adjudication of applications and the timeliness of approvals.

**Advisory Urban Design Panels/Commissions:** Ensuring SSMUH projects are not subject to review by advisory design panels or planning commissions will help ensure expedient and consistent approvals.

**Recognize Constraints Through Permissive Requirements:** DPA guidelines should take into account the significant space-related constraints and limited financial viability for SSMUH housing forms and avoid the inclusion of requirements that are impractical due to these constraints.

### **1.3 Development permit areas established for the protection of the natural environment, its ecosystems and biological diversity**

Similar to the requirements for single-family homes, SSMUH developments will be subject to environmental protection DPAs established under LGA section 488(1)(a) provided they do not unreasonably restrict the ability to realize the use and density required under the SSMUH legislation. This means that local governments can continue to direct development away from areas of a parcel determined to be of ecological significance, require mitigating measures to avoid harmful impacts, and/or require compensatory measures if impacts cannot be avoided. It would not be appropriate, however, for a local government to implement an environmental protection DPA that would have the effect of preventing SSMUH forms of housing from being developed in the absence of site conditions and objectives that legitimately warrant it.

#### 1.4 Development permit areas established for the protection of development from hazardous conditions

As is the case for all dwelling types, SSMUH development will be subject to hazard protection DPAs established under section 488(1)(b) of the LGA to ensure that development in those areas does not pose an undue risk. Section 56 of the *Community Charter*, which allows a building official to request a report by a qualified professional confirming that the land may be used safely for its intended purpose, also applies to SSMUH homes.

Per section 491(3) of the LGA, hazard protection DPAs are the one type of development permit area where a local government can deliberately vary the use or density of land as a means to protect health, safety or protection of property from damage. Accordingly, it is recognized that there may be limited areas which, due to the risks their natural characteristics pose, or access to and from those areas, may be unsuitable for SSMUH development.

#### 1.5 Development permit areas established to promote energy conservation, water conservation, and reduction of greenhouse gas emissions

Like single-detached dwellings, SSMUH development will be subject to DPAs established under LGA section 488(1)(h)(i) and (j) of the *Local Government Act* for the conservations of energy or water and reduction of greenhouse gas emissions.

However, local governments should consider the following in adopting and/or reviewing DPAs developed for these purposes:

- recently developed or updated regulatory requirements such as the BC Step Code or BC Building Code may already require the same or similar outcomes for developments, and
- these requirements can raise building costs (even while lowering long-term operating costs) and hamper the viability and/or affordability of SSMUH forms of housing. SSMUH housing will support local and provincial government climate change mitigation efforts by increasing density in areas with existing services and reducing sprawl.

## 2. Subdivision, lot sizes, and strata titling

Subdivision refers to dividing land or buildings into separate real estate units. Types of subdivision that could involve SSMUH projects include, but are not limited to the:

- creation of more than one lot from one or more lots;

- creation of strata lots (can include duplexes, townhomes, and single-family homes);
- property line adjustments; and
- consolidation of lots.

In developing policies or regulations governing subdivisions, local governments should consider the relationship between the minimum lot size requirements in the various zones, including minimum lot frontage lengths, with the potential number and viability of units that could be built if the minimum lot sizes were smaller. Smaller sized lots can mean a more efficient use of infrastructure and services.

Strata subdivision of new buildings is done by the developers who must file a strata plan with the Land Title Office. Information on the process is available at the [Land Title Office](#).

The stratification of existing units requires local government approval before a strata plan can be filed in the Land Title Office. This would be the process if a landowner wished to undertake a building subdivision to create two units within the same strata corporation out of a principal dwelling like a duplex. However, local government approval is not required if none of the units have yet been occupied and are brought to lock-up stage simultaneously.

Local governments can increase strata titling or conversion of existing ADUs and duplexes by expanding the scope of existing Strata Title Conversion processes. Local governments should be aware that the BC Building Code does not allow the strata subdivision of a secondary suite from the principal dwelling unit. Side by side housing units in the same building that are built in accordance with the Code can be strata titled, however.

### 3. Considerations for the tenure of SSMUH housing

The SSMUH legislation does not presume that a specific form of tenure for SSMUH projects will be enabled through bylaw updates. The legislation does not favour ownership versus rental housing, but rather *more* housing generally in communities where housing choice has been limited by single-family and duplex zoning. However, local governments may consider regulating or incentivizing certain forms of tenure that meet the housing needs of their communities, provided the densities prescribed by the SSMUH legislation are not affected. Local governments should be aware that mandating certain tenure types through regulation may diminish the viability of some SSMUH projects and/or impact their ability to respond to changing community needs and market conditions.

### 3.1 Residential rental

Section 481.1 of the LGA and section 565 of the VC specify that local governments may limit the form of tenure in a zone or parts of a zone, if it permits multi-family residential use, to residential rental. The ability to zone for rental tenure extends to specific lots, as well as to specified numbers or percentages of units within multi-family buildings.

Local governments should consider tenure restrictions with caution, despite the significant need for secure rental housing across the province. In the City of Vancouver, where missing middle policy and regulations have recently taken effect, zoning will allow up to eight units of secure rental on what are now larger single-detached lots. However, a 2023 staff report notes that, “financial testing has demonstrated that secured rental housing is not generally viable and staff expect limited take-up of this option. Nonetheless, including it will streamline opportunities to build secured rental housing at this scale and avoid the need for individual site rezoning applications.”

Residential rental projects work under roughly the same financial equation as commercial land uses (retail/office/etc.). The rents required to cover the cost of new buildings are significant, and far exceed affordability thresholds. Many general rental projects require government subsidies in some form (grants, low interest rates, others) to be feasible.

As such, requiring residential rental of all or a portion of units permitted under SSMUH zoning could become a barrier to the construction of the types of units this legislation is intended to encourage. However, some jurisdictions that have implemented missing middle policies have used the provision of secured rental housing as a density bonus lever, wherein developers can build a significantly larger building in return for its exclusive use as secured rental housing.

Regardless of the approach, local governments are encouraged to track the outcomes of the new zoning for at least three years to assess the level of market interest in developing this housing form, with tenure determined by the developer and unit owners, and only then assess whether mandating residential rental tenure is appropriate.

Foregoing the use of residential rental tenure zoning does not preclude SSMUH units from being used for residential rental. Recent amendments to the *Strata Property Act* now prohibit strata corporations from enacting bylaws that prohibit the rental of strata units. Therefore, strata unit owners are now free to rent their units to tenants. Alternatively, some owner-developers may choose to subsidize the construction of their own housing unit by building a triplex or quadplex where they rent out the additional units. At SSMUH's small scale, and in light of the housing challenges facing both renters and prospective new owners, tenure decisions may be best left to the project developers and unit owners, except where projects have received some form of government incentive.

### 3.2 Residential rental incentives and subsidy

To encourage more rental units within SSMUH projects, local governments should consider incentivizing, rather than regulating it through some of the following approaches:

- property tax exemptions or reductions for heritage revitalization agreements,
- development cost charge waivers or reductions,
- forgivable loans in return for commitment for rental-only tenure for an appropriate duration of time<sup>15</sup>, and
- contributing government-owned land.

Local governments may wish to consider developing such an incentive program in conjunction with SSMUH zoning regulations if this is a form of tenure they wish to target and consider provincial or federal incentive programs to ensure alignment.

### 3.3 Strata ownership

Strata ownership is a form of tenure that provides exclusive use and ownership of a specific housing unit (the residential strata lot) which is contained in a larger property (the strata plan), plus shared use and ownership of the common areas. Strata owners hold title to their individual housing units and have a proportionate share of the common property, which is typically common areas such as outdoor grounds, elevators, halls, and recreational spaces. Strata ownership is the conventional ownership model in condominium buildings across the province, guided by the *Strata Property Act*. Residential strata lots can be contained in a single building or distributed across many buildings that together form the strata project.

As discussed above, SSMUH building forms, particularly in areas with higher land costs and excessive regulation, can have slim financial viability, resulting in a low likelihood of resulting units being constructed as purpose-built rental. Local governments in urban settings particularly should anticipate that most SSMUH projects will be built for market-rate strata ownership. However, there is a reasonable likelihood that many owners of strata-built SSMUH units will rent them out on a long-term basis. The possibility of future strata conversion should be a consideration for the design of SSMUH units.

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<sup>15</sup> Ten years or the life of the building are common timeframes codified through Housing Agreements in accordance with section 483 of the LGA. Agreements 'in perpetuity' should be discouraged because they reduce the flexibility of the site for future uses after the end of the building life.

### 3.4 Short-term rentals

The purpose of the SSMUH legislation is to encourage the construction of new small-scale, multi-unit housing for long-term occupancy. In the fall of 2023, the Province passed the *Short-Term Rental Accommodations Act* to support local government enforcement of short-term rental bylaws, return short-term rentals to the long-term rental market, and establish a provincial role in the regulation of short-term rentals.

In many municipalities, once the legislation comes into effect, short-term rentals can only be offered in the principal residence, a secondary suite in the principal residence, or an accessory dwelling unit on the same property as the principal residence. Forthcoming regulations will specify which areas are exempt from the principal residence requirements. Further information on this legislation is available on [BC Laws](#).

### 3.5 Affordable Housing and Special Needs Housing

To help ensure the viability of SSMUH, the legislation prevents local governments from using density benefits (described under Section 482 of the LGA) for amenities. It does however allow their use for affordable and/or special needs housing under the following circumstances:

- for lots on which the requirements for permitting a minimum of six units apply (based on proximity to a prescribed bus stop as defined in the Local Government Zoning Bylaw Regulation or Vancouver Zoning Bylaw Regulation), in which case local governments may establish conditional density rules to achieve one of the six units required to be permitted under SSMUH; and
- for housing units in excess of the minimum number of housing units required to be permitted under SSMUH.

In either of these cases, local governments may establish the following conditions for the approval of the units concerned, in accordance with the existing authorities LGA s. 482 allows:

- conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind, and extent of the housing (LGA s. 482(2)(b)); or
- a condition that the owner enter into a housing agreement under LGA section 483 before a building permit is issued in relation to property to which the condition applies (as per the provisions in LGA s. 482(2)(c)).

Local governments should confirm economic feasibility before requiring the provision of an affordable dwelling unit in six-unit buildings in proximity to bus stops. The financial viability and impact of requiring an affordable unit will vary from community to



community and even neighbourhood to neighbourhood, thereby affecting the viability of SSMUH projects. Even if a project remains viable with the inclusion of an affordable unit, it is likely to have the effect of increasing the costs of rent or purchase for the remainder of the units in the development, which could undermine the desired objective of improving housing affordability.

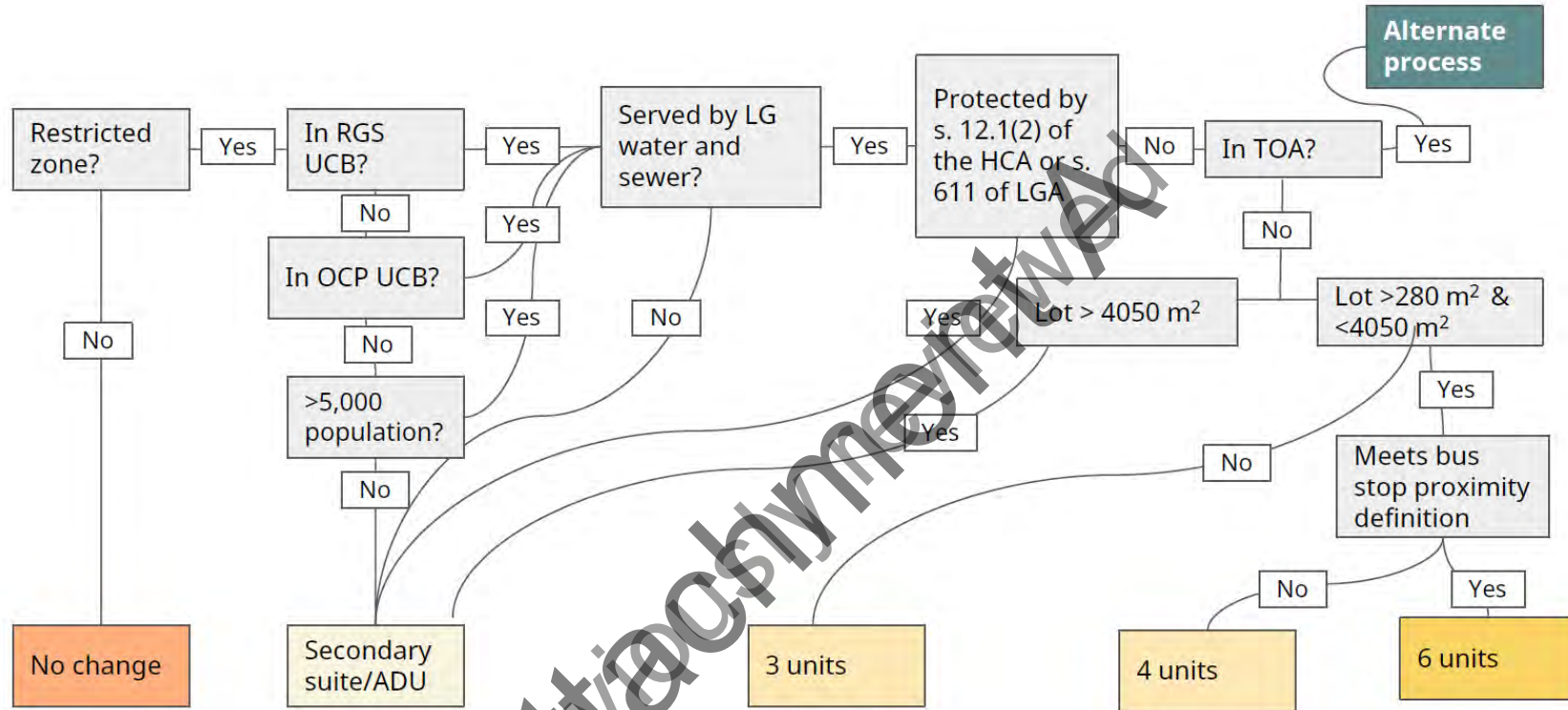
In addition to these density benefit provisions, local governments can encourage below-market affordable housing within SSMUH zones through partnerships with non-profit housing providers or by contributing publicly owned lands for housing development. However, zones permitting greater densities than SSMUH forms offer more meaningful opportunities for affordable housing.

#### 4. Using data and geospatial visualization to support implementation

Assessing the capacity of a community to provide more SSMUH units as well as modeling the possible infrastructure implications of densification will likely be accomplished through geospatial analysis. Geospatial analysis using geographic information services (GIS), or other similar digital tools will help local governments more efficiently identify the areas and individual lots to which SSMUH requirements will apply.

Local governments that do not have in-house mapping or geographic information services (GIS) expertise may need to hire a contractor to undertake the necessary analysis. Appendix C provides a detailed step-by-step procedure to help local governments identify properties to which various provisions of the SSMUH requirements apply. Figure 3 provides a high-level visual representation of the process.

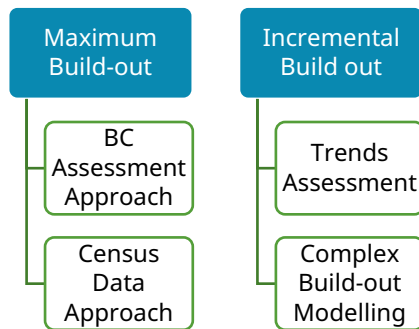
Figure 3: Process diagram for identifying impacted lots using GIS



## 5. Methods to estimate potential increases in density

There are two general ways of discussing potential density created through SSMUH zoning: the first is the maximum build-out possible under the required zoning amendments, sometimes referred to as the maximum build-out capacity (sometimes referred to as zoned capacity). The second is the incremental additional units that will actually be brought online over many years following SSMUH bylaw adoption. As illustrated by Figure 4, there are two main approaches for calculating each, which are described in detail in Appendices B and C.

**Figure 4: Methods to estimate potential increases in density**

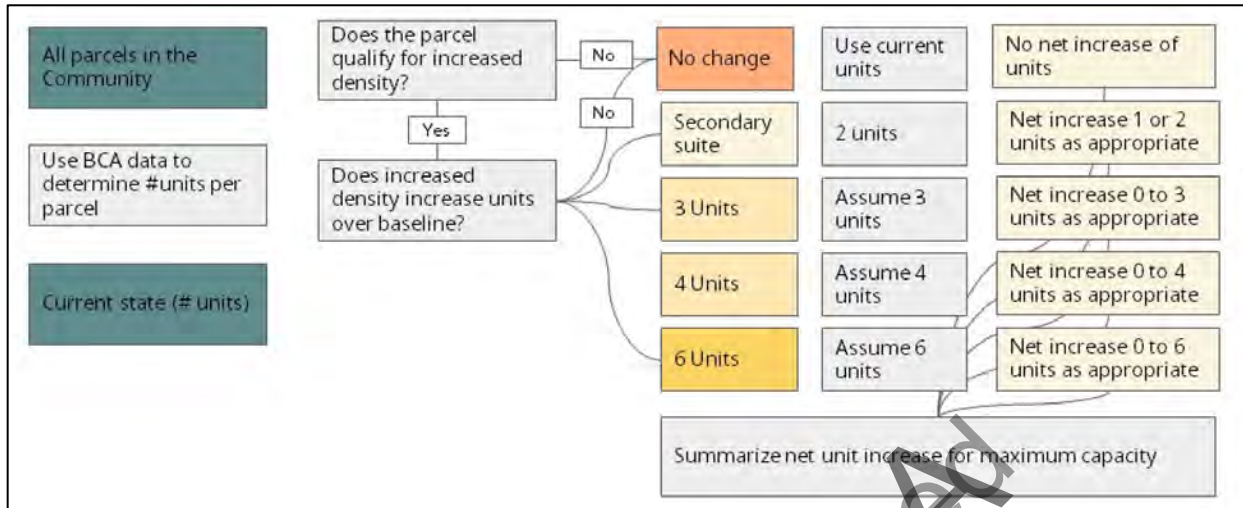


### 5.1 Maximum Build-Out Analysis

Maximum build-out of the capacity (or density) that is theoretically possible under SSMUH zoning bylaw updates is unlikely to occur due to a variety of constraints and factors discussed below. It can however be helpful for local governments to forecast the maximum build-out scenario to understand and ensure preparedness for the potential long-term implications for infrastructure.

