



AGENDA
Public Hearing
Tuesday, January 23, 2018
George Fraser Room, Ucluelet Community Centre, 7:00 PM

Page

1. CALL TO ORDER
2. EXPLANATION OF PUBLIC HEARING PROCESS
 - 2.1. Rules Governing Public Hearing
 1. As provided for in the Local Government Act, the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.
 2. At a Public Hearing all persons who deem their interest in property affected by the proposed bylaws shall be afforded an opportunity to be heard on matters contained in the bylaw.
 3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.
 4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to hear representations, which will later be considered by the Council in the meeting.
3. PUBLIC HEARING - {NAME OF BYLAW}
 - 3.1. Presentation of Bylaw No. 1219, 2017 3 - 4
[Zoning Amendment Bylaw No. 1219, 2017](#)
 - 3.2. RZ17-03, CS-5 Side Yard Setback Zoning Bylaw Amendment Report 5 - 7
[RZ17-03 Report](#)
 - 3.3. November 14, 2017 Certified Resolution 9
[2017-11-14 Resolution](#)
 - 3.4. Written Submissions for Bylaw No. 1219, 2017
 - 3.5. Public Representations for Bylaw No. 1219, 2017
4. ADJOURNMENT

DISTRICT OF UCLUELET

Bylaw No. 1219, 2017

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

NOW THEREFORE District Planning Staff have applied to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 ("Zoning Bylaw") to recognize the requirement for smaller side yard setbacks for the smaller strata lots created within the Reef Point area in the CS-5 Tourist Commercial Zone.

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Section CS-5.6 of the Zoning Bylaw is amended by adding the following subsection:

CS-5.6.3 On the following properties the minimum interior side yard setback shall be reduced to 1.2m (4'): VIS4490 Lots 1-31; VIS5200 Lot B; VIS5496 Lot 3; VIS5583 Lot 1; VIS5843 Lots 1 and 2; VIS6122 Lots A and B; VIS6124 Lots A and B; VIS6125 Lots A and B; VIS6131 Lot 4; VIS6132 Lot 2; VIP66186 Lots 18, 20, and 22,

2. This bylaw may be cited as "Zoning Amendment Bylaw No. 1219, 2017".

READ A FIRST TIME this **14th** day of **November**, 2017

READ A SECOND TIME this **14th** day of **November**, 2017

PUBLIC HEARING this day of , 2017

READ A THIRD TIME this day of , 2017.

ADOPTED this day of , 2017.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1219, 2017.”

Mayor
Dianne St. Jacques

CAO
Mark Boysen

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

CAO
Mark Boysen

FROM: JOHN TOWGOOD, PLANNER 1

REF NO: RZ17-03 **FOLIO NO:** 3360-20 **FILE NO:** 3360-20

SUBJECT: RZ17-03, CS-5 SIDE YARD SETBACK ZONING BYLAW AMENDMENT

REPORT NO: PH18-01

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW NO. 1219, 2017

RECOMMENDATION(S):

1. **THAT** Zoning Amendment Bylaw No. 1219, 2017 be given first and second reading, and advanced to a public hearing.

PURPOSE:

To amend Zoning Bylaw No 1160, 2013 (the “**Zoning Bylaw**”), S. CS-5.6 Tourist Commercial, by reducing the minimum side yard setbacks on multiple small stratified lots in the reef point area (**Figure 1**).

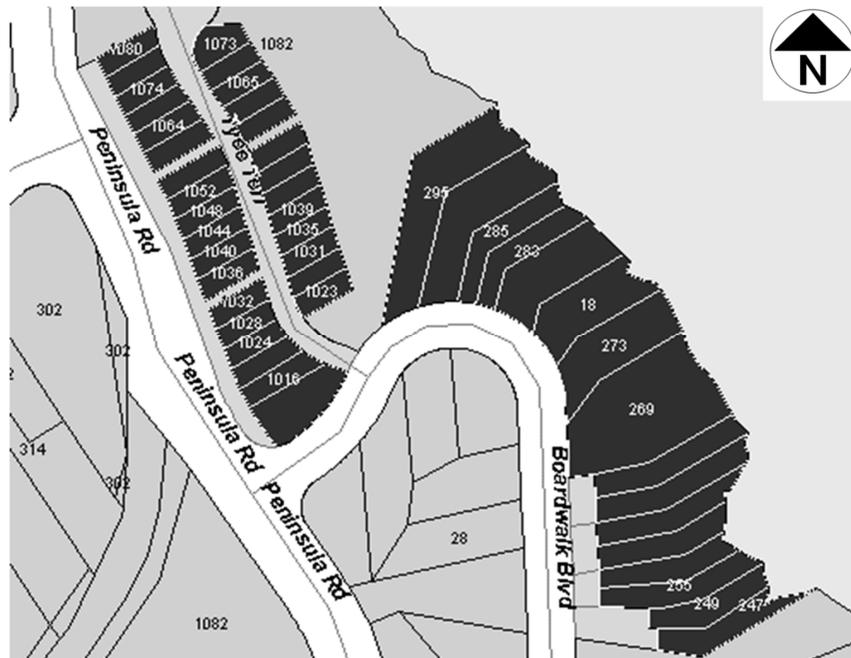


Figure 1 - Subject lots highlighted in dark grey.

