

# Memorandum

**To:** Mayor & Council  
**From:** Larry Plourde, Administrator  
**Date:** February 16, 2018  
**Re:** Zoning Bylaw 635, 2003 and Amendment Bylaws

Staff has reviewed Zoning Bylaw 635, 2003 and incorporated all amendment Bylaws into a new draft Bylaw.

Bylaw No.	Date	Bylaw Description/Detail
635.1	Nov 2003	Muchalat Industries Ltd (former mill site) – rezoned from Tourist Commercial to Heavy Industrial. Rock extraction, mineral or aggregate operations added to permitted uses.
635.2	May 2005	Service Commercial (C.2) Zone to include retail stores and markets as permitted use
635.3	May 2005	Heavy Industrial (M.1) Zone amended to include commercial fishing facilities, including fish hatchery, fish farming, process and packaging of seafood. Total are not to exceed 50% of the M.1 zone of the applicable parcel of land.
635.4	Oct 2005	4 lots on Scout Lake Road – rezoned from Single Family (R.1) to Low Density Multi-Family (RM1A)
635.5	March 2006	Riparian Area Regulations.
635.6	July 2006	Tourist Commercial-Comprehensive Dev Zone C.D.1 (The Lodge property) to allow one single family dwelling or manufactured home.
635.7	July 2007	Amend Waterfront Industrial M.3 – delete commercial uses, reference to warehouse, commercial fishing facilities, float plan base. Creates new zone – Waterfront Commercial Zone M.5 to include those uses deleted.
635.8	June 2007	Amend Parking and Storage of Vehicles in Residential Zones. Amend Public Use Zone – Permitted Uses to allow camping by permit issued by Council.
635.9	January 2008	Spot Zoning – to permit church use in Village Square Plaza
635.10	Not enacted	Application to rezone Chamiss Crescent property from Single Family Residential (R.1) to Duplex Residential (RM1).
635.11	Nov 2008	Rezone portion of Village owned property from Public Use (p.1) to Single Family Residential (R.1) – (Castaway Dev)
635.12	March 2009	Rezone 501 Muchalat Drive from Service Commercial (C.2) to Central Commercial (C.1) Zone ( DFO Building)
635.13	Not enacted	Manufactured Home Park Zone to permit recreational vehicles for occupancy in MHP/RV Zone.
635.14	April 2017	Amend Central Commercial (C>1) Zone to permit police stations/jail cells.
635.15	April 2017	Amend Civic Use (P.2) Zone to permit dormitory use.

Staff has prepared a revised Zoning Bylaw, consolidating all the amendment bylaws (13) into a new bylaw and has included the following items in the revised Zoning Bylaw:

- Rewording of the Medium Density Multi-Family Residential (RM2) Zones to clarify poorly worded language in relation to the existing Larch Place townhouse/fee simple row housing properties. These Row House properties are not strata but individually owned fee simple utilizing party walls to separate individual

residences and due to frontage, lot coverage, minimum parcel size, etc. I believe they are a better fit in a separate zone. Also clarify wording for Duplex (RM1) Zone for Muchalat Place duplexes which have party walls and are owned fee simple the same as the row houses/townhouses on Maquinna Crescent, Nootka Drive and Chamiss Crescent that are zoned Multi-Family Residential (RM2) Zone.

- Wording related to Marijuana cultivation, processing, research and development, etc. in preparation of the Federal Government's proposed July 1, 2018 legalization. Council may wish to review the staff wording to confirm if Council agrees or wishes to seek other wording. The wording included is very simple but I believe addresses the issue in a way that currently restricts this use but allows for a rezoning application should a proposed use come forward. This can be amended at Council's choosing as the benefits/issues are identified and legalization proceeds.
- Definitions have been added and minor text language changes have been made but permitted uses have not been changed.

In addition, Council may wish to consider and incorporate into a new Zoning Bylaw the following items:

- Keeping of chickens in residential areas. Our Zoning Bylaw Section 4.5.1(b) limits chickens to 1 acre lots. This does not allow for the lawful keeping of chickens in any residential areas currently in the Village with the exception of Burman Court area or potentially Rural Residential properties if ever developed. If Council wishes to lawfully permit chickens into the existing residential areas consideration should be given to the size of the lots, area (mobile home subdivision, single family residential, etc.) the number of chickens, the impact (noise, rodents, attractants, etc.). A Report prepared by the District of Summerland is attached and outlines issues that I believe are relevant for consideration. In addition an amendment should be prepared to the Animal Control Bylaw based on Schedule "B" of the Report.
- Eliminate the Home Industry Residential (R.4) Zone which was established only for Mrs. Anderson under a grandfathering clause for her nursery and garden sales. Her business closed down with the sale of the property and it has not been operated since 2012 therefore this special zoning may be deleted returning the lot to Manufactured Home Subdivision to be same as all other lots in the Mobile Home Subdivision. To do so we may wish to consult the property owner and/or the municipal solicitor.

Council may also wish to consider issues that have been brought to their attention over the last few years and dealt with on an individual basis:

- Bed & Breakfasts
- Home Occupations
- Secondary Dwelling Units – currently not permitted
- Storage containers (C-cans)
- The number of unrelated people defined as Family (5) (home used for contractors)
- All waterfront zones considering past, current, future use of Mill site and waterfront.

None of these issues are critical issues and could be deferred to the future or could be further reviewed in conjunction with the Public Hearing which must be held after first reading of the bylaw and before third reading. Council can direct Staff to update the revised Zoning Bylaw with matters they feel appropriate to be included within the new Zoning Bylaw. Alternatively Council could move the revised Zoning Bylaw forward recognizing it can be amended for any of the above noted items at anytime Council deems appropriate or when/if a rezoning request/application is brought forward.

Respectfully submitted,

  
 Larry Plourde  
 Administrator