In simple terms, this approach involves multiplying the number of lots that will be subject to the various minimum density requirements by the number of housing units permitted in that category, and then totalling the numbers for all categories, as illustrated in Figure 5. A more detailed explanation of how to calculate maximum build-out capacity using two different data sets (BC Assessment and Census data) is found in Appendix D.

Figure 5: Process diagram for calculating maximum build-out density



## 5.2 Incremental Build-out Analysis

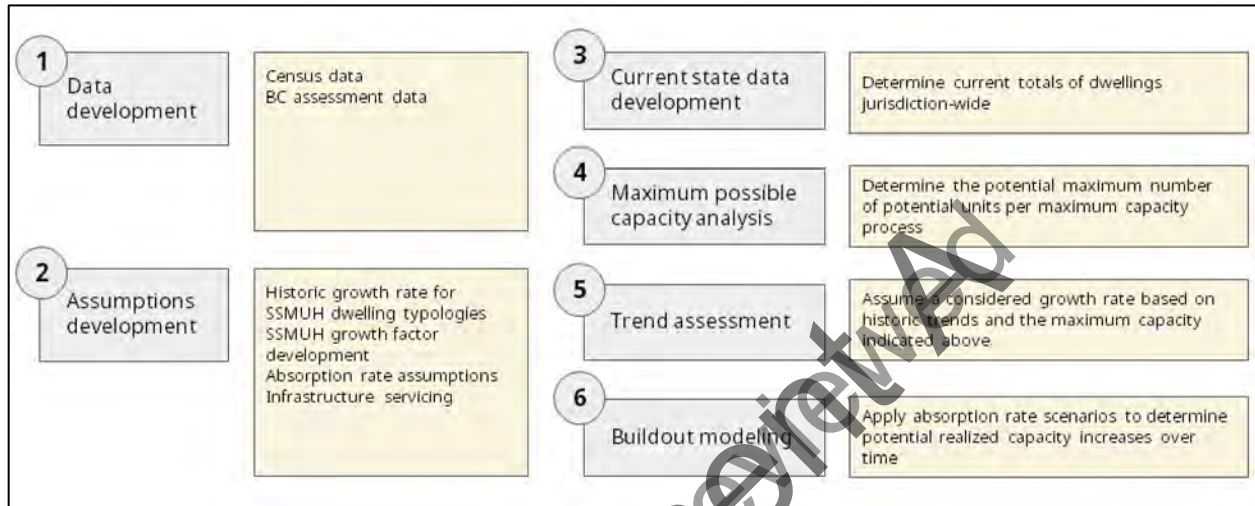
More realistic estimates of potential increases in density arising from SSMUH zoning bylaw updates should be calculated to help identify if there are any near- or medium-term infrastructure constraints that need to be addressed through capital planning, servicing bylaw changes, or development cost charge updates. As discussed in the next section on infrastructure and servicing, local governments will acquire valuable information about the rate of change or density increases resulting from the zoning bylaw updates in the first 1-2 years following implementation. This will reduce uncertainty over time and result in more reliable estimates of the rate of incremental build out.

While there are many approaches, a recognized best practice in incremental build-out analysis generally involves first developing an understanding of the current state of housing units and then determining the maximum realizable density that may occur as a result of legislation with discounts for environmental constraints, redevelopment potential and development contexts. The net of the maximum realizable density and the current state is the likely increase in dwellings units. An optional extra effort can be made to structure the incremental build-out longitudinally such that the information can be used for infrastructure impact analysis (discussed in the next section). There are two approaches for this technique, as described and illustrated below and further explained in Appendix E.

*Method #1: Trends assessment*

This is a basic method that uses readily available data to build assumptions with regards to uptake of SSMUH homes under multiple scenarios. It is anticipated that most local governments in BC will use this method pictured in Figure 6.

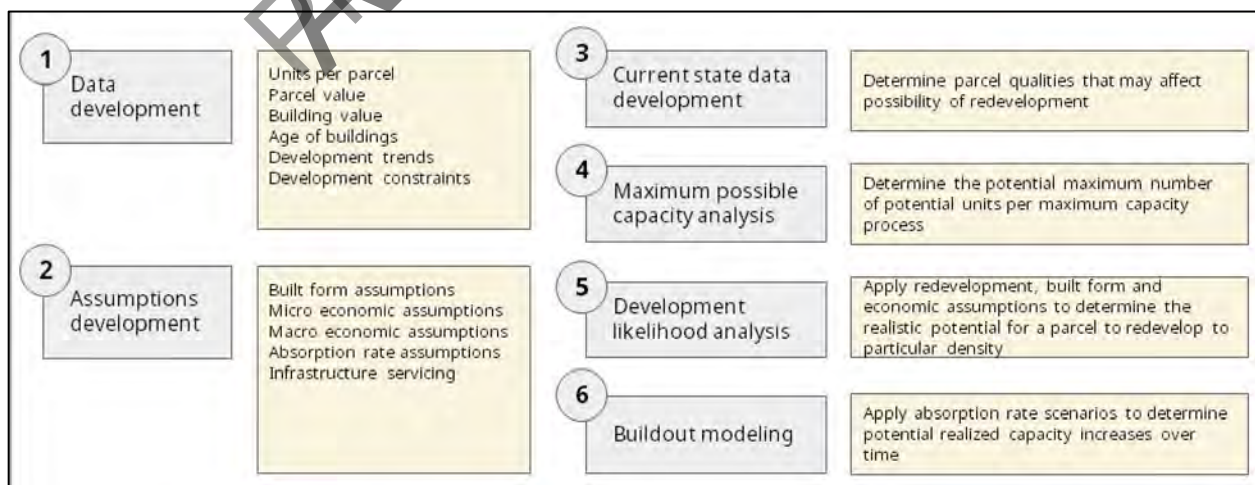
**Figure 6: The trends assessment method of estimating incremental build-out**



*Method 2: Complex build-out modelling*

This is an advanced method that uses readily available data to construct likely development scenarios under current economic conditions. Large municipalities experiencing high rates of growth may progress to complex build-out modelling to better understand both the rate of density increase arising from SSMUH zoning as well as its spatial distribution. This approach is visualized in Figure 7.

**Figure 7: The complex build-out modelling method to estimate incremental build out**



## 6. Infrastructure and servicing considerations

When full life-cycle costs are considered, infrastructure and servicing are significantly more cost-efficient at higher residential densities than lower, as represented by urban infill relative to sprawl. In addition to making better use of existing infrastructure, SSMUH housing forms will also lower the per-unit costs of any new linear infrastructure due to the smaller size of geographic area requiring servicing relative to conventional single-family home and duplex areas. Local governments can use the Province's [Community Lifecycle Infrastructure Costing Tool](#) to estimate infrastructure costs for different land use patterns.

Many factors that will determine how many new units of housing result from the SSMUH initiative in each jurisdiction, some of which are identified below. While each local government's zoning bylaw provisions (e.g., building height and setbacks) are one important determinant, many other factors are beyond the control of local governments.

### Factors that influence the creation of new SSMUH housing units

- Zoning bylaws & how permissive and flexible they are
- Local real estate conditions
- Historic rates of development
- Age & condition of housing stock (e.g. Demolitions of homes built after 1980 are less likely, as are homes from the 1960's - 70's that have been recently renovated)
- The age, capacity, and availability of infrastructure
- Construction costs
- Interest rates
- Local economic conditions
- Availability of skilled trades
- Sophistication of builders
- Local demand for housing
- The relevance of exemptions (e.g., predominance of Heritage Conservation Areas)

As a result, local governments may have a limited basis on which to estimate uptake or the number of new SSMUH homes when the legislative provisions initially take effect. Closely monitoring total uptake over the first 1-2 years, such as, the types of new units emerging and their geographic distribution, is recommended to better gauge medium and long-term projections, and in turn make informed assessments of impacts on infrastructure and services to adjust capital plans and projects accordingly. With the support of geospatial analysis, local governments can make educated projections about how much additional density will result from SSMUH requirements, as described in the section above.

*Infrastructure Implications*

Increased residential density resulting from zoning bylaw changes intended to align with SSMUH requirements may impact utilities like water, sewer, and stormwater, as well as services like roads, parks, and garbage collection. Local governments should assess the current and planned capacity of their systems, alongside the demand generated by, and financial implications for, their infrastructure and services under the SSMUH zoning. Impacts to infrastructure should be considered using both the maximum build out as well as the incremental buildout methods described in the above section to gain a sense of the range of outcomes that may occur in the community.

In general, this would consist of using the results from incremental build-out analysis to determine the likely cadence and intensity of changes resulting from the zoning bylaw updates. This approach is illustrated in Figure 8. For the trends assessment method, this would likely be the total anticipated rate of change across the municipality or a smaller area of interest, whereas for the complex method it would likely be the combination of disaggregated data from parcel (i.e., lot-level) analysis. Two ranges can be determined from these data to describe a low range of impacts (i.e., realizable capacity from trends or detailed modeling) and the maximum possible impacts for impacted lots and areas.

**Figure 8: Estimating infrastructure impacts from anticipated changes in density**

<p><b>Buildout Model</b></p>	<p>Indicates location, cadence and intensity of changes resulting from the legislation.</p>	<p>Low range = realizable capacity, High range = maximum capacity</p>
<p><b>Calculate Equivalent Development Units</b></p>	<p>Essentially, transform unit outcomes into population outcomes, use BC best practices for DCCs or Census Occupancy Tables, as appropriate</p>	<p>Water, Sewer - Use DCC BPs Storm - Use Vancouver BPs Transportation - Use Census Soft Infrastructure - Use Census</p>
<p><b>Determining Significant effects</b></p>	<p>A localized effect is significant where: Forecast population under the realizable scenario is significantly greater than historic populations or 2021 data, as appropriate</p>	<p>Low range exceeds historic population by 30% = significant</p>

Under each of these ranges, unit outcomes arising should be transformed into population outcomes using BC best practices or Census occupancy data, as appropriate. For sewer and water impacts, the Province's Development Cost Charges Best Practices Guide provides detailed information about techniques to convert information about housing unit outcomes into equivalent development units as appropriate. For stormwater impacts, the City of Vancouver's Best Management Practice Toolkit offers guidance to develop conversion factors that support analysis of the implications of various development types as they pertain to stormwater impacts. For soft infrastructure, such as community and recreation centres, local governments should use Census occupancy tables, which can be used to transform unit outcomes to populations, as appropriate.

Determination of significant effects can be determined by evaluating where the forecast population under either the realizable scenario or the maximum capacity scenario significant exceeds historic populations or equivalent development units (EDUs) from either the 2021 census or historic census years (if available or appropriate). While localized significance should be determined by local government engineering staff, likely, any increase that is greater than 30% over 30 years (an average annual growth rate of 1%) can be considered significant in the context of SSMUH qualifying zones.

In assessing infrastructure impacts, local governments should consider that populations in many urban and suburban, low-density residential neighborhoods have been relatively static or declining since the 1970s due to decreased family sizes, despite increasing numbers of units per hectare. This may result in SSMUH producing negligible impacts to services such as water provision and wastewater collection and could be investigated by reviewing changes in housing occupancy rates over time. Per capita declines in water consumption in recent decades in many communities may also be an indication that existing infrastructure has excess capacity to meet demand attributed to SSMUH.

In circumstances where water supplies or system capacity is limited and/or water use is inefficient relative to benchmarks, local governments should adopt demand management measures to lower water use, which has associated benefits for wastewater systems. Examples include implementing watering restrictions and using water meters to charge for water according to use. The Water Conservation Guide for British Columbia and the American Water and Wastewater Association's technical manuals on water conservation offer guidance for planning and implementing water conservation programs.



## 6.1 Funding infrastructure upgrades

Local governments will no longer be negotiating for amenities, capital investments, or rights-of-way through rezoning processes for SSMUH projects. Consequently, they should ensure revenues necessary for core infrastructure and services are planned and budgeted for through existing tools. The following tools continue to be available for local governments to raise revenues needed for infrastructure renewal and growth: development cost charges, latecomer agreements, subdivision servicing bylaw requirements, and municipal development works agreements.

In consideration of future density resulting through SSMUH zoning bylaw updates, local governments that do not use development cost charges are encouraged to adopt them to distribute infrastructure costs more equitably between existing and future residents. It is common for development cost charges to apply only where four or more units are established; however, in response to SSMUH requirements, local governments may wish to enact a lower threshold, such as two units.

Attachment N

## Part 4 – Site Standards

### 1. Purpose of these resources

To comply with the SSMUH legislation, local governments will be required to update their zoning bylaws by June 30, 2024, unless an extension is granted by the Minister of Housing. To support local governments with this process, a series of Site Standards have been prepared that provide technical specifications commonly found in zoning bylaws. These site standards set provincial expectations for how local governments enable financially viable SSMUH developments by providing flexibility for builders and developers. While local governments may need to make changes to the site standards based on local conditions, the Province expects they will be given full consideration for implementation.

Four site standards have been prepared based on the different SSMUH unit requirements set out in the legislation:

- Site Standards Package A sets out leading practices for jurisdictions and lots where either a secondary suite or accessory dwelling **unit** must be permitted in a single-family zone.
- Site Standards Package B sets out leading practices for jurisdictions and lots where **three or four housing units** must be permitted **and lots are generally less than 1,215m<sup>2</sup>**
- Site Standards Package C sets out leading practices for jurisdictions and single-family and duplex lots where **four housing units** must be permitted **and lots are generally between 1,215m<sup>2</sup> – 4,050m<sup>2</sup>**
- Site Standards Package D sets out leading practices for jurisdictions and lots where **six housing units** must be permitted within 400 metres from prescribed bus stops

All the Site Standards are designed to ensure alignment with the requirements of the SSMUH legislation, and additionally provide a starting point for zoning bylaw regulations for which local governments retain discretion.

Each Site Standard begins with a description of where the legislated requirement for a minimum number of housing units permitted may apply, followed by the objectives underlying the policy advice, and technical specifications for common parameters in zoning bylaws (e.g., height, setbacks). The zoning bylaw parameters are based on best and emerging practices where possible, experiences and outcomes from other jurisdictions, and SSMUH objectives.

These site standards were designed to enable viable Small Scale Multi-Unit Housing projects. There can be instances where the viability of a project may depend on varying a setback, lot coverage, or building height. For example, to build an accessory dwelling unit on a lot with rocky outcrops the distance to a lot line may need to be reduced, or to allow a third bedroom in a home, the lot coverage may need to be increased. In addition, there can be a need for variances to allow for creativity in built form, for example, green space/courtyard in the middle of the lot. Local governments are encouraged to support variances for SSMUH related developments and where possible, delegate minor decisions to staff to expedite the process. It is recognized that there can be trade-offs when considering variances in terms of stormwater management, tree retention and on-site parking while still maintaining sufficient distance from property lines and between buildings for fire safety reasons, per the BC Building Code.

The content in the Site Standards should be interpreted as non-binding policy guidance. Users of this Policy Manual should seek legal advice as necessary.

Attachment reviewed

## 2. Site standards package A

### 2.1 Where should it apply?

This group of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit a secondary suite and/or an accessory dwelling unit** in addition to the principal residence. Lots and jurisdictions to which this requirement applies include:

- the lands within a regional electoral area that are not identified in an urban containment boundary established by a regional growth strategy or that are wholly outside of the boundary,
- the portions of municipalities or municipalities that are wholly outside of urban containment boundaries, and
- municipalities with populations less than 5,000 that do not have urban containment boundaries.

There is no size limit for the lots to which the requirement for a secondary suite and/or accessory dwelling unit applies. (To mitigate risks related to groundwater contamination, only secondary suites, not accessory dwelling units, should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government).

Lands in the Agricultural Land Reserve that are zoned for single-family use must also permit secondary suites and/or an accessory dwelling unit, subject to the 2021 changes to the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*. Further information can be found at: [Housing in the ALR](#).

### 2.2 Objectives

The objectives of the benchmark zoning bylaw regulations in Table 5 include:

- recognizing and maintaining consistency with the rural and semi-rural characteristics of the lots and jurisdictions to which they will apply,
- discouraging and mitigating the impacts of sprawl, and
- providing flexibility on the lot for various building forms and configurations.

**Table 5: Recommended zoning regulations for lots requiring a minimum of 2 units**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 5 – 6 metres	This front lot line setback maintains some consistency with conditions in most rural and semi-rural areas.
Rear Lot Line Setback	Minimum of 6 metres for principal buildings Minimum of 1.5 metres for ADUs	
Side Lot Line Setbacks	Minimum of 1.2 metres	This minimum requirement will enable flexibility for a large range of lot sizes, configurations, and building types. Larger distances from property lines are likely to be used by builders or developers to meet BC Building Code requirements for combustible buildings, and to accommodate drive aisles to back of the property (if used).
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof on principal buildings At least 8 metres for accessory dwelling units	A universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style is recommended to help improve the viability and diversity of SSMUH housing forms.
Maximum Number of Storeys	3 storeys for principal dwellings 2 storeys for accessory dwelling units	In smaller lot settings, permitting 3 stories may reduce the loss of trees, green space, or farmland. In larger lot settings, large distances between adjacent dwellings mitigate relative height and privacy concerns.
Maximum Lot Coverage	25-40%	Relatively low lot coverages will help limit the size and cost of new units on large lots. 25% may be appropriate for large lots and up to 40% for smaller lots.
Off-Street Parking Requirements	One space per dwelling unit	

### 3. Site standards package B

#### 3.1 Where should it apply?

This suite of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit three or four units** and are typically sized single-family and duplex lots that are **generally less than 1,215 m<sup>2</sup> in size**. This number may vary depending on typical lot sizes in communities. An appropriate threshold should be identified at which larger setbacks and lower lot coverage limits would apply, with the objective of providing an upper limit on the size of new units to improve their affordability, while ensuring three- to four-bedroom units that could accommodate families are still possible.