BACKGROUND:

Tyee Terrace and Boardwalk Boulevard, in the Reef Point area, were developed in 1998 and 2000. The small strata lots along Tyee Terrace are part of Plan VIS4490, which was registered on the 7th of January 1998. This plan consists of 31 small strata lots (approx. 130 m²) and a single, large development lot along the water. The lots along Boardwalk Boulevard are part of Plan VIP66186, which was registered on the 27th of July 2000. Lots 11-22 of this plan were further subdivided by splitting into various strata lots (small lots, highlighted in Figure 1). Zoning Bylaw No. 800, 1999 was the bylaw in place at that time, having been adopted May 1999. Bylaw No. 800 indicated the Boardwalk Boulevard area as CS-5, and the following lot regulation has been carried through from Bylaw No. 800 to the current Zoning Bylaw:

	<i>(a) Front Yard Setback</i>	<i>(b) Rear Yard Setback</i>	<i>(c) Side Yard— Interior Setback</i>	<i>(d) Side Yard— Exterior Setback</i>
<i>(1) Principal</i>	<i>6 m (20 ft)</i>	<i>3 m (10 ft)</i>	<i>3 m (10 ft)</i>	<i>6 m (20 ft)</i>
<i>(2) Accessory</i>	<i>6 m (20 ft)</i>	<i>3 m (10 ft)</i>	<i>3 m (10 ft)</i>	<i>6 m (20 ft)</i>

DISCUSSION:

Many of the subject lots (listed below) have been built-out as resort condominiums, but appear to be in non-compliance with the minimum interior side yard setback of 3m. For the most part these lots are approximately 7m wide, so adhering to a side yard setback of 3m on each side would leave a 1m wide buildable area. The resort condominiums that have been built provide a side yard setback of 1.2m or 4ft (**Figure 2**). Staff have initiated this amendment to the Zoning Bylaw to address this inconsistency between the small lots created and the larger setbacks. Staff propose to lower the minimum interior side yard setbacks to 1.2m (4ft) for just the smaller stratified lots in the area. The following lots are the lots that will be subjected by this proposed amendment to the Zoning Bylaw:

- | | | |
|------------------------|---------------------------|----------------------------|
| Plan VIS4490—Lots 1-31 | Plan VIS5843—Lots 1 and 2 | Plan VIS6131—Lot 4 |
| Plan VIS5200—Lot B | Plan VIS6122—Lots A and B | Plan VIS6132—Lot 2 |
| Plan VIS5496—Lot 3 | Plan VIS6124—Lots A and B | Plan VIP66186—Lots 18, 20, |
| Plan VIS5583—Lot 1 | Plan VIS6125—Lots A and B | and 22 |



Figure 2 – Site context

Staff consider that the 3m (10') set back is appropriate for the larger lots in the area and this proposed amendment does not change any setbacks for these larger lots.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

A minimal amount of staff time will be required to update the Zoning Bylaw and file the Zoning Bylaw Amendment.

FINANCIAL IMPACTS:

There is no direct financial impact as a result of this zoning amendment.

POLICY OR LEGISLATIVE IMPACT:

This Staff initiated zoning amendment is corrective in nature and has no direct Official Community Plan consideration.

OPTIONS REVIEW:

1. That Zoning Amendment Bylaw No. 1219, 2017 be given first and second reading, and advanced to a public hearing. (Recommended)
2. That Council request further information to be identified.
3. That Council considers proposed Bylaw No. 1219, 2017 and determines not to proceed further.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administrative Officer



CERTIFIED RESOLUTION

The District of Ucluelet Council adopted the following resolution at their November 14, 2017 Regular Council Meeting:

RZ17-03, CS-5 Side Yard Setback Zoning Bylaw Amendment

Moved by Councillor Mole and Seconded by Councillor Oliwa

BE IT RESOLVED: THAT Council approve recommendation 1 of legislation item, "RZ17-03, CS-5 Side Yard Setback Zoning Bylaw Amendment" which states:

1. THAT Zoning Amendment Bylaw No. 1219, 2017 be given first and second reading, and advance to a public hearing.

CARRIED


Mark Boysen
Chief Administrative Officer
District of Ucluelet