SSMUH requirements specify that lots less than 280 m<sup>2</sup> must be permitted to have at least 3 housing units, while those equal to or greater than 280 m<sup>2</sup> must be permitted to have at least 4 units. The recommended zoning regulations below are appropriate for lots on which either 3 or 4 housing units are permitted.

#### 3.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 6 include:

- improving the economic and spatial viability of establishing new units on typically sized single family and duplex lots to contribute to increased housing supply and affordability;
- contributing to street, neighbourhood and urban vibrancy through smaller front yard setbacks;
- maintaining adequate pervious surfaces to reduce impacts on stormwater services and water resources, Increase opportunities for tree retention and planning, and improve onsite livability for residents;
- reducing sprawl, auto-dependency, greenhouse gas emissions from transportation, and improving the viability of transit through gentle densification in existing neighbourhoods; and
- providing flexibility on lots for various building forms and configurations, which will contribute to a greater diversity of housing types and improved project viability.

**Table 6: Recommended zoning regulations for lots requiring a minimum of 3 or 4 units that are less than 1,215m<sup>2</sup> in size**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 2 metres	A front lot line setback of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees, or to accommodate stormwater infrastructure or future road or right-of-way dedications.
Rear Lot Line Setback	Minimum of 1.5 metres for ADUs or main buildings	Actual rear lot line setbacks will approximate 5 meters if parking in rear is required due to parking requirements and lot configuration.
Side Lot Line Setbacks	Minimum of 1.2 metres	Actual side setbacks will approximate 3 meters if parking in rear is required due to parking requirements and lot configuration.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	A universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style is recommended to help improve the viability and diversity of SSMUH housing forms.
Maximum Number of Storeys	3	
Maximum Lot Coverage	50%	Onsite parking requirements will contribute significantly to impervious surface coverage on lots. Impervious coverages exceeding 60% may require on-site stormwater retention and/or treatment.
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise	Other factors that could be used to set parking requirements include proximity to services (e.g., designated village or town centres), walk scores, and the availability of on-street or other parking alternatives. Higher maximum parking requirements (e.g., 1.5 spaces/unit) may be appropriate in smaller communities with no or limited public transportation, or for example, where on-street parking is impractical due to snow removal requirements.

## 4. Site standards package C

### 4.1 Where should it apply?

This suite of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit four units** and are large lots **generally greater than 1,215 m<sup>2</sup> in size and smaller than 4,050 m<sup>2</sup>**. This lot size may vary depending on typical lot sizes in communities. An appropriate threshold should be identified at which larger setbacks and lower lot coverage limits would apply, with the objective of providing an upper limit on the size of new units to improve their affordability, while ensuring three- to four-bedroom units that could accommodate families are still possible. Lots equal to or greater than 4,050 m<sup>2</sup> are exempt from the requirements to permit a minimum of 3 or 4 units due to their potential for subdivision and higher densities in urban and sub-urban contexts. Lots identified as being in a Transit Oriented Area are also exempt from SSMUH requirements. (See Part 2, Section 8.3.)

### 4.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 7 include:

- improving the economic and spatial viability of establishing new units on large single-family and duplex lots to contribute to increased housing supply;
- enabling appropriate family-sized units whilst limiting the creation of unnecessarily large units that will not contribute to improved housing affordability;
- maintaining adequate pervious surfaces to reduce impacts on stormwater services and water resources, increase opportunities for tree retention and planting, and improve onsite livability for residents;
- recognizing and maintaining the semi-rural nature of neighbourhoods with large lots and the potential for significant public tree canopy in these areas by maintaining front yard setbacks consistent with current conditions;
- reducing sprawl, auto-dependency, greenhouse gas emissions from transportation, and improving the viability of transit through gentle densification in existing neighbourhoods; and
- providing flexibility on lots for various building forms and configurations, which will contribute to a greater diversity of housing types and improved project viability.



**Table 7: Recommended zoning regulations for lots requiring a minimum of 4 units and are more than 1,215 m<sup>2</sup> in size**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 4-6 metres	
Rear Lot Line Setback	Minimum of 6 metres for main buildings Minimum of 1.5 metres for ADUs	
Side Lot Line Setbacks	Combined minimum setback for side-yards of 3 metres	Combined side-yard setback minimums (rather than individual side yard minimums) increase flexibility to respond to site conditions, and better support use of side yards for exterior living space. Minimum distances of 1.2 – 1.5 metres from property lines may be required for building code considerations (depending on combustibility). If parking is at the rear, setbacks of approximately 3 to 4 meters will be required on the side used for vehicular access.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	Depending on how height is measured by a local government, heights greater than 11 meters may be required on sloped sites to achieve 3 storeys.
Maximum Number of Storeys	3	
Maximum Lot Coverage	40%	Off-street parking requirements will increase impervious surface coverage significantly.
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise	Other factors to set parking requirements could include proximity to services (e.g. town centres), walk scores, and the availability of on-street or other parking alternatives. Higher maximum parking requirements (e.g., 1.5 spaces/unit) may be appropriate in smaller communities with no or limited public transportation, or for example, where on-street parking is impractical due to snow removal requirements.

## 5. Site standards package D

### 5.1 Where should it apply?

This group of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit a minimum of six units**. This requirement will apply to parcels that meet all of these criteria:

- are wholly or partly within 400m of a prescribed bus stop;
- are at least 281 m<sup>2</sup> or greater in area; and
- are within a municipality with a population of 5,000 or greater

Lots equal to or greater than 4,050 m<sup>2</sup> are exempt these requirements due to their potential for subdivision. Lots identified as being in a Transit Oriented Area are also exempt from the requirements (see Part 2, Section 8.3 of this manual).

There are two legislative provisions that apply only to these lots and not the other densities that must be permitted under SSMUH zoning:

- local governments are **not permitted to set parking requirements in relation to residential uses** for lots that meet the above conditions, and
- **local governments may set a conditional density requirement for one of the six units** relating to the provision of affordable and special needs housing and/or that the owner enter into a housing agreement prior to the issuance of a building permit.

### 5.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 8 include:

- improving the economic and spatial viability of establishing a minimum of six units on single family and duplex lots to contributed to increased housing supply and affordability;
- contributing to street, neighbourhood and urban vibrancy through smaller front yard setbacks,
- situating new units of housing near existing transit services to reduce auto-dependency and greenhouse gas emissions from transportation, as well as improve the near- and long-term viability of transit services; and
- providing maximum flexibility on lots for various building forms and configurations, which will contributed to a greater diversity of housing types.

**Table 8: Recommended zoning regulations for lots requiring a minimum of 6 units**

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 2 metres	A front setback of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees, or to accommodate stormwater infrastructure or future road or right-of-way dedications.
Rear Lot Line Setback	Minimum 1.5m	
Side Lot Line Setbacks	Minimum of 0 -1.2 metres	Zero side lot line setbacks are appropriate in urban settings to achieve row housing typologies, which will help improve urban/street vibrancy, and are viable spatially due to the absence of on-site parking. Side lot setbacks approximating 2.5m may be required for combustible buildings.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or to the highest point of a flat roof	Depending on how building height is measured by a local government, heights greater than 11 meters may be required on sloped sites to achieve 3 storeys.
Maximum Number of Storeys	3	On small lots, four storeys may be required to achieve a minimum of six liable units.
Maximum Lot Coverage	60%	On-site stormwater retention and/or treatment may be required. A higher lot coverage limit (e.g., 70%) may be required on small lots to achieve a sufficiently large buildable area; however, increasing height limits may be a preferable solution to maintain site permeability.
Off-Street Parking Requirements	0	Local governments are not permitted to set off-street parking requirements in relation to residential uses.

## Appendices

Attachment reviewed

## Appendix A: Similar initiatives in other jurisdictions

Many governments at the provincial, state, and local levels in Canada, the United States and further abroad have recognized the negative impacts that widespread single-detached zoning has had on housing availability, choice, and affordability. Increasingly, many jurisdictions are taking steps to ensure more homes can be built in existing neighbourhoods.

Through the SSMUH legislation, BC is joining other jurisdictions in acknowledging that single-detached residential zoning is a barrier to establishing and maintaining the mixed-income neighbourhoods needed for more equitable and affordable communities and a more resilient province. Similar initiatives undertaken in other jurisdictions to permit multiple housing units in formerly single-family residential zones are highlighted below.

**New Zealand** has taken national-level action to promote the development of more mixed neighbourhoods by requiring its larger urban centres to permit up to three dwelling units on single residential lots through legislation that implements country-wide medium density residential standards.

In the **United States**, several states have passed legislation to require local governments to provide greater residential density and flexibility in single-family zones.

- Oregon's Bill 2001 requires all medium-sized cities to permit duplexes on every lot where a single-detached dwelling is permitted, and large cities are required to permit a higher level of density.
- In Massachusetts, Bill 5250 incentivizes 170 municipalities served by the Massachusetts Bay Transportation Authority to permit multi-family housing zones within walking distance of public transit.
- A number of state legislatures in the United States have passed legislation that prohibits local governments from preventing the construction of accessory dwelling units in single-detached zones, and in some cases have prevented local governments from imposing minimum parking requirements to ensure the viability of additional units (such as the states of Maine and Washington).
- In 2019, the California state legislature passed legislation to override local regulatory barriers the construction of accessory dwelling units, resulting in an increase of building permits the following year of 61%.

In **British Columbia**, several municipalities of varying sizes have already started to embark on the process of permitting more units and promoting greater flexibility in single-detached zones.

- In 2022, the City of Kimberly amended its zoning regulations to permit a higher range of unit densities in what were previously single-detached residential zones. Through this amendment, Kimberley's R-1 zone now permits duplexes, its R-2 zone permits six units and up to as many as 10, subject to an affordable housing agreement.
- The District of Central Saanich has recently adopted new regulations after a comprehensive planning process to permit higher density housing in existing single-detached zones.
- The Cities of Victoria and Vancouver have adopted local land use regulations to permit and encourage construction of so-called "missing middle" housing.

Attachment reviewed

## Appendix B: List of local governments that may have prescribed bus stops

City of Burnaby  
City of Colwood  
City of Coquitlam  
City of Cranbrook  
Municipality of Esquimalt  
City of Kamloops  
City of Langford  
Township of Langley  
City of Langley  
City of Maple Ridge  
Metro Vancouver Regional District  
City of New Westminster  
District of North Vancouver  
City of North Vancouver  
District of Oak Bay  
City of Pitt Meadows  
City of Port Coquitlam  
City of Port Moody  
City of Richmond  
District of Saanich  
City of Surrey  
City of Vancouver  
City of Vernon  
City of Victoria  
Town of View Royal  
District of West Vancouver  
Resort Municipality of Whistler  
City of White Rock

## Appendix C: Using GIS to identify affected parcels

### 1. Initial data preparation and administrative boundaries

Across most local governments in BC, official community plan maps and zoning regulations are represented through digital mapping. However, if for some reason a local government does not provide this information in a digital format through a Geographic Information Systems (GIS) dataset, it will be necessary to digitize the bylaws to determine spatial relationships between OCP overlays, zoning regulations and parcels.

Each local government is responsible for the provision of parcel information. The use of province-wide geographical software (maintained by ParcelMap BC) is recommended.

Care should be taken to ensure topological accuracy of official community plan overlays including municipal and urban containment boundaries as well as zoning regulations related to each parcel/lot. In practice this means:

- removing overlapping parcels, wherever feasible;
- removing or rectifying overlapping zones, if applicable;
- rectifying of split-zoned parcels, if applicable;
- aligning zoning boundaries to parcel boundaries to reduce sliver effects wherever feasible;
- aligning urban containment boundaries to parcel boundaries, where feasible;
- aligning municipal boundaries to parcel boundaries, if necessary, and
- ensuring that all parcels in the local government are covered by at least one category in the official community plan, when required.

### 2. Exemption overlays

Care should be taken to ensure the accuracy of exemption overlays, specifically: Agricultural Land Reserve (ALR) boundaries, heritage protection areas made under LGA section 611, and local government-operated sewer and water system service areas. All of these will be used to eliminate parcels from zoning bylaw amendments permitting additional dwelling units or incorrect densities. In practice this means:

- ensuring that municipal and urban containment boundaries are current;
- ensuring that ALR boundaries are up to date from DataBC or the Ministry of Agriculture and Food;



- ensuring that the spatial boundaries or designations of heritage protection bylaws made under LGA s.611 align well with parcel boundaries, wherever feasible;
- ensuring that local government-operated water system service area boundaries align with billing records and parcel boundaries, as appropriate;
- ensuring that local government-operated sewer system service area boundaries align with billing records and parcel boundaries, as appropriate; and
- ensuring that private, strata, or onsite water or sewer systems are appropriately demarcated in the data and backed by billing records, wherever feasible.

### 3. Bus Stops

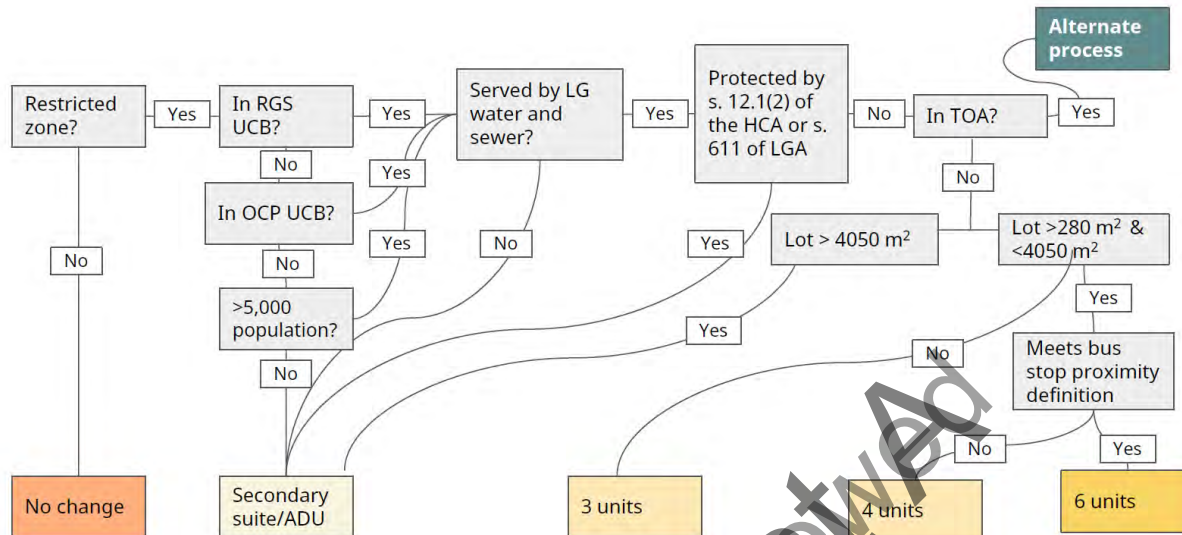
Transit frequencies are available from BC Transit for all routes in their service area and comparable data is available for routes serviced by Coast Mountain Bus Company and West Vancouver Transit in the Lower Mainland. It may be most effective to liaise directly with the appropriate transit operator to identify the bus stops that will determine density requirements under the SSMUH legislation.

The following two sections describe the steps that local governments should take to use their GIS databases to identify:

- 1) parcels where a secondary suite and/or accessory dwelling unit (ADU) must be permitted; and
- 2) parcels where between three and six residential units must be permitted.

The process is illustrated in Figure 9.

**Figure 9: Process flow chart to identify parcels where SSMUH must be permitted under the SSMUH legislation**



#### 4. Identifying parcels subject to secondary suite and accessory dwelling unit requirements

Unless subject to the higher densities of three to six housing units, and regardless of community size, at least one secondary suite and/or one accessory dwelling unit (ADU) must be allowed on all lots in a *Restricted Zone*, with the exception of lands in a local trust area or subject to a rural land use bylaw. Local governments should follow these steps to identify the parcels in their jurisdiction for which the SSMUH legislation requires amending bylaws to permit at least one secondary suite and/or one ADU:

- review the official community plan and local zoning bylaws to identify areas and zones that meet the definition of a *Restricted Zone* under the SSMUH legislation (see Part 1, Section 1 of this manual on page 7 or information on identifying zones that meet the criteria),
- run a GIS query to identify and isolate (highlight/select) all parcels within<sup>16</sup> those zones that have been determined to meet the definition of a *Restricted Zone*,

<sup>16</sup> “Within”, in this context can mean that a parcel is majority covered by a *Restricted Zone*. Other concepts of “within” that could be used for the purposes could include: Completely covered by a *Restricted Zone*; partially covered by a *Restricted Zone* or has the centre point of the parcel within a *Restricted Zone*.

- c) run a GIS query to identify and isolate (highlight) all parcels identified in step (b) to identify which parcels are not serviced by both water and sewer systems operated by, or on behalf of a local government,
- d) if ADUs are permitted generally, to identify lots where only secondary suites, not ADUs should be permitted, run a GIS query to identify which parcels identified in step (c) are not serviced by local government sewer systems and are under one hectare in size

Zoning of the highlighted parcels must be amended to permit at least one secondary suite or one accessory dwelling unit in addition to a principal dwelling unit unless the property is less than one hectare in size. On properties that are less than one hectare in size, only secondary suites, and not ADUS, should be permitted. Local governments can then query the number of lots that will be affected by the zoning changes.

## 5. Identifying lots subject to a minimum of three to six housing units

Except where exempted under the SSMUH legislation, land in *Restricted Zones* as defined in the legislation that meets the following criteria must be zoned to permit between three and six dwelling units, depending on the size of the lot and proximity to transit:

- a) the land is wholly or partly within an urban containment boundary established by a regional growth strategy applicable to the municipality or regional district, as the case may be; or
- b) the land is within a municipality with a population of 5,000 or greater, and is wholly or partly within an urban containment boundary established by an official community plan of the local government; or
- c) if neither (a) or (b) applies, the land is in a municipality with a population greater than 5,000.

Local governments should follow the steps below to identify the lots in their jurisdictions under which the legislation requires that zoning bylaws be amended to permit three to six dwelling units.

1. Review the local zoning bylaw to identify the zones that meet the definition of a *Restricted Zone* under the SSMUH legislation (see Part 1, Section 1 of this Manual on page 7 or information on identifying zones that meet the criteria);
2. Run a GIS query to identify and isolate (highlight) all lots in all zones that have been determined to meet the *Restricted Zone* definition.
3. Run a GIS query to identify and isolate (highlight) all lots identified in step (2) above that are wholly or partly within **any** of the following:

- a) an urban containment boundary established by a regional growth strategy applicable to the municipality or regional district, as the case may be;
- b) an urban containment boundary established by an official community plan of the municipality or regional district as the case may be; or
- c) a municipality with a population that exceeds 5,000.

At a minimum, all these lots should allow for three or four dwelling units, pending identification of land that is exempt from the legislation as follows:

- a) land that is protected under section 12.1(2) of the *Heritage Conservation Act*;
- b) land that is, on the date this section comes into force, designated as protected under a bylaw made under section 611 [*heritage designation protection*];
- c) land that is not connected to a water or sewer system provided as a service by a municipality or regional district;
- d) land that is within an area designated as a Transit-Oriented Area;
- e) land that is within a zone which has a minimum lot size of 4,050m<sup>2</sup> (or greater) for the purposes of subdivision; and
- f) a parcel of land that is larger than 4,050 m<sup>2</sup>.

## 6. Identifying the lots exempt from the minimum three to six housing units requirements

- a) Run a GIS query on all highlighted lands within the urban containment boundary to identify all lots protected under Section 12.1(2) of the *Heritage Conservation Act*. Eliminate these lots.
- b) On all remaining highlighted lands within the urban containment boundary apply, or create and apply, the GIS layer for properties with a Heritage Designation under LGA section 611 as of the date the SSMUH legislation comes into force.<sup>17</sup> Eliminate these lots.
- c) On all remaining highlighted lands, apply, or create and apply, the GIS layer for:
  - The municipal or regional district water service areas; and
  - The municipal or regional district sewer service areas.

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<sup>17</sup> Where these lots are not included as a layer within a geographic information system or digital mapping program, they can be identified from local government records and eliminated individually.

Eliminate all lots that are outside of one or both service areas.<sup>18</sup>

- d) On all remaining highlighted lands, run a GIS query to identify all parcels that fall within an area designated as a transit-oriented area as defined in the legislation. Parcels where only a portion of the lot area is within the prescribed distance are considered to be wholly within the area. Eliminate these lots.<sup>19</sup>
- e) Run a GIS query on all remaining highlighted lands to identify all parcels with a lot area greater than 4,050 m<sup>2</sup>. Remove these lots from consideration.

The remaining highlighted lots upon concluding steps 1 through 4 above are the lots that will require zoning amendments to permit between three (3) and six (6) dwelling units. The next steps will help guide local governments in identifying the parcels where at least three, four, and six units will be required.

## 7. Determining where zoning must be amended to permit three, four, or six dwelling units

1. After concluding steps 1 through 4 above, for all remaining highlighted lots, run a GIS query to identify parcels that are less than 281 m<sup>2</sup> in area. Zoning of these parcels should be amended to permit up to three (3) dwelling units.<sup>20</sup>
2. For all remaining parcels, identify all bus stops with the prescribed service level and frequency in the highlighted area. A prescribed bus stop meets the following criteria:
  - a. A least one route arrives at the bus stop on average every 15 minutes between the hours of 7 a.m. and 7 p.m. between Monday and Friday
  - b. At least one route arrives at the stop on average every 15 minutes between the hours of 10:00 a.m. and 6:00 p.m. on Saturdays and Sundays.
3. Apply, or create and apply, those routes as a layer within the highlighted area.
4. Run a GIS query to identify all lots within the highlighted area that fall within 400 metres of a bus stop that meets the specified service level and frequency criteria as measured. Parcels where only a portion of the lot area is within the prescribed distance are considered to be wholly within the area.

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<sup>18</sup> Land serviced by improvement district or strata-run water and/or sewer systems is exempt from the three-to-six-unit requirement. Land serviced by on-site water (groundwater well, etc.) or on-site sewer (septic field) is also exempt from the three-to-six-unit requirement.

<sup>19</sup> These will be subject to separate legislation about Transit-Oriented Areas.

<sup>20</sup> Local governments may permit density in zoning bylaws beyond that prescribed by the SSMUH legislation.

5. Of those parcels, run a GIS query to identify all parcels greater than 281m<sup>2</sup> in area. Under the SSMUH legislation, municipalities must amend the zoning of all lots identified through steps 9 to 13 above to permit up to six (6) dwelling units per lot.
6. All remaining parcels which are greater than 281 m<sup>2</sup> and **not** permitted for six (6) units because they are more than 400 metres from a bus stop of the prescribed service and frequency, must be zoned to permit up to four (4) dwelling units per lot.

Attachment reviewed

## Appendix D: Calculating maximum build-out density under SSMUH zoning

Following the geospatial analysis undertaken earlier to identify the lots that must undergo zoning amendments in response to SSMUH legislation, local governments should know, or be able to easily query:

- the number of lots that must be permitted to have at least one secondary suite or one ADU;
- the number of lots that will be permitted at least three housing units;
- the number of lots that will be permitted at least four housing units; and
- the number of lots that will be permitted at least six housing units.

In all the above categories, determining the maximum potential build-out is simply a function of multiplying the number of lots in each category by the number of dwelling units permitted in that category, and then totaling the numbers for all categories.

For example, if there are 577 properties with zoning that must be amended to permit either one secondary suite or one ADU, then the maximum build-out of this zoning category is 1,154 ( $577 \times 2$ ; since the zone will allow for one principal dwelling unit plus one smaller dwelling unit). If a secondary suite and ADU is permitted on these 577 properties, then the maximum build-out density is 1,731 ( $577 \times 3$ ).

If there are 262 properties whose zoning must be amended to permit at least four dwelling units, then the ultimate build-out of this zoning category is 1,048.

Determining the maximum *net* increase in units requires some effort to align the unit calculations from the maximum build-out to counts of existing units from either the Statistics Canada Census or BC Assessment. Approaches using both data sets are outlined below.

### 1. Method 1 - BC Assessment approach

- a) BC Assessment produces a standard yearly digital dataset called the BC Building Information Report. This report is available to all local and regional governments from BC Assessment free of charge.
- b) This report can be structured to indicate the number of units at the parcel scale. This can be achieved by identifying all parcels with single detached actual use codes and assigning them a value of 1 and all parcels with secondary suite actual use codes and assigning them a value of 2.

- c) Net increase in units can be calculated by using the selections and totals generated in the section above less the values determined in step b above. These increases can be used at the disaggregate level or summarized to the municipal level as appropriate.

## 2. Method 2 - Census data approach

While lacking in spatial specificity, this technique can be used to rapidly determine the net increase in units against a 2021 baseline through the steps below.

- a) An individual jurisdiction's Census Profile can be accessed through Statistics Canada. This profile contains the number of units by jurisdiction.
- b) Total increases in units can be determined by deducting the Census value from the totals determined in the maximum build out density.

Attachment reviewed

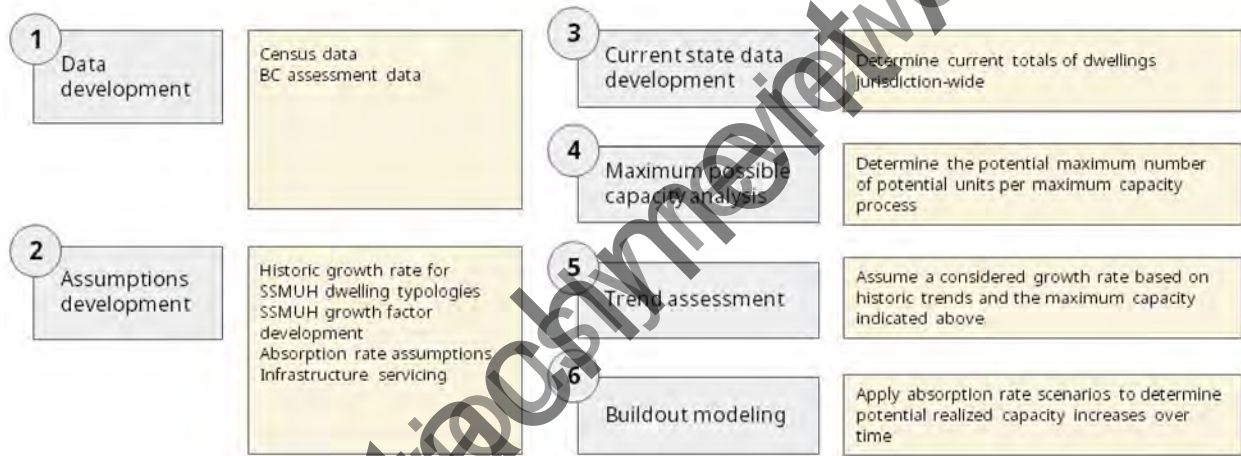


# Appendix E: Calculating incremental build-out density under SSMUH zoning

## 1. Method 1: Trends assessment

The trends assessment approach is a basic method that uses readily available data to build assumptions about the uptake of SSMUH dwellings under multiple scenarios. The informational basis for this approach is tied to longitudinal information from either the Statistics Canada Census or BC Assessment data, whichever is more readily available. The approach is described below and pictured in Figure 10.

**Figure 10: The trends assessment method of estimating incremental build out**



1. Data development: detailed information with regards to the growth in dwellings allowable under SSMUH zoning are available from either the Census of Canada or BC Assessment. Each of these datasets can be structured to build assessments in the following ways.
  - a) Census data  
Census profiles from 2006, 2016, and 2021<sup>21</sup> can each be accessed from statistics Canada for any given local government. Each of these profiles will contain a report

<sup>21</sup> The Census changed its definition of dwellings in 2006 which inhibits the use of 2001 for trend analysis.

on the quantity of dwellings unit by structural type of dwelling<sup>22</sup>. Structural types of dwellings that correspond to SSMUH include:

- Semi-detached House -> Duplex can be used as a proxy for a 3- 4- or 6-plex;
- Row House -> Can be used as a proxy for a 3- 4- or 6-plex;
- Apartment or flat in a duplex -> Can be used as a proxy for a Secondary Suite<sup>23</sup>.

Each of these above dwelling types can be summarized longitudinally in order to build basic annual absorption rates by SSMUH type.

b) Assessment data

BC assessment data contains information on the quantity and type of buildings based on their year of construction. For the purposes of this exercise, it is necessary to discern how many units by type are constructed each year. This can be done by using BC Assessments Actual Use Code (AUC) and the BCA “year built” fields. Pertinent actual use codes will include:

- 32 - Residential Dwelling with Suite -> Secondary Suite;
- 33 - Duplex, Non-Strata Side-by-Side or Front / Back -> Duplex;
- 34 - Duplex, Non-Strata Up / Down -> Duplex;
- 35 - Duplex, Strata Side-by-Side -> Duplex;
- 36 - Duplex, Strata Front / Back -> Duplex (all of which can be used as proxies for a 3- 4- or 6-plex);
- 39 - Row Housing (Single Unit Ownership) -> Can be used as a proxy for a 3- 4- or 6-plex;
- 41- Duplex, Strata Up / Down 47 -> Can be used as a proxy for a 3- 4- or 6-plex;
- 48 - Triplex -> 3- 4- or 6-plex; 49 - Fourplex -> 3- 4- or 6-plex;
- 52 - Multi-Family (Garden Apartment & Row Housing) -> Can be used as a proxy for a 3- 4- or 6-plex;

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<sup>22</sup> <https://www12.statcan.gc.ca/census-recensement/2021/ref/98-500/001/98-500-x2021001-eng.cfm>

<sup>23</sup> Note that detached coach homes are treated as single detached dwellings and are therefore challenging to isolate from that grouping.

- 53 - Multi-Family (Conversion) -> Can be used a proxy for a 3- 4- or 6-plex.

Similar to the Census method above, each of the above unit types can be summarized from 2006 in order to build basic annual absorption rates by SSMUH types.

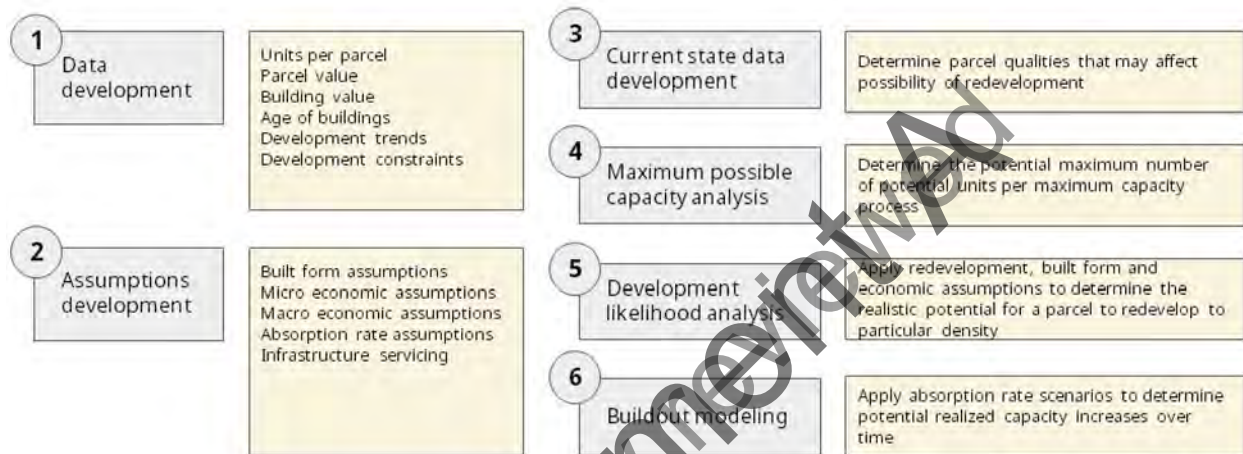
2. Assumptions development: given the data developed above, the following assumptions should be generated:
  - a) Historic absorption rates by SSMUH type -> Summarize SSMUH units and divide by 15 (regardless of method), this is the basic annual absorption rate
  - b) SSMUH growth factor -> a percent modification based on a considered review of market conditions to determine the increase in annual absorption over the baseline rate detailed above.
  - c) Other absorption rate assumptions -> additional constraining factors such as permitting times, escalating costs, declining provincial growth that can modify the growth factors detailed above
  - d) Infrastructure and servicing assumptions -> constraining factors as they relate to increased servicing requirements that may mitigate against the development of SSMUHs.
3. Current state development: based on calculations described above, the current state of units can be used to net out the incremental increase in units based on the trends to be calculated in step five (5) below.
4. Maximum possible capacity analysis: the maximum unit capacity should be determined to construct a maximum bound for the trend to be calculated in step five (5) below.
5. Trend assessment: using the information from steps 1 and 2, growth rates should be developed that reflect historic trends and mitigating factors. Growth rates should not exceed the maximum capacity of units in step four (4) nor should they be so extreme as to double or triple the number of units within a 30-year time frame.
6. Buildout modeling: growth rates should be transformed into annual absorption rates to determine the net annual number of SSMUH units that may be constructed over time. This incremental increase in capacity can be subsequently used to inform infrastructure considerations which are discussed in Part 3, Section 6 of this manual.

## 2. Method 2: Complex build-out modeling

The complex build-out modeling approach is an advanced method that uses readily available data to construct likely development scenarios under current economic

conditions. type of approach should be led by a qualified GIS expert in conjunction with a land economist and local government staff, specifically development planners and long-range planners. The effort requires significant levels of data structuring and advanced geospatial and numerical modeling. Despite the complexities of this approach, it will yield highly accurate results which can be used for infrastructure impact analyses and other value-added analyses, as appropriate. The method is illustrated in Figure 11. Each step corresponding to the numbers in the figure is described in detail below.

**Figure 11: Process to apply complex build-out modeling approach**



### 3. Data development

Data to be considered for this effort should include BCA data, BIR data, as well any information regarding conceptual, proposed or in-progress developments, environmental or infrastructural constraints to development along with local government policies and regulations pertaining to allowable uses, density and built forms. Subsequently, the BCA data should be processed such that a reasonable baseline of buildings in the community can be developed at the parcel scale.

This baseline will include information on the use of each parcel, the assessment classification code and occupancy code of the parcel, the number of units, the construction year of the structures, the total built floor area and the total land and improvement values. In addition, relevant municipal policy information, development permit data and constraints data should be extracted and applied to the parcels. The outcome of this effort will be a fully attributed baseline dataset that presents an up-to-date snapshot of all development considerations in the community at the parcel scale. This data can be used for value-added purposes in any current-state-style assessment. This information will be used to determine the potential for a parcel to redevelop under normal economic conditions (described in Step 3 below).

#### 4. Assumptions development

Given that the SSMUH zoning bylaws will suggest a discrete potential development typology for any given parcel, it is crucial to develop a representative set of modeling archetypes, each of which will act as parametric guidelines in the modeling. The archetypes will have two major components, each of which is detailed below:

- a) *Built Form Assumptions* - these are the design considerations that will guide the minimum parcel size, minimum floor-plate size, density, height, setback, and usage of a particular development. They are crucial for determining economic viability of a potential use as well as the resulting form. The key components are density, coupled with maximum or achievable FARs and setbacks all of which may impact the ultimate built form of the location, the total potential floor area of the development, and the resulting potential hypothetical profit of the development given the input land and construction costs.
- b) *Development Context Assumptions* - these assumptions relate to the contextual milieu by which a particular building type will be permitted. Typically, this forms a table of allowed uses by land use type and local plan area, but occasionally additional overlays are considered, such as development permit areas, location specific locational overrides, or other policy considerations (such as agricultural interface for instance), on a case-by-case basis. Many development context considerations will be overridden by the forthcoming SSMUH zoning implementation under the SSMUH legislation.

Secondly, absorption rate scenarios should be developed. These will be used to determine the cadence of development once redevelopment potential is evaluated. This will require the following efforts:

- a) analysis of the municipality's recent development history,
- b) interviews with municipal staff,
- c) interviews with local builders and developers, and
- d) analysis and projections of the region's relevant labour force.

These inputs will be refined into 2 to 3 scenarios which will define the cadence and volume of development in the community from the near term (3 years from SSMUH implementation under the legislation (it is assumed that projects in the current development pipeline will override any absorption scenario) out to 30 years from SSMUH zoning implementation under the legislation). As these scenarios could have a significant impact on how the community will build out, they should be tested for realism and require both input and sign-off by relevant municipal planning and engineering staff in advance of finalization.

## 5. Current state development

Using the information developed in Step 1 above, it is imperative to score all qualifying parcels in the community to determine how the urban fabric may change over time based on the SSMUH legislation. This effort is required to add a degree of realism to this incremental build out effort and should be used to evaluate development potential, which reflects a market response to the SSMUH zoning policy, land availability and costs, housing and employment demands, access to transit, as well as locational contexts more generally. The core of this modeling step is to establish a “redevelopment” score for a given location.

To establish development likelihood scores, a modeling team should consider some combination of the six following market factors. Data availability (specifically assessment-based information from BCA) as well as information determined at Steps 1 and 2 should determine which factors are ultimately considered for this effort.

- a) **Parcel improvement value to land value ratio:** This ratio is developed by dividing a parcel’s improvement value by its land value. A parcel with a low improvement-to-land ratio is more likely to be redeveloped.
- b) **Average adjacent parcel improvement value to land value ratio:** A parcel with a low improvement-to-land ratio compared to its neighbor’s is more likely to be developed.
- c) **Parcel FAR:** Floor area ratio (FAR) is the measure of the built floor area of a parcel divided by the total area of the parcel. A parcel with a low FAR is more likely to be developed.
- d) **Density Gap:** This measure evaluates the relative utilization of parcels under current policy. A parcel with a large density gap is more likely to be developed.
- e) **Effective Year:** This factor considers renovations and upgrades of a structure which serves as a better metric than year built. Generally, a parcel with an older effective year is more likely to be developed.
- f) **Locational factors:** As appropriate for higher SSMUH densities under the legislation, it may be appropriate to allocate an additional locational bonus to reflect favorable milieux for some developments (specifically transit station areas).

Regardless of factors used, the second stage of this step is to reduce or constrain the development potential of a given location using a standard set of constraints (potentially including, but not limited to flood plains, hazardous/complex terrain, potentially contaminated sites, locations of indigenous cultural significance, interface considerations etc.), which should act in three separate ways described below.

- The first should be to **reduce** the development potential score of some sites on a case-by-case basis with input from the development planners in the community.

- The second application of constraints should be to **reduce the functional size of some parcels**. This should occur mainly through environmental constraints, encumbrances, and other infrastructure requirement.
- The third should be to **remove** some parcels from consideration entirely. This should incorporate development planners' collective knowledge and should be evaluated on a parcel-by-parcel basis and may include rental housing stock retention and/or land ownership, as appropriate.

The final stage of the redevelopment model is to score all parcels based on the net of redevelopment potential and constraints. Scores are typically assigned at a sub-municipal level either by policy context, location context, or some combination thereof. This is done by design since developing a comprehensive municipal score comparing lower value outlying parcels and higher value inner-city parcels does not yield useful information.

## 6. Maximum possible capacity analysis

As detailed in earlier calculations in Appendix D, the maximum unit capacity should be determined to construct a maximum bound for the trend to be calculated in step five (5) below.

## 7. Development likelihood analysis

Once the redevelopment potential has been quantified and the development archetypes have been defined, intermediate processing of all parcels in the community should be conducted to determine which SSMUH development archetype would work best on a site-by-site basis. These efforts should include:

- a) removal of newly developed, to-be developed, illogical or highly constrained parcels from the model; and
- b) testing all parcels for qualifying development typologies using built-form, policy, and economics inputs as a guide to identify the most profitable (and/or viable) potential development typologies. For instance, in an area that allows for up to six units, due to increased construction costs, the most profitable development type for this parcel may be a four-plex as opposed to six-plex.

## 8. Build-out modeling

The result of Steps 1 to 5 above will be a preferred potential development outcome for each parcel in the community that has development potential. Theoretically, this outcome represents the maximum logical capacity of a community absent any considerations with


regards to unit absorption rates (i.e., the rate at which units sell in an area in a given time period), permitting speeds, or labour considerations. To refine this maximum capacity into a reasonable sequence of development, it is therefore necessary to apply the absorption rates scenarios as defined in step two (2) above to the preferential development outcomes in step five (5) to develop an annual build-out of the community to 30 years after the implementation of the SSMUH zoning under the legislation.

This effort will result in a numerical build-out that indicates for each qualifying SSMUH-zoned parcel, the potential year of development, the resulting development type, floor area and number of units. These units can subsequently be converted into population or equivalent development units (EDUs) as appropriate for the local government's needs using agreed-upon multipliers (either from standard BC best practices or using trended municipal data or a combination of both). Summary data can be produced for milestone years, as appropriate, and should be accompanied by maps and graphs, as appropriate, for rapid review and iteration.

The technical work should be finalized based on clear acceptance criteria from a local government that should be developed during project initiation. Specific criteria could include, but may not be limited to:

- a) Accuracy** - Does the build-out reflect the policy input parameters of the modeling? Do the buildouts indicate a smooth development cadence that mirrors historic trends?
- b) Realism** - Does the build-out reflect the experience of municipal staff with respect to historic development in the community?
- c) Plausibility** - Does the build-out portray development outcomes that seem achievable under current or forecast economic conditions?
- d) Spatial Distribution** - Does the build-out indicate a spatial pattern of development that reflects the intents of municipal planners?



	<p>MINISTRY OF HOUSING POLICY BULLETIN</p> <p><i>Issued: February 2024</i></p>	<p>Local Government Housing Initiatives Small Scale Multi-Unit Housing - Extensions</p> <p><b>Direction on eligible conditions and application requirements for extensions to the June 30, 2024, deadline for local governments' zoning bylaw amendments to accommodate small-scale multi-unit housing requirements.</b></p>
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## Background

In the fall of 2023, the BC government passed *Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023*, which amends the *Local Government Act* and *Vancouver Charter* to support the supply of significantly more homes, faster, in BC. The amendments require local governments to update their zoning bylaws to allow secondary suites or detached additional dwelling units in single-family zones province-wide and three to six units of Small-Scale Multi-Unit Housing (SSMUH) on single-detached or duplex residential lots, depending on their locations.

The [SSMUH Policy Manual & Site Standards](#) have been released to support local governments in updating their bylaws and includes information on exemptions and advice on calculating anticipated uptake and infrastructure capacity.

Local governments need to amend their bylaws before June 30, 2024, and notify the Minister of Housing as soon as practicable after the last of the necessary amendments have been completed. Local governments can request time-based extensions under certain circumstances, which are detailed below.

Requests for extensions related to infrastructure must be submitted to the Minister on or before June 1, 2024. Extensions related to extraordinary circumstances must be submitted on or before June 30, 2024.

Confirmation of the passing of a resolution by the council or board directing submission of an extension application is required to ensure that the application is authorized.

Local governments seeking extensions will need to know the results of their extension application(s) *prior* to June 30<sup>th</sup>, 2024, to identify which zones they are required to bring into compliance in their SSMUH bylaw amendments (i.e., zones covered by the legislation for which no extension has been granted or sought). **We therefore recommend that extension applications be submitted to the Minister of Housing 45 days prior to anticipated council hearings for SSMUH-related bylaw amendments.**

An extension may be granted if the Minister is satisfied that the local government is unable, by June 30, 2024, to comply with the requirement to amend its bylaws because:

1. The local government is in the process of upgrading infrastructure that services the specific area or specific lots for which the extension is being requested;

2. The infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety or the environment in that area; or
3. Extraordinary circumstances exist that otherwise prevent compliance in relation to the area.

This bulletin provides *details on the criteria, application process, and the supporting documents that must be submitted* as part of an application for an extension to the SSMUH compliance deadline. Note that subsequent resources may be issued by the Province to clarify or elaborate on changes to the Act. These resources will be available online on the [Local Government Housing Initiatives website](#).

## Application process for extensions to compliance deadline for SSMUH zoning bylaw amendments

The steps and timeline for local government extension applications are detailed below.

1. Local governments complete the documentation for their extension request, as detailed in the appropriate section below.

Questions about submission requirements and applications should be directed to: [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca).

2. Application packages should be submitted 45 days prior to council hearing for SSMUH zoning bylaw amendments. The final deadline for applications is **June 1, 2024** or **June 30, 2024**<sup>1</sup> (depending on the reason for the extension request) by email or mail to:

Email: [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)

Mail: Planning and Land Use Management Branch  
PO BOX 9841 STN PROV GOVT  
Victoria, BC V8W 9T2

**Attn:** SSMUH Extension Request Application

3. Applicants will receive confirmation of receipt of the package and date of submittal.

4. The Minister will review the package and provide a response indicating whether the extension has been granted. If the extension is granted, the Minister will indicate the new deadline for compliance, which can be no later than December 31, 2030. If applications are refused, local governments have 90 days after the date set out in the notice of refusal to provide notice that they've complied with the SSMUH legislated requirements.

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<sup>1</sup> Packages post-marked by the deadline will be considered on-time.

5. Once the conditions that necessitated the extensions have been resolved, local governments are required to update their zoning bylaws for the area(s) where their extensions applied.
6. Local governments must notify the Minister by letter, that their zoning bylaw is updated and compliant by the extended deadline.

## Extension categories and application requirements

The following section describes the conditions eligible for extensions, and the associated application requirements.

Local governments may apply for multiple extensions of the same or different extension categories, however, must complete separate application forms and packages for each infrastructure project or issue.

1. *The local government is in the process of upgrading infrastructure that services the specific area or specific lots for which the extension is being requested.*

### Explanation of condition

Local governments can apply for an extension to the SSMUH compliance deadline in relation to specific areas or lots where they are in the process of upgrading infrastructure which renders them unable to comply by June 30<sup>th</sup>, 2024.

Examples of eligible ongoing infrastructure upgrades include, but are not limited to:

- **Upgrades that increase capacity required to meet demands of added development** – Including increasing pipe size, treatment plant upgrades, etc.

### Application requirements

- Requested extension date.
- Description of the ongoing infrastructure upgrade which prevents compliance with the SSMUH zoning requirements by June 30, 2024, and explanation of why new SSMUH development cannot occur until the upgrade is complete.
- Timelines for the project.
- Map of the affected area, including the parcels for which the extension is being requested, as well as the location(s) of the infrastructure upgrade.
- Documentation to support the application which may include, but is not limited to: engineering reports, project plan, progress reports, etc.

2. *Compliance is likely to increase risk to public health, safety or the environment.*

**Explanation of condition**

Local governments can apply for an extension for areas where the infrastructure that services the area is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety or the environment.

Examples of infrastructure conditions that would likely increase risks in an area include, but are not limited to:

- **Wastewater** – additional input to wastewater treatment facility and/or system servicing the area would lead to untreated wastewater backups and overflows.
- **Stormwater** – current stormwater management practices and systems would exceed capacity from additional development.
- **Drinking water quality** – additional development would be connected to a water system with current/ongoing/frequent water quality concerns (water quality advisory, boil water advisory or do not use water notice) or cause insufficient water supply concerns.

**Application requirements**

- Description of the infrastructure deficiency and how changing the zoning in the affected area to comply with the SSMUH requirements would pose a risk to public health, safety or the environment until an upgrade is undertaken.
- Requested extension date (this must align with existing project timelines if a project plan exists. If there is no project plan in place, an estimate may be given).
- Map of area(s) to which the extension application applies.
- Documentation supporting the application, which may include, but is not limited to engineering reports.
- Remediation plan if one exists.

## Extensions vs. Exemptions

### **Extensions**

- Areas which receive an extension for SSMUH compliance are expected to align with the SSMUH legislative requirements in the future. These areas require additional time to update the necessary infrastructure to support additional development adequately and address likely risk to health, public safety, or the environment.
- Local governments are required to apply for an extension, following the information provided in this bulletin and associated application form.

### **Exemptions**

- Land which meets the requirements for an exemption from SSMUH legislation is not intended to align with SSMUH legislation in the future unless significant action is taken which can demonstrate the exemption is no longer applicable.
- Local governments do not need to apply for an exemption, rather they must notify the Minister of what areas in their jurisdiction meet the exemptions as provided for in the legislation and regulations.
- For exemption notification requirements, please see page 13 of the [Provincial Policy Manual and Site Standards](#).

### 3. *Extraordinary circumstances exist that prevent compliance by June 30, 2024.*

#### Explanation of condition

A local government is unable to update their bylaws by the deadline, due to unforeseen circumstances that divert their resources.

#### What is an “extraordinary circumstance”?

An extraordinary circumstance, for the purpose of an extension to comply with the requirements of the SSMUH legislation, is a situation that would result in a sufficient diversion of local government resources such that compliance with the legislation in the specified timeline would not be possible.

Examples of extraordinary circumstances that otherwise prevent compliance in relation to the area by the deadline, include but are not limited to:

- [Natural hazards](#) (flooding, forest fire);
- [State of emergency](#).

### Application requirements

- Requested extension date.
- Description of the issue occurring in the community.
- Description of any work completed to comply with the SSMUH requirements up to this point, what additional work is planned to be done, an anticipated timeline when issue will be resolved and/or when compliance will be achieved.
- Documentation of extraordinary circumstances, ex: Declaration of State of Emergency.

Attachment not for review

For:  
Jake Belobaba, Director of Development Services  
Town of Ladysmith  
132C Roberts Street  
Ladysmith, BC

May 8, 2024

# SMALL SCALE MULTI-UNIT HOUSING (Bill 44) PRELIMINARY SANITARY SEWER CAPACITY REVIEW

Permit to Practice No. 1001793

Ryan Bouma, P. Eng.  
Director of Infrastructure Services

Reviewed by:  
Michele Gill, ASCT  
Sr. Engineering Technologist



## 1.0 INTRODUCTION

In early 2024, the Town of Ladysmith's (Town) Engineering Department was asked by Mr. Jake Belobaba, Director of Development Services, to review the Town's utilities for capacity issues related to proposed changes to residential zones. The Engineering Department understands the zoning bylaw density increase changes are a directive from the Provincial government's legislation regarding Small Scale Multi-Unit Housing (SSMUH).

This report provides the findings of a preliminary review of the sanitary sewer collection system and the capacity of sanitary sewer mains to support additional density or highlight the need to request an extension to the SSMUH requirements. Water and storm water utilities were reviewed by others. The findings of this report are preliminary in nature as legislated deadlines for the density increase have not allowed for detailed review of the sanitary sewer system. The Engineering Department recommends a detailed review of the findings to provide detailed estimates and prioritization of projects.

## 2.0 BACKGROUND

While reviewing the sanitary system, the Engineering Department reviewed relevant sources of information, including:

- WSP 2017 Flow Monitoring Program report – This report provided the Engineering Department with measured flows and Rainfall Derived Inflow and Infiltration (I&I) rates. This report found that I&I is 4 to 6 times higher than the Town's standards and specifications in some areas. Having field measurement of I&I in specific catchments increases the confidence of the results herein.
- Town of Ladysmith record information – Pipe sizes, grades, and materials were obtained from the base mapping available to the Engineering Department. Field confirmation of piping was not completed at this stage of review.
- Town of Ladysmith Standards and Specifications – Town standards were used for population densities, peaking factors, and calculation methods.
- Virtual meeting with WSP – WSP/Opus constructed a model of the Town's sanitary sewer system in 2014. Although WSP was not able to run the model within the timelines required, a WSP representative met with the Engineering Department virtually on April 30, 2024. The WSP representative was able to provide a copy of the model to the Engineering Department and give brief comments about their knowledge of the sanitary sewer system.
- Opus Technical Memorandum No. 1 – Sanitary Sewer Model Development and Validation – This technical memorandum describes the construction of the sanitary system in 2014, including the extents of development and the inflow rates used.
- WSP Waterfront Area Plan Sewer Servicing Assessment – The Waterfront Area Plan was previously analyzed by WSP. The report was reviewed for downstream capacity findings.



- Opus Technical Memorandum No. 1 Phase 3 Advanced Secondary Wastewater Treatment Plant – This technical memorandum includes details of the wastewater treatment plant, including capacity and population growth.
- Ministry of Housing Policy Bulletin – Local Government Housing Initiatives SSMUH Extensions – This policy was reviewed to better understand the needs of this report and the ability to apply for an extension.

We understand that the SSMUH legislation requires the Town to increase density in “restricted zones” to allow for a minimum 4 units per lot on lots between 280 and 4050m<sup>2</sup> and 3 units on lots less than 280m<sup>2</sup>. The sharp increase to available density has impacts to existing infrastructure that was designed for conventional one or two unit per lot density. The Province has acknowledged this concern and provided an opportunity to municipalities to apply for an extension until 2030 for several reasons. One reason is “the infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety, or the environment in that area”. An example is provided in the provincial bulletin as “upgrades that increase capacity required to meet demands of added development – including increasing pipe size”.

The waste water treatment plant was not reviewed as part of this assignment, although some discussion is provided in Section 5.0 based on staff knowledge and review of design reports.

The Engineering Department further understands that the Town’s Development Services Department is preparing zoning bylaws and an extension request for Council to review and that this report will be used to support their work.

### 3.0 METHODOLOGY

Given the relatively short deadline imposed on the Town, the Engineering Department carried out a high level preliminary review of the entire sanitary sewer system. Not all sanitary sewer utilities were checked as that is outside the scope of this report and should be done through detailed review and computer modelling.

#### 3.1 DESKTOP REVIEW

A high level review of the entire sanitary sewer collection system was reviewed in an Engineering Department meeting to evaluate and discuss potential capacity issues within the system. Staff scanned the system for pipes that met one or more of the following criteria:

- Pipes that carry large catchment areas;
- Grades less than 2%;
- Small diameter pipe relative to the catchment area;
- Areas known to potentially have capacity concerns based on the Engineering Department’s prior knowledge;

- Areas of recent growth on older pipes potentially sized for smaller catchments; and
- Areas of known high rates of Inflow and Infiltration (I&I).

Pipes that matched the above criteria were highlighted and determined whether to be included in capacity calculations. In all, the Engineering Department reviewed more than 20 pipes of concern with a total length more than 3000m.

### 3.2 CAPACITY CALCULATIONS

Following the desktop review Engineering staff developed a spreadsheet based on Section 5 of the Town's Standards and Specifications to calculate the flow rate and capacity of the identified pipes of concern. The calculations considered:

- Diameter;
- Grade;
- Material roughness;
- Peaking factor;
- Population density;
- Existing development plans (e.g.. Holland Creek Area);
- Catchment area; and
- I&I based on WSP metering in 2017.

Population density for single family residential is noted to be 36 persons per hectare (pph) in Section 5A.2.3 of the Town's Standards and Specifications. This was used to evaluate the system for existing conditions. "Pockets" of commercial development were treated the same, as the Standards and Specifications note 36 pph for Industrial and Commercial zones. The Downtown Area along 1<sup>st</sup> Avenue was similarly treated the same for simplicity. The relative size of the Downtown Area was not significant for this level of review.

Based on conversations with the Town's Development Services Department, predicting the uptake of SSMUH and a realistic population density prior to 2030 is difficult. The Engineering Department chose to evaluate four conditions to provide a range from Single Family development to High Density Multiple Family development. These were:

- 36 pph (SFD population)
- 48 pph (Low Density Multi-Family)
- 72 pph (inferred density potential)
- 120 pph (High Density Multi-Family)

The Town's Standards and Specifications note "peak stormwater infiltration shall be calculated on the basis of 11,200L per hectare"; however, the Standards are generally written for new construction where modern pipe materials and a separate storm water system are used. Results from the WSP 2017 Flow Monitoring Program were weighted based on the catchments

being reviewed. In areas of Town that were not covered by the metering, I&I rates were used based on similar construction and age to areas that were covered.

Two calculations were carried out. The first was the rate of flow from the catchment area and the second was the capacity of the existing pipe. Rather than calculate the fullness of the pipe, the flow and capacity were merely checked as a percentage of pipe capacity to identify the pipes that are near or exceed capacity.

A final step in the spreadsheet calculations was to carry out a sensitivity analysis of pipes that were near or exceeded capacity. Because grade of pipe is generally fixed, the Engineering Department checked for improvements based on increasing pipe size, lining the pipe for decreased roughness, and decreasing I&I.

Sample calculations are provided in Appendix B.

### 3.3 COMPUTER MODELING

The computer model developed by WSP is based in PCSWMM using record information from 2014 and a census population of 7,842 people. Staff understands that little, if any, updates to the model have been completed and does not include a myriad of development that has occurred over the past 10 years, nor does it include updated I&I rates learned in 2017. The discrepancy of I&I between the model and known rates made comparison in some areas difficult. Through discussions with a WSP representative, updates to the model were not possible in the time required, although the model was provided to the Engineering Department for internal use.

Despite the lack of updating to the model, the Engineering Department used the model for verification of the spreadsheet calculations. The model is able to predict pipe fullness for the entire system, which would not be feasible with spreadsheet calculations; therefore, the model was also used to highlight pipes that may not have been captured during the desktop review.

We recommend the model be updated to reflect current extents of the sanitary sewer system and reflect the known I&I rates.

### 3.4 ANALYSIS

Upon completion of the above analysis, the Engineering Department reviewed the results, considered the impacted areas of the Town, and looked for potential improvements to the system. Results were generally broken into three categories as follows:

- Low – Pipes in this category do not have a capacity issue and would not prevent development. These pipes were not reviewed any further;

- Medium – Where capacity is nearly reached at existing conditions and exceeds capacity with some densification, pipes were reviewed in greater detail and included in Section 4; and
- High – There were several instances where pipes were at capacity under existing conditions and require detailed review. Further discussion is provided in Section 4.

The results of the analysis have allowed the Engineering Department to make recommendations for extension requests to the Province as well as for further detailed review prior to the 2030 extension expiry.

#### 4.0 ANALYSIS RESULTS

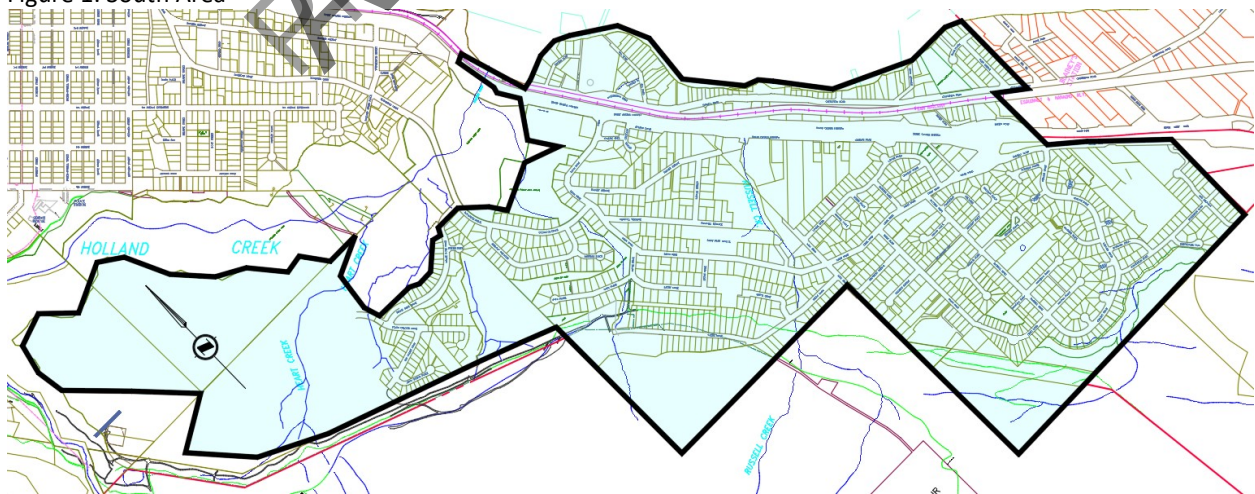
The Town generally consists of three large catchments that flow into trunk mains towards the Wastewater Treatment Plant. Due to the size of the catchments and findings of the analysis, the northern catchment was broken into two smaller areas for discussion.

Rocky Creek Road, Transfer Beach, and the Waterfront Area Plan are not discussed below. Preliminary review of these areas did not reveal concerns that were not already being addressed through development and nearly all of these areas do not fall within “Restricted Zones” under the SSMUH legislation.

##### 4.1 SOUTH LADYSMITH

The South Area consists of all properties south of Holland Creek, except for the Westdowne Road Industrial Area which does not have sanitary sewer service and understood to be automatically exempt from SSMUH regulations. Generally, this includes the Chemainus Road, Holland Creek Area, Coronation Mall, Davis Road, Russel Road, and Stirling Drive areas as shown below.

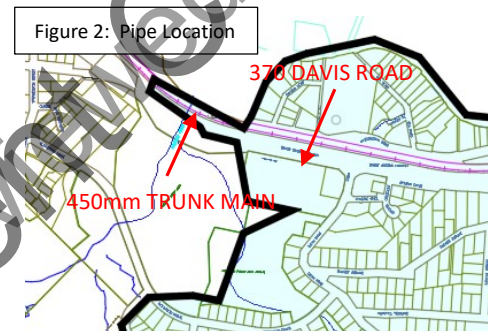
Figure 1: South Area



This area was initially reviewed as multiple catchment areas, but the analysis quickly revealed that the entire area is impacted by the same pipe capacity issue, which is the sanitary trunk main along Highway 1. Two other notable mains identified to have capacity concerns were the Chemainus Road foreshore main (150mm AC) and the low grade portions of the Holland Creek Ball Field main (200mm AC) which will be upgraded as part of the Holland Creek developments.

#### 4.1.1 Highway 1

A 450mm diameter concrete main at a low 0.34% grade services the entire South Area. A portion of this trunk main runs under the Holland Creek highway crossing, attached to the bridge structure. Our preliminary review of this trunk main involved a more detailed look than all other pipes in Town due to the large area impacted and poor correlation with the computer model. Spreadsheet calculations determined this trunk main to be at capacity under existing conditions (proposed developments included), whereas the computer model output some available capacity. The Engineering Department concluded the discrepancy to be due to conservative spreadsheet calculations and the model's exclusion of development in the area from the last 10 years, which is significant in the South Area.



The closest property to be impacted by a sewer backup on this main is Coronation Mall at 370 Davis Road. The Engineering Department checked with Infrastructure Services for a history of callouts related to this main and found nothing. Coronation Mall is estimated to be 2.5m above the trunk main based on an assumed slab elevation in Save On Foods of approximately 22m. Because of the elevation difference some surcharge may be occurring without reports to Infrastructure Services. An Engineering Department representative went to a manhole near Coronation Mall on Highway 1 and observed the Dry Weather Flow in the manhole to be less than half the pipe height.

Based on these findings and the critical nature of this trunk main, we recommend that an extension is requested from the Province for the entire South Area. Existing approved developments may continue as they have been included in the spreadsheet calculations. We further recommend that the computer model be updated to reflect current conditions and detailed review be completed. If a capacity issue is found to exist with detailed review, the Town should plan for upgrades to this trunk main. Alternatively, the extension could be lifted.

If required, upgrades are anticipated to consist of re-lining the existing concrete main to reduce roughness followed by twinning the main. Twinning the main would allow for flows during construction without a risky and costly bypass system, requiring bridge deck space that may not be available. This work would involve the Ministry of Transportation and Infrastructure as well

as the need for Structural engineering of the bridge. Planning, design, budgeting, and construction of this project is likely to exceed 5 years and it is not possible to estimate costs at this time.

#### 4.1.2 Chemainus Road

Both spreadsheet calculations and computer modelling highlighted a serious capacity issue under current conditions with the 150mm diameter Asbestos Cement (AC) main along the foreshore at Chemainus Road. Background knowledge of this main and associated pump stations indicate the main is in poor condition with high volumes of infiltrating salt water. We understand that the Town's Utility Department has had to replace corroded pumps in the Gill Road pump station as a result of salt water. The Engineering Department has reviewed the general area and note that the pipe appears to be buried in loose, saturated, sand and gravel. Seismic shaking is likely to cause liquefaction and excess settlement, resulting in service and joint separation as well as cracking of the brittle pipe material.

We recommend that the Town budget and design a replacement of the Chemainus foreshore main. There are geotechnical and environmental concerns with construction within the foreshore as well as excavation difficulty in saturated soil. Pipe bursting should be considered during detailed design to avoid open-cut excavation on the foreshore. Construction costs are anticipated to be much higher per metre than conventional open cut excavation in a roadway. Costs are not available at this time, although it is recommended that \$100,000 be included in the 2025 budget to carry out detailed review and design of the upgrade.

#### 4.2 MIDTOWN AREA

The Midtown Area consists of 4<sup>th</sup> Avenue Extension, north Dogwood Drive, and Bayview Avenue, shown in Figure 4 below. The area is relatively small with topography that provides a consistent slope down to the Wastewater Treatment Plant. The size and topography kept all but one pipe within available capacity.

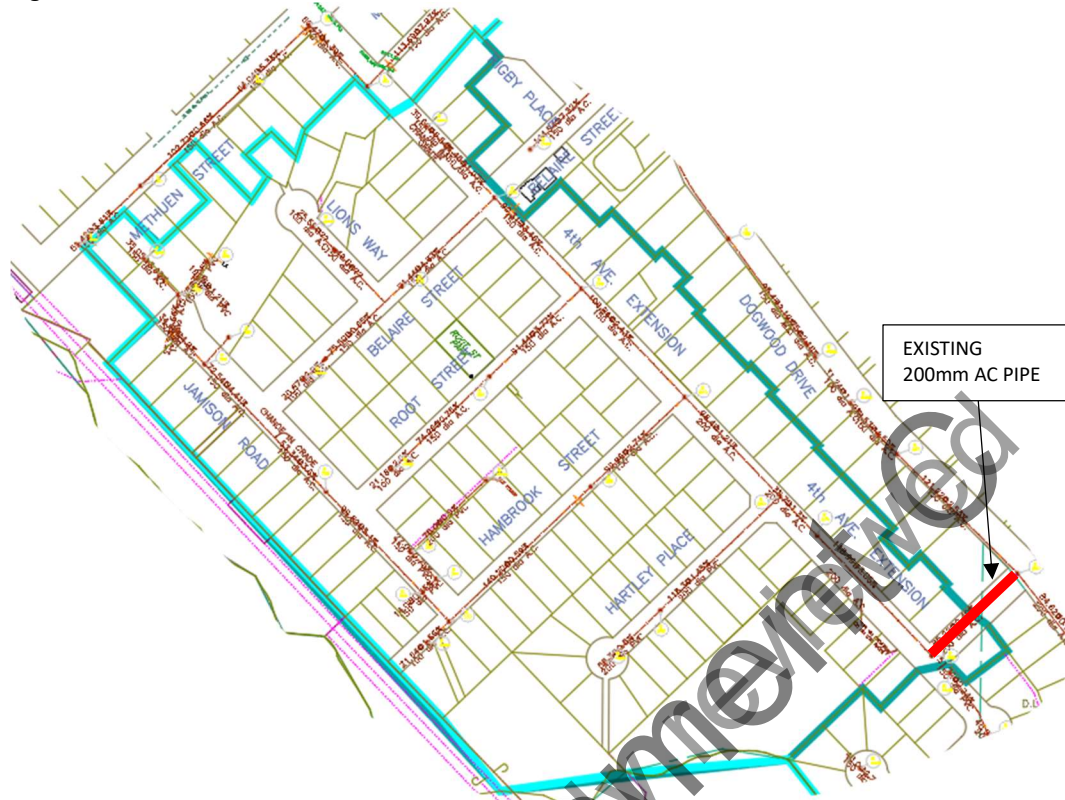
Figure 3: Midtown Area



The pipe connecting 4<sup>th</sup> Avenue Extension to Dogwood Drive consists of a 130m long, 200mm diameter, AC pipe set at 0.4% grade. The capacity is exceeded under the current conditions. Infrastructure Services staff have one report of backup at a property serviced on this main from May 26, 2020.

We recommend that an extension be requested from the Province for this catchment. A detailed review of the capacity of this main should be completed; however, the sensitivity analysis revealed that replacing the main with a 250mm PVC pipe would sufficiently increase capacity for current conditions and anticipated development. The cost to replace this main is likely to range from \$200,000 to \$250,000.

Figure 4: 4<sup>th</sup> Avenue Extension Sub-Catchment



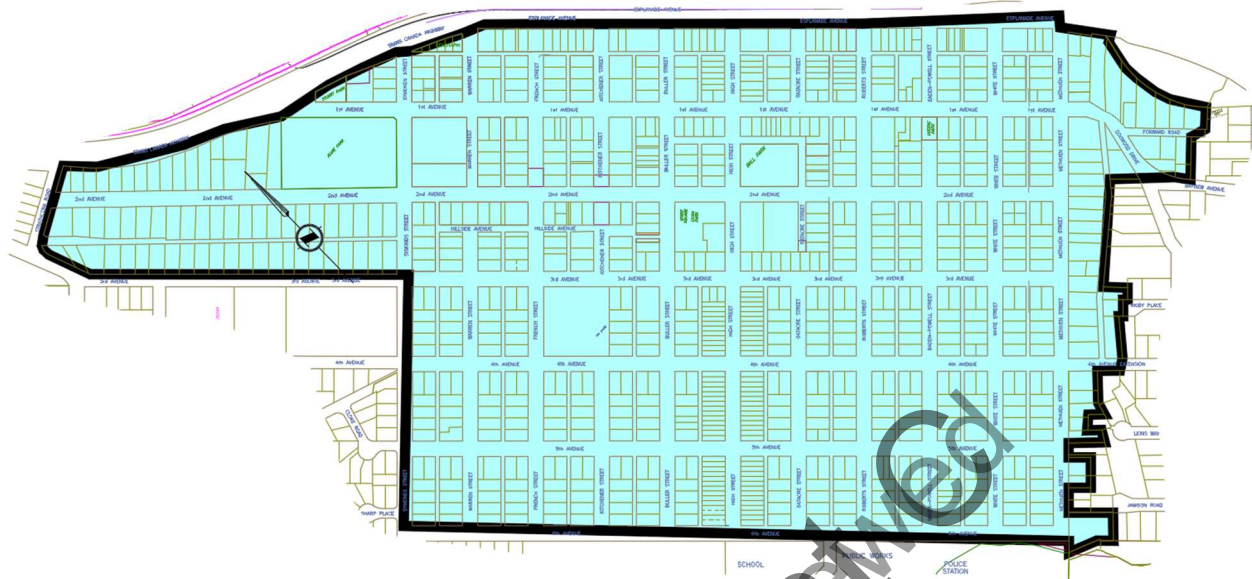
All other pipes in the Midtown Area were found to be sufficiently sized.

4.3 OLD TOWN AREA

In general, the Old Town Area is steeply sloping and includes 1<sup>st</sup> to 6<sup>th</sup> Avenue. The area has very high I&I rates which was an important consideration in this area. The area is shown in Figure 2 below.



Figure 5: Old Town Area



A review of the 600mm diameter concrete trunk main crossing Highway 1 at Buller Street leading along the Highway and railroad track to the Wastewater Treatment Plant was found to be near capacity. The Engineering Department reviewed the WSP Waterfront Area Servicing Plan, which discussed the capacity of this main and found it to have capacity. We noted that the WSP report did not consider the higher than anticipated I&I rates in the Old Town Area. The model should be updated to reflect the current rates and rechecked.

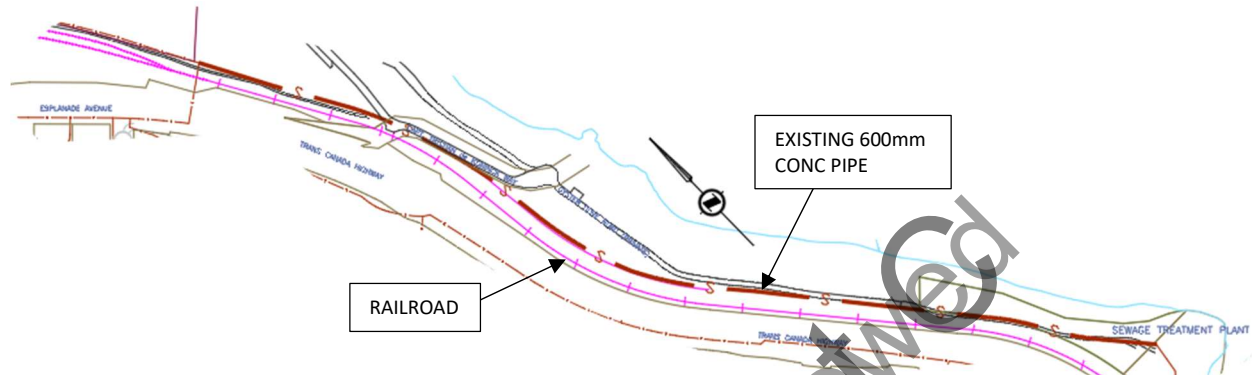
The sensitivity analysis revealed that I&I and pipe roughness were significant factors. I&I is reported to range from 43,405 to 67,308 L/Ha/day in this area, a 4 to 6 times higher rate relative to new construction. The high I&I rates are understood to be a result of old combined services and lack of storm service to some areas. The Town's Engineering Department is working with WSP to identify sources of I&I and come up with solutions to reduce the volume. WSP recently submitted a report on this subject, although it was not reviewed in time for this study.

One way to reduce I&I volume is to allow development and enforce the Town's Standards and Specifications for stormwater for new construction. Doing this will result in a net reduction in flow. As such, we recommend that development be allowed in this area with strict enforcement by the Development Services Department, with input from the Engineering Department, to remove combined services and construct new storm infrastructure where required. Detailed design will be required on a site by site basis between Town staff and developer consultants.

We recommend that the Town review the recently submitted WSP report regarding Inflow and Infiltration and consider implementing the recommendations in that report. There are likely costs associated with the recommendations so if the recommendations are accepted they should be budgeted and planned.

We further recommend detailed review of the capacity and consider lining the trunk main shown below. Reducing the roughness of the main will increase capacity sufficiently for more development and increase the life of the existing concrete main. This recommendation is relevant to the North Area described in Section 4.4, as it carries flows from both catchments.

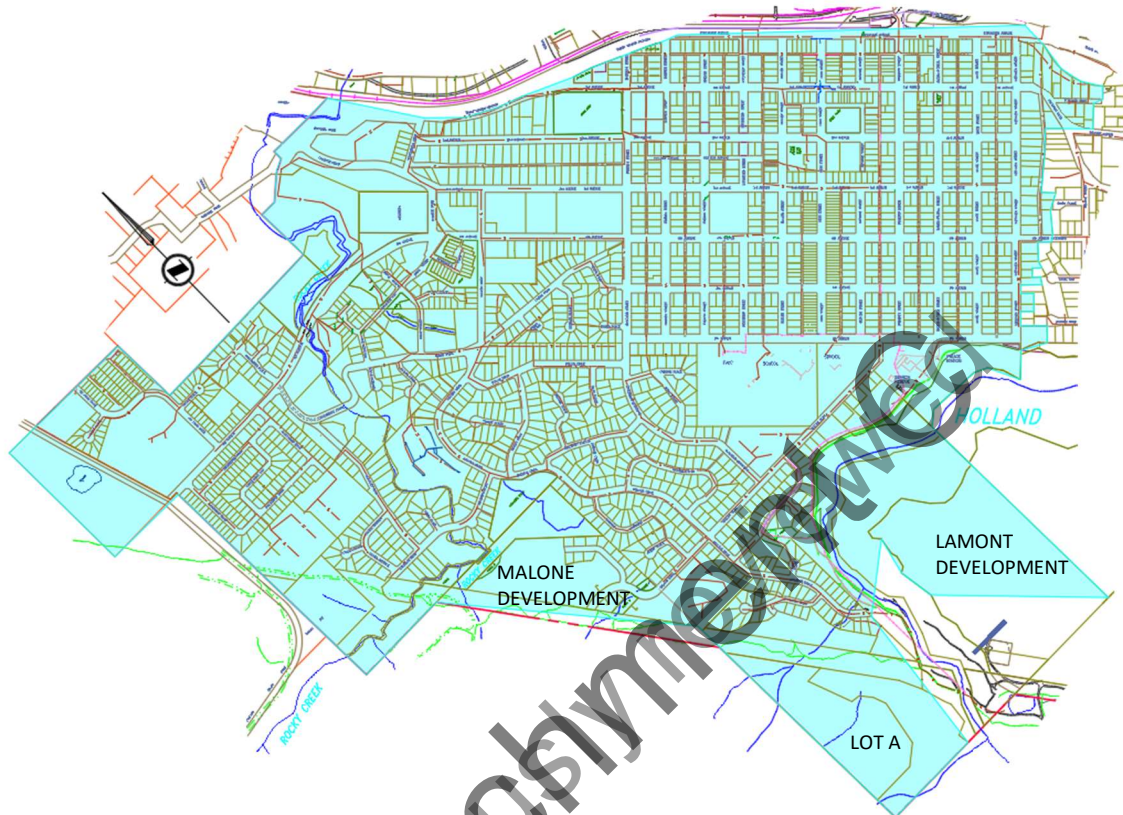
Figure 6: Old Town Area Trunk Main



#### 4.4 NORTH AREA

The North Area (Figure 6) consists of Malone Road, Colonia Drive, Jim Cram Drive, and the planned Lamont Lands development (south of Holland Creek, but planned to flow into this catchment). The area consists of relatively new construction materials with much lower I&I compared to the adjacent Old Town Area, but feeds into the trunk main within the Old Town Area. Our review of this area found multiple issues ranging from Low to High, that correlated with the computer model.

Figure 7: North Area



Based on the WSP report and the newer construction materials in the area, a relatively low I&I rate of 9000 L/Ha/day was used in our preliminary calculations. As such, there are few opportunities to improve I&I through development. Capacity concerns in the North Area require improvements to the infrastructure.

Several pipes were near to or at capacity. These include:

- 90m long, 150mm diameter at 801 Mackie Road;
- 60m long, 200mm diameter crossing Cloke Road at Taylor Crescent;
- 100m long, 300mm diameter on 2<sup>nd</sup> Avenue at Strathcona Road; and
- 550m long, 300mm diameter along Highway 1 from 1150 2<sup>nd</sup> Avenue to 1020 1<sup>st</sup> Avenue (round about).

#### 4.4.1 Mackie Road

The Lamont Lands and Lot A developments are anticipated to inflow into this small sub-catchment on Mackie Road, which was likely not considered when the relatively small 150mm diameter main was constructed. Without the developments the pipe size is sufficient; however,

with this additional development the pipe is nearing capacity under existing conditions. We have inferred builders in both developments are likely to build according to SSMUH which would result in a density around 72 pph and significantly exceed the pipe capacity. We recommend the Lamont Lands and Lot A developments be included in an extension request or require the developer(s) to make downstream improvements.

#### 4.4.2 Cloke Road

This pipe is nearing capacity in current conditions and surcharges when population density reaches between 48 and 72 pph. An extension is not required due to this finding.

We recommend that this main be checked in the model as development proposals are presented to the Town and that replacement with a 250mm diameter pipe be considered in the next iteration of the Town's Development Cost Charge (DCC) bylaw.

#### 4.4.3 2<sup>nd</sup> Avenue

Although a small sub-catchment of the Old Town Area flows into this main, the primary source of flow is the North Area. This pipe is twinned with an older 200mm diameter AC main in parallel. The Engineering Department is not aware of how the flows are shared between both pipes, but believe the newer 300mm main is at a slightly lower grade and will overflow into the older main when surcharged.

This main is near capacity under existing conditions without considering overflow; however, capacity is exceeded at 48 pph. The Engineering Department assumed an allowable 25% overflow and determined the overflow pipe and main reached capacity between 48 and 72 pph.

The Development Services Department should consider the likelihood this area will redevelop and push density beyond 48 pph. This main should also be monitored once the computer model has been updated. Consideration of replacing the overflow with a larger pipe, or complete replacement of both mains for the DCC bylaw is recommended.

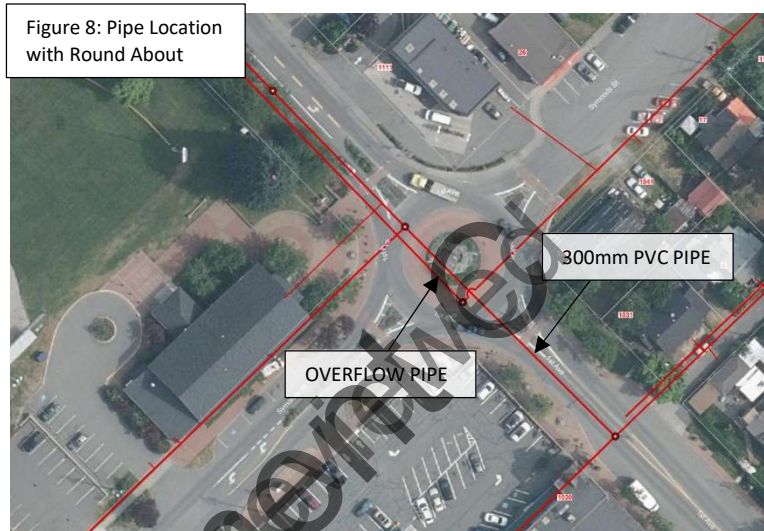
#### 4.4.4 Highway 1 to 1<sup>st</sup> Avenue (Round About)

This 300mm main with a twin 200mm overflow main is at capacity in existing conditions according to spreadsheet calculations and 85% according to the model. Similar to the description in 4.4.3, this pipe is shared with the Old Town Area and the Engineering Department does not know how the overflow is directed. Despite this, the North Area is the main contributor and is discussed in that context.

This is an existing capacity issue that should be reviewed in detail as a high priority to the Town. Consideration was given to recommending an extension request, but the need to upgrade the main shouldn't be delayed. An extension request should be made where new greenfield

development may build in accordance with SSMUH, such as the new Malone Road development.

This main runs under the existing 1<sup>st</sup> Avenue round about, which is an extensive surface feature that would need to be removed for conventional open-cut excavation. The cost and disruption for this work is relatively high. A detailed review should be completed to determine the function of the bypass and how to increase capacity with minimal impacts to 1<sup>st</sup> Avenue. Conceptually, the Engineering Department suggests considering a pipe-burst replacement of one or both mains. It will be necessary to check pipe depths, nearby utilities, soil conditions, and dry weather flows with a specialized contractor in order to evaluate the feasibility. It is not possible to estimate costs at this time.



## 5.0 WASTEWATER TREATMENT PLANT

According to the Province's bulletin, the Province may provide extensions for lack of treatment capacity; however, a preliminary review of the Town's Wastewater Treatment Plant was not part of this scope of work. The Engineering Department did a background review of available information to confirm whether an issue may exist and additional engineering may be required.

Background information indicates the Plant is designed for a population of 17,200 people and a maximum flow of 14,400m<sup>3</sup> per day. However, we understand the Wastewater Treatment Plant has gone into overflow on multiple occasions due to high inflows during heavy rainfall. Based on the measured flows and history of overflow, the Town's Wastewater Treatment Plant is nearing capacity due to I&I rather than population. Improving I&I throughout the system will reduce the inflow to the Treatment Plant and allow for increased population growth such as SSMUH.

## 6.0 SUMMARY AND CONCLUSION

The Engineering Department has reviewed background information and carried out an analysis, including limited verification with computer modeling, of the sanitary sewer collection system. The Town's sanitary sewer collection system seems to be limited by the trunk mains along Highway 1, which travel adjacent to large catchments at relatively low grades. These trunk

mains were constructed prior to significant developments and may not be adequately sized for the proposed SSMUH density increases.

This review included recommendations for upgrades and application for an extension to the Province. The recommendations provided above are summarized as follows:

1. Update the sewer model with current conditions and I&I rates;
2. Request an extension for the entirety of the South Area;
3. Carry out detailed review of the Highway 1 main. Consider lining the existing 450mm diameter main in the near term and twinning longer term;
4. Budget for detailed design for replacement of the Chemainus Road foreshore;
5. Request an extension for the relatively small catchment leading to the main connecting 4<sup>th</sup> Avenue Extension to Dogwood Drive;
6. Include replacement of the 130m of main connecting 4<sup>th</sup> Avenue Extension to Dogwood Drive in the 2025 budget. Complete a more detailed assessment of the pipe and refine the cost estimate prior to budgeting;
7. Allow development within the Old Town Area with strict stormwater management requirements to reduce I&I;
8. Review and implement the recommendations in the recently submitted Inflow and Infiltration report from WSP;
9. Carry out detailed review of the trunk main leading from the Old Town Area to the Wastewater Treatment Plant. Consider lining the concrete pipe to reduce roughness;
10. Request an extension from the Province for the Lamont Lands and Lot A developments or require downstream improvements;
11. Monitor 200mm main on Cloke Road and consider replacement with 250mm main in the next DCC bylaw;
12. Monitor 300mm main and overflow main on 2<sup>nd</sup> Avenue and consider replacement in the next DCC bylaw;
13. Include detailed review and design for upgrades to the Highway 1 to 1<sup>st</sup> Avenue round about main in the 2025 Budget. Complete a detailed assessment and consider sub-surface replacement methods; and
14. Request an extension request for the Malone Road development.

Most of the recommendations require detailed analysis not performed in this review. Updates to the computer model will assist the Town's Engineering Department and consultants working for the Town. The Development Services Department should be aware of the recommendations and discuss them with the Engineering Department when a development proposal may impact one or more of the highlighted mains in this report.

A request should be made to the Province for the South Area of Town, 4<sup>th</sup> Avenue Extension, the Lamont Lands and Lot A developments, and the Malone Road development. These areas are shown in Appendix A. The Engineering Department is able to assist with these requests as required.

We trust this report meets your needs at this time. Please contact the undersigned with any questions. Thank you.

Per: Ryan Bouma, P. Eng.  
Director of Infrastructure Services

Reviewed by: Michele Gill, ASCT.  
Sr. Engineering Technologist

Permit to Practice No. 1001793

APPENDICES

APPENDIX A – RECOMMENDED EXTENSION AREAS

APPENDIX B – SAMPLE CALCULATIONS

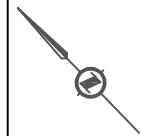
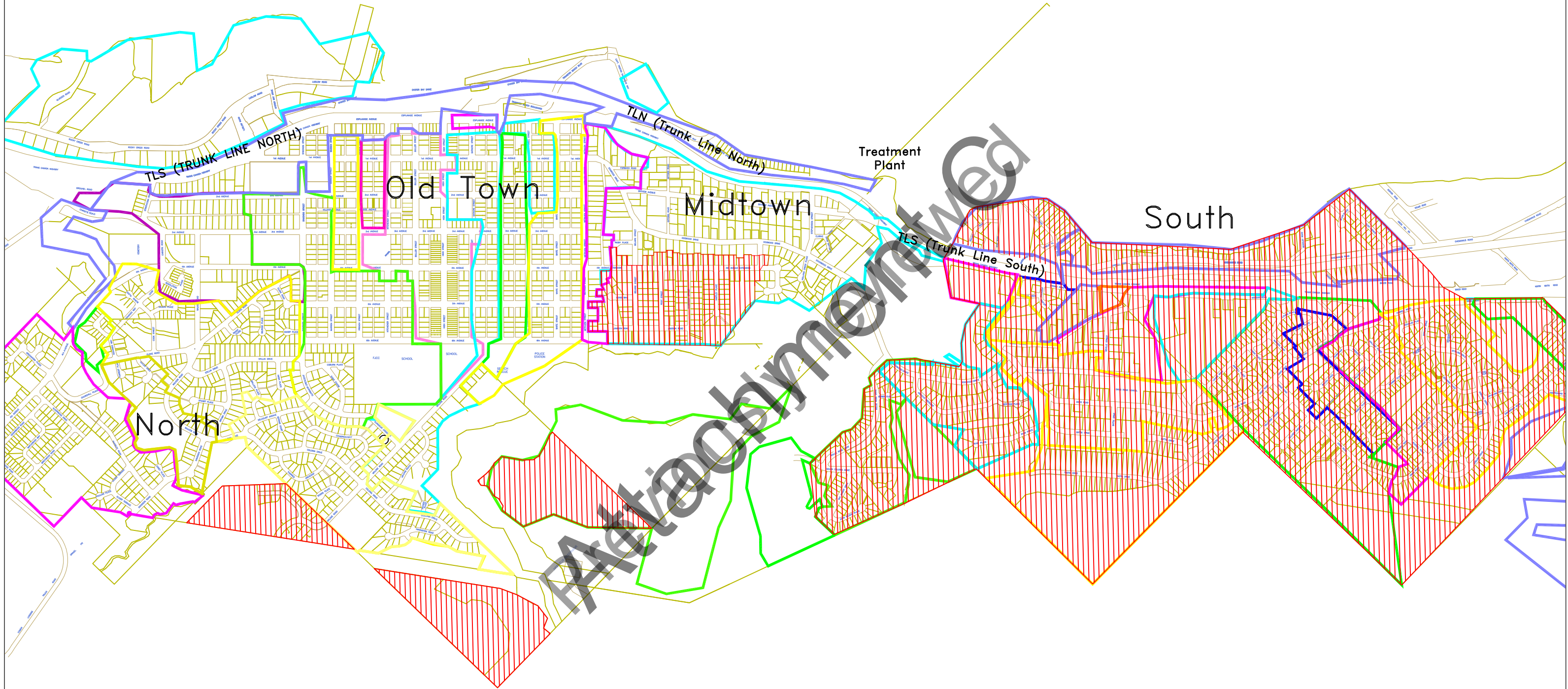
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# APPENDIX A RECOMMENDED EXTENSION AREAS

Attachment N



 Extensions



INFORMATION SHOWN ON THESE DRAWINGS IS COMPILED FROM NUMEROUS SOURCES AND MAY NOT BE COMPLETE OR ACCURATE. THIS INFORMATION IS NOT SUITABLE FOR DESIGN LEADING TO CONSTRUCTION WITHOUT FIELD VERIFICATION. RELIANCE ON THIS BY OTHERS IS AT THEIR OWN RISK.

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**TOWN OF LADYSMITH**  
 TITLE:  
**Recommended Extension Areas**

SHEET No: 1  
 SCALE: N.T.S.  
 FILE:  
 DRAWN BY: M.R  
 DATE: 2024-05-07

# APPENDIX B

## SAMPLE CALCULATIONS

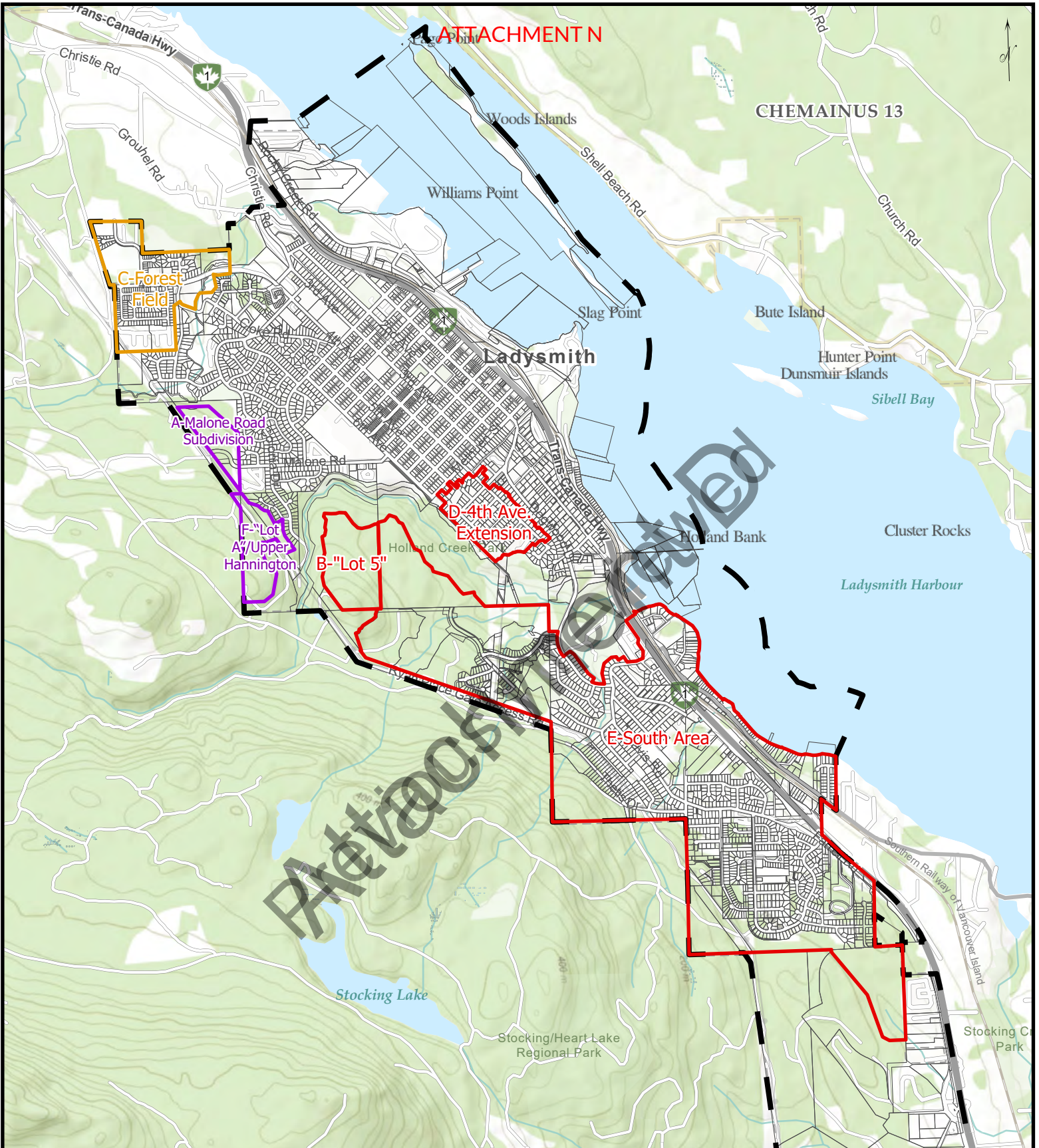
Attachment reviewed

**ATTACHMENT N**

Catchment	Area (m2)	Area (Ha)	PPHa	Equiv. Pop	Peaking Factor	Peak Flow (L/D)	Infiltration Rate	Infiltration (L/D)	Total (L/D)	Dia (mm)	R (m)	Slope %	Slope m/m	Type	$Q = \frac{\pi(Rm^2(2/3))}{m \cdot m^2(1/2)} \cdot S$	$Q = V \cdot \pi(Rm^2)$	Flow (L/sec)	Density	Pipe Fullness (%)	n
K	523,870.89	52.3870893	36	1885.93521	3.60547834	1563930.67	28434	1489574.497	3053505.2	250	0.125	1.48	0.00148	PVC	1.06863	52.4563726	35.34	Low	67	0.009
K30 to K20		52.3870893	48	2514.58029	3.50638106	2027927.64	28434	1489574.497	3517502.1								40.71		78	
		52.3870893	72	3771.87043	3.35605736	2911481.1	28434	1489574.497	4401055.6								50.94	SSMUH	97	
		52.3870893	120	6286.45071	3.1514367	4556610.84	28434	1489574.497	6046185.3								69.98	High	133	
AB	58,143.29	5.81432864	36	209.315831	4.1407666	199347.44	11200	65120.48077	264467.9	250	0.125	0.51	0.00051	PVC	0.62731	30.7930343	3.06	Low	10	0.009
TLS330 to TLS320		5.81432864	48	279.087775	4.09167643	262645.48	11200	65120.48077	327766.0								3.79		12	
		5.81432864	72	418.631662	4.01268501	386362.509	11200	65120.48077	451483.0								5.23	SSMUH	17	
		5.81432864	120	697.719437	3.89537599	625112.295	11200	65120.48077	690232.8								7.99	High	26	
South End south of Holland Creek	2,628,101.81	262.810181	36	9461.16652	2.97854664	6481520.92	14070	3697807.026	10179327.9	444	0.222	0.81	0.00081	Conc	1.15941	179.51103	117.82	Low	66	0.009
TLS40 to TLS30		262.810181	48	12614.8887	2.85387629	8280306.3	14070	3697807.026	11978113.3								138.64		77	
		262.810181	72	18922.333	2.67665056	11649148.9	14070	3697807.026	15346955.9								177.63	SSMUH	99	
		262.810181	120	31537.2217	2.45593694	17814288.4	14070	3697807.026	21512095.4								248.98	High	139	
South End south of Holland Creek	2,628,101.81	262.810181	36	9461.16652	2.97854664	6481520.92	14070	3697807.026	10179327.9	444	0.222	2.28	0.00228	Conc	1.94518	301.173012	117.82	Low	39	0.009
TLS50 to TLS40		262.810181	48	12614.8887	2.85387629	8280306.3	14070	3697807.026	11978113.3								138.64		46	
		262.810181	72	18922.333	2.67665056	11649148.9	14070	3697807.026	15346955.9								177.63	SSMUH	59	
		262.810181	120	31537.2217	2.45593694	17814288.4	14070	3697807.026	21512095.4								248.98	High	83	
South End south of Holland Creek	1,955,402.57	195.540257	36	7039.44925	3.10425184	5026011.35	19981	3907089.875	8933101.2	444	0.222	0.34	0.00034	Conc	0.67604	104.672018	103.39	Low	99	0.01
TLS70 to TLS60		195.540257	48	9385.93234	2.98197903	6437390.27	19981	3907089.875	10344480.1								119.73		114	
		195.540257	72	14078.8985	2.80594226	9086052.55	19981	3907089.875	12993442.4								150.38	SSMUH	144	
		195.540257	120	23464.8308	2.58298498	13940140.3	19981	3907089.875	17847230.2								206.57	High	197	

**ATTACHMENT N**

Manhole	Inflow Areas Considered	Area (m <sup>2</sup> )	Area (Ha)	PPHa	Equiv. Pop	Peaking Fa	Peak Flow	Infiltration			Actual Flow (L/sec)	Pipe Dia	Radius	Slope (%)	Slope (m/r)	Type	n	V	Q	Fullness	% Full
								Rate	Infiltration (	Total (L/D)											
TLN 230	No more Overflow. So all X, XW, W, V, U, T, S, and TLN contributions	1804550	180.455	36	6496.38	3.137796	4688393	32445.4673	5854946.8	10543339.8	122.0293957	375	0.1875	1.4	0.0014	PVC	0.009	1.361933	150.4209	0.811253	81.12531
		1804550	180.455	48	8661.84	3.01639	6009323	32445.4673	5854946.8	11864269.4	137.3179334	375	0.1875	1.4	0.0014		0.009	1.361933	150.4209	0.912891	91.28915
		1804550	180.455	72	12992.76	2.841004	8489870	32445.4673	5854946.8	14344817.3	166.0279776	375	0.1875	1.4	0.0014		0.009	1.361933	150.4209	1.103756	110.3756
		1804550	180.455	120	21654.6	2.617852	13038363	32445.4673	5854946.8	18893309.4	218.6725627	375	0.1875	1.4	0.0014		0.009	1.361933	150.4209	1.453738	145.3738
TLN 170	Z and a small amount of TLN	499701	49.9701	36	85.9701	4.260966	84252.6	35408.5925	1769370.9	1853623.5	21.45397578	250	0.125	0.43	0.00043	PVC	0.009	0.576012	28.27494	0.758763	75.8763
		499701	49.9701	48	2398.565	3.5231	1943588	35408.5925	1769370.9	3712959.1	42.97406324	250	0.125	0.43	0.00043		0.009	0.576012	28.27494	1.519864	151.9864
		499701	49.9701	72	3597.847	3.374169	2792142	35408.5925	1769370.9	4561512.4	52.79528286	250	0.125	0.43	0.00043		0.009	0.576012	28.27494	1.867211	186.7211
		499701	49.9701	120	5996.412	3.170961	4373309	35408.5925	1769370.9	6142680.2	71.09583547	250	0.125	0.43	0.00043		0.009	0.576012	28.27494	2.514447	251.4447
TLN 220	X, XW, W, V, U, T, S, R and TLN Contributions	2024918	202.4918	36	7289.705	3.089569	5180071	31036.2887	6284594	11464665.0	132.6928821	375	0.1875	3.88	0.00388	CONC	0.013	1.569664	173.3641	0.7654	76.54001
		2024918	202.4918	48	9719.606	2.966947	6632639	31036.2887	6284594	12917232.8	149.5050093	375	0.1875	3.88	0.00388		0.013	1.569664	173.3641	0.862376	86.23759
		2024918	202.4918	72	14579.41	2.790671	9357856	31036.2887	6284594	15642450.4	181.0468791	375	0.1875	3.88	0.00388		0.013	1.569664	173.3641	1.044316	104.4316
		2024918	202.4918	120	24299.02	2.567854	14351155	31036.2887	6284594	20635748.5	238.8396814	375	0.1875	3.88	0.00388		0.013	1.569664	173.3641	1.377677	137.7677
TLN 180	X, XW, W, V, U, T, S, R and TLN Contributions (includes are to the right of MH)	2036970	203.697	36	7333.092	3.08707	5206687	47311.6398	9637239.1	14843926.0	171.8046989	450	0.225	1.4	0.0014	Conc	0.013	1.064737	169.3391	1.01456	101.456
		2036970	203.697	48	9777.456	2.964391	6666366	47311.6398	9637239.1	16303604.7	188.699128	450	0.225	1.4	0.0014		0.013	1.064737	169.3391	1.114327	111.4327
		2036970	203.697	72	14666.18	2.788076	9404800	47311.6398	9637239.1	19042038.8	220.393968	450	0.225	1.4	0.0014		0.013	1.064737	169.3391	1.301495	130.1495
		2036970	203.697	120	24443.64	2.565286	14422135	47311.6398	9637239.1	24059373.8	278.4649747	450	0.225	1.4	0.0014		0.013	1.064737	169.3391	1.644422	164.4422
TLN 150	X, XW, W, V, U, T, S, R, Z and TLN Contributions	2551931	255.1931	36	9186.952	2.991182	6320365	42655.6158	10885419	17205783.8	199.1410157	600	0.3	0.53	0.00053		0.013	0.793613	224.3888	0.887482	88.74821
		2551931	255.1931	48	12249.27	2.866693	8076424	42655.6158	10885419	18961843.3	219.4657791	600	0.3	0.53	0.00053	ASTM	0.013	0.793613	224.3888	0.97806	97.80604
		2551931	255.1931	72	18373.9	2.689499	11365818	42655.6158	10885419	22251236.5	257.5374588	600	0.3	0.53	0.00053	reinforce	0.013	0.793613	224.3888	1.147729	114.7729
		2551931	255.1931	120	30623.17	2.468456	17386152	42655.6158	10885419	28271570.7	327.2172535	600	0.3	0.53	0.00053	d Conc	0.013	0.793613	224.3888	1.45826	145.826
TLN 123	N, NP, P, O	299698	29.9698	36	1078.913	3.77849	937632.2	43405	1300839.2	2238471.4	25.80623334	250	0.125	2.04	0.00204	PVC	0.009	1.254621	61.58607	0.420683	42.06833
		299698	29.9698	48	1438.55	3.692621	1221765	43405	1300839.2	2522603.9	29.19680485	250	0.125	2.04	0.00204		0.009	1.254621	61.58607	0.474081	47.40813
		299698	29.9698	72	2157.826	3.559905	1766780	43405	1300839.2	3067619.4	35.50485414	250	0.125	2.04	0.00204		0.009	1.254621	61.58607	0.576508	57.65079
		299698	29.9698	120	3596.376	3.374326	2791129	43405	1300839.2	4091968.1	47.36074236	250	0.125	2.04	0.00204		0.009	1.254621	61.58607	0.769017	76.90171
TLN 120	X, XW, W, V, U, T, S, R, Z, N, NP, P, O, and TLN up to MH	2891543	289.1543	36	10409.55	2.937345	7032585	33281.3905	9623457.2	16656041.8	192.7782616	600	0.3	0.6	0.0006	Conc	0.013	0.844397	238.7475	0.807457	80.74567
		2891543	289.1543	48	13879.41	2.812179	8977215	33281.3905	9623457.2	18600672.4	215.2855607	600	0.3	0.6	0.0006		0.013	0.844397	238.7475	0.901729	90.17291
		2891543	289.1543	72	20819.11	2.63498	12617325	33281.3905	9623457.2	22240782.5	257.4164635	600	0.3	0.6	0.0006		0.013	0.844397	238.7475	1.078195	107.8195
		2891543	289.1543	120	34698.52	2.415493	19277228	33281.3905	9623457.2	28900686.0	334.4986694	600	0.3	0.6	0.0006		0.013	0.844397	238.7475	1.401056	140.1056
TLN 83	L and M	241450	24.145	36	869.22	3.838421	767379.4	53146	1283210.2	2050589.6	23.73367602	250	0.125	2.65	0.00265		0.009	1.429949	70.19244	0.338123	33.8123
		241450	24.145	48	1158.96	3.757778	1001676	53146	1283210.2	2284886.6	26.44544657	250	0.125	2.65	0.00265		0.009	1.429949	70.19244	0.376756	37.67563
		241450	24.145	72	1738.44	3.632322	1452352	53146	1283210.2	2735562.0	31.66159703	250	0.125	2.65	0.00265		0.009	1.429949	70.19244	0.451068	45.10685
		241450	24.145	120	2897.4	3.455203	2302554	53146	1283210.2	3585764.7	41.50190588	250	0.125	2.65	0.00265		0.009	1.429949	70.19244	0.591259	59.12589

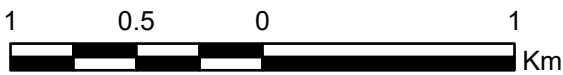


**Recommended SSMUH Extension Areas: Town of Ladysmith**

**Extension Reason**

- Access
- Access & Sewer
- Sewer

- Town Boundary
- Property Lines



Scale: 1:30